

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>\$15,797.96</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>\$15,797.96</u>	<u>\$-0</u>	<u>\$-0</u>	<u>\$-0</u>	<u>\$-0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget:	Yes	<u>X</u>	No	_____	_____
Budget Account No:	Fund <u>0001</u>	Dept <u>410</u>	Unit <u>4240</u>	Object <u>6202</u>	
	Program _____				


B. Recommended Sources of Funds/Summary of Fiscal Impact:

* Roth Farms will remit the \$23,907.32 annual rent to SFWMD upon approval of this Sixth Amendment; SFWMD will then forward the County its 66.08% pro rata share of the annual rent, or \$15,797.96, which will be allocated to the General Fund.

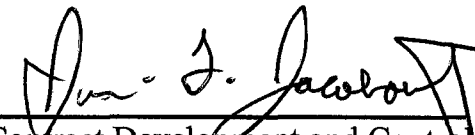
C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

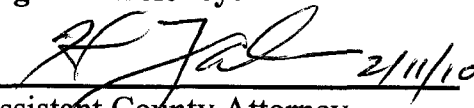


 OFMB
 2/14/10
 2/12/10



 Contract Development and Control
 E Jones 2/10/10
 2/10/10

B. Legal Sufficiency:

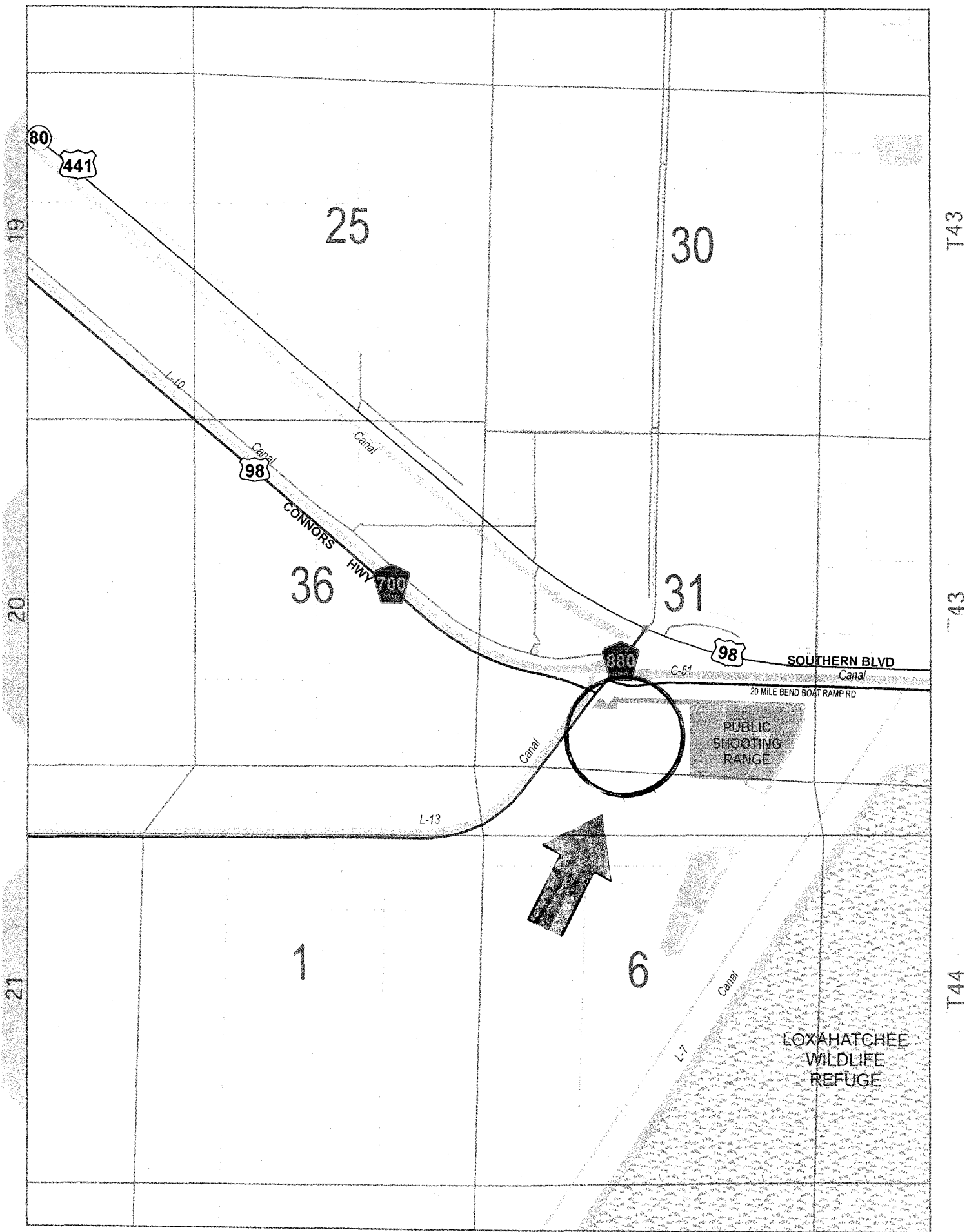


 Assistant County Attorney
 2/11/10

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.



LOCATION MAP
 ATTACHMENT # 1



**SIXTH AMENDMENT TO LEASE AGREEMENT BETWEEN
THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
PALM BEACH COUNTY,
AND
ROTH FARMS, INC.**

THIS SIXTH AMENDMENT TO LEASE AGREEMENT (the "Sixth Amendment") is made and entered into _____ by and between the South Florida Water Management District, a public corporation of the State of Florida ("District"), Palm Beach County, a political subdivision of the State of Florida ("County"), and Roth Farms, Inc., a Florida corporation ("Lessee"). District, County and Lessee are sometimes referred to herein collectively as the "parties".

WITNESSETH:

WHEREAS, District and Lessee entered into a seven (7) year Lease Agreement dated February 26, 1998, said Lease Agreement also being identified as Agreement No. C-9318 (the "Lease"), with the option to extend for three (3) successive one (1) year periods, wherein Lessee leased from District certain lands commonly referred to as Parcel 2, STA 1 W and identified therein as the Premises; and

WHEREAS, District and Lessee entered into Amendment No. 01 to the Lease on January 12, 2001, which added a parcel of land to the Premises leased by Lessee, and amended certain provisions of Article I, Statement of Work; and

WHEREAS, District and Lessee entered into Amendment No. 02 to the Lease on March 12, 2004, which reduced the number of acres in the Premises and reduced the amount of annual rent due; and

WHEREAS, District and Lessee entered into Amendment No. 03 to the Lease on June 6, 2005, which (i) extended the Lease by three (3) years effective February 26, 2005, and established a new Lease expiration date of February 25, 2008; (ii) reduced the number of acres in the Premises; and (iii) reduced the amount of annual rent due; and

WHEREAS, upon District's conveyance of a portion of the Premises to County, District assigned to County all of District's rights, title, and interest in and to the Lease as applicable to the portion of the Premises conveyed to County, said assignment being set forth in the Partial Assignment and Assumption of Lease between District and County dated October 2, 2007, (R2007-1722) ("Assignment"); and

WHEREAS, District, County and Lessee entered into Fourth Amendment to the Lease Agreement on February 5, 2008, (R2008-0192), which extended the term of the Lease for two (2) years with an additional one (1) year extension option; (ii) redefined "Premises" to reinstate a portion of the land that was removed from the terms of the Lease by previous lease amendments; and (iii) established the annual rental rate for the extended Lease term; and

WHEREAS, District, County, and Lessee entered into Fifth Amendment to the Lease Agreement on December 16, 2008 (R2008-2309), which added a parcel of land to the Premises leased by Lessee; and

WHEREAS, the Lease may be amended with the prior written approval of the parties; and

WHEREAS, the parties wish to amend the Lease to (i) approve a one (1) year extension of the term of the Lease, (ii) provide for three (3) additional one (1) year lease renewal options and establish the annual rental rates therefor, (iii) modify the insurance requirements, and (iv) include obligations regarding the water use permit.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Lease, as amended.
2. Pursuant to Article 2 of the Lease, as amended, District and County agree that the Lease term for the Premises shall be renewed for an additional period of one (1) year, extending the Lease from February 26, 2010, through February 25, 2011.
3. Article 2 of the Lease, as amended, is modified to provide that the Lease term for the Premises may be extended at the sole discretion of the District and County for three (3) additional periods of one (1) year each. In the event that either District or County does not wish to extend the term of the Lease for the Premises, District and County shall each have the right as it pertains to their respective properties to extend the term of the Lease for any of the three (3) additional periods of one (1) year each described herein.
4. Article 3, Section 3.1 of the Lease, as amended, is modified to add the following annual payment schedule:

Term	Per Acre Lease Rate / Total # of Farming Acres	Annual Payment
2/26/2010 – 2/25/2011	\$ 208.67 / 114.57 acres	\$ 23,907.32
2/26/2011 – 2/25/2012	\$ 214.93 / 114.57 acres	\$ 24,624.53
2/26/2012 – 2/25/2013	\$ 221.38 / 114.57 acres	\$ 25,363.51
2/26/2013 – 2/25/2014	\$ 228.02 / 114.57 acres	\$ 26,124.25

5. Article 6, Section 6.2 of the Lease is modified to reduce the minimum required Environmental Impairment Insurance policy limit to \$500,000.
6. Lessee shall comply with all terms and conditions of South Florida Water Management District Water Use General Permit No. 50-01630-W dated September 28, 2009, a copy of which is attached hereto as Exhibit "A". In accordance with Rule 1.6105, F.A.C., and the terms and conditions of said permit, upon the termination of the Lease, Lessee shall

notify District of the transfer of Lessee's interest in the Premises to County (as to that portion of the Premises identified as the County Property) and District (as to that portion of the Premises identified as the District Property). Lessee shall provide the name of the new owner or person in control of the property. If the control of the property reverts to County, pursuant to Rule 40E-1.6105, F.A.C., County shall submit South Florida Water Management District Form 0483 to District and provide a statement that it has reviewed District's permit and project design and will be bound by and comply with the permit for the duration thereof. In the event the water use on the property changes from agriculture to any other water use class as defined in Rule 40E-21.651, F.A.C., County shall apply for a new water use permit as required by District rules. Notwithstanding anything contained herein to the contrary, as provided in Rule 40E-1.6107(4), F.A.C., Lessee shall remain liable under the permit until the transfer is approved by District.

7. Except as set forth herein, the Lease as amended remains unmodified and in full force and effect, and District, County and Lessee hereby ratify, confirm, and adopt the Lease as amended hereby.
8. This Sixth Amendment is expressly contingent upon the approval of the Palm Beach County Board of County Commissioners and the South Florida Water Management District and shall become effective only when signed by all parties and approved by the Palm Beach County Board of County Commissioners (the "Sixth Amendment Effective Date").

IN WITNESS WHEREOF, the parties have duly executed this Sixth Amendment as of the day and year first written above.

DISTRICT:

ATTEST:

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida

By: _____
District Clerk/Secretary

By: _____
Frank Hayden, Procurement Director

REVIEWED AND APPROVED
AS TO LEGAL FORM

District Attorney

Date of Execution by SFWMD

ATTEST:

COUNTY:

**SHARON R. BOCK
CLERK & COMPTROLLER**

**PALM BEACH COUNTY, a
political subdivision of the State of Florida**

By: _____
Deputy Clerk

By: _____
Burt Aaronson, Chair

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS
AND CONDITIONS**

Assistant County Attorney

Audrey Wolf, Director
Facilities Development & Operations

WITNESSES:

**LESSEE:
ROTH FARMS, INC.,
a Florida corporation**

Witness Signature

By: _____
Raymond R. Roth, Jr., President

Print Witness Name

Witness Signature

(SEAL)

Print Witness Name

EXHIBIT "A"

SFWMD PERMIT

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

WATER USE GENERAL PERMIT

PERMIT NO. 50-01630-W

(*See Distribution list for other Permittees)

PERMITTEE: ROTH FARMS, INC.
POST OFFICE BOX 1300
BELLE GLADE, FL 33430
PALM BEACH COUNTY FACILITIES, DEVELOPMENT AND OPERAT
2633 VISTA PARKWAY
WEST PALM BEACH, FL 33411

PROJECT NAME: TWENTY MILE BEND FARM

PROJECT DESCRIPTION:

The purpose of this application is to renew Water Use Permit No. 50-01630-W for agricultural irrigation of 90 acres of sugar cane and 22 acres of small vegetables using flood/seepage irrigation within the Everglades Agricultural Area. Withdrawals are from the South Florida Water Management District (SFWMD) L-13 Canal via two existing withdrawal facilities.

PROJECT LOCATION: PALM BEACH COUNTY, S31/T43S/R40E
PERMIT EXPIRATION: September 28, 2029

This is to notify you of the District's agency action concerning Permit Application No. 090223-28, received February 23, 2009. This action is taken pursuant to Chapter 373, F.S., Rule 40E-1.603 and Chapter 40E-20, Florida Administrative Code(F.A.C).

Based on the information provided, District rules have been adhered to and a Water Use General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. The attached 19 Limiting Conditions (See pages 2 - 4).
3. The attached exhibits.

Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities that may arise by reason of the construction, maintenance or use of activities authorized by this permit. Said application, including all plans and specifications attached thereto, is by referenced made a part hereof.

Should you object to these conditions, please refer to the attached "Notice of Rights" that addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume you concur with the District's action.

CERTIFICATE OF SERVICE

I hereby certify that a "Notice of Rights" has been sent by certified mail to the permittee (and copies have been mailed to the persons in the attached distribution list) no later than 5:00 PM on this September 28, 2009, in accordance with the section 120.60(3), Florida Statutes.

BY: James Harmon Date Issued: 9/28/09

James Harmon, P.G.
Division Director
Water Use Regulation Division

Certified mail number: 7008 1830 0001 0411 4451

sfwmd.gov

Enclosures

Form 1109 (8/03)

SCANNED 09/28/2009 09:22 PC

SCANNED 09/28/2009 09:22 PM

Limiting Conditions

- 1. This permit shall expire on September 28, 2029.
- 2. Application for a permit modification may be made at any time.
- 3. Water use classification:

Agricultural Irrigation

- 4. Source classification is:

Surface Water from:
SFWMD Canal (L-13)

- 5. Total annual allocation is 54.794 MG.

Total maximum monthly allocation is 9.1046 MG.

These allocations represent the amount of water required to meet the water demands as a result of rainfall deficit during a drought with the probability of recurring one year in ten. The Permittee shall not exceed these allocations in hydrologic conditions less than a 1 in 10 year drought event. If the rainfall deficit is more severe than that expected to recur once every ten years, the withdrawals shall not exceed that amount necessary to continue to meet the reasonable-beneficial demands under such conditions, provided no harm to the water resources occur and:

- (a) All other conditions of the permit are met; and
- (b) The withdrawal is otherwise consistent with applicable declared Water Shortage Orders in effect pursuant to Chapter 40E-21, F.A.C.

- 6. Pursuant to Rule 40E-1.6105, F.A.C., Notification of Transfer of Interest in Real Property, within 30 days of any transfer of interest or control of the real property at which any permitted facility, system, consumptive use, or activity is located, the permittee must notify the District, in writing, of the transfer giving the name and address of the new owner or person in control and providing a copy of the instrument effectuating the transfer, as set forth in Rule 40E-1.6107, F.A.C.

Pursuant to Rule 40E-1.6107 (4), until transfer is approved by the District, the permittee shall be liable for compliance with the permit. The permittee transferring the permit shall remain liable for all actions that are required as well as all violations of the permit which occurred prior to the transfer of the permit.

Failure to comply with this or any other condition of this permit constitutes a violation and pursuant to Rule 40E-1.609, Suspension, Revocation and Modification of Permits, the District may suspend or revoke the permit.

This Permit is issued to:

ROTH FARMS, INC.
P.O. BOX 1300
BELLE GLADE, FL 33430
and
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
ATTN: DIRECTOR
2633 VISTA PARKWAY
WEST PALM BEACH, FL 33411-5605

Limiting Conditions

7. Withdrawal Facilities:

Surface Water - Existing:

1 - 20" x 100 HP X 10000 GPM axial flow Pump

1 - 36" x 50' corrugated metal pipe Culvert

8. Permittee shall mitigate interference with existing legal uses that was caused in whole or in part by the permittee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation will include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means.

Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the:

(1) Inability to withdraw water consistent with provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or

(2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent.

9. Permittee shall mitigate harm to existing off-site land uses caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm caused by withdrawals, as determined through reference to the conditions for permit issuance, includes:

(1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other governmental authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g. fill for construction, mining, drainage canal, etc.)

(2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or

(3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

10. Permittee shall mitigate harm to the natural resources caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance includes:

(1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface,

(2) Reduction in water levels that harm the hydroperiod of wetlands,

(3) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a

Limiting Conditions

lake or pond,

- (4) Harmful movement of contaminants in violation of state water quality standards, or
- (5) Harm to the natural system including damage to habitat for rare or endangered species.
11. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.
12. Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.
13. The Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.
14. The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the Permit and Chapter 40E-2, Florida Administrative Code.
15. Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: SFWMD, Environmental Resource Compliance, P.O. Box 24680, West Palm Beach, FL 33416-4680.
16. In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. The Permittee is advised that during a water shortage, pumpage reports shall be submitted as required by Chapter 40E-21, F.A.C.
17. Every five years from the date of permit issuance the permittee shall submit a water use compliance report for review and approval by District Staff, which addresses the following:
 1. The results of an on-site irrigation efficiency evaluation that estimates the efficient use of water on the project site, based on the method of irrigation that was permitted. Based on the evaluation, the permittee shall identify and implement specific actions to achieve the efficient use of water for the duration of the permit. In the event that based on the onsite irrigation efficiency evaluation an additional water allocation may be necessary, the permittee shall apply for a modification of the permit if the permittee intends to utilize an additional allocation, or modify its operation to comply with the existing conditions of the permit.
 2. A comparison of the permitted allocation and the allocation that would apply to the project based on current District allocation rules. In the event the permit allocation is greater than the allocation provided for under District rule, the permittee shall apply for a letter modification to reduce the allocation consistent with District rules. In the event that the permit allocation is less than allowable under District rule, the permittee shall apply for a modification of the permit to increase the allocation if the permittee intends to utilize an additional allocation, or modify its operation to comply with the existing conditions of the permit.
18. If reclaimed water becomes available prior to the expiration date of this permit, the Permittee shall apply for a modification of the water use permit to reflect that portion of the allocation which is to be provided for by reclaimed water. Reclaimed water is considered available when an agreement has been executed between both parties, the transmission lines are constructed to the project site, and the necessary on-site modifications and authorizations are obtained.
19. Prior to lease expiration for all leased parcels covered by this permit, the Permittee shall submit to the District documentation of lease renewal. If lease renewal documentation is not provided, the Permit is subject to modification or revocation.

Last Date for Agency Action:
September 28, 2009

Water Use Staff Review Summary

Application Number: 090223-28

Permit Number: 50-01630-W

Project Name: TWENTY MILE BEND FARM

Water Use Permit Status: MODIFICATION/RENEWAL

Environmental Resource Permit Status: PERMITTED (No. 50-00310-S)

Right Of Way Permit Status: NOT APPLICABLE

Location: PALM BEACH COUNTY, S31/T43S/R40E

Applicant's Name and Address: ROTH FARMS, INC.
POST OFFICE BOX 1300
BELLE GLADE, FL 33430

Owner's Name and Address: PALM BEACH COUNTY FACILITES, DEVELOPMENT AND
OPERAT
2633 VISTA PARKWAY
WEST PALM BEACH, FL 33411

Purpose:

The purpose of this application is to renew Water Use Permit No. 50-01630-W for agricultural irrigation of 90 acres of sugar cane and 22 acres of small vegetables using flood/seepage irrigation within the Everglades Agricultural Area. Withdrawals are from the South Florida Water Management District (SFWMD) L-13 Canal via two existing withdrawal facilities.

Staff Recommendations

Expiration Date: September 28, 2029
Water Use Classification: Agricultural
Total Serviced Acreage: 112 (22 acres of sweet corn)
 (90 acres of sugar cane)

Sources: **Surface Water from:** SFWMD Canal (L-13)

Recommended Allocation:

Annual Allocation: 55 Million Gallons (MG)
Maximum Monthly Allocation: 9.1 Million Gallons (MG)
Freeze Allocation: 11.2 Million Gallons (MG)

Existing Withdrawal Facilities - Surface Water

Source: SFWMD Canal (L-13)
 1 - 36" X 50' corrugated metal pipe Culvert
 1 - 20" X 100 HP X 10000 GPM axial flow Pump

Rated Capacity

<u>Source</u>	<u>Status Code</u>	<u>GPM</u>	<u>MGM</u>	<u>MGY</u>
SFWMD Canal (L-13)	E	10,000	437.8	5,256
Totals:		10,000	437.8	5,256

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Project Description

Twenty Mile Bend Farm (the project) is a permitted and existing user of the South Florida Water Management District's L-13 Canal irrigating 90 acres of sugar cane and 22 acres of small vegetables (sweet corn and green beans) using flood/seepage irrigation. The project is located in the Everglades Agricultural Area (EAA) of Palm Beach County in Section 31, Township 43 South, Range 40 East and Section 6, Township 43.5 South, Range 40 East (Exhibits 1 and 2). Withdrawals are from two existing facilities (Exhibit 3, 4 and 5). The applicant is requesting to renew Water Use Permit 50-01630-W and reduce the irrigated acreage from 206 to 112 acres.

Projected Water Use Demands

Applicants are required to provide reasonable assurances that the proposed use of water is, among other issues, a reasonable-beneficial use. Numerous issues are examined to determine if this requirement is satisfied; one of the key issues is demonstration of demand or need for the requested allocation. The criterion in Section 2.3 of the Basis of Review (BOR) for Water Use Permit Applications within the South Florida Water Management District is applicable for irrigation projects. The need for irrigation water use is equal to the supplemental crop requirement multiplied by the allocation coefficient, except when available water supply is restricted due to several factors, including an applicant's limited need for water. The allocation coefficient is a function of the irrigation system type and its efficiency. The most efficient irrigation system shall be considered to be that which minimizes water lost to evaporation, relative to other irrigation systems in a region. Pursuant to Section 2.3.3.3 of the BOR, irrigation system efficiency shall be based on ratings published in Efficiencies of Florida Agricultural Irrigation Systems [Smajstrla et al., University of Florida Institute of Food and Agricultural Sciences (IFAS) Bulletin 247]. IFAS Bulletin 247 provides Table 2 for gravity flow irrigation systems, like those used in the EAA. Table 2 of the bulletin indicates that flood system efficiencies range from 25 to 75 percent.

After review of historical operations of actual water supply deliveries during a 1-in-10 year drought, it was observed that the unique conditions of the EAA basin allow for a more efficient use of water when compared to other areas as the water is passed from farm to farm. Therefore, an efficiency of 75 percent rather than 50 percent (as is typically applied) will be applied for agricultural projects within the EAA basin that employ a flood irrigation system.

The recommended allocations 90 acres of sugar cane and 22 acres of sweet corn and green beans using a flood/seepage irrigation system, 9.1 million gallons (MG) maximum monthly and 54.79 MG total annually (Exhibit 5), are based on the Supplemental Irrigation Requirements as defined in Section 2.3.2 of the BOR. The recommended freeze protection allocation for flood systems is 0.1 MG maximum daily per acre. Therefore, the recommended freeze protection allocation for the project is 11.2 MG maximum daily, pursuant to Section 2.3.4 of the BOR.

Impact Assessments

Water Resource Availability

SFWMD Canal (L-13)

The project withdraws from and is bordered along its northwestern boundary by the SFWMD Canal L-13, which is located within the EAA. The water elevation of the L-13 is controlled by inflow from SFWMD control structure S-351 gated spillway and pump station S-2. The gates at this structure and pump are operated in part to meet agricultural water requirements in the area served by the L-13 Canal between Lake Okeechobee and the Water Conservation Areas and when weather conditions are dry in the EAA or canal levels are below 11.5 feet National Geodetic Vertical Datum (NGVD). There is a gated spillway (Structure G-341) located approximately 3 miles west of the project, which divides structures S-5A basin and S-6 basin (Exhibit 2). The main purpose of this gated spillway is to divert more water to S-6 for treatment in Stormwater Treatment Area (STA) 2. Water levels in the L-13 Canal fluctuate

from 12.5 feet NGVD to 6.5 feet NGVD. The project has been historically utilizing the L-13 for agricultural irrigation since at least 1988. A reduction in irrigated acreage is requested for this project. Based on this information and the control and maintenance of water elevations by the control structures in the EAA, the potential for harm to occur to the water resource availability of the canal as a result of the withdrawal of the recommended allocation is considered minimal.

Existing Legal Users

SFWMD Canal (L-13)

The nearest existing permitted user of the L-13 Canal, Palm Beach Aggregates, Inc. (formerly Lazy F Agricultural Irrigation, Water Use Permit 50-00574-W) operates pumps located on the L-13, the closest being approximately 7,700 feet east of the project. This application is for the continuation of an existing, historically permitted use of water with a reduction in historically irrigated acres, no significant changes in agricultural operations and no reported harm to existing legal uses. Therefore, the potential for harm to occur to existing legal users as a result of the withdrawal of the recommended allocation is considered minimal.

Saline Water Intrusion

SFWMD Canal (L-13)

The nearest surface water saline source is located over 20 miles east of the project. The canals within the EAA are controlled and maintained by several control structures which prevent the movement of saline water into this area. Therefore, a greater than one foot mound of fresh water is expected to be maintained between the project and the saline water source which is consistent with the criteria set forth in Section 3.4 of the BOR. Based on this information, the potential for saline water intrusion or upconing to occur as a result of the withdrawal of the recommended allocation is considered minimal.

Wetlands

SFWMD Canal (L-13)

There are no wetlands located on or adjacent to the project, but STA 1 West is located south of the project and Water Conservation Area 1 is located southeast of the project. Canals surrounding these managed reservoirs create hydraulic boundaries for potential impacts from this project's withdrawals. The potential for harm to occur to wetlands as a result of the continued withdrawal of the recommended allocation is considered minimal.

Source Of Pollution

SFWMD Canal (L-13)

There are no known sources of pollution within a one mile radius of the project site. Therefore, the potential for movement of contaminants from known pollution sources as a result of the withdrawal of the recommended allocation is considered minimal.

Other Impacts

SFWMD Canal (L-13)

The lands adjacent to the project are agricultural fields, shooting grounds for law enforcement or water treatment and conservation areas. The Permittee has been irrigating this farm with surface water from the L-13 Canal since at least 1988 and the irrigated acreage has been reduced since that time. Therefore, pursuant to Section 3.6.2 of the BOR, the use is not expected to result in significant reduction in water levels on the property of an existing offsite land use to the extent that the designed function of a water body and related surface water management improvements are damaged (not including aesthetic values), damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or land collapse or subsidence caused by reduction in water levels associated with consumptive use.

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Additional Information

DEMONSTRATION OF NEED

The Applicant submitted a copy of a renewable lease agreement with the South Florida Water Management District and Palm Beach County demonstrating legal control over the project site, pursuant to Section 2.1.1 of the BOR. Prior to lease expiration (February 25, 2010), the Permittee shall submit to the District documentation of lease renewal, pursuant to Limiting Condition 19. If lease renewal documentation is not provided, the Permit is subject to modification or revocation.

PERMIT DURATION

The quantity of water to be allocated does not exceed that quantity of water necessary to irrigate historically irrigated acreage. Therefore the recommended permit duration is 20 years, pursuant to Section 1.7.2.2 of the BOR.

WATER USE ACCOUNTING

Pursuant to Section 4.1 of the BOR, individual surface water users in sub-basins within the EAA Water Use Basin do not need to submit pumpage reports, unless otherwise required by a water shortage order or as a part of a District permit compliance action. Therefore, calibration of the withdrawal facilities is not required.

COMPLIANCE REPORTS

Pursuant to Limiting Condition 17, every five years from the date of permit issuance the Permittee shall submit a water use compliance report for review and approval by District staff.

USE OF SURFACE WATER FROM THE LAKE OKEECHOBEE BASIN

Pursuant to Section 3.2.1(G)(2)(b) of the BOR, the base condition water use is defined for the irrigation use class as the maximum number of acres actively irrigated by the Applicant between April 1, 2001 and January 1, 2008. The applicant has not increased irrigated acreage, or changed crop types, or irrigation system since 2000. Therefore, pursuant to Section 3.2.1(G) of the BOR, the requested allocation will not cause a net increase in the volume of surface water withdrawn from the Lake Okeechobee Water body or integrated conveyance systems (L-13) over the entire base condition water use that existed as of January 1, 2008.

Recommendations

Project Name: TWENTY MILE BEND FARM
Application Number: 090223-28
Permit Number: 50-01630-W

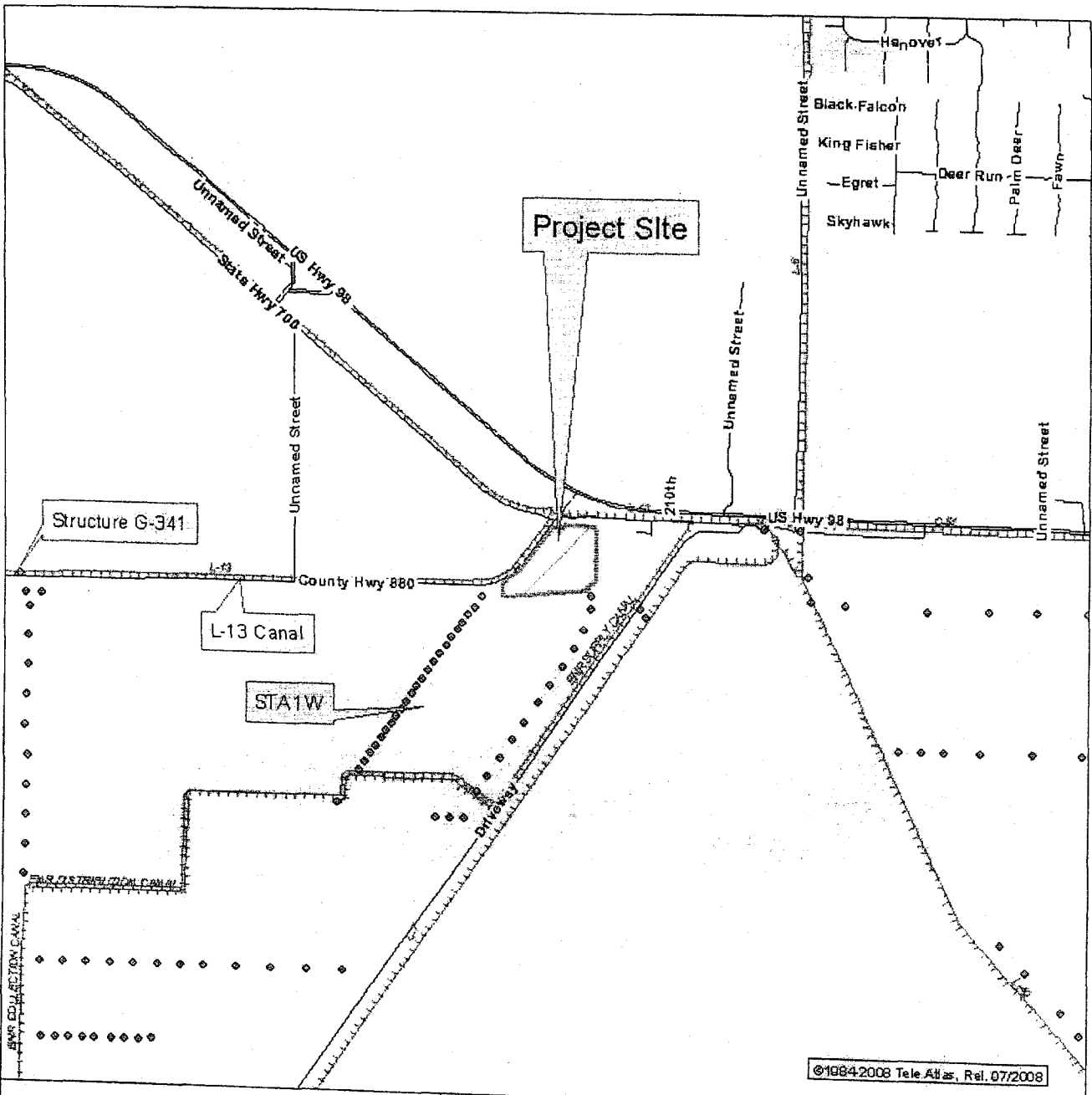
Recommendations:

Staff recommends modification and renewal of Water Use Permit No. 50-01630-W for the agricultural irrigation of 90 acres of sugar cane and 22 acres of small vegetables using a flood/seepage irrigation system within the EAA basin. Withdrawals are from the SFWMD L-13 Canal via 2 existing withdrawal facilities. The use is reasonable-beneficial, will not adversely impact presently existing legal uses and is consistent with the public interest. The use is further subject to 19 limiting conditions.

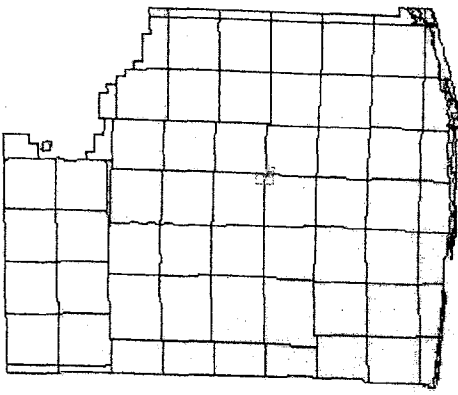
Application Reviewer: Lindy Cerar **Date:** 9-8-09
Lindy Cerar, P.G.

Supervisor: [Signature] **Date:** 9/10/09
Rick Bower, P.G.

Water Use Division: James Harmon **Date Issued:** 9/21/09
James Harmon, P.G.



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PALM BEACH COUNTY, FLORIDA

Legend

Application

Map Date: 9/3/2009

Application Number: 090223-28

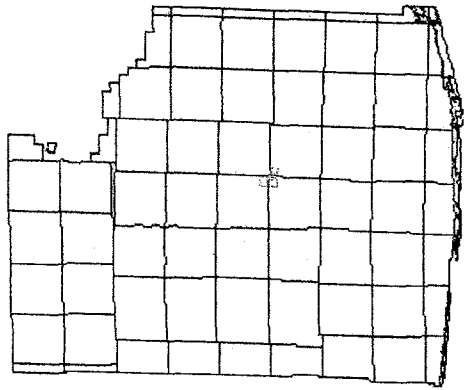
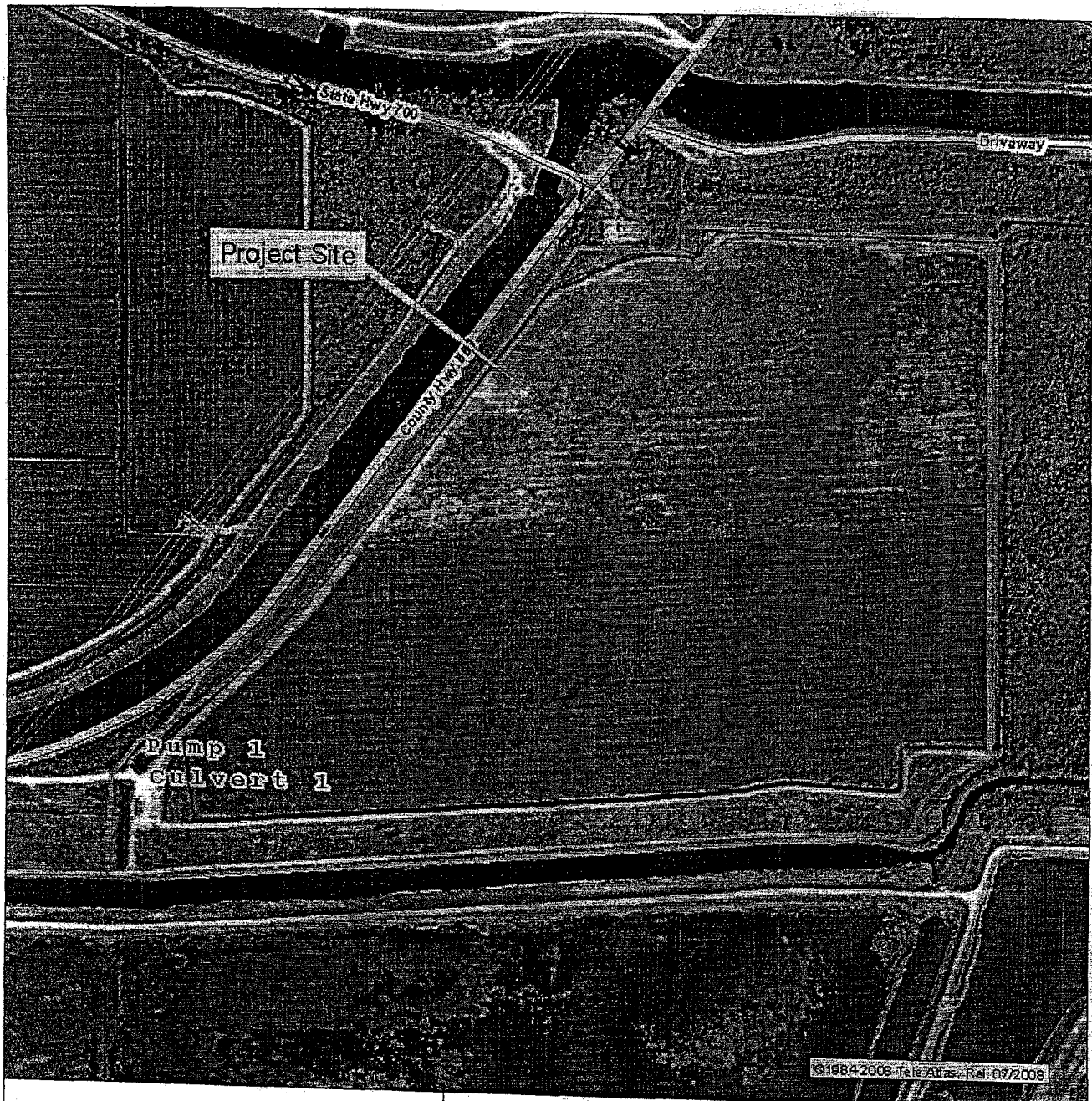
Permit Number: 50-01630-W

Project Name: TWENTY MILE BEND FARM



Exhibit: 2

SCANNED 09/28/2009 09:22 PC



PALM BEACH COUNTY, FLORIDA

- Legend
- Application
 - ◆ Pumps
 - ◆ Culverts

N
 Map Date: 9/3/2009

Application Number: 090223-28

Permit Number: 50-01630-W

Project Name: TWENTY MILE BEND FARM

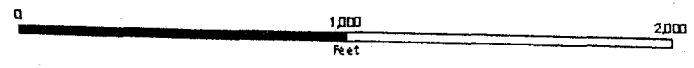


Exhibit : 3

TABLE - B
Description Of Surface Water Pumps

Application Number: 090223-28

Pump ID	39690
Name	Pump 1
Map Designator	Pump 1
Facility Group	
Existing/Proposed	E
Pump Type	axial flow
Diameter(Inches)	20
Pump Capacity(GPM)	10,000
Pump Horse Power	100
Two Way Pump ?	N
Elevation (ft. NGVD)	2.17
Planar Location	
Source	Migrate
Feet East	853710
Feet North	852820
Accounting Method	unspecified
Use Status	Production
Water Use Type	Irrigation
Surface Water Body	SFWMDCanal (L-13)

Exhibit No: 4

TABLE - C
Description Of Culverts (Irrigation)

Application Number: 090223-28

Culvert ID	44651
Name	Culvert 1
Map Designator	Culvert 1
Facility Group	
Existing/Proposed	E
Diameter(Inches)	36
Culvert Height(ft)	
Culvert Width(ft)	
Culvert Type	corrugated metal
Culvert Length(ft)	pipe 50
Control Device	flap gate
Elevation (ft. NGVD)	10
Planar Location	
Source	
Feet East (Head)	853720
Feet North (Head)	852840
Feet East (Tail)	
Feet North (Tail)	
Accounting Method	unspecified
Use Status	Production
Water Use Type	Irrigation
Surface Water Body	SFWMD Canal (L-13)

Exhibit No: 5

SCANNED 09/28/2009 09:22 PM

Calculations Of Irrigation Requirements

APPLICATION NUMBER: 090223-28

RAINFALL STATION: Loxahatchee
IRRIGATION SYSTEM E.A.A. Flood/Seepage
PARCEL ACREAGE: 90
LAND USE: Agricultural

CROP: Sugar Cane
SOIL TYPE: 3.6
PARCEL NAME: SUGAR CANE
IRR. MULTIPLIER 1.33

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
MEAN RAINFALL	2.44	2.56	3.18	3.60	4.59	9.50	8.22	8.35	9.78	7.89	2.29	2.22	64.62
EVAPOTRANSPIRATION	1.49	1.11	2.62	3.53	5.00	6.19	6.58	6.79	5.24	5.34	3.27	2.70	49.86
AVG. EFFECTIVE RAIN	1.52	1.55	2.04	2.40	3.21	6.39	5.78	5.93	6.21	5.21	1.58	1.49	43.31
DROUGHT RAINFAL	1.32	1.35	1.77	2.09	2.79	5.56	5.03	5.16	5.40	4.53	1.37	1.30	37.67
AVERAGE IRRIGATION	0.00	0.00	0.58	1.13	1.79	0.00	0.80	0.86	0.00	0.13	1.69	1.21	8.19
DROUGHT IRRIGATION	0.17	0.00	0.85	1.44	2.21	0.63	1.55	1.63	0.00	0.81	1.90	1.40	12.59

ANNUAL SUPPLEMENTAL CROP REQUIREMENT: 12.59 INCHES

ANNUAL SUPPLEMENTAL CROP WATER USE:
12.59 IN X 90 AC X 1.33 X 0.02715 MG/AC-IN = 40.92MG

MAXIMUM MONTHLY SUPPLEMENTAL CROP REQUIREMENT: 2.21 INCHES

MAXIMUM MONTHLY SUPPLEMENTAL CROP WATER USE:
2.21 IN X 90 AC X 1.33 X 0.02715 MG/AC-IN 7.18 MG

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Calculations Of Irrigation Requirements

APPLICATION NUMBER: 090223-28

RAINFALL STATION: Loxahatchee
 IRRIGATION SYSTEM E.A.A. Flood/Seepage
 PARCEL ACREAGE: 22
 LAND USE: Agricultural

CROP: Sweet Corn
 SOIL TYPE: 3.6
 PARCEL NAME: SWEET CORN
 IRR. MULTIPLIER 1.33

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
MEAN RAINFALL	2.59	2.38	3.33	2.99	5.52	8.95	7.94	7.32	9.71	6.44	3.18	2.21	62.56
EVAPOTRANSPIRATION	2.99	4.63	4.16	6.98	5.67	0.00	0.00	0.00	0.00	3.56	2.17	3.70	33.86
AVG. EFFECTIVE RAIN	1.74	1.77	2.32	2.47	3.91	0.00	0.00	0.00	0.00	3.97	1.99	1.57	19.74
DROUGHT RAINFAL	1.44	1.47	1.93	2.05	3.25	0.00	0.00	0.00	0.00	3.30	1.65	1.30	16.39
AVERAGE IRRIGATION	1.25	2.86	1.84	4.51	1.76	0.00	0.00	0.00	0.00	0.00	0.18	2.13	14.53
DROUGHT IRRIGATION	1.55	3.16	2.23	4.93	2.42	0.00	0.00	0.00	0.00	0.26	0.52	2.40	17.47

ANNUAL SUPPLEMENTAL CROP REQUIREMENT: 17.47 INCHES

ANNUAL SUPPLEMENTAL CROP WATER USE:
 17.47 IN X 22 AC X 1.33 X 0.02715 MG/AC-IN = 13.88 MG

MAXIMUM MONTHLY SUPPLEMENTAL CROP REQUIREMENT: 4.93 INCHES

MAXIMUM MONTHLY SUPPLEMENTAL CROP WATER USE:
 4.93 IN X 22 AC X 1.33 X 0.02715 MG/AC-IN = 3.92 MG

TOTAL ANNUAL DEMAND: 54.79 MG

TOTAL MAXIMUM MONTHLY DEMAND: 9.10 MG

STAFF REPORT DISTRIBUTION LIST

TWENTY MILE BEND FARM

Application No: 090223-28

Permit No: 50-01630-W

INTERNAL DISTRIBUTION

- X Lindy Cerar, P.G. - 4320
- X ERC - 4230
- X Permit File
- X WU Compliance - B. Rasperger - 4234

EXTERNAL DISTRIBUTION

- X Permittee - Roth Farms, Inc.
- X Permittee - Palm Beach County Facilities, Development And Operations

GOVERNMENT AGENCIES

- X Dept of Environmental Protection - West Palm Beach
- X Div of Recreation and Park - District 7
- X Palm Beach County - Environmental Res Mgmt
- X Palm Beach County - Health Dept Environmental Health & Engineering
- X Palm Beach County - School Board Growth Mgt
- X Palm Beach County - Zoning Division
- X Patrick Martin, Director of Engineering Lake Worth Drainage District
- X Town of Jupiter Utilities David Brown

OTHER INTERESTED PARTIES

- X Alexandria Larson
- X B.F. Sewell
- X Mr. Ed Dailey, Chairman Water Catchment Area Advisory Committee
- X Rosa Durando
- X Solid Waste Authority - Thomas A. Sirna, P.G.

Exhibit No:8

SCANNED 09/28/2009 09:22 PC

RESOLUTION NO. 2010-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING AN AMENDMENT TO THE LEASE WITH ROTH FARMS, INC.; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 25, 2007, Palm Beach County acquired approximately 96.18 acres of property at 20-Mile Bend from South Florida Water Management District (the "District"), for the proposed development of a Public Safety Training Facility, Public Shooting Park, and expansion of the Law Enforcement Training facility; and

WHEREAS, a portion of the property conveyed to County by District was subject to a Lease Agreement dated February 26, 1998 (the "Lease"), between District and Roth Farms, Inc., a Florida corporation, allowing Roth Farms to use the property for agricultural purposes; and

WHEREAS, upon District's conveyance of the property to County, District also assigned to County all of District's rights, title, and interest in and to the Lease, as amended, as applicable to the property conveyed to County; and

WHEREAS, in order to provide for the maintenance of the County's and District's respective properties and maximize the use of the properties until County and District were ready to commence construction, County, District, and Roth Farms entered into Amendment No. 04 to the Lease on February 5, 2008, which amendment extended the Lease for two (2) years with an additional one (1) year extension option, increased the amount of land being leased, and established the annual rental rate for the extended Lease term; and

WHEREAS, the parties entered into the Fifth Amendment to the Lease on December 16, 2008, to include an additional 7.88+/- acres of the land owned by County that Roth Farms had been using for agricultural purposes since the approval of Amendment No. 04, and to provide for retroactive payment of rent by Roth Farms for the additional 7.88+/- acres; and

WHEREAS, the parties wish to further amend the Lease to approve the exercise of the one (1) year extension option of the Lease, provide for three additional one (1) year extension options, and establish the lease rates for each year of the extension options; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that the amendment to the Lease is in the best interest of the County as:

1) an extension of the Lease with Roth Farms, Inc., will ensure continued proper maintenance of the County's property at no cost to the County;

2) an extension of the Lease will maximize the use of the property;

3) the property will generate \$15,797.96 of additional net rental revenue paid to County by Roth Farms, Inc., for the initial one (1) year extension of the term.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Recitals

The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Authorization to Amend the Lease

The Board of County Commissioners of Palm Beach County shall grant Roth Farms, Inc., a one (1) year extension of the term of the Lease with the option, at County's and District's sole discretion, to extend the term for three additional one (1) year extension periods pursuant to the Sixth Amendment to Lease Agreement attached hereto and incorporated herein by reference, with rent during said extensions being increased by 3% annually.

Section 3. Conflict with Federal or State Law or County Charter.

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

(continued on next page)

Section 4. Effective Date.

The provisions of this Resolution shall be effective immediately upon adoption hereof.

The foregoing resolution was offered by Commissioner _____ who moved its adoption. The Motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- COMMISSIONER BURT AARONSON, CHAIR
- COMMISSIONER KAREN T. MARCUS, VICE CHAIR
- COMMISSIONER JOHN F. KOONS
- COMMISSIONER SHELLEY VANA
- COMMISSIONER STEVEN L. ABRAMS
- COMMISSIONER JESS R. SANTAMARIA
- COMMISSIONER PRISCILLA A. TAYLOR

The Chair thereupon declared the resolution duly passed and adopted this _____ day of _____, 2010.

PALM BEACH COUNTY, a political subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By _____
Assistant County Attorney

By 
Department Director



CERTIFICATE OF LIABILITY INSURANCE

OP ID PJ
ROTHF-1

DATE (MM/DD/YYYY)

01/18/10

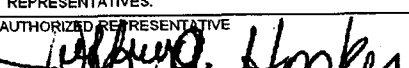
PRODUCER Atlantic Pacific-Belle Glade P.O. Drawer 190 Belle Glade FL 33430 Phone: 561-996-5800 Fax: 561-996-7830	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	INSURERS AFFORDING COVERAGE	NAIC #
INSURED Roth Farms, Inc. Rick Roth P.O. Box 1300 Belle Glade FL 33430	INSURER A: FCCI Insurance Co.	33472
	INSURER B: AIG	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	X	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	FPP0000383	03/19/09	03/19/10	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
A		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	CA0007140	03/19/09	03/19/10	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
B		EXCESS / UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10,000	BE026694158	03/19/09	03/19/10	EACH OCCURRENCE \$ 10000000 AGGREGATE \$ 10000000 \$ \$
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under SPECIAL PROVISIONS below	001-WC10A-54824	01/01/10	01/01/11	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1000000 E.L. DISEASE - EA EMPLOYEE \$ 1000000 E.L. DISEASE - POLICY LIMIT \$ 1000000
A		OTHER Equipment Floater	FPP0000383	03/19/09	03/19/10	see below

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Certificate holder and additional insured shown as: Palm Beach County Board of County Commissioners, a Political subdivision of the State of Florida, its Officers, Employees and Agents. Additional insured also named on Waiver of Rights endorsements. Limited Farm Pollution Liability Extension Aggregate Limit \$500,000.

CERTIFICATE HOLDER Palm Beach County Board of County Commissioners Property/Real Estate Mgr 2633 Vista Parkway West Palm Beach FL 33411	PBCBOCC	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>10</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE 
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ACORD 25 (2009/01)

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