

# **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

## **RESOLUTION NO. 2008- \_\_\_\_\_**

**A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT APPROVING A SETTLEMENT AGREEMENT IN *ORANGE COUNTY, FLORIDA V. SOUTH FLORIDA WATER MANAGEMENT DISTRICT*, DOAH CASE NOS. 08-0259 AND 08-2624RU; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on December 13, 2007, the Governing Board denied Orange County's application for a consumptive use permit (Application No. 060516-41) authorizing withdrawals of surface water from the C-29 and C-29A canals, a part of the headwaters of the Kissimmee River; and

**WHEREAS**, on December 31, 2007, Orange County filed a Petition for Administrative Hearing (Petition) contesting SFWMD's decision to deny its application for a consumptive use permit (Application No. 060516-41) (DOAH Case No. 08-0259) (the "Permit challenge"); and

**WHEREAS**, on January 15, 2008 the District issued Order No. 2008-014 DAO WU, Authorizing Transmittal to the Division of Administrative Hearings (DOAH) for assignment of an administrative law judge, and the petition was assigned DOAH Case No. 08-0259; and

**WHEREAS**, on June 2, 2008, Orange County filed a Petition Challenging Agency Statements of South Florida Water Management District Pursuant to Section 120.56(4), Florida Statutes (DOAH Case No. 08-2624RU); and

**WHEREAS**, on August 26, 2008, the Orange County Commission executed the Settlement Agreement resolving DOAH Case Nos. 08-0259 and 08-2624RU.

**BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby approves the Settlement Agreement between Orange County, Florida and South Florida Water Management District, executed by the Orange County Commission on August 26, 2008, in settlement of DOAH Case Nos. 08-0259 and 08-2624.

**Section 2.** A copy of the Settlement Agreement is attached hereto and made a part hereof.

**Section 3.** This resolution shall take effect immediately upon adoption [or such other date as is appropriate].

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chair Person

ATTEST:

\_\_\_\_\_  
Secretary

Approved as to form:  
By:

\_\_\_\_\_  
Office of Counsel