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REPLY TO CENTRAL FLORIDA OFFICE

MARTIN S. FRIEDMAN, P.A.
VALERIE L. LORD
BRIAN J. STREET

October 6, 2006

HAND DELIVERY

Ms. Blanca Bayo
Commission Clerk & Administrative Services Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

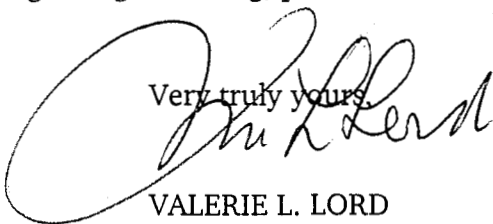
RE: Docket No.: 060257-WS; Cypress Lakes Utilities, Inc.'s Application for Rate Increase in Polk County, Florida
Our File No.: 30057.113

Dear Ms. Bayo:

Enclosed you will find for filing in the above-referenced docket a copy of Consumptive Use Permit 2011531.001.

Should you have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,



VALERIE L. LORD
For the Firm

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC _____
- OTH _____

VLL/tlc
Enclosures

cc: Katherine Fleming, Esq. (w/enclosures - via hand delivery)
Troy Rendell, Division of Economic Regulation (w/enclosures - via hand delivery)
Steven M. Lubertozzi, Director Regulatory Accounting (w/o enclosures - via U.S. Mail)
John Hoy, Regional Vice President for Operations (w/o enclosures - via U.S. Mail)
Patrick C. Flynn, Regional Director (w/o enclosures - via U.S. Mail)
Stephen Reilly, Esquire, Office of Public Counsel (w/enclosures - via U.S. Mail)

M:\ALTA MONTE UTILITIES INC\CYPRESS LAKES\(.113) 2005 RATE CASE\FSC Clerk 10 (CUP).ltr.wpd

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK



An Equal Opportunity Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34609-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
World Wide Web: <http://www.swfwmd.state.fl.us>

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)
SUNCOM 578-2070

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(941) 534-1448 or
1-800-492-7862 (FL only)
SUNCOM 572-6200

Venice Service Office
115 Corporation Way
Venice, Florida 34292-3524
(941) 486-1212 or
1-800-320-3503 (FL only)
SUNCOM 526-6900

Lecanto Service Office
3600 West Sovereign Path
Suite 226
Lecanto, Florida 34461-8070
(352) 527-8131
SUNCOM 667-3271

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Pamela Stinnette-Taylor
Tampa

E. D. "Sonny" Vergara
Executive Director

Gene A. Heath
Assistant Executive Director

Edward B. Helvenston
General Counsel

July 19, 1999

Cypress Lakes Utilities, Inc.
Att: Donald Rasmussen
200 Weathersfield Avenue
Altamonte Springs, FL 32714

Subject: Final Agency Action Transmittal Letter
General Water Use Permit No(s) 2011531.001

Your Water Use Permit has been approved. Final approval is contingent upon no objection to the District's action being received by the District within the time frames described below.

You or any person whose substantial interests are affected by the District's action regarding the permit may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C., of the Uniform Rules of Procedure. A request for hearing must (1) explain how each petitioner's substantial interests will be affected by the District's action, or proposed action; (2) state all material facts disputed by the petitioner or state that there are no disputed facts; and (3) otherwise comply with Chapter 28-106, F.A.C. A copy of Rules 28-106.201 and 28-106.301, F.A.C., is enclosed for your reference. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Brooksville address within 21 days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or such person may have to request a hearing under Sections 120.569 and 120.57, F.S.

Mediation pursuant to Section 120.573, F.S. to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

Please be advised that the Governing Board has formulated a water shortage plan as referenced in Condition 4 of the Standard Water Use Permit Conditions (Exhibit A), and will implement such a plan during periods of water shortage. You will be notified during a declared water shortage of any change in the conditions of your Permit(s) or any suspension of your Permit(s), or of any restriction on your use of water for the duration of any declared water shortage. Please further note that water conservation is a condition of your Permit(s) and should be practiced at all times.

Enclosed is a 'Noticing Packet' that explains the procedures for providing notice to the persons having substantial interests that may be affected by the District's action regarding your permit. The packet contains information and guidelines on the noticing procedure and a form that you may use.

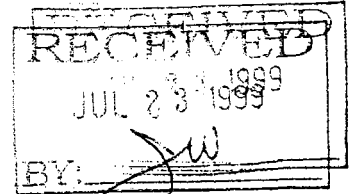
The ID tag(s) for your withdrawal(s) shall be installed by a District representative. This representative will attempt to contact you within 30 days to discuss placement of your tags. If you have any questions or concerns regarding your tags, please contact Jim Calandra at extension 6127 in the Bartow Regulation Department. If you have any questions or concerns regarding your permit or any other information, please contact this office at extension 4344.

Sincerely,

Adeline Wood
Adeline Wood, Supervisor
Records and Data Department

AW:kat

Enclosures: Approved Permit, Rules 28-106.201 and 28-106.301, F.A.C. and Noticing Packet



cc: MD 7/23

Protecting Your Water Resources

FILE 20.2

DOCUMENT NUMBER - DATE

09230 OCT-6 9

FPSC-COMMISSION CLERK

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE
GENERAL
PERMIT NO. 2011531.001

EXPIRATION DATE: February 5, 2007

PERMIT ISSUE DATE: July 19, 1999

THE PERMITTEE IS RESPONSIBLE FOR APPLYING FOR A RENEWAL OF THIS PERMIT PRIOR TO THE EXPIRATION DATE WHETHER OR NOT THE PERMITTEE RECEIVES PRIOR NOTIFICATION BY MAIL. FAILURE TO DO SO AND CONTINUED USE OF WATER AFTER EXPIRATION DATE IS A VIOLATION OF DISTRICT RULES AND MAY RESULT IN A MONETARY PENALTY AND/OR LOSS OF WATER. APPLICATION FOR RENEWAL PRIOR TO THE EXPIRATION DATE IS SUBJECT TO DISTRICT EVALUATION AND APPROVAL.

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined herein, and may require various activities to be performed by the Permittee as outlined by the Special Conditions. This permit, subject to all terms and conditions, meets all District permitting criteria.

PROJECT NAME: Not Specified

GRANTED TO: Cypress Lakes Utilities, Inc.
200 Weathersfield Avenue
Altamonte Springs, FL 32714

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gpd)

AVERAGE: 395,500 PEAK MONTHLY: 673,000

| <u>Use</u> | <u>Average</u> | <u>Peak Monthly</u> |
|----------------|----------------|---------------------|
| Public Supply: | 395,500 gpd | 673,000 gpd |

See Withdrawal Table for quantities permitted for each withdrawal point.

PROPERTY LOCATION: Polk County, approximately 9 miles north of the City of Lakeland and 1 mile south of the intersection of U.S. Highway 98 and Rock Ridge Road.

TYPE OF APPLICATION: Modification **WATER USE CAUTION AREA:**
N/A

APPLICATION FILED: March 26, 1999 **ACRES:** 0.17 Owned
227.00 Serviced
227.17 Total

APPLICATION AMENDED: May 24, 1999

Permit No.: 2011531.001
 Permittee: Cypress Lakes Utilities, Inc.
 Page 2

WATER USE: PUBLIC SUPPLY

SERVICE AREA NAME

Cypress Lakes Utilities, Inc.

| <u>USE TYPE</u> | <u>POPULATION SERVED</u> | <u>PER CAPITA RATE</u> |
|--|---------------------------------|-------------------------------|
| Residential Single Family Other Metered Uses Fire Fighting/Testing | | |
| Total Public Supply Use | 2,758 | Gross = 143 gpd/person |

| <u>USE TYPE</u> | <u>IRRIGATION METHOD(S)</u> | <u>IRRIGATION RATE</u> | <u>ACRES</u> |
|-------------------------------|------------------------------------|-------------------------------|---------------------|
| Lawn and Landscape Irrigation | Sprinkler (Under Plant) | 30.2"/yr. | 15 |

| <u>I.D. NO.</u> | <u>GALLONS PER DAY</u> | | | | |
|-----------------------------------|-------------------------------|-------------------------------|-------------------|-----------------------|----------------------------|
| <u>PERMITTEE/ DISTRICT</u> | <u>DIAM. (IN.)</u> | <u>DEPTH TTL./CSD.</u> | <u>USE</u> | <u>AVERAGE</u> | <u>PEAK MONTHLY</u> |
| 1 / 3 | 12 | 563 / 105 | PS | 395,500 | 673,000 |
| 2 / 6 | 10 | 550 / 105 | PS | 65,000 | 673,000 |

PS=Public Supply

| <u>DISTRICT I.D. NO.</u> | <u>SECTION/TOWNSHIP/RANGE</u> | <u>LOCATION LAT./LONG.</u> |
|---------------------------------|--------------------------------------|-----------------------------------|
| 3 | 34/26/23 | 281020.30/815926.23 |
| 6 | 34/26/23 | 281020.99/815927.30 |

SPECIAL CONDITIONS:

All conditions referring to approval by the Regulation Department Director, Resource Regulation, shall refer to the Director, Bartow Regulation Department, Resource Regulation.

1. All reports required by the permit shall be submitted to the District on or before the tenth day of the month following data collection and shall be addressed to:


Permit Data Section, Records and Data Department
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34609-6899

Unless otherwise indicated, three copies of each plan or report, with the exception of pumpage, rainfall, evapotranspiration, water level or water quality data which require one copy, are required by the permit.

2. The Permittee shall continue to maintain and operate the existing non-resettable, totalizing flow meter(s), or other flow measuring device(s) as approved by the Regulation Department Director, Resource Regulation, for District ID No(s). 3 & 6, Permittee ID No(s). 1 & 2. Such device(s) shall maintain an accuracy within five percent of the actual flow as installed. Total withdrawal and meter readings from each metered withdrawal shall be recorded on a **monthly** basis and reported to the Permit Data Section, Records and Data Department, (using District forms) on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, a report shall be submitted to the Permit Data Section, Records and Data Department, indicating zero gallons.
3. At such time as the use of effluent for irrigation reaches **200,000** gallons per day on an annual average basis, the Permittee shall apply to modify this permit to decrease the quantity of water permitted from the on site well(s).
4. The Permittee shall:
 - a. Incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS and/or the United States Natural Resources Conservation Service (NRCS).
 - b. Limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices.
 - c. Implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.
 - d. Evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.

STANDARD CONDITIONS:

1. The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit "A" and made a part hereof.



 Authorized Signature
 SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

11. The District may establish special regulations for Water Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
12. The Permittee shall mitigate, to the satisfaction of the District, any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include:
 - a. A reduction in water levels which impairs the ability of a well to produce water;
 - b. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - c. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of any aquifer or water body.
13. The Permittee shall mitigate to the satisfaction of the District any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include the following:
 - a. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;
 - b. Sinkholes or subsidence caused by reduction in water levels;
 - c. Damage to crops and other vegetation causing financial harm to the owner; and
 - d. Damage to the habitat of endangered or threatened species.
14. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
15. A District identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.
16. The Permittee shall notify the District within 30 days of the sale or conveyance of permitted water withdrawal facilities or the land on which the facilities are located.
17. All permits issued pursuant to these Rules are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.