FORM 3499
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South Florida Water Management District

BEG. PERMIT NUMBER 36-00315-W
(ADD. MAT.)

36-00315-W

South Florida Water Management District

3301 Gun Club Road, West Palm Beach, Florida 33406 • (407) 686-8800 • FLWATS 1-800-432-2045

CON 24-06

December 1, 1995

36-00315-W
Samuel And Connie Hubschman, Trustees
7200 Davis Boulevard
Naples, FL 33962

RE: Extension of Water Use Permits

Dear Permittee:

On October 12, 1995, the Governing Board of the South Florida Water Management District adopted a rule revising Chapter 40E-2, Florida Administrative Code, and the District's Basis for Review for Water Use Permit Applications Within the South Florida Water Management District, March 1994. This new rule **extends** the expiration date for Individual Irrigation Use Class Water Use Permits within the District's Lower West Coast Basin from the previous expiration date of December 15, 1995 to **December 15, 1997 or an earlier date which is to be specified in rules which will be adopted to implement the District's Lower West Coast Water Supply Plan.**

The purpose of this letter is to notify you that this rule change affects your Individual Irrigation Use Class Water Use Permit within the District's Lower West Coast Basin. Your Water Use Permit, which was set to expire on December 15, 1995, **has now been extended,** as stated above, to **December 15, 1997 or an earlier date which is to be specified in rules which will be adopted to implement the District's Lower West Coast Water Supply Plan.** Please note that pursuant to this rule, no Individual Irrigation Use Class Water Use Permit will expire *prior to* December 15, 1996. In addition, the District shall notify, by mail or publication in a newspaper of general circulation in the affected area, all Individual Irrigation Use Class Water Use Permit holders of the exact expiration date of their Water Use Permits within 30 days after the effective date of the rules adopted to implement the Lower West Coast Water Supply Plan.

The District appreciates your patience in helping us implement the Lower West Coast Water Supply Plan. If you have any questions concerning this matter, please contact the Water Use Division at 407/687-6926.

Sincerely;

Wm. Scott Burns, Director
Water Use Division, Regulation Department

c: WUP File

Governing Board:
Valerie Boyd, Chairman
William Hammond
Eugene K. Pettis
Samuel E. Poole III, Executive Director
Michael Slayton, Deputy Executive Director

Permit

South Florida Water Management District

3301 Gun Club Road, West Palm Beach, Florida 33406 • (407) 686-8800 • FL WATS 1-800-432-2045

CON 24-06
Regulation Department
Permit Number: 36-00315-W

June 22, 1995

Hubschman Trustees - Bonita Farm
7200 Davis Boulevard
Naples, Florida 33962

Dear Sir or Madam,

SUBJECT: WATER USE PERMIT COMPLIANCE - SECOND NOTICE

The purpose of this letter is to inform you of non-compliance issues with your Water Use Permit from the South Florida Water Management District. According to our records the District has not received information on or about the following limiting condition(s) found in the permit;

1. Permit Condition # 14

14. PUMPAGE DATA SHALL BE COLLECTED ON A DAILY BASIS AND SUBMITTED TO THE DISTRICT MONTHLY. DATA SUBMITTAL BEGINS EITHER IN THE MONTH FOLLOWING THE DATE OF PERMIT ISSUANCE, OR IN THE MONTH THAT WATER USE IS INITIATED.

To date the District Water Use Division has not received any pumpage reports. Please find enclosed a standard reporting form that can be duplicated and used to report both the missing backlog and your future pumpages.

2. Permit Condition # 18

18. PERMITTEE SHALL ESTABLISH A WATER LEVEL MONITORING PROGRAM WITHIN SIX MONTHS OF PERMIT ISSUANCE. MONITORING SHALL CONSIST OF BOTH GROUNDWATER AND SURFACE WATER SITES, INCLUDING A STAFF GAUGE IN THE WETLAND AREAS AND WELLS. IN THE DEVELOPING THE PROGRAM, THE PERMITTEE SHALL CONSIDEP STAFF GAUGE LOCATION, WELL LOCALITIES, DEPTH, AND METHOD OF WELL CONSTRUCTION, TYPES OF SCREEN, METHOD OF ANALYSIS, AND FREQUENCY OF DATA COLLECTION. THE FACILITIES SHALL BE CONSTRUCTED AT LOCATIONS ACCEPTABLE TO BOTH THE PERMITTEE AND DISTRICT STAFF. PRELIMINARY PROPOSAL SHALL BE SUBMITTED TO STAFF FOR APPROVAL WITHIN SIX MONTHS OF PERMIT ISSUANCE. WATER LEVEL DATA SHALL BE COLLECTED ON AT LEAST A MONTHLY BASIS, AND SUBMITTED TO THE DISTRICT ON AN ANNUAL BASIS.

To date no preliminary proposal for the implementation of a Water Level Monitoring Program has not been received.

You are requested to review this notice and advise this office in writing within thirty days of your plans regarding the alleged noncompliance issue(s). Should you have any questions regarding this notice please contact Mr. Michael E. Piper, Water Use Compliance, at ext. 6962. Your attention to this matter is appreciated.

Sincerely,

Steven D. Anderson, P.G.
Supervising Professional
Water Use Division

SDA/mp
enclosure

Certified Mail No. Z 028 127 945
Return Receipt Requested

Permit file

South Florida Water Management District

3301 Gun Club Road, West Palm Beach, Florida 33406 • (407) 686-8800 • FL WATS 1-800-432-2045

CON 24-06
Regulation Department
Permit Number: 36-00315-W

October 26, 1994

Hubschman Trustees - Bonita Farm
7200 Davis Boulevard
Naples, Florida 33962

Dear Sir or Madam,

Subject: Water Use Permit Compliance

The purpose of this letter is to inform you of non-compliance issues with your Water Use Permit from the South Florida Water Management District. According to our records the District has not received information on or about the following limiting condition(s) found in the permit;

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Governing Board:
Valerie Boyd, Chairman
Frank Williamson, Jr., Vice Chairman
William Hammond
Betsy Krant
Eugene K. Pettis
Nathaniel P. Reed
Samuel E. Poole III, Executive Director
Michael Slayton, Deputy Executive Director

You are requested to review this notice and advise this office in writing within thirty days of your plans regarding the alleged permit violation(s). Should you have any questions regarding this notice please contact Mr. Michael E. Piper, Water Use Compliance, at ext. 6962. Your attention to this matter is appreciated.

Sincerely,

Steven D. Anderson, P.G.
Supervising Professional
Water Use Division

SDA/mp
enclosure

Certified Mail No. P 343 339 504

South Florida Water Management District

3301 Gun Club Road • P.O. Box 24680 • West Palm Beach, FL 33416-4680 • (407) 686-8800 • FL WATS 1-800-432-2045

CON 24-06

September 20, 1993

PERMIT NUMBER: 36-00315-W
HUBSCHMAN SAMUEL & CONNIE - TRUSTEE
3451 TAMIAMI TRAIL
NAPLES, FL 33940

Dear Sir or Madam:

Enclosed is a copy of the District's staff report covering the permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on October 14, 1993.

Should you wish to object to the staff recommendation or file a petition, please provide written objections, petitions and/or waivers (refer to the attached "Notice of Rights") to:

Vern Kaiser, Deputy Clerk
South Florida Water Management District
Post Office Box 24680
West Palm Beach, Florida 33416-4680

The "Notice of Rights" addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. You are advised, however, to be prepared to defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendation, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please Contact the District if you have any questions concerning this matter. If we do not hear from you prior to the date on the "Notice of Rights", we will assume you concur with our recommendations.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee and the persons listed in the attached distribution list no later than 5:00 p.m. this 20th day of September, 1993, in accordance with Section 120.60 (3), Florida Statutes.

Sincerely,

Steve Lamb, Director
Regulation Department

CERTIFIED P # 343 343 563
RETURN RECEIPT REQUESTED

South Florida Water Management District

Notice Of Rights

Form #0300
Rev. 7/93

NOTICE OF RIGHTS

Enclosed is a copy of the Staff Review Summary regarding the subject permit application, which is this agency's Notice of Proposed Agency Action.

PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Any person whose substantial interests are or may be affected by the action which is proposed in the enclosed Notice of Proposed Agency Action/Staff Review Summary, may petition for an administrative hearing in accordance with the requirements of Rule 40E-1.521, Florida Administrative Code, and be filed with (received by) the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406. Petitions for administrative hearing on the above application must be filed within **fourteen (14) days of actual receipt** of this Notice of Proposed Agency Action. Failure to file a petition within this time period shall constitute a waiver of any rights such person may have to request an administrative determination (hearing) under section 120.57, Florida Statutes, concerning the subject permit application. Petitions which are not filed in accordance with the above provisions are subject to dismissal.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

A party to the proceeding below may seek review of a Final Order rendered on the permit application before the Land and Water Adjudicatory Commission. Review under section 373.114, Florida Statutes, is initiated by filing a request for review with the Land and Adjudicatory Commission and serving a copy on the Department of Environmental Protection and any person named in the Order within applicable statutory timeframes. This review is appellate in nature and limited to the record below.

DISTRICT COURT OF APPEAL

A party who is adversely affected by final agency action on the permit application is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes, as provided therein. Review under section 120.68, Florida Statutes, is initiated by filing a Notice of Appeal in the appropriate District Court of Appeal in accordance with Florida Rule of Appellate Procedure 9.110.

CIRCUIT COURT

Section 373.617(2), Florida Statutes, provides:

> Any person substantially affected by a final action of any agency with respect to a permit may seek review within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; however, circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking with just compensation. Review of final agency action for the purpose of determining whether the action is in accordance with existing statutes or rules and based on competent substantial evidence shall proceed in accordance with Chapter 120.

40E-1.521 Initiation of Formal Proceedings

(1) Initiation of formal proceedings shall be made by filing a petition with the District Clerk within the applicable timeframes set forth in this chapter. The term petition includes any application or other document which expresses a request for formal proceedings.

(2) All petitions filed under these rules shall contain:

(a) The name and address of the District and the District's file or identification number, if known.
(b) The name and address of the petitioner or petitioners;
(c) An explanation of how each petitioner's substantial interests will be affected by the Distric determination;
(d) A statement of when and how petitioner received notice of agency action or notice of propose agency action;
(e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
(f) A concise statement of the ultimate facts which petitioner believes entitle petitioner to the reli sought as well as the rules and statutes which support petitioner's claim for relief;
(g) A demand for the relief to which the petitioner deems himself entitled; and
(h) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the Office of Counsel shall review the petitio for compliance with subsection (2). The Board shall accept those petitions in substantial compliance therewit which have been timely filed, which establish that the petitioner is a substantially affected party, and which state dispute which is within the jurisdiction of the District to resolve. If accepted, the Board shall designate the presidir officer of the administrative hearing. The District shall promptly give written notice to all parties of the actic taken on the petition, and shall state with particularity its reasons therefor.

(7) If the Board designates a Hearing Officer assigned by the Division of Administrative Hearings as the presiding officer, the District Clerk shall forward the petition and all relevant materials filed with the District to th Division of Administrative Hearings, and shall notify all parties of its action.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 120.53(1), 120.57 F.S.
History --- New 9-3-81, Amended 5-11-93.
Formerly 16K-1.09(1), 16K-1.112(1) through (3), 16K-1.12

STAFF REPORT
MODIFICATION/EXTENSION

Date: August 16, 1993

Name: SAMUEL AND CONNIE HUBSCHMAN, TRUSTEES
Permit No.: 36-00315-W
Location: SECTION: 17
TOWNSHIP: 47
RANGE: 26
COUNTY: LEE
Project: BONITA FARM

Expiration Date: DECEMBER 15, 1995

BACKGROUND/PURPOSE OF MODIFICATION/EXTENSION

All existing agricultural permits issued by the District have an expiration date which is based on the location of the project according to water use basins. The District is presently developing long term water supply plans and criteria which will to be used to reissue these permits. To allow the District time to prepare these plans and develop the necessary criteria to implement, it has become necessary to extend the duration of the existing permits in some of these water use basins. Therefore, in March, 1993, the Governing Board conceptually approved the extension of permit durations.

MODIFICATION/EXTENSION OF PERMIT DURATION

The purpose of this proposed modification is to extend the duration of this permit to the above noted date in accordance with the Governing Board directive received in March, 1993. No changes to the permit conditions, allocation or withdrawal facilities are being made at this time.

The limiting and special conditions to the existing permit will remain in effect. The Governing Board will consider issuance of the the permit duration extension at the October 14, 1993 Governing Board Meeting.

Notification of the need for permit renewal will be sent to you approximately six months prior to the new expiration date of this permit. The revised allocation criteria resulting from the regional water supply plans will be used in the evaluation of your application.

Wm Scott Burns

Wm. Scott Burns, Director
Water Use Division
Regulation Department

1. Change of Address for *(Check one)* ☐ Individual ☐ Entire Family ☐ Business

Zone/Route ID No.

2. Start Date — Month 11 Day 02 Year 92

3. If TEMPORARY address, print date to discontinue forwarding — Month Day Year

Date Entered on Form M M D D Y

4. Print Last Name or Name of Business *(If more than one, use separate Change of Address Order Form for each)*
FALLING WATERS
Permit # 36-00315-W

Expiration Date M M D D Y

5. Print First Name of Head of Household *(include Jr., Sr., etc.)*. Leave blank if the Change of Address Order is for a business.
Hubschman, Samuel & Connie, Trustee

Clerk/Carrier Endorsem

6. Print OLD mailing address, number and street *(if Puerto Rico, include urbanization zone)*
3451 Tamiami Trail East

Apt./Suite No. P.O. Box No. R.R/HCR No. Rural Box/HCR Box No.

City Naples, Fl State FL ZIP Code 33962-

7. Print NEW mailing address, number and street *(if Puerto Rico, include urbanization zone)*
7200 DAVIS BLVD

Apt./Suite No. P.O. Box No. R.R/HCR No. Rural Box/HCR Box No.

City NAPLES State FL ZIP Code 33962-

8. Signature *(See conditions on reverse)*
Polly Perry

9. Date Signed — Month 09 Day 27 Year 94

OFFICIAL USE ONLY

Verification Endorsement

OFFICIAL USE ONLY

PS Form 3575, June 1991

☆ U.S. G.P.O. 1991 2

UNITED STATES POSTAL SERVICE

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, $300

OFFICIAL BUSINESS

NOTE: The person signing this form states that he or she is the person or executor, guardian, or authorized officer, or agent of the person for whom mail would be forwarded under this order. Anyone submitting a false or inaccurate statement on this card is subject to punishment by fine or imprisonment or both under Section 2, 1001, 1702 and 1708 of the United States Code.

PRIVACY ACT: Filing this form is voluntary, but your mail cannot be forwarded without an order. If filed, your new address may be given to others. Use Form 3576 to tell correspondents and publishers of address changes. Authorized 39 U.S.C. 404.

TO: POSTMASTER
UNITED STATES POSTAL SERVICE