

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

OPEN TO THE PUBLIC

November 12, 2013
9:00 a.m.

District Headquarters
Live Oak, Florida

1. Call to Order
2. Roll Call
3. Announcement of any Amendments to the Agenda by the Chair
4. Public Comment
5. Consideration of the following Items Collectively by Consent:
 - Agenda Item 6 – Approval of October 10, 2013 Governing Board Minutes and October 11, 2013 Workshop Minutes
 - Agenda Item 8 – Approval of September Financial Report
 - Agenda Item 15 - Approval of a Modification with less than 52,000 gallons per day Increase in Allocation and a Five-Year Permit Extension for Water Use Permit Application Number 2-03-00104.002, Davis Heritage Farm, Alachua County
 - Agenda Item 16 - Approval of a Modification with a 0.3414 mgd Decrease in Allocation and a Five-Year Permit Extension for Water Use Permit Application Number 2-84-00192.003, Reid Family Farm, Hamilton County
 - Agenda Item 17 - Approval of a Modification with a 0.4528 mgd Decrease in Allocation and a Five-Year Permit Extension for Water Use Permit Application Number 2-84-01221.003, Waco of Alabama, Alachua County

Page 6

6. Approval of Minutes – October 10, 2013 Governing Board Meeting and October 11, 2013 Workshop – **Recommend Consent**
7. 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

GOVERNING BOARD LEGAL COUNSEL
Tom Reeves

No Items

BUREAU OF ADMINISTRATIVE SERVICES
Dave Dickens, Manager

AS Page 1

8. Approval of September Financial Report – **Recommend Consent**

DIVISION OF LAND RESOURCES

Charles H. Houder, III, Director

- LR Page 1 9. Consideration of Contracts for Prescribed Fire Management Services for Fiscal Year 2013-2014
- LR Page 6 10. Discussion of Options for Otter Springs Park and Campground in Gilchrist County
- LR Page 8 11. Authorization to Conduct a Detailed Assessment of Lands Owned by Rayonier Forest Resources, L.P., 2,561 acres in Bradford County
- LR Page 15 12. Land Resources Activity Summary

DIVISION OF WATER SUPPLY

Carlos Herd, P.G., Director

No Items

DIVISION OF WATER RESOURCES

Erich Marzolf, Ph.D., Director

- WR Page 1 13. Contract with United States Geological Survey for LiDAR Data and Quality Control Services
- WR Page 4 14. Agricultural Water Use Monitoring Update

DIVISION OF RESOURCE MANAGEMENT

Tim Sagul, P.E., Director

- RM Page 1 15. Approval of a Modification with less than 52,000 gallons per day Increase in Allocation and a Five-Year Permit Extension for Water Use Permit Application Number 2-03-00104.002, Davis Heritage Farm, Alachua County– **Recommend Consent**
- RM Page 10 16. Approval of a Modification with a 0.3414 mgd Decrease in Allocation and a Five-Year Permit Extension for Water Use Permit Application Number 2-84-00192.003, Reid Family Farm, Hamilton County – **Recommend Consent**
- RM Page 19 17. Approval of a Modification with a 0.4528 mgd Decrease in Allocation and a Five-Year Permit Extension for Water Use Permit Application Number 2-84-01221.003, Waco of Alabama, Alachua County– **Recommend Consent**
- RM Page 28 18. Adoption of Proposed Rule Changes for Chapters 40B-1 and 40B-2, Florida Administrative Code (F.A.C.), Water Use Permit Applicant's Handbook and Forms to be Consistent with Statewide CUPCON Rulemaking Effort

- RM Page 145 19. Approval of Resolution 2013-22 Declaring the Otter Springs Restoration Project in Gilchrist County as an Environmental Restoration and Enhancement Project
- RM Page 147 20. Resolution of Enforcement Regarding Stephen A. Midyette, CE07-0065, Gilchrist County
- RM Page 152 21. Final Order Granting Variance and Waivers, Mark Smith District Floodway Project, District Permit Application Number 06-0661M3, Lafayette County, Final Order Number 13-0003
- RM Page 166 22. Authorization to Waive Penalties, Administrative Costs and Attorney's Fees Regarding Enforcement Number CE06-0107, Buckels/Fennell/Smith District Floodway Project, Lafayette County
- RM Page 167 23. Permitting Summary Report
- RM Page 170 24. Enforcement Status Report

EXECUTIVE OFFICE

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

- EO Page 1 25. Agreement for Transmittal of Electric Consumption Data with Central Florida Electric Cooperative, Inc.
- EO Page 13 26. Authorization to Enter into an Interlocal Agreement with Dixie County for the Middle Suwannee River and Springs Restoration and Aquifer Recharge Project
- EO Page 21 27. Appointment of Steve Roberts to North Florida Regional Water Supply Partnership Stakeholder Advisory Committee to Replace Dave Clanton, City of Lake City
- EO Page 22 28. North Florida Regional Water Supply Partnership Stakeholder Committee Update
- 29. Springs Projects Update
- EO Page 23 30. District's Weekly Activity Reports
- 31. Announcements

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

December 10, 2013	9:00 a.m.	Board Meeting District Headquarters
January 14, 2014	9:00 a.m.	Board Meeting District Headquarters

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

32. Adjournment

Any member of the public, who wishes to address the Board on any agenda item, or any other topic, must sign up (including the completion of the required speaker forms) with the Executive Director or her designee before the time designated for Public Comment. During Public Comment, the Chair shall recognize those persons signed up to speak on agenda items first. To the extent time permits, the Chair shall thereafter recognize those persons signed up to speak on non-agenda items. Unless, leave is given by the Chair, (1) all speakers will be limited to three minutes per topic, (2) any identifiable group of three persons or more shall be required to choose a representative, who shall be limited to five minutes per topic. When recognized by the Chair during Public Comment, a speaker may request to be allowed to make his or her comments at the time the Board considers a particular agenda item. The Chair may grant or deny such request in the Chair's sole discretion.

The Board may act upon (including reconsideration) any agenda item at any time during the meeting. The agenda may be changed only for good cause as determined by the Chair and stated in the record. If, after the regular time for Public Comment, the agenda is amended to add an item for consideration, the Chair shall allow public comment on the added agenda item prior to the Board taking action thereon.

All decisions of the Chair concerning parliamentary procedures, decorum, and rules of order will be final, unless they are overcome by a majority of the members of the Board in attendance.

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.

AGENDA
SUWANNEE RIVER WATER MANAGEMENT DISTRICT
GOVERNING BOARD WORKSHOP

OPEN TO THE PUBLIC

November 12, 2013
Following the Governing Board Meeting

District Headquarters
Live Oak, Florida

1. Preliminary Budget Discussion
2. Lower Santa Fe and Ichetucknee Rivers and Priority Springs Minimum Flows and Levels Peer Review Presentation and Update
3. Upper Floridan Aquifer Regional Recharge Concepts and Feasibility Study – Atkins Project

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., Thursday
October 10, 2013

Cedar Key, Florida

Governing Board:

Seat	Name	Office	Present	Not Present
Aucilla Basin	George M. Cole, Ph.D.			X
Coastal River Basin	Donald Ray Curtis, III	Sec/Treas.	X	
Lower Suwannee Basin	Don Quincey, Jr.	Chair	X	
Santa Fe & Wacc. Basins	Kevin W. Brown		X	
Upper Suwannee Basin	Alphonas Alexander	Vice Chair	X	
At Large	Virginia H. Johns		X	
At Large	Virginia Sanchez		X	
At Large	Guy N. Williams		X	
At Large	Gary Jones		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	Jon Dinges	X	
Govern. Affairs /Communications Director	Steve Minnis	X	
Administrative Services Bureau Director	Dave Dickens	X	
Land Resources Division Director	Charles H. Houder. III	X	
Water Supply Division Director	Carlos Herd	X	
Water Resources Division Director	Erich Marzolf	X	
Resource Management Division Director	Tim Sagul	X	
GB & HR Coordinator	Lisa Cheshire	X	

Guests:

Rhonda Scott, SRWMD
Warren Zwanka, SRWMD
Robin Lamm, SRWMD
Megan Wetherington, SRWMD
Hugh Thomas, DACS
Sue Colson, City of Cedar Key
Tony Cleveland, Buckeye
David White, Retired Employee
James Cornett, Spirit of Suwannee
Commissioner Gene Higginbotham, Dixie County
Mike Cassidy, Dixie County Manager
Michael O'Berry, Vulcan Materials Company
Paul Still, BSWCD
Jeff Hill, Lake City
Tim Perry, Buckeye
Craig Varn, Manson Bolves

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

Agenda Item No. 3- Announcement of any Amendments to the Agenda by the Chair.

Additions:

- SUP 1 – Real Estate Broker Services

Agenda Item No. 4 – Public Comment: (Notations provided as Written on Sign in Sheet)

1. Sue Colson – Welcome and update on Cedar Key Report Card
2. Tony Cleveland – Comments regarding CUPCon Rulemaking

Board Chair stated for the record that Virginia Johns, Board Member, arrived at Meeting at 9:15 a.m.

3. Paul Still – Commented on Agenda Item No. 8, Update regarding El Rancho No Tengo, Agenda Item 9, Resolution of Leave Overpayments to Previous Employees

Mr. Quincey, Chair, moved to Agenda Item 7

Agenda Item 7 - Items of General Interest for Information/Cooperating Agencies and Organizations

- Megan Wetherington gave a presentation of hydrologic conditions of the District
- Cooperating Agencies and Organizations - None

Agenda Item No. 5 Consideration of the Following Items Collectively by Consent:

- Agenda Item No. 6 – Approval of Minutes for September 10, 2013 Governing Board Meeting and First Public Budget Hearing, and September 24, 2013, Governing Board Workshop and Final Public Budget Hearing

- Agenda Item No. 10 – Approval of August 2013 Financial Report
- Agenda Item No. 11 – Demolition of Mobile Home and Declaration of Surplus Equipment at Otter Springs
- Agenda Item No. 12 - Change to Banking Relationship Agreements

Agenda Item No. 6 – Approval of Minutes.

- September 10, 2013 Governing Board Meeting
- September 10, 2013 First Public Budget Hearing
- September 24, 2013 Governing Board Workshop
- September 24, 2013 Final Public Budget Hearing

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

Agenda Item No.7 - Items of General Interest for Information/Cooperating Agencies and Organizations. **Discussed after Agenda Item 4.**

Agenda Item No. 8 – Legal Matters. Tommy Reeves, Governing Board Counsel, gave an update regarding Legal Matters relating to El Rancho No Tengo, Inc.

MR. CURTIS MADE A MOTION FOR LEGAL COUNSEL TO FILE QUIET TITLE FOR CLARIFICATION OF TITLE OWNER OF PROPERTY; THE MOTION WAS SECONDED BY MR. ALEXANDER.

Discussion occurred.

Mr. Hill addressed the Board to clarify that Mr. Curtis made the motion and Mr. Alexander seconded to file quiet title.

UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ AND QUINCEY). MR. WILLIAMS VOTING AGAINST.

Agenda Item No. 9 – Request for Direction on Resolution of Leave Over payments to Previous Employees. Board Counsel presented to the Governing Board with the option to pursue resolution for reimbursement of payments for past employees or not to pursue further legal action at this time. Board Counsel's advice was not to pursue further legal action.

Discussion occurred.

MR. WILLIAMS MADE A MOTION AUTHORIZING LEGAL COUNSEL NOT TO PURSUE FURTHER LEGAL ACTION AT THIS TIME. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN

FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

BUREAU OF ADMINISTRATIVE SERVICES

Agenda Item No. 10 – Approval of August 2013 Financial Report. Approved on Consent.

Agenda Item No. 11 – Demolition of Mobile Home and Declaration of Surplus Equipment at Otter Springs. Approved on Consent.

Agenda Item No. 12 – Change to Banking Relationship Agreement. Approved on Consent.

DIVISION OF LAND RESOURCES

Agenda Item No. 13 Approval of Qualified Real Estate Appraisers and Review Appraiser List for Fiscal Year 2013/2014. Charles Houser, III, Director, Division of Land Resources, presented staff recommendation to the Governing Board approve a list of firms for real estate appraisal services or appraisal review services for Fiscal Year 2013/2014 as provided in the Board materials.

Mr. Alexander and Mr. Curtis publically announced a conflict of interest and abstained from voting on Agenda Item No. 13 - Approval of Qualified Real Estate Appraisers and Review Appraiser List for Fiscal Year 2013/2014. Conflict of Interest Form were completed and signed by Mr. Alexander and Mr. Curtis. These forms are hereby made part of these minutes and are filed in the permanent Governing Board meeting minutes files of the District.

MRS. JOHNS MADE A MOTION TO APPROVE A LIST OF FIRMS FOR REAL ESTATE APPRAISAL SERVICES OR APPRAISAL REVIEW SERVICES FOR FISCAL YEAR 2013/2014. THE MOTION WAS SECONDED BY MRS. SANCHEZ. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY). MR. ALEXANDER AND MR. CURTIS ABSTAINED FROM VOTING DUE TO CONFLICT OF INTEREST.

Agenda Item No. 14 – Approved Surveyor List for Fiscal Year 2013/2014. Mr. Houser presented staff recommendation to the Governing Board to approve a list of firms qualified to provide surveying services for Fiscal Year 2013/2014 as provided in the Board materials.

MR. ALEXANDER MADE A MOTION TO APPROVE A LIST OF FIRMS QUALIFIED TO PROVIDE SURVEYING SERVICES FOR FISCAL YEAR 2013/2014. THE MOTION WAS SECONDED BY MR. BROWN. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

Agenda Item No.15 - Easement for Ingress and Egress, Adams Tract, Lafayette County. Mr. Houser presented staff recommendation to the Governing Board to grant an easement for ingress and egress to Lana Morgan O'Steen over the Adams Tract in Lafayette County as provided in the Board materials.

MRS. SANCHEZ MADE A MOTION TO GRANT AN EASEMENT FOR INGRESS AND EGRESS TO LANA MORGAN O'STEEN OVER THE ADAMS TRACT IN LAFAYETTE COUNTY. THE MOTION WAS SECONDED BY MR. JONES. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

SUP 1 - Real Estate Broker Services. Mr. Houder presented staff recommendation to the Governing Board to approve Baynard J. Ward of Daniel Crapps Agency Inc. as qualified to provide real estate broker services for Fiscal Year 2013/2014 as provided in Board materials.

Discussion occurred.

MR. CURTIS MADE THE MOTION TO REINSTATE REALTORS CONTRACTS FOR 60 DAYS IF ACCEPTABLE BY REALTORS AND DISCUSS THE REAL ESTATE BROKER SERVICES RECOMMENDATION AT THE NEXT LANDS COMMITTEE MEETING. THE MOTION WAS SECONDED BY MR. JONES. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

Agenda Item No. 16 – Land Resources Activity Summary. The Land Resources Activity Summary was provided as an informational item in the Board materials.

DIVISION OF WATER SUPPLY

Agenda Item No. 17 – Approval of 2014 Priority List for Establishment of Minimum Flows and Levels. Carlos Herd, P.G., Director, Division of Water Supply, presented staff recommendation to the Governing Board to approve the 2014 priority list for the establishment of Minimum Flows and Levels (MFLs) to be submitted to the Florida Department of Environmental Protection, pursuant to Section 373.042(2), Florida Statutes as provided in the Board materials.

MR. BROWN MADE A MOTION TO APPROVE THE 2014 PRIORITY LIST FOR THE ESTABLISHMENT OF MINIMUM FLOWS AND LEVELS (MFLS) TO BE SUBMITTED TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, PURSUANT TO SECTION 373.042(2), FLORIDA STATUTES. THE MOTION WAS SECONDED BY MR. CURTIS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

Agenda Item No. 18 – North Florida Regional Water Supply Partnership Facilitation Cost-share Agreement with St. Johns River Water Management District. Mr. Herd presented staff recommendation to the Governing Board to authorize the Executive Director to execute a cost-share agreement with the St. Johns River Water Management District (SJRWMD) for the North Florida Regional Water Supply Partnership Facilitation services for an amount not to exceed \$68,456 for fiscal year 2013/2014 as provided in Board materials.

MRS. SANCHEZ MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A COST-SHARE AGREEMENT WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) FOR THE NORTH FLORIDA REGIONAL WATER SUPPLY PARTNERSHIP

FACILITATION SERVICES FOR AN AMOUNT NOT TO EXCEED \$68,456 FOR FISCAL YEAR 2013/2014. THE MOTION WAS SECONDED BY MR. JONES. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

Agenda Item 19 – Authorization to Increase Contract with Huss Drilling, Inc., for Test-Well Drilling Services for the Middle Suwannee River and Springs Restoration and Aquifer Recharge Project.

This Agenda Item was moved to the Executive Office section of the agenda, after Agenda Item 29.

DIVISION OF WATER RESOURCES

Agenda Item No. 20 – Agricultural Water Use Monitoring Update. Agricultural Water Use Monitoring update was provided as an informational item in the Board materials.

DIVISION OF RESOURCE MANAGEMENT

Agenda Item No. 21 –Authorization to Revoke Permit WUP00-0040M3 – Santa Fe Springs, LLC, Columbia County. Warren Zwanka, Senior Hydrologist, Resource Management, presented staff recommendation to the Governing Board to authorize the Executive Director to begin revocation proceedings for Water Use Permit WUP00-0040M3, for two or more years of non-use of the water supply, pursuant to section 373.243, Florida Statutes (F.S.) as presented in Board materials.

MR. CURTIS MADE A MOTION AUTHORIZING THE EXECUTIVE DIRECTOR TO BEGIN REVOCATION PROCEEDINGS FOR WATER USE PERMIT WUP00-0040M3, FOR TWO OR MORE YEARS OF NON-USE OF THE WATER SUPPLY, PURSUANT TO SECTION 373.243, FLORIDA STATUTES (F.S.). THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

Agenda Item No. 22 – Authorization to Initiate Enforcement Regarding Allen Dean, CE12-0021, Taylor County. Mr. Zwanka presented staff recommendation to the Governing Board to authorize initiation of enforcement regarding Allen Dean, Taylor County as presented in Board materials.

MR. CURTIS MADE A MOTION TO INITIATE ENFORCEMENT REGARDING ALLEN DEAN, CE12-0021, TAYLOR COUNTY. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

Agenda Item No. 23 – Approval of Resolution No. 2013-18 for Fiscal Year 2013-2014, Legislative Appropriations Act, for Environmental Resource Permitting, Delineated Areas and Wetlands Protection. Tim Sagul, Division Director, Resource Management, presented staff recommendation to the Governing Board to approve Resolution No. 2013-18 for Fiscal Year 2013-2014, requesting the release of \$740,000 in Legislative Appropriations from the Secretary of the Department of Environmental Protection as provided in Board materials.

MR. CURTIS MADE A MOTION TO APPROVE RESOLUTION NO. 2013-18 FOR FISCAL YEAR 2013-2014, REQUESTING THE RELEASE OF \$740,000 IN LEGISLATIVE APPROPRIATIONS FROM THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

Agenda Item No. 24 – Ratification of the Board Chair’s Agreement with the Federal Emergency Management Agency (FEMA) to Administer Risk MAP (Mapping, Assessment and Planning) for Fiscal Year 2013. Mr. Sagul presented staff recommendation to the Governing Board ratify the Board Chair’s agreement with FEMA to receive \$465,000 to implement FEMA’s Risk MAP Program in the Withlacoochee and Alapaha river basins as presented in Board materials.

MR. CURTIS MADE A MOTION TO RATIFY THE BOARD CHAIR’S AGREEMENT WITH FEMA TO RECEIVE \$465,000 TO IMPLEMENT FEMA’S RISK MAP PROGRAM IN THE WITHLACOOCHEE AND ALAPAHA RIVER BASINS. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

Agenda Item No. 25 – Authorization to Extend Contract 09/10-097 with Jones Edmunds & Associates, Inc., for Gilchrist County Digital Flood Insurance Rate Maps (DFIRM) Updates. Mr. Sagul presented staff recommendation to the Governing Board to authorize the Executive Director to extend Contract No. 09/10-097 with Jones Edmonds & Associates, Inc., to complete the Gilchrist County DFIRM updates for the remaining amount of \$27,574.49 by February 28, 2015, as presented in Board materials.

MR. CURTIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXTEND CONTRACT NO. 09/10-097 WITH JONES EDMUNDS & ASSOCIATES, INC., TO COMPLETE THE GILCHRIST COUNTY DFIRM UPDATES FOR THE REMAINING AMOUNT OF \$27,574.49 BY FEBRUARY 28, 2015. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

Agenda Item No. 26 – Permitting Summary Report. The Permitting Summary Report was provided as an informational item as provided in the Board materials.

Agenda Item No. 27 – Enforcement Status Report. The Enforcement Status Report was provided as an informational item as provided in Board materials.

EXECUTIVE OFFICE

Agenda Item No. 28 – Selection of Financial Auditor for Fiscal Year 2013-2014. Dr. Ann Shortelle, Executive Director, presented a recommendation from the Governing Board Audit Committee to the Governing Board to enter into contract with Powell & Jones CPAs for financial audit services for a cost not to exceed \$24,900 for Fiscal Year 2013-2014 as provided in Board materials.

MR. CURTIS MADE A MOTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO CONTRACT WITH POWELL & JONES CPAS FOR FINANCIAL AUDIT SERVICES FOR A COST NOT TO EXCEED \$24,900 FOR FISCAL YEAR 2013-2014. MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

Agenda Item No. 29 - Authorization for Matching Funds for Springs Restoration Projects for Fiscal Year 2013-2014 and Approval of the Middle Suwannee River and Springs Restoration and Aquifer Recharge Project as an Environmental Restoration and Enhancement Project. Dr. Shortelle presented staff recommendation to the Governing Board authorizing \$400,000 in matching funds for the Ichetucknee Springshed Water Quality Improvements Project and \$277,000 in matching funds for the Middle Suwannee River and Springs Restoration and Aquifer Recharge Project and approve the project as an environmental restoration and enhancement project as presented in Board materials

MR. CURTIS MADE A MOTION TO APPROVE \$400,000 IN MATCHING FUNDS FOR THE ICHETUCKNEE SPRINGSHED WATER QUALITY IMPROVEMENT PROJECT AND \$277,000 IN MATCHING FUNDS FOR THE MIDDLE SUWANNEE RIVER AND SPRINGS RESTORATION AND AQUIFER RECHARGE PROJECT AND APPROVE THE PROJECT AS AN ENVIRONMENTAL RESTORATION AND ENHANCEMENT PROJECT. MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

Agenda Item 19 – Authorization to Increase Contract with Huss Drilling, Inc., for Test-Well Drilling Services for the Middle Suwannee River and Springs Restoration and Aquifer Recharge Project. Mr. Herd presented staff recommendation to the Governing Board to authorize the Executive Director to increase Contract No. 12/13-211 with Huss Drilling, Inc., for Test-Well Drilling Services at Mallory Swamp through September 30, 2014, and negotiate additional services not to exceed \$68,815 as provided in Board materials.

MR. CURTIS MADE A MOTION AUTHORIZING THE EXECUTIVE DIRECTOR TO INCREASE CONTRACT NO. 12/13-211 WITH HUSS DRILLING, INC., FOR TEST-WELL DRILLING SERVICES AT MALLORY SWAMP THROUGH SEPTEMBER 30, 2014, AND NEGOTIATE ADDITIONAL SERVICES NOT TO EXCEED \$68,815. THE MOTION WAS SECONDED BY MRS. SANCHEZ. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

Agenda Item No. 30 – Authorization to Enter into Interlocal Agreements with Lake City and Columbia County for the Ichetucknee Springshed Water Quality Improvement Project. Dr. Shortelle presented staff recommendation to the Governing Board to authorize the Executive Director to enter into interlocal agreements with Lake City and Columbia County to implement the Ichetucknee Springshed Water Quality Improvement project as presented in Board materials.

MR. CURTIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR ENTER INTO INTERLOCAL AGREEMENTS WITH LAKE CITY AND COLUMBIA COUNTY FOR THE ICHETUCKNEE SPRINGSHED WATER QUALITY IMPROVEMENT PROJECT WITH MINOR ADJUSTMENTS IF THE COUNTY OR CITY REQUESTS WORDSMITHING OF AGREEMENTS. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

Agenda Item No. 31 – Consideration of Resolution 2013-21 Requesting Partial Release of Funds from the Water Management Lands Trust Funds for Springs Protection and Restoration, Minimum Flows and Levels, Water Supply Planning, and Land Management Activities for the Period of October 1, 2013 through January 31, 2014. Dr. Shortelle presented staff recommendation to the Governing Board to approve and execute Resolution 2013-21, requesting the Department of Environmental Protection release to the District from the Water Management Lands Trust Fund (WMLTF) the amount of \$2,769,603 for Springs Protection and Restoration, Minimum Flows and Levels, Water Supply Planning, and Land Management Activities for the period of October 1, 2013 through January 31, 2014 as presented in Board materials.

MR. CURTIS MADE A MOTION TO APPROVE AND EXECUTE RESOLUTION 2013-21 REQUESTING THE DEPARTMENT OF ENVIRONMENTAL PROTECTION RELEASE TO THE DISTRICT FROM THE WATER MANAGEMENT LANDS TRUST FUND THE AMOUNT OF \$2,769,603 FOR SPRINGS PROTECTION AND RESTORATION, MINIMUM FLOWS AND LEVELS, WATER SUPPLY PLANNING, AND LAND MANAGEMENT ACTIVITIES FOR THE PERIOD OF OCTOBER 1, 2013 THROUGH JANUARY 31, 2014. THE MOTION WAS SECONDED BY MR. JONES. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, CURTIS, JOHNS, JONES, SANCHEZ, WILLIAMS AND QUINCEY).

NOTE: A scrivener's error was corrected in Agenda Item No. 31 Board materials. The time period of Resolution 2013-21 is October 1, 2013 through December 31, 2013.

Agenda Item No. 32 – North Florida Regional Water Supply Partnership Stakeholder Committee Update. A North Florida Regional Water Supply Partnership Stakeholder Committee update was provided as an informational item in the Board materials.

Agenda Item No. 33- District's Weekly Activity Reports. The District's Weekly Activity Reports were provided as an informational item in the Board materials.

Meeting adjourned at 12:17 p.m.

Chair

ATTEST:

MEMORANDUM

TO: Governing Board

FROM: Dave Dickens, Administrative Services Bureau Manager

DATE: October 28, 2013

RE: Approval of September 2013 Financial Report

RECOMMENDATION

Staff recommends the Governing Board approve the September 2013 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 as attached.

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
enclosure

**Suwannee River Water Management District
Cash Report
September 2013**

ACCOUNT	Monthly Interest	Interest Rate %	Closing Balance
Bank of America Permit Fee	-	-	\$61,425.90
First Federal Permit Fee	\$2.46	0.30%	\$9,690.14
First Federal Depository	\$206.81	0.36%	\$1,260,737.49
SPIA	\$27,635.48	0.82%	\$40,493,819.30
SBA Fund A	\$47.10	0.18%	\$47.10
SBA Fund B	-	-	\$341,123.36
TOTAL	\$27,891.85		\$42,166,843.29

**Suwannee River Water Management District
Statement of Sources and Uses of Funds
For the Month ending September 30, 2013
(Unaudited)**

	Current Budget	Actuals Through 9/30/2013	Variance (Under)/Over Budget	Actuals As A % of Budget
Sources				
Ad Valorem Property Taxes	\$ 5,200,000	\$ 5,240,158	\$ 40,158	101%
Intergovernmental Revenues	6,738,344	5,011,559	(1,726,785)	74%
Interest on Invested Funds	158,000	846,350	688,350	536%
License and Permit Fees	100,000	121,869	21,869	122%
Other	714,583	1,382,010	667,427	193%
Fund Balance	4,075,895	-	-	-
Total Sources	\$ 16,986,822	\$ 12,601,946	\$ (308,981)	74%

	Current Budget	Expenditures	Encumbrances ¹	Available Budget	%Expended	%Obligated ²
Uses						
Water Resources Planning and Monitoring	\$ 8,189,833	\$ 5,363,167	\$ 5,061	\$ 2,821,605	65%	66%
Acquisition, Restoration and Public Works	2,722,848	745,632	-	1,977,216	27%	27%
Operation and Maintenance of Lands and Works	2,701,117	2,052,228	-	648,889	76%	76%
Regulation	1,472,269	916,702	-	555,567	62%	62%
Outreach	75,000	127,852	-	(52,852)	170%	170%
Management and Administration	1,825,755	2,907,823	28,769	(1,110,838)	159%	161%
Total Uses	\$ 16,986,822	\$ 12,113,405	\$ 33,831	\$ 4,839,587	71%	72%

¹ Encumbrances represent unexpended balances of open purchase orders and contracts.

² Represents the sum of expenditures and encumbrances as a percentage of the available budget.

This NON FINAL AND UNAUDITED financial statement is prepared as of September 30, 2013, and covers the interim period since the most recent audited financial statements.

MEMORANDIUM

TO: Governing Board
FROM: Charlie Houder, Director, Division of Land Resources
DATE: October 28, 2013
RE: Consideration of Contracts for Prescribed Fire Management Services for Fiscal Year 2013/2014.

RECOMMENDATION

Staff recommends that the Governing Board authorize the Executive Director to execute contracts with B&B Dugger, Inc., The Forestry Company, Inc., and Wildland Fire Services, Inc. for Prescribed Fire Management Services on District land for Fiscal Year 2013/2014 for amounts not-to-exceed \$86,310, \$86,029 and \$165,660, respectively.

BACKGROUND

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

After review and discussion of RFP 12/13-025-LR, the selection committee consisting of Charlie Houder, Tim Sagul and Dave Dickens ranked B&B Dugger Inc., The Forestry Company, Inc. and Wildland Fire Services, Inc. as the number one ranked firms to conduct prescribed fire services on the corresponding conservation areas and tracts listed in Tables 1 and 2. Rankings included evaluating the firm's bid rates, references, qualifications, and experience.

There were three issues that arose during discussion by the selection committee:

- In Mallory Swamp, ranking was only conducted on acre rate bids. The possibility of securing cost savings using a daily rate provided by B&B Dugger, Inc. was pursued but the use of this rate was rejected by Mr. Dugger.

- When two firms were tied based on qualifications and bid rates, a coin toss was conducted to determine rank.
- Natural Resource Planning Service was lowest bidder on one conservation area containing a 51 acre tract. The selection committee does not seek approval for a contract with this firm because the conservation area was not identified as a priority conservation area.

Each year, proposed burn areas are identified based on natural plant community type, their 2-3 year burn rotation status, and the condition of existing fuel levels. Scopes of work and request documents are based on these proposed areas. To ensure Fiscal Year 2013/2014 prescribed fire work is kept within funding limits, a sub-set of these proposed areas were identified to allow the District to burn the highest amount of priority acres at the lowest cost. Measures taken to meet this objective include:

- Identifying priority conservation areas and tracts contained within Fiscal Year 2013/2014 proposed areas (Table 1 and 2);
- Applying the lowest bid rates for each priority conservation area in the contract development process (Table 1 and 2);
- Burning only 66% (2,000 acres) of the Fiscal Year 2013/2014 proposed acres in Mallory Swamp (Table 2);
- Designated acreage starting with the lowest cost/acre priority conservation areas listed in Table 1 and working to the highest cost/acre priority conservation areas: This process continued until the Fiscal Year 2013/2014 Prescribed Fire budget was completely allocated.

Using this process, acres and funding were allocated to each contractor and Fiscal Year 2013/2014 contract amounts were developed. This process allows the District to burn approximately 8,841 acres in Fiscal Year 2013/2014 at an average price of \$38.23/acre using private contractual services. Budget allocation information is contained in Table 3.

When the additional 1,000 acres to be burned by Florida Forest Service is charged at \$25/acre is included, the District will burn approximately 9,841 acres in Fiscal Year 2013/2014 at an average price of \$36.88/acre.

Funding for these contracts is included in the Fiscal Year 2013/2014 budget.

Table 1. RFP 12/13-025LR Rates/Selection Ranking

The Forestry Company	Wildland Fire Services	Natural Resource Planning Service	B&B Dugger	CONSERVATION AREA	REGION	PROPOSED FY2014 ACRES	#1 FIRM	#2 FIRM	#3 FIRM
nb	\$39.00	\$55.00	\$75.00	*ANDERSON SPRING	NE	0	WFS	NRPS	B&B
\$37.00	\$39.00	\$47.00	\$50.00	BAY CREEK	NE	1,000	TFC	WFS	NRPS
\$41.00	\$45.00	\$52.00	\$85.00	BENTON	NE	68	TFC	WFS	NRPS
\$59.00	\$45.00	\$52.00	\$75.00	BIG SHOALS	NE	78	WFS	NRPS	TFC
\$38.50	\$44.00	\$50.00	\$75.00	CHARLES SPRING	NE	107	TFC	WFS	NRPS
\$41.00	\$42.00	\$52.00	\$65.00	CYPRESS CREEK	NE	168	TFC	WFS	NRPS
nb	\$39.00	\$52.00	\$75.00	*DEEP CREEK	NE	0	WFS	NRPS	B&B
\$39.50	\$40.00	\$47.00	\$65.00	FALMOUTH SPRING	NE	186	TFC	WFS	NRPS
\$41.00	\$46.00	\$55.00	\$75.00	FORT UNION	NE	83	TFC	WFS	NRPS
\$44.00	\$46.00	\$52.00	\$75.00	GRADY	NE	70	TFC	WFS	NRPS
\$39.00	\$40.00	\$55.00	\$70.00	SUWANNEE VALLEY	NE	408	TFC	WFS	NRPS
nb	\$40.00	\$52.00	nb	*HOLTON CREEK	NE	0	WFS	NRPS	
\$65.00	\$68.00	\$55.00	\$100.00	LOWER ALAPAHA	NE	51	NRPS	TFC	WFS
\$40.00	\$39.00	\$47.00	\$50.00	LITTLE RIVER	NE	531	WFS	TFC	NRPS
nb	\$40.00	\$49.00	\$50.00	PEACOCK SPRINGS	NE	361	WFS	NRPS	B&B
nb	\$42.00	\$55.00	\$70.00	SWIFT CREEK	NE	403	WFS	NRPS	B&B
\$65.00	\$42.00	\$50.00	\$70.00	TROY SPRING	NE	158	WFS	NRPS	TFC
\$56.00	\$46.00	\$52.00	\$70.00	UPPER ALAPAHA	NE	228	WFS	NRPS	TFC
nb	\$39.00	nb	\$65.00	*WITHLACOOCHEE EAST	NE	0	WFS	B&B	
\$38.00	\$39.00	\$47.00	\$65.00	WOODS FERRY	NE	362	TFC	WFS	NRPS

The Forestry Company	Wildland Fire Services	Natural Resource Planning Service	B&B Dugger	CONSERVATION AREA	REGION	PROPOSED FY2014 ACRES	#1 FIRM	#2 FIRM	#3 FIRM
\$46.00	\$45.00	\$55.00	\$75.00	HATCHBEND	SE	92	WFS	TFC	NRPS
\$39.50	\$43.00	\$49.00	\$75.00	FOWLERS BLUFF	SE	270	TFC	WFS	NRPS
nb	\$42.00	\$55.00	\$75.00	*PARENERS BRANCH	SE	0	WFS	NRPS	B&B
\$46.00	\$42.00	\$50.00	\$75.00	SANTA FE SPRINGS	SE	136	WFS	TFC	NRPS
nb	\$42.00	\$52.00	nb	*SANTA FE SWAMP	SE	0	WFS	NRPS	
nb	\$43.00	\$52.00	nb	*UPPER WACCASASSA	SE	0	WFS	NRPS	
nb	\$47.00	\$55.00	\$75.00	WANNEE	SE	93	WFS	NRPS	B&B
nb	\$44.00	\$55.00	nb	YELLOW JACKET	SE	196	WFS	NRPS	
\$38.00	\$38.00	nb	\$34.99	LOWER ECONFINA	NW	907	B&B	**TFC	WFS
\$38.00	\$38.00	nb	\$34.99	WACISSA	NW	139	B&B	**WFS	TFC
\$37.00	\$38.00	\$50.00	\$34.99	WITHLACOOCHEE WEST	NW	326	B&B	TFC	WFS
nb	\$40.00	nb	\$34.99	*MADISON COUNTY	NW	0	B&B	WFS	
\$38.00	\$38.00	nb	\$34.99	MIDDLE AUCILLA	NW	891	B&B	**TFC	WFS
nb	\$38.00	nb	\$34.99	UPPER AUCILLA	NW	204	B&B	WFS	
\$38.00	\$40.00	\$49.00	\$50.00	LOWER STEINHATCHEE	SW	256	TFC	WFS	NRPS
\$38.00	\$38.00	\$47.00	\$50.00	UPPER STEINHATCHEE	SW	1,171	**WFS	TFC	NRPS
TOTAL						8,944			

* Although no proposed acres for Fiscal Year 2013/2014, these Conservation Areas contain potential additional acreage that may be included if weather conditions exclude other areas or contractor capacity is available.

** Ranking determined by coin toss

	Lowest Bid
	Priority Conservation Areas
	FY14 Budgeted Acres

Table 2. RFP 12/13-025LR Mallory Swamp Rates/Selection Ranking

	The Forestry Company	Wildland Fire Services	Natural Resource Planning Service	B&B Dugger	PROPOSED FY14 ACRES	BUDGETED FY14 ACRES	#1 FIRM	#2 FIRM	#3 FIRM
Aerial (ACRE RATE)	nb	\$42.00	nb	\$50.00	3,000	2,000	WFS	B&B	
Ground (ACRE RATE)	*	\$42.00	nb	\$60.00			WFS	B&B	
Aerial (DAY RATE)	nb	\$45,000.00	nb	\$18,000.00	3,000	2,000			
Ground (DAY RATE)	*	\$10,000.00	nb	\$10,000.00					

* Non-Responsive

Table 3. Budget Allocation

		Wildland Fire Service	The Forestry Company	B&B Dugger
FY14 Requested Contract Amounts		\$165,660.23	\$86,029.76	\$86,310.01
FY 14 Budgeted Burn Acres		4,110	2,264	2,467
AVG. Cost/Acre		\$40.31	\$38.00	\$34.99
Total FY14 Budgeted Burn Acres	8,841			
AVG. Cost/Acre	\$38.23			

MEMORANDUM

TO: Governing Board
FROM: Charlie Houder, Director, Division of Land Resources
DATE: October 28, 2013
RE: Modification of Lease and Sublease for Otter Springs Park and Campground in Gilchrist County

RECOMMENDATION

Staff recommends Governing Board approve and execute the Modification of Lease and Sublease Agreement with Gilchrist County for Otter Springs Park and Campground.

BACKGROUND

Gilchrist County has managed Otter Springs for the District under a lease agreement since December 2008. Gilchrist County is requesting to modify the existing terms to allow them to sublease the property to ForVets, Inc. The lease term would be extended from 40 years to 99 years.

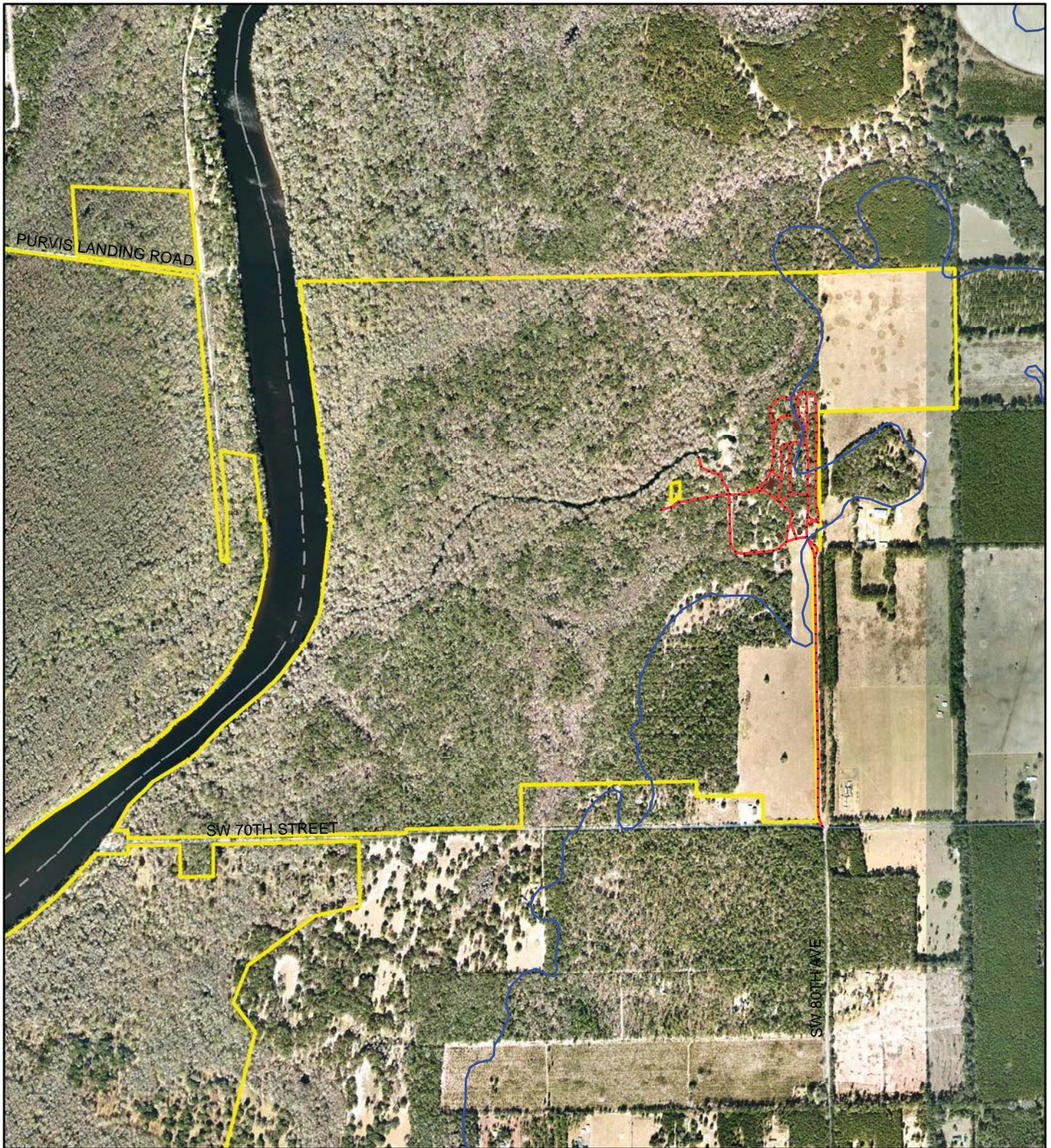
This agreement will allow ForVets to manage the property and provide the same services to the public as currently being provided by the County. Additionally, as ForVets secures private funding, a retraining and rehabilitation facility and housing for wounded veterans would be developed and managed by ForVets. The District would maintain the right of approval of the development plan prior to construction.

ForVets would be responsible for the financial viability of the park and provide liability insurance to the District for all uses under the Lease agreement. Gilchrist County would continue to receive its Payment in Lieu of Taxes for the park property.

The District reserves the right to conduct activities to benefit the water resources, such as spring restoration and manage the floodplains if needed.

This recommendation was reviewed by the Lands Committee at its meeting on October 23, 2013. The Committee voted to endorse the staff recommendation subject to the specific terms of the agreements which are under review by Board Counsel.

Copies of the Agreements are attached for your information.

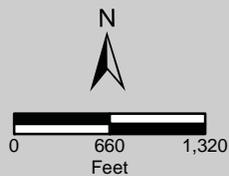


Otter Springs Park and Campground

October 23, 2013



- 100 year floodplain
- Public Roads
- SRWMD Tracts



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MEMORANDUM

TO: Governing Board

FROM: Charlie Houder, Director, Division of Land Resources

DATE: October 28, 2013

RE: Authorization to Conduct a Detailed Assessment of Lands Owned by Rayonier Forest Resources, L.P., 2,563 acres in Bradford County

RECOMMENDATION

Staff recommends that the Governing Board authorize staff to conduct a detailed assessment of lands owned by Rayonier Forest Resources, L.P., 2,563 acres in Bradford County.

BACKGROUND

Staff has identified two potential acquisitions to support District flood abatement or water resource development projects in Bradford County. A study commissioned by the District for the Bradford Timberlands parcel, currently under negotiation, and an adjacent portion of the Rayonier property, concluded that these parcels could readily be used to abate downstream flood hazards. The property also appears to provide feasible options for a sustainable yield of approximately 0.9 million gallons per day for water resource development projects. The flows diverted for flood abatement could be used to supplement offsite recharge or water supply projects, or to enhance natural water bodies with declining flow or water level trends. Additional Rayonier lands near the southwest corner of Camp Blanding have potential to contribute to the District's water supply projects, but need further study.

Both ownerships are eligible for purchase through the Department of Defense's Readiness and Environmental Protection Integration (REPI) or a related program. Paul Catlett, the coordinator of this program at Camp Blanding, has informed staff that approximately \$500,000 was currently on hand and that another \$2 million was expected from the National Guard Bureau. Additional REPI funds are expected during Fiscal Year 2014. Mr. Catlett has also indicated that Camp Blanding could provide management for these properties under an agreement with the Florida Department of Military Affairs.

Staff is requesting authority to begin appraisals and title work to support the potential purchase of these properties. Concurrently, staff will conduct a feasibility study of the southern parcel to evaluate the potential for developing flood protection and aquifer recharge projects.

This recommendation was reviewed by the Lands Committee at its meeting on October 23, 2013. The Committee voted to endorse the staff recommendation and forward this item to the full Board for consideration.

Parcel Assessment Summary

TRACT NAME: Camp Blanding Buffer and Water Resource Project

SELLER: Rayonier Forest Resources, L.P.

COUNTY: Bradford

S-T-R: S 1, 2 T 6 S, R 22 E
S 12, 13, 24 T 7 S, R22 E

ACREAGE: 2,563 +/-

RIVER FRONTAGE: NA

WATER RESOURCE VALUES:

North Tract – 651 Acres
Springs Protection – 0%
Floodplain Protection – 60%
Surface Water Protection – 14%
Aquifer Recharge – 0%

South Tract - 1,912 acres
Springs Protection – 0%
Floodplain Protection – 29%
Surface Water Protection – 26%
Aquifer Recharge – 0%

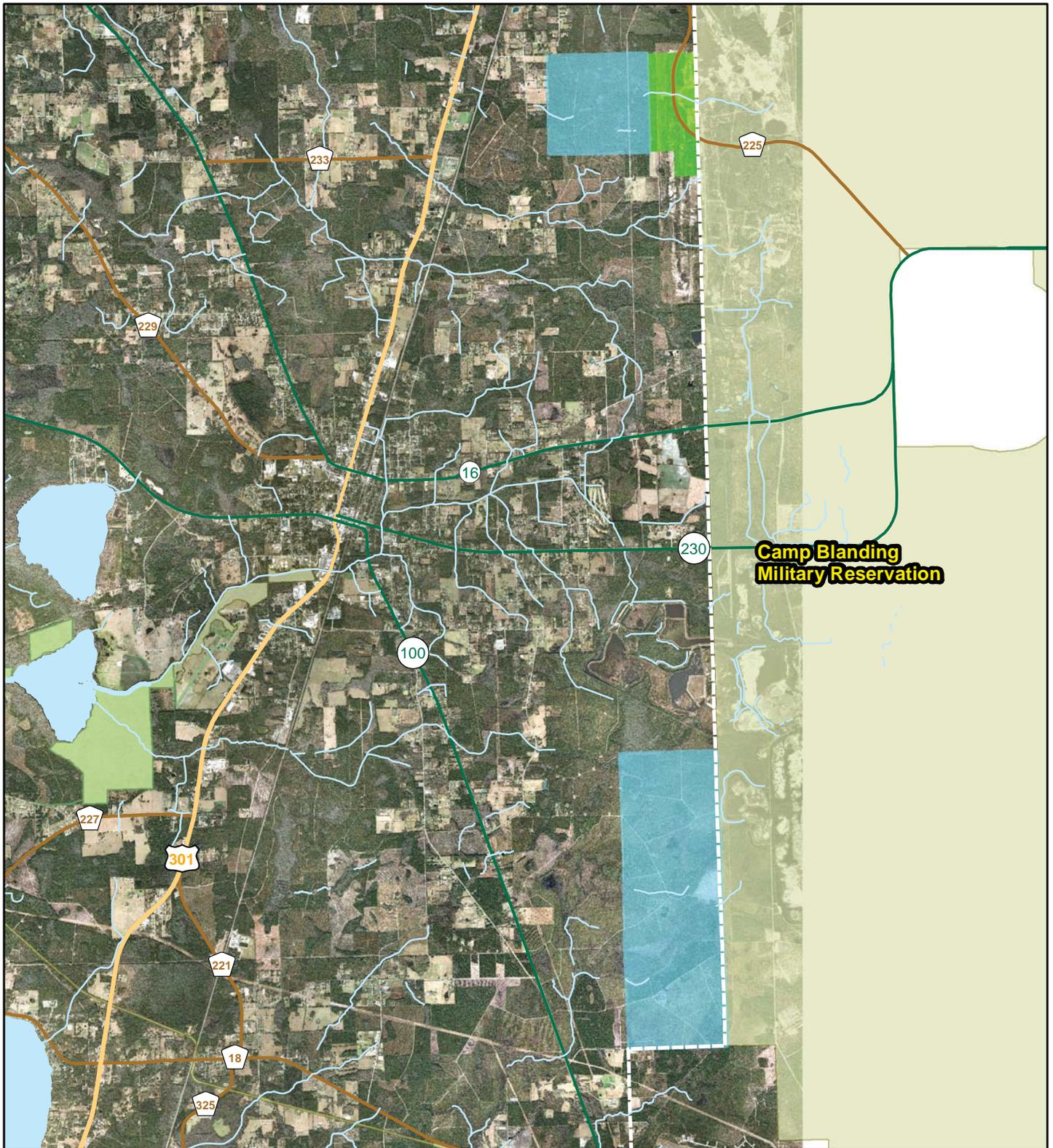
TRACT DESCRIPTION: The Rayonier Tract is two tracts totaling 2,563 acres in size and contains planted pines of various ages.

ACCESS: Both parcels are accessed by private roads that will require easements to be granted to the District.

OUTSTANDING INTERESTS: No outstanding interests are reported at this time. Staff will evaluate the option of allowing Rayonier to retain timber rights for some period to reduce purchase and management costs.

MANAGEMENT ALTERNATIVES: An evaluation will be started to determine the feasibility of the south tract for flood mitigation and aquifer recharge projects. A previous study on the north tract confirmed the feasibility for that site.

ASKING PRICE: Based on appraisals



Rayonier - Bradford Timberlands

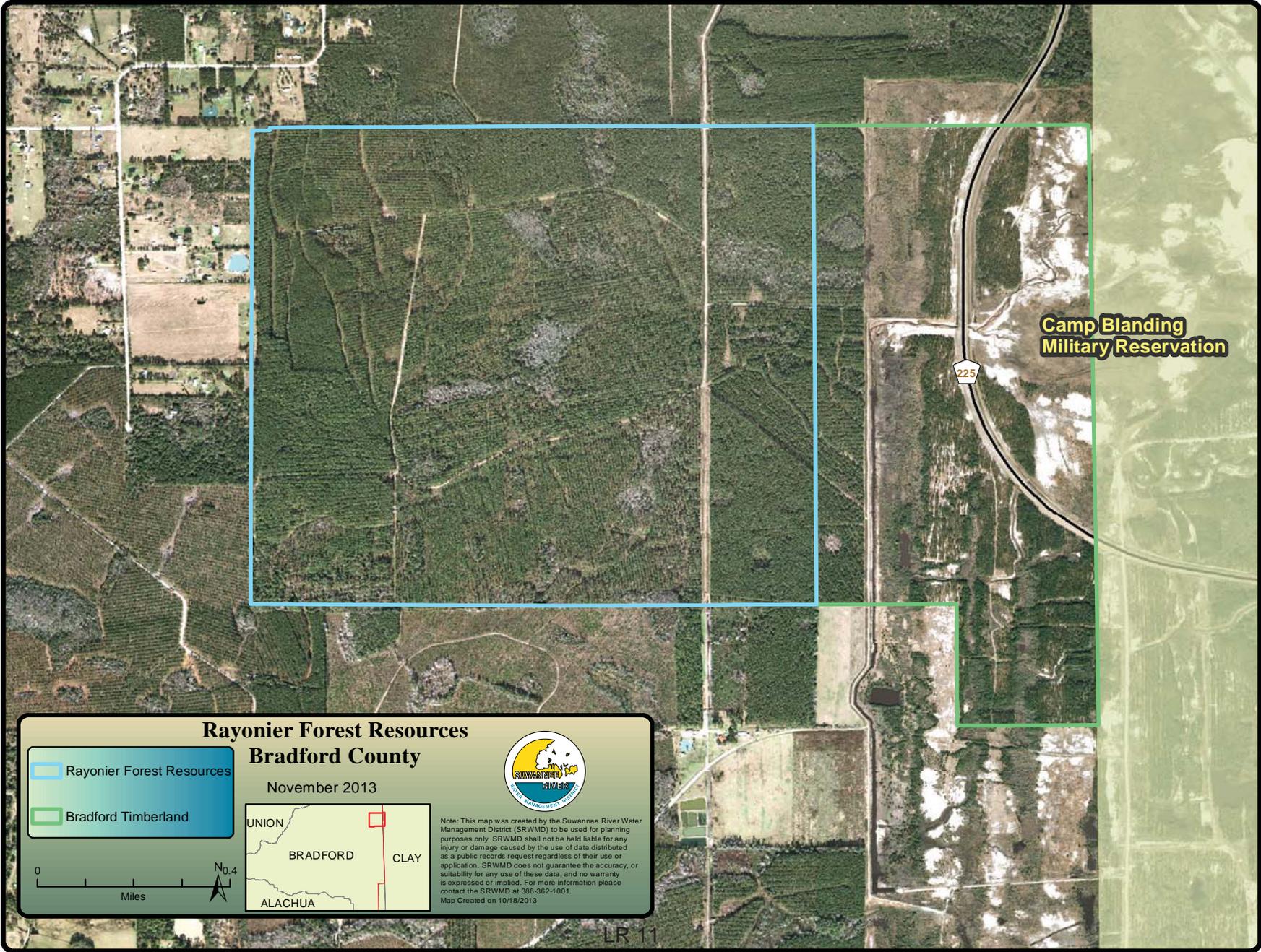
Location Map
October 23, 2013



- SRWMD Boundary
- Rayonier Forest Resources
- Bradford Timberland
- SRWMD Ownership
- Conservation Ownership



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Map Created on 10/29/2013



**Camp Blanding
Military Reservation**

225

**Rayonier Forest Resources
Bradford County**

November 2013



- Rayonier Forest Resources
- Bradford Timberland



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Map Created on 10/18/2013



**Camp Blanding
Military Reservation**

Rayonier Forest Resources Bradford County

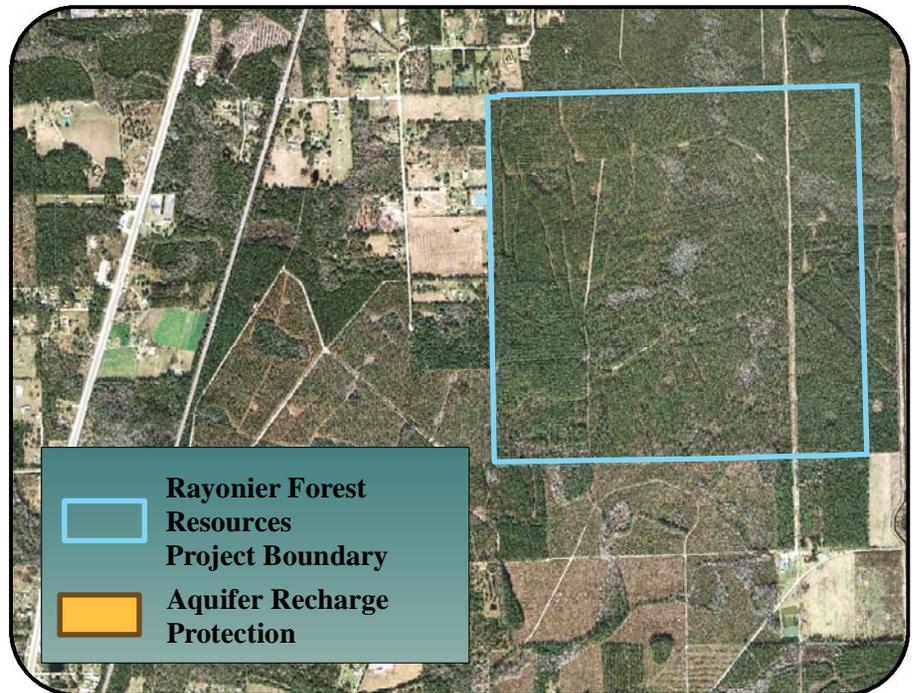
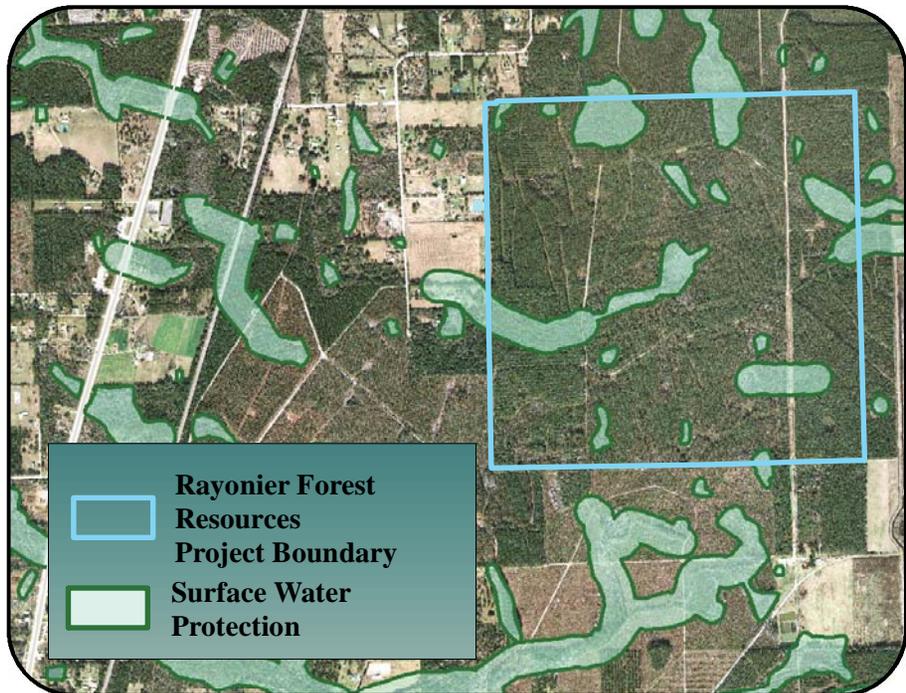
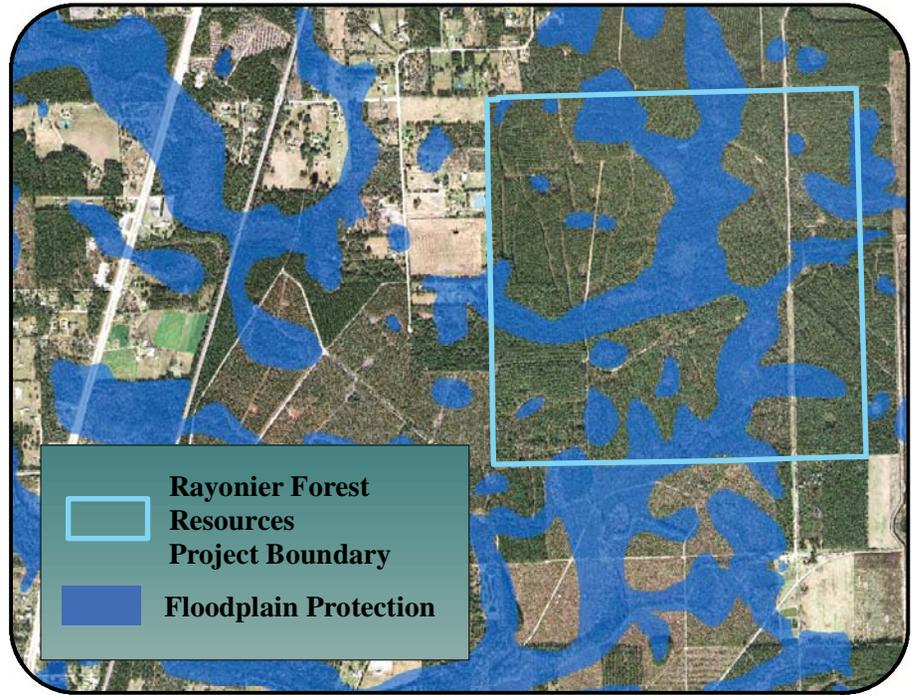
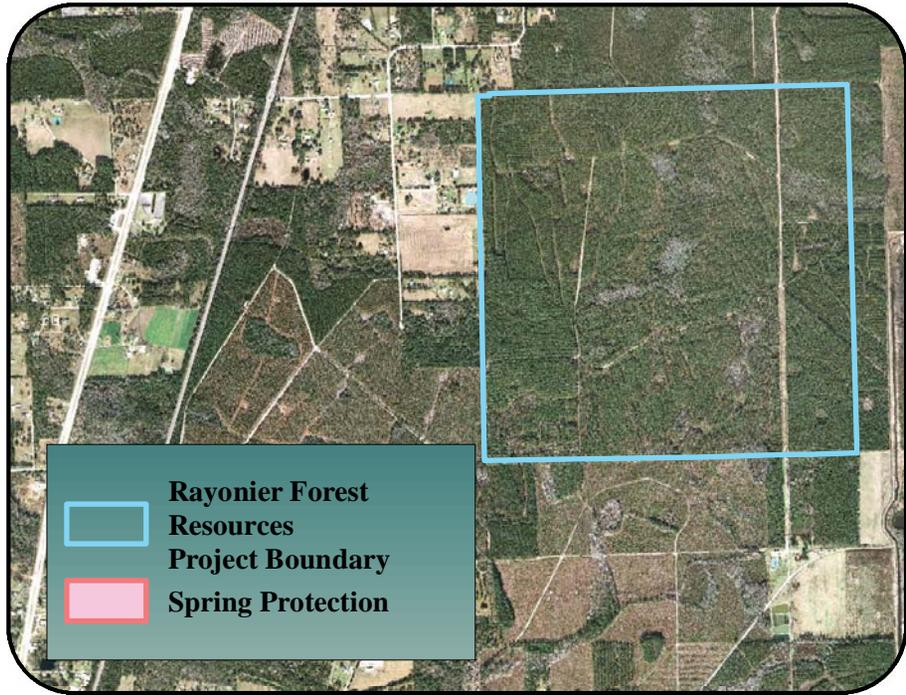
November 2013

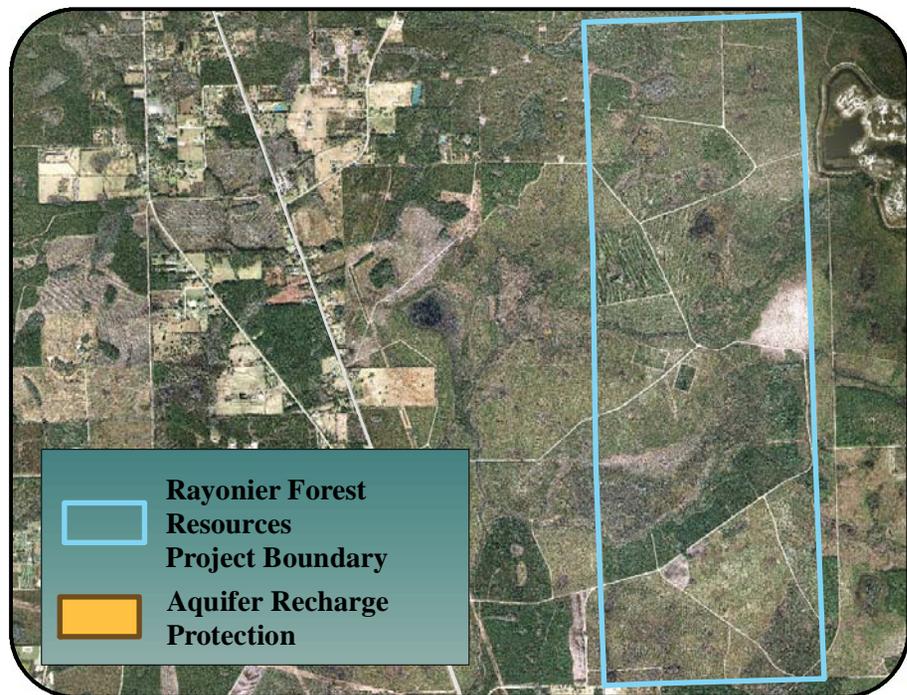
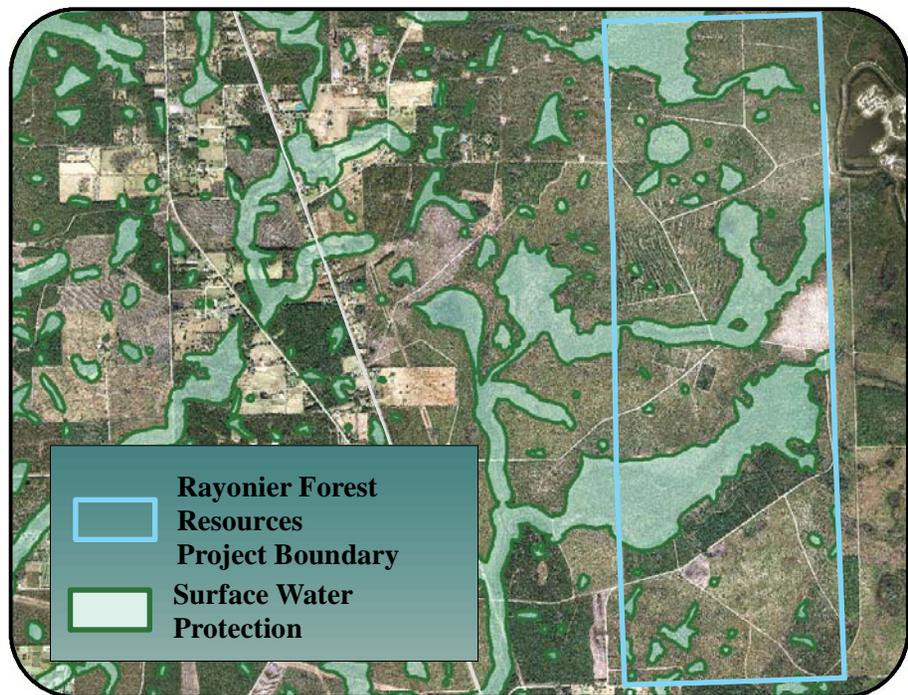
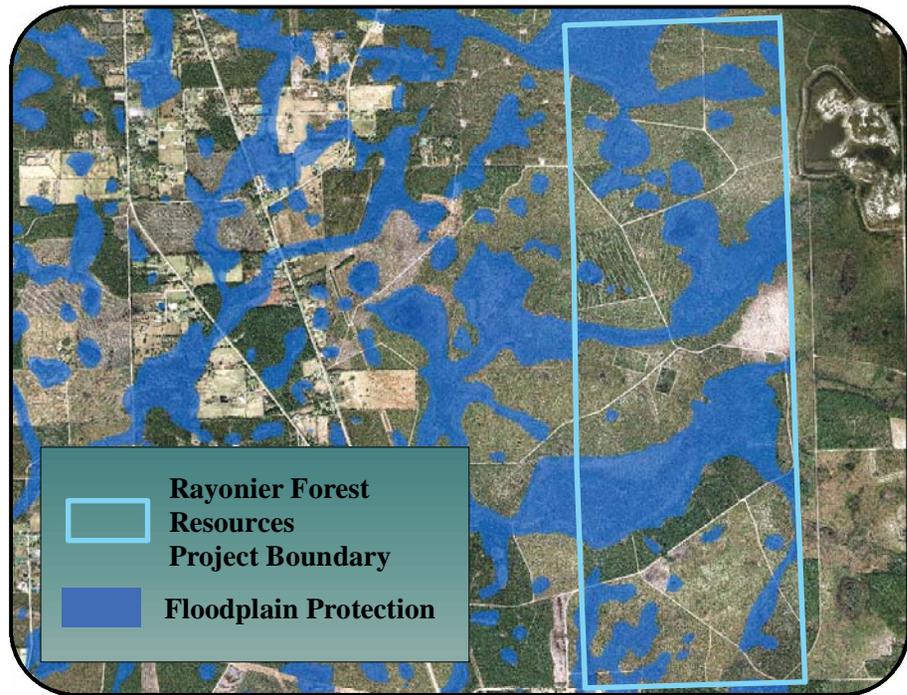
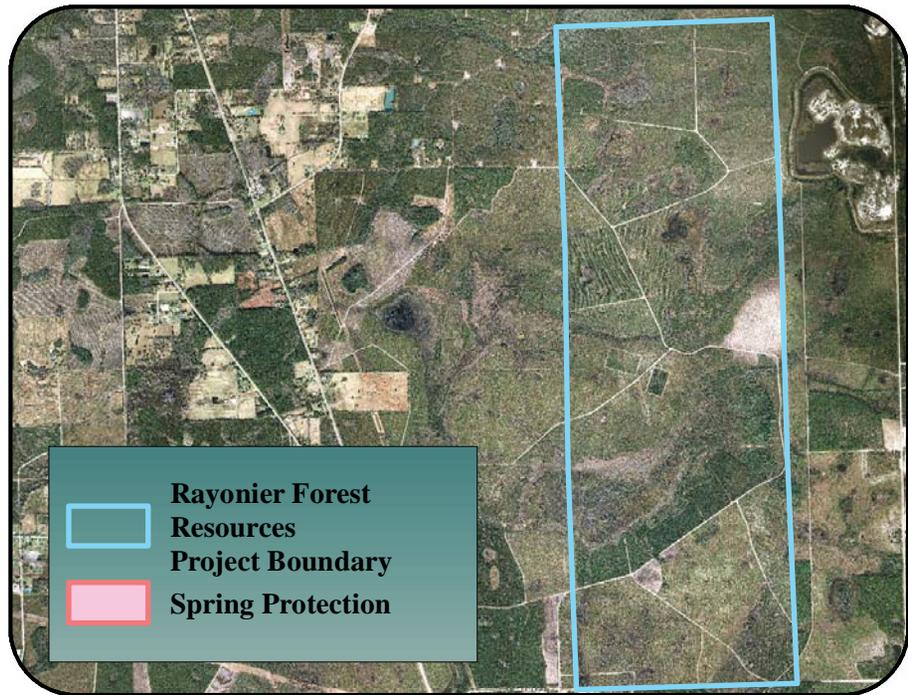


Rayonier Forest Resources



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MEMORANDUM

TO: Governing Board
FROM: Charlie Houser, Director, Division of Land Resources
DATE: October 28, 2013
SUBJECT: Land Resources Activity Summary

Staff performed two conservation easement reviews during the past month:

- Graham Drummond – Drummond Manatee Springs
- Usher Family Trust Conservation Easement

No burning activities were conducted during the report period.

Because of the saturated soil the Steinhatchee Rise #1 timber sale has been placed on hold.

The attached report summarizes the status of current surplus activities for the preceding month. Staff will be prepared to address any tracts of particular interest the Board may wish to discuss at the Governing Board meeting.

REAL ESTATE

Conservation Easement Review

Owner	Project Name	Acres	County	2013-2014 Monthly Inspection Date											
				O	N	D	J	F	M	A	M	J	J	A	S
Bailey, Donald and Margaret	Bailey/Cuba Bay Exchange	164	Jefferson												
Bailey Brothers	Bailey Brothers Steinhatchee	16,522	Dixie												
Champion, Roger and Donna	Mount Gilead	180	Madison												
Chinquapin Farm, L.L.C.	Chinquapin Farm	6,350	Columbia, Suwannee												
City of Newberry	Newberry Wellfield	40	Alachua												
Davidson, Dr. C. Linden	Davidson	225	Jefferson												
Drummond, Graham	Lower Suwannee	543	Levy	X											
Feagle, Ronald and Dorothy	Bonnet Lake	433	Columbia												
Florida Sheriffs Youth Ranches, Inc.	Youth Ranches (I and II)	550	Suwannee												
Livingston Foundation	Dixie Plantation	8,902	Jefferson												
Hale and McDaniel	Carter	1,232	Columbia												
Harrell, Curtis and Matthew	Falmouth Addition	912	Suwannee												
Jackson, Kevin and Patrice	Jackson	171	Lafayette												
Layman Law Firm	Layman Aucilla	167	Jefferson												
Loncala Inc.	Loncala Alapaha	1,141	Hamilton												
Loncala, Inc.	Loncala Gilchrist	913	Gilchrist												
Loncala, Inc.	Monteocha Creek	951	Alachua												
Mann, Jack & Loy Ann	Manatee Springs Addition	590	Levy												
McEnany , Michael	Waccasassa	1,104	Levy												
Meeks, David & Sarah	Manatee Springs Addition	370	Levy												
Moore, Madeline	Moore	115	Jefferson												

Conservation Easement Review (continued)

Owner	Property Name	Acres	County	2013-2014 Inspection Date												
				O	N	D	J	F	M	A	M	J	J	A	S	
Plantations at Deep Creek, L.L.C.	Deep Creek Exchange	1,192	Columbia													
Platt, Cody and Carol	Aucilla Addition	274	Jefferson													
Plum Creek Timberlands	Gainesville Wellfield	3,084	Alachua													
Plum Creek Timberlands	Waccasassa Gulf Hammock	21,300	Levy													
Plum Creek Timberlands	Manatee Springs Addit. Oak Hammock	4,588	Levy													
Plum Creek Timberlands	Manatee Springs Addit. Suwannee Swamp	12,797	Levy													
Ragans Hoyt and Betty	Aucilla	755	Jefferson Madison													
Red Hills Land Company	Foster	163	Jefferson													
Sanders, Thomas and Sylvia	Mill Creek	339	Hamilton													
Sante Fe River Hammock, L.L.C.	Santa Fe River Hammock	167	Bradford													
Sheppard, Derwood and Susan	Manatee Springs Addition	120	Levy													
Strickland Field, L.P.	Strickland Field	3,822	Dixie													
Suwannee River Development LLC	Ace Ranch	260	Lafayette													
The Campbell Group	California Swamp	32,134	Dixie													
Tisdale Robert	Tisdale	83	Levy													
Usher Family Trust	Usher	2,023	Levy	X												
Zellwin Farms, Inc.	Jennings Bluff	362	Hamilton													

Shading denotes month inspection is scheduled to take place. An "X" denotes completed inspection. Inspection will be rescheduled if not completed during its designated month.

Approved for Detailed Assessment

OWNER	PROJECT NAME	ACRES	COUNTY	COMMENTS
Milton C. Hitson	Holton Creek In Holding	10	Hamilton	Appraisal has been finalized.
Bradford Timberlands, LLC	Camp Blanding Addition	360	Bradford	Draft Appraisal is being reviewed.
El Trigal Farms, Floyd Family	El Trigal Farms Conservation Easement	371	Jefferson	A timber appraisal update has been reviewed and conservation easement appraisal is underway.
SRWMD	Florida Gateway College	16.25	Columbia	Appraisal has been finalized.

Status of Exchange

Tract Name	Acres	County	Acquired Date	Funding Source	Proposal	Status
Ellaville Exchange for Damascus Peanut Company	986	Madison	5/1998	WMLTF	Proposed as Exchange	Governing Board approved the exchange agreement with the Trustees of the Internal Improvement Trust Fund.
Lamont/Mt. Gilead for Aucilla Land Partners Conservation Easement	114	Madison and Jefferson	9/1998	WMLTF	Proposed as Conservation Easement Exchange	Closing is scheduled for November 4, 2013

Surplus Lands

Tract Name	Acres	County	Acquired Date	Funding Source	Appraisal Date	Listing Date	Listing Price	Comments
Alligator Lake	43	Columbia	8/10/2001	P2000	Approved in July			Governing Board approved on August 13, 2013 conveyance contingent upon the inter-local agreement with Columbia County

Surplus Lands (continued)

Tract Name	Acres	County	Acquired Date	Funding Source	Appraisal Date	Listing Date	Listing Price	Comments
Blue Sink	79	Suwannee	12/1988	WMLTF	6/14/2010	7/12/2010	Fee entire parcel \$281,600 40-acre parcel \$154,400	The Board authorized the sale of the property on September 10, 2013.
Cabbage Grove	30	Taylor	9/2001	WMLTF		10/5/2012	Fee entire tract \$57,750	The contract for sale has been executed and the survey complete.
Chitty Bend East	20	Hamilton	12/1988	WMLTF	11/2/11	11/29/11	Fee two 10-acre tracts for \$26,400 each	Governing Board approved a reinstatement of the listing agreement through December 10, 2013.
Chitty Bend West	121	Madison	12/1988	WMLTF	11/2/11	11/29/11	Fee entire tract \$279,510	Governing Board approved a reinstatement of the listing agreement through December 10, 2013.
Cuba Bay	22	Jefferson	02/1996	P2000	8/10/2011	11/10/2011	Fee or Conservation Easement (same price) \$42,350	Governing Board approved a reinstatement of the listing agreement through December 10, 2013.
Falmouth North (8 lots)	6	Suwannee	04/1998	WMLTF	8/27/2010	11/18/2010	Fee entire tract \$52,030	Governing Board approved a reinstatement of the listing agreement through December 10, 2013.
Hunter Creek	120	Hamilton	09/2002	P2000		11/18/2010	Fee (3 parcels) \$343,200 CE (3 parcels) \$243,100	Governing Board approved a reinstatement of the listing agreement through December 10, 2013.
Jennings Bluff	70	Hamilton	02/1989	WMLTF	7/30/2010	8/16/2010	Fee entire tract \$215,600	Negotiations continue with Hamilton County
Levings	69	Columbia	02/1998	WMLTF	6/14/2010	5/11/2011	Fee entire tract \$135,860	Governing Board approved a reinstatement of the listing agreement through December 10, 2013.
Perry Spray Field	248	Taylor	9/2001	WMLTF	6/6/2012		CE \$225,000	An offer has been received from Dixie County.

Steinhatchee Rise	43	Dixie	02/1996	P2000	8/27/2010	11/18/2010	Fee entire tract \$114,000 conservation easement \$97,020	The Board authorized the sale of the property on September 10, 2013.
Timber River	1	Madison	03/1998	WMLTF	8/27/2010	11/18/2010	Fee entire tract \$10,780	Governing Board approved a reinstatement of the listing agreement through December 10, 2013.

LAND MANAGEMENT

Prescribed Fire - No activity for the month

Summary Table FY 2013	2013 Target Acres	Acres Complete
Suwannee River Water Management District	10,000	9,228
Florida Forest Service burns on Twin Rivers State Forest	2000	2,676
TOTAL	12,000	11,904

Prescribed Burn Activity

TRACT	COUNTY	WFS	FFS TRSF	TOTAL ACRES	TOTAL WILDFIRE ACRES
<i>Sub-total for Period</i>					
<i>Previous Acres Burned</i>					
Total Acres		9,228	2,676	11,904	11.22

Timber

Timber Sales – No activity for the month

Contract #	Fiscal Year	Timber Sale Name	Oversight	Contract Date	Estimated Start Date	Estimated Pine Tons	Harvest Completion
12/13-057	2013	Steinhatchee Rise # 1	SR	3/5/2013	4/5/2013	13,647	50%

MEMORANDUM

TO: Governing Board

FROM: Erich Marzolf, Ph.D., Division Director, Water Resources

DATE: October 28, 2013

RE: Contract with United States Geological Survey for LiDAR Data and Quality Control Services

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into a contract with the United States Geological Survey to provide light detection and ranging (LiDAR) data over 550 square miles in portions of Taylor, Lafayette, Dixie, Gilchrist and Levy counties for a total not to exceed \$195,000.

BACKGROUND

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

In past years we have partnered with the United States Geological Survey (USGS), the Federal Emergency Management Agency (FEMA), the National Oceanic and Atmospheric Administration (NOAA), Northwest Florida Water Management District, the Florida Department of Emergency Management, and Alachua County to obtain a total of 6,270 square miles of data at a District cost of only \$485,000. It is estimated that \$2 million has been spent to obtain LiDAR data in the District through the important partnerships listed above.

Last November the District was awarded a matching grant of \$31,700 through the USGS to capture LiDAR data. That amount represented 24% of the total project cost. In addition, the USGS provided the staff and resources to manage the project and quality control the data deliverables from the contractor. The District has applied again this fall for a USGS LiDAR grant; however, due to the Federal Government shutdown our application has not yet been processed. We anticipate receiving a similar percentage from a USGS grant for this new project which would allow for an expansion of the data collection area.

Flights to obtain this year's proposed data will take place before the end of February 2014. This project would consist of LiDAR collection areas in Taylor, Lafayette, Dixie, Gilchrist, and Levy counties.

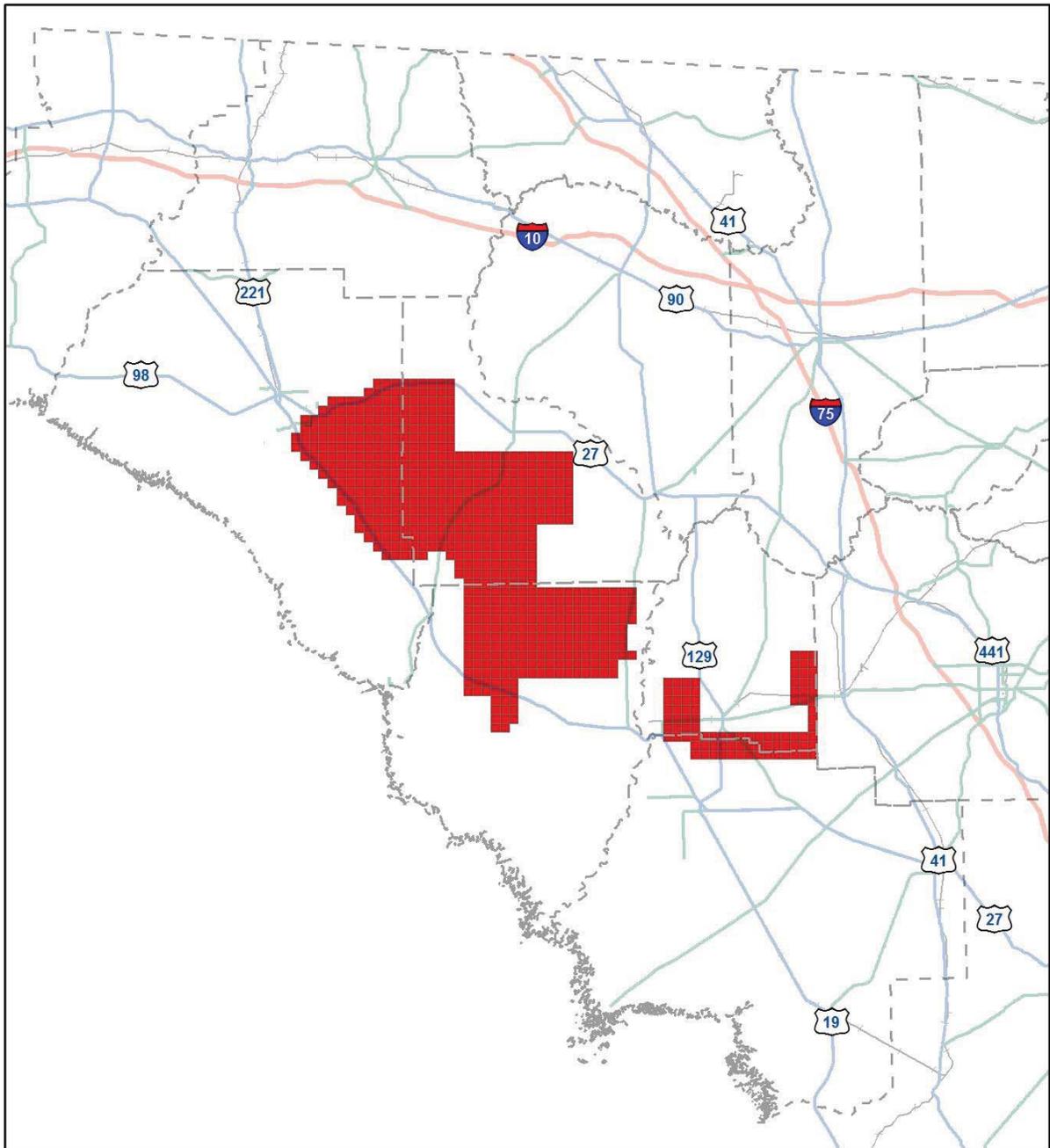
If this work is completed as planned, there will be 938 square miles, or 13%, remaining within the District to be acquired.

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

The funding source for this LiDAR is \$195,000 from the District. However, the District is optimistic about receiving additional funds from the USGS to be applied to this LiDAR project for the collection of additional areas (~100 square miles) of coverage.

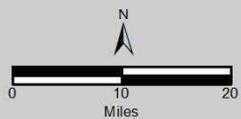
This expenditure is included in the currently authorized FY 2014 budget.

EM/dd



- LIDAR Tiles
- Interstate HWY
- US HWY
- State HWY
- County Boundary

SRWMD - USGS
Proposed LIDAR Collection 2014



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.
Map Created on 10/16/2013

MEMORANDUM

TO: Governing Board
FROM: Erich Marzolf, Ph.D., Division Director, Water Resources
DATE: October 28, 2013
RE: Agricultural Water Use Monitoring Update

Update on Agricultural Water Use

District permits for agricultural water use contain requirements for water use monitoring to estimate the actual volumes of water usage. Staff has determined that estimating water use with electrical data is the least costly method.

A letter dated September 3, 2013, from Mr. Quincey, the Governing Board Chair, was sent to each member of the Board of Directors of Suwannee Valley, Tri-County, Central Florida and Clay Electric Cooperatives requesting assistance with agricultural water use monitoring.

Ann Shortelle attended the October 14, 2013, Tri-County Electric Board of Directors meeting to discuss progress on the agreement to transmit electrical consumption data.

Madison County Board of County Commissioners sent a letter to Tri-County Electric Cooperative requesting that Tri-County work with the District.

Central Florida Electric Coop signed an agreement with the District to transmit electrical consumption data on October 15, 2013. Staff is recommending that the Governing Board approve the agreement at the November 12, 2013, Governing Board meeting.

Tom Reeves met with Counsel for Suwannee Valley Electric Cooperative and then forwarded a proposed agreement to transmit electrical consumption data for consideration on October 24, 2013.

District staff has also been in communication with the Public Service Commission staff to explore potential opportunities for the Commission to assist with the agricultural monitoring program. Commission staff recommended that District staff contact the regulatory liaisons of Duke Energy and FPL.

As of October 17, 2013, there have been 172 run-time units deployed. This is approximately 42 percent of the operational wells identified with monitoring conditions since 2011 when the Governing Board first included a monitoring condition.

Staff has also set up and is refining the processes for receiving and quality-assuring the data, is conducting flow calibrations, and has been field-testing power supplies, back-up sensors, and new-generation modems.

EM/dd

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Division Director, Resource Management

DATE: October 31 , 2013

RE: Approval of a Modification with less than 52,000 gallons per day increase in Allocation and a Five-Year Permit Extension for Water Use Permit Application Number 2-03-00104.002, Davis Heritage Farm, Alachua County

RECOMMENDATION

Staff recommends the Governing Board approve Water Use Permit number 2-03-00104.002 with eighteen standard conditions and four special limiting conditions to Davis Heritage LTD. in Alachua County.

BACKGROUND

This is a modification to an existing permit to irrigate 1160 acres with an Average Daily Rate (ADR) of 0.7254 million gallons daily (mgd). The ADR has increased less than 52,000 gallons/day, from 0.6736 to 0.7254 mgd. This will be accomplished with six irrigation wells, three livestock wells, and one agricultural well. Five center pivots and three drip irrigation systems will be used. The livestock wells provide water for 180 head of beef cattle. The project area is not located within a Water Resource Caution Area and will not violate any minimum flows and levels. This producer is participating in the District cost-share program. The applicant is requesting a five-year permit extension (modified permit will expire on January 21, 2029) due to voluntarily implementing automated water use monitoring.

The permit contains special conditions regarding implementation of automatic monitoring of withdrawals, implementation and maintenance of conservation plans, irrigation of target areas, and implementation of MFL prevention/ recovery strategies if required.

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

/tm

STAFF REPORT
WATER USE PERMIT APPLICATION

DATE: October 31, 2013

PROJECT: Davis Heritage Farm

APPLICANT:

Norita V. Davis
Davis Heritage LTD.
20725 S.W. 46th Ave
Newberry, FL 32669

PERMIT APPLICATION NO.: 2-03-00104.002
DATE OF APPLICATION: June 19, 2013
APPLICATION COMPLETE: September 16, 2013
DEFAULT DATE: December 15, 2013

	Previous Quantities:		Proposed Quantities:	
Average Daily Rate (ADR)	0.6736	mgd	0.7254	mgd

Recommended Agency Action

Staff recommends approval of a Water Use Permit for a modification located within Alachua County. The permit includes eighteen standard conditions and three special limiting conditions. Staff also recommends a five-year permit extension based on chapter 40B-2.331(2), Florida Administrative Code (F.A.C.) due to voluntarily implementing automated water use monitoring. The existing permit will expire on January 21, 2024, and the modified permit will expire on January 21, 2029.

Project Review Staff

James Link, Kevin Wright, P.E., and Tim Sagul, P.E. have reviewed the application.

Project Location

The withdrawal facilities are located in Township 10 South, Range 17 East, Sections 15, 16, 24, 25, 26, 34, 35, and 36; Township 10 South, Range 18 East, Sections 19, 30, and 31; Township 11 South, Range 17 East, Sections 1, 2, and 10; and Township 11 South, Range 18 East, Sections 5, 6, 7, 17, and 18 in Alachua County. The project is located within the Oklawaha and Waccasassa River basin according to the USGS National Hydrography Dataset, Hydrologic Unit Code-8 sub basins.

Project Description

The project area consists of 6,700 acres with approximately 1,160 acres being irrigated using groundwater.

The water use calculations were based upon the irrigated acreages and crop types provided by Don Greene, the agent and farmer, and calculated with GIS-based Water Resource and Agricultural Permitting and Planning System (GWRAPPS). Crops include watermelon, corn, and peanuts, with rye or oats as winter crops. The applicant will use five center pivots and three drip systems for irrigation. The Average Daily Rate (ADR) of withdrawal was calculated as

0.7254 mgd, which equates to 14.4 inches of supplemental irrigation annually. The producer is participating in the District cost-share program.

The project area includes ten existing active wells. Six wells are for irrigation, and the other wells provide water for the 180 head of beef cattle and other general agricultural use on the project site. The well inventory can be found in the table on Attachment A.

Demonstration of Need

The applicant has provided information that supports the requested allocation, based upon the crop types. Davis Heritage LTD. plans to irrigate 600 acres with two crops each year under center pivots. Crops include corn, and peanuts, with rye or oats as winter crops. Davis Heritage LTD. also plans to cultivate 560 acres of water melon with drip irrigation on approximately a five-year rotation.

Water Conservation

The applicant has completed the Water Conservation Worksheets for Irrigation.

Minimum Flows and Levels Compliance

Due to this modification, the ADR has increased 0.0518 mgd, from 0.6736 to 0.7254 mgd. This increase is less than 52,000 gallons/day and will not violate the minimum flows and levels (MFLs) at any downstream MFL points established along the Suwannee River or its tributaries. However, a standard 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.

Conditions of Issuance

Is this a reasonable–beneficial use?

[ref. 40B-2.301(1)(a)]

Yes. Based on the evaluation of criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

Will this use interfere with any presently existing legal use of water?

[ref. 40B-2.301(1)(b)]

No. This modification results in an increase in ADR of less than 52,000 gallons/day and will not interfere with any presently existing legal use of water.

Will this use be consistent with the public interest?

[ref. 40B-2.301(1)(c)]

Yes. Based on the provided information, the water will be used efficiently, will not be wasted, and is for an economically beneficial use. The use meets the criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

Will this use be in such a quantity and of such quality as is necessary for economic and efficient use?

[ref. 40B-2.301(2)(a)]

Yes. Based on GWRAPPS crop water needs, the use is such a quantity and such quality as is necessary for economic and efficient use.

Is this use for a purpose that is both reasonable and consistent with the public interest?
[ref. 40B-2.301(2)(b)]

Yes. Based on GWRAPPS crop water needs this use is both reasonable and consistent with the public interest.

Will the source of the water be capable of producing the requested amounts and appropriate quality of water?
[ref. 40B-2.301(2)(c)]

Yes. The increase in ADR of less than 52,000 gallons/day will help the source be capable of producing the requested amounts and appropriate quality of water.

Will the use degrade the source from which it is withdrawn?
[ref. 40B-2.301(2)(d)]

No. The increase in ADR of less than 52,000 gallons/day will not degrade the source from which it is drawn.

Will the use cause or contribute to flooding?
[ref. 40B-2.301(2)(e)]

No. Based on crop types and proposed farm practices, flooding is not a concern for this operation.

Will the use harm offsite land uses?
[ref. 40B-2.301(2)(f)]

No. Based on the existing land uses surrounding the operation, harm to offsite land uses is not a concern.

Will the use cause harm to wetlands or other surface water? Harm to wetland 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.
[ref. 40B-2.301(2)(g)]

No. The increase in ADR of less than 52,000 gallons/day will not cause harm to wetlands or other surface water.

Will the use cause or contribute to a violation of either minimum flows or levels?
[ref. 40B-2.301(2)(h)]

No. The increase in ADR of less than 52,000 gallons/day will not cause a violation of either minimum flows or levels.

Will the use cause or contribute to a violation of state water quality standard in waters of the state as set forth on Chapters 62-301, 62-302, 62-520, and 62-550, Florida Administrative Code (F.A.C.)?
[ref. 40B-2.301(2)(i)]

No. The increase in ADR of less than 52,000 gallons/day will not contribute to a violation of state water quality standards.

Is this use otherwise a reasonable-beneficial use as defined in Section 373.019(2), Florida Statutes,(F.S.) with consideration given to the factors set forth on subsection 62-40.410(2), F.A.C.?

[ref. 40B-2.301(2)(j)]

Yes. Staff has deemed the use a reasonable-beneficial use after considering the factors set forth in subsection 62-40.410(2), F.A.C.

Has the permit applicant proposed an alternative water supply?

[ref. 40B-2.301(2)(k)]

Alternative water supply is not feasible at this time.

Standard Conditions

1. This permit shall expire on **1/21/2029**. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), Florida Administrative Code (F.A.C.) and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.
2. The permittee may apply for a permit modification at any time in accordance with section 40B-2.331, F.A.C.
3. Primary Water Use classification(s): **Agricultural**
4. Source classification(s) : **Groundwater**
5. 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.
6. The permitted water withdrawal facilities consist of the items in the Withdrawal Point Information table on page 1.
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.

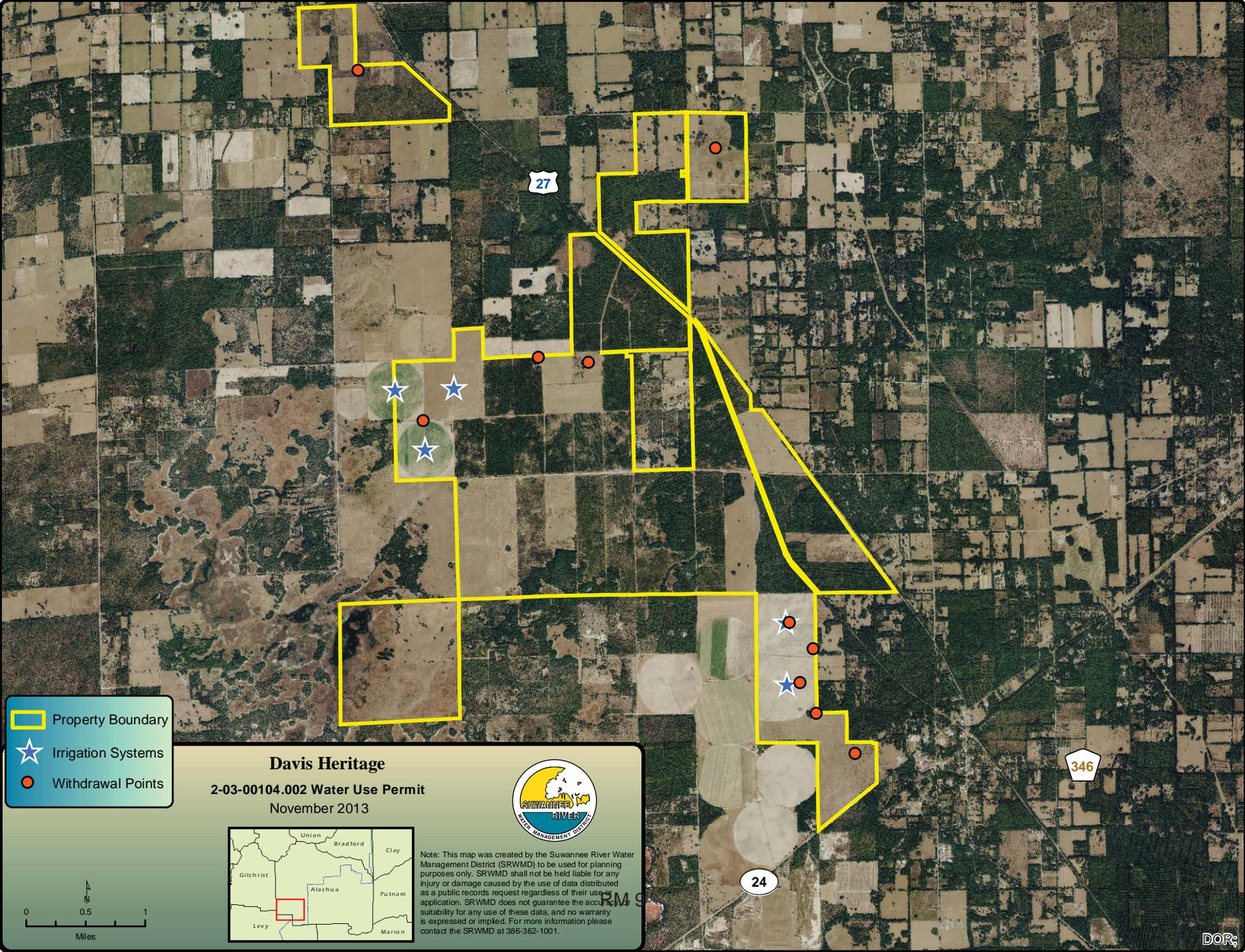
16. All correspondence sent to the District regarding this permit must include the permit number **2-03-00104.002**.
17. When the District provides a permanent identification tag, the tag shall be prominently displayed at the withdrawal site by permanently affixing such tag to the pump, headgate, valve, 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.
18. 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

19. The Permittee shall implement automated monitoring of groundwater withdrawals, at Permittee's expense, upon commencement of 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 opt for a standardized SRWMD automated monitoring system to fulfill this requirement.
20. The Permittee shall implement and/or maintain the conservation practices selected in the Water Conservation Plan submitted to the District. Any new practices selected shall be implemented within one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.
21. The Permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.

Attachment A
2-03-00104.002
Davis Heritage Farm

Name	Status	Diameter	Capacity (gpm)	Water Use
Damon Davis #3	Existing	10	1100	Irrigation
Beal #1	Existing	10	1000	Irrigation
Beal Mixing	Existing	4	25	Agricultural
Beal Cow Well	Existing	4	25	Livestock
Beal #2	Existing	10	1000	Irrigation
Beal #3	Existing	10	1000	Irrigation
Damon Davis #1	Existing	4	25	Livestock
Cow Pen Well	Existing	4	25	Livestock
Don Green	Existing	10	1000	Irrigation
Bass Well	Existing	12	1000	Irrigation



27

346

24

-  Property Boundary
-  Irrigation Systems
-  Withdrawal Points

Davis Heritage

2-03-00104.002 Water Use Permit
 November 2013



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, 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, P.E., Division Director, Resource Management

DATE: October 31, 2013

RE: Approval of a Modification with a 0.3414 mgd Decrease in Allocation and a Five-Year Permit Extension for Water Use Permit Application Number 2-84-00192.003, Reid Family Farm, Hamilton County

RECOMMENDATION

Staff recommends the Governing Board approve the modification of Water Use Permit number 2-84-00192.003 with eighteen standard conditions, three special limiting conditions, and a decrease in allocation to Reid Family Partnership LP in Hamilton County.

BACKGROUND

This is a modification to an existing permit that also combines an adjacent existing permit and results in a decrease in allocation. The applicant proposes to irrigate 439 acres with an Average Daily Rate (ADR) of 0.5592 million gallons daily (mgd). The combined ADR has decreased 0.3414 mgd, from 0.9006 to 0.5592 mgd. This will be accomplished with three irrigation wells, nine center pivots and one hard hose traveling gun and one existing well for livestock. The project area is not located within a Water Resource Caution Area. This producer is participating in the District cost-share program and has requested a five-year permit extension (modified permit will expire on September 28, 2029) due to voluntarily implementing automated water use monitoring.

The permit contains special conditions regarding implementation of automatic monitoring of withdrawals, implementation and maintenance of conservation plans, and irrigation of target areas.

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

/tm

STAFF REPORT
WATER USE PERMIT APPLICATION

DATE: October 31, 2013

PROJECT: Reid Family Farm

APPLICANT:

Reid Family Partnership LP

Post Office Box 71

Jasper, FL 32052

PERMIT APPLICATION NO.: 2-84-00192.003

DATE OF APPLICATION: April 17, 2013

APPLICATION COMPLETE: September 20, 2013

DEFAULT DATE: December 19, 2013

Previous Quantities:		Proposed Quantities:	
Average Daily Rate (ADR)	0.9006*	mgd	0.5592 mgd

*Including 0.4181 mgd ADR from 2-96-00063

Recommended Agency Action

Staff recommends approval of a Water Use Permit for a modification located within Hamilton County. The permit includes eighteen standard conditions and three special limiting conditions. Staff also recommends a five-year permit extension based on chapter 40B-2.331(2), F.A.C. due to voluntarily implementing automated water use monitoring. The existing permit will expire on September 28, 2024, and the modified permit will expire on September 28, 2029.

Project Review Staff

James Link, P.E., Kevin Wright, P.E., and Tim Sagul, P.E. have reviewed the application.

Project Location

The withdrawal facilities are is located in Township 02 North, Range 11 East, Sections 04, 07, and 08 in Hamilton County. The project is located within the Withlacoochee River basin according to the USGS National Hydrography Dataset, Hydrologic Unit Code-8 sub basins.

Project Description

The project area consists of 1,650 acres with approximately 439 acres being irrigated and 80 head of beef cattle being supplied using groundwater.

The water use allocation was based upon the number of livestock, irrigated acreages and crop types provided by Reid Family Partnership and calculated with GIS-Based Water Resources and Agricultural Permitting and Planning System (GWRAPPS). Crops include carrots, corn, green beans, peanuts, rye, and soybeans. The applicant will use nine center pivots and one traveling gun for irrigation. The Average Daily Rate (ADR) of withdrawal was calculated as

0.5592 mgd, which equates to 17.12 inches of supplemental irrigation annually. The producer is participating in the District cost-share program.

The project area includes three existing wells for irrigation and one existing well for livestock. The well inventory can be found in the table on Attachment A.

Demonstration of Need

The applicant has provided information that supports the requested allocation, based upon the crop types and the supplemental irrigation requirements calculated with GWRAPPS. Reid Family Partnership plans to irrigate 439 acres with two crops each year. Crops include carrots, corn, green beans, peanuts, rye, and soybeans. 80 head of beef cattle will be supplied with groundwater.

Water Conservation

The applicant has completed the Water Conservation Worksheets for Center Pivot, Traveling Gun Irrigation and Livestock Watering.

Minimum Flows and Levels Compliance

Due to this modification, the combined ADR has decreased 0.3414 MGD from 0.9006 to 0.5592 MGD. This decrease will not violate the minimum flows and levels (MFLs) at any downstream MFL points established along the Suwannee River or its tributaries. However, a standard 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.

Conditions of Issuance

Is this a reasonable–beneficial use?

[ref. 40B-2.301(1)(a)]

Yes. Based on the evaluation of criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

Will this use interfere with any presently existing legal use of water?

[ref. 40B-2.301(1)(b)]

No. This modification decreases the amount of water allocated and will not interfere with any presently existing legal use of water.

Will this use be consistent with the public interest?

[ref. 40B-2.301(1)(c)]

Yes. Based on the provided information, the water will be used efficiently, will not be wasted, and is for an economically beneficial use. The use meets the criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

Will this use be in such a quantity and of such quality as is necessary for economic and efficient use?

[ref. 40B-2.301(2)(a)]

Yes. Based on GWRAPPS supplemental irrigation requirements, the use is such a quantity and such quality as is necessary for economic and efficient use.

Is this use for a purpose that is both reasonable and consistent with the public interest?
[ref. 40B-2.301(2)(b)]

Yes. Based on GWRAPPS supplemental irrigation requirements this use is both reasonable and consistent with the public interest.

Will the source of the water be capable of producing the requested amounts and appropriate quality of water?
[ref. 40B-2.301(2)(c)]

Yes. The decrease in allocation will help the source be capable of producing the requested amounts and appropriate quality of water.

Will the use degrade the source from which it is withdrawn?
[ref. 40B-2.301(2)(d)]

No. The decrease in allocation will not degrade the source from which it is drawn.

Will the use cause or contribute to flooding?
[ref. 40B-2.301(2)(e)]

No. Based on crop types and proposed farm practices, flooding is not a concern for this operation.

Will the use harm offsite land uses?
[ref. 40B-2.301(2)(f)]

No. Based on the existing land uses surrounding the operation, harm to offsite land uses is not a concern.

Will the use cause harm to wetlands or other surface water? Harm to wetland 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.
[ref. 40B-2.301(2)(g)]

No. The decrease in allocation will not cause harm to wetlands or other surface water.

Will the use cause or contribute to a violation of either minimum flows or levels?
[ref. 40B-2.301(2)(h)]

No. The decrease in allocation will not cause a violation of either minimum flows or levels.

Will the use cause or contribute to a violation of state water quality standard in waters of the state as set forth on Chapters 62-301, 62-302, 62-520, and 62-550, Florida Administrative Code (F.A.C.)?
[ref. 40B-2.301(2)(i)]

No. The decrease in allocation will not contribute to a violation of state water quality standards.

Is this use otherwise a reasonable-beneficial use as defined in Section 373.019(2), Florida Statutes,(F.S.) with consideration given to the factors set forth on subsection 62-40.410(2), F.A.C.?

[ref. 40B-2.301(2)(j)]

Yes. Staff has deemed the use a reasonable-beneficial use after considering the factors set forth in subsection 62-40.410(2), F.A.C.

Has the permit applicant proposed an alternative water supply?

[ref. 40B-2.301(2)(k)]

Alternative water supply is not feasible at this time.

Standard Conditions

1. This permit shall expire on **9/28/2029**. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), Florida Administrative Code (F.A.C.) and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.
2. The permittee may apply for a permit modification at any time in accordance with section 40B-2.331, F.A.C.
3. Primary Water Use classification(s): **Agricultural**
4. Source classification(s) : **Groundwater**
5. 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.
6. The permitted water withdrawal facilities consist of the items in the Withdrawal Point Information table on page 1.
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.

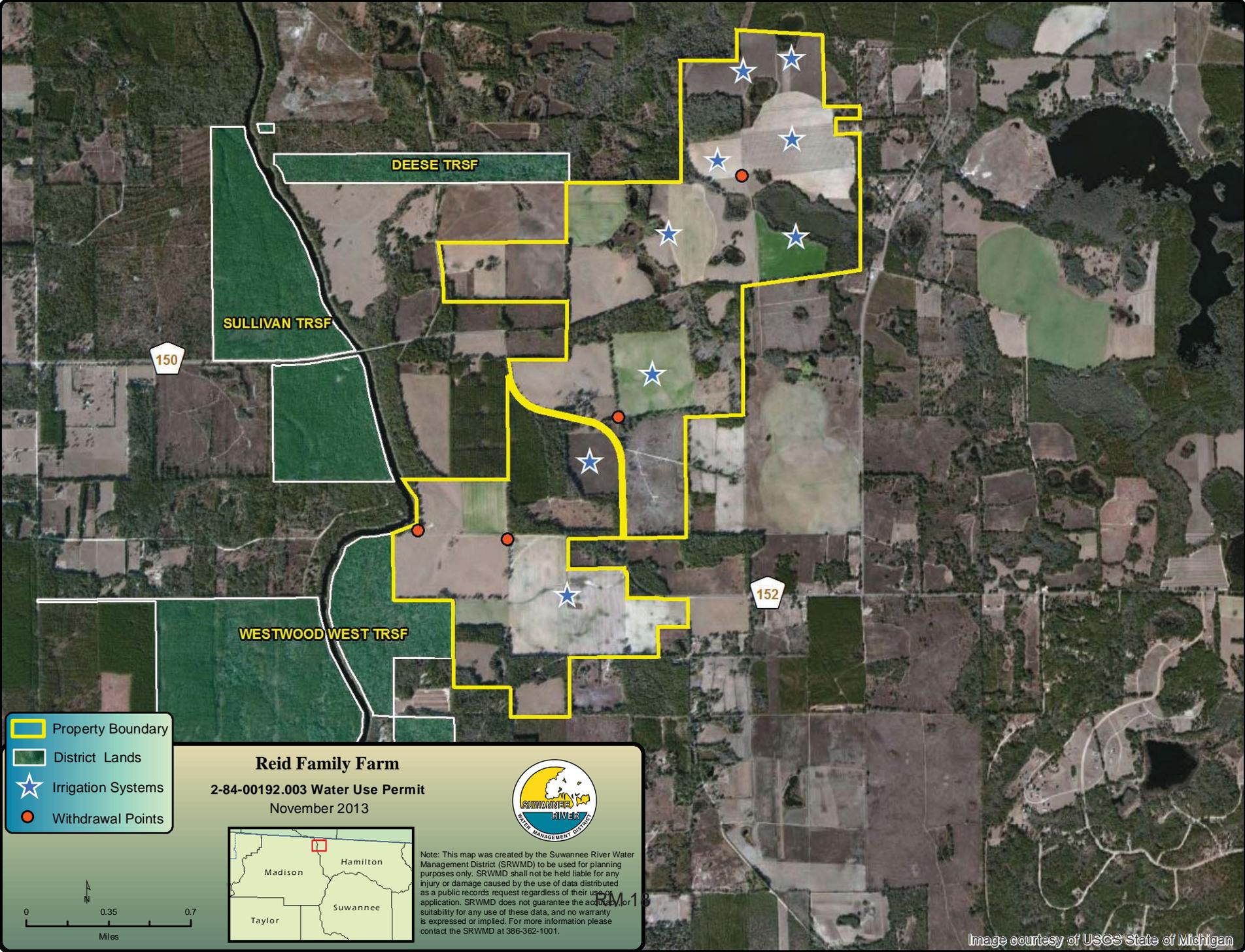
16. All correspondence sent to the District regarding this permit must include the permit number **2-84-00192.003**.
17. When the District provides a permanent identification tag, the tag shall be prominently displayed at the withdrawal site by permanently affixing such tag to the pump, headgate, valve, 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.
18. 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

19. The Permittee shall implement automated monitoring of groundwater withdrawals, at Permittee's expense, upon commencement of 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 opt for a standardized SRWMD automated monitoring system to fulfill this requirement.
20. The Permittee shall implement and/or maintain the conservation practices selected in the Water Conservation Plan submitted to the District. Any new practices selected shall be implemented within one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.
21. The Permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.

Attachment A
2-84-00192.003
Reid Family Farm

Name	Status	Diameter	Capacity (gpm)	Water Use
River Well	Existing	10	1000	Irrigation
Home Place Well	Existing	10	500	Irrigation
Simi Deas Well	Existing	10	1000	Irrigation
Trammell House Well	Existing	4	100	Livestock



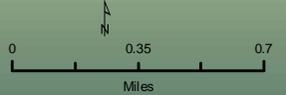
-  Property Boundary
-  District Lands
-  Irrigation Systems
-  Withdrawal Points

Reid Family Farm

2-84-00192.003 Water Use Permit
 November 2013



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



MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Division Director, Resource Management

DATE: October 31, 2013

RE: Approval of a Modification with a 0.4528 mgd Decrease in Allocation and a Five-Year Permit Extension for Water Use Permit Application Number 2-84-01221.003, Waco of Alabama, Alachua County

RECOMMENDATION

Staff recommends the Governing Board approve the modification of Water Use Permit number 2-84-01221.003 with eighteen standard conditions, five special limiting conditions, and a decrease in allocation to Waco Properties, Inc. in Alachua County.

BACKGROUND

This is a modification for an existing permit to irrigate 303 acres of a corn and oats crop rotation. The ADR has decreased 0.4528 mgd, from 0.8685 to 0.4157 mgd. The project area is located within the Lower Santa Fe River Basin Water Resource Caution Area. This producer is participating in the District cost-share program and has requested a five-year permit extension (the modification will expire April 17, 2025) due to voluntarily implementing automated monitoring.

The permit contains special conditions regarding implementation of automatic monitoring of withdrawals, implementation and maintenance of conservation plans, irrigation of target areas, specific allocations for other crop rotations, and implementation of MFL prevention/ recovery strategies if required.

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

/tm

STAFF REPORT

WATER USE PERMIT APPLICATION

DATE: October 31, 2013

PROJECT: Waco of Alabama

APPLICANT:

Waco Properties, Inc.
569 Edgewood Avenue South
Jacksonville, FL 32205

PERMIT APPLICATION NO.: 2-84-01221.003

DATE OF APPLICATION: September 27, 2013

APPLICATION COMPLETE: September 27, 2013

DEFAULT DATE: December 26, 2013

	Previous Quantities:		Proposed Quantities:	
Average Daily Rate (ADR)	0.8685	mgd	0.4157	mgd

Recommended Agency Action

Staff recommends approval of a Water Use Permit for an existing agricultural operation located within Alachua County. The permit includes eighteen standard conditions and four special limiting conditions. Staff recommends a five-year permit extension based on chapter 40B-2.331(2), F.A.C. due to voluntarily implementing automated monitoring. The permit will expire on April 17, 2025.

Project Review Staff

Lindsey Marks, Warren Zwanka, P.G., and Tim Sagul, P.E. have reviewed the application.

Project Location

The withdrawal facilities are located in Township 08 South, Range 18 East, Sections 20 and 29 in Alachua County. The project is located within the Waccasassa River basin according to the USGS National Hydrography Dataset, Hydrologic Unit Code-8 sub basins. It is also located within the Lower Santa Fe River Basin Water Resource Caution Area.

Project Description

The project area consists of 1,000 acres with approximately 303 acres being irrigated using groundwater.

The applicant will use one center pivot, one linear pivot, and two hard hose systems for irrigation. The crop rotation includes one year of corn and oats, one year of peanuts and rye, and one year of cotton and wheat. There are also 100 head of beef cattle on the project site, and one well will be used for tank filling approximately 1,000 gallons per day. The water use calculations for the crops were based upon GIS-Based Water Resources and Agricultural Permitting and Planning System (GWRAPPS), and the calculations for the livestock were based on industry standards. The Average Daily Rate (ADR) of withdrawal was calculated as 0.4157

mgd, which equates to 18.3 inches of supplemental irrigation annually. This producer is participating in the District cost-share program.

The project area includes five existing wells. The well inventory can be found in the table on Attachment A.

Demonstration of Need

The applicant has provided information that supports the requested allocation, based upon the crop types. Waco Properties, Inc. plans to irrigate 303 acres with two crops each year. Crops include corn, cotton, and peanuts with a winter oats, rye, or wheat.

Water Conservation

The applicant has completed the Water Conservation Worksheets for Center Pivot and Traveler System Irrigation.

Minimum Flows and Levels Compliance

Due to this modification, the ADR has decreased 0.4528 mgd, from 0.8685 to 0.4157 mgd. This decrease will not violate the minimum flows and levels (MFLs) at any downstream MFL points established along the Suwannee River or its tributaries. However, a standard 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.

Conditions of Issuance

Is this a reasonable–beneficial use?

[ref. 40B-2.301(1)(a)]

Yes. Based on the evaluation of criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

Will this use interfere with any presently existing legal use of water?

[ref. 40B-2.301(1)(b)]

No. This modification decreases the amount of water allocated and will not additionally interfere with any presently existing legal use of water.

Will this use be consistent with the public interest?

[ref. 40B-2.301(1)(c)]

Yes. Based on the provided information, the water will be used efficiently, will not be wasted, and is for an economically beneficial use. The use meets the criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

Will this use be in such a quantity and of such quality as is necessary for economic and efficient use?

[ref. 40B-2.301(2)(a)]

Yes. Based on GWRAPPS crop water needs, the use is such a quantity and such quality as is necessary for economic and efficient use.

Is this use for a purpose that is both reasonable and consistent with the public interest?
[ref. 40B-2.301(2)(b)]

Yes. Based on GWRAPPS crop water needs this use is both reasonable and consistent with the public interest.

Will the source of the water be capable of producing the requested amounts and appropriate quality of water?
[ref. 40B-2.301(2)(c)]

Yes. The decrease in allocation will help the source be capable of producing the requested amounts and appropriate quality of water.

Will the use degrade the source from which it is withdrawn?
[ref. 40B-2.301(2)(d)]

No. The decrease in allocation will not degrade the source from which it is drawn.

Will the use cause or contribute to flooding?
[ref. 40B-2.301(2)(e)]

No. Based on crop types and proposed farm practices, flooding is not a concern for this operation.

Will the use harm offsite land uses?
[ref. 40B-2.301(2)(f)]

No. Based on the existing land uses surrounding the operation, harm to offsite land uses is not a concern.

Will the use cause harm to wetlands or other surface water? Harm to wetland 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.
[ref. 40B-2.301(2)(g)]

No. The decrease in allocation will not cause harm to wetlands or other surface water.

Will the use cause or contribute to a violation of either minimum flows or levels?
[ref. 40B-2.301(2)(h)]

No. The decrease in allocation will not cause a violation of either minimum flows or levels.

Will the use cause or contribute to a violation of state water quality standard in waters of the state as set forth on Chapters 62-301, 62-302, 62-520, and 62-550, Florida Administrative Code (F.A.C.)?
[ref. 40B-2.301(2)(i)]

No. The decrease in allocation will not contribute to a violation of state water quality standards.

Is this use otherwise a reasonable-beneficial use as defined in Section 373.019(2), Florida Statutes,(F.S.) with consideration given to the factors set forth on subsection 62-40.410(2), F.A.C.?
[ref. 40B-2.301(2)(j)]

Yes. Staff has deemed the use a reasonable-beneficial use after considering the factors set forth in subsection 62-40.410(2), F.A.C.

Has the permit applicant proposed an alternative water supply?
[ref. 40B-2.301(2)(k)]

Alternative water supply is not feasible at this time.

Standard Conditions

1. This permit shall expire on **4/17/2025**. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), Florida Administrative Code (F.A.C.) and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.
2. The permittee may apply for a permit modification at any time in accordance with section 40B-2.331, F.A.C.
3. Primary Water Use classification(s): **Agricultural**
4. Source classification(s) : **Groundwater**
5. 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.
6. The permitted water withdrawal facilities consist of the items in the Withdrawal Point Information table on page 1.
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.

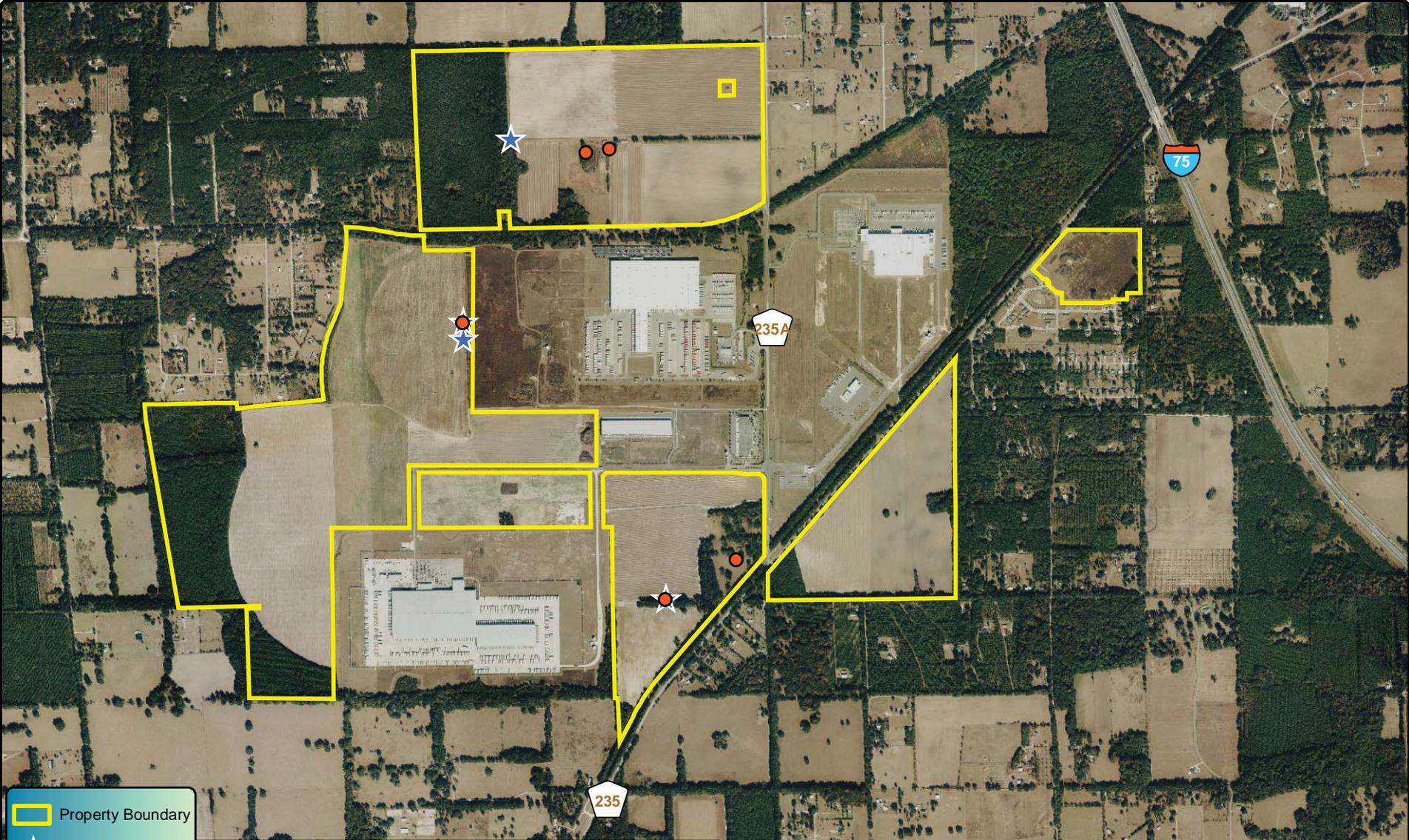
16. All correspondence sent to the District regarding this permit must include the permit number **2-84-01221.003**.
17. When the District provides a permanent identification tag, the tag shall be prominently displayed at the withdrawal site by permanently affixing such tag to the pump, headgate, valve, 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.
18. 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

19. The Permittee shall implement automated monitoring of groundwater withdrawals, at Permittee's expense, upon commencement of 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 opt for a standardized SRWMD automated monitoring system to fulfill this requirement.
20. The Permittee shall implement and/or maintain the conservation practices selected in the Water Conservation Plan submitted to the District. Any new practices selected shall be implemented within one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.
21. The Permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.
22. The maximum average daily withdrawal of groundwater for the corn and oats crop rotation is 0.2730 mgd. The maximum average daily withdrawal of groundwater for the peanuts and rye crop rotation is 0.2355 mgd. The maximum average daily withdrawal of groundwater for the cotton and wheat rotation is 0.1924 mgd.

Attachment A
2-84-01221.003
Waco of Alabama

Name	Status	Diameter	Capacity (gpm)	Water Use
Walker 12-inch	Active	12	1000	Irrigation
Walker 4-inch	Active	4	20	Livestock
D.G. 12-inch	Active	12	1000	Irrigation
Lancaster 8-inch	Active	8	660	Irrigation
Feagle 4-inch	Active	4	20	Livestock

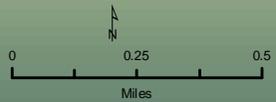


-  Property Boundary
-  Irrigation Systems
-  Withdrawal Points

Waco of Alabama
 2-84-01221.003 Water Use Permit
 November 2013



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



MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Division Director, Resource Management

DATE: October 31, 2013

RE: Adoption of Proposed Rule Changes for Chapters 40B-1 and 40B-2, Florida Administrative Code (F.A.C.), Water Use Permit Applicant's Handbook and Forms to be Consistent with Statewide CUPCON Rulemaking Effort

RECOMMENDATION

Staff recommends the Governing Board authorize staff to:

- 1. Publish a Notice of Proposed Rule for Chapters 40B-1, 40B-2, F.A.C., Water Use Permit Applicant's Handbook and Forms; and**
- 2. File Chapters 40B-1 and 40B-2, F.A.C., with the Department of State if no objections or comments are received.**

BACKGROUND

Since November 2011, the Department of Environmental Protection (DEP) has been leading a statewide effort to improve Consumptive Use Permitting consistency (CUPCON) in the regulation of water use by the Water Management Districts. CUP/WUP rules are inconsistent among the districts despite all having been developed under the authority of Section 373 Part II, F.S. While some of the differences may be based on differing physical and natural characteristics, others are the result of district-specific rules and policies developed over time. This inconsistency has resulted in confusion for the regulated public and inequitable treatment of similar applicants in different districts. Additionally, the development of separate procedures and rules is costly and inefficient.

The DEP's goals were to make the regulatory programs less confusing for applicants, particularly those who conduct business in more than one District; treat applicants equitably statewide; provide consistent protection of the water resource; streamline the process; and incentivize conservation. For the past two years, the CUPCON working group and legal team have met with stakeholders from public water supply, agricultural water use, industrial use, recreational and commercial entities, and environmental interests multiple times around the state. All issues identified by the working group and stakeholders have been considered and

many have been addressed in the revised rules shown below. All rules have been reviewed by DEP Office of Water Policy staff and their recommendations have been implemented. CUPCON changes to 40B-2, F.A.C., and the Applicant's Handbook have received cursory review from the Legislature's Joint Administrative Procedures Committee and the Governor's Office of Fiscal Responsibility and Regulatory Reform in preparation for the next steps in the rulemaking process. Rule revision is expected to occur in each district simultaneously and will result in a more consistent CUP/WUP permitting process statewide when complete.

DISCUSSION

This memo is similar to the May 2013 request to publish and file with the exception that the changes shown represent the finished draft rules from the CUPCON collaborative effort. Notice of Rule Development workshops were held in conjunction with representatives from DEP in Live Oak on August 7, 2012, and in Chiefland on August 8, 2012; the revised rules have been workshopped on May 21, 2013, and August 13, 2013; and the final substantive rule revisions have been posted on the SRWMD website since August 1, 2013. If approved, staff will continue the rulemaking process for the attached proposed rules, Applicant's Handbook, WUP application form, and supplemental forms. Rule revisions are summarized below.

40B-1

Staff proposes to add new permit thresholds consistent with the other WMDs, delete the signatory authority for a non-existent staff position, and repeal Rule 40B-1.901, F.A.C. (General) and incorporate permit application and supplemental forms by reference in Chapter 40B-2, F.A.C. WUP permit fees remain unchanged.

40B-2

Staff proposes to implement the following rule changes:

- Remove duplicate definitions defined in the Applicant's Handbook;
- Revise contiguous property language;
- Change bottled water references to beverage processing;
- Describe the types of permits and thresholds;
- Remove the maximum daily rate (MDR) allocation;
- Incorporate revised WUP application and supplemental forms by reference;
- Incorporate consistent conditions for issuance language;
- Include year-round landscape irrigation rules;
- Allow for 10-year compliance reporting;
- Describe standard and goal-based conservation plans;
- Incorporate standard water use types.

Water Use Applicant's Handbook

Staff proposes to significantly restructure the Permitting Guide content to conform to consistent statewide formatting and rename the document 'Applicant's Handbook.' Additionally, the Handbook will provide details for the changes in Rule 40B-2 listed above. New sections regarding water conservation for public supply, consistent standard 'limiting conditions' for permits, and Water Resource Caution Area delineations will be added. Concerns raised by industrial/commercial stakeholders regarding alternative methods of automated monitoring of water use were addressed.

A copy of the Notice of Proposed Rule follows this memorandum.

WZ/tm

NOTICE OF PROPOSED RULE

NAME OF AGENCY:
Suwannee River Water Management District

RULE CHAPTER TITLE:
General and Procedural Rules

RULE CHAPTER NUMBER:
40B-1

RULE TITLES:	RULE NOS.:
Procedures for Consideration of Permit Applications	40B-1.703
Fees	40B-1.706
General	40B-1.901

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement changes to rule resulting from statewide consistency work.

SUBJECT AREAS TO BE ADDRESSED: New permit thresholds; deletion of the signatory authority for a non-existent staff position; and repeal of Section 40B-1.901, F.A.C. (forms to be incorporated by reference in chapter 40B-2, F.A.C.)

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC) AND LEGISLATIVE RATIFICATION: The Agency has determined that these changes will not have an adverse impact on small business because there will not be an increase in time and effort to comply with this rule. This rule will not likely increase direct or indirect regulatory costs in excess of \$200,000.00 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: There is neither a cost nor an exemption from cost associated with these rules. The promulgation of this language is a result of a legislative mandate.

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: 120.54(5), F.S.
LAW IMPLEMENTED: 120.54(5), F.S.

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

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:

CHAPTER 40B-1

GENERAL AND PROCEDURAL RULES

40B-1.100	Uniform Rules of Procedure and Statement of District Organization and Operation (Repealed)
40B-1.102	Definitions
40B-1.106	Interagency Agreements
40B-1.135	Delegations of Authority
40B-1.510	District Investigations and Probable Cause Determinations (Repealed)
40B-1.702	Permits Required (Repealed)
40B-1.703	Procedures for Consideration of Permit Applications
40B-1.704	Bond
40B-1.705	Complaints (Repealed)
40B-1.706	Fees
40B-1.709	Suspension, Revocation, and Modification of District Permits
40B-1.711	Emergency Action
40B-1.801	General (Repealed)
40B-1.802	Definitions (Repealed)
40B-1.804	Certification and Competitive Selection for Professional Services (Repealed)
40B-1.805	Competitive Negotiation (Repealed)
40B-1.808	Applicability (Repealed)
40B-1.809	Inconsistency with Section 287.055, Florida Statutes
40B-1.810	Procurement of Commodities or Contractual Services (Repealed)
40B-1.811	Prequalified Providers (Repealed)
40B-1.812	Contract Bidding – Reservation of Rights (Repealed)
40B-1.813	Contract Bidding – Resolution of Protests (Repealed)
40B-1.901	General <u>(Repealed)</u>

40B-1.100 through 40B-1.702 No Change

40B-1.703 Procedures for Consideration of Permit Applications.

(1) General Permits.

(a) Section 373.118, F.S., authorizes the governing board to adopt rules establishing a general permit system for projects or categories of projects which have, either singly or cumulatively, a minimal adverse impact on water resources of the district. The governing board of the Suwannee River Water Management District has established a general permit system which authorizes the issuance of ~~two~~three categories of general permits – Noticed General Permits, and (all other) General Permits, and General Permits by Rule. A specific reference to the procedures for issuance of these categories of general permits is included in each district rule which authorizes a Noticed General Permit, or (any other) General Permit, and General Permit by Rule along with specific standards or conditions for issuance of such permits. When an activity does not qualify or conform to the conditions for issuance of general permits, an application for an individual permit or conceptual approval permit may be submitted to the

district for consideration. No public notice by advertisement in a newspaper of general circulation in the affected area shall be required for general permits; however, public notice will be made by providing to any interested person a copy of any permit on file with the district and by posting at the district headquarters a current journal of all such permits issued.

(b) Noticed General Permits are a category of general permits for activities which have established standards and conditions for issuance of permits in district rules and which are considered by the governing board to have little or no potential for adverse impact to water resources of the district if those standards and conditions for issuance of permits are followed. ~~Specific procedures for processing Noticed General Environmental Resource Permits are included in Rule 40B-400.211, F.A.C., and in each such permit enumerated in Chapter 40B-400, Part II, F.A.C.~~

(c) General permits are reviewed, and agency action is initiated within 30 days of receipt of a completed and properly executed application, including any permit fees. Following investigation and review by District staff to insure the proposed activity qualifies for the specific general permit authorized by District rule and conforms to all conditions for issuance of the specific general permit, the general permit is issued by rule. In lieu of issuance of the general permit, the District will issue a notice of proposed agency action to deny the application and follow the procedures in Section 120.57, F.S., and Chapter 28, F.A.C., when investigation and review of the application by District staff reveals that the proposed activity does not qualify or conform to the conditions for issuance of the specific general permit authorized by District rule. If an application is received in an incomplete state, not properly executed or if additional information is required, the applicant shall be notified pursuant to the procedures in Section 120.60, F.S., and Chapter 28, F.A.C.

(d) ~~Minor use~~General permits by rule, as defined in Rule 40B-2.0442, F.A.C., are a category of general permits for activities which have established standards and conditions for issuance of permits in district rules. A permit application is not required for any use that meets the requirements of Rule 40B-42.0442, F.A.C., and is thereby considered to be an existing legal user of water.

(2) Individual Permits.

(a) Individual permits are issued under the standard permitting and licensing procedures described in Section 120.60, F.S. Unless a general permit is specifically authorized by District rule or unless an applicant chooses to request a conceptual approval permit for an activity, the individual permit procedures described in this section and Chapter 120 govern all district permitting and licensing activities. Within 30 days of receipt of an application for an individual permit, the District will notify the applicant of any apparent errors or omissions and request any additional information that the District is authorized to request. A request for additional information shall include a reference to the specific rule or law which authorizes the District to make the request. If apparent errors or omissions are not corrected or additional information requested is not supplied within 90 days of the date of the District notice, the District shall issue a notice of proposed agency action to deny the application and follow the procedures in Section 120.57, F.S., and Chapter 28, F.A.C. The applicant may request an extension of time in writing necessary to correct apparent errors or omissions or supply additional information requested by the District.

(b) Upon receipt of an application for an individual permit, the District will cause to be published and distributed the notices of application required by Sections 373.116, 373.413(3), and 373.413(4), F.S. The notice of application shall specify a date not less than 14 days from the date of publication and distribution by which comments or objections to the application may be filed with the District. A notice of proposed agency action on an individual permit application will be prepared whenever possible. The notice of proposed agency action will be sent to the

applicant or any other person requesting such notice. If no substantial objection to the application or notice of proposed agency action is received, the Governing Board may, at its discretion, consider the application at its next regularly scheduled meeting, which is at least 14 days after issuance of a notice of proposed agency action. If a substantial objection is received, the Board shall proceed under the procedures in Chapter 28, F.A.C., and, if appropriate, set a time for a hearing in accordance with the provisions of Chapter 120, F.S. When there is not a reasonable opportunity for the District to issue a notice of proposed agency action, the Governing Board may, at its discretion, consider the application and advise the applicant and all other persons requesting notice of the Governing Board's action and providing an opportunity to request an administrative hearing on the action pursuant to Section 120.60(3), F.S., and Chapter 28, F.A.C.

(c) The Governing Board hereby delegates authority to the Executive Director, or Assistant Executive Director ~~or Deputy Executive Director~~ to issue individual environmental resource permits that require no special limiting conditions or that require only the following special limiting conditions pursuant to subsection 40B-4.1140(1), Florida Administrative Code (F.A.C.), under Chapters 40B-4 and 40B-400, F.A.C.:

1. Permits that identify non-profit associations as operation and maintenance entities under subsection 40B-4.2035(3), F.A.C.; or
2. Permits that require the following documents to be recorded in legal records:
 - a. Final plats; and
 - b. Deed restrictions; and
 - c. Drainage easements.

Unless objection to the permit application or the notice of proposed agency action is made according to statute and these rules by a substantially affected person, the Executive Director or Assistant Executive Director shall either issue the permit or place the application on the agenda of the next regularly scheduled meeting of the Governing Board.

(3) Conceptual Approval Permits. Any person may request conceptual approval of any activity that requires a permit from the governing board by making application for a conceptual approval permit. The procedure for review and consideration of such applications shall be the same as for an individual permit. A conceptual approval permit issued by the governing board cannot authorize construction or the beginning of the activity which is the subject of the conceptual approval.

Rulemaking Authority 373.044, 373.083, 373.113, 373.118, 373.171, 373.4141 FS. Law Implemented 120.57, 120.59, 120.60, 373.084, 373.085, 373.086, 373.106, 373.116, 373.118, 373.229, 373.313, 373.413, 373.416, 373.426 FS. History—New 6-16-88, Amended 12-22-92, 10-3-95, 1-29-01, 12-10-07, 10-25-09, [DATE].

40B-1.704 through 40B-1.705 No Change

40B-1.706 Fees.

(1) and (2) No Change

TABLE 1.A. SCHEDULE OF PERMIT FEES

WATER USE PERMITS

General Water Use Permits Less than 10,000 GPD-ADR per paragraph 40B-2.041(4), \$100 F.A.C.

Modification or Renewal \$50

General Water Use Permits 10,000 GPD-ADR or more and less than 2,000,000 GPD-ADR \$230 as per paragraph 40B-2.041(4), F.A.C.

Modification or Renewal	\$115
Individual or Conceptual Approval Water Use Permits per subsection 40B-1.703(3) and paragraph 40B-2.041(5), F.A.C.	\$530
Modification or Renewal	\$265

TABLE 1.B. SCHEDULE OF PERMIT FEES

ENVIRONMENTAL RESOURCE AND WORKS OF THE DISTRICT PERMITS

Use of the reviewing agency's electronic self-certification system	\$0
Verification of exemption under 373.406, , F.S., 403.813, F.S., 62-330, F.A.C., or 40B-4, F.A.C.	\$100
Verification of qualification to use a General Permit under 62-330, F.A.C., or Noticed General under 40B-4, F.A.C.	\$250
Variance or Waiver under 120.542, F.S.	\$0
All other Variances or Waivers	\$550
Works of the District General Permits	\$490
Modification of a Works of the District General Permit	\$245
All Individual or Conceptual Approval Permits under 62-330, F.A.C. or 40B-4, F.A.C.:	
(1) New applications – the processing fee for a new permit application shall be as determined from the categories below:	
(a) Total project area of less than 10 acres, with no works in, on, or over wetlands and other surface waters, and no boat slips	\$490
(b) Total project area of less than 10 acres that does not meet (1)(a), above, but that involves less than 1 acre of works (i.e. dredging, filling, construction, or alteration) in, on or over wetlands and other surface waters, AND less than 10 new boat slips	\$1,190
(c) Project exceeds any of the thresholds in (1)(b), above, but involves a total project area of less than 40 acres, less than 3 acres of works in, on or over wetlands and other surface waters, AND less than 30 new boat slips	\$2,110
(d) Project exceeds any of the thresholds in (1)(c), above, but involves a total project area of less than 100 acres, less than 10 acres of works in, on or over wetlands and other surface waters, AND less than 50 new boat slips	\$5,610
(e) Project exceeds any of the thresholds in (1)(d), above, but involves a total project area of less than 640 acres, AND less than 50 acres of works in, on or over wetlands and other surface waters	\$9,120
(f) Project exceeds any of the thresholds in (1)(e), above	\$11,220
(g) Projects that are exclusively agricultural or silvicultural, and that involve a total project area of less than 10 acres AND less than 1 acre of works (i.e. dredging, filling, construction, or alteration) in, on or over wetlands and other surface waters	\$250
(h) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in (1)(g), above, but involves a total project area of less than 40 acres AND less than 3 acres of works in, on or over wetlands and other surface waters	\$1,055
(i) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in (1)(h), above, but involve a total project area of less than 100 acres AND less than 10 acres of works in, on or over wetlands and other surface waters	\$2,805
(j) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in (1)(i), above, but involve a total project area of less than	\$4,590

640 acres AND less than 50 acres of works in, on or over wetlands and other surface waters	
(k) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in (1)(j), above	\$5,610
(l) Individual or Conceptual Permits solely for environmental restoration or enhancement activities, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. For the purposes of this provision, the term “environmental restoration or enhancement” means an action or actions designed and implemented solely to convert degraded or altered uplands, wetlands, or other surface waters to intact communities typical of those historically present, or to improve the quality and condition of currently degraded wetlands or other surface waters to a more healthy, functional, and sustaining condition for fish, wildlife, and listed species	\$250
(m) Individual or Conceptual Permit solely to retrofit an existing stormwater management system or systems to add treatment to and reduce stormwater pollutant loadings from the system or systems	\$250
(2) All Major Modifications including those that exceed any of the thresholds in 62-330.315(3), F.A.C.:	50% of (1)
(3) All Minor Modifications including those that do not exceed any of the thresholds in 62-330.315(3), F.A.C.:	
(a) Transfers or Time Extensions of Permits, where not exempted from fees under Florida Statutes	\$0
(b) Minor Modifications to correct minor errors that do not involve technical review, or to incorporate changes requested by the reviewing agency	\$0
(c) All other Minor Modifications	25% of (1)
Resubmittal of an application that was previously withdrawn or administratively denied, in accordance with 62-330.090(1)(b), F.A.C. The Agency shall apply the processing fee paid when the previous application was submitted to the fee required for the new application. If the resubmitted application would require a greater fee, only the additional portion shall be required.	
New Determinations of the Landward Extent of Wetlands and Other Surface Waters	
(1) Informal Determinations, where:	
(a) Total area to be included in the determination is up to 1 acre	\$100
(b) Additional fee per acre (or portion thereof) beyond the first, total fee not to exceed \$500	\$50
(2) Formal Determinations, where:	
(a) Total area to be included in the determination is less than 10 acres	\$860
(b) Total area to be included in the determination is at least 10, but less than 40 acres	\$1,180
(c) Total area to be included in the determination is at least 40, but less than 100 acres	\$2,370
(d) Total area to be included in the determination is at least 100	\$2,370
(e) Additional fee per 100 acres (or portion thereof) beyond the first 100 acres	\$200
Reissuance of Informal Determinations	\$50

Reissuance of Formal Determinations, in accordance with 62-330.201(5), F.A.C.	\$350
Application for any activity when submitted by the Department of Defense	\$0
Any fee in excess of \$100, as determined by this section, shall be reduced to this amount, which shall not exceed \$100, for public projects when the applicant is a county or municipality (or under contract thereto) that qualifies under Section 218.075, F.S.	\$100

Rulemaking Authority 373.044, 373.109, 373.113, 373.118, 373.171 FS. Law Implemented 218.075, 373.109 FS. History—New 6-16-88, Amended 11-25-90, 12-22-92, 10-16-94, 11-8-94, 10-3-95, 1-3-96, 6-22-99, 5-6-12, 10-1-13, [DATE].

40B-1.709 through 40B-1.813 No Change

40B-1.901 General.

~~The District maintains a list of forms which is updated annually and is available upon request. All district forms and instructions may be obtained at the District headquarters or on the District's website and are hereby incorporated by reference as follows:~~

- ~~(1) Form number 40B-2.041A, Water Use Permit Status Form, is incorporated by reference in Rule 40B-2.041, F.A.C.;~~
- ~~(2) Form number 40B-2.041B, Application for Water Use Permit Agricultural Use, is incorporated by reference in Rule 40B-2.041, F.A.C.~~
- ~~(3) Form number 40B-2.041C, Application for Water Use Permit Augmentation/Other Use, is incorporated by reference in Rule 40B-2.041, F.A.C.;~~
- ~~(4) Form number 40B-2.041D, Application for Water Use Permit Commercial Use, is incorporated by reference in Rule 40B-2.041, F.A.C.;~~
- ~~(5) Form number 40B-2.041E, Application for Water Use Permit Potable Water Supply Use, is incorporated by reference in Rule 40B-2.041, F.A.C.;~~
- ~~(6) Form number 40B-2.351A, Water Use Permit Transfer Form, is incorporated by reference in Rule 40B-2.351, F.A.C.;~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 9-15-81, Amended 3-17-88, 12-21-88, 10-8-89, 6-17-93, 10-3-95, 1-3-96, 6-22-99, 1-29-01, 5-15-05, 7-7-08, 4-1-10, 10-1-13, Repealed by Section 3, Chapter 2012-31, Laws of Florida, [DATE].

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Sagul, Division Director, 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: November 11, 2013.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: _____

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:	RULE NOS.:
Policy and Purpose	40B-2.011
Definitions	40B-2.021
Implementation	40B-2.031
Permits Required	40B-2.041
General Permits by Rule	40B-2.042
Content of Application	40B-2.101
Conditions for Issuance of Permits	40B-2.301
Duration of Permits	40B-2.321
Modification of Permits	40B-2.331
Transfer of Permits	40B-2.351
Renewal of Permits	40B-2.361
Limiting Conditions	40B-2.381
Classification of Permits	40B-2.501

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement changes to rule resulting from statewide consistency work.

SUBJECT AREAS TO BE ADDRESSED: Definitions; contiguous properties; types and thresholds of permits; incorporation of revised Water Use Applicant’s Handbook, Water Use Permit application, and supplemental forms by reference; conditions for issuance; year-round landscape irrigation rules; 10-year compliance reporting; standard and goal-based conservation plans; and standard water use types.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC) AND LEGISLATIVE RATIFICATION: The Agency has determined that these changes will not have an adverse impact on small business because there will not be an increase in time and effort to comply with this rule. 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: There is neither a cost nor an exemption from cost associated with these rules. The promulgation of this language is a result of a legislative mandate.

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, 373.216, F.S.

LAW IMPLEMENTED: 373.016, 373.023, 373.103, 373.216, 373.219, F.S.

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

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:

**CHAPTER 40B-2
PERMITTING OF WATER USE**

40B-2.011	Policy and Purpose
40B-2.021	Definitions
40B-2.025	Processing of Water Use Permit Applications (Repealed)
40B-2.031	Implementation
40B-2.041	Permits Required
40B-2.042	General Permits by Rule
40B-2.051	Exemptions
40B-2.101	Content of Application
40B-2.201	Permit Fees (Repealed)
40B-2.301	Conditions for Issuance of Permits
40B-2.311	Competing Applications (Repealed)
40B-2.321	Duration of Permits
40B-2.331	Modification of Permits
40B-2.341	Revocation of Permits (Repealed)
40B-2.351	Transfer of Permits
40B-2.361	Renewal of Permits
40B-2.381	Limiting Conditions
40B-2.441	Temporary Water Use Permits (Repealed)
40B-2.451	Emergency Authorization for Withdrawal or Diversion (Repealed)
40B-2.501	Classification of Permits
40B-2.751	Investigation, Enforcement, and Penalties (Repealed)
40B-2.781	Enforcement (Repealed)
40B-2.901	Forms and Instructions (Repealed)

40B-2.011 Policy and Purpose.

(1) The Suwannee River Water Management District (District) regulates all water uses within its boundaries pursuant to the provisions of Chapter 373, F.S., in a manner consistent with Chapter 62-40, F.A.C., and with the overall policies, goals and objectives of the District. The Governing Board hereby adopts by reference the following rules of the Florida Department of Environmental Protection: 62-40.4126(7) and 62-40.4126(8), effective May 6, 2013, which are hereby incorporated by reference as of [DATE]. These documents are available at the Florida Department of State's website: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02359>.

(2) This chapter implements the comprehensive water use permit system contemplated in Part II of Chapter 373, F.S.

Rulemaking Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 373.016, 373.023, 373.103, 373.216, 373.219 FS. History—New 10-1-82, 1-6-10.

40B-2.021 Definitions.

(1) ~~“Aesthetic Use” means the use of water to augment fountains, waterfalls, and landscape lakes and ponds where such features are entirely ornamental or decorative.~~

(2) ~~“Agricultural Use” means the use of water for crop production or the growing of farm products including vegetables, pasture, sod, or other cash crops, waste management or water or washing livestock. It includes soil flooding for pest control or soil preservation, freeze protection, and product washing.~~

(3) ~~“Alternative Water Supplies” means saltwater; brackish surface and ground water; surface water captured primarily during wet-weather flows; sources made available through the addition of new storage capacity for surface or ground water; water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; storm water and any other water supply sources that are designated as non-traditional for a water supply planning region in the applicable regional water supply plan.~~

(4) ~~“Aquaculture Use” means the use of water for the spawning, cultivating, harvesting, or marketing of fin fish, shellfish, crustaceans, alligators, or other aquatic organisms that have economic value.~~

(5) ~~“Augmentation Use” means the addition of water to artificially maintain the level of natural or artificial water bodies to either protect habitat for fish and wildlife or to provide for recreational uses.~~

(6) ~~“Average Daily Rate of Withdrawal (ADR)” means the volume of water withdrawn during 365 consecutive days divided by 365, expressed in million gallons per day. The total volume may be calculated using historical data or projected based on the best available information.~~

(7) ~~“Basin” as used in the context of interbasin transfer, means those major river basin areas delineated on Map Series Number 72, published by the Florida Department of Natural Resources, Bureau of Geology, 1975, down to the accounting unit level of recognition. The best information available shall be used to precisely define basin boundaries.~~

(8) ~~“Bottled Water” means all water which is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water, as defined in Section 500.03(1)(d), F.S.~~

(9) ~~“Change in ownership” means transfer of title to real property from the permittee to another person.~~

(10) ~~“Dewatering” means the removal of ground or surface water to allow construction, excavation, or backfill to be conducted in a dry condition.~~

(11) ~~“Domestic Use” means the use of water for the individual personal household purposes of drinking, bathing, cooking, and sanitation. All other uses shall not be considered domestic.~~

(12) ~~“Essential Use” means the use of water for fire fighting purposes, health and medical purposes, and to satisfy Federal, State, or local public health, safety and welfare requirements.~~

(13) ~~“Existing Legal Use” means all uses of water which are exempt under Chapter 373, F.S., or Chapter 40B-2, F.A.C., or which have a valid Chapter 373, Part II, F.S., permit.~~

(14) ~~“Golf Course Use” means water used to irrigate an establishment designed and used for playing golf.~~

(5) “Harm” means when a use, diversion, or withdrawal causes adverse impact to an existing legal use of water, offsite land use, water resource, or environmental feature associated with the water resource.

~~(15) “Landscape Irrigation Use” means outside watering or sprinkling of flora which are not in a commercial nursery or irrigated agricultural crop environment. This use class includes the watering of lawns, shrubs, private gardens, and trees in such diverse settings as residential landscaping, public and commercial recreation areas, or public and commercial business establishments.~~

~~(16) “Maximum Daily Rate of Withdrawal (MDR)” means the volume of water which can be withdrawn during a 24 hour period expressed in million gallons per day.~~

~~(17) “Minimum Flows and Levels” means the minimum flow for a watercourse or the minimum water level for ground water in an aquifer or the minimum water level for a surface water body that is the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. These levels have been established by the District for designated water bodies in Chapter 40B-8, F.A.C.~~

~~(18) “Nursery Use” means the use of water on premises on which nursery stock is grown, propagated, or held for sale, distribution, or sold or reshipped.~~

~~(19) “Other Outside Uses” means the use of water outdoors for the maintenance, cleaning, or washing of structures and mobile equipment including automobiles, and the washing of streets, driveways, sidewalks, and similar areas.~~

~~(20) “Power Production Use” means the use of water for steam generation, cooling, and replenishment of cooling reservoirs.~~

~~(21) “Public Interest” means those broad-based interests and concerns that are collectively shared by members of a community or residents of the District or the State.~~

~~(22) “Reasonable-beneficial Use” means the use of water in such quantity as is necessary for economic and efficient consumption for a purpose and in a manner which is both reasonable and consistent with the public interest.~~

~~(23) “Self Supplied Residential Use” means any water use associated with the maintenance of a private residence.~~

~~(24) “Water” or “Waters in the State” means any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state.~~

~~(25) “Water Based Recreation Use” means water used for public and private swimming and wading pools including water slides. This term does not include pools specifically maintained to provide habitat for aquatic life.~~

~~(26) “Water Use” means any use of water which reduces the supply from which it is withdrawn or diverted.~~

~~(27) “Water Utility Use” means water used for withdrawal, treatment, transmission, and distribution by potable water systems. Water utility uses include community and non community public water systems as defined in Chapter 62-550, F.A.C.~~

~~(28) All definitions in Section 373.019, F.S., shall apply to this chapter.~~

Rulemaking Authority 120.54(1)(a), 373.044, 373.113 FS. Law Implemented 120.53(1)(a), 373.019, 373.216 FS. History–New 10-1-82, Amended 5-1-83, 1-6-10, [DATE].

40B-2.025 Processing of Water Use Permit Applications.

Rulemaking Authority 120.54(5), 373.044, 373.113, 373.171 FS. Law Implemented 120.60, 373.116, 373.229, 373.239 FS. History–New 1-6-10, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40B-2.031 Implementation.

(1) An individual water use permitting program became effective on October 1, 1982, and has been implemented throughout the District.

(2) A general water use permitting program, became effective on October 1, 1982, and has been implemented throughout the District.

(3) A minor use permit by rule permitting program became effective on April 14, 2008, and has been implemented throughout the District.

(4) A general water use permit by rule permitting program became effective on [DATE] and has been implemented throughout the District. Upon implementation of this rule, the general water use and minor water use permit by rule permitting programs are hereby repealed on [DATE].

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.103, 373.118, 373.216, 373.226 FS. History--New 10-1-82, Amended 4-14-08, [DATE].

Substantial rewording of Rule 40B-2.041 follows. See Florida Administrative Code for present text.

40B-2.041 Permits Required.

(1) Unless expressly exempted by law or District rule, a water use permit must be obtained from the District prior to any use, withdrawal, or diversion of water.

(2) A water user shall obtain one permit for all withdrawals that are intended to serve contiguous property. Two or more properties represented to be separate properties shall be aggregated and treated as a single property for permitting purposes when the District determines that the properties are physically proximate and either (a) share the same irrigation infrastructure or (b) are operated as a common enterprise. However, when multiple use types, as defined in Section 40B-2.501, F.A.C., are served by separate withdrawal facilities, the District is authorized to issue separate individual permits.

(3) An individual permit is required for any use of water that is non-exempt pursuant to Section 40B-2.051, F.A.C., and does not qualify for a General Permit by Rule pursuant to Section 40B-2.042, F.A.C.

(4) Either the Executive Director or the Assistant Executive Director may approve individual permit applications under this paragraph without a hearing, except:

(a) any application recommended for denial shall be presented to the Governing Board for final agency action;

(b) all beverage processing regardless of the quantity of the withdrawal or diversion; or

(c) withdrawals or diversions which are greater than or equal to one million gallons per day average daily rate of withdrawal.

(5) The District hereby incorporates Water Use Permit Application Form 40B-2.041, effective [DATE], and supplemental Forms 40B-2.041A through H, effective [DATE], by reference into this chapter. These application forms are available at District headquarters and on the District's website: www.mysuwanneeriver.com.

(6) To obtain a permit for water uses that require an individual permit, the applicant must complete and submit the Water Use Permit Application Form 40B-2.041 and one or more of the following supplemental forms, as appropriate, for each type of water use, as defined in Section 40B-2.501, F.A.C., being proposed in the permit application:

(a) Supplemental Form A – Agricultural Use, Form 40B-2.041A.

(b) Supplemental Form B – Industrial / Commercial, Form 40B-2.041B.

(c) Supplemental Form C – Landscape / Recreation Use, Form 40B-2.041C.

(d) Supplemental Form D – Mining / Dewatering Use, Form 40B-2.041D.

(e) Supplemental Form E – Public Supply Use, Form 40B-2.041E.

(f) Supplemental Form F – Other Use, Form 40B-2.041F.

(g) Supplemental Form G – Institutional Use, Form 40B-2.041G.

(h) Supplemental Form H – Diversion and Impoundment, Form 40B-2.041H.

These forms are available at District headquarters and on the District's website: www.mysuwanneeriver.com.

(7) In the event the proposed water use is associated with a project that requires a water well construction permit under Chapter 373, Part III, F.S., and District rules, the water well construction permit shall not be issued until the water use permit has been issued.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.103, 373.118, 373.219, 373.226, 373.244 FS. History--New 10-1-82, Amended 5-1-83, 6-16-88, 4-14-08, 1-6-10, [DATE].

Substantial rewording of Rule 40B-2.042 follows. See Florida Administrative Code for present text.

40B-2.042 General Permits by Rule

(1) The Board hereby grants a General Permit by Rule for all non-exempt consumptive uses of water within the District that satisfy the following criteria:

- (a) Have a cumulative average daily use less than 100,000 gallons per day on an annual basis;
- (b) Are from facilities having a cumulative withdrawal capacity of less than 1,000,000 gallons per day;
- (c) Are from groundwater wells less than eight (8) inches in diameter.
- (d) Are from surface water facilities which have a cumulative intake diameter less than six (6) inches.
- (e) Are consistent with requirements of any applicable mandatory reuse zones;
- (f) Does not exceed any of the specific thresholds identified in paragraph (4) of this rule;
- (g) None of the applicant's consumptive uses are for beverage processing;
- (h) The water is not transported across water management district boundaries;
- (i) All uses shall employ standard water conservation practices for the use type, such as the Districts water conservation requirements in the Water Use Permit Applicant's Handbook;
- (j) In the event of a water shortage as declared by the Board, the permittee shall adhere to all limitations on withdrawal or use ordered by the District pursuant to Chapter 40B-21, F.A.C.; and
- (k) The permittee shall allow District personnel access at reasonable times and at District expense, or with District equipment, to monitor withdrawal rates and volumes authorized by this permit.

(2) The Board hereby grants a General Permit by Rule for landscape irrigation uses, provided they meet the criteria specified below:

- (a) The average daily use is less than 100,000 gallons per day and the maximum daily use is less than 250,000 gallons per day.
- (b) The use is consistent with the requirements of any applicable mandatory reuse zones.
- (c) The source of water will be:
 1. Withdrawn from a single groundwater well with a uniform casing diameter of four inches or less; or
 2. Withdrawn from a single surface water withdrawal point with a pipe diameter of four inches or less; or
 3. Withdrawn from a water utility.

(d) For the purpose of this rule, the terms "residential landscape irrigation" and "non-residential landscape irrigation" are defined in this paragraph (d) as follows. "Residential landscape irrigation" means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes. "Non-residential landscape irrigation" means the irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way. For the purpose of this rule, "address" means the "house number" of the physical location of a specific property. This excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Services to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

1. When Daylight Savings Time is in effect, landscape irrigation shall occur in accordance with the following irrigation schedule:

- a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- b. Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- c. Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- d. No more than 3/4 inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

2. When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

- a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

b. Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

c. Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

d. No more than 3/4 inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

3. Landscape irrigation shall be subject to the following exceptions:

a. Irrigation using a micro-spray, micro-jet, drip, or bubbler irrigation system is allowed anytime.

b. Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.

c. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed 1/4 inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

d. Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per irrigation zone.

e. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.

f. Discharge of water from a water-to-air air conditioning unit or other water dependent cooling system is not limited by this permit.

g. The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.

h. The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

(e) Any landscape irrigation uses that deviate from these criteria shall be required to obtain a permit in accordance with Subsection (4) below.

(3) The General Permit by Rule established in (1) and (2) above shall also be subject to the limiting conditions in Section 5.1 and the applicable limiting conditions for the use type in Section 5.2 of the Water Use Permit Applicant's Handbook.

(4) Notwithstanding the criteria enumerated in paragraph (1) and (2), an individual permit is required for all consumptive uses, withdrawals or diversions of water:

(a) when the use of water does not meet the criteria in paragraph (1) or (2); or

(b) evidence indicates the use is likely to cause adverse impacts to existing water or land uses or the water resources or the withdrawal is within an area that is experiencing withdrawal-related adverse water resource impacts.

(5) Permittees who wish to modify an existing general or individual water use permit to a General Permit by Rule as provided in Subsection (1) and (2) above, or who wish to abandon a water use permit, must complete and submit Form 40B-2.042A: Water Use Permit Status Form, effective [DATE], which is hereby incorporated by reference. This form is available at District headquarters and on the District's website: www.mysuwaneeriver.com.

(6) Any person whose withdrawal otherwise meets the thresholds for a General Permit by Rule as specified in paragraph (1) and (2) may submit an application to obtain an individual permit at their sole discretion.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.103, 373.118, 373.219, 373.226, 373.244 FS. History--New [DATE].

40B-2.051 Exemptions.

The following activities are exempt from the requirements of obtaining water use permits specified in Rule 40B-4.041, F.A.C. No permit is required for:

- (1) Domestic uses as defined in Subsection 373.019(6), F.S.;
- (2) Water used strictly for fire-fighting purposes;
- (3) Withdrawals made for dewatering activities for a total period not to exceed 180 consecutive days;
- (4) Withdrawals or diversions from artificial retention structures when the withdrawal or diversion is needed to facilitate repair or maintenance of the retention structure; and
- (5) Groundwater remediation authorized by the Florida Department of Environmental Protection pursuant to Chapter 403, F.S., and Title 62, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219 FS. History—New 10-1-82, Amended 5-1-83, 1-6-10.

40B-2.101 Content of Application.

Applications for permits required by this chapter shall be filed with the District and contain the following:

- (1) The information specified in Section 373.229, F.S.;
- (2) The appropriate application form incorporated by reference in Section 40B-2.041~~042~~, F.A.C., which is available at District headquarters and on the District's website: www.mysuwanneeriver.com.
- (3) Best available technical and other supporting information sufficient to demonstrate that the use meets the conditions for issuance as specified in Subection 373.223(1), F.S., and Section 40B-2.301, F.A.C. Any supporting information or calculations required to be prepared by a professional regulated under Florida law shall bear the certification of such professional.
- (4) The relevant information required by Section ~~2~~1.0, Water Use Permitting Guide Permit Applicant's Handbook.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented .103, 373.116, 373.117, 373.1175, 373.219, 373.223, 373.229 FS. History—New 10-1-82, Amended 1-6-10, [DATE].

40B-2.201 Permit Fees.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.109 FS. History—New 10-1-82, Amended 5-1-83, 6-16-88, 1-6-10, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

Substantial rewording of Rule 40B-2.301 follows. See Florida Administrative Code for present text.

40B-2.301 Conditions for Issuance of Permits.

- (1) To obtain a water use permit, renewal, or modification, an applicant must provide reasonable assurance that the proposed consumptive use of water, on an individual and cumulative basis:
 - (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.
- (2) In order to provide reasonable assurances that the consumptive use is reasonable-beneficial, an applicant shall demonstrate that the consumptive use:
 - (a) Is a quantity that is necessary for economic and efficient use;
 - (b) Is for a purpose and occurs in a manner that is both reasonable and consistent with the public interest;
 - (c) Will utilize a water source that is suitable for the consumptive use;
 - (d) Will utilize a water source that is capable of producing the requested amount;
 - (e) Except when the use is for human food preparation and direct human consumption, will utilize the lowest quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible;
 - (f) Will not cause harm to existing offsite land uses resulting from hydrologic alterations;
 - (g) Will not cause harm to the water resources of the area in any of the following ways:

1. Will not cause harmful water quality impacts to the water source resulting from the withdrawal or diversion;
2. Will not cause harmful water quality impacts from dewatering discharge to receiving waters;
3. Will not cause harmful saline water intrusion or harmful upconing;
4. Will not cause harmful hydrologic alterations to natural systems, including wetlands or other surface waters;

and

5. Will not otherwise cause harmful hydrologic alterations to the water resources of the area.

(h) Is in accordance with any minimum flow or level and implementation strategy established pursuant to Sections 373.042 and 373.0421, F.S.; and

- (i) Will not use water reserved pursuant to Subsection 373.223(4), F.S.

(3) The standards and criteria set forth in the Water Use Permit Applicant's Handbook, effective [DATE], hereby incorporated by reference into this chapter, if met, will provide the reasonable assurances required in Section 40B-2.301, F.A.C. This document is available at District headquarters or on the District's website: 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, 3-24-13, [DATE].

40B-2.311 Competing Applications.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.233, 373.236 FS. History—New 10-1-82, Amended 1-6-10, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40B-2.321 Duration of Permits.

(1) Pursuant to Section 373.236, F.S., the District shall issue permits with 20-year durations when the applicant requests a 20-year duration as part of its permit application and provides reasonable assurance that the District's conditions for permit issuance will be met for 20 years. ~~The Legislature has established four exceptions to the 20-year maximum permit duration:~~

~~(a) The District shall issue permits with up to a 50 year duration to a municipality or other governmental body, or to a public works or public service corporation, when required to provide for the retirement of bonds for the construction of waterworks or waste disposal facilities.~~

~~(b) The District shall issue permits with at least a 20 year duration when the permit is approved for the development of alternative water supplies. The District shall extend the duration of such permits up to 50 years when the following conditions are met:~~

- ~~1. The permittee has issued bonds for construction of the alternative water supply project;~~
- ~~2. The permittee submits a written request to extend the duration of the permit to the District prior to the permit expiration date; and~~
- ~~3. The Governing Board determines that the water use will continue to meet the conditions for issuance in Section 40B-2.301, F.A.C., for such additional time as is required for the retirement of the issued bond.~~

~~(c) When a private, rural landowner contributes greater than fifty percent (50%) of the land or funding needed to enable the expeditious implementation of an alternative water supply development project the District shall issue permits with up to a 50 year duration to a municipality, county, special district, regional water supply authority, multi-jurisdictional water supply entity, and public or private utilities. However, this provision does not apply to public or private utilities created for or by a private landowner after April 1, 2008. An applicant that requests a longer duration permit under this paragraph must have an agreement with the landowner to efficiently pursue an alternative public water supply development project identified in the District's regional water supply plan and meeting the water demands of both the applicant and the landowner. In addition, reasonable assurances must be provided that the District's conditions for issuance will be met for the duration of the permit. All such permits will require submittal of a compliance report every five years to maintain reasonable assurance that the conditions for~~

permit issuance applicable at the time of review of the compliance report are met, following which the Governing Board may modify the permit as necessary to ensure that the use meets the conditions for issuance.

~~(d) The District shall issue permits with at least a 25 year duration when the permit is approved for a renewable energy generating facility or the cultivation of agricultural products on lands consisting of 1,000 acres or more for use in the production of renewable energy, as defined in Section 366.91(2)(d), F.S. The duration shall be based on the facility's anticipated life provided reasonable assurances are provided that the conditions for issuance will be met for that time period. Otherwise, the permit will be issued for a shorter duration that reflects the longest period for which such reasonable assurances are provided.~~

~~(2) The Governing Board is authorized to issue permits for periods greater than 20 years pursuant to subsections 373.236(3), (5)(a), (5)(b)1., (6)(a), and (7), F.S.~~

~~(23) The Governing Board shall require five-ten-year compliance reports for permits with 20-year or longer durations issued pursuant to paragraphs ~~(42)(a), (b) or (d)~~ above when necessary to maintain reasonable assurance that the initial conditions for permit issuance will continue to be met for the 20-year or longer duration. Data requirements for ten-year compliance reports are listed in section 4.4 of the Water Use Permit Applicant's Handbook.~~

~~(34) All other permits shall have shorter durations based upon the period of time for which reasonable assurances are provided that the District's conditions for permit issuance are met. Special duration factors listed in section 1.5 of the Water Use Permit Applicant's Handbook shall be considered in determining permit durations.~~

~~(45) Additional information including the data requirements for the five year compliance reports and special duration factors are contained in the District's Water Use Permitting Guide. Nothing herein shall preclude or otherwise prevent the Governing Board from terminating, revoking, or temporarily suspending any permit in accordance with these rules or taking such other action as may be provided for in the permit.~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.236 FS. History--New 10-1-82, Amended 1-6-10; [DATE].

40B-2.331 Modification of Permits.

A permittee may seek modification of an unexpired permit consistent with Rule 40B-1.703, F.A.C.

(1) A permittee may apply for modification by letter to the District if the proposed modification involves water use less than 100,000 gallons per day. Either the Executive Director or the Assistant Executive Director shall approve proposed modifications by letter without a hearing in the following circumstances, except that any request for modification recommended for denial shall be presented to the Governing Board for final agency action:

(a) A change in conditions has resulted in the water allowed under the permit becoming inadequate for the permittee's need; or

(b) The proposed modification would result in a more efficient use of water than is possible under the existing permit; or

(c) When a public water supply permittee achieves demonstrable water savings attributable to implementation of a water conservation plan pursuant to Subsection 2.3.2.3(b), Water Use Permit Applicant's Handbook.

(2) A permittee may apply to modify an existing permit to voluntarily implement the District's water use monitoring and reporting requirements as set forth in Section ~~3.4.1~~ of the Water Use ~~Permitting Guide~~ Permit Applicant's Handbook. The Governing Board shall determine final agency action on modifications under this paragraph.

(3) All permit modification applications other than under Subsection (1) above shall comply with the requirements of Section 373.229, F.S., and shall contain all of the information required by the permit conditions and by Section 40B-2.101, F.A.C. This shall include all permits that have been previously considered by the Governing Board for issuance.

(4) All requests to modify the terms of an unexpired permit shall be evaluated under the criteria of Section 40B-2.301, F.A.C., and subject to the limiting conditions in Section 40B-2.381, F.A.C.

(5) Following the District's review of a ten-year compliance report, the Governing Board may modify the permit ~~to ensure that the use meets the conditions for permit issuance~~ pursuant to Section 5.2.10, Water Use Permit Applicant's Handbook.

(6) The Governing Board shall issue an order to modify an existing use when conditions warrant such action in order to obtain the most beneficial use of the water resources of the state and to protect the public health, safety, and welfare and the interests of the water users affected. Such order must include a finding by the Governing Board that the use proposed to be modified is detrimental to other water users or to the water resources of the state.

(7) In order to promote significant water savings beyond that required to achieve efficient water use in the permitting process, a public water supply permittee implementing a standard water conservation plan or a goal-based water conservation plan shall receive a permit extension for quantifiable water savings attributable to water conservation when the conditions below are met. The permittee may request the extension through a letter modification request.

- (a) The permittee must be in compliance with the conditions of its permit.
- (b) The permittee must demonstrate quantifiable water savings exceeding those required in the permitting process. Acceptable methods for quantifying water savings include reductions in residential per capita, gross per capita, or per service connection use or replacement of outdoor irrigation from traditional public supply sources with irrigation using alternative water sources. The quantification method used must be consistent with the calculation of demand used to establish the currently permitted allocation.
- (c) The permittee must demonstrate a need for the conserved water to meet the projected demand through the term of the extension.
- (d) The permittee demonstrates water savings sufficient to qualify for at least one-year permit extension.
- (e) The permit extension shall provide only for the modification of the duration of the permit and shall not be used to increase the quantity of the allocation.
- (f) A permittee must demonstrate that the water savings were achieved through water conservation and not as a result of population changes, economic or other factors unrelated to conservation. In the absence of these factors, if the permittee demonstrates timely implementation of its District-approved conservation plan, then the water savings shall be attributed to implementation of the conservation plan.
- (g) The specific duration of the extension will be calculated based on the quantity of water saved through conservation and the demonstration of water demand based on projected growth, as calculated at the time of the extension request.
- (h) A permittee may request an extension no sooner than five years after issuance of the original permit, and be granted extensions no more frequently than every five years thereafter.
- (i) For permits with a duration of five years or less, a permittee may request an extension no sooner than one year prior to the original permit expiration date.
- (j) Multiple permit extensions may be requested to reflect additional water saved over the term of the permit. However, in no case shall the cumulative duration of all extensions exceed ten years from the original permit expiration date.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 120.60, 373.083, 373.171, 373.219, 373.223, 373.229, 373.239, 373.246 FS. History—New 10-1-82, Amended 5-1-83, 1-6-10, 3-14-13, [DATE].

40B-2.341 Revocation of Permits.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 120.60, 373.171, 373.243 FS. History—New 10-1-82, Amended 1-6-10, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40B-2.351 Transfer of Permits.

(1) Water Use Permit Transfer Form: Form Number 40B-2.351A, effective January 6, 2010, is hereby incorporated by reference. This form is available at District headquarters and on the District's website at www.mysuwanneeriver.com.

(2) Persons who wish to continue a permitted water use and who have acquired the ability to operate and maintain the withdrawal and/or diversion facilities, shall apply to the District within ~~90~~30 days of acquiring such ability. Such persons must provide reasonable assurances of the ability to operate and maintain the withdrawal and/or diversion facilities for the duration of the permit in accordance with the permit terms and conditions. Permit

transfer requests shall be submitted on the District's Water Use Permit Transfer Form 40B-2.351A. The District shall transfer the permit provided the previously permitted use remains the same.

(3) Persons who apply to transfer a permit under Subsection (2) above and propose to change the source, use, or withdrawal quantity or source quality from those specified in the permit, must follow the procedures for modification in Section 40B-2.331, F.A.C.

(4) All water use under a transferred permit must comply with the terms and conditions of that permit.

(5) A permit not transferred as prescribed herein shall be void without any further action by the District.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.239 FS. History--New 10-1-82, Amended 1-6-10, [DATE].

40B-2.361 Renewal of Permits.

(1) An application for permit renewal may be made at any time within one year of the expiration date, unless the permittee can show good cause for earlier consideration. All permit renewal applications shall be treated in the same manner as the initial application.

(2) All permit renewal applications shall be processed in the same manner as the original application and shall contain reasonable assurances that the proposed water use meets all of the conditions for issuance in Section 40B-2.301, F.A.C., and the Water Use ~~Permitting Guide~~ Permit Applicant's Handbook.

(3) If an application and appropriate fee for renewal are not received either prior to or on the permit expiration date, the permit shall expire without any action by the District.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.223, 373.229, 373.239 FS. History--New 10-1-82, Amended 1-6-10, 1-6-10, [DATE].

40B-2.381 Limiting Conditions.

(1) The Governing Board shall impose such reasonable conditions upon any water use permit as are necessary to assure that the proposed use of water is consistent with the overall objectives, policy, and purpose of the District as set forth in Chapter 373, F.S., and will not be harmful to the water resources of the District.

(2) Standard limiting conditions which will be placed on every water use permit are contained in Section ~~3-65.1,~~ Water Use ~~Permitting Guide~~ Permit Applicant's Handbook.

(3) Special limiting conditions for each water use class designated in Section 40B-2.501, F.A.C., are contained in Section ~~3-65.2,~~ Water Use ~~Permitting Guide~~ Permit Applicant's Handbook.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.116, 373.216, 373.219, 373.223, 373.227, 373.236, 373.250 FS. History--New 10-1-82, Amended 5-1-83, 1-6-10, [DATE].

40B-2.441 Temporary Water Use Permits.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.223, 373.229, 373.244 FS. History--New 1-6-10, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40B-2.451 Emergency Authorization for Withdrawal or Diversion.

Rulemaking Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 120.60(5), 373.113, 373.219, 373.244 FS. History--New 10-1-82, Repealed 1-6-10.

40B-2.501 Classification of Permits.

Each permit for water use shall be assigned one or more classifications according to the source(s) of supply, method(s) of withdrawal, and use(s) of the water. The classifications shall be as follows:

(1) Source of Supply Classes.

(a) Surface Water. Withdrawals from surface water bodies shall be classified by the basin or subbasin as specified by the rule or by the specific surface water source.

(b) Ground Water. Withdrawals from groundwater aquifers shall be classified as either Confined Floridan Aquifer, Unconfined Floridan Aquifer, Artesian Aquifer, or Surficial Aquifer.

(c) Alternative Water Supplies.

(2) Method of Withdrawal Classes.

(a) Pumped.

(b) Diverted.

(3) Water Use Classes and Subclasses.

(a) Agricultural.

1. Livestock Freeze Protection.

2. Aquaculture.

3. Nursery.

4. Crops, Fruits, and Vegetables.

5. Forage, Pasture, and Sod.

(b) Commercial.

1. Industrial Beverage Processing.

2. Mining.

3. Power Plant.

4. Hydrostatic Testing.

5. Golf Course.

6. Recreation.

7. Landscape.

8. Bottled Water.

9. Other Commercial.

(c) Potable Water Public Supply.

1. Public Supply.

2. Private Utility.

3. Non-Community Water Supply.

(d) Augmentation Diversion and Impoundment.

(e) Other.

(f) Industrial.

1. Power Generation.

(g) Institutional.

(h) Landscape Irrigation.

(i) Mining/Dewatering.

(j) Recreation.

These classifications do not establish either reasonable-beneficial use, or any priority ranking of source, withdrawal method, or water use classes.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.246 FS. History—New 10-1-82, Amended 5-1-83, 1-6-10, [DATE].

40B-2.751 Investigation, Enforcement, and Penalties.

Rulemaking Authority 373.044, 373.129, 373.219(2) FS. Law Implemented 373.043, 373.044 FS. History—New 10-1-82, Repealed 1-6-10.

40B-2.781 Enforcement.

Rulemaking Authority 373.044, 373.083, 373.119, 373.129, 373.136, 373.219(2) FS. Law Implemented 373.044, 373.119, 373.129, 373.136, 373.243 FS. History—New 1-6-10, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40B-2.901 Forms and Instructions.

Rulemaking Authority 373.044, 373.113, 373.171, 373.219, 373.229 FS. Law Implemented 373 Part II FS. History—New 10-1-82, Amended 5-1-83, Repealed 9-7-10.

Substantial rewording of the Water Use Permitting Guide follows. See Florida Administrative Code for present text.

SUWANNEE RIVER WATER MANAGEMENT
DISTRICT

Water Use Permit Applicant's Handbook

Incorporated by Reference in 40B-2.902,
Florida Administrative Code

October xx, 2013

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Table of Contents

- 1.0 General Provisions
 - 1.1 Definitions
 - 1.2 Acronyms and Abbreviations
 - 1.3 Water Use Permit Program Objectives, Organization, and Authorizations
 - 1.4 Permitting Procedures
 - 1.4.1 Permits Required, Thresholds, and Permits by Rule
 - 1.4.1.1 General Permit by Rule
 - 1.4.1.2 Individual Permits
 - 1.4.1.3 Exemptions and Variances
 - 1.4.1.4 Temporary Water Use permits
 - 1.4.2 Pre-application Considerations
 - 1.4.2.1 Third Party Interests
 - 1.4.3 Competing Applications
 - 1.4.4 Phased Projects
 - 1.4.5 Permitting Concurrency
 - 1.4.6 Application Review Process
 - 1.4.6.1 Submittal of Application
 - 1.4.6.2 Processing Time Frames
 - 1.4.6.3 Public Noticing Requirements: Receipt and Intended Agency Action
 - 1.4.6.4 Staff Review and Requests for Additional Information
 - 1.4.7 Professional Certification of Supporting Documents
 - 1.4.8 Contiguous and Non-contiguous Parcels
 - 1.4.9 Fees
 - 1.4.10 Permit Modifications
 - 1.4.11 Permit Renewals
 - 1.4.12 Governing Board Meetings
 - 1.5 Permit Duration
- 2.0 Demonstration of Water Need, Source(s), and Demand
 - 2.1 Demonstration of Water Need
 - 2.1.1 Legal Control Over Project Site
 - 2.1.2 Legal Control Over Withdrawal and Diversion Facilities
 - 2.2 Source Identification
 - 2.2.1 Alternative Water Supply Feasibility Determination

- 2.3 Demonstration of Demand and Conservation
 - 2.3.1 General Criteria
 - 2.3.1.1 Withdrawal Quantities Assigned by Wells and Sources
 - 2.3.1.2 Annual Allocation
 - 2.3.1.3 Conservation Plan
 - 2.3.2. Public Water Supply
 - 2.3.2.1 Per Capita Daily Water Use
 - 2.3.2.2 Population Estimates
 - 2.3.2.2.1 Population Data
 - 2.3.2.3 Water Conservation Plans for Public Supply Use
 - 2.3.2.4 Well Field Operations
 - 2.3.3. Agriculture
 - 2.3.3.1 Supplemental Irrigation Requirement
 - 2.3.3.2 Improved Pasture Demand
 - 2.3.3.3 Frost/Freeze Protection
 - 2.3.3.4 Livestock Demand
 - 2.3.3.5 Aquaculture Demand
 - 2.3.3.6 Other Agricultural Demand
 - 2.3.3.7 Agricultural Water Conservation
 - 2.3.4 Commercial
 - 2.3.4.1 Beverage Processing
 - 2.3.5 Industrial
 - 2.3.5.1 Hydrostatic Testing
 - 2.3.6 Institutional
 - 2.3.7 Mining/Dewatering
 - 2.3.8 Water Conservation Plans for Commercial, Industrial, Institutional, and Mining/Dewatering Uses
 - 2.3.9 Recreation and Landscape Irrigation
 - 2.3.9.1 Golf Course Irrigation
 - 2.3.10 Water Conservation Plans for Recreation and Landscape Irrigation Uses

3.0 Water Resource Impact Evaluation

- 3.1 Data Collection, Evaluation, and Modeling
- 3.2 Water Resource Caution Area Delineations
- 3.3 Evaluation of Impacts to Water Resources
 - 3.3.1 Wetlands and Other Surface Waters
 - 3.3.2 Permit Application Submittals
 - 3.3.3 “No Harm” Standards and Thresholds
 - 3.3.3.1 Harm Standards for Wetlands
 - 3.3.3.2 Harm Standards for Estuaries, Rivers, Streams, and their Tributaries
 - 3.3.3.3 Harm Standards for Lakes
 - 3.3.3.4 Harm Standards for Springs

- 3.3.4 Site Specific Considerations
- 3.3.5 Elimination or Reduction of Harm
- 3.3.6 Mitigation of Harm
 - 3.3.6.1 Mitigation Requirements
- 3.3.7 Consideration of Elimination or Reduction, and Mitigation of Harm for Water Use Permit Renewals
- 3.4 Saline Water Intrusion
- 3.5 Pollution of the Water Resources
- 3.6 Existing Offsite Land Uses
- 3.7 Interference with Existing Legal Uses
- 3.8 Otherwise Harmful
- 3.9 Minimum Flows and Levels
- 3.10 Aquifer Storage and Recovery Systems
- 3.11 Water Reservations
- 4.0 Monitoring Requirements
 - 4.1 Withdrawal Quantity
 - 4.1.1 Automated Monitoring of Groundwater Withdrawals
 - 4.1.2 Automated Monitoring of Surface Water Withdrawals
 - 4.1.3 Incentives for Voluntary Water Use Monitoring and Reporting
 - 4.2 Water Quality
 - 4.3 Hydrologic and Ecologic Monitoring
 - 4.4 10-year Compliance Reports
- 5.0 Permit Limiting Conditions
 - 5.1 Standard Conditions
 - 5.2 Special Conditions
 - 5.2.1 Potable Water Supply Uses
 - 5.2.2 Golf Course, Landscape and Recreation Irrigation Uses
 - 5.2.3 Agricultural Uses
 - 5.2.4 Commercial, Industrial, Mining, Power Generation and Beverage Processing Uses
 - 5.2.5 Alternative Water Supply
 - 5.2.6 Water Level, Saline Water Intrusion, Contamination, and Wetland Hydro-biologic Monitoring and Data Collection
 - 5.2.7 Well Construction
 - 5.2.8 Water Use Accounting
 - 5.2.9 Surface Water Management

Appendix A: Alapaha River Basin Water Resource Caution Area

Appendix B: Upper Suwannee River Regional Water Resource Caution Area

Appendix C: Lower Santa Fe River Basin Water Resource Caution Area
Appendix D: Upper Santa Fe River Basin Water Resource Caution Area

1.0 General Provisions

The purpose of this Water Use Permit Applicant's Handbook is to assist in the understanding of the water use permitting process. It establishes the framework for the applicant to meet the conditions for issuance of water use permits contained in section 40B-2.301, Florida Administrative Code (F.A.C.), thereby providing a consistent review process.

The Water Use Permit Applicant's Handbook is incorporated by reference into chapter 40B-2, F.A.C. The Water Use Permit Applicant's Handbook must be read in conjunction with section 120.60, F.S., and chapters 40B-1 and 40B-2, F.A.C., as applicable. All criteria in the Water Use Permit Applicant's Handbook apply to processing individual permit applications. Copies of these statutes and rules are available online at www.mysuwanneeriver.com, or at District headquarters.

1.1 Definitions

1. Agricultural Use - The use of water associated with the irrigation of crops (including biofuel), greenhouse and nursery products, sod, forage, and pasture and non-irrigation uses associated with freeze protection, livestock and other domestic animals, aquaculture, and other uses associated with agricultural operations.

2. Alternative Water Supplies - Saltwater; brackish surface and ground water; surface water captured primarily during wet-weather flows; sources made available through the addition of new storage capacity for surface or ground water; water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; storm water and any other water supply sources that is designated as non-traditional for a water supply planning region in the applicable regional water supply plan.

3. Aquaculture Use - The use of water for the spawning, cultivating, harvesting, or marketing of fin-fish, shellfish, crustaceans, alligators, or other aquatic organisms that have economic value.

4. Aquifer - A geologic formation, group of formations, or part of a formation that contains sufficient saturated, permeable material to yield water to wells and springs.

5. Aquifer Remediation - A use of water involving the withdrawal of ground water for the authorized removal of contaminants for the purposes of restoring water quality.

6. Aquifer Storage and Recovery - Projects involving approved Class V injection wells for the injection of water into a groundwater reservoir as a means of storing the water with the intent of later withdrawing (recovering) the water stored.

7. Area of Influence – For groundwater systems, the area of influence is defined by the

cone of depression, and for surface water systems the area of influence is defined as the extent to which the withdrawal results in a measurable change in surface water levels or flows.

8. Augmentation Use - The addition of water to artificially maintain the level of natural or artificial water bodies to either protect habitat for fish and wildlife, or to provide for recreational uses.

9. Average Daily Rate of Withdrawal (ADR) - The volume of water withdrawn during 365 consecutive days divided by 365, expressed in million gallons per day. The total volume may be calculated using historical data or projected based on the best available information.

10. Basin - As used in the context of interbasin transfer, those major river basin areas delineated on Map Series Number 72, published by the Florida Department of Natural Resources, Bureau of Geology, 1975, down to the accounting unit level of recognition. The best information available shall be used to precisely define basin boundaries.

11. Best Available Information – Existing facts, data, or documents obtained from investigations that need not be created, studied or collected.

12. Best Available Technology – The most effective and efficient development and operational techniques that are economically and technically viable to reduce water use.

13. Beverage Processing Use – The sealing of drinkable liquids (including bottled water, as defined in Section 500.03(1)(d), F.S.) in bottles, packages, or other containers and offered for sale for human consumption.

14. Center Pivot Irrigation – A type of self-propelled overhead irrigation system that travels in a circle and emits water under low pressure at a distance of three to four feet above the crop and at a rate ranging from four to sixteen gallons per minute.

15. Commercial use - The self-supplied use of water (indoor and outdoor) associated with the production of goods or provisions of services by a commercial establishment.

16. Cone of Depression – The conical shape created by the potentiometric surface which shows the relationship of drawdown with distance as a result of pumping from one or more wells.

17. Confined Aquifer - An aquifer that contains ground water which is confined under will rise in a fully penetrating well above the top of the aquifer surface. In cases where the hydraulic head is greater than the elevation of the overlying land surface, a fully penetrating well will naturally flow at the land surface without using any means of pumping or lifting.

18. Desalination - A process to remove dissolved solids from water to meet standards for the proposed use.

19. Dewatering Use - The removal of water to control surface or groundwater when performing activities such as construction or excavation.

20. Diversion and Impoundment - The diversion or extraction of surface water into impoundments and delivery systems designed for such purposes as maintaining structural integrity, maintaining control elevations for groundwater recharge, and supplying water to meet the reasonable-beneficial demands of secondary uses.

21. Drawdown - The vertical distance between the potentiometric surface and the surface of the cone of depression.

22. Elevation - The height in feet above mean sea level according to the National Geodetic Vertical Datum or North American Vertical Datum (NGVD 1929 or NAVD 1988). It may also be expressed in feet above mean sea level (MSL) as the reference datum.

23. Evapotranspiration - The loss of water to the atmosphere by evaporation from land and water surfaces and by transpiration from plants.

24. Existing Legal Use - All uses of water which are exempt under chapter 373, F.S., or 40B-2, F.A.C., or which have a valid chapter 373, Part II, F.S., permit.

25. Florida-Friendly Landscape – Quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of Florida-friendly landscape include planting in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components of Florida-friendly landscape include planning and design, soil analysis which may include the use of solid waste compost, practical use of turf, and proper maintenance.

26. Golf Course Use - A type of recreational water use that involves the irrigation of roughs, fairways, greens, and tees on a golf course.

27. Hydroperiod - The range and duration of water levels in a surface water body, including wetlands.

28. Impact Offset – The use of reclaimed water to reduce or eliminate a harmful impact that has occurred or would otherwise occur as a result of other surface water or groundwater withdrawals.

29. Impoundment - Any lake, reservoir, pond or other containment of surface water occupying a depression or bed in the earth's surface and having a discernible shoreline.

30. Industrial Use - The use of water (indoor and outdoor) associated with the production of goods or provisions of services by a self-supplied industrial facility. Industrial uses include manufacturing plants, chemical processing plants, power generation plants, and other industrial facilities.

31. Institutional Use - The use of water (indoor and outdoor) associated with the production of goods or provisions of services by a self-supplied institutional establishment.

32. Irrigation Return Flow - The flow of water under the influence of gravity to a watercourse, which occurs as surface water flow or shallow groundwater flow, resulting from the application of water for supplemental irrigation purposes.

33. Landscape Irrigation Use - The use of water for landscape irrigation including parks, common areas, large lawns and landscaped areas, cemeteries, medians and public right-of-ways.

34. Linear Move Irrigation System - A type of self-propelled overhead irrigation system that travels laterally and emits water under low pressure at a distance of three to four feet above the crop and at a rate ranging from four to sixteen gallons per minute.

35. Micro-irrigation - The application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitters or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or concepts such as bubbler, drip, trickle, mist or microspray and subsurface irrigation.

36. Minimum Flows and Levels - The minimum flow for a watercourse or the minimum water level for ground water in an aquifer or the minimum water level for a surface water body at which further withdrawals would be significantly harmful to the water resources or ecology of the area. These levels have been established by the District for designated water bodies in chapter 40B-8, F.A.C.

37. Mining Use - The use of water associated with the extraction, transport, and processing of subsurface materials and minerals.

38. New Water Use – A proposed use, a use for which the permit has expired, or an existing use that has never been permitted and is not exempt under part II, chapter 373, F.S., or chapter 40B-2, F.A.C.

39. Other Uses - The use of water for aquifer remediation; environmental augmentation; cleaning and maintenance; and other purposes not described in section 40B-2.501, F.A.C.

40. Potable Water - Water that is suitable for drinking, culinary, and other domestic purposes.

41. Potentiometric Surface – A surface which represents the hydraulic head in an aquifer and is defined by the level to which water will rise above a datum plane in wells that penetrate the aquifer.

42. Power Generation Use - A component of industrial use involving generation of electricity and that may include the use of water for cooling.

43. Project Site – The real property on which the withdrawal facilities are located and the proposed water use will occur. For the purpose of public supply use, the project site is the service area and the real property on which the withdrawal facilities are located.

44. Public Interest - Broad-based interests and concerns that are collectively shared by members of a community, or residents of the District or the State.

45. Public Supply Use - The use of water provided by any municipality, county, regional water supply authority, special district, public or privately owned water utility, multijurisdictional water supply authority, or other entity consistent with the Florida Safe Drinking Water Act, for human consumption and other purposes.

46. Public Water Supply - Water treated to drinking water standards for potable purposes.

47. Reasonable-beneficial Use - The use of water in such quantity as is necessary for economic and efficient consumption for a purpose and in a manner which is both reasonable and consistent with the public interest.

48. Recreation Use - The use of water for the creation, maintenance and operation of recreational facilities such as golf courses, athletic fields, playgrounds, water-based recreation areas for hunting, fishing, boating, swimming, or for wildlife enhancement.

49. Saline Water/Brackish Water- An aqueous solution with a chloride concentration greater than 250 mg/L and less than that of seawater.

50. Saline Water Interface – The hypothetical surface of chloride concentration between freshwater and saline water where the chloride concentration is 250 mg/L at each point on the surface.

51. Seawater - An aqueous solution with a chloride concentration equal to or greater than 19,000 mg/L.

52. Seepage Irrigation System - A means to artificially supply water for plant growth which relies primarily on gravity to move the water over and through the soil, and does not rely on emitters, sprinklers or any other type of device to deliver water to the vicinity of plant use.

53. Substitution Credit – The use of reclaimed water to replace all or a portion of an existing permitted use of resource-limited surface water or groundwater, allowing a different user to use or initiate a withdrawal or increase its withdrawal from the same resource-limited surface water or groundwater source, provided that the withdrawal creates no net adverse impact on the limited water resource or creates a net positive impact, if required by district rule as part of a strategy to protect or recover a water resource as described in subsection 62-40.416(7), F.A.C.

54. Supplemental Irrigation Requirement (SIR) – The volume of water, usually expressed in acre-inches, representing the difference between the estimated evapotranspiration of a given crop and the rainfall expected for a specific geographic area over a prescribed time period.

55. Traveling Guns - Sprinklers that discharge water through the air above the level of the plant being irrigated which are self-propelled and move slowly across the area being irrigated, such as lateral move or linear irrigation systems.

56. Water Conservation – The efficient use of water that leads to a reduction of water use.

57. Water Resource Caution Area - A geographic area identified by a District as having existing water resource problems or an area in which water resource problems are projected to develop during the next twenty years.

58. Water Table - The surface of an unconfined aquifer at which the pressure is equal to that of the atmosphere. It is defined by the level where water within an unconfined aquifer rises in a well.

59. Water Use - Any use of water which reduces the supply from which it is withdrawn or diverted.

60. Water Utility Use - Water used for withdrawal, treatment, transmission, and distribution by potable water systems. Water utility uses include community and non-community public water systems as defined in chapter 62-550, Florida Administrative Code.

1.2 Acronyms and Abbreviations

RESERVED

1.3 Water Use Permit Program Objectives, Organization, and Authorizations

Chapter 373, Florida Statutes (F.S.), authorizes and directs the District to regulate the use of water within its jurisdictional boundaries. The water use permit program ensures that water uses permitted are reasonable-beneficial, will not interfere with any presently existing legal uses of water, and are consistent with the public interest, as required by

section 373.223, F.S. The District has adopted rules for regulating water uses, which are set forth in chapters 40B-1 and 40B-2, F.A.C, and in this Water Use Permit Applicant's Handbook.

1.4 Permitting Procedures

1.4.1 Permits Required, Thresholds and Permits by Rule

The District has established procedures for issuing permits based on the quantity of water requested and the use type. Procedures for processing water use permit applications are set forth in section 40B-1.703, F.A.C. Specifically, these rules set forth procedures for applying for water use permits, requesting additional information, public noticing of permit applications, and requesting administrative hearings.

1.4.1.1 General Permits by Rule

General permits by rule shall be considered as prescribed in 40B-2.042, F.A.C.

1.4.1.2 Individual Permits

Individual permits must be obtained for water use activities that are not exempt pursuant to section 40B-2.051, F.A.C., or that do not qualify for a general permit by rule pursuant to section 40B-2.042, F.A.C.

1.4.1.3 Exemptions and Variances

Exemptions shall be considered as prescribed in 40B-2.051, F.A.C. Procedures governing the District's proceedings under chapter 120, F.S., for variances and waivers, are contained in chapter 28-104, F.A.C., Uniform Rules of Procedure. Exceptions to the Uniform Rules of Procedure were granted by the Administration Commission and are set forth in chapter 40B-1, F.A.C.

1.4.1.4 Temporary Water Use Permits

Requests for temporary water use permits must be submitted to the District in the form of a letter or electronic mail. A water use permit application for the proposed use must be pending with the District. The 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. 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.

Temporary permits issued by the District will expire on the day following the next regular Governing Board meeting, at which meeting the Governing Board will determine whether the requested water use meets the criteria in subsection 373.223(1), F.S., and is necessary prior to final action on the related water use permit application.

At such meeting, the Governing Board may reauthorize the temporary use to expire on the day following the next regular Governing Board meeting.

The Governing Board will terminate a temporary permit if the water use does not meet the criteria in subsection 373.223(1), F.S., is causing adverse effects to occur, or is no longer needed.

The issuance of a temporary water use permit under this section and section 373.244, F.S., does not obligate the District to issue a water use permit pursuant to section 373.223, F.S.

1.4.2 Pre-application Meetings

Pre-application meetings are encouraged. The purpose of a pre-application meeting is to identify issues that need to be addressed in detail. Pre-application meetings assist the applicant with submitting a complete application. Information provided during a pre-application meeting is considered preliminary and not part of the formal application process.

1.4.2.1 Third Party Interests

Governmental entities, organizations, and affected citizens may have an interest in a permit action. Third party interests that would be substantially affected by issuance of a permit will have the opportunity to comment on the application and request an administrative hearing pursuant to subsection 40B-1.703(2)(b), F.A.C.

1.4.3 Competing Applications

Pursuant to section 373.233, F.S., complete applications are considered to be competing when staff evaluation indicates that the proposed use of water by two or more applicants will exceed the amount of water that is available for use. All complete permit applications that are pending at the same time and are requesting water from the same source will be considered competing. Competing permit applications will be processed pursuant to section 373.233, F.S.

1.4.4 Phased Projects

Many large-scale or long-term projects are developed in phases. The District encourages planning for long-term water needs in order to compare the projected demands of the project with water resource availability in a region.

Applicants for projects that are developed in phases should consider their water needs for all phases of the proposed project. However, the District evaluates permit applications based on the demonstrated need for water of the project only through the recommended duration of the permit. Therefore, applicants should focus their water use projections for the term of the permit and only for those phases of the project

reasonably expected to use water under the permit during or prior to permit expiration.

As additional phases are projected to be constructed, the existing water use permit can be modified to reflect the increasing demand associated with the new phase or phases pursuant to the criteria applicable at the time of the modification. The permittee cannot rely on receiving permit authorization for unpermitted phases of a project due to issuance of a water use permit for a portion of the phased project.

1.4.5 Water Well Permitting Concurrency

In the event the proposed water use is associated with a project that requires a water well permit under chapter 373, Part III, F.S., and District rules, the water well construction permit shall not be issued until the water use permit has been issued.

1.4.6 Application Review Process

1.4.6.1 Submittal of Application

All permit application materials, notices, and verifications of exemption must be submitted to the District's headquarters in Live Oak, Florida, in either paper form or electronic form for consideration by the District. Applications shall be considered received by the District on the date submitted before 5:00 p.m., Monday through Friday, excluding designated District holidays.

1.4.6.2 Processing Timeframes

The completed permit application shall be processed within the prescribed timeframes as set forth in section 40B-1.703, F.A.C.

1.4.6.3 Public Noticing Requirements: Receipt and Intended Agency Action

Noticing of individual applications shall occur as prescribed in subsection 40B-1.703(2)(b), F.A.C. Upon request, the District shall furnish copies of permit application materials to the person making the request. Payment for copying charges may be required.

1.4.6.4 Staff Review and Requests for Additional Information

Proposed water uses for general permit by rule and individual permits must meet the conditions for issuance of permits pursuant to section 40B-2.301, F.A.C.

All applications shall be processed as proposed water uses, including existing unpermitted uses of water and uses previously authorized by a permit that has expired.

Prior construction of or the physical existence of withdrawal facilities will not be considered in approving or denying an application for a permit.

Pursuant to section 40B-1.703, F.A.C., the District shall require the applicant to submit additional information if the application is incomplete. The need for additional information will be based, in part, on the amount of the proposed withdrawal, characteristics of the requested water source in the region, potential for environmental harm, potential for interference with existing legal uses, and feasibility of providing data.

1.4.7 Professional Certification of Supporting Documents

Any supporting information or calculations required to be prepared by a professional regulated under Florida law shall bear the certification of such professional.

1.4.8 Contiguous and Non-contiguous Parcels

A water user shall obtain one permit for all withdrawals that are intended to serve contiguous property. Two or more properties represented by their owners to be separate properties shall be aggregated and treated as a single property for permitting purposes when the District determines that the properties are physically proximate and either share the same irrigation infrastructure or are operated as a common enterprise. However, when multiple use types, as defined in Rule 40B-2.501, F.A.C., are served by separate withdrawal facilities, separate individual permits may be issued.

Applicants with legal control over multiple non-contiguous parcels within the same county may apply for one permit encompassing all such parcels, provided that it is shown that the water use for each parcel is in the same water use classification.

1.4.9 Fees

Fees for processing water use permit applications are as prescribed in section 40B-1.706, F.A.C.

1.4.10 Permit Modifications

Permits may be modified as provided in section 40B-2.331, F.A.C. Under subsection 40B-2.331(1), F.A.C., qualified applicants may apply for a letter modification. Modifications to permits that do not qualify for a letter modification will be processed as new water uses in accordance with subsections 40B-2.331(3) and (4), F.A.C., and section 373.229, F.S.

An application for a permit modification for an increased allocation will be processed as a proposed water use for the quantity of the increased allocation requested.

1.4.11 Permit Renewals

Applications for permit renewal shall be made pursuant to section 40B-2.361, F.A.C. Permits for which renewal applications have been submitted prior to the expiration date shall remain in effect until final agency action occurs.

1.4.12 Governing Board Meetings

Governing Board meetings are held at least once per month and are open to the public. The District's website (www.mysuwanneeriver.com) may be viewed for copies of meeting agendas and minutes.

1.5 Permit Duration

The Governing Board is authorized to approve permit durations up to the statutory limits specified in section 373.236, F.S., provided that the applicant demonstrates reasonable assurance that the proposed use meets the conditions for issuance in section 40B-2.301, F.A.C., for the requested duration. Otherwise, the Governing Board is authorized to issue permits for a shorter duration that reflects the period for which such reasonable assurances can be provided.

The Governing Board has the authority to grant a permit of lesser duration to address case-specific considerations (e.g., short duration projects) or to provide for the protection of the resource or existing legal uses (e.g., insufficient data for long-term authorization) or for other considerations as provided by Florida Statutes. Special duration factors to be considered include:

- (a) Location wholly or in part within a Water Resource Caution Area;
- (b) Location wholly or in part within an area with localized water resource concerns;
- (c) The duration of a lease or other legal document demonstrating the legal right to conduct water use on the property and maintain legal control over withdrawal or diversion facilities;
- (d) The duration of reasonable demand for the requested use for a specified period of time; and
- (e) The duration for which reasonable assurances can be provided, per section 373.236 (1), F.S.

2.0 Demonstration of Water Need, Source(s), and Demand

2.1. Demonstration of Water Need

2.1.1 Legal Control over Project Site

Applicants shall demonstrate the legal right to conduct the water use on the project lands or site. Legal right is demonstrated through property ownership or other property interest, such as a lease, at the project site. Applicants shall provide copies of legal documents demonstrating ownership or control of property through the requested permit duration. The recommended permit duration shall take into consideration the time period of the legal interest in the property. The requirements of this section shall not apply to proposed water uses reviewed in accordance with 40B-2.025(2), F.A.C., under the Florida Power Plant Siting Act.

2.1.2 Legal Control over Withdrawal and Diversion Facilities

All applicants proposing to lease the lands on which the proposed water use will occur must maintain legal control to access and maintain the withdrawal and diversion facilities through the conditions of the lease as necessary to ensure permit compliance.

2.2 Source Identification

District permits are required for all non-exempt existing and proposed uses of fresh and saline water sources. Sources are classified as surface water, groundwater, or alternative water supplies, all of which may be further identified with the name of the water body and/or aquifer. If a source is not reliable throughout the year, the applicant may request withdrawal quantities from secondary and standby sources of water, which may be used when the primary source is limited. The permit will identify the secondary and standby sources and the conditions under or time periods during which they may be needed or used.

The applicant must consider the availability of the lowest quality water which is acceptable for the intended use. If a water source of lower quality is available and is environmentally, technologically and economically feasible for all or a portion of an applicant's proposed use, this lower quality water must be used. Such lower quality water may be in the form of reclaimed water, recycled irrigation return flow, storm water, saline water, or other source.

2.2.1 Alternative Water Supply Feasibility Determination

The encouragement and promotion of water conservation and use of alternative water supplies are state objectives and considered to be in the public interest, pursuant to section 373.1961, F.S. Permit applicants shall evaluate the feasibility of using alternative water supplies to meet all or a portion of their needs, as follows:

(a) Environmental Feasibility: The use of an alternative water supply is considered environmentally feasible if the source is permitted or capable of being permitted under chapter 373 or chapter 403, F.S.

(b) Technical Feasibility: The use of an alternative water supply is considered technically feasible if an uncommitted, adequate supply of alternative water supply is available at the site of the proposed use to meet all or part of the applicant's water needs. Determination of technical feasibility will be based on the following:

1. An uncommitted supply of alternative water supply means the average amount of alternative water produced during the three lowest-flow months minus the amount of alternative water that the provider is contractually obligated to provide to another user.

2. In the event the uncommitted supply of alternative water is not adequate to meet the project's demands, the applicant may request a partial allocation of water from a traditional source. However, such partial allocation will not exceed the amount necessary to compensate for the shortfall in uncommitted water supply, considering total project demands calculated pursuant to this Handbook.

3. Available at the project site means that the supplier has initially provided the distribution facilities to the project boundary. In the event distribution lines are not provided at the project boundary, the applicant must provide an assessment of extending the lines as part of the economic feasibility analysis.

(c) Economic Feasibility: If the applicant asserts that the use of an alternative water supply is not economically feasible, the applicant must provide the District with an assessment of the economic feasibility. The applicant's economic feasibility analysis must include all of the following:

1. Capital and operation and maintenance costs.

2. Adjustment in the fees and rates charged by the applicant to account for the increased costs associated with using an alternative water supply; and

3. Design life of the alternative water supply system as compared with the time required to recover the capital cost.

2.3 Demonstration of Demand and Conservation

Section 373.223, F.S., provides a three-pronged test for evaluating each proposed water use. The use (1) must be reasonable-beneficial, (2) must not interfere with any existing legal use of water, and (3) must be consistent with the public interest. Reasonable assurances that the proposed water use from both an individual and cumulative basis meets this three-pronged test must be provided by the applicant in order to obtain a water use permit.

The following sections provide technical guidelines for determining whether a water use meets the conditions for issuance set forth in section 40B-2.301, F.A.C. If the criteria described in these sections are not met, applicants may consider reducing the requested withdrawal quantities, proposing a pumping rotation schedule or mitigation, changing the withdrawal source, or other means to bring the proposed use into compliance with the technical criteria.

The proposed withdrawal of water must be supported by the information specified in section 2.0, demonstrating that the withdrawal quantities are necessary to supply a specified reasonable need or demand. Only that portion of the requested demand that is supported by adequate documentation will be recommended for approval for the permit duration.

2.3.1 General Criteria

Under section 373.223, F.S., in order to receive an individual permit, an applicant must demonstrate that the proposed water use is a reasonable-beneficial use of water. As part of the demonstration that a water use is reasonable-beneficial, the applicant must show demand for the water in the requested amount. This section describes the factors involved in determining whether there is demand and the appropriate permit allocation for a proposed water use.

Demonstration of need requires the applicant to have legal control over the project site, facilities, and for potable water supply, the proposed service area, as required in sections 2.1.1 and 2.1.2. The allocation permitted to serve the applicant's need for water must be based on the demonstrated demand. Sections 2.3.2. through 2.3.4 identify the components of demand that must be identified by applicants for individual permits for each water use type.

2.3.1.1 Withdrawal Quantities Assigned by Wells and Sources

Applicants for individual permits must identify the quantities needed for each component of demand in order to justify the quantities requested in the permit application. Applicants must request quantities in gallons per day for each component of demand according to the designations listed below. The District will evaluate the quantities requested and specify the quantity allocated in gallons in each permit. The resulting allocation shall include but not be limited to one or more of the following designations:

1. Annual (million gallons [MG])
2. Average Daily (MG)

If the proposed use of water is from multiple sources, each source must be identified in order of priority. Each of the sources will receive a separate allocation in the permit.

2.3.1.2 Annual Allocation

The annual allocation is determined by calculating the quantity of water to be withdrawn over a 12-month period under a 10 percent annual chance of drought condition for the designated use class. Applicants, other than for irrigation uses, must determine the annual demand by adding together each component of demand for the proposed uses. The total demand is then considered along with other factors affecting withdrawals such as treatment losses, other sources of water, conservation practices employed, and water purchased, sold, or transferred, to determine the annual withdrawal quantity. For agricultural irrigation uses, the annual allocation is determined under section 2.3.3.

2.3.1.3 Conservation Plans

Allocations will reflect reduced water demands resulting from the applicant's implementation of a District-approved water conservation plan.

2.3.2 Public Water Supply

Individual permit applicants for public water supply must identify the demand for each of the uses listed in (a) below. Information required to demonstrate reasonable demand for each component of the proposed water use includes the number, type, and size of service connections; past pumpage records; projected population data for the service area; data on the specific uses; and data specific to the forecasting models used.

Demand quantities must be based on raw water demand or that volume of water necessary to be withdrawn from existing or proposed sources. The quantities requested must be expressed in average gallons per day for each component of demand.

Where metering, billing, or other record-keeping methods do not provide accurate use estimates, the applicant must provide the best estimates for each use type and documentation of the estimation method used.

(a) All potable water supply applicants for an individual permit must identify the demand for the following components of the proposed water use:

1. Residential uses must be divided into single-family residential use and multi-family residential use.
2. Other metered uses must include all uses other than residential.
3. Unaccounted uses are calculated by the total water system output minus the accounted for uses. Unaccounted water uses include, but are not limited to, unmetered uses, leaks, distribution line flushing, and fire-fighting. Applicants with unaccounted use greater than 10 percent are required to reduce the losses.
4. Treatment and distribution losses are the result of losses in the system during distribution or because the water must undergo a treatment process before it is

potable. Some water treatment technologies, such as desalination or sand filtration, may cause significant portions of the water withdrawn to become non-potable. In such cases, the applicant must specify the withdrawal quantity that has been treated, the percent product (potable) water, the percent reject (non-potable) water, and the manner in which the reject water will be disposed.

5. User agreements - for those applicants who provide water to other entities through user agreements or other similar contracts, the quantity of water delivered to each end user (both average and peak day) and the duration of the water service delivery agreement shall be identified. For those applicants who purchase supplemental water from another utility, the volume of water contracted for purchase based on history and future projections for both an average and maximum daily basis and the duration of the contract shall be provided.

2.3.2.1 Per Capita Daily Water Use

Per capita daily water use is a guideline which the District uses to evaluate the reasonableness of the withdrawal requests of public water supply applicants for an individual permit. Per capita water use includes population-related withdrawals associated with metered residential, business, institutional and industrial uses, other miscellaneous metered uses, and unmetered unaccounted-for uses. The average per capita daily use rate is calculated for the last five years or for the period of record, whichever is less, by dividing the average daily water withdrawals for each year of record by the permanent or seasonally adjusted population served by the utility for the same period of time. The per capita use rate that is most representative of the anticipated demands, considering the water conservation plans required under section 2.3.2.3., shall be identified and used for water demand projection purposes. The historical demand patterns may not always be appropriate for projection purposes. This may occur when there are current large users whose growth is not related to population, or when future development may take on characteristics very different than those of present development. In such cases, alternative per capita estimates, such as a design per capita based on dwelling unit type, population characteristics, seasonality of the population, and comparison with adjacent similar developments, must be submitted accompanied by supporting documentation. If no historical water use data exists or in the case of proposed developments, a design per capita use shall be based on the above alternative criteria. Per capita daily water use greater than 150 gallons per capita per day (gpcd) must be supported with additional information justifying the high rate of use.

2.3.2.2 Population Estimates

In service areas without significant seasonal population fluctuations, the use of permanent population estimates is appropriate. In service areas where there are significant seasonal population changes, the individual permit applicant must estimate the seasonal population for use in conjunction with the permanent population numbers in the calculation of per capita daily water demand. Permanent and seasonal (if

applicable) population growth must be projected on a yearly basis for the requested duration of the permit for the area to be served by the proposed water use.

When population estimates are required for years in between published or referenced estimates, the applicant must interpolate the data. The applicant may assume population increases in equal increments in the years between established estimates.

2.3.2.2.1 Population Data

Population data must be derived from accepted sources of population data to validate the variance including, but not limited to the following: (1) University of Florida Bureau of Economics and Business Research (BEBR), (2) Regional Planning Council (RPC), (3) County Planning Departments, or (4) District planning documents.

2.3.2.3 Water Conservation Plans for Public Supply Use

In addition to any required conservation measures required pursuant to an applicable adopted minimum flow and level recovery or prevention strategy, all public water supply applicants shall implement either a standard water conservation plan described in Section 2.3.2.3(a) or a goal-based water conservation plan described in Section 2.3.2.3(b). The proposed water conservation plan shall allow no reduction in, and increase where environmentally, technically, and economically feasible, overall utility-specific water conservation effectiveness. The applicant may use publications and materials from Conserve Florida, the Alliance for Water Efficiency, and other similar industry guidance to assist in developing and supporting the selection of measures in its conservation plan and in demonstrating that increases in water use efficiency were achieved through water conservation.

The elements and implementation schedule for the water conservation plan shall be developed by the applicant. The District shall review and approve the plan submitted by the applicant as part of the public water supply permit. In reviewing the applicant's proposed plan for sufficiency, the District will consider whether the elements and sub-elements proposed to be implemented in the plan, taken as a whole, will promote effective conservation. The water conservation plan shall be subject to the schedule and reporting requirements specified in the permit. If implementation of the plan fails to demonstrate progress toward achieving permit requirements for water use efficiency, the permittee shall request a permit modification, if necessary, to revise the plan to address the deficiency.

(a) Standard Water Conservation Plan

The applicant shall implement each of the following five elements as necessary to achieve efficient water use to the extent economically, environmentally, and technically feasible. The applicant will explain how its proposed plan will effectively promote water conservation.

1. A water conservation public education program. The applicant will consider one or more of the education sub-elements such as those listed below in the program. Implementation of these sub-elements may be achieved through collaboration with other entities, including the District. For each educational sub-element included in the applicant's program, the applicant's program shall provide the frequency, duration, and implementation schedule for the sub-element.
 - a. Water conservation public service announcements;
 - b. Water conservation speakers, posters, literature, videos, and/or other information provided to schools and community organizations;
 - c. Public water conservation exhibits;
 - d. Water conservation articles and/or reports provided to local news media;
 - e. A water audit customer assistance program to address indoor and outdoor water use;
 - f. Water conservation information provided to customers regarding year-round landscape irrigation conservation measures;
 - g. Water conservation information posted on the supplier's website;
 - h. The construction, maintenance, and publication of water efficient landscape demonstration projects;
 - i. Water conservation information provided in customer bills or separate mailings; or,
 - j. Other means of communication proposed by the applicant.
2. An outdoor water use conservation program. The applicant shall consider the following sub-elements:
 - a. The adoption of an ordinance or condition of service limiting lawn and landscape irrigation that is provided to the District, and is either no less stringent than or consistent with any irrigation restrictions adopted by the District.
 - b. The adoption of an ordinance or condition of service requiring the use of Florida-Friendly landscaping principles, Florida Water Star, or other similar generally accepted water conservation programs, guidelines, or criteria that address outdoor water conservation.
 - c. The adoption of an ordinance or condition of service consistent with Section 373.62, F.S., relating to automatic landscape irrigation systems.
 - d. The provision of a landscape irrigation audit program for businesses and residents, including the provision of information to assist customers in implementing the recommendations of the audit. The applicant shall provide a description of the program including implementation details and the content of the audits to be provided.
 - e. An education element focusing on outdoor conservation as part of the water conservation public education program required by paragraph (a)1. of this section.
 - f. Any other conservation measures or programs proposed by the applicant designed to reduce outdoor water use.

3. The selection of a rate structure designed to promote the efficient use of water by providing economic incentives. A rate structure may include, but not be limited to, increasing block rates, seasonal rates, quantity based surcharges, and/or time of day pricing as a means of reducing demands. The District shall afford a utility wide latitude in adopting a rate structure in accordance with subsection 373.227(3), F.S.
4. A water loss reduction program. If system water losses exceed 10 percent as determined using an approved industry-standard method for calculating real water loss, the applicant shall provide a water system audit.
5. An indoor water use conservation program. The applicant will consider indoor conservation sub-elements such as those listed below. Implementation of these sub-elements may be achieved through collaboration with other entities, including the District. For each indoor conservation sub-element included in the applicant's program, the applicant's program shall provide the frequency, duration, and implementation schedule for the element.
 - a. Plumbing retrofit rebates;
 - b. Faucet aerator and showerhead giveaways;
 - c. An education element focusing on indoor conservation as part of the water conservation public education program required by paragraph (a)1. of this section; or,
 - d. Other indoor conservation measures proposed by the applicant.

(b) Goal-Based Water Conservation Plan

A public water supply applicant may propose a goal-based water conservation plan in lieu of a standard water conservation plan. A goal-based plan allows the applicant to demonstrate effective water conservation by selecting plan elements that are different from those in the standard water conservation plan, but which are appropriate to the applicant's service area. A permittee operating under a standard conservation plan pursuant to this rule, or conservation plan required by a permit issued prior to this rule's effective date, may request to convert its current conservation plan to a goal-based plan through a letter modification.

A goal-based water conservation plan prepared pursuant to subsection 373.227(4), F.S., shall contain the following:

1. A description of water conservation measures selected for implementation and an implementation schedule for each measure; and
2. An explanation of why the alternative elements included in the goal-based plan are appropriate to achieve effective water conservation in the applicant's service area if any of the five elements of the standard water conservation plan are not selected for inclusion in the goal-based plan.

If a public water supply utility provides reasonable assurance that the goal-based plan will achieve efficient water use by meeting the above criteria, the District shall consider

the goal based plan to achieve effective water conservation at least as well as a standard water conservation plan.

2.3.2.4 Well Field Operations

Public water supply applicants using multiple withdrawal facilities will submit a well field operating plan. Multiple withdrawal configurations are acceptable provided each configuration meets the conditions for permit issuance, the total withdrawals of each configuration do not exceed the allocation, and each withdrawal configuration represents normal operation protocol for the use. Emergency operating plans are not required.

Implementation of approved operating plans will be required through permit conditions. Changes to an approved operating plan involving the normal operating protocols approved in the permit must be authorized through the issuance of a modification pursuant to section 40B-2.331, F.A.C. Temporary disruptions in operations associated with emergencies or well field maintenance will not require a modification of the well field operating plan.

2.3.3 Agriculture

Applicants for an individual permit must demonstrate that the quantities requested represent actual irrigation water needs. This is demonstrated by providing information on the planted acreage, planting dates, length of growing season, the type of irrigation system used and related efficiency data, soil types, crop type and rotation, frost/freeze protection, and other specific use information.

Demand for agricultural water use depends on the specific agricultural use. Where more than one use is served by the same allocation, e.g., improved pasture and crop irrigation, the allocation shall represent the sum of the components.

The need for irrigation water use is equal to the supplemental irrigation requirement (see section 2.3.3.1. below) divided by the system efficiency. Factors limiting the actual need for irrigation water include the available water supply or the applicant's ability to withdraw the water. If the total rated capacity of all existing and proposed withdrawal facilities is less than the calculated demand, the recommended allocation will be based on the lesser value.

2.3.3.1 Supplemental Irrigation Requirement

The supplemental irrigation requirement is the amount of water needed for a particular crop in addition to rainfall. The District uses the Agricultural Field Scale Irrigation Requirements Simulation (AFSIRS) model developed by the University of Florida, Institute of Food and Agricultural Sciences (IFAS) to estimate supplemental irrigation requirements. The AFSIRS model simulates daily water balance of the crop root zone using historic climate data (rainfall and evapotranspiration). Input data for the AFSIRS

model includes the crop type(s), irrigation system type and efficiency, planting season(s), soil type(s), soil water holding capacity, water table depth, and other parameters. The District evaluates supplemental irrigation needs based on the 1-in-10 year drought conditions, which reflect below-average rainfall and above-average evapotranspiration. Applicants may calculate AFSIRS amounts for supplemental irrigation needs using the online GIS-Based Water Resources and Agricultural Permitting and Planning System available at <http://webapub.sjrwm.com/agws10/gwrapps/>.

2.3.3.2 Improved Pasture Demand

Authorization to use water for improved pasture will be given provided the applicant demonstrates that an irrigation system exists or is proposed which is capable of delivering the requested amount, and the conditions for issuance are met. For proposed systems, a schedule for implementation of the irrigation system is required. The applicant will be required to document the amount of improved pasture acreage reasonably expected to be irrigated in any given growing season as the basis for the net irrigated acreage.

Applications to use water for the irrigation of unimproved pasture will not be approved.

2.3.3.3 Frost/Freeze Protection

Frost/freeze protection quantities shall be based on the irrigated acreage, the type of irrigation used, and the pumpage hours required. If the number of hours is unknown, the maximum daily quantity shall be based on the best available data for frost/freeze recurrence and duration. Alternate calculations shall be considered, but they must be documented.

The determination of the type of permit (general or individual) shall not consider quantities for frost/freeze protection.

2.3.3.4 Livestock Demand

The need of water for livestock use is determined by multiplying the estimated total number of animals by gallons needed per day as estimated by IFAS or another District-approved source.

2.3.3.5 Aquaculture Demand

The water need for aquaculture is determined by the number and volume of ponds and tanks and the filling and recirculation requirements of each of these, as well as other factors that may contribute to maintaining necessary water levels or water quality.

2.3.3.6 Other Agricultural Demand

The water need for other agricultural uses is determined based on supporting information provided by the applicant.

The water need for silvicultural operations with field-planted seedlings is determined by supporting information provided by the applicant. Consideration will be given to applicants proposing to establish seedlings that are less than one year old. Quantities shall not be allocated once the seedlings are greater than one year old.

2.3.3.7 Agricultural Water Conservation

Applicants for an individual water use permit shall submit a water conservation plan. The District will presume that applicants have demonstrated compliance with chapter 40B-2, F.A.C., and this Water Use Permitting Guide if the applicant develops a plan that incorporates the applicable best management practices approved by Florida Department of Agriculture and Consumer Services (FDACS). The District shall evaluate water conservation plans containing best management practices from sources other than FDACS.

2.3.4 Commercial

Commercial establishments include general businesses, office complexes, commercial cooling and heating, beverage processing plants, food processing, restaurants, gas stations, hotels, car washes, laundry facilities and the use of water at zoos, theme parks, waterslides, and attractions.

The requested allocation for commercial use must be supported by a water balance calculation submitted by the applicant. The water balance demonstrates water input and output, including quantities disposed of or reused in the commercial facility. The water balance may be in the form of a spreadsheet or flow diagram that indicates all water sources and water losses.

A demonstration of commercial demand may require an accounting of other minor water use types including, but not limited to, landscape irrigation, potable supply, and power generation.

2.3.4.1 Beverage Processing

In determining whether a proposed Beverage Processing use is reasonable-beneficial and consistent with the public interest, the Governing Board will consider the following information:

- (a) Whether there is a need for the requested amount of water;
- (b) The location of the withdrawal;
- (c) The location of the beverage processing facility;
- (d) Plan to convey water from withdrawal facility to beverage processing facility;
- (e) A site plan for the beverage processing facility;

- (f) Existing land use and zoning designations;
- (g) A market analysis;
- (h) Schedule for completion of construction of the beverage processing facility;
- (i) Contractual obligation to provide water for beverage processing;
- (j) Other evidence of physical and financial ability to process the requested amount; and
- (k) Other documentation necessary to complete the application.

2.3.5 Industrial

Industrial uses include the use of water (indoor and outdoor) at facilities associated with the production of goods such as water used at manufacturing plants, chemical processing plants, and other industrial uses. Water demands for power generation shall be reviewed as specified in the Florida Electrical Power Plant Siting Act, Part II, chapter 403, F.S., concurrent with Florida Department of Environmental Protection.

The requested allocation for industrial use must be supported by a water balance calculation submitted by the applicant. The water balance demonstrates water input and output, including quantities disposed of or reused in the industrial processes. Example processes include, but are not limited to, boiler feed and make-up water, equipment cooling, heat exchanges, emission control, product content, product mixing and dilution, and cleaning and maintenance. The water balance may be in the form of a spreadsheet or flow diagram that indicates all water sources and water losses.

A demonstration of industrial demand may require an accounting of other minor water use types including, but not limited to, landscape irrigation, potable supply, and power generation.

2.3.5.1 Hydrostatic Testing

Applicants for water use permits specifically for hydrostatic testing must identify the volume of water necessary for filling the pipe system and other components of the system. The applicant will also indicate the length of time necessary to perform the test and describe the water disposal method and its location.

2.3.6 Institutional

Institutional establishments include hospitals, group home / assisted living facilities, churches, prisons, schools, universities, and military bases.

The requested allocation for institutional use must be supported by a water balance calculation submitted by the applicant. The water balance demonstrates water input and output, including quantities disposed of or reused in the institutional facility. The water balance may be in the form of a spreadsheet or flow diagram that indicates all water sources and water losses.

A demonstration of institutional demand may require an accounting of other minor water

use types including, but not limited to, landscape irrigation, potable supply, and power generation.

2.3.7 Mining/Dewatering

The requested allocation for mining use must be supported by a water balance calculation submitted by the applicant. The water balance demonstrates water input and output, including quantities disposed of or reused in the mining processes. Example processes include, but are not limited to, water recirculated back to the mine pit, water content of mined product, evaporative losses, and truck washing. The water balance may be in the form of a spreadsheet or flow diagram that indicates all water sources and water losses.

A demonstration of mining demand may require an accounting of other minor water use types including, but not limited to, landscape irrigation, potable supply, and power generation.

Applicants for dewatering use must identify the duration, volume, and withdrawal rate from the construction site necessary to perform the dewatering. In addition, the applicant will describe the water disposal method and its location. The applicant must adhere to erosion and sediment control measures. Applicants who have obtained and are in compliance with a National Pollutant Discharge Elimination System (NPDES) or Environmental Resource Permit for dewatering shall be found to not cause harmful water quality impacts from dewatering discharge to receiving waters.

2.3.8 Water Conservation Plans for Commercial, Industrial, Institutional, and Mining/Dewatering Uses

Applicants for commercial, industrial, institutional, and mining/dewatering water use permits shall develop a conservation plan and submit the plan at the time of permit application. Implementation of the approved water conservation program will be required by condition of the permit. At a minimum, the plan shall incorporate the following elements:

(a) An audit of water use in the applicant's various operational processes. In the case of initial proposed uses, an audit will not be required as a condition of permit issuance; however, an audit must be conducted within two years of permit issuance. An audit must be conducted during each 10-year compliance review for permit durations of 20 years or longer.

The following measures must be implemented within the first year of permit issuance or upon completion of the audit, unless the applicant demonstrates that implementation is not economically, environmentally, or technologically feasible:

1. A leak detection and repair program;
2. A water conservation program providing for technological, procedural or

programmatic improvements to the applicant's facilities; and
3. Other best available technologies to decrease water consumption.

(b) An employee awareness and customer education program concerning water conservation.

(c) Procedures and time-frames for implementation of plan elements.

2.3.9 Recreation and Landscape Irrigation

The applicant must demonstrate that the quantities applied for are reasonable personal/sanitary, irrigation, and other specific needs. This demonstration is accomplished by providing the following:

(a) The population to be served;

(b) The type and amount of turf and plants to be irrigated;

(c) The timing and the method of irrigation used;

(d) The scheduled draining, filling and augmentation of ponds, pools, flumes, and aquatic habitats;

(e) Animal needs; and

(f) Other specific water uses.

Applicants for recreation and landscape uses must identify the demand for each of the following components:

(1) Personal/sanitary water use for personal needs or for household purposes such as drinking, bathing, cooking, sanitation, or cleaning spaces occupied by employees and visitors. Calculations should take into consideration the average number of visitors and employees per shift, the number of shifts per work day, and the number of work days per year. A quantity range from 8 gallons (for office workers and visitors) to 26 gallons (for employees working in shop areas) per person per 8-hour shift may be used;

(2) Landscape irrigation use includes water for the irrigation of lawns and landscapes, intensive recreational areas such as, but not limited to, playgrounds, football, baseball, and soccer fields. This quantity may be determined by multiplying the total acres to be irrigated by the appropriate application rate, based on the vegetation type and irrigation system type. If the applicant is irrigating plants with special irrigation needs not met by the standard coefficients (such as high-value specimens), separate documentation of such needs should be submitted;

(3) Drinking and washing water for animals may also include augmentation and other water requirements of aquatic habitats;

(4) Water-based recreation use includes water used for public or private swimming and wading pools, including water flumes and slides. Calculations should take into consideration filling and draining schedules, water change, showers, and other specific

requirements; and

(5) Other use is determined by subtracting the uses accounted for (see Items 1. through 4.) from total withdrawals. This use may include water not accounted for previously, system leaks, and unidentifiable uses. Other use should generally not exceed 15 percent of total withdrawals.

2.3.9.1 Golf Course Irrigation

The requested allocation must be supported by showing the acreage of greens, fairways and other landscape areas to be irrigated. In addition, the sources shall include any storm water, reuse or groundwater pumpage. An allocation will not be permitted for rough areas of the course.

2.3.10 Water Conservation Plans for Recreation and Landscape Irrigation Uses

All permit applicants for recreation and landscape projects shall develop a conservation plan and submit the plan at the time of permit application. Implementation of the approved water conservation program will be required by condition of the permit. At a minimum, the plan shall incorporate the following elements:

(a) Florida-friendly landscaping principles must be used in constructing proposed projects. Unless the applicant demonstrates that it is not economically feasible, these principles must be used when modifications to existing projects are requested.

(b) The installation and use of automatic rain sensor shut-off devices is required.

(c) A program for increasing water use efficiency of the applicant's project, including best management practices, if available.

(d) An employee awareness and customer education program concerning water conservation.

(e) Procedures and time-frames for implementation.

3.0 Water Resource Impact Evaluation

This part provides technical guidelines for determining whether a water use meets the conditions for issuance set forth in section 40B-2.301, F.A.C. If the criteria described in this part are not met, applicants may consider reducing the requested withdrawal quantities, proposing a pumping rotation schedule or mitigation, changing the withdrawal source, or other means to bring the proposed use into compliance with the technical criteria.

3.1 Data Collection, Evaluation, and Modeling

Applicants shall provide reasonable assurance of satisfying conditions for issuance of permits through data collection, evaluation, and modeling except when the District possesses sufficient information to enable it to evaluate the application. Data collection may involve the compilation of existing data and/or collection of new data.

Models are predictive tools used to assess the harm to water resources. Models are one component in the application evaluation process. The scale of the model must be appropriate for the quantity of withdrawal and proximity to water resources. All submitted models must be documented and include calibration results.

The District shall evaluate applications for individual and cumulative impacts to the adopted minimum flows and levels (MFLs), as set forth in chapter 40B-8, F.A.C., by using its regional model. The District model is available upon request. District staff does not provide detailed guidance or training to applicants on the regional model. Applicants may propose alternative models for MFL evaluations.

The results of data collection, evaluation, and models that are submitted to support the requested allocation must provide reasonable assurance to satisfy the conditions for issuance. Should the applicant disagree with the allocation recommended by District staff, the applicant may conduct an independent evaluation. An evaluation may involve collection and interpretation of field data, analysis of impacts, movement of the saline water interface, migration of pollution plumes, and additional modeling.

3.2 Water Resource Caution Area Delineations

The Governing Board designates the following areas as Water Resource Caution Areas within the District:

- (a) The Alapaha River Basin Water Resource Caution Area as delineated in Appendix A.
- (b) The Upper Suwannee River Regional Water Resource Caution Area as delineated in Appendix B.
- (c) The Lower Santa Fe River Basin Water Resource Caution Area as delineated in Appendix C.
- (d) The Upper Santa Fe River Basin Water Resource Caution Area as delineated in

Appendix D.

3.3 Evaluation of Impacts to Water Resources

This section establishes the standards and thresholds for protection of wetlands and other surface waters from harm pursuant to the condition for permit issuance in section 40B-2.301(2), F.A.C. The standards and thresholds shall apply to all water uses regulated by the District. Impact offsets and substitution credits may be used to eliminate or reduce harm.

This section requires assessment of whether the projected impacts of a proposed water use constitute harm. If the assessment shows that a water use is likely to cause harm, then the applicant must comply with the elimination or reduction of harm provisions in section 3.3.5 and, if necessary, the mitigation requirements of section 3.3.6.

Impacts to wetlands and surface water bodies whether or not associated with wetland enhancement, restoration, creation, preservation or other mitigation permitted pursuant to Part IV of chapter 373, F.S., or other wetland regulatory program implemented by a local, regional, or federal governmental entity, shall be considered under this section.

The hydrologic characteristics resulting from construction or alterations undertaken in violation of chapter 373, F.S., or District rule, order or permit, shall be evaluated based on historic, pre-violation conditions, as if the unauthorized hydrologic alteration had not occurred.

In the evaluation of the impacts from proposed withdrawals on adopted minimum flows and levels for surface and ground waters within chapter 40B-8, F.A.C., the best available information including the technical documents developed or adopted by the District in support of the minimum flows and levels, will be used.

3.3.1 Wetlands and Other Surface Waters

(a) Delineation. Wetlands and other surface waters within the area of influence of a water use, delineated pursuant to sections 62-340.100 through 62-340.600, F.A.C., as ratified by section 373.4211, F.S., are subject to this section, except as provided in section (b) below.

In accordance with subsection 62-340.300(1), F.A.C., reasonable scientific judgment shall be used to evaluate the existence and extent of a wetland or other surface water, including all reliable information, such as visual site inspection and aerial photo interpretation, in combination with ground-truthing. In addition, relevant information submitted pursuant to chapter 62-340, F.A.C., in support of an Environmental Resource Permit/Surface Water Management Permit shall be considered. Field delineations of wetlands and other surface water boundaries shall be required if such boundaries are in dispute.

In determining the location of wetlands and surface waters, the applicant may use staff

reports of previously issued Environmental Resource and Surface Water Management permits for the site and adjacent sites, National Wetland Inventory (NWI) Maps, Land Use/Land Cover maps, Natural Resource Conservation Service soils maps, formal wetland determinations conducted by the District, wetland maps produced by local governments, and information, studies, reports, data, or modeling prepared by the applicant. District staff may inspect the site to confirm the location and delineation of wetlands and surface waters, and other site-specific information. In the event that access to offsite wetlands or surface waters is denied by the property owner, the District and the applicant shall agree on a method of establishing the locations and delineations of the offsite wetlands or surface waters.

(b) Exclusions. Harm to the following wetlands and surface waters shall not require elimination or reduction of harm or, if necessary, mitigation, under this section:

1. Wetlands or surface waters which have been authorized to be impacted under an Environmental Resource Permit or designated in chapter 403, F.S.
2. Artificial water bodies including borrow pits, mining pits, canals, ditches, lakes, ponds, and water management systems, not part of a permitted wetland creation, preservation, restoration or enhancement program. However, impacts to the design functions of water management systems shall be considered under section 3.6., Existing Offsite Land Uses.
3. Wetlands or surface waters to the extent impacts have been specifically authorized or mitigated pursuant to section 3.3.6., in a water use permit, unless the applicant is proposing additional impacts.

3.3.2 Permit Application Submittals

The applicant shall submit the following information, if requested by the District:

(a) For purposes of determining whether the wetland or surface water is excluded under section 3.3.1(b) above, the applicant shall provide documentation supporting the reason for exclusion including a scaled map and recent aerial photograph marked with the wetland or surface water location. If it is demonstrated that the wetland or surface water is excluded under section 3.3.1., no additional information will be required under this section.

(b) For wetlands or surface waters that are not excluded under section 3.3.1. above, the applicant shall provide

1. Scaled maps and recent aerial photographs that identify:

- a. The area of influence of the water use;
- b. In accordance with section 3.3.1.(a), the locations of all wetlands and surface waters that occur within the area of influence of the water use, including wetlands and surface waters located outside the applicant's property boundaries; and
- c. The locations of existing and proposed withdrawal facilities.

2. Information about the hydrology and the current condition of the wetlands and surface waters.

3. Information regarding the potential impact of the water use on the wetland or surface water in its current condition.

4. Information regarding site-specific considerations required to be submitted pursuant to section 3.3.4 below.

5. Where there is potential for harm, information necessary to determine the extent of elimination or reduction of harm pursuant to section 3.3.5 and mitigation required under section 3.3.6, including an assessment of the use of the wetlands and surface waters by listed species.

6. A monitoring plan to assess the effects of the water use, if requested. A monitoring plan shall be required to provide continued verification that no harm is occurring as a result of the water use.

(c) If the applicant asserts that the exclusions in section 3.3.1(b) apply to wetlands or surface waters within the area of influence of the proposed water use, the applicant must provide sufficient information supporting this assertion.

3.3.3 “No-Harm” Standards and Thresholds

To demonstrate that no harm will occur to wetlands and surface waters, reasonable assurances must be provided by the applicant that the standards below are satisfied.

The analysis for determining harm shall include an assessment of the projected hydrologic alterations caused by the water use and cumulatively with other existing legal uses, and the resulting impacts on wetlands and other surface waters. In circumstances of cumulative contributions to harm, an applicant shall only be required to address its relative contribution of harm to the wetlands and other surface waters.

In evaluating the applicant’s water use, the District shall consider the extent of hydrologic alterations to wetlands and other surface waters caused by the applicant’s water use based upon analytical or numerical modeling, or monitoring data, as required by this section.

The determination of harm shall consider the temporary nature of water use drawdowns and the seasonal application of certain water uses in assessing whether the hydrologic alteration is constant or recovers seasonally.

3.3.3.1 Harm Standards for Wetlands

(a) Withdrawals must not cause a change in wet season water levels from their normal

range.

(b) Withdrawals must not cause a change in wetland hydroperiods from their normal range and duration to the extent that wetland plant species composition and community zonation are adversely impacted.

(c) Wetland habitat functions, such as providing cover, breeding, and feeding areas for obligate and facultative wetland animals must be temporally and spatially maintained and not adversely impacted as a result of withdrawals.

(d) Withdrawals must not cause habitat alteration for threatened or endangered species to the extent that use by these species is impaired.

3.3.3.2 Harm Standards for Estuaries, Rivers, Streams, and their Tributaries

(a) Withdrawals must not cause a change in flow rates from the normal rate and range of fluctuation to the extent that water quality, vegetation, and animal populations and their habitat are adversely impacted.

(b) Withdrawals must not cause a change in temporal and spatial distribution of flows to downstream waterbodies to the extent that the water resources are adversely impacted.

(c) Withdrawals must not cause a reduction in flow rates from the existing level of flow to the extent that salinity distributions in tidal streams and estuaries are altered resulting in adverse impacts to water quality, vegetation, and animal populations and their habitat.

(d) Withdrawals must not cause a change in flow rates from the normal rate and range of fluctuation to the extent that recreational use or aesthetic qualities of the water resource are adversely impacted.

3.3.3.3 Harm Standards for Lakes

Withdrawals must not cause a change in water levels from the normal rate and range of fluctuation, to the extent that:

(a) Water quality, vegetation, or animal populations and their habitat are adversely impacted;

(b) Flows to downgradient watercourses are adversely impacted;

(c) Recreational use or aesthetic qualities of the water resource are adversely impacted.

3.3.3.4 Harm Standards for Springs

Withdrawals must not cause a change in water levels or flows from the normal rate and range of fluctuation, to the extent that:

(a) Water quality, vegetation, or animal populations and their habitat are adversely impacted;

(b) Flows to downgradient watercourses are adversely impacted;

(c) Recreational use or aesthetic qualities of the water resource are adversely impacted;

(d) Frequency and/or duration of surface water flow back into the spring exceeds historical conditions.

3.3.4. Site-Specific Considerations

Site-specific information shall be submitted by the applicant for determining whether the performance standards are met. The applicant shall provide site-specific information on the local hydrology, geology, actual water use, or unique seasonality of water use, including, but not limited to:

(a) Evaluation of site-specific hydrologic or geologic features that affect the projected drawdown, including the existence of clay layers that impede the vertical movement of water under the wetland, preferential flow paths, seepage face wetlands that receive high rates of inflow, or the effects of soil depth and type on moisture retention, to the degree that actual field data support how these factors affect the potential for impacts of the water use on the wetland or other surface water.

(b) Information required to assess the potential for harm to wetlands and surface waters, such as the condition, size, depth, uniqueness, location, and fish and wildlife use, including listed species, of the wetland or surface water.

If the applicant asserts that actual water use has not caused harm to wetlands or surface waters, site-specific information on the condition of the wetlands or surface waters must be provided in conjunction with pumpage records or other relevant evidence of actual water use to substantiate the assertion. Applicable monitoring data as described in section 4.0 shall also be submitted, if available.

3.3.5 Elimination or Reduction of Harm

The applicant shall modify the project design or proposed water use, to the extent practicable, to eliminate or reduce harm to protected wetlands and surface waters if the District determines that harm will occur. Modifications to the project or water use include, but are not limited to, developing alternative water supply sources, modification of pumping, relocation of withdrawal facilities, implementation of water conservation measures, use of impact offsets and substitution credits, and creation of hydrologic barriers.

Proposals to use impact offsets and substitution credits using reclaimed water will be evaluated pursuant to the criteria contained in subsections 62-40.416(7) and (8), F.A.C.

A proposed modification that is not technically capable of being implemented, not economically feasible, or adversely affects public safety through the endangerment of lives or property, is not considered practicable. In determining whether a proposed modification is practicable, consideration shall be given to:

(a) Whether the wetlands and other surface waters have been impacted by authorized activities other than the water use (such as development, adjacent land use, drainage activities, or an Environmental Resource or Surface Water Management Permit), and will continue to be impacted by such activities;

(b) The cost of the modification for elimination or reduction of harm compared to the environmental benefit such modification would achieve, including consideration of existing infrastructure; and

(c) If a permit renewal, the considerations in section 2.2.1.

3.3.6 Mitigation of Harm

When the District determines that elimination or reduction of harm is not practicable, the District shall consider proposals for mitigation. Mitigation is required to offset the harm to the functions of wetlands and surface waters caused by the water use.

In certain cases, mitigation cannot offset impacts sufficiently to yield a permissible project. Such cases often include activities that harm Outstanding Florida Waters, established minimum flows and levels waterbodies, habitat for listed species, or wetlands or surface waters not likely to be successfully recreated.

Mitigation shall not be required for impacts to wetlands and surface waters previously mitigated through federal, state or local permit authorizations, such as other water use permits or Environmental Resource or Surface Water Management Permits.

The District shall assess the condition of the wetland or surface water as it exists at the time of the application submittal when determining mitigation requirements. This assessment shall be conducted in accordance with chapter 62-345, F.A.C.

If a permit renewal, mitigation requirements shall also be based on the provisions in section 3.3.7.

3.3.6.1 Mitigation Requirements

(a) Mitigation to offset the proposed harm shall be provided within the same watershed or recharge area as the proposed harm, unless the applicant demonstrates that mitigation proposed outside of the watershed or recharge area can fully offset the harm. Watershed and recharge area boundaries shall be based on best available data.

(b) In determining whether mitigation proposed outside of the watershed or recharge area fully offsets the harm, consideration shall be given to the effect on the values of the remaining wetland and surface water functions within the watershed or recharge area.

3.3.7 Consideration of Elimination or Reduction and Mitigation of Harm for Water Use Permit Renewals

In addition to the considerations in section 3.3.5., the determination of whether elimination or reduction and mitigation will be required for impacts to wetlands or surface waters not identified or expressly authorized to be impacted by the previous water use permit, shall be made considering the following:

(a) The existing wetland and surface water functions;

(b) The degree to which the wetland or surface water functions are reasonably expected to recover if the withdrawal is reduced or eliminated;

(c) The projected impacts on the existing functions of the wetlands or surface waters from continuing the water use;

(d) Whether the wetland or surface water is connected by standing or flowing surface water to, or is part of an Outstanding Florida Water, established MFL waterbodies, Aquatic Preserve, state park, or other publicly owned conservation land with significant ecological value; and

(e) Whether the wetland or surface water is used for resting, nesting, breeding, feeding or denning by listed species as part of the fish and wildlife use considerations in (a), (b), and (c) above, will be given consideration.

(f) Whether the impacts are caused or contributed to as a result of modifications to an applicant's use required by another governmental body.

(g) Applicants proposing an impact offset or substitution credit must demonstrate that the conditions for permit issuance are met

3.4 Saline Water Intrusion

RESERVED

3.5 Pollution of the Water Resources

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.

Applicants who have obtained and are in compliance with a National Pollutant Discharge Elimination System (NPDES) or Environmental Resource Permit for dewatering shall be found to not cause harmful water quality impacts from wastewater discharges to receiving waters.

3.6 Existing Offsite Land Uses

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. This section does not establish a property right in water, but prohibits harm from withdrawals to land uses that

are dependent on water being on or under the land surface, based on the considerations set forth below. If unanticipated adverse impacts occur, the District shall revoke the permit in whole or in part to curtail or abate the adverse impacts, unless the impacts can be mitigated by the permittee.

Adverse impacts include, but are not limited to:

(a) Reduction in water levels or water quality in an adjacent surface water body such as lakes, impoundments, springs, streams, wetlands, or other water bodies that impair the water body;

(b) Land collapse or subsidence caused by a reduction in water levels;

(c) Damage to crops and other types of vegetation, including wetlands and other surface waters; and

(d) Damage to the habitat of endangered or threatened species.

An applicant for a new water use permit must provide reasonable assurances that the proposed withdrawal of water will not cause an unmitigated adverse impact on an adjacent land use existing at the time of the permit application.

An applicant for renewal of a water use permit must provide reasonable assurances that the continued withdrawal of water will not cause an unmitigated adverse impact on an adjacent land use existing at the time of the permit application. In determining whether the continued withdrawal will cause an unmitigated adverse impact on an adjacent land use, the District shall consider the impact evaluation made during the most recent previous permit cycle.

An applicant proposing to modify a water use must provide reasonable assurances that the proposed withdrawal of water will not cause an unmitigated adverse impact on an adjacent land use existing at the time of the permit application. In determining whether the modified withdrawal will cause an unmitigated adverse impact on an adjacent land use, the District shall consider only the proposed modification.

3.7 Interference with Existing Legal Uses

Presently existing legal uses at the time of application are protected from interference by proposed uses of water. Existing legal uses are all uses of water which are exempt under chapter 373, F.S., or 40B-2, F.A.C., or which have a valid chapter 373, Part II, F.S., permit.

Pursuant to subsection 373.223(1)(b), F.S., the applicant must provide reasonable assurance that it will not interfere with any presently existing legal use of water. Interference is considered to occur when the requested use would impair the withdrawal capability of an existing legal use to a degree that the existing use would require

modification or replacement of the withdrawal facilities.

An applicant for a new water use must provide reasonable assurances that the proposed withdrawal of water, together with other exempt or permitted withdrawals within the cone of influence of the proposed withdrawal, will not result in interference with existing legal uses.

An applicant for renewal of a water use must provide reasonable assurances that the continued withdrawal of water, together with other exempt or permitted withdrawals within the cone of influence of the continued withdrawal, will not result in interference with existing legal uses. In determining whether the continued withdrawal will interfere with existing legal uses, the District shall consider the interference evaluation made during the most recent previous permit cycle.

An applicant proposing to modify a water use must provide reasonable assurances that the proposed withdrawal of water, together with other exempt or permitted withdrawals within the cone of influence of the modified withdrawal, will not result in interference with existing legal uses. In determining whether the modified withdrawal will interfere with existing legal uses, the District shall consider only the proposed modification.

If the permit applicant cannot provide reasonable assurance that a proposed withdrawal will not interfere with existing legal uses, the applicant must submit a mitigation plan for District approval. The plan shall identify actions to mitigate for interference and may require a permit modification under section 40B-2.331, F.A.C. Mitigation may include, but shall not be limited to, pumpage reduction, modification of the impacted user's well or pump, relocation of withdrawal points, change in withdrawal source, or other means.

The permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with the approved mitigation plan. The mitigation plan will either require a permittee to mitigate immediately or at the time of the actual interference. The determination of when mitigation is required is based upon the likelihood that the interference is projected to occur.

3.8 Otherwise Harmful

The issuance of a permit will be denied if the withdrawal or use of water would otherwise be harmful to the water resources pursuant to subsection 40B-2.301(2)(g), F.A.C.

3.9 Minimum Flows and Levels

Where the District or the Department has adopted a recovery or prevention strategy for the MFL water body from which an applicant proposes to directly or indirectly withdraw or divert water, the applicant's proposed water use shall be consistent with the recovery or prevention strategy for the MFL water body pursuant to subsection 40B-2.301(2)(h), F.A.C.

3.10 Aquifer Storage and Recovery Systems

RESERVED

3.11 Water Reservations

RESERVED

4.0 Monitoring Requirements

To ensure continuing compliance with the conditions for permit issuance, monitoring and reporting activities may be required as special limiting conditions of the permit. The details of any required monitoring plan must be submitted by the applicant for District review and approval as part of the water use permit application. The permit shall require implementation of the approved monitoring program.

4.1 Withdrawal Quantity

4.1.1 Automated Monitoring of Groundwater Withdrawals

For new water uses, renewed permits, and modifications of permits proposing new withdrawals, the applicant shall implement automated monitoring of groundwater withdrawals, at applicant's expense, prior to 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 applicant may choose a standardized Suwannee River Water Management District automated monitoring system to fulfill this requirement.

The applicant may propose alternative automated monitoring and reporting methods, including alternate reporting intervals. The District shall evaluate alternative automated monitoring and reporting methods based on data reliability, consistency, format, and cost to the applicant and the District.

4.1.2 Automated Monitoring of Surface Water Withdrawals

For new water uses, renewed permits, and modifications of permits proposing new withdrawals, the applicant shall implement automated monitoring of surface water withdrawals, at applicant's expense, prior to 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 applicant may choose a standardized Suwannee River Water Management District automated monitoring system to fulfill this requirement.

The applicant may propose alternative automated monitoring and reporting methods, including alternate reporting intervals. The District shall evaluate alternative automated monitoring and reporting methods based on data reliability, consistency, format, and cost to the applicant and the District.

4.1.3 Incentives for Voluntary Water Use Monitoring and Reporting

Existing permittees who seek to voluntarily implement water use monitoring and reporting more than one year prior to the permit expiration date may seek a permit modification pursuant to subsection 40B-2.331(2), F.A.C. Upon such application and request from the applicant, the District will evaluate whether to modify the existing permit duration, provided the applicant demonstrated reasonable assurances that the use will continue to meet the initial conditions for issuance for the requested duration. No permit duration will be modified pursuant to this provision for a period of less than five years or longer than ten years.

4.2 Water Quality

RESERVED

4.3 Hydrologic and Ecologic Monitoring

RESERVED

4.4 10-year Compliance Reports

Except for permits issued pursuant to subsection 373.236(6), F.S., permits issued for a duration of 20 years or longer shall require submittal of a compliance report under subsection 373.236(4), F.S., once every ten years, when necessary to maintain reasonable assurances that the conditions for issuance can continue to be met for the remaining duration of the permit. Permits issued for greater than 20 years pursuant to subsection 373.236(6), F.S. shall require submittal of a compliance report once every five years.

The compliance report shall, at a minimum, include all of the information specifically required by the permit's limiting conditions. After reviewing the report, the District may modify the permit to ensure that the use of water authorized by the permit can continue to meet the conditions for issuance set forth in the rules existing when the District issued the permit. As required by sections 120.569 and 120.60, F.S., the District shall provide notice of intent to modify the permit.

For all water use classes, when economic conditions or population growth rates result in the actual water use being lower than permitted water use, a modification to reduce the permitted allocation shall only be made by the District when there is no reasonable likelihood that the allocation will be needed during the permit term. For agricultural consumptive use permits for irrigation, reductions in actual use compared to permitted consumptive use that are due to weather events, crop diseases, nursery stock availability, or changes in crop type shall not result in a permit modification by the District to reduce the permitted allocation during the term of the permit.

Additionally, in order to incentivize conservation of water, if actual water use is less than permitted water use due to documented implementation of water conservation

measures, the permitted allocation shall not be modified by the District due to these circumstances during the term of the permit.

Nothing in this subsection shall be construed to alter the Districts' authority to reduce permitted consumptive use under circumstances not addressed by this section, nor be construed to alter the water conservation requirements of the permit for the duration of the permit.

5.0 Permit Limiting Conditions

Water use permits shall be conditioned, as necessary, to ensure that the permitted consumptive use continues to meet the conditions for issuance in section 40B-2.301, F.A.C. There are two categories of permit conditions that will be applied to water use permits.

5.1 Standard Conditions

Standard conditions contain general information and operational constraints that generally apply to all water uses unless waived or modified by the District upon a determination that the conditions are inapplicable to the use authorized by the permit. Special conditions vary among use classes, source classes, and geographic locations, and may be project-specific.

The following standard conditions shall apply to all water use permits:

(a) All consumptive uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to sections 373.136 or 373.243, F.S., unless a permit modification has been obtained. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

(b) This permit does not convey to the permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

(c) The permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted consumptive use is made. Where the permittee's control of the land subject to the permit was demonstrated through a lease, the permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of section 40B-2.351, F.A.C. Alternatively, the permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.

(d) Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of

a declared water shortage, the permittee must adhere to the water shortage restrictions, as specified by the District. The permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.

(e) With advance notice to the permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The permittee shall either accompany District staff onto the property or make provision for access onto the property.

(f) A permittee may seek modification of any term of an unexpired permit. The permittee is advised that section 373.239, F.S., and section 40B-2.331, F.A.C., are applicable to permit modifications.

5.2 Special Conditions

Special conditions vary among use classes, source classes, and geographic locations, and may be project-specific. However, the following special conditions shall apply to all water use permits:

(a) This permit shall expire on (expiration date). The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.402(8)(a), F.A.C., and the required fee to the District pursuant to section 40B-2.361, F.A.C., up to one year prior to this expiration date in order to continue the use of water.

(b) Use classification is (primary water use type and secondary water use types).

(c) Source classification is (source classification).

(d) The permitted water withdrawal facilities consist of the items in the Withdrawal Point Information table on page 1.

(e) The 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.

(f) The 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.

(g) The 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.

(h) If any condition of the permit is violated, the permittee shall be subject to

enforcement action pursuant to chapter 373, F.S.

(i) The 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.

(j) All correspondence sent to the District regarding this permit must include the permit number (2-##-#####.###).

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

5.2.1 Potable Water Supply Uses

(a) The permittee must modify the permit for any change in service area boundaries.

(b) The permittee must implement the District-approved wellfield operating plan submitted on (date).

(c) The permittee must maintain an accurate flow meter at the intake of the water treatment plant to measure daily and monthly inflow of water. The total monthly inflow to the treatment plant must be reported to the District quarterly.

(d) The permittee must implement the District-approved water conservation plan submitted on (date) and all District-approved updates. Updates and progress reports must be submitted with the 10-year compliance review.

(e) The permittee shall submit a water use compliance report every ten years from the date of permit issuance for review and approval by District staff.

5.2.2 Golf Course, Landscape and Recreation Irrigation Uses

(a) The permittee must implement the District-approved water conservation plan submitted on (date) and all District-approved updates. Updates and progress reports must be submitted with the 10-year compliance review.

(b) Irrigation is prohibited between the hours of 10:00 A.M. and 4:00 P.M., except as follows:

(1) Uses whose average annual allocation is comprised of 100 percent reclaimed water may irrigate at any time.

(2) Irrigation of, or in preparation for, planting new golf course, landscape or recreational areas is allowed at any time for one 30-day period provided irrigation is limited to the

amount necessary for sod or plant establishment. Irrigation of newly seeded or sprigged golf course areas is allowed at any time for one 60-day period.

(3) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides and herbicides, when required by law, recommended by the manufacturer, or constitutes best management practices, is allowed anytime within 24 hours of application of the chemicals.

(4) Irrigation systems may be operated anytime for maintenance and repair purposes.

5.2.3 Agricultural Uses

(a) The permittee must implement the District-approved water conservation plan submitted on (date) and all District-approved updates. Updates and progress reports must be submitted with the 10-year compliance review.

(b) The permittee shall submit a water use compliance report every ten years from the date of permit issuance for review and approval by District staff.

(c) Watering of impervious surfaces is prohibited.

(d) Irrigation systems shall water only those areas authorized by the permit.

(e) The use of irrigation systems for frost/freeze protection shall not be included in the total Average Daily Rate (ADR) or the total Annual Allocation permitted.

(f) The permittee shall report to the District the date(s) and run time(s) that the irrigation system ran for frost/freeze protection at the next regular reporting interval.

5.2.4 Commercial, Industrial, Mining, Power Generation, and Beverage Processing Uses

(a) The permittee must implement the District-approved water conservation plan submitted on (date) and all District-approved updates. Updates and progress reports must be submitted with the 10-year compliance review.

(b) The permitted average/maximum daily rate is dependent on (waterbody) flow rate during low flow events as stated below: (5, 20, 50 and 100-year flow recurrences).

(c) In the event the permittee does not use water for bottling within two years of the effective date of this permit, District staff shall request Governing Board authorization to initiate revocation proceedings for non-use under section 373.243, F.S.

5.2.5 Alternative Water Supply

(a) Upon written notification from the District of alternative water supply availability, The

permittee must investigate the feasibility of using such an alternative source.

(b) The permittee must apply for a permit modification to reflect that portion of the allocation which will be supplied using an alternative source.

(c) The permittee must continue to investigate the feasibility of using an alternative source throughout the duration of the permit. The permittee must provide the District with an alternative supply feasibility report ten years from date of permit issuance. This report must evaluate the feasibility of using an alternative supply and specifically consider: (1) whether a suitable alternative supply source is available; (2) whether alternative supply lines are accessible at the property boundary in sufficient capacity; (3) whether the permittee is capable of using the alternative supply source through distribution lines on the property; (4) whether use of alternative supply is technically, environmentally, and economically feasible; and (5) if applicable, whether use of an alternative supply would adversely affect the permittee's stormwater management system.

5.2.6 Water Level, Saline Water Intrusion, Contamination, and Wetland Hydro-biologic Monitoring and Data Collection

The permittee must implement the (water level, saline water intrusion, contamination, or wetland hydro-biologic) monitoring program submitted to the District on (date).

5.2.7 Well Construction

(a) If a proposed well location changes from a location specified in the water use permit application, the permittee must submit to the District prior to construction of such well, an evaluation of the impacts from pumping at the new location on existing legal uses, pollution sources, environmental features, the saline water interface, and surface water bodies.

(b) Within 90 days of completion of any new wells, the permittee must submit to the District an updated Well Description Table identifying the actual total and cased depths, pump manufacturer and model numbers, pump types, intake depths, and type of meters.

(c) Within six months of permit issuance, the permittee must submit to the District an updated Well Description Table identifying the wells that have been properly plugged and abandoned in accordance with section 40B-3.531, F.A.C., and the wells to be maintained as water level monitoring wells.

(d) Within six months of permit issuance, the permittee must plug and abandon the following wells in accordance with chapter 40B-3, F.A.C.

(e) Within six months of permit issuance, the permittee must submit to the District a well survey which includes the following information: well cased depth, well total depth, and

chloride ion concentration in wells not described in the Well Description Table. This survey must be submitted for the following wells: (list individual wells identified based on project specifications).

(f) Within 30 days of completing construction of a new well, the permittee must perform a step drawdown test on that well. Prior to conducting the test, the permittee must submit a testing plan to the District for staff review and approval. Within 30 days of completing the step drawdown test, permittee must submit the results for the following wells to the District: (list individual wells identified based on project specifications). Information on performing step drawdown tests is available from the District.

(g) The permittee must perform an aquifer performance test on the proposed wells. Prior to conducting the test, the permittee must submit a testing plan to the District for staff review and approval. Within 30 days of completion of the testing, the following must be submitted to the District: A list of wells monitored during the test and their location relative to the pumped well, pumping rate during all phases of the test, duration of the test, and the resulting drawdowns at the end of the test. Information on performing aquifer performance tests is available from the District.

5.2.8 Water Use Accounting

(a) The permittee must provide the results of the calibration test for the specified water accounting method(s) and equip all existing and proposed withdrawal facilities with District-approved water use accounting method(s) pursuant to section 4.0. of the Water Use Permit Applicant's Handbook.

(b) Every five years from the date of permit issuance, the permittee must submit re-calibration data for each withdrawal facility to the District.

(c) Monthly withdrawals for each withdrawal facility must be reported to the District quarterly. The water accounting method and means of calibration must be described in each report.

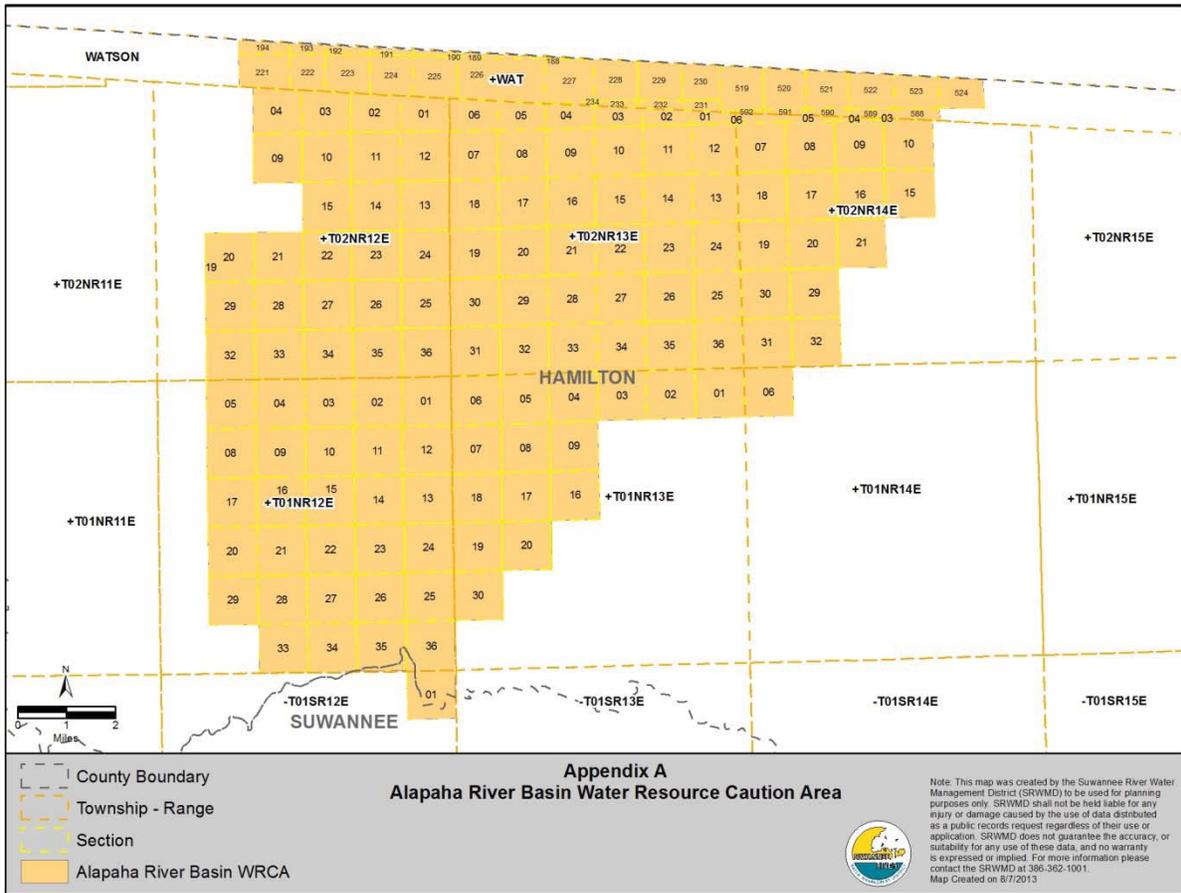
(d) The permittee must include the monthly volumes of water obtained from all other sources, such as reclaimed or wholesale water suppliers, in the quarterly water use report to the District. The water accounting method and means of calibration for these sources shall be described in each report.

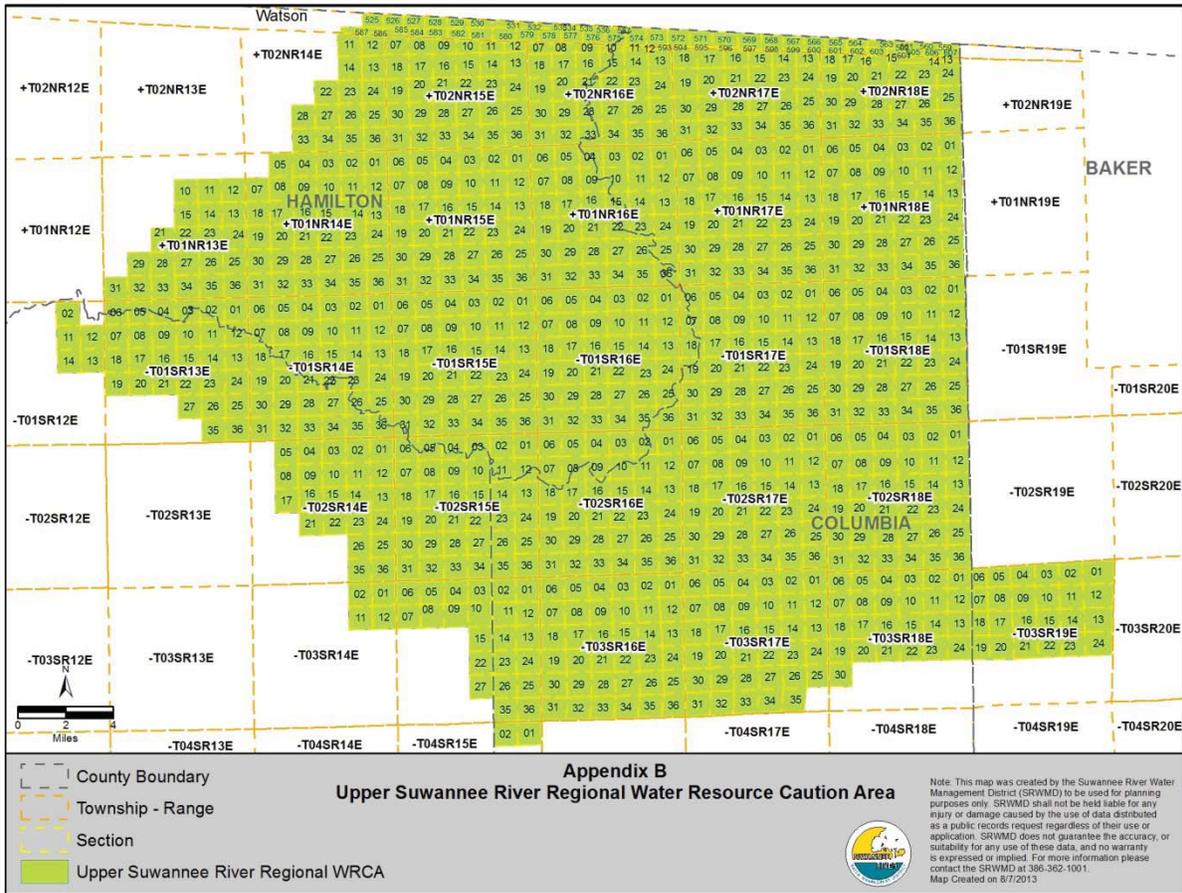
(e) The permittee must maintain a record of the calibrated daily withdrawals from each withdrawal facility. These records must be made available for inspection by District staff upon reasonable notice to the permittee.

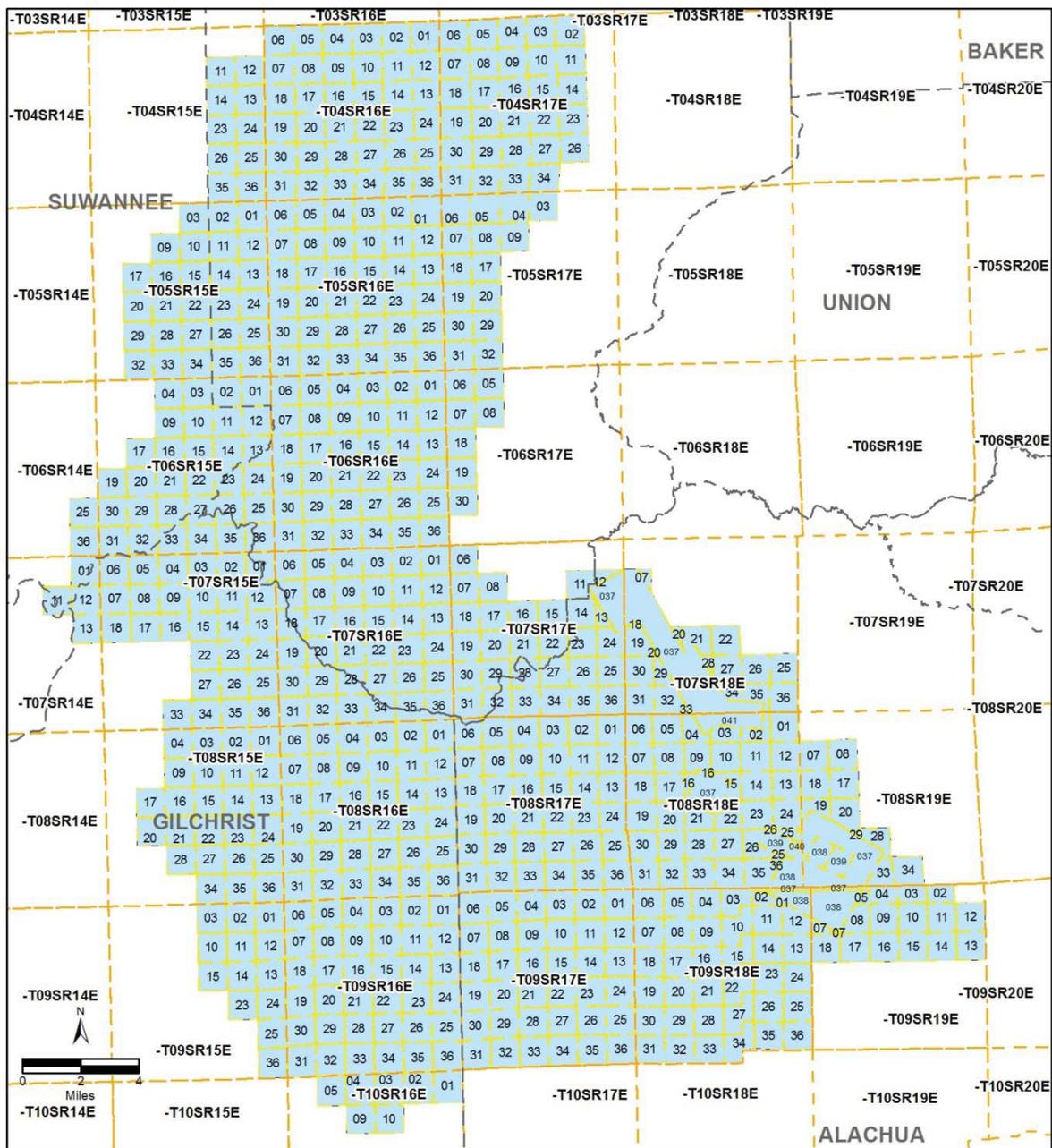
(f) Daily withdrawals for each withdrawal facility must be reported to the District on the schedule designated in the permit. The water accounting method and means of calibration must be described in each report.

5.2.9 Surface Water Management

An environmental resource or surface water management permit will be required prior to any modification of the topography/land surface.





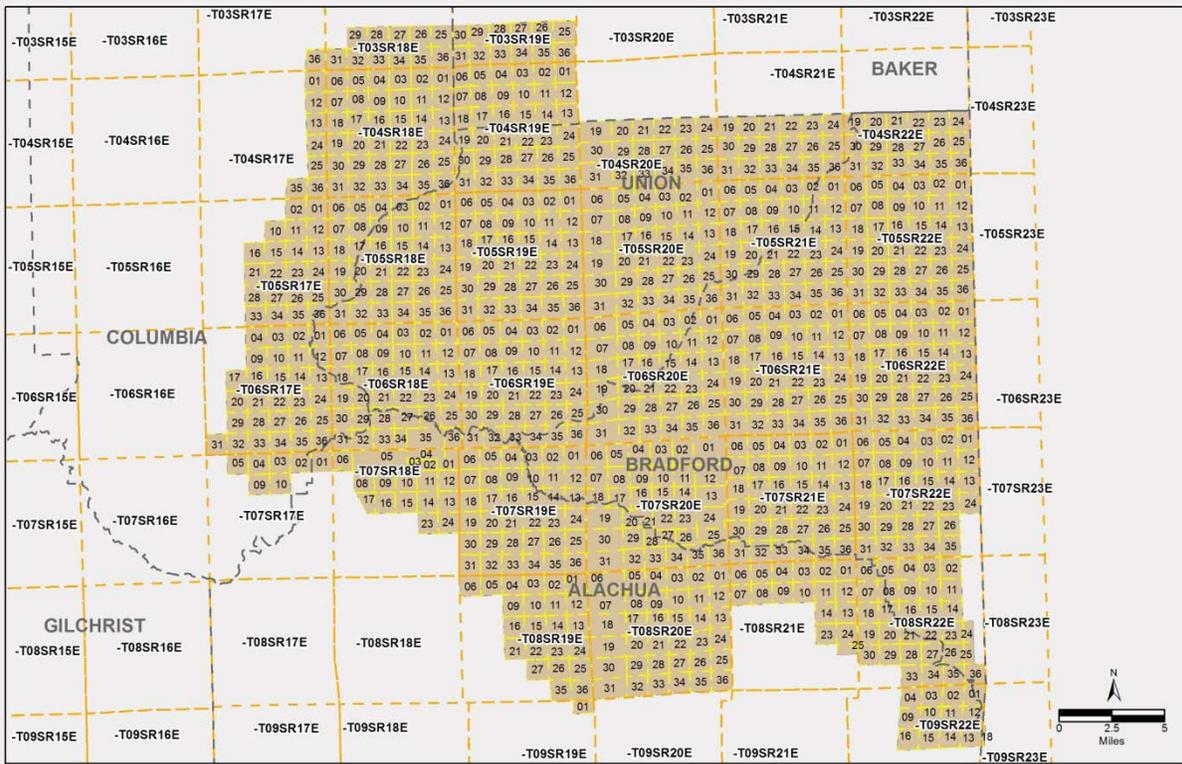


**Appendix C
Lower Santa Fe River Basin Water Resource Caution Area**

- County Boundary
- Township - Range
- Section
- Lower Santa Fe River Basin



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001. Map Created on 8/8/2013



Appendix D
Upper Santa Fe River Basin Water Resource Caution Area

Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.
 Map Created on 8/7/2013





WATER USE PERMIT APPLICATION



Suwannee River Water Management District
9225 CR 49, Live Oak, FL 32060 (386) 362-1001 Fax (386) 362-1056
www.mysuwanneeriver.com

SECTION I – CONTACT INFORMATION

If necessary, attach additional sheets if there are multiple applicants, owners, agents, etc.

1. **APPLICANT** (Complete legal name in which permit should be issued)

NAME: _____

If applicant is a business, provide a contact person: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE: (_____) _____ CELL PHONE: (_____) _____

EMAIL ADDRESS: _____ Do you want all correspondence to be transmitted electronically to this address? Yes: _____ No: _____

Applicant is: Owner Lessee* Other (explain) _____

*Attach copy of current lease, or written authorization from property owner

2. **OWNER** (If different than applicant)

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE: (_____) _____ CELL PHONE: (_____) _____

EMAIL ADDRESS: _____

3. **AGENT OR CONSULTANT** Address all correspondence to the person below? Yes No

NAME: _____

COMPANY NAME (if applicable): _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE: (_____) _____ CELL PHONE: (_____) _____

EMAIL ADDRESS: _____

4. **COMPLIANCE CONTACT** (Person responsible for ensuring that the permit conditions are met)

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE: (_____) _____ CELL PHONE: (_____) _____

EMAIL ADDRESS: _____

SECTION II – APPLICATION INFORMATION

Refer to the Applicant's Handbook for permit application guidance, located online at <http://www.srwmd.state.fl.us/index.aspx?nid=84>

1. **TYPE OF APPLICATION:** New Modification Renewal
 If this application is for a modification, please describe the modification request and the reason the modification is necessary. _____

2. **WATER USE PERMIT NO.** (if application is for renewal or modification): _____

3. **REQUESTED PERMIT DURATION:** 20 years ____ years (up to 20 years)
 I qualify for duration greater than 20 years, per Florida Statute _____(list statute)

4. **PROJECT NAME:** _____ **COUNTY:** _____
PHYSICAL ADDRESS: _____

5. **RELATED PERMITS** (for projects other than Public Supply)
 - ENVIRONMENTAL RESOURCE PERMIT: MSSW/ERP No(s): _____
 - INDUSTRIAL WASTEWATER (IWW) PERMIT: IWW Permit No(s): _____
 - NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT (U.S. Environmental Protection Agency):
 NPDES Permit No(s): _____

SECTION III – USE CATEGORY

Please check all applicable water use categories associated with this permit application and complete the associated supplemental form(s) indicated. Refer to District rules for complete use category definitions.

Water Use Category	Supplemental Form
<input type="checkbox"/> Agricultural (e.g., crops, livestock, nursery, aquaculture, pasture)	Form A
<input type="checkbox"/> Commercial / Industrial (e.g., service business, food and beverage production, cooling and heating, commercial attraction, manufacturing, chemical processing, power generation)	Form B
<input type="checkbox"/> Landscape / Recreation (e.g., irrigation of parks, cemeteries, landscaped areas, golf courses, athletic fields, playgrounds)	Form C
<input type="checkbox"/> Mining / Dewatering (e.g., water use or removal associated with construction or excavation)	Form D
<input type="checkbox"/> Public Supply (e.g., public or privately owned water utility)	Form E
<input type="checkbox"/> Environmental / Other (e.g., aquifer remediation, environmental augmentation, cleaning and maintenance, or the use of water for other purposes not described in Rule 40B-2.501, F.A.C.)	Form F
<input type="checkbox"/> Institutional (e.g., hospital, university, military base, correctional facility)	Form G
<input type="checkbox"/> Diversions and Impoundments (diversion or extraction of water)	Form H

SECTION IV – SOURCES OF WATER
(please attach additional facility tables if necessary)

SUMMARY OF GROUNDWATER (WELL) FACILITIES

Site or Wellfield Name ¹	District ID (if available)	Florida Unique Well ID (if available)	Owner's Well Name	Capacity (gpm)	Pump Type ²	Casing Diameter (inches) ³	Casing Depth (feet)	Total Depth (feet)	Status ⁴ (include date if proposed)	Type of Water Use Accounting Method ⁵	Last Meter Calibration ⁶	Type of Water Use (refer to Section II)

1 If project consists of separate or non-contiguous pieces of property or wellfields
2 Centrifugal (impeller located above water level), submersible (pump set below water level), turbine (motor at ground surface that drives an impeller below water level), vacuum underdrain (typically used for dewatering), well point system (typically used for dewatering), or other (any pump that does not fall into one of the categories previously listed)
3 The casing diameter is defined as the largest permanent water-bearing casing of the well at land surface.
4 Active (currently in use), Inactive (capped, does not have power, or the connection to the water supply system has been severed), Abandoned (plugged and abandoned in accordance with Florida Administrative Code), or Proposed (include anticipated construction date)
5 Flow Meter, Time Clock / Pump Run Time, Hour Meter
6 Enter the date of the last flow meter calibration or "no meter" if a totalizing flow meter is not installed

SUMMARY OF SURFACE WATER (PUMP) FACILITIES

Site Name ¹	District ID (if available)	Owner's Pump Name	Pump Capacity (gpm)	Pump Intake Diameter (inches)	Pump Type ²	Name of Surface Water Body	Type of Surface Water Body ³	Status ⁴ (include date if proposed)	Type of Water Use Accounting Method ⁵	Last Meter Calibration ⁶	Type of Water Use (refer to Section II)

- 1 If project consists of separate or non-contiguous pieces of property or wellfields
- 2 Centrifugal (impeller located above water level), submersible (pump set below water level), turbine (motor at ground surface that drives an impeller below water level), hydraulic dredge pump (typically used for mining), hydraulic dewatering pump (typically used for construction or mining), other (any pump that does not fall into one of the categories previously listed)
- 3 Ditch/canal, lake/pond (natural), lake/pond (artificial), river/creek, spring, mining/borrow pit
- 4 Active (currently in use), Inactive (does not have power, or the connection to the water supply system has been severed), Proposed
- 5 Flow Meter, Totalizer, Time Clock, Hour Meter
- 6 Enter the date of the last flow meter calibration or "no meter" if a totalizing flow meter is not installed

SUMMARY OF CONNECTION POINT FACILITIES

Connection points include locations where potable or non-potable water (including reclaimed water) purchased from a water supplier enters a project site.

Site Name ¹	District ID (if available)	Owner's Connection Point Name	Water Supplier Name ²	Type of Surface Water Body ³	Status ⁴ (include date if proposed)	Type of Water Use Accounting Method ⁵	Last Meter Calibration ⁶	Type of Water Use (refer to Section II)

- 1 If project consists of separate or non-contiguous pieces of property or wellfields
- 2 Name of water supplier that provides water to the project through the connection point
- 3 Reclaimed water, potable water, surface water
- 4 Active (currently in use), Inactive (the connection to the water supply system has been severed), Proposed
- 5 Flow Meter, Totalizer, Time Clock, Hour Meter
- 6 Enter the date of the last flow meter calibration or "no meter" if a totalizing flow meter is not installed

SECTION V – USE OF LOWEST QUALITY WATER AND EVALUATION OF RECLAIMED WATER FEASIBILITY

The applicant may be required to evaluate the feasibility of utilizing reclaimed water. The feasibility analysis must be completed as outlined in the Applicant’s Handbook.

SECTION VI – SUMMARY OF REQUESTED WATER USE

Summarize the requested water use from each supplemental form (Agricultural, Public Supply, Commercial / Industrial, etc.) in the table below.

Year	Requested Amounts and Source(s) of Water				
	Source 1 Name ¹ <hr/> (mgd)	Source 2 Name <hr/> (mgd)	Source 3 Name <hr/> (mgd)	Source 4 Name <hr/> (mgd)	Total Requested Water Use (mgd)
Year 20_____					
Year 20_____					
Year 20_____					
Year 20_____					

¹ Provide the name of the water source. Examples include the Upper Floridan aquifer and the Biscayne aquifer.

SECTION VII – AQUIFER STORAGE AND RECOVERY *(complete if applicable)*

ASR Facility Name	Source of Stored Water ¹	Storage Aquifer Name	Recovery Water Destination	Projected Demand Average (units)	Projected Demand Maximum (units)

¹ Aquifer Name, surface water body, water treatment plant name.

Please describe any projected increases or decreases (from historical average) in the amounts stored or recovered.

SECTION VIII – IMPACT EVALUATION

The requested water use must not cause interference with existing legal uses, harm to natural resources or harm to existing off-site land uses. In order to demonstrate harm will not occur as a result of the requested water use, studies and/or impact evaluations may be required. Please refer to Applicant’s Handbook for guidance regarding the impact evaluations and attach your analysis, if applicable.

SECTION IX – APPLICANT CERTIFICATION

I hereby certify that the information contained herein and within the supplemental forms is true and accurate and that I have legal authority to undertake the activities described herein and execute this application. With advance notice, I agree to provide District staff with proper identification entry to the project site for the purpose of determining whether the conditions for issuance will be met. If a permit is granted, I agree that, with advance notice to the permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The permittee shall either accompany District staff onto the property or make provision for access onto the property.

(If applicable) I authorize _____ to act as my agent for permit application coordination.

APPLICANT’S NAME APPLICANT’S SIGNATURE DATE
(print or type)

AUTHORIZED AGENT’S NAME AUTHORIZED AGENT’S SIGNATURE DATE
(print or type)

SECTION X – APPLICANT CHECKLIST

The following items must be included with the permit application submittal:

- Proof of Property Control (Deed, Lease, Property Appraiser Property Card)
- Application Fee (Refer to online fee schedule or Applicant’s Handbook)
- Location/Site Map
- Supplemental Form(s) and associated supporting information (i.e. maps, calculations)
- Water Conservation Plan (if applicable)



WATER USE PERMIT

Agricultural Use

Supplemental Form A



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SECTION A1 – SITE INFORMATION

Site Name	Acres Owned/ Leased	Irrigated Acres	County Parcel Identification Number or Section, Township, Range
TOTAL			_____

2. Submit a map showing:
- A. The legal boundaries of the property owned or controlled by the permittee/applicant;
 - B. The area on the property that is being or will be irrigated;
 - C. All existing and proposed withdrawal and connection point locations. Label all wells, pumps and connection points;
 - D. A north arrow; and
 - E. Labeled landmarks such as roads and political boundaries.

SECTION A2 – WATER USE INFORMATION

1. **CULTIVATED CROPS** (includes annual/perennial crops, pasture, hay and sod. If crops types are rotated annually, list the crop(s) with the higher irrigation needs.

Site Name	Crop Type	Earliest Planting Date (mo/day)	Latest Harvest Date (mo/day)	Irrigation Method ¹	Acres Irrigated	Well(s) or Pump(s) Used for Irrigation	If Applicable		
							Freeze Protection Method ²	Freeze Protection Acreage	Well(s) or Pump(s) Used for Freeze Protection

¹ Center pivot, drip, linear, micro, seepage, traveling gun, etc.

If any of the crops listed above are rotated or double- or triple-cropped, describe the rotation or multiple crop cycle.

2. NURSERY, FERN AND CUT FOLIAGE

Site Name	Nursery Type ¹	Plant Type ²	Irrigation Method ³	Acres Irrigated	Well(s) or Pump(s) Used for Irrigation	If Applicable		
						Freeze Protection Method ³	Freeze Protection Acreage	Well(s) or Pump(s) Used for Freeze Protection

¹ Greenhouse, outdoor potted, outdoor in-ground, fern saran, fern hammock

² List of plant type examples

³ Center pivot, drip, linear, micro, seepage, traveling gun, etc.

3. LIVESTOCK

Livestock Type	Average Number Season _____	Average Number Season _____

4. AQUACULTURE

A. Type(s) of aquaculture operation. _____

B. Is there a Florida Department of Agriculture Aquaculture Certificate of Registration for this operation?

Yes No

C. Tank information: Group by volume (length x width x depth from normal water elevation to pond/tank bottom) in cubic feet.

Groups	Volume (cubic-ft)	Number of Tanks

D. Pond information: Provide the following information for ponds utilized by this operation. Please indicate whether each pond is lined or unlined.

Pond	Volume (cubic-ft)	Average Water Table Elevation Datum _____	Invert Elevation Datum _____

E. Where does overflow water discharge? _____

F. How many times per year are the ponds/tanks emptied? _____

Where is the water discharged? _____

G. What percentage of water is filtered/treated and recycled? _____

5. OTHER MINOR USES

A. Describe other minor uses of water such as spray mixing, crop washing, animal cooling, livestock washing or potable sanitary uses. _____

SECTION A3 – REQUESTED WATER USE

1. Complete the requested water use table below. Provide projected water amounts for each applicable use type and the water source(s) associated with the use type.
2. The allocations for irrigation and freeze protection withdrawals are based on water requirements for the crop types and acreages listed. Would you like to request District staff calculate and provide you a recommended amount of supplemental water (including freeze protection)? Yes No

If no, please provide requested amounts in the table below. If this application is for multiple sites, submit additional pages to provide the information below for each site.

Agriculture Use Type	Requested Amounts and Source(s) of Water (mgd)		
	Source 1 Name ¹ _____	Source 2 Name _____	Source 3 Name _____
Cultivated Crops ²			
Nursery/Fern and Cut Foliage ²			
Livestock ³			
Aquaculture			
Other Minor Uses			
Total			

¹ Provide the name of the water source. Examples include the Upper Floridan aquifer and the Biscayne aquifer.

² Irrigation and freeze protection

³ Refer to the Applicant’s Handbook for standard water use per animal for livestock.

3. Please provide a description of the methodology used to calculate the requested water amounts for each use type in the table above (e.g., irrigation model, district calculations, historical use, water budget calculations, other similar facilities, etc.). Attach additional sheets, if necessary.

SECTION A4 – WATER CONSERVATION

Please refer to District specific water conservation requirements, per current rules.



WATER USE PERMIT Industrial / Commercial Use Supplemental Form B



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SECTION B1 – SITE INFORMATION

1.

Site Name	Acres Owned/Leased	Project Acres	County Parcel Identification Number or Section, Township, Range
TOTAL			_____

2. Submit a map showing:
- A. The legal boundaries of the property owned or controlled by the permittee/applicant;
 - B. All existing and proposed withdrawal and connection point locations. Label all wells, pumps and connection points so they match the IDs provided in the Application form (Section IV - Sources of Water);
 - C. A north arrow and map scale; and
 - D. Labeled landmarks such as roads and political boundaries.

3. Check the categories below that most closely describe the type of activity associated with this permit application.

- Manufacturing / Processing
- Commercial / Specialty
- Food Processing
- Power Plant
- Beverage Processing
- Zoo / Attraction / Aquarium
- Other (describe) _____

4. Provide a detailed description of the type of business and/or operation.

SECTION B2 – WATER USE INFORMATION

1. MANUFACTURING/PROCESSING, FOOD PROCESSING, BEVERAGE PROCESSING

Please attach a detailed description of the water used for all manufacturing, food processing and beverage processing. Identify and explain water used in any of the following areas:

- A. Boiler feed and makeup water
- B. Cleaning and maintenance
- C. Equipment cooling
- D. Emission control
- E. Heat exchangers
- F. Product content
- G. Product mixing and dilution
- H. Product washing
- I. Refrigeration
- J. Any other water uses not listed

2. POWER PLANT

Please attach a detailed description of water uses associated with power generation. Identify and explain water used in any of the following areas:

- A. Boiler feed and makeup water
- B. Cleaning and maintenance
- C. Dilution
- D. Emission control
- E. Equipment cooling
- F. Evaporative cooling
- G. Heat exchangers
- H. Any other water uses not listed

3. COOLING / AIR CONDITIONING

Provide a description of water used in any cooling or air conditioning system including, the method of discharge, the number of times water is recirculated prior to being discharged, and where blowdown from the cooling system is discharged.

4. ZOO / ATTRACTION / AQUARIUM

Provide a detailed description of water uses associated with the zoo, attraction or aquarium. Identify and explain all areas of water use. Attach additional sheets if necessary.

5. POTABLE SUPPLY

Provide the current and projected number of persons requiring water for potable and sanitary purposes associated with this project in the table below at a minimum of five-year intervals for the requested permit duration.

The number of persons may represent the total number of employees or other persons consuming or using potable water at the facility.

Year		Number of persons	Per Capita Water Use ¹
Current			
Projected			

¹The quantity of water used by a single person during a day, expressed in gallons.

6. IRRIGATED LANDSCAPE / RECREATIONAL AREAS

Landscape, golf course and agricultural irrigation are assumed to represent minor amounts of the total industrial/commercial water use. Complete the information below if irrigation is associated with this project.

Type of Irrigated Area ¹	Number of Acres	Irrigation Method ²

¹Landscape irrigation, golf course irrigation, agricultural irrigation (list crop)

²Drip, micro jet, multiple sprinkler, etc.

7. OTHER

Provide a detailed description of other commercial or industrial water uses. Identify and explain all components of other water uses. Attach additional sheets if necessary.

SECTION B3 – WATER BALANCE

1. WATER BALANCE

Provide a water balance that shows the following information. The tables below may be used to assist in developing the water balance. The water balance must show the annual average and peak month quantities (in gallons per day) for sources, uses, losses and recycled water in a schematic

diagram that portrays all steps in the process including those listed in Section B2. The total of all sources must equal the total of all uses, and the losses plus recycled water must equal the total of all sources. The water balance must include:

- A. All water sources (groundwater, surface water, rainfall, recycled water, reclaimed water, etc.);
- B. The amount of water entering and leaving each step in the process; and
- C. All water losses (e.g., evaporation, product water content, steam losses, etc.).

WATER BALANCE WORKSHEET TABLES

WATER SOURCES

Sources include wells, surface water, recycled water, public supply utilities, reclaimed water from public supply utilities, captured excess storm water (rainfall), etc. Sources total must equal Uses total.

List Sources:	Annual Average (mgd)	Peak Month (mgd)
SOURCES TOTAL:		

WATER USES

Uses are water quantities entering and leaving each step in the process. Uses total must equal sources total.

List Uses:	Annual Average (mgd)	Peak Month (mgd)
USES TOTAL:		

WATER LOSSES

Losses represent water lost through evaporation (from ponds or cooling towers), product content, pond infiltration, spray disposal, steam losses, waste entrainment, sewage or wastewater, off-site disposal, etc.

List Losses:	Annual Average (mgd)	Peak Month (mgd)
LOSSES TOTAL:		

RECYCLED WATER SOURCES

Recycled sources includes recycled water sources (see “Water Sources”, above) and all reused water such as settling ponds, cooling ponds or water that is a byproduct of the industry.

List Recycled Sources:	Annual Average (mgd)	Peak Month (mgd)
RECYCLED TOTAL:		

SECTION B4 – REQUESTED WATER USE

1. The allocations for irrigation withdrawals are based on the supplemental irrigation requirements for the type of irrigation and acreages listed. Would you like to request District staff calculate and provide you a recommended amount of supplemental irrigation? Yes No

Please indicate type of irrigation system(s) (drip, micro-jet, multiple sprinkler, etc.): _____

If no, please provide the requested amounts in the table below and provide supporting documentation.

2. Complete the requested water use table below. Provide projected water amount for each applicable use type and the water source(s) associated with the use type.

Commercial/Industrial Use Type	Requested Amounts and Sources of Water (mgd)		
	Source 1 Name ¹ _____	Source 2 Name _____	Source 3 Name _____
Manufacturing/Processing			
Food Processing			
Beverage Processing			
Cooling/Air Conditioning			
Power Plant			
Zoo / Attraction / Aquarium			
Potable Supply			
Irrigated Landscape / Recreation			
Other _____			
Total			

¹ Provide the name of the water source. Examples include the Upper Floridan aquifer and the Biscayne Aquifer

3. Provide a description of the methodology used to calculate the requested amounts for each commercial or industrial use listed in the table above. Attach additional sheets, if necessary.

SECTION B5 – WATER CONSERVATION

Please refer to District specific water conservation requirements, per current rules.



WATER USE PERMIT

Landscape / Recreation Use

Supplemental Form C



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SECTION C1 – SITE INFORMATION

1.

Site Name (each non-contiguous parcel or field)	Acres Owned/ Leased	Irrigated Acres (if applicable)	County Parcel Identification Number or Section, Township, Range
TOTAL			_____

2. Submit a map showing:
- A. The legal boundaries of the property owned or controlled by the permittee/applicant;
 - B. The area on the property that is being or will be irrigated, if applicable;
 - C. All existing and proposed withdrawal and connection point locations. Label all wells, pumps and connection points so they match the IDs provided in the Application form (Section IV - Sources of Water);
 - D. A north arrow and map scale, and
 - E. Labeled landmarks such as roads and political boundaries.

SECTION C2 – WATER USE INFORMATION

1. IRRIGATED LANDSCAPE / RECREATIONAL AREAS

Type of Irrigated Area ¹	Number of Acres	Irrigation Method ²

¹ Turf, shrubs, non-turf planting beds, natural areas, common areas, cemetery, athletic fields, tennis courts, parks, medians, etc.
² Drip, micro jet, multiple sprinkler, etc.

2. GOLF COURSE

Type of Irrigated Area	Irrigated Acreage
Greens	
Tees	
Fairways/Driving Range	
Roughs	
Landscape areas	
Total Number of Acres Irrigated	

3. WATER-BASED RECREATION

Describe the type of water-based recreation. Examples: swimming pools, maintenance of fishing, boating, or waterfowl hunting or management areas.

4. OTHER MINOR USES

- A. Potable
- Cart Washing
- Equipment Washing
- Spray Mixing
- Other Describe _____

B. Describe details for the other minor uses selected above, for which water use is being requested.

SECTION C3 – REQUESTED WATER USE

- Complete the requested water use table below. Provide projected water amount for each applicable use type and the water source(s) associated with the use type.
- The allocations for irrigation withdrawals are based on the supplemental irrigation requirements for the turf types and acreages listed. Would you like to request District staff to calculate and provide you a recommended amount of supplemental irrigation water? Yes No

If no, please provide requested amounts in the table below.

Landscape/Recreation/Aesthetic Use Type	Requested Amounts and Sources of Water (mgd)
---	--

	Source 1 Name ¹ _____	Source 2 Name _____	Source 3 Name _____
Golf Course			
Irrigated Landscape/Recreational Fields			
Water Based Recreation			
Other Minor Uses			
Total			

¹ Provide the name of the water source. Examples include the Upper Floridan aquifer and the Biscayne aquifer.

3. Please provide a description of the methodology used to calculate the requested amounts for each use type in the table above (e.g., irrigation model, district calculations, historical use, water budget calculations, other similar facilities, etc.). Attach additional sheets, if necessary.

4. Please indicate the amount of reclaimed water, if applicable, that will be used to meet irrigation needs on an average daily and maximum monthly basis. Please describe how the reclaimed water will be delivered (e.g. plumbed directly or stored) and indicate which water use demands (e.g., golf course, irrigated landscape, etc.) and irrigated acreage will be met partially or in whole with reclaimed water. If reclaimed water storage ponds are present, please indicate whether the ponds are lined or unlined. Attach additional sheets if necessary.

5. Identify the primary and secondary sources of water used by this project and describe how the water is plumbed into the conveyance system (directly, irrigation holding pond, etc.). Identify any sources of water that are utilized as emergency back-up sources of water.

SECTION C4 – WATER CONSERVATION

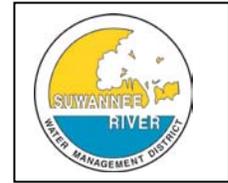
Please refer to District specific water conservation requirements, per current rules.



WATER USE PERMIT

Mining / Dewatering Use

Supplemental Form D



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SECTION D1 – SITE INFORMATION

1.

Site Name	Acres Owned/Leased	Project Acres	County Parcel Identification Number or Section, Township, Range
TOTAL			_____

2. SITE MAP

Submit a map showing:

- A. The legal boundaries of the property owned or controlled by the permittee/applicant;
- B. The area on the property that is being or will be mined;
- C. All existing and proposed withdrawal and connection point locations. Label all wells, pumps and connection points so they match the IDs provided in the Application form (Section IV - Sources of Water);
- D. A north arrow and map scale; and
- E. Labeled landmarks such as roads and political boundaries.

3. PROSPECT MAP AND REPORT (if applicable)

Submit a geologic and hydrologic report and plan-view map, with reference to the datum used for elevations. Include the following information in the report.

- A. Show locations of:
 - a. Soil borings
 - b. Test cores
 - c. Drill cuttings
 - d. Geophysical analyses
- B. Provide information on:
 - a. Overburden thickness and disposition
 - b. Top and bottom elevations of the material to be mined/dewatered
 - c. Water table elevations

4. MINING/DEWATERING OPERATIONS PLANS

Submit a plan-view map of the existing and proposed mining/dewatering plans for the duration of this permit. Include the following information:

- A. Include the proposed timeline and duration for progression of the mining and dewatering activities either on the map or in narrative format.
- B. Show all components of the mining/dewatering operation including any pre-mitigation measures, such as hydraulic recharge/intercept ditches, setback distances, on-site storage areas, off-site discharge points, wetlands, existing legal users, contamination sites, and/or saline water.
- C. Provide length, width, and cross sections with elevation and datum information for all proposed mines, excavations, storage areas, and pre-mitigation constructions.
- D. Provide locations of any groundwater augmentation points.

5. HYDRAULIC RECHARGE/INTERCEPT DITCHES

Submit detailed information describing the construction details of each hydraulic recharge/intercept ditch to prevent adverse impacts associated with dewatering. Include the following information:

- A. Length, width, and elevation of the recharge/intercept ditch;
- B. Geology of the matrix on each side and below the ditch;
- C. Source of water used to fill hydraulic recharge/intercept ditch;
- D. How the water level in each hydraulic recharge/intercept ditch will be maintained and monitored; and
- E. Monitoring and maintenance information to ensure the effectiveness of the hydraulic barrier.

SECTION D2 – WATER USE INFORMATION

1. MINING

Provide a generalized description of the mining operation including site preparation/overburden removal; mining method(s); water routing information; and how water is used in the mining operation and processing.

2. DEWATERING

Is dewatering associated with this operation? Yes No

If dewatering is associated with this operation, please provide the following information:

- A. Indicate method(s) of dewatering;
- B. Explain how water from dewatering activities or from ground or surface water withdrawal points is to be used, transferred, discharged or stored on site for each phase of the project;
- C. List methods that will be utilized to mitigate turbidity and hydrologic impacts;
- D. Identify all wetlands on or adjacent to the project which may be impacted;
- E. Identify all existing legal users on or adjacent to the project which may be impacted;
- F. Locate and describe all sources of groundwater contamination or pollution;
- G. Locate and describe the location of the nearest saline water; and
- H. Provide a contingency plan which describes how stormwater will be managed during dewatering operations.

3. DISCHARGE

Is off-site discharge proposed as part of this operation? Yes No

If off-site discharge is proposed as part of this operation, please demonstrate that it is not technically feasible to retain water on site and provide the following information:

- A. Documentation of authorization that allows the applicant to discharge directly into the receiving water body and/or adjacent lands, and a demonstration that the receiving water body or adjacent lands are capable of accepting the dewatering discharge;
- B. The operations plan should include a demonstration that the discharge to the receiving water body will meet all applicable State Water Quality standards prior to discharge; and that the discharge to protected wetlands will not contain turbidity levels in violation of State Water Quality standards (must be less than 29 NTU above background levels) prior to discharge;
- C. A monitoring plan which includes, at a minimum, proposed sampling locations and daily turbidity measurements of the discharge and background conditions in the receiving body and/or wetland; and
- D. A contingency plan which includes procedures for ceasing dewatering operations and correcting the situation until monitoring demonstrates water quality standards are met.

SECTION D3 – WATER BALANCE

1. WATER BALANCE

Provide a water balance that shows the following information. The tables below may be used to assist in developing the water balance. The water balance must show the annual average and peak month quantities (in gallons per day) for sources, uses, losses and recycled water in a schematic diagram that portrays all steps in the process. The total of all sources must equal the total of all uses, and the losses plus recycled water must equal the total of all sources. The water balance must include:

- A. All water sources (groundwater from wells, groundwater from water table dewatering, surface water, rainfall, recycled water, etc.);
- B. The amount of water entering and leaving each step in the process; and
- C. All water losses (e.g., evaporation, product water content, steam losses, waste-material entrainment, etc.).

WATER BALANCE WORKSHEET TABLES

WATER SOURCES

Sources include wells, water table dewatering or drainage, surface water, recycled water, public supply utilities, reclaimed water from public supply utilities, captured excess storm water (rainfall), etc. Sources total must equal Uses total.

List Sources:	Annual Average (mgd)	Peak Month (mgd)
SOURCES TOTAL:		

WATER USES

Uses are water quantities entering and leaving each step in the process. Uses total must equal sources total.

List Uses:	Annual Average (mgd)	Peak Month (mgd)
USES TOTAL:		

WATER LOSSES

Losses represent water lost through evaporation, product entrainment, product content, off-site disposal, etc.

List Losses:	Annual Average (mgd)	Peak Month (mgd)
LOSSES TOTAL:		

RECYCLED WATER SOURCES

Recycled sources include recycled water sources (see "Water Sources" above) and all reused water such as settling ponds or recharge ditches.

List Recycled Sources:	Annual Average (mgd)	Peak Month (mgd)
RECYCLED TOTAL:		

SECTION D4 – REQUESTED WATER USE

1. Complete the requested water use table below. Provide projected water amount for each applicable use type and the water source(s) associated with the use type. Typical mining/dewatering water demands are listed below.

Mining / Dewatering Use Type	Requested Amounts and Sources of Water (mgd)		
	Source 1 Name ¹ _____	Source 2 Name _____	Source 3 Name _____
Dewatering			
Discharge from site			
Make-Up Water			
Process Water			
Water entrained in the product			
Other _____			
Augmentation for mitigation			
Reclamation			
Total			

¹ Provide the name of the water source. Examples include the Upper Floridan aquifer, mining pit, etc.

2. Complete the requested water use table below for minor water uses. The uses listed below are presumed to represent minor amounts of the total mining/dewatering use. Provide projected water amount for each applicable use type and the associated water source(s).

Minor Water Uses	Source of Water (mgd)		
	Source 1 Name ¹ _____	Source 2 Name _____	Source 3 Name _____
Cleaning & Maintenance			
Construction (dust control, compaction)			
Construction associated with mining or dewatering			
Fire Protection			
Potable and Sanitary use			
Landscape irrigation			
Other Minor Use (Describe) _____			
Total			

¹ Provide the name of the water source. Examples include Upper Floridan aquifer, mining pit, etc.

3. Please provide a description of the methodology used to calculate the requested amounts for each use type and each component of minor water uses. Attach additional sheets, if necessary.

SECTION D5 – WATER CONSERVATION

Please refer to District specific water conservation requirements, per current rules.



WATER USE PERMIT

Public Supply Use

Supplemental Form E



Suwannee River Water Management District
 9225 CR 49, Live Oak, FL 32060 (386) 362-1001 Fax (386) 362-1056
 www.mysuwanneeriver.com

SECTION E1 – SITE INFORMATION

1. Submit a map showing: [if available, provide items A through C in a District-approved electronic format, e.g. ESRI shapefile, Autocad, DXF, KMZ, or compatible GIS file]:
 - A. The Distribution Area boundary(ies) where service is currently being provided and where the utility is proposing to provide service during the permit duration.
 - B. The Authorized Water Service Area or Franchise Area boundary in which the utility is legally authorized to provide potable water service.
 - C. All existing and proposed withdrawal and connection point locations. Label all wells, pumps and connection points so they match the IDs provided in the Application form (Section IV - Sources of Water);
 - D. A north arrow and map scale, and
 - E. Labeled landmarks such as major roads and political boundaries.

SECTION E2 – POPULATION AND PER CAPITA USE

1. Historical data must be provided for the previous five years (including the most recent calendar year) and projected use at a minimum of five-year intervals for the requested permit duration. If historical data has been previously submitted to the District to fulfill periodic reporting requirements, the historical data may be left blank.

	Year	Average Number of Active Residential Connections	Total Number of Residential Dwelling Units (if available)	Residential Population Served ¹	Residential Water Use Average Day (mgd)	Uniform Residential Per Capita Use ² (gpcd) ³
Historical						
Projected						

¹ Calculated as the Average Number of Active Residential Connections or Total Number of Residential Dwelling Units multiplied by the average number of persons per household.

² Calculated as Total Residential Water Use Average Day divided by Residential Population Served. Residential water use reflects finished water.

³ gpcd = gallons per capita per day

2. Please attach a description of the methodology used to estimate population. Include supporting calculations and describe any deviations from District-approved methods as outlined in the Applicant's Handbook.

SECTION E3 – WATER DEMAND COMPONENTS

1. Historical and Projected Water Demands.

If historical data has been previously submitted to the District to fulfill periodic reporting requirements, the historical data may be left blank. Projections must be provided at a minimum of five-year intervals for the requested permit duration.

Year		Residential Water Use Average Day (mgd) (from Section E2 above)	Commercial / Industrial / Institutional ¹ Average Day (mgd)	Recreation and Landscape Irrigation Average Day ² (mgd)	Routine Exports Average Day ³ (mgd)	Other ⁴ (describe) Average Day (mgd)	Water Utility ⁵ Average Day (mgd)	Water Losses ⁶ Average Day (mgd)	Water Treatment Reject ⁷ Average Day (mgd) (if applicable)	Annual Average Daily Raw Water Demand ⁸ (mgd)	Maximum Raw Water Demand (mgd)
Historical Water Demand											
Projected Water Demand											

¹ Metered bulk industrial and commercial use including businesses, manufacturing facilities, and institutions such as schools and hospitals, including irrigation uses associated with these facilities whose irrigation source is provided by the utility.

² Use for irrigation of common areas such as parks, athletic fields, cemeteries, medians, and rights-of-way.

³ Water routinely supplied to other utilities through interconnections.

⁴ Examples of "Other" could include supplementation of a reclaimed water system, environmental restoration, or other uses not listed above.

⁵ Water used for line flushing, well lubrication, and other water system maintenance.

⁶ Water losses including leakage from transmission and storage facilities and other unknown water losses.

⁷ Reject water from treatment systems such as reverse osmosis

⁸ The annual average day raw water demand; should represent the sum of the columns to the left.

- Attach a description of the methodology used to develop projections for each column in the Projected Water Demands table above. Include supporting calculations and describe any deviations from District-approved methods as described in the Applicant’s Handbook.

SECTION E4 – HISTORICAL AND REQUESTED WATER USE

1. Historical and Projected Water Supply Sources

Provide the historical and projected water supply from each source. Sources include any bulk water purchases or transfers. The sum of all sources should equal the Annual Average Daily Raw Water Demand.

	Year	Requested Amounts and Source(s) of Water (mgd)				
		Annual Average Daily Raw Water Demand (mgd) Section E3 Table 1	Source 1 Name ¹ _____ (mgd)	Source 2 Name _____ (mgd)	Source 3 Name _____ (mgd)	Source 4 Name _____ (mgd)
Historical Water Supply						
Projected Water Supply						

¹ Provide the name of the water source. Examples include the Upper Floridan aquifer and the Biscayne aquifer.

2. Wellfield Operation Schedule

Describe the typical wellfield operation schedule, including source and/or facility specific allocations if applicable. Identify which wells are primary, secondary (peaking), stand-by, and describe the well rotation schedule.

SECTION E5 – WATER CONSERVATION

1. CONSERVATION

Please attach a copy of the conservation plan, and include a copy of any water conservation ordinances related to the plan. If your facility is located in a Water Resource Caution Area, there may be additional water conservation requirements as described in the Applicant's Handbook.

A. Indicate whether the conservation program is a Standard Conservation Plan or a Goal-based Plan.

Standard Conservation Plan

Goal-based Plan

B. Please attach a copy of the current water rate structure.

SECTION E6 – REUSE FEASIBILITY

Please refer to District-specific requirements, per current rules.



WATER USE PERMIT

Other Use

Supplemental Form F



Suwannee River Water Management District
 9225 CR 49, Live Oak, FL 32060 (386) 362-1001 Fax (386) 362-1056
 www.mysuwanneeriver.com

SECTION F1 – SITE INFORMATION

1. Provide a description of the facility.

2.

Site Name	Acres	County Parcel Identification Number or Section, Township, Range
TOTAL ACRES		_____

3. Submit a map showing:

- A. The legal boundaries of the property owned or controlled by the permittee/applicant;
- B. Any areas on the property that are being or will be irrigated;
- C. Any areas on the property where water is or will be used;
- D. All existing and proposed withdrawal and connection point locations. Label all wells, pumps and connection points so they match the IDs provided in the Application form (Section IV - Sources of Water);
- E. A north arrow and map scale; and
- F. Labeled landmarks such as roads and political boundaries.

SECTION F2 – WATER USE INFORMATION

1. Listed below are some typical water use components. Check all that apply and provide corresponding descriptions of each water use.

	Use Type	Descriptive Information Required
<input type="checkbox"/>	Cleaning & Maintenance	Describe water use to clean or maintain equipment, facilities or systems.
<input type="checkbox"/>	Environmental Augmentation	Describe the water use (supplemental hydration) from any source used expressly for the purpose of maintaining natural system functional values.
<input type="checkbox"/>	Aquifer Remediation	Describe water use in any aquifer remediation system including the number and location of supply/injection wells, the quantity of water withdrawn/injected, and the target aquifer.
<input type="checkbox"/>	Other Minor Uses	Describe other minor uses of water such as heating/cooling, irrigation, potable supply, etc.
<input type="checkbox"/>	Other: _____	Describe:
<input type="checkbox"/>	Other: _____	Describe:
<input type="checkbox"/>	Other: _____	Describe:

2. OTHER WATER USE

Describe any other water use(s) not listed above and not accounted for in other supplemental forms.

SECTION F3 – REQUESTED WATER USE

1. For each other use type, provide an estimate of water use by source.

Use Type	Requested Amounts and Sources of Water (mgd)		
	Source 1 Name ¹	Source 2 Name	Source 3 Name
Cleaning & Maintenance			
Environmental Augmentation			
Aquifer Remediation			
Other Minor Uses			
Other: _____			
Other: _____			
Other: _____			
Total			

¹Provide the name of the water source. Examples include Upper Floridan aquifer, Biscayne aquifer.

2. Provide a description of the methodology used to calculate the requested water amounts for each component of other water use (historical use, water budget calculations, other similar facilities, etc.). For any requested potable supply water use, include the per capita water use utilized in the calculations. Attach additional sheets, if necessary.

SECTION F4 – WATER CONSERVATION

Please refer to District-specific conservation requirements, per current District rules.



WATER USE PERMIT

Institutional Use

Supplemental Form G



Suwannee River Water Management District
 9225 CR 49, Live Oak, FL 32060 (386) 362-1001 Fax (386) 362-1056
 www.mysuwanneeriver.com

SECTION G1 – SITE INFORMATION

1. Provide a description of this facility.

2.

Site Name	Acres	County Parcel Identification Number or Section, Township, Range
TOTAL		_____

3. Submit a map showing:

- A. The legal boundaries of the property owned or controlled by the permittee/applicant;
- B. Any areas on the property that are being or will be irrigated;
- C. All existing and proposed withdrawal and connection point locations. Label all wells, pumps and connection points so they match the IDs provided in the Application form (Section IV - Sources of Water);
- D. A north arrow and map scale; and
- E. Labeled landmarks such as roads and political boundaries.

SECTION G2 – WATER USE INFORMATION

1. POTABLE SUPPLY – Complete Section A or B

- A. If the potable supply component is similar to a water supply utility, such as a military base, please submit the Population and Per Capita Water Use and Water Demand Projections tables from Sections E2 and E3 of the Public Supply Supplemental Form E.
- B. For all other facilities, such as hospitals, universities and correctional facilities, provide the requested information in the table below for the previous five years (including the most recent calendar year), and projected information, at a minimum of five-year intervals, for the requested permit duration.

Year		Permanent Residential) Occupancy (number of persons)	Non-Permanent Occupancy (Guests, Employees, Commuter Students, etc.)
Historical			
Projected			

2. COOLING / AIR CONDITIONING

Provide a description of water used in any cooling or air conditioning system including, the method of discharge, the number of times water is recirculated prior to being discharged, and where blowdown from the cooling system is discharged.

3. IRRIGATED LANDSCAPE / RECREATIONAL AREAS

Type of Irrigated Area ¹	Number of Acres	Irrigation Method ²

¹ Turf, shrubs, non-turf planting beds, natural areas, common areas, cemetery, athletic field, tennis court

² Drip, micro jet, multiple sprinkler, etc.

4. GOLF COURSE

Type of Irrigated Area	Irrigated Acreage
Greens	
Tees	
Fairways / Driving Range	
Roughs	
Landscape areas	
Total Number of Acres Irrigated	

5. CULTIVATED CROPS (includes annual/perennial crops, pasture, hay and sod, etc.)
 If crops types are rotated annually, list the crop(s) with the higher irrigation needs.

Site Name	Crop Type	Earliest Planting Date (mo/day) ¹	Latest Harvest Date (mo/day) ¹	Irrigation Method ²	Acres Irrigated	Well(s) or Pump(s) Used for Irrigation	If Applicable		
							Freeze Protection Method ²	Freeze Protection Acreage	Well(s) or Pump(s) Used for Freeze Protection

¹ If applicable
² Drip, micro jet, multiple sprinkler, etc.

If any of the crops listed above are rotated or double- or triple-cropped, describe the rotation or multiple crop cycle.

6. LIVESTOCK

Livestock Type	Average Number Season _____	Average Number Season _____

7. OTHER MINOR USES

Describe other minor uses of water such as laundry facilities, spray mixing, crop washing, cart washing, equipment water, animal cooling or livestock washing.

SECTION G3 – REQUESTED WATER USE

1. Complete the requested water use table below. Provide projected water amount for each applicable use type and the water source(s) associated with the use type.
2. The allocations for irrigation withdrawals are based on the supplemental irrigation requirements for the type of irrigation and acreages listed. Would you like to request District staff calculate and provide you a recommended amount of supplemental irrigation water? YES NO

If no, please provide requested amounts in the table below.

Use Type	Requested Amount and Source(s) of Water (mgd)		
	Source 1 Name ¹ _____	Source 2 Name _____	Source 3 Name _____
Potable Supply			
Cooling / Air Conditioning			
Irrigated Landscape/Recreational Areas			
Golf Course			
Agricultural Crops ²			
Livestock ³			
Other Minor Uses			
Total			

¹ Provide the name of the water source. Examples include the Upper Floridan aquifer and the Biscayne aquifer.

² Irrigation and freeze protection

³ Refer to the Applicant's Handbook for standard water use per animal for livestock.

3. Provide a description of the methodology used to calculate the requested water amounts for each use type (irrigation model, district calculations, historical use, water budget calculations, other similar facilities, etc.). For requested potable supply water use, include the per capita water use utilized in the projected water use calculations. Attach additional sheets, if necessary.

4. Please indicate the amount of reclaimed water, if applicable, that will be used to meet non-potable needs on an average daily and maximum monthly basis. Please describe how the reclaimed water will be delivered (e.g. plumbed directly or stored) and indicate which water use demands (e.g., golf course, irrigated landscape, etc.) will be met partially or in whole with reclaimed water. If reclaimed water storage ponds are present, please indicate whether the ponds are lined or unlined. Attach additional sheets if necessary.

SECTION G4 – WATER CONSERVATION

Please refer to District specific water conservation requirements, per current rules.



WATER USE PERMIT

Diversion and Impoundment

Supplemental Form H



Suwannee River Water Management District
 9225 CR 49, Live Oak, FL 32060 (386) 362-1001 Fax (386) 362-1056
 www.mysuwanneeriver.com

Diversion and Impoundment – Projects that divert surface water through a pump or operable water control structure, or divert a combination of surface and groundwater to a conveyance canal network system which the applicant has legal control to operate and maintain for the purposes of providing for the reasonable-beneficial demands of secondary users and consumptive and non-consumptive uses.

SECTION H1 – SITE INFORMATION

Site Name	Project Acres	County Parcel Identification Number or Section, Township, Range
TOTAL		_____

1. Please provide a generalized description of the diversion and impoundment system and the associated water uses.

2. Please submit a map identifying:

- A. The legal boundaries of the property owned or controlled by the permittee/applicant;
- B. All existing and proposed diversion withdrawal and connection point locations. Label all wells, pumps, culverts, and connection points with ID's which are associated with Sources of Water tables in Section IV of the Application;
- C. A north arrow and map scale;
- D. Labeled landmarks such as roads and political boundaries;
- E. The location of all secondary users of their system, including irrigated acreage and land use type; and
- F. Canal locations with established wet and dry season control elevations.

SECTION H2 – WATER USE INFORMATION

1. For permit renewals in which no changes are proposed over historic operations, the demands may be determined from historic pumpage records. Please identify the historic maximum monthly and total annual demand.

Million Gallons/ Year	Million Gallons/ Maximum Month

2. For new, proposed diversion and impoundments permits or modifications of existing permits, please provide the following:
 - A. Please attach a table listing the extent (length, cross sections, and depth) of the canal network used to deliver the water associated with the diversion and impoundment operation;
 - B. Please attach a table listing the land use classifications within the area served by the diversion and impoundment system;
 - C. Surface water demands directly withdrawn from the diversion and impoundment system (please list Secondary Users below);

Secondary Users	Dependent or Independent	Acres	Land Use	Million Gallons/ Year	Million Gallons/ Maximum Month
Totals:					

- D. Seepage losses;
- E. Water necessary to maintain groundwater elevations for the purpose of aquifer recharge and saltwater intrusion prevention (if applicable); and
- F. Estimates of the evaporation losses from the canal surfaces.

Maintenance Demands	Million Gallons/Year	Million Gallons/Maximum Month
Seepage Losses		
Evaporation Losses		
Total Secondary Uses		
Other		
Totals:		

SECTION H3 – REQUESTED WATER USE

1. Complete the requested water use table below. Provide projected water amount for each use type and the associated water source(s).

Use Type	Source of Water (mgd)		
	Source 1 Name ¹ _____	Source 2 Name _____	Source 3 Name _____
Secondary Users Total			
Maintenance Demands Total			
Total			

¹ Provide the name of the water source. Examples include Upper Floridan aquifer and the Lower Floridan aquifer

SECTION H4 – WATER CONSERVATION

Please refer to District specific water conservation requirements, per current rules.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Sagul, Division Director,
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: November 11, 2013.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: _____

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Division Director, Resource Management

DATE: October 31, 2013

RE: Approval of Resolution 2013-22 Declaring the Otter Springs Restoration Project in Gilchrist County as an Environmental Restoration and Enhancement Project

RECOMMENDATION

Staff recommends Governing Board approval of Resolution 2013-22 declaring the Otter Springs restoration project as an environmental restoration and enhancement project.

BACKGROUND

The area surrounding the springs has been consistently eroding and sediments and sand has been washing into the spring vents for years which is altering the magnitude of flow from the springs. The District's goal is to develop and construct a project that will control erosion and sediments from washing into the springs by stabilizing the shoreline and removing the accumulation of these sediments from the spring vents.

The resolution is needed to request a General Permit from the Florida Department of Environmental Protection using rule 62-330.485(2)(b), Florida Administrative Code which requires that the Governing Board approve the project as a restoration and enhancement project and conduct a public hearing. This approval will satisfy the conditions of that rule.

PW/tm

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2013-22**

**DECLARATION OF OTTER SPRINGS RESTORATION PROJECT IN GILCHRIST COUNTY AS AN
ENVIRONMENTAL RESTORATION AND ENHANCEMENT PROJECT**

WHEREAS, the Suwannee River Water Management District is proposing to restore Otter Springs by removing sediments from the spring vents and controlling erosion and sedimentation around the springs; and

WHEREAS, in accordance with Chapter 62-330.485(2)(b), Florida Administrative Code, in order to obtain a 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; and

WHEREAS, the Governing Board held a public hearing on the project at its regularly scheduled meeting on November 12, 2013.

NOW THEREFORE, be it resolved that the Governing Board hereby declare Otter Springs restoration project in Gilchrist County as an environmental restoration and enhancement project.

PASSED AND ADOPTED THIS 12th DAY OF NOVEMBER, 2013 A.D.

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

MEMBERS OF THE BOARD:

**DON QUINCEY, JR., CHAIR
ALPHONAS ALEXANDER, VICE-CHAIR
DONALD R. CURTIS, III, TREASURER
KEVIN BROWN
GEORGE COLE
GARY F. JONES
VIRGINIA H. JOHNS
VIRGINIA SANCHEZ
GUY N. WILLIAMS, JR.**

ATTEST:

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Division Director, Resource Management

DATE: October 31, 2013

RE: Resolution of Enforcement Regarding Stephen A. Midyette, CE07-0065,
Gilchrist County

RECOMMENDATION

Staff recommends the Governing Board approve resolution of the enforcement action by Consent Final Judgment regarding Steven A. Midyette, CE07-0065, Gilchrist County.

BACKGROUND

This is an ongoing enforcement case which involves clearing of wetland vegetation within a riverine wetland slough without a permit, filling in wetlands and constructing a boat ramp within a riverine wetland slough without a permit on property Mr. Midyette owns. After multiple attempts to resolve this matter staff contracted with Brannon, Brown, Haley & Bullock, PA to handle the enforcement action.

Counsel attempted to resolve the enforcement action through a Consent Order (CO) but Mr. Midyette failed to sign and return the CO. An Administrative Complaint was filed with the Circuit Court of Gilchrist County and it was served on Mr. Midyette. After multiple continuances, a Consent Order was ultimately signed by Mr. Midyette. The Governing Board entered a Final Order in July 2010 effectively closing out this case.

Mr. Midyette did not abide by the stipulations of the Consent Order. In February 2011, an Administrative Complaint was filed with the Circuit Court of Gilchrist County and it was served on Mr. Midyette. There have been several status conferences with the latest resulting in the attached Consent Final Judgment.

The remedial work has been accomplished and all restoration has been completed. Mr. Midyette has already paid a portion (\$2,000) of the assessed penalties and costs on May 16, 2013. Upon Governing Board approval of the final resolution, staff will issue the environmental resource permit associated with the project.

TS/tm
Attachment – Consent Final Judgment

IN THE CIRCUIT COURT OF THE
EIGHTH JUDICIAL CIRCUIT IN AND
FOR GILCHRIST COUNTY, FLORIDA

Case No. 21-2011-CA-0012

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,

Plaintiff,

vs.

STEVEN MIDYETTE,

Defendant.

CONSENT FINAL JUDGMENT

The Defendant, STEVEN MIDYETTE, hereby consents to the entry of this Consent Final Judgment against him and in favor of the Plaintiff, SUWANNEE RIVER WATER MANAGEMENT DISTRICT ("DISTRICT"). The Court finds as follows:

1. This Court has jurisdiction over the parties and the subject matter of this action.
2. Defendant has entered into this Consent Final Judgment voluntarily and of his own volition, with full knowledge of the terms and conditions herein.
3. On or about March 29, 2010, the Defendant entered into Consent Agreement and Order ("CAO") number 10-0010 with the Plaintiff to resolve the Defendant's unpermitted clearing of wetland vegetation as well as unpermitted filling in wetlands and construction of a boat ramp within a riverine wetland slough on the Property.
4. On July 13, 2010, the DISTRICT'S Governing Board entered a Final Order approving the CAO. Said Order constituted final agency action within the meaning of Florida Statutes §§120.52(2) and 120.69.
5. Defendant breached the CAO by failing to perform any of the actions required

therein.

6. Subsequent to the filing of this action in this court, Defendant performed some of the items in compliance with the CAO. The Defendant has not fully complied with all of the terms of the CAO.

7. Defendant hereby consents to judgement being entered against him and in favor of the DISTRICT in the amount of thirty thousand dollars (\$30,000.00) ("Judgement Amount"). However, Plaintiff agrees to refrain from executing upon this Consent Final Judgement so long as the Defendant timely pays to Plaintiff the sum of five thousand five hundred dollars (\$5,500.00) ("Settlement Payment"). The Settlement Payment is to be paid by Defendant to the Plaintiff in equal quarterly installment payments of one thousand three hundred seventy five dollars (\$1,375.00) ("Installment Payment") within one (1) year of the date the Defendant executes this Consent Final Judgement. The first Installment Payment shall be issued within ninety (90) days of the date the Defendant executes this Consent Final Judgement. Each subsequent Installment Payment shall be issued by the Defendant no later than ninety (90) days from the day the previous Installment Payment was due. Each Installment Payment shall be made by certified check made payable to the Plaintiff counsel's trust account and delivered to the Plaintiff's counsel's business address. Within a reasonable period after Defendant's timely payment and Plaintiff's collection of the Settlement Payment, Plaintiff's counsel will file a Notice of Satisfaction of this Consent Final Judgement.

8. In the event that Defendant fails to timely issue the Settlement Payment or any Installment Payment as set forth herein, then the Plaintiff shall be entitled to record and execute on this Consent Final Judgement without further notice to the Defendant. In addition, the Plaintiff shall also be entitled to interest on the Judgement Amount which shall accrue at the applicable Florida post judgement interest rate from the date the Defendant

executed this Consent Final Judgement. Further, the Plaintiff shall be entitled to its attorney's fees and costs incurred in connection with any action to record and execute upon this Consent Final Judgement.

THEREFORE, it is hereby ORDERED AND ADJUDGED as follows:

1. Judgment is hereby entered in favor of the Plaintiff, SUWANNEE RIVER WATER MANAGEMENT DISTRICT, against Defendant, STEVEN MIDYETTE, in the amount of thirty thousand dollars (\$30,000.00) plus interest from the date the Defendant executed this Consent Final Judgement in accordance with the terms set forth herein for which let execution issue.

2. The Court retains jurisdiction to enforce the terms and conditions of this Consent Final Judgement.

DONE AND ORDERED in Chambers in Trenton, Gilchrist County, Florida on this this ____ day of _____ 2013.

Ysleta W. McDonald
Circuit Judge



Steven Midyette 9-4-13

Christopher M. Costello, Esquire
Brannon, Brown, Haley & Bullock, P.A.
FL Bar No. 0145173
P.O. Box 1029
Lake City FL 32056-1029
Telephone: 386-752-3213
Facsimile: 386-755-4524
Attorneys for Plaintiff
cmc@bbattorneys.com/nwm@bbattorneys.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order was sent by U.S. Mail on this ____ day of _____ 2013 to: Christopher M. Costello, Esquire, Brannon, Brown, Haley & Bullock, P.A., P.O. Box 1029, Lake City, FL 32056; and Steven A. Midyette, 11549 N. US Hwy 129, Branford, FL 32008.

Judicial Assistant

MEMORANDUM

TO: Governing Board
FROM: Tim Sagul, Division Director, Resource Management
DATE: October 31, 2013
RE: Final Order Granting Variance and Waivers, Mark Smith District
Floodway Project, District Permit Application Number 06-0661M3,
Lafayette County, Final Order Number 13-0003

RECOMMENDATION

Staff recommends the Governing Board enter Final Order number 13-0003 granting variance and waivers to subsections 40B-4.3030(4), (9) &(12)(b), and 40B-4.3020(1)(c) - (e), F.A.C. for Mark Smith District Floodway Project, Lafayette County.

BACKGROUND

This is an ongoing enforcement issue where a house and dock were constructed without a District Floodway permit. It is currently on continuance in the Lafayette County Circuit Court.

The house does not meet the condition in rule 40B-4.3030(4), FAC, because the lowest structural member is not at least one foot above the 100-year flood elevation. The house does not meet the condition in rule 40B-4.3030(12)(b) because it was constructed within the 75-foot setback from the top of river bank. Additionally, a dock was constructed that does not meet the State of Florida's Sovereign Submerged Lands (SSL) criteria. (Please note that portions of the SSL program have been delegated to the water management districts).

The property changed hands several times while the District pursued resolution and ultimately ended up back with the original owner. A trial date was set for October 2013. In the interim, the petitioner (Mr. Mark Smith) purchased the property from the original respondent who is now deceased. Mr. Smith filed an application for a General Works of the District permit on June 21, 2013. He continued to submit information including the application fee and a variance and waivers request. The application was deemed complete on October 1, 2013.

If granted, the variance and waivers are only temporary - the variance becomes void and the structure shall be brought into compliance with the District's rules in effect at the time of change of ownership or when improvements or repairs are needed. A copy of the proposed Final Order is attached. If the variance and waivers request is granted, the Executive Director will issue the permit.

LMII/tm

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

IN RE:

MARK SMITH,

Petitioner,

ORDER No. 13-0003

v.

**SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,**

Respondent.

FINAL ORDER GRANTING VARIANCE AND WAIVERS

The Suwannee River Water Management District (“District”) received a petition on August 17, 2013, from Mark Smith (“Petitioner”), seeking a variance from Florida Administrative Code (“Fla. Admin. Code”) rules 40B-4.3030(4), 40B-4.3030(9), and 40B-4.3030(12)(b) and waivers of 40B-4.3020(1)(c), 40B-4.3020(1)(d), and 40B-4.3020(1)(e). Petitioner seeks these variances and waivers in connection with an existing un-permitted building within a Work of the District in Township 4 South, Range 11 East, Section 36, Lafayette County. Parcel Number 36-04-11-0010-0000-00200.

PROCEDURE AND ALLEGATIONS

1. Pursuant to Fla. Stat. § 120.542, Petitioner seeks a variance from Fla. Admin. Code rules 40B-4.3030(4), 40B-4.3030(9), and 40B-4.3030(12)(b) and waivers of 40B-4.3020(1)(c), 40B-4.3020(1)(d), and 40B-4.3020(1)(e) for file number ERP06-0661M3. A true copy of the original Petition for Variance is attached to this Order as Exhibit “A”.

2. The District caused a notice to be published in the Florida Administrative Register (“FAR”) on August 27, 2013, informing the public that the District had received a Petition for Variance and Waivers which provided an opportunity for comment or objection within

fourteen days of the date of publication in the FAR. A true copy of the notice is attached to this Order as Exhibit "B". The District received no comments or objections to the petition.

3. Petitioner's address is 12665 State Road 121 North, Macclenny, FL 32063, and the property affected by this order is described as follows: 425 Northwest Riverbank Road, Mayo Florida 32066; Lots 20 & 21, of Cedar Shoals Subdivision, a subdivision as more particularly described in the Declaration of Restrictions and Protective Covenants, as recorded to the plat thereof filed in Plat Book A, Page 26, of the Public Records of Lafayette County, Florida, tax parcel identification number 36-04-11-0010-0000-00200.

As To Zero Rise Certification Requirement

4. Petitioner seeks to obtain a variance to Fla. Admin. Code rule 40B-4.3030(9). Petitioner states that the structure is existing. And since there are no proposed plans to change the structure, the requirement to provide a zero rise would provide no additional information and only serve as an unnecessary burden on the petitioner.

As To Building Plan Requirements

5. Petitioner seeks to obtain a waiver to Fla. Admin. Code 40B-4.3020(1)(c), 40B-4.3020(1)(d), and 40B-4.3020(1)(e) for the existing non-permitted structure. Petitioner alleges since the structure is in place, and there are no proposed changes to the structure, the requirement for signed and sealed plans, survey and site plans will provide no additional information and only serve as an unnecessary burden on the petitioner.

As To Elevation Requirements

7. Petitioner seeks to obtain a variance to Fla. Admin. Code 40B-4.3030(4) for the existing structure, which was constructed below the 100-year flood/one percent annual chance of flood elevation without any permit from District or Lafayette County. Petitioner purchased the structure as is and is aware the structure is too low. Since there are no proposed changes to the structure, raising the structure to the required elevation would require engineering and reconstruction that would cause a great financial hardship.

As to Location Requirements

8. Petitioner seeks to obtain a variance to Fla. Admin. Code 40B-4.3030(12)(b) for the existing structure, which was constructed within the 75 foot setback from the top of the river bank. Petitioner alleges the structure is in place, and there are no proposed changes to the structure. Moving the structure outside of the 75 foot setback would require engineering and reconstruction that would be a great financial hardship.

APPLICABLE LAW

9. The variance and waivers are requested pursuant to Fla. Stat. § 120.542, which provides that:

Variations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver.

10. Petitioner is required to demonstrate that (1) the purpose of the underlying statute will be or has been achieved by other means and (2) that application of Fla. Admin. Code rules 40B-4.3020(1)(c), (d), and (e), 40B-4.3030(4), (9) and (12)(b) would create a substantial hardship or would violate the principles of fairness.

11. The purpose of Chapter 373 of the Florida Statutes is to prevent harm to the water resources of the state. To achieve this purpose, District is authorized to require permits for the construction of structures within a Work of the District. To obtain a permit under Chapter 373, an applicant must provide reasonable assurance that the construction will not obstruct the free flow of waters of rivers and streams within the District. See, Fla. Stat. § 373.086 (Providing for works of the district).

12. Florida Admin. Code rule 40B-4.3030 became effective as District rule on September 25, 1985, and the most recent amendment became effective on August 8, 2007.

Fla. Admin. Code rule 40B-4.3020 became effective as District rule on September 25, 1985, and the most recent amendment became effective on July 6, 2008.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. Petitioner demonstrated a substantial economic hardship would be created by requiring Petitioner to comply with Fla. Admin. Code 40B-4.3020(1)(c), (d), and (e), 40B-4.3030(4), (9) and (12)(b) because the structure is existing and there are no plans to move, raise, or reconstruct the structure; therefore, Petitioner has met the requirements for a waiver and variance to Fla. Admin. Code 40B-4.3020(1)(c), (d), (e), 40B-4.3030(4), (9) and (12)(b) under Fla. Stat. § 120.542. Petitioner has demonstrated that the underlying statute could not be achieved by other means.

14. District concludes that the request for waiver from Fla. Admin. Code 40B-4.3020(1)(c), 40B-4.3020(1)(d) and 40B-4.3020(1)(e) should be granted.

15. District concludes that the request for variance from Fla. Admin. Code 40B-4.3030(4), 40B-4.3030(9) and 40B-4.3030(12)(b) should be granted.

IT IS HEREBY ORDERED:

1. The Petition for Waiver from Fla. Admin. Code 40B-4.3020(1)(c), 40B-4.3020(1)(d) and 40B-4.3020(1)(e), is GRANTED; and

2. The Petition for Variance from Fla. Admin. Code 40B-4.3030(4), 40B-4.3030(9) and 40B-4.3030(12)(b) is GRANTED in accordance with Fla. Admin. Code, for the duration of time that the subject parcel of real estate is owned by Petitioner or if substantial improvements or repairs are initiated on the structure, whether damages or not, which will cost more than fifty percent (50%) of the market value of the structure prior to the start of work. At such time that the property is sold or transferred or no longer owned by Petitioner or substantial improvements or repairs occur to the structure, this variance is void and the structure shall be brought into compliance with District's rules in effect at the time of change of ownership or when improvements or repairs are needed.

3. A copy of this order shall be recorded in the public records of Lafayette County.

DONE AND ORDERED this _____ day of _____ 2013.

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

By: _____
Executive Director

RENDERED on this _____ day of _____ 2013.

District Clerk

Copies furnished to: CE06-0107
ERP06-0661M3
Lindsey Lander
Mark Smith
Suzanne Printy, JAPC

August 17, 2013

Suwannee River
Water Management District
9225 CR 49
Live Oak, FL. 32060

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(a) Petition for variance from Ch 40B-4.3020 (1) (c), CH 40B-4-3020 (1) (d), CH 40B-4.3020 (1) (e), Ch 40B-40.3030 (4) Ch 40B-4.3030 (9) and 40B-4.3030 (12) (b), Florida Administrative Code

Subject: Mark Smith district flood way project ERP06-0661M3, Lafayette

(b) Petitioner: Mark A Smith
425 NW Riverbank Rd
Mayo, FL. 32066
(863) 604-0979

(c) Agent: N/A

(d) The applicable portion of the rule:

Requesting a waiver from 3020 rules and a variance from 3030 rules, CH. 40B-4.3020 (1) (c), Ch 40B-4.3020 (1) (d), Ch 40B-3020 (1) (e), Ch. 40B-4.3030 (4) Ch. 40B-4.3030 (9) and Ch 40B-4.3030 (12) (b).

(e) The citation to the statute the rule is implementing:

The citation to the statute the rule is implementing is rule Ch 40B-4.3020 (1) (c) A site plan to scale showing all improvements, work, or works with any conditions or limitations placed thereon prepared by a Florida licensed professional engineer or surveyor including plan and profile views with relevant elevations noted such as the elevation of the lowest structural member and benchmark shown. The site plan shall show the location of all trees to be removed which are greater than six inches diameter as measured at four feet, six inches above the natural ground. The citation to the statute the rule is implementing is rule Ch 40B-4.3020 (1) (d) A building plan prepared or submitted by a Florida licensed engineer or architect, showing profile and detail views of the pilings, the elevation of the lowest structural member, and

any building components within the area below the 100-year flood/one percent annual chance of flood elevation. The citation to the statute the rule is implementing is rule Ch 40B-4.3020 (1) (e) Any supporting calculations, designs, surveys, or applicable documents, which in the applicant's opinion may support the application. The citation to the statute the rule is implementing is rule Ch.40B-4.3030 (4) Buildings in the floodway shall be elevated on piles without the use of fill such that the lowest structural member of the building is at an elevation at least one foot above the 100-year flood/one percent annual chance of flood elevation. Ch.40B-4.3030 (9) For any structure placed within a flood way, the district shall require that a Florida licensed engineer certify that such a structure will not obstruct flows or increase 100- year flood/one percent annual chance of flood elevations by more than 0.01 feet. Such certification shall include step-backwater calculations using the 100-year flood/one percent annual chance of flood discharge rate. Exceptions to this certification are stated in paragraphs (a) and (b) below. The citation to the statute the rule is implementing is rule Ch.40B-4.3030 (12)(b) No construction, additions or reconstruction shall occur in the front 75 feet of an area immediately adjacent to and including the normally recognized bank of water, except for one deck per parcel located at the top of the bank no larger than 200 square feet and a boardwalk no wider than five feet to provide reasonable pedestrian access to water dependent structures such as docks. The following conditions shall apply to decks and boardwalks:

1. Decks and boardwalks shall not be enclosed, except for a structural roof; and
2. Decks, boardwalks and structural roofs shall be built in a manner to minimize destruction of existing vegetation.

f) type of variance requested: Waiver is requested for 3020 rules and a variance for 3030 rules.

The type of action requested is for a Waiver from rule Ch 40B-4.3020 (1) (c), Ch 40B-4.3020 (1) (d), and Ch 40B-4.3020 (1) (e). A variance is requested for Ch. 40B-4.3030 (4), Ch. 40B-4.3030 (9) and Ch.4B-4.3030(12)(b).

This would allow us to keep the existing house and decks in place. No new construction or additions is requested

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(g) Facts that demonstrate hardship:

The previous land owner Mr. Steven Buckles, Was under enforcement proceedings with the district at the time I purchased the property. He built the house and dock without proper permits. This was not disclosed to me at the time of purchase. Steven Buckles has recently (April 2013) passed away, At this time I was made aware of the violations attached to the property. At the time of purchase, a title search was complete showing no liens against the property. All taxes where paid and up to date. With the taxes being paid and no liens against property the buyer (Mark Smith) had no reasonable way to know of any issues, Lawsuits or violations attached to the property. I met with the district and explained our situation July 2013. I was instructed to apply for a variance / waiver at that time. We have insurance on the property and house. House is currently built and no plan for any additions or changes to the structure. Raising the house or moving it back would cause great financial hardship to the new owners. We ask for a variance / Waiver on the house to stay in place. The old dock has been removed and a application submitted for a new floating dock to SRWMD.

(h) The reason the variance or waiver requested would serve the purpose of the underlying statute:

1) Ch 40B-4.3020 (1) (c) A plan site to scale showing all improvements, work, or works with any conditions or limitations placed thereon prepared by a Florida licensed professional engineer or surveyor including plan and profile views with relevant elevations noted such as the elevations of the lowest structural member and benchmark shown.

a) No improvements or new construction have been planned or will be planned. No additional new construction or improvements is requested. We are willing to provide a hand drawn drawing of existing structure. Requiring a professional to provide this site plan will be an unnecessary burden that will provide no additional information, only additional cost.

2) Ch 40B-4.3020 (d) A building plan prepared or submitted by a Florida licensed engineer or architect, showing profile and detail views of the pilings, the elevation of the lowest structural member, and any building components with the area below the 100-year flood/one percent annual chance of flood elevation.

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EXHIBIT A

a) No improvements or new construction have been planned. No additional new construction or improvements is requested, Just want to leave the existing structure in place. Since there will be no additions, we are willing to provide a hand drawn drawing of existing building. Requiring a professional to provide this building plan will be a unnecessary burden that will provide no additional information, only additional cost.

3) Ch 40B-4. 3020 (e) Any supporting calculations, designs, surveys, or applicable documents, which in the applicant's opinion, may support the application.

a) No improvements or new construction have been planned. No additional new construction or improvements is requested, Want to leave the existing structure in place. Requiring a professional to provide this documentation will be a unnecessary burden that will provide no additional information, only additional cost.

4) Ch 40B-4.020 (12) (b) No construction, additions or reconstruction shall occur in the front 75 feet of an area immediately adjacent to and including the normally recognized bank of water.

a) House in currently in place, No new additions or construction is planned. Moving the house back has an estimated cost on \$58,000, which would would cause great financial hardship on the new owners.

5) Ch 40B-4.3030 (9) For any structure placed within a flood way, the district shall require as a condition for issuance of a work of the district development permit that an engineer certify that such a structure will not obstruct flows or increase 100-year flood elevations.

a) No improvements or new construction have been planned. No additional new construction or improvements is requested, Just want to leave the existing structure in place. Requiring a professional to provide this certification will be a unnecessary burden that will provide no additional information, only additional cost.

6) Ch 40B-4.3030 (4) Buildings in the flood way shall be elevated on piles without the use of fill such that the lowest structural member of the building is at an elevation at least one foot above the 100-year flood/one percent annual

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chance of flood elevation.

a) House in currently in place, No new additions or construction is planned. Raising the existing house has an estimated cost on \$52,000, which would would cause great financial hardship on the new owners.

(i) Permanent waiver/variance requested

It is our wish that a permanent waiver or variance be granted for the following:

(1) Ch 40B-4.3020 (1) (c) A site plan to scale showing all improvements, work, or works with any conditions or limitations placed thereon prepared by a Florida licensed professional engineer or surveyor including plan and profile views with relevant elevations noted such as the elevation of the lowest structural member and benchmark shown.

(2) Ch 40B-4.3020 (d) A building plan prepared or submitted by a Florida licensed engineer or architect, showing profile and detail views of the pilings, the elevation of the lowest structural member, and any building components within the area below the 100-year flood/one percent annual chance of flood elevation.

(3) Ch 40B-4.3020 (e) Any supporting calculations, designs, surveys, or applicable documents, which in the applicant's opinion, may support the application.

(4) Ch. 40B-4.3030 (12)(b) (No construction, additions or reconstruction shall occur in the front 75 feet of an area immediately adjacent to and including the normally recognized bank of water).

(5) Wave the requirement for having a zero certification 40B-4.3030 (9) (For any structure placed within a flood way, the district shall require as a condition for issuance of a work of the district development permit that an engineer certify that such a structure will not obstruct flows or increase 100-year flood elevations.

(6) Ch 40B-4.3030 (4) Buildings in the flood way shall be elevated on piles without the use of fill such that the lowest structural member of the building is at an elevation at least one foot above the 100-year flood/one percent annual chance of flood elevation.

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EXHIBIT A

Please take into consideration the above request for variance. Approval of the request would allow for the existing home stay in place. No new construction, additions or add on has been requested

Thank you for your consideration.

Sincerely,

Mark A Smith



8/21/13

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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: Due to the fact that all rules are being moved to Chapter 62-330, F.A.C. with little to no change.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.012
 RULE TITLE: Standards for In-Service Training for Certified Nursing Assistants
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 122, June 24, 2013 issue of the Florida Administrative Register.

The Notice of Change published in Vol. 39, No. 167, of the August 27, 2013, issue of the Florida Administrative Register was published under Rule No.: 64B9-15.022, Certified Nursing Assistant Authorized Duties. The correct rule number is 64B9-15.012, and the correct rule title is "Standards for In-Service Training for Certified Nursing Assistants. The language incorrectly stated the change was in response to written comments submitted by the staff of the Joint Administrative Procedures Committee." It should have read, "The change is in response to written comments received from the public."

The rule shall now read as follows:

Provider Qualifications. In-Service Training Providers shall be one of the following:

- (1) A Facility licensed by the Agency for Health Care Administration;
- (2) A continuing education provider as approved by the Board of Nursing; or
- (3) A Certified Nurse Assistant association, as recognized by the Board.

Rulemaking Authority 464.202, 464.203(7), 464.0285 FS. Law Implemented 464.203(7), 464.0285 FS. History—New

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

PUBLIC SERVICE COMMISSION

RULE NO.:
 RULE TITLE:

25-6.049: Measuring Customer Service

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from PRH-2600 Hallandale Beach, LLC, a Florida Limited Liability Co., in Docket No. 130224-EU filed August 21, 2013, seeking a waiver to or variance from subsections 25-6.049(5) and (6), Florida Administrative Code. The subsections address individual electric metering by utilities and codify the standards for master-metered condominiums. A copy of the petition can be obtained from the Office of Commission Clerk. Comments on the petition should be filed with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice. For additional information, please contact Pamela H. Page, Office of the General Counsel, at the above address or telephone (850)413-6214.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.:
 RULE TITLE:

40B-4.3020: Content of District Floodway Development Permit Applications

40B-4.3030: Conditions for Issuance of Works of the District Development Permits

NOTICE IS HEREBY GIVEN that on August 17, 2013, the Suwannee River Water Management District, received a petition for variance from Mark Smith, 425 NW Riverbank Road, Mayo, FL 32066, pursuant to Section 120.542, F.S. Petitioner is seeking variances from paragraph 40B-4.3020(1)(c), F.A.C., as to site plan showing all improvements, paragraph 40B-4.3020(1)(d), F.A.C., as to a building plan submitted by a Florida licensed engineer or architect, paragraph 40B-4.3020(1)(e), F.A.C., as to supporting calculations, designs, surveys or applicable documents, subsection 40B-4.3030(4), F.A.C., as to buildings in the floodway being elevated on piles without use of fill, subsection 40B-4.3030(9), F.A.C., as to zero rise certification and paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirements. Petitioner proposes to permit existing structure as is, in Lafayette County, in Township 4 South, Range 11 East, Section 36. These rules are intended to set forth criteria for development activities within a Work of the

District. The petition has been assigned ERP Number 06-0661M3, M. Smith District Floodway Project.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tilda Musgrove, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or (800)226-1066 in Florida only.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201: Year-Round Water Conservation Measures

NOTICE IS HEREBY GIVEN that on August 23, 2013, the Southwest Florida Water Management District received a petition for a variance or waiver.

Petitioner's Name: North Sumter County Utility Dependent District and Sumter Water Conservation Authority, LLC

Rule No.: 40D-22.201

Nature of the rule for which variance or waiver is sought: lawn and landscape irrigation

The Petition has been assigned tracking No. 13-4177.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, ext. 2298, water.variances@watermatters.org.

Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Florida Real Estate Commission hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver, filed on June 10, 2013, by Roslyn J. Chancey. The Notice of Petition for Waiver or Variance was published in Vol. 39, No. 125, of the June 27, 2013, Florida Administrative Register. Petitioner was seeking a variance or waiver of Rule 61J2-10.030, F.A.C. to agreements in which rental information is provided regarding rentals that are not purported to be available.

The Commission's Order, filed on August 19, 2013, denied the petition finding that Petitioner has not demonstrated how the purpose of the underlying statute will be or has been achieved by other means by the Petitioner. In addition, the Petitioner has not shown how application of the rule creates a substantial hardship or violates principles of fairness.

A copy of the Order or additional information may be obtained by contacting Juana Watkins, Director, Division of

Real Estate, 400 West Robinson Street, N801, Orlando, Florida 32801, (850)487-1395 or Juana.Watkins@myfloridalicense.com.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice that on August 20, 2013, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Santos Ruiz Cordero, M.D., on June 19, 2013, seeking a waiver from Rules 64B8-1.007 and 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the licensure application. The Notice was published in Vol. 39, No. 120, of the Florida Administrative Register on June 20, 2013. The Board, at its meeting held on August 2, 2013, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice that on August 20, 2013, an Order was filed on the Petition for Waiver. The Petition for Waiver was filed by Magaly Matanzo Cortes, M.D., on June 19, 2013, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the licensure application. The Notice was published in Vol. 39, No. 120, of the Florida Administrative Register, on June 20, 2013. The Board, at its meeting held on August 2, 2013, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Division Director, Resource Management

DATE: October 31, 2013

RE: Authorization to Waive Penalties, Administrative Costs and Attorney's Fees Regarding Enforcement Number CE06-0107, Buckles/Fennell/Smith District Floodway Project, Lafayette County

RECOMMENDATION

Staff recommends the Governing Board waive the penalties, administrative costs and attorney's fees regarding Enforcement Number CE06-0107 for the Buckles/Fennell/Smith District Floodway Project, Lafayette County.

BACKGROUND

This is an ongoing enforcement issue where a house and dock were constructed without a District Floodway permit. Neither of the structures meets District rule criteria. The property changed hands several times while the District pursued resolution and ultimately ended up back with the original owner (Mr. Buckles). A trial date was set for October 2013. The enforcement action is currently on continuance in the Lafayette County Circuit Court.

Mr. Mark Smith purchased the property from Mr. Buckles who is now deceased. Since he has purchased the property, Mr. Smith has applied for a permit, removed the unpermitted dock and cleaned up the property.

Due to the good faith efforts of Mr. Smith, staff is recommending that the Board waive any penalties, administrative costs and attorney's fees associated with this project and close out the enforcement file.

TS/tm

MEMORANDUM

TO: Governing Board
 FROM: Tim Sagul, P.E., Division Director, Resource Management
 DATE: October 31, 2013
 RE: Permitting Summary Report

Environmental Resource Permitting (ERP) Activities

Permit Review

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

September 2013	Received					
ERP	Noticed General	General	Individual	Conceptual	Exemption Requests	Extension Requests
	15	3	2	0	0	1
	Issued					
	Noticed General	General	Individual	Conceptual	Exemptions Granted	Extensions Granted
	10	8	2	0	0	3

Inspections and as-built certification

The following chart shows staff activity on projects that have been permitted from January 1, 2010 to September 30, 2013.

Permit Type	Issued	Under Construction	Operation & Maintenance*	Construction Inspections September 2013	As-built Inspections September 2013
Exempt	197	163	34	0	0
Noticed General	461	315	146	0	0
General	394	226	168	2	3
10-2 Self Certifications	37	25	12	14	0
Individual	63	39	24	1	0
Conceptual	5	5	0	0	0
TOTAL	1157	773	384	17	3
PERCENT		67%	33%		

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

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

File Number	Project Name	County	Issue Date
ERP13-0110	I-10 Drainage Improvements FPI 432641-1-52-01	Columbia	10/2/2013

Water Use Permitting and Water Well Construction

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

September 2013	Received		Issued
Water Use Permits	9		12
Water well permits issued: 117			
Abandoned/destroyed	15	Livestock	3
Agricultural Irrigation	9	Monitor	21
Aquaculture	0	Nursery	0
Climate Control	0	Other	0
Fire Protection	0	Public Supply	4
Garden (Non Commercial)	0	Self-supplied Residential	62
Landscape Irrigation	3	Drainage or injection	0
Commercial or Industrial	0	Test	0

Compliance and Enforcement

Staff successfully executed a compliance agreement with Bronco Well Drilling on October 7, 2013, for constructing a well without a permit.

Rulemaking Schedule

40B-1, 40B-2 CUPcon

GB Rule Dev. Auth.	5/29/12
Notice of Rule Dev.	7/20/12
GB Proposed Rule Auth.	5/16/13
Notice of Proposed Rule (tentative)	11/14/13
Send to JAPC (tentative)	11/30/13
Mail to DOS (tentative)	12/21/13
Effective Date (tentative)	1/14/14

MEMORANDUM

TO: Governing Board
 FROM: Tim Sagul, P.E., Division Director, Resource Management
 DATE: October 31, 2013
 RE: Enforcement Status Report

Matters Staff is attempting to gain compliance without enforcement action

Respondent	Justin M. Fitzhugh
Enforcement Number / County	CE05-0046 / Columbia
Violation	Non-Functioning Stormwater Management System & Failure to Submit As-Builts
Legal Counsel	Brannon, Brown, Haley & Bullock
Date Sent to Legal	July 1, 2010
Target Date	Ongoing
Legal Fees to date	\$2,111 (approximate)

This violation is for a non-functioning surface water management system and failure to submit as-built certification forms.

Staff inspected site on March 7, 2013. Vegetation cleared, the retention pond is still not in compliance. Staff contacted new owner, Joe Peurrung. **Staff has requested that the current attorney cease work on the enforcement file. In the event that the current owner does not follow through with correcting the violation, staff will have the file reopened.**

Respondent	Richard Oldham
Enforcement Number / County	CE10-0024 / Bradford
Violation	Unpermitted Pond & Deposition of Spoil Material
Legal Counsel	Brannon, Brown, Haley & Bullock, P.A.
Date sent to legal	October 13, 2011
Target Date	Ongoing
Legal Budget / Legal Fees to date	\$5,000 / \$2,473

This violation is for construction of a pond without a permit and deposition of spoil material in a flood area.

Richard Oldham and Diana Nicklas were served with an Administrative Complaint and Order and the time for filing a petition for hearing lapsed.

Counsel filed a Petition for Enforcement in the Circuit Court for Bradford County and had Oldham and Nicklas personally served. **The file was transferred from Brannon, Brown, Haley & Bullock, P.A., to Board Counsel for resolution.**

Respondent	Larry R. Sigers
Enforcement Number / County	CE08-0072 / Columbia
Violation	Unpermitted Dredge & Fill
Legal Counsel	Robinson, Kennon & Kendron, P.A.
Date sent to legal	October 5, 2011
Target Date	March 12, 2012
Legal Budget / Legal Fees to date	\$7,500 / \$7,517.00

A Consent Agreement was entered into with Mr. Sigers as a result of violations of District Rules. The replanting has failed and staff has contacted Mr. Sigers. To date there has been no response from Mr. Sigers. **Staff to follow up with this before the next board meeting.**

Respondent	Cannon Creek Airpark
Enforcement Number / County	CE05-0031/ Columbia
Violation	Unpermitted Construction
Legal Counsel	Tommy Reeves
Date sent to legal	February 2006
Target Date	In Permit Process
Legal Fees to date	\$7,048.50

This enforcement action has been on-going for a number of years. This involves work that was done within the subdivision to alleviate flooding. The work was done without a permit. Columbia County officials are working on a stormwater project that may alleviate the practical need to obtain compliance with the existing District permit, but instead would require that the permit be modified to reflect the system as constructed.

District staff is currently reviewing an ERP application to implement one phase of the County's master stormwater plan that includes the Cannon Creek area, which should address the remaining drainage problems for this project. The District is waiting for Columbia County to respond to the mitigation offer before taking further action on the permit application.

Columbia County responded to the request for additional information. Staff is reviewing the submittal in regards to the proposed wetland mitigation offer.

District staff met with Columbia County on February 28, 2012, to discuss outstanding RAI items and expect to soon receive additional information from the County. Columbia County proposes to "bundle" the wetland mitigation required for this project with mitigation being provided for a Home Depot project. Staff plans to discuss this approach with the District's Governing Board.

A permit for this project was issued on August 6, 2012. Staff is still working with Columbia County on the associated Interlocal Agreement.

Matters the Governing Board has directed staff to take enforcement

Respondent	Charlie Hicks, Jr.
Enforcement Number / County	CE07-0087 / Madison County
Violation	Unpermitted Construction in Floodway
Legal Counsel	Brannon, Brown, Haley & Bullock, P.A
Date sent to legal	October 30, 2008
Target Date	Ongoing
Legal Fees to date	\$21,536.50

The violation consists of construction of a structure in the floodway, without obtaining a Works of the District permit. The case has been before this court several times.

The nonjury trial on damages was conducted on April 3, 2012. The Court entered its Final Judgment awarding the District a total amount of \$31,794.07, which consisted of a \$10,000 penalty, an award of attorneys' fees of \$19,454.50, and legal and investigative costs totaling \$2,339.57. **The file was transferred from Brannon, Brown, Haley & Bullock, P.A., to Board Counsel for resolution.**

Respondent	Steven Midyette
Enforcement Number / County	CE07-0065 / Gilchrist County
Violation	Unpermitted Clearing & Filling of Wetlands & Unpermitted Construction
Legal Counsel	Brannon, Brown, Haley & Bullock, P.A
Date sent to legal	September 9, 2008
Target Date	Ongoing
Legal Fees to date	\$9,190

The is an ongoing enforcement case which involved clearing of wetland vegetation within a riverine wetland slough without a permit, filling in wetlands and constructing a boat ramp within a riverine wetland slough without a permit.

Multiple actions have occurred on this enforcement issue. Staff expects final resolution of this matter at the November Board meeting.

Respondent	EI Rancho No Tengo, Inc.
Enforcement Number / County	CE05-0017 / Columbia
Violation	Unpermitted Construction
Legal Counsel	Tommy Reeves
Date sent to legal	January 2006
Target Date	April 30, 2012
Legal Fees to date	\$253,160.50

This enforcement matter has been ongoing since 2006. After multiple court hearings, and in accordance with Court rulings, a Notice of Sheriff's Sale was sent to the parties by certified mail.

The Sheriff's Sale of Defendant's real property pursuant to two writs of execution occurred on May 3, 2011. The Executive Director and Counsel were present at the sale. After an opening bid by Jeffrey Hill of ten dollars, Mr. Still bid \$390,000, which was also the highest bid. Twenty-two minutes prior to the sale, Jeffrey Lance Hill, Sr., filed a chapter 12 case with the U.S. Bankruptcy Court in Jacksonville, Florida. Counsel has since consulted with Lance Cohen, a bankruptcy attorney in Jacksonville, whom the District retained in 2008 when EI Rancho No Tengo, Inc., filed a bankruptcy case. Mr. Cohen is of the opinion that because Mr. Hill filed for bankruptcy prior to the Sheriff's Sale, the District's interest in quieting title would best be served in bankruptcy court. Therefore, Staff has directed Counsel to work with Mr. Cohen again to efficiently and expeditiously secure title to the land in the District.

On March 22, 2012, the Bankruptcy Court granted the District's motion to dismiss the Chapter 12 bankruptcy case filed by Jeffrey Hill. On March 28, 2012, District staff recorded the Sheriff's deed with the Columbia County Clerk's Office.

On May 16, 2012, Mr. Hill filed a Notice of Appeal of the Bankruptcy Court's May 3rd Order. The District's bankruptcy counsel, Lance Cohen, is responding to the appeal. Staff was directed to meet with the newer Board members individually to bring them up to date and after this was done to schedule a meeting with Mr. Hill, Mr. Williams and Mr. Reeves to discuss possible settlement. The parties have met, but a settlement was not reached.

The District's bankruptcy counsel, Lance Cohen, filed an Answer Brief on September 10, 2012, in Jeffrey Hill's appeal of the Bankruptcy Court's dismissal of his Chapter 12 case. The case is now fully briefed and, therefore, either oral argument or a written decision should occur or be issued before the end of the year. A mediation meeting was held July 29 at the Federal

Courthouse in Jacksonville. The judge gave an October 15, 2013 deadline for resolution. Mr. Quincey, at the direction of the board, is working with Mr. Hill and will bring back a proposed settlement to the Board. **No settlement was reached at the October 2013 Governing Board meeting. Counsel was directed to pursue a quiet title action.**

Plaintiff	Jeffrey L. Hill, Sr. and Linda P. Hill
Enforcement Number / County	CE11-0045 / Columbia
Violation	NA
Legal Counsel	SRWMD Insurance Legal Counsel
Date sent to legal	August 2011
Target Date	Ongoing
Legal Fees to date	\$9,550

This is not a District enforcement matter, but appears to have been prompted by one. This matter concerns a circuit court complaint recently filed against the District by Jeffrey and Linda Hill arising out of the District's enforcement litigation against El Rancho No Tengo, Inc. In summary, the Complaint alleges that the District has violated Plaintiffs' personal and property rights, acted with recklessness and malice, taken Plaintiffs' personal and property, forced Mr. Hill into bankruptcy, and caused Plaintiffs psychological and emotional harm. The request for relief includes returning all real and personal property taken, permanently enjoining the District from taking Plaintiffs' property, damages in the amount of \$1,000,000.00, renewal and reinstatement of a writ dated August 4, 1991, and costs and attorney's fees. District Counsel has responded by filing a motion to dismiss, strike and for more definite statement. Counsel is currently researching whether a judgment on the merits may also be available at this stage of the proceeding. In any event, Counsel will soon request a hearing on the District's motion(s).

On October 20, 2011, Plaintiffs served an Amended Complaint to which Counsel responded by serving an Amended Motion to Dismiss and Strike. Counsel also provided a draft Motion to Award [§57.105, F.S.] Attorney's Fees to Plaintiffs on November 17, 2011. Counsel attended a hearing on the District's amended motion to dismiss and strike the amended complaint on December 9, 2011. The Court dismissed three counts of Hills' amended complaint and struck three more, but also gave the Hills 30 days from the date the order is signed to file a second amended complaint.

Counsel drafted and delivered an order to the Hills for review and comment on December 19, 2011. Comments on the draft order are due from the Hills to Counsel on December 22, 2011, at which time Counsel will send a proposed order to Judge Parker. Once a second amended complaint is filed by the Hills, Counsel will prepare an answer with affirmative defenses.

Rather than commenting to Staff Counsel on the District's draft proposed order, Plaintiff's filed their "Objection to Proposed Order," but not before Staff Counsel submitted the District's proposed order to Judge Parker on December 26, 2011. Thereafter, the District's proposed order was entered and Plaintiffs filed a timely motion for rehearing. On January 25, 2012, this case was transferred from Staff Counsel Jennifer Springfield to Staff Counsel Lindsey Lander. In February, this case was transferred to the District's Insurance Claim Services.

A hearing was set for October 5, 2012, regarding the Plaintiffs Motion for Rehearing on the Court's order dismissing and striking the amended complaint and allowing Plaintiffs 30 days leave to file a second amended complaint. Mr. Quincey, at the direction of the Board, is working with Mr. Hill and will bring back a proposed settlement to the Board. **No settlement was reached at the October 2013 Governing Board meeting.**

Respondent	Linda Fennell (Buckles)
Enforcement Number / County	CE06-0107 / Lafayette
Violation	Unpermitted Construction in Floodway
Legal Counsel	Brannon, Brown, Haley & Bullock, P.A
Date sent to legal	July 2009
Target Date	Ongoing
Legal Fees to date	\$13,610

This violation is for construction of structures within the regulatory floodway without a works of the district permit. This matter is ongoing in the Lafayette County Circuit Court.

Staff Counsel is negotiating a settlement proposal with Fennell's attorney, which would require removal of the dock, payment of the District's costs and attorneys' fees, and application of a deed restriction or similar instrument allowing the home to stay within the 75-foot setback for the duration of Fennell's ownership. The settlement proposal, if accepted by Fennell, will be brought to the Governing Board for approval. A trial has been set for October 22 -23, 2013. The property has recently been sold. The new owner is working with staff to resolve the violation and to obtain a permit. Until a resolution is reached, including appropriate permitting, staff counsel will retain the trial date. The property has changed ownership and staff is working with the new owner to resolve the violation. A permit application and request for variance is currently in-house and under review by District staff. Staff hopes to remedy this enforcement action without court action. **Staff expects final resolution of this matter at the November Board meeting**

Respondent	Jeffrey Hill / Haight Ashbury Subdivision
Enforcement Number / County	CE04-0003 / Columbia
Violation	Not Built in Accordance with Permitted Plans
Legal Counsel	Tommy Reeves
Date sent to legal	May 2006
Target Date	Ongoing
Legal Fees to date	\$13,176

This enforcement activity has been ongoing for several years. At the hearing on January 31, 2011, the Court granted the District's motion for summary judgment in this case. The judge's order requires Mr. Hill to comply with the corrective actions specified in the District's final order, imposes a civil penalty, and awards the District its costs and attorney's fees.

Since the Bankruptcy Court's automatic stay is no longer in effect due to the dismissal of Jeffrey Hill's Chapter 12 case (see above discussion under Suwannee River Water Management District v. El Rancho No Tengo, Inc.), Counsel intends to ask the Court to schedule another case management conference, as well as a hearing to determine the civil penalty amount and the amount of the District's costs and attorney's fees, all of which have already been awarded. During the pendency of the bankruptcy proceeding, Staff Counsel drafted an agreement between the District and the County setting forth the County's offer to obtain the necessary legal access and perform the correction action required on the stormwater management system. Thereafter, the District would transfer the permit to the County as the perpetual operation and maintenance entity. In exchange for the County's assistance, and other actions agreed to by the County to help the District resolve two other long-standing ERP violations, the District contemplates donating an approximate 42-acre parcel of land on Alligator Lake that adjoins County-owned property.

Columbia County Attorney, Marlin Feagle, has reviewed the draft interlocal agreement (ILA) and County Manager is still interested in pursuing this approach. Staff from the District and County

are editing the agreement and expect to present it to the Governing Board at their August meeting.

The Governing Board approved the ILA, but the Columbia County Commission chose not to pass the agreement. They wish to continue working with the District on a revised agreement. Staff is waiting to hear back from Columbia County staff.

Respondent	Jeffrey Hill / Smithfield Estates-Phase 1
Enforcement Number / County	CE04-0025 / Columbia
Violation	Not Built in Accordance with Permitted Plans
Legal Counsel	Tommy Reeves
Date sent to legal	May 2006
Target Date	June 30, 2012
Legal Fees to date	\$13,176

This enforcement activity has been ongoing for several years. At the hearing on January 31, 2011, the Court granted the District's motion for summary judgment in this case. The judge's order requires Mr. Hill to comply with the corrective actions specified in the District's final order, imposes a civil penalty, and awards the District its costs and attorney's fees.

Since the Bankruptcy Court's automatic stay is no longer in effect due to the dismissal of Jeffrey Hill's Chapter 12 case (see above discussion under Suwannee River Water Management District v. El Rancho No Tengo, Inc.), Counsel intends to ask the Court to schedule another case management conference, as well as a hearing to determine the civil penalty amount and the amount of the District's costs and attorney's fees, all of which have already been awarded.

During the pendency of the bankruptcy proceeding, Staff Counsel drafted an agreement between the District and the County setting forth the County's offer to obtain the necessary legal access and perform the correction action required on the stormwater management system. Thereafter, the District would transfer the permit to the County as the perpetual operation and maintenance entity. In exchange for the County's assistance, and other actions agreed to by the County to help the District resolve two other long-standing ERP violations, the District contemplates donating an approximate 42-acre parcel of land on Alligator Lake that adjoins County-owned property.

Columbia County Attorney, Marlin Feagle, has reviewed the draft interlocal agreement (ILA) and County Manager is still interested in pursuing this approach. **The Governing Board approved the ILA, but the Columbia County Commission chose not to pass the agreement. They wish to continue working with the district on a revised agreement. Staff is waiting to hear back from Columbia County staff.**

MEMORANDUM

TO: Governing Board
FROM: Ann B. Shortelle, Ph.D., Executive Director
DATE: October 25, 2013
RE: Agreement for Transmittal of Electric Consumption Data with Central Florida Electric Cooperative, Inc.

RECOMMENDATION

Staff recommends the Governing Board authorize the Chair to execute the Agreement for Transmittal of Electric Consumption Data with Central Florida Electric Cooperative, Inc.

BACKGROUND

Central Florida Electric Cooperative executed the attached Agreement for Transmittal of Electric Consumption Data on October 15, 2013.

The Agreement establishes a framework for the Electric Cooperative to electronically transmit electric consumption data to the District as account holders request that the Electric Cooperative share such data with the District. Use of electrical consumption data to estimate water use is the least cost alternative for water users and the District. Water use estimates will be used for planning and calibration of models. Water use estimates are not appropriate for and will not be used for enforcement of water use permit conditions.

The Agreement is structured to be cost-neutral for the Electric Cooperative. The District is agreeing to reimburse the Electric Cooperative to establish a database (cost to be approved by District in writing), to verify and add account holders to the database (\$10 per addition), and to transmit data for each account holder on a monthly basis (limited to a reasonable fee for actual staff time and expenses).

JMD/rl
Attachment

AGREEMENT FOR TRANSMITTAL OF ELECTRIC CONSUMPTION DATA

This Agreement for the Transmittal of Electric Consumption Data (the "Agreement") is made and entered into as of the last date executed by the parties 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, (hereinafter the "DISTRICT") and CENTRAL FLORIDA ELECTRIC COOPERATIVE INC whose address is 11491 NW 50TH AVE CHIEFLAND FL 32626 (hereinafter the "ELECTRICAL SERVICE PROVIDER"). PO BOX 9 CHIEFLAND, FL 32644-0009

RECITALS

WHEREAS, the DISTRICT is a government agency charged with regulating and permitting the consumptive use of water within its region; and,

WHEREAS, the DISTRICT is presently requiring its permittees to collect, record and transmit to the DISTRICT data concerning the amount of water used by such permittees; and,

WHEREAS, the collecting, recording and transmitting of such data can be expensive and time consuming for the permittees; and,

WHEREAS, in some instances, the permittees can avoid the expense and time to collect, record and transmit such data by providing the DISTRICT with the electric consumption data for the meters on the permittees' water pumps, from which the DISTRICT can estimate the amount of water used; and,

WHEREAS, the ELECTRICAL SERVICE PROVIDER is an electric utility or rural electric cooperative who is in the business of selling electricity to its customers or members; and,

WHEREAS, some of the DISTRICT's permittees are also customers or members of the ELECTRICAL SERVICE PROVIDER; and,

WHEREAS, as part of the ELECTRICAL SERVICE PROVIDER's normal operations, the ELECTRICAL SERVICE PROVIDER collects electric consumption data for each of the meters assigned to each of its accounts; and,

WHEREAS, the ELECTRICAL SERVICE PROVIDER can transmit such data directly to the DISTRICT at a reasonable cost; and,

WHEREAS, in an effort to assist the ELECTRICAL SERVICE PROVIDER's customers or members and the DISTRICT's permittees, and upon their direction, the ELECTRICAL SERVICE PROVIDER and the DISTRICT wish to cooperate and enter into an agreement for the transmission of such data in the most cost effective and efficient manner possible; and,

WHEREAS, the parties have reached an agreement between them concerning the matters set out herein and wish to commit such agreement to writing and thereby make an enforceable contract between them.

NOW THEREFORE, in consideration of One Dollar and 00/100 (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **RECITALS**. The above recitals are true and correct and incorporated herein by reference.
2. **DEFINITIONS**. As used herein, the following terms shall have the following meanings unless the context clearly requires otherwise.

ACCOUNT(S) shall mean an account or accounts with the ELECTRICAL SERVICE PROVIDER through which an ACCOUNT HOLDER(S) purchases electrical power from the ELECTRICAL SERVICE PROVIDER.

ACCOUNT HOLDER(S) shall mean the customer, customers, member or members of the ELECTRICAL SERVICE PROVIDER who have ACCOUNT(S) with the ELECTRICAL SERVICE PROVIDER to purchase electrical power.

AGREEMENT shall mean this "Agreement for the Transmittal of Electric Consumption Data."

AUTHORIZATION shall mean an authorization from ACCOUNT HOLDER(S) to the ELECTRICAL SERVICE PROVIDER to transmit DATA concerning certain of its ACCOUNT(S) to the DISTRICT. To be valid, an AUTHORIZATION shall be in substantially the form attached hereto as Exhibit "A".

DATA shall mean electrical consumption data for the ACCOUNT(S) and meters as designated by the ACCOUNT HOLDER(S) in the AUTHORIZATION. DATA shall include the account number, meter number, date and time period power use started, date and time period power use ended the amount of power usage for period of time. The DATA shall be limited to the power usage provided in the ACCOUNT HOLDER's monthly electric bills.

DATABASE shall mean the group of ACCOUNT(S) for all ACCOUNT HOLDER(S) for which the ELECTRICAL SERVICE PROVIDER provides DATA to the DISTRICT.

DISTRICT shall mean 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.

ELECTRICAL SERVICE PROVIDER shall mean the electrical utility or rural electric cooperative listed above which provides electrical power to the ACCOUNT HOLDER(S) through the ACCOUNT(S).

3. **INITIAL SET UP FOR TRANSMISSION OF DATA.** Immediately after the execution of this AGREEMENT, the ELECTRICAL SERVICE PROVIDER shall arrange for whatever computer programming and/or the purchase of software which is necessary so that the DATABASE may be created and the DATA, for the ACCOUNT(S) in the DATABASE may be transmitted to the DISTRICT as provided herein.
4. **ADDING OF ACCOUNTS TO THE DATABASE.** To add ACCOUNT(S) to the DATABASE, the ACCOUNT HOLDER(S) or the DISTRICT shall deliver to the ELECTRICAL SERVICE PROVIDER an executed AUTHORIZATION. Upon receipt and verification of such AUTHORIZATION, the ELECTRICAL SERVICE PROVIDER shall add the ACCOUNT(S) set out therein to the DATABASE.
5. **VERIFICATION OF AN AUTHORIZATION.** Upon receipt of an AUTHORIZATION, the ELECTRICAL SERVICE PROVIDER shall verify that such AUTHORIZATION was executed by the ACCOUNT HOLDER(S) for the ACCOUNT(S) listed therein, by whatever means it deems appropriate including but not limited to contacting the ACCOUNT HOLDER(S). The parties agree that a reasonable amount of time to complete such verification shall not exceed 30 days. Once the ELECTRICAL SERVICE PROVIDER has verified that such AUTHORIZATION is genuine, the ELECTRICAL SERVICE PROVIDER shall add the ACCOUNT(S) set out in the AUTHORIZATION to the DATABASE.
6. **TRANSMISSION OF DATA FOR THE ACCOUNT(S) IN THE DATABASE.** Every month, no later than 10 days after the end of the month the ELECTRICAL SERVICE PROVIDER shall transmit the DATA for every ACCOUNT in the DATABASE. The DATA shall be transmitted to the DISTRICT in an electronic format as agreed by the DISTRICT and the ELECTRICAL SERVICE PROVIDER.
7. **COSTS TO BE PAID BY THE DISTRICT.** As reimbursement of costs, the DISTRICT shall pay to the ELECTRICAL SERVICE PROVIDER the following:
 - 7.1 All of the costs of the initial set up of the DATABASE and method of transmission of the DATA, provided that such costs are approved by the DISTRICT in writing and in advance.
 - 7.2 A one-time fee of \$10.00, per AUTHORIZATION, to cover the costs of verification of the AUTHORIZATION and employee time in adding the ACCOUNT(S) set out in the AUTHORIZATION to the DATABASE.
 - 7.3 A one-time fee of \$10.00, per AUTHORIZATION, for past DATA, if such past DATA is requested by the DISTRICT, to cover the costs of employee time in compiling such past DATA.

7.4 A reasonable fee not to exceed the ELECTRICAL SERVICE PROVIDER's actual staff time and expenses, as agreed upon by the ELECTRICAL SERVICE PROVIDER and the DISTRICT, will be paid to the ELECTRIC SERVICE PROVIDER each month for the transmission of the DATA to the DISTRICT.

8. **WAIVER OF CLAIMS AGAINST THE ELECTRICAL SERVICE PROVIDER.** The DISTRICT understands that the DATA is being collected by the ELECTRICAL SERVICE PROVIDER for the ELECTRICAL SERVICE PROVIDER's own purposes and not pursuant to any contract or agreement with the DISTRICT and that the ELECTRICAL SERVICE PROVIDER is providing the DATA to the DISTRICT at no charge, other than the reimbursement of costs. Therefore the ELECTRICAL SERVICE PROVIDER does not warrant the accuracy of the DATA and the DISTRICT forever waives any and all claim against the ELECTRICAL SERVICE PROVIDER based upon the ELECTRICAL SERVICE PROVIDER's negligence or alleged negligence in collecting, compiling, recording, providing or failing to provide the DATA.
9. **TERM.** The term of this AGREEMENT is for a period of time from the EFFECTIVE DATE of this AGREEMENT through the next successive September 30. Unless terminated earlier as provided herein, thirty (30) days prior to the last day of its term, this AGREEMENT shall be renewed on the same terms and conditions as set out herein, for an additional and successive one (1) year term, from October 1 until September 30. This AGREEMENT shall be likewise renewed each and every year thereafter, unless and until terminated as set out herein.
10. **TERMINATION OF THIS AGREEMENT.** Either party may, in its sole discretion, for any or no reason, terminate this AGREEMENT upon thirty (30) days written notice to the other party.
11. **ASSIGNMENT.** Neither party may assign any of its rights under this AGREEMENT voluntarily or involuntarily, whether by merger, consolidation, dissolution, operation of law or any other manner without the prior written consent of the other party. In the event of any purported assignment of rights in violation of this section, the parties agree that this AGREEMENT shall be deemed automatically terminated.
12. **LIABILITY.** Nothing in the AGREEMENT is intended or is to be construed as a waiver of either party's sovereign immunity or an expansion of liability beyond the limits established as provided under Section 768.28, Florida Statutes, or as otherwise provided by law.
13. **AGREEMENT NOT TO BE RECORDED.** This AGREEMENT shall not be recorded in the public records of any county.
14. **NOTICES.** Any and all notices, requests or other communications hereunder will be deemed to have been duly given if in writing and if transmitted by hand delivery with

receipt therefore, or by registered mail posted prior to the expiration date for such notice, return receipt requested and first class postage prepaid as follows:

To the ELECTRICAL
SERVICE PROVIDER :

CENTRAL FLORIDA ELECTRIC COOPERATIVE, INC
PO BOX 9
CHIEFLAND FL 32644-0009

To the DISTRICT:
Suwannee River Water Management District
C/o Executive Director
9225 CR 49
Live Oak, FL 32060

15. **GOVERNING LAW, JURISDICTION, VENUE AND WAIVER OF JURY TRIAL.** This AGREEMENT will be governed, construed and enforced in accordance with the laws of the State of Florida. The exclusive jurisdiction and venue for all legal actions arising out of, enforcing, construing and relating to this AGREEMENT shall be the Circuit Court or County Court in and for Suwannee County, Florida. The parties forever waive the right to a trial by jury for all legal actions arising out of, enforcing, construing and relating to this AGREEMENT and agree to have any such actions decided by a judge alone without a jury.
16. **AMENDMENT, REVOCATION OR ABANDONMENT OF THIS AGREEMENT.** No portion of this AGREEMENT may be amended, revoked, or abandoned except through a written agreement executed by the parties with the same formalities as this AGREEMENT.
17. **ENTIRE AGREEMENT OF THE PARTIES.** This AGREEMENT contains the entire agreement between the parties and supersedes all prior contracts, agreements or understandings between the parties. Each party represents and warrants to the other that no contract, agreement or representation on any matter exists between the parties except as expressly set out herein.
18. **NO THIRD PARTY RIGHTS.** The provisions of this AGREEMENT are for the sole and exclusive benefit of the parties hereto, and no provision of this AGREEMENT will be deemed for the benefit of any person or entity other than the DISTRICT and the ELECTRICAL SERVICE PROVIDER.

DONE and EXECUTED by the DISTRICT this _____ day of _____,
2013.

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: _____
Legal Counsel

DONE and EXECUTED by the ELECTRICAL SERVICE PROVIDER this 15TH
day of OCTOBER, 2013.

By: Mike Campbell
MIKE CAMPBELL EXECUTIVE VP / GENERAL
As its Authorized Representative MANAGER

ATTEST: Eddie F. Thomas
EDDIE F. THOMAS
~~Secretary~~ CFO

EXHIBIT "A"

AUTHORIZATION FOR TRANSMITTAL OF ELECTRIC CONSUMPTION DATA

This AUTHORIZATION FOR TRANSMITTAL OF ELECTRIC CONSUMPTION DATA (hereinafter this "AUTHORIZATION") is being made by the following persons:

- 1. _____
- 2. _____
- 3. _____

(Hereinafter the "ACCOUNT HOLDER(S)")

The ACCOUNT HOLDER(S) are customer(s) or member(s), purchasing electrical power from the below named electrical utility or rural electrical cooperative:

(Hereinafter the "ELECTRICAL SERVICE PROVIDER")

The ACCOUNT HOLDER(S) have the following accounts, which are used to provide electrical power to pump water or operate irrigation or other agricultural water supply devices as authorized in a DISTRICT consumptive use permit, with the following meter numbers, with the ELECTRICAL SERVICE PROVIDER:

Account Number
Meter Number

Additional accounts can be added on the sheet at the end of the Attachments. Accounts and meters not associated with a DISTRICT consumptive use permit should not be listed.

(Hereinafter the "ACCOUNT(S)")

The ACCOUNT HOLDER(S) hereby authorize and direct the ELECTRICAL SERVICE PROVIDER to provide the ACCOUNT HOLDER(S)' electric consumption data (hereinafter the "DATA") for the ACCOUNT(S), to 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, Florida 32060 (hereinafter the "DISTRICT") as follows:

1. DATA will include, for the ACCOUNT(S), account number, meter number, date and time period power use started, date and time period power use ended, the amount of power usage for period of time. The ELECTRICAL SERVICE PROVIDER shall provide DATA for the month as shown on monthly electric bills to ACCOUNT HOLDERS.
2. The DATA will be provided for all monthly billing periods starting with the monthly billing period during which the date of this AUTHORIZATION falls and all monthly billing periods thereafter unless and until written instructions are delivered to the ELECTRICAL SERVICE PROVIDER from the ACCOUNT HOLDER(S), to cease providing the DATA.
3. Upon separate request of the DISTRICT, the ELECTRICAL SERVICE PROVIDER will provide the DISTRICT with DATA for the ACCOUNT(S) for all monthly billing periods between March 24, 2013 and the first monthly billing period for which the DATA is otherwise provided herein.
4. The DATA will be provided to the DISTRICT in whatever format (electronic, paper or otherwise) as may be agreed between the ELECTRICAL SERVICE PROVIDER and the DISTRICT without further input from the ACCOUNT HOLDER(S).
5. The ACCOUNT HOLDER(S) will not pay any charges for the release or transmittal of the DATA.

The ACCOUNT HOLDER(S) understands that ordinarily they have certain rights to confidentiality with regard to the DATA and that they are waiving such rights by executing this AUTHORIZATION. The ACCOUNT HOLDER(S) understand that the DISTRICT is a public entity governed by Florida's broad public records laws and that once the DATA is provided to the DISTRICT, the DATA will be a public record and that the public will have the right to freely view the DATA.

The ACCOUNT HOLDER(S) have not received or relied upon any advice from the ELECTRICAL SERVICE PROVIDER concerning whether to execute this AUTHORIZATION. The ACCOUNT HOLDER(S) understands that their electrical service with the ELECTRICAL SERVICE PROVIDER will not be affected by their execution of, or refusal to execute, this AUTHORIZATION.

Release of All Claims Against the ELECTRICAL SERVICE PROVIDER

KNOW ALL PEOPLE BY THESE PRESENTS: That the ACCOUNT HOLDER(S) (which, for the purposes of this release, includes their heirs, personal representatives, successors and assigns) for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby release, acquit and forever discharge the ELECTRICAL SERVICE

PROVIDER (which, for the purposes of this release includes its members, shareholders, officers, agents, attorneys, employees, heirs, personal representatives, successors and assigns), of and from any and all claims, actions, causes of actions, suits, demands, rights, damages, costs, expenses and compensations whatsoever which the ACCOUNT HOLDER(S) now have or which may hereafter accrue in the future concerning or related to the matters set out in this AUTHORIZATION. This release is intended to be construed broadly and in favor of inclusion of all known and unknown claims arising out of or related to any act, alleged act, omission and/or alleged omission of the ELECTRICAL SERVICE PROVIDER arising out of or related to this AUTHORIZATION, including, without limitation, (1) the accuracy of the DATA, (2) the negligent failure of the ELECTRICAL SERVICE PROVIDER to release the information as directed in this AUTHORIZATION, (3) the negligent release of information concerning the ACCOUNT HOLDER(S) not directed in this AUTHORIZATION and (4) the negligent failure to cease releasing information after receiving written direction from the ACCOUNT HOLDER(S) to do so. This release shall also be deemed to release the ELECTRICAL SERVICE PROVIDER from any liability for whatever the DISTRICT or others may do with the DATA.

DONE AND EXECUTED by the following ACCOUNT HOLDER(S) on the date(s) set out below.

Account Holder Name (Print)

Account Holder Signature
Date: _____

Account Holder Name (Print)

Account Holder Signature
Date: _____

Account Holder Name (Print)

Account Holder Signature
Date: _____

Account Holder Name (Print)

Account Holder Signature
Date: _____

MEMORANDUM

TO: Governing Board
FROM: Ann B. Shortelle, Ph.D., Executive Director
DATE: October 31, 2013
RE: Authorization to Enter into an Interlocal Agreement with Dixie County for the Middle Suwannee River and Springs Restoration and Aquifer Recharge Project

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into an interlocal agreement with Dixie County to implement the Middle Suwannee River and Springs Restoration and Aquifer Recharge Project.

BACKGROUND

On September 4, 2013, Governor Rick Scott announced that the District will receive \$5,448,000 from the Department of Environmental Protection (DEP) for springs funding for the Ichetucknee Springshed Water Quality Improvement Project (\$3,900,000) and the Middle Suwannee River and Springs Restoration and Aquifer Recharge Project (\$1,548,000).

To implement the the Middle Suwannee River and Springs Restoration and Aquifer Recharge Project, the District needs to enter into an interlocal agreement with Dixie County to establish each entity's roles and responsibilities. Dixie County has committed \$75,000 in cost share funds for the project. The District has committed \$277,000 in cost share funds.

The project funds will be composed of the grant funds from the State of Florida and funds to be supplied by Dixie County and the District.

The Dixie County Board of County Commissioners is considering the proposed interlocal agreement at its November 7, 2013, meeting.

A proposed interlocal agreement is attached to this memorandum.

JD/rl

INTERLOCAL AGREEMENT
BETWEEN
SUWANNEE RIVER WATER MANAGEMENT DISTRICT
AND
DIXIE COUNTY, FLORIDA

This Interlocal Agreement is made and entered into this ____ day of _____, 2013, by and between the Suwannee River Water Management District, a Florida water management district created and operating under Ch. 373, Florida Statutes, (hereinafter called the "DISTRICT"), and Dixie County, a political subdivision of the State of Florida (hereinafter called the "COUNTY"), (all of the foregoing may be collectively called the "PARTIES"), and pursuant to Section 163.01, Florida Statutes, and the PARTIES agree as follows:

WITNESSETH:

WHEREAS, the DISTRICT is a Florida water management district created and operating under Ch. 373, Florida Statutes; and,

WHEREAS, the DISTRICT is empowered to take actions to protect water quality and supply within its boundaries; and,

WHEREAS, the COUNTY is a political subdivision of the State of Florida and a charter county as that term is used in Article VIII, Section 1(f), Florida Constitution; and,

WHEREAS, the COUNTY is given its home rule powers by the Florida Constitution, Section 125.01, Florida Statutes, and other provisions of Florida Law and such powers include the protection of water quality within its boundaries; and,

WHEREAS, the DISTRICT owns approximately 31,000 acres of Mallory Swamp which lies within the boundaries of several counties including the COUNTY; and,

WHEREAS, the DISTRICT has created the "Middle Suwannee River and Springs Restoration and Aquifer Recharge Project" (hereinafter called the "PROJECT"); and,

WHEREAS, the primary objective of the PROJECT is to increase groundwater discharge (as diffuse leakage and spring flows) to the Suwannee River, and augment groundwater supplies in the DISTRICT's property in Mallory Swamp, which also benefits springs and agricultural users by providing water for withdrawals that would otherwise reduce spring flow; and,

WHEREAS, the DISTRICT has applied for and been awarded a grant by the State of Florida to fund the PROJECT; and,

WHEREAS, as part of such award, the DISTRICT and the COUNTY have agreed to participate in the funding of the PROJECT and work together to assure that the PROJECT is a success; and,

WHEREAS, the PARTIES have reached an agreement between them as to the matters set out above and wish to formalize such agreement by committing such agreement to writing and thereby create a legally enforceable obligation for both PARTIES.

NOW, THEREFORE, for and in consideration of the mutual covenants, promises and agreements herein contained, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the PARTIES hereby agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by this reference.
2. The following terms shall have the following meanings herein unless a contrary intention is clearly expressed:
 - 2.1 *AGREEMENT* shall mean this interlocal agreement.
 - 2.2 *COUNTY* shall mean Dixie County, a political subdivision of the State of Florida.
 - 2.3 *DISTRICT* shall mean the Suwannee River Water Management District, a Florida water management district created and operating under Ch. 373, Florida Statutes.
 - 2.4 *PARTIES* shall mean the DISTRICT and the COUNTY.
 - 2.5 *PROJECT* shall mean the “Middle Suwannee River and Springs Restoration and Aquifer Recharge Project” as more particularly described on the attached Exhibit “A”.
 - 2.6 *PROJECT FUNDS* shall mean the funds to be used to construct and complete the PROJECT.
3. PARTIES AGREE TO WORK COOPERATIVELY FOR COMPLETE THE PROJECT.
The PARTIES agree to work cooperatively to accomplish the PROJECT.
4. LEAD AGENCY: The DISTRICT shall be the lead agency for the PROJECT. As the lead agency, the DISTRICT shall let and award all bids and enter into all contracts with and deal directly with all builders, suppliers and contractors, pull all necessary permits and oversee or perform all work. The COUNTY shall have the right to reasonable access to all construction sites to view all work being conducted and to comment and raise issues with the DISTRICT concerning the PROJECT, but shall not attempt to deal directly with any persons contracted with by the DISTRICT. As lead agency, the DISTRICT shall provide accountings for the expenditure of all funds expended for the PROJECT.
5. PROJECT FUNDS. The PROJECT FUNDS shall be composed of the grant funds from the State of Florida and funds to be supplied by the PARTIES. Each PARTY shall contribute the following sums of money to the PROJECT FUNDS:
 - 5.1 The COUNTY: \$75,000.00
 - 5.2 The DISTRICT: \$277,000.00
6. FLOW AND USE OF THE PROJECT FUNDS: The DISTRICT shall hold and pay out as necessary all PROJECT FUNDS. The DISTRICT shall receive all grant funding for the

PROJECT directly from the State of Florida. The COUNTY shall pay to DISTRICT its portion of the PROJECT FUNDS within 30 days after the effective date of this AGREEMENT. The DISTRICT shall pay from the PROJECT FUNDS all payments due to suppliers, builders, contractors and all other payments necessary for the PROJECT, including reimbursement to the DISTRICT for its costs and employee time and expenses as may be allowed by the grant.

7. REAL PROPERTY TO BE USED FOR THE PROJECT: The DISTRICT presently owns all of the real property necessary for the PROJECT and agrees to allow the PROJECT to be constructed and maintained on such real property at no charge.
8. PERMITS. The PARTIES all waive all fees for any permit issued by any PARTY for the construction and implementation of the PROJECT. All other permits, if any, shall be applied for by the DISTRICT and paid for from the PROJECT FUNDS.
9. GENERAL PROVISIONS.

9.1 This AGREEMENT shall become effective immediately after it is filed with the clerks of the circuit court for Suwannee County and Dixie County pursuant to Section 163.01(11), Florida Statutes.

9.2 All timeframes stated herein above shall begin to run on the date this AGREEMENT is fully executed by all the PARTIES, unless a different timeframe is specified in connection with a particular action item.

9.3 This AGREEMENT the term of this agreement shall run from the date this AGREEMENT is fully executed by all the PARTIES and the COUNTY until the complete performance by the PARTIES of all obligations specified herein.

9.4 No portion of this AGREEMENT may be terminated, cancelled, amended, revoked, or abandoned except through a written agreement executed by the PARTIES with the same formalities as this AGREEMENT.

9.5 This AGREEMENT contains the entire agreement between the PARTIES and supersedes all prior contracts, agreements or understandings between the PARTIES. Each party represents and warrants to the other that no contract, agreement or representation on any matter exists between the PARTIES except as expressly set out herein.

9.6 The provisions of this AGREEMENT are for the sole and exclusive benefit of the PARTIES, and no provision of this AGREEMENT shall be deemed for the benefit of any other person or entity.

9.7 Neither party may assign any of its rights under this AGREEMENT voluntarily or involuntarily, whether by merger, consolidation, dissolution, operation of law or any other manner without the prior written consent of the other party.

9.8 Execution of this AGREEMENT in no way affects any of the PARTIES' obligations pursuant to Chapter 267, Florida Statutes concerning the collection of artifacts or the disturbance of the archaeological and historic sites.

9.9 This AGREEMENT shall not be construed to grant any permits or regulatory authority as to any uses or activity contemplated in this AGREEMENT.

9.10 Neither this AGREEMENT nor any notice thereof shall be recorded in the public records of any County.

9.11 Any and all notices, requests or other communications hereunder shall be deemed to have been duly given if in writing and if transmitted by hand delivery with receipt therefore, or by registered mail posted prior to the expiration date for such notice, return receipt requested and first class postage prepaid as follows:

To the COUNTY: Dixie County, Florida
C/o County Manager

_____, FL _____

To the DISTRICT: Suwannee River Water Management District
C/o Executive Director
9225 CR 49
Live Oak, FL 32060

9.12 This AGREEMENT will be governed, construed and enforced in accordance with the laws of the State of Florida. The exclusive jurisdiction and venue for all legal actions arising out of, enforcing, construing and relating to this AGREEMENT shall be the Circuit Court or County Court in and for Suwannee County, Florida. The PARTIES forever waive the right to a trial by jury for all legal actions arising out of, enforcing, construing and relating to this AGREEMENT and agree to have any such actions decided by a judge alone without a jury.

9.13 Notwithstanding anything else herein to the contrary, nothing in the AGREEMENT is intended or is to be construed as a waiver of either party's sovereign immunity or an expansion of liability beyond the limits established as provided under Section 768.28, Florida Statutes, or as otherwise provided by law.

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

EXECUTED by the DISTRICT on this _____ day of _____, 2013.

GOVERNING BOARD OF THE
SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

By: _____
Don Quincey, Jr.
Its Chair

ATTEST:

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

Approved as to Form:

George T. Reeves
Governing Board General Counsel

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

EXECUTED by the COUNTY on this ____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS OF
DIXIE COUNTY, FLORIDA

BY: _____

Its Chair

ATTEST: _____

Clerk

Approved as to Form:

County Attorney

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

“ATTACHMENT A”

The Suwannee River Water Management District (District) owns 31,000 acres of Mallory Swamp in an area of southern Lafayette County that extends to the northern border of Dixie County. This area falls within a broader geographic area where the elevations of the land-surface and potentiometric surface of the Upper Floridan aquifer (UFA) are higher than those occurring near the Suwannee River (to the east) and the coastal areas near the Gulf of Mexico (to the west). Accordingly, surface and groundwater in the Mallory Swamp flow from the swamp toward the Suwannee River and its springs to the east, and the coastal streams and springs to the west. A primary objective of the proposed project is to increase groundwater discharge (as diffuse leakage and spring flows) to the Suwannee River, and augment groundwater supplies in Lafayette and Dixie Counties, which also benefits springs and agricultural users by providing water for withdrawals that would otherwise reduce spring flow.

To achieve the objective of increased spring and diffuse groundwater flow, the District will adopt an approach designed to enhance groundwater recharge to the UFA in and near Mallory Swamp. The approach work plan includes reestablishment of natural drainage patterns using natural recharge features and aquifer recharge wells within a limited number of strategic locations within Mallory Swamp or adjacent public lands or private lands accessed through easements or other cooperative access agreements and partnerships. The project focuses on the eastern half of Mallory Swamp, where the natural groundwater flow patterns in the UFA are directed towards the springflow-dominated reaches of the middle and lower Suwannee River. This pattern is consistent with historic data, the District's hydrogeologic understanding of the system, and by simulations with the District's North Florida Regional Groundwater Flow Model. The model simulations also suggest the possibility that the project could benefit the springs in the Ichetucknee and Lower Santa Fe Rivers. The UFA will be recharged through the District's management of the surface water hydrology of Mallory Swamp, using surplus water (such as excess runoff) as a source of additional recharge.

Management of the surface water hydrology will include modification to existing structures in Mallory Swamp at key locations that will maximize the recharge of surplus surface water to the UFA in a manner that is consistent with protecting the natural systems in the swamp. The District's preliminary analysis indicates that several methods of enhanced recharge may be feasible: (1) using dispersed water storage techniques to redirect storm runoff to rehydrate natural recharge features on the eastern flank of Mallory Swamp, such as sand-bottom lakes (that function as natural recharge locations), wetlands, and sinkholes that do not convey water rapidly to the Suwannee River; (2) slowing storm runoff to sinkholes that are well-connected to the Suwannee River; and (3) directing storm runoff to aquifer recharge wells to the east where the hydrologic conditions are conducive to passive (gravity-flow) aquifer recharge. The District has engaged in pre-application meetings with the Florida Department of Environmental Protection's Underground Injection Control Program to facilitate timely permitting of future recharge wells. Furthermore, the District is in the process of expanding a test-well program in Mallory Swamp area to assess geologic conditions and UFA properties in potential aquifer recharge locations.

MEMORANDUM

TO: Governing Board

FROM: Ann B. Shortelle, Ph.D., Executive Director

DATE: November 1, 2013

RE: Appointment of Steve Roberts to North Florida Regional Water Supply Partnership Stakeholder Advisory Committee to Replace Dave Clanton, City of Lake City

RECOMMENDATION

Staff recommends the Governing Board appoint Steve Roberts to the North Florida Regional Water Supply Partnership Stakeholder Advisory Committee to replace Dave Clanton, City of Lake City.

BACKGROUND

In May 2012, the Governing Board appointed six members to serve on the 12-member Stakeholder Advisory Committee. St. Johns River Water Management District appointed the other six members.

Dave Clanton, City of Lake City, has served in representation of public water suppliers for Suwannee River Water Management District. Recently, staff has become aware that Mr. Clanton can no longer serve on the Committee. The City of Lake City has recommended to staff that Steve Roberts replace Dave Clanton.

/rl

MEMORANDUM

TO: Governing Board

FROM: Carlos Herd, P.G., Division Director, Water Supply

THRU: Ann B. Shortelle, Ph.D., Executive Director

DATE: October 25, 2013

RE: North Florida Regional Water Supply Partnership Stakeholder Advisory
Committee Update

The October 21, 2013, Stakeholder Advisory Committee (SAC) Meeting was cancelled. The next meeting is scheduled for November 18, 2013. An update will be provided at the December Board meeting.

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

/ch

MEMORANDUM

TO: Governing Board
FROM: Ann B. Shortelle, Ph.D., Executive Director
DATE: October 25, 2013
RE: District's Weekly Activity Reports

Attached are the weekly District activity reports for the month of October.

ABS/rl
Attachments



Weekly Activity Report to Governing Board September 23-27, 2013

Executive/Management

- Ann Shortelle, with Steve Minnis attending, provided a springs project presentation to the Senate Environmental Preservation and Conservation Committee.
- Ann Shortelle and Dave Dickens met with NE DEP office managers to discuss topics of mutual interest.
- Jon Dinges presented the Lower Santa Fe and Ichetucknee Rivers and Priority Springs MFL update at the Bradford County Chamber of Commerce meeting.
- Carlos Herd presented the Lower Santa Fe and Ichetucknee Rivers and Priority Springs MFL update at the Gilchrist/Dixie Farm Bureau meeting.
- Steve Minnis attended Legislative Interim Committee Week in Tallahassee.

Water Supply

- Ann Shortelle and Carlos Herd attended the North Florida Regional Water Supply Partnership Stakeholder Advisory Committee.
- Jon Dinges, Carlos Herd, and staff with SJRWMD and DEP met with Northeast Florida Utilities Coordinating Group concerning the Lower Santa Fe and Ichetucknee Rivers and Priority Springs MFLs.

Resource Management

- Warren Zwanka participated in a teleconference regarding Rule Development for 62-40, FAC (supplementation). Tim Sagul and Warren Zwanka participated in a teleconference with DEP and the other water management districts to continue discussions on the comments received regarding the proposed CUPcon rules.
- Leroy Marshall, with ERP staff attending, presented a workshop regarding the state-wide environmental resource permitting (SWERP) rules to consultants and public.
- Warren Zwanka participated in the monthly teleconference with representatives from SRWMD/ SWFWMD/ SFWMD and SJRWMD to discuss water use permitting issues.

Ag Team/Suwannee River Partnership

- Kevin Wright attended the Hamilton County Farm Bureau annual meeting.
- Joel Love attended the Jefferson County Farm Bureau annual meeting.

Water Resources

- Ann Shortelle and Erich Marzolf attended the Water Policy Advisory Council Technical Springs Work Group in Tallahassee with staff from FDACS, WMDs, IFAS, Farm Bureau, and others.
- Erich Marzolf, Darlene Saindon, Marc Minno, Glenn Horvath, and Megan Wetherington attended the Springs Working Group Meeting in High Springs. Megan Wetherington gave a hydrologic conditions update to the group.

- Henry Richardson, Vince Robinson, and Tara Rodgers installed a pair of automated level sensors on the Wacissa River.

Land Resources

- Charlie Houser participated in a teleconference of the Society of American Foresters Communications Committee.

Communications

- Communications staff distributed a press release about the adoption of the District's final budget.
- Vanessa Fultz, along with representatives of The Ichetucknee Partnership (TIP), gave three water conservation presentations to approximately 200 Kindergarten and 1st grade students at Columbia City Elementary.
- Communications staff posted video, information, and photos on Facebook about the flow of White Sulphur Spring, the SWERP workshop, a site visit to Lake City sprayfield, and the water conservation presentations at Columbia City Elementary.

Announcements for Week of September 30, 2013

- The R.O. Ranch Board of Directors Monthly Meeting will be held October 3 at 6:30 p.m. in Mayo.



Weekly Activity Report to Governing Board September 30-October 4, 2013

Executive/Management

- Ann Shortelle, Jon Dinges, Carlos Herd, John Good, Thomas Kiger, and Dale Jenkins participated in a teleconference with DEP and SJRWMD staff to discuss updates to the Lower Santa Fe and Ichetucknee Rivers and Priority Springs MFL, and recovery and prevention strategies.
- Ann Shortelle, Jon Dinges, Erich Marzolf, Hugh Thomas, and Kevin Wright attended the Suwannee River and Santa Fe River Basin Management Action Plan (BMAP) public meetings.
- Ann Shortelle and Jon Dinges participated in the DEP/WMD bi-weekly teleconference.
- Jon Dinges gave a presentation to the Advent Christian Village at their Monthly Forum.

Water Supply

- Carlos Herd, Warren Zwanka, and Trey Grubbs participated in a GRU Groundwater Modeling discussion with staff from SJRWMD.
- Carlos Herd, Dale Jenkins, and Trey Grubbs met with SJRWMD staff to discuss the Lower Santa Fe and Ichetucknee rivers and springs MFL prevention and recovery strategy, specifically the regulatory component.

Resource Management

- James Link and the District's FEMA contractors held a public meeting in Dixie County regarding the preliminary Digital Flood Insurance Rate Maps (DFRIM) for the Town of Cross City and Dixie County. The meeting was to review changes to the existing DFIRMs and to provide information on the adoption process for the new DFIRMs.
- Dave Dickens and Leroy Marshall participated in a mitigation workshop hosted by the Florida Division of Emergency Management's Bureau of Mitigation to help inform and encourage local jurisdictions to become more involved in mitigation opportunities.
- Brian Kauffman and Tim Sagul met with Ed Montgomery of Rayonier Corporation regarding Brooks Sink aquifer recharge project.
- Warren Zwanka, Tim Sagul and Marc Minno met with Gainesville Regional Utilities (GRU) and representatives from SJRWMD regarding submittal of GRU's water use permit renewal application.
- Leroy Marshall attended the Florida Floodplain Managers Association meeting in Orlando.

Ag Team/Suwannee River Partnership

- Kevin Wright and Alejandra Rodriguez represented the District at the University of Florida's Agricultural and Biological Engineers Day with Industry.

- Dr. George Cole, Ann Shortelle and Kevin Wright, attended the Jefferson County Farm Bureau Tour of Simpson Nursery. Rep. Halsey Beshears hosted the tour and showed how the nursery was conserving water and reusing surface and reclaimed water.
- Kevin Wright, Lindsey Marks, and Tilda Musgrove attended the Fall Gathering of the Ag Teams from all the WMDs. Suwannee hosted the meeting at Otter Springs.

Water Resources

- Erich Marzolf participated in a UF Water Institute Symposium Planning Committee Meeting.
- Erich Marzolf participated in the Coastal Monitoring Network Workgroup webinar.
- Marc Minno and Darlene Saindon attended the “Introduction to DEP Standard Operating Procedures (SOPs) for Surface and Groundwater Sampling” training.
- Marc Minno and Darlene Saindon provided a workshop on ecology at Madison County High School.
- Paul Buchanan and Bebe Wills created maps and provided data to the Hamilton County Emergency Management and Florida Department of Emergency Management for a field training exercise between those entities and public volunteers.

Land Resources

- Scott Gregor and Tyler Futch attended the North Florida Prescribed Fire Council meeting in Tallahassee.
- Bob Heeke conducted the annual inspection of the Drummond Conservation Easement in Levy County.
- Charlie Houder attended the RO Ranch Board of Director's Monthly Meeting.

Communications

- Communications staff distributed a press release about the District’s water conservation partnership with the City of High Springs as part of the RIVER program
- Communications staff posted information and photos on Facebook about the District’s representation at the University of Florida’s Agricultural and Biological Engineers Day with Industry, about possible effects of Tropical Storm Karen, and about Mike Fuller’s return to the District as an environmental scientist.

Announcements for Week of October 7, 2013

- The Governing Board meeting will be held on October 10 at 9:00 a.m. at the Cedar Key Library.
- The Governing Board workshop will be held on October 11 at 8:30 a.m. at the Cedar Key Library.
- Interim Legislative Committee Week will be held October 7 -11 in Tallahassee.



Weekly Activity Report to Governing Board October 7-11, 2013

Executive/Management

- Ann Shortelle, with Steve Minnis attending, gave a Springs presentation to the joint meeting of the State Affairs Committee and Agriculture and Natural Resources Subcommittee in Tallahassee.
- Ann Shortelle and Steve Minnis attended the Interim Legislative Committee Week in Tallahassee and met with Senators Bradley, Dean, and Montford and Representatives Perry, Porter, and Van Zant.
- Ann Shortelle and Steve Minnis met with Rich Budell, of FDACs, to discuss the Forest Water Yield initiative progress.

Water Supply

- Ann Shortelle, Jon Dinges, Carlos Herd, John Good, Dale Jenkins, and Tommy Kiger participated in a teleconference with staff from DEP to discuss the Lower Santa Fe and Ichetucknee Rivers and Priority Springs draft prevention and recovery strategy.
- Warren Zwanka and Dale Jenkins participated in the North Florida Water Supply Plan Monthly Progress meeting with staff from SJRWMD.

Resource Management

- James Link and Paul Buchanan participated in a teleconference with AMEC (District's consultants), FEMA Region IV, and Florida Department of Emergency Management regarding the Lower Suwannee Flood Risk Review / Resilience Regional Study Team.
- Warren Zwanka participated in a teleconference with representatives from DEP and the other WMDs regarding proposed changes to reuse and supplementation criteria for water use permits.
- Warren Zwanka participated in a teleconference with representatives from DEP, the other WMDs and representatives from the Joint Administrative Procedures Committee (JAPC) regarding finalization of the CUPCon rule changes.
- Leroy Marshall and Tilda Musgrove participated in a teleconference regarding the new noticing requirements for ERP applications resulting from the new State-Wide Environmental permitting (SWERP) rule.

Ag Team/Suwannee River Partnership

- Hugh Thomas presented on signing a Notice of Intent to implement BMPs at the North Florida Cattlemen's meet in Lake City.

Water Resources

- Erich Marzolf participated in the Statewide Meeting of the Florida Water Resources Monitoring Council via webinar.
- Ryan Lawson and Brian Brooker installed three temporary automated gages as part of a baseline monitoring effort for the Mallory restoration project.

- Glenn Horvath attended a Florida Division of Emergency Bureau of Mitigation Workshop at Florida Gateway College.

Land Resources

- Bill McKinstry met with representatives of Duke Energy Florida to review access to their easement in Hamilton County.

Communications

- Communications staff distributed a press release about National Fire Prevention Week.
- Vanessa Fultz, along with representatives of the Ichetucknee Partnership (TIP), spoke to 275 Kindergarten and 1st grade students at Westside Elementary School about water conservation. Vanessa Fultz spoke to the Daughters of the American Revolution in Lake City about the District.
- Communications staff posted information and photos on Facebook about Vanessa Fultz' visit to Westside Elementary, about Paul Buchanan and Bebe Willis' assistance to Branford High FFA students with marking off a corn maze for the school's Fall Festival, and about the upcoming RIVER Workshop.

Announcements for Week of October 14, 2013

- The RIVER Workshop will be held at the District on October 17 at 10:00 a.m.
- The Leadership Team annual strategic planning meeting will be held on October 18 from 8:00 a.m.-5:00 p.m.at the Ichetucknee River State Park.



Weekly Activity Report to Governing Board October 14-18, 2013

Executive/Management

- Ann Shortelle attended the Tri-County Electric Coop Board of Directors meeting in Madison.
- Ann Shortelle spoke to Rotary in Lake City about the Ichetucknee Springshed Water Quality Improvement Project.
- Ann Shortelle and Jon Dinges participated in the DEP/WMD bi-weekly teleconference.
- Ann Shortelle, Jon Dinges, Steve Minnis, Charlie Houder, Tim Sagul, Dave Dickens, Carlos Herd, and Erich Marzolf held a strategic planning meeting for FY 2013-14.
- Steve Minnis attended the Nature Coast Regional Water Supply Authority meeting and provided an update on the District's RIVER program and legislative water project funding.

Water Supply

- Jon Dinges, Carlos Herd, Warren Zwanka, John Good, Tommy Kiger, and Dale Jenkins participated in a teleconference with staff from SJRWMD and DEP to provide updates on the Lower Santa Fe and Ichetucknee Rivers and Priority Springs MFLs and Recovery/Prevention Strategies.

Resource Management

- Jon Dinges, Steve Minnis, Tim Sagul, and Carlos Herd met with representatives of Sabal Trail Pipeline/Cardno-Entrix to discuss their plans for the pipeline.
- Warren Zwanka participated in a teleconference with staff from the Office of Fiscal Accountability and Regulatory Reform (OFARR), DEP and the other WMDs to address issues related to the proposed water use rule changes based on CUPCon.
- Tim Sagul, Warren Zwanka, Gloria Hancock, Mike Fuller, and Lindsey Marks hosted the North Central Florida Water Well Association meeting at the District. The meeting included presentations to enable the water well contractors to earn continuing education credits.
- Patrick Webster, Dave Dickens, Glenn Horvath, Dale Jenkins, and Scott Gregor, with Steve Minnis and Tim Sagul attending, provided a RIVER public workshop at the District. Ann Shortelle provided opening remarks at the workshop.
- James Link participated in the monthly Region IV Coastal Outreach Conference Call regarding the status of all current FEMA contracts.

Ag Team/Suwannee River Partnership

- Kevin Wright, Brian Brooker, Lindsey Marks, and Ryan Lawson attended the Sunbelt Ag Expo in Moultrie, Ga., to learn about the latest in remote sensing and monitoring and in irrigation management and technology.

Water Resources

- Erich Marzolf attended the Levy County RESTORE meeting in Bronson.
- Erich Marzolf participated in a webinar titled "Planning with Communities at Risk".

Communications

- Communications staff distributed press releases about the District's water conservation partnership with the City of Alachua as part of the RIVER program and about the next round of funds for the District-wide Agricultural Cost Share program.
- Communications staff posted the following photos and information on Facebook: Governing Board and staff tour of the clam processing plant in Cedar Key, the District's assistance with a tour of the Middle Suwannee River for UF students, the RIVER workshop at the District, and the Ag Team's participation at the Ag Expo in Moultrie, Ga.

Announcements for Week of October 21, 2013

- The Lands Committee meeting will be held Oct. 23 at 1:30 p.m. at District Headquarters.

Contracts Ann Shortelle executed for October 14-18, 2013

- Contract with FDEP/Florida Geological survey for assistance with oversight of drilling at Mallory Swamp and core description and storage for the Middle Suwannee River and Springs Restoration and Aquifer Recharge Project not to exceed \$9,400.
- Modification to contract with Florida Dept. of Transportation for a no cost extension through September 30, 2014 for Efficient Transportation Decision Making (ETDM).
- Amendment to contract with Tony Thompson for Financial Software Support Services for FY 2014 not to exceed \$14,900.
- Amendment to contract with Steven and Ruby Swett LLC to reduce the number of seedlings to be planted during FY2014 and reducing the total not to exceed costs - \$10,300.
- Contract with Facilities Maintenance of Gainesville Inc. for FY 2014 heating, ventilation and air conditioning maintenance and repair services not to exceed \$30,000.
- Contract with Pioneer Janitorial Services of Suwannee Valley for FY 2014 janitorial services not to exceed \$20,000.



Weekly Activity Report to Governing Board October 21-25, 2013

Executive/Management

- Ann Shortelle, Carlos Herd, John Good, Warren Zwanka, Dale Jenkins, Tommy Kiger, and Jack Grubbs along with staff from SJRWMD and DEP participated in a teleconference to provide the Lower Santa Fe, Ichetucknee River, and Priority Springs MFL update.
- Ann Shortelle and Steve Minnis met with Bobby Crosby, Gilchrist County Administrator, to discuss water management and resources issues affecting the County.
- Ann Shortelle and Steve Minnis met with Fanning Springs Mayor Nekola, Council President Kerr and the City's consultants to discuss water supply and quality issues.
- Steve Minnis, Dave Dickens, and Sara Alford participated in a teleconference with staff from DEP and the other WMDs regarding the Preliminary Budget.

Water Supply

- Ann Shortelle, Carlos Herd, John Good, and Clay Coarsey met with DEP representatives Drew Bartlett and Tom Beck regarding Lower Santa Fe, Ichetucknee River, and Priority Springs MFL.

Resource Management

- Tim Sagul, Warren Zwanka, and Marc Minno met with Gainesville Regional Utilities (GRU) and representatives from SJRWMD regarding submittal of GRU's water use permit renewal application.
- James Link met with representatives from Dixie County to discuss the DFIRM updates.
- Tim Sagul and Warren Zwanka participated in a teleconference with staff from DEP and the other WMDs regarding issues raised by Office of Fiscal Accountability and Regulatory Reform (OFARR) related to the proposed water use rule changes based on CUPcon.

Ag Team/Suwannee River Partnership

- Kevin Wright attended the Florida Farm Bureau Annual Statewide Meeting.

Water Resources

- Erich Marzolf participated in a webinar titled "Preparing for Change: Building Resilient Coastal Communities".
- Erich Marzolf, John Good, Louis Mantini, and Robbie McKinney participated in a Water Quality discussion with JEI, one of the MFL contractors, to discuss work on the Lower Santa Fe, Ichetucknee River, and Priority Springs MFL.
- Bebe Willis and Paul Buchanan participated in the Branford High School FFA fall agricultural festival for all the Branford elementary students. They gave presentations to each class about GPS, GIS, mapping and geography.

Land Resources

- Ann Shortelle and Bob Heeke participated in the Lands Committee meeting.
- Charlie Houser attended the Society of American Foresters National Convention in Charleston SC, where he gave a presentation entitled "Managing Forests for Water Resource Values in the Steinhatchee Basin".

Communications

- Communications staff distributed a press release about the District-wide cost-share program for growers and wrote an op-ed about net water allocations for last fiscal year.
- Communications staff posted information on Facebook about the annual meeting of the North Central Florida Water Well Association and about Logan Fletcher who began this week as a student intern in the Resource Management and Administrative Services Divisions.
- Communications staff responded to press inquiries regarding the medical waste incinerator ERP application in Suwannee County that was withdrawn.

Announcements for Week of October 28, 2013:

- Levy County Legislative Delegation Meeting to be held October 29 at 9:30 a.m. at the Levy County Courthouse.
- Lafayette County Legislative Delegation Meeting to be held October 30 at 10:00 a.m. at the County Commission Chambers.
- Gilchrist County Legislative Delegation Meeting to be held October 30 at 1:00 p.m. at the Commission Chambers.
- Middle Suwannee River and Springs Restoration and Aquifer Recharge Media Event to be held October 30 at 2:00 p.m. at Lafayette State Forest.
- Dixie County Legislative Delegation Meeting to be held October 30 at 3:30 p.m. at Cross City Town Hall.
- Suwannee County Legislative Delegation Meeting to be held October 31 at 9:30 a.m. at Live Oak City Hall.
- Columbia County Legislative Delegation Meeting to be held October 31 at 1:00 p.m. at Florida Gateway College Library.
- Union County Legislative Delegation Meeting to be held October 31 at 5:30 p.m. at Commission Chambers.