

**AGENDA**  
**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**  
**GOVERNING BOARD MEETING AND PUBLIC HEARING**

**OPEN TO THE PUBLIC**

December 13, 2011  
9:00 a.m.

District Headquarters  
Live Oak, Florida

1. Call to Order
2. Roll Call
3. Additions, Deletions, or Changes to the Agenda

Action Items

4. Approval of Agenda
5. Items Recommended on Consent
  - MS Page 1 - Approval of October Financial Report
6. Approval of Recommended Consent Items

Page 5

7. Approval of Minutes – November 9, 2011 Governing Board Meeting and Workshop Minutes
8. Items of General Interest for Information/Cooperating Agencies and Organizations
  - A. Chairman Introductions
  - B. Presentation of Hydrologic Conditions by Megan Wetherington, WR Engineer, III
  - C. Cooperating Agencies and Organizations
  - D. Public Comment

**DEPARTMENT OF MISSION SUPPORT**  
**Melanie Roberts, Director**

Action Items

MS Page 1

9. Approval of October Financial Report – **Recommended Consent**

MS Page 6

10. Helms/Chitty Bend West Inholding Parcel

- MS Page 11 11. Easement to Progress Energy
- MS Page 16 12. Outstanding Oil, Gas and Mineral Rights on Layman Law Firm/Walker Spring Conservation Easement
- MS Page 21 13. Contract with the U.S. Geological Survey for LiDAR Data and Quality Control Services

Informational Item

- MS Page 23 14. Activity Report, Mission Support
- MS Page 24 15. Activity Report, Real Estate

**DEPARTMENT OF WATER SUPPLY AND RESOURCE  
MANAGEMENT**

**Jon Dinges, Director**

Action Items

- WSRM Page 1 16. Renewal of Cattle Grazing Lease with Neal and Virginia McCall
- WSRM Page 2 17. Renewal of Contract 10/11-132 with Flatwoods Forestry for Forest Inventory Services
- WSRM Page 3 18. Amendment to Contract Number 11/12-003 with Perpetual Contracting, Inc., to Conduct Water Quality Improvements on District Lands
- WSRM Page 5 19. Approval of Water Use Permit Application Number 2-11-00016M, Coggins Acres, Madison County
- WSRM Page 16 20. Approval of Water Use Permit Application Number 2-11-00040, Loncala Dairies, Gilchrist County
- WSRM Page 28 21. Approval of Water Use Permit Application Number 2-11-00041, Piedmont Farms Dairy, Gilchrist County
- WSRM Page 39 22. Approval of Water Use Permit Application Number 2-97-00005M2, William Douberly Farm, Levy and Gilchrist Counties

- WSRM Page 50 23. Authorization for Executive Director to file Administrative Complaint Regarding Rodney O. Tompkins Trustee, Rodney Tompkins, CE11-0001, Gilchrist County
- WSRM Page 52 24. Environmental Resource Permit Application Number 07-0288M, Josephine Recreational Project, Columbia County Regarding Lake City Management, LLC, CE10-0026

Informational Items

25. Water Supply and Resource Management Activity Reports
- WSRM Page 55 A. Water Supply
- WSRM Page 57 B. Water Resource Monitoring
- WSRM Page 58 C. Regulatory Report
- WSRM Page 62 D. Suwannee River Partnership
- WSRM Page 64 E. Compliance Report
- WSRM Page 70 F. Land Management Activity Report
- WSRM Page 71 G. Water Resource Projects Program Activity Report

**GOVERNING BOARD LEGAL COUNSEL**

**Tom Reeves**

Informational Items

- LC Page 1 26. Governing Board Counsel Monthly Report (to be provided prior to Governing Board meeting)

**EXECUTIVE OFFICE**

**David Still, Executive Director**

Action Items

- EO Page 1 27. Interim Personnel Measures

Informational Items

28. Executive Director's Report
- EO Page 2 29. Executive Office Activity Report
- EO Page 4 30. Legal Services Report

### 31. Announcements

Unless otherwise noted, all meetings are at District Headquarters in Live Oak, Florida

December 13, 2011	9:00 a.m.	Board Meeting Workshop
January 10, 2012	9:00 a.m.	Board Meeting Workshop Alachua
February 14, 2012	9:00 a.m.	Board Meeting Workshop

**\*\*Board Workshops immediately follow Board Meetings unless otherwise noted.**

### 32. Adjournment

The entire meeting of the Governing Board is a public hearing and will be governed accordingly. The Governing Board may take action on any item listed on the agenda. The Governing Board may make changes to the printed agenda only for good cause shown as determined by the Chairman and stated for the record. If any person decides to appeal any decision with respect to any action considered at the above referenced meeting and hearing, such person may need to ensure a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is made. Public attendance and participation at the District Governing Board Meetings are encouraged.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
MINUTES OF  
GOVERNING BOARD MEETING AND PUBLIC HEARING

Note: A digital recording system has been used to record these proceedings and is on file in the permanent files of the District. A copy of the Governing Board materials and handouts are a part of the record as if set out in full herein, and are filed in the permanent files of the District.

9:00 a.m., Wednesday  
November 9, 2011

Cedar Key Library  
Cedar Key, Florida

Members of the Governing Board Present:

Don Quincey, Jr., Chairman  
Alphonas Alexander, Vice Chairman  
Donald Ray Curtis, III, Secretary/Treasurer  
Kevin W. Brown  
George M. Cole, Ph.D.  
Heath Davis  
Guy N. Williams

Members of the Governing Board Absent:

Carl Meece

Governing Board General Counsel Present:

George T. Reeves, Davis, Schnitker, Reeves & Browning, P.A.

Staff:

David Still	Melanie Roberts
Charlie Houder	Steve Minnis
Jon Dinges	Carlos Herd
Linda Welch	Hugh Thomas
Megan Wetherington	Tim Sagul

Participating Guests:

Renate and Barney Cannon, Chiefland  
Jeffrey Hill, El Rancho No Tengo, Lake City  
Craig Varn, Manson Law Group, Tampa  
Commissioner Gary Hardacre, Alachua City Commission, Alachua  
Staci Braswell, Florida Farm Bureau, Gainesville  
Mayor Cheryl Nekola, Fanning Springs

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Jennifer Springfield, Springfield Law, P.A., Gainesville  
Commissioner Suzanne Colson, Cedar Key Commission, Cedar Key  
Greg Lang, Mittauer & Associates, Inc., Orange Park  
Dr. Earl Starnes, Cedar Key  
Georgia Ackerman, Friends of the Wacissa, Crawfordville  
Donald & Sara Rich, Quitman, Georgia

The meeting was called to order at 9:00 a.m.

The roll was called and a quorum noted.

Agenda Item No. 3 - Additions, Deletions, or Changes to the Agenda.

- Updated Agenda Item 24 – R. O. Ranch Operations and Funding

Agenda Item No. 4 – Approval of Agenda.

ON A MOTION BY MR. DAVIS, SECONDED BY MR. ALEXANDER, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED THE NOVEMBER 9, 2011, AGENDA.

Agenda Item No. 5 – Consent Agenda.

- Agenda Item 9 - Approval of the September Financial Report

Agenda Item No. 6 – Approval of Recommended Consent Items.

ON A MOTION BY MR. DAVIS, SECONDED BY MR. CURTIS, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED THE CONSENT AGENDA ITEMS.

Agenda Item No. 7 – Approval of Minutes.

ON A MOTION BY MR. DAVIS, SECONDED BY MR. ALEXANDER, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED THE OCTOBER 11, 2011 GOVERNING BOARD MEETING AND WORKSHOP MINUTES.

Agenda Item No. 8 - Items of General Interest for Information/Cooperating Agencies and Organizations.

- A. Chairman Introductions
  - a. Mr. Quincey introduced Mr. Gary Hardacre, Alachua City Commission.
  - b. Mr. Quincey introduced Cedar Key City Commissioner Sue Colson. Commissioner Colson and Mr. Greg Lang welcomed the Governing Board and guests to Cedar Key.
  - c. Mr. Quincey introduced Fanning Springs Mayor Cheryl Nekola. Mayor Nekola thanked the Governing Board for their assistance with projects.
- B. Megan Wetherington gave a presentation of hydrologic conditions of the District.
- C. Cooperating Agencies and Organizations – None.
- D. Public Comment – None.

**DEPARTMENT OF MISSION SUPPORT**

Agenda Item No. 9 – Approval of September Financial Report. Approved on consent.

Agenda Item No. 10 – Approval and Execution of Resolution 2011-26 to Provide Guidelines for Processing Public Records Requests. Melanie Roberts, Department Director, presented the staff recommendation for Governing Board approval and execution of Resolution 2011-26 that provides guidelines for processing a public records request, as shown in the Board materials.

ON A MOTION BY MR. DAVIS, SECONDED BY MR. CURTIS, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED AND EXECUTED RESOLUTION 2011-26 THAT PROVIDES GUIDELINES FOR PROCESSING A PUBLIC RECORDS REQUEST.

Agenda Item No. 11 – Declaration of Surplus Lands – Black Parcel, 50 Acres +/- in Madison County. Ms. Roberts presented the staff recommendation for Governing Board declaration of 50 acres  $\pm$  of the Black parcel as surplus and no longer needed for conservation purposes and authorization to conduct an appraisal on the property, to contract with a qualified real estate broker for marketing the property, and to contract with a qualified surveyor if the need arises for either or both of their services, as shown in the Board materials.

ON A MOTION BY MR. DAVIS, SECONDED BY MR. ALEXANDER, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD DECLARED 50 ACRES ± OF THE BLACK PARCEL AS SURPLUS AND NO LONGER NEEDED FOR CONSERVATION PURPOSES IN ADDITION, ON A MOTION BY MR. DAVIS, SECONDED BY DR. COLE, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED STAFF TO CONDUCT AN APPRAISAL ON THE PROPERTY, TO CONTRACT WITH A QUALIFIED REAL ESTATE BROKER FOR MARKETING THE PROPERTY, AND TO CONTRACT WITH A QUALIFIED SURVEYOR IF THE NEED ARISES FOR EITHER OR BOTH OF THEIR SERVICES.

Agenda Item No. 12 - Activity Report, Mission Support. The Activity Report for the Department of Mission Support was provided as an informational item in the Board materials.

Agenda Item No. 13 – Activity Report, Real Estate. The Activity Report for Real Estate was provided as an informational item in the Board materials.

## **DEPARTMENT OF WATER SUPPLY AND RESOURCE MANAGEMENT**

Agenda Item No. 14 – Environmental Resource Permit Application Number 07-0288M, Josephine Recreational Project, Columbia County, Regarding Lake City Management, LLC, CE10-0026. Jon Dinges, Department Director, presented the staff recommendation for Governing Board authorization for revocation of General Environmental Resource Permit (ERP) number 07-0288M issued to Lake City Development, LLC, for Josephine Recreational Project, Columbia County, and to refer the stop payment of the surety bond check to the State Attorney's Office, as shown in the Board materials.

THIS ITEM WAS DEFERRED UNTIL THE DECEMBER 13, 2011, GOVERNING BOARD MEETING.

Agenda Item No. 15 – Interagency Agreement with St. Johns River Water Management District (SJRWMD) regarding ERP11-0179, ABC Store 79B, Alachua County. Mr. Dinges presented the staff recommendation for Governing Board authorization for the Executive Director to execute an interagency agreement with SJRWMD for ERP application number 11-0179, for the delegation of regulatory

responsibilities to Suwannee River Water Management District (SRWMD), as shown in the Board materials.

ON A MOTION BY MR. DAVIS, SECONDED BY DR. COLE, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO EXECUTE AN INTERAGENCY AGREEMENT WITH SJRWMD FOR ERP APPLICATION NUMBER 11-0179, FOR THE DELEGATION OF REGULATORY RESPONSIBILITIES TO SRWMD.

Agenda Item No. 16 – ERP Application Number 02-0548M, Regarding Silver Lake Dairy of Jefferson County, Inc., CE10-0016. Mr. Dinges presented the staff recommendation for Governing Board authorization of a time extension until December 31, 2011, to comply with the executed Compliance Agreement and authorize enforcement if Silver Lake Dairy of Jefferson County, Inc., fails to comply by the new compliance date, as shown in the Board materials.

ON A MOTION BY MR. DAVIS, SECONDED BY MR. ALEXANDER, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED A TIME EXTENSION UNTIL DECEMBER 31, 2011, TO COMPLY WITH THE EXECUTED COMPLIANCE AGREEMENT AND AUTHORIZED ENFORCEMENT IF SILVER LAKE DAIRY OF JEFFERSON COUNTY, INC., FAILS TO COMPLY BY THE NEW COMPLIANCE DATE.

Agenda Item No. 17 – Authorization to Enter into an Interlocal Agreement with the City of Fanning Springs for a Cooperative Reclaimed Water Program. Mr. Dinges presented the staff recommendation for Governing Board authorization for the Executive Director to enter into an Interlocal Agreement with the City of Fanning Springs to provide cost share funding for a reclaimed water project for a total cost not to exceed \$400,000, as shown in the Board materials.

ON A MOTION BY MR. CURTIS, SECONDED BY MR. ALEXANDER, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF FANNING SPRINGS TO PROVIDE COST SHARE FUNDING FOR A RECLAIMED WATER PROJECT FOR A TOTAL COST NOT TO EXCEED \$400,000.

Agenda Item No. 18 – Authorization to Continue Suwannee River Partnership (SRP) Cooperative Conservation Technician Services. Mr. Dinges presented the staff recommendation for Governing Board authorization to continue co-funding three Conservation Technician positions associated with the SRP program with the Florida Department of Agriculture and Consumer Services (FDACS) for a contract period of six months, as shown in the Board materials.

ON A MOTION BY MR. DAVIS, SECONDED BY MR. ALEXANDER, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED TO CONTINUE CO-FUNDING THREE CONSERVATION TECHNICIAN POSITIONS ASSOCIATED WITH THE SRP WITH THE FDACS FOR A CONTRACT PERIOD OF SIX MONTHS.

Agenda Item No. 19 – Procurement of Equipment for Water Resource Monitoring Network Modernization and Automation. Mr. Dinges presented the staff recommendation for Governing Board authorization for the Executive Director to purchase data collection and transmission equipment for an amount not to exceed \$214,300, as shown in the Board materials.

ON A MOTION BY MR. DAVIS, SECONDED BY MR. CURTIS, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO PURCHASE DATA COLLECTION AND TRANSMISSION EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$214,300.

Agenda Item No. 20 – Authorization to Continue Master Contracts with Selected Minimum Flows and Levels Consultants. Mr. Dinges presented the staff recommendation for authorization for the Executive Director to continue eleven master contracts with selected minimum flows and levels (MFL) consultants, for a total amount, in aggregate, not to exceed \$1,200,000 to provide technical assistance in the development of MFLs on an as needed, when needed basis, as shown in the Board materials.

ON A MOTION BY MR. DAVIS, SECONDED BY MR. ALEXANDER, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO

CONTINUE ELEVEN MASTER CONTRACTS WITH SELECTED MFL CONSULTANTS, FOR A TOTAL AMOUNT, IN AGGREGATE, NOT TO EXCEED \$1,200,000 TO PROVIDE TECHNICAL ASSISTANCE IN THE DEVELOPMENT OF MFLS ON AN AS NEEDED, WHEN NEEDED BASIS.

Agenda Item No. 21 – Authorization to Amend Rule 40B-9.1381, Florida Administrative Code (F.A.C.). Mr. Dinges presented the staff recommendation for Governing Board authorization to submit Section 40B-9.1381, F.A.C., to the Governor's Office of Fiscal Accountability and Regulatory Reform for review; to publish notice of rule development for Section 40B-9.1381, F.A.C.; to publish notice of proposed rule for Section 40B-9.1381, F.A.C.; and to file 40B-9.1381, F.A.C., with the Department of State if no comments or objections are received, as shown in the Board materials.

ON A MOTION BY MR. CURTIS, SECONDED BY DR. COLE, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED STAFF TO SUBMIT SECTION 40B-9.1381, F.A.C., TO THE GOVERNOR'S OFFICE OF FISCAL ACCOUNTABILITY AND REGULATORY REFORM FOR REVIEW; TO PUBLISH NOTICE OF RULE DEVELOPMENT FOR SECTION 40B-9.1381, F.A.C.; TO PUBLISH NOTICE OF PROPOSED RULE FOR SECTION 40B-9.1381, F.A.C.; AND TO FILE 40B-9.1381, F.A.C., WITH THE DEPARTMENT OF STATE IF NO COMMENTS OR OBJECTIONS ARE RECEIVED.

Agenda Item No. 22 - Activity Reports. The Water Supply, Water Resource Monitoring, Environmental Resource Permitting, Suwannee River Partnership, Compliance Report, and Land Management Activity Reports were provided as informational items in the Board materials.

## **GOVERNING BOARD LEGAL COUNSEL**

Agenda Item No. 23 – Governing Board Counsel Monthly Report.  
None.

## **EXECUTIVE OFFICE**

Agenda Item No. 24 – R. O. Ranch Operations and Funding. Charlie Houser, Assistant Executive Director, presented three alternatives for the future operation and funding of the R. O. Ranch Equestrian Park, as shown in the Board materials.

ON A MOTION BY MR. DAVIS, SECONDED BY MR. BROWN, AND WITH MR. ALEXANDER, MR. BROWN, DR. COLE, MR. CURTIS, MR. DAVIS, AND MR. WILLIAMS VOTING IN FAVOR AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD VOTED TO ENACT THE MANAGEMENT AGREEMENT WITH CHANGES AS DISCUSSED.

Agenda Item No. 25 - Executive Director's Report.  
None.

Agenda Item No. 26 - Executive Office Activity Report. The Executive Office Activity Report was provided as an informational item in the Board materials.

Agenda Item No. 27 – Legal Services Report. The Legal Services Report was provided as an informational item in the Board materials.

The meeting adjourned at 1:37 p.m.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_

SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
MINUTES OF  
GOVERNING BOARD WORKSHOP

Note: Recordings have been used to record these proceedings and are on file in the permanent files of the District. A copy of the Governing Board materials and handouts are a part of the record as if set out in full herein, and are filed in the permanent files of the District.

1:37 p.m., Wednesday  
November 9, 2011

Cedar Key Library  
Cedar Key, Florida

Members of the Governing Board Present:

Don Quincey, Jr., Chairman  
Alphonas Alexander, Vice Chairman  
Kevin W. Brown  
George M. Cole, Ph.D.  
Heath Davis  
Guy N. Williams

Members of the Governing Board Absent:

Donald Ray Curtis, III, Secretary/Treasurer  
Carl Meece

Governing Board General Counsel Present:

George T. Reeves, Davis, Schnitker, Reeves & Browning, P.A.

Staff:

David Still	Melanie Roberts
Charlie Houser	Steve Minnis
Jon Dinges	Carlos Herd
Linda Welch	Hugh Thomas
Megan Wetherington	Tim Sagul

Participating Guests:

Renate and Barney Cannon, Chiefland  
Craig Varn, Manson Law Group, Tampa

Charlie Houser addressed the Governing Board and requested specific issues that the Governing Board would like to discuss with staff. Mr. Davis requested that statutorily required reports be sent to the Governing Board via email and not in printed format. Mr. Quincey requested that staff other than senior management be available to present recommendations at the Governing Board meetings.

Carlos Herd gave a presentation regarding Hydrogeology and the Water Supply Work Plan.

Charlie Houser gave an update regarding Real Estate and its direction with regard to review and overview from the Florida Department of Environmental Protection.

Steve Minnis gave an update regarding Governmental Affairs and the current legislative session.

Melanie Roberts gave an update regarding Governing Board Directives and the intent for these to become available and readily accessible to the Governing Board.

Melanie Roberts informed the Governing Board about an upcoming project that staff is proposing to procure additional LiDAR (Light Detection and Ranging) data. The procurement of this data will be an effort consisting of the District, the United States Geological Survey, and the Federal Emergency Management Agency.

Melanie Roberts discussed amending the monthly Governing Board Financial Report, which is a requirement of 373, Florida Statutes.

The workshop adjourned on November 9, 2011, at 3:44 p.m.

The workshop resumed on November 10, 2011, at 8:00 a.m.

John Good gave a presentation regarding Groundwater Modeling and the status of Minimum Flows and Levels.

Melanie Roberts gave a presentation regarding the budget and the Governing Board's direction of funding. Melanie discussed the fact that staff is already beginning work on the fiscal year 2013 budget.

Charlie Houser addressed the Governing Board to get their direction again regarding District work and priorities.

Steve Minnis gave a presentation on the District's Strategic Plan.

The Governing Board discussed matters with Charlie Houser.

Workshop adjourned at 11:38 a.m.

Suwannee River Water Management District

Governing Board Materials

## Mission Support

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

Director of Mission Support

Assistant Executive Director

Executive Director

MEMORANDUM

TO: Governing Board  
FROM: Melanie Roberts, Director of Mission Support  
DATE: October 17, 2011  
RE: Approval of October 2011 Financial Report

RECOMMENDATION

**Staff recommends that the Governing Board approve the October 2011 Financial Report and confirm the expenditures of the District.**

BACKGROUND

Chapter 373.553(1), F.S., authorizes the delegation of authority by the Governing Board to the Executive Director to disburse District funds, providing certification is made to the Board at the next regular meeting that such disbursement is proper, in order, and within budgetary limits. In compliance with the statutory provisions in Chapter 373, the Governing Board of the Suwannee River Water Management District has directed staff to prepare a Financial Report in the manner presented.

<b>Non-Operating Budget</b>	
Acquisition	\$7,207,820
Future Contractual	\$7,304,408
R. O. Ranch Reserves	\$3,810,000
Land Management Reserves	\$5,000,000
Operating Reserves	\$2,760,000
<b>Total</b>	<b>\$26,082,228</b>
<b>Operating Budget</b>	<b>\$21,307,361</b>
<b>Total FY 2012 Budget</b>	<b>\$47,389,589</b>
<b>Total FY 2012 Expenditures</b>	<b>\$484,120</b>
<b>Percent of Operating Budget</b>	<b>2%</b>

If you have any questions about this recommendation or if you would like any further information regarding the District's financial transactions, please contact me.

MONTHLY STATUS OF FY 2011/2012 BUDGET EXPENDITURES BY DEPARTMENT  
THROUGH 10/31/11

Land Acquisition & Management

Description	Budgeted	Expenditures to		Balance
		Date	% Expenditures Used	
516 Salaries & Benefits	\$1,144,539	\$78,582	7%	\$1,065,957
540 Other Personal Services	33,000	1,973	6%	31,027
580 Legal Services	76,800	0	0%	76,800
586 Contractual Services	6,629,063	0	0%	6,629,063
590 Pmt. in Lieu of Taxes	365,000	0	0%	365,000
605 Printing & Binding	900	0	0%	900
606 Publication of Notices	1,000	0	0%	1,000
621 Meetings	500	0	0%	500
622 Registrations & Training	6,500	135	2%	6,365
626 Travel Expenses	4,000	102	3%	3,898
627 Utilities	8,500	0	0%	8,500
631 Equipment Maintenance	3,000	0	0%	3,000
701 Field Supplies	157,500	0	0%	157,500
703 Computer Supplies	4,500	0	0%	4,500
706 Books & Documents	500	0	0%	500
740 Office Support Equipment	1,000	0	0%	1,000
790 Other Commodities	1,000	0	0%	1,000
809 Fees & Permits	8,500	0	0%	8,500
903 Office Equipment	2,500	0	0%	2,500
920 Acquisition	7,207,820	0	0%	7,207,820
930 Interagency Expenditures	805,500	0	0%	805,500
960 Reserves	8,810,000	0	0%	8,810,000
<b>TOTAL</b>	<b>\$25,271,622</b>	<b>\$80,792</b>	<b>0%</b>	<b>\$25,190,830</b>

MONTHLY STATUS OF FY 2011/2012 BUDGET EXPENDITURES BY DEPARTMENT  
THROUGH 10/31/11

Water Supply & Resource Management

Description	Budgeted	Expenditures to		Balance
		Date	% Expenditures Used	
516 Salaries & Benefits	\$2,405,883	\$166,933	7%	\$2,238,950
540 Other Personal Services	115,000	4,360	4%	110,640
580 Legal Services	118,200	0	0%	118,200
586 Contractual Services	11,236,684	0	0%	11,236,684
605 Printing & Binding	13,000	0	0%	13,000
606 Publication of Notices	15,600	55	0%	15,545
621 Meetings	4,200	0	0%	4,200
622 Registrations & Training	32,850	0	0%	32,850
626 Travel Expenses	30,500	0	0%	30,500
627 Utilities	1,500	0	0%	1,500
631 Equipment Maintenance	6,400	0	0%	6,400
690 Other Contractual Services	8,400	0	0%	8,400
701 Field Supplies	557,400	0	0%	557,400
703 Computer Supplies	850	0	0%	850
705 Maps & Aerials	1,500	0	0%	1,500
706 Books & Documents	2,700	0	0%	2,700
715 Photographic Supplies	1,850	0	0%	1,850
740 Office Support Equipment	4,100	0	0%	4,100
790 Other Commodities	1,400	0	0%	1,400
801 Computer Software	8,700	0	0%	8,700
802 Equipment Rental	5,750	0	0%	5,750
809 Fees & Permits	8,000	0	0%	8,000
903 Office Equipment	1,500	0	0%	1,500
905 Mobile Equipment	24,000	0	0%	24,000
906 Computer Equipment	8,000	0	0%	8,000
907 Lab & Field Equipment	31,000	0	0%	31,000
930 Interagency Expenditures	638,800	0	0%	638,800
<b>TOTAL</b>	<b>\$15,283,767</b>	<b>\$171,347</b>	<b>1%</b>	<b>\$15,112,420</b>

MONTHLY STATUS OF FY 2011/2012 BUDGET EXPENDITURES BY DEPARTMENT  
THROUGH 10/31/11

Executive Office

Description	Budgeted	Expenditures to		Balance
		Date	% Expenditures Used	
516 Salaries & Benefits	\$489,133	\$32,243	7%	\$456,890
580 Legal Services	55,000	0	0%	55,000
586 Contractual Services	28,000	450	2%	27,551
605 Printing & Binding	1,000	0	0%	1,000
621 Meetings	500	0	0%	500
622 Registrations & Training	6,525	105	2%	6,420
626 Travel Expenses	27,750	372	1%	27,378
650 Promotions	13,500	375	3%	13,125
706 Books & Documents	2,000	173	9%	1,828
715 Photographic Supplies	350	120	34%	230
930 Interagency Expenditures	5,000	0	0%	5,000
960 Reserves	2,760,000	0	0%	2,760,000
<b>TOTAL</b>	<b>\$3,388,758</b>	<b>\$33,837</b>	<b>1%</b>	<b>\$3,354,921</b>

MONTHLY STATUS OF FY 2011/2012 BUDGET EXPENDITURES BY DEPARTMENT  
THROUGH 10/31/11

Mission Support

Description	Budgeted	Expenditures to		Balance
		Date	% Expenditures Used	
516 Salaries & Benefits	\$1,496,542	\$104,533	7%	\$1,392,009
564 Property Appraiser	210,000	22,000	10%	188,000
579 Tax Collector	125,000	40	0%	124,960
580 Legal Services	5,000	0	0%	5,000
585 Audit Services	35,000	0	0%	35,000
586 Contractual Services	490,500	0	0%	490,500
605 Printing & Binding	25,000	0	0%	25,000
606 Publication of Notices	15,000	0	0%	15,000
607 Postage	25,000	0	0%	25,000
621 Meetings	1,000	0	0%	1,000
622 Registrations & Training	34,500	0	0%	34,500
626 Travel Expenses	22,000	0	0%	22,000
627 Utilities	70,000	134	0%	69,866
628 Communications	150,000	30	0%	149,970
629 Facilities Maintenance	75,000	3,480	5%	71,520
630 Vehicle Maintenance	75,000	3,449	5%	71,551
631 Equipment Maintenance	27,000	0	0%	27,000
690 Other Contractual Services	2,500	0	0%	2,500
701 Field Supplies	10,000	0	0%	10,000
702 Office Supplies	41,000	0	0%	41,000
703 Computer Supplies	26,000	647	2%	25,353
704 Fuel & Lubricants	70,000	0	0%	70,000
705 Maps & Aerials	2,000	0	0%	2,000
706 Books & Documents	7,600	0	0%	7,600
740 Office Support Equipment	6,000	0	0%	6,000
790 Other Commodities	3,000	0	0%	3,000
801 Computer Software	86,800	0	0%	86,800
802 Equipment Rental	50,000	1,606	3%	48,394
804 Workers Comp. Insurance	25,000	13,106	52%	11,894
805 Property & Casualty Insurance	60,000	49,117	82%	10,883
903 Office Equipment	16,000	0	0%	16,000
906 Computer Equipment	110,000	0	0%	110,000
907 Lab & Field Equipment	25,000	0	0%	25,000
930 Interagency Expenditures	23,000	0	0%	23,000
<b>TOTAL</b>	<b>\$3,445,442</b>	<b>\$198,143</b>	<b>6%</b>	<b>\$3,247,299</b>
<b>DISTRICT TOTAL</b>	<b>\$47,389,589</b>	<b>\$484,120</b>	<b>1%</b>	<b>\$46,905,469</b>

MEMORANDUM

TO: Governing Board  
FROM: Terry Demott, Sr. Land Resources Coordinator  
DATE: November 8, 2011  
RE: Helm/Chitty Bend West Inholding Parcel

RECOMMENDATION

**Staff requests Governing Board authorization to commence detailed assessment and negotiations for the fee purchase of the 98-acre ± Helm/Chitty Bend West Inholding Parcel on the Withlacoochee River in Madison County.**

BACKGROUND

During discussions of the 121-acre Chitty Bend West surplus lands tract the Surplus Lands Committee requested that staff contact Walter D. Helm, Jr., regarding the possibility of an exchange of their riverfront inholding for adjoining District surplus lands. Mr. Helm was not amenable to the exchange but, after further talks, he stated he would be open to a fee outright sale.

Purchase of the Helm inholding is advantageous for several reasons. It adds protection to the natural resources and flood plain due to its river frontage along the Withlacoochee River. It would allow better public use of Chitty Bend West with minimal land management issues. It would also eliminate a private access easement through District property. Funding for this purchase is available from surplus land sale proceeds.

Pending Governing Board approval, staff will research the title and procure appraisals to determine the property's fair market value. After independent appraisal review, market value recommendations will be provided to Board members prior to entering into an agreement for purchase.

gal  
attachments

## PARCEL ASSESSMENT SUMMARY

TRACT: Helm (Chitty Bend West) Inholding

SELLER: Walter D. Helm, Sr. and Walter D. Helm, Jr.

RIVER: Withlacoochee River

COUNTY: Madison

S-T-R: Section 5, Township 1N, Range 11E

ACREAGE: 98 acres ±

CURRENT ASKING PRICE: Fair Market Value

RIVER FRONTAGE: 4,644 feet (.88) miles

### WATER RESOURCE VALUES:

Recharge:	0% (0 acres)
Springs Protection:	0% (0 acres)
Surface Water:	17% (16.6 acres)
Floodplain 100-YR:	100% (98 acres)

**TRACT DESCRIPTION:** This property is a riverfront in-holding of the District's Chitty Bend West tract in Madison County. The Withlacoochee River frontage and its steep limestone outcropping banks are the distinctive features of the property. The tract is undeveloped with regenerating communities of mixed pine and hardwoods. There is very little merchantable timber on the site. The river frontage is buffered by an average 200-foot-wide natural stand of floodplain forest.

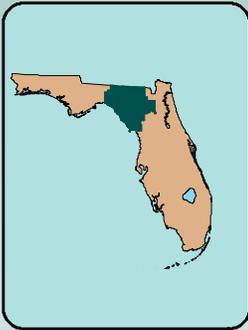
**ACCESS:** The tract has access through District property.

**OUTSTANDING INTERESTS:** There are no outstanding interests reported at this time that would affect clear marketable title. A 100-foot-wide overhead electric power transmission line crosses the north half of the parcel, and its ground easement occupies 4.5 acres of cleared area.

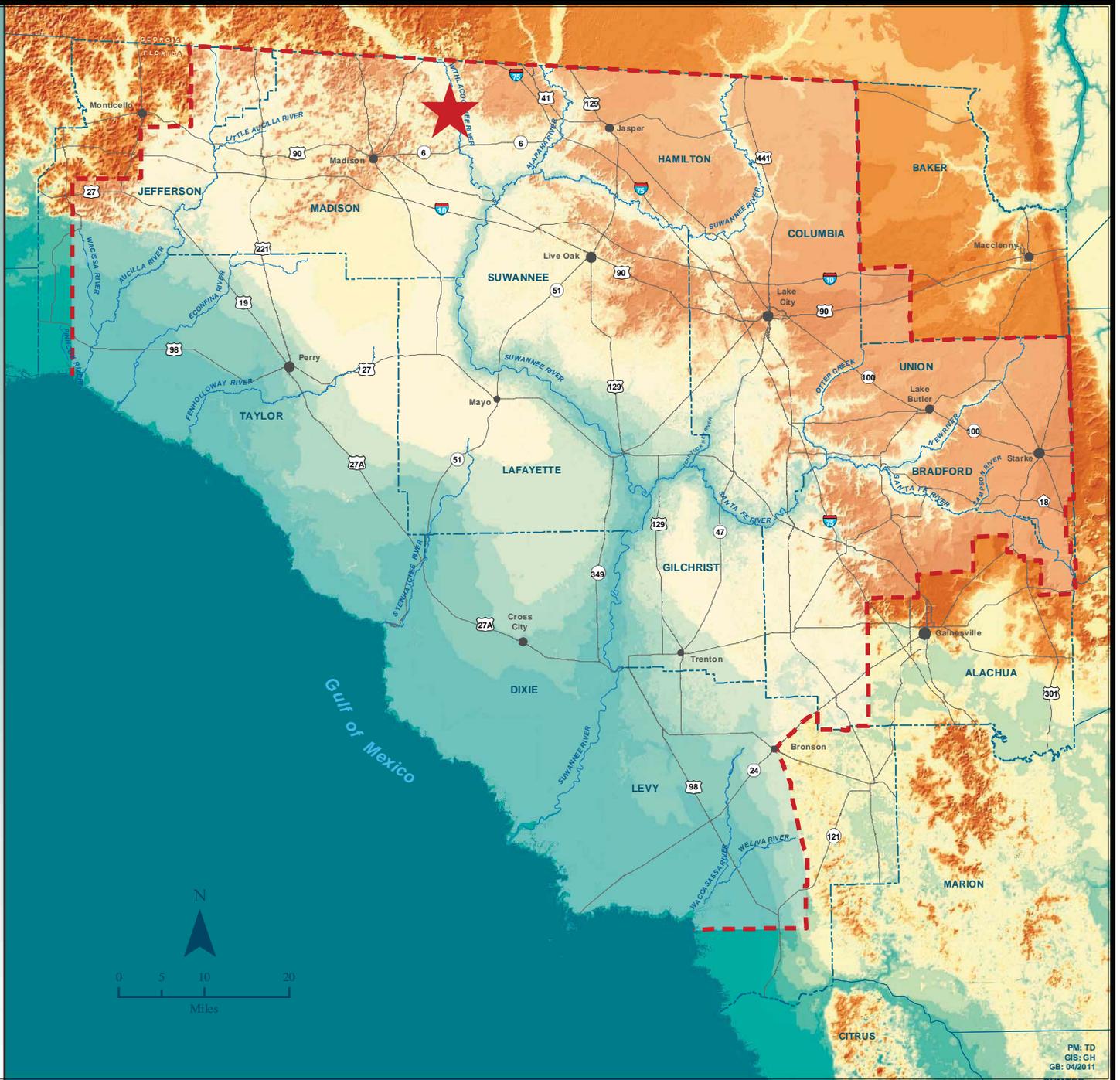
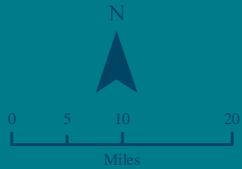
**MANAGEMENT ALTERNATIVES:** Under a fee purchase, the property would be managed to preserve floodplain function and restore and improve the quality of the forested landscape and recreational opportunities. This inholding would be added to District management activities of the Chitty Bend West Tract.

# Helm Chitty Bend West Addition Madison County

 SRWMD Boundary  
 Project Location



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Department of Land Acquisition and Management (LA&M), 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 public records request regardless of the use or application. SRWMD does not guarantee the accuracy, or suitability for any use of this data, and no warranty is expressed or implied. In no event will the SRWMD, its staff, or the contributing agencies be liable for any direct, indirect, special, consequential or other damages, including loss of profit, arising from the use of this data, even if the District has been advised of the possibility of such damages. Users of this data should therefore do so at their own risk. For more information please contact the SRWMD at 1-386-362-1001.



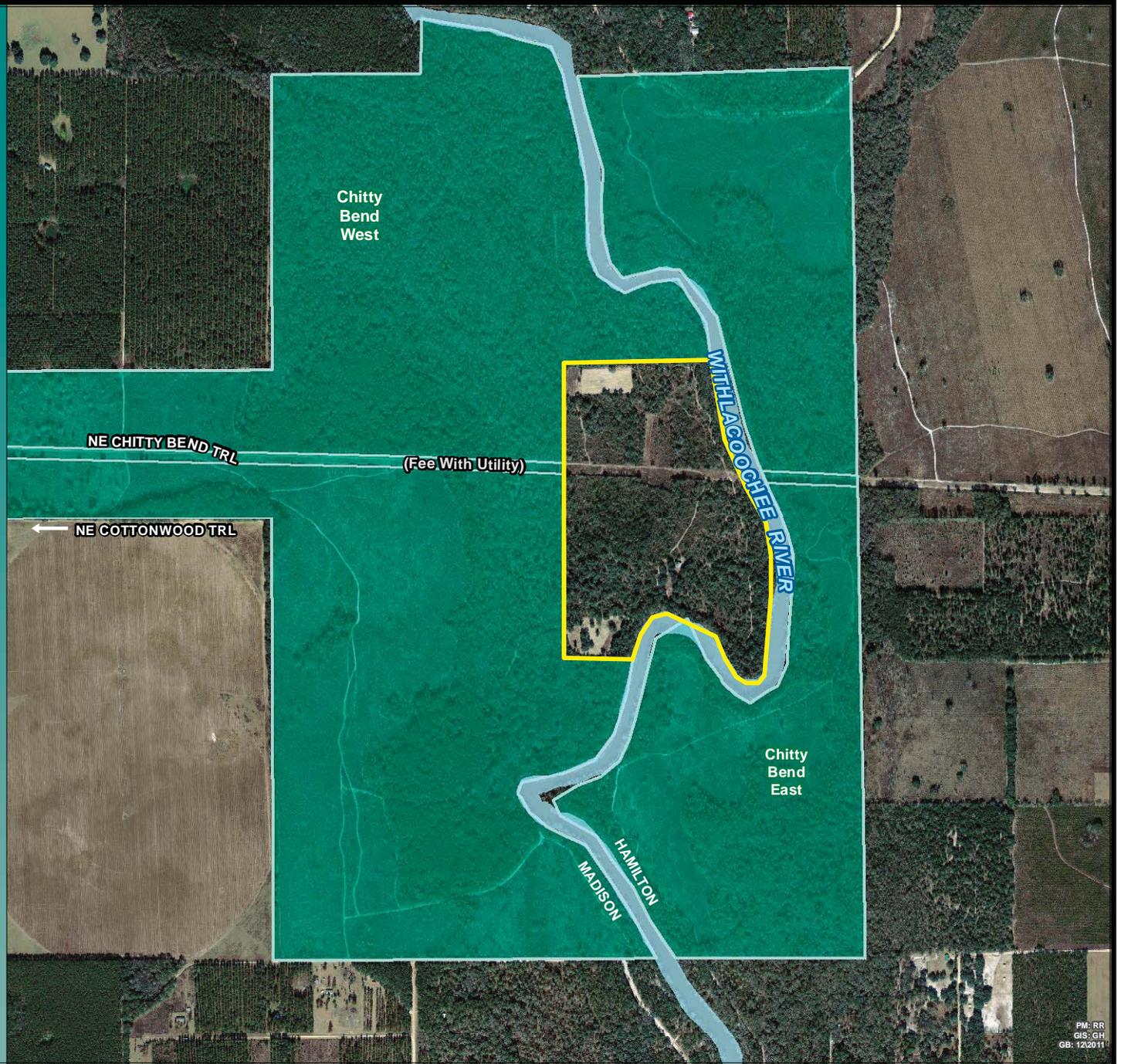
PM: TD  
 GIS: GH  
 GB: 04/2011

# Helm Property Madison County Florida

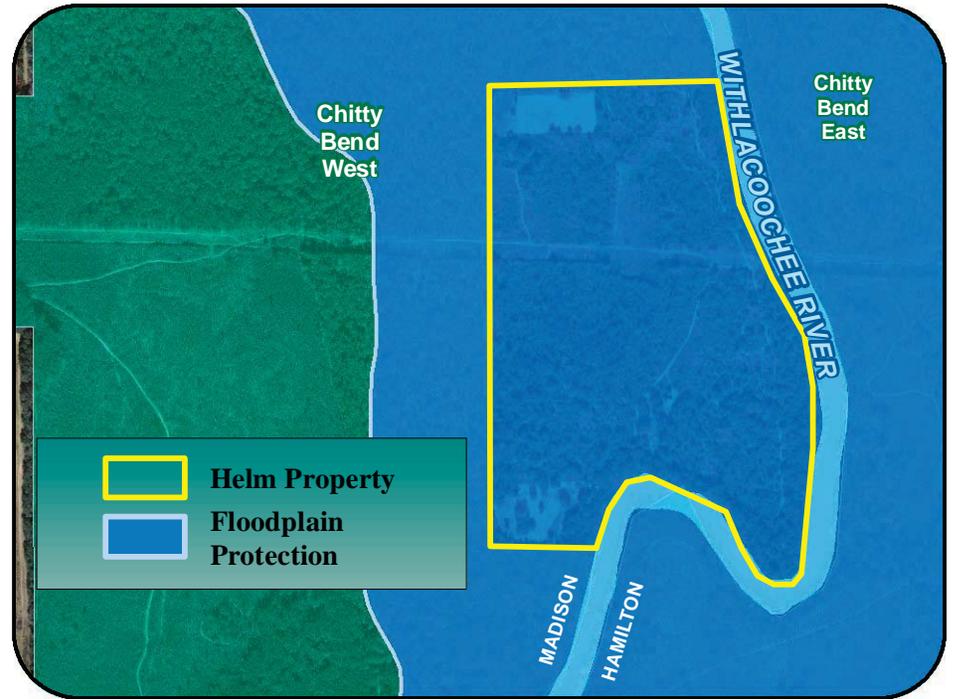
-  Helm Property Boundary
-  SRWMD Fee Land



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Department of Land Acquisition and Management (LA&M), 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 public records request regardless of the use or application. SRWMD does not guarantee the accuracy, or suitability for any use of this data, and no warranty is expressed or implied. In no event will the SRWMD, its staff, or the contributing agencies be liable for any direct, indirect, special, consequential or other damages, including loss of profit, arising from the use of this data, even if the District has been advised of the possibility of such damages. Users of this data should therefore do so at their own risk. For more information please contact the SRWMD at 1-386-362-1001. Madison 2010 NC 1FT Imagery.



PM: RR  
GIS: GH  
GB: 12/2011



MEMORANDUM

TO: Governing Board

FROM: Terry E. Demott, Senior Land Resource Coordinator

DATE: November 10, 2011

RE: Approval and Execution of an Easement to Progress Energy

RECOMMENDATION:

**Staff recommends approval and execution of a right of way easement granted to Progress Energy on District lands at the Jasper Well Field site in Hamilton County**

BACKGROUND

The District has leased property to the City of Jasper for construction of a potable water treatment facility just north of town. In order to begin construction of the facility the City has requested the District provide Progress Energy with a 20-foot power line right-of-way for electric service to the plant. This is a temporary line for construction purposes and will result in very little clearing. When construction of the plant is complete and the permanent line is established the exact legal description will be furnished to the District. This easement format, provided by Progress Energy, has been reviewed and approved by District Counsel.

Staff feels it is in the best interest of the future protection and management of this tract to grant this specific easement to Progress Energy on behalf of the City of Jasper.

/gal  
Attachment



# Jasper Well Field Site

## Hamilton County Florida



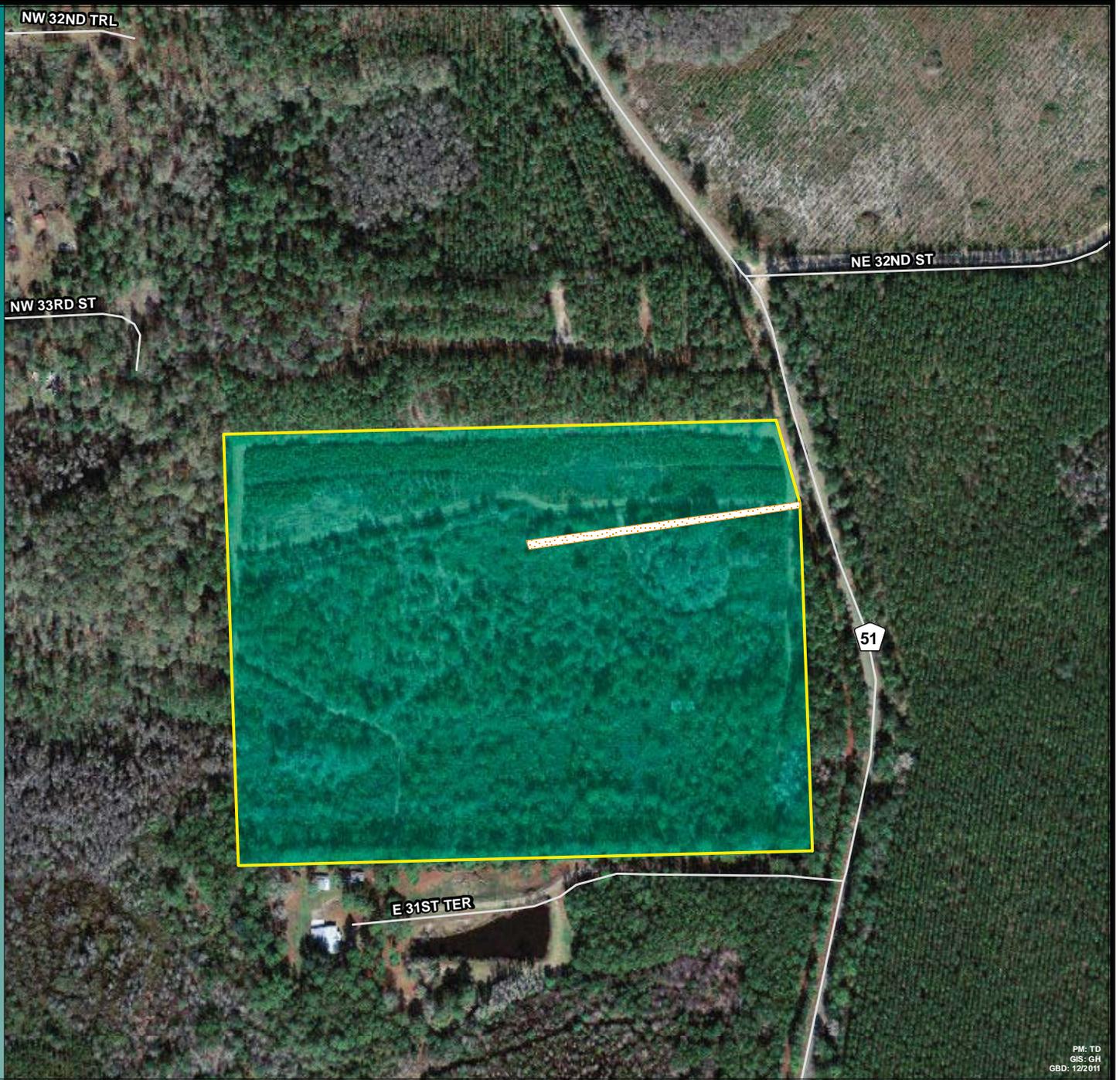
SRWMD Lands



Approximate Area  
of the Utility  
Easement to  
Progress Energy



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Department of Land Acquisition and Management (LA&M), 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 public records request regardless of the use or application. SRWMD does not guarantee the accuracy, or suitability for any use of this data, and no warranty is expressed or implied. In no event will the SRWMD, its staff, or the contributing agencies be liable for any direct, indirect, special, consequential or other damages, including loss of profit, arising from the use of this data, even if the District has been advised of the possibility of such damages. Users of this data should therefore do so at their own risk. For more information please contact the SRWMD at 1-386-362-1001. 2010NC 1FT Imagery Hamilton



FM: TD  
GIS: GH  
GBD: 12/2011



**Progress Energy**

ORIGINAL TO FILE \_\_\_\_\_  
COPIES TO \_\_\_\_\_

RECEIVED  
SRWMD

OCT 21 2011

## DISTRIBUTION EASEMENT

**KNOW ALL MEN BY THESE PRESENTS**, that the undersigned, their heirs, successors, lessees and assigns ("**GRANTOR**"), in consideration of the mutual benefits, covenants and conditions herein contained, does hereby grant and convey to **FLORIDA POWER CORPORATION** doing business as **PROGRESS ENERGY FLORIDA, INC.**, a Florida corporation ("**GRANTEE**"), Post Office Box 14042, St. Petersburg, Florida 33733, and to its successors, lessees, licensees, transferees, permittees, apportionees, and assigns, an easement to install, operate and maintain in perpetuity, such facilities as may be necessary or desirable for providing electric energy and service and communication systems, whether to or on behalf of telecommunication providers or other customers by **GRANTEE** or others, said facilities being located in the following described "Easement Area" within **GRANTOR'S** premises in Hamilton County, to wit:

A 10.00 foot wide Easement Area defined as lying 5.00 feet on each side of **GRANTEE's** facilities to be installed at mutually agreeable locations over, across and through the following described property to accommodate present and future development:

Part of the Southwest 1/4 of the Southeast 1/4, being more particularly described as follows: For POINT OF BEGINNING, commence at the Southwest corner of the Southeast 1/4 of said Section 29, thence run North 02° 00' 33" West along the West line of said Southeast 1/4, a distance of 994.32 feet to the South line of the North 330.00 feet of the Southwest 1/4 of the Southeast 1/4; thence run North 88° 33' 52" East along said South line, a distance of 1276.10 feet to the Westerly right of way line of County Road No. 51; thence run South 15° 45' 23" East along said Westerly right of way line, a distance of 197.29 feet to the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 29; thence run South 02° 08' 14" East along said East line, a distance of 802.68 feet to the South line of said Section 29; thence run South 88° 32' 36" West along said South line, a distance of 1324.78 feet to the POINT OF BEGINNING.

**Tax Parcel Number:** 2418-000

The rights herein granted to **GRANTEE** by **GRANTOR** specifically include: (a) the right for **GRANTEE** to patrol, inspect, alter, improve, repair, rebuild, relocate, and remove said facilities; further **GRANTEE** hereby agrees to restore the Easement Area to as near as practicable the condition which existed prior to such construction, repairs, alteration, replacement, relocation or removal as a result of **GRANTEE's** safe and efficient installation, operation or maintenance of said facilities; (b) the reasonable right for **GRANTEE** to increase or decrease the voltage and to change the quantity and type of facilities; (c) the reasonable right for **GRANTEE** to clear the Easement Area of trees, limbs, undergrowth and other physical objects which, in the opinion of **GRANTEE**, endanger or interfere with the safe and efficient installation, operation or maintenance of said facilities; (d) the reasonable right for **GRANTEE** to trim or remove any timber adjacent to, but outside the Easement Area which, in the reasonable opinion of **GRANTEE**, endangers or interferes with the safe and efficient installation, operation or maintenance of said facilities; (e) the reasonable right for **GRANTEE** to enter upon land of the **GRANTOR** adjacent to said Easement Area for the purpose of exercising the rights herein granted; and (f) all other rights and privileges reasonably necessary or convenient for **GRANTEE's** safe and efficient installation, operation and maintenance of said facilities and for the enjoyment and use of said easement for the purposes described above. The rights and easement herein granted are non-exclusive as to entities not engaged in the provision of electric energy and service and **GRANTOR** reserves the right to grant rights to others affecting said easement area provided that such rights do not create an unsafe condition or unreasonably conflict with the rights granted to **GRANTEE** herein.

**GRANTOR** hereby covenants and agrees that no buildings, structures or obstacles (except fences) shall be located, constructed, excavated or created within the Easement Area. If the fences are installed, they shall be placed so as to allow ready access to **GRANTEE's** facilities and provide a working space of not less than ten (10) feet on the opening side, six (6) feet on the back for working space and three (3) feet on all other sides of any pad mounted transformer. If **GRANTOR's** future orderly development of the premises is in physical conflict with **GRANTEE's** facilities, **GRANTEE** shall, within 60 days after receipt of written request from **GRANTOR**, relocate said facilities to another mutually agreed upon Easement Area in **GRANTOR's** premises, provided that prior to the relocation of said facilities (a) **GRANTOR** shall pay to **GRANTEE** the full expected cost of the relocation as estimated by **GRANTEE**, and (b) **GRANTOR** shall execute and deliver to **GRANTEE**, at no cost, an acceptable and recordable easement to cover the relocated facilities. Upon the completion of the relocation, the easement herein shall be considered cancelled as to the portion vacated by such relocation. This legal description was provided by **GRANTOR**. In the event facilities are located outside of this legal description, **GRANTOR** shall pay for any relocation costs necessary or shall amend this legal description to cover the actual facilities.

SEC 29  
TWP 02N  
RGE 14E  
COUNTY Hamilton

GRANTOR  
Suwannee River Water Management District

PROJECT  
MO-11-66255



## MEMORANDUM

TO: Governing Board  
FROM: Richard Rocco, Real Estate Coordinator  
DATE: November 21, 2011  
RE: Outstanding Oil, Gas and Mineral Rights on Layman Law Firm/Walker Spring Conservation Easement

### RECOMMENDATION

**Staff requests the Governing Board accept a 50% Oil, Gas and Mineral rights outstanding and proceed with purchase of the Walker Spring Conservation Easement from the Layman Law Firm, Christopher and Christine Layman.**

### BACKGROUND

In July 2011 the District entered into an option to purchase the 168-acre Walker Spring Conservation Easement in Jefferson County from the Layman Law Firm, Chris and Christine Layman. Closing on the property was scheduled for September 30, 2011 but was extended 120 days beyond that date to allow the Laymans an opportunity to clear title issues and deliver satisfactory evidence of title.

In addition to their efforts to clear title issues, the Laymans have been working to obtain consent to subordinate the mortgage on the property to the District conservation easement. Efforts are also being made to extinguish a 50% oil, gas, and mineral interest or reduce it to a royalty only interest. The Laymans own the remaining undivided 50% oil, gas and mineral interest

The property was scheduled to close on November 10, 2011. On November 9, the holder of the interest, BRP LLC in Houston, Texas, notified Mr. Layman of their intent to demand \$53,000 for the release of the interest from a prior agreed upon amount of \$25,000. On November 15, BRP reduced that amount to \$35,000. Mr. Layman has requested a waiver of this interest in the attached letter.

It is staff opinion that the property has a low likelihood of extraction of oil, gas or mining of minerals due to the environmental sensitive nature of the property (third

magnitude spring and Aucilla River floodplain and frontage) and the surrounding land use being zoned conservation by Jefferson County which prohibits mining.

The District's purchase price for the easement is 41% of the appraised value of the conservation easement. The Laymans would like to close the transaction in 2011 to accommodate benefits from federal tax deductions.

gal

enclosure

Walker Spring Conservation Easement – 09-010



A Professional Limited Company

CHRISTOPHER A. LAYMAN  
JACK WHITELOCK, JR.

1928 SOUTH PATRICK DRIVE  
INDIAN HARBOUR BEACH, FLORIDA 32937

TELEPHONE (321) 773-2111  
TOLL FREE (800) 586-8767  
FACSIMILE (321) 773-2288  
[www.layman-law.com](http://www.layman-law.com)

November 10, 2011

Mr. Don Quincy, Chairman  
Suwannee River Water Management District  
9225 CR 49  
Live Oak, Florida 32060

RE: LAYMAN LAW FIRM, P.L. Conservation Easement  
Walker Springs (Jefferson Co., Florida)

Dear Mr. Quincy:

As you know, the Suwannee River Water Management District (hereinafter "the District") and the undersigneds entered into an agreement that will impose a perpetual conservation easement (CE) on the entirety of our 167.28 acre property located in Jefferson County, Florida. This property contains over .6 miles of Aucilla River frontage as well as Walker Spring itself and the entire spring run (over 1/4 of a mile) to the Aucilla River. Walker Spring has been recently been measured as a 3<sup>rd</sup> magnitude spring. Our goal is to be stewards of the land and protect it for not only our use but also our children and grandchildren's use and enjoyment.

The District is paying Layman Law Firm, P.L. \$1,500.00 per acre for the imposition of the CE on the property. One of the conditions for the placement of the CE was for the 50% mineral interests to be cleared or alternatively, converted to royalty interest only. The 50% mineral interest is currently owned by a Houston, Texas subsidiary of International Paper called BRP, Inc.

Since I first learned that the mineral interest needed to be cleared in order for the CE to be placed on the property, I have been working diligently on getting the mineral interest cleared. I first made contact with BRP'S vice president of operations in December of 2010. After many months of discussions with this individual, he agreed to sell me BRP's mineral interests for \$300.00 per acre. As you might expect, I balked at this figure as I was in shock they would demand such an exorbitant amount for the mineral interest. After cooling off, I again contacted BRP and agreed to pay the \$300.00 asking price. The VP from BRP ask me to submit a proposed quit claim deed which I did within a matter of days.

At \$300.00 per mineral acre of which BRP owns 50%, the amount to clear the mineral acres would be \$25,092.00. For the last several months, I have been prepared to pay this outrageous amount to clear the mineral interest. The BRP Vice President then contacted me and said that his asking price was not \$300.00 per mineral acre but rather \$300.00 per fee acre or \$50,184.00.

For the past year, I have worked with BRP to no avail in an attempt

to clear the mineral interest. I took time to research the mineral potential on my Jefferson County, Florida property in the hopes that I could demonstrate to BRP that my small property did not have any future mining potential whatsoever due to lack of minerals on the property and the inability to mine due to Florida law.

To that end, I provided BRP with a copy of Florida Statute §689.20 which provides that use of the word "minerals" in any deed, lease or other contract in writing does not include topsoil, muck, peat, humus, sand or common clay. Florida Statute §689.20 is attached hereto for your ready reference. Secondly, I provided BRP with a copy of Noblin v. Harbor Hills Development, 896 So.2d 781 (Fla. 5<sup>th</sup> DCA 2005), a recent Fifth District Court of Appeals case which extended the statutory exclusion of "minerals" to include limestone. A copy of the Noblin case is also attached hereto for your ready reference. This information was provided to BRP to demonstrate how narrow "minerals" are construed in Florida.

In addition to trying to demonstrate the complete lack of any minerals on my Jefferson County, Florida property, I also wanted to demonstrate the complete inability to mine for minerals even if such minerals existed on my property. To that end, I provided BRP's Vice President the 64 page Jefferson County Future Land Use Plan.

I very politely pointed out section 1.5.4[c] of the Future Land Use Plan which provides "[t]he area proposed for mining activities must be designated for mining on the Future Land Use Map." As you may know, the entirety of my property is located in a "conservation" area and an "agricultural" area. There are no designated "mining" areas on my property. Additionally, according to the Future Land Use Plan, the only activities permitted in the 100 year flood plain of the Aucilla River are agricultural, forestry operations and residential. Mining is not permitted within the 100 year flood plain of the Aucilla River. According to my research, the entirety of my property lies within the 100 year flood plain of the Aucilla River. A copy of the Jefferson County Future Land Use Plan is attached hereto for your ready reference.

I followed up this email with specific step-by-step directions on how to view the Jefferson County Future Land Use Map overlaid on my property so that the "conservation" and "agricultural" areas referenced above, could be visualized and BRP could see that no mining activities can occur on this property.

Again, my attempt was to demonstrate to BRP that not only was there no minerals to harvest from my property but also that even if there was, BRP would not be able to mine in light of the Jefferson County Future Land Use Plan. Despite this, I was still willing to pay \$25,092.00 to clear the mineral interest.

For the next several weeks, I sent repeated emails to BRP's VP trying to close this deal once and for all as it had been going on for almost one year. Then, on Monday, November 7, 2011, I received an email from BRP's Vice President stating that he had learned through due diligence that the District was paying for a CE on my property and that this "changes our view of the situation significantly." I was then referred to BRP's Florida counsel, Matthew Smith, Esq. I have had at least two telephone conversations with Mr. Smith concerning my desire to clear the mineral interests on my Jefferson County, Florida property. Although Mr. Smith refused to go on record with a hard figure, he insinuated that BRP would agree to sell its

mineral rights or otherwise convert them to a royalty interest for \$53,000.00.

In my view, this is pure extortion on the part of BRP especially in light of the fact that there are no minerals on my Jefferson County, Florida property and any mining potential in the future has been completely eliminated due to the Jefferson County Florida Future Land Use Plan. This is especially true when you consider that I offered them a very generous amount of money for their 50% mineral rights over the last year and they continue to want more especially after they learned that the District was involved and paying for the CE.

I have contacted BRP's attorney again today, Thursday, November 10, 2011 and given them a "take it or leave it" offer of \$10,000.00 to clear the mineral interests. Should BRP not accept this offer (and I do not expect them to based on my prior experience with them) I am willing to concede this same \$10,000.00 to the District in exchange for the mineral interest requirement being waived so that this CE can be closed. This \$10,000.00 concession can be used for future management needs of the property if so desired.

As further proof that BRP's mineral interest is for all intents and purposes worthless, I would point out that this same 50% mineral interest that encumbers my property also encumbers eight (8) properties in Jefferson County, Florida all owned in fee by The District. I am confident that had the District thought there was a potential for mining on the properties it owns in fee, the District would have taken the necessary steps to clear those mining interests prior to taking title to these eight (8) properties.

At this point, we have exhausted our options when it comes to acquiring BRP's 50% mineral interests unless we capitulate to the unreasonable demands that we have been placed under. At this time and in light of the fact that there are no minerals on my 167.28 acre Jefferson County, Florida property and there is absolutely no ability to search for or mine minerals on this property by operation of the Jefferson County Future Land Use Plan, I would ask that the Board for the District agree to waive the condition that the mineral interests be cleared so that we can move forward with the placement of a perpetual conservation easement on this beautiful yet fragile property. I can make myself available to present this information to the Board at the December 13, 2011 meeting if needed.

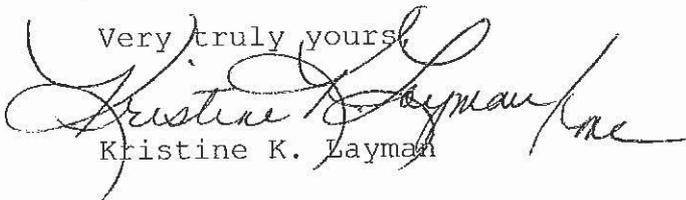
As always, please do not hesitate to contact me should you have any comments, questions or concerns regarding this matter.

Very truly yours,

Christopher A. Layman

CAL/mm  
ENCL: As stated

Very truly yours,

  
Kristine K. Layman

cc: Mr. David Still, Executive Director

## MEMORANDUM

TO: Governing Board

FROM: Glenn Horvath, Technical Program Manager

DATE: November 17, 2011

RE: Contract with the U.S. Geological Survey (USGS) for LiDAR Data and Quality Control Services

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to enter into a contract with the USGS to provide Light Detection and Ranging (LiDAR) data in Bradford County and other selected flood risk areas for a total not to exceed cost of \$225,000. Funding consists of \$175,000 from the Federal Emergency Management Agency (FEMA) and \$50,000 from the District.**

### BACKGROUND

Several years ago, the District started working with other agencies to secure LiDAR data for the District. LiDAR data is used by District staff in many areas including setting minimum flows and levels (MFL) through floodplain mapping, floodplain modeling, and water supply modeling.

We have partnered with the United States Geological Survey (USGS), the Federal Emergency Management Agency, the National Oceanic and Atmospheric Administration (NOAA), Northwest Florida Water Management District, the Florida Department of Emergency Management, and Alachua County to obtain a total of 4,785 square miles of data at a District cost of only \$335,000.

It is estimated that almost \$2 million has been spent to obtain LiDAR data in the District through the important partnerships listed above.

In October 2011, the District was awarded a matching grant through the USGS to capture 340 square miles of LiDAR data. The District will provide 53% of the costs while the USGS will provide the remaining 47%. Last year LiDAR data was collected along the Santa Fe River and New River in Bradford County. This new project would complete the LiDAR coverage of Bradford County. The flying to obtain the data will take place later this winter.

In addition, 385 square miles of LiDAR are proposed using FEMA funds in selected areas across the District to help fill in gaps that have not been collected. FEMA has agreed to provide \$175,000 through the District for this effort. No additional District funds will be needed.

The technical specifications for the LiDAR data will meet USGS, FEMA, and State of Florida standards and technical requirements. The USGS contractors working on the LiDAR data collection, processing, and quality control tasks have all been approved and selected by the USGS. This data will also be added to the USGS National Elevation Dataset (NED) for public use and distribution.

This LiDAR data will be used in developing MFLs for Sampson, Rowell, and Crosby lakes in Bradford County, which are scheduled to be completed in 2013. It will also be used to provide elevation data that can be used in the determinations of flood elevations for the FEMA flood maps. St. Johns River Water Management District has also shared an interest in having the Bradford County LiDAR data for MFL and Water Supply modeling efforts. Requests have also been received from the Florida Department of Transportation for LiDAR for the planned Starke bypass project, which was recently discussed at the Governing Board meeting. In addition, it will prove useful in wetland mitigation being planned for the bypass project.

The funding source for this LiDAR is \$175,000 from FEMA and \$50,000 from the District for a total of \$225,000. In addition, the USGS will contribute \$44,000 to this effort.

Please feel free to contact staff prior to the December 13 Governing Board meeting if you would like additional information.

#### Budget Codes

45-2-586-3-1300-12-02-010

01-2-586-2-6202-24-01-018

## MEMORANDUM

TO: Governing Board

FROM: Melanie Roberts, Director of Mission Support

DATE: November 17, 2011

RE: Activity Report, Department of Mission Support

### DATA MANAGEMENT:

- Staff sent out a Request for Proposal to solicit firms to provide geographic information services including application development, geospatial mapping, data management, and data analysis. The District received seven responses and selected four firms to make presentations to the staff on November 15, 2011. The firm's responses and presentations prompted staff to further evaluate what types of services are needed and the strategies we need to develop over the next few years. These strategies will involve looking at the processes used with spatial data, looking at how data is collected and processed, determining how it will be used in the future, and finding opportunities to be more efficient and reduce costs.
- Staff is currently reviewing the Light Detection and Ranging (LiDAR) data for which the District contracted with the United States Geological Survey (USGS) to provide in FY 2010. The 2010 contract provided the District with 1,983 square miles of LiDAR data at a District cost of \$35,000. It is estimated that \$660,000 was provided through partnerships with the USGS and the Federal Emergency Management Agency (FEMA) to collect and process the data.
- Staff loaded new ArcMap 10 software on approximately 50 staff computers during the month of October. Thirty-nine staff members participated in training of the new version of ArcMap 10. The hands on training identified the changes from the previous version and highlighted new features.
- Staff continues to provide support to staff, other agencies, and the public through GIS requests, database needs, and records requests.

### INFORMATION TECHNOLOGY AND COMMUNICATIONS:

- Communications staff continue to support the District's mission through timely website updates, press releases, water conservation outreach, and springs protection coordination.
- Information Technology staff continues to support District staff through ongoing resolution of Help Desk tickets, scheduled system backups, and programming and database development and maintenance. Two new backup servers, one for backing up enterprise servers and one for desktop backups, have been put into production.

### ADMINISTRATION:

- Staff worked with internal auditors for our end of year review.

## MEMORANDUM

TO: Governing Board  
FROM: Terry Demott, Sr. Land Resource Coordinator  
DATE: November 21, 2011  
RE: Activity Report, Real Estate

All land acquisition activities have been directed towards projects on which there were existing contracts. The Layman Law Firm/Walker Springs conservation easement in Jefferson County was scheduled to close on September 15, 2011. Clearing of title defects, mineral interests and payoff to creditors have delayed closing until November 30, 2011.

Discussions continue with Columbia County concerning the conveyance of the Alligator Lake property and with Alachua County regarding conveyance of the Buck Bay property.

The attached reports summarize the status of surplus activities and conservation easement reviews for the preceding month. Staff will be prepared to address any tracts of particular interest the Board may wish to discuss at the December 13, 2011 Governing Board meeting.

gal  
007-0003

## SURPLUS LANDS

Tract Name	Acres	County	Acquired Date	Funding Source	Appraisal Date	Listing Date	Listing Price	Comments
Bay Creek South	46	Columbia	02/1988	WMLTF	6/14/2010	7/12/2010	Fee \$123,750	Offer received and being reviewed.
Bay Creek North	24	Columbia	02/1988	WMLTF	6/14/2010	7/12/2010	Fee \$60,720	
Owens Spring	77	Lafayette	03/1999	P2000	6/14/2010	7/12/2010	Fee \$277,200	
Blue Sink	79	Suwannee	12/1988	WMLTF	6/14/2010	7/12/2010	Fee entire parcel \$281,600 40-acre parcels \$154,000	
Levings	69	Columbia	02/1998	WMLTF	6/14/2010	5/11/2011	Fee \$135,860	
Jennings Bluff	70	Hamilton	02/1989	WMLTF	7/30/2010	8/16/2010	Fee entire tract \$215,600	
Adams South	60	Lafayette	05/1990	WMLTF	7/30/2010	8/16/2010	Fee entire tract \$191,400	
Hunter Creek	120	Hamilton	09/2002	P2000		11/18/2010	Fee (3parcels) \$343,200 Conservation Easement (3parcels) \$243,100	Offer received and being reviewed.
Steinhatchee Rise	42	Dixie	02/1996	P2000	8/27/2010	11/18/2010	Fee entire tract \$126,940 conservation easement \$97,020	
Timber River	1	Madison	03/1998	WMLTF	8/27/2010	11/18/2010	Fee entire tract \$10,780	
Falmouth North (8 lots)	6	Suwannee	04/1998	WMLTF	8/27/2010	11/18/2010	Fee entire tract \$52,030	

## SURPLUS LANDS

Wolf Creek	30	Jefferson	05/2009	FF	8/10/2011	11/10/2011	Fee or Conservation Easement (same price) \$64,350	
Withlacoochee Quail Farm	65	Madison	09/2006	FF	8/18/2011	11/10/2011	Fee entire tract \$153,780	
Woods Ferry	29	Suwannee	12/1988	WMLTF	8/18/2011	11/10/2011	Fee entire tract \$71,830	
Cuba Bay	22	Jefferson	02/1996	P2000	8/10/2011	11/10/2011	Fee or Conservation Easement (same price) \$42,350	
Perry Spray Field	248	Taylor	9/2001	WMLTF	Approved in July			Discussions continuing with Perry and Taylor County.
Chitty Bend East	20	Hamilton	12/1988	WMLTF	11/2/11			Appraisal being reviewed
Chitty Bend West	121	Madison	12/1988	WMLTF	11/2/11			Appraisal being reviewed
Gainesville Recreation Site/Buck Bay	60	Alachua	12/15/1999	P2000	Approved in July			Discussions continuing with City of Gainesville.
Alligator Lake	43	Columbia	8/10/2001	P2000	Approved in July			Discussions continuing with Columbia County.

WMLTF=Water Management Lands Trust Fund; P2000=Preservation 2000; FF= Florida Forever Trust Fund

## CONSERVATION EASEMENT REVIEW

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Hinson's Broward Properties, Inc.	Hinson	Florida Forever	647	9/28/2007	Columbia	Forestry, Recreation	11/2011	314 acres of slash pine remain with PCA until 2022. New owners remain in full compliance with CE.
Loncala, Inc.	Loncala Hamilton	P-2000 Bonds	1,141	8/31/1999	Hamilton	Forestry, Recreation	11/2011	Forestry BMP survey was 100% in compliance. Remains in slash pine rotation. Wetlands preserved.
McEnany, Michael and Leanne	McEnany	Florida Forever Bonds	1,104	11/16/2007	Levy	Recreation, Forestry	11/2011	Property remains as agreed. Some culverts and water management recommended.
Usher Family Trust	Manatee Springs Addit.	Florida Forever Bonds	2,022	8/17/2004	Levy	Forestry, Recreation	10/2011	Upland slash pine plantations are being clearcut for another rotation. Small area of cogongrass.
Hale, Martha and Carter, Russell	Russell Carter	Florida Forever Bonds	585	9/28/2007	Columbia	Forestry, Recreation	11/2011	362 acres of pre-merch slash pine still with PCA. Wetlands remain intact. No changes.
Drummond, Graham Luther	Manatee Springs Addition	FDOT Mitigation and Florida Forever	543	5/29/2003	Levy	Recreation, Forestry	8/2011	Longleaf pine and sawtooth oak growing well. Roads well maintained for hunting.
Plum Creek Timberlands	Waccassa Gulf Hammock	P-2000 Bonds	21,300	12/15/2000	Levy	Forestry, Recreation	8/2011	Slash pine continues to be managed with wetlands untouched. Bill Schlitzcus is new manager.
Mann, Jack & Loy Ann	Manatee Springs Addition	FDOT Mitigation Escrow	590	5/29/2003	Levy	Recreation, Forestry	7/2011	Maintained primarily for hunting. Advised that slash pine plantations need thinning.
Meeks, David & Sarah	Manatee Springs Addition	FDOT Mitigation Escrow	370	5/29/2003	Levy	Recreation, Forestry	7/2011	Slash pine plantations have been thinned this year. In compliance with CE.
Ragans, Hoyt & Betty Jo	Ragans Jefferson	Florida Forever Bonds	169	12/28/2007	Jefferson	Forestry, Recreation	7/2011	Preserved areas remain as agreed in CE. Slash pine plantations remain well managed. No

## CONSERVATION EASEMENT REVIEW

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Ragans, Hoyt & Betty Jo	Ragans Madison	Florida Forever Bonds	585	12/28/2007	Madison	Forestry, Recreation	7/2011	variations to agreement were noted. The property is well secured.
Strickland Field, L.P.	Strickland Field	P-2000 Bonds	3,822	7/7/2000	Dixie	Forestry	7/2011	Continues to be managed for forestry purposes. Wetlands intact as agreed.
Suwannee River Development, L.L.C.	Ace Ranch	Florida Forever Bonds	681	9/16/2010	Lafayette	Agriculture, Forestry	7/2011	Planted in peanuts with no irrigation used. Wetlands remain as is.
Chinquapin Farm, L.L.C.	Chinquapin Farm	P-2000 Bonds	640	12/30/2009	Columbia	Recreation, Forestry	6/2011	Continues to be used primarily for quail hunting. Only a few selected trees are harvested.
Chinquapin Farm, L.L.C.	Chinquapin Farm	P-2000 Bonds	5,710	12/30/2009	Suwannee	Recreation, Forestry	6/2011	Preserved areas remain intact. No additional building has occurred this year.
Davidson, Dr. C. Linden	Davidson	P-2000 Bonds	225	4/18/2002	Jefferson	Forestry, Recreation	6/2011	No changes this year. Food plots, fences and gates are well maintained.
Jackson, Kevin and Patrice	Jackson	Florida Forever Bonds	171	6/23/2010	Lafayette	Agriculture, Forestry	6/2011	Planted in peanuts this year. No irrigation used. Harvesting pine straw.
Plantations at Deep Creek, L.L.C.	Deep Creek Exchange	Save Our Rivers	1,038	5/12/2006	Columbia	Forestry, Recreation	6/2011	New owners are using the property as a wildlife refuge. Forests remain well maintained.
Plum Creek Timberlands	Manatee Springs Addit. Oak Hammock	Florida Forever Bonds	4,588	8/31/2002	Levy	Forestry, Recreation	6/2011	Continues to be managed for slash pine rotation. Preserved area remains as is.
Plum Creek Timberlands	Manatee Springs Addit. Suwannee Swamp	Florida Forever Bonds	12,797	3/28/2002	Levy	Forestry, Recreation	6/2011	Continues to be managed for slash pine. Preserved wetland areas remain.
Plum Creek Timberlands	Gainesville Wellfield	P-2000 Bonds	3,084	12/15/1999	Alachua	Forestry, Recreation	6/2011	This property is primarily used for forestry activities. GRU has wells and maintained roads. Wetlands intact.

## CONSERVATION EASEMENT REVIEW

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Red Hills Land Company	Foster	Florida Forever Bonds	163	3/25/2002	Jefferson	Forestry, Recreation	6/2011	No changes in easement since purchase.
Geraldine Livingston Foundation	Dixie Plantation	P-2000 Bonds	8,902	2/18/1999	Jefferson	Forestry, Recreation	5/2011	Continues to be used for timber and hunting. Longleaf pine planted each year and prescribed fire used.
Newberry, City of	Newberry Wellfield	P-2000 Bonds	40	2/21/2001	Alachua	Recreation	5/2011	Remains used for sports.
Bailey, Donald and Margaret	Bailey/Cuba Bay Exchange	Save Our Rivers	164	2/12/2002	Jefferson	Agriculture, Forestry	4/2011	No variation in land use. Remains in full compliance.
Florida Sheriffs Youth Ranches, Inc.	Youth Ranches (I and II)	P-2000 Bonds	550	5/7/1997 and 1/2/1996	Suwannee	Recreation	4/2011	All areas are for recreation purposes only. Boy's Ranch personnel have repainted entire perimeter this year. Horseback riding by Ranch residents remains a major use.
Moore, Madeline	Moore	Florida Forever Bonds	115	12/23/2002	Jefferson	Forestry, Recreation	4/2011	Small CE remains in compliance with wetlands preserved.
Zellwin Farms, Inc.	Jennings Bluff	Save Our Rivers	362	2/1/1989	Hamilton	Recreation	4/2011	Maintained as originally agreed.
Champion, Roger and Donna	Mount Gilead	Florida Forever Bonds	180	8/19/2009	Madison	Forestry, Recreation	2/2011	Continues to be maintained primarily for hunting.
Platt, Cody and Carol	Aucilla Addition	P-2000 Bonds	274	12/29/1999	Jefferson	Forestry, Recreation	2/2011	New owners well aware of CE terms. Have completed residence. Plan to mark boundaries and fire lines.
Tisdale, Robert	Manatee Springs Addition	Florida Forever Bonds	83	11/16/2007	Levy	Recreation	2/2011	No change. Used for hunting only.

## CONSERVATION EASEMENT REVIEW

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Feagle, Ronald and Dorothy	Bonnet Lake	Florida Forever Bonds	433	1/27/2010	Columbia	Recreation, Forestry	1/2011	First year inspected. Longleaf pine planted and preserved area remains as is with hunting only.
Harrell, Curtis and Matthew	Falmouth Addition	P-2000 Bonds	912	10/6/1999	Suwannee	Agriculture, Recreation	1/2011	Fields were fallow on date of inspection. Preserved areas remain as is. No encroachment. Cabins in place.
Loncala, Inc.	Monteocha Creek	Save Our Rivers	951	11/30/2001	Alachua	Forestry, Recreation	1/2011	Four ages of slash pine. Good management plan. No harvesting planned in next 12 months.
Loncala, Inc.	Loncala Gilchrist	P-2000 Bonds	913	8/31/1999	Gilchrist	Forestry, Recreation	1/2011	Property remains as agreed to in CE. Loncala intensely manages pine plantations with hunting leases.
Santa Fe River Hammock, L.L.C.	Santa Fe River Hammock	P2000 - Sandlin Bay VFI Resale	167	1/31/2011	Bradford	Forestry, Recreation	1/2011	This is a new CE this year with a management plan in place.
The Campbell Group	California Swamp	Save Our Rivers and P-2000 Bonds	32,134	10/1/2001	Dixie	Forestry, Recreation	1/2011	Remains managed for pine timber and hunting with updated management plan. Wetlands undisturbed.
Sanders, Thomas and Sylvia	Mill Creek	P-2000 Bonds	339	12/6/2000	Hamilton	Recreation, Agriculture	11/2010	Members of the Sanders family are primarily hunters, but keep the property well maintained. No cattle this year.
Sheppard, Derwood and Susan	Manatee Springs Addition	Florida Forever Bonds	120	2/8/2008	Levy	Recreation	11/2010	No change. Owner says it was used very little in the last year.
Bailey Brothers, Inc.	Bailey Brothers	P-2000 Bonds	16,522	8/24/2000	Dixie	Forestry, Recreation	12/2010	Used for forestry, hunting and cattle. Remains as agreed. Feral hog population is declining.

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	<b>MGR</b>
---	------------

	<b>Previous Quantities:</b>		<b>Proposed Quantities:</b>	
<b>Average Daily Rate (ADR)</b>	<b>2.4749</b>	<b>mgd</b>	<b>2.7681</b>	<b>mgd</b>

**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.

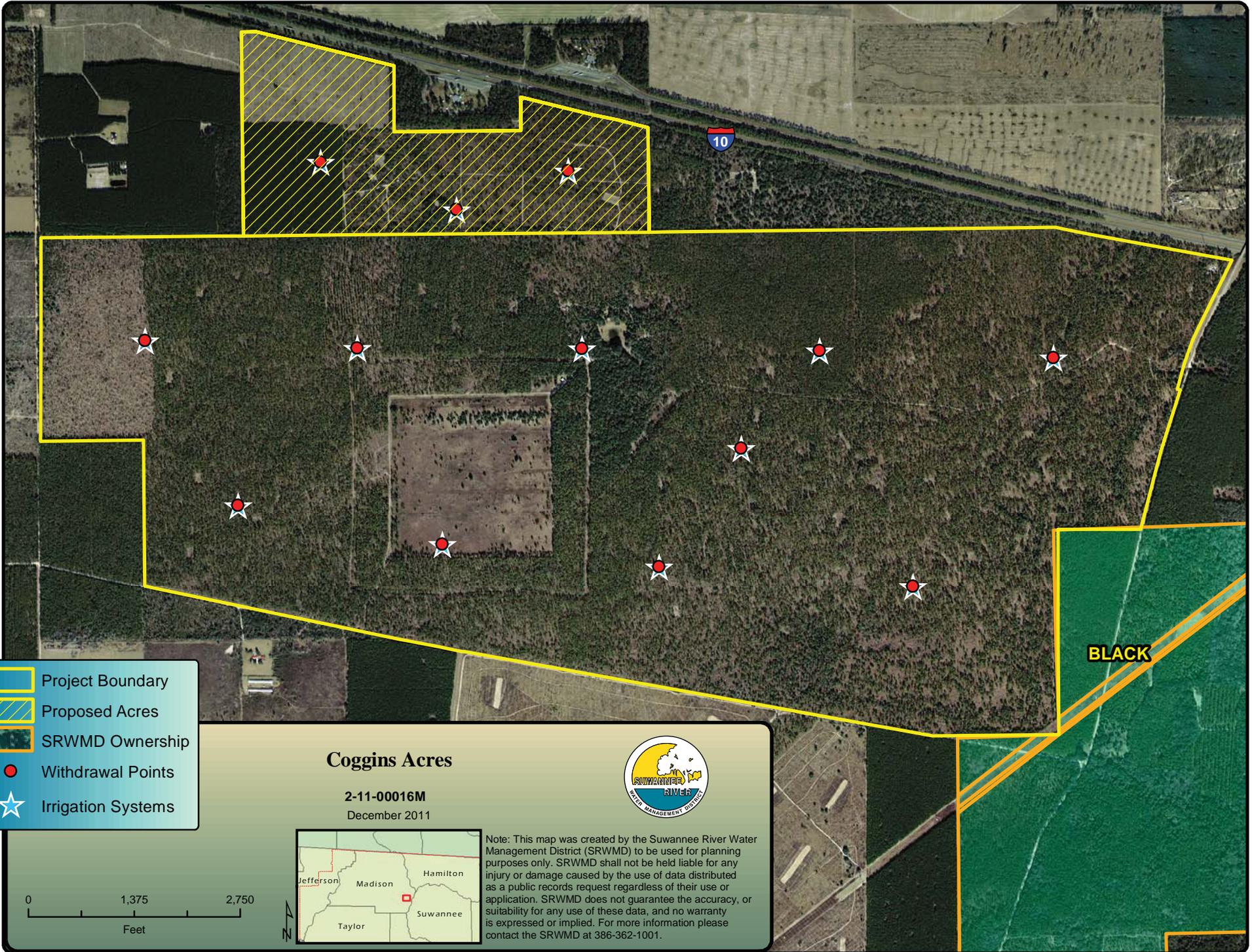
22. The permitted water withdrawal facilities consist of the table on Attachment A.

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 170<sup>th</sup> Street  
Trenton, FL 32693

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

**PARTNERS:**

<b>R &amp; M AG ENTERPRISES LLC</b> 4951 NW 170 <sup>th</sup> Street Trenton, FL 32693	<b>PIEDMONT DAIRIES, INC.</b> 569 Edgewood Avenue South Jacksonville, FL 32205
--	--

**MANAGER/MEMBER DETAIL: R & M AG ENTERPRISES LLC**

Ronald St. John, Jr. 4951 NW 170 <sup>th</sup> Street Trenton, FL 32693	<b>MGR</b>
Marcia A St. John 4951 NW 170 <sup>th</sup> Street Trenton, FL 32693	<b>MGR</b>

**MANAGER/MEMBER DETAIL: PIEDMONT DAIRIES, INC.**

William A McArthur 569 Edgewood Avenue South Jacksonville, FL 32205	<b>MGR</b>
Charles N Hendrix 569 Edgewood Avenue South Jacksonville, FL 32205	<b>MGR</b>

	<b>Previous Quantities:</b>		<b>Proposed Quantities:</b>	
<b>Average Daily Rate (ADR)</b>	-	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.

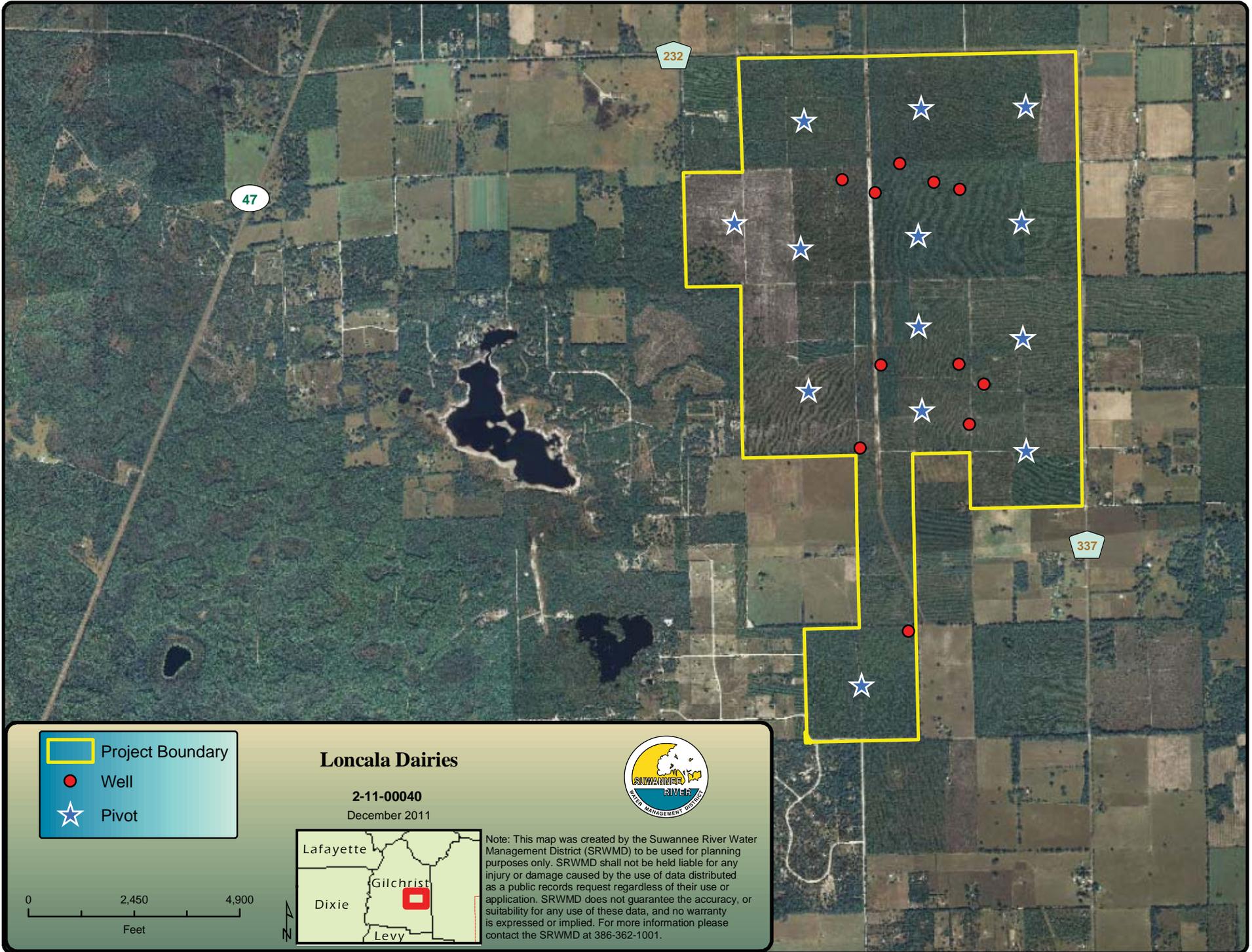
23. The permitted water withdrawal facilities consist of the table on Attachment A.

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	<b>PD</b>
Charles N Hendrix 569 Edgewood Ave. South Jacksonville, FL 32205	<b>V</b>
Ron St. John 4951 NW 170 <sup>th</sup> St Trenton, FL 32693	<b>Agent</b>

**Previous Quantities:**      **Proposed Quantities:**

<b>Average Daily Rate (ADR)</b>	<b>1.7339*</b>	<b>mgd</b>	<b>2.6513</b>	<b>mgd</b>
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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.

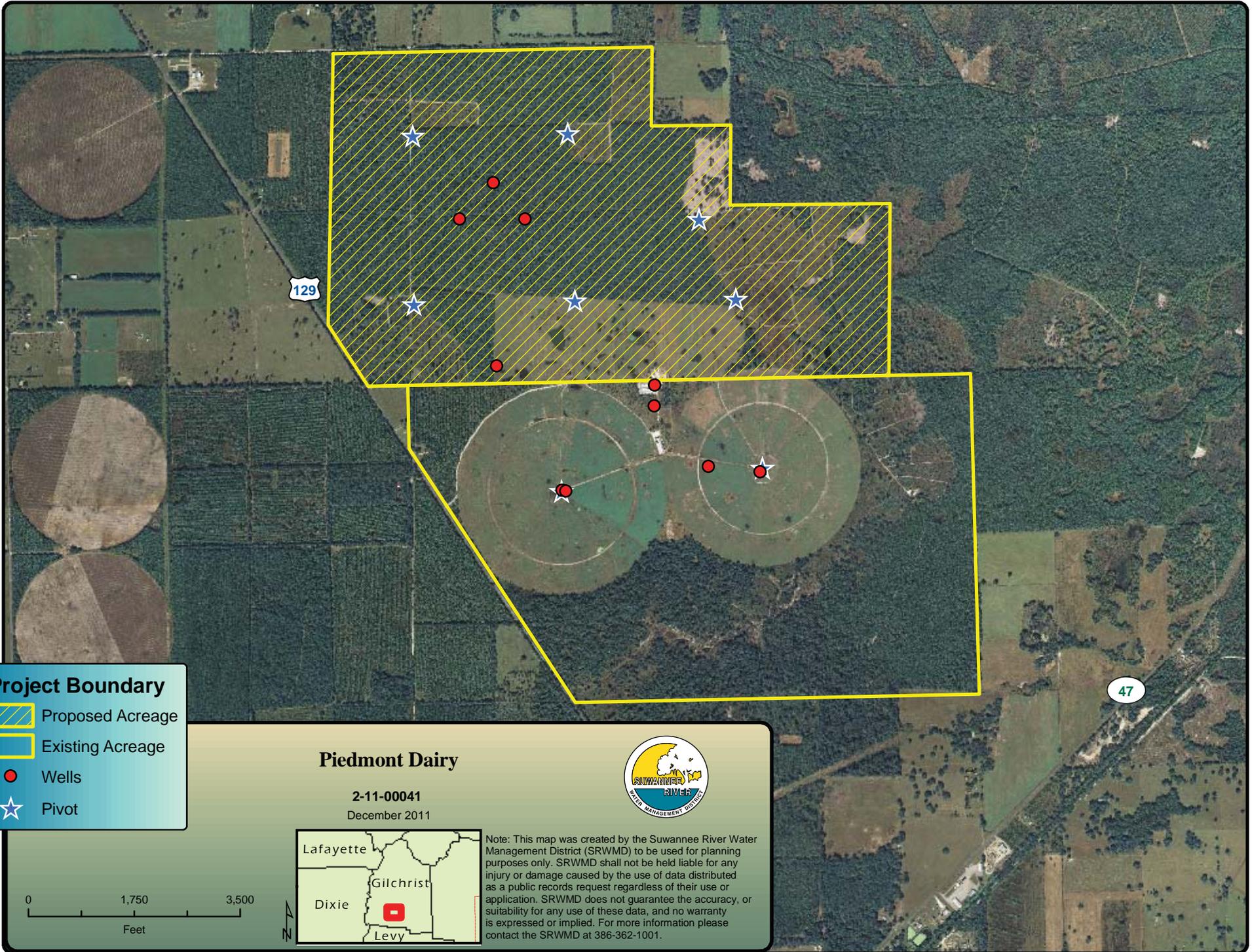
22. The permitted water withdrawal facilities consist of the table on Attachment A.

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



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 4<sup>th</sup> 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 4<sup>th</sup> 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 4<sup>th</sup> 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:
<b>Average Daily Rate (ADR)</b>	<b>0.6723*</b>	<b>mgd</b>	<b>1.1691 mgd</b>

\* 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.

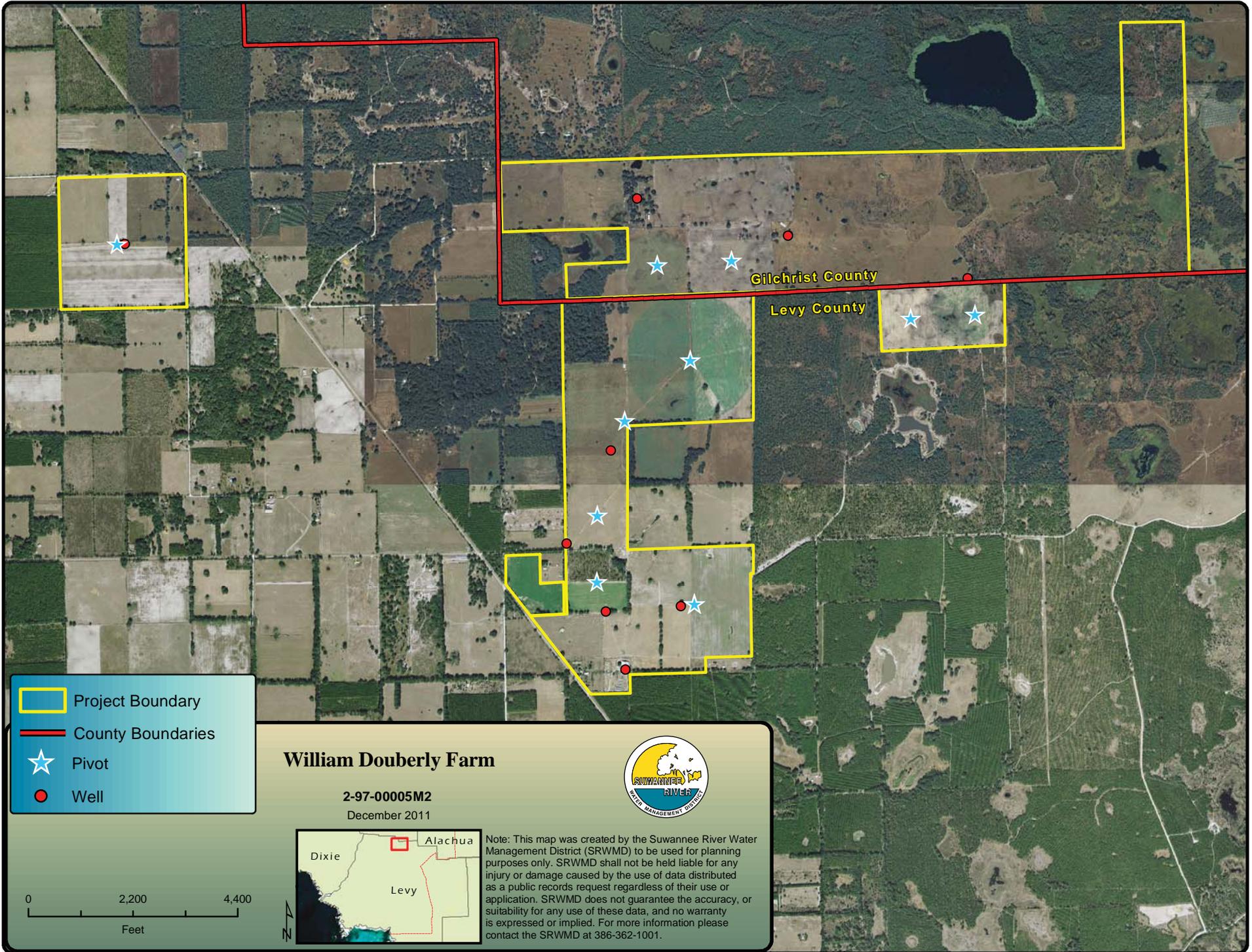
21. The permitted water withdrawal facilities consist of the table on Attachment A.

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.

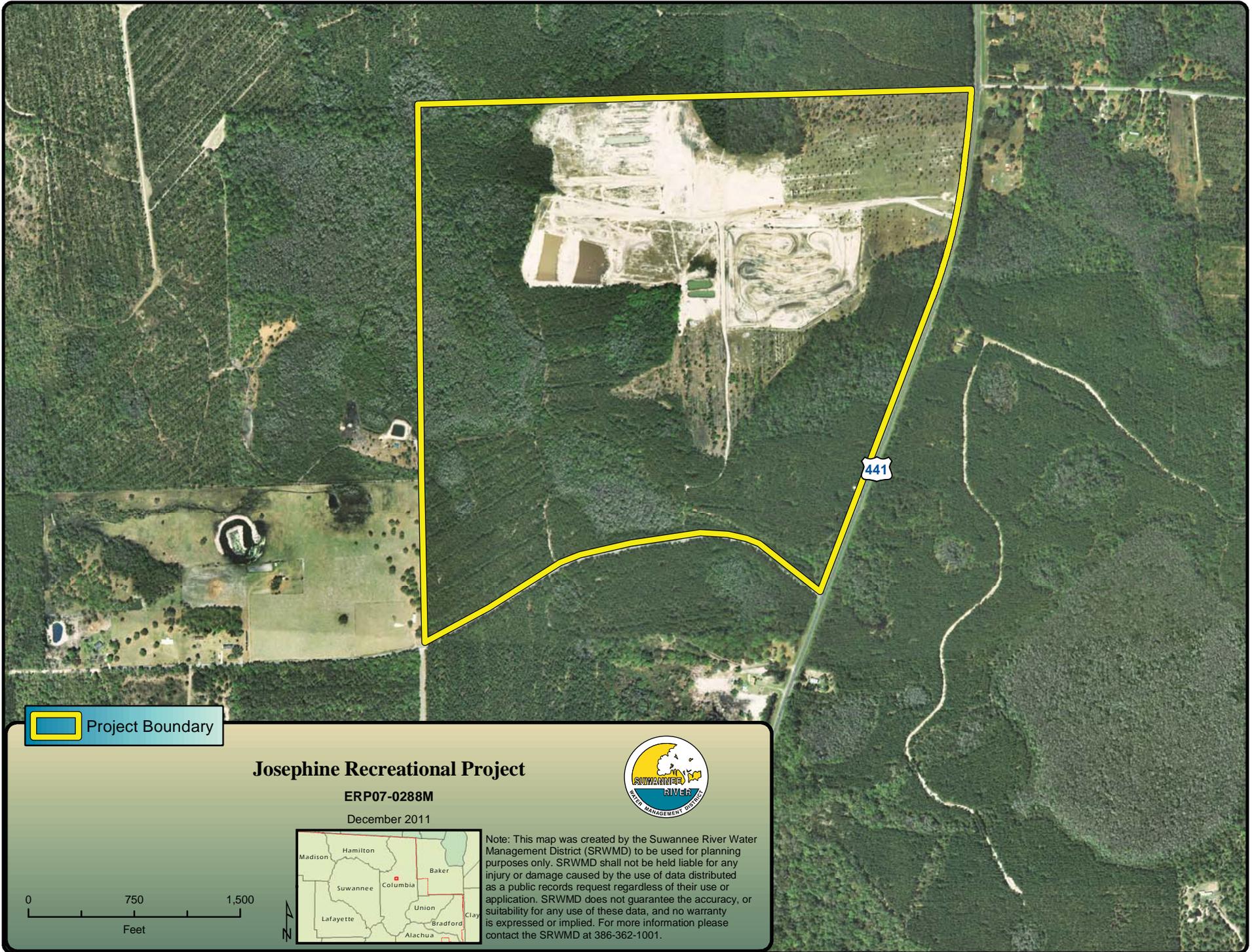
A letter of credit was hand delivered to District staff the morning of the November 9, 2011 Board meeting. The Board deferred action on the staff recommendation until their December 13, 2011, meeting in order for counsel to review the letter of credit and obtain an opinion from the State's Attorney's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

<b>October 2011</b>	<b>Received</b>				
Environmental Resource Permits	Noticed General	General	Individual	Exemption Requests	Extension Requests (SB 7207)
	11	8	1	7	4
	<b>Issued</b>				
	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.

<b>October 2011</b>	<b>Received</b>		<b>Issued</b>
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 7<sup>th</sup> and 8<sup>th</sup>. 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

Suwannee River Water Management District

Governing Board Materials

## Executive Office

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

Director of Governmental Affairs

Assistant Executive Director

Executive Director

## MEMORANDUM

TO: Governing Board

FROM: David Still, Executive Director

DATE: December 5, 2011

RE: Interim Personnel Measures

### RECOMMENDATION

**Staff recommends that the Governing Board approve a freeze on salary increases and the addition of new positions pending a review of the District's funding capacity and staffing plan in association with the FY 2013 budget.**

### BACKGROUND

Based on the current uncertainty in the State's economic outlook, the District must take a very conservative approach with respect to managing its personnel costs. The District's budget for salary and benefits totals \$5,536,097, slightly more than the District's total ad valorem revenue. Such a level is unsustainable should direct legislative appropriations or the ability to generate ad valorem funds continue to shrink.

The prudent course is to contain current expenditures and ensure that the most cost effective mix of staff and contractual services is being employed. The first step on this course is to freeze staff salaries and the addition of any new positions. This measure should be implemented through at least the end of the 2012 legislative session and may be extended as needed based on the conditions and outlook at that time.

## MEMORANDUM

TO: Governing Board

FROM: David Still, Executive Director  
Charlie Houder, Asst. Executive Director  
Steve Minnis, Governmental Affairs Director

DATE: November 22, 2011

RE: Activity Report, Executive Office

The following is a brief summary of activities during the past month by David Still, Charlie Houder, and Steve Minnis.

### David, Charlie, and Steve:

- Participated in the bi-weekly call with the Department of Environmental Protection (DEP).

### David and Charlie:

- Participated in the Surplus Lands Committee meeting.
- At the request of DEP, coordinated and attended a meeting with DEP, SJRWMD, and the Board of County Commission Chairmans from Columbia, Suwannee, and Hamilton counties on water supply issues.

### David:

- Attended the North Florida Utility Coordinating Group meeting at St. Johns River Water Management District (SJRWMD) headquarters.
- Participated in the SJRWMD-SRWMD interagency agreement kick-off meeting at the SJRWMD headquarters.
- Attended the signing of the Florida Silver Jacket Charter in Lorida, Florida.
- Participated in The Ichetucknee Partnership Quarterly meeting.
- Attended a check presentation made by United States Department of Agriculture Rural Development to the City of Lawtey for Phase II of their sewer system.
- Attended the Bradford County Soil and Water Conservation District meeting in Starke to discuss water quality and quantity for the Upper Santa Fe Basin.
- Attended the Suwannee River League of Cities meeting in Cedar Key.
- Participated in a meeting with Greg Munson and Ann Shortelle at DEP in Tallahassee.

### Charlie:

- Attended the Suwannee Chapter of Society of American Foresters' meeting at the Austin Cary Memorial Forest in Alachua County.
- Participated in the Arc 10 Geographical Information Systems training here at the District.
- Attended the Cabinet Meeting in Tallahassee on November 1<sup>st</sup>.
- Participated in the R. O. Ranch monthly meeting with Mr. Curtis presiding.

- Attended the Society of American Foresters/School of Forest Resources and Conservation Symposium in Gainesville.
- Attended the Alachua Water Reclamation Facility Dedication in Alachua.

Steve:

- Attended the Interim Legislative Committee Meetings for the week of October 17<sup>th</sup>, October 31<sup>st</sup>, and November 14<sup>th</sup>.
- Provided a District Budget Overview Presentation to the House Agricultural and Natural Resources Appropriations Subcommittee.
- Attended the Legislative Delegation Meetings for the counties of Bradford and Union.

MEMORANDUM

TO: Governing Board

FROM: David Still, Executive Director  
Charlie Houder, Assistant Executive Director

DATE: November 22, 2011

RE: Legal Services Report

The following information is being provided to you regarding cost of legal services paid for within the last thirty (30) days for services billed through mid November 2011.

<b>Firm</b>	<b>Monthly Total (paid as of November 21, 2011)</b>	<b>Cumulative Total*</b>
Brannon, Brown, Haley & Bullock, P.A.	\$4,564.00	\$45,836.64
Springfield Law, P.A.	\$2,659.75	\$29,198.27

Cumulative total is through November 21, 2011.

**Firm:** Brannon, Brown, Haley & Bullock, P.A.

**Amount billed:** \$211.50

**Program:** General Admin – Executive Office

The work being performed by this firm is for the Environmental Protection Agency case.

**Firm:** Brannon, Brown, Haley & Bullock, P.A.

**Amount billed:** \$2,976.00

**Program:** Real Estate

The work being performed by this firm is for real estate work, including Virginia Forest Investments, Rawls Family Trust, Shaw, Santa Fe River Hammock, Andrews, and Layman/Walker Spring.

**Firm:** Brannon, Brown, Haley & Bullock, P.A.

**Amount billed:** \$1,244.50

**Program:** Environmental Resource Permitting

The work being performed by this firm is for enforcement regarding the District vs. El Rancho No Tengo; Midyette; Hicks; Fennell/Buckles; Fitzhugh; Freeman; Doobay; McCans/Sonic; homeowners' association document review.

**Firm:** Brannon, Brown, Haley & Bullock, P.A.

**Amount billed:** \$132.00

**Program:** Water Use/Water Well Permitting

The work being performed by this firm is for enforcement regarding the District vs. Paul Moody.

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**Firm:** Springfield Law, P.A.

**Amount Billed:** \$804.75

**Program:** Environmental Resource Permitting

The work being performed by this firm is for enforcement regarding El Rancho No Tengo (Hill v. SRWMD and Hill-Dam Circuit Case).

**Firm:** Springfield Law, P.A.

**Amount Billed:** \$918.75

**Program:** Environmental Resource Permitting

The work being performed by this firm is for enforcement regarding Smithfield Estates, Haight Ashbury, and Callaway Subdivision.

**Firm:** Springfield Law, P.A.

**Amount Billed:** \$796.25

**Program:** Water Use/Water Well Permitting

The work being performed by this firm is regarding a Jefferson County ordinance and Northwest Florida Water Management District and 40B-3 memorandum.

**Firm:** Springfield Law, P.A.

**Amount Billed:** \$43.75

**Program:** Minimum Flows and Levels

The work being performed by this firm is regarding St. Johns River Water Management District MFL meetings (Putnam/Clay).

**Firm:** Springfield Law, P.A.

**Amount Billed:** \$96.25

**Program:** Water Supply

The work being performed by this firm is regarding the District's declaration of Water Resource Caution Areas.

/lgw