**62-42.200 Definitions.**

When used in this chapter, including materials incorporated by reference, the following words shall have the indicated meanings unless the rule indicates otherwise:

 ~~(1) Flow Duration Curve means a plot of magnitude of flow versus percent of time the magnitude of flow is equaled or exceeded.~~

~~(2) Flow Duration Frequency means the percentage of time that a given flow is equaled or exceeded.~~

(1) Agency or Agencies: The Department and applicable water management districts acting under the authorities afforded by Part II of Chapter 373, F.S., as applicable.

(2) Authorized uses: Uses of water authorized by a consumptive use permit issued by the applicable District or Department, any general permit by rule of the Districts, or by statute.

(3) Consumptive use permit (CUP): a permit that authorizes the consumptive use of particular quantities of ground or surface water. The phrases “Consumptive Use Permit,” “Consumptive Use Permitting,” and “Consumptive Use Applicants” are synonymous with “Water Use Permit,” “Water Use Permitting,” and “Water Use Applicants,” respectively, as used by agencies implementing Part II of Chapter 373, F.S.

(4) District(s): A water management district established pursuant to Ch. 373, F.S.

(5) Domestic Use: Exempt water uses as defined in section 373.019(6), F.S. (2025). See also section 373.219(1), F.S. (2025).

(6) Implementation Strategy: A strategy designed to ensure that an MFL Compliance Point meets its MFL in accordance with sections 373.042, 373.0421, and 373.805, F.S., as applicable.

(7) MFL Compliance Point: The gage at which an MFL is established in this Chapter.

(8) Outstanding Florida Spring (OFS): Springs as defined in Section 373.802(5), F.S.

(9) P50 flow: The flow of the spring or surface water that is equaled or exceeded 50 percent of the time as determined from the expressed long-term flow time series.

*Rulemaking Authority 373.026(7), 373.036(1)(d), 373.043, 373.171 FS. Law Implemented 373.019(6), 373.023, 373.026, 373.033, 373.036(1)(d), 373.0391, 373.0395, 373.042, 373.046, 373.0831, 373.086, 373.103, 373.106, 373.171, 373.175, 373.185, 373.1961, 373.219, 373.223, 373.246, 373.250, 373.418, 373.451, 373.453, 373.802, 373.805, 403.0615(3), 403.064, 403.0891 FS., Section 38, Chapter 2002-296, Laws of Florida. History–New 11-26-14, Amended, .*

**62-42.300 The Lower Santa Fe and Ichetucknee Rivers and Priority Springs**

(1) Minimum Flows for Lower Santa Fe and Ichetucknee Rivers and Priority Springs

 (a) For purposes of this rule, the Lower Santa Fe River includes the watercourse from the Santa Fe River Rise to the confluence with the Suwannee River including the Lower Santa Fe River Priority Springs and associated spring runs; the Ichetucknee River includes the watercourse from the Ichetucknee Headspring to the confluence with the Lower Santa Fe River including the Ichetucknee River Priority Springs and associated spring runs. The Lower Santa Fe River and Ichetucknee River Priority Springs are set forth in Table 1-1 below.

Table -1. Lower Santa Fe and Ichetucknee River Priority Springs

|  |  |
| --- | --- |
| River | Spring Name |
| Lower Santa Fe | Treehouse (OFS) |
| Lower Santa Fe | COL101974 |
| Lower Santa Fe | Columbia Spring (OFS) |
| Lower Santa Fe | Gilchrist Blue Spring |
| Lower Santa Fe | Devil's Ear Spring (OFS) |
| Lower Santa Fe | Siphon Creek Rise |
| Lower Santa Fe | Hornsby Spring (OFS) |
| Lower Santa Fe | July Spring |
| Lower Santa Fe | Poe Spring (OFS) |
| Lower Santa Fe | Rum Island Spring |
| Lower Santa Fe | Santa Fe River Rise |
| Ichetucknee | Ichetucknee Springs Group (OFS) |

(b) Minimum Flows for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs are as forth in Table 1-2 below.

Table 1-2. Minimum Flows for the Lower Santa Fe and Ichetucknee Rivers

| Watercourse  | MFL Compliance Point  | Minimum P50 Flow in cubic feet per second (cfs) |
| --- | --- | --- |
| Lower Santa Fe River and Santa Fe River Rise, Treehouse Spring, Hornsby Spring and Columbia Springs | Lower Santa Fe River at the HWY 441 gage/USGS Gage No. 02321975 | 502 |
| Lower Santa Fe River and Poe Spring, COL101974 Spring, Rum Island Spring, Gilchrist Blue Spring, Devil’s Ear Spring, July Spring and Siphon Creek Rise | Lower Santa Fe River at the Ft. White, FL gage/USGS Gage No. 02322500 | 1,167  |
| Ichetucknee River and Ichetucknee Springs Group | Ichetucknee River at the HWY 27 gage/USGS Gage No. 02322700 | 346 |

(c) The Agencies shall assess the MFL status as defined in section 373.0421, F.S., of the Lower Santa Fe and Ichetucknee Rivers and Priority Springs concurrently with the approval of each Regional Water Supply Plan (RWSP). The assessment shall include a review wherein (1) the current flows at the MFL Compliance Point(s) are compared to current impacts at those points due to water withdrawals and (2) reasonably projected flows at the MFL Compliance Point(s) based on reasonably projected future impacts at those points due to water withdrawals. Based on an analysis of the various stressors on the MFL Compliance Points, including but not limited to rainfall and water withdrawals, if the existing flow or water level in the water body falls below, or is projected within 20 years to fall below, due to water withdrawals at the MFL Compliance Points, the Agencies shall expeditiously review the Implementation Strategy. The agency review shall determine whether the Implementation Strategy is meeting the established 5-year, 10-year, and 15-year targets required by section 373.805, F.S., and the Implementation Strategy shall be updated as necessary to achieve the MFL within 20 years of the effective date of this rule.

(2) Pursuant to Sections 373.0421 and 373.805, F.S., the following regulatory measures are adopted as part of the Implementation Strategy for the Lower Santa Fe and Ichetucknee River. In accordance with Section 373.042(5), F.S., each district shall implement this rule without the district’s adoption by rule. These regulatory measures apply to all consumptive uses of water with withdrawal points within the North Florida Regional Water Supply Partnership (Partnership) area, which includes all of Alachua, Baker, Bradford, Clay, Columbia, Duval, Flagler, Gilchrist, Hamilton, Nassau, Putnam, St. Johns, Suwannee, and Union counties. Unless otherwise stated, these regulatory measures supplement the rules of the Suwannee River Water Management District (SRWMD) and the St. Johns River Water Management District (SJRWMD) for regulating consumptive uses of water in the Partnership area. Notwithstanding, where explicitly stated, these rules supersede specifically identified rules of the Districts regulating the consumptive use of water in the Partnership area.

(3) Allocations of Water

(a) All Authorized Uses shall be considered consistent with the Implementation Strategy and will not be subject to revocation in whole or in part on the basis of this rule where the permittee is in compliance with this rule. Permittees that do not meet the requirements within this rule will be subject to permit revocation in whole or in part. Nothing in this rule shall be construed to alter an Agency’s authority to enforce or modify a permit under circumstances not addressed in this rule.

(b) When necessary to prevent water resource impacts, an annual quantity of water shall be allocated for each year of the permit’s duration based upon the projected need for that year that will not cause unmitigated adverse water resource impacts. For example, a stepped allocation may be provided in conjunction with implementation of an alternative water supply project that will make more water available for use. In such a case, as more water becomes available for use (and is needed) the annual allocation will increase.

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

(a) Requests to irrigate golf course areas, cemeteries, nursery plants, agriculture crops, or landscaped areas, that are part of an artificially created surface water management system that requires an individual or general ERP; or

(b) Requests to dewater associated with a project that requires an individual or general ERP under Chapter 373, F.S.

In all other cases, the Agency can take final agency action on the CUP application without regard for the status of the ERP application. The requirement to submit a complete application for an ERP shall not apply to: requests for a consumptive use of water associated with phosphate mining with an approved reclamation plan pursuant Chapter 378, F.S.; requests for a consumptive use of water associated with an ERP project that qualifies for a general permit under Section 403.814(12), F.S.; or a CUP application that does not meet the conditions for issuance in Rule 62-41.402, F.A.C.

(5) Where a residence is supplied potable water by a public supplier and such water is available for residential irrigation, no general permit by rule shall be authorized for private residential irrigation water use from a Floridan aquifer private well constructed after [*effective date*] within the NFRWSP. An applicant may seek a No-Fee Noticed General Consumptive Use Permit, Form 62-42.300(5), incorporated by reference herein, effective date XXXX, 20XX, and available at [flrules link], or on the Department’s website at [DEP link], from the applicable Agency where the applicant’s in ground irrigation system meets the conditions therein. “Available” means that a point of connection is at or immediately adjacent to the property boundary, and water for the use able to be provided by a public supplier in sufficient volume and frequency to maintain the landscape. The noticed general permit shall have a duration of 10 years and is automatically authorized for the permittee and subsequent owners for the duration of the authorization.

(6) Upon [*effective date*], unless otherwise provided by law, each Permittee shall comply with the Monitoring and Reporting Requirements, adopted and incorporated by reference herein, effective date XXXX, 20XX. Copies of the Monitoring and Reporting Requirements are available at [flrules link], or on the Department’s website at [DEP link]. As referenced in the Monitoring and Reporting Requirements in this paragraph, the following forms are incorporated:

(a) Water Use/Pumpage Report Form (EN-50), Form 62-42.300(6)(a), is hereby incorporated by reference, effective date XXXX, and available at [flrules link] or on the Department’s website at [DEP link].

(b) Annual Statement of Continuing Use, Form 62-42.300(6)(b), is hereby incorporated by reference, effective date XXXX, and available at [flrules link] or on the Department’s website at [DEP link].

(c) Flow Meter Accuracy Report Form (EN-51), Form 62-42.300(6)(c), is hereby incorporated by reference, effective date XXXX, and available at [flrules link] or on the Department’s website at [DEP link].

(d) Alternative Method Flow Verification Report Form, Form 62-42.300(6)(d), is hereby incorporated by reference, effective date XXXX, and available at [flrules link] or on the Department’s website at [DEP link].

(7) Upon [*effective date*], unless otherwise provided by law, each Permittee shall comply with the Water Conservation Requirements, adopted and incorporated by reference herein, effective date XXXX, 20XX. Copies of the Water Conservation Requirements are available at [flrules link], or on the Department’s website at [DEP link]. As referenced in the Water Conservation Requirements in this paragraph, the following forms are incorporated:

(a) Water Audit Form, Form 62-42.300(7)(a), is hereby incorporated by reference, effective date XXXX, and available at [flrules link] or on the Department’s website at [DEP link].

(b) Public Supply Annual Report, Form 62-42.300(7)(b), is hereby incorporated by reference, effective date XXXX, and available at [flrules link] or on the Department’s website at [DEP link].

(c) Water Conservation Five-Year Report, Form 62-42.300(7)(c), is hereby incorporated by reference, effective date XXXX, and available at [flrules link] or on the Department’s website at [DEP link].

(d) Agricultural Water Conservation Measures, Form 62-42.300(7)(d), is hereby incorporated by reference, effective date XXXX, and available at [flrules link] or on the Department’s website at [DEP link].

(e) Water Conservation Plan Effectiveness Report, Form 62-42.300(7)(e), is hereby incorporated by reference, effective date XXXX, and available at [flrules link] or on the Department’s website at [DEP link].

(8) Upon the effective date of this rule, each Permittee shall comply with the Offset Requirements, adopted and incorporated by reference herein, effective date XXXX, 20XX. Copies of the Offset Requirements are available at [flrules link], or on the Department’s website at [DEP link].

(9) The Department delegates to each District the authority to accept and grant, where conditions have been met, applications for extension pursuant to section 373.805(5), F.S.

*Rulemaking Authority 373.026(7), 373.036(1)(d), 373.043, 373.171 FS. Law Implemented 373.023, 373.026, 373.033, 373.036(1)(d), 373.0391, 373.0395, 373.042, 373.046, 373.0831, 373.086, 373.103, 373.106, 373.171, 373.175, 373.185, 373.1961, 373.223, 373.246, 373.250, 373.418, 373.451, 373.453, 373.802, 373.805, 403.0615(3), 403.064, 403.0891 FS., Section 38, Chapter 2002-296, Laws of Florida. History–New 6-10-15, Amended, .*