

**From:** kris <kriskenbend@msn.com>  
**Sent:** Monday, March 20, 2017 11:48 AM  
**To:** SAUTER Jerry K \* WRD  
**Subject:** LL-1689 KCDG application

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**OWRD**

We are very concerned about the possibility of KCDG using well water to supply their lakes. We rely on a well to supply our water, as do approximately 35 other families with property adjacent to or near KCDG property. The massive use of water to fill lakes (that have no useful purpose) could compromise some or all of the neighborhood wells.

The lakes were constructed illegally, filled with Tumalo Irrigation water illegally and have no practical useful purpose. One was constructed for the intended use as a water ski lake and the other for KCDG private residents enjoyment. There are no reasons for either to be used for fire suppression, the Deschutes River and Tumalo Reservoir are very close by. KCDG has no permit to store water in the lakes. The evaporation rate from each lake is substantial and with no needed practical use for such a large amount of water, it would be definitely be detrimental to the public interest to allow KCDG to use well water for their lakes.

The lakes (especially the water ski lake) have very steep banks that we believe to be dangerous to wild life and people. Deschutes County denied KCDG's applications for retroactive conditional use permits for both lakes last year. The lakes were built and filled without permits and yet they are still here and KCDG continues to try to piecemeal through the process, this time hoping the OWRD will not pay attention to this ongoing attempt to deceive the licensing agencies and sneak through the system. Please pay attention to their past and present insincere attempts to gain permission for the construction and uses for the lakes that they know to be illegal. We would like to see required removal of the lakes with a return to the wildlife habitat that existed before they were built.

The use for this water is completely for KCDG and has absolutely no benefit for the public. It could possibly harm our entire neighborhood's water supply. It would definitely "impair or be detrimental to the public interest".

Please consider this license very carefully and inform us of your decision. Thank you,  
Kris Jewett and Ken Graham  
PO Box 1042  
Bend, OR 97709  
[kriskenbend@msn.com](mailto:kriskenbend@msn.com)

# DWYER WILLIAMS DRETKE

## ACCIDENT INJURY ATTORNEYS

ROY DWYER  
TIM WILLIAMS

1051 NW Bond, Suite 310 • Bend, Oregon 97703  
Phone: 541-617-0555 • www.roydwyer.com

BRIAN DRETKE  
ARNE CHERKOSS

March 16, 2017

RECEIVED BY OWRD

Mr. Jerry K. Sauter  
Oregon Water Resources Department  
725 Summer Street, NE, Suite A  
Salem, OR 97301

MAR 20 2017

SALEM, OR

Re: Application for Limited License (LL-1613) by KC Development Group, LLC

Dear Mr. Sauter:

Application LL-1689 should be denied because it is not in the public interest. It, and many prior acts of the applicant relating to the subject property, are an affront to the rule of law, our community and the proper use of our wildlife and water resources.

My wife and I are residents of Deschutes County. We have lived since Oct. 12, 2000 at 19111 Buck Dr. We moved here because of the peace and quiet of living in a rural area in a wildlife zone. We pursue the "rest of our life" in this mature, serene, nature-park-like residential neighborhood in the Tumalo Winter Deer Range.

Our home is only about 2,000 feet from the site of the extensive unpermitted excavation in 2014 to create, on top of land owned by KC Development Group, LLC, ("KCDG"), two artificial, unpermitted lakes, one of them being a competition style water ski lake which in no way is an aesthetic amenity. Rather, it is an oversized blight that is not in keeping with the character of the neighborhood. It is designed and has already been used as a recreational facility, illegally using water and for which required permits from state agencies have not been obtained, either for the excavation and construction of the lakes, or the use of the water stored there now. They should not exist.

The lakes were created without county land use approval, notwithstanding oral and written advice to the developers by counsel for the County that all permits for such activities should be obtained before proceeding with such undertakings. The applicants, in their submittals in the public record, claim that their excavation was not excavation. I saw and heard to my great discomfort the extensive surface mining as it occurred during the winter and spring of 2014. I have seen evidence in the record that clearly documents that extensive surface mining occurred and that an operating permit for this is required to be obtained from the Department of Mining and Mineral Industries. Surface mining is incompatible with the character of this neighborhood, especially after the aggregate resources in this neighborhood had already been extracted in earlier years and the land reclaimed more than ten years ago.



In 1992, the Board of County Commissioners in its Findings and Decision dated May 18, 1992 conditioned the aggregate extraction it allowed at that time on implementation of the Klippel Acres Wildlife Management Plan prepared by Glenn R. Adams and which was accepted by ODFW and other conditions. In its related ESEE analysis, the Board found that with the mitigation measures provided in the plan the site "can provide forage for...167 more wildlife following site reclamation". Such reclamation was completed by 2005. The applicant removed thru its unpermitted excavation in 2014 the vegetation on approximately 50 acres of that area, steepened slopes considerably and covered more than 21 acres with liner and standing water such that this area is no longer suitable habitat for deer, elk or other wildlife as had been provided for in the decisions made in 1992 by the Board.

Never in our wildest dreams did we have any reason to expect this to occur in our neighborhood. It is totally out of character with our neighborhood and has occurred without regard to the rule of law. This must not be allowed.

No one is above the law – land use regulations set out a process and are a contract with the neighborhood. No quarter should be granted to the developers who have occasioned so much unpermitted and inappropriate destruction of open space, converting land designated for quiet residential use and primarily wildlife habitat to private uses for strictly human recreational activity.

Clearly the surface mining and resulting lakes are incompatible with this neighborhood. There is nothing else akin to these recreational facilities in our area. All other neighbors have retained the requisite proportion of natural open space, whereas the developer has converted about 50 or more acres to land uses that are not suitable for wildlife.

The sole source of domestic water supply for our home is from two wells situated on a lot adjacent to the lot on which KCDG's water ski lake and well are situated. Many other surrounding homeowners depend on these or other nearby wells, too. The applicant's use of its well to supply domestic water to future homes that it plans to build, while additionally pumping 44 acre feet annually to keep its unpermitted lakes full, puts our domestic water supply in jeopardy. Two wells in our neighborhood failed in the past. Absent a credible, scientifically-based showing by the applicant that groundwater it seeks to pump out of the aquifer from its well will not cause other wells in our neighborhood to fail or underperform, the OWRD should find that the public interest would be harmed by the grant of a five-year license for the public's water to be used as the applicant proposes. They should not be granted any call, let alone first call, on such water thru the issuance of a license without such a showing.

Based on the totality of the record in the matter involving the lakes created by the applicant and their true purposes, of which the OWRD is well-aware, and the lack of sufficiency in the Applicants' submissions to meet its burden of proof, you should deny the application. I trust you will give this your thoughtful consideration.

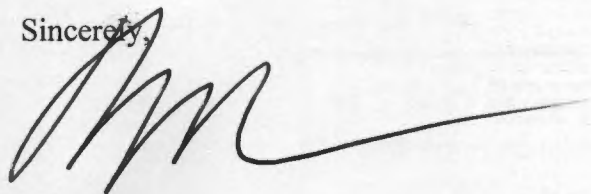
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MAR 20 2017

SALEM, OR

I request that the OWRD notify me, in writing, of its decision regarding limited license application LL-1689.

Sincerely,

A handwritten signature in black ink, appearing to be 'RD', with a long horizontal flourish extending to the right.

Roy Dwyer  
Dwyer Williams Dretke Attorneys, PC  
Phone: 1-800-285-8678  
Fax: 1-541-617-0984  
[roy@rdwyer.com](mailto:roy@rdwyer.com)

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MAR 20 2017

SALEM, OR

**THE WILLIAMS GROUP**

**ACCIDENT INJURY ATTORNEYS**

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TELEPHONE: 503-581-5287

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MAR 20 2017  
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Oregon Water Resources Dept.

Attn: Jerry Sauter

3-20-2017

To whom it may concern:

I am writing to express my concern regarding application # LL-1689 for water storage in the 2 lakes in the Bend area.

I am a practicing physician and avid outdoorsman, and I am also familiar with the rural residential neighborhood and habitat in which the applicant's lakes are located. My concern is primarily with the poor quality of water that will result if water is stored here. The lakes have no outlet; they are shallow and lined with a black liner. All of these factors are likely to cause stagnation and degradation of the water, as well as fostering algal blooms and a breeding ground for mosquitoes. I see no useful purpose in allowing the lakes to serve as water storage areas.

Thank you for your consideration.



U. John Berzins, MD

655 Medical Center Dr. NE

Salem, OR 97301

503-581-5287

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MAR 21 2017

OWRD

*William John Kuhn*

*Martha Leigh Kuhn*

PO Box 5996 Bend, Oregon 97708-5996

Phone: (541) 389-3676

Tuesday 21 March 2017

Jerry K. Sauter  
Water Rights & Adjudication Division  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem OR 97301-1271

[jerry.k.sauter@oregon.gov](mailto:jerry.k.sauter@oregon.gov)

Regarding: OWRD Limited License LL-1689

My name is William Kuhn.

I live at 65575 Sisemore Road which is west of Tumalo half way between Bend and Sisters, and pretty much in the middle of the Tumalo Winter Deer Range. Our properties have both wildlife area overlay and a landscape management area overlay as does the applicant in limited license application LL-1689. I'm familiar with these zoning requirements and how county ordinances work, and sometimes don't work.

When the County's planning staff issued the Land Use Compatibility Statement (File No. 247-17-000016-PS) that is included in the LL-1689 application, it knew that the project involved the use of large, unpermitted reservoirs (for which the county had already denied land use permitted reservoirs) and that the applicant did not disclose this material fact in their LUCS application. Knowing this, the staff did not give notice to the Oregon Department of Fish & Wildlife affording them an opportunity to comment regarding the wildlife issues.

Review by these and other state agencies should be made in the OWRD's consideration of LL-1689 application to fulfill the OWRD's responsibility to ascertain whether the granting of the license would harm the public interest since county staff did not undertake such a review.

We rely on county and state authorities, such as the OWRD, to protect and preserve the public interest in the use of our water and land use laws and the ultimate character of our county and state. One of the limitations of county land use laws is that the property owner, within a landscape management area and a wildlife area overlay, once they've applied for a development process, they are automatically limited on what it is that they can do on their property. But prior to that, prior to their application, they can do whatever they want, within reason. For example, on my property, I'm required to keep all of the trees intact between the road and my structure-- because of the wildlife and the landscape management rules. I'm not allowed to build more than X number of feet back



from the road. However, if I were to jiggle the rules a little bit, I can go in there and cut all the trees before we even apply for a permit and nobody's going to be able to deal with that after the fact. Please don't let the applicant in LL-1689 have water to fill reservoirs that never should have been excavated in the first place and without even having obtained the requisite permits beforehand.

Ex-post-facto regulation or punishment is NOT how we should have to deal with developers who didn't follow the law in the first place.

If we had a water and land use system of rules and regulations that was made out of concrete reinforced with rebar and steel, things would be cool and everything would be great. But we don't. We have a system that's made out of little bricks. And those little bricks can be cut out, the mortar taken out and you can remove that brick. The wall will still stand, but there's a hole in the wall. And then somebody else can come over and cut out another brick over here and you'd cut out another brick over there and pretty soon the wall's going to fall down. That's what happens all too often as the public interest is harmed by "death of the thousand cuts".

We the people and our wildlife are entitled to adherence by private parties to the rule of law, and to the enforcement of those laws by public agencies.

I'm disappointed that we don't have better rules and regulations, but what we have is sufficient to compel denial of the LL-1689 application. We've been dealing with this situation relating to the applicant's unpermitted reservoirs for almost three years. The applicant should not be allowed to continue its unlawful and unsound use of our resources. The harm to the public and our future generations would be too great.

You know this situation could be used as an example. I'm asking you to please do what you can to help protect the wildlife habitat that we are losing along with our water resources. Allowing water to be stored in the oversized reservoir structures on the subject property does harm to our wildlife resources along with being very wasteful of water which will be used just for evaporation. Do what you can to help regulate uses of water that are inappropriate, especially within a wildlife area overlay zone.

Thank you

  
William Kuhn

Residence: 65575 Sisemore Road Bend, Oregon 97703

Mailing: Post Office Box 5996 Bend, Oregon 97708-5996

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**MAR 21 2017**

**OWRD**

## SAUTER Jerry K \* WRD

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**From:** Julie Kisic <jkisic@gmail.com>  
**Sent:** Sunday, March 26, 2017 11:35 AM  
**To:** SAUTER Jerry K \* WRD  
**Subject:** Opposition to LL-1689

Mr. Jerry Sauter

Oregon Water Resources Department

725 Summer Street NE

Salem, OR 97301

[Jerry.k.sauter@oregon.gov](mailto:Jerry.k.sauter@oregon.gov)

I am submitting this letter asking Oregon Water Resources Department to deny the request of KCDG for the limited license application LL-1689. My husband and I own a home on RR-10 zoned property within Deschutes County. Like county residents living in the vicinity of KCDG's property, many of whom have written to you expressing concerns of harm they and the public will experience if LL-1689 were to be approved, I and our neighbors have faced similar situations as RR-10 home owners. We too have fought battles with unscrupulous developers sneaking through backdoors of State and County government, railroading the rights of local residents all in the name of profit. Most of us who live within rural residential communities are not wealthy, we do not travel in circles of investment bankers and lawyers, we simply have worked hard all our lives to purchase a home on a small parcel of land to raise our families. We more than any other citizens of Oregon rely on our government institutions to uphold our laws. These laws and regulations were put in place to protect all citizens of Oregon regardless of money, status and power. Deschutes County residents who have written to you in opposition to LL-1689 are not requesting a halt to progress or growth we are only requesting that all people and businesses operate under the same rules that everyone else is held to.

As a representative for the State of Oregon we implore that you consider us, the owners and residents (we live here) of these RR-10 properties, when deciding if those with wealth and power do not have to follow the rules of Oregon.

Thank you for your time,

--

Julie Kistic  
(970) 301-8100  
19410 Comanche Ln.  
Bend, OR 97702

## SAUTER Jerry K \* WRD

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**From:** Janet Neuman <Janet.Neuman@tonkon.com>  
**Sent:** Friday, March 24, 2017 2:16 PM  
**To:** FRENCH Dwight W \* WRD; WALLIN Timothy \* WRD; SAUTER Jerry K \* WRD  
**Cc:** Moulun Renee M; Darsee R. Staley (darsee.staley@doj.state.or.us); Jennifer M. Bragar (jbragar@tomasilegal.com)  
**Subject:** Update on LUBA decision pertinent to OWRD Applications LL-1689 and G-18422 [TWOV-PDX.FID840258]  
**Attachments:** 2017-03 LUBA Decision on KDCG Motion to Dismiss.PDF; 2017-03-21 Comments to OWRD on ll-1689.PDF

As all of you are aware, KC Development Group, LLC ("KCDG") has applied to OWRD for two new permits in connection with the two reservoirs they constructed on their Deschutes County property. Limited License Application LL-1689 and Groundwater Permit Application G-18422 request OWRD approval for storing groundwater in the two reservoirs. LL-1689 was noticed for public comment on March 7, 2017. G-18422 has not yet been noticed in the weekly bulletin.

Land Use Compatibility Statements from Deschutes County were submitted with both applications. As I explained in my comments submitted earlier this week on LL-1689 on behalf of Thomas and Dorbina Bishop, the County's decisions on both of the LUCSes were appealed to LUBA (see pp. 7-8 of my comments, attached for reference). The County (jointly with KCDG, who had intervened in the LUBA appeal) had moved to dismiss the appeal of the LUCS pertaining to G-18422 for lack of jurisdiction.

Just today, the Bishops' land use lawyer, Jennifer Bragar, received the attached LUBA decision. Without going into a detailed summary of the LUBA decision, the important point for purposes of OWRD's pending applications is that LUBA denied KCDG's and the County's motion to dismiss the appeal challenging the County's issuance of the groundwater permit LUCS.

LUBA has not yet taken any action on the appeal of the LUCS pertaining to the limited license LUCS. However, the County issued both of the LUCSes with exactly the same language, and the Bishops' arguments challenging the two LUCSes before LUBA are the same. Thus, as noted in my comments on LL-1689, at this point, there is no final County decision on land use compatibility for the groundwater permit application, and by analogy, no final decision on the limited license land use compatibility application either.

As argued in my comments, OWRD should not continue processing KCDG's applications until the land use compatibility issues are resolved.

Janet E. Neuman | Senior Counsel Attorney | Tonkon Torp LLP  
1600 Pioneer Tower | 888 S.W. Fifth Avenue  
Portland, Oregon 97204  
503.802.5722 | FAX 503.972.7422  
SSRN author page: [http://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=39591](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=39591)  
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## OWRD Public Comment Management

Public Comment Query   Public Comment Detail

Request Criteria

**Application** LL  
**Certificate**

1689

**Permit**  
**Transfer**

**First Name**

**Last Name**

**Company Name**

**Email**

**Comment**

**Exclude NonConsent**  Yes

Search

Clear

Display Rows/Page 10

<u>File</u>	<u>Consent</u>	<u>Name</u>	<u>Company</u>	<u>Email</u>	<u>Received</u>	<u>Comment</u>
<a href="#">Select</a>	<input checked="" type="checkbox"/>	Mark Rudin		Surfmex2012@gmail.com	3/21/2017	<p>Wow where do I start. First off our canal was destroyed and piped by tumalo irrigation then all our trees have died along the old canal because they have no more water. My land has been trashed by this move. I was told it was to conserve water but that is a joke. I have 2-1/2 acres of water rights by the way. Now that my canal is gone and my trees are dying and dead I'm left with a giant strip of weeds!! Not cool!! Meanwhile the water I was told would go out and be stored at tumalo reservoir but that was not the truth. It went to our new out of state neighbor so he could have a PRIVATE WATER SKI LAKE and use the tumalo water to promote there new exclusive sub division. They tell people there saving the day and storing the water for fire suppression but that is not what's going on. We have been scammed for our local water by more developers!! This kind of business needs to STOP. Thank you. Mark Rudin</p> <p>March 21, 2017 Oregon Water Resources Department, We live near Alfalfa, adjacent to a nearly completed (without land use approval) water ski lake constructed by KG Ranch, LLC owned by our neighbor, Gordon Smith in Deschutes County. He commenced construction in September 2014. This occurred a few months after KC Development Group, LLC, the applicant in LL-1689 illegally excavated and filled its two unpermitted reservoirs, one of them being, and already used as, a competition-style water lake. At the time it seemed to us that KCDG's unpermitted behavior was an encouragement to KG Ranch, LLC. Fortunately, in our situation the county took action to stop the project, first with a</p>
<a href="#">Select</a>	<input checked="" type="checkbox"/>	David Fox		foxon@cbbmail.com	3/21/2017	

voluntary compliance agreement and then a hearings officer decision that the water ski lake is indeed a water ski lake and is not a permitted use. [Note: KG Ranch had argued it was an enlarged irrigation pond intended to be used for washing potatoes and growing a variety of greens and vegetables year-round, but the hearings officer saw through that charade, finding that the physical characteristics, size and scale were indisputably that of a competition-style water ski lake]. KG Ranch also disturbed federally designated wetlands and a county-designated flood plain. One lesson to draw from our experience is that letting one private party dig first and ask for permission later (only when compelled to ask for post-facto permission) can and will spawn disregard of the laws relating to use of water, land and natural resources by others. The proposed use by KCDG as set forth in its application LL-1689 of groundwater for storage as an amenity and perhaps on some occasions as for fire-fighting is another charade. If allowed by the OWRD, this would result in an egregious waste of scarce water resources owned by the public. The evaporative use of the water that KCDG wants to pump and store ultimately to use for water skiing purposes (as is clear from the public record) is absolutely not in the public interest. Allowing an applicant to be conferred a license to use water based on false pretenses, which even if true constitute at wasteful use, would be a dereliction of the duty the OWRD has to manage to water resources of the people of this state properly. We will appreciate your consideration of our concerns and for you to act in the public interest by denying LL-1689. Thank you. David & Carla Fox

I am truly astounded that we have had to fight this company for the last couple of years. We have said all along that this is a development ploy. The fact that we have to keep submitting comments over and over shows that if you have enough money, it is easier to push through your agenda in Deschutes County. We live in this neighborhood, and are worried that the mosquitoes that have recently started showing up will carry disease. Also, if this is a "bulge" in the Tumalo Irrigation District, how do they propose to pull water out of this waterski lake that has no outtake. The lake has a black bottom which absorbs heat thus creating more evaporation. This family wants to have a large trout lake and a waterski lake on their property and sell houses around them. Period. They obviously have the money to perform surface mining, road improvements and water storage and road work on our community property without permits or repercussions. Soon they will be making money by building homes around their waterski lake to pay for it all.

Regarding: OWRD Limited License LL-1689 I live at 65575 Sisemore Road which is west of Tumalo half way between Bend and Sisters, and pretty much in the middle of the Tumalo Winter Deer Range. Our properties have both wildlife area overlay and a landscape management area overlay as does the applicant in limited license application LL-1689. I'm familiar with these zoning requirements

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Jeff Coughenour

spentspinner@gmail.com 3/21/2017

Select



William John Kuhn

William@RiskFactor.com 3/21/2017

and how county ordinances work, and sometimes don't work. When the County's planning staff issued the Land Use Compatibility Statement (File No. 247-17-000016-PS) that is included in the LL-1689 application, it knew that the project involved the use of large, unpermitted reservoirs (for which the county had already denied land use permitted reservoirs) and that the applicant did not disclose this material fact in their LUCS application. Knowing this, the staff did not give notice to the Oregon Department of Fish & Wildlife affording them an opportunity to comment regarding the wildlife issues. Review by these and other state agencies should be made in the OWRD's consideration of LL-1689 application to fulfill the OWRD's responsibility to ascertain whether the granting of the license would harm the public interest since county staff did not undertake such a review. We rely on county and state authorities, such as the OWRD, to protect and preserve the public interest in the use of our water and land use laws and the ultimate character of our county and state. One of the limitations of county land use laws is that the property owner, within a landscape management area and a wildlife area overlay, once they've applied for a development process, they are automatically limited on what it is that they can do on their property. But prior to that, prior to their application, they can do whatever they want, within reason. For example, on my property, I'm required to keep all of the trees intact between the road and my structure-- because of the wildlife and the landscape management rules. I'm not allowed to build more than X number of feet back from the road. However, if I were to jiggle the rules a little bit, I can go in there and cut all the trees before we even apply for a permit and nobody's going to be able to deal with that after the fact. Please don't let the applicant in LL-1689 have water to fill reservoirs that never should have been excavated in the first place and without even having obtained the requisite permits beforehand. Ex-post-facto regulation or punishment is NOT how we should have to deal with developers who didn't follow the law in the first place. If we had a water and land use system of rules and regulations that was made out of concrete reinforced with rebar and steel, things would be cool and everything would be great. But we don't. We have a system that's made out of little bricks. And those little bricks can be cut out, the mortar taken out and you can remove that brick. The wall will still stand, but there's a hole in the wall. And then somebody else can come over and cut out another brick over here and you'd cut out another brick over there and pretty soon the wall's going to fall down. That's what happens all too often as the public interest is harmed by "death of the thousand cuts". We the people and our wildlife are entitled to adherence by private parties to the rule of law, and to the enforcement of those laws by public agencies. I'm disappointed that we don't have better rules and regulations, but what we have is sufficient to compel denial of the LL-1689 application. We've been dealing with this situation relating to the applicant's unpermitted reservoirs for almost three years. The applicant should not be allowed to

continue its unlawful and unsound use of our resources. The harm to the public and our future generations would be too great. You know this situation could be used as an example. I'm asking you to please do what you can to help protect the wildlife habitat that we are losing along with our water resources. Allowing water to be stored in the oversized reservoir structures on the subject property does harm to our wildlife resources along with being very wasteful of water which will be used just for evaporation. Do what you can to help regulate uses of water that are inappropriate, especially within a wildlife area overlay zone. Thank you. William Kuhn Residence: 65575 Sisemore Road Bend, Oregon 97703 Mailing: Post Office Box 5996 Bend, Oregon 97708-5996

I stand opposed to the above temporary use application for the following reasons: 1. The property is 160 acres with 53 acres of irrigation rights for a rumored 12-15 home sites. To this end, each home site would have evenly divided 3+ acres of irrigation rights with each having a BIS (Bulge in System) lake to facilitate using the water rights they would own. An irrigation pond would provide a lake for each property for "aesthetic" purposes. 2. The well was drilled on-site to provide residential water, actually a community water system, for the 12-15 proposed homes. The well production is 50gpm. Additionally, the proposed application (LL-1689) calls for 50gpm also, or a total of 100gpm out of a 50gpm already drilled well. 3. The use of the two lake "holes" which were never approved by DOGAMI to be dug or to "store water" are not appropriate in the case of the shallow boat race track or to dip water for fire suppression and should not even be considered. 4. If the logic of this application is approved, it is setting a precedent that everyone in the high desert who has 10-20 acres could convert their existing residential well to fill an "aesthetic" and fire protection pond. This is an unrealistic use of our ground water source. It conceivably would begin drawing water through the underground rock strata of the aquifer at an accelerated rate causing neighboring elder dated well levels to drop. 5. The County has already disapproved the use of the two lakes for private owners surrounding the lakes to use for recreation. 6. The 53 acres of irrigation water rights from Tumalo Irrigation District (TID) was already envisioned by KCDG for recreation use. The private owners could use the 8+ acre lake, with 57acft of storage for aesthetics. The 12.5 (68acft of water) on the 5-foot-deep lake was envisioned for speed boat operation with high potential of gas and oil pollution, as well as noise to the surrounding existing property owners. 7. I have yet to find the developers plans in print for home sites, septic, roads or electrical. I cannot agree with there being any use at all that the State Water Board would approve of for the 5-foot-deep lake and the use of the 7-foot-deep lake solely for fire protection. In regards to aesthetics, Shevlin Park/Tumalo Creek is less than a mile away and the Deschutes River is only a couple more miles. 8. If KCDG were to rethink the development, they would fill the lake from their irrigation rights and pipe to pumps on each property to be used for irrigation. To this

Select



Warren Holt

bholt97701@gmail.com 3/21/2017



end, the smaller lake could also be either totally abandoned and refilled back to natural land as currently surrounds the lake. This would require only the number of weirs for distribution of the irrigation rights from TID be built to match the lots with water rights. After the water rights are transferred each lot would have a storage pond to pump out of, therefore having their own personal "aesthetic" water feature. These would be where the homeowners would like in the form of a small realistic irrigation BIS water reservoir. The property is currently zoned R-10 Residential. 9. Our wildlife in Deschutes County is very important to us. To that end, we have held for posterity Deer and Elk Corridors and Wintering Grounds. The corridors should not be broken by scouring the land to bare earth as has been done around these two unapproved lakes, but rather should be brought back to forest floor condition. 10. Lastly, if the well is used to fill the smaller, deeper lake, and there is no outflow then as the summer progresses the "stationary water mass" will stagnate and will warm up to the point of breeding mosquitos and algae. This in future will force home owner's association to try to find some form of abatement to alleviate health issues (e.g. West Nile Virus) and for the growing flora and fauna. This would most likely be in the form of a chemical treatment since warm water, only 7 feet deep will not respond only to aeration by a motorized sprayer. In short KCDG seems to have taken a stance of construct first and then ask forgiveness if found in violation. To grant a short term, limited duration authorization for use of ground/well water for this project, without substantially researching, and monitoring, the final use of land/project is not realistic. Nothing has been granted by the County in the way of a permit to develop the land as I noted in paragraph 7. Show the public why KCDG cannot use TID irrigation water to provide for an aesthetic on the way to watering crops or animals. Use the well for what it was dug for - residential/community water system and 1/2 acre of garden lawns around the house. Please do not approve this application - for the land, animals and the local population.

I am writing to ask you to oppose the limited license application filed on March 2 by KCDG to pump and store groundwater in its lakebeds it built in 2014. As you know, KCDG has been denied conditional use permits and land use approvals by the Deschutes County Commissioners, so on those grounds alone the application should be denied. KCDG proposes to pump from its well and store groundwater in these lakes for use either as a private amenity or for firefighting purposes. It is not at all clear how these stated purposes would serve the public interest without an adequate management plan and public-private partnership to manage the water. Groundwater is a public asset serving many agricultural and wildlife needs. It is not appropriate to fill these large unpermitted lake beds subject to evaporation and destined for use for private recreation. Please reject this application of KCDG. Thanks you, Helen Seidler

Select



Helen Seidler

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