

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida 33406

Order No.: 2011-041-DAO-WS

IN RE:

Order Concerning District
Operation of By-Pass
Structures Located on the
C-40, C-41, L-59, and L-60
Canals in the Indian Prairie
Water Use Basin

RECEIVED
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2011 NOV 15 10:00 AM
WEST PALM BEACH, FLORIDA

ORDER

The Executive Director of the South Florida Water Management District ("District"), pursuant to Sections 120.569(2), 373.085, and 373.086, Fla. Stat., and Chapter 40E-6, Fla. Admin. Code, after considering the recommendations of District staff and being otherwise fully apprised of the matter, issues the following Order containing Findings of Fact and Ultimate Facts and Conclusions of Law:

FINDINGS OF FACT

1. On November 11, 2010, the Governing Board issued Order No.: 2010-206-DAO-WS issuing a water shortage warning for all users that withdraw surface water directly from Lake Istokpoga, the Central and Southern Florida Flood Control Project Canals known as C-39A, C-40, C-41, and C-41A north of L-59, L-60, and L-61, Lake Okeechobee, and all surface waters hydraulically connected to Lake Okeechobee. A copy of Order No.: 2010-206-DAO-WS is available from the District Clerk.

2. On December 20, 2010, the Governing Board modified Order No.: 2010-206-DAO-WS, authorizing the Executive Director to declare a water shortage if Lake Okeechobee water levels fell within Zone A, the water shortage management zone, described in Figure 22-4 of Chapter 40E-22, Fla. Admin. Code. A copy of Order No.:

2010-214-DAO-WS is available from the District Clerk.

3. On March 18, 2011, the Executive Director, pursuant to the authority delegated by Order No. 12010- issued Water Shortage Order No. 2011-038-DAO-WS, imposing Modified Phase I water shortage restrictions on all use classes using surface water from Lake Okeechobee and surface waters hydraulically connected to Lake Okeechobee within the Lake Okeechobee Service Area ("LOSA") Region. The southern portion of the Indian Prairie Water Use Basin, as identified in Exhibit "A," is affected by Order No. 2011-038-DAO-WS, and is the area which is the subject of this Order.

4. Order No. 2011-038-DAO-WS was issued due to existing drought conditions and the need to restrict uses from Lake Okeechobee. Pursuant to District rules, when water levels within Lake Okeechobee fall within Zone A, as depicted on Figure 22-4 in Chapter 40E-22, Fla. Admin. Code, a water shortage may be declared within the LOSA Region pursuant to Rule 40E-21.521, Fla. Admin. Code. The Lake is currently within the water shortage management zone.

5. Since October 2010, the Lake Okeechobee Region has averaged around 7.25 inches of rainfall. This is about 55% of the average rainfall for this period of time. The U.S. Climate Prediction Center ("CPC") Drought Monitor reflects that the LOSA Region is experiencing a D2 (severe) or D3 (extreme) drought.

6. The current low rainfall conditions seen in the LOSA Region are expected to continue through the remainder of the dry season. Meteorologists with the National Oceanic and Atmospheric Administration expect continued below average rainfall as a result of La Niña weather patterns. The CPC's one-month and three-month outlooks regarding precipitation probability predict a below average chance of rain.

7. From October 1, 2010 to March 17, 2011, District meteorologists recorded average rainfall near 6 inches within the Indian Prairie Region. This is about half of the historical average rainfall for the same period. This lack of rainfall has led to a rainfall deficit of about 6 inches.

8. Thus, it is uncertain whether the LOSA or Indian Prairie Regions will receive sustained and significant rainfall for the next several months.

9. A lack of rainfall has led to declining water levels. As of March 21, 2011, water levels within Lake Istokpoga were 38.73 feet NGVD, just 0.57 feet above the floor elevation.

10. Water levels within Lake Okeechobee measured 11.68 feet NGVD as of March 21, 2011, within Zone A of Figure 22-4 in Rule 40E-22, Fla. Admin. Code.

11. Pursuant to Order No. 2011-038-DAO-WS and District rules, Phase I water shortage restrictions are currently imposed requiring cutbacks on consumptive use demands, including agricultural use cutbacks estimated for 1-in-10 year rainfall conditions by 15 percent. These restrictions are largely effectuated by appropriately reduced deliveries from Lake Okeechobee via District operation of the Central and Southern Florida Flood Control System.

12. During declared water shortage events, the southern portion of the Indian Prairie Water Use Basin is supplied with water from Lake Okeechobee through District operation of the G-207 and G-208 pump stations located on the C-41 and C-40 Canals, respectively. These deliveries are of a restricted or reduced volume due to implementation of the water shortage restrictions stated in Order No. 2011-038-DAO-WS.

13. Various permitted water users and the Seminole Tribe of Florida's Brighton Reservation are located in the southern portion of the Indian Prairie Water Use Basin and rely on the water deliveries from G-207 and G-208 and their associated withdrawals from the Central and Southern Florida Flood Control Project ("C&SF Project") Canals to help meet their water demands.

14. Pursuant to the 1987 Water Rights Compact among the Seminole Tribe of Florida, the State of Florida, and the District; the Brighton Reservation, in summary, is entitled to a 15% share of the total amount of water which can be withdrawn from the District canals in the Indian Prairie Basin. The Water Rights Compact is enacted as both state and federal law. (See Pub. L. No. 100-228, 101 Stat. 1556, and Chapter 87-292, Laws of Florida, and codified in section 285.165, Fla. Stat.)

15. Water use in the southern portion of Indian Prairie Water Use Basin primarily supports agricultural demands, including cattle operations and crops such as sugar cane, citrus, sod, and small vegetables. The southern portion of the Indian Prairie Water Use Basin is almost entirely dependent on surface water supplies from the C&SF Project Canals as groundwater supplies can be relatively high in chlorides. Hence, the affected region is now almost entirely dependent upon the water supply deliveries from Lake Okeechobee as conveyed by the C&SF Project Canals and pump stations.

16. The C&SF Project Canals located in the southern portion of the Indian Prairie Water Use Basin include the C-40 Canal, south of the S-75; the C-41 Canal, south of the S-70; the L-59 Canal; L-60 Canal; and L-61 Canal. The permitted users and the Seminole Tribe access water in these Canals via various structures connecting to the C&SF Project Canals such as culverts, screw gates, flap gates, and/or pumps. These connections, as to

the permitted users, are authorized pursuant to District issued right of way permits.

17. It is essential for the public's health, safety, and welfare that the permitted users and Seminole Tribe receive an efficient and equitable share of water delivered from Lake Okeechobee to the southern portion of the Indian Prairie Water Use Basin. To ensure equitable and efficient delivery of water and protection of the public's health, safety, and welfare, it is necessary for the District to assume operational responsibility for specified structures connecting to the C-40 and C-41 Canals.

18. Of specific concern are the Right of Way connections authorized by the following permits: (1) Permit number 1695; (2) Permit number 22-00021-R; (3) Permit number 1724; and, (4) Permit number 2253. Copies of the subject right of way permits are attached as Composite Exhibit "B."

19. The District intends to operate the identified structures in conjunction with the plan defining District operation of the G-207 and G-208 pump stations and synchronizing pump operation, including days and times, with user intake of their allotted share of the delivered water.

20. The best available means of assuring efficient and equitable water system water deliveries in the southern portion of the Indian Prairie Water Use Basin is for District staff, which possess technical expertise in the area, to temporarily assume operational responsibility for the structures identified in Composite Exhibit "B."

21. The Seminole Tribe of Florida is responsible for operation of the by-pass structure northwest of S-71. The District requests the Tribe operate this structure in accordance with the terms of the operational plan describing water deliveries to the southern portion of the Indian Prairie Water Use Basin.

22. The Governing Board of the South Florida Water Management District finds that remedial measures are necessary to protect the public health, safety, and welfare and efficiently and equitably deliver water to both permitted users and the Seminole Tribe.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

23. Section 373.083(2), Fla. Stat., vests the Governing Board of the District, to “[i]ssue orders to implement or enforce any provisions of th[e] chapter or regulations.”

24. Sections 373.085 and 373.086, Fla. Stat., authorize the District to prescribe the manner in which local works may connect with and make use of the works or land of the District and to cancel permits for cause. Moreover, these statutes authorize the District to regulate water levels in canals owned or maintained by the District.

25. Section 373.086(1), Fla. Stat., authorizes the Governing Board to change the course of a waterway and to establish, maintain, and regulate water levels in all canals, lakes, rivers, and other waterbodies owned or maintained by the District.

26. Section 373.171(1), Fla. Stat., allows the Governing Board to issue any orders for the modification of any existing uses, diversion facilities, or storage facilities to obtain the most beneficial use of the water resources and to protect the public health, safety, and welfare and the interest of the water users affected.

27. It is in the public’s interest for the District staff to temporarily assume operation of the identified structures thereby providing for efficient and equitable delivery of water supplies to the affected area.

28. Numerous provisions of Chapter 40E-6, Fla. Admin. Code, authorize the District to undertake immediate action to conduct District operation of the Central and Southern Florida Flood Control Project Components. Standard permit conditions, as listed

in Rule 40E-6.381, Fla. Admin. Code, authorize the District to undertake a variety of actions, including utilization of permitted facilities such as the identified structures, while conducting the District's routine and emergency operation activities. Further, Rule 40E-6.381(13), Fla. Admin. Code, authorizes the District to change, limit, or suspend withdrawals from District canals.

29. Pursuant to Chapter 373, Fla. Stat., and the noted rule provisions, the District intends to temporarily undertake operation of the identified structures. These actions are taken due to low water levels and the need to assure efficient and equitable delivery of water supply to the affected region.

ORDER

Pursuant to the above Findings of Fact, Ultimate Facts, and Conclusions of Law, the Executive Director of the District hereby issues this Order.

30. District staff is temporarily authorized to operate the structures identified on Exhibit "B" for the purpose of equitably and efficiently delivering water to permitted users and the Seminole Tribe within the southern portion of the Indian Prairie Water Use Basin.

31. All individuals and entities, including those individuals or entities to which the identified right of way permits are issued, are directed to immediately cease any and all operation of the structures identified in Exhibit "B." For the duration of this Order, only District staff is authorized to operate the subject structures.

32. This Order shall terminate when the District rescinds any and all water shortage declarations affecting Lake Okeechobee water supply deliveries which presently exist or may yet be declared during the drought condition, including Order No. 2011-038-DAO-WS and

any modifications of that Order which may be issued modifying the severity of restrictions imposed.

33. The Seminole Tribe is requested to operate the by-pass structure located northwest of S-71 in a manner which comports with the operational plan defining water deliveries for the subject Basin.

34. District staff shall routinely inspect the subject structures and the status of permitted water users along the subject canals.

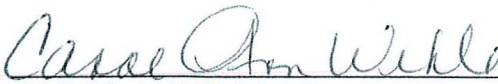
35. The District's immunity from liability under Section 373.443, Fla. Stat., for any damages that might result from the activities authorized under this Order, shall not be diminished by the terms of this Order, or any activities taken pursuant to this Order.

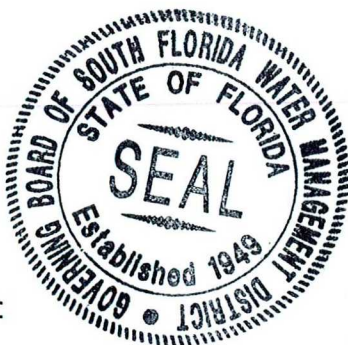
36. This Order shall take effect upon execution and shall expire as provided above.

37. A Notice of Rights is attached hereto as Exhibit "C."

DONE AND SO ORDERED in West Palm Beach, Florida, on this 21 day of March 2011.


SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
By its Executive Director


CAROL ANN WEHLE



Attest:

Legal Form Approved:


District Clerk/Assistant Secretary
Dated March 24, 2011


Jennifer Bokankowitz, Esq.

BY-PASS STRUCTURES within the SOUTHERN INDIAN PRAIRIE BASIN and the BRIGHTON RESERVATION

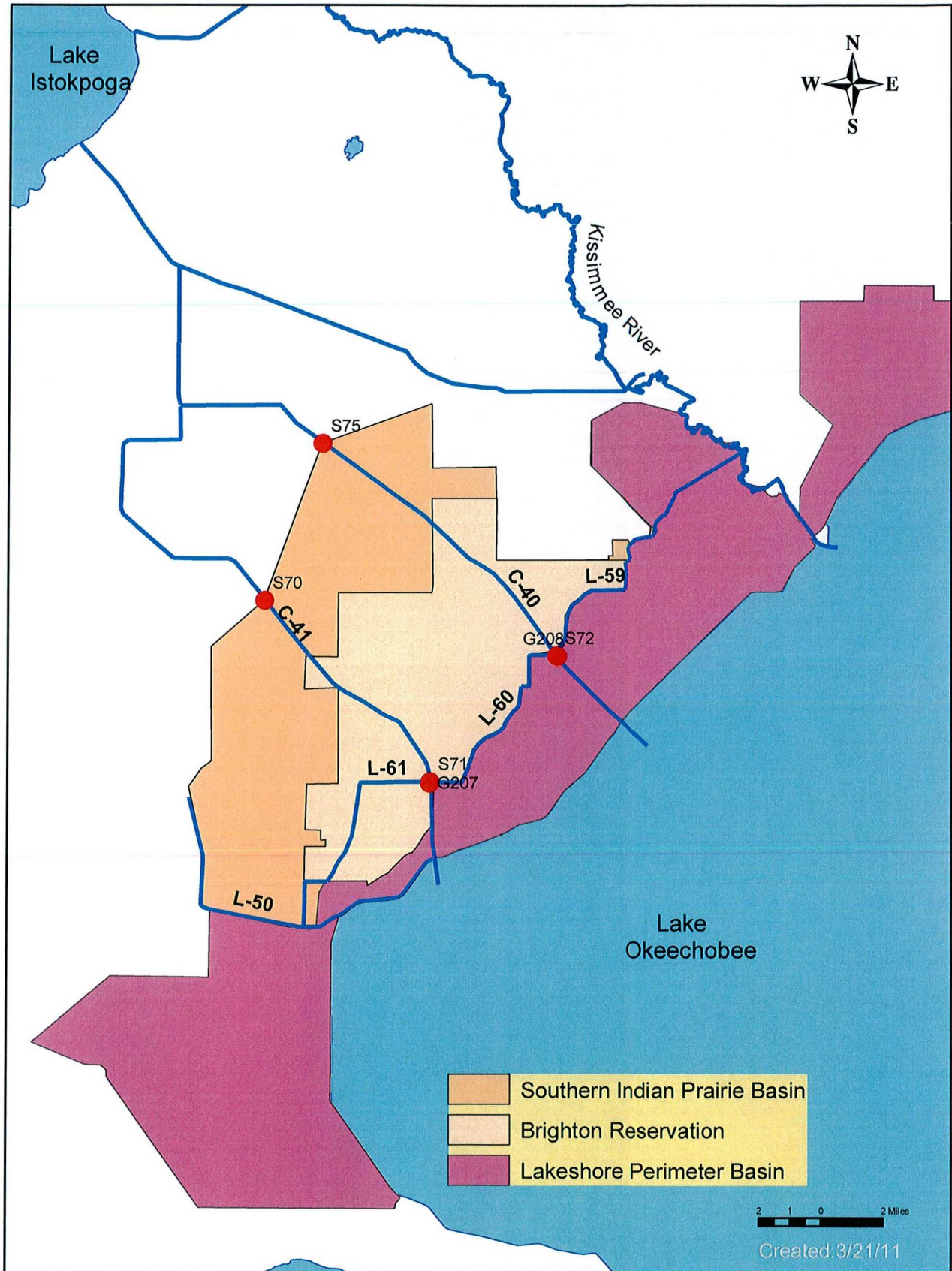


EXHIBIT A

RIGHT OF WAY PERMITS

**COMPOSITE
EXHIBIT B**

FLOOD PERMIT NO. 1695

SEP 77 1961

(NON-ASSIGNABLE)

DATE ISSUED Oct. 9, 1961

AUTHORIZING:

THE CONNECTION OF C-40 INDIAN PRAIRIE CANAL TO L-59 BORROW CANAL VIA 1 - 60" X 78' CMP CULVERT (with screw gate) APPROXIMATELY 500 FEET ± NORTH OF S-72.

LOCATED IN Glades COUNTY SECTION 10 TWP. 39 RGE. 33

ISSUED TO:
(Owner)

**Mr. J. O. Pearce, Jr.
Mr. J. F. Pearce
P. O. Box 251
Okeechobee, Florida**

This permit is issued pursuant to Application for Permit No. 4134 dated Sept. 14 19 61. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

All work, construction and use of the facilities of the Flood Control District permitted hereunder shall be performed in strict compliance with this permit and the Requirements and Minimum Standards of Construction heretofore adopted by the Flood Control District and as the same may be hereafter from time to time, amended, changed or revised, said Requirements and Minimum Standards of Construction being expressly made a part and condition of this permit, and any departure therefrom shall be grounds for revocation of this permit. A copy of the Requirements and Minimum Standards of Construction are available upon request.

This permit shall not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee unless otherwise provided immediately below.

The dumping or discharging of hyacinths, whether directly or indirectly, into works of this District will constitute grounds for cancellation of this permit.

SPECIAL CONDITIONS ARE AS FOLLOWS:

Work proposed, will be completed on or before Feb. 15 19 62 otherwise, this permit is voided and all rights thereunder are automatically cancelled unless an extension to the construction period is applied for and granted.

1. Any erosion to or shoaling in either C-40 or L-59 canal as a result of this connection will be permittee's responsibility.
2. The agreement attached hereto is a part and condition of the permit.

ENGINEERING

APPROVED: [Signature]

MAINT. & OPERATION

APPROVED: [Signature]

INSPECTION

CHECKED: _____

Central and Southern Florida
Flood Control District

By [Signature]
Executive Director

SATISFACTORY

INCREATED
5-22-63

Permit Number 1695 (J.O. Perace, Jr., Mr. J.F. Pearce)

Changes made to permit file as of April 5, 1994...

1. Re-filed correspondence into proper order within permit file.
2. Removed Action Sheet from inside file and stapled on left-hand side of folder.

Laura Lythgoe

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT
ON April 5, 1994
BY Laura Ann Lythgoe
DEPUTY CLERK

APPLICATION FOR PERMIT NO. 4134

TO THE

GOVERNING BOARD OF CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT
901 Evernia Street, West Palm Beach, Florida

(1) FOR WHAT USE OR CONSTRUCTION DO YOU WISH A PERMIT

To connect a 60" culvert to your canal Number C-40 for irrigation water.

(2) WHERE IS THIS WORK TO BE DONE

County: Glades Section: 10 Township: 39 S Range: 33 E
Block: _____ Lot: _____ Subdivision: Not subdivided

(3) NAME OR PROJECT NUMBER OF CANAL OR LEVEE INVOLVED

C-40

(4) NAME OF OWNER OF PROPOSED WORK OR STRUCTURE J. O. Pearce, Jr. & J. F. Pearce

Street or P. O. Box: 251 City: Okeechobee State: Florida

(5) AREA PROPOSED TO BE SERVED: (If application is for drainage or irrigation connection list the areas and acreages involved).

L-Cross
All of sections 1, 12, 13 and Parts of sections 2, 10, 11, 24 Township 39S, Range 33 E.
All of sections 27, 28, 32, 33 and Parts of sections 31, 34, 20, 21, 22, 29, 30, Township 38 S, Range 34E.
All of section 6 and Parts of sections 4, 5, 7, 8, Township 39S, Range 34E.

(6) Approximately 10,000 Acres.
How soon after receipt of the permit will work commence? Approx. 30 days.
The date when work will be completed Within 100 days ~~XXXX~~

(If not completed by this date and no extension to the construction period is applied for and granted, the permit is voided and all rights thereunder are automatically cancelled.)

(7) This application, including sketches, drawings or plans and specifications attached contains a full and complete description of the work proposed or use desired of the above described facilities of the District and for which permit is herewith applied. It shall be a part of any permit that may be issued. It is agreed that all work or the use of the Flood Control District's facilities involved will be in accordance with the permit to be granted and with the requirements and minimum Standards of Construction heretofore adopted by the Flood Control District which have been examined and are understood by applicant and as the same may be hereafter from time to time amended, changed or revised, and which it is further understood shall be incorporated by reference as a part of any permit which may be granted.

ENGINEERING APPROVED

Submitted this 14 day of Sept. 1961

MAINT. & OPERATION APPROVED

Signature of Owner: J. O. Pearce Jr.
(or Corporate Officer)

Title: Owner

INSPECTION CHECKED

APPROVED
JACKSONVILLE DISTRICT
CORPS of ENGINEERS, U. S. ARMY

Date 2 OCT 1961 By [Signature]

SFWMD PERMIT NO. MOD 22-00021-R

CORRECTED COPY
08/31/93

(NON-ASSIGNABLE)
AUGUST 12, 1993 DATE ISSUED

AUTHORIZING: ACCESS TO A PREVIOUSLY-PERMITTED FACILITY LOCATED APPROXIMATELY 300' NORTH OF S-72 ALONG WITH THREE (3) EXISTING GATES LOCATED WITHIN THE DISTRICT'S FENCE LINE WITHIN THE SOUTHWEST RIGHT OF WAY OF L-60.

LOCATED IN: GLADES COUNTY, SECTION 15,21,28 TOWNSHIP 39S RANGE 33E

ISSUED TO:
(OWNER)

S.J. & W. RANCHES, INC.
408 S.W. 15TH STREET
OKEECHOBEE, FL 34974

ATTN: DONALD JONES

This permit is issued pursuant to Application No. 93-0528-6 dated MAY 21, 1993 and permittee's agreement to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, maintenance or use of the work or structure involved in the Permit. Said application, including all plans and specifications attached thereto, is by reference made a part hereof. The permittee, by acceptance of this permit, hereby agrees that he shall promptly comply with all orders of the District and shall alter, repair or remove his use solely at his expense in a timely fashion. Permittee shall comply with all laws and rules administered by the District. This permit does not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit is issued by the District as a license to use or occupy District works or lands. It does not create any right or entitlement, either legal or equitable, to the continued use of the District works or lands. Since this permit conveys no right to the continued use of the District works or lands, the District is under no obligation to transfer this permit to any subsequent party. By acceptance of this permit, the permittee expressly acknowledges that the permittee bears all risk of loss as a result of revocation of this permit.

WORK PROPOSED, WILL BE COMPLETED ON OR BEFORE AUGUST 31, 1996 otherwise, this permit is void and all rights thereunder are automatically canceled unless an extension to the construction period is applied for and granted.
12 LIMITING CONDITIONS - (on reverse side of permit)

SPECIAL CONDITIONS (SPECIFIC LIMITING CONDITIONS) ARE AS FOLLOWS:

SPECIAL CONDITIONS ON THE ATTACHED SHEET ARE PART OF THIS DOCUMENT.

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

ON August 31, 1993
BY Benedict Muller
Deputy Clerk

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

BY: [Signature]
Secretary

SPECIAL CONDITIONS ARE AS FOLLOWS:

1. THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT IS NOT RESPONSIBLE FOR DAMAGE TO INSTALLATIONS LOCATED WITHIN ITS RIGHTS OF WAY.
2. PERMITTEE SHALL BE RESPONSIBLE FOR THE REPAIR AND/OR REPLACEMENT OF EXISTING FACILITIES LOCATED WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S RIGHTS OF WAY.
3. ANY ADDITIONAL FACILITIES OR ALTERATION TO EXISTING FACILITIES WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S RIGHTS OF WAY WILL REQUIRE A MODIFICATION OF THIS PERMIT.
4. CANAL RIGHT OF WAY DISTURBED DURING CONSTRUCTION, INSTALLATION AND/OR MAINTENANCE OF THE AUTHORIZED FACILITY SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION BY THE PERMITTEE AT HIS SOLE EXPENSE.
5. PERMITTEE IS SOLELY RESPONSIBLE FOR ANY RELOCATION(S) WHICH MAY BE REQUIRED AS A RESULT OF THIS AUTHORIZATION. LIKEWISE, THE PERMITTEE IS RESPONSIBLE FOR ANY NOTIFICATION OR COORDINATION WITH THE OWNERS OF PREVIOUSLY PERMITTED FACILITIES LOCATED WITHIN THE DISTRICT'S RIGHTS OF WAY.
6. PERMITTEE RECOGNIZES THAT IN AN EMERGENCY SITUATION ANY OR ALL PERMITTED ITEMS WITHIN THE DISTRICT'S RIGHT OF WAY ARE SUBJECT TO IMMEDIATE ALTERATION, MODIFICATION OR REMOVAL BY DISTRICT FORCES. ANY DAMAGE RESULTING THEREFROM IS NOT THE RESPONSIBILITY OF THE DISTRICT.
7. A COPY OF THE PERMIT PACKAGE WILL BE KEPT AT THE JOB SITE UNTIL COMPLETION OF ALL PHASES OF CONSTRUCTION.
8. PERMITTEE RECOGNIZES THAT UPON THE SALE OR TRANSFER OF THE PROPERTY, IT IS THE PERMITTEE'S RESPONSIBILITY TO INFORM THE NEW OWNER THAT A PERMIT EXISTS AND THAT IMMEDIATELY FOLLOWING THE SALE OF THE PROPERTY, A REQUEST FOR TRANSFER OF SAID PERMIT MUST BE SUBMITTED TO THE DISTRICT.
9. INSURANCE COVERAGE IN THE AMOUNTS OUTLINED ON THE ATTACHED INSURANCE SCHEDULE SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THIS PERMIT WITH THE DISTRICT BEING SUPPLIED WITH RENEWAL NOTICES, AS APPLICABLE.
10. PERMITTEE SHALL NOTIFY THE DISTRICT AT SUCH TIME AS THE FENCE IS IN NEED OF REPAIR OR WHEN PERMITTEE HAS FIXED/REPAIRED FENCE.

SFWMD PERMIT NO. MOD 22-00021-R

(NON-ASSIGNABLE)
AUGUST 12, 1993 DATE ISSUED

AUTHORIZING: ACCESS TO A PERMITEE FACILITY LOCATED APPROXIMATELY 300' NORTH OF S-72 ALONG WITH 3 EXISTING GATES LOCATED WITHIN THE DISTRICT'S FENCE LINE WITHIN THE SOUTHWEST RIGHT OF WAY OF L-60.

LOCATED IN: GLADES COUNTY, SECTION 15, 21, 28 TOWNSHIP 39S RANGE 33E

**ISSUED TO:
(OWNER)**

**S. J. & W. RANCHES, INC.
408 S.W. 15TH STREET
OKEECHOBEE, FLORIDA 34974**

ATTN: DONALD JONES

This permit is issued pursuant to Application No. 93-0528-6 dated MAY 21, 1993 and permittee's agreement to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, maintenance or use of the work or structure involved in the Permit. Said application, including all plans and specifications attached thereto, is by reference made a part hereof. The permittee, by acceptance of this permit, hereby agrees that he shall promptly comply with all orders of the District and shall alter, repair or remove his use solely at his expense in a timely fashion. Permittee shall comply with all laws and rules administered by the District. This permit does not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit is issued by the District as a license to use or occupy District works or lands. It does not create any right or entitlement, either legal or equitable, to the continued use of the District works or lands. Since this permit conveys no right to the continued use of the District works or lands, the District is under no obligation to transfer this permit to any subsequent party. By acceptance of this permit, the permittee expressly acknowledges that the permittee bears all risk of loss as a result of revocation of this permit.

WORK PROPOSED, WILL BE COMPLETED ON OR BEFORE AUGUST 31, 1994 otherwise, this permit is void and all rights thereunder are automatically canceled unless an extension to the construction period is applied for and granted.
12 LIMITING CONDITIONS - (on reverse side of permit)

SPECIAL CONDITIONS (SPECIFIC LIMITING CONDITIONS) ARE AS FOLLOWS:

SPECIAL CONDITIONS ON THE ATTACHED SHEET ARE PART OF THIS DOCUMENT.

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT
ON _____
BY ORIGINAL SIGNED BY
Deputy Clerk PRONCZAK

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD
BY: ORIGINAL SIGNED BY
TONY BURNS



FORM #0122
Rev. 4.87
IRC-11

Telephone (305) 686-8800 • Florida WATS Line: 1-800-423-2045

APPLICATION NUMBER 93-0528-6
(DO NOT WRITE IN THIS BLOCK)

Application to the South Florida Water Management District For Authority to Utilize Works or Land of the District

—To Be Accompanied by 3 Copies of a Drawing of the Proposal—

SECTION 1

Applicant's Name S.J. & W. Ranches Inc
 Applicant's Address 408 SW 15th St Okeechobee, Fl 34974
 Applicant's Telephone Numbers (813) 763-3216 (Day) (813) 763-3216 (Evening)
 Name of Person Filing Application Donald R. Jones
 Address of Person Filing Application 7740 SW 13th St Okeechobee, Fl 34974
 Telephone Numbers of Person Filing Application (813) 763-3216 (Day) (813) 763-3216 (Evening)

SECTION 2

LOCATION OF PROJECT:

Work or Land Involved Land along L60 County Glades
 Section(s) 15, 21 & 28 Township(s) 39 South, Range(s) 23 East
 Lot _____ Block _____ Subdivision _____

SECTION 3

DESCRIPTION OF PROJECT:

- | | |
|--|--|
| <input type="checkbox"/> Boat Dock | <input type="checkbox"/> Domestic Irrigation Line |
| <input type="checkbox"/> Utility Line Installation | <input type="checkbox"/> Other Water Withdrawal Connection |
| <input type="checkbox"/> CATV Line Installation | <input type="checkbox"/> Drainage Connection |
| <input type="checkbox"/> Beautification | |
| <input checked="" type="checkbox"/> Other (Describe Fully) <u>For ingress and egress to flood gate</u> | |

300' North of S 72 on C 40, in accordance to permit #1648.
Also for maintenance of fence on the level of L60. This
will be a continuous project of S.J. & W. Ranches Inc. ADO

Anticipated Start Date if Other than Date of Approval 5/21/93

Anticipated Completion Date: _____

OK 3 gates in fence line

In compliance with provisions of Chapter 373, Florida Statutes and Chapter 40E-8, Florida Administrative Code, application is hereby made for an occupancy permit in accordance with support drawings, data and incidental information filed with this application and made a part of this application. I hereby certify that all information contained in or made a part hereof is true and correct to the best of my knowledge, and acknowledge that any permit issued shall require that the permitted use be constructed and operated in accordance with such information. I further certify that I have read the "Standard Limiting Conditions" appearing on the reverse side and understand that said conditions will be incorporated within any permit issued pursuant to this application, unless expressly waived by the Governing Board. I further acknowledge that the Governing Board may incorporate additional special conditions as may be necessary in the best interest of the District.

RECEIVED

S.J. & W. Ranches Inc
Applicant's Name (Print or Type)

Agent's Name (Print or Type)
MAY 20 1993

Donald R. Jones
Owner's Signature

I Hereby Certify that I am an Authorized Agent for the Owner
AGENT OF-WAY DIVISION

5/21/93
Date

Date

F. D. PERMIT NO. 1724

(NON-ASSIGNABLE)

DATE ISSUED Nov. 10, 1961

AUTHORIZING:

^{as per} CONNECTION OF 1 - ^{36"}36" X 140' CULVERT/SLIDE GATE TO C-41 THROUGH THE EAST RIGHT OF WAY AT A POINT 120' NORTH OF CONTROL HOUSE FOR S-71.

LOCATED IN Glades COUNTY SECTION 36 TWP. 39 RGE. 32

ISSUED TO: Paul S. Beck, Route 6, Box 774, Okeechobee, FL 34974 and, also
(Owner) Earl Wayne Beck, Jerry Larue Beck, Bonnie Beck Dorazio, Richard Wayne Beck, James Earl Beck, Vicki Dorazio, Laura A. Dorazio

This permit is issued pursuant to Application for Permit No. 4067 dated July 25, 1961
Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

All work, construction and use of the facilities of the Flood Control District permitted hereunder shall be performed in strict compliance with this permit and the Requirements and Minimum Standards of Construction heretofore adopted by the Flood Control District and as the same may be hereafter from time to time, amended, changed or revised, said Requirements and Minimum Standards of Construction being expressly made a part and condition of this permit, and any departure therefrom shall be grounds for revocation of this permit. A copy of the Requirements and Minimum Standards of Construction are available upon request.

This permit shall not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee unless otherwise provided immediately below.

The dumping or discharging of hyacinths, whether directly or indirectly, into works of this District will constitute grounds for cancellation of this permit.

SPECIAL CONDITIONS ARE AS FOLLOWS:

Work proposed, will be completed on or before March 1, 1962 otherwise, this permit is voided and all rights thereunder are automatically cancelled unless an extension to the construction period is applied for and granted.

The Department of the Army requires that you install a slide gate on the canal side of the culvert connected to C-41 just north of S-71 rather than proposed flash board-riser.

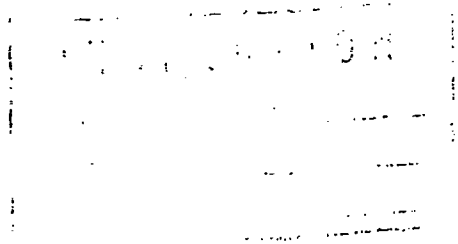
ENGINEERING APPROVED: [Signature]

MAINT. & OPERATION APPROVED: [Signature]

INSPECTION CHECKED: _____

Central and Southern Florida
Flood Control District

By [Signature]
Executive Director



DUPLICATE

OCT 77 ENT'D

F.C.D. PERMIT NO. 2253

(NON-ASSIGNABLE)

October 9, 1963

DATE ISSUED

AUTHORIZING:

A 60-INCH CULVERT (WITH RIVER) CONTROL STRUCTURE
IN L-60 AT CORPS OF ENGINEERS STATION 141 ± 00.

LOCATED IN Glades COUNTY SECTION 29 TWP. 39 RGE. 39

ISSUED TO:

(Owner)

Billy Rogers Farms
P. O. Box 70
South Bay, Florida 33493

This permit is issued pursuant to Application for Permit No. 3984 dated August 18 19 61
Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit may be cancelled upon thirty (30) days written notice to the permittee or under emergency circumstances as set forth in *Standards of Construction and Permit Procedures*, with which permittee is put on notice.

This permit does not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

WORK PROPOSED, WILL BE COMPLETED ON OR BEFORE Existing 19 63 otherwise, this permit is voided and all rights thereunder are automatically cancelled unless an extension to the construction period is applied for and granted.

SPECIAL CONDITIONS ARE AS FOLLOWS:

SATISFACTORY

INSPECTED
11-20-63

ISSUANCE RECOMMENDED:

Engineering: _____
By: [Signature]

Maintenance & Operation
By: PEZ [Signature]

CENTRAL AND SOUTHERN FLORIDA
FLOOD CONTROL DISTRICT, BY ITS
GOVERNING BOARD

by [Signature]
Secretary



Form #0113
rev 4/60

WMD PERMIT NO. 2253

(NON-ASSIGNABLE)

October 9, 1963 DATE ISSUED

AUTHORIZING: A 60-INCH CULVERT (WITH RISER) CONTROL STRUCTURE
IN L-60 AT CORPS OF ENGINEERS STATION 141 ± 00.

LOCATED IN Glades COUNTY, SECTION 29 TWP. 39 RGE. 33

ISSUED TO: Rio Rancho Corporation
(owner) 12300 Highway 70 West
Okeechobee, Florida 34974

This permit is issued pursuant to Application No. 3984 dated August 18, 19 61 and permittee's agreement to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, maintenance or use of the work or structure involved in the Permit. Said application, including all plans and specifications attached thereto, is by reference made a part hereof. The permittee, by acceptance of this permit, hereby agrees that he shall promptly comply with all orders of the District and shall alter, repair or remove his use solely at his expense in a timely fashion. Permittee shall comply with all laws and rules administered by the District. This permit does not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit is issued by the District as a license to use or occupy District works or lands. It does not create any right or entitlement, either legal or equitable, to the continued use of the District works or lands. Since this permit conveys no right to the continued use of the District works or lands, the District is under no obligation to transfer this permit to any subsequent party. By acceptance of this permit, the permittee expressly acknowledges that the permittee bears all risks of loss as a result of revocation of this permit.

WORK PROPOSED, WILL BE COMPLETED ON OR BEFORE Existing 19 63 otherwise, this permit is voided and all rights thereunder are automatically cancelled unless an extension to the construction period is applied for and granted.
12 LIMITING CONDITIONS - (on reverse side of permit)

SPECIAL CONDITIONS (SPECIFIC LIMITING CONDITIONS) ARE AS FOLLOWS:

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT
ON August 30, 1962
BY Barbara Franz
Deputy Clerk

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By: _____
Secretary

5. PERMITTEE SHALL NOT REFUSE IMMEDIATE ENTRY OR ACCESS TO ANY AUTHORIZED REPRESENTATIVE OF THE DISTRICT WHO REQUESTS ENTRY FOR PURPOSES OF INSPECTION AND PRESENTS APPROPRIATE CREDENTIALS.
6. IF ANY CONDITIONS OF THE PERMIT ARE VIOLATED, THE PERMIT SHALL BE SUBJECT TO REVIEW AND POSSIBLE MODIFICATION, ENFORCEMENT ACTION, OR REVOCATION.
7. APPLICATION FOR A PERMIT MODIFICATION MAY BE MADE AT ANY TIME.
8. WITHDRAWAL FACILITIES ARE:
1-36" X 70' CMP CULVERT. ✓
9. THIS PERMIT SHALL EXPIRE ON OCTOBER 15, 1991.
10. MAXIMUM ANNUAL WITHDRAWAL SHALL NOT EXCEED 1657.67 MG.
MAXIMUM MONTHLY WITHDRAWAL SHALL NOT EXCEED 310.79 MG.
11. USE CLASSIFICATION IS AGRICULTURAL.
12. THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE USE OR WITHDRAWAL OF WATER.
13. 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 F.A.C.
14. WITHDRAWALS ON A MONTHLY BASIS SHALL BE REPORTED TO THE DISTRICT MONTHLY. DATA SUBMITTAL BEGINS EITHER IN THE MONTH FOLLOWING THE DATE OF PERMIT ISSUANCE OR IN THE MONTH THAT WATER USE IS INITIATED.
15. A "WATER RIGHTS COMPACT AMONG THE SEMINOLE TRIBE OF FLORIDA, THE STATE OF FLORIDA, AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT", WHICH CONFIRMS TRIBAL WATER RIGHTS, HAS BEEN APPROVED. EXERCISE OF TRIBAL RIGHTS UNDER THE COMPACT MAY IMPACT ALLOCATIONS SOUGHT BY THE PERMITTEE IN FUTURE PERMIT MODIFICATIONS OR RENEWALS.
16. THE DISTRICT IS INVESTIGATING THE WATER RESOURCES OF THE INDIAN PRAIRIE BASIN AND WHETHER THE TRIBE IS GETTING ITS SHARE OF WATER, AS SPECIFIED IN THE COMPACT, FROM DISTRICT CANALS, AND WILL TAKE NECESSARY STEPS TO PROVIDE SOLUTIONS TO IDENTIFIED WATER SUPPLY PROBLEMS. INITIAL FINDINGS ARE EXPECTED BY DECEMBER 31, 1987 AND A PLAN OF ACTION IS EXPECTED BY JANUARY 31, 1988. IF INDICATED BY THE INVESTIGATION, THE DISTRICT RESERVES THE RIGHT TO MODIFY THE PERMIT TO CEASE USE OF INDIAN PRAIRIE BASIN WATER BY SUBSTITUTING AN ALTERNATE SOURCE FOR SUCH USE. DISTRICT STAFF IS AVAILABLE TO ASSIST IN THE IDENTIFICATION OF ALTERNATE SOURCES OF WATER.



Form 20111
Rev. 4/60

SWMD PERMIT NO. 2253

(NON-ASSIGNABLE)

October 9, 1963 DATE ISSUED

AUTHORIZING: A 60-INCH CULVERT (WITH RISER) CONTROL STRUCTURE
IN L-60 AT CORPS OF ENGINEERS STATION 141 + 00.

LOCATED IN Glades COUNTY. SECTION 29 TWP. 39 RGE. 33

ISSUED TO: Rio Rancho Corporation
(owner) 12300 Highway 70 West
Okeechobee, Florida 34974

This permit is issued pursuant to Application No. 3984 dated August 19, 19 61 and permittee's agreement to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, maintenance or use of the work or structure involved in the Permit. Said application, including all plans and specifications attached thereto, is by reference made a part hereof. The permittee, by acceptance of this permit, hereby agrees that he shall promptly comply with all orders of the District and shall alter, repair or remove his use solely at his expense in a timely fashion. Permittee shall comply with all laws and rules administered by the District. This permit does not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit is issued by the District as a license to use or occupy District works or lands. It does not create any right or entitlement, either legal or equitable, to the continued use of the District works or lands. Since this permit conveys no right to the continued use of the District works or lands, the District is under no obligation to transfer this permit to any subsequent party. By acceptance of this permit, the permittee expressly acknowledges that the permittee bears all risks of loss as a result of revocation of this permit.

WORK PROPOSED, WILL BE COMPLETED ON OR BEFORE Printing 63 19 63 otherwise, this permit is voided and all rights thereunder are automatically cancelled unless an extension to the construction period is applied for and granted.
12 LIMITING CONDITIONS - (on reverse side of permit)

SPECIAL CONDITIONS (SPECIFIC LIMITING CONDITIONS) ARE AS FOLLOWS:

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT
ON August 20, 1962
BY Balloua Frangich
Deputy Clerk

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By: _____
Secretary

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.