

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** December 5, 2013  
**TO:** Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk  
**FROM:** Penelope D. Buys, Engineering Specialist III, Division of Engineering *PDB CKL*  
**RE:** Docket No. 130180-WS - Application for original certifications to provide water and wastewater service in Lake County by Sunlake Estates Utilities, L.L.C.

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Please place the attached document in the docket referenced above.



# St. Johns River Water Management District

Hans G. Tanzler III, Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500  
On the Internet at [floridaswater.com](http://floridaswater.com).

July 3, 2013

Sunlake Estates  
American Land Lease  
380 Park Place Blvd Ste 200  
Clearwater FL 33759

SUBJECT: Consumptive Use Permit Number 20-069-2454-5  
Sunlakes Estates (Letter Mod)

Dear Sir/Madam:

Enclosed is your permit as authorized by the St. Johns River Water Management District on July 03, 2013.

Please be advised that the period of time within which a third party may request an administrative hearing on this permit may not have expired by the date of issuance. A potential petitioner has twenty-six (26) days from the date on which the actual notice is deposited in the mail, or twenty-one (21) days from publication of this notice when actual notice is not provided, within which to file a petition for an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes. Receipt of such a petition by the District may result in this permit becoming null and void.

Permit issuance does not relieve you from the responsibility of obtaining permits from any federal, state and/or local agencies asserting concurrent jurisdiction over this work.

The enclosed permit is a legal document and should be kept with your other important records. Please read the permit and conditions carefully since the referenced conditions may require submittal of additional information. All information submitted as compliance with permit conditions must be submitted to the nearest District Service Center and should include the above referenced permit number.

Sincerely,

*M. Daniels*

Margaret Daniels, Bureau Chief  
Bureau of Regulatory Support

Enclosures: Permit, Conditions for Issuance

cc: District Permit File

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**GOVERNING BOARD**

Lad Daniels, CHAIRMAN  
JACKSONVILLE

John A. Miklos, VICE CHAIRMAN  
ORLANDO

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Maryam H. Ghyabi, TREASURER  
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ORLANDO

George W. Robbins  
JACKSONVILLE

Fred N. Roberts, Jr.  
OCALA

W. Leonard Wood  
FERNANDINA BEACH

PERMIT NO. 20-069-2454-5  
PROJECT NAME: Sunlakes Estates (Letter Mod)

DATE ISSUED: July 3, 2013

**A PERMIT AUTHORIZING:**

The District authorizes, as limited by the attached permit conditions, the use of 128.13 million gallons per year (mgy) of groundwater from the Floridan aquifer for public supply use, landscape irrigation, and golf course irrigation and 1.28 million gallons per day of groundwater from the Floridan aquifer for essential use (fire protection).

**LOCATION:**

Site: Sunlake Estates  
Lake County

Section(s): 11, 12, 13      Township(s): 18S      Range(s): 25E

**ISSUED TO:**

Sunlake Estates  
380 Park Place Blvd Ste 200  
Clearwater, FL 33759

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all maps and specifications attached thereto, is by reference made a part hereof.

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 may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes and 40C-1, Florida Administrative Code.

**PERMIT IS CONDITIONED UPON:**

See conditions on attached "Exhibit A", dated July 3, 2013

**AUTHORIZED BY:** St. Johns River Water Management District  
Division of Regulatory Services

By:  /for

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David Dewey, Director  
Maitland Service Center

**"EXHIBIT A"**  
**CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 2454**  
**Sunlake Estates**  
**DATED JULY 3, 2013**

1. District Authorized staff, upon proper identification, will have permission to enter, inspect and observe permitted and related facilities in order to determine compliance with the approved plans, specifications and conditions of this permit.
2. Nothing in this permit should be construed to limit the authority of the St. Johns River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a plan for implementation during periods of water shortage, pursuant to Section 373.246, Florida Statutes. In the event a water shortage, is declared by the District Governing Board, the permittee must adhere to the water shortage restriction as specified by the District, even though the specified water shortage restrictions may be inconsistent with the terms and conditions of this permit.
3. Prior to the construction, modification, or abandonment of a well, the permittee must obtain a Water Well Construction Permit from the St. Johns River Water Management District, or the appropriate local government pursuant to Chapter 40C-3, Florida Administrative Code. Construction, modification, or abandonment of a well will require modification of the consumptive use permit when such construction, modification or abandonment is other than that specified and described on the consumptive use permit application form.
4. Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to eliminate the leak or make the system fully operational.
5. Off-site land uses existing at the time of permit application may not be significantly adversely impacted as a result of the consumptive use. If unanticipated significant adverse impacts occur, the District shall revoke the permit in whole or in part to curtail or abate the adverse impacts, unless the impacts can be mitigated by the permittee.
6. The District must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of a well or facility from which the permitted consumptive use is made or within 30 days of any transfer of ownership or control of the real property at which the permitted consumptive use is located. All transfers of ownership or transfers of permits are subject to the provisions of section 40C-1.612, Florida Administrative Code.
7. A District-issued identification tag shall be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve or other withdrawal facility as provided by Section 40C-2.401, Florida Administrative Code. Permittee shall notify the District in the event that a replacement tag is needed.
8. For the purposes of the following permit conditions, the St. Johns River Water Management District shall be referred to as the District and the holder of this permit shall be referred to as the permittee.
9. All submittals made to demonstrate compliance with this permit must include the CUP number 2454 plainly labeled.
10. This permit will expire August 30, 2026.

11. Legal uses of water existing at the time of the permit application may not be significantly impacted as a result of the consumptive use. If significant impacts occur (including interference with other existing legal users), the District may revoke the permit in whole or in part to abate the adverse impact unless otherwise mitigated by the permittee. In those cases, where other permit holders are identified by the District as also contributing to the adverse impact, the permittee may choose to mitigate in a cooperative effort with these other permittees. The permittee must submit a mitigation plan to the District for approval prior to implementing such mitigation.
12. Maximum annual groundwater withdrawals from the Floridan aquifer for household use, water utility, unaccounted for water losses, common area landscape irrigation, and golf course irrigation must not exceed:  
  
  - 119.66 million gallons in 2013,
  - 120.86 million gallons in 2014,
  - 122.07 million gallons in 2015,
  - 123.28 million gallons in 2016,
  - 124.46 million gallons in 2017,
  - 125.73 million gallons in 2018,
  - 126.91 million gallons in 2019,
  - and 128.13 million gallons in 2020 through 2026.
13. Maximum daily groundwater withdrawals from the upper Floridan aquifer for essential use (fire protection) must not exceed 1.28 million gallons.
14. The permittee must accept and use, as the primary source of irrigation, reclaimed water from the local utility provider, or any other provider, to supply the irrigation needs of the golf course and common areas, within 30 days of it becoming available at the project site property boundary. In addition, the permittee must notify the District in writing, within 30 days of the date that reclaimed water service has been established.
15. Groundwater wells "1-Potable" (Station ID 9097), "2-Potable" (Station ID 9098), and "3-Golf Course" (Station ID 26975), as referenced on the application, have been equipped with totalizing flow meters (master meters). These flow meters (master meters) must remain for the duration of this permit and must maintain 95% accuracy, be verifiable and be installed according to manufacturer specifications. Groundwater wells "1-Potable" (Station ID 9097) and "2-Potable" (Station ID 9098), as referenced on the application, may use a common meter as long as there are no unmetered uses from these two sources.
16. Total withdrawals from groundwater wells "1-Potable" (Station ID 9097), "2-Potable" (Station ID 9098), and "3-Golf Course" (Station ID 26975), as listed on the application, must be recorded continuously, totaled monthly, and reported to the District at least every six months from the initiation of the monitoring using Form No. EN-50. The reporting dates each year will be as follows for the duration of this permit: Reporting Period Report Due Date January - June July 31 July - December January 31
17. The permittee must maintain all flow meters (master meters) for the duration of this permit. In case of failure or breakdown of any master meter or alternative method the District must be notified in writing within 5 days of its discovery. A defective flow meter (master meter) or alternative method must be repaired or replaced within 30 days of its discovery.

18. The permittee must have all flow meters (master meters) for recording flow checked for accuracy at least once every 10 years within 30 days of the anniversary date of permit issuance, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. District Form #EN-51 must be submitted to the District within 10 days of the inspection/calibration.
  - Next submittal due 2019.
19. The permittee must have all residential flow meters (service meters) for recording flow checked for accuracy in accordance with the water conservation plan received by the District on November 1, 2005, or as recommended in the annual water system audit and/or water audit report.
20. Whenever feasible, the permittee must use native or drought tolerant vegetation that requires little supplemental irrigation for landscaping within the service area of this project.
21. All irrigation controller(s) must be equipped with a rain sensor(s) and/or soil moisture monitoring devices. The rain sensor (s) and/or controller(s) must be maintained and operational, pursuant to the manufacturer specifications for the duration of this permit.
22. The permittee must maintain a District approved water conserving rate structure (Excess Monthly Water Consumption Charge) for the duration of this permit.
23. All public restroom facilities must be equipped with low flow or ultra low flow fixtures and faucets.
24. The permittee must conduct a water audit of the public supply distribution system (including all irrigation uses that use this common system) on an annual basis using the District's current audit form. The data and results of the annual water audit must be submitted to the District by February 27th of the year following each annual water system audit.
25. If the unaccounted for water volume reaches or exceeds 10% (as determined from the annual water system audit) the permittee must develop and obtain District approval of a leak detection inventory and repair program within 120 days of submittal of the annual water audit that identified the excessive unaccounted for water volume. In addition, the permittee must implement the approved leak detection inventory and repair program within 60 days of written District approval.
26. The permittee shall submit, to the District, a compliance report pursuant to subsection 373.236(3), Florida Statutes every 10 years for the duration of this permit. The permittee shall submit the report by September 30th of 2016. The report shall contain sufficient information to demonstrate that the permittee's use of water continues, for the remaining duration of the permit, to meet the conditions for permit issuance set forth in the District rules that existed at the time the permit was issued for 20 years by the District. In providing such assurance, the compliance report must, at a minimum: (a) meet the submittal requirements of section 4.2 of the Applicant's Handbook: Consumptive Uses of Water, February 15, 2006, (b) evaluate the progress and effectiveness of the implementation of the water conservation plan, and (c) evaluate the effectiveness of the proposed rate structure on reduction of per capita use.
27. Reclaimed water from the Town of Leesburg (or any other purveyor of reclaimed water) must be used as the primary source of irrigation water for the golf course and common areas when it becomes available and deemed feasible by the District.

## Notice Of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at [Clerk@sjrwm.com](mailto:Clerk@sjrwm.com), within twenty-six (26) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.
2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.
3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at [floridaswater.com](http://floridaswater.com). These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable

of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.

5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.
9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.

NOR.Decision.DOC.001  
Revised 12.7.11



**Notice Of Rights**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

Sunlake Estates  
380 Park Place Blvd Ste 200  
Clearwater, FL 33759

At 4:00 p.m. this 3rd day of July, 2013.

*M. Daniels*

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Margaret Daniels, Bureau Chief  
Bureau of Regulatory Support  
St. Johns River Water Management District  
4049 Reid Street  
Palatka, FL 32177  
(386) 329-4570  
Permit Number: 2454

CONSUMPTIVE USE TECHNICAL STAFF REPORT  
03-Jul-2013  
APPLICATION #: 20-069-2454-5

**Owner:** Not Applicable

**Applicant:** Sunlake Estates  
American Land Lease  
380 Park Place Blvd Ste 200  
Clearwater FL 33759  
(352) 669-6095

**Agent:** Not Applicable

**Compliance Contact:** General Utilities Corp  
Tom Felton  
7621 Frog Log Ln  
Leesburg FL 34748  
(352) 267-1358

Sunlake Estates  
American Land Lease  
380 Park Place Blvd Ste 200  
Clearwater FL 33759  
(352) 669-6095

Community Sun Lake Joint Venture  
1045 Great Lakes Blvd  
Grand Island FL 32735  
(727) 726-8868

**Project Name:** Sunlakes Estates (Letter Mod)

**County:** Lake

**Authorization Statement:**

The District authorizes, as limited by the attached permit conditions, the use of 128.13 million gallons per year (mgy) of groundwater from the Floridan aquifer for public supply use, landscape irrigation, and golf course irrigation and 1.28 million gallons per day of groundwater from the Floridan aquifer for essential use (fire protection).

**Recommendation:** Approval



Reviewers: James Hollingshead; Emily Wakley

This letter modification was requested for the following reasons:

- Remove the 95 percent or more reporting allocation condition 18.
- Modify the water use calibration reporting condition 22 from three years to 10 years to reflect current guidelines.
- Modify the compliance report condition 30 from five years to 10 years to reflect current guidelines.
- Combine the allocation of conditions 12, 13, 14, and 15 to one total allocation as shown in the table below:

Year	Household (mgy)	Water Utility/Unaccounted (mgy)	Landscape Irrigation (mgy)	Golf Course Well (mgy)	Total Potable Wells (mgy)	Total Allocation (mgy)
2013	99.11	2.81	2.95	14.79	104.87	119.66
2014	100.25	2.87	2.95	14.79	106.07	120.86
2015	101.39	2.94	2.95	14.79	107.28	122.07
2016	102.53	3.01	2.95	14.79	108.49	123.28
2017	103.64	3.08	2.95	14.79	109.67	124.46
2018	104.84	3.15	2.95	14.79	110.94	125.73
2019	105.95	3.22	2.95	14.79	112.12	126.91
2020-2026	107.1	3.29	2.95	14.79	113.34	128.13

No changes are proposed to the overall final 2026 allocation of 128.13 mgy (0.351 million gallons per day (mgd)) of groundwater from the Floridan aquifer for public supply use, landscape irrigation, and golf course irrigation and 1.28 mgd of groundwater from the Floridan aquifer for essential use (fire protection).

The technical staff report for the permit being modified is attached as an exhibit.

### Conditions

1. District Authorized staff, upon proper identification, will have permission to enter, inspect and observe permitted and related facilities in order to determine compliance with the approved plans, specifications and conditions of this permit.
2. Nothing in this permit should be construed to limit the authority of the St. Johns River Water Management District to declare a water shortage and issue orders

pursuant to Section 373.175, Florida Statutes, or to formulate a plan for implementation during periods of water shortage, pursuant to Section 373.246, Florida Statutes. In the event a water shortage, is declared by the District Governing Board, the permittee must adhere to the water shortage restriction as specified by the District, even though the specified water shortage restrictions may be inconsistent with the terms and conditions of this permit.

3. Prior to the construction, modification, or abandonment of a well, the permittee must obtain a Water Well Construction Permit from the St. Johns River Water Management District, or the appropriate local government pursuant to Chapter 40C-3, Florida Administrative Code. Construction, modification, or abandonment of a well will require modification of the consumptive use permit when such construction, modification or abandonment is other than that specified and described on the consumptive use permit application form.
4. Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to eliminate the leak or make the system fully operational.
5. Off-site land uses existing at the time of permit application may not be significantly adversely impacted as a result of the consumptive use. If unanticipated significant adverse impacts occur, the District shall revoke the permit in whole or in part to curtail or abate the adverse impacts, unless the impacts can be mitigated by the permittee.
6. The District must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of a well or facility from which the permitted consumptive use is made or within 30 days of any transfer of ownership or control of the real property at which the permitted consumptive use is located. All transfers of ownership or transfers of permits are subject to the provisions of section 40C-1.612, Florida Administrative Code.
7. A District-issued identification tag shall be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve or other withdrawal facility as provided by Section 40C-2.401, Florida Administrative Code. Permittee shall notify the District in the event that a replacement tag is needed.

8. For the purposes of the following permit conditions, the St. Johns River Water Management District shall be referred to as the District and the holder of this permit shall be referred to as the permittee.
9. All submittals made to demonstrate compliance with this permit must include the CUP number 2454 plainly labeled.
10. This permit will expire August 30, 2026.
11. Legal uses of water existing at the time of the permit application may not be significantly impacted as a result of the consumptive use. If significant impacts occur (including interference with other existing legal users), the District may revoke the permit in whole or in part to abate the adverse impact unless otherwise mitigated by the permittee. In those cases, where other permit holders are identified by the District as also contributing to the adverse impact, the permittee may choose to mitigate in a cooperative effort with these other permittees. The permittee must submit a mitigation plan to the District for approval prior to implementing such mitigation.
12. Maximum annual groundwater withdrawals from the Floridan aquifer for household use, water utility, unaccounted for water losses, common area landscape irrigation, and golf course irrigation must not exceed:  
  
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120.86 million gallons in 2014,  
122.07 million gallons in 2015,  
123.28 million gallons in 2016,  
124.46 million gallons in 2017,  
125.73 million gallons in 2018,  
126.91 million gallons in 2019,  
and 128.13 million gallons in 2020 through 2026.
13. Maximum daily groundwater withdrawals from the upper Floridan aquifer for essential use (fire protection) must not exceed 1.28 million gallons.

14. The permittee must accept and use, as the primary source of irrigation, reclaimed water from the local utility provider, or any other provider, to supply the irrigation needs of the golf course and common areas, within 30 days of it becoming available at the project site property boundary. In addition, the permittee must notify the District in writing, within 30 days of the date that reclaimed water service has been established.
15. Groundwater wells "1-Potable" (Station ID 9097), "2-Potable" (Station ID 9098), and "3-Golf Course" (Station ID 26975), as referenced on the application, have been equipped with totalizing flow meters (master meters). These flow meters (master meters) must remain for the duration of this permit and must maintain 95% accuracy, be verifiable and be installed according to manufacturer specifications. Groundwater wells "1-Potable" (Station ID 9097) and "2-Potable" (Station ID 9098), as referenced on the application, may use a common meter as long as there are no unmetered uses from these two sources.
16. Total withdrawals from groundwater wells "1-Potable" (Station ID 9097), "2-Potable" (Station ID 9098), and "3-Golf Course" (Station ID 26975), as listed on the application, must be recorded continuously, totaled monthly, and reported to the District at least every six months from the initiation of the monitoring using Form No. EN-50. The reporting dates each year will be as follows for the duration of this permit: Reporting Period Report Due Date January - June July 31 July - December January 31
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18. The permittee must have all flow meters (master meters) for recording flow checked for accuracy at least once every 10 years within 30 days of the anniversary date of permit issuance, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. District Form #EN-51 must be submitted to the District within 10 days of the inspection/calibration.
  - Next submittal due 2019.
19. The permittee must have all residential flow meters (service meters) for recording flow checked for accuracy in accordance with the water conservation plan received by the District on November 1, 2005, or as recommended in the annual water system audit and/or water audit report.

20. Whenever feasible, the permittee must use native or drought tolerant vegetation that requires little supplemental irrigation for landscaping within the service area of this project.
21. All irrigation controller(s) must be equipped with a rain sensor(s) and/or soil moisture monitoring devices. The rain sensor (s) and/or controller(s) must be maintained and operational, pursuant to the manufacturer specifications for the duration of this permit.
22. The permittee must maintain a District approved water conserving rate structure (Excess Monthly Water Consumption Charge) for the duration of this permit.
23. All public restroom facilities must be equipped with low flow or ultra low flow fixtures and faucets.
24. The permittee must conduct a water audit of the public supply distribution system (including all irrigation uses that use this common system) on an annual basis using the District's current audit form. The data and results of the annual water audit must be submitted to the District by February 27th of the year following each annual water system audit.
25. If the unaccounted for water volume reaches or exceeds 10% (as determined from the annual water system audit) the permittee must develop and obtain District approval of a leak detection inventory and repair program within 120 days of submittal of the annual water audit that identified the excessive unaccounted for water volume. In addition, the permittee must implement the approved leak detection inventory and repair program within 60 days of written District approval.
26. The permittee shall submit, to the District, a compliance report pursuant to subsection 373.236(3), Florida Statutes every 10 years for the duration of this permit. The permittee shall submit the report by September 30th of 2016. The report shall contain sufficient information to demonstrate that the permittee's use of water continues, for the remaining duration of the permit, to meet the conditions for permit issuance set forth in the District rules that existed at the time the permit was issued for 20 years by the District. In providing such assurance,



the compliance report must, at a minimum: (a) meet the submittal requirements of section 4.2 of the Applicant's Handbook: Consumptive Uses of Water, February 15, 2006, (b) evaluate the progress and effectiveness of the implementation of the water conservation plan, and (b) evaluate the effectiveness of the proposed rate structure on reduction of per capita use.

27. Reclaimed water from the Town of Leesburg (or any other purveyor of reclaimed water) must be used as the primary source of irrigation water for the golf course and common areas when it becomes available and deemed feasible by the District.

1-

CONSUMPTIVE USE TECHNICAL STAFF REPORT  
HOUSEHOLD, WATER UTILITY, GOLF COURSE,  
AND ESSENTIAL USES

September 12, 2006

20-069-2454-4

(formerly 20-069-0130)

OWNER/APPLICANT: Community Sunlake Joint Venture by Community Acquisition  
and Development Group  
Attn: Mr. Joseph Gaynor, President  
1045 Grand Lakes Boulevard  
Grand Isle, Florida 32735  
(727) 726-8868

CONSULTANT: H. W. Barrineau and Associates, Inc.  
Attn: Mr. Harold Barrineau, President  
2100 SE 17<sup>th</sup> Street  
Ocala, Florida 34471  
(352) 840-9774

COMPLIANCE CONTACT: American Land Lease, Inc.  
Attn: Ms. Linda T. Meade or Mr. Michael Walsh  
29399 US Highway 19 North, Ste. 320  
Clearwater, Florida 33759  
(727) 726-8868

PROJECT NAME: Sunlake Estates

LOCATION: Lake County

WATER USE SUMMARY:

Recommended Use:

110.38 million gallons per year of groundwater from the upper Floridan aquifer to supply residential landscape irrigation and potable needs of 1,200 people, 17.74 million gallons per year of groundwater from the upper Floridan aquifer for golf course and common area irrigation, and 1.28 million gallons per day of groundwater from the upper Floridan aquifer for essential use (fire protection).

RECOMMENDED PERMIT DURATION AND COMPLIANCE REPORTING:

20 year permit duration with 5-year compliance reporting required pursuant to 373.236 (3), Florida Statutes. Permittee is required to comply with, and submit all information and data required by, the limiting conditions set forth in this technical staff report.

INTERESTED PARTIES: Yes

OBJECTORS: No

## USE STATUS:

This is an application to renew and modify an existing consumptive use permit to include an increase in allocation.

## AUTHORIZATION:

The District authorizes, as limited by the attached conditions, the use of 110.38 million gallons per year of groundwater from the upper Floridan aquifer to supply residential landscape irrigation and potable needs of 1,200 people, 17.74 million gallons per year (mgy) of groundwater from the upper Floridan aquifer for golf course and common area irrigation uses, and 1.28 million gallons per day (mgd) of groundwater from the upper Floridan aquifer for essential use (fire protection).

## TIMEFRAMES:

Date application received:	May 10, 2000
Date of 1 <sup>st</sup> RAI:	May 25, 2000
Date of RAI response timeframe extension:	August 22, 2000
Date of receipt of response to 1 <sup>st</sup> RAI:	November 27, 2000
Did response complete application:	No
Date of 2 <sup>nd</sup> RAI:	December 20, 2000
Date of receipt of response to 2 <sup>nd</sup> RAI:	February 23, 2001
Did response complete application:	No
Date of 3 <sup>rd</sup> RAI:	March 20, 2001
Date of receipt of response to 3 <sup>rd</sup> RAI:	None
Date of notice of Intent to Deny:	August 31, 2004
Date of notice of Intent to Deny:	February 8, 2005
Date of receipt of response to Intent to Deny:	April 5, 2005
Date of 4 <sup>th</sup> RAI:	April 27, 2005
Date of notice of Intent to Deny:	December 6, 2005
Date of receipt of response to Intent to Deny:	April 5, 2006
Date of receipt of complete response to 4 <sup>th</sup> RAI:	July 21, 2006
Date application deemed complete:	July 21, 2006
90 <sup>th</sup> Day:	October 19, 2006

## PROJECT DESCRIPTION:

### Project Location:

Sunlake Estates is located on the northern bank of Lake Yale approximately 2.5 miles northeast of the Town of Leesburg in northern Lake County.

### Background:

The District received an application to renew and modify an existing Consumptive Use Permit on May 10, 2000. The modification included a request for an increase in allocation. The application requests the use of groundwater from the Floridan aquifer to supply the potable needs of a residential retirement community of 1,200 people, common area irrigation and a par 3 golf course. Due to the large lot size of this retirement community, ground water allocations for potable supply have been modified to allow for the above

normal lot sizes and to conform to the recommended allocations obtained from the GWRAPPS irrigation model. Groundwater from the Floridan aquifer is the only available source that is currently feasible for these uses.

#### Water Supply System:

Currently groundwater from the upper Floridan aquifer is supplied through 2 wells to an onsite treatment facility and then distributed through a common system for all uses except for golf course irrigation. The golf course is irrigated directly from a 3<sup>rd</sup> upper Floridan aquifer well. The applicant has requested an increase in allocation in order to keep pace with projected population growth within the development and account for the larger than normal lot sizes.

#### Water Use Information:

Potable Water Use Trends	2006	2026
Population Served	850	1200
GPC/D - Household:	293	245
Average Daily Use - Household (mgd):	.249	.301
Water Utility & Unaccounted for Losses (mgd)	.006	.009
Maximum Annual Use - Total (mgy):	93.45	110.39

#### PERMIT APPLICATION REVIEW:

Section 373.223, Florida Statutes (F.S.), and Section 40C-2.301, Florida Administrative Code (F.A.C.), require an applicant to establish that the proposed use of water:

- a.) is a reasonable-beneficial use;
- b.) will not interfere with any presently existing legal use of water; and,
- c.) is consistent with the public interest.

In addition, the above requirements are detailed further in the District's Applicant's Handbook: Consumptive Uses of Water, February 15, 2006. District staff have reviewed the consumptive use permit application pursuant to the above described requirements and have determined that the application meets the conditions for issuance of this permit, as limited by the attached permit conditions. Highlights of staff's review are discussed below.

#### Reasonable Beneficial Use Criteria:

Staff evaluated whether the use of water proposed in this application meets District reasonable-beneficial use criteria. In performing the evaluation, staff evaluated whether the proposed use meets all the applicable criteria set forth in section 10.3 of the Consumptive Use Permit Applicant's Handbook, February 15, 2006. Staff specifically reviewed and considered the nature of the proposed use, location and duration of the use, potential for interference with existing legal uses, hydrogeology and water resources of the area, potential for environmental harm, proposed water conservation activities, use of the lowest quality water source for each intended use and the use of reclaimed water. Based on the review of the above information and associated evaluation, staff have concluded that the applicant has provided reasonable assurances that the proposed use of water meets the District's reasonable-beneficial use criteria.

Because of the requested increases in allocation resulting from increased population and the modifications made to accommodate the larger lot sizes, staff paid particular attention to District criteria regarding the water conservation plan criteria, efficiency of use and use of the lowest quality water for each intended use. Descriptions of staff's evaluation of these criteria are discussed below.

The applicant's requested water use is for public supply, fire protection, golf course and common area landscape irrigation uses. The upper Floridan aquifer has historically served as the primary source. Due to the low volume of use for golf course irrigation and the lack of a dual infrastructure for residential irrigation, reclaimed water usage does not appear to be economically feasible at this time. In addition, reclaimed water is not available in this area of Lake County. Due to the lack of availability of any other acceptable quality sources, the Floridan aquifer is the only feasible source currently available to supply these needs.

The Sunlake residential community is primarily comprised of retirees with a greater than average lot size. In order to justify the above average water use of this community, District staff used the GWRAPPS irrigation model to obtain guidance in allocating water for outdoor irrigation above that which is used for indoor household needs. An irrigation allocation, based on GWRAPPS guidance, has been added to the household allocation to obtain a more thorough household water use allocation.

The Sunlake Estates community has historically enjoyed unlimited water usage in conformance with each resident's prospectus. After a prolonged period of negotiations, the applicant has met the District's requirement to provide for an economic incentive to conserve water by establishing an excess monthly water use consumption charge within the Sunlake Estates community. This excess monthly water use consumption charge was formulated by the applicant and approved by District staff. In addition, individual residential service meters have been installed throughout the community and are read on a monthly basis in order to determine individual water usage and to provide for the basis of the excess monthly water use consumption fee.

In conclusion, staff have evaluated whether the proposed use of water meets District reasonable-beneficial use criteria and have determined that the applicant has provided reasonable assurance that the proposed use meets all District permitting criteria for the recommended duration of the permit as conditioned.

#### Interference with Existing Legal Uses of Water:

Staff does not anticipate the water use from this project will interfere with any existing legal uses. The applicant established existing use status with the issuance of their first consumptive use permit in February 1984. The only changes to the permit have been to account for expansion and growth of the community. In addition, there have been no documented complaints of any existing legal users in the area having experienced a reduction in their well withdrawal capacity.

#### Public Interest:

The proposed use of groundwater is in the public interest in that it provides needed water for household, water utility, fire protection, golf course and landscape irrigation uses. The

proposed use will not adversely affect water resources, qualifies as a reasonable-beneficial use based on the factors listed in 40C - 2.301(4)(a),(b),(c),(d),(e),(f),(g),(h),(i),(j),(k), and (l), F.A.C., and none of the reasons for denial relating to salt water intrusion, water use reservations, minimum flows and levels, and water table/surface water levels apply to the proposed use. Therefore, staff has determined that reasonable assurance has been provided by the applicant that the proposed use is consistent with the public interest pursuant to section 9.3, A.H., provided the permittee complies with the conditions recommended for this permit issuance.

In addition, staff have considered whether any of the Reasons for Denial, set forth in section 9.4 of the CUP Applicant's Handbook, apply to this water use application. Staff have conclude that this proposed use will not cause a harm to the natural resources, will not interfere with any existing legal users, has not been reserved from use, does not affect any minimum flows or water levels as set forth in Chapter 40C-8, F.A.C., and that none of these reasons for denial apply to this project.

#### COMPLIANCE REPORTS:

The District is authorized to require the submittal of compliance reports pursuant to section 6.5.4 A.H., when it has been determined necessary in order to maintain reasonable assurance that the conditions for permit issuance of a twenty year permit can continue to be met during the term of the permit. Staff believes that the compliance reports are necessary in accordance with section 6.5.4 A.H., in order to periodically evaluate the effectiveness of the proposed water conservation plan and proposed rate structure.

#### PERMIT DURATION:

The applicant has requested a 20-year permit. Section 6.5.1, A.H., states that when requested by an applicant, a consumptive use permit shall have a duration of 20 years provided that the applicant provides reasonable assurance that the proposed use meets the conditions for issuance in section 40C-2.301, F.A.C., and the criteria in part II, A.H., for the requested 20-year permit duration. Staff has concluded that the applicant has met the above requirements and is therefore recommending issuance of a 20-year permit.

#### RECOMMENDATION:

Staff have concluded that the proposed use, as limited by the attached permit conditions, is reasonable-beneficial, will not cause or contribute to interference with existing legal uses, and is consistent with the public interest. Staff, therefore, recommends approval of this application.

#### GENERAL CONDITIONS: 1-4, 6-8

#### OTHER CONDITIONS:

1. For the purposes of the following permit conditions, the St. Johns River Water Management District shall be referred to as "the District" and the holder of this permit shall be referred to as "the permittee".

2. All submittals made to demonstrate compliance with this permit must include the CUP number 20-069-2454-4 plainly labeled.
3. This permit will expire August 30, 2026.
4. Legal uses of water existing at the time of the permit application may not be significantly impacted as a result of the consumptive use. If significant impacts occur (including interference with other existing legal users), the District may revoke the permit in whole or in part to abate the adverse impact unless otherwise mitigated by the permittee. In those cases, where other permit holders are identified by the District as also contributing to the adverse impact, the permittee may choose to mitigate in a cooperative effort with these other permittees. The permittee must submit a mitigation plan to the District for approval prior to implementing such mitigation.
5. Maximum annual groundwater withdrawals from the upper Floridan aquifer for household use must not exceed:

91.12 million gallons in 2006,	92.26 million gallons in 2007,
93.40 million gallons in 2008,	94.54 million gallons in 2009,
95.68 million gallons in 2010,	96.82 million gallons in 2011,
97.60 million gallons in 2012,	99.11 million gallons in 2013,
100.25 million gallons in 2014,	101.39 million gallons in 2015,
102.53 million gallons in 2016,	103.64 million gallons in 2017,
104.84 million gallons in 2018,	105.95 million gallons in 2019, and
107.10 million gallons in 2020 through 2026.	
6. Maximum annual groundwater withdrawals from the upper Floridan aquifer for water utility and unaccounted for water losses must not exceed:

2.33 million gallons in 2006,	2.40 million gallons in 2007,
2.46 million gallons in 2008,	2.53 million gallons in 2009,
2.60 million gallons in 2010,	2.67 million gallons in 2011,
2.74 million gallons in 2012,	2.81 million gallons in 2013,
2.87 million gallons in 2014,	2.94 million gallons in 2015,
3.01 million gallons in 2016,	3.08 million gallons in 2017,
3.15 million gallons in 2018,	3.22 million gallons in 2019, and
3.29 million gallons in 2020 through 2026.	
7. Maximum annual groundwater withdrawals from the upper Floridan aquifer for golf course irrigation use must not exceed 14.79 million gallons.
8. Maximum annual groundwater withdrawals from the upper Floridan aquifer for common area landscape irrigation must not exceed 2.95 million gallons.
9. Maximum daily groundwater withdrawals from the upper Floridan aquifer for essential use (fire protection) must not exceed 1.28 million gallons.
10. The permittee must accept and use, as the primary source of irrigation, reclaimed water from the local utility provider, or any other provider, to supply the irrigation needs of the golf course and common areas, within 30 days of it becoming



available at the project site property boundary. In addition, the permittee must notify the District in writing, within 30 days of the date that reclaimed water service has been established.

11. If, in any year, the actual volume of water withdrawn by the permittee equals 95 percent or more of the amount of water allocated for use by this permit, then the permittee shall submit a report to the District that explains why the withdrawal of water by the permittee equals 95 percent or more of the amount allocated for in this permit. The report shall evaluate the effect of the following on the volume of water withdrawn by the permittee:
  - A. Climatic shortfalls (drought):
  - B. Greater than anticipated growth in the permittee's service area;
  - C. Inefficient usage within the service area:
  - D. Other factors that account for the withdrawal volume equaling 95 percent or more of the allocation.

The report must include a breakdown of the population currently being served by the permittee, an updated projection of anticipated population that will be served for the following year, an evaluation as to whether the permittee anticipates whether it will be able to meet the water needs of the revised population projection and/or revised commercial and industrial activities without violating the allocations set forth in this permit, and a corrective action plan setting actions that the permittee intends to take if the evaluation indicates that allocations will be exceeded during the following year. The report must be submitted to the district by February 15<sup>th</sup> of the year following the year wherein the permittee experienced the withdrawals of water that equal 95 percent or more of the amount of water allocated for use by this permit.

12. Groundwater wells "1-Potable" (GRS Station ID 9097), "2-Potable" (GRS Station ID 9098), and "3-Golf Course" (GRS Station ID 26975), as referenced on the application, have been equipped with totalizing flow meters (master meters). These flow meters (master meters) must remain for the duration of this permit and must maintain 95% accuracy, be verifiable and be installed according to manufacturer specifications. Groundwater wells "1-Potable" (GRS Station ID 9097) and "2-Potable" (GRS Station ID 9098), as referenced on the application, may use a common meter as long as there are no unmetered uses from these two sources.
13. Total withdrawals from groundwater wells "1-Potable" (GRS Station ID 9097), "2-Potable" (GRS Station ID 9098), and "3-Golf Course" (GRS Station ID 26975), as listed on the application, must be recorded continuously, totaled monthly, and reported to the District at least every six months from the initiation of the monitoring using Form No. EN-50. The reporting dates each year will be as follows for the duration of this permit:

Reporting Period	Report Due Date
January - June	July 31
July - December	January 31

14. The permittee must maintain all flow meters (master meters) for the duration of this permit. In case of failure or breakdown of any master meter or alternative method the District must be notified in writing within 5 days of its discovery. A defective flow meter (master meter) or alternative method must be repaired or replaced within 30 days of its discovery.
15. The permittee must have all flow meters (master meters) for recording flow checked for accuracy at least once every 3 years within 30 days of the anniversary date of permit issuance, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. District Form #EN-51 must be submitted to the District within 10 days of the inspection/calibration.
16. The permittee must have all residential flow meters (service meters) for recording flow checked for accuracy in accordance with the water conservation plan received by the District on November 1, 2005, or as recommended in the annual water system audit and/or water audit report.
17. Whenever feasible, the permittee must use native or drought tolerant vegetation that requires little supplemental irrigation for landscaping within the service area of this project.
18. All irrigation controller(s) must be equipped with a rain sensor(s) and/or soil moisture monitoring devices. The rain sensor (s) and/or controller(s) must be maintained and operational, pursuant to the manufacturer specifications for the duration of this permit.
19. The permittee must maintain a District approved water conserving rate structure (Excess Monthly Water Consumption Charge) for the duration of this permit.
20. All public restroom facilities must be equipped with low flow or ultra low flow fixtures and faucets.
21. The permittee must conduct a water audit of the public supply distribution system (including all irrigation uses that use this common system) on an annual basis using the District's current audit form. The data and results of the annual water audit must be submitted to the District by February 27<sup>th</sup> of the year following each annual water system audit.
22. If the unaccounted for water volume reaches or exceeds 10% (as determined from the annual water system audit) the permittee must develop and obtain District approval of a leak detection inventory and repair program within 120 days of submittal of the annual water audit that identified the excessive unaccounted for water volume. In addition, the permittee must implement the approved leak detection inventory and repair program within 60 days of written District approval.
23. The permittee shall submit, to the District, a compliance report pursuant to subsection 373.236(3), Florida Statutes every 5 years for the duration of this permit. The permittee shall submit the first report by September 30<sup>th</sup> of 2011. The report shall contain sufficient information to demonstrate that the permittee's use of water continues, for the remaining duration of the permit, to meet the conditions for permit issuance set forth in the District rules that existed at the time

the permit was issued for 20 years by the District. In providing such assurance, the compliance report must, at a minimum:

- (a) meet the submittal requirements of section 4.2 of the Applicant's Handbook: Consumptive Uses of Water, February 15, 2006,
  - (b) evaluate the progress and effectiveness of the implementation of the water conservation plan, and
  - (b) evaluate the effectiveness of the proposed rate structure on reduction of per capita use.
24. Reclaimed water from the Town of Leesburg (or any other purveyor of reclaimed water) must be used as the primary source of irrigation water for the golf course and common areas when it becomes available and deemed feasible by the District.

REVIEWERS: J. Lawrence

Appendix "A"

WELL INFORMATION: (GC = GC Irrigation, PS = Public Supply, LI = Landscape Irrigation)

Source Name	GRS ID	Casing Dia. Inches	Well Depth	Source	Pump Rate	Type Use
1-Potable	9097	12	550	Floridan	588	PS, LI
2-Potable	9098	12	250	Floridan	300	PS, LI
3-Golf Course	26975	4	177	Floridan	60	GC