

CHAPTER 40D-2 CONSUMPTIVE USE OF WATER

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40D-2.011 Policy and Purpose.

The purpose of this chapter is to implement the provisions of Part II of Chapter 373, F.S., and the Water Resource Implementation Rule set forth in Chapter 62-40, F.A.C. Additional rules relating to water use are found in Chapter 40D-3, F.A.C., entitled Regulation of Wells, Chapter 40D-8, F.A.C., entitled Water Levels and Rates of Flow, Chapter 40D-80, F.A.C., entitled Prevention and Recovery Strategies for Minimum Flows and Levels, Chapter 40D-21, F.A.C., entitled Water Shortage Plan, and Chapter 40D-22, F.A.C., entitled Year-Round Water Conservation Measures.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219 FS. History—Readopted 10-5-74, Formerly 16J-2.01, Amended 10-1-89, 1-1-07.

40D-2.021 Definitions.

The following definitions shall apply Districtwide when used in this chapter and in the District's Water Use Permit Information Manual Part B, "Basis of Review" (WUP Basis of Review) incorporated by reference in Rule 40D-2.091, F.A.C., except as specifically limited:

(1) "Alternative water supplies" and "alternative water supply" means saltwater; brackish surface water and brackish groundwater; surface water captured predominately during wet-weather flows; sources made available through the addition of new storage capacity for surface or ground-water; water that has been reclaimed after 1 or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; stormwater; and any other

water supply source that is designated as non-traditional for a water supply planning region in the applicable regional water supply plan. Inclusion of reclaimed water and seawater in this definition of alternative water supplies does not alter the exemption from water use permitting for these sources (see Section 1.2, WUP Basis of Review).

(2) “Annual Average” means the annual average daily quantity that is the total quantity authorized by the District to be withdrawn from water sources in 1 year, divided by 365 days and expressed in gallons per day (gpd).

(3) “Change in Ownership or Control” with respect to Self-Relocation within the Southern Water Use Caution Area (SWUCA) and the Dover/Plant City WUCA means a person other than the permittee that has been granted a real property interest or lease interest in the property subject to the permit; but does not include a person with a familial relationship to the permittee.

(4) “Common Area” means areas designated for common use or enjoyment including entrances, parking lots, areas around buildings, areas within roadway right of ways, (e.g., road and sidewalk medians), open spaces, community areas and public parks.

(5) “Dover/Plant City WUCA” means the Dover/Plant City Water Use Caution Area as described in subsection 40D-2.801(3)(d), F.A.C.

(6) “Drought Annual Average” means the annual average daily quantity in the SWUCA that is the total quantity authorized by the District to be withdrawn in 1 calendar year for irrigation based on a two-in-ten year drought, divided by 365 days and expressed in gallons per day (gpd).

(7) “MIA” means the Most Impacted Area within the Southern Water Use Caution Area located in Hillsborough, Manatee and Sarasota Counties as described in subparagraph 40D-2.801(3)(b)2., F.A.C.

(8) “Net Benefit” means activities or measures that will result in an improvement to a Minimum Flow or Level water body within the SWUCA or Dover/Plant City WUCA that more than offsets the impact of a proposed withdrawal.

(9) “New Quantities” within the SWUCA means groundwater that is not currently authorized to be withdrawn by the applicant or not currently authorized to be used for the intended use by the applicant. Within the Dover/Plant City WUCA “New Quantities” means groundwater for frost/freeze protection that is not currently authorized to be withdrawn by the applicant or not currently authorized to be used for the intended use by the applicant. This includes applications to modify existing permits to increase quantities, and/or change the Permit Use Type (affecting only the modified portion) and applications for an initial permit, but does not include a full or partial permit transfer. A modification to change crops or plants grown under an Agricultural Permit Use Type Classification or to change withdrawal location or Use Type that is authorized by the terms of the permit or site certification at the time of issuance, is not a change in Permit Use Type provided that the quantities do not increase. In addition, when land is mined and the land will be returned to the Use Type operation authorized under the water use permit (WUP) that existed prior to mining, such activity does not constitute a change in Use Type or New Quantity.

(10) “Reclaimed Water,” except as specifically provided in Chapter 62-610, F.A.C., means wastewater that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility.

(11) “Ridge Lakes” means those lakes located within the area formerly known as the Highlands Ridge Water Use Caution Area as described in subparagraph 40D-2.801(3)(b)3., F.A.C.

(12) “Self-Relocation” means a permit modification that authorizes a permittee to move all or a portion of its withdrawal located within the Southern Water Use Caution Area to a new location or locations owned or controlled by the permittee within the Southern Water Use Caution Area, with no change in ownership, control, or Use Type as set forth in Rule 40D-2.501, F.A.C., and no increase in quantities. Self-Relocation does not include changes in withdrawal location or Use Type that are authorized by the terms of the existing permit.

(13) “SWUCA” means the Southern Water Use Caution Area as described in paragraph 40D-2.801(3)(b), F.A.C.

(14) “Upper Peace River” means that portion of the Peace River beginning at the confluence of Saddle Creek and the Peace Creek Canal, and extending southerly to the United States Geological Survey Zolfo Springs River Gage No. 02295637 and including the watershed contributing to that portion of the Peace River.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243, 373.709 FS. History—New 1-1-07, Amended 12-30-08, 4-27-10, 6-16-11.

40D-2.031 Implementation.

(1) Historical Background.

(a) A program for issuance of permits authorizing the consumptive use of water was implemented commencing January 1, 1975,

within the Hillsborough River, Northwest Hillsborough, Green Swamp, Alafia River, Coastal Rivers, Peace River, Withlacoochee River, and Pinellas-Anclote River Basins.

(b) This program was also implemented commencing August 3, 1977, within the areas annexed into the Peace and Withlacoochee River Basins and within the Manasota Basin.

(2) Amendments to these rules adopted June 9, 1989, shall become effective on October 1, 1989.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History—Readopted 10-5-74, Amended 9-4-77, 10-16-78, Formerly 16J-2.03, Amended 3-23-81, 10-1-89.

40D-2.041 Permits Required.

(1) Unless expressly exempted by law or District rule, a WUP must be obtained from the District prior to withdrawal of water if any of the following thresholds are exceeded:

(a) Total withdrawal capacity from any source or combined sources is greater than or equal to 1,000,000 gallons per day (gpd).

(b) Annual average daily withdrawal from any source or combined sources is greater than or equal to 100,000 gpd.

(c) Withdrawal is from a well having an outside diameter of 6 inches or more at the surface.

(d) Withdrawal is from a surface water body and the outside diameter of the withdrawal pipe or the sum of the outside diameters of the withdrawal pipes is 4 inches or greater.

(e) In addition to the thresholds set forth in paragraphs (1)(a) through (1)(d) above, a permit is required within the MIA as set forth in subparagraph 40D-2.801(3)(b)2., F.A.C., when withdrawal is from wells having a cumulative outside diameter greater than 6 inches at the surface any of which wells is constructed after April 11, 1994. This paragraph (e) shall not apply to any proposed well less than 6 inches in diameter at the surface when it is of the same diameter or smaller than a well it replaces and an application to plug the replaced well in accordance with Rule 40D-3.531, F.A.C., is filed with the application to construct the replacement well in accordance with Rule 40D-3.041, F.A.C.

(2) WUP categories are based on the combined annual average daily water demand, defined as the total reasonable-beneficial water quantity necessary for the proposed water use, to be obtained during 1 year from ground water, surface water, alternative water supply, imported water or any other water source, divided by 365 days and expressed in gallons per day (gpd). The District issues the following categories of WUPs:

(a) Individual.

WUPs for a combined annual average daily water demand of 500,000 gpd or greater are issued as individual WUPs.

(b) General.

WUPs for the following are issued by District staff as general WUPs, except as provided in Chapter 4, Section 4.3 A.1.a.ii.(4) of the WUP Basis of Review:

1. A combined annual average daily water demand less than 500,000 gpd but greater than or equal to 100,000 gpd; or

2. A combined annual average daily water demand less than 100,000 gpd when:

a. The drought annual average is 100,000 gpd or more in the Southern Water Use Caution Area;

b. Withdrawal is for mining or dewatering;

c. The primary withdrawal source is a surface water and the combined annual average daily water demand is at least 50,000 gpd;

d. The withdrawals are required by the permit to be metered and withdrawal quantities reported to the District; or

e. The maximum daily withdrawal quantity equals or exceeds 3,000,000 gpd for crop protection or other use unless at least one permitted withdrawal facility is located within the Dover-Plant City Water Use Caution Area and has frost/freeze protection quantities.

(c) Small General.

WUPs for a combined annual average daily water demand less than 100,000 gpd are issued as small general WUPs unless any criteria listed above for general WUPs apply. Small general WUPs are issued by staff.

(3) The District shall require a WUP when evidence indicates the withdrawal is likely to cause significant adverse impacts to existing water or land uses or the water resource or the withdrawal is within an area that is experiencing or is projected to experience withdrawal-related adverse water resource or environmental impacts.

(4) Upon the effective date of amendments defining WUPs as provided in subsection (2) above, any permit issued which, as a result of such amendments, is thereafter defined as a different permit for which a higher fee is required shall be converted by the

District to the applicable permit without any fee payment. If a submitted application for a permit is pending as of the effective date of amendments defining WUPs and, as result of such amendments, will be issued as a permit requiring a higher application fee payment, no additional fee payment shall be required in order for the application to be considered complete.

Rulemaking Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.219, 373.223, 373.224, 373.226 FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(1), (2), (4), (5), Amended 9-1-84, 11-4-84, 10-1-89, 2-10-93, 4-11-94, 1-1-07, 12-30-08, 5-17-09, 11-2-09, 6-16-11.

40D-2.051 Exemptions.

(1) No permit is required for the following uses:

(a) Domestic consumption of water by individual users. The District shall presume, unless otherwise shown to the contrary, that any use of water exceeding the quantities set forth in Rule 40D-2.041, F.A.C., is not limited to individual domestic consumption and is not exempt by this provision.

(b) Those certified uses defined in Chapter 62-17, F.A.C., entitled Electrical Power Plant Siting effective April 14, 1986.

(c) Temporary withdrawals for contamination cleanup, provided that:

1. The United States Environmental Protection Agency, the State of Florida Department of Environmental Protection, the State of Florida Department of Health and Rehabilitative Services and other agencies have been appropriately notified of the cleanup activity;

2. Well construction permits are obtained from the District, including an acceptable plan for abandonment of these wells; and

3. The quantities withdrawn do not exceed the quantities in paragraphs 40D-2.041(1)(a) and (b), F.A.C.

(d) Temporary withdrawals from test wells, provided that an attendant testing program has been submitted to the District. A WUP must be obtained prior to converting a test well to a production well.

(e) Temporary dewatering for construction of buildings or other foundations and roadways or for installation of utility pipeline, cables, culverts, and catch basins.

(2) All holders of permit agreements for water use executed or issued prior to July 1, 1973, shall remain in full force and effect in accordance with its terms unless otherwise modified or revoked by the Governing Board.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS., 76-243, Laws of Florida. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(3), Amended 10-1-89, 2-24-03.

40D-2.091 Publications and Forms Incorporated by Reference.

(1) The following publications are hereby incorporated by reference into this chapter, and are available from the District's website at www.WaterMatters.org or from the District upon request:

(a) Water Use Permit Information Manual Part B, Basis of Review for Water Use Permit Applications <http://www.flrules.org/Gateway/reference.asp?No=Ref-00747> (also referred to as the WUP Basis of Review) (12-12-11).

(b) Water Use Permit Information Manual Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations" (1-20-09).

(2) The following forms for reporting information to the District are hereby incorporated by reference, and are available from the District upon request:

(a) Flow Meter Accuracy Verification Form, Form No. LEG-R.021.01 (4/09).

(b) Irrigation Water Use Form – Annual Crops, Southern Water Use Caution Area, Form No. LEG-R.017.01 (4/09).

(c) Irrigation Water Use Form – Annual Recreation/Aesthetic/Golf, Southern Water Use Caution Area, Form No. LEG-R.018.01 (4/09).

(d) Irrigation Water Use Form – Summer/Fall Seasonal, Southern Water Use Caution Area, Form No. LEG-R.019.01 (4/09).

(e) Irrigation Water Use Form – Winter/Spring Seasonal, Southern Water Use Caution Area, Form No. LEG-R.020.01 (4/09).

(f) Irrigation Water Use Form – Seasonal Crops, Northern Tampa Bay Water Use Caution Area, Form No. LEG-R.024.00 (4/09).

(g) Irrigation Water Use Form – Annual Crops, Northern Tampa Bay Water Use Caution Area, Form No. LEG-R.025.00 (4/09).

(h) Public Supply Annual Report For General and Individual Permits, Form No. LEG-R.023.00 (09/09).

(i) SWFWMD Annual Reclaimed Water Supplier Report, Form No. LEG-R.26.00(09/09).

(j) Public Supply Annual Report General Water Use Permit For Less Than 100,000 GPD Annual Average Quantities, Form No. LEG-R.047.00 (09/09).

(k) Florida Department of Environmental Protection's Landscape Guidance: Models for Ordinances, Covenants, and Restrictions, 1/09;

(l) Landscape Irrigation and Florida Friendly Design Standards, dated December 2006; and

(m) University of Florida's Institute of Food and Agricultural Science's Department of Fisheries and Aquatic Sciences publication "Regulations Pertaining to Non-native Fish in Florida Aquaculture" (FA121).

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, 373.705, 373.709, 373.715 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, 7-1-09, 8-30-09, 10-26-09, 11-2-09, 1-27-10, 4-27-10, 5-26-10, 6-10-10, 6-30-10, 6-16-11, 12-12-11.

40D-2.101 Content of Application.

(1) In order to obtain a WUP, an applicant shall file with the District the appropriate "Water Use Permit Application" form including the appropriate supplemental forms or attachments as may be required for the type of permit and the water use or uses for which application is being made. The application shall consist of all completed forms and other documentation submitted in support of the application for the WUP, which shall constitute information sufficient to demonstrate that the water use meets the criteria and conditions established in Rule 40D-2.301, F.A.C.

(2) The following District application forms shall be used to obtain a new WUP or to renew an existing WUP. All permit application forms described herein have been approved by the District Governing Board and are incorporated by reference into this chapter. Forms are available upon request from the District's website at www.WaterMatters.org or from District offices.

(a) Individual Water Use Permit.

Application for a new or renewal of an existing Individual Water Use Permit shall be made using the Individual Water Use Permit Application, Form No. LEG-R.029.01 (12/10) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00282>). Applicants shall also submit one or more of the following Supplemental Forms as appropriate for each type of water use proposed in the permit application:

1. Water Use Permit Application Supplemental Form – Agriculture, Form No. LEG-R.030.01 (12/10) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00283>).

2. Water Use Permit Application Supplemental Form – Industrial or Commercial, Form No. LEG-R.031.00 (3/09).

3. Water Use Permit Application Supplemental Form – Mining or Dewatering, Form No. LEG-R.032.00 (3/09).

4. Water Use Permit Application Supplemental Form – Public Supply, Form No. LEG-R.033.01 (9/09).

5. Water Use Permit Application Supplemental Form – Recreation or Aesthetic, Form No. LEG-R.034.00 (3/09).

(b) General Water Use Permit.

Application for a new or renewal of an existing general WUP shall be made using the General Water Use Permit Application Form, No. LEG-R.028.01 (12/10) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00281>). Applicants shall also submit one or more supplemental forms listed in paragraph (2)(a) above as appropriate for each type of water use proposed in the permit application. Applicants seeking an initial, renewal, or modification of a general WUP for a combined annual average daily water demand of less than 100,000 gallons per day for public supply use may submit the Small General Water Use Permit Application – Public Supply Attachment, Form No. LEG-R.045.00 (12/09), in lieu of the Water Use Permit Application Supplemental Form – Public Supply, Form LEG-R.033.01 (09/09).

(c) Small General Water Use Permit.

Application for a new small general WUP shall be made using the Small General Water Use Permit Application Form, No. LEG-R.027.01 (12/10) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00280>). To renew a small general WUP issued solely for agricultural use, application shall be made using the Application to Renew a Small General Water Use Permit for Agricultural Use Form, No. LEG-R.036.01 (12/10). Application to renew all other small general WUPs shall be made using the Small General Water Use Permit Application Form, No. LEG-R.027.01 (12/10) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00284>). One or

more of the following Attachment Forms for a specific water use shall be submitted with the application form if the application proposes one of the specified water uses:

1. Small General Water Use Permit Application – Agriculture Attachment, Form No. LEG-R.037.00 (3/09).
2. Small General Water Use Permit Application – Industrial or Commercial Attachment, Form No. LEG-R.038.00 (3/09).
3. Small General Water Use Permit Application – Recreation or Aesthetic Attachment, Form No. LEG-R.039.00 (3/09).
4. Small General Water Use Permit Application – Public Supply Attachment, Form No. LEG-R.045.00 (12/09)

(d) Mining and Dewatering WUP.

Application for a new or renewal of an existing WUP for mining and dewatering uses other than phosphate mining shall be made using the Water Use Permit Application – Mining and Dewatering Materials Other Than Phosphate, Form No. LEG-R.048.01 (08/11) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00743>. The application shall be categorized as an application for an individual or general WUP based upon the combined annual average daily water demand as provided in subsection 40D-2.041(2), F.A.C. Application for a new or renewal of a WUP for phosphate mining shall be made using the individual or general WUP application form and the Water Use Permit Application Supplemental Form – Mining or Dewatering, Form No. LEG-R.032.00 (3/09) incorporated herein by reference.

(3) For projects which require both a WUP and a surface water management permit pursuant to District rules, the Applicant must demonstrate that a completed surface water management permit application has been submitted. If the District determines that a permit application involves an area where the WUP may not be granted because of water resource problems, the requirement for a complete surface water management permit application may be waived by the District.

(4) The District may require additional information deemed necessary to protect the water resources and existing users.

(5) Optional Application Forms.

The following forms may be used by applicants in support of permit applications, are hereby incorporated by reference and are available from the District's website at www.WaterMatters.org or from the District offices:

(a) Proposed Well Construction Location and Design Form, Form No. LEG-R.006.01 (4/09); and

(b) Agricultural Water Allotment Form, Form No. LEG-R.042.00 (4/09).

(6) Southern Water Use Caution Area Application Forms.

In addition to the permit application and information forms identified in subsections (1)-(5) above, all applicants for permits in the Southern Water Use Caution Area (SWUCA) shall submit the "Supplemental Form – Southern Water Use Caution Area," Form No. LEG-R.007.02 (4/09) incorporated herein by reference. Applicants in the SWUCA shall also submit the following application and supplemental forms as appropriate for the intended water use type as described in Chapters 3 and 4 of the Water Use Permit Information Manual, Part B "Basis of Review." All SWUCA application and supplemental information forms may be obtained from the District's website at www.WaterMatters.org or from District offices:

(a) Net Benefit Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.010.01 (4/09); and

(b) Southern Water Use Caution Area Ground Water Replacement Credit Application, Form No. LEG-R.011.02 (08/11) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00739>.

(7) Dover/Plant City Water Use Caution Area Application Forms – In addition to the permit application and information forms identified in subsections (1)-(6) above, all applicants for permits in the Dover/Plant City Water Use Caution Area shall submit the "Dover/Plant City Water Use Caution Area Supplemental Form" – Form No. LEG-R.050.01 (08/11) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00742>, incorporated herein by reference. Applicants in the Dover/Plant City WUCA shall also submit the "Net Benefit Supplemental Form Dover/Plant City Water Use Caution Area" – Form No. LEG-R.051.00, (12/10) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00287>, incorporated herein by reference, as appropriate for the intended water use as described in Chapters 3, 4 and 7 of the WUP Basis of Review described in Rule 40D-2.091, F.A.C. All application and supplemental information forms may be obtained from the District's website at www.WaterMatters.org or from District offices.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0363, 373.116, 373.117, 373.1175, 373.216, 373.229, 373.236, 403.0877 FS. History—Readopted 10-5-74, Amended 10-24-76, 1-6-82, 2-14-82, Formerly 16J-2.06, Amended 10-1-89, 10-23-89, 2-10-93, 7-15-99, 1-1-03, 1-1-07, 11-25-07, 9-10-08, 7-1-09, 8-30-09, 10-26-09, 1-27-10, 4-27-10, 6-16-11, 12-12-11.

40D-2.111 Notice of Application Form.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.116, 373.229 FS. History—Readopted 10-5-74, Amended 10-24-76, Formerly 16J-2.07, Repealed 10-1-84.

40D-2.121 Notice and Hearing Requirements.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.116, 373.229 FS. History—Readopted 10-5-74, Amended 10-24-76, Formerly 16J-2.08, Amended 10-21-80, 6-30-81, Repealed 10-1-84.

40D-2.131 Times for Receiving Objections and for Hearing.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.229 FS. History—Readopted 10-5-74, Formerly 16J-2.09, Amended 10-21-80, Repealed 10-1-84.

40D-2.201 Permit Processing Fee.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.109, 373.223 FS. History—Readopted 10-5-74, Formerly 16J-2.10, Repealed 10-1-89.

40D-2.301 Conditions for Issuance of Permits.

(1) In order to obtain a Water Use Permit, an Applicant must demonstrate that the water use is reasonable and beneficial, is consistent with the public interest, and will not interfere with any existing legal use of water, by providing reasonable assurances, on both an individual and a cumulative basis, that the water use:

- (a) Is necessary to fulfill a certain reasonable demand.
- (b) Will not cause quantity or quality changes that adversely impact the water resources, including both surface water and groundwater.
- (c) Will comply with the provisions of 4.2 of the WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C., regarding adverse impacts to wetlands, lakes, streams, estuaries, fish and wildlife or other natural resources.
- (d) Will not interfere with a reservation of water as set forth in Rule 40D-2.302, F.A.C.
- (e) Will comply with the provisions of 4.3 of the WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C., regarding minimum flows and levels (MFLs).
- (f) Will utilize the lowest water quality the Applicant has the ability to use, provided that its use does not interfere with the recovery of a water body to its established MFL and it is not a source that is either currently or projected to be adversely impacted.
- (g) Will comply with the provisions of 4.5 of the WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C., regarding saline water intrusion.
- (h) Will not cause pollution of the aquifer.
- (i) Will not adversely impact offsite land uses existing at the time of the application.
- (j) Will not adversely impact an existing legal withdrawal.
- (k) Will incorporate water conservation measures.
- (l) Will incorporate use of alternative water supplies to the greatest extent practicable.
- (m) Will not cause water to go to waste.
- (n) Will not otherwise be harmful to the water resources within the District.

(2) For projects that require both an Environmental Resource Permit (ERP) and a Water Use Permit (WUP), an application for an ERP must be deemed complete prior to issuance of the WUP when the design of the surface water management system can affect the quantities developed from the project site and the quantities needed to supply project water demands. The applicant may submit an application for a Conceptual ERP to satisfy this requirement, provided that the application contains information from which supplemental irrigation demands, potable water demands, other water use demands, and water supply quantities derived from the surface water management system can be calculated. Otherwise, the applicant shall submit an application for an Individual or General ERP. Phosphate mining projects are not required to have complete ERPs prior to WUP issuance. If the District determines that a permit application involves an area where there are water resource problems and due to the quantity, type or location of the proposed withdrawal it is unlikely that a water use permit will be issued, the requirement for a complete ERP application shall be waived by the District. Where such waivers are granted, and if a WUP is issued, it shall specify that a well construction permit will

not be issued and that withdrawals cannot commence until the appropriate ERP is issued.

(3) The standards and criteria set forth in the WUP Basis of Review, incorporated in Rule 40D-2.091, F.A.C., shall be used to provide the reasonable assurances required in subsection 40D-2.301(1), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.223, 373.229 FS. History—Readopted 10-5-74, Amended 12-31-74, 2-6-78, 7-5-78, Formerly 16J-2.11, 16J-2.111, Amended 1-25-81, 10-1-89, 2-10-93, 8-3-00, 4-14-02, 1-1-07, 5-26-10, 6-30-10.

40D-2.302 Reservations from Use.

(1) All available water from the Morris Bridge Sink but not greater than 3.9 million gallons of water on any given day is reserved to be used to contribute to achieving or maintaining the Minimum Flows for the Lower Hillsborough River set forth in Rule 40D-8.041, F.A.C. The Morris Bridge Sink is located in Section 5, Township 28S, Range 20E, approximately 0.6 miles south of the Hillsborough River and 0.5 miles north of Cow House Creek in Hillsborough County, Florida.

(2) The Governing Board anticipates reserving from use water necessary to recover to, and protect, the Minimum Flows and Levels established for the Southern Water Use Caution Area as set forth in Chapter 40D-8, F.A.C. These reservations will be adopted through future rulemaking on a case-by-case basis, to address water that is developed through water resource development projects designed to achieve and maintain Minimum Flows and Levels. Adopted reservations will be incorporated into this Rule 40D-2.302, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0421, 373.223(4) FS. History—New 1-1-07, Amended 11-25-07.

40D-2.311 Competing Applications.

(1) If 2 or more applications for permits, which otherwise comply with these Rules and with Governing Board orders, are pending for a quantity of water that is inadequate for both or all, or which for any other reason are in conflict, the District shall have the right to approve or modify the applications in a manner which best serves the public interest as determined by the District.

(2) In the event that 2 or more competing applications qualify equally under the provisions of subsection (1), the District will give preference to a renewal application over an initial application.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.233 FS. History—Readopted 10-5-74, Formerly 16J-2.12, Amended 10-1-89, 11-2-09.

40D-2.321 Duration of Permits.

(1) When requested by an applicant, a water use permit shall have a duration of 20 years if:

(a) The applicant provides reasonable assurance that the proposed withdrawals and use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, incorporated by reference in Rule 40D-2.091, F.A.C., and

(b) There is a demonstrated demand of at least 20 years, and

(c) One or more of the conditions in paragraph (2)(a)-(f) will be met, and

(d) Where mitigation measures are proposed by the applicant, paragraph (2)(g) is met.

(2) Conditions for a water use permit with a duration of 20 years:

(a) The permit is for the development of an Alternative Water Supply. A longer duration shall be granted where the permittee demonstrates a longer duration is required by the bonding authority for the retirement of bonds issued for the construction of the project and the applicant provides reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, and that there is a demonstrated demand for the requested duration.

(b) The applicant demonstrates that at least 75 percent of their total annual average water needs will be met using an Alternative Water Supply or Supplies by the tenth year of the permit.

(c) The applicant demonstrates that it has achieved and will maintain a compliance per capita rate of less than 110 gallons per day per person, or will achieve such per capita by the tenth year of the permit. For regional water supply authorities, the per capita rate requirements shall refer to the weighted average compliance per capita rate of the member governments.

(d) The applicant demonstrates for its system-wide use of reclaimed water including imports and exports that it will beneficially reuse at least 75 percent of its treated domestic waste water, and at least 75% of that quantity will offset existing and planned water

supplies by the tenth year of the permit. The term offset means the amount of traditional, potable quality water supplies that will be replaced by reclaimed water, expressed as an annual average in MGD.

(e) The applicant demonstrates that the project meets the Conditions of Eligibility of the Facilitating Agricultural Resource Management System (FARMS) program as specified in Rule 40D-26.101, F.A.C. and has an approved Facilitating Agricultural Resource Management System (FARMS) application and, by the tenth year of the permit, demonstrates that it will develop an Alternative Water Supply or Supplies that offset a minimum of 50 percent of the applicant's current fresh or brackish water supply.

(f) The permit to be issued is a Small General.

(g) Any pre-existing adverse impacts resulting from the permittee's existing permit that are being addressed through a mitigation plan that includes a minimum flow and level recovery strategy must be eliminated by the tenth year of the permit.

(3) Permits that do not qualify for a 20 year permit duration pursuant to subsection 40D-2.321(1), F.A.C., above, shall have a duration of 10 years provided the applicant provides reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, and that there is a demonstrated demand of at least 10 years.

(4) When an applicant fails to provide reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, for a 10 year permit duration, a permit may be issued for a shorter duration that reflects the period for which such reasonable assurances can be provided.

(5) Permits with a duration greater than 10 but less than 20 years as provided in subsection (1) above shall be granted based upon, at the time of application, the period of time for which the applicant demonstrates a demand and provides reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual.

(6) The District is authorized to issue permits for a period up to 50 years in accordance with Section 373.236(3), F.S.

(7) Permits based upon non-renewable leases less than 10 years shall be granted for 10 years. If the permitted water use activity ceases for more than 2 years the permit shall be subject to revocation unless documentation is provided indicating that use will recommence within the next year. Permits based upon non-renewable leases greater than 10 years or with renewable leases will be issued under the provisions of this Rule 40D-2.321, F.A.C., with a permit condition requiring submittal of a new or a renewed lease in order for the permit to remain in force.

(8) Permits that are modified prior to renewal will maintain the original expiration date unless the applicant requests the modification be deemed by the District to be substantial as described in the Basis of Review Section 1.12, and treated as a renewal with modification. If the District determines that the criteria of Basis of Review Section 1.12 are met, the application shall be processed as a renewal application with modification.

(9) Wholesale Public Supply Permits shall be issued with an expiration date that coincides with the expiration date of the supplier's permit that provides the majority of the supply to the Wholesale Public Supply Permittee.

(10) Subject to the limitations on groundwater allocations explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUNDWATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Section 3.6 of the Basis of Review ("the Provisions"), within the CFCA, the maximum permit duration for a Public Supply Utility or Similar Applicant proposing to withdraw groundwater shall be limited to December 31, 2013, unless the applicant will satisfy the requirements of B.2.a. or b., of the Provisions. If the applicant satisfies the requirements of B.2.a., or b., the permit duration shall be up to 20 years.

Rulemake Authority 373.044, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.219, 373.223, 373.227, 373.236, 373.250 FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 1-6-82, 3-11-82, Formerly 16J-2.13, Amended 10-1-89, 7-28-98, 1-1-03, 1-1-07, 2-13-08, 12-30-08, 6-30-10.

40D-2.322 Population and Impact Analysis and Verification of 10-year Requirements.

(1) This Rule 40D-2.322, F.A.C., shall apply to new and renewal permits issued after 6-30-10 and permits that are substantially modified after 6-30-10.

(2) For 20 year General and Individual Public Supply Permits, at years 10 and 15 of the permit the permittee shall submit an analysis and summary of the long-term trends over the reporting period and through the term of the permit that addresses population growth based on the District's BEBR medium based GIS model or equivalent methodology, non-population based factors such as large industrial or other uses, other water demand, and per capita use. If the reporting period demands are less than 90% of the

projected demands as reflected in the permit for that period or for the remainder of the term of the permit, the permittee shall demonstrate a legal, technical or other type of hardship as to why the permitted demand should not be reduced to an allocation based on actual demands experienced through the reporting period and demands projected through the remaining term of the permit. Within 90 days of a District notification to the permittee that the demonstration was not made, the permittee shall submit a request to modify the permit allocation consistent with actual and projected demands.

(3) Where data indicate adverse impacts to environmental or other water resources, offsite land use or a legal existing use, non-compliance with a minimum flow or level or associated recovery or prevention strategy, or interference with a reservation, or where data indicate the impacts predicted at the time of permit issuance were underestimated to the degree that the previous analysis is inadequate, an updated ground-water modeling analysis and data analysis shall be required to address compliance with conditions for issuance.

(4) Permits that are issued for 20 year duration based on meeting the conditions set forth in paragraph 40D-2.321(2)(b), (c), (d) or (e), F.A.C., within 10 years shall include a timeline of activities proposed to result in achieving these requirements, and progress reports. If these requirements are not achieved within 10 years, the permit duration shall revert to the applicable duration provided in Rule 40D-2.321, F.A.C., unless this reversion would result in the permit having expired or less than a year of remaining duration. In such cases, the permit will expire one year following the final determination of non-achievement and will be limited to a permitted quantity that equals an additional two years future demand beyond current demand, as determined pursuant to section 3.0 of Part B, Basis of Review, of the Water Use Permit Information Manual incorporated by reference in Rule 40D-2.091, F.A.C., from the point of final determination of non-achievement.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.219, 373.223, 373.227, 373.250 FS. History—New 6-30-10.

40D-2.331 Modification of Permits.

(1) A permittee may seek modification of any of the terms and conditions of an unexpired permit except when the sole purpose is to modify the expiration date. However, upon request and documentation by the permittee, modification applications that are deemed by the District to be substantial, as described in the WUP Basis of Review Section 1.12 shall be processed as a renewal application with modification. A request for modification shall be reviewed in accordance with the rules in effect at the time the modification is filed.

(2) Modifications may be requested by:

(a) Formal application, using the same individual, general or small general WUP Application Form and applicable Supplemental or Attachment Form(s) submitted for a new permit as are incorporated in subsection 40D-2.101(2), F.A.C., or

(b) Through use of a Modification Short Form, Form No. LEG-R.035.00 (3/09), incorporated herein by reference and available at any District office or through the District's website at www.WaterMatters.org. A Modification Short Form may be submitted, provided the annual average daily withdrawal will not increase by more than 100,000 gpd or more than 10% of the total permitted quantity, the use of the water will not change, the modification does not cause the total annual average daily quantity to equal or exceed 500,000 gpd, the proposed changes would not cause impacts beyond those considered in the initial permit and is not a request to extend a permit term. Within the SWUCA, except to reactivate standby quantities as provided in Section 1.12 of the WUP Basis of Review, a modification short form shall not be used for modifications that include a request to Self-Relocate or to increase water withdrawals that impact or are projected to impact a water body with an established Minimum Flow or Level.

(3) The District shall order the modification of any permit if it is shown that the use or disposition of water is detrimental to other water users or to the water resources or no longer meets the conditions for issuance identified in Rule 40D-2.301, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.171, 373.239 FS. History—Readopted 10-5-74, Formerly 16J-2.14(1), Amended 10-1-89, 2-10-93, 7-29-93, 1-1-07, 8-23-07, 7-1-09, 11-2-09.

40D-2.341 Revocation and Cancellation of Permits.

(1) The Governing Board shall permanently or temporarily revoke a permit in whole or in part, at any time after notice and hearing, if it finds that the use is no longer reasonable beneficial or is no longer in the public interest.

(2) In determining whether the use is not reasonable beneficial or in the public interest, the Governing Board shall consider:

(a) Any material false statement in an application to continue, initiate, or modify a use, or any material false statement of fact required of the user pursuant to the provisions of this Chapter;

- (b) Any willful violation of the material terms or conditions of the permit;
 - (c) Any violation of any provision of this Chapter which the Permittee does not resolve; or
 - (d) Nonuse of the water supply allowed by the permit for a period of 2 years or more unless the user can prove that his nonuse was due to extreme hardship caused by factors beyond his control; or
 - (e) Whether the withdrawal causes significant adverse impacts to the water resources, environmental systems, or existing legal users, and the Permittee does not modify the activities or satisfactorily mitigate the impacts.
- (3) The District may administratively cancel a permit when the permittee or permittee's authorized agent requests the permit to be canceled or the permit has been abandoned, except as described in paragraph 40D-2.341(2)(d), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.171, 373.243 FS. History—Readopted 10-5-74, Formerly 16J-2.15, Amended 10-1-89, 2-1-05, 10-19-05.

40D-2.351 Transfer of Permits.

(1) Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue an existing, permitted water use and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of such water withdrawal facilities or such land. The applicant shall request such transfer using the "Application to Transfer a Water Use Permit," Form No. LEG-R.002.04 (04/09), incorporated herein by reference. Copies of the form can be obtained from the District's website at www.WaterMatters.org or from District offices. The District will transfer the permit provided all aspects of the permit except for ownership remain the same. All terms and conditions of the permit shall become binding on the transferee.

(2) Until the permit is transferred or a new permit obtained, the party subsequently controlling the permitted water withdrawal facilities will be in violation of these rules for making any withdrawals without the required permit.

(3) Persons who apply to transfer a permit under subsection (1) above and who propose to change the source, use or withdrawal quantities from those specified on the existing permit must also submit an application to modify the permit with the application to transfer the permit.

(4) Applications for partial transfers of permits shall be made in accordance with Section 1.10 of the District's WUP Basis of Review.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.219 FS. History—New 10-1-89, Amended 2-10-93, 3-30-93, 2-1-05, 10-19-05, 11-25-07, 8-30-09.

40D-2.361 Renewal of Permits.

(1) Applications for renewal of permits shall be made no earlier than 1 year and should be made no later than 90 days prior to the expiration date of the permit. Application for a permit renewal is timely only if actually received by the District not later than the expiration date of the existing permit. Mailing the application does not constitute receipt by the District.

(2)(a) Subsection (1) above shall be applicable to those permits which are not extended pursuant to subsection 40D-2.321(6), F.A.C., based on the expiration date on the face of the permit.

(b) Subsection (1) above shall be applicable to those permits which are extended pursuant to subsection 40D-2.321(6), F.A.C., based on the revised expiration date assigned to the permit.

Rulemaking Authority 373.044, 373.103, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.103, 373.239 FS. History—Readopted 10-5-74, Formerly 16J-2.14(2), Amended 9-1-84, 10-1-89, 7-28-98, 4-7-08.

40D-2.381 Standard Permit Conditions.

(1) The District shall impose on any permit granted under this Chapter such reasonable conditions as are necessary to assure that the permitted operation will be consistent with the overall objectives of the District and will not be harmful to the water resources of the District or existing legal users.

(2) Every permit acquired under this Chapter shall include standard terms which describe the following information:

- (a) Permittee's name and address,
- (b) Permit number,
- (c) Date permit application filed,

- (d) Date permit granted,
- (e) Permit expiration date,
- (f) Water source classification,
- (g) Water use classification,
- (h) Property location,
- (i) Quantity permitted, and
- (j) Withdrawal locations.

(3) Every permit acquired under this chapter shall include the following standard conditions which impose certain limitations on the permitted water withdrawal:

(a) If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if the Permittee fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, F.A.C., or the conditions set forth herein, the Governing Board shall revoke this permit in accordance with Rule 40D-2.341, F.A.C., following notice and hearing.

(b) This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing.

(c) The Permittee shall not deviate from any of the terms or conditions of this permit without written approval by the District.

(d) In the event the District declares that a water shortage exists pursuant to Chapter 40D-21, F.A.C., the District shall alter, modify, or declare inactive all or parts of this permit as necessary to address the water shortage.

(e) The District shall collect water samples from any withdrawal point listed in the permit or shall require the Permittee to submit water samples when the District determines there is a potential for adverse impacts to water quality.

(f) The Permittee shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.

(g) Issuance of this permit does not exempt the Permittee from any other District permitting requirements.

(h) The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.

(i) The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

(j) The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.

(k) The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.

(l) The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:

1. A reduction in water levels which impairs the ability of a well to produce water;
2. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
3. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.

(m) The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Examples of adverse impacts include the following:

1. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;
2. Damage to crops and other vegetation causing financial harm to the owner.

3. Damage to the habitat of endangered or threatened species.

(n) When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.

(o) A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.

(p) Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue the water use permitted herein and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of the water withdrawal facilities or the land.

(q) All permits issued pursuant to these Rules are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.

(r) Within the Southern Water Use Caution Area, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the District, upon reasonable notice to the permittee, including a statement of facts upon which the District based its determination, may reconsider the quantities permitted or other conditions of the permit as appropriate to address the change or impact, but only after an opportunity for the permittee to resolve or mitigate the change or impact or to request a hearing.

(4) In addition to the standard terms and conditions listed previously, the District shall impose special conditions as set forth in the WUP, Basis of Review. identified in Rule 40D-2.091, F.A.C., or other special conditions appropriate to any specific project.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.219, 373.223, 373.244 FS. History—New 6-7-78, Amended 9-9-80, 10-21-80, Formerly 16J-2.112, Amended 10-1-89, 2-10-93, 5-2-93, 4-14-02, 1-1-03, 10-19-05, 7-20-08, 11-2-09, 6-16-11.

40D-2.401 Identification Tags.

(1) When a WUP is issued, the Governing Board will issue a permanent tag bearing a use identification number for each withdrawal facility that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, which tag shall be prominently displayed at the site of withdrawal by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility. If the WUP covers several facilities such as a well field, a tag will be issued for each facility.

(2) Failure to display a permit tag as prescribed herein shall constitute a violation of these rules and may be grounds for suspension or revocation of the permit. The permittee shall be allowed 10 days after notice to obtain a replacement tag. Upon failure of the permittee to display such tag within 10 days, the Governing Board may cause the replacement of such tag and charge the permittee One hundred dollars (\$100) for such service.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History—Readopted 10-5-74, Formerly 16J-2.05, Amended 10-1-89, 7-20-08.

40D-2.441 Temporary Permits.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.229, 373.244 FS. History—New 11-6-79, Formerly 16J-2.25, Amended 10-1-89, Repealed 3-30-93.

40D-2.501 Permit Use Types.

Each WUP shall authorize water withdrawals for as many of the following use types as are applicable, and shall be classified according to the use type for which the greatest withdrawal quantities are authorized. Permit use types are as follows:

- (1) Public Supply,
- (2) Recreation or Aesthetic Use,
- (3) Agricultural,
- (4) Industrial or Commercial, and
- (5) Mining or Dewatering.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.219, 373.246 FS. History—Readopted 10-5-74, Amended 12-31-74, Formerly 16J-2.16, Amended 11-4-84, 10-1-89, 1-1-03, 12-30-08.

40D-2.511 Declaration of Water Shortage.

(1) The Board in accordance with Chapter 40D-21, F.A.C., may declare a water shortage exists within all or part of the District when insufficient water is available to meet the need of the users or when conditions are such as to require temporary reduction in total use within the area to protect water resources from serious harm.

(2) The Governing Board may impose such restrictions on 1 or more users of the water resources as may be necessary to protect water resources of the area from serious harm as set forth in Part VI of Chapter 40D-21, F.A.C.

(3) Upon declaring a water shortage, the Governing Board shall prepare a Notice of Water Shortage, which shall be substantially in accordance with Rule 40D-21.275, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.246 FS. History—Readopted 10-5-74, Formerly 16J-2.20, 16J-2.21, Amended 11-4-84.

40D-2.521 Change, Suspension or Restriction of Permits During Water Shortage.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.246 FS. History—Readopted 10-5-74, Amended 10-24-76, Formerly 16J-2.23, Amended 11-4-84, Repealed 10-1-89.

40D-2.531 Procedures Under Water Shortage.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.246 FS. History—Readopted 10-5-74, Formerly 16J-2.22, Amended 11-4-84, Repealed 10-1-89.

40D-2.541 Declaration of Emergency Due to Water Shortage.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.246 FS. History—Readopted 10-5-74, Formerly 16J-2.24, Amended 11-4-84, Repealed 10-1-89.

40D-2.621 Water-Conserving Credits.

(1) On January 1, 2003, permits authorizing a water withdrawal within the SWUCA for irrigation shall be assigned an initial Water-Conserving Credit by the District for a quantity of water as set forth in Chapter 3 of the WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C.

(2) Permittees with an individual or general WUP authorizing a water withdrawal within the SWUCA for irrigation may earn Water-Conserving Credits to withdraw additional quantities of ground water for use at the site at which they were earned and for the source for which they were earned. Water-Conserving Credits are earned if less than the allowable amount of groundwater is applied to actual, planted acreage as set forth in Chapter 3 of the WUP Basis of Review incorporated by reference in Rule 40D-2.091, F.A.C.

(3) Withdrawals under the Water-Conserving Credits shall meet the Conditions for Issuance set forth in subsection 40D-2.301(1), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216, 373.219, 373.223, 373.239 FS. History—New 1-1-03, Amended 1-1-07, 12-30-08.

40D-2.801 Water Use Caution Areas.

(1) When the Governing Board determines that regional action is necessary to address cumulative water withdrawals which are causing or may cause adverse impacts to the water and related natural resources or the public interest, it shall declare, delineate, or modify Water Use Caution Areas (WUCAs). The Governing Board shall declare a WUCA by adopting a rule or issuing an order imposing special requirements for existing water users and permit applicants to prevent or remedy impacts to water and related natural resources or the public interest.

(2) In determining whether an area should be declared a WUCA, the Governing Board shall consider the following factors:

(a) The quantity of water available for use from groundwater sources, surface water sources, or both.

(b) The quality of water available for use from groundwater sources, surface water sources, or both, including impacts such as saline water intrusion, mineralized water upconing, or pollution.

- (c) Environmental systems, such as wetlands, lakes, streams, estuaries, fish and wildlife, or other natural resources.
- (d) Lake stages or surface water rates of flow.
- (e) Offsite land uses.
- (f) Other resources as deemed appropriate by the Governing Board.

(3) The regions described in this rule have been declared WUCAs by the District Governing Board. This rule reaffirms the declaration of WUCAs and creates conditions to be applied to water users in those areas.

(a) Northern Tampa Bay Water Use Caution Area.

To address groundwater withdrawals that have resulted in lowering of lake levels, destruction or deterioration of wetlands, reduction in streamflow and salt water intrusion, the Governing Board declared portions of northern Hillsborough County, southwestern Pasco County and all of Pinellas County a WUCA on June 28, 1989, pursuant to Resolution Number 934. The Governing Board approved expansion of the boundaries of the WUCA in June 2007.

1. The boundary for the Northern Tampa Bay Water Use Caution Area is as follows:

All of Pinellas County;

All of Pasco County; and

That portion of Hillsborough County within the following sections; (all Townships are South; all Ranges are East);

Township 27, Range 17: All Sections;

Township 27, Range 18: All Sections;

Township 27, Range 19: All Sections;

Township 27, Range 20: All Sections;

Township 27, Range 21: All Sections;

Township 27, Range 22: All Sections;

Township 28, Range 17: All Sections;

Township 28, Range 18: All Sections;

Township 28, Range 19: All Sections;

Township 28, Range 20: All Sections;

Township 28, Range 21: All Sections;

Township 28, Range 22: All Sections;

Township 29, Range 17: All Sections;

Township 29, Range 18: All Sections;

Township 30, Range 17: All Sections;

Township 30, Range 18: All Sections;

Township 29, Range 22: All Sections North of State Road 60;

Township 29, Range 21: All Sections North of State Road 60;

Township 29, Range 20: All Sections North of State Road 60;

Township 29, Range 19: Section 24 North of State Road 60 and all remaining Sections except 22, 23, 25, 26, 27 and 34 through 36.

2. Regulations specifically applicable to this WUCA are set forth in Sections 4.2, 4.3, 4.5 and 7.3, of the WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C., and are in addition to all other regulations set forth in Chapter 40D-2, F.A.C., and Part B and Part D of the Water Use Permit Information Manual, incorporated by reference in Rule 40D-2.091, F.A.C.

3. All WUPs within the WUCA are hereby modified to conform with this Rule, and applicable permit conditions specified in Section 7.3, of the WUP Basis of Review, incorporated by reference in Rule 40D-2.091, are incorporated into all WUPs within the WUCA.

4. The Northern Tampa Bay Water Use Caution Area is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C.

(b) Southern Water Use Caution Area (SWUCA). To address lowered lake levels, stream flows and ground water levels, water quality degradation and adverse impacts to water users, the Governing Board declared all or portions of Manatee, Sarasota, DeSoto, Hardee, Charlotte, Highlands, Hillsborough and Polk Counties within the District's boundaries a WUCA on October 26, 1992, pursuant to Resolution Number 92-10.

1. As shown in Figure 2-1, the boundary for the Southern Water Use Caution Area is as follows:

All of Manatee, Sarasota, Charlotte, Hardee, DeSoto, and Highlands Counties within the boundaries of the Southwest Florida Water

Management District, and that portion of Hillsborough County within the following sections (all Townships are South; all Ranges are East):

Township 29, Range 19: All whole or partial Sections South of State Road 60;
Township 29, Range 20: All whole or partial Sections South of State Road 60;
Township 29, Range 21: All whole or partial Sections South of State Road 60;
Township 29, Range 22: All whole or partial Sections South of State Road 60;
Township 30, Range 19: All Sections;
Township 30, Range 20: All Sections;
Township 30, Range 21: All Sections;
Township 30, Range 22: All Sections;
Township 31, Range 18: All Sections;
Township 31, Range 19: All Sections;
Township 31, Range 20: All Sections;
Township 31, Range 21: All Sections;
Township 31, Range 22: All Sections;
Township 32, Range 18: All Sections;
Township 32, Range 19: All Sections;
Township 32, Range 20: All Sections;
Township 32, Range 21: All Sections;
Township 32, Range 22: All Sections;
Township 33, Range 15: All Sections;
Township 33, Range 16: All Sections;

and that portion of Polk County within the Southwest Florida Water Management District and within the following sections:

Township 26, Range 26: All whole or partial Sections South of Interstate 4;
Township 27, Range 23: All whole or partial Sections South of Interstate 4;
Township 27, Range 24: All whole or partial Sections South of Interstate 4;
Township 27, Range 25: All whole or partial Sections South of Interstate 4;
Township 27, Range 26: All Sections;
Township 27, Range 27: Sections 25 through 36;
Township 27, Range 28: Section 31;
Township 28, Range 23: All Sections;
Township 28, Range 24: All Sections;
Township 28, Range 25: All Sections;
Township 28, Range 26: All Sections;
Township 28, Range 27: All Sections;
Township 28, Range 28: All Sections;
Township 29, Range 23: All Sections;
Township 29, Range 24: All Sections;
Township 29, Range 25: All Sections;
Township 29, Range 26: All Sections;
Township 29, Range 27: All Sections;
Township 29, Range 28: All Sections;
Township 29, Range 29: Sections 19, 30, 31;
Township 30, Range 23: All Sections;
Township 30, Range 24: All Sections;
Township 30, Range 25: All Sections;
Township 30, Range 26: All Sections;
Township 30, Range 27: All Sections;
Township 30, Range 28: All Sections;

Township 30, Range 29: Sections 5, 6, 7, 8, 18, 19, 30, 31;

Township 31, Range 23: All Sections;

Township 31, Range 24: All Sections;

Township 31, Range 25: All Sections;

Township 31, Range 26: All Sections;

Township 31, Range 27: All Sections;

Township 31, Range 28: All Sections;

Township 31, Range 29: Section 6;

Township 32, Range 23: All Sections;

Township 32, Range 24: All Sections;

Township 32, Range 25: All Sections;

Township 32, Range 26: All Sections;

Township 32, Range 27: All Sections;

Township 32, Range 28: All Sections;

2. As shown in Figure 2-1, the area for the MIA of the Southern Water Use Caution Area is as follows:

Township 30, Range 19, Sections 2 through 36;

Township 30, Range 20, Sections 17 through 22; and 27 through 36;

Township 31, Range 18, all sections;

Township 31, Range 19, all sections;

Township 31, Range 20, all sections;

Township 31, Range 21, Sections 6 through 8; 17 through 20; and 29 through 32;

Township 32, Range 18, all sections;

Township 32, Range 19, all sections;

Township 32, Range 20, all sections;

Township 32, Range 21, Sections 5 through 7;

Township 33, Range 16, all sections;

Township 33, Range 17, all sections;

Township 33, Range 18, all sections;

Township 33, Range 19, all sections;

Township 33, Range 20, all sections;

Township 33, Range 21, Sections 19, 30, 31;

Township 34, Range 16, all sections;

Township 34, Range 17, all sections;

Township 34, Range 18, all sections;

Township 34, Range 19, all sections;

Township 34, Range 20, all sections;

Township 34, Range 16, all sections;

Township 34, Range 17, all sections;

Township 34, Range 18, all sections;

Township 34, Range 19, all sections;

Township 34, Range 20, all sections;

Township 34, Range 21, Sections 6 through 8; 17 through 20; and 29 through 32;

Township 35, Range 16, all sections;

Township 35, Range 17, all sections;

Township 35, Range 18, all sections;

Township 35, Range 19, all sections;

Township 35, Range 20, all sections;

Township 35, Range 21, Sections 5 through 8; 17 through 20; and 30;

Township 36, Range 17, all sections;

Township 36, Range 18, all sections;
 Township 36, Range 19, Sections 1 through 24; and 27 through 32;
 Township 36, Range 20, Sections 2 through 10; and 17 and 18;
 Township 37, Range 17, Sections 1 through 18;
 Township 37, Range 18, Sections 1 through 10; and 17 and 18.
 Township 34, Range 21, Sections 6 through 8; 17 through 20; and 29 through 32;
 Township 35, Range 16, all sections;
 Township 35, Range 17, all sections;
 Township 35, Range 18, all sections;
 Township 35, Range 19, all sections;
 Township 35, Range 20, all sections;
 Township 35, Range 21, Sections 5 through 8; 17 through 20; and 30;
 Township 36, Range 17, all sections;
 Township 36, Range 18, all sections;
 Township 36, Range 19, Sections 1 through 24; and 27 through 32;
 Township 36, Range 20, Sections 2 through 10; and 17 and 18;
 Township 37, Range 17, Sections 1 through 18;
 Township 37, Range 18, Sections 1 through 10; and 17 and 18.

3. The Ridge Lakes are those lakes located anywhere within Highlands County and Polk County within the boundaries of the Southwest Florida Water Management District within the following Sections:

All of Highlands County within the boundaries of the Southwest Florida Water Management District, and that portion of Polk County within the Southwest Florida Water Management District and within the following sections (all Townships are South; all Ranges are East):

Township 26, Range 25: Partial Section 36 South of Interstate 4;
 Township 26, Range 26: Partial Sections 28, 29, 31, and 32 South of Interstate 4 and whole Section 33;
 Township 27, Range 25: Partial Sections 1, 2, 7, and 8 South of Interstate 4 and whole Sections 9 through 29, and 32 through 36;
 Township 27, Range 26: Sections 4 through 9, 16 through 21, and 25 through 36;
 Township 27, Range 27: Sections 25 through 36;
 Township 27, Range 28: Section 31;
 Township 28, Range 25: Sections 1 through 4, 9 through 15, 22 through 26, 35 through 36;
 Township 28, Range 26: All Sections;
 Township 28, Range 27: All Sections;
 Township 28, Range 28: Sections 6 through 7, 17 through 22, 27 through 32, and Section 34;
 Township 29, Range 25: Sections 1, 2, and 11 through 14;
 Township 29, Range 26: Sections 1 through 18, and 23 through 24;
 Township 29, Range 27: All Sections;
 Township 29, Range 28: Sections 6 through 7, and 18 through 36;
 Township 29, Range 29: Sections 19, 30, 31;
 Township 30, Range 27: All Sections;
 Township 30, Range 28: All Sections;
 Township 30, Range 29: Sections 5 through 8, 18, 19, 30, 31;
 Township 31, Range 27: All Sections;
 Township 31, Range 28: All Sections;
 Township 31, Range 29: Section 6;
 Township 32, Range 27: All Sections;
 Township 32, Range 28: All Sections.

4. Regulations applicable to this WUCA are specified in this chapter and in the WUPBasis of Review, incorporated by reference in Rule 40D-2.091, F.A.C., and are incorporated into this rule. Amendments to those regulations adopted December 12, 2006, shall become effective January 1, 2007. Those amendments and regulations relating to SWUCA effective on January 1, 2003, and January

1, 2007, are not intended to affect, and shall not be construed to affect, any WUP that does not have a withdrawal point within the SWUCA.

5. Any permit with a withdrawal point located within the boundaries of the SWUCA is deemed to be within the SWUCA. Permits with permitted withdrawals in more than 1 WUCA shall be subject to the conservation and reporting requirements of the WUCA within which the majority of permitted quantities are withdrawn, or projected to be withdrawn, in addition to all other rule criteria, including MFL requirements, as set forth in Chapter 40D-2, F.A.C., and the WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C. Nothing in the rules and WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C., specific to the SWUCA shall be interpreted or applied in any manner that would interfere with the Comprehensive Plan for the Northern Tampa Bay Area as outlined in Rule 40D-80.073, F.A.C.

6. All WUPs with withdrawal points within the SWUCA are hereby modified to conform with this paragraph 40D-2.801(3)(b), F.A.C., except as provided in paragraph 5., above, and the applicable SWUCA criteria specified in the Basis of Review described in Rule 40D-2.091, F.A.C., are incorporated into all such WUPs.

7. The SWUCA is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C.

(c) Central Florida Coordination Area ("CFCA") – The CFCA is located within portions of 3 water management districts and includes Polk, Orange, Osceola and Seminole counties, and southern Lake County. The portion of the CFCA located within this District is delineated below. In this area, stress on the water resources is escalating because of rapidly increasing withdrawals of groundwater. The public interest requires protection of the water resources from harm. The CFCA rules address the public interest by providing an interim regulatory framework to allow for the allocation of available groundwater in the area, subject to avoidance and mitigation measures to prevent harm, and by requiring the expeditious implementation of Supplemental Water Supply projects (as defined in Section 3.6 of the Basis of Review). This interim regulatory framework is 1 component of a comprehensive, joint water management district strategy for regional water resource management that also includes regional water supply planning, alternative water supply project funding and water resource investigations and analysis that will result in a long-term approach for water supply within the CFCA. The effective date of implementation of the interim CFCA rules is February 13, 2008. The interim CFCA rules shall remain in effect only through December 31, 2012, except that if the District initiates rulemaking to provide a long-term regulatory framework to replace the interim rules and a petition challenging all or part of the proposed rules is filed under Section 120.56 of the F.S., before that date, the interim rules shall remain effective until 100 days after a final determination of the validity or invalidity of the proposed rules.

1. As shown in Figure 2-2, the boundary for the portion of the Central Florida Coordination Area located within this District is as follows:

Begin at the northwest corner of Section 6, Township 23 South, Range 24 East same being on the Sumter-Lake County line and run thence south along the range line dividing Ranges 23 and 24 East, to the thread of the Withlacoochee River; thence westerly along the thread of said river, to its intersection with the range line dividing Ranges 22 and 23 East; thence south along said range line, to the township line dividing Townships 25 and 26 South; thence west along said township line, to the section line dividing Sections 3 and 4 in Township 26 South, Range 22 East; thence south along the section lines, to the township line dividing Townships 26 and 27 South; thence east along said township line, to the range line dividing Ranges 22 and 23 East; thence south along said range line, to an intersection with the range line between Ranges 22 and 23 East with the township line between Townships 32 and 33 South; thence east along said township line, to the southeast corner of Township 32 South, Range 28 East; thence north along the range line between Ranges 28 and 29 East, in Townships 32 and 31 South, to the northeast corner of Section 12 in Township 31 South, Range 28 East; thence east along the section line to the northeast corner of Section 7, Township 31 South, Range 29 East; thence north along the section line to the northwest corner of Section 17, Township 30 South, Range 29 East; thence east along the section line to the northeast corner of the west 1/2 of Section 17, Township 30 South, Range 29 East; thence north along the 1/2-section line to the northeast corner of the west 1/2 of Section 5, Township 30 South, Range 29 East; thence west along the section line to the southwest corner of Section 32, Township 29 South, Range 29 East; thence north along the section line to the northeast corner of Section 19 in Township 29 South, Range 29 East; thence west along the north boundaries of Section 19, Township 29 South, Range 29 East, and Sections 24, 23, 22, 21, and 20, Township 29 South, Range 28 East, to the northwest corner of said Section 20; thence north along the section line to the intersection of said section line with the west shore line of Lake Pierce in Township 29 South, Range 28 East; thence following the west shore of Lake Pierce to its intersection again with the west section line of Section 5, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 29 South, Range 28 East; thence east along the township line to the southwest corner of Section 33, Township 28 South, Range 28 East; thence north along the

section line to the northwest corner of the southwest 1/4 of the southwest 1/4 of Section 28, Township 28 South, Range 28 East; thence east along the 1/4-section line to the intersection of said 1/4-section line with Lake Pierce; thence follow the shore line northeasterly to its intersection with the 1/2-section line of Section 28, Township 28 South, Range 28 East; thence north on the 1/2-section line to the northwest corner of the southeast 1/4 of Section 28, Township 28 South, Range 28 East; thence east to the northeast corner of the southeast 1/4 of Section 28, Township 28 South, Range 28 East; thence south along the section line to the northwest corner of Section 3, Township 29 South, Range 28 East; thence east along the section line to the northeast corner of Section 3, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 23, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 16, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 16, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 8, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 28 South, Range 28 East; thence west along the township line to the intersection of said township line with Lake Marion; thence following the south shore line of Lake Marion to its intersection again with said township line; thence west along the township line to the southeast corner of Section 36, Township 27 South, Range 27 East; thence north along the range line between Ranges 27 and 28 East to the intersection of said range line with Lake Marion; thence following the west shore of Lake Marion to its intersection again with the range line between Ranges 27 and 28 East; thence north along said range line, in Townships 27 and 26 South, to the northeast corner of Township 26 South, Range 27 East, being on the Polk-Osceola County line; thence west along the Polk-Osceola County line to the northwest corner of Township 26 South, Range 27 East; thence north along the section line to the Lake-Polk County line; thence west along the county line to the southwest corner of Section 32, Township 24 South, Range 26 East; thence into Lake County, north along the section lines to the northeast corner of Section 30, Township 24 South, Range 26 East; thence west along the section lines to the northeast corner of Section 28, Township 24 South, Range 25 East; thence north along the section lines to the northeast corner of Section 16, Township 24 South, Range 25 East; thence west along the section line to the northwest corner of Section 16, Township 24 South, Range 25 East; thence north along the section line to the northeast corner of Section 8, Township 24 South, Range 25 East; thence west along the section lines to the range line between Ranges 24 and 25; thence north along the range line to the northeast corner of Section 1, Township 23 South, Range 24 East, also being on the township line between Townships 22 and 23 South; thence west along the township line to the Point of Beginning.

2. Applications for groundwater withdrawals located within the areas encompassed both by the SWUCA, as described in paragraph 40D-2.801(3)(b), F.A.C., or deemed within the SWUCA pursuant to subparagraph 40D-2.801(3)(b)5. F.A.C., above, and the District's portion of the CFCA as described in paragraph 40D-2.801(3)(c), F.A.C., shall only be subject to the provisions of Chapter 40D-2, F.A.C., and the WUP Basis of Review described in Rule 40D-2.091, F.A.C., applicable to groundwater withdrawals within the SWUCA. The CFCA provisions shall not be applicable to those permits. These provisions are in addition to all other regulations set forth in Chapter 40D-2, F.A.C., and Parts B and D of the Water Use Permit Information Manual.

3. Regulations applicable to the CFCA are specified in Rule 40D-2.321 and paragraph 40D-2.801(3)(c), F.A.C., and in Sections 1.9, 3.6 and 6.2 of the WUP Basis of Review described in Rule 40D-2.091, F.A.C., and are incorporated into this rule, and are in addition to all other regulations set forth in Chapter 40D-2, F.A.C., and Part B and D of the Water Use Permit Information Manual. The CFCA regulations shall not be construed to affect any WUP application that does not have a groundwater withdrawal point within the CFCA.

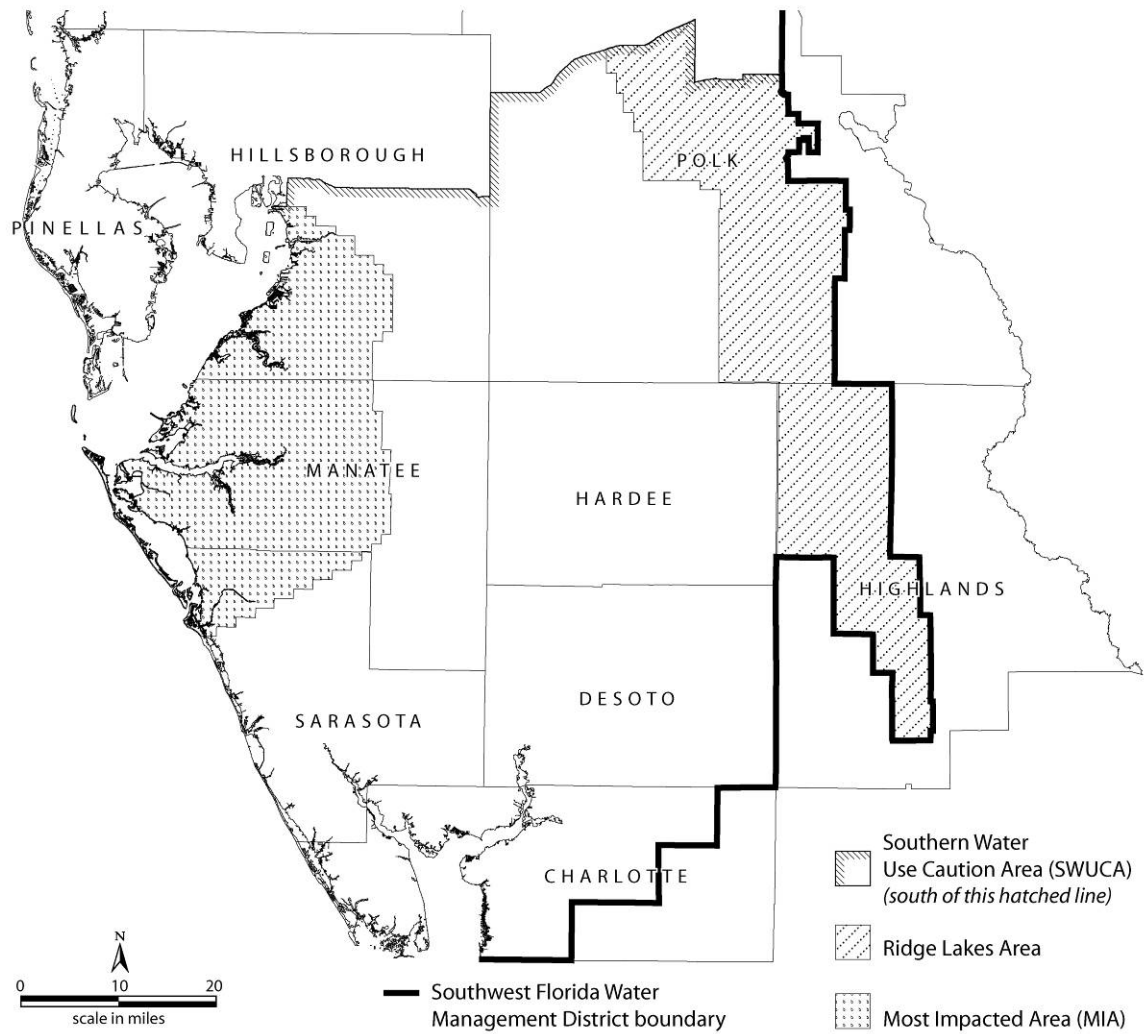
4. Special requirements for Public Supply Utility applicants for groundwater withdrawals are explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUNDWATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Sections 1.9, 3.6 and 6.2 of the WUP Basis of Review described in Rule 40D-2.091, F.A.C. In addition, a Similar Applicant, as defined in Section 3.6 of the WUP Basis of Review, is subject to those requirements.

5. In adopting the interim CFCA rules, the District acknowledges the increasing stress on the water resources in the CFCA and the mandate of the legislature to foster the development of additional water supplies and avoid the adverse effects of competition. However, the interim CFCA rules do not abrogate the rights of the Governing Board or of any other person under Section 373.233, F.S. The CFCA regulatory framework provides a comprehensive strategy for interim allocations of available groundwater and expeditious development of supplemental water supply projects, as defined in Section 3.6, paragraph A.7. under the heading Requirements For Applicants For Groundwater Withdrawals Within The Central Florida Coordination Area, in the WUP Basis of Review, to minimize competition and thereby provide greater certainty of outcome than competition.

6. Any Public Supply Utility applicant, or Similar Applicant described in subparagraph 40D-2.801(3)(c)4., F.A.C., above, with an existing or proposed groundwater withdrawal point within the boundaries of the CFCA is deemed to be within the CFCA, provided that the regulation of that withdrawal is governed by subparagraph 40D-2.801(3)(c)2., F.A.C., above.

7. The CFCA is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C.

Figure 2-1



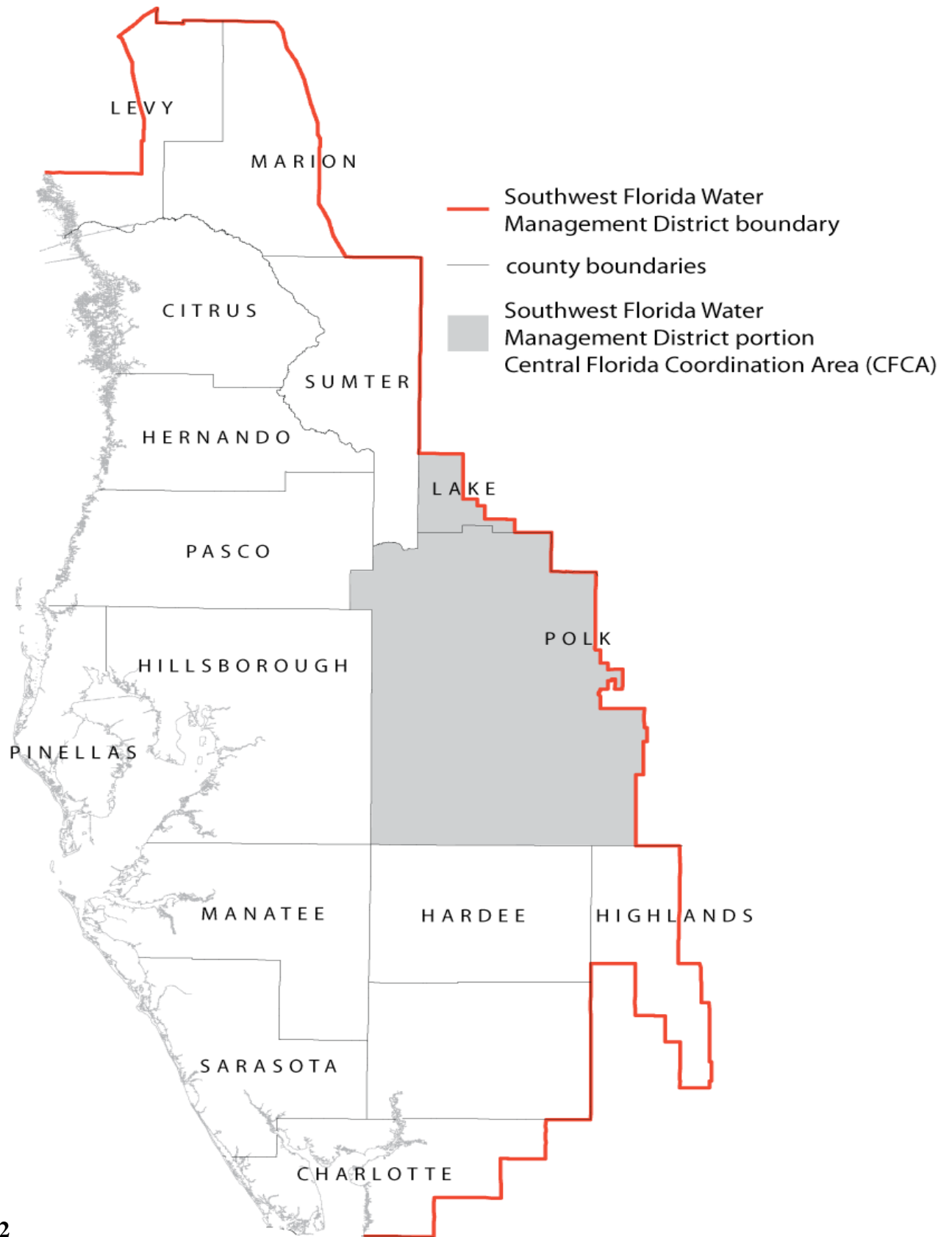


Figure 2-2

(d) Dover/Plant City Water Use Caution Area. To address adverse impacts to water users and offsite land uses due to groundwater withdrawals during frost/freeze events, the Governing Board has established portions of Hillsborough and Polk Counties as a WUCA effective as of 6-16-11.

1. As shown in Figure 2-3, the boundary for the Dover/Plant City WUCA is as follows:

The portions of Hillsborough and Polk Counties within the following sections (all Townships are South; all Ranges are East):

Township 27, Range 20: Sections 25, 26, 35 and 36;

Township 27, Range 21: Sections 25 through 36;

Township 27, Range 22: Sections 25 through 36;

Township 27, Range 23: Sections 29 through 32;

Township 28, Range 20: Sections 1, 2, 11 through 14, 23 through 26, 35 and 36;

Township 28, Range 21: All Sections;

Township 28, Range 22: All Sections;

Township 28, Range 23: Sections 5 through 8, 17 through 20, and 29 through 32;

Township 29, Range 20: Sections 1, 2, 11 through 14, 23 through 26, 35 and 36;

Township 29, Range 21: All Sections;

Township 29, Range 22: All Sections;

Township 29, Range 23: Sections 5 through 8, 17 through 20, and 29 through 32;

Township 30, Range 20: Sections 1, 2, 11 and 12;

Township 30, Range 21: Sections 1 through 12;

Township 30, Range 22: Sections 1 through 12;

Township 30, Range 23: Sections 5 through 8.

2. Regulations applicable to this WUCA are specified in this chapter and in Section 7.4 of the WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C., and are in addition to all other regulations set forth in Chapter 40D-2, F.A.C., and the WUP Basis of Review and Part D of the Water Use Permit Information Manual.

3. The permitting criteria and conditions set forth in Chapter 40D-2, F.A.C., WUP Basis of Review, incorporated by reference in Rule 40D-2.091, subsection 40D-8.626(3), and Rule 40D-80.075, F.A.C. shall apply, as specified therein, to the following existing, new, renewal and modification applications for:

a. Frost/freeze quantities to be withdrawn from groundwater when at least one withdrawal point is within the Dover/Plant City WUCA.

b. Quantities of 100,000 gpd annual average or greater from groundwater when at least one withdrawal point is within the Dover/Plant City WUCA.

c. A permit with at least one withdrawal point within the Dover/Plant City WUCA for groundwater quantities to provide frost/freeze quantities authorized to be used or withdrawn from any combination of sources that if withdrawn from groundwater alone would have the potential to impact the Minimum Aquifer Level Protection Zone established for the Dover/Plant City WUCA.

d. A permit with at least one withdrawal point within the Dover/Plant City WUCA for groundwater quantities to provide supplemental irrigation for a use that typically requires frost/freeze protection and where such protection could be achieved through groundwater withdrawals but alternative protection methods are proposed.

4. Any permit with a withdrawal point located within the boundaries of the Dover/Plant City WUCA is deemed to be within the Dover/Plant City WUCA. Permits with permitted withdrawals in more than one WUCA shall be subject to the conservation and reporting requirements, if any, of the WUCA within which the majority of permitted quantities are withdrawn, or projected to be withdrawn, in addition to all other rule criteria, including MFL requirements, as set forth in Chapter 40D-2, F.A.C., and the WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C. However, the Dover/Plant City WUCA provisions shall supersede any other rule criteria that creates conflicting or more stringent requirements. Nothing in the rules and WUP Basis of Review specific to the Dover/Plant City WUCA shall be interpreted or applied in any manner that would interfere with the Comprehensive Plan for the Northern Tampa Bay Area as outlined in Rule 40D-80.073, F.A.C.

5. All water use permits with withdrawal points within the Dover/Plant City WUCA are hereby modified to conform with the provisions of paragraph 40D-2.801(3)(d), F.A.C., except as provided in subparagraph 40D-2.801(3)(d)4., F.A.C., above, and the applicable Dover/Plant City WUCA criteria specified in the WUP Basis of Review, incorporated in Rule 40D-2.091, F.A.C., are incorporated into all such WUPs.

6. The Dover/Plant City WUCA is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C.

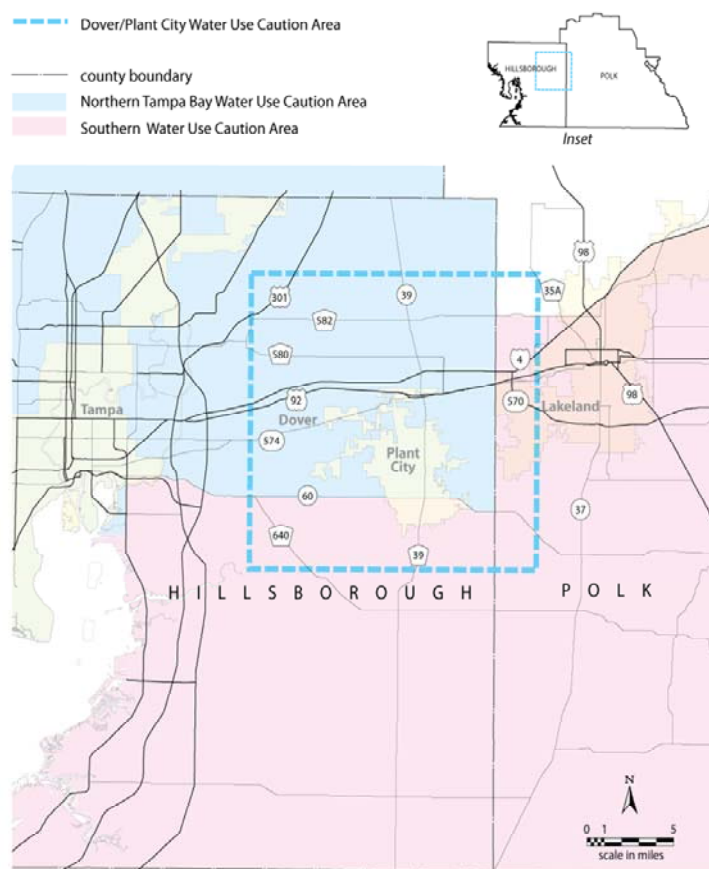


Figure 2-3 Dover/Plant City Water Use Caution Area

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 FS. History—Readopted 10-5-74, Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, 1-1-07, 10-1-07, 2-13-08, 4-7-08, 5-26-10, 6-16-11.