

MEMORANDUM

TO: Governing Board Members

FROM: Sheryl G. Wood, General Counsel

DATE: October 9, 2008

SUBJECT: Action Required

Authorization to file suit—

Delray Lakes Estates Homeowners' Association, Inc. and all other appropriate parties – Enforcement Action for a Portion of Property Located at Section 20, Township 46, Range 42, Delray Beach, Palm Beach County, Florida

Background

This is a request to resolve a violation for the use of water without a consumptive use permit. On February 6, 2008, District staff conducted an inspection of the property and observed surface water withdrawal facilities, specifically an intake valve and pump immediately adjacent to on-site lakes at the above-described property. District staff also observed that the common areas appeared to have been irrigated. On or about February 7, 2008, a Notice of Violation was issued. Delray Lakes Estates Homeowners' Association, Inc. ("Delray Lakes Estates") submitted Water use Application No. 080520-8. On or about June 13, 2008, a request for additional information was transmitted to Delray Lakes Estates. To date, Delray Lakes Estates has not responded to the request for additional information or received a Water Use Permit to withdraw water from the lake on its property for irrigation purposes.

How this helps meet the District's 10 year Strategic Plan

This effort will help protect water supply for public health and safety by requiring compliance with Chapter 373, Florida Statutes.

Funding Source

This litigation will be handled by the District's Office of Counsel. Any costs associated with this litigation will be paid from budgeted ad valorem funds.

This Board item impacts what areas of the District, both resource areas and geography?

This item impacts water supply and environmental resources in Palm Beach County.

What concerns could this Board item raise?

If this matter is not resolved, the unauthorized withdrawal of water could continue. Office of Counsel desires a resolution that results in the issuance of a

water use permit to Delray Lakes Estates. However, if Delray Lakes Estates refuses to obtain a water use permit in a timely manner, the District may have no other recourse than to seek an injunction from the Court.

Why should the Governing Board approve this item?

The Governing Board should approve this item to resolve violations of unauthorized water use without the required permit and take appropriate action against all responsible parties.

If you have any questions, please do not hesitate to call me at extension 6976.

SGW/JDB/lw