

MEMORANDUM

TO: Governing Board Members

FROM: Chip Merriam

DATE: January 15, 2009

SUBJECT: Approve a three month extension of the Consent Agreement with Ibis West Palm Beach Partners, LP to allow the use of water for golf course turf and landscape irrigation purposes on the portion of the property known as the Tradition course, provided the volume of water utilized by Ibis West Palm Beach Partners, LP does not exceed the allocation authorized under Water Use Permit 50-02120-W

Background

Ibis West Palm Beach Partners, LP ("Ibis") owns property known as Ibis Golf and Country Club, located in Palm Beach County. Ibis is permitted under Water Use Permit No. 50-02120-W to withdraw water from on-site lakes and the Surficial Aquifer for the irrigation of 375.4 acres of golf course turf and landscaping. Ibis has submitted a water use renewal application, seeking an increase in irrigated acreage, and an increased allocation, to include irrigation of the Tradition course, which it also owns and is located within the same development.

In September 2008, the Governing Board entered into a Consent Agreement with Ibis authorizing the irrigation of the Tradition golf course, in addition to the acreage covering under the existing permit, as long as the volume of water withdrawn does not exceed the volume of water allocated under Permit No. 50-02120-W. The terms of the Consent Agreement specified that the Consent Agreement would terminate on January 15, 2009 or when the New Permit(s) were issued, whichever was sooner. District staff is diligently working with Ibis to complete Application Number 070629-43 ("Application"). However, District staff and Ibis are concerned that the Application may not be complete on or before January 15, 2009. District staff and Ibis believe an extension of the Consent Agreement is appropriate to allow Ibis to continue to irrigate the project while it works with District staff to finalize the Application. An extension of the Consent Agreement for an additional three months, a termination date of April 9, 2009, will allow adequate time to finalize the Application and comply with procedural requirements.

How this helps meet the District's 10-year Strategic Plan: The District is authorized to implement regulatory recommendations to ensure that proposed and modified uses are reasonable-beneficial, will not interfere with any presently existing legal users, and are consistent with the public interest.

Funding Source: There are no funding needs associated with the proposed Consent Agreement

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This Board item impacts what areas of the District, both resource areas and geography: This project is located in north central Palm Beach County within the Northwest Fork of the Loxahatchee River Watershed.

What concerns could this Board item raise?

Due to limited water availability within the basin, there is concern over Ibis's ability to comply with Regional Water Availability Rule and other permitting requirements, without developing alternative water sources. The Regional Water Availability Rule was designed to assist in implementing the objective of the District and ensure that water necessary for restoration of the Everglades and Northwest Fork of the Loxahatchee River Watershed is not allocated for consumptive use.

Why should the Governing Board approve this item?

Ibis has been actively irrigating the additional acreage it seeks to add to its permit. Ibis desires to continue irrigation of the property and avoid further economic harm while it works to come into compliance with District permitting criteria. Ibis shall continue to work with District staff to renew its permit.

Contact: Jim Harmon, Director, Water Use Regulation Division
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