



Meeting Minutes - April 19, 2023

The meeting of the commission was called to order by Chairman Lew Pence at 11:02am.

Members present:

Executive Committee

Brent Reinke – Twin Falls Commissioner
Nathan Schutte – Lincoln Commissioner
Joann Rutler – Lincoln Commissioner
Ron Buhler – Gooding Commissioner
Mark Bolduc – Gooding Commissioner
Leonard Beck – Cassia Commissioner

Commission Members

Lew Pence - Chair
Gale Kleinkopf – Vice Chair – Twin Falls
Kerry McMurray – Cassia P&Z
Dean Edgar – Cassia
Dan Suhr - Jerome
Duane Turner – Twin Falls P&Z
Arlen Morgan – Jerome P&Z

Advisory Partners

Steve Hines - U of I Extension Jerome
Mario de Haro-Marti - U of I Extension Gooding
Scott Turpin - BID

Other

Bethany Muffley

Lew asked if there were any changes or corrections to the minutes of the previous meeting. Duane Turner indicated that changes needed to be made in relation to motion names listed and Lew identified a title change for Commissioner Brent Reinke.

Lew introduced Bethany Muffley and relayed that she has been helping the commission find a path forward since the passing of her Father, Bob Muffley - Executive Director. Lew explained she had interpreted February's meeting minutes from Bob's handwritten notes. Bethany informed the commission that she has been working on designing a roadmap for others to follow in relation to the executive duties Bob had been responsible for. Lew let the commission know that this meeting was set up as a round table discussion and that it was important for all commissioners, members and advisor have a voice in the discussion. Introductions were made of everyone present along with the counties they represent.

Lew asked if there were any bills since the last meeting and Bethany indicated that the only outstanding bills were those of member reimbursements which had not been submitted after the February meeting. Bethany informed the group that she had spoken to the Gooding County clerk's office and they indicated that Bob would submit these vouchers quarterly. No other bills were identified.

Lew acknowledged that this meeting started earlier than usual because of appointment conflicts for the commissioners, and also stressed the importance of having as many commissioners in attendance as possible in order to strategize on where the commission goes from here. He thanked Brent for the refreshments made available to the group.

Lew explained the history of the MSRWC and its members through the years all the way back to when it started out as the Middle Snake Study Group. He passed out old copies brochures and placemats that had been generated for educational awareness as examples of some of the information that had been produced by the group. The goal of this outreach was to call attention to the river and express a need for help. The commission also produced videos to help get the message out. Lew discussed the website and

indicated that these videos are available there for later viewing. Bethany navigated around the website which was loaded on a monitor and took the commission members on a brief tour of the web pages. Middle Snake – Action on the Snake was viewed. <https://www.midsnakewater.org/education>.

Lew went on to explain that the MSRWRC works for the County Commissioners and that guidance for all players within the commission can be found in the Authorization section of the [Coordinated Water Resource Management Plan](#). Lew relayed that the commission has been in the process of revising this plan and that all the work has been completed, it just needs to go through the hearing process which could be discussed later. Lew passed time over to Brent who spoke about moving forward.

Brent reiterated the importance of all the videos on the website and stressed the importance of watching them. He explained that the educational aspect in the third video about water law is very important information to know. He reported that the topic of water keeps surfacing in every major meeting they have attended around the state and referenced specifically a meeting during the Republican Convention in Twin Falls. He reported that the room was filled, leaving standing room only, and that the meeting lasted 90 minutes which was much longer than scheduled because of the concern and questions about water quantity and quality. Brent expressed that the Coordinated Water Resource Management Plan (CWRM Plan) helps address these issues.

Brent expressed that this meeting needs to be an open dialog and that it is very important to hear from everyone on the importance of this commission, what thoughts they have on moving forward, and what shape the commission should take. Brent indicated that the videos are a bit dated, but the information is every bit as pertinent today as it was when they were crafted. Brent reported that there are several groups developing legislation for the 24 and 25 session about domestic utilization of water, and what that will need to look like from a domestic standpoint. Brent addressed the number of wells that were drilled for domestic use and indicated that Department of Water Resources (DWR) only license the wells, but they don't regulate them. He indicated that these were some of the questions that came up at a meeting he had previously referenced, and the answer that Lt. Governor Bedke kept giving was that it was the county's responsibility to manage. Brent submitted that the Plan is the best thing we have right now to use as far as guidelines, and that this commission houses the wisdom that commissioners could draw from.

Brent acknowledged that many members have been a part of this group from the very beginning and that the passion involved is real and something we can't ignore. Lew indicated that the commission has been around for a while but expressed that everything changes. People change, agency heads change, commissioners change, so we all have to keep current. Lew communicated that these kind of sessions are very important just to bring everyone back together to re-group. Dan Suhr asked the commissioners if they felt the commission was a valuable tool for them to utilize in case legal action ever comes about. Dan also asked if the Plan has ever been utilized as intended or if it just sits on shelves and gathers dust like other plans. He expressed that this Plan could be used by the region to talk to EPA, and address the way they are going about things, but he has not seen it utilized. Dan pondered that if the commissioners never utilize it, is it because they don't want to, and if that is the case, what is the purpose of moving forward?

Brent asked the commissioners to weigh in on this topic. Commissioner Mark Bolduc indicated that they have read though the plan, just haven't used it. This led Dan to respond that the plan was intended for all the partner counties so that they would have one voice in relation to water issues and only have to

hire one set of attorneys if needed. Commissioners Joann Rutler and Nathan Schutte indicated that they didn't know it was a resource at their disposal but having it brought to their attention now, they will be keeping it in mind. Nathan indicated that he sees it as a valuable tool that will be more important as we move into the future with the issues facing the water supply we have.

Brent asked if Commissioner Leonard Beck if he had any comments on where he is with this. Leonard indicated that this commission was assigned to Commissioner Bob Kunau and that Bob was unable to attend. Leonard did relay his conversation with Kerry McMurray who is the Planning and Zoning Administrator for Cassia County. Kerry mentioned that the document is used as a guide for planning and zoning at his office. Leonard asked if when the revisions to this document come, are they to implement the changes into Cassia planning and zoning ordinances? Kerry reported that the Plan is adopted as part of our conferencing plan by reference and so it fits into guiding and correcting our ordinance amendments. Commissioner Ron Buhler indicated that he had never seen the plan, but that they did utilize Bob Muffley to keep them informed on needed action. Brent followed up with, "we all relied on Bob, there is no question about that, we all really did."

Dean Edgars asked the question of where are we going with this information today in relation to where it started in the very beginning? Are all the counties involved under the same umbrella, as far as the way they think they are moving forward? We are only as strong as our weakest link so is it going to be a full pledged effort by all to move as one, or is it going to be individual counties adopting this and that? Dean went on to comment that this seems to be the driving force as a moving forward point.. where is everyone going to stand as far as development, the dairies, everything? How are they wanting to deal with it?

Leonard followed up with Dean's questions, and the question about the plan. He asked if the river had been helped since the time that video had been made, and inquired if there had been a follow up video to show current conditions of that site? Brent indicated that the third video discusses water law and addresses the progress made. Brent answered Leonard's question from a Twin Falls perspective and reported that they recently adopted a comprehensive plan, and there was no question that water is a huge part of that, but when it comes down to, "is the river better then what we saw here?" Brent expressed that the river is vastly better. He also relayed that Twin Falls is looking at the quantity and quality of water that we have, and we are continually educating ourselves. We have had people ask us recently if we are going to put a moratorium on domestic wells? Are you going to slow this thing down and what is going to happen with that? Brent indicated that they aren't going to do that but that they understand the need to get smarter as far as where development is allowed to happen, how agriculture can be preserved, how we can preserve the land that we have within our county, and how we can encourage developers to understand impact.

Dan mentioned that the state would most likely not allow counties the authority to put a moratorium on wells. Brent agreed and suggested it will be interesting to look at upcoming legislation.

Brent continued speaking of the value in the messages within the commission's three videos and went onto express that with the adoption of this Plan in 1996, the river has gotten a lot better because we did get smarter. He also mentioned that counties have a habit of waiting until situations get so bad, and not doing something about it until forced to.

Dan talked about fish propagators showing disdain for the commission because municipalities say it is their fault for the TMDL requirements placed on them and that now we are fighting with phosphorus coming in and going out. Dan indicated that we have accomplished the purpose we have set out to do as far as water quality on the Snake. As far as water quantity? I don't know if we are ever going to be able to help that?

Brent expressed that this commission has the potential to continue producing valuable information commissioners can draw from. He explained that the commission's goals have been accomplished, however, that doesn't change the future of how we are going to abuse the water resource, and the amount of education that will be needed from a conservation standpoint to address the multitude of issues. Brent relayed that in a meeting at DWR, a question to the administrator had been "What can we do to help you?" The administrator's answer was, "I don't know? That's not my job or my role in this whole thing." Brent reported that the administrator indicated their role was to make sure there is a license for wells going in, but it was not his job to tell people what they can and cannot do. Brent indicated that it is a local land use issue.

Dan asked if the county commissioners feel we should keep the commission going? He indicated that he felt we should, and then went on to explain that the biggest problem is that younger blood must be appointed to the committee or else it is going to go extinct. Comments were made on the difficulty every organization is facing when it comes to enticing the younger generation to volunteer time, or become engaged in causes that don't involve recreation or a paycheck.

Brent suggested that the relationship with U of I is a real value as the data is the heart of the Plan as it gives not only the economic picture, but also helps one understand the bigger picture. Dan agreed that the commission has always had a great relationship with U of I, and that they have always heavily relied on this collaboration to get stats and compile the Plan together. He also suggested that if the commission moves forward, they will continue to work with this valued partner.

Brent rallied the group to thank all who have been on this commission for all these years and proposed a moment of silence for Bob because this was his passion. Brent expressed that Bob got started as a commissioner and it is because of his lifelong passion in this group that Bethany is here. She wants to honor her dad and help in any way she can. Brent articulated that this is bigger than any one of us, it's bigger than any one county. Brent suggested using some of the philosophies he has observed in the realm of solid waste management, and how it is accomplished within health districts, as a model to guide operations within the commission as a path forward. Joan mentioned Lava Ridge and commended how all the counties came together in common cause. Dean responded that Lava Ridge is such a pertinent issue because it's happening now. He also went on to explain that a lot of the issues the commission involves themselves with are behind the scenes. Dean asked several questions to invoke thoughts on how we can keep public focus on water-related issues and to educate the entities moving into the state that have different mindsets and make them care. Dean expressed that there must be some kind of control over what is happening moving forward and that there has to be an emphasis on getting people involved and being more vocal, otherwise it will all be forgotten until we enter into another drought. Bethany added that when she read the historical portion of the Plan, it was something she wished she had been taught at the grade school level because it would have installed a passion for her local community from an early age, as well as fostered an understanding for the preciousness that is our water resource. She also mentioned that her role in the invasive species program for ISDA has given

her experience with education and outreach and she hopes to be able to help the commission in that area. She indicated that the information in the Plan is pertinent and needs to reach that younger audience. She also explained that the Plan, videos and educational materials could be repackaged into a format that will more effectively reach new individuals.

Duane indicated that this is one of the things the commission always talked about. The awareness in the community isn't there and they could not find an answer as to why people don't care about what is going on. He reported that this commission has had this discussion several times and they have always asked how they could we make people more aware of what is going on? Bethany suggested Facebook as a start to getting information out to a new audience. Duane reported that he had encouraged Bob to write more letters because he did a great job with those.

Brent asked for more commissioner comments. Leonard described a situation involving availability of water in Cassia County. He reported that the DWR had established a critical groundwater area but were now saying that it isn't their responsibility to manage it, and the situation ended up with industry causing an uproar. He finished with the thought that when DWR and our executive officials start listening to economics instead of water supply, their focus needs to be readjusted. He indicated that he thinks this is a state responsibility and that they need to allow counties more authorization. He reported that they tried, but industry appeared to win due to being a major contributor of economics in Idaho.

Lew agreed that this is one facet commissioners are real concerned about, and need to be. Lew recalled that the commissioners and the commission used to get together and have a meeting with our state legislators, and that it hasn't happened in a while. Lew indicated that that after speaking to the commission, legislators and state agencies were a lot more versed on the concerns with water. Lew asked if it would help to talk to state agency heads?

Leonard followed up with the thought that any time there is a concentrated effort, whether it be the counties or this commission that writes directed pertinent letters, someone has got to listen to that. Leonard expressed the opinion that they are being driven by economics and are not paying attention to water.

Lew mentioned that Jack Nelson was on the commission before he became a state legislature, as well as Linda Hartgen and suggested the need to cultivate a relationship with them so that we have a way of letting them know what our concerns are when they go to Boise. There are a lot of players in Idaho trying to get their ear, and we need to have a major push with our legislatures so they can do a better job of getting things accomplished for us in terms of quality and quantity of water concerns. We need water in quality and quantity.

Gale Kleinkopf commented that commission members are doing a lot of education, not only for ourselves but the public as well. He expressed that in the commission's monthly meeting, a subject matter expert is asked to deliver a presentation relating to topics we continue to gain perspective from. These topics help us update and strengthen the Plan. Two items Gale reported on were the importance of spreading awareness on are invasive species and the threat of radionuclides getting into our water from INL and moving down river. Lots of material is being stored above ground with the potential to get into the aquifer. He also expressed that pharmaceuticals getting into the water is one we don't hear a lot about, but it will be becoming an issue. He reported that there is a lot of pharma materials dumped into the water that is not evaluated, and EPA has a significant interest in putting regulations on what is being

deposited in the waterways. Gale asked the question, "Can you imagine what that would cause economically in the Magic Valley or Mid Snake area?"

Lew responded with the statement, "Once the ground water resource is contaminated, it's contaminated." Lew went onto say that we can't afford that. He expressed that he is not against research at INL, but that they need to understand the consequences that we could all suffer. There is a lot of liquid waste that they don't have a clue what to do with. Lew agreed with Gale that the commission needs to find a way to address this subject.

Brent announced that he wanted everyone to have an opportunity to be heard on what the next steps should be for this group. Duane indicated that the advantages this group had were the connections that Lew and Bob possessed in different organizations like DWR, INL, and Recharge Districts. Duane also suggested that these relationships allowed the commission access professionals in a variety of disciplines that were able to deliver information to the commission, and that they were then able to organize that knowledge into a clear picture on what was going on in the area. He expressed that the great value of the commission has been organizing all that information. Duane went on to report that the group has heard a lot from the dairy industry, the agricultural industry, the nuclear industry and that it is fascinating stuff. We just have to try to find a way to get that information out.

Arlen Morgan agreed with Duane and indicated that after each monthly meeting, he would take that information back to the county with him. He also reported that he has been involved in Ag and Livestock industries for about 30 years.

Brent reported he attends soil and water conservation meetings and observed that the amount of educational outreach in those settings, as well as through the Farm Bureau, is huge.

Mario expressed that the university has used the Plan in meetings with drinking water protection committees and when discussing ground water management plans in the regions. The people that attend these meetings are well informed and are able to relay information, which is very valuable.

Brent requested additional comments before turning it over to the county commissioner. Having no more, each commissioner spoke.

Nathan indicated that the commission is a very critical entity moving forward and expressed a need for it to stay in place but to allow for improvement, as most things in this changing world require. He reported that in watching the video of where the river was at that time, and where it is now, it's a testament to what the commission has accomplished over those years. If we keep going and make the improvements, then hopefully we can look back in 30 years and say... Wow! I was a part of that. He finished by reiterating the thought that there is a critical need for this commission, and it should keep moving forward.

Joan indicated that it sounds like education is a focus, and getting that younger generation engaged has been very difficult. She expressed that introducing simple things in school systems, or at a university level, may need to be largely focused on. She commented that with the best management practices that were just relayed to her, that once you started implementing those practices, things started changing. She recommended that this would be a good focus.

Ron indicated he agreed with both Joan and Nathan that it is critical for the commission to keep moving forward. Water quality and quantity are very important, and we need to do all we can to maintain our resources.

Mark agreed that the commission needs to keep moving on. He mentioned that he has seen the work they did in the river near Hagerman and called it remarkable. Mark's concerns mirror what Dan had mentioned before in relation to the age of people currently on the commission, as well as acknowledging the passion that Bob had and the load that he carried, and asked what the plan will be to fill that void. Mark asked the question, "Does the county need to step in and hire an employee to make that their job?" Brent indicated that this is a question where we will need to sit in on a commission meeting and have further discussion to find out where they are on that.

Leonard indicated that he agrees with everything the other commissioners expressed. He went on to comment that the commission has been centered on quality, but he thinks the topic of quantity should get equal attention. He asked where the commission is on quantity? Lew responded that the commission works with DWR and the Idaho Water Resource Board on that subject. Lew also went on to comment that we are all kind of at the mercy of what mother nature gives us as far as recharge.

Lew did report there was a water levels measurement project occurring and he knew that DWR and BOR were involved. There was hope to have a discussion with members of this effort to see if they would be willing to take water quality samples that could have an analysis run on them. Lew asked if anyone knew who a contact might be for that effort. He also indicated that we need to let those people know who we are if they don't already. Lew thinks this will start this summer. It was commented from the group that a few years ago, Neil Farmer with DWR was conducting surveys down in Hagerman area and working with well depths and returning on a 30- or 60-day interval. Brent commented that Neil has conducted work on the aquifer down through the Jerome and Lincoln County area. Lew reported that DWR does take samples currently, but not as comprehensively as would be needed. They sample domestic wells, and they used to do it every month. He thinks it's every two months now and that could possibly be due to budgetary constraints.

Brent asked the commissioners a question in reference to language within the Plan that talks about this commission, the executive commission, and the executive board which is made up by the counties. He asked if the counties are willing to participate in paying a percentage of the operating cost for this commission? All commissioners were in agreement that they would continue to participate. Brent indicated that they would need to get together as commissioners and have an election. Their goal will be to speak as one as they communicate with this commission, and then find additional commissioners to appoint that could assist in the process, and also have enough time to be able to get to speed as far as what the commission is doing before transition. Lew indicated that the executive commission is the Mid Snake RWRC's boss, so we need to make sure we are asking the commissioners for guidance. Brent reported that currently, the commission is meeting once a month and he asked if that was too frequent or not frequent enough. Lew indicated that the commission meets every third Wednesday of the month. Arlen mentioned that he really likes having the opportunities to bring people in for education. He reported that it is very helpful to receive presentations from working professionals. Lew expressed he was sad to not see DEQ here today and went on to report that at the state level, it's getting harder and harder to find someone they can go to with concerns. The group reported that there has been a lot of turnover in state agencies. Lew indicated that they still need to be held accountable and if they aren't

going to be able to be held accountable, that is where our state legislators come in, and we can put pressure there.

Lew addressed assessments and asked if each county had received an invoice. It was unclear if Bob had sent them out or not. Assessments were discussed and Brent went on to explain that Bob and Lew had delivered presentations to the counties and had requested a paragraph stating and intention to participate. Bethany found a 2023 invoice template on Bobs computer, so she printed out copies for each county. She indicated that she will get them sent out. There was discussion in relation to which fiscal year we are currently in. The commissioners are in 2024 and the commission seems to be in 2023. Brent indicated that this would be something that would be good for Bethany to stay on and assist in figuring this out if she is willing to stay involved for a while to help. There was a question on how much money was allocated for the executive director position and Bethany reported that the current budget outlined \$6,600 making \$550 per month. Lew indicated that this was the next topic he wanted to talk about. He reported that he needed an executive director. In the authorization section it says that the executive committee (the county commissioners) are to hire that position for the Mid Snake RWRC. Lew reported that right now, we don't have one. He commented that Bethany has done so much work on this, and he asked if we could get some kind of approval to hire her either temporary or permanent. He informed the commission that this is up to the executive committee. Lew requested the ability to send a voucher to Gooding County for Bethany so she gets \$550, because it's been a month and she has done a heck of a job. There were some questions about executive director duties and the authorization section was relayed to them to explain. A comment was made that since that amount was already listed in last year's budget, and it was already going to Bob, there would not be a problem with that exact amount going to someone else.

Gail indicated in the authorization section that there may be an issue based on where a person lives as to whether they can be on the commission. Lew reported that with the executive director being a non-voting member as well as an appointed position, it doesn't necessarily mean that the individual needs to be in the local area to serve. Lew indicated that the way the authorization section is written, he does not feel they would be in violation if Bethany was selected to serve as executive director. Bethany relayed to the commission that she wants to take on this role but would like it to start out on a temporary basis so that the commission can make sure she is capable of executing duties in a way that is needed to carry the group forward. There were comments from the commissioners that they would be hard pressed to find someone that could handle this better than she, and the big question is whether she will do it. Bethany reported that yes, she would like to serve at the pleasure of the commissioners and had already filled out a conflict-of-interest form with her employer to make sure there would be no issue.

Brent asked the commissioners in the room if they were amenable to a temporary appointment of Bethany as executive director. Brent indicated that without a formal motion from who we have today in representing the counties, that there is a green light to move ahead on a temporary basis. Brent did report that they will have to formalize all this because they will have to answer to the other commissioners who were not present today.

Gail asked for the commissioners to identify people that may have interest in this commission and would be a good fit as a member. He indicated that a water background is important but not necessary. He also expressed that many commission members are aging out or need to be replaced, and those names would help strengthen all that we do.

Lew commented that he has been active since 1989 and he knows he is not the same man sitting in front of you all today. He acknowledges the need to get younger people involved with this and he would not take offense if he was needed to be replaced. It's hard to get people to serve. One of the things that came up in authorization section of the new plan is that we must identify with all of the resource users from an environmental standpoint as well as others. We have tried to not get in bed with a lot of environmental groups, we have tried to stay neutral with ag and fisheries and dairy so that we can address all the items that come up.

Dan wanted to address something in relation to the quantity question that Leonard posed earlier. He reported that they were very instrumental in the quantity part of it. When the adjudication first started is when we worked the water quantity section the most. Dan reported that he is a pumper in ag and domestic use, and that they did go around to pumper groups at that time and told them to get organized. He expressed that they were very instrumental on the problem that DWR started by over appropriating the resource.

Mario commented that when he started on this commission, there were lots of people from planning and zoning involved, but as the years passed, people left the commission or stopped coming. Mario expressed that he finds their point of view interesting, so he suggested counties encouraged planning and zoning professionals to attend because they are a value.

Lew announced that many of the commissions had to leave to attend another meeting, so it was probably time to wrap things up. He expressed appreciation for everyone who came and for all the input. Lew commented that he thinks this meeting was a good place to start. He asked if anyone had any additional comments? Nathan asked when the next executive committee meeting would be held, and Brent indicated that they should meet either before or after the next meeting they would all be in attendance for.

Lew asked for a motion to adjourn. Dan Suhr gave the motion and Arlen Morgan seconded it. The meeting was adjourned at 12:32pm.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Bethany Muffley", written in a cursive style.

Bethany Muffley, Executive Director (temporary)