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BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the matter of the Petition of:
Kalama Water, LLC.

Docket No. UW-240615

**RESPONDENTS MICHAEL AND
DEANA ROUSE’S RESPONSE TO
KALAMA WATER LLC’S
PETITION FOR DECLARATORY
ORDER**

Respondents Michael and Deana Rouse (collectively, the “Rouses”) submit this Response to Kalama Water LLC’s (“Kalama Water”) Petition for an order pursuant to WAC 480-110-305 (the “Petition”).

I. RESPONSE

Kalama Water’s petition is part of an ongoing dispute between the Rouses and Robert Tershel, the owner of Kalama Water and Kalama View Properties, LLC (“Kalama View”). Kalama View owns several properties within the View Rural Subdivision, where the property at issue here, 224 Resort Lane (the Rouse’s residence), is located. *See* Declaration of Deanna Rouse (“Rouse Decl.”), ¶¶ 6–7.

1 When the Rouses purchased their property in 2021¹, the property was conveyed
2 without reservation as to either the well or pump house, both of which are located on the
3 Rouse property. Rouse Decl. ¶¶ 2–3, Ex. A. Without any reservation or other real property
4 interest of record in favor of Kalama Water, the well and pump house and any associated
5 equipment are part of the Rouse’s real property. Despite request, Mr. Tershel has never
6 produced documentation demonstrating Kalama Water’s real property interest and did
7 not do so in connection with this petition. The Rouses dispute whether Kalama Water has
8 any right of access as requested in the present petition. Rouse Decl. ¶ 5.

9 Additionally, over the course of their ownership, the Rouses have repeatedly
10 notified Tershel of issues with the water system—including the lack of an air release
11 valve, no measures to ensure temperatures stay above freezing in the winter months, and
12 inadequate security—all of which have fallen on deaf ears. Rouse Decl. ¶ 8. As the pump
13 house and equipment sits on their property, the Rouses were eventually forced to secure
14 the building and notified Tershel of so doing. Rouse Decl. ¶¶ 9–10. It was only after the
15 Rouses’ legal counsel sent Tershel a letter outlining their many concerns that Tershel filed
16 the Petition at issue here. Rouse Decl. ¶ 12, Ex. B.

17 This underlying issue of real property rights may not be decided by this
18 Commission, as it is a matter within the jurisdiction of the Superior Court. RCW 2.08.010.
19 Admittedly, if there was no dispute regarding the real property rights of Kalama Water,
20 this Commission is vested with authority to issue the requested order. In this case,
21 however, there is no evidence of the real property right. As such, any order that this
22 Commission issues must be subject to Kalama Water’s demonstrating a real property
23 right of record in the Rouse property.

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26 ¹ Petitioner’s statement that the Rouses have been “an active customer since 2012” is incorrect. Petition,
page 3.

1 Finally, the issuance of a declaratory order granting Kalama Water access to the
2 Tershel property is entirely unnecessary because the Rouses have repeatedly offered to
3 make access available with reasonable notice and have no desire to impede on Kalama
4 Water’s completion of maintenance and other activities associated with the water system.
5 Rouse Decl. ¶¶ 10, 15. Kalama Water has ignored their offers and instead filed this
6 Petition. Rouse Decl. ¶¶ 10, 14. Kalama Water has not been denied access to the well and
7 pump house. To the contrary, in the June 24, 2024 letter from the Rouse’s attorney and
8 in a follow up email dated September 5, 2024, the Rouses made clear that they will
9 provide access for Kalama Water upon reasonable notice. Very telling, Mr. Tershel never
10 responded to either of these offers. Kalama Water simply cannot establish that it has been
11 denied access.

12 **II. CONCLUSION**

13 The issue presented by Kalama Water’s petition is part of a larger dispute between
14 Mr. and Mrs. Rouse, Kalama Water, and Kalama View Properties, L.L.C., another entity
15 controlled by Mr. Tershel. The resolution of all of these issues hinges on whether Mr.
16 Tershel’s entities—in this case, Kalama Water Company—hold a real property interest
17 of record in the Rouse property. Absent evidence of a real property interest, Petitioner
18 Kalama Water Company cannot demonstrate it is entitled to the relief it seeks.

19 DATED this 16th day of September, 2024.

20 LANDERHOLM, P.S.

21 */s/ Jeff Lindberg*
22 _____
23 JEFF LINDBERG, WSBA #32444
24 *Of Attorneys for Respondents Michael and Deana Rouse*