

Notice of Proposed Rule

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-41.300: Central Florida Water Initiative Area, Scope of Rule

62-41.301: Central Florida Water Initiative Area, Uniform Conditions for Issuance of Permits

62-41.302: Central Florida Water Initiative Area, Supplemental Applicant's Handbook

62-41.303: Central Florida Water Initiative Area, Variances to the Uniform Rules

62-41.304: Central Florida Water Initiative Area, Uniform Process for Setting Minimum Flows and Minimum Water Levels and Water Reservations

62-41.305: Central Florida Water Initiative Area, Applicability of the Dover/Plant City and Southern Water Use Caution Area Recovery Strategies

PURPOSE AND EFFECT:

SUMMARY:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

RULEMAKING AUTHORITY: Section 373.043, 373.0465, 373.171, F.S.

LAW IMPLEMENTED: Section 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, F.S.

___IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

(OR)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Christina Coger, 3900 Commonwealth Boulevard, Mail Station 46, Tallahassee, Florida 32399, 850-245-3150, Christina.G.Coger@FloridaDEP.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christina Coger, 3900 Commonwealth Boulevard, Mail Station 46, Tallahassee, Florida 32399, 850-245-3150, Christina.G.Coger@FloridaDEP.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-41.300 Central Florida Water Initiative Area, Scope of Rules

(1) Rules 62-41.300 through 62-41.305, F.A.C., and the Central Florida Water Initiative Area Supplemental Applicant's Handbook (Supplemental Applicant's Handbook), incorporated by reference in Subsection 62-41.302(1), F.A.C., (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>) implements section 373.0465(2)(d), F.S. These rules apply to consumptive use permit applicants in the Central Florida Water Initiative (CFWI) Area as defined in section 373.0465(2)(a), F.S., and supersede those portions of Chapters 40C-2, 40D-2 and 40E-2, F.A.C., regulating the consumptive use of water in the CFWI area explicitly identified in this chapter. These rules only supersede the rules of the St. Johns River Water Management District (SJRWMD), Southwest Florida Water Management District (SWFWMD) or South Florida Water Management District (SFWMD) (collectively, the "Districts") when explicitly provided in Rules 62-41.300 through 62-41.305 or the Supplemental Applicant's Handbook.

(2) The SJRWMD shall implement this chapter and the provisions of the Supplemental Applicant's Handbook in conjunction with provisions of Chapter 40C-2, F.A.C., and the SJRWMD Applicant's Handbook for the Consumptive Uses of Water, which is incorporated in paragraph 40C-2.101(1)(a), F.A.C., (<https://www.flrules.org/gateway/reference.asp?No=Ref-09818>).

(3) The SWFWMD shall implement this chapter and the provisions of the Supplemental Applicant's Handbook in conjunction with provisions of Chapter 40D-2, F.A.C., and the SWFWMD Water Use Permit Applicant's

Handbook, Part B, which is incorporated in paragraph 40D-2.091(1)(a), F.A.C., (<https://www.flrules.org/Gateway/reference.asp?No=Ref-11553>).

(4) The SFWMD shall implement this chapter and the provisions of the Supplemental Applicant's Handbook in conjunction with provisions of Chapter 40E-2, F.A.C., and the Applicant's Handbook for Water Use Permit Applications, which is incorporated in subsection 40E-2.091(1), F.A.C., (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05791>).

(5) Paragraph 373.0465(2)(e), F.S., directs the Districts to implement these rules within the CFWI Area without the need for further rulemaking.

(6) The phrases "Consumptive Use Permit," "Consumptive Use Permitting," or "Consumptive Use Applicants" are synonymous with "Water Use Permit," "Water Use Permitting," or "Water Use Applicants," respectively, as used by the Districts.

(7) The Central Florida Water Initiative region is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C.

Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History—New _____.

62-41.301 Central Florida Water Initiative Area, Uniform Conditions for Issuance of Permits

For consumptive use applicants within the CFWI Area, this rule supersedes in their entirety subsections 40C-2.301(1) and (2) and subsections 40D-2.301(1) and (2); and subsection 40E-2.301(1), F.A.C.

(1) To obtain a consumptive use permit, renewal, or modification within the CFWI Area, an applicant must provide reasonable assurance that the proposed consumptive use of water, on an individual and cumulative basis:

(a) Is a reasonable-beneficial use;

(b) Will not interfere with any presently existing legal use of water; and

(c) Is consistent with the public interest.

(2) In order to provide reasonable assurances that the consumptive use is reasonable-beneficial, an applicant shall demonstrate that the consumptive use:

(a) Is a quantity that is necessary for economic and efficient use;

(b) Is for a purpose and occurs in a manner that is both reasonable and consistent with the public interest;

(c) Will utilize a water source that is suitable for the consumptive use;

(d) Will utilize a water source that is capable of producing the requested amount;

(e) Will utilize the lowest quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible, except for those agricultural uses outlined in Section 2.9 of the Central Florida Water Initiative Area Supplemental Applicant's Handbook, incorporated in subsection 62-41.302(1), F.A.C. (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>);

(f) Will not cause harm to existing offsite land uses resulting from hydrologic alterations;

(g) Will not cause harm to the water resources of the area in any of the following ways:

1. Will not cause harmful water quality impacts to the water source resulting from the withdrawal or diversion;

2. Will not cause harmful water quality impacts from dewatering discharge to receiving waters;

3. Will not cause harmful saline water intrusion or harmful upconing;

4. Will not cause harmful hydrologic alterations to natural systems, including wetlands or other surface waters;

and

5. Will not otherwise cause harmful hydrologic alterations to the water resources of the area;

(h) Is in accordance with any minimum flow or level and implementation strategy established pursuant to sections 373.042 and 373.0421, F.S.; and

(i) Will not use water reserved pursuant to section 373.223(4), F.S.

(3) The standards, criteria, and conditions in the Applicant's Handbooks identified in subsections 62-41.300(2) – (4), F.A.C., and the Supplemental Applicant's Handbook incorporated by reference in subsection 62-41.302(1), F.A.C. shall be used to determine whether the requirements of subsections (1) and (2) are met.

(4) All Consumptive Use Permits with withdrawal points within the CFWI are hereby modified to conform with this Rule, and applicable permit conditions specified in Section 5.0, of the Supplemental Applicant's Handbook, incorporated by reference in 62-41.300 through 62-41.302, F.A.C., are incorporated into all CUPs within the CFWI.

Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History—New _____.

62-41.302: Central Florida Water Initiative Area, Supplemental Applicant's Handbook

(1) Rules 62-41.302 through 62-41.305, F.A.C., shall be used in conjunction with the Central Florida Water Initiative Area Supplemental Applicant's Handbook (Supplemental Applicant's Handbook), effective [date], which is hereby adopted and incorporated by reference herein. (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>). Materials adopted by reference in this chapter are also available from the Department of Environmental Protection's Internet Site [link], or by contacting the Office of Water Policy, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 46, Tallahassee, Florida 32399, 850-245-3150). Design Aids referenced within the Supplemental Applicant's Handbook are not incorporated by reference and are for information purposes only.

(2) Each chapter of the Supplemental Applicant's Handbook includes a statement clearly indicating what section(s) of the Districts' Applicant's Handbooks, the Supplemental Applicant's Handbook supersedes and replaces. Any section of a Districts' Applicant's Handbooks that is not explicitly superseded and replaced by the Supplemental Applicant's Handbook shall remain in full force and effect for all users within that Districts' jurisdiction, including the CFWI Area.

Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History–New _____.

62-41.303: Central Florida Water Initiative Area, Variances to the Uniform Rules

(1) Scope. Applicants may seek a variance from Rules 62-41.301 and 62-41.302, F.A.C., and the provisions of the Supplemental Applicant's Handbook if there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical. A variance under this rule is as defined in Section 120.52(21), F.S. (2020) Variances under this rule shall not be granted for any requirements relating to the Southern Water Use Caution Area or the Dover/Plant City Water Use Caution Area, provisions of which are incorporated by reference in Rule 62-41.305, F.A.C., (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>). Nothing in this rule shall preclude a petitioner from applying for variances or other relief mechanisms under other provisions of law.

(2) Delegation. The Department hereby delegates to the South Florida, Southwest Florida, and St. Johns River Water Management Districts the authority to grant or deny variances under this section to applicants/permittees within their district. At least 15 days prior to granting a request for variance, a district must notify the Executive Director of the other two Water Management Districts and the Director of the Department's Office of Water Policy and Ecosystem Restoration that it intends to grant the variance.

(3) An applicant seeking a variance under section 373.0465, F.S., from the provisions of Rules 62-41.301 or 62-41.302, F.A.C., or the provisions of the Supplemental Applicant's Handbook must demonstrate that there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical. For the purposes of this rule, unrealistic or impractical shall mean compliance with the rule will create a substantial hardship or would violate the principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

(4) Applicants for a variance may not claim that compliance with another Department or District statute or rule justifies the need for a variance. Applicants may seek variances from those statutes or rule through the applicable variance procedures.

(5) The Districts shall only grant variances when the applicant demonstrates that it has achieved or will achieve the purpose of the underlying statute by other means.

(6) Petitions for variance must include the following information:

(a) A caption, which shall read:

Petition for Variance from Rule (Citation)

(b) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner, if the party is not represented by an attorney or a qualified representative;

(c) The name, address, e-mail address, telephone number, and any facsimile number of the attorney or qualified representative of the petitioner, if any;

(d) The applicable rule or portion of the rule or handbook;

(e) The citation to the statute the rule is implementing;

(f) The type of action requested;

(g) The specific facts that demonstrate there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical;

(h) The reason why the variance requested would serve the purposes of the underlying statute; and

(i) A statement whether the variance is permanent or temporary. If the variance is temporary, the petition shall include the dates indicating the duration of the requested variance.

(7) The District shall review a petition for a variance under Section 373.0465(2)(d), F.S., within 30 days after receipt to determine if the application is complete. If the petition is incomplete, the District shall request additional information and cite the applicable paragraph or subparagraph in this rule upon which it is making such request. Within 30 days after receipt of such additional information, the District shall review the additional information and may request any other information needed to clarify the additional information or to answer new questions raised by, or directly related to, the additional information. If the petitioner asserts that any request for additional information is not authorized by law or by rule, the petitioner may direct the District to process the petition without the requested information. Upon the receipt of such direction, the District shall process the petition without the requested information.

(8) The District shall publish in the Florida Administrative Register a notice of availability of the intended agency action on the petition for a variance under section 373.0465(2)(d), F.S. The petitioner shall publish notice of intended agency action on the petition once, at his own expense, in a newspaper of general circulation (as defined in Section 50.031, F.S.) in the county or counties in which its withdrawal is located.

(9) If granted, a variance will be issued to run concurrently with the corresponding permit.

(10) Renewals of variances shall be applied for and reviewed in the same manner as the initial variance.

Rulemaking Authority 373.016, 373.043, 373.0465, 373.171 FS. Law Implemented 373.016, 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History—New _____.

62-41.304: Central Florida Water Initiative Area, Uniform Process for Setting Minimum Flows and Minimum Water Levels and Water Reservations

(1) Priority List. Prior to submittal to the Department for approval pursuant to section 373.042(3), F.S., each District proposing a Minimum Flow or Minimum Water Level (MFL) or Reservation in the Central Florida Water Initiative (CFWI) Area shall:

(a) Hold a meeting among staff of the Department, and the St. Johns River Water Management District, the Southwest Florida Water Management District, and the South Florida Water Management District (the “Districts”) to discuss the CFWI waterbodies proposed for inclusion on the Priority List;

(b) Notice and hold at least one joint public workshop within the CFWI Area with the Districts to discuss each district’s proposed priority list applicable to the CFWI. Such notice shall affirmatively state that the Districts and the Department have held the meeting required by paragraph (1)(a), above.

(c) Priority Lists shall conform with the requirements set forth in section 373.042(3), F.S. and subsection 62-40.473(9), F.A.C. In addition to those requirements, if there is an impact potential across water management district boundaries from withdrawals in the CFWI, the priority list shall specifically identify the cross-boundary impact potential as being from within the CFWI.

(2) Consistent Method for Establishing MFLs.

(a) When establishing an MFL, the Districts shall comply with the requirements of sections 373.042 and 373.0421, F.S., and Rule 62-40.473, F.A.C.

(b) When establishing an MFL, the adopting District shall consider the unique characteristics of the waterbody and basin as determined using the best available information. The adopting District shall provide the technical information supporting any proposed MFL to the non-adopting Districts and the Department. Sharing of information shall take place prior to seeking independent scientific peer review or prior to publishing a Notice of Proposed Rule, whichever comes first.

(3) Status of the MFL Waterbody. When determining whether the flow(s) and/or level(s) of a specific MFL water body are below or projected to fall below the adopted MFL criteria, the District within which the MFL is located shall use the status assessment approach that includes a screening level analysis and a causation analysis, when applicable pursuant to the 62-41.304(3)(a)-(c), F.A.C.. This status assessment is independent from and not a determination of consumptive use permit compliance or environmental resource permit compliance. Permit compliance is a regulatory function that is not within the scope of this subsection.

(a) A screening level analysis, which includes the incorporation of changes in rainfall trends, must be performed

for waterbodies in the CFWI area periodically following adoption to monitor the status of an adopted MFL.

(b) If the screening level analysis shows that the MFL is being met based on the flows or levels adjusted by rainfall trends, then no further actions are required beyond continued monitoring.

(c) If the screening level analysis indicates that the MFL is not being met, or is trending toward not being met based on the flows and levels adjusted by rainfall trends, the District will conduct a causation analysis to independently evaluate the potential impacts of various stressors on the MFL water body being assessed.

1. Factors other than consumptive uses of water (e.g., long-term drought) can cause the flow or level of a surface watercourse, aquifer, surface water, or spring to drop below an adopted minimum flow or level. The factors to be considered in the determination of causation shall be based on the use of best professional judgment and include:

- a. Rainfall or other climatic variables;
- b. Consumptive use;
- c. Land use changes or development;
- d. Surface water drainage;
- e. Changes in hydrology and hydraulics
- f. Geology/hydromorphology (e.g., sinkhole formation);
- g. Water levels/flows in other appropriate water resources (e.g., nearby wells, lakes, streams, wetlands);
- h. Ecological assessment information; and,
- i. Other factors that can be reasonably shown to cause a change in the flow or level.

2. The tools used in the causation analysis shall be based on the use of best professional judgment and may include:

- a. Double-mass analyses;
- b. Statistical analysis of climate variables and flow and/or water level;
- c. Stage and/or flow duration and frequency analysis;
- d. Modeling (groundwater/surface water, ecological or water budget models);
- e. Ecological tools;
- f. Distribution of groundwater use and withdrawal rate history;
- g. Aquifer water level trend analysis; and
- h. Degree of aquifer confinement.

3. Based on the causation analysis, the District shall develop or amend a recovery or prevention strategy including any applicable rulemaking, as appropriate, consistent with the provisions of section 373.0421(2), F.S.

(4) Development of MFL Recovery and Prevention Strategies.

(a) Recovery and Prevention Strategies shall be developed when required pursuant to and consistent with Section 373.0421, F.S., and Rule 62-40.473, F.A.C.

(b) When required, Recovery and Prevention Strategies shall either be developed for individual waterbodies or regionally.

(c) Recovery and Prevention Strategies may contain regulatory and non-regulatory provisions, as appropriate.

(d) The Recovery or Prevention Strategy must address existing uses, renewals or modifications of existing uses, and new uses that may impact the subject MFL.

(5) Consistent Method to Set Reservations.

(a) Water reserved from use shall comply with the requirements of section 373.223(4), F.S., and Rule 62-40.474, F.S.

(b) A reservation adopted after the effective date of this rule shall specifically state, as applicable, whether the reservation is being used for the protection of fish and wildlife or public health and safety.

Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History—New _____.

62-41.305: Central Florida Water Initiative Area, Applicability of the Dover/Plant City and Southern Water Use Caution Area Recovery Strategies

DRAFT August 12, 2020

(1) Pursuant to section 373.0465(d), F.S., this rule adopts existing recovery strategies within the Central Florida Water Initiative (CFWI) Area adopted before July 1, 2016. This includes only the Southern Water Use Caution Area (SWUCA) and the Dover/Plant City Water Use Caution Area (Dover/Plant City WUCA) Recovery Strategies.

(2) By adoption, the Department ensures that these recovery strategies remain in effect in the areas currently covered by these strategies within the Southwest Florida Water Management District (SWFWMD). Nothing in this rule shall be interpreted to apply these recovery strategies to other areas within the CFWI Area.

(3) The Department hereby adopts and incorporates by reference herein the following provisions of Chapter 40D-2, F.A.C., and Chapter 40D-80, F.A.C., which shall apply to all applicants located within the SWUCA or Dover/Plant City WUCA, as applicable:

(a) Paragraph 40D-2.801(3)(b), F.A.C., effective May 19, 2014, including all subparts, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>);

(b) Paragraph 40D-2.801(3)(c), F.A.C., effective May 19, 2014, including all subparts (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>);

(c) Rule 40D-80.074, F.A.C., effective May 19, 2014, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>), entitled “Regulatory Portion of Recovery Strategy for the Southern Water Use Caution Area”;

(d) Rule 40D-80.075, F.A.C., effective May 19, 2014, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>), entitled “Regulatory Portion of Recovery Strategy for the Dover/Plant City Water Use Caution Area”;

(e) Paragraph 40D-2.331(2)(b), F.A.C., effective September 29, 2015, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>), relating to all requests to self-relocate or to increase withdrawals that impact or are projected to impact a water body with an established Minimum Flow or Level;

(f) Rule 40D-2.621, F.A.C., effective date May 19, 2014, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>), relating to individual consumptive use permits for irrigation;

(4) The Department hereby adopts and incorporates by reference the following provisions of the Southwest Florida Water Management District’s Applicant’s Handbook, Part B, effective date **February 18, 2020**, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>), which shall apply to all applicants located within the SWUCA or Dover/Plant City WUCA, as applicable, and shall be used in addition to provisions of the Supplemental Applicant’s Handbook, incorporated by reference in Subsection 62-41.302(1), F.A.C., (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>) where notated:

(a) Section 2.1, relating to the demonstration of water need,

(b) Section 2.1.1.4, inclusive of all subsections, relating to Water Use Permits with alternative water supplies in the SWUCA or Dover/Plant City WUCA”;

(c) Section 2.2.4, regarding the loss of alternative water supplies;

(d) Sections 2.3.7, inclusive of all subsections and 2.4.8.4 inclusive of all subsections, relating to public supply use demand. For the purposes of implementing this Section, the Department hereby also incorporates by reference SWFWMD’s Applicant’s Handbook, Part D, effective date May 19, 2014, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>);

(e) Section 2.4.3.1.1 and 2.4.3.1.7., providing for the calculation of allocation. For the purposes of implementing this Section, the Department hereby also incorporates by reference SWFWMD’s Agricultural Water Allotment Form, Form No. LEG-R.042.00, effective date May 19, 2014, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>);

(f) Section 2.4.7.1.5, inclusive of all subsections, relating to golf course conservation requirements;

(g) Section 2.4.8.5, applicable to all wholesale public supply applicants located within the SWUCA;

(h) Section 3.9.2, inclusive of all subsections, providing regulatory requirements in the SWUCA;

(i) Section 3.9.4, inclusive of all subsections, providing regulatory requirements in the Dover/Plant City WUCA;

(j) Section 4.1.1, relating to water flow monitoring and calibration as applicable within the Dover/Plant City WUCA and SWUCA;

(k) Section 4.3.1, relating to groundwater level monitoring requirements within the SWUCA;

(l) Section 4.4.1, inclusive of all subsections; relating to irrigation crop reports within the SWUCA;

(m) Section 4.4.2, relating to irrigation pumpage compliance within the SWUCA; and

(n) Section 4.4.13, regarding reporting requirements for landscape/recreation irrigation water use within the SWUCA.

DRAFT August 12, 2020

(5) Application forms promulgated by the SWFWMD to implement this strategy are hereby incorporated by reference as below. These forms shall be in addition to the application and forms otherwise provided as part of a consumptive use permit application.

(a) Within the SWUCA, an Applicant shall submit the forms required by Rule 40D-2.101(5), F.A.C., effective date May 19, 2014, adopted and incorporated by reference herein, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>).

(b) Within the Dover/Plant City WUCA, an Applicant shall submit the forms required by Rule 40D-2.101(6), F.A.C., effective date May 19, 2014, adopted and incorporated by reference herein, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>).

Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 30, 2016, in Vol 42, No. 252 (in compliance with 2016-1 Laws of Florida), and on March 21, 2019, in Vol. 45, No. 56 of the Florida Administrative Register.

1 **CFWI – 1.0 General Provisions**

2
3 **CFWI - 1.1 Definitions**

4
5 The following definitions are applicable to the terms in this Central Florida Water Initiative
6 (CFWI) Supplemental Applicant’s Handbook for Consumptive Use Permitting. Where the
7 identical term is used in Section 1.1 of the St. John’s River Water Management District
8 Applicant’s Handbook for the Consumptive Uses of Water, South West Florida Water
9 Management District Water Use Permit Applicant’s Handbook, Part B, and the Applicant’s
10 Handbook for Water Use Permit Applications within the South Florida Water Management
11 District, (collectively referred to as the “Districts’ applicant’s handbooks”), the terms below shall
12 supersede and replace the corresponding term in its entirety. All other terms referenced in the
13 Districts’ applicant’s handbooks shall remain in full force and effect.

14
15 (a) “**Central Florida Water Initiative Area**” or “**CFWI Area**” is as defined in section
16 373.0465(2)(a), F.S.

17
18 (b) “**Central Florida Water Initiative (CFWI) Supplemental Applicant’s Handbook for**
19 **Consumptive Use Permitting,**” also referred to as the “**Supplemental Applicant’s Handbook**”
20 means an applicant’s handbook that supplements, and in places supersedes and replaces, the
21 Districts’ applicant’s handbooks for use within the CFWI Area and which is incorporated by
22 reference in subsection 62-41.302(1), F.A.C.

23
24 (c) Within the CFWI Area, “**harmful to the water resources,**” as used in section 373.219(1),
25 F.S., means a determination of harm to the water resources following an evaluation of the
26 conditions for issuance of permits set forth in subparagraphs 62-41.301(2)(g), F.A.C., as those
27 conditions are evaluated in the Supplemental Applicant’s Handbook.

28
29 (d) “**Endangered or threatened species**” or “**listed species**” means those animal species that are
30 identified as endangered or threatened by the US Fish and Wildlife Service, the National Marine
31 Fisheries Service, or the Florida Fish and Wildlife Conservation Commission, as well as those
32 plant species identified as endangered or threatened by the US Fish and Wildlife Service or
33 National Marine Fisheries Service, when such plants are located in a wetland or other surface
34 water.

35
36 (e) “**Area of Influence**” means:

- 37 1. For withdrawals from groundwater systems the area of influence is defined by the cone
38 of depression.
39 2. For withdrawals from surface water systems the area of influence is defined as the
40 extent to which the withdrawal results in an impact to surface water levels or flows
41 using the best available tools.

42
43 (f) “**Cone of Depression**” means the conical shape taken by the potentiometric surface or water
44 table showing the variation of drawdown, with distance, due to pumping from a well or wellfield.

46 (g) “**Demonstrated 2025 Demand**” means the quantity of water, needed to meet demands in
47 2025. Demonstrated 2025 Demand will be calculated utilizing the methodologies described in
48 Section 2.0 of the Supplemental Applicant’s Handbook.

49
50 (h) “**Existing Uses**” means those permitted consumptive uses in effect as of (effective date).

51
52 (i) “**New Uses**” means those uses permitted after (effective date).

53
54 **CFWI – 1.2 Modification of Existing Permits**

55
56 As of the effective date of this rule, all existing consumptive use or water use permits within the
57 CFWI Area ~~will be are~~ modified to incorporate the applicable measures and conditions described
58 in sections 1.1 (Definitions) and 2.0 (Demonstration of Water Demand, Allocations, and Source
59 Modifications), including all subparts. Specifically,

- 60
61 A. All allocations are hereby modified in accordance with the designated use class of the
62 permitted use and the corresponding method of allocation described in section 2.0.
63
64 B. The permit conditions specified in Section 5.0 are incorporated into all existing
65 consumptive use permits in the CFWI Area and shall be placed on all permits for new
66 uses within the area.
67

68 Each District shall modify the existing permits ~~by letter modification along with the~~
69 ~~accompanying notice of rights~~, using the procedures set forth in the applicable District rules.
70 Notice of agency action will be provided to the applicant and to persons who have requested
71 notice as required by Section 120.60, F.S.
72

73 **CFWI - 1.3 Environmental Resource and Consumptive Use Permitting Concurrency**

74
75 Within the CFWI Area, this section, CFWI - 1.3, shall be in addition to the SJRWMD
76 Applicant’s Handbook for the Consumptive Uses of Water and shall supersede in its entirety
77 section 1.3.5 of the SWFWMD Water Use Permit Applicant’s Handbook, Part B, subsection
78 40D-2.301(3), F.A.C., and section 1.4.6 of the Applicant’s Handbook for Water Use Permit
79 Applications within the South Florida Water Management District.

80
81 If an individual Consumptive Use Permit (CUP) application includes either of the following two
82 requests for a consumptive use of water, then the CUP application shall not be considered
83 complete until the applicant has submitted a complete application for an environmental resource
84 permit (ERP), pursuant to Chapter 62-330, F.A.C.:

- 85
86 A. Requests to irrigate golf course areas, cemeteries, nursery plants, agriculture crops, or
87 landscaped areas, which are a part of an artificially-created surface water
88 management system that requires an individual or general ERP; or
89
90 B. Requests to dewater for a project that requires an individual or general ERP under
91 Chapter 373, F.S.

92
93 In all other cases, the District can take final agency action on the CUP application without regard
94 for the status of the ERP application.

95
96 The requirement to submit a complete application for an ERP shall not apply to:

- 97
98 A. Requests for a consumptive use of water associated with phosphate mining with an
99 approved reclamation plan pursuant Chapter 378, F.S.;
- 100
101 B. Requests for a consumptive use of water associated with an ERP project that qualifies
102 for a general permit under Section 403.814(12), F.S.; or
- 103
104 C. A CUP application that does not meet the conditions for issuance in Rule 62-41.301,
105 F.A.C.

106
107 **CFWI - 2.0 Demonstration of Water Demand, Allocations, and Source Identification**

108
109 Within the CFWI Area, sections, CFWI - 2.0 – 2.6, inclusive of all subsections, supersedes, 2.2.
110 (excepting 2.2.2.5. through 2.2.2.5.1 B, 2.2.3.2 through 2.2.3.2.2, 2.2.5.5 through 2.2.5.5.5,
111 2.2.6.1 through 2.2.6.1.2, 2.2.8 through 2.2.8.2, 2.2.9, and 2.3(e) of the SJRWMD Applicant’s
112 Handbook; sections 2.0, 2.1.1. (excepting 2.1.1.4), 2.3 (excepting 2.3.7), 2.4.1, 2.4.3 (excepting
113 2.4.3.1.1 and 2.4.3.1.7), 2.4.4 (excepting 2.4.4.1.), 2.4.5 (excepting 2.4.5.1), 2.4.6 (excepting
114 2.4.6.1), and 2.4.7 (excepting 2.4.7.1), of the SWFWMD Applicant’s Handbook; and sections
115 2.0, 2.2.3, 2.2.4.A, 2.2.4.B, 2.3 (including Section 2.3.2.B only as to dewatering associated with
116 mining projects, and excepting D.1., E.1., F.1., G.) of the SFWMD Applicant’s Handbook.

117
118 To receive a permit, an applicant must demonstrate that the proposed water use is a reasonable-
119 beneficial use of water, as required by Section 373.223, F.S., as further explicated in the
120 conditions for issuance in Rule 62-41.301, F.A.C. The proposed withdrawal of water must be
121 supported by information that provides reasonable assurance that the withdrawal quantities are
122 necessary to supply a certain reasonable demand. Only the portion of demand for which an
123 applicant can provide such reasonable assurance will be permitted. Additional or alternative
124 provisions are required for uses within the Southern and Dover/Plant City Water Use Caution
125 Areas in accordance with Rule 62-41.305, F.A.C.

126
127 An applicant’s allocation reflects a consideration of factors including demands and, as
128 applicable, treatment losses, reclaimed water and other sources of water, conservation, and water
129 purchased, sold, or transferred, and documented historical information. When necessary to
130 prevent water resource impacts or implementing projects that add new sources of water,
131 allocations can be expressed in increments over the permit term.

132
133 In no case, however, will the allocation be greater than the total rated capacity of all existing and
134 proposed withdrawal facilities.

135
136 Each permit issued by the District shall identify the source of withdrawal, the use type, and the
137 location of the withdrawal.

138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182

CFWI - 2.1 Allocation Expression

Applicants shall request quantities in gallons per day (gpd) or million gallons per day (mgd) for each component of demand according to the demand components listed for each use type.

CFWI - 2.1.1 Annual Quantity

The annual quantity is determined by calculating the total quantity of water to be withdrawn over a 12-month period. A daily average is calculated by dividing the annual quantity by 365. The annual average quantity must equal the quantities required by each demand component for the particular use.

CFWI - 2.1.2 Peak Month

The peak month allocation represents the greatest quantity permitted to be used in any single month. The peak month allocation is determined by dividing the month of highest water use by the number of days in that month for the associated use type. For agricultural and landscape/recreation use types, the peak month allocation is determined by identifying the peak month demand under the 2-in-10 year drought.

CFWI - 2.2 Public Water Supply Use Type

CFWI - 2.2.1 Public Water Supply Demand Calculation and Components

Generally, public supply demand will be calculated using the average gross per capita rate for the most recent five years as applied to the applicants’ service areas’ residential population served. See section 2.2.3.2.

Alternative methodologies may be used if there is reasonable assurance that the methodology is appropriate for the service area and that the withdrawal quantities requested are necessary to supply the proposed demand. Examples of alternative methodologies are utility-level growth rates for applicants with a large number of dwelling units occupied by non-residents or reasonable design per capita for new developments.

Within the Southern Water Use Caution Area, section 2.3.7 ~~and 2.4.8.4~~ of the SWFWMD Applicant’s Handbook shall ~~apply in addition to the requirements in this section. Application of the requirements in this Section shall not result in a greater allocation than what would be provided under section 2.3.7 and 2.4.8.4 of the SWFWMD Applicant’s Handbook.~~ be used to determine an applicant’s demand; however, allocations from the Upper Floridan Aquifer shall be determined using section 2.8 of the CFWI Supplemental Applicant’s Handbook.

Demand quantities shall be based on raw water demand. Applicants shall request total water quantities in gallons per day (gpd) or million gallons per day (mgd) for each demand component, as defined below, in order to justify the quantities requested in the application.

- 183
184 A. Residential use shall be divided into single-family residential use (including mobile
185 homes) and multi-family residential use.
186 B. Non-Residential or Other Metered use shall include all uses other than residential
187 accounted for by meter.
188 C. Estimated Unmetered use shall include estimates of unmetered uses that are tracked
189 by the applicant.
190 D. Treatment losses shall include significant treatment process losses associated with
191 making the water potable, such as reject water in desalination, membrane cleaning or
192 back-flush quantities associated with sand filtration systems. Treatment losses are
193 calculated as raw water into the plant minus treated water out of the plant.
194 E. Water losses are equal to the total water plant input minus all accounted uses
195 described in A. through D. above. Water losses shall not exceed 10% of total
196 distribution quantities.
197 F. Exports / Imports shall include the quantity of water delivered to other entities
198 through agreements or contracts and the duration of the water service delivery. For
199 those utilities which purchase supplemental water from another utility, the volume of
200 water historically purchased (or contracted to be purchased for proposed uses) for an
201 average and maximum daily basis and the duration of the agreement / contract shall
202 be provided.
203

204 **CFWI - 2.2.2 Public Water Supply Population Projections for the Residential Demand**
205 **Component**

206
207 The applicant must provide population projections for those who will be served by the public
208 supply system.
209

210 To determine future population to be served, population data should be derived from the most
211 recent county-level/parcel level forecast of population based on published University of Florida,
212 Bureau of Economic and Business Research (BEBR) - Medium projections for target year(s).
213 Other accepted sources of population data that may be used to supplement BEBR medium
214 projections to evaluate the population projections include:

- 215 • The current Comprehensive Land Use Plan developed under Part II, Chapter 163, F.S.;
- 216 • Historic growth rate at utility-level based on an average of five years of historic
217 population times the base year served dwelling unit population (estimate of total
218 residential dwelling units multiplied by the estimate of persons per household). The base
219 year would be defined as the last full year. Average of five years historic population
220 would include the base year and four years prior;
- 221 • The current CFWI Regional Water Supply Plan; and
- 222 • Regional Planning Council Data and Special population studies.
223

224 If an applicant proposes an adjustment to the BEBR-medium projection or utility level growth
225 rate, the applicant must provide reasonable assurance through specific data and analysis that the
226 adjustment better predicts population growth rate due to significant changes in factors affecting
227 the applicant's service area's population growth rates (either up or down) in the most recent five
228 years that would render a five-year average not representative for projecting over the requested

229 permit duration. The specific data and analysis should include an alternate five-year average
230 calculation.

231
232 Public supply entities that provide water supply for predominantly commercial uses that do not
233 support a permanent population are excluded from these calculations and demand projections
234 shall be evaluated using best available information.

235
236 For all methods, seasonal service area population may be used, if applicable, and, if used, shall
237 be estimated using methods recommended by either the Department of Economic Opportunity or
238 proposed by the utility and approved by the District. Applicants may also identify tourist
239 population, if known. In addition, the population to be served can be a mixture of permanent and
240 non-permanent population as long as it is consistently used.

241
242 **CFWI - 2.2.3 Per Capita Daily Water Use**

243
244 The per capita use rate that is the most representative of anticipated demands, considering the water
245 conservation plans required by the Districts, shall be identified and used for water demand projection
246 purposes.

247
248 **CFWI - 2.2.3.1 Uniform Method for Calculating Gross Per Capita Daily Water Use**

249
250 Gross Per Capita is defined as: $(WD + IM - EX) / RP$ Where:

- 251
- 252 • WD = ground water, surface water and stormwater withdrawals.
 - 253 • IM = water imported/purchased from other supplier(s). Irrigation water, excluding
254 Reclaimed Water, provided to the applicant's service area by a separate utility shall be
255 counted as imported water
 - 256 • EX = water exported/sold to other supplier(s)
 - 257 • RP = Residential Population (for a Utility Service Area) is based upon total residential
258 dwelling units served, which include Single Family Residential, Multi-Family Residential
259 (apartments, townhomes, condos, duplexes) and Mobile Homes, multiplied by a utility-
260 specific estimate of persons per household. The applicant shall provide reasonable
261 assurance that the utility specific persons per household figure used demonstrates a
262 reasonable method for determining persons per household within its service area. Examples
263 of typically reliable data include census-based averages, BEBR persons per household
264 estimates, and utility documented surveys.

265
266 **CFWI - 2.2.3.2 Uniform Method for Calculating Residential Per Capita Daily Water Use**

267
268 Residential Per Capita is defined as Total Residential Water Use (or Water Use by Dwelling Units)
269 divided by Service Area Residential Population (RP).

270
271
272 **CFWI - 2.2.4 Defining the Public Water Supply Service Area**

273
274 A. Public Service Commission Service Territory

275
276 If the applicant is regulated by the Public Service Commission (PSC), the service area
277 should be that area for which the utility has obtained a certificate from the PSC that the
278 applicant intends to serve during the requested permit duration. If the projected future
279 service area is larger than the area certificated at the time of application, the applicant
280 will solicit the opinion of the PSC as to the ability of the applicant to serve the area and
281 provide the PSC's response to the District. If the PSC determines that the applicant is
282 capable of serving the area, the projected service area will be used in the demand
283 calculation. If used, a special condition to the permit shall require the permittee receive a
284 certificate from the PSC for the expansion within two years of permit issuance. If a
285 permittee will not serve a new demand located within either the existing or proposed
286 service area, the permitted allocation is subject to modification.

287
288 B. Local Government Franchise

289
290 If the applicant is regulated by a local government, the service territory should be that
291 area for which the applicant has obtained a franchise that the applicant intends to serve
292 during the requested permit duration.

293
294 If the projected future service area is larger than the area franchised at the time of
295 application, the applicant will solicit the opinion of the local government as to the ability
296 of the applicant to serve the area and provide the local government's response to the
297 District.

298
299 If the local government determines that the applicant is capable of serving the area the
300 projected service area will be used in the demand calculation. If used, a special condition
301 to the permit shall require the permittee receive a franchise from the local government for
302 expansion within two years.

303
304 C. Unregulated Service Territory

305
306 If the applicant is not regulated by either local government or the PSC, the projected
307 service area must: (1) conform to the area that the utility can reasonably serve within the
308 permit duration; and (2) not already be within another entity's established service area. If
309 the applicant is claiming service areas outside of its legal boundaries or within the legal
310 boundaries of another utility, an explanation, with supporting documentation, must be
311 provided in the application.

312
313 D. Conflicting Service Territories

314
315 If, during review of a permit application, conflicting service area claims arise between
316 applicants or between an applicant and public supplier permittee, the users must resolve
317 the dispute between themselves, or seek resolution before the PSC, the local government,
318 or through a body with substantive jurisdiction to resolve the conflict, whichever is
319 applicable to the applicant. An applicant may amend its application to either remove the
320 services areas in dispute or to include an allocation based only on the non-disputed

321 portions of the projected service areas; otherwise, the District will allocate based on the
322 non-disputed portions of the projected service area.

323
324 **CFWI - 2.3 Industrial/Commercial/Institutional/Electric Power Generation (ICI) Use Type**

325
326 **CFWI - 2.3.1 ICI Demand Components**

327
328 Reasonable demand is based on the amount of water needed to perform an ICI process in an
329 efficient, non-wasteful and economic manner. To demonstrate the quantities applied for are
330 reasonable, applicants must identify the quantities needed for each demand component listed
331 below. Applicants shall request quantities in gallons per day (gpd) or million gallons per day
332 (mgd) for each demand component.

333
334 Applicants for ICI use must identify the demand for the following demand components:

- 335 A. Processing and manufacturing, which includes water lost in processing and
336 manufacturing where water is an input in the process.
- 337 B. Office and personnel use, which includes personal and sanitary use.
- 338 C. Landscaping and irrigation
- 339 D. Other needs. All “other needs” shall be specified in the application along with
340 supporting documentation to meet the conditions for issuance pursuant to 62-41.301,
341 F.A.C.

342
343 **CFWI - 2.3.2 ICI Demand Calculation by Demand Component**

344
345 The applicant shall calculate demands under this section by preparing a water balance for the
346 types of activities associated with the application. The water balance may be in the form of a
347 spreadsheet or flow diagram, indicating all sources and losses. An example water balance
348 diagram is provided in Design Aid 1.

349
350 **CFWI - 2.3.2.1 Processing, Manufacturing, and Power Generation**

351
352 The water balance shall include the below information.

- 353
354 A. The Applicant shall provide a written account of where water is used in
355 manufacturing or processing; where and in what quantities water is lost in
356 manufacturing or processing; and where and in what quantities water is disposed in
357 the manufacturing or processing.
 - 358 1. All water sources that input to activity must be listed – e.g., groundwater
359 from wells, groundwater from dewatering, surface water withdrawals,
360 collected rainfall, recycled or reused water.
 - 361 2. The amount of water used from all sources should equal the sum of the
362 water used, lost and disposed.
- 363
364 B. The Applicant shall list all uses and losses including, as applicable:
 - 365 1. Water used to wash product.
 - 366 2. Evaporation from settling/recirculation ponds.

- 367 3. Water retained and shipped with product.
- 368 4. Water used to separate or beneficiate the product.
- 369 5. Water used to transport the product (slurry).
- 370 6. Animal needs.
- 371 7. Draining or filling augmentation of ponds, pools, flumes and aquatic
- 372 habitats necessary for processing and manufacturing.

373
374 C. The Applicant shall identify the final disposal of all water including, as applicable:

- 375 1. Off-site discharges.
- 376 2. Disposal/recharge through percolation ponds.
- 377 3. Disposal by spray irrigation.
- 378 4. Water entrained in materials.
- 379 5. Recycling of wastewater.

380

381 **CFWI - 2.3.2.2 Personal use**

382

383 Personal water use includes water needed for personal use such as restroom facilities and for
384 drinking, bathing, cooking, sanitation, and cleaning. Based on the information provided,
385 demands for personal use shall then be calculated using gallons per employee/contractor or
386 visitor needed based on best available information from typically reliable data sources such as
387 US Department of Energy, AWWA Research Foundation, Pacific Institute, Conserve Florida on-
388 line library, or US Environmental Protection Agency.

389

390 A. In determining the number of employees/contractors, if applicable, the applicant shall
391 use the average number of employees/contractors per shift, number of shifts per
392 workday, and number of workdays per year.

393

394 B. If an applicant is requesting an allocation for this demand component for visitors, the
395 applicant shall use the annual average number of visitors for the most recent five
396 years. Alternative methodologies can be used if an applicant presents reasonable
397 assurance that the methodology is appropriate for the use and that the withdrawal
398 quantities requested are necessary to supply the proposed need or demand.

399

400 **CFWI - 2.3.2.3 Landscape Irrigation**

401

402 Demands for landscaping and irrigation will be calculated by providing information utilizing the
403 application of supplemental irrigation demands set forth in section 2.5.1.1.A.

404

405 **CFWI - 2.3.2.4 Other needs**

406

407 An applicant shall provide reasonable assurance that all “other needs” requested, such as outside
408 use, air conditioning, and unaccounted uses, meet the conditions for issuance pursuant to Rule
409 62-41.301, F.A.C.

410

411 **CFWI - 2.4 Mining and Mining Dewatering Use Type**

412

413 **CFWI - 2.4.1 Mining and Mining Dewatering Demand Components**

414
415 The reasonable-beneficial need for a requested allocation must be based on the amount of water
416 needed to extract subsurface materials or control surface water or groundwater when performing
417 activities such as excavation or construction as well as moving, handling and processing the
418 extracted material. Applicants must demonstrate that the quantities applied for relate to
419 reasonable mining, processing, and mining dewatering needs.

420
421 To demonstrate the quantities applied for are reasonable, an applicant must identify the quantities
422 needed for each demand component. Typically, requested quantities are based on historical
423 information or comparable uses or projected future use, where available. Applicants shall request
424 quantities in gallons per day (gpd) or million gallons per day (mgd) for each demand component.

425
426 Applicants for mining and mining dewatering use must identify the demand for the following
427 demand components:

- 428
- 429 A. Mining, mining dewatering, and processing
 - 430 B. Office and personnel use, including water for personal needs such as drinking,
431 bathing, cooking, sanitation, or cleaning.
 - 432 C. Landscaping and irrigation.
 - 433 D. Other needs includes the total requested withdrawal quantity minus the quantity for
434 the demand components identified above. All “other needs” shall be specified in the
435 application along with supporting documentation to meet the conditions for issuance
436 pursuant to 62-41.301, F.A.C.
- 437

438 **CFWI - 2.4.2 Mining and Mining Dewatering Demand Calculation**

439
440 The applicant must prepare a water balance to calculate the proposed demands. The water
441 balance shall include all four demand components, if applicable, listed in 2.4.1, above. The water
442 balance may be in the form of a spreadsheet or flow diagram indicating all sources and losses.
443 The water balance must identify the demand for each of the following components as applicable:

- 444 A. Mining, mining dewatering, and processing
- 445 1. Provide a written account of where water is generated and used in the mining
446 and mining dewatering processes; where and in what quantities water is lost in
447 the mining and mining dewatering processes; where and in what quantities
448 water is disposed of or reused in the mining and mining dewatering processes;
449 and where and in what quantities water is used for processing extracted
450 materials.
 - 451 i. All water sources that input to activity must be listed – e.g.,
452 groundwater from wells, groundwater from water table dewatering or
453 drainage for mining, surface water withdrawals, collected rainfall,
454 recycled or reused water.
 - 455 ii. The amount of water used from all sources should equal the sum of the
456 water used, lost and disposed.

457 iii. If processing of materials is associated with the mining or mining
458 dewatering, a water balance diagram combining these activities is
459 preferred over separate water balances for each activity.

460 2. Uses and losses must be listed including as applicable:

- 461 i. Water used to wash the product.
- 462 ii. Evaporation from settling/recirculation ponds.
- 463 iii. Water retained and shipped with the product (product moisture).
- 464 iv. Water used to separate or beneficiate the product.
- 465 v. Water used to transport the product (slurry).

466 3. The final disposal of all water then must be identified. Disposals include:

- 467 i. Off-site discharges.
- 468 ii. Disposal/recharge through percolation ponds.
- 469 iii. Disposal by spray irrigation.
- 470 iv. Water entrained in materials.
- 471 v. Recycling of wastewater.

472 The amount of water withdrawn should equal the sum of the system uses, losses and
473 disposals.

474
475 B. Personal water use is water needed for personal use such as restroom facilities and for
476 drinking, bathing, cooking, sanitation, and cleaning office areas. Demands for
477 personal use shall be calculated using section 2.3.2.2 above.

478
479 C. Landscaping and irrigation. Demands for landscaping and irrigation will be calculated
480 as set forth in 2.5.1.1.A.

481
482 D. Other needs. An applicant shall provide assurance that all “other needs” requested,
483 such as outside use, air conditioning, and unaccounted uses, meet the conditions for
484 issuance pursuant to 62-41.301, F.A.C.

485 486 **CFWI - 2.5 Agricultural Use Type**

487
488 Applicants must demonstrate that the quantities applied for relate to one or more of the following
489 use categories: irrigation, livestock, aquaculture, and other agricultural water needs.

490 491 **CFWI - 2.5.1 Agricultural Irrigation**

492
493 For agricultural irrigation, the applicant must demonstrate that an irrigation system exists or is
494 proposed and capable of delivering the requested amount. For proposed systems, a schedule for
495 implementation of the irrigation system is required.

496
497 Within Southern Water Use Caution Area (SWUCA), sections 2.1, 2.4.3.1.1 and 2.4.3.1.7 of the
498 SWFWMD Applicant’s Handbook shall ~~apply in addition to the requirements in this Section be~~
499 used to determine an applicant’s demand and allocation. Within the Dover/Plant City Water Use
500 Caution Area (DPCWUCA), sections 2.1 and 3.9.4 of the SWFWMD Applicant’s Handbook
501 shall ~~apply in addition to the requirements in this Section be used to determine an applicant’s~~
502 demand and allocation. ~~Application of the requirements in this Section shall not result in a~~

503 ~~greater allocation than what would be provided under sections 2.1, 2.4.3.1.1 and 2.4.3.1.7 of the~~
504 ~~SWFWMD Applicant's Handbook within SWUCA or sections 2.1, 3.9.4 of the SWFWMD~~
505 ~~Applicant's Handbook within DPCWUCA.~~
506

507 A. The four major categories of agricultural irrigation-related water use are:
508

- 509 1. Supplemental Irrigation: The supplemental irrigation requirement for
510 agricultural uses is calculated as specified in Subsection 2.5.1.1. For improved
511 pasture irrigation, see Section 2.5.1.2.
512
- 513 2. Field Preparation, Crop Establishment, And Heat Stress: If an allocation is
514 requested for the purposes of field preparation, crop establishment, and heat
515 stress, quantities shall be calculated for water demands above the
516 supplemental irrigation crop requirements. These quantities will be based on a
517 demonstrated demand, such as plant cooling and soil saturation for bed
518 preparation.
519 Quantities for heat stress protection shall be calculated based on the number of
520 acres to be protected, the crop grown, the irrigation system used, and the hours
521 of crop protection required. If the number of hours is not known, the peak
522 quantity will be based on the best available data for crop protection recurrence
523 and duration. The applicant may propose to use alternative factors if the
524 factors described above are not applicable due to issues associated with the
525 particular crop. In such a case, the applicant must provide reasonable
526 assurance supporting the use of alternative factors. Typically reliable sources
527 of information include information provided by the manufacturer of the
528 system, or University of Florida Institute of Food and Agricultural Sciences
529 (UF IFAS), Natural Resources Conservation Service (NRCS-USDA) and
530 Florida Department of Agriculture and Consumer Services (FDACS)
531 publications.
532
- 533 3. Other Water Uses: If an allocation is requested for chemigation and leaching
534 of salts from the root zone, the total allocated inches per irrigated acre per
535 season for these uses shall be no more than 10% (for low volume irrigation
536 systems) and 5% (for overhead irrigation systems) of the requested
537 supplemental irrigation requirement. Allocations requested must be specific to
538 the crops grown.
539
- 540 4. Freeze Protection: Where freeze protection quantities are necessary, the
541 quantities shall be calculated based on the system design capacity (pump
542 capacity, number of acres, the planting density, the number of emitters, and
543 the capacity of the emitters in gallons per minute) or other appropriate value,
544 the crop to be protected, and the type of freeze protection utilized. The freeze
545 protection allocation will be made based on a ~~1224~~-hour maximum daily
546 requirement per freeze event. In no case will the freeze protection allocation

547 be greater than the total rated capacity of all existing and proposed withdrawal
548 facilities. The applicant must provide reasonable assurance supporting freeze
549 protection values (mgd/acre) for its crop type(s). Typically reliable sources of
550 information include UF IFAS, NRCS-USDA and FDACS publications.

551

552 B. Uses and Irrigation Allocation Rate

553

554 Applicants intending to grow annual crops over the permit term shall submit an
555 application representing the most water-intensive crop scenario intended, considering
556 both annual average and peak month quantities needed. A permittee may then change
557 crop types during the permit term without modification, provided that (a) the crop
558 actually irrigated uses no more water than the most water-intensive crop permitted,
559 and (b) the quantity that the District permits for the acreage and crop actually
560 irrigated is not exceeded.

561

562 Acreage submitted to the District shall be based on area measurements rather than
563 other measurements such as rolls of plastic.

564

565 Other non-irrigation system related water uses shall be permitted in accordance with the
566 appropriate use type set forth in this Supplemental Applicant's Handbook.

567

568 **CFWI - 2.5.1.1 Irrigation Demand Calculation**

569

570 The reasonable demand for supplemental irrigation will be calculated as described in this section.
571 Factors in determining the supplemental irrigation requirement include crop type, planted
572 acreage, irrigation method, soil type, planting dates, precipitation, evapotranspiration, and
573 duration of growing season.

574

575 A. Supplemental Irrigation

576

577 The supplemental irrigation requirement is the amount of water needed for a particular
578 crop beyond the amount of water provided by effective rainfall.

579

580 In determining reasonable need, the District will determine the supplemental irrigation
581 requirements for both drought and average annual conditions. Drought allocation will be
582 considered the amount of supplemental irrigation required during a two in ten year
583 rainfall condition. Average annual allocation will be considered the amount of
584 supplemental irrigation required during a five in ten year rainfall condition. This quantity
585 does not include crop protection.

586

587 The method used to develop supplemental irrigation requirements must provide
588 reasonable assurance supporting the requested quantity for the supplemental irrigation
589 requirement for its crop type(s). The applicant must demonstrate that the proposed
590 method accurately determines supplemental irrigation water use needs based on site-
591 specific conditions, exemplified by the type of crop grown, the irrigation method
592 employed, the season in which the water is used to grow the crop, general crop location

593 including soil type, historical pumping data of permittee, historical pumping data of a
 594 particular crop type, and associated atmospheric conditions. Typically reliable sources of
 595 information and supplemental irrigation models include UF IFAS, NRCS-USDA,
 596 FDACS and Water Management District publications as well as CFWI AFSIRS,
 597 GWRAPPS, AGMOD, and the Modified Blaney Criddle Method. Individual Water
 598 Management District Supplemental Applicant’s Handbook Design Aids and associated
 599 supplemental irrigation requirement tools may also be used to determine supplemental
 600 irrigation requirements for all crop types.

601
 602

603 B. System Efficiency

604

605 Applicants shall use efficient practices for the irrigation system selected. Accepted
 606 system efficiency is provided in Table 2-1. The applicant may use an alternative method
 607 to determine system efficiency if the system efficiencies in Table 2-1 are not applicable
 608 due to factors associated with the particular irrigation system. Only factors that are
 609 permanent and maintainable for the entire permit duration may be considered. In such a
 610 case, the applicant must provide reasonable assurance supporting an alternative system
 611 efficiency. Typical reliable sources of information include information provided by the
 612 manufacturer of the system or UF IFAS, NRCS-USDA and FDACS publications.

613

614 **Table 2-1. Irrigation Application Efficiencies Used to Determine the Supplemental**
 615 **Irrigation Requirement**

616

System	Method	Efficiency (%)	Multiplier (=100/Efficiency)
Micro, Drip	Micro-irrigation Drip, Overhead Drip, Low Volume, Drip -With Plastic, Drip-Without Plastic, Drip Irrigation (Surface and Subsurface), Drip Tape	85%	1.18
Micro, Spray	Spray Jet Spinners, Low Volume Spray, Micro Sprinkler, Sprinkler (Under Tree)	80%	1.25
Center Pivot with drip hoses	Center Pivot with drip hoses	80%	1.25
Center Pivot/Linear Move with Sprinkler Irrigation	Center Pivot/Linear Move with Sprinkler Irrigation	75%	1.33
Sprinkler*	Overhead Sprinkler, Overhead (multiple sprinkler), Sprinkler (Over Plant), Impact Sprinkler, High Center Rotary Action Sprinkler (Example - Wobblers Brand)	75%	1.33
Volume Gun or Traveling Gun System	Traveling Gun, Walking Gun, Large Gun Sprinkler, Volume Gun, Portable Gun, End Gun	70%	1.43

Seepage Enclosed	Fully	Seepage Fully Enclosed	75%	1.33
Perforated Systems	Drain	Perforated Pipe (Example - Irridrain Brand), Perforated Drain Tiles	75%	1.33
Seepage		Semi-Closed Ditch, Semi-Closed Furrow, Seepage/Furrow, Sub-irrigation, Semi-closed Flow-Through, Flood/Seepage, Seepage – Existing Citrus, Hay, Pasture, Seepage – With Plastic, Seepage – Without Plastic, Crown Flood Seepage	50%	2.00

*System efficiency requirements for container nursery with overhead sprinklers are identified in 2.5.1.1. ~~C~~+D

C. ~~Container Nursery and~~ Citrus Irrigation System Efficiency

The accepted standard irrigation system efficiency will be required of all initial applicants whose irrigation systems are not constructed. Upon permit renewal or when acreage is added to a permit during modification, the standard irrigation system for citrus will be required for new acreage. New acreage includes: (1) acres not previously proposed for irrigation and (2) acres previously proposed for irrigation and still proposed for irrigation, but for which the permittee did not construct irrigation system under its current permit.

~~Container Nursery: The accepted irrigation methodology for nursery container projects is a micro-irrigation system, overspray irrigation tailwater recovery system, or other specific design elements capable achieving the equivalent efficiency of micro-spray irrigation system.~~

Citrus: The accepted irrigation system efficiency for citrus projects is 80% or higher. The allocation shall reflect this system efficiency even if the system itself has a lower efficiency.

D. Container Nursery System Efficiency

The optimal irrigation methodology for nursery container projects is a micro-irrigation system, overspray irrigation tailwater recovery system, or other specific design elements capable achieving the equivalent efficiency of overhead irrigation system to the extent economically, environmentally, and technically feasible. A different efficiency standard may apply on a case by case basis taking into consideration the container sizes and quantity thereof and when all irrigation system optimization efforts have been applied.

CFWI - 2.5.1.2 Improved Pasture Irrigation

For improved pasture irrigation, the applicant shall demonstrate that an irrigation system exists or is proposed and is capable of delivering the requested amount. For proposed systems, a

650 schedule for implementation of the irrigation system is required. The applicant shall provide
 651 reasonable assurance of the amount of improved pasture acreage reasonably expected to be
 652 irrigated in any given growing season as the basis for the net irrigated acreage. In determining
 653 the reasonable irrigation allocation for improved pasture, the following requirements shall apply:

- 654
- 655 A. Overhead sprinkler irrigation: The allocation will be based on the number of acres of
 656 pasture grass that will be irrigated, and the irrigation equipment efficiency associated
 657 with overhead sprinklers (Table 2-1).
 658
- 659 B. Subirrigation: The allocation will be based on the amount of water needed to maintain
 660 water levels of the irrigation canals that comprise the water delivery system. The
 661 applicant shall calculate the demands based on the number of acres of pasture grass
 662 that will be irrigated and supplemental irrigation demands as described in section
 663 2.5.1.1 The irrigated acreage shall be determined from the extent to which the water
 664 is distributed to the root zone of the pasture grass.
 665

666 Irrigation systems constructed with lateral ditch spacing of 400 feet or less are considered to
 667 provide irrigation to all the acreage incorporated within the system. For irrigation systems where
 668 lateral ditch spacing is greater than 400 feet, the applicant must provide site specific information
 669 that supports adequate water table management required for the irrigation allocation requested. For
 670 an existing system, site specific information is not required and are considered to have adequate
 671 water table management required for the irrigation allocation requested unless documentation
 672 demonstrates otherwise. For irrigation systems that consist of main ditches without laterals, or
 673 laterals with a spacing greater than is sufficient to provide irrigation to all the pasture grass, the
 674 irrigated acreage will be calculated by multiplying the length of the ditches by the effective
 675 irrigation area as determined by soil and pasture grass type. If the above lateral ditch spacing is
 676 not applicable due to soil and pasture grass type, the applicant must provide reasonable assurance
 677 supporting lateral ditch spacing greater than 400 feet. Applications to irrigate unimproved pasture
 678 will not be approved.
 679

680 **CFWI - 2.5.2 Livestock**

681

682 The reasonable demand for livestock use will be derived by multiplying the estimated total
 683 number of animals by gallons needed per day per animal. The livestock water use will be
 684 determined using the gallons needed per day per animal identified in Table 2-2.
 685

686 **Table 2-2. Livestock Water Demands**

Animal	Use per animal (gpd)
Beef Cattle	12
Chickens	0.10
Dairy Cattle (Milking)	150
Dairy Cattle (Dry)	20
Goats	2
Hogs	2

Horses	12
Rabbits	.05
Sheep	2
Turkeys	1

687
 688 If the above livestock water use values are not applicable due to the proposed livestock
 689 operations, or for livestock other than those listed above, the applicant must provide reasonable
 690 assurance supporting its values (gpd/animal) for its livestock. Typically reliable sources of
 691 information include UF IFAS, NRCS-USDA or FDACS publications.

692
 693 **CFWI - 2.5.3 Aquaculture**

694
 695 The reasonable demand for aquaculture is determined by the number and volume of ponds and
 696 tanks and their filling and recirculation requirements and other factors that may contribute to
 697 maintaining necessary water levels or water quality. In instances where there are discernable
 698 water sources and losses, applicants should rely on a water balance method for demonstrating
 699 reasonable demand. All water sources that input to the activity must be listed in the water
 700 balance. The amount of water used from all sources should equal the sum of the water used, lost,
 701 and disposed.

702
 703 **CFWI - 2.5.4 Other Agricultural Water Demands**

704
 705 The reasonable demand for other agricultural uses, such as crop washing and processing for
 706 distribution, cooling of animals or product, spray tanks, non-potable shop needs, or disease
 707 control spray stations, is determined based on supporting information provided by the applicant.
 708 The applicant must provide reasonable assurance supporting the requested allocation in order to
 709 demonstrate that it is a reasonable-beneficial use. Typically reliable sources of information
 710 include UF IFAS, NRCS-USDA or FDACS publications.

711
 712 **CFWI – 2.5.5 Irrigation Pumpage Compliance**

713
 714 If the Permittee exceeds the allocated supplemental irrigation quantities, upon request by the
 715 District, the Permittee must submit a report that includes reasons why the allocated quantities
 716 were exceeded, measures taken to meet the allocated quantities, and a plan to bring the permit
 717 into compliance. The District will evaluate information submitted by Permittees who exceed
 718 their allocated quantities to determine whether there is good cause for the exceedance. Permittees
 719 may justify an exceedance by documenting unusual water needs, such as weather conditions
 720 creating greater irrigation needs than normal. However, even with such documentation, phased
 721 reductions in water use will be required unless the District determines that water usage was
 722 reasonable under the circumstances reported and that further reductions are not feasible. The
 723 permittee must seek a permit modification if it desires to implement any increase in allocated
 724 quantities.

725
 726 **CFWI - 2.6 Landscape/Recreation Use Type**

727

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

732
733 The reasonable need for a recreational or landscape irrigation use is based on the amount of
734 water needed to supply the supplemental irrigation requirements of the type of turf or landscape
735 grown. In determining reasonable need, the District will determine the supplemental irrigation
736 requirements for both drought and average annual conditions. Drought allocation will be
737 considered the amount of supplemental irrigation required during a two in ten year rainfall
738 condition. Average annual allocation will be considered the amount of supplemental irrigation
739 required during a five in ten year rainfall condition.

740
741 The supplemental irrigation requirement for landscape and recreation irrigation projects,
742 including golf courses, shall be calculated pursuant to 2.5.1.1.A and B.

743
744 Non-irrigation recreational demands shall be calculated pursuant to 2.3.

745
746 **CFWI - 2.7 Annual Conservation Goal Within the CFWI**

747
748 As part of an application for renewal of an existing consumptive use permit, a modification of an
749 existing consumptive use permit with an increased allocation, or an application for a new
750 consumptive use permit, the permit applicant shall provide an annual conservation goal that is
751 consistent with the Central Florida Water Initiative regional water supply plan. These annual
752 conservation goal requirements are separate and distinct from any other conservation requirements
753 of the permit and do not supersede any sections of the Districts applicants' handbooks, except that
754 section 2.7.2 of the CFWI Supplemental Applicant's Handbook shall supersede sections 2.4.8.2,
755 4.4.4.2, and 4.4.5 of the SWFWMD Applicant's Handbook. Nonetheless, annual conservation
756 goals should not be inconsistent with the conservation requirements of the permit. An annual
757 conservation goal is consistent with the CFWI regional water supply plan if it includes activities
758 or actions that prevent or reduce unnecessary uses and improve and/or maintain already achieved
759 efficiencies of use. For all use types except public supply permits with an annual average daily
760 quantity of 100,000 gpd or greater, the annual conservation goal shall be met by developing and
761 implementing an Annual Conservation Goal Implementation Plan as set forth in section 2.7.1. The
762 annual conservation goal for public supply permittees is set forth in section 2.7.2.

763
764 Agricultural users shall meet the requirements of an annual conservation goal by developing and
765 implementing an Annual Conservation Goal Implementation Plan (ACGIP) as set forth in section
766 2.7.1. and report in accordance with that section. In lieu of an ACGIP, agricultural users with a
767 total allocation less than 100,000 gallons per day may enroll in an adopted FDACS BMP program
768 applicable to their commodity and implement the BMPs annually. Agricultural users that utilize
769 the FDACS BMPs as their annual conservation goal shall maintain documentation supporting the
770 enrollment and implementation of selected BMPs. The permittee shall report to the District its
771 progress toward achieving the conservation goals in any compliance report required pursuant to
772 Section 373.236, F.S., or, if a compliance report is not required pursuant to Section 373.236, F.S.,
773 as part of any application to renew or modify the permit.

774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819

CFWI - 2.7.1 Annual Conservation Goal Implementation Plan

An Annual Conservation Goal Implementation Plan (ACGIP) must be developed and submitted as part of the application for a renewal of an existing consumptive use permit, a modification of an existing consumptive use permit with an increased allocation, or an application for a new consumptive use permit. The ACGIP must contain annual conservation goals for at least five years (current year plus four additional years) or through the end of the permit, whichever is shorter; identify the person(s) or positions(s) responsible for overseeing implementation of the goal(s); and contain an annual record of whether each listed annual goal was met. An ACGIP is iterative and may be modified by the permittee without the need to modify the permit; however, all versions of the ACGIP must be kept up to date, and must be signed and dated and maintained at the permittee’s principal place of business through the term of the permit (inclusive of any extension).

The permittee shall report to the District its progress toward achieving the conservation goals within the ACGIP in any compliance report required pursuant to Section 373.236, F.S., or, if a compliance report is not required pursuant to Section 373.236, F.S., as part of any application to renew or modify the permit.

For many conservation efforts, a single year’s conservation implementation results in multi-year annual water savings with proper maintenance and operation that may extend beyond the permit term. Facility design, certain device or irrigation infrastructure replacement, and similar conservation activities typically do not occur on an annual basis. However, these designs and activities will produce benefits over multiple years and may produce benefits over multiple permit terms. In such a situation, the annual conservation goal shall not be interpreted to require the applicant/permittee to implement new practices in each year. Rather, the applicant/permittee may fulfill the requirements of this rule and the ACGIP by maintaining such practices.

In its sole discretion, an applicant may incorporate the ACGIP as part of the conservation plan within its permit. In such a case, any changes to the ACGIP would require modification of the permit.

The annual conservation goals in an ACGIP must include either of the following:

- A. Conservation Best Management Practices (BMPs) and conservation programs. The applicant/permittee shall list any applicable practice(s), measure(s), program(s), device replacement(s), or other actions that improve or maintain expected water use efficiency that it intends to implement for each year included in the ACGIP. The applicant shall propose to maintain and operate installed water conserving designs or features as part of this approach.

For each conservation BMP and conservation program listed, the applicant must include a brief statement of the applicant’s implementation strategy. Examples of brief statements include, but need not be limited to, FDACS BMP program being implemented, geographic target areas, use sectors targeting (residential, commercial, irrigation customers, etc.), media strategies, and other similar factors in developing a

820 conservation BMP. If devices are proposed as a BMP (such as rain sensors, toilet
821 rebates, etc.), the number expected to be funded should be included as part of the
822 strategy.

823
824 For each conservation BMP and conservation program, the applicant must list
825 components of the permittee's implementation strategy for the BMP or program. The
826 applicant shall include an estimated water savings, where applicable, based on best
827 available information from appropriate data sources.

828
829 B. Other metrics. Alternatively, the applicant/permittee shall identify other annual
830 measurable conservation benefits that demonstrate an improvement or maintenance of
831 the applicant/permittee's projected water use efficiency due to the
832 applicant/permittee's conservation program. This may include benefits associated with
833 facility or manufacturing designs that improve or maintain the permittee's water use
834 efficiency.

835
836 An example ACGIP template is provided as Design Aid 2. This template is not incorporated by
837 reference in Chapter 62-41, F.A.C., and applicants are not required to use it.

838
839 **CFWI - 2.7.2 Residential Per Capita Water Use Goal**

840 For public supply use only, an applicant must implement an end-of-permit residential per capita
841 water use goal. Residential per capita water use goal shall be calculated using the following
842 formula:

843 Total Residential Water Use (or Water Use by Dwelling Units) divided by Service Area
844 Residential Population.

845 A public supply permittee with an annual average daily quantity of 100,000 gpd or greater shall
846 track its progress toward achieving the end-of-permit residential per capita water as a distinct
847 metric within an annual report outlined in Section 2.7.3.1.A. All other public supply permittees
848 shall address the residential per capita water use goal in their ACGIP.

849
850 **CFWI - 2.7.3 Public Supply Use Type Annual Conservation Goal**

851
852 Public supply permittees with an annual average daily quantity of 100,000 gpd or greater shall
853 meet the requirements of the annual conservation goal by demonstrating yearly progress toward
854 an end-of-permit per capita daily water use rate of no greater than 100 gpd. The per capita daily
855 water use rate may be calculated using one of the following progressive formulas:

856
857 A. Gross Per Capita Water Use Rate, as defined in Section 2.2.3.1.

858
859 B. Adjusted Gross Per Capita Water Use Rate

860
861
$$\frac{(WD + IM - EX - TL - SU - GC - EM)}{RP}$$

862

863 Where:

910 secondary treatment and is provided to directly replace an existing or
911 potential use of higher quality water. To be deducted, it must first be
912 provided to any metered use located outside the utility potable service area
913 boundary and then to any single-site separately-metered use within the
914 utility potable service area boundary that uses 25,000 gpd or more on an
915 annual average basis during the per capita reporting period, except that no
916 deduction shall be taken for quantities used for:

- 917 ○ Residential irrigation (single family, multi-family or mobile home),
918 or
- 919 ○ Common area irrigation, including entranceways, parking lots,
920 irrigated areas within roadway rights-of-ways (e.g., road and
921 sidewalk medians), open spaces, community areas, and public parks.

922 This deduction shall not be taken if the reclaimed water replaces existing
923 demand on the Permittee's potable system. Any deduction over the standard
924 50% reclaimed water per capita credit must be substantiated with verifiable
925 and corresponding reductions in the supplied WUP pumpage (all deductions
926 subject to District approval).

927 **CFWI - 2.7.3.1 Compliance with Per Capita Daily Water Use Rate**

928 A. Annual Report

929
930 For all public supply permits with an annual average daily quantity of 100,000 gpd or
931 greater, compliance with the Residential Per Capita Water Use Goal and the Public
932 Supply Annual Conservation Goal shall be monitored via an Annual Report that each
933 Permittee must submit to the district by April 1 of each year.

934
935 For the Public Supply Annual Conservation Goal, quantities included in the calculation
936 of Gross Per Capita Water Use, Adjusted Per Capita Water Use, and Compliance Per
937 Capita Water Use in Section 2.7.3 shall be documented and reported by the Permittee
938 in the Annual Report for the reporting period included in the permit as follows:

- 939
940 1. WD (Withdrawals) – Documentation shall consist of pumpage records in
941 annual average gpd as metered at the well head(s), wellfield departure point,
942 surface water intake facility, stormwater facility or reclaimed water lines. The
943 pumpage records shall be totaled for a total withdrawal quantity for the
944 reporting period.
- 945
946 2. IM (Imported Water) – Documentation shall consist of a summary report of
947 the water purchased or otherwise obtained in bulk from another utility for
948 potable use in the service area in annual average gpd, and the supplier's WUP
949 number(s), or consumptive use permit number if the supplier is in another
950 water management district. Quantities shall be determined at the departure
951 point from the supplier's service area. Irrigation water imported into the
952 service area from another utility must be documented separately according to
953 the use type (for example, commercial, residential, recreational/aesthetic).

- 954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
3. EX (Exported Water) – Documentation shall consist of annual average gpd transferred in bulk quantities to another utility, and the recipient’s WUP number(s), or permit number if the recipient is in another water management district. Quantities shall be determined at the departure point from the exporting Permittee's service area. Water supplied to wholesale public supply customers that are not required to obtain a Wholesale Public Supply Water Use Permit that are included in this category shall be identified by customer name and quantity.
 4. TL (Treatment Losses) – Documentation shall consist of the annual average gpd lost in routine treatment for potability. Examples of treatment losses types are desalination reject, membrane cleaning and sand filtration backwash. Treatment losses are calculated as raw water into the plant minus treated water out of the plant. Treated water volume delivered to the distribution system includes water from withdrawals plus imports, minus exports, minus treatment losses. Treatment loss and line flushing quantities shall be separately calculated and documented.
 5. SU (Significant Uses) – Documentation shall consist of:
 - i. the type of Industrial/Commercial use.
 - ii. the customer's name and mailing address.
 - iii. the customer's contact person's name, email address and telephone number.
 - iv. annual average daily quantities provided.
 - v. supporting meter readings or bills.
 - vi. a conservation plan that describes the Permittee's specific water conservation programs for significant users.
 - vii. a water audit that documents the type(s) of water uses that occur within the significant user's facility, quantities used per type, and leak detection and other water conservation activities undertaken by the user.
 6. GC (Golf Courses) – Documentation shall include a report on the permitted and separately metered quantities from ground water, surface water, reclaimed and stormwater sources used for golf course irrigation. To deduct these quantities, the quantities must be authorized for golf course irrigation in the permit for which per capita is being calculated.
 7. EM (Environmental Mitigation) – Documentation shall include a report on the permitted and used quantities for the reporting period in gpd for environmental mitigation as required by the permit for which per capita is being calculated.
 8. ST (Stormwater) – Documentation shall include a report on the separately metered stormwater quantities generated and used in the service area that are included in the utility's permit for the service area for uses other than golf course

1000 irrigation. If the stormwater quantities are not reported as WD, they may not be
1001 deducted. The report shall include the number of connections by use type (e.g.,
1002 residential, commercial, recreation aesthetic, etc.)
1003

- 1004 9. RW (Reclaimed Water Credit) – Documentation shall include a report on
1005 separately metered reclaimed water quantities generated by:
1006 i. Name of the customer;
1007 ii. Account number;
1008 iii. Customer service address;
1009 iv. Quantities provided during the reporting period in average gpd;
1010 v. Claimed deduction during the reporting period in average gpd;
1011 vi. Meter size;
1012 vii. Whether the use is inside or outside of the potable service area
1013 boundary; and
1014 viii. Description of the use (may not include residential or common area
1015 irrigation as described in Section 2.7.3).
1016

1017 An example Annual Report template is provided as Design Aid 3. This template is not
1018 incorporated by reference in Chapter 62-41, F.A.C., and applicants are not required to use
1019 it.
1020

1021 B. Documentation of Per Capita Daily Water Use Calculations for the Annual Report

1022 If the Permittee achieves the 100 gpd per capita water use rate goal using any of the
1023 methods set forth in Section 2.7.3, they will be deemed in compliance with the per capita
1024 requirement.

1025 The District will evaluate the information submitted by Permittees, including those
1026 operating under a Goal-based Water Conservation Plan, who have a Compliance Per Capita
1027 Water Use Rate greater than 100 gpd. Permittees may justify lack of achievement by
1028 documenting any unusual water needs, such as unusual plant establishment needs.
1029 However, justification for non-compliance does not constitute a waiver of the District's
1030 authority to enforce the terms and conditions of the Permit. Phased reductions in water use
1031 shall be required unless the applicant demonstrates that water usage was reasonable under
1032 the circumstances reported and that further reductions are not technically, environmentally,
1033 or economically feasible, or a variance has been granted from the Public Supply Annual
1034 Conservation Goal. For such Permittees, individual water conservation requirements shall
1035 be developed on a case-by-case basis.

1036 C. Phase-In Where a Per Capita Daily Water Use Rate of 100 GPD is Exceeded as of
1037 December 31, 2023

1038 Existing Permittees with a three-year Compliance Per Capita Water Use Rate greater than
1039 100 gpd as of December 31, 2023 shall achieve a Compliance Per Capita Water Use Rate
1040 of 100 gpd as set forth below, or earlier if the Permittee deems it feasible. The three-year
1041 Compliance Per Capita Water Use Rate shall be calculated as the average of the

1042 Compliance Per Capita Water Use Rates documented in the Annual Report for 2023 and
1043 the two years prior.

- 1044 1. By July 1, 2024, the Permittee shall submit to the district a plan that identifies
1045 conservation or water supply project(s) that will be developed and
1046 implemented to achieve the Compliance Per Capita Water Use Rate of 100
1047 gpd.
1048
- 1049 2. By December 31, 2033, the Permittee shall achieve a per capita rate not
1050 greater than the midpoint between the three-year average Compliance Per
1051 Capita Water Use Rate calculated as of 2023 and 100 gpd.
1052
- 1053 3. By December 31, 2043, the Permittee shall achieve a Compliance Per Capita
1054 Water Use Rate that is not greater than 100 gpd.
1055
- 1056 4. The timeframes set forth in this section may be adjusted downward
1057 proportional to the permit duration for permits less than 20 years.
1058
- 1059 5. A Permittee that does not achieve a Compliance Per Capita Water Use Rate
1060 that is less than or equal to 100 gpd by December 31, 2043, may submit
1061 documentation to the District that demonstrates that water usage was
1062 reasonable under the circumstances reported and that further reductions are
1063 not technically, environmentally or economically feasible, or a variance has
1064 been granted from the Public Supply Annual Conservation Goal.
1065

1066 **CFWI - 2.8 Allocations from the Upper Floridan Aquifer**
1067

1068 The following requirements shall apply to all applicants proposing to withdraw water from
1069 the Upper Floridan aquifer. Withdrawals from wells that are open to both the Upper and Lower
1070 Floridan aquifers shall be treated as an Upper Floridan aquifer withdrawal and will also be
1071 subject to these requirements.
1072

1073 **CFWI - 2.8.1 Agricultural, Recreational, or Landscape Irrigation**
1074

1075 Self-supplied agricultural, recreational, or landscape irrigation uses whose allocation is based on
1076 the amount of water needed to supply the supplemental irrigation requirements of the type of
1077 crop, turf or landscape grown are limited to the quantity of water from the Upper Floridan
1078 aquifer as calculated in Sections 2.5 and 2.6.
1079

1080 **CFWI - 2.8.2 All Other Use Types**
1081

1082 For all other use types, an applicant shall be restricted to a maximum allocation in an amount no
1083 greater than its Demonstrated 2025 Demand. Any reductions in current allocations necessary to
1084 meet this limitation shall be made from a permittee's current allocation from the Upper Floridan
1085 aquifer. Allocations for withdrawals from alternative water supplies will not be reduced. Permit
1086 durations shall not be affected for allocations limited to the Demonstrated 2025 Demand.
1087

1088 If additional water use from a lower quality source or alternative water supply is needed to meet
1089 current or future demands as calculated in Sections 2.2, 2.3, or 2.4, the applicant shall provide a
1090 plan pursuant to Section 2.8.3 to ensure reasonable assurance the conditions for issuance are met
1091 for those additional quantities.

1092 In determining allocations from the Upper Floridan aquifer, the limitations within this subsection
1093 shall not restrict the District's consideration of any conservation, water resource or water supply
1094 development projects completed by an applicant or permittee after December 31, 2015.

1095
1096 **CFWI - 2.8.2.1 Exceptions:**

1097 The restrictions in subsections 2.8.1 and 2.8.2 on groundwater allocations shall not limit permitted
1098 groundwater withdrawals from:

- 1099 A. Aquifer storage and recovery wells that receive only surface water, stormwater, or
1100 reclaimed water, when the volume of water withdrawn does not exceed the volume of
1101 water injected; or
1102
1103 B. An injection/recovery wellfield that injects surface water, stormwater, or reclaimed
1104 water that is not required under District rules to be provided to other uses, through
1105 one or more wells for storage within an aquifer zone and subsequently recovers it
1106 through wells from the same aquifer zone and in the same wellfield, when the volume
1107 of water withdrawn does not exceed the volume of water injected; or
1108
1109 C. A recharge/recovery project that receives only surface water, stormwater, or
1110 reclaimed water that is not provided to users in accordance with District rules, when
1111 the volume of water recovered does not exceed the volume of water recharged, and
1112 the drawdown due to recovery of water from the Upper Floridan aquifer will be offset
1113 in the:
1114 1. surficial aquifer by recharge from the project, and
1115 2. Floridan aquifer by recharge from the project, except immediately adjacent to
1116 the recovery well(s).

1117
1118 **CFWI - 2.8.3 Allocations from the Upper Floridan Aquifer Above the Demonstrated 2025**
1119 **Demand**

1120
1121 By December 31, 2023, any permittee or applicant seeking a permit duration extending beyond
1122 2025 whose projected water demand will exceed its Demonstrated 2025 Demand shall submit a
1123 plan to the District describing how the remainder of their demand will be met (e.g., impact offsets,
1124 substitution credits, alternative water supply development). The plan shall propose projects and
1125 identify a schedule for implementation. Annual updates detailing progress shall be provided to the
1126 District. The annual status reports shall include work completed to date, expenditures, and any
1127 anticipated changes in timelines.

1128 An applicant may obtain an allocation for additional water from the Upper Floridan aquifer over
1129 the applicant's Demonstrated 2025 Demand, as identified below:
1130

1131 **CFWI - 2.8.3.1 Temporary Allocations**

1132
1133 A “temporary allocation” is water temporarily required to meet the applicant’s reasonable
1134 demands while implementing an offset (see subsection 2.8.3.2 below), a substitution credit or
1135 land use transition (see subsection 2.8.3.3, below), or an alternative water supply (See subsection
1136 2.8.3.4, below). Temporary allocations are not available to new uses of the Upper Floridan
1137 aquifer. The permit will be conditioned with dates and milestones for development of the
1138 alternative water supply or offset. A temporary allocation shall be reduced to be consistent with
1139 this subsection when the alternative source is projected to be available, consistent with permit
1140 conditions.

1141
1142 The permit conditions governing the quantity and duration for the temporary allocation shall be
1143 based on expected due diligence of the applicant, as determined by applying the factors in A
1144 through C, below, to implement the project in an expeditious manner, not to exceed five years
1145 unless specifically approved by the Governing Board. The duration shall be determined
1146 considering the following factors:

- 1147
- 1148 A. The projected time period for design, receipt of necessary authorizations, and
1149 construction of the alternative supply or offset;
 - 1150
 - 1151 B. The timing of demands to be met from the alternative supply or offset;
 - 1152
 - 1153 C. Other factors that indicate the reasonable period required to develop the alternative
1154 supply or offset.
 - 1155

1156 **CFWI - 2.8.3.2 Implementation of Offsets**

1157
1158 The applicant may propose the implementation of offsets. In the applicant selects this option, the
1159 applicant shall propose, identify a schedule for implementation, and construct and operate
1160 adequate offsets to eliminate the projected increase in volume of withdrawals from the Upper
1161 Floridan aquifer beyond the applicant’s Demonstrated 2025 Demand. An offset will be approved
1162 if the applicant’s modeling shows the offset prevents an increase in volume of groundwater
1163 withdrawn from the Upper Floridan aquifer over the applicant’s Demonstrated 2025 Demand.
1164 Offsets include the use of impact offsets [Subsection 62-40.416(7), F.A.C.], recharge systems
1165 and seepage barriers.

1166
1167 **CFWI - 2.8.3.3 Substitution Credits or Land Use Transitions**

1168
1169 The applicant may propose the implementation of substitution credits or retirement of existing
1170 consumptive use permits. If the applicant selects this option, the applicant shall identify
1171 terminated or reduced CUP allocations as stated below. The request will be approved if the
1172 applicant’s modeling demonstrates that the requested allocation does not cause an increase in
1173 volume of withdrawals from the Upper Florida aquifer over the applicant’s Demonstrated 2025
1174 Demand due to the reduction or elimination of other CUPs that existed on [rule effective date].
1175 The applicant must demonstrate that water is available by providing documentation of the
1176 implementation of a substitution credit [Subsection 62-40.416(8), F.A.C.] or other modification

1177 or retirement of the historic consumptive use permit before issuance of the proposed permit
1178 under this rule.

1179
1180 For agricultural, recreational, and landscape irrigation uses, the retired quantity will be based on
1181 the average annual allocation which is the amount of supplemental irrigation required during a
1182 five in ten rainfall condition. For all other use types, the retired quantity will be based on the
1183 Demonstrated 2025 Demand or actual permitted allocation, whichever is less.

1184
1185 **CFWI - 2.8.4 Development of Alternative Water Supplies**

1186 To meet projected water demands in excess of an applicant's Demonstrated 2025 Demand, the
1187 applicant may propose an alternative water supply. If the applicant selects this option, the
1188 applicant shall propose, identify a schedule for implementation, and construct and operate
1189 alternative water supplies, as defined in Section 373.019(1), F.S. An alternative water supply will
1190 be approved if it is adequate to meet the reasonable increased demands and modeling
1191 demonstrates it will not cause an increased volume of the withdrawal from the Upper Floridan
1192 aquifer over the Demonstrated 2025 Demand.

1193
1194 **CFWI - 2.8.5 Conservation**

1195 In determining the amount of offsets that must be developed as set forth in subsection 2.8.3.2 and
1196 2.8.3.3 above, the applicant may subtract the portion of its demand that the applicant
1197 demonstrates will be satisfied by water conservation.

1198 **CFWI - 2.8.6 New Uses**
1199

1200 In addition to meeting the conditions for issuance, applications for new uses that request the use of
1201 groundwater from the Upper Floridan aquifer for a duration beyond 2025 shall be met from the
1202 implementation of the methods described subsections 2.8.3.2, 2.8.3.3 and 2.8.4.

1203
1204 **CFWI - 2.8.7 Competing Applications**

1205 In adopting these rules, the agencies acknowledge the increasing stress on the water resources in the
1206 CFWI and the mandate of the legislature to foster the development of additional water supplies and
1207 avoid the adverse effects of competition. However, these rules do not abrogate the rights of the
1208 Governing Board or of any other person under Section 373.233, F.S. The CFWI regulatory
1209 framework provides a comprehensive strategy for allocations of available groundwater and
1210 expeditious development of supplemental water supply projects to minimize competition and
1211 thereby provide greater certainty of outcome than competition.

1212 **CFWI - 2.9 Use of Lowest Quality Water Source**
1213

1214 Except when the use is for those activities described below, applicants must provide reasonable
1215 assurance that the proposed use (or portion of the proposed use) will be met with the lowest
1216 quality water source that is suitable for the purpose and is technically, economically, and
1217 environmentally feasible.

1218

1219 The following uses are exempt from this section: water used for washing hands during and after
1220 harvest activities; water that is applied in any manner that directly contacts produce during or
1221 after harvest activities (for example, water that is applied to produce for washing or cooling
1222 activities, and water that is applied to harvest crops to prevent dehydration before cooling); and
1223 water used to make ice that directly contacts produce during or after harvest activities.
1224

1225 It is possible that the unavailability of higher quality sources may necessitate the development of
1226 lowest quality sources and appropriate treatment to meet projected demands, including the
1227 demands resulting from the activities listed above. Nothing in this section shall prohibit an
1228 applicant from applying to use a lowest quality water source for those listed above.
1229

1230 **CFWI - 2.9.1 Technical Feasibility**

1231
1232 The applicant shall submit the following information for use in evaluating the technical
1233 feasibility for any lowest quality water source:
1234

- 1235 A. Whether a lowest quality water source exists and is available at the project site.
- 1236 B. Whether the source is offered to or controlled by the applicant;
- 1237 C. Whether the applicant is capable of accessing the source;
- 1238 D. Whether the use of the lowest quality source is consistent with ~~allowed under~~ existing
1239 state or federal law,
- 1240 E. The quality, quantity, and reliability of the lowest quality water source,
- 1241 F. The crop/turf type being irrigated, including factors such as saline sensitivity.
1242 Typically reliable sources of information include the UF IFAS and FDACS
1243 publications; and
- 1244 G. Any other relevant information, which may include market criteria, including foreign
1245 market requirements, provided by the applicant.
1246

1247 For reclaimed water, the following additional information shall also be used:
1248

- 1249 H. The type of reuse system and level of treatment afforded by the applicable reuse
1250 utility.
- 1251 I. Whether the Department has permitted the reuse facility that will provide the
1252 reclaimed water supply and/or has permitted the use or discharge of the reclaimed
1253 water to the receiving waterbody, if applicable.
- 1254 J. The water quality parameters of the reclaimed water for the constituents that are
1255 pertinent to the intended use.
- 1256 K. Whether the proposed use is located within a mandatory reuse zone.
- 1257 L. Whether the proposed use is in an area that is or may be served with reclaimed water
1258 by a reuse utility within five years from the date of application. To demonstrate this
1259 criterion, the applicant shall provide written documentation from the applicable reuse
1260 utility addressing the availability of reclaimed water. The applicant shall request from
1261 the reuse utility a letter stating that reclaimed service is not available, or providing the
1262 following information:
 - 1263 1. If reclaimed water is not available at the property boundary, the applicant
1264 shall provide the following:

- 1265 i. An estimate of the distance in feet from the applicant’s property
- 1266 boundary to the nearest potential connection point to a reuse line.
- 1267 ii. The date the reuse utility anticipates bringing the connection to the
- 1268 applicant’s property boundary.
- 1269 2. If reclaimed water is available at the property boundary, the applicant shall
- 1270 provide:
- 1271 i. The peak, minimum, and annual average daily quantity in gallons per
- 1272 day of reclaimed water supply available from the nearest potential
- 1273 connection point, as well as expected average monthly quantities.
- 1274 ii. The reliability of the potential reclaimed water supply (i.e., on-demand
- 1275 24/7, or bulk-interruptible diurnal or seasonal, length of supply
- 1276 agreement).
- 1277 iii. The typical operating pressures at which the reuse utility will provide
- 1278 reclaimed water at the nearest connection point to the applicant’s
- 1279 property boundary, including any typical seasonal or other fluctuations
- 1280 in the operating pressure.

1281 Reuse utilities shall provide a written response to requests for documentation by
1282 permit applicants no later than thirty (30) days after receipt of the request. If a reuse
1283 utility fails to respond to a request for documentation within thirty (30) days, the
1284 applicant shall furnish the District with a copy of its request, proof of receipt by the
1285 reuse utility, and a statement attesting that the reuse utility failed to provide the
1286 requested information. Upon the failure of a reuse utility to respond to a request for
1287 documentation, the applicant shall complete the feasibility evaluation utilizing the
1288 best available information.

1289
1290 **CFWI - 2.9.2 Environmental Feasibility**

1291
1292 The environmental feasibility of using a lowest quality water source shall be evaluated based on
1293 whether the use of a lowest quality water source would result in adverse environmental impacts.
1294 For example, the use of a lowest quality water source must be consistent with the recovery or
1295 prevention strategy of a waterbody with an established Minimum Flow or Minimum Water
1296 Level.

1297
1298 **CFWI - 2.9.3 Economic Feasibility**

1299
1300 An applicant must provide an assessment of the economic feasibility if the lowest quality water
1301 source is technically and environmentally feasible and the applicant asserts the use of the lowest
1302 quality water source is not economically feasible. The applicant shall submit the following
1303 information for the Districts to consider in evaluating the economic feasibility of using a lowest
1304 quality water source:

- 1305
- 1306 A. The costs and benefits of using the lowest quality water source as compared to the
- 1307 higher quality water source, including the amount of lowest quality source water that
- 1308 can be produced or used relative to the cost;
- 1309 B. Impact on rates or charges associated with the applicant’s operation to account for
- 1310 costs associated with using the lowest quality water source; and

1311 C. Other factors affecting the economic feasibility of using the lowest quality water
1312 source given the applicant’s particular situation.
1313

1314 For reclaimed water, the applicant shall obtain from the applicable reuse utility and provide the
1315 following additional information:
1316

- 1317 D. The reclaimed water rate(s) the reuse utility would charge the applicant (e.g., the cost
1318 per/1000 gallons) and any other periodic, fixed, or minimum charges for use of
1319 reclaimed water by the applicant;
- 1320 E. The reclaimed water availability charges the reuse utility would charge the applicant
1321 in lieu of connection to the reclaimed water distribution system;
- 1322 F. Other one-time charges for the connection to the reclaimed water distribution system
1323 and
- 1324 G. Whether the reuse utility provides funding assistance to offset the costs to connect to
1325 the reclaimed water distribution system or assists potential customers in converting
1326 their operations to use reclaimed water.
1327

1328 The Supplemental Applicant’s Handbook Design Aid 4, titled, “Guidelines for Preparation of
1329 Reuse Feasibility Studies for Consumptive Use Permit applicants” and dated November 1996 is
1330 available solely to provide applicants with useful tools and suggestions that may assist in the
1331 preparation of reuse feasibility studies for consumptive use permits under Chapter 62-41, F.A.C.
1332 The Design Aid is not incorporated by reference in Chapter 62-41, F.A.C., and applicants are not
1333 required to use the tools or suggestions of this Design Aid when preparing a reuse feasibility
1334 study.

1335 **CFWI – 3.0 Harm to the Water Resources of the Area**
1336

1337 Only within the CFWI Area, this section, CFWI – 3.1. through 3.5., supersedes in its entirety
1338 sections 2.3(g), 3.4, and 3.7 of the SJRWMD Applicant’s Handbook, sections 3.3 , 3.4, 3.5, and
1339 3.8 of the SWFWMD Applicant’s Handbook; and sections 2.3.2.B.2.d.i, 3.3 3.4, 3.5, and 3.8 of
1340 the SFWMD Applicant’s Handbooks.
1341

1342 To provide reasonable assurance of compliance with the conditions for issuance in Rule 62-
1343 41.301(2)(g)2., F.A.C., an applicant must demonstrate that the use will meet the requirements of
1344 this section. The District will utilize the conditions for issuance in Rule 62-41.301(2)(g), F.A.C.,
1345 and sections 3.1 through 3.5 of this Handbook, to determine whether a use will cause harm to the
1346 water resources of the area.
1347

1348 **CFWI – 3.1 Harmful water quality impacts to the water source resulting from the**
1349 **withdrawal or diversion**
1350

1351 A CUP application will be denied if the water withdrawal(s) would cause harmful water quality
1352 impacts to the water source resulting from the withdrawal or diversion. For example, (a) the
1353 induced movement of a contamination plume; or (b) the alteration of the rate or direction of the
1354 movement of a contamination plume, as evidenced by the predicted influence the water

1355 withdrawals would have on inducing movement of the contamination plume or as indicated by a
1356 sustained increase in background levels in contaminant concentrations.
1357

1358 **CFWI – 3.2 Harmful water quality impacts from dewatering discharge to receiving**
1359 **waters**

1360
1361 The use must not cause harmful water quality impacts from dewatering discharge to receiving
1362 waters. Dewatering water must be retained onsite unless the applicant demonstrates it is not
1363 technically feasible to retain the dewatering water onsite. If offsite discharge is requested, the
1364 applicant shall provide documentation authorizing the applicant to discharge directly into the
1365 receiving waterbody or adjacent lands and a demonstration that the receiving waterbody or
1366 adjacent lands are capable of accepting the dewatering discharge. Applicants who have obtained
1367 and are in compliance with a National Pollutant Discharge Elimination System (NPDES) or
1368 Environmental Resource Permit for dewatering shall be considered to not cause harmful water
1369 quality impacts from dewatering discharge to receiving waters.
1370

1371 **CFWI – 3.3 Harmful saline water intrusion or harmful upconing resulting from water**
1372 **withdrawals**

1373
1374 The purpose of this section is to determine whether saline water intrusion or upconing is harmful
1375 to the water resources of the area. Saline water intrusion can cause harm not only to fresh water
1376 resources, but also water resources with higher chloride concentrations and total dissolved solids
1377 concentrations (e.g., brackish water).
1378

1379 “Saline water intrusion” means the movement of water caused by withdrawals resulting in
1380 increases in total dissolved solids (TDS) or chloride concentrations. “Saline water intrusion” as
1381 used in the CFWI is not limited to the intrusion of water defined as “saline” by a water
1382 management district or other publication, but includes an increase in TDS or chloride
1383 concentrations from that existing prior to the proposed withdrawal. Saline water intrusion can
1384 occur laterally or vertically (the latter of which is termed “upconing”). Saline water intrusion is
1385 harmful when the increase in total dissolved solids or chloride concentrations detrimentally
1386 effects the applicant or other existing legal users of water, or is otherwise detrimental to the
1387 public interest.
1388

1389 The District will not consider saline water intrusion as harmful if it is the result of seasonal
1390 fluctuations; climatic conditions; or operation of the Central and Southern Flood Control Project,
1391 secondary canals or stormwater systems.
1392

1393 Nothing in this section shall be used to determine whether a source qualifies as an alternative
1394 water supply, as defined in section 373.019, F.S, or qualifies for funding by a District.
1395

1396 To satisfy the requirements of this section, an applicant shall provide reasonable assurance that
1397 the applicant’s proposed use will not cause harmful saline water intrusion or upconing. As part of
1398 the consideration of whether the use will cause harmful saline water intrusion or upconing, the
1399 following factors must be considered as applicable:
1400

- 1401 A. Whether there is movement of more saline water to a greater distance inland or
1402 towards a withdrawal point than from that existing prior to the proposed withdrawal
1403 and not as a result of seasonal fluctuations or climatic conditions;
1404
- 1405 B. Whether there is a sustained amount and rate of increase of TDS or chloride
1406 concentrations at the base of the aquifer(s) or producing zone(s) from that existing
1407 prior to the proposed withdrawal;
1408
- 1409 C. Whether there would be adverse impacts to values or functions of wetlands or other
1410 surface waters, including springs;
1411
- 1412 D. Whether a higher quality water source would be adversely impacted by the
1413 withdrawal;
1414
- 1415 E. Whether the anticipated increase in TDS or chloride concentrations can be monitored
1416 and treated by the applicant for its intended purpose; and
1417
- 1418 F. The geographic extent of any increase in TDS or chloride concentrations.
1419

1420 **CFWI - 3.3.1 Technical Assistance**

- 1421
- 1422 A. The Supplemental Applicant’s Handbook Design Aid 5, titled “Calculation of the
1423 Maximum Safe Yield of Well for the Prevention of Upconing”, is available solely to
1424 provide applicants with useful tools that may assist in presenting reasonable
1425 assurance that the withdrawal will not cause harmful upconing under the proposed
1426 consumptive use permit applications evaluated under Chapter 62-41, F.A.C. This
1427 calculation may not be appropriate in all location for every well – applicants should
1428 consult Design Aid 5 for more information. The Design Aid is not incorporated by
1429 reference in Chapter 62-41, F.A.C., and applicants are not required to use the tools of
1430 this Design Aid when preparing its reasonable assurance nor is the district required to
1431 rely on its submittal as reasonable assurance.
1432
- 1433 B. Applicants under 100,000 gpd are encouraged to seek technical assistance from the
1434 Districts.
1435

1436 **CFWI – 3.4 Harmful hydrologic alterations to natural systems, including wetlands or other**
1437 **surface waters**

1438
1439 This Section establishes the standards for evaluating impacts to natural systems, including
1440 wetlands or other surface waters, pursuant to the conditions for permit issuance in Rule 62-
1441 41.301, F.A.C. These standards apply to all water withdrawals, including applications for the
1442 initial use of water, modifications, and renewals of consumptive use permits, and authorized
1443 water uses, herein referred to as the “water use.” In its evaluation of the applicant’s water use,
1444 the extent of hydrologic alterations caused by the applicant’s water use shall be considered,
1445 except as otherwise provided herein.

1446
1447 Districts shall not consider impacts to wetlands and other surface waters not caused by the water
1448 use, including, but not limited to, impacts caused by existing surface water management
1449 activities, drainage, water table lowering, roads, levees and adjacent land uses.

1450
1451 **CFWI – 3.4.1 Identification of Wetlands and Other Surface Waters**

1452
1453 Wetlands and other surface waters as delineated pursuant to Chapter 62-340, F.A.C. or identified
1454 using alternative methods outlined below, that are within the area of influence of a water
1455 withdrawal, are subject to section 3.4 through subsection 3.4.7, except as provided by the
1456 exclusions in subsection 3.4.2.

1457
1458 Reasonable scientific judgment shall be used to evaluate the existence and extent of a wetland or
1459 other surface water, including all reliable information, such as visual site inspection and aerial
1460 photointerpretation. In addition, relevant information submitted pursuant to Chapters 62-330 or
1461 62-340, F.A.C, in support of an ERP/SWM Permit shall be considered.

1462
1463 In determining the location of wetlands and other surface waters, the applicant may consult staff
1464 reports of previously issued ERP and SWM Permits for the site and adjacent sites, NWI Maps,
1465 Land Use/Land Cover maps, NRCS-USDA soils maps, formal and informal wetland
1466 determinations issued by the District or Department, and other similarly reliable sources of
1467 information. District staff will attempt to locate the landward extent of wetlands or other surface
1468 waters visually by: onsite inspection, aerial photointerpretation, or photointerpretation in
1469 combination with ground truthing, without quantitative sampling. The methodology shall not be
1470 used to delineate areas which are not wetlands as defined in subsection 62-340.200(19), F.A.C.

1471
1472 **CFWI – 3.4.2 Exclusions of Certain Wetlands and Other Surface Waters**

1473
1474 The District will not consider the following impacts as harmful to natural systems, including
1475 wetlands or other surface waters.

- 1476
1477 A. For the purposes of this subparagraph 1 only, “isolated wetland” means any area that
1478 is determined to be a wetland in accordance with Chapter 62-340, F.A.C., but that
1479 does not have any connection via wetlands or other surface waters as determined
1480 using Rule 62-340.600, F.A.C. The District will not consider impacts to isolated
1481 wetlands one half (0.5) acre or less in size unless:
- 1482 1. The wetland is used by endangered or threatened species;
 - 1483 2. The wetland is in an area of critical state concern designated pursuant to
1484 Chapter 380, F.S.;
 - 1485 3. The wetland is connected by standing or flowing surface water at seasonal
1486 high water level to one or more wetlands, and the combined wetland acreage
1487 so connected is greater than one half (0.5) acre. Wetland connection is
1488 determined by the delineation methods for surface waters set forth in Chapter
1489 62-340, F.A.C.; or

- 1490 4. The District establishes that the wetland to be impacted is, or several such
1491 isolated wetlands to be impacted are, cumulatively, of more than minimal
1492 value to fish and wildlife.
1493
- 1494 B. Wetlands or other surface waters which were either authorized to be impacted
1495 through a permit issued under Part IV of Chapter 373, F.S., or Part VIII of Chapter
1496 403, F.S. (1984 Supp.) as amended, or allowed by an exemption under those statutes
1497 (or rules promulgated thereunder).
1498
- 1499 C. Ponds constructed in uplands and less than one acre in area and drainage ditches that
1500 were constructed in uplands, so long as:
1501 1. Such ponds or ditches are not part of a permitted wetland creation,
1502 preservation, restoration or enhancement program; and
1503 2. Such ponds or ditches do not provide significant habitat for endangered or
1504 threatened species.
1505
- 1506 However, consideration of such systems shall be subject to all other conditions of
1507 permit issuance.
1508
- 1509 D. Wetlands or other surface waters to the extent they have been specifically authorized
1510 to be impacted or mitigated pursuant to a previously issues consumptive use permit,
1511 unless the applicant proposes additional impacts. In such case, the District will only
1512 consider the proposed additional impacts to wetlands or other surface waters.
1513
1514

1515 **CFWI - 3.4.3 Evaluation of Harm to Natural Systems**
1516

1517 Harm to the water resources will be evaluated by comparing the existing natural system to the
1518 predicted post withdrawal conditions. Previously permitted or exempt physical alterations to
1519 environmental features, such as drainage systems or water control structures, will be considered
1520 as the existing condition. However, areas impacted by activities in violation of a District or
1521 Department rule, order, or permit adopted or issued pursuant to Chapter 373, F.S., or Part VIII of
1522 Chapter 403, F.S. (1984 Supp.) as amended, will be evaluated as if the activity had not occurred.
1523

1524 The evaluation of wetlands and other surface waters will consider their hydrologic characteristics
1525 and susceptibility to harm resulting from hydrologic alterations attributed to the proposed water
1526 withdrawals individually and cumulatively. The assessment of impacts expected due to the water
1527 use will be based on the best available information. An applicant shall only be required to
1528 address its relative contribution of harm to the wetlands and other surface waters from its water
1529 use.
1530

1531 To evaluate the conditions below, the applicant must provide the following supporting information
1532 as applicable to assist in the impact evaluation:
1533

- 1534 A. Scaled map and recent aerial photographs that identify the:

- 1535 1. Area of influence of the individual and cumulative effects of the proposed
1536 water use;
1537 2. The locations of all wetlands and other surface waters that occur within the
1538 area of influence of the individual and cumulative effects of the proposed
1539 water use, including wetlands and other surface waters located outside the
1540 applicant's property boundaries; and
1541 3. Locations of existing and proposed withdrawal facilities.
1542
- 1543 B. Information about the hydrology and current conditions of the wetlands and other
1544 surface waters.
1545
- 1546 C. Information regarding the potential impact of the individual and cumulative effects of
1547 the proposed water use on the wetland or other surface water in its current condition.
- 1548 D. A summary report of any modeling performed and electronic copies of any modeling
1549 files for District staff to review.
- 1550 E. Site specific information shall be submitted by the applicant, if requested by the District
1551 or if otherwise deemed relevant by the applicant, for determining whether the narrative
1552 standards, set forth below, have been met. The applicant shall provide site specific
1553 information on the local hydrology, geology, actual water use or unique seasonality of
1554 water use, including:
1555 1. Consideration of site specific hydrologic or geologic features that affect the
1556 projected drawdown, including the existence and extent of confining layers
1557 that impede the vertical movement of water under the wetland, preferential
1558 flow paths, seepage face wetlands that receive high rates of inflow, or the
1559 effects of soil depth and type on moisture retention, to the degree that actual
1560 field data support how these factors affect the potential for impacts of the
1561 water use on the wetland or other surface water.
1562 2. If the applicant asserts that the actual water use has not caused harm to
1563 wetlands or other surface waters, site specific information on the condition of
1564 the wetlands or other surface waters in question must be provided in
1565 conjunction with pumpage records or other relevant evidence of actual water
1566 use to substantiate the assertion. Applicable monitoring data and historic
1567 photography shall be submitted, if available.
1568 3. Other relevant factors or information in assessing the potential for harm to
1569 wetlands and other surface waters, such as the condition, size, depth,
1570 uniqueness, location, and fish and wildlife utilization, including listed species,
1571 of the wetland or other surface water.
1572
- 1573 F. Where there is potential for harm, information required to determine whether the harm
1574 can be eliminated pursuant to Section 3.6 below.
1575
- 1576 G. A monitoring plan to assess the effects of the water use, if required. A monitoring plan
1577 shall be required when necessary to provide continued verification that no harm is
1578 occurring due to the water use.

1579 H. If the applicant asserts the exclusions in Subsections 3.4.2, above, apply to wetlands or
1580 other surface waters within the area of influence of the proposed water use, the
1581 applicant must provide appropriate information supporting this assertion, including
1582 relevant information from the permit file.

1583 **CFWI - 3.4.4 Harm to Wetlands**

1584

1585 Harm to wetlands is:

1586

1587 A. Changes in wetland hydroperiods and wet season water levels from the withdrawal or
1588 diversion that cause wetlands plant species composition or community zonation to be
1589 adversely impacted.

1590

1591 B. Changes in hydrology from the withdrawal or diversion that adversely impact wetland
1592 habitat functions for aquatic or wetland dependent flora or fauna either temporally or
1593 spatially. Wetland habitat functions include, but are not limited to, providing cover
1594 and refuge; breeding, nesting, denning, and nursery areas; corridors for wildlife
1595 movement; food chain support; and natural water storage, natural flow attenuation, and
1596 water quality improvement, which enhances fish, wildlife, and endangered and
1597 threatened species utilization.

1598

1599 C. Changes in hydrology from the withdrawal or diversion that alter habitat for
1600 endangered or threatened species to the extent that utilization by those species is
1601 impaired.

1602

1603 **CFWI - 3.4.5 Harm to Flowing Systems**

1604

1605 Harm to flowing systems is:

1606

1607 A. Changes in flow rates from the withdrawal or diversion that cause adverse impacts to
1608 aquatic or wetland dependent flora or fauna in springs, including those classified as
1609 Outstanding Florida Springs, streams, rivers or estuaries.

1610

1611 B. Changes in flow rates from the withdrawal or diversion that cause downgradient
1612 watercourses to experience changes to flow rates that cause adverse impacts to aquatic
1613 or wetland dependent flora or fauna.

1614

1615 **CFWI - 3.4.6 Harm to Lakes**

1616

1617 Harm to lakes is:

1618

1619 A. Changes in water levels from the withdrawal or diversion that cause adverse impacts
1620 to aquatic or wetland dependent flora or fauna.

1621

1622 B. Changes in water levels from the withdrawal or diversion that cause flows to
1623 downgradient watercourses to experience changes to flow rates that cause adverse
1624 impacts to aquatic or wetland dependent flora or fauna.

1625
1626
1627
1628
1629
1630
1631
1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647
1648
1649
1650
1651
1652
1653
1654
1655
1656
1657
1658
1659
1660
1661
1662
1663
1664
1665
1666
1667
1668
1669
1670

CFWI – 3.5 Otherwise Harmful to the Water Resources of the Area

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

CFWI - 3.6 Eliminating Harm

To the extent that harm is determined, the applicant shall modify the project design or water use to eliminate harm to protected wetlands and other surface waters. Changes to the project design or water use include developing alternative water supply sources, reducing proposed withdrawals, implementation of wellfield optimization plan, relocation of withdrawal facilities, implementation of water conservation measures and creation of hydrologic barriers.

Where a permittee requires time to complete changes to the project design or water use changes and a stepped allocation has been authorization, the project design or water use changes shall be completed in accordance with a timeframe set forth in the permit, as appropriate.

CFWI – 4.0 Harm to Existing Offsite Land Uses

Within the CFWI Area, this section, CFWI - 4.0, supersedes section 3.6 of the SFWMD and SFWMD Applicant’s Handbooks; and section 2.3(f) of the SJRWMD Applicant’s Handbook.

This section describes how an applicant establishes reasonable assurance with the conditions for issuance set forth in Rule 62-41.301(2)(f), F.A.C.

This Section does not establish a property right in water, but prohibits harm from a water use to certain land uses that are dependent upon water being on or under the land surface.

Adverse impacts to existing off-site land uses are exemplified by, but not limited to:

- A. Significant reduction in water levels in a surface water body;
- B. Damage to agriculture, including damage resulting from reduction in soil moisture resulting from water use;
- C. Adverse flooding; and
- D. Adverse impacts to recreational uses.

In addition, for uses of water associated with dewatering, an applicant must demonstrate that the proposed consumptive use will not cause harm to existing offsite land uses due to the discharge of water associated with dewatering activities, as defined in this Section.

Whether an existing offsite land use is considered under this Section depends on whether there is a reasonable expectation that water will continue to exist on or under the land surface to support

1671 that offsite land use. When determining whether there is a reasonable expectation in the
1672 occurrence of water for an existing offsite land use, the District will consider:

- 1673
- 1674 A. Only those offsite land uses existing at the time of the current application;
 - 1675
 - 1676 B. The historic natural and artificial hydrologic variations on the offsite property;
 - 1677
 - 1678 C. The design function of the offsite property;
 - 1679
 - 1680 D. The purpose and nature of the water or water source on the offsite property, such as
1681 surface water management or water quality treatment; and
 - 1682
 - 1683 E. Hydrologic variations that have occurred or are expected to occur as a result of
1684 authorized consumptive use withdrawals.
 - 1685

1686 To be considered under this rule, the impact on an existing offsite land use must be the result of a
1687 withdrawal associated with a proposed consumptive use. Impacts to land uses can be caused by
1688 many different activities, such as drainage activities, reduced rainfall, regional trends, and other
1689 non-consumptive use related influences. Impacts from these non-consumptive use influences will
1690 not be considered or mitigated for under this Section.

1691

1692 The applicant must identify those existing land uses that are potentially impacted by the
1693 withdrawal associated with their consumptive use, such as seepage irrigated crops and surface
1694 water management systems. The applicant must demonstrate that the resulting change in water
1695 levels related to the proposed withdrawal will not cause harm, as described in this section above.
1696 Methods for avoiding harm to existing offsite land uses include: reducing the amount of water
1697 withdrawn, modifying the method or schedule of withdrawal, mitigating the damages caused, or,
1698 in the case of dewatering discharges, taking other actions to avoid increasing the potential for
1699 flooding. However, an applicant may accept adverse flooding impacts, for example, on land
1700 owned by the applicant or land for which the applicant has demonstrated sufficient legal
1701 authority to accept such flooding impacts.

1702

1703 The District shall include as a condition in any applicable permit the requirement that the
1704 permittee mitigate harm to existing offsite land uses caused in whole or in part by the permittee's
1705 consumptive use. The permit condition shall require the permittee to submit a mitigation plan for
1706 approval by the District that identifies actions necessary to mitigate unanticipated harm to
1707 existing offsite land uses. Such actions must be sufficient to restore the land use that existed prior
1708 to the impact and may require a permit modification. A mitigation plan may include replacement
1709 of the impacted individual's equipment, relocation of wells, change in withdrawal source, or
1710 other means. The mitigation plan will require a permittee to mitigate immediately or upon the
1711 actual occurrence of harm.

1712

1713 **CFWI – 5.0 Special Limiting Permit Conditions**

1714 In addition to the Standard Limiting Conditions of the Districts, the following special conditions
1715 shall be added, as identified below to existing permits and permits for new uses within the CFWI
1716 Area.

- 1717 A. For all use types, except agricultural and landscape/recreation, the following special
1718 permit conditions shall be added:
1719 By December 31, 2023, any permittee or applicant seeking a permit duration extending
1720 beyond 2025 whose projected water demand will exceed its Demonstrated 2025
1721 Demand shall submit a plan to the District describing how the remainder of its demand
1722 will be met (e.g., impact offsets, substitution credits, alternative water supply
1723 development). The plan shall propose projects and identify a schedule for
1724 implementation. Annual updates shall be due on December 31 of each subsequent year
1725 detailing progress shall be provided to the District. The annual status reports shall
1726 include work completed to date, expenditures, and any anticipated changes in timelines.
1727
- 1728 B. For all public supply permits with an annual average daily quantity of 100,000 gpd or
1729 greater, the following special permit conditions shall be added:
- 1730 1. The quantities included in the permit are based on an average per capita rate
1731 of XXX. In accordance with Section 2.7.3 of the CFWI Supplemental
1732 Applicant's Handbook, the Permittee's per capita water use rate in any given
1733 year shall not exceed 100 gpd.
1734
 - 1735 2. The Permittee's per capita water use rate shall be monitored via the Annual
1736 Report that is required to be submitted by April 1 of each year for the term of
1737 the permit. Permittees within the CFWI may use the "Public Supply Annual
1738 Report," referred to in Section 2.7.3.1 of the CFWI Supplemental Applicant's
1739 Handbook as Design Aid 3, to assist with properly documenting the
1740 information that must be included in the Annual Report. At a minimum, the
1741 Annual Report must contain the following information:
 - 1742 i. Calculation of the Compliance Per Capita Water Use Rate pursuant to
1743 Section 2.7.3. All components of the Compliance Per Capita Water
1744 Use Rate equation are subject to the requirements set forth in Section
1745 2.7.3.1(A) of the CFWI Supplemental Applicant's Handbook.
 - 1746 ii. Documentation of each component of the Compliance Per Capita
1747 Water Use Rate equation, as applicable, pursuant to Section 2.7.3.1(A)
1748 of the CFWI Supplemental Applicant's Handbook.
 - 1749 iii. A service area map or file showing the current utility service area. Any
1750 changes to the utility service area relative to the existing boundaries in
1751 the District's Geographic Information System (GIS) layer must be
1752 identified and documented.
 - 1753 iv. Residential water use, which consists of the indoor and outdoor water
1754 uses associated with each category of residential customer (single
1755 family units, multi-family units, and mobile homes), including
1756 irrigation uses, whether separately metered or not. The Permittee shall
1757 document the methodology used to determine the number of dwelling
1758 units by type and the quantities used. Estimates of water use based
1759 upon meter size will not be accepted. If mobile homes are included in
1760 the Permittees multi-family unit category, the information for them
1761 does not have to be separated. The information for each category shall
1762 include:

- 1763 a) Number of dwelling units per category;
1764 b) Number of domestic metered connections per category;
1765 c) Number of metered irrigation connections;
1766 d) Annual average quantities in gallons per day provided to each
1767 category; and
1768 e) Percentage of the total residential water use provided apportioned
1769 to each category.
- 1770 v. Non-residential water use, which consists of all quantities provided for
1771 use in a community not directly associated with places of residence.
1772 For each category below, the Permittee shall include annual average
1773 gpd provided, the percent of total non-residential use quantities
1774 provided, and the number of metered connections:
- 1775 a) Industrial/commercial uses, including those associated lawn and
1776 landscape irrigation use;
1777 b) Agricultural uses (e.g., irrigation of a nursery);
1778 c) Recreation/Aesthetic, including irrigation (excluding golf courses)
1779 of common areas, stadiums, and school yards;
1780 d) Golf course irrigation;
1781 e) Firefighting, system testing and other accounted uses;
1782 f) K-through-12 schools that do not serve any of the service area
1783 population; and
1784 g) Water loss, defined as the difference between the output from
1785 the treatment plant and accounted residential water use (iv above)
1786 and the listed non-residential uses in this section.
- 1787 vi. A water audit report, if water losses are greater than 10% of the total
1788 distribution quantities. The water audit shall include:
- 1789 a) Evaluation of:
- 1790 (1) leakage associated with transmission and distribution
1791 mains;
1792 (2) overflow and leakage from storage tanks;
1793 (3) leakage near service connections;
1794 (4) illegal connections;
1795 (5) description and explanations for excessive distribution
1796 line flushing (greater than 1% of the treated water volume
1797 delivered to the distribution system) for potability;
1798 (6) fire suppression;
1799 (7) un-metered system testing;
1800 (8) under-registration of meter; and
1801 (9) other discrepancies between the metered amount of
1802 finished water output from the treatment plant less the
1803 metered amounts used for residential and non-residential uses
1804 specified in Parts 4 and 5 above, and
1805 b) A schedule for a remedial action-plan to reduce water losses
1806 below 10%.

1807 vii. If the Permittee cannot achieve a per capita water use rate of 100 gpd
1808 according to the time frames included in Section 2.7.3.1.C, the Annual
1809 Report shall include an explanation detailing why the per capita water
1810 use rate was not achieved, measures taken to comply with the per
1811 capita water use rate of 100 gpd, and a plan that identifies conservation
1812 or water supply project(s) that will be developed and implemented to
1813 achieve the per capita water use rate of 100 gpd.
1814

1815 3. In addition to the Annual Report required by Section 2.7.3.1 of the CFWI
1816 Supplemental Applicant’s Handbook, Permittees in the Southern Water Use
1817 Caution Area and the Dover/Plant City Water Use Caution Area shall submit
1818 Parts D through E of the “Public Supply Annual Report For Individual
1819 Permits Over 100,000 GPD Annual Average Quantities Form” (Form No.
1820 LEG-R.103.00 (5/14)), and all required attachments, including the Public
1821 Supply Service Area General Information Form, by April 1 of each year.
1822

1823 C. For self-supplied agricultural, recreational, or landscape irrigation uses whose
1824 allocation is based on the amount of water needed to supply the supplemental irrigation
1825 requirements of the type of crop, turf or landscape grown, the following special permit
1826 conditions shall be added:

1827 1. Total annual allocation is _____ million gallons (_____ mgd) for a 2-in-10
1828 year drought condition. This allocation represents the amount of water
1829 required to meet the water demands as a result of a rainfall deficit during a
1830 drought with the probability of recurring twice every ten years. The Permittee
1831 shall not exceed this allocation in hydrologic conditions less than a 2-in-10
1832 year drought event. Compliance with this annual allocation is based on the
1833 quantity withdrawn over a rolling average of the previous 12-month time
1834 period.

1835 2. Total annual allocation is _____ million gallons (_____ mgd) for a 5-in-10
1836 year condition. This allocation represents the amount of water required to
1837 meet average annual water demands. Compliance with this annual allocation
1838 is based on the quantity withdrawn over a rolling average of the previous 12-
1839 month time period.

1840 3. Total peak monthly allocation is _____ million gallons. Compliance with the
1841 peak monthly allocation is based on the greatest quantity withdrawn in any
1842 single month.

1843 4. If the rainfall deficit is more severe than that expected to recur twice every ten
1844 years, the withdrawals shall not exceed that amount necessary to continue to
1845 meet the reasonable-beneficial demands, provided no harm to the water
1846 resources occur and:

- 1847 i. All other conditions of the permit are met; and
1848 ii. The withdrawal is otherwise consistent with any applicable declared
1849 Water Shortage Order in effect.
1850
1851
1852

1853
1854
1855
1856
1857
1858
1859
1860
1861
1862
1863
1864
1865
1866

1867
1868
1869

5. If the Permittee exceeds the allocated supplemental irrigation quantities, upon request by the District, the Permittee must submit a report that includes reasons why the allocated quantities were exceeded, measures taken to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether there is good cause for the exceedance. Permittees may justify an exceedance by documenting unusual water needs, such as weather conditions creating greater irrigation needs than normal. However, even with such documentation, phased reductions in water use will be required unless the District determines that water usage was reasonable under the circumstances reported and that further reductions are not feasible. The permittee must seek a permit modification if it desires to implement any increase in allocated quantities.