

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGULATIONS COMMITTEE OF THE WHOLE
AGENDA**

**District Headquarters
81 Water Management Drive
Havana, FL 32333**

**Thursday
May 9, 2013
12:00 p.m., ET**

- 1.** Call to Order
- 2.** Review of Consumptive Use Draft Language for Second Round of Workshops
- 3.** Adjourn

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Regulations Committee

FROM: Michael Edgar, Director of Division of Resource Regulation

DATE: April 17, 2013

SUBJECT: Review of Consumptive Use Draft Language for Second Round of Workshops

Program: Consumptive Uses of Water, Chapter 40A-2, Florida Administrative Code

Note: may also affect: General and Procedural, Chapter 40A-1, Florida Administrative Code and Water Shortage Plan, Chapter 40A-21, Florida Administrative Code.

Issue: The Resource Regulation Division is engaged in several rulemaking activities that have been ongoing for approximately a year. This is concurrent with similar efforts among the Florida Department of Environmental Protection (Department) and all of the water management districts to streamline and bring consistency to the permitting process. It encompasses virtually all regulatory areas active at the NFWFMD. The effort specifically relating to the Consumptive Use program is locally known as CUPCon and is expected to proceed through the rulemaking process in the coming months, culminating in final rules this fall. At this time, staff is preparing draft rules for a second set of rulemaking workshops to be held in May.

Discussion:

The Department and districts have completed development of guidelines and language for consistency and streamlining regarding topics in CUPCon Tier 1b and Tier 2. The Department's rule adoption for changes to the Water Resource Implementation Rule is moving forward and additional stakeholder meetings have been held. Presently, all districts are integrating the CUPCon changes into their individual rules. A second set of rule workshops is being held independently by each district in May. The NFWFMD draft rule will be available from the district website (www.nwfwmd.state.fl.us) for the public to review prior to the workshops. Three workshops are scheduled in NFWFMD for public participation, as listed below. These workshops have been advertised in the Florida Administrative Register.

Workshop Date	Location	Time
May 14	NFWFMD Headquarters, Governing Board Room 81 Water Management Drive Havana, FL 32333 Located off Highway 90 West in Midway, Gadsden County	1:30 pm Eastern
May 15	Escambia County Board of County Commission Chambers Board Chambers, Room 100 221 Palafox Place Pensacola, FL 32502	1:30 pm Central
May 16	Jackson County Agriculture Conference Center 2741 Pennsylvania Avenue Marianna, FL 32448	5:30 pm Central

Once public comments are received and addressed or incorporated, it is then anticipated that the districts will develop final rule language, which NFWFMD will bring to the Board for approval in July. With Board approval at that time, staff will notify the Office of Fiscal Accountability and Regulatory Reform (OFARR), publish the notice of proposed rule (NPR), provide the NPR to the Joint Administrative Procedures Committee (JAPC) for review and schedule a public hearing for rule adoption by the Board with a view toward the rule having an effective date of November 1. The Department continues to coordinate all activities by the districts. The anticipated schedule of hearings and filings is below. Information regarding all CUPCon activities is available from the FDEP web page (<http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm>), and there is a link provided on the District's web page.

The proposed rule changes will reduce regulation in other parts of the state and, with one exception, it does not markedly affect the way NFWFMD implements its CUP program. A summary of the changes in the draft rule is provided. The one significant change is a simplification of permitting thresholds. Immediately, 153 current permits will fall below the revised thresholds in the District and will no longer need an Individual Water Use Permit. These are predominantly small permits whose total average allocation is 2.1 million gallons of water per day. These water uses will continue to be authorized under General Water Use Permits issued by rule. There are approximately 112 separate users of eight-inch diameter wells (71 agricultural users) who will now need to obtain an Individual Water Use Permit. The 112 users represent an estimated total of 10 million gallons of water per day average. These changes in thresholds, collectively, will refocus permitting efforts on larger users.

The District has developed a plan to ease the application process to the fullest extent for the agricultural permittees that will be in transition and has coordinated with the Department of Agriculture and Consumer Services (DACS) through the entire CUPCon process. In one proactive step, NFWFMD is increasing partnership with DACS and the Natural Resource Conservation Service to expand mobile irrigation lab (MIL) services in the District. MILs provide free irrigation efficiency analysis and consultation for farmers to help conserve water, energy and money. Other ways of easing the process for all permittees in transition include:

- District personnel contact with well owners to explain rules and permitting process,
- Limiting the information the applicant will have to provide,
- District staff assistance in preparing applications for well owners,
- Waiving permit application fee, and
- Phasing-in the process by concentrating on different areas of the District over a span of weeks.

Schedule for Remaining Rule Development Process:

The rule development and adoption process is being coordinated by the Department and will be comprised of the following steps. If the rule is challenged, additional actions will be required.

May 14-16	Second round of public workshops (with draft language)
July 11	Present final rule language for Governing Board approval
July 26	Provide notification to OFARR that NFWFMD is preparing to file the NPR
August 2	Submittal of the NPR for publication in the FAR concurrent with submittal for JAPC review
September 12	Presentation of the final rule to the Governing Board for adoption
September 13	Filing with Department of State / Bureau of Administrative Code
November 1	Effective date of new rule

Chapter 40A-2, F.A.C.-Summary of Revisions

Rule Number	Rule Title	Description of Current Rule	Change	Effect
40A-1.2025	Fees	Administrative procedures regarding fees	Adding method and form for fee reduction certification	Ease applicant burden
40A-1.203	Permit Application Procedure	Procedures for administrative handling of applications	Minor language clarification	None
40A-1.205	Suspension, Revocation and Modification of District Permits.	Procedures to revoke or change permits	Add language allowing permittees to surrender a permit and form	Ease permittee burden
40A-2.011	Policy and Purpose	Summary statement of purpose of the Chapter and the program areas addressed	Replaced with statement of purpose more consistent with other Districts	None
40A-2.021	Definitions	Provides definitions of terms necessary to understand and apply rules of this Chapter	Added and revised a number of definitions to facilitate the Applicant's Handbook and other rule changes	None
40A-2.041	Permits Required	Enumerates circumstances in which a permit is required	Implemented the CUPcon changes to the Permit Thresholds	Reduce regulation for 153 current, small permittees and require permitting for 112 new, larger individual permits.
40A-2.051	Exemptions	Identifies water uses exempt from Water Use Permitting	Implement the CUPcon changes-moving general permits to section 40A-2.061	None
40A-2.061 [Formerly 40A-2.302]	General Permits by Rule	Identifies criteria for granting a General Water Use Permit, including limitations and conditions	Implement CUPcon changes-Contains general permit criteria and adds general permits for specific uses.	None
40A-2.101	Content of Application	Identifies application forms and required information to be submitted with each form	CUPCon Application Forms; adds Statutory reuse provisions; conservation plan requirement for utilities to reflect CUPCon changes	Updated forms will make application easier and more convenient
40A-2.201	Permit Processing Fee	Identifies processing fees for consumptive use permits	Add fee for Letter Modification Request and fee reduction form per Section 218.075 F.S.	None
40A-2.223	Reservation of Water	Identifies areas reserved from use by permit where consumptive withdrawals of surface water are not in the public interest	Delete 2016 expiration	Extend Reservation
40A-2.301	Conditions for Issuance of Permits	Sets forth requirements for application review and permit issuance; currently no Applicant Handbook	Completely replaced with CUPcon language	None
40A-2.321	Duration of Permits	Specifies duration of Water Use Permits	Expanded to provide for statutory durations	Reduce regulation for qualifying applicants by providing 20-year permit durations
40A-2.331	Modification of Permits	Specifies terms to modify unexpired permit	Expanded to provide for Letter Modification Requests	Reduce regulation by allowing requests for minor changes to permit without full permit application and fee

Rule Number	Rule Title	Description of Current Rule	Change	Effect
40A-2.351	Transfer of Permits	Specifies terms for the transfer of Individual and General Water Use Permits and references where to obtain transfer form	Adding owner ability to transfer to self without permittee authorization.	Simplify process for owners to control Water Use Permit for their property
40A-2.361	Renewal of Permits	Specifies terms to renew an unexpired permit	Remove limitation on renewal timeframe	Reduce regulation by removing limitation for application
40A-2.381	Limiting Conditions	Sets forth conditions imposed during application review and permit issuance	Update with Tier I Standard Conditions & compliance forms from CUPCon	Simpler pumping report form, more frequent submittal, additional forms clarify reporting format. Limiting condition by use class for GWUPs.
40A-2.441	Temporary Permits	Specifies criteria for issuing a temporary Water Use Permit	Repeal	None
40A-2.501	Permit Classification	Identifies permit classifications	Reduce number of use types to be more consistent with other districts.	Simplify selection of use type for applicants.
40A-2.511	Declaration of Water Shortage	References Rule 40A-21, FAC, Water Shortage Plan	None	None
40A-2.801	Declaration of Water Resource Caution Areas	Sets forth criteria used to determine that an area in the District is a Water Resource Caution Area	None	None
40A-2.802	Water Resource Caution Areas	Designates Water Resource Caution Areas and criteria for issuance of permit in each area.	Minor technical changes	None
40A-2.901	Forms	Lists forms used within this Chapter	New permit application forms & compliance submittal forms	Clarify & simplify submittals for permittees and for staff
40A-2.902	Areal Boundary Maps for Water Use Permitting	Establishes general areal boundaries for Areas A, B and C	Revised to reflect new permit threshold areas	Reduction in regulation for permittees in four coastal counties
40A-2.904	Areal Boundary Maps for Water Resource Caution Areas	Describes areal boundaries for Water Resource Caution Areas	Technical edits	Correct map errors

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
GOVERNING BOARD MEETING MINUTES**

**District Headquarters
81 Water Management Drive
Havana, FL 32333**

**Thursday
April 11, 2013**

Governing Board Members Present

George Roberts, Chair
John Alter
Stephanie Bloyd
Gary Clark
Jon Costello
Nick Patronis
Bo Spring

Governing Board Members Absent

Jerry Pate, Vice Chair
Angus Andrews

1. Call to Order and Roll Call

Chair Roberts called the meeting to order at 1:01 p.m., ET. Mr. Steverson called the roll and a quorum was declared present.

2. Invocation

Chair Roberts offered the invocation.

3. Pledge of Allegiance to the Flag

Chair Roberts led the meeting in the Pledge of Allegiance to the Flag.

4. Additions, Deletions or Changes to the Agenda

There were no additions, deletions or changes to the agenda.

5. Administrative Detail

6. Approval of Minutes for March 14, 2013

MOTIONED BY MR. ALTER, SECONDED BY MR. CLARK, THAT THE GOVERNING BOARD APPROVE THE MARCH 14, 2013, GOVERNING BOARD MEETING MINUTES. MOTION CARRIED.

7. A. Regulatory Committee Recommendations for Board Action

Ms. Bloyd stated that the Regulations Committee met and had the following recommendation.

7. A. 1. Consideration of Proposed Language for Changes to District Rules in Bureau of Surface Water

MOTIONED BY MS. BLOYD, SECONDED BY MR. COSTELLO, THAT THE GOVERNING BOARD AUTHORIZE STAFF TO PROCEED WITH THE NOTIFICATION OF THE GOVERNOR'S OFFICE OF

FISCAL ACCOUNTABILITY AND REGULATORY REFORM; SUBMITTAL OF THE PROPOSED AMENDMENTS TO THE JOINT ADMINISTRATIVE PROCEDURES COMMITTEE FOR REVIEW AND COMMENT; THE ADVERTISEMENT OF THE NOTICE OF PROPOSED RULE IN THE FLORIDA ADMINISTRATIVE REGISTER; AND THE SCHEDULING OF A PUBLIC HEARING FOR RULE ADOPTION. MOTION CARRIED.

8. Public Hearing on Consideration of Regulatory Matters

Chair Roberts called the public hearing to order at 1:09 p.m., ET.

Mr. Michael Edgar presented the Consent Agenda, which included one permit renewal, Item A-1, and one temporary permit, Item B-1. Mr. Edgar voiced staff recommendation that the Governing Board approve the Consent Agenda per the recommendations and conditions of the staff reports and per the terms and conditions of the permit documents.

MOTIONED BY MR. ALTER, SECONDED BY MR. CLARK, THAT THE GOVERNING BOARD APPROVE THE CONSENT AGENDA PER THE RECOMMENDATIONS AND CONDITIONS OF THE STAFF REPORTS AND PER THE TERMS AND CONDITIONS OF THE PERMIT DOCUMENTS. MOTION CARRIED.

9. A. Consent Business Agenda

Ms. Jean Whitten presented the Financial Report and Schedule of Disbursements for the month of February 2013.

MOTIONED BY MR. PATRONIS, SECONDED BY MR. SPRING, THAT THE GOVERNING BOARD APPROVE THE FINANCIAL REPORT AND SCHEDULE OF DISBURSEMENTS FOR THE MONTH OF FEBRUARY 2013. MOTION CARRIED.

9. B. Consideration of Resolution 773 to Amend the Fiscal Year 2012-2013 Budget- Amendment # 4

Ms. Cleta Wolverton stated that through a revenue contract with Leon County and the City of Tallahassee, the District's Division of Resource Management provides continuous water level monitoring, including the installation, operation and maintenance of monitoring stations at various designated locations. She explained that, under this contract, the City and County have the option to request supplementary monitoring services during the course of the contract year.

Ms. Wolverton reported that the City of Tallahassee has identified three additional monitoring needs on lakes Kinsale, Killearny and Kanturk in the Killearn subdivision. She stated that the City has requested a change order to the contract, which will increase the current year contract amount from \$69,438.32 to \$86,515.87. She further stated that the net effect of the change is the increase in revenue of \$17,078, increase in the expenditure budget by \$8,390, and increase in the general fund reserves by \$8,688.

Ms. Wolverton voiced staff recommendation that the Governing Board approve Resolution 773 amending the Fiscal Year 2012-2013 Budget.

MOTIONED BY MS. BLOYD, SECONDED BY MR. SPRING, THAT THE GOVERNING BOARD APPROVE RESOLUTION 773 AMENDING THE FISCAL YEAR 2012-2013 BUDGET. MOTION CARRIED.

9. C. Consideration of ITB 13B-005 for Site Preparation Project

Mr. Tyler Macmillan gave a brief overview of the proposed site preparation activities. He stated that staff proposes to conduct chemical herbicide site preparation activities on approximately 1,016 acres of property on the Choctawhatchee River and Econfina Creek Water Management Areas. He reported that on April 9, 2013, at 2:30 p.m. ET, the District opened four sealed bids for the 2013 site preparation project.

Mr. Macmillan voiced staff recommendation that the Governing Board approve the bids submitted in response to Invitation to Bid 13B-005, and authorize staff to issue a purchase order for the specified work to the low bidder, Coastal Air Service, Inc., in the amount of \$68,072.00.

MOTIONED BY MR. ALTER, SECONDED BY MR. COSTELLO, THAT THE GOVERNING BOARD APPROVE THE BIDS SUBMITTED IN RESPONSE TO INVITATION TO BID 13B-005, AND AUTHORIZE STAFF TO ISSUE A PURCHASE ORDER FOR THE SPECIFIED WORK TO THE LOW BIDDER, COASTAL AIR SERVICE, INC., IN THE AMOUNT OF \$68,072.00. MOTION CARRIED.

9. D. Consideration of Florida Fish and Wildlife Conservation Commission Annual Work Plan and Budget for the Sand Hill Lakes Mitigation Bank Cooperative Management Agreement

Mr. Macmillan stated that since 2005 the District has contracted with the Florida Fish and Wildlife Conservation Commission (FWC) to assist with the protection and management of the Sand Hill Lakes Mitigation Bank. He informed the Board that the agreement provides for an annual assessment of FWC's activities and development of a Work Plan and Budget for the upcoming fiscal year. He gave a detailed overview of the work plan and budget for the FWC fiscal year 2013-2014, which begins on July 1, 2013.

Mr. Macmillan voiced staff recommendation that the Governing Board approve the FWC Fiscal Year 2013-2014 Work Plan and Budget, subject to approval of the District's Fiscal Year 2013-2014 budget on September 26, 2013.

MOTIONED BY MR. CLARK, SECONDED BY MR. COSTELLO, THAT THE GOVERNING BOARD APPROVE THE FWC FISCAL YEAR 2013-2014 WORK PLAN AND BUDGET, SUBJECT TO APPROVAL OF THE DISTRICT'S FISCAL YEAR 2013-2014 BUDGET ON SEPTEMBER 26, 2013. MOTION CARRIED.

10. A. Informational Item- 2013 Water Supply Assessment Update

Mr. Paul Thorpe presented the update on the 2013 water supply assessment and informed the Board that the material was provided for informational purposes only.

11. Legal Counsel Report

Mr. Kevin Crowley stated that the legal business before the Board today will be presented by Mr. Breck Brannen.

12. Special Counsel Reports and Recommendations

Mr. Breck Brannen began by introducing himself to the Board as the District's Special Counsel regarding entry of a Final Order related to the Recommended Order in DOAH case number 12-3280. Mr. Brannen gave a detailed overview of the Recommended Order and explained the responsibilities of the Governing Board in determining the best course of action.

The floor was opened for public comment. Mr. Brannen noted the letter submitted by Mr. Timothy Crenshaw on behalf of Mrs. Helen Crenshaw, regarding the notification of this meeting. (A copy is attached.) With no public comment, Mr. Brannen voiced his recommendation that the Governing Board adopt the Recommended Order, dated March 11, 2013, approving the issuance of Surface Water Management System Permit No. 04-2012-0013G to Vista of Fort Walton Beach, LLC.

MOTIONED BY MR. CLARK, SECONDED BY MR. ALTER, THAT THE GOVERNING BOARD ADOPT THE RECOMMENDED ORDER, DATED MARCH 11, 2013, APPROVING THE ISSUANCE OF SURFACE WATER MANAGEMENT SYSTEM PERMIT NO. 04-2012-0013G TO VISTA OF FORT WALTON BEACH, LLC. MOTION CARRIED.

Meeting was adjourned at 2:01 p.m., ET.

Chair

May 9, 2013
Date

Executive Director

Agency Clerk

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
PUBLIC HEARING FOR REGULATORY MATTERS
A G E N D A

District Headquarters
81 Water Management Drive
Havana, Florida 32333

Thursday
May 9, 2013
1:05 p.m., ET

NOTE: Appeal from any NFWFMD Final Agency Action requires a record of the proceedings. Although Governing Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact the District at least 72 hours in advance of these meetings to make appropriate arrangements.

NON-CONSENT AGENDA

1. WELL CONSTRUCTION PERMITS

A. Application Denial

A-1 Staff recommends denial of Well Permit Applications 242342, 243951, 244759, 244761, and 244767 based on outstanding enforcement actions pursuant to Sections 40A-3.041, 40A3-301, 40A-3.411(1), 40A-3.512(7), 62-532.400, Florida Administrative Code, and Chapter 373.333, Florida Statutes.

INFORMATIONAL ITEM

1. ERP INFORMATION ITEM

NFWFMD Environmental Resource Permit Program Activity Status for March 2013		
Activity	Current Month	Fiscal Year to Date Total
Applications Received	15	94
Permits Issued	16	94
Exemption Certifications Issued	29	84
10/2 GP Authorizations	19	83

TAP/tp

To: Governing Board
From: Regulatory Division

Date: April 12, 2013

SUBJECT: RECOMMENDATION FOR DENIAL OF WELL PERMIT APPLICATIONS
Well Permit Application Nos. 242342, 243951, 244759, 244761 and 244767

Applicant: Lester Basford, Water Well Contractor License No. 1722

Application Information:

Application	Owner Name	Well Location	Job Type	Well Use
242342	Not Specified	Bennett Lane, Chattahoochee, Gadsden County	Construction	Limited Public Supply
243951	Delois Jones	2005 Tanner Road, Marianna, Jackson County	Construction	Domestic
244759	Jeremy Branch	7016 Tomessie Circle Grand Ridge, Jackson County	Construction	Agricultural Irrigation
244761	Penny Collins	6371 Wolf Pond Road Bascom, Jackson County	Construction	Domestic
244767	Ellen (Myrtle) Hill	5101 Blue Springs Road, Marianna, Jackson County	Construction	Domestic

Staff Evaluation:

Mr. Lester Basford, a water well contractor licensed by the District, submitted the above applications to obtain well permits.

Mr. Basford currently has two outstanding final orders issued by the District. Corrective action for the orders includes submittal of fifty-four (54) completion reports and payment of \$7,900 in fines (\$5,400 for fifty-four unsubmitted completion reports, and \$2500 for construction of one well without a permit). Between 2011 and present, Mr. Basford has:

- Constructed two (2) wells which pumped sand, a violation of Subsection 40A-3.512(7) Florida Administrative Code;
- Failed to obtain permits for the construction of two (2) wells, a violation of Subsection 40A-3.041, 62-532.400, Florida Administrative Code and 373.313, Florida Statutes; and
- Failed to submit completion reports for seventy-one (71) permits issued to his license, a violation of Subsection 40A-3.411(1), Florida Administrative Code.

Due to these violations, Mr. Basford has accrued sixty-five (65) points against his license. In addition to these violations, Mr. Basford failed to submit twenty-five (25) additional completion reports and continues to submit incorrect owner and/or incorrect well location information on applications.

The Florida Department of Environmental Protection's Water Well Contractor Disciplinary Guidelines and Procedures Manual, dated October 2002, specifies revocation of a water well contractor's license for a period of at least one year with the accrual of 48 points. The District has issued an Administrative Complaint for Revocation of Mr. Basford's water well contractor license that will become final in May 2013 unless there is a petition for administrative hearing.

Staff Recommendation:

It is the determination of staff that Mr. Basford is not practicing the business of water well contracting in accordance with the statutes and rules regulating this industry. Based on the outstanding orders, unpaid fines, number of violations, accrued points, continuing noncompliance with rules, and pending license revocation, Staff recommends that the above applications be denied.

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Financial Report
Summary Statement of Receipts, Disbursements & Cash Balances
For Period Ending March 31, 2013

Balance Forward - Operating Funds	\$72,898,337.21	
Operating Funds Received in current month:		
Revenue Receipts, Current	\$138,245.13	
Contracts Receivable	224,472.10	
Other Deposits/Refunds/Adjustments	26,698.83	
Transfers from Lands Accounts	25,516.21	
Total Deposits during month	414,932.27	
Total Deposits and Balance Forward		\$ 73,313,269.48
Disbursements:		
Employee Salaries	390,175.67	
Employee Benefits	130,203.36	
Employee Flexible Spending Account	0.00	
Contractual Services (Professional)	180,944.14	
Operating Expenses - Services	102,039.71	
Operating Expenses - Commodities	32,432.56	
Operating Capital Outlay	0.00	
Grants and Aids	1,547.48	
Total Operating Expenses during month	837,342.92	
Payables, Prior Year	0.00	
Other Disbursements or (Credits)	44,071.71	
Total Funds Disbursed by check during month	881,414.63	
Bank Debits (Fees, Deposit Slips, etc.)	50.95	
Transfer to Land Acquisition Account	0.00	
Total Funds Disbursed	881,465.58	
Cash Balance Operating Funds at month end		\$ 72,431,803.90
Operating Depositories:		
Petty Cash Fund	250.25	
Bank of America:		
General Fund Checking @ 0.2%	117,198.14	
Payroll Account	6,165.45	
Pensacola Account	0.00	
Wells Fargo @ 0.15%	41,422.36	
Investment Accounts:		
Fla. Board of Administration @ 0.23%		
General Fund	34,853,441.80	
Lands Fee Fund	8,836,996.83	
SWIM Fund	5,757,547.13	
ETDM	1,360.10	
Water Prot. & Sust. TF	5,434,501.15	
Mitigation Fund	16,494,020.85	
Fund B Deposits Frozen by SBA	888,899.84	
Total Operating Depositories at month end	\$ 72,431,803.90	

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 Financial Report
 Summary Statement of Receipts, Disbursements & Cash Balances
 For Period Ending March 31, 2013

Land Acquisition Funds:

Fla. Board of Administration @ 0.23%	\$	609,353.63	
Fund B Deposits Frozen by SBA		<u>50,845.70</u>	
Total Land Acquisition Funds			660,199.33

Restricted Management Funds:

Fla. Board of Administration Phipps Land Management Account @ 0.23%		265,699.35	
Fund B Deposits Frozen by SBA		<u>6,364.99</u>	
Total Land Acquisition Funds			272,064.34

Total Land Acquisition, and Restricted Management Funds			<u>932,263.67</u>
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TOTAL OPERATING, LAND ACQUISITION, & RESTRICTED FUNDS AT MONTH END			<u><u>\$ 73,364,067.57</u></u>
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Approved: _____
 Chairman or Executive Director

Date: May 9, 2013

Northwest Florida Water Management District
Statement of Sources and Uses of Funds
For the Month ending March 31, 2013
(Unaudited)

	Current Budget	Actuals Through 3/31/2013	Variance (under)/Over Budget	Actuals As A % of Budget
Sources				
Ad Valorem Property Taxes	\$ 3,287,425	\$ 2,740,829	\$ (546,597)	83%
Intergovernmental Revenues	16,115,540	651,354	(15,464,186)	4%
Interest on Invested Funds	166,147	73,030	(93,117)	44%
License and Permit Fees	358,500	126,245	(232,255)	35%
Other	2,200,957	1,337,803	(863,154)	61%
Fund Balance	64,846,222	(64,846,222)		0%
Total Sources	\$ 86,974,791	\$ 4,929,260	\$ (82,045,531)	6%

	Current Budget	Expenditures	Encumbrances ¹	Available	
				Budget	%Obligated ²
Uses					
Water Resources Planning and Monitoring	\$ 4,718,328	\$ 893,935	\$ 32,384	\$ 3,792,008	20%
Acquisition, Restoration and Public Works	14,360,871	847,448	185,838	13,327,585	7%
Operation and Maintenance of Lands and Works	4,020,869	1,091,072	126,853	2,802,944	30%
Regulation	3,285,410	1,459,513	46,936	1,778,961	46%
Outreach	172,085	69,616	145	102,324	41%
Management and Administration	2,593,315	912,697	44,241	1,636,377	37%
Total Uses	\$ 29,150,878	\$ 5,274,281	\$ 436,397	\$ 23,440,200	20%
Reserves	57,823,913			57,823,913	0%
Total Uses and Reserves	\$ 86,974,791	\$ 5,274,281	\$ 436,397	\$ 81,264,113	7%

¹ Encumbrances represent unexpended balances of open purchase orders.

² Represents the sum of expenditures and encumbrances as a percentage of the available budget.

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

SCHEDULE OF DISBURSEMENTS

GENERAL FUND

MARCH 2013

CHECKS	3/6/2013	133,204.44
AP EFT CHECKS	3/6/2013	216.52
CHECKS	3/13/2013	106,743.36
AP EFT CHECKS	3/15/2013	1,154.04
CHECKS	3/20/2013	89,404.62
AP EFT CHECKS	3/22/2013	806.41
CHECKS	3/27/2013	105,041.39
AP EFT CHECKS	3/27/2013	788.95
VOIDED CHECK	3/11/2013	-2,809.08
VOIDED CHECK	3/25/2013	-1,750.00
RETIREMENT EFT		33,088.04
		<hr/>
		\$ <u><u>465,888.69</u></u>

Chairman or Executive Director

May 9, 2013

Date

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP

COMPUTER PAID/EFT CHECK REGISTER

VENDOR NAME	INVOICE NET	CHECK DATE	INVOICE DESCRIPTION
4881 SUNSHINE CAR CARE, LLC	33.59	03/06/2013	OPEN PURCHASE ORDER FOR POOL V
4445 JUSTIN G. MCLEAN	4,343.30	03/06/2013	CLEAN UP AND MAINTENANCE SERVI
4208 CLASSIC VENTURES, LLC	16,053.33	03/06/2013	FEBRUARY RENT - CRESTVIEW
4208 CLASSIC VENTURES, LLC	16,053.33	03/06/2013	MARCH RENT - CRESTVIEW
4061 BRIAN WILLIAM TAYLOR	80.00	03/06/2013	LAWN SERVICE FOR MARIANNA
3461 DANIELS JANITORIAL SERVICE	1,300.00	03/06/2013	MONTH TO MONTH JANITORIAL SVS.
3886 DEER POINT TIMBER PRODUCTS	25,000.00	03/06/2013	RETURN OF BOND ITB11B-004
97 THE DEFUNIAK HERALD	25.88	03/06/2013	LEGAL AD
3708 DESIGN ANALYSIS ASSOCIATES, INC	319.68	03/06/2013	DESIGN ANALYSIS DATALOGGER REP
45 DMS	114.66	03/06/2013	SIGNAGE SERVICES AT CARR BUILD
4508 CARDNO ENTRIX	100.00	03/06/2013	WEBSITE HOSTING AND SUPPORT
4855 ENVIRON SERVICES INCORPORATED	275.00	03/06/2013	JANITORIAL SERVICES FOR MARIAN
4855 ENVIRON SERVICES INCORPORATED	1,552.00	03/06/2013	ENVIRON SERVICES-HQ JANITORIAL
1292 FISHER SCIENTIFIC	135.18	03/06/2013	FIELD SUPPLIES
1292 FISHER SCIENTIFIC	296.80	03/06/2013	FIELD SUPPLIES
3662 FL DEPT OF ENVIRONMENTAL PROTECTION	330.00	03/06/2013	FDEP PERMIT MOD FEE
3003 HAVANA FORD, INC.	48.98	03/06/2013	OPEN PURCHASE ORDER FOR REG IN
3942 A & W VENTURES, L.C.	151.34	03/06/2013	PORTABLE TOILET
4921 JACKSON COUNTY UTILITIES	29.00	03/06/2013	MFO H2O
3406 NEECE TRUCK TIRE CENTER INC.	682.87	03/06/2013	TIRES FOR WMD96200
1205 OFFICE DEPOT, INC.	148.65	03/06/2013	OFFICE/PACKING SUPPLIES
1205 OFFICE DEPOT, INC.	(58.99)	03/06/2013	OFFICE/PACKING SUPPLIES
1205 OFFICE DEPOT, INC.	58.99	03/06/2013	OFFICE/PACKING SUPPLIES
1205 OFFICE DEPOT, INC.	54.78	03/06/2013	MOVING/OFFICE SUPPLIES
1463 ORACLE CORPORATION	998.25	03/06/2013	ORACLE DATABASE STANDARD EDITI
3813 PENNINGTON, MOORE, WILKINSON, BELL	8,226.75	03/06/2013	LEGAL FEES
4081 TSWs, INC.	1,435.00	03/06/2013	PORTABLE TOILETS
3132 REAL PROPERTY ANALYSTS, INC.	2,776.00	03/06/2013	APPRAISALS
4136 RICOH AMERICAS CORPORATION	4.93	03/06/2013	MAINTENANCE AGREEMENTS
3696 URS CORPORATION	1,350.00	03/06/2013	07-029 TO90
3696 URS CORPORATION	2,310.00	03/06/2013	07-029 TO85
3696 URS CORPORATION	14,160.00	03/06/2013	07-029 TO81
3696 URS CORPORATION	4,760.00	03/06/2013	07-029 TO59

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP COMPUTER PAID/EFT CHECK REGISTER

3696	URS CORPORATION	10,950.00	03/06/2013	07-029 TO40
3696	URS CORPORATION	10,000.00	03/06/2013	07-029 TO36
3696	URS CORPORATION	7,600.00	03/06/2013	07-029 TO103
4557	VERIZON WIRELESS	322.95	03/06/2013	EMPLOYEE CELL PHONES
1986	WASTE MANAGEMENT	69.29	03/06/2013	MFO SOLID WASTE
4626	WASTE PRO OF FLORIDA, INC	148.79	03/06/2013	SOLID WASTE HQ
4774	JOHN T WILLIAMSON	165.00	03/06/2013	JANITORIAL SERVICE FOR MILTON
4774	JOHN T WILLIAMSON	389.31	03/06/2013	GENERAL LABOR SERVICES
4774	JOHN T WILLIAMSON	409.80	03/06/2013	GENERAL LABOR SERVICES

TOTAL CHECKS

133,204.44

4125	KATHLEEN COATES	216.52	03/06/2013	EMPLOYEE TRAVEL
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TOTAL ACH TRANSFER

216.52

TOTAL AP

133,420.96

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP

COMPUTER PAID/EFT CHECK REGISTER

VENDOR NAME	INVOICE NET	CHECK DATE	INVOICE DESCRIPTION
4812 ALL AMERICAN RENTALS, INC.	140.00	03/13/2013	PORTABLE TOILETS
4812 ALL AMERICAN RENTALS, INC.	140.00	03/13/2013	PORTABLE TOILETS
96 APALACHICOLA/CARRABELLE TIMES	123.50	03/13/2013	ANNUAL GOV BD MEETING NOTICES
3586 ATTACK-ONE FIRE MANAGEMENT SVCS	1,593.40	03/13/2013	ATTACK ONE FIRE MGT-PRESCRIBED
4927 BEN WITHERS, INC.	33,224.26	03/13/2013	HYDROLOGIC RESTORATION PROJECT
735 CARLTON APPRAISAL COMPANY	1,948.00	03/13/2013	APPRAISAL
3269 CDW GOVERNMENT, INC.	2,350.19	03/13/2013	PRINTER TONER/DRUM
4654 CERIDIAN BENEFITS SERVICES, INC	135.00	03/13/2013	ADMIN FEES FOR FSA
771 CITY OF MARIANNA	36.43	03/13/2013	H2O/SEWER MFO
45 DMS	112.60	03/13/2013	MFO PHONE
45 DMS	1,237.38	03/13/2013	CARR BUILDING
45 DMS	806.00	03/13/2013	CNT 13-019
4748 EAST MILTON WATER SYSTEM	10.24	03/13/2013	H2O MILTON
4982 ENVIRONMENTAL MANUFACTURING AND SUPPLY, INC.	125.00	03/13/2013	WELL PROTECTIVE CASING
2701 FLORIDA MUNICIPAL INSURANCE TRUST	26,969.41	03/13/2013	PROPERTY INSURANCE
839 FORESTRY SUPPLIERS, INC.	1,288.31	03/13/2013	FIELD SUPPLIES
65 GADSDEN COUNTY TIMES	34.67	03/13/2013	2013 ANNUAL GB MEETING NOTICE
916 GULF POWER COMPANY	425.10	03/13/2013	MILTON UTILITIES
916 GULF POWER COMPANY	724.44	03/13/2013	CRESTVIEW UTILITIES
916 GULF POWER COMPANY	277.00	03/13/2013	CRESTVIEW ELECTRIC
4984 HAMMOND DESIGN GROUP, LLC	2,809.08	03/13/2013	TENANT IMPROVEMENTS
4496 HARDY LOGGING CO, INC	1,550.00	03/13/2013	REPAIR TO EAGER BEAVER LOW BOY
4496 HARDY LOGGING CO, INC	1,780.00	03/13/2013	REPAIR AND SERVICE- FORD L9000
4607 MAIL FINANCE INC	205.00	03/13/2013	POSTAGE METER LEASE AGREEMENT-
2268 INNOVATIVE OFFICE SOLUTIONS, INC	814.00	03/13/2013	MAINTENANCE
3921 KOUNTRY RENTAL, INC.	4,163.00	03/13/2013	RENTAL AND SERVICE OF PORTABLE
3266 LOWE'S COMPANIES INC.	98.21	03/13/2013	PARTS AND SUPPLIES
3266 LOWE'S COMPANIES INC.	455.90	03/13/2013	MISC TOOLS SHOP SUPPLIES
3266 LOWE'S COMPANIES INC.	16.10	03/13/2013	QUIKRETE MIX 40 LB BAGS
3266 LOWE'S COMPANIES INC.	51.69	03/13/2013	FIELD SUPPLIES
63 NORTHWEST FLORIDA DAILY NEWS	68.60	03/13/2013	2013 GOV BD ANNUAL MEETING NOT
1205 OFFICE DEPOT, INC.	105.83	03/13/2013	OFFICE SUPPLIES FOR CLOSET
3813 PENNINGTON, MOORE, WILKINSON, BELL	4,287.50	03/13/2013	LEGAL FEES
62 PENSACOLA NEWS-JOURNAL	368.32	03/13/2013	ANNUAL GOV BD MEETING NOTICES
4345 PRIDE ENTERPRISES FORESTRY	993.60	03/13/2013	HEAVY DUTY PIPE GATES & WOOD F

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP

COMPUTER PAID/EFT CHECK REGISTER

4345	PRIDE ENTERPRISES FORESTRY	7,031.28	03/13/2013	HEAVY DUTY PIPE GATES & WOOD F
110	TALQUIN ELECTRIC COOPERATIVE, INC.	3,762.40	03/13/2013	HQ ELECTRIC
110	TALQUIN ELECTRIC COOPERATIVE, INC.	72.00	03/13/2013	SECURITY LIGHTS HQ
110	TALQUIN ELECTRIC COOPERATIVE, INC.	107.64	03/13/2013	H2O/SEWER HQ
4955	TERRY'S HOME & LAWN MAINTENANCE, INC.	3,850.00	03/13/2013	PUBLIC RECREATION SITE CLEAN U
2855	UNIVERSITY OF FLORIDA - INSTITUTE OF	1,547.48	03/13/2013	WIREFRASS RESEARCH
2855	UNIVERSITY OF FLORIDA - INSTITUTE OF	355.00	03/13/2013	REGISTRATION FEE-DANNY DEAN
353	U. S. POST OFFICE - MARIANNA	140.00	03/13/2013	ANNUAL POST OFFICE FEE
4774	JOHN T WILLIAMSON	409.80	03/13/2013	GENERAL LABOR SERVICES

106,743.36

TOTAL CHECKS

2030	ANGELA CHELETTE	199.18	03/15/2013	EMPLOYEE TRAVEL
3455	DAVID CLAYTON	171.31	03/15/2013	EMPLOYEE TRAVEL
4125	KATHLEEN COATES	187.68	03/15/2013	EMPLOYEE TRAVEL
4944	BRETT CYPHERS	24.03	03/15/2013	GAS REIMBURSEMENT
4613	DANNY DEAN	291.42	03/15/2013	EMPLOYEE TRAINING
4642	COAKLEY TAYLOR	280.42	03/15/2013	EMPLOYEE TRAINING

1,154.04

TOTAL ACH TRANSFER

107,897.40

TOTAL AP

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP

COMPUTER PAID/EFT CHECK REGISTER

VENDOR NAME	INVOICE NET	CHECK DATE	INVOICE DESCRIPTION
3586 ATTACK-ONE FIRE MANAGEMENT SVCS	1,721.90	03/20/2013	ATTACK ONE FIRE MGT-PREScribed
3586 ATTACK-ONE FIRE MANAGEMENT SVCS	1,927.50	03/20/2013	ATTACK ONE FIRE MGT-PREScribed
4881 SUNSHINE CAR CARE, LLC	33.59	03/20/2013	OPEN PURCHASE ORDER FOR POOL V
2992 BANK OF AMERICA	126.43	03/20/2013	ONLINE ACCESS TO BANK ACCOUNT
2992 BANK OF AMERICA	478.26	03/20/2013	PAYMENT PORTAL FOR WELL PERMIT
2992 BANK OF AMERICA	1,049.52	03/20/2013	ACCOUNT ANALYSIS
4062 ANGELA B CASSIDY	193.74	03/20/2013	EMPLOYEE TRAVEL
3289 CITY OF TALLAHASSEE	31.73	03/20/2013	LAKESHORE & I 10
319 THE COUNTY RECORD	30.00	03/20/2013	2013 GOV BD ANNUAL MEETING NOT
409 DAVIS SAFE & LOCK, INC	350.00	03/20/2013	MOVE SAFE INTO SERVER ROOM
45 DMS	1,454.93	03/20/2013	TELEPHONE SERVICE
4254 EMERALD AIR SERVICES, LLC	2,005.00	03/20/2013	MOVING AC UNIT AT CRESTVIEW FI
4807 WRIGHT EXPRESS FINANCIAL SERVICES CORPORATION	12,735.85	03/20/2013	FUEL
839 FORESTRY SUPPLIERS, INC.	143.17	03/20/2013	FIELD SUPPLIES
839 FORESTRY SUPPLIERS, INC.	78.34	03/20/2013	REPAIR OF COMPASS
3282 W.W. GRAINGER, INC.	177.76	03/20/2013	FIELD SUPPLIES
2291 GULF COAST ELECTRIC COOPERATIVE, INC	399.49	03/20/2013	970128004 ELECTRIC
4652 GULF COAST TRUCK & EQUIPMENT CO., INC.	1,496.24	03/20/2013	MACK SERVICE/ REPAIRS
4988 STEPHEN HANCOCK	214.63	03/20/2013	EMPLOYEE TRAVEL
4607 MAIL FINANCE INC	126.00	03/20/2013	POSTAGE METER LEASE AGREEMENT-
374 HOLMES COUNTY TIMES - ADVERTISER	56.00	03/20/2013	2013 ANNUAL GOV BD MEETING NOT
61 JACKSON COUNTY FLORIDAN	104.50	03/20/2013	LEGAL AD
61 JACKSON COUNTY FLORIDAN	120.10	03/20/2013	LEGAL AD
4745 RICHARD L. KELLY	40.00	03/20/2013	WELL PERMITTING FEE REFUND
4986 PATRICIA LUJAN	14,748.32	03/20/2013	DEPOSIT AND MARCH RENT, 180 E REDSTONE, 32539
252 MONTICELLO NEWS	31.25	03/20/2013	2013 ANNUAL GB MEETING NOTICE
1205 OFFICE DEPOT, INC.	271.91	03/20/2013	OFFICE SUPPLIES
1205 OFFICE DEPOT, INC.	9.99	03/20/2013	OFFICE SUPPLIES
64 PANAMA CITY NEWS HERALD	615.00	03/20/2013	LEGAL AD - WELL ENFORCEMENT
4345 PRIDE ENTERPRISES FORESTRY	2,988.00	03/20/2013	GRILLS AND FIRE RINGS
1180 PRIDE ENTERPRISES	80.68	03/20/2013	PRINTING ENVELOPES
4985 SHAW MOVING & STORAGE, INC.	4,400.00	03/20/2013	MOVING CRESTVIEW OFFICE
1650 SOUTHEAST APPRAISAL GROUP	1,000.00	03/20/2013	REVIEW APPRAISALS
1650 SOUTHEAST APPRAISAL GROUP	1,400.00	03/20/2013	REVIEW APPRAISALS
342 THE STAR	123.50	03/20/2013	ANNUAL GOV BD MEETING NOTICES
2718 T & TRS, INC.	1,095.97	03/20/2013	REFRIGERATED TRAILER RENTAL
105 TALLAHASSEE DEMOCRAT	220.18	03/20/2013	LEGAL AD FOR ITB 13B-004
3696 URS CORPORATION	2,500.00	03/20/2013	12008191 TASK 40

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP

COMPUTER PAID/EFT CHECK REGISTER

3696	URS CORPORATION	9,150.00	03/20/2013	12008680 TASK 58
3696	URS CORPORATION	11,440.00	03/20/2013	12009862 TASK 81
3696	URS CORPORATION	2,734.50	03/20/2013	12009703 TASK 84
3696	URS CORPORATION	900.00	03/20/2013	12010171 TASK 90
3696	URS CORPORATION	2,809.84	03/20/2013	12010377 TASK 100
3696	URS CORPORATION	7,600.00	03/20/2013	12010878 TASK 103
385	WAKULLA NEWS	89.00	03/20/2013	ANNUAL GOV BD MEETING NOTICES
4353	CHARLES WARD	50.00	03/20/2013	REFUND OVERPAYMENT ON PERMIT
4038	WINDSTREAM COMMUNICATIONS	51.80	03/20/2013	COMMUNICATIONS

TOTAL CHECKS 89,404.62

4362	LINDA CHAISSON	570.32	03/22/2013	EMPLOYEE TRAVEL FOR TRAINING
3305	MARIA JORDAN	36.09	03/22/2013	GAS REIMBURSEMENT
3823	KENNETH ANDREW ROACH	200.00	03/22/2013	EMPLOYEE TRAVEL

TOTAL ACH TRANSFER 806.41

TOTAL AP 90,211.03

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP COMPUTER PAID/EFT CHECK REGISTER

VENDOR	NAME	INVOICE NET	CHECK DATE	INVOICE DESCRIPTION
4923	JOHN ALTER	61.41	03/27/2013	BOARD TRAVEL
3293	ANGUS ANDREWS	96.12	03/27/2013	BOARD TRAVEL
95	AT&T	280.46	03/27/2013	EFO PHONE SERVICE
2967	BANK OF AMERICA	1,750.00	03/27/2013	EMPLOYEE TRAINING
2967	BANK OF AMERICA	100.00	03/27/2013	REGISTRATION FEE FOR SPRINGS C
2967	BANK OF AMERICA	53.22	03/27/2013	LATE FEE/FINANCE CHARGE
4845	CALHOUN COUNTY SHERIFF'S OFFICE	657.08	03/27/2013	CALHOUN CO SHERIFF-LAW ENFCMT/
1617	CAPITAL HEALTH PLAN	73,921.33	03/27/2013	EMPLOYEE HEALTH INSURANCE
3269	CDW GOVERNMENT, INC.	852.55	03/27/2013	COMPUTER SUPPLIES
4676	CITY OF MILTON FLORIDA	35.50	03/27/2013	DUMPSTER SERVICE
4676	CITY OF MILTON FLORIDA	13.36	03/27/2013	SEWER SERVICE MILTON FO
3289	CITY OF TALLAHASSEE	164.00	03/27/2013	PERMIT FEE
4991	GARY CLARK	65.86	03/27/2013	BOARD TRAVEL
1859	FL DEPT. OF ENVIRONMENTAL PROTECTION	2,880.00	03/27/2013	DEP GRANT FC255
45	DMS	69.52	03/27/2013	MILTON PHONE
2972	EDWARDS FIRE PROTECTION, INC.	434.00	03/27/2013	FIRE EXTINGUISHER INSPECTION/T
2787	JOYCE S. ESTES	77.43	03/27/2013	BOARD TRAVEL
20	EXECUTIVE OFFICE FURNITURE, INC	284.30	03/27/2013	OFFICE SUPPLIES
4273	ROBERT T. MIXON	150.00	03/27/2013	FIRE SAFETY BOOTS - JIMMIE ATE
2702	FISH AND WILDLIFE	2,877.71	03/27/2013	LAW ENFORCEMENT/SECURITY SERVI
26	FL. SECRETARY OF STATE DIV OF ADMIN SERV	40.09	03/27/2013	LEGAL/FAR AD FOR MARCH 2013
1090	G. NEIL COMPANIES	359.94	03/27/2013	REQUIRED FED & STATE POSTERS
4317	HHH CONSTRUCTION OF NWF, INC.	2,040.00	03/27/2013	HEAVY DUTY GATE INSTALLATION
2268	INNOVATIVE OFFICE SOLUTIONS, INC	1,716.00	03/27/2013	MOVING CRESTVIEW TELEPHONE SYS
4542	MOUSER ELECTRONICS, INC	64.45	03/27/2013	FIELD SUPPLIES
3630	VEOLIA ES SOLID WASTE SOUTHEAST, INC.	124.00	03/27/2013	DUMPSTERS FOR ECONFINA & CANOE
2663	PATIENTS FIRST APLEYARD, INC	49.00	03/27/2013	PRE EMPLOYMENT, DOT & POST AC
4849	NICK PATRONIS	81.88	03/27/2013	BOARD TRAVEL
71	PETTY CASH	94.98	03/27/2013	PETTY CASH
4081	TSWS, INC.	1,435.00	03/27/2013	PORTABLE TOILETS
4536	THEODORE REESE	22.09	03/27/2013	INVASIVE SPECIES CONFERENCE
3960	GEORGE ROBERTS	81.88	03/27/2013	BOARD TRAVEL
4836	CARL H SEALE JR.	300.00	03/27/2013	WMD 0043 REPAIRS

COMPUTER PAID/EFT CHECK REGISTER

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP

Check #	Description	Date	Amount	Payee
4980	SILLWORKS PARTS DIRECT	03/27/2013	572.55	REPLACEMENT HARD DRIVES FOR DI NETWORK
4720	SOUTHWOOD SHARED RESOURCE CENTER	03/27/2013	714.42	BOARD TRAVEL
4967	SAMUEL SPRING	03/27/2013	85.44	SUPPLIES
4799	STAPLES CONTRACT & COMMERCIAL, INC.	03/27/2013	15.06	TONER FOR PRINTER
4799	STAPLES CONTRACT & COMMERCIAL, INC.	03/27/2013	98.56	XERIC WIREGRASS TESTING
4628	US FOREST SERVICE	03/27/2013	168.00	XERIC WIREGRASS TESTING
4628	US FOREST SERVICE	03/27/2013	168.00	XERIC WIREGRASS TESTING
2631	WASHINGTON COUNTY SHERIFF'S OFFICE	03/27/2013	11,095.20	LAW ENFORCEMENT/SECURITY ON DI
382	WASHINGTON COUNTY NEWS	03/27/2013	71.40	2013 ANNUAL GOV BD MEETING NOT
4774	JOHN T WILLIAMSON	03/27/2013	409.80	GENERAL LABOR SERVICES
4774	JOHN T WILLIAMSON	03/27/2013	409.80	GENERAL LABOR SERVICES

TOTAL CHECKS
105,041.39

4966	DAVID REED CHERRY	03/27/2013	229.36	EMPLOYEE TRAVEL
3080	STEVEN COSTA	03/27/2013	208.10	EMPLOYEE TRAVEL
1095	TYLER MACMILLAN	03/27/2013	166.49	EMPLOYEE TRAVEL
4642	COAKLEY TAYLOR	03/27/2013	185.00	EMPLOYEE TAYLOR

TOTAL ACH TRANSFER
788.95

TOTAL AP
105,830.34

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

SCHEDULE OF DISBURSEMENTS

PAYROLL

MARCH 2013

DIRECT DEPOSIT	03/08/2013	197,787.97
CHECKS	03/08/2013	8,073.06
FLEX SPENDING EFT	TF078	1,887.42
DIRECT DEPOSIT	03/22/2013	196,628.24
CHECKS	03/22/2013	9,172.28
FLEX SPENDING EFT	TF081	1,837.34

\$ 415,386.31

APPROVED:

Chairman or Executive Director

May 9, 2013

Date

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

THROUGH: Jon Steverson, Executive Director

FROM: Jean Whitten, Director
Division of Administration

DATE: April 24, 2013

SUBJECT: Consideration of Acceptance of the Audited Financial Statements for Fiscal Year
2011-2012

Mr. Bob Powell, C.P.A., an Accounting and Audit Partner with the District's independent audit firm, James Moore & Company, will present the findings of their audit of the District's 2011-2012 fiscal year.

After presentation of the report, Mr. Powell will recommend that the Governing Board accept the District's September 30, 2012, audited financial statements.

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Duncan Cairns, Bureau Chief, Environmental and Resource Planning

DATE: April 15, 2013

SUBJECT: Consideration of Purchase of 3.14 Mitigation Credits from Nokuse Plantation Mitigation Bank

As part of the Florida Department of Transportation's (FDOT) mitigation process, the District is responsible for providing offsetting mitigation for wetland impacts caused by the widening of US 331 in Walton County from Nokuse Plantation to Edgewood Circle. The U.S. Army Corps of Engineers (USACE) permit for this project directs FDOT to purchase 3.14 credits from the private Nokuse Plantation Mitigation Bank through the District's Northwest Florida, Umbrella, Watershed-based, Regional Mitigation Plan (UWRMP). Funds to implement this mitigation have been obtained by the District from FDOT.

Nokuse Plantation Mitigation Bank recently sold 31.32 mitigation credits to the District at a rate of \$70,000 per credit. Nokuse has agreed to continue using this price per credit for this purchase of 3.14 credits.

The Nokuse Plantation Mitigation Bank is the only mitigation bank whose service area wholly encompasses the FDOT project (although portions of the FDOT project do occur within the service areas of the Sand Hill Lakes Mitigation Bank and the Devils Swamp Mitigation Bank).

Staff recommends Governing Board approval to purchase 3.14 wetland mitigation credits from the Nokuse Plantation Mitigation Bank for \$219,800, subject to legal counsel review.

NOKUSE PLANTATION MITIGATION BANK
CREDIT RESERVATION AND PURCHASE AGREEMENT

M. C. Davis, trustee of the M. C. Davis Trust dated March 15th, 2006, owner of the Nokuse Plantation and Nokuse Plantation Mitigation Bank (hereinafter referred to as "Seller") does hereby reserve and set aside for future assignment for the sole benefit of the Northwest Florida Water Management District, a governmental entity (hereinafter referred to as "Buyer"), a total of 3.14 Flatwoods/Wet Prairie Credit (state) and Palustrine Wetlands Mitigation Credit (federal), issued to Seller's Nokuse Plantation Mitigation Bank pursuant to Seller's mitigation banking permits from the Florida Department of Environmental Protection (FDEP Permit Number 0283695-001) and the United States Army Corps of Engineers (ACE Permit Number SAJ-2007-2663 MB-DEB).

This reservation is for use of credit in connection with mitigating adverse wetland impacts which may arise as a result of construction or other projects undertaken or to be undertaken by the Florida Department of Transportation (FDOT) with mitigation to be provided by the Buyer on behalf of FDOT (ERP Permit Number 1232 and ACE Permit Number SAJ-2011-02064 SP-AAK). Seller warrants that it will take no action inconsistent with the reservation and future assignment described herein.

Seller is committed to transfer to Buyer 3.14 mitigation bank credits from its mitigation bank in Walton County for use in offsetting wetland impacts upon receipt of the full Purchase Price. The Purchase Price is \$70,000 per credit or a total of \$219,800 for 3.14 credits.

Upon receipt of the total Purchase Price for the credit, Seller will send a Request for Withdrawal of Mitigation Credits to FDEP and the ACE requesting FDEP and ACE to withdraw the specified credit from the Nokuse Plantation Mitigation Bank upon approval of the Buyer's permits.

The credit Purchase Price shall be due from the Buyer following the issuance of the FDOT's permits to use the mitigation bank credit to offset wetland impacts and release of sufficient funds to purchase credits. Failure by the Buyer to close the purchase within ninety (90) days of the execution of this Agreement shall be a default of the Agreement, permitting termination of the Agreement by Seller unless an extension is granted in writing by mutual consent of both parties.

Payment shall be made to the M. C. Davis, trustee of the M. C. Davis Trust dated March 15, 2006, owner of the Nokuse Plantation Mitigation Bank, 11490 Emerald Coast Parkway, Suite 300 Box 3, Miramar Beach, FL 32550.

BUYER	SELLER
Name: <u>Northwest Florida Water Management District</u>	<u>Nokuse Plantation Mitigation Bank</u>
By: _____	_____
Name & Title: <u>Jonathan P. Steverson, Executive Director</u>	<u>M. C. Davis, trustee of the M. C. Davis Dated March 15, 2006.</u>
Executed: _____	_____

TO: Governing Board
FROM: Division of Resource Regulation
DATE: April 18, 2013
SUBJECT: Quarterly Report for Period Ending March 31, 2013

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Current Year Total FY 2013	Total FY 2012
Permits Issued	973	1165	NA	NA	2138	5689
Completion Reports Received	1074	1164	NA	NA	2238	5818
Wells Inspected	395	354	NA	NA	749	1582
Wells Tagged	350	296	NA	NA	646	1525
Abandoned Wells Plugged	268	298	NA	NA	566	1364
New Contractor Licenses	1	1	NA	NA	2	1
License Renewals	0	0	NA	NA	0	0
<u>Enforcement Actions</u>						
Complaints Investigated	14	14	NA	NA	28	69
Warning Letters Issued	36	49	NA	NA	85	120
Administrative Complaints/Notices of Violation Issued	15	23	NA	NA	38	8
Settlement Agreements	0	1	NA	NA	1	7
Consent Orders	0	0	NA	NA	0	1
Licenses Suspended/Revoked	0	0	NA	NA	0	0
Referred to State Attorney	1	0	NA	NA	1	0
License Probation	0	0	NA	NA	0	0
Global Positioning System Activity						
62-524, FAC, Program	12	8	NA	NA	20	46
Other GPS Activity	342	287	NA	NA	629	1331

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Current Year Total FY 2013	Total FY 2012
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Consumptive Use (40A-2)

Permits Issued for New/Unpermitted Uses	4	2	NA	NA	6	33
Permits Issued Modifications/Renewals	15	12	NA	NA	27	98
Permit Transfers Processed	3	0	NA	NA	3	8
Temporary Permits Issued	0	1	NA	NA	1	18
Permits Withdrawn/Denied	0	0	NA	NA	0	2
Permits Revoked	0	0	NA	NA	0	2
Compliance Monitoring	48	341	NA	NA	389	1149
Compliance Inspections	28	12	NA	NA	40	183
Public Assistance Contacts	44	47	NA	NA	91	387
Public Assistance Notices	502	352	NA	NA	854	657

Enforcement Actions

Enforcement Notices Issued	27	125	NA	NA	152	492
Warning Letters	13	5	NA	NA	18	11
Notices of Violation/ Orders Issued	4	1	NA	NA	5	2
Settlement Agreements	2	2	NA	NA	4	3
Consent Orders	0	0	NA	NA	0	0

Surface Water Management (40A-4)

Individual Permits Issued	1	0	NA	NA	1	3
General Permits Issued	0	0	NA	NA	0	10
Permits Withdrawn/Denied	0	0	NA	NA	0	0
Permit Transfers Processed	2	0	NA	NA	2	7
Permits Revoked	0	0	NA	NA	0	0
Emergency Orders	0	0	NA	NA	0	0
Complaints Investigated	6	5	NA	NA	11	49
Permit Modifications	0	0	NA	NA	0	0
Public Assistance Contacts	24	20	NA	NA	44	145
Compliance Inspections	12	9	NA	NA	21	245
Permits Expired	0	1	NA	NA	1	4

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Current Year Total FY 2013	Total FY 2012
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Enforcement Actions

Enforcement Notices Issued	0	0	NA	NA	0	1
Warning Letters	0	0	NA	NA	0	2
Notices of Violation/Orders Issued	0	0	NA	NA	0	0
Settlement Agreements	0	0	NA	NA	0	2
Consent Orders	0	0	NA	NA	0	0

Agricultural & Forestry Surface Water Management Permits (40A-44)

Individual Permits Issued	0	0	NA	NA	0	0
General Permits Issued	1	0	NA	NA	1	12
Permit Transfers Processed	0	2	NA	NA	2	15
Permits Revoked	0	0	NA	NA	0	2
Permits Withdrawn/Denied	0	0	NA	NA	0	2
Permits Expired	0	0	NA	NA	0	3
Emergency Authorizations	0	0	NA	NA	0	0
Permit Modifications	0	0	NA	NA	0	1
Forestry Authorizations Issued	47	50	NA	NA	97	169
Forestry Compliance Inspections	2	12	NA	NA	14	269
Agricultural Compliance Inspections	6	11	NA	NA	17	225
Complaints Investigated	8	5	NA	NA	13	43
Public Assistance Contacts	32	21	NA	NA	53	142

Permitted Wetland Impacts (acres)

Total Wetlands Preserved	21.4	0.0	NA	NA	21.40	33.50
Wetlands Temp. Disturbed	0.0	0.0	NA	NA	0.00	0.00
Wetlands Improved	0.0	0.0	NA	NA	0.00	2.80
Wetlands Lost	5.0	0.0	NA	NA	5.00	3.60
Wetlands Created	1.3	0.0	NA	NA	1.30	1.10
Net Change (Created verses Lost)	-3.7	0.0	NA	NA	-3.70	-2.50

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Current Year Total FY 2013	Total FY 2012
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Enforcement Actions

Enforcement Notices Issued	0	2	NA	NA	2	0
Warning Letters	0	2	NA	NA	2	2
Notices of Violation/ Orders Issued	0	1	NA	NA	1	0
Settlement Agreements	0	2	NA	NA	2	0
Consent Orders	0	0	NA	NA	0	0

Environmental Resource Permitting (62-346)

Individual Permits Issued	35	42	NA	NA	77	243
Noticed General Permits Issued	7	14	NA	NA	21	41
Exemption Certifications Issued	21	62	NA	NA	83	129
Permits Withdrawn/Denied	12	14	NA	NA	26	40
Permit Transfers Processed	4	4	NA	NA	8	5
Permits Revoked	0	0	NA	NA	0	0
Emergency Orders	0	0	NA	NA	0	0
Complaints Investigated	3	1	NA	NA	4	12
Permit Modifications	1	11	NA	NA	12	37
Public Assistance Contacts	721	690	NA	NA	1411	111
Compliance Inspections	350	237	NA	NA	587	2092
Permits Expired	0	0	NA	NA	0	0

Enforcement Actions

Enforcement Notices Issued	18	38	NA	NA	56	26
Warning Letters	0	1	NA	NA	1	7
Notices of Violation/ Orders Issued	0	0	NA	NA	0	1
Settlement Agreements	0	1	NA	NA	1	7
Consent Orders	0	0	NA	NA	0	1

MEMORANDUM

TO: Northwest Florida Water Management District Governing Board

FROM: Kevin X. Crowley, General Counsel

RE: Legal Counsel Report

DATE: April 25, 2013

1) Crenshaw, et. al. v. City of DeFuniak Springs, et al., United States District Court for the Northern District of Florida, Case No. 3:13cv50-MCR/EMT. This is a pro se civil rights complaint directed to officials and employees of the City of DeFuniak Springs. The Northwest Florida Water Management District is a named defendant although the complaint contains no allegations against the District. The case is being monitored.

2) Northwest Florida Water Management District v. Lester Basford, District Case Nos. 1722-11-1456, et al. This is proposed District action to revoke the water well contractor's license of Lester Basford. The factual allegations and conclusions of law are set forth in the attached Administrative Complaint For Revocation of Water Well Contractor's License together with a transmittal letter notifying Mr. Basford of his rights and the May 9, 2013 governing board meeting. Also attached is a proposed Final Order of Revocation which contains Findings of Fact and Conclusions of Law.

Staff Recommendation: That, subject to Lester Basford not requesting an administrative proceeding within the prescribed time period, the governing board take final agency action to revoke Lester Basford's Water Well Contractor's License Number 1722 and authorize the executive director to execute the Final Order of Revocation on behalf of the board.



Northwest Florida Water Management District

152 Water Management Drive, Havana, Florida 32333-4712
(U.S. Highway 90, 10 miles west of Tallahassee)

Jonathan P. Steverson
Executive Director

Phone: (850) 539-5999 • Fax: (850) 539-2693

April 25, 2013

**CERTIFIED MAIL# 7011 1150 0000 2731 4797
RETURN RECEIPT REQUESTED**

Mr. Lester Basford
Basford Well Drilling
4513 Lafayette Street
Marianna, Florida 32448

**RE: TRANSMITTAL OF ADMINISTRATIVE COMPLAINT FOR REVOCATION OF WATER
WELL CONTRACTOR'S LICENSE**
Enforcement Case Numbers: CPS 1722 11 1456, CPS 1722 11 1404, WPS 1722 12 1631,
WPS 1722 13 1647 and WPS 1722 13 1678

Dear Mr. Basford:

Enclosed is an Administrative Complaint for Revocation of Water Well Contractor's License No. 1722.

The intent of the Northwest Florida Water Management District is to revoke this License for a minimum period of two (2) years. You have twenty-one (21) days from the receipt of this Complaint to file a written request for a hearing. A request for hearing is filed when it is received by the Agency Clerk, Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333.

Staff shall present this Administrative Complaint at the following Governing Board Meeting for action by the governing board:

Meeting Date/Time: Thursday, May 9, 2013, at 1:05 P.M., Eastern Time
Meeting Location: Governing Board Room, 81 Water Management Drive, Havana, Florida

If you choose to attend, you will have an opportunity to address the governing board members before they take action on the complaint for revocation of your water well contractor's license.

If you have any questions or comments regarding this Administrative Complaint, please call me at 850-539-5999.

Sincerely,

Lyle Hatchett
Regulatory Administrator

cc: File

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

JOHN ALTER
Malone

GUS ANDREWS
DeFuniak Springs

STEPHANIE BLOYD
Panama City Beach

GARY CLARK
Chipley

JON COSTELLO
Tallahassee

NICK PATRONIS
Panama City Beach

BO SPRING
Port Saint Joe

BEFORE THE NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT,

NWFWMD CASE NUMBERS:

CPS 1722 11 1456
CPS 1722 11 1404
WPS 1722 12 1631
WPS 1722 13 1647
WPS 1722 13 1678

Petitioner

V.

LESTER BASFORD,

Respondent

_____ /

ADMINISTRATIVE COMPLAINT FOR REVOCATION
OF WATER WELL CONTRACTOR'S LICENSE

TO: Mr. Lester Basford
Basford Well Drilling
4513 Lafayette Street
Marianna, Florida 32448

Pursuant to the authority of Section 373.333, Florida Statutes (F.S.), the Petitioner Northwest Florida Water Management District ("District") files this Administrative Complaint for Revocation of Water Well Contractor's License against Respondent Lester Basford, the holder of Water Well Contractor License Number 1722. The District intends to revoke Respondent's license pursuant to Section 373.333, F.S., and 40A-3.951-.980 of Chapter 40A-3 and Rule 62-531 Florida Administrative Code (F.A.C.), based upon the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The District is an administrative agency of the state of Florida having the authority to enforce the provisions of Chapter 373, F.S., and the rules promulgated thereunder. The District is authorized by Section 373.323, F.S., to administer the licensure of water well contractors, establishing applications, qualifications and test examinations for prospective water well contractors.

2. Respondent is a State of Florida licensed water well contractor whose Water Well Contractor License Number 1722 was issued by the District on July 29, 2011.

3. Respondent has a history of violations of District rules as follows:

a) On August 1, 2011, the Respondent was cited in District Case No. 1722 11 1456 for a violation of Rule 40A-3.041(1) F.A.C. for construction of a well without a permit. This case was concluded in a Settlement Agreement filed on December 14, 2011, which resulted in the assessment of one (1) violation point against the Respondent's water well contractor's license in accordance with Rule 62-531.450(5), F.A.C. and the "*Water Well Contractor Disciplinary Guidelines and Procedures Manual*." A copy of the Settlement Agreement is attached hereto as Exhibit A and incorporated herein by reference.

b) On November 9, 2011, the Respondent was cited in District Case No. 1722 11 1404 for failure to construct a well which prevents the entrance of sand into a well in violation of Rule 40A-3.512(7), F.A.C. The Administrative Complaint and Order associated with this case became final on December 13, 2011 by operation of Section 373.333(3), F.S. A copy of the Administrative Complaint and Order is attached hereto as Exhibit B and incorporated herein by reference. The Final Order assessed five (5) violation points against the Respondent's water

well contractor's license in accordance with Rule 62-531.450(5), F.A.C. and the "*Water Well Contractor Disciplinary Guidelines and Procedures Manual.*"

c) On March 8, 2013, the Respondent was cited in District Case Nos. 1722 12 1631 and 1722 13 1647 for failure to submit completion reports for fifty-four (54) wells permitted in April through October, 2012 in violation of District Rule 40A-3.411(1), F.A.C. The Administrative Complaint and Order associated with these cases became final on April 10, 2013 by operation of Section 373.333(3), F.S. A copy of the Notice of Final Order is attached hereto as Exhibit C and incorporated herein by reference. The Final Order assessed a fine of \$5400 against the Respondent and assessed fifty-four (54) violation points against the Respondent's water well contractor's license in accordance with Rule 62-531.450(5), F.A.C. and "*Water Well Contractor Disciplinary Guidelines and Procedures Manual.*" The fine remains unpaid.

d) On March 8, 2013, the Respondent was cited in District Case No. 17 13 1678 for construction of a domestic water well prior to obtaining a permit in violation of District Rule 40A-3.041(1), F.A.C. The Administrative Complaint and Order associated with this case became final on April 10, 2013 by operation of Section 373.333(3), F.S. A copy of the Notice of Final Order is attached hereto as Exhibit D and incorporated herein by reference. The Final Order assessed a fine of \$2500 against the Respondent and assessed five (5) violation points against the Respondent's water well contractor's license in accordance with Rule 62-531.450(5), F.A.C. and the "*Water Well Contractor Disciplinary Guidelines and Procedures Manual.*" The fine remains unpaid.

CONCLUSIONS OF LAW

4. The District has evaluated the facts as set forth above and in the referenced Final Orders which preceded this action. The Respondent has accumulated \$7900 in unpaid fines and has been assessed 65 points against his water well contractor's license. The District has determined that the facts as set forth herein constitute violations of law and rule as follows.

a) Respondent's actions as set forth in Paragraph 3(a) constitute violations of Section 373.333(4)(d) and (e); F.S.; Rules 40A-3.041(1), 62-531.450(2)(f) and 62-531(4)(e), F.A.C.

b) Respondent's actions as set forth in Paragraph 3(b) constitute violations of Section 373.333(4)(d) F.S.; Rules 40A-3.512(7), 62.531.450(2)(f), F.A.C

c) Respondent's actions as set forth in Paragraph 3(c) constitute violations of Section 373.333(4)(d) F.S.; Rules 40A- 3.411(1), 62.531.450(2)(f), F.A.C.

d) Respondent's actions as set forth in Paragraph 3(d) constitute violations of Section 373.333(4)(d) and (e) F.S.; Rules 40A-3.041(1), 62-531.450(2)(f) and 62-531(4)(e), F.A.C.

NOTICE OF REVOCATION OF WATER WELL CONTRACTOR'S LICENSE

5. This Complaint is issued and sent to Respondent by certified mail, pursuant to Sections 373.333 and 120.60, F.S., and Rule 28-106.2015, F.A.C.

6. The District will revoke Respondent's Water Well Contractor's License as part of its Final Order in this case unless Respondent files a timely petition for a formal or informal proceeding, pursuant to Rule 28-106.111, F.A.C. (See Notice of Rights). If Respondent fails to comply with the Final Order, the District is authorized to file suit seeking judicial enforcement of the District's Final Order pursuant to Sections 120.69 and 373.129 F.S.

7. The District proposes to adopt in its Final Order in this case the following:

a) Respondent's Water Well Contractor's License is revoked. Respondent is prohibited from reapplying for such license for a minimum of two years upon issuance of the Final Order.

b) Respondent owes the District a total of \$7900 in fines which sum is due forthwith.

c) Respondent shall surrender his Water Well Contractor's License by return mail within 10 days to the Northwest Florida Water Management District, 152 Water Management Way, Havana, Florida 32333-4712.

NOTICE OF RIGHTS

8. Respondent has the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), F.S., if the Respondent disputes issues of material fact raised by this Complaint. At a formal hearing, Respondent will have the opportunity to be represented by counsel or other qualified representative, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or administrative law judge's recommended order.

9. Respondent has the right to an informal administrative proceeding pursuant to Sections 120.569 and 120.57(2), F.S., if Respondent does not dispute issues of material fact raised by this Complaint. If an informal proceeding is held, Respondent will have the opportunity to be represented by counsel or other qualified representative, to present to the District written or oral evidence in opposition to the District's proposed action, or to present a


written statement challenging the grounds upon which the District is justifying its proposed action.

10. If Respondent desires a formal hearing or an informal proceeding, Respondent must file a written request for hearing within twenty-one (21) days of receipt of this Complaint. The petition must be in the form required by Rule 28-106.2015, F.A.C. A request for hearing is filed when it is received by the Agency Clerk, Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333.

11. Mediation of this matter pursuant to Section 120.573, F.S., is not available.

12. Respondent waives the right to a formal hearing or an informal proceeding if a request for a formal hearing or informal proceeding is not filed with the District within 21 days of receipt of this Complaint.

DONE and ENTERED this 24th day of April, 2013.



Jonathan P. Steverson, Executive Director
Northwest Florida Water Management District
81 Water Management Drive,
Havana, Florida 32333

Copies furnished to:

Lester Basford
Basford Well Drilling
4513 Lafayette Street
Marianna, FL 32448

Kevin Crowley, General Counsel for the
Northwest Florida Water Management District
215 South Monroe Street, 2nd Floor
Tallahassee, FL 32302-2095



Douglas E. Barr
Executive Director

Northwest Florida Water Management District

152 Water Management Drive, Havana, Florida 32333-4712
(U.S. Highway 90, 10 miles west of Tallahassee)

(850) 539-5999 • (Fax) 539-2693

December 15, 2011

Lester Basford
Basford Well Drilling, Inc
4513 Lafayette Street
Marianna, FL 32448

RE: SETTLEMENT AGREEMENT – CASE NO. CPS NO.: 1722 11 1456

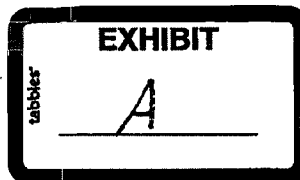
Dear Mr. Basford:

A copy of the recently executed Settlement Agreement is included for your records. The District now considers this enforcement case closed. Thank you for your cooperation and assistance in this matter.

If you have any questions, please feel free to contact me at 850-539-5999 or Tim.Walker@NFWMD.state.fl.us.

Sincerely,

Tim Walker
Assistant Regulatory Administrator



GEORGE ROBERTS
Chair
Panama City

PHILIP K. McMILLAN
Vice Chair
Blountstown

JOYCE ESTES
Secretary-Treasurer
Eastpoint

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Defuniak Springs

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Tallahassee

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Panama City Beach

JERRY PATE
Pensacola

NICK PATRONIS
Panama City Beach

RALPH RISH
Port St. Joe

THE NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
81 Water Management Drive
Havana, Florida 32333

**SETTLEMENT AGREEMENT BETWEEN THE NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT AND LESTER BASFORD**

This Settlement Agreement is made and entered into between the Northwest Florida Water Management District (hereinafter the "District") and Lester Basford (hereinafter the "Respondent").

1. Respondent, Mr. Lester Basford, license No. 1722, is a water well contractor licensed by the District and operating in the Northwest Florida Water Management District under the provisions of Part III, Chapter 373, Florida Statutes, and Chapters 62-531 and 40A-3, Florida Administrative Code.
2. The purpose of this document is to both inform the Respondent of the potential violation(s) and to offer a reduced level of enforcement via a Settlement Agreement.
3. On May 17, 2011, the District issued to Respondent permit #W201103086 to construct an eight-inch agricultural irrigation well at the farm of William McDaniel, Cypress Grove Road, Grand Ridge, Florida. The permit was issued as an emergency permit to provide additional water to support the viability of an existing watermelon crop.
4. A District field representative periodically monitored the progress of the drilling and well construction beginning on May 17, 2011. On July 21, 2011, the District field representative noted that Respondent's drill rig was moved off the original location to another location on the McDaniel farm. Drilling was commenced on the second location and a second eight-inch water well was installed on July 28, 2011.
5. Per 40A-3.041(12-13), Florida Administrative Code (FAC), the construction permit for the first well may have been applied to the second well constructed on the property, as long as the unsuitable well (first well) was abandoned and plugged prior to construction of the second well. To be in compliance with District rules, a permit to abandon the first well would have to be obtained from the District no later than 24 hours following the well abandonment. The second well was constructed prior to the abandonment of the first well; therefore, the possible transfer of the construction permit to the second well became invalid, and the second well was constructed without a construction permit.
6. On August 1, 2011, the District field representative discussed the violation with Thomas Basford, field driller for Respondent's company. Mr. Basford indicated he

Initial _____

was unaware of the District rules regarding the abandonment of the first well prior to constructing the second well. Mr. Basford indicated he wished to comply with the District rules, and if such a situation occurred in the future, proper procedures would be followed.

7. On August, 8, 2011, the District issued permit #W201104668 for abandonment of the first well.
8. On October 20, 2011, the completion report for permit #W201103086 was received by the District and deemed complete.
9. On November 15, 2011, the completion report for permit #W201104668 was received by the District and deemed complete.
10. Respondent violated Section 40A-3.041(1), Florida Administrative Code by constructing a well without a permit. Such a violation may carry a fine of up to \$2,500 and five penalty points against the water well contractor's license.

Respondent's representative indicated a willingness to enter into a Settlement Agreement, on behalf of the Respondent. Therefore, having reached an agreed settlement, Respondent and the District mutually agree, that:


1. By execution of this Settlement Agreement, the potential administrative fine will be deferred, based on Respondent's firm acknowledgement and affirmation to comply with District rules, and Chapter 373, Florida Statutes. One violation point will be assessed against Respondent's water well contractor's license.
2. Respondent agrees that if he defaults on any of terms of this Settlement Agreement, the District may, in its sole discretion, declare this Agreement null and void, and bring an action seeking full enforcement for all violations incurred up to the time the District commences the enforcement process by issuance of an Administrative Complaint and Order and other remedies that would have been available to the District prior to entry of this Agreement.
3. The Settlement Agreement constitutes the entire agreement among the Parties and no representations, warranties or inducements have been made to any party concerning the Settlement Agreement other than the representations, warranties and covenants contained and memorialized in this Agreement. Except as Respondent is advised that a violation of the terms of this Settlement Agreement may subject him to further administrative and judicial actions to enforce the provisions of applicable rules, statutory authorities, and terms of this Settlement Agreement.

4. Nothing in the Settlement Agreement shall be construed as setting any precedent with respect to the Northwest Florida Water Management District.
5. This Settlement Agreement does not release the Respondent from the obligation to comply with, or secure, required permits pursuant to any applicable federal, state, or local laws, regulations or ordinances. Pursuant to Chapter 120, Florida Statutes, entry of this Settlement Agreement does not abrogate the rights of substantially affected persons who are not parties to this Settlement Agreement.
6. Respondent waives his right to a hearing or judicial review of the terms of this Settlement Agreement.
7. The terms and conditions set forth in this Settlement Agreement may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.129, and 403.121, Florida Statutes. Failure to comply with the terms of this Settlement Agreement may subject Respondent to additional penalties as provided in Sections 373.613, and 373.129(5) and (6), Florida Statutes.

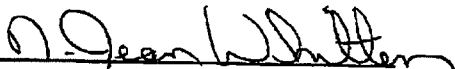
12-1-11
Date


Lester Basford

12/14/11
Date


Douglas E. Barr,
Executive Director

File this 15th day of December, 2011.


Agency Clerk

Initial _____

BEFORE THE NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
81 Water Management Drive
Havana, Florida 32333

**NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT,**

Complainant,

vs.

CASE NO.: CPS 1722 11 1404

LESTER BASFORD

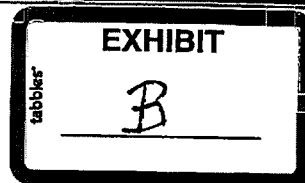
Respondent.

ADMINISTRATIVE COMPLAINT AND ORDER

Pursuant to the provisions of Chapter 373, Florida Statutes, and Rules 40A-3.011, et. al., Florida Administrative Code, the Complainant, Northwest Florida Water Management District (hereinafter called the "District"), serves this Administrative Complaint and Order upon Mr. Lester Basford, Water Well Contractor License Number 1722 (hereinafter called "Respondent"), and alleges:

FINDING OF FACTS

1. The District is a public agency authorized by, and operating pursuant to, Chapter 373, Florida Statutes, and Chapter 40A, Florida Administrative Code, with its headquarters located in Gadsden County, Florida.
2. Respondent is a water well contractor (license No. 1722) licensed by the District under provisions of Part III, Chapter 373, Florida Statutes, and Chapters 62-531 and 40A-3, Florida Administrative Code.
3. On November 9, 2010, the District issued permit number W201100477 to Respondent for construction of a four-inch diameter domestic water well at 5083 Old Hickory Circle, Marianna, Florida. The completion report submitted by Respondent shows a construction date of December 11, 2010. According to the property owner, the well was constructed on November 26, 2010.
3. On December 7, 2010, the property owner sent a letter to Basford Well Drilling detailing the problems with the well and the dates the property owner contacted Respondent about repairing the problems. According to the property owner, after



not receiving return phone calls from Basford Well Drilling, another water well contractor was hired to repair the problems with the well and irrigation system. Eventually, a determination was made by the property owner and the other licensed water well contractor that the well was beyond practical repair and that the best course of action would be constructing a replacement well for the homeowner.

4. On May 13, 2011, the District issued permit number W201103033 to another licensed water well contractor for construction of a four-inch diameter domestic well to replace the unsuitable well installed by Respondent.
5. On May 16, 2011, a new well was constructed at the subject property.
6. On May 18, 2011, the District received a complaint from the property owner regarding the well installed by Respondent.
7. On May 23, 2011, the property owner provided photo-documentation of what appeared to be limestone sediment settled out in the bottom of a glass jar of water. The water was reportedly collected from the well.
8. On May 31, 2011, a District field representative collected a sample of the water from the well in question. The water was heavily-laden with particles of white limestone.
9. On June 3, 2011, the District was advised by the property owner that the well pumped sediment and grains of limestone rock since construction, and this condition persisted throughout its use, making the well unsuitable for its intended use. The property owner also stated the supply lines and the filtration system continually became clogged with sediment when using the well. He indicated a letter would be issued to the District detailing all the problems with the well. On this same date, the District contacted the licensed water well contractor that constructed the replacement well for the homeowner. This contractor corroborated the homeowner's account about the Respondent's well pumping sediment and rock and continually clogging the water lines and filtration system.
10. On June 27, 2011, the District received a letter from the homeowner affirming the well pumped sediment and particles of rock from the time of its construction until its use was discontinued in May of 2011. The homeowner detailed many other concerns with the well, including electrical and plumbing issues not regulated by the District.
11. On July 12, 2011, Respondent's representative advised the District that an application for an abandonment permit would be submitted soon and the well would be plugged timely.
12. On July 28, 2011, a Notice of Violation (NOV) was delivered to Respondent via process service. The NOV cited the violations against Respondent and required acceptable remedial action be taken within twenty (20) days of receipt. The NOV

- also set forth the potential administrative penalty of two thousand and five hundred dollars (\$2,500.00) and five (5) violation points.
13. On August 1, 2011, Respondent's representative advised the District that the well would be plugged and abandoned prior to the twenty day deadline, specified in the NOV.
 14. On August 11, 2011, Respondent's representative requested an extension of the 20 day deadline for plugging the well, in light of a personal commitment and upcoming trip. The District agreed that if Respondent would submit the abandonment application on or before August 18, 2011, then the District would allow an additional twenty (20) days to complete the plugging. Respondent did not submit the plugging application by August 18, 2011.
 15. On August 29, 2011, the District discussed the case with Respondent's representative and gave notice that an increased level of enforcement would be forthcoming if the abandonment permit was not submitted by September 2, 2011. Respondent assured the District that the application would be completed and submitted to the District's Marianna field office on the following morning. The application was not received by the District by the September 2, 2011 deadline.
 16. On September 13, 2011, District representatives met with Respondent's representative regarding the plugging of this well. Respondent's representative stated an application for abandonment would be submitted to the District on the following morning, and the well would be properly abandoned by September 23, 2011.
 17. On September 14, 2011, the District issued abandonment permit W201105224 to Respondent for abandonment of the well.
 18. On September 21, 2011, the District was advised by the property owner that a civil lawsuit was ongoing with the Respondent over the issues of the well construction, and that site access would not be granted to Respondent's company until such time as approved by the property owner's attorney. The property owner indicated that he would advise the District when the access to the well would be allowed to facilitate plugging and abandonment. This information was relayed to Respondent's representative.

CONCLUSIONS OF LAW

1. The District has jurisdiction over Respondent's activities pursuant to Chapter 373, Part III, F.S., and Chapters 40A-3 and 62-531, Florida Administrative Code.
2. Pursuant to Section 373.119, Florida Statutes, the District is authorized to order the necessary corrective action when it has determined that a violation of any

provision of Chapter 373, Florida Statutes, or regulations promulgated hereunder, has occurred, is occurring, or is about to occur.

3. Respondent violated Chapter 373, Florida Statutes, and Rule 40-A-3.512(7), Florida Administrative Code, by failing to construct a well which prevents the entrance of sand into a well.

ORDER FOR CORRECTIVE ACTION

Respondent is hereby ordered to take the following corrective actions within thirty (30) days of being notified by the property owner that property access has been granted:

- a) In accordance with Subsection 373.333(3), Florida Statutes, the District requires appropriate remedial action to correct the issue of the well pumping sand. Appropriate remedial action must not endanger the public health, safety, and welfare or contaminate the water resources. In this instance, the well was must properly plugged and abandoned.
- b) The administrative fine of two thousand and five hundred dollars (\$2,500.00) is due within thirty (30) days of site access notification unless the well is properly plugged within the 30 days and an accurate completion report has been submitted.
- c) Payment, if due, will be made by check or money order to the Northwest Florida Water Management District and must reference case number CPS 1722 11 1404.

The District shall assess five (5) violation points against Respondent's water well contractor's license, as provided by the "Water Well Contractor Disciplinary Guidelines and Procedures Manual October 2002".


This ORDER shall become final unless a written petition for hearing is filed with the District within thirty (30) days of service of this Administrative Complaint and Order upon the Respondent.

NOTICE OF RIGHTS

1. The Respondent is advised that the terms of this Administrative Complaint and Order, once the Order becomes final, will be subject to judicial enforcement. The Respondent is advised further that the imposition of civil penalties not to exceed \$10,000 per violation, with each day being a separate violation, and criminal penalties, may be sought.
2. Nothing in this Administrative Complaint and Order shall preclude the District from administering or enforcing its rules as provided by law.

3. Any person who is or may be substantially affected by this Order has the right to an administrative hearing in accordance with Section 120.57, Florida Statutes, and Part V, Chapter 40A-1, Florida Administrative Code. A person requesting a hearing on this matter must file a petition with the District within thirty (30) days of the date this Order is received. A petition for an administrative hearing is deemed filed with the District on the date of receipt by the agency clerk of the District. Failure to request an administrative hearing in a timely manner constitutes a waiver of the right to an administrative hearing pursuant to Section 120.57, Florida Statutes (see attached).
4. Section 373.333(3), Florida Statutes, provides that: "Such order shall become final unless a request for hearing as provided in Chapter 120 is made within 30 days from the date of service of such order." Unless a request for hearing as provided in Chapter 120, Florida Statutes, is made within 30 days from the date this Administrative Complaint/Notice of Violation and Order is received, this Order shall become final automatically by operation of Section 373.333(3), Florida Statutes, and no further notice of the Order becoming final will be given by the District.
4. If the Order becomes final automatically by operation of Section 373.333(3), Florida Statutes, it constitutes final agency action and a party may be entitled to judicial review. A party who is adversely affected by final agency action is entitled to judicial review in the appropriate district court of appeal. In order to institute a proceeding for review, a Notice of Appeal pursuant to rule 9.110, Florida Rules of Appellate Procedure, must be filed with the agency clerk of the District, and a copy of the Notice of Appeal, together with the appeal filing fee, must be filed with either the First District Court of Appeal or the district court of appeal in the appellate district where a party resides. The Notice of Appeal must be received by the Court and the District within 30 days of rendition of the order to be reviewed. No further notice of rights to judicial review of this order will be given by the District. The exclusive venue of any legal, enforcement or equitable action that arises out of or relates to this Administrative Complaint and Order shall be the appropriate state court in Leon County, Florida; in any such action, Florida law shall apply.

DONE and ORDERED this 9th day of November, 2011.



Douglas E. Barr, Executive Director
Northwest Florida Water Management District
U.S. Highway 90, Gadsden County
81 Water Management Drive,
Havana, Florida 32333

Copies furnished to:

Lester Basford
4513 Lafayette Street
Marianna, FL 32448

Kevin Crowley, General Counsel for the
Northwest Florida Water Management District
215 South Monroe Street
PO Box 10095
Tallahassee FL 32302-2095

Filed this 9th day of November, 2011.

A. Jean W. Dutton
Agency Clerk



Notice of Rights

The following information addresses the procedures to be followed if you desire an administrative hearing or other review of the agency action.

PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Any person whose substantial interests are or may be affected by the action described in the enclosed Notice of Agency Action, may petition for an administrative hearing in accordance with the requirements of section 28-106.201, Florida Administrative Code, or may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes, before the deadline for filing a petition. Pursuit of mediation will not adversely affect the right to administrative proceedings in the event mediation does not result in a settlement. Petitions for an administrative hearing must be filed with the Agency Clerk of the Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333-9700 by the deadline specified in the attached cover letter. 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.

DISTRICT COURT OF APPEAL

A party who is adversely affected by final agency action on the permit application and who has exhausted available administrative remedies is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes. 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.

BEFORE THE NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
81 Water Management Drive
Havana, Florida 32333

**NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT,**

Complainant,

**CASE NOs.: WPS 1722 12 1631
WPS 1722 13 1647**

vs.

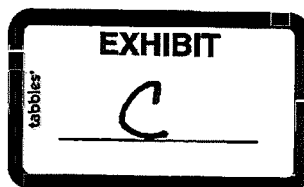
LESTER BASFORD

Respondent.

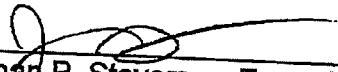
NOTICE OF FINAL ORDER

THIS CAUSE was before the Northwest Florida Water Management District by the filing of an Administrative Complaint and Order against the Respondent, Lester Basford.

1. The Administrative Complaint and Order was served upon the Respondent on March 11, 2013.
2. The Respondent failed to answer the administrative complaint or request a hearing in accordance with Chapter 120, Florida Statutes and Chapter 40A-1, Florida Administrative Code.
3. The Respondent was notified in the Administrative Complaint and Order that failure to respond would result in the Order becoming final.
4. Based upon the Respondent's failure to respond to the Administrative Complaint and Order, the Order attached became final on April 11, 2013 by operation of Section 373.333(3), Florida Statutes.
5. Such Final Order is now subject to enforcement in accordance with law.



DONE and ENTERED this 11th day of April, 2013.

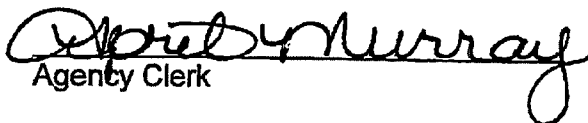

Jonathan P. Steverson, Executive Director
Northwest Florida Water Management District
U.S. Highway 90, Gadsden County
81 Water Management Drive,
Havana, Florida 32333

Copies furnished to:

Lester Basford
Basford Well Drilling
4513 Lafayette Street
Marianna, FL 32448

Kevin Crowley, General Counsel for the
Northwest Florida Water Management District
215 South Monroe Street
Tallahassee, FL 32302-2095

Filed this 11th day of April, 2013.


Dorothy Murray
Agency Clerk

**CERTIFIED MAIL # 7008 1140 0004 5966 9655
RETURN RECEIPT REQUESTED**

BEFORE THE NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 81 Water Management Drive
 Havana, Florida 32333

**NORTHWEST FLORIDA WATER
 MANAGEMENT DISTRICT,**

Complainant,

vs.

**CASE NO's.: WPS 1722 12 1631
 WPS 1722 13 1647**

LESTER BASFORD

Respondent.

ADMINISTRATIVE COMPLAINT AND ORDER

Pursuant to the provisions of Chapter 373, Florida Statutes, and Rules 40A-3.011, et. al., Florida Administrative Code, the Complainant, Northwest Florida Water Management District (hereinafter called the "District"), serves this Administrative Complaint and Order upon the Respondent, Mr. Lester Basford, Water Well Contractor License Number 1722 (hereinafter called "Respondent"), and alleges:

FINDINGS OF FACT

1. The District is a public agency authorized by, and operating pursuant to, Chapter 373, Florida Statutes, and Chapter 40A, Florida Administrative Code, with its headquarters located in Gadsden County, Florida.
2. Respondent obtained permits for the construction of each of the following fifty-four (54) wells:

<u>Permit #</u>	<u>Permit Expired</u>	<u>Owner Name</u>	<u>Well Address</u>	<u>Well City</u>	<u>Use</u>	<u>Type</u>
CASE NUMBER WPS 1722 12 1631						
W201201426	23-APR-12	Saunders	4229 Venture Lane	Greenwood	AI	C
W201201481	26-APR-12	Saunders	4229 Venture Lane	Greenwood	AI	A
W201201783	13-MAY-12	Johnson	2763 Orange Hill Road	Chipley	DO	C
W201201955	21-MAY-12	Willis	Highway 77 – Damascus Road	Graceville	DO	C
W201202074	24-MAY-12	Sexton	6849 Welcome Church Road	Sneads	LI	C
W201202114	28-MAY-12	Mitchell	2654 Lakeview Circle	Alford	DO	C
W201202278	03-JUN-12	Wilson	1980 Clayton Road	Chipley	DO	C
W201202672	14-JUN-12	Howell	1810 DG Worley Road	Graceville	DO	C

W201202690	17-JUN-12	Register	5572 Brown Street	Graceville	DO	C
W201202722	19-JUN-12	Kent	2051 Roark Road	Cottondale	DO	C
W201202765	21-JUN-12	Chase	381 Bannerman	Tallahassee	DO	C
W201202884	01-JUL-12	Couch	5592 B Black Road	Marianna	DO	C
W201202999	03-JUL-12	Donald	7767 Blue Star Highway	Chattahoochee	DO	C
W201203112	08-JUL-12	Martin	4515 Cook Road	Marianna	DO	C
W201203166	09-JUL-12	Cutts	4560 Pandora Road	Marianna	DO	C
W201203178	10-JUL-12	Price	2538 Mashburn Road	Marianna	DO	C
W201203231	12-JUL-12	Redmon	4929 Carousel Loop	Marianna	DO	C
W201203264	16-JUL-12	Yoder	21822 County Road 274 North	Altha	AI	C
W201203260	16-JUL-12	Hernandez	160 Juniper Road	Greensboro	DO	C
W201203425	26-JUL-12	Morris	459 Tri County Road	Graceville	DO	C
W201203493	31-JUL-12	Panama City Polo Club (Alva O Steen)	777 Highway 90	Chipley	DO	C
W201203494	31-JUL-12	Panama City Polo Club (Alva O Steen)	777 Highway 90	Chipley	DO	C
W201203565	05-AUG-12	Lisha Ann Grainger	3270 Highway 73 N	Marianna	DO	C
W201203569	05-AUG-12	Jerome Wright	3424 Ontario Road	Marianna	DO	C
W201203663	06-AUG-12	Jonathan Burnett/EDB	4949 Midway Fish Camp Road	Marianna	DO	C
W201203794	08-AUG-12	William Perez	3397 Nortek Boulevard (Myrtle Lane)	Marianna	DO	C
W201203897	15-AUG-12	Margaret Bradley	404 Bell Road	Havana	DO	C
W201203977	21-AUG-12	John Rudd (Wilma Black)	6203 Butler Road	Marianna	AI	C
W201203998	22-AUG-12	Dan Glasgow	2084 Mud Hill Road	Wausau	DO	C
W201204017	23-AUG-12	Foil Holding Co LLC	Tri County Road	Graceville	LI	C
W201204016	23-AUG-12	Foil Holding Co LLC	Tri County Road	Graceville	DO	C
W201204018	27-AUG-12	Jim Kettrell (Braxton)	4436 Cliff Road	Graceville	LI	C
W201204024	27-AUG-12	Patricia Deloach	4896 Old Spanish Trail	Marianna	DO	C
W201204025	27-AUG-12	Frankey Skipper	3504 Provincial Road	Marianna	LI	C
W201204177	30-AUG-12	Joseph/Amy Cloud/EDB	6731 Lovedale Road	Greenwood	DO	C
W201204180	30-AUG-12	Lezlie Burch/EDB	4838 Logan Loop	Malone	DO	C
CASE NUMBER WPS 1722 13 1647						
W201204274	05-SEP-12	Freddie Siler	1247 Suncrest Road	Marianna	DO	C
W201204276	05-SEP-12	Dan Redmon	6731 Lovedale Road	Greenwood	DO	A
W201204335	10-SEP-12	James Sciarra	8821 Green Acorn Lane	Tallahassee	DO	C
W201204370	12-SEP-12	Sarieta Russ	4840 Rooks Drive	Marianna	DO	C
W201204419	17-SEP-12	Joyce Cooper	4284 Allen Street	Greenwood	DO	A
W201204457	19-SEP-12	Edna Riley/EDB	5087 Blue Springs Road	Marianna	DO	C
W201204458	19-SEP-12	Bruce Green	1751 Old Mill Road	Chipley	DO	C

W201204561	25-SEP-12	Henry Loper	2979 Little Zion Road	Sneads	DO	C
W201204563	25-SEP-12	Dallas Neel	3716 Highway 162	Marianna	DO	C
W201204648	01-OCT-12	Doris Hardin/EDB	3897 Tracy Road	Greenwood	DO	C
W201204660	03-OCT-12	21st Mortgage (James Williams) / EDB	5097 Concord Road	Greenwood	DO	C
W201204687	04-OCT-12	Ruby Crawford	1295 Juniper Road	Quincy	DO	C
W201204686	04-OCT-12	Michael & Stella Cotton	229 Ashley Hall Road	Crawfordville	DO	C
W201204763	11-OCT-12	Larry Martin	2003 Eldridge Road	Cottondale	DO	C
W201204800	16-OCT-12	Levenia Jennings	3704 Sylvania Plantation Road	Greenwood	LJ	C
W201204869	18-OCT-12	Jim Kittrell	4436 Cliff Road	Graceville	DO	C
W201204883	21-OCT-12	Ronald Brock	2088 Preston Circle	Chipley	DO	C
W201204879	21-OCT-12	Virginia Barber	1661 Duncan Community Road	Chipley	DO	C

3. Three permits were for construction of wells in areas of known contamination (62-524 delineated areas) requiring clearance from the Department of Health prior to using the well.
4. The District sent the Respondent courtesy reminders, prior to expiration, by mail, that the aforementioned permits were about to expire and that completion reports were due thirty (30) days after the permits' expiration dates.
5. The Respondent failed to submit the completion reports for these permits within thirty (30) days after expiration of the permits, as required by Rule 40A-3.411(1) Florida Administrative Code.
6. Due to the Respondent's lack of compliance, the District sent him six (6) Warning Letters covering selected groupings of permit numbers, based on the original expiration dates for the listed wells, requiring the submittal of the completion reports within fifteen (15) days from the receipt of the Warning Letters. The fifteen day periods ended on July 31, 2012, September 6, 2012, September 30, 2012, October, 23, 2012, December 10, 2012, and January 1, 2013, respectively.
7. The District sent a Notice of Violation to the Respondent on December 19, 2012, requiring him to submit the completion reports for permits listed under Case No. WPS 1722 12 1631, within twenty (20) days of receipt of the Notice.
8. The Respondent failed to submit a completion report(s) within the specified twenty (20) days for permits listed in the Table under Finding of Facts under Case No. WPS 1722 12 1631 above. The twenty (20) day period ended January 10, 2013.
9. The District sent a Notice of Violation to the Respondent on January 10, 2013, requiring him to submit the completion reports for permits listed under Case No. WPS 1722 13 1647 within thirty (30) days of receipt of the Notice of Violation.

10. The Respondent failed to submit a completion report(s) within the specified thirty (30) days after receipt of the Notice of Violation for permits listed in the Table under Finding of Facts under Case No. WPS 1722 13 1647 above. The thirty day period ended on February 13, 2013.
11. Section 373.129, Florida Statutes, authorizes the District to commence a cause of action in civil court to recover investigative costs, court costs, and reasonable attorney's fees. The law also provides for the recovery of civil penalties in the amount of ten thousand dollars (\$10,000.00) for each violation of the District's rules and orders; each date during which a violation occurs constitutes a separate offense.
12. Section 373.333, Florida Statutes, and Chapter 62-531, Florida Administrative Code, authorize the District to levy administrative fines and assess points against the license of a water well contractor for violations of Chapter 40A-3, Florida Administrative Code, and applicable Department of Environmental Protection rules.

CONCLUSIONS OF LAW

1. The District has jurisdiction over the Respondent's activities pursuant to Chapter 373, Part III, Florida Statutes, and Chapter 40A-3 and 62-531, Florida Administrative Code.
1. The Respondent has violated Rule 40A-3.411(1), Florida Administrative Code, by failing to submit completion reports within thirty (30) days after the expiration of the permits.

ORDER FOR CORRECTIVE ACTION

The Respondent is hereby ordered to take the corrective action enumerated below:

1. Within thirty (30) days of the date of service of this Administrative Complaint and Order by the Complainant on the Respondent, the Respondent shall submit completion reports for permits listed in the Table under Finding of Facts, above.
2. Pursuant to Section 373.333, Chapter 373, Florida Statutes, the Respondent shall pay to the District the sum five thousand, four hundred dollars (\$5,400.00) in administrative fines for failing to submit fifty-four (54) completion reports. The total amount must be paid within thirty (30) days of the date of service of this Administrative Complaint and Order by the Complainant on the Respondent.
3. Upon this Order going final, the District shall assess fifty-four (54) violation points against the Respondent's contractor license, as provided by the "Water Well Contractor Disciplinary Guidelines and Procedures Manual October 2002."


This ORDER shall become final unless a written petition for hearing is filed with the District within thirty (30) days of service of this Administrative Complaint and Order upon the Respondent.

NOTICE OF RIGHTS

1. The Respondent is advised that the terms of this Administrative Complaint and Order, once the Order becomes final, will be subject to judicial enforcement. The Respondent is advised further that the imposition of civil penalties not to exceed ten thousand dollars (\$10,000.00) per violation, with each day being a separate violation, and criminal penalties may be sought. Proceedings also may be initiated to suspend or revoke the Respondent's water well contractor license at that time. Under "Water Well Contractor Disciplinary Guidelines and Procedures Manual October 2002" accumulation of forty-eight (48) or more points subjects the Water Well Contractor to possible revocation of license.
2. Nothing in this Administrative Complaint and Order shall preclude the District from administering or enforcing its rules as provided by law.
3. Any person who is or may be substantially affected by this Order has the right to an administrative hearing in accordance with Section 120.57, Florida Statutes, and Part V, Chapter 40A-1, Florida Administrative Code. A person requesting a hearing on this matter must file a petition with the District within thirty (30) days of the date this Order is received. A petition for an administrative hearing is deemed filed with the District on the date of receipt by the agency clerk of the District. Failure to request an administrative hearing in a timely manner constitutes a waiver of the right to an administrative hearing pursuant to Section 120.57, Florida Statutes.
4. Section 373.333(3), Florida Statutes, provides that: "Such order shall become final unless a request for hearing as provided in Chapter 120 is made within thirty (30) days from the date of service of such order." Unless a request for hearing as provided in Chapter 120, Florida Statutes, is made within thirty (30) days from the date this Administrative Complaint and Order is received, this Order shall become final automatically by operation of Section 373.333(3), Florida Statutes, and no further notice of the Order becoming final will be given by the District.
5. If the Order becomes final automatically by operation of Section 373.333(3), Florida Statutes, it constitutes final agency action and a party may be entitled to judicial review. A party who is adversely affected by final agency action is entitled to judicial review in the appropriate district court of appeal. In order to institute a proceeding for review, a Notice of Appeal pursuant to rule 9.110, Florida Rules of Appellate Procedure, must be filed with the agency clerk of the District, and a copy of the Notice of Appeal, together with the appeal filing fee, must be filed with either the First District Court of Appeal or the district court of

appeal in the appellate district where a party resides. The Notice of Appeal must be received by the Court and the District within thirty (30) days of rendition of the order to be reviewed. No further notice of rights to judicial review of this order will be given by the District. The exclusive venue of any legal, enforcement or equitable action that arises out of or relates to this Administrative Complaint and Order shall be the appropriate state court in Leon County, Florida; in any such action, Florida law shall apply.

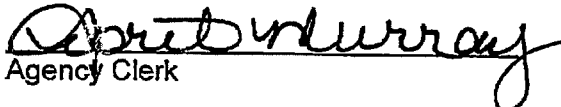
DONE and ORDERED this 8th day of March, 2013.


Jonathan P. Steverson, Executive Director
Northwest Florida Water Management District
U.S. Highway 90, Gadsden County
81 Water Management Drive,
Havana, Florida 32333

Copies furnished to:

Lester Basford
Basford Well Drilling
4513 Lafayette Street
Mariana, FL 32448

Filed this 11th day of April, 2013.


Agency Clerk

CERTIFIED MAIL NO.: 7008 1140 0004 5966 9358
RETURN RECEIPT REQUESTED

BEFORE THE NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
81 Water Management Drive
Havana, Florida 32333

**NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT,**

Complainant,

vs.

CASE NO.: WPS 1722 13 1678

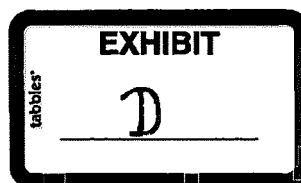
LESTER BASFORD

Respondent.

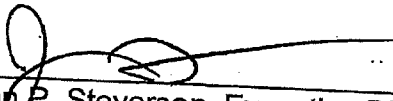
NOTICE OF FINAL ORDER

THIS CAUSE was before the Northwest Florida Water Management District by the filing of a Notice of Violation/Administrative Complaint and Order against the Respondent, Lester Basford.

1. The Notice of Violation/Administrative Complaint and Order was served upon the Respondent on March 11, 2013.
2. The Respondent failed to answer the administrative complaint or request a hearing in accordance with Chapter 120, Florida Statutes and Chapter 40A-1, Florida Administrative Code.
3. The Respondent was notified in the Notice of Violation/Administrative Complaint and Order that failure to respond would result in the Order becoming final.
4. Based upon the Respondent's failure to respond to the Notice of Violation/Administrative Complaint and Order, the Order attached hereto as Attachment A became final on April 11, 2013 by operation of Section 373.333(3), Florida Statutes.
5. Such Final Order is now subject to enforcement in accordance with law.



DONE and ENTERED this 11th day of April, 2013.

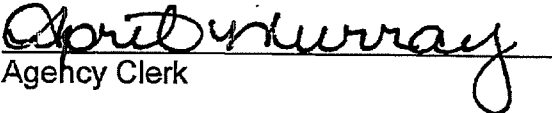

Jonathan P. Steverson, Executive Director
Northwest Florida Water Management District
U.S. Highway 90, Gadsden County
81 Water Management Drive,
Havana, Florida 32333

Copies furnished to:

Lester Basford
Basford Well Drilling
4513 Lafayette Street
Marianna, FL 32448

Kevin Crowley, General Counsel for the
Northwest Florida Water Management District
215 South Monroe Street
Tallahassee, FL 32302-2095

Filed this 11th day of April, 2013.


April Murray
Agency Clerk

**CERTIFIED MAIL # 7008 1140 0004 5966 9662
RETURN RECEIPT REQUESTED**

ATTACHMENT A

BEFORE THE NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
81 Water Management Drive
Havana, Florida 32333

**NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT,**

Complainant,

vs.

CASE NO.: WPS 1722 13 1678

LESTER BASFORD

Respondent.

NOTICE OF VIOLATION/ADMINISTRATIVE COMPLAINT AND ORDER

Pursuant to the provisions of Chapter 373, Florida Statutes, and Rules 40A-3.011, et. al., Florida Administrative Code, the Complainant, Northwest Florida Water Management District (hereinafter called the "District"), serves this Notice of Violation/Administrative Complaint and Order upon Mr. Lester Basford, Water Well Contractor License Number 1722 (hereinafter called "Respondent"), and alleges:

FINDING OF FACTS

1. The District is a public agency authorized by, and operating pursuant to, Chapter 373, Florida Statutes, and Part 40A, Florida Administrative Code, with its headquarters located in Gadsden County, Florida.
2. On February 21, 2013, the District received online permit application, #243951, for the construction of a domestic well to be located at 2005 Tanner Road, Marianna, Florida 32448.
3. On February 22, 2013, the District emailed a Request for Additional Information (RAI) letter to the Respondent and a mailing copy to the property owner requesting additional information on the incomplete permit application.
4. On February 22, 2013, the District Field Representative conducted a site inspection at the property located at 2005 Tanner Road, Marianna, Florida 32448. During the inspection he found that the property at 2005 Tanner Road had a well in good working order and that the Respondent had installed a four (4)-inch diameter PVC well, without a valid permit, on the adjacent property to the north.

CONCLUSIONS OF LAW

1. The District has jurisdiction over Respondent's activities pursuant to Chapter 373, Part III, Florida Statutes, and Chapters 40A-3 and 62-531, Florida Administrative Code.
2. Pursuant to Section 373.119, Florida Statutes, the District is authorized to order the necessary corrective action when it has determined that a violation of any provision of Chapter 373, Florida Statutes, or regulations promulgated hereunder, has occurred, is occurring, or is about to occur.
3. Subsection 373.333(5)(c), Florida Statutes authorizes the District to impose through an order an administrative fine not to exceed two thousand, five hundred dollars (\$2,500.00) for each count or separate offense.
4. The District may assess up to five (5) points against the Respondents license, as provided by "Water Well Contractor Disciplinary Guidelines and Procedures Manual, October 2002."
5. The Respondent violated Section 40A-3.041(1), Florida Administrative Code, by constructing a domestic use water well prior to obtaining a permit from the District.

ORDER FOR CORRECTIVE ACTION

The Respondent is hereby ordered to take the corrective action enumerated below:

1. Within thirty (30) days of receipt of this Notice of Violation/Administrative Complaint and Order by the Complainant, Respondent shall:
 - a. Pay to the District the sum of two thousand, five hundred dollars (\$2,500.00) for failing to obtain a permit prior to the construction or abandonment of a water well within the District, not exempted by rule. The total amount will be made payable to the Northwest Florida Water Management District by company check, money order, or certified check and must reference the case number, WPS 1722 13 1678.
 - b. The District shall assess five (5) violation points against the Respondent's contractor license, as provided by the "Water Well Contractor Disciplinary Guidelines and Procedures Manual October 2002." These five (5) points added to the sixty (60) points previously assessed will bring the total number of points to sixty five (65).


This ORDER shall become final unless a written petition for hearing is filed with the District within thirty (30) days of service of this Notice of Violation/Administrative Complaint and Order upon the Respondent.

NOTICE OF RIGHTS

1. The Respondent is advised that the terms of this Notice of Violation/Administrative Complaint and Order, once the Order becomes final, will be subject to judicial enforcement. The Respondent is advised further that the imposition of civil penalties not to exceed ten thousand dollars (\$10,000.00) per violation, with each day being a separate violation, and criminal penalties, may be sought. Proceedings also may be initiated to suspend or revoke the Respondent's water well contractor license at that time. Under "Water Well Contractor Disciplinary Guidelines and Procedures Manual October 2002" accumulation of forty-eight (48) or more points subjects the Water Well Contractor to possible revocation of license.
2. Nothing in this Notice of Violation/Administrative Complaint and Order shall preclude the District from administering or enforcing its rules as provided by law.
3. Any person who is or may be substantially affected by this Order has the right to an administrative hearing in accordance with Section 120.57, Florida Statutes, and Part V, Chapter 40A-1, Florida Administrative Code. A person requesting a hearing on this matter must file a petition with the District within thirty (30) days of the date this Order is received. A petition for an administrative hearing is deemed filed with the District on the date of receipt by the agency clerk of the District. Failure to request an administrative hearing in a timely manner constitutes a waiver of the right to an administrative hearing pursuant to Section 120.57, Florida Statutes.
4. Section 373.333(3), Florida Statutes, provides that: "Such order shall become final unless a request for hearing as provided in Chapter 120 is made within thirty (30) days from the date of service of such order." Unless a request for hearing as provided in Chapter 120, Florida Statutes, is made within thirty (30) days from the date this Notice of Violation/Administrative Complaint and Order is received, this Order shall become final automatically by operation of Section 373.333(3), Florida Statutes, and no further notice of the Order becoming final will be given by the District.
5. If the Order becomes final automatically by operation of Section 373.333(3), Florida Statutes, it constitutes final agency action and a party may be entitled to judicial review. A party who is adversely affected by final agency action is entitled to judicial review in the appropriate district court of appeal. In order to institute a proceeding for review, a Notice of Appeal pursuant to rule 9.110, Florida Rules of Appellate Procedure, must be filed with the agency clerk of the District, and a copy of the Notice of Appeal, together with the appeal filing fee, must be filed with either the First District Court of Appeal or the district court of appeal in the appellate district where a party resides. The Notice of Appeal must be received by the Court and the District within thirty (30) days of rendition of the

order to be reviewed. No further notice of rights to judicial review of this order will be given by the District. The exclusive venue of any legal, enforcement or equitable action that arises out of or relates to this Administrative Complaint and Order shall be the appropriate state court in Leon County, Florida; in any such action, Florida law shall apply.

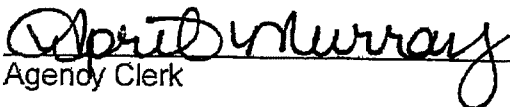
DONE and ORDERED this 8th day of March, 2013.


Jonathan P. Steverson, Executive Director
Northwest Florida Water Management District
U.S. Highway 90, Gadsden County
81 Water Management Drive,
Havana, Florida 32333

Copies furnished to:

Lester Basford
Basford Well Drilling
4513 Lafayette Street
Marianna, FL 32448

Filed this 11th day of April, 2013.


April Murray
Agency Clerk

CERTIFIED MAIL # 7008 1140 0004 5966 9228
RETURN RECEIPT REQUESTED

BEFORE THE NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT,

NFWFMD CASE NUMBERS:

CPS 1722 11 1456

CPS 1722 11 1404

WPS 1722 12 1631

WPS 1722 13 1647

WPS 1722 13 1678

Petitioner

V.

LESTER BASFORD,

Respondent

_____ /

FINAL ORDER OF REVOCATION

THIS PROCEEDING came on for final agency action and the Governing Board of the Northwest Florida Water Management District having considered the record, including the Administrative Complaint for Revocation of Water Well Contractor's License issued on April 24, 2013, and being fully advised in the premises, finds that:

1. LESTER BASFORD is currently licensed by the Northwest Florida Water Management District, pursuant to Chapter 373, Florida Statutes, as a water well contractor.

2. On April 24, 2013, an Administrative Complaint for Revocation of Water Well Contractor's License was issued against LESTER BASFORD, alleging violations of Florida Statutes and District Rules pertaining to the regulation of water well contracting.

3. LESTER BASFORD was notified in the Administrative Complaint of the right to request a proceeding in accordance with Sections 120.569 and 120.57, Florida Statutes and that

failure to request a hearing within twenty-one (21) days would result in revocation of his water well contractor's license.

4. In accordance with Section 120.60(5), Florida Statutes, the Administrative Complaint for Revocation of Water Well Contractor's License was served upon LESTER BASFORD by certified mail, receipt requested on _____, 2013.

5. LESTER BASFORD failed to respond to the Administrative Complaint for Revocation of Water Well Contractor's License or request a proceeding in accordance with Sections 120.569 and 120.57, Florida Statutes.

FINDINGS OF FACT

6. The factual allegations contained in the Administrative Complaint for Revocation of Water Well Contractor's License dated April 24, 2013, which is attached hereto as "Exhibit A", and fully incorporated herein by reference, are hereby adopted as the District's Findings of Fact in this case.

CONCLUSIONS OF LAW

7. Based upon the Findings of Fact adopted herein, the District concludes that LESTER BASFORD violated the specific statutes and rules charged in the Administrative Complaint for Revocation of Water Well Contractor's License, attached hereto as "Exhibit A, and hereby adopts the violations charged in the administrative complaint as the Conclusions of Law in this case.

PENALTY IMPOSED

8. The failure of LESTER BASFORD to respond to the Administrative Complaint for Revocation of Water Well Contractor's License or to request a proceeding, taken together with the Findings of Fact and Conclusions of Law adopted herein, constitutes grounds for the District to revoke the water well contractor's license of LESTER BASFORD.

IT IS THEREFORE ORDERED that:

- a) Water Well Contractor's License Number 1722 issued to LESTER BASFORD is hereby REVOKED.
- b) LESTER BASFORD owes the District a total of \$7900 in fines which sum is now due and payable.
- c) LESTER BASFORD shall surrender his Water Well Contractor's License by return mail within 10 days hereof to the Northwest Florida Water Management District, 152 Water Management Way, Havana, Florida 32333-4712.
- d) During the period of revocation, LESTER BASFORD shall not engage in the business or occupation of water well contracting anywhere within the State of Florida.

NOTICE OF RIGHT TO APPEAL

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Fla.R.App.P Review proceedings must be instituted by filing a petition or notice of appeal with the Agency Clerk, Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida

32333, and a copy of the same with the appropriate District Court of Appeal within thirty (30) days of rendition of this Order.

DONE and ORDERED this _____ day of May, 2013.

Jonathan P. Steverson, Executive Director
Northwest Florida Water Management District
U.S. Highway 90, Gadsden County
81 Water Management Drive,
Havana, Florida 32333

Copies furnished to:

Lester Basford
Basford Well Drilling
4513 Lafayette Street
Marianna, FL 32448

Kevin Crowley, General Counsel for the
Northwest Florida Water Management District
215 South Monroe Street, 2nd Floor
Tallahassee, FL 32302-2095