

LAW OFFICES
DAVIS, SCHNITKER, REEVES & BROWNING, P.A.

W. T. DAVIS (1901-1988)
CLAY A. SCHNITKER
GEORGE T. REEVES*#+

Of Counsel
EDWIN B. BROWNING, JR.
FREDERICK T. REEVES

Florida Registered Paralegals
ANNETTE M. SOWELL, CP
JOYCE A. BROWN

POST OFFICE DRAWER 652
MADISON, FLORIDA 32341

PHYSICAL ADDRESS
519 WEST BASE STREET
MADISON, FLORIDA 32340

2016 AUG 30 AM 9:37

COMMISSION
CLERK

TELEPHONE
(850) 973-4186
TELECOPIER
(850) 973-8564

*BOARD CERTIFIED
APPELLATE LAWYER
#BOARD CERTIFIED
CITY, COUNTY AND
LOCAL GOVERNMENT
LAWYER
+ALSO ADMITTED IN
GEORGIA

August 26, 2016

Board of County Commissioners
Columbia County, Florida
P.O. Box 1529
Lake City, FL 32056-1529

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Notice of Abandonment of Water Utility as provided in
Section 367.165, Florida Statutes

Dear Sir or Madam:

Please be advised that this firm represents the Suwanee River Water Management District (the "District")

As you may be aware, there exists a certain community water system and its associated, pumps, tanks, piping and personal property used in its operations located in Columbia County, Florida which is designated by the Florida Department of Environmental Protection ("the DEP") as PWS No. 2124409 (the "Utility"). The Utility is in the business of supplying potable water to its customers in Columbia County, Florida, including, but not limited to, the Haight Ashbury community in Columbia County, Florida. Previously the Utility was owned and operated by Jeffrey L. Hill, Jr., a/k/a Lance Hill, d/b/a Lance Water ("Lance Water").

Lance Water and the Utility were the subject of a certain enforcement action brought by the DEP styled *State of Florida, Department of Environmental Protection v. Jeffrey L. Hill, etc.*, Case No. 2015-390 CA, In the Circuit Court of the Third Judicial Circuit, in and for Columbia County, Florida (the "Enforcement Action"). In the Enforcement Action, the DEP and Lance Water entered into a certain stipulation which was approved and adopted by the court in that certain Consent Final Judgment filed on June 17, 2016 (the "Consent Final Judgment"), a copy of which is enclosed. The Consent Final Judgment (by adopting the stipulation) provides that Lance Water does not own or operate the Utility.

Presently, the District owns a certain parcel of real property in Columbia County, Florida which has been assigned Parcel No. 03-4S-17-07486-001 by the Columbia County Property Appraiser (the "Well Property").

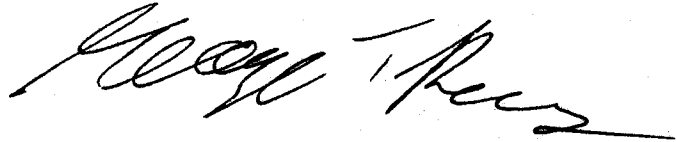
All of the water used by the Utility to service its customers is groundwater which is pumped from the well located on the Well Property. Further, the Utility uses the Well Property to house its pumps and other equipment.

The District acquired the Well Property by foreclosing a money judgment on a larger tract of property which was then owned by a third party (not Lance Water) and which included the Well Property. At the time the District acquired title to the Well Property, the Utility was already using the Well Property as set out above. The District has never had any contractual or other business relationship with Lance Water. The District has never received any consideration from Lance Water for the use of the Well Property. The District has never asserted any control over the Utility. The District is not an entity which owns, operates, manages or controls the Utility or any part thereof. Therefore, the District denies being under the purview of Section 367.165, Florida Statutes and its proscription against abandonment except as provided therein. This is especially true in the case of the District because under Florida law water management districts are prohibited from engaging in "local water supply distribution." Section 373.703(4), Florida Statutes.

However, without waiving any of the foregoing, the District hereby gives notice of the abandonment of the Utility as provided in Section 367.165, Florida Statutes.

Please govern yourself accordingly.

Sincerely,
Davis, Schmitker, Reeves & Browning, P.A.

A handwritten signature in black ink, appearing to read "George T. Reeves", written in a cursive style.

George T. Reeves
For the Firm

Enclosures

cc: Mr. Noah Valenstein (via email only)
Mr. Roary Snider (via email only)
Mr. Joel Foreman (via email only)

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Plaintiff,

vs.

Case No.: 2015-390-CA

JEFFREY L. HILL and J. LANCE HILL
d/b/a LANCE WATER

Defendants.

Inst: 201612010305 Date: 06/21/2016 Time: 10:50AM
Page 1 of 4 B: 1317 P: 574, P.DeWitt Cason, Clerk of Court
Columbia County, By: KV
Deputy Clerk

2016 JUN 17 AM 11:41
CLERK OF CIRCUIT COURT
COLUMBIA COUNTY FLORIDA

CONSENT FINAL JUDGMENT

THIS MATTER having come before this Court pursuant to a Stipulation for Settlement and Entry of Consent Final Judgment ("Stipulation" a copy of which is attached and incorporated hereto as Exhibit "A") filed by Florida Department of Environmental Protection ("Department"), Jeffrey L. Hill Sr. ("Mr. Hill") and Jeffery L. Hill d/b/a Lance Water ("LW") (Department, Mr. Hill and LW collectively referred to as the "Parties") and the Parties having resolved this matter in accordance with the provisions of the Stipulation, it is

ORDERED AND ADJUDGED that the terms of the Stipulation, entered into between the Parties are hereby adopted and incorporated as though fully set forth herein, and the Parties shall comply with and be bound by the terms of the Stipulation and this Court shall retain jurisdiction to enforce this Judgment.

DONE AND ORDERED in Chambers at Live Oak, ^{Suwannee} Columbia County, Florida on this

16 day of June 2016.

William F. Williams III
William F. Williams III
Acting Circuit Judge

cc: Kirk White
Jeffery L. Hill Sr.

I hereby certify copies
were mailed/hand delivered. ³
[Signature]
Judicial Assistant

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Plaintiff,

vs.

Case No.: 2015-390-CA

JEFFREY L. HILL and J. LANCE HILL
d/b/a LANCE WATER

Defendants.

2016 JUN 17 AM 11:41
P. DeWitt Cason
CLERK OF CIRCUIT COURT
COLUMBIA COUNTY, FLORIDA

**STIPULATED FOR SETTLEMENT AND JOINT MOTION FOR ENTRY OF CONSENT
FINAL JUDGMENT**

The Parties, State of Florida Department of Environmental Protection ("Department"), and Jeffery L. Hill Sr. (Mr. Hill) and Jeffery L. Hill d/b/a Lance Water (LW) (Department, Mr. Hill and LW collectively the Parties) hereby enter into this Stipulation for Settlement (Stipulation) and jointly move for entry of same as a Consent Final Judgment (CFJ) and hereby stipulate and agree to the following:

1. The Department is the regulatory agency of the State of Florida charged with the power and duty to implement and enforce Chapter 403, Florida Statutes (Fla. Stat.) including but not limited to the "Florida Safe Drinking Water Act," sections 403.850-403.864, Fla. Stat. and the Florida Administrative Code (F.A.C.) Rules promulgated thereunder.

2. Neither Mr. Hill nor LW currently own or operate the Water Facility located at parcel ID Number 03-4S-17-07486-001 on Country Club Road in Lake City, Columbia County Florida (Water Facility) and that is believed to serve the residents of (including but not necessary

limited to) the Haight Ashbury community located along SE Lindale Glenn in Lake City, Columbia County Florida.

3. Because neither Mr. Hill nor LC owns or operates the Water Facility, they are not "suppliers of water" from the Water Facility as defined in Section 403.852(8) Fla. Stat. and 62-550.200(87) F.A.C.

4. Mr. Hill and LC shall not operate (operation to include monetary billing) the Water Facility. This prohibition shall continue unless and until the Parties agree otherwise and such agreement is duly adopted as a modification to this CFJ.

5. The Parties agree that this Stipulation shall constitute a full and final adjudication of the matters at issue in this case.

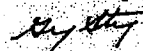
6. The Parties shall bear their own costs, expenses and attorney's fees incurred in this matter.

7. This Court shall retain jurisdiction over this matter to enforce the terms and conditions of this Stipulation and any order adopting said Stipulation until completion of all terms contained herein.

8. This Agreement may be signed in counterparts, and upon execution by all parties, each executed counterpart shall be considered an original.


The Parties agree to entry of a Consent Final Judgment incorporating the terms of this Stipulation without further notice or hearing:

For the Department



Greg J. Strong
District Director
Northeast District

For Jeffery L. Hill Sr.



Jeffery L. Hill Sr.

For Jeffery L. Hill d/b/a Lance Water



Jeffery L. Hill Sr.

Date: 06-16-16

Date: 6/16/16

Date: 6-16-16

Joyce Cameron

From: Microsoft Outlook
To: Willis, Anne (Anne.Willis@dep.state.fl.us); kirk.white@dep.state.fl.us
Sent: Thursday, June 16, 2016 5:09 PM
Subject: Relayed: Columbia County 15-390-CA

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

*Willis, Anne (Anne.Willis@dep.state.fl.us) (Anne.Willis@dep.state.fl.us)
<mailto:Anne.Willis@dep.state.fl.us>*

*kirk.white@dep.state.fl.us (kirk.white@dep.state.fl.us)
<mailto:kirk.white@dep.state.fl.us>*

Subject: Columbia County 15-390-CA

**UNOFFICIAL
DOCUMENT**