

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

**MEMORANDUM**

TO: Governing Board.

FROM: George T. Reeves, Governing Board Legal Counsel.

DATE: February 15, 2021

RE: Final Order Number 21-003, Seven Springs Water Company v. Suwannee River Water Management District; SRWMD Renewal WUP App. No. 2-041-218202-3; DOAH Case Nos. 20-1329, 20-3581 (Consolidated)

**RECOMMENDATION - APPROVE PROPOSED FINAL ORDER (UNDER PROTEST)**

Approve, under protest, the proposed final order enclosed as Final Order Number 21-003, Seven Springs Water Company v. Suwannee River Water Management District (District); SRWMD Renewal WUP App. No. 2-041-218202-3; DOAH Case Nos. 20-1329, 20-3581 (consolidated).

**DOCUMENTS ENCLOSED**

1. Recommended Order (the "RO") dated January 20, 2021 in DOAH Case Nos. 20-1329, 20-3581 (consolidated).
2. Exceptions to the RO filed by District staff on February 1, 2021.
3. Responses to the District's Exceptions filed by Seven Springs Water Company ("Seven Springs") Springs on February 8, 2021.
4. Proposed Final Order Number 21-003, Seven Springs Water Company v. Suwannee River Water Management District; SRWMD Renewal WUP App. No. 2-041-218202-3; DOAH Case Nos. 20-1329, 20-3581 (consolidated).

**RECORD**

The record in this case is available on the Division of Administrative Hearings ("DOAH")'s website <https://www.doah.state.fl.us/ALJ/> on the online docket for Case No. 20-1329 and Case No. 20-3581. These online dockets contain the record before the Administrative Law Judge ("ALJ") except for the transcript of the final hearing which can be found on the District's website at: <https://www.mysuwanneeriver.com/DocumentCenter/View/17852/Seven-Springs-Water-Co-vs-Suwannee-River-Water-Management-Transcripts-Final-Hearing-ALL-VOLUMES-COMBINED>.

**BACKGROUND**

In March 2019, Seven Springs Water Company ("Seven Springs") applied to the District for a renewal of Seven Springs' consumptive use permit ("CUP"). The requested CUP would allow the withdrawal of 1.152 million gallons of water per day ("mgd") in Gilchrist County, Florida for sale to an adjacent water bottling facility owned by Nestle Waters North America, Inc. ("Nestle") in Gilchrist County, Florida.

On March 3, 2020, after conducting the Request for Additional Information process and extensive review of the application, the District issued proposed agency action, in the form of a Water Use Technical Staff Report, recommending denial of Seven Springs' application.