

ADDITION
GENERAL COUNSEL'S REPORT
ADMINISTRATIVE, ENFORCEMENT AND LITIGATION ACTIVITIES THAT REQUIRE
GOVERNING BOARD APPROVAL

Authorize Alterations and/or Repairs to Flowing Artesian Well - 12368 and 12378
Southwest Lexington Place, Arcadia, Florida 34266 – DeSoto County

On April 18, 2016, the District was contacted by an anonymous complainant regarding a flowing well located on residential property with a street address of 12368 and 12378 Southwest Lexington Place, Arcadia, Florida 34269 (Property). The Property was owned by Steven Game (Game) and was occupied by Shane Poling (Poling) at the time. On April 26, 2016, District staff conducted a site investigation at the Property and determined that a sixteen-inch artesian well (Well) was indeed free-flowing on the Property and was flooding neighboring properties. Pursuant to Section 373.209, F.S., no owner, tenant, occupant or person in control of an artesian well shall knowingly and intentionally allow a well to flow continuously without a valve or mechanical device for checking or controlling the flow, permit the water to flow unnecessarily, pump a well unnecessarily, or permit the water from the well to go to waste.

Thereafter, on August 31, 2016, District staff issued a Notice of Violation to Game concerning the free-flowing Well. Game never responded to the Notice. The District's Sarasota GAPM reached out to DeSoto County Commissioner Buddy Mansfield. Commissioner Mansfield spoke with Game a few times and encouraged him to cooperate with the District. Game did not contact any District staff. District staff then attempted multiple times to reach Poling at the residence, who did finally grant District staff authorization to access the Property to examine the Well. District staff examined the Well on November 3, 2016, and attempted to slow the flow with materials on hand. District staff estimate that, with their current knowledge, the cost to abandon the Well is approximately \$11,000.00, but this is only an estimate and costs may be higher, for example, if the well casing integrity is poor or the bottom diameter is larger than sixteen inches. The Florida Department of Environmental Protection provided written documentation to the District stating that the uncontrolled flow of water from the Well does not have a reasonable-beneficial use, as that term is defined in Section 373.019, F.S.

Therefore, on December 9, 2016, the District's Executive Director issued an Administrative Complaint and Order (ACO) to Game and Poling, and the ACO was served on Game on January 17, 2017. Following service on Game, Game called the District and explained that he sold the Property to Mathew Kessler, but that he maintained control and responsibility for the Well. Consequently, the District's Executive Director issued a similar ACO to Game and Mathew Kessler (collectively, Respondents). The ACO was served on Respondents on February 7, 2017. Game promptly called Kristine Morris who works for DEP. (Ms. Morris wrote the letter stating that the Well has no reasonable-beneficial use). Ms. Morris directed Game to speak with the District. Cathy Kenney, staff attorney, attempted to call Game on February 9, 2017, but he did not answer and his voicemail was full.

The ACO was issued pursuant to Sections 373.209 and 373.436, F.S., which grant the Executive Director the authority to determine what alterations or repairs to the Well are necessary and to order that such alterations and repairs shall be made within a reasonable time certain. The ACO requires Respondents to apply for an emergency permit for a licensed well contractor to plug or abandon the Well within fourteen (14) days of service of the ACO. Section 373.119, F.S., provides that the ACO shall automatically become final unless a request for hearing as provided in Chapter 120, F.S., is filed with (received by) the District no later than fourteen (14) days after the date the ACO is served. Pursuant to Section 373.436, F.S., if, after the ACO becomes final and Respondents fail to comply with the ACO, the Governing Board may, in their discretion, cause the alterations and/or repairs to be made as described herein. The expiration of the fourteen (14) days as prescribed by the ACO and Section 373.119, F.S., ran on February 22, 2017, and the Respondents failed to comply with the ACO or request a hearing, therefore the ACO is final.

On February 27, 2017, the District filed a Claim of Lien with DeSoto County on the Property for the potential costs incurred for the alterations or repair to the Well, with reasonable interest and attorney's fees.

Staff Recommendation

See Exhibits

Authorize District staff to implement the alterations or repairs to (specifically, authorize District staff to abandon) the sixteen-inch flowing artesian well located at 12368 and 12378 Southwest Lexington Place, Arcadia, Florida 34266, DeSoto County, as required by the ACO and in accordance with Sections 373.209 and 373.436, F.S.

Presenter: Cathy Kenney, Staff Attorney
David Arnold, Well Construction Manager

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 17 - 004

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT,

Complainant,

v.

CT No. 384452

MATHEW A. KESSLER,

and

STEVEN GAME,

Respondents.

_____ /

ADMINISTRATIVE COMPLAINT AND ORDER

The Southwest Florida Water Management District ("District") hereby serves this Administrative Complaint and Order ("ACO") upon Mathew A. Kessler and Steven Game ("Respondents") pursuant to Sections 373.119, 373.209 and 373.436, Florida Statutes ("F.S."), and alleges as follows:

FINDINGS OF FACT

1. The District is an administrative agency which exists and operates under Chapter 373, F.S. The District is charged with the responsibility to conserve, protect, manage and control the water resources within its geographic boundaries and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder as Chapters 40D-3 and 62-532, Florida Administrative Code ("F.A.C.").

2. The District's authority germane to this matter is to regulate the construction, repair, and abandonment of wells and the persons and businesses responsible therefor, pursuant to Part III, Chapter 373, F.S. In accordance with this statutory authority, the District implements Chapters 40D-3 and 62-532, F.A.C.

3. Mathew Kessler is a Florida resident whose mailing address is 3922 SW Morton Drive, Arcadia, Florida 34266. Mr. Kessler owns adjacent property located at 12368 and 12378 Southwest Lexington Place, Arcadia, Florida 34269, more specifically, Desoto County Parcel ID Nos. 36-39-23-0254-0000-0112 and 36-39-23-0254-0000-0113, respectively (altogether, the "Property").

4. Steven Game is a Florida resident whose mailing address is 3922 SW Morton Drive, Arcadia, Florida 34266. Mr. Game owned the Property from September 10, 2014, through December 12, 2016, according to records maintained on the Desoto County Official Records website. Mr. Kessler became owner of the Property on December 12, 2016, according to records maintained on the Desoto County Property Appraiser website.

5. The Property and Well are located within the District's geographic boundaries as established by Section 373.069(2)(d), F.S.

6. On April 18, 2016, the District was contacted by an anonymous neighbor regarding a flowing well at the Property. District staff conducted a site investigation at the Property on April 26, 2016, confirming and documenting that a 16-inch artesian well ("Well") was indeed free-flowing. As defined by Section 373.203(2), F.S., an "artesian well" is

"...an artificial hole in the ground from which water supplies may be obtained and which penetrates any water-bearing rock, the water in which is raised to the surface by natural flow, or which rises to an elevation above the top of the water-bearing bed. "Artesian wells" are defined further to include all holes, drilled as a source of water, that penetrate any water-bearing beds that are a part of the artesian water system of Florida, as determined

by representatives of the Florida Geological Survey or the Department of Environmental Protection.”

The free-flowing Well is impacting neighboring properties.

7. District staff made multiple attempts to contact the Property resident, then Shane Poling, on April 18, 2016, April 26, 2016, and June 15, 2016.

8. On August 31, 2016, the District sent a First Notice of Violation (“Notice”) to Mr. Game, who owned the Property on that date, according to the Desoto County Official Records. A copy of the Notice is attached as Exhibit “A.” The Notice required Mr. Game to obtain the services of a licensed well contractor within fourteen (14) days of the date of the Notice, who then needed to either place a valve on the Well, or obtain a permit from the District and properly abandon the Well. The District did not receive an answer from Mr. Game within the required timeframe, and as of the date of preparation of this ACO, Mr. Game has not replied to the Notice.

9. District staff were able to speak directly with Mr. Poling on October 14, 2016. District staff requested access to examine the Well for the purpose of repairing or abandoning the well, pursuant to Section 373.209(1), F.S. Mr. Poling signed a document granting Property access to District staff. A copy of the document is attached hereto as Exhibit “B.”

10. Mr. Game was served with an Administrative Complaint and Order on January 17, 2017. That same day, Mr. Game notified the District that the Property had been sold to Mr. Kessler, but that Mr. Game remained in control of and/or is responsible for repairing the Well. The District confirmed the transfer via the Desoto County Property Appraiser’s website.

11. As of the date of preparation of this ACO, Respondents have not stopped the Well from flowing unnecessarily.

12. Open groundwater wells present a potential for the introduction of contaminants into the aquifer. For this reason, wells not in use are considered abandoned. The Well must be properly plugged and abandoned by a licensed well contractor in a water tight manner in accordance with Chapter 62-532.500(3)(a)(4), F.A.C.

13. Pursuant to Section 373.209, F.S., no owner, tenant, occupant, or person in control of an artesian well shall knowingly and intentionally (1) allow the well to flow continuously without a valve or mechanical device for checking or controlling the flow, (2) permit the water to flow unnecessarily, (3) pump a well unnecessarily, or (4) permit the water from the well to go to waste.

14. A well is exempt from the provisions of Section 373.209, F.S., unless the Department of Environmental Protection ("FDEP") can show that the uncontrolled flow of water from a well does not have a reasonable-beneficial use, as defined in Section 373.019, F.S. The FDEP has determined that the Well does not have a reasonable-beneficial use, as provide in a letter dated October 3, 2016, and attached hereto as Exhibit "C."

CONCLUSIONS OF LAW

15. The District has jurisdiction over this matter pursuant to Chapter 373, Part III, F.S., and Chapters 40D-3 and 62-532, F.A.C.

16. Respondents' actions and omissions described in Paragraphs 3 through 11 herein constitute a violation of Sections 373.209(1)(a)(b), (c) and (d), F.S., in that Respondents are either the owner or person in control of an artesian well, and are knowingly and intentionally allowing the Well to flow continuously without a valve or mechanical device for checking or controlling the flow, permitting the Well to flow unnecessarily, pumping the Well unnecessarily, and permitting the water from the Well to

go to waste. The Well is not exempt from the requirements or penalties imposed in Section 373.209, F.S., as the Department of Environmental Protection has provided documentation that the uncontrolled flow of water from the Well does not have a reasonable-beneficial use as defined in Section 373.019, F.S. (Exhibit "C").

17. Respondents' actions and omissions described in Paragraphs 3 through 11 herein constitute a violation of Rule 40D-3.531, in that the free-flowing Well is an "abandoned artesian well," as defined by Section 373.203(1), F.S., and Respondents have not plugged the Well as mandated by this Rule.

CORRECTIVE ACTIONS

Respondents are hereby ordered to take the following corrective actions:

18. Within fourteen (14) days of service of this ACO, Respondents shall apply for an emergency water well construction permit ("Permit"), pursuant to Rule 62-532.420, F.A.C., and hire a licensed well contractor to immediately repair or properly abandon the Well. In accordance with Rule 62-532.420, F.A.C., within ten (10) days after permission is granted for the Permit, Respondents shall reduce the application to writing in accordance with the provisions of Rule 62-532.400, F.A.C.

19. Respondents must notify the District and the District must be present when the Well is plugged if Respondents intend to apply for Quality of Water Improvement Program ("QWIP") funds. QWIP may provide funding assistance to Respondents via reimbursement of a portion of the cost for properly plugging the abandoned and deteriorating Well. District staff must be present during the plugging of the Well in order for Respondents to be eligible for any QWIP funds.

20. Pursuant to Section 373.436, F.S., if, after the ACO becomes final, Respondents fail to make the alterations or repairs as required herein, the Governing Board of the District may, in their discretion, cause the alterations and/or repairs to be made as described herein. The District will then enter the Property and repair or plug and abandon the Well to prevent it from free-flowing, in accordance with Sections 373.209 and 373.436, F.S.

21. Pursuant to Section 373.436, F.S., any cost to the District for the alterations or repairs made after the ACO becomes final shall be a lien against the Property until the District's Governing Board is reimbursed for its costs, which also includes reasonable interest and attorney's fees.

22. Pursuant to Section 373.209, F.S., any person who violates any provision of this section shall be subject to either the remedial measures provided for in Section 373.436, F.S., or shall be subject to a civil penalty of One Hundred Dollars (\$100.00) a day for each and every day of violation, and for each and every act of violation. Although not seeking assessment of civil penalties in this forum, the District may seek assessment of the aforementioned civil penalties in court against Respondents for their violations described herein.

NOTICE OF RIGHTS

23. In accordance with Section 373.119(1), F.S., this ACO shall automatically become final unless a request for hearing as provided in Chapter 120, F.S., is filed with (received by) the District no later than fourteen (14) days after the date this ACO is served. No further notice of the ACO becoming final will be given by the District.

24. Respondents are advised that the terms of this ACO, once this ACO becomes final, shall be subject to judicial enforcement. Respondents are further advised

that the imposition of the District's costs of litigation, reasonable attorney's fees, expert witness fees, and additional civil penalties (beyond the penalties being sought for violations that have occurred to date) may be sought by the District for violations of this ACO.

25. Nothing in this ACO shall preclude the District from administering or enforcing its rules and any permit issued hereunder as provided by law.

26. Any person who is not a party to this ACO but whose substantial interests are affected by this ACO may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action, (2) a statement of all material facts disputed by the person requesting the hearing; (3) the ACO number; (4) the name, address, and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (7) the relief sought, including precisely what action the requestor wishes the agency to take. A request for hearing that does not dispute material facts on which the District's action is based shall state that no material facts are in dispute, contain the same information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C.

A request for hearing must be filed with (received by) the Agency Clerk of the District at its Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637,

Facsimile (813) 367-9776 or (813) 367-9772 **no later than fourteen (14) days** after the date this ACO is served. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this ACO but whose substantial interests will be affected by any such final action of the District has the right to request a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within this time period shall constitute a waiver of any right such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

27. If the ACO automatically becomes final by operation of Sections 373.119(1) and 373.436(1), F.S., it constitutes final agency action and a party may be entitled to judicial review. A party who is adversely affected by final agency action may seek review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within thirty (30) days of the date this ACO becomes final pursuant to Section 373.119(1) and 373.436(1), F.S. No further notice of rights to judicial review of this ACO will be given by the District.

[SPACE INTENTIONALLY LEFT BLANK]

DATED this 17 day of January, 2017.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: 
Brian J. Armstrong
Executive Director

Approved as to Legal Form and Content


Cathleen C. Kenney, Staff Attorney

Filed this 17th day of

January, 2017.


Deputy Agency Clerk



An Equal
Opportunity
Employer

Southwest Florida Water Management District

Bartow Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

Tampa Office
7601 U.S. 301 North (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

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Chair, Pasco

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Vice Chair, Pinellas

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Secretary, DeSoto, Hardee,
Highlands

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Manatee

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Polk

Michael A. Moran
Charlotte, Sarasota

Kelly S. Rice
Citrus, Lake, Levy, Sumter

Vacant
Hillsborough, Pinellas

Brian J. Armstrong, P.G.
Executive Director

August 31, 2016

Steven Game
2210 NE Daniels St.
Arcadia, FL 34266

12368 SW Lexington Pl.
Arcadia, FL 34269

12378 SW Lexington Pl.
Arcadia, FL 34269

6090 SW Marco Ave.
Arcadia, FL 34266

3433 SW Fruitville Est. Ave.
Arcadia, FL 34266

**Subject: First Notice of Violation
Flowing Well/Failure to Properly Abandon Well**

Project: 12368 SW Lexington Place, Arcadia, FL 34269
Compliance No.: 384452
County: Desoto
Sec/Twp/Rge: 36/39/23

Dear Mr. Game:

I am contacting you concerning violations of State law and rules of the Southwest Florida Water Management District ("District") concerning the failure to properly plug and abandon the well at the above-referenced location ("Property").

On April 18, 2016, the District was contacted by an anonymous resident regarding a flowing well at 12368 Southwest Lexington Place, Arcadia, Florida 34269, more specifically, Desoto County Parcel ID No. 36-39-23-0254-0000-0112. District staff conducted an investigation on April 26, 2016, confirming and documenting that a 16-inch well was indeed free-flowing. District staff researched the property owner on the Desoto County Property Appraiser's ("Property Appraiser") website. At that time and through the date of this Notice of Violation, the Property Appraiser's website indicates that Amado Cruz is the property owner. However, it is my understanding that you are the current owner of the Property, as it was conveyed to you via Warranty Deed executed on January 27, 2013, and recorded in the Desoto County Official Records, instrument number 201414004421, on September 10, 2014.

On May 5, 2016, the District sent a "Notice of Non-Compliance: Flowing Well" letter to Amado Cruz, addressed to his North Carolina address (the address listed with the Property Appraiser) and to the Property. No response was received. Multiple attempts were made to contact the tenant residing on the Property, but to no avail. As of the date of this Notice of Violation, the well is still free-flowing, and is impacting neighboring properties.

EXHIBIT

tabbles

A

Mr. Steven Game

Subject: Notice of Violation - Flowing Well/Failure to Properly Abandon Well

Project: 12368 SW Lexington Place, Arcadia, FL 34269

Compliance No.: 384452

County: Desoto

Sec/Twp/Rge: 36/39/23

Page 2

August 31, 2016

Open groundwater wells present a potential for the introduction of contaminants into the aquifer. For this reason, wells not in use are considered abandoned. The well must be properly plugged and abandoned by a licensed well contractor in a water tight manner in accordance with Chapter 62-532.500(3)(a)(4), Florida Administrative Code ("F.A.C.").

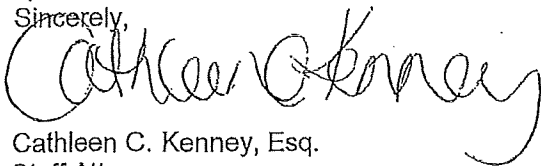
Furthermore, any owner, tenant, occupant or person in control of an artesian well shall not allow the well to flow unnecessarily and continuously without a valve or mechanical device for checking or controlling the flow, shall not permit the water from the well to go to waste, and shall properly abandon a well, and any action to the contrary constitutes a violation of Section 373.209(1)(a)(b), (c) and (d), Florida Statutes ("F.S."), and 40D-3.531, 62-532.400 and 62-532.500(4), F.A.C. This well does not fall under any exemptions listed in Rule 40D-3.051, F.A.C., or Section 373.303(7), F.S.

As of the date of this Notice, the District has not received any indication that a control valve has been placed on the well, that the well has been properly abandoned, or any communication regarding a Well Completion report. In order to bring this matter into compliance, **within fourteen (14) days of the date of this Notice**, you must retain the services of a licensed water well contractor who must either properly place a valve on the well, or obtain a permit to abandon the well, plug the well from top to bottom in accordance with District requirements, and submit a Well Completion report documenting the abandonment.

If a response is not received within fourteen (14) days of the date of this letter, or this matter is not brought into compliance in a timely manner, the District will take further enforcement action that may include monetary penalties and recovery by the District of its enforcement costs, in addition to the required corrective actions. Such penalties may include up to One Hundred Dollars (\$100.00) per day for each and every day of violation, in accordance with Section 373.209(3)(b), F.S.

I strongly urge you to contact me at the District's Tampa Office at (813) 985-7481, extension 4657, or via email at Cathy.Kenney@swfwmd.state.fl.us in order to avoid further enforcement efforts or litigation.

Sincerely,



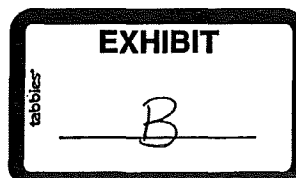
Cathleen C. Kenney, Esq.
Staff Attorney
Office of General Counsel
CK:rc

ecc: Karen West
Amy Wells Brennan
Michelle Maxey
Mark Alford
Adam Hange
Jason Lentz
File of Record

**GRANT OF PROPERTY ACCESS TO SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT**

I, Shane Poling [PRINT NAME] ("Undersigned"), whose address is _____, on this 14 day of Oct, 2016, do hereby grant access to the Southwest Florida Water Management District ("District") and its staff, agents, contractors and assignees in accordance with the following terms:

- (1) I am the owner/tenant/occupant/person in control [CIRCLE APPLICABLE TITLE] and have legal access and control of the property located at 12368 and 12378 Southwest Lexington Place, Arcadia, Florida 34269 ("Property").
- (2) Section 373.209(1), Florida Statutes, states: *No owner, tenant, occupant, or person in control of an artesian well shall knowingly and intentionally: (a) Allow the well to flow continuously without a valve or mechanical device for checking or controlling the flow. (b) Permit the water to flow unnecessarily. (c) Pump a well unnecessarily. (d) Permit the water from the well to go to waste.*
- (3) I hereby grant the District and its staff, agents, contractors and assignees access to the Property for the purpose of repairing or abandoning the continuously flowing artesian well ("Well") located on the Property.
- (4) This grant of access by the Undersigned is not intended to be, nor shall it be construed as, an admission of liability on the part of the Undersigned or the Undersigned's successors and assigns for any damages caused by water flowing from the Well located on the Property.
- (5) District staff, agents, contractors and assignees may enter the Property during normal business hours (Monday through Friday, 8:00 a.m. through 5:00 p.m.) and may make arrangement(s) to enter the Property at other times, to be memorialized by an agreement in writing (e-mail is acceptable) from the Undersigned.
- (6) The Undersigned releases, discharges and waives any claims, known or unknown, against the District or its staff, agents, contractors and assignees arising out of or in any way

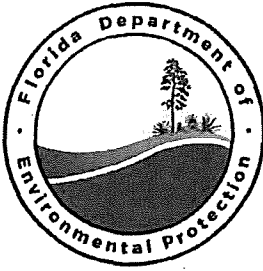


connected with the District accessing the Property for purposes of repairing or abandoning the Well.

- (7) This grant of access shall be governed by the laws of the State of Florida. In case any one or more of the provisions contained herein shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision, and this document shall be construed as if such invalid, illegal or unenforceable provision(s) had not been contained herein.
- (8) Access granted by the Undersigned shall be effective until the first occurrence of one of the following: (a) grant of access is rescinded in writing and such documentation is delivered to District representative Adam Hange, Field Services Supervisor, 6750 Fruitville Rd, Sarasota, Florida 34240, or (b) the District completes the repair or abandonment of the Well.
- (9) This grant of access shall constitute the final agreement and understanding of the District and the Undersigned on the subject matter hereof. The permissions contained herein may be modified only by an agreement memorialized in writing and signed by the District and the Undersigned.


Signature of owner/tenant/occupant/person in control

Shawn Poling Oct 19 2016
Print Name Date



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

October 3, 2016

David N. Arnold, P.G.
Well Construction Manager, Water Use Bureau
Southwest Florida Water Management District
7601 U.S. Highway 301 North
Tampa, FL 33637

Dear Mr. Arnold:

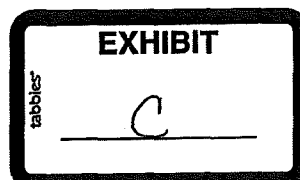
On September 30, 2016, the Southwest Florida Water Management District notified the Department that it had received an anonymous complaint that a 16-inch diameter well was flowing to the extent that it had overflowed to an adjacent property. The well is located at 12368 SW Lexington Place, Arcadia, FL 34269. The District has determined this well to be an artesian well. Attempts by the District to contact the property owner have been unsuccessful. There are no associated consumptive use permits associated with the property, nor any well construction permit or completion reports. Based on the information provided, the Department finds that the uncontrolled flow of water from the well does not have a reasonable-beneficial use, as defined in s. 373.019.

If you have any further questions, please feel free to contact me at Kristine.P.Morris@dep.state.fl.us or by phone at 850-245-3139.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Morris", followed by a long horizontal line.

Kristine Papin Morris
Environmental Administrator
Office of Water Policy
Florida Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32317



www.dep.state.fl.us