

**QUESTIONS AND ANSWERS FROM THE AUGUST 26<sup>TH</sup> SPECIAL BOARD MEETING:**

*Disclaimer: This is not a verbatim transcript from the August 26<sup>th</sup> meeting, and material presented has been summarized or amended for clarity and to provide additional information to the public.*

**Can I please record this meeting? (KNDU News)**

Yes, it is a public meeting.

**Why can't everyone see the questions being asked right now? (Sarah Finch/Stepanie LR)**

The question submission format was selected to help keep the questions organized and tracked for the question and answer portion of the meeting. All questions and comments will be included in the meeting notes, which will be posted online with staff answers.

**What type of reservoir is proposed? (Christina Chacon)**

A number of aesthetic alternatives for are being considered, from a reservoir that could be used for recreation, to a lined and fenced reservoir.

**What other locations have been considered for this reservoir? How was this location (Cox farm) chosen for the reservoir? (Christina Chacon)**

Central storage is a growing need. We are considering multiple locations. The area around the Cox farm has room for the needed 12,000 acre-feet of storage. Alternative sites will be presented and evaluated during the State Environmental Policy Act process.

**Is this something the community votes on? Who ultimately decides on whether the reservoir is put on the Cox farm location? (Christina Chacon)**

The ultimate decision regarding where to site the reservoir resides with the district itself, as led by the KID board of directors, after undertaking SEPA and feasibility studies.

The elected KID board makes decisions on property acquisition, including exercise of the government's power of eminent domain. See RCW 87.03.140.

**Will the reservoir proposals be made available to the public and what will the selection criteria be? (Travers Bracy)**

Proposal alternatives will be analyzed in the SEPA process, which will evaluate potential environmental impacts, such as air and water quality, and supply impacts, aesthetics, costs and other potential effects. As this project moves forward there will be a series of reports that will be made public.

**What about using the Zintel Canyon Dam (ZCD) for a reservoir? (Rebecca Ulbright)**

KID has asked the Corp of Engineers that question. ZCD was not built for continuous water storage and doesn't have the long-term ability to store water behind it. At most, about 18" of water have been stored behind it.

*Comment: I think that the proposed reservoir should not be accessible by the public. Safety, potential vandalism, trash littering, etc. are potential problems. (L K Fetrow)*

**What effort would be made to make any reservoir aesthetically pleasing? There are reservoirs in the Seattle area that are incorporated into the landscape – I am thinking Magnolia Reservoir in Seattle as an example and other park-like reservoirs.** (Christina Chacon)

There are many different ways reservoirs can be constructed. In West Richland there is the Lakes neighborhood reservoir, and there are many aesthetically constructed reservoirs in the southern U.S. It depends on what makes the most sense for the community and the selected location.

**How will a 30-40 feet deep reservoir be gravity in/gravity out, when the canal surface elevation changes only approximately 10 feet in that distance?** (Harland Lippold)

Work may be done on the canal system upstream of the reservoir first, re-grading the canal to raise the elevation and raising the embankments. A check structure would be constructed and an operational reservoir would be built at a similar level to the canal embankment. The canal downstream of the check structure will be at the original lower grade, so it will be gravity in/gravity out.

The operating reservoir may not be 30-40 feet deep, but the bigger central storage reservoir will be. We will likely have to pump out of the central storage reservoir during a drought.

**What is the timeframe of the project? What is the phasing?** (unknown)

The presentation outlined the next six to seven months. KID has contracted Shannon & Wilson, a nation-wide engineering firm with an office in the Tri-Cities, that will be working to establish design goals.

**What was the canal designed for? To water farms? You just stated you need adequate water supply to water homes then stated farms. Was KID designed to supply water to farmers 50 years ago?** (Josh)

KID was constructed at the beginning of the 20th century, and has served households and farms since that time, and when the new canal was completed in the 1950s. The question is not whether there is enough water to supply homes but not farms. Our amount of water received from the river has been reduced, when and as seen in 2015 we didn't have enough water. KID serves 11,000-12,000 acres of production agriculture, and has over 25,000 customer accounts.

**The KID's priority for water lists farmers and farms as the first three of five uses. How does eliminating farmland to improve water supply align with the official prioritization?** (Harland Lippold)

The 400 acres of farmland we are considering for acquisition is about 3 percent of the district's total farmland. The concern of reducing farmland is on our minds, but so are financial impacts and losses due to drought, and the need to improve the water supply for all of KID's customers. The Drought Resiliency policy includes perennial plants and tries to save large trees of our urban forest, an important part of our community. Prioritization was not implemented in 2015, because, fortunately, conditions were not dire enough.

**It appears KID has already purchased a number of parcels east of Cox farm. Would that still be used as a reservoir?** (Steve McConnell)

It is one of a number of places being looked at for additional storage. The central reservoir we are talking about is large; approximately the size of the Columbia River between the Cable Bridge and the Blue Bridge.

**Did I understand correctly that KID stated, on the record, that use of the land currently legally owned by Robert and Vickie Cox will be decided by the KID board?** (Harland Lippold)

Location of the reservoir site will be decided by KID, taking into consideration a number of factors. The State of Washington through the Department of Ecology will assist KID with the SEPA process for the reservoir project.

The elected KID board makes decisions on property acquisition, including exercise of the government's power of eminent domain. See RCW 87.03.140.

**The Cox farm is not KID property. Did Cox Farm give permission for KID to enter the property for the purposes of taking it against the will of the property owner?** (Wendy Robbins)

I'm not sure what entry of the property is being referenced. The Cox farm belongs to the Cox family. KID has tried to purchase the land, but they have been clear they are not interested in selling. KID will continue to have that conversation with the Cox family.

**Will nearby residents require flood insurance in the event the reservoir fails?** (Jim Diecker)

I don't have an answer for that. The decision to purchase flood insurance falls within the purview of each landowner. KID exercises due diligence and does carry liability insurance, against the event of canal or reservoir failure.

**How much acreage is needed?** (Lainie McElroy)

Our goal is to get to 12,000 acre-feet for drought conditions. Acreage needed depends on the location.

**Also, many are concerned about the mosquito population. What methods will be used to control this?** (Lainie McElroy)

We work with the Mosquito Control District with our current ponds, and water kept in canals over winter. We will also look for expertise from vendors and out-of-state districts with experience controlling mosquitos or other nuisances at man-made lakes.

**I live close to the proposed reservoir. How will you prevent myself and my livestock from contracting West Nile virus due to the pond-like mosquito population?** (Christopher W. Kuperstein)

We will work in partnership with the Mosquito Control District. We are considering aerial applications to control them.

**Would you consider re-enforcing the structure of Zintel Canyon Dam instead of taking over a productive family farm?** (Rebecca Ulbright)

We have not looked at that as an alternative. It is owned by the Army Corps of Engineers.

**If we have a number of other locations, how is the public need for this particular land so essential that condemnation is required even before the project's viability has been determined?** (Harland Lippold)

As we go through the process of selecting the site, we continue to consider size and style of reservoir. The Badger Canyon site is unique due to its proximity to the canal.

**Why not look into using the approximate 330 acres in Badger Canyon already owned by Benton County and the DNR/government? (Geo ID 112871000001000 (280 acres) and 112874000000000 (40 acres) and 107882000003000 (10.16 acres).** (Ben and Karla Deforest)

I am not sure of these specific parcels, but the Department of Natural Resources properties I am aware of have big changes in elevation which would make them difficult to develop into a storage location.

**What goes into your analysis of alternatives?** (William Karl Pitts)

Many elements are considered, including, but not limited to: engineering feasibility, storage capacity, financial, social/cultural, environmental, and aesthetic factors.

**I understand the concept that this reservoir is an easy engineering project. Is that really worth condemning a productive farm and claiming it by eminent domain? Some of us see the use of eminent domain as a way to steal property without the consent of the property owner. Would you please share the RCW for condemnation of property and the RCW for claiming land by eminent domain? 3%? What about the financial impact of the Cox Family farm?** (Rebecca Ulbright)

I don't know the RCW, but we can provide that in the future. Condemnation is not our preference, but sometimes there is a public need for property. In those cases, just compensation is determined by fair market value through an appraisal process.

See [RCW 87.03.140](#).

**We have heard the Cox family does not want to give their land to KID. What is your second choice? If KID uses eminent domain to force the issue, how does KID intend to compensate the Cox family fairly?** (Sue Silliman)

KID is not asking the Cox family to give their land, but to sell it; and KID has made an offer to the Cox family. Multiple alternatives are being evaluated.

**Is it true that you are selling more water than you used to? You are selling more than your allocated water rights, like above the canal and Red Mountain?** (Ashley Elliott)

KID does not sell water. It makes irrigation water available to customers within the bounds of the district. KID assesses customers to defray the costs of the care, operation, management, maintenance, repair and improvement of the district. See [RCW 87.03.445](#).

KID is legally limited to delivering water to 20,201 acres. Any water put to beneficial use in a new location had to come from somewhere else. For example, water allocations for Red Mountain came from allocations previously in the streets of Kennewick. Additionally, since Red Mountain parcels are only allocated 1.5 acre-feet per acre annually, instead of the 3.5 acre-feet per acre in the rest of the district, we increased the amount of water available to the rest of the district during low water years.

**Is the water treated?** (Unknown)

KID diverts water from the Yakima River. We do treat it for algae, and invasive aquatic weed growth. Reservoir water would need to be treated, in much the same manner as existing ponds and other storage sites in KID are chemically treated now. There are some other options.

**When does KID expect to begin and complete construction of the reservoir?** (Jim Diecker)

It is difficult to guess at this early stage, but we hope to begin within four to five years. Depending on funding, design and size of the reservoir, it may be a 15 to 20-year project.

Before work begins on the reservoir, the upstream canal needs to be widened and lined. That work could start this off-season.

**Has the KID increased the area of agricultural service requiring water in the past 35 years, and if they have done so why would they increase the acreage of need when this drought shortage already existed?** (Jerry Harris)

Yes, Red Mountain is the most recent example, however we are limited by our 20,201 acreage cap, and we have not exceeded this maximum amount.

**Is the Badger Canyon central storage proposed to contain the entire 12,000 acre feet volume?** (Harland Lippold)

There is potential to have that much storage in this location, but technical review is needed to ensure the site is suitable for that volume of storage.

**What will happen to the land already purchased, one of which was condemned and claimed by eminent domain, if the site is NOT chosen for the reservoir? (Rebecca Ulbright)**

Six parcels have been purchased, though direct negotiation with the property owners. Those parcels could be declared surplus if they are not used for storage.

*Comment: I have documentation that one parcel was claimed by condemnation and eminent domain in November 2019. (Rebecca Ulbright)*

Clarification: The condemnation process is a tool often used by government entities when acquiring land, and is not always adversarial. In the sale mentioned by Ms. Ulbright, it was determined through negotiation to be to the benefit of both parties.

**Can you buy part of the land? (Unknown)**

Yes, however, it may not be cost efficient as we look at the District's total need. The outcome of the engineering report will include an analysis of total acreage needed for a reservoir.

**You just said with producing farmland the water is on KID's mind, so you want to take land from farmers to satisfy who? (Josh)**

The reservoir would benefit everyone who is served out of the canal system, not a particular group or rate payer.

**Where would the water for these reservoirs come from? Wouldn't the water used to fill a reservoir of this size cause potential droughts elsewhere? California, Nevada, Arizona and some other areas use water from Lake Mead and the lake has been draining and not getting refilled, causing potentially irreversible damage to the lake and surrounding areas. Have there been enough ecological studies for the placement of such a large reservoir and are they available to the public? (Ben and Karla DeForest)**

KID has a water conservation program which reduces our water usage in good years, which could be captured for the reservoir instead of seeping into the ground. In the Yakima basin, there isn't adequate storage for run off and water heads down to the Columbia River. Storing this small volume of water, which would otherwise go to the Columbia River, would not cause drought in other areas.

We are at the beginning of studies on potential environmental impact. The difference between this reservoir and Lake Mead or other areas is that it is an off-channel reservoir, and water comes from the river but does not pass through storage on the river.

**I have been told that the residences to the west of the KID main canal (and uphill) have been granted irrigation water allocations. Is this true? (Harland Lippold)**

There are several areas above the canal that have irrigation water allocations. The largest of these was granted more than 10 years ago to the Country Meadow Heights area and a system was constructed.

**My subdivision's water delivery system is not managed by KID. It is managed by our homeowner's association. Who at KID can be contacted to discuss KID taking over the HOA managed water system?** (Anthony Nagle)

Please email that request to [pr@kid.org](mailto:pr@kid.org) and engineering staff can help with that.

**When is the board vote on a decision?** (Maronda)

There have been and will continue to be a number of votes related to the proposed reservoir, such as for property acquisition and authorization of the engineering study. A vote regarding potential purchase of the Cox property has not been scheduled, and public notice will be given in advance of such a vote.

**Will the work be self-performed or will it be bid out?** (Maronda)

There could be a lot of cost savings with self-performed work, but it would put a large demand on staff, so that hasn't been determined yet.

**As the Cox family has clearly demonstrated they do not wish to sell, why has KID continued to attempt to force sale (steal) their personal property?** (Stephanie LR)

"Stealing" would be taking it without compensation, and KID is not doing that. Condemnation can be an appropriate action when there is a public need and it requires just compensation.

See [Article 1, Section 16 of the Constitution of the State of Washington](#).

**Is any property adjacent to Cox's already purchased by the KID tentatively for the reservoir?** (Bcher)

Yes, six parcels, totaling approximately 330 acres, have already been purchased.

**For the canal lining project, why should landowners be paying for work done to the private roads and private bridges that have been in place with legal easements and have not had any encroachment issues for 50 years?** (Ben and Karla DeForest)

Cost associated with privately-owned bridge crossings or roads are to be borne by owners or beneficiaries of those projects and not by the rest of the District's customers.

**How wide do you have to expand the canal and how much land will you have to take from other landowners?** (James Rowlette)

Canal widening projects take place within KID's current easement footprint. No land is taken from adjacent property owners.

**I think you touched on this a little earlier... but just as much as water is needed to fuel a farm so such is a farm needed to fuel our community. The Cox farm supplies many crops to not only our area but areas way beyond. What is KID's justification for ending this? And have the Cox's been allowed to submit a counter proposal or their own**

**property appraisal? Lastly, if eminent domain is exercised will the Cox's still receive FMV (fair market value) compensation?** (Lainie McElroy)

There is a need to ensure the water supply for all our farms and other customers. The Cox farm is 65 acres out of the 12,000 agricultural acres to which KID provides irrigation water. There has been an attempt on KID's part to offer a fair value for the land. The owner is welcome to make a counter offer. Fair market value is required by law if we acquire the property through eminent domain.

See Article 1, Section 16 of the Constitution of the State of Washington.

*Comment: The problem is that the Cox Family Farm does not want to sell their farm, therefore they wouldn't enter into negotiations with KID. (Rebecca Ulbright)*

**Do you have plans to repair the reservoir over time?** (Unknown)

Operation, repair and maintenance costs are considered when installing lining and for other projects. We consider how to minimize costs to future generations, including long term maintenance and replacement.

**How will the chemicals used for algae, mosquitos, etc. affect an organic farm?** (Bcher)

For organic farms there are limits on chemicals that can be found in the water. There are some organic farms in the District. The burden is on the farmer to make sure the water used meets that standard. The reservoir would not change that.

**How many KID board positions will be on the November ballot?** (Harland Lippold)

One position is up for election this year. Irrigation district elections are held in December, not November. *Please see KID's election webpage for more information.*

**Is FMV set by you guys or by the farmer and what they produce and their family values?** (Mason)

Fair market value is established through appraisals by the parties.

**We have several renters to the west of us. How do you enforce a bridge fee to them? The landlords do not respond when asking to contribute to road maintenance, the cost of which has been born by US landowners.** (Jim Newell)

The KID deals with property owners, not renters, when resolving concerns regarding District matters. Renters may have part of discussion, but KID costs are levied against property, to the owners.

**Will there be a public meeting in person again where we can meet before any decisions are made, as Zoom is not available for everyone?** (Josh)

Resumption of in-person public meetings will depend on what is allowed due to COVID-19. The Board meets two times per month, public comment can be submitted at any time by sending an email or letter to the Board.

**Would you be willing to have a meeting and allow the Cox family to speak about why they do not want to sell their land? (Ash)**

Yes, we hope to continue to have conversations with the Cox family.

**What are the environmental costs? (Unknown)**

Potential environmental impacts and costs will be considered through the SEPA process.

**I talked to the mail lady today about the new mailboxes put at the end of bridge road. I asked if they have to be moved. She said that as long as she started delivering mail to them, they cannot be moved. There are six properties to the west of us and we would like to put up an eight-slot box to the right side of the existing boxes. Are we ok to go ahead with an install? (Jim Newell)**

Assuming the mailboxes are within a KID easement, they would not be authorized. Please email [pr@kid.org](mailto:pr@kid.org) and we will have someone come out to look at it directly.

**When you get your appraisal is it for farm value or for the best use? (Vicki Cox)**

KID's understanding is that the appraisal is for best use.

**Will you stock the reservoir with fish to help with mosquito control? (Nila Hodgson)**

There are companies that use fish to help with aquatic vegetation and mosquitos. We will look at that option. Chemical treatments are effective, but there are other treatments that can be utilized.

**If you are dealing with landowners, why have so few landowners been contacted concerning bearing the cost of such maintenance and improvement projects? I have spoken with several and many were unaware of such fees, which has made any discussion on the fees difficult. It has further been made difficult to discuss the issue since all of them are above the canal and one of them have access to the water in the canal and they do not want to pay when they do not have the benefits of the canal water for their land and all are happy to use their wells. (Ben and Karla DeForest)**

There is some misunderstanding in that. You are encouraged to call our staff. Those not receiving irrigation water from KID do not pay for these activities. However, those legally utilizing Bridge PR will be required to pay for the costs associated with the permitted use of that bridge.

**Are you answering everyone's questions because I have people messaging me to ask the questions for them, because you have not answered the ones that they sent in. (Ashley Elliott)**

We are trying to answer all the questions, but there are several comments we have not included in the interest of time. It is our intention to post these comments and any questions that were missed on the website.

**Does the farm equipment get considered in the value of the property?** (Joey Chacon)

It depends on the methodology used by the appraiser in his or her evaluation of the highest and best use of the land.

**Why isn't it possible to move the reservoir up on the Horse Heaven Hills (HHH)? Pump the water up and gravity feed down when needed so it doesn't affect farmers and homeowners.** (Cheryl Wilmoth)

The canal is approximately 1200 feet below the Horse Heaven Hills. While it could be possible, there would be a lot of expense associated with that.

**Did I understand correctly that because another government entity refuses to sell their property, the best option is to take private property against the owner's will?** (Wendy Robbins)

I'm not sure what other government entity you are referring to.

*Comments:*

*You said the Army Corps of Engineers does not want to sell. (Wendy Robbins)*

*I believe that other entity referenced that refused to sell was the Army Corps of Engineers. (Ben and Karla DeForest)*

*That's referring to the Army Corps of Engineers. (Harland Lippold)*

**Why have you stated previously that the Army Corps of Engineers wouldn't sell their land but are now claiming you don't know who wouldn't sell?** (Stephanie LR)

There has been a misunderstanding. The Army Corps of Engineers did not refuse to sell, nor were they asked to do so. We talked to them about utilizing the area above Zintel Canyon Dam for water storage and that's what they would not allow.

**What is the total estimated cost of the project and what effect will it have on assessments?** (Jim Diecker)

Estimating total cost will be part of the study to be performed by Shannon & Wilson. There are multiple potential funding sources.

**What improvements to Dallas Road or other roads would need to be made in the event the reservoir is developed into a recreational use property?** (Joey Chacon)

We do not know how much that would cost at this time. Whether recreational use will be allowed and the costs associated with it will be considered.

**One of the concerns has been the Cox family losing their family home built by their forefathers. Would you be willing to move their home to another property?** (Nila Hodgson)

That could be a consideration to be negotiated.

**What is the requirement for developers to have a planned location for reservoirs in their own property prior to developing their housing project?** (Wendy Robbins)

In the 1980s, KID lobbied with the state legislature to have developers pay for their impacts to the system. We require now that reservoirs are a portion of development needs/charges. In proportion to impacts from new lots coming on the system, development charges pay for large pipelines and other facilities that service those areas.

**Why do you need to widen the canal if you're going to put in a reservoir?** (Jim Newell)

Tonight we talked about a large central reservoir, but canal widening adds in-canal storage. When we talk about storage, we aren't talking about one reservoir, but a variety of reservoirs. For several years now, KID has used canal widening as a low-cost alternative to new additional storage facilities, but capacity of those storage areas is limited. At this point, capacity is about 200 acre-feet.

**What is the PR contact at KID?** (Jim Newell)

Matthew Berglund can be emailed at [PR@kid.org](mailto:PR@kid.org) or called at 586-6012 Ext 128. Email is preferred while Matt is working remotely.

**Is it true several of your board members own residential property that doesn't have water and needs it?** (Josh)

No.

**Is it possible that KID is planning to use the reservoir to develop the surrounding property?** (Rebecca Ulbright)

No. KID, as a public entity, is not allowed to develop a subdivision.

**What are the names and contact information for the KID commissioners who will be making the decision?** (Stephanie LR)

Please see the [KID Directors' webpage](#), which includes links to their emails.

**When will we actually get our questions answered from the last meeting?** (Josh)

It was KID staff intent to address those questions in the presentation, however, those questions will be added to the website as part of a Questions and Answers document.

*Comment: Please find another option for the reservoir that does not diminish private property like the Cox farm. Thank you for your time and a well moderated meeting.* (Wendy Robbins)