



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

District Headquarters: 3301 Gun Club Road, West Palm Beach, Florida 33406 (561) 686-8800 www.sfwmd.gov

CON 24-06

Application No.: 130416-5

General Permit No.: 26-01144-W

June 7, 2013

SOFLO AG, LLC
5781 LEE BLVD., SUITE 208
LEHIGH ACRES, FL 33971

Dear Permittee:

SUBJECT: General Water Use Permit No.: 26-01144-W
Project: OAK CREEK HAMMOCK
Location: HENDRY COUNTY, S31/T43S/R28E
Permittee: SOFLO AG, LLC

This letter is to notify you of the District's agency action concerning your Notice of Intent to Use Water. This action is taken pursuant to Chapter 40E-20, Florida Administrative Code (F.A.C.). Based on the information provided, District rules have been adhered to and a General Water Use Permit is in effect for this project subject to:

1. Not receiving a filed request for Chapter 120, Florida Statutes, administrative hearing and
2. The attached Limiting Conditions.

The purpose of this application is to obtain a Water Use Permit for drinking water supply for 3,200 monkeys and landscape irrigation of 3 acres of turf using a sprinkler irrigation system. Water supply is from the Sandstone Aquifer via two proposed withdrawal facilities. Prior to drilling the proposed wells, it will be necessary for you to obtain well construction permits from the Hendry County Health Department.

The Sandstone aquifer in this area exhibits chloride concentrations over 250 milligrams per liter, which is considered saline water. In order to ensure harmful increases in salinity will not occur as a result of the proposed withdrawals, a saline monitoring plan shall be implemented which includes the monthly sampling of Sandstone aquifer Well 1 and quarterly submittal of the results to District Compliance Staff (Limiting Condition 18). In addition, the applicant has indicated that a reverse osmosis treatment system will be utilized to treat the groundwater prior to its use.

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Date Of Issuance: June 7, 2013

Expiration Date: June 7, 2033

Water Use Classification: Livestock
Landscape

Total Serviced Acreage: 3 (3 acres of turf)

Water Use Permit Status: Proposed

Environmental Resource Permit Status: Modification To Permit 26-01145-P, Proposed
Concurrently With Application No. 130228-4.

Right Of Way Permit Status: Not Applicable.

Ground Water From: Sandstone Aquifer

Permitted Allocation(s):

Annual Allocation:	6,445,600 Gallons
Maximum Monthly Allocation:	965,400 Gallons

Proposed Withdrawal Facilities - Ground Water

Source: Sandstone Aquifer

2 - 4" X 120' X 20 GPM Wells Cased To 100 Feet

Rated Capacity

Source(s)	Status Code	GPM	MGD	MGM	MGY
Sandstone Aquifer	P	40	0.06	1.8	21
Totals:		40	0.06	1.8	21

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Should you object to the Limiting 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 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 that you concur with the District's recommendations.

Certificate Of Service

I HEREBY CERTIFY that a Notice of Rights has been mailed to the addressee not later than 5:00 p.m. this 7th day of June, 2013, in accordance with Section 120.60(3), Florida Statutes.

Sincerely,



Thomas Colios

Section Leader

Water Use Bureau

TDC /nd

Enclosure

c: Engineer, City of LaBelle
Hendry County Engineer
Rock Enterprises Inc

Limiting Conditions

1. This permit shall expire on June 7, 2033.
2. Application for a permit modification may be made at any time.
3. Water use classification:

Livestock water supply
Landscape Irrigation

4. Source classification is:

Ground Water from:
Sandstone Aquifer

5. Annual allocation shall not exceed 6.4456 MG.

Maximum monthly allocation shall not exceed 0.9654 MG.

6. Pursuant to Rule 40E-1.6105, F.A.C., Notification of Transfer of Interest in Real Property, within 30 days of any transfer of interest or control of the real property at which any permitted facility, system, consumptive use, or activity is located, the permittee must notify the District, in writing, of the transfer giving the name and address of the new owner or person in control and providing a copy of the instrument effectuating the transfer, as set forth in Rule 40E-1.6107, F.A.C.

Pursuant to Rule 40E-1.6107 (4), until transfer is approved by the District, the permittee shall be liable for compliance with the permit. The permittee transferring the permit shall remain liable for all actions that are required as well as all violations of the permit which occurred prior to the transfer of the permit.

Failure to comply with this or any other condition of this permit constitutes a violation and pursuant to Rule 40E-1.609, Suspension, Revocation and Modification of Permits, the District may suspend or revoke the permit.

This Permit is issued to:

SoFlo Ag, LLC
5781 Lee Blvd., Suite 208
Lehigh Acres, FL 33971

Limiting Conditions

7. Withdrawal Facilities:

Ground Water - Proposed:

2 - 4" X 120' X 20 GPM Wells Cased To 100 Feet

8. 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.

9. 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 caused by withdrawals, 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.

Limiting Conditions

10. 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. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.
12. Authorized representatives of the District, with advance notice to the permittee, shall be permitted to enter, inspect, and observe the permitted system to determine compliance with permit conditions.
13. 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.
14. The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the Permit and Chapter 40E-2, Florida Administrative Code.
15. Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: SFWMD, Regulatory Support Division, MSC 9611, P.O. Box 24680, West Palm Beach, FL 33416-4680.
16. In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. The Permittee is advised that during a water shortage, pumpage reports shall be submitted as required by Chapter 40E-21, F.A.C.
17. The Permittee shall submit to the District an updated Well Description Table (Table A) within one month 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.

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Limiting Conditions

18. The Permittee shall implement the following saline water intrusion monitoring program:
Monthly sampling and testing for chloride concentration of groundwater from Well 1 and quarterly submittal of the results to District Compliance Staff.

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ADDRESSES

Engineer, City of LaBelle
Attn: LaBelle
PO Box 580
LaBelle
Labelle, FL 33975
michaelboyle@citylabelle.com

Hendry County Engineer
Attn: Shane Parker
P.O.Box 1607
La Belle, FL 33975
sparker@hendryfla.net

Rock Enterprises Inc
Attn: Rock Aboujaoude
154 N Bridge Street
Labelle, FL 33935
rock@rockhendry.com

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., 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 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 District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk 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 Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District 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.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be 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 SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall 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 with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing

Pursuant to 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 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address 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.

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 extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

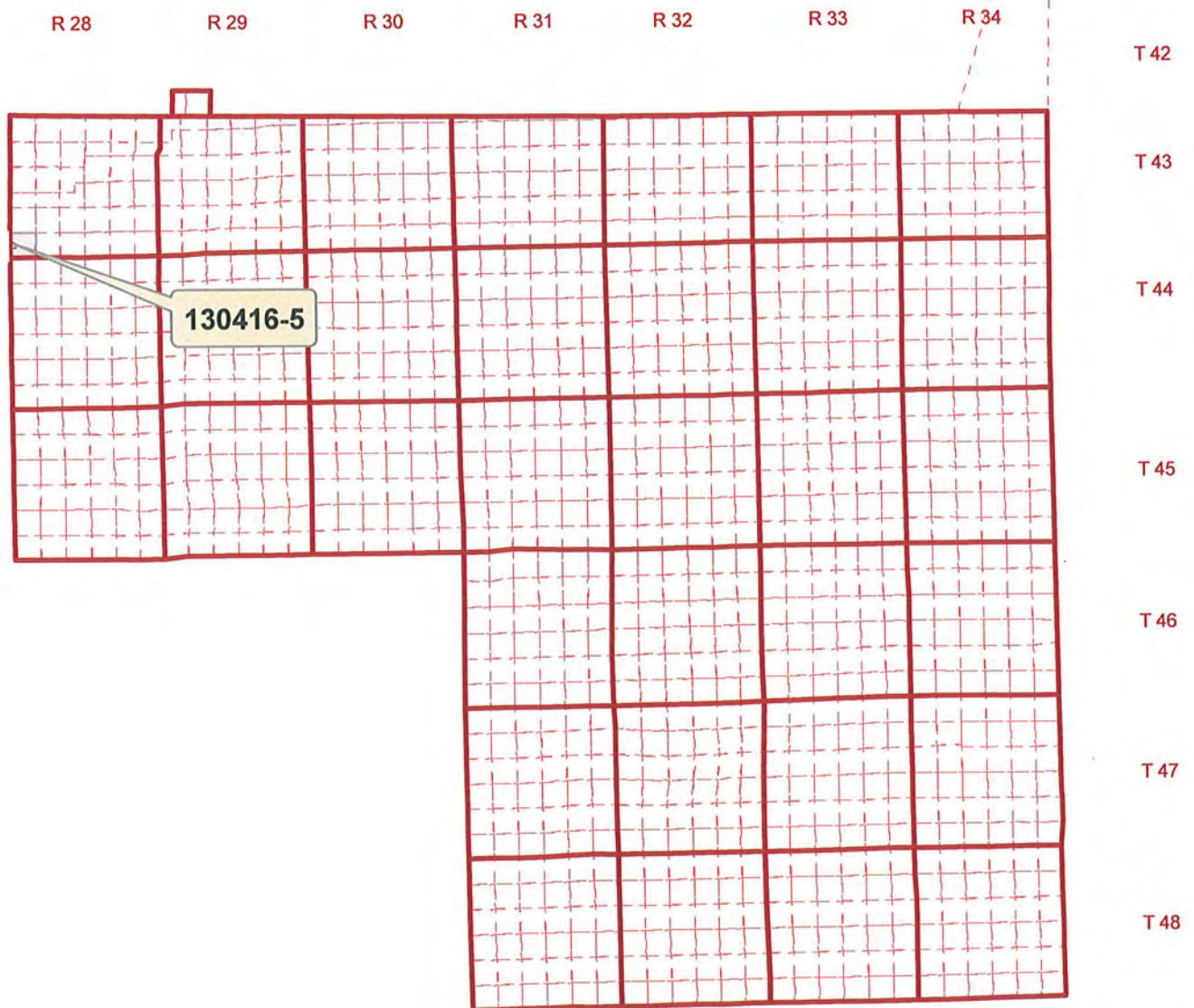
If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

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 Sections 120.60(3) and 120.68, Fla. Stat., 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 pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.



HENDRY COUNTY, FLORIDA

Application Number: 130416-5

Permit Number: 26-01144-W

Sec 31 / Twp 43 / Rge 28

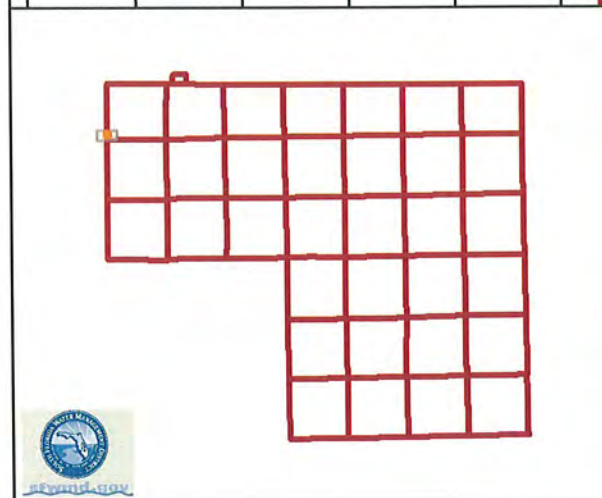
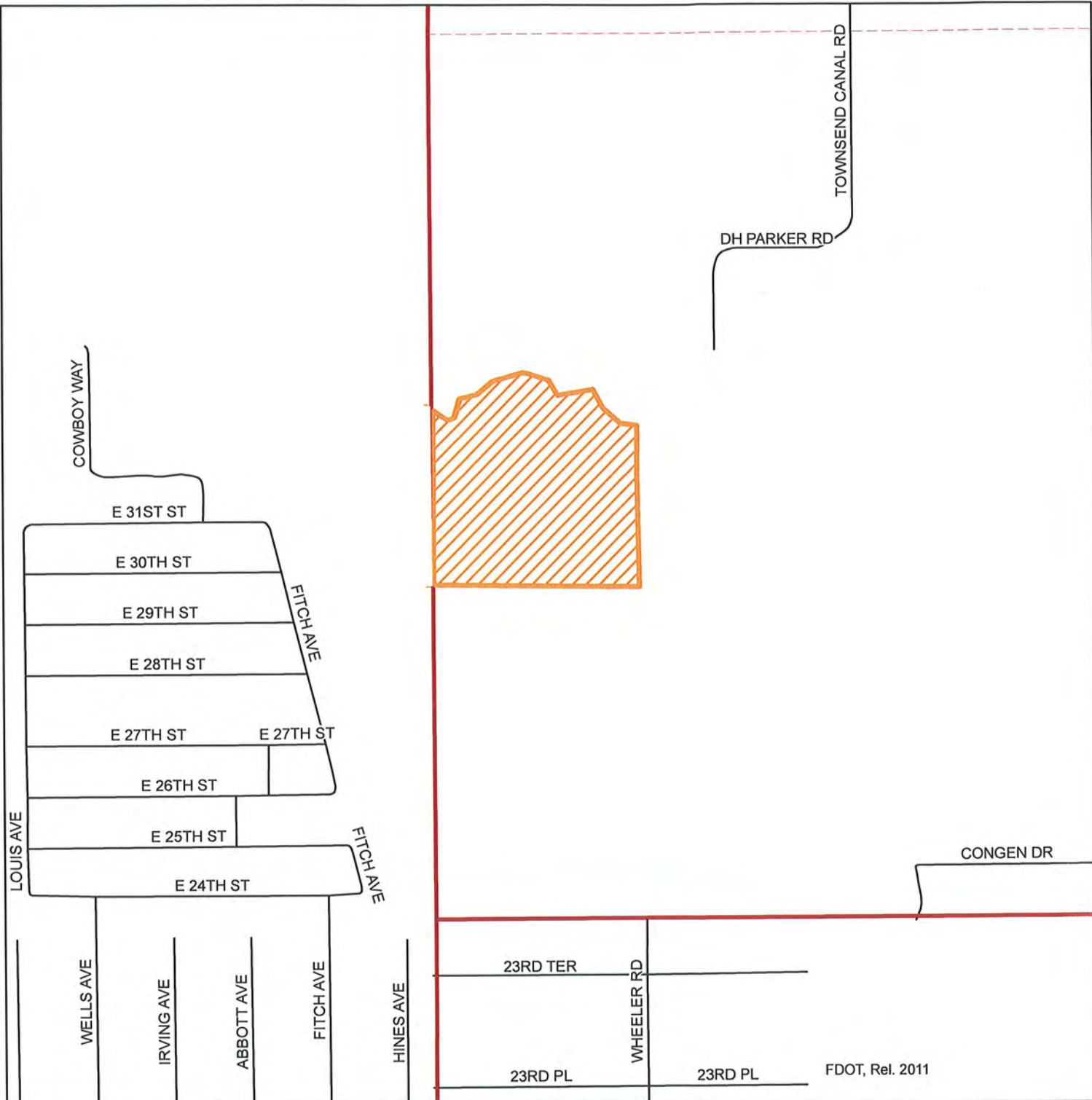
Project Name: OAK CREEK HAMOCK

N
Map Date: 2013-06-07

0 5 10
Miles

Exhibit No: 1





HENDRY COUNTY, FLORIDA

Legend

 Application

Application Number: 130416-5

Sec 31 / Twp 43 / Rge 28

Project Name: OAK CREEK HAMOCK

Map Date: 2013-06-07

Permit Number: 26-01144-W

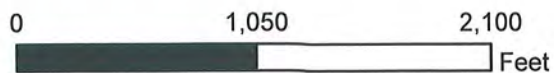
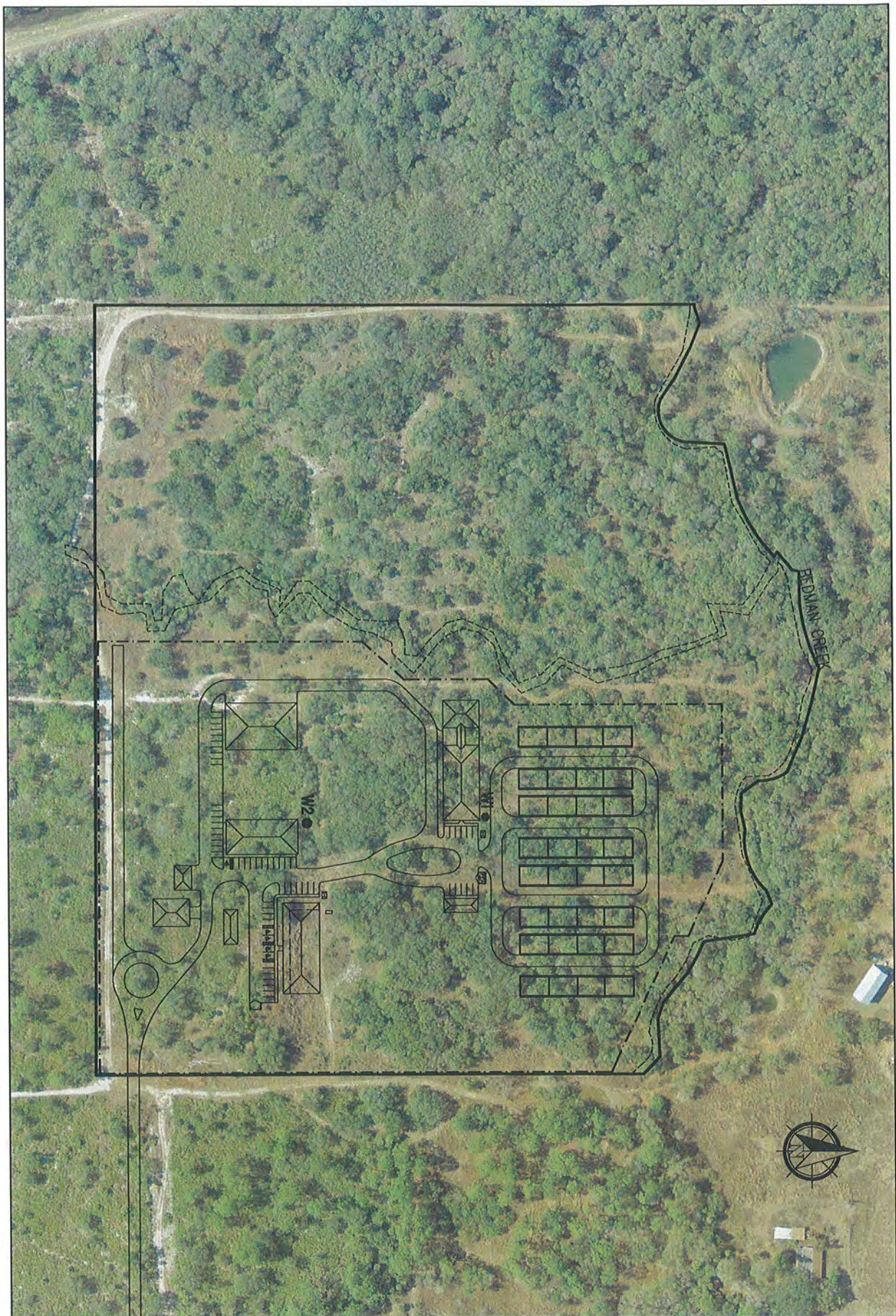


Exhibit No: 2





SHEET
2
OF
13

SITE AERIAL
OAK CREEK
HAMMOCK
WHEELER ROAD
S31/143/R28
HENRY COUNTY, FLORIDA

job#: 12-010
designed: RAA
drawn: AB
checked: RAA
date: 2/26/13
scale: 1" = 150'

ROCK A. MORGAN, P.E. #50795

DATE	REVISIONS	BY
4-15-13	REVISIONS PER COUNTY AND	A.B.
	SFWM RAI	

 **ROCK**
ENTERPRISES, INC.
ENGINEERING CONSULTANTS
154 NORTH BRIDGE STREET
LABELLE, FLORIDA 33935
PH: (863)612-0011 FX: (863)612-0014

TABLE - A
Description Of Wells.

Application Number: 130416-5

Well ID	265585	265587
Name	Well 1	Well 2
Map Designator	W1	W2
FLUWID Number		
Well Field		
Existing/Proposed	P	P
Well Diameter(Inches)	4	4
Total Depth(feet)	120	120
Cased Depth(feet)	100	100
Facility Elev. (ft. NGVD)		
Screened Interval		
From		
To		
Pumped Or Flowing	P	P
Pump Type	Submersible	Submersible
Pump Int. Elev.		
Feet (NGVD)		
Feet (BLS)		
Pump Capacity(GPM)	20	20
Year Drilled		
Planar Location		
Source	DIGITIZED	DIGITIZED
Feet East	472122	472150
Feet North	858677	858331
Accounting Method	None	None
Use Status	Primary	Primary
Water Use Type	Livestock	Irrigation
	Sandstone Aquifer	Livestock
		Sandstone Aquifer
Aquifer		

Exhibit No: 4

Summary Of Water Use Demands & Recommended Allocation Components

Application Number: 130416-5

Livestock

Recommended Allocation (MGD): 0.0077 Recommended Maximum Month Withdrawals (MGM): 0.49

Description	No. Of Head	<u>Rec. Unit</u>	<u>Recommended Demands--</u>		<u>Delivery</u>	<u>Recommended Alloca</u>	
		<u>Demand</u>	<u>Avg. Daily</u>	<u>Peak Factor</u>	<u>System</u>	<u>Daily</u>	<u>Max. Monthly</u>
		<u>(gallons)</u>	<u>MGD</u>		<u>Efficiency</u>	<u>MGD</u>	<u>MGM</u>
Monkeys	3,200	5	0.0077		100%	0.0077	0.49

Landscape

Recommended Allocation (MGD): 0.0077 Recommended Maximum Month Withdrawals (MGM): 0.4754

Description	Acres	<u>Rec. Unit</u>	<u>Recommended Demands--</u>		<u>Delivery</u>	<u>Recommended Alloca</u>	
		<u>Demand</u>	<u>Avg. Daily</u>	<u>Peak Factor</u>	<u>System</u>	<u>Daily</u>	<u>Max. Monthly</u>
		<u>(gallons)</u>	<u>MGD</u>		<u>Efficiency</u>	<u>MGD</u>	<u>MGM</u>
	3	2,559	0.0077	1.5663	75%	0.01	0.4754

Requirement by Limiting Condition Report

App No: 130416-5

Permit No: 26-01144-W

Project Name: OAK CREEK HAMOCK

Limiting Condition No: 17

Limiting Condition Code: WUWC004-1

Facility Name	Requirement Name	Col Freq	Sub Freq	Due Date
Well 2	Table "A" for Well 2	One time Only	One time Only	01-FEB-2014
Well 1	Table "A" for Well 1	One time Only	One time Only	01-FEB-2014

Limiting Condition No: 18

Limiting Condition Code: WUSLT001-2

Facility Name	Requirement Name	Col Freq	Sub Freq	Due Date
Well 1	Chloride for Well 1	Monthly	Quarterly	31-OCT-2013