South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING
AGENDA

This meeting is open to the public

November 14, 2013
9:00 AM
District Headquarters - B-1 Auditorium
3301 Gun Club Road
West Palm Beach, FL 33406

FINAL

Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer. Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

1. Call to Order - Dan O'Keefe, Chairman, Governing Board

2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board

3. Employee Recognitions - Presented by Blake Guillory

   - November Employee of the Month: Ray Palmer, Section Leader, Operations, Maintenance & Construction
   - November Team of the Month: Land Assessment Team
   - US Fish & Wildlife Service, Regional Director's Honor Award for Conservation Partners: Bob Kukleski and Bob Taylor, Operations, Maintenance & Construction

4. Agenda Revisions - Reagan Walker, Director, Office of Governing Board & Executive Services

5. Abstentions by Board Members from items on the Agenda

6. Water Resources Advisory Commission (WRAC) Report - Tim Sargent, Chair

Consent Agenda

Members of the public wishing to address the Governing Board are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board when you are called upon to speak. Governing Board directives limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda.

Unless otherwise determined by the Chair, Board action on pulled Consent Agenda items will occur at or after 9:00 a.m. on Thursday. Regulatory items pulled from the Consent Agenda for discussion will be heard during the Discussion Agenda. ***Unless otherwise noted, all Consent Agenda items are recommended for approval.***

7. Public Comment on Consent Agenda

8. Pull Items for Discussion from Consent Agenda

9. Board Comment on Consent Agenda

Consent Items

10. Approval of Minutes for the October 10, 2013 Regular Business meeting held in West Palm Beach, Florida

11. Waivers for the Water Resources Advisory Commission Waiver (WRAC) member pursuant to Section 112.313, Florida Statutes

12. Regulatory Consent Items
    - Conservation Easement Amendments and Releases
    - Seminole Tribe Work Plans

13. **Resolution No. 2013 - 1101** A Resolution of the Governing Board of the South Florida Water Management District approving release of canal and mineral reservations, and issuance of non-use commitment; providing an effective date. (OMC, Kathy Massey, ext. 6835)

14. **Resolution No. 2013 - 1102** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Interagency Agreement between the South Florida Water Management District and Southwest Florida Water Management District for designation of regulatory responsibility for permitting under Part IV of Chapter 373, Florida Statutes, for the project known as Tub Hill Ranch that crosses jurisdictional boundaries of both Water Management Districts; providing an effective date. (REG, Maria Clemente, ext. 2308)

15. Authorize publication of Notice of Proposed Rule to amend the District's Water Use Permitting rules in accordance with the Department of Environmental Protection's statewide effort to improve consistency between the water management districts' consumptive use permitting programs. (REG, Maria Clemente, ext. 2308)

16. **Resolution No. 2013 - 1103** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options with AMEC Environment and Infrastructure, Inc., subject to successful negotiations for water quality monitoring services in the amount of $450,000 of which $112,500 is budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15-FY17 budgets; providing that, if negotiations are unsuccessful with AMEC Environment and Infrastructure, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract No. 4600002969) (WR, Lori Wenkert-Lane, ext. 4562)

17. **Resolution No. 2013 - 1104** A Resolution of the Governing Board of the South Florida Water Management District authorizing a two-year contract with the University of Massachusetts, Dartmouth for the Measurement of Nutrient Loads from Sediments in the Caloosahatchee River and Estuary and the St. Lucie River and Estuary: Wet Season 2014 in the amount of $260,000, of which $140,000 in ad valorem funds (101000) are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 budget; providing an effective date. (Contract Number 4600002957) (WR, Teresa Coley, ext. 2636)

18. **Resolution No. 2013 - 1105** A Resolution of the Governing Board of the South Florida Water Management District approving a three-year agreement with Audubon of Florida's Tavernier Science Center, for hydrology, aquatic vegetation, and prey-base fauna monitoring in the Southern Everglades mangrove communities and approving a sole source as an exception to the general standards of competition in an amount not to exceed $390,000, of which $130,000 is budgeted, and the remainder is subject to Governing Board approval of the FY15 and FY16 budgets; providing an effective date. (Contract #4600002916) (WR, Joseph Stachelek, ext. 4543)

19. **Resolution No. 2013 - 1106** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year contract with two (2) one-year renewal options with Cardno Entrix, the lowest responsive and responsible bidder, for Datalogger Maintenance Services at Ground Water and Surface Water Monitoring sites in the southwest region of the District in an amount not to exceed $681,080 for which $136,216 in ad valorem funds are budgeted; and the remainder is subject to Governing Board approval of the FY15-FY18 budgets; providing an effective date. (Contract Number 4600002972) (OMC, Garnett Ritchie, ext.4616)

20. **Resolution No. 2013 - 1107** A Resolution of the Governing Board of the South Florida Water Management District advising the Florida Department of Environmental Protection of the FY14 adopted and estimated carry forward grant balances available utilizing funds from the Save Our Everglades Trust Fund (SOETF); authorizing the Executive Director or designee to request reimbursement based on actual expenditures through September 30, 2014; providing an effective date. (AS, Mike Smykowski, ext. 6295)

21. Board Vote on Consent Agenda

22. General Public Comment

Discussion Agenda

23. Technical Reports

    A) Water Conditions Report - Tommy Strowd, Assistant Executive Director, Operations, Maintenance & Construction (ext. 6998)

    B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)

24. Picayune Strand Restoration Project Update - Tom Teets, Office Chief, Federal Policy & Coordination Office, Everglades Policy & Coordination Division (ext. 6993)

25. Everglades Restoration Project Prioritization, Part 1 - Temperince Morgan, Division Director, Everglades Policy & Coordination Division (ext. 6987)

26. Central Everglades Planning Project Financial Capability, Part 1 - Ernie Barnett, Assistant Executive Director, Everglades & Water Resources (ext. 2110)

27. **Resolution No. 2013 - 1108** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract No. 4600001716; an agreement with the Istokpoga Marsh Watershed Improvement District and the Florida Department of Agriculture and Consumer Services for the purpose of updating the project schedule and to provide additional funding in an amount not to exceed $2,000,000, of which $1,110,169 is budgeted in FY14 and $889,831 is subject to Governing Board approval of the FY15 budget; providing an effective date. (Contract No. 4600001716-A05) (EPC, Temperince Morgan, ext. 6987)

28. **Resolution No. 2013 - 1109** A Resolution of the Governing Board of the South Florida Water Management District, to approve an agreement with A. Duda & Sons, Inc. for: (1) the acquisition by the District of fee title land interests containing 637.57 acres, more or less, in the amount of $1,898,683 and associated costs, plus an additional $165,000 cash consideration, for which dedicated funds (Save Our Everglades Trust Fund) and/or ad valorem funds are budgeted, (2) the acquisition by the District of access easement land interests containing 29.95 acres, more or less, for no additional consideration, and (3) the option for the District to acquire fee title land interests containing 2,488.76 acres, more or less, in the amount of $16,923,568 and associated costs (subject to acreage and price adjustment, availability of funds, and approval of exercise of the option by the Governing Board of the South Florida Water Management District), all for the Caloosahatchee River Basin Water Quality Treatment and Testing Project in Glades County; approve entering into a lease agreement with A. Duda & Sons, Inc. with respect to lands containing 637.57 acres, more or less, in Glades County; approve declaring surplus for exchange and conveyance of drainage easement land interests containing a maximum total of 0.10 acres, more or less, in Glades County; providing an effective date. (OMC, Richard Bassell, ext. 2510)

29. **Resolution No. 2013 - 1110** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds in the amount of $1,267,820.00 from Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 637.57 acres, more or less, for the total purchase price amount of $1,898,683; for the Caloosahatchee River Basin Water Quality Treatment and Testing Project in Glades County, Florida; providing an effective date. (OMC, Richard Bassell, ext. 2510)

30. FY13 Year End & Key Metrics Results - Doug Bergstrom, Division Director, Administrative Services Division (ext. 6214)

31. FY15 Budget Update - Doug Bergstrom, Division Director, Administrative Services Division (ext. 6214)

32. Approval of Inspector General's Audit Reports - Tim Beirnes, Inspector General (ext. 6398)

33. Approval of Proposed FY14 Audit Plan - Tim Beirnes, Inspector General (ext. 6398)

34. General Public Comment

Public Hearing

35. Adopt amendments to Rules 40E-7.511, 40E-7.520, 40E-7.521, 40E-7.523, 40E-7.525, 40E-7.526, 40E-7.527, 40E-7.528, 40E-7.529, 40E-7.530, 40E-7.532, 40E-7.534, 40E-7.535, 40E-7.537, 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383, and 40E-7.5384, F.A.C., regarding public access and recreation on District lands; authorize publication of a Notice of Change in the Florida Administrative Register; and, authorize staff to forward the adopted rule to the Florida Legislature for consideration pursuant to Section 373.1391(6), F.S. (OMC, Dan Cotter, ext. 2301)

Staff Reports

36. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services

37. General Counsel's Report - Carolyn Ansay

38. Executive Director's Report - Blake Guillory

    Report on permits issued by authority delegated to the Executive Director from October 1-31, 2013.

39. Board Comment

Attorney Client Sessions

40. Attorney Client Session - USA

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

ATTENDEES: Governing Board Members F. Barber, S. Batchelor, M. Hutchcraft, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director B. Guillory; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin. (Carolyn S. Ansay, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Carolyn S. Ansay, ext. 6976)

41. Adjourn

November Employee of the Month

Ray Palmer – Section Leader

Operations, Maintenance and Construction

Throughout the past year, Ray provided exemplary leadership on the District's comprehensive land assessment initiative. From inception to completion of the project, Ray orchestrated the activities of the technical team and worked diligently to ensure everyone's success.

To plan for the assessment, Ray thoroughly researched similar efforts by other water management districts. He devised processes -- with numerous improvements and innovations -- to emphasize public outreach and transparency. Examples include an extensive, user friendly website; a compiled list of more than 1,500 interested parties to receive regular email notifications; and local meetings held throughout the District's study areas.

Ray presented information at close to 20 stakeholder and policy-level meetings to receive input on the land assessment process. He prepared and finalized revisions to draft recommendations based on input from the working group and District leadership.

The land assessment team's exemplary accomplishments would not have been possible without an engaged, responsive and committed leader. Ray provided all of those attributes as he himself worked tirelessly to accomplish the goals of this far-reaching and important effort.

November Team of the Month

Land Assessment Team

Operations, Maintenance and Construction

Administrative Services

Office of the Chief of Staff

Ray Palmer

David Foote

Sarah Franklin

Andrea Schluter

Kimberley Montero

Susan Bennett

Jane Walters

Jeremy Ashton

This interdisciplinary team worked tirelessly for an entire year on the statewide priority of successfully completing a comprehensive, District-wide land assessment. The team's expertise and close collaboration also achieved the goals of timely completion and maximum transparency set by District leadership. In an organized and well-planned effort, the team produced more than 600 pages of land profile data on more than 734,000 acres.

The team reviewed approximately 1,200 pages of comments from internal and external subject matter experts as well as the general public. They analyzed all comments and synthesized and presented draft recommendations for final vetting by District leadership and presentation to the Governing Board.

To engage the public, the team developed a dedicated web page with a public comment form and relevant links, wrote fact sheets, prepared maps and uploaded more than 2,200 pages of information. By the end of the year, the website had garnered more than 15,000 page views.

To keep the press informed with accurate information, the project's timelines and milestones were announced in 16 news releases and media advisories. And to engage stakeholders and policy makers, the team conducted 12 regional public meetings and made 24 presentations to WRAC and the Governing Board.

The team's unflagging attention to detail, collaborative spirit and commitment to task serve as a model of District professionalism and achievement. They are the primary reason for our success and "smooth sailing" in completing this monumental effort.

RECEIVED
DISTRICT CLERK'S OFFICE
OCT 31 2013 3:30 PM
SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL	OFFICE / POSITION HELD
KEYES Pamela S.	WRAC
MAILING ADDRESS: 1500 Monroe St.	AGENCY OR ADVISORY BOARD
CITY: Ft Myers ZIP: 33901 COUNTY: Lee	ADDRESS OF AGENCY

HOW TO COMPLETE AND FILE THIS FORM:

Parts A and B of this form serve two different purposes. Part A is for advisory board members who wish to use an exemption in the ethics laws that is applicable only to advisory board members. Part B is for public officers and employees who wish to use a separate exemption that is applicable when the business entity involved is the sole source of supply within the political subdivision. In order to complete and file this form:

- **Fill out** Part A or Part B, as applicable.
- **Sign** and date the form on the reverse side.
- **File Part A** with the appointing body or person that will be waiving the restrictions of 112.313(3) or (7), Fla. Stat., prior to the waiver.
- **File Part B** with the governing body of the political subdivision in which the reporting person is serving, prior to the transaction.

PART A - DISCLOSURE OF TRANSACTION OR RELATIONSHIP CONCERNING ADVISORY BOARD MEMBER

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including persons serving on advisory boards. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, permits the appointing official or body to waive these requirements in a *particular instance* provided: (a) waiver by the appointing body must be upon a two-thirds affirmative vote of that body; or (b) waiver by the appointing person must be effected after a public hearing; *and* (c) in either case the advisory board member must fully disclose the transaction or relationship which would otherwise be prohibited by Subsections (3) of (7) of Section 112.313, Florida Statutes. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable* to an advisory board member.

PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:

   (✓) The reporting person;

   ( ) The spouse of the reporting person, whose name is _____; or

   ( ) A child of the reporting person, whose name is _____.

2. The particular transaction or relationship for which this waiver is sought involves [check applicable space]:

   ( ) Supplying the following realty, goods, and/or services: _____.

   (✓) Regulation of the business entity by the governmental agency served by the advisory board member.

3. The following business entity is doing business with or regulated by the governmental agency:

   Lee County.

4. The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:
   ( ) Officer; ( ) Partner; ( ) Associate; ( ) Sole proprietor; ( ) Stockholder; ( ) Director; ( ) Owner of in excess of 5% of the assets of capital stock in such business entity; (✓) Employee; ( ) Contractual relationship with the business entity; ( ) Other, please describe:

[CONTINUED ON REVERSE SIDE]

Attachment: WRAC WAIVER-NOV (1600 : WRAC Waiver)

PART B - DISCLOSURE OF INTEREST IN SOLE SOURCE OF SUPPLY

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain employment and business relationships on the part of public officers and employees. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12)(e), Florida Statutes, provides an exemption from the above-mentioned restrictions in the event that the business entity involved is the only source of supply within the political subdivision of the officer or employee. In such cases the officer's or employee's interest in the business entity must be fully disclosed to the governing body of the political subdivision. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable.*

PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:

   ( ) The reporting person;

   ( ) The spouse of the reporting person, whose name is _____; or

   ( ) A child of the reporting person, whose name is _____.

2. The following are the goods, realty, or services being supplied by a business entity with which the public officer or employee, or spouse or child of such officer or employee, is involved is:

   _____.

3. The business entity which is the only source of supply of the goods, realty, or services within the political subdivision is:

   _____

   (NAME OF ENTITY) (ADDRESS OF ENTITY)

4. The relationship of the undersigned public officer or employee, or spouse or child of such officer or employee, to the business entity named in Item 3 above is [check applicable spaces]:
   ( ) Officer; ( ) Partner; ( ) Associate; ( ) Sole proprietor; ( ) Stockholder; ( ) Director; ( ) Owner of in excess of 5% of the assets or capital stock in such business entity; ( ) Employee; ( ) Contractual relationship with the business entity; ( ) Other, please describe:

SIGNATURE

SIGNATURE	DATE SIGNED	DATE FILED
	10/28/13	10/31/13

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES s. 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

[CONTINUED FROM FIRST SIDE]

Attachment: WRAC WAIVER-NOV (1600 : WRAC Waiver)

CONSENT AGENDA TABLE OF CONTENTS
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November 14, 2013

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Attachment: ca_reg_rm_100_sd (1572 : Regulatory Consent Agenda)

REGULATION AGENDA ITEMS

PERMIT DENIAL: Those listed on the consent agenda are routine in nature and non-controversial. Such denials are typically due to failure of applicant to complete the application. Unique or controversial projects or those requiring a policy decision are normally listed as discussion items. Permit types include:

Environmental Resource (ERP): Permits that consider such factors as the storage of storm water to prevent flooding of a project (upstream or downstream projects); the treatment of stormwater prior to discharge from the site to remove pollutants; and the protection of wetlands on the project site.

Surface Water Management: Permits for drainage systems, which address flood protection, water quality, and environmental protection of wetlands.

Water Use: Permits for the use of ground and/or surface water from wells, canals, or lakes.

Lake Okeechobee Works of the District: Permits that set concentration limits for total phosphorus in surface discharge from individual parcels in the Lake Okeechobee Basin.

EAA Works of the District: Permits to reduce the total phosphorus load from the EAA by 25 percent in water discharged to Works of the District.

Wetland Resource: Permits for dredge and fill activities within Waters of the State and their associated wetlands.

ADMINISTRATIVE HEARING: A case in litigation conducted pursuant to the Administrative Procedures Act (Chapter 120, Florida Statutes) involving the determination of a suit upon its merits. Administrative hearings provide for a timely and cost effective dispute resolution forum for interested persons objecting to agency action.

FINAL ORDER: The Administrative Procedures Act requires the District to timely render a final order for an administrative hearing after the hearing officer submits a recommended order. The final order must be in writing and include findings of fact and conclusions of law.

CONSENT ORDER: A voluntary contractual agreement between the District and a party in dispute which legally binds the parties to the terms and conditions contained in the agreement. Normally used as a vehicle to outline the terms and conditions regarding settlement of an enforcement action.

CONSERVATION EASEMENT: A perpetual interest to the District in real property that retains land or water areas in their existing, natural, vegetative, hydrologic, scenic, open or wooded condition and retains such areas as suitable habitat for fish, plants, or wildlife in accordance with Section 704.06, F.S.

TECHNICAL DENIAL: This action normally takes place when a proposed project design does not meet water management criteria or the applicant does not supply information necessary to complete the technical review of an application.

EMERGENCY ORDER and AUTHORIZATION: An immediate final order issued without notice by the Executive Director, with the concurrence and advice of the Governing Board, pursuant to (Section 373.119(2), Florida Statutes, when a situation arises that requires timely action to protect the public health, safety or welfare and other resources enumerated by rule and statute.

MEMORANDUM OF AGREEMENT/UNDERSTANDING: A contractual arrangement between the District and a named party or parties. This instrument typically is used to define or explain parameters of a long-term relationship and may establish certain procedures or joint operating decisions.

Attachment: ca_reg_rm_100_sd (1572 : Regulatory Consent Agenda)

PETITION: An objection in writing to the District, requesting either a formal or an informal administrative hearing, regarding an agency action or a proposed agency action. Usually a petition filed pursuant to Chapter 120, Florida Statutes, challenges agency action, a permit, or a rule. Virtually all agency action is subject to petition by substantially affected persons.

SEMINOLE TRIBE WORK PLAN: The District and the Seminole Indians signed a Water Use Compact in 1987. Under the compact, annual work plans are submitted to the District for review and approval. This plan keeps the District informed about the tribe plans for use of their land and the natural resources. Although this is not a permit, the staff has water resource related input to this plan.

SITE CERTIFICATIONS: Certain types of projects (power plants, transmission lines, etc.) are permitted by the Governor and Cabinet under special one-stop permitting processes that supercede normal District permits. The Water Management Districts, DEP, DCA, FGFWFC, and other public agencies are mandatory participants. DEP usually coordinates these processes for the Governor and Cabinet.

VARIANCES FROM, OR WAIVERS OF, PERMIT CRITERIA: The Florida Administrative Procedures Act provides that persons subject to an agency rule may petition the agency for a variance from, or waiver of, a permitting rule. The Governing Board may grant a petition for variance or waiver when the petitioner demonstrates that 1) the purpose of the underlying statute will be or has been achieved by other means and, 2) when application of the rule would create a substantial hardship or would violate principles of fairness.

Attachment: ca_reg_rm_100_sd (1572 : Regulatory Consent Agenda)

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

1. PERMITTEE: BARRON COLLIER COMPANY
PROJECT: WINDING CYPRESS

COLLIER COUNTY

APPROVE A REQUEST FOR THE PARTIAL RELEASE OF A RECORDED CONSERVATION EASEMENT OVER A 257.45-ACRE PHASE 1 PRESERVE AREA WITHIN A DEVELOPMENT KNOWN AS WINDING CYPRESS LOCATED IN NAPLES, COLLIER COUNTY, FLORIDA. THE ORIGINAL APPLICATION NUMBER IS 000201-12 AND THE ENVIRONMENTAL RESOURCE PERMIT NUMBER IS 11-02132-P. THE PARTIAL RELEASE OF CONSERVATION EASEMENT REFLECTS THE REMOVAL OF 0.06-ACRES DUE TO THE REALIGNMENT OF THE COLLIER BOULEVARD ENTRY ROAD LOCATED IN THE NORTH WESTERN PORTION OF PHASE II. PURSUANT TO APPLICATION NO. 000201-12, THE 0.06-ACRES ARE A PART OF A 30-FT STRIP ALONG THE INTERFACE OF THE CONSTRUCT AND OPERATE AREA FOR PHASE 1 AND THE NORTHERN PHASE 2 PRESERVE AREA. THE ACREAGE REMOVAL RESULTS IN A DECREASE TO THE PHASE 1 PRESERVE AREA FROM 257.39-ACRES TO 257.33-ACRES. THE TOTAL PRESERVE AREAS FOR PHASES I AND II NOW TOTAL 840.34-ACRES. TO COMPENSATE FOR THE RELEASE OF THE 0.06-ACRES OF CONSERVATION EASEMENT, THE APPLICANT HAS PROPOSED UTILIZING EXCESS ON-SITE MITIGATION CREDITS ASSESSED UNDER APPLICATION NO. 130502-5.

2. PERMITTEE: SEBRING AIRPORT AUTHORITY
PROJECT: HANCOR MANUFACTURING PLANT AND ENTRANCE ROAD

HIGHLANDS COUNTY

APPROVE RELEASE OF A 4.132 ACRE CONSERVATION EASEMENT OVER A WETLAND MITIGATION AREA AND UPLAND BUFFER ASSOCIATED WITH THE HANCOR MANUFACTURING PLANT COMMERCIAL DEVELOPMENT AT THE SEBRING REGIONAL AIRPORT IN HIGHLANDS COUNTY (ENVIRONMENTAL RESOURCE PERMIT 28-00418-P).
THE PROPERTY IS ZONED AGRICULTURE AND IS PROPOSED TO FUNCTION AS A TRAILHEAD AND VISITOR'S CENTER FOR THE US FISH AND WILDLIFE SERVICE (USFWS) NATIONAL WILDLIFE REFUGE FLAMINGO VILLAS UNIT (WMA). THE CONSERVATION EASEMENT IS BEING REPLACED BY A 4.132 ACRE CONSERVATION EASEMENT IMMEDIATELY WEST OF THE ONE TO BE RELEASED AND ADJACENT TO A PROPOSED 12.306 ACRE CONSERVATION EASEMENT AREA FOR THE SEBRING REGIONAL AIRPORT. IN THE FUTURE, THE USFWS WILL MANAGE THESE PARCELS AS PART OF THE FLAMINGO VILLAS WMA. THIS RELEASE OF EASEMENT IS BEING PROCESSED CONCURRENTLY WITH AN INDIVIDUAL MAJOR ENVIRONMENTAL RESOURCE PERMIT MODIFICATION FOR THE SEBRING AIRPORT MASTER PLAN UPDATE AND COMMERCE PARK PROJECT (PERMIT NO. 28-00459-P, APPLICATION NO. 090313-6). NO NET LOSS OF WETLANDS IS PROPOSED WITH THIS REQUEST.

Attachment: ca_reg_rm_100_sd (1572 : Regulatory Consent Agenda)

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

3. PERMITTEE: SEBRING AIRPORT AUTHORITY
PROJECT: SIR TRAINING AREA AND RACEWAY

HIGHLANDS COUNTY

APPROVE RELEASE OF A 12.96 ACRE CONSERVATION EASEMENT OVER A WETLAND MITIGATION AREA AND UPLAND BUFFER ASSOCIATED WITH THE SIR TRAINING AREA AND RACEWAY COMMERCIAL DEVELOPMENT AT THE SEBRING REGIONAL AIRPORT IN HIGHLANDS COUNTY (ENVIRONMENTAL RESOURCE PERMIT 28-00441-P). THE PROPERTY IS ZONED AIRPORT RELATED FACILITIES AND IS PROPOSED AS IMPROVEMENTS FOR THE SEBRING REGIONAL AIRPORT CATALYST SITE AND CARROLL SHELBY DRIVE. A PREVIOUS PERMIT REQUIRED A CONSERVATION EASEMENT OVER WETLANDS AND UPLAND BUFFERS AS REASONABLE ASSURANCE THAT SECONDARY AND CUMULATIVE IMPACTS WOULD NOT OCCUR. THE EASEMENT WAS RECORDED BUT THE PROJECT WAS NEVER CONSTRUCTED AND THE PREVIOUS PERMIT HAS SINCE EXPIRED. TO OFFSET IMPACTS PROPOSED BY THE NEW PROJECT, A MITIGATION AREA ENCOMPASSING 68.62 ACRES WILL BE PLACED UNDER A LOCAL GOVERNMENT PASSIVE RECREATION CONSERVATION EASEMENT AND ADDED TO THE US FISH AND WILDLIFE SERVICE (USFWS) NATIONAL WILDLIFE REFUGE FLAMINGO VILLAS UNIT (WMA). IN THE FUTURE, THE USFWS WILL MANAGE THESE PARCELS AS PART OF THE FLAMINGO VILLAS WMA. THIS RELEASE OF EASEMENT IS BEING PROCESSED CONCURRENTLY WITH AN INDIVIDUAL MAJOR ENVIRONMENTAL RESOURCE PERMIT MODIFICATION FOR THE SEBRING AIRPORT MASTER PLAN UPDATE AND COMMERCE PARK PROJECT (APPLICATION NO. 090313-6). NO NET LOSS OF WETLANDS IS PROPOSED WITH THIS REQUEST.

4. PERMITTEE: LAKE WORTH 10 ACRES LLC
PROJECT: LAKE WORTH 10 ACRES

PALM BEACH COUNTY

APPROVE RELEASE OF A 2.25 ACRE CONSERVATION EASEMENT OVER A WETLAND MITIGATION AREA AND UPLAND BUFFER ASSOCIATED WITH THE LAKE WORTH 10 COMMERCIAL DEVELOPMENT IN PALM BEACH COUNTY (ENVIRONMENTAL RESOURCE PERMIT 50-09006-P). THE PROPERTY IS ZONED INDUSTRIAL AND IS PROPOSED TO FUNCTION AS A TRUCK FACILITY. THE PROJECT ENGINEER HAS INDICATED THE PERMITTED LAKE AND MITIGATION AREA LOCATIONS DO NOT ACCOMMODATE BUILDINGS WITH DOCK-HIGH LOADING AND MANEUVERABILITY FOR TRACTOR-TRAILER VEHICLES. THE ORIGINAL DEGRADED PROJECT WETLANDS REMAIN ONSITE AND THE PERMITTED MITIGATION AREA HAS NOT YET BEEN CONSTRUCTED. THIS RELEASE OF EASEMENT IS BEING PROCESSED CONCURRENTLY WITH AN INDIVIDUAL MAJOR ENVIRONMENTAL RESOURCE PERMIT MODIFICATION FOR THE LAKE WORTH 10 ACRES PROJECT (APPLICATION NO. 130516-7). MITIGATION CREDITS WILL BE PURCHASED FROM LOXAHATCHEE MITIGATION BANK TO OFFSET THE LOSS OF THE WETLANDS.

Attachment: ca_reg_rm_100_sd (1572 : Regulatory Consent Agenda)

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

5. PERMITTEE: DISCOVERY VILLAGE AT WEST PALM BEACH LLC
PROJECT: DISCOVERY VILLAGE

PALM BEACH COUNTY

APPROVAL OF THE PARTIAL RELEASE OF A RECORDED CONSERVATION EASEMENT OVER APPROXIMATELY 0.27 ACRES OF AN UPLAND BUFFER ASSOCIATED WITH A MITIGATION AREA. THE BUFFER IS ON PROPERTY OWNED BY THE APPLICANT FOR DEVELOPMENT OF A SITE INTO AN INSTITUTIONAL FACILITY. THE APPLICANT PROPOSES TO DEVELOP 0.27 ACRES OF THE BUFFER WITH ROADWAY SLOPES. THE APPLICANT PROPOSES TO RECORD A NEW CONSERVATION EASEMENT BY PLACING APPROXIMATELY 0.27 ACRES OF UPLANDS LOCATED ELSEWHERE ON THE PROPERTY TO COMPENSATE FOR THE BUFFER PORTIONS IMPACTED AND RELEASED.

Attachment: ca_reg_rm_100_sd (1572 : Regulatory Consent Agenda)

SEMINOLE TRIBE WORK PLANS

1. CONCUR WITH THE THIRD AMENDMENT TO THE TWENTY SEVENTH ANNUAL WORK PLAN FOR THE SEMINOLE TRIBE OF FLORIDA. WORKS IN THE BRIGHTON RESERVATION INCLUDE RELOCATION OF A WATER MAIN TO PREVENT PAVING OVER IT DURING A PREVIOUSLY APPROVED ROAD WIDENING PROJECT FOR HARNEY POND ROAD; WORKS IN THE BIG CYPRESS RESERVATION INCLUDE A UTILITIES DESIGN CHANGE TO INCLUDE A LIFT STATION FOR THE FORCE MAIN IN A PREVIOUSLY APPROVED PROJECT FOR A ROADWAY PAVING PROJECT FOR MABEL T. FRANK WAY.

Attachment: ca_reg_rm_100_sd (1572 : Regulatory Consent Agenda)

M E M O R A N D U M

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: November 14, 2013

SUBJECT: Release of Reservations

Summary
The District has jurisdiction over certain reserved rights to construct canal right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the canal reservations.

Staff Recommendation
A Resolution of the Governing Board of the South Florida Water Management District approving release of canal and mineral reservations, and issuance of non-use commitment; providing an effective date.

Additional Background
See Exhibit “A” attached hereto and made a part hereof, which contains the details of the releases and non-use commitment to be approved and issued.

Core Mission and Strategic Priorities
Pursuant to Section 373.096 of the Florida Statutes, the Governing Board of the District may release any reservation for which it has no present or apparent use under terms and conditions determined by the Board.

Funding Source
None; reservations were acquired at no cost to the District.

Staff Contact and/or Presenter
Kathy Massey, ext. 6835

EXHIBIT "A"

File No.:	18560
Applicant:	Sam's East, Inc., an Arkansas corporation
Reserving Deed:	T-944 (DB 35-151, 6/21/1924)
Fee paid:	$250.00
Action:	Approve release of District canal reservations
Acres:	27.39 acres, more or less
Legal Description:	Tract A, WALMART AT MIRAMAR, PB 143-16, Section 21, Township 51 South, Range 41 East
Location:	1800 South University Drive, Miramar, Broward County
Reviewed by:	Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and South Broward Drainage District

File No.:	10-13-1
Applicant:	Devil's Garden Golden Ox, LLC, a Florida limited liability company, and Nesting Boar, LLC, a Florida limited liability company
Reserving Deed:	T-19107 (DB 24-289, 7/17/1948)
Fee paid:	$250.00
Action:	Approve release of Trustees canal reservations
Acres:	320.00 acres, more or less
Legal Description:	West ½ of Section 11, Township 46 South, Range 32 East
Location:	County Road 833, Clewiston, Hendry County
Reviewed by:	Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Devil's Garden Water Control District

File No.:	18563
Applicant:	Hippocrates Health Institute of Florida, Inc., a Florida corporation
Reserving Deed:	QCD (DB 919-433, 9/12/1950)
Fee paid:	$150.00
Action:	Approve release of mineral reservations
Acres:	0.05 acre, more or less
Legal Description:	East 7' of West 15' of South 1/4 of Tract 3, Block 4, PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 27, Township 43 South, Range 42 East
Location:	6915 Imperial Drive, West Palm Beach, Palm Beach County
Reviewed by:	No routing for mineral reservations

File No.:	NUC 1634
Applicant:	Hippocrates Health Institute of Florida, Inc., a Florida corporation
Reserving Deed:	QCD (DB 919-433, 9/12/1950)
Fee paid:	$150.00
Action:	Approve issuance of non-use commitment
Acres:	2.86 acres, more or less
Legal Description:	Portion of Tract 3, Block 4, PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 27, Township 43 South, Range 42 East
Location:	6915 Imperial Drive, West Palm Beach, Palm Beach County

Reviewed by: No routing for mineral reservations

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1101

A Resolution of the Governing Board of the South Florida Water Management District approving release of canal and mineral reservations, and issuance of non-use commitment; providing an effective date. (OMC, Kathy Massey, ext. 6835)

WHEREAS, certain landowners have requested that the South Florida Water Management District (District) release certain canal and mineral reservations, and issue a non-use commitment for mineral reservations;

WHEREAS, the District is empowered to grant such releases and non-use commitments pursuant to Section 373.096, Florida Statutes;

NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water Management District:

Section 1. The Governing Board of the South Florida Water Management District hereby approves the release of canal and mineral reservations and issuance of a non-use commitment, as described in Exhibit "A", attached hereto and made a part hereof.

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of November, 2013.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chairman

Attest:

_____
District Clerk/Secretary

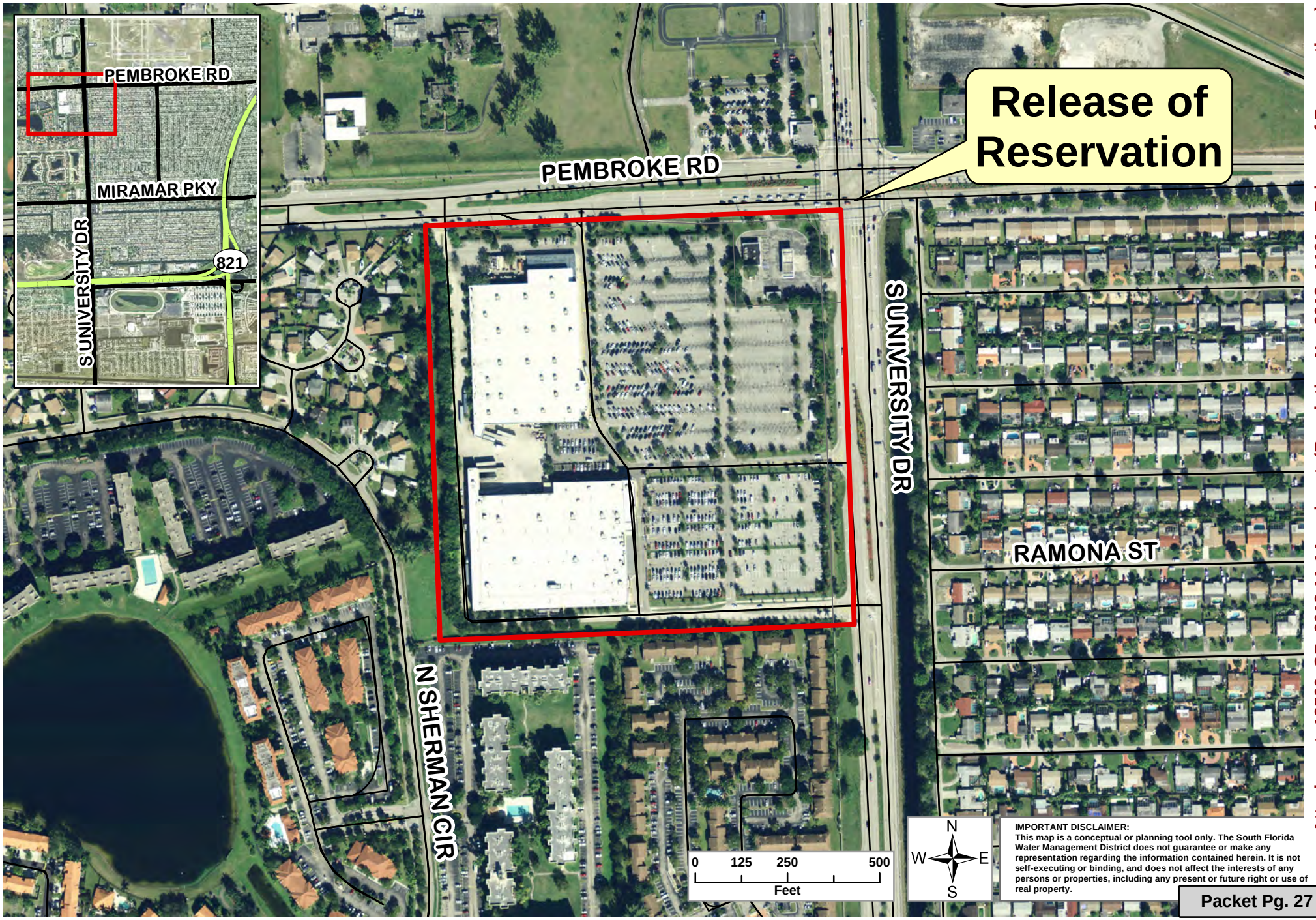
Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

Walmart
Broward County



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Attachment: 18560_GB_2013-11-14_walmart (Resolution No. 2013 - 1101 : Release of Reservations)

EXHIBIT "A"

RELEASE OF DISTRICT CANAL RESERVATIONS:

File No.:	18560
Applicant:	Sam's East, Inc., an Arkansas corporation
Reserving Deed:	T-944 (DB 35-151, 6/21/1924)
Acres:	27.39 acres, more or less
Legal Description:	Tract A, WALMART AT MIRAMAR, PB 143-16, Section 21, Township 51 South, Range 41 East
Location:	1800 South University Drive, Miramar, Broward County

RELEASE OF TIITF CANAL RESERVATIONS:

File No.:	10-13-1
Applicant:	Devil's Garden Golden Ox, LLC, a Florida limited liability company, and Nesting Boar, LLC, a Florida limited liability company
Reserving Deed:	T-19107 (DB 24-289, 7/17/1948)
Acres:	320.00 acres, more or less
Legal Description:	West ½ of Section 11, Township 46 South, Range 32 East
Location:	County Road 833, Clewiston, Hendry County

RELEASE OF DISTRICT MINERAL RESERVATIONS:

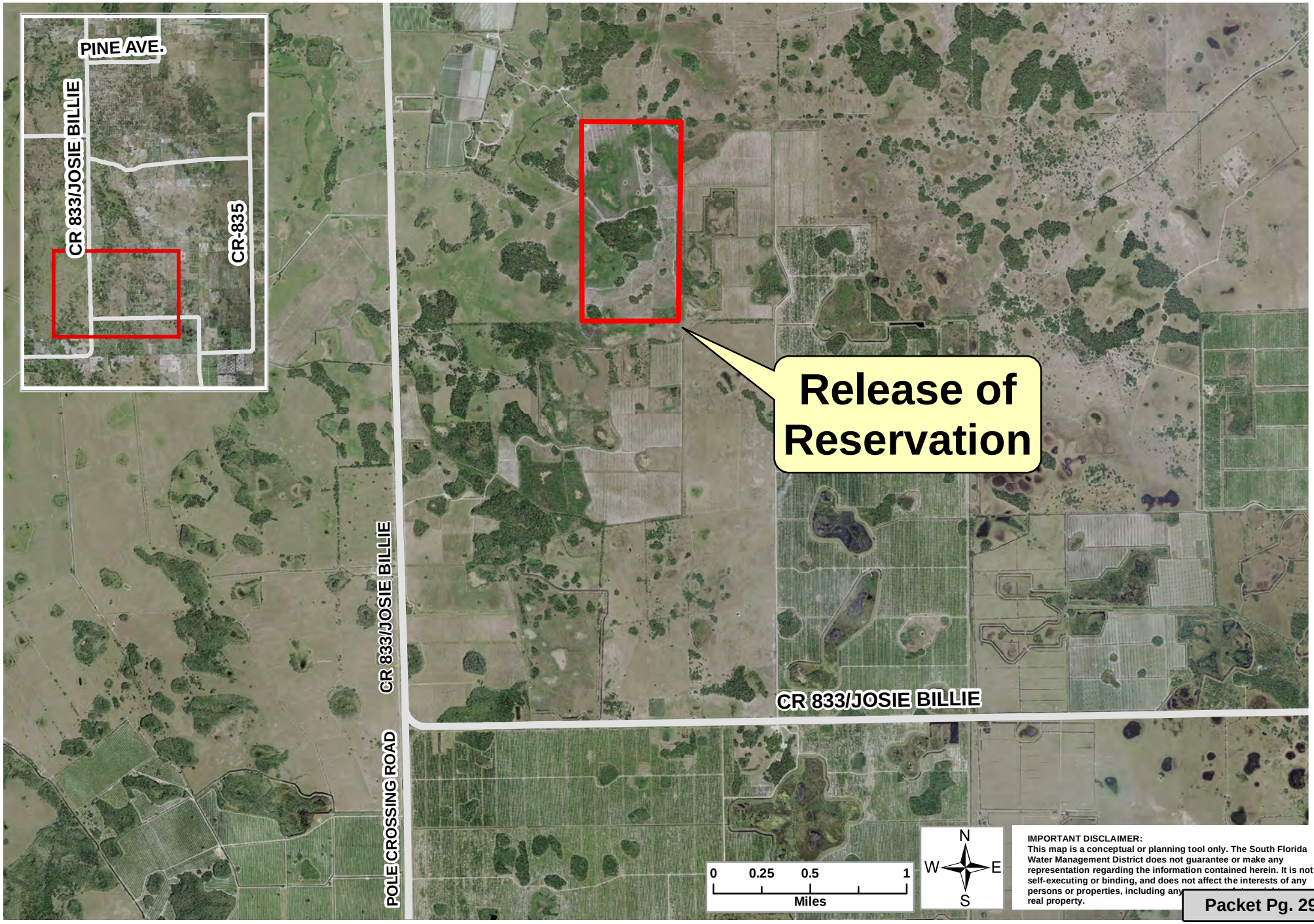
File No.:	18563
Applicant:	Hippocrates Health Institute of Florida, Inc., a Florida corporation
Reserving Deed:	QCD (DB 919-433, 9/12/1950)
Acres:	.05 acres, more or less
Legal Description:	East 7' of West 15' of the South ¼ of Tract 3, Block 4, PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 27, Township 43 South, Range 42 East
Location:	6915 Imperial Drive, West Palm Beach, Palm Beach County

ISSUANCE OF NON-USE COMMITMENT:

File No.:	NUC 1634
Applicant:	Hippocrates Health Institute of Florida, Inc., a Florida corporation
Reserving Deed:	QCD (DB 919-433, 9/12/1950)
Acres:	2.86 acres, more or less
Legal Description:	Portion of Tract 3, Block 4, PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 27, Township 43 South, Range 42 East
Location:	6915 Imperial Drive, West Palm Beach, Palm Beach County

Attachment: ca_om_200_Exhibit A (Resolution No. 2013 - 1101 : Release of Reservations)

10-13-1
Hendry County



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Attachment: GB_2013-10-25_10-13-1 (Resolution No. 2013 - 1101 : Release of Reservations)

NUC 1634 and 18563
Palm Beach County

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Attachment: GB_2013-10-25_NUC_1634_and_18563 (Resolution No. 2013 - 1101 : Release of

M E M O R A N D U M

TO: Governing Board Members

FROM: Sharon M. Trost, PG, AICP, Director, Regulatory Division

DATE: November 14, 2013

SUBJECT: Approve Interagency Agreement for permitting responsibilities for Tub Hill Ranch

Summary:

The SWFWMD is reviewing a water use permit application for an agricultural project in Polk County, Florida known as Tub Hill Ranch. However, the project crosses water management district boundaries. In order to issue a single permit for the entire project, an interagency agreement is necessary to delegate SFWMD's Part II, Chapter 373, Fla. Stat., jurisdiction and responsibility to SWFWMD.

Staff Recommendation:

Approve an Interagency Agreement between the SWFWMD and the SFWMD authorizing the SWFWMD to issue any Water Use Permits under Part II of Chapter 373, Fla. Stat., for the portion of Tub Hill Ranch that lies within the jurisdictional boundaries of SFWMD.

Additional Background

The Tub Hill Ranch is an existing agricultural project located within the jurisdictional boundaries of both the SFWMD and SWFWMD. Bowen Brothers, Inc. is requesting authorization to withdraw 493,500 gallons per day on an annual average basis and 2,344,800 gallons per day on a peak month basis to irrigate citrus, hay, peaches, blueberries, grapes, and small vegetables. The SWFWMD has previously issued water use permits and oversaw post-permit issuance compliance for Tub Hill Ranch.

Section 373.046(6), Fla. Stat., authorizes a water management district to designate, through an interagency agreement, regulatory responsibility to another water management district over a project which crosses the jurisdictional boundaries of both districts. For efficiency and effectiveness, both districts desire to designate SWFWMD all regulatory responsibilities under Part II of Chapter 373, Fla. Stat., for the portion of Tub Hill Ranch that lies within the jurisdictional boundaries of SFWMD.

Core Mission and Strategic Priorities

The Interagency Agreement allows for the protection of existing legal users and the water resources of the area while increasing the efficiency of the permitting process. The Water Use Bureau is responsible for implementing this item.

Funding Source

No funding is necessary for the Interagency Agreement.

Staff Contacts

Maria C. Clemente, P.E.; mclement@sfwmd.gov <mailto:mclement@sfwmd.gov>; (561) 682-2308
Jennifer Bokankowitz; jbokanko@sfwmd.gov <mailto:jbokanko@sfwmd.gov>; (561) 682-2258

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1102

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Interagency Agreement between the South Florida Water Management District and Southwest Florida Water Management District for designation of regulatory responsibility for permitting under Part IV of Chapter 373, Florida Statutes, for the project known as Tub Hill Ranch that crosses jurisdictional boundaries of both Water Management Districts; providing an effective date. (REG, Maria Clemente, ext. 2308)

WHEREAS, on August 21, 2013, Bowen Brothers, Inc. Submitted Water Use Permit (WUP) Application No. 20009192.004 (the Application) to the SWFWMD to modify its existing WUP for the Tub Hill Ranch in Polk County, Florida (the Property); and

WHEREAS, the Application requests authorization to withdraw 493,500 gallons per day on an annual average basis and 2,344,800 gallons per day on a peak month basis for agricultural use; and

WHEREAS, although the predominant portion of the Property lies within the jurisdictional boundaries of the SWFWMD, a small portion of the Property lies within the jurisdictional boundaries of the SFWMD, as depicted on the map attached hereto as Exhibit A; and

WHEREAS, SWFWMD has previously issued various permits to Bowen Brothers pursuant to Parts II and IV, Chapter 373, Florida Statutes (F.S.); and

WHEREAS, Subsection 373.046(6), F.S., authorizes a water management district to designate, via an interagency agreement, regulatory responsibility to another water management district when the geographic area of a project or local government crosses water management district boundaries; and

WHEREAS, the designation of the SWFWMD as the water management district with Part II, Chapter 373, F.S., regulatory responsibility for the Application would allow for more efficient processing of permit applications under that part; and

WHEREAS, the SFWMD and the SWFWMD desire to designate the SWFWMD as the water management district with Part II, Chapter 373, F.S., regulatory responsibility for the Application pursuant to part II, Chapter 373, F.S.;

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The SWFWMD is designated as the water management district that will have all regulatory responsibilities under Part II of Chapter 373, F.S., for the consumptive use of water for Tub Hill Ranch. Such regulatory responsibilities shall include receiving, processing, and taking final agency action on all water use permit applications, or modifications thereof, and taking any compliance and enforcement action with regard to such permit.

Section 2. This Agreement will commence upon execution by all parties and will remain in effect until either party terminates such agreement for its convenience upon ninety (90) days written notice to the other party.

Section 3. This Agreement may be executed in counterparts, each of which shall constitute an original, but all of which taken together shall constitute one and the same document. Facsimile signature shall be deemed an equivalent to an original for each and every counterpart.

Section 4. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of November, 2013.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

INTERAGENCY AGREEMENT BETWEEN THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE DESIGNATION OF REGULATORY RESPONSIBILITY FOR A WATER USE PERMIT FOR TUB HILL RANCH

THIS INTERAGENCY AGREEMENT (Agreement) is made and entered into by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) and the SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD).

WITNESSETH:

WHEREAS, on August 21, 2013, Bowen Brothers, Inc. submitted Water Use Permit (WUP) Application No. 20009192.004 (the Application) to the SWFWMD to modify its existing WUP for the Tub Hill Ranch in Polk County, Florida (the Property); and

WHEREAS, the Application requests authorization to withdraw 493,500 gallons per day on an annual average basis and 2,344,800 gallons per day on a peak month basis for agricultural use; and

WHEREAS, although the predominant portion of the Property lies within the jurisdictional boundaries of the SWFWMD, a small portion of the Property lies within the jurisdictional boundaries of the SFWMD, as depicted on the map attached hereto as Exhibit A; and

WHEREAS, SWFWMD has previously issued various permits to Bowen Brothers pursuant to Parts II and IV, Chapter 373, Florida Statutes (F.S.); and

WHEREAS, Subsection 373.046(6), F.S., authorizes a water management district to designate, via an interagency agreement, regulatory responsibility to another water management district when the geographic area of a project or local government crosses water management district boundaries; and

WHEREAS, the designation of the SWFWMD as the water management district with Part II, Chapter 373, F.S., regulatory responsibility for the Application would allow for more efficient processing of permit applications under that part; and

WHEREAS, the SFWMD and the SWFWMD desire to designate the SWFWMD as the water management district with Part II, Chapter 373, F.S., regulatory responsibility for the Application pursuant to part II, Chapter 373, F.S.;

NOW THEREFORE, the SFWMD and the SWFWMD, under the authority of Subsection 373.406(6), F.S., hereby agree as follows:

1. The SWFWMD is designated as the water management district that will have all regulatory responsibilities under Part II of Chapter 373, F.S., for the consumptive use of water for Tub Hill Ranch. Such regulatory responsibilities shall include receiving, processing, and taking final agency action on all water use permit applications, or modifications thereof, and taking any compliance and enforcement action with regard to such permit.

2. This Agreement will commence upon execution by all parties and will remain in effect until either party terminates such agreement for its convenience upon ninety (90) days written notice to the other party.

3. This Agreement may be executed in counterparts, each of which shall constitute an original, but all of which taken together shall constitute one and the same document. Facsimile signature shall be deemed an equivalent to an original for each and every counterpart.

IN WITNESS WHEREOF, each party, or its lawful representative, has executed this Agreement on the date set forth next to their signature below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By:_____ Attest:_____
Carlos Beruff, Chair Randall S. Maggard, Secretary

Date:_____ (Seal)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By:_____ Attest: _____
Daniel O'Keefe, Chair District Clerk / Asst. Secretary

Date:_____ (Seal)

Attachment: ca_reg_rm_101_sd (II) (Resolution No. 2013 - 1102 : Approve Interagency Agreement for permitting responsibilities for Tub Hill

Exhibit A

Figure 1. General location of the Bowen Brothers Tub Hill Ranch.

Attachment: ca_reg_rm_101_sd (II) (Resolution No. 2013 - 1102 : Approve Interagency Agreement for permitting responsibilities for Tub Hill

M E M O R A N D U M

TO: Governing Board Members

FROM: Sharon M. Trost, PG, AICP, Director, Regulatory Division

DATE: November 14, 2013

SUBJECT: Notice of Proposed Rule associated with CUP Consistency

Summary:

The Florida Department of Environmental Protection (DEP) is leading a statewide effort (referred to as CUPcon) to improve consistency in the consumptive use permitting programs implemented by the water management districts (WMDs). The CUPcon goals include: 1) making the consumptive use permitting program less confusing for applicants; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the process; and 5) incentivizing behavior that protects water resources.

Staff Recommendation:

Authorize publication of a Notice of Proposed Rule to amend the District's consumptive use permitting rules to improve consistency among the WMDs' consumptive use permitting programs.

Additional Background:

Since the publication of the Notice of Rule Development, the SFWMD held ten public workshops across the District and two stakeholder meetings. The DEP and WMDs reviewed all comments submitted by participants and amended the rule language as appropriate. A Statement of Economic Costs (SERC) has been prepared to determine the regulatory impact of the CUPcon amendments. The SERC indicates the amendments will not have an adverse economic impact on permittees, small business, or small governments.

Core Mission and Strategic Priorities

This item supports the core mission by simplifying the consumptive use permitting process for its permittees while protecting the water resources of the District. The Water Use Permitting Bureau will implement the CUPcon amendments.

Funding Source

The publication of the Notice of Proposed Rule will be funded from Office of Counsel's budget. The Water Use Bureau will implement the CUPcon amendments.

Staff Contacts

Maria C. Clemente, P.E.; mclement@sfwmd.gov <mailto:mclement@sfwmd.gov>; (561) 682-2308
Jennifer Bokankowitz; jbokanko@sfwmd.gov <mailto:jbokanko@sfwmd.gov>; (561) 682-2258

Attachment: REG Memo_ca_CUPcon (1573 : Notice of Proposed Rule associated with CUP Consistency)

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1.0 GENERAL PROVISIONS

Chapter 373, Florida Statutes (F.S.), enables and directs the District to regulate the use of water within its jurisdictional boundaries. The purpose of the water use regulatory

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

program is to ensure that those water uses permitted by the District are reasonable-beneficial, will not interfere with any presently existing legal uses of water, and are consistent with the public interest pursuant to Section 373.223, F.S. The District has adopted rules for regulating the consumptive use of water, which are set forth in Chapter~~s~~ 40E-2 ~~and 40E-20~~, Florida Administrative Code (F.A.C.). The Applicant's Handbook ~~Basis of Review~~ is incorporated by reference into Chapter 40E-2, F.A.C., and ~~The Basis of Review~~ must be read in conjunction with Chapter~~s~~ 40E-2 ~~and 40E-20~~, F.A.C., as applicable.

1.1 Definitions

Additional definitions can be found in Chapter 373, F.S., and Chapters 40E-3, 40E-8, and 62-40, F.A.C.

Allocation Coefficient - A multiplier used in calculating permit allocations which accounts for the irrigation system efficiency and the effects on the relevant water storage system (see Resource Efficiency).

Annual Withdrawal - The quantity of water permitted to be withdrawn during any 12 month time period.

Aquifer - A geologic formation, group of formations, or part of a formation that contains sufficient saturated, permeable material to yield significant quantities of water to wells and springs.

Aquifer Remediation - A use of water involving the withdrawal of groundwater for the authorized removal of contaminants for the purposes of restoring water quality.

Aquifer Storage and Recovery – A well system operated ~~Projects involving approved Class V injection wells~~ for the purpose of injecting ~~injection~~ and storing ~~recovery of fresh~~ water in an aquifer for direct retrieval and use ~~into a ground water reservoir~~.

Area of Influence – For groundwater systems the area of influence is defined by the cone of depression, and for surface water systems the area of influence is defined as the extent to which the withdrawal results in a measurable change in surface water levels or flows.

~~***Brackish Groundwater*** - For purposes of the additional permitting requirements within the Central Florida Coordination Area (CFCA), brackish groundwater means groundwater in or below the Lower Floridan Aquifer that: has chloride concentrations at or above 1000 milligrams per liter (mg/L); has total dissolved solids concentrations at or above 1500 mg/L; or is located east of the C-35, C-36, and C-37 canals; south of latitude 28 degrees 7 minutes north; north of latitude 27 degrees, 54 minutes north and west of the District's boundary lying between these two latitude lines as described in section 373.069(2)(e), F.S., delineated on Figure 3-3.~~

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Certification or Certify – means the formal determination by the District, through a validation process consistent with state and federal law, of the total amount of water made available for consumptive use by a water resource development project or project phase.

Cone of Depression – The conical shape taken by the potentiometric surface showing the variation of drawdown with distance due to pumping from a well or wellfield.

Confined Aquifer - An aquifer that contains groundwater which is confined under pressure and bounded between significantly less permeable materials, such that water will rise in a fully penetrating well above the top of the aquifer. In cases where the hydraulic head is greater than the elevation of the overlying land surface, a fully penetrating well will naturally flow at the land surface without means of pumping or lifting.

Confining Unit - A body of significantly less permeable material than the aquifer, or aquifers, that it stratigraphically separates. The hydraulic conductivity (K) may range from nearly zero to some value significantly lower than that of the adjoining aquifers.

Conservation - The beneficial reduction of water use through voluntary or mandatory altering of water use practices, reduction of distribution losses or installation and maintenance of low-volume water use systems, fixtures, or devices.

Constant Drawdown - In dewatering systems, the practice of pumping the source unit to a static level for a long duration. Also used in context with aquifer performance tests associated with flowing wells.

Consumptive Use - Any use of water which reduces the supply from which it is withdrawn or diverted.

Demand Management - Reducing the demand for water through activities that alter water use practices, improve efficiency in water use, reduce losses of water, reduce waste of water, alter land management practices and/or alter land uses.

~~***Demonstrated 2013 Demand*** - For purposes of the additional permitting requirements within the Central Florida Coordination Area, demonstrated 2013 demand means the quantity of water that an applicant establishes it will need to meet demands in 2013.~~

Desalination - The process of removing or reducing salts and other chemicals from seawater or other highly mineralized water sources.

Detention - The delay of stormwater runoff prior to discharge into receiving waters.

Drawdown - The vertical distance between the static water level and the surface of the cone of depression.

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~~***Due Diligence*** - Taking all actions that a reasonably prudent person would take to meet the schedule requirements in the permit for developing and using all required supplemental water supplies. Particular circumstances beyond the permittee's control will be considered in determining whether due diligence has been exercised.~~

Effluent - Water that is not reused after flowing out of a wastewater treatment facility.

Elevation - The height in feet above mean sea level according to National Geodetic Vertical Datum (NGVD, 1929). May also be expressed in feet above mean sea level (MSL) as reference datum.

Evapotranspiration - The total loss of water to the atmosphere by evaporation from land and water surfaces and by transpiration from plants.

Existing Legal Use of Water - A water use that is authorized under a District consumptive use permit or is existing and exempt from permit requirements.

Florida-Friendly Landscaping – A landscaping method that details nine landscape principles that conserve water, protect the environment, and promote planting native flora adaptable to local conditions. The principles are described in Section 373.185, F.S. ~~The definitions set forth in Chapter 40E-8, F.A.C. shall be incorporated into the Applicant's Handbook.~~

Flow Meter - An instrument, when properly installed and calibrated, that is used for the accurate measurement of water flow through a closed pipe.

Freshwater - An aqueous solution with a chloride concentration equal to or less than 250 milligrams per liter (mg/L).

Heat Stress Damage - Exposure to high temperature extremes such that the crop or plant is economically damaged.

Hydraulic Conductivity (K) - For an isotropic medium and homogeneous fluid, the volume of water at the existing kinematic viscosity that will move in unit time under a unit hydraulic gradient through a unit area measured at right angles to the direction of flow.

Hydroperiod - The range of water level fluctuation coupled with the duration of the periods of inundation or saturation and drying in a wetland.

Irrigation Water Use - A consumptive use classification which incorporates all uses of water for supplemental irrigation purposes including golf, nursery, agriculture, recreation and landscape.

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Irrigation Return Flow - The flow of water under the influence of gravity, to a watercourse, which occurs as surface water flow or shallow groundwater flow resulting from the application of water for supplemental irrigation purposes.

Irrigation System Efficiency - A measure of the effectiveness of an irrigation system in delivering water to a crop for irrigation and freeze protection purposes. It is expressed as the ratio of the volume of water used for supplemental crop evapotranspiration to the volume pumped or delivered for use.

Impoundment - Any lake, reservoir, or other containment of surface water occupying a depression or bed in the earth's surface and having a discernible shoreline.

Lake Recharge - The withdrawal of water for the purpose of replacing a volume of water removed from a lake system or other water body utilized as a source of water supply or indirectly as a source of wellfield recharge. Lake recharge does not include artificial maintenance of the water level of a surface water body at a desired elevation for aesthetic purposes, but may include augmentation of the volume of water stored within a surface water body that is effecting recharge to an adjacent wellfield.

Landscape Irrigation - The outside watering of shrubbery, trees, lawns, grass, ground covers, vines, gardens and other such flora, not intended for resale, which are planted and are situated in such diverse locations as residential and recreation areas, cemeteries, public, commercial and industrial establishments, and public medians and rights of way.

Leakance - The vertical movement of water from one aquifer to another across a confining zone or zones due to differences in hydraulic head. Movement may be upward or downward depending on hydraulic head potential in source aquifer and receiving aquifer. This variable is typically expressed in units of gpd/~~cu.~~ft^3.

Letter Modification - An administrative process that allows for the modification of an existing permit to account for minor changes that do not result in significant change to the terms and conditions of the permit.

Linear Move Irrigation System - A type of self-propelled overhead irrigation system that utilizes laterals which emit water under low pressure at a distance of 3 - 4 feet above the crop at a rate ranging from 4 to 16 gallons per minute.

Listed species – Those animal species which are endangered, threatened or of special concern and are listed in Sections 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C., and those plant species listed in 50 Code of Federal Regulation 17.12, when such plants are found to be located in a wetland or other surface water.

Lower East Coast Everglades Waterbodies - as used in Subsection ~~Section~~ 3.2.1.E~~.~~, is defined as the surface and groundwater from Water Conservation Area 1, 2A, 2B, 3A

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and 3B, the Holeyland/Rotenberger wildlife management areas, and the freshwater portions of Everglades National Park, as depicted in Figure 3-1.

Maximum Daily Allocation - The maximum quantity permitted to be withdrawn in any single 24 hour period.

Maximum Monthly Allocation - The maximum quantity of water assigned to the permit to be withdrawn during the month in the growing season when the largest supplemental crop requirement is needed by the specific crop for which the allocation is permitted.

Micro-irrigation - The application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitters or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or concepts such as bubbler, drip, trickle, mist or microspray and subsurface irrigation.

National Geodetic Vertical Datum (NGVD) - A geodetic datum derived from a network of information collected in the United States and Canada. It was formerly called the "Sea Level Datum of 1929" or "mean sea level."~~.~~ Although the datum was derived from the average sea level over a period of many years at 26 tide stations along the Atlantic, Gulf of Mexico, and Pacific Coasts, it does not necessarily represent local mean sea level at any particular place.

North Palm Beach County /Loxahatchee River Watershed Waterbodies - as used in Subsection ~~Section~~ 3.2.1.E~~.~~, is defined as the surface and groundwater from the Grassy Waters Preserve, Water Catchment Area, Pal-Mar and J.W. Corbett Wildlife Management Area, Loxahatchee Slough, Loxahatchee River, Riverbend Park, Dupuis Reserve, Jonathan Dickenson State Park, Kitching Creek, Moonshine Creek, Cypress Creek, and Hobe Grove Ditch, as depicted in Figure 3-2.

Other Surface Waters – Surface waters other than wetlands, as described and delineated pursuant to Rule ~~Section~~ 62-340.600, F.A.C., as ratified by Section 373.4211, F.S.

Plume - A body of contaminated groundwater originating from a specific source and influenced by such factors as the local groundwater flow pattern, density of contaminant and character of the aquifer.

Portable Guns - Large sprinklers that discharge high volumes of water at high pressures through the air and are moved from location to location irrigating in a circular spray pattern and include truck or tractor mounted units.

Potable Water - Water that is suitable for drinking, culinary, or domestic purposes.

Potentiometric Surface - A surface which represents the hydraulic head in an aquifer and is defined by the level to which water will rise above a datum plane in wells that penetrate the aquifer.

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Public Supply Utility - Any municipality, county, regional water supply authority, special district, public or privately owned water utility, or multi-jurisdictional water supply authority, that provides water for use by the general public.

Public Water Supply - Water that is withdrawn, treated, transmitted and distributed as potable or reclaimed water.

~~***Reclaimed Water -*** Water that has received at least secondary treatment and is reused after flowing out of a wastewater treatment facility.~~

Reservation water body - Areas within the District as identified in Rules 40E-10.021 and 40E-10.041, F.A.C., for which a water reservation has been established.

Resource Efficiency – The efficient use of water as measured in terms of the net impact on the relevant water storage system. A relevant water storage system will include the surface water and groundwater bodies which are determined by the District to provide storage, using the factors stated in Subsection ~~Section~~ 2.3.1.C.2.a ~~2.3.3.2~~ of the Applicant's Handbook.

Restricted Allocation Area - Areas designated within the District for which allocation restrictions are applied with regard to the use of specific sources of water. The water resources in these areas are managed in response to specific sources of water in the area for which there is a lack of water availability to meet the projected needs of the region from that specific source of water.

Retention - The prevention of stormwater runoff from direct discharge into receiving waters; included as examples are systems which discharge through percolation, exfiltration, filtered bleed-down and evaporation processes.

Retrofit - The replacement or changing out of an existing irrigation system with a different irrigation system such as a conversion from an overhead sprinkler system to a micro-irrigation system.

Runoff - That component of rainfall which is not absorbed by soil, intercepted and stored by surface water bodies, evaporated to the atmosphere, transpired and stored by plants, or infiltrated to groundwater, but which flows to a watercourse as surface water flow.

Saline Water - An aqueous solution with a chloride concentration greater than 250 mg/L and less than that of seawater.

Saline Water Interface - Hypothetical surface of chloride concentration between freshwater and saline water where the chloride concentration is 250 mg/L at each point on the surface.

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Seasonal High Water Level - The elevation to which the groundwater or surface water can be expected to rise due to a normal wet season.

Seawater or Saltwater - Groundwater or surface water with a chloride concentration at or above 19,000 mg/L.

Seepage Irrigation System - A means to artificially supply water for plant growth which relies primarily on gravity to move the water over and through the soil, and does not rely on emitters, sprinklers or any other type of device to deliver water to the vicinity of expected plant use.

Semi-Confined Aquifer - A completely saturated aquifer that is bounded above by a semi-pervious layer, which has a low, though measurable permeability, and below by a layer that is either impervious or semi-pervious.

Service Area - The geographical region in which a water supplier has the ability and the legal right to distribute water for use.

~~***Similar Applicant*** - For purposes of the additional permitting requirements within the Central Florida Coordination Area (CFCA), a similar applicant means an applicant, other than a public supply utility, whose projected water demand after 2013 will exceed its demonstrated 2013 demand.~~

Staff Report - A written report prepared by District staff presenting the staff's conclusions and recommendations, based on review of the application.

Staged Drawdown - In dewatering systems, the practice of pumping the source unit to discrete, incremental levels.

Standby Facility - The minimal operation of a withdrawal facility to maintain the mechanical integrity of the pumping apparatus as recommended by the manufacturer or for a limited time period each month.

Supplemental Irrigation Requirement (SIR) – The volume of water, usually expressed in acre-inches, representing the difference between the estimated evapotranspiration of a given crop and the effective rainfall available in a specific geographic area over some prescribed time period and climatic event.

~~***Supplemental Water Supply*** - For purposes of the additional permitting requirements applicable within the Central Florida Coordination Area (CFCA), supplemental water supply means surface water, stormwater, water that is reused after one or more public supply, municipal, industrial, commercial or agricultural uses, and saltwater. Brackish groundwater may be considered a supplemental water supply if it can be developed in a manner that will not cause or contribute to harmful impacts from cumulative groundwater withdrawals in the CFCA. This definition shall not govern the District's funding decisions made pursuant to section 373.1961(3), F.S.~~

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Traveling Guns - Large sprinklers that discharge high volumes of water through the air above the level of the plant being irrigated at high pressures which are self-propelled and move slowly across the area being irrigated, such as lateral move or linear irrigation systems.

Treatment Facility - Any plant or other works used for the purpose of treating, stabilizing, or holding wastewater.

Unconfined Aquifer - A permeable geologic unit or units only partly filled with water and overlying a relatively impervious layer. Its upper boundary is formed by a free water table or phreatic surface under atmospheric pressure. Also referred to as Water Table aquifer.

Upconing - Upward migration of mineralized or saline water as a result of pressure variation caused by withdrawals.

Use of Reclaimed Water – The deliberate application of reclaimed water, in compliance with Florida Department of Environmental Protection and District rules, for a beneficial purpose.

Utility - Any legal entity responsible for supplying potable water for a defined service area.

Wastewater - The combination of liquid and water-carried pollutants from residences, commercial buildings, industrial plants and institutions together with any groundwater, surface runoff or leachate that may be present.

Water Table - The surface of a body of unconfined groundwater at which the pressure is equal to that of the atmosphere; defined by the level where water within an unconfined aquifer stands in a well.

Water Use - Any use of water which reduces the supply from which it is withdrawn or diverted.

Water Well - Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater. This term does not include any well for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying; for inserting media to dispose of oil brines or to re-pressure oil-bearing or natural gas-bearing formation; for storing petroleum, natural gas, or other products; or for temporary dewatering of subsurface formations for mining, quarrying or construction purposes. [~~(~~Section 373.303(7), F.S.~~)~~].

Wetlands – Those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal

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circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptation, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The landward extent of wetlands shall be delineated pursuant to Sections 62-340.100 through 62-340.550, F.A.C., as ratified by Section 373.4211, F.S.

Wind Stress Damage - Exposure to high wind such that the crop or plant is economically damaged.

1.2 Acronyms and Abbreviations

APT	aquifer performance test
ASR	aquifer storage and recovery
BEBR	University of Florida Bureau of Economics and Business Research
CUP	consumptive use permit
DRI	development of regional impact
ERP	environmental resource permit
ET	evapotranspiration
F.A.C.	Florida Administrative Code
FDEP	Florida Department of Environmental Protection
F.S.	Florida Statutes
gal./flush	gallons per flush
gal./min.	gallons per minute
GPCD	gallons per capita day
GPD	gallons per day
gpd/ft^3	gallons per day per cubic foot
IFAS	University of Florida, Institute of Food and Agricultural Sciences
K	hydraulic conductivity
LORS	Lake Okeechobee Regulation Schedule
MFL	minimum flow and level
mg/L	milligrams per liter
MG	million gallons
MGD	million gallons per day
MGM	million gallons per month
MGY	million gallons per year
MSL	mean sea level
NAVD	North American Vertical Datum (1988)
NGVD	National Geodetic Vertical Datum (1929)
NRCS	Natural Resources Conservation Service

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NTU	Nephelometric Turbidity Unit
NWI	National Wetland Inventory
OFW	Outstanding Florida Water
PSC	Public Service Commission
psi	pounds per square inch
RPC	Regional Planning Council
SWM	surface water management
USDA	United States Department of Agriculture

1.3 Consumptive Use Permit Program Objectives, Organization, and Authorizations

The objective of the Applicant's Handbook is to further specify the general procedures and information used by District staff for review of consumptive use permit applications. All criteria in the Applicant's Handbook apply to processing individual permit applications, and specified criteria apply to processing of notices of intent for noticed general permits ~~notices of intent~~. The criteria contained herein are flexible, with the primary goal being to meet District water resource objectives.

In addition, procedures for processing consumptive use permit applications are set forth in Chapters 40E-0 and 40E-1, F.A.C. Rule 40E-1.610, F.A.C., provides procedures for permit renewals and Rule 40E-1.6107, F.A.C., sets forth procedures for permit transfers.

1.4 Permitting Procedures

The permit application will be processed pursuant to Chapters 40E-0 and 40E-1, F.A.C., for individual and noticed general permits. These rules set forth procedures for filing applications, requests for additional information, permit application modification, public noticing of permit applications, permit transfers, and requests for administrative hearings.

1.4.1 Permits Required ~~, Thresholds,~~ and Permits ~~s~~ Types ~~by Rule~~

The District has established two categories for permits based on the quantity and source of water permitted- ~~;~~ individual and general. General permits include: ~~(~~1) ~~minor standard~~ general permits by rule ~~for uses of 3 million gallons per month or less~~; and ~~(~~2) noticed ~~major standard~~ general permits ~~for uses greater than 3 million per month up to 15 million gallons per month; and (3) dewatering general permits~~.

Applicants using seawater or reclaimed water to meet their total water needs are not required to obtain water use permits. However, if reclaimed water is discharged into an unlined pond, lake, or surface water management system, thereby commingling the reclaimed water with surface water or groundwater, from which the applicant then uses, diverts, or withdraws the commingled water, a water use permit shall be required to ensure the proposed use is not harmful to the water resources of the area and is consistent with overall objectives of the District.

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1.4.2 Pre-application Considerations

If the application is for a project which involves complex issues or if an applicant requires assistance in completing an application, a pre-application meeting between the Applicant and District Staff may be useful. A pre-application discussion may aid in expediting the application evaluation process by identifying items and issues that need to be addressed in more detail. This process allows the Applicant to submit a more complete application and may prevent or avoid delays in processing the application.

1.4.3 Third Party Interests

Frequently, other governmental entities, organizations, or affected citizens have an interest in the outcome of a permit action. Third party interests that would be substantially affected by issuance of a requested permit will have the opportunity to request an administrative hearing, pursuant to Sections 120.569 and 120.57(1), F.S., prior to issuance of the permit. In order to obviate any delays in permit issuance, discussions with such entities regarding their water resource concerns prior to or during permit application review is encouraged. Issuance of a consumptive use permit by the District does not relieve the Applicant of the responsibility to obtain all necessary federal, state, local, or other District permits or authorizations.

1.4.4 Competing Applications

Pursuant to Section 373.233, F.S., applications are considered to be competing when Staff evaluation indicates that the proposed use of water by two or more applicants will exceed the amount of water that is available for consumptive use due to water resource availability or interference with existing legal use concerns as defined in the Applicant's Handbook. ~~All permit applications that are pending at the same time, prior to being deemed complete and are requesting water from a limited source will be considered competing. Once a competing application has been determined to be complete, such application will not be considered competing with applications filed after its completion date. Good faith effort must be shown by all applicants to complete pending, competing applications as expeditiously as possible. If good faith efforts are not made to complete the application, the application may be denied for lack of response pursuant to Rule 40E-1.603, F.A.C.~~ Competing permit applications will be processed pursuant to Section 373.233, F.S.

1.4.5 Phased Projects

Many large-scale or long-term projects are developed over a number of years through a number of phases of development. The District encourages planning for long-term water needs in order to compare the projected demands of the project with water availability in a region. Applicants for projects that are to be developed in phases should consider their water needs for all phases of the proposed project. However, the District evaluates permit applications based on the demonstrated need of water for the project only through the recommended duration of the permit; therefore, applicants should focus their water use projections for the term of the permit and only for those phases of the project reasonably expected to utilize water under the permit during or prior to the permit expiration date. As additional phases are projected to be constructed, the existing consumptive use permit can be modified to reflect the increasing demand

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associated with the new phase or phases pursuant to the criteria applicable at the time of the modification. The p~~P~~ermittee cannot rely on receiving permit authorization for unpermitted phases of a project due to issuance of a consumptive use permit for a portion of the phased project.

1.4.6 Environmental Resource Concurrency

For individual permit applications, i~~I~~f the proposed water use is associated with a project for which a modification to an existing surface water management system is required or for which a new surface water management system is required, the water use permit application will not be considered complete until the surface water management (construction) or environmental resource (construction) permit application is deemed complete. If a new or modified surface water management (construction) or environmental resource (construction) permit is required in conjunction with the proposed water use, the individual water use permit may only be issued concurrently with the applicable surface water management (construction) or environmental resource (construction) permit or permit modification. An individual water use permit will not be issued in conjunction with a surface water management or environmental resource conceptual permit without a required construction permit.

1.4.7 Application Support Information

Pursuant to Rule 40E-1.603, F.A.C., additional information may be required to be submitted in support of consumptive use applications for projects located in areas where there is a lack of available hydrologic information; or for projects in which there are concerns regarding water resource availability; or potential impacts as a result of proposed withdrawals. The District shall require detailed site-specific information in support of the application in order to satisfy the conditions for permit issuance. The supporting information may include aquifer performance tests, water quality surveys, well inventories, and environmental assessments, as required. The need for supporting information will be based, in part, on the amount of the proposed withdrawal, characteristics of the requested water source in the region, potential for environmental harm, potential for interference with existing legal uses, and proximity of applicable and relevant existing data.

1.4.8 Professional Certification of Supporting Documents

All final plans, calculations, analyses, or other geologic/engineering documents, submitted as part of a permit application are required to be certified by signing and sealing by an appropriate registered professional pursuant to Section 373.117, 373.1175, or Chapter 492, F.S., as appropriate.

1.4.9 Contiguous and Non-contiguous Parcels

A water user seeking an individual water use permit should obtain one permit for all withdrawals that are intended to serve contiguous property. For example, an agricultural operation that has multiple wells on a contiguous parcel of land shall apply for one permit.

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Applicants with legal control over multiple non-contiguous parcels within a county may apply for one permit encompassing all such parcels, provided that it is shown that the water use for each parcel is in the same water use classification. If multiple water use classifications, such as drinking water and landscape irrigation, are served by separate withdrawal facilities, separate consumptive use permits shall be required for each use.

1.4.10 Proposed Water Uses

Proposed water uses for an individual and noticed general permit must meet the conditions for issuance of permits pursuant to Rule 40E-2.301, F.A.C.~~, and proposed water uses under a general permit must meet the conditions for issuance of authorization pursuant to Rule 40E-20.302.~~ Applications for initial permits or permit renewals shall be processed as proposed water uses. Applications for existing unpermitted uses of water shall be processed as proposed water uses. An existing unpermitted use includes a use previously authorized by a permit that has expired due to failure to file an application for renewal prior to the permit expiration date. An application for a permit modification for an increased allocation will be processed as a proposed water use. Withdrawal facilities that have been constructed or that otherwise exist will not be taken into consideration in favor of issuance of a consumptive use permit.

1.4.11 Permit Modifications

Permit modifications will be processed in accordance with Rule 40E-2.331, F.A.C.

1.4.12 Permit Renewals

Applications for permit renewals shall be made pursuant to Rule 40E-1.610, F.A.C.~~, any time within six months prior to permit expiration. Permittees are encouraged to apply for renewal at least 90 days prior to the expiration date.~~ Permits for which renewal applications have been submitted shall remain in effect past the expiration date until final agency action on the application is taken. Permittees are encouraged to apply for renewal at least 90 days prior to the expiration date.

1.4.13 Permit Transfers

Permit transfers will be processed in accordance with Rules 40E-1.6107 and 40E-2.351, F.A.C.

1.4.14 Transport and Use of Water a~~A~~cross County Boundaries

Sections 373.016, 373.223(3) and 373.1962, F.S., govern the review of consumptive use permit applications for the transport and use of water across county boundaries, including provision of exemptions and limitations on the application of such requirements. The following provides specific guidance as to the applicability of certain statutory exemptions and limitations within these statutes:

A. A transport and use of groundwater across county boundaries pursuant to Section 373.223(3), F.S., does not occur when: ~~(~~1) a project withdraws groundwater for use on its overlying property and the drawdowns associated the groundwater withdrawals cross county boundaries; or ~~(~~2) water is withdrawn from

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an under groundwater storage unit where it has been stored pursuant to an aquifer storage and recovery project and may, in its stored state, cross county boundaries.

B. Transport and use of water by self-suppliers of water for which the proposed water source and areas of use or application are located on contiguous private properties are exempt from review under the provisions in Section 373.223(3), F.S., including a project whose boundary straddles county borders and water from one part of the project serves another part of the same project in the neighboring county.

C. Transport and use of water across county boundaries by water supply authorities meeting the requirements of Section 373.1962(9), F.S., are exempt from Section 373.223(3), F.S.; and

D. The transport and direct or indirect use of water within the areas encompassed by the Central and Southern Florida Flood Control Project is exempt pursuant to Sections 373.016(4)(a) and 373.223(3), F.S.

1.5 Permit Duration

1.5.1 General Duration Provision

~~Pursuant to Section 373.236, F.S.,~~ W~~w~~hen requested by an applicant, a consumptive use permit shall have a duration of 20 years, or as provided by Section 373.236, F.S., if the applicant demonstrates reasonable assurance that the proposed use meets the conditions for issuance for the requested duration; otherwise, permits may be issued for a shorter duration that reflects the time period for which such reasonable assurances can be provided. This determination shall be made pursuant to requirements in Chapter~~s~~ 40E-2 ~~and 40E-20~~, F.A.C., as applicable, and this Subsection ~~Section~~.

1.5.2 Special Duration Factors

A. Unless revoked or otherwise modified, the duration of a consumptive use permit issued pursuant to Chapter 40E-2 ~~and Chapter 40E-20~~, F.A.C., is the lesser of:

1. The duration established in Subsections C~~.~~, D~~,~~ or E~~.~~, below; ~~.~~

2. The time period for which the permit applicant demonstrates that water will be needed to meet the projected demands and during which the conditions for issuance of a permit in Rule 40E-2.301, F.A.C., will be met;

3. The time period for which the permit applicant demonstrates legal control pursuant to Subsections ~~Section~~ 2.1.1, 2.1.2, and 2.1.3;

4. For aquifer remediation projects, the period shall not exceed that required to complete the operation as specified in the Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities or 20 years, whichever is less;

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5. For independent secondary use permits within a diversion and impoundment system, the duration will not exceed the expiration date of the associated diversion and impoundment permit;

6. Where the permittee must implement an action to correct noncompliance with the previous consumptive use permit, the permit duration shall be based on the time period necessary to ensure the success of the mitigative or remedial action; or,

7. For ~~minor standard~~ general water use permits, the permit duration shall not exceed 20 years.

B. Sources of Limited Availability. For purposes of this ~~the~~ paragraph ~~Section~~, the following are Sources of Limited Availability:

1. Upper East Coast Regional Water Supply Planning Area: Surficial Aquifer System.

2. Lower East Coast Regional Water Supply Planning Area: Biscayne/surficial aquifer system to the extent that withdrawals result in induced seepage from the Central and Southern Florida Project, except when stormwater discharge or wet season discharge occurs; Lake Okeechobee; Central and Southern Florida Project; the Caloosahatchee River/Canal; and the Saint Lucie River/Canal.

3. Lower West Coast Regional Water Supply Planning Area: Water table aquifer, Lower Tamiami aquifer, Sandstone aquifer, mid-Hawthorn aquifer.

~~4. Kissimmee Regional Water Supply Planning Area Within the Central Florida Coordination Area; Groundwater.~~

C. The following uses shall receive a 20 year permit, if:

1. For uses from sources other than those listed in sub-paragraphs ~~subparagraphs~~ 1.5.2.B. 1 through 3 ~~4~~ above, the allocation necessary to meet the 20 year demands is consistent with Chapter~~s~~ 40E-2 ~~and 40E-20~~, F.A.C., as applicable, provided that the demands are realized according to the schedule set forth in the permit, for the duration of the permit; ~~or~~

2. The applicant is requesting a permit for "back-up" supplies addressing emergency or short-term interruption in service for reclaimed water end users per sub-paragraph ~~Section~~ 2.2.4.C.1 ~~3.2.3.3~~; or,

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3. The applicant is requesting renewal of a permit from a source of limited availability identified in paragraph ~~subsection~~ B, above, and the following conditions are satisfied:

   a. For all use classes, the allocation satisfies the requirements of Chapter 40E-2 ~~or Chapter 40E-20~~, F.A.C., as applicable, for the duration of the permit; and

   b. For public water supply use class, the quantity of water to be allocated for a 20 year duration permit shall not exceed that quantity necessary to meet the demands of the population existing at the time of permit renewal at the per capita rate approved under the Applicant's Handbook ~~Basis of Review~~;

   c. For the irrigation use class, the quantity of water to be allocated for a 20 year duration permit shall not exceed that quantity of water necessary to irrigate historically irrigated acreage, including documented intermittent irrigated acreage, as determined by sub-paragraph ~~Section~~ 2.3.2.C.1; or,

   d. For other use classes, the quantity of water to be allocated for a 20 year duration permit shall not exceed that quantity approved under Chapter 40E-2 ~~or Chapter 40E-20~~, F.A.C., as applicable, and shall not exceed the allocation in the permit being renewed.

~~4. The applicant proposes groundwater withdrawals within the Central Florida Coordination Area to satisfy demands from that source up to its demonstrated 2013 demand and proposes to develop at least one specific supplemental water supply project to meet demands greater than 2013 demand set forth in subsection 3.2.1.F.3, and otherwise satisfies the requirements of Chapter 40E-2 or 40E-20 F.A.C., as applicable, for the duration of the permit.~~

D. Requests for Allocations in Excess of sub-paragraph ~~subsection~~ 1.5.2.C.3 ~~1.7.2.2.C.3.~~, Permit Modifications, or Initial Permits from Sources of Limited Availability:

The baseline duration under this Subsection ~~Section~~ shall be five years or as otherwise provided below. The following factors shall be considered and balanced in determining the duration of a permit:

1. Whether the permit will require the permittee to perform mitigative or remedial action for an impact caused or projected to be caused by the water use. Consideration of this factor will lead to a permit duration appropriate for ensuring the success of the mitigative or remedial action;

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2. Whether the permittee is proposing to implement innovative and extraordinary water conserving measures that are beyond those generally feasible for the subject use such that the proposed demands are significantly reduced from the source of limited availability as a result of the innovative and extraordinary water conserving measures, including best management practices associated with peak or high efficiency systems. Where the permittee proposes to implement innovative and extraordinary water conservation measures, consideration of this factor will lead to a longer duration than the applicable duration as an incentive for the investment in innovative and extraordinary water conservation;

3. Whether increased impacts of the requested allocation on the source of limited availability will be offset through the implementation of an alternative source. Consideration of this factor will lead to a longer duration;

4. Whether the requested allocation is supplied by a saline ~~brackish~~ water source, consistent with the use of saline water in Subsection ~~Section~~ 3.4.1;

5. Whether the modification of the permit results in no more than a de minimis increase in impact to water resources and existing legal uses, as compared to the existing permit. Consideration of this factor will lead to a duration consistent with the permit being modified. ~~; or~~

~~6. A public supply utility applicant or similar applicant proposing groundwater withdrawals within the Central Florida Coordination Area and does not propose to satisfy demands greater than demonstrated 2013 demands with at least one specific supplemental water supply project as set forth in subsection 3.2.1.F.3, or does not otherwise comply with subsection 3.2.1.F.3. Consideration of this factor will lead to a maximum permit duration of 2013.~~

~~E. Pursuant to Section 373.236, F.S., the permit duration may be up to 50 years in the case of a municipality or other governmental body, or of a public works or public service corporation, where such a period is required to provide for the retirement of bonds for the construction of waterworks and waste disposal facilities, if the applicant provides reasonable assurances of compliance with Chapters 40E-2 and 40E-20, F.A.C., as applicable.~~

If only a portion of the requested allocation satisfies the conditions for a permit ~~20 year~~ duration of 20 years or longer, the remaining allocation may be approved for a shorter duration, as appropriate.

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2.0 DEMONSTRATION OF WATER NEED, SOURCE(S), AND DEMAND

To receive a general or individual permit, an applicant must demonstrate that the proposed water use is a reasonable-beneficial use of water, as required by Section 373.223, F.S. In order to demonstrate that a water use is reasonable-beneficial, the Applicant must show "need" for the water in the requested amount. This chapter describes the factors involved in determining whether there is need and for determining the appropriate permit allocation, or "demand," for a particular water use.

2.1 Demonstration of Water Need

~~For twenty year duration permits, the permitee shall ensure that, on a continual basis, the conditions for permit issuance are met for the duration of the permit, including requirements for attaining the maximum reasonable-beneficial use of water, preventing inefficient uses of water, and ensuring that uses continue to be consistent with the public interest. Every ten years the permittee shall be required to evaluate and update the water use based on current District rules regarding efficiency of use and reasonable demands.~~

Demonstration of "need" requires consideration of several factors, including: 1) legal control over the project site, facilities, and for public water supplies, the proposed service area; ~~,~~ and 2) compatibility of the proposed water use with the land use at the project site or area to be supplied water. Demonstration of "demand" is dependent on the specific water use classification requirements set forth in Subsections ~~Sections~~ 2.2 through 2.3 ~~2.8~~.

2.1.1 Legal Control o~~O~~ver Project Site

Applicants for irrigation, industrial, commercial, and dewatering general or individual permits must demonstrate the legal right to conduct the water use on the project lands or site. This is demonstrated through property ownership or other property interest, such as a leasehold, in the project site. Applicants are required to provide copies of legal documents demonstrating ownership or control of property. A demonstration of legal control throughout the requested permit duration must be provided. Permit duration shall be based on the time period of the legal interest in the property. The permit will expire upon termination of a non-renewable lease.

2.1.2 Legal Control o~~O~~ver Withdrawal Facilities

All applicants for general or individual permits must be able to show legal control to use surface water pumps or groundwater wells associated with the water use throughout the duration of the permit. If a withdrawal facility will be used by an entity other than the entity on whose land the facility is located, such user must demonstrate legal control to access and maintain the facility through an agreement, easement or contract.

2.1.3 Legal Control o~~O~~ver Water Supply Uses

An applicant for a general or individual permit proposing to supply water to another entity, such as a public water supplier, must establish need for a water allocation through demonstration of the legal right and obligation to supply the requested

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allocation. This legal control can be established through service area designations, water sale or delivery contracts, or other proof of such legal obligation. Public water suppliers required to receive a service area certificate or order of exemption from the Public Service Commission, shall obtain such designation prior to issuance of a water use permit pursuant to Section 367.031, F.S. ~~Florida Statutes.~~ The a~~A~~pplicant's right to the requested allocation will expire upon termination of the legal obligation to supply water to the receiving entity. Requested water allocations must be supported with detailed demand information and plans of the supply system proposed for the permit duration. The permit a~~A~~pplicant must make a prima facie showing of legal control over the proposed service area. If a prima facie showing is demonstrated by two water suppliers, the service area dispute between such competing water suppliers must be resolved between the parties.

2.1.4 Compatible Land Use

To demonstrate need for the requested allocation, a general or individual permit applicant must provide reasonable assurances that the requested water use classification and the water demand projection are compatible with the land use of the project site, or in the case of a public water supplier, with the land use of the area to be supplied water. The land use of the project site or area to be supplied water must be that designated in the applicable local government zoning regulations and comprehensive plan. If the requested water use classification is prohibited due to incompatibility with the land use at the project site or area to be supplied water, the need for the requested allocation has not been demonstrated and staff cannot recommend approval. The permit a~~A~~pplicant is advised that the proposed water use, including the demand projections and water use classification, must be compatible with any ~~Development of Regional Impact (~~DRI~~)~~ or Development Order issued for the project. Detailed hydrologic data that has been required in the DRI process may be utilized as a submittal in the water use permit application subject to review by the District. The approval of a DRI does not guarantee or ensure issuance of a water use permit.

2.2 Source Identification

District permits are required for all non-exempt existing and proposed uses of fresh and saline sources. Sources are described as surface water or groundwater which can be further identified with the name of the water body and/or aquifer. Applicants using seawater or reclaimed water to meet their total water needs are not required to obtain use permits. However, if these sources are utilized, in part, to meet the a~~A~~pplicant's water demand, the a~~A~~pplicant shall ~~should~~ identify the quantities obtained from these sources that are used to meet the demand. If a source is not reliable throughout the year, the a~~A~~pplicant may request withdrawal quantities from secondary and standby sources of supply, which may be used when the primary supply is limited. The permit will identify the secondary and backup sources and the conditions and time periods for which they are likely to be required.

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2.2.1 Multiple Sources

If the use of water is from multiple supply sources, each source should be identified as a primary, secondary or back-up source. The a~~A~~pplicant shall provide a breakdown of how the water will be distributed among the multiple sources as part of the application review process. Each of the identified primary sources will receive a separate allocation, the sum of which will not exceed the maximum monthly demand for the projected use.

The secondary sources will be used based upon the need for alternative sources during high stress periods or in the event of temporary interruption of the use of the primary facilities. The secondary sources will receive an allocation based on the rated capacity of the secondary source withdrawal facilities or the maximum monthly demand, whichever is less. The back-up sources will not receive a specific allocation. The use of these facilities will be recognized in the permit based on the routine operation for maintenance purposes as recommended by the pump manufacturer.

2.2.2 Wellfield Operations

Users that derive water supply from multiple withdrawal facilities shall submit a wellfield operating plan for review. The plan may include more than one configuration of withdrawals provided each configuration meets the conditions of permit issuance, the total withdrawals of each configuration do not exceed the allocation and each withdrawal configuration represents a normal operation protocol of the use (e.g. short term emergency operation plans are not required). Approved operational plans shall be incorporated as limiting conditions in the permit. Pursuant to Ssection ~~Section~~ 3.7, subsequent permit applicants shall not be allowed to interfere with an approved operational plan. Changes to an approved operational plan involving modifications to the normal operating protocols approved in the permit that would persist throughout the remaining permit duration shall be authorized through the issuance of a modification per Rule 40E-2.331 ~~or 40E-20.331~~, F.A.C., as applicable. Short term changes in operations associated with emergencies or wellfield maintenance will not require modifications of the wellfield operating plan.

2.2.3 Use of Lowest Quality Water for Intended Purpose

Consideration must be given to the availability of the lowest quality water, which is acceptable for the intended use. If a water source of lower quality is available and is feasible for all or a portion of an a~~A~~pplicant's use, this lower quality water must be used. Such lower quality water may be in the form of reclaimed water, recycled irrigation return flow, collected stormwater, saline water, or other sources.

2.2.4 Reclaimed Water Reuse Criteria

The encouragement and promotion of water conservation and use of reclaimed water are state objectives and considered to be in the public interest. In Section 373.250, F.S., the Legislature finds that use of reclaimed water provided by domestic wastewater treatment plants, permitted and operated under a reuse program approved by the FDEP ~~Florida Department of Environmental Protection~~ is environmentally acceptable and not a threat to public health and safety.

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A. Public Water Utilities with Associated Wastewater Treatment Plants

Public water supply utilities that control, either directly or indirectly, a wastewater treatment plant, and which have determined, in accordance with Section 403.064, F.S., that use of reclaimed water is feasible, must provide the District with each of the following:

1. The existing reuse feasibility study or plan applicable to the utility's service area. Examples of such studies or plans include a reuse feasibility study prepared for the FDEP ~~Department~~ pursuant to Section 403.064, F.S., or a reuse project plan prepared for the PSC ~~Public Service Commission~~ pursuant to Section 367.0817, F.S.

2. A copy of the schedule of implementation for reuse, including any available information regarding areas to be served, construction of reclaimed water distribution lines and associated capacities.

3. Documentation of the amount of presently uncommitted reclaimed water supply that is currently generated and is projected to be generated by the treatment plant over the duration of the permit.

4. Information regarding whether or not a local ordinance concerning use of reclaimed water has been enacted pursuant to ~~either~~ Chapter 125 or Chapter 180, F.S., which establishes a mandatory reclaimed water zone. Information should include a copy of the ordinance and applicable maps or legal description that delineates the zone.

B. Reuse Requirements

Permit applicants requesting an allocation of at least 100,000 GPD or within a mandatory reuse zone must evaluate the feasibility of using reclaimed water to meet all or a portion of their needs, as follows:

1. Mandatory Reclaimed Water Zones. For projects located either wholly or in part within areas designated by local ordinance as a mandatory reclaimed water zone and required by such local ordinance to use reclaimed water, permit applicants will only be allocated that quantity of water necessary to meet remaining reasonable-beneficial demands, if necessary, and a quantity necessary for emergency backup. When an ordinance exists, but reclaimed water supplies are not available at the time of permit application, the District will allocate water from conventional sources of supply and condition the permit to use the reclaimed water when it becomes available. At that time, the permit will be modified to reduce the allocation commensurate with the amount of reclaimed water provided.

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2. End User Feasibility Evaluation: When reclaimed water is readily available it must be used in place of higher quality water sources, unless it is demonstrated by the Applicant that its use is either not environmentally, economically or technically feasible. The following criteria are used to demonstrate feasibility:

   a. Environmental Feasibility: Reclaimed water reuse is considered environmentally feasible if the FDEP ~~Department~~ has permitted the reuse facility that will provide the reclaimed water supply and has permitted the use or discharge of the reclaimed water to the receiving water body, if applicable.

   b. Technical Feasibility: In performing the technical feasibility portion of the evaluation, the applicant shall contact the applicable reuse utility and request a letter stating that reclaimed water is not available or provide the following information and consider the response provided by the reuse utility in its evaluation:

      i. Whether a reclaimed water distribution line is at the applicant's project boundary.

      ii. If a reclaimed water distribution line is not at the project boundary, then:

         1. Estimate the distance in feet from applicant's project to the nearest potential connection point to a reuse line.

         2. The date the reuse utility anticipates bringing the connection to the applicant's project boundary.

      iii. If reclaimed water is available at the project boundary, then:

         1. The minimum quantity in gallons per day of reclaimed water supply available from the nearest potential connection point under a 1-in-10 year drought condition.

         2. The reliability of the potential reclaimed water supply (i.e., on-demand 24/7, or bulk-interruptible diurnal or seasonal, length of supply agreement, or other basis).

         3. The typical operating pressures at which the reuse utility will provide reclaimed water at the nearest connection point to the applicant's project, including

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any typical seasonal or other fluctuations in the operating pressure.

4. The water quality parameters of the reclaimed water for the constituents that the applicant has identified as pertinent to the intended use.

Reclaimed water reuse is considered technically feasible if reclaimed water is available at the site of the proposed use to meet all or part of the applicant's water needs as defined herein. In the event the supply of reclaimed water available is not adequate to fully meet the project's 1-in-10 year drought demands, the applicant may request a partial allocation of water from a non-reclaimed water source. However, such partial allocation will not exceed that amount necessary to compensate for the shortfall in reclaimed water supply, in light of total project demands calculated pursuant to the Applicant's Handbook ~~Basis of Review~~. Available at the project site means the utility has initially provided the distribution facilities at its cost to the project boundary. In the event distribution lines are not provided at the project boundary, the applicant must then provide an assessment of extending the lines to the project as a part of the economic feasibility analysis.

c. Economic Feasibility: If the applicant asserts that reuse is not economically feasible, then the applicant must provide the District with an assessment of the economic feasibility of use of reclaimed water use.

i. In performing the assessment, the applicant shall contact the applicable reuse utility and request a letter stating that reclaimed water is not available or provide the following information and consider the response provided by the reuse utility in its analysis:

A. The reclaimed water rate(s) the reuse utility would charge the applicant (e.g., the cost per/1000 gallons) and any other periodic, fixed, or minimum charges for use of reclaimed water by the applicant.

B. The reclaimed water availability charges the reuse utility would charge the applicant in lieu of connection to the reclaimed system.

C. Other one-time charges for the connection to the reuse.

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D. Whether the reuse utility helps fund potential reclaimed customers' costs to connect to the reclaimed line or convert its operation to use reclaimed water.

ii. The applicant's economic feasibility analysis must consider all of the following:

A. Costs associated with purchase of a reclaimed water supply source including: 1) pump and distribution costs; 2) storage costs; 3) monthly rates charged for the reclaimed water supply; and 4) costs associated with risk of loss of reclaimed supply;

B. Costs associated with development of an otherwise permittable supply source including: 1) well, pump, and distribution; and 2) operational costs including increased fertilizer costs, where applicable, power costs, pumping, and system operation and maintenance costs;

C. Alteration in the rates charged by the permit applicant's business to account for costs associated with using reclaimed water; and

D. Other factors affecting the economic feasibility of using reclaimed water as proposed by a permit applicant in light of their particular situation.

If the reuse utility fails to respond or does not provide the information within 30 days after receipt of the applicant's request, the applicant shall 1) provide the District a copy of the applicant's written request and a statement that the reuse utility failed to provide the requested information; and, 2) complete the end user feasibility evaluation with the best available information.

C. Unanticipated Loss of Reclaimed Water Supply

1. Emergency / short-term interruption of service: In order to account for such interruption of service, the reclaimed water end-user may request a permit for a "back-up" supply. The amount of water allocated for such use will be based upon historic reclaimed water treatment plant delivery performance or a 30-day supply, as determined by criteria described in Subsection ~~Section~~ 2.3.1.C.1 ~~2.3.2~~, whichever is less. A "back-up" allocation will be issued for a duration of 20 years.

2. Long-term interruption / cancellation of service: The reclaimed water end-user may apply for a temporary or conventional water use permit. Should

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competition arise between a permit applicant who has lost its reclaimed water supply source and another permit applicant, the District shall consider the former reclaimed water end-user who has lost its supply to best serve the public interest under Section 373.233, F.S.

2.3 Demonstration of Demand

The requested allocation to serve the a~~A~~pplicant's need for water will be based upon the demonstrated demand.

2.3.1 General Criteria

Section~~s~~ 2.3 ~~2.2~~ ~~through~~ identifies ~~identify~~ the components of demand that must be identified for applicants of individual and general permits for each water use type.

A. Reasonable Demand

Applicants for individual and general permits must identify the quantities needed for each component of demand in order to justify the quantities requested in the permit application. Typically, the requested quantities are based on documented historical information.

The proposed withdrawal of water must be supported by information specified in Section 2.0 of this Handbook ~~manual~~, demonstrating that the withdrawal quantities are necessary to supply a certain reasonable need or demand. Only that portion of the requested demand that is supported by adequate documentation will be recommended for issuance through the time period specified by the permit duration.

B. Allocation Expressions

Applicants shall request quantities in gallons per day for each component of demand according to the terms listed below. The District will evaluate the quantities requested and identify the quantity allocated in gallons in each permit. The resulting allocation may be in one or more of the following expressions ~~designations~~:

~~Annual (MG)~~
~~Maximum Monthly (MG)~~
~~Maximum Daily (MG)~~

1. Annual Allocation:

The annual allocation is determined by calculating the quantity of water to be withdrawn over a 12-month time period under a 1-in-10 year drought condition for the associated use class. Applicants, other than irrigation uses, must determine the annual quantity by adding the quantities required by each component of demand for the particular use. The total demand is then considered along with other factors affecting withdrawals such as treatment losses; other sources of water; conservation practices employed and water purchased, sold, or transferred to determine the annual withdrawal quantity. For irrigation uses, the annual allocation is determined under Subsection ~~Section~~ 2.3.1.C.

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2. Maximum Monthly Allocation

The maximum monthly allocation is the greatest quantity permitted to be withdrawn in any single month. The maximum monthly allocation is determined by identifying the peak month demand under the 1-in-10 year drought condition for the associated use class. For irrigation uses, the maximum monthly allocation is determined under Subsection ~~Section~~ 2.3.1.C.

3. Maximum Daily Allocation

The maximum daily allocation is the maximum quantity of water permitted to be withdrawn in any single 24-hour period. This quantity is permitted to account for frost/freeze protection for agricultural water use permits.

C. Irrigation ~~Water~~ Demand Components

The reasonable need for irrigation water use is equal to the supplemental crop requirement multiplied by the allocation coefficient except when the available water supply is restricted due to adverse resource impacts or the a~~A~~pplicant's limited need for or ability to use the water. If the total rated capacity of all existing and proposed withdrawal facilities is less than the calculated demand, the recommended allocation will be based on the lesser value. Applicants shall identify the crop type, net planted acreage, irrigation method, soil type, planting dates, and periods of irrigation.

1. Supplemental Irrigation Requirement

The supplemental irrigation requirement for individual and general permits is the amount of water needed for a particular crop beyond the amount of water provided by effective rainfall. There are several ways to determine this amount:

a. Except as described in Subsection b ~~B~~, below, the supplemental irrigation requirement for all crop types is determined using the Modified Blaney-Criddle method as described in the "Water Use Management System Design and Evaluation Aids: Supplemental Crop Requirement and Withdrawal Calculation". This procedure estimates the potential amount of water lost to evapotranspiration and determines the supplemental irrigation requirement using soil moisture capacity, rainfall, and other variables. The maximum month and annual allocation will be based on the supplemental irrigation requirement for a 1-in-10 year drought condition.

b. If the method described in Subsection a ~~A.~~ above, is not applicable due to localized allocation coefficients, soil characteristics, hydrologic conditions, crop type, or crop coefficient, the supplemental irrigation requirement may also be determined based on specific reports related to evapotranspiration estimates published by the ~~University of Florida, Institute of Food and Soil Conservation Service (~~IFAS~~)~~, or other reliable source, such as the ~~Soil Conservation Service or the~~ NRCS ~~Natural Resources Conservation Service~~.

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2. Allocation Coefficients

The allocation coefficient for individual and general permits incorporates the type of irrigation and its efficiency. The supplemental irrigation requirement will be multiplied by the net irrigated acreage and the appropriate allocation coefficient listed in Table 2-1 in determining the allocation requirements, if the alternative allocation coefficient described below.

Applicants may request an allocation coefficient different than the criteria outlined above. In determining which allocation coefficient is appropriate, District staff will consider factors such as: site-specific soil characteristics, evapotranspiration and effective rainfall, depth to background water level, height of groundwater mound, irrigation field boundary conditions, or other site-specific information as it relates to increased resource efficiency.

TABLE 2-1
Allocation Coefficient Multiplier

Irrigation System Type	Allocation Coefficient Multiplier
Micro-irrigation	
Drip	1.18
Micro-sprinkler	1.18
Overhead Sprinkler	
Linear Move	1.25
Solid Set Sprinkler	1.30
Traveling Gun	1.40
Portable Gun	1.50
Nursery Container	3.60
Subirrigation	
Seepage, Furrow	2.00
Semi-Closed Flow-Through	2.00
Crown Flooding	2.00

a. Resource Efficiency: Resource efficiency shall be evaluated by using the following factors: evaporation, runoff to areas other than the relevant water storage system, runoff and infiltration back into the relevant water storage system, aquifer recharge potential gained through the retention/detention of stormwater, the recycling of irrigation return flow, related environmental and operational factors such as the ability to maintain historical surface and groundwater levels and, the ability to conserve the water resource.

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b. Irrigation System 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. Irrigation system efficiency shall be based on ratings published in Efficiencies of Florida Agricultural Irrigation Systems (Smajstrla et al. IFAS Bulletin 247). Applicants may demonstrate that a different factor is applicable for a particular system. This factor may be based on information provided by the manufacturer of the system. The irrigation system efficiency associated with water that is conveyed over large distances before being utilized for irrigation purposes is determined based upon a combined efficiency factor incorporating the efficiency of the system delivering the water to the point of diversion into an irrigation system and the efficiency of the irrigation system itself. The combined irrigation system efficiency is calculated based upon the appropriate allocation coefficient identified in Table 2-1 and a multiplying factor of 1.5 to account for conveyance losses. If the a~~A~~pplicant does not agree with the use of the 1.5 multiplying factor, another value shall be used if the a~~A~~pplicant provides sufficient documentation which supports the use of a different value.

c. Standard Irrigation Systems: The accepted standard irrigation system for specific crop types will be required of all initial consumptive use permit applicants whose irrigation systems are not constructed. As new information is made available or new technologies are developed, irrigation standards for other crop types will be established by rule. Upon permit renewal, ~~in Critical Water Supply Problem Areas,~~ the irrigation standard will be required of acreage added to existing, permitted projects; when the existing water use permit contains irrigated acreage for which the allocation was not used and is proposed to be used or for that part of the irrigation system which is being retrofitted. The following two standards are incorporated into this rule.

i. The accepted irrigation methodology for citrus projects is a microirrigation system such as drip, micro-sprinkler, or other system capable of meeting the equivalent irrigation system efficiency of a micro-irrigation system.

ii. The accepted irrigation methodology for nursery container projects is a micro-irrigation system, overspray irrigation water recovery system, or other specific design elements capable of achieving the equivalent efficiency of a micro-irrigation system.

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D. Drainage Districts

Applicants for an individual or general permit who are dependent users pursuant to Subsection ~~Section~~ 2.3.2.C.2.A ~~2.7.3.A~~ and are supplied water by a permitted Drainage or Water Control District do not need to be permitted separately for supplemental quantities unless there is a change in the withdrawal source for which the Drainage or Water Control District has no authority or permission to use. The allocation of the supply from the additional source will be authorized through the issuance of a separate permit specific to the new source classification.

2.3.2 Criteria for Use Classes

Applicants for water use ~~general or individual~~ permits must demonstrate that the quantities requested represent reasonable ~~irrigation, livestock, and other agricultural~~ water needs specific to the use class.

A. Agriculture and Nursery

For irrigation, livestock, and other agricultural water uses, reasonable need and water conservation is demonstrated by providing information on the types and planted acreage of crops to be irrigated, planting dates and length of crop growing season, the irrigation system or systems utilized, frost/freeze protection, soil type, the type and number of livestock, and other specific use information. The reasonable demand for agricultural water use is composed of one or more demand components, depending on the specific agricultural use. Where more than one use is served by the same allocation, i.e., improved pasture irrigation and livestock watering, the allocation shall represent the sum of the components. Supplemental irrigation demands calculated pursuant to this Subsection and Subsection 2.3.1.C meet water conservation requirements.

1. Demand Components

The supplemental irrigation requirement for agricultural and nursery uses is calculated as specified in Subsection 2.3.1.C of this Handbook.

2. Frost/Freeze Protection

Freeze protection quantities for general and individual permits may be identified based on the number of acres to be protected and the type of freeze protection utilized. If the rated capacity of existing and proposed withdrawal facilities is less than the calculated freeze protection value, the total rated capacity of the existing and proposed withdrawal facilities will be the basis for the recommended maximum daily allocation for freeze protection. The freeze protection allocation will be made on the basis of a 24-hour maximum daily requirement per freeze event. The following values will be utilized for freeze protection calculations unless alternative, reasonable acceptable agricultural practices can be documented by the a~~A~~pplicant.

Flood: 0.10 MGD/acre
Sprinkler: 0.16 MGD/acre
Micro-sprinkler: 0.05 MGD/acre

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The allocation calculated for freeze protection shall not be used to determine if the proposed use qualifies for a general or individual permit.

3. Micro Irrigated Citrus

The annual allocation for micro irrigated citrus will be calculated using methodology and coefficients described in Subsection ~~Section~~ 2.3.1.C ~~2.3.2~~. The maximum month allocation will be defined by the highest month value for full evapotranspiration for either March, April, or May, as determined using the methodology in Subsection ~~Section~~ 2.3.1.C ~~2.3.2~~. In the event that the allocation calculated by this methodology is insufficient to meet the supplemental irrigation requirements of an applicant's grove under a 1-in-10 year drought condition, the applicant may apply for an allocation in excess of the allocation calculated by Subsection ~~Section~~ 2.3.1.C ~~2.3.2~~. In such circumstances, the applicant must affirmatively demonstrate the need for a higher allocation by provision of information such as: site specific soil hydrologic characteristics, depth to the water table, salinity of irrigation water (when additional water is needed to flush salts from the soil), calibrated historic pumpage data, or the results from an on-site irrigation efficiency evaluation conducted by a qualified irrigation auditor, such as a Mobile Irrigation Lab. In the event the irrigation water exceeds 1,200 milligrams per liter total dissolved solids, the maximum month allocation will be increased to include 1 inch of water for the purposes of flushing accumulated salts from the soil.

4. ~~Improved~~ Pasture ~~Irrigation~~

Authorization of water use for improved pasture shall be given if the applicant documents that an irrigation system exists or is proposed and is capable of delivering the requested amount. For proposed systems, a schedule for implementation of the irrigation system is required. The applicant will be required to document the amount of improved pasture acreage reasonably expected to be irrigated in any given growing season as the basis for the net irrigated acreage. In determining the reasonable irrigation allocation for improved pasture ~~under Section 2.3~~, the following specific requirements shall apply:

a. Overhead sprinkler irrigation: The allocation will be based on the number of acres of pasture grass that will be irrigated, the type of irrigation equipment utilized and its efficiency (Table 2-1), and the methodologies and crop coefficients for pasture grass as described in Subsection ~~Section~~ 2.3.1.C ~~2.3.2.A~~.

b. Sub-irrigation: The allocation will be based on the amount of water needed to maintain water levels of the irrigation canals that comprise the water delivery system. The applicant shall calculate the demands based on the number of acres pasture grass that will be irrigated using the methodologies and crop coefficients for pasture grass as described in Subsection ~~Section~~ 2.3.1.C ~~2.3.2~~.

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The irrigated acreage shall be determined from the extent to which the water is distributed over the land. Irrigation systems constructed with lateral ditch spacing of 60 to 400 feet are considered to provide irrigation to all the acreage incorporated within the system (U.S.D.A. Florida Conservation Service Florida Irrigation Guide, August 1982). Applicants may provide site specific information on soil and pasture grass type to support lateral spacing greater than 400 feet. For irrigation systems that consist of main ditches without laterals, or laterals with a spacing greater than is sufficient to provide irrigation to all the pasture grass, the irrigated acreage will be calculated by multiplying the length of the ditches by the effective irrigation area as determined by soil and turf type.

Applications for the irrigation of unimproved pasture will not be approved.

5. Other Agricultural Needs

The reasonable need for other agricultural uses, such as cooling of animals or product, is determined based on supporting information provided by the a~~A~~pplicant for a general or individual permit. The supporting information must demonstrate that the requested allocation is a reasonable-beneficial use.

a. Livestock: The reasonable need for livestock use for individual and general permits is determined by multiplying the estimated total number of animals by gallons needed per day per animal as estimated by IFAS or other sources directly related to specific industry process requirements. Unless the a~~A~~pplicant can demonstrate that a different factor is appropriate for their particular needs, the livestock water use will be determined using the values identified in Table 2-2.

TABLE 2-2
Livestock Water Needs

Animal	Use per Animal (gpd)
Dairy Cattle	150
Beef Cattle	12
Horses	12
Hogs	2
Sheep	2
Turkeys	1
Chickens	0.1

b. Aquaculture: The reasonable need for aquaculture is determined by the number and volume of ponds and tanks and their filling and recirculation requirements and other factors that may contribute to maintaining necessary water levels or water quality. An applicant

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for a general or individual permit must demonstrate that the requested allocation is a reasonable-beneficial use.

B. Dewatering

Dewatering activities that require a water use permit include withdrawals of water for construction activities, mining operations, and minor uses such as exploratory testing, short-term Remedial Action Plans, and APTs ~~aquifer performance tests~~. There are three types of District permits for dewatering projects that are primarily based on the duration and volume of water associated with the project. As summarized in Table 2-3, one ~~two~~ of the permits is ~~are~~ for short duration dewatering projects and the other two are ~~is~~ for long-term projects. The dewatering duration for a project is considered by Staff to be the period of time necessary to complete all dewatering for the project. An applicant is ~~Staff will~~ not eligible for ~~issue~~ multiple general ~~short-term dewatering~~ permits by rule for a single project or different phases of a project.

1. General Permit by Rule for Short-Term Dewatering

Criteria for General Permits by Rule for Short-Term Dewatering are found in Rule 40E-2.061(2), F.A.C.

2. Dewatering Individual Permits

Dewatering individual permits apply to projects that exceed the thresholds and criteria described in Rule 40E-2.061(2), F.A.C., ~~Basis of Review, Sections 2.5.1 and 2.5.2, above~~. Two types of individual dewatering permits are available from the District. For projects where all the dewatering activities are defined at the time of the permit application, the applicant may apply for a standard individual permit. For long-term, multi-phased projects, with undefined activities or no contractor at the time of the permit application, the applicant may apply for a master individual permit.

Applicants for all individual dewatering permits must satisfy the conditions of issuance ~~for Individual Permits~~ (Rule 40E-2.301, F.A.C.) In order to provide reasonable assurances that water reserved in Rule 40E-10.041, F.A.C., will not be withdrawn, all water from the dewatering activity shall be retained on site. If the applicant demonstrates that retaining the water on site is not feasible, the project shall be modified to demonstrate pursuant to Subsection ~~section~~ 3.11 that reserved water will not be withdrawn. The applicant may elect to begin dewatering for a single period of only 180 ~~90~~ days in areas of the project that meet the general permit by rule ~~No-Notice~~ criteria specified in Rule ~~Section~~ 40E-2.061(2), F.A.C., ~~2.5.1 of this Basis of Review~~ once an application for an individual dewatering permit has been submitted to the District.

The applicant must provide the information required in paragraphs a. through i., below, as applicable ~~for the Dewatering General Permit as specified in Section 2.5.2~~. In addition, the applicant shall provide estimates of the maximum monthly and annual dewatering withdrawals for the project and will be required to submit records of monthly withdrawals for each dewatering pump to the District. Staff

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shall not specify maximum monthly or annual withdrawal volumes in the recommended permit conditions. Permit applications for a d~~D~~ewatering ~~General~~ p~~P~~ermit must:

a. P~~p~~rovide reasonable assurances that the project will not cause harm to the resource, existing legal uses, offsite land uses, and wetland environments or cause harmful saline water intrusion or movement of pollutants, as described in Chapter 3 of this Handbook. If the potential for harm exists, the applicant shall redesign the dewatering activities, including recharge trenches or storage areas to offset the potential drawdown impacts of the proposed activity; ~~.~~

b. D~~d~~emonstrate that the requested allocations represent reasonable dewatering needs. These needs are generally demonstrated by providing information on the water budget for the operation, including all sources and losses of water utilized in the dewatering process. The water budget should demonstrate where and in what quantities water is generated to accomplish the dewatering, including any associated losses, and where and in what quantity water is stored, recharged, disposed, or reused. If processing of materials is associated with the dewatering, a separate water budget describing these activities is required. The water budget may be in the form of a spreadsheet or a flow diagram that indicates all water sources and losses;

c. I~~i~~dentify the areal extent and depth of the proposed excavation, the depth of dewatering, and the areal extent of the drawdown of the Water Table aquifer associated with the proposed dewatering.

d. P~~p~~rovide reasonable assurances that all dewatering water will be retained on the project site, unless the applicant demonstrates that it is not technically feasible to retain the dewatering water onsite. If any offsite discharge is requested due to demonstrated technical infeasibility of onsite retention, the applicant must provide the following information with the permit application:

i. D~~d~~ocumentation of authorization that allows the applicant to discharge directly into the receiving water body and/or adjacent lands (e.g., NPDES or ERP permit), and a demonstration that the receiving water body or adjacent lands are capable of accepting the dewatering discharge;

ii. A~~a~~n operational plan which demonstrates that the discharge to the receiving water body will meet all applicable State Water Quality standards prior to discharge;

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iii. A~~a~~n operational plan which demonstrates that the discharge to protected wetlands will not contain turbidity levels in violation of State Water Quality standards (must be less than 29 NTU above background levels) prior to discharge;

iv. A ~~a~~ monitoring plan which includes, at a minimum, proposed sampling locations and daily turbidity measurements of the discharge and background conditions in the receiving body and/or wetland; and,

v. A ~~a~~ contingency plan which includes procedures for ceasing dewatering operations and correcting the situation until monitoring demonstrates water quality standards are met.

e. Demonstrate that reserved water will not be withdrawn pursuant to Rule ~~paragraph~~ 40E-2.301, F.A.C., by retaining all water on site. ~~If the aApplicant demonstrates that retaining the water on site is not feasible, the application shall be processed as an individual permit pursuant to Section 2.5.3~~;

f. Provide reasonable assurances that fresh dewatering water will not be discharged to saline tidal waters, unless the applicant demonstrates that it is not technically feasible to prevent discharge to saline water and requests specific authority from the District for discharge. Saline dewatering water, as defined in this Applicant's Handbook ~~Basis of Review~~, may be discharged to tidewater;

g. Provide an operational plan which describes how stormwater will be handled during dewatering operations;

h. For s~~S~~tandard i~~I~~ndividual p~~P~~ermits,~~:~~ t~~T~~he applicant shall specify all proposed dewatering activities for the project in terms of depth, duration, and areal extent of dewatering and proposed routing of dewatering water, the estimated magnitude and extent of drawdown, proposed recharge/storage areas, and the potential for harm. The applicant may proceed with all dewatering activities once the permit has been approved; and,

i. For m~~M~~aster i~~I~~ndividual p~~P~~ermits,~~:~~ d~~D~~ue to project uncertainties, the applicant may not be able to specify all aspects of the proposed dewatering activities at the time of the permit application. In order to receive a ~~"~~master~~"~~ dewatering permit, the applicant must meet all conditions of issuance and specify the depth, duration, and areal extent of dewatering, the proposed routing of dewatering water, the estimated magnitude and extent of drawdown, proposed

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recharge/storage areas, and the potential for harm for ~~"~~typical~~"~~ dewatering activities for the project. In addition, the applicant shall provide an estimated project schedule showing dewatering activities and calculated estimated maximum monthly and annual dewatering withdrawals. After approval of the permit, the applicant shall be required by limiting condition to supply site-specific dewatering plans for each proposed dewatering activity to the District for review and approval at least two weeks prior to dewatering. The applicant may not initiate dewatering prior to receiving written notification from District Staff, that the proposed dewatering activity is consistent with the approved master permit.

Individual d~~D~~ewatering applications will be reviewed concurrently with ERP ~~Environmental Resource~~ or SWM ~~Surface Water Management~~ construction permit applications, and the dewatering application will not be considered complete until both applications are complete. An applicant may request that the dewatering permit include a later "start" date to coincide with the actual start of dewatering activities at the project. Staff will recommend a permit expiration date, based on the proposed "start" date. Any temporary dewatering water holding areas must be constructed and operated using sound engineering practices to protect public health, safety, and welfare and, as necessary, dewatering activities must meet all applicable ERP criteria.

TABLE 2-3
Dewatering Permits

PERMIT REQUIRED	MAXIMUM DAILY PUMPAGE	TOTAL PROJECT PUMPAGE	DURATION	COMMENTS
General Permit by Rule for Short-Term Dewatering 40E-2.061(2), F.A.C. BOR Section 2.3.2.B.1	5 MG	100 MG	Up to 180 Days	No potential for resource impacts. No offsite discharge unless an aquifer performance test.
Standard Individual Permit 40E-2, F.A.C. Subsection 2.3.2.B.h	No limitation	No limitation	Up to 20 Years	Standard permit for defined projects. No allocations assigned.
"Master" Individual Permit 40E-2, F.A.C. Subsection 2.3.2.2.i	No limitation	No limitation	Up to 20 Years	Permit for phased projects, projects with undefined activities, or no contractor at time of permit application. No allocations assigned.

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C. Diversion and Impoundment Systems

This subsection ~~Section~~ contains criteria for calculating the allocation for diversion and impoundment systems and the criteria for users within diversion and impoundment systems to obtain consumptive use rights.

A diversion and impoundment permit is required for projects, excluding District operated facilities, that divert surface water through a pump or operable water control structure, or divert a combination of surface and groundwater to a conveyance canal network system which the applicant has legal control to operate and maintain for the purposes of providing for the reasonable-beneficial demands of secondary users and consumptive and non-consumptive uses.

Users of surface water maintained through operation of a diversion and impoundment system are considered secondary users of the diversion and impoundment system. The District recognizes dependent and independent secondary users as the two categories of surface water users within a diversion and impoundment system that may attain water rights through the permitting process. The distinction between these two categories is related to the manner in which the secondary user attains its water right. Unless exempt, such secondary users must obtain a consumptive use right through an independent permit or by incorporation into the diversion and impoundment permit. Criteria for each of these methods are set forth below.

1. Demand Calculations

Reasonable demand calculations for diversion and impoundment systems will be based on the following factors: the extent (length, cross sections, and depth) of the canal network used to deliver the water associated with the diversion and impoundment operation; land use classifications within the area served by the diversion and impoundment system; surface water demands directly withdrawn from the diversion and impoundment system; seepage losses; water necessary to maintain groundwater elevations for the purpose of aquifer recharge and saltwater intrusion prevention; evaporation losses from the canal surfaces; and established control elevations during 1-in-10 year drought events.

For permit renewals in which no changes are proposed over historic operations, the demands may be determined from historic pumpage records, consistent with the criteria in Subsection ~~Section~~ 3.1.1 ~~1.7.5.1~~. For modifications where the proposed allocation is increasing, the demands shall be determined with the use of models consistent with the criteria in Subsection ~~Section~~ 3.1.2 ~~1.7.5.2~~, using the applicable efficiency and conservation measures for each use type served by the project while considering cycling of water from project to project within the system.

In addition to the requirements of the a~~A~~pplication~~ Form RC-1W,~~ diversion and impoundment permit applicants must submit: ~~(~~1) a map identifying the location of all secondary users of their system, including irrigated acreage and land use type; upon permit modification this map must be updated to reflect changes in

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secondary users of the diversion and impoundment system; and ~~(~~2) copies of the agreements executed with dependent secondary users pursuant to Subsection ~~Section~~ 2.3.2.C.A ~~2.7.3.A~~.

2 Conditions of Issuance for Secondary Users

a. Dependent Secondary Users are users of surface water from a diversion and impoundment system that have elected to obtain their water right through the diversion and impoundment permittee's permit, as evidenced by a legal agreement in compliance with the following:

i. Agreement that the secondary user will comply with water shortage restrictions imposed by District rule or order issued pursuant to Chapter 40E-21, F.A.C.;

ii. Agreement that the secondary user will comply with all applicable water conservation standards required in the diversion and impoundment permit;

iii. Agreement that the secondary user will notify the diversion and impoundment permittee of any changes in water use demands or sources;

iv. Agreement that the secondary user will continue to evaluate the feasibility of using reclaimed water in accordance with the requirements contained within the diversion and impoundment permit;

v. Agreement that the secondary user will mitigate harm to the resources or existing legal uses caused by the secondary user;

vi. Agreement that the secondary user will submit a map identifying their system's location, irrigated acreage, and land use type; and,

vii. Agreement that the dependent secondary user will comply with the above stated conditions and applicable conditions within the diversion and impoundment entities' consumptive use permit or be subject to potential District enforcement action pursuant to Chapter 373, F.S.

b. Independent Secondary Users are users of surface water from a diversion and impoundment system that have obtained their water right through a separate consumptive use permit from the District. The District will utilize the applicable demand calculation criteria for the use class associated with the secondary use to determine the

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proposed project's demand, contained in the Applicant's Handbook ~~Basis of Review~~. Site specific resource evaluation must be conducted as required by Section 3.0. Impact evaluation associated with the diversion and impoundment system's withdrawal from the regional system will not be required. Resource impact evaluations must be conducted as required by Section 3.0. In addition, the requested allocation must be consistent with the diversion and impoundment permit as evidenced by demonstration of legal access to the diversion and impoundment system and by demonstration that the proposed secondary use will not cause the diversion and impoundment permittee to exceed its permitted allocation.

D. Industrial/Commercial/Power Plants

Applicants ~~for an individual permit~~ must demonstrate that the quantities applied for relate to reasonable processing and manufacturing needs. The a~~A~~pplicant shall demonstrate need for the water by providing information on the water balance for the operation, including all sources of water and losses of water utilized in production processes, personal/sanitary needs of employees and customers, power generation, treatment losses, and unaccounted uses.

1. Water Conservation Requirements

All individual permit applicants for an industrial/commercial/power plant water use permit must submit a water conservation plan at the time of permit application. The conservation plan shall be prepared and implemented for the p~~P~~ermittee's proposed use and, at a minimum, incorporate the following mandatory components:

a. An audit of the amount of water used in the a~~A~~pplicant's various operational processes. For new p~~P~~ermittees, an audit will not be required as a condition of permit issuance; however, such audit must be conducted within two years of permit issuance.

The following measures will be required within the first year of permit issuance or audit completion if found to be cost effective in the a~~A~~pplicant's audit:

i. I~~i~~mplementation of a leak detection and repair program;

ii. I~~i~~mplementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the a~~A~~pplicant's facilities, and;

iii. U~~u~~se of processes to decrease water consumption.

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b. Develop and implement an employee awareness and consumer education program concerning water conservation.

c. Procedures and time-frames for implementation shall be included in the conservation plan.

2. Demand Components

Applicants for industrial/commercial/power plant uses must identify the demand for each of the following components:

a. Process requirements:- water lost in processing and manufacturing where water is an input in the process. This quantity is determined through the calculation of a water balance. The water balance demonstrates where water is generated and in what quantities, where water is used in manufacturing or processing and the associated losses, and where and in what quantities water is disposed of or reused. The balance may be in the form of a spreadsheet or a flow diagram that indicates all water sources and losses. All sources of water that input to the activity must be listed.

b. Other uses: - determined by calculating the total withdrawal quantity minus the quantity for the uses identified above. Other uses include lawn and landscape irrigation, outside use, air conditioning and cooling, water lost through leaks, and unaccounted uses.

3. Pollution Remediation

An industrial/commercial wWater uUse pPermit is required for remediation projects that include ground-water or surface water withdrawals. The application for a pollution remediation use must include a copy of an approved state or federal remedial action plan. The volume of water to be withdrawn shall be consistent with the remedial action plan. The applicant must demonstrate that the treated water is discharged in a manner that is ultimately returned to the aquifer or is otherwise put to a reasonable-beneficial use, unless such discharge is technically or environmentally infeasible or is otherwise not practicable. Technical infeasibility exists if there is no reasonable access or capacity of permeable surface upon which the aquifer recharge could take place. Environmental infeasibility exists when there is no reasonable way of providing compatible quality discharge water to the receiving water, consistent with primary State Water Quality standards.

E. Landscape/Recreational

1. Water Conservation Requirements

~~All individual~~ Ppermit applicants for landscape and golf course irrigation projects shall develop a conservation program incorporating the following mandatory

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elements. This conservation program must be submitted at the time of permit application.

a. The use of Florida-Friendly landscaping principles for proposed projects and modifications to existing projects where it is determined that Florida-Friendly landscaping is of significant benefit as a water conservation measure relative to the cost of Florida-Friendly landscaping implementation and meets the requirements of S~~s~~ection 373.185(2)(a)-(f), F.S.

b. The installation and use of rain sensor devices, automatic switches or other automatic methods that have the capability to override the operation of the irrigation system when adequate rainfall has occurred is required. Systems which use soil moisture sensors to determine irrigation requirements are not required to also install rain sensors.

c. The limitation of all lawn and ornamental irrigation to the hours and days specified in Rule 40E-24.201, F.A.C., or alternative landscape irrigation conservation measures adopted by local government ordinance in accordance with Rule 40E-24.301, F.A.C.

2. Demand Components

The supplemental irrigation requirement for individual and general permits is calculated as specified in subsection ~~Section~~ 2.3.1.C.1.

F. Public Water Supply

In order to accurately calculate demand, public water supply general or individual permit applicants must meet the criteria included in Subsection ~~Section~~ 2.1 and identify the demand for each of the uses listed in this section. Information required to demonstrate reasonable demand for each component includes the number, type, and size of service connections; past pumpage records; projected population data for the service area; data on the specific uses; and data specific to the forecasting models used. Demand quantities shall be based on raw water demand or that volume of water necessary to be withdrawn from existing or proposed sources. The quantities must be expressed in average gallons per day for each component of demand.

Where metering, billing, or other record-keeping methods do not provide accurate use estimates, the a~~A~~pplicant must provide the best estimates for each use type and must document the estimation method used.

In applications where a portion of the demand is derived from large use customers who redistribute water (e.g., a county utility sells water to a municipality), the a~~A~~pplicant must obtain and report demand information from each customer. This information is required to demonstrate that the quantities applied for are supported by reasonable demand. Per

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capita use guidelines and water use c~~C~~onservation p~~P~~lans presented below ~~in Section 2.6.1~~ apply to redistributing water customers as well as the a~~A~~pplicant.

1. Water Conservation Requirements

In addition to any required conservation measures pursuant to an applicable adopted minimum flow and level recovery or prevention strategy, a~~A~~ll public water supply applicants ~~utilities~~ ~~are required to develop and~~ shall implement a standard water conservation plan described in Subsection 2.3.2.F.1.a or a goal-based water conservation plan described in Subsection 2.3.2.F.1.b. ~~The water conservation elements of each plan need to be identified as part of the application. A timetable outlining the implementation schedule of each of the required water conservation elements will be required to be submitted or shown to already exist prior to issuance or renewal of a public water supply water use permit. The conservation plan shall be prepared and implemented for the service area incorporating, at a minimum, the following mandatory components. For those components which require ordinance adoption, such ordinance should incorporate the entire boundary of the enacting jurisdiction. The Permittee shall provide a copy of the ordinances for each of the mandatory elements for which ordinances are adopted. The mandatory water conservation elements are as follows:~~ The proposed water conservation plan shall allow no reduction in, and increase where environmentally, technically, and economically feasible, overall utility-specific water conservation effectiveness. The applicant may use publications and materials from Conserve Florida, the Alliance for Water Efficiency, and other similar industry guidance to assist in developing and supporting the selection of measures in its conservation plan and in demonstrating that increases in water use efficiency were achieved through water conservation.

The elements and implementation schedule for the water conservation plan shall be developed by the applicant. The District shall review and approve the plan submitted by the applicant as part of the public water supply permit. In reviewing the applicant's proposed plan for sufficiency, the District will consider whether the elements and sub-elements proposed to be implemented in the plan, taken as a whole, will promote effective conservation. The water conservation plan shall be subject to the schedule and reporting requirements specified in the permit. If implementation of the plan fails to demonstrate progress toward increasing water use efficiency, the permittee shall request a permit modification, if necessary, to revise the plan to address the deficiency.

a. Standard Water Conservation Plan ~~The limitation of all lawn and ornamental irrigation to the hours and days specified in Rule 40E-24.201, F.A.C., or alternative landscape irrigation conservation measures pursuant to Rule 40E-24.301, F.A.C.~~

The applicant shall implement each of the following five elements as necessary to achieve efficient water use to the extent economically,

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environmentally, and technically feasible. The applicant will explain how its proposed plan will effectively promote water conservation.

i. A water conservation public education program. A program shall consist of one or more sub-elements. The applicant will consider education sub-elements such as those listed below. Implementation of these sub-elements may be achieved through collaboration with other entities, including the District. For each educational sub-element included in the applicant's program, the applicant shall identify the frequency, duration, and implementation schedule for the sub-element.

A. Water conservation public service announcements;
B. Water conservation speakers, posters, literature, videos, and/or other information provided to schools and community organizations;
C. Public water conservation exhibits;
D. Water conservation articles and/or reports provided to local news media;
E. A water audit customer assistance program to address indoor and outdoor water use;
F. Water conservation information provided to customers regarding year-round landscape irrigation conservation measures;
G. Water conservation information posted on the supplier's website;
H. The construction, maintenance, and publication of water efficient landscape demonstration projects;
I. Water conservation information provided in customer bills or separate mailings; and,
J. Other means of communication proposed by the applicant.

ii. An outdoor water use conservation program. The applicant shall consider the following sub-elements.

A. The adoption of an ordinance or condition of service limiting lawn and landscape irrigation that is provided to the District, and is either no less stringent than or consistent with the irrigation restrictions adopted by the District.
B. The adoption of an ordinance or condition of service requiring the use of Florida-Friendly landscaping principles, Florida Water Star, or other generally

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accepted water conservation programs, guidelines, or criteria that address outdoor water conservation.

C. The adoption of an ordinance or condition of service consistent with Section 373.62, F.S., relating to automatic landscape irrigation systems.

D. The provision of a landscape irrigation audit program for businesses and residents, including the provision of information to assist customers in implementing the recommendations of the audit. The applicant shall provide a description of the program including implementation details and the content of the audits to be provided.

E. An education element focusing on outdoor conservation as part of the water conservation public education program required by Subsection 2.3.2.F.1.a.i.

F. Any other conservation measures or programs proposed by the applicant designed to reduce outdoor water use.

iii. The selection of a rate structure designed to promote the efficient use of water by providing economic incentives. The rate structures may include, but not be limited to, increasing block rates, seasonal rates, quantity based surcharges, and/or time of day pricing as a means of reducing demands. The District shall afford the utility wide latitude in adopting a rate structure in accordance with section 373.227(3), F.S.

iv. A water loss reduction program, if water losses exceed 10% as calculated pursuant to Subsection 2.3.2.F.2.

v. An indoor water conservation program. The applicant will consider indoor conservation sub-elements such as those listed below. Implementation of these sub-elements may be achieved through collaboration with other entities, including the District. For each indoor conservation sub-element included in the applicant's program, the applicant shall provide the frequency, duration, and implementation schedule for the element.

A. Plumbing retrofit rebates;

B. Faucet aerator and showerhead giveaways;

C. An education element focusing on indoor conservation as part of the water conservation public education program required by Subsection 2.3.2.F.1.a.i; and,

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D. Other indoor conservation measures proposed by the applicant.

b. Goal-Based Water Conservation Plan ~~Where the local government operating the public water supply utility, pursuant to section 125.568 or 166.048, F.S., determines that Florida-Friendly Landscaping would be of significant benefit as a water conservation measure relative to the cost of Florida-Friendly Landscaping implementation, the local government operating the public water supply utility is required to adopt a Florida-Friendly landscape ordinance meeting the requirements of section 373.185(2)(a)-(f), F.S. In the event such a Florida-Friendly Landscaping ordinance is proposed for adoption, the permit Applicant shall submit the draft ordinance to the District for determination of compliance with section 373.185(2)(a) - (f), F.S. If the ordinance which the local government has or proposes to adopt includes an alternative set of requirements which do not encompass those contained in section 373.185(2)(a)-(f), F.S., eligibility for the incentive program will not be achieved. The District, in compliance with section 373.185, F.S., offers the following incentive program, to those local governments who are eligible, consisting generally of information and cost-benefit analysis assistance. Specifically, the information provided interested parties will consist of an explanation of the costs and benefits of Florida-Friendly Landscapes; the types of plants suitable for Florida-Friendly Landscapes within the local government's jurisdiction; the types of irrigation methods suitable for Florida-Friendly Landscaping and the use of solid waste compost. Further, if requested, the District will assist local governments in determining whether the benefits of requiring Florida-Friendly Landscaping outweigh the costs within that local government's jurisdiction; this assistance may consist of economic considerations, technical information or referral to other agencies that can provide information the local government may need to perform its cost benefit determination. The Governing Board finds that the implementation and use of Florida-Friendly Landscaping, as defined in section 373.185, F.S., contributes to the conservation of water. The Governing Board further supports adoption of local government ordinances as a significant means of achieving water conservation through Florida-Friendly Landscaping.~~
A public water supply applicant may propose a goal-based water conservation plan in lieu of a standard water conservation plan. A goal-based plan allows the applicant to demonstrate effective water conservation by selecting plan elements that are different from those in the standard water conservation plan, but which are appropriate to the applicant's service area. A permittee operating under a standard conservation plan pursuant to this rule, or conservation plan required by a permit issued prior to this rule's effective date, may request to convert its current conservation plan to a goal-based plan through a letter modification.

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A goal-based water conservation plan prepared pursuant to s. 373.227(4), F.S., shall contain the following:

i. A description of water conservation measures selected for implementation and an implementation schedule for each measure; and,

ii. An explanation of why the alternative elements included in the goal-based plan are appropriate to achieve effective water conservation in the applicant's service area if any of the five elements of the standard water conservation plan are not selected for inclusion in the goal-based plan.

If a public water supply applicant provides reasonable assurance that the goal-based plan will achieve efficient water use by meeting the above criteria, the District shall consider the goal based plan to achieve effective water conservation at least as well as a standard water conservation plan.

c. In order to promote significant water savings beyond that required to achieve efficient water use in the permit, a public water supply permittee implementing a standard water conservation plan or a goal-based water conservation plan shall receive a permit extension for quantifiable water savings attributable to water conservation when the following conditions are met:

i. The permittee is in compliance with the conditions of its permit.

ii. The permittee demonstrates quantifiable water savings exceeding those required in the permit. Acceptable methods for quantifying water savings include reductions in residential per capita, gross per capita, per service connection use, or the use of treated potable water for outdoor irrigation. The quantification method used to establish the currently permitted allocation.

iii. The permittee demonstrates a need for the conserved water to meet the projected demand for the term of the extension.

iv. The permittee demonstrates water savings sufficient to qualify for at least a one-year permit extension.

v. The permit extension shall provide only for the modification of the duration of the permit and shall not be used to increase the quantity of the allocation.

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iv. The permittee demonstrates that increases in efficiency were achieved through water conservation and not as a result of population changes, economic or other factors unrelated to conservation. In the absence of factors unrelated to conservation, if the permittee demonstrates timely implementation of its District-approved conservation plan, then the water savings shall be attributed to implementation of the conservation plan.

v. The specific duration of the extension will be calculated based on the quantity of water saved through conservation and the demonstration of water demand based on projected growth, as calculated at the time of the extension request. A permittee may request an extension no sooner than 5 years after issuance of the original permit, and no more frequently than every 5 years thereafter.

vii. For permits with a duration of 5 years or less, a permittee may request an extension no sooner than one year prior to the original permit expiration date.

viii. An allocation having a duration of 5 years pursuant to Subsection 1.5.2.D shall not be granted a permit extension under this section.

ix. Multiple permit extensions may be requested to reflect additional water saved over the term of the permit. However, in no case shall the cumulative duration of all extensions exceed ten years from the original permit expiration date.

The permittee may request the extension through a letter modification request.

~~C. The adoption of an ordinance requiring the installation of ultra-low volume plumbing fixtures in all new construction, such that plumbing fixtures are installed to comply with the following maximum flow volumes at 80 psi: Toilets: 1.6 Gal./Flush; Shower Heads: 2.5 Gal./Min.; and Faucets 2.0 Gal./Min.~~

~~D. The adoption of water conservation-based rate structures. Such rate structures should include at least one of the following alternative components: increasing block rates, seasonal rates, quantity based surcharges and/or time of day pricing as a means of reducing demands.~~

~~E. The implementation of leak detection programs by utilities with unaccounted-for water losses of greater than 10% is required. Such leak detection program must include water auditing procedures, in-field leak detection efforts and leak repair. The program description should include the number of man-hours devoted to leak detection, the type of leak detection equipment being used and an accounting of the~~

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~~water saved through leak detection and repair. It is the policy of the District to encourage public water supply systems to have no more than 10% unaccounted-for water losses.~~

~~F. For local government applicants, the adoption of an ordinance requiring any person who purchases and installs an automatic lawn sprinkler system to install, operate and maintain a rain sensor device or automatic switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred pursuant to Section 373.62, F.S.~~

~~G. The implementation of water conservation public education programs.~~

~~H. For those potable public water supply utilities who control, either directly or indirectly, a wastewater treatment plant, an analysis of the economic, environmental and technical feasibility of making reclaimed water available. Use of the Guidelines for Preparation of Reuse Feasibility Studies published by the Department in November, 1991 is suggested.~~

~~I. Procedures and time-frames for implementation shall be included in the conservation plan.~~

2. Demand Components

All public water supply applicants for an individual or general permit must identify the demand for the following components:

a. Residential Use - at a minimum, shall be divided into single-family residential use and multi-family residential use;

b. Other metered uses - include all uses other than residential accounted for by meter;

c. Unaccounted uses - the total water system output minus all accounted uses above. Unaccounted use includes unmetered use, water lost through leaks, water used to flush distribution lines, fire-fighting, and other unidentified uses. This quantity should not exceed 10 percent of total distribution quantities. Applicants with unaccounted use greater than 10 percent are required to address the reduction of such use through the formation of a formal leak detection program;

d. Treatment and Distribution Losses - In some circumstances, not all water that is withdrawn is actually used. This circumstance may be a result of losses in the system during distribution, or because the water must undergo a treatment process before it is usable. This component should only be calculated when such losses are significant. Some water treatment technologies, such as desalination or sand filtration, may cause significant portions of the withdrawn water to be unusable. In such cases, the a~~A~~pplicant shall

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be required to indicate the withdrawal quantity treated, the percent product (usable) water, the percent reject (unusable) water, and the manner in which the reject water will be disposed.

e. Large User's Agreements - for those utilities which provide water to other entities through large user's agreements or other similar contracts, the quantity of water delivered to each end user (both average and peak day) and the duration of the water service delivery shall be identified. For those utilities which purchase supplemental water from another utility, the volume of water historically purchased (or contracted to be purchased for proposed uses) for both an average and maximum daily basis and the duration of the contract shall be provided.

3. Per Capita Daily Water Use

Per capita daily water use is a guideline used to measure the reasonable withdrawal requests of public water supply applicants for an individual or general permit. Per capita water use includes population-related withdrawals associated with residential, business, institutional, industrial, miscellaneous metered, and unaccounted uses. The average per capita daily use rate is calculated for the last five years or period of record, whichever is less, by dividing the average daily water withdrawals for each year of record by the permanent or seasonally adjusted population served by the utility for the same period of time. The per capita use rate that is most representative of the anticipated demands, considering the water conservation plans required by criteria in Subsection ~~section~~ 2.3.2.F.1 ~~2.6.1~~, shall be identified and used for water demand projection purposes. The historical demand patterns may not always be appropriate for projection purposes. This may occur when there are current large users whose growth is not related to population, or when future development may take on characteristics very different than those of present development. In such cases, alternative per capita estimates, such as a design per capita based on dwelling unit type, population characteristics, seasonality of the population and comparison with adjacent similar developments, shall be presented accompanied by necessary documentation. If no historical water use data exists or in the case of proposed developments, a design per capita use shall be used based on the above alternative criteria. Per capita daily water use greater than 200 ~~gallons per capita per day (~~gpcd~~)~~ must be supported with additional information explaining the rate of use.

4. Maximum Monthly Peaking Ratio

The recommended maximum monthly allocation for a public water supply general or individual permit is based on the average monthly demand for the duration of the permit times the maximum monthly to average monthly peaking ratio.

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Listed below are methodologies used to calculate the maximum monthly to average monthly peaking ratio depending on the available data. Extensive non-domestic use may cause variations in methodologies.

a. In cases where several years of pumpage records are available, the maximum monthly peaking ratio is calculated for each year. The ratio is generally the average of the peaking ratios of the last three years of record, unless changes in the historic water use patterns require the use of a more representative timeframe (such as when there is a projected significant increase for commercial/industrial demands or the applicant enters into a new large user agreement).

b. For proposed developments, a ratio between 1.3 and 1.7 will be used, depending upon the operation of the utility, although engineering documents justifying a different ratio will be considered.

c. When a utility operates more than one treatment plant and the plants operate independently (no interconnections), the maximum monthly peaking ratio must be determined for each treatment plant and its associated wellfield(s).

5. Population Estimates and Data

In service areas without significant seasonal population fluctuations, the use of permanent population estimates is appropriate. In service areas where there are significant seasonal population changes, the general or individual permit applicant shall estimate the seasonal population for use in conjunction with permanent population in the calculation of per capita daily water demand. The a~~A~~pplicant is advised that if significant seasonal population fluctuations are not accounted for, per capita water daily water use may be over-estimated. Permanent and seasonal (if applicable) population growth must be projected for the requested duration of the permit, on a yearly basis, for the area served by the application.

When population estimates are required for years in between published or referenced estimates, the a~~A~~pplicant must interpolate the data. The a~~A~~pplicant may assume that population increases in equal increments in the years between established estimates.

Population data should be derived from the prevailing Comprehensive Land Use Plan developed under Part II, Chapter 163 ~~9J-5~~, F.S., and the implementing rules found in Title 73C, F.A.C. If the a~~A~~pplicant's population estimate varies from the Comprehensive Plan, other accepted sources of population data to validate the variance include the following: ~~(~~1) ~~University of Florida Bureau of Economics and Business Research (~~BEBR~~)~~; ~~(~~2) ~~Regional Planning Council (~~RPC~~)~~; ~~(~~3) County Planning Departments; or, ~~(~~4) the District's Planning Department.

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6. Health Review

The a~~A~~pplicant for a public water supply general or individual permit is advised that permits or certifications regarding water quality may be required by other governmental agencies, such as the FDEP ~~Florida Department of Environmental Protection~~ and Department of Health ~~and Rehabilitative Services~~, for public health purposes.

G. Aquifer Storage and Recovery Systems

ASR systems shall be permitted in conjunction with the applicable use type.

Demand Components

Impact evaluations shall be based on the reasonable demand for water associated with the proposed ASR system. The reasonable demand for ASR water will be based on the volume of water needed for recovery by the ASR system considering losses related to the initial volume stored for recovery.

Reasonable Demand: The allocation for the proposed project without ASR shall be calculated using methods contained in Section 2.0 for the appropriate use class such that the total project allocation with the ASR component provides for the 1-in-10 year drought demands of the project. The final allocation for the project will be adjusted, if necessary, for storage losses based on the nature of the demand for water as described as follows.

1. For projects with water demands that are expected to increase over the duration of the permit, the incremental demands shall be calculated in five-year increments. The volume of water calculated at the end of each five-year period (Q) is available for seasonal storage during that five-year cycle. For each of the five years, the amount of water stored combined with the amount of water used shall not exceed the annual average permitted volume of the fifth year (Q). This allows the user to store both the unused portion of the allocation and the seasonal component of the demand. By the end of the five year cycle, a sufficient buffer zone in the storage horizon should be built up to provide for efficient recovery of the seasonal demand component. However, should the applicant demonstrate through past ASR performance or documentation of unique aquifer characteristics of the storage horizon (such as high permeability and poor confinement) that high losses of the stored fresh water occur, a supplemental allocation to account for the losses may be requested. The amount of supplemental water needed to account for the ASR losses shall be evaluated as to the overall efficiency of the water supply system. In the event that the volume of water lost during injection and storage is large (30% or more), the applicant shall evaluate and implement options to reduce the losses to an acceptable level.

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2. For projects that will achieve the build out demand within five years of permit issuance or which have demands that are not expected to increase, the reasonable demand shall be determined by the seasonal shift in demand combined with a supplemental allocation to account for losses should site specific characteristics of the storage horizon warrant

For projects where the site specific characteristics of the storage horizon result in the need for additional allocation to cover storage losses, the applicant shall quantify the losses and request an adjustment in the annual allocation to account for reasonable storage losses. The losses shall be based on the degree to which the recovered water, combined with the conventional supply, produces a water quality that is usable for the permitted demand based on federal, state and local water quality standards.

3.0 WATER RESOURCE IMPACT EVALUATION

Section 373.223, F.S., provides a three-pronged test for evaluating each proposed water use: ~~(~~1) the use must be reasonable-beneficial; ~~(~~2) must not interfere with any existing legal use of water; and, ~~(~~3) must be consistent with the public interest. Reasonable assurances that the proposed water use from both an individual and cumulative basis meets this three-pronged test are provided, in part, by the a~~A~~pplicant's compliance with the Conditions for Issuance, set forth in Rule 40E-2.301, F.A.C.

The Applicant's Handbook ~~following~~ is intended to ensure that each permit application is based on consistent, reliable technical evaluations conducted using accepted industry or professional standards. When determining whether the permit applicant has provided reasonable assurances the conditions for permit issuance are met, the District will consider the projected impact of the proposed withdrawal, along with impacts from any existing legal uses and other pending applications for a consumptive use permit under conditions, up to and including a 1-in-10 year drought event. These assurances can be provided through applicable historic monitoring data or modeling data, as defined below. If the criteria described in ~~this~~ S~~s~~ection 3.0 are not met, applicants may consider reduction of withdrawal quantities, a pumpage rotation schedule, mitigation, change in withdrawal source, or other means to bring the proposed use into compliance with the technical criteria.

The impact of withdrawals on the Applicant's surface water management system must be evaluated and submitted with the consumptive use permit application. The cumulative withdrawals as a result of the water use request must be evaluated in conjunction with the cumulative drainage effects of the surface water management system.

3.1 Data Collection, Evaluation, and Modeling

In support of an application for a water use permit, applicants shall submit monitoring data and modeling, as applicable.

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3.1.1 Monitoring Data

Monitoring data in support of a permit application shall be accurate and verifiable, and collected at the represented withdrawal rates requested in the permit application during: ~~(~~1) at least a 1-in-10 year drought, as defined by the yearly total rainfall accumulation for regulatory rainfall stations (pursuant to SFWMD, Part B Water Use Management System Design and Evaluation Aids, Part V,~~.~~ Supplemental Crop Requirement and Withdrawal Calculation, within Volume 3, Permit Information Manual for Water Use Permit Applications,); or ~~(~~2) 90 days without effective recharge.

Pumpage data collected from a calibrated accounting method authorized in the previous permit is considered accurate and verifiable.

Water level and quality data collected pursuant to limiting conditions in a permit must provide a sufficient basis to determine if conditions of permit issuance will be met. Additional assurances will be required in cases where the monitor data does not represent the conditions of the resource as affected by the past withdrawals. An example would include wetland photographs without corresponding hydrologic data necessary to determine the withdrawal impacts on wetland hydroperiod, or water quality data from monitor wells that have collapsed or are constructed into zones that do not relate to potential for salinity movement.

The use of historic monitor data to prove conditions of permit issuance are met may be applied to permit renewals and to that portion of a modification that represents the historic use that was monitored. Additional assurances will be required in case where a modification renders the historic data non-representative. An example would include the use of new source of supply, a significant relocation of the points of withdrawal, or an increase in the allocation.

Other relevant information regarding the actual use of water or impact of the actual use of water will be considered. Such information could include identification of irrigated acreage that occurred over time, wellfield operations, and the use of a state approved functional assessment of wetland or other surface waters, to determine impacts of prior consumptive uses.

3.1.2 Modeling Data

Applicable modeling data may consist of basic analytic impact assessments or calibrated numeric system simulation models. The modeling impact assessments shall be conducted for the proposed withdrawal alone, as well as the proposed withdrawal combined with all other permitted uses and pending applications within the cone of depression of the proposed use. The cone of depression is defined by the 0.1 foot drawdown contour for the proposed withdrawal from the water table aquifer and the 1.0 foot contour for the proposed withdrawal from a confined aquifer.

For an ASR system, the applicant shall identify the area of influence based on the volume of water calculated in Subsection ~~section~~ 2.3.2.G ~~A~~. The area of influence of an ASR system shall address two factors: 1) the area affected by the pressure change

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resulting from the injection and removal of stored water; and 2) the orientation of the stored fresh water and associated buffer zone.

Applicants proposing an impact offset [Subsection 62-40.416(7), F.A.C.] or substitution credit [Subsection 62-40.416(8), F.A.C.] must demonstrate that the conditions for permit issuance are met, in part, through the submittal of assessments described in Subsection 3.1.2, below. Subsections 62-40.416(7) and (8), F.A.C., are incorporated by reference in Subsection 40E-2.091(3), F.A.C..

A. Basic Impact Assessment

Basic analytic impact assessments utilize an approved analytic equation(s), such as the Theis or Hantush-Jacob equation, applied to the requested maximum month allocation that simulates continued withdrawal for 90 days without recharge (which is considered for purpose of these simulations to be equivalent to a 1-in-10 year drought condition). Aquifer characteristics derived from approved aquifer performance tests (APT) or specific capacity tests (SFWMD, Part B Water Use Management System Design and Evaluation Aids, Part II Aquifer Performance Test) located within one mile of the project site are acceptable. If more than one set of aquifer characteristics data exists within one mile of the site, the value measured closest to the proposed project will be used unless the applicant can demonstrate that hydrogeologic conditions at the project site are not represented by such data. If the location of the nearest site where aquifer characteristics were measured is greater than one mile from the project site, the average of the nearest three APT or specific capacity test sites is acceptable providing that two of the three values are within one standard deviation of the mean. If this is not the case, the applicant shall demonstrate that the conditions of permit issuance are met for the highest and lowest values of the three sites, or the applicant may opt to conduct an APT or specific capacity test at the site.

The use of numeric models such as Modflow without calibration is acceptable under the following configurations: (1) the model represents the aquifer or aquifer system as no more than two layers; (2) each layer uses a single value for transmissivity/permeability, storage/storativity and a single value is used for leakance between the layers; (3) the simulation time is 90 days with no recharge; and, (4) surface water recharge features are not represented. The modeling shall include separate runs using the highest and lowest measured values of transmissivity/permeability, storage/storativity, and leakance from the region, based on published data and pump test values calculated as described above. The selected high and low aquifer values will be approved provided they significantly overestimate the withdrawal impacts that would occur on the site. The use of a numeric model without calibration is acceptable for representing seepage irrigation systems where the applicant models the portion of the irrigation water that returns to the water table aquifer, provided the model is configured as described in this paragraph and the change in the water table elevation predicted by the model is field verified with water level data from at least one water table piezometer located adjacent to the irrigated field.

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B. Calibrated Numeric Simulation Models

For complex systems that cannot be accurately evaluated pursuant to Subsection ~~paragraph~~ 3.1.2.A, above, the applicant may provide assurances that the conditions for issuance will be met through a calibrated numeric simulation model, as described herein. District approved numeric system simulation models are used to simulate withdrawals from complex aquifer systems, such as multiple layered aquifers with varying degrees of hydraulic conductivity, integrated surface and groundwater systems, and withdrawals that involve density dependent flows or transport of contaminants.

Staff will approve simulations that utilize documented model codes that have undergone professional peer review and accurately represent the physical system. In order to demonstrate that a model is representative of the physical system, the applicant shall calibrate the model. An acceptable calibration method shall be identified between the applicant and District staff while taking into consideration the range of water levels across the model domain, location of available water level monitor data, and the degree to which the monitor data accurately reflects area groundwater conditions versus sporadic influences of local pumpage. Whenever possible, the numeric models should be calibrated to within ± 1 foot for at least three monitor wells distributed randomly within the model domain for each month of the simulation period.

For the purpose of model calibration, when using monitor data that has daily measurements, the applicant shall average those daily values for each month. For monitor wells in which a single measurement was made for the month, in determining whether the calibration is acceptable, the pumpage and rainfall conditions immediately preceding or during the single sampling event shall be considered.

Model calibrations will be conducted using monthly time steps for a calibration timeframe of at least 18 months. The applicant may select the calibration period for the model based on availability of representative time variant data. When long term water level monitoring data is not available, the applicant shall calibrate the model to site specific pump test data. This calibration shall be based on a comparison of actual pump test water level changes with calculated water level changes derived from the model. The pump test shall be run for a sufficient time for the water levels to approach equilibrium for the production zone and the surficial aquifer.

The simulation model run shall be conducted using monthly time steps starting with a minimum of three months of average annual demand and rainfall, followed by twelve months of 1-in-10 year drought conditions, followed by a minimum of six months of average annual demand and rainfall. The applicant shall utilize SFWMD, Part B Water Use Management System Design and Evaluation Aids, Part V, Supplemental Crop Requirement and Withdrawal Calculation, within Volume 3, Permit Information Manual for Water Use Permit Applications, to determine the 1-in-10 year drought and average rainfall conditions for the purpose of evaluating drought recharge rates.

When District staff evaluates a calibrated model for approval, the range of parameters used in the model will be checked against published ranges of values for each

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parameter evaluated in order to determine the reasonableness of the values used in the model. Calibrations that are achieved using parameters outside of the range of acceptable values for south Florida will not be accepted. Steady state numeric models are not acceptable for the purposes of providing reasonable assurances.

The location of all actual measured time invariant parameters used to estimate each data array shall be identified and documented for each layer in the model. Data arrays without at least three (3) actual measured values will require a sensitivity analysis to be conducted that evaluates the range of potentially acceptable values for the parameter in question. If a model is submitted that does not meet the calibration criteria, the applicant may collect additional data and revise the model. If a model is not calibrated to an acceptable level it will not be acceptable for providing reasonable assurances.

3.2 Source Specific Criteria

3.2.1 Restricted Allocation Areas

Due to concerns regarding water availability, the following geographic areas are restricted with regard to the utilization of specific water supply sources. These areas and sources include the following:

A. Lake Istokpoga/Indian Prairie Canal System: No additional surface water will be allocated from District controlled surface water bodies over and above existing allocations. No increase in surface water pump capacity will be recommended.

B. C-23, C-24 and C-25 Canal System: No additional surface water will be allocated from District canals C-23, C-24 and C-25, or any connected canal systems that derive water supply from these District canals, over and above existing allocations. No increase in surface water pump capacity will be recommended.

C. L-1, L-2 and L-3 Canal System: No additional surface water will be allocated from District canals L-1, L-2 and L-3 over and above existing allocations. No increase in surface water pump capacity will be recommended.

D. Pumps on Floridan Wells: No pump shall be placed on a flowing Floridan well in Martin or St. Lucie County, except under the following guidelines:

1. If the pump was in place and operational prior to March 2, 1974, and is still in place or a replacement pump with a similar capacity is in place, or

2. The proposed pump is installed for the purpose of increasing pressure in attached piping (e.g., drip or micro-jet irrigation systems) and not for the purpose of increasing flow over and above that flow which naturally emanates from the well. The determination of the appropriate pump capacity must occur after well construction and measurement of the actual natural flow rate. Prior to any pump installation, the Permittee shall provide

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measurements of flow from each well using calibrated flow equipment. The method of accounting, calibration data, corrections for well losses, proposed pump information, and the basis for the requested flow rate shall be submitted to District Staff for review and approval, or

3. The Applicant conducts and provides the results of a study, approved by District staff, which shows that pump installation and subsequent withdrawals will not interfere with any presently existing legal use, as defined in Subsection 3.7, or

4. The proposed pump is installed to temporarily assist in producing the permitted allocation associated with freeze protection pursuant to Subsection ~~section~~ 2.3.2.A.2 ~~2.3.4~~, or

5. The proposed pump is installed to temporarily assist in meeting allowable withdrawals for the duration of a water shortage declared pursuant to Chapter 40E-21, F.A.C.

E. Lower East Coast Regional Water Availability. In addition to all other applicable consumptive use statutory and rule provisions, the following restrictions shall apply when allocating water by permit for consumptive use withdrawals within the Northern Palm Beach County Service Area and Lower East Coast Service Areas 1, 2 or 3.

~~This~~ Subsection ~~section~~ 3.2.1.E is a component of recovery strategies for MFLs for the Everglades and the Northwest Fork of the Loxahatchee River, as set forth in Chapter 40E-8, F.A.C., and assists in implementing the objective of the District to ensure that water necessary for Everglades restoration and restoration of the Loxahatchee River Watershed is not allocated for consumptive use upon permit renewal or modification under this rule.

1. The additional restrictions in this Subsection shall only apply to applications for new or modified permits or for permit renewals.

2. Except as provided in this Subsection, an applicant must demonstrate, pursuant to the impact evaluation provisions in Subsection ~~section~~ 3.1.2 ~~1.7.5.2.~~, the requested allocation will not cause a net increase in the volume or cause a change in timing on a monthly basis of surface water and groundwater withdrawn from the Lower East Coast Everglades water bodies or the North Palm Beach County/Loxahatchee River Watershed water bodies (which are hereinafter referred to as the "water bodies") over that resulting from the base condition water use.

The evaluation of water withdrawn from water bodies under this Subsection shall address the impacts of the proposed use on surface water and groundwater from: ~~(~~a) integrated conveyance systems that are

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hydraulically connected to the subject water bodies and are tributary to or receive water from such water bodies; and ~~(~~b) the water bodies. Integrated conveyance systems that are hydraulically connected to the subject water bodies include primary canals used for water supply including, but not limited to, the Central and Southern Florida Project Canals, and secondary and tertiary canals that derive water from primary canals.

3. The "base condition water use" shall be as provided below, but in no case shall exceed the withdrawal permitted to the applicant as of April 1, 2006:

   a. For the public water supply use class, the maximum quantity of water withdrawn by the applicant from the permitted source during any consecutive twelve month period during the five years preceding April 1, 2006. If a permit allocation existing as of April 1, 2006 contains an allocation based on a conversion of a water treatment system, the base condition water use shall be increased to account for the additional volume used as if the modified treatment system was operational as of April 1, 2006;

   b. For the irrigation use class, the quantity of water calculated using Subsection ~~section~~ 2.3.1.C ~~2.3.2~~ to meet demands for the following: 1) the number of acres actively irrigated by the applicant over the duration of the irrigation permit existing as of April 1, 2006; or 2) if the irrigation project, or a portion thereof, has not yet been constructed pursuant to a required surface water management construction permit or environmental resource permit as of April 1, 2006, the number of acres authorized to be irrigated by such project when constructed, consistent with a consumptive use permit existing as of April 1, 2006;

   c. For the diversion and impoundment use class, the demands of the applicant calculated pursuant to Subsection ~~section~~ 2.3.2.C ~~2.7.2~~ for the physical conditions of the diversion and impoundment system as of April 1, 2006; or

   d. For other use classes, the quantity of water withdrawn by the applicant during the twelve months preceding April 1, 2006.

   In determining the base condition water use, pursuant to S~~s~~ubsections 3.2.1.E.3 ~~(~~a.~~)~~ through ~~(~~d.~~)~~ above, the District shall consider and allow adjustments if the applicant demonstrates that such use is not representative of normal operations due to unanticipated conditions affecting the actual quantity of water withdrawn, such as extreme climatic conditions or equipment failure. Only uses conducted consistent with the existing consumptive use permit limiting conditions shall be considered in

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identifying the base condition water use. The base condition water use shall not exceed that permitted as of April 1, 2006.

The base condition water use shall include water made available through implementation of offsets, alternative water supplies, or terminated or reduced base condition water uses, specifically required by permit limiting condition to prevent increased water from being withdrawn from the subject water bodies. Under these circumstances, the applicant shall demonstrate that such actions were implemented and function as required by the permit.

4. Applicants shall conduct a preliminary evaluation to determine whether the proposed use has the potential for increasing the withdrawal of water from the water bodies over the applicant's base condition water use. Such preliminary evaluations may include a basic analytic impact assessment described in Subsection ~~section~~ 3.1.2.A ~~1.7.5.2.A.~~ or other acceptable evaluation pursuant to Subsection ~~section~~ 3.1 ~~1.7.5~~.

If based on a preliminary evaluation the proposed use has the potential for increasing the withdrawal of water from the water bodies, the following two evaluations will be compared to identify any changes in location, timing and volume of the withdrawals from the water bodies:

a. A quantification of the withdrawal of surface water and groundwater from the water bodies under the base condition water use; and

b. A quantification of the withdrawal of surface water and groundwater from the water bodies under the requested allocation.

In conducting this evaluation, the applicant shall consider the timing of the withdrawals as they affect the water bodies, i.e., the public water supply use class requires water throughout the year based on seasonal demand trends of the service area, versus the agriculture use class which uses water based on growing cycles of the particular crop.

When evaluating the affects of the proposed use on the water bodies, the applicant shall evaluate the resource efficiency of the use, i.e., the public water supply class demands are based on the demands of the service area and the type of treatment, and generally do not provide return flow to the source at the location of the withdrawal; whereas, the agricultural use class demands are based on the crop type, irrigation method and soil conditions, and typically provide some component of recharge at or near the point of withdrawal. The location component is evaluated based on the distance of the withdrawal from and the specific individual area of the subject water bodies as depicted in Figures 3-1 and 3-2, e.g., Water

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Conservation Area 1, 2A, or 2B, or the Northwest Fork of the Loxahatchee River or Loxahatchee Slough.

5. If the comparison of the evaluations identified in Subsection ~~Paragraph~~ 3.2.1.E.4 ~~(4)~~, above, identifies an increase in the volume or change in timing of water requested to be withdrawn from the water bodies, the applicant shall do one or more of the following:

a. Certified project water. Identify that additional water from the water bodies has been made available through implementation of a project for water resource development, as defined in Section 373.019(22), F.S. ~~Florida Statutes~~, and such water has been certified as available by the Governing Board, as defined in Subsection ~~section~~ 1.1 ~~1.8~~.

b. Offsets. Propose, identify a schedule for implementation, and construct and operate adequate offsets to eliminate the projected increase in volume or change in timing of withdrawals from the water bodies over the base condition water use. An offset will be approved if it prevents an increase in volume or change in timing of surface and groundwater withdrawn from the water bodies over the base condition water use. Offsets include the use of impact offsets [Chapter 62-40.416(7), F.A.C.], recharge systems, and seepage barriers that meet the above requirement;

c. Alternative water supply. Propose, identify a schedule for implementation, and construct and operate alternative water supplies, as defined in Section 373.019(1), F.S. ~~Florida Statutes.~~ An alternative water supply will be approved under this rule if it is adequate to meet the reasonable increased demands without causing an increased volume or change in timing of the withdrawal from the water bodies over the base condition water use;

d. Terminated or reduced base condition water use. Identify terminated or reduced base condition water uses as stated below. The request will be approved if the applicant demonstrates that the requested allocation does not cause an increase in volume or change in timing of withdrawals from the water bodies over the applicant's base condition water use due to the reduction or elimination of other base condition water uses that existed on April 1, 2006. The applicant must demonstrate that water is available through providing documentation of implementation of a substitution credit [Chapter 62-40.416(8), F.A.C.,] or other ~~the~~ modification or termination of the historic consumptive use permit prior to issuance of the proposed permit under this rule; or,

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e. Available wet season water. Identify water is available during the wet season as set forth below. The wet season water will be approved if the applicant demonstrates that water is available under the conditions described below during the wet season, provided the applicant demonstrates that such water is not required to achieve the restoration benefits to the water bodies pursuant to the Comprehensive Everglades Restoration Plan, North Palm Beach County Comprehensive Water Management Plan, and the Acceler8 program. Water available under these conditions shall be limited to the wet season discharges that are projected to persist following implementation of the entire Comprehensive Everglades Restoration Plan, North Palm Beach County Comprehensive Water Management Plan, and the Acceler8 program.

i. Available surface water discharges during the wet season shall be identified based on best available information at the time of permit application evaluation used to quantify surface water flows from or to the restored water bodies, as reflected in the Comprehensive Everglades Restoration Plan, North Palm Beach County Comprehensive Water Management Plan, and the Acceler8 program, in their entirety;

ii. Available wet season surface water discharges will be identified based on 1-in-10 drought conditions during May 1st through November 1st, as determined by annual rainfall statistics measured from gauges that are proximal to the applicant's point of withdrawal defined in Part B Water Use Management System Design and Evaluation Aids, Part IV Supplemental Crop Requirement and Withdrawal Calculation; and,

iii. Wet season surface water requested by the applicant must be derived within the same hydrologic area where the available surface water is identified.

The District will assist the permit applicant in identifying the best available information necessary to make the determination of wet season water availability. Offsets, alternative water sources and terminated or reduced base condition water uses implemented after April 1, 2006 shall be considered in addressing requested increases in withdrawals from water bodies under this Subsection. Notwithstanding, as stated in Subsection ~~Paragraph~~ 3.2.1.E.3 ~~(3)~~, water made available from the permitted source through offsets, alternative water supplies and terminated or reduced base condition water uses implemented consistent with permit limiting conditions to prevent increased water from being withdrawn from

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the subject water bodies, shall be considered in the base condition water use.

6. Consistent with S~~s~~ubsection 3.2.1.E.5 ~~(5)~~, above, the permit applicant may obtain an allocation for additional water from the water bodies over the applicant's base condition water use, as identified below:

a. Certified project water. Water certified by the Governing Board as available for consumptive use through operation of a water resource development project, as provided in S~~s~~ection 3.2.1.E.5.a ~~(5)(a)~~;

b. Temporary allocation. Water temporarily required to meet the applicant's reasonable demands while implementing an alternative water supply pursuant to S~~s~~ubsection 3.2.1.E.5.c ~~(5)(c)~~ or while implementing an offset identified pursuant to S~~s~~ubsection 3.2.1.E.5.b ~~(5)(b)~~. The permit will be conditioned with dates and milestones for development of the alternative water supply or offset. A temporary allocation shall be reduced to be consistent with this Subsection when the alternative source is projected to be available, consistent with permit limiting conditions. The temporary allocation shall be adjusted, as necessary, to reflect the offset on the water bodies when the offset is projected to be available, consistent with the permit limiting conditions.

The limiting conditions governing the quantity and time period for the temporary allocation shall be based on expected due diligence of the permit applicant, as determined by applying the factors in Subsections ~~subparagraphs~~ 3.2.1.E.6.b i. ~~1.~~ through iii. ~~3.~~, below, to implement the alternative water supply or offset in an expeditious manner, not to exceed five years unless specifically approved by the Governing Board. The time period shall be determined considering the following factors:

i. The projected time period for design, receipt of necessary authorizations, and construction of the alternative supply or offset;

ii. The timing of demands to be met from the alternative supply or offset;

iii. Other factors that indicate the reasonable period required to develop the alternative supply or offset.

c. Water made available through implementation of offsets or the termination or reduction of base condition water use withdrawals.

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Water made available through implementation of offsets pursuant to S~~s~~ubsection 3.2.1.E.5.b ~~(5)(b)~~ or water made available through the termination or reduction of other users' base condition water use withdrawals pursuant to S~~s~~ubsection 3.2.1.E.5.d ~~(5)(d)~~, consistent with permit limiting conditions; or,

d. Available wet season water. Water available during the wet season, provided the applicant demonstrates that such water is not required to achieve the restoration benefits to the water bodies pursuant to the Comprehensive Everglades Restoration Plan, North Palm Beach County Comprehensive Water Management Plan, and the Acceler8 program, pursuant to S~~s~~ubsection 3.2.1.E.5.e ~~5(e)~~. Pursuant to permit limiting conditions, additional surface water withdrawals will be permitted only when flood control regulatory releases are being made, and not when water supply deliveries are being made, from the water bodies.

7. Permit applicants must meet the requirements of any established MFL and water reservation, if applicable.

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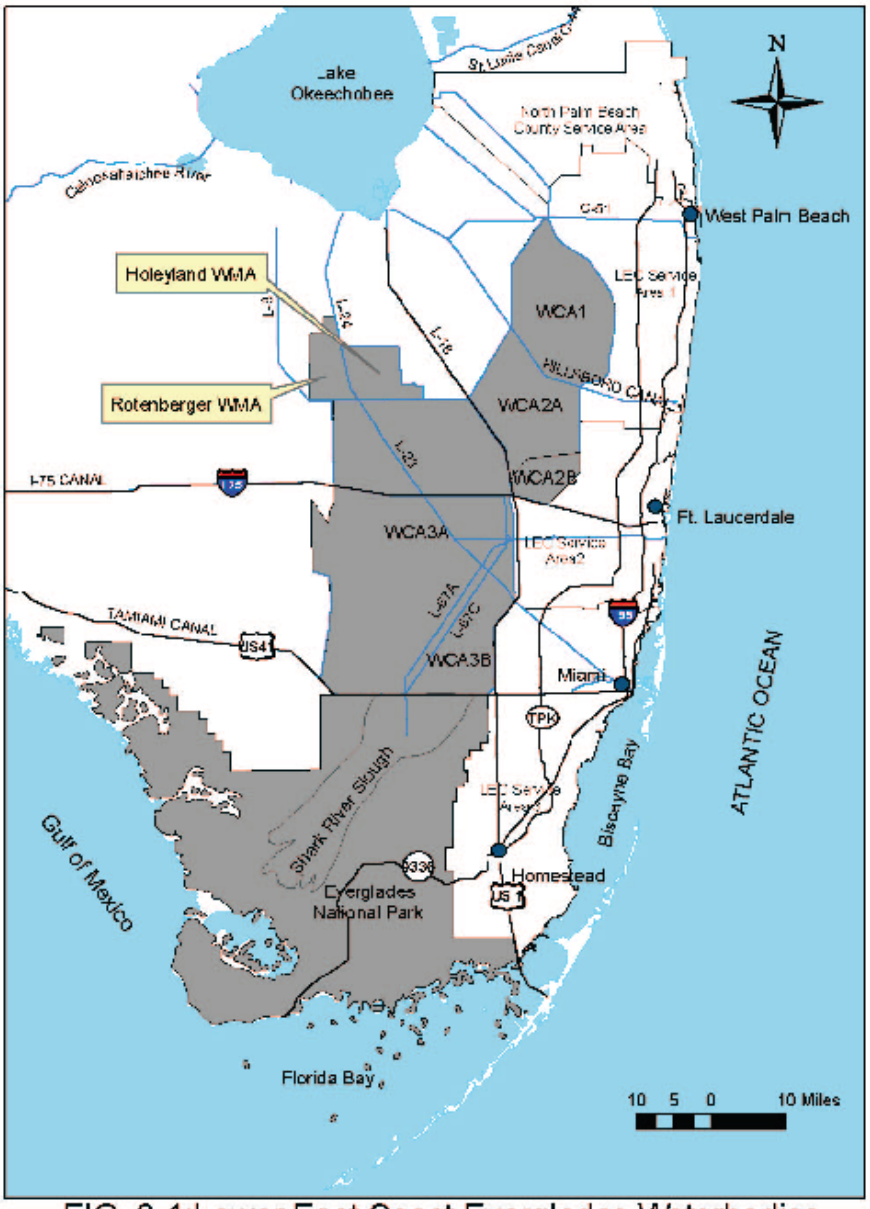

FIG. 3-1:Lower East Coast Everglades Waterbodies and Major Integrated Conveyance Canals

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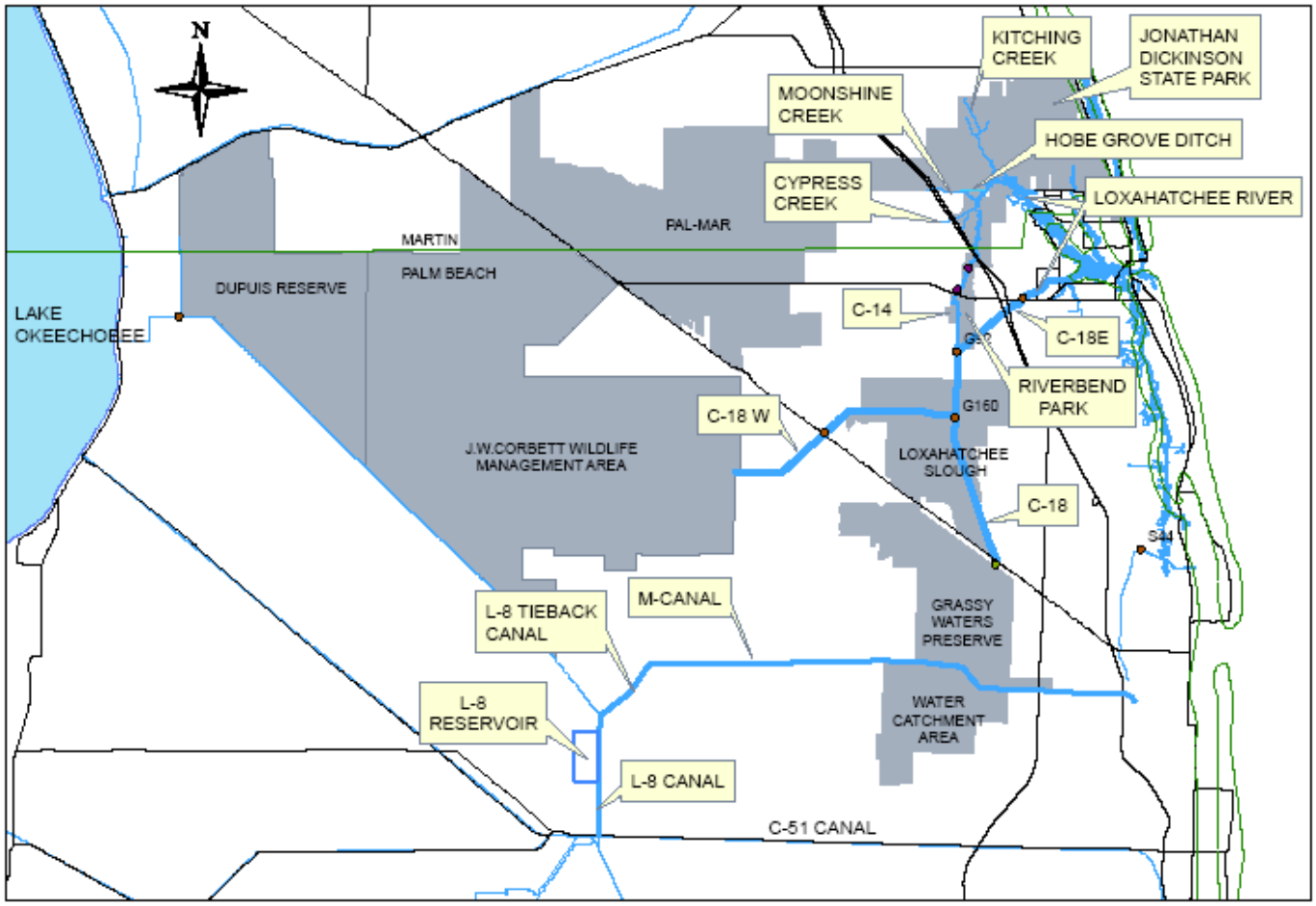

FIG. 3-2: North Palm Beach County/Loxahatchee River Watershed Water Bodies and Major Integrated Conveyance Canals

F. Lake Okeechobee Service Area Water Availability. The following restrictions shall apply when allocating surface water derived from the Lake Okeechobee water body for consumptive use within the Lake Okeechobee Basin as depicted in Figure 3-5. This rule is a component of the recovery strategy for the MFL for Lake Okeechobee, as set forth in Chapter 40E-8, F.A.C., to address lower lake management levels and storage under the U.S. Army Corps of Engineers' interim LORS, adopted to protect the public health and safety (April 28, 2008). Compliance with this rule along with the other criteria contained in the Applicant's Handbook ~~Basis of Review~~ implements the objectives of the District to protect the public health and safety, to prevent interference among legal users of Lake water, to be consistent with the MFL recovery strategy as defined in Rule 40E-8.421, F.A.C., and to ensure that water necessary for Everglades restoration is not allocated for consumptive use.

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1. The rule applies to applications for new projects, existing unpermitted projects, modifications to existing projects, and permit renewals for existing projects located within the Lake Okeechobee Basin as depicted in Figure 3-5, that propose to use surface water from the "Lake Okeechobee water body," defined as:

   a. Lake Okeechobee as identified in Subsection 40E-8.021(12); or

   b. Integrated conveyance systems that are hydraulically connected to and receive water from Lake Okeechobee such as the Caloosahatchee River, the St Lucie Canal, or secondary canal systems that receive Lake Okeechobee water for water supply purposes via gravity flow or by pump.

   This Subsection does not apply to groundwater withdrawals such as withdrawals from wells, mining, and dewatering, or to projects that request to use a volume of water less than or equal to 3 MGM from the Lake Okeechobee water body ~~at or below the threshold contained in Subsection 40E-20.302(1)(a)~~.

2. Except as otherwise provided in this Subsection, an applicant must demonstrate the requested allocation will not cause a net increase in the volume of surface water withdrawn from the Lake Okeechobee water body over the entire "base condition water use" as defined in S~~s~~ubsections ~~subsections~~ 3.2.1.F.2 ~~(~~a.~~)~~ through ~~(~~d.~~)~~, below. In determining the base condition water use, pursuant to S~~s~~ubsections ~~subsections~~ 3.2.1.F.2 ~~(~~a.~~)~~ through ~~(~~d.~~)~~, below, the District shall consider and allow adjustments if the applicant demonstrates that such use is not representative of normal operations due to unanticipated conditions affecting the actual quantity of water withdrawn, such as extreme climatic conditions or equipment failure.

   a. Public Water Supply Use Class: the maximum quantity of water withdrawn by the applicant from the Lake Okeechobee water body during any consecutive twelve month period between April 1, 2001 and January 1, 2008, consistent with the conditions of the existing permit. If a permit allocation existing on January 1, 2008 contains an allocation based on a conversion of a water treatment system, the base condition water use shall be increased to account for treatment losses of the new treatment plant as if the treatment system was operational during the above stated time interval;

   b. Irrigation Use Classes: the quantity of water calculated using Subsections ~~Section~~ 2.3.1.C ~~2.3~~ and 3.9.1 considering:

      i. The maximum number of acres actively irrigated by the applicant between April 1, 2001 and January 1, 2008 along

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with the associated crop type and irrigation method used. When determining the numbers of acres actively irrigated, data regarding historic crop plantings will be evaluated however short term reductions in historic plantings caused by disease or poor market conditions are not to be used in determining the actively irrigated acreage; or

ii. If the irrigation project, or a portion thereof, has been authorized but not yet constructed pursuant to the conditions of a surface water management construction or environmental resource permit or authorization existing on January 1, 2008, the base condition water use will be calculated based on the number of acres and crop type identified in the environmental resource and consumptive use permit or authorization in place as of January 1, 2008;

c. Diversion and Impoundment Use Class: the demands of the applicant calculated pursuant to Subsection ~~Section~~ 2.3.2.C ~~2.7.2~~ for the physical conditions of the diversion and impoundment system as of January 1, 2008. In situations where historic uses were supplied by the diversion and impoundment project but not expressly identified or incorporated in the diversion and impoundment permit, the base case condition water use will be as calculated to include the historic demands served by the diversion and impoundment project between April 1, 2001 and January 1, 2008, consistent with the conditions of the existing permit.

d. Other Use Classes: the maximum quantities of water withdrawn by the applicant (annual and maximum month) between April 1, 2001 and January 1, 2008, consistent with the conditions of the existing permit.

3. Applicants shall provide reasonable assurances that the requested allocation will not cause a net increase in the volume of surface water withdrawn from the Lake Okeechobee water body over the entire base condition water use. This demonstration is provided when the following criteria are met on a project by project scale as calculated pursuant to S~~s~~ubsection 3.2.1.F.2 ~~(G)(2)~~, above:

a. Permit Renewals: Those projects which timely seek re-issuance of a previous permit without modifications.

b. Modifications that Maintain or Reduce Base Condition Water Use Calculated Pursuant to the Existing Permit: Examples of such modifications include changes to withdrawal facilities, irrigated acreage, crop type within the permitted use class, or irrigation

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efficiency that results in an allocation that is equal to or less than the project's base condition water use calculated pursuant to the existing permit. In the event that the modification results in a use that is less than the project's base condition water use, the applicant will be required to calculate the reduction from the project's base condition water use associated with the requested modification.

c. New Projects, Existing Unpermitted Projects, or Modifications Requesting Base Condition Water Use in Excess of the Amount Calculated Pursuant to the Previous Permit: Except for those uses as identified in Subsection 3.2.1.F.4 ~~(4)~~ as an incompatible use, allocations will be provided from the following sources:

i. Certified Project Water. Water provided from an operational water resource development project, as defined in Section 373.019(22), Florida Statutes, that has been certified by the Governing Board for allocation to consumptive uses, as defined in Subsection ~~Section~~ 1.1 ~~1.8~~;

ii. Lake Okeechobee water body Withdrawals Offset by Alternative Sources. An alternative source of water that is demonstrated to replace the volume, including timing, of water proposed to be withdrawn from the Lake Okeechobee water body over the base condition water use. Examples of offsets include recharge provided by reclaimed water applied to provide recharge to the water body in equal or greater amounts than the proposed increase over the base condition water use;

iii. Alternative Water Supply. Water provided from a source not restricted under this Subsection such as groundwater, reclaimed wastewater or stored storm-water; or

iv. Unassigned, Terminated, or Reduced Base Condition Water Use. The requested allocation is for available base condition water use calculated pursuant to S~~s~~ubsection 3.2.1.F ~~(G)~~(2~~)~~, above, that was not authorized by an existing permit (i.e., "unassigned"), permitted base condition water use that has been made available through a permit which was terminated after January 1, 2008, or water made available pursuant to a modification made after January 1, 2008 which reduced the permitted base condition water use of an existing permit. In the event of competition for allocation of available base condition water use, those projects that seek an allocation of water in volumes equal to or less than that which was

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previously permitted to that project and/or used by that project shall be a positive consideration when determining which project best serves the public interest. Prior to February 28, 2010, the Governing Board reserves the right to restrict the re-allocation of terminated base condition water use if it determines that such water is demonstrated to improve the performance of an MFL water body under recovery in terms of shortening the frequency or duration of projected MFL violations or improve the performance of meeting a restoration target as defined in an approved District restoration plan or project while also considering if alternative water supplies are available, whether the proposed use is ancillary to an agricultural use and other relevant public interest considerations. On or after February 28, 2010, the Governing Board reserves the right to restrict the re-allocation of unassigned, terminated, or reduced base condition water use, if it determines that such water is demonstrated to improve the performance of an MFL water body under recovery in terms of shortening the frequency or duration of projected MFL violations or improve the performance of meeting a restoration target as defined in an approved District restoration plan or project while also considering if alternative water supplies are available, whether the proposed use is ancillary to an agricultural use and other relevant public interest considerations.

4. Incompatible Use Type: Requested allocations for new public water supply uses that exceed 3 MGM ~~the thresholds in Subsection 40E-20.302(1)(a), F.,A.C.,~~ or increases in existing uses above the project's base condition water use calculated pursuant to Subsection 3.2.1.F.2.a ~~(2)(a)~~, above, shall not be permitted from the Lake Okeechobee water body.

5. Requests for temporary increases over the project's base condition water use from the Lake Okeechobee water body shall be granted to accommodate increased demands during a reasonable time period while alternative sources are constructed provided all other consumptive use permit criteria are satisfied. The duration of the temporary increase shall be determined based on a construction schedule for the alternative source to be implemented with due diligence and defined in permit conditions. Additionally, the permit shall include requirements to reduce the allocation to the base condition water use in accordance with this construction schedule.

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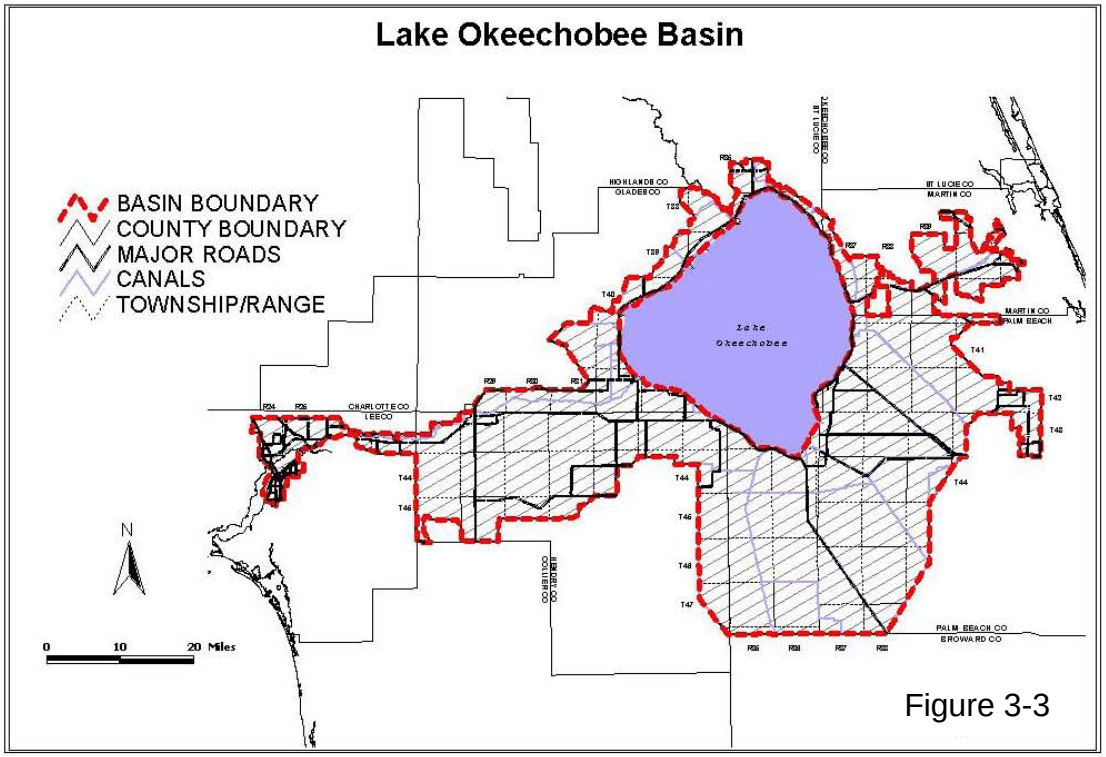

Figure 3-3

3.2.2 Areas of Special Concern

If the District determines that the application is in an area of special water concern because of either limitations on water availability or other potentially adverse impacts associated with the proposed withdrawal, then:

A. A~~a~~llocation of water shall be restricted or denied for irrigation purposes when reclaimed water is available and is economically, technically and environmentally feasible,

B. I~~i~~rrigation shall be restricted to the use of a micro-irrigation system or the irrigation allocation limited to the quantity of water equivalent to the efficiency achieved by a micro-irrigation system, or

C. M~~m~~onitoring programs shall be imposed to delineate the cone of depression surrounding a withdrawal.

3.3 Evaluation of Impacts to Water Resources

This subsection ~~Section~~ establishes the standards and thresholds for protection of wetlands and other surface waters from harm pursuant to the condition for permit issuance in Rule ~~paragraph~~ 40E-2.301~~(1)(c)~~, F.A.C., including ensuring a water use shall not be harmful to the water resources of the area and is otherwise consistent with the overall objectives of the District. The standards and thresholds specified herein shall apply to all water uses, including applications for the initial use of water and modifications and renewals of consumptive use permits, and authorized water uses, herein referred to as the "water use". In its evaluation of the applicant's water use, the

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District shall consider the extent of hydrologic alterations caused by the applicant's water use, except as otherwise provided herein.

To provide reasonable assurances of compliance with the condition of issuance in Rule ~~paragraph~~ 40E-2.301~~(1)(c)~~, F.A.C., an applicant must demonstrate that hydrologic alterations caused by the consumptive use shall not adversely impact the values of wetland and other surface water functions so as to cause harm to the: a) ~~A.~~ abundance and diversity of fish, wildlife and listed species; and b) ~~B.~~ the habitat of fish, wildlife, and listed species. For the purposes of this Subsection, an adverse impact to the value of wetland and other surface water functions in violation of the above shall constitute "harm."

This Subsection requires assessment of whether impacts of a consumptive use constitute harm. If a consumptive use would cause harm, then the applicant must comply with the elimination or reduction of harm provisions pursuant to Subsection ~~Section~~ 3.3.5, and mitigation requirements of Subsection ~~Section~~ 3.3.6.

Impacts to wetlands and surface water bodies associated with wetland enhancement, restoration, creation, preservation or other mitigation permitted pursuant to Part IV of Chapter 373, F.S., or other wetland regulatory program implemented by a local, regional, or federal governmental entity, shall be considered under this Subsection.

Impacts on wetlands and other surface waters not caused by the consumptive use, including, but not limited to, impacts caused by existing surface water management activities, drainage, water table lowering, roads, levees and adjacent land uses, are not considered under this Subsection.

The hydrologic characteristics resulting from construction or alterations undertaken in violation of Chapter 373, F.S., or District rule, order or permit, shall be evaluated based on historic, pre-violation conditions, as if the unauthorized hydrologic alteration had not occurred.

3.3.1 Wetlands and Other Surface Waters

A. Delineation: Wetlands and other surface waters within the area of influence of the consumptive use, delineated pursuant to Rules ~~Sections~~ 62-340.100~~, F.A.C.~~ through 62-340.600, F.A.C., as ratified by Section 373.4211, F.S., are subject to this Subsection ~~Section~~, except as provided in Subsection B below.

In accordance with Subsection 62-340.300(1), F.A.C., reasonable scientific judgment shall be used to evaluate the existence and extent of a wetland or other surface water, including all reliable information, such as visual site inspection and aerial photo interpretation, in combination with ground truthing. In addition, relevant information submitted pursuant to Chapter 62-340, F.A.C., in support of an ERP/SWM ~~Environmental Resource Permit/Surface Water Management~~ Permit shall be considered. Field delineations of wetlands and other surface waters boundaries shall be required if such boundaries are in dispute.

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In determining the location and category of wetlands and other surface waters, the applicant may consult several sources of information for guidance, as part of the information identified in Subsection ~~Section~~ 3.3.2. This includes the staff reports of previously issued ERPs ~~Environmental Resource~~ and SWM ~~Surface Water Management~~ p~~P~~ermits for the site and adjacent sites, ~~National Wetland Inventory (~~NWI~~)~~ Maps, Land Use/Land Cover maps, NRCS ~~Natural Resource Conservation Service~~ soils maps, formal and informal wetland determinations conducted by the District, and wetland maps produced by local governments. District staff may inspect the site to confirm the location, categorization and delineation of wetlands and surface waters, and other site specific information. Site specific topographical data including elevations of hydrologic indicators, wetland boundary and bottom elevations shall be required in the event that the categorization of a wetland or other surface water is in question. In the event that access to offsite wetlands or other surface waters has been denied by the property owner, the District and the applicant shall mutually agree on a method of establishing the locations, categorizations and delineations of the offsite wetlands or other surface waters.

B. Exclusions: Harm to the following wetlands and other surface waters shall not require elimination or reduction of harm and mitigation, under this Subsection:

1. Isolated wetlands one half (1/2) acre or less in size unless:

   a. The wetland or other surface water is used by threatened or endangered species; (Nothing herein is intended to relieve an applicant of the obligation to comply with the Florida Fish and Wildlife Conservation Commission (FWC) rules pertaining to listed species, and with the Federal Endangered Species Act.)

   b. The wetland or other surface water is located in an area of critical state concern designated pursuant to Chapter 380, F.S.; or

   c. The wetland or other surface water is connected by standing or flowing surface water at seasonal high water level to one or more wetlands, where the combined wetland acreage is greater than one half acre.

2. Wetlands or other surface waters which have been authorized to be impacted to the extent established in a construction approval through an ERP ~~Environmental Resource Permit~~ or ~~a~~ SWM ~~Surface Water Management~~ Permit issued under Part IV of Chapter 373, F.S.

3. Constructed water bodies including borrow pits, mining pits, canals, ditches, lakes, ponds, and water management systems, not part of a permitted wetland creation, preservation, restoration or enhancement

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program. However, consideration of the design functions of water management systems shall be considered by Subsection ~~Section~~ 3.6, Existing Offsite Land Uses.

4. Wetlands or other surface waters to the extent they have been specifically authorized to be impacted or mitigated pursuant to Subsections ~~Section~~ 3.3.5, 3.3.6, or 3.3.7 in a consumptive use permit, unless the applicant proposes additional impacts.

3.3.2 Permit Application Submittals

The following shall be included in the applicant's submittal:

A. For purposes of determining whether the wetland or other surface water is excluded under Subsection ~~Section~~ 3.3.1.B., the applicant shall provide supporting documentation, including a scaled map and recent aerial photograph marked with the wetland or other surface water location and reason for being excluded under Subsection ~~Section~~ 3.3.1.B. If it is demonstrated that the wetland or other surface water is excluded under Subsection ~~Section~~ 3.3.1.B., no additional information submittals shall be required under this Subsection.

B. For wetlands or other surface waters that are not excluded under Subsection ~~Section~~ 3.3.1.B, scaled maps and recent aerial photographs that identify:

1. The area of influence of the consumptive use;

2. In accordance with Subsection ~~Section~~ 3.3.1.A~~.~~, the locations of all wetlands and other surface waters that occur within the area of influence of the consumptive use, including wetlands and other surface waters located outside the applicant's property boundaries;

3. The locations of existing and proposed withdrawal facilities; and

4. The categorization of each wetland or other surface water located within the area of influence of the consumptive use as described in Subsection ~~Section~~ 3.3.3.

C. Information about the current condition of the wetlands and other surface waters and the hydrology.

D. Information regarding the potential impact of the consumptive use on the wetland or other surface water in its current condition.

E. Information regarding site specific considerations required to be submitted pursuant to Subsection ~~Section~~ 3.3.4.C ~~3.3.4.3~~.

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F. Where there is potential for harm, information required to determine the extent of elimination or reduction of harm pursuant to Subsection ~~Section~~ 3.3.5 and mitigation required under Subsection ~~Section~~ 3.3.6, including an assessment of the use of the wetlands and other surface waters by listed species.

G. A monitoring plan to assess the effects of the consumptive use, if required. A monitoring plan shall be required when necessary to provide continued verification that no harm is occurring due to the consumptive use, such as when the cumulative impacts of consumptive uses approach the numeric thresholds in Subsection ~~Section~~ 3.3.4.B ~~3.3.4.2~~ or when the applicant elects to use an alternative simulation condition or evaluation methodology pursuant to the narrative standard of Subsection ~~Section~~ 3.3.4.A ~~3.3.4.1~~.

H. If the applicant asserts the exclusions in Subsection ~~Section~~ 3.3.1.B.2 or 3.3.1.B.4 or considerations in Subsection ~~Section~~ 3.3.7 apply to wetlands or other surface waters within the cone of influence of the proposed consumptive use, the applicant must provide appropriate information supporting this assertion, including relevant information from the permit file.

3.3.3 Categorization of Wetlands and Other Surface Waters

Wetlands and other surface waters subject to consideration under this Subsection are grouped into three categories based on their normal hydrologic characteristics and their susceptibility to harm as a result of hydrologic alteration from consumptive use withdrawals. Normal hydrologic characteristics are defined as the hydropattern that would occur without the impact of any authorized or unauthorized consumptive uses.

In cases where existing surface water management "works" have permanently altered the normal hydrologic characteristics of the wetland or other surface water, the categorization shall be based on the resulting hydrology caused by the permanent alteration. Alterations that can effect wetland hydrology include canals, ditches, roads, structures or levees. The hydrologic characteristics resulting from construction or alterations undertaken in violation of Chapter 373, F.S., or District rule, order or permit, shall be evaluated based on historic, pre-violation conditions, as if the unauthorized hydrologic alteration had not occurred.

Wetlands and other surface waters are subject to evaluation under this Subsection ~~Section~~, in accordance with the following:

Category 1: Natural lakes, deep ponds, rivers, streams, deepwater slough systems, coastal intertidal wetlands, and cypress strands that are permanently flooded throughout the year, except in cases of extreme drought. These include "permanently flooded" and "intermittently exposed" surface waters in the NWI ~~National Wetland Inventory~~ maps.

Category 2: Seasonally inundated wetlands including cypress domes, emergent marshes, cypress strands, mixed hardwood swamps, or shrub swamps and exhibit standing water conditions throughout most of the year. These include "semi-permanently flooded" or "seasonally flooded" wetlands in the NWI ~~National Wetland Inventory~~ maps.

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Category 3: Temporarily flooded and saturated wetlands including wet prairies, and shallow emergent marshes, as well as seepage slopes, bayheads, hydric hammocks, and hydric flatwoods. These include "temporarily flooded" and "saturated" wetlands in the NWI ~~National Wetland Inventory~~ maps.

This Subsection shall be applied on a case by case basis to categorize wetlands and other surface waters based on their normal hydrologic characteristics and susceptibility to harm as a result of hydrologic alterations from consumptive use withdrawals.

3.3.4 "No Harm" Standards and Thresholds

To demonstrate that no harm will occur to wetlands and other surface waters, reasonable assurances must be provided by the applicant that the narrative standard for Category 1, 2 and 3 wetlands and other surface waters in this Subsection ~~Section~~ 3.3.4.A ~~3.3.4.1.~~ is met.

For Category 2 wetlands, demonstration that the narrative standard is met shall be achieved through complying with the numeric threshold set forth in Subsection ~~Section~~ 3.3.4.B ~~3.3.4.2.~~, unless such threshold is deemed by the District to be inapplicable due to the site specific considerations identified in Subsection ~~Section~~ 3.3.4.C ~~3.3.4.3~~. Site specific considerations may render the numeric threshold inapplicable. In these cases, the applicant shall demonstrate that harm as defined in the narrative standard in Subsection ~~Section~~ 3.3.4.A ~~3.3.4.1~~ will not occur, notwithstanding the numeric threshold.

The analysis for determining harm shall include an assessment of the projected hydrologic alterations caused by the consumptive use and a cumulative assessment encompassing other existing legal uses, and resulting impact on the wetlands and other surface waters. In circumstances of cumulative contributions to harm, an applicant shall only be required to address its relative contribution of harm to the wetlands and other surface waters.

In the evaluation of the applicant's consumptive use, the District shall consider the extent of hydrologic alterations to wetlands and other surface waters caused by the applicant's consumptive use based upon analytical or numerical modeling, or monitor data, as required by Subsection ~~Section~~ 3.1.1 ~~1.7.5,~~ and this Subsection.

The determination of harm shall consider the temporary nature of consumptive use drawdowns and seasonal application of certain consumptive uses. Such consideration includes a determination of whether the hydrologic alteration is constant or if it recovers seasonally.

A. Narrative Standard

For Category 1, 2, and 3 wetlands and other surface waters, an applicant shall provide reasonable assurances that hydrologic alteration caused by the consumptive use shall

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not adversely impact the values of wetland and other surface water functions so as to cause harm to the:

1. A~~a~~bundance and diversity of fish, wildlife and listed species; and

2. H~~h~~abitat of fish, wildlife, and listed species.

B. Numeric Thresholds for Category 2 Wetlands

Unless site specific considerations identified pursuant to Subsection ~~Section~~ 3.3.4.C ~~3.3.4.3~~ exist indicating the following numeric threshold for Category 2 wetlands is not applicable, the consumptive use shall not be considered harmful when the modeled drawdown resulting from cumulative withdrawals in the unconfined aquifer beneath all portions of the wetland is less than 1.0 feet.

Consumptive use withdrawals shall be modeled based on a maximum monthly allocation simulated for 90 days without recharge and as otherwise directed under Subsection ~~Section~~ 3.1.2 ~~1.7.5.2~~. If the applicant chooses to use an alternative simulation condition, the narrative standard in Subsection ~~Section~~ 3.3.4.A ~~3.3.4.1~~ shall apply.

C. Site Specific Considerations

Site specific information shall be submitted by the applicant, if requested by the District or if otherwise deemed relevant by the applicant, for determining whether the narrative standard in Subsection ~~Section~~ 3.3.4.A ~~3.3.4.1~~ is met, including whether the numeric threshold in Subsection ~~Section~~ 3.3.4.B ~~3.3.4.2~~ is applicable. The applicant shall provide site specific information on the local hydrology, geology, actual consumptive use or unique seasonality of consumptive use, including, but not limited to:

1. Site specific hydrologic or geologic features that affect the projected drawdown shall be evaluated, including the existence of clay layers that impede the vertical movement of water under the wetland, preferential flow paths, seepage face wetlands that receive high rates of inflow, or the effects of soil depth and type on moisture retention, to the degree that actual field data support how these factors affect the potential for impacts of the consumptive use on the wetland or other surface water.

2. If the applicant asserts that the actual consumptive use has not caused harm to wetlands or other surface waters, site specific information on the condition of the wetlands or other surface waters in question must be provided in conjunction with pumpage records or other relevant evidence of actual consumptive use to substantiate the assertion. Applicable monitor data as described in Subsection ~~Section~~ 3.1.1 ~~1.7.5.1~~ shall be submitted, if available.

3. Other relevant factors or information in assessing the potential for harm to wetlands and other surface waters, such as the condition, size, depth,

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uniqueness, location, and fish and wildlife utilization, including listed species, of the wetland or other surface water.

3.3.5 Elimination or Reduction of Harm

To the extent that harm is determined, the applicant shall modify the project design or consumptive use, to the extent practicable, to eliminate or reduce harm to protected wetlands and other surface waters.

Modifications to the project or consumptive use include developing alternative water supply sources, modification of pumpage, relocation of withdrawal facilities, implementation of water conservation measures and creation of hydrologic barriers.

A proposed modification that is not technically capable of being implemented, not economically viable, or adversely affects public safety through the endangerment of lives or property, is not considered "practicable". In determining whether a proposed modification is practicable, consideration shall be given to:

A. Whether the wetlands and other surface waters have been impacted by authorized activities other than the consumptive use (such as development, adjacent land use, drainage activities, operations of Works of the District, or an Environmental Resource or Surface Water Management Permit), and will continue to be impacted by such activities;

B. The cost of the modification for elimination or reduction of harm compared to the environmental benefit such modification would achieve, including consideration of existing infrastructure; and

C. As applicable for permit renewals, the considerations provided in Subsection ~~Section~~ 3.3.7.

The District shall not require the applicant to implement design modifications to reduce or eliminate harm when the ecological value of the functions provided by the wetlands and other surface waters to be adversely affected is low based on site specific analysis, and the proposed mitigation will provide greater long term ecological value.

3.3.6 Mitigation of Harm

Upon determination by the District that elimination or reduction of harm is not practicable, the District shall consider proposals for mitigation. Mitigation is required to offset the harm to the functions of wetlands and other surface waters caused by the consumptive use as described herein.

In certain cases, mitigation cannot offset impacts sufficiently to yield a permittable project. Such cases often include activities that harm OFW ~~Outstanding Florida Waters~~, habitat for listed species, or wetlands or other surface waters not likely to be successfully recreated.

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Mitigation shall not be required for impacts to wetlands and other surface waters previously mitigated through federal, state or local permit authorizations, such as other consumptive use permits or ERP ~~Environmental Resource~~ or SWM ~~Surface Water Management~~ Permits.

The District shall assess the condition of the wetland or other surface water as it exists at the time of the application submittal when determining mitigation requirements.

For permit renewals, mitigation requirements shall also be determined based on the provisions in Subsection ~~Section~~ 3.3.7.

Application of ERP Provisions in Determining Mitigation Requirements

A. In the application of this Subsection, the following Environmental Resource Permit provisions within the Environmental Resource Permit Applicant's Handbook, Volume I (General and Environmental) ~~Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District~~, regarding mitigation, shall be applied:
Subsection 10.4.2.2.3 ~~4.2.2.3~~ regarding Assessment of Impacts;
Subsection 10.3.1 ~~4.3.1~~ regarding Types of Mitigation, specifically Subsections 10.3.1.1 ~~4.3.1.1~~, 10.3.1.3 ~~4.3.1.3~~ and 10.3.1.8 ~~4.3.1.8~~;
Subsection 10.3.2 ~~4.3.2~~ regarding Mitigation Ratio Guidelines;
Subsection 10.3.3 ~~4.3.3~~ regarding Mitigation Proposals;
Subsection 10.3.4 ~~4.3.4~~ regarding Monitoring Requirements for Mitigation Areas;
Subsection 10.3.5 ~~4.3.5~~ regarding Protection of Mitigation Areas;
Subsection 10.3.6 ~~4.3.6~~ regarding Mitigation Success; and
Subsection 10.3.7 ~~4.3.7~~ regarding Financial Responsibility for Mitigation;

The above Subsections are herein incorporated by reference through Rule 40E-2.091, F.A.C.

B. Mitigation to offset the proposed harm shall be provided within the same drainage basin as the proposed harm, unless the applicant demonstrates that mitigation proposed outside of the drainage basin can fully offset the harm. Drainage basins, for purposes of this Subsection, are set forth in Figure 4.2.8-1 of the Applicant's Handbook ~~Basis of Review~~ for Environmental Resource Permit Applications, herein incorporated by reference.

C. In determining whether mitigation proposed outside of the drainage basin fully offsets the harm, consideration shall be given to the effect on the values of the remaining wetland and other surface water functions within the drainage basin, if the harm is mitigated outside of the drainage basin.

3.3.7 Consideration of Elimination or Reduction, and Mitigation of Harm, for Consumptive Use Permit Renewals

In addition to the considerations in Subsections ~~Sections~~ 3.3.5 and 3.3.6, for renewal of a consumptive use permit, the determination of whether elimination or reduction, and

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mitigation, will be required for impacts to wetlands or other surface waters not identified or expressly authorized to be impacted by the previous consumptive use permit, shall be made considering the following:

A. The existing wetland and surface water functions;

B. The degree to which the wetland or other surface water functions are reasonably expected to recover if the withdrawal is reduced or eliminated;

C. The projected impacts on the existing functions of the wetlands or other surface waters from continuing the consumptive use;

D. Whether the wetland or other surface water is connected by standing or flowing surface water to, or is part of, an OFW ~~Outstanding Florida Water~~, Aquatic Preserve, state park, or other publicly owned conservation land with significant ecological value; and

E. As part of the fish and wildlife utilization considerations in S~~s~~ubsections A, B, and C, above, special consideration shall be given to whether the wetland or other surface water is used for resting, nesting, breeding, feeding or denning by listed species.

3.4 Saline Water Intrusion

A water use permit application will be denied if the application requests freshwater withdrawals that would cause harm to the water resources as a result of saline water intrusion. Harmful saline water intrusion occurs when:

A. Withdrawals result in the further movement of a saline water interface to a greater distance inland toward a freshwater source except as a consequence of seasonal fluctuations; climatic conditions, such as drought; or operation of the Central and Southern Flood Control Project, secondary canal systems, or stormwater systems.

B. Withdrawals result in the sustained upward movement of saline water. Sustained upward movement is the level of movement that persists when the withdrawals have ceased. When the saline interface occurs beneath the point of withdrawal, the maximum amount of pumpage from any well shall be constrained as follows:

$$Q = \frac{2\pi}{3} (b-l)^2 \frac{\Delta\rho}{\rho} K$$

Where: Q is the maximum safe yield of well
b is the thickness of fresh water
l is the distance between top of aquifer and well screen
p is the density of fresh water
$\Delta\rho$ is the change in density of fresh water

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K is the hydraulic conductivity of the aquifer

In order to provide reasonable assurances that harmful saline water intrusion will not occur, the Applicant shall demonstrate that:

1. A groundwater divide (mound of fresh water) greater than one foot higher than the potentiometric head at the saline water source exists between the withdrawal point and the saline water source (defined by the location of the 250 mg/L ~~l~~ isochlor); or

2. A hydrologic analysis of groundwater flow demonstrates that there will be no further net inflow of groundwater from the saline water source toward the withdrawal point; except as a consequence of seasonal fluctuations; climatic conditions, such as drought; or operation of the Central and Southern Flood Control Project, secondary canal systems, or stormwater systems, or

3. Other evidence shows saline water intrusion will not cause harm to the wellfield and water resource, if pumpage is allowed or increased. Should the Applicant's proposed withdrawals occur in an area where the saline water interface is unstable (as demonstrated by increases in measured chloride concentration levels within the influence of the proposed use), the applicant shall determine the cause of the saline movement and the extent of future movement through the duration of the permit and shall demonstrate that the proposed withdrawal will not cause harmful saline intrusion through the duration of the permit.

3.4.1 Use of Saline Water

The District encourages the use of the lowest water quality suitable for the use intended, while also providing for the long-term protection of the water resources. The use of saline water is permitted by the District as a source of supply for all uses. The use of saline water may cause limited increases in salinity but not to the extent of interfering with any presently existing legal use of water, otherwise harming water resources, or rendering the resource no longer usable by the Permittee. In order to provide reasonable assurances that harmful increases in salinity will not occur in violation of this Subsection, the Applicant must demonstrate that:

A. The quality of the proposed source will be adequate for the intended use throughout the duration of the permit;

B. The proposed use will not cause harm to presently existing legal use of water as defined in Subsection ~~Section~~ 3.7; and

C. The proposed use of water will not cause harm to freshwater sources that come in contact with saline water as a result of the proposed use. Under the following

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conditions, the use of saline water will not be considered harmful to the receiving water body under this subsection:

1. T~~t~~he affected receiving water body is non-productive or low yielding in nature (hydrologic conductivity of less than 10 feet per day);

2. T~~t~~he saline source water will discharge directly to tide after use;

3. T~~t~~he saline source water will be diluted to less than 200 mg/L chloride concentration prior to use; or

4. T~~t~~he impacts of the saline water use are compatible with surrounding land uses.

Any use of saline water that comes into contact with fresh water as a result of the proposed use will require a detailed water quality monitoring program as a limiting condition of any permit issued. This rule is not intended to allow the District to consider disposal of concentrate resulting from desalination of saline water in determining compliance with the consumptive use permit conditions for issuance.

3.5 Pollution of the Water Resources

The issuance of a water use permit shall be denied if the withdrawals would cause significant degradation of surface or groundwater quality through the induced movement of pollutants into a water resource that is not polluted. Significant water quality degradation may result from altering the rate or direction of movement of pollutants, as evidenced by the predicted influence the water withdrawals would have on inducing movement of the pollutants or as indicated by a sustained increase in background levels in pollutant concentrations.

3.6 Existing Offsite Land Uses

Pursuant to Rule ~~paragraph~~ 40E-2.301~~(1)(b)~~, F.A.C., a permit applicant must demonstrate that the proposed withdrawal will not cause harm to offsite land uses, as defined in this subsection ~~Section~~. This s~~S~~ubsection does not establish a property right in water; but prohibits harm from a consumptive use withdrawal to certain land uses that are dependent upon water being on or under the land surface based on the considerations set forth below.

Whether a particular offsite land use is considered under this Subsection ~~Section~~ depends on whether there is a reasonable expectation that water will continue to exist on or under the land surface. When determining whether there is a reasonable expectation in the occurrence of water for a particular offsite land use, the District will consider: ~~(~~1) the historic natural and artificial hydrologic variations on the property; ~~(~~2) the purpose and nature of the water or water source, such as surface water management or water quality treatment; and ~~(~~3) the practicability of protecting the land use without supplementation (for example, restricting consumptive uses from impacting water levels in a cow pond versus supplementing water levels in the cow pond with

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another water source). This Subsection is not intended to protect wetlands and other surface waters, which are protected against harm pursuant to Rule ~~paragraph~~ 40E-2.301~~(1)(c)~~, F.A.C., and Subsection ~~Section~~ 3.3.

Only land uses that existed prior to the initiation of the consumptive use are protected under this Subsection. When a permit modification is considered under this Subsection, only the land use existing at that time of the pending application is considered. The responsibility to mitigate for harm to an offsite land use only extends to offsite land uses that predate the request for modification and only applies to harm projected to occur due to the requested modification. For permit renewals, the applicant is required to demonstrate that the allocation being renewed will not cause harm to land uses that existed at the time the allocation or portions of the allocation were first authorized either through an original permit or permit modification, consistent with the above provisions.

The following offsite land uses are protected from harm caused by a consumptive use withdrawal under this Subsection, when consistent with the considerations identified above:

A. 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 that 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, or drainage canal).

B. Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or

C. Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

The applicant must identify those land uses that are potentially impacted from the withdrawal, such as sinkhole prone areas, seepage irrigated crop lands, and surface water management systems. The applicant must demonstrate that the resulting change in water levels related to the proposed consumptive use will not cause harm, as described above.

In order to receive protection under this rule, the impact on a land use must be the result of a consumptive use withdrawal. Impacts to land use can occur as a result of many different activities, such as drainage activities, reduced rainfall, regional trends, and other non-consumptive use related influences. Impacts from these non-consumptive use influences will not be protected or mitigated for under this Subsection. Sufficient technical and scientific proof of the cause and effect of the alleged land use impact must exist, demonstrating that associated consumptive use harms the offsite land use.

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If the applicant cannot provide reasonable assurance that a proposed withdrawal will not harm an offsite land use, the applicant must submit a mitigation plan. The mitigation plan shall identify actions necessary to mitigate once the impact has occurred, or is imminent. Such actions must be sufficient to provide water consistent with the authorized use and will require a permit modification if required by Rule 40E-2.331, F.A.C. As necessary to offset the harm, mitigation will include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means.

The Permittee shall mitigate harm to offsite land uses that was caused in whole or in part by the permittee's withdrawals, consistent with the approved mitigation plan. The mitigation plan will require a permittee to mitigate immediately, or upon the actual occurrence of harm. The determination of when mitigation is required is based upon the likelihood that the harm is projected to occur.

3.7 Interference with Existing Legal Users

To obtain a water use permit the applicant must provide reasonable assurance that it will not interfere with any existing legal use of water, pursuant to Section 373.223(1)(b), F.S. In general, a permit applicant must provide reasonable assurances that the proposed withdrawal of water, together with other exempt or permitted withdrawals within the cone of influence of the proposed withdrawal, will not result in interference with existing legal uses.

3.7.1 Definition of "Existing Legal Use"

The determination of whether a water use is an existing legal use in the relation to the proposed withdrawal must be made under this analysis. Existing legal uses are protected from interference from other existing legal uses established subsequent to the establishment of the existing legal use. An existing legal use is defined by the terms and limiting conditions of the permit authorizing the withdrawal, if any. A use of water not permitted nor exempt pursuant to Part II of Chapter 373, F.S., is not an existing legal use.

The following criteria describe application of the existing legal use protection when permit modifications or renewals occur:

A. When a permit modification is considered under this rule, only the existing legal uses existing at that time of the pending application are considered existing legal uses. The responsibility to mitigate for interference to an existing legal use only extends to interference to existing legal uses that predate such request and only applies to impacts that occur due to the requested modification.

B. For permit renewals, the applicant is required to demonstrate that the allocation being renewed will not interfere with existing legal uses that existed at the time the allocation, or portions of the allocation, were first authorized either through an original permit or permit modification, consistent with the above provisions.

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C. Individual uses served by a permitted diversion and impoundment permit, are considered to be existing legal uses for purposes of this rule. However, interruption of service to uses served by a diversion and impoundment project, when such interruption is due to project operations of the diversion and impoundment project, shall not be considered interference under this Subsection.

3.7.2 Definition of Interference with Existing Legal Use

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:

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

B. 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 when such change is imminent; or

C. Inability of an existing legal user to meet its permitted demands without exceeding the permitted allocation.

D. If the proposed use is an ASR system, an applicant shall identify all existing legal uses within the area of influence and provide reasonable assurance that the operation of the proposed ASR system will not cause interference per the criteria contained in Subsection ~~Section~~ 3.7 and Subsection 3.10.

3.7.3 Mitigation Requirements for Interference with Existing Legal Uses

If the permit applicant cannot provide reasonable assurance that a proposed withdrawal will not interfere with existing legal uses, the applicant must submit a mitigation plan. The mitigation plan shall identify actions necessary to mitigate for interference once the impact has occurred, or is imminent. Such actions must be sufficient to provide water consistent with the authorized use and will require a permit modification if required by Rule 40E-2.331, F.A.C. 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.

Once the permit is issued, the p~~P~~ermittee 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. The mitigation plan will require a permittee to mitigate immediately, or upon the actual occurrence of an interference. The determination of when mitigation is required is based upon the likelihood that the interference is projected to occur.

3.8 Otherwise Harmful

The issuance of a permit shall be denied if the withdrawal or use of water would otherwise be harmful to the water resources.

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3.9 Minimum Flows and Levels

Applications for consumptive use permits for water uses that directly or indirectly withdraw water from MFL water bodies must meet the criteria in this Subsection, in addition to all other conditions for permit issuance in Chapter~~s~~ 40E-2, F.A.C. ~~or 40E-20~~, as applicable. Applications that meet the criteria contained in this Subsection are considered to comply with Rule ~~paragraph~~ 40E-2.301~~(1)(l)~~, F.A.C. Consumptive use permit applications shall be reviewed based on the recovery or prevention strategy approved at the time of permit application review.

3.9.1 Evaluations for MFL Water Bodies Subject to a Recovery Strategy

Evaluations for direct or indirect withdrawals from MFL water bodies that are subject to a recovery strategy:

A. Permit Renewals: A request for renewal of an existing permitted allocation, which directly or indirectly withdraws water from a MFL water body, shall meet the requirements of this Subsection if: ~~(~~1) the impact of the withdrawal of water will be corrected through implementation of a recovery strategy; and ~~(~~2) the level of impacts from the allocation approved in the expiring permit are no greater under the requested renewal.

If the level of certainty under the expiring permit is changed to a 1-in-10 year level of certainty by rule (e.g. a golf course irrigation level of certainty changed from a 1-in-5 to a 1-in-10 year level of drought) the levels of impact from the withdrawal of water under the expiring permit shall be normalized to a 1-in-10 drought level of certainty in order to evaluate the impact of the withdrawal of water.

B. New or Modified Permits – Direct Withdrawals:~~.~~ A request for a new or increased permit allocation which directly withdraws water from a MFL water body, shall meet the requirements of this Subsection, if:

1. Sufficient additional water has been made available for the new or increased portion of the requested allocation via certification of a project or project phase of the recovery strategies, as certified by the District, pursuant to paragraph 40E-8.421(1)(e), F.A.C. Water made available from a certified project or project phase of a recovery strategy for new or increased uses will be allocated based on the criteria in the Applicant's Handbook and Chapter 40E-2 ~~or 40E-20~~, F.A.C.; or

2. The request incorporates a District approved alternative measure or source that prevents additional impacts to the MFL water body from the new or increased portion of the requested allocation. An example of an acceptable alternative measure is an aquifer storage and recovery system, which stores excess water during the wet season in order to minimize new or increased withdrawals during the dry season. The permit conditions shall require the District approved alternative measure or

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source to be operating or otherwise available concurrently with the new or increased use.

C. New or Modified Permits – Indirect Withdrawals: ~~-~~ A request for a new or increased permit allocation which indirectly withdraws water from a MFL water body, shall meet the requirements of this Subsection, if the new or increased use is consistent with the recovery strategy as delineated in the applicable regional water supply plan.

3.9.2 Evaluations for MFL Water Bodies Subject to a Prevention Strategy

Evaluations for direct or indirect withdrawals from MFL water bodies that are subject to a prevention strategy:

A. Permit Renewals: ~~-~~ A request for renewal of an existing permitted allocation that directly or indirectly withdraws water from a MFL water body shall meet the requirements of this Subsection if the level of impacts from the allocation approved in the expiring permit are no greater under the requested renewal. If the level of certainty under the expiring permit is changed to a 1-in-10 year level of certainty by rule (e.g. a golf course irrigation level of certainty changed from a 1 in 5 to a 1-in-10 year level of drought) the levels of impact from the withdrawal of water under the expiring permit shall be normalized to a 1-in-10 drought level of certainty in order to evaluate the impact of the withdrawal of water.

B. New or Modified Permits: ~~-~~ A request for a new or increased permit allocation that directly or indirectly withdraws water from a MFL water body, shall meet the requirements of this Subsection if the request is consistent with the prevention strategy(ies) as delineated in the applicable regional water supply plan.

3.9.3 Maximum Developable Limits

Reasonable assurances shall be provided that the proposed use shall not cause harmful drawdowns so as to mine semi-confined freshwater aquifers on the Lower West Coast. The potentiometric head within the Lower Tamiami aquifer, Sandstone aquifer and mid-Hawthorn aquifer shall not be allowed to drop to less than 20 feet above the top of the uppermost geologic strata that comprises the aquifer at any point during a 1-in-10 drought condition. This criteria must be met except in areas closer than 50 feet from any existing pumping well. Reasonable assurances shall consider actual measured water level data for the affected area for the most recent 1-in-10 drought condition combined with the calculated drawdowns for all permits issued since that drought located within the area of influence of the requested allocation combined with the requested allocation.

3.10 Aquifer Storage and Recovery Systems

Applicants for ~~Aquifer Storage and Recovery (~~ASR~~)~~ systems authorized per Rule 40E-5.041, F.A.C., shall demonstrate the provisions of Rule 40E-2.301, F.A.C., are met during: a) diversion of the water for storage; b) the time period in which the water is introduced into an aquifer for storage and stored within the aquifer; and, c) recovery of

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the stored water. Unless otherwise noted in Subsection 2.3.2.G or below, the criteria used to demonstrate that the provisions of Rule 40E-2.301, F.A.C., are met are contained in applicable Subsections of the Applicant's Handbook.

The applicant shall demonstrate that the diversion of water for storage in an ASR system shall not cause harm to the water resource as outlined in Rule ~~subsection~~ 40E-2.301~~(1)~~, F.A.C., during the wet and dry seasons. As part of this demonstration, the applicant shall provide reasonable assurances that the wet season demands for the ASR diversions do not cause harm to wetlands and other surface waters or harmful saline water intrusion. The applicant shall identify the area of influence based on the volume of water calculated under S~~s~~ubsection 2.3.2.G ~~A.~~, above. The area of influence of an ASR system shall address two factors: 1) the area affected by the pressure change resulting from the injection and removal of stored water; and, 2) the orientation of the stored fresh water and associated buffer zone. The applicant shall identify all existing legal uses within the area of influence and provide reasonable assurance that the operation of the proposed ASR system will not cause interference per the criteria contained in Subsection ~~Section~~ 3.7.

An ASR monitoring program will be required in the event there is a potential for interference with an existing legal user or harm to the water resources as described in Section 4.0.

3.11 Water Reservations

3.11.1 Picayune Strand and Fakahatchee Estuary

A permit applicant shall provide reasonable assurances that the proposed use will not withdraw water reserved under Subsections 40E-10.041 (1) and (2), F.A.C., except that water uses less than 100,000 gallons per day associated with land management or public access/recreation shall be permittable. Compliance with the following criteria constitutes reasonable assurances that water reserved in Rules 40E-10.041 (1) and (2), F.A.C., will not be withdrawn. Water not reserved under Rules 40E-10.041 (1) and (2), F.A.C., shall be allocated pursuant to Subsections A and B, below.

For this Subsection, the following definitions apply:

> Direct Withdrawals from Groundwater: Water pumped from a well(s) constructed within the boundaries of the Picayune Strand or Fakahatchee Estuary into the water table or unconfined portions of the Lower Tamiami aquifer.
>
> Indirect Withdrawals from Groundwater: a) a groundwater withdrawal from a well(s) constructed outside the boundaries of Picayune Strand and Fakahatchee Estuary into the water table or Lower Tamiami aquifer that results in a 0.1 foot or greater drawdown in the water table aquifer at any location underlying the Picayune Strand or the Fakahatchee Estuary, as determined by an evaluation conducted pursuant to Subsection ~~Section~~ 3.1.2.A ~~1.7.5.2.A.~~; or b) a groundwater withdrawal that causes a water table drawdown of 0.1 foot or

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greater underlying any canal identified in Figure 3-4 ~~3-6~~, as determined by an evaluation conducted pursuant to Subsection ~~Section~~ 3.1.2.A ~~1.7.5.2.A~~.

Direct Withdrawals from Surface Water: Withdrawal of surface water from facilities physically located within the Picayune Strand or Fakahatchee Estuary boundaries.

Indirect Withdrawal from Surface Water: Withdrawal of surface water from any canal identified in Figure 3-4 ~~3-6~~.

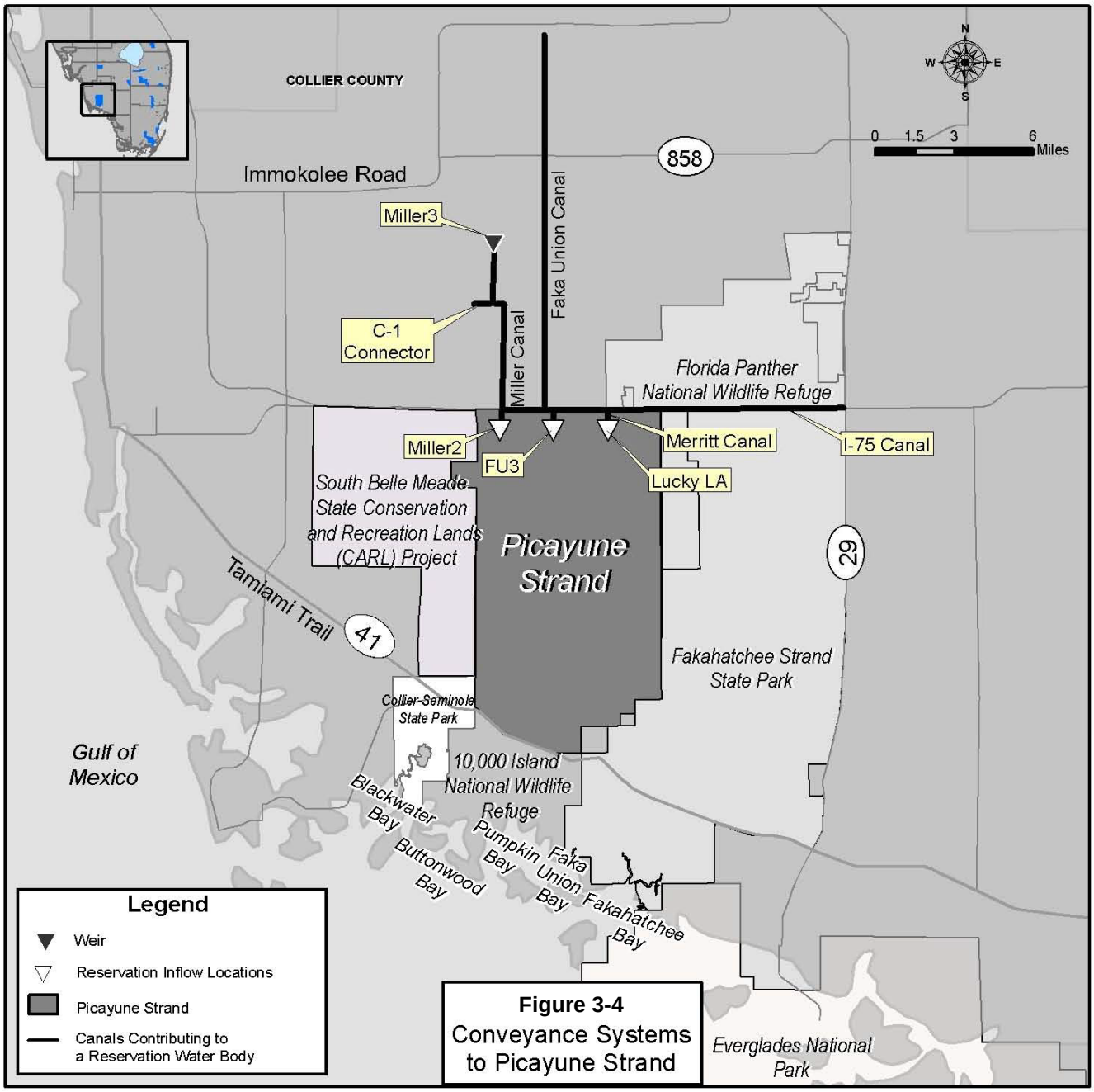

Figure 3-4
Conveyance Systems to Picayune Strand

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A. The following uses do not withdraw reserved water:

1. Withdrawals from the Sandstone aquifer, Mid-Hawthorn aquifer or the Floridan Aquifer Systems;

2. Withdrawals authorized by subsection 40E-2.061(2) ~~40E-20.302(3)~~, F.A.C. (General Permit by Rule for ~~No-Notice~~ Short-Term Dewatering ~~General Water Use Permit~~);

3. A renewal of a water use authorized by a permit existing on July 2, 2009. If the level of certainty under the permit being renewed is changed to a 1-in-10 year level of certainty pursuant to Subsection ~~Section~~ 2.3.1.C ~~2.3.2~~ (e.g., a golf course irrigation level of certainty changed from a 1 in 5 to a 1-in-10 year level of drought), the resulting 1-in-10 year allocation shall be authorized;

4. A permit modification that does not change the source, increase the allocation or change withdrawal locations, such as replacement of existing wells with similar construction and at similar locations, crop changes that do not change the allocation or timing of use, or decrease in allocation;

5. A permit modification that does not result in a direct or indirect withdrawal as demonstrated through an analysis conducted consistent with Subsection ~~Section~~ 3.1.2.A ~~1.7.5.2.A~~. When a modification to an existing permit is requested, the 0.1 foot threshold for determining a direct or indirect withdrawal will be applied to the effect of the modification only. The change in the drawdown solely associated with the applicant's proposed modification is calculated at the location of the 0.1 foot drawdown contour associated with the existing permit. If the change in drawdown associated with the proposed modification is less than 0.1 foot, the applicant's modification does not withdraw reserved water;

6. A proposed new use that does not result in a direct or indirect withdrawal as demonstrated through an analysis conducted pursuant to Subsection ~~Section~~ 3.1.2.A ~~1.7.5.2.A~~.

7. A proposed new use with a direct or indirect withdrawal and no greater impact, including changes in timing, on a reservation water body than the terminated or reduced permit existing on July 2, 2009 within the same project site. This evaluation will be conducted pursuant to Subsection ~~Section~~ 3.1.2 ~~1.7.5.2~~.

8. A proposed new use or proposed modification of a permit with an indirect withdrawal that does not withdraw reserved water from the Picayune

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Strand or the Fakahatchee Estuary. The determination that reserved water is not withdrawn shall be demonstrated by conducting the Model Impact Evaluation in Subsection 3.11.1.B, below.

B. Model Impact Evaluation. If required by Subsection 3.11.1.A, above, the applicant shall demonstrate water reserved for the Picayune Strand and Fakahatchee Estuary will not be withdrawn by conducting the following Model Impact Evaluation. A pre-application meeting between the Applicant and District staff is strongly recommended to be conducted prior to initiating model development.

1. Defining Scope of Model Evaluation:

a. For groundwater withdrawals, identify the cone of influence of the proposed withdrawal per Subsection ~~Section~~ 3.1.2.A ~~1.7.5.2.A~~. Based on this analysis, the a~~A~~pplicant shall identify which reservation inflow locations (set forth in Figures 1 and 2 in Rule 40E-10.021, F.A.C.) and conveyance system(s) identified on Figure 3-4 ~~3-6~~ are potentially influenced by the proposed withdrawal.

b. For surface water withdrawals, identify the reservation inflow locations, reservation water body (set forth in Figures 1 and 2 in Rule 40E-10.021, F.A.C.), and conveyance system(s) identified on Figure 3-4 ~~3-6~~ that are potentially influenced by the proposed withdrawal.

2. Conditions of Model Development:

a. Boundary Conditions: The model domain and resolution of grid cell size shall be identified using professional standards for model development considering the area of influence, while avoiding boundary condition biases. At a minimum, boundaries shall be situated sufficiently distant from the area of interest or in such a manner as to prevent non-representative impacts from specified boundary conditions on predicted stages and/or flow in the area of interest.

b. Surface and groundwater interactions: Surface and groundwater model codes that have undergone professional peer review and are representative of the physical system being simulated shall be used. Where integrated surface water and groundwater models are applied, time steps will be selected with consideration given to the resolution of the available data and the resolution necessary for quantifying flow volumes. Surface waters and overland flow time steps not exceeding 4 hours in length, canal flows time steps not exceeding 3 minutes, and groundwater time steps not exceeding 6

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hours in length shall be considered acceptable. Alternative time steps may be used providing they produce an acceptable calibration as described in Subsection ~~Section~~ 3.11.1.B.2.f ~~3.11.1B.2(f)~~ For the purposes of model calibration, the time steps used for simulating stages shall be averaged and flows shall be summed to produce daily values for comparison to measured data.

c. Hydrologic Conditions: Rainfall and evapotranspiration shall be simulated based on data collected from 1988 through 2000 for the model domain.

d. Land Use/Water Use: The model shall simulate 2000 land use existing on December 31, 2000 within the model domain (as identified in Subsection 3.11.1.B.2.~~(a)~~, above). The consumptive use withdrawal data used for the model calibration shall reflect actual use during the period of 1988 through 2000. In the case of irrigation type uses, a supplemental crop irrigation module from the model code selected per Subsection 3.11.1.B.2.~~(b)~~ shall be acceptable for calculating variable demands.

e. Project Features and Operations: Model simulations shall include project features and operations of the Picayune Strand Restoration Project utilized to simulate the flows identified in Rule 40E-10.041, F.A.C.

f. Model Calibration: To calibrate the model, the model output shall be compared to the affected flow probability distribution(s) in Rule 40E-10.041 and surface water, groundwater stage, and flow data from monitoring sites located within the model domain. The model shall be considered calibrated when surface water and groundwater stage and flow are calibrated as required by Subsections ~~(~~i.~~)~~, ~~(~~ii.~~)~~ and ~~(~~iii.~~)~~, below, and the resulting flow probability distribution curves from the Applicant's model are consistent with the magnitude and timing of flows in the flow probability distribution curves identified in Rule 40E-10.041, F.A.C., for the time period including 1988 through 2000. In the event that the simulated model output for a monitoring site(s) or the flow probability distribution(s) does not meet these criteria, the a~~A~~pplicant shall provide a justification of the deviation. If such justification adheres to documented physical conditions in the field and comports with professionally accepted principles of hydrology, the monitoring sites or flow probability distribution(s) that do not meet the criteria shall be accepted.

i. Groundwater Stage Data: The mean error determined by comparing the model calculated groundwater stage as described in Subsection 3.11.1.B.2.~~(b)~~ with the

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corresponding measured data shall not exceed 1.0 foot for the time period including January 1, 1995 through December 31, 1999. If the mean error is exceeded at a monitoring location, the groundwater calibration shall be considered acceptable when the absolute mean error of all the groundwater monitoring locations within the model domain do not exceed 1.0 foot and the deviation between the model simulation value and the measured value is explained as set forth in Subsection 3.11.1.B.2.~~(f)~~.

ii. Canal Stage Data: The average mean error determined by comparing the model simulated surface water stages as described in Subsection 3.11.1.B.2.~~(b)~~ with the corresponding measured data should not exceed 0.3 foot for the time period including January 1, 1995 through December 31, 1999.

iii. Flow Data: The mean error determined by comparing the model simulated surface water flow as described in Subsection 3.11.1.B.2.~~(b)~~ with the corresponding measured data shall not exceed ten percent for the time period including January 1, 1995 through December 31, 1999.

3. Impact Evaluation: Once the model is calibrated, a~~A~~pplicants shall demonstrate that water reserved for the Picayune Strand and Fakahatchee Estuary will not be withdrawn, based on the following:

a. "Without scenario": All existing legal uses at the effective date of the rule shall be represented using the allocation in the permit. For the purposes of this evaluation and Subsection (b) the annual allocation shall be distributed on a monthly basis based on the use type. For a public water supply use type, the monthly distribution shall be calculated based on the measured monthly pumpage divided by the annual total pumpage using the average of the three most recent representative years. Representative years shall not include years with water shortage restrictions, years with plant failures or other years that are not representative of normal pumpage. For an irrigation use type, the monthly distribution shall be determined using the Blaney-Criddle distribution calculated for each project pursuant to "Part B Water Use Management System Design and Evaluation Aids" of the Volume III, Permit Information Manual for Water Use Applications referenced in the "Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District", which is incorporated by reference in Rule 40E-2.091, F.A.C., the annual allocation and the associated monthly distribution shall be

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simulated using the calibrated model developed in accordance with the criteria identified in Subsection 3.11.1.B.2 in order to generate a daily flow data for each represented inflow location identified in Subsection 3.11.1. These data shall be presented as daily hydrographs as well as seasonal and period of record flow probability curves.

b. "With Scenario": The "with scenario" includes all existing legal uses at the time of the evaluation of the application and the proposed use and pending applications for which the evaluation under this subsection is being conducted. The annual allocation and the associated monthly distribution shall be simulated using the calibrated model developed in accordance with the criteria identified in Subsection 3.11.1.B.2 in order to generate a daily flow data for each represented inflow location identified in Subsection 3.11.1. These data shall be presented as daily hydrographs as well as seasonal and period of record flow probability curves.

c. The resulting flow volume distributions of the "with" and "without" scenarios shall be compared to determine whether the proposed use withdraws reserved water. Withdrawals of reserved water occur when the simulated flow volume probability curve(s) of the "with scenario" differs in flow distribution when compared to the "without scenario" at any of the inflow locations identified in Subsection 3.11.1.B.1.

4. Alternative Model Evaluations: Applicants may propose alternative modeling evaluations in order to provide reasonable assurances that the proposed project does not withdraw water reserved under Rule 40E-10.041, F.A.C. Such modeling shall evaluate the impacts of the proposed project on the reservation water body under a representative range of hydrologic conditions for which the water reservations have been established (e.g. wet, average, dry hydrologic conditions). Proposed alternative modeling evaluations shall be submitted in writing to the District for review and comment prior to conducting such modeling either in a pre-application meeting or as part of the permit application. District staff shall approve those model approaches which utilize documented model codes that have undergone professional peer review and accurately represent the physical system; are calibrated consistent with the criteria contained in S~~s~~ubsection 3.11.1.B.2.~~(~~f.~~)~~ i., ii., and iii. or other appropriate criteria; accurately represents impacts to inflows of reserved water into the reservation water body as described in Rule 40E-10.041 F.A.C.; and represents existing legal uses and the proposed project withdrawals.

5. Reduced or Terminated Permit Impacts: If an existing legal use at the effective date of the rule has been reduced or terminated and results in

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increased inflows that result from the reduced or terminated use into the reservation water body, the applicant may seek an allocation that withdraws such increased inflows at any of the inflow locations identified in S~~s~~ubsection 3.11.1.B.1. provided that the waters reserved in Rule 40E-10.041, F.A.C. are not reduced as demonstrated through an analysis conducted pursuant to S~~s~~ubsection 3.11.1.B.3~~.~~ or 4~~.~~ The quantity of increased inflow shall be available for allocation unless the Governing Board determines that allocation of the water is not consistent with the public interest under Section 373.223(1)(c), F.S.

In the event these criteria cannot be met, the applicant shall modify the application to otherwise meet the requirements of this Subsection.

3.11.2 North Fork of the St. Lucie River

The North Fork of the St. Lucie River water reservation, as stated in Rule 40E-10.051, F.A.C., protects Comprehensive Everglades Restoration Plan project water needed for protection of fish and wildlife within the North Fork of the St. Lucie River. Applications deemed complete prior to the conditions identified in Subsection 40E-10.051(1), F.A.C., and which otherwise satisfy the requirements of Chapter 40E-2 ~~or Chapter 40E-20~~, F.A.C., as applicable, are determined not to use the water reserved pursuant to Rule 40E-10.051, F.A.C.

3.11.3 Nearshore Central Biscayne Bay

A permit applicant shall provide reasonable assurances that the proposed use will not withdraw water reserved under subsection 40E-10.061(1), F.A.C. Compliance with the following criteria constitutes reasonable assurances that water reserved in Rule 40E-10.061, F.A.C., will not be withdrawn. Water not reserved under Rule 40E-10.061, F.A.C., shall be allocated pursuant to Subsection A.

For this section, the following definitions apply:

Direct withdrawal: Withdrawal of surface water from facility intakes physically located within the surface water column of Nearshore Central Biscayne Bay as depicted on Figure 3-1 in Chapter 40E-10, F.A.C. No direct withdrawals shall be authorized pursuant to this rule.

Indirect withdrawal: Withdrawal of surface water from facility intakes physically located within the surface water column of any canal reach identified in Figure 3-1 in Chapter 40E-10, F.A.C.

The following uses do not withdraw reserved water:

A. Withdrawals of groundwater; ~~.~~

B. Withdrawals authorized by Rule~~s~~ 40E-2.061, F.A.C. (~~No Notice~~ General Permits by Rule), and dewatering operations that 1) will not exceed a maximum of ten

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(10) mgd, with a maximum of eighteen hundred (1800) mg total pumpage, and 2) will not exceed a total duration of one year for the entire project; ~~40E-20.302(2) and (3), F.A.C. (Dewatering General Water Use Permit and No- Notice Short Term Dewatering General Water Use Permit)~~

C. Renewals of indirect withdrawals authorized by a permit existing on July 21, 2013; ~~.~~

D. A permit modification involving an Indirect withdrawal authorized by a permit existing on July 21, 2013 that does not change the source, increase the allocation or change withdrawal locations, such as replacement of existing surface water pumps or intakes, crop changes that do not change the allocation or timing of use, or decrease in allocation; ~~.~~

E. A new indirect withdrawal with no greater allocation and impact, including changes in timing, than a terminated or reduced permit that was existing on July 21, 2013 and occurs upstream of the same coastal structure; and, ~~.~~

F. Indirect withdrawals which do not withdraw reserved water as defined in Rule 40E-10.061, F.A.C.

4.0 MONITORING REQUIREMENTS

To ensure continuing compliance with the conditions of permit issuance, monitoring and reporting activities shall be required as special limiting conditions of the permit pursuant to Section 5.0. The details of all required monitoring plans shall be submitted by the a~~A~~pplicant for District review and approval as part of the water use permit application and shall be a condition of permit issuance. The permit will require implementation of the approved monitoring programs.

4.1 Withdrawal Quantity

The following subsections identify withdrawal quantity monitoring requirements for withdrawal facilities within the District.

4.1.1 Water Flow Monitoring and Calibration

Proper accounting for water use is essential to establish that the use is a reasonable-beneficial use of the resource and in the public interest. In addition, proper accounting of the various water uses enables the District to better estimate water use and to implement water shortage plans.

All permittees with an average daily ~~maximum monthly~~ allocation of greater than 100,000 ~~3.0 million~~ gallons, or irrigation water users located within the South Dade County Water Use Basin (as designated in Figure 21-11, Chapter 40E-21, F.A.C.) with a~~n~~ average daily ~~maximum monthly~~ allocation of greater than 300,000 ~~15.0 million~~ gallons, are required to monitor and report withdrawal quantities from each withdrawal facility or point of diversion.

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If applicable, p~~P~~ermittees shall submit Form No. 1378, Water Use Pumpage Report Form and Form No. 1389, Crop (Freeze) Protection Form, incorporated by reference in paragraphs 40E-2.091(2)(b) and (a), F.A.C) ~~following forms~~, ~~if applicable~~, electronically or at the address provided on the form. ~~forms:~~ Alternatively, the permittee may submit documentation with the information required by Water Use Pumpage Report Form.

~~0188-QMQ, Quarterly Report of Withdrawals, incorporated by reference in Subsection 40E-2.091(1), F.A.C.;~~

~~0188-QASR, Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells, incorporated by reference in Subsection 40E-2.091(2), F.A.C.;~~

~~0188-QMQF, Quarterly Report of Withdrawals from Wells and Surface Water Pumps, incorporated by reference in Subsection 40E-2.091(3), F.A.C.;~~

~~0188-QBWDR, Quarterly Report of Bulk Water Delivered and Received, incorporated by reference in Subsection 40E-2.091(4), F.A.C.~~

A reliable, repeatable water use accounting system must be identified to monitor water usage from all withdrawal facilities, in accordance with permit conditions. The District considers a reliable water use accounting method to be accurate within +/- 10 percent of the actual flow. For pumped systems, acceptable water use accounting systems include flowmeters, or clocks which totalize pump operation. For gravity flow systems, acceptable methods include the use of rated water control structures. Water control structure rating curves certified by a professional engineer shall be submitted at the time of permit application and updated at a minimum of the five years as required in the permit limiting conditions. Rating curves for water control structures shall consider multiple headwater/tailwater conditions indicative of their site specific conditions. Irrigation quantities will be calculated based on the measured headwater/tailwater conditions to the water control structure rating curves and submitted to the District at the frequency specified in the permit limiting conditions.

Permit applicants must submit documentation of the water use accounting method and calibration method as a part of the permit application. Prior to the use of any authorized facility, the approved water use accounting method must be operating and the initial calibration submitted to the District. Recalibration results for the water use accounting method shall be submitted to the District every five years from permit issuance.

If applicable, p~~P~~ermittees shall submit the following forms, incorporated by reference in Subsection 40E-2.091(2)(f) and (g), F.A.C., electronically or at the address provided on the forms:

Form No.	Form Title
1387	Flow Meter Accuracy Calibration Report Form
1388	Alternative Method Calibration Report Form

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Alternatively, the permittee may submit documentation containing the information required by above-listed forms.

Withdrawal quantities for each permitted withdrawal facility shall be calculated monthly and reported to the District semi-annually ~~quarterly~~, unless otherwise conditioned on a greater frequency due to the potential for resource harm. Permittees, whose full demands are met through a combination of their own withdrawals or other sources, such as reclaimed water or water sales agreements, shall report the monthly totals supplied from sources other than their own withdrawals, unless the use of those sources are reported to another state agency, in which case the District shall obtain the water use information from said agency.

For special districts with withdrawal facilities that supply several individual users, such as diversion and impoundment systems and sub-basins within the Everglades Agricultural Area Water Use Basin which collectively derive their water supply from District operated structures, the water use shall be monitored at the primary withdrawal facilities. Individual surface water users within such systems do not need to submit individual pumpage reports, unless otherwise required by a water shortage order or as a part of a District permit compliance action.

The District advises diversion and impoundment permit applicants and surface water users within such systems that retaining accurate records of the types of crops, irrigated acreage, and duration of irrigation of such crops is relevant information for assessing system efficiency. In the event the District determines the diversion and impoundment system is inefficiently using water, then the District, at a minimum, will require the diversion and impoundment system or surface water users within such systems, as appropriate, to implement additional monitoring and conservation measures. Inefficient use of water by a diversion and impoundment permittee includes consideration of such factors as withdrawals in excess of the permit conditions in a drought condition less severe than a 1-in-10 year drought event and use of water in excess of that quantity of water calculated pursuant to Subsection ~~Section~~ 2.3.2.C. Such additional measures could include internal surface water quantity withdrawal monitoring or irrigation system efficiency assessment by a mobile irrigation lab.

For those special districts in which water is passed through the project, the permittee may be required to report the volumes of water that flow out of the project if necessary to quantify the water consumed by the project.

4.1.2 Water Loss

The implementation of leak detection programs by utilities with unaccounted-for water losses of greater than 10% is required. Such leak detection program must include water auditing procedures, in-field leak detection efforts and leak repair. The program description should include the number of man-hours devoted to leak detection, the type of leak detection equipment being used and an accounting of the water saved through leak detection and repair. It is the policy of the District to encourage public water supply systems to have no more than 10% unaccounted-for water losses.

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4.2 Water Quality

The following subsections identify water quality monitoring requirements within the District.

4.2.1 Saline Water Monitoring

The purpose of saline water monitoring is to ensure that harmful saline water intrusion, whether lateral from a surface or groundwater saline source, vertical from an aquifer containing lower quality water, or a combination of both, does not occur. Saline water monitoring is accomplished by routine sampling of the discharge water from production wells or from separate monitor wells. However, in areas of known saline water movement, separate monitor wells are required to be designed and constructed expressly for the purpose of saline water intrusion monitoring. The dissolved chloride concentration and the water level elevation, referenced to NGVD 1929 ~~National Geodetic Vertical Datum~~ shall be measured. Frequency of measurements may be weekly, monthly, or quarterly, and will be identified in the permit limiting conditions. The data shall be reported using Form No. 1377, Water Quality Report Form ~~0188-QMON, Quarterly Report of Monitoring Requirements~~, incorporated by reference in paragraph ~~Subsection~~ 40E-2.091(2)(c)~~(5)~~, F.A.C. Alternatively, the permittee may submit documentation containing the information required by the Water Quality Report Form.

Applicants shall submit a saline water monitoring program for review and approval when:

A. The withdrawal facility is within one mile of a ~~brackish or~~ saltwater body, including canals and tidal creeks;

B. The withdrawal facility is located seaward of the 250 mg/L~~l~~ chloride line mapped at the base of the aquifer or located seaward of a line between two adjacent salinity control structures;

C. The land on which the withdrawal facility is located is between the Intracoastal Waterway and the Atlantic Ocean; between a tidal creek and the Atlantic Ocean; between a tidal creek and the Gulf of Mexico; or between the Intracoastal Waterway and the Gulf of Mexico;

D. Saline water is located either above or below the producing zone;

E. A history of saline water intrusion or increasing chloride concentrations exists for either groundwater or surface water in the vicinity of the withdrawal facility;

F. Staff evaluation indicates that, at projected withdrawal rates, saline water intrusion may occur to the extent that the existing treatment process will no longer be capable of producing potable water;

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G. Staff evaluation indicates that, at projected withdrawal rates, saline water intrusion may occur in neighboring withdrawal facilities; or

H. Staff evaluation indicates saline water may come in contact with a fresh water source as a result of the proposed use.

Guidelines for establishing a saline water monitoring program, as well as sampling, sample handling, and analysis guidelines, are available from the District.

4.2.2 Pollution Source Monitoring

The purpose of pollution source monitoring is to ensure withdrawals do not cause harmful movement of contaminants in violation of state water quality standards. Movement of contaminants consistent with a state approved remediation plan is not considered harmful. In order to effectively monitor a pollution source, separate monitor wells must be installed and monitored to evaluate withdrawal effects on movement of the pollution. The a~~A~~pplicant shall submit a pollution source monitoring program identifying chemical constituents, monitoring frequencies, and well construction details and locations to the District for review and approval when the project's withdrawals have the potential for a direct influence on a contaminant plume.

4.3 Hydrologic and Ecologic Monitoring

The following subsections identify hydrologic and ecologic monitoring requirements that are deemed necessary to ensure wetlands and other surface waters, offsite land uses, existing legal users, and the water resources of the District are not harmed by the withdrawal.

4.3.1 Water Level Monitoring

The purpose of water level monitoring programs is to ensure existing legal uses, offsite land use, and water resources, are not harmed by lowered water levels. Applicants shall submit a water level monitoring program to the District for review and approval when:

A. A saline water monitoring program or a pollution source monitoring program is required (see Subsections ~~Sections~~ 4.2.1 and 4.2.2 ~~4.3~~);

B. A wetland hydrobiologic monitoring program is required (see Subsection ~~Section~~ 4.3.2 ~~4.5~~); or,

C. Uncertainty in computer modeling or data exists to define the drawdown resulting from withdrawals from groundwater or surface water sources and to ensure that existing legal uses, offsite land use, water resources, and wetland and surface water functions are not harmed by withdrawals.

4.3.2 Wetland and Other Surface Waters Monitoring

Wetland monitoring shall be required to ensure that harm to wetland and other surface waters does not occur. Monitoring shall consist of various types of data collection, such as groundwater and surface water levels, surface water quality, biological parameters,

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ground and aerial photography, rainfall, pumpage, and land cover assessments. Guidelines for establishing a wetland hydrobiologic monitoring program are available from the District. The a~~A~~pplicant shall submit a wetland hydrobiologic monitoring program to the District for review and approval when:

The impacts of the proposed use, either individually or cumulatively with other permitted users, produces drawdowns approaching the applicable drawdown criteria in Subsection ~~Section~~ 3.3.

4.3.3 Aquifer Storage and Recovery Systems Monitoring

An ASR monitoring program will be required in the event there is a potential for interference with an existing legal user or harm to the water resources. Such a monitoring program will include monitor well(s) to measure aquifer pressure and water quality. In addition, the quantity of water that is stored and recovered shall be monitored and reported for permitted ASR systems.

4.4 Compliance Reports

Except for permits issued pursuant to subsection 373.236(6), F.S., permits issued for a duration of 20 years or longer shall require submittal of a compliance report under subsection 373.236(4), F.S., once every ten years, when necessary to maintain reasonable assurances that the conditions for issuance can continue to be met. Permits issued for greater than 20 years pursuant to subsection 373.236(6), F.S. shall require submittal of a compliance report once every five years. The report shall include sufficient information to maintain reasonable assurance that the permittee's use can continue, for the remaining duration of the permit, to meet the conditions for issuance set forth in the rules existing when the District issued the permit.

In accordance with subsection 373.236(4), F.S., after reviewing this report, the District will modify the permit if required to ensure that the use of water authorized by the permit can continue to meet the conditions for issuance set forth in the rules existing when the District issued the permit. As required by Sections 120.569 and 120.60, F.S., the District shall provide notice of intent to modify the permit. For all water use classes, when economic conditions or population growth rates result in the actual water use being lower than permitted water use, a modification to reduce the permitted allocation shall only be made by the District when there is no reasonable likelihood that the allocation will be needed during the permit term. For agricultural water use permits for irrigation, reductions in actual use compared to permitted consumptive use that are due to weather events, crop diseases, nursery stock availability, or changes in crop type shall not result in a permit modification by the District to reduce the permitted allocation during the term of the permit. Additionally, in order to incentivize conservation of water, if actual water use is less than permitted water use due to documented implementation of water conservation measures, the permitted allocation shall not be modified by the District due to these circumstances during the term of the permit.

Nothing in this subsection shall be construed to alter the Districts' authority to reduce permitted consumptive use under circumstances not addressed by this section, nor be

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construed to alter the water conservation requirements of the permit for the duration of the permit.

~~A. Where necessary to maintain reasonable assurance that the conditions for issuance of a permit can continue to be met over the duration of a 20 year permit, the District shall require the permittee to submit a compliance report pursuant to subsection 373.236(4), F.S., no more than once every ten years. The permit shall be conditioned to assure compliance with the initial conditions for issuance, including implementation of schedules for Water Need and Demand Methodologies under Section 2.0, maintaining updated water conservation and efficiency requirements, and updated allocation methodologies, pursuant to District rules.~~

~~The compliance report shall contain sufficient information to maintain reasonable assurance that the permittee's use of water will continue to meet Chapters 40E-2 and 40E-20, F.A.C., as applicable, for the remaining duration of the permit. The compliance report shall, at a minimum, include all of the information specifically required by the permit limiting conditions.~~

~~B. Following the District's review of this report, the District shall require the permittee to take such actions as necessary to ensure that the use of water will continue to meet the conditions for permit issuance.~~

~~C. Notwithstanding the above, the District is not prohibited from requiring reports at any time when necessary to ensure compliance with the terms of the permit or provisions in Chapters 40E-2 or 40E-20, F.A.C.~~

5.0 PERMIT ~~LIMITING~~ CONDITIONS

Water use permits shall be conditioned, as necessary, to ensure that the permitted use continues to meet the conditions for issuance in Rule 40E-2.301, F.A.C. There are two categories of permit conditions that will be applied to water use permits. Standard conditions contain general information and operational constraints that generally apply to all water uses unless waived or modified by the District upon a determination that the conditions are inapplicable to the use authorized by the permit. Not all special conditions are imposed on each permit as they vary among use classes, sources, geographic locations, and other permit-specific factors.

~~Water use permits shall be conditioned as necessary so that the use is consistent with the overall objectives of the program and are not harmful to the water resources of the area. There are two categories of permit conditions that will be applied to water use permits. Standard Conditions contain general information and operational constraints that apply to all uses of water. Special Conditions address project specific considerations that may vary among use classes, sources of supply and geographic locations~~.

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5.1 Standard Permit Conditions

5.1.1 Overall Compliance/Notification

All water uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to Section 373.136 or 373.243, F.S., unless a permit modification has been obtained to address the noncompliance.

The Permittee shall immediately notify the District in writing of any previously submitted material information that is later discovered to be inaccurate.

5.1.2 Other Permits Required

Permittee is advised this permit does not relieve the Permittee from the responsibility to obtain any other required local, state, or federal authorization.

5.1.3 Change of Ownership/Legal Control

Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and/or related facilities from which the permitted consumptive use is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit a new or modified lease showing that it continues to have legal control or documentation showing a transfer in control of the permitted system/project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40E-1.6107, F.A.C. Alternatively, the Permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.

~~Permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted activities are located. All transfers of ownership are subject to the requirements of section 40E-1.6107, F.A.C.~~

5.1.4 Water Shortage

Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to Chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order. ~~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, water levels, and water quality data shall be collected and submitted as required by District orders issued pursuant to Chapter 40E-21, F.A.C.

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5.1.5 Property Rights Not Conveyed

This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

~~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, F.A.C.~~

5.1.6 Inspection

With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The permittee shall either accompany District staff onto the property or make provision for access onto the property.

~~Authorized representatives of the District, with advance notice to the permittee, shall be permitted to enter, inspect, and observe the permitted system to determine compliance with permit conditions.~~

5.1.7 Modification/Use Class/Other Changes

A. A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that Section 373.239, F.S., and Rule 40E-2.331, F.A.C., are applicable to permit modifications.

B. Permittee shall notify the District in writing 30 days prior to any changes to the Project that could potentially alter the reasonable demand reflected in the permitted allocation. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, large users agreements, or water treatment method. Permittee will be required to apply for a modification of the permit for any changes in permitted allocation.

5.1.8 Violations

If any condition of the permit is violated, the permit shall be subject to review and modification, enforcement action, or revocation pursuant to Chapter 373, F.S.

5.1.9 Existing Legal Users

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:

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A. 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

B. 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.

5.1.10 Harm to Natural Resources/Saline Intrusion/Pollution

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:

A. Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface;

B. Reduction in water levels that harm the hydroperiod of wetlands;

C. Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;

D. Harmful movement of contaminants in violation of state water quality standards; or,

E. Harm to the natural system including damage to habitat for rare or endangered species.

5.1.11 Off-site Impacts

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 as determined through reference to the conditions for permit issuance, includes:

A. 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.)

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B. Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or

C. Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

5.2 Special Permit Conditions

A. This Permit is issued to:

B. This Permit shall expire on (date).

C. Water use classification: [primary water use type and secondary water use type(s)]

D. Source classification is:

E. Allocation:
Total annual allocation is _____ MG (_____ GPD or MGD)
Total maximum monthly allocation is _____ MG.

Allocation from a specific source (aquifer, waterbody, facility, or facility group)
Maximum annual allocation from (a specific source) shall not exceed ____ MG (_____ GPD or MGD)
Maximum monthly allocation from (a specific source) shall not exceed ____ MG (_____ GPD or MGD)

These allocations represent the amount of water required to meet the water demands as a result of a 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. Compliance with the annual allocation is based on the quantity withdrawn over a 12-month time period. Compliance with the maximum monthly allocation is based on the greatest quantity withdrawn in any single month. The annual allocation expressed in GPD or MGD is for informational purposes only.

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:

1. All other conditions of the permit are met; and

2. The withdrawal is otherwise consistent with applicable declared Water Shortage Orders in effect pursuant to Chapter 40E-21, F.A.C.

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F. Withdrawal Facilities:

G. Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: SFWMD at www.sfwmd.gov/ePermitting, or Regulatory Support Bureau, MSC 9611, P.O. Box 24680, West Palm Beach, FL 33416-4680

H. Permittee must submit the appropriate application form incorporated by reference in Rule 40E-2.101, F.A.C., to the District prior to the permit expiration date in order to continue the use of water.

I. Permittee shall implement the following operating plan:

J. This Permit supersedes and/or cancels the following Water Use Permit(s):

K. This is an existing project. A surface water management permit will be required prior to any change in land use or modification of the drainage system.

5.2.1 Use Class

A. Public Water Supply

1. Permittee shall notify the District within 30 days of any change in service area boundary that results in a change in demand that affects its permitted allocation. The allocation shall be modified to effectuate such change.

2. Permittee shall implement the wellfield operating plan described in District staff report prepared in support of recommendation for permit issuance.

3. Permittee shall determine unaccounted-for distribution system losses. Losses shall be determined for the entire distribution system on a monthly basis. Permittee shall define the manner in which unaccounted-for losses are calculated. Data collection shall begin within six months of Permit issuance. Loss reporting shall be submitted to the District on a yearly basis from the date of Permit issuance.

4. Permittee shall maintain an accurate flow meter at the intake of the water treatment plant for the purpose of measuring daily~~/monthly~~ inflow of water. ~~The monthly total inflow to the treatment plant shall be reported to the District.~~

5. Permittee shall maintain an accurate flow meter at the point of discharge from the treatment plant for htepurpose of measuring the daily flow of water.

6. The Standard ~~following elements in the~~ Water Conservation Plan described in ~~required by~~ Subsection ~~Section~~ 2.3.2.F.1.a ~~2.6.1~~ of the Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications

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within the South Florida Water Management District and the Staff Report, must be implemented in accordance with the approved implementation schedule.

7. The Goal-Based Water Conservation Plan described in Subsection 2.3.2.F.1.b of the Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District and the Staff Report must be implemented in accordance with the approved implementation schedule.

8. Permittee shall provide annual status reports to the District that summarizes the Aquifer Storage and Recovery cycle testing activities. The first reports shall be submitted by:

9. Permittee shall notify the District within 30 days of entering into an inter-local agreement, contract, or other similar instrument to deliver or receive water outside of its service area or to serve a demand not identified to determine the allocation described in this permit. A copy of such agreement shall be provided to the District. The monthly volume of water delivered and/or received via each inter-local agreement, contract, or other similar instrument shall be submitted to the District on a quarterly basis.

B. Irrigation

The conditions listed below are applicable to all irrigation use classes. Subsections 5.2.1.C through 5.2.1.E contain additional permit conditions for the specific irrigation use class.

For new or increased allocations over previously permitted allocations from sources not categorized as sources of limited availability, the permit shall expire within five years of issuance to the extent that permitted acreage has not been planted consistent with the timelines contemplated in the Permit, or to the extent the allocation has otherwise been abandoned pursuant to Section 373.243, F.S.

C. Landscape Irrigation

1. ~~Landscape and golf course~~ Permittee~~s~~ must comply with the water conservation plan ~~requirements~~ submitted pursuant to ~~in~~ Subsection ~~section~~ 2.3.2.E.1 ~~2.3.1~~ of the Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District and described in the Staff Report.

2. Landscape irrigation shall comply with day and time restrictions described in Rule 40E-24.201, F.A.C., or alternative landscape irrigation measures adopted pursuant to Rule 40E-24.301, F.A.C.

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3. Withdrawal from the surface water source(s) for irrigation shall be equal to the amount of water used for replacement/recharge on a monthly basis (for example, the volume of water withdrawn from the lake must be the same volume of water put into the lake), except when the surface water drainage system is discharging. The replacement/recharge of groundwater into surface water is for water quality treatment or supplementation and not the artificial maintenance of lake levels.

4. The amount of water used for irrigation replacement/recharge shall not exceed the amount of water withdrawn from the surface water sources(s) on a monthly basis (for example, there cannot be more water put into the lake than is pumped out of the lake). The replacement/recharge of groundwater into surface water is for water quality treatment or supplementation and not the artificial maintenance of lake levels.

D. Golf Course Irrigation

1. Permittee must comply with the water conservation plan submitted pursuant to Subsection 2.3.2.E.1 ~~2.3.1~~ of the Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District and described in the Staff Report.

2 ~~Landscape and~~ G~~g~~olf course irrigation is prohibited between the hours of 10:00 A.M. and 4:00 P.M., except as follows:

a. Irrigation using micro-irrigation system is allowed anytime.

b. Users whose average annual allocation is made up of 75% or greater volume of reclaimed water for irrigation may irrigate at any time.

c. Irrigation of, or in preparation for planting, new golf courses and recreational areas is allowed at any time of day for one 30 day period provided irrigation is limited to the amount necessary for plant establishment. Irrigation of newly seeded or sprigged golf course areas is allowed any time of day for one 60 day period.

d. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, recommended by the manufacturer or constituting best management practices is allowed anytime within 24 hours of application.

e. Irrigation systems may be operated anytime for maintenance and repair purposes.

f. The use of water to protect golf course turf from heat and wind stress damage is allowed anytime.

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3. Withdrawal from the surface water source(s) for irrigation shall be equal to the amount of water used for replacement/recharge on a monthly basis (for example, the volume of water withdrawn from the lake must be the same volume of water put into the lake), except when the surface water drainage system is discharging. The replacement/recharge of groundwater into surface water is for water quality treatment or supplementation and not the artificial maintenance of lake levels.

4. The amount of water used for irrigation replacement/recharge shall not exceed the amount of water withdrawn from the surface water sources(s) on a monthly basis (for example, there cannot be more water put into the lake than is pumped out of the lake). The replacement/recharge of groundwater into surface water is for water quality treatment or supplementation and not the artificial maintenance of lake levels.

E. Agricultural Irrigation

The Permittee shall complete Form No. 1376, Report of Planting and Harvest of Seasonal Crops Form ~~0188-QCROP, Report of Planting and Harvest of Seasonal Crops~~, incorporated by reference in Rule 40E-2.091, F.A.C., and submit it with the appropriate Form No. 1378 Water Use Pumpage Report Form ~~"Quarterly Report of Withdrawals From Wells and Surface Water Pumps" (Form No. 0188-QMQF)~~, incorporated by reference in Rule ~~Subsection~~ 40E-2.091(1)~~(3)~~, F.A.C.

F. Diversion and Impoundment

1. The independent secondary user must advise the diversion and impoundment permittee prior to applying to the District for a proposed change in surface water allocation from the diversion and impoundment system.

2. The d~~D~~ependent secondary users listed herein must advise the District and the diversion and impoundment permittee prior to any change in demands.

3. The diversion and impoundment system permittee is responsible for all violations of the diversion and impoundment permit terms, except the violations of the dependent secondary users.

4. Within 90 days of the diversion and impoundment permittee agreeing to the inclusion of a dependent secondary user consistent with the requirements in Subsection ~~Section~~ 2.3.2.C.2.a ~~2.7.3.A.~~ of the Applicant's Handbook, the diversion and impoundment permittee is responsible for submitting a request for a permit modification to the District to include the dependent secondary user.

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5. All dependent secondary users must comply with the terms of their agreement with the diversion and impoundment entity and applicable terms of this permit.

6. This is an independent secondary use permit within a diversion and impoundment system; therefore, the duration may be modified or reduced such that it will not exceed the expiration date of the associated diversion and impoundment permit.

G. Dewatering

1. A copy of the permit, its limiting conditions, and dewatering plan is required to be kept on site at all times during dewatering operations by the lead contractor or site manager.

2. At least 72 hours p~~P~~rior to initial dewatering, the Permittee shall notify the District that dewatering is about to commence and verify all precautions are in place prior to project commencing with pumping operation, including:

   a. The location and design of the recharge trenches and on-site retention areas where dewatering water will be retained;

   b. The location of monitoring facilities; and,

   c. Other site-specific issues related to the protection of the resource or other existing legal users.

   Failure of the Permittee or his representative contractor to notify the District before dewatering is initiated will result in enforcement action.

   If necessary, the District shall conduct a site visit.

   Notification of commencement of dewatering can be made by contacting:

3. Permittee shall conduct dewatering activities in adherence to the following operating plan:

4. The excavation shall be constructed using sound engineering practice. If the excavation or dewatering activities endangers the properties of adjacent owners (through erosion, side wall collapse, etc.), the Permittee shall cease operation until a method to prevent such occurrences is found and instituted. The Permittee shall be responsible for finding and instituting methods to stop such occurrences.

5. All dewatering shall be retained on the Permittee's land. Off-site discharge of dewatering effluent shall not be made.

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6. Off-site discharge may be made via the facilities and conditions that follow:

7. Permittee shall not lower the water table below the following depths:

8. Turbidity measurements of the dewatering water shall be made daily prior to discharge and submitted to the District weekly. If turbidity levels in the dewatering water exceed 29 NTU above background conditions in the receiving waterbody, the Permittee is required to cease dewatering operations and correct the situation until monitoring demonstrates turbidity standards are met.

9. Within 30 days of completion of ~~Following~~ the dewatering operation, the temporary recharge ditches shall be filled and regraded to natural ground elevation, or an elevation approved in the Environmental Resource Permit.

10. Permittee shall immediately cease dewatering when continued dewatering would create a condition hazardous to the health, safety, and general welfare of the people of the District.

11. Permittee shall be responsible for clearing shoaling if the Permittee's dewatering operation creates shoaling in adjacent water bodies.

12. Offsite discharge may be made via the facilities and conditions that follow:

13. At least two weeks prior to commencing dewatering, the Permittee shall provide site specific dewatering plans for each proposed dewatering activity to the District for review and approval. Permittee shall not initiate dewatering prior to receiving written notification from district staff, that the proposed dewatering activity is consistent with the approved master permit.

14. Pursuant to Section 2.3.2.B.2 of the Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District, neither maximum monthly nor annual allocation volumes are specified.

H. Mining Dewatering

The Permittee is advised that this Permit does not relieve the Permittee of complying with all county, state, and federal regulations governing these operations, maintenance, and reclamation of the borrow pit.

I. Industrial/Commercial/Power Plant

Industrial p~~P~~ermittees must comply with the water conservation plan submitted in compliance with ~~requirements in~~ Subsection ~~section~~ 2.3.2.D.1 ~~2.4.1~~ of the Applicant's

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Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District and described in this Staff Report.

5.2.2 Compliance, Monitoring, and Reporting

The following subsections contain additional compliance, monitoring, and reporting permit conditions.

A. Pumpage

These conditions apply to permits with an average annual allocation greater than 100,000 gallons per day or, if in the South Miami-Dade Agricultural Area, greater than 300,000 gallons:

1. Prior to any withdrawals at the Project, the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with approved water use accounting method(s) pursuant to Subsection ~~Section~~ 4.1.1 of the Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District.

2. Monthly withdrawals for each withdrawal facility shall be reported to the District semi-annually ~~quarterly~~. The water accounting method and means of calibration shall be stated on each report.

3. Every five years from the date of Permit issuance, the Permittee shall submit re-calibration data for ~~on~~ each water pumping accounting facility, for those Permittees whose accounting method(s) require re-calibration.

4. Permittees, who are dependent on other sources of water supply such as reclaimed water or water sale agreements to meet a portion of their demands, shall include the monthly volumes from all other sources in the report to the District, unless the use of those sources is reported to another state agency, in which case the District will obtain the water use information from said agency. The water accounting method and means of calibration shall be stated on each report.

B. Wetlands

Within six months of permit issuance, the Permittee shall implement the Wetland/Environmental Monitoring Program described in the District staff report prepared in support of recommendation for permit issuance.

C. Water Levels

Within six months of permit issuance, the Permittee shall implement the Water Level Monitoring Program described in the District staff report prepared in support of recommendation for permit issuance.

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D. Saline Water

1. The Permittee shall develop a saline water intrusion monitoring program. Within three months of permit issuance, an updated or a preliminary proposal shall be submitted to District staff for approval. The purpose of this program shall be to ensure that harmful saline water intrusion does not occur. The Program shall include the name of the facilities/sample points to be monitored and their locations, method of water quality analysis, and frequency of data collection. The monitoring program shall be implemented upon District approval.

2. The Permittee shall implement the following saline water intrusion monitoring program:.

3. If the chloride ion concentration of water collected from the well(s), pump(s), or monitoring station(s) exceeds the stipulated concentration(s) or demonstrates an increasing trend, additional assurances shall be required to demonstrate that the conditions for permit issuance will continue to be met.

E. Water Quality

1. The Permittee shall develop a water quality monitoring program. Within three months of permit issuance, an updated or a preliminary proposal shall be submitted to district staff for approval. The purpose of this program shall be to ensure that harmful contamination does not occur. The program shall include the name of the facilities/sample points to be monitored and their locations, method of water quality analysis, and frequency of data collection. The monitoring program shall be implemented upon District approval.

2. The Permittee shall implement the following water quality monitoring program:

F. Other Reports

1. Pursuant to Section 373.236(4), F.S., every ten years from the date of permit issuance, the Permittee shall submit a water use compliance report for review and approval by District Staff to SFWMD at www.sfwmd.gov/ePermitting, or the Regulatory Support Bureau, P.O. Box 24680, West Palm Beach, FL 33416-4680.

2. Pursuant to Section 373.236(6), F.S., 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 to SFWMD at www.sfwmd.gov/ePermitting, or the Regulatory Support Bureau, P.O. Box 24680, West Palm Beach, FL 33416-4680.

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G. Alternative Water Supply

The Permittee shall develop alternative water supplies (including reclaimed water), at a minimum, in accordance with the schedules described in the District staff report and Exhibit XX. The Permittee shall provide annual updates of the status of all alternative water supply projects. The status report shall include work completed to date, expenditures, and any anticipated changes in timelines.

H. Reclaimed Water

1. Upon notification from the District of the availability of reclaimed water pursuant to Section 373.250, F.S., the Permittee shall investigate the feasibility of obtaining reclaimed water and actively participate in discussions and negotiations with potential suppliers of reclaimed water when the supplies become available.

2. Should reclaimed water become unavailable, the Permittee shall apply to the District for an emergency water use permit prior to temporarily increasing withdrawals above the permitted allocation.

3. 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. The Permittee is required to request a permit modification 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.

4. The Permittee shall continue to investigate the feasibility of utilizing reclaimed water as an alternative water supply for this Project. To this end, the Permittee, or its successor, shall provide the District with periodic reclaimed water feasibility reports, to be submitted at five (5) year intervals commencing on (date 5 years from permit issuance) and continuing through the duration of this water use permit. Such reclaimed water feasibility reports shall evaluate the feasibility of utilizing reclaimed water and specifically consider: (1) whether a suitable reclaimed water supply source is available and permitted; (2) whether reclaimed water supply lines are available at the property boundary in sufficient capacity to serve P~~p~~ermittee's needs; (3) whether the P~~p~~ermittee is capable of accessing the reclaimed water source through distribution lines; (4) whether use of reclaimed water is technically, environmentally, and economically feasible; and, (5) whether use of reclaimed water would adversely affect requirements contained in P~~p~~ermittee's surface water drainage permit, if appropriate.

I. Public Water Utilities Reuse Information Updates

1. Public water utilities that control, either directly or indirectly, a wastewater treatment plant, and which have determined pursuant to Section 403.064,

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F.S., that use of reclaimed water is feasible, must provide the District with annual updates of the following information: ~~(~~1) the status of distribution system construction, including location and capacity of lines; ~~(~~2) a summary of uncommitted supplies for the next year; ~~(~~3) copies of any new or amended local mandatory reclaimed water reuse zone ordinances; and ~~(~~4) a list of end-users who have contracted to receive reclaimed water and the agreed upon quantity of water to be delivered.

2. Public water utilities that control, either directly or indirectly, a wastewater treatment plant, and which had determined, at the time of issuance of its consumptive use permit and pursuant to Section 403.064, F.S., that reuse of reclaimed water was not feasible must advise the District of any change in this determination that may occur during the term of the consumptive use permit. In the event the utility determines reuse has become feasible, then the District will require the utility to provide the information listed in Subsections ~~Sections~~ 2.2.4.A ~~3.2.3.1~~ and 5.2.1.H.1 ~~5.2.5.2.A~~.

J. Water Wells

1. Permittee shall secure a well construction permit prior to construction, repair, or abandonment of all wells, as described in Chapter 40E-3, F.A.C.

2. If a proposed well location is different from a location specified in the application, the Permittee shall submit to the District an evaluation of the impact of pumpage from the proposed well location on adjacent existing legal uses, pollution sources, environmental features, the saline water interface, and water bodies one month prior to all new well construction. The Permittee is advised the proposed well locations and resulting impacts must be in compliance with all permitting criteria and performance standards in effect at that time.

3. Permittee shall submit to the District an updated "SECTION IV – SOURCES OF WATER" of Form No. 1379 Water Use Permit Application Form ~~Well Description Table (Table "A")~~ within 90 days of completion of the proposed wells identifying the actual total and cased depths, pump manufacturer and model numbers, pump types, intake depths and type of meters.

4. Permittee shall submit to the District an updated "SECTION IV – SOURCES OF WATER" of Form No. 1379 Water Use Permit Application Form ~~Well Description Table (Table "A")~~ within six months of permit issuance, identifying which wells have been properly plugged and abandoned according to Subsection 40E-3.531(3), F.A.C., and which wells are to be maintained as water level monitoring wells.

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5. Within six months of permit issuance, the Permittee shall plug and abandon the following wells in accordance with Chapter 40E-3, F.A.C.: ~~(individual wells identified based on project specifications)~~

6. Permittee shall submit to the District a well survey that shall include the following: well cased depth, total well depth, and chloride ion concentration of the water in the wells not having this information listed in the "SECTION IV – SOURCES OF WATER" of Form No. 1379 Water Use Permit Application Form ~~Well Description Table (Table "A")~~. This survey shall be submitted for the following wells within six months of permit issuance: ~~(individual wells identified based on project specifications)~~

7. The Permittee shall submit to the District an updated "SECTION IV _ SOURCES OF WATER" of Form No. 1379 Water Use Permit Application Form within 90 days of installation of the proposed pumps identifying the surface water source, local drainage district (if applicable), pump type, diameter, capacity and horsepower, intake elevation (feet, NGVD), and water use accounting method.

8. If at any time there is an indication that the well casing, valves, or controls leak or have become inoperative, repairs or replacement shall be made to restore the system to an operating condition. Failure to make such repairs shall be cause for filling and abandoning the well, in accordance with procedures outlined in Chapter 40E-3, F.A.C.

K. Region Specific Special Conditions

1. A "Water Rights Compact Among the Seminole Tribe of Florida, the State of Florida, and the South Florida Water Management District", which confirms tribal rights has been approved. Exercise of tribal rights in the future may impact allocations sought by the Permittee in future permit modifications and renewals.

2. The property which is the subject of this Permit is located in the area covered by Chapter 40E-63, F.A.C, (Works of the District within the Everglades). This special condition is intended to notify the Permittee that this property may be subject to additional or new permitting or water quality requirements as specified in Chapter 40E-63, F.A.C.

3. Permittee shall be subject to all the stipulations agreed to in any executed landowner agreement reached between the Permittee, the District and the Seminole Tribe of Florida. Such stipulations may impact allocations sought by the Permittee in future Permit modifications and renewals.

4. Permittee and the Lake Worth Drainage District have previously entered into an interlocal agreement for mitigation of impacts. It is acknowledged

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and agreed by the Permittee that this modification of the permit shall be incorporated into and made part thereof the interlocal agreement.

5. Permittee will be responsible for mitigation to domestic uses, including but not limited to those shown in the District staff report for this permit, in the event that declining water levels result in domestic uses suffering a loss of water supply and the event is confirmed by application of the following factors by District staff. Factors used in determining mitigation responsibility include, but are not limited to, water level monitoring data, local pumpages, and climatic conditions. Failure by the Permittee to mitigate any adverse impacts that occur as a result of the Permittee's withdrawals, for which mitigation responsibility has been determined, will be considered a permit violation.

6. Prior to any permanent pump installation on Floridan aquifer wells in Martin or St. Lucie counties, the Permittee shall provide measurements of flow from each well using calibrated flow equipment. The method of accounting, calibration data, corrections for well losses, proposed pump information, and the basis for the requested flow rate shall be submitted to the District for review and approval. Staff approval will be granted if the natural flow rate of the well is greater than that of the proposed pump.

7. Temporary pumps installed on Floridan aquifer wells in Martin or St. Lucie counties to increase flow for freeze protection withdrawals must be removed within 72 hours of the conclusion of the freeze event.

8. Upon notification from the District, water withdrawals from a source classified as "S" pursuant to Rule 40E-22, F.A.C., shall be terminated when the minimum level specified in Rule 40E-22, F.A.C. is reached. The following source and minimum level shall apply:

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40E-1.021 Definitions.
When used in this Chapter, Chapters 40E-2, 40E-3, 40E-4, ~~40E-20, 40E-40,~~ 40E-41, and 40E-61~~, and 40E-400~~, F.A.C.:
(1) through (5) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 668.003, 668.004, 668.50 FS. History–New 10-1-06, Amended 10-23-12, _____.

40E-1.602 Permits Required.
Unless expressly exempt by statute or District rule, permits must be obtained from the District prior to commencement of the following activities:
(1) A water use individual or general permit pursuant to Chapter 40E-2 ~~or 40E-20~~, F.A.C., must be obtained prior to use or withdrawal of water or dewatering activities;
(2) through (11) No change.
Rulemaking Authority 373.044, 373.113,373.4131, 373.4135 FS. Law Implemented 120.60, 373.085, 373.106, Chapter 373 Parts II and IV FS. History–New 9-3-81, Formerly 16K-1.06, Amended 7-26-87, 5-11-93, 10-3-95, 4-1-96, _____.

40E-1.603 Application Procedures for Processing Permit Applications or Notices of Intent.
(1) No change.
(a) No change.
(b) If the District determines that the application is incomplete, the District shall request the information needed to complete the application within 30 days of its receipt. ~~For individual water use permits, and standard general water use permits,~~ T~~t~~he applicant shall have 90 days from receipt of a timely request for additional information to submit that information to the District.
(c) through (e) No change.
(2) No change.
(3)(a) Agency action on all other individual permits and standard permits shall occur within 90 days of receipt of a complete application, including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.
(b) An authorization to proceed for noticed ~~standard~~ general water use permits in Chapter 40E-2~~0~~, F.A.C., shall occur within 30 ~~60~~ days of receipt of a complete notice of intent, unless a notice that the project does not qualify for the noticed general permit is sent by regular United States mail or electronic mail by the District within 30 days. If notice that the proposed project does not qualify for the noticed general permit is sent by regular United States mail or electronic mail by the District to the applicant, the review process under subsection (1) shall be initiated or the applicant shall be required to apply for the appropriate permit if the requested activity is not covered by the noticed general permit rule. ~~including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.~~

Rulemaking Authority 373.044, 373.113, 373.4131 FS. Law Implemented 120.60, 373.107, 373.109, 373.116, 373.229, 373.4131, 373.417, 373.421, 373.422, 668.003, 668.004, 668.50 FS. History–New 9-3-81, Formerly 16K-1.08(1)-(8), Amended 7-1-86, 7-26-87, 11-21-89, 5-11-93, 10-3-95, 4-1-96, 7-2-98, 6-12-00, 10-1-06, Amended 12-1-11, 10-23-12, _____.

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40E-1.6065 Consideration of Intended Agency Decision on Permit Applications.

(1) No change.

(2) The District shall consider the application for a standard right of way occupancy or works of the district permit at its next available regularly scheduled regulatory meeting following the mailing or electronic mailing of notice of intended agency decision, unless an administrative hearing is requested and granted pursuant to Section 120.569, F.S. The District shall also consider all permit applications that staff recommends for denial~~, the District shall consider the application for a conceptual approval, individual environmental resource, individual surface water management, or water use permit application~~ at its next available regularly scheduled regulatory meeting following the mailing or electronic mailing of notice of intended agency decision, unless an administrative hearing is requested and granted pursuant to Section 120.569, F.S.

(3) In no case shall agency action be taken later than 60 days after the application for a conceptual approval or individual environmental resource permit, or later than 90 days after ~~for~~ an individual water use ~~permit~~, water well, right of way occupancy, or works of the district permit, is declared complete unless waived by the applicant or stayed by the filing of a petition for an administrative hearing. The permit applicant may voluntarily waive the timeline for governing action on the permit application in Section 120.60, F.S., in order to resolve any outstanding issues, including third party objections, regarding the project.

(4) No Change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.60, 373.079, 373.083, 373.107, 373.109, 373.116, 373.4131, 668.003, 668.004, 668.50 FS. History–New 7-2-98, Amended 6-12-00, 10-1-06, 10-23-12, _____.

40E-1.607 Permit Application Processing Fees.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure of any person to pay the applicable fees established herein will result in denial of an application. Activities that do not require a permit or are exempt pursuant to Rule 40E-2.051 or 40E-3.051, F.A.C., are not subject to the following permit application fees. The District's permit application processing fees are as follows:

(1) Water Use Permit Application processing fees are in the following table:

TABLE 40E-1.607(1)
PERMIT APPLICATION PROCESSING FEES FOR
WATER USE PERMIT APPLICATIONS
REVIEWED PURSUANT TO CHAPTER~~S~~ 40E-2 ~~AND 40E-20~~, F.A.C.

Fee amounts shall apply to applications for new permits, permit modifications, and permit renewals, except as noted.

Category	Amount
Individual Permit, except Mining/Dewatering	
Up to 3 million gallons per month (mgm)	$350

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Greater than 3 mgm through 15 mgm	$1000

Individual Public Water Supply with a duration less than 20 years
Maximum monthly allocation:

Greater than 15 ~~million gallons per month (~~mgm~~)~~ through 30 mgm	$2,700
Greater than 30 mgm through 300 mgm	$5,500
Greater than 300 mgm	$7,000

Individual Public Water Supply with a duration of at least 20 years
Maximum monthly allocation:

Greater than 15 ~~million gallons per month (~~mgm~~)~~ through 30 mgm	$4,200
Greater than 30 mgm through 300 mgm	$8,500
Greater than 300 mgm	$11,500

Individual Irrigation with a duration less than 20 years	$1,000

Individual Irrigation with a duration of at least 20 years
Maximum monthly allocation:

Greater than 15 mgm through 30 mgm	$1,600
Greater than 30 mgm through 300 mgm	$3,400
Greater than 300 mgm	$5,600

Individual Mining/ ~~(~~Dewatering~~)~~
~~Maximum monthly allocation~~:

Standard Individual Permit for up to one year	$500
~~Greater than 15 mgm through 30 mgm~~	~~$1,800~~
Standard Individual Permit greater than one year ~~Greater than 30 mgm through 300 mgm~~	$1,800~~$3,250~~
Master Individual Permit ~~Greater than 300 mgm~~	$4,000

Individual Industrial with a duration less than 20 years
Maximum monthly allocation:

Greater than 15 mgm through 30 mgm	$1,400
Greater than 30 mgm through 300 mgm	$2,750
Greater than 300 mgm	$3,500

Individual Industrial with a duration of at least 20 years
Maximum monthly allocation:

Greater than 15 mgm through 30 mgm	$2,000
Greater than 30 mgm through 300 mgm	$3,650
Greater than 300 mgm	$5,600

Individual Diversion and Impoundment with a duration less than 20 years
Maximum monthly allocation:

Greater than 15 mgm through 30 mgm	$1,400
Greater than 30 mgm through 300 mgm	$2,750

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Greater than 300 mgm	$3,500

Individual Diversion and Impoundment with a duration of at least 20 years
Maximum monthly allocation:

Greater than 15 mgm through 30 mgm	$2,000
Greater than 30 mgm through 300 mgm	$3,950
Greater than 300 mgm	$6,200

Independent Secondary User of a Diversion and Impoundment with a duration of at least 20 years
Maximum monthly allocation:

Greater than 15 mgm through 30 mgm	$1,000
Greater than 30 mgm through 300 mgm	$2,000
Greater than 300 mgm	$3,200

Noticed General ~~Standard~~ Water Use Permit
~~Maximum monthly allocation through Aquifer Storage and Recovery~~

Application filed electronically at www.sfwmd.gov/ePermitting ~~million gallons~~	$100 ~~$350 per month (Minor)~~
Application filed by other means	$350
~~Greater than 3 mgm through 15 mgm (Major)~~	~~$1,000~~
~~Short-term Dewatering~~	~~$500~~
Aquifer Storage and Recovery~~:~~ (cost added to the applicable use type listed above)	$1,000
~~(cost added to the applicable use type listed above)~~	~~$1,000~~
Permit Transfer to Another Entity Pursuant to Rules 40E-0.107 and 40E-2.351, F.A.C.	$300
Letter Modification	no fee
General Permit by Rule	no fee

(2) through (7) No change.
Rulemaking Authority 373.044, 373.109, 373.113, 373.421(2), 373.421(6)(b), 373.4131 FS. Law Implemented 218.075, 373.109, 373.4131, 373.421(2), 373.421(6)(b), 403.201 FS. History–New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07, 11-1-09, 12-15-11, 10-23-12, _____.

40E-1.6107 Transfer of Environmental Resource, Surface Water Management, ~~or~~ Water Use, or Wetland Resource Permit.

(1) The procedures for the transfer of environmental resource permits are set forth in Rule 62-330.310, F.A.C. To transfer a surface water management, water use permit, or wetland resource permit, the permittee, in addition to satisfying the applicable provisions in Rule~~s~~ 40E-2.351 ~~and 40E-20.351~~, F.A.C., must submit Form No. 0483, Form No. 0483, (October 1, 2013), http://www.flrules.org/Gateway/reference.asp?No=Ref-02753, Request for Surface Water Management, Water Use, or Wetland Resource Permit Transfer, incorporated by reference

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herein. Form No. 0483 is also available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436, or (561) 682-6436.

(2) through (5) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.083, 373.171, 373.309, 373.416, 373.426, 373.429, 373.436, 668.003, 668.004, 668.50 FS. History–New 5-11-93, Amended 10-3-95, 10-1-06, 10-23-12, _____.

40E-1.615 Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern.

(1) No change.

(2) The following coordinated agency review procedures apply to projects which are eligible for exemptions from District environmental resource and water use permitting requirements:

(a) No permit and no coordinated agency review participation by the District is required for the water uses exempted by Rule 40E-2.051 (Exemptions), F.A.C., or identified in Rule 40E-2.061, F.A.C.

(b) No Change.

(3) The following coordinated agency review procedures apply to projects which require permits pursuant to Chapters 40E-2 ~~or 40E-20~~ (Consumptive Use), 62-330 and 40E-4 (Environmental Resource), F.A.C.:

(a) through (f) No change.

Rulemaking Authority 373.044, 373.113, 373.4131, 380.051 FS. Law Implemented 373.4131, 380.051, 668.003, 668.004, 668.50 FS. History– New 9-22-87, Amended 10-3-95, 10-1-06, 12-1-11, 10-23-12, _____.

40E-1.659 Forms and Instructions.

The following forms and instructions are incorporated by reference throughout the District's rules as specified below and are listed herein for convenience. Hyperlinks are provided in the rules in which the forms and instructions are referenced and copies can be obtained without cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800) 432-2045, ext. 6436, or (561) 682-6436:

Form No.	Date	Title
0186	09-12	State of Florida Water Well Contractor's Application, incorporated by reference in subsection 40E-3.038(3), F.A.C.
1376 ~~0188-10-12 QCROP~~		Report of Planting and Harvest of Seasonal Crops Form ~~Report of Planting and Harvest of Seasonal Crops~~, incorporated by reference in paragraph ~~subsection~~ 40E-2.091(2)(d)~~(6)~~, F.A.C.
1377 ~~0188-10-12 QMON~~		Water Quality Report Form ~~Quarterly Report of Monitoring Requirements~~, incorporated by reference in paragraph ~~subsection~~ 40E-2.091(2)(c)~~(5)~~, F.A.C.
1378 ~~0188-10-12 QMQ~~		Water Use Pumpage Report Form ~~Quarterly Report of Withdrawals Pumps~~, incorporated by reference in paragraph ~~subsection~~ 40E-2.091(2)(b)~~(1)~~, F.A.C.
~~0188-QASR~~	~~10-12~~	~~Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells, incorporated by reference in subsection 40E-2.091(2), F.A.C.~~

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~~0188-QMQF~~	~~10-12~~	~~Quarterly Report of Withdrawals from Wells and Surface Water, incorporated by reference in subsection 40E-2.091(3), F.A.C.~~
~~0188-QBWDR~~	~~10-12~~	~~Quarterly Report of Bulk Water Delivered and Received, incorporated by reference in subsection 40E-2.091(4), F.A.C.~~
~~0445~~	~~10-12~~	~~Mining/Dewatering Permit Application, incorporated by reference in subsection 40E-2.101(3), F.A.C.~~
1379 ~~0645-10-12 W01~~		Water Use Permit Application ~~Form~~, incorporated by reference in subsection ~~paragraph~~ 40E-2.101(3)~~(13)(a)~~, F.A.C.
1380		Water Use Permit Application Supplemental Form A - Agricultural Use, incorporated by reference in paragraph 40E-2.101(3)(a), F.A.C.
1381		Water Use Permit Application Supplemental Form B - Commercial/Industrial Use, incorporated by reference in paragraph 40E-2.101(3)(b), F.A.C.
1382		Water Use Permit Application Supplemental Form C - Landscape/Recreation Use, incorporated by reference in paragraph 40E-2.101(3)(c), F.A.C.
1383		Water Use Permit Application Supplemental Form D - Dewatering Use, incorporated by reference in paragraph 40E-2.101(3)(d), F.A.C.
1384		Water Use Permit Application Supplemental Form E - Public Supply Use, incorporated by reference in paragraph 40E-2.101(3)(e), F.A.C.
1386		Water Use Permit Application Supplemental Form F - Diversion and Impoundment Use, incorporated by reference in paragraph 40E-2.101(3)(f), F.A.C.
1387		Flow Meter Accuracy Calibration Report Form, hyperlink, incorporated by reference in paragraph 40E-2.091(2)(f), F.A.C.
1388		Alternative Method Calibration Report Form, incorporated by reference in paragraph 40E-2.091(2)(g), F.A.C.
1389		Crop (Freeze) Protection Form, incorporated by reference in paragraph 40E-2.091(2)(a), F.A.C.
1391		Notice of Intent to Use a Water Use Noticed General Permit, incorporated by reference in subsection 40E-2.101(4), F.A.C.
~~0645-G60~~	~~10-12~~	~~Table A Descriptions of Wells, incorporated by reference in paragraph 40E-2.101(1)(b), F.A.C.~~
~~0645-G61-1~~	~~10-12~~	~~Table B Description of Surface Water Pumps, incorporated by reference in paragraph 40E-2.101(1)(c), F.A.C.~~
~~0645-G61-2~~	~~10-12~~	~~Table C Description of Culverts, incorporated by reference in paragraph 40E-2.101(1)(d), F.A.C.~~
~~0645-G65~~	~~10-12~~	~~Table D Crop Information, incorporated by reference in paragraph 40E-2.101(1)(e), F.A.C.~~
~~0645-G74~~	~~10-12~~	~~Table E Water Received From or Distributed to Other Entities, incorporated by reference in paragraph 40E-2.101(1)(f), F.A.C.~~
~~0645-G69~~	~~10-12~~	~~Table F Past Water Use & Table G Projected Water Use, incorporated by reference in paragraph 40E-2.101(1)(g), F.A.C.~~
~~0645-G70~~	~~10-12~~	~~Table H Projected Water Use (For Per Capita Greater than 200 GPD), incorporated by reference in paragraph 40E-2.101(1)(h), F.A.C.~~
~~0645-G71~~	~~10-12~~	~~Table I Water Treatment Method and Losses, incorporated by reference in~~

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		~~paragraph 40E-2.101(1)(i), F.A.C.~~
~~0645-G72~~	~~10-12~~	~~Table J Aquifer Storage and Recovery, incorporated by reference in paragraph 40E-2.101(1)(j), F.A.C.~~
~~0645-G73~~	~~10-12~~	~~Table K Water Supply System Interconnections, incorporated by reference in paragraph 40E-2.101(1)(k), F.A.C.~~
0779	01-01	Application for a Works of the District Permit, incorporated by reference in subsection 40E-63.091(9), F.A.C.
0889	12-11	Certification of Waiver of Permit Application Processing Fee, incorporated by reference in paragraph 40E-1.607(6)(b), F.A.C.
1045	11-10	Application for a C-139 Basin Works of the District Permit, incorporated by reference in subsection 40E-63.430(2), F.A.C.
62-532.900(1)	10-10	State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, incorporated by reference in subsection 40E-3.101(1), F.A.C.
62-532.900(2)	10-10	State of Florida Well Completion Report, incorporated by reference in subsection 40E-3.411(1), F.A.C.

Rulemaking Authority 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History–New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07, 7-4-10, 12-15-11, 5-20-12, 10-23-12, _____.

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40E-2.011 Policy and Purpose.

(1) through (2) No Change.

(3) The purpose of this chapter is to set forth the conditions for issuance for all water use permits and establish requirements for the various types of permits available under this chapter.

(4) Additional rules relating to water use are found in Chapters 40E-5, F.A.C. (Artificial Recharge), ~~Chapter~~ 40E-8, F.A.C.~~,~~ (Minimum Flows and Levels (MFLs)~~)~~, ~~Chapter~~ 40E-10, F.A.C. (Water Reservations), ~~Chapters 40E-20, F.A.C. (General Water Use Permits),~~ 40E-21, F.A.C. (The Water Shortage Plan), 40E-22, F.A.C.~~,~~ (Regional Water Shortage Plans), and 40E-24, F.A.C. (Mandatory Year-Round Landscape Irrigation Conservation Measures).

(5) ~~(4)~~ Standards for the construction, repair and abandonment of water wells are found in Chapters 40E-3, F.A.C. (Water Wells).

(6) If an application for any proposed water use does not meet the provisions of this chapter for a general permit or evidence indicates the potential for harm, the District will provide the permit applicant with the option to either withdraw the general permit application or supply the additional information and, if applicable, the fee required for an individual permit. In the event one of these options is not selected, staff will recommend that the Governing Board deny the general permit application. The criteria in the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District," incorporated by reference in Rule 40E-2.091, F.A.C., will be utilized to determine whether the conditions for issuance in Rule 40E-2.301, F.A.C., are satisfied.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.203, 373.216, 373.249 FS. History–New 9-3-81, Formerly 16K-2.01, Amended 7-4-82, 2-24-85, 11-18-91, 8-1-02, 8-31-03, 7-2-09, 10-23-12, _____.

40E-2.041 Permits Required.

(1) No Change.

(2) The District issues water use permits in two forms, individual water use permits and general water use permits. A~~n~~ ~~individual~~ water use permit may be obtained by meeting the requirements of this chapter. ~~Chapter 40E-20, F.A.C., provides the requirements for qualifying for a general water use permit.~~

(3) No Change.

(4) A water user seeking a noticed general permit shall obtain one permit for all withdrawals that are intended to serve contiguous property. Two or more properties represented as separate properties shall be aggregated and treated as a single property for permitting purposes when the District determines that the properties are physically proximate and either a) share the same irrigation infrastructure or b) are operated as a common enterprise. However, when multiple use classifications, as set forth in Rule 40E-21.651, F.A.C., are served by separate withdrawal facilities, the District is authorized to issue separate noticed general permits.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.079, 373.083, 373.103(1), 373.219, 373.244 FS. History–New 9-3-81, Formerly 16K-2.03(1), (2), Amended 10-23-12, _____.

40E-2.061 ~~No-Notice~~ General Permits by Rule.

Certain specified uses have been determined to be reasonable-beneficial, not interfering with existing legal uses and consistent with the public interest pursuant to Section 373.223, F.S. The Board hereby grants a Ggeneral ~~water use~~ Ppermit by Rrule for all non-exempt ~~to each person~~

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~~that does not otherwise require a~~ consumptive uses of water ~~permit,~~ within the District that satisfy the following criteria:

(1) General Permit by Rule for Landscape Irrigation ~~to use, withdraw, or divert water~~ at a S~~s~~ingle F~~f~~amily D~~d~~welling or D~~d~~uplex –

(a) The Board hereby grants a general permit to each person for the use, withdrawal, or diversion of water at a single family dwelling or duplex including, but not limited to, home lawn and ornamental irrigation, car washing, and other incidental uses provided that water is obtained from a single on-site withdrawal facility, such as a private irrigation well or surface water diversion, for each single family dwelling or duplex, provided that landscape irrigation is conducted in accordance with Chapters 40E-21 and 40E-24, F.A.C., or with any approved variance, and that the amount of water used is limited to only that necessary for efficient utilization.

(b) When reclaimed water is available, the use of a private irrigation well or surface water diversion for home lawn and ornamental irrigation is not authorized under this section. Reclaimed water is deemed available when reclaimed water is provided by a utility through a point of connection at the property boundary.

(c) Persons using or proposing to use water in a manner that differs from the conditions imposed by Chapter 40E-24, F.A.C., shall apply for a modification of this permit pursuant to subsection 40E-2.331(4), F.A.C.

(2) General Permit by Rule for Short-Term Dewatering - ~~The filing of an application for a permit under this rule is not required.~~

(a) The Board hereby grants a general permit for the use of water in conjunction with short-term dewatering operations, such as well pointing, utility construction, lake construction, exploratory testing, and other minor uses; or aquifer performance tests; or in conjunction with a short-term Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities, provided the following criteria are met:

1. Has a maximum daily pumpage of less than 5 million gallons (MG) and a maximum total project pumpage of less than 100 MG over a one year period.

2. Will retain all discharge on the project site unless associated with an aquifer performance test;

3. Will not dewater to a depth below 0.0 feet NGVD within 1,000 feet of saline water, except when dewatering water with a chloride concentration of greater than 1,000 milligrams per liter;

4. Will not occur within 100 feet of a wastewater treatment plant rapid-rate land application system permitted under Part IV of Chapter 62-610, F.A.C.;

5. Will not occur within 1,000 feet of a known landfill or contamination; and,

6. Will not occur within 1,000 feet of a freshwater wetland unless dewatering activities are completed within 60 days.

(b) In proceeding with general permit by rule for dewatering, the permittee acknowledges that the dewatering operation is subject to the Permit Conditions in Section 5.0 of the Applicant's Handbook, including responsibility for mitigating any harm that may occur as a result of the dewatering to existing legal uses, off-site land uses, or natural resources.

(c) Linear projects, such as roads, utilities, or pipelines, may qualify for multiple general permits by rule. The dewatering activity for these projects may have a rolling one year duration, in which the dewatering operation at the end of each one year period occurs more than 1 mile from the location at the beginning of each one year period.

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

(3) General Permit by Rule for Closed-Loop Systems - ~~When reclaimed water is available, the use of a private irrigation well or surface water diversion for home lawn and ornamental irrigation is not authorized under this section. Reclaimed water is deemed available when reclaimed water is provided by a utility through a point of connection at the property boundary.~~

(a) The Board hereby grants a general permit by rule for the use of water for cooling/heating systems for swimming pools and air conditioning units provided the following criteria are met:

1. The withdrawal and discharge points are on property legally controlled by the permittee;

2. The water is discharged to the same source, aquifer, or permeable zone from which it is withdrawn;

3. The discharge or injection has been permitted by the Department;

4. The water has no contact or mixing with other water sources, additives, and chemicals.

(b) In proceedings with a general permit by rule for closed-loop systems, the permittee acknowledges that the use is subject to the Permit Conditions in Section 5.0 of the Applicant's Handbook, including responsibility for mitigating any harm that may occur as a result of the withdrawals to existing legal uses, off-site land uses, or natural resources.

(c) The permittee shall not utilize the withdrawal facility associated with this general permit by rule for any other type of consumptive use.

~~(4) Persons using or proposing to use water in a manner that differs from the conditions imposed by Chapter 40E-24, F.A.C., shall apply for a modification of this permit pursuant to subsection 40E-2.331(4), F.A.C.~~

~~(5) This no notice general permit by rule does not apply to domestic uses of water, such as water used for household purposes of drinking, bathing, cooking, sanitation, or other indoor uses, at single family dwellings and duplexes, which are addressed by subsection 40E-2.051(1), F.A.C.~~

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.219, 373.223 FS. History–New 3-15-10, _____.

40E-2.071 Noticed General Permits and Individual Permits.

The use of water, which does not qualify for a general permit by rule, qualifies for a noticed general permit if the use:

(1) Does not withdraw from the following sources:

(a) Surface water from the C-23, C-24, or C-25 Canals;

(b) Surface water from the L-1, L-2, or L-3 Canals;

(c) Surface water within the Lake Istokpoga/Indian Prairie Canal System depicted in Figures 21-20 and 21-21, Chapter 40E-21, F.A.C.;

(d) Surface or groundwater within the Picayune Strand or Fakahatchee Estuary, groundwater indirectly from the Picayune Strand or Fakahatchee Estuary or any canal identified in Figure 3-6 of the Applicant's Handbook, or surface water indirectly from any canal identified in Figure 3-6 of the Applicant's Handbook;

(e) Surface water from the Lower East Coast Everglades Waterbodies, the North Palm Beach County/Loxahatchee River Watershed Waterbodies, or the integrated conveyance system identified in Figures 3-1 and 3-2 of the Applicant's Handbook;

(f) Surface water from the protected canal reaches identified in Figure 3-1 in Chapter 40E-10, F.A.C.;

(2) Satisfies the following facility restrictions:

(a) Is from facilities having a cumulative withdrawal capacity of less than 1,000,000 GPD;

(b) Is from groundwater wells less than eight (8) inches in diameter; and,

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

(c) Is from surface water facilities which have a cumulative intake diameter less than six (6) inches;

(3) Has a cumulative average daily use of less than 100,000 GPD on an annual basis, unless the location and volume criteria in subsection (4), below, is applicable;

(4) Meets the following location and volume criteria, as applicable:

(a) Withdraws groundwater from the Lower Tamiami aquifer within the area depicted in Figure 2-1 and has an annual average allocation of less than 10,000 GPD;

(b) Withdraws groundwater from the Sandstone aquifer within the area depicted in Figure 2-2 and has an annual average allocation of less than 10,000 GPD;

(c) Withdraws groundwater from the Mid-Hawthorn aquifer within the area depicted in Figure 2-3 and has an annual average allocation of less than 10,000 GPD; or,

(d) Withdraws water for irrigation purposes within the South Dade County Water Use Basin depicted in Figure 21-11, Chapter 40E-21, F.A.C., and has an annual average allocation of less than 300,000 GPD, regardless of the facility restrictions in subsection (2), above; and,

(5) Is consistent with requirements of any applicable mandatory reuse zones.

An individual permit is required for all non-exempt uses that do not qualify for a general permit. Diversion and impoundment uses do not qualify for a general permit and must apply for an individual permit. Dewatering uses that do not qualify for a general permit by rule must apply for an individual permit.

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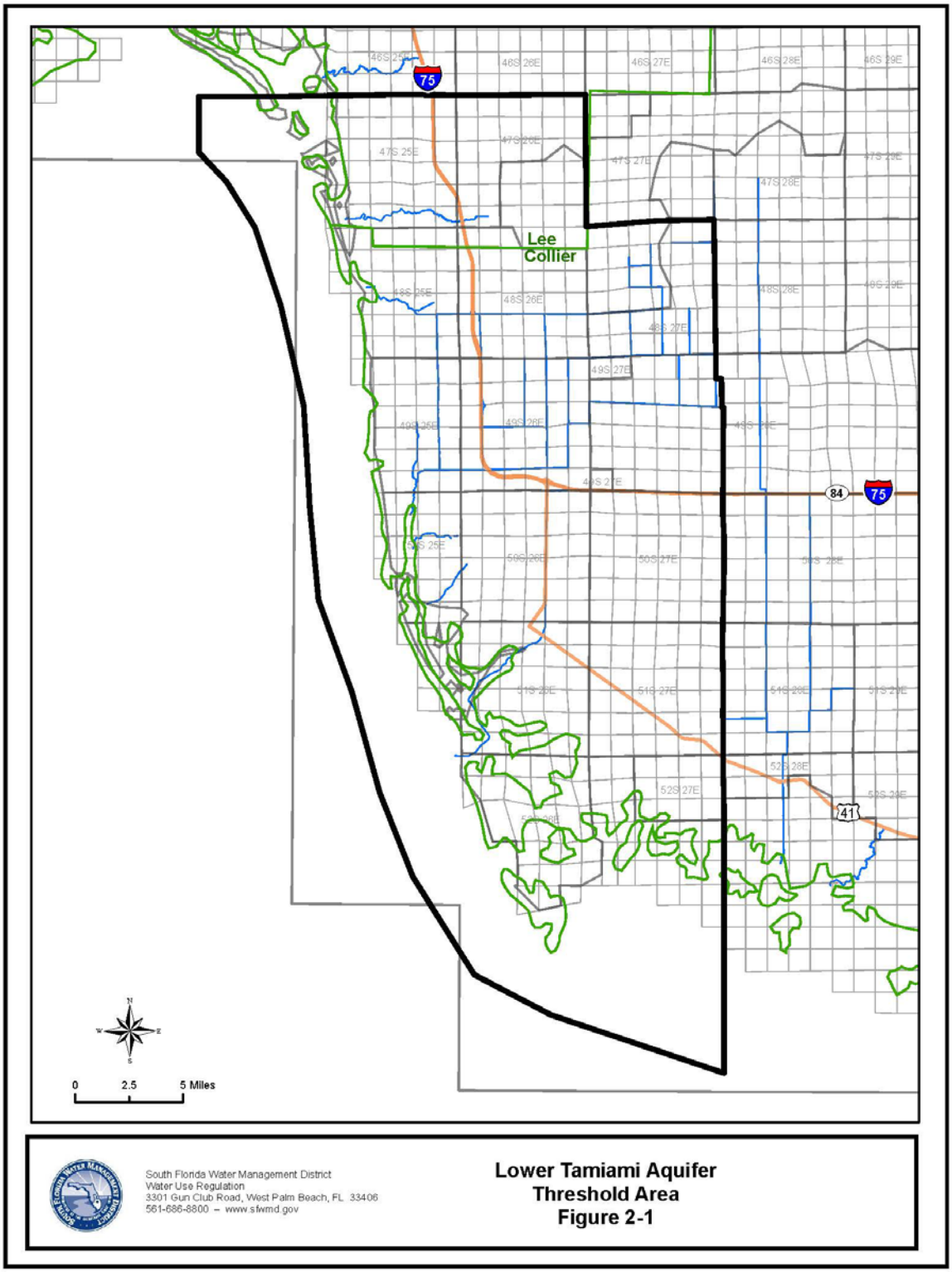
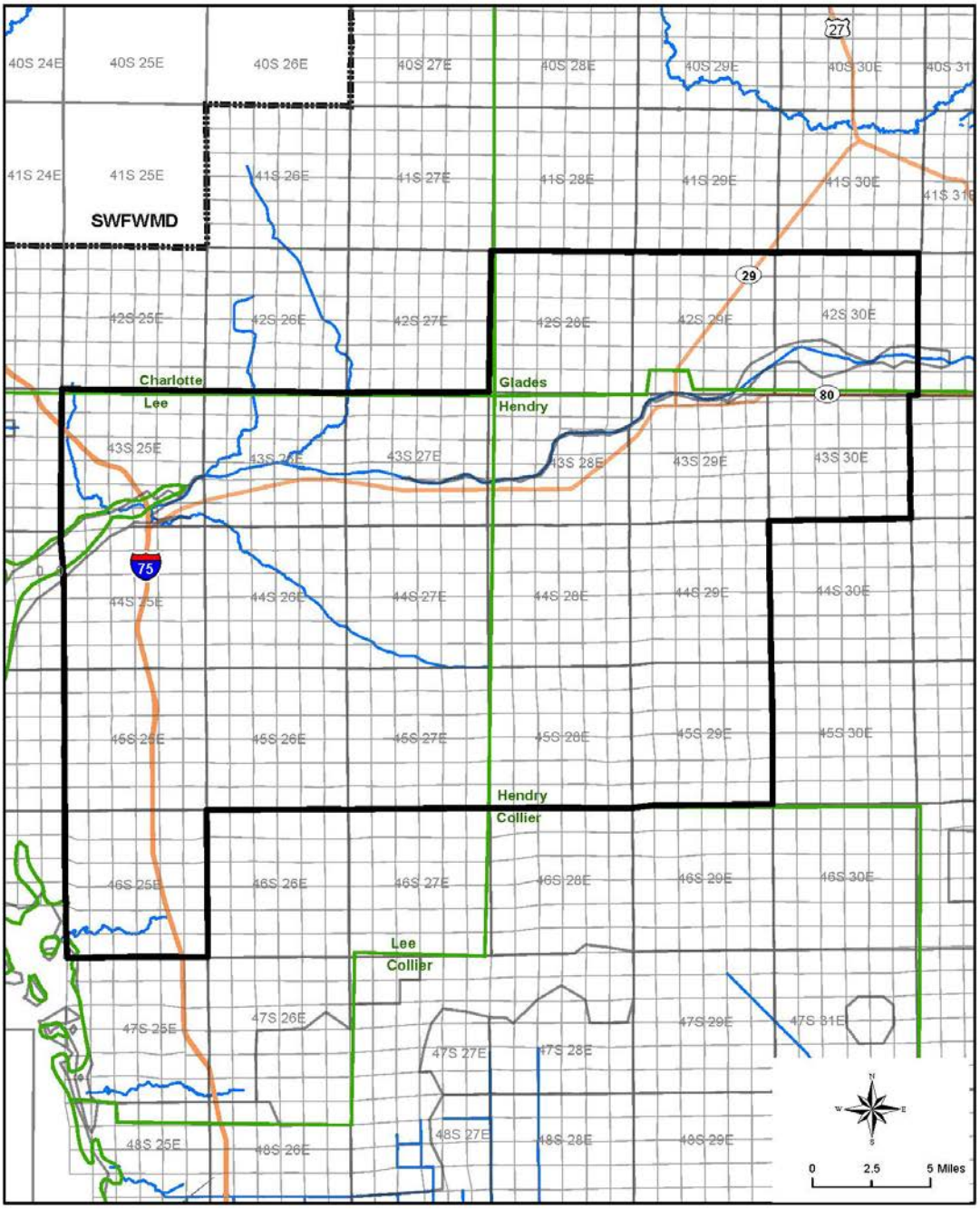


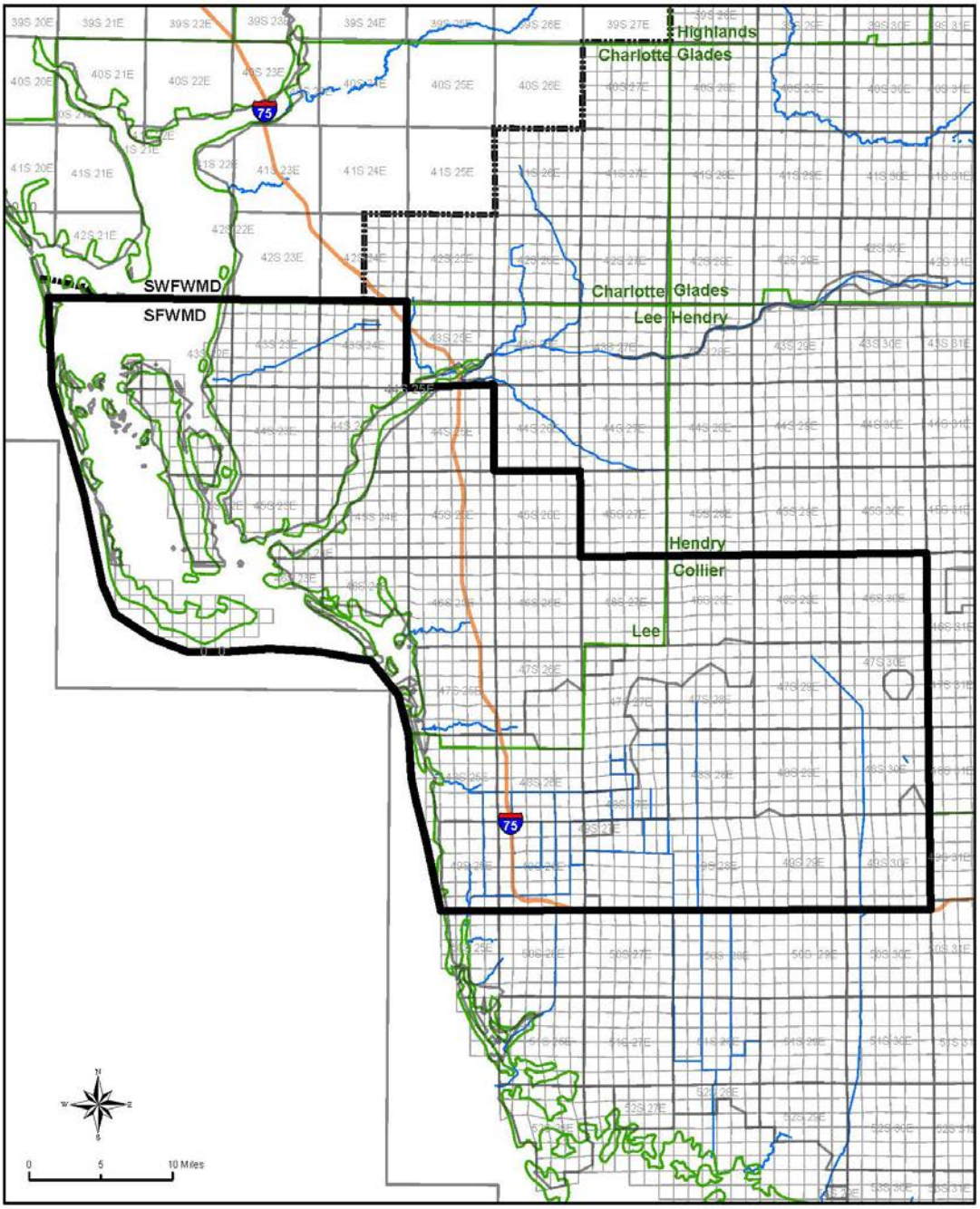
Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)



South Florida Water Management District
Water Use Regulation
3301 Gun Club Road, West Palm Beach, FL 33406
561-686-8800 – www.sfwmd.gov

Sandstone Aquifer Threshold Area Figure 2-2

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)



South Florida Water Management District
Water Use Regulation
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Mid-Hawthorn Aquifer Threshold Area
Figure 2-3

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.219, 373.223 FS. History–New _____.

40E-2.091 Publications Incorporated by Reference.

(1) The "Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District – _____ ~~October 23, 2012~~," (HYPERLINK), is incorporated by reference herein.~~, and requires the use of the following forms, which are also incorporated by reference herein: Form 0188-QMQ, Quarterly Report of Withdrawals, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01564, (referenced in Section 4.1);~~

(2) The Applicant's Handbook requires the use of the following forms, which are incorporated by reference herein: ~~Form 0188-QASR, Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01565, (referenced in Section 4.1);~~

(a) ~~Form No. 0188-QBWDR, Quarterly Report of Bulk Water Delivered and Received, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01567, referenced in Subsection 4.1;~~ Form No. 1389, Crop (Freeze) Protection Form, (EFFECTIVE DATE) (HYPERLINK), referenced in Subsection 4.1.1; and

(b) Form No. 1378, Water Use Pumpage Report Form, (EFFECTIVE DATE) (HYPERLINK), referenced in Subsection 4.1.1; and

(c) Form No. 1377, Water Quality Report Form, (EFFECTIVE DATE) (HYPERLINK), referenced in Subsection 4.2.1; and

(d) Form No. 1376, Report of Planting and Harvest of Seasonal Crops Form, (EFFECTIVE DATE) (HYPERLINK), referenced in Subsection 5.2.1E; and,

(f) Form No. 1387, Flow Meter Accuracy Calibration Report Form, (EFFECTIVE DATE) (HYPERLINK), referenced in Subsection 4.1.1; and,

(g) Form No 1388, Alternative Method Calibration Report Form, (EFFECTIVE DATE) (HYPERLINK), referenced in Subsection 4.1.1; and

(3) Subsections 62-40.416(7) and (8), F.A.C., (EFFECTIVE DATE) (HYPERLINK), incorporated by reference in Subsection 3.1.2A. ~~Form 0188-QMQF, Quarterly Report of Withdrawals from Wells and Surface Water Pumps, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01566, (referenced in Section 4.1);~~

~~(4) Form 0188-QBWDR, Quarterly Report of Bulk Water Delivered and Received, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01567, (referenced in Section 4.1)~~

~~(5) Form 0188-QMON, Quarterly Report of Monitoring Requirements, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01568, (referenced in Section 4.2);~~

~~(6) Form 0188-QCROP, Report of Planting and Harvest of Seasonal Crops, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01569, (referenced in Section 5.2.3);~~

(4) The "Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District" and forms incorporated ~~t~~herein are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561) 682-6436.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236,

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373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, 9-26-12, 10-23-12, _____.

40E-2.101 Content of Application.

(1) Except in those circumstances detailed in subsection (5) below, a~~A~~pplications for permits required by this chapter shall be filed electronically at www.sfwmd.gov/~~.~~ePermitting, or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District's Service Centers. The addresses and phone numbers of the District's Service Centers are online at www.sfwmd.gov, "Locations".

~~(a) The application, Form No. 0645-W01, Water Use Permit Application, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01570, shall include the following forms, if applicable:~~

~~(b) Form No. 0645-G60, Table A Description of Wells, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01571, for permits with wells;~~

~~(c) Form No. 0645-G61-1, Table B Description of Surface Water Pumps, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01572, for permits with pumps;~~

~~(d) Form No. 0645-G61-2, Table C Description of Culverts, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01573, for permits with irrigation culverts;~~

~~(e) Form No. 0645-G65, Table D Crop Information, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01574, for agricultural permits;~~

~~(f) Form No. 0645-G74, Table E Water Received From or Distributed to Other Entities, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01575, for public water supply permits;~~

~~(g) Form No. 0645-G69, Table F Past Water Use & Table G Projected Water Use, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01576, for public water supply permits;~~

~~(h) Form No. 0645-G70, Table H Projected Water Use, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01577, for public water supply permits;~~

~~(i) Form No. 0645-G71, Table I Water Treatment Method and Losses, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01578, for public water supply permits;~~

~~(j) Form No. 0645-G72, Table J Aquifer Storage and Recovery, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01579, for public water supply permits; and~~

~~(k) Form No. 0645-G73, Table K Water Supply System Interconnections, October 2012, http://www.flrules.org/Gateway/reference.asp?No=Ref-01580, for public water supply permits.~~

(2) The application for all water use permits shall contain:

(a) ~~(l)~~ The appropriate permit application processing fee required by Rule 40E-1.607, F.A.C.;

(b) ~~(m)~~ The information required in Section 373.229(1), F.S.; and

(c) ~~(n)~~ Information sufficient to show that the use meets the criteria and conditions established in Rule 40E-2.301, F.A.C.; and

(d) ~~(2)~~ The application forms, as specified below, ~~must be~~ signed by the applicant or the authorized agent of the applicant.

(3) Application for an Individual Water Use Permit shall be made using Form No. 1379, Water Use Permit Application, (EFFECTIVE DATE) (HYPERLINK). Applicants shall also

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submit one or more of the following Supplemental Forms as appropriate for each type of water use proposed in the permit application:

(a) Form No. 1380, Water Use Permit Application Supplemental Form A – Agricultural Use, (EFFECTIVE DATE) (HYPERLINK).

(b) Form No. 1381, Water Use Permit Application Supplemental Form B – Commercial/ Industrial Use, (EFFECTIVE DATE) (HYPERLINK).

(c) Form No. 1382, Water Use Permit Application Supplemental Form C, Landscape/Recreation Use, (EFFECTIVE DATE) (HYPERLINK).

(d) Form No. 1383, Water Use Permit Application Supplemental Form D, Dewatering Use, (EFFECTIVE DATE) (HYPERLINK).

(e) Form No. 1384, Water Use Permit Application Supplemental Form E - Public Supply Use, (EFFECTIVE DATE) (HYPERLINK).

(f) Form No. 1386, Water Use Permit Application Supplemental Form F - Diversion and Impoundment Use, (EFFECTIVE DATE) (HYPERLINK).

(4) Application for a Noticed General Water Use Permit shall be made using Form No. 1391, Notice of Intent to Use a Water Use Noticed General Permit, (EFFECTIVE DATE) (HYPERLINK).

(5) The filing of an application is not required to qualify for a General Permit by Rule, provided the criteria in Rule 40E-2.061, F.A.C., are satisfied.

(6) ~~(4)~~ The forms identified in subsections (3) ~~(1)~~ and (4) ~~(3)~~ above are incorporated by reference herein and are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 6436 or (561) 682-6436.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.219, 373.223, 373.229 FS. History–New 9-3-81, Amended 12-1-82, 2-24-85, 11-21-89, Repromulgated 1-4-93, Amended 4-20-94, 8-1-02, 10-23-12, _____.

40E-2.301 Conditions for Issuance of Permits.

(1) No change.

(a) through (g) No change.

(h) For uses with a recommended maximum allocation which exceeds 100,000 GPD or uses within a mandatory reuse zone, m~~M~~akes use of a reclaimed water source in accordance with the criteria contained in the "Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule 40E-2.091, F.A.C.

(i) Is in accordance with any ~~the established~~ minimum flow~~s~~ or ~~and~~ level~~s~~ and implementation strategy ~~provisions~~ established pursuant to Sections 373.042 and 373.0421, F.S. ~~in Chapter 373, F.S., this chapter and Chapter 40E-8, F.A.C.~~; and

(j) through (k) No change.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the "Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule 40E-2.091, F.A.C., are met.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.036, 373.042, 373.103(4), 373.1501, 373.1502, 373.223, 373.229, 373.2295, 373.470 FS. History–New 8-14-02, Amended 8-31-03, 4-23-07, 2-13-08, 7-2-09, _____.

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40E-2.321 Duration of Permit.

General Duration Provision. When requested by an applicant, a consumptive use permit shall have a duration of 20 years provided the applicant provides sufficient data to demonstrate reasonable assurance that the proposed use meets the conditions for issuance for the requested 20 year permit duration; or otherwise, permits may be issued for a shorter duration that reflects the period for which such reasonable assurances can be provided. This determination will be made pursuant to requirements in Rule 40E-2.301, F.A.C., and the "Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule 40E-2.091, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.236 FS. History–New 9-3-81, Amended 2-24-85, 4-20-94, 7-11-96, 8-31-03, 4-23-07, 2-13-08, _____.

40E-2.331 Modification of Permits.

(1) through (3) No Change.

(4)(a) Modification of an existing water use permit shall be approved by letter, provided the permit is in compliance with all applicable limiting conditions and the modification request:

1. No Change.

2. Does not modify the existing permit expiration date, except ~~that~~ when:

a. ~~When~~ T~~t~~he permit duration is based upon the current lease expiration date, the permit duration shall be extended by letter modification to the new lease date, but shall not exceed the applicable permit duration pursuant to Rule 40E-2.321, F.A.C.; or,

b. A public water supply permittee achieves demonstrable savings attributable to implementation of its water conservation plan beyond that required by Subsection 2.3.2.F.1 of the Applicant's Handbook; or,

c. A permittee complies with the extension provisions of 373.236(5), F.S.; or,

d. The permit duration is based upon a proposed "start" date for dewatering, the permit duration shall be extended by letter modification to one year from the new "start" date, but shall not exceed the applicable permit duration pursuant to Rule 40E-2.321, F.A.C.; or,

3. Does not potentially interfere with any presently existing legal use of water, cause environmental harm, saltwater intrusion, pollution of the water resources, harm to offsite land uses, does not withdraw water reserved under Chapter 40E-10, F.A.C., or does not otherwise raise issues requiring a Staff determination of whether such impacts would occur pursuant to the "Applicant's Handook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District,"~~,~~ incorporated by reference in Rule 40E-2.091, F.A.C.; and

4. through 6. No change.

(b) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.079, 373.083, 373.223, 373.229, 373.239 FS. History–New 9-3-81, Formerly 16K-2.09(1), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 8-1-02, 4-23-07, 2-13-08, 7-2-09, 3-15-10, 10-23-12, _____.

40E-2.381 Permit Limiting Conditions.

The District shall impose on any permit granted under this chapter such reasonable ~~standard and special~~ permit conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the

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"Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit. Special permit conditions, including those specified in Section 5.2 of the "Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit, as applicable.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.079, 373.083, 373.219(1) FS. History–New 9-3-81, Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 8-1-02, 4-23-07, 2-13-08, 10-23-12, _____.

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SFWMD Chapter 40E-3, F.A.C., Water Wells

40E-3.011 Policy and Purpose.

(1) The purpose of Chapter 40E-3, F.A.C., is to implement the duties and responsibilities of the South Florida Water Management District (District) under Part III, Chapter 373, F.S., and those responsibilities and duties delegated to the District by the Department of Environmental Protection (Department) to regulate the location, construction, repair, or abandonment of water wells and the licensing of water well contractors. It is the policy of the Governing Board that these rules are reasonably necessary to insure the protection and management of water resources and the health, safety, and general welfare of the people of this District.

(2) Additional District rules relating to water wells are found in Chapters 40E-5, (Artificial Recharge), and 40E-2, (Consumptive Use), ~~and 40E-30, F.A.C. (General Permits for Wells)~~.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.326, 373.329, 373.333, 373.342 FS. History–New 1-1-85, Amended 12-19-89, 3-16-05.

40E-3.021 Definitions.

When used in this chapter:

(1) through (3) No change.

(4) "Consumptive Use Permit" or "Water Use Permit" means a Water Use Permit issued under Chapter 40E-2 ~~or 40E-20~~, F.A.C.

(5) through (19) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.106, 373.303, 373.306 FS. History–New 1-1-85, Amended 12-19-89, 3-16-05, 9-26-12, _____.

40E-3.040 Scope of Part I.

The rules in this part relate to the permitting requirements applicable to the construction, repair or abandonment of wells. Unless expressly exempt by statute or this rule, all wells must be permitted prior to construction, repair or abandonment and must be constructed, repaired or abandoned by a licensed water well contractor. This exemption does not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use), Chapter 40E-4 (Surface Water Management), ~~Chapter 40E-20 (General Water Use Permits)~~ or Chapter 40E-40 (General Surface Water Management Permits).

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.316, 373.326, 373.342 FS. History–New 1-1-85, _____.

40E-3.051 Exemptions.

(1) The following wells are exempt from Rule 40E-3.041, F.A.C.:

(a) through (d) No Change.

~~(e) In addition, a well which satisfies the requirements of Chapter 40E-30, F.A.C., is exempt from the provisions of Rules 40E-3.301, 40E-3.321, 40E-3.411, 40E-3.501, 40E-3.512, and 40E-3.351, F.A.C.~~

(2) These exemptions do not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use), Chapter 40E-4 (Environmental Resource Permits), ~~Chapter 40E-20 (General Water Use Permits)~~ or Chapter 40E-40 (Environmental Resource Standard General Permits), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308,

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373.309, 373.313, 373.316, 373.326 FS. History–New 1-1-85, Amended 3-16-05,_____.

40E-3.301 Conditions for Issuance of Permits.

(1) No change.

(2) A water use permit, if applicable, under Chapter 40E-2 ~~or 40E-20~~, F.A.C., must have already been obtained. If a water use permit has not been obtained, an application for a consumptive use permit must be submitted concurrently with the well construction application and must also be approved by the District prior to issuance of the well construction permit.

(3) through (5) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.306, 373.308, 373.309, 373.313, 373.342 FS. History–New 1-1-85, Amended 3-16-05, _____.

40E-3.451 Emergency Authorization.

(1) No change.

(2) Emergency permits may be applied for and issued orally. Mere carelessness or lack of planning on the part of the applicant, contractor or driller will not constitute sufficient cause for the issuance of an emergency permit. If Chapter 40E-2 ~~or 40E-20~~, F.A.C., also applies to the well, an emergency permit may be issued only if, in addition to qualifying under subsection (1) above, an application for a consumptive use permit has been filed with the District. Issuance of an emergency permit will not be evidence of any entitlement to the consumptive use permit.

(3) No Change.

Rulemaking Authority 373.044, 373.119, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History–New 1-1-85, Amended 7-2-98, 3-16-05, _____.

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40E-5.011 Policy and Purpose.

(1) No Change.

(2) It is the intent of the District to consolidate permits issued pursuant to this chapter with consumptive uses regulated under Chapter 40E-2 ~~or 40E-20~~, F.A.C., when such permit is required. Thus, if water is obtained from a regulated surface or ground water source, authorization under this Chapter shall be issued in conjunction with the associated consumptive use permit. If a consumptive use permit for the project is not required pursuant to Chapter 40E-2 ~~or 40E-20~~, F.A.C., (e.g., the recharge water is reclaimed waste water), a separate permit shall be obtained pursuant to this chapter.

(3) through (4) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History–New 9-3-81, Amended 8-14-03, _____.

40E-5.041 Permits Required.

(1) Unless expressly exempt by law or District rule, a permit is required pursuant to this chapter to operate an artificial recharge system. The permit applicant shall provide reasonable assurances that the proposed activity meets the criteria set forth in Rule 40E-5.301, F.A.C. In the event the project also requires a consumptive use permit pursuant to Chapter 40E-2 ~~or 40E-20~~, F.A.C., demonstration of reasonable assurances required under Rule 40E-5.301, F.A.C., shall be made in conjunction with application for such permit and a consolidated permit will be issued.

(2) through (3) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History–New 9-3-81, Formerly 16K-2.02(1), Amended 8-14-03, _____.

40E-5.301 Conditions for Permit Issuance.

In order to obtain a permit, permit renewal, or permit modification pursuant to this chapter, an applicant must give reasonable assurances that the proposed diversion of water to be introduced into an aquifer and the impact of introducing and recovering the water from an aquifer:

(1) through (2) No change.

(3) Satisfies the criteria contained in the "Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District," incorporated by reference in Rule 40E-2.091, F.A.C.; and

(4) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History–New 8-14-03, Amended _____.

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40E-8.011 Purpose and General Provisions.

(1) through (3) No change.

(4) The recovery and prevention strategies set forth in Rule 40E-8.421, F.A.C., the consumptive use permitting procedures described in paragraph 40E-2.301(1)(i), Rule 40E-8.431, F.A.C., Section 3.9 of the "Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule~~s~~ 40E-2.091 ~~and 40E-20.091~~, F.A.C., the water shortage plan implementation provisions specified in Rules 40E-8.441, 40E-21.531, and 40E-21.541, F.A.C., and Part III of Chapter 40E-22, F.A.C., are inseparable components of the MFLs established in Rules 40E-8.321 and 40E-8.331, F.A.C. The District would not have adopted the MFLs set forth in Rules 40E-8.321 and 40E-8.331, F.A.C., for Lake Okeechobee, the Everglades, the Biscayne Aquifer, the Lower West Coast Aquifers, and the Caloosahatchee River without simultaneously adopting their related implementation rules. If the rules cited above, as they pertain to a specified MFL water body, are found to be invalid, in whole or in part, such specified minimum flow(s) or level(s) in Rule 40E-8.321 or 40E-8.331, F.A.C., (including Lake Okeechobee, Everglades, Biscayne Aquifer, Lower West Coast Aquifers, Caloosahatchee River) (month, year) shall not be adopted, or if already in effect, shall not continue to be applied, until the District amends the applicable regional water supply plan(s), as necessary, and amends the subject rules, as necessary to address the reason for invalidity consistent with the requirements of Section 373.0421, F.S. This section shall be triggered after a rule is found to be invalid pursuant to a final order issued under Section 120.56, F.S., and after appellate review remedies have been exhausted.

(5) No change.

Rulemaking Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History–New 9-10-01, Amended 4-1-03, 1-19-06, 10-23-12, _____.

40E-8.421 Prevention and Recovery Strategies.

(1) At the time of adoption of this rule, the existing flow or level for certain specified water bodies is below, or within 20 years is projected to fall below, the applicable MFL. For this reason, Section 373.709 ~~373.0361~~, F.S., requires regional water supply plans to contain recovery and prevention strategies, including water resource development and water supply development projects that are needed to achieve compliance with MFLs during the planning period. The implementation of such projects will allow for the orderly replacement or enhancement of existing water sources with alternative supplies in order to provide sufficient water for all existing and projected reasonable-beneficial uses, consistent with Section 373.0421, F.S.

(a) through (b) No Change.

(c) The rules implementing water resource protection tools, including Chapters 40E-2, 40E-8, ~~40E-20,~~ 40E-21, 40E-22, F.A.C., and the "Applicant's Handbook ~~Basis of Review~~ for Water ~~Consumptive~~ Use Permits Within the South Florida Water Management District", incorporated by reference in Rule~~s~~ 40E-2.091 ~~and 40E-20.091~~, F.A.C., identify the specific factors and conditions that will be applied and considered in implementing the conceptual model. Due to the extreme variations in water resource conditions, climatic conditions, hydrologic conditions, and economic considerations that will be faced when implementing these rules, it is critical to apply such criteria flexibly and to reserve for the governing board the ability to implement water resource protection and allocation programs considering all of the District's missions under Chapter 373, F.S., and to balance water supply, flood protection, resource protection and water

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quality protection needs. Implementation of the recovery and prevention strategies will be achieved in compliance with the assurances to consumptive users and to natural systems contained in the LEC Plan and the LWC Plan.

(d) through (f) No change.

(2) No change.

(3) Biscayne Aquifer. The LEC Plan contains an approved prevention strategy for the Biscayne Aquifer pursuant to Section 373.0421, F.S., which consists of the following:

(a) No Change.

(b) Apply conditions for permit issuance in Chapter 40E-2 ~~or 40E-20~~, F.A.C., to prevent the harmful movement of saltwater intrusion up to a 1-in-10 year level of certainty;

(c) through (e) No change.

(4) through (5) No change.

(6) Northwest Fork of the Loxahatchee River Recovery Strategy: Purpose and Intent.

(a) The Northwest Fork of the Loxahatchee River is currently not meeting the MFL and requires implementation of a recovery strategy to achieve the MFL as soon as practicable, consistent with Section 373.0421, F.S. The recovery strategy consists of projects contained within the following approved plans: the Lower East Coast Regional Water Supply Plan (LEC Plan), the Comprehensive Everglades Restoration Plan (CERP), and the Northern Palm Beach County Comprehensive Water Management Plan (NPBCCWMP). Four phases of recovery are identified in the Technical Documentation to Support Development of Minimum Flows and Levels for the Northwest Fork of the Loxahatchee River, November 2002, which are projected to increase flows to meet the MFL for the Northwest Fork of the Loxahatchee River. As part of the recovery strategy, as provided in this rule, the consumptive use permitting and water shortage requirements in this Chapter and Chapters 40E-2, ~~40E-20,~~ 40E-21, F.A.C., and the "Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule~~s~~ 40E-2.091 ~~and 40E-20.091~~, F.A.C., including Section 3.2.1.E. regarding Restricted Allocation Areas for Lower East Coast Everglades Waterbodies and North Palm Beach County/Loxahatchee River Watershed Waterbodies, shall apply to consumptive use direct and indirect withdrawals from surface and groundwater sources from the Northwest Fork of the Loxahatchee River and those areas directly tributary to the Northwest Fork.

(b) through (g) No change.

(7)through (8) No change.

Rulemaking Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History–New 9-10-01, Amended 11-11-02, 4-1-03, 1-19-06, 12-12-06, 4-23-07, 10-14-08, 10-23-12, _____.

40E-8.431 Consumptive Use Permits.

(1) Consumptive use permit applications that propose to withdraw water directly or indirectly from a MFL water body, that meet the conditions for permit issuance in Part II of Chapter 373, F.S., (including implementing rules in this chapter, Chapter 40E-2, F.A.C., the "Applicant's Handbook for Water Use Applications within the South Florida Water Management District," incorporated by reference in Rule 40E-2.091, F.A.C. ~~Water Use Basis of Review, and Chapter 40E-20, F.A.C.~~, as applicable), and are consistent with the approved recovery and prevention

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strategies under Section 373.0421, F.S., will be permitted. Consumptive use permit applications will be reviewed based on the recovery and prevention strategy approved at the time of permit application review.

(2) through (3) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History–New 9-10-01, _____.

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40E-10.011 Policy and Purpose.
The purpose of this chapter is to define the quantity, location and timing of waters reserved from allocation for the protection of fish and wildlife pursuant to Section 373.223(4), F.S., for specified water bodies. Water reservations are implemented in the water use program pursuant to Chapter~~s~~ 40E-2 ~~and 40E-20~~, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, _____.

40E-10.031 Water Reservations Implementation.
(1) Applicants for consumptive use permits shall meet the requirements of this rule by providing reasonable assurances that Rule~~s~~ 40E-2.301 ~~and 40E-20.301~~, F.A.C., and Section 3.11 of the "Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Management District", incorporated by reference in Rule~~s~~ 40E-2.091 ~~and 40E-20.091~~, F.A.C., are met.
(2) through (3) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended 3-18-10, _____.

40E-10.051 Water Reservation Areas: Upper East Coast Planning Area.
North Fork of the St. Lucie River, as defined in subsection 40E-10.021(3), F.A.C.:
Surface waters up to and including the mean monthly flow of 130 cubic feet per second flowing over the Gordy Road Structure from November 1st through May 31st; see Appendix 2, Figure 2-2; are reserved from allocation. The water reserved under this Rule will be available for fish and wildlife upon formal determination of the Governing Board, pursuant to state and federal law, that any one or all of the Comprehensive Everglades Restoration Plan's C-23/C-24 North and South Reservoirs and STA Project are operational. Reservations contained in this Rule and the criteria contained in section 3.11.2 of the "Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District," incorporated by reference in Rule 40E-2.091, F.A.C., shall be revised pursuant to Section 373.223(4), F.S., in light of changed conditions or new information and concurrent with the approval specified, above. Notwithstanding the above, presently existing legal uses for the duration of a permit existing on March 18, 2010 are determined to be not contrary to the public interest pursuant to Section 373.223(4), F.S.
Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New-3-18-10, Amended 7-21-13, _____.

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40E-20.010 Review of General Water Use Permit Applications.

~~General Water Use permit applications are processed pursuant to the provisions of Section 120.60, F.S., and Chapters 40E-1 and 28-106, F.A.C.~~

Rulemaking Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History–New 7-2-98, Amended 8-14-02, 10-23-12, Repealed, _____.

40E-20.011 Policy and Purpose.

~~(1) The rules in this chapter authorize issuance of general permits for water use for certain specified uses which have been determined by staff review to be reasonable-beneficial, not interfering with existing legal uses and consistent with the public interest pursuant to Section 373.223, F.S. The purpose of this chapter is to set forth the conditions for issuance for all general permits in Rule 40E-20.301, F.A.C., and establish requirements for the various types of general permits available under this chapter in Rule 40E-20.302, F.A.C. Persons conducting uses or withdrawals that are not exempt pursuant to Rule 40E-2.051, F.A.C., and do not qualify for a general water use permit under this chapter are required to obtain individual permits pursuant to Chapter 40E-2, F.A.C.~~

~~(2) District staff shall take agency action on applications submitted under this rule pursuant to Section 373.118, F.S., and this chapter. If an application for any proposed water use does not meet the provisions of this chapter, the District will provide the permit applicant with the option to either withdraw the general permit application, or supply the additional information and fee required for an individual permit. In the event one of these options is not selected, staff will recommend that the Governing Board deny the general permit application. Where applicable, criteria in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District," incorporated by reference in Rule 40E-20.091, F.A.C., will be utilized to determine whether the conditions for issuance in Rule 40E-20.301, F.A.C., are satisfied.~~

Rulemaking Authority 373.044, 373.083, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.083, 373.103(4), 373.118, 373.219 FS. History–New 9-3-81, Formerly 16K-2.032(4), 16K-3.031(4), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 8-31-03, 4-23-07, 2-13-08, Repealed _____.

40E-20.061 Delegation of Authority Pertaining to General Water Use Permits.

~~The Governing Board delegates to the Executive Director the authority to issue general water use permits under this chapter pursuant to Section 373.118, F.S. The Executive Director hereby executes such delegated authority through the Chief and supervisors of the Bureau that reviews water use permit applications.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118 FS. History–New 8-14-02, Amended 10-23-12, Repealed _____.

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40E-20.091 Publications Incorporated by Reference.

~~The "Basis of Review for Water Use Permit Applications within the South Florida Water Management District" http://www.flrules.org/Gateway/reference.asp?No=Ref-01629, and associated forms incorporated by reference in Rule 40E-2.091, F.A.C., are applicable and reference throughout this chapter.~~

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.171, 373.223, 373.229 FS. History–New 8-14-02, Amended 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, 9-26-12, 10-23-12, Repealed _____.

40E-20.101 Content of General Water Use Permit Applications.

~~(1) Except in those circumstances detailed in subsection (4) below, an application for a General Water Use permit shall be filed electronically at www.sfwmd.gov.ePermitting, or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District's Service Centers. The addresses and phone numbers of the District's Service Centers are online at www.sfwmd.gov, "Locations." Water Use Permit Application, Form No. 0645-W-01, which is incorporated by reference in subsection 40E-2.101(1), F.A.C., shall be filed with the District prior to commencement of any use of water authorized in this chapter. The application for all General Water Use Permits shall contain:~~

~~(a) The appropriate permit application processing fee required by Rule 40E-1.607, F.A.C.;~~

~~(b) The information required in subsection 373.229(1), F.S.;~~

~~(c) Information sufficient to show the use meets the criteria and conditions established in Rules 40E-20.301 and 40E-20.302, F.A.C.; and~~

~~(d) Completed application forms, as specified below, signed by the applicant or the authorized agent of the applicant.~~

~~(2) Applicants for a Standard General Water Use Permit under subsection 40E-20.302(1), F.A.C., shall submit Form No. 0645-W01, Water Use Permit Application, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C., and shall include the following forms, if applicable:~~

~~(a) Form No. 0645-G60, Table A Description of Wells, incorporated by reference in paragraph 40E-2.101(1)(b), F.A.C., for permits with wells;~~

~~(b) Form No. 0645-G61-1, Table B Description of Surface Water Pumps, incorporated by reference in paragraph 40E-2.101(1)(c), F.A.C., for permits with pumps;~~

~~(c) Form No. 0645-G61-2, Table C Description of Culverts, incorporated by reference in paragraph 40E-2.101(1)(d), F.A.C., for permits with irrigation culverts;~~

~~(d) Form No. 0645-G65, Table D Crop Information, incorporated by reference in paragraph 40E-2.101(1)(e), F.A.C., for agricultural permits;~~

~~(e) Form No. 0645-G74, Table E Water Received From or Distributed to Other Entities, incorporated by reference in paragraph 40E-2.101(1)(f), F.A.C., for public water supply permits;~~

~~(f) Form No. 0645-G69, Table F Past Water Use & Table G Projected Water Use, incorporated by reference in paragraph 40E-2.101(1)(g), F.A.C., for public water supply permits;~~

~~(g) Form No. 0645-G70, Table H Projected Water Use, incorporated by reference in paragraph 40E-2.101(1)(h), F.A.C., for public water supply permits;~~

~~(h) Form No. 0645-G71, Table I Water Treatment Method and Losses, incorporated by reference in paragraph 40E-2.101(1)(i), F.A.C., for public water supply permits;~~

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~~(i) Form No. 0645-G72, Table J Aquifer Storage and Recovery, incorporated by reference in paragraph 40E-2.101(1)(j), F.A.C., for public water supply permits; and~~

~~(j) Form No. 0645-G73, Table K Water Supply System Interconnections, incorporated by reference in paragraph 40E-2.101(1)(k), F.A.C., for public water supply permits.~~

~~(a) Part RC-1A Administrative Information for Water Use Permit Applications, and~~

~~(b) Part RC-1W Application for a Water Use permit (all Standard General Water Use Permits) or Part RC-1G Application for a General Water Use Permit (Standard General Water Use Permits with recommended maximum allocations < 3 million gallons per month).~~

~~(3) Applicants for a Dewatering Water Use General Permit under subsection 40E-20.302(2), F.A.C., shall electronically file or file with the District Form 0445, Mining/Dewatering Permit Application, incorporated by reference in subsection 40E-2.101(3), F.A.C.~~

~~(4) Applicants are not required to file an application to qualify for a No-Notice Short-Term Dewatering Permit, if the conditions of Rule 40E-20.301 and subsection 40E-20.302(3), F.A.C., are satisfied.~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.219, 373.223, 373.229 FS. History–New 8-14-02, Amended 8-31-03 (2), 8-31-03 (3), 10-23-12, Repealed _____.

40E-20.301 Conditions for Issuance of General Water Use Permits.

~~(1) In order to receive a general permit, permit renewal, or permit modification under this chapter, an applicant must provide reasonable assurances that the proposed water use:~~

~~(a) Will not cause harmful saline water intrusion;~~

~~(b) Will not harm offsite land uses;~~

~~(c) Will not cause harm to wetlands or other surface waters;~~

~~(d) Will not cause pollution of the water resources;~~

~~(e) Is otherwise a reasonable-beneficial use as defined in subsection 373.019(13), F.S., with consideration given to the factors set forth in subsection 62-40.410(2), F.A.C.~~

~~(f) Will not interfere with presently existing legal uses;~~

~~(g) Is in accordance with Section 373.2295, F.S., concerning interdistrict transfer of groundwater and Section 373.223(3), F.S., concerning water transport and use of groundwater or surface water across county boundaries.~~

~~(h) For uses with a recommended maximum allocation which exceeds 3 million gallons per month or uses within a mandatory reuse zone, makes use of a reclaimed water source in accordance with the criteria contained in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule 40E-20.091, F.A.C.~~

~~(i) Is in accordance with the established minimum flows and levels (MFL) and implementation provisions in Chapter 373, F.S., Chapters 40E-2 and 40E-8, F.A.C.; and~~

~~(j) Is consistent with Sections 373.016, 373.1501, 373.1502 and 373.036, F.S., and otherwise is consistent with the public interest as prescribed by Chapter 373, F.S., and this chapter.~~

~~(k) Will not withdraw water reserved under Chapter 40E-10, F.A.C.~~

~~(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule 40E-20.091, F.A.C., are met.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.036, 373.042,

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373.103(4), 373.1501, 373.1502, 373.223, 373.229, 373.2295, 373.470 FS. History–New 8-14-02, Amended 8-31-03, 4-23-07, 2-13-08, 7-2-09, 9-26-12, 10-23-12, Repealed _____.

40E-20.302 Types of General Water Use Permits.

~~(1) Standard General Water Use Permit – The use of water, which does not exceed a recommended maximum allocation of 15 million gallons per month (MGM), except as stated below, shall qualify for a Standard General Water Use Permit, provided the conditions for issuance in Rule 40E-20.301, F.A.C., are met. There are two types of Standard General Water Use Permits, as follows:~~

~~(a) Minor Standard General Water Use Permit, authorizes allocations of three (3) million gallons per month or less; and~~

~~(b) Major Standard General Water Use Permit, authorizes allocations greater than three (3) million and up to fifteen (15) million gallons per month, and includes a requirement under paragraph 40E-20.301(1)(h), F.A.C., and the applicable requirements in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule 40E-20.091, F.A.C., that the permit applicant meet the requirements for use of reclaimed water. In addition the monitoring and reporting permit limiting conditions in Sections 4.0 and 5.0 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule 40E-20.091, F.A.C., are applicable.~~

~~(2) Dewatering General Water Use permit – The use of water in conjunction with short-term dewatering operations such as well pointing, utility construction, lake construction, exploratory testing, and other minor uses; or in conjunction with a short-term Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities, shall qualify for a Dewatering General Water Use Permit, provided the conditions for issuance in Rule 40E-20.301, F.A.C., and the following requirement is met:~~

~~The proposed dewatering operation will not exceed a maximum of ten million gallons per day, with a maximum of eighteen hundred (1800) million gallons total pumpage and will not exceed a total duration of one year for the entire project.~~

~~(3) No-Notice Short-Term Dewatering General Water Use Permit – The use of water in conjunction with short-term dewatering operations, such as well pointing, utility construction, lake construction, exploratory testing, and other minor uses; or aquifer performance tests; or in conjunction with a short-term Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities, shall qualify for a No-Notice Short-Term Dewatering General Water Use Permit, provided the conditions for issuance in Rule 40E-20.301, F.A.C., and the following requirement is met:.~~

~~(a) The proposed dewatering operation will not exceed a maximum of five (5) million gallons per day, with a maximum of one hundred (100) million gallons total pumpage and will not exceed a total duration of 90 days for the entire project, except for linear construction projects, such as roads, utilities, and pipelines, which may have a rolling 90-day duration in which the dewatering operation at the end of each 90-day period occurs more than 1 mile from the location at the beginning of each 90-day period.~~

~~(b) To demonstrate compliance with paragraph 40E-20.301(1)(k), F.A.C., all water shall be retained on site.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History–New 9-3-81, Amended 12-1-82, Formerly

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16K-2.031(1), 16K-2.032(1)(b), Amended 2-24-85, 3-29-87, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 8-31-03, 4-23-07, 2-13-08, 7-2-09, Repealed _____.

40E-20.321 Duration of General Water Use Permits.

~~(1) The duration of general water use permits shall equal the time period for which sufficient data is available to provide reasonable assurances that the conditions for permit issuance will be met, the time period for which the permit applicant demonstrates legal control, or the applicable general permit expiration date in subsections (2) through (5), whichever occurs first.~~

~~(2) The duration of the general water use permit authorized in subsection 40E-20.302(1), F.A.C., shall not exceed the following time periods:~~

~~(a) For uses with a maximum monthly allocation less than 3 million gallons per month (mgm), authorized by a Minor Standard General Water Use Permit, the period shall not exceed 20 years.~~

~~(b) For uses with a maximum monthly allocation greater than 3 mgm (up to 15 mgm), authorized by a Major Standard General Water Use Permit, the period shall be based on the provisions in Rule 40E-2.321, F.A.C., and the applicable provisions in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule 40E-20.091, F.A.C.~~

~~(3) The duration of the general permit authorized in subsection 40E-20.302(2), F.A.C., shall not exceed one (1) year from the date of issuance.~~

~~(4) The duration of the general permit authorized in subsection 40E-20.302(3), F.A.C., shall not exceed ninety (90) days after commencing dewatering.~~

~~(5) The duration of a general permit issued for a Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities will correspond with the termination of the water use activities under the plan or the applicable general permit expiration date, whichever occurs first.~~

~~(6) Extension of time shall be granted by the District under circumstances that could not be reasonably foreseen and that are outside the control of the permittee, as determined by District staff.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.236 FS. History–New 9-3-81, Formerly 16K-2.031(2)(j), 16K-2.032(2)(d), Amended 7-26-87, 4-20-94, 8-14-02, 8-31-03, 4-23-07, 2-13-08, 10-23-12, Repealed _____.

40E-20.331 Modification of General Water Use Permits.

~~(1) A permittee shall apply to the District for approval of any modification of an unexpired general water use permit pursuant to Section 373.239, F.S., and Rule 40E-1.609, F.A.C.~~

~~(2) Applications for modification except for modifications issued pursuant to subsection (3) shall contain the information required in Rule 40E-20.101, F.A.C., will be evaluated using the conditions and requirements specified in Rules 40E-20.301 and 40E-20.302, F.A.C., and will be subject to the limiting conditions specified in Rule 40E-20.381, F.A.C. Modifications shall be approved if the conditions and requirements in Rules 40E-20.301 and 40E-20.302, F.A.C., are met.~~

~~(3)(a) Modification of an existing general water use permit shall be approved by letter, provided the permit is in compliance with all applicable limiting conditions and the modification request:~~

~~1. Does not exceed the applicable general permit allocation limitations in Rule 40E-20.302,~~

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~~F.A.C.;~~

~~2. Does not result in a requested permit duration which exceeds the expiration date of the existing permit, except that when the permit duration is based upon the current lease expiration date, the permit duration may be extended by letter modification to the new lease date, but shall not exceed the applicable permit duration pursuant to subsection 40E-20.321(2), F.A.C.;~~

~~3. Does not potentially interfere with any presently existing legal use of water, cause harm to wetlands or other surface waters, harmful saltwater intrusion or pollution of the water resources, harm to offsite land uses, does not withdraw water reserved under Chapter 40E-10, F.A.C., or does not otherwise raise issues requiring a Staff determination of whether harm to the water resources would occur pursuant to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule 40E-20.091, F.A.C.;~~

~~4. Does not change the permitted withdrawal source; and~~

~~5. Does not result in a modification of the permit which must be approved by the Governing Board pursuant to Section 373.239(2), F.S..~~

~~6. Does not allow more cumulative days and time to conduct landscape irrigation pursuant to Chapter 40E-24, F.A.C., for those permits classified as landscape irrigation use.~~

~~(b) The time frames set forth in Rule 40E-1.603, F.A.C., shall apply to the processing of applications for letter modifications.~~

Rulemaking Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 373.223, 373.229, 373.239 FS. History–New 4-20-94, Amended 7-11-96, 4-9-97, 12-10-97, 8-14-02, 8-31-03, 4-23-07, 2-13-08, 7-2-09, 3-15-10, Repealed _____.

40E-20.351 Transfer of General Water Use Permits.

~~A permittee must comply with the requirements of Rule 40E-1.6107, F.A.C., in order to obtain a permit transfer to a new permittee. If the permit transfer is in conjunction with an application for permit modification, the permit shall be transferred at the time of permit modification if all applicable permit transfer criteria are met.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History–New 12-1-82, Amended 4-20-94, 8-14-02, Repealed _____.

40E-20.381 Limiting Conditions.

~~Staff shall impose on any permit granted under this chapter such reasonable standard and special conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District" incorporated by reference in subsection 40E-20.091(1), F.A.C., shall be in the permit. Special permit conditions, including those specified in Section 5.2 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", shall be in the permit.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History–New 9-3-81, Formerly 16K-2.031(2), 16K-2.032(2), Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 4-

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23-07, 2-13-08, Repealed _____.

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40E-24.011 Policy and Purpose.

(1) This chapter comprises the Mandatory Year-Round Landscape Irrigation Conservation Measures within the boundaries of the South Florida Water Management District (District). These mandatory conservation measures are intended to provide a framework for consistent implementation to ensure the long-term sustainability of the water resources of the region, increase water use efficiency and prevent and curtail wasteful water use practices through regulatory means for landscape irrigation by all users. Water savings achieved by public and private water supply utilities through conservation may be used to extend the availability of all water sources to meet future demands and defer the need for additional capital investment in alternative water supplies, subject to compliance with Chapter~~s~~ 40E-2 ~~and 40E-20~~, F.A.C. Local governments are encouraged to implement these conservation measures through the adoption of ordinances that would include these measures, variance and enforcement provisions. These measures are in addition to Chapter~~s~~ 40E-2 ~~and 40E-20~~, F.A.C., provisions and non-regulatory measures, such as education and incentive programs, which are also utilized by the District to promote water conservation. These conservation measures prohibit landscape irrigation during those periods of the day when irrigation efficiency significantly decreases, and limit landscape irrigation water use to two days per week except as specified herein. Users are encouraged to apply no more than 3/4-inch to 1-inch of water per week on their lawns and landscapes and only as needed to supplement rainfall. However, provisions have been made in this chapter to allow landscape irrigation three days per week in designated counties to address utility operational, health, and safety and landscape concerns.

(2) through (4) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.219, 373.223, 373.227 FS. History–New 6-12-03, Amended 3-15-10, _____.

40E-24.101 Definitions.

When used in this chapter:

(1) through (2) No change.

(3) "Consumptive Use Permit (CUP)" means a permit issued pursuant to Chapter 40E-2 ~~or 40E-20~~, F.A.C., authorizing the consumptive use of water.

(4) through (13) No change.

(14) "User" means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity whether natural or artificial, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, which directly or indirectly takes water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2 ~~or 40E-20~~, F.A.C., or uses from individual wells or pumps.

(15) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.219, 373.223, 373.227 FS. History–New 6-12-03, Amended 3-15-10, _____.

40E-24.201 Year-Round Landscape Irrigation Conservation Measures.

(1) The year-round landscape irrigation conservation measures contained in this chapter are applicable to all users as defined in subsection 40E-24.101(14), F.A.C., including permitted and exempt users under Chapter 40E-2, F.A.C., unless indicated otherwise herein. These conservation measures apply to all water sources, except that the use of reclaimed water, which may or may not be supplemented from another source, is allowed anytime. In addition to the requirements of this section, all permitted users under Chapter~~s~~ 40E-2 ~~and 40E-20~~, F.A.C., are required to maintain compliance with all CUP conditions and terms, including those

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designed to require the implementation of water conservation practices.

(2) through (7) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.219, 373.223, 373.227 FS. History–New 6-12-03, Amended 3-15-10, _____.

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South Florida Water Management District
Report of Planting and Harvest of Seasonal Crops

Online reporting is available at www.sfwmd.gov/ePermitting

PERMIT INFORMATION

WATER USE PERMIT NUMBER: _____ PERMITTEE/COMPLIANCE CONTACT NAME: _____

PROJECT NAME: _____ PHONE NUMBER: _____ E-MAIL: _____

CROP INFORMATION (attach additional sheets if necessary)

Year:_____

Crop Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	Please enter the total acres of each crop type being irrigated by month.											
Tomatoes, peppers, potatoes												
Corn												
Peas, beans												
Melons												
Other:												
Other:												
Fallow acres with irrigation flow												

SUBMITTER INFORMATION

NAME OF PERSON SUBMITTING DATA: _____ DATE: _____

PHONE NUMBER: _____ EMAIL ADDRESS: _____

I certify that to the best of my knowledge and belief all of the information on this form is correct. I understand that making any material false statement on this form or in any attachments to it may result in revocation, in whole or in part, of the permit.

For assistance, please contact: wucompliance@sfwmd.gov
Please mail form to: Regulatory Support/Regulation Division
South Water Management District
P.O. Box 24680
West Palm Beach, Florida 33416-4680

Comments:

Form 1376 (2014XXXX)
Incorporated by reference in Rule 40E-2.091 (F.A.C.)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

South Florida Water Management District
Water Quality Report Form

Online reporting is available at www.sfwmd.gov/ePermitting

Water Use Permit #: _____ Permittee Name: _____

Project Name: _____ Compliance Contact Name: _____

Well/Pump/Station District ID	Well/Pump/Station Name	Sample Collection Date & Time	Water Level (feet NGVD)	Chloride (mg/l)	Conductivity (umhos/cm)	Turbidity (ntu)	Other (Specify)
			Result (value)	Result (value)	Result (value)	Result (value)	Result (value)

I certify that to the best of my knowledge and belief all of the information on this form is correct. I understand that making any material false statement on this form or in any attachments to it may result in revocation, in whole or in part, of the permit.

Name of Person Submitting Data: _____ Date: _____ Phone Number: _____

Email Address: _____

Comments:

Mail form to: Regulatory Support/Regulation Division, South Florida Water Management District

P.O. Box 24680, West Palm Beach, Florida 33416-4680

For assistance, please contact: wucompliance@sfwmd.gov

Incorporated by reference in rule 40E-2.091, (F.A.C.)

Form 1377

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

South Florida Water Management District
Water Use Pumpage Report Form

Online reporting is available at www.sfwmd.gov/ePermitting

PERMIT INFORMATION

Water Use Permit No._____ Permittee/Compliance Contact_____

WATER USE INFORMATION

Monthly withdrawals should be entered in million gallons (MG). Example: 1,500,000 gallons = 1.5MG; 10,000 gallons = .01MG

WELL/PUMP/STATION NAME	WELL/PUMP/STATION ID	Month: _____ Year: _____	Month: _____ Year: _____	Month: _____ Year: _____	COMMENTS (Note water used for freeze protection here in MG)

SUBMITTER INFORMATION

Name:_____ Telephone Number:_____ Email Address:_____

I certify that to the best of my knowledge and belief all of the information on this form is correct. I understand that making any material false statement on this form or in any attachments to it may result in revocation, in whole or in part, of the permit.

Please mail form to: Regulatory Support/Regulation Division, SFWMD, P.O. Box 24680, West Palm Beach, FL 33416-4680

Incorporated by reference in Rule 40E-2.091 (F.A.C.)
Form 1378 (2014XXXX)

wucomplia

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

South Florida Water Management District
Water Use Pumpage Report Form

Online reporting is available at www.sfwmd.gov/ePermitting

PERMIT INFORMATION

Water Use Permit No._____ Project Name_____ Permittee_____

WATER USE INFORMATION

Monthly withdrawals should be entered in million gallons (MG). Example: 1,500,000 gallons = 1.5MG; 10,000 gallons = .01MG

WELL/PUMP/STATION NAME	WELL/PUMP/STATION ID	Month: _____ Year: _____	Month: _____ Year: _____	Month: _____ Year: _____	COMMENTS (Note water used for freeze protection here in MG)

SUBMITTER INFORMATION

Name:_____ Telephone Number:_____ Email Address:_____

I certify that to the best of my knowledge and belief all of the information on this form is correct. I understand that making any material false statement on this form or in any attachments to it may result in revocation, in whole or in part, of the permit.

Please mail form to: Regulatory Support/Regulation Division, SFWMD, P.O. Box 24680, West Palm Beach, FL 33416-4680

Incorporated by reference in Rule 40E-2.091 (F.A.C.)
Form 1378 (2014XXXX)

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Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

WATER USE PERMIT APPLICATION

South Florida Water Management District
P.O. Box 24680, West Palm Beach, Florida 33416-4680
(561) 686-8800 www.sfwmd.gov/ePermitting

SECTION I – CONTACT INFORMATION

WATER USE PERMIT # (if application is for renewal or modification): _____

If necessary, attach additional sheets if there are multiple applicants, owners, agents, etc.

1. **APPLICANT** (Complete legal name in which permit should be issued)

   NAME:_____

   *If applicant is a business, provide a contact person:*_____

   ADDRESS: _____

   CITY, STATE, ZIP: _____

   PHONE: (_____) _____ CELL PHONE: (_____) _____

   EMAIL ADDRESS: _____

   Applicant is: ❑ Owner ❑ Lessee* ❑ Other (explain)_____

   *Attach copy of current lease, or written authorization from property owner

2. **OWNER** (If different than applicant)

   NAME:_____

   ADDRESS: _____

   CITY, STATE, ZIP: _____

   PHONE: (_____) _____ CELL PHONE: (_____) _____

   EMAIL ADDRESS: _____

3. **AGENT OR CONSULTANT**

   NAME:_____COMPANY NAME (if applicable): _____

   ADDRESS: _____

   CITY, STATE, ZIP: _____

   PHONE: (_____) _____ CELL PHONE: (_____) _____

   EMAIL ADDRESS: _____

4. **COMPLIANCE CONTACT** (Person responsible for sending compliance reports to the District)

   NAME:_____

   ADDRESS: _____

   CITY, STATE, ZIP: _____

   PHONE: (_____) _____ CELL PHONE: (_____) _____

   EMAIL ADDRESS: _____

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1379 (2014XXXX)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SECTION II – APPLICATION INFORMATION

Refer to the Applicant's Handbook for permit application guidance, located online at www.sfwmd.gov. If any fields are not applicable for the proposed use, write N/A in the field.

1. **TYPE OF APPLICATION:** ❑ New ❑ Modification ❑ Renewal
   If this application is for a modification, please describe the modification request and the reason the modification is necessary. _____

   _____

   _____

2. **REQUESTED PERMIT DURATION**: ❑ 20 years ❑ _____ years (up to 20 years)
   ❑ I qualify for a duration greater than 20 years, per Florida Statute 373.236

3. **PROJECT NAME**: _____ **COUNTY**: _____

   PHYSICAL ADDRESS: _____

4. **RELATED PERMITS** (for projects other than Public Supply)
   - ❑ ENVIRONMENTAL RESOURCE PERMIT (ERP) PERMIT/APPLICATION NO(S):_____
   - ❑ RIGHT OF WAY (ROW) Permit/Application No(s): _____
   - ❑ DIVERSION AND IMPOUNDMENT (D&I) Permit/Application No(s): _____

SECTION III – USE CATEGORY

Please check all applicable water use categories associated with this permit application and complete the associated supplemental form(s) indicated. Refer to District rules 40E-21.651for water use type definitions.

Water Use Category	Supplemental Form
❑ **Agricultural** (e.g., crops, livestock, nursery, aquaculture, pasture)	Form A
❑ **Commercial / Industrial** (e.g., service business, food and beverage production, cooling and heating, commercial attraction, manufacturing, chemical processing, power generation, aquifer remediation, mining)	Form B
❑ **Landscape / Recreation** (e.g., irrigation of parks, cemeteries, landscaped areas, golf courses, athletic fields, playgrounds)	Form C
❑ **Dewatering** (e.g., water use or removal associated with construction or excavation)	Form D
❑ **Public Supply** (e.g., public or privately owned water utility)	Form E
❑ **Diversion and Impoundment** (diversion or extraction of water). Independent Secondary users should use the applicable supplemental form based on type of water use.	Form F

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SECTION IV – SOURCES OF WATER

SUMMARY OF GROUNDWATER (WELL) FACILITES

Well Name or Number						
Map Designation						
Existing or Proposed						
Date of Proposed Construction						
Date Installed if Existing						
Diameter (in)						
Total Depth (ft)						
Cased Depth (ft)						
Screened Interval (ft)						
Pumped or Flowing						
Pump Type (see Instructions)						
Pump Intake Depth (ft bls)						
Pump or Flow Capacity (GPM)						
Working Valve if Artesian (yes, no or not applicable)						
Status (see Instructions)						
Purpose (see Instructions)						
Elevation of the Wellhead (ft NGVD - see Instructions)						
Water Use Accounting Method (see Instructions)						
Date Last Calibrated (ATTACH calibration report)						
Planar Coordinates (if known - see instructions)						
Section / Township / Range						

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

Instruction for Completing Groundwater (Wells) Section

Well Name or Number: The Applicant's designation of the well. How do you refer to it?

Map Designation: This is how the well is labeled on the map submitted with the application. This may be the same as Well Name or Number, but does not necessarily have to be.

Existing or Proposed: If the well is proposed, enter the date of expected operation. If it is an existing well, enter the date it was installed if you know it.

Diameter: Outside diameter of the well casing.

Total Depth: Total length in feet between the land surface and the bottom of the well.

Cased Depth: The length in feet from the land surface to the bottom of the well casing.

Screened Interval: The distance in feet below land surface to the top and bottom of the well screen, if the well is so equipped.

Pumped or Flowing: Does the well produce water as a result of natural artesian flow, or is it pumped?

Pump Type: This is the type of pump that has been installed for the well (typical choices are as follows):

Centrifugal	Diesel turbine	Axial flow	Windmill
Submersible	Jet	Suction	Other (specify)
Electric turbine	Hydraulic	Portable	

Pump Intake Depth: Location of the pump depth in feet below land surface. The pump may be on the surface or down inside the well.

Pump or Flow Capacity: The amount of water the pump can produce in gallons per minute (GPM).

Working Valve: If the well is artesian, does it have a working valve to control the flow?

Status:
Primary
Secondary (i.e. a production well that is rotated)
Standby (i.e. used for freeze protection or emergency)
Monitor
Injection (i.e. A/C, pool heat exchange, etc.; sometimes used only periodically)
Recharge (i.e. same as above)

Purpose: What will the water be used for (typical choices are as follows):

Dairy	Irrigation	Air Conditioning	Swimming Pool Heating
Monitor	Aquaculture	Freeze Protection	Irrigation/Lake Recharge
Livestock	Bottled Water	Mining/Dewatering	Aquifer Storage and Recovery
Industrial	Other (specify)	Public Water Supply	Aquifer Remediation and Recovery

Elevation of the Wellhead: This is the elevation of the top of the finished well at the ground surface.

Planar coordinates: The Florida State Plane System (Planar Coordinates) should be submitted if you have a land survey which identifies the location of the well in terms of those measurements. If you do not know what these are, it is not necessary to include them.

Section / Township / Range: The section, township and range in which the pump is located.

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SUMMARY OF SURFACE WATER (PUMP) FACILITES

Pump Name or Number						
Map Designation						
Surface Water Source						
Local Drainage District (if applicable)						
Existing or Proposed						
Date of Proposed Installation						
Date Installed if Existing						
Pump type (for list see Instructions)						
Pump Capacity (GPM)						
Pump Horsepower						
Pump Diameter (inches)						
Pump Intake Elevation (feet NGVD)						
Status (see Instructions)						
Purpose (see Instructions)						
Two way pump? (yes / no)						
Water Use Accounting Method (see Instructions)						
Date Last Calibrated (ATTACH calibration report)						
Planar Coordinates (if known - see instructions)						
Section / Township / Range						

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

Instructions for Completing Surface Water (Pumps) Section

Pump Name or Number: The Applicant's designation of the pump. How do you would refer to it?

Map Designation: This is how the pump is labeled on the map submitted with the application. This may be the same as Pump Name or Number, but does not necessarily have to be.

Surface Water Source: This is the name of the water body from which the pump withdraws water (e.g. SFWMD C-51, Lake Worth Drainage District Canal E-3, Un-named canal, onsite lake).

Local Drainage District: If the project is located in a local drainage or "298" district, such as Lake Worth Drainage District, Indian Trails Water Control District, etc., please identify it.

Existing or Proposed: If the pump is proposed enter the date of expected operation. If it is an existing pump, enter the date it was installed if you know it.

Pump Type: Typical choices are:

Centrifugal	Diesel	Turbine	Axial	Flow	Submersible
Suction	Electric turbine	Hydraulic	Other (specify)		

Pump Capacity: The amount of water the pump can produce in gallons per minute (GPM).

Pump Horsepower: Horsepower rating of the pump.

Pump Diameter: Size of the intake opening of the pump, in inches.

Pump Intake Elevation: The elevation from which the pump can produce water without cavitating.

Status:
Primary
Secondary (i.e. a production pump that is rotated)
Standby (i.e. used for freeze protection or emergency)

Purpose: What will the water be used for (typical choices are as follows):

Dairy	Irrigation	Air Conditioning	Swimming Pool Heating
Aquaculture	Freeze Protection	Irrigation/Lake Recharge	Mining/Dewatering
Livestock	Industrial	Aquifer Storage and Recovery	
Aquifer Remediation and Recovery		Other (specify)	

Two way pump: Can the pump be used for both intake of irrigation water and discharge of storm water?

Flow Measurement Method: Describe how the amount of water produced by the pump will be measured a per Section 4.1.1. of the Applicant's Handbook.

Date Last Calibrated: When was the flow measurement method last calibrated? ATTACH the calibration report.

Planar coordinates: The Florida State Plane System (Planar Coordinates) should be submitted if you have a land survey which identifies the location of the pump in terms of those measurements. If you do not know wha these are, it is not necessary to include them.

Section / Township / Range: The section, township and range in which the pump is located.

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SUMMARY OF SURFACE WATER (CULVERT) FACILITIES

Culvert Name or Number						
Map Designation						
Surface Water Source						
Local Drainage District (if applicable)						
Existing or Proposed						
Date of Proposed Construction						
Date installed if Existing						
Culvert type (for list see Instructions)						
Culvert length (Feet)						
Culvert Cross-section						
Culvert Diameter (inches)						
Culvert Height (inches)						
Culvert Width (inches)						
Invert Elevation (Feet NGVD)						
Type of Control Device (for list see Instructions)						
Status (see Instructions)						
Purpose (see Instructions)						
Two way culvert? (yes / no)						
Water Use Accounting Method (see Instructions)						
Date Last Calibrated (if known)						
Planar Coordinates (if known - see instructions)						
Section / Township / Range						

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

Instructions for Completing Surface Water (Pumps) Section

Culvert Name or Number: The Applicant's designation of the culvert. How do you refer to it?

Map Designation: This is how the culvert is labeled on the map submitted with the application. This may be the same as Culvert Name or Number, but does not necessarily have to be.

Surface Water Source: This is the name of the water body from which the culvert withdraws water (e.g. SFWMD C-51, Lake Worth Drainage District Canal E-3, Un-named canal, onsite lake).

Local Drainage District: If the project is located in a local drainage or "298" district, such as Lake Worth Drainage District, Indian Trails Water Control District, etc., please identify it.

Existing or Proposed: If the culvert is proposed enter the date of expected operation. If existing, enter the date it was installed (if known).

Culvert Type: Corrugated; Metal pipe; Reinforced concrete pipe; Steel pipe

Culvert Length: Distance between the ends of the culvert in feet.

Culvert Cross-section: Is the culvert round, elliptical, rectangular, or other?

Culvert Diameter: If the culvert is round, the inside diameter of the culvert, in inches.

Culvert Height: If the culvert is not round, the inside height of the culvert, in inches.

Culvert Width: If the culvert is not round, the inside width of the culvert, in inches.

Invert Elevation: The lowest elevation, referenced to NGVD, at which water will flow through the culvert.

Type of Control Device: What controls the flow of water through the culvert (typical choices are): Control gate; Flap gate; Flashboard riser; Gated riser; Screw gate; Slide gate; Valve; Other (specify)

Status: Primary; Secondary (i.e. a production pump that is rotated); Standby (i.e. used for freeze protection/ emergency)

Purpose: What will the water be used for (typical choices are as follows):

Dairy	Irrigation	Aquaculture	Freeze Protection	Mining/Dewatering
Livestock	Industrial	Irrigation/Lake Recharge	Other (specify)	

Two way culvert: Can the culvert be used for both intake of irrigation water and discharge of storm water?

Flow Measurement Method: Describe how the amount of water produced by the pump will be measured a per Section 4.1.1. of the Applicant's Handbook.

Date Last Calibrated: When was the flow measurement method last calibrated? *ATTACH the calibration report.*

Planar coordinates: The Florida State Plane System (Planar Coordinates) should be submitted if you have a land survey which identifies the location of the culvert in terms of those measurements. If you do not know wha these are, it is not necessary to include them.

Section / Township / Range: The section, township and range in which the culvert is located.

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SECTION V – EVALUATION OF RECLAIMED WATER FEASIBILITY

The applicant is required to evaluate the feasibility of utilizing reclaimed water. The feasibility analysis must be completed as outlined in the Applicant's Handbook, subsection 2.2.4.

❑ Feasibility analysis attached
❑ Not applicable (i.e. no lines in area, crop type restriction, already using reclaimed)
Explanation:_____

SECTION VI – SUMMARY OF REQUESTED WATER USE

Total the requested water use from each supplemental form (Agricultural, Irrigation, Commercial / Industrial, Public Water Supply, etc.) in the table below. If the multiple sources add up to more than 100%, please attach an operating plan with a detailed explanation.

Requested Amounts and Source(s) of Water				
Source 1 Name[1] _____ (MGY[2]/MGM[3])	Source 2 Name _____ (MGY[2]/MGM[3])	Source 3 Name _____ (MGY[2]/MGM[3])	Source 4 Name _____ (MGY[2]/MGM[3])	Total Requested Water Use (MGY[2]/MGM[3])
/	/	/	/	/

[1] Provide the name of the water source. Examples include the Upper Floridan aquifer and the Biscayne aquifer.
[2] MGY = Million gallons per year of water to be withdrawn over a 12-month time period under a 1-in-10 year drought condition (i.e. 1,500,000 gallons each day/1,000,000 = 1.5 x 365 = 547.5).
[3] MGM = Maximum million gallons per month of water to be withdrawn in any single month under the 1-in-10 year drought condition.

SECTION VII – AQUIFER STORAGE AND RECOVERY *(complete if applicable)*

ASR Facility Name	Source of Stored Water[1]	Storage Aquifer Name	Recovery Water Destination	Estimated Demand Average/Maximum (MGD)	Estimated Injected Average/Maximum (MGD)
				/	/
				/	/
				/	/
				/	/

[1] Aquifer Name, surface water body, water treatment plant name.

Please describe any projected increases or decreases (from historical average) in the amounts stored or recovered.

_____

_____

_____

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SECTION VIII – IMPACT EVALUATION

When determining whether the permit applicant has provided reasonable assurances that the conditions for issuance are met, the District will consider the projected impact of the proposed withdrawal, along with impacts from any existing legal uses and other pending applications for a water use permit. To provide these assurances, studies and/or impact evaluations may be required. Please refer to the Applicant's Handbook (subsection 3.3) for criteria regarding impact evaluations and attach your analysis, if applicable.

❑ Impact evaluation attached ❑ Not applicable

SECTION IX – APPLICANT CERTIFICATION

I certify that to the best of my knowledge and belief all of the information provided on this form and in any attachment to it is correct. I understand that for any material false statement in an application to continue, initiate, or modify a use, or for any material false statement in any report or statement of fact required of the permittee may result in revocation, in whole or in part, of the permit. [Section 373.243(1), Florida Statutes]. With advance notice, I agree to provide District staff with proper identification entry to the project site for the purpose of performing analyses of the site for determining whether the conditions for issuance will be met. Further, if a permit is granted, I agree that, with advance notice, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications.

If applicable) I authorize _____ to act as my agent for permit application coordination.

_____	_____	_____
APPLICANT'S NAME (*print or type*)	APPLICANT'S SIGNATURE	DATE
AUTHORIZED AGENT'S NAME (*print or type*)	AUTHORIZED AGENT'S SIGNATURE	DATE

SECTION X – APPLICANT CHECKLIST

Please make sure to include the following with the permit application submittal:

❑ Proof of Property Control (i.e. Deed, Lease) as per the Applicant's Handbook, subsection 2.1.1 (may be obtained via the applicable county Property Appraiser's website)

❑ Application Fee (www.sfwmd.gov)

❑ Location/Site Map (refer to supplemental application forms for specific requirements)

❑ Supplemental Form(s) and associated supporting information (i.e. maps, calculations)

❑ Water Conservation Plan (if applicable)

❑ Diversion and Impoundment (D&I) Independent Secondary User – Letter from the D&I that demonstrates legal access, and that the use will not cause the D&I to exceed its permit allocation.

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

WATER USE PERMIT APPLICATION
Agricultural Use
Supplemental Form A

South Florida Water Management District
P.O. Box 24680, West Palm Beach, Florida 33416-4680 (561) 686-8800
www.sfwmd.gov/ePermitting

SECTION A1 – PARCEL/SITE INFORMATION

WATER USE PERMIT # (if application is for renewal or modification): _____

Parcel/Site Name (each non-contiguous parcel or field)	Acres Owned/ Leased	Section(s), Township, Range (S_/T_S/R_E)	County Parcel Identification Number (or attach digital GIS Shape file)
TOTAL ACRES OWNED/LEASED			

Submit a map showing (if available, provide items A through E in a District-approved electronic format, e.g. ESRI shapefile, Autocad, DXF, KMZ, or compatible GIS file):

A. The project boundaries of the property owned or controlled by the permittee/applicant;
B. The area on the property that is being or will be irrigated;
C. All existing and proposed withdrawal point locations. Label all wells, pumps and culverts so they match the IDs provided in the Application form (Section IV - Sources of Water);
D. A north arrow and map scale; and
E. Labeled landmarks such as roads and political boundaries.

SECTION A2 – WATER USE INFORMATION

1. **CROPS** (includes annual/perennial crops, pasture, hay and sod. If crop types are rotated annually, list the crops with the higher irrigation requirements)

Crop Name	Plant/Crop Type	Earliest Planting Month	Total # Planting Months	# Acres Irrigated in Ground	# Acres Irrigated in Containers	Soil Type[1]	Rainfall Station Name[2]	Irrigation System[3]

[1] / [2] refer to Blaney Net Depth of Application Area Maps located @ www.sfwmd.gov. [3] Drip, Micro jet, overhead, nursery container, etc.

If any of the crops listed above are rotated or double- or triple-cropped, describe the rotation or multiple crop cycle.

_____

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1380 (2014XXXX)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

2. LIVESTOCK

Livestock Type	# of Livestock	Demand Per Head (Gallons)	Livestock Type	# of Livestock	Demand Per Head (Gallons)
Beef Cattle		12	Horses		12
Chickens		0.1	Sheep		2
Dairy Cattle		150	Turkeys		1
Hogs		2	Other_____		_____
Other_____		_____	Other_____		_____

3. AQUACULTURE

A. Type(s) of aquaculture operation. _____

B. Tank information: Group by volume (length x width x depth from normal water elevation to pond/tank bottom) in cubic feet. Pond information: Provide the following information for ponds utilized by this operation. Please indicate whether each pond is lined or unlined.

Tank Groups	Volume (cubic-ft)	Number of Tanks		Pond	Volume (cubic-ft)	Average Water Table Elevation Datum _____	Invert Elevation Datum _____

C. How many times per year are the ponds/tanks emptied? _____

D. What percentage of water is filtered/treated and recycled? _____

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SECTION A3 – REQUESTED WATER USE

1. Complete the requested water use table below. Provide projected water amounts for each applicable use type and the water source(s) associated with the use type.

   If this application is for multiple sites, submit additional pages to provide the information below for each site.

Agriculture Use Type	Requested Amounts and Source(s) of Water (MGY[2] /MGM[3])		
	Source 1 Name[1] _____	Source 2 Name _____	Source 3 Name _____
Crops	/	/	/
Livestock	/	/	/
Aquaculture	/	/	/
Total	/	/	/

[1] Provide the name of the water source. Examples include the Upper Floridan aquifer and the Biscayne aquifer.
[2] MGY = Million gallons per year of water to be withdrawn over a 12-month time period under a 1-in-10 year drought condition (i.e. 1,500,000 gallons each day/1,000,000 = 1.5 x 365 = 547.5).
[3] MGM = Maximum million gallons per month of water to be withdrawn in any single month under the 1-in-10 year drought condition.

2. Please indicate the amount of frost/freeze protection requested in million gallons per day (MGD), and the type of system used (i.e. flood, micro jet, sprinkler) if applicable

_____

_____

_____

3. Please provide a description of the methodology used to calculate the requested water amounts for each use type in the table above (e.g., Modified Blaney-Criddle method, historical use, water budget calculations, other similar facilities, etc.). Attach additional sheets, if necessary. The Modified Blaney-Criddle calculation spreadsheet can be located at www.sfwmd.gov.

_____

_____

_____

SECTION A4 – WATER CONSERVATION

Please refer to District specific water conservation requirements, in the Applicant's Handbook, Section 2.3.

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

WATER USE PERMIT APPLICATION
Commercial / Industrial Use
Supplemental Form B

South Florida Water Management District
P.O. Box 24680, West Palm Beach, Florida 33416-4680 (561) 686-8800
www.sfwmd.gov/ePermitting

SECTION B1 – PARCEL/SITE INFORMATION

WATER USE PERMIT # (if application is for renewal or modification): _____

Parcel/Site Name (each non-contiguous parcel or field)	Acres Owned/ Leased	Section(s), Township, Range (S_/T_S/R_E)	County Parcel Identification Number (or attach digital GIS Shape file)
TOTAL ACRES OWNED/LEASED			

Submit a map showing (if available, provide items A through D in a District-approved electronic format, e.g. ESRI shapefile, Autocad, DXF, KMZ, or compatible GIS file):

A. The project boundaries of the property owned or controlled by the permittee/applicant;
B. All existing and proposed withdrawal point locations. Label all wells, pumps and culverts so they match the IDs provided in the Application form (Section IV - Sources of Water);
C. A north arrow and map scale; and
D. Labeled landmarks such as roads and political boundaries.

SECTION B2 – WATER USE INFORMATION

1. Check the categories below that most closely describe the type of activity associated with this permit application.

❑ Manufacturing / Processing
❑ Food Processing
❑ Beverage Processing
❑ Aquifer Remediation
❑ Mining
❑ Commercial / Specialty
❑ Power Plant
❑ Zoo / Attraction / Aquarium
❑ Rock Washing
❑ Other (describe) _____

2. Provide a detailed description of the type of business and/or operation.

_____

_____

_____

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1381 (2014XXXX)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SECTION B3 – WATER BALANCE

WATER BALANCE

Provide a water balance that shows the following information. The tables below may be used to assist in developing the water balance. The water balance may show the annual average and peak month quantities (in gallons per day) for sources, uses, losses and recycled water in a schematic diagram that portrays all steps in the process including those listed in Section B2. The total of all sources must equal the total of all uses, and the losses plus recycled water must equal the total of all sources. The water balance must include:

A. All water sources (groundwater, surface water, rainfall, recycled water, reclaimed water, etc.);
B. The amount of water entering and leaving each step in the process; and
C. All water losses (e.g., evaporation, product water content, steam losses, etc.).

WATER BALANCE WORKSHEET TABLES

WATER SOURCES

Sources include wells, surface water, recycled water, public supply utilities, reclaimed water from public supply utilities, captured excess storm water (rainfall), etc. Sources total must equal uses total.

List Sources:	Annual Average (gpd)	Peak Month (gpd)
SOURCES TOTAL:		

RECYCLED WATER SOURCES

Recycled sources include recycled water sources (see "Water Sources", above) and all reused water such as settling ponds, cooling ponds or water that is a byproduct of the industry.

List Recycled Sources:	Annual Average (gpd)	Peak Month (gpd)
RECYCLED TOTAL:		

WATER USES

Uses are water quantities entering and leaving each step in the process. These are uses listed in the two preceding tables dealing with water demand. Uses total must equal sources total.

List Uses:	Annual Average (gpd)	Peak Month (gpd)
USES TOTAL:		

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

WATER LOSSES

Losses represent water lost through evaporation (from ponds or cooling towers), product content, pond infiltration, spray disposal, steam losses, waste entrainment, sewage or wastewater, off-site disposal, etc.

List Losses:	Annual Average (gpd)	Peak Month (gpd)
LOSSES TOTAL:		

SECTION B4 – REQUESTED WATER USE

1. Complete the requested water use table below. Provide projected water amount for each applicable use type and the water source(s) associated with the use type.

Commercial/Industrial Use Type	Requested Amounts and Sources of Water (MGY[2]/MGM[3])		
	Source 1 Name[1] _____	Source 2 Name _____	Source 3 Name _____
Manufacturing / Processing	/	/	/
Food Processing	/	/	/
Beverage Processing	/	/	/
Aquifer Remediation	/	/	/
Mining	/	/	/
Commercial / Specialty	/	/	/
Power Plant			
Zoo / Attraction / Aquarium	/	/	/
Rock Washing	/	/	/
Other _____	/	/	/
Total	/	/	/

[1] Provide the name of the water source. Examples include the Upper Floridan aquifer and the Biscayne Aquifer

[2] MGY = Million gallons per year of water to be withdrawn over a 12-month time period under a 1-in-10 year drought condition (i.e. 1,500,000 gallons each day/1,000,000 = 1.5 x 365 = 547.5).

[3] MGM = Maximum million gallons per month of water to be withdrawn in any single month under the 1-in-10 year drought condition.

2. Provide a description of the methodology used to calculate the requested amounts for each commercial or industrial use listed in the table above. Attach additional sheets, if necessary.

_____

_____

_____

SECTION B5 – WATER CONSERVATION

Please refer to District specific water conservation requirements, in the Applicant's Handbook, Section 2.3.

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

WATER USE PERMIT APPLICATION
Landscape / Recreation Use
Supplemental Form C

South Florida Water Management District
P.O. Box 24680, West Palm Beach, Florida 33416-4680 (561) 686-8800
www.sfwmd.gov/ePermitting

SECTION C1 – PARCEL/SITE INFORMATION

WATER USE PERMIT # (if application is for renewal or modification): _____

Parcel/Site Name (each non-contiguous parcel or field)	Acres Owned/ Leased	Section(s), Township, Range (S_/T_S/R_E)	County Parcel Identification Number (or attach digital GIS Shape file)
TOTAL ACRES OWNED/LEASED			

Submit a map showing (if available, provide items A through E in a District-approved electronic format, e.g. ESRI shapefile Autocad, DXF, KMZ, or compatible GIS file):

A. The project boundaries of the property owned or controlled by the permittee/applicant;
B. The area on the property that is being or will be irrigated, if applicable;
C. All existing and proposed withdrawal point locations. Label all wells, pumps and culverts so they match the IDs provided in the Application form (Section IV - Sources of Water);
D. A north arrow and map scale, and
E. Labeled landmarks such as roads and political boundaries.

SECTION C2 – WATER USE INFORMATION

1. **IRRIGATED LANDSCAPE / GOLF COURSE AREAS**

Water Use Type[1]	# Acres Irrigated	Soil Type[2]	Rainfall Station Name[3]	Irrigation System[4]

[1] Turf, shrubs, non-turf planting beds, common areas, cemetery, athletic fields, tennis courts, parks, medians, golf course, etc.
[2] / [3] Refer to Blaney Net Depth of Application Area Maps located @ www.sfwmd.gov
[4] Drip, Micro jet, overhead, etc.

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1382 (2014XXXX)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

1. **WATER-BASED RECREATION**
   Describe the type of water-based recreation. Examples: swimming pools, spas, and waterslides.

   _____

   _____

   _____

SECTION C3 – REQUESTED WATER USE

1. Complete the requested water use table below. Provide projected water amount for each applicable use type and the water source(s) associated with the use type.

2. The allocations for irrigation withdrawals are based on the supplemental irrigation requirements for the turf types and acreages listed.

Landscape/Recreation Use Type	Requested Amounts and Sources of Water (MGY[2]/MGM[3])		
	Source 1 Name[1] _____	Source 2 Name _____	Source 3 Name _____
Golf Course	/	/	/
Irrigated Landscape	/	/	/
Water Based Recreation	/	/	/
Total	/	/	/

[1] Provide the name of the water source. Examples include the Upper Floridan aquifer and the Biscayne aquifer.
[2] MGY =Million gallons per year of water to be withdrawn over a 12-month time period under a 1-in-10 year drought condition (i.e. 1,500,000 gallons each day/1,000,000 = 1.5 x 365 = 547.5)
[3]MGM = Maximum million gallons per month of water to be withdrawn in any single month under the 1-in-10 year drought condition.

3. Please provide a description of the methodology used to calculate the requested amounts for each use type in the table above (e.g., Modified Blaney-Criddle method, historical use, water budget calculations, other similar facilities, etc.). Attach additional sheets, if necessary. The Modified Blaney-Criddle calculation spreadsheet can be located at www.sfwmd.gov.

   _____

   _____

   _____

SECTION C4 – WATER CONSERVATION

Please indicate the amount of reclaimed water, if applicable, that will be used to meet irrigation needs on an average daily and maximum monthly basis, and include a copy of the reclaimed water agreement.

_____

_____

_____

Please refer to District specific water conservation requirements, in the Applicant's Handbook, Section 2.3.

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1382 (2014XXXX)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

WATER USE PERMIT APPLICATION
Dewatering Use
Supplemental Form D

South Florida Water Management District
P.O. Box 24680, West Palm Beach, Florida 33416-4680 (561) 686-8800
www.sfwmd.gov/ePermitting

SECTION D1 – PARCEL/SITE INFORMATION

Parcel/Site Name (each non-contiguous parcel or field)	Acres Owned/ Leased	Section(s), Township, Range (S_/T_S/R_E)	County Parcel Identification Number (or attach digital GIS Shape file)
TOTAL ACRES OWNED/LEASED			

Submit a map showing (if available, provide items A through G in a District-approved electronic format, e.g. ESRI shapefile, Autocad, DXF, KMZ, or compatible GIS file):

A. The project boundaries of the property owned or controlled by the permittee/applicant;
B. The area on the property that is being or will be dewatered;
C. All existing and proposed withdrawal point locations. Label all wells, pumps and culverts so they match the IDs provided in the Application form (Section IV - Sources of Water);
D. A north arrow and map scale;
E. Labeled landmarks such as roads and political boundaries;
F. Show the dewatering operation including the discharge routing, any pre-mitigation measures, such as hydraulic recharge/intercept ditches, on-site storage areas, off-site discharge points, wetlands, existing legal users, contamination sites, and/or saline water; and
G. Provide locations of any groundwater augmentation points.

Type of dewatering permit requested:

❑ Standard Individual (up to one year) ❑ Standard Individual (greater than one year) ❑ Master Individual

A Standard permit would represent projects that are defined and a Master permit would represent projects with phases, undefined activities or no contractor at the time of permit application.

Refer to the Applicant's Handbook, Section 2.3.2(B).

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1383 (2014XXXX)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SECTION D2 – WATER USE INFORMATION

1. **DEWATERING**

A. Indicate method(s) of dewatering;
B. Explain how water from dewatering activities or from ground or surface water withdrawal points is to be used, transferred, discharged or stored on site for each phase of the project;
C. List methods that will be implemented to mitigate turbidity and prevent hydrologic impacts;
D. Identify all wetlands on or adjacent to the project which may be impacted;
E. Identify all existing legal users on or adjacent to the project which may be impacted;
F. Locate and describe all sources of groundwater contamination or pollution;
G. Locate and describe the location of the nearest saline water;
H. Provide a contingency plan which describes how storm water will be managed during dewatering operations (include volume calculations and area of influence);
I. Identify the areal extent of the drawdown of the aquifer;
J. Provide the proposed timeline and duration for progression of the dewatering activities either on the map or in narrative format;
K. Identify the length, width and cross sections with elevation and datum information for all dewatered areas, proposed storage areas and pre-mitigation constructions; and
L. Provide the maximum depth of dewatering and excavation.

2. **DISCHARGE**

Is off-site discharge proposed as part of this operation? ❑ Yes ❑ No

If the site is in a Water Reservation Area, no offsite discharge is allowed in excess of the reserved amount.

If off-site discharge is proposed as part of this operation, please demonstrate that it is not technically feasible to retain water onsite and provide the following information:

A. Documentation of authorization that allows the applicant to discharge directly into the receiving water body and/or adjacent lands, and a demonstration that the receiving water body or adjacent lands are capable of accepting the dewatering discharge;
B. An operations plan which demonstrations that the discharge to the receiving water body will meet all applicable State Water Quality standards prior to discharge; and that the discharge to protected wetlands will not contain turbidity levels in violation of State Water Quality standards prior to discharge;
C. A monitoring plan which includes, at a minimum, proposed sampling locations and daily turbidity measurements of the discharge and background conditions in the receiving body and/or wetland; and
D. A contingency plan which includes procedures for ceasing dewatering operations and correcting the situation until monitoring demonstrates water quality standards are met.

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SECTION D3 – WATER BALANCE

WATER BALANCE – Provide a water balance that demonstrates where and in what quantities water is generated to accomplish the dewatering, including any associated losses, and where and in what quantity water is stored, recharged, disposed, or reused. The tables below may be used to assist in developing that water balance. If processing of materials is associated with the dewatering, a separate water balance describing these activities is required.

Dewatering:

Phase/Description	Pump Capacity (gal/min)	Operation Period (gal/day)	Max Daily Pumpage (gal/day)*	Max Pumpage Duration (days)*	Average Daily Pumpage (gal/day)*	Average Pumpage Duration (days)*	Total Pumpage (million gallons)
						TOTAL:	

* Dewatering operations can include a high volume startup period followed by lower volume maintenance pumping.

Discharge:

Discharge Location	Description	Annual Average (gpd)	Peak Month (gpd)

Extent:

Phase/Description	Average Land Surface (ft. NAVD/NGVD)[1]	Water Table Elevation (ft. NAVD/NGVD)[1]	Lowest Excavated Elevation (ft. NAVD/NGVD)[1]	Depth of Dewatering Elevation (ft. NAVD/NGVD)[1]	Areal Extent of Drawdown[2] (feet)

[1]Please indicate how data is represented by circling NAVD or NGVD.
[2]Can be calculated using an analytical or numerical model (i.e. Theis or Modflow) or empirical formula (i.e. Sichardt). Please provide input and output files for models and calculations for formulas.

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SECTION D4 – REQUESTED WATER USE

1. Complete the requested water use table below. Provide projected water amount for each applicable use type and the water source(s) associated with the use type. Typical dewatering water demands are listed below.

Dewatering Use Type	Requested Amounts and Sources of Water (MGY[2]/MGM[3])		
	Source 1 Name[1] _____	Source 2 Name _____	Source 3 Name _____
Dewatering	/	/	/
Discharge from site	/	/	/
Other _____	/	/	/
Total	/	/	/

[1] Provide the name of the water source. Examples include the water table aquifer, mining pit, canal/ditch, pond, etc.
[2] MGY = Million gallons per year of water to be withdrawn over a 12-month time period (i.e. 1,500,000 gallons each day/1,000,000 = 1.5 x 365 = 547.5).
[3] MGM = Maximum million gallons per month of water to be withdrawn in any single month.

2. Please provide a description of the methodology used to calculate the requested water amounts for each use type in the table above. Attach additional sheets, if necessary.

_____

_____

_____

_____

_____

_____

_____

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1383 (2014XXXX)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

WATER USE PERMIT APPLICATION
Public Supply Use
Supplemental Form E

South Florida Water Management District
P.O. Box 24680, West Palm Beach, Florida 33416-4680
(561) 686-8800
www.sfwmd.gov/ePermitting

SECTION E1 – SITE INFORMATION (Location/Site Maps)

Submit a map showing (if available, provide items A through F in a District-approved electronic format, e.g. ESRI shapefile, Autocad, DXF, KMZ, or compatible GIS file):

A. The Distribution Area boundary(ies) where service is currently being provided and where the utility is proposing to provide service during the permit duration;
B. The Authorized Water Service Area or Franchise Area boundary in which the utility is legally authorized to provide potable water service;
C. All existing and proposed withdrawal locations and monitor wells. Label all wells, pumps and culverts so they match the IDs provided in the Application form (Section IV - Sources of Water);
D. Locations of interconnections with other utilities;
E. A north arrow and map scale; and
F. Labeled landmarks such as major roads and political boundaries.

SECTION E2 – WATER DEMAND COMPONENTS, POPULATION AND PER CAPITA USE

Historical data must be provided for the previous five years (including the most recent calendar year) and projected use at a minimum of five-year intervals for the requested permit duration.

Past Treated Water Use

	Year	Population	Unit	Residential Treated Use (mgd)		Industrial / Commercial Treated Use[1] (mgd)	Treated Landscape and Recreation Irrigation Average Day[2] (mgd)	Other Treated Metered Uses[3] (mgd)	Unaccounted Treated Uses[4] (mgd)	Large User's Agreement Treated Deliveries[5] (mgd)	Total Treated Water[6] (mgd)	Treate Per Capit
				Single Family	Multi-Family							
Historic			U									
			P									
			UxP									
			U									
			P									
			UxP									
			U									
			P									
			UxP									
			U									
			P									
			UxP									
			U									
			P									
			UxP									

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1384 (2014XXXX)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

Projected Treated Water Use

	Year	Population	Unit	Residential Treated Use (mgd)		Industrial / Commercial Treated Use[1] (mgd)	Treated Landscape and Recreation Irrigation Average Day[2] (mgd)	Other Treated Metered Uses[3] (mgd)	Unaccounted Treated Uses[4] (mgd)	Large User's Agreement Treated Delivered[5] (mgd)	Total Treated Water[6] (mgd)	Treate Per Capit (gpcc
				Single Family	Multi-Family							
Projected			U									
			P									
			UxP									
			U									
			P									
			UxP									
			U									
			P									
			UxP									
			U									
			P									
			UxP									
			U									
			P									
			UxP									

U = Number of units P = Per-unit water demand UxP = Total water demand

[1] Bulk industrial and commercial use including businesses, manufacturing facilities, and institutions such as schools and hospitals, including irrigation uses associated with these facilities whose irrigation source is provided by the utility.
[2] Use for irrigation of common areas such as parks, athletic fields, cemeteries, medians, and rights-of-way.
[3] Examples of "Other" could include supplementation of a reclaimed water system, or other uses not listed above.
[4] Water losses due to leaks, unmetered use, firefighting, etc.
[5] Water delivered to others through interconnections.
[6] The annual average day treated water demand; should represent the sum of the columns to the left.

Please explain the type of unit as defined in your service area / billing system:

_____

_____

_____

Please describe the treatment method by plant, percent of product (usable water), the percent of reject (unusable) water, and the manner in which reject water will be disposed.

_____

_____

_____

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1384 (2014XXXX)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

Raw Water Use

	Year	Population	Total Treated Water Use (from above in mgd)	Treatment Losses[1] (mgd)	Large User's Agreement Raw Delivered[2] (mgd)	Large User's Agreement Raw Received[3] (mgd)	Total Raw Water Use[4] (mgd)	Raw Per Capita Use (gpcd)	Maximum Monthly Use (mgd)	Ratio Max : Average[5]
Historic										
Projected										

[1] System losses for water that must undergo a treatment process, reject water from treatment systems such as reverse osmosis returned to head of plant.
[2] Water delivered from others through interconnections.
[3] Water received from others through interconnections.
[4] The annual average day raw water demand; should represent the sum of the columns to the left except for raw received, which should be subtracted.
[5] The maximum monthly to average monthly peaking ratio, as calculated pursuant to Section 2.3.2.2.F.4 of the Applicant's Handbook.

1. Attach a description of the methodology used to develop projections for each column in the Projected Water Demands table above. Include supporting calculations and describe any deviations from District-approved methods as described in the Applicant's Handbook.
2. Attach additional information supporting raw per capita daily water use greater than 200 gallons per capita per day.
3. For those utilities which provide water to other entities through large user's agreements or other similar contracts, the quantity of water delivered to each end user (both average and peak day) and the duration of the water service delivery shall be identified. For those utilities which purchase supplemental water from another utility, the volume of water historically purchased (or contracted to be purchased for proposed uses) for both an average and maximum daily basis and the duration of the contract shall be provided.

SECTION E3 – REUSE FEASIBILITY

Please refer to District specific requirements, in the Applicant's Handbook, Section 2.2.

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SECTION E4 – HISTORICAL AND REQUESTED WATER USE

1. **Historical and Projected Water Supply Sources -** Provide the historical and projected water supply from each source. Sources include any bulk water purchases or transfers. The sum of all sources should equal the Annual Average Daily Raw Water Demand.

	Year	Requested Amounts and Source(s) of Water (MGY[2]/MGM[3])				
		Annual Average Daily Raw Water Demand (mgd) Section E2 Raw Water	Source 1 Name[1] _____ MGY[2]/MGM[3]	Source 2 Name _____ MGY[2]/MGM[3]	Source 3 Name _____ MGY[2]/MGM[3]	Source 4 Name _____ MGY[2]/MGM[3]
Historical Water Supply			/	/	/	/
			/	/	/	/
			/	/	/	/
			/	/	/	/
			/	/	/	/
Projected Water Supply			/	/	/	/
			/	/	/	/
			/	/	/	/
			/	/	/	/
			/	/	/	/

[1] Provide the name of the water source. Examples include the Upper Floridan aquifer and the Biscayne aquifer.
[2] MGY =Million gallons per year of water to be withdrawn over a 12-month time period. (i.e. 1,500,000 gallons each day/1,000,000 = 1.5 x 365 = 547.5).
[3] MGM = Maximum million gallons per month of water to be withdrawn in any single month.

2. **Wellfield Operation Schedule -** Attach or provide a description of the typical wellfield operation schedule, including source and/or facility specific allocations if applicable. Identify which wells are primary, secondary (peaking), stand-by, and describe the well rotation schedule.

_____

_____

_____

SECTION E5 – WATER CONSERVATION

Please attach a copy of the conservation plan as described in Subsection 2.3.2 of the Applicant's Handbook, and include a copy of any water conservation ordinances related to the plan.

Indicate whether the conservation program is a Standard Conservation Plan or a Goal-based Plan.

❑ Standard Conservation Plan ❑ Goal-based Plan

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1384 (2014XXXX)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

WATER USE PERMIT APPLICATION
Diversion and Impoundment Use
Supplemental Form F

South Florida Water Management District
P.O. Box 24680, West Palm Beach, Florida 33416-4680 (561) 686-8800
www.sfwmd.gov/ePermitting

Diversion and Impoundment – Projects that divert surface water through a pump or operable water control structure, or divert a combination of surface and groundwater to a conveyance canal network system which the applicant has legal control to operate and maintain for the purposes of providing for the reasonable-beneficial demands of secondary users and consumptive and non-consumptive uses.

SECTION F1 – PARCEL/SITE INFORMATION

WATER USE PERMIT # (if application is for renewal or modification): _____

Parcel/Site Name (each non-contiguous parcel or field)	Acres Serviced	Section (s), Township, Range (S_/T_S/R_E)	County Parcel Identification Number (or attach digital GIS Shape file)
TOTAL ACRES OWNED/LEASED			

Submit a map showing (if available, provide items A through C in a District-approved electronic format, e.g. ESRI shapefile, Autocad, DXF, KMZ, or compatible GIS file):

A. The project boundaries of the property owned or controlled by the permittee/applicant;
B. A north arrow and map scale;
C. Labeled landmarks such as canals, roads and political boundaries; and
D. The location of all secondary users of the system, including irrigated acreage and land use type.

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1386 (2014XXXX)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SECTION F2 – WATER USE INFORMATION

Please describe the operation by attaching the following information, as applicable (refer to the Applicant's Handbook, Section 2.3.2.C):

- ❑ The extent (length, cross sections and depth) of the canal network used to deliver the associated water
- ❑ Land use classifications within the serviced area
- ❑ Surface water demands directly withdrawn for the system
- ❑ Seepage Losses
- ❑ Water necessary to maintain groundwater elevations for the purpose of aquifer recharge and saltwater intrusion prevention
- ❑ Evaporation losses from the canal surfaces
- ❑ Established control elevations during one and 10 year drought events
- ❑ Copies of executed agreements with dependent secondary users
- ❑ Historic use (permit renewal with no changes)
- ❑ Canal locations with established wet and dry season control elevations

SECTION F3 – REQUESTED WATER USE

Complete the requested water use table below. Provide projected water amount for each use type and the associated water source(s).

Use Type	Source of Water (MGY[2]/MGM[3])		
	Source 1 Name[1] _____	Source 2 Name _____	Source 3 Name _____
Secondary Users Total	/	/	/
Maintenance Demands Total	/	/	/
Total	/	/	/

[1] Provide the name of the water source. Examples include C 51, LWDD E-1
[2] MGY = Million gallons per year of water to be withdrawn over a 12-month time period under a 1-in-10 year drought condition (i.e. 1,500,000 gallons each day/1,000,000 = 1.5 x 365 = 547.5)
[3] MGM = Maximum million gallons per month of water to be withdrawn in any single month under the 1-in-10 year drought condition.

SECTION F4 – WATER CONSERVATION

Please refer to District specific water conservation requirements, in the Applicant's Handbook, Section 2.0.

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

South Florida Water Management District
Flow Meter Accuracy Calibration Report Form

Online reporting is available at www.sfwmd.gov/ePermitting

PERMIT INFORMATION

WATER USE PERMIT NUMBER: _____ PERMITTEE NAME: _____

PROJECT NAME: _____COMPLIANCE CONTACT:_____

WELL/PUMP/STATION INFORMATION

DISTRICT ID: _____ NAME: _____

METER MANUFACTURER: _____ SERIAL NUMBER: _____

ACCURACY TESTING

DATE OF TEST: _____

STATION METER		TESTING METER	
Initial meter reading @ start of test:	_____	Initial meter reading @ start of test:	_____
Final meter reading @ end of test:	_____	Final meter reading @ end of test:	_____
Total gallons:	_____	Total gallons:	_____

DURATION OF TEST*: _____

*Should be at least 5 minutes.

PERCENT ACCURACY [(total gallons station meter/total gallons test meter)*100]: _____

PERCENT ERROR (percent accuracy-100): _____

TEST METER INFORMATION

METER MANUFACTURER: _____ SERIAL NUMBER: _____

DATE OF LAST CALIBRATION (test meter): _____

ATTACH DIAGRAM OR PHOTO OF TEST METER INSTALLATION POSITION (optional)

Reference the SFWMD Calibration Handbook located online at www.sfwmd.gov – Select: Permits / Consumptive Water Use Permits / Compliance / Calibration Handbook.

TESTER INFORMATION

NAME OF PERSON PERFORMING TEST: _____

PHONE NUMBER:_____ EMAIL ADDRESS: _____

I certify that to the best of my knowledge and belief all of the information on this form is correct. I understand that making any material false statement on this form or in any attachments to it may result in revocation, in whole or in part, of the permit.

Please mail form to:
Regulatory Support/Regulation Division
South Water Management District
P.O. Box 24680
West Palm Beach, Florida 33416-4680

For assistance, please contact: wucompliance@sfwmd.gov

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1387

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

South Florida Water Management District
Alternative Method Calibration Report Form

Online reporting is available at www.sfwmd.gov/ePermitting

PERMIT INFORMATION

WATER USE PERMIT NUMBER: _____ PERMITTEE NAME: _____

PROJECT NAME: _____COMPLIANCE CONTACT:_____

WELL/PUMP/STATION INFORMATION

DISTRICT ID: _____ NAME: _____

TIME CRITERIA – SELECT ONE

☐ ELECTRIC CONSUMPTION – show calculations for converting kWh to hours run.

_____

_____

☐ PUMP HOUR METHOD – no supporting information required.

☐ LOG BOOK – no supporting information required.

FLOW RATE CHECK – SELECT ONE

☐ PUMP CURVE – describe how you determined flow rate and provide a copy of the pump curve.

_____

_____

☐ CARPENTER SQUARE – describe how you determined flow rate and provide calculations.

_____

_____

☐ SPRINKLER APPLICATION RATE – describe how you determined flow rate and provide calculations.

_____

_____

☐ BUCKET METHOD – describe how you determined flow rate and provide calculations.

_____

_____

☐ STRAP-ON or INSERTION TURBINE METER – provide the following:

METER MANUFACTURER: _____ SERIAL # ON TEST METER: _____

DATE OF LAST CALIBRATION: _____

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1388 (2014xxxx)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

☐ OTHER – describe how you determined flow rate.

_____

_____

CALCULATED FLOW RATE

FLOW RATE (gpm): _____ DATE OF TEST: _____

TESTER INFORMATION

NAME OF PERSON PERFORMING TEST: _____

PHONE NUMBER: _____ EMAIL ADDRESS: _____

I certify that to the best of my knowledge and belief all of the information on this form is correct. I understand that making any material false statement on this form or in any attachments to it may result in revocation, in whole or in part, of the permit.

For assistance, please contact: wucompliance@sfwmd.gov

Please mail form to:
Regulatory Support/Regulation Division
South Water Management District
P.O. Box 24680
West Palm Beach, Florida 33416-4680

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1388 (2014XXXX)

South Florida Water Management District
Crop (Freeze) Protection Form

Online reporting is available at www.sfwmd.gov/ePermitting

PERMIT INFORMATION

WATER USE PERMIT NUMBER: _____ PERMITTEE NAME: _____

PROJECT NAME: _____COMPLIANCE CONTACT:_____

CROP PROTECTION INFORMATION
(attach additional sheets if necessary)

REPORTING MONTH/YEAR: _____

Please enter the beginning and ending meter readings or the starting and ending time water was pumped for crop protection, as specified by condition in your permit. Use one form for each month that the withdrawal point(s) were used for crop protection.

Date	District Well/Pump/Station ID Number	Well/Pump/Station Capacity (gpm)	Start Time or Begin Meter Reading	End Time or End Meter Reading	Gallons Pumped
				Total Gallons Used:	

SUBMITTER INFORMATION

NAME OF PERSON SUBMITTING DATA: _____ DATE: _____

PHONE NUMBER: _____EMAIL ADDRESS: _____

I certify that to the best of my knowledge and belief all of the information on this form is correct. I understand that making any material false statement on this form or in any attachments to it may result in revocation, in whole or in part, of the permit.

Freeze protection data may be submitted using the Pumpage Report form.

Please mail form to:
Regulatory Support/Regulation Division
South Water Management District
P.O. Box 24680
West Palm Beach, Florida 33416-4680

For assistance, please contact: wucompliance@sfwmd.gov

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1389

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

NOTICE OF INTENT TO USE A WATER USE NOTICED GENERAL PERMIT

South Florida Water Management District
P.O. Box 24680, West Palm Beach, Florida 33416-4680 (561) 686-8800
www.sfwmd.gov/ePermitting

Instructions: This form is to be used for projects that qualify for a Noticed General Permit in accordance with Rule 40E-2.071, F.A.C. Noticed General Permits are provided for certain activities that have been determined to have minimal impacts to the water resources of the state when conducted in compliance with the terms and conditions of the general permit. Dewatering and Diversion and Impoundment projects are not eligible for a Noticed General Permit.

To qualify for a Noticed General Permit, the project must meet all of the following Allocation, Facility and Source criteria. If your project does not satisfy all of these requirements, please complete a form for an Individual Permit.

ALLOCATION:

- The cumulative average daily water use is less than 100,000 gallons per day (GPD) on an annual basis;
- Does not exceed an annual average allocation greater than or equal to 300,000 GPD for *irrigation purposes* within the South Dade County Water Use Basin as depicted in Figure 21-11, Chapter 40E-21, F.A.C.;
- Does not exceed an annual average allocation greater than or equal to 10,000 GPD within the Lower Tamiami, Sandstone and Mid-Hawthorn aquifers as depicted in Figures 2-1, 2-2 and 2-3, Chapter 40E-2, F.A.C.;

FACILITY:

- Are from facilities having a cumulative withdrawal capacity of less than 1,000,000 GPD;
- Are from groundwater wells less than eight (8) inches in diameter;
- Are from surface water facilities which have a cumulative intake diameter less than six (6) inches;
- Are consistent with requirements of any applicable mandatory reuse zones, and

***Note**: Projects in the South Dade County Water Use Basin are exempt from the facility criteria indicated above.*

SOURCE:

- Does not use surface water from the C-23, C-24, C-25, L-1, L-2 or L-3 Canal Systems;
- Does not use surface water within the Lake Istokpoga/Indian Prairie Canal System as identified in Figures 21-20 and 21-21, Chapter 40E-21, F.A.C.;
- Does not use surface or groundwater within the Picayune Strand or Fakahatchee Estuary, groundwater indirectly from the Picayune Strand or Fakahatchee Estuary or any canal identified in Figure 3-6 of the Applicant's Handbook, or surface water indirectly from any canal identified in Figure 3-6 of the Applicant's Handbook;
- Does not use surface water from the Lower East Coast Everglades Waterbodies or the North Palm Beach County/Loxahatchee River Watershed Waterbodies identified in Figures 3-1 and 3-2 of the Applicant's Handbook and the integrated conveyance system.
- Does not use surface water from the Nearshore Central Biscayne Bay Reservation canal reaches as identified in Figure 3-1, Chapter 40E-10, F.A.C.

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1391 (2014XXXX)

SECTION I – CONTACT INFORMATION

WATER USE PERMIT # (if application is for renewal or modification): _____

If necessary, attach additional sheets if there are multiple applicants, owners, agents, etc.

1. **APPLICANT** (Complete legal name in which permit should be issued)

   NAME:_____

   *If applicant is a business, provide a contact person:*_____

   ADDRESS: _____

   CITY, STATE, ZIP: _____

   PHONE: (_____) _____ CELL PHONE: (_____) _____

   EMAIL ADDRESS: _____

   Applicant is: ❑ Owner ❑ Lessee* ❑ Agent/Consultant ❑ Other (explain)_____

   *Date lease expires (mm/dd/yyyy)_____ Is lease automatically renewable ❑ No ❑ Yes

2. **OWNER** (If different than applicant)

   NAME:_____

   ADDRESS: _____

   CITY, STATE, ZIP: _____

   PHONE: (_____) _____ CELL PHONE: (_____) _____

   EMAIL ADDRESS: _____

3. **AGENT OR CONSULTANT**

   NAME:_____COMPANY NAME (if applicable): _____

   ADDRESS: _____

   CITY, STATE, ZIP: _____

   PHONE: (_____) _____ CELL PHONE: (_____) _____

   EMAIL ADDRESS: _____

SECTION II – APPLICATION INFORMATION

Refer to the Applicant's Handbook for permit application guidance, located online at www.sfwmd.gov. If any fields are not applicable for the proposed use, write N/A in the field.

1. **TYPE OF APPLICATION:** ❑ New ❑ Modification ❑ Renewal
   If this application is for a modification, please describe the modification request and the reason the modification is necessary. _____

2. **PROJECT NAME**: _____ **COUNTY**: _____

   PHYSICAL ADDRESS: _____

3. **RELATED PERMITS** (for projects other than Public Supply)

   ❑ ENVIRONMENTAL RESOURCE PERMIT (ERP) PERMIT/APPLICATION No(s): _____

   ❑ RIGHT OF WAY (ROW) PERMIT/APPLICATION No(s): _____

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1391 (2014XXXX)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SECTION III – USE CATEGORY

Please check all applicable water use categories associated with this project.

❑ **Agricultural** ❑ **Commercial / Industrial** ❑ **Landscape / Recreation** ❑ **Public Supply**

SECTION IV – PARCEL/SITE INFORMATION

Parcel/Site Name (each non-contiguous parcel or field)	Acres Owned/ Leased	Section(s), Township, Range (S_/T_/R_)	County Parcel Identification Number (or attach digital GIS Shape file)
TOTAL			

SECTION V – WATER USE INFORMATION

1. **CROPS** (includes annual/perennial crops, pasture, hay and sod. If crop types are rotated annually, list the crops with the higher irrigation requirements)

Crop Name	Plant/Crop Type	Earliest Planting Month	Total # Planting Months	# Irrigated Acreage	Soil Type[1]	Rainfall Station Name[2]	Irrigation System[3]

[1/2] refer to Blaney Net Depth of Application Area Maps located @ www.sfwmd.gov. [3] Drip, Micro jet, overhead, nursery container, etc.

2. **IRRIGATED LANDSCAPE / GOLF COURSE AREAS**

Water Use Type[1]	# Acres Irrigated	Soil Type[2]	Rainfall Station Name[3]	Irrigation System[4]

[1] Turf, shrubs, non-turf planting beds, common areas, cemetery, athletic fields, tennis courts, parks, medians, golf course, etc.
[2] / [3] Refer to Blaney Net Depth of Application Area Maps located @ www.sfwmd.gov (Topics>>Permits >> CONSUMPTIVE WATER USE PERMITS>>[left-hand side of the page under Related Links)
[4] Drip, Micro jet, overhead, etc.

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

3. **LIVESTOCK**

Livestock Type	# of Livestock	Demand Per Head (Gallons)	Livestock Type	# of Livestock	Demand Pe Head (Gallons)
Beef Cattle		12	Horses		12
Chickens		0.1	Sheep		2
Dairy Cattle		150	Turkeys		1
Hogs		2	Other_____		_____

4. **PUBLIC SUPPLY**

Water Use Type[1]	Population Served	Per Capita Use (GPD[2]/Per Person)	Average Daily Use in GPD[2] (Population served x Per Capita Use)	Max Month Peaking Factor (Generally between 1.3 and 1.7)	Max Monthly Use in GPM[3] (Average Daily Use x Max Month Peaking Factor x 30.4)

[1] Indicate what the water will be used for (i.e. employee usage, campground facilities, restrooms, motel, etc.)
[2] Display data in Gallons per day
[3] Display data in Gallons per month

5. **OTHER WATER USE** (Please provide a description on how the water will be used)

_____

_____

_____

SECTION V – SOURCES OF WATER

SUMMARY OF GROUNDWATER (WELL) FACILITIES

Well Name or Number	Pump or Flow Capacity (GPM)[1]	Pump Type[2]	Casing Diameter[3] (inches)	Total Depth[4] (feet)	Casing Depth[5] (feet)	Status[6] (include date if proposed)

[1] The amount of water the pump can produce in gallons per minute (GPM)
[2] The type of pump installed for the well (i.e. Centrifugal, Submersible, Electric turbine, Diesel turbine, Jet, Hydraulic
[3] The outside diameter of the well casing
[4] The total length in feet between the land surface and the bottom of the well
[5] The length in feet from the land surface to the bottom of the well casing
[6] Primary, Secondary, Standby, Monitor

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

SUMMARY OF SURFACE WATER (PUMP / CULVERT) FACILITES

Pump/Culvert Name or Number	Pump Capacity[1] (GPM)	Pump Intake Diameter / Culvert Diameter[2] (inches)	Pump/Culvert Type[3]	Status[4] (include date if proposed)

[1]The amount of water the pump can produce in gallons per minute (GPM).
[2] Size of the intake opening of the pump, in inches or if the culvert is round, the inside diameter of the culvert in inches.
[3] The type of pump installed for the well (i.e. Centrifugal, Submersible, Electric turbine, Diesel turbine, Jet, Hydraulic.
[4] Primary, Secondary, Standby, Monitor.

SECTION VI – APPLICANT CHECKLIST

Please make sure to include the following items with the permit application submittal:

❑ Proof of Property Control (i.e. Deed, Lease) as per the Applicant's Handbook, subsection 2.1.1 (may be obtained via the applicable county Property Appraiser's website). *Lessee must provide date of lease expiration and if automatically renewable as requested in Section I.*

❑ Location/Site Map (to include the location of all existing facilities)

❑ Application Fee of $350.00 if submitted using this form, or $100.00 if submitted online @ www.sfwmd.gov/ePermitting.

SECTION VII– APPLICANT CERTIFICATION

I hereby certify that the surface water pumps or groundwater wells associated with the water use of this project are located on property I own/lease or that I have the legal right to access, use, and maintain the surface water pumps and groundwater wells. Upon the District's request, I shall provide written documentation demonstrating my legal control of the withdrawal facilities at any time during the application process or the permitted duration.

I certify that to the best of my knowledge and belief all of the information provided on this form and in any attachment to it is correct. I understand that for any material false statement in an application to continue, initiate, or modify a use, or for any material false statement in any report or statement of fact required of the permittee may result in revocation, in whole or in part, of the permit. [Section 373.243(1), Florida Statutes]. With advance notice, I agree to provide District staff with proper identification entry to the project site for the purpose of performing analyses of the site for determining whether the conditions for issuance will be met. Further, if a permit is granted, I agree that, with advance notice, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications.

(If applicable) I authorize _____ to act as my agent for permit application coordination.

_____	_____	_____
APPLICANT'S NAME	APPLICANT'S SIGNATURE	DATE
AUTHORIZED AGENT'S NAME	AUTHORIZED AGENT'S SIGNATURE	DATE

Incorporated by reference in rule 40E-2.091 (F.A.C.)
Form 1391 (2014XXXX)

Attachment: ca_reg_102_sd (1573 : Notice of Proposed Rule associated with CUP Consistency)

M E M O R A N D U M

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: November 14, 2013

SUBJECT: Contract with AMEC Environment and Infrastructure, Inc. for Water Quality Monitoring Services

Summary
Authorize a three-year work order contract with two one-year renewal options with AMEC Environment and Infrastructure, Inc. for Water Quality Monitoring Services. The objective of this work order contract is to provide a mechanism for obtaining water quality monitoring services on an as-needed basis throughout the South Florida Water Management District boundary in order to comply with legal mandates and to provide water quality information used to support management decisions. Monitoring services provided by this contract are over the capacity of current Water Quality Monitoring Section staffing complement. Work authorized under this work order includes the collection of surface water samples with the option of collecting flow measurements. There are two existing Everglades Source Control monitoring projects that will need to use this contracting mechanism immediately. The projects are currently monitored under the existing Water Quality Monitoring Services Contract which expires on December 31st. This new work order contract is in an amount not to exceed $450,000 for which $112,500 is budgeted in FY14.

Staff Recommendation
Staff recommends approval to enter into negotiations for water quality monitoring services and the award of one work order contract.

Core Mission and Strategic Priorities
This item supports the District's core mission of providing water quality improvements. The Water Quality Monitoring Section within the Water Resources Division will provide contract management and oversight. Data gathered will be used by the Everglades Regulation Bureau within the Regulation Division to develop a Nutrient Source Control Program for the St. Lucie Estuary Watershed and to provide a comprehensive overview of phosphorus sinks, sources, and transport mechanisms within the S5A sub-basin.

Funding Source
This is a three-year work order contract, subject to successful negotiations, in an amount not to exceed $450,000 in ad valorem and dedicated funds (the Everglades Forever Act and the St. Lucie Regulatory Source Control Programs) for which $112,500 is budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 - FY17 budgets.

Staff Contact and/or Presenter
Linda Crean, Section Administrator, Water Quality Monitoring, lcrean@sfwmd.gov <mailto:lcrean@sfwmd.gov>, x4745

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1103

A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options with AMEC Environment and Infrastructure, Inc., subject to successful negotiations for water quality monitoring services in the amount of $450,000 of which $112,500 is budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15-FY17 budgets; providing that, if negotiations are unsuccessful with AMEC Environment and Infrastructure, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract No. 4600002969) (WR, Lori Wenkert-Lane, ext. 4562)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the official ranking of short-listed firms and entering into a three year work order contract with two one-year renewal options with AMEC Environment and Infrastructure, Inc. subject to successful negotiations, for water quality monitoring services on an as-needed basis throughout the South Florida Water Management District boundary in order to comply with legal mandates and to provide water quality information used to support management decisions; **now therefore**

BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of contract number 4600002969 with the

top ranked firm AMEC Environment and Infrastructure, Inc. for Water Quality Monitoring Services providing that, if negotiations are unsuccessful with the top ranked firm, negotiations will proceed in ranked order to provide Water Quality Monitoring Services.

Section 2. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of November, 2013.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: November 14, 2013

SUBJECT: Measurement of Nutrient Loads from Sediments in the Caloosahatchee and St. Lucie River Estuaries

Summary
A two-year contract with the University of Massachusetts to measure the nutrient load from bottom sediments in the St. Lucie and Caloosahatchee Estuaries, in the amount of $260,000, of which $140,000 is in the District's approved FY14 budget. This contract supports implementation of the Caloosahatchee and St. Lucie River Watershed Protection Plans and the Northern Everglades and Estuaries Protection Program (NEEPP) by measuring one of the key processes that determines the rate at which estuarine water quality will respond to reductions in the load from the watershed. The larger the sediment nutrient load to the water column, the lower the capacity for the estuary to assimilate nutrient loads from the watershed, and the longer it will take for management measures (i.e. Best Management Practices) in the watershed to be expressed as improvements to estuarine water quality. This contract completes a two-part study initiated in 2008. Data from this project will be incorporated into water quality models and allow the District to more accurately quantify the assimilative capacity of the two estuaries, the effects of load reductions on water quality and the rate at which water quality will respond to implementation of load reductions in the watershed.

Staff Recommendation
Staff recommends approval of this project.

Additional Background

The nutrient load from bottom sediments can be large in some estuaries and comparable to the load from surrounding land-based sources. In 2008, synoptic system-wide measurements of rates of nutrient loads from the sediments were conducted during dry season conditions (low temperature and freshwater inflow). This project collects data during wet season conditions (high temperature and freshwater inflow) in the Caloosahatchee River and Estuary and the St. Lucie River and Estuary. This contract is not subject to competitive solicitation as set forth in the District's Procurement Policy Sec. 155-6. Exceptions to Competitive Solicitation.

Core Mission and Strategic Priorities
This project supports the core missions to balance and improve water quality and natural systems. A primary goal of the Caloosahatchee River and St. Lucie River Watershed Protection Plans under the NEEPP is to achieve reduction in watershed nutrient loads to improve estuarine water quality. This project will more accurately quantify and predict the magnitude of and time needed for water quality improvement in estuarine receiving waters. Technical oversight of this contract will be performed by Coastal Ecosystems Section staff in the Applied Sciences Bureau.

Funding Source

This contract is for the amount of $260,000, with $140,000 (101000) in ad valorem funds budgeted for FY14 and $120,000 in FY15 subject to Governing Board approval of the FY15 budget.

Staff Contact
Peter Doering, x2772 pdoering@sfwmd.gov <mailto:pdoering@sfwmd.gov>;

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1104

A Resolution of the Governing Board of the South Florida Water Management District authorizing a two-year contract with the University of Massachusetts, Dartmouth for the Measurement of Nutrient Loads from Sediments in the Caloosahatchee River and Estuary and the St. Lucie River and Estuary: Wet Season 2014 in the amount of $260,000, of which $140,000 in ad valorem funds (101000) are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 budget; providing an effective date. (Contract Number 4600002957) (WR, Teresa Coley, ext. 2636)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize a two-year contract, Contract No. 4600002957, with the University of Massachusetts, Dartmouth in the amount of $260,000, subject to Governing Board approval, to measure rates of nutrient loads from sediments in the Caloosahatchee River and Estuary and the St. Lucie River and Estuary under wet season conditions, and;

WHEREAS, loads of nutrients to the water columns from the sediments of the Caloosahatchee and St. Lucie Estuaries, per the Northern Everglades River and Watershed Protection Plans, under the Northern Everglades and Estuaries Protection Program, will be measured and documented by this work; **now therefore**

BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby approves the execution of Contract No. 4600002957, with the University of Massachusetts, Dartmouth.

Section 2. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of November, 2013.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chairman

Attest:

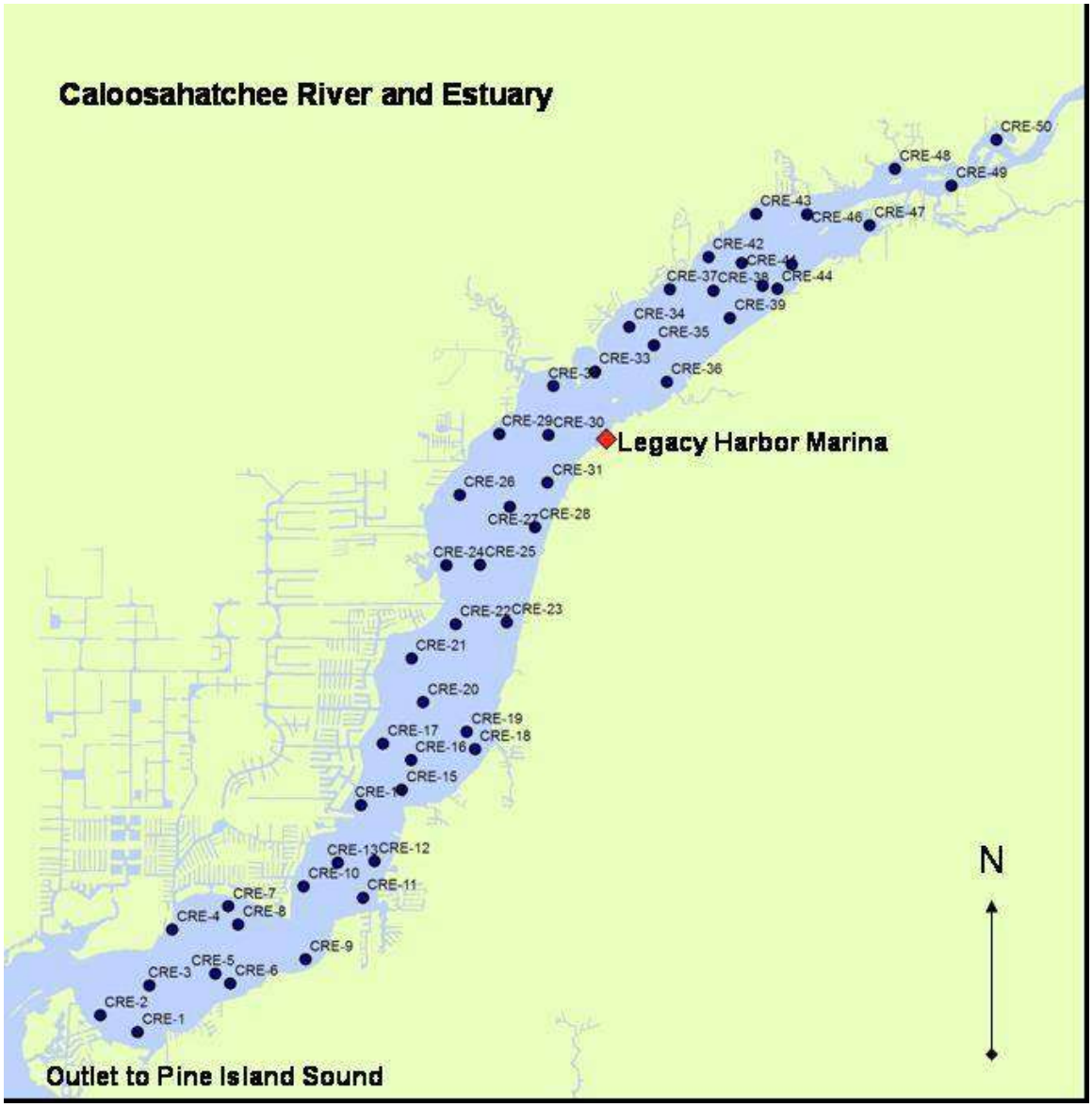
_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

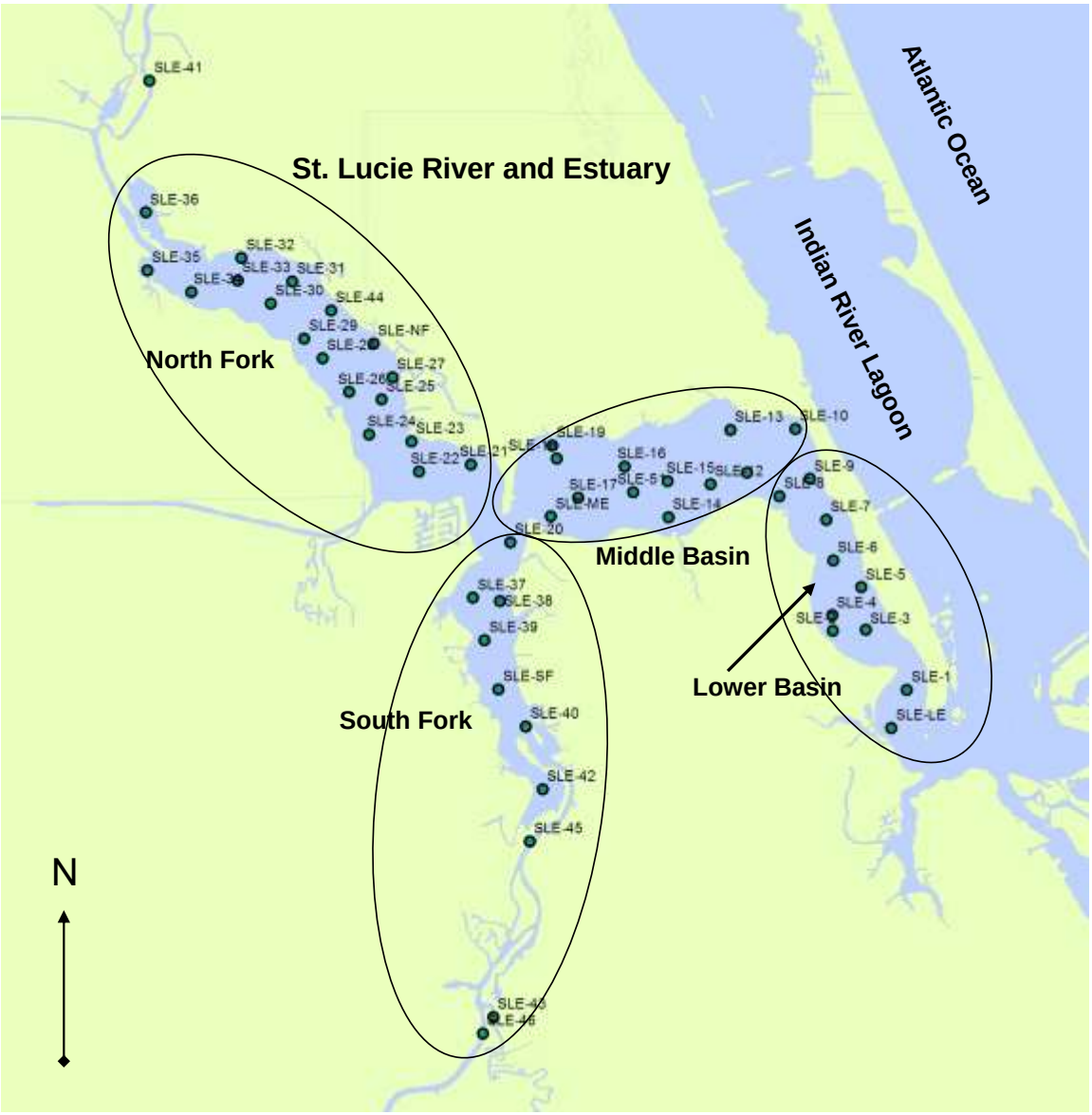
Print name:

_____



Caloosahatchee River Estuary

Attachment: ca_wr_101_ExhA_map (Resolution No. 2013 - 1104 : Measurement of Nutrient Loads from Sediments in the Caloosahatchee and



St. Lucie River Estuary

Attachment: ca_wr_101_ExhA_map (Resolution No. 2013 - 1104 : Measurement of Nutrient Loads from Sediments in the Caloosahatchee and

M E M O R A N D U M

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: November 14, 2013

SUBJECT: Contract with Audubon of Florida for Everglades-Florida Bay Transition Zone Monitoring

Summary

This contract is for a three-year, sole source agreement, with Audubon of Florida's Tavernier Science Center to continue hydrologic and ecological monitoring within the mangrove transition zones of Northern Florida Bay in an amount not to exceed $390,000, of which $130,000 is budgeted, and the remainder is subject to Governing Board approval of the FY2015 and FY2016 budgets. The Everglades - Florida Bay transition zone has specific performance measures designed to assess ecological trends and changes associated with implementation of CERP, Mod Waters, Florida Bay MFL, Tamiami Trail bridging, C-111 Spreader Canal, and the operations of the South Dade Conveyance System. The Final Environmental Impact Statement for the C-111 Spreader Canal relied on the baseline data from this ecological monitoring program and the monitoring was incorporated as a condition of the U.S. Army Corps of Engineers permit. The proposed contract is for the collection of hydrologic, submerged aquatic vegetation (SAV), small prey fish and invertebrate data from the transition zone. Audubon has the only established ecological monitoring network in the transition zone and holds the required permits from Everglades National Park necessary to conduct scientific sample collection in this area. In FY12, the contract funding and spatial extent of monitoring was significantly reduced to focus only on the area immediate surrounding the C-111 Spreader Canal.

Staff Recommendation

Staff recommends a sole source exception to general standards of competition to maintain spatial and temporal continuity with RECOVER monitoring by the USACE and recommends approval of this agreement, which will allow the District to receive data and analyze information about the effect of water management and restoration within the coastal habitats of the Southern Everglades.

Additional Background

Audubon of Florida's Tavernier Science Center has been measuring aquatic vegetation and prey-base fauna (invertebrates and fishes) across the mangrove transition zones of southern Biscayne Bay, Florida Bay and the Gulf of Mexico since the mid-1990s. Audubon developed these important ecological indicators because they are critical links in the mangrove food web. The relatively short generation times of aquatic vegetation and prey-base fauna gives these indicators the ability to respond quickly to hydrologic and habitat conditions in a timeframe well suited for adaptive water management. A

subset of these monitoring stations, combined with Audubon monitoring stations funded by the USACE, in the mangrove habitats along the northern fringe of Florida Bay are poised to change as a result of a variety of water management projects including the C-111 Spreader Canal, Tamiami Trail bridging, and Frog Pond detention area projects. The proposed agreement requires an exception to the standards for competition (sole source) to maintain statistical continuity with other CERP monitoring and because it would fund the only permitted Hydro-SAV-Fish monitoring network in the mangrove transition zone. Note: Stations are not in the open waters of Florida Bay. The work proposed for this multi-year contract is intended to maintain ecological expertise, quality assurance, and build upon previously collected baseline monitoring data in order to integrate data with USACE monitoring and discriminate between natural variability and water management effects.

Core Mission and Strategic Priorities

This item is aligned with the District mission to balance and improve water quality, flood control, and natural systems. It supports multiple objectives within northeast Florida Bay including determining impacts of water management in Taylor Slough and the C-111 area on the natural system, assessing the effectiveness of the Florida Bay Minimum Flows and Levels rule, assessing the impacts of the Frog Pond detention area project, reporting of system condition for RECOVER, and documenting a shifting base condition from which to evaluate the full C-111 Spreader Canal project when it is implemented.

Funding Source

The funding is from Alligator Alley Toll Road special revenue (228000 funds), and the request is $390,000 (distributed over three years), , of which $130,000 is budgeted, and the remainder is subject to Governing Board approval of the FY2015 and FY2016 budgets.

Staff Contact

If you have any questions, please contact me at ext. 6952 (tbates@sfwmd.gov) or Linda Lindstrom at ext. 6820 (llindst@sfwmd.gov).

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1105

A Resolution of the Governing Board of the South Florida Water Management District approving a three-year agreement with Audubon of Florida's Tavernier Science Center, for hydrology, aquatic vegetation, and prey-base fauna monitoring in the Southern Everglades mangrove communities and approving a sole source as an exception to the general standards of competition in an amount not to exceed $390,000, of which $130,000 is budgeted, and the remainder is subject to Governing Board approval of the FY15 and FY16 budgets; providing an effective date. (Contract #4600002916) (WR, Joseph Stachelek, ext. 4543)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize entering into a three-year agreement with Audubon of Florida's Tavernier Science Center and to authorize a sole source as an exception to the general standards of competition, in the amount of $390,000, of which $130,000 is budgeted, and the remainder is subject to Governing Board approval of the FY15 and FY16 budgets, to measure hydrology, aquatic vegetation, and prey-base fauna in the Southern Everglades mangrove communities to determine impacts of operations and restoration projects, and;

WHEREAS, effects of water releases and altered water deliveries through operational plans or restoration projects upstream of Florida Bay, Manatee Bay, and Barnes Sound will be measured and documented by this work; **now therefore**

BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District

hereby authorizes the execution of contract number 4600002916 with Audubon of Florida's Tavernier Science Center as a sole source exception to the general standards of competition.

Section 2. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of November, 2013.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

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Office of Counsel

Print name:

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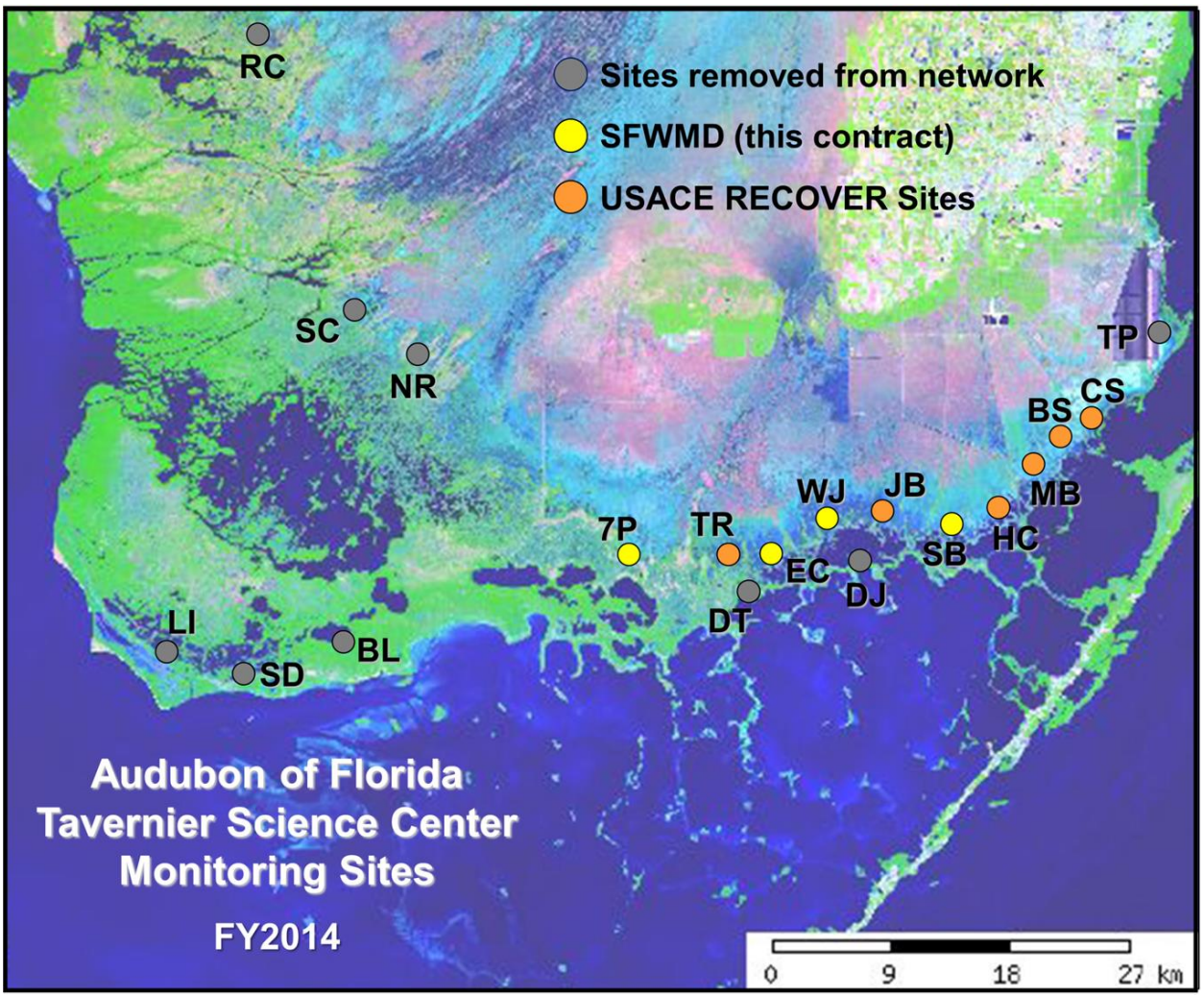


Attachment: ca_wr_100_ExhA_map (Resolution No. 2013 - 1105 : Contract with Audubon of Florida for Everglades-Florida Bay Transition Zone

M E M O R A N D U M

TO: Governing Board Members

FROM: Jeff Kivett, Division Director

DATE: November 14, 2013

SUBJECT: Datalogger Maintenance Services - Contract Number 4600002972

Summary

In order to support its mission, the District operates and maintains a network of approximately 800 data collection stations through a microwave telemetry system. This item is to approve a contract to provide preventative maintenance for the monitoring network in the southwest region of the District. It will include maintenance services for 148 monitoring stations at 122 sites in Collier, Hendry, Lee, Charlotte, and Glades counties. Most sites receive quarterly maintenance visits; however 14 critical sites receive monthly visits. Per-visit cost is $224. Contract payments are based on the number of site visits that actually took place during the contract period.

Staff Recommendation

Staff recommends that the District obtain contractual services to provide maintenance services for the data collection network. Staff further recommends that the District enter into a three (3) year contract with two (2) one-year renewal options, at the discretion of the District, with Cardno Entrix, the lowest responsive and responsible bidder.

Additional Background

These data collection sites provide invaluable data to several District programs and external customers to support decisions made concerning flood control, water supply, environmental monitoring and assessment, and modeling. There are additional sites in the telemetry system that provide command and control functions at water control structures and pump stations; these sites are maintained by District staff. Only data collection sites are maintained under contract. The District has recently completed a comprehensive review of the data collection network and eliminated a significant number of sites that were no longer mandated or needed.

Core Mission and Strategic Priorities

Data provided by this network is used to operate the regional flood control/water supply system. It is also used to support environmental restoration activities, and for permit compliance requirements.

Funding Source

This is a three (3) year contract with two (2) one-year renewal options, at the discretion of the District, with Cardno Entrix for a not-to-exceed amount of $681,080 of which ad valorem funds in the amount of $136,216 are budgeted in FY14 and the remainder is

subject to Governing Board approval of the FY15 - FY18 budgets. The portion of the network that is in the Big Cypress Basin is supported with BCB funds, the remaining portion of the network is supported with District-wide funds The estimated cost savings for this contract compared to the previous contract is approximately 50%, due to the District's monitoring reduction program and market competition.

Staff Contact and/or Presenter
Garnett Ritchie - Electronics Supervisor (SCADA Maintenance Unit, SCADA Section) 561- 753-2400, x4616

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1106

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year contract with two (2) one-year renewal options with Cardno Entrix, the lowest responsive and responsible bidder, for Datalogger Maintenance Services at Ground Water and Surface Water Monitoring sites in the southwest region of the District in an amount not to exceed $681,080 for which $136,216 in ad valorem funds are budgeted; and the remainder is subject to Governing Board approval of the FY15-FY18 budgets; providing an effective date. (Contract Number 4600002972) (OMC, Garnett Ritchie, ext.4616)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize entering into a three-year contract with two (2) one-year renewal options with Cardno Entrix, the lowest responsive and responsible bidder, for the Datalogger Maintenance Services at ground water and surface water monitoring sites in the Southwest region of the District, in an amount not to exceed $681,080 for which $136,216 in ad valorem funds are budgeted; and the remainder is subject to Governing Board approval of the FY15-FY18 budgets; providing an effective date. (Contract Number 4600002972) (Garnett Ritchie, ext. 4616)

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Contract Number with Cardno Entrix.

Section 2. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of November, 2013.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Doug Bergstrom, Director, Administrative Services Division

DATE: November 14, 2013

SUBJECT: SOETF

Summary
Annual Resolution advising FDEP of the District's grant balances available utilizing SOETF funding as previously authorized during legislative sessions. The District is also seeking approval to authorize the submittal of reimbursement requests to FDEP for FY14 District expenditures incurred as authorized in the annual appropriation language.

Staff Recommendation
Approval of this resolution to authorize submittal of reimbursement packages to FDEP for FY14 SOETF expenditures.

Additional Background
Section 373.472, F.S. created the Save Our Everglades Trust Fund (the "Trust Fund") within the Florida Department of Environmental Protection (the "Department"). Funds in the trust fund shall be expended to implement the comprehensive plan as defined in s. 373.470 (2); the Lake Okeechobee Watershed Protection Plan as defined in s. 373.4595 (2); the Caloosahatchee River Watershed Protection Plan as defined in s. 373.4595 (2); the St. Lucie River Watershed Protection Plan as defined in s. 373.4595 (2); the Long-Term Plan as defined in s. 373.4592 (2); and the Florida Keys Area of Critical State Concern protection program under ss. 380.05 and 380.0552 to restore and conserve natural systems through the implementation of water management projects, including wastewater management projects identified in the "Keys Wastewater Plan" dated November 2007 and submitted to the Florida House of Representatives on December 4, 2007; and to pay debt service for Everglades restoration bonds issued pursuant to s. 215.619 . The trust fund shall serve as the repository for state, local, and federal project contributions in accordance with s. 373.470 (4). The South Florida Water Management District (the "District") has an active program under way to use Save Our Everglades Trust Funds under s. 373.472, F.S. Distributions from the Trust Fund shall be made in accordance with ss. 373.470(6) and 373.026(8)(b) and (c) F.S. which requires all requests for an appropriation of state funds to implement a project component to be submitted to the Department. The Executive Director, or designee, of the District will request reimbursement from the Department of the funds based on actual expenditures incurred through September 30, 2014.

Core Mission and Strategic Priorities
This action will secure reimbursement funds for the District that support water restoration activities and activities consistent with the laws and regulations governing the use of the Save Our Everglades Trust Fund. OM&C will implement projects supporting Restoration, Lake Okeechobee and Coastal Watersheds program areas.

Funding Source

The state's Save Our Everglades Trust Fund as appropriated in 2013 and earlier Legislative Sessions.

Staff Contact and/or Presenter

Doug Bergstrom / dbergstr@sfwmd.gov <mailto:dbergstr@sfwmd.gov> / 561-682-6214
Candida Heater / cheater@sfwmd.gov <mailto:cheater@sfwmd.gov> / 561-682-6486

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1107

A Resolution of the Governing Board of the South Florida Water Management District advising the Florida Department of Environmental Protection of the FY14 adopted and estimated carry forward grant balances available utilizing funds from the Save Our Everglades Trust Fund (SOETF); authorizing the Executive Director or designee to request reimbursement based on actual expenditures through September 30, 2014; providing an effective date. (AS, Mike Smykowski, ext. 6295)

WHEREAS, there is created within the Florida Department of Environmental Protection (hereinafter, the "Department") the Save Our Everglades Trust Fund. Funds in the trust fund shall be expended to implement the comprehensive plan as defined in s. 373.470(2); the Lake Okeechobee Watershed Protection Plan as defined in s. 373.4595(2); the Caloosahatchee River Watershed Protection Plan as defined in s. 373.4595(2); the St. Lucie River Watershed Protection Plan as defined in s. 373.4595(2); the Long-Term Plan as defined in s. 373.4592(2); and the Florida Keys Area of Critical State Concern protection program under ss. 380.05 and 380.0552 to restore and conserve natural systems through the implementation of water management projects, including wastewater management projects identified in the "Keys Wastewater Plan" dated November 2007 and submitted to the Florida House of Representatives on December 4, 2007; and to pay debt service for Everglades restoration bonds issued pursuant to s. 215.619. The trust fund shall serve as the repository for state, local, and federal project contributions in accordance with s. 373.470(4) Florida Statutes, and

WHEREAS, the South Florida Water Management District (hereinafter, the "District") has an active program under way to use Save Our Everglades Trust Funds under s. 373.472, Florida Statutes ; and

WHEREAS, distributions from the Save our Everglades Trust fund shall be made in accordance with s. 373.470 (6), Florida Statutes, and s. 373.026(8)(b) and (c) Florida Statutes.

NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water Management District that:

Section 1. It does hereby advise the Secretary of the Department of its intent to utilize up to $122,975,576 of funds from the Save Our Everglades Trust Fund. The available balances are presented in Exhibit "A", which is attached hereto and made a part hereof.

Section 2. The Executive Director of the South Florida Water Management District, or designee, is hereby authorized to request reimbursement of the funds based on actual

expenditures incurred through September 30, 2014. The request to the Department will be in invoice format for the actual expenditures incurred by the South Florida Water Management District.

Section 3. The funds requested shall be used for purposes consistent with the provisions of s. 373.470 (2) (b) and s. 373.4595 Florida Statutes, or for legislatively authorized land acquisition and water restoration initiatives.

Section 4. The funds requested shall be used for purposes consistent with the provisions of s. 373.470 (6), Florida Statutes, and s. 373.026(8)(b) and (c), Florida Statutes.

Section 5. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14 day of November, 2013.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

Exhibit "A"
South Florida Water Management District
FY2013-2014 Budget
Save Our Everglades Trust (SOETF) Fund

SOETF Appropriation Name	SFWMD SOETF Grant Number	FY14 Adopted Budget Appropriations	Estimated Carryover Encumbrances*	Total
FY2007-2008 Caloosahatchee/St. Lucie Watersheds	58	$1,154,477	-	$1,154,477
FY2007-2008 Lake Okeechobee Protection Plan	59	$113,343	-	$113,343
FY2007-2008 St. Lucie River Watershed Projects	61	$310,000	-	$310,000
FY 2010-2011 Appropriation	94	$229,370	10,412,731.21	$10,642,101
FY 2011-2012 Appropriation	99	$881,540	24,434,960.50	$25,316,501
FY 2012-2013 Appropriation	101	$5,156,880	13,282,274.65	$18,439,155
FY 2013-2014 Appropriation	108	$67,000,000	-	$67,000,000
Total		**$74,845,610**	**$48,129,966**	**$122,975,576**

*Note: Encumbrances are estimated as of October 4, 2013

Attachment: SOETF Appropriations Schedule_FY2013-2014 Exhibit A_Final (Resolution No. 2013 - 1107 : SOETF)

M E M O R A N D U M

TO: Governing Board Members

FROM: Temperince Morgan,

DATE: November 14, 2013

SUBJECT: Picayune Strand Restoration Project Update

Summary
The Picayune Strand Restoration Project is located in Collier County. The project will restore over 55,000 acres of native Florida wetlands and uplands between I-75 and US 41. The major features of the project are 3 pump stations (Merritt, Faka Union, and Miller); a tie-back levee that ties the pump stations together; plugging of approximately 48 miles of canals (over 100 plugs); degrading 260 miles of roads and 61 miles of trams; manatee mitigation feature, and, flood protection features for adjacent lands.

Staff Recommendation
This item is for information only; no action is required.

Additional Background
The Merritt Pump Station construction is currently scheduled for completion in December 2013. Transfer of this pump station to SFWMD is currently scheduled for May 2015 after completion of the Operational Testing and Monitoring Period.

The Faka Union Pump station construction is currently scheduled for completion in October 2014. Transfer to SFWMD is dependent on completion of the Southwestern Flood Protection Levee, Manatee Mitigation Feature, Faka Union Canal plugging, and completion of the Operational Testing and Monitoring Period. The Faka Union Canal cannot be plugged until both the Southwestern Flood Protection Levee and Manatee Mitigation Feature are complete.

The Miller Pump Station construction is currently scheduled to begin in December 2013. The contract for the Miller Pump Station was awarded by the USACE in September 2013.

The total cost of the Picayune Strand Restoration Project has increased and requires additional spending authorization from Congress which will be requested through a Limited Reevaluation Report. Until the additional authorization occurs there is not adequate spending authorization to initiate construction of the Southwestern Flood Protection Levee, Manatee Mitigation Feature, remaining road removal and canal plugs.

The cost increase is related to design refinements including the addition of a tie-back levee, spreader channels, manatee mitigation feature and redundant pumps at each pump station. In addition, construction management service cost has been higher than originally estimated and the savings and takings analysis for real estate has been revised resulting in an increase in the lands required for the project.

Core Mission and Strategic Priorities

Attachment: EPC Memo_Picayune update (1583 : Picayune Strand Restoration Project Update)

This project is managed under the Project Management Unit of the Everglades Policy and Coordination Division. The Picayune Strand Restoration project was identified in the “Natural Systems/Water Quality“ section of the District’s Strategic Plan..

Funding Source
Ad Valorem Funds are budgeted to support the Picayune Strand Restoration Project in FY14. In addition, Save Our Everglades Trust Fund funding has been provided for land acquisition, remediation as needed on acquired lands, design and construction of the Manatee Mitigation Feature, and cost associated with the Operational Testing and Monitoring Period (12 months) for the Merritt Pump Station. All expenditures are eligible for 50-50 cost share under the Comprehensive Everglades Restoration Plan Design and Master Agreements. Expenditures in subsequent fiscal years are subject to Governing Board Approval.

Staff Contact and/or Presenter
Tom Teets, tteets@sfwmd.gov, 561-682-6993

M E M O R A N D U M

TO: Governing Board Members

FROM: Temperince Morgan,

DATE: November 14, 2013

SUBJECT: Project Prioritization - Part 1

Summary*
The Governing Board has made the request to review the various restoration projects that are being implemented or considered for implementation and provide recommendations regarding obligations and priorities. This will be the first of multiple presentations over the course of the next several months to provide background information relevant to this discussion. Part 1 of this series will focus on an Overview of Federal Restoration Projects including Pre-CERP Foundation Projects and CERP projects. Part 2 of the series will focus on an Overview of State Restoration Projects. The remaining parts will set up the discussion on obligations and priorities.

Staff Recommendation*
This item is for information only. No action is required.

Additional Background
The Governing Board has made the request to review the various restoration projects that are being implemented or considered for implementation and provide recommendations regarding obligations and priorities.

Core Mission and Strategic Priorities
All the projects that will be discussed as part of this prioritization support the District's core missions of safeguarding water supply, flood protection and protecting and restoring ecosystems as set forth in the priorities of the 10-Year Strategic Plan.

Funding Source
NA

Staff Contact and/or Presenter
Temperince Morgan, tmorgan@sfwmd.gov, 561-682-6987
Ernie Barnett, ebarnett@sfwmd.gov, 561-682-2110

Attachment: EPC Memo_Project prioritization (1582 : Project Prioritization - Part 1)

M E M O R A N D U M

TO: Governing Board Members

FROM: Ernie Barnett, Director, Everglades Policy & Coordination

DATE: November 14, 2013

SUBJECT: CEPP Financial Capability - Part 1

Summary
As the Central Everglades Planning Project (CEPP) PIR is being finalized and prepared for submittal to the Chief of Engineers in early 2014, the SFWMD will be asked to complete a letter of financial capability. Prior to completion of the Chief's Report and submittal of a plan to Congress, the local sponsor must provide a letter of financial capability. This will be the first of multiple presentations over the course of the next few months to provide background information related to the letter of financial capability. This presentation will provide background information on CERP cost sharing framework and the development of CERP implementation schedule scenarios including preliminary assumptions and constraints.

Staff Recommendation*
This item is for information only; no action is required.

Additional Background
In accordance with the Comprehensive Everglades Restoration Program (CERP), the District, as the non-federal sponsor of CEPP, is required to submit a self-certification of financial capability, indicating their ability to pay the required cost-share. This certification, required for all CERP projects, will declare the District's ability to meet financial obligations associated with the project.

Core Mission and Strategic Priorities
This project supports the District's core missions of safeguarding water supply, flood protection and protecting and restoring ecosystems as set forth in the priorities of the 10-Year Strategic Plan.

Funding Source
NA

Staff Contact and/or Presenter

Ernie Barnett, ebarnett@sfwmd.gov, 561-682-2110
Temperince Morgan, tmorgan@sfwmd.gov, 561-682-6987

Attachment: EPC Memo_CEPP financial capability (1581 : CEPP Financial Capability - Part 1)

M E M O R A N D U M

TO: Governing Board Members

FROM: Temperince Morgan,

DATE: November 14, 2013

SUBJECT: Istokpoga Marsh Watershed Improvement District Water Quality Improvement Projects

Summary*

The Istokpoga Marsh Watershed Improvement District (IMWID), located in Highlands County, is within a sub-watershed that contributes the second highest TP load to Lake Okeechobee. In March, 2009, the IMWID, Florida Department of Agriculture and Consumer Services (FDACS) and District executed an agreement for a project to capture stormwater runoff from the IMWID and pump it into above ground impoundments to reduce flows and nutrient loads to Lake Okeechobee. The project plan includes land acquisition and phased design, permitting, and construction. To date, 709 acres of land has been acquired, 308 acres of which will be used for Phase 1 consisting of design, permitting and construction of the first above ground impoundment. Phase 2 consists of the design, permitting and construction of the second above ground impoundment (401 acres). Phase 3 consists of the land acquisition (+/- 500 acres), design, permitting and construction of the third above ground impoundment.

Staff Recommendation*

Staff's recommendation is for approval of an amendment to the existing agreement between the District, IMWID and FDACS to update the project schedule and provide additional funding in an amount not to exceed $2,000,000.

Additional Background

In addition to District funding, Phase I construction is also being funded through a $4,000,000 grant from the Florida Department of Environmental Protection (FDEP). The FDEP grant funds will be utilized for construction prior to the use of District funds. The FDEP's Lake Okeechobee Basin Management Action Plan (BMAP) development efforts have identified this project as a 'shovel-ready' project with potential benefits for nutrient load reductions to Lake Okeechobee.

Core Mission and Strategic Priorities

This project assists with meeting the storage and water quality improvement goals of the Lake Okeechobee Protection Plan (LOPP) by reducing flows and nutrient loads to Lake Okeechobee. The Office of Everglades Policy and Coordination is managing project implementation with assistance from the Engineering and Construction Bureau.

Funding Source

Ad Valorem and state appropriations including Lake Okeechobee Trust Funds from the Dispersed Water Management Spend Down Plan Reserves.

Staff Contact and/or Presenter

Temperince Morgan, tmorgan@sfwmd.gov, 561-682-6987
Jeff Needle, jneedle@sfwmd.gov, 561-682-6865

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1108

A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract No. 4600001716; an agreement with the Istokpoga Marsh Watershed Improvement District and the Florida Department of Agriculture and Consumer Services for the purpose of updating the project schedule and to provide additional funding in an amount not to exceed $2,000,000, of which $1,110,169 is budgeted in FY14 and $889,831 is subject to Governing Board approval of the FY15 budget; providing an effective date. (Contract No. 4600001716-A05) (EPC, Temperince Morgan, ext. 6987)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize an amendment to Contract No. 4600001716; an agreement with Istokpoga Marsh Watershed Improvement District and Florida Department of Agriculture and Consumer Services for a Dispersed Water Management Program Cooperative Agreement in an amount not to exceed $2,000,000; now therefore

BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby approves the agreement amendment with Istokpoga Marsh Watershed Improvement District and the Florida Department of Agriculture and Consumer Services.

Section 2. This resolution shall take effect immediately upon adoption, or if applicable, after review by the Office of Fiscal Accountability and Regulatory Reform.

PASSED and **ADOPTED** this 14th day of November, 2013.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: November 14, 2013

SUBJECT: Approve an agreement with A. Duda & Sons, Inc. for acquisition of 637.57 acres

Summary

The subject 637.57 acre parcel, and the other real estate parcels connected with the agreement, are located in Glades County as is shown on the map attached as Exhibit "A". The $1,898,683 purchase price represents a 56% discount based on a $6,800/acre appraisal of the seller's entire 3,401 acre parent tract. The District will provide additional cash consideration to the seller in the amount of $165,000 for certain water management and access road improvements. The 637.57 acre parcel will play a pivotal link in restoration of the Caloosahatchee River Watershed in accordance with the Northern Everglades and Estuaries Protection Program by providing improved water quality and fresh water flows to the Caloosahatchee River while satisfying other water-related needs. The District will have a four year option to purchase an additional approximately 2,488.76 acres of adjacent lands owned by the seller to be acquired at $6,800/acre or approximately $16,923,568.

Staff Recommendation

Staff recommends approval of the agreement with A. Duda & Sons, Inc. as detailed herein.

Additional Background

At its January 10, 2013 meeting, the Governing Board had acknowledged and approved a non-binding letter of intent that provided the general terms of this proposed acquisition. The seller and the staff of the South Florida Water Management District have since worked out all other terms in a Sale and Purchase Agreement. Additional significant terms of the Sale and Purchase Agreement and the acquisition include:

- The acquisition is contingent upon the extension of seller's land leases (Lease Numbers 1935 and 1935-S) for 30 years by the Board of Trustees of the Internal Improvement Trust Fund.
- The District will lease back to the seller the 637.57 acres at an annual market rental of $125 per acre through May 1, 2015.
- In connection with the termination of the lease back, the District will exchange and convey to the seller certain drainage easements of no more than a total of 0.10 acres, more or less, for the purpose of benefitting the seller's remainder lands.
- Closing is contingent upon SFWMD being satisfied with the results of its environmental audit.

Core Mission and Strategic Priorities

The 637.57 acre parcel will play a pivotal link in restoration of the Caloosahatchee River Watershed in accordance with the Northern Everglades and Estuaries Protection Program by

providing improved water quality and fresh water flows to the Caloosahatchee River while satisfying other water-related needs.

Funding Source
A combination of Save Our Everglades Trust Fund and ad valorem funds will be used in connection with the 637.57 acre acquisition. Any action associated with exercising the option for the 2,488.76 acres will be predicated on the availability of funding sources.

Staff Contact and/or Presenter
Richard Bassell, rbassell@sfwmd.gov <mailto:rbassell@sfwmd.gov>, 561-682-2510

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1109

A Resolution of the Governing Board of the South Florida Water Management District, to approve an agreement with A. Duda & Sons, Inc. for: (1) the acquisition by the District of fee title land interests containing 637.57 acres, more or less, in the amount of $1,898,683 and associated costs, plus an additional $165,000 cash consideration, for which dedicated funds (Save Our Everglades Trust Fund) and/or ad valorem funds are budgeted, (2) the acquisition by the District of access easement land interests containing 29.95 acres, more or less, for no additional consideration, and (3) the option for the District to acquire fee title land interests containing 2,488.76 acres, more or less, in the amount of $16,923,568 and associated costs (subject to acreage and price adjustment, availability of funds, and approval of exercise of the option by the Governing Board of the South Florida Water Management District), all for the Caloosahatchee River Basin Water Quality Treatment and Testing Project in Glades County; approve entering into a lease agreement with A. Duda & Sons, Inc. with respect to lands containing 637.57 acres, more or less, in Glades County; approve declaring surplus for exchange and conveyance of drainage easement land interests containing a maximum total of 0.10 acres, more or less, in Glades County; providing an effective date. (OMC, Richard Bassell, ext. 2510)

WHEREAS, the South Florida Water Management District is currently acquiring land in connection with implementation of the Caloosahatchee River Basin Water Quality Treatment & Testing Project in Glades County; and

WHEREAS, the South Florida Water Management District is authorized to acquire land, or interests or rights in land, pursuant to Section 373.139, Florida Statutes and to exchange lands, or interests or rights in lands, pursuant to Section 373.089, Florida Statutes; and

WHEREAS, the Governing Board of the South Florida Water Management District at its January 10, 2013 meeting, acknowledged and approved a non-binding letter of intent that provided the general terms of the proposed acquisition transaction reflected by this Resolution; and

WHEREAS, the seller and the staff of the South Florida Water Management District have since worked out all other terms in a Sale and Purchase Agreement; and

WHEREAS, the South Florida Water Management District desires (1) to acquire fee title to 637.57 acres, more or less, for $1,898,683, (2) acquire access easements of 29.95 acres, more or less, for no additional consideration, (3) provide additional cash consideration to the seller in the amount of $165,000 for certain water management and access road improvements, and (4) to have the option right to acquire fee title to 2,488.76 acres, more or less, for $16,923,568, all for the Caloosahatchee River Basin Water Quality Treatment & Testing Project in Glades County and all as shown on the map attached hereto as Exhibit “A”; and

WHEREAS, the South Florida Water Management District further desires to enter into an agreement with the seller for the lease back of the 637.57 acres and, in connection with the termination of

the lease back, exchange and convey to the seller certain drainage easements of no more than a total of 0.10 acres, more or less, for the purpose of benefitting the seller's remainder lands; and

WHEREAS, this proposed land acquisition will provide significant benefits in the restoration of the Caloosahatchee River Watershed in accordance with the Northern Everglades and Estuaries Protection Program by providing improved water quality and fresh water flows to the Caloosahatchee River while satisfying other water-related needs.

NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water Management District:

Section 1. The Governing Board of the South Florida Water Management District hereby approves an agreement with A. Duda & Sons, Inc. for (1) the acquisition by the District of fee title to 637.57 acres, more or less, for $1,898,683 and associated costs plus an additional $165,000 cash consideration, for which dedicated funds (Save Our Everglades Trust Fund) and/or ad valorem funds are budgeted, and (2) the acquisition by the District of access easement land interests of 29.95 acres, more or less, for no additional consideration, and (3) the option for the District to acquire fee title to 2,488.76 acres, more or less, for $16,923,568 and associated costs (subject to acreage and price adjustment, availability of funds, and approval of exercise of the option by the Governing Board), all for the Caloosahatchee River Basin Water Quality Treatment & Testing Project in Glades County.

Owner	Tract No.	Interest	Acres	SFWMD Appraised Value*	Purchase Price
A. Duda & Sons, Inc.	KC100-017	Fee	637.57	$4,335,476	$1,898,683
A. Duda & Sons, Inc.	KC100-019, 020, 021	Easement	29.95	N/A	N/A

*Based on a $6,800/acre appraisal of the seller's entire 3,401 acre parent tract

BUDGET

Dollars	Fund	Fund Center	Functional Area	Commitment Item GL Acct #
$1,267,820	412000	3510144000	JI51	580020
$ 630,863	402000	3510144000	JI51	580020
$ 165,000	402000	3510144000	JI51	580020

Owner	Tract No.	Interest	Acres	SFWMD Appraised Value*	Purchase Price
A. Duda & Sons, Inc.	KC100-018	Fee	2,488.76	$16,923,568	$16,923,568

*Based on a $6,800/acre appraisal of the seller's entire 3,401 acre parent tract

Section 2. The Governing Board of the South Florida Water Management District hereby further approves declaring surplus for exchange and conveyance land interests containing no more than a total of 0.10 acres, more or less, in Glades County. The Governing Board hereby determines that the 0.10 acres, more or less, subject lands are no longer needed for conservation purposes and this Resolution has been approved by at least a two-thirds (2/3) vote of the Governing Board.

Section 3. The Governing Board of the South Florida Water Management District hereby further approves entering into a lease agreement with A. Duda & Sons, Inc. for the lease back of the 637.57 acres, more or less, and, in connection with the termination of the said lease back, exchange and convey to A. Duda & Sons, Inc. certain drainage easements of no more than a total of 0.10 acres, more or less, for the purpose of benefitting the A. Duda & Sons, Inc.'s remainder lands.

Section 4. The Governing Board of the South Florida Water Management District hereby authorizes the Chair to execute the Agreement for Sale and Purchase and any instrument(s) of conveyance of easement(s) required to consummate the transaction contemplated therein. The Governing Board of the South Florida Water Management District hereby authorizes the Executive Director or the Executive Director's designee to execute all other documents necessary to consummate this transaction.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of November, 2013.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chairman

Attest:

_____
District Clerk/Secretary

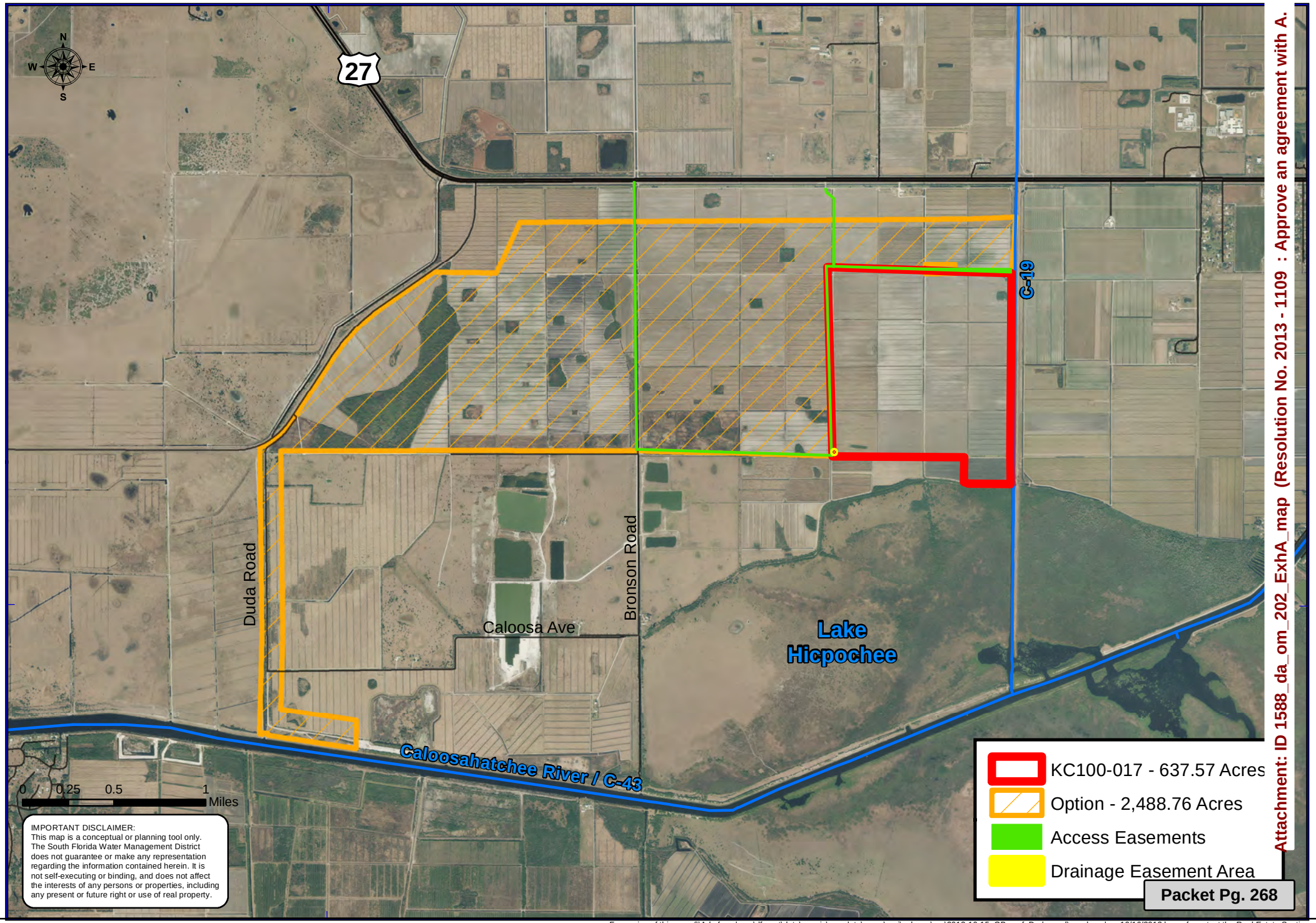
Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

Exhibit A



IMPORTANT DISCLAIMER:
This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not self-executing or binding, and does not affect the interests of any persons or properties, including any present or future right or use of real property.

For copies of this map (\\Ad.sfwmd.gov\dfsroot\data\aa_gis\arc_data\maps\proj\caloosa\am\2013-10-15_GB_smf_Duda.mxd) produced on 10/16/2013 by smf, contact the Real Estate Section.

M E M O R A N D U M

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: November 14, 2013

SUBJECT: Release of funds from SOETF by DEP for acquisition of land interests containing 637.57 acres

This is a companion item to the previous item request the release of funds from the Save Our Everglades Trust Fund.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1110

A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds in the amount of $1,267,820.00 from Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 637.57 acres, more or less, for the total purchase price amount of $1,898,683; for the Caloosahatchee River Basin Water Quality Treatment and Testing Project in Glades County, Florida; providing an effective date. (OMC, Richard Bassell, ext. 2510)

WHEREAS, the South Florida Water Management District (hereinafter, the "District") has an active program underway to acquire land interests for the Caloosahatchee River Basin Water Quality Treatment & Testing Project; and

WHEREAS, that certain Cooperative Agreement between the District and the Florida Department of Environmental Protection, dated November 1, 2001, requires submission of a resolution of the Governing Board of the District to the Department advising about a proposed acquisition in the event the District requests release of funds from the Save Our Everglades Trust Fund for acquisition of such lands.

NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water Management District:

(1) It does hereby advise the Secretary of the Department of Environmental Protection of its intent to acquire fee title to 637.57 acres, more or less of land in Glades County, Florida, for the Caloosahatchee River Basin Water Quality Treatment & Testing Project (the "Project"). The District has a contract to acquire the following parcel described below.

Owner	Tract No.	Interest	Acres	Appraised Value*	Purchase Price
A. Duda & Sons, Inc.	KC100-017	Fee	637.57	$4,335,476	$1,898,683

* Based on a $6,800/acre appraisal of the seller's entire 3,401 acre parent tract

The legal interest to be acquired is the fee simple estate. The lands are shown on the Exhibit "A" location map attached hereto and made a part hereof.

(2) The purchase price of $1,898,683.00 is less than the $4,335,476.00 appraised value based on a $6,800 per acre market value conclusion contained in the certified appraisal of the seller's entire 3,401 acre parent tract that was used to determine the value of the land interests to be purchased, taking into account the value of non-cash considerations, defects in title or outstanding interests.

(3) The original source of the funds to be released from Save Our Everglades Trust Fund shall be General Revenue Funds.

(4) The lands being acquired have been reviewed for the presence of State Sovereignty submerged lands and the District has taken reasonable measures to avoid paying for sovereignty lands.

(5) This request for funds deposited into Save Our Everglades Trust Fund is consistent with the District's Five Year Plan of acquisition or the South Florida Water Management District Florida Forever

Work Plan as contained in Chapter 6A, Volume II of the South Florida Environmental Report, last updated during a public hearing on January 10, 2013, as applicable, and filed with the Legislature and the Department of Environmental Protection, and is consistent with Sections 373.139, 373.470 and 373.59, Florida Statutes, as applicable.

(6) The funds requested shall be used only for the acquisition costs and pre-acquisition/ associated costs and expenses of the described lands.

(7) The lands being acquired shall be maintained in an environmentally acceptable manner.

(8) Should the District dispose of any or all of the interests acquired hereunder, all revenues derived therefrom will be used to acquire other lands for water management, water supply and the conservation and protection of water resources, within the boundaries of a CERP component.

(9) A Phase I and Phase II environmental assessment will be completed to determine if there are any clean up concerns and, if any, how such concerns will be addressed by the District.

(10) The Executive Director or the designee of the Executive Director is hereby authorized to request the release of funds for all acquisition costs and pre-acquisition/associated costs and expenses for all lands identified in this Resolution.

(11) This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of November, 2013.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chairman

Attest:

_____
District Clerk/Secretary

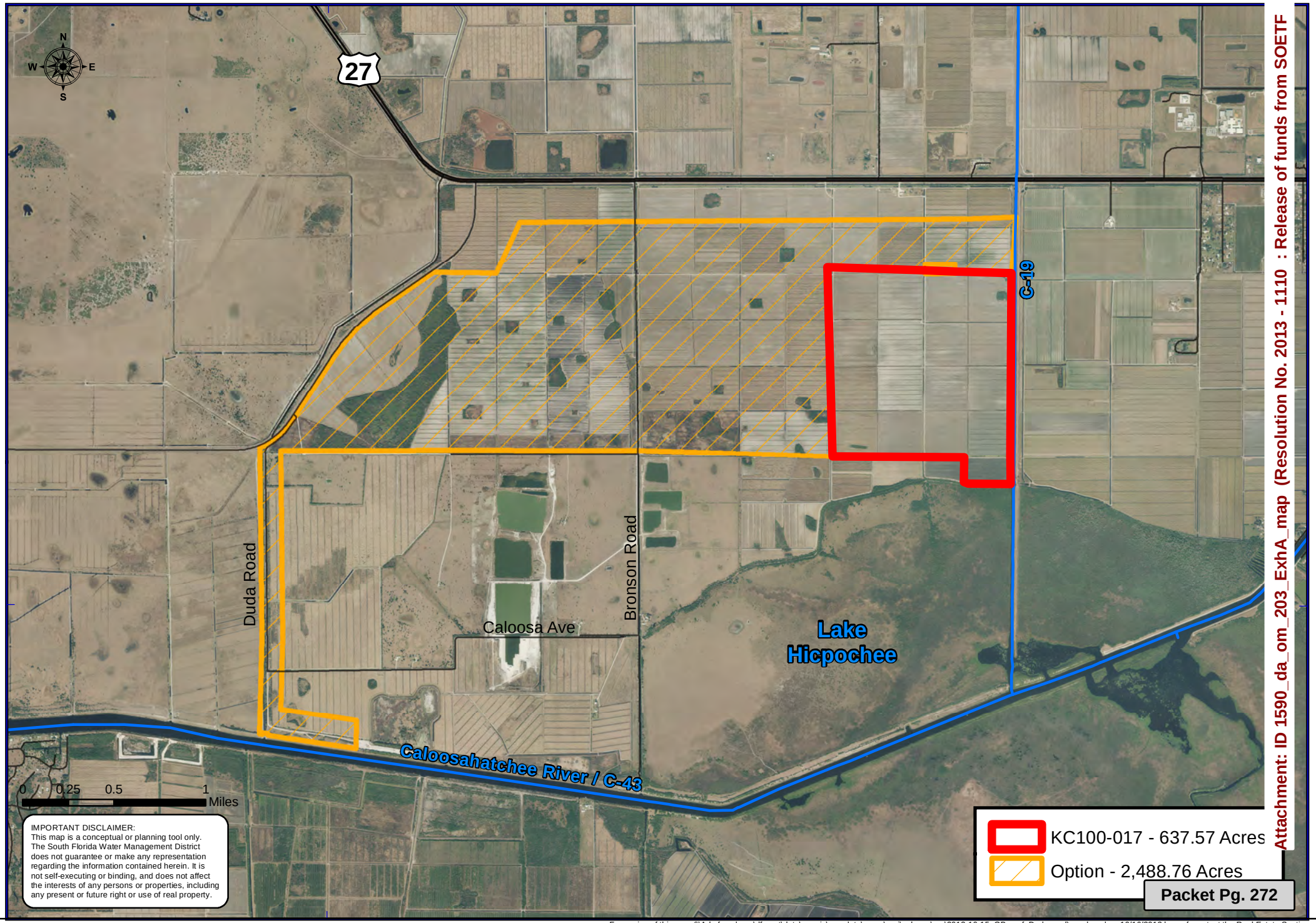
Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

Exhibit A



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Attachment: ID 1590_da_om_203_ExhA_map (Resolution No. 2013 - 1110 : Release of funds from SOETF

For copies of this map (\\Ad.sfwmd.gov\dfsroot\data\aa_gis\arc_data\maps\proj\caloosa\am\2013-10-15_GB_smf_Duda.mxd) produced on 10/16/2013 by smf, contact the Real Estate Section.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Proposed Audit Plan
For Fiscal Year 2014

Prepared by
Office of Inspector General

J. Timothy Beirnes, CPA, Inspector General

sfwmd.gov

Attachment: 2014 Proposed Audit Plan (1595 : FY14 Audit Plan)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

To: Governing Board Members

From: J. Timothy Beirnes, CPA, Inspector General,
Office of Inspector General

Date: November 6, 2013

Subject: **Proposed Audit Plan for Fiscal Year 2014**

I am pleased to present a draft of our Proposed Audit Plan for Fiscal Year 2014. The development of the plan was shaped using a systematic approach to help us decide what audits need to be done. The planning process helps us to develop the theme for our audits and identify an appropriate mix of various types of audits. The audit plan helps us to determine how we can best allocate our resources and capitalize on our individual strengths.

Effective audit planning is crucial to the success of the Inspector General's Office. Our planning process involved understanding our responsibility, recapping where we have been, and identifying the auditable universe and the risks associated with various programs and activities. The Internal Audit Charter requires the Governing Board to approve the final annual audit plan. The proposed plan will be presented to the Governing Board for approval on November 14, 2013.

Our Guidance

The first step in our current planning process was to ask ourselves what is the Inspector General Office's mandate. Our mandate to perform audits is clearly specified in Section 20.055 F.S., *Agency Inspectors General*. It states that in carrying out our audit mandate we should:

1. Review and evaluate the internal controls that ensure fiscal accountability.
2. Review post audit sampling of payments and accounts, where appropriate.
3. Advise in the development of performance measures for evaluating District programs.
4. Conduct financial, compliance, electronic data processing and performance audits of the District.

Attachment: 2014 Proposed Audit Plan (1595 : FY14 Audit Plan)

While the scope and assignment of audits is entirely left to the discretion of the Inspector General, the statute provides that the agency head may, at any time, direct the Inspector General to perform an audit of a program function or organizational unit. In the past, we received a number of requests from both the Governing Board and District staff to perform necessary Inspector General projects. Therefore, executing our work plan necessitates flexibility to accommodate special requests and investigations.

Our Planning Approach

Each year the District prepares an annual work plan to guide management and staff in fulfilling the District's mission. The annual work plan is the product of the yearly planning cycle, which is the approach to establishing priorities, allocating resources, implementing projects, and providing accountability. The budget process then allocates resources to accomplish the planned activities.

Our audit planning process began with reviewing the FY 2014 Budget to identify those programs, activities and functions that we consider present potential risk to the District. In addition to specific programs, we also focused on identifying processes that are critical to the planning cycle that affect all programs.

The audit plan reflects a consideration of risk and its relationship to the District's mission and objectives. The most ubiquitous risks to the District's mission revolve around spending, operations, data integrity and reliability, disaster recovery/contingency planning, regulatory compliance, and public perception. Some District programs, such as our many restoration projects, depend on land acquisition and construction processes, which represent high risks due to the mere magnitude of the financial resources to be consumed. Others, such as regulation, have inherent risks that are not necessarily related to program expenditures or dollar magnitude but rather represent high risk due to the nature of the function where consistency, objectivity, integrity, and strict adherence to rules and regulations are essential.

Our audit plan is designed to provide sufficient coverage over time to reach all significant program areas. During FY 2014, we will continue to use our best judgment in prioritizing audit activities so as to be responsive to the most immediate needs of the District's Governing Board and executive management. Our proposed work plan for FY 2014 provides for specific audit projects covering the following major programs:

- Water Storage
- Regulation
- Operations, Maintenance & Construction
- Management & Administration

Additionally, some audits address activities that encompass all programs, such as time reporting and information technology.

Attachment: 2014 Proposed Audit Plan (1595 : FY14 Audit Plan)

Provision is also made for following up on the status of implementing prior audit recommendations as required by G*overnment Auditing Standards* and the District's *Internal Audit Charter*. Additionally, the audit plan provides flexibility to investigate Whistle-blower complaints and for special audit requests from the Governing Board and senior District management.

The attached schedule details our proposed Audit Plan for Fiscal Year 2014.

cc: Blake Guillory
Carolyn Ansay
Ernie Barnett
Terrie Bates
Doug Bergstrom
Dan DeLisi
Len Lindahl
Tommy Strowd
Sharon Trost

Attachment: 2014 Proposed Audit Plan (1595 : FY14 Audit Plan)

Proposed Audit Projects 2014

Programs

Audit Projects

- Audit of Dispersed Water Management → Water Storage
- Audit of Permit Application Process → Regulation
- Audit of EAA Incentive Tax Credits → Regulation, District Management & Administration
- Audit of Procurement Card Transactions → District Management & Administration
- IT Resource Approval Process Audit → District Management & Administration
- Audit of Cash Receipts → District Management & Administration
- Audit of Fleet Utilization → Operations, Maintenan & Construction

Recurring Audit Projects

- Periodic Monitoring of the GES Contracts → All Programs
- Audit Follow-Up → All Programs
- Investigations of Complaints → All Programs
- Special Audit Requests - Gov Board & Mgt → All Programs
- Periodic Monitoring of In-Kind Credit Requests for Federal Cost Share Projects → Operations, Maintenan & Construction

Administrative Projects

- RFP – Independent Financial Audit Services
- Prepare Audit Plan for Fiscal Year 2015
- Prepare Inspector General Annual Report

Attachment: 2014 Proposed Audit Plan (1595 : FY14 Audit Plan)

South Florida Water Management District
Office of Inspector General
Proposed Audit Plan for Fiscal Year 2014

Program	Division	Bureau/ Section	Project Title	Background	Objectives	Rational for Audit
	Audit Projects					
Water Storage	Everglades & Water Resources	Everglades & Water Resources	Audit of Dispersed Water Management Program	The District enters agreements that compensate private land owners for the right to store water on their property. The compensation is typically an annual price per acre-foot of water for a certain number of years.	Determine the effectiveness of the program and the cost efficiency compared to alternatives.	Dispersed water management is a relatively new District program. No audits have been performed of the program since its inception.
Regulation	Regulation	Regulation	Audit of Permit Application Process	The District issues Water Use and Environmental Resource permits pursuant to the District's regulatory mission. Various staff members are involved in the permitting process at various locations throughout the District.	Examine consistency of the application review and approval process among District staff. Also determine that applications fees are assessed in accordance with established statutes, regulations, and guidelines. Also, determine that assessed fees are collected, deposited, and properly recorded in the SAP financial system.	The last audit regarding any permitting functions was performed in 2007.
Regulation & Management & Administration	Administration & Regulation	Regulation/ Administration	Audit of Everglades Agriculture Area (EAA) Incentive Tax Credits	Land in the EAA are assessed an annual per acre agricultural privilege tax. To encourage performance of best management practices to maximize the reduction of phosphorus loads at the points of discharge from the EAA, land owners are eligible for incentive credits against the tax if certain phosphorous loads reductions are achieved.	Determine that tax incentive credits are properly determined and granted in accordance with State statutes.	This area has never been audited.
All Programs	District Wide	Multiple	Audit of Procurement Card Transactions	The District issues procurement cards to certain District employees to provide an efficient payment method for small purchases. The Procurement Department manages the program.	Examine procurement card transactions to ensure that they are: 1) Appropriate District expenditures. 2) Contain adequate supporting documentation. 3) Properly recorded in the accounting records.	Although procurement cards are used to pay for small purchases, they represent a significant number of transactions annually.

Attachment: 2014 Proposed Audit Plan (1595 : FY14 Audit Plan)

South Florida Water Management District
Office of Inspector General
Proposed Audit Plan for Fiscal Year 2014

Program	Division	Bureau/ Section	Project Title	Background	Objectives	Rational for Audit
District Management & Administration	Administrative Services	Information Technology	Information Technology Resource Approval Process Audit	Prior to District divisions/bureaus purchasing information technology products (i.e., equipment software, etc.) they are required to obtain resource approval from the Information Technology Bureau. This requirement is to ensure that the IT Bureau's staff can support the proposed product subsequent to its purchase.	Review the process for information technology resource approval and determine how well District departments are complying with this requirement. Some of the procedures for this audit will be performed in conjunction with the Audit of Procurement Card Transactions.	Information Technology is a support to all other programs. The information technology resource approval process was established to ensure that the Information Technology Bureau possesses the expertise to support technology products subsequent to their purchase.
District Management & Administration	Administrative Services	Finance	Audit of Cash Receipts	The District's primary source of revenue is reeived from county tax collectors. The District also receives cash from individuals, business, and governments for items such as permits, lease revenues, grants, state appropriations, etc.	Examine the cash receipt process to determine that adequate internal controls are in place and that such controls are functioning properly.	Cash receipts was a recurring theme with the Auditor General's audit finding.
Audit of Fleet Utilization	Operations, Maintenance & Construction	Field Operations North & Field Operations South	Audit of Fleet Utilization	The District operates a fleet of approximately 1000 vehicle and equipment units. Approximately 600 are on-road vehicles and 400 are equipment pieces such as heavy equipment, tractors, boats and trailers.	Determine how vehicles are assigned and utilized and whether the fleet size is appropriate to carryout the District's mission.	The audit will provide executive management with objective information to use in resource planning.

South Florida Water Management District
Office of Inspector General
Proposed Audit Plan for Fiscal Year 2014

Program	Division	Bureau/ Section	Project Title	Background	Objectives	Rational for Audit
	Recurring Audit Projects					
District Management & Administration	Administrative Services	Procurement	Periodic Monitoring of Professional Services Contract (GEPS, STS, & ITS)	General Engineering & Professional Services, (GEPS), Science & Technology Services (STS), and Information Technology Services (ITS), entail a District procurement strategy to expedite the process for acquiring engineering and other professional services while also maintaining competitiveness.	Examine the General Engineering & Professional Services (GEPS), Science & Technology Services (STS), and Information Technology Services (ITS), contracts to determine that: (1) Negotiated prices appear fair and reasonable (2) The negotiation process is adequately documented.	The professional services contracts approach provide a methodology to expedite procurement of services; however, it increases the risk for circumventing the District procurement philosophy and policies.
All Programs	All Divisions	All Bureaus	Audit Follow-Up	Generally Accepted Government Audit Standards require follow-up regarding the implementation status of pervious audit findings and recommendations.	Verify that recommendations in prior audit reports have been appropriately implemented in a timely manner and provide a written report to the Executive Management team and the Governing Board.	Follow-up on previous audit recommendations is required by Government Auditing Standards and the District's Internal Audit Charter.
All Programs	All Divisions	All Bureaus	Investigate Whistle-Blower and Other Complaints	The Office of Inspector General periodically receives Whistle-Blower complaints. Our office has a statutory responsibility to investigate these complaints and issue a report of our findings and conclusions.	Review each complaint to assess its validity. Whistle-blower complaints are received intermittently during the year.	The IG is responsible for performing investigations per Section 20.055, F. S., and the District's *Internal Audit Charter* .
All Programs	All Divisions	All Bureaus	Audit Requests from Governing Board and Senior District Staff	The Inspector General's Office will entertain requests for audit and investigations from Governing Board and Senior District Staff on an as needed basis.	As specified in the Inspector General Act & District Policy (Internal Audit Charter)	Provides flexibility in the audit plan to accommodate special requests for audits and investigations from the Governing Board and senior management that arise throughout the year.
Operation and Maintenance of Lands & Works	Operations, Maintenance & Construction	Engineering & Construction	Periodic Monitoring of In-Kind Credit Requests for Federal Cost Share Projects	The District has several major cost share programs with the U.S. Army Corps of Engineers, including: The Kissimmee River Restoration, Critical Restoration Projects, and the Comprehensive Everglades Restoration Project (CERP).	Periodically examine In-Kind credit requests for the various cost-share projects to ensure that the established process is effectively capturing all eligible costs.	Restoration is among the District's largest program expenditures. Ensuring that staff is claiming credit for all eligible expenditures towards the District's 50% cost share will help minimize any future cash contributions.

South Florida Water Management District Office of Inspector General Proposed Audit Plan for Fiscal Year 2014						
Program	Division	Bureau/ Section	Project Title	Background	Objectives	Rational for Audit
	Administrative Projects					
N/A	N/A	N/A	RFP for Annual Independent Financial Audit Services	The District engages an accounting firm to perform annual audit of its financial statements. The current five year contract with McGladrey will expire June 30, 2014. The Office of Inspector General manages this contract.	Solicit proposals for Annual Independent Financial Audit Services.	N/A
N/A	N/A	N/A	Audit Plan for Fiscal Year 2015	The Audit and Finance Committee Charter requires the Inspector General to submit an annual work plan to the committee for approval	Prepare an annual work plan and submit it to the Audit and Finance Committee for approval in accordance with the Audit and Finance Committee Charter.	N/A
N/A	N/A	N/A	Office of Inspector General Annual Report	State Statutes, Section 20.055(7) requires the Inspector General to submit an annual report to the agency head.	Prepare an annual report summarizing each audit and investigation completed during the year.	N/A

40E-7.511 Policy and Purpose.

(1) The purpose of Rules 40E-7.511 through 40E-7.539, F.A.C., hereinafter "this Part," ~~the rule in this part~~ is to further implement the legislative intent expressed in Sections 259.101, 373.016(3)(i)~~(2)(h)~~, 373.1391, 373.1395, and 373.59(11), F.S., ~~and Chapter 140, Article IV, South Florida Water Management District Policies and Procedures Code,~~ and therefore, to establish regulations governing public access to certain District lands and use of said lands for nature based recreation and allied purposes. It is the intent of these regulations to protect the water resources, native plant communities, fish and wildlife populations, and related natural features of these lands together with any historic and cultural improvements thereon.

(2) ~~Nothing contained in these regulations shall be construed as an assurance by~~ T~~t~~he District provides no assurance that ~~said~~ District lands are safe for any purpose, that the District has a duty of care toward any person entering ~~said~~ lands or that the District is responsible for any injuries or damage to persons or property caused by an act or omission of any person who enters ~~said~~ District lands, including invitees, licensees, contractors, trespassers or other persons except as provided in Section 373.1395, F.S.

Rulemaking Authority 279.101, 373.044, 373.113, 373.171 FS. Law Implemented 259.101, ~~373.016,~~ 373.056, 373.103, 373.1391, 373.1395, 373.59 FS. History–New 5-24-94, Amended 1-5-03, 7-12-06. Amended _____.

40E-7.520 Scope and Applicability.

(1) The general regulations contained herein are broad in scope and applicable to all District lands.

(2) The regulations are applicable to all persons entering upon, using, or visiting said District lands.

~~(3) A copy of the regulations contained herein may be posted at entry points, activity areas, and recreation sites equipped with bulletin boards or otherwise made reasonably available to the public.~~

(3) ~~(4)~~ Consistent with the environmental sensitivity of these areas and the purposes for which the lands were acquired, and all rights, privileges, and protections afforded by the provisions of Section 373.1395, F.S., all District lands are hereby deemed open and available to the public for outdoor recreational purposes and access unless otherwise limited, restricted, or prohibited by special provision in this rule. Nothing in this rule prevents ~~shall prevent~~ other federal, state, or local agencies, including but not limited to those with management contracts with the District, from requiring compliance with their own rules, permits, regulations, ordinances, or laws to the fullest extent of their lawful authority.

(4) ~~(5)~~ Any signage~~,~~ prohibiting access to or~~,~~ use of District lands shall only apply to the property or area set forth in or delineated by such signage and a presumption shall exist that all other portions of the Management Areas, Stormwater Treatment Areas, ~~and~~ Impoundment Areas, Rights of Way, and vacant undesignated lands where public access or use is not specifically prohibited are open and available for outdoor recreational purposes unless otherwise limited, restricted or prohibited by the Governing Board. This provision shall not be construed to impede enforcement of trespass statutes. ~~including but not limited to Chapter 810, F.S.~~

(5) ~~(6)~~ When the District authorizes another government entity to jointly manage public recreation on District lands, this Part ~~Chapter 40E-7, Part V, F.A.C.,~~ is supplemental to the laws, statutes, ordinances, and rules of the other government entity. When in conflict with this Part, the laws, statutes, ordinances, and rules of the other government entity supersede this Part, unless

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otherwise inconsistent with Chapter 373, F.S. ~~governmental entities where cooperative agreements for management of certain public uses of district lands have been approved by the Governing Board.~~

(6) ~~(7)~~ The following District lands are not governed under this Part: ~~exempt from the provisions of Chapter 40E-7, Part V, F.A.C:~~

(a) District office buildings, service centers, field stations, pump stations, ~~water control structures~~ and other facilities.

(b) District lands that are under a land management lease or agreement with city, county, state, federal agencies, or private entities to assume total management responsibility, including without limitations Water Conservation Areas 1, 2 and 3.

(c) District lands that are commercially leased lands will not be governed by these rules unless the lease specifically permits public access.

(d) District lands on Tribal Reservations.

(7)~~(e)~~ Public Use Activities that are authorized by this Part are not authorized on District l~~L~~ands where ~~in which~~ the District has ~~a~~ less than fee interest and where the underlying fee owner has legally restricted or prohibited public access.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016,~~ 373.056, 373.1391, 373.1395, 373.1401, 373.59 FS. History–New 5-24-94, Amended 11-12-95, 1-7-97, 11-13-97, 1-1-99, 1-5-03, 7-12-06. Amended _____.

40E-7.521 Definitions.

When used in this P~~p~~art:

(1) "Activity area" means a zone within a management area designated for specific recreational activities.

(2) "Access point" means a designated location or boundary for public access to ~~a~~ District lands.

(3) "Allied purposes" means other related outdoor activities including, but not limited to, frogging, photography, painting, environmental education, and nature study.

(4) "Camping" means to use a vehicle, tent or shelter, or to arrange bedding or both with the intent to stay overnight.

(5) "Designated road" means any road, path, lane, or trail officially designated by name or number for public vehicular travel.

(6) "District lands" means any real property owned, leased, managed, or controlled by ~~in which~~ the District and includes lands or water areas defined in this Part as ~~has an interest and is limited to~~ Management Areas, Stormwater Treatment Areas, Impoundment Areas, Rights of Way, and vacant undesignated lands.

(7) "Event Authorization" means a permission to access and use District lands in a manner not otherwise provided for or authorized in this P~~p~~art.

~~(8) "Executive Director" means the person who is in the position of Executive Director for the South Florida Water Management District.~~

(8)~~(9)~~ "Facility" or "Structure" means any object placed on District lands which is intended to be permanently attached to the land for which would be considered a fixture under Florida law.

(9)~~(10)~~ "Group campsite" means a designated campsite for campers whose total is eight (8) or more people.

(10)~~(11)~~ "Horse cart" means a non-motorized two- (2) wheeled vehicle pulled by a single

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saddle animal.

(11)~~(12)~~ “Hunting device” means any mechanical device used to take or attempt to take wildlife or feral hogs.

(12)~~(13)~~ “Idle Speed” means the minimum speed at which a motorized V~~v~~essel is able to move and maintain adequate steerage control.

(13)~~(14)~~ “Impoundment Area” means District lands designated by the Governing Board as an Impoundment Area.

(14)~~(15)~~ “Leased” means the granting of either an exclusive or non-exclusive use of or interest in District lands for a specified period of time.

(15)~~(16)~~ “Outdoor recreational purposes” means natural resource based outdoor recreational activities including, but not limited to, fishing, hunting, horseback riding, bicycling, swimming, camping, hiking, canoeing, boating, airboating, scuba diving, birding, sailing, jogging, picnicking, nature study, water skiing, geocaching, astronomy, and visiting historical, archaeological, scenic or scientific sites.

(16)~~(17)~~ “Management Area” means District lands ~~any Save Our Rivers land, other District land, or combination thereof,~~ designated by the Governing Board as a Management Area. ~~Such lands are managed as single and distinct units for the purpose of restoring, preserving, and protecting the water and related environmental resources of said area, including regulating the public uses thereon.~~

(17)~~(18)~~ “Management Unit” means a portion of any ~~Save Our Rivers land or other~~ District lands within a management area that requires a specific public use regulation due to legal, cultural or environmental factors uniquely affecting the specific unit of land, but which is not applicable to the entire management area.

(18)~~(19)~~ “Natural Resources” mean water, soils, flora, and fauna.

(19) “This Part” means Rules 40E-7.511 through 40E-7.539, F.A.C.

(20) “Personal watercraft” means a V~~v~~essel less than ~~then~~ 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motorized power and which is designed to be operated by a person sitting, standing, or kneeling on the V~~v~~essel, rather than in the conventional manner of sitting or standing inside the V~~v~~essel.

(21) “Primitive Camping” means no amenities are provided.

(22) “Recreation site” means an improved or unimproved site established to facilitate public use of a designated Management Area, Stormwater Treatment Area, Impoundment Area, Right of Way or vacant undesignated land.

(23) “Recreational trail” means saddle animal riding, hiking, canoeing, bicycling, or jogging trails for use by the public.

(24) “Right of Way” or “Rights of Way,” for purposes of this Rule, means those lands ~~the Right of Way~~ acquired by the District in fee, easement, or other type of grant, for the purpose of construction, operation, and maintenance of ~~the canals and levees adopted as~~ Works of the District adopted pursuant to Section 373.086, F.S., including, but not limited to, ~~These Right of Way include the~~ canals, levees, water control structures, spoil areas, and access roads, excluding Stormwater Treatment Areas (STAs). ~~maintenance berms and spoil mounds located thereon.~~

(25) “Saddle animal” means any animal used to transport a person or property.

~~(26) “Service animal” means an animal such as a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability.~~

(26)~~(27)~~ “Special Use License” means a type of license granted by the District to allow access to and use of certain District lands and facilities as set forth in this Part.

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(27)~~(28)~~ "Stormwater Treatment Area" means District lands designated by the Governing Board as a Stormwater Treatment Area.

(28)~~(29)~~ "Vacant undesignated land" means any land owned by the District that is not designated as a Management Area, Stormwater Treatment Area, Impoundment Area, or Rights of Way ~~which land is greater than ten (10) acres~~ and has legal and practical public access.

(29)~~(30)~~ "Vessel" is synonymous with a boat as referenced in s. 1(b), Art. VII of the Florida State Constitution and includes every description of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Rulemaking Authority 373.019, 373.044, 373.113, 373.171 FS. Law Implemented ~~373.016,~~ 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.1391, 373.59 FS. History–New 5-24-94, Amended 11-13-97, 1-1-99, 1-5-03, 7-12-06, 8-28-12. Amended _____.

40E-7.523 Access to District Lands; Closures.

(1) When designated access points are indicated, entry onto and exiting from Management Areas, Stormwater Treatment Areas, and Impoundment Areas by the general public is only authorized at those designated access points.

(2) Entry onto and exiting from Right of Way may be at any legal public access point.

(3) Under ~~District lands or areas within District lands shall be closed to public use under~~ the following conditions, activities authorized under this rule will be prohibited or District lands will be closed:

(a) When necessary during emergency conditions such as floods, severe weather events, or wildfire for public safety and the protection of natural resources. Such closures shall require the approval of the Executive Director and concurrence of the Governing Board. ~~In no event shall such closures exceed forty-five (45) days duration absent reconsideration and approval by the Governing Board~~.

(b) When necessary~~, in the judgment of the Executive Director or the Governing Board,~~ based upon available information at the time, on a temporary, seasonal or permanent basis to protect natural, historic or archaeological resources. ~~Such closures, to the extent they exceed forty-five (45) days, shall require approval by the Governing Board.~~

(c) During certain days, hours or periods of time, when such closure is necessary to implement land management practices such as prescribed burning, vegetation spraying, construction, operations, maintenance, research studies, data collection, resource protection, or as a condition of a contract or permit.

(d) ~~Upon the designation by the Governing Board pursuant to Section 373.6055, F.S., that certain~~ If District lands or facilities are identified as "critical infrastructure", ~~as~~ designated by the Regional Domestic Security Task Force pursuant to applicable law, ~~whereupon~~ then such lands or facilities ~~shall be immediately deemed~~ are closed for public use without further action required by the Governing Board.

~~(e) Specific uses permitted on District lands may be restricted to certain areas within those lands.~~

(4) Closures of District lands ~~Regulated closures under subsection 40E-7.523(3), F.A.C., temporary, seasonal, or permanent closures of District lands or areas within District lands~~ will be posted at authorized points of entry or at an established boundary within said areas.

(5) The use or occupancy of existing buildings, structures, and related improvements is prohibited unless designated as a public use facility.

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(6) Entry into and exiting from Management Areas and Rights of Way from Vvessels is allowed when these lands are open for public access.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016~~, 373.119, 373.1391, 373.59 FS. History–New 5-24-94, Amended 1-1-99, 1-1-01, 7-12-06. Amended _____.

40E-7.525 Use of Vehicles, Vessels, and Aircraft; Navigational Restrictions.

(1) The operation of licensed and unlicensed vehicles, including swamp buggies, tracked vehicles, off-road or off-highway all-terrain vehicles, motorcycles, golf carts, or any other type of unlicensed motorized vehicle, on District lands is prohibited except: ~~on District lands is prohibited with the following exception: District lands are open to licensed vehicles on designated named and numbered roads only unless otherwise authorized.~~

(a) The use of licensed vehicles is authorized on designated roads open to the public;

(b) The use of vehicles is authorized where the District has affirmatively opened a roadway or parking area for a specified public use; or

(c) The use of vehicles is authorized where authorized by a Special Use License or Event Authorization.

(2) Any person who drives a vehicle on District lands shall drive in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and all other attendant circumstances, so as not to endanger the life, limb or property of any person.

(3) Motorized vehicle operators shall comply with posted speed limits on District lands and roads. If no speed limit is posted, the speed limit is 20 mph. Speed limits are not applicable to airboats, except when ~~the latter are~~ operated on roads on District lands.

(4) Parking ~~or operating~~ a motor vehicle, or trailer, in an unauthorized location or in a manner blocking roads, levees, maintenance berms, gates, or water control structures is prohibited ~~except where the District has affirmatively opened a roadway or a parking area for such use~~.

(5) Servicing or maintaining vehicles and equipment is prohibited except when in conjunction with authorized recreational activities and allied purposes.

~~(6) The operation of unlicensed swamp buggies, tracked vehicles, off-road or off-highway all-terrain vehicles, motorcycles, off-road motorcycles or motocross motorcycles, or any other type of motorized vehicle on District lands is prohibited unless otherwise approved by an Event Authorization.~~

(6)~~(7)~~ Any restrictions to navigation established pursuant to state or federal law, applicable to District lands, are ~~shall be~~ specified in Rules ~~40E-7.538,~~ 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C., and ~~reasonably~~ identified by posted signage. ~~in the field by appropriate signs.~~

(7)~~(8)~~ No person shall enter or exit District lands from a V~~v~~essel or airboat when public access to such land is closed.

(8)~~(9)~~ No person shall launch an airboat or motorized V~~v~~essel except at designated boat launch facilities. Ramps constructed pursuant to Chapter 40E-6, F.A.C., are ~~shall be~~ deemed to be designated boat launch facilities.

(9)~~(10)~~ No person shall operate an airboat or V~~v~~essel beyond posted signage. ~~District signs.~~

(10)~~(11)~~ The takeoff ~~take-off~~ or landing of either motorized or non-motorized aircraft, including airplanes, helicopters, ultra lights, gliders and hang gliders, is prohibited except in an emergency or for official business.

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(11)~~(12)~~ The takeoff ~~take-off~~ or landing of model aircraft is prohibited unless ~~otherwise specified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C., or~~ approved by an Event Authorization.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 316.192, 316.1925, 316.655, ~~373.016,~~ 373.1391, 373.59 FS. History–New 5-24-94, Amended 1-5-03, 7-12-06. Amended _____.

40E-7.526 Equestrian Activities; Use of Saddle Animals.

(1) Equestrian activities are allowed ~~on vacant undesignated lands and~~ on Rights of Way on ~~existing~~ canal maintenance berms and levee tops. On all other District lands, equestrian activities are allowed where identified by posted signage on trails, areas, ~~on~~ designated roads, or equestrian campgrounds. ~~trails and established roads where permitted by signs.~~ District lands where ~~requiring~~ a Special Use License is required to conduct ~~for~~ equestrian activities are identified by posted signage. ~~in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.~~

(2) Rule 5C-18.010 F.A.C. (2013) requires that all persons using saddle animals must have a report of a negative Coggins test for Equine Infectious Anemia. Persons using saddle animals on District lands must have proof of a negative Coggins test in their possession at all times. ~~Users of saddle animals on District owned land must possess proof of negative Coggins test on their person.~~

(3) Equestrian activities are prohibited ~~not permitted~~ in wetland areas.

(4) The use of a horse cart as defined by subsection 40E-7.521(10)~~(11)~~, F.A.C., is authorized ~~permitted~~ on Rights of Way on existing canal maintenance berms and levee tops and on ~~. On all~~ other District lands as identified by posted signage on trails, areas, designated roads, or equestrian campgrounds. ~~, horse carts are prohibited except as authorized in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 316.192, 316.1925, 316.655, ~~373.016,~~ 373.1391, 373.59 FS. History–New 5-24-94, Amended 1-5-03, 7-12-06. Amended _____.

40E-7.527 Hunting.

(1) ~~Consistent with applicable provisions of local, state and federal law, concerning hunting, or the possession and use of firearms or other types of hunting devices, such as the rules of the~~ Florida Fish and Wildlife Conservation Commission and the United States Department of Interior, Fish and Wildlife Service have rules governing hunting.~~,~~ H~~h~~unting, trapping and the releasing of free-running hunting dogs are prohibited on District lands unless the land is opened as a public hunting area and these uses are authorized in the specific public hunting area regulations.

(2) Public hunting on District lands is regulated, administered and enforced by the Florida Fish and Wildlife Conservation Commission, in cooperation with the District. A ~~If a~~ public hunting area established ~~, is permitted~~ on District lands will ~~, it shall~~ be posted. ~~as prescribed by Chapter 810, F.S. Management Areas currently established as public hunt areas are noticed in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.~~

(3) Public hunting areas are ~~shall only be~~ established on District lands with approval of the Governing Board,~~.~~ except that the Executive Director authorizes public hunting on District lands

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less than 100 acres in size and adjacent to other District lands with established hunting areas. ~~Agreements between the District and the Florida Fish and Wildlife Conservation Commission or the United States Fish and Wildlife Service are considered to be authorizations to remove designated game species.~~

(4) Hunting is prohibited ~~No person shall hunt~~ except during regulated hunting seasons established and managed by the Florida Fish and Wildlife Conservation Commission.

(5) Erecting or maintaining tree stands on District lands more than 10 days before or more than 10 days after any authorized hunting season is prohibited.

(6) Placing, exposing or distributing any grain or other food for wildlife is prohibited.

(7) Hunting from improved roads is prohibited.

(8) Hunting in areas posted as closed to hunting ~~safety zones~~ is prohibited.

~~(9) Hunting beyond posted signs is prohibited.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016,~~ 373.1391, 373.1401, 373.59, ~~790, 810.09~~ FS. History–New 5-24-94, Amended 1-1-01, 1-5-03, 7-12-06, 8-28-12. Amended _____.

40E-7.528 Bicycling.

Bicycling is allowed on ~~vacant undesignated lands and on~~ Rights of Way on existing canal maintenance berms and levee tops. On all other District lands, bicycling is allowed except as restricted by posted signage. ~~on designated trails and established roads except where restricted by signs. Lands requiring a Specific Use License for bicycling are identified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.~~

Rulemaking Authority 373.044, 373.133 FS. Law Implemented ~~373.016,~~ 373.1391, 373.1401, 373.59, ~~790, 810.09~~ FS. History–New 7-12-06. Amended _____.

40E-7.529 Overnight Camping.

(1) Management Areas:

(a) Camping and the use of camping amenities are authorized only within designated campsites as identified by posted signage. ~~Overnight, primitive camping on a first-come, first-serve basis is permitted only at designated campsites and shall require a Special Use License as specified in Rule 40E-7.538, F.A.C.~~

~~(b) Designated campsites and amenities within specific Management Areas shall be reasonably identified in the field by appropriate signs or markers.~~

(b)~~(c)~~ Overnight camping or the presence of camping equipment is ~~shall be~~ limited to eight (8) ~~five (5)~~ consecutive days, or 30 total days per year on ~~per~~ District lands where camping is authorized, unless authorized by Special Use License.

(c) A Special Use License is required:

1. in camping areas idenified by posted signage; and

2. for group campsites in Management Areas.

(d) Camping is prohibited without ~~Use of group campsites in Management Areas requires~~ a Special Use License where a Special Use License is required as posted by signage.

(2) Overnight camping within Stormwater Treatment Areas, Impoundment Areas, and Rights of Way is prohibited, except that overnight Primitive Camping, or the presence of camping equipment on the Florida National Scenic Trail is authorized for one night only per site and when in possession of a Special Use License.

~~(a) Overnight, primitive camping is permitted only along the Florida National Scenic Trail~~

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~~when in possession of a Special Use License.~~

~~(b) Overnight camping or the presence of camping equipment shall be limited to one (1) night unless authorized by a Special Use License.~~

(3) Camping within vacant undesignated lands is prohibited unless authorized by an Event Authorization.

(4)~~(3)~~ No person shall install, erect, or maintain any unauthorized camp, building, structure, shelter, residence or sign.

(5) Between the hours of 11:00 p.m. and 7:00 a.m., loud music, barking dogs, or any other activities causing excessive noise are prohibited in camping areas. Generator use in camping areas is allowed except as restricted by posted signage.

(6) Pets must be leashed and under control within camping areas.

(7) Within camping areas, pet waste must be disposed of in waste bins, if provided. Horse manure must be disposed in designated manure disposal areas if provided.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016,~~ 373.1391, 373.59 FS. History–New 5-24-94, Amended 11-13-97, 1-1-99, 1-5-03, 7-12-06. Amended _____.

40E-7.530 Trapping.

Trapping is prohibited on all District lands except as ~~where~~ authorized by the District for land management purposes. ~~by an Event Authorization which shall be limited to scientific study or removal of nuisance species. Trapping on District land is regulated, administered and enforced by the Florida Fish and Wildlife Conservation Commission.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016,~~ 373.1391, 373.59 FS. History–New 7-12-06. Amended _____.

40E-7.532 Operating Hours.

District lands will ~~shall~~ be open to public use twenty-four (24) hours a day, seven (7) days a week, or during the hours and days designated for specific areas identified by posted signage, consistent with Rules 40E-7.5382, 40E-7.5383, and 40E-7.5384, F.A.C., except during authorized closures as set forth in subsection 40E-7.523(3), F.A.C.~~, above or unless otherwise specified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016,~~ 373.119, 373.1391, 373.59 FS. History–New 5-24-94, Amended 7-12-06. Amended _____.

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40E-7.534 Special Use Licenses.

(1) In order to maximize opportunities for public recreation on District lands and provide public access where it might otherwise be prohibited, the District issues Special Use Licenses. A Special Use License is ~~, issued by the District's Land Stewardship Division or its authorized agents or contractors at no cost to the public, shall be~~ required to engage in the following ~~select~~ activities on District lands: ~~identified by the Governing Board, when determined necessary to protect the natural resources of said areas, prevent overuse of facilities, or to avoid conflicts between users. District lands with Special Use License requirements, including the daily quota for Special Use Licenses for each District land, if any, shall be specified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.~~

(a) to obtain vehicular access to District lands through locked gates as identified by posted signage;

(b) to reserve campsites in certain areas with limited capacity as identified by posted signage;

(c) for equestrian use in certain areas with limited capacity as identified by posted signage; or

(d) for persons with a mobility impairment requesting to use a vehicle in areas prohibited under Rule 40E-7.525, F.A.C., or requesting other mobility-impaired accommodations.

(2) The District will issue Special Use Licenses on a first-come, first-served basis when the area and facilities can accommodate the requested use and such use is consistent with the protection of natural resources.

(3)~~(2)~~ A Special Use ~~Application and~~ License holder and all participants must comply with all conditions as reflected in the ~~shall be submitted to the District on Form #0830. Upon receipt of a properly completed~~ Special Use ~~Application and~~ License. (Form #0830)~~, the District's Land Stewardship Division shall issue Special Use Licenses on a first come first served basis until the daily quota established by the District for that activity is reached.~~

~~(3) Special Use Licenses shall only be valid for the dates shown on the License and must be in the possession of the applicant while on the identified District land. If the applicant is a group, then the license must be in the possession of the designated group leader.~~

(4) Special Use License holders must retain the license in their possession at all times when using the area for which the license applies. If the Licensee is a group, the license must be in the possession of the group leader.

(5) If the Licensee is using a vehicle, the license reference number must be displayed on the driver's side of the dashboard of the Licensee's and any participant's vehicle.

(6)~~(4)~~ Persons requesting ~~wishing to obtain~~ a Special Use License, when required by the District, may apply in person, call, or write to request a copy of "Special Use Application and License" Form No. #0830 effective (_____) (add Hyperlink) , which is hereby incorporated by reference and may be obtained from the District at the following:

(a) Land Resources Bureau ~~Stewardship Division~~
South Florida Water Management District
Post Office Box 24680 (mailing)
Building B-1 3301 Gun Club Road (in person)
West Palm Beach, FL 33416-4680
Telephone: (561)686-8800 or Florida WATS 1(800)432-2045, or

(b) the District's website: www.sfwmd.gov/recreation ~~From the applicable service center as set forth in the special provisions for the specific District land, or~~

~~(c) From the District's website: www.sfwmd.gov/org/clm/lsd/public.html.~~

~~(5) In the event the daily quota has been reached, the District shall notify the Special Use~~

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~~License applicant that the District intends to deny the application, and the applicant may request further consideration by the Governing Board.~~

(7)~~(6)~~ The District ~~Executive Director, or his designee,~~ shall revoke a Special Use License if the licensee violates any provisions of this Part ~~rule~~ or the Special Use License.

~~(7) Special Use Licenses shall be issued in accordance with the provisions of this section, for the purpose of providing mobility impaired persons the opportunity to use motorized vehicles to access portions of the District lands not otherwise open to motorized vehicles. Licenses for this purpose will be issued upon request, including proof of mobility impairment, as long as the requested use will not adversely impact the resource, impair the safety and welfare of the user, interfere with the reasonable use by others, or result in substantial financial obligations by the District to accommodate the user. Mobility impaired hunting permits are issued by the Florida Fish and Wildlife Conservation Commission.~~

~~(8) Any person prohibited from entering onto District land by a court order shall not be eligible to apply for a Special Use License, during the prohibition period.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016,~~ 373.1391, 373.59 FS. History–New 5-24-94, Amended 1-1-99, 1-1-01, 1-5-03, 7-12-06. Amended _____.

40E-7.535 Event Authorization.

(1) In order to provide opportunities for group activities on ~~A person or entity shall apply for an Event Authorization, at no cost to the applicant, to use~~ District lands in a manner not otherwise provided ~~for~~ or authorized in this Part, the District issues Event Authorizations. ~~part.~~

(2) To receive an Event Authorization, a person or entity ~~the applicant~~ must provide reasonable assurance that:

(a) The requested use will not involve the permanent alteration of any District lands or the permanent placement of any structure on District lands;

(b) The requested use is resource-based;

(c) The requested use is consistent with the management plan for the District lands involved;

(d) The requested use will not harm the natural ~~environmental~~ resources of the District lands;

(e) The requested use will not cause unreasonable expense to the District;

(f) The requested use will not create a substantial risk of liability that is not mitigated pursuant to subsection (4)(b); ~~to the District;~~

(g) The requested use will not harm any dam, impoundment, works, water control structure, road, or District-owned facilities or equipment;

(h) The requested use will not interfere with District water management, leased, or authorized uses of the land; and

(i) The requested use will not interfere with any other use allowed by this P~~p~~art.

(3) ~~The District shall impose upon any~~ Event Authorizations issued pursuant to this P~~p~~art will include such reasonable conditions as are necessary to assure that the use or activity authorized will meet the criteria set forth in this P~~p~~art.

~~(4) The Governing Board delegates to the Executive Director or their Designee the authority to issue or revoke Event Authorizations pursuant to this part.~~

(4)~~(5)~~ A person or entity may request ~~apply for~~ an Event Authorization according to the following procedure:

(a) Submit a written request to:

South Florida Water Management District

Attachment: 00000300-BHB2EB7DD5S065-GPXGXU1300S065 (1571 : Public Hearing to Adopt Proposed Amendments and Notice of Change for

Land Resources Bureau ~~Stewardship Division~~
P.O. Box 24680
West Palm Beach, Florida 33416-4680

(b) If the requested use will create a substantial risk of liability to the District, the person or entity ~~applicant~~ must mitigate the substantial risk of liability by:

1. Providing proof of liability and property damage insurance naming the District as an insured in an amount sufficient and determined by the District to cover the cost of the potential liability; and

2. Providing waivers or releases of liability sufficient to eliminate the potential liability.

~~(c) If the requested use satisfies all of the criteria set forth in this section and is not otherwise inconsistent with District Policy, the Executive Director shall issue the Event Authorization.~~

(5)~~(6)~~ A person or entity receiving an Event Authorization from the District must have the Event Authorization in their possession at all times while on District lands.

(6)~~(7)~~ The District shall revoke ~~In the event the holder of~~ an Event Authorization if the holder violates its ~~the~~ terms or ~~of the authorization,~~ engages in an activity ~~a use~~ not authorized ~~permitted~~ by the ~~authorization, or the authorized activity is no longer consistent with District policy, the~~ Event Authorization. ~~shall be subject to revocation by the Executive Director or designee.~~

(7) An Event Authorization holder and all participants must comply with all conditions of the Event Authorization.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016,~~ 373.1391, 373.59 FS. History–New 7-12-06. Amended _____.

40E-7.537 General Prohibitions.

The following are ~~shall be~~ prohibited on all District lands unless otherwise specified:

(1) Discharging firecrackers, rockets, or any other fireworks.

(2) Destroying, defacing, or removing any natural resource or native plant, including the felling of dead trees.

(3) Destroying, injuring, defacing, vandalizing, removing, or disturbing in any manner any public building, tower, recorder, gage, walkway, platform, well, sign, gate, fence, equipment, monument, marker, or other structure or improvement.

(4) Destroying or damaging scientific study plots, photo points, transect lines, benchmarks or survey monuments, or survey markers.

(5) Trespassing on, operating, vandalizing, or interfering with the operation of any water control structures.

(6) Discharging or disposing of oil, gasoline, paint, thinner, pesticides, fertilizer, explosives or other pollutants, chemicals and wastes.

(7) Cleaning or disposing of fish, game, animals, or food at: potable watering stations, ~~in~~ rest rooms, ~~at~~ boat ramps, camping areas, levees, or trailheads;~~,~~ or washing clothing or articles, or washing, cleaning or servicing of vehicles; except where facilities for such activities have been provided by the District or other management entity.

(8) Using refuse containers or other refuse facilities to dispose ~~for disposal~~ of household or commercial garbage ~~or trash~~.

(9) Building or maintaining a fire in a place other than a grill, fireplace, or fire ring provided by the District or other authorized management agency for such purpose. This prohibition does not apply to portable campstoves or grills provided by the user.

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(10) Commercial activity by a ~~for-profit~~ person or entity without a written ~~contractual~~ agreement with the District.

(11) Conducting an activity on District lands that is prohibited, restricted, or regulated by posted signage. ~~where prohibited by posted signs where such activity is regulated by the posting of signs under Chapter 40E-7, Part V, F.A.C.~~

(12) Installing or maintaining unauthorized signs.

(13) Pets that are not under physical restraint. ~~with the exception of service animals and leashed animals on Management Areas.~~

(14) The abandonment of personal property.

(15) Using a horse trough for anything other than watering horses.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016,~~ 373.1391, 373.59 FS. History–New 5-24-94, Amended 1-1-99, 1-5-03, 7-12-06. Amended _____.

40E-7.538 Special Provisions for Management Areas of the District Open to the Public.

~~(1) Rough Island North and South and Johnson Island Units.~~

~~(a) Seasonal public access to the Rough Island North limited access area is permitted from August 16 to February 14 only between the hours of 6:00 a.m. to 9:00 p.m., via the airboat gate. Users of this area must be in possession of a Special Use License.~~

~~(b) A quota of fifty (50) annual Special Use Licenses has been established for this area. Annual Special Use Licenses are available on June 1st of each year from the District's Upper Lakes Region land manager at the Orlando Service Center.~~

~~(c) Hunting is permitted in the Rough Island North limited access area only on those dates during seasonal public access period referenced in paragraph 40E-7.538(1)(a), F.A.C., which coincide with hunting seasons established by the Florida Fish and Wildlife Conservation Commission.~~

~~(d) Any person who has been issued an annual Special Use License for the limited use area shall have the annual Special Use License in possession while in the limited use area.~~

~~(e) Special Use License holders shall not operate any vessel not registered with the District in the limited access area without first notifying the District.~~

~~(f) The number of hunters that can accompany an annual Special Use License holder to hunt in the limited access area is limited to three.~~

~~(g) The annual Special Use License may be transferred from one registered airboat or watercraft to another airboat or watercraft after notifying the Upper Lakes Region land manager at the Orlando Service Center. The Special Use License holder may not operate that vessel in the limited access area until after such notification has been made.~~

~~(h) Any person convicted of violating a federal, District, state or local fish and wildlife law, statute, rule or ordinance within the previous 3 years shall not be eligible for a Special Use License to enter the Rough Island North limited use area.~~

~~(2) Lake Marion Creek Management Area in Polk County. Camping is permitted only at designated campsites when in possession of a Special Use License.~~

(1)~~(3)~~ Gardner-Cobb Marsh Management Unit in Osceola County: ~~.~~

(a) Persons may only enter and exit the Management Unit ~~management area~~ from Lake Cypress, Lake Hatchineha, Lake Kissimmee, and Canal 36.

~~(b) Airboating is prohibited beyond the restricted area signs, on or across improved roadways or within hammock areas, except that airboats may cross the main grade at the designated crossing points.~~

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~~(c) Hunting in Ike Hammock is prohibited.~~

~~(4) Lower Kissimmee River Management Area located in Polk, Osceola, Highlands, Glades, and Okeechobee Counties.~~

~~(a) Camping is permitted only at designated campsites when in the possession of a Special Use License.~~

~~(b) The use or possession of saddle animals is permitted when in the possession of a Special Use License.~~

~~(c) The use or possession of saddle animals and camping at designated campsites is permitted for both uses when in possession of a Special Use License permitting both uses.~~

(2)~~(5)~~ DuPuis Management Area located in Martin and Palm Beach Counties: ~~.~~

~~(a) The use or possession of saddle animals and horse carts is restricted to the equestrian center, designated equestrian trails, and named or numbered roads.~~

~~(b) The use of off road vehicles is restricted to the designated disabled hunt in accordance with Florida Fish and Wildlife Conservation Commission regulations.~~

~~(c) No dogs are allowed on DuPuis except as authorized by the Florida Fish and Wildlife Conservation Commission.~~

(a)~~(d)~~ Camping at the family campsite is limited to:

1. Only tent camping or tent popup camping; and ~~is allowed.~~

2. A maximum of 8 people and 2 vehicles ~~are allowed~~ per campsite.

~~3. Generators are not allowed.~~

~~(6) CREW Marsh Management Area located in Lee and Collier Counties.~~

~~(a) Persons may enter and exit the Management Area each day between sunrise and sunset from any established trailhead off State Road 850 (Corkscrew Road).~~

~~(b) Overnight camping is permitted at the designated primitive campsite when in the possession of a Special Use License (See Rule 40E-7.534, F.A.C.) or as authorized by Florida Fish and Wildlife Conservation Commission. A quota of twenty (20) persons per night has been established by the District for use of the designated campsites.~~

~~(7) Bird Rookery Swamp Management Area located in Collier County. Persons may enter the Management Area on foot at the west end of N.W. 43 Avenue, Collier County.~~

~~(8) Flint Pen Strand Management Area located in Lee County. Persons may enter and exit the Management Area on foot from Poormans Pass.~~

~~(9) Nicodemus Slough Management Area located in Glades County.~~

~~(a) Persons may enter the Management Area each day between sunrise and sunset; nighttime activities other than those specified in paragraph 40E-7.538(9)(c), F.A.C., below are prohibited.~~

~~(b) Overnight camping is prohibited.~~

~~(c) Airboating and frogging are permitted on the Management Area. Airboaters operating on the Management Area must be in possession of a Special Use License. A quota of five airboats per day has been established by the District. A copy of the Special Use License must be displayed in a readily visible location within the licensee's vehicle while parked on the Management Area.~~

~~(d) The use or possession of a saddle animal is prohibited.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016,~~ 373.1391, 373.59 FS. History–New 1-1-01, Amended 1-5-03, 7-12-06, 8-28-12. Amended _____.

40E-7.5381 Special Provisions for Rights of Way of the District.

Unless authorized under Chapter 40E-6, F.A.C., the ~~The~~ following, in addition to the other

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prohibitions and restrictions in this Part, are ~~shall be~~ prohibited on all ~~Right of Way of the~~ District Rights of Way: ~~; which include rights-of-way, canals, levees, maintenance berms, and spoil mounds:~~

(1) Hunting.

~~(2) Discharging firecrackers, rockets, or any other fireworks.~~

~~(3) Operating a motor vehicle including licensed and registered motor vehicles as well as off highway and all terrain vehicles except where the District has affirmatively opened a roadway or a parking area for public use.~~

~~(4) Operating any all terrain vehicles or off highway vehicles, or amphibious vehicles.~~

~~(5) Parking vehicles or trailers in such a manner as to block access roads, levees, maintenance berms, gates or water control structures.~~

(2)~~(6)~~ Anchoring or tying a V~~v~~essel, including personal ~~or~~ watercraft, to a road, levee, maintenance berm, structure, fence, tree, post, sign, gauge, data recorder, weed barrier, or boat barrier.

(3)~~(7)~~ Vessels being occupied or used as a temporary or permanent residence or business.

(4)~~(8)~~ Operating or mooring a V~~v~~essel, including personal ~~or~~ watercraft in such a manner as to impede the District's ability to construct, operate and maintain its structures.

(5)~~(9)~~ Pets that are not under physical restraint or ~~, with the exception of service animals, leashed animals and animals otherwise~~ under the effective control of the owner.

~~(10) Installing, erecting or maintaining a temporary or permanent place of residence including, but not limited to, a camp, trailer, or shelter. Overnight primitive camping along the Florida National Scenic Trail is permitted if camper possesses a Special Use License on their person.~~

~~(11) The abandonment of personal or commercial property.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016,~~ 373.1391, 373.59 FS. History–New 7-12-06, Amended 8-28-12. Amended _____.

40E-7.5382 Special Provisions for Vacant Undesignated District Lands Open to the Public.

(1) In addition to the other prohibitions and restrictions in this Part, the following are prohibited on Vacant undesignated lands: ~~The following shall be prohibited on vacant undesignated lands, as that term is defined in subsection 40E-7.521(30), F.A.C.~~

~~(1) Hunting is only authorized in those vacant undesignated lands which have been opened for public hunting as provided in Rule 40E-7.525, F.A.C., if any.~~

~~(2) Camping.~~

(a)~~(3)~~ Motorized vessels.

~~(4) Pets with the exception of service animals, leashed animals, and animals otherwise under the effective control of the owner.~~

(b)~~(5)~~ Public access between 1/2 hour after sunset to 1/2 hour before sunrise.

(2) Pets must be under physical restraint at all times.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016,~~ 373.1391, 373.59 FS. History–New 7-12-06, Amended 8-28-12. Amended _____.

40E-7.5383 Special Provisions for Stormwater Treatment Areas (STAs) ~~(STA's)~~ of the District Open to the Public.

Persons may only enter and exit Stormwater Treatment Areas at designated public access points

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during the hours and days, and in areas as identified ~~designated~~ by posted signage. ~~signs.~~

(1) In addition to the other prohibitions and restrictions in this Part, t~~T~~he following are prohibited in all Stormwater Treatment Areas:

~~(a) Pets, with the exception of service animals.~~

~~(b) Frogging.~~

(a)~~(c)~~ Fishing or frogging in areas closed to fishing or frogging within the STAs ~~STA's~~ as restricted by posted signage. ~~by sign~~.

(b)~~(d)~~ Motorized and non-motorized V~~v~~essels and boat trailers in interior waters, with the exception of those areas identified by posted signage.

(c)~~(e)~~ Entering interior waters.

~~(2) Hunting is only authorized in those STA's which have been opened for public hunting in accordance with Rule 40E-7.525, F.A.C.~~

(2)~~(3)~~ Vessels and V~~v~~essel operation are authorized ~~is permitted~~ only on STA exterior canals under the following limitations:

(a) Vessel and V~~v~~essel operation limitations are ~~shall be~~ posted by signage.

(b) Vessel and V~~v~~essel operation limitations are ~~shall be~~ made specific to each Stormwater Treatment Area exterior canal for: resource protection; protection of District structures, equipment, and levees; and operation and maintenance of the STA.

(c) Vessels are ~~shall be~~ limited as motorized or non-motorized, and by engine horsepower, engine type, and V~~v~~essel type.

(d) Vessel operation is ~~shall be~~ limited by area, water depth, by distance from District structures, equipment, or levees, and by speed.

(3)~~(4)~~ The following V~~v~~essel and V~~v~~essel operations are prohibited in Stormwater Treatment Area exterior canals:

(a) Personal watercraft.

(b) Airboats.

(c) Vessel operation greater than Idle Speed within 300 feet of any District, structure or equipment.

(d) Vessel operation which causes damage to plants, injures animals or fish, or other natural ~~environmental~~ resources.

(e) Vessel operation within an area delineated by V~~v~~essel barriers.

(f) Anchoring or tying a V~~v~~essel or watercraft to a road, levee, maintenance berm, structure, fence, tree, post, sign, gauge, data recorder, weed barrier, or V~~v~~essel barrier.

(4) Pets must be under physical restraint at all times and are only allowed in areas identified by posted signage.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016,~~ 373.1391, 373.4592(4)(a), 373.59 FS. History–New 7-12-06. Amended _____.

40E-7.5384 Special Provisions for Impoundment Areas of the District Open to the Public.

Persons may only enter and exit Impoundment Areas at designated public access points during the hours and days, and in areas as identified ~~designated~~ by posted signage~~signs~~.

(1) The following are prohibited in all Impoundment Areas:

~~(a) Pets with the exception of service animals, leashed animals, and animals otherwise under the effective control of the owner.~~

~~(b) Frogging.~~

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(a)~~(c)~~ Fishing or frogging in areas closed to fishing or frogging within the Impoundment Areas identified by ~~as~~ posted signage. ~~by sign.~~

(b)~~(d)~~ Swimming, surfing, snorkeling, scuba diving or use of other underwater breathing apparatus.

(c)~~(e)~~ Water skiing, tubing, wake boarding or similar in water sports.

~~(2) Hunting is only authorized in those Impoundments Areas which have been opened for the public hunting in accordance with Rule 40E-7.525, F.A.C., if any.~~

(2)~~(3)~~ Vessels and V~~v~~essel operation is authorized ~~permitted~~ on Impoundment Areas under the following limitations:

(a) Vessel and V~~v~~essel operation limitations are ~~shall be~~ posted by signage.

(b) Vessel and V~~v~~essel operation limitations are ~~shall be~~ made specific to each Impoundment Area for: resource protection; protection of District structures, equipment, and levees; and operation and maintenance of the Impoundment Area.

(c) Vessels are ~~shall be~~ limited as motorized or non-motorized, and by engine horsepower, engine type, and V~~v~~essel type.

(d) Airboat operation is ~~shall be~~ limited to designated areas.

(e) Vessel operation is ~~shall be~~ limited by area, water depth, by distance from District structures, equipment, or levees, and by speed.

(3)~~(4)~~ The following V~~v~~essels and V~~v~~essel operations are prohibited in Impoundments:

(a) Personal watercraft.

(b) Vessel operation greater than Idle Speed within 300 feet of any District, structure or equipment.

(c) Vessel operation which causes damage to plants, injures animals or fish, or other natural ~~environmental~~ resources.

(d) Vessel operation within an area delineated by V~~v~~essel barriers.

(e) Anchoring or tying a V~~v~~essel or watercraft to a road, levee, maintenance berm, structure, fence, tree, post, sign, gauge, data recorder, weed barrier or V~~v~~essel barrier.

(4) Pets must be under physical restraint at all times and are only allowed in areas identified by posted signage.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.016,~~ 373.1391, 373.59 FS. History–New 7-12-06. Amended _____.

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South Florida Water Management District
SPECIAL USE APPLICATION AND LICENSE

(To be completed by Applicant)

Applicant's Name		
Activity leader (for group)		
Address		
Telephone Number (including area code)		
E-mail Address		
Request permission to access		
For the purpose of		
Date(s)	From:	To:
Number in party		
Number of vehicles		

(for District use only)

License issued on	
License effective on	
License void on	
Lock combination	

District Representative

_____
Name

_____
Title

_____
Phone

Attachment: special use license CAF (1571 : Public Hearing to Adopt Proposed Amendments and Notice of Change for District Rules)

M E M O R A N D U M

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: November 14, 2013

SUBJECT: Public Hearing to Adopt Proposed Amendments and Notice of Change for District Rules

Summary
On March 14, 2013, the Governing Board authorized staff to initiate rule development for Part V of Chapter 40E-7, F.A.C., pertaining to public access and nature-based recreation on District lands. District staff identified rules in need of clarification, modification, or updating and incorporated changes based on public comment received through workshops, including the WRAC Recreation Issues Workshop, direct e-mail, via phone, and the District's website.

On September 27, 2013, based on Governing Board direction, the District published a Notice of Proposed Rulemaking with rule amendments identified during the public input process. The Joint Administrative Procedures Committee (JAPC) staff have reviewed the amendments and have requested additional modifications to the proposed rule. This agenda item is necessary to adopt the proposed amendments to the rules, incorporate JAPC's requested rule changes, provide required notice of change to the public, and obtain review of the proposed rule by the Florida Legislature as required by to Chapter 373.1391(6), F.S. Additionally, prior to publishing the Notice of Change, District staff is required to send the revised rule changes to the Office of Fiscal Accountability and Regulatory Reform (OFARR) in accordance with Executive Order 11-211.

Staff Recommendation
Staff recommends the Governing Board: 1) Adopt the proposed rule amendments to Rules 40E-7.511 through 40E-7.5384, F.A.C; 2) Authorize publication of a Notice of Change in the Florida Administrative Register that incorporates rule changes based on JAPC comments and; 3) Authorize forwarding the rules to the Florida Legislature for consideration pursuant to Section 373.1391(6), F.S.

Core Mission and Strategic Priorities
This rulemaking effort supports the District's core mission by ensuring District lands are open for public recreation consistent with Section 373.1391, F.S. The Land Resources Bureau is responsible for implementing this item and administering public recreation on District lands.

Funding Source
This item does not require the expenditure of additional District funds.

Staff Contact and/or Presenter
Dan Cotter, ext. 2301

M E M O R A N D U M

TO: Governing Board Members

FROM: Doug Bergstrom, Director, Administrative Services Division

DATE: November 14, 2013

SUBJECT: Monthly Financial Statement – September 2013

The attached financial status report is provided for your review. This report provides a high level snapshot of District financial activity and includes revenue collections by source and expenditures by program. Also attached is a summary in the State Program format in compliance with Chapter 373.536(4)(e) F.S., requiring each District to provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the District's Governing Board and make such monthly financial statement available for public access on its website. This unaudited financial statement is provided as of September 30, 2013, the end of the fiscal year.

Schedule of Sources and Uses – This financial statement compares revenues received and encumbrances / expenditures made against the District's FY2013 $622.2 million consumable budget. Encumbrances represent orders for goods and services which have not yet been received.

- As of September 30, 2013, with the fiscal year transactions substantially complete, 94.9% of the District's budgeted operating revenue (excludes fund balance) has been collected. The primary source of operating revenue received to date is taxes. Ad Valorem taxes comprise 68% of the budgeted operating revenues and drive collections based on the annual cycle of the property tax bill. The remaining revenue source is fund balance which represents the amount of prior year residual revenue that is budgeted in the current year and has already been received. Total FY2013 sources collected were 96.7% of budget or $601.9 million.

- As of September 30, 2013, 99.8% of budgeted Ad Valorem tax revenue and 102.1% of budgeted Agricultural Privilege tax revenue have been collected. Ad Valorem and Agricultural Privilege tax collections peak November through January driven by the mailing of property tax bills in October and the 4% maximum discount available when paid in full by November 30. These taxes are budgeted at a discounted rate of 95% to allow for the discounts property owners may take advantage of through early payment options. Historical ad valorem trends for the past five years through September support an average collection rate of 99.2%.

- There is $5.4M in budgeted intergovernmental revenue in ad valorem funds, which includes $4.4M in Alligator Alley toll revenue, $781K in USACE reimbursements, and $243K in DEP reimbursements for aquatic plant control activities. Actual revenues received amount to $10.3M or a surplus of $4.9M. The surplus is largely a function of additional reimbursements received from the USACE related to pumping activity. This includes $2.6M that was secured for Homestead pump station costs from 2006 through 2009.

Attachment: Monthly Financial Statement Memo September FY13 (1597 : Monthly Financial Statement - September 2013)

- There is $73.3M in budgeted intergovernmental revenue in dedicated funds, comprised of $62.4M in SOETF reimbursements, $3.8M in reimbursements from the Florida Fish and Wildlife Conservation Commission (FWC) for aquatic/invasive plant control, $6.9M in WMLTF reimbursements for debt service expenses related to WMLTF bonds and $216K from Indian River Lagoon and Everglades License Tag proceeds. FY13 revenue amounts to $27.9M or a shortfall of $45.4M, which is concentrated in SOETF reimbursements. Reimbursement requests are submitted to the state based on actual expenses incurred. The SOETF shortfall is a function of funds carried forward into FY14 for the Mecca land acquisition, Dispersed Water Management, and L-8 construction.

- As of September 30, 2013, $4.7 million or 94.0% of budgeted Investment Earnings has been realized. The District budgeted $4.95 million in investment earnings for FY2013 distributed as follows: $4.59 million in ad valorem funds and $362K in non-ad valorem funds. Year to date interest earnings in ad valorem funds amount to $3.7 million or 81.0% of the budgeted amount, while interest earnings in non-ad valorem funds amount to $0.9 million or 259.2% of the budgeted level. Actual interest earnings in FY2013 in ad valorem funds resulted in a shortfall of $873K. This is offset by greater than budgeted revenues from USACE reimbursements, surplus sale proceeds, and permit fees. Investment earnings reflect a downward trend over the past years and are representative of lower cash balances, reduced ad valorem tax levies and lower interest rate yields.

- Lease revenue represents amounts collected from leases of real property owned by the District. The timing of revenue received is based on the fee schedules within the agreements – monthly, semi-annual or annual payments – and these varying timing issues impact the collection rate. The District has currently collected $4.0 million which represents 167.5% of the current year budgeted lease revenue of $2.4 million. The use of lease revenue collected for lands purchased with State or Federal funds is restricted based on the guidelines in the acquisition or grant.

- There is $2,299,310 in budgeted permit fee revenue, which includes water use permits - $744,160 and right of way permits - $68,000 and Environmental Resource Permit (ERP) application fees - $1,487,150. FY13 revenue amounts to $3,036,050 reflecting an overall surplus of $736,740. The surpluses in water use permits - $119,235 in and ERP application fees - $540,555 result from delays in implementing rules relative to consistency criteria for permits issued. Right of way permit fees reflect a surplus of $1,045 and there is unbudgeted revenue of $75,905 associated with miscellaneous fees such as well contractor fees and mitigation bank fees. Finally, there is a surplus of approximately $20.0M associated with dedicated Lake Belt and Wetland mitigation fees from restoration projects and fees for mining tonnage removed.

- Budgeted revenue in the Other category includes $275K in civil penalties and enforcement fees and $250K in miscellaneous revenues such as cash discounts, insurance reimbursements, refunds for prior year expenditures, and sale of recycled oil and scrap metal. Fiscal year collections amount to $816K representing 155.5% of the budgeted $525K.

- Sale of District Property represents the sale of real property and land. This is budgeted conservatively at $250K due to the uncertainty involved. FY2013 revenues received total $562K.

- Self-insurance premiums represent the District's contribution and the contribution from active and retired District employees to the self-funded health benefits program. Also included is the District's contribution to the workers compensation, auto and general liability self-insurance program. Contributions of $23.7 million received through September equate to 92.2% of the $25.7 million budget and reflect monthly premiums.

Expenditure and Encumbrance Status:

As of September 30, 2013, with 100% of the year complete, the District has expended **$383.8 million or 68.8%** and has encumbered **$99.7 million or 17.9%** of its non-reserve budget. The District has obligated (encumbrances plus expenditures) **$483.5 million** or **86.7%** of its non-reserve budget.

Summary of Expenditures and Encumbrances by Program – This financial statement illustrates the effort to date for each of the District's program areas. Provided below is a discussion of the primary uses of funds by program.

- The **Comprehensive Everglades Restoration Plan Program** has obligated 73.2% and expended 27.8% of their $124.0 million budget. Principal expenditures include personnel services ($5.6 million), contractual services ($6.3 million), operating ($964K), and capital outlay ($21.5 million). Contractual services and operating encumbrances ($5.9 million) and capital outlay encumbrances ($50.3 million) include the following projects: L-8 Flow Equalization Basin (FEB), Loxahatchee River Watershed Restoration Replacement Project - Mecca, C-44 Reservoir/STA Project, CERP Monitoring and Assessment, CERP Water Quality Studies, C-111 Spreader Canal, Southern CREW, Loxahatchee Impoundment Landscape Assessment, Picayune Strand Restoration, South Miami Dade Seasonal Operations Study, Biscayne Bay Coastal Wetlands, WCA3 Decompartmentalization and Sheetflow Equalization, Nubbin Slough STA/Pump Station Repairs, and Modified Water Deliveries & South Dade C-111 Project. Of the $33.2 million in available balance, $4.8 million is intended for indirect costs typically posted at year end, and $20.5 million has been re-budgeted to FY14 for L-8 FEB Pump Station, C-111 South Contract #8, C-44 Reservoir/STA Project, Cost Share with City of WPB on the Loxahatchee Watershed Restoration Project, Southern CREW (Ronto Settlement), CERP Water Quality Studies, C-111 Soil Moisture Study, and Risk Management. The remaining available balance was redirected to FY15 external risk management.

- The **Coastal Watersheds Program** has obligated 83.0% and expended 53.8% of their total $17.4 million budget. Principal expenditures include personnel services ($3.1 million), contractual services ($5.6 million), operating ($97K), and capital outlay ($533K). Contractual services encumbrances primarily consist of interagency agreements ($4.7 million) including: St. Lucie River and Indian River Lagoon Initiatives Projects, Loxahatchee River Preservation Initiative Projects, Big Cypress Basin Stormwater Projects, Spanish Creek/Four Corners, Miami Gardens NW 178th Dr. Stormwater Retrofit, El Portal Stormwater Improvements, Mirror Lakes/Halfway Pond Rehydration, and Lakes Park Restoration. Remaining contractual encumbrances ($279K) include: St. Lucie River Regulatory Source Controls, Florida Bay and Coastal Wetlands Project, Lake Trafford Biological Monitoring, Big Cypress Basin Real-time Hydrologic Monitoring and Modeling System, public process to development a

Attachment: Monthly Financial Statement Memo September FY13 (1597 : Monthly Financial Statement - September 2013)

restoration vision of the Caloosahatchee River and Estuary, and refinement of hydrological model for Naples Bay. Capital outlay encumbrances ($116K) include environmental assessment and survey and mapping of Duda property and preliminary survey and geo-tech services and preliminary design for the Lake Hicpochee Hydrologic Enhancement project. Of the $3.0 million in available balance, $180K was disencumbered from St. Lucie River and Indian River Lagoon Issues Teams projects and will be rebudgeted in FY15; $9K is state appropriations for Florida Keys/Florida Bay which will be returned to the State; and $2.6 million has been re-budgeted to FY14 for Lake Hicpochee Hydrologic Enhancement project, C-43 Water Quality Testing Facility (BOMA), 28th Street Culvert Replacement (BCB), Indian River Lagoon Issues Team projects, Mirror Lakes/Halfway Pond Restoration, and modeling efforts in the St. Lucie River and Caloosahatchee River watersheds.

- The **District Everglades Program** has obligated 73.6% and expended 70.1% of their total $53.7 million budget. Principal expenditures include personnel services ($16.8 million), contractual services ($6.2 million), operating ($8.2 million), and capital outlay ($6.4 million). Contractual services encumbrances ($411K) primarily include the operations monitoring, maintenance, and repair of Stormwater Treatment Areas (STA's), Diesel Oxidation Catalyst Installation, STA 1E Exterior Levee Certification, and Everglades Regulation Source Control. Operating encumbrances ($142K) are in support of the overall operations and maintenance of vegetation and exotic plant control of the STA's. Capital outlay encumbrances ($1.3 million) include work on STA1W Expansion, Restoration Strategies Science Plan projects and completing Compartment C. Of the $14.2 million in available balance, $500K is for property appraiser and tax collector fees along with STA operations such as fuel and chemicals, $13.7 million is allocated for Restoration Strategies and spend down plan projects of which $11.7 million is re-budgeted in FY14 for projects such as the A1 Flow Equalization Basin, STA1W Expansion, and the Science Plan.

- The **Kissimmee Watershed Program** has obligated 68.2% and expended 17.9% of their total $28.0 million budget. Principal expenditures include personnel services ($1.7 million), contractual services ($1.2 million), operating ($40K), and capital outlay ($2.1 million). Contractual services and operating encumbrances ($624K) primarily consist of the Kissimmee River Restoration Evaluation ($40K), Kissimmee Basin Modeling and Operating System ($402K), the Oak Creek project ($81K), hydrologic monitoring ($56K), and land acquisition costs and environmental risk assessments ($45K). Capital outlay encumbrances ($13.4 million) are primarily for the Kissimmee River Restoration land acquisition cases. Of the $8.9 million in available balance, $5.6 million of the balance has been re-budgeted to FY14: $3.2 million for external risk management and $2.4 million in mitigation funds for Rolling Meadows; $26K for Kissimmee River Restoration Evaluation Program and Kissimmee Basin Modeling and Operations Study; and $2.8 million is planned for a future year spend down plan obligation in FY15.

- The **Lake Okeechobee Program** has obligated 75.2% and expended 38.1% of their total $21.0 million budget. Principal expenditures include personnel services ($3.8 million), contractual services ($3.5 million), operating ($433K), and capital outlay ($195K). Contractual services and operating encumbrances ($7.8 million) primarily consist of the Dispersed Water Management (DWM) and Florida Ranchland Environmental Services Projects ($7.5 million), Information Technology Support ($62K), Northshore Navigation Canal project ($95K), Lake Okeechobee Watershed Pre-

Drainage Characterization study ($76K), Phosphorus Reduction projects ($20K), Water Quality Assessments and reporting ($23K), and Lakeside Ranch STA ($20K). Of the $5.2 million in available balance, $5.1 million is allocated for spend down plan projects of which $3.8 million of the balance has been re-budgeted to FY14: $3.0 million for DWM, $739K for Lemkin Creek, and $66K for LO Watershed Pre-drainage Characterization project; and $1.3 million is planned for DWM in future years of the spend down plan.

- The **Land Stewardship Program** has obligated 72.2% and expended 63.9% of their total $18.4 million budget. Principal expenditures include personnel services ($3.9 million), contractual services ($6.4 million), operating ($1.0 million), and capital outlay ($494K). Contractual and operating encumbrances ($1.4 million) include the maintenance of vegetation and exotic plant control, provision of law enforcement services, and management of District owned lands and facilities. Capital outlay encumbrances ($101K) are for work on the C-139 Annex Mitigation project. Of the $5.1 million in available balance, $1.3 million in mitigation funds is for the 8.5 Square Mile Area Mitigation project of which $100K has been re-budgeted for environmental remediation work and the balance deferred to a future year, and $375K in mitigation and lease revenue funds is for the C-139 Annex, mitigation projects and land management activities.

- The **Mission Support Program** has obligated 97.5% and expended 93.5% of their total $47.8 million budget. Principal expenditures include personnel services ($22.1 million), contractual services ($6.5 million), operating ($14.7 million), and capital outlay ($1.1 million). Contractual services encumbrances ($1.4 million) include Information Technology consulting services, hardware, software, and systems maintenance for the fiscal year; facilities maintenance and repair services, and audit and legal professional services. Operating encumbrances ($412K) include utilities, computer parts and supplies, printing and advertising. Capital outlay encumbrances ($91K) include computer hardware components; and engineering during construction for the upgrade to the Emergency Operations Center chiller system. Of the $1.2 million in available balances, $4.8 million is intended for indirect costs posted at year end, $115K is available for healthcare and insurance claims, $2.6 million for tax collector and property appraiser fees, and $300K has been re-budgeted to FY14 to upgrade the chiller system to provide redundant cooling capacity for the IT data center, located within the Emergency Operations Center. An additional $1.9 million is reserved for future retiree healthcare benefits. The balance of the remaining budget is available for facility and information technology maintenance and repairs.

- The **Modeling and Science Support Program** has obligated 97.4% and expended 90.9% of their total $12.6 million budget. Principal expenditures include personnel services ($8.8 million), contractual services ($1.9 million), operating ($602K), and capital outlay ($126K). Contractual services and operating encumbrances ($816K) include technical and peer reviews, computer hardware and software, organic analysis, sediment/water quality sampling, utilities, and equipment rental. Of the $331K in available balance, $200K is re-budgeted to FY14 for spend down plan modeling support.

- The **Operations and Maintenance Program** has obligated 98.7% and expended 93.7% of their total $149.1 million budget. Principal expenditures include personnel services ($51.1 million), contractual services ($41.8 million), operating ($31.7 million), and capital outlay ($14.9 million). Encumbrances for contractual services and capital outlay ($7.3 million) primarily relate to the O&M capital program for maintenance and repair of

existing water management system canals and water control structures including the North Shore Trash Rake Project, Miami B-47 Building Replacement, Hillsboro Canal Bank Stabilization Design, Diesel Oxidation Catalyst Installation, S-5A Hardening and Service Bridge Refurbishment, S-13 Repower and Automation, S-21 Cathodic Protection, Information Technology Shelters, BCB Field Station Design/Build, L-40 Exterior Levee Certification, East Coast Protective Levee, the SCADA Systems Study, Operations Decision Support System and Vertical Datum-NAVD88. Operating encumbrances ($240K) are primarily associated with field station daily operations and maintenance including vegetation and exotic plant control for the Central and Southern Flood Control system. There is $1.9 million in available budget balance remaining. Of this amount, $688K is for healthcare and insurance claims and the remaining $413K is related to the CERP Melaleuca Mass Rearing Annex. As the USACE did not authorize transferring the facility to the operations and maintenance phase, the expenditure of funds to operate the facility was delayed.

- The **Regulation Program** has obligated 97.9% and expended 96.2% of their total $25.8 million budget. Principal expenditures include personnel services ($16.4 million), contractual services ($1.7 million), operating ($6.5 million), and capital outlay ($303K). Contractual services and operating encumbrances ($325K) include application development, permit scanning and support contractors. Capital outlay encumbrances ($97K) consist primarily of the ePermitting enhancement project which saves time and expenses with online filing/searching of permits. Of the $551K in available balance, $390K is planned for healthcare and insurance claims.

- The **Water Supply Program** has obligated 95.5% and expended 82.3% of their total $17.9 million budget. Principal expenditures include personnel services ($5.4 million), contractual services ($3.2 million), operating ($5.9 million), and capital outlay ($235K). Contractual services and operating encumbrances ($2.3 million) include the Caloosahatchee Rule Making ($47K), Central Florida Water Initiative (CFWI) ($371K), Lower Floridan Aquifer (LFA) ($112K), interagency agreements for Alternative Water Supply projects ($680K), Big Cypress Basin ($1.0 million), and hydrologic data gathering ($137K). Of the $803K in available balance, $375K is planned for healthcare and insurance claims and $405K is a re-budget to FY14 for the CFWI Model, peer reviews, 3D Hydro Model, and Water Conservation.

- **Reserves** of $64.3 million are held for future transfer to program areas as project needs and requirements are identified by staff and presented to the Governing Board for review. Sixty million dollars ($60.0 million) of these reserves are designated as economic stabilization reserves, including $10.0 million for O&M capital projects. Remaining managerial reserves include programmatic balances of $49K for CERP and $17K for Lake Okeechobee. FY13 funds intended for FY14 re-budget were moved to reserves. Programmatic balances for these re-budget reserves include $1.3 million for the C-139 Annex Mitigation Restoration Project, $88K for land and vegetation management, $1.4 million for Lake Okeechobee Dispersed Water Management Projects, $66K for the Lake Okeechobee Watershed pre-drainage Characterization Project, $705K for the CERP C-111 Project, $122K for Indian River Lagoon Issues Team Projects, $50K for Mirror Lakes, $60K for a St. Lucie Watershed model upgrade, $95K for Kissimmee River Littoral Zone Topographic Mapping, $35K for Kissimmee vegetation mapping, $50K for the Everglades EFA Source Control Program, $183K to upgrade the chiller system to provide redundant cooling capacity for the IT data center, located within the Emergency Operations Center, $15K for educational outreach (Great Water

Odyssey), and $26K for a Florida Bay MFL Peer Review. Governing Board Resolution No. 2013-0810 authorized the transfer of funds within the District's FY12-13 budget to fund District fuel and electric demands as needed to respond to operational requirements. $885K was transferred into emergency reserves and $854K was subsequently transferred out to areas in need. A balance of $32K remains.

- **Debt Service** expenses amount to 100% of the total $42.1 million budget. Debt service principal and interest payments include Land Acquisition Bonds issued through the Water Management Lands Trust Fund and Certificates of Participation. Scheduled debt service payments are structured into a single principal payment and partial payment of interest in October and the balance of interest due was paid in April.

We hope these reports and the associated narrative will aid in understanding the District's financial condition as well as expenditure performance against the approved budget. If you have any questions, please feel free to call Chris Flierl at (561) 682-6078 or Mike Smykowski at (561) 682-6295.

DB/CF/MS
Attachment

Attachment: Monthly Financial Statement Memo September FY13 (1597 : Monthly Financial Statement - September 2013)

South Florida Water Management District

Statement of Sources and Uses of Funds (Unaudited)

For the month ended: September 30, 2013. Percent of fiscal year completed: 100%

SOURCES	ANNUAL BUDGET	ACTUALS THROUGH 9/30/2013	VARIANCE (UNDER) / OVER BUDGET	ACTUALS AS A % OF BUDGET
Ad Valorem Property Taxes	$ 268,114,920	$ 267,507,572	$ (607,348)	99.8%
Agricultural Privilege Taxes	11,352,040	11,593,566	241,526	102.1%
	-	-		
Intergovernmental - Ad Valorem Funds	5,423,928	10,332,389	4,908,461	190.5%
Intergovernmental - Non Ad Valorem Funds	73,312,901	27,871,630	(45,441,271)	38.0%
Intergovernmental Total	***78,736,829***	***38,204,020***	***(40,532,809)***	***48.5%***
Investment Earnings - Ad Valorem Funds	4,592,000	3,719,239	(872,761)	81.0%
Investment Earnings - Non Ad Valorem Funds	362,300	939,104	576,804	259.2%
Investment Earnings Total	***4,954,300***	***4,658,343***	***(295,957)***	***94.0%***
Leases	2,403,736	4,026,447	1,622,711	167.5%
Permit Fees/Miscellaneous Fees	$2,299,310	3,036,050	736,740	132.0%
Mitigation Fees - Lake Belt & Wetlands	105,000	20,096,542	19,991,542	19139.6%
Licenses, Permits and Fees Total	***2,404,310***	***23,132,592***	***20,728,282***	***962.1%***
Other	525,000	816,413	291,413	155.5%
Sale of District Property	250,000	561,851	311,851	224.7%
Self Insurance Premiums	25,712,821	23,698,825	(2,013,996)	92.2%
SUB-TOTAL OPERATING REVENUES	***394,453,956***	***374,199,629***	***(20,254,327)***	***94.9%***
Fund Balance	227,710,540	227,710,540	-	100.0%
TOTAL SOURCES	**$ 622,164,496**	**$ 601,910,169**	**$ (20,254,327)**	**96.7%**

USES	ANNUAL BUDGET	EXPENDITURES	ENCUMBRANCES[1]	REPORTED AVAILABLE BUDGET	% EXPENDED	% ENCUMBERED	% OBLIGATED[2]
CERP	$ 123,965,326	$ 34,487,936	$ 56,231,603	$ 33,245,787	27.8%	45.4%	73.2%
Coastal Watersheds	17,436,412	9,372,738	5,092,036	2,971,638	53.8%	29.2%	83.0%
District Everglades	53,669,589	37,637,041	1,869,355	14,163,193	70.1%	3.5%	73.6%
Kissimmee Watershed	28,005,702	5,026,710	14,063,331	8,915,661	17.9%	50.2%	68.2%
Lake Okeechobee	20,995,848	7,989,245	7,793,369	5,213,234	38.1%	37.1%	75.2%
Land Stewardship	18,425,755	11,769,658	1,540,153	5,115,944	63.9%	8.4%	72.2%
Mission Support	47,832,550	44,728,104	1,901,422	1,203,024	93.5%	4.0%	97.5%
Modeling & Scientific Support	12,563,729	11,417,218	815,937	330,574	90.9%	6.5%	97.4%
Operations & Maintenance	149,083,873	139,634,971	7,579,479	1,869,422	93.7%	5.1%	98.7%
Regulation	25,830,927	24,858,200	421,696	551,031	96.2%	1.6%	97.9%
Water Supply	17,913,748	14,737,841	2,372,742	803,164	82.3%	13.2%	95.5%
Debt Service	42,136,957	42,136,954	-	3	100.0%	0.0%	100.0%
SUB-TOTAL NON-RESERVES USES	*557,860,416*	*383,796,616*	*99,681,124*	*74,382,676*	*68.8%*	*17.9%*	*86.7%*
Reserves	64,304,080	-	-	64,304,080	0.0%	0.0%	0.0%
TOTAL USES	**$ 622,164,496**	**$ 383,796,616**	**$ 99,681,124**	**$ 138,686,756**	**61.7%**	**16.0%**	**77.7%**

[1] Represents unexpended balances of open purchase orders

[2] Represents the sum of expenditures and encumbrances as a percentage of the annual budget

Permit Fees Detail	Budget	Actual	% of Budget
Right of Way Permits (BCB)	$8,000		#VALUE!
Right of Way Permits (Okeechobee Basin)	$60,000		#VALUE!
Water Use Permits	$744,160		#VALUE!
Total Permit Fees	**$812,160**	**$0**	**#VALUE!**

Attachment: Statement of Sources and Uses of Funds_Sept_FY13_Programmatic (1597 : Monthly

South Florida Water Management District
Statement of Sources and Uses of Funds
For the Month ending September 30, 2013
(Unaudited)

	CURRENT BUDGET	ACTUALS THROUGH 9/30/2013	VARIANCE (UNDER) / OVER BUDGET	ACTUALS AS A % OF BUDGET
Sources				
Taxes[1]	$ 279,466,960	$ 279,101,138	$ (365,822)	99.9%
Intergovernmental Revenues	78,736,829	38,204,020	(40,532,809)	48.5%
Interest on Invested Funds	4,954,300	4,658,343	(295,957)	94.0%
License and Permit Fees	2,404,310	23,132,592	20,728,282	962.1%
Other[2]	28,891,557	29,103,536	211,979	100.7%
Fund Balance	227,710,540	227,710,540	-	100.0%
Total Sources	**$ 622,164,496**	**$ 601,910,169**	**$ (20,254,327)**	**96.7%**

[1] Includes Ad Valorem and Agricultural Privilege Taxes

[2] Includes Leases, Sale of District Property, and Self Insurance Premiums

	CURRENT BUDGET	EXPENDITURES	ENCUMBRANCES [3]	AVAILABLE BUDGET	% EXPENDED	% OBLIGATED [4]
Uses						
Water Resources Planning and Monitoring	$ 54,041,284	$ 43,055,140	$ 7,070,145	$ 3,916,000	79.7%	92.8%
Acquisition, Restoration and Public Works	236,460,212	90,720,260	80,921,518	64,818,433	38.4%	72.6%
Operation and Maintenance of Lands and Works	261,137,295	182,276,477	10,157,519	68,703,298	69.8%	73.7%
Regulation	29,388,186	28,214,192	478,215	695,778	96.0%	97.6%
Outreach	2,656,664	2,557,377	26,902	72,385	96.3%	97.3%
Management and Administration	38,480,855	36,973,169	1,026,825	480,861	96.1%	98.8%
Total Uses	**$ 622,164,496**	**$ 383,796,616**	**$ 99,681,124**	**$ 138,686,756**	**61.7%**	**77.7%**

[3] Encumbrances represent unexpended balances of open purchase orders and contracts.

[4] Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited financial statement is prepared as of September 30, 2013, and covers the interim period since the most recent audited financial statements.

Attachment: Statement of Sources and Uses of Funds_Sept_FY13_State (1597 : Monthly Financial

South Florida Water Management District

Summary of Uses - Statement of Sources and Uses of Funds (Unaudited)

As of: September 30, 2013

	Annual Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
CERP							
Personnel Services	$ 6,128,753	$ 5,633,928	$ -	$ 494,825	91.9%	0.0%	91.9
Contractual Services	18,935,674	6,303,641	5,878,376	6,753,657	33.3%	31.0%	64.3
Operating	1,124,903	963,713	10,033	151,157	85.7%	0.9%	86.6
Travel	48,791	36,942	251	11,597	75.7%	0.5%	76.2
Capital Outlay	92,977,206	21,549,712	50,342,944	21,084,550	23.2%	54.1%	77.3
CERP Indirect	4,750,000	-	-	4,750,000	0.0%	0.0%	0.0
Total CERP	**123,965,326**	**34,487,936**	**56,231,603**	**33,245,787**	**27.8%**	**45.4%**	**73.2**
Coastal Watersheds							
Personnel Services	3,260,561	3,086,189	-	174,372	94.7%	0.0%	94.7
Contractual Services	12,414,098	5,642,720	4,975,717	1,795,661	45.5%	40.1%	85.5
Operating	98,006	96,749	297	960	98.7%	0.3%	99.0
Travel	14,200	13,601	-	598	95.8%	0.0%	95.8
Capital Outlay	1,649,547	533,479	116,022	1,000,046	32.3%	7.0%	39.4
Total Coastal Watersheds	**17,436,412**	**9,372,738**	**5,092,036**	**2,971,638**	**53.8%**	**29.2%**	**83.0**
District Everglades							
Personnel Services	16,934,733	16,781,354	-	153,380	99.1%	0.0%	99.1
Contractual Services	10,876,669	6,218,203	411,016	4,247,450	57.2%	3.8%	60.9
Operating	8,893,582	8,244,970	142,294	506,319	92.7%	1.6%	94.3
Travel	18,134	18,134	-	(0)	100.0%	0.0%	100.0
Capital Outlay	16,946,471	6,374,380	1,316,045	9,256,045	37.6%	7.8%	45.4
Total District Everglades	**53,669,589**	**37,637,041**	**1,869,355**	**14,163,193**	**70.1%**	**3.5%**	**73.6**
Kissimmee Watershed							
Personnel Services	1,712,004	1,668,432	-	43,573	97.5%	0.0%	97.5
Contractual Services	8,286,157	1,204,792	607,246	6,474,119	14.5%	7.3%	21.9
Operating	57,785	40,239	16,600	946	69.6%	28.7%	98.4
Travel	14,139	14,133	-	6	100.0%	0.0%	100.0
Capital Outlay	17,935,616	2,099,114	13,439,485	2,397,017	11.7%	74.9%	86.6
Total Kissimmee Watershed	**$ 28,005,702**	**$ 5,026,710**	**$ 14,063,331**	**$ 8,915,661**	**17.9%**	**50.2%**	**68.2**

Attachment: Summary Statement of Sources and Uses of Funds_Sept_ FY13_10212013 (1597 : Monthly

South Florida Water Management District

Summary of Uses - Statement of Sources and Uses of Funds (Unaudited)

As of: September 30, 2013

	Annual Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
Lake Okeechobee							
Personnel Services	$ 3,968,261	$ 3,818,871	$ -	$ 149,390	96.2%	0.0%	96.2
Contractual Services	16,370,686	3,536,436	7,776,701	5,057,550	21.6%	47.5%	69.1
Operating	453,381	433,314	15,015	5,052	95.6%	3.3%	98.9
Travel	5,690	5,690	-	-	100.0%	0.0%	100.0
Capital Outlay	197,830	194,935	1,652	1,243	98.5%	0.8%	99.4
Total Lake Okeechobee	**20,995,848**	**7,989,245**	**7,793,369**	**5,213,234**	**38.1%**	**37.1%**	**75.2**
Land Stewardship							
Personnel Services	3,933,646	3,852,490	-	81,156	97.9%	0.0%	97.9
Contractual Services	11,079,789	6,392,991	1,416,066	3,270,732	57.7%	12.8%	70.5
Operating	1,199,233	1,016,123	19,036	164,074	84.7%	1.6%	86.3
Travel	23,250	14,091	4,445	4,714	60.6%	19.1%	79.7
Capital Outlay	2,189,837	493,963	100,606	1,595,268	22.6%	4.6%	27.2
Total Land Stewardship	**18,425,755**	**11,769,658**	**1,540,153**	**5,115,944**	**63.9%**	**8.4%**	**72.2**
Mission Support							
Personnel Services	22,555,895	22,090,621	-	465,274	97.9%	0.0%	97.9
Contractual Services	7,825,808	6,488,679	1,386,331	(49,202)	82.9%	17.7%	100.6
Operating	20,288,178	14,685,813	411,786	5,190,579	72.4%	2.0%	74.4
Travel	372,704	315,093	12,289	45,323	84.5%	3.3%	87.8
Capital Outlay	1,539,964	1,147,898	91,015	301,051	74.5%	5.9%	80.5
CERP Indirect	(4,750,000)	-	-	(4,750,000)	0.0%	0.0%	0.0
Total Mission Support	**47,832,550**	**44,728,104**	**1,901,422**	**1,203,024**	**93.5%**	**4.0%**	**97.5**
Modeling & Science Support							
Personnel Services	8,860,970	8,795,351	-	65,620	99.3%	0.0%	99.3
Contractual Services	2,876,357	1,869,537	749,382	257,439	65.0%	26.1%	91.0
Operating	675,886	602,433	66,095	7,359	89.1%	9.8%	98.9
Travel	24,448	23,831	461	156	97.5%	1.9%	99.4
Capital Outlay	126,068	126,067	-	1	100.0%	0.0%	100.0
Total Modeling & Science Support	**$ 12,563,729**	**$ 11,417,218**	**$ 815,937**	**$ 330,574**	**90.9%**	**6.5%**	**97.4**

Attachment: Summary Statement of Sources and Uses of Funds_Sept_ FY13_10212013 (1597 : Monthly

South Florida Water Management District

Summary of Uses - Statement of Sources and Uses of Funds (Unaudited)

As of: September 30, 2013

	Annual Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
Operations & Maintenance							
Personnel Services	$ 51,832,375	$ 51,126,732	$ -	$ 705,643	98.6%	0.0%	98.6
Contractual Services	47,545,015	41,792,257	4,782,703	970,055	87.9%	10.1%	98.0
Operating	32,101,853	31,708,434	240,240	153,178	98.8%	0.7%	99.5
Travel	163,333	135,080	10,082	18,171	82.7%	6.2%	88.9
Capital Outlay	17,441,297	14,872,467	2,546,455	22,375	85.3%	14.6%	99.9
Total Operations & Maintenance	**149,083,873**	**139,634,971**	**7,579,479**	**1,869,422**	**93.7%**	**5.1%**	**98.7**
Regulation							
Personnel Services	16,502,052	16,401,543	-	100,509	99.4%	0.0%	99.4
Contractual Services	1,962,345	1,652,511	289,705	20,130	84.2%	14.8%	99.0
Operating	6,933,884	6,472,526	34,831	426,527	93.3%	0.5%	93.8
Travel	32,413	28,363	185	3,865	87.5%	0.6%	88.1
Capital Outlay	400,233	303,258	96,975	-	75.8%	24.2%	100.0
Total Regulation	**25,830,927**	**24,858,200**	**421,696**	**551,031**	**96.2%**	**1.6%**	**97.9**
Water Supply							
Personnel Services	5,444,083	5,397,488	-	46,595	99.1%	0.0%	99.1
Contractual Services	5,884,635	3,200,551	2,310,707	373,377	54.4%	39.3%	93.7
Operating	6,310,951	5,901,025	26,772	383,154	93.5%	0.4%	93.9
Travel	4,280	4,012	239	28	93.8%	5.6%	99.3
Capital Outlay	269,799	234,764	35,025	10	87.0%	13.0%	100.0
Total Water Supply	**17,913,748**	**14,737,841**	**2,372,742**	**803,164**	**82.3%**	**13.2%**	**95.5**
Reserves							
Reserves	64,304,080	-	-	64,304,080	0.00%	0.00%	0.00
Total Reserves	**64,304,080**	**-**	**-**	**64,304,080**	**0.00%**	**0.00%**	**0.00**
Debt Service							
Debt Service	42,136,957	42,136,954	-	3	100.0%	0.0%	100.0
Total Debt Service	**42,136,957**	**42,136,954**	**-**	**3**	**100.0%**	**0.0%**	**100.0**
Grand Total	**$ 622,164,496**	**$ 383,796,616**	**$ 99,681,124**	**$ 138,686,756**	**61.7%**	**16.0%**	

Attachment: Summary Statement of Sources and Uses of Funds_Sept_ FY13_10212013 (1597 : Monthly

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INDIVIDUAL PERMITS ISSUED BY
AUTHORITY DELEGATED TO EXECUTIVE DIRECTOR
FROM October 1, 2013 TO October 31, 2013

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Attachment: IP Issued by ED October 2013 (1598 : Executive Director's Report)

BROWARD COUNTY

1. NSU MASTER STORMWATER PLAN ZONE 2
NOVA SOUTHEASTERN UNIVERSITY

SEC 21 TWP 50S RGE 41E

APPL. NO. 130920-8
PERMIT NO. 06-01805-S

ACREAGE: 66.72
LAND USE: INSTITUTIONAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL MODIFICATION AND CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: CBWCD N-7 & N-8 CANALS
LAST DATE FOR AGENCY ACTION: NOVEMBER 19, 2013

Attachment: IP Issued by ED October 2013 (1598 : Executive Director's Report)

COLLIER COUNTY

1. BARFIELD GROVE IMMOKALEE
   J R PAUL PROPERTIES INC
   SEC 18, 19 TWP 46S RGE 29E

APPL. NO. 130807-18
PERMIT NO. 11-00120-W

ACREAGE: 174.76
LAND USE: AGRICULTURAL

PERMIT TYPE: WATER USE MODIFICATION

WATER SOURCE: SANDSTONE AQUIFER

ALLOCATION: 29.28 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: NOVEMBER 5, 2013

Attachment: IP Issued by ED October 2013 (1598 : Executive Director's Report)

HENDRY COUNTY

1. F P L - HENDRY (FKA EVERGLADES PLANTATION)
   FLORIDA POWER AND LIGHT
   SEC 20-22,27-29,33-35 TWP 47S RGE 33E

APPL. NO. 130812-10
PERMIT NO. 26-00947-W

ACREAGE: 161.00
LAND USE: AGRICULTURAL

PERMIT TYPE: WATER USE RENEWAL

WATER SOURCE: LOWER TAMIAMI AQUIFER

ALLOCATION: 35.67 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: NOVEMBER 10, 2013

Attachment: IP Issued by ED October 2013 (1598 : Executive Director's Report)

LEE COUNTY

1. CORDERA (AKA BONITA 23)
D R HORTON INC
SEC 23 TWP 47S RGE 25E

APPL. NO. 130619-16
PERMIT NO. 36-08053-P
ACREAGE: 15.26
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
RECEIVING BODY: IMPERIAL PARKWAY SWMS
LAST DATE FOR AGENCY ACTION: OCTOBER 21, 2013

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2. WILD TURKEY STRAND REGIONAL MITIGATION PROJECT
LEE COUNTY BOARD OF COUNTY COMMISSIONERS
SEC 3,4,5 TWP 46S RGE 26E

APPL. NO. 070918-15
PERMIT NO. 36-07992-P
ACREAGE: 556.42
LAND USE: MITIGATION

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION), INCLUDES CONSERVATION EASEMENT TO THE DISTRICT)
RECEIVING BODY: ALICO ROAD SWALE SYSTEM
LAST DATE FOR AGENCY ACTION: OCTOBER 17, 2013

Attachment: IP Issued by ED October 2013 (1598 : Executive Director's Report)

MARTIN COUNTY

1. I-95 FARM
   SOUTH FLORIDA GRASSING INC
   SEC 2,3,34 TWP 39,40S RGE 41E

APPL. NO. 061026-21
PERMIT NO. 43-00893-W

ACREAGE: 477.00
LAND USE: AGRICULTURAL

PERMIT TYPE: WATER USE EXPIRED/PREVIOUSLY PERMITTED

WATER SOURCE: SURFICIAL AQUIFER SYSTEM

ALLOCATION: 75.74 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: NOVEMBER 7, 2013

Attachment: IP Issued by ED October 2013 (1598 : Executive Director's Report)

1. GRAND BAY COMMONS
107 AVE DORAL PROPERTIES L L C
SEC 8 TWP 53S RGE 40E

APPL. NO. 130314-3
PERMIT NO. 13-03178-P-02
ACREAGE: 51.63
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL MODIFICATION AND CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: ADJACENT WETLANDS
LAST DATE FOR AGENCY ACTION: NOVEMBER 3, 2013

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2. MILLER COVE I I I
HOMESTAR OF WEST DADE L L C
SEC 20 TWP 54S RGE 39E

APPL. NO. 130830-17
PERMIT NO. 13-02057-P-02
ACREAGE: 2.50
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: ON-SITE RETENTION
LAST DATE FOR AGENCY ACTION: OCTOBER 29, 2013

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3. PALMERA ESTATES
WECHSLER DEVELOPMENT GROUP L L C
SEC 15 TWP 54S RGE 39E

APPL. NO. 130218-2
PERMIT NO. 13-05450-P
ACREAGE: 1.46
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
RECEIVING BODY: ON-SITE RETENTION
LAST DATE FOR AGENCY ACTION: OCTOBER 25, 2013

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4. RITA GARDENS OFFICE CENTER
RITA GARDEN I I L L C
SEC 17 TWP 53S RGE 40E

APPL. NO. 120928-10
PERMIT NO. 13-05201-P
ACREAGE: 1.15
LAND USE: OFFICE BUILDING

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
RECEIVING BODY: ON-SITE RETENTION
LAST DATE FOR AGENCY ACTION: NOVEMBER 29, 2013

Attachment: IP Issued by ED October 2013 (1598 : Executive Director's Report)

5. S R 826/PALMETTO EXPRESSWAY AND S R 93/I-75 EXPRES
FLORIDA DEPARTMENT OF TRANSPORTATION

APPL. NO. 130812-1
PERMIT NO. 13-01378-P

SEC 4,9,16,21-23,26-28,30,34,35,2,3,10,11,14,15,22,23,26,27,34,35 TWP 52,53S RGE 40E

ACREAGE: 634.13
LAND USE: ROADWAY

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL MODIFICATION)
RECEIVING BODY: C-6 CANAL, MIAMI-DADE COUNTY CANALS
LAST DATE FOR AGENCY ACTION: NOVEMBER 5, 2013

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6. TRANSAL LOGISTICS CENTER
P K / K V R G TRANSAL PARK L L C

APPL. NO. 130813-3
PERMIT NO. 13-05458-P

SEC 27 TWP 53S RGE 40E

ACREAGE: 11.62
LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
RECEIVING BODY: ON-SITE RETENTION
LAST DATE FOR AGENCY ACTION: NOVEMBER 16, 2013

Attachment: IP Issued by ED October 2013 (1598 : Executive Director's Report)

OSCEOLA COUNTY

1. ISLAND POND GROVE
734 L M C GROVES L L C
SEC 1,6,25,30,31,36 TWP 31,32S RGE 32,33E

APPL. NO. 130715-6
PERMIT NO. 49-02315-W
ACREAGE: 1354.00
LAND USE: AGRICULTURAL

PERMIT TYPE: WATER USE EXISTING/PREVIOUSLY PERMITTED
WATER SOURCE: UPPER FLORIDAN AQUIFER
ALLOCATION: 109.87 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: NOVEMBER 3, 2013

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2. OSCEOLA CROSSING
DEERFIELD LAND CORPORATION
SEC 04 TWP 25S RGE 29E

APPL. NO. 130620-12
PERMIT NO. 49-00477-S
ACREAGE: 72.00
LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: WETLANDS H AND L
LAST DATE FOR AGENCY ACTION: NOVEMBER 11, 2013

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3. SHINGLE CREEK MITIGATION BANK
SHINGLE CREEK MITIGATION BANK
SEC 25,30,31,36 TWP 25S RGE 28,29E

APPL. NO. 130925-9
PERMIT NO. 49-01937-M
ACREAGE: 619.00
LAND USE: MITIGATION

PERMIT TYPE: ENVIRONMENTAL RESOURCE (PERMIT EXTENSION)
RECEIVING BODY: SHINGLE CREEK
LAST DATE FOR AGENCY ACTION: NOVEMBER 24, 2013

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4. SOUTHPORT RANCH MITIGATION BANK
SOUTHPORT MITIGATION BANK L L C
SEC 21,22,23,25,26,27,34 TWP 27,27,27,27,27,27,27S RGE 29,29,29,29,29,29,29E

APPL. NO. 130918-14
PERMIT NO. 49-00002-M
ACREAGE: 3280.65
LAND USE: MITIGATION

PERMIT TYPE: MITIGATION BANKING (CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: REEDY CREEK, LAKE CYPRESS
LAST DATE FOR AGENCY ACTION: NOVEMBER 17, 2013

Attachment: IP Issued by ED October 2013 (1598 : Executive Director's Report)

5. THE APARTMENTS AT O C C
DEERFIELD LAND CORPORATION
SEC 04 TWP 25S RGE 29E

APPL. NO. 130802-5
PERMIT NO. 49-00477-S

ACREAGE: 13.50
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: MASTER SYSTEM
LAST DATE FOR AGENCY ACTION: NOVEMBER 11, 2013

Attachment: IP Issued by ED October 2013 (1598 : Executive Director's Report)

PALM BEACH COUNTY

1. BALLENISLES
   BALLENISLES COMMUNITY ASSOCIATION INC
   SEC 11-13 TWP 42S RGE 42E

   APPL. NO. 121107-13
   PERMIT NO. 50-02370-W
   ACREAGE: 157.00
   LAND USE: LANDSCAPE

   PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
   WATER SOURCE: SURFICIAL AQUIFER SYSTEM, ON-SITE LAKES
   ALLOCATION: 29.82 MILLION GALLONS PER MONTH
   LAST DATE FOR AGENCY ACTION: NOVEMBER 10, 2013

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2. FLEMING FARM
   MR THOMAS FLEMING
   SEC 22, 27, 34 TWP 43S RGE 40E

   APPL. NO. 130411-2
   PERMIT NO. 50-01854-W
   ACREAGE: 451.00
   LAND USE: AGRICULTURAL

   PERMIT TYPE: WATER USE RENEWAL
   WATER SOURCE: SFWMD CANAL (C-51)
   ALLOCATION: 57.37 MILLION GALLONS PER MONTH
   LAST DATE FOR AGENCY ACTION: OCTOBER 30, 2013

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3. TRIANGLE FARM
   BROWN'S FARM ROAD L L C
   SEC 21 TWP 45S RGE 39E

   APPL. NO. 020423-10
   PERMIT NO. 50-00546-S-02
   ACREAGE: 2043.00
   LAND USE: AGRICULTURAL

   PERMIT TYPE:
   RECEIVING BODY: L-15 CANAL
   LAST DATE FOR AGENCY ACTION: DECEMBER 17, 2013

Attachment: IP Issued by ED October 2013 (1598 : Executive Director's Report)