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TELECOPY COVER SHEET

Date: November 16, 2010 Client/Matter No. 2303-001 Pages: 5
(No. of pages including coversheet)

To: Jon Dinges, P.E. Telecopy Number: (386) 362-1056
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Subject: Please see attached.

Message:

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STATE OF FLORIDA
SUWANNEE RIVER WATER MANAGEMENT DISTRICT

RICHARD CORBIN, Individually
and as Trustee of the Richard E. Corbin
Trust, and JOHN A. BARLEY,

Petitioners,

vs.

Application No. 2-09-00017

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,

Respondent.

PETITION FOR ADMINISTRATIVE HEARING

Pursuant to Sections 120.569 and 120.57, Florida Statutes, and Rules 28-106.111 and 28-106.201, Florida Administrative Code, Petitioners Richard Corbin, Individually and as Trustee of the Richard E. Corbin Trust, and John A. Barley (hereinafter referred to as Petitioners), by and through the undersigned attorneys, request a formal administrative hearing concerning Respondent Suwannee River Water Management District's ("SRWMD") decision to deny Water Use Permit ("WUP") application # 2-09-0017 (hereinafter "Application"), filed by Petitioners, and as grounds therefore shows the following:

1. Petitioners are the applicants for the permit at issue in this proceeding. For purposes of this proceeding all pleadings and notices shall be directed to Petitioners' counsel, whose name, address and phone number are listed below.

2. Petitioners initially received notice of SRWMD's intended action on the Application on June 25, 2010. Petitioners filed a timely Motion for Extension of Time to File Petition for Administrative Hearing, followed by a timely filed Second Motion for Extension of

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Time to File Petition for Administrative Hearing regarding the notice of intent, each of which was granted by the SRWMD. The SRWMD's Order on the second of these two motions specifically granted Petitioners an extension to November 16, 2010 to file a petition for administrative hearing on the SRWMD's notice of intent to deny the Application.

3. Petitioners' substantial interests are adversely affected by the SRWMD's action on the Application because they are the permit applicants and owners of the land on which the withdrawals proposed in the Application were proposed to occur. Petitioners' property will be reduced in value as a consequence of the SRWMD's action on the Application and Petitioners will lose the profits that would otherwise have accrued to them through the use of the water Petitioners' sought to have allocated to them through the Application.

4. Petitioners' application sought an allocation of 400,000 gallons per day (gpd) of groundwater from property owned by them in Gilchrist County Florida to be used for production of bottled water.

5. Petitioners allege the following disputed issues of material fact:

a. Whether Petitioners provided reasonable assurance that project/Application is consistent with the public interest? SRWMD's notice of intended action cites to Section 3.3.3.6 of its Water Use Permitting Guide which contains a list of items to be considered by the Governing Board in determining whether a proposed bottled water use is a reasonable beneficial use and consistent with the public interest and states that all Petitioners provided from this list is the location of the proposed withdrawal. Petitioners dispute this assertion and further dispute the assertion that the application is not consistent with the public interest.

b. Whether the Petitioners provided reasonable assurance that the use of water proposed in the Application is a reasonable beneficial use of water? SRWMD's notice of

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intended action lists several specific criteria that constitute the elements it reviews and considers in determining whether a use is a reasonable beneficial use, including whether the applicant has demonstrated a need/demand for the water; whether the applicant has demonstrated that the use is of such quality as is necessary for economic use; whether the use will cause harm to nearby springs; whether the use will cause harm to the source from which it is withdrawn; whether the use will cause harm to offsite land uses; and whether the use will cause harm to wetlands or other surface waters. Petitioners dispute the SRWMD's conclusions that the Application fails to provide reasonable assurance that the use proposed in the Application is a reasonable beneficial use of water, based on consideration of the specific criteria listed in the notice of intended action.

6. Petitioners allege the following ultimate facts that they contend entitle them to the relief requested herein:

a. Petitioners provided reasonable assurance in their Application, consisting of a business plan and a letter of intent from a viable company engaged in the business of buying and bottling water showing a need, demand and market for up to 1 mgd water from Petitioners' proposed source, although Petitioners only requested an allocation of 400,000 gpd.

b. Petitioners provided reasonable assurance in their Application, consisting of a business plan and other data showing that the water proposed for withdrawal in the Application can be withdraw, loaded on tanker trucks and transported to bottling facilities in an economic and efficient manner.

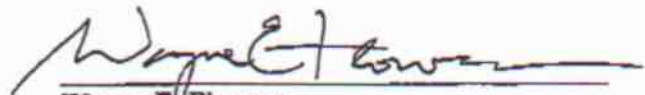
c. Petitioners provided reasonable assurance in their Application, through groundwater models, expert analysis and data collection from engineers, hydrologists and biologists that the withdrawals proposed in the Application would not cause harm to nearby springs, wetlands or surface waters, or the source from which the water would be withdrawn.

d. The SRWMD's conclusions regarding adverse environmental impacts are based on an unadopted rule in violation of Sections 120.54(1)(a) and 120.56(4), Florida Statutes. The ultimate facts show Petitioners provided reasonable assurance regarding all applicable permitting criteria adopted by the SRWMD and therefore, the permit should have been approved for issuance.

7. Petitioners contend the following statutes and rules require reversal or modification of the action taken on Petitioners' Application;

- a. Chapter 120, Florida Statutes.
- b. Chapter 373, Florida Statutes.
- c. Chapter 28-106, Florida Administrative Code.
- d. Chapter 40B-2, Florida Administrative Code.
- e. SRWMD's Water Use Permitting Guide.

8. Petitioners request that this matter be referred to the Division of Administrative Hearings for appointment of an Administrative Law Judge to conduct a hearing on this matter after which Petitioners request that a Final Order be entered by the Governing Board approving the Application filed herein by Petitioners for issuance.



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ATTORNEYS AT LAW

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Reply to Jacksonville

November 19, 2001

Jon Dinges, P.E.
Suwannee River Water Management District
9225 CR 49
Live Oak, Florida 32060

Re: WUP Application No. 2-09-00017
Lilly Springs Bottled Water

Dear Jon:

On November 16, 2010 I e-mailed and faxed to you a petition for administrative hearing, filed on behalf of the applicants for the above permit (the petition e-mailed to you, which was also copied to the District's attorney, Jennifer Springfield, was returned as undeliverable which is why the petition was also faxed). Consistent with a prior order entered by the District, my clients were given until November 16, 2010 to file a petition on the staff's recommendation to deny the application. My understanding is that consistent with the staff's recommendation denied the application on November 9, 2010.

The filing of a timely petition for administrative hearing renders any action taken on the underlying application non-final and starts a de novo process for the purpose of development of final agency action. Because any prior action is now non-final, my clients' intention is to withdraw the application. The applicants hereby withdraw application number 2-09-00017.

As soon as I receive acknowledgment from you that this letter has been received and accepted this withdrawal of the application, I will file a voluntary dismissal of the petition filed on the 16th.

Sincerely,


Wayne E. Flowers

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c: Jennifer Springfield, Esquire

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SUWANNEE RIVER WATER MANAGEMENT DISTRICT

June 28, 2010

Wayne Flowers
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245 Riverside Avenue, Suite 150
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Chiefland, Florida

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Madison, Florida

GUY N. WILLIAMS
Lake City, Florida

DAVID STILL
Executive Director
Lake City, Florida

Subject: Response to Withdrawal of Application for Water Use Permit 2-09-00017, Lilly Springs Bottled Water

Dear Mr. Flowers:

The Suwannee River Water Management District (District) is in receipt of your letter dated November 19, 2010, in which your clients request to withdraw the application 2-09-00017, Lilly Springs Bottled Water.

This letter constitutes the withdrawal of the Water Use Permit Application pursuant to Chapters 40B-1 and 40B-2, Florida Administrative Code, and Chapter 373, Florida Statutes.

If you have any questions, please call me at 386.362.1001, or toll free at 800.226.1066.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Dinges".

Jon Dinges, P.E.

Director of Water Supply and Resource Management

JMD/tm