

South Florida Water Management District All Permits Issued and Applications Received by SFWMD for ALL counties

If documents have been electronically attached to the application or permit file, they will be available by clicking on the link for each application number below.

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Application #:	181001-5	Permit#:	36-03958-W	Final Action Date:	04-Oct-2018	
Issuing Office:	FTM/SFWMD	Permit Status:	ACTIVE	Application Status:	Complete	
Permit Type:	Water Use Noticed General Permit Modification			Expiration Date:	04-Oct-2038	
Project Name:	Lee County Civic Center - Agriculture And Barns Area				Project Acres:	96.97
Landuse(s):	Livestock	Location:	Lee S24/T43/R25			
	Industrial					
Water Source:	Sandstone Aquifer					
Applicant:	Lee County Civic Center Nick Groff 11831 Bayshore Road North Fort Myers FL 33917					
Agent:	Labelle Well Drilling Mandy Caylor P O Box 545 Alva FL 33920					

[View in map](#)

Application #:	010206-2	Permit#:	36-03958-W	Final Action Date:	08-Mar-2001	
Issuing Office:	FTM/SFWMD	Permit Status:	ACTIVE	Application Status:	Complete	
Permit Type:	New Water Use (General Permit)			Expiration Date:	08-Mar-2021	
Project Name:	Lee County Civic Center - Agriculture And Barns Area				Project Acres:	0.5
Landuse(s):	Livestock	Location:	Lee S24/T43/R25			
Water Source:	Sandstone Aquifer					
Applicant:	Johnson Engineering Inc Tom Cornett 2158 Johnson Street Fort Myers FL 33901					
Owner:	Lee County Civic Center 11831 Bayshore Road N Ft Myers FL 33917					

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SOUTH FLORIDA WATER MANAGEMENT DISTRICT



WATER USE NOTICED GENERAL PERMIT

APPLICATION NUMBER: 181001-5

PERMIT NO.: 36-03958-W

DATE ISSUED: October 4, 2018

EXPIRATION DATE: October 4, 2038

PERMITTEE: LEE COUNTY CIVIC CENTER
11831 BAYSHORE ROAD
NORTH FORT MYERS, FL 33917

PROJECT NAME: LEE COUNTY CIVIC CENTER - AGRICULTURE AND BARNs AREA

PROJECT LOCATION: LEE COUNTY, S24/T43S/R25E

This is to notify you of the South Florida Water Management District's (District) agency action concerning your Notice of Intent to use water. This action is taken pursuant to Chapter 40E-2, Florida Administrative Code (F.A.C.). Based on the information provided and certified to, District rules have been adhered to and a Water Use Noticed General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes (F.S.), administrative hearing; and
2. The attached Permit Conditions.

Should you object to the Permit Conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you prior to the time frame specified in the "Notice of Rights," we will assume you concur with the District's recommendations.

CERTIFICATION OF SERVICE

I HEREBY CERTIFY THAT this written notice has been mailed or electronically transmitted to the Permittee (and the persons listed in the attached distribution list) this 4th day of October, 2018, in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website (my.sfwmd.gov/ePermitting).

BY: _____

Brad D. Cook
Brad D. Cook, P.G., Section Leader
Water Use Bureau
South Florida Water Management District

SPECIAL PERMIT CONDITIONS

1. This permit is issued to:

Lee County Civic Center
11831 Bayshore Road
North Fort Myers, FL 33917

2. This permit shall expire on October 4, 2038.

3. Use classification is:

Industrial Water Supply
Livestock Water Supply

4. Source classification is:

Groundwater from:
Sandstone Aquifer

5. Allocation:

Total annual allocation is 1.47 million gallons (MG). (4,027 GPD)

Total maximum monthly allocation is 0.12 million gallons (MG).

Compliance with the annual allocation is based on the quantity withdrawn over a 12-month time period. Compliance with the maximum monthly allocation is based on the greatest quantity withdrawn in any single month. The annual allocation expressed in GPD or MGD is for informational purposes only.

6. Withdrawal facilities:

Groundwater - Proposed:

1 - 4" X 120' X 50 GPM Well Cased To 80 Feet

Groundwater - Existing:

1 - 4" X 120' X 20 GPM Well Cased To 70 Feet

7. The Permittee shall submit all data as required by the implementation schedule for each of the permit conditions to: SFWMD at www.sfwmd.gov/ePermitting, or Regulatory Support, 3301 Gun Club Road, West Palm Beach, FL 33406.
8. The Permittee must submit the appropriate application form incorporated by reference in Rule 40E-2.101, F.A.C., to the District prior to the permit expiration date in order to continue the use

SPECIAL PERMIT CONDITIONS

of water.

9. The Permittee shall secure a well construction permit prior to construction, repair, or abandonment of all wells, as described in Chapter 40E-3, F.A.C.
10. If at any time there is an indication that the well casing, valves, or controls leak or have become inoperative, repairs or replacement shall be made to restore the system to an operating condition. Failure to make such repairs shall be cause for filling and abandoning the well, in accordance with procedures outlined in Chapter 40E-3, F.A.C.
11. The Permittee shall submit to the District an updated "Summary of Groundwater (Well) Facilities" table ("Section IV - Sources of Water", Water Use Permit Application Form 1379) within 90 days of completion of the proposed wells identifying the actual total and cased depths, pump manufacturer and model numbers, pump types, intake depths and type of meters.
12. If reclaimed water becomes available prior to the expiration date of this permit, the Permittee shall apply for a modification of the water use permit to reflect that portion of the allocation which is to be provided for by reclaimed water. The permittee is required to request a permit modification when an agreement has been executed between both parties, the transmission lines are constructed to the project site, and the necessary on-site modifications and authorizations are obtained.

STANDARD PERMIT CONDITIONS

1. All water 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 Section 373.136 or 373.243, F.S., unless a permit modification has been obtained to address the noncompliance.

The Permittee shall immediately notify the District in writing of any previously submitted material information that is later discovered to be inaccurate.

2. The Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.
3. 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 Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit a new or modified lease showing that it continues to have legal control or documentation showing a transfer in control of the permitted system/project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40E-1.6107, 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.
4. 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. The Permittee is advised that during a water shortage, pumpage, water levels, and water quality data shall be collected and submitted as required by District orders issued pursuant to Chapter 40E-21, F.A.C.
5. 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.
6. 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.

7. A. The Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that Section 373.239, F.S., and Rule 40E-2.331, F.A.C., are applicable to permit modifications.

B. The Permittee shall notify the District in writing 30 days prior to any changes to the project that could potentially alter the reasonable demand reflected in the permitted allocation. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, large users agreements, or water treatment method. Permittee will be required to apply for a modification of the permit for any changes in permitted allocation.

8. If any condition of the permit is violated, the permit shall be subject to review and modification, enforcement action, or revocation pursuant to Chapter 373, F.S.

9. The Permittee shall mitigate interference with existing legal uses that was caused in whole or in part by the Permittee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation will include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means.

Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1-in-10 year drought event that results in the:

A. Inability to withdraw water consistent with provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or

B. Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent.

10. The Permittee shall mitigate harm to the natural resources caused by the Permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the Permittee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance includes:

A. Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface,

B. Reduction in water levels that harm the hydroperiod of wetlands,

C. Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond,

D. Harmful movement of contaminants in violation of state water quality standards, or

E. Harm to the natural system including damage to habitat for rare or endangered species.

11. The Permittee shall mitigate harm to existing off-site land uses caused by the Permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the Permittee to modify withdrawal rates or mitigate the harm. Harm as determined through reference to the conditions for permit issuance, includes:

A. Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other governmental authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g. fill for construction, mining, drainage canal, etc.)

B. Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or,

C. Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

PERMIT INFORMATION

Application Number: 181001-5
Permit Number: 36-03958-W
Project Name: LEE COUNTY CIVIC CENTER - AGRICULTURE AND BARN
Location: LEE COUNTY, S24/T43S/R25E
Applicant's Name and Address: LEE COUNTY CIVIC CENTER
11831 BAYSHORE ROAD
NORTH FORT MYERS, FL 33917
Water Use Classification: Industrial
Livestock

Sources:

Groundwater from: Sandstone Aquifer

Authorized Allocation:

Annual Allocation: 1.47 Million Gallons (MG)
Maximum Monthly Allocation: 0.12 Million Gallons (MG)

Existing Withdrawal Facilities - Groundwater

Source: Sandstone Aquifer
1 - 4" X 120' X 20 GPM Well Cased to 70 Feet

Proposed Withdrawal Facilities - Groundwater

Source: Sandstone Aquifer
1 - 4" X 120' X 50 GPM Well Cased to 80 Feet

<u>Rated Capacity Source</u>	<u>Status Code</u>	<u>GPM</u>	<u>MGM</u>	<u>MGY</u>
Sandstone Aquifer	E	20	0.9	11
Sandstone Aquifer	P	50	2.2	26
Totals:		70	3.1	37

Purpose:

The purpose of this application is to modify and renew Water Use Permit 36-03958-W for industrial water supply to water a horse arena and livestock water supply for 20 cattle, 30 hogs and 20 horses. Withdrawals are from the Sandstone aquifer via one existing withdrawal facility and one proposed withdrawal facility. Prior to drilling the proposed well, it will be necessary to obtain a well construction permit from Lee County.

NOTICE OF RIGHTS

As required by Sections 120.569 and 120.60(3), Fla. Stat., the following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all of the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a SFWMD decision which affects or may affect their substantial interests shall file a petition for hearing with the Office of the District Clerk of the SFWMD, in accordance with the filing instructions set forth herein, within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, or posting that the SFWMD has or intends to take final agency action, or publication of notice that the SFWMD has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action which materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional Rule 28-106.111, Fla. Admin. Code, point of entry.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Fla. Stat., shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk of the SFWMD. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at SFWMD headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.

- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. It will be necessary to request that the SFWMD's security officer contact the Office of the District Clerk. An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document. A party who files a document by e-mail shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed.

INITIATION OF AN ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Fla. Stat., and Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

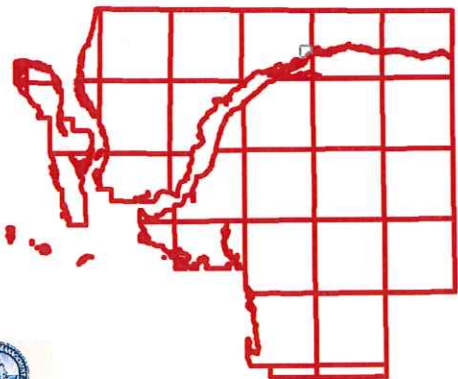
1. Identification of the action being contested, including the permit number, application number, SFWMD file number or any other SFWMD identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401–.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Fla. Stat., and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal with the Office of the District Clerk of the SFWMD in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the clerk of the appropriate district court of appeal.



LEE COUNTY, FLORIDA

 Application

 WELL

Application No: 181001-5

Sec 24 / Twp 43 / Rge 25

Project Name: LEE COUNTY CIVIC CENTER -
AGRICULTURE AND BARNs AREA

0 200 400 800
Feet

N



Map Date: 2018-10-04

Permit No: 36-03958-W

Exhibit No: 1

TABLE - A
Description Of Wells.

Application Number: 181001-5

Well ID	105018	280056
Name	Well 1	Well 2
Map Designator	Well 1	Well 2
FLUWID Number		
Well Field		
Existing/Proposed	E	P
Well Diameter(Inches)	4	4
Total Depth(feet)	120	120
Cased Depth(feet)	70	80
Facility Elev. (ft. NGVD)		
Screened Interval		
From		
To		
Pumped Or Flowing	P	P
Pump Type	Submersible	Submersible
Pump Int. Elev. Feet (NGVD)	-42	
Feet (BLS)	50	
Pump Capacity(GPM)	20	50
Year Drilled		
Planar Location		
Source	DIGITIZED	DIGITIZED
Feet East	405634	405710
Feet North	869349	869362
Accounting Method	Log Book	Time Clock
Use Status	Primary	Primary
Water Use Type	Livestock	Industrial Livestock
Aquifer	Sandstone Aquifer	Sandstone Aquifer

Summary Of Water Use Demands & Recommended Allocation Components

Application Number: 181001-5

Livestock

Recommended Allocation (MGD): 0.0005 Recommended Maximum Month Withdrawals (MGM): 0.0167

Description	No. Of Head	Rec. Unit Demand (gallons)	<u>----- Recommended Demands -----</u>			<u>----- Recommended Allocation -----</u>		
			<u>Avg. Daily MGD</u>	<u>Peak Factor</u>	<u>Max Monthly MGM</u>	<u>Delivery System Efficiency</u>	<u>Daily MGD</u>	<u>Max. Monthly MGM</u>
Beef Cattle	20	12	0.00024	1	0.0074	100%	0.00024	0.0074
Hogs	30	2	0.00006	1	0.0019	100%	0.00006	0.0019
Horses	20	12	0.00024	1	0.0074	100%	0.00024	0.0074

Industrial

Recommended Allocation (MGD): 0.0035 Recommended Maximum Month Withdrawals (MGM): 0.1064

Description	Number	Rec. Unit Demand (gallons)	<u>----- Recommended Demands -----</u>			<u>----- Recommended Allocation -----</u>		
			<u>Avg. Daily MGD</u>	<u>Peak Factor</u>	<u>Max Monthly MGM</u>	<u>Delivery System Efficiency</u>	<u>Daily MGD</u>	<u>Max. Monthly MGM</u>
Recreational	350	10	0.0035	1	0.1064	100%	0.0035	0.1064

STAFF REPORT DISTRIBUTION LIST

LEE COUNTY CIVIC CENTER - AGRICULTURE AND BARNS AREA

Application No: 181001-5

Permit No: 36-03958-W

INTERNAL DISTRIBUTION

X Brad D. Cook, P.G.

EXTERNAL DISTRIBUTION

X Permittee - Lee County Civic Center

X Agent - Labelle Well Drilling

GOVERNMENT AGENCIES

X Div of Recreation and Park - District 4 FDEP

Exhibit No: 4