

Suwannee River Water Management District

Governing Board Materials

Water Supply and Resource Management

The following materials have been reviewed and approved for distribution to the Governing Board and the public.

Director of Water Supply and
Resource Management

Assistant Executive Director

Executive Director

MEMORANDUM

TO: Governing Board
FROM: Bob Heeke, Senior Land Resources Manager
DATE: November 23, 2011
RE: Neal and Virginia McCall Cattle Grazing License

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to execute an amended license with Neal and Virginia McCall to graze cattle on a portion of the Steinhatchee Springs Tract for a fee of \$40 per cow for an estimated 50 cows per year.

BACKGROUND

The District purchased this land from Foley Timber and Land Company in 1996. The McCalls had a grazing license from Foley for this parcel, which was an approximately 3,000-acre parcel of a much larger area leased from Foley. The license has been continuously renewed since that time.

As part of a review of revenue opportunities, District staff has negotiated an increase in the total fee. The fee would now be based upon the number of mature cows instead of based upon a portion of the tract acres that was determined to be suitable for grazing. This grazing occurs in the woods, and no pasture land is included.

Cattle grazing prices were researched with Southwest Florida Water Management District and other sources. The new fee is within the range of market prices and results in an increase of approximately 45%, from \$1,382 per year to \$2,000 per year. The amended license will be prorated for the remaining nine months of the current fiscal year. The first quarter was under the previous payment rate.

gal
SRWMD Contract 99/00-002

MEMORANDUM

TO: Governing Board
FROM: Bob Heeke, Senior Land Resources Manager
DATE: November 23, 2011
RE: Forest Inventory Services Contract 10/11-132

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to execute an amendment to contract 10/11-132 with Flatwoods Forestry, Inc. for an amount not to exceed \$18,500 for fiscal year 2012.

BACKGROUND

In June 2011 the District contracted with Flatwoods Forestry, Inc., Ward Frisina, president, to collect data for updating the timber inventory. Flatwoods was successful in collecting data on 4,806 plots on 26,600 acres by September 30, 2011. The audit of the data showed a variance of only 0.4 % for total tons on audited plots. About 739,000 merchantable tons of pine were cruised.

The inventory is designed to collect data in pine stands and based on age groupings:

- Premerchantable tree regeneration that is 7 years old or less,
- Premerchantable stands that are 8 to 15 years old, and
- Merchantable stands that are age 15 or older.

The fiscal year (FY) 2012 inventory will complete the merchantable inventory. Future inventories will collect updates of stands that are 7 and 15 years old, areas that have changed due to a management activity and an estimated 20% of merchantable areas to keep the inventory data no more than 5-7 years old. The data collected in this inventory is currently being used for selecting timber sale areas and will be critical to providing more accurate forecasts related to timber sale revenue potential.

Staff proposes to adhere to the same rates as the current contract: \$12.50 per pre-merchantable plot and \$18.50 per merchantable plot. Funds for this activity are included in the FY 2012 budget.

gal
SRWMD Contract 10/11-132

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: November 23, 2011

RE: Authorization to Amend Contract Number 11/12-003 with Perpetual Contracting, Inc., to Conduct Water Quality Improvements on District Lands

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to amend contract number 11/12-003 with Perpetual Contracting, Inc., to conduct water quality improvements on District lands using compensatory water quality mitigation funds from the Florida Department of Transportation (FDOT). The existing contract amount is for \$200,000. The new total contract amount would not exceed \$236,300.

BACKGROUND

On August 10, 2010, the District issued environmental resource permit number ERP10-0057 to the FDOT to replace the US 98 Bridge over the Aucilla River in Taylor and Jefferson Counties. FDOT preferred to provide compensatory water quality mitigation because water quality treatment was not possible at the bridge because of the extent of wetlands and surface waters within the project area. In order to provide the required mitigation, the FDOT provided the District with \$46,760 to conduct water quality improvements on District lands within the Aucilla River Basin. Last fiscal year, \$10,460 of this amount was spent on erosion control projects in the Aucilla River Basin.

Staff recently executed a \$200,000 contract (11/12-003) with Perpetual Contracting, Inc., Craig Ganas, president, to maintain and improve District roadways and parking areas. Staff requests authority to amend this contract to add \$36,300 and extend the scope to include the water quality improvements.

There are two project locations on District property that have significant river erosion issues. The \$36,300 will be spent to correct and improve river access sites at the Mt. Gilead tract and the Cabbage Grove tract. The scope includes preventing vehicle traffic near the river bank by improving parking and access facilities further landward from the river. Stormwater will also be diverted away from the riverbank through regrading to control erosion issues.

From a practical standpoint, the additional work for the DOT mitigation is similar in type and complexity to the services that Perpetual Contracting, Inc., is currently providing. District Land Management will need to fix these locations whether funding is used from FDOT or not. The new total contract amount would not exceed \$236,300. The additional amount would be provided through Fund 19 under billing code 19258634300120211.

/pw

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: November 23, 2011

RE: Approval of Water Use Permit Application Number
2-11-00016M, Coggins Acres, Madison County

RECOMMENDATION

Staff recommends the Governing Board approve a modification to Water Use Permit number 2-11-00016, with seventeen standard conditions and seven special limiting conditions to Coggins Acres, LLC in Madison County.

BACKGROUND

Staff has determined that the application is complete and satisfies the conditions for issuance in Chapter 40B-2, Florida Administrative Code.

/tm

November 23, 2011

Coggins Acres, LLC
c/o Kevin Coggins
2086 Culpepper Road
Lake Park, GA 31636

Subject: Approval of Water Use Permit Application Number
2-11-00016M, Coggins Acres, Madison County

Dear Mr. Coggins:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that the above-mentioned project be approved.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on December 13, 2011, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call permitting staff at 386.362.1001 if you have any questions.

Sincerely,

Jon Dinges, P. E.
Director, Water Supply & Resource Management

JD/tm

Enclosure

Certified Mail Receipt Number: 7010 1060 0001 1350 1772

NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may choose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.

NOTICE OF RIGHTS

7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.
10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
11. Failure to observe the relevant time frames for filing a petition for judicial review, or for Commission review, will result in waiver of the right to review.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

Coggins Acres, LLC
c/o Kevin Coggins
2086 Culpepper Road
Lake Park, GA 31636

At 4:00 p.m. this _____ day of _____, _____

Jon Dinges
Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060
386.362.1001 or 800.226.1066 (Florida only)

STAFF REPORT

WATER USE PERMIT APPLICATION

DATE: November 23, 2011

PROJECT: Coggins Acres

APPLICANT: Coggins Acres, LLC
2086 Culpepper Road
Lake Park, GA 31636

PERMIT APPLICATION NO.: 2-11-00016M
DATE OF APPLICATION: September 28, 2011
APPLICATION COMPLETE: September 28, 2011

MANAGER/MEMBER DETAIL:

Kevin Coggins 2086 Culpepper Road Lake Park, GA 31636	MGR
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	Previous Quantities:		Proposed Quantities:	
Average Daily Rate (ADR)	2.4749	mgd	2.7681	mgd

Recommended Agency Action

Staff recommends approval of a modification to Water Use Permit 2-11-00016 for an expansion of acreage to an existing agricultural water use located within Madison County. The permit will include seventeen standard conditions and seven special limiting conditions. The permit will expire on July 12, 2031.

Project Review Staff

Kevin Wright, P.E., Ronald Spencer, and Tim Sagul, P.E., have reviewed the application.

Project Location

The withdrawal facilities are located in Township 01 South, Range 11 East, Sections 29, 30, 31, 32 and 33 in Madison County. The project is located within the middle Suwannee River basin.

Project Description

The project area consists of approximately 2,003 acres with 1,745 acres being irrigated using groundwater. The applicant has recently purchased the additional 220 acres to allow for three new pivots, which will irrigate approximately 185 acres.

The water use calculations are based upon the irrigated acreage, crop rotation and crop types provided by Coggins Acres, LLC. Crops include carrots, corn, cotton, snap beans, peanuts and oats. For irrigation, Coggins Acres, LLC will use 13 new center pivot irrigation systems. All pivots will use the latest sprinkler packages. Coggins Acres, LLC will monitor their pivots from their headquarters in Lake Park, GA. The Average Daily Rate (ADR) will be 2.7681 mgd. The ADR equates to 21.3 inches of supplemental irrigation annually.

The project will have 13 proposed wells. At the time of the application, Coggins Acres, LLC has not determined the diameter of the production wells. District staff used IFAS Circular 1454 to assist in determining adequate well diameter. Coggins Acres, LLC has requested that all previously permitted wells be moved adjacent to the associated pivots. A list of wells can be found in the table on Attachment A.

Demonstration of Need

The applicant has provided information that supports the requested allocation, based upon crop types, crop rotation and irrigated acres.

Water Conservation

Coggins Acres, LLC has completed the water conservation worksheets for center pivot irrigation. Coggins Acres, LLC was required to install metering devices on all wells at the July 2011 Governing Board meeting.

Minimum Flows and Levels Compliance

Staff determined through the SRWMD North Florida Model, version 1.0, that the proposed water use would not violate minimum flows and levels (MFLs) at any downstream MFL points established along the Suwannee River or its tributaries. However, a special limiting condition has been included in the permit for the District to seek a modification to the permit to assist in the recovery and/or prevention strategy associated with an adopted MFL.

Standard Conditions

1. Nothing in this permit should be construed to limit the authority of the Suwannee River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, (F.S.) or to formulate a rule for implementation during times of water shortage pursuant to Section 373.246, Florida Statutes. In the event of water shortage as declared by the Board, the permittee shall adhere to any limitations on withdrawal or use ordered by the District.
2. This permit is classified as unconfined Floridan aquifer for overhead irrigation.
3. Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes authorized by this permit.
4. Capping of Withdrawals Not In Use: Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(4)(a)4., F.A.C.
5. The permittee may apply for a permit modification at any time in accordance with Section 40B-2.331, F.A.C.
6. In the event of a District-declared water shortage, the permittee must immediately comply with any restrictions or requirements ordered in accordance with the District's Water Shortage Plan, Chapter 40B-21, F.A.C.
7. Permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with a District-approved mitigation plan. As necessary to offset such interference, mitigation may include, but is not limited to, reducing pumpage, replacing the existing legal user's withdrawal equipment, relocating wells, changing withdrawal source, supplying water to existing legal user, or other means needed to mitigate the impacts.
8. Permittee must mitigate harm to existing off-site land uses caused by the permittee's withdrawals. When harm occurs, or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
9. Permittee must mitigate harm to the natural resources caused by the permittee's withdrawals. When harm occurs or is imminent, the permittee must modify withdrawal rates or mitigate the harm.

10. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to Chapter 373, F.S.

11. Authorized representatives of the District, upon reasonable notice to the permittee, shall be permitted to enter and inspect the permitted water use to determine compliance with the permit conditions.

12. This permit does not relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

13. This permit does not convey to the permittee any property rights or privileges other than those specified herein.

14. Permittee shall notify the District in writing within 90 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted water use activities are located. All water use permit transfers are subject to the requirements of section 40B-2.301, F.A.C.

15. Permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use agreements. In the event a proposed change will alter the allocation, permittee must first obtain a permit modification.

16. When the District provides a permanent identification tag, the tag shall be prominently displayed at the withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility. If the permit covers several facilities such as a well field, a tag shall be affixed to each facility. Failure to display a tag as prescribed herein shall constitute a violation of the permit. The permittee shall be allowed ten (10) days after the notice of violation of this section to obtain a replacement tag.

17. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.

Special Limiting Conditions

18. All correspondence sent to the District regarding this permit must include the permit number 2-11-00016M.

19. The Permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.

20. The Permittee shall implement and/or maintain the conservation practices selected on the water conservation worksheet(s) which are associated with this permit. Any new practices selected shall be implemented in one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.

21. The Permittee shall, at the Permittee's expense, place a meter, approved by the District, on each withdrawal point and report water usage as shown by such meter no less often than every three months as required by the District.

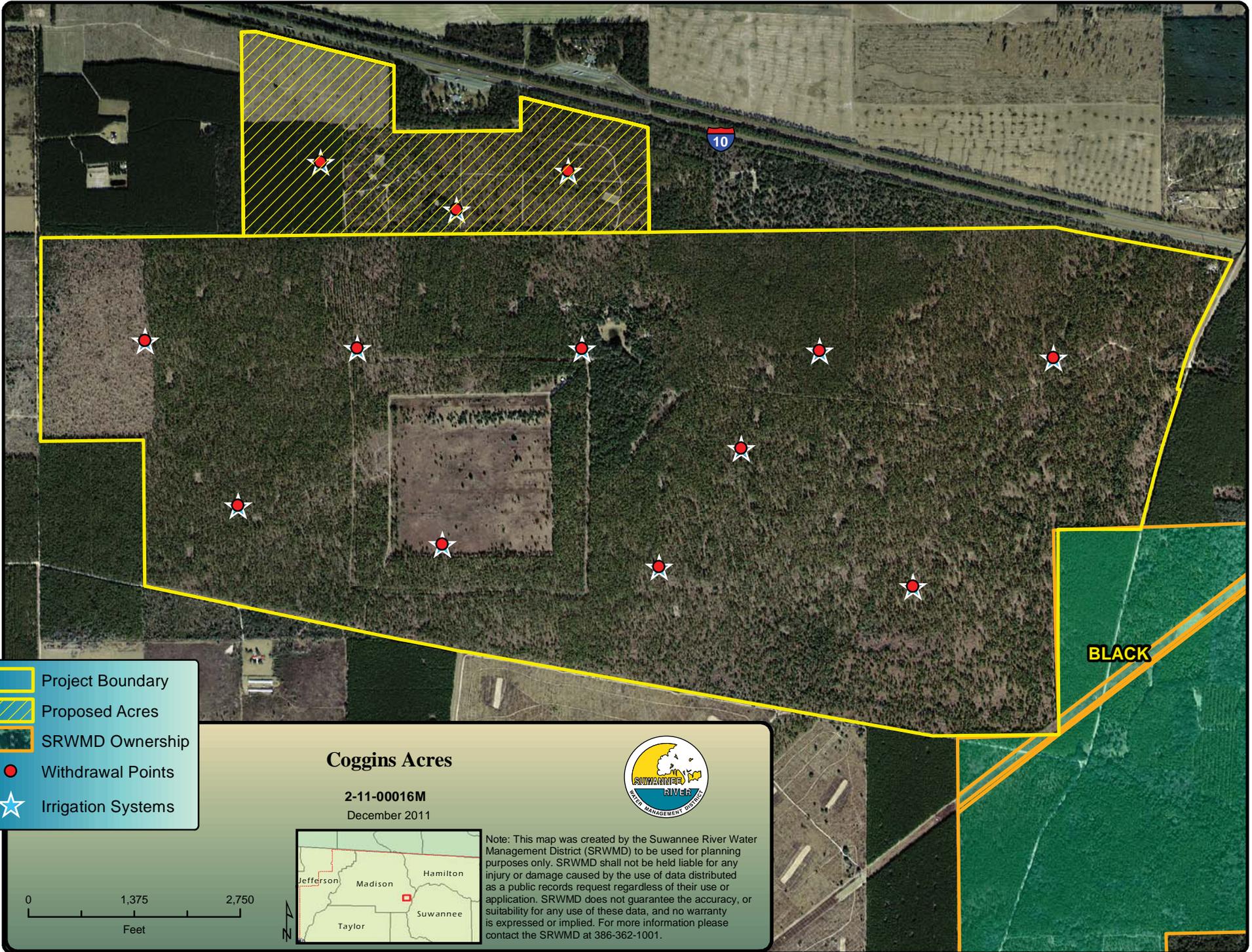
22. The permitted water withdrawal facilities consist of the table on Attachment A.

23. This permit and the agricultural operation will be reviewed by District staff and the Permittee during the year 2021. During this review, the Permittee and/or District staff may make recommendations based upon this review to modify this permit. These recommendations may come from new best management practices, improved irrigation techniques, different crop types, and/or any other significant factor.

24. This permit shall expire on July 12, 2031. The Permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), F.A.C and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.

Attachment A
2-11-00016M
Coggins Acres

Name	Status	Diameter	Capacity (gpm)	Water Use
#1	Proposed	12	1100	Irrigation
#2	Proposed	12	1250	Irrigation
#3	Proposed	12	1400	Irrigation
#4	Proposed	12	1400	Irrigation
#5	Proposed	12	1500	Irrigation
#6	Proposed	10	900	Irrigation
#7	Proposed	10	1000	Irrigation
#8	Proposed	12	1400	Irrigation
#9	Proposed	16	1900	Irrigation
#10	Proposed	12	1200	Irrigation
#11	Proposed	10	600	Irrigation
#12	Proposed	10	500	Irrigation
#13	Proposed	10	450	Irrigation



MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: November 23, 2011

RE: Approval of Water Use Permit Application Number
2-11-00040, Loncala Dairies, Gilchrist County

RECOMMENDATION

Staff recommends the Governing Board approve Water Use Permit number 2-11-00040, with seventeen standard conditions and eight special limiting conditions to Alliance Grazing Group in Gilchrist County.

BACKGROUND

Staff has determined that the application is complete and satisfies the conditions for issuance in Chapter 40B-2, Florida Administrative Code.

/tm

November 23, 2011

Alliance Grazing Group
c/o Ron St. John
4951 NW 171th Street
Trenton, FL 32693

Subject: Approval of Water Use Permit Application Number
2-11-00040, Loncala Dairies, Gilchrist County

Dear Mr. St. John:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that the above-mentioned project be approved.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on December 13, 2011, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call permitting staff at 386.362.1001 if you have any questions.

Sincerely,

Jon Dinges, P. E.
Director, Water Supply & Resource Management

JD/tm

Enclosure

Certified Mail Receipt Number: 7010 1060 0001 1350 1789

NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may choose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.

NOTICE OF RIGHTS

7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.
10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
11. Failure to observe the relevant time frames for filing a petition for judicial review, or for Commission review, will result in waiver of the right to review.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

Alliance Grazing Group
c/o Ron St. John
4951 NW 171th Street
Trenton, FL 32693

At 4:00 p.m. this _____ day of _____, _____

Jon Dinges
Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060
386.362.1001 or 800.226.1066 (Florida only)

STAFF REPORT

WATER USE PERMIT APPLICATION

DATE: November 23, 2011

PROJECT: Loncala Dairies

APPLICANT: Alliance Grazing Group
4951 NW 170th Street
Trenton, FL 32693

PERMIT APPLICATION NO.: 2-11-00040
DATE OF APPLICATION: September 15, 2011
APPLICATION COMPLETE: September 15, 2011

PARTNERS:

R & M AG ENTERPRISES LLC 4951 NW 170 th Street Trenton, FL 32693	PIEDMONT DAIRIES, INC. 569 Edgewood Avenue South Jacksonville, FL 32205
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MANAGER/MEMBER DETAIL: R & M AG ENTERPRISES LLC

Ronald St. John, Jr. 4951 NW 170 th Street Trenton, FL 32693	MGR
Marcia A St. John 4951 NW 170 th Street Trenton, FL 32693	MGR

MANAGER/MEMBER DETAIL: PIEDMONT DAIRIES, INC.

William A McArthur 569 Edgewood Avenue South Jacksonville, FL 32205	MGR
Charles N Hendrix 569 Edgewood Avenue South Jacksonville, FL 32205	MGR

	Previous Quantities:		Proposed Quantities:	
Average Daily Rate (ADR)	-	mgd	3.7927	mgd

Recommended Agency Action

Staff recommends approval of Water Use Permit 2-11-00040 for the establishment of two new grazing dairies and associated irrigated acreage within Gilchrist County. The permit will include seventeen standard conditions and eight special limiting conditions. The permit will expire on December 13, 2031.

Project Review Staff

Kevin Wright, P.E.; Ronald Spencer; and Tim Sagul, P.E., have reviewed the application.

Project Location

The withdrawal facilities are located in Township 09 South, Range 16 East, Sections 09, 10, 15, and 22 in Gilchrist County. The project is located within the lower Santa Fe River basin.

Project Description

The project area consists of approximately 2,101 acres with approximately 1,570 acres being irrigated with 13 new center pivots supplied by groundwater and supplemented with wastewater. The applicant will establish two grazing dairies within this property, milking approximately 4,500 cows with approximately 700 dry cows. The operation will take place in two phases; north and south. The north phase will establish a row crop operation with 7 pivots for approximately 4-5 years. After this time, all land except Pivot #13, will be converted into grazing pasture and the north dairy established. The south phase will begin in years 4-5 with row crops under 6 center pivots. After 2-3 years of row cropping, the land will be converted into pasture and the south dairy will be established. Pivot #13 will remain in a crop rotation of spring corn, fall sorghum and winter cover crop. This forage will supplement the dairies.

The water use calculations are based upon the ultimate buildout of irrigated acreage, crop rotation, crop types and livestock provided by Alliance Grazing Group. All pivots will use the latest sprinkler packages. The Average Daily Rate (ADR) will be 3.7927 mgd. The ADR equates to 30.3 inches of supplemental irrigation annually (including cooling water) and an average of 48.8 gallons per head of cattle.

The project will have 11 proposed wells - 7 irrigation wells and 4 livestock wells. A list of wells can be found in the table on Attachment A.

Demonstration of Need

The applicant has provided information that supports the requested allocation, based upon crop types, crop rotation, irrigated acres, and number of livestock.

Water Conservation

Alliance Grazing Group has completed the Water Conservation worksheets for Center Pivot Irrigation and Livestock. The permit is conditioned requiring Loncala Dairies to meter their wells and report their water use.

Minimum Flows and Levels Compliance

Staff determined through the SRWMD North Florida Model, version 1.0 and the Intra Adaptation of USGS Peninsular Florida Groundwater Flow Model, January 2011, that the proposed water use would not violate minimum flows and levels (MFLs) at any downstream MFL points established along the Suwannee River or its tributaries. However, a special limiting condition has been included in the permit for the District to seek a modification to the permit to assist in the recovery and/or prevention strategy associated with an adopted MFL.

Standard Conditions

1. Nothing in this permit should be construed to limit the authority of the Suwannee River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, (F.S.) or to formulate a rule for implementation during times of water shortage pursuant to Section 373.246, Florida Statutes. In the event of water shortage as declared by the Board, the permittee shall adhere to any limitations on withdrawal or use ordered by the District.
2. This permit is classified as unconfined Floridan aquifer for overhead irrigation.
3. Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes authorized by this permit.
4. Capping of Withdrawals Not In Use: Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(4)(a)4., F.A.C.
5. The permittee may apply for a permit modification at any time in accordance with Section 40B-2.331, F.A.C.

6. In the event of a District-declared water shortage, the permittee must immediately comply with any restrictions or requirements ordered in accordance with the District's Water Shortage Plan, Chapter 40B-21, F.A.C.

7. Permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with a District-approved mitigation plan. As necessary to offset such interference, mitigation may include, but is not limited to, reducing pumpage, replacing the existing legal user's withdrawal equipment, relocating wells, changing withdrawal source, supplying water to existing legal user, or other means needed to mitigate the impacts.

8. Permittee must mitigate harm to existing off-site land uses caused by the permittee's withdrawals. When harm occurs, or is imminent, the permittee must modify withdrawal rates or mitigate the harm.

9. Permittee must mitigate harm to the natural resources caused by the permittee's withdrawals. When harm occurs or is imminent, the permittee must modify withdrawal rates or mitigate the harm.

10. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to Chapter 373, F.S.

11. Authorized representatives of the District, upon reasonable notice to the permittee, shall be permitted to enter and inspect the permitted water use to determine compliance with the permit conditions.

12. This permit does not relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

13. This permit does not convey to the permittee any property rights or privileges other than those specified herein.

14. Permittee shall notify the District in writing within 90 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted water use activities are located. All water use permit transfers are subject to the requirements of section 40B-2.301, F.A.C.

15. Permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use

agreements. In the event a proposed change will alter the allocation, permittee must first obtain a permit modification.

16. When the District provides a permanent identification tag, the tag shall be prominently displayed at the withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility. If the permit covers several facilities such as a well field, a tag shall be affixed to each facility. Failure to display a tag as prescribed herein shall constitute a violation of the permit. The permittee shall be allowed ten (10) days after the notice of violation of this section to obtain a replacement tag.

17. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.

Special Limiting Conditions

18. All correspondence sent to the District regarding this permit must include the permit number 2-11-00040.

19. Consistent with condition nine, the Permittee shall mitigate harm to Waters Lake following notice from the District. Mitigation may include, but is not limited to, reduction of withdrawals and relocation of wells.

20. The Permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.

21. The Permittee shall implement and/or maintain the conservation practices selected on the water conservation worksheet(s) which are associated with this permit. Any new practices selected shall be implemented in one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.

22. The Permittee shall submit a plan for monitoring groundwater withdrawals, at the Permittee's expense, within one year of issuance. This plan shall be implemented within one year after District approval. Reporting shall take place every three months and provided to the District on or before the fifteenth day of the following month.

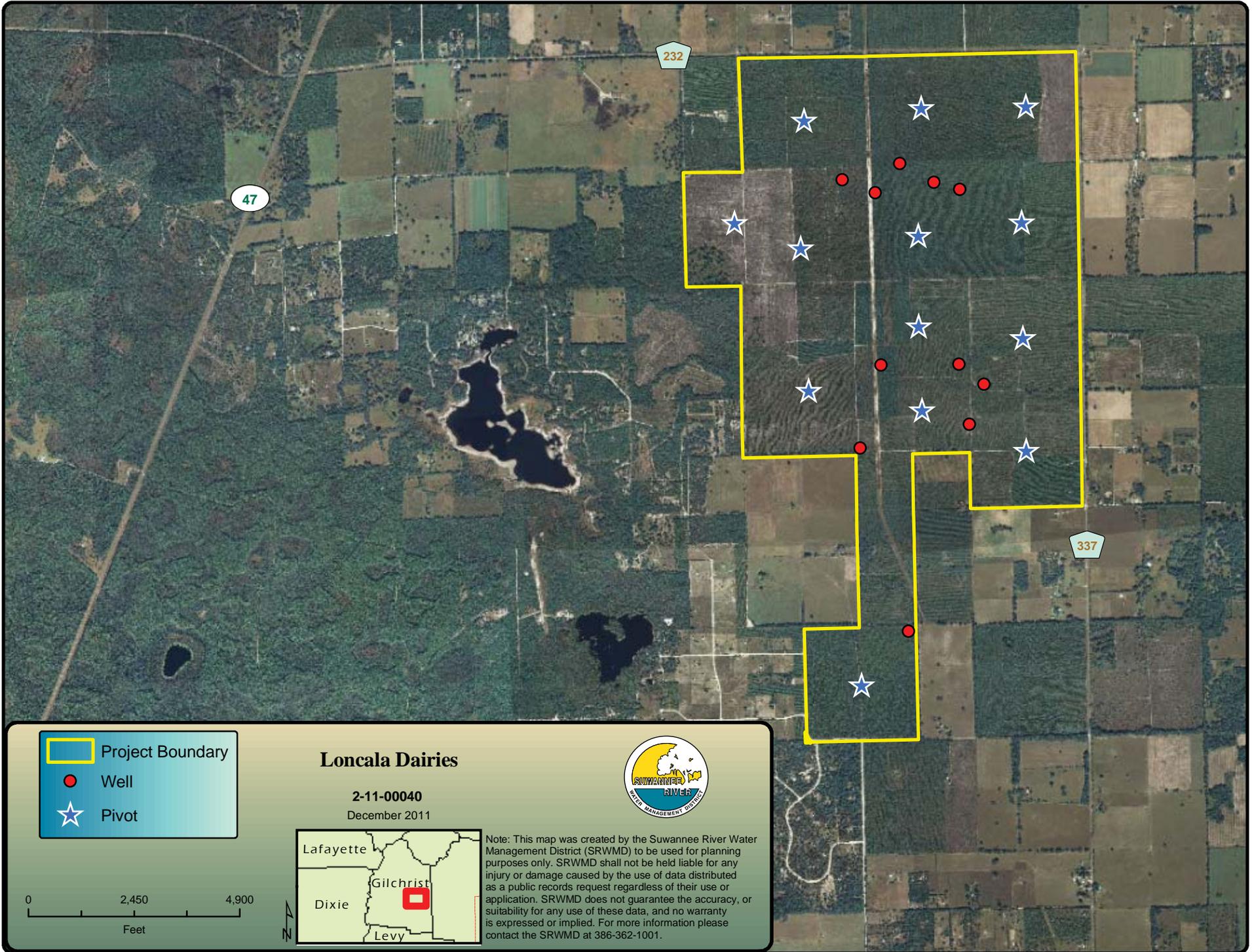
23. The permitted water withdrawal facilities consist of the table on Attachment A.

24. This permit and the agricultural operation will be reviewed by District staff and the Permittee during the year 2021. During this review, the Permittee and/or District staff may make recommendations based upon this review to modify this permit. These recommendations may come from new Best Management Practices, improved irrigation techniques, different crop types, and/or any other significant factor.

25. This permit shall expire on December, 13, 2031. The Permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), F.A.C and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.

Attachment A
2-11-00040
Loncala Dairies

Name	Status	Diameter	Capacity (gpm)	Water Use
Well A	Proposed	12	1600	Irrigation
Well B	Proposed	12	1600	Irrigation
Well C	Proposed	12	2000	Irrigation
Well D	Proposed	12	1600	Irrigation
Well E	Proposed	12	1600	Irrigation
Well F	Proposed	12	1500	Irrigation
Well G	Proposed	8	800	Irrigation
Livestock #1	Proposed	8	400	Livestock
Livestock #2	Proposed	8	400	Livestock
Livestock #3	Proposed	8	400	Livestock
Livestock #4	Proposed	8	400	Livestock



-  Project Boundary
-  Well
-  Pivot

Loncala Dairies

2-11-00040
December 2011



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.



MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: November 23, 2011

RE: Approval of Water Use Permit Application Number
2-11-00041, Piedmont Farms Dairy, Gilchrist County

RECOMMENDATION

Staff recommends the Governing Board approve Water Use Permit number 2-11-00041, with seventeen standard conditions and seven special limiting conditions to Piedmont Farms, Inc., in Gilchrist County.

BACKGROUND

Staff has determined that the application is complete and satisfies the conditions for issuance in Chapter 40B-2, Florida Administrative Code.

/tm

November 23, 2011

Piedmont Farms, Inc.
c/o William A McArthur
569 Edgewood Ave. South
Jacksonville, FL 32205

Subject: Approval of Water Use Permit Application Number
2-11-00041, Piedmont Dairy, Gilchrist County

Dear Mr. McArthur:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that the above-mentioned project be approved.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on December 13, 2011, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call permitting staff at 386.362.1001 if you have any questions.

Sincerely,

Jon Dinges, P. E.
Director, Water Supply & Resource Management

JD/tm

Enclosure

cc: Ron St. John

Certified Mail Receipt Number: 7010 1060 0001 1350 1802

NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may choose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.

NOTICE OF RIGHTS

7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.
10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
11. Failure to observe the relevant time frames for filing a petition for judicial review, or for Commission review, will result in waiver of the right to review.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

Piedmont Farms, Inc.
c/o William A McArthur
569 Edgewood Ave. South
Jacksonville, FL 32205

At 4:00 p.m. this _____ day of _____, _____

Jon Dinges
Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060
386.362.1001 or 800.226.1066 (Florida only)

STAFF REPORT

WATER USE PERMIT APPLICATION

DATE: November 23, 2011

PROJECT: Piedmont Dairy

APPLICANT: Piedmont Farms, Inc.
569 Edgewood Ave. South
Jacksonville, FL 32205

PERMIT APPLICATION NO.: 2-11-00041
DATE OF APPLICATION: September 15, 2011
APPLICATION COMPLETE: September 15, 2011

MANAGER/MEMBER DETAIL:

William A McArthur 569 Edgewood Ave. South Jacksonville, FL 32205	PD
Charles N Hendrix 569 Edgewood Ave. South Jacksonville, FL 32205	V
Ron St. John 4951 NW 170 th St Trenton, FL 32693	Agent

Previous Quantities: **Proposed Quantities:**

Average Daily Rate (ADR)	1.7339*	mgd	2.6513	mgd
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* Piedmont Farms, Inc., has elected to void its current permit (2-97-00077R*)

Recommended Agency Action

Staff recommends approval of Water Use Permit 2-11-00041 for the establishment of one new grazing dairy in conjunction with an existing dairy and associated irrigated acreage within Gilchrist County. Piedmont Farms, Inc. has elected to void its current permit (2-97-00077R) in order to consolidate both operations. The permit will include seventeen standard conditions and seven special limiting conditions. The permit will expire on December 13, 2031.

Project Review Staff

Kevin Wright, P.E.; Ronald Spencer; and Tim Sagul, P.E., have reviewed the application.

Project Location

The withdrawal facilities are located in Township 09 South, Range 15 East, Sections 32 and 33 and Township 10 South, Range 15 East, Sections 04 and 05 in Gilchrist County. The project is located within the lower Suwannee River basin.

Project Description

The project area consists of approximately 1,967 acres with approximately 1,101 acres being irrigated with two existing center pivots and six new pivots supplied by groundwater and supplemented with wastewater. Piedmont Farms, Inc. will maintain the existing dairy and establish an additional grazing dairy within this property, milking approximately 2,880 cows with approximately 700 dry cows.

The water use calculations are based upon the provided irrigated acreage, crop rotation, crop types and livestock. All pivots will use the latest sprinkler packages. The Average Daily Rate (ADR) will be 2.6513 mgd. The ADR equates to 30.3 inches of supplemental irrigation annually (including cooling water) and an average of 46.8 gallons per day per head of cattle.

The project will have 6 existing wells and 4 proposed wells. Seven wells for irrigation and three livestock wells. A list of wells can be found in the table on Attachment A.

Demonstration of Need

The applicant has provided information that supports the requested allocation, based upon crop types, crop rotation, irrigated acres, and number of livestock.

Water Conservation

Piedmont Dairy has completed the water conservation worksheets for center pivot irrigation and livestock. The permit is conditioned requiring Piedmont Dairies to meter all wells and report water use.

Minimum Flows and Levels Compliance

Staff determined through the SRWMD North Florida Model, version 1.0, that the proposed water use would not violate minimum flows and levels (MFLs) at any downstream MFL points established along the Suwannee River or its tributaries. However, a special limiting condition has been included in the permit for the District to seek a modification to the permit to assist in the recovery and/or prevention strategy associated with an adopted MFL.

Standard Conditions

1. Nothing in this permit should be construed to limit the authority of the Suwannee River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, (F.S.) or to formulate a rule for implementation during times of water shortage pursuant to Section 373.246, Florida Statutes. In the event of water shortage as declared by the Board, the permittee shall adhere to any limitations on withdrawal or use ordered by the District.
2. This permit is classified as unconfined Floridan aquifer for overhead irrigation.
3. Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes authorized by this permit.
4. Capping of Withdrawals Not In Use: Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(4)(a)4., F.A.C.
5. The permittee may apply for a permit modification at any time in accordance with Section 40B-2.331, F.A.C.
6. In the event of a District-declared water shortage, the permittee must immediately comply with any restrictions or requirements ordered in accordance with the District's Water Shortage Plan, Chapter 40B-21, F.A.C.
7. Permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with a District-approved mitigation plan. As necessary to offset such interference, mitigation may include, but is not limited to, reducing pumpage, replacing the existing legal user's withdrawal equipment, relocating wells, changing withdrawal source, supplying water to existing legal user, or other means needed to mitigate the impacts.

8. Permittee must mitigate harm to existing off-site land uses caused by the permittee's withdrawals. When harm occurs, or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
9. Permittee must mitigate harm to the natural resources caused by the permittee's withdrawals. When harm occurs or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
10. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to Chapter 373, F.S.
11. Authorized representatives of the District, upon reasonable notice to the permittee, shall be permitted to enter and inspect the permitted water use to determine compliance with the permit conditions.
12. This permit does not relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
13. This permit does not convey to the permittee any property rights or privileges other than those specified herein.
14. Permittee shall notify the District in writing within 90 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted water use activities are located. All water use permit transfers are subject to the requirements of section 40B-2.301, F.A.C.
15. Permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use agreements. In the event a proposed change will alter the allocation, permittee must first obtain a permit modification.
16. When the District provides a permanent identification tag, the tag shall be prominently displayed at the withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility. If the permit covers several facilities such as a well field, a tag shall be affixed to each facility. Failure to display a tag as prescribed herein shall constitute a violation of the permit. The permittee shall be allowed ten (10) days after the notice of violation of this section to obtain a replacement tag.

17. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.

Special Limiting Conditions

18. All correspondence sent to the District regarding this permit must include the permit number 2-11-00041.

19. The Permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.

20. The Permittee shall implement and/or maintain the conservation practices selected on the water conservation worksheet(s) which are associated with this permit. Any new practices selected shall be implemented in one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.

21. The Permittee shall submit a plan for monitoring groundwater withdrawals, at the Permittee's expense, within one year of issuance. This plan shall be implemented within one year after District approval. Reporting shall take place every three months and provided to the District on or before the fifteenth day of the following month.

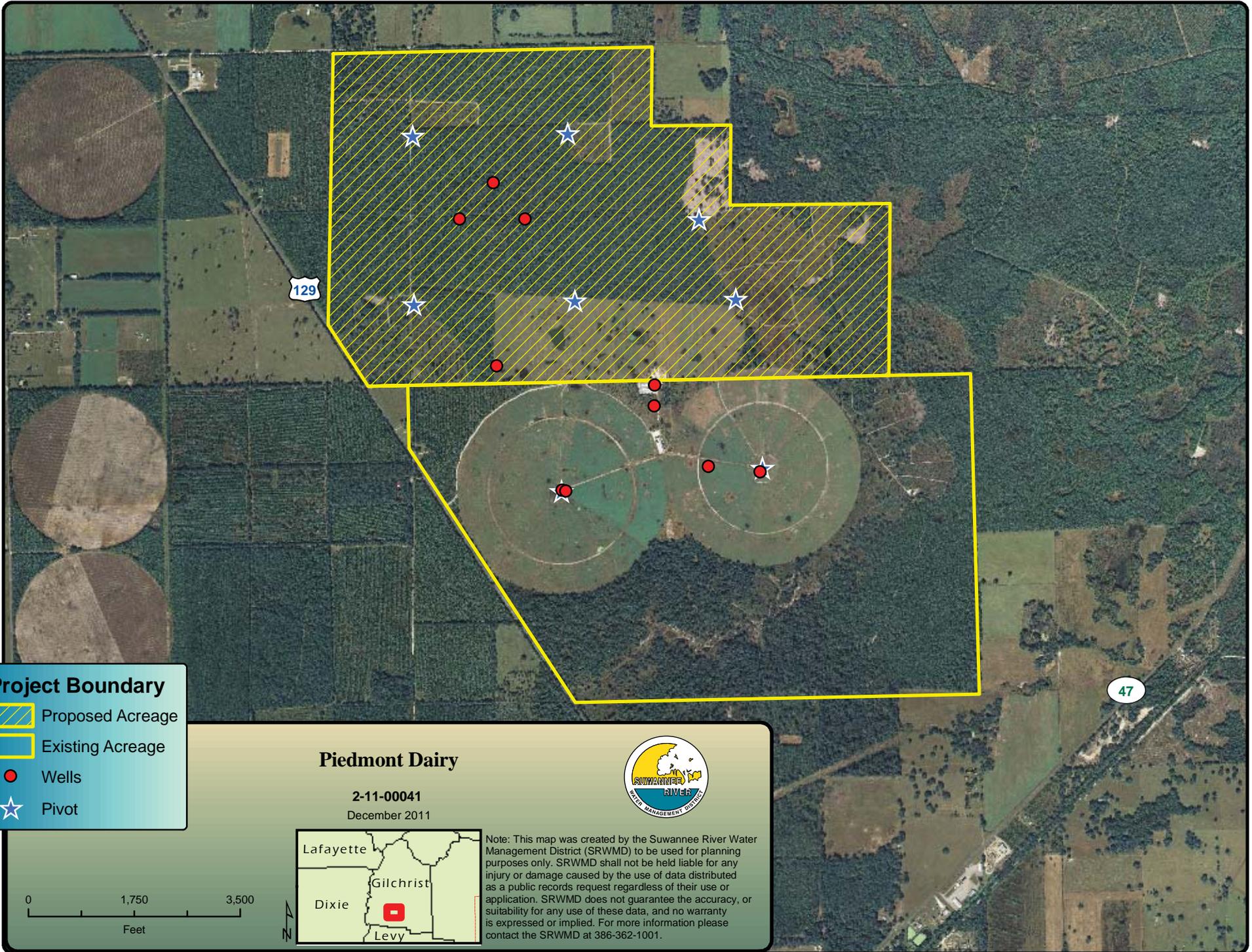
22. The permitted water withdrawal facilities consist of the table on Attachment A.

23. This permit and the agricultural operation will be reviewed by District staff and the Permittee during the year 2021. During this review, the Permittee and/or District staff may make recommendations based upon this review to modify this permit. These recommendations may come from new Best Management Practices, improved irrigation techniques, different crop types, and/or any other significant factor.

24. This permit shall expire on December 13, 2031. The Permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), F.A.C and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.

Attachment A
2-11-00041
Piedmont Dairy

Name	Status	Diameter	Capacity (gpm)	Water Use
No.1	Active	8	300	Livestock
No.3	Active	12	700	Irrigation
No.4	Active	8	400	Irrigation
No.5	Active	12	700	Irrigation
No.6	Active	8	400	Irrigation
Well A	Proposed	12	1600	Irrigation
Well B	Proposed	12	1600	Irrigation
Well C	Active	8	900	Irrigation
Well D	Proposed	8	400	Livestock
Well E	Proposed	8	400	Livestock



Project Boundary

-  Proposed Acreage
-  Existing Acreage
-  Wells
-  Pivot

Piedmont Dairy

2-11-00041
December 2011



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.



MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: November 23, 2011

RE: Approval of Water Use Permit Application Number
2-97-00005M2, William Douberly Farm, Levy and Gilchrist Counties

RECOMMENDATION

Staff recommends the Governing Board approve a modification to Water Use Permit number 2-97-00005M2, with seventeen standard conditions and six special limiting conditions to William Douberly Farm in Levy and Gilchrist Counties.

BACKGROUND

Staff has determined that the application is complete and satisfies the conditions for issuance in Chapter 40B-2, Florida Administrative Code.

/tm

November 23, 2011

William P. Douberly, Jr.
13720 SW 4th LN
Newberry, FL 32669

Subject: Approval of Water Use Permit Application Number
2-97-00005M2, William Douberly Farm, Levy and Gilchrist
Counties

Dear Mr. Douberly:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that the above-mentioned project be approved.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on December 13, 2011, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call permitting staff at 386.362.1001 if you have any questions.

Sincerely,

Jon Dinges, P. E.
Director, Water Supply & Resource Management

JD/tm

Enclosure

Certified Mail Receipt Number: 7010 1060 0001 1350 1796

NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may choose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.

NOTICE OF RIGHTS

7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.
10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
11. Failure to observe the relevant time frames for filing a petition for judicial review, or for Commission review, will result in waiver of the right to review.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

William P. Douberly Jr.
13720 SW 4th LN
Newberry, FL 32669

At 4:00 p.m. this _____ day of _____, _____

Jon Dinges
Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060
386.362.1001 or 800.226.1066 (Florida only)

STAFF REPORT

WATER USE PERMIT APPLICATION

DATE: November 23, 2011

PROJECT: William Douberly Farm

APPLICANT: William P. Douberly Jr.
13720 SW 4th LN
Newberry, FL 32066

PERMIT APPLICATION NO.: 2-97-00005M2
DATE OF APPLICATION: January 8, 2007
APPLICATION COMPLETE: October 3, 2011

		Previous Quantities:	Proposed Quantities:
Average Daily Rate (ADR)	0.6723*	mgd	1.1691 mgd

* This will void the Richard Beauchamp permit (2-93-00097*)

Recommended Agency Action

Staff recommends approval of a modification to an existing agricultural water use permit located within Levy and Gilchrist Counties. This will void the Richard Beauchamp permit (2-93-00097*) in order to consolidate both operations. The permit will include seventeen standard conditions and six special limiting conditions. The permit will expire on March 20, 2026.

Project Review Staff

Ronnie Spencer, Kevin Wright, P.E., and Tim Sagul, P.E., have reviewed the application.

Project Location

The withdrawal facilities are located in Township 10 South, Range 15 East, and Section 35, Township 11 South, Range 16 East, and Sections 6 & 7 in Levy County, and Township 10 South, Range 16 East, and Sections 31 & 32 in Gilchrist County. The project is located within the middle Suwannee River basin.

Project Description

The project area consists of approximately 1695 acres (388 owned acres, 1307 leased acres) with approximately 505 acres being irrigated using groundwater. Irrigation of the applicant's 505 acres is accomplished using six center pivots, two proposed pivots, and drip tape. The operation also includes approximately 400 beef cows.

The water use calculations are based upon the irrigated acreage, livestock and crop types provided by William P. Douberly Jr. Crops include corn, peanuts, watermelon, sorghum and winter rye. The Average Daily Rate (ADR) of withdrawal will be 1.1691 mgd. The ADR equates to 31.1 inches of supplemental irrigation annually and an average of 15 gallons per day per head of cattle.

The project area includes eight active wells and one inactive well. Use of the wells will be for irrigation and livestock. The well inventory includes the following: one 2-inch well, two 4-inch wells, and six 10-inch wells. A list of wells can be found in the table on Attachment A.

Demonstration of Need

The applicant has provided information that supports the requested allocation, based upon number of livestock, crop types, and irrigated acres.

Water Conservation

The applicant has completed the Water Conservation worksheets for Center Pivot Irrigation, Livestock Watering, and Drip Irrigation Systems. The permit is conditioned requiring the permittee to meter all wells and report water use.

Minimum Flows and Levels Compliance

Staff determined through the SRWMD North Florida Model, version 1.0, that the proposed water use would not violate minimum flows and levels (MFLs) at any downstream MFL points established along the Suwannee River or its tributaries. However, a special limiting condition has been included in the permit for the District to seek a modification to the permit to assist in the recovery and/or prevention strategy associated with an adopted MFL.

Standard Conditions

1. Nothing in this permit should be construed to limit the authority of the Suwannee River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, (F.S.) or to formulate a rule for implementation during times of water shortage pursuant to Section 373.246, Florida Statutes. In the event of water shortage as declared by the Board, the permittee shall adhere to any limitations on withdrawal or use ordered by the District.
2. This permit is classified as unconfined Floridan aquifer for overhead irrigation.
3. Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes authorized by this permit.
4. Capping of Withdrawals Not In Use: Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(4)(a)4., F.A.C.
5. The permittee may apply for a permit modification at any time in accordance with Section 40B-2.331, F.A.C.
6. In the event of a District-declared water shortage, the permittee must immediately comply with any restrictions or requirements ordered in accordance with the District's Water Shortage Plan, Chapter 40B-21, F.A.C.
7. Permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with a District-approved mitigation plan. As necessary to offset such interference, mitigation may include, but is not limited to, reducing pumpage, replacing the existing legal user's withdrawal equipment, relocating wells, changing withdrawal source, supplying water to existing legal user, or other means needed to mitigate the impacts.
8. Permittee must mitigate harm to existing off-site land uses caused by the permittee's withdrawals. When harm occurs, or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
9. Permittee must mitigate harm to the natural resources caused by the permittee's withdrawals. When harm occurs or is imminent, the permittee must modify withdrawal rates or mitigate the harm.

10. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to Chapter 373, F.S.

11. Authorized representatives of the District, upon reasonable notice to the permittee, shall be permitted to enter and inspect the permitted water use to determine compliance with the permit conditions.

12. This permit does not relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

13. This permit does not convey to the permittee any property rights or privileges other than those specified herein.

14. Permittee shall notify the District in writing within 90 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted water use activities are located. All water use permit transfers are subject to the requirements of section 40B-2.301, F.A.C.

15. Permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use agreements. In the event a proposed change will alter the allocation, permittee must first obtain a permit modification.

16. When the District provides a permanent identification tag, the tag shall be prominently displayed at the withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility. If the permit covers several facilities such as a well field, a tag shall be affixed to each facility. Failure to display a tag as prescribed herein shall constitute a violation of the permit. The permittee shall be allowed ten (10) days after the notice of violation of this section to obtain a replacement tag.

17. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.

Special Limiting Conditions

18. All correspondence sent to the District regarding this permit must include the permit number 2-97-00005M2

19. The Permittee shall implement and/or maintain the conservation practices selected on the water conservation worksheet(s) which are associated with this permit. Any new practices selected shall be implemented in one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.

20. The Permittee shall submit a plan for monitoring groundwater withdrawals, at the Permittee's expense, within one year of issuance. This plan shall be implemented within one year after District approval. Reporting shall take place every three months and provided to the District on or before the fifteenth day of the following month.

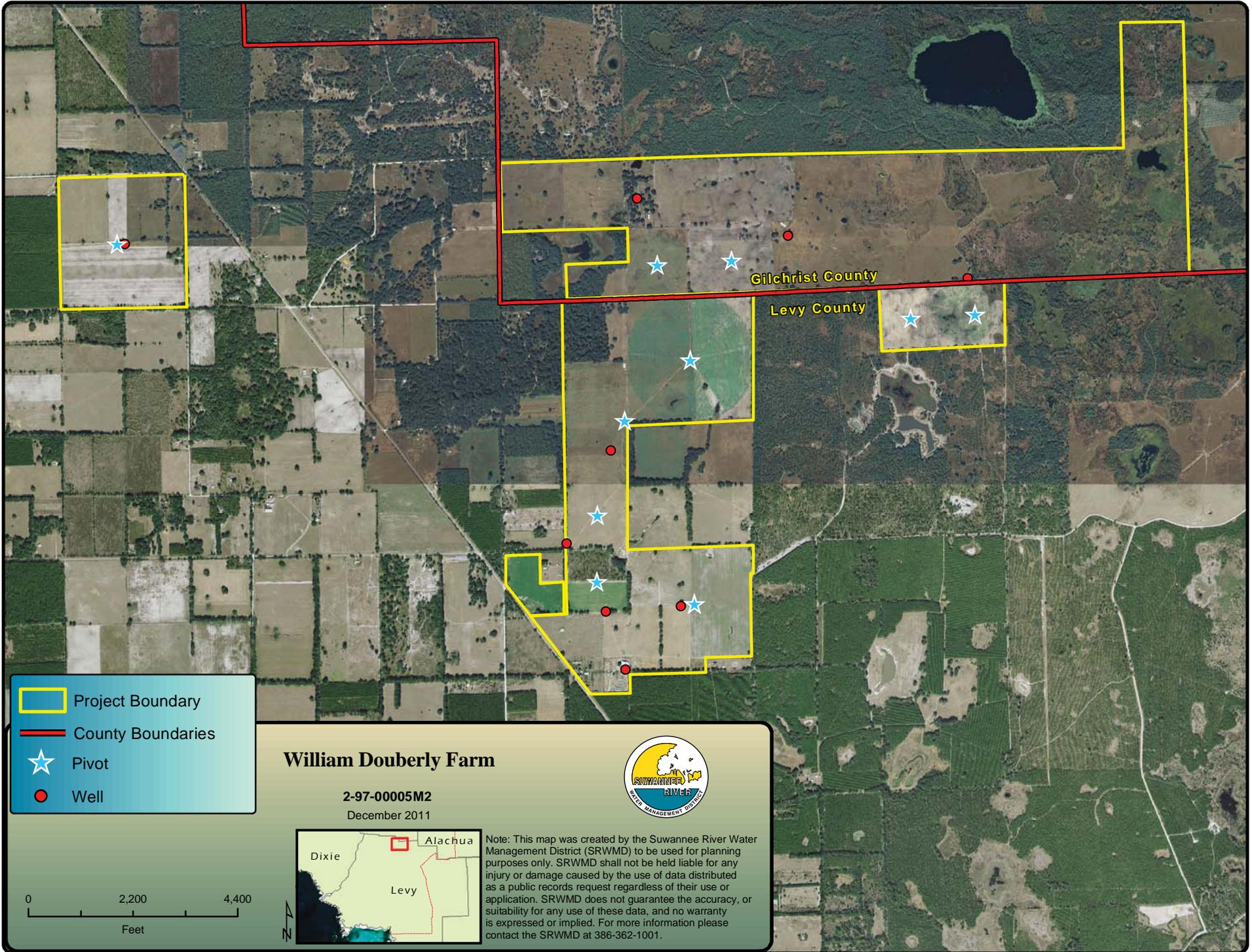
21. The permitted water withdrawal facilities consist of the table on Attachment A.

22. The Permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.

23. This permit shall expire on March 20, 2026. The Permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), F.A.C and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.

Attachment A
2-97-00005M2
William Douberly Farm

Name	Status	Diameter	Capacity (gpm)	Water Use
Beauchamp Well	Active	10	600	Irrigation
Hay Barn Well	Active	10	1000	Irrigation
Cow Pen Well	Active	2	15	Livestock
Brock Well	Active	10	800	Irrigation
Money Pit Well	Inactive	10	400	Irrigation
Beasley Well	Active	10	1000	Irrigation
Johnson 120 Well	Active	10	1000	Irrigation
Campsite Well	Active	4	20	Livestock
Barn Well	Active	4	28	Livestock



MEMORANDUM

TO: Governing Board
FROM: Tim Sagul, Senior Professional Engineer
DATE: November 23, 2011
RE: Authorization for Executive Director to file Administrative Complaint regarding Rodney O. Tompkins Trustee, Rodney Tompkins, CE11-0001, Gilchrist County

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to file an Administrative Complaint regarding Rodney O. Tompkins, Trustee for use of water without a permit in Gilchrist County.

BACKGROUND

A complaint was filed with District staff on January 13, 2011, regarding a land owner's irrigation system overspraying onto a county road in Gilchrist County. District staff researched the water use permits in the area and discovered that Misty Farms (now known as Rodney O. Tompkins, Trustee) does not have a valid permit. Subsequently, staff sent a Notice of Violation (NOV) to Rodney O. Tompkins, Trustee (Respondent) on January 21, 2011, for using water without a valid permit.

The District's initial certified letters were returned unclaimed. Local law enforcement served the NOV on February 11, 2011. The NOV requested Respondent contact the District by March 2, 2011, to resolve the matter. Ms. Rhonda Tompkins (wife of Rodney O. Tompkins), initially contacted the District on February 18, 2011, and spoke to District staff several times since then, however, these conversations did not result in submittal of a permit application.

Staff sent a certified letter on May 16, 2011, requesting an application be submitted by May 31, 2011. After no response, the Governing Board authorized enforcement proceedings at its June 2011 meeting. Staff worked with Governing Board counsel to determine the specific action needed to order the Respondent to cease water use until Respondent obtains a water use permit from the District.

At the September 2011 Governing Board meeting, the Board authorized staff to prepare a Final Order ordering Respondent to cease water use until a water use permit is obtained from the District. Lindsey Lander, staff legal counsel, served Respondent with a cease and desist order on October 28, 2011. The order required a response by November 8, 2011. On November 4, 2011, Respondent requested a 10-day extension to obtain legal counsel. Staff granted the time extension until November 18, 2011. As of November 22, 2011, no response has been received.

TS/rl

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: November 23, 2011

RE: Environmental Resource Permit Application Number
07-0288M, Josephine Recreational Project, Columbia County Regarding
Lake City Management, LLC, CE10-0026

RECOMMENDATION

Staff recommends the Governing Board defer action on revocation of General Environmental Resource Permit number 07-0288M issued to Lake City Development, LLC, for Josephine Recreational Project, Columbia County until the January 2012, meeting.

BACKGROUND

A Stop Work Order was hand delivered to Mr. Sam Oosterhoudt, Manager of Lake City Management, LLC on April 20, 2010 for construction without a permit and a Notice of Violation letter was sent April 26, 2010.

An Environmental Resource Permit (ERP) application was received on July 26, 2010, and a Request for Additional Information (RAI) was sent on August 11, 2010. Staff met with Mr. Oosterhoudt on February 4, 2011 and a Compliance Agreement (CA) was signed by Mr. Oosterhoudt on March 4, 2011. The CA specified a monthly payment schedule for the assessed penalty and administrative costs as well as other remedial actions.

After numerous meetings and correspondence, Lake City Management, LLC submitted payment as outlined in the CA and the necessary information required for permit issuance. The ERP was issued on August 17, 2011.

The \$5,000 surety bond check (number 3594, dated August 8, 2011) was returned to the District for Stop Payment. Staff sent Mr. Oosterhoudt a certified letter dated October 4, 2011 asking for the \$5,000 in cash or money order by October 18, 2011.

The project is partially built and does not have the necessary surety bond in place to assure as-built certification of the surfacewater management system.

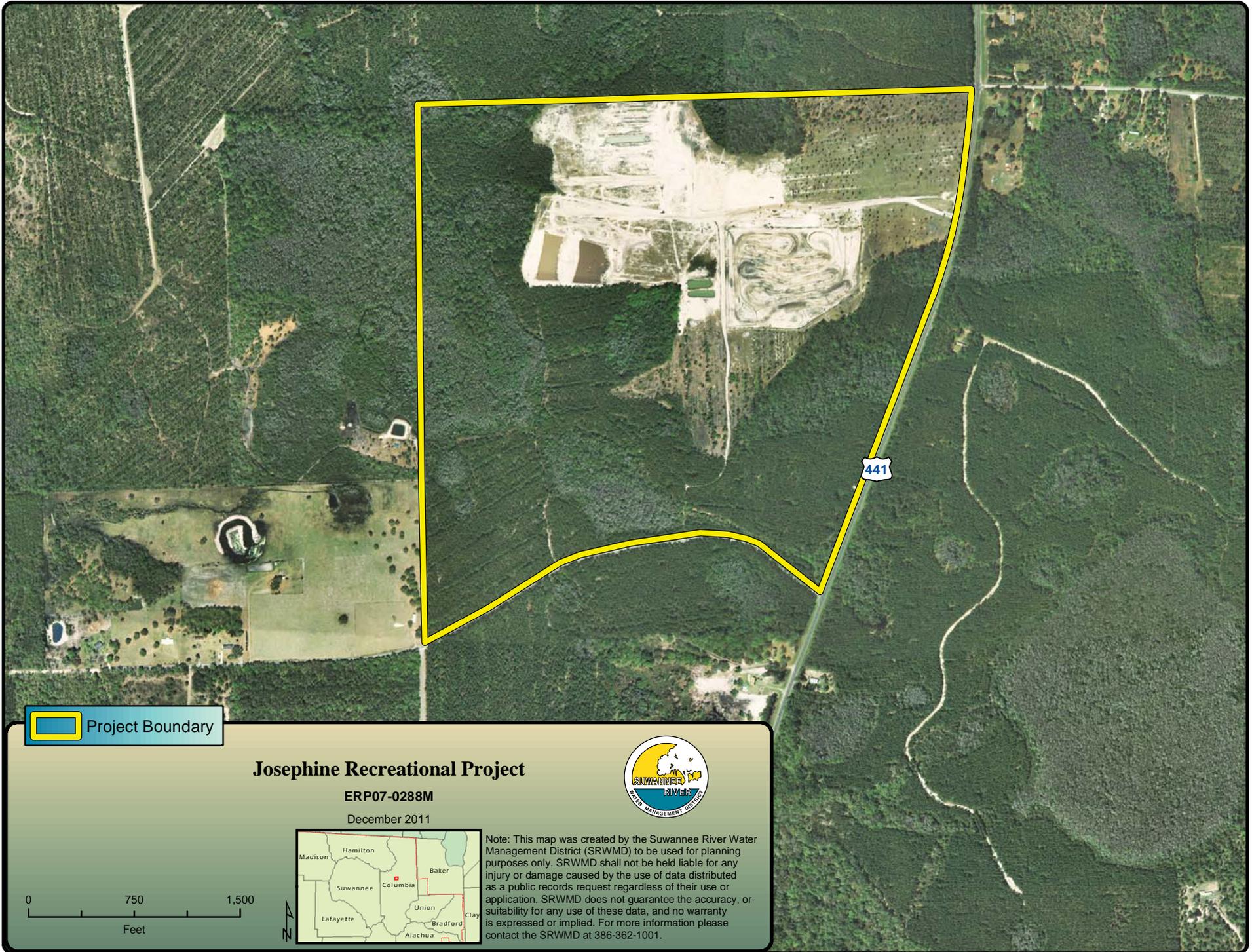
A letter of credit was hand delivered to District staff the morning of the November 9, 2011 Board meeting. The Board deferred action on the staff recommendation until their December 13, 2011, meeting in order for counsel to review the letter of credit and obtain an opinion from the State's Attorney's office.

After review, several problems were noted with the letter of credit. They included expiration dates and changes to the District furnished template.

In regards to the stop payment issue, District staff has sent a letter of inquiry to the Suwannee County State Attorney's office for an opinion.

In light of these actions, District staff recommends the Governing Board defer action on this project until the January 10, 2012, meeting.

TS/rl



 Project Boundary

Josephine Recreational Project

ERP07-0288M

December 2011



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.



MEMORANDUM

TO: Governing Board
FROM: Carlos Herd, Senior Hydrogeologist
DATE: November 23, 2011
RE: Water Supply Program Activity Report

SRWMD/SJRWMD/DEP Interagency Agreement:

- On November 4, staff met with SJRWMD to discuss implementation of various elements of the Interagency Agreement including developing a scope of work to investigate the regional decline in the potentiometric surface of the Floridan aquifer system. The scope of work includes a review of existing scientific literature.
- On October 27, staff attended a Technical Team meeting with the SJRWMD and stakeholders for the regional groundwater flow model. The Technical Team Charter and model Work Plan were finalized.
- In accordance with Paragraph C of the Interagency Agreement, staff met with SJRWMD on November 16 to discuss and define the goals and objectives of the regional groundwater flow model.
- SJRWMD is reviewing the scope of work and budget for the Floridan Aquifer Recharge project and will consider participating in funding. Comments are expected by the end of November.
- In accordance with Paragraph D of the Interagency Agreement, staff met with SJRWMD on November 15 to discuss modification of the groundwater monitor well network in the northeastern portion of SRWMD.

Water supply planning:

- On November 2, staff met with the United States Geological Survey (USGS) to discuss improving methods to estimate water use for future water supply planning efforts.
- St. Johns River Water Management District continues to maintain an indefinite postponement of their Water Supply Assessment and Water Supply Plan.
- Staff continues to meet regularly with SJRWMD via conference calls to coordinate activities in the water supply planning and permitting processes.
- Staff met with the USGS on November 18 to discuss evaluation of the source water for White Sulphur Springs. The evaluation may be performed by using geochemical tracers or age-dating techniques.

- A test well was completed on November 7 for the Town of Otter Creek. The test well will provide information to assist the Town with a new public water supply.

Interstate coordination:

- Staff attended a Florida-Georgia coordination meeting on November 17 in Valdosta, Georgia.

Minimum flows and levels (MFLs):

Lower Santa Fe and Ichetucknee Rivers and Springs

- Analysis of collected data continues:
 - Processing of topography and bathymetry for use in both biological and hydraulic studies.
 - Quality control of continuous water elevation data; selected flow measurements are also collected.
 - Floodplain soils/vegetation and in-stream habitat data are being processed to determine the types of floodplain habitat inundated by floods and the key in-channel water depths and velocities supporting fish reproduction and habitat.
- Revision and calibration of a HEC-RAS river model continues. With a working river model, the river flows can be linked to the floodplain and in-stream data and various “what if” scenarios (e.g., withdrawal scenarios) examined.
- Data analysis for the fluvial geomorphic investigation of the Santa Fe and Ichetucknee rivers continues.

Upper Suwannee River and Springs

- The two primary contractors for this work (river modeling and biology) were issued reconnaissance work orders. They are now assembling their observations into recommendations for study sites (biology) and hydraulic cross sections (modeling). Surveying and other field work will follow. District staff has installed 9 of 10 new water level recorders on the river, including one in the spring house at White Sulphur Springs. The tenth installation is awaiting landowner approval.

Thank you for your attention to this summary of current activities. Please feel free to contact staff prior to the December 13, 2011, Governing Board meeting if you would like further information.

CH/dd

MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: November 23, 2011

RE: Water Resource Monitoring Program Activity Report

Staff collected water chemistry samples at 20 groundwater sites; recorded levels and maintained stations at 181 wells, 21 lakes, and 19 stream stations; and reported rainfall from 38 sites to the National Weather Service.

Staff attended FDEP's second statewide Water Resource Monitoring Council via webinar. The purpose of the Council is to coordinate monitoring and data availability among state, local, and federal agencies.

A tenth continuous river level gage was installed on the Suwannee River near the state line. Data from the gages will be used in support of river and groundwater modeling needed by the minimum flows and levels project. The equipment will be used in the regular monitoring network when the project is complete or redeployed for further river model calibration.

Field technicians switched to a paperless data entry system with automatic download to the District's database. The new system significantly reduces data processing time.

Agricultural water use was monitored at 192 wells on 47 agricultural operations.

Thank you for your attention to this summary of current activities. Please feel free to contact staff prior to the December 13, 2011, Governing Board meeting if you would like further information.

MW/dd

MEMORANDUM

TO: Governing Board
FROM: Tim Sagul, Senior Professional Engineer
DATE: November 23, 2011
RE: Regulatory Program Activity Report

Environmental Resource Permitting Activities

The following table summarizes the environmental resource permitting activities during the month of October.

October 2011	Received				
Environmental Resource Permits	Noticed General	General	Individual	Exemption Requests	Extension Requests (SB 7207)
	11	8	1	7	4
	Issued				
	Noticed General	General	Individual	Exemptions Granted	Extensions Granted (SB 7207)
	10	6	0	3	4

Inspections and as-built certification

- In October 2011, staff inspected five projects under construction and 27 projects for as-built compliance. The total number of projects constructed from January 2005 to October 2011 is 869. The number in compliance with certification requirements is 839 while 30 permits are not in compliance.
- The total number of Works of the District permits issued from January 2009 through October 2010 is 90 with 39 completed and 51 in the construction process.

Water Use Permitting and Water Well Construction

The following table summarizes water use and water well construction permitting activities during the month of October.

October 2011	Received		Issued
Water Use Permits	11		12
Water Well Permits	111		111
Water well permits issued and received according to well use:			
Abandoned/destroyed	0	Livestock	1
Agricultural Irrigation	6	Monitor	21
Aquaculture	1	Nursery	0
Climate Control	0	Other	2
Fire Protection	1	Public Supply	3
Garden (Non Commercial)	0	Self-supplied Residential	73
Landscape Irrigation	2	Drainage or injection	0
Commercial or Industrial	0	Test	1

Compliance report

The compliance report is included in the Informational Items section of the agenda.

Rule development and adoption

The rulemaking schedule follows this report. Staff is participating in joint meetings and conference calls with the Department of Environmental Protection (DEP) and the other Water Management District's (WMD) to address any rule changes required as a result of the recent legislative session and as outlined in the 2011-2012 Annual Regulatory Plan required by Executive Order 11-72 that was submitted to the Governor's Office of Fiscal Accountability and Regulatory Reform on June 29, 2011.

On November 16, 2011, staff answered supplemental questions for all 215 District rules as required by the Governor's Office of Fiscal Accountability and Regulatory Reform. The questions were targeted at rules that require collection of data and fees from permit applicants.

Staff Priorities

- Staff is working on a charter to implement the E-permitting process in cooperation with St. Johns River Water Management District. The Water Well construction portion will be implemented first with ERP and Water Use to follow.
- District staff continued to coordinate with FDEP and water management districts on reclaimed water policy.

- Staff met with representatives of PCS Phosphate regarding consolidation of their Water Use Permits.
- Staff attended the Sunbelt Ag Expo which featured demonstrations on variable rate irrigation along with other water saving technologies.
- Staff met with the Town of Lee for a pre-application meeting concerning their permit renewal.
- Staff attended the Columbia County Catalyst Working Group to discuss regulatory issues.

Thank you for your attention to this summary of current activities. Please feel free to contact staff prior to the Governing Board meeting if you would like further information.

TS/rl
Attachments

Rulemaking Activity Report Upcoming Rulemaking

40B-1.706

Fee Schedule – 40B-2 Citations

GB Rule Dev. Auth.	9/14/10
Notice of Rule Dev.	11/4/11
GB Proposed Rule Auth.	9/14/10
Send to OFARR	3/15/11
Notice of Proposed Rule	10/26/11
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

40B-2.301

Conditions of Issuance of Permits

Send to OFARR	6/29/11
Approved by OFARR	7/5/11
GB Rule Dev. Auth.	8/9/11
Notice of Rule Dev.	8/26/11
GB Proposed Rule Auth.	
Notice of Proposed Rule	
Send to OFARR	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

40B-4.1020

Clearing Definition

GB Rule Dev. Auth.	10/12/10
Notice of Rule Dev.	10/22/10
GB Proposed Rule Auth.	1/11/11
Send to OFARR	3/15/11
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

40B-4.3030

Diseased Vegetation Determination

GB Rule Dev. Auth.	10/12/10
Notice of Rule Dev.	10/22/10
GB Proposed Rule Auth.	1/11/11
Send to OFARR	3/15/11
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

40B-400.091

ERP Handbook

GB Rule Dev. Auth.	12/9/08
Notice of Rule Dev.	2/4/11
GB Proposed Rule Auth.	1/11/11
Send to OFARR	3/15/11
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

40B-400.103

ERP Handbook

GB Rule Dev. Auth.	1/11/11
Notice of Rule Dev.	2/4/11
GB Proposed Rule Auth.	1/11/11
Send to OFARR	3/15/11
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

MEMORANDUM

TO: Governing Board

FROM: Hugh Thomas, Suwannee River Partnership Coordinator

DATE: November 23, 2011

RE: Suwannee River Partnership Program Activity Report

Staff continued to work out details of the Conservation Technical Assistance agreement to supply services to the United States Department of Agriculture - Natural Resources Conservation Service to update poultry farm conservation plans in the Middle Suwannee area.

As part of the Partnership's effort to help farmers save water, staff continues to work with farmers, District staff, University of Florida – Institute of Food and Agricultural Services, and others to develop advanced irrigation scheduling as part of the Conservation Innovation Grant.

Staff began work with the Mobile Irrigation Lab to perform center pivot evaluations as part of the Florida Department of Agriculture and Consumer Services Precision Agriculture Daily Logistics Online Calendar project.

Staff continues to work with District staff in assisting with water use permit renewals, modifications, and new permits.

As part of the Partnership Agriculture Water Conservation working group, staff worked with the University of Florida Public Issues Education Center for Agriculture and Natural Resources to develop a survey to determine producer's knowledge of water quality and water quantity issues. Staff intends to release a pilot version at the upcoming watermelon grower's meeting in December.

Staff attended the Florida Department of Environmental Protection Basin Management Action Plan meeting for the Santa Fe Basin on October 25, 2011.

Staff continues to assist with resolving irrigation and other agriculture related complaints.

Staff continues to visit farmers for enrollment in Best Management Practice (BMP) programs and to assist with BMP implementation assurance, BMP follow-up, sampling assistance, record keeping assistance, and other education.

Staff continues to work on the BMP implementation assurance program for dairy and poultry operations. Staff has collected 37 litter samples for analyses from poultry farms for bi-annual reporting.

Thank you for your attention to this summary of current activities. Please feel free to contact staff prior to the December 13, 2011, Governing Board meeting if you would like further information.

HT/dd

Compliance

updated 11/21/2011 12:40:35 PM

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE06-0058	LEVY	8/2/2006	1/9/2012	Unpermitted construction.	Douglas McKoy	Permit denial was removed from May 2010 Governing Board agenda. Spoke with engineer 8/2/10; has received information from Mr. McCoy. Plans and calculations should be submitted by 9/1/10. 11/1/10; engineer stated that the response submittal was in the mail. RAI response received 1/3/11. RAI sent 1/25/11. Response due 4/24/11. Received a 30 day request for an extension on 4/21/11. Extension granted until 6/2/11. District called engineer on 5/31/11 requesting the status of application. 6/8/11; received RAI information. Reviewed applicant's submittal and sent out another RAI with a response deadline of 8/10/11. Received RAI responses from applicant on 8/5/11. 9/2/11; RAI sent. 45 days to respond. Meeting 9/22/11; working on revising mitigation plan. As of 11/16/11, no response received. Staff to prepare for January 2012 Board for denial & enforcement.	Webster, Patrick
CE10-0016	JEFFERSON	2/9/2010	12/31/2011	Unpermitted construction.	Judy Miller	Compliance Agreement mailed 11/29/10. Received signed agreement 12/6/10. Returned executed agreement to Ms. Miller 12/9/10, which requires fees for a settlement penalty and staff costs to be paid no later than 12/19/10. RAI sent 1/14/11. 3/21/11; received fee & penalty check for \$2,305.65 and RAI material. 4/8/11; permit issued. Staff to monitor Compliance Agreement stipulations. 9/12/11; letter sent. 18 days to complete construction & 30 days to submit as-builts. 9/22/11; received extension request to complete construction until 12/31/11. Staff declined request. November 2011 Board for initiation of legal action to enforce the terms of the compliance agreement. 11/8/11; Board put this item on hold until 12/31/11 to see if Respondent could complete work & resolve violation.	Hastings, John

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE10-0026	COLUMBIA	4/20/2010	12/13/2011	Unpermitted construction.	Sam Oosterhoudt-Lake City Developers, LLC.	SWO had delivered 4/20/10. NOV sent 4/26/10. 14 days to contact District. File sent to legal 5/21/10. Call from Mr. Oosterhoudt on 5/26/10. Engineer has been hired and no other work to be done until permit is modified. Informed legal to hold enforcement. Email to legal, no contact from owner since 5/26/10. Received ERP application 7/26/10. Sent RAI 8/11/10. 18 day letter sent 11/15/10. Meeting scheduled with applicant. Extension letter sent 1/11/11. Staff met with applicant on 2/4/11. 2/25/11; Compliance Agreement sent to Mr. Oosterhoudt for signature. Executed Compliance Agreement sent to Mr. Oosterhoudt 3/14/11. Awaiting monthly payments beginning 3/31/11 and ending 5/31/11. 5/18/11; received admin cost of \$317.01 & partial penalty of \$382.99. 5/31/11; final payment not received. Respondent has defaulted on Compliance Agreement. June 2011 Board for initiation of legal action to reach resolution. Board directed legal to contact Mr. Oosterhoudt to try and reach resolution. 7/12/11; Board contacted Mr. Oosterhoudt. Staff to follow up by 7/29/11. As of 8/5/11; no information received. August 2011 Board for initiation of legal action to reach resolution. 8/8/11; paid balance of Compliance agreement, submitted application fee & sent in as-builts. 8/8/11; close file. 9/12/11; enforcement file reopened. 9/1/11; \$5,000 surety check returned for stop payment. 10/4/11; 14 days to pay for returned check. 10/18/11; no payment received. November 2011 Board for revocation of permit and initiation of legal action. 11/8/11; Board deferred action until December 2011 meeting. Received Letter of Credit on 11/8/11 at meeting for legal review. 11/16/11; received call from Capital City Bank that Letter of Credit is valid.	Marshall, Leroy
CE10-0046	LEVY	9/23/2010		Unpermitted road construction.	Donny Crews / Levy County Road Department	Please refer to CE10-0045 (McNulty) for updates regarding this enforcement file.	Mantini, Louis
CE08-0022	SUWANNEE	3/3/2008		Construction without a permit.	Donald Edwards	5/17/11; meeting with NFLG attorney and finance company. 5/26/11; site visit. Retention pond retrofitted to stop the increase of flood hazards offsite. 8/4/11; staff inspected pond. Vegetation is established on constructed overflow. 8/19/11; staff is waiting on foreclosure proceedings to conclude. Bank will contact District when proceedings are final.	Marshall, Leroy

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE11-0031	TAYLOR	6/6/2011	11/15/2011	No as-builts.	Fred Shore - Gulf Breeze Partners, LLC.	20 days to contact District. Contact from Mr. Shore on 06/17/11. An on-site meeting was held 7/13/11 to discuss alternatives with the parties concerned. Respondent proposes to modify the permit to correct the deficiencies. 09/13/11; E-mail sent requesting update. 10/13/11; call from Engineer; as-built to be submitted by 10/31/11. 10/27/11 call from Phil Bishop (engineer) owners will not modify permit at present. Owners will submit corrected as-builts on or before 11/15/11. The delay is due to survey problems.	Bowden, Jerry
CE11-0043	GILCHRIST	9/1/2011	12/17/2011	Unpermitted construction in floodway.	Ronald & Patricia Williams	20 days to contact District. Ms. Williams responded on 10/21/11, and an appointment will be arranged with District staff on 10/24/11. After meeting with the Williams and showing them what they needed to submit with their application, they said we should have it by 11/11/11. 11/18/11; received WOD application.	Robinson, Vince
CE11-0044	MADISON	11/7/2011	11/29/2011	Unpermitted excavation in stream.	Penny & Samuel Morgan	14 days to contact District.	Mantini, Louis
CE10-0060	HAMILTON	12/14/2010		Unpermitted construction.	Karamchand Doobay - Florida Gateway Resort	SWO & NOV sent 12/16/10. Owner contacted District 12/21/10. They will cease work and respond to RAI. Site visit 1/19/11; not additional work reported. Staff was contacted 2/14/11 by new project owner/management. Site visit 2/16/11; short term compliance issues as well as how to approach the permitting for the expanded scope of work were discussed. Compliance efforts are temporarily on hold until new engineer works out all details. 4/13/11; reminder letter sent to applicant. Spoke with project manager on 5/17/11. Permit application package is being finalized. September 2011 Board for permit application denial and initiation of legal action to reach resolution. 9/8/11; pulled from Board agenda per Respondent request. 30 days to submit information requested. 9/19/11; file sent to staff legal to prepare Consent Agreement.	Hastings, John

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE10-0042	UNION	10/10/2010	12/3/2011	Unpermitted construction.	John Rimes, III - New River Forest Villas	Received sketch from Scott Britt on 04/04/11. Letter sent 5/11/11; 30 days submit compliance deadline. Received a letter on 05/26/11, an engineer had been hired on behalf of the Town & will comply with the District. 6/29/11; staff met on-site to review the site - determine wetland impacts and locating culverts. Engineers are going to propose a phased approach to permit application in order for Mr. Rimes to be able to obtain funding from the City of Worthington Springs. The engineers sent a contract proposal on 7/1/11, and Mr. Rimes to meet with the City 7/6/11. 7/26/11; letter received stating that engineer had been hired and resolution should be reached soon. 9/22/11; meeting with Worthington Springs Council President. 10/5/11; sent letter to Mr. Rimes. 30 days to submit ERP application & supporting documentation. 11/4/11; received ERP application.	Mantini, Louis
CE11-0005	BRADFORD	2/24/2011	11/30/2011	Unpermitted dredge & fill in wetlands.	Jacob Hake	20 days to contact District. Mr. Hake contacted the District on 2/26/11 and a site visit conducted on 3/11/11 with staff. Draft Compliance Agreement delivered 4/1/11. Meeting 4/8/11 to discuss agreement. Mr. Hake was advised not to follow-through agreement until he has formulated a site plan for activities he wishes to conduct on his property. Flooding issues, due to up- and downstream SWM, continue to be addressed by staff. A field visit with FPL was conducted downstream on 05/31/11; and upstream issues were addressed regarding DuPont properties and stormwater management. Meeting 6/24/11 to discuss watershed. Meeting 7/1/11 with County to determine ditch maintenance. Site visit conducted on 9/14/11 identifying current source of flooding concerns as DuPont - Staff to follow-up with another discussion with DuPont and site visit by 10/12/11. 10/20/11; updated compliance agreement mailed. 30 days to sign. 10/24/11; received returned certified compliance agreements. Compliance Agreement re-sent on 10/31/11 by first class mail. Staff to inspect by 11/25/11.	Mantini, Louis

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE11-0006	GILCHRIST	1/12/2011	11/15/2011	Unpermitted drege & fill in wetlands.	Donald Barselou	20 days to contact District. Mr. Barselou contacted the District within the 20-day deadline, and a site visit was conducted with staff on 3/21/11. Compliance Agreement mailed 3/29/11 for signatures. Staff to meet on-site with Mr. Barselou and his consultants on 04/26/11. 5/2/11; received signed Compliance Agreements & penalty (\$1,716.93). An ERP application is due 6/16/11, according to the Consent Agreement. As of 7/6/11, application not received. 7/21/11; received ERP information. 8/16/11; RAI sent. Staff to prepare for January 2012 Board for denial & enforcement.	Mantini, Louis
CE11-0007	GILCHRIST	2/9/2011	11/30/2011	Unpermitted structure in floodway.	Richard & Rebecca Tenaglia	20 days to contact District. Received WOD application 3/2/11. 3/30/11: sent RAI. District staff met with Mr. Tenaglia on 4/8/11 to discuss draft compliance agreement (CA).CA mailed for signature 4/13/11. RAI mailed 4/15/11. CA returned unclaimed 5/2/11. 5/2/11; remailed regular mail per Respondent's request. CA received by Respondent but Respondent cannot return it at this time. 9/20/11; sent letter requesting return of CA by 10/11/11. 10/7/11; received mail from Mr. Tenaglia stating sudden health issues.10/28/11; sent email extending his execution of the compliance agreement to 11/30/11.	Robinson, Vince
CE11-0010	GILCHRIST	3/17/2011	12/1/2011	Unpermitted development.	Richard Roberts	20 days to contact District. 3/22/11: Compliance Agreement being prepared & RAI sent. Mr. Roberts contacted the District on 3/22/11. Compliance Agreement received by Mr. Roberts on 3/21/11. 4/5/11; meeting at District. Executed the compliance agreement and paid penalty. 4/11/11; mailed executed Compliance Agreement. Conducted site inspection on 4/15/11, fill was removed and regraded but large mounds of cleared vegetation must still be removed from the floodway. RAI responses received on 4/21/11. Permit issued 4/28/11. Owner has requested a burn permit to burn vegetative piles. Has not been able to burn because of drought conditions. 7/19/11; Respondent came in and reported that he will work on burning the vegetative debris. Site visit 8/18/11 & 9/1/11. 9/7/11; letter sent. 45 days to remove vegetation debris. 10/7/11; Mr. Roberts informed District that due to health conditions, he has stopped debris removal, but would complete the removal by 12/1/11.	Webster, Patrick

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE11-0019	COLUMBIA	3/24/2011		Erosion & sediment control issues.	Palmer Daughtry - Emerald Cove Subdivision	21 days to contact District. Developer contacted the District within the allotted time and has scheduled a meeting for 6/22/11. At the 6/22/11 meeting, the developer agreed to request Columbia County take over operation and maintenance since he is no longer financially capable of providing such services. 8/23/11; letter sent stating 18 days to transfer to O&M to County or complete corrective action. 9/14/11; letter sent informing Mr. Daughtry staff is referring to Governing Board for initiation of legal proceedings. Staff to work with Columbia County to resolve maintenance issues.	Link, James
CE11-0026	COLUMBIA	5/18/2011	1/7/2012	Unpermitted construction.	Clyde Higgs	21 days to contact District to schedule meeting. Meeting 6/10/11 to discuss violation. 6/13/11; letter sent requesting application by 9/10/11. 9/14/11; letter sent informing Mr. Higgs staff is referring to Governing Board for initiation of legal proceedings. 9/15/11; file sent to legal. 9/23/11; received ERP application, ERP fee and penalty for enforcement. 10/4/11; RAI sent.	Marshall, Leroy
CE11-0036	TAYLOR	8/24/2011	12/6/2011	Unpermitted construction.	Oscar M. Howard, III/RT 207 Properties/Iron Horse Mud Ranch	Site visit 9/7/11. 9/13/11; NOV sent. 20 days to contact District. 9/16/11; received fax. Staff awaiting RAI response to proceed with Compliance Agreement.	Mantini, Louis
CE11-0042	LEVY	9/30/2011	12/15/2011	Unpermitted construction.	Todd & Lynne Hubbard	20 days to contact District. Received phone call from engineer. He states that no further work will take place until permit is issued. Plans to submit application by 10/14/11. Staff will monitor site. Spoke to engineer, Charles Wunder, on 11/10/11 - application to be sent in next week. Received ERP application 11/15/11.	Webster, Patrick

MEMORANDUM

TO: Governing Board
FROM: Bob Heeke, Senior Land Resources Manager
DATE: November 23, 2011
Subject: Land Management Activity Report

NATURAL RESOURCE MANAGEMENT

Status of timber sales currently underway is shown below:

Contract #	Timber Sale Name	Consultant	Estimated Start Date	Estimated Pine Tons	Harvest Completion
10/11-117	Little River #3	NRPS	9/5/2011	2,500	0%
10/11-116	Jones Mill Creek #1	TFC	10/12/2011	29,690	20%
10/11-120	Ellaville #13	DOF/TRSF	9/15/2011	7,905	0%
10/11-119	Sullivan #1	DOF/TRSF	8/15/2011	6,574	100%

PUBLIC RECREATION SERVICES

A total of 35 special use authorizations were distributed during the last month: 22 for recreation, 7 for temporary ingress and egress and 6 for Goose Pasture camping.

gal
008-00025

MEMORANDUM

TO: Governing Board

FROM: Brian Kauffman, Senior Professional Engineer

DATE: November 23, 2011

RE: Water Resource Projects Program Activity Report

Edwards Road Bottomlands Wetlands Restoration Project, Bradford County:

District staff met with representatives from United States Army Corps of Engineers (USACOE) on June 8, 2011, and received positive feedback from them on the project. The District, along with the USACOE, is considering the potential to generate advance wetland mitigation credits for use by the Florida Department of Transportation (FDOT) for the future Starke U.S. Highway 301 By-Pass project. The District and the USACOE met with FDOT on August 11, 2011, to discuss the advanced mitigation concept and it appears they are interested in taking advantage of this opportunity. Based on this interest from FDOT, the District has received Governing Board approval to enter into agreements with FDOT and the City of Starke to begin the process of expanding this project in order to provide wetland mitigation for FDOT. Draft agreements with FDOT and with the City of Starke are being reviewed.

The District has issued a Request for Bid to appraise the property. This property will be an integral part of the overall project scope.

Federal Emergency Management Agency (FEMA) Map Modernization:

Levy County: The appeals and protests resolutions have been submitted to FEMA for review and will then be delivered to the communities.

Bradford County: A Letter of Final Determination was issued November 2, 2011, notifying the county that the new Digital Flood Insurance Rate Map (DFIRM) will become effective May 2, 2012. As a participant in the National Flood Insurance Program (NFIP) a community must also adopt a compliant floodplain management ordinance by the effective date of the DFIRM to remain in good standing with the NFIP.

Fiscal Year 2009 projects: Detailed studies in Live Oak, Lafayette County, Dixie County, and Gilchrist County are ongoing. LiDAR data has been delivered for use in the Lafayette, Dixie, and Gilchrist study areas.

Fiscal Year 2010 projects: The Discovery meetings for the Lower Suwannee River Basin were held on September 7th and 8th. A Discovery Report and Map will be finalized and used to develop a scope of work for upcoming projects within the basin.

Lake Sampson Water Control Structure:

A public workshop was held on September 6, 2011, at the Andrews Center in Starke to inform citizens of the preliminary concepts. Input was received and staff is proceeding with structure design and coordination with the Florida Fish and Wildlife Conservation Commission (FFWCC). Staff met with FFWCC to discuss a lake management and drawdown plan.

Algal Turf Scrubber Pilot System at Boston Farm:

The District contracted with Hydromentia and the University of Florida (IFAS) to install a mobile pilot unit algal turf scrubber on District property. The unit was installed in 2009 and was operational in 2010 and 2011. On August 4, 2011, Hydromentia provided their final nutrient removal report. The final meeting and the results of the pilot study were presented to the District on October 13, 2011. IFAS is still working on their final report so a contract extension was granted until December 15, 2011.

Water Quality Compensatory Treatment:

The FDOT provided the District with \$46,640 for water quality compensatory treatment for the US 98 Bridge Replacement project over the Aucilla River as part of ERP10-0057. As of this date, District staff has identified and implemented water quality improvements at two of the District's river access locations on the Mt. Gilead tract. Restoration included the regrading and stabilization at these locations to prevent further erosion into the river and to relocate parking away from the river bank. Additional water quality improvements have been started at locations at the Mt. Gilead and Cabbage Grove tracts within the Aucilla River basin during the month of November 2011.

Water conservation:

Staff is continuing to coordinate the District's Water Conservation Program with local governments. Currently staff is working to inventory fixtures in public buildings within our four planning regions. Staff will meet with the Florida Rural Water Association in December to discuss a possible partnership.

Staff is working with local hotels in the Lake City area to establish a partnership for water conservation.

BK/rl