

**MEMORANDUM**

**TO:** Chip Merriam, Deputy Executive Director, Water Resources Management  
**FROM:** Ed Rectenwald, Staff Hydrogeologist, Planning and Development *er*  
**THROUGH:** Michelle Percy, Director – Planning and Development *mjp*  
**DATE:** February 19, 2004  
**SUBJECT:** Acceptance of a Right of Entry Agreement from Marco Island Utilities

**RECOMMENDATION**

Approve the acceptance of a Right of Entry Agreement from Marco Island Utilities, Marco Island, Florida, to perform monthly water level and quarterly water quality monitoring on two of its existing Floridan aquifer monitor wells.

**BACKGROUND**

The District is entering into a Right of Entry agreement with Marco Island Utilities to enhance its Floridan Aquifer System (FAS) monitor well network throughout the south Florida region. This monitoring effort is intended as a long-term initiative, so that sufficient information can be obtained to reduce data gaps in the development and calibration of a regional Floridan aquifer model. The model will be used to evaluate the impact of competing uses of the FAS as a water supply source, and identify appropriate Consumptive Use Permitting (CUP) rulemaking criteria.

Enhancing the present FAS monitoring network is a direct result of the District's Water Supply Plan Initiatives. Both the Lower East Coast (LEC) and Lower West Coast (LWC) Regional Water Supply Plans recommend the Floridan aquifer as an "alternative water supply source" through implementation of Aquifer Storage and Recovery (ASR) techniques and reverse osmosis technology. The Water Supply Plans also recommend developing a regional FAS ground water flow model using aquifer data collected from District sponsored projects, as well as individual facilities/utilities currently utilizing and monitoring the Floridan aquifer.

**STAFF RECOMMENDATION**

Approve the acceptance of a Right of Entry Agreement from Marco Island Utilities, Marco Island, Florida, to perform monthly water level and quarterly water quality monitoring on two of its existing Floridan aquifer monitor wells.

EER

## **RIGHT OF ENTRY AGREEMENT**

### **Project: FLORIDAN AQUIFER MONITORING REGIONAL NETWORK**

MARCO ISLAND UTILITIES ("Property Owner"), a public utility whose mailing address is 960 North Collier Boulevard., Marco Island, Florida, and SOUTH FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida ("District"), whose principal office is located at 3301 Gun Club Road, West Palm Beach, Florida, hereby agree that District, its agents, contractors, employees and assigns, are hereby granted the right to enter upon that certain real property (the "Property") owned by Property Owner, located 961 Windward Drive, Marco Island, Florida, location described in Exhibit "A" attached hereto and incorporated herein by reference, for the purposes described below. The location of the equipment to be installed on the Property shall be mutually agreed upon by the parties hereto prior to the District exercising any of its rights under this Right of Entry. Termination shall be pursuant to the provisions of Paragraph 8 or upon either party giving notice of intent to terminate by providing notice in writing sixty 60 days prior to the date upon which either party wishes to terminate this agreement. Termination may be with or without cause.

#### **Project Description.**

##### **I. Purpose**

The District wishes to enter into this agreement to enhance its Floridan Aquifer System (FAS) monitor well network throughout the south Florida region. This monitoring effort is intended as a long term initiative, so that sufficient information can be obtained to develop and calibrate a regional Floridan aquifer model. The model will be used to evaluate the feasibility of Aquifer Storage and Recovery (ASR) as part of the Comprehensive Everglades Restoration Project (CERP).

##### **II. Activities**

District activities conducted on the Property will focus exclusively on obtaining water-level and water-quality data from the existing dual zone Floridan monitoring well on the Property. All monitoring will be passive in nature and will be conducted in a manner to minimize disruption to normal operations on the property. The major activities proposed at each monitoring site consist of: (a) equipment installation, and (b) data collection. It is agreed that the District shall incur all costs associated with this study. Equipment installation, including without limitation well-head modifications, and any associated minor permit modification fees, and collection activities as described herein. The District shall also be responsible for the maintenance and operation of any and all equipment it installs on the Property pursuant to this Right of Entry.

*a. Equipment installation.* Staff from the District's Electronic Support and Data Acquisition (ESDA) Division, or an approved contractor will install the data-logger housing, and automated electronic water-level recording equipment on the selected well. All monitor well pads will be surveyed to National Geodetic Vertical Datum (NGVD) by District staff or an approved contractor. A list of the data logging equipment and a photograph showing the equipment installed on a similar well are included in Exhibit B.

*b. Data collection.* Water-level data from the monitor wells will be collected digitally in real-time and/or downloaded periodically by District staff, or an approved contractor, for archiving. Typically, one to two field technicians using a portable computer will download the electronic data-loggers monthly as well as perform routine maintenance on the equipment. During the first few months following installation, data-loggers may be downloaded twice per month to troubleshoot equipment problems and ensure that all

installations are performing as intended. Separate site visits may be scheduled during the course of the year to maintain, repair or upgrade equipment as deemed necessary. Access to the Property during these trips will be coordinated with the Property Owner or his/her agent.

On a quarterly basis, District staff, or an approved contractor, will collect a groundwater sample for chemical analysis from the selected well. A licensed analytical laboratory will analyze the groundwater samples for chloride and total dissolved solid concentrations. These samples are necessary to determine the density of the groundwater in the Floridan aquifer. Determining the correct groundwater density will allow the District to accurately calibrate the regional groundwater model. To ensure a representative sample from the monitor zone of interest, it will be necessary to purge the well before obtaining the water sample. The water samples will be collected on a date and time when Marco Island Utilities performs their sample collections for DEP compliance monitoring so as not to disrupt normal operations of the plant.

The Property Owner and the District hereby agree as follows:

1. The Property Owner hereby acknowledges that (i) any equipment or physical structure (i.e. water well) placed on the Property by the District shall remain the property of the District, and (ii) all such equipment shall be removed from the Property, and any wells capped or filled in, by the District on or before the termination of this Right of Entry.
2. The District agrees that upon completion of the activities proposed in this Right of Entry, any portion of the Property which is damaged as a result of activities conducted by the District pursuant to this Right of Entry will be returned to substantially the same condition that it was in on the date hereof.
3. The Property Owner shall allow all authorized representatives of the District, their vehicles and equipment access to the Property on reasonable notice in order to implement and carry out the activities described herein.
4. This Right of Entry does not convey any property rights or equipment to the Property Owner nor any rights and privileges, other than those specified herein.
5. Entry into this Right of Entry does not relieve the Property Owner's need to comply with other federal, state or local laws, regulations or ordinances, or the requirements of District-issued water use permit(s).
6. This Right of Entry may be modified only upon the mutual consent of both parties, submitted in writing.
7. Prior to any sale, transfer or conveyance of the Property, the District requests notification so that alternative agreements or arrangements may be made, if necessary.

8. The original term of this Right of Entry shall run five (5) years from the date hereof. Provided this Right of Entry has not otherwise been terminated by either party, the term of this Right of Entry shall automatically be extended for up to five (5) successive renewal terms of five (5) years each. All terms, conditions, covenants and provisions of this Right of Entry shall apply during all renewal terms, if any.

Witness our hands and seals this 13 day of Feb, 2004.

**Marco Island Utility, a Florida Public Utility**

By: Jake Roheich  
Print Name: Jake Roheich  
Title: Utility Director

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT,  
a public corporation of the State of Florida**

By: Chip Merriam  
Chip Merriam, Deputy Executive Director  
Water Resources Management

**EXHIBIT A**

## **Location Description**

**Latitude:** 25°57'33.255"N

**Longitude:** 81°43'23.985"W

**Datum:** NAD83

**EXHIBIT B**

## **EQUIPMENT LIST**

General list, subject to change, refer to Work Order for specifics

### **DATALOGGER:**

Model CR10X-2M Measurement and Control Module OR Model CR10X-TD-2X Measurement and Control Module (Loggernet)

RF Modem 315M (RF 95A) for unmodified data radios VERSION # 11

Campbell Scientific, Inc. (CSI)  
815w 1800N  
Logan Utah 84321-1784  
801-753-2342

### **RF EQUIPMENT:**

DATA RADIO WASECA, MN USA:

VHF (169,425 MHZ )  
MODEL DL-3422 / DL-3400  
PART # 242-4010-610

RF Cable: RG-8/U, Belden 8237

Lightning Protection: Polyphaser IS-NEMP-C2 Lighting and surge Protector

Suggested Vendor: TESSCO

### **Water Level Pressure Sensors:**

Model MPSDIG Guage (Screw-in), SDI-12 Pressure Transducer

Rittmeyer Ltd.  
Hile Controls of Florida  
PO Box 522170  
Longwood, FL  
(407) 332-6288

### **ACCESSORIES:**

**Battery Charge Controller:** Solarstate SRX-6

**Solar Panel:** Solarex 1-MSX-18 w/mounting bracket

Atlantic Solar Products, Inc.  
PO Box 70060  
Baltimore, MD 21237  
(410)686-2500

**Liquidtight Bushings (For Environmental enclosure)**

Thomas & Betts #2671 w/nuts  
Any electrical supply.



Example of an installed electronic water level recorder and associated equipment on a dual zone Florida monitor well.

