

# OSFR Op-Ed Quoted by Sun's Swirko in "Bubbling Up."

August 26, 2019



Nestle bottling plant. Sun photo.

The Gainesville Sun's Cindy Swirko continues to write about the Seven Springs Water Partnership in their bid for pumping millions of gallons of water out of the Floridan aquifer to sell to Nestle for personal gain.

The more that this unfortunate situation becomes known, the greater the outrage by hundreds of people opposed to Nestle and Seven Springs Water Partnership.

Swirko also mentions the little-known fact that the permit-seeking Seven Springs Water Partnership "is associated" with Ginnie Springs Outdoors, which is the campground.

This situation is shot through with irony, as most would agree that pulling millions of gallons out of the aquifer and springs will negatively impact those resources upon which Ginnie Springs Outdoors depends for its business.

Nestle's false claim of good stewardship for the springs rings hollow, as the aquifer continues to drop and the Santa Fe is impaired and in recovery and the state is mandated to restore it. (or we could say, stop allowing withdrawals to further damage it).

Pulling millions of gallons of water from a spring that is already over-pumped is not the way to restore nor sustain it.

Read the complete article here at [this link in the Gainesville Sun](#).

Comments by OSFR historian Jim Tatum.

-A river is like a life: once taken, it cannot be brought back-

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## **Bubbling up**

### **Opposition grows to Ginnie Springs water bottling**

By Cindy Swirko

Staff writer

In 1972 the Florida Legislature passed the Florida Water Resources Act, which vastly updated old common law on the use of water.

The act declared that water in springs, rivers and lakes was the property of the state, not of the property owners along them.

It created the system of water management districts with

boundaries set by water basins to try to ensure that the ecology of springs, rivers and lakes is protected while also seeing that residents with wells, farmers and municipal systems have water.

But the act and later laws did not set a price on water.

The taking of state water without paying the state for it is one of many factors that has opponents flooding forums and message boards, urging the Suwannee River Water Management District deny renewal of a permit for withdrawal from Ginnie Springs for a Nestlé bottling plant. "Ginnie Springs is one of Florida's treasures. It's loved by locals and travelers alike," Julienne Wallace wrote in creating a change.org petition. "Nestlé is known for destroying places like Ginnie Springs and its breaking our hearts! PLEASE DON'T GIVE NESTLE THE PERMIT TO TAKE WATER FROM GINNIE SPRINGS!!!"

The Sun requested an interview with a Nestlé representative through its public relations firm on this issue. Instead, the company sent a statement.

'We take environmental stewardship and sustainability very seriously, and are careful to plan ahead, measure, document, and diversify water resources to avoid overusing any one source,' the statement said. 'The amount of water we draw from the springs is based upon customer demand and typically varies from month to month.'

The company did not address the issue of paying the state for water despite being asked that in written questions from The Sun.

Seven Rivers Water Co., which is associated with the Ginnie Springs Outdoors park, has applied to the district for a permit renewal to pump up to 1.152 million gallons a day for the Nestlé plant near the park on County Road 340.

Nestlé has also built a new road into the plant and is expanding the facility under permits from the Gilchrist County Commission.

Bottled water plants that tap underground flows at springs are operated by Nestlé and other companies throughout Florida.

Concern about the bottling has always bubbled, but the permit sought for Ginnie Springs has produced a first magnitude level of opposition because of declining water levels in the spring and in the Santa Fe River.

The prospect of SRWMD allowing a company to take water without paying anything in return at a time when a recovery plan is in effect to try to restore water levels – an attempt to maintain its ecosystems and its value for recreation – is especially maddening to environmentalists.

Our Santa Fe River board members Merrillee Malwitz-Jipson and Jim Tatum cited that in a column in the Issues section of Sunday's Sun.

"What is more, we have an ethical issue with our state putting large sums of money into conservation practices and recharge projects on the Santa Fe River and then, at the same time, counteracting this action by fomenting the free extraction of a publicly owned natural resource by a for-profit company," they wrote. "Essentially, taxpayers are funding replenishment of the aquifer and then allowing Nestlé to take it out and sell it back to us."

Floridians have never paid for water. Residents hooked up to municipal systems pay for the infrastructure needed to tap, pump, purify and pipe water into buildings. Residents who sink wells into the aquifer likewise pay for the equipment, but not the water.

Water law in the U.S. grew into two distinct allocation systems – eastern and western.

Western law – simplified – was first come, first served. In times of water scarcity, priority was given to those who had the rights for longer periods of time.

Eastern was based on riparian – or waterside – rights. People who had property on a water body owned the water and were entitled to a “reasonable use” of it.

Christine A. Klein, a water law professor at the University of Florida Levin College of Law, said riparian rights changed with the 1972 water resources act.

“We were historically a riparian rights state, but we now have a comprehensive statutory permitting scheme that supplants the common law doctrine,” Klein said. “Originally most state water law was concerned with encouraging human development. We wanted the water to be widely available, and there were more concerns about fairness and how to administer a system. It’s only much later that we started thinking about environmental concerns and sustainability concerns.”

Attempts to extract payments from the companies for water extraction have been rare.

In 2009 Gov. Charlie Crist – now a U.S. representative – floated the idea of taxing companies by the gallon of water they bottled. He estimated a 6% tax would raise about \$42 million a year.

The proposal didn’t make it far in the Florida Legislature. In 2011 another bill was proposed by a South Florida representative, but it also sank.

The Suwannee district will be under scrutiny concerning the

Ginnie Springs application. It will have to weigh whether the withdrawal will further endanger the spring/river system based on the recovery plan to try to restore water levels.

Water districts were required to set minimum flows and levels needed to maintain the health of those systems. The flow of water in the lower Santa Fe River and in the springs is below the minimum levels set for them, SRWMD said.

Klein said the minimum flow requirement can be legal justification to deny permits. District can also grant permits but for less water than sought by the companies.

Klein said another basis for denial or modification may be more logical in the case of Ginnie Springs but is rarely used – that the pumping is not in the public interest.

“There are certainly areas where we need water ... that are more in the public interest than shipping it off to be put in bottles,” Klein said, adding, “[D] o the water management districts have the political courage to look at some applications and decide whether or not they are in the public interest? That can include the springs that would be impacted, how it affects recreation interests – the public’s love of using the springs, and other commercial interests.”

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