



St. Johns River Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at www.sjrwmd.com.

January 8, 2020

Vincent Burke
1800 27th St
Vero Beach, FL 32960-0310

Subject: Notice of District Decision to Grant Permit Application(s)
In Indian River County

Dear Sir/Madam

The staff of the St. Johns River Water Management District has completed their review of the permit application(s) described below. Based on this review, the District gives notice of its decision for the application(s) described below. The District is providing you this notice because you are either listed as a County Interested Person or you expressed an interest in one or more of these application(s).

The District gives notice of its decision to Grant a permit for the following application(s):

Windsor Properties Inc, 3125 Windsor Blvd, Vero Beach, FL 32963-9430 Consumptive Use Permit application #270-5. The District authorizes the use of 0.62 million gallons per day (mgd) annual average of surface water from the on-site stormwater reuse system to irrigate urban landscape, polo fields, and a golf course; and 0.16 mgd of groundwater from the Upper Floridan aquifer for irrigation and emergency back-up supply. The withdrawals used by this proposed project will consist of surface water from Interconnect Lakes #4 via 2 active pumps; Groundwater from FAS - Upper Floridan Aquifer via 1 proposed well and 3 active wells in Indian River County, located in Sections: 10, 14, 15 and 23, Township: 31 South, Range: 39 East, known as Windsor.

If you wish to receive a copy of a Technical Staff Report (TSR) that provides the District staff's analysis of a permit application, please submit your request to: Director, Office of Business and Administrative Services, email applicationsupport@sjrwmd.com. You may also review it by going to the Permitting section of the District's website at sjrwmd.com/permitting/index.html. To obtain information on how to find and view a TSR or other permit application file documents, visit https://permitting.sjrwmd.com/epermitting/html/EP_FAQs.html and then follow the directions provided under "How to find a Technical Staff Report (TSR) or other application file documents." The file(s) containing the permit application(s) and TSR(s) are also available at www.sjrwmd.com/permitting and then click on "Regulatory Permit Search" under "Other Information".

If you wish to do so, please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's decision (s) on the application(s) described in this letter.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights was sent to:

vburke@ircgov.com

At or before 5 p.m. on January 8, 2020.

A handwritten signature in cursive script that reads "M. Daniels".

Margaret Daniels, Office Director
Office of Business and Administrative Services
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529
(386) 329-4570

Permit Number:

Notice Of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-six (26) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.
2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.
3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.

Notice Of Rights

4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at www.sjrwmf.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.
9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.