

Kennewick Irrigation District is "serving the public interest" by destroying the long-time local Robert S. Cox family farm here in Badger Canyon.



In plain language, the KID is planning to take, by force of law, the land at the northwest corner of the intersection of Badger Road and Badger Canyon Road. It includes the ranch home built by Robert W. Cox in 1965, and extends west to the KID main canal and north to the back fences of the properties on Terwilliger Lane.

This is to build a really big water holding pond.

The “final” (and only) action that matters is this Tuesday. February 18, 2020.

**PLEASE ATTEND! YES, YOU!**

WHERE: Published by KID: Petersen Boardroom at Kennewick Irrigation District.

Added by me: The KID offices are at 2015 S Ely St, Kennewick, WA 99337. I assume, but am not certain, that the Petersen Boardroom is located there. This is at the intersection of W. 19<sup>th</sup> Avenue and S. Ely Street, in Kennewick, where 19<sup>th</sup> Avenue ends at Zintel Canyon. Next to the old Benton County shops.

WHEN: At 9 a.m. next Tuesday, February 18, 2020

WHAT: Kennewick Irrigation District (KID) Board of Directors will meet to vote on evicting Robert S.Cox Farms from the Cox family's private land, and assuming KID ownership. See official notice for all the fine print.

HOW: Using a form of law known as Eminent Domain, the KID will legally force the Cox Family to sell their farm, against the wishes of the family and many others.

WHY: Because the KID wants the land, to build a huge (65 acre) irrigation water storage pond, and they're going to take it.

Surprised by this? So were the Coxes. So were the people that own the land around them. KID wasn't. They apparently intended to sneak this action "under the radar" before anyone had a chance to object.

What's more? The land SOUTH of Badger Canyon Road, which is now crop-land being irrigated by two center-pivot systems, has already been bought by KID for even MORE irrigation water storage. We're kidding, right? This is a conspiracy theory? Please check with the Benton County Assessor's office and verify.

This is officially a "Public Meeting." Whether deliberately or not, the meeting is being conducted at a time when the majority of people are at work, and would be inconvenienced to attend. Attend anyway. This is the one chance we get.

Please, PLEASE, request the necessary time off, arrange for a family member to attend, or recruit a representative.

Share this message, and your own feelings about it, with as many people as you possibly can.

This statement is less elegant ("more clumsy") than I'd like, but time is of the essence, since the KID has chosen to institute very short time-lines. KID has been contemplating various strategies for storing reserves of water for many years. However, to minimize the possibility of encountering effective resistance to their proposed actions, they have rushed this process over the last few weeks. It appears to me the best reason for this is to get it done before people have time to object. For that reason, I am writing this to get the word spread as quickly as possible.

There has supposedly been "public notice." I live on land contiguous to the land proposed for this action, and, if I hadn't been told by the Cox family, I would not know of this. KID is, for obvious (and other not-so-obvious, I suspect) reasons, seeking to minimize public attention and scrutiny of this action.

The Cox family purchased this land in 1965, as undeveloped, sagebrush covered rangeland. They moved their farming operation here after being displaced by U.S. Government condemnation of their farmland for the John Day Dam. They built the ranch home on the property involved, and the current senior generation was raised there. In accord with KID's published drought plan, Coxes have systematically gone to the effort and expense to eliminate rill irrigation practices, including the installation of low-volume drip center-pivot irrigation on the parcel of land now addressed. Their land was previously optimized for efficient water use by laser-leveling and grading.

From what I can read, the KID wants to acquire the land owned by the Cox family to help prepare one contingency for a possible future drought crisis. To make this happen, they will legally create an immediate, certain crisis for several citizens of this community. We have had droughts in the past, and yet, here we all are. Even without use of the land they want, we survived the droughts. So the land is not "NEEDED."

The official notice posted (somewhere) in fine print by the KID reads:

"CONDEMNATION NOTICE The Kennewick Irrigation District (KID) hereby gives notice that a planned final action regarding condemnation of property for the purpose of a reservoir for central water storage shall be considered and acted on by the KID Board of Directors. The action concerns the following described property: ALL THE PORTION OF SECTION 6, TOWNSHIP 8 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, LYING SOUTHERLY OF SHORT PLAT NO. 626 AND WESTERLY OF BADGER ROAD RIGHT OF WAY, EXCEPT RIGHT OF WAY FOR KENNEWICK IRRIGATION DISTRICT MAIN CANAL. TOGETHER WITH THAT PORTION OF SECTION 7 OF SAID TOWNSHIP 8 NORTH, RANGE 28 EAST, LYING NORTHERLY OF BADGER CANYON ROAD RIGHT OF WAY, EASTERLY OF THE KENNEWICK IRRIGATION DISTRICT MAIN CANAL AND WESTERLY OF BADGER ROAD RIGHT OF WAY. (BOUNDARY LINE ADJUSTMENT PER AF#2016-016855, 6/5/2016) Tax Parcel Number: 106883000000001 The planned final action shall take

place during a meeting of the Kennewick Irrigation District Board of Directors in the Petersen Boardroom at Kennewick Irrigation District at 9:00 a.m. on Tuesday, February 18, 2020, at which the Board will decide whether or not to authorize the condemnation of the property. DATED: January 27, 2020 ADVERTISED: February 2, 2020 February 5, 2020 February 9, 2020 February 12, 2020"

The Cox family's letter to the public (included below) addresses concerns about the effects of the proposed water reservoir: Mosquitoes. Stagnant stinky water. A fenced, bermed pond surrounded by chain-link fence. I don't know what the actual result might be, and these concerns may well be addressed by the KID. They are good questions. What concerns me are two things:

- 1.) That, as I said in the previous paragraph, "I don't know...", and,
- 2.) That KID is using a legal process based on public need to accomplish an action without any evidence the need is important enough to justify such draconian action, and that the need can't be satisfied in some other way.

KID is, legally, a municipal corporation. I'm not entirely sure that designation entitles them to condemn property under eminent domain statutes. I'm not a lawyer. Or even close. Just a citizen activist that doesn't like seeing people pushed around.

Once this action is complete, it won't be practical to reverse it. The money required to employ a legal team to fight such a battle is substantial. Only an immediate, loud, and public outcry will result in the due and proper process.

I have read KID's Drought Plan - the short-term and long-term actions KID is taking to ameliorate the effects of drought on their ability to accomplish their mission. Nowhere in that document, generally or specifically, is there mention of constructing storage/evaporation reservoirs.

The District's mission is conducted for " the maximum benefit of our community." How many citizens of our community agree that the disruption of a generational family farm operation, by involuntarily removing the farmstead home, shop facility, and the central acreage, serves the maximum benefit of our community?

As I understand things, KID made an initial offer to purchase Cox's property. The Cox family was not interested in selling their property, as they wish to continue using it for farming. KID increased their offer. Coxes, again, politely declined. KID now asserts that they cannot fulfill their mission to serve "the maximum benefit of our community" without acquiring the land in question, so KID has deemed it necessary to legally condemn and seize the land.

In other words, to best serve their irrigation customers in some hypothetical future worst-case scenario, KID wants to evict one of their irrigation customers from the land they irrigate.

According to Vickie Cox, KID makes no legal assurance that the land in question WILL, in fact, be used for the reservoirs proposed. There remain many other possibilities, including the subsequent sale of the land at the future best market value. By purchasing Cox's land now, the KID stands to profit handsomely from such a sale in the future.

The Cox family did not purchase the land to sell it. They purchased it, cleared it, plowed it, irrigated it, developed it, built on it, and planted it to farm it. That the possibility of selling it in the future exists, does not provide any support for the KID's claim to the land.

IN MY OPINION: The KID does not NEED this land to serve the community. The KID WANTS this land. It is convenient for their use, if they can acquire it before the market value as residential or commercial real-estate increases even more. There are other parcels of land available to the KID for this same use, but they are not as CONVENIENT or ECONOMICAL. I do not believe that the intent of legal condemnation through eminent domain was to allow for the mandated forfeiture of privately owned land because it provided CONVENIENCE or ECONOMIC benefit to a pseudo-governmental municipal corporation.

The irrigation district was originally created to serve the agricultural needs of our community. As the community's metrics change, irrigation is increasingly used to keep residential lawns from turning brown in the summer. While the mission of the KID is to serve EVERYONE in the community, their own prioritization places green residential lawns in the lowest of their five priorities, while crops are still afforded priorities one and two. Effectively ending a generational family farm is not serving the community. KID has the legal means to affect this property condemnation without a real public process. Not until the lack of public notice was called to their attention did they make any such attempt. Had there not been any extra-procedural contact with the KID, the KID's Board of Directors would have met and voted on the condemnation action on February 4, 2020, and you would never have read this.

Here's what Robert and Vickie have written:

*PLEASE READ: We need your voice to stop this action  
We need your help at the KID meeting to voice your opinion!*

*Kennewick Irrigation District Board of Directors in the Petersen Boardroom at Kennewick  
Irrigation District at 9:00 a.m. on Tuesday, February 18, 2020  
2015 s Ely st, kennewick wa*

*On our family Farmland @ 9324 Badger Canyon Rd, (first house on the right, coming up  
badger canyon Rd).*

*We just Finally got to buy back our Family farmland after my Father Bob Cox passed away  
in 2012, We have been farming this land since 1965. We do NOT want to sale our land,  
Which KID is trying to force this sell!*

*We use to farm watermelons now we farm hay, wheat, pumpkins, and corn !  
#feedingamerica #farming*

*If this eminent domain happens, they are going to put a pond there, we really don't want a  
huge holding pond, or to lose our farm and house/shop. It would be the whole 65 acres.  
There could be a big fence to look at around this pond and not to mention the bugs it will  
bring (mosquitoes) and smell of this reservoir.*

*So, if you can or would like to help and don't want this pond either please go to the meeting  
and tell them NO. Help us fight for our farm, and the jobs and food the farm provides.*

*If the KID board approve this, we don't have no choice they will TAKE our farm, our land,  
it is a way of living and not to mention our passion for farming will be taken away with  
losing our land.*

*Yes, they would have to pay us for the land they force us to sell, but we have built this farm  
our whole life. This farmland and house is everything to us*

*The government should not be able to just come in and take your land and home just  
because they want it*

*Thank You  
Robert and Vickie Cox*

To be clear: As previously written, the KID has offered the Cox family money for the farm. The Cox family likes the land they have, and don't want to sell it. It's not a play for more money. Some of us don't do things only for the money.

Further clarity: I do NOT know a lot about this whole matter. I have no official connection to this matter, except that I live across the street. I may have mis-stated some portions of the whole story. I really don't know, and if I find any errors, I will correct them. I have not deliberately misrepresented any fact. I have not sensationalized the story. There is obviously much more information that is relevant, but I have not had time to dig further. Please feel free to do so, and to share what you find.

I, Harland Lippold, the author of this statement, have no other quarrel with the KID. I have lived on properties sharing a border with the KID since 1975, and have gotten along just fine with the KID administration and their ditch-riders. I am not "for" or "against" the construction of reservoirs nearby -- I simply do not have enough information to know how they may affect me.

If you have any questions – and I really sincerely hope you do – please call, text, email, or visit any of the following:

Me, Harland Lippold. Talk at 509.627.8264. Text to 509.551.2690.  
[horseheavn@aol.com](mailto:horseheavn@aol.com) 9611 S. Badger Canyon Rd.

Robert or Vickie Cox. Talk/text 509.947.5092  
<https://www.facebook.com/Robert.s.cox.Farms/>

Kennewick Irrigation District 2015 S.Ely Street, Kennewick, WA 99337

Business: (509) 586-6012 Urgent Matters: (509) 586-8000

E-mail: [info@kid.org](mailto:info@kid.org)

<https://www.facebook.com/KennewickIrrigationDistrict/>

NOTE: KID is closed on Fridays, Saturdays, and Sundays, and is observing Presidents Day on Monday. Thursday is your only chance. You have to be at their office on Tuesday morning at 9 a.m.

Assemble with torches and pitchforks at the KID offices. See you Tuesday morning!

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