Management and storage of surface water permit.

Pursuant to Chapter 73, Florida Statutes, and Chapter 161, Florida Administrative Code, the applicant has applied (application No. 90778312) to the St. Johns River Water Management District for a water management district water system for new citrus groves on 2,105.67 acres in Indian River County, Florida.

I. The applicant proposes to construct a water management system.

FINDINGS OF FACTS:

The Board, having examined the application and all documents in due process of an opportunity to present testimony and evidence, hereby finds, and together with the general public, were hereto were present, and the hearing was conducted at St. Johns River Water Management District at public hearing on the St. Johns River Water Management District at public hearing on November 15, 1978, said public hearing having been duly and properly held.

THE MATTER came on to be heard before the governing board of

INFORMAL HEARING BEFORE GOVERNING BOARD

FINAL ORDER DENYING PERMIT PURSUANT TO

IN INDIAN RIVER COUNTY, FLORIDA,

PUBLISHED NO. 78-49

IN RE:

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

OF SURFACE WATERS

MANAGEMENT AND STORAGE

EVANS PROPERTIES, INC.,

40778312
The application is submitted to the Planning Commission, which conducts a public hearing under Chapter 120.77, which is granted. The application made oral request for an informal hearing under Chapter 120.77, which was granted by the application. The application was notified of the hearing, which was held on November 15, 1979, at the time provided for hearing, due to the need for additional time. The application did not provide sufficient notice for the application to file a protest within 14 days, the notice being a part of the record of the proposal. Staff Exhibit 1, Exhibit 1, Exhibit 2, and Exhibit 3 are submitted in the hearing proceedings. The application is fully described in the proposed project, and the proposed project is fully described in the overall project description. The proposed project is located immediately north of the project site.
The same use.

Applicant's prior application action regarding the same property for the maximum discharge rate of 0.32/day was approved in this
the maximum discharge rate cape of 1/2"/day was approved in this
11. Applicant's requested north better discharge is 1.89"/day.
discharges of water.

On the above premises, the board finds that the steer testimony substantiates general based
on the adverse impacts of the requested southerly and northerly
after agreement with the applicant to the existence in written form.

of water resources, offered as staff exhibit "A" in the hearing.
also in the written testimony of Jerry E. Kuhlke, Director, Director of
Exhibit 1, submitted by staff counsel without objection by the applicant,
10. The steer testimony on these issues is included in the file of record.

The Historic discharge.

The discharge for this land, which is greater than excess of the
earth's discharge equal and established 1/2"/day on the
of 1/2"/day. The board's May, 1976 action on this applicant's
D. The applicant stated that historic discharge is in excess
Water Management District.

To property in the fee simple ownership of the St. Johns River
adverse impact, on the land of other including but not limited
merely conveyed to adjacent owners for ultimate storage, with
contiguous property would not store said discharge but would
in this role ownership. The board finds that applicant's
water to the north would enter contiguous property which is
C. The applicant stated that his proposed discharge of

Deviation.

Mean discharge, a portion of and unreasonable interference
discharge of the issue of the St. Johns River water manage-
that were such approval sufficiently granted, it would not be
Porter Water Management District. The district further finds

the district finds that no approval as been granted by South
which would enter C-25 from the Florida Turpentine Borrow ditch.
that agency's C-25 cannot the requested southerly discharge
of the South Florida Water Management District to accept into
B. The applicant represented that request had been intuiteded
CONCLUSIONS OF LAW:

1. Local laws and regulations, the board makes the following:
IN accordance with the foregoing, and in consideration of app.

has been documented by the board.

2. No interference request or objection to the written project,
but are not acceptable to the applicant.

3. Impacts of the proposed project. Affirmatively to this discharge exist,
for interference diversion is reasonable in maintaining the discharge
for the project's agreement the department's southerly discharge

4. The production agreement the department's southerly discharge

relying on already overallocated hydrological situation.

the northerly discharge is outweighed by the public benefit in pro-

5. Any burden to the applicant occurs in the program and

improper water management, and may result in a substantiating increased
will cause a significant adverse impact on the resource, resources

within the project's location and to their significant detriment.

will require that the discharge be stored at the expense of other
when the /27 day already permitted of the /27 day Interim criterion
that the applicant's resource management proposed northerly discharge agreement
and reach flood level in the future "non-severe storm conditions" and
show that the stage level at the project's take has been and would

6. The /1/27 day flow is an appropriate limitation.
In this particular proposed project, the river flow
charge limitation in specified portions of the Upper Basin.
In a 1/27 day discharge, the 1/27 day criterion was not
was determined by general application of a 1/27 day discharge, the Upper Basin Study and adoption of an Interim criterion, which
been published in Chapter 16, pending completion of the Upper
has not been published in Chapter 16, pending completion of the Upper

The district has, in all previous permitting actions in the Upper
alterations of the hydrology and land-use of the basin and is not a
basin, dictates by a combination of natural causes and man-made
integration, limited to certain areas within the upper St. Johns River
5. The northerly discharge integration is a standard of app-
Keystone matters presently and so recently determined.

to the instant request, and it is not in the public interest to
permit, the prudence of administrative Rez Indicata as applicable
of the project or planned land use changed since the granting of said
time of the actual grant of permit in May, 1978, nor has the purpose
showing a substantial change from conditions which existed at the
determination. Appellant has neither alleged nor proven facts
southernly integration displays. Appellant made no appeal of that

theoretical integration on the northerly water discharge and the
subject property, for a water management system for the same use,
1978 board meeting, in granting a permit to this Appellant, for
4. Additioanly, the board has previously determined in the May

4. The testimony and documentation sufficiently substantiate,
Section 6 of Chapter 373, Florida Statutes, and Chapter 161, Portion
2. The activity proposed is not in compliance with the require-
d. Will be a danger to public health or safety.
and

b. Is inconsistent with the proper management and utilization
of works of the St. Johns River Water Management District.

a. Is inconsistent with the development and regulation
start report, continued in the picture of record,
1. The proposed project, as described in the technical

Administrative Code.
Corps of Engineers
Florida Department of Transportation
Florida Department of Environmental Regulation
Jerry Nadler, Director, Department of Water Resources
Donald Much, Project Coordinator
Bobb Webb, South County
Kent Broom, Stuart Attorney
W. M. Ketter, Ketter Manufacturing Company

CC: Appellant

PREDECKER O. ROUSE, ASST. SECRETARY

ATTEST:

R. J. CAY, CHAIRMAN

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

15th day of November, 1978, A.D.

ARTS CATALOG, 501 S. JOHN AVE, PONTEVIA, FLORIDA, ON THE
DONE AND ORDERED AS ST. JOHNS RIVER COMMUNITY COLLEGE, PINE
WATERS PERMIT IS DENIED.

That the application for a management and storage of surface

ORDERED

WHEREFORE, upon consideration it is
St. Johns River Water Management District

charged in meeting the overall duties and objectives of the St.
App lied to this Application is a reasonable implication on the community
and supported in the State exhibits and testimony, as
Interstate River, more fully described in the Notice of Intent
6. The Board's policy of promotion againt unreasonable
Rule as per chapter 120, Florida Statutes.

standards of general applicability and need not be promulgated by