

**Rules of the
South Florida Water Management District**

**REGIONAL WATER SHORTAGE
PLANS**

CHAPTER 40E-22, F.A.C.



Effective: May 27, 2012 - In accordance with Executive Order 11-211, Section 6, which requires agencies to review its rules and regulations annually and submit recommendations to the Office of Fiscal Accountability, The District identified numerous rules that should be eliminated as duplicative or unnecessary. In lieu of the typical rulemaking process, those rules were repealed by the Legislature and became effective on May 27, 2012. The chapters affected are 40E-0, 1, 2, 3, 4, 7, 20, 21, 22, 23 (entire chapter repealed), and Part II of Chapter 63.

**CHAPTER 40E-22
REGIONAL WATER SHORTAGE PLANS**

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40E-22.011 Policy and Purpose.

This part establishes minimum water levels for Lake Istokpoga and the canals within the Indian Prairie Basin, minimum flows for the canals within the Indian Prairie Basin and Arbuckle Creek and Josephine Creek and a permit classification system and water shortage plan for the Lake Istokpoga-Indian Prairie Area. The rules in this part apply to water withdrawals from Lake Istokpoga and the Indian Prairie Basin.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.086, 373.103(4), 373.175, 373.246 FS. History—New 9-3-81, Formerly 16K-30.01, 40E-21.011.

40E-22.061 Indian Prairie Basin Boundary.

(See Figure 21-1.) The Indian Prairie Basin includes the areas within the following boundaries: Begin at the northeast corner of Section 1, Township 38 South, Range 33 East, in the North boundary line of Glades County; thence, southwesterly, to the southwest corner of the northwest one-quarter of said Section 1; thence, southerly, along the West line of Sections 1 and 12, Township 38 South, Range 33 East, to the northwest corner of Section 13, Township 38 South, Range 33 East; thence, southeasterly, to the southeast corner of Section 19, Township 38 South, Range 34 East; thence, southerly, to the intersection thereof with the southerly right of way line of South Florida Water Management District Levee 59; thence, southwesterly, along the southeasterly right of way lines of South Florida Water Management District Levees 59, 60 and 61, to the intersection thereof with the southerly right of way line of South Florida Water Management District Levee 50; thence, westerly and northerly, along said right of way line and its northerly extension, to the intersection thereof with the North line of Section 2, Township 40 South, Range 31 East; thence, westerly, along the Section line,

to the southwest corner of Section 35, Township 39 South, Range 31 East; thence, northerly, along the Section line, to the northwest corner of said Section 35; thence, northwesterly, to the northwest corner of Section 27, Township 39 South, Range 31 East; thence, northwesterly to the northwest corner of Section 21, Township 39 South, Range 31 East; thence, westerly, along the Section line, to the southwest corner of Section 17, Township 39 South, Range 31 East, thence, northwesterly, to the southeast corner of the southwest one-quarter of Section 7, Township 39 South, Range 31 East; thence, northwesterly, to the northwest corner of the southwest one-quarter of said Section 7 in the boundary line between Glades and Highlands Counties; thence, northwesterly, to the southwest corner of the southeast one-quarter of Section 1, Township 39 South, Range 30 East; thence northerly to the northwest corner of the northeast one-quarter of said Section 1; thence, northwesterly, to the southeast corner of the North one-half of Section 35, Township 38 South, Range 30 East; thence, westerly, along the South line of the North one-half of said Section 35 to the southwest corner of the East one-half of the northwest one-quarter of said Section 35 and the westerly boundary of the South Florida Water Management District; thence, along the following three courses, being the westerly boundary of said South Florida Water Management District; 1) Thence, northerly along the West line of Sections 35, the East one-half of the West one-half of Sections 35, 26, and 23, Township 38 South, Range 30 East, to the northwest corner of the East one-half of the West one-half of Sections 35, 26, and 23, Township 38 South, Range 30 East, to the northwest corner of the East one-half of West one-half of said Section 23; 2) Thence, westerly along the Section line to the southwest corner of Section 14, Township 38 South, Range 30 East; 3) Thence, northerly along the West line of Sections 14, 11 and 2, Township 38 South, Range 30 East, and Sections 35, 26, 23, 14, 11 and 2, Township 37 South, Range 30 East, to the intersection thereof with the center line of State Road 621; thence, easterly, northerly and northeasterly, along said centerline, to the intersection thereof with the North line of the South one-half of Section 10, Township 36 South, Range 31 East; thence, easterly to the northeast corner of the South one-half of said Section 10, thence, easterly, to the northwest corner of the South one-half of Section 12, Township 36 South, Range 31 East; thence, easterly, to the northeast corner of the South one-half of said Section 12; thence, southerly, along the Range line between Ranges 31 and 32 to the northwest corner of Section 6, Township 37 South, Range 32 East; thence, easterly, along the Township line between Townships 36 and 37, to the northwest corner of Section 5, Township 37 South, Range 33 East; thence, southeasterly, to the southeast corner of said Section 5 thence, southerly, along the Section line, to the northwest corner of Section 16, Township 37 South, Range 33 East; thence, southeasterly, to the southeast corner of said Section 16; thence southeasterly, to the northeast corner of the southwest one-quarter of Section 22, Township 37 South, Range 33 East; thence, southerly, to the southeast corner of the southwest one-quarter of said Section 22; thence, southerly, to the northwest corner of northeast one-quarter of Section 34, Township 37 South, Range 33 East; thence, easterly, along the North line of Section 34 and 35, Township 37 South, Range 33 East, to the northeast corner of said Section 35; thence, southeasterly, to the point of intersection of the South right of way line of South Florida Water Management District Canal 41-A and the East line of Section 36, Township 37 South, Range 33 East; thence, southerly, along the Section line, to the

POINT OF BEGINNING.

SEE FLORIDA ADMINISTRATIVE CODE “FIGURE 22-1”

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.103, 373.175, 373.246 FS. History—New 9-3-81, Formerly 16K-30.02, 40E-21.061.

40E-22.072 Minimum Levels.

The following minimum levels shall be maintained.

(1) Lake Istokpoga.

(a) The minimum levels for Lake Istokpoga are shown in Figure 22-2.

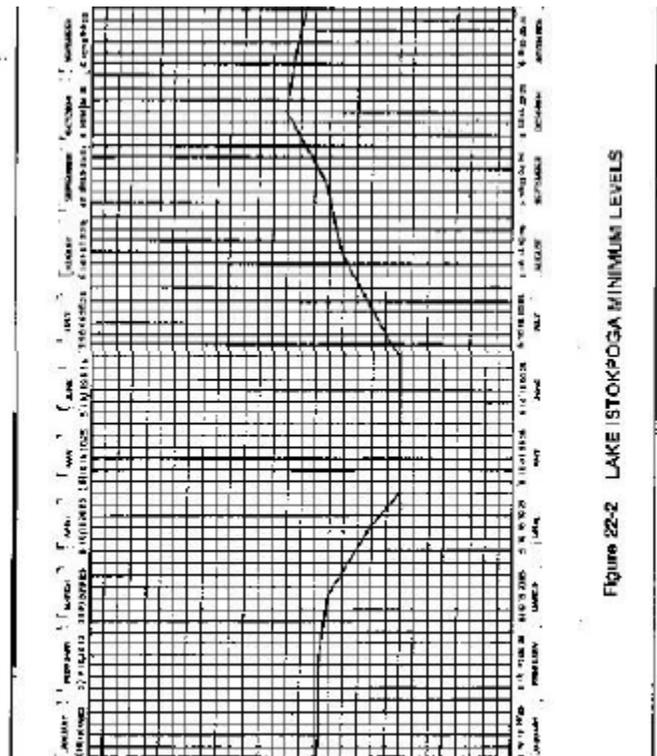


Figure 22-2 LAKE ISTOKPOGA MINIMUM LEVELS

(b) The District may, after public notice, allow the minimum levels in Figure 22-2 to be temporarily lowered for environmental or water quality reasons.

(2) Primary Canals (feet above mean sea level)

- (a) Canal 39-A above Structure 75 22.5
- (b) Canal 40 above Structure 72 17.7
- (c) Canal 41 above Structure 71 17.0
- (d) Canal 41 above Structure 70 22.5
- (e) Canal 41-A above Structure 84 21.7
- (f) Canal 41-A above Structures 82 29.0 and 83
- (g) Borrow Canal of Interceptor Levee 59 17.7

- (h) Borrow Canal of Interceptor Levee 60 17.7
(i) Borrow Canal of Interceptor Levee 61 17.0

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.086, 373.103(4) FS. History—New 9-3-81, Formerly 16K-30.03, 16K-30.05, 40E-22.072.

40E-22.082 Minimum Flows.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.086, 373.103(4) FS. History—New 9-3-81, Formerly 16K-30.04, 16K-30.06, 40E-21.082, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40E-22.112 Permit Classification.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.246 FS. History—New 9-3-81, Formerly 16K-30.07, 40E-21.112, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40E-22.122 Termination of Withdrawals.

Upon notice from the District, water withdrawals under permits having source classification “S” shall be terminated when any of the minimum levels specified in Rule 40E-22.072, F.A.C., is reached.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.086, 373.103(4), 373.246 FS. History—New 9-3-81, Formerly 16K-30.08, 40E-21.122.

40E-22.132 Water Shortage Plan.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.246 FS. History—New 9-3-81, Formerly 16K-30.09, 40E-21.132, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40E-22.212 Policy and Purpose.

This part establishes minimum flows and levels for Canals 23, 24 and 25 and a permit classification system for the St. Lucie County Agricultural Area. The rules in this part apply to water withdrawals within the St. Lucie County Agricultural Area and water withdrawals from Canal 25 below Structure 99.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.086, 373.103(4), 373.175, 373.246 FS. History—New 9-3-81, Formerly 16K-31.01, 40E-21.212.

40E-22.222 St. Lucie County Agricultural Area Boundary.

(See Figure 21-3.) The St. Lucie County Agricultural Area includes the area within the following boundaries:

BEGINNING at the Northeast corner of Section 1, Township 34 South, Range 38 East thence, Southerly along the East line of Sections 1, 12 and 13, Township 34 South, Range 38 East, to the Northwest corner of the Southwest one-quarter of Section 18,

Township 34 South, Range 39 East; thence, Easterly to the Northeast corner of the Southwest one-quarter of said Section 18; thence, Southerly along the East line of the West one-half of Sections 18, 19, 30 and 31, Township 34 South, Range 39 East, and Sections 6 and 7, Township 35 South, Range 39 East, to the Northwest corner of the Southeast one-quarter of said Section 7; thence, Easterly to the Northeast corner of the Southeast one-quarter of said Section 7; thence, Southerly to the Southeast corner of the Southeast one-quarter of said Section 7; thence, Easterly to the Northeast corner of the West one-half of Section 17, Township 35 South, Range 39 East; thence, Southerly along the East line of the West one-half of Sections 17 and 20, Township 35 South, Range 39 East, to the Southeast corner of the West one-half of said Section 20; thence, Easterly to the Northeast corner of Section 29, Township 35 South, Range 39 East; thence, Southerly along the East line of Sections 29 and 32, Township 35 South, Range 39 East, and Section 5, Township 36 South, Range 39 East, to the Southeast corner of said Section 5; thence, Westerly along the South line of Sections 5 and 6, Township 36 South, Range 39 East, to the Northeast corner of the West one-half of Section 7, Township 36 South, Range 39 East; thence, Southerly along the East line of the West one-half of Sections 7 and 18, Township 36 South, Range 39 East, to the Northwest corner of the Northeast one-quarter of Section 19, Township 36 South, Range 39 East; thence, Easterly along the North line of Sections 19, 20, 21 and 22, Township 36 South, Range 39 East, to the Northeast corner of said Section 22; thence, Southerly, along the East line of Sections 22 and 27, Township 36 South, Range 39 East, to Southeast corner of said Section 27; thence, Southeasterly to the Northeast corner of Section 2, Township 37 South, Range 39 East; thence, Southerly along the East line of Sections 2, 11, 14, 23, 26 and 35, Township 37 South, Range 39 East, to the Southeast corner of said Section 35 in the boundary line between St. Lucie County and Martin County; thence, continue Southerly along the East line of Sections 2, 11 and 14, Township 38 South, Range 39 East, to the Southeast corner of said Section 14; thence, Westerly along the South line of Sections 14, 15, 16, 17 and 18, Township 38 South, Range 39 East, Sections 13, 14, 15, 16, 17 and 18, Township 38 South, Range 38 East and Section 13, Township 38 South, Range 37 East; to the Southeast corner of Section 13, Township 38 South, Range 37 East; thence Northerly along the West line of said Section 13, to the Northwest corner of said Section 13; thence, Westerly along the South line of Sections 11 and 10, Township 38 South, Range 37 East to the Southwest corner of said Section 10; thence, Northerly along the West line of Sections 10 and 3, Township 38 South, Range 37 East to the Northwest corner of said Section 3 in the boundary line between Martin County and St. Lucie County; thence, continue Northerly along the West line of Section 34, Township 37 South, Range 37 East, to the Southeast corner of Section 28, Township 37 South, Range 37 East; thence, Westerly along the South line of said Section 28, to the Southwest corner of said Section 28; thence, Northerly along the West line of Sections 28, 21 and 16, Township 37 South, Range 37 East, to the Northwest corner of said Section 16; thence, Westerly along the South line of Sections 8 and 7, Township 37 South, Range 37 East, to the Southwest corner of said Section 7 in the boundary line between St. Lucie County and Okeechobee County; thence, Northerly along said boundary line, also being the West line of said Section 7, to the Southeast corner of Section 1, Township 37 South, Range 36 East; thence, Westerly along the South line of Sections 1 and 2, Township 37 South, Range 36 East,

to the Southwest corner of said Section 2; thence, Northerly, along the West line of said Section 2 and along the West line of Section 35, Township 36 South, Range 36 East, to the Southeast corner of Section 27, Township 36 South, Range 36 East; thence, Northwesterly to the Southwest corner of Section 22, Township 36 South, Range 36 East; thence, Northerly along the west line of said Section 22, to the Southeast corner of Section 16, Township 36 South, Range 36 East; thence, Northwesterly to the Southeast corner of Section 8, Township 36 South, Range 36 East; thence, Westerly along the South line of said Section 8, to the Southwest corner of said Section 8; thence, Northerly along the West line of Sections 8 and 5, Township 36 South, Range 36 East, to the Northwest corner of said Section 5; thence, Northwesterly to the Southeast corner of Section 25, Township 35 South, Range 35 East; thence, Westerly along the South line of said Section 25, to the Southwest corner of the East one-half of said Section 25; thence, Northerly along the West line of the East one-half of Sections 25, 24 and 13, Township 35 South, Range 35 East, to the Southeast corner of the Northwest one-quarter of said Section 13; thence, Westerly along the South line of the North one-half of Sections 13 and 14, Township 35 South, Range 35 East, to the Southwest corner of the North one-half of said Section 14; thence, Northerly along the West line of Sections 14, 11, and 2, Township 35 South, Range 35 East, to the Northwest corner of said Section 2 and the Northerly boundary of the South Florida Water Management District; Thence, along the following 9 courses, being the Northerly boundary of said South Florida Water Management District; 1) Thence, Easterly along the North line of said Section 2 to the Southwest corner of Section 36, Township 34 South, Range 35 East; 2) Thence, Northerly along the West line of Sections 36, 25, 24 and 13, Township 34 South, Range 35 East, to the Northwest corner of said Section 13; 3) Thence, Easterly along the North line of said Section 13 to the Northeast corner of said Section 13 and the Range line between Ranges 35 and 36 East; 4) Thence, Northerly along said Range line to the Northwest corner of Section 18, Township 34 South, Range 36 East; 5) Thence, Easterly along the North line of Sections 18, 17 and 16, Township 34 South, Range 36 East, to the Southwest corner of Section 10, Townships 34 South, Range 36 East; 6) Thence, Northerly along the West line of said Section 10 to the Northwest corner of said Section 10; 7) Thence, Easterly along the North line of Sections 10, 11 and 12, Township 34 South, Range 36 East, to the Northeast corner of said Section 12 and the Okeechobee-St. Lucie County Line; 8) Thence, Northerly along said County line to the South line of Indian River County; 9) Thence, Easterly along the St. Lucie-Indian River County line to the POINT OF BEGINNING.

The above described parcel of land being situated in Martin, Okeechobee and St. Lucie Counties.

SEE FLORIDA ADMINISTRATIVE CODE FOR “FIGURE 22-3”

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.103, 373.175, 373.246 FS. History—New 9-3-81, Formerly 16K-31.02, 40E-21.222.

40E-22.232 Minimum Levels.

The following minimum levels shall be maintained:

CANAL	LEVEL
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	(feet above mean sea level)
(1) Canal 23 above Structure 97	14.0
(2) Canal 23 between Structure 48 and Structure 97	4.0
(3) Canal 24 above Structure 49	14.0
(4) Canal 25 above Structure 99	14.0
(5) Canal 25 between Structure 50 and Structure 99	8.0

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.086, 373.103(4) FS. History—New 9-3-81, Formerly 16K-31.04, 40E-21.232.

40E-22.242 Minimum Flows.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.086, 373.103(4) FS. History—New 9-3-81, Formerly 16K-31.03, 40E-21.242, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40E-22.252 Permit Classification.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.246 FS. History—New 9-3-81, Formerly 16K-31.05, 40E-21.252, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40E-22.262 Termination of Withdrawals.

(1) Upon notice from the District, water withdrawals under permits having source classification “S” shall be terminated under the following conditions:

(a) For water withdrawals directly from either Canal 23, 24 or 25: when level in the primary canal from which water is being withdrawn reaches the minimum level set forth in Rule 40E-22.242, F.A.C.

(b) For water withdrawals made from canals or ditches connecting with either Canal 23, 24 or 25: when the level in the connecting canal from which water is being withdrawn reaches an elevation of 14.0 feet mean sea level.

(2) The cessation of water withdrawals will remain in effect until the level in either the primary canal or the connecting canal rises above an elevation of 14.0 feet mean sea level and the District has notified permit holders that they may resume making withdrawals.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.086, 373.103(4), 373.246 FS. History—New 9-3-81, Formerly 16K-31.06, 40E-21.262

40E-22.272 Water Use Restrictions.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.086, 373.103(4), 373.246 FS. History—New 9-3-81, Formerly 16K-31.07, 40E-21.272, Repealed by

Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40E-22.312 Policy and Purpose.

This section identifies water levels within Lake Okeechobee that will be considered by the Governing Board in declaring a water shortage pursuant to Rule 40E-21.231, F.A.C. The rules in this section apply to the withdrawal of surface water from the Lake Okeechobee Region as depicted on Figure 21-4 and described in subsection 40E-21.691(3), F.A.C., and the Brighton Reservation in accordance with the terms of the Water Rights Compact Among the Seminole Tribe of Florida, the state of Florida, and the South Florida Water Management District (“Seminole Compact”).

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.086, 373.103(4), 373.175, 373.246 FS. History—New 9-10-01.

40E-22.322 Geographic Application.

This rule shall be applied to the Lake Okeechobee Region described in subsection 40E-21.691(3), F.A.C., and the Brighton Reservation in accordance with the terms of the Seminole Compact. In addition, depending upon particular hydrologic conditions, restrictions imposed under this section may be applied to agricultural users of Lake Okeechobee and its connected canal system that are in areas outside the Lake Okeechobee Region. Such areas will be identified, as appropriate in the specific water shortage order declaring the restrictions.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.086, 373.103(4), 373.175, 373.246 FS. History—New 9-10-01.

40E-22.332 Water Shortage Triggers.

(1) Water shortage trigger levels for Lake Okeechobee are shown on Figure 22-4. When water levels within Lake Okeechobee fall below these trigger levels, the Governing Board may impose water shortage restrictions pursuant to Rules 40E-21.231, 40E-8.441, F.A.C., and this Part. In considering declaring a water shortage, the Governing Board shall consider other factors evaluated in this Part and Rule 40E-21.221, F.A.C., along with these trigger levels.

(2)(a) When water levels within Lake Okeechobee fall within “Zone A” depicted on Figure 22-4, a Phase I water shortage may be declared within the service area, pursuant to Rule 40E-21.521, F.A.C.

(b) When water levels within Lake Okeechobee fall within “Zone A” area depicted on Figure 22-4, and can be expected to reach a June 1st lake stage of 10.5 feet NGVD, a Phase II water shortage may be declared within the service area pursuant to Rule 40E-21.531, F.A.C.

(c) When water levels within Lake Okeechobee fall below, or can be expected to fall below the June 1st lake stage of 10.5 feet NGVD, a Phase III or greater water shortage may be declared within the service area pursuant to Rule 40E-21.541, F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.086, 373.103(4), 373.175, 373.246 FS. History—New 9-10-01.

