

AGENDA
SUWANNEE RIVER WATER MANAGEMENT DISTRICT
GOVERNING BOARD INTERMEDIATE MEETING

OPEN TO THE PUBLIC

March 26, 2012
1:00 p.m.

District Headquarters
9225 CR 49
Live Oak, Florida

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

Action Items

3. Approval of Agenda
- Page 3 4. Disposition of Petition Requesting Administrative Hearing Regarding Water Use Permit Number 2-11-00063, Richard Douglas Farm, Gilchrist County
- Page 34 5. Proposed Settlement Agreement Regarding Water Use Permit Application Number 2-11-00040, Loncala Dairies, Gilchrist County, Administrative Hearing Request
- Page 35 6. Proposed Settlement Agreement Regarding Water Use Permit Application Number 2-11-00041, Piedmont Dairies, Gilchrist County, Administrative Hearing Request
- Page 43 7. Approval of Land Sale without Reservation of Mineral and Petroleum Interests – Withlacoochee Quail Farm

Informational Items

8. Executive Director Selection
9. Announcements

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

April 10, 2012	9:00 a.m.	Board Meeting Workshop
May 8, 2012	9:00 a.m.	Board Meeting Workshop

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

7. 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.

MEMORANDUM

TO: Governing Board
FROM: Tim Sagul, Senior Professional Engineer
DATE: March 19, 2012
RE: Disposition of Petition Requesting Administrative Hearing Regarding Water Use Permit Number 2-11-00063, Richard Douglas Farm, Gilchrist County

RECOMMENDATION

Staff recommends the Governing Board dismiss the above-referenced petition regarding Water Use Permit Number 2-11-00063, Richard Douglas Farm, Gilchrist County.

BACKGROUND

The water use permit application was received on December 28, 2011. The District received a letter stating that there were concerns by adjacent property owners on February 2, 2012. The District issued a notice of proposed agency action on February 28, 2012, stating the District intended to issue the Water Use Permit. A petition requesting an Administrative Hearing was received at the District on March 15, 2012.

DISCUSSION

Paragraph 120.569(2)(d), Florida Statutes states, *"The agency may refer a petition to the division for the assignment of an administrative law judge only if the petition is in substantial compliance with the requirements of paragraph (c)."* Paragraph (c) references the information requirements in the Uniform Rules of Procedure, which are also referenced in the District's Rule 40B-1.100, Florida Administrative Code. Additionally, paragraph (c) allows the agency to dismiss a petition if it is not in substantial compliance with the requirements or if has been untimely filed.

Board counsel has reviewed the petition and deficiencies are noted. A copy of the petition and Board Counsel Order dismissing the petition without prejudice follows this memorandum.

/rl
Attachment

BEFORE THE GOVERNING BOARD OF THE SUWANNEE RIVER
WATER MANAGEMENT DISTRICT

GINNIE SPRINGS, OUTDOORS, LLC.,

Petitioner(s),

v.

DISTRICT PERMIT NO. 2-11-00063

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,
JOSHUA D. MOORE and
RICHARD DOUGLAS,

Respondents,

_____ /

ORDER DISMISSING PETITION, WITHOUT PREJUDICE

THIS CAUSE having come before the GOVERNING BOARD (the “BOARD”) of the SUWANNEE RIVER WATER MANAGEMENT DISTRICT (the “DISTRICT”) on the PETITION FOR ADMINISTRATIVE HEARING (the “PETITION”), filed on March 14, 2012 by the petitioner(s), GINNIE SPRINGS, OUTDOORS, LLC., (the “PETITIONER(S)”) concerning the DISTRICT’s Permit No. 2-11-00063 (the “PERMIT”) and the BOARD hereby finds as follows:

1. Upon receipt of a petition, the DISTRICT is required to review the petition to determine if the petition contains those items required by rule and dismiss those petitions which are not in substantial compliance with such requirements.

Unless otherwise provided by law, a petition or request for hearing shall include those items required by the uniform rules adopted pursuant to s. 120.54(5)(b). Upon the receipt of a petition or request for hearing, the agency shall carefully review the petition to determine if it contains all of the required information. A petition shall be dismissed if it is not in substantial compliance with these requirements or it has been untimely filed. Dismissal of a petition shall,

at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured. The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable. This paragraph does not eliminate the availability of equitable tolling as a defense to the untimely filing of a petition.

§ 120.569(c), Fla.Stat.

2. Further, the DISTRICT is not allowed to refer a petition to the Division of Administrative Hearings unless such petition is in substantial compliance with the applicable rules.

The agency may refer a petition to the division for the assignment of an administrative law judge only if the petition is in substantial compliance with the requirements of paragraph (c).

§ 120.569(d), Fla.Stat.

3. The applicable rules require that a petition contain, among other things, the following:

The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

Fla. Admin. Code R. 28-106.201(2)(b) (Emphasis supplied); *See also*, § 120.569(1), Fla.Stat., (providing in pertinent part that, “[t]he provisions of this section apply in all proceeding in which the substantial interest of a party are determined by an agency.”) (emphasis supplied)

4. The PETITION does not substantially comply with Fla. Admin. Code R. 28-106.201(2)(b), because it does not contain an “explanation of how the petitioner's substantial interests will be affected by the agency determination.”

THEREFORE it is hereby ORDERED and ADJUDGED that:

1. The PETITION is hereby DISMISSED.
2. This dismissal shall be without prejudice to PETITIONER(S) filing a timely amended petition curing the above defect.
3. The deadline for filing an amended petition curing the above defect is 15 days after the date of the service of this order (the "DEADLINE"). Should the PETITIONER(S) fail to file an amended petition by the DEADLINE, this dismissal shall be automatically converted to a dismissal, with prejudice, and the DISTRICT shall close its file accordingly without any further notice to the PETITIONER(S) or action of the BOARD.
4. The Executive Director of the DISTRICT shall promptly provide a copy of this order to all parties.

DONE and ORDERED on _____, 2012.

GOVERNING BOARD OF THE SUWANNEE
RIVER WATER MANAGEMENT DISTRICT

By: _____
Don Quincey, Jr
Chair

ATTEST: _____
Ray Curtis
Secretary Treasurer

(The remainder of this page was intentionally left blank.)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this order has been furnished to the following persons by fax and mail:

Mr. Richard L. Maguire
Ms. Emily J. Pierce
Ms. Cristine M. Russell
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207
Fax No. (904) 396-0663

Attorneys for the Petitioner(s)

and to the following persons by mail:

Mr. Richard Douglas
6524 NE 55 Street
High Springs, Florida 32643

Respondent

Mr. Joshua D. Moore
4520 River Close Boulevard
Valrico, Florida 33596

Respondent

on _____, 2012.

Tim Sagul
Deputy Agency Clerk

March 14, 2012

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Via Federal Express Overnight

District Clerk
Suwannee River Water Management District Headquarters
9225 County Road 49
Live Oak, FL 32060

ORIGINAL TO FILE 2-11-00063
COPIES TO _____

**Re: Water Use Permit Application Number 2-11-00063
Petition for Administrative Hearing
Our File: S1160-28112**

Dear Sir or Madam:

As provided in the Notice of Rights attached to the District's February 23, 2012, letter concerning the referenced permit application, attached is a Petition for Administrative Hearing to be filed concerning the referenced permit application. A copy of the Petition has also been sent to several District individuals and to the owner of the property subject to the permit and the lessee of that property.

I understand that the applicant may request a temporary permit, pursuant to 40B-2.441, F.A.C., which will expire on the day following the next regular meeting of the Governing Board. To extend the temporary water use permit, the Governing Board must consider whether the temporary permit is necessary prior to final action on the application; to be necessary, there must exist a serious set of unforeseen or unforeseeable circumstances.

If the District does receive a request for a temporary water use permit, I request that I be notified immediately of the request. In addition, I request that I be advised when a decision is made by the Executive Director. Finally, although not required, if possible, I request I be provided advance notice of the intent to issue that temporary permit so that my clients, who will be adversely affected by the temporary water use permit, have the opportunity to take appropriate action.

If the District has any questions or needs additional information, please do not hesitate to contact me.

Sincerely,



Richard L. Maguire

RLM:sja
Enclosure

BEFORE THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT

GINNIE SPRINGS OUTDOORS, LLC

Petition for Administrative Hearing
Water Use Permit No. 2-11-00063

Petitioner,

v.

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,
JOSHUA D. MOORE and
RICHARD DOUGLAS,

Respondents.

PETITION FOR ADMINISTRATIVE HEARING

GINNIE SPRINGS OUTDOORS, LLC (“Petitioner”), by and through undersigned counsel, hereby files this petition for formal administrative hearing (the “Petition”) pursuant to Sections 120.569(1) and 120.57(1), Florida Statutes, and Chapter 28-106.2015, Florida Administrative Code, against the SUWANNEE RIVER WATER MANAGEMENT DISTRICT (“Respondent District”), JOSHUA D. MOORE (“Respondent Moore”) and RICHARD DOUGLAS (“Respondent Douglas”) and states as follows:

PARTIES

1. The name, address and telephone number of the Petitioner is Ginnie Springs Outdoors, LLC, 7300 NE Ginnie Springs Rd., High Springs, Florida 32643, (386) 454-7188.

2. Petitioner is represented in this matter by Richard L. Maguire, Emily G. Pierce and Cristine M. Russell of Rogers Towers, P.A., 1301 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207, (904) 398-3911.

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3. The name and address of the Respondent District, the affected agency, is the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386) 362-1001.

4. The name and address of Respondent Douglas is: 6524 NE 55 Street, High Springs, Florida 32643.

5. The name and address of Respondent Moore is: 4520 River Close Boulevard, Valrico, Florida 33596, (352) 258-6309.

NOTICE OF AGENCY ACTION

6. The Agency's file or identification number for the Water Use Permit is: 2-11-00063.

7. Respondent Douglas submitted an Application for a Water Use Permit on December 27, 2011.

8. Petitioner received notice of the Agency decision on February 24, 2012, when undersigned counsel received a letter from the Respondent District, referencing the Water Use Permit Application Number 2-11-00063 and advising that the Respondent District staff proposes to issue the above-mentioned permit; the proposed action is subject to final approval by March 16, 2012. A copy of the letter is attached hereto as **Exhibit "A"**.

9. A draft permit, with conditions for approval, was not received with Exhibit "A" nor was it available for review until March 12, 2012. A copy of that draft permit is attached hereto as **Exhibit "B"**.

DISPUTED ISSUES OF MATERIAL FACTS

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10. Specific disputed issues of material fact in this proceeding include, but are not limited to, the following:

a. Whether the proposed use will degrade water resources, including the groundwater, Ginnie Springs and other springs and the Santa Fe River, an Outstanding Florida Water (“OFW”);

b. Whether the applicant has provided reasonable assurances that the use of the water is a reasonable-beneficial use, both reasonable and consistent with the public interest;

c. Whether the proposed permit contains such reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of the District and is not harmful to the water resources of the area;

d. Whether the applicant has provided reasonable assurances that the proposed use of water will not interfere with any presently existing legal use of water;

e. Whether the applicant has provided reasonable assurances that the proposed use of water is consistent with the public interest.

f. Whether the applicant has provided reasonable assurances that the proposed use of water will not degrade the source from which it is withdrawn;

g. Whether the applicant has provided reasonable assurances that the proposed use of water will not harm off-site land uses;

h. Whether the applicant has provided reasonable assurances that the proposed use of water will not cause harm to surface waters;

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i. Whether the applicant has provided reasonable assurances that the use will not cause or contribute to a violation of State water quality standards in waters of the State, including but not limited to Outstanding Florida Waters;

j. Whether the applicant has provided reasonable assurances that the proposed use of the water is a reasonable beneficial use considering the purpose and value of the use and the extent and amount of harm to be caused;

k. Whether the Respondent District has considered the practicality of mitigating any harm by adjusting the quantity or method of use;

l. Whether the Respondent District has considered the feasibility of alternative sources of water;

m. Whether the Respondent District has complied with its own regulations in reviewing the Application, including but not limited to:

i. Processing a well permit and the application as one application;

ii. Determining whether the applicant has provided reasonable assurance of satisfying conditions for issuance through data collection, evaluation and modeling;

iii. Determining the impact to surface water bodies;

iv. Determining whether the proposed water use would cause degradation of surface or groundwater quality to the extent that sources are rendered unusable for reasonable-beneficial uses of water or pollutants would interfere with an existing legal use;

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v. Determining whether the applicant Respondents Douglas or Moore have developed a plan that incorporates the applicable Best Management Practices approved by the Florida Department of Agriculture and Consumer Services;

vi. Determining the necessity for monitoring, including but not limited to: number and placement of monitoring wells; monitoring frequency; constituents to be monitored; actions levels; and the method to respond to detection; and

vii. Considering standard permit conditions to include mitigation of any harm to off-site land uses and mitigation of any harm to natural resources.

n. Whether the Applicant has affirmatively demonstrated that the proposed water use is clearly in the public interest and the existing ambient water quality within Outstanding Florida Waters will not be lowered as a result of the proposed use of water;

o. Whether Ginnie Springs is part of the Santa Fe River System; and

p. Whether the Santa Fe River System is an OFW.

ULTIMATE FACTS ALLEGED

11. Respondent District staff has advised that it proposes to issue a permit that is not in compliance with applicable standards and criteria in Florida Statutes and the Florida Administrative Code as well as the Respondent District's Water Use Permitting Guide.

12. Respondents Douglas and Moore have failed to comply with the applicable standards and criteria set forth in the Florida Statutes and the Florida Administrative Code, by failing to provide the necessary reasonable assurances and by failing to provide required data.

13. Respondent District has failed to evaluate the impact on existing legal users, off-site land uses and the Santa Fe River System, an OFW.

SPECIFIC RULES THAT REQUIRE REVERSAL OR MODIFICATION
OF THE RESPONDENTS' ACTION

1. *Water Use Permit Statutes:*

a. 373.016, Fla. Stat. (2012) - Declaration of Policy:

(i) 373.016(2), Fla. Stat. (2012) - DEP and the WMDs “shall take into account cumulative impacts on water resources and manage those resources in a manner to ensure their sustainability.

(ii) 373.016(3), Fla. Stat. (2012) - It is declared to be policy of the Legislature “(f) To minimize degradation of water resources by the discharge of stormwater; (g) To preserve natural resources, fish, and wildlife, . . . (i) To promote recreational development. . .”

b. 373.019, Fla. Stat. (2012) - Definitions

373.019(16), Fla. Stat. (2012) - “‘Reasonable-beneficial use’ means the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.”

c. 373.219, Fla. Stat. (2012) - Permits required:

373.219(1), Fla. Stat. (2012) - WMDs may require a permit for the consumptive use of water “and may impose such reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of the district or department and is not harmful to the water resources of the area.

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d. 373.223, Fla. Stat. (2012) - Conditions for a permit:

373.223(1), Fla. Stat. (2012) - "To obtain a permit . . . the applicant must establish that the proposed use of water:

- (a) Is a reasonable-beneficial use as defined in s. 373.019;
- (b) Will not interfere with any presently existing legal use of water; and
- (c) Is consistent with the public interest."

2. Suwannee River Water Management District Water Use Permit Rules:

a. 40B-2.301, Fla. Admin. Code - Conditions for Issuance of Permits.

40B-2.301(1), Fla. Admin. Code - "To obtain a permit . . . the applicant must provide reasonable assurances that the proposed use of water:

- (a) Is a reasonable-beneficial use;
- (b) Will not interfere with any presently existing legal use of water; and
- (c) Is consistent with the public interest."

40B-2.301(2), Fla. Admin. Code - the following criteria must be met in order for a use to be considered reasonable-beneficial:

"(a) The use must be in such quantity and of such quality as is necessary for economic and efficient use.

(b) The use must be for a purpose that is both reasonable and consistent with the public interest.

(c) The source of the water must be capable of producing the requested amounts and appropriate quality of water.

(d) The use will not degrade the source from which it is withdrawn.

(e) The use will not cause or contribute to flooding.

(f) The use will not harm offsite land uses.

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(g) The use will not cause harm to wetlands or other surface waters. Harm to wetlands or other surface waters must be mitigated after completion of reduction or elimination of harm in accordance with sections 3.1.8. through 3.1.10. of the Water Use Permitting Guide.

(h) The use will not cause or contribute to a violation of either minimum flows or levels.

(i) The use will not cause or contribute to a violation of state water quality standards in waters of the state as set forth in Chapters 62-301, 62-302, 62-520 and 62-550, F.A.C.

(j) The use is otherwise a reasonable-beneficial use as defined in Section 373.019(2), Fla. Stat. (2012), with consideration given to the factors set forth in 62-40.410(2), F.A.C.”

40B-2.301(3), Fla. Admin. Code - The standards and criteria of the Water Use Permitting Guide are incorporated into this Chapter.

3. 62-40.410, Fla. Admin. Code - Water Supply Protection and Management.

62-40.410(2), Fla. Admin. Code - additional factors incorporated by reference into 40B-2.301(2)(j), Fla. Admin. Code, to be considered when determining if a use is reasonable-beneficial:

(2) In determining whether a water use is a reasonable-beneficial use, the following factors will be considered:

- (a) The quantity of water requested for the use;
- (b) The demonstrated need for the use;
- (c) The suitability of the use to the source of water;
- (d) The purpose and value of the use;

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- (e) The extent and amount of harm caused;
- (f) The practicality of mitigating any harm by adjusting the quantity or method of use;
- (g) Whether the impact of the withdrawal extends to land not owned or legally controlled by the user;
- (h) The method and efficiency of use;
- (i) Water conservation measures taken and available to be taken;
- (j) The feasibility of alternative sources such as reclaimed water, stormwater, aquifer storage and recovery, brackish water and salt water;
- (k) The present and projected demand for the source of water;
- (l) The long-term yield available from the source of water;
- (m) The extent of water quality degradation caused;
- (n) Whether the proposed use would cause or contribute to flood damage;
- (o) Whether the proposed use would significantly induce or increase saltwater intrusion;
- (p) The amount of water which can be withdrawn without causing harm to the resource;
- (q) Whether the proposed use would adversely affect public health; and
- (r) Whether the proposed use would significantly affect natural systems.

4. *Suwannee River Water Management District Water Use Permitting Guide (Incorporated by Reference into 40B-2.301(3), Fla. Admin. Code)*

2.7: In the event a Water Use Permit (“WUP”) requires a well permit, the water well application is deemed part of the WUP application and they are processed as one application under the WUP procedures.

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3: acknowledges that Section 373.223, Fla. Stat. (2012), provides a three (3) pronged test for evaluating a proposed water use, notes that the three prongs must be met individually and cumulatively.

3.1.1.(b): for projects located either wholly or in part within a water resource caution area, the applicant “shall” provide a feasibility assessment for alternative water supplies. The criteria which must be used to demonstrate feasibility include: environmental feasibility, technical feasibility, and economic feasibility.

3.1.2: the applicant shall provide reasonable assurance of satisfying conditions for issuance through data collection, evaluation, and modeling except when the District possesses sufficient information to enable it to evaluate the application.

3.1.3: impacts to wetlands and surfacewater bodies shall be considered regardless of whether an ERP permit is involved.

3.1.6: is the no-harm standards and thresholds, it specifically states that “withdrawals” cannot cause or contribute to a change in water levels and flow for springs.

3.1.11: “A water use permit application shall be denied if the withdrawals would cause **degradation** of surface or groundwater quality through the **induced movement of pollutants** into a water source to the extent that sources are rendered unusable for reasonable-beneficial uses of water or pollutants interfere with an existing legal use.”

3.1.12: “The permit application shall be denied based on inconsistency with the public interest if the proposed withdrawals of water would cause an unmitigated adverse impact on an adjacent land use existing at the time of the permit application.” Adverse impacts include, but are not limited to, reduction in water quality in adjacent surfacewaters and springs, damage to wetlands and other surface waters and damage to habitat of endangered or threatened species.

3.1.14: “The issuance of a permit will be denied if the withdrawal or use of water

would otherwise be harmful to the water resources.”

3.3.2.7: The District presumes compliance with 40B-2 and the permitting guide if the applicant develops a plan that incorporates the applicable best management practices approved by the Florida Department of Agriculture and Consumer Services.

3.4: monitoring may be required.

3.6.1: lists out the standard permit conditions which include mitigation of any harm to off-site land uses and mitigation of any harm to natural resources.

3.6.2: allows for special permit conditions.

3.6.2.3: applies to agricultural uses and requires implementation of a District approved water conservation plan, a water use compliance report every 5 years, and restrictions on use of water for frost/freeze protection.

3.6.2.7: regulates well construction.

5. *Florida's Antidegradation Policy & Outstanding Florida Waters Regulations*

62-4.242, Fla. Admin. Code - Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement.

62-4.242(1)(a), Fla. Admin. Code, states: “Permits shall be issued when consistent with the antidegradation policy set forth in Rule 62-302.300, F.A.C., and, if applicable, Rule 62-302.700, F.A.C.”

62-4.242(2)(a), Fla. Admin. Code, states that no permit “shall be issued for any proposed activity or discharge within an Outstanding Florida Waters, or which significantly degrades, either alone or in combination with other stationary installations, any Outstanding Florida Waters, unless the applicant affirmatively demonstrates that: . . . 2. The Proposed activity or discharge is clearly in the public interest, and . . . the existing ambient water quality within

Outstanding Florida Waters will not be lowered as a result of the proposed activity or discharge . . .”

62-4.242(2)(c), Fla. Admin. Code, “existing ambient water quality” means either that which existed for the baseline year of an Outstanding Florida Water designation or that which existed during the year prior to the permit application.

62-302.300, Fla. Admin. Code - Findings, Intent, and Antidegradation Policy for Surface Water Quality.

62-302.300(5), Fla. Admin. Code, states that water quality standards apply equally to the public and private sector.

62-302.300(6), Fla. Admin. Code, states that private activities conducted for private purposes may also be in the public interest.

62-302.300(11), Fla. Admin. Code, states that it is the public policy of the State to conserve, protect, maintain and improve the quality of the states water.

62-302.300(12), Fla. Admin. Code, states that DEP assures the achievement of the highest standards thru “all cost-effective and reasonable best management practices for nonpoint source” activities.

62-302.300(13), Fla. Admin. Code, states “The Department finds that excessive nutrients (total nitrogen and total phosphorus) constitute one of the most severe water quality problems facing the State. It shall be the Department’s policy to limit the introduction of man-induced nutrients into waters of the State. . . . Also, particular consideration shall be given to the protection from nutrient enrichment of those waters presently containing very low nutrient concentrations: less than 0.3 milligrams per liter total nitrogen or less than 0.04 milligrams per liter total phosphorus.”

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62-302.300(14), Fla. Admin. Code, states: “Existing uses and the level of water quality necessary to protect the existing uses shall be fully maintained and protected.”

62-302.400, Fla. Admin. Code - Classification of Surface Waters, Usage, Reclassification, Classified Waters.

62-302.400(14), Fla. Admin. Code all surface waters of the state are Class III waters unless otherwise designation. Waters may also be Outstanding Florida Waters.

62-302.500, Fla. Admin. Code - Surface Waters, Minimum Criteria, General Criteria.

62-302.500(1)(a), Fla. Admin. Code states that all surface waters of the state shall be “at all times” free from agricultural discharges “which, alone or in combination with other substances or in combination with other components of discharges: . . . 4. Are acutely toxic; or 5. Are present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant, locally occurring, wildlife or aquatic species, unless specific standards are established for such components . . . or 6. Pose a serious danger to the public health, safety, or welfare.”

62-302.500(1)(e), Fla. Admin. Code states that a violation of any surface water quality criterion constitutes pollution.

62-302.700, Fla. Admin. Code - Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters.

62-302.700(1), Fla. Admin. Code “It shall be the Department policy to afford the highest protection to Outstanding Florida Waters and Outstanding National Resource Waters. No degradation of water quality . . . is to be permitted in Outstanding Florida Waters . . .”

62-302.700(8), Fla. Admin. Code, for OFWs the last day of the baseline year for defining the existing ambient water quality is March 1, 1979.

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62-302.700(9)(i)(28) OFW/Special waters: Santa Fe River System - consisting of the Santa Fe River, Lake Santa Fe, Little Lake Santa Fe, Santa Fe Swamp, Olustee Creek, and the Ichetucknee River below S.R. 27, but excluding all other tributaries (DEP website shows Ginnie Springs as a part of the Santa Fe River, not a tributary)

RELIEF SOUGHT BY PETITIONER

WHEREFORE, Petitioner respectfully requests the following relief:

1. That a formal administrative hearing be conducted in accordance with Sections 120.569 and 120.57(1), Florida Statutes;
2. That recommended and final orders be issued;
3. That the Application be denied.
4. That in the alternative, conditions be included in any permit that will provide the necessary reasonable assurances that the proposed use is a reasonable-beneficial use, will not interfere with existing legal uses, is consistent with the public interest, and will not degrade the groundwater, springs or Outstanding Florida Waters;
- 4 That attorneys' fees and costs be awarded to Petitioner; and
- 5 That such further relief as may be deemed appropriate be granted.

RESPECTFULLY SUBMITTED this 14th day of March, 2012.

ROGERS TOWERS, P.A.



Richard L. Maguire
Florida Bar No. 0177702
Emily J. Pierce
Florida Bar No. 0881139
Cristine M. Russell
Florida Bar No. 0157406
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207
(904) 398-3911 (telephone)
(904) 396-0663 (facsimile)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for Administrative Hearing was furnished to the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060; Richard Douglas, 6524 NE 55 Street, High Springs, Florida 32643; and Joshua D. Moore, 4520 River Close Boulevard, Valrico, Florida 33596 by U.S. Mail, this 14th day of March, 2012.


Richard L. Maguire
Attorney for Plaintiff

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EXHIBIT "A"
DISTRICT LETTER

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SUWANNEE RIVER WATER MANAGEMENT DISTRICT

February 23, 2012

Richard Douglas
6524 NE 55th Street
High Springs, FL 32643

REC'D:	2/24/12
CLIENT:	G A R P
MATTER:	28112 Other: _____
CC:	_____

DON QUINCEY, JR.
Chairman
Chiefland, Florida

ALPHONAS ALEXANDER
Vice Chairman
Madison, Florida

RAY CURTIS
Secretary / Treasurer
Perry, Florida

KEVIN BROWN
Alachua, Florida

GEORGE COLE
Monticello, Florida

HEATH DAVIS
Cedar Key, Florida

JAMES L. FRALEIGH
Madison, Florida

CARL E. MEECE
O'Brien, Florida

GUY N. WILLIAMS
Lake City, Florida

DAVID STILL
Executive Director
Lake City, Florida

Subject: Approval of Water Use Permit Application Number
2-11-00063, Richard Douglas Farm, Gilchrist County

Dear Mr. Douglas:

Suwannee River Water Management District (District) staff proposes to issue the above-mentioned permit.

This proposed action is subject to final approval by March 16, 2012.

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,

Tim Sagul, P.E.
Senior Professional Engineer

JD/tm

Enclosure

Cc: Joshua Moore
Richard L. McGuire

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ORIGINAL TO FILE 2-11-00063
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Water for Nature. Water for People

EXHIBIT "B"
DRAFT PERMIT

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DRAFT

**SUWANNEE
RIVER
WATER
MANAGEMENT
DISTRICT**

9225 CR 49
LIVE OAK, FLORIDA 32060
TELEPHONE: (386) 362-1001
TELEPHONE: 800-226-1066
FAX (386) 362-1056

**WATER USE PERMIT
NO. 2-11-00063**

ISSUED TO:
RICHARD DOUGLAS
6524 NE 55TH STREET
HIGH SPRINGS, FL 32643

DATE ISSUED: 02/22/2012
DATE EXPIRES:

PROJECT: RICHARD DOUGLAS FARM

AUTHORIZING: The average daily withdrawal and use of 0.0236 million gallons per day or a maximum daily withdrawal and use of 1.4400 million gallons per day for a total annual allocation not to exceed 8.614 million gallons per calendar year.

LOCATED IN: Gilchrist County, Township 8 South, Range 16 East, Section 3

This Permit is issued pursuant to Application 2-11-00063, dated December 28, 2011, for the Use of Water as specified above and subject to the Conditions as set forth below. Said Application, including all plans and specifications attached thereto, is by reference made a part hereof. If there is any conflict between the Application and the conditions of this Permit, the Permit shall supersede.

Upon written notice to the permittee, this permit may be temporarily modified, or restricted under a Declaration of Water Shortage or a Declaration of Emergency due to Water Shortage in accordance with provisions of Ch. 373, Fla. Statutes and applicable rules and regulations of the Suwannee River Water Management District.

In compliance with Florida Statutes, the District is establishing Minimum Flows & Levels (MFLs) for priority water bodies within the Suwannee River Water Management District. In some cases, these MFLs may indicate that there is insufficient water available to protect the water resources from significant harm as defined by the District Governing Board. In such cases, it may be necessary for the District to modify existing water use permits in order to provide protection from significant harm to the water resources.

Therefore, upon written notice to the permittee, this permit may be modified in accordance with provisions of Ch. 373, Fla. Statutes, and applicable rules and regulations of the Suwannee River Water Management District.

This Permit may be permanently or temporarily revoked, in whole or in part, for the violation of the conditions of the permit or for the violation of any provision of the Water Resources Act and regulations thereunder.

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This Permit does not convey to permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies.

STANDARD CONDITIONS ARE AS FOLLOWS:

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, 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 low volume 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.

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10. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to chapter 373, FS.
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, FAC.
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 made part of this permit are as follows:
 18. 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.
 19. All correspondence sent to the District regarding this permit must include the permit number (2-11-00063).

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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 permitted water withdrawal facilities consist of one proposed 10-inch well with the pumping capacity of 1000 gallons per minute.

22. This permit shall expire on February , 2032. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), FAC and the required fee to the District pursuant to section 40B-2.361, FAC, prior to this expiration date in order to continue the use of water.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By _____

EXECUTIVE DIRECTOR

DRAFT

DISTRICT RULES CLERK

DRAFT

SEAL

DATE

DRAFT

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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 chose 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.

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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

DRAFT

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

RICHARD DOUGLAS
6524 NE 55TH STREET
HIGH SPRINGS, FL 32643

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

DRAFT

Jon M. Dinges
Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060

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Permit No.: 2-11-00063

Project: RICHARD DOUGLAS FARM

Page 7 of 7

386.362.1001 or 800.226.1066 (Florida only)

cc: File Number: 2-11-00063

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ORIGINAL TO FILE 2-11-00063
COPIES TO _____

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: March 19, 2012

RE: Proposed Settlement Agreement Regarding Water Use Permit
Application Number 2-11-00040, Loncala Dairies, Gilchrist County,
Administrative Hearing Request

RECOMMENDATION

Staff recommends the Governing Board approve the proposed settlement agreement and authorize the withdrawal of Motions for Sanctions, regarding Water Use Permit 2-11-00040, Loncala Dairies, Gilchrist County.

BACKGROUND

The Governing Board approved the Water Use Permit at the December 2011 Board meeting. A Petition for Administrative Hearing was received on January 3, 2012. The Governing Board referred the Petition to the Division of Administrative Hearings (DOAH) on January 10, 2012. Staff has met several times with the Petitioner, staff Counsel, Applicant and Applicant's Counsel. At the March 16, 2012, meeting, the Petitioner agreed to file a Notice of Voluntary Dismissal to DOAH if the Board were to agree to approve the Proposed Settlement Agreement and authorize the withdrawal of Motions for Sanctions.

A copy of the proposed Settlement Agreement follows this memorandum.

KW/rl
Attachment

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: March 19, 2012

RE: Proposed Settlement Agreement Regarding Water Use Permit
Application Number 2-11-00041, Piedmont Dairy, Gilchrist County,
Administrative Hearing Request

RECOMMENDATION

Staff recommends the Governing Board approve the proposed settlement agreement and authorize the withdrawal of Motions for Sanctions, Regarding Water Use Permit 2-11-00041, Piedmont Dairy, Gilchrist County.

BACKGROUND

The Governing Board approved the Water Use Permit at the December 2011 Board meeting. A Petition for Administrative Hearing was received on January 3, 2012. The Governing Board referred the Petition to the Division of Administrative Hearings (DOAH) on January 10, 2012. Staff has met several times with the Petitioner, staff Counsel, Applicant and Applicant's Counsel. At the March 16, 2012, meeting, the Petitioner agreed to file a Notice of Voluntary Dismissal to DOAH if the Board were to agree to approve the Proposed Settlement Agreement and authorize the withdrawal of Motions for Sanctions.

A copy of the proposed Settlement Agreement follows this memorandum.

KW/rl
Attachment

SETTLEMENT AGREEMENT

This is an agreement by and between the Suwannee River Water Management District (“SRWMD”), Alliance Grazing Group (“Alliance”), Piedmont Farms, Inc. (“Piedmont”), and Paul Still (“Petitioner”), to settle certain matters between them regarding Division of Administrative Hearing Case Numbers 12-0259 and 12-0263.

WHEREAS, the SRWMD is a water management district with the power and duty to exercise regulatory jurisdiction over the administration and enforcement of Water Use Permit (“WUP”) criteria pursuant to the provisions of Chapter 373, Florida Statutes, and Chapter 40B, Florida Administrative Code;

WHEREAS, Alliance applied to the SRWMD for water use permit No. 2-11-00040 to authorize the withdrawal of water for overhead irrigation;

WHEREAS, Piedmont applied to the SRWMD for water use permit No. 2-11-00041 to authorize the withdrawal of water for overhead irrigation;

WHEREAS, after reviewing the applications, the SRWMD staff proposed to issue the permits referenced above;

WHEREAS, Petitioner filed with the SRWMD Petitions for Administrative Hearing to challenge the proposed WUPs;

WHEREAS, the Petitions for Administrative Hearing were referred to the Division of Administrative Hearings by the SRWMD;

WHEREAS, the original Petitions were Dismissed and Amended Petitions were filed;

WHEREAS, the parties enter into this Agreement to settle the matters contested and at issue in the administrative proceedings;

NOW, THEREFORE, based upon the mutual covenants contained herein, the parties agree to be bound by the following terms and conditions:

1. Petitioner agrees to file with DOAH the Notices of Voluntary Dismissal in the formats attached hereto upon written notice from SRWMD that the SRWMD Governing Board has approved this Settlement Agreement and authorized the withdrawal of the SRWMD Motions for Sanctions.

2. The Parties acknowledge that permit no 2-11-00040 was incorrectly issued to “Ron St. John” instead of to “Alliance Grazing Group.”

3. SRWMD agrees to modify permit number 2-11-00040 to correct the permittee to “Alliance Grazing Group.”

4. The Petitioner agrees to not appeal or challenge, in any type of proceeding the SRWMD issuance of WUP numbers 2-11-00040 and 2-11-00041 as currently pending or as modified as acknowledged above.

5. SRWMD staff agrees to recommend to the Governing Board at the next Board meeting to withdraw its Motions for Sanctions filed against Petitioner in the above-referenced cases, and will withdraw these motions upon Board approval.

6. Piedmont and Alliance agree to not file Motions for Sanctions against Petitioner in the above-referenced cases.

7. The following representatives hereby acknowledge that they are duly authorized to enter into and bind their respective clients to the terms of this Agreement.

8. The parties to the proceeding will pay their own attorneys fees and costs.

Paul Still

Paul Still
14167 Southwest 101st Avenue
Starke, Florida 32091

DATED: 3/16/2012

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

By: _____
Printed Name: Don Quincey, Jr.
Title: SRWMD Governing Board, Chair

DATED: _____

Eric Olsen

Eric Olsen
HOPPING GREEN & SAMS, P.A.
P.O. Box 6526
Tallahassee, Florida 32314
Attorneys for Respondents Alliance Grazing Group
and Piedmont Farms, Inc.

DATED: March 16, 2012

Approved as to Form and Legality
SRWMD Governing Board Counsel

By: _____
Printed Name: George T. Reeves
Title: SRWMD Governing Board Counsel

DATED: _____

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

PAUL STILL,

Petitioner,

v.

CASE NO. 12-0263

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT
and ALLIANCE GRAZING
GROUP,

Respondents.

**NOTICE OF VOLUNTARY DISMISSAL OF PETITION
FOR FORMAL ADMINISTRATIVE PROCEEDINGS**

Petitioner, Paul Still, hereby gives notice that he voluntarily dismisses with prejudice his Amended Petition for formal administrative proceedings.

Respectfully submitted on this _____ day of March, 2012,

Paul Still
Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above has been furnished by **Electronic Mail** to Eric Olsen and Amelia Savage, Hopping Green & Sams, at EOlsen@hgslaw.com and ASavage@hgslaw.com and Frederick T. Reeves, Davis, Schnitker, Reeves and Browning, P.A., at freeves@tbaylaw.com, on this _____ day of March, 2012.

Attorney

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

PAUL STILL,

Petitioner,

v.

CASE NO. 12-0259

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT
and PIEDMONT FARMS, INC.,

Respondents.
_____ /

**NOTICE OF VOLUNTARY DISMISSAL OF PETITION
FOR FORMAL ADMINISTRATIVE PROCEEDINGS**

Petitioner, Paul Still, hereby gives notice that he voluntarily dismisses with prejudice his Amended Petition for formal administrative proceedings.

Respectfully submitted on this _____ day of March, 2012,

Paul Still
Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above has been furnished by **Electronic Mail** to Eric Olsen and Amelia Savage, Hopping Green & Sams, at EOlsen@hgslaw.com and ASavage@hgslaw.com and Frederick T. Reeves, Davis, Schnitker, Reeves and Browning, P.A., at freeves@tbaylaw.com, on this _____ day of March, 2012.

Attorney

MEMORANDUM

TO: Governing Board

FROM: Terry E. Demott, Senior Land Resource Coordinator

DATE: March 15, 2012

RE: Approval of Land Sale without Reservation of Mineral and Petroleum Interests – Withlacoochee Quail Farm in Madison County

RECOMMENDATION

Staff recommends approval of the sale of the 65-acre Withlacoochee Quail Farm surplus tract in Madison County to James D. Kauffman without reserving mineral and petroleum interests.

BACKGROUND

In February 2012, the Governing Board approved sale of the Withlacoochee Quail Farm surplus tract in Madison County to James D. Kauffman. Mr. Kauffman has agreed to all terms of the Contract for Sale of Real Property except the reservation of an undivided three-fourths interest in phosphate, minerals and other metals, and an undivided one-half interest in all petroleum. His appeal was passed to staff and others through real estate broker Baynard Ward of the Daniel Crapps Agency, Inc. Section 270.11, Florida Statutes, states that these interests are to be reserved “unless the applicable agency chooses not to reserve such interest”.

This recommendation has been reviewed by Surplus Land Committee Chairman Carl Meece and Governing Board Counsel Tom Reeves.