



South Florida Water Management District Water Use Noticed General Permit

Application Number: 231027-41027

Permit Number: 36-01299-W

Date Issued: November 17, 2023

Expiration Date: January 1, 1970

Permittee: Village Of Estero
9401 Corkscrew Palms Circle
Estero , FL 33928

Project Name: Estero On The River

Project Location: Lee County

Permit Status: Modification

This is to notify you of the South Florida Water Management District's (District) agency action concerning your Notice of Intent to use water. This action is taken pursuant to Chapter 40E-2, Florida Administrative Code (F.A.C.). Based on the information provided and certified to, District rules have been adhered to and a Water Use Noticed General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes (F.S.), administrative hearing; and
2. The attached Permit Conditions.

Should you object to the Permit Conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you prior to the time frame specified in the "Notice of Rights," we will assume you concur with the District's recommendations.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT this written notice has been mailed or electronically transmitted to the Permittee (and the persons listed in the attached distribution list) on November 17, 2023, in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website (my.sfwmd.gov/ePermitting).

A handwritten signature in blue ink that reads "Brad D. Cook".

Brad D. Cook, P.G.
Section Leader, Water Use Bureau

SPECIAL PERMIT CONDITIONS

1. This permit is issued to:

David Willems
Village Of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

2. This permit shall expire on January 1, 1970.

3. Use classification is:
Landscape

4. Source classification is:

Groundwater	Surface Water
Mid-Hawthorn Aquifer	

5. Allocation:

Description	Total Annual Allocation (MGY)	Total Maximum Monthly Allocation (MGM)	Average Daily Allocation (MGD)
Permit	2.82	0.38	0.0077

These allocations represent the amount of water required to meet the water demands as a result of a rainfall deficit during a drought with the probability of recurring one year in ten. The Permittee shall not exceed these allocations in hydrologic conditions less than a 1-in-10 year drought event. Compliance with the annual allocation is based on the quantity withdrawn over a 12-month time period. Compliance with the maximum monthly allocation is based on the greatest quantity withdrawn in any single month. The annual allocation expressed in GPD or MGD is for informational purposes only.

If the rainfall deficit is more severe than that expected to recur once every ten years, the withdrawals shall not exceed that amount necessary to continue to meet the reasonable-beneficial demands under such conditions, provided no harm to the water resources occur and:

1. All other conditions of the permit are met; and
2. The withdrawal is otherwise consistent with applicable declared Water Shortage Orders in effect pursuant to Chapter 40E-21, F.A.C.

6. Withdrawal facilities:

Source	Status	Count
Mid-Hawthorn Aquifer	Proposed	1

7. The Permittee shall submit all data as required by the implementation schedule for each of the permit conditions to: SFWMD at www.sfwmd.gov/ePermitting, or Regulatory Support, 3301 Gun Club Road, West Palm Beach, FL 33406.
8. The Permittee must submit the appropriate application form incorporated by reference in Rule 40E-2.101, F.A.C., to the District prior to the permit expiration date in order to continue the

use of water.

9. The Permittee shall secure a well construction permit prior to construction, repair, or abandonment of all wells, as described in Chapter 40E-3, F.A.C.
10. If at any time there is an indication that the well casing, valves, or controls leak or have become inoperative, repairs or replacement shall be made to restore the system to an operating condition. Failure to make such repairs shall be cause for filling and abandoning the well, in accordance with procedures outlined in Chapter 40E-3, F.A.C.
11. The Permittee shall submit to the District an updated "Summary of Groundwater (Well) Facilities" table ("Section IV - Sources of Water", Water Use Permit Application Form 1379) within 90 days of completion of the proposed wells identifying the actual total and cased depths, pump manufacturer and model numbers, pump types, intake depths and type of meters.
12. Landscape irrigation shall be restricted to the hours and days described in Rule 40E-24.201, F.A.C., or alternative landscape irrigation conservation measures adopted by local government ordinance in accordance with Rule 40E-24.301, F.A.C.
13. If reclaimed water becomes available prior to the expiration date of this permit, the Permittee shall apply for a modification of the water use permit to reflect that portion of the allocation which is to be provided for by reclaimed water. The permittee is required to request a permit modification when an agreement has been executed between both parties, the transmission lines are constructed to the project site, and the necessary on-site modifications and authorizations are obtained.
14. The Permittee shall submit to the District an updated "Summary of Groundwater (Well) Facilities" table ("Section IV - Sources of Water", Water Use Permit Application Form 1379) within six months of permit issuance, identifying which wells have been properly plugged and abandoned according to subsection 40E-3.531 (3), F.A.C.
15. Within six months of permit issuance, the Permittee shall plug and abandon the following wells in accordance with Chapter 40E-3, F.A.C.:

Well 1 District ID# 8073

16. The Permittee shall submit to the District an updated "Summary of Groundwater (Well) or Surface Water (Pump or Culvert) Facilities" table ("Section IV - Sources of Water", Water Use Permit Application Form 1379) at least 30 days prior to a change in any facility status (e.g. installation, relocation, abandonment) to include all specifications of the well, pump or culvert (e.g. actual total and cased depths, pump manufacturer and model numbers, pump types, intake depths and type of meters, culvert type, length, cross-section, diameter, height, width, invert elevation, control device, and water use accounting method).

STANDARD PERMIT CONDITIONS

1. All water uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to Section 373.136 or 373.243, F.S., unless a permit modification has been obtained to address the noncompliance. The Permittee shall immediately notify the District in writing of any previously submitted material information that is later discovered to be inaccurate.
2. The Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.
3. The Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and/or related facilities from which the permitted consumptive use is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit a new or modified lease showing that it continues to have legal control or documentation showing a transfer in control of the permitted system/project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40E-1.6107, F.A.C. Alternatively, the Permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
4. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to Chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order. The Permittee is advised that during a water shortage, pumpage, water levels, and water quality data shall be collected and submitted as required by District orders issued pursuant to Chapter 40E-21, F.A.C.
5. This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
6. With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.
7. A. The Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that Section 373.239, F.S., and Rule 40E-2.331, F.A.C., are applicable to permit modifications.

B. The Permittee shall notify the District in writing 30 days prior to any changes to the project that could potentially alter the reasonable demand reflected in the permitted allocation. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, large users agreements, or water treatment method. Permittee will be required to apply for a modification of the permit for any changes in permitted allocation.
8. If any condition of the permit is violated, the permit shall be subject to review and modification, enforcement action, or revocation pursuant to Chapter 373, F.S.
9. The Permittee shall mitigate interference with existing legal uses that was caused in whole or in part by the Permittee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation will include pumpage reduction, replacement

of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means.

Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1-in-10 year drought event that results in the:

A. Inability to withdraw water consistent with provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or

B. Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent.

10. The Permittee shall mitigate harm to the natural resources caused by the Permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the Permittee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance includes:

A. Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface,

B. Reduction in water levels that harm the hydroperiod of wetlands,

C. Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond,

D. Harmful movement of contaminants in violation of state water quality standards, or

E. Harm to the natural system including damage to habitat for rare or endangered species.

11. The Permittee shall mitigate harm to existing off-site land uses caused by the Permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the Permittee to modify withdrawal rates or mitigate the harm. Harm as determined through reference to the conditions for permit issuance, includes: A. Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other governmental authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g. fill for construction, mining, drainage canal, etc.) B. Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or, C. Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

PERMIT INFORMATION

Application Number: 231027-41027
Permit Number: 36-01299-W
Project Name: Estero On The River
Location: Lee County
Applicant's Name and Address: Village Of Estero
9401 Corkscrew Palms Circle
Estero , FL 33928

Water Use Classification: Landscape

Sources:

Groundwater	Surface Water
Mid-Hawthorn Aquifer	

Authorized Allocations:

Total Annual Allocation (MG)	Total Maximum Monthly Allocation (MG)
2.82	0.38

Project Description:

The purpose of this application is to modify Water Use Permit 36-01299-W for Landscape irrigation. Additional information on the water use and withdrawal facility details are shown below.

Irrigation Details:

Crop Type	Crop Irrigated Acres	Irrigation Method
Turf	2.19	Solid Set Sprinkler

Withdrawal Facilities:

Source	Status	Count
Mid-Hawthorn Aquifer	Proposed	1

Prior to drilling the proposed well, it will be necessary to obtain a well construction permit from Lee County.

Additionally, this modification transfers the permit from Village Partners, LLC to the Village of Estero.

Distribution List

Omar Rodriguez , Rma Geologic Consultants, Inc

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website at <http://my.sfwmd.gov/ePermitting> and searching under this application number 231027-41027 .

[Exhibit 1 Project Site Map/Facility Locations](#)

[Exhibit 2 Description of Wells](#)

[Exhibit 3 Calculations of Irrigation Requirements](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, 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. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. 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 (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein 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, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District 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.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District 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 whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed 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 District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.

- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF AN ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 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 District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified 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 District'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 District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District'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 District to take with respect to the District's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.