

From: [MARIANNE KARUZA](#)
To: [Council](#)
Subject: May 7, 2019 Whatcom County Public Works and Health Committee
Date: Monday, May 20, 2019 12:37:09 PM
Attachments: [DCWA.Motion.to.Compel.12.14.2018.pdf](#)
[DCWA.Motion.toCompel.4.26.2019.pdf](#)
[dcwa.5.24.2016.Wittinger.notes.pdf](#)

Whatcom County Council:

We are providing this information to you after listening to the May 7, 2019 Whatcom County Public Works and Health Committee recording regarding the Deer Creek Franchise. We were not able to attend as we were in Seattle for a long planned surgery.

Please find attached two motions to compel discovery recorded in Whatcom County Superior Court. We are providing these as Mr. Wittinger (DCWA manager) told the committee, in this public hearing, that they have paid us “zero”. However, on December 14, 2018, the defendants (DCWA) were ordered to pay us \$500.00 and again, on April 26, 2019, they were ordered to pay us \$1200.00 for motions to compel Deer Creek to provide discovery requested but not produced.

This water association appears to be lacking in transparency to the public and even the court while involved in a lawsuit in superior court. This includes a note from May 24, 2016 when we first contacted Mr. Wittinger and told him we had three lots and hoped to use our wells. He handwrote a note regarding our property that stated “should get denials if no changes to the property”. To date, we have made no changes to the property. We were originally going to do a simple boundary line adjustment but let that expire so no action was ever taken. We were not even supplied a copy of this crucial note until last fall, nearly a year after filing suit, and only after a court action in July. When we did try to get written denials in 2017, Mr. Wittinger wrote our land use consultant, “Since this project is located along a corridor that is contained within our State-designated Retail Service Area, and is also in an area earmarked for expansion, the Board is unwilling to provide a Denial of Water Service letter at this time.” Their reasons for refusing the denials we need changed over time.

Incredibly, Mr. Wittinger informed you, during this official government hearing that “the minute we got sued we stopped writing everything because it is subject to discovery”. (1:28 into the hearing). The lack of transparency of private non-profit water associations forced this lawsuit to be filed and, in our opinion, we and the court have been faced with obstruction in our ability to get all the documents in a timely manner.

A comment was also made that we were “gaming the system” by requesting a denial for one lot in July 2018. However, this proposal was suggested by Judge Snyder himself during a July motion hearing and we simply followed up on his suggestion. We never received a response from DCWA to the request for one denial.

The county council needs to review all of the water associations, dramatically limit their power, adopt an appeal process (short of superior court), and provide consistent policies across the county to prevent abuse of its citizens. No other member of our community should have to endure what has happened to us. There needs to be transparency and enforced legal oversight so that landowners know exactly what to expect in regard to using their own well or seeking service or denial of service from a

water provider in Whatcom County.

Thank you for your time,

Anton and Marianne Karuza