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WATER RESOURCES
WESTERN REGION

September 28, 2020

Patrick Kelly
Idaho Department of Water Resources
2735 W. Airport Way
Boise, ID 83705

Subject: Flamingo West Permit 63-34865 – Petition for Reconsideration

Dear Patrick,

On behalf of Flamingo West, LLC, this petition respectfully asks the Idaho Department of Water Resources (IDWR) to reconsider the approval of Permit 63-34865 dated September 14, 2020 to remove the condition that limits the irrigation component of the commercial use to the non-irrigation season.

Specifically, the second sentence of Condition 3 states:

The period of use for the irrigation occurring under commercial use is limited to a beginning date of 11/6 and an ending date of 2/28.

This condition adds a complexity to the water right portfolio that makes it difficult for Flamingo West to proceed without some clarification from IDWR.

Flamingo West's intent is to use groundwater as the only source for commercial use on a year-round basis; the commercial use is for the general water use at a nursery, greenhouse and retail center, including irrigating plants (indoor and outdoor) and landscaping during the irrigation season; surface water will not be used on the new facility. Flamingo West made this plan for a number of reasons, including:

- Only one pumping system is needed, which avoids the expense of a second system to boost water from surface water.
- Avoids the potential for water quality problems with a surface water cross-connect to the potable water system.
- Avoids the need for mechanical filtration of surface water. Without filtration, the small nozzles in the greenhouse sprinkler system would be prone to clogging.

- Chemical additives used for maintaining surface water canals would be devastating to a nursery and greenhouse if accidentally captured in the piping of the commercial system.
- Provides operational flexibility. The watering system for the greenhouse and nursery will have a water demand anywhere from zero to full amount at various times within a 24-hr period, seven days a week. This water schedule is different than traditional field crop irrigation patterns, making it difficult to schedule and deliver surface water at the correct time.

It should be noted that Flamingo West has entered into a formal agreement with Pioneer Irrigation District (PID) that agrees the use of the groundwater under Permit 63-34865 would not be used as a basis for exclusion from PID. PID is aware that Flamingo West intends to use groundwater for commercial use without first using surface water. Flamingo West will continue to remain in the PID.

For these reasons, Flamingo West petitions for removal of the non-irrigation season only limitation on the irrigation component of the commercial use or modify it to read to the effect that "Commercial use includes year-round irrigation and other uses associated with a greenhouse and nursery operation."

Alternatively, existing water rights 63-34881 and 63-34885 authorize the use of groundwater for irrigation in the irrigation season. However, those two water rights are conditioned so that the water is used in "combination with Pioneer Irrigation District water". If Permit 63-34865 remains approved as it is, Flamingo West could file an Application for Transfer to add a new point of diversion to those existing water rights to allow the new well to be used. In the transfer approval process, Flamingo West would be looking for assurance from IDWR that use of groundwater under 63-34881 and 63-34885 could be made without first using surface water and would not constitute an enlargement. If not, Flamingo West is content to allow those two water rights remain connected to PID as they are. PID is also likely to be interested in that process to see if a new precedent would be set.

Flamingo West looks forward to a timely resolution to this issue to allow them to proceed under their initial intent of Permit 63-34865 to have one groundwater pumping system to satisfy all their year-round water needs at the new nursery and greenhouse facility.

Sincerely,



cc: Phil Hull, Franz Witte