



# Cassia County Board of Commissioners

## SPECIAL MEETING MINUTES

### Thursday, January 12, 2023

*Cassia County Courthouse • Commission Chambers  
1459 Overland Ave • Room 206 • Burley ID 83318*

10:00 AM

The Cassia County Board of Commissioners met today at the place and time as posted by agenda pursuant to Idaho Code § 74-204 for Open Meetings Law.

#### **ACTION AGENDA ITEMS**

- 1) 10:02 AM Call to order
- 2) Pledge of Allegiance and prayer
- 3) 10:03 AM Roll call

#### **Roll Call.**

**Present:** Leonard M. Beck – Chair, Kent R. Searle – Member, Bob Kunau - Member, Kerry McMurray - Assistant to Board (Not voting), Cally Velasquez - Deputy Clerk (Not voting).

- 4) 10:03 AM Amendment of agenda

10:04 AM **Motion and Action:** Amend the agenda for this meeting pursuant to Idaho Code § 74-204 (4) (c) to include clarifying language to an action item, **Moved by** Kent R. Searle – Member, **Seconded by** Bob Kunau - Member.

Motion passed unanimously.

- 5) 10:04 AM Calendar, meetings, committee reports, and correspondence were reviewed.

- a) 1/12/2023 Museum Board meeting at 4:00 PM -Kunau
- b) 1/12/2023 Fair Board meeting at 7:00 PM -Beck

- 6) 10:06 AM Personnel Matters - Change of Status Requests

- a) MCCJC - Brittne Richardson - Jail Tech - New Hire
- b) MCCJC - Hannah M. Ryals - Detention Deputy - New Hire

10:07 AM **Motion and Action:** Approve Change of Status Requests as presented **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle – Member.

Motion passed unanimously.

- 7) 11:30 AM Discuss building needs of proposed new building

- a) McMurray provided the Board with a diagram that shows the available space on property the County can utilize for a new facility. They discussed potential orientation of that facility to best accommodate county office space needs.
- b) Departments they would like to relocate from existing facilities include the Juvenile Probation (JP), Misdemeanor Probation (MP) and possibly the Coroner. They want to eliminate rental of facilities for county departments. Additionally, the expressed a desire to proximally locate departments that routinely

**CASSIA COUNTY COMMISSION**  
**SPECIAL SESSION**  
**Thursday, January 12, 2023**

**Instrument # 2023000226**

**BURLEY, CASSIA, IDAHO**

**1-30-2023 11:26:57 AM No. of Pages: 7**

**Recorded for : CASSIA COUNTY COMMISSIONERS**

**JOSEPH LARSEN**

**Fee: 0.00**

**Ex-Officio Recorder Deputy**

**Index to: COMMISSIONERS MINUTES**

*EV*

location for the Public Defender (PD) with the hope of securing a long-term lease for that office with the State of Idaho.

- c) The Board stated that it would be prudent to locate the PD Office separate from the MP Office due to conflict of interests. The MP Office also has to take enhanced security measures.
  - d) It was pointed out that Americans with Disabilities Act (ADA) and Help America Vote Act (HAVA) guidelines and requirements as well as enhanced security measures are not currently adequate for conducting elections.
  - e) Deputy Auditor Evans referred to recommendations received from the Government Finance Officers Association (GFOA) conference she attended regarding federal relief funds. They stressed the importance of involving public input when considering large projects using those one-time federal funds. Federal Treasury Representatives continue to stress public involvement when allocating federal relief funding.
  - f) Searle was assigned JP, MP, and the Coroner to evaluate office space square footage needs. Kunau was assigned to evaluate the same needs for the Clerks, Treasurers and Assessors Offices.
- 8) 10:08 AM CAT Board District 4 nomination
- a) More information was needed from Minidoka County Commissioners before a nominee can be selected.
- 9) 10:10 AM Deliberations on proposed zoning and subdivision ordinance amendments
- a) Chair Beck verified with McMurray to continue the Monday, 1/9/2023 hearing.

10:10 AM **Motion and Action:** Enter hearing for deliberations for zoning subdivision ordinance amendments, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle – Member  
Motion passed unanimously.

- b) 10:11 AM David Heida from East Valley Cattle Testimony. Heida requested that the Board create an exploratory committee to make recommendations and determine if the goal of the groundwater issues identified by the Board is being met. He felt that committee should make recommendations to the Board in the event it may or may not benefit the county in the way it is contemplated.
- c) He pointed out that the record is clear of the concerns with the authority of the county to potentially regulate the issue of water.
- d) Chair Beck asked Heida if he was aware that the changes in the proposed language had withdrawn reference to irrigable land. He responded that he was not aware of that.
- e) He further asked Heida if he knew of decline with any of their wells in the Raft River area. He said wasn't aware of that but they have them set at a certain static level and have a regular maintenance program to deal with that issue. Chair Beck stated that Idaho Department of Water Resources (IDWR) Water Well Consultant Mr. Higgs formatted a graph indicating the aquifer level had dropped. He asked Heida if their wells had dropped. Heida said that he wasn't aware if they had and that aquifer levels are different depending on location in the Raft River area. He also referenced they had received a state and federal grant for regeneration of water in the aquifer that is obviously a concern for everyone.
- f) Heida reiterated what Mr. Gibby had said in last Monday's hearing that private entities could potentially take care of this issue much better than local or county authorities. IDWR has already dictated how much water they can use.
- g) Searle asked who Heida would suggest should be on the committee. He replied that a large swath of community members from the beef industry, the dairy industry, and other people that have a general interest in the community. Searle asked if he had objections to having members of water districts. Heida felt their input would be important.

- h) 10:16 AM Joshua Webb testimony. Webb stated that members of the Raft River Recharge Project who have been present at the hearings have collectively decided to be proactive about the water situation. They are putting their own dollars into the recharge project so that even those who are not contributing will benefit.
- i) He felt changes to CAFO permitting were somewhat targeting them, even though their group has been some of the few who have been proactive with addressing the concerns.
- j) Webb wanted to make sure the Board was aware of that and thanked them for their consideration and concerns.
- k) Chair Beck recognized Webb's group and Southwest Irrigation for their visionary efforts and said that they never will get the credit they deserve in being proactive with the water situation.
- l) Searle asked if he would be interested in participating in an exploratory committee. He agreed with Mr. Heida's assessment that animal agriculture should be heavily involved with that. Webb further stated that they are all in this together, whether you are a row crop farmer, a dairy farmer, or a feedlot operator. Input is needed from every sector.
- m) Searle discussed a phone conversation he had with a water board member regarding consideration of a loan for a water project. Though Webb couldn't speak to specifics. Searle felt it would be wise for water representatives to present to this committee as they had some concerns. To get to the bottom of the issue, Searle said we need to utilize all the resources we have. Heida confirmed that a \$14.2 million loan is being considered and had been conditionally approved. A hearing will be held tomorrow on the matter.
- n) 10:23 AM Reed Gibby testimony. He stated that there is room with the expansion of the Raft River Recharge Project for the County to donate if they would like.
- o) Gibby stated that they are in opposition to any of the proposed CAFO ordinance changes until there has been a better review of that. He felt it had been brought forward under cover as much as possible. Chair Beck asked McMurray if all guidelines of State Code had been followed. He concurred it had. Gibby felt the Board's intentions should be to notify as many people as possible and not to just comply with rules. Beck asked how he would suggest that be accomplished. Gibby stated that should be discussed as it was obvious that a number of people were not aware of that.
- p) Gibby appreciated the action of not including irrigable acres in the proposed change. He felt there are other ways that are far more efficient to help the situation in the county. Gibby stated there are a few organizations that have done more than this ordinance would ever do to increase the ground water in the county. Raft River Recharge and Southwest Irrigation are two of those and they don't take away the rights of farmers to plant what they desire like this proposed ordinance would do. Additionally, he felt it overlooks the economic benefits of animal CAFO's in the county and in helping the ground to retain more water because of the manure. Gibby said he would be interested in knowing how much potato and beet ground has switched over to other high water use crops. He opined that a survey of just what the increased use of water is due to CAFO restrictions would likely show it is minimal. He summarized that the proposed changes are targeting CAFO operators and also is a detriment to the county growth with milk and feed processors.
- q) To establish his passion to stabilize the aquifer, Chair Beck said we need to work together to accomplish that. Gibby said we all have that passion to work together with that goal or he wouldn't have put dollars into the projects they are doing. It was agreed that through the years the use of supplemental water has proven to be successful. Gibby said that normally government regulations and restrictions of personal rights is unsuccessful and normally private enterprise is successful. He felt that should be the measuring stick in the decisions made.

- r) When they did their study for the Raft River Recharge, Gibby said that overflow was constantly available nine of the ten years. That would positively affect groundwater which would benefit a lot of people, all through private enterprise.
- s) 10:32 AM Further testimony of Joshua Webb. The Raft River Recharge project consists primarily of CAFO holders. He said the project isn't just for a pipeline, but involves water currently being pumped to gravel pits and recharge ponds. Those ponds are going directly to the aquifer and not to the river. He reiterated that this is all funded personally by CAFO permit holders.
- t) 10:36 AM Chair Beck said it had come to his attention that a portion of this meeting had been conducted illegally. He had called for a motion to conduct a hearing when that hearing had been closed on Monday, 1/9/2023. They are going to continue with deliberations but he asked for a motion to conclude the hearing.

10:37 AM **Motion and Action:** Close the hearing that had illegally been proposed to move into, **Moved by** Kent R. Searle – Member, **Seconded by** Bob Kunau - Member.  
Motion passed unanimously.

- u) Reed Gibby stressed that the \$14.2 million dollars the IDWR was a loan to be repaid and he invited others to participate in that if they'd like to. He felt the tone might have been averse to that. Chair Beck said that nothing at all was intended in that regard.
- v) Chair Beck reiterated that there will be no changes to our current CAFO regulations.
- w) 10:39 AM Chair Beck asked McMurray to explain proposals they are presenting for amendment changes. McMurray enumerated proposed changes, repeals, and clarifications with procedures, notifications, timelines, fees, hearings, and permits contained within Zoning Regulations in Title 9 and Subdivision Regulations in Title 10 of Cassia County Code. The documented change proposals were entered into the record.
- x) Beck had asked the Planning & Zoning Commission to look at subdivision ordinance changes because of a conversation he recently had with Senator Anthon regarding efforts within the state legislature to help cities maintain their water rights instead of being pushed up against their forfeiture law. As such, Beck felt these changes would help the growth of Cassia County to butt up against the existing city so as to provide water services.
- y) Searle stated changes address problems they have seen and puts us on the course for updates related to the charts as referred to in the most recent hearing.

11:17 AM Adopt Cassia County Ordinance 2023-01-01 to approve amendments to Title 9 Zoning Regulations, excepting irrigable acre language of 9-2-2, 9-11-3 and 9-11-6; and adopt amendments to Title 10 Subdivision Regulations as presented, **Moved by** Kent R. Searle – Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

- z) McMurray presented the ordinance along with the summary for the Board's signature.
- 10) 11:19 AM Discuss water quantity concerns
  - a) Searle brought two charts to illustrate his concerns. One showed the decline in the aquifer from Southwest Irrigation as part of their agreement for the groundwater index. It starts in 1980 and runs to current. He said that this decline was despite the tremendous efforts for soft water conversion and recharge efforts.



- b) The second chart showed a specific sentinel well's water levels over time. He said it showed a tremendous drop in the available water when there is no recharge. He said unofficial numbers he's heard is that we've dropped an average of four feet from the aquifer this year.
- c) His graph showed a low point in 2017 and pointed out that it took three years to recover but then from 7/10/2021, all had been lost that was gained during those three years. He reiterated that this year the area has only received about 20% of the water of usual years. On this graph the water had reached the bottom of that particular well and they were now trying to decide if they should redrill so that they could measure the loss.
- d) Webb asked about water level fluctuations and if higher levels since 2015 were due to what was being done to recharge the aquifer. Searle stressed that each year should be looked at to identify what factors influenced those fluctuations such as recharge efforts or weather temperatures. The point he reiterated was that though there were ups and downs, we are down overall to the point that one of the seven wells is dry. He stated the primary purpose was to look at the numbers and see just where we are at.

11) 12:13 PM Adjourn

12:13 PM **Motion and Action:** Adjourn, **Moved by** Kent R. Searle – Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

APPROVED:



Leonard M. Beck, Chair

DEPUTY CLERK OF THE BOARD:



Cally Velasquez

# Cassia County Commissioner Meeting

## Attendance Log

Date: 1/12/2023

NAME (Please Print)	TOWN	REPRESENTING
1. <i>James Miller</i>	<i>Burley</i>	<i>James Miller</i>
2. <i>Tyson Nelson</i>	<i>Burley</i>	<i>Gibby Group</i>
3. <i>Ben Gibby</i>	<i>Burley</i>	<i>"</i>
4. <i>Paul Miller</i>	<i>Burley</i>	<i>Gibby Group</i>
5. <i>Daria Heidi</i>	<i>Declo</i>	<i>East Valley Cattle</i>
6. <i>Jake Miller</i>	<i>Declo</i>	<i>East Valley Cattle</i>
7. <i>Justin Praegitzer</i>	<i>Oakley</i>	<i>Skyline Dairy</i>
8. <i>Heather Whitehead-Evans</i>	<i>Burley</i>	<i>Auditors</i>
9. <i>Susan Keck</i>	<i>Almo</i>	<i>Elections</i>
10. <i>Joshua Webb</i>	<i>Declo</i>	<i>Heglar Creek Dairy</i>
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