Thursday, June 20, 2019

To Whom it May Concern,

I am Sara Foster and took a situation similar to the one that appears to be brewing in North Bend all the way to the Washington State Supreme Court. I won.

Like North Bend, Yelm was in the midst of a dramatic increase in residential development. We had already doubled our population in 10 years. City leaders wanted to continue this “growth” despite citizens voicing concerns about limited water resources.

Like many folks in North Bend, many of us were concerned that our wells and area Creeks and Rivers would be negatively impacted by what appeared to be an insatiable appetite for more “growth” which also meant a greater demand for water. We were concerned that the demand for more water for new development would end up drawing down our wells and rivers to dangerously low levels.

Regardless, the City moved forward with their plans to secure more water for development and provided “mitigation plans” to address our concerns. We argued that these plans didn’t mitigate anything – that they would do nothing to replace water taken from our wells and Rivers … It appears that in both situations the cities and DOE were working together to clear the way for increased development at the expense of the Rivers and existing residents with senior water rights.

In our case, we believed the logic and legal arguments presented by the Department of Ecology and The City of Yelm were simply in error. We appealed DOE’s decision all the way to the Washington State Supreme Court in the Case **FOSTER v. WASHINGTON STATE DEPARTMENT OF ECOLOGY/CITY OF YELM WASHINGTON.** And, we won. Our wells and Rivers would be protected.(See: <https://caselaw.findlaw.com/wa-supreme-court/1715367.html>)

This would be a nice clean place to end my story. But the story did not end there. During the final hours of budget negotiations in Olympia, in the wee hours of January 18th, 2018, interested parties were able to push legislation through, which essentially reversed our Supreme Court win – at least for Yelm and other Eastern Washington cities and at least for now. So, the story continues.

Sincerely,

Sara Foster  
Yelm Washington