

WHOLE COURT

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February 23, 2016

In the Court of Appeals of Georgia

A14A0215. GEORGIA RIVER NETWORK et al. v. TURNER et al.

A14A0272. GEORGIA RIVER NETWORK et al. v. GRADY COUNTY BOARD OF COMMISSIONERS et al.

A14A0273. TURNER v. GRADY COUNTY BOARD OF COMMISSIONERS et al.

A14A0274. GRADY COUNTY BOARD OF COMMISSIONERS et al. v. GEORGIA RIVER NETWORK et al.

MCFADDEN, Judge.

In *Turner v. Georgia River Network*, 297 Ga. 306 (773 SE2d 706) (2015), our Supreme Court reversed Division 3 of our decision in *Georgia River Network v. Turner*, 328 Ga. App. 381 (762 SE2d 123) (2014), in which we held that the 25-foot buffer requirement of OCGA § 12-7-6 (b) (15) (A) applies to all state waters. *Id.* at 390-392 (3). In reversing, the Supreme Court concluded that, “OCGA § 12-7-6 (b) (15) (A) simply does not provide for the establishment of a buffer for state waters that are adjacent to banks without wretched vegetation.” 297 Ga. at 309 (footnote omitted).

Accordingly, we vacate Division 3 of our opinion and adopt the judgment of the Supreme Court as our own. Divisions 1 and 2 of our opinion were not affected by the Supreme Court's decision and thus remain in effect. See *Shadix v. Carroll County*, 274 Ga. 560, 563-564 (1) (554 SE2d 465) (2001).

Judgments affirmed in part and reversed in part. Doyle, C. J., Andrews, P. J., Barnes, P. J., Ray, Boggs and Branch, JJ. concur.