SUWANNEE RIVER WATER MANAGEMENT DISTRICT

Water Use Permitting Guide

Incorporated by Reference in 40B-2.301, Florida Administrative Code

August 2013

1. Introduction

1.1. Overview of Water Use Permitting Program

The purpose of this Water Use Permitting Guide is to assist in the understanding of the water use permitting process. It establishes the framework for the applicant to meet the conditions for issuance in section 40B-2.301, Florida Administrative Code (FAC), thereby providing a consistent review process.

1.2. Objectives, Organization, Authority and Statutes

Chapter 373, Florida Statutes (FS), authorizes and directs the District to regulate the use of water within its jurisdictional boundaries. The water use regulatory program ensures that water uses permitted are reasonable-beneficial, will not interfere with any presently existing legal uses of water, and are consistent with the public interest, as required by section 373.223, FS. The District has adopted rules for regulating water uses, which are set forth in chapters 40B-1 and 40B-2, FAC, and in this Water Use Permitting Guide.

1.3. Definitions

1. Aesthetic Use - The use of water to augment fountains, waterfalls, and landscape lakes and ponds where such features are entirely ornamental or decorative.

2. Agricultural Use - The use of water for crop production or the growing of farm products including vegetables, pasture, sod, or other cash crops, waste management or watering or washing livestock. It includes soil flooding for pest control or soil preservation, and freeze protection and product washing.

3. Alternative Water Supplies - Saltwater; brackish surface and ground water; surface water captured primarily during wet-weather flows; sources made available through the addition of new storage capacity for surface or ground water; water that has been reclaimed after one or more public supply,

municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; storm water and any other water supply sources that is designated as non-traditional for a water supply planning region in the applicable regional water supply plan.

4. Aquaculture Use - The use of water for the spawning, cultivating, harvesting, or marketing of fin-fish, shellfish, crustaceans, alligators, or other aquatic organisms that have economic value.

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

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

7. Aquifer Storage and Recovery - Projects involving approved Class V injection wells for the injection of fresh water into a groundwater reservoir as a means of storing the water with the intent of later withdrawing (recover) the water stored.

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

9. Augmentation Use - The addition of water to artificially maintain the level of natural or artificial water bodies to either protect habitat for fish and wildlife, or to provide for recreational uses.

10. Average Daily Rate of Withdrawal (ADR) - The volume of water withdrawn during 365 consecutive days divided by 365, expressed in million gallons per day. The total volume may be calculated using historical data or projected based on the best available information.

11. Basin - As used in the context of interbasin transfer, those major river basin areas delineated on Map Series Number

72, published by the Florida Department of Natural Resources, Bureau of Geology, 1975, down to the accounting unit level of recognition. The best information available shall be used to precisely define basin boundaries.

12. Best Available Information – Existing facts, data, documents, studies, obtained from investigations that need not be created, studied or collected.

13. Best Available Technology – The most effective and efficient development and operational techniques that are economically and technically viable to reduce water use.

14. Bottled Water - All water which is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water, as defined in paragraph 500.03(1)(d), FS.

15. Change in ownership - Transfer of title to real property from the permittee to another entity.

16. Cone of Depression – The conical shape created by the potentiometric surface which shows the relationship of drawdown with distance as a result of pumping from one or more wells.

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

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

19. Constant Drawdown - Pumping the source unit to a static level. The term is also used in the context of aquifer performance tests associated with flowing wells.

20. Demand Management - Reducing demand for water through activities which result in improved efficiencies in water use.

21. Desalination - A process to remove dissolved solids from water to meet standards for the proposed use.

22. Dewatering - The removal of ground or surface water to allow construction, excavation, or backfill to be conducted in a dry condition.

23. Direct Withdrawal –The withdrawal of water from a source that reduces the source by a ratio of one unit of water withdrawn to one unit of water in the source.

24. Domestic Use - The use of water for the individual personal household purposes of drinking, bathing, cooking, and sanitation. All other uses shall not be considered domestic.

25. Drawdown - The vertical distance between the potentiometric surface and the surface of the cone of depression.

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

27. Elevation - The height in feet above mean sea level according to the National Geodetic Vertical Datum or North American Vertical Datum (NGVD 1929 or NAVD 1988). It may also be expressed in feet above mean sea level (MSL) as the reference datum.

28. Essential Use - The use of water for fire-fighting purposes, health and medical purposes, and to satisfy Federal, State, or local public health, safety and welfare requirements.

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

30. Existing Legal Use - All uses of water which are exempt under chapter 373, FS, or 40B-2, FAC, or which have a valid chapter 373, Part II, FS, permit.

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

32. Florida-friendly landscape – Quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of Florida-friendly landscape include planting in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components of Florida-friendly landscape include planning and design, soil analysis which may include the use of solid waste compost, practical use of turf, and proper maintenance.

33. Golf Course Use - Water used to irrigate an establishment designed and used for playing golf.

34. Hydroperiod - The range and duration of water levels in a surfacewater body, including wetlands.

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

36. Indirect Withdrawal –The withdrawal of water from a source that reduces the source by a ratio of less than one unit of water withdrawn to one unit of water in the source.

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

38. Landscape Irrigation Use - Outside watering or sprinkling of flora which are not in a commercial nursery or irrigated agricultural crop environment. This use class includes the watering of lawns, shrubs, private gardens, and trees in such

diverse settings as residential landscaping, public or commercial recreation areas, or public and commercial business establishments.

39. Linear Move Irrigation System - A type of self-propelled overhead irrigation system that travels laterally and emits water under low pressure at a distance of three to four feet above the crop at a rate ranging from four to sixteen gallons per minute.

40. Maximum Daily Rate of Withdrawal (MDR) - The volume of water which can be withdrawn during a 24-hour period expressed in million gallons per day.

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

42. Minimum Flows and Levels - The minimum flow for a watercourse or the minimum water level for ground water in an aquifer or the minimum water level for a surfacewater body at which further withdrawals would be significantly harmful to the water resources or ecology of the area. These levels have been established by the District for designated water bodies in chapter 40B-8, FAC.

43. New Water Use – A proposed use, a use for which the permit has expired, or an existing use that has never been permitted and is not exempt under part II, chapter 373, FS. or chapter 40B-2, FAC.

44. Nursery Use - The use of water on-premises on or in which nursery stock is grown, propagated, or held for sale, distribution, or sold or reshipped.

45. Other Outside Uses - The use of water outdoors for the maintenance, cleaning, or washing of structures and mobile equipment including automobiles, and the washing of streets, driveways, sidewalks, and similar areas.

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

47. Potable Water - Water that is suitable for drinking, culinary, and other domestic purposes.

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

49. Power Production Use - The use of water for steam generation, cooling, and replenishment of cooling reservoirs.

50. Project Site – The real property on which the withdrawal facilities are located and the proposed water use will occur. For the purpose of water utility use, the project site is the service area and the real property on which the withdrawal facilities are located.

51. Public Interest - Broad-based interests and concerns that are collectively shared by members of a community, or residents of the District or the State.

52. Public Water Supply - Water treated to drinking water standards for potable purposes.

53. Reasonable-beneficial Use - The use of water in such quantity as is necessary for economic and efficient consumption for a purpose and in a manner which is both reasonable and consistent with the public interest.

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

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

56. Seawater - An aqueous solution with a chloride concentration equal to or greater than 19,000 mg/L.

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

58. Self-Supplied Residential Use - Any water use associated with the maintenance of a private residence.

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

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

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

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

63. Water or Waters in the State - Any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state.

64. Water-Based Recreation Use - Water used for public and private swimming and wading pools including water slides.

This term does not include pools specifically maintained to provide habitat for aquatic life.

65. Water Conservation – The efficient use of water that leads to a reduction of water use.

66. Water Resource Caution Area - A geographic area identified by the District that is projected to have inadequate water resources during the next twenty years.

67. Water Resource Recovery Area – A geographic area identified by the District as having inadequate water resources to meet current demands.

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

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

70. Water Utility Use - Water used for withdrawal, treatment, transmission, and distribution by potable water systems. Water utility uses include community and non-community public water systems as defined in chapter 62-550, Florida Administrative Code.

1.4. Permits Required and Thresholds

The District has established procedures for issuing permits based on the quantity of water requested or the use type. Procedures for processing water use permit applications are set forth in section 40B-1.703, FAC. These procedures include consideration by the Governing Board for individual permit applications and by District staff for general permit applications.

General permit applications are processed pursuant to subsection 40B-1.703(1), FAC, and individual permits are processed pursuant to subsections 40B-1.703(2) and (3), FAC. Specifically, these rules set forth procedures for filing applications, requesting additional

information, public noticing of permit applications, and requesting administrative hearings.

Individual permits must be obtained for water use activities that are not exempt pursuant to section 40B-2.051, FAC, or that do not qualify for a general or minor permit pursuant to section 40B-2.041, FAC.

An applicant must obtain one permit for all withdrawals that are intended to supply a service area or contiguous properties. For example, an agricultural operation that has multiple wells on contiguous parcels of land must apply for one permit.

Applicants with legal control over multiple non-contiguous parcels within the same county may apply for one permit encompassing all such parcels, provided that it is shown that the water use for each parcel is in the same water use classification.

1.5. Minor Water Use Permits by Rule

Minor permits by rule shall be considered as prescribed in 40B-2.041, FAC.

1.6. Exemptions

Exemptions shall be considered as prescribed in 40B-2.051, FAC.

1.7. Temporary Water Use Permits

Requests for temporary water use permits must be submitted to the District in the form of a letter. A water use permit application for the proposed use must be pending with the District. The letter must contain the reason for the request, the amount requested, the proposed use of the water, the source of the water, and the length of time the water is needed. Temporary water use permits shall not be issued as a result of the applicant's failure to properly plan for the need to use water.

Temporary permits issued by the District will expire on the day following the next regular Governing Board meeting, at which

meeting the Governing Board will determine whether the requested water use meets the criteria in subsection 373.223(1), FS, and is necessary prior to final action on the related water use permit application.

At such meeting, the Governing Board may reauthorize the temporary use to expire on the day following the next regular Governing Board meeting.

The Governing Board will terminate a temporary permit if the water use does not meet the criteria in subsection 373.223(1), FS, is causing adverse effects to occur, or is no longer needed.

The issuance of a temporary water use permit under this section, section 40B-2.441, FAC, and section 373.244, FS, does not obligate the District to issue a water use permit pursuant to section 373.223, FS.

1.8. Legal Control Requirements

1.8.1. Legal Control over Project Site

The Applicant must provide reasonable assurance of its ability to operate and maintain the withdrawal and/or diversion facilities for the duration of the permit in accordance with the permit terms and conditions. If the Applicant is a governmental entity with eminent domain authority, demonstration of its intent to condemn the property where the withdrawal and/or diversion facilities are located shall be sufficient reasonable assurance of its ability to operate and maintain the withdrawal and/or diversion facilities. The District shall condition such permits upon the governmental entity's exercise of its eminent domain authority. The requirements of this section shall not apply to proposed water uses reviewed in accordance with 40B-2.025(2), F.A.C., under the Florida Power Plant Siting Act.

1.8.2. Legal Control over Withdrawal and Diversion Facilities

All applicants for general or individual permits proposing to lease the lands on which the proposed water use will occur must maintain legal control to access and maintain the withdrawal and diversion

facilities through the conditions of the lease as necessary to ensure permit compliance.

2. Application Process

2.1. Overview

The Water Use Permitting Guide is incorporated by reference into chapter 40B-2, FAC. The Water Use Permitting Guide must be read in conjunction with section 120.60, FS, and chapters 40B-1 and 40B-2, FAC, as applicable. All criteria in the Water Use Permitting Guide apply to processing general and individual permit applications. Copies of these statutes and rules are available online at www.mysuwanneeriver.com, or at District headquarters.

2.1.1 Application Review Process

The District has established procedures for issuing permits based on the quantity of water requested or the use class. Procedures for processing water use permit applications are set forth in section 40B-1.703, FAC. These procedures include consideration by the Governing Board for individual permit applications and by District staff for general permit applications.

General permit applications are processed pursuant to subsection 40B-1.703(1), FAC, and individual permits are processed pursuant to subsections 40B-1.703(2) and (3), FAC. Specifically, these rules set forth procedures for filing applications, requesting additional information, public noticing of permit applications, and requesting administrative hearings.

Individual permits must be obtained for water use activities that are not exempt pursuant to section 40B-2.051, FAC, or that do not qualify for a general or minor permit.

An applicant must obtain one permit for all withdrawals that are intended to supply a service area or contiguous properties. For example, an agricultural operation that has multiple wells on contiguous parcels of land must apply for one permit.

Applicants with legal control over multiple non-contiguous parcels within the same county may apply for one permit encompassing all such parcels, provided that it is shown that the water use for each parcel is in the same water use classification.

Many large-scale or long-term projects are developed in phases. The District encourages planning for long-term water needs in order to compare the projected demands of the project with water resource availability in a region.

Applicants for projects that are developed in phases should consider their water needs for all phases of the proposed project. However, the District evaluates permit applications based on the demonstrated need for water of the project only through the recommended duration of the permit. Therefore, applicants should focus their water use projections for the term of the permit and only for those phases of the project reasonably expected to use water under the permit during or prior to permit expiration.

As additional phases are projected to be constructed, the existing water use permit can be modified to reflect the increasing demand associated with the new phase or phases pursuant to the criteria applicable at the time of the modification. The permittee cannot rely on receiving permit authorization for unpermitted phases of a project due to issuance of a water use permit for a portion of the phased project.

2.2. Pre-application Meetings

Pre-application meetings are encouraged. The purpose of a pre-application meeting is to identify issues that need to be addressed in detail. Pre-application meetings assist the applicant to submit a complete application. Information provided during a pre-application meeting is considered preliminary and not part of the formal application process.

2.3. Fees

Fees for processing water use permit applications are as prescribed in 40B-1.706, FAC.

2.4. Submittal of Application

All permit application materials, notices, and verifications of exemption must be submitted to the District's headquarter's in Live Oak, Florida in paper form. Applications shall be considered received by the District on the date submitted before 5:00 p.m., Monday through Friday, excluding designated District holidays. Electronic copies of application materials may also be submitted on a compact disk, digital video disk or other electronic media in addition to the required paper copies.

2.5. Processing Timeframes

The completed permit application shall be processed within the prescribed timeframes as set forth in 40B-1.703, FAC.

2.6. Noticing Requirements: Receipt and Intended Agency Action

Noticing of individual applications shall occur as prescribed in 40B-1.703(2)(b), FAC.

Upon request, the District shall furnish copies of permit application materials to the person making the request. Payment for copying charges may be required.

2.7. Consolidated Action on Water Use and Water Well Permit Applications

In the event the proposed water use is associated with a project that requires a water well permit under chapter 373, Part III, F.S., and District rules, the water well application will be deemed part of the water use application and processed as one application under the WUP procedures.

2.8. Certification of Documents

Any supporting information or calculations required to be prepared by a professional regulated under Florida law shall bear the certification of such professional.

2.9. Staff Review and Requests for Additional Information

Proposed water uses for general and individual permits must meet the conditions for issuance of permits pursuant to section 40B-2.301, FAC.

All applications shall be processed as proposed water uses, including existing unpermitted uses of water and uses previously authorized by a permit that has expired.

An application for a permit modification for an increased allocation will be processed as a proposed water use for the quantity of the increased allocation requested.

Prior construction of or the physical existence of withdrawal facilities will not be considered in approving or denying an application for a permit.

Pursuant to section 40B-1.703, FAC, the District shall require the applicant to submit additional information if the application is incomplete. The need for additional information will be based, in part, on the amount of the proposed withdrawal, characteristics of the requested water source in the region, potential for environmental harm, potential for interference with existing legal uses, and feasibility of providing data.

3. Criteria for Evaluation

Section 373.223, FS, provides a three-pronged test for evaluating each proposed water use. The use (1) must be reasonable-beneficial, (2) must not interfere with any existing legal use of water, and (3) must be consistent with the public interest. Reasonable assurances that the proposed water use from both an individual and cumulative basis meets this three-pronged test must be provided by the applicant in order to obtain a water use permit.

This part provides technical guidelines for determining whether a water use meets the conditions for issuance set forth in section 40B-2.301, FAC. If the criteria described in this part are not met, applicants may consider reducing the requested withdrawal quantities, proposing a pumping rotation schedule or mitigation, changing the withdrawal source, or other means to bring the proposed use into compliance with the technical criteria.

3.1. Sources of Water

District permits are required for all non-exempt existing and proposed uses of fresh and saline water sources. Sources are classified as surface water, ground water, or alternative water supplies, all of which may be further identified with the name of the water body and/or aquifer. If a source is not reliable throughout the year, the applicant may request withdrawal quantities from secondary and standby sources of water, which may be used when the primary source is limited. The permit will identify the secondary and standby sources and the conditions under or time periods during which they may be needed or used.

The applicant must consider the availability of the lowest quality water which is acceptable for the intended use. If a water source of lower quality is available and is technologically and economically feasible for all or a portion of an applicant's proposed use, this lower quality water must be used. Such lower quality water may be in the form of reclaimed water, recycled irrigation return flow, storm water, saline water, or other source.

3.1.1. Alternative Water Supply Feasibility Determination

The encouragement and promotion of water conservation and use of alternative water supplies are state objectives and considered to be in the public interest, pursuant to section 373.1961, FS. Permit applicants shall evaluate the feasibility of using alternative water supplies to meet all or a portion of their needs, as follows:

(a) Water Resource Recovery Areas. For projects located either wholly or in part within water resource recovery areas, the District shall presume that the use of alternative water supplies is feasible and must be implemented consistent with 3.2. Applicants shall coordinate with the District to identify alternative water supplies.

(b) Water Resource Caution Areas: For projects located either wholly or in part within water resource caution areas, the applicant shall provide a feasibility assessment for alternative water supplies. The following criteria will be used to demonstrate feasibility:

1. Environmental Feasibility: The use of an alternative water supply is considered environmentally feasible if the source is permitted or permittable under chapter 373 or chapter 403, FS.

2. Technical Feasibility: The use of an alternative water supply is considered technically feasible if an uncommitted, adequate supply of alternative water supply is available at the site of the proposed use to meet all or part of the applicant's water needs. Determination of technical feasibility will be based on the following:

   a. An uncommitted supply of alternative water supply means the average amount of alternative water produced during the three lowest-flow months minus the amount of alternative water that the provider is contractually obligated to provide to another user.

   b. In the event the uncommitted supply of alternative water is not adequate to meet the project's demands, the applicant may request a partial allocation of water from a traditional

source. However, such partial allocation will not exceed the amount necessary to compensate for the shortfall in uncommitted water supply, considering total project demands calculated pursuant to this Guide.

c. Available at the project site means that the supplier has initially provided the distribution facilities to the project boundary. In the event distribution lines are not provided at the project boundary, the applicant must provide an assessment of extending the lines as part of the economic feasibility analysis.

3. Economic Feasibility: If the applicant asserts that the use of an alternative water supply is not economically feasible, the applicant must provide the District with an assessment of the economic feasibility. The applicant's economic feasibility analysis must include all of the following:

a. Capital and operation and maintenance costs.

b. Adjustment in the fees and rates charged by the applicant to account for the increased costs associated with using a alternative water supply; and

c. Design life of the alternative water supply system as compared with the time required to recover the capital cost.

(c) For Projects Not Located in a Water Resource Recovery Area or Water Resource Caution Area

The applicant shall provide a feasibility assessment for alternative water supplies. The following criteria will be used to demonstrate feasibility:

1. Environmental Feasibility: The use of an alternative water supply is considered environmentally feasible if the source is permitted or permittable under chapter 373 or chapter 403, FS.

2. Technical Feasibility: The use of an alternative water supply is considered technically feasible if an uncommitted, adequate supply of alternative water is available at the site of the proposed use to meet all or part of the applicant's water needs. Determination of technical feasibility will be based on the following:

   a. An uncommitted supply of alternative water means the average amount of alternative water produced during the three lowest-flow months minus the amount of alternative water that the provider is contractually obligated to provide to another user.

   b. In the event the uncommitted supply of alternative water is not adequate to meet the project's demands, the applicant may request a partial allocation of water from a traditional source. However, such partial allocation will not exceed the amount necessary to compensate for the shortfall in uncommitted water supply, considering total project demands calculated pursuant to this Guide.

   c. Available at the project site means that the supplier has initially provided the distribution facilities to the project boundary. In the event distribution lines are not provided at the project boundary, the applicant must provide an assessment of extending the lines as part of the economic feasibility analysis.

3. Economic Feasibility: If the applicant asserts that the use of an alternative water supply is not economically feasible, the applicant must provide the District with an assessment of the economic feasibility. The applicant's economic feasibility analysis must include all of the following:

   a. Capital and operation and maintenance costs.

b. Adjustment in the fees and rates charged by the applicant to account for the increased costs associated with using an alternative water supply; and

c. Design life of the alternative water supply system as compared with the time required to recover the capital cost.

3.1.1.1. Implementation of Reclaimed Water Availability Documentation

Applicants for withdrawals to be located within an area depicted by the District on its website as an area that is or may be served with reclaimed water by a reuse utility within five years from the date of application shall provide written documentation from the applicable reuse utility addressing the availability of reclaimed water. The applicant shall request the reuse utility to provide a letter stating that reclaimed service is not available or, the following information:

1) Whether a reclaimed water distribution line is at the applicant's property boundary. If not, provide the following:

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

b) The date the reuse utility anticipates bringing the connection to the applicant's property boundary.

2) If reclaimed water is available at the property boundary:

a) The peak, minimum and annual average daily quantity in million gallons per day of reclaimed water supply available from the nearest potential connection point, as well as expected average monthly quantities.

b) The reliability of the potential reclaimed water supply (i.e., on-demand 24/7, or bulk-interruptible diurnal or seasonal, length of supply agreement, or other basis).
c) The typical operating pressures at which the reuse utility will provide reclaimed water at the nearest connection point to the applicant's property, including any typical seasonal or other fluctuations in the operating pressure.

3) All costs associated with the applicant's use of reclaimed water:

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

b) Other one-time charges for the connection to the reuse.

c) Whether the reuse utility helps fund potential reclaimed customers' costs to connect to the reclaimed line or convert its operation to use reclaimed water. The reclaimed water availability charges the reuse utility would charge the applicant in lieu of connection to the reclaimed system.

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

5) Any additional information the reuse utility feels should be considered by the applicant in performing its technical or economic feasibility evaluation.

If the applicable reuse utility fails to respond or does not provide the information within 30 days after receipt of the applicant's request, that applicant shall provide to the district a copy of the applicant's written request and a statement that the utility failed to provide the requested information. If the reuse utility provides a partial response, the applicant shall also provide that to the district.

3.1.2. Data Collection, Evaluation, and Modeling

Applicants shall provide reasonable assurance of satisfying conditions for issuance of permits through data collection, evaluation, and modeling except when the District possesses sufficient information to enable it to evaluate the application. Data collection may involve the compilation of existing data and/or collection of new data.

Models are predictive tools used to assess the harm to water resources. Models are one component in the application evaluation process. The scale of the model must be appropriate for the quantity of withdrawal and proximity to water resources. All submitted models must be documented and include calibration results.

The District shall evaluate applications for individual and cumulative impacts to the adopted minimum flows and levels (MFLs), as set forth in chapter 40B-8, FAC, by using its regional model. The District model is available upon request. District staff does not provide detailed guidance or training to applicants on the regional model. Applicants may propose alternative models for MFL evaluations.

The results of data collection, evaluation, and models that are submitted to support the requested allocation must provide reasonable assurance to satisfy the conditions for issuance. Should the applicant disagree with the allocation recommended by District staff, the applicant may conduct an independent evaluation. An evaluation may involve collection and interpretation of field data, analysis of impacts, movement of the saline water interface, migration of pollution plumes, and additional modeling.

3.1.3. Evaluation of Impacts to Wetlands and Surface Waters

This section establishes the standards and thresholds for protection of wetlands and other surface waters from harm pursuant to the condition for permit issuance in paragraph 40B-2.301(2)(j), FAC. The standards and thresholds shall apply to all water uses regulated by the District.

This section requires assessment of whether the projected impacts of a proposed water use constitute harm. If the assessment shows that a water use is likely to cause or contribute to harm, then the applicant must comply with the elimination or reduction of harm provisions in section 3.1.8 and, if necessary, the mitigation requirements of section 3.1.9.

Impacts to wetlands and surfacewater bodies whether or not associated with wetland enhancement, restoration, creation, preservation or other mitigation permitted pursuant to Part IV of chapter 373, FS, or other wetland regulatory program implemented by a local, regional, or federal governmental entity, shall be considered under this section.

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

In the evaluation of the impacts from proposed withdrawals on adopted minimum flows and levels for surface and ground waters within chapter 40B-8, FAC, the best available information including the technical documents developed or adopted by the District in support of the minimum flows and levels, will be used.

3.1.4. Wetlands and Other Surface Waters

(a) Delineation. Wetlands and other surface waters within the area of influence of a water use, delineated pursuant to sections 62-340.100 through 62-340.600, FAC, as ratified by section 373.4211, FS, are subject to this section, except as provided in section (b) below.

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

In determining the location of wetlands and surface waters, the applicant may use staff reports of previously issued Environmental Resource and Surface Water Management permits for the site and adjacent sites, National Wetland Inventory (NWI) Maps, Land Use/Land Cover maps, Natural Resource Conservation Service soils maps, formal wetland determinations conducted by the District, and wetland maps produced by local governments. District staff may inspect the site to confirm the location and delineation of wetlands and surface waters, and other site-specific information. In the event that access to offsite wetlands or surface waters is denied by the property owner, the District and the applicant shall agree on a method of establishing the locations and delineations of the offsite wetlands or surface waters.

(b) Exclusions. Harm to the following wetlands and surface waters shall not require elimination or reduction of harm or, if necessary, mitigation, under this section:

1. Wetlands or surface waters which have been authorized to be impacted under an Environmental Resource Permit or designated in chapter 403, FS.

2. Artificial water bodies including borrow pits, mining pits, canals, ditches, lakes, ponds, and water management systems, not part of a permitted wetland creation, preservation, restoration or enhancement program. However, impacts to the design functions of water management systems shall be considered under section 3.1.14., Existing Offsite Land Uses.

3. Wetlands or surface waters to the extent impacts have been specifically authorized or mitigated pursuant to section 3.1.9., in a water use permit, unless the applicant is proposing additional impacts.

3.1.5. Permit Application Submittals

The applicant shall submit the following information, if requested by the District:

(a) For purposes of determining whether the wetland or surface water is excluded under section 3.1.4(b) above, the applicant shall provide documentation supporting the reason for exclusion under section 3.1.4(b), including a scaled map and recent aerial photograph marked with the wetland or surfacewater location. If it is demonstrated that the wetland or surface water is excluded under section 3.1.4(b), no additional information will be required under this section.

(b) For wetlands or surface waters that are not excluded under section 3.1.4(b) above, the applicant shall provide

1. scaled maps and recent aerial photographs that identify:

a. The area of influence of the water use;

b. In accordance with section 3.1.4(a), the locations of all wetlands and surface waters that occur within the area of influence of the water use, including wetlands and surface waters located outside the applicant's property boundaries; and

c. The locations of existing and proposed withdrawal facilities.

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

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

4. Information regarding site-specific considerations required to be submitted pursuant to section 3.1.7 below.

5. Where there is potential for harm, information necessary to determine the extent of elimination or reduction of harm pursuant to section 3.1.8 and mitigation required under section 3.1.9, including an assessment of the use of the wetlands and surface waters by listed species.

6. A monitoring plan to assess the effects of the water use, if requested. A monitoring plan shall be required to provide continued verification that no harm is occurring as a result of the water use.

(c) If the applicant asserts that the exclusions in section 3.1.4(b) apply to wetlands or surface waters within the area of influence of the proposed water use, the applicant must provide sufficient information supporting this assertion.

3.1.6. No-Harm Standards and Thresholds

To demonstrate that no harm will occur to wetlands and surface waters, reasonable assurances must be provided by the applicant that the standards below are satisfied.

Performance Standards for Wetlands

(a) Withdrawals must not cause or contribute to a change in wet season water levels from their normal range.
(b) Withdrawals must not cause or contribute to a change in wetland hydroperiods from their normal range and duration to the extent that wetland plant species composition and community zonation are adversely impacted.
(c) Wetland habitat functions, such as providing cover, breeding, and feeding areas for obligate and facultative wetland animals must be temporally and spatially maintained and not adversely impacted as a result of withdrawals.
(d) Withdrawals must not cause or contribute to habitat alteration for threatened or endangered species to the extent that use by these species is impaired.

Performance Standards for Estuaries, Rivers, Streams, and their Tributaries

(a) Withdrawals must not cause or contribute to a change in flow rates from the normal rate and range of fluctuation to the extent that water quality, vegetation, and animal populations and their habitat are adversely impacted.
(b) Withdrawals must not cause or contribute to a change in temporal and spatial distribution of flows to downstream waterbodies to the extent that the water resources are adversely impacted.
(c) Withdrawals must not cause or contribute to a reduction in flow rates from the existing level of flow to the extent that salinity distributions in tidal streams and estuaries are altered resulting in adverse impacts to water quality, vegetation, and animal populations and their habitat.
(d) Withdrawals must not cause or contribute to a change in flow rates from the normal rate and range of fluctuation to the extent that recreational use or aesthetic qualities of the water resource are adversely impacted.

Performance Standards for Lakes

Withdrawals must not cause or contribute to a change in water levels from the normal rate and range of fluctuation, to the extent that:
(a) Water quality, vegetation, or animal populations and their habitat are adversely impacted;
(b) Flows to downgradient watercourses are adversely impacted;
(c) Recreational use or aesthetic qualities of the water resource are adversely impacted.

Performance Standards for Springs

Withdrawals must not cause or contribute to a change in water levels or flows from the normal rate and range of fluctuation, to the extent that:
(a) Water quality, vegetation, or animal populations and their habitat are adversely impacted;
(b) Flows to downgradient watercourses are adversely impacted;
(c) Recreational use or aesthetic qualities of the water resource are adversely impacted;
(d) Frequency and/or duration of surfacewater flow back into the spring exceeds historical conditions.

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

In evaluating the applicant's water use, the District shall consider the extent of hydrologic alterations to wetlands and other surface waters caused by the applicant's water use based upon analytical or numerical modeling, or monitoring data, as required by this section.

The determination of harm shall consider the temporary nature of water use drawdowns and the seasonal application of certain water uses in assessing whether the hydrologic alteration is constant or recovers seasonally.

3.1.7. Site-Specific Considerations

Site-specific information shall be submitted by the applicant for determining whether the performance standards are met. The applicant shall provide site-specific information on the local hydrology, geology, actual water use, or unique seasonality of water use, including, but not limited to:

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

(b) Information required to assess the potential for harm to wetlands and surface waters, such as the condition, size, depth, uniqueness, location, and fish and wildlife use, including listed species, of the wetland or surface water.

If the applicant asserts that actual water use has not caused harm to wetlands or surface waters, site-specific information on the condition of the wetlands or surface waters must be provided in conjunction with pumpage records or other relevant evidence of actual water use to substantiate the assertion. Applicable monitoring data as described in section 3.4 shall also be submitted, if available.

3.1.8. Elimination or Reduction of Harm

The applicant shall modify the project design or proposed water use, to the extent practicable, to eliminate or reduce harm to protected wetlands and surface waters if the District determines that harm will occur.

Modifications to the project or water use include, but are not limited to, developing alternative water supply sources, modification of pumping, relocation of withdrawal facilities, implementation of water conservation measures, and creation of hydrologic barriers.

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

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

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

(c) If a permit renewal, the considerations in section 3.1.10.

3.1.9. Mitigation of Harm

When the District determines that elimination or reduction of harm is not practicable, the District shall consider proposals for mitigation. Mitigation is required to offset the harm to the functions of wetlands and surface waters caused by the water use.

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

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

The District shall assess the condition of the wetland or surface water as it exists at the time of the application submittal when determining mitigation requirements. This assessment shall be conducted in accordance with chapter 62-345, FAC.

If a permit renewal, mitigation requirements shall also be based on the provisions in section 3.1.10.

3.1.9.1. Mitigation Requirements

(a) Mitigation to offset the proposed harm shall be provided within the same watershed or recharge area as the proposed harm, unless the applicant demonstrates that mitigation proposed outside of the watershed or recharge area can fully offset the harm. Watershed and recharge area boundaries shall be based on best available.

(b) In determining whether mitigation proposed outside of the watershed or recharge area fully offsets the harm, consideration shall be given to the effect on the values of the remaining wetland and surfacewater functions within the watershed or recharge area.

3.1.10. Consideration of Elimination or Reduction and Mitigation of Harm for Water Use Permit Renewals

In addition to the considerations in section 3.1.8., the determination of whether elimination or reduction and mitigation will be required for impacts to wetlands or surface waters not identified or expressly authorized to be impacted by the previous water use permit, shall be made considering the following:

(a) The existing wetland and surfacewater functions;

(b) The degree to which the wetland or surfacewater functions are reasonably expected to recover if the withdrawal is reduced or eliminated;

(c) The projected impacts on the existing functions of the wetlands or surface waters from continuing the water use;

(d) Whether the wetland or surface water is connected by standing or flowing surface water to, or is part of an Outstanding Florida Water, established minimum flows and levels waterbodies, Aquatic Preserve, state park, or other publicly owned conservation land with significant ecological value; and

(e) Whether the wetland or surface water is used for resting, nesting, breeding, feeding or denning by listed species as part of the fish and wildlife use considerations in (a), (b), and (c) above, will be given consideration.

(f) Whether the impacts are caused or contributed to as a result of modifications to an applicant's use required by another governmental body.

3.1.11. Pollution of the Water Resources

A water use permit application shall be denied if the withdrawals would cause degradation of surface or groundwater quality through the induced movement of pollutants into a water source to the extent that sources are rendered unusable for reasonable-beneficial uses of water or pollutants interfere with an existing legal use.

The District shall not consider water quality impacts from wastewater discharges permitted by the Florida Department of Environmental Protection.

3.1.12. Existing Offsite Land Uses

The permit application shall be denied based on inconsistency with the public interest if the proposed withdrawals of water would cause an unmitigated adverse impact on an adjacent land use existing at the time of the permit application. This section does not establish a property right in water, but prohibits harm from withdrawals to land uses that are dependent on water being on or under the land surface, based on the considerations set forth below. If unanticipated adverse impacts occur, the District shall revoke the permit in whole or in part to curtail or abate the adverse impacts, unless the impacts can be mitigated by the permittee.

Adverse impacts include, but are not limited to:

(a) Reduction in water levels or water quality in an adjacent surfacewater body such as lakes, impoundments, springs, streams, wetlands, or other water bodies that impairs the water body;

(b) Land collapse or subsidence caused by a reduction in water levels;

(c) Damage to crops and other types of vegetation, including wetlands and other surface waters; and

(d) Damage to the habitat of endangered or threatened species.

An applicant for a new water use permit must provide reasonable assurances that the proposed withdrawal of water will not cause an unmitigated adverse impact on an adjacent land use existing at the time of the permit application.

An applicant for renewal of a water use permit must provide reasonable assurances that the continued withdrawal of water will not cause an unmitigated adverse impact on an adjacent land use existing at the time of the permit application. In determining whether the continued withdrawal will cause an unmitigated adverse impact

on an adjacent land use, the District shall consider the impact evaluation made during the most recent previous permit cycle.

An applicant proposing to modify a water use must provide reasonable assurances that the proposed withdrawal of water will not cause an unmitigated adverse impact on an adjacent land use existing at the time of the permit application. In determining whether the modified withdrawal will cause an unmitigated adverse impact on an adjacent land use, the District shall consider only the proposed modification.

3.1.13. Interference with Existing Legal Uses

Presently existing legal uses at the time of application are protected from interference by proposed uses of water. Existing legal uses are all uses of water which are exempt under chapter 373, FS, or 40B-2, FAC, or which have a valid chapter 373, Part II, FS, permit. Pursuant to paragraph 373.223(1)(b), FS, the applicant must provide reasonable assurance that it will not interfere with any presently existing legal use of water. Interference is considered to occur when the requested use would impair the withdrawal capability of an existing legal use to a degree that the existing use would require modification or replacement of the withdrawal facilities.

An applicant for a new water use must provide reasonable assurances that the proposed withdrawal of water, together with other exempt or permitted withdrawals within the cone of influence of the proposed withdrawal, will not result in interference with existing legal uses.

An applicant for renewal of a water use must provide reasonable assurances that the continued withdrawal of water, together with other exempt or permitted withdrawals within the cone of influence of the continued withdrawal, will not result in interference with existing legal uses. In determining whether the continued withdrawal will interfere with existing legal uses, the District shall consider the interference evaluation made during the most recent previous permit cycle.

An applicant proposing to modify a water use must provide reasonable assurances that the proposed withdrawal of water, together with other exempt or permitted withdrawals within the cone

of influence of the modified withdrawal, will not result in interference with existing legal uses. In determining whether the modified withdrawal will interfere with existing legal uses, the District shall consider only the proposed modification.

If the permit applicant cannot provide reasonable assurance that a proposed withdrawal will not interfere with existing legal uses, the applicant must submit a mitigation plan for District approval. The plan shall identify actions to mitigate for interference and may require a permit modification under section 40B-2.331, FAC. Mitigation may include, but shall not be limited to, pumpage reduction, replacement of the impacted user's equipment, relocation of wells, change in withdrawal source, or other means.

The permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with the approved mitigation plan. The mitigation plan will either require a permittee to mitigate immediately or at the time of the actual interference. The determination of when mitigation is required is based upon the likelihood that the interference is projected to occur.

3.1.14. Otherwise Harmful

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

3.1.15. Minimum Flows and Levels

Applications for water uses that propose to directly or indirectly withdraw or divert water from water bodies for which minimum flows and levels (MFLs) have been adopted in chapter 40B-8, FAC, must meet the criteria in this section in addition to all other conditions for permit issuance. Applications that meet the criteria contained in this section will be deemed to comply with the requirement for issuance in paragraph 40B-2.301(2)(h), FAC. Where the District has adopted a prevention or recovery strategy for the proposed source of water as part of a regional water supply plan, water use permit applications must be consistent with the District's prevention or recovery strategy as specified in this section.

3.1.15.1. Evaluation of Permit Applications to Withdraw or Divert Water from MFL Water Bodies

(a) Permit Renewals - The District shall evaluate permit applications using the District's regional model, as referenced in section 3.1.2. Applications shall be deemed to be in compliance with this section upon determination by the District that the water resource impacts from the proposed use will not be greater than the impacts under the existing permit.

(b) New or Modified Permits - The District shall evaluate permit applications using either the District's regional model or the applicant's model, as referenced in section 3.1.2. Applications shall be deemed to be in compliance with this section upon determination by the District that there will be no significant harm caused by the proposed water use.

3.1.15.2. Evaluation of Permit Applications to Withdraw or Divert Water from MFL Water Bodies Subject to a Prevention Strategy

(a) Permit Renewals - A request for renewal of an existing permitted use that directly or indirectly withdraws or diverts water from a MFL water body is deemed to meet the requirements of this section if the water resource impacts from the proposed use will not be greater than the impacts under the existing permit.

(b) New or Modified Permits – A request for a new use or increased allocation that directly or indirectly withdraws or diverts water from a MFL water body is deemed to meet the requirements of this section if the request is consistent with any applicable prevention strategy adopted by the District as part of a regional water supply plan.

3.2. Applications within a Water Resource Recovery Area

If the District requires implementation of a recovery strategy, it will be adopted within chapter 40B-80, FAC. The District shall apply the criteria below if there is no adopted recovery strategy. If a recovery

strategy has been adopted, the District shall consider the criteria below in conjunction with the adopted recovery strategy.

(a) Permit Renewals - A request for renewal of an existing permitted use that directly or indirectly withdraws or diverts water from a MFL water body is deemed to meet the requirements of this section provided: (1) the impact of the withdrawal of water will be mitigated through the applicant's participation in the District's implementation of a recovery strategy; and (2) the impacts from the proposed use will not be greater than the impacts under the existing permit.

(b) New or Modified Permits – Direct Withdrawals. A request for a new use or increased allocation that directly withdraws or diverts water from a MFL water body is deemed to meet the requirements of this section provided:

1. Sufficient additional water has been made available for the new or increased allocation through the implementation of the recovery strategy. Water made available for new or increased uses as a result of a recovery strategy will be allocated based on the conditions for issuance in chapter 40B-2, FAC, and this Guide; or

2. The request incorporates a District-approved alternative measure or source which will prevent additional impacts to the MFL water body from occurring as a result of the new or increased portion of the requested allocation. The permit conditions shall require the District-approved alternative measure or source to be operating or otherwise available concurrently with the new or increased use.

(c) New or Modified Permits – Indirect Withdrawals. A request for a new use or increased allocation that indirectly withdraws or diverts water from a MFL water body is deemed to meet the requirements of this section provided the new or increased use is consistent with any applicable recovery strategy adopted by the District as part of a regional water supply plan.

3.2.1. Net Benefit

In lieu of using alternative supplies within a water resource recovery area, an applicant may propose to implement a net benefit strategy. The applicant shall provide reasonable assurance that water conservation requirements of this Guide and Chapter 40B-2, FAC, have been satisfied prior to implementation of a net benefit strategy.

The applicant shall provide reasonable assurance that implementation of a net benefit strategy will mitigate the predicted impacts by one or more of the options listed below. In order to provide a net benefit, the strategies proposed by the applicant must offset the predicted impact of the proposed withdrawal and also provide an additional positive effect on the water body equal to or exceeding ten percent (10%) of the predicted impact.

Three forms of net benefit may be considered: 1) mitigation plus recovery, 2) use of quantities created by District water resource development projects, and 3) Ground Water Replacement Credits, as described below.

(a) Mitigation Plus Recovery-Mitigation plus recovery involves one or more of the following:

1. Permanently retiring permitted allocations within the recovery area that impact the same Minimum Flow and Level water body. Permitted allocations are those permitted quantities of water that have a valid unexpired permit from the District; or
2. Recharging the aquifer and withdrawing water such that there remains a net positive impact on the MFL within the recovery area at least ten percent (10%) greater than the impact of the proposed withdrawal; or
3. Undertaking other strategies to offset the proposed impact of the withdrawal plus ten percent (10%).

Implementation of one or more mitigation plus recovery strategies must either precede or coincide with initiation of any new or renewed permitted withdrawals.

(b) Use of Quantities Created by District Water Resource Development Projects as a Net Benefit.

The District anticipates that its water resource development projects may result in the development of new quantities above and beyond the quantities needed to achieve recovery. All or a portion of these new quantities that are not reserved or otherwise designated for recovery will be made available to permit applicants to be used as a net benefit to offset proposed withdrawals.

When applying for quantities made available through a District water resource development project as a net benefit, the applicant must demonstrate:

a. The proposed withdrawal affects the same recovery water source associated with the water resource development project;

b. The quantity developed in excess of the quantity reserved or otherwise designated for recovery has been determined; and

c. The proposed net benefit quantities will not interfere with quantities reserved or otherwise designated by the District for water resource development.

(c) Water Source Replacement Credit

To reduce groundwater or surfacewater withdrawals, a Water Source Replacement Credit is an incentive for water users to provide other water users with alternative supplies. The owner of a Water Source Replacement Credit can use the Credits to provide a net benefit in order to withdraw new quantities.

The process to obtain a Water Source Replacement Credit is set forth below:

1. A Water Source Replacement Credit is created when an entity (Supplier) provides an alternative supply, not previously delivered, to another user to offset groundwater or surfacewater withdrawals of an existing permit allocation (Receiver) that impacts a Minimum Flow or Level water body. A Water Source

Replacement Credit will be available to either the Supplier or the Receiver, or both.

2. A Water Source Replacement Credit will be issued for no more than ninety percent (90%) of the amount that is offset.
3. The Supplier and Receiver shall apply to the District for the credit and indicate to the District which entity willreceive the credit, or whether the credit quantity will be divided between them or assigned to a third party.
4. The District will set aside the source quantities that are discontinued as a result of the offset by alternative supplies in a standby permit that will be issued to the Receiver to allow withdrawal of all or a portion of such quantities in the event that the alternative supply is temporarily interrupted, becomes unsuitable or is decreased, unless and until a permit modification is obtained.
5. The Water Source Replacement Credit will exist for only so long as the Receiver maintains its use of the alternative supplies. The Credit will remain available if the Receiver transfers the standby permit to a new owner at the same site who continues the same water use with the alternative supplies.
6. Only withdrawals that meet the permitting criteria of Chapter 40B-2, FAC, and this Guide, including Minimum Flows and Levels criteria, may be made pursuant to a Water Source Replacement Credit.
7. Reclaimed water suppliers shall not be eligible for a Water Source Replacement Credit when they redirect reclaimed water from existing reclaimed water users to other reclaimed water users and such redirection causes an existing reclaimed water user to reinstate permitted standby groundwater withdrawals, unless the reclaimed water provider can demonstrate that the cumulative effect of such redirection will be a greater reduction in groundwater withdrawals and will contribute more to the recovery of MFL water bodies than would otherwise occur absent of the redirection.

3.2.2. Reasonable Demand

The proposed withdrawal of water must be supported by the information specified in section 3.0, demonstrating that the withdrawal quantities are necessary to supply a specified reasonable need or demand. Only that portion of the requested demand that is supported by adequate documentation will be recommended for approval for the permit duration.

3.3. Conditions by Specific Use Class

(a) Demonstration of Need

Under section 373.223, FS, in order to receive a general or individual permit, an applicant must demonstrate that the proposed water use is a reasonable-beneficial use of water. As part of the demonstration that a water use is reasonable-beneficial, the applicant must show demand for the water in the requested amount. This section describes the factors involved in determining whether there is demand and the appropriate permit allocation for a proposed water use.

Demonstration of need requires the applicant to have legal control over the project site, facilities, and for potable water supply, the proposed service area, as required in sections 1.8.1. and 1.8.2. Demonstration of demand is evaluated based on the specific water use classification conditions set forth in sections 3.3.1. through 3.3.3.6.

(b) Withdrawal Quantities Assigned by Wells and Sources

The allocation permitted to serve the applicant's need for water must be based on the demonstrated demand. Sections 3.3.1. through 3.3.3.6. identify the components of demand that must be identified by applicants for general and individual permits for each water use type.

Applicants for general and individual permits must identify the quantities needed for each component of demand in order to justify the quantities requested in the permit application. Applicants must request quantities in gallons per day for each component of demand according to the designations listed below. The District will evaluate the quantities requested and specify the quantity allocated in gallons

in each permit. The resulting allocation shall include but not be limited to one or more of the following designations:

1. Annual (million gallons [MG])
2. Maximum Daily (MG)
3. Average Daily (MG)

If the use of water is from multiple sources, each source must be identified in order of priority. Each of the sources will receive a separate allocation in the permit.

(c) Annual Allocation

The annual allocation is determined by calculating the quantity of water to be withdrawn over a 12-month period under a 10 percent annual chance of drought condition for the designated use class. Applicants, other than for irrigation uses, must determine the annual quantity by adding together the quantities required for each component of demand for the proposed use. The total demand is then considered along with other factors affecting withdrawals such as treatment losses, other sources of water, conservation practices employed, and water purchased, sold, or transferred, to determine the annual withdrawal quantity. For irrigation uses, the annual allocation is determined under section 3.3.2.

(d) Maximum Day Allocation

The maximum daily allocation is the maximum quantity of water permitted to be withdrawn in any single 24-hour period.

(e) Average Daily Allocation

Average daily allocation is the volume of water withdrawn during 365 consecutive days divided by 365, expressed in million gallons per day. The total volume may be calculated using historical data or projected, based on the best available information.

(f) Conservation Plans

Allocations will reflect reduced water demands resulting from the applicant's implementation of a District-approved water conservation plan.

(g) Well Field Operations

Applicants using multiple withdrawal facilities will submit a wellfield operating plan. Multiple withdrawal configurations are acceptable provided each configuration meets the conditions for permit issuance, the total withdrawals of each configuration do not exceed the allocation, and each withdrawal configuration represents normal operation protocol for the use. Emergency operating plans are not required.

Implementation of approved operating plans will be required through permit conditions. Changes to an approved operating plan involving the normal operating protocols approved in the permit must be authorized through the issuance of a modification pursuant to section 40B-2.331, FAC. Temporary disruptions in operations associated with emergencies or wellfield maintenance will not require a modification of the wellfield operating plan.

3.3.1. Public Water Supply

General and individual permit applicants must meet the criteria in sections 3.3.1.1. through 3.3.1.5. and identify the demand for each of the uses listed in (a) below. Information required to demonstrate reasonable demand for each component of the proposed water use includes the number, type, and size of service connections; past pumpage records; projected population data for the service area; data on the specific uses; and data specific to the forecasting models used.

Demand quantities must be based on raw water demand or that volume of water necessary to be withdrawn from existing or proposed sources. The quantities requested must be expressed in average gallons per day for each component of demand.

Where metering, billing, or other record-keeping methods do not provide accurate use estimates, the applicant must provide the best estimates for each use type and documentation of the estimation method used.

(a) All potable water supply applicants for a general or individual permit must identify the demand for the following components of the proposed water use:

1. Residential uses must be divided into single-family residential use and multi-family residential use.

2. Other metered uses must include all uses other than residential.

3. Unaccounted uses are calculated by the total water system output minus the accounted for uses. Unaccounted water uses include, but are not limited to, unmetered, leaks, distribution line flushing, and fire-fighting. Applicants with unaccounted use greater than 10 percent are required to reduce the losses.

4. Treatment and distribution losses are the result of losses in the system during distribution or because the water must undergo a treatment process before it is potable. Some water treatment technologies, such as desalination or sand filtration, may cause significant portions of the water withdrawn to become non-potable. In such cases, the applicant must specify the withdrawal quantity that has been treated, the percent product (potable) water, the percent reject (non-potable) water, and the manner in which the reject water will be disposed.

5. User agreements - for those applicants who provide water to other entities through user agreements or other similar contracts, the quantity of water delivered to each end user (both average and peak day) and the duration of the water service delivery agreement shall be identified. For those applicants who purchase supplemental water from another utility, the volume of water contracted for purchase based on history and future projections for both an average and maximum daily basis and the duration of the contract shall be provided.

3.3.1.1. Per Capita Daily Water Use

Per capita daily water use is a guideline which the District uses to evaluate the reasonableness of the withdrawal requests of public

water supply applicants for a general or individual permit. Per capita water use includes population-related withdrawals associated with metered residential, business, institutional and industrial uses, other miscellaneous metered uses, and unmetered unaccounted-for uses. The average per capita daily use rate is calculated for the last five years or for the period of record, whichever is less, by dividing the average daily water withdrawals for each year of record by the permanent or seasonally adjusted population served by the utility for the same period of time. The per capita use rate that is most representative of the anticipated demands, considering the water conservation plans required under section 3.3.1.4., shall be identified and used for water demand projection purposes. The historical demand patterns may not always be appropriate for projection purposes. This may occur when there are current large users whose growth is not related to population, or when future development may take on characteristics very different than those of present development. In such cases, alternative per capita estimates, such as a design per capita based on dwelling unit type, population characteristics, seasonality of the population, and comparison with adjacent similar developments, must be submitted accompanied by supporting documentation. If no historical water use data exists or in the case of proposed developments, a design per capita use shall be based on the above alternative criteria. Per capita daily water use greater than 150 gallons per capita per day (gpcd) must be supported with additional information justifying the high rate of use.

3.3.1.2. Population Estimates

In service areas without significant seasonal population fluctuations, the use of permanent population estimates is appropriate. In service areas where there are significant seasonal population changes, the general or individual permit applicant must estimate the seasonal population for use in conjunction with the permanent population numbers in the calculation of per capita daily water demand. Permanent and seasonal (if applicable) population growth must be projected on a yearly basis for the requested duration of the permit for the area to be served by the proposed water use.

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

3.3.1.3. Population Data

Population data must be derived from the applicable "Comprehensive Land Use Plan" developed under chapter 9J-5, FAC. If the applicant's population estimate varies from the Comprehensive Plan, other accepted sources of population data to validate the variance including, but not limited to the following: (1) University of Florida Bureau of Economics and Business Research (BEBR), (2) Regional Planning Council (RPC), (3) County Planning Departments, or (4) District planning documents.

3.3.1.4. Water Conservation Plans for Public Supply Uses

All public water supply utilities applying for a general or individual permit are required to develop and implement a water conservation plan. The water conservation elements of each plan need to be identified as part of the application. A schedule outlining the implementation of each of the required water conservation elements will be required to be submitted or shown to already exist prior to issuance or renewal of a public water supply water use permit. The conservation plan shall be prepared and implemented for the service area incorporating, at a minimum, the following mandatory elements. For those elements which require ordinance adoption, such ordinance shall incorporate the entire boundary of the enacting jurisdiction. The permittee shall provide a copy of the ordinances for each of the mandatory elements for which ordinances are adopted. The mandatory water conservation elements are as follows:

(a) Water conservation public education programs.

(b) For those potable/public water supply applicants that control, either directly or indirectly, a wastewater treatment plant, an analysis of the economic, environmental and technical feasibility of making reclaimed water available for reuse. Use of the "Evaluating the Feasibility of Water Reuse," published by the Department of Environmental Protection in May 2005 is recommended.

(c) It is the policy of the Governing Board to encourage public water supply systems to have no more than 10 percent

unaccounted-for water losses. Leak detection programs by applicants with unaccounted-for water losses of greater than 10 percent are, therefore, required. Such leak detection programs must include water auditing procedures, in-field leak detection and repair activities. The program description shall include the number of man-hours assigned to leak detection activities, the type of leak detection equipment used, and an accounting of the water saved through leak detection and repair.

(d) The Governing Board finds that the use of Florida-friendly landscaping, as defined in section 373.185, FS, contributes to the conservation of water. Further, the Governing Board supports the adoption of Florida-friendly landscaping ordinances by local governments as a significant means of achieving water conservation. Therefore, where the applicant for a water use permit is a local government or owned by a local government, the applicant must submit a copy of any Florida-friendly ordinances which have been adopted. If the applicant has not adopted any Florida-friendly ordinances, the applicant must submit documentation demonstrating that the applicant has considered the adoption of a Florida-friendly ordinance in accordance with either section 125.568 or section 166.048, FS. In the event such a Florida-friendly ordinance is proposed for adoption, the ordinance must include the all of the elements listed in paragraphs 373.185(2)(a) through (f), FS.

(e) The applicant must adopt a water conservation-based rate structure designed to promote the efficient use of water by providing economic incentives. Such rate structure must include at least one of the following alternative components: increasing block rates, seasonal rates, quantity based surcharges, or time of day pricing, as a means of reducing demand.

(f) Procedures and time frames for implementation of the water conservation plan.

3.3.1.5. Water Conservation Plans for Public Supply Uses for Individual Permits

All public water supply utilities applying for an individual permit may propose a goal-based water conservation plan that is tailored to its individual circumstances pursuant to subsection 373.227(4), FS, in lieu of complying with paragraphs (a) through (g) above.

3.3.2. Agriculture

Applicants for a general or individual permit must demonstrate that the quantities requested represent actual irrigation water needs. The District will evaluate the irrigation need based on the one-in-ten year drought event. This is demonstrated by providing information on the planted acreage, planting dates, length of growing season, the type of irrigation system used and related efficiency data, soil types, crop type and rotation, frost/freeze protection, and other specific use information.

Demand for agricultural water use depends on the specific agricultural use. Where more than one use is served by the same allocation, e.g., improved pasture and crop irrigation, the allocation shall represent the sum of the components.

The need for irrigation water use is equal to the supplemental irrigation requirement (see section 3.3.2.1. below) divided by the system efficiency. Factors limiting the actual need for irrigation water include the available water supply or the applicant's ability to withdraw the water. If the total rated capacity of all existing and proposed withdrawal facilities is less than the calculated demand, the recommended allocation will be based on the lesser value.

3.3.2.1. Supplemental Irrigation Requirement

The supplemental irrigation requirement for general and individual permits is the amount of water needed for a particular crop in addition to rainfall. This amount is determined by considering localized system efficiency, soil characteristics, hydrologic conditions, crop type or crop coefficient, the supplemental irrigation requirement may also be determined based on evapotranspiration estimates published by the University of Florida, Institute of Food and Agricultural Sciences (IFAS), or another source such as the Natural Resources Conservation Service.

3.3.2.2. Improved Pasture Demand

Authorization to use water for improved pasture will be given provided the applicant demonstrates that an irrigation system exists or is proposed which is capable of delivering the requested amount, and the conditions for issuance are met. For proposed systems, a schedule for implementation of the irrigation system is required. The applicant will be required to document the amount of improved pasture acreage reasonably expected to be irrigated in any given growing season as the basis for the net irrigated acreage.

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

3.3.2.3. Frost/Freeze Protection

Frost/freeze protection quantities shall be based on the irrigated acreage, the type of irrigation used, and the pumpage hours required. If the number of hours is unknown, the maximum daily quantity shall be based on the best available data for frost/freeze recurrence and duration. Alternate calculations shall be considered, but they must be documented.

The determination of the type of permit (general or individual) shall not consider quantities for frost/freeze protection.

3.3.2.4. Livestock Demand

The need of water for livestock use is determined by multiplying the estimated total number of animals by gallons needed per day as estimated by IFAS or another District-approved source.

3.3.2.5. Aquaculture Demand

The water need for aquaculture is determined by the number and volume of ponds and tanks and the filling and recirculation requirements of each of these, as well as other factors that may contribute to maintaining necessary water levels or water quality.

3.3.2.6. Other Agricultural Demand

The water need for other agricultural uses is determined based on supporting information provided by the applicant.

The water need for silvicultural operations with field-planted seedlings is determined by supporting information provided by the applicant. Consideration will be given to applicants proposing to establish seedlings that are less than one year old. Quantities shall not be allocated once the seedlings are greater than one year old.

3.3.2.7. Agricultural Water Conservation

Applicants for an individual or general water use permit shall submit a water conservation plan. The District will presume that applicants have demonstrated compliance with chapter 40B-2, FAC, and this Water Use Permitting Guide if the applicant develops a plan that incorporates the applicable best management practices approved by Florida Department of Agriculture and Consumer Services (FDACS). The District shall evaluate water conservation plans containing best management practices from sources other than FDACS.

3.3.3. Other

Commercial Demand

Commercial demand includes commercial, industrial, mining, dewatering not otherwise exempt under 40B-2.051, FAC, power plant, hydrostatic testing, golf course, recreation, landscape, and bottled water uses, as outlined in section 40B-2.501, FAC.

Applicants for a general or individual permit must demonstrate that the quantities applied for are necessary for economic and efficient use for a purpose and in a manner which is both reasonable and consistent with industry standards.

Applicants for commercial uses must identify the demand for each of the following components of the proposed water use.

3.3.3.1. Commercial, Industrial, Mining and Power Plant

The requested allocation must be supported by a water balance calculation submitted by the applicant. The water balance demonstrates water input and output, including quantities disposed of or reused. The balance may be in the form of a spreadsheet or flow diagram that indicates all water sources and losses.

Water demands for power plants shall be reviewed as specified in the Florida Electrical Power Plant Siting Act, Part II, chapter 403, FS, concurrent with Florida Department of Environmental Protection.

3.3.3.2. Dewatering

The applicant must demonstrate the volume and rate of water to be withdrawn from the construction site necessary to perform the activity. The applicant must demonstrate the length of time necessary to dewater. In addition, the applicant will describe the disposal method and its location. The applicant must adhere to erosion and sediment control measures.

3.3.3.3. Hydrostatic Testing

The applicant must demonstrate the volume of water necessary for filling the pipe system and other components of the system. The applicant will indicate the length of time necessary to perform the test. In addition, the applicant will describe the disposal method and its location.

3.3.3.4. Golf Course

The requested allocation must be supported by showing the acreage of greens, fairways and other landscape areas to be irrigated. In addition, the sources shall include any storm water, reuse or groundwater pumpage. An allocation will not be permitted for rough areas of the course.

3.3.3.5. Recreation and Landscape

The applicant must demonstrate that the quantities applied for are reasonable personal/sanitary, irrigation, and other specific needs. This is accomplished by providing information on:

(a) The population to be served;
(b) The type and amount of turf and plants to be irrigated;
(c) The timing and the method of irrigation used;
(d) The scheduled draining, filling and augmentation of ponds, pools, flumes, and aquatic habitats;
(e) Animal needs; and
(f) Other specific water uses.

Applicants for recreation and landscape uses must identify the demand for each of the following components:

(a) Personal/sanitary water use for personal needs or for household purposes such as drinking, bathing, cooking, sanitation, or cleaning spaces occupied by employees and visitors. Calculations should take into consideration the average number of visitors and employees per shift, the number of shifts per work day, and the number of work days per year. A quantity range from 8 gallons (for office workers and visitors) to 26 gallons (for employees working in shop areas) per person per 8-hour shift may be used;

(b) Landscape irrigation use includes water for the irrigation of lawns and landscapes, intensive recreational areas such as, but not limited to, playgrounds, football, baseball, and soccer fields. This quantity may be determined by multiplying the total acres to be irrigated by the appropriate application rate, based on the vegetation type and irrigation system type. If the applicant is irrigating plants with special irrigation needs not met by the standard coefficients (such as high-value specimens), separate documentation of such needs should be submitted;

(c) Drinking and washing water for animals may also include augmentation and other water requirements of aquatic habitats;

(d) Water-based recreation use includes water used for public or private swimming and wading pools, including water flumes and slides. Calculations should take into consideration filling

and draining schedules, water change, showers, and other specific requirements; and

(e) Other use is determined by subtracting the uses accounted for (see Items 1. through 4.) from total withdrawals. This use may include water not accounted for previously, system leaks, and unidentifiable uses. Other use should generally not exceed 15 percent of total withdrawals.

3.3.3.6. Bottled Water Demand

In determining whether a proposed bottled water use is reasonable-beneficial and consistent with the public interest, the Governing Board will consider the following information:

(a) Whether there is a need for the requested amount of water;
(b) The location of the withdrawal;
(c) The location of the water bottling facility;
(d) Plan to convey water from withdrawal facility to water bottling facility;
(e) A site plan for the water bottling facility;
(f) Existing land use and zoning designations;
(g) A market analysis;
(h) Schedule for completion of construction of the water bottling facility;
(i) Contractual obligation to provide water for bottling;
(j) Other evidence of physical and financial ability to bottle the requested amount; and
(k) Other documentation necessary to complete the application.

3.3.3.7. Water Conservation Plans for Commercial, Industrial, Dewatering, Mining, Power Plant, and Bottled Water Uses

All general and individual permit applicants for a commercial water use permit shall develop a conservation program incorporating, at a minimum, the following mandatory elements. The applicant's water conservation plan must be submitted at the time of permit application. Implementation of the approved water conservation program will be required by condition of the permit.

A. An audit of the amount of water used in the applicant's various operational processes. In the case of initial proposed uses, an audit will not be required as a condition of permit issuance; however, an audit must be conducted within two years of permit issuance. An audit must be conducted during each 5-year compliance review for permit durations of 20 years or longer.

The following measures must be implemented within the first year of permit issuance or upon completion of the audit, unless the applicant demonstrates that implementation is not economically, environmentally, or technologically feasible:

1. A leak detection and repair program;

2. A water conservation program providing for technological, procedural or programmatic improvements to the applicant's facilities; and

3. Other best available technologies to decrease water consumption.

B. An employee awareness and customer education program concerning water conservation.

C. Procedures and time-frames for implementation.

3.3.3.8. Water Conservation Plans for Golf Course, Recreation and Landscape Uses

All general and individual permit applicants for golf course, recreation, and landscape projects shall develop a conservation plan incorporating the following mandatory elements. The applicant’s conservation plan must be submitted at the time of permit application. Implementation of the approved water conservation plan will be required by condition of the permit.

A. Florida-friendly landscaping principles must be used in constructing proposed projects. Unless the applicant demonstrates that it is not economically feasible, these principles must be used when modifications to existing projects are requested.

B. The installation and use of automatic rain sensor shut-off devices is required.

C. A program for increasing water use efficiency of the applicant's project, including best management practices, if available.

D. An employee awareness and customer education program concerning water conservation.

E. Procedures and time-frames for implementation.

3.4. Monitoring Requirements

To ensure continuing compliance with the conditions for permit issuance, monitoring and reporting activities may be required as special limiting conditions of the permit. The details of any required monitoring plan must be submitted by the applicant for District review and approval as part of the water use permit application. The permit shall require implementation of the approved monitoring program.

3.4.1. Automated Monitoring of Groundwater Withdrawals

For new water uses, renewed permits, and modifications of permits proposing new withdrawals, the Permittee shall implement automated monitoring of groundwater withdrawals, at Permittee's expense, upon commencement of such withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each well of inside diameter eight inches or greater at land surface and shall be delivered by 12:00 pm local time the following day via approved telemetry consistent with District data formats. The permittee may choose a standardized Suwannee River Water Management District automated monitoring system to fulfill this requirement.

3.4.2. Automated Monitoring of Surfacewater Withdrawals

For new water uses, renewed permits, and modifications of permits proposing new withdrawals, the Permittee shall implement automated monitoring of surfacewater withdrawals, at Permittee's expense, upon commencement of such withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each station that has an outside diameter of six inches or greater and shall be delivered by 12:00 pm local time the following day via approved telemetry

consistent with District data formats. The permittee may choose a standardized Suwannee River Water Management District automated monitoring system to fulfill this requirement.

3.4.3 Incentives for Voluntary Water Use Monitoring and Reporting

Existing permittees who seek to voluntarily implement water use monitoring and reporting more than one year prior to the permit expiration date may seek a permit modification pursuant to 40B-2.331(2), FAC. Upon such application and request from the applicant, the District will evaluate whether to modify the existing permit duration, provided the applicant demonstrated reasonable assurances that the use will continue to meet the initial conditions for issuance for the requested duration. No permit duration will be modified pursuant to this provision for a period of less than five years or longer than ten years.

3.5. Permit Duration

3.5.1. General Duration Provision

Pursuant to section 373.236, FS, when requested by an applicant, a water use permit shall have a duration of 20 years, provided the applicant demonstrates reasonable assurance that the proposed use meets the conditions for issuance as stated in 40B-2.301, FAC, for the requested duration.

The District may issue permits with up to a 50-year duration to a municipality or other governmental body, or to a public works or public service corporation, when required to provide for the retirement of bonds for the construction of waterworks or waste disposal facilities.

The District shall issue permits with at least a 20-year duration when the permit is approved for the development of alternative water supplies.

When a private, rural landowner contributes greater than fifty percent (50%) of the land or funding needed to enable the expeditious implementation of an alternative water supply development project identified in the District's regional water supply plan, the District shall

issue permits with up to a 50-year duration to a municipality, county, special district, regional water supply authority, multi-jurisdictional water supply entity, and public or private utilities except those created for or by a private landowner after April 1, 2008, which have an agreement with the landowner that meets the water demands of both the applicant and the landowner.

The District shall issue permits with at least a 25-year duration when the permit is approved for a renewable energy generating facility or the cultivation of agricultural products on lands consisting of 1,000 acres or more for use in the production renewable energy, as defined in subsection 366.91(2)(d), FS. The duration shall be based on the facility's anticipated life. Otherwise, the permit will be issued for a shorter duration that reflects the longest period for which such reasonable assurances are provided.

Otherwise, permits may be issued for shorter durations that reflect the time periods for which such reasonable assurances can be provided.

3.6. Permit Conditions

Water use permits shall be conditioned as necessary so that the use is consistent with the overall objectives of the District and are not harmful to the water resources of the area. There are two categories of permit conditions that will be applied to water use permits. Standard conditions contain general information and operational constraints that apply to all uses of water. Special conditions address project specific considerations that may vary among use classes, sources of supply, and geographic locations.

3.6.1. Standard Permit Conditions

A. This permit shall expire on (expiration date). The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), FAC and the required fee to the District pursuant to section 40B-2.361, FAC, prior to this expiration date in order to continue the use of water.

B. The permittee may apply for a permit modification at any time in accordance with section 40B-2.331, FAC.

C. Use classification is (primary water use type and secondary water use types).

D. Source classification is (source classification).

E. Standard Water Use Allocation Permit Conditions

1. Standard water use allocations for potable water supply uses and non-irrigation commercial uses shall read as follows:

The total annual allocation from (source class) shall not exceed (recommended actual allocation).

The average daily allocation from (source class) shall not exceed (recommended average daily allocation).

The maximum daily allocation from (source class) shall not exceed (recommended maximum daily allocation).

2. Standard water use allocations for irrigation uses shall read as follows:

The total annual allocation from (source class) is (recommended actual allocation).

The average daily allocation from (source class) shall not exceed (recommended average daily allocation).

The maximum daily allocation from (source class) shall not exceed (recommended maximum daily allocation).

The permittee shall not exceed these allocations unless the hydrologic conditions exceed a 10 percent annual chance of drought event. In any event, the permittee's withdrawals shall not exceed the amount necessary to continue to meet the permittee's reasonable-beneficial demands, provided:

(a) No harm to the water resources occurs;

(b) The permittee is in compliance with all other conditions of the permit; and

(c) The permittee's withdrawals are otherwise consistent with any applicable Water Shortage Orders in effect under chapter 40B-21, FAC.

F. In the event of a District-declared water shortage, the permittee must immediately comply with any restrictions or requirements ordered in accordance with the District's Water Shortage Plan, chapter 40B-21, FAC.

G. The permitted water withdrawal facilities consist of (description of facilities).

H. Permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with a District-approved mitigation plan. As necessary to offset such interference, mitigation may include, but is not limited to, reducing pumpage, replacing the existing legal user's withdrawal equipment, relocating wells, changing withdrawal source, supplying water to existing legal user, or other means needed to mitigate the impacts.

I. Permittee must mitigate harm to existing off-site land uses caused by the permittee's withdrawals. When harm occurs, or is imminent, the permittee must modify withdrawal rates or mitigate the harm.

J. Permittee must mitigate harm to the natural resources caused by the permittee's withdrawals. When harm occurs or is imminent, the permittee must modify withdrawal rates or mitigate the harm.

K. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to chapter 373, FS.

L. Authorized representatives of the District, upon reasonable notice to the permittee, shall be permitted to enter and inspect the permitted water use to determine compliance with the permit conditions.

M. This permit does not relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

N. This permit does not convey to the permittee any property rights or privileges other than those specified herein.

O. Permittee shall notify the District in writing within 90 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted water use activities are located. All water use permit transfers are subject to the requirements of section 40B-2.301, FAC.

P. Permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use agreements. In the event a proposed change will alter the allocation, permittee must first obtain a permit modification.

Q. All correspondence sent to the District regarding this permit must include the permit number (WUPXX-XXXX).

R. When the District provides a permanent identification tag, the tag shall be prominently displayed at the withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility. If the permit covers several facilities such as a well field, a tag shall be affixed to each facility. Failure to display a tag as prescribed herein shall constitute a violation of the permit. The permittee shall be allowed ten (10) days after the notice of violation of this section to obtain a replacement tag.

S. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.

3.6.2. Special Permit Conditions

Permittee must submit all data required by the limiting conditions in accordance with the implementation schedule therein to: (insert contact information).

3.6.2.1. Potable Water Supply Uses

A. Permittee must modify the permit for any change in service area boundaries.

B. Permittee must implement the District-approved wellfield operating plan submitted on (date).

E. Permittee must maintain an accurate flow meter at the intake of the water treatment plant to measure daily and monthly inflow of water. The total monthly inflow to the treatment plant must be reported to the District quarterly.

G. Permittee must implement the District-approved water conservation plan submitted on (date) and all District-approved updates. Updates and progress reports must be submitted with the 5-year compliance review.

H. Permittee shall submit a water use compliance report every five years from the date of permit issuance for review and approval by District staff.

3.6.2.2. Golf Course, Landscape and Recreation Irrigation Uses

A. Permittee must implement the District-approved water conservation plan submitted on (date) and all District-approved updates. Updates and progress reports must be submitted with the 5-year compliance review.

B. Irrigation is prohibited between the hours of 10:00 A.M. and 4:00 P.M., except as follows:

a) Uses whose average annual allocation is comprised of 100 percent reclaimed water may irrigate at any time.

b) Irrigation of, or in preparation for, planting new golf course, landscape or recreational areas is allowed at any time for one 30-day period provided irrigation is limited to the amount necessary for sod or plant establishment. Irrigation of newly seeded or sprigged golf course areas is allowed at any time for one 60-day period.

c) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides and herbicides, when required by law, recommended by the manufacturer, or constitutes best management practices, is allowed anytime within 24 hours of application of the chemicals.

d) Irrigation systems may be operated anytime for maintenance and repair purposes.

3.6.2.3. Agricultural Uses

A. Permittee must implement the District-approved water conservation plan submitted on (date) and all District-approved updates. Updates and progress reports must be submitted with the 5-year compliance review.

B. Permittee shall submit a water use compliance report every five years from the date of permit issuance for review and approval by District staff.

C. Watering of impervious surfaces is prohibited.

D. Irrigation systems shall water only those areas authorized by the permit.

E. The use of irrigation systems for frost/freeze protection shall not be included in the total Average Daily Rate (ADR) or the total Annual Allocation permitted.

F. The permittee shall report to the District the date(s) and run time(s) that the irrigation system ran for frost/freeze protection at the next regular reporting interval.

3.6.2.4. Commercial, Industrial, Mining, Power Plant, and Bottled Water Uses

A. Permittee must implement the District-approved water conservation plan submitted on (date) and all District-approved updates. Updates and progress reports must be submitted with the 5-year compliance review.

B. The classification is commercial use for a <<blank>>.

C. The permitted average/maximum daily rate is dependent on (waterbody) flow rate during low flow events as stated below: (5, 20, 50 and 100-year flow recurrences).

D. In the event the permittee does not use water for bottling within two years of the effective date of this permit, District staff shall request Governing Board authorization to initiate revocation proceedings for non-use under section 373.243, FS, and section 40B-2.341, FAC.

3.6.2.5. Conditions Related to Alternative Water Supply

A. Upon written notification from the District of alternative water supply availability, permittee must investigate the feasibility of using such an alternative source.

B. Permittee must apply for a permit modification to reflect that portion of the allocation which will be supplied using an alternative source.

C. Permittee must continue to investigate the feasibility of using an alternative source throughout the duration of the permit. Permittee must provide the District with an alternative supply feasibility report every five years commencing on (**5 years from date of permit issuance**). This report must evaluate the feasibility of using an alternative supply and specifically consider: (1) whether a suitable alternative supply source is available; (2) whether alternative supply lines are accessible at the property boundary in sufficient capacity; (3) whether the permittee is capable of using the alternative supply source through distribution lines on the property; (4) whether use of alternative supply is technically, environmentally, and economically feasible; and (5) if applicable, whether use of an alternative supply would adversely affect the permittee's stormwater management system.

3.6.2.6. Water Level, Saline Water Intrusion, Contamination, and Wetland Hydro-biologic Monitoring and Data Collection

Permittee must implement the (water level, saline water intrusion, contamination, or wetland hydro-biologic) monitoring program submitted to the District on (date).

3.6.2.7. Well Construction

A. If a proposed well location changes from a location specified in the water use permit application, permittee must submit to the District prior to construction of such well, an evaluation of the impacts from pumping at the new location on existing legal uses, pollution sources, environmental features, the saline water interface, and surface water bodies.

B. Within 90 days of completion of any new wells, permittee must submit to the District an updated Well Description Table identifying the actual total and cased depths, pump manufacturer and model numbers, pump types, intake depths, and type of meters.

C. Within six months of permit issuance, permittee must submit to the District an updated Well Description Table identifying the wells that have been properly plugged and abandoned in accordance with section 40B-3.531, FAC, and the wells to be maintained as water level monitoring wells.

D. Within six months of permit issuance, permittee must plug and abandon the following wells in accordance with chapter 40B-3, FAC:

E. Within six months of permit issuance, permittee must submit to the District a well survey which includes the following information: well cased depth, well total depth, and chloride ion concentration in wells not described in the Well Description Table. This survey must be submitted for the following wells: (list individual wells identified based on project specifications).

F. Within 30 days of completing construction of a new well, permittee must perform a step drawdown test on that well. Prior to conducting the test, permittee must submit a testing plan to the District for staff review and approval. Within 30 days of completing the step drawdown test, permittee must

submit the results for the following wells to the District: (list individual wells identified based on project specifications). Information on performing step drawdown tests is available from the District.

G. Permittee must perform an aquifer performance test on the proposed wells. Prior to conducting the test, permittee must submit a testing plan to the District for staff review and approval. Within 30 days of completion of the testing, the test data for the following wells must be submitted to the District: (list wells). The test data submitted must include the pumping rate, duration of test, and the resulting drawdowns at the end of the test. Information on performing aquifer performance tests is available from the District.

3.6.2.8. Water Use Accounting

A. The permittee must provide the results of the calibration test for the specified water accounting method(s) and equip all existing and proposed withdrawal facilities with District-approved water use accounting method(s) pursuant to section 3.4. of the Water Use Permitting Guide.

B. Every five years from the date of permit issuance, permittee must submit re-calibration data for each withdrawal facility to the District.

C. Monthly withdrawals for each withdrawal facility must be reported to the District quarterly. The water accounting method and means of calibration must be described in each report.

D. Permittee must include the monthly volumes of water obtained from all other sources, such as reclaimed or wholesale water suppliers, in the quarterly water use report to the District. The water accounting method and means of calibration for these sources shall be described in each report.

E. Permittee must maintain a record of the calibrated daily withdrawals from each withdrawal facility. These records

must be made available for inspection by District staff upon reasonable notice to permittee.

F. Daily withdrawals for each withdrawal facility must be reported to the District on the following schedule: The water accounting method and means of calibration must be described in each report.

3.6.2.9. Surfacewater Management

An environmental resource or surfacewater management permit will be required prior to any modification of the topography/land surface.

4. Permit Issuance

4.1. Governing Board Meetings

Governing Board meetings are held at least once per month and are open to the public. The District's website (www.mysuwanneeriver.com) may be viewed for copies of meeting agendas and minutes.

4.2. Challenges

Governmental entities, organizations, and affected citizens may have an interest in a permit action. Third party interests that would be substantially affected by issuance of a permit will have the opportunity to comment on the application and request an administrative hearing pursuant to paragraph 40B-1.703(2)(b), FAC.

Procedures governing the District's proceedings under chapter 120, FS, for variances and waivers, are contained in chapter 28-104, FAC, Uniform Rules of Procedure. Exceptions to the Uniform Rules of Procedure were granted by the Administration Commission and are set forth in chapter 40B-1, FAC.

4.3. Competing Applications

Pursuant to section 373.233, FS, complete applications are considered to be competing when staff evaluation indicates that the proposed use of water by two or more applicants will exceed the amount of water that is available for use. All complete permit applications that are pending at the same time and are requesting water from the same source will be considered competing. Competing permit applications will be processed pursuant to section 373.233, F.S.

5. Post Permit

5.1. Compliance

RESERVED

5.2. Submittals

RESERVED

5.3. 5-year Compliance Reports

A. Where necessary to maintain reasonable assurance that the conditions for issuance of a permit can continue to be met over the duration of a 20-year or greater permit, the District shall require the applicant to submit a compliance report pursuant to subsection 373.236(3), FS, no more than once every five years. The report shall demonstrate that compliance with the initial conditions for issuance will continue to be met for the remaining duration.

The compliance report shall contain sufficient information to maintain reasonable assurance that the permittee's use of water will continue to meet the applicable criteria of chapter 40B-2, FAC, for the remaining duration of the permit. The compliance report shall, at a minimum, include all of the information specifically required by the permit’s limiting conditions.

B. Following the District's review of this report, the Governing Board may modify the permit to ensure that the use meets the conditions for issuance.

C. Notwithstanding the above, the District may condition permits to require reports at any time to ensure compliance with the terms of the permit or provisions of chapter 40B-2, FAC.

5.4. Modification and Renewals

Permits may be modified as provided in section 40B-2.331, FAC.

Under paragraph 40B-2.331(1), FAC, qualified applicants may apply for a letter modification.

Modifications to permits that do not qualify for a letter modification will be processed as new water uses in accordance with subsections 40B-2.331(2) and (3), FAC, and section 373.229, FS.

Applications for permit renewal shall be made pursuant to section 40B-2.361, FAC. Permits for which renewal applications have been submitted prior to the expiration date shall remain in effect until final agency action occurs.