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## Member Newsletter August 2003

# What is CoPOWR all about?

*Editor's note: This piece was written by Mr. Andy Smith, one of our Advisory Committee members, in response to questions provided by the Tampa Tribune. This was published in the June 17, 2003 Pasco Tribune.*

### **The name CoPOWR stands for Coalition to Preserve Our Water Resources. Whose water is "our" water?**

In the State of Florida, water belongs to the people. In CoPOWR, "our" refers to the citizens of the State of Florida.

The State manages our water and in essence is the steward of our water. In order to use the people's water, a farmer, business, or utility must obtain a permit from the State. The permits do not grant ownership of the water, they only allow temporary use of the water. These permits are called Consumptive Use Permits or Water Use Permits. A permit is obtained by demonstrating that the proposed use of the water meets certain requirements. To obtain a water use permit, the use of the water must be reasonable beneficial, must be in the public interest, and must not interfere with existing legal uses of water. Florida's five water management districts handle the job of issuing the water use permits. Water use permits are issued for a finite period. At the end of the permit period, the permit holder must reapply for the water use permit by meeting the same original requirements.

### **If you were writing the ideal water protection bill, what would it say?**

An ideal water protection bill would include legislation to address:

1. Sale of rights associated with water use permits,
2. Linking of a sustainable water supply to new development,
3. Strong support of development of alternative water sources and,
4. Clarification of the legislation that created Tampa Bay Water.

*Editor's Note: the four points of our "ideal" water bill are expanded in the next column.*

1. CoPOWR believes that the sale of rights associated with consumptive/water use permits is not adequately addressed under current State water law. We believe that legislation is needed to prohibit the sale of rights associated with water use permits. We believe there is a fundamental difference between the use of water associated with a product such as bottled water and the sale of water production rights granted by a water use permit. By virtue of their water use permit, a bottled water business is authorized to develop a water source. The Bottler adds value to the water by treating it and putting it in a bottle and then distributing the final product to consumers. The sale of water associated with a water use permit does not add any value to the water. The sale of water associated with a water use permit, is privatizing the ownership of the people's water, and should not be allowed.

2. In Florida, growth drives our economy. In recognition of this fact of life, the State has been struggling to plan and regulate growth to prevent problems associated with growth exceeding our resources or infrastructure. We believe that stronger legislation is needed to link growth with the limits of water resources.

3. Because many parts of the State have already seen problems caused by taking too much water from our rivers and aquifers, we believe that it will be necessary to reduce our reliance on traditional ground and surface waters and increase our use of alternative sources of water such as desalinization and reclaimed water. We would like to see legislation that strongly encourages the development of alternative sources.

4. The reason that the legislature originally formed the West Coast Regional Water Supply Authority was to require Pinellas, Pasco, and Hillsborough counties to develop water without damaging the water environment. In the more than twenty years since it was formed, West Coast did not meet that legislative mandate, and caused significant damage to the environment by their pumping. In 1998, Tampa Bay Water was formed from West Coast to strengthen the legislature's mandate to protect the environment. In the past five years, Tampa Bay Water has developed a tremendous quantity of new alternative sources to allow them to meet the legislative mandate to reduce pumping. However, in their most recent Master Water

Planning effort, Tampa Bay Water has listed potential projects that would develop approximately 70 million gallons per day of new ground water. We believe that the intent of legislation that created Tampa Bay Water was to reduce ground-water pumping and these new ground-water projects would violate the spirit of that intent. We believe that the legislature should clarify the legislation that formed Tampa Bay Water to encourage Tampa Bay Water to reduce their reliance on ground water.

## Is it feasible to even bring up the notion of a building moratorium in Pasco to help ease water demand?

We do not believe it is necessary to place a moratorium on building in Pasco to ease water demand. We believe that with a strong Tampa Bay Water commitment to continued development of alternative sources of water, pushed by strong legislation to require water concurrency, we can meet the water needs of our community.

## How would you rate the performance of the Southwest Florida Water Mgmt District?

SWFWMD is faced with a tremendously difficult job. Because growth fuels our economy and because our economy drives politics on every level from local government up to the State, there is strong political pressure put on SWFWMD to find water sources for growth. In 1996, Chapter 373 Florida Statutes was amended to require the water management districts to identify sources of water for all reasonable needs for the future. SWFWMD has responded with long range planning to determine how much water will be needed and to identify the limits of traditional sources of water for those needs. To meet these needs, SWFWMD provides significant incentives for development of alternative sources. For example, SWFWMD has provided more than two hundred million dollars to Tampa Bay Water and their members for desalination and reclaimed water projects.

Sometimes the political pressure on SWFWMD is wrongly applied to specific permitting decisions. For the most part, SWFWMD has been able to respond to the political pressure to issue permits with strict permit conditions to protect the environment.

## What other efforts are in the works for CoPOWR?

Locally, we are focused on encouraging the development of alternative sources of water for the three county region. We believe that in the end, alternative sources are not more expensive than ground water if you accurately assess the full cost of ground water including the costs of mitigating environmental damage associated with development of ground water.

At the State level, we are focused on the issue of privatization of water. In several areas of the state, permit holders

are attempting to sell rights associated with water use permits. We believe that a water use permit is a temporary authorization to use our water for a specific purpose. If the water is not needed for that specific purpose, then the permit should be revoked.

## You can do something

There's nothing more frustrating than not knowing what to do at a time when there are things that need doing. Act now. **SEND THE POSTCARD** in this newsletter. Date it, sign it (include your address and phone), affix a .23 cent stamp and **MAIL IT**. Many little actions add up to a big action.

**Thank you !**

## State Legislature

The Legislature is still going through special sessions to try to get the business of 2003 done. During the regular session there were several bills filed in both the House and the Senate that addressed water supply. The one that bounded to the front for CoPOWR was House Bill 1069 (HB1069).

This bill originally emphasized conservation as a required element for water supply planning, prioritized funding for alternative supply sources, linked growth to water through Comprehensive Plans and addressed the issue of "water rights" (refer back to CoPOWR's ideal water bill). By the end of the session, in CoPOWR'S opinion, this bill had "morphed" into something unacceptable to the Tampa Bay area.

First, the bill degenerated from regional in character to parochial with the an amendment specifically removing one groundwater project from the Tampa Bay Water (TBW) master water plan. That shifted the groundwater burden unequally onto other participating TBW partners and also did nothing to address the problem of our over-reliance on groundwater as a source.

Also disturbing was the change from a provision that clearly prohibited water from being sold privately to "the potential rights of existing permitholders to *share* water..."

HB1069 passed the House, but was not taken up by the Senate during regular session. Next, it was re-filed in Special Session A outside the Governor's call ('the call' is to return to work on very specific legislation), by its original sponsor Rep. Bill Russell.

HB105A was a completely different animal than

HB1069. A good many of its strongest Comprehensive Plan elements were removed. Conservation measures were weakened. The Cone Ranch provision remained. As did the “sharing water” clause. And added was another five pages that were detrimental to our region. Now the bill insisted that our utility compensate people for a future, perceived property value loss. One that was predicted to occur due to proximity to a reservoir under construction.

This last item might cause some to say, “what’s wrong with that?!” CoPOWR has seen estimates that put compensation at 10’s of millions of dollars—an amount that will be paid by you, the Tampa Bay Water customer.

The bill also writes into State Statute 373 another section of state law known as the Bert J. Harris act. That act requires compensation to private landowners for “takings”. Even though HB105A acknowledges that property loss will be less than “taking”, it allows the invocation of Bert J. Harris to justify compensation claims.

Finally, we find it inconceivable that the Legislature feels compelled to compensate people for a perceived, as yet unrealized, property value loss while ignoring millions of dollars of existing, proven and acknowledged damage to private and public lands in three counties from thirty-five years of over-pumping of groundwater.

HB105A passed the House—again. But this time, many of our local representatives voted against it. It was not taken up in the Senate. Not to be deterred, Rep. Russell re-filed it as HB73B in the next special session. It was never introduced to the floor. Most agree at this time that the “water bill” is dead until next year.

**CoPOWR urges you to send your postcard.**

A special **thanks** our volunteer,

**Mr. Jim Morr**

of Bushwacker Tree Service

for gathering over 150 names  
on our petition.

We sent more than 350 signatures  
to our Hillsborough  
and Pasco Legislators.

If we haven’t **thanked YOU**  
personally, we’re thanking  
**YOU** now for joining Co-  
POWR and supporting us in  
our efforts to protect our  
water and environment.

**MEMBERSHIP IN CoPOWR  
IS ONLY \$10.00 per year.**

**JOIN TODAY!**

**Write your check to “CoPOWR” and send  
to our Post Office box. Part of your me m-  
bership goes to producing this newsletter.**

## What’s up at Tampa Bay Water?

In the fall of 2003 we expect TBW to choose projects from the developmental ideas list to put on the project list (known as Master Water Plan). Our job is to discourage the TBW Board from moving new groundwater projects onto the Master list. Once a project has been chosen, it remains on the list. CoPOWR has never seen a project removed.

CoPOWR feels that alternative water projects like de-salination and reuse should be elevated to the Master list rather than groundwater. Call your county commissioner and tell them that as a member of CoPOWR you don’t want new groundwater projects chosen. For more information, contact CoPOWR for our position paper on the TBW water projects.

## CoPOWR Officers

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Pat Carver, Vice-Chair  
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## **THEY'RE COMING AFTER OUR WATER!**

### **CoPOWR's STATEMENT OF PURPOSE**

In light of the 1998 negotiated agreement that formed Tampa Bay Water and in light of the mandated reduction in groundwater pumping under the consolidated permit, the spirit of which is to reduce groundwater pumping; and in light of the substantive scientific and empirical evidence of the environmental damage caused by long-term, sustained groundwater pumping, the Coalition to Preserve Our Water Resources or CoPOWR (formerly known as the Coalition to Save East Pasco) strongly opposes the development of new groundwater pumping in either Pasco or Hillsborough County. Be it known that CoPOWR additionally opposes transfer of water use permits without a new comprehensive review of the impacts of withdrawals. CoPOWR supports the development and use of alternative sources of water, including but not limited to, desalinization of brackish and salt water; and supports efforts to make approval of new development contingent on availability of potable water.

**JOIN TODAY!**

### **Municipalities Take Action to Protect Their (Our) Water**

CoPOWR applauds the cities for being proactive in facing a possible threat to their future water supply and their environment. The commissioners and councilmen of the four east Pasco municipalities (Dade City, Zephyrhills, St. Leo and San Antonio) are exploring the formation of a water cooperative of their own to watch out for the water under their feet. Alerted to plans by Tampa Bay Water (TBW) to possibly seek groundwater sources in their area, the cities are discussing coordinating their water protection efforts. (Source: St. Petersburg Times, July 9, 2003)

Water in Florida is a public resource. Any entity private or public, individual or group, residential or commercial, wishing to use Florida's water must apply for a water use permit through SWFWMD. The municipalities are no exception. They will have to justify their need for the water in order to be authorized to use it and control it.

CoPOWR supports the cities in their cooperative effort as long as their actions do not encourage privatization of water.