

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

OPEN TO THE PUBLIC

September 11, 2012
3:00 p.m.

District Headquarters
9225 CR 49
Live Oak, Florida

1. Call to Order
2. Chairman Introductions
3. Roll Call
4. Additions, Deletions, or Changes to the Agenda
5. Action Items
Approval of Agenda
6. Items Recommended on Consent
 - Agenda Item 10 – Approval of July Financial Report
 - Agenda Item 12 – Procurement of Office Supplies from State Approved Vendors
 - Agenda Item 15 – Amendment to Lease with City of Lake City
 - Agenda Item 18 – Authorization to Continue Master Contracts with Selected Minimum Flows and Levels Consultants
 - Agenda Item 20 – Reauthorization to Amend Contract with Nestle Waters North America, Contract Number 05/06-102
 - Agenda Item 21 – Reauthorization to Enter into a Contract with the United States Geological Survey (USGS), Georgia District, for Streamgaging Services
 - Agenda Item 23 – Authorization to Enter into a Contract with Packaging Corporation of America
 - Agenda Item 24 – Authorization to Enter into a Contract with the United States Geological Survey (USGS), Tallahassee District, for Withlacoochee River near Pinetta Streamgaging Services
 - Agenda Item 25 – Authorization to Enter into a Contract with Vieux & Associates, Inc., to Purchase Gage-Adjusted Radar-Rainfall Data
 - Agenda Item 32 – Agreement with the U. S. Fish and Wildlife Service for Land Management Services
 - Agenda Item 40 – Request for Authorization to Publish Notice of Rule Development to Amend 40B-1, 40B-4 and 40B-400, Florida Administrative Code (F.A.C.), and the Environmental Resource Permitting Applicant's Handbook
7. Approval of Recommended Consent Items

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8. Approval of Minutes – August 14, 2012 Governing Board Meeting and Workshop Minutes, July 10, 2012 Governing Board Meeting and Workshop Minutes and July 30, 2012 Intermediate Governing Board Meeting Minutes
9. Items of General Interest for Information/Cooperating Agencies and Organizations
 - A. Presentation of Hydrologic Conditions by Megan Wetherington, Senior Professional Engineer
 - B. Cooperating Agencies and Organizations Appreciation and Recognition for Assistance during Tropical Storm Debby, Bob Farley, City Manager, City of Live Oak
 - C. Public Comment

DEPARTMENT OF MISSION SUPPORT
Melanie Roberts, Director

Action Items

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| MS Page 1 | 10. Approval of July Financial Report – Recommended Consent |
| MS Page 5 | 11. Declaration of Surplus Property and Disposition |
| MS Page 8 | 12. Procurement of Office Supplies from State Approved Vendors – Recommended Consent |
| MS Page 9 | 13. Recommended Insurance Providers |
| MS Page 10 | 14. Renewal of Software License and Hardware Maintenance Contracts |
| MS Page 11 | 15. Amendment to Lease with City of Lake City – Recommended Consent |

Informational Item

- | | |
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| MS Page 23 | 16. Activity Report, Mission Support |
| MS Page 24 | 17. Activity Report, Real Estate |

DEPARTMENT OF WATER SUPPLY AND RESOURCE MANAGEMENT
Jon Dinges, Director

Action Items

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| WSRM Page 1 | 18. Authorization to Continue Master Contracts with Selected Minimum Flows and Levels Consultants – Recommended Consent |
| WSRM Page 4 | 19. Reauthorization to Renew Contract with Water & Air Research, Inc., for Surfacewater Quality, Biological Sampling, and Laboratory Analysis, Contract Number 10/11-003 |
| WSRM Page 8 | 20. Reauthorization to Amend Contract with Nestle Waters North America, Contract Number 05/06-102 – Recommended Consent |

- WSRM Page 9 21. Reauthorization to Enter into a Contract with the United States Geological Survey (USGS), Georgia District, for Streamgaging Services – **Recommended Consent**
- WSRM Page 11 22. Reauthorization to Enter into a Contract with the United States Geological Survey (USGS), Tallahassee District, for Streamgaging Services
- WSRM Page 14 23. Authorization to Enter into a Contract with Packaging Corporation of America – **Recommended Consent**
- WSRM Page 15 24. Authorization to Enter into a Contract with the United States Geological Survey (USGS), Tallahassee District, for Withlacoochee River near Pinetta Streamgaging Services – **Recommended Consent**
- WSRM Page 16 25. Authorization to Enter into a Contract with Vieux & Associates, Inc., to Purchase Gage-Adjusted Radar-Rainfall Data – **Recommended Consent**
- WSRM Page 18 26. Contract with Marvin Edmonds d/b/a M&L Contracting for Recreation Site Maintenance
- WSRM Page 20 27. Contract with Live Oak Management Group for Recreation Site Maintenance
- WSRM Page 22 28. Contract with Wildlands Fire Service for Prescribed Fire Services
- WSRM Page 24 29. License to Cut Timber with Williams Timber, Inc., for the Goose Pasture #2 Timber Sale
- WSRM Page 26 30. Approval of Resolution 2012-24 Declaring Steinhatchee Rise Dispersed Water Storage Project in Dixie County as an Environmental Restoration and Enhancement Project
- WSRM Page 30 31. Otter Springs Park and Campground FY 2013 Budget
- WSRM Page 31 32. Agreement with the U. S. Fish and Wildlife Service for Land Management Services – **Recommended Consent**
- WSRM Page 33 33. Cooperative Management Agreement with Florida Forest Service and Approval of Twin Rivers State Forest Agreement Funding
- WSRM Page 35 34. Agreement with the Department of Environmental Protection and Nature's Landing Condominium Associates to Allow for Mitigation for Mangrove Trimming
- WSRM Page 39 35. Consent Agreement and Order Regarding Scott McNulty, CE10-0045, Levy County
- WSRM Page 50 36. Authorization for Executive Director to File Administrative Complaint in the Matter of *SRWMD v. Rodney O. Tompkins, Trustee, and Rodney Tompkins*, CE11-0001, Gilchrist County

EXECUTIVE OFFICE
Ann B. Shortelle, Ph.D., Executive Director

Informational Items

- EO Page 1 44. R. O. Ranch, Inc. Endowment and Trust Agreement
 (see SUP 72)
45. Executive Director's Report
- EO Page 12 46. Executive Office Activity Report
47. Announcements

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

September 11, 2012	2:00 p.m.	Workshop
	3:00 p.m.	Board Meeting
	5:30 p.m.	1 st Public Budget Hearing
September 25, 2012	1:00 p.m.	Surplus Lands Meeting
	3:00 p.m.	Board Meeting & Workshop
	5:30 p.m.	Final Public Budget Hearing
October 9, 2012	9:00 a.m.	Board Meeting
		Workshop
November 15, 2012	9:00 a.m.	Board Meeting - Perry
	1:30 p.m.	Workshop
		Steinhatchee
November 16, 2012	8:00 a.m.	Workshop
		Steinhatchee

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

48. 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., Tuesday
August 14, 2012

Dixie Plantation
Greenville, Florida

Governing Board:

Seat	Name	Office	Present	Not Present
Aucilla Basin	George M. Cole, Ph.D.		X	
Coastal River Basin	Donald Ray Curtis, III	Secretary/ Treasurer	X	
Lower Suwannee River Basin	Don Quincey, Jr.	Chairman	X	
Santa Fe & Waccasassa Basins	Kevin W. Brown		X	
Upper Suwannee River Basin	Alphonas Alexander	Vice Chairman	X	
At Large	Heath Davis		X	
At Large	Virginia H. Johns		X	
At Large	Carl Meece		X	
At Large	Guy N. Williams			X

Governing Board General Counsel

Name	Firm	Present	Not Present
George T. Reeves	Davis, Schnitker, Reeves & Browning, P.A.	X	

Staff:

Position	Name	Present	Not Present
Executive Director	Ann Shortelle	X	
Assistant Executive Director	Charlie Houder	X	
Governmental Affairs Director	Steve Minnis	X	
Department Director, Mission Support	Melanie Roberts	X	
Department Director, Water Supply & Resource Management	Jon Dinges	X	
Senior Professional Engineer	Megan Wetherington		X
HR & GB Coordinator	Lisa Cheshire	X	

Guests:

Tim Sagul, SRWMD
Vanessa Fultz, SRWMD
Terry Demott, SRWMD
Brian Kauffman, SRWMD

Dan Buchanan, Florida Farm Bureau, Pinetta
Jeffrey Hill, El Rancho No Tengo, Lake City
Warren Zwanka, St. Johns River Water Management District, Palatka
Joel Love, Florida Department of Agriculture & Consumer Services
Dr. Linden Davidson, Lamont
Steve Phillips, City of Gainesville
Doug King, Jim King Realty, Chiefland
Shane Wellendorf, Tall Timbers, Tallahassee
Lane Green, Tall Timbers, Tallahassee
Mickie Salter, Office of Representative Leonard Bemby, Madison
Donald Rich, Quitman, GA
Sam Bridges, City of Gainesville
Doyle Weltzbarbor, Jeffco Dairy, Quitman, GA
John Finlayson, Monticello, FL
Mac Finlayson, Monticello, FL
David Ward, Monticello, FL
Randy Floyd (Dixie Plantation Manager)
Dottie Taylor (Dixie Plantation Office Manager)
Hines Boyd, Vice Chair of the Jefferson County Commission
John Milton, Patriot Transportation, Jacksonville

The meeting was called to order at 9:05 a.m.

Agenda Item No. 4 - Additions, Deletions, or Changes to the Agenda.

There were no additions, deletions or changes to the agenda.

Agenda Item No. 5 – Approval of Agenda.

Agenda Item No. 6 – Consent Agenda.

- Agenda Item 11, MS Page 1 – Approval of June Financial Report
- Agenda Item 19, WSRM Page 2 - Authorization to Publish Notice of Change and File Amendments to 40B-2.301, F.A.C.
- Agenda Item 22, WSRM Page 20 - Operating Agreement between the Jacksonville District of the U.S. Army Corps of Engineers (Corps), the Florida Department of Environmental Protection (Department), and the Five Water Management Districts Wetland Regulatory Programs

Agenda Item No. 7 – Approval of Recommended Consent Items.

MR. DAVIS MADE A MOTION TO ACCEPT THE AGENDA AND CONSENT AGENDA AS READ. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, AND QUINCEY.)

John Finlayson gave a brief history on the Dixie Plantation House and discussed his appreciation to staff for their support of the conservation easement.

Agenda Item No. 9– Approval of July 10, 2012 Governing Board Meeting and Workshop Minutes and July 30, 2012 Intermediate Governing Board Meeting Minutes.

The minutes for the meeting held July 10, 2012 Governing Board Meeting and Workshop Minutes and July 30, 2012 Intermediate Governing Board Meeting Minutes were agendaed to be considered during this meeting. Such minutes were inadvertently overlooked by the Board and will be agendaed for consideration at the subsequent meeting.

Agenda Item No. 9 - Items of General Interest for Information/Cooperating Agencies and Organizations.

- A. Presentation of Hydrologic Conditions by Megan Wetherington, Senior Professional Engineer – John Dinges gave a presentation of the hydrologic conditions.
- B. Cooperating Agencies and Organizations
Mr. Quincey introduced and welcomed the public constituents and thanked them for attending the meeting.
 - 1. Lane Green and Shane Wallendorf of Tall Timbers and SRWMD partnership efforts in regards to the conservation of the Aucilla River watershed.
- C. Public Comment

DEPARTMENT OF MISSION SUPPORT

Agenda Item No. 10 – Approval of January Financial Report. Approved on consent.

Agenda Item No. 11 – Authorization to Enter into Contract with BRAE, Inc., for Heating, Ventilation and Air Conditioning (HVAC) Maintenance and Repair. Melanie Roberts, Department Director, presented the staff recommendation for approval to enter into contract with BRAE, Inc., for heating, ventilation and air conditioning (HVAC) maintenance and repair services for Fiscal Year 2013 at a not-to-exceed annual cost of \$35,000, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO CONTRACT WITH BRAE, INC. AT A NOT-TO-EXCEED COST OF \$35,000 FOR HEATING, VENTILATION AND AIR CONDITIONING (HVAC) MAINTENANCE AND REPAIR SERVICES. THE MOTION WAS SECONDED BY MR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, AND QUINCEY.)

Agenda Item No. 12 – Authorization to Enter into Contract with Len Duncan, d/b/a Duncan Tire & Auto for Vehicle Maintenance. Mrs. Roberts presented the staff recommendation for approval to enter into contract with Len Duncan, d/b/a Duncan Tire and Auto, for vehicle maintenance for Fiscal Year 2013 at a not-to-exceed annual cost of \$40,000, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO CONTRACT WITH LEN DUNCAN, D/B/A DUNCAN TIRE AND AUTO, FOR VEHICLE MAINTENANCE FOR FISCAL YEAR 2013 AT A NOT-TO-EXCEED ANNUAL COST OF \$40,000. THE MOTION WAS SECONDED BY MR. BROWN. UPON VOTE OF THE GOVERNING BOARD,

THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, AND QUINCEY.)

Agenda Item No. 13– Authorization for Health Care Insurance. Mrs. Roberts presented the staff recommendation for authorization for the Executive Director to continue healthcare insurance coverage from Blue Cross Blue Shield at an aggregate premium cost estimated at \$703,600 for Fiscal Year 2013 budget (using current staffing), as shown in the Board materials.

MR. DAVIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO CONTINUE HEALTHCARE INSURANCE COVERAGE FROM BLUE CROSS BLUE SHIELD AT AN AGGREGATE PREMIUM COST ESTIMATED AT \$703,600 FOR FISCAL YEAR 2013 BUDGET. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, AND QUINCEY.)

Agenda Item No. 14 – Approval of Land Sale without Reservation of Mineral and Petroleum Interests. Terry Demott, Program Leader, presented the staff recommendation for Governing Board authorization to sell the Buck Bay surplus parcel in Alachua County to the City of Gainesville, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO DENY THE STAFF RECOMMENDATION AND ACCEPT THE OFFER OF PURCHASE FROM WILLIAM AND FAYE GASTON. THE MOTION WAS SECONDED BY MRS. JOHNS.

Mr. Meece opposed the recommendation for motion.

Mr. Davis discussed the reason for the motion as stated.

Discussion occurred among the Governing Board members.

Doug King spoke regarding his discussion with staff and language in the contract regarding exclusive right of sale and confusion experienced through the process.

Steve Phillips, Recreation and Parks, City of Gainesville, discussed the history of the lease and the city's first right of refusal agreement. He discussed the city's request for Governing Board's support.

Mr. Quincey requested that the process for selling District property be adjusted and questioned the risk and legal liability involved.

Mr. Quincey called for a vote on the motion.

WITH MEECE AND ALEXANDER VOTING AGAINST AND BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, AND QUINCEY VOTING IN FAVOR, THE MOTION CARRIED.

Agenda Item No. 15 – 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. 16 – 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. 17 – Authorization to Contract for Hydrographic Surveying Services. Brian Kauffman, Program Leader, presented the staff recommendation that the Governing Board authorize the Executive Director to negotiate and enter into a contract with the top-ranked firm to obtain hydrographic cross sections of the Middle Suwannee River for a cost not to exceed \$115,000, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AND ENTER INTO A CONTRACT WITH THE TOP-RANKED FIRM TO OBTAIN HYDROGRAPHIC CROSS SECTIONS OF THE MIDDLE SUWANNEE RIVER FOR A COST NOT TO EXCEED \$115,000. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, QUINCEY.)

Agenda Item No. 18 – Authorization to Publish Notice of Change and File Amendments to 40B-2.301, F.A.C.. This item was approved on consent.

Agenda Item No. 19 – First Modification of Water Shortage Order Number 12-0005. Tim Sagul, Program Leader, presented the staff recommendation that the Governing Board modify Water Shortage Order Number 12-0005 to include the unincorporated areas of Alachua County that are located in the St. Johns River Water Management District in accordance with the delegation agreement between St. Johns River Water Management District (SJRWMD), Alachua County Board of County Commissioners (County) and Suwannee River Water Management District (SRWMD) dated July 10, 2012, and rescind water shortage restrictions specific to the counties of Baker, Dixie, Hamilton, Lafayette, Putnam, Suwannee, and Taylor, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO MODIFY WATER SHORTAGE ORDER NUMBER 12-0005 TO INCLUDE THE UNINCORPORATED AREAS OF ALACHUA COUNTY THAT ARE LOCATED IN THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT IN ACCORDANCE WITH THE DELEGATION AGREEMENT BETWEEN ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD), ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS (COUNTY) AND SUWANNEE RIVER WATER MANAGEMENT DISTRICT (SRWMD) DATED JULY 10, 2012, AND RESCIND WATER SHORTAGE RESTRICTIONS SPECIFIC TO THE COUNTIES OF BAKER, DIXIE, HAMILTON, LAFAYETTE, PUTNAM, SUWANNEE, AND TAYLOR. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, AND QUINCEY.)

Agenda Item No. 20 - Authorization to Levy a Money Judgment on Real Property in the Matter of SRWMD v. Charlie Hicks, Jr., CE07-0087, Madison County. Mr. Sagul presented the staff recommendation that the Governing Board authorize Counsel to levy a money judgment on real property in the matter of SRWMD v. Charlie Hicks, Jr., CE07-0087, Madison County, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO AUTHORIZE COUNSEL TO LEVY A MONEY JUDGMENT ON REAL PROPERTY IN THE MATTER OF SRWMD V. CHARLIE HICKS, JR., CE07-0087, MADISON COUNTY. THE MOTION WAS SECONDED BY MR. MEECE. UPON VOTE OF THE GOVERNING BOARD, (WITH MRS. JOHNS VOTING AGAINST) THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, DAVIS, MEECE, AND QUINCEY.)

Agenda Item No. 21– Operating Agreement between the Jacksonville District of the U.S. Army Corps of Engineers (Corps), the Florida Department of Environmental Protection (Department), and the Five Water Management Districts Wetland Regulatory Programs. This item was approved on consent.

Agenda Item No. 22 – Modification of Agreement with Gainesville Renewable Energy Center Memorandum of Understanding (SRWMD Contract # 09/10-121), Water Use Permit Number 2-09-00040, Alachua County. Mr. Sagul presented the staff recommendation for the Governing Board to authorize the Executive Director to approve modification of the agreement with the City of Alachua, Gainesville, Regional Utilities and Gainesville Renewable Energy Center (GREC) to extend the timeframe in which reclaimed water will be delivered by the City of Alachua to the GREC facility, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO APPROVE A MODIFICATION OF THE AGREEMENT WITH THE CITY OF ALACHUA, GAINESVILLE REGIONAL UTILITIES AND GAINESVILLE RENEWABLE ENERGY CENTER (GREC) TO EXTEND THE TIMEFRAME IN WHICH RECLAIMED WATER WILL BE DELIVERED BY THE CITY OF ALACHUA TO THE GREC FACILITY. THE MOTION WAS SECONDED BY MR. CURTIS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, AND QUINCEY.)

Agenda Item No. 23 – Proposed Settlement Agreement Regarding Temporary Water Use Permit Application Number 2-11-00063, Richard Douglas Farm, Gilchrist County, Appeal Pending before the Florida Land and Water Adjudicatory Commission (FLAWAC). Mr. Sagul presented the staff recommendation for the Governing Board to approve the proposed settlement agreement regarding temporary Water Use Permit Number 2-11-00063, Richard Douglas Farm, Gilchrist County as it appears before the Florida Land and Water Adjudicatory Commission (FLAWAC), as shown in the Board materials.

MR. DAVIS MADE A MOTION TO APPROVE THE PROPOSED SETTLEMENT AGREEMENT REGARDING TEMPORARY WATER USE PERMIT NUMBER 2-11-00063, RICHARD DOUGLAS FARM, GILCHRIST COUNTY AS IT APPEARS BEFORE THE FLORIDA LAND AND WATER ADJUDICATORY COMMISSION (FLAWAC). THE MOTION WAS SECONDED BY MR. CURTIS.

UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, AND QUINCEY.)

Agenda Item No. 24 - Activity Reports. The Water Supply, Water Resource Monitoring, Minimum Flows and Levels, Regulatory, Suwannee River Partnership, Land Management, Water Resource Projects, and Compliance Activity Reports were provided as informational items in the Board materials.

GOVERNING BOARD LEGAL COUNSEL

Agenda Item No. 25 – Governing Board Counsel Monthly Report. The Governing Board Counsel Monthly Report was provided as an informational item in the Board materials.

EXECUTIVE OFFICE

Agenda Item No. 26 – Approval of Resolution Numbers 2012-21, 2012-22, and 2012-23 for Tropical Storm Debby Assistance. Ann Shortelle, Executive Director, presented the staff recommendation for Governing Board approval of Resolution No. 2012-21 to the St. Johns River Water Management District, Resolution No. 2012-22 to the Southwest Florida River Water Management District, and Resolution No. 2012-23 to the South Florida Water Management District in appreciation for Tropical Storm Debby assistance, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO APPROVE RESOLUTION NO. 2012-21 TO THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, RESOLUTION NO. 2012-22 TO THE SOUTHWEST FLORIDA RIVER WATER MANAGEMENT DISTRICT, AND RESOLUTION NO. 2012-23 TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT IN APPRECIATION FOR TROPICAL STORM DEBBY ASSISTANCE. THE MOTION WAS SECONDED BY MR. MEECE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, AND QUINCEY.)

Agenda Item No. 27 – Approval of Personnel Authority. Dr. Shortelle presented the recommendation for the Governing Board to lift the temporary freeze on personnel changes and authorize the Executive Director to resume customary delegated responsibility of personnel changes, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO LIFT THE TEMPORARY FREEZE ON PERSONNEL CHANGES AND AUTHORIZE THE EXECUTIVE DIRECTOR TO RESUME CUSTOMARY DELEGATED RESPONSIBILITY OF PERSONNEL CHANGES. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, AND QUINCEY.)

Agenda Item No. 28 - Executive Director's Report.
None.

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August 14, 2012
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Agenda Item No. 29 - Executive Office Activity Report. The Executive Office Activity Report was provided as an informational item in the Board materials.

The meeting adjourned at 11:02 a.m.

Chairman

ATTEST:

SUWANNEE RIVER WATER MANAGEMENT DISTRICT
MINUTES OF
GOVERNING BOARD WORKSHOP

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9:00 a.m., Tuesday
August 14, 2012

Dixie Plantation
Greenville, Florida

Governing Board:

Seat	Name	Office	Present	Not Present
Aucilla Basin	George M. Cole, Ph.D.		X	
Coastal River Basin	Donald Ray Curtis, III	Secretary/ Treasurer	X	
Lower Suwannee River Basin	Don Quincey, Jr.	Chairman	X	
Santa Fe & Waccasassa Basins	Kevin W. Brown		X	
Upper Suwannee River Basin	Alphonas Alexander	Vice Chairman	X	
At Large	Heath Davis		X	
At Large	Virginia H. Johns		X	
At Large	Carl Meece		X	
At Large	Guy N. Williams			X

Governing Board General Counsel

Name	Firm	Present	Not Present
George T. Reeves	Davis, Schnitker, Reeves & Browning, P.A.	X	

*Staff:

Position	Name	Present	Not Present
Executive Director	Ann Shortelle	X	
Assistant Executive Director	Charlie Houder	X	
Governmental Affairs Director	Steve Minnis	X	
Department Director, Mission Support	Melanie Roberts	X	
Department Director, Water Supply & Resource Management	Jon Dinges	X	
HR & GB Coordinator	Lisa Cheshire	X	

Guests:

Tim Sagul, SRWMD
Vanessa Fultz, SRWMD
Terry Demott, SRWMD
Brian Kauffman, SRWMD
Kevin Wright, SRWMD
Joel Love, Department of Agriculture and Consumer Services
Mac Finlayson, Monticello, FL

Technical Aspects of Reviewing Water Use Permits

Tim Sagul, Program Leader for Regulatory Services, began the workshop by discussing the legislative directives and framework for review of permits. He discussed the overall items that must be considered when reviewing a water use permit application – the conditions of issuance.

Kevin Wright, Professional Engineer, discussed how the District implements the legislative directives and how the District evaluates constraints such as natural systems (wetlands, springs, rivers), existing legal users and established MFL's.

Mr. Wright gave a detailed presentation on how the District uses the groundwater model to evaluate constraints to ensure harm does not occur, how harm can be mitigated and the different options applicants have.

Discussion occurred on how Water Supply Planning effects Water Use Permitting.

Mr. Wright gave a short report on the CUPcon efforts.

The workshop adjourned at 2:54 p.m.

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

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9:00 a.m., Tuesday
July 10, 2012

Florida Gateway College
Wilson S. Rivers Library & Media Center
149 SE College Place
Lake City, Florida

Governing Board:

Seat	Name	Office	Present	Not Present
Aucilla Basin	George M. Cole, Ph.D.		X	
Coastal River Basin	Donald Ray Curtis, III	Secretary/ Treasurer	X	
Lower Suwannee River Basin	Don Quincey, Jr.	Chairman	X	
Santa Fe & Waccasassa Basins	Kevin W. Brown		X	
Upper Suwannee River Basin	Alphonas Alexander	Vice Chairman		X
At Large	Heath Davis		X*	
At Large	Virginia H. Johns		X	
At Large	Carl Meece		X	
At Large	Guy N. Williams		X	

*Mr. Davis arrived after Agenda Item 15 and prior to Agenda Item 16.

Governing Board General Counsel

Name	Firm	Present	Not Present
George T. Reeves	Davis, Schnitker, Reeves & Browning, P.A.	X	

Staff:

Position	Name	Present	Not Present
Executive Director	Ann B. Shortelle, Ph.D.	X	
Assistant Executive Director	Charlie Houder	X	
Governmental Affairs Director	Steve Minnis	X	
Department Director, Mission Support	Melanie Roberts	X	
Department Director, Water Supply & Resource Management	Jon Dinges	X	
Senior Professional Engineer	Megan Wetherington	X	
GB Coordinator – Paralegal	Linda Welch	X	

Guests:

Tim Sagul, SRWMD
Kevin Wright, SRWMD

Hugh Thomas, SRWMD
Vanessa Fultz, SRWMD
Carlos Herd, SRWMD
Bob Heeke, SRWMD
Glenn Horvath, SRWMD
Cindy Johnson, SRWMD
Terry Demott, SRWMD
Brian Kauffman, SRWMD
Georgia Jones, First Federal Bank, Lake City
Jeffrey Hill, El Rancho No Tengo, Lake City
Staci Braswell, Florida Farm Bureau, Gainesville
Doug Manson, Manson Law Group, Tampa
Warren Zwanka, St. Johns River Water Management District, Palatka
Mayor Stephen Witt, City of Lake City, Lake City
Wendell Johnson, City of Lake City Manager, Lake City
Linda Gestrin, High Springs City Commission, High Springs
Merrilee Malwitz-Jipson, Our Santa Fe River, Fort White
Jean Wonser, Circle Pine Farm, Trenton
James Cornett, Florida Leaders Organized for Water, Live Oak
Matt Pollock, FL Fish and Wildlife Conservation Commission (FWC), Live Oak, FL
Rolando Garcia, FWC, Lake City, FL
Jeff Swan, FWC, Live Oak
Stacie Greco, Alachua County Environmental Protection, Gainesville
Gary Williams, WFSU TV: The Florida Channel, Tallahassee
Chris Bullard, Bullard Farms, Lake City
Paul Still, Bradford Soil & Water Conservation District, Starke
Barney and Renate Cannon, Chiefland
Laura Hampson, Lake City Reporter, Lake City
John Fuller, The Future of Hunting in Florida, Tallahassee
Bill Marvin, The Future of Hunting in Florida, Tallahassee
Stephen Williamson, United Waterfowlers of Florida, Tallahassee
Lane Stephens, Allied Sportsman's Associations of Florida, Tallahassee
Brad Lowery, Florida Bowhunters Council, Avon Park
Steve Gladin, Trenton
John Scherer
Philip Oxendine, Suwannee County Board of County Commissioners, Live Oak
Lee Chauncey, Live Oak
Dennis Price, White Springs City Council, White Springs
Mike McKee, Florida Gateway College (FGC), Lake City

The meeting was called to order at 9:00 a.m. Mr. Mike McKee, FGC Executive Director of Media & Public Information, welcomed the Governing Board.

Agenda Item No. 4 – Additions, Deletions, or Changes to the Agenda.

Mission Support

Deletion:

- Agenda Item 11, MS Page 5 – Agreement with Micrographics, Inc., for Records Management Services

Water Supply and Resource Management

Deletion:

- Agenda Item 23, WSRM Page 49 – Authorization for the Executive Director to Negotiate and Enter into a Contract for Surveying Services to Obtain Hydrographic Cross Sections of the Middle Suwannee River

Addition:

- SUP Page 1 – Approval of a Work Order Increase in the Matter of Suwannee River Water Management District (District) v. Larry Sigers, CE08-0072
- SUP Page 2 – Authorization for Executive Director to Execute an Agreement with St. Johns River Water Management District (District) Accepting Permitting Responsibilities Regarding Water Use Permit Number 2-92-00021, Keystone Golf and Country Club

Executive Office

Addition:

- SUP Page 6 – Authorization for the Executive Director to Implement Emergency Compensation Practices Consistent with the State of Florida

Agenda Item No. 5 – Approval of Agenda.

MR. CURTIS MADE A MOTION TO ACCEPT THE AGENDA AS READ. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, CURTIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS. MEMBERS VOTING AGAINST: NONE.)

Agenda Item No. 6 – Consent Agenda.

- Agenda Item 10 – Approval of May Financial Report
- Agenda Item 21 – Delegation of Authority Regarding Water Shortage Order 12-0005 Variance Petitions and Ratification of Approved Variances

Agenda Item No. 7 – Approval of Recommended Consent Items.

Agenda Item No. 8 – Approval of Minutes – June 12, 2012 Governing Board Meeting and Workshop Minutes.

Agenda Items 7 and 8 were approved with one vote.

MRS. JOHNS MADE A MOTION TO ACCEPT THE CONSENT AGENDA AND TO ACCEPT THE JUNE 12, 2012 GOVERNING BOARD MEETING AND WORKSHOP MINUTES. THE MOTION WAS SECONDED BY MR. CURTIS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, CURTIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS. MEMBERS VOTING AGAINST: NONE.)

Agenda Item No. 9 –Items of General Interest for Information/Cooperating Agencies and Organizations.

- A. Presentation of Hydrologic Conditions by Megan Wetherington, Senior Professional Engineer
- B. Cooperating Agencies and Organizations.
- C. Public Comment.
 - 1. Merrilee Malwitz-Jipson, Our Santa Fe River, addressed the Governing Board regarding Agenda Item 19, water use and minimum flows and levels, and a request for moratorium on issuance of water use permits. Ms. Jipson submitted copies of resolutions from the City of High Springs and Wakulla County, requesting a moratorium on water use permit issuance.
 - 2. Paul Still, Bradford Soil and Water Conservation District, addressed the Governing Board regarding the District's contract with Atkins North America, Inc., for Upper Floridan Aquifer Regional Recharge Concepts and Feasibility Study and retaining water for aquifer recharge in the Lake Sampson basin.
 - 3. Lee Chauncey addressed the Governing Board regarding water levels and moratorium on water use permit issuance.
 - 4. Jean Wosner addressed the Governing Board regarding saltwater intrusion at Cedar Key and other various water issues.
 - 5. Stacie Greco, water conservation coordinator for Alachua County Environmental Protection, addressed the Governing Board regarding Agenda Item 22, and support regarding the District's Water Shortage Order.

Agenda Item No. 10 – Approval of May Financial Report. Approved on consent.

Agenda Item No. 11 – Agreement with Micrographics, Inc., for Records Management Services.
This item was deleted.

Agenda Item No. 12 – FY 2013 Tentative Millage and Budget.

Agenda Item No. 13 – Resolution No. 2012-18 Requesting Classification of the Tentative Fiscal Year 2013 Reserves.

Ann B. Shortelle, Ph.D., presented the staff recommendations for Agenda Item Numbers 12 and 13:

- 1. That the Governing Board consider the Tentative Fiscal Year (FY) 2013 Budget of \$15,128,674 and authorize staff to notify the Property Appraisers of the District's 15 counties that: (1) the District proposes to levy a millage rate of 0.4143; (2) the District will hold one public hearing on September 11, 2012, at 5:30 p.m. to tentatively adopt the FY 2013 budget and establish the millage rate; and (3) will hold a second public hearing on September 25, 2012, at 5:30 p.m. to adopt the FY 2013 budget and establish the millage rate; and,
- 2. Approval and execution of Resolution 2012-18 requesting classification of the Tentative Fiscal Year 2013 Reserves per the GASB 54 classifications.

MR. MEECE MADE A MOTION TO:

- 1. CONSIDER THE TENTATIVE FISCAL YEAR (FY) 2013 BUDGET OF \$15,128,674 AND AUTHORIZE STAFF TO NOTIFY THE PROPERTY APPRAISERS OF THE DISTRICT'S 15 COUNTIES THAT: (1) THE DISTRICT PROPOSES TO LEVY A MILLAGE RATE OF 0.4143; (2) THE DISTRICT WILL HOLD ONE PUBLIC HEARING ON SEPTEMBER 11, 2012, AT 5:30 P.M. TO TENTATIVELY ADOPT THE FY 2013 BUDGET AND ESTABLISH THE MILLAGE RATE; AND (3) WILL HOLD A SECOND PUBLIC HEARING ON SEPTEMBER 25, 2012, AT 5:30 P.M. TO ADOPT THE FY 2013 BUDGET AND ESTABLISH THE MILLAGE RATE; AND,

2. APPROVE AND EXECUTION OF RESOLUTION 2012-18 REQUESTING CLASSIFICATION OF THE TENTATIVE FISCAL YEAR 2013 RESERVES PER THE GASB 54 CLASSIFICATIONS.

THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, CURTIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS. MEMBERS VOTING AGAINST: NONE.)

Agenda Item No. 14 – 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. 15 – Activity Report, Real Estate. The Activity Report for Real Estate was provided as an informational item in the Board materials.

Agenda Item No. 16 – Buck Bay #1 License to Cut Timber. Bob Heeke, Program Leader, presented the staff recommendation that the Governing Board authorize the Executive Director to execute a license to cut timber with Nature Coast Timber, LLC, for the Buck Bay #1 Timber Sale, as shown in the Board materials.

MR. MEECE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A LICENSE TO CUT TIMBER WITH NATURE COAST TIMBER, LLC, FOR THE BUCK BAY #1 TIMBER SALE, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. DAVIS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS. MEMBERS VOTING AGAINST: NONE.)

Agenda Item No. 17 – Blue Sink #2 License to Cut Timber. Mr. Heeke presented the staff recommendation that the Governing Board authorize the Executive Director to execute a license to cut timber with Harley Forest Products, LLC, for the Blue Sink #2 Timber Sale, as shown in the Board materials.

DR. COLE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A LICENSE TO CUT TIMBER WITH HARLEY FOREST PRODUCTS, LLC, FOR THE BLUE SINK #2 TIMBER SALE, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. DAVIS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS. MEMBERS VOTING AGAINST: NONE.)

Agenda Item No. 18 – Mud Swamp Hunting Lease. Mr. Heeke presented the staff recommendation that the Governing Board approve and execute Resolution 2012-17 and authorize the Executive Director to execute the Mud Swamp Hunting Lease with Bryan W. Ward for \$16,929, as shown in the Board materials.

No vote or action was taken on this item. The lack of action allows staff to send a letter to all bidders notifying them that the District is hereby rejecting all bids.

The following addressed the Governing Board regarding this agenda item:

1. Lane Stephens, Executive Director for Allied Sportsman's Association of Florida;
2. Bill Marvin, President of The Future of Hunting in Florida; and,

3. Stephen Williamson, representing United Waterfowlers of Florida.

Agenda Item No. 19 – Approval of Water Use Permit Application Number 2-12-00049, Bullard Farms, Inc., Suwannee County. Tim Sagul, Program Leader, presented the staff recommendation that the Governing Board approve Water Use Permit number 2-12-00049, with seventeen standard conditions and eight special limiting conditions to Bullard Farms Inc., in Suwannee County, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO APPROVE WATER USE PERMIT NUMBER 2-12-00049, WITH SEVENTEEN STANDARD CONDITIONS AND EIGHT SPECIAL LIMITING CONDITIONS TO BULLARD FARMS INC., IN SUWANNEE COUNTY, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. CURTIS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS. MEMBERS VOTING AGAINST: NONE.)

Agenda Item No. 20 – Authorization to Initiate Enforcement Proceedings Regarding Jacob Hake, CE11-0005, Bradford County. Mr. Sagul presented the staff recommendation that the Governing Board authorize initiation of enforcement proceedings thru the Administrative Complaint process against Jacob Hake, in Bradford County, for unpermitted dredge and fill in a wetland and flood hazard area, as shown in the Board materials.

MR. MEECE MADE A MOTION TO AUTHORIZE INITIATION OF ENFORCEMENT PROCEEDINGS THRU THE ADMINISTRATIVE COMPLAINT PROCESS AGAINST JACOB HAKE, IN BRADFORD COUNTY, FOR UNPERMITTED DREDGE AND FILL IN A WETLAND AND FLOOD HAZARD AREA, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. DAVIS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS. MEMBERS VOTING AGAINST: NONE.)

Agenda Item No. 21 – Delegation of Authority Regarding Water Shortage Order 12-0005 Variance Petitions and Ratification of Approved Variances. Approved on consent.

Agenda Item No. 22 – Authorization for Executive Director to Enter Into an Interlocal Water Shortage Delegation Agreement with St. Johns River Water Management District. Mr. Sagul presented the staff recommendation that the Governing Board authorize the Executive Director to enter into an agreement with the St. Johns River Water Management District to accept water shortage delegation in the unincorporated areas of Alachua County, as shown in the Board materials.

MR. CURTIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO ACCEPT WATER SHORTAGE DELEGATION IN THE UNINCORPORATED AREAS OF ALACHUA COUNTY, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MRS. JOHNS. DR. COLE MADE A MOTION TO AMEND THE PERMIT TO ADD A CONDITION, IF STAFF DECIDES THAT THERE IS NO FINANCIAL HARDSHIP TO THE APPLICANT, TO REQUIRE MONTHLY MONITORING OF ALL WELLS THAT ARE EIGHT INCHES AND GREATER. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING

BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS. MEMBERS VOTING AGAINST: NONE.)

Agenda Item No. 23 – Authorization for the Executive Director to Negotiate and Enter into a Contract for Surveying Services to Obtain Hydrographic Cross Sections of the Middle Suwannee River. This item was deleted.

Supplemental Agenda Item Page 1 –Approval of a Work Order Increase in the matter of Suwannee River Water Management District (District) v. Larry Sigers, CE08-0072. Mr. Sagul presented the staff recommendation that the Governing Board approve a work order increase for legal expenditures in the matter of the District v. Larry Sigers from \$7,500 to a new amount not to exceed \$8,600, as shown in the Board materials.

MR. CURTIS MADE A MOTION TO APPROVE A WORK ORDER INCREASE FOR LEGAL EXPENDITURES IN THE MATTER OF THE DISTRICT V. LARRY SIGERS FROM \$7,500 TO A NEW AMOUNT NOT TO EXCEED \$8,600, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, DAVIS, JOHNS, MEECE, AND QUINCEY. MEMBERS VOTING AGAINST: WILLIAMS.)

Supplemental Agenda Item Page 2 – Authorization for Executive Director to Execute an Agreement with St. Johns River Water Management District (SJRWMD) Accepting Permitting Responsibilities Regarding Water Use Permit Number 2-92-00021, Keystone Golf and Country Club. Mr. Sagul presented the staff recommendation that the Governing Board authorize the Executive Director to execute an agreement with St. Johns River Water Management District (SJRWMD) accepting permitting responsibilities regarding Water Use Permit Number 2-92-00021, Keystone Golf and Country Club, as shown in the Board materials.

MR. MEECE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) ACCEPTING PERMITTING RESPONSIBILITIES REGARDING WATER USE PERMIT NUMBER 2-92-00021, KEYSTONE GOLF AND COUNTRY CLUB, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS. MEMBERS VOTING AGAINST: NONE.)

Agenda Item No. 24 - Activity Reports. The Water Supply, Water Resource Monitoring, Minimum Flows and Levels, Regulatory, Suwannee River Partnership, Land Management, and Water Resource Projects Activity Reports and Compliance Report were provided as informational items in the Board materials.

GOVERNING BOARD LEGAL COUNSEL

Agenda Item No. 25 – Governing Board Counsel Monthly Report. The Governing Board Counsel Monthly Report was provided as an informational item in the Board materials.

EXECUTIVE OFFICE

Agenda Item 26 – Authorization for Executive Director to Expend Funds to Address Emergency Conditions Associated with Tropical Storm Debby and Notification to Executive Office of the Governor and Legislative Budget Commission for Expenses Resulting from Tropical Storm Debby. Steve Minnis, Governmental Affairs Director, presented the staff recommendation that the Governing Board authorize the Executive Director to expend funds to address emergency conditions and to approve Resolution 2012-19 notifying the Executive Office of the Governor and the Legislative Budget Commission of unanticipated funds expended by the District in response to Tropical Storm Debby, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXPEND FUNDS TO ADDRESS EMERGENCY CONDITIONS AND TO APPROVE RESOLUTION 2012-19 NOTIFYING THE EXECUTIVE OFFICE OF THE GOVERNOR AND THE LEGISLATIVE BUDGET COMMISSION OF UNANTICIPATED FUNDS EXPENDED BY THE DISTRICT IN RESPONSE TO TROPICAL STORM DEBBY, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. CURTIS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS. MEMBERS VOTING AGAINST: NONE.)

Supplemental Agenda Item Page 6 – Authorization for Executive Director to Implement Emergency Compensation Practices Consistent with the State of Florida. Mr. Minnis presented the staff recommendation that the Governing Board authorize the Executive Director to implement emergency compensation practices consistent with the emergency compensation practices of the State of Florida, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO IMPLEMENT EMERGENCY COMPENSATION PRACTICES CONSISTENT WITH THE EMERGENCY COMPENSATION PRACTICES OF THE STATE OF FLORIDA, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. CURTIS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, CURTIS, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS. MEMBERS VOTING AGAINST: NONE.)

Agenda Item No. 27 - Executive Director's Report.
None.

Agenda Item No. 28 - Executive Office Activity Report. The Executive Office Activity Report was provided as an informational item in the Board materials.

The meeting adjourned at 12:10 p.m.

Chairman

ATTEST:

SUWANNEE RIVER WATER MANAGEMENT DISTRICT
MINUTES OF
GOVERNING BOARD WORKSHOP

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.

1:22 p.m., Tuesday
July 10, 2012

Florida Gateway College
Wilson S. Rivers Library & Media Center
149 SE College Place
Lake City, Florida

Governing Board:

Seat	Name	Office	Present	Not Present
Aucilla Basin	George M. Cole, Ph.D.		X	
Coastal River Basin	Donald Ray Curtis, III	Secretary/ Treasurer	X	
Lower Suwannee River Basin	Don Quincey, Jr.	Chairman	X	
Santa Fe & Waccasassa Basins	Kevin W. Brown		X	
Upper Suwannee River Basin	Alphonas Alexander	Vice Chairman		X
At Large	Heath Davis			X
At Large	Virginia H. Johns		X	
At Large	Carl Meece		X	
At Large	Guy N. Williams		X	

Governing Board General Counsel

Name	Firm	Present	Not Present
George T. Reeves	Davis, Schnitker, Reeves & Browning, P.A.	X	

Staff:

Position	Name	Present	Not Present
Executive Director	Ann B. Shortelle, Ph.D.	X	
Assistant Executive Director	Charlie Houder	X	
Governmental Affairs Director	Steve Minnis	X	
Department Director, Mission Support	Melanie Roberts	X	
Department Director, Water Supply & Resource Management	Jon Dinges	X	
GB Coordinator – Paralegal	Linda Welch	X	

Guests:

Vanessa Fultz, SRWMD
Cindy Johnson, SRWMD
Tim Sagul, SRWMD
Bob Heeke, SRWMD

Minutes of Governing Board Workshop
July 10, 2012
Page 2

Glenn Horvath, SRWMD
Brian Kauffman, SRWMD
Megan Wetherington, SRWMD
Carlos Herd, SRWMD
Kevin Wright, SRWMD
Renate and Barney Cannon, Chiefland
Doug Manson, Manson Law Group, Tampa
Merrilee Malwitz-Jipson, Our Santa Fe River, Fort White
Bruce Ritchie, Lake City Reporter, Lake City
Paul Still, Bradford Soil and Water Conservation District, Starke
John Scherer

Ann Shortelle, Ph.D., gave a presentation concerning the District's emergency response regarding Tropical Storm Debby.

Carlos Herd gave a presentation concerning the District's response regarding Cedar Key saltwater intrusion.

Jon Dinges gave a presentation concerning the North Florida Regional Water Supply Partnership and the requested permit modification from JEA to St. Johns River Water Management District.

Kevin Wright gave a presentation regarding the Florida Department of Environmental Protection's Santa Fe Grant awarded to the District.

A tour was given of the Wilson S. Rivers Library & Media Center by Mike Lee, Executive Director of the Florida Gateway College (FGC) Foundation, and Mike McKee, FGC Executive Director of Media & Public Information.

The workshop adjourned at 2:50 p.m.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT
MINUTES OF
INTERMEDIATE GOVERNING BOARD MEETING

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.

1:00 p.m., Monday
July 30, 2012

District Headquarters
Live Oak, Florida

Governing Board

Seat	Name	Office	Present	Not Present
Aucilla Basin	George M. Cole, Ph.D.			X
Coastal River Basin	Donald Ray Curtis, III	Secretary/ Treasurer	X	
Lower Suwannee River Basin	Don Quincey, Jr.	Chairman	X	
Santa Fe & Waccasassa Basins	Kevin W. Brown		X*	
Upper Suwannee River Basin	Alphonas Alexander	Vice Chairman	X	
At Large	Heath Davis		X*, **	
At Large	Virginia H. Johns		X	
At Large	Carl Meece		X*	
At Large	Guy N. Williams		X	

*Present by telephone.

**Joined conference after approval of agenda (Agenda Item 3).

Governing Board General Counsel

Name	Firm	Present	Not Present
Fred Reeves	Davis, Schnitker, Reeves & Browning, P.A.	X	

Staff:

Position	Name	Present	Not Present
Executive Director	Ann B. Shortelle, Ph.D.	X	
Assistant Executive Director	Charlie Houder	X	
Governmental Affairs Director	Steve Minnis	X	
Department Director, Mission Support	Melanie Roberts	X	
Department Director, Water Supply & Resource Management	Jon Dinges	X	
GB Coordinator – Paralegal	Linda Welch	X	

Guests:

Lisa Cheshire, SRWMD
Vanessa Fultz, SRWMD
Cindy Johnson, SRWMD
Warren Zwanka, St. Johns River Water Management District (SJRWMD), Palatka

Mike Register, SJRWMD, Palatka
Al Canepa, SJRWMD, Palatka
Ray Hodge, Southeast Milk, Gainesville
Dale Williams, City Manager, Lake City
Micki Salter, Representative Leonard Bemby, Tallahassee
Athena Mann, JEA, Jacksonville
Paul Steinbrecher, JEA, Jacksonville

Roll was called and the meeting was called to order and a quorum was noted at 1:01 p.m. Mr. Davis joined the meeting during agenda item 3.

Agenda Item No. 2 – Additions, Deletions, or Changes to the Agenda.
None.

Agenda Item No. 3 – Approval of Agenda.

MR. ALEXANDER MADE A MOTION TO APPROVE THE AGENDA. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS. MEMBERS VOTING AGAINST: NONE.)

Agenda Item No. 4 – Cooperative Analysis of JEA Consumptive Use Permit Modification Request.
Carlos Herd, Program Leader, gave a presentation to the Governing Board about this. Mike Register, SJRWMD, gave a presentation to the Governing board about this.

The meeting adjourned at 1:40 p.m.

Chairman

ATTEST:

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: August 27, 2012
RE: Approval of July 2012 Financial Report

RECOMMENDATION

Staff recommends that the Governing Board approve the July 2012 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.

Non-Operating Budget	
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
Total	\$26,082,228
Operating Budget	\$21,307,361
Total FY 2012 Budget	\$47,389,589
Total FY 2012 Expenditures	\$8,989,840
Percent of Operating Budget	42%

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.

gal
enclosures

MONTHLY STATUS OF FY 2011/2012 BUDGET EXPENDITURES BY DEPARTMENT
THROUGH 07/31/12

Water Supply & Resource Management

Description	Budgeted	Expenditures to Date	% Expenditures Used	Balance
516 Salaries & Benefits	\$3,183,888	\$2,175,506	68%	\$1,008,382
540 Other Personal Services	148,000	60,400	41%	87,600
580 Legal Services	153,200	132,400	86%	20,800
585 Audit Services	0	1,000	n/a	-1,000
586 Contractual Services	17,750,747	2,526,691	14%	15,224,056
590 Pmt. in Lieu of Taxes	365,000	346,104	95%	18,896
605 Printing & Binding	13,400	5,275	39%	8,125
606 Publication of Notices	16,600	6,940	42%	9,660
621 Meetings	4,700	300	6%	4,400
622 Registrations & Training	35,850	17,852	50%	17,998
626 Travel Expenses	32,500	4,815	15%	27,685
627 Utilities	10,000	1,981	20%	8,019
628 Communications	0	1,100	n/a	-1,100
631 Equipment Maintenance	9,400	4,773	51%	4,627
690 Other Contractual Services	8,400	84	1%	8,316
701 Field Supplies	714,900	396,043	55%	318,857
703 Computer Supplies	5,350	1,954	37%	3,396
705 Maps & Aerials	1,500	0	0%	1,500
706 Books & Documents	3,200	47	1%	3,153
715 Photographic Supplies	1,850	0	0%	1,850
740 Office Support Equipment	5,100	184	4%	4,916
790 Other Commodities	2,400	0	0%	2,400
801 Computer Software	8,700	2,440	28%	6,260
802 Equipment Rental	5,750	5,526	96%	224
809 Fees & Permits	16,000	413	3%	15,587
850 Overhead Allocation	n/a	1,192,536	n/a	-733,375
903 Office Equipment	3,000	0	0%	3,000
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	1,444,300	395,064	27%	1,049,236
960 Reserves	8,810,000	0	0%	8,810,000
TOTAL	\$32,816,735	\$7,279,428	22%	\$25,537,307

MONTHLY STATUS OF FY 2011/2012 BUDGET EXPENDITURES BY DEPARTMENT
THROUGH 07/31/12

Executive Office

Description	Budgeted	Expenditures to Date	% Expenditures Used	Balance
516 Salaries & Benefits	\$489,133	\$491,828	101%	-\$2,695
580 Legal Services	55,000	39,787	72%	15,213
586 Contractual Services	28,000	14,214	51%	13,786
605 Printing & Binding	1,000	0	0%	1,000
606 Publication of Notices	0	4,696	n/a	-4,696
621 Meetings	500	0	0%	500
622 Registrations & Training	6,525	5,516	85%	1,009
626 Travel Expenses	27,750	18,759	68%	8,991
650 Promotions	13,500	6,209	46%	7,291
701 Field Supplies	0	422	n/a	-422
706 Books & Documents	2,000	832	42%	1,168
715 Photographic Supplies	350	336	96%	14
850 Overhead Allocation	0	163,863	n/a	-92,321
930 Interagency Expenditures	5,000	2,250	45%	2,750
960 Reserves	2,760,000	0	0%	2,760,000
TOTAL	\$3,388,758	\$748,712	22%	\$2,640,046

MONTHLY STATUS OF FY 2011/2012 BUDGET EXPENDITURES BY DEPARTMENT
THROUGH 07/31/12

Mission Support

Description	Budgeted	Expenditures to Date	% Expenditures Used	Balance
516 Salaries & Benefits	\$1,863,076	\$1,265,292	68%	\$597,784
564 Property Appraiser	210,000	158,741	76%	51,259
579 Tax Collector	125,000	89,539	72%	35,461
580 Legal Services	46,800	23,765	51%	23,035
585 Audit Services	35,000	28,604	82%	6,396
586 Contractual Services	605,500	186,608	31%	418,892
605 Printing & Binding	25,500	6,614	26%	18,886
606 Publication of Notices	15,000	1,490	10%	13,510
607 Postage	25,000	13,743	55%	11,257
621 Meetings	1,000	0	0%	1,000
622 Registrations & Training	38,000	19,527	51%	18,473
626 Travel Expenses	24,000	8,343	35%	15,657
627 Utilities	70,000	42,235	60%	27,765
628 Communications	150,000	105,722	70%	44,278
629 Facilities Maintenance	75,000	39,814	53%	35,186
630 Vehicle Maintenance	75,000	41,319	55%	33,681
631 Equipment Maintenance	27,000	4,909	18%	22,091
690 Other Contractual Services	2,500	901	36%	1,599
701 Field Supplies	10,000	1,957	20%	8,043
702 Office Supplies	41,000	25,900	63%	15,100
703 Computer Supplies	26,000	17,692	68%	8,308
704 Fuel & Lubricants	70,000	55,489	79%	14,511
705 Maps & Aerials	2,000	0	0%	2,000
706 Books & Documents	7,600	1,384	18%	6,216
740 Office Support Equipment	6,000	2,007	33%	3,993
790 Other Commodities	3,000	818	27%	2,182
801 Computer Software	86,800	26,904	31%	59,896
802 Equipment Rental	50,000	33,868	68%	16,132
804 Workers Comp. Insurance	25,000	11,116	44%	13,884
805 Property & Casualty Insurance	60,000	49,719	83%	10,281
809 Fees & Permits	500	475	95%	25
850 Overhead Allocation	0	679,311	n/a	-482,505
850 Overhead Allocation Credits	0	-2,035,710	n/a	-1,441,096
903 Office Equipment	17,000	8,434	50%	8,566
906 Computer Equipment	110,000	40,695	37%	69,305
907 Lab & Field Equipment	25,000	1,975	8%	23,025
920 Land Acquisition	7,207,820	0	0%	7,207,820
930 Interagency Expenditures	23,000	2,500	11%	20,500
TOTAL	\$11,184,096	\$961,700	9%	\$10,222,396
DISTRICT TOTAL	\$47,389,589	\$8,989,840	19%	\$38,399,749

MEMORANDUM

TO: Governing Board
FROM: Vern Roberts, Accounting Coordinator
DATE: August 27, 2012
RE: Declaration of Surplus Property and Disposition

RECOMMENDATION

District staff recommends the Governing Board declare the following list of property items as surplus and authorize staff to dispose of these property items in the most cost-effective means as determined by the District and authorized by Chapter 274.05, Florida Statutes.

BACKGROUND

Due to several factors, which include changes in technology, equipment compatibility concerns, high maintenance costs, and wear and tear over time, various property items that are owned by the District become functionally obsolete each year. Florida Statutes recognize that property items do become functionally obsolete and provides a process for declaring property items as surplus and for the disposition of this surplus property.

As provided by Florida Statutes, staff recommends the Governing Board declare the attached list of property items as surplus property, and authorize staff to dispose of these surplus property items by either trading them when new items are purchased, offering them to other governmental units in the district or offer the property to private nonprofit agencies as defined in s. 273.01(3). Any remaining electronic equipment will be properly recycled using A1 Assets, a recognized company by the State of Florida Department of Environmental Protection to properly recycle equipment.

gal
enclosure

SURPLUS PROPERTY

Asset No.	Description	Quantity	Year Purchased	Purchase Price
0067	Fathometer	1	1975	\$1,949.50
1815	Pneumatic Controller	1	1989	\$1,100
1824	Pneumatic Controller	1	1989	\$1,050
1851	Water Quality Monitoring System	1	1989	\$1,670
2045	Redi Flow Pump	1	1993	\$2,311
2079	Hydrologger with Display	1	1994	\$2,566
2193	Water Quality Probe	1	1995	\$6,100
2218	Transit Time Flowmeter	1	1996	\$4,375
2227	Pressure Transducer	1	1996	\$1,257
2294	Institu-Troll w/Cable	1	1997	\$2,544
2295	YSI DO/PH.Nitrate Probe Kit	1	1996	\$5,281
2308	Model 3230 Reel with Power Option	1	1997	\$2,200
2309	Microfilm Reader/Scanner	1	1997	\$13,495
2336	YSI 6920 Multiparameter Probe	1	1998	\$5,350
2364	YSI 6920 Field Meter	1	1998	\$5,818
2431	HP 800 PS Plotter	1	1999	\$9,812
2487 2488	Redi Flow Variable Frequency Drive	2	2000	\$1,402 each
2493	Geo Explorer 3C GPS System	1	2000	\$3,667
2497	GPS Beacon & Datalogger	1	2000	\$11,105
2500	Redi Flow Pump	1	2000	\$1,426
2552	Datalogger	1	2000	\$1,287
2567	Pressure Transducer	1	2001	\$1,007
2627	GIS HP Color Laser Jet 8550	1	2002	\$5,900
2628	YSI 600R Conductivity Sensor	1	2002	\$1,784
2637	Variable Frequency Drive	1	2002	\$1,442
2640	YSI 6920 Sonde	1	2002	\$4,540
2684	Gateway E4000	1	2002	\$1,582
2774	Dell OptiPlex GX270	1	2004	\$1,667
2820	HP 800 PS Plotter	1	2004	\$6,656
2861	Dell 42" Plasma TV	1	2005	\$3,102
2863	Redi Flow Pump, Cable & Remote	1	2005	\$1540
2877	Dell/EMC CX SAN Disk Processor Enclosure	1	2006	\$43,198
2878	Dell/EMC SAN Disk Array Enclosure	1	2006	\$19,031
2888 2889	Trailhead Composting Toilet	2	2005	\$13,798 each

Asset No.	Description	Quantity	Year Purchased	Purchase Price
2905	Dell OptiPlex GX620	1	2006	\$1,932
2951	Recon 400 with charger	1	2006	\$2,027
2967	Dell Latitude D820	1	2007	\$1,978
2977	Trimble Ranger GPS Data Logger	1	2006	\$3,514
2978	Trimble ProXT GPS Receiver	1	2006	\$2,245
2979	Dell/EMC SAN Disk Array Enclosure	1	2007	\$33,954
2984	Dell Latitude D620	1	2008	\$1,866
2987 2988 2989 2992 3003 3007	Dell OptiPlex 745	6	2007	\$1,971 each
3010	Dell Latitude D420	1	2008	\$1,826
3019	Dell Latitude D820	1	2008	\$2,058
3031	Dell Latitude D830	1	2008	\$1,861
3039 3040	Dell Latitude D830	2	2008	\$1,700 each
3046	Dell Latitude ATG D630	1	2008	\$2,201
3049 3051 3054 3060 3062 3064 3067 3068 3070	Dell OptiPlex 755	9	2008	\$1,696 each
3145	Dell/EMC SAN Disk Array Enclosure	1	2010	\$33,919

MEMORANDUM

TO: Governing Board
FROM: Vern Roberts, Accounting Coordinator
DATE: August 27, 2012
RE: Procurement of Office Supplies from State Approved Vendors

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to purchase office supplies and equipment from vendors on State of Florida Contract No. 618-000-11-1 for a total not to exceed \$35,000 for Fiscal Year 2013.

BACKGROUND

The State of Florida conducted a competitive bid process and selected Office Depot and Staples as the low cost vendors for office supplies and equipment. As part of this bid process the successful vendors are required to extend discounted prices to agencies authorized to purchase off state contracts. This State of Florida contract is effective until October 2013.

By “piggybacking” on the State of Florida contract, the District can avoid the cost of conducting its own bid process and can realize major discounts off catalog prices offered by the approved vendor(s) to government agencies.

Therefore, staff recommends the District purchase office supplies and equipment from the approved State of Florida vendors at the discounted price schedule in lieu of conducting an independent bid process.

This recommendation is contingent upon final adoption of the Fiscal Year 2013 budget.

gal

MEMORANDUM

TO: Governing Board
FROM: Vern Roberts, Accounting Coordinator
DATE: August 23, 2012
RE: Recommended Insurance Providers

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to procure insurance coverage from the most cost-effective providers at an aggregate premium cost of \$144,212 for Fiscal Year 2013.

BACKGROUND

In order to achieve sufficient insurance coverage at competitive rates, the District uses a competitive selection process every third year. Property and Casualty, Commercial General Liability, Auto, Workers Compensation, Life, and Disability coverages were awarded in 2011 through a competitive bid with the District selecting the insurance provider quoting the lowest premiums that met the requested specifications. Dental and Vision coverages are handled through the District's Health Insurance provider.

Funding for this recommendation is included in the Fiscal Year 2013 budget and is contingent upon final approval of the Fiscal Year 2013 budget. Proposed premiums are as follows:

COVERAGE	CARRIER	FY 2012 PREMIUM	FY 2013 PREMIUM	INCREASE (DECREASE)
Liability (CGL)	PGIT	\$13,893	\$17,861	\$3,968
Workers Comp	PGIT	\$13,106	\$10,226	\$(2,880)
Auto	PGIT	\$5,098	\$5,677	\$579
Property	PGIT	\$30,126	\$30,272	\$146
Governing Board Travel	Standard	\$750	\$750	\$0
Disability	Lincoln	\$15,814	\$15,814	\$0
Life	Lincoln	\$8,448	\$8,712*	\$264
Dental	FL Combined	\$47,200	\$47,200	\$0
Vision	Humana	\$7,700	\$7,700	\$0
TOTAL		\$142,135	\$144,212	\$2,077

*Life insurance premium for FY12 was based on 64 FTEs. FY13 is based on 66 FTEs.

gal

MEMORANDUM

TO: Governing Board
FROM: Jon Wood, Network & Systems Coordinator
DATE: August 27, 2012
RE: Renewal of Software License and Hardware Maintenance Contracts

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to renew software licenses and hardware maintenance contracts during Fiscal Year 2013 for a total amount not-to-exceed \$71,000.

BACKGROUND

Software programs and computer and network hardware are essential to the mission of the District. The following licensed software programs and hardware continue to be the backbone of the District and can be renewed individually at the costs shown below.

Software	Supplier	Renewal Cost
Oracle Database	Oracle, Inc.	\$10,000
GIS Arc/Info and Arc/View	ESRI, Inc.	\$44,000
Enterasys	Isocorp, Inc.	\$9,000
VMWare	VMWare, Inc.	\$8,000
Total		\$71,000

As the District's databases have matured and the software and computing resources have advanced, District staff has made more use of the data. A summary of the above software's uses is as follows:

- The Oracle Database software, provided by Oracle, Inc., and GIS Arc/Info and ArcView, provided by Environmental Systems Research Institute, Inc., (ESRI), have become essential tools used by the District for planning, inventorying, querying or analyzing data in an effort to resolve problems in a timely manner.
- Enterasys software and hardware allows for management and maintenance of the District's computer network.
- VMWare software allows for server virtualization, making it unnecessary to have a physical server for each application.

Funding for these agreements is included in the Fiscal Year 2013 budget. This recommendation is contingent upon final adoption of the Fiscal Year 2013 budget.

gal

MEMORANDUM

TO: Governing Board
FROM: Terry E. Demott, Senior Land Resource Coordinator
DATE: August 27, 2012
RE: Approval and Execution of a Lease Amendment with City of Lake City

RECOMMENDATION

Staff recommends approval and execution of a lease amendment to correct an error in the legal description for property leased to the City of Lake City.

BACKGROUND

In April 2004 the Governing Board leased a portion of its Lake City Well Field property to the City of Lake City. This property is being used for the City's public supply water wells and water treatment plant.

An amendment to the original lease was executed in September 2008 adding two acres to the leased property. The legal description attached to the first amendment to the lease contained a scrivener's error. This Second Amendment to Lease strikes the original legal description and replaces it with the correct description.

gal
008-00354

City of Lake City Well Field Lease Amendment Columbia County, Florida

-  Amendment Boundary = 1.69 Acres
-  Existing Lease Boundary
-  SRWMD Fee Land
-  Utility Easement
-  Florida Gateway College Ownership
-  City of Lake City Ownership



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Real Estate Program (REP), of the Department of Mission Support (DMS), 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 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 1-800-226-1066. Columbia 2010 NC IFT Imagery.



PM: TD
GIS: GH
GBD: 09/2012

Prepared by/Return to:
Davis, Schnitker, Reeves
& Browning, P.A.
Post Office Drawer 652
Madison, Florida 32341

CORRECTED FIRST AMENDMENT TO LEASE

This Corrected First Amendment to Lease (hereinafter referred to as the “CORRECTED FIRST AMENDMENT”) made and entered into as to this _____ day of _____, 2012, by and between **SUWANNEE RIVER WATER MANAGEMENT DISTRICT**, a Florida Statutes Chapter 373 Water Management District, having a mailing address of 9225 CR 49, Live Oak, Florida 32060, (hereinafter referred to as “LANDLORD” and the **CITY OF LAKE CITY, FLORIDA**, a municipal corporation organized under the laws of the State of Florida, having a mailing address of Post Office Box 1687, Lake City, Florida 32056, (hereinafter referred to as “TENANT”)

WITNESSETH

WHEREAS, the parties previously entered into a certain lease entitled “LEASE” (hereinafter referred to as the “LEASE”) dated April 13, 2004 and recorded on April 21, 2004, in Official Records Book 1013, pages 195-224, of the public records of Columbia County, Florida; and,

WHEREAS, by virtue of the LEASE, LANDLORD leased certain real property described therein to TENANT; and,

WHEREAS, the parties have previously amended the LEASE by virtue of that certain document entitled “FIRST AMENDMENT TO LEASE” (hereinafter referred to as the “FIRST AMENDMENT”) dated September 9, 2008, a copy of which is attached hereto as Exhibit “A”; and,

WHEREAS, in the FIRST AMENDMENT the parties amended the LEASE to lease not only the real property described in the LEASE but also the additional real property as described in the FIRST AMENDMENT; and,

WHEREAS, the parties now realize that there was an error in the legal description shown in the FIRST AMENDMENT and wish to correct such error; and,

WHEREAS, a correct legal description of the real property which was intended to be the subject of the FIRST AMENDMENT has been prepared and agreed to between the parties; and,

WHEREAS, the governing bodies of the parties have each considered this CORRECTED FIRST AMENDMENT at properly noticed public meetings, agree that this CORRECTED FIRST AMENDMENT accurately expresses the agreement of the parties at the time they executed the FIRST AMENDMENT and wish to enter into this CORRECTED FIRST AMENDMENT for the reasons set out above.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual benefits flowing from each to the other, the parties do hereby agree as follows:

1. The above recitals are incorporated herein by reference.
2. Schedule "A" of the LEASE is hereby amended, altered and restated to include (1) all of the real property described therein and (2) that certain parcel of real property located in Columbia County, Florida more particularly described as follows:

COMMENCE AT THE SOUTHWEST CORNER OF THE E 1/2 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 17 EAST, COLUMBIA COUNTY, FLORIDA AND RUN THENCE N 00°49'36" W, ALONG THE WEST LINE OF SAID E 1/2 OF SW 1/4 OF NE 1/4, 515.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°49'36" W, STILL ALONG SAID WEST LINE OF SAID E 1/2 OF SW 1/4 OF NE 1/4, 238.96 FEET TO THE SOUTH RIGHT OF WAY OF SE WATER PLANT ROAD, AN 80 INGRESS AND EGRESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 1013, PAGE 195 OF THE PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA; THENCE N 89°10'24" E, ALONG SAID SOUTH RIGHT OF WAY, 110.90 FEET TO A POINT OF CURVE; THENCE CONTINUE EASTERLY ALONG SAID SOUTH RIGHT OF WAY ALONG SAID CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 72.00 FEET, A CENTRAL ANGLE OF 30°50'05", A CHORD BEARING AND DISTANCE OF S 75°24'35" E - 38.28 FEET, AN ARC DISTANCE OF 38.75 FEET TO THE POINT OF TANGENCY; THENCE S 59°59'34" E, STILL ALONG SAID SOUTH RIGHT OF WAY, 136.13 FEET TO A POINT OF CURVE; THENCE CONTINUE EASTERLY ALONG SAID SOUTH RIGHT OF WAY ALONG SAID CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 152.00 FEET, A CENTRAL ANGLE OF 30°00'09", A CHORD BEARING AND DISTANCE OF S 74°59'34" W - 78.69 FEET, AN ARC DISTANCE OF 79.59 FEET TO THE POINT OF TANGENCY; THENCE S 89°59'34" E, STILL ALONG SAID SOUTH RIGHT OF WAY, 29.74 FEET TO THE TO THE NORTHWEST CORNER OF LEASE AGREEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 1013, PAGE 195 OF THE PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA; THENCE S 00°00'26" W, ALONG THE WESTERLY LINE OF SAID LEASE

AGREEMENT, 142.48 FEET; THENCE N 89°59'34" W, 368.09 FEET TO THE POINT BEGINNING. CONTAINING 1.69 ACRES, MORE OR LESS.

3. Except as expressly modified herein, all terms and conditions of the LEASE shall remain in full force and effect.
4. This CORRECTED FIRST AMENDMENT properly expresses the intent of the parties when they executed the FIRST AMENDMENT, therefore this CORRECTED FIRST AMENDMENT shall relate back in time to and replace the FIRST AMENDMENT as of the effective date of the FIRST AMENDMENT. As of the effective date of the CORRECTED FIRST AMENDMENT, the FIRST AMENDMENT shall be of no further effect.
5. This CORRECTED FIRST AMENDMENT shall be effective immediately upon the date first set out above.
6. This CORRECTED FIRST AMENDMENT shall be recorded in the public records of Columbia County, Florida to give constructive notice of the terms hereof.

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

IN WITNESS WHEREOF, the GOVERNING BOARD OF THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT, (“LANDLORD”) hereby executes this CORRECTED FIRST AMENDMENT on the date first written above.

GOVERNING BOARD OF THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT

By: _____
Don Quincey, Jr.
Chair

(OFFICIAL SEAL)

ATTEST: _____
Ray Curtis
Secretary Treasurer

Approved as to form and legality:

Approved as to conformance with District Budgetary and Administrative Procedures:

By: _____
George T. Reeves
Legal Counsel

By: _____
Charles H. Houder, III
Deputy Executive Director

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

IN WITNESS WHEREOF, the CITY COMMISSION OF THE CITY OF LAKE CITY FLORIDA (“TENANT”) hereby executes this CORRECTED FIRST AMENDMENT on the date first written above.

CITY COMMISSION OF THE CITY OF
LAKE CITY, FLORIDA

By: _____

Mayor

(OFFICIAL SEAL)

ATTEST: _____

Clerk

Approved as to form and legality:

By: _____

Legal Counsel

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

Prepared by/Return to:
William J. Haley, Esquire
Brannon, Brown,
Haley & Bullock, P. A.
P.O. Box 1029
Lake City, FL 32056-1029

FIRST AMENDMENT TO LEASE

This First Amendment to Lease ("Amendment") made and entered into as of this 9th day of September, 2008, by and between **SUWANNEE RIVER WATER MANAGEMENT DISTRICT**, a Florida Statutes Chapter 373 Water Management District, having a mailing address of 9225 CR 49, Live Oak, Florida 32060, (hereinafter referred to as "Landlord") and the **CITY OF LAKE CITY, FLORIDA**, a municipal corporation organized under the laws of the State of Florida, having a mailing address of P.O. Box 1687, Lake City, Florida 32056, (hereinafter referred to as "Tenant").

WITNESSETH

WHEREAS, Landlord and Tenant entered into a Lease dated April 13, 2004 and recorded April 21, 2004, in Official Records Book 1013, pages 195-224, public records of Columbia County, Florida; and

WHEREAS, Landlord and Tenant desire to amend said Lease by adding additional lands to said Lease.

NOW THEREFORE, Landlord and Tenant, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual benefits flowing from each to the other, do hereby agree and amend said Lease as follows:

1. The leased property described in Schedule A of said Lease is hereby amended to add and include the following described lands:

TOWNSHIP 4 SOUTH, RANGE 17 EAST

SECTION 1: Commence at the Southwest corner of E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence N 00°50'02" W, along the West line of said E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, 594.43 feet to the Point of Beginning; thence N 00°50'02" W, along the West line of said E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, 250.13 feet; thence N 89°09'58" E, 110.90 feet to a point of curvature of a curve concave Southerly, having a radius of 112.00 feet and a central angle of 30°50'02"; a chord bearing of S 75°25'01" E, and a chord length of 59.55 feet; thence along the arc of said curve an arc length of 60.27 feet; thence S 60°00'00" E, 136.13 feet to a point of curvature of a curve concave Northerly, having a radius of

112.00 feet and a central angle of 30°00'00"; a chord bearing of S 75°00'00" E, and a chord length of 57.98 feet; thence along the arc of said curve an arc length of 58.64 feet; thence N 90°00'00" E, 29.73 feet; thence due South, 182.49 feet; thence due West, 368.07 feet more or less to the Point of Beginning.

2. The adding of the additional property to said Lease shall be at no additional cost to either party hereto.

3. This Amendment shall be effective as of the day and year first above written.

4. Except as herein modified, all terms and conditions of said Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this Amendment to Lease on the date first written above.

Signed, sealed, and delivered
In the presence of:

"LANDLORD"
SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

Gwendolyn A. Lord
Witness

By: Louis Shiver (SEAL)
Louis Shiver
Chairman of the Governing Board

Gwendolyn A. Lord
Print/Type Witness Name

Terry E. Demott
Witness

Attest: Georgia Jones
Georgia Jones
Secretary/Treasurer

Terry E. Demott
Print/Type Witness Name

Approved as to form and legality:

Approved as to conformance with District
Budgetary and Administrative Procedures:

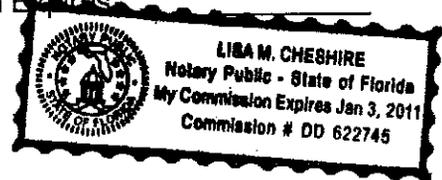
By: William J. Haley
William J. Haley
Legal Counsel

By: Charles H. Houder, III
Charles H. Houder, III
Deputy Executive Director

STATE OF FLORIDA
COUNTY OF SUWANNEE

The foregoing instrument was acknowledged before me this 9 day of September 2008, by Louis Shiver, as Chairman of the Suwannee River Water Management District, a Florida Statutes Chapter 373 Water Management District, on behalf of said Water Management District, ✓ who is personally known to me, or _____ whom produced _____, as identification.

Lisa M. Cheshire
Print Name: Lisa M. Cheshire
Notary Public – State of Florida
My Commission Expires: _____



STATE OF FLORIDA
COUNTY OF Suwannee

The foregoing instrument was acknowledged before me this 9 day of September 2008, by Georgia Jones, as Secretary/Treasurer of the Suwannee River Water Management District, a Florida Statutes Chapter 373 Water Management District, on behalf of said Water Management District, ✓ who is personally known to me, or _____ whom produced _____, as identification.

Lisa M. Cheshire
Print Name: Lisa M. Cheshire
Notary Public – State of Florida
My Commission Expires: _____



Signed, sealed, and delivered
In the presence of:

"TENANT"
CITY OF LAKE CITY, FLORIDA

Deanne Woods
Witness

Deanne Woods
Print/Type Witness Name

Ann m Raulerson
Witness

Ann m. Raulerson
Print/Type Witness Name

By: Stephen M. Witt (SEAL)
Print Name: Stephen M. Witt
Title: Mayor, City of Lake City

Attest: Audrey E. Sikes
Print Name: Audrey E Sikes
City Clerk

Approved as to form and legality:

By: Herbert F. Darby
Herbert F. Darby
City Attorney

STATE OF FLORIDA
COUNTY OF COLUMBIA

The foregoing instrument was acknowledged before me this 29th day of September, 2008, by Stephen M. Witt as Mayor of the City of Lake City, Florida, a municipal corporation organized under the laws of the State of Florida, on behalf of said municipal corporation, who is personally known to me, or _____ whom produced _____ as identification.



MICHELE GREENE
Notary Public, State of Florida
My Comm. Expires Aug. 29, 2010
Comm. No. DD 590237

Michele Greene
Print Name: Michele Greene
Notary Public – State of Florida
My Commission Expires: Aug. 29, 2010

STATE OF FLORIDA
COUNTY OF COLUMBIA

~~2008~~¹⁸ The foregoing instrument was acknowledged before me this 29th day of September
~~2004~~, by Audrey E Sikes, as City Clerk of the City of Lake City,
Florida, a municipal corporation organized under the laws of the State of Florida, on behalf
of said municipal corporation, who is personally known to me, or _____
whom produced _____, as identification.



MICHELE GREENE
Notary Public, State of Florida
My Comm. Expires Aug. 29, 2010
Comm. No. DD 580237

Michele Greene
Print Name: Michele Greene
Notary Public – State of Florida
My Commission Expires: Aug 29, 2010

MEMORANDUM

TO: Governing Board
FROM: Melanie Roberts, Director of Mission Support
DATE: August 27, 2012
RE: Activity Report, Department of Mission Support

DATA MANAGEMENT:

- Updated survey standards are now available. They will be placed in proposals and contracts to ensure standards are followed by the survey contractors.
- Staff replaced a non-functioning GPS unit with a new Trimble GeoXH 6000. This unit collects locations to a sub-foot accuracy and provides better positional accuracy in challenging situations such as under trees and near buildings.
- Data Management Staff continues to provide support to District staff, other agencies and the public through GIS requests, database needs and records requests.

INFORMATION TECHNOLOGY AND COMMUNICATIONS:

- IT staff continues to provide support to staff, other agencies and the public through ongoing resolution of Help Desk tickets, scheduled system backups, and programming and database development and maintenance. Work is continuing on relocating our Internet service connection out from behind the State firewall.
- Communications staff continues to support the District's mission through timely website updates, press releases, water conservation outreach, and springs protection coordination. Web updates were provided as needed during the flood event.

ADMINISTRATION:

- Staff met with James Moore & Company in early August and continues to answer their data requests.
- Staff completed the Tentative Fiscal Year 2013 budget and is preparing for the public budget hearings in September.

MEMORANDUM

TO: Governing Board
FROM: Terry Demott, Senior Land Resource Coordinator
DATE: August 27, 2012
RE: Activity Report, Real Estate

The attached reports summarize the status of surplus activities, conservation easement reviews and acquisitions for the preceding month. Staff will be prepared to address any tracts of particular interest the Board may wish to discuss at the September 11, 2012 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 North	24	Columbia	02/1988	WMLTF	6/14/2010	7/12/2010	Fee entire tract \$60,720	
Owens Spring	77	Lafayette	03/1999	P2000	6/14/2010	7/12/2010	Fee entire tract \$277,200	Sold to Byrd 8/3/2012
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 entire tract \$135,860	
Jennings Bluff	70	Hamilton	02/1989	WMLTF	7/30/2010	8/16/2010	Fee entire tract \$215,600	Pending negotiations with Hamilton County
Adams South	60	Lafayette	05/1990	WMLTF	7/30/2010	8/16/2010	Fee entire tract \$191,400	Sold to Shaw 8/3/2012
Hunter Creek	120	Hamilton	09/2002	P2000		11/18/2010	Fee (3 parcels) \$343,200 Conservation Easement (3 parcels) \$243,100	
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	
Woods Ferry	29	Suwannee	12/1988	WMLTF	8/18/2011	11/10/2011	Fee entire tract \$71,830	

SURPLUS LANDS

Tract Name	Acres	County	Acquired Date	Funding Source	Appraisal Date	Listing Date	Listing Price	Comments
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	6/6/2012			To be listed as Conservation Easement with Poole Realty
Chitty Bend East	20	Hamilton	12/1988	WMLTF	11/2/11	11/29/11	Fee two 10-acre tracts for \$26,400 each	
Chitty Bend West	121	Madison	12/1988	WMLTF	11/2/11	11/29/11	Fee entire tract \$279,510	
Buck Bay	60	Alachua	12/15/1999	P2000	3/1/2012	3/15/2012		Governing Board approved sale to Gaston
Alligator Lake	43	Columbia	8/10/2001	P2000	Approved in July			Discussions continuing with Columbia Co.
Cabbage Grove								To be listed with Poole Realty

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

STATUS OF EXCHANGES

Tract Name	Acres	County	Acquired Date	Funding Source	Proposal	Status
Ellaville Exchange for Damascus Peanut Company	670	Madison	5/1998	WMLTF	Proposed as Exchange	An agreement has been reached for final Governing Board action September 2012.
Mill Creek South Exchange for Cooley and Floyd Aucilla Conservation Easement	363	Madison and Jefferson	6/1997	WMLTF	Proposed as Exchange	Negotiations have ceased.
Lamont/Mt. Gilead for Aucilla Land Partners Conservation Easement	114	Madison and Jefferson	9/1998	WMLTF	Proposed as Conservation Easement Exchange	Title Review, timber and conservation easement valuation are in progress.

ACQUISITION

OWNER	PROJECT NAME	ACRES	COUNTY	COMMENTS
Azure Properties	McAlpin Landing Addition	220	Hamilton	Appraisals have been received and reviewed and are being revised accordingly.
Nyman, George & Sharon	Suwannee River Oaks CE	312	Gilchrist	Easement document and title review are in progress. Conservation Easement being drafted by legal.

CONSERVATION EASEMENT REVIEW

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Mann, Jack & Loy Ann	Manatee Springs Addition	FDOT Mitigation Escrow	590	5/29/2003	Levy	Recreation, Forestry	8/2012	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	8/2012	Slash pine plantations have been thinned this year. In compliance with CE.
Jackson, Kevin and Patrice	Jackson	Florida Forever Bonds	171	6/23/2010	Lafayette	Agriculture, Forestry	8/2012	Planted in peanuts this year. No irrigation used. Harvesting pine straw.
Plum Creek Timberlands	Waccassa Gulf Hammock	P-2000 Bonds	21,300	12/15/2000	Levy	Forestry, Recreation	7/2012	Slash pine continues to be managed with wetlands untouched. Bill Schlitzkus is new manager.
Plum Creek Timberlands	Manatee Springs Addit. Oak Hammock	Florida Forever Bonds	4,588	8/31/2002	Levy	Forestry, Recreation	7/2012	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	7/2012	Continues to be managed for slash pine. Preserved wetland areas remain.
Red Hills Land Company	Foster	Florida Forever Bonds	163	3/25/2002	Jefferson	Forestry, Recreation	7/2012	No changes in easement since purchase.
Strickland Field, L.P.	Strickland Field	P-2000 Bonds	3,822	7/7/2000	Dixie	Forestry	7/2012	New 10-year land management plan.

CONSERVATION EASEMENT REVIEW

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Davidson, Dr. C. Linden	Davidson	P-2000 Bonds	225	4/18/2002	Jefferson	Forestry, Recreation	6/2012	CE property unchanged since purchase. Food plots, fences and gates are well maintained.
Plum Creek Timberlands	Gainesville Wellfield	P-2000 Bonds	3,084	12/15/1999	Alachua	Forestry, Recreation	5/2012	This property is primarily used for forestry activities. Gainesville Regional Utility has wells and maintained roads. Wetlands are intact.
Newberry, City of	Newberry Wellfield	P-2000 Bonds	40	2/21/2001	Alachua	Recreation	5/2012	Remains in use for sports.
Bailey, Donald and Margaret	Bailey/Cuba Bay Exchange	Save Our Rivers	164	2/12/2002	Jefferson	Agriculture, Forestry	4/2012	No variation in land use. Remains in full compliance.
Geraldine Livingston Foundation	Dixie Plantation	P-2000 Bonds	8,902	2/18/1999	Jefferson	Forestry, Recreation	4/2012	Continues to be used for timber and hunting. Longleaf pine planted each year and prescribed fire used.
Zellwin Farms, Inc.	Jennings Bluff	Save Our Rivers	362	2/1/1989	Hamilton	Recreation	4/2012	Maintained as originally agreed.
Florida Sheriffs Youth Ranches, Inc.	Youth Ranches (I and II)	P-2000 Bonds	550	5/7/1997 and 1/2/1996	Suwannee	Recreation	3/2012	All areas are for recreation purposes only. Boys Ranch personnel repainted the entire perimeter this year. Horseback riding by Ranch residents remains a major use.

CONSERVATION EASEMENT REVIEW

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Harrell, Curtis and Matthew	Falmouth Addition	P-2000 Bonds	912	10/6/1999	Suwannee	Agriculture, Recreation	3/2012	Fields are in hay production on date of inspection. Preserved areas remain as is. No encroachment. Cabins are in place.
Moore, Madeline	Moore	Florida Forever Bonds	115	12/23/2002	Jefferson	Forestry, Recreation	3/2012	CE remains in compliance, with wetlands preserved.
Sanders, Thomas and Sylvia	Mill Creek	P-2000 Bonds	339	12/6/2000	Hamilton	Recreation, Agriculture	3/2012	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	3/2012	No change. Owner says it was used very little in the last year.
Champion, Roger and Donna	Mount Gilead	Florida Forever Bonds	180	8/19/2009	Madison	Forestry, Recreation	2/2012	Continues to be maintained primarily for hunting.
Chinquapin Farm, L.L.C.	Chinquapin Farm	P-2000 Bonds	640	12/30/2009	Columbia	Recreation, Forestry	2/2012	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	2/2012	Preserved areas remain intact. No additional building has occurred this year. Some illegal dumping was found.

CONSERVATION EASEMENT REVIEW

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Loncala, Inc.	Monteocha Creek	Save Our Rivers	951	11/30/2001	Alachua	Forestry, Recreation	2/2012	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	2/2012	Property remains as agreed to in CE. Loncala intensely manages pine plantations with hunting leases.
Platt, Cody and Carol	Aucilla Addition	P-2000 Bonds	274	12/29/1999	Jefferson	Forestry, Recreation	2/2012	New owners are well aware of CE terms. Have completed residence. Plan to mark boundaries and fire lines.
Santa Fe River Hammock, L.L.C.	Santa Fe River Hammock	P2000 - Sandlin Bay VFI Resale	167	1/31/2011	Bradford	Forestry, Recreation	2/2012	This is a new CE this year with a management plan in place.
Feagle, Ronald and Dorothy	Bonnet Lake	Florida Forever Bonds	433	1/27/2010	Columbia	Recreation, Forestry	1/2012	Longleaf pine planted and preserved area remains as is with hunting only.
The Campbell Group	California Swamp	Save Our Rivers and P-2000 Bonds	32,134	10/1/2001	Dixie	Forestry, Recreation	1/2012	Remains managed for pine timber and hunting with updated management plan. Wetlands undisturbed.

CONSERVATION EASEMENT REVIEW

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Bailey Brothers, Inc.	Bailey Brothers	P-2000 Bonds	16,522	8/24/2000	Dixie	Forestry, Recreation	12/2011	Used for forestry, hunting and cattle. Remains as agreed. Feral hog population is declining.
Layman, Chris & Kristine	Walker Springs	Florida Forever	167	12/30/2011	Jefferson	Forestry, Recreation	12/2011	Most recent CE purchase. Current management and forestry plan in place.
Ragans, Hoyt & Betty Jo	Ragans Jefferson	Florida Forever Bonds	169	12/28/2007	Jefferson	Forestry, Recreation	12/2011	Preserved areas remain as agreed in CE. Slash pine plantations remain well managed.
Ragans, Hoyt & Betty Jo	Ragans Madison	Florida Forever Bonds	585	12/28/2007	Madison	Forestry, Recreation	12/2011	No variations to agreement were noted. The property is well secured.
Tisdale, Robert	Manatee Springs Addition	Florida Forever Bonds	83	11/16/2007	Levy	Recreation	12/2011	No change. Used for hunting only.
Hale, Martha and Carter, Russell	Russell Carter	Florida Forever Bonds	585	9/28/2007	Columbia	Forestry, Recreation	11/2011	362 acres of pre-merchantable slash pine still with PCA. Wetlands remain intact. No changes.
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.

CONSERVATION EASEMENT REVIEW

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
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 cogon grass.
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 are well maintained for hunting.
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.
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.

PCA = Packaging Corporation of America, CE = Conservation Easement

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: Carlos Herd, Senior Hydrogeologist

DATE August 24, 2012

RE: Authorization to Continue Master Contracts with Selected Minimum Flows and Levels Consultants

RECOMMENDATION

Staff recommends the Governing Board authorize 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 \$1,575,000 for fiscal year 2013 to provide technical assistance in the development of MFLs on an as needed, when needed basis.

BACKGROUND

Staff submitted a memorandum to the Governing Board at the November 2010 meeting requesting authorization to procure services under a MFL consultant qualification process executed by the Southwest Florida Water Management District (SWFWMD). Following Board approval, master contracts were developed and staff has issued 21 work orders to six firms totaling a not to exceed amount of \$1,316,833. Staff requests authorization to continue this services procurement under the SWFWMD request for qualifications as allowed by section 287.057(3)(b), Florida Statutes. The selection process was not conducted in accordance with the Consultants' Competitive Negotiation Act, section 287.055, Florida Statutes. Any engineering services required will be incidental to scientific services.

Under this proposal, the District would continue existing contracts with firms identified from the SWFWMD list (see attached*). A master contracting agreement was developed with the firm(s); the negotiated hourly rates are limited to be no greater than those developed by SWFWMD for each respective firm. Prior to issuance of a Work Order, the scope of work and total cost for each task is negotiated with the respective firm. Subsequently, upon written notice from the District, the consultant provides the required services on an as-needed basis.

* The SWFWMD ranked twelve firms; however, the District was unable to come to mutually agreeable terms with one firm, Jones Edmunds and Associates, Inc.

Having the flexibility to work with contractors in this manner has increased the efficiency of staff in pursuing this complex work. Since field and analytical work scopes often depend on the results of prior steps, each subsequent work order can be more explicitly tailored to the particulars of the waterbody in a highly collaborative process with the contractors. Staff is also accelerating early stages of MFL development for subsequent waterbodies. This will result in earlier field data collection (water levels, surveying, and biology) and development of river models prior to final MFL analysis and production of each technical report.

The term of the master contracts is one year, renewable each year up to five years total if required. Staff will issue Work Orders only during the first three years of a contract. The remaining two years would be available, if needed, for completion of work products that are authorized prior to the end of the third year.

The final list of eleven contractors authorized under this item are:

- BCI Engineers & Scientists, Inc. (now AMEC Environment & Infrastructure, Inc.)
- Dynamic Solutions, LLC
- Engineering & Applied Science, Inc.
- GPI Southeast, Inc.
- HSW Engineering, Inc.
- Intera Incorporated
- Janicki Environmental, Inc.
- Mote Marine Laboratory
- Post, Buckley, Schuh & Jernigan, Inc. (now Atkins US Holdings, Inc.)
- Vanasse Hangen Brustlin, Inc.
- WilsonMiller, Inc. (now Stantec, Inc.)

The contractors on the attached list are grouped into three different categories as follows:

- Category 1 – Hydrologic and Hydraulic Modeling
- Category 2 – Water Quality/Quantity Assessment
- Category 3 – Biological Assessment

Products developed by the consultants will be analyses, models and/or reports, and will include full documentation of results. District staff will use these materials to develop a final technical report for each water body that defines the recommended MFLs. After independent peer review and Governing Board review and approval, the recommended MFLs would be adopted into 40B-8, Florida Administrative Code.

Work efforts are focused on the Lower Santa Fe and Ichetucknee Rivers, and the Upper and Middle Suwannee Rivers including associated priority springs. Also included are a number of lakes including Butler, Sampson, Rowell, and Crosby. Funds not expended in each fiscal year will carry forward to subsequent years' budgets.

Funds for these contractual services are in the proposed FY 2013 budget.

/dd



Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
TDD only: 1 800 231 6103 (FL only)
On the Internet at WaterMatters.org

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830 7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240 9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637 6759
(813) 985-7481 or
1-800-836-0797 (FL only)

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Sarasota

Maritza Rovira-Forino
Hillsborough

David L. Moore
Executive Director

William S. Bilenky
General Counsel

August 27, 2010

REVISION 2

All Respondents to RFQ No. 010-10

Subject: Short List of Qualified Vendors for RFQ No. 010-10
Qualification for Minimum Flows and Levels Consultants

Pursuant to the responses received on the above-referenced qualification, the District has qualified the following firms in accordance with the evaluation criteria set forth in Part VI of the Request for Qualifications:

Category 1

HSW Engineering, Inc.
Intera Incorporated
Jones Edmunds & Associates, Inc.
Engineering & Applied Science, Inc.
Dynamic Solutions, LLC

Category 2

Janicki Environmental, Inc.
HSW Engineering, Inc.
Mote Marine Laboratory
Post, Buckley, Schuh & Jernigan, Inc.
Vanasse Hangen Brustlin, Inc.

Category 3

HSW Engineering, Inc.
Janicki Environmental, Inc.
BCI Engineers & Scientists, Inc.
GPS Southeast, Inc.
WilsonMiller, Inc.
Mote Marine Laboratory

If you have any questions concerning this qualified list, please contact the Contracts Administration Section of the Finance Department, 352-796-7211, extension 4146.

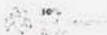
Thank you for your participation in our Request for Qualifications process.

Sincerely,

Ellen F. Cuarta

Ellen F. Cuarta
Contracts Administrator

EFC:alh



MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE August 24, 2012

RE: Reauthorization to Renew Contract with Water & Air Research, Inc., for Surfacewater Quality, Biological Sampling, and Laboratory Analysis, Contract Number 10/11-003

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to renew the contract with Water & Air Research, Inc., for an amount not to exceed \$275,000 for surfacewater quality and biological sampling and laboratory analysis.

BACKGROUND

The District established its water monitoring network in 1989 to evaluate the status of water bodies and identify changing conditions in water quality. Water quality is one of the ten water resource values considered during the development of minimum flows and levels. Monitoring includes water chemistry sampling, flow measurements, aquatic biology sampling and analysis, and data management at 68 surfacewater stations and the laboratory analysis of water chemistry from up to 70 upper Floridan Aquifer wells. Typical parameters include nitrate, phosphorus, dissolved oxygen, and biological diversity. This contract is renewable through the end of fiscal year 2013.

Staff proposes to renew the contract for the same as last year's amount of \$275,000. The District may need monitoring and analysis to handle emergencies or opportunities that are not covered by this scope. If that occurs staff will follow established contracting procedures.

Table 1 contains a list of surfacewater monitoring sites, Table 2 lists the groundwater sites, and Table 3 lists the surfacewater and groundwater parameters.

Funds for this contract are budgeted in the proposed fiscal year 2012/2013 Water Resource Monitoring budget in fund 01.

/dd

Table 1: Surfacewater Quality Sampling Sites

STATION NAME	STATION ID	CHEMISTRY	FLOW	chl-a	HESTER-DENDY	MODIFIED BIO-RECON	PONAR	PERI-PHYTON	PHYTO PLANKTON
SPRINGS									
Alapaha Rise	ALR010C1	4	4						
Columbia Springs	COL010C1	4	4						
Convict Spring	CON010C1	4	4						
Falmouth Spring	FAM010C1	4							
Fanning Springs	FAN010C1	4							
Gilchrist Blue Spring	BLU010C1	4	4						
Ginnie Springs	GIN010C1	4	4						
Hart Springs	HAR010C1	4	4						
Holton Creek	HOL010C1	4	4						
Hornsby Springs	HOR010C1	4	4						
Ichetucknee River at US 27	ICH010C1	6							
Lafayette Blue Springs	LBS010C1	4	4						
Levy Blue Spring	BSB010C1	4							
Little River Springs	LRS010C1	4	4						
Madison Blue Spring	BLM010C1	4							
Manatee Springs	MAN010C1	4							
Otter Springs	OTT010C1	4	4						
Poe Springs	POE010C1	4	4						
Ravine Springs	SUW718971	4	4						
Rock Bluff Springs	RKB010C1	4	4						
Royal Springs	ROY010C1	4	4						
Rum Island Springs	RUM010C1	4	4						
Ruth Springs	RLS010C1	4	4						
Santa Fe Spring	COL61981	4	4						
Suwannee Blue Springs	SBL010C1	4	4						
Suwannee Springs	SSS010C1	4	4						
Telford Springs	TEL010C1	4	4						
Treehouse Spring	ALA112971	4	4						
Troy Springs	TRY010C1	4							
Wacissa River at USGS gage	WAS005C1	4							
Wekiva River below Little Wekiva	WEK100C1	4							
RIVERS									
Alapaha River near Jennings	ALA010C1	6							
Aucilla River at Lamont	AUC050C1	4							
Fenholloway River at US27	FEN010C1	4							
Fenholloway River below Spring Creek	FEN030C1	4							
New River at SR100	NEW009C1	4							
Ojustee Creek	OLS005C1	4	4						
Price Creek	PRI050C1	4	4						
Rocky Creek near Belmont	ROK010C1	4	4						
Santa Fe River at Oleno State Park	SFR040C1	6				4			
Santa Fe River at US441	SFR050C1	6		6					
Santa Fe River at Worthington Springs	SFR030C1	6							
Santa Fe River near Fort White	SFR060C1	6		6					
Santa Fe River near Graham	SFR010C1	6							
Santa Fe River near Hildreth	SFR070C1	6		6					
Steinhatchee River above Steinhatchee Falls	STN031C1	4							
Steinhatchee Sound	STN060C1	4		4					
Suwannee Estuary: Alligator Pass at Marker 21	SRE050C1	4		4					
Suwannee Estuary: Wadley Pass at Marker 7	SRE070C1	4		4					
Suwannee River #2 East Pass	SUW285C1	4		4					
Suwannee River at Branford	SUW140C1	8		8	4			4	
Suwannee River at Dowling Park	SUW120C1	6							
Suwannee River at Ellaville	SUW100C1	8			4			4	
Suwannee River at Fowler Bluff	SUW240C1	6		6					
Suwannee River at Luraville	SUW130C1	6							
Suwannee River at Rock Bluff	SUW150C1	6		6					
Suwannee River at Suwannee Springs	SUW070C1	6		6					
Suwannee River near White Springs	SUW040C1	6							
Suwannee River near Wilcox	SUW160C1	6		6					
Swift Creek near Facil	SWF010C1	6							
Waccasassa River at US19	WAC006C1	4							
Withlacoochee River above Suwannee River	WIT040C1	4							
Withlacoochee River at State Line	WIT010C1	4							
LAKES									
Alligator Lake South	ALL030C1	4		4					4
Lake Butler	BUT001C1	4		4					
Lake Rowell	ROW010C1	4		4					
Lake Sampson	LSM001C1	4		4			4		4
Santa Fe Lake	LSF010C1	4		4			4		4

8 = Sampled every 6 weeks
 6 = Sample every other month
 4 = Sampled quarterly

Table 2: Upper Floridan Groundwater Sampling Sites

ID	NAME	COUNTY
-071724007	Caldwell	Alachua
-071827009	Geibeig	Alachua
-101713003	Truluck	Alachua
-101719001	Jones	Alachua
-081912004	Bliss	Alachua
-081833003	Yates	Alachua
-091736001	Hines	Alachua
-082202001	Santa Fe Swamp	Bradford
-061610001	DOT SR 47	Columbia
-061607001	Ichetucknee State Park #1	Columbia
-051511002	S&S #44	Columbia
-031734011	Lake City W/C	Columbia
-101336025	GP 5	Dixie
-091323001	Weaver	Dixie
-071630002	DOT Maintenance Office 47 and 138	Gilchrist
-081535002	ITT Rayonier 10F	Gilchrist
-071529002	Lawson	Gilchrist
-081412001	Bell Tower	Gilchrist
-081409005	Bass	Gilchrist
-071413002	Mosley	Gilchrist
-081624004	Beers	Gilchrist
-081434001	Roberts	Gilchrist
-091530005	DOT Maintenance Office 129 and 344	Gilchrist
-091628005	Loncala	Gilchrist
-101406011	Otter MW 4	Gilchrist
-101405004	Otter P1	Gilchrist
+011122002	Bell	Hamilton
-011535004	Bullock Tower	Hamilton
+020611002	Asheville Tower	Jefferson
-061313006	Clemons	Lafayette
-071419006	Newbern	Lafayette
-051214008	VISA 8	Lafayette

ID	NAME	COUNTY
-051331002	Midway Tower	Lafayette
-041231002	VISA 1	Lafayette
-051209001	VISA 7	Lafayette
-031035001	Lafayette County Comm.	Lafayette
-111436007	City of Chiefland	Levy
-101429021	Fanning MW2	Levy
-101429023	Fanning MW4	Levy
-111325017	Manatee 3	Levy
-111324036	Manatee 7b	Levy
-111631002	DOT SR 27a	Levy
-101527001	Levy CR 339	Levy
-121429005	Levy CR347	Levy
-011129001	Gilman	Madison
+031034003	Blalock	Madison
+021036001	Lost Pond	Madison
+010704001	Ginn	Madison
-010920002	Hopewell Tower	Madison
+020822002	Old Lovette Tower	Madison
+021013001	Westwood West	Madison
-041227001	Hadden	Suwannee
-061434006	Hall	Suwannee
-041317001	Gwinn	Suwannee
-031335002	DOT SR129 & Landfill	Suwannee
-061521005	Loud	Suwannee
-011420001	FL Board	Suwannee
-031305005	Hurst	Suwannee
-021215001	Brown	Suwannee
-021322008	Coliseum	Suwannee
-040723011	Bureau Land Management	Taylor
-050615002	Hampton Springs Tower	Taylor
-051922001	Union Tower	Union

Table 3: Sampling Parameters

Parameters for Surfacewater
Turbidity
Total Dissolved Solids
pH
Temperature
Dissolved Oxygen
Specific Conductivity
Total Alkalinity
Total Organic Carbon
Dissolved Organic Carbon
Total Potassium
Total Sodium
Total Magnesium
Total Calcium
Total Chloride
Total Fluoride
Total Sulfate
Total Kjeldahl Nitrogen
Nitrate-Nitrite Nitrogen
Ammonia Nitrogen
Total Silica
Total Phosphorus
Dissolved Orthophosphate
Clarity
Color
Chlorophyll-a

Parameters for Groundwater
Turbidity
Total Dissolved Solids
pH
Temperature
Dissolved Oxygen
Specific Conductivity
Total Alkalinity
Total Organic Carbon
Dissolved Organic Carbon
Total Potassium
Total Sodium
Total Magnesium
Total Calcium
Total Chloride
Total Fluoride
Total Sulfate
Total Kjeldahl Nitrogen
Nitrate-Nitrite Nitrogen
Ammonia Nitrogen
Total Phosphorus
Total Iron
Total Lead
Total Arsenic

MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: August 24, 2012

RE: Reauthorization to Amend Contract with Nestlé Waters North America, Contract Number 05/06-102

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to extend the current revenue contract with Nestlé Waters North America for an additional year of service from October 1, 2012, until September 30, 2013, with payment to the District of \$70,000.

BACKGROUND

The water use permit for Nestlé Waters North America (Nwana), 2-98-00025, requires environmental monitoring for the Withlacoochee River and Madison Blue Spring. Staff finds that it is efficient and effective for the permittee to pay the District to include the gages in our cooperative network with the U.S. Geological Survey (USGS).

The payment of \$70,000 consists of \$64,000 that will fund continuous stage and discharge at the Withlacoochee River near Lee and Madison Blue Spring gages, and \$6,000 for collection of stage and discharge data at the Withlacoochee River near Madison gage.

The revenue will be passed through to a separate contract with the USGS to conduct the monitoring.

MW/dd

MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: August 24, 2012

RE: Reauthorization to Enter into a Contract with the United States Geological Survey (USGS), Georgia District, for Streamgaging Services

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into a contract with the USGS in the amount of \$25,163 for streamgaging services of which \$18,738 will be provided by the District.

BACKGROUND

The proposed fiscal year 2012/2013 contract with the USGS Georgia District is a joint funding agreement totaling \$25,163 and consists of USGS and District contributions of \$6,425 and \$18,738, respectively, for one gage on the Alapaha River, one on the Withlacoochee River, and one on the Little River, a major tributary of the Withlacoochee River.

For the current fiscal year, the total contract value is \$27,200 with the District's share being \$15,650 for two gages on the Alapaha River and one gage on the Little River.

The purpose of the contract is to continue the existing long-term streamgaging program in major streams in Georgia contributing to river flows in the Suwannee River Water Management District. Almost 60 percent of the Suwannee River Basin lies in Georgia. The gages in this program were critical during the April 2009 flood when they reported historic high flows on the Alapaha and Little Rivers and provided advance notice of extreme flooding downstream. The program supports essential flood warnings and forecasting for the District through the National Weather Service, drought monitoring, and data to support the minimum flows and levels (MFL) program. Data obtained through this program are available in real-time to the public via the internet and upon request.

Table 1 provides a list of the monitoring stations and a breakdown of the proposed cooperative budget for fiscal year 2012/2013. The Environmental Protection Division of the Georgia Department of Natural Resources matches District funding for one of the gages.

Funds for this contract are budgeted in the proposed fiscal year 2012/2013 Water Resource Monitoring budget in fund 01.

MW/dd

Table 1: Cooperative Surfacewater Network

	Beginning Record	Total Budget	USGS Cost	SRWMD Cost
Withlacoochee River near Quitman	1928	13,600	6,800	6,800
Alapaha River near Alapaha	1937	13,600	5,375	8,225
Little River near Adel	1940	13,600	3,400	3,713 ¹
TOTAL				\$18,738

¹Matched by Georgia Environmental Protection Division in a separate agreement with the USGS

MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: August 24, 2012

RE: Reauthorization to Enter into a Contract with the United States Geological Survey (USGS), Tallahassee District, for Streamgaging Services

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into a contract with the USGS in the amount of \$543,700 for streamgaging services of which \$345,700 will be provided by or through the District.

BACKGROUND

The proposed fiscal year 2012/2013 contract with the USGS Tallahassee District is a joint funding agreement of \$543,700, with the District providing \$345,700 and the USGS contributing \$198,000. Two cooperating partners will contribute a total of \$91,600 toward the District's share: Nestle Waters North America will fund two gages (Madison Blue Spring and Withlacoochee River near Lee) and part of a third (Withlacoochee River near Madison) for a total of \$70,000, and the Packaging Corporation of America will fund the Withlacoochee River near Pinetta for \$21,600. With these partners, the District's share of the agreement is \$254,100.

For the current fiscal year, the total contract value is \$518,400 with the District's share being \$239,700.

The USGS provides maintenance of gages to USGS standards, quality assurance and archiving, availability of real-time and long-term data and statistics, and real-time satellite delivery of data to the National Weather Service River Forecast Center using secure methods. This long-term program provides essential information for floodplain mapping, minimum flows and levels, flood warnings and forecasts through the National Weather Service, drought monitoring, and recreational support including implementation of no-wake levels and public use for boating and paddling conditions. Data obtained through this program are available in real-time to the public via the internet, river level phone line, and upon request.

Table 1 provides a list of the monitoring stations and a breakdown of the proposed cooperative budget.

Funds for this contract are budgeted in the proposed fiscal year 2012/2013 Water Resource Monitoring budget in fund 01.

MW/dd

Table 1: Cooperative Surface Network Florida 2012/2013

STATION NAME / EARLIEST RECORD	Total	NSIP	USGS	SRWMD	COMMENT
RIVERS					
AUCILLA RIVER AT LAMONT / 1950	15,500	15,500	0	0	FFP
AUCILLA RIVER NEAR NUTTAL RISE / 2001	7,200	0	1,000	6,200	
ALAPAHA RIVER NEAR JENNINGS / 1976	16,600	0	8,300	8,300	
ECONFINA RIVER NEAR PERRY / 1950	15,500	15,500	0	0	FFP
SUWANNEE RIVER NEAR BENTON / 1932				0	FDEP
SUWANNEE RIVER AT WHITE SPRINGS / 1906	15,500	15,500	0	0	FFP
SUWANNEE RIVER AT SUW. SPRINGS / 1960	16,600	0	8,300	8,300	FFP
SUWANNEE RIVER AT ELLAVILLE / 1927	15,500	15,500	0	0	FFP, NWG
SUWANNEE RIVER AT DOWLING PARK / 1980	15,500	15,500	0	0	FFP
SUWANNEE RIVER AT LURAVILLE / 1927	16,600	0	8,300	8,300	
SUWANNEE RIVER AT BRANFORD / 1930	15,500	15,500	0	0	FFP, NWG
SUWANNEE RIVER NEAR BELL / 1932	16,600	0	8,300	8,300	
SUWANNEE RIVER NEAR WILCOX / 1930	29,000	0	14,500	14,500	FFP, NWG, MFL
SUWANNEE RIVER AT MANATEE SPRING / 1992	7,200	0	1,000	6,200	FFP
SUWANNEE RIVER AT FOWLER'S BLUFF / 1988	7,200	0	1,000	6,200	FFP
SUWANNEE RIVER AB GOPHER RIVER NR SUWANNEE WITH WQ / 2003	34,500	0	14,500	20,000	FWS
NEW RIVER NEAR LAKE BUTLER / 1950	16,600	0	8,300	8,300	
SANTA FE RIVER NEAR GRAHAM / 1957	16,600	0	8,300	8,300	MFL
SANTA FE RIVER AT WORTHINGTON SPRINGS / 1931	16,600	0	8,300	8,300	MFL
SANTA FE RIVER AT O'LENO STATE PARK / 1989	16,600	0	1,000	15,600	
SANTA FE RIVER NEAR FORT WHITE / 1927	15,500	15,500	0	0	FFP, MFL
SANTA FE RIVER AT THREE RIVERS / 1998	7,200	0	1,000	6,200	FFP, NWG
SANTA FE RIVER NEAR HILDRETH WITH WQ / 1947	39,000	0	19,500	19,500	FFP
STEINHATCHEE RIVER NEAR CROSS CITY / 1950	16,600	0	8,300	8,300	
WACCASASSA RIVER NEAR GULF HAMMOCK / 1963	29,000	0	14,500	14,500	MFL
WITHLACOOCHEE RIVER NEAR PINETTA / 1931	21,600	0	0	21,600	FFP, MFL, PCA
WITHLACOOCHEE RIVER NEAR MADISON / 1947	16,600	0	1,000	15,600	NWNA
WITHLACOOCHEE RIVER NEAR LEE / 2000	29,000	0	0	29,000	NWNA
SPRINGS					
BLUE SPRING NEAR MADISON / 2002	35,000	0	0	35,000	NWNA, MFL
FANNING SPRING NR WILCOX / 1997	35,000		17,500	17,500	MFL
ICHETUCKNEE RIVER NEAR HILDRETH / 1898	0	0	0	0	FDEP
ALAPAHA RISE / 1976	16,600	0	8,300	8,300	FDEP
MANATEE SPRING NR CHIEFLAND / 1982	35,000	0	17,500	17,500	MFL
WACISSA RIVER NEAR WACISSA / 1971	19,600	0	8,000	11,600	
BLUE HOLE SPRING NEAR HILDRETH / 1975	16,600	0	8,300	8,300	
ADDITIONAL SANTA FE RIVER MEASUREMENTS	9,000	0	3,000	6,000	
TOTAL	662,200	108,500	198,000	345,700	

NSIP = NATIONAL STREAMFLOW INFORMATION PROGRAM
 FFP = FLOOD FORECAST POINT
 NWG = NO-WAKE IMPLEMENTATION GAGE
 MFL = MINIMUM FLOW AND LEVEL IMPLEMENTATION GAGE
 FDEP = FUNDED BY FDEP

NWNA: FUNDED ALL OR IN PART BY NESTLE
 PCA: FUNDED BY PACKAGING CORPORATION OF AMERICA
 FWS: PARTLY FUNDED BY US FISH AND WILDLIFE SERVICE

MEMORANDUM

TO: Governing Board
FROM: Megan Wetherington, Senior Professional Engineer
DATE: August 24, 2012
RE: Authorization to Enter into Contract with Packaging Corporation of America

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into a revenue contract with Packaging Corporation of America for U.S. Geological Survey (USGS) streamgaging services in Fiscal Year 2012 and for an additional 3 years of service from October 1, 2012, until September 30, 2015, with payment to the District of \$21,600 for each fiscal year.

BACKGROUND

The USGS negotiated with Packaging Corporation of America (PCA) to retroactively fund the Withlacoochee River near Pinetta gage for services during the 2012 fiscal year and for services to occur for each year until September 30, 2015. The payment of \$21,600 for each year will fund continuous stage and discharge at this long-term gage. The revenue will be passed through to a separate contract with the USGS to conduct the monitoring.

MW/dd

MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: August 24, 2012

RE: Authorization to Enter into a Contract with the United States Geological Survey (USGS), Tallahassee District, for Withlacoochee River near Pinetta Streamgaging Services

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into a contract with the USGS in the amount of \$21,600 for Fiscal Year 2012 Withlacoochee River near Pinetta streamgaging services to be funded by a third party.

BACKGROUND

This fiscal year 2012 contract with the USGS Tallahassee District is a funding agreement totaling \$21,600 that retroactively funds streamgaging services for the Withlacoochee River near Pinetta gage performed between October 1, 2011 and September 30, 2012.

The USGS negotiated with Packaging Corporation of America (PCA) to fund the Pinetta gage during the 2012 fiscal year. PCA will reimburse the District for the entire \$21,600 under separate contract.

MW/dd

MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: August 24, 2012

RE: Authorization to Enter into Contract with Vieux & Associates, Inc., to Purchase Gage-Adjusted Radar-Rainfall Data

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into contract with Vieux & Associates, Inc., to purchase gage-adjusted radar rainfall data for fiscal year 2013 for an amount not to exceed \$28,800.

BACKGROUND

The District has acquired gage-adjusted radar rainfall data since February 2001. The service will continue to provide radar-derived daily rainfall estimates on a 2-kilometer by 2-kilometer grid throughout the District. Precipitation data from this process is essential for the estimation of groundwater recharge, for use as inputs to hydrologic modeling efforts, for the support of agricultural, regulatory, and District land management activities, for the maintenance of District rainfall records, and for the development of accurate water budgets. This data has been requested by land managers, researchers, and agricultural agencies. The District also uses it to analyze rainfall extremes such as drought, floods, and hurricanes on a scale ranging from small watersheds to the entire District.

For the current fiscal year, the District is paying \$26,500 for the same services. Staff proposes to continue purchasing the services of the radar-rainfall data provider under the prices negotiated by the St. Johns River Water Management District, pursuant to Chapter 287.057(3)(b), Florida Statutes.

St. Johns River, Southwest Florida, and South Florida water management districts cooperated to define the request for proposals in order to have consistent coverage over most of the state, as they have done for many years. The consistency in coverage means less uncertainty in modeling across water management boundaries. The services provided by the contractor include delivery in a grid consistent with local projection and the application of documented, repeatable quality assurance methods.

Funding for this contract is included in the proposed fiscal year 2013 budget under the Water Resources Monitoring budget in Fund 01.

MW/dd

MEMORANDUM

TO: Governing Board
 FROM: Bob Heeke, Senior Land Resources Manager
 DATE: August 27, 2012
 RE: Contract with Marvin Edmonds d/b/a M&L Contracting for Recreation Site Maintenance

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to execute a contract for recreation site maintenance services with Marvin Edmonds d/b/a M & L Contracting for work beginning October 1, 2012, for an amount not to exceed \$34,800.

BACKGROUND

The District advertised Request for Bids 11/12-042LM for Recreation Maintenance Services. These services include the following areas: Northeast Region - Suwannee Springs, Falmouth Springs/Anderson Springs; Northwest Region – Goose Pasture/Econfina Boat Ramp at US 98; and Southwest Region – Steinhatchee Falls/Tennille Trailhead. Contractors could bid on all sites or individual sites. Three responses were received as shown below:

Bidder	Goose Pasture/Econfina Boat Ramp	Steinhatchee Falls/Tennille Trailhead
M & L Contracting	\$1,800.00 per month	\$1,100.00 per month
Live Oak Management Group, LLC	\$1,850.00 per month	\$1,125.00 per month
Glover Landscape & Irrigation	\$1,950.00 per month	No Bid

The following table shows a comparison of FY 2012 fees to proposed FY 2013 fees for recreation site maintenance services in the Northwest and Southwest Regions.

Recreation Site	FY 2012 Monthly Fee	FY 2013 Monthly Fee	Percent Change	Annual Savings
Goose Pasture Econfina Boat Ramp	\$2,000.00	\$1,800.00	-10%	\$2,400.00
Steinhatchee Fall Tennille Trailhead	\$1,200.00	\$1,100.00	-8%	\$1,200.00

M & L Contracting is the low bidder for recreation maintenance services for the Northwest Region. This contract would provide daily maintenance services at Steinhatchee Falls/Tennille Trailhead. Duties include opening and closing entrance gates daily, mowing, trash pick-up and other maintenance responsibilities. Duties at the Goose Pasture/Econfina Boat Ramp at US 98 include maintenance visits three times per week (Monday, Wednesday, and Friday), mowing and other maintenance responsibilities.

M & L Contracting has provided recreation site maintenance services for the District in the Southwest Region and the Northwest Region for six years. M & L has provided additional mowing, maintenance, and fence construction on other properties and has consistently performed work that meets or exceeds District standards.

All contracts of this type have termination clauses that allow the District to cancel, at its convenience, upon 30 days notice to the contractor.

Principal for M & L Contracting is Marvin Edmonds, and their headquarters is in Cross City, Florida. Funding for this agreement is included in the proposed FY 2013 budget; this recommendation is contingent upon final adoption of the FY 2013 budget.

gal

MEMORANDUM

TO: Governing Board
 FROM: Bob Heeke, Senior Land Resources Manager
 DATE: August 27, 2012
 RE: Contract with Live Oak Management Group for Recreation Site Maintenance

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to execute a contract for recreation site maintenance services with Live Oak Management Group, LLC, for work beginning October 1, 2012, for an amount not to exceed \$34,100.

BACKGROUND

The District advertised Request for Bids 11/12-042LM for Recreation Maintenance Services, which included the following sites: Northeast Region - Suwannee Springs, Falmouth Springs/Anderson Springs; Northwest Region – Goose Pasture/Econfina Boat Ramp at US 98; and Southwest Region – Steinhatchee Falls/Tennille Trailhead. Contractors could bid on all sites or individual sites. The District received two bids for the Northeast Region – Suwannee Springs, Falmouth and Anderson Springs.

Bidder	Suwannee Springs	Falmouth/Anderson Springs
M & L Contracting	\$1,600.00 per month	\$1,800.00 per month
Live Oak Management Group, LLC	\$1,378.00 per month	\$1,458.00 per month

The following table shows a comparison of FY 2012 fees to proposed FY 2013 fees for recreation site maintenance services in the Northeast Region.

Recreation Site	FY 2012 Monthly Fee	FY 2013 Monthly Fee	Percent Change	Annual Savings
Suwannee Springs	\$1,650.00	\$1,378.00	-16%	\$3,200.00
Falmouth Springs Anderson Springs	\$1,925.00	\$1,458.00	-24%	\$5,600.00

Live Oak Management Group, LLC, was the low bidder for recreation maintenance services for Suwannee Springs, Falmouth Springs and Anderson Springs. The contractor provides daily maintenance services at each location. Duties include opening and closing entrance gates daily, mowing, trash pick-up and other maintenance responsibilities.

District staff met with Live Oak Management Group onsite and is confident the contractor can provide the services in the scope of work in the Request for Bids.

All contracts of this type have termination clauses that allow the District to cancel, at its convenience, upon 30 days notice to the contractor.

Principal for Live Oak Management Group, LLC, is James G. Waters, and their headquarters is in Live Oak, Florida. Funding for this agreement is included in the proposed FY 2013 budget; this recommendation is contingent upon final adoption of the FY 2013 budget.

gal

MEMORANDUM

TO: Governing Board

FROM: Bob, Heeke, Senior Land Resources Manager

DATE: August 27, 2012

RE: Contract with Wildlands Fire Service, Inc., for Prescribed Fire Management Services for Fiscal Year 2013

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to execute a contract with Wildlands Fire Service, Inc., for an amount not to exceed \$375,000 for prescribed fire management services in Fiscal Year 2013.

BACKGROUND

Prescribed burning is a critical tool used to achieve goals identified in the District Land Management Plan. It is instrumental in meeting long term vegetation management and restoration goals as well as protecting against the damaging effects of wildfire.

Request for Proposals 11/12-038 was advertised on June 14, 2012. Three proposals were received by the July 2 deadline. The selection committee composed of Carlos Herd, Glenn Horvath and Brian Kauffman met July 11, 2012, to review and discuss the proposals received. Ranking was based on the firm's per acre rates, qualifications, and ability to provide turn-key services.

Per Acre Rates - Prescribed Fire Services RFP 11/12-038 LM

Tracts*	General			Mallory Swamp			All
	Ground	Aerial (DAID)	Aerial (Helitorch)	Ground	Aerial (DAID)	Aerial (Helitorch)	
Burn Type**							Site-Prep
Wildlands Fire Service Tallahassee, FL	\$36.00	\$36.00	\$36.00	\$36.00	\$36.00	\$36.00	\$33.00
B&B Dugger Inc. Crawfordville, FL	\$42.99	\$50.00	\$45.99	\$45.99	\$50.00	\$45.99	\$42.99
The Forestry Co. Perry, FL	\$48.00	\$0.00	\$48.00	\$53.50	\$0.00	\$53.50	\$36.50

* Upland District lands are considered General tracts. Site-Prep tracts are those District lands that have already undergone site preparation activities.

** Aerial ignition techniques can be separated into two major types: the DAID (Delayed Aerial Ignition Device) or ping-pong ball system, and the helitorch or flying driptorch system. Ground ignition is performed from the ground.

Wildlands Fire Service, Inc., (WFS) was selected as the primary contractor to conduct prescribed burning services on District land. This firm will provide up to three crews to conduct work at a rate of \$36.00/acre on all tracts including Mallory Swamp. The quoted rates are approximately 8% lower for ground ignition and 14% lower for aerial ignition compared to last year. The goal for FY 2013 prescribed burning by WFS is approximately 10,700 acres. WFS has successfully burned approximately 23,300 acres for the District over the last seven years.

Staff contacted the other four water management districts to compare costs for the most recent fiscal year. The following table is a comparison of those costs. Aerial ignited burn costs are lower at St. Johns River Water Management District (SJRWMD) and South Florida Water Management District (SFWMD) due to the size of the burns. SJRWMD reports that their average aerial burn in the St. Johns River Marsh last year was 3,000 acres.

District	Ground Cost per acre	Aerial Cost per Acre	Provider	Total Acres	Acres/Burn
NFWWMD	\$30.95		Staff and Contractor	6,500	225
SFWMD	\$24.67	\$8.22	Staff	11,840	290
SJRWMD	\$43.92	\$5.40	Staff	30,000	405
SRWMD FY 13	\$36.00	\$36.00	Contractor	9,700	152
SWFWMD	\$15.35		Staff	24,500	unknown

Principals for Wildlands Fire Service are Nancy Williams and Doug Williams, and their headquarters is based in Tallahassee, Florida. Funding for this contract is included in the proposed FY 2013 budget and is contingent upon final adoption by the Governing Board.

gal

MEMORANDUM

TO: Governing Board
FROM: Bob Heeke, Senior Land Resources Manager
DATE: August 27, 2012
RE: License to Cut Timber with Williams Timber, Inc., for the Goose Pasture #2 Timber Sale

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to execute a license to cut timber with Williams Timber, Inc., for the Goose Pasture #2 Timber Sale.

BACKGROUND

Bids for the Goose Pasture #2 Timber Sale were due August 21, 2012. This timber sale is 149 acres of planted slash pine in Jefferson County, Florida, estimated to have been planted in 1993. Trees to be cut shall include every 5th row with selective thinning of the other rows. Three responses were received. The calculated revenues from the bid are shown below:

Bidder	Calculated Revenue
Williams Timber, Inc.	\$70,167.29
M.A. Rigoni, Inc	\$68,856.29
Greenville Timber Corporation	\$61,997.95

Williams Timber, Inc., bid \$12.57/ton for topwood, \$12.57/ton for pine pulpwood, and \$17.07/ton for chip-n-saw on this per unit sale. Total revenue from this sale should be between \$64,764 and \$75,570. Using the volume estimates by timber product developed by the forestry consultant, the anticipated revenue is \$70,167.29.

The principals for Williams Timber, Inc., are Bradley Williams, Fred M. Williams, Jr., Angie B. Williams and Velinda A. Williams. Their headquarters is located in Perry, Florida.

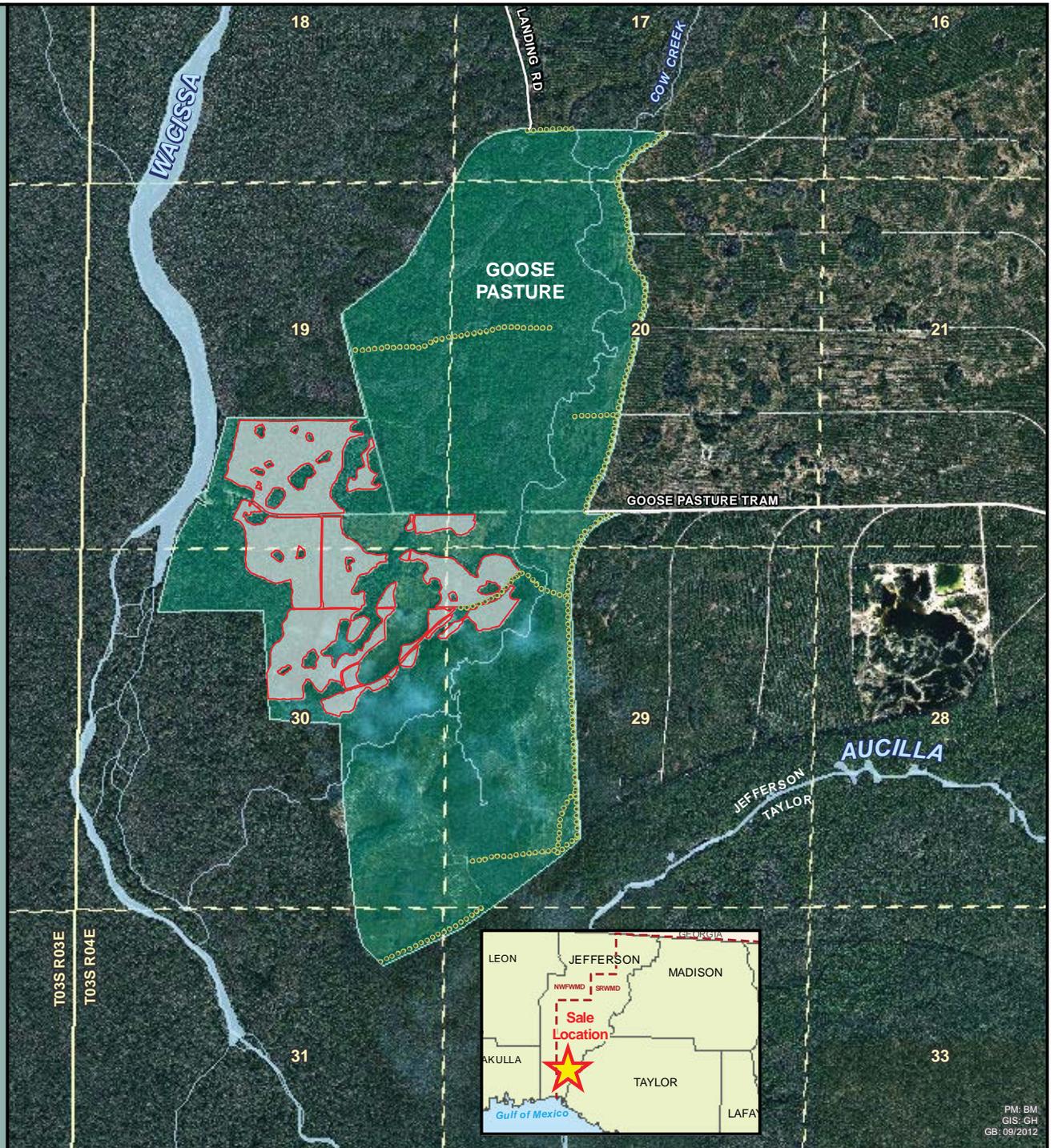
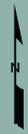
gal

Goose Pasture Tract Timber Sale #2 149 Acres Jefferson County, FL

-  Timber Sale Area
-  SRWMD Lands
-  SRWMD Administrative Roads



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Real Estate Program (REP), of the Department of Mission Support (DMS), 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 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 1-800-226-1066. 2010 Jefferson & Taylor NC 1FT Imagery.



PM: BM
GIS: GH
GB: 09/2012

MEMORANDUM

TO: Governing Board

FROM: Bob Heeke, Sr. Land Resources Manager

DATE: August 27, 2012

RE: Approval of Resolution 2012-24 Declaring Steinhatchee Rise Dispersed Water Storage Project in Dixie County as an Environmental Restoration and Enhancement Project

RECOMMENDATION

Staff recommends the Governing Board approve Resolution 2012-24 declaring the Steinhatchee Rise dispersed water storage project as an environmental restoration and enhancement project.

BACKGROUND

A ditch was constructed through private lands many years ago in the Hines Drain watershed of Dixie County to drain water to the Steinhatchee River. The ditch crosses 4,000 feet of District land and then discharges directly to the river. The plan is to store some water in the ditch, release some water into the adjacent wetlands to rehydrate them, allow slower discharge of water to the river during high flow events and promote recharge of aquifers.

This restoration plan will function similarly to plans implemented previously at Mallory Swamp and Steinhatchee Springs in the South Canal to hold more water on District land and slow peak flow discharges.

Florida Department of Environmental Protection (DEP) rule 62-341.485(2)(b), Florida Administrative Code, requires that the Governing Board approve the project as a restoration and enhancement project during a public hearing. This approval will satisfy the conditions of that rule and allow staff to apply for a Noticed General Permit through DEP.

A proposed resolution, a project map, and a typical ditch block diagram follow this memorandum.

gal

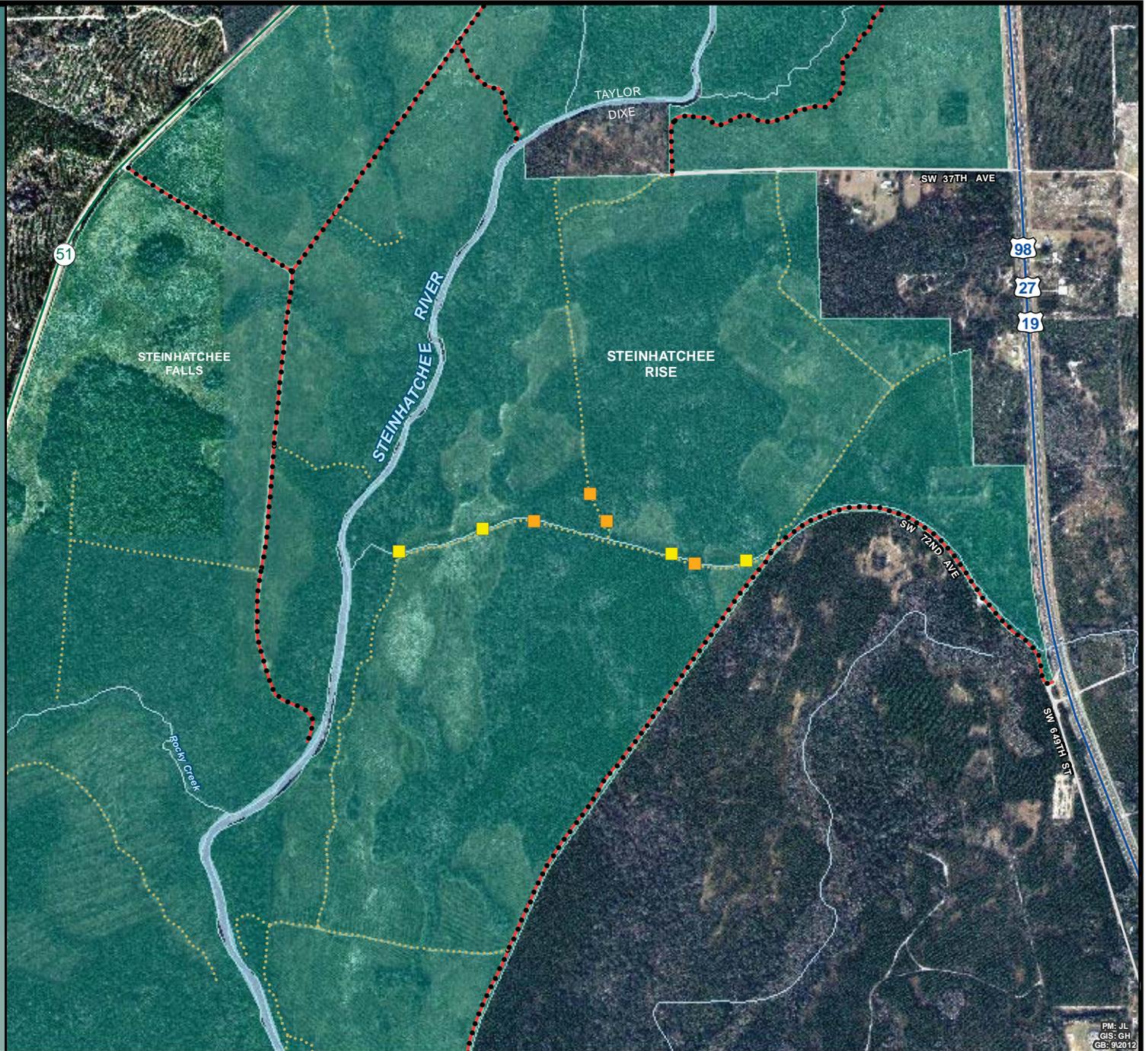
Dispersed Water Storage Project

Dixie County, Florida

-  Ditch Blocks
-  Low Water Crossing
-  Administrative Roads
-  Public Use Roads
-  Rivers & Streams (USGS Modified)
-  SRWMD Lands

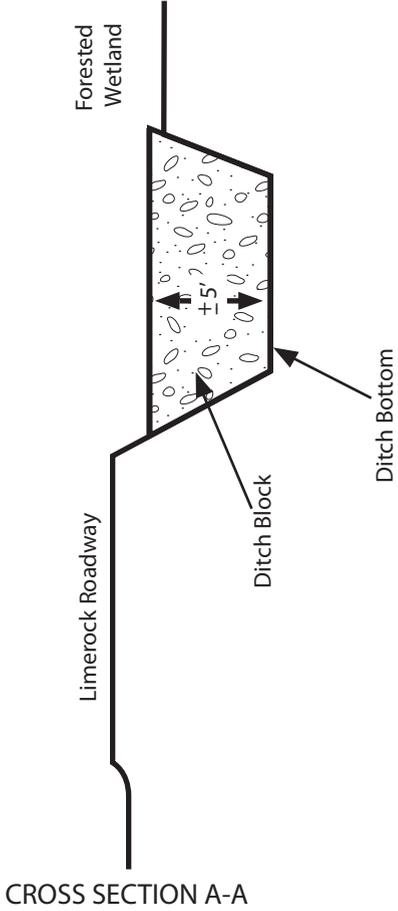
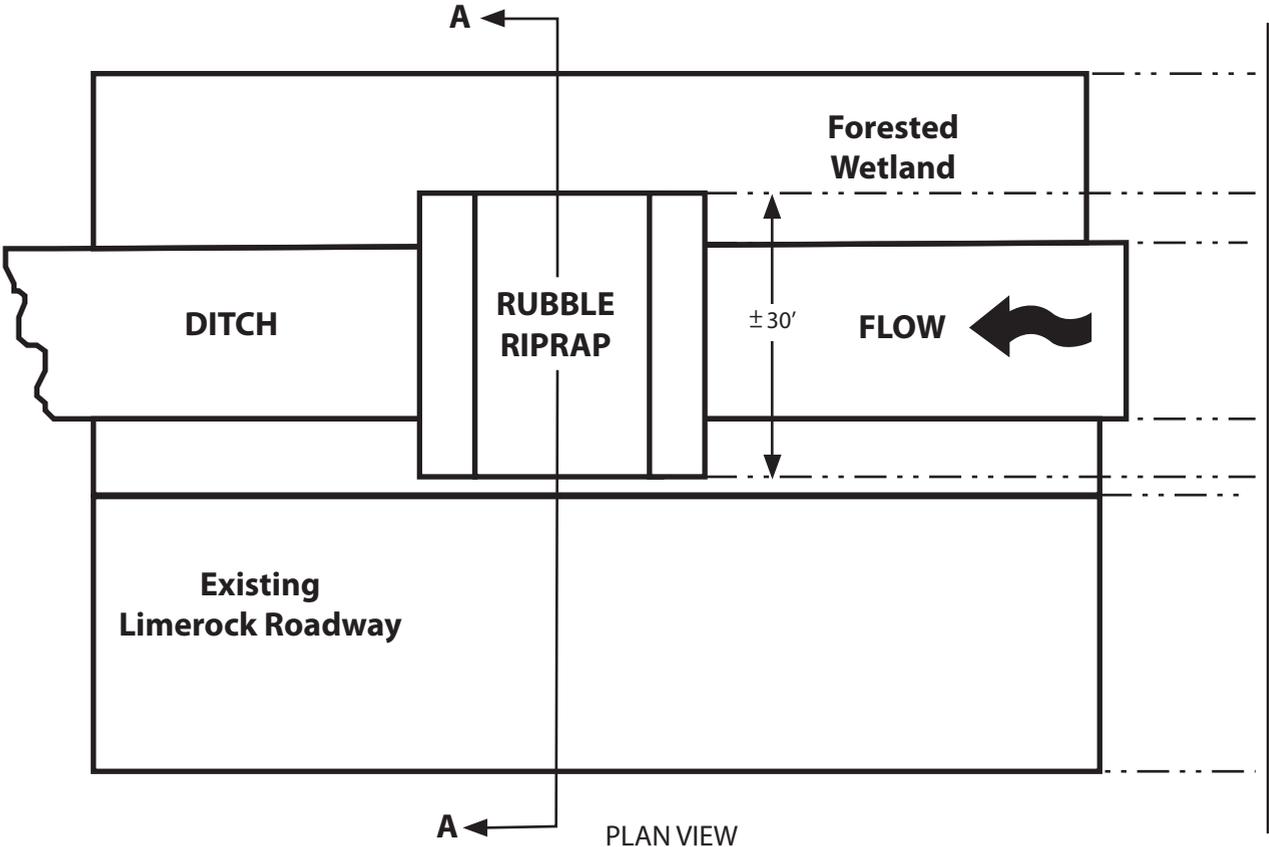


NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Real Estate Program (REP), of the Department of Mission Support (DMS), to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of 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 1-800-226-1066. Dixie 2009 & Taylor 2010 NC 1FT Imagery.



FME: JL
GIS: GH
GB: 9/20/12

DITCH BLOCK TYPICAL ILLUSTRATION



A conceptual illustration, not to scale

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2012-24**

**DESIGNATING STEINHATCHEE RISE DISPERSED WATER STORAGE PROJECT
IN DIXIE COUNTY AS AN ENVIRONMENTAL RESTORATION
AND ENHANCEMENT PROJECT**

WHEREAS, the Suwannee River Water Management District is proposing to slow the excessive flows into the Steinhatchee River and rehydrate adjacent wetlands by constructing and operating ditch blocks at the Steinhatchee Rise Tract; and

WHEREAS, in accordance with Chapter 62-341.485(2)(b), Florida Administrative Code , in order to obtain a Noticed General Permit from the Department of Environmental Protection, the Governing Board of the Suwannee River Water Management District must declare the project an environmental restoration and enhancement project.

NOW THEREFORE, be it resolved by the Governing Board of the Suwannee River Water Management District:

- 1) The Governing Board hereby declares the Steinhatchee Rise dispersed water storage project as an environmental restoration and enhancement project; and
- 2) The Governing Board authorizes staff to obtain the necessary permits from the Department of Environmental Protection for the project.

PASSED AND ADOPTED THIS 11th DAY OF SEPTEMBER, 2012 A.D.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD**

MEMBERS OF THE BOARD:

**DON QUINCEY, JR., CHAIRMAN
ALPHONAS ALEXANDER, VICE-CHAIRMAN
DONALD R. CURTIS, III, TREASURER
KEVIN BROWN
GEORGE COLE
HEATH DAVIS
VIRGINIA JOHNS
CARL MEECE
GUY WILLIAMS, JR.**

ATTEST:

MEMORANDUM

TO: Governing Board
FROM: Bob Heeke, Sr. Land Resources Manager
DATE: August 27, 2012
RE: Otter Springs Park and Campground FY 2013 Budget

RECOMMENDATION

Staff recommends the Governing Board approve the Gilchrist County FY 2013 budget for Otter Springs for a total amount not to exceed \$335,186.

BACKGROUND

Gilchrist County manages the day-to-day public use operations at Otter Springs Park and Campground for the District. As part of the Otter Springs Lease, a budget must be approved by both parties. Gilchrist County is recommending a budget of \$335,186. The budget recommendation includes approximately \$245,466 for park operations and capital. The road paving project has been completed.

The lease states that both parties share revenues or losses after the year end reconciliation. Total park revenues are projected by County staff to be about \$44,400 below total expenditures for FY 2013. County staff believes that their revenue projections are conservative. However, if the revenue and expense projections hold true, it would result in each party paying a projected \$22,200 to balance the fiscal year.

The Capital Reserve Fund will increase to almost \$90,000 by the end of FY 2013. This is funded by Gilchrist County from one half of their Payment in Lieu of Taxes for Otter Springs. County staff is recommending spending up to \$20,000 from this fund on replacement air conditioners, playground equipment, park gates and picnic pavilions. District staff concurs with this recommendation.

Funding of this project is contingent upon final approval of the proposed FY 2013 budget and is subject to available funds.

gal
SRWMD#08/09-050

MEMORANDUM

To: Governing Board
FROM: Bob Heeke, Sr. Land Resources Manager
DATE: August 27, 2012
RE: Agreement with the U. S. Fish and Wildlife Service for Land Management Services

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to execute the Memorandum of Understanding (MOU) with the U. S. Fish and Wildlife Service (USFWS) for management services on 995 acres in Levy County.

BACKGROUND

The USFWS has managed District lands under contracts and MOUs since 1990. With the recent purchase of the Lukens Tract, the parties have met and renegotiated to develop a single MOU for the three tracts: Cedar Branch, Atsena Otie and Lukens.

Under this MOU, USFWS will manage and protect the tracts and will provide for land management and maintenance, wildlife-oriented recreation and interpretation in cooperation with the District. The parties will meet at least annually to determine annual operations and whether any projects require funding by the District. These projects would then be included in the land management budget request to the Board. For FY 2013, the USFWS assume all management at no cost to the District.

Staff is currently developing a non-motorized launch at the Lukens Tract to provide backcountry water access. This plan was reviewed with the public in Cedar Key this spring.

/gal

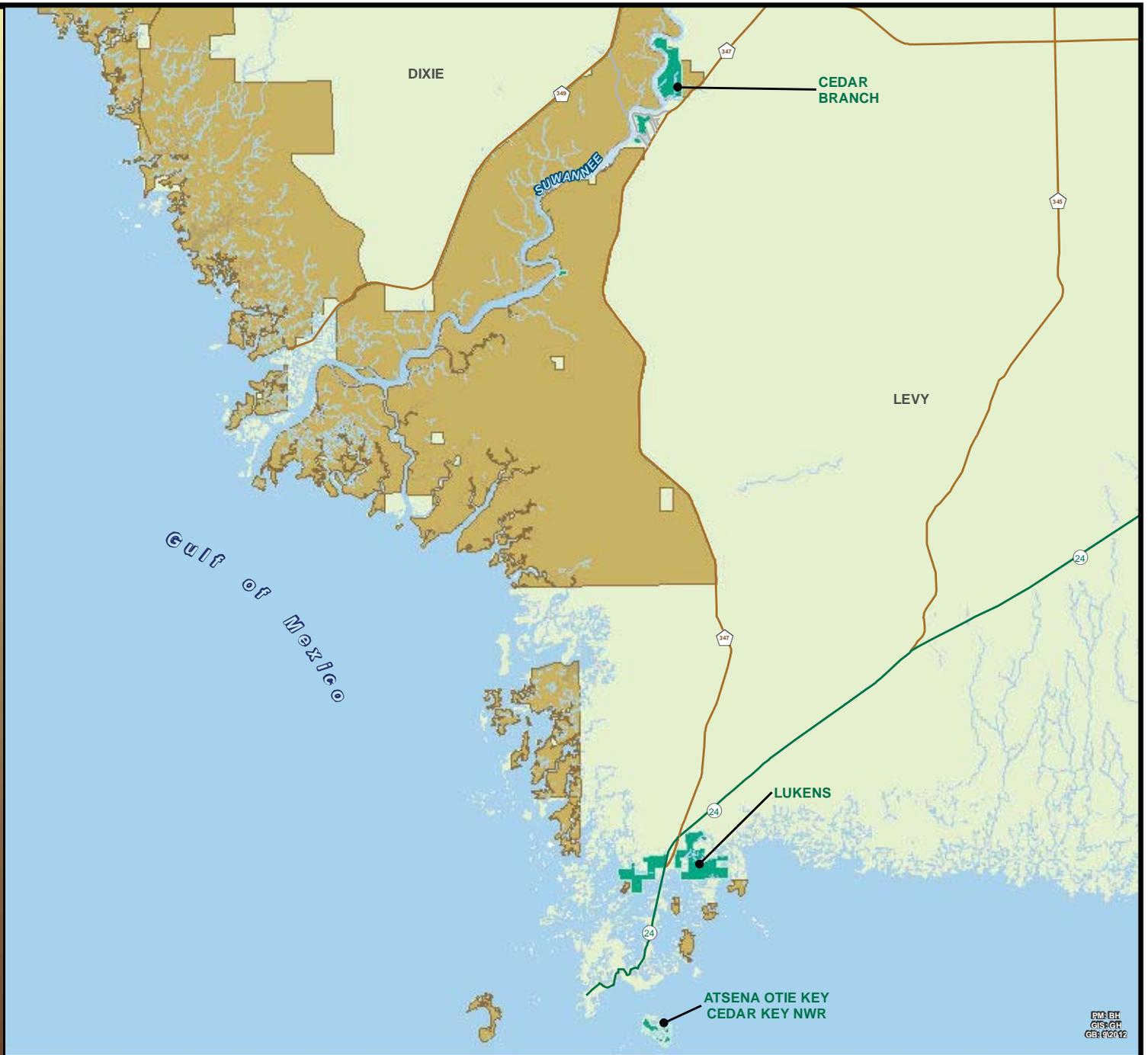
USFWS
Memorandum of Understanding

Levy County,
 Florida

-  Refuge Lands
-  SRWMD Lands
-  Rivers & Streams (USGS Modified)



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Real Estate Program (REP), of the Department of Mission Support (DMS), 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 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 1-800-226-1066. Copyright 2009 ESRI 2009 ESRI, I-Cubed, GeoEye.



FW/BI
 GSK/GH
 GB: 6/2012

MEMORANDUM

TO: Governing Board
FROM: Bob Heeke, Sr. Land Resources Manager
DATE: August 27, 2012
RE: Florida Forest Service Cooperative Management Agreement and Twin Rivers State Forest Agreement Funding

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to continue the Cooperative Management Agreement and Twin Rivers State Forest Funding with Florida Forest Service (FFS) for Fiscal Year 2013 for an amount not to exceed \$168,300.

BACKGROUND

The District has leased approximately 12,000 acres to FFS for comprehensive management within Twin Rivers State Forest (TRSF). The lease allows the FFS to sell District-owned timber from TRSF to offset the management costs of the Forest. The budget for Twin Rivers is \$168,300 for the FFS salary and expenses.

No funding is included for cooperative management. If the FFS is able to conduct prescribed fire activities on District lands this year, a budget update and funding request will be made at that time.

The FFS TRSF budget request is attached. The funding for these projects is included in the proposed FY 2013 budget, and this recommendation is contingent upon final adoption of the FY 2013 budget.

SRWMD Cont. #04/05-080
#05/06-131

gal

Twin Rivers State Forest

2012-13 Budget Request

Expense

Fuel	\$9,000.00
Equipment Maintenance	\$10,000.00
Utilities	\$3,500.00
Supplies (Office, Shop, Field)	\$10,000.00
Uniforms	\$1,800.00
Inmate Crew	\$8,000.00
Total	\$42,300.00

Salaries & Benefits

Foresters	\$74,000.00
Forest Rangers	\$46,000.00
Total	\$120,000.00

Other Projects

Limerock for Road Repair	\$6,000.00
Total	\$6,000.00

Grand Total \$168,300.00

MEMORANDUM

TO: Governing Board

FROM: Bob Heeke, Sr. Land Resources Manager

DATE: August 27, 2012

RE: Authorization for Executive Director to Execute an Agreement with the Department of Environmental Protection (DEP) and Nature's Landing Condominium Associates to Allow for Mitigation for Mangrove Trimming

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to execute an Agreement between the Parties to allow Nature's Landing Condominium Associates (Nature's Landing) to use approximately 0.9 acres on Atsena Otie Key as a mitigation site as required by DEP under Nature's Landing's mangrove trimming permit.

BACKGROUND

Nature's Landing has requested a mangrove trimming permit from DEP for 1.2 acres of its land that fronts the Gulf of Mexico. As part of this permit, DEP is requiring that mangroves be planted as a mitigation measure.

Staff met with the consultant for Nature's Landing and approved the selected site on Atsena Otie Key for the establishment of mangroves. The establishment of this native species is consistent with the District's natural community restoration goals. This planting would expand the mangrove population found on Atsena Otie Key. All cost of planting and monitoring will be borne by Natures Landing.

Under the proposed agreement the District agrees not to disturb this area beyond normal management activities and to notify the Department if it decides to implement activities not consistent with managing for the natural state and condition or sell the property. Although no money is changing hands and the area affected is minor, staff considered it to be appropriate to seek Governing Board approval since the agreement proposed by DEP essentially establishes a permanent easement for the maintenance of the mangroves.

gal
enclosures

AGREEMENT

The following Agreement is entered in between the Suwannee River Water Management District ("DISTRICT"), the Florida Department of Environmental Protection ("DEPARTMENT"), and Natures Landing Condominium Assn., Inc. 7041 Depot St. Cedar Key, Fl. 32625 (PERMITTEE) for the purpose of defining restrictions on activities to be conducted on certain District Properties used by PERMITTEE for mitigation as defined in Department permit number 38-306487-002-MA ("PERMIT").

Specific Conditions of the PERMIT requires that the PERMITTEE plant and maintain black mangroves as per the mitigation plan and permit. The Permit Mitigation Area is defined as Area A and/or B, Atsena Otie Key, in the attached Figure 1, and is referred to as the Subject Lands.

It is the purpose and intent of this AGREEMENT to assure that the subject lands will be retained and maintained forever predominantly in the natural vegetative and hydrological condition existing at the time of execution of this AGREEMENT.

This AGREEMENT is not intended, in any way, to restrict the DISTRICT from conducting activities that are normal and customary to conservation land management practices and ecological enhancement that would not otherwise require authorization from the DEPARTMENT.

It is agreed that:

1. The DEPARTMENT agrees to accept the consummated AGREEMENT in lieu of a Recorded Conservation Easement.
2. The DISTRICT agrees to notify the DEPARTMENT for comment prior to authorizing any activities not consistent with managing the subject Lands to restore their natural state and condition, to the extent practicable on the Subject Lands. However, activities exempt by rule or statute are excluded from this notification requirement.
3. The DISTRICT agrees to notify the DEPARTMENT prior to the sale of the property (pursuant to 373.59(12) F.S.) containing Subject Lands.
4. PERMITTEE hereby agrees to accept all responsibility for completion of the required mitigation on Subject Lands until such time that the DEPARTMENT has, based on the requirements of the PERMIT, determined that the mitigation is successful thereby releasing PERMITTEE from this obligation.

Executed this _____ day of _____, 2012.

FOR THE DEPARTMENT

Gregory J. Strong
District Director
Northeast District

FOR THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT

Charles H. Houder III
Assistant Executive Director

Approved as to Form and Legality

FOR THE PERMITTEE

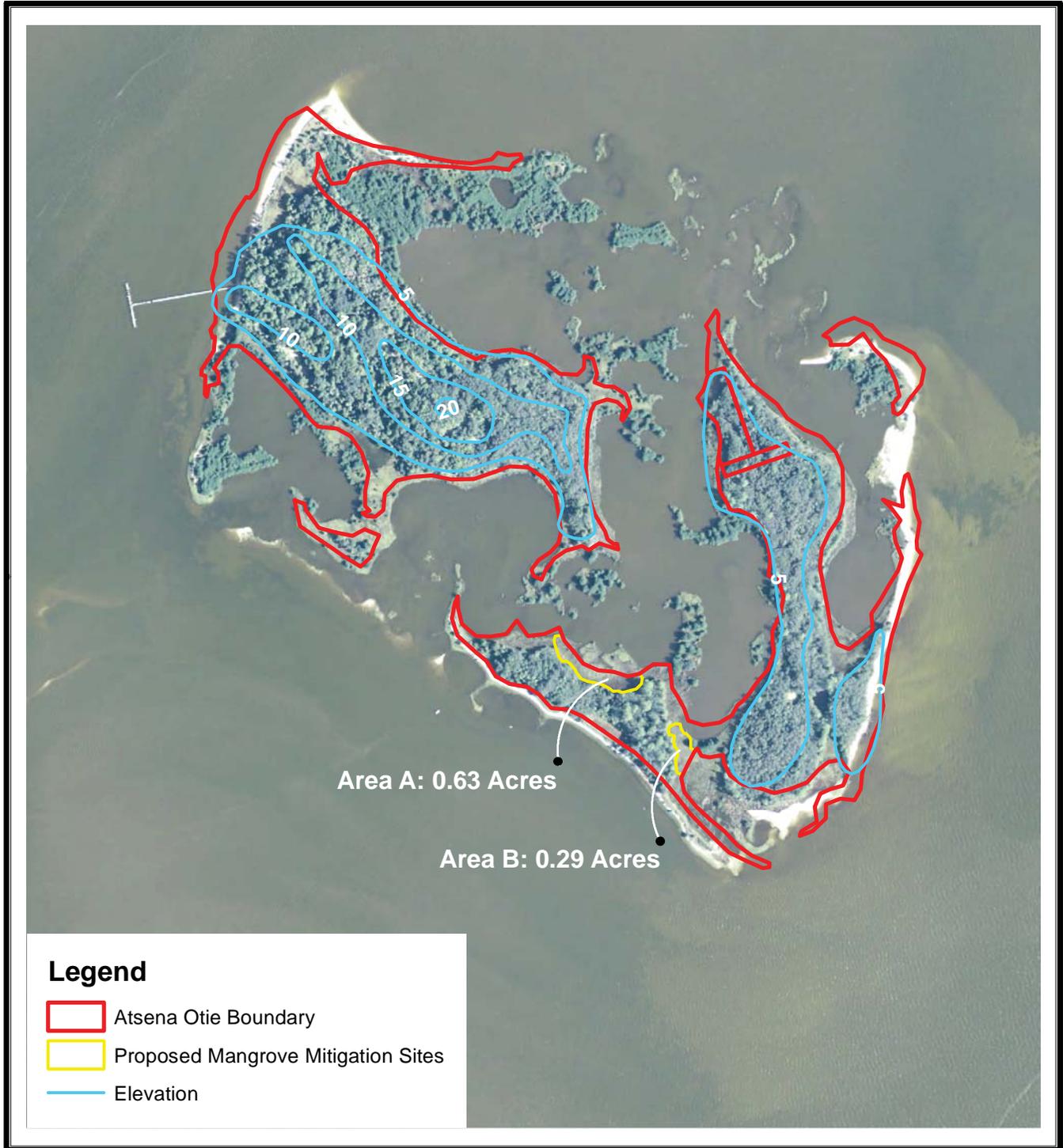


Natures Landing Condominium Association
President

Natures Landing Condominiums Proposed Mitigation Sites

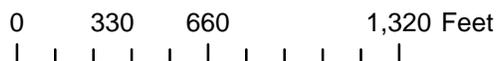
Figure 1: Atsena Otie Topography Map

Sections 6
Township 18 South
Range 13 North
Levy County, Florida



Legend

- Atsena Otie Boundary
- Proposed Mangrove Mitigation Sites
- Elevation



NOTICE:

This map is not a survey. Therefore, any derived acreage numbers on this map or accompanying report are approximate and should only be used for planning and management.

This map is not suitable for engineering design or construction. Further, the use of any associated acreage numbers for sales or negotiations is entirely at the risk of the buyer and seller.

Projection: NAD 1983 UTM Zone 17 North
2010 True Color Aerial Map Updated on: 8/09/12
Mapping Scale: 1"= 660 ft Map Updated by: M. Moss

WSRM 38

NATURAL RESOURCE
PLANNING SERVICES, INC.
P.O. Box 564
San Antonio, FL 33576
(352) 588-2580

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: August 24, 2012

RE: Approval of Final Order Number 12-0007 Regarding Scott McNulty, CE10-0045, Levy County

RECOMMENDATION

Staff recommends the Governing Board approve the Consent Agreement and Order regarding Scott McNulty, CE10-0045, Levy County.

BACKGROUND

District staff discovered that unpermitted excavation and road construction (a portion of which occurred in jurisdictional wetlands within Levy County road right-of-way) had occurred in the Cedar Key Heights Subdivision. After several attempts to resolve this matter, at the May 2011 Governing Board meeting, the Board directed staff to hire counsel to develop a list of options for resolution and bring the options back to the Board for further consideration.

Staff contracted with Bruce Robinson of Robinson, Kennon & Kendron, P.A., to advise the Governing Board on resolution options. Mr. Robinson provided the options for resolution. These were discussed at the June 2011 Board meeting.

Staff met with Board Counsel and Mr. Robinson on December 20, 2011, to discuss resolution options. Ultimately, the Governing Board authorized the Executive Director to proceed with an administrative complaint to resolve this enforcement matter.

During the administrative complaint process, an August 17, 2012 date was set for a Division of Administrative Hearings (DOAH) hearing. Prior to the scheduled hearing date, Mr. McNulty signed the attached Consent Agreement in an attempt to resolve the on-going enforcement matter. In lieu of penalty and payment of attorney's fees, Mr. McNulty proposes donating 15 acres to the District. The District has until September 14, 2012, to decide whether or not to accept the donation. In the event the Board does not accept the land donation, Mr. McNulty will pay the penalty and attorneys fees, as outlined in paragraph 9 of the Consent Agreement.

TS/rl
Attachment



SUWANNEE
RIVER
WATER
MANAGEMENT
DISTRICT

9225 CR 49
Live Oak, FL 32060
TELEPHONE: 386-362-1001
TELEPHONE: 800-226-1066
FAX: 386-362-1056

SUWANNEE RIVER WATER)
MANAGEMENT DISTRICT,)

Petitioner,)

SCOTT MCNULTY

Respondent)

FILE NO. CE10-0045
FINAL ORDER NO. 12-0007

FINAL ORDER

This matter appeared before this Governing Board on September 11, 2012, to be heard on the Consent Agreement and Order signed by the Respondent and, having considered the record in this proceeding and the Consent Agreement and Order, this Board orders:

The Consent Agreement and Order received August 16, 2012, a copy of which is attached hereto and made a part hereof, is adopted as the Final Order in this proceeding and constitutes final action of this agency in this proceeding.

This order entered by the Governing Board of the Suwannee River Water Management District this 11th day of September 2012.

By: _____
Its Chair

Attest: _____
Its Secretary

Filed with the SRWMD District Clerk
on this _____ day of _____, _____

Jon Dinges
Deputy Clerk

Copies furnished to: Bruce Robinson
 Scott McNulty
 Edith Richman

BEFORE THE GOVERNING BOARD OF THE
SUWANNEE RIVER WATER MANAGEMENT DISTRICT

CASE NO.: 12-1968
CE 10-0045

SUWANNEE RIVER WATER MANAGEMENT DISTRICT,

Petitioner,

vs.

SCOTT MCNULTY,

Respondent.

FILE OF RECORD
CONSENT AGREEMENT - CE 10-10045 – AND ORDER

This *Consent Agreement* is notice to Respondent that the Suwannee River Water Management District ("hereinafter referred to as the "District") is initiating a formal enforcement action pursuant to Chapters 120 and 373, Florida Statutes (F.S.), and Chapter 28, Florida Administrative Code (F.A.C.), to cause correction of the violations noted:

Petitioner finds the following:

FACTS

1. Respondent is Scott McNulty, 7850 SW 126th Terrace, Cedar Key, Florida 32625.
2. Petitioner is a governmental agency of the State of Florida created and empowered by Chapter 373, F.S., and pursuant to the authority therein, most particularly Chapter 373, Part IV, F.S., has adopted regulations for construction and alteration of surface water management systems in Chapters 40B-1, 40B-4 and 40B-400.

Received
SRWMD

1 of 6

AUG 16 2012

Original to File _____
Copies to _____

3. Respondent performed unpermitted roadway construction and creation of a pond within a forested wetland on property owned by the Respondent on a parcel of land identified as Cedar Key Heights Block 83, and Levy County Right-of-Way (as attached in Exhibit "A", which shows wetland impacts pursuant to correspondence from Rob Garren to Scott McNulty, dated July 11, 2012; and the *Specific Purpose Survey* for Scott McNulty, signed and sealed by Matthew G. Munsgard, on August 31, 2010), as recorded in the public records of Levy County, Florida.
4. Respondent performed unpermitted road and pond construction within portions of SW 126th Terrace and SW 127th Court, and in jurisdictional wetlands within the SW 77th Place right-of-way in Levy County, Florida.
5. On March 22, 2011, Respondent received a *Notice of Violation* prepared by Petitioner pursuant to Chapter 40B-4.1170, F.A.C.
6. The Respondent was informed that his activity required a permit pursuant to District rule 40B-1.702(3) and 40B-4.1040(1)(a), F.A.C., and 40B-4.2030(3), F.A.C.

REGULATIONS OR LAWS VIOLATED

7. Without an admission of liability, it appears conditions of Chapters 40B-1, 40B-4 and 40B-400, F.A.C., have been violated. Specifically, 40B-1.702(3) and 40B-4.1040(1)(a), F.A.C., and 40B-4.2030(3) and Section 12.1 – 12.3 of the Environmental Resource Applicant's Handbook adopted by referenced in 40B-400.091, have been violated for failure to obtain a permit for initiating a project that involved construction of roadway and a pond within wetlands.
8. The Parties, in an attempt to quickly resolve issues at dispute in this case, pursuant to Chapters 40B-1, 40B-4 and 40B-400, F.A.C., and Section 12.1 – 12.3 of the Handbook, have agreed that Respondent shall apply for a permit, failing which he shall restore the impacts to wetlands to their pre-construction condition.

ASSESSED PENALTY, ADMINISTRATIVE COSTS AND ATTORNEYS FEES

9. Pursuant to §120.57, F.S., the District finds and it is agreed that Respondent shall pay the following within ten (10) days:

Received
SRWMD

AUG 16 2012

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Original to File _____
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Assessed Penalty:	\$ 3,000.00
Administrative Costs:	\$ 1,364.97
Attorneys' Fees:	\$ 8,476.15

TOTAL: \$12,841.12

In lieu of Assessed Penalty and Attorneys' Fees, Respondent proposes a land donation of fifteen (15) acres as shown in Exhibit "B."

Any sums unpaid within the time frame provided herein shall bear interest at the rate of 1.5 percent per month until paid or the District shall have the right to terminate this *Consent Agreement*. Should Respondent fail to successfully complete the actions outlined in Paragraph 10 within time frame specified within said paragraph, Respondent shall pay the Assessed Penalties and Attorneys' Fees as specified in this paragraph, and any additional Administrative Costs and Attorneys' Fees. Upon receipt of Exhibit "B", the District has thirty (30) day to evaluate and determine whether or not the donation of land is acceptable, and, if not, Respondent shall pay the assessed penalty, fees and costs.

REMEDIAL ACTION

10. The Parties, in an attempt to quickly resolve issues in dispute in this case, pursuant to Chapters 40B-1, 40B-4 and 40B-400, F.A.C., and Section 12.1 – 12.3 of the Handbook, have agreed that the Respondent shall, after execution of this *Consent Agreement*, complete the following activities:
 - A. No later than fifteen (15) days from the rendition of this *Order*, Respondent shall submit an Environmental Resource Permit (ERP) Application for the unpermitted pond excavation and road construction;
 - B. Timely and cooperatively provide all additional information requested by the District regarding the permit application throughout the permitting process;
 - C. Within fifteen (15) days after the approved work is completed, provide notice to the District and arrange for an inspection to determine proper completion.
 - D. Should the Respondent fail to obtain an ERP and fully comply with all of the required corrective actions, then Respondent agrees to restore impacted wetlands within Southwest 77th Place, and remove unauthorized lime rock roads back to their preconstruction condition.

Received
SRWMD

3 of 6

AUG 16 2012

Original to File _____
Copies to _____

WSRM 43

11. Respondent shall not undertake any further construction on the subject property, except as authorized by District permit and this *Consent Agreement*.
12. By execution of this *Consent Agreement*, Respondent waives his rights to an administrative hearing pursuant to Section 120.57, F.S., and right of appeal pursuant to Section 120.68 or Chapter 373, F.S., with regard to the terms of this *Consent Agreement*.
13. Nothing herein shall be construed to limit the authority of the District to undertake enforcement or legal actions against Respondent in response to conditions that may present an imminent hazard to the public health, welfare or the environment.
14. Entry of this *Consent Agreement* does not relieve Respondent of the need to comply with any applicable federal, state or local laws, regulations or ordinances.
15. The terms and conditions set forth in this *Consent Agreement* may be enforced in a court of competent jurisdiction, pursuant to §120.69, F.S., and Chapter 28, F.A.C, or any other applicable rule or statute, and Respondent consents to entry of final judgment by a court of competent jurisdiction to enforce the terms of the agreement, plus attorneys' fees and costs, pursuant to §373.129, F.S., if Respondent fails to comply. Failure to comply with the terms of his *Consent Agreement* shall constitute a violation of Chapter 38, F.A.C., and the appropriate statutes.
16. Petitioner hereby expressly reserves the right to initiate appropriate administrative or legal action to prevent or prohibit future violation of applicable statutes or any rules promulgated thereunder, or to protect the public health, safety or general welfare.
17. This *Consent Agreement* is final agency action of the Suwannee River Water Management District, pursuant to §120.69, F.S., and Chapter 28, F.A.C., and it is final and effective on the date filed with the District Clerk of the Suwannee River Water Management District.
18. No modification of the terms of this *Consent Agreement* shall be effective until put in writing and executed by both Respondent and Petitioner.

Received
SRWMD

AUG 16 2012

4 of 6

Original to File _____
Copies to _____

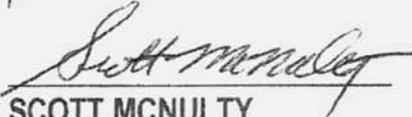
19. Respondent and the District hereby waive any and all rights and options which they have or might have to bring or maintain any such litigation or action in the federal court system of the United States, or in any United States Federal District Court. Respondent and the District hereby waive any and all rights and options which they have or might have to a trial by jury. Venue and exclusive jurisdiction for any such action shall lie and be only in the appropriate state courts of the State of Florida in and for Suwannee County, Florida. If any court action is necessary to enforce this *Consent Agreement and Order*, the prevailing party shall be entitled to their reasonable attorneys' and paralegals' fees, costs and expenses from the non-prevailing party, in addition to any other relief to which they may be entitled.

DATED this _____ day of _____, 2012.

RESPONDENT

8/15/12

BY:



SCOTT MCNULTY
7850 SW 126th Terrace
Cedar Key, Florida 32625

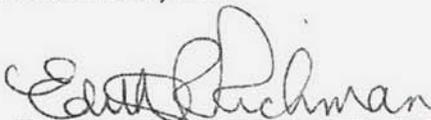
SUWANNEE RIVER WATER MANAGEMENT DISTRICT

BY:

ANN B. SHORTELE, PH.D.
Executive Director
9225 CR 49
Live Oak, FL 32060
Toll Free: 800-226-1066
Telephone: 386-362-1001

EDITH RICHMAN, P.A.

BY:



EDITH RICHMAN, ESQUIRE
Florida Bar No.: 339903
Post Office Box 10
Archer, Florida 32618
Telephone: 352-495-9123
Facsimile: 352-495-1400
Email: erichman@cox.net
Attorney for Respondent

ROBINSON, KENNON & KENDRON, P.A.

BY:

BRUCE W. ROBINSON
Florida Bar No.: 143796
582 W. Duval Street
Lake City, FL 32056-1178
Telephone: 386-755-1334
Facsimile: 386-755-1336
Email: cap@rkkattorneys.com
Attorneys for Petitioner, SRWMD

Received
SRWMD

5 of 6

AUG 16 2012

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Copies to _____

WSRM 45

ORDERED

THE PARTIES hereto having entered into the above *Consent Agreement*, it is, therefore, **ORDERED** that the terms of said *Consent Agreement* are incorporated in this *Order*, and shall become the *Order* of the Suwannee River Water Management District.

DONE AND ORDERED this _____ day of _____, 2012, in Live Oak, Suwannee County, Florida.

**SUWANNEE RIVER WATER MANAGEMENT
DISTRICT**

Governing Board Chairman
9225 CR 49
Live Oak, FL 32060
Telephone: 386-362-1001

Copies Furnished To:
Bruce W. Robinson, Esquire
Edith Richman, Esquire

Received
SRWMD

AUG 16 2012

Original to File _____
Copies to _____

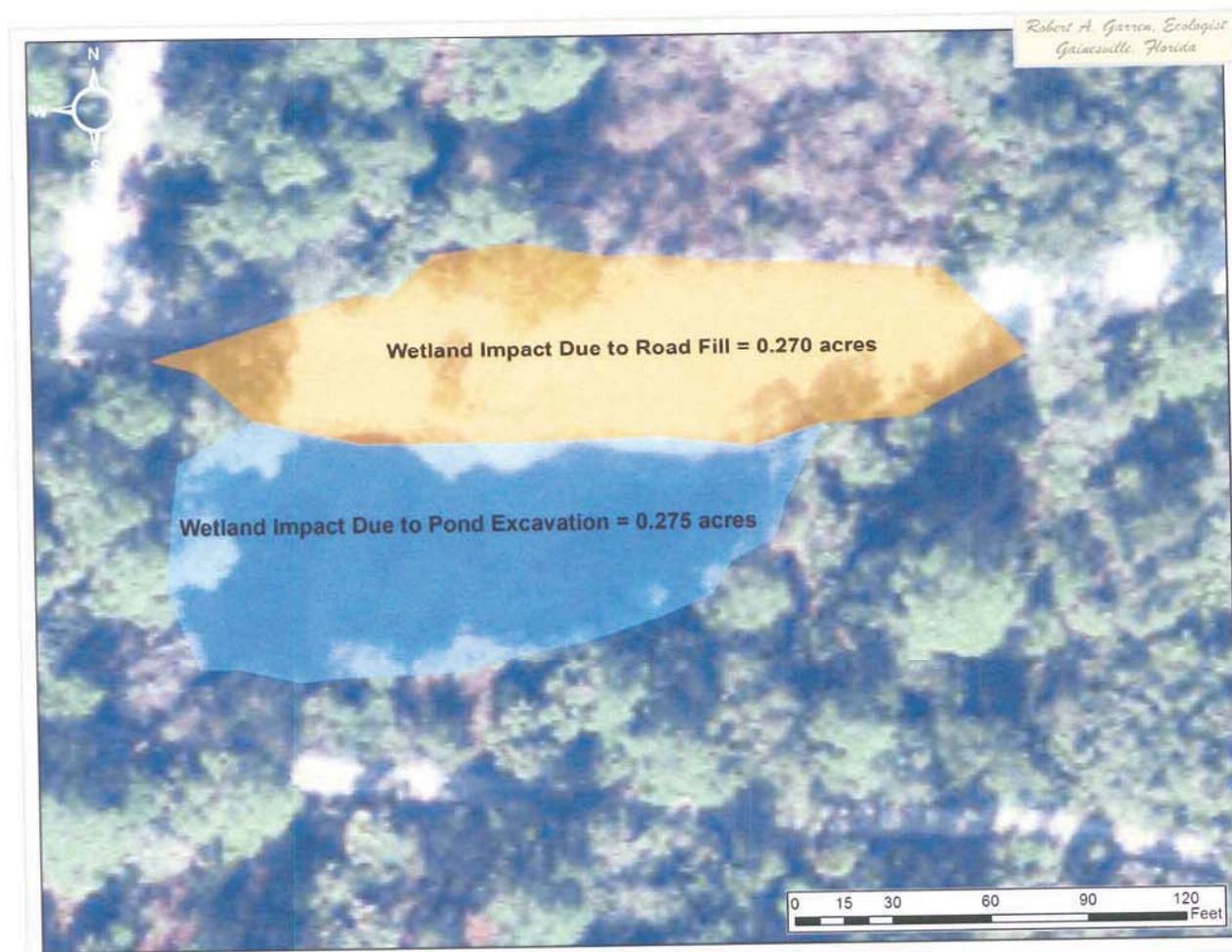


Figure 1. Extent of wetland impacts due to road fill and excavation on the McNulty Road Project site, Levy County, as determined during field inspection of July 9, 2012.

Scanned

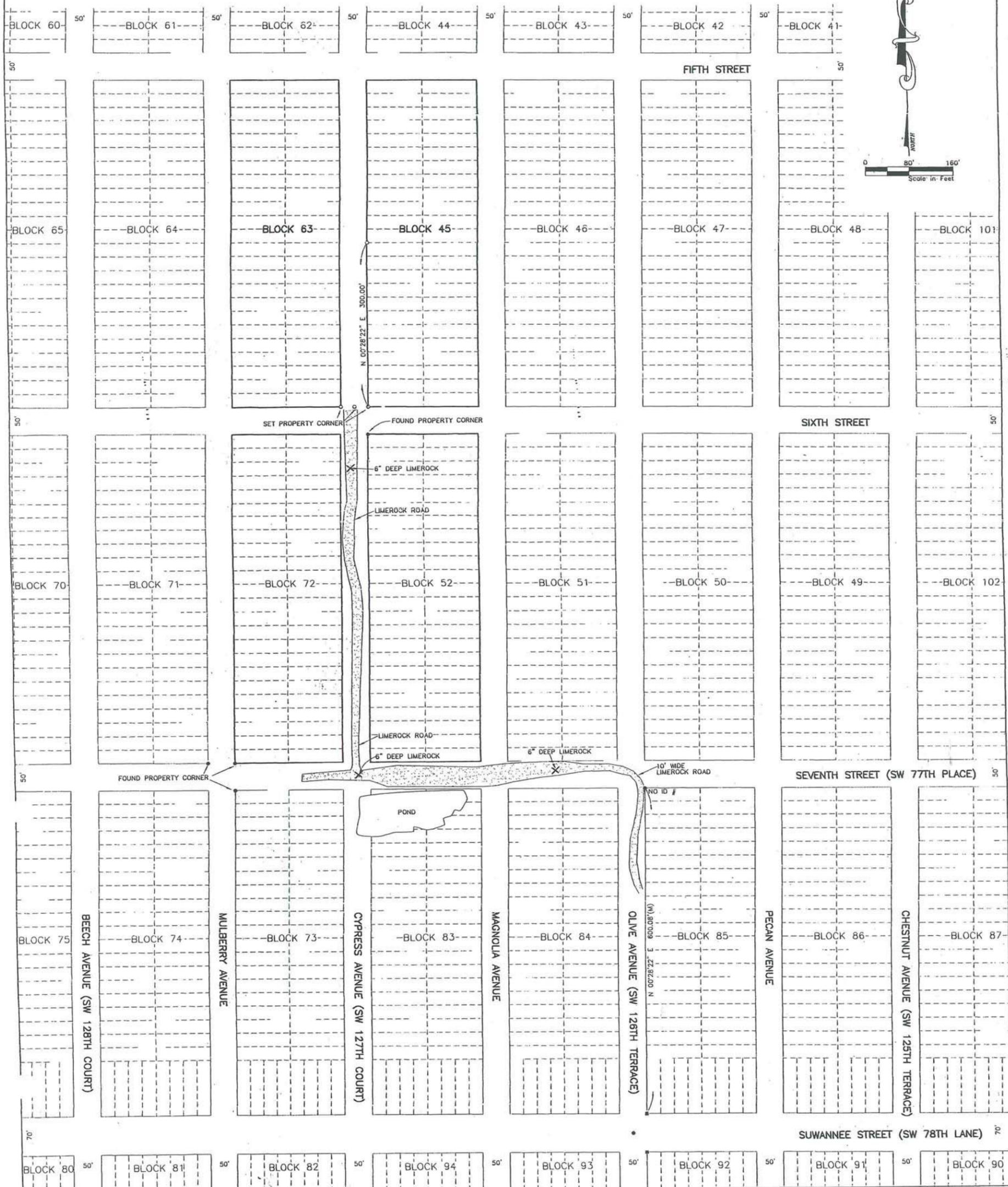
5000130

SPECIFIC PURPOSE SURVEY FOR:
SCOTT MCNULTY
CEDAR KEY HEIGHTS SUBDIVISION
LEVY COUNTY, FLORIDA

RECORDED
STRAND
SEP 03 2010
ORIGINAL TO FILE
CITY OF CEDAR KEY
C.K. DOUGLAS

CERTIFIED TO:
SCOTT MCNULTY

SURVEYOR'S NOTE:
THE PURPOSE OF THIS SURVEY WAS TO LOCATE NEWLY BUILT
LIMEROCK ROAD.



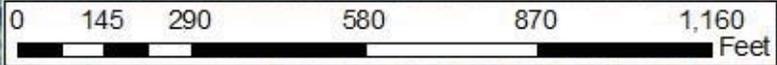
<p>LEGEND</p> <p>○ SET 5/8" HIGH ROD ID #6663 ⊙ FOUND 5/8" HIGH ROD ID #2548 ⊙ FOUND 1/2" HIGH PIPE NO ID ⊙ SET NAIL AND TAB ID #6663 ⊙ FOUND NAIL AND TAB ID # ⊙ FOUND LIMEWOOD POST ⊙ SET 4" x 4" CM ID #6663 ⊙ FOUND 4" x 4" CM ID #2548 ⊙ FOUND RAILROAD SPIKE ⊙ FOUND S&D NAIL & TAB ⊙ FOUND 6" x 6" S&D CM</p> <p>R/W = RIGHT-OF-WAY CM = CONCRETE MONUMENT S&D = STATE ROAD DEPT. NAIL = NAIL OR LESS SM = BENCHMARK OR = OFFICIAL RECORDED BOOK D = AS FOR DEED M = AS MEASURED PMS = POINT OF BEGINNING POC = POINT OF COMMENCEMENT D.O.T. = DEPT OF TRANSPORTATION</p> <p>AC = ACRES +/- = MORE OR LESS E = EIGHTH LINE R = RECORD DO = DEED BOOK ID = IDENTIFICATION W = WIRE FENCE WOOD = WOOD FENCE ELEC = ELECTRIC LINE P = POWER POLE</p>	<p>REVISIONS</p> <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>							<p>PARDUE LAND SURVEYING</p> <p>1411 NW 23RD AVENUE POST OFFICE BOX 865 CHIEFLAND, FLORIDA 32644 352-493-0640 FAX-352-493-7480</p>	<p>NOTES:</p> <p>1) UTILITIES WERE NOT LOCATED UNLESS SHOWN. 2) THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE 3) THIS PLAT IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p> <p>8-31-2010 SIGNED THIS DAY</p> <p><i>Matthew G. Munksgard</i> MATTHEW G. MUNKSGARD P.S.M., REC. # 6683</p>	<p>BEARINGS BASED ON N 00°28'22" E FOR THE WEST LINE OF BLOCK 85</p> <p>FIELD WORK COMPLETED: 8-30-2010</p> <p>SCALE: 1"=80'</p> <p>JOB NO.:2010-110C</p>



SEC: 35, TWP: 14, RNG: 13, 35-14-13
CEDAR KEY HTS SEC A - ALL - BLOCKS 66 & 67
OR BOOK 1168 PAGE 817



SEC: 35, TWP: 14, RNG: 13, 35-14-13 CEDAR
KEY HTS SEC B - ALL - BLOCKS 52,68,69,70,72
& 73 AND BLK 71 LOTS 16-20 & 40-48; BLK 77
LOTS 1-12 & 21-34; BLK 83 LOTS 1-8 & 21-28;
OR BK 1168 PG 817 -LESS OR BK 1259 PG 284



MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: August 24, 2012

RE: Authorization for the Executive Director to File an Administrative Complaint in the Matter of *SRWMD v. Rodney O. Tompkins, Trustee, and 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, and Rodney Tompkins 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 over spraying 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.

After numerous contacts including phone calls, letters and meetings, the Governing Board (at their December 2011 meeting), authorized the Executive Director to file an Administrative Complaint against Rodney Tompkins. Several attempts were made to resolve the situation prior to filing the Administrative Complaint by staff and staff counsel. On March 8, 2012, staff met with Mr. Tompkins and his legal counsel at the farm. During the meeting, Mr. Tompkins agreed to file an application. On April 16, 2012, Mr. Tompkins faxed an incomplete application. District staff reviewed the application and sent a Request for Additional Information (RAI) on May 16, 2012. The RAI deadline was August 14, 2012. Mr. Tompkins has not submitted the requested information.

KW/rl

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: August 24, 2012

RE: Denial of Environmental Resource Permit Application ERP06-0509 and Initiation of Enforcement Action Regarding Cedar Key Heights Blocks 18, 129-131, Levy County

RECOMMENDATION

Staff recommends the Governing Board authorize denial, without prejudice, of Environmental Resource Permit application number 06-0509 to Doug McKoy for Cedar Key Heights Blocks 18, 119-131, Levy County. In addition, staff recommends the Governing Board authorize the initiation of enforcement action because the project has been constructed without a permit.

BACKGROUND

Staff has reviewed the after the fact permit application. The application is incomplete because the applicant did not supply information needed to complete the review. The subdivision roads have been built without a permit.

Staff has been reviewing this project since September 15, 2006.

PW/rl

August 24, 2012

Douglas K. McKoy
PO Box 1300
Bronson, FL 32621

Subject: Denial of Environmental Resource Permit Application 06-0509,
Cedar Key Heights Blocks 18, 129-131, Levy County

Dear Mr. McKoy:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that your project be denied without prejudice. Staff intends to recommend denial of this permit application because of failure to supply information necessary to complete the application.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on September 11, 2012, 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,

Tim Sagul, P.E., CFM
Senior Professional Engineer

TS/rl

Enclosure

cc: CE06-0058

Levy County Board of Commissioners

Certified Mail Receipt Number: 7010 1060 0001 1350 2564

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.
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.

NOTICE OF RIGHTS

- 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:

Douglas K. McKoy
PO Box 1300
Bronson, FL 32621

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

ENVIRONMENTAL RESOURCE PERMIT APPLICATION

DATE: August 23, 2012

PROJECT: Cedar Key Heights Blocks 18, 129-131

APPLICANT:
Douglas K. McKoy
PO Box 1300
Bronson, FL 32621

PERMIT APPLICATION NO.: ERP06-0509
DATE OF APPLICATION: 9/15/2006
APPLICATION COMPLETE: N/A
DEFAULT DATE: N/A

Recommended Agency Action

Staff recommends denial, without prejudice, of the environmental resource permit application because of failure to supply the information necessary to complete the application.

Project Review Staff

Patrick Webster, Senior Professional Engineer, reviewed the project.

Project Location

The proposed project is located in Township 14 South, Range 13 East, Section 35, in Levy County.

Project Description

Staff has reviewed the after the fact permit application. The application is incomplete because the applicant did not supply information needed to complete the review. The subdivision roads have been built without a permit.

The permit application was for an after the fact permit to develop a subdivision. The first Request for Additional Information (RAI) letter was mailed to the applicant on October 4, 2006.

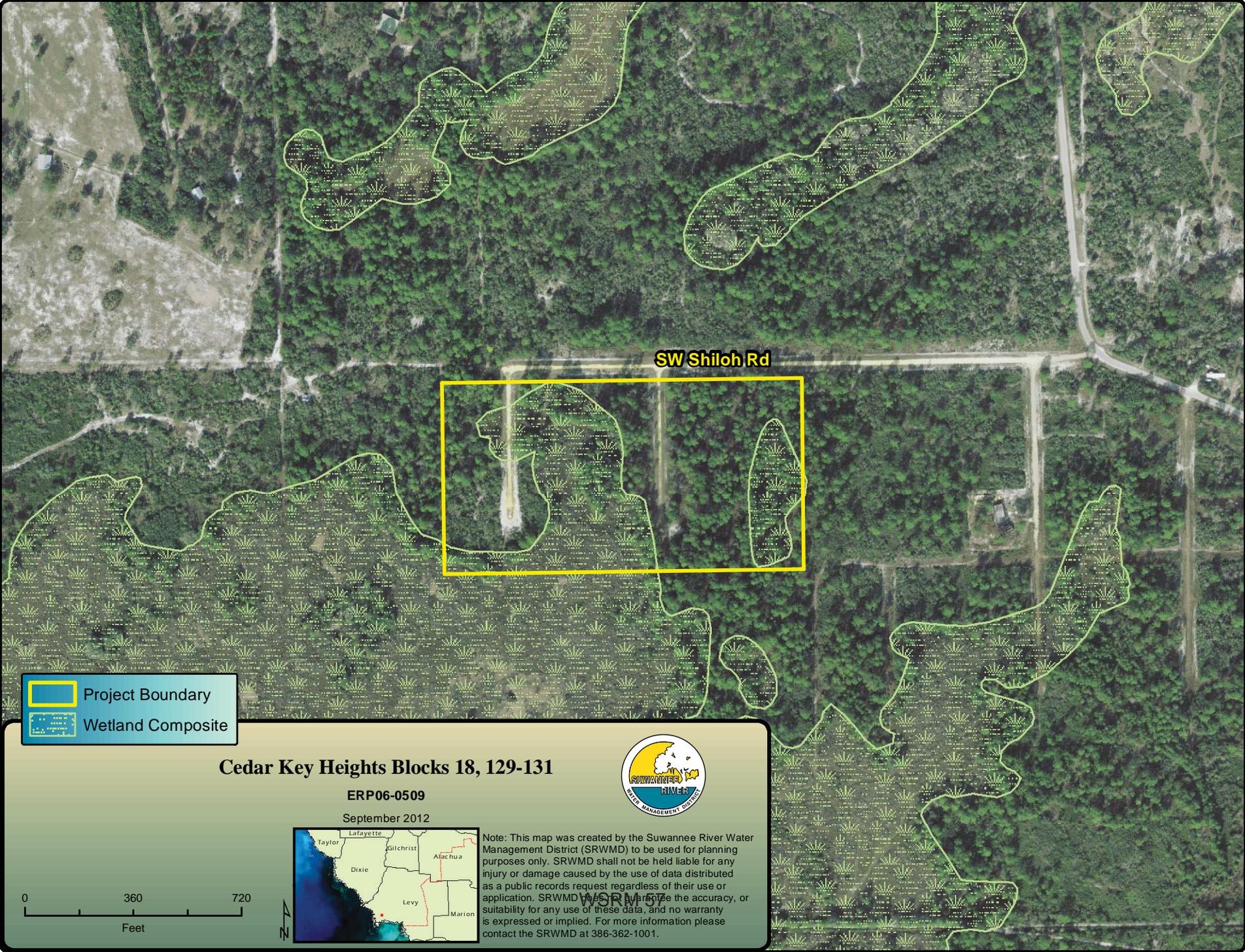
Staff sent a copy of the file to Tom Brown, General Counsel, on November 4, 2008, for review. Due to lack of information, the application was placed on the October 2009 Governing Board agenda for denial. It was removed from the Board agenda for further review.

The application was then placed on the December 2009 agenda due to a lack of response from the applicant. It was removed from the agenda after the applicant said he would move forward with engineering plans.

Since then, staff and the applicant have had numerous phone and email contacts and meetings with varying results. Additional submittals have been received and staff has, in turn, requested additional information. During this time staff placed the project on two other Board agendas requesting denial due to failure to respond. Both times, the applicant was given more time to work with staff to complete the application.

Staff sent the latest correspondence to Mr. McKoy on June 21, 2012. It required a response by July 21, 2012. Staff sent email and called Mr. McCoy on August 16, 2012, requesting the status on his responses. As of this date, no response has been received.

PW/rl



SW Shiloh Rd

-  Project Boundary
-  Wetland Composite

Cedar Key Heights Blocks 18, 129-131

ERP06-0509

September 2012



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 warrant 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: August 23, 2012
RE: Adoption of Proposed Rule for 40B-2.301, Florida Administrative Code (F.A.C.) for Monitoring of Water Use

RECOMMENDATION

Staff recommends the Governing Board authorize:

- 1. Publication of a Notice of Proposed Rule for section 40B-2.301, F.A.C.**
- 2. File 40B-2.301, F.A.C., with the Department of State if no objections or comments are received.**

BACKGROUND

On February 14, 2012, the Governing Board authorized staff to initiate rule development requiring automated monitoring of groundwater and surface water withdrawals. Staff worked with stakeholders through a series of meetings to develop an approach to automated monitoring that is low cost to the District and no cost to water users choosing to implement a District-sponsored monitoring system.

Staff has developed the proposed rule with consideration of the statewide consumptive use permitting consistency initiative (CUPcon). This initiative proposes a consistent approach to water use monitoring across the state.

Staff intends to schedule a public workshop following publication of the Notice of Proposed Rule. Staff will continue to work with stakeholders through the rule adoption process.

If no objections or requests for workshop are filed within 21 days after publication, the District will file the proposed rules with the Joint Administrative Procedures Committee (JAPC) for review.

Staff proposes the following schedule for adoption:

GB Proposed Rule Authorization	September 11, 2012
Proposed Rule Workshop	October 4 or 11, 2012
Send to OFARR	September 2012
Notice of Proposed Rule	October 2012
Send to JAPC	October 2012
Mail to DOS (tentative)	November 2012
Effective Date (tentative)	December 2012

Governing Board authorization is required by 120.54(3), Florida Statutes, for filing of the rules for adoption. Filing with the Department of State will occur following JAPC review. The rules will become effective 20 days after filing with the Department of State.

The Notice of Proposed Rule follows this memorandum.

/rl

NOTICE OF PROPOSED RULE

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

Permitting of Water Use

RULE CHAPTER NUMBER:

40B-2

RULE TITLES:

Condition for Issuance of Permits

RULE NOS.:

40B-2.301

PURPOSE AND EFFECT: The purpose of the proposed rule is to require automated monitoring and data transmission for actual use of water authorized by water use permits. The effect of the proposed rule is to include provisions to require permit applicants to submit, as part of their water use permit conditions, records of groundwater and surfacewater withdrawals.

SUBJECT AREAS TO BE ADDRESSED: This proposed rule will require automated submittal of actual groundwater and surfacewater withdrawal data for projects that require water use permits. The proposed amendments will be located within the SRWMD Water Use Permitting Guide which is incorporated by reference into rule 40B-2.301, Florida Administrative Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC) AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse economic impact on small business if water use permit holders choose to participate in the District's standardized automated monitoring program. This rule will not likely increase direct or indirect regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

Water use permit holders may choose to implement a District-sponsored water use monitoring system at no cost to the permit holder. The cost to the District to implement monitoring on behalf of permit holders is minimized by the use of existing data sources such as consumption of electrical data by pumps or motor run time.

The cost of automated data transmission to permit holders and the District is minimized by using the least-cost effective data transmission platform available with consideration given to using the District's existing automated water resources monitoring network.

Any person, who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.185, 373.219, 373.223, 373.226, 373.227, 373.228, 373.229, 373.232, 373.236, 373.239, 373.250 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AMENDMENTS:
Robin Lamm, Business Resource Specialist II, SRWMD, 9225 C.R. 49, Live Oak, Florida, 32060, (386)362-1001 or (800)226-1066 (FL only).

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-2.301 Conditions for Issuance of Permits.

(1) through (2)(k) No Change.

(3) The standards and criteria set forth in the Water Use Permitting Guide, effective DATE ~~January 6, 2010~~, hereby incorporated by reference into this chapter, if met, will provide the reasonable assurances required in this section. This document is available at District headquarters and on the District's website at www.mysuwanneeriver.com.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.185, 373.219, 373.223, 373.226, 373.227, 373.228, 373.229, 373.232, 373.236, 373.239, 373.250 FS. History—New 10-1-82, Amended 5-1-83, 1-6-10, AMEND DATE.

PROPOSED WATER USE PERMITTING GUIDE LANGUAGE

3.4.1. Automated Monitoring of Groundwater Withdrawals

For new water uses, renewed permits, and modifications of permits proposing new withdrawals, the Permittee shall implement automated monitoring of groundwater withdrawals, at Permittee's expense, upon commencement of such withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each well of inside diameter eight inches or greater at land surface and shall be delivered by 12:00 pm local time the following day via approved telemetry consistent with District data formats. The permittee may choose a standardized Suwannee River Water Management District automated monitoring system to fulfill this requirement.

3.4.2. Automated Monitoring of Surfacewater Withdrawals

For new water uses, renewed permits, and modifications of permits proposing new withdrawals, the Permittee shall implement automated monitoring of surfacewater withdrawals, at Permittee's expense, upon commencement of such withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each station that has an outside diameter of six inches or greater and shall be delivered by 12:00 pm local time the following day via approved telemetry consistent with District data formats. The permittee may choose a standardized Suwannee River Water Management District automated monitoring system to fulfill this requirement.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Water Supply and Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:
Governing Board of the Suwannee River Water Management District.

DATE PROPOSED RULE APPROVED: September 11, 2012.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012.

MEMORANDUM

TO: Governing Board
FROM: Tim Sagul, Senior Professional Engineer
DATE: August 24, 2012
RE: Adoption of Governing Board Directive Number GBD12-0003 Regarding Assisting Agricultural Water Users with Water Use Monitoring

RECOMMENDATION

Staff recommends the Governing Board adopt directive number GBD12-0003 regarding assisting agricultural water users with water use monitoring.

BACKGROUND

Staff has developed a proposal to assist agricultural water users with estimating water use from wells with an inside diameter eight inches or greater at land surface or on surfacewater withdrawals that have an outside diameter six inches or greater. Staff proposes to implement monitoring on new withdrawal points as the District issues new or modified water use permits and on existing withdrawal points as the District renews water use permits.

The proposed directive (copy attached) provides a voluntary approach for agricultural water users. The directive will work in tandem with permit conditions to ensure automated reporting of water use data for maximum reliability and least cost.

For systems with constant flow, staff proposes to monitor pump run time on each withdrawal point and use this information to estimate withdrawals. Staff will use electrical consumption data as a least-cost estimation method when such data is available. Following this memorandum is a procedure developed by St. Johns River Water Management District for deriving water use estimates from electrical consumption. This procedure is applicable to systems in SRWMD. If electrical consumption data is not available, staff will use other run time monitoring methods as described in the proposed Directive.

For systems with variable flow rates, staff will deploy flow sensors or flow meters to get more accurate estimates than timers can provide.

The proposed Directive limits provision of instrumentation and data acquisition to monitor withdrawals until September 30, 2017, unless extended by the Governing Board.

/ts

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

GOVERNING BOARD DIRECTIVE

Directive No.: GBD12-0003

Date Approved: September 11, 2012

Subject: Provision of Assistance for Automated Monitoring of Agricultural Water Use

Approval: _____
Don Quincey, Chairman

Ray Curtis, Secretary

1.0 Reference to Prior Directive

There are no prior versions of this Directive.

2.0 Purpose and Intent

The purpose of this Directive is to establish process and criteria for providing District assistance for estimating and reporting agricultural water use in an automated manner. The intent of this Directive is to offer District assistance to agricultural water users on a voluntary basis as a convenient and unobtrusive alternative to recording, compiling, and transmitting data to the District. It is further the intent of this Directive that water use data collected and reported to the District be used only for estimation purposes.

It is necessary to maintain a consistent and defensible method of scientifically-valid and verifiable data reporting and quality control/quality assurance because water use data are intended for planning for future water availability. The intent of the Directive is to maximize the verifiability and continuity of water use data while minimizing labor and cost of all parties to record, report, and enter the data.

3.0 Definitions

- a) Agricultural Water Use: the use of water for crop production or the growing of farm products including vegetables, pasture, livestock, sod, or other cash crops, waste management or water for washing livestock. It includes soil flooding for pest control or soil preservation, and freeze protection and product washing.
- b) Calibration: The verification of estimated flow rate using a flowmeter of known accuracy.
- c) Chemigation: The application of pesticides through an irrigation system.
- d) Datalogger: An electronic device which receives input from an external sensor and records the data as a time series.
- e) Fertigation: The application of fertilizer through an irrigation system.

- f) Flowmeter: An instrument used to measure, directly or indirectly, the volume of flow per unit time through a pipe.
- g) Flow Sensor: An instrument used to detect the presence or absence of flow through a pipe.
- h) Pressure Sensor: A device used to detect the presence or absence of water pressure in a pipe, or the presence of water pressure above or below an adjustable threshold.
- i) Telemetry: The transmittal of data over distance via radio, wireless modem, telephone, internet network transmission, or satellite radio.
- j) Wireless modem: an electronic device that transmits data via a wireless network service provider to the internet.
- k) Withdrawal: removal or diversion of water from an aquifer or surfacewater body.

4.0 Elements of Directive

A. System Ownership and Applicability

1. For each agricultural water user electing to implement this Directive, the District shall select the least cost and most effective method of estimating and reporting water use. The District will estimate water use with electrical consumption as a first choice when it is appropriate and applicable.
2. For systems where estimation with electrical consumption is neither appropriate nor applicable, the District will install instrumentation to estimate daily water withdrawal for agricultural use in accordance with paragraphs B, C, and D below. District provision of instrumentation and data acquisition shall terminate on September 30, 2017, unless otherwise extended by the Governing Board. District provision of instrumentation and data acquisition shall be subject to final adoption of each year's budget by the Governing Board.
3. This Directive will apply to wells with an inside diameter eight inches or greater at land surface, and on surface water withdrawals with an outside diameter of six inches or greater, when such withdrawals are part of a new permit, new withdrawals submitted as a permit modification, or renewal of a water use permit.

B. Instrumentation

1. For systems where one withdrawal point supplies a delivery system in which flow rate varies less than 10% during operation, the instrumentation shall consist of a pressure sensor capable of being set to a minimum threshold operating pressure. When the operating pressure is reached, the pressure sensor status will be read by a datalogger which will record the duration of pressure sensor activation. The datalogger will report a time series of event-based operation status once per day.
 - a. For systems meeting the above criteria, a ¼-inch Iron Pipe Size threaded port between the pump outlet and the backflow preventer or check valve should be provided by the user. The access port must provide a clean water pressure source and be upstream of any chemigation or fertigation injection port or any valve that prevents flow of effluent back into the well in systems where reclaimed effluent is applied through the irrigation system.
2. For systems in which flow rate can vary by more than 10% for a single pump, or in which multiple pumps are installed in a network, a flowmeter shall be necessary.
3. The District may, at its discretion, remove and redeploy monitoring equipment if the usage is less than 0.25 million gallons per day averaged over 365 days for two consecutive years.
4. For continuously pressurized systems where the flow rate over multiple delivery systems varies less than 10%, a flow sensor may be required. Typical installations will require a clean-water port upstream of any chemigation or effluent delivery and sufficient straight

runs of pipe upstream and downstream of the port according to manufacturer's recommendations.

5. For systems requiring the installation of a flowmeter, the appropriate type of meter shall be determined by District staff in conjunction with the user prior to system installation. Inline meters may be necessary in the event less-invasive meters are not feasible. Typical installations will require a clean-water port upstream of any chemigation or effluent delivery and sufficient straight runs of pipe upstream and downstream of the port according to manufacturer's recommendations.

C. Data Acquisition

1. The number of units and configuration will determine the type of telemetry. It is the District's intent to reduce telemetry costs as much as possible through aggregation of reporting units and minimization of data file size. In many cases, telemetry for one or more dataloggers will be provided by a single cellular modem. If multiple units are within datalogger spread-spectrum radio distance, units will transmit by radio to a central hub that will transmit all the data with a single modem. If the user has internet within radio-distance of the monitored units, District and user may opt for uploading files via the user's internet connection thus eliminating the need for a cellular modem and data plan. Daily data file size will be typically less than 10 KB.

D. Data Management

1. Withdrawal points shall be identified by an individual site identifier and not by permit number.
2. A flow calibration check will be performed by District staff within one year of system installation using a non-invasive flowmeter, and at least once every 3 years during operation. An estimate of system yield will be used until calibration data is acquired.
3. Daily withdrawal will be computed using District software by multiplying the daily run-time derived from the status report by the estimated or measured flow rate.

2. Calculate water use

If your pump is rated in gallons per hour (GPH), simply multiply the operating hours by the GPH rating:

$$\text{Operating hours} \times \text{GPH} = \text{gallons used}$$

Multiply operating hours by pump capacity.

$$233.4 \times 15,000 \text{ GPH} = 3,501,157 \text{ gallons}$$

3. Record the information

Record your monthly water use on Form EN-50.

Record your pump details here for future reference.

Station ID _____

Rev/sec _____

Meter Kh factor _____

Pump capacity _____ in

GPH or GPM

Please note: If the electrical service to your pump is not dedicated or you have a digital meter, contact the St. Johns River Water Management District for other ways to calculate your water use.

How to contact the District

For more information, contact the District at one of our service centers.

District Headquarters

St. Johns River Water Management District
P.O. Box 1429
Palatka, FL 32178-1429
(386) 329-4500
(800) 451-7106

Jacksonville Service Center

7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256
(904) 730-6270
(800) 852-1563

Palm Bay Service Center

525 Community College Parkway, S.E.
Palm Bay, FL 32909
(321) 984-4940
(800) 295-3264

Maitland Service Center

601 South Lake Destiny Road, Suite 200
Maitland, FL 32751
(407) 659-4800
(877) 228-1658

Access permitting information at
floridaswater.com/permitting.



MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: August 24, 2012

RE: Authorization to Publish Notice of Rule Development to Amend 40B-1, 40B-4 and 40B-400, Florida Administrative Code (F.A.C.), and the Environmental Resource Permitting (ERP) Applicants' Handbook

RECOMMENDATION

Staff recommends that the Governing Board authorize publication of the attached Notice of Rule Development for 40B-1, 40B-4, and 40B-400, F.A.C., in the Florida Administrative Weekly for consistency with the statewide ERP initiative.

BACKGROUND

Section 373.4131, Florida Statutes, became effective on July 1, 2012, and requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMD) to develop statewide Environmental Resource Permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and the WMDs, but may be revised as necessary to achieve a more consistent, effective and streamlined approach in the State's ERP program

To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise rule chapter 62-330, F.A.C. The revisions to this rule chapter will cover provisions currently addressed in Suwannee River Water Management District (District) rule chapters 40B-1, 40B-4, and 40B-400, F.A.C. As a result, the District must amend rule chapters 40B-1, 40B-4, and 40B-400, F.A.C.

As part of its rulemaking, DEP also intends to incorporate by reference an Applicants' Handbook. At least two volumes of the Applicants' Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include basin designations and basin-specific rules within the WMD. These volumes will replace the District's current ERP Applicants' Handbook.

DISCUSSION

The attached Notices of Rule Development, if approved, will begin the rulemaking process to revise the District's rules and Applicants' Handbook, to be consistent with DEP's adoption of statewide ERP rules in Chapter 62-330, F.A.C. The rule development will cover the amendment

or development of District rules and the Applicants' Handbook as needed to accomplish the establishment of statewide ERP rules on the following subjects:

- (1) permitting thresholds
- (2) permit exemptions
- (3) types of permits
- (4) permit duration
- (5) permit modifications and transfers
- (6) reporting forms and operational requirements
- (7) application submittal and review procedures
- (8) conditions for issuance
- (9) formal determinations of the landward extent of wetlands and other surface waters
- (10) general permit conditions
- (11) fee categories, and
- (12) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas above.

The Notices of Rule Development describe the general subjects of the rulemaking and includes a miscellaneous category for related rule changes that may be needed to effectuate the establishment of statewide ERP rules. No rule language is available at this time because District staff is still working on the language and coordinating with DEP.

The other four water management districts have either initiated rule development or are planning to do so by the end of September 2012.

Staff proposes to follow the following timeline to implement the proposed rule:

9/11/12	Governing Board authorization to initiate rule development
9/17/12	Submit Notice of Rule Development (NORD) to Office of Fiscal Accountability and Regulatory Reform (OFARR) for review
9/26/12	Submit NORD to Florida Administrative Weekly (FAW)
10/5/12	Publication of NORD in FAW
10/18/12	Rule workshop
11/13/12	Governing Board authorization to publish notice of proposed rule (NPR)
11/19/12	Submit NPR to OFARR for review
11/28/12	Submit NPR to FAW
12/7/12	Publication of NPR in FAW, Send the rule package to the Joint Administrative Procedures Committee (JAPC) for review
12/28/12	21 day comment period complete
1/8/13	Governing Board approval for final adoption
1/14/13	Submit Notice of Change NOC to OFARR for review (if changes required)

1/23/12	Submit NOC to FAW (if changes required)
2/1/13	Publication of NPR in FAW
2/22/13	21 day comment period complete
2/25/13	Submit rule filing package to Dept. of State
3/18/13	Rule becomes effective

This schedule is subject to change as it is derived from the schedule for implementation of Chapter 62-330, F.A.C. from DEP.

The proposed Notices of Rule Development follow this memorandum.

LM/rl

NOTICE OF RULE DEVELOPMENT

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

General and Procedural Rules

RULE CHAPTER NUMBER:

40B-1

PURPOSE AND EFFECT: The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend its rules consistent with Section 373.4131, Florida Statutes (F.S.) Section 373.4131, F.S., became effective on July 1, 2012, and requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, Florida Administrative Code (F.A.C.)

As part of its rulemaking, DEP also intends to incorporate by reference documents to be known as an Applicant's Handbook. Two volumes of the Applicant's Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP's proposed rulemaking for Chapter 62-330 will include provisions currently addressed in the District's Chapters 40B-1, F.A.C. This will necessitate amendments to District Chapter 40B-1, F.A.C. Therefore, the purpose of this rule development is to revise the District's rules to be consistent with DEP's adoption of statewide ERP rules in chapter 62-330, F.A.C.

SUBJECT AREAS TO BE ADDRESSED: Among other things, this rule development will cover the revision of District rules and the Applicant's Guide by rule amendment, development or repeal, as needed, to accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration, (5) permit modifications and transfers, (6) reporting forms and operational requirements, (7) application submittal and review procedures, (8) conditions for issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas above.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.046(4), 373.113, 373.118, 373.406, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461, F.S.

LAW IMPLEMENTED: 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.117, 373.118, 373.129, 373.146(1), 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 373.613, 380.06(9), 403.0877, 403.813(2), F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE DISTRICTS EXECUTIVE DIRECTOR, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 18, 2012 at 9:00 a.m.

PLACE: Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

Tim Sagul, Senior Professional Engineer, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, tjs@srwmd.org, 386.362.1001.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

NOTICE OF RULE DEVELOPMENT

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

Environmental Resource and Works of the District Permits

RULE CHAPTER NUMBER:

40B-4

PURPOSE AND EFFECT: The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend its rules consistent with Section 373.4131, Florida Statutes (F.S.) Section 373.4131, F.S., became effective on July 1, 2012, and requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, Florida Administrative Code (F.A.C.)

DEP's proposed rulemaking for Chapter 62-330 will include provisions currently addressed in the District's Chapters 40B-4, F.A.C. This will necessitate amendments to District Chapter 40B-4, F.A.C. Therefore, the purpose of this rule development is to revise the District's rules to be consistent with DEP's adoption of statewide ERP rules in chapter 62-330, F.A.C. and include proposed District rules.

SUBJECT AREAS TO BE ADDRESSED: Among other things, this rule development will cover the revision of District rules by rule amendment, development or repeal, as needed, to accomplish the establishment of statewide ERP rules and proposed District rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration (5) permit modifications and transfers, (6) reporting forms and operational requirements, (7) application submittal and review procedures, (8) conditions for issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas above.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.046(4), 373.113, 373.118, 373.406, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461, F.S.

LAW IMPLEMENTED: 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.117, 373.118, 373.129, 373.146(1), 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 373.613, 380.06(9), 403.0877, 403.813(2), F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE DISTRICTS EXECUTIVE DIRECTOR, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 18, 2012 at 9:00 a.m.

PLACE: Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

Tim Sagul, Senior Professional Engineer, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, tjs@srwmd.org, 386.362.1001.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE

NOTICE OF RULE DEVELOPMENT

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

Environmental Resource Permits

RULE CHAPTER NUMBER:

40B-400

PURPOSE AND EFFECT: The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend its rules consistent with Section 373.4131, Florida Statutes (F.S.) Section 373.4131, F.S., became effective on July 1, 2012, and requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, Florida Administrative Code, F.A.C.

As part of its rulemaking, DEP also intends to incorporate by reference documents to be known as an Applicant's Handbook. Two volumes of the Applicant's Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP's proposed rulemaking for Chapter 62-330 will include provisions currently addressed in the District's Chapters 40B-400, F.A.C. and the District's ERP Applicant's Handbook. This will necessitate amendments to District Chapter 40B-400, F.A.C., and its existing Applicant's Handbook. Therefore, the purpose of this rule development is to revise the District's rules and the District's Applicant Handbook to be consistent with DEP's adoption of statewide ERP rules in chapter 62-330, F.A.C.

SUBJECT AREAS TO BE ADDRESSED: Among other things, this rule development will cover the revision of District rules by rule amendment, development or repeal, as needed, to accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration (5) permit modifications and transfers, (6) reporting forms and operational requirements, (7) application submittal and review procedures, (8) conditions for issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas above.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.046(4), 373.113, 373.118, 373.406, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461, F.S.

LAW IMPLEMENTED: 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.117, 373.118, 373.129, 373.146(1), 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 373.613, 380.06(9), 403.0877,

403.813(2), F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE DISTRICTS EXECUTIVE DIRECTOR, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 18, 2012 at 9:00 a.m.

PLACE: Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

Tim Sagul, Senior Professional Engineer, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, tjs@srwmd.org, 386.362.1001.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE

MEMORANDUM

TO: Governing Board

FROM: Brian Kauffman, Senior Professional Engineer

DATE: August 24, 2012

RE: Authorization to Accept a \$250,000 Grant for Alligator Creek Restoration in Bradford County

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into an agreement with the Florida Fish and Wildlife Conservation Commission to accept a \$250,000 grant for the restoration of a portion of Alligator Creek in Bradford County.

BACKGROUND

The City of Starke and the Florida Fish and Wildlife Conservation Commission (FWC) are partnering with the District to restore a portion of Alligator Creek west of U.S. Highway 301. The project includes the construction of a sediment control structure in the creek and the reconnection of remnant creek channels on a tract of land owned by the City of Starke. The structure will be designed to capture sediment before it can enter Lake Rowell and to redirect water into the remnant creek channels to help restore the wetlands and floodplain. Project plans are currently 60% complete and will be finalized after the Federal Emergency Management Agency (FEMA) flood study is conducted on Alligator Creek.

As our partner, FWC will contribute \$250,000 towards the project. The City of Starke has agreed for the sediment control structure to be constructed on City property and to operate and maintain the structure after completion. As per their consent agreement, the City has also contributed \$25,000 towards the project. The District will contribute \$325,000 towards the project, pending approval of the proposed fiscal year 2013 budget and Governing Board approval of contracts to implement the project.

/bk



SW COUNTY ROAD 100A

Diversion Structure

Alligator Creek

Reconnect Remnant Floodplain Channels

301

Project Area

Alligator Creek Floodplain Restoration

September 2012



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 warrant 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: August 24, 2012

RE: Water Supply Program Activity Report

SRWMD/SJRWMD/DEP Interagency Agreement:

- Staff literature review continues in accordance with Paragraph B of the Agreement.
- In accordance with Paragraph G, staff met with SJRWMD staff to discuss the joint regional water supply planning work plan on August 21 at the SRWMD office in Live Oak.

Water supply planning:

- Staff continues to attend Consumptive Use Permitting consistency meetings and teleconferences with the other four water management districts and the Department of Environmental Protection. These meetings are being held to promote permitting consistency between all five water management districts for permit applications, allocation methodology, demand projections, conservation requirements, permitting criteria, and wetland harm criteria.
- Staff attended Consumptive Use Permitting rule development workshops on August 7 and 8 in Live Oak and Chiefland, respectively. Proposed permitting consistency rule changes were presented to the public.
- Staff will attend the second meeting of the North Florida Regional Water Supply Partnership on August 28 at Alachua City Hall.
- Staff continues to meet regularly with SJRWMD via conference calls to coordinate activities in the water supply planning and permitting processes.

Aquifer Recharge Concepts:

- The Upper Floridan Aquifer Regional Recharge Concepts and Feasibility Study was initiated following the kick-off meeting with Atkins on August 9 at their office in Tampa. SJRWMD staff attended along with SRWMD staff.

Interstate coordination:

- The next Florida/Georgia coordination meeting is scheduled for September 12, 2012, from 9:00 am to 2:00 pm, at the Wiregrass Technical College located in Valdosta, Georgia.

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

CH/dd

MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: August 24, 2012

RE: Water Resource Monitoring Program Activity Report

Staff 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. Agricultural water use was monitored at 170 wells on 48 agricultural operations. Flow was measured at White Sulphur Springs and Mattair Springs.

Staff participated in the quarterly meeting of DEP's Salinity Network, a multi-agency sub-group of the Florida Water Resource Monitoring Council. The group is working to develop a statewide groundwater conditions map.

Staff attended a planning meeting for DEP's Nutrient Fate and Transport Modeling project in the Santa Fe basin. SRWMD and Alachua County EPD provided input on existing monitoring sites and potential future sites.

The District's hydrologic technicians took a refresher course on rain gage calibration methods.

Staff used telemetered data from White Sulphur Springs along with DEP Park Service staff input to implement an exploratory dive project in the spring conduit. Conditions have not been conducive for diving since 2005, and the telemetry and DEP assistance allowed the divers to be deployed within a very short window of opportunity.

Staff reinstalled the level and rain gage at Santa Fe Lake at a new location, after determining the original location was unsuitable due to a derelict dock.

Remaining monitor sites with landlines were replaced with cell modems. The cellular data plans are as little as one-tenth the cost of the landlines. The move to cellular will also allow the data server to be moved offsite in case of sustained power outages, since all the data is now pushed up to the internet.

Repairs were finished on sites damaged by flooding, and telemetry was added to eight long-term wells.

Staff worked with PCS personnel to receive automated water use data from the plant. The daily water use is downloaded and processed into the District's regular database each day.

Staff participated in a statewide debriefing on Tropical Storm Debby response.

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

MW/dd

MEMORANDUM

TO: Governing Board

FROM: John Good, Chief Professional Engineer

DATE: August 24, 2012

RE: Minimum Flows and Levels (MFLs) Activity Report

Highlights

- Staff continues MFL coordination with the SJRWMD in accordance with the interagency agreement. An initial meeting was held July 25th in Palatka. A meeting was also held with the North Florida Utility Coordination Group (NFUCG) and the SJRWMD in Gainesville on August 3rd to brief them on the MFL for the lower Santa Fe and Ichetucknee Rivers.
- During the last few weeks the MFL staff have been meeting in person and by webinar to continue work on the Lower Santa Fe and Ichetucknee MFLs.
- The diver recon of White Sulphur Spring and Suwannee Spring was completed by Karst Environmental.
- Staff have been in the field with the Lake Butler MFL contractor collecting data.
- On-going work efforts include weekly conference calls with contractors and weekly internal project team and management meetings.

The following sections summarize activity by water body, organized by anticipated completion order. Budgets shown are for amounts for work orders issued to date and do not include anticipated monies.

Lower Santa Fe and Ichetucknee Rivers & Springs

- Detailed analysis of relationships between model output biological indices continues.
- Data from Ichetucknee Park for park use and impacts to Submerged Aquatic Vegetation (SAV) has been collated into database and is under review by Janicki.
- Two separate one-day working meetings were held in Tampa with Lower Santa Fe/Ichetucknee contractors to collaborate on MFL development.
- Chapters 1, 2, and 3 of the draft MFL report have been reviewed by staff.
- Work Order Budget Status:

Fiscal Year				
Status	Contractor / Vendor	2011	2012	Grand Total
Completed	BCI	\$1,154	\$25,574	\$26,728
	Delta Surveying	\$44,749		\$44,749
	Janicki	\$7,000		\$7,000
	USGS	\$5,000		\$5,000
In-progress	Intera	\$37,710	\$213,738	\$251,448
	Janicki	\$26,040	\$213,111	\$239,151
		\$121,653	\$452,423	\$574,076

Upper Suwannee River & Springs

- The contractors are reducing the data collected on multiple field trips covering floodplain soils and vegetation, and in-stream habitat assessments. Data will be compiled into interim technical reports.
- Development of model geometry is complete; boundary conditions and calibration target data are being incorporated into the software.
- Work Order Budget Status:

Fiscal Year				
Status	Contractor / Vendor	2011	2012	Grand Total
Completed	EAS	\$13,170	\$32,620	\$45,790
	J Sherman Frier	\$28,616	\$6,384	\$35,000
In-progress	AMEC Surveying		\$96,360	\$96,360
	EAS		\$135,640	\$135,640
	HSW		\$500,548	\$500,548
	USGS		\$7,800	\$7,800
		\$41,786.00	\$779,352.00	\$821,138.00

Lake Butler

- MFL staff and contractors visited Lake Butler twice: August 7th and August 14th.
- A total of 5 transects were flagged along with hydrologic indicators (mainly cypress buttresses).
 - One transect was moved because it encompassed a wetland slough area not indicative of the lake.
 - The total length of each transect and distance to indicators was determined on 3 of 5 transects.
 - Vegetation was identified using the quadrat method on 3 of 5 transects.
 - Soils data collection was postponed due to the high stage in the lake.
 - Surveying was completed on 4 of 5 transects.
- Lake bathymetry data was collected August 14th.
- Work Order Budget Status:

Fiscal Year			
Status	Contractor / Vendor	2012	Grand Total
Completed	Stantec	\$5,500	\$5,500
In-progress	Stantec	\$80,438	\$80,438
		\$85,938	\$85,938

Middle Suwannee River & Springs

- Submittals for the issued Request for Qualifications (RFQ) for surveying services to acquire the needed cross-section information were received. The firms were ranked and presented at the August Board meeting.
- Negotiations with the top-ranked firm are underway.

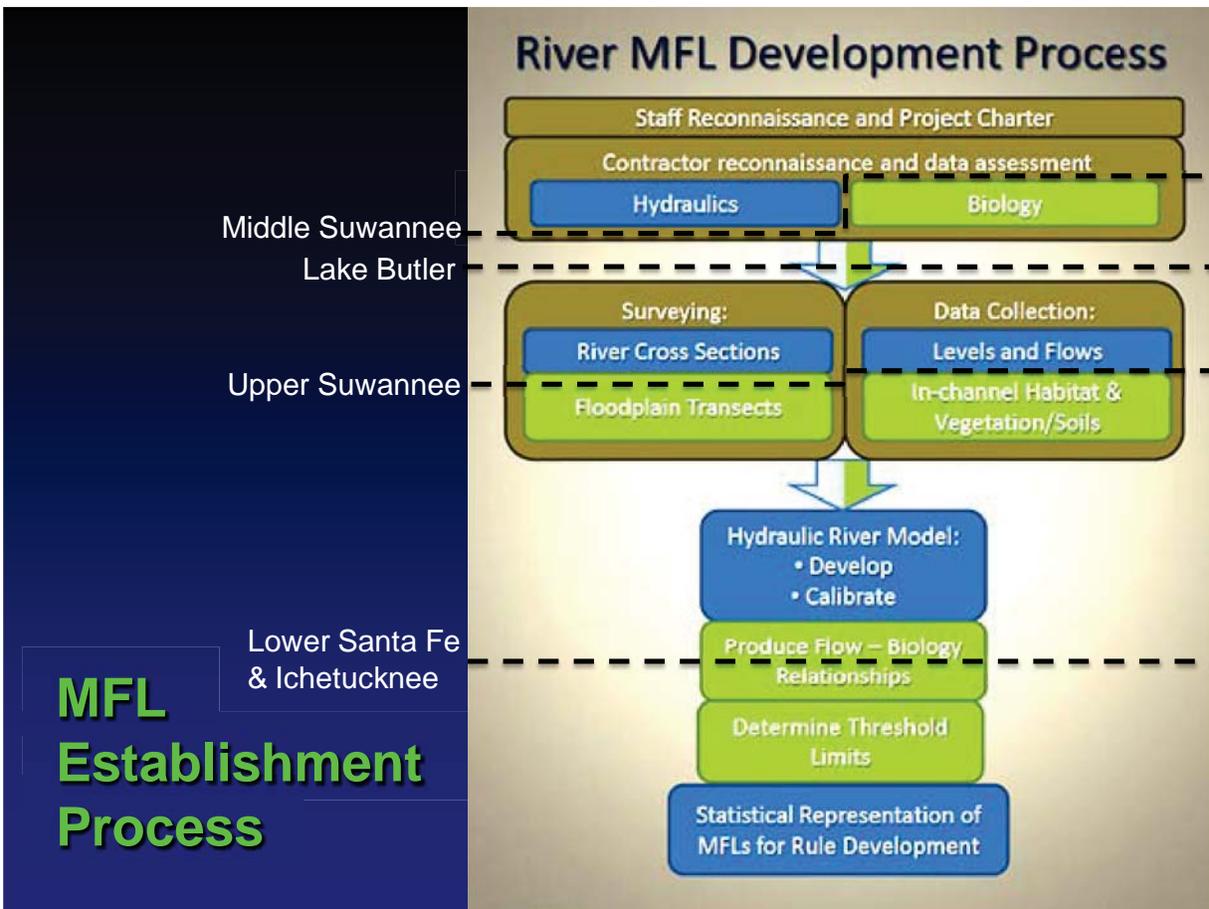
- Work Order Budget Status (this table will reflect the surveying costs after contract execution):

Fiscal Year			
Status	Contractor / Vendor	2012	Grand Total
In-progress	EAS	\$24,590	\$24,590
		\$24,590	\$24,590

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

JG/dd

Graphic showing status of water bodies in MFL process



MEMORANDUM

TO: Governing Board
 FROM: Tim Sagul, Senior Professional Engineer
 DATE: August 24, 2012
 RE: Regulatory Services Activity Report

Environmental Resource Permitting (ERP) Activities

Permit Review

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

July 2012	Received				
Environmental Resource Permits	Noticed General	General	Individual	Exemption Requests	Extension Requests
	4	7	1	5	0
	Issued				
	Noticed General	General	Individual	Exemptions Granted	Extensions Granted
	6	5	2	3	0

The following Individual Environmental Resource Permits were issued by staff, pursuant to 373.079(4)(a), Florida Statutes.

File Number	Project Name	County	Issue Date
ERP12-0097	Hurst Boat Ramp	Lafayette	8/3/12
ERP12-0098	Ezell Boat Ramp	Lafayette	8/3/12
ERP12-0071	Cone Bridge Boat Ramp	Columbia	8/21/12

Inspections and as-built certification

The following chart shows staff activity on projects that have been permitted from January 1, 2009 to July 31, 2012.

	Issued	Under Construction	Operation & Maintenance*	Construction Inspections	As-built Inspections
Permit Type				July 2012	July 2012
Exempt	53	28	25	0	0
Noticed General	523	372	151	4	0
General	305	188	117	2	2
Works of the District	118	61	57	2	0
Individual	49	34	15	0	1
Conceptual	4	3	1	0	0
TOTAL	1052	686	366	8	3
PERCENT		65%	35%		

*O& M includes permits that have expired and were not constructed.

Water Use Permitting and Water Well Construction

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

July 2012	Received		Issued
Water Use Permits	6		12
Water Well Permits	93		93
Water well permits issued and received according to well use:			
Abandoned/destroyed	1	Livestock	0
Agricultural Irrigation	0	Monitor	14
Aquaculture	0	Nursery	0
Climate Control	0	Other	3
Fire Protection	1	Public Supply	1
Garden (Non Commercial)	0	Self-supplied Residential	68
Landscape Irrigation	4	Drainage or injection	0
Commercial or Industrial	1	Test	0

The following is a list of reported emergency wells that have been permitted from December 1, 2011 through June 13, 2012. Of the 38 wells, 34 are for residential uses, three are for irrigation and one is a public supply. Dry wells accounted for 27 of the emergency permits.

Permit #	Issued	TRS	Casing Diameter	Well Use	Emergency Type	County
101271	12/12/11	-040701	2	Residential	Dry Well	Taylor
101272	12/12/11	-040701	2	Residential	Dry Well	Taylor
101308	1/3/12	-062224	2	Residential	Dry Well	Bradford
101300	1/3/12	-081921	4	Residential	Dry Well	Alachua
101359	1/26/12	-040832	4	Residential	Dry Well	Taylor
101361	1/26/12	-091321	2	Residential	Dry Well	Dixie
101370	1/30/12	-101213	4	Residential	Other	Dixie
101382	2/7/12	-091327	2	Residential	Dry Well	Dixie
101394	2/9/12	-062216	4	Residential	Dry Well	Bradford
101421	2/23/12	-091820	4	Residential	Other	Alachua
101457	2/28/12	-051727	4	Residential	Dry Well	Columbia
101544	3/17/12	-081905	4	Residential	Dry Well	Alachua
101521	3/21/12	-131404	4	Residential	Other	Levy
101534	3/26/12	-052231	4	Residential	Dry Well	Bradford
101535	3/26/12	+010402	4	Residential	Dry Well	Jefferson
101540	3/27/12	-050822	2	Residential	Other	Taylor
101563	4/2/12	-051001	10	Irrigation	Other	Lafayette
101553	4/5/12	-091336	2	Residential	Dry Well	Dixie
101583	4/6/12	-062103	4	Residential	Dry Well	Bradford
101584	4/9/12	-051205	10	Irrigation	Other	Lafayette
101597	4/13/12	-010501	4	Residential	Other	Jefferson
101613	4/18/12	-101636	4	Residential	Dry Well	Gilchrist
101619	4/23/12	-081921	8	Irrigation	Other	Alachua
101623	4/23/12	-072207	2	Residential	Other	Bradford
101642	5/3/12	-072016	4	Public	Other	Bradford

Permit #	Issued	TRS	Casing Diameter	Well Use	Emergency Type	County
101645	5/3/12	-111802	4	Residential	Dry Well	Alachua
101654	5/10/12	-040828	2	Residential	Dry Well	Union
101663	5/10/12	-072207	4	Residential	Dry Well	Bradford
101664	5/14/2012	-081921	4	Residential	Dry Well	Alachua
101669	5/15/2012	-040832	2	Residential	Dry Well	Taylor
101674	5/16/2012	-091814	4	Residential	Dry Well	Alachua
101681	5/17/2012	-071608	4	Residential	Dry Well	Columbia
101694	5/23/2012	-091320	4	Residential	Dry Well	Dixie
101699	5/24/2012	-101416	2	Residential	Dry Well	Gilchrist
101718	5/13/2012	-040711	4	Residential	Dry Well	Taylor
101719	5/31/2012	-091917	4	Residential	Dry Well	Alachua
101755	6/11/2012	-081921	4	Residential	Other	Alachua
101763	6/13/2012	-081921	4	Residential	Dry Well	Gilchrist

Water Shortage Order

District staff has logged 23 water shortage complaints and approved three variances since the order began on June 13, 2012.

Rule development and adoption

The rulemaking schedule follows this report. Staff is participating in weekly joint meetings and conference calls with the Department of Environmental Protection (DEP) and the other Water Management District's (WMD) to address rule changes required as a result of the recent legislative session and as they relate to water uses (CUPcon) and environmental resource permitting (SWERP) consistency.

Staff Outreach

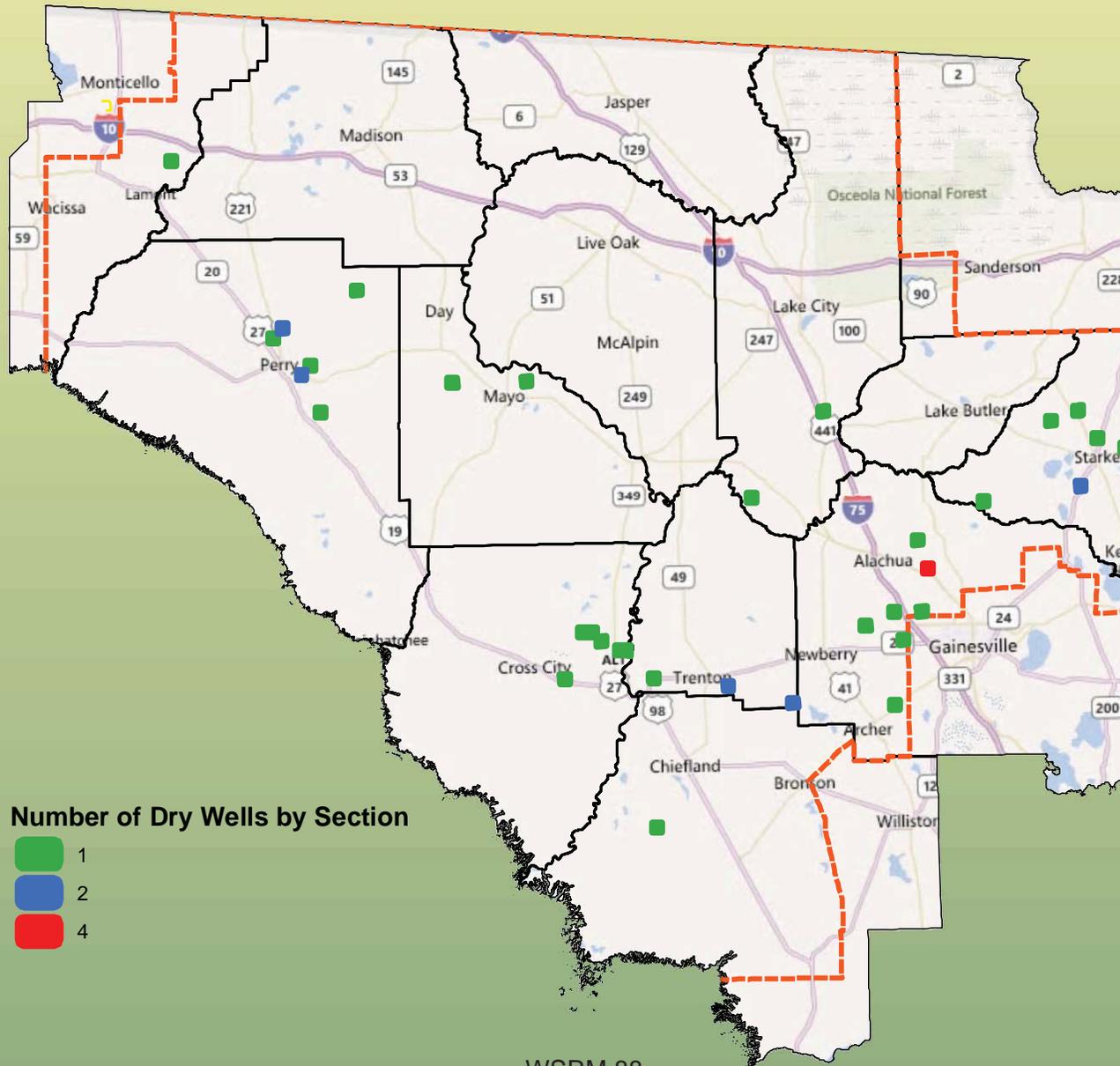
- Staff is working to implement the E-permitting process in cooperation with St. Johns River Water Management District. The Water Well construction portion has been implemented. It is anticipated that the ERP and Water Use portions will follow upon completion of the on-going state-wide CUPCon and SWERP rulemaking. Staff continued to coordinate with FDEP and water management districts on reclaimed water policy.
- Staff continues to attend the Columbia County and Suwannee County Catalyst Working Groups to discuss regulatory issues.
- Staff has spent numerous hours working with local governments and residents in the aftermath of Tropical Storm Debby.
- Staff hosted the North Central Florida Water Well Contractors Association (NCFWWCA) on August 20, 2012, in Live Oak. Training on the new e-permitting portal was provided.

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

TS/rl
Attachments

Location of Dry Wells

December 2011-June 2012



WSRM 88

September 2012

**September 2012
Rulemaking Activity Report
Upcoming Rulemaking**

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.	4/10/12
Notice of Proposed Rule	6/22/12
Notice of Technical Change	8/14/12
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

40B-2.301

Water Use Monitoring

GB Rule Dev. Auth.	2/14/12
Notice of Rule Dev.	3/2/12
GB Proposed Rule Auth.	9/11/12
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

40B-1, 40B-4, 40B-400

**Statewide Environmental Resource
Permitting (SWERP)**

GB Rule Dev. Auth.	9/11/12
Notice of Rule Dev.	
GB Proposed Rule Auth.	
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

**40B-1, 40B-2, 40B-8, 40B-21
CUPcon**

GB Rule Dev. Auth.	5/29/12
Notice of Rule Dev.	
GB Proposed Rule Auth.	
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: August 24, 2012

RE: Suwannee River Partnership (SRP) Program Activity Report

Staff continues to work with USDA-NRCS to provide "Conservation Technical Assistance" updating poultry farm conservation plans in the Middle Suwannee area to provide producers with a "Presumption of Compliance with State Water Quality Standards" for the upcoming FDEP Suwannee Basin Management Plan.

Staff conducted a Conservation Tillage tour for farmers at the North Florida Agriculture Extension Center to view farm plots and research projects

SRP staff worked with Farm Bureau, SRWMD staff, UF IFAS staff and other partners to host the rescheduled 2012 CARES Recognition Dinner at the North Florida Agriculture Extension Center. Attendance for the event was in excess of 650 people to recognize 22 agricultural operations.

Staff has worked with SRWMD staff to develop an Ag Team program to assist producers as part of the FDEP Consumptive Use Permitting Consistency (CUPcon) initiative.

SRP staff has worked to develop a new irrigation retrofit program utilizing FDACS funding (\$100,000) for the new 2013 fiscal year. This program will be administered through the Levy Soil and Water Conservation District. Center pivot irrigation systems will be upgraded for water conservation and efficiency, and it is anticipated that this program will serve as a template for the upcoming SRWMD water conservation program in the Santa Fe Basin utilizing FDEP and SRWMD funding.

Staff has worked to develop a Best Management Program (BMP) tools cost share program utilizing FDACS funding (\$100,000) for innovative tools to assist producers in fertilizer application and water conservation. This program will be administered through the Suwannee County Conservation District.

SRP staff continues to interview farmers during site visits and workshops as part of the Partnership Survey developed by the UF Public Issues Education (PIE) Center for Agriculture and Natural Resources.

SRP staff met with UF IFAS and FDEP staff to continue development of an FDEP 319 funded sod-based rotation project. This project will enable producers to see on farm demonstrations of incorporating grass-based crops into traditional crop rotations to improve soil conditions and water conservation.

Staff continues to work with FDACS and mobile irrigation lab (MIL) staff to develop a contract for MIL services for the 2013 fiscal year.

Staff attended the Southeast National Association of Conservation District's conference to present the Suwannee River Partnership program as a model for agricultural outreach.

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

Staff visited farmers to assist with BMP implementation assurance, BMP follow-up, sampling assistance, record keeping assistance, and other education.

Staff assisted farmers with water use permit renewals.

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

HT/dd

MEMORANDUM

TO: Governing Board
 FROM: Bob Heeke, Senior Land Resources Manager
 DATE: August 26, 2012
 SUBJECT: Land Management Activity Report
 NATURAL RESOURCE MANAGEMENT

Timber Sales

The table below shows the status of licenses to cut timber:

Contract #	Timber Sale Name	Estimated Pine Tons	Harvest Completion
11/12-051	Black Tract #3	6,924	0%
11/12-052	Goose Pasture #1	6,837	20%
11/12-054	Steinhatchee Springs #9	14,100	0%
11/12-094	Steinhatchee Springs #10	4,828	30%
11/12-095	Black Tract #4	5,746	75%

District staff, in corporation with Natural Resource Planning Services, advertised a request for bids for a timber sale on the District-managed Steinhatchee Rise property. The sale was called Steinhatchee Rise #1 and was approximately 133 acres of planted slash pine. One bid was received from Greenville Timber Corporation and had a calculated revenue of \$57,664, which is approximately \$20,836 less than the expected revenue. District staff has rejected the bid and will re-post the timber sale at a later date.

Three bids were received for the Goose Pasture #2 Timber Sale, and a recommendation for execution of a license to cut timber is included elsewhere in the Board materials.

Prescribed Fire

Summary Table FY 2012

	2012 Target Acres	Acres Complete
SRWMD	14,000	5,767
FFS TRSF	2,000	1,264
TOTAL	16,000	7,031

Prescribed burn managers are continuing to take advantage of good burning weather that has been facilitated by consistent rainfall patterns and good soil moisture conditions. Throughout the summer, burn managers will continue to look for burning opportunities following significant rain events. No additional wildfires occurred on District land during the report period.

Contractors conducting prescribed burns on Suwannee River Water Management District (District) lands this year include: Wildlands Fire Services (WFS) and B&B Dugger Inc. (B&BD). Also included are the acres the Florida Forest Service burns on Twin Rivers State Forest (FFS TRSF). The Florida Forest Service (FFS COOP) will also provide a crew to burn additional acres on both District tracts and Twin Rivers State Forest.

2012 Activity Table (7/14 - 8/10)

TRACT	COUNTY	FFS				Total Acres	Total Wildfire Acres
		WFS	B&BD	COOP	TRSF		
Bay Creek	Columbia	474				474	
Levings	Columbia	36				36	
Steinhatchee Springs	Lafayette	240				240	
Peacock Slough	Suwannee	99				99	
<i>Sub-total for Period</i>		849	0	0	0	849	0
<i>Previous Acres Burned</i>		4,918	0	0	1,264	6,182	450
Total Acres		5,767	0	0	1,264	7,031	450

Local Fire Weather Conditions:

With the return of more normal temperatures and rainfall patterns, meteorologists are now analyzing conditions that may indicate the development of an upcoming El Niño event. Although it is not always certain, El Niño conditions can lead to a decrease in hurricane activity in Florida and a wetter than normal winter. A complete Florida Forest Service Fire Weather Outlook can be found online at: http://www.floridaforestservice.com/fire_weather/forecast/seasonal_forecast.html

Rare Species Monitoring

During the weeks of July 16 –August 10, 2012, District staff monitored the following rare species:

- Six District tracts were monitored for presence of Florida Mountainmint (*Pycnanthemum floridanum*; *Threatened*); two of the populations were observed during monitoring.

Non-native, Invasive Weed Monitoring and Control

Of the 15 invasive weed infestations monitored, living weeds were observed at 13 sites. The majority of the infestations were Chinese Tallow and Japanese Climbing Fern (Table 1).

The table below shows non-native, invasive weeds treated during July 16 – August 10, 2012 on lands managed by the District.

# Infestations	Weed Name	Tract	Acres*	Observed	Treated
1	Air Potato	BRANFORD BEND	0.04	Yes	Yes
1	Camphor Tree	BRANFORD BEND	0.65	Yes	Yes
1		LAKE ALTO	1.35	Yes	Yes
1		TROY SPRINGS ADDITION	0.00	Yes	Yes
1	Chinaberry	FALMOUTH SPRING	0.02	Yes	Yes
2	Chinese Tallow	LAKE ALTO	6.92	Yes	Yes
2	Chinese Wisteria	FALMOUTH SPRING	1.03	Yes	No

# Infestations	Weed Name	Tract	Acres*	Observed	Treated
1	Japanese Climbing Fern	FALMOUTH SPRING	7.91	Yes	Yes
1		SANTA FE SWAMP	0.27	Yes	Yes
2	Mimosa	FALMOUTH SPRING	1.01	Yes	Yes
1		SUWANNEE RIVER BEND	0.06	No	No
1	White Yam	FALMOUTH SPRING	0.02	No	No
15	Total number and acreage non-native weeds monitored				19.29
11	Total number and acreage of non-native weeds treated				18.18

* The acreage listed is the monitored area, not the treatment area. Infested acres are monitored for 3 years to ensure elimination of the infestation; during this period the spatial extent of the infestation may grow but not shrink. When no infestation is observed after 3 years of monitoring the spatial extent stored in the District's GIS geodatabase may be modified to represent the current spatial extent.

PUBLIC RECREATION SERVICES

District staff has evaluated District properties for potentially unsafe conditions from Tropical Storm Debby. The Camp Branch, Little Shoals, Holton Creek and Bay Creek tracts had multiple trees down on the roadways, and there was minor road damage on several tracts. Nineteen tracts have been reopened to public use.

The Santa Fe River/47 Bridge Tract still has flooding, and the county grade on the Suwannee River/Rocky Creek Tract is washed out so there is no access. These tracts remain closed to the public.

A total of 31 Special Use Authorizations were issued during the month of July: 23 for recreation, 2 temporary ingress & egress, and 6 Goose Pasture camping.

On July 1 the following tracts were added to the Log Landing WMA which will open to hunting in September:

- Dixie County – Booker Springs, Guaranto, Purvis Landing, and Sunnyvale
- Gilchrist County – Lindsey, Suwannee Street and Nature Coast.

The Steinhatchee Rise tract in Dixie County was added to the Steinhatchee Springs WMA. Hunting on that WMA will open in September.

The District and Florida Fish & Wildlife Conservation Commission were notified by Secretary of the Interior Ken Salazar that "The Rivers of AWE" (Aucilla, Wacissa, and Econfinia Rivers) was designated by his office as a National Recreation Trail. The nomination was submitted by the Florida Fish & Wildlife Conservation Commission.

National Recreation Trails may be designated by the Secretary of Interior or the Secretary of Agriculture to recognize exemplary trails of local and regional significance in response to an application from the trail's managing agency or organization. Through designation, these trails are recognized as part of America's national system of trails. Benefits of the National Recreation Trails designation include promotion, technical assistance, networking and access to funding. Its goal is to promote the use and care of existing trails and stimulate the development of new trails to create a national network of trails and realize the vision of "Trails for All Americans."

gal
008-00025

MEMORANDUM

TO: Governing Board
FROM: Brian Kauffman, Senior Professional Engineer
DATE: August 24, 2012
RE: Water Resource Projects Program Activity Report

Alligator Creek Restoration Project, Bradford County

- Staff is drafting the interlocal agreement with the City of Starke.
- On August 7, staff met with the FDOT and the United States Army Corps of Engineers (USACOE) to discuss wetland mitigation for the U.S. 301 Starke by-pass project.
- On August 13, staff participated in a teleconference with Mitigation Marketing, Inc., to discuss private sector mitigation opportunities in the Upper Santa Fe River Basin.
- Staff requested that the District's attorney review the \$250,000 grant agreement the District received from the Florida Wildlife Conservation Commission.

Federal Emergency Management Agency (FEMA) Map Modernization and Risk MAP

Fiscal Year 2009 projects:

- The comment period has ended for the Live Oak study.

Fiscal Year 2010 projects:

- No activity to report this month

Fiscal Year 2011 projects:

- Staff attended discovery meetings for the following watersheds:
 - The Santa Fe Basin in Lake Butler on July 26
 - The Upper Suwannee in Lake City on August 7
 - The Withlacoochee in Madison on August 8.

Fiscal Year 2012 projects:

- Staff is reviewing the grant agreement.

HydroMentia

- Staff met with HydroMentia representatives on August 17 to discuss project opportunities.

Bell Springs Restoration

- Staff opened the control gate on the Bell Springs dam to lower water levels to facilitate surveying. Unfortunately, due to gate being clogging by algae, the water will have to be pumped from the ponds.

Cannon Creek Wetland Mitigation

- On August 13, staff participated in a teleconference with Mitigation Marketing, Inc. to discuss private sector mitigation opportunities in the Ichetucknee River Basin.

Water Conservation Program

- The Florida Rural Water Association (FRWA) submitted the final water conservation reports for the following schools: Columbia County High, Trenton High, Suwannee County Primary, Hamilton County Elementary and Bronson Elementary.
- Staff is scheduling meetings with each school to review the reports.
- On August 16, staff gave a presentation on water conservation to the Santa Fe Springs Basin Working Group.

Big Bend Water Authority Sewer System

- Construction is scheduled to begin October 2012.

Minimum Flows and Levels Survey Contract

- Staff teleconferenced with Land and Sea Surveying on August 17 to discuss the contract and scope of work.

Hydrologic and Water Quality Improvement Projects on District Owned Lands

- Staff investigated and mapped potential ditch block locations on the Steinhatchee Rise tract.

Please feel free to contact staff prior to the September 11, 2012, Governing Board meeting if you would like further information.

/bk

Compliance

updated 8/29/2012 8:06:38 AM

<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	9/11/2012	Unpermitted construction.	Douglas McKoy	Permit denial removed from May 2010 Board agenda. 8/2/10; information received. 11/1/10; engineer stated the response submittal was in the mail. 1/3/11; RAI response received. 1/25/11; RAI sent. 4/21/11; received extension request. Extension granted. 8/5/11; received RAI response. 9/2/11; RAI sent. Meeting 9/22/11; working on revising mitigation plan. As of 11/16/11, no response received. 12/6/11; emailed respondent for update. January 2012 Board for denial & enforcement proceedings. 1/4/12; received additional information. 1/9/12; received environmental audit. Board granted Respondent 60 days to complete application. 3/29/12; received response. Staff reviewed submittal. 4/24/12; RAI sent. 5/23/12; information received. 6/15/12; meeting to discuss mitigation alternatives. 6/21/12; RAI sent. 30 days to respond. As of 8/13/12, no information received. Staff requests denial of application and enforcement action at September 2012 meeting.	Webster, Patrick
CE10-0026	COLUMBIA	4/20/2010		Unpermitted construction.	Sam Oosterhoudt-Lake City Developers, LLC.	4/20/10; SWO delivered. 4/26/10; NOV sent. 5/21/10; file to legal. 5/26/10; Engineer hired. Legal action on hold. 7/26/10; received ERP application. 8/11/10; sent RAI. 11/15/10; sent 18 day letter. 1/11/11; extension letter sent. 2/4/11; meeting with Respondent. 3/14/11; signed & executed Compliance Agreement (CA) sent to Respondent. 5/18/11; received costs & partial penalty. 5/31/11; Respondent defaulted on CA. June 2011 Board for initiation of legal action. 7/12/11; Board contacted Respondent. 8/5/11; no information received. August 2011 Board for initiation of legal action. 8/8/11; penalties, application fee & as-builts received. 8/8/11; close file. 9/12/11; file reopened. 9/1/11; surety check returned for stop payment. 10/4/11; 14 days to pay for returned check. November 2011 Board. 11/8/11; Board deferred action until December 2011. 11/8/11; received Letter of Credit for review. January 2012 Board for revocation of permit & enforcement proceedings. 1/10/12; Respondent stated he would fix the issues. 3/1/12; site visit. Respondent given outline of actions needed to bring project into compliance. 7/17/12; information received. Staff reviewing submittal. 7/25/12; staff emailed respondent for additional information. As of 8/22/12; no information received.	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	8/31/2012	No as-builts.	Fred Shore - Gulf Breeze Partners, LLC.	20 days to contact District. 06/17/11; received call from Respondent. 7/13/11; on-site meeting. Respondent to modify the permit. 09/13/11; sent 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 engineer. Owners will not modify permit at present. Owners will submit corrected as-builts on or before 11/15/11. 11/21/11; call from engineer to discuss as-builts. Initial review indicates detention ponds are not adequate. 12/27/11: extended deadline. 1/05/12; call with engineer and owner. As builts complete and engineer is updating drawings to bring permit into compliance. DEP has requested optional plans since the site will be divided into dual ownership. New field data is being compiled and revised plans will be submitted jointly to District and DEP by 6/30/12. 06/15/12; meeting Respondent and engineer. Respondent in legal discussions with the developer. Engineer has advised that the as-built documents requested not be submitted until they can be accompanied by the required changes to bring the permit into compliance. Owner and attorney are scheduled to meet with attorneys on 7/26/12. After meeting, owner will supply a schedule outlining when the required information will be submitted. Providing the schedule is acceptable the District will execute a Compliance Agreement with the Respondent. The timing for these events will occur on or before 8/31/12.	Bowden, Jerry
CE12-0017	COLUMBIA	5/10/2012	9/16/2012	Clearing in setback of river.	Jack & Eva Harden	20 days to contact District. 7/16/12; site visit with Respondent to discuss violations. On 7/31/12 District Staff met with Mr. Harden to answer more questions and assist him with the permitting process. Respondent to submit WOD application for dock and replant trees by 8/31/12. 8/16/12; received WOD application.	Robinson, Vince
CE12-0018	LAFAYETTE	7/25/2012	9/10/2012	Unpermitted structure in floodway.	Sean & Kimberly Lower	20 days to contact District.	Robinson, Vince
CE12-0020	DIXIE	7/17/2012	9/10/2012	Unpermitted excavation & draining of wetlands.	Raymond Hodges	20 days to contact District. Respondent contacted District on 08/24/12, and a meeting will be conducted between Respondent and District staff on 08/30/12.	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>
CE12-0004	ALACHUA	2/14/2012	8/31/2012	Unpermitted fill in wetlands.	Gary Yelvington/Yelvington on Distribution Center	20 days to contact District. District was contacted in the prescribed period and has been in contact with the Yelvington's environmental consultant, Ecosystem Research Corporation (ERC). ERC has been delineating wetland boundaries and assisting Eng Denman & associates with an alternative site plan that will involve fill removal from wetlands. A revised impact delineation was received on 04/25/12. A meeting was attended scheduled with Yelvington's engineering and environmental consultant's on 04/30/12, to discuss mitigation of impacted area. On 08/01/12, a draft mitigation plan received; submittal reviewed, and recommendations discussed with Respondent's consultants on 08/14/12. Complete application expected to be submitted by 08/31/12.	Mantini, Louis
CE12-0019	SUWANNEE	7/25/2012	9/10/2012	Unpermitted structure in floodway.	John A. Workman	20 days to contact District.	Robinson, Vince
CE10-0042	UNION	10/10/2010	9/20/2012	Unpermitted construction.	John Rimes, III - New River Forest Villas	04/04/11; information received. 5/11/11; letter sent; 30 days submit compliance deadline. 05/26/11; 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. Engineers to propose a phased approach to permit application in order. 7/26/11; letter received stating that engineer had been hired. 9/22/11; meeting with Worthington Springs. 10/5/11; sent letter to Respondent 30 days to submit ERP application & supporting documentation. 11/4/11; received ERP application. 11/30/11; RAI sent. Extension for RAI granted until 5/28/12. Staff to meet on 6/13/12, and decided to proceed by requiring Respondent to modify his application to include properties clearly under the ownership of New River Forest Villas. 8/1/12; RAI sent.	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>
CE11-0005	BRADFORD	2/24/2011	8/31/2012	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. 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. 10/24/11; received returned (refused) certified compliance agreements. Compliance Agreement re-sent on 10/31/11 by first class mail. Staff inspected on 11/25/11, and remedial actions have not been performed. January 2012 Board for approval of enforcement proceedings. 1/19/12; received signed CA agreement 4/13/12; site meeting. Contacted Mr. Hake on 6/4/12 and informed him that staff would recommend enforcement if remedial actions prescribed by CA were not completed by 6/30/12. Staff & Counsel met with Respondent 8/24/12. Revised CA to be mailed by 8/31/12.	Mantini, Louis
CE11-0007	GILCHRIST	2/9/2011	8/30/2012	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 Respondent 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; resent CA. 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 Respondent stating sudden health issues. 10/28/11; sent email extending his execution of the compliance agreement to 11/30/11. Met with Respondent on 1/26/12. 3/13/12; staff reviewing preliminary variance request. 5/18/12; received Variance Request. 5/23/12; Variance request sent to legal for review. Legal review indicates that the variance form was acceptable. 6/21/12; Final Order & permit being reviewed by staff. 7/30/12; permit & variance approved FO12-0006. Waiting on variance to be recorded.	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>
CE11-0010	GILCHRIST	3/17/2011	9/16/2012	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. As of 1/17/12, Mr. Roberts has been given clearance to do some light work activity. He has been slowly working on removing the piles. Staff conducted an onsite inspection with the owner on 7/7/12. It was verified that progress has been made. Will continue to monitor. 8/2/12; site visit conducted. Working on removal of debris pile.	Webster, Patrick
CE11-0019	COLUMBIA	3/24/2011		Erosion & sediment control issues.	Palmer Daughtry - Emerald Cove Subdivision	21 days to contact District. Meeting scheduled for 6/22/11. Developer agreed to request Columbia County take over operation and maintenance (O&M). 8/23/11; 18 days to transfer O&M to County or complete corrective action. 9/14/11; letter sent to Respondent stating the enforcement will be referred to Board for initiation of legal action. Staff working with Columbia County to resolve maintenance issues.	Link, James

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: Charlie Houder, Assistant Executive Director
DATE: August 27, 2012
RE: R. O. Ranch, Inc. Endowment and Trust Agreement

RECOMMENDATION

Staff recommends that the Governing Board:
(1) authorize the transfer the funds in the R. O. Ranch endowment fund to R. O. Ranch, Inc., and
(2) approve and execute the Trust Agreement for the management of the funds.

BACKGROUND

In April 2006 Frank and Olive Schulte donated a 54% interest in their property to R. O. Ranch, Inc., a 501(c)(3) non-profit corporation established by the District Governing Board. In July 2006 the District purchased the property from the Schultes and R. O. Ranch, Inc., thereby creating a \$3.5 million fund for R. O. Ranch Inc. In accordance with Resolution 2006-19, the funds were deposited in a separate sub-account of the District's account with the Florida State Board of Administration account. This account has been managed such that the principal is preserved, and only the income generated from these funds is withdrawn for the purposes of supporting R.O. Ranch, Inc.

Based on input from the Executive Office of the Governor, legislative staff, and the Department of Environmental Protection, the endowment is not included in the District's FY 2012-13 budget. Staff has worked with the R. O. Ranch Board of Directors to arrange for the transfer of funds from District accounts to an account controlled by R. O. Ranch, Inc.

It has been the intent of the Board of Directors that the funds be governed by a trust that would protect its principal as well as shield it from potential claims in the future. Staff and Board Counsel have been assisting in the development of such a trust. The draft trust agreement currently under consideration by the Board of Directors establishes the District as the Trustee. The R. O. Ranch, Inc. Board of Directors will consider the agreement at their meeting on September 6, 2012.

gal
enclosure

TRUST AGREEMENT

This trust agreement (the “Trust Agreement”) is made and entered into this ____ day of _____, 2012, by and between the SUWANNEE RIVER WATER MANAGEMENT DISTRICT, a Florida water management district created pursuant to Section 373.069, Florida Statutes, whose address is 9225 CR 49, Live Oak, FL 32060, who is the trustee under this Trust Agreement (hereinafter the “DISTRICT” or the “TRUSTEE”), and R.O. Ranch, Inc., a Florida not-for-profit corporation whose address is 696 SE CR 357, Mayo, FL 32066, who is the beneficiary under this Trust Agreement (hereinafter “R.O. RANCH” or the “BENEFICIARY”).

RECITALS

WHEREAS, the DISTRICT purchased that certain real property in Lafayette County, Florida described on attached Exhibit “A” (the “Property”) from RO RANCH in 2006; and

WHEREAS, net cash proceeds in the amount of \$_____ (the “Net Proceeds”) were generated from the above referenced transaction; and

WHEREAS, as directed and instructed by RO RANCH, upon closing the above referenced transaction, the DISTRICT retained the Net Proceeds in trust for the benefit of RO RANCH; and

WHEREAS, the Property was acquired by the DISTRICT to protect water resources in the upper Steinhatchee River basin; and

WHEREAS, pursuant to Section 373.1391, Florida Statutes, the DISTRICT is required to manage and maintain the Property, to the extent practicable, in such a way as to ensure a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition; and

WHEREAS, the parties agree that an appropriate compatible use of the Property is to provide lands to accommodate recreation, including an equestrian oriented park and campground together with other facilities for public and private use for private and public events and functions such as meetings, concerts, reunions, community events, etc.; and

WHEREAS, certain structures and improvements, including without limitation, equestrian oriented parks and trails, campgrounds and other related recreational facilities (the “Current Facilities”) have been constructed on the Property, and certain other structures and improvements may be constructed on the Property in the future (the “Future Facilities”), and the Current Facilities and the Future Facilities are collectively referred to herein as the “Facilities”); and

WHEREAS, pursuant to Section 373.1401, Florida Statutes, the DISTRICT contracted with RO RANCH for the improvement, management, and maintenance of the Property including the Facilities (as used hereinafter the term “Property” shall also include the “Facilities”), and

accordingly the DISTRICT and RO RANCH entered into a Management Agreement dated _____ (the "Management Agreement"), which provided, among other things, that RO RANCH would manage and maintain the Property; and

WHEREAS, it was and is intended by the DISTRICT and RO RANCH that the Net Proceeds be used to provide funds for the management and maintenance of the Property, and construction of Future Facilities, as herein set forth; and

WHEREAS, interest has accrued on the Net Proceeds since closing the above referenced transaction, and some of that interest income has been spent on management and maintenance of the Property, and as of the date of this Trust Agreement, the Net Proceeds including all unspent interest now totals \$ _____ ; and

WHEREAS, the DISTRICT and RO RANCH desire to create and enter into this Trust Agreement to provide the terms under which the DISTRICT, as trustee, will manage, use and dispose of the Net Proceeds and all other assets of this trust.

NOW THEREFORE, in consideration of Ten and No/100 (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Section I
Recitals

The above recitals are true and correct and incorporated herein by reference.

Section II
Name of Trust

The name of this trust shall be the RO RANCH TRUST.

Section III
Trust Property

The trust property shall consist of the Net Proceeds and all accrued interest which is presently in the possession of the TRUSTEE (the "Trust Property"). All of the Trust Property shall be subject to the terms and conditions of this Trust Agreement. As further evidence of this assignment, the BENEFICIARY has executed or will execute or cause to be executed all instruments as may be required to complete assignment or transfer of title of the Trust Property to the TRUSTEE. The TRUSTEE accepts transfer and assignment of the Trust Property as trustee and undertakes to hold, manage, and dispose of the Trust Property in accordance with the provisions of this Trust Agreement.

Section IV.
Additions to Trust

The BENEFICIARY and any other person shall have the right at any time to add to the principal of the trust any property that is acceptable to the TRUSTEE. Such property, when received and accepted by the TRUSTEE, shall become part of the Trust Property and shall be administered, held, controlled, and distributed by the TRUSTEE in accordance with the terms and conditions of this Trust Agreement.

Section V.
Disposition of Principal and Income

The TRUSTEE shall hold, manage, invest, and reinvest the Trust Property, shall collect and receive the income, and after deducting all necessary expenses incident to the administration of the trust, dispose of the principal and income as follows:

1. The TRUSTEE shall make one annual payment from the Trust Property to the BENEFICIARY which payment shall be made automatically and without the need of any demand. Each annual payment shall be made within sixty (60) days after the beginning of the TRUSTEE's fiscal year and shall be in an amount equal to seventy five (75%) percent of the net income earned on the Trust Property during the immediately preceding fiscal year.

2. In the event the BENEFICIARY believes that the above annual payment is insufficient to fulfil the BENEFICIARY's duties under the Management Agreement, the BENEFICIARY may request additional payments from the Trust Property to the BENEFICIARY. Should the TRUSTEE determine that such requests are consistent with the BENEFICIARY's responsibilities under the Management Agreement, the TRUSTEE may make such requested payment to the BENEFICIARY.

3. The income of the trust not distributed shall be accumulated and added to the Trust Property and shall be administered, held, controlled, and distributed by the TRUSTEE in accordance with the terms and conditions of this Trust Agreement.

Section VI.
Irrevocability of the Trust

The trust created hereby shall be irrevocable. The BENEFICIARY hereby expressly waives all rights and powers, whether alone or in conjunction with others, to alter, amend, revoke, or terminate the trust or the terms of this Trust Agreement, in whole or in part. Except as may be otherwise provided in this Trust Agreement, the BENEFICIARY relinquishes absolutely and forever any interest, either vested or contingent, including any reversionary right or possibility of reverter, in the Trust Property, and any power to determine or control, by alteration, amendment, revocation,

termination, or otherwise, the beneficial interest in the Trust Property.

Section VII.
Powers of Trustee

In the administration of this trust, the TRUSTEE shall have the following powers:

1. To retain any property or assets contributed to this trust, or to sell, exchange, or otherwise dispose of any such property or assets, at public or private sale, without application to court, on any terms, including the extension of credit, which the TRUSTEE deems advisable.
2. To acquire, by purchase or otherwise, any property, real or personal, without being limited by any provision of law which restricts investments by fiduciaries and without regard to any principles of diversification, including, but not limited to, common and preferred stocks, bonds, mutual funds, common trust funds, secured and unsecured obligations, and mortgages; or to sell, exchange, or otherwise dispose of any such property, at public or private sale, without application to court, on any terms, including the extension of credit, which the TRUSTEE deems advisable.
3. To acquire and pay for, exercise, or sell any options or subscription rights in connection with securities or any other property.
4. To hold securities in the names of nominees or in bearer form.
5. To operate, repair, alter, improve, insure, grant options upon, mortgage, partition, or lease for any period of time any real property or interest in real property held by the TRUSTEE.
6. To retain and pay, as an expense of administration, accountants, attorneys, investment advisors, and other assistants, and to delegate discretionary investment management authority to such individuals, the delegation to be exercised consistent with the spirit of this Trust Agreement.
7. To borrow money from any source and for any purpose, including but not limited to the payment of taxes, and to pledge or mortgage any assets held by the TRUSTEE as security for money borrowed.
8. To make distributions from the trust in cash or in kind, or partly in each, and to allocate property other than ratably.
9. To hold property of separate trusts in common investments for the convenience of investment or administration.
10. To enter such contracts or agreements or to compromise or settle any debts, claims, or controversies as they deem necessary or advisable.

11. To vote personally or by proxy any share of stock held by the TRUSTEE.

The TRUSTEE may act freely under all of the powers given to the TRUSTEE after forming its judgment based upon all the circumstances as to the wisest and best course to pursue, without the necessity of obtaining the consent or approval of any interested person or any court, and notwithstanding that the TRUSTEE may be interested in connection with the same matters in other capacities.

The powers granted to the TRUSTEE shall be deemed to be supplementary to and not exclusive of the general powers of trustees pursuant to law and shall include all powers necessary to carry the same into effect.

Section VIII.
Limitations on Powers of Trustee

The TRUSTEE shall not have the power to make any distribution of the Trust Property to any person or entity other than the BENEFICIARY.

Section IX.
Compensation of Trustee

The TRUSTEE waives compensation for its services herein.

Section X
Successor Trustees

The TRUSTEE, or any successor, may resign at any time by giving written notice 60 days before resignation shall take effect, to the BENEFICIARY. On the resignation of any trustee, the BENEFICIARY shall designate a successor trustee by written notice to the resigning trustee within 30 days after receipt of such notice of resignation. In the event a successor trustee shall not be designated, the resigning trustee shall transfer and deliver to the BENEFICIARY all the Trust Property. Upon which the resigning trustee shall be discharged as trustee and shall have no further powers, discretions, rights, obligations, or duties with reference to the Trust Property. All such powers, discretions, rights, obligations, and duties of the resigning trustee shall be binding on successor trustee. Any trustee or successor trustee, named or appointed must be neither BENEFICIARY nor a "related or subordinate party" as that term is defined for federal tax purposes.

Section XI.
Payment of Taxes

Both the TRUSTEE and BENEFICIARY are tax exempt from Federal Income Tax. It is anticipated that this trust shall likewise qualify for such tax exempt status. It shall be the responsibility of the BENEFICIARY to make all necessary arrangements and apply for such status

with the Internal Revenue Service. Should such status not be granted or should any taxes be due for the trust for any other reason, the TRUSTEE is authorized and directed to pay all such taxes from the Trust Property and file whatever tax returns TRUSTEE deems necessary or convenient. TRUSTEE shall likewise be authorized and directed to pay for accounting and tax preparation services from the Trust Assets.

Section XII.
Discretion of Trustee

All powers granted to or vested in the TRUSTEE by any provision of this Trust Agreement are to be exercised in the sole and absolute discretion of the TRUSTEE. However, discretion shall be exercised in a fiduciary capacity, primarily in the interest of the BENEFICIARY.

Section XIII.
Acts of Trustee

Any instrument executed by the TRUSTEE shall be binding on the BENEFICIARY.

Section XIV.
Spendthrift Provision

Except as otherwise expressly provided, all income or principal to be paid to the BENEFICIARY shall be paid by TRUSTEE directly and only to the BENEFICIARY. The TRUSTEE shall not recognize any transfer, mortgage, pledge, hypothecation, order, or assignment of the BENEFICIARY by way of anticipation of income or principal. The income and principal of the trust shall be exempt from the claims of creditors or other claimants and from orders, decrees, levies, attachments, garnishments, executions, and other legal or equitable process or proceedings to the fullest extent permissible by law. If any creditor or other claimant attempts by any means to subject to the satisfaction of the claim of the creditor or claimant the interest of the BENEFICIARY then notwithstanding any other provisions of this Trust Agreement, the BENEFICIARY, during such time thereafter as TRUSTEE, in TRUSTEE's absolute discretion, shall deem advisable, shall not be entitled to receive payments from the trust.

Section XV.
Allocation Between Principal and Income

Unless otherwise specifically provided in this Trust Agreement, the TRUSTEE, in the TRUSTEE's absolute discretion, may determine the allocation of receipts between principal and income and may apportion dividends between principal and income.

Section XVI.
Accounting

TRUSTEE at any time may render to the BENEFICIARY an account of the acts of TRUSTEE and transactions with respect to the Trust Property from the date of the creation of the trust or from the date of the last previous account of TRUSTEE. The BENEFICIARY shall have sixty (60) days after receipt of such accounting to review such accounting and, should the BENEFICIARY find something objectionable, give written notice specifying the objections, to the TRUSTEE. Should the BENEFICIARY fail to make any objections within the above time frame the accounting shall be deemed approved by the BENEFICIARY and such approval shall constitute a full and complete discharge and release of TRUSTEE from all further liability, responsibility, and accountability for or with respect to the acts and transactions of TRUSTEE as set forth in such account, both as to income and principal. Should any objections be timely made all objections not presented within such time frame shall be irrevocably and forever waived.

Section XVII.
Bond

The DISTRICT shall not be required to give any bond.

Any person or persons other than the DISTRICT appointed to act as trustee or successor trustee under this trust instrument, except any corporate trustee authorized to engage in the trust business in Florida, before entering on his or her duties of trusteeship, shall execute a bond payable to the trust, with an authorized surety company as surety, to secure the faithful performance of trustee's duties. Bond shall be in an amount not less than the value of the Trust Property and the probable value of one year's annual income from the Trust Property. The cost of bond shall be assessed to the trust, chargeable either to income or principal as trustee in trustee's discretion shall determine. The requirement of bond may be waived by the BENEFICIARY.

Section XVIII.
Severability

If any provision of this Trust Agreement should be invalid or unenforceable, the remaining provisions shall continue to be fully effective.

Section XIX.
Venue and Jurisdiction of Litigation

The exclusive venue and jurisdiction for any litigation enforcing, construing or relating to this Trust Agreement shall be the Circuit Court or the County Court in and for Suwannee County, Florida.

Section XX
Waiver of Jury Trial

The TRUSTEE and the BENEFICIARY mutually and forever waive any and all right to trial by jury in any legal proceeding arising out of or relating to this Trust Agreement. The TRUSTEE and the BENEFICIARY agree to have any such actions decided by a judge alone, without a jury.

Section XXI.
No Waiver of Sovereign Immunity

Notwithstanding anything else herein to the contrary, nothing herein shall be construed to waive or to otherwise affect the DISTRICT's sovereign immunity and/or the protections given the DISTRICT under Section 768.28, Florida Statutes.

Section XXII.
No Third Party Beneficiaries

No provision of this Trust Agreement shall be deemed for the benefit of any person or entity other than the TRUSTEE and the BENEFICIARY and no other person or entity shall acquire any rights under this Trust Agreement.

Section XXIII.
Entire Agreement

Other than the Management Agreement, which remains valid and unchanged by this Trust Agreement and is to co-exist with and be interpreted consistent with this Trust Agreement, this Trust Agreement supersedes all previous agreements, oral or written, between the TRUSTEE and the BENEFICIARY, and represents the whole and entire agreement between the parties. Neither party has entered into this Trust Agreement in reliance upon any fact or representation not expressly provided in this Trust Agreement and/or the Management Agreement.

Section XXIV.
Amendment, Revocation or Abandonment of this Trust Agreement

This Trust Agreement may not be amended, revoked, or abandoned except through a written agreement executed by the parties with the same formalities as this Trust Agreement.

Section XXV.
Trust Agreement not to be Construed against Either Party

This Trust Agreement is the product of negotiation between the TRUSTEE and the BENEFICIARY. Thus the terms of this Trust Agreement shall not be construed against either the TRUSTEE and the BENEFICIARY as the drafter.

Section XXVI.
Acceptance of Trustee and Governing Law

This trust has been accepted by the TRUSTEE and will be administered in the State of Florida. Its validity, construction, and rights shall be governed by the laws of that state, without regard to its conflict of laws rules.

Section XXVII.
Miscellaneous

The headings used herein are intended solely for use as reference and are not intended to be a part of this Trust Agreement. Where necessary or appropriate to the meaning in this Trust Agreement, the singular and plural are interchangeable, and words of any gender include all genders. Once fully executed, photocopies of this Trust Agreement have the same force and effect as the original.

IN WITNESS WHEREOF, the TRUSTEE and the BENEFICIARY have signed this Trust Agreement as set out below.

EXECUTED by the DISTRICT on this ____ day of _____, 2011.

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

By: _____
Don Quincey, Jr.
Chair of its Governing Board

ATTEST:

By: _____
Donald R. Curtis, III
Secretary/Treasurer

EXECUTED by the R.O. RANCH on this ____ day of _____, 2011.

R.O. RANCH, INC.

By: _____
Donald R. Curtis, III
Chair of its Board of Directors

ATTEST:

By: _____
Print Name: _____
Title: _____

MEMORANDUM

TO: Governing Board

FROM: Ann Shortelle, Ph.D., Executive Director
Charlie Houder, Asst. Executive Director
Steve Minnis, Governmental Affairs Director

DATE: August 27, 2012

RE: Activity Report, Executive Office

The following is a brief summary of activities by Ann Shortelle, Charlie Houder and Steve Minnis from July 27, 2012 through August 21, 2012.

Ann:

- Met with SJRWMD on July 27 at Silver River State Park for a discussion regarding Silver River Flow Record.
- Participated in an MFL Coordination meeting August 3.
- Attended Conservation Farming Twilight Tour at the Suwannee Valley Extension Center on August 7.
- Participated in CUPcon Rulemaking Workshop in Chiefland August 8.
- Met with Cliff Lewis of the Georgia Environmental Protection Division on August 10.
- Attended FLOW meeting on August 13.
- Participated in Florida Conservation Coalition meeting August 16.
- Attended Springs Coordination meeting with DEP on August 16.

Steve:

- Steve attended the Alachua County Board of Commissioners public hearing to adopt a year-round conservation measure and water shortage ordinance.
- Steve attended the City of High Springs Commission public hearing on the year-round water conservation measure and water shortage ordinance.
- Steve met with Representative-Elect Charlie Stone in Chiefland.

Ann and Charlie:

- Participated in bi-weekly teleconference with DEP and other water management districts.
- Attended the August 2 R. O. Ranch Board of Directors meeting in Cooks Hammock.
- Met with Donald Rich on August 10 regarding the Ellaville Surplus Property Exchange.

Ann and Steve:

- Ann and Steve attended the Jefferson County, Gilchrist County, Lafayette County, and Madison County Board of County Commissioners meetings where Ann made a "State of the Resource" presentation. Governing Board Member Cole present the Jefferson County Board with the Payment in Lieu of Taxes check and Member Alexander presented the Madison County BOCC with the Payment in Lieu of Taxes check.
- Ann and Steve provided the District's FY 2012-12 Tentative Budget briefing to the Senate and House budget committee staff.

Ann, Charlie and Steve:

- Participated in CUPcon Rulemaking Workshop at District Headquarters August 7.

MEMORANDUM

TO: Governing Board

FROM: Carlos Herd, Senior Hydrogeologist

DATE: August 29, 2012

RE: Second Amendment to Interagency Agreement Between Suwannee River Water Management District, St. Johns River Water Management District, and Florida Department of Environmental Protection

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to execute the second amendment to the interagency agreement between Suwannee River Water Management District, St. Johns River Water Management District, and Florida Department of Environmental Protection.

BACKGROUND

The parties have identified the need to amend Paragraph B of the Interagency Agreement. As currently written, Paragraph B requires the National Research Council's Water Science and Technology Board (WSTB) to review and provide recommendations to the report jointly prepared by both districts.

This revision to Paragraph B confirms that involvement by the WSTB is no longer necessary because 1) the districts are in agreement regarding the primary factors responsible for the observed changes, 2) the districts continue to make progress with other elements of the Interagency Agreement that are related to the observed aquifer changes, and 3) the cost for the involvement of the WSTB was significant (\$345,000) with the districts agreeing that these financial resources can be applied to other critical water resource initiatives associated with the Interagency Agreement.

Staff has coordinated the proposed second amendment with St. Johns River Water Management District and the Department of Environmental Protection. A copy of this amendment is attached.

JD/dd

**SECOND AMENDMENT TO INTERAGENCY AGREEMENT
BETWEEN
SUWANNEE RIVER WATER MANAGEMENT DISTRICT
AND
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
AND
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

THIS SECOND AMENDMENT (“AMENDMENT”), by and between the SUWANNEE RIVER WATER MANAGEMENT DISTRICT, a special taxing district organized under Chapter 373, Florida Statutes, whose address is 9225 County Road 49, Live Oak, Florida 32060, hereinafter referred to as “SRWMD”, and ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, a special taxing district organized under Chapter 373, Florida Statutes, whose address is 4049 Reid Street, Palatka, Florida 32177, hereinafter referred to as “SJRWMD”, and FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, whose address is 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, hereinafter referred to as the “DEPARTMENT”, is entered into in three originals this _____ day of _____, 2012.

PREMISES

The PARTIES entered into an Interagency Agreement on September 13, 2011, and amended on February 28, 2012, a copy of which is attached hereto as Exhibit A (“AGREEMENT”).

The PARTIES desire to amend the AGREEMENT as specifically set forth herein.

NOW, THEREFORE, the PARTIES hereby amend the AGREEMENT as follows:

1. The following replaces Paragraph B.
 - B) The purpose of this AGREEMENT is to set forth specific responsibilities of SRWMD, SJRWMD, and the DEPARTMENT (hereinafter collectively referred to as “PARTIES”) to achieve appropriate coordination with respect to the Districts’ water supply and consumptive use permitting responsibilities in Northeast Florida. The SRWMD and SJRWMD agree that there have been changes in the level and configuration of the potentiometric surface of the Upper Floridan aquifer in northeast Florida and southeast Georgia (Study

Area). Both districts are united in the determination that additional data and analysis are necessary to better understand the factors that have caused these changes and the potential impact to the water resources within both districts. Both districts agree to evaluate the changes in the level and configuration of the potentiometric surface of the Upper Floridan aquifer.

SRWMD and SJRWMD have developed a scope of work to evaluate changes and potential impacts to the Upper Floridan aquifer and connected water resources, including:

1. Assessing the factors that drive changes in the level and configuration of the potentiometric surface of the Upper Floridan aquifer in the Study Area.
2. To the extent possible, investigating the proportional effect of each factor driving changes in the level and configuration of the potentiometric surface of the Upper Floridan aquifer in the Study Area.
3. Studying the trends in the level and configuration of the potentiometric surface of the Upper Floridan aquifer in the Study Area.
4. To the extent possible, evaluating which hydrologic features are most susceptible to changes in the level and configuration of the potentiometric surface of the Upper Floridan aquifer in the Study Area.
5. Assessing to what extent hydrologic features may be affected by changes in the level and configuration of the potentiometric surface of the Upper Floridan aquifer in the Study Area.

Existing scientific literature and data will provide the basis for successful completion of the scope of work. At their discretion, the Florida Geological Survey will participate in the technical document review and evaluation. The deliverable for the scope of work will be a co-authored report of findings that will supplement the districts' planning and permitting decisions, as well as the other elements of this AGREEMENT.

2. All other terms of the AGREEMENT are hereby ratified and continue in full force and effect.

3. This AMENDMENT shall become effective upon execution by all of the PARTIES. Upon execution by the last of the PARTIES, the date of execution shall be inserted above.

IN WITNESS WHEREOF, each party, or lawful representative, has executed this AMENDMENT on the date set forth next to their signature below.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

By: _____ Date: _____
Ann B. Shortelle, Ph.D.
Executive Director

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

By: _____ Date: _____
Hans G. Tanzler, III
Executive Director

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____ Date: _____
Herschel T. Vinyard, Jr.
Secretary

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: September 5, 2012

RE: Authorization to Withdraw the Order Dismissing, with Prejudice, the Petition for Administrative Hearing Challenging Temporary Water Use Permit Application Number 2-11-00063, Richard Douglas Farm, Gilchrist County and Refer the Petition Challenging the Temporary Water Use Permit Application to the Division of Administrative Hearings (DOAH)

RECOMMENDATION

Staff recommends the Governing Board withdraw the Order dismissing, with prejudice, the Petition for Administrative Hearing challenging temporary water use permit Application Number 2-11-00063, Richard Douglas Farm, Gilchrist County and refer the petition to DOAH.

BACKGROUND

A water use permit application for the referenced project was received on December 28, 2011. 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. The petition was referred to DOAH with a hearing currently scheduled in November 2012.

Subsequent to receiving the petition on the permit, the applicant requested a temporary water use permit for the project. Several temporary water use permits were issued and a petition regarding the temporary water use permit was received. The petition was referred to the Florida Land and Water Adjudicatory Commission (FLAWAC).

At the August 2012 Governing Board meeting, the Board authorized approval of a settlement agreement concerning the temporary water use permits that have been issued for Richard Douglas Farm. Subsequently, FLAWAC issued a Final Order of Dismissal. The dismissal relinquished the jurisdiction of the appeal back to the District. As conditions of the Final Order, the District was to withdraw its order dismissing the Petitioners petition challenging the temporary water use permit and refer the petition to DOAH. Upon referral to DOAH, the parties will stipulate to consolidation of the temporary water use permit case with an existing case in which the petitioner is challenging the non-temporary water use permit.

A copy of the FLAWAC Final Order for Dismissal follows this memorandum.

TJS/rl
Attachment

**BEFORE THE GOVERNING BOARD OF THE SUWANNEE RIVER
WATER MANAGEMENT DISTRICT**

**BARBARA WRAY SUGGS,
individually, and as Trustee of
THE BARBARA WRAY
SUGGS LIVING TRUST
DATED THE 14TH DAY OF
OCTOBER, 1999, and GINNIE
SPRINGS, OUTDOORS, LLC.,
a Florida limited liability company,**

Petitioners,

v.

DISTRICT PERMIT NO. 2-11-00063

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

Respondents,

_____ /

ORDER
WITHDRAWING MAY 8, 2012, ORDER DISMISSING WITH PREJUDICE
PETITION FOR ADMINISTRATIVE HEARING CHALLENGING TEMPORARY
WATER USE PERMIT ISSUED ON APRIL 11, 2012, AND
REFERRING PETITION TO DIVISION OF ADMINISTRATIVE HEARINGS

THIS CAUSE having come before the GOVERNING BOARD (the "BOARD") of the SUWANNEE RIVER WATER MANAGEMENT DISTRICT (the "DISTRICT") on the FINAL ORDER OF DISMISSAL filed by the Florida Land and Water Adjudicatory Commission ("FLAWAC") on August 28, 2012, related to the DISTRICT's May 8, 2012, Order Dismissing with Prejudice the Petition for Administrative Hearing Challenging Temporary Water Use Permit Issued on April 11, 2012, and the BOARD hereby finds as follows:

1. BARBARA WRAY SUGGS, individually ("SUGGS"), and as Trustee of THE

BARBARA WRAY SUGGS LIVING TRUST DATED THE 14TH OF OCTOBER, 1999 (the “TRUSTEE”), and GINNIE SPRINGS OUTDOORS, LLC (“GINNIE SPRINGS”), as Petitioners, and JOSHUA D. MOORE (“MOORE”), RICHARD DOUGLAS (“DOUGLAS”), and the DISTRICT, as Respondents, were involved in a certain appeal styled *Suggs, et al v. Suwannee River Water Management District, et al*, Case No. WMD-12-002, which was pending before FLAWAC (the “FLAWAC APPEAL”);

2. In the FLAWAC APPEAL, SUGGS, the TRUSTEE, and GINNIE SPRINGS were challenging the DISTRICT’s Order Dismissing With Prejudice Petition for Administrative Hearing Challenging Temporary Water Use Permit Issued on April 11, 2012, which dismissed their petition for administrative hearing challenging a temporary water use permit issued to MOORE and DOUGLAS on April 11, 2012 (the “TEMPORARY PERMIT PETITION”);

3. There is pending before the State of Florida, Division of Administrative Hearings (“DOAH”) the case of *Ginnie Springs v. Moore, et. al.*, DOAH Case No. 12-1632 (the “NON-TEMPORARY PERMIT CASE”) in which GINNIE SPRINGS challenges the DISTRICT’s issuance of a non-temporary water use permit issued to MOORE and DOUGLAS;

4. The parties each believed that they had good and meritorious positions in the FLAWAC APPEAL but recognized that the issues of law and fact raised in the TEMPORARY PERMIT PETITION are similar to the issues of law and fact raised in the NON-TEMPORARY PERMIT CASE and that the two cases may be more efficiently determined at one time before DOAH;

5. All parties entered into a Settlement Agreement to settle all issues and matters related to the FLAWAC APPEAL;

6. In the Settlement Agreement, among other terms and conditions, all parties agreed that the FLAWAC APPEAL would be dismissed and jurisdiction over the matters set out in the FLAWAC APPEAL relinquished to the DISTRICT. All parties further agreed in the Settlement Agreement that, upon relinquishment of jurisdiction, the DISTRICT would withdraw the May 8, 2012 Order Dismissing with Prejudice Petition for Administrative Hearing Challenging Temporary Water Use Permit Issued on April 11, 2012, and refer the TEMPORARY PERMIT PETITION to the Florida Division of Administrative Hearings for proceedings therein;

7. On August 28, 2012, FLAWAC filed the FINAL ORDER OF DISMISSAL, which incorporated the Settlement Agreement of the parties, dismissed the FLAWAC APPEAL, and relinquished jurisdiction to the DISTRICT for action as stated above. A true and correct copy of the FINAL ORDER OF DISMISSAL is attached hereto as Exhibit "1";

THEREFORE it is hereby ORDERED and ADJUDGED that:

A. Pursuant to FLAWAC's FINAL ORDER OF DISMISSAL, the DISTRICT withdraws the May 8, 2012, Order Dismissing with Prejudice Petition for Administrative Hearing Challenging Temporary Water Use Permit Issued on April 11, 2012; and

B. The Petition for Administrative Hearing Challenging Temporary Water Use Permit Issued on April 11, 2012, is hereby referred to the Division of Administrative Hearings to conduct all necessary proceedings pursuant to §120.569 and 120.57, Fla. Stat. ; and

C. 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

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 Petitioners

Jennifer B. Springfield
806 NW 16th Avenue
Suite B
Gainesville, Florida 32601
Fax No. (352) 377-4077
Attorneys for Moore and Douglas

on _____, 2012.

Tim Sagul
Deputy Agency Clerk

STATE OF FLORIDA
LAND AND WATER ADJUDICATORY COMMISSION

BARBARA WRAY SUGGS, individually, and
as Trustee of THE BARBARA WRAY SUGGS
LIVING TRUST DATED THE 14TH DAY OF
OCTOBER, 1999, and GINNIE SPRINGS
OUTDOORS, LLC, a Florida limited liability
company,

Petitioners,

FLWAC Case No. WMD-12-002

vs.

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

Respondents.

FINAL ORDER OF DISMISSAL

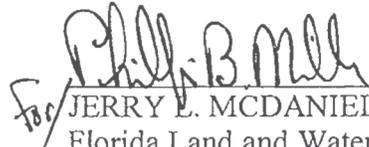
This cause came before the Secretary of the Florida Land and Water Adjudicatory Commission (“Commission”) upon the August 16, 2012, filing of a Stipulated Motion to Dismiss Appeal and Relinquish Jurisdiction to Suwannee River Water Management District (“Motion”). The Motion is attached hereto as Exhibit A and contains a copy of the parties’ fully-executed Settlement Agreement settling all matters related to the instant appeal. All of the parties to this proceeding executed the Settlement Agreement and consent to the Motion.

The Commission grants the Motion of the parties and hereby dismisses the above titled appeal and relinquishes jurisdiction to the Suwannee River Water Management District.

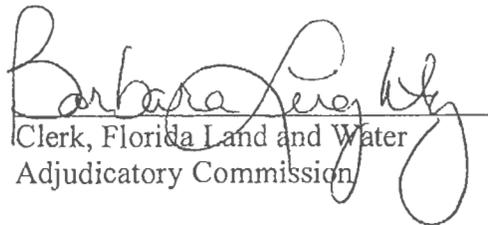
NOTICE OF RIGHTS

Any party to this Order has the right to seek Judicial review of the Final Order pursuant to section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. Notice of Appeal must be filed within 30 days of the day this Order is filed with the Clerk of the Commission.

DONE AND ORDERED this 27th day of August, 2012.

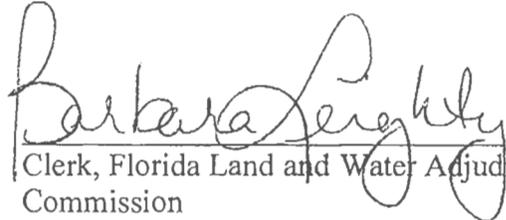

For/ JERRY E. MCDANIEL, Secretary
Florida Land and Water
Adjudicatory Commission

58th FILED with the Clerk of the Florida Land and Water Adjudicatory Commission this
58th day of August, 2012.


Clerk, Florida Land and Water
Adjudicatory Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was delivered to the following persons by United States Mail, electronic transmission, or hand delivery this 28th day of August, 2012.


Clerk, Florida Land and Water Adjudicatory
Commission

Honorable Rick Scott
Governor
The Capitol
Tallahassee, Florida 32399

Honorable Jeff Atwater
Chief Financial Officer
The Capitol
Tallahassee, Florida 32399

Honorable Pam Bondi
Attorney General
The Capitol
Tallahassee, Florida 32399

Honorable Adam Putnam
Commissioner of Agriculture
The Capitol
Tallahassee, Florida 32399

L. Mary Thomas, Esquire
Office of the Governor
The Capitol, Suite 209
Tallahassee, Florida 32399-0001

Richard L. Maguire, Esquire
Cristine M. Russell, Esquire
Emily G. Pierce, Esquire
Rogers Towers, P.A.
1301 Riverplace Boulevard
Suite 1500
Jacksonville, Florida 32207

Herschel Vinyard, Secretary
Lea Crandall, Clerk
Florida Department of Environmental Protection
3600 Commonwealth Boulevard, MS 49
Tallahassee, Florida 32399

Frederick T. Reeves, Esquire
Davis Schnitker Reeves & Browning. P.A.
5709 Tidalwave Drive
New Port Richey, Florida 34652

Jennifer B. Springfield, Esquire
806 NW 16th Avenue
Suite B
Gainesville, Florida 32601

Richard Douglas
6524 NE 55 Street
High Springs, Florida 32643

David Still, Executive Director
Suwannee River Water Management District
9225 CR 49
Live Oak, Florida 32060

Florida Administrative Law Reports
Post Office Box 385
Gainesville, Florida 32602

Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Christine M. Francescani, Esquire
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, Florida 32399

STATE OF FLORIDA
LAND AND WATER ADJUDICATORY COMMISSION

BARBARA WRAY SUGGS, individually, and
as Trustee of THE BARBARA WRAY
SUGGS LIVING TRUST DATED THE 14TH
DAY OF OCTOBER, 1999, and GINNIE
SPRINGS OUTDOORS, LLC, a Florida
limited liability company,

FLAWAC Case No. WMD-12-002

Petitioner,

v.

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

Respondents.

**STIPULATED MOTION TO DISMISS APPEAL
AND RELINQUISH JURISDICTION TO
SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

Petitioners, Barbara Wray Suggs, individually, and as Trustee of the Barbara Wray Suggs Living Trust Dated the 14th Day of October, 1999, and Ginnie Springs Outdoors, LLC, and Respondents, Suwannee River Water Management District (hereinafter the "District"), Joshua D. Moore (hereinafter "Moore") and Richard Douglas (hereinafter "Douglas"), all of the parties to this proceedings, state:

1. This appeal was initiated by Petitioners on May 25, 2012, by the filing and service of the Petition for Review of a Final Order of the Suwannee River Water Management District.
2. The parties have now settled all matters related to this appeal, and a true and correct

copy of the parties' fully-executed Settlement Agreement ("SA") is attached hereto as Exhibit 1.

3. Generally, the SA provides for dismissal of this appeal and relinquishment of jurisdiction to the District. After relinquishment of jurisdiction, the SA provides that the District will withdraw its order dismissing Petitioners' petition challenging the issuance of a temporary water use permit to Moore and Douglas and refer the petition to the Florida Division of Administrative Hearings (hereinafter "DOAH"). Upon referral to DOAH, the SA provides that the parties will stipulate to consolidation of the temporary water use permit case with an existing case in which Petitioner, Ginnie Springs Outdoors, LLC, is challenging Moore's and Douglas' non-temporary water use permit. The parties also stipulate to other terms and conditions in the SA. Nothing in this paragraph shall be deemed in any way to amend or otherwise change the terms and conditions of the Settlement Agreement, or to add or eliminate any terms or conditions of the Settlement Agreement.

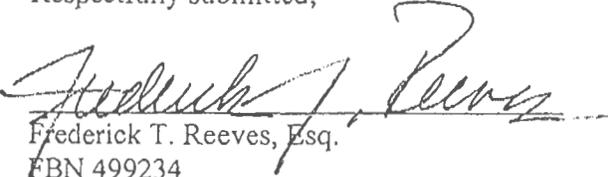
4. Pursuant to the SA, ¶2, "(t)he FLAWAC APPEAL shall be dismissed and jurisdiction over the matters set out in the FLAWAC APPEAL shall be relinquished to the DISTRICT."

5. Pursuant to the SA, ¶9, "(u)pon execution of this Agreement by all of the parties, the DISTRICT shall file a motion to dispose of the FLAWAC APPEAL with FLAWAC as set out in this Agreement. Such motion shall have a copy of the Agreement attached. The parties agree that FLAWAC may dispose of the FLAWAC APPEAL as set forth in this Agreement, without a hearing or notice to any party."

WHEREFORE, all of the parties to this appeal, pursuant to the Settlement Agreement attached hereto as Exhibit 1, respectfully request the State of Florida Land and Water Adjudicatory Commission to (1) dismiss this appeal and (2) relinquish jurisdiction to the Suwannee River Water

Management District for further action consistent with the Settlement Agreement.

Respectfully submitted,



Frederick T. Reeves, Esq.
FBN 499234

Of Counsel

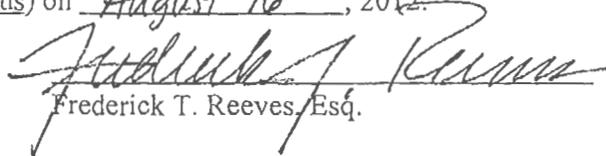
Davis Schnitker Reeves & Browning, P.A.
5709 Tidalwave Drive
New Port Richey, Florida 34652

Telephone (727) 844-3006
Facsimile (727) 844-3114
e-mail freeves@tbaylaw.com

Attorneys for Respondent Suwannee River
Water Management District

Certificate of Service

I CERTIFY that a true and correct copy of the foregoing has been filed on August 16, 2012, on Barbara Leighty, Clerk, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, FL 32399-0001, via facsimile to (850) 717-9513 and by electronic transmission to FLWAC.Clerk@LASPBS.STATE.FL.US and served by electronic transmission on Lea Crandall, Clerk, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 49, Tallahassee, FL 32399 to lea.crandall@dep.state.fl.us; and by e-mail and First Class U.S. Mail on Richard L. Maguire, Esq., Rogers Towers, PA, 1301 Riverplace Blvd., Ste. 1500, Jacksonville, FL 32207-9000 (e-mail: rmaguire@rtlaw.com); Emily G. Pierce, Esq., Rogers Towers, PA, 1301 Riverplace Blvd., Ste. 1500, Jacksonville, FL 32207-9000 (e-mail: epierce@rtlaw.com); Cristine M. Russell, Esq., Rogers Towers, PA, 1301 Riverplace Blvd., Ste. 1500, Jacksonville, FL 32207-9000 (e-mail: crussell@rtlaw.com); Jennifer B. Springfield, Esq., 806 NW 16th Ave., Suite B, Gainesville, FL 32601 (e-mail: jennifer@springfieldlawpa.com); and Christine M. Francescani, Esq., Dept. of Environmental Protection, MS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-6575 (christine.francescani@dep.state.fl.us) on August 16, 2012.



Frederick T. Reeves, Esq.

SETTLEMENT AGREEMENT

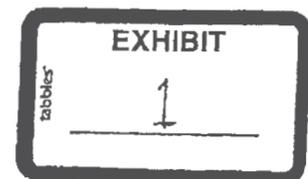
This is an agreement by and between the SUWANNEE RIVER WATER MANAGEMENT DISTRICT, a Florida water management district (the "DISTRICT"), BARBARA WRAY SUGGS, individually ("SUGGS"), BARBARA WRAY SUGGS, as Trustee of THE BARBARA WRAY SUGGS LIVING TRUST DATED THE 14TH DAY OF OCTOBER, 1999 (the "TRUSTEE"), GINNIE SPRINGS OUTDOORS, LLC, a Florida limited liability company ("GINNIE SPRINGS"), JOSHUA D. MOORE, individually ("MOORE"), and, Kenneth Lynn White, as Attorney-in-Fact for RICHARD DOUGLAS ("DOUGLAS"), all of whom agree as follows:

WHEREAS the parties are currently involved in a certain appeal styled *Suggs, et al v. Suwannee River Water Management District, et al*, Case No. WMD-12-002 which is presently pending before the State of Florida Land and Water Adjudicatory Commission (the "FLAWAC APPEAL"); and,

WHEREAS, in the FLAWAC Appeal, SUGGS, the TRUSTEE, and GINNIE SPRINGS are challenging the DISTRICT's Order Dismissing With Prejudice Petition for Administrative Hearing Challenging Temporary Water Use Permit Issued on April 11, 2012, which dismissed their Petition for Administrative Hearing challenging a temporary water use permit issued to MOORE and DOUGLAS on April 11, 2012 (the "TEMPORARY PERMIT PETITION"); and,

WHEREAS, there is presently also pending before the State of Florida, Division of Administrative Hearings ("DOAH") the case of *Ginnie Springs v. Moore, et. al.*, DOAH Case No. 12-1632 (the "NON-TEMPORARY PERMIT CASE") in which GINNIE SPRINGS challenges the DISTRICT's issuance of a non-temporary water use permit issued to MOORE and DOUGLAS; and,

WHEREAS, the parties each believe that they have good and meritorious positions in the



FLAWAC APPEAL but recognize that the issues of law and fact raised in the TEMPORARY PERMIT PETITION are similar to the issues of law and fact raised in the NON-TEMPORARY PERMIT CASE and that the two cases may be more efficiently determined at one time before DOAH; and,

WHEREAS, all parties have entered into this Agreement to settle all issues and matters related to the FLAWAC APPEAL.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the DISTRICT, SUGGS, the TRUSTEE, GINNIE SPRINGS, MOORE and DOUGLAS all agree as follows:

1. The above recitals are incorporated herein as an integral part hereof.
2. The FLAWAC APPEAL shall be dismissed and jurisdiction over the matters set out in the FLAWAC APPEAL shall be relinquished to the DISTRICT;
3. After relinquishment of jurisdiction, the DISTRICT shall withdraw its May 8, 2012 ORDER DISMISSING WITH PREJUDICE PETITION FOR ADMINISTRATIVE HEARING CHALLENGING TEMPORARY WATER USE PERMIT ISSUED ON APRIL 11, 2012, and refer the TEMPORARY PERMIT PETITION to DOAH for a formal administrative hearing;
4. The parties shall request, and so stipulate, that DOAH consolidate the DOAH case that will result from the referral of the TEMPORARY PERMIT PETITION with the NON-TEMPORARY PERMIT CASE and hold the formal administrative hearing on both cases simultaneously. Any party may file a copy of this Agreement with DOAH to show the requests and stipulations herein.
5. Nothing in this Agreement shall be construed to give standing to SUGGS, the TRUSTEE,

or any other party to appear or participate in the NON-TEMPORARY PERMIT CASE as a party or otherwise challenge the issuance of the permit which is the subject of the NON-TEMPORARY PERMIT CASE. Further, no party waives any objection it may have to the standing of any other party. Also, nothing in this Agreement shall be construed to require the DISTRICT to issue any permit to MOORE or DOUGLAS, or to renew any permit issued to MOORE or DOUGLAS.

6. The temporary permit which is the subject of the TEMPORARY PERMIT PETITION, and all renewals and extensions thereof, shall remain in full force and effect and shall be operative during the pendency of the DOAH case or cases that result from the referral of the TEMPORARY PERMIT PETITION.
7. In the FLAWAC APPEAL, each party shall be responsible for its own attorneys fees and costs.
8. This Agreement may be executed in counterparts.
9. Upon execution of this Agreement by all of the parties, the DISTRICT shall file a motion to dispose of the FLAWAC APPEAL with FLAWAC as set out in this Agreement. Such motion shall have a copy of this Agreement attached. The parties agree that FLAWAC may dispose of the FLAWAC APPEAL as set forth in this Agreement, without a hearing or notice to any party.

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Barbara Wray Suggs
Barbara Wray Suggs, individually

DATED: June 21, 2012

Barbara Wray Suggs
Barbara Wray Suggs, as Trustee of the
Barbara Wray Suggs Living Trust dated the
14th day of October, 1999

DATED: June 21, 2012

Ginnie Springs Outdoors, LLC

By Mark D. Gray
Its

DATED: June 22, 2012

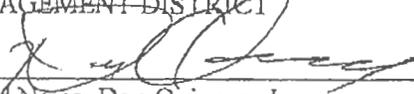
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Joshua D. Moore
Joshua D. Moore
DATED: 7-25-12

Jennifer B. Springfield
Jennifer B. Springfield, Attorney at Law for
Kenneth Lynn White, as Attorney in Fact
for Richard Douglas
DATED: July 25, 2012

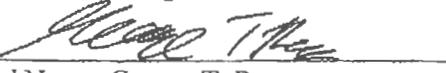
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SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

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

DATED: 8-14-2012

Approved as to Form and Legality
SRWMD Governing Board Counsel

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

DATED: 8-14-2012

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BEFORE THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT

BARBARA WRAY SUGGS, individually, and
as Trustee of THE BARBARA WRAY
SUGGS LIVING TRUST DATED THE 14TH
DAY OF OCTOBER, 1999, and GINNIE
SPRINGS OUTDOORS, LLC, a Florida
limited liability company,

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

Petitioners,

v.

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

Respondents.

PETITION FOR ADMINISTRATIVE HEARING

BARBARA WRAY SUGGS, individually, and as Trustee of THE BARBARA WRAY SUGGS LIVING TRUST DATED THE 14TH DAY OF OCTOBER, 1999, and GINNIE SPRINGS OUTDOORS, LLC (“Petitioners”), by and through undersigned counsel, hereby file 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 (the “District”), JOSHUA D. MOORE (“Moore”) and RICHARD DOUGLAS (“Douglas”). This Petition concerns the issuance of a temporary permit by the District to Douglas and Moore. In support of the Petition, Petitioners state as follows:

PARTIES

1. Petitioner BARBARA WRAY SUGGS (“Ms. Suggs”) is the Trustee of the Barbara Wray Suggs Living Trust Dated the 14th Day of October, 1999 (the “Trust”). The Trust owns approximately 600 acres of property at 7300 NE Ginnie Springs Road in High Springs, Florida (“Ginnie Springs Property”). Prior to the establishment of the Trust, Ms. Suggs owned the Ginnie Springs Property. She subsequently transferred it to the Trust.

2. Petitioner GINNIE SPRINGS OUTDOORS, LLC, is a Florida limited liability company and leases the Ginnie Springs Property from the Trust.

3. Petitioners are 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.

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

5. The name and address of Douglas is: 6524 NE 55 Street, High Springs, Florida 32643 (the “Property”). Douglas is the owner of the Property and the applicant (the “Applicant”) for Water Use Permit Application Number 2-11-00063 (the “Application”).

6. The name and address of Moore is: 4520 River Close Boulevard, Valrico, Florida 33596, (352) 258-6309. On January 12, 2012, Moore entered into a lease with Douglas to operate a high intensity watermelon and vegetable farm (the “Farm”) on the Property; the water to be withdrawn if the Application is approved will be used for irrigation on the Farm.

NOTICE OF AGENCY ACTION

7. Douglas submitted the Application for the subject Water Use Permit on December 27, 2011 (the “Proposed Use”).

8. The District's file or identification number for the Water Use Permit Application is: 2-11-00063.

9. Petitioners received notice of a District decision on February 24, 2012, when a letter from the District was received, referencing the Water Use Permit Application Number 2-11-00063 and advising that the District staff proposes to issue the above-mentioned permit and the proposed action was subject to final approval by March 16, 2012. A copy of that letter (the "District Letter") is attached hereto as Exhibit "A".

10. A Petition for Administrative Hearing (the "Petition") was served on the District on March 14, 2012.

11. The District Governing Board issued an ORDER DISMISSING THE PETITION, WITHOUT PREJUDICE, on March 26, 2012, for failure to explain "how the Petitioner's substantial interests will be affected by the agency determination."

12. The Order set a "deadline for filing an amended petition curing the above defect" of 15 days after service of the Order.

13. The Order was furnished to the undersigned counsel by fax and U.S. Mail on March 30, 2012.

14. An Amended Petition for Administrative Hearing was filed on April 11, 2012.

15. A letter requesting issuance of "permit #2-11-00063 on a temporary basis" was submitted by Moore on March 23, 2012. A copy of that letter is attached hereto as Exhibit "B".

16. Temporary Permit 2-11-00063 (the "Temporary Permit") was issued on March 28, 2012, with an expiration date of April 11, 2012. A copy of that permit is attached hereto as Exhibit "C".

17. An extension of the Temporary Permit was considered by the District Governing Board on April 10, 2012.

18. On April 9, 2012, undersigned counsel submitted a letter requesting the extension be denied. A copy of that letter is attached hereto as Exhibit "D".

19. On April 10, 2012, undersigned counsel appeared at the Governing Board meeting requesting denial of the extension of the Temporary Permit.

20. The District Governing Board approved the extension of the Temporary Permit on April 10, 2012. A copy of that temporary permit dated April 10, 2012, with Notice of Rights, is attached hereto as Exhibit "E".

21. The Temporary Permit was issued pursuant to the Application, which was made a part of the Permit by reference.

PETITIONERS' SUBSTANTIAL INTERESTS
AFFECTED BY THE AGENCY DETERMINATION

Ms. Suggs, Individually:

22. The substantial interests of Ms. Suggs, individually, will be directly affected by the determination of the agency, the District, to extend the Temporary Permit.

23. Located on the Ginnie Springs Property are several water supply wells (the "Supply Wells") from which water is withdrawn for use at a spring water bottling plant (the "Plant") located in the immediate area. That withdrawal is a present existing legal use, permitted

by the District, pursuant to Water Use Permit No. 2-93-00093M. Ms. Suggs was the original applicant and permittee for Water use Permit No. 2-93-00093M.

24. In 1994, prior to the time that she established the Trust, Ms. Suggs granted water extraction rights to a business entity from which she received and continues at present to receive a percentage of the income derived from the sale of spring water bottled pursuant to those extraction rights.

25. The Proposed Use will degrade water resources; harm water resources of the area; interfere with present existing legal uses of water; and harm offsite land uses, including but not limited to the Supply Wells from which water is withdrawn for sale as bottled spring water from which Ms. Suggs derives a significant benefit.

26. The Proposed Use sought to be approved by the Application will severely and negatively impact the value of the water extraction rights granted by Ms. Suggs, will reduce her income and will interfere with the enjoyment of water and natural resources, including but not limited to Ginnie Springs and several freshwater springs (the "Ginnie Springs Group"), and the Santa Fe River.

The Trust:

27. The Trust's substantial interests will be directly affected by the determination of the agency, the District, to extend the Temporary Permit.

28. The Trust owns the Ginnie Springs Property, which is adjacent to the Douglas Property. The Ginnie Springs Property contains the Ginnie Springs Group, which is adjacent to the Santa Fe River, a river that has been designated as an "Outstanding Florida Water."

29. The Trust leases a portion of the Ginnie Springs Property to Ginnie Springs Outdoors, LLC.

30. The Proposed Use will degrade water resources; harm water resources of the area; interfere with the Trust's present existing legal uses of water, and harm offsite land uses, including but not limited to that used by Ginnie Springs Outdoors, LLC, for its existing business.

31. If the Water Use Permit is issued, the Trust will suffer an immediate injury to its existing legal use and to its use and enjoyment of the air, water, and natural resources of the Ginnie Springs Group and the Santa Fe River.

Ginnie Springs Outdoors, LLC:

32. Ginnie Springs Outdoors, LLC's substantial interests will be directly affected by the determination of the agency, the District, to extend the Temporary Permit.

33. Petitioner Ginnie Springs Outdoors, LLC, operates a business located on approximately 250 acres of the Ginnie Springs Property. Ginnie Springs Outdoors, LLC, uses the Ginnie Springs Property for various recreational activities, such as camping and picnicking, diving in springs, tubing and canoeing on the Santa Fe River and has made such recreational uses available to the public since 1975.

34. In addition, water for use as drinking water is withdrawn from three wells (the "Drinking Water Wells") located on the Ginnie Springs Property operated by Petitioner Ginnie Springs Outdoors, LLC.

35. Ginnie Springs Outdoors, LLC's withdrawal from the Drinking Water Wells is an existing legal use, permitted by the District.

36. The Proposed Use will degrade water resources; harm water resources of the area; interfere with Ginnie Springs Outdoors, LLC's present existing legal uses of water, and harm offsite land uses, including but not limited to that used by Ginnie Springs Outdoors, LLC, for its existing business.

37. The Proposed Use sought to be approved by the Application will severely and negatively impact the value of Ginnie Springs Outdoors, LLC's existing business, will reduce income and will interfere with the enjoyment of water and natural resources, including but not limited to Ginnie Springs, the Ginnie Springs Group, and the Sante Fe River.

DISPUTED ISSUES OF MATERIAL FACTS

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

(a) Whether the Governing Board, prior to extending the Temporary Permit, considered whether it appeared that the Proposed Use met the criteria set forth in Section 373.223(1), Fla. Stat. (2012);

(b) Whether the Governing Board considered whether such Temporary Permit was necessary for consumptive use of water prior to final action on the Application;

(c) Whether the Governing Board considered whether the Proposed Use to be authorized by the Temporary Permit was a reasonable-beneficial use, would not interfere with any presently existing legal use, and is consistent with the public interest;

(d) Whether the Temporary Permit was necessary because there existed a serious set of unforeseen or unforeseeable circumstances;

(e) Whether the filing of a Petition for an Administrative Hearing is an unforeseen or unforeseeable circumstance;

(f) Whether the request for a Temporary Permit was submitted by the Applicant;

(g) Whether the request for a Temporary Permit contained the reason for the request, the amount requested, the proposed use of the water, the source of the water and the length of time the water is needed; and

(h) Whether the issuance of the Temporary Permit was required because of the failure of the Applicant to properly plan for the need to use water.

(i) Whether the Proposed Use will degrade water resources, including the groundwater, the Ginnie Springs Group and other springs and the Santa Fe River, an Outstanding Florida Water ("OFW");

(j) 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;

(k) Whether the Temporary 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;

(l) Whether the Applicant has provided reasonable assurances that the Proposed Use of water will not interfere with any presently existing legal use of water;

(m) Whether the Applicant has provided reasonable assurances that the Proposed Use of water is consistent with the public interest;

- (n) Whether the Applicant has provided reasonable assurances that the Proposed Use of water will not degrade the source from which it is withdrawn;
- (o) Whether the Applicant has provided reasonable assurances that the Proposed Use of water will not harm off-site land uses;
- (p) Whether the Applicant has provided reasonable assurances that the Proposed Use of water will not cause harm to surface waters;
- (q) 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;
- (r) Whether the Applicant has provided reasonable assurances that the Proposed Use of water is a reasonable beneficial use considering the purpose and value of the use and the extent and amount of harm to be caused;
- (s) Whether the District has considered the practicality of mitigating any harm by adjusting the quantity or method of use;
- (t) Whether the District has considered the feasibility of alternative sources of water;
- (u) Whether the District has considered the present and projected demand for the source of water for the Proposed Use;
- (v) Whether the District has determined whether the impact of the withdrawal for the Proposed Use extends to land not around nor legally controlled by the Applicant;

(w) Whether the 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;
- v. Determining whether the Applicant has 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.

(x) Whether the Applicant has affirmatively demonstrated that the Proposed Use is clearly in the public interest and the existing ambient water quality within Outstanding Florida Waters will not be degraded or lowered as a result of the Proposed Use of water;

(y) Whether the Ginnie Springs Group is part of the Santa Fe River System;

(z) Whether the Santa Fe River System is an OFW;

(aa) Whether the Governing Board, prior to extending the Temporary Permit, considered whether it appeared that the Proposed Use met the criteria set forth in Section 373.223(1), Fla. Stat. (2012);

(bb) Whether the Governing Board considered whether such Temporary Permit was necessary for consumptive use of water prior to final action on the Application;

(cc) Whether the Governing Board considered whether the Proposed Use to be authorized by the Temporary Permit was a reasonable-beneficial use, would not interfere with any presently existing legal use, and is consistent with the public interest;

(dd) Whether the Temporary Permit was necessary because there existed a serious set of unforeseen or unforeseeable circumstances;

(ee) Whether the filing of a Petition for an Administrative Hearing is an unforeseen or unforeseeable circumstance;

(ff) Whether the request for a Temporary Permit was submitted by the Applicant;

(gg) Whether the request for a Temporary Permit contained the reason for the request, the amount requested, the proposed use of the water, the source of the water and the length of time the water is needed; and

(hh) Whether the issuance of the Temporary Permit was required because of the failure of the Applicant to properly plan for the need to use water.

ULTIMATE FACTS ALLEGED

39. District staff has issued, and the Governing Board has extended, a Temporary Permit that is not in compliance with applicable standards and criteria of the Florida Statutes and the Florida Administrative Code as well as the District's Water Use Permitting Guide.

40. Douglas and Moore have failed to comply with the applicable standards and criteria set forth in the Florida Statutes, the Florida Administrative Code, and the District's Water Permitting Guide by failing to provide the necessary reasonable assurances and by failing to provide required data.

41. The 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. **Section 373.016, Fla. Stat. (2012) - Declaration of Policy:**

(i) Section 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) Section 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. Section 373.019, Fla. Stat. (2012) - Definitions

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

Section 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.”

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

Section 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.”

e. Section 373.244, Fla. Stat. (2012) - Temporary permits:

Section 373.244(1), Fla. Stat. (2012) - The governing board may authorize its executive director to issue temporary permits for the consumptive use of water while an application is pending.

Section 373.244(2), Fla. Stat. (2012) - “At such (next regularly scheduled meeting of the governing board), the governing board shall consider whether it appears that the

proposed use meets the criteria set forth in s. 373.223(1) and that such temporary permit is necessary for consumptive use of water prior to final action on an application for a permit ...” (emphasis added).

Section 373.244(5), Fla. Stat. (2012) - “The notice and hearing that might otherwise be required pursuant to s. 373.116(2) and chapter 120 shall not be required prior to issuance or extension of a temporary permit pursuant to the provisions of this section.”

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

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

Section 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.”

Section 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.

(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.”

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

b. Section 40B-2.441, Fla. Admin. Code - Temporary water use permits.

Section 40B-2.441(1), Fla. Admin. Code - “The Governing Board hereby delegates to the Executive Director the authority to issue temporary permits ...”.

Section 40B-2.441(2), Fla. Admin. Code - “At the next regular meeting of the Governing Board, the Governing Board shall consider:

(a) whether the proposed use is a reasonable-beneficial use, will not interfere with any presently existing legal use, and is consistent with the public interest; and

(b) whether a temporary permit is necessary prior to final action on the application. In order for a temporary permit to be necessary prior to final action on the application, there must exist a serious set of unforeseen or unforeseeable circumstances" (emphasis added).

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

Section 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;
- (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)

1.7: The request for a temporary water use permit must be submitted to the District in the form of a letter and that “letter must contain the reason for the request, the amount requested, the proposed use of the water, the source of the water, and the length of time the water is needed.” A water use permit application for the proposed use must be pending with the District. “Temporary water use permits shall not be issued as a result of the applicant’s failure to properly plan for the need to use water” (emphasis added).

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.

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” (emphasis added).

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*

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

Section 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."

Section 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 affirmative 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 . . ."

Section 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.

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

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

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

Section 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.

Section 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.

Section 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.”

Section 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.”

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

Section 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.

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

Section 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.”

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

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

Section 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 . . .”

Section 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.

Section 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.

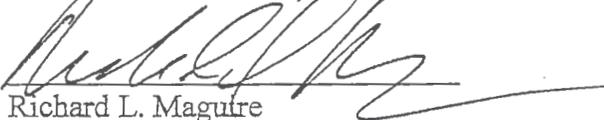
RELIEF SOUGHT BY PETITIONER

WHEREFORE, Petitioners respectfully request 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 Temporary Permit be revoked;
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 Petitioners; and
- 5 That such further relief as may be deemed appropriate be granted.

RESPECTFULLY SUBMITTED this 26th day of April, 2012.

ROGERS TOWERS, P.A.



Richard L. Maguire

Florida Bar No. 0177702

Emily G. 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)

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 via Federal Express; and to 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 26th day of April, 2012.


Richard L. Maguire
Attorney for Petitioner



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

February 23, 2012

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

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

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

3/23/12

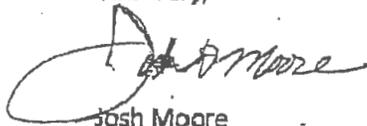
John Dinges
Suwannee River Water Management District
9225 CR 49
Live Oak, FL 32060

Dear Mr. Dinges

I would like to request the Suwannee River Water Management District to issue permits #2-11-00063 on a temporary basis until the petitions are resolved. Please use the original application information for this request.

I appreciate your consideration on the request.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Moore". The signature is written in a cursive style with a large, looping initial "J".

Josh Moore



**Suwannee
River
Water
Management
District**

9225 CR 49
Live Oak, FL 32060
TELEPHONE: 386-362-1001
TELEPHONE: 800-226-1066

**TEMPORARY
WATER USE PERMIT
2-11-00063**

ISSUED TO:

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

Joshua D. Moore
PO Box 145
Bell, FL 32619

DATE ISSUED: 3/28/2012

DATE EXPIRES: 4/11/2012

PROJECT: RICHARD DOUGLAS FARM

AUTHORIZING: The average daily withdrawal and use of 0.1671 million gallons per day or a maximum daily withdrawal and use of 1.4400 million gallons per day for a total allocation not to exceed 2.3392 million gallons for the duration of the permit.

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

This permit is issued pursuant to Application 2-11-00063, dated March 23, 2012, for the Use of Water as specified above and subject to the Conditions as set forth below. The letter application referenced the original application and the permit in reliance on the information contained in the original application. 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 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, Florida Statutes and applicable rules and regulations of the Suwannee River Water Management.

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

Permit No: 2-11-00063
Project: RICHARD DOUGLAS FARM

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, Florida 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.

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.

FINDINGS:

Pursuant to Florida Administrative Code 40B-2.441, the following findings are made:

1. The use allowed in this Permit is a reasonable-beneficial use.
2. The use allowed in this Permit will not interfere with any presently existing legal use.
3. The use allowed in this Permit is consistent with the public interest.
4. There exist a serious set of unforeseen or unforeseeable circumstances which make it necessary to issue this Permit prior to final action on the Permittee's application for a water use permit pursuant to Sections 373.219 and 373.229, Florida Statutes.

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 (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 low volume irrigation.

Permit No: 2-11-00063

Project: RICHARD DOUGLAS FARM

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.

Permit No: 2-11-00063

Project: RICHARD DOUGLAS FARM

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 MADE PART OF THIS PERMIT ARE AS FOLLOWS:

18. All correspondence sent to the District regarding this permit must include the permit number 2-11-00063.

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 permitted water withdrawal facilities consist of, and are limited to, one 10-inch well with the pumping capacity of 1000 gallons per minute.

Permit No: 2-11-00063
Project: RICHARD DOUGLAS FARM

22. This Permit is a temporary permit issued pursuant to Section 373.244, Florida Statutes. The issuance of this Permit shall not in any way be construed as a commitment by the District to issue any water use permit pursuant to Sections 373.219 and 373.229, Florida Statutes. Further, the issuance of this Permit shall not affect the ability of the District to deny any pending application for a water use permit pursuant to Sections 373.219 and 373.229, Florida Statutes.

23. Unless extended by the District's Governing Board, this Permit shall expire on April 11, 2012.

SUWANNEE RIVER WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD



SEAL

By Charles W. Bruden III
Asst. EXECUTIVE DIRECTOR

Terry L. ...
DISTRICT RULES CLERK

March 28, 2012

DATE

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.
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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.

Permit No: 2-11-00063
Project: RICHARD DOUGLAS FARM

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.
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:

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

At 4:00 p.m. this 28th day of March, 2012



Jen Dinges
Deputy Clerk

Permit No: 2-11-00063

Project: RICHARD DOUGLAS FARM

Suwannee River Water Management District

9225 C.R. 49

Live Oak, Florida 32060

386.362.1001 or 800.226.1066 (Florida only)

cc: File Number: 2-11-00063

Project Description

The project area consists of approximately 145 acres with approximately 72 acres being irrigated using groundwater. Richard Douglas is the land owner, with Josh Moore as the lessee

The water use calculations are based upon the irrigated acreage and crop type provided by Richard Douglas. Crops for the extent of the temporary permit are watermelon. The lessee will use drip irrigation to water the crops. The Average Daily Rate (ADR) of withdrawal is calculated as 0.1671 mgd.

The project area includes one 10-inch diameter well. The pumping capacity for the well is 1.4400 mgd.

Demonstration of Need

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

Water Conservation

The lessee has completed the Water Conservation Worksheets for Drip Irrigation System.

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.

Unforeseen or Unforseeable Circumstances

The applicant submitted the original application on December 28, 2011, well within the traditional timeframes for evaluation and issuance of this relatively low-quantity water use permit (ie. one well, one irrigation system). Due to the relatively low quantities requested, the applicant did not foresee any administrative challenges to his permit application.

Due to the limited timeframes for marketability of watermelons in Florida, watermelon plants must be grown during the middle of March to meet the

summer market. Watermelon plants will only last approximately four days in a dry, unirrigated state. The applicant would be forced to lose his crop if this temporary water use permit is not issued.

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 2-11-00063.

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 permitted water withdrawal facilities consist of, and are limited to, one 10-inch well with the pumping capacity of 1000 gallons per minute.

22. This Permit is a temporary permit issued pursuant to Section 373.244, Florida Statutes. The issuance of this Permit shall not in any way be construed as a commitment by the District to issue any water use permit pursuant to Sections 373.219 and 373.229, Florida Statutes. Further, the issuance of this Permit shall not affect the ability of the District to deny any pending application for a water use permit pursuant to Sections 373.219 and 373.229, Florida Statutes.

23. Unless extended by the District's Governing Board, this Permit shall expire on April 11, 2012.

April 9, 2012

Via E-Mail

Mr. Charles Houder
Acting Executive Director
Suwannee River Water Management District
9225 County Road 49
Live Oak, FL 32060

**Re: Objection to Approval of Temporary Water Use Permit 2-11-00063, Richard Douglas Farm, Gilchrist County
Our File: S1160-28112**

Dear Mr. Houder:

This firm represents Ginnie Springs Outdoors, LLC, who recently filed a Petition for an Administrative Hearing concerning Water Use Permit Application Number 2-11-00063; we will shortly be filing an Amended Petition for Administrative Hearing in accordance with the Order Dismissing the Petition, Without Prejudice. Subsequent to the filing of the original Petition, The Suwannee River Water Management District (the "District"), at the request of Mr. Joshua Moore, issued a Temporary Water Use Permit to authorize the water use requested in the original Application. For the reasons set forth below, Ginnie Springs Outdoors, LLC, objects to the proposed extension of the referenced temporary permit by the Governing Board at their meeting on April 10, 2012. I request that this letter be delivered to the Governing Board prior to its consideration of the proposed extension on April 10, 2012.

Temporary permits are authorized by Section 373.244, Florida Statutes ("F.S."). That section requires that, to extend a temporary permit, the Governing Board shall consider whether the proposed use meets the criteria set forth in Section 373.223(1), F.S., and also whether such temporary permit is necessary for consumptive use of water prior to final action on an application. The District has enacted its own regulation implementing the statutory authority at Section 40B-2.441, Florida Administrative Code ("FAC"). That regulation requires that, to find a temporary permit to be "necessary, there must exist a serious set of unforeseen or unforeseeable circumstances." The submittal of a Petition for Administrative Hearing in response to an application for a water use permit is certainly not an unforeseen or unforeseeable circumstances.

Section 373.223(1), F.S., requires the applicant to establish that the proposed use of water is a reasonable-beneficial use, will not interfere with any presently existing legal use of water and is consistent with the public interest. Since the applicant has not submitted any information on which the District could determine that the applicant had met the conditions for a permit, there is no basis for issuance of the temporary permit. We are not aware of any information

Mr. Charles Houder
April 9, 2012
Page -2-

“establishing,” for example, the extent of any interference with any presently existing legal use of water.

Therefore, we request that the request to extend the temporary permit not be approved.

Sincerely,



Richard L. Maguire

RLM:sja

cc: Jon Dinges
Tim Sagul



**Suwannee
River
Water
Management
District**

9225 CR 49
Live Oak, FL 32060
TELEPHONE: 386-362-1001
TELEPHONE: 800-226-1066

**TEMPORARY
WATER USE PERMIT
2-11-00063**

ISSUED TO:

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

Joshua D. Moore
PO Box 145
Bell, FL 32619

DATE ISSUED: 4/10/2012

DATE EXPIRES: 5/9/2012

PROJECT: RICHARD DOUGLAS FARM

AUTHORIZING: The average daily withdrawal and use of 0.1671 million gallons per day or a maximum daily withdrawal and use of 1.4400 million gallons per day for a total allocation not to exceed 4.8456 million gallons for the duration of the permit.

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

This permit is issued pursuant to Application 2-11-00063, dated March 23, 2012, for the Use of Water as specified above and subject to the Conditions as set forth below. The letter application referenced the original application and the permit in reliance on the information contained in the original application. 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 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, Florida Statutes and applicable rules and regulations of the Suwannee River Water Management.

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

Permit No: 2-11-00063

Project: RICHARD DOUGLAS FARM

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, Florida 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.

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.

FINDINGS:

Pursuant to Florida Administrative Code 40B-2.441, the following findings are made:

1. The use allowed in this Permit is a reasonable-beneficial use.
2. The use allowed in this Permit will not interfere with any presently existing legal use.
3. The use allowed in this Permit is consistent with the public interest.
4. There exist a serious set of unforeseen or unforeseeable circumstances which make it necessary to issue this Permit prior to final action on the Permittee's application for a water use permit pursuant to Sections 373.219 and 373.229, Florida Statutes.

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 (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 low volume irrigation.

Permit No: 2-11-00063

Project: RICHARD DOUGLAS FARM

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

Permit No: 2-11-00063

Project: RICHARD DOUGLAS FARM

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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. All correspondence sent to the District regarding this permit must include the permit number 2-11-00063.

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.

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Permit No: 2-11-00063
Project: RICHARD DOUGLAS FARM

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23. Unless extended by the District's Governing Board, this Permit shall expire on May 9, 2012.

SUWANNEE RIVER WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD



SEAL

By Charles H. Anderson
Asst. EXECUTIVE DIRECTOR

Timothy J. Sykes
DISTRICT RULES CLERK

April 11, 2012
DATE

NOTICE OF RIGHTS

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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.
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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:

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

At 4:00 p.m. this 11th day of April, 2012



Jon Dinges
Deputy Clerk

Permit No: 2-11-00063

Project: RICHARD DOU AS FARM

Suwannee River Water Management District

9225 C.R. 49

Live Oak, Florida 32060

386.362.1001 or 800.226.1066 (Florida only)

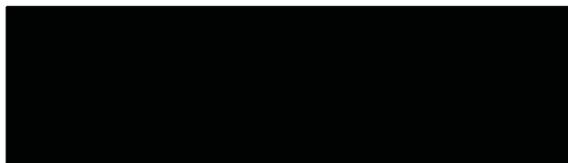
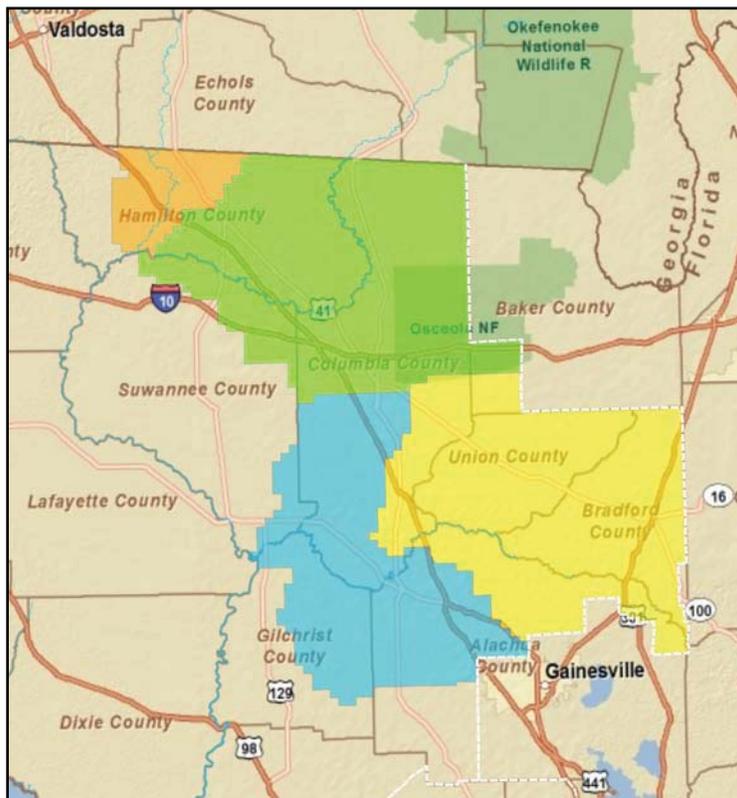
cc: File Number: 2-11-00063

MEMORANDUM

TO: Governing Board
FROM: Kevin Wright, Professional Engineer
DATE: September 6, 2012
RE: Report on Investigation of Non-use of Water Use Permits

At the August 14, 2012, Governing Board Workshop, the Governing Board requested that staff evaluate the water use permit inventory to determine if there were any permits that have not been used for a period of two or more years.

Staff gave priority to the water use permits located within the four Water Resource Caution Areas shown in the figure below.



To evaluate non-use, staff used well data and imagery to determine whether the permits were being used based on whether or not a well had been constructed. Using the District Geographic Information System (GIS), staff determined that there were over 2,400 existing wells in the Water Resource Caution areas. These wells represent 900 water use permits. Staff examined the largest 300 permits (based on permitted allocation). During the evaluation, staff discovered 11 water use permits that may not be fully used, were never used, or are duplicates.

Staff will contact each of these permittees to better understand current status of their operations. If staff confirms that permits have not been used for two or more years, then staff will bring those permits to the Governing Board for discussion on future action.

Staff intends to complete this investigation within the Water Resource Caution Areas by October 5, 2012, and bring a full report to the Governing Board at a workshop in the near future.

Following completion of this investigation within the Water Resource Caution Areas, staff will continue working through the balance of the District and reporting the results to the Governing Board on a monthly basis.

KW/tm

MEMORANDUM

TO: Governing Board
FROM: Charlie Houder, Assistant Executive Director
DATE: September 7, 2012
RE: R. O. Ranch, Inc. Endowment and Trust Agreement

RECOMMENDATION

Staff recommends that the Governing Board:

- (1) authorize the transfer the funds in the R. O. Ranch endowment fund to R. O. Ranch, Inc., and**
- (2) approve and execute the Trust Agreement for the management of the funds.**

BACKGROUND

In April 2006 Frank and Olive Schulte donated a 54% interest in their property to R. O. Ranch, Inc., a 501(c)(3) non-profit corporation established by the District Governing Board. In July 2006 the District purchased the property from the Schultes and R. O. Ranch, Inc., thereby creating a \$3.5 million fund for R. O. Ranch Inc. In accordance with Resolution 2006-19, the funds were deposited in a separate sub-account of the District's account with the Florida State Board of Administration account. This account has been managed such that the principal is preserved, and only the income generated from these funds is withdrawn for the purposes of supporting R.O. Ranch, Inc.

Based on input from the Executive Office of the Governor, legislative staff, and the Department of Environmental Protection, the endowment is not included in the District's FY 2012-13 budget. Staff has worked with the R. O. Ranch Board of Directors to arrange for the transfer of funds from District accounts to an account controlled by R. O. Ranch, Inc. It has been the intent of the Board of Directors that the funds be governed by a trust that would protect its principal as well as shield it from potential claims in the future.

The total amount of the R. O. Ranch endowment was \$3,857,199.09 at the close of business on August 31. The bulk of these funds are invested in the State's Special Purpose Investment Account (SPIA). A small amount is held in the State Board of Administration (SBA) Fund A and approximately \$67,000 is held in SBA Fund B. The funds in SPIA and SBA Fund A can be drawn down and available for transfer with a few days notice. SBA Fund B was created during the investment crisis of 2007 and holds obligations that are not immediately liquid. The District is able to transfer about \$1,100 per month out of Fund B. Therefore, staff recommends that an amount equal to the funds in SBA Fund B be drawn from other reserves for transfer to R. O. Ranch, Inc. These funds would be replenished over time from those in SBA Fund B.

Mr. Schulte had the draft Trust Agreement review by his attorney who made several substantive revisions. Principally, two co-trustees, Mr. Schulte's son and Mr. Schulte's business associate, Travis Birdsong, were added. Accordingly, the provision for successor trustees was revised and it was specified that the powers of the Trust could only be exercised with the concurrence of all three Trustees. The revised draft strengthens the intent to use only 75% of the net income to the Trust for management and maintenance of the ranch. It also grants Mr. Schulte's son with the primary authority to name a charitable entity to receive the Trust property should R. O. Ranch, Inc. ever be dissolved.

The Schulte draft was then reviewed by staff and Board Counsel. The resulting document which is attached was presented to the R.O. Ranch, Inc. Board of Directors on September 6, and was approved subject to a final review by Mr. Schulte's attorney. The biggest substantive change from the Schulte draft was the addition of a requirement that the Beneficiary, R. O. Ranch, Inc. must concur with all actions of the Trustees. In addition, the provisions for successor trustees was revised significantly and provisions regarding the payment of taxes and the waiver of a jury trial were reinserted.

There was additional discussion between staff and Board Counsel as to the need for the District to become a party to the Trust Agreement. We concluded that it would be beneficial for the District to assist in the establishment of the Trust, but that the Governing Board may wish to resign from the Trust at some point once it is operating smoothly.

The latest draft was transmitted to Mr. Schulte's attorney and his response is pending. Should there be any additional revisions, they will be forwarded to the Governing Board as quickly as possible. If the Governing Board is not able to adequately review a final document in time to take action on September 11, staff would recommend deferring action on the Trust Agreement until September 25. The R. O. Ranch, Inc. Board of Directors has also made provisions for a special meeting in the event that additional action on the Trust Agreement is needed prior to October 1, 2012.

gal
enclosure

TRUST AGREEMENT

This trust agreement (the "Trust Agreement") is made and entered into this _____ day of _____, 2012, by and between the SUWANNEE RIVER WATER MANAGEMENT DISTRICT (the "DISTRICT"), a Florida water management district created pursuant to Section 373.069, Florida Statutes, whose address is 9225 CR 49, Live Oak, FL 32060 and FRANK SCHULTE, JR. ("SCHULTE"), whose address is 1050 Roslyn Street, Mt. Clemens, MI 48043-2935, and TRAVIS BIRDSONG ("BIRDSONG"), whose address is 3069B N. Westwood Boulevard, Poplar Bluff, MO 63901, who are co-trustees, under this Trust Agreement (hereinafter collectively the "TRUSTEES"), and R.O. RANCH, INC., a Florida not-for-profit corporation whose address is 696 SE CR 357, Mayo, FL 32066, who is the beneficiary under this Trust Agreement (hereinafter "R.O. RANCH" or the "BENEFICIARY").

RECITALS

WHEREAS, the DISTRICT purchased that certain real property in Lafayette County, Florida described on attached Exhibit "A" (the "Property") from R.O. RANCH in 2006; and

WHEREAS, net cash proceeds in the amount of \$3,487,021.48 (the "Net Proceeds") were generated from the above referenced transaction; and

WHEREAS, as agreed between the DISTRICT and R.O. RANCH, the Net Proceeds were retained by the DISTRICT and held in trust for the benefit of R.O. RANCH for its use in the management and maintenance of the Property; and

WHEREAS, the Property was acquired by the DISTRICT to protect water resources in the upper Steinhatchee River basin; and

WHEREAS, pursuant to Section 373.1391, Florida Statutes, the DISTRICT is required to manage and maintain the Property, to the extent practicable, in such a way as to ensure a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition; and

WHEREAS, the parties agree that an appropriate compatible use of the Property is to provide lands to accommodate recreation, including an equestrian oriented park and campground together with other facilities for public and private use for private and public events and functions such as meetings, concerts, reunions, community events, etc.; and

WHEREAS, certain structures and improvements, including without limitation, equestrian oriented parks and trails, campgrounds and other related recreational facilities (the "Current Facilities") have been constructed on the Property, and certain other structures and improvements may be constructed on the Property in the future (the "Future Facilities"), and the Current Facilities and the Future Facilities are collectively referred to herein as the "Facilities"; and

WHEREAS, pursuant to Section 373.1401, Florida Statutes, the DISTRICT contracted with R.O. RANCH for the improvement, management, and maintenance of the Property including the Facilities (as used hereinafter the term "Property" shall also include the "Facilities"), and accordingly the DISTRICT and R.O. RANCH entered into a Management Agreement (the "Management Agreement"), which provided, among other things, that R.O. RANCH would manage and maintain the Property; and

WHEREAS, it was and is intended by the DISTRICT and R.O. RANCH that the Net Proceeds be used to provide funds for the improvement, management and maintenance of the Property, and

WHEREAS, interest has accrued on the Net Proceeds since closing the above referenced transaction, and some of that interest income has been spent on management and maintenance of the Property, and as of the date of this Trust Agreement, the Net Proceeds including all unspent interest totals \$ _____ as of September 1, 2012; and

WHEREAS, the DISTRICT is presently in possession of the Net Proceeds, but will transfer the Net Proceeds to R.O. RANCH, and then R.O. RANCH will transfer the Net Proceeds to the TRUSTEES to be held and managed by the TRUSTEES pursuant to the terms of this Trust Agreement, and

WHEREAS, the TRUSTEES and R.O. RANCH desire to create and enter into this Trust Agreement to provide the terms under which the TRUSTEES will manage, use and dispose of the Net Proceeds and all other assets of this trust.

NOW THEREFORE, in consideration of Ten and No/100 (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Section I
Recitals

The above recitals are true and correct and incorporated herein by reference.

Section II
Name of Trust

The name of this trust shall be the R.O. RANCH TRUST.

Section III
Trust Property

The Trust Property shall consist of the Net Proceeds presently in the possession of the DISTRICT and ultimately transferred to the TRUSTEES as set forth above, plus all interest subsequently accruing thereon (the "Trust Property"). All of the Trust Property shall be subject to the terms and conditions of this Trust Agreement. As further evidence of this assignment, the BENEFICIARY has executed or will execute or cause to be executed all instruments as may be required to complete assignment or transfer of title of the Trust Property to the TRUSTEES. The TRUSTEES accept transfer and assignment of the Trust Property as trustees and undertake to hold, manage, and dispose of the Trust Property in accordance with the provisions of this Trust Agreement.

Section IV
Additions to Trust

The BENEFICIARY and any other person shall have the right at any time to add to the principal of the trust any property that is acceptable to the TRUSTEES. Such property, when received and accepted by the TRUSTEES, shall become part of the Trust Property and shall be administered, held, controlled, and distributed by the TRUSTEES in accordance with the terms and conditions of this Trust Agreement.

Section V
Disposition of Principal and Income

The TRUSTEES shall hold, manage, invest, and reinvest the Trust Property, shall collect and receive the income, and after deducting all necessary expenses incident to the administration of the trust, dispose of the principal and income as follows:

1. The TRUSTEES shall make one annual payment from the Trust Property to the BENEFICIARY which payment shall be made automatically and without the need of any demand. Each annual payment shall be made no later than December 1 of each year and shall be in an amount equal to seventy-five (75%) percent of the net income earned on the Trust Property during the immediately preceding 12 month period (October 1 through September 30).

2. In the event the BENEFICIARY believes that the above annual payment is insufficient to fulfill the BENEFICIARY'S duties under the Management Agreement, the BENEFICIARY may request additional payments from the Trust Property to the BENEFICIARY. Should the TRUSTEES determine that such requests are consistent with the BENEFICIARY'S responsibilities under the Management Agreement, the TRUSTEES may make such requested payment to the BENEFICIARY. This provision does not give the BENEFICIARY any right to additional payments of Trust Property.

3. The income of the trust not distributed shall be accumulated and added to the Trust Property and shall be administered, held, controlled, and distributed by the TRUSTEES in accordance with the terms and conditions of this Trust Agreement.

Section VI
Irrevocability of the Trust

The trust created hereby shall be irrevocable. The BENEFICIARY hereby expressly waives all rights and powers, whether alone or in conjunction with others, to alter, amend, revoke, or terminate the trust or the terms of this Trust Agreement, in whole or in part. Except as may be otherwise provided in this Trust Agreement, the BENEFICIARY relinquishes absolutely and forever any interest, either vested or contingent, including any reversionary right or possibility of reverter, in the Trust Property, and any power to determine or control, by alteration, amendment, revocation, termination, or otherwise, the beneficial interest in the Trust Property.

Section VII
Powers of Trustees

This trust shall be administered by three (3) TRUSTEES. The TRUSTEES shall have the following powers:

1. To retain any property or assets contributed to this trust, or to sell, exchange, or otherwise dispose of any such property or assets, at public or private sale, without application to court, on any terms, including the extension of credit, which the TRUSTEES deem advisable.
2. To acquire, by purchase or otherwise, any property, real or personal, without being limited by any provision of law which restricts investments by fiduciaries and without regard to any principles of diversification, including, but not limited to, common and preferred stocks, bonds, mutual funds, common trust funds, secured and unsecured obligations, and mortgages; or to sell, exchange, or otherwise dispose of any such property, at public or private sale, without application to court, on any terms, including the extension of credit, which the TRUSTEES deem advisable.
3. To acquire and pay for, exercise, or sell any options or subscription rights in connection with securities or any other property.
4. To hold securities in the names of nominees of in bearer form.
5. To operate, repair, alter, improve, insure, grant options upon, mortgage, partition, or lease for any period of time any real property or interest in real property held by the TRUSTEES.
6. To retain and pay, as an expense of administration, accountants, attorneys, investment advisors, and other assistants, and to delegate discretionary investment management authority to such individuals, the delegation to be exercised consistent with the spirit of this Trust Agreement.
7. To borrow money from any source and for any purpose, including but not limited to the payment of taxes, and to pledge or mortgage any assets held by the TRUSTEES as security for money borrowed.

8. To make distributions from the trust in cash or in kind, or partly in each, and to allocate property other than ratably.

9. To hold property of separate trusts in common investments for the convenience of investment or administration.

10. To enter such contracts or agreements or to compromise or settle any debts, claims, or controversies as they deem necessary or advisable.

11. To vote personally or by proxy any share of stock held by the TRUSTEES.

The TRUSTEES may act freely under all of the powers given to the TRUSTEES after forming their judgment based upon all the circumstances as to the wisest and best course to pursue, without the necessity of obtaining the consent or approval of any interested person or any court, and notwithstanding that the TRUSTEES may be interested in connection with the same matters in other capacities.

The powers granted to the TRUSTEES shall be deemed to be supplementary to and not exclusive of the general powers of trustees pursuant to law and shall include all powers necessary to carry the same into effect.

Section VIII Limitations on Powers of Trustees

Notwithstanding anything else herein to the contrary, the TRUSTEES shall not have the power to make any distribution of the Trust Property to any person or entity other than the BENEFICIARY. Notwithstanding anything else herein to the contrary, the TRUSTEES shall not have the authority to exercise any of the powers set out herein, except upon the concurrence of all TRUSTEES and the BENEFICIARY.

Section IX Compensation of Trustees

The TRUSTEES waive compensation for their services herein.

Section X Successor Trustees

Any of the TRUSTEES, or any successor TRUSTEES, may resign at any time by giving written notice 60 days before resignation shall take effect, to the BENEFICIARY and the other TRUSTEES. On the death, resignation or removal of any of the TRUSTEES, SCHULTE or his successor trustee shall designate a successor trustee by written notice to the remaining trustee and the BENEFICIARY within 30 days after receipt of such notice of resignation. In the event that

SCHULTE or his successor trustee fails to, or is unable to designate a successor trustee within 30 days after such death, resignation or removal, then BIRDSONG or his successor trustee shall designate a successor trustee by written notice to the remaining trustee and the BENEFICIARY within 30 days after SCHULTE's or SCHULTE's successor trustee's failure to do so. In the event a successor trustee shall not be designated within the time frames set out above, for any reason, the BENEFICIARY shall designate a successor trustee for such position or positions by written notice to the remaining trustee(s), if any. Any resigning TRUSTEE or resigning successor trustee shall be discharged as trustee and shall have no further powers, discretions, rights, obligations, or duties with reference to the Trust Property, after the effective date of such resignation. All such powers, discretions, rights, obligations, and duties of the resigning trustee shall be binding on successor trustee. Any trustee or successor trustee, named or appointed must be neither the BENEFICIARY nor a "related or subordinate party" as that term is defined for federal tax purposes.

Section XI
Payment of Taxes

The TRUSTEES shall pay federal and/or state income tax, if any, on the income earned by the trust from the Trust Property immediately upon the same becoming due. Under no circumstances shall the TRUSTEES, either individually or collectively, have the obligation to pay federal and/or state income tax on the income earned by the trust from any sources other than the Trust Property.

Section X
Disposition of Trust Property in the Event of Dissolution of R.O. Ranch

In the event that R.O. RANCH, INC. is dissolved, SCHULTE or his successor TRUSTEE shall transfer and deliver to a charitable entity of his or his successor's sole choosing, all Trust Property. In the event that R.O. RANCH is dissolved and SCHULTE and his successor TRUSTEE is unable to designate a charitable entity or entities within 120 days of dissolution of R.O. RANCH, BIRDSONG or his successor TRUSTEE shall designate a charitable entity or entities of his sole choosing to receive all such Trust Property.

Section XI
Discretion of Trustees

All powers granted to or vested in the TRUSTEES by any provision of this Trust Agreement are to be exercised in the sole and absolute discretion of the TRUSTEES. However, discretion shall be exercised in a fiduciary capacity, primarily in the interest of the BENEFICIARY.

Section XII
Acts of Trustees

Any instrument executed by the TRUSTEES shall be binding on the BENEFICIARY.

Section XIII
Spendthrift Provision

Except as otherwise expressly provided, all income or principal to be paid to the BENEFICIARY shall be paid by the TRUSTEES directly to and only to the BENEFICIARY. The TRUSTEES shall not recognize any transfer, mortgage, pledge, hypothecation, order, or assignment of the BENEFICIARY by way of anticipation of income or principal. The income and principal of the trust shall be exempt from the claims of creditors or other claimants and from orders, decrees, levies, attachments, garnishments, executions, and other legal or equitable process or proceedings to the fullest extent permissible by law. If any creditor or other claimant attempts by any means to subject to the satisfaction of the claim of the creditor or claimant the interest of the BENEFICIARY then notwithstanding any other provisions of this Trust Agreement, the BENEFICIARY, during such time thereafter as TRUSTEE, in TRUSTEES' absolute discretion, shall deem advisable, shall not be entitled to receive payments from the trust.

Section XIV
Allocation Between Principal and Income

Unless otherwise specifically provided in this Trust Agreement, the TRUSTEES, in the TRUSTEES' absolute discretion, may determine the allocation of receipts between principal and income and may apportion dividends between principal and income.

Section XV
Accounting

TRUSTEES at any time shall, with 30 days after demand by the BENEFICIARY, render to the BENEFICIARY an account of the acts of TRUSTEES and transactions with respect to the Trust Property from the date of the creation of the trust or from the date of the last previous account of TRUSTEES. The BENEFICIARY shall have sixty (60) days after receipt of such accounting to review such accounting and, should the BENEFICIARY find something objectionable, give written notice specifying the objections, to the TRUSTEES. Should the BENEFICIARY fail to make any objections within the above time frame the accounting shall be deemed approved by the BENEFICIARY and such approval shall constitute a full and complete discharge and release of TRUSTEES from all further liability, responsibility, and accountability for or with respect to the acts and transactions of TRUSTEES as set forth in such account, both as to income and principal. Should any objections be timely made all objections not presented within such time frame shall be irrevocably and forever waived.

Section XVI
Bond

The DISTRICT shall not be required to give any bond. Any person or persons other than the DISTRICT appointed to act as trustee or successor trustee under this trust, except any corporate

trustee authorized to engage in the trust business in Florida, before entering on his or her duties of trusteeship, shall execute a bond payable to the trust, with an authorized surety company as surety, to secure the faithful performance of trustee's duties. Bond shall be in an amount not less than the value of the Trust Property and the probable value of one year's annual income from the Trust Property. The cost of bond shall be assessed to the trust, chargeable either to income or principal as the TRUSTEES in the TRUSTEES' discretion shall determine. The requirement of bond may be waived by the BENEFICIARY.

Section XVII
Severability

If any provision of this Trust Agreement should be invalid or unenforceable, the remaining provisions shall continue to be fully effective.

Section XVIII
Venue and Jurisdiction of Litigation

The exclusive venue and jurisdiction for any litigation enforcing, construing or relating to this Trust Agreement shall be the Circuit Court or the County Court in and for Suwannee County, Florida.

Section XIX
Waiver of Jury Trial

The TRUSTEES and the BENEFICIARY mutually and forever waive any and all right to trial by jury in any legal proceeding arising out of or relating to this Trust Agreement. The TRUSTEES and the BENEFICIARY agree to have any such actions decided by a judge alone, without a jury.

Section XX
No Waiver of Sovereign Immunity

Notwithstanding anything else herein to the contrary, nothing herein shall be construed to waive or to otherwise affect the DISTRICT's sovereign immunity and/or the protections given the DISTRICT under Section 768.28, Florida Statutes.

Section XXI
No Third Party Beneficiaries

No provision of this Trust Agreement shall be deemed for the benefit of any person or entity other than the TRUSTEES and the BENEFICIARY and no other person or entity shall acquire any rights under this Trust Agreement.

Section XXII
Entire Agreement

Other than the Management Agreement, which remains valid and unchanged by this Trust Agreement and is to co-exist with and be interpreted consistent with this Trust Agreement, this Trust Agreement supersedes all previous agreements governing the Trust Property, oral or written, between the TRUSTEES and the BENEFICIARY, and represents the whole and entire agreement between the parties with regard to the distribution of the Trust Property. Neither party has entered into this Trust Agreement in reliance upon any fact or representation not expressly provided in this Trust Agreement and/or the Management Agreement.

Section XXIII
Amendment, Revocation or Abandonment of this Trust Agreement

This Trust Agreement may not be amended, revoked, or abandoned except through a written agreement executed by the parties with the same formalities as this Trust Agreement.

Section XXIV
Trust Agreement not to be Construed against Either Party

This Trust Agreement is the product of the negotiation between the parties hereto. Thus the terms of this Trust Agreement shall not be construed against any party to this Trust Agreement as the drafter.

Section XXV
Acceptance of Trustees and Governing Law

This trust has been accepted by the TRUSTEES and will be administered in the State of Florida, its validity, construction, and rights shall be governed by the laws of that state, without regard to its conflict of laws rules.

Section XXVI
Miscellaneous

The headings used herein are intended solely for use as reference and are not intended to be a part of this Trust Agreement. Where necessary or appropriate to the meaning in this Trust Agreement, the singular and plural are interchangeable, and words of any gender include all genders. Once fully executed, photocopies of this Trust Agreement have the same force and effect as the original.

IN WITNESS WHEREOF, the TRUSTEES, and the BENEFICIARY have signed this Trust Agreement as set out below.

EXECUTED by the DISTRICT on this _____ day of _____, 2012.

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

By: _____
Don Quincey, Jr.
Chair of its Governing Board

ATTEST:

By: _____
Donald R. Curtis, III
Secretary/Treasurer

EXECUTED by FRANK SCHULTE, JR. on this _____ day of _____, 2012.

FRANK SCHULTE, JR.

EXECUTED by TRAVIS BIRDSONG on this _____ day of _____, 2012.

TRAVIS BIRDSONG

EXECUTED by the R.O. RANCH on this ____ day of _____, 2012.

R.O. RANCH, INC.

By: _____
Donald R. Curtis, III
Chair of its Board of Directors

ATTEST:

By: _____
Print Name:
Title: