



Minutes – February 21, 2024

Meeting Date: February 21, 2024

Attendance:

Commissioners – Ex Committee (EC)

Brent Reinke – Twin Falls County
Ron Buhler – Gooding County
Nathan Schutte – Lincoln County

Commission Members

Lew Pence – Chair - Gooding
Roger Morley – Executive Director
Bethany Muffley – Executive Asst.
Duane Turner – TF P&Z (retired)
Kerry McMurray – Cassia
Arlen Morgan – Jerome

Agency/Other

Mario de Haro-Marti – Uofl Ext. - Gooding
Raphael Erickson – DEQ – Twin Falls
Nicholas Howell – DEQ – Twin Falls
Kathryn Elliott – DEQ (virtual)

Call to Order: Lew Pence - 1:00PM

Approve minutes of previous meeting: Duane Turner Motion, Arlen Morgan 2nd.

Approve bills: Member milage reimbursements, Roger Morley (\$1500 – Jan and Feb), Bethany Muffley (\$670 – 33.5hrs @ \$20/hr). Duane Turner motioned, Arlen Morgan 2nd.

Correspondence: Executive Director (ED) Roger Morley reported interactions with the Northside Canal Company - Allan Hanston and Twin Falls Canal Company - Jay Barlowgie. He indicated good conversations in both interactions and extended invites to attend future meetings for discussions on working together. Roger also reported opening lines of communication with Curtis Cooper with DEQ and getting information on their Source Water Protection Plan which will concern water in 6 watersheds. He attended the WAG meeting where a water quality trading program was discussed. The water quality trading concept sparked some group discussion and Rapheal Erickson with DEQ indicated that he could find out some additional information on DEQ's end and get back to us. Roger also had a meeting with Amie Parris, attended the KUANAS (?) with Commissioner Brent Reinke and visited with Josh Morell with IDWR about recharge and well monitoring who indicated that the ESPA is trying for 600,000 acre/feet per year and indicated a website that could provide that information. Roger also indicated that he spoke with Crystal at Magic Valley Labs to see about getting testing kits (\$25) for the group to be able to test our own well water to gain experience doing that. Once understood, it could be something we could make others aware of as part of our educational outreach. Roger met with Jerome and Twin Falls County Commissioners and hand delivered ballots for the proposed budget (2023-2024). He also had email correspondence with Mike Simpson who responded that he would get back to him for a discussion in 3 or 4 weeks. Roger attempted to make some federal legislative contacts and reported that they are very hesitant

to get involved with local water issues. Roger elaborated on his discussion with Northside Canal Company and gave a report on their priorities. They plan to reduce pumping by 400,000 acre/ft per year, to stand by the 2015 agreement. They reported that the state is planning to recharge 350,000 ac/ft for the canal company but went on to indicate that 750,000 ac/ft per year is needed to regain the aquifer. This led into discussion related to the Eastern Idaho IDWR water call. Roger went on to report that he had contacted Jack Nelson about the new bill that was presented in the legislature by Doug Pickett (Irrigation District Special Assessments). Jack indicated that the bill still had quite a way to go but that he would watch it closely, but it is one that could end up in a drawer somewhere. Roger finished with a contract made for Jay Barlowgie at Twin Falls Canal Company. Jay indicated he could see that our two groups have common interests and Roger reported that he invited him to attend our meetings any time. Duane commented that Jay had previously served on this board for a couple of months (between appointments) and also served on in Planning and Zoning for quite a few years and was very knowledgeable about how water can affect a piece of property. Duane went on to indicate that Brian Olmstead and Randy Brown (SW Irrigation District) would be great contacts to make.

IDEQ Update from Nick Howell – Source Water Protection Program: Nicholas Howell provided an update from DEQ (Drinking Water Division) on sampling that was conducted. They did have two wells in Bliss over 10 milligrams for nitrates, but that is decreasing from past sampling conducted by ISDA (June 27, 2016). They plan to take similar samples in Jerome in May and are getting ready to send out notification postcards to request well testing. He also indicated that there would be an online fillable form for people to send in to request. It is hoped that this will cut down the costs of sending out packets to everyone. They have 50 sites picked out right now based on their GIS shapefile. Nick also relayed that Tosha Owen wanted him to talk about the agricultural best management practice grants that will be starting up at the end of March and encouraged the group to reach out to her for additional information on that. Duane asked if much sampling is done on the south side of the river. Nick indicated that the five they have are in Twin Falls, Bliss Southwest Jerome, Minidoka and Marsh Creek. They will try to test Twin Falls this fall, and they will need 140 wells between Buhl, Hollister, and Murtagh to meet their confidence interval. Lew asked if DEQ knows if we are seeing more phosphates in our drinking water. Nick indicated that he did not have that information but would try to find out. Raphael indicated that there are no minimum standards for phosphorus in drinking water rules so that isn't something that public water systems typically sample for. Nick finished with an offer to assist in any upcoming outreach events the commission may have. Discussion began in relation to knowing how many different agencies are taking water samples for different reasons, and questions on whether the agencies interact with each other. Nick and Raphael indicated that they work with IDWR, and Raphael mentioned that there is a groundwater technical committee that meets twice a year with different agencies who attend and asked if we would be interested in going to something like that.

Roundtable Discussion: Bethany delivered an interactive presentation that sought to foster discussion on Commission roles, duties, purpose, and powers, and whether or not language will need to be updated in the plan moving forward (a full list of the bullets discussed are attached at the end). She presented it as the roadmap for commission members to follow to ensure lasting success in our mission. Commission roles were identified as Member County Commissioners, Executive Committee (EC), Chair/Vice Chair, Commission Members, and Executive Director (ED). Bethany highlighted duties found in the authorization section of the plan related to each of these roles, and included additional duties that may be implied based on information found in other like organizations. Discussion was had in relation to bullets identified in the presentation relating to commission appointments. Commissioners expressed the trouble they would have in finding P&Z individuals to fill positions because they are already overloaded with obligations. Lew mentioned that people connected to Canal Companies would be another good option, however, the authorization section indicates a member should not have too much of a bias. Bethany asked the group if this means that this is something in the authorization section that should change.

Commissioner Reinke addressed open meeting laws and indicated that if commissioners are involved, they will feel more comfortable that we follow the state guidelines outlined in the law. He commented that he does not think this group needs to follow them, however, it would be wise to. There was agreement to follow open meeting law guidelines in commission activities.

When discussing commission purposes (full list outlined below), bullet 2 indicates the group is to gather baseline water quality data. Commissioner Reinke commented that information in the Economic section is very valuable. Lew mentioned that in the past, the commission did contract with an agency to have water quality issues analyzed. Brent offered that there are other entities out there collecting this type of data and the partnerships we foster with them can fold us into continuing to access this information and use our commission as a melting pot of the information. Mario de Haro-Marti with U of I extension services suggested we add the words “access and establish” to the language in the second bullet. He went on to say that there may be a situation where the institutions could say that tracking a certain contaminate is not within their scope to act, but by the commission carrying that language, it reserves our ability to establish a baseline based on all available information.

The discussion moved on to bullet 6 which referenced getting information to P&Z. Duane mentioned that when he was in P&Z, he used to get packets every month with the meeting minutes and asked if that still happens. Bethany was unsure. Arlen mentioned that he gives a report to Jerome P&Z each month and indicated this is why a member of P&Z is beneficial to have for each county as a commission member. Bethany indicated that she would be reaching out to the group to see who at each county’s P&Z office she should be sending meeting minutes out to. Mario added that a potential sell to encourage participation from P&Z staff is to inform

them that the commission can be looked at as a tool to provide them information, instead of just presenting them with...here is another meeting.

After discussing roles, duties, purpose, and powers, Bethany expressed to the group that she believes Bob Muffley had been taking on all of the duties outlined in commission roles himself and there was agreement from the group in this assessment. Bethany went on to state that the only way she sees for the Commission to effectively move forward will be for each player to understand those roles and work to play their part. Bethany asked the question, with the participation required to make this commission operate in the capacity as outlined, can we make it work and should we be making changes? Brent acknowledged that time is limited to all players especially those at the county level. He commented that things have changed from when the commission was first created in 1992 and that the need for addressing water quantity and quality is greater now than it was then because we are dealing with something that is a finite product and the people of Idaho are treating it like it is infinite. Discussion continued and the using the commission as an educational resource was addressed. Brent mentioned conservation as a topic and relayed information on 9 different properties the Magic Valley Land Trust is currently working on. Brent indicated that this commission needs to be working on educational outreach targeted on what it means to conserve water, and that this information could be targeted to P&Z groups as they are the ones making the decisions on what is allowed in the area.

Mario added personal thoughts about the commission and mentioned that he has always enjoyed being a part of it because of the different backgrounds and knowledge brought by everyone involved. He indicated that the commission can serve as a buffer for blame when things go wrong, and he emphasized that we have a lot of pressure from different actors, and that the courtroom is not the entity that should be making long term decisions related to water. He relayed that this commission can foresee and discuss those things in a quiet room, and in an environment where everyone can bring different opinions and learn things they may not have been aware of. He also commented that the biases in this group have always been moderated and that situations discussed here have a local flavor that attaches to the problems in our 5-county area. He mentioned that the commission can see the long term and have the educational component with the ability to bring other organizations together. His ultimate assessment in the value of this commission is that we can bring people from the counties, either P&Z or the commissioners themselves, that can bring their problems and be able to discuss them in a forum that is nonaggressive or nonjudgmental, and then this commission can provide the direction so situations don't end up being addressed in a courtroom.

Brent asked Commissioner Nathan Schutte and Commissioner Ron Buhler to offer insight on the topic from their own perspectives. Nathan indicated that in his short time with the commission, he sees it as very important to have a buffer or tool for the counties to use as a resource for important water decisions, so he sees the values, as well as the challenges that it and all of us face. He does not want to see the commission gone but re-tooling it is probably a good idea.

Ron agreed with Nathan and indicated that he had not known the roles the counties had within the commission but has enjoyed coming to the meetings in what he has learned each time in attendance. Ron also stated that water is a big issue, and he sees the value of this commission. Brent finished this thought with a comment of the need for us to be teachers to P&Z and put together a curriculum that is basic and lists resources for them, along with any stats that have been compiled along the way. He suggested that a training be held for these individuals once a year. Brent indicated that it will be on the EC to get the commission in front of those P&Z commissioners so they can understand a basic, adult learning theory and methodology to foster understanding for when they make decisions on anything that could impact water. He commented that many don't know that water is one of the most important considerations when making decisions. Generating some kind of P&Z curriculum could be an outreach tool to highlight what this commission is all about, and we would be continually gathering information that we would refine and dispense. Duane commented that he would like to make sure we start getting our meeting minutes out to P&Z staff again and Bethany indicated she would reach out to the group to identify who those individuals are.

Lew moved the discussion on to chair and vice chair elections. The commission recommended Arlen Morgan as chair and Duane Turner as Vice Chair pending EC vote for approval at their next meeting. Motion to approve nominations was made by Kerry McMurray and seconded by Duane Turner.

The meeting was adjourned at 2:52PM with a motion by Kerry and seconded by Duane.

Respectfully Submitted

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

Bethany Muffley, Executive Assistant

Slide information outlined in the presentation...

Member County Commissioners:

- *Submit the names of no less than two nominees to represent the county.*
- *Select one county commissioner from each member county to serve on the Executive Committee (EC).*

Executive Committee (EC):

- *Recommend budgets to member county commissioners and provide all necessary budgetary functions for the Commission.*
- *Review the work of the Commission and provide policy direction.*
- *Hold Hearings and make recommendations to commissioners on amendments to the plan.*
- *Provide liaison services between the Commission and the Boards of Member County Commissioners.*
- *receive monies and property from Member Counties and to receive gifts, grants and donations from any person or entity, and to expend the same for the purpose of this Agreement.*
- *To retain or employ regular legal counsel, and to retain such special counsel as may be deemed necessary, all within the constraints of the annual budget.*
- *With the recommendations of the Commission, to adopt rules and regulations for the conduct of all business done and to be done pursuant to this Agreement.*
- *do all things necessary or incidental to carry out the purposes of this Agreement within the constraints of the budget as approved by the Member Counties.*
- *Provide information and recommendations to state and federal agencies, including the state legislature and U.S. Congress, regarding actions or programs necessary for study, management, protection, and enhancement of water resources in the region as defined in the Plan but including additional counties which may become party to this Agreement.*
- *Authority to subpoena witnesses and documents for Commission hearings.*
- *Four (4) members shall constitute a quorum for the conduct of business, but all votes shall require a three (3) member majority. The Executive Committee shall meet on an "as needed" basis.*
- *Elect a Chairman/Vice Chair.*
- *Hire an Executive Director.*

Chair/Vice Chair:

- *The Chair, as advised by the EC, determines the overarching scope, goals and strategic direction of the commission.*
- *Directs commission activities (topics) and guides meetings*
 - *Works closely with the EC and Executive Director*
 - *Focuses on the high-level planning to facilitate commission goals and objectives.*
- *Must possess a clear understanding of commission interests to build unity of purpose.*
- *Responsible for making sure the Plan is being upheld, tasks are being carried out, and making decisions between meetings if necessary.*
- **The Vice Chair assumes the roles and responsibilities of the Chairperson in their absence.*

Commission Members:

- *Members shall act in an advisory capacity to the Boards of County Commissioners of the member counties.*
- *The Commission may establish subcommittees and advisory committees to advise and assist in carrying out its responsibilities within the constraints of the approved annual budget.*

- *Commission members shall serve without compensation but may be reimbursed for their actual expenses incurred in attending Commission meetings or conducting Commission business under such rules as may be adopted by the Executive Committee and within the constraints of the approved annual budget.*
- *Attend meetings punctually.*
- *Arrive prepared with relevant papers.*
- *Stick to the agenda.*
- *Work as a team.*
- *Support and encourage quieter members.*
- *Discourage domination by one or few.*
- *Take action on tasks identified from the previous minutes.*
- *Vote on issues.*
- *Assist with the execution of projects to achieve commission goals and objectives.*
- *Aim towards constructive discussion and decisions.*
- *Stick to the decisions of the group.*
- *Encourage buy-in from members and the community.*

Executive Director:

- *Shall serve as a non-voting member at the pleasure of the Committee to carry on its business as directed on an on-going basis, and act as its secretary-treasurer.*
- *The executive director may, subject to the approval of the Executive Committee, employ and remove any consultants, experts or other employees as may be needed within the constraints of the budget approved by the Member Counties.*
- *Represent the commission externally to develop and maintain relationships with partners, volunteers and other stakeholders to build support.*
- *Manage finances including budgeting and ensuring compliance with financial regulations.*
- *Mission/Project planning, development and management to ensure that commission actions are sound in working to achieve goals and objectives. Must remain adaptable to changing circumstances.*
- *Member Management – ensuring understanding of commission missions to all members as well as hiring and training of any staff members identified as necessary to achieve commission missions.*
- *Legal and Regulatory Compliance to make sure the commission is following laws, regulations and reporting requirements that are applicable – Open Meeting Laws, what else...*
- *Commission Engagement – answers to the Executive Committee and Chairman and is responsible for maintaining communication and collaboration between them and the committee members.*
- *ED provides regular updates and seeks input on key decisions.*

Purpose of the Commission:

1. *Take actions as authorized and necessary to implement the goals and objectives of the Plan.*
2. *Gather information on an on-going basis regarding the quality of water resources in the Member Counties and establish baseline data for monitoring water quality.*
3. *Act as a focal point for issues, concerns, uses and education regarding all water resources, surface and underground, in the Member Counties and, provide a forum for the public to have input on such issues and to obtain information and educational services with regard to the same.*
4. *Work with governmental entities at all levels, water user groups, private parties, and the general public to coordinate and facilitate the development of water study, management, protection or enhancement plans in and for the region.*
5. *Provide a forum for local, state, and federal agencies to coordinate activities related to the study, management, protection and enhancement of water resources.*

6. *Provide information and recommendations to local Planning and Zoning Commissions and other local governmental entities with respect to ordinances that may be necessary and proper to facilitate the study, management, protection, and enhancement of water resources within the Member Counties.*
7. *Gather, coordinate, and disseminate information regarding water resource issues in the Member Counties to and for the benefit of governmental, business, and private parties.*
8. *Take additional actions, as necessary, to facilitate the Plan and the accomplishment of its objectives.*
9. *The Commission is to act within the constraint of the annual budget as approved by the County Commissioners of the Member Counties.*
10. *The Commission shall not become members of or associated with any group or organization with specific interest in the water resources of this region without written authorization of the executive committee.*

Powers of the Commission: The Commission shall have and may exercise the following powers and duties within the constraints of the annual budget approved by the commissioner of member counties.

1. *To hold hearings on issues pertaining to the study, management, protection, and enhancement of water resources in the region, particularly as the same may impact the Member Counties.*
2. *To make and submit testimony and comments, both oral and written, to public and private entities and agencies, regarding the study, management, protection, and enhancement of water resources located in the Member Counties and surrounding area.*
3. *To complete and disseminate information regarding the Plan and any and all issues pertaining to the water resources located within the Member Counties.*
4. *To take any actions necessary to coordinate the Plan with the plan, rules or regulations of other governmental agencies, local, state and federal, which shall specifically include the state's Rules and Regulations for Nutrient Management (IDAPA 16.0\16000) and as the same may be amended, with the primary purpose of bringing such other plans, rules or regulations in line with the plan and secondary purpose of fostering coordination and cooperation with respect to same.*
5. *To invoke the provisions and/or protections set out in Executive Order 12630 as the same may impact or affect in any way the property and resources located in the Member Counties.*
6. *To provide assistance to local governmental entities in the enforcement of laws pertaining to the study, management, protection and enhancement of water resources located in the Member Counties.*
7. *To review the Plan on an on-going basis and, when necessary, to recommend revisions of the same to the Executive Committee and boards of the County Commissioners of Member Counties.*
8. *To study and report with respect to the economic impacts of actions taken by local, state, and federal agencies which may in any way impact, restrict or impair water uses in the Member Counties.*
9. *To develop data on the customs and culture of the region for the purpose of determining the impact of various actions taken by local, state and federal governmental agencies with respect to water resources located therein.*
10. *To do all things necessary or incidental to the proper operation of the Commission and furtherance of the objectives of this Agreement, subject only to authority properly delegated to the Commission.*