

Suwannee River Water Management District

Governing Board Materials

## Supplemental

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

Assistant Executive Director

Executive Director

## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: February 7, 2012

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

### RECOMMENDATION

**Staff recommends the Governing Board extend Temporary Water Use Permit number 2-97-00005M2 until March 15, 2012, with seventeen standard conditions and seven special limiting conditions to William Douberly Farm in Gilchrist and Levy Counties.**

### BACKGROUND

The applicant requested a temporary permit on February 1, 2012, following the referral of the petition for administrative hearing to the Division of Administrative Hearings at the January 2012 Governing Board meeting.

Section 373.244, Florida Statutes (F.S.) allows the District to issue temporary permits while the application is pending. It also notes that, if granted, temporary permits shall expire on the day following the next regular meeting of the Governing Board. Additionally, the Governing Board shall review temporary permits at each regular meeting and may terminate a temporary permit or refuse to extend it further upon a finding that the water use does not meet the criteria set forth in District rule 40B-2.441, Florida Administrative Code (F.A.C.) that adverse effects are occurring as a result of water use under the temporary permit, or that the water authorized to be used under such permit is no longer required by the permit holder. If the Governing Board extends the term of a temporary permit for subsequent periods, the expiration date shall be on or before the day following the next regular meeting of the Governing Board.

Staff has determined that the temporary application is complete and satisfies the conditions for issuance in Chapter 40B-2, F.A.C., and Chapter 373, F.S.

KW/tm

February 7, 2012

William P. Douberly, Jr.  
13720 Southwest 4<sup>th</sup> Lane  
Newberry, FL 32669

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

Dear Mr. Douberly:

Suwannee River Water Management District (District) staff proposes to recommend that the Governing Board extend the above-mentioned temporary permit until March 15, 2012.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on February 14, 2012, which is open to the public.

Please call permitting staff at 386.362.1001 if you have any questions.

Sincerely,

Tim Sagul, P.E.  
Senior Professional Engineer

TS/tm

Enclosure

Certified Mail Receipt Number: 7010 1060 0001 1350 1857

# STAFF REPORT

## TEMPORARY WATER USE PERMIT

**DATE:** February 7, 2012

**PROJECT:** William Douberly Farm

**APPLICANT:**  
William Douberly Farm  
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

|                                 | <b>Previous Quantities:</b> |            | <b>Proposed Quantities:</b> |            |
|---------------------------------|-----------------------------|------------|-----------------------------|------------|
| <b>Average Daily Rate (ADR)</b> | <b>0.6723*</b>              | <b>mgd</b> | <b>1.1691</b>               | <b>mgd</b> |

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

### **Recommended Agency Action**

Staff recommends extension of Temporary Water Use Permit 2-97-00005M2 for the continued use of an existing row crop and livestock operation within Gilchrist and Levy County. This will void the Richard Beauchamp permit (2-93-00097\*) in order to consolidate both operations. The permit will include seventeen standard conditions and seven special limiting conditions. The temporary permit will expire on March 15, 2012.

### **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 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 applicants 505 wetted acreage 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.

## **Harm Analysis**

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.

## **Application Timeline**

Staff recommended issuance of the modification at the December 13, 2011, Governing Board meeting. A petition requesting an Administrative Hearing was received on January 3, 2012. The Governing Board referred the petition to DOAH on January 10, 2012. The Executive Director issued the first temporary permit on February 2, 2012, with an expiration date of February 15, 2012.

## **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 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 issuance of this Temporary Water use Permit shall not in any way be construed as a commitment to issue a water use permit.

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

24. This temporary permit shall expire on March 15, 2012.

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  |

