

MEMORANDUM

TO: Governing Board Members

FROM: Chip Merriam, Deputy Executive Director, Water Resources

DATE: August 30, 2008

SUBJECT: Authorization to enter into a Consent Agreement with Ibis West Palm Beach Partners, LP

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 they also own and is located within the same development. Ibis has informed the District that the Tradition course is an existing use, which is not presently covered under a water use permit. Ibis's property is located within a restriction allocation area and must comply with the portions of The Basis of Review for Water Use Applications within the South Florida Water Management District generally referred to as the Regional Water Availability Rule, in addition to other permitting requirements. Ibis has requested that a Consent Agreement be authorized to allow 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Tradition golf course, in addition to the acreage covering under the existing permit, as long as the volume of water withdrawn does not exceed the volume of water allocated under Permit No. 50-02120-W. During the course of the proposed Consent Agreement, Ibis West Palm Beach Partners, LP will be under specific conservation requirements and must continue to work with the District to renew and modify Permit No. 50-02120-W.

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

This Board item impacts what areas of the District, both resource areas and geography: This project is located in the 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. In consideration of entering into the proposed Consent Agreement, Ibis West Palm Beach Partners, LP has agreed to pay civil penalties/District costs and implement an aggressive water conservation plan and shall continue to work with District staff to renew its permit.

Contact: Jim Harmon, Director, Water Use Regulation Division
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