

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
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WEST PALM BEACH, FLORIDA

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SOUTH FLORIDA
WATER MANAGEMENT DISTRICT



IN THE MATTER OF:

Order No. 2007-191-DAO-WS

Declaration of Emergency Modified Phase III Extreme Water Shortage Restrictions For All Use Classes Using Surface Water From Lake Okeechobee and Surface Waters Hydraulically Connected to Lake Okeechobee within the Everglades Agricultural Area Water Use Basin, Lakeshore Perimeter Water Use Basin, Caloosahatchee River Water Use Basin, Portions of the Indian Prairie Water Use Basin and the St. Lucie River Water Use Basin Within Okeechobee, Glades, Palm Beach, Lee, Hendry, Martin and St. Lucie Counties.

**DECLARATION OF EMERGENCY MODIFIED PHASE III EXTREME
WATER SHORTAGE RESTRICTIONS**

The Executive Director of the South Florida Water Management District (hereinafter "District"), after considering recommendations of District staff and being otherwise fully apprised of the matter, issues this Emergency Order pursuant to Rules 40E-21.331(6) and 40E-21.371, Florida Administrative Code ("F.A.C."), based on the following Findings of Fact and Ultimate Facts and Conclusions of Law.

FINDINGS OF FACT

1. On November 9, 2006, the Governing Board issued Water Shortage Order No. 2006-163-DAO-WS. That order, which became effective on November 17, 2006, imposed Phase I Moderate Restrictions, pursuant to Chapters 40E-21 and 40E-22, F.A.C., within the Lake Okeechobee Service Area ("LOSA"). Due to intensified water resource concerns, the Governing Board subsequently issued Water Shortage Order No. 2007-033-DAO-WS on March 15, 2007. That order, which became effective on

March 22, 2007, imposed modified Phase II Restrictions within LOSA. On April 12, 2007, the Governing Board issued Emergency Water Shortage Order No. 2007-061-DAO-WS. That order, which became effective on April 13, 2007, imposed modified Phase III Extreme Restrictions on the agricultural use class and nursery uses within Sub-Basins C, D, E, and F of the Everglades Agricultural Area Water Use Basins within LOSA. Also on April 12, 2007, the Governing Board issued Emergency Water Shortage Order No. 2007-105-DAO-WS. That order, which became effective on April 13, 2007, imposed modified Phase III Restrictions and a mandatory water delivery plan for the entire Indian Prairie Basin and portions of the certain other basins, including portions of LOSA and superseded any other water shortage orders that were currently in effect that affected the identified basins. Copies of these orders are available at www.sfwmd.gov or from the District Clerk.

2. LOSA is depicted in Exhibit A and includes the Everglades Agricultural Area Water Use Basin, Lakeshore Perimeter Water Use Basin, Caloosahatchee River Water Use Basin, and portions of the Indian Prairie Water Use Basin and the St. Lucie River Water Use Basin. These Basins are within all or parts of Okeechobee, Glades, Palm Beach, Lee, Hendry, Martin and St. Lucie Counties. The provisions of this Order shall apply to users located in the southern portion of the Indian Prairie Water Use Basin, south of S-70 and S-75, and that portion of the Lakeshore Perimeter Water Use Basin that lies south of the L-59, L-60 and L-61 canals and between the Kissimmee River and the L-50 Canal, as depicted in Exhibit A, at such time as Lake Okeechobee's level rises above elevation 10.2 feet for a sustained period of time of not less than 2 weeks. Until that time, users within the southern portion of the Indian Prairie Water Use

Basin and the above described portion of the Lakeshore Perimeter Water Use Basin must comply with Water Shortage Order No. 2007-105-DAO-WS. Notification of this shift in water supply sources will be made on the District's web page at www.sfwmd.gov for both locations.

3. The water sources subject to this Order are Lake Okeechobee and the surface waters hydraulically connected to Lake Okeechobee within the identified Basins.

4. The use classes subject to this Order are all use classes, non-agricultural consumptive uses as well as agricultural uses, within the basins identified above and using surface water from Lake Okeechobee and / or surface waters hydraulically connected to Lake Okeechobee.

5. Since the effective date of the orders set forth in paragraph 1, District staff has continued to evaluate water resource conditions regarding Lake Okeechobee, including sufficiency of remaining water supplies, the projected user demands during a 1 in 10 year drought, climate forecasts, the potential for serious harm to the water resources, projected water savings from increasing cutbacks on user withdrawals, minimum flows and levels ("MFL"), and projected impacts on imposing such cutbacks on the consumptive uses, pursuant to Rules 40E-21.221, 40E-8.441, and 40E-22.332, F.A.C. These considerations are identified below.

6. Drought conditions have continued and water levels in Lake Okeechobee have fallen at an extremely high rate due to minimal rainfall, low humidity and wind conditions. As of May 29, 2007, the level of Lake Okeechobee was 9.00 feet NGVD 29. Lake stage forecast modeling indicates the Lake stage could fall below 9 feet

NGVD by June 1.

7. Pursuant to Rule 40E-22.332, F.A.C., a Phase III water shortage may be declared within LOSA when water levels within Lake Okeechobee fall within a specified water shortage management zone, called "Zone A," and when levels can be expected to reach a June 1st lake stage of 10.5 feet NGVD. Since entering Order No. 2006-163-DAO-WS regarding Phase I restrictions in LOSA, Lake Okeechobee levels have continued to fall well within Zone A, as identified in Rule 40E-22.332, F.A.C.

8. Lake Okeechobee's minimum level occurs when lake levels drop below 11 feet NGVD for more than 80 days during an 18 month period, as defined in Rule 40E-8.221(1), F.A.C. If an exceedance of the MFL occurs more than one time within a six year period, significant harm may potentially occur to the Lake's resources. Lake levels dropped below 11' feet NGVD on March 13, 2007 meaning an exceedance could occur on June 1, 2007.

9. Deficit rainfall has significantly contributed to the current low lake stages. District meteorologists have recorded a total of only 10.87 inches of District-wide rainfall from November 1, 2006 through May 28, 2007. This total is 60 percent of the historical average. Rainfall of 7.46 inches has been recorded District-wide since January 1, 2007. This total is 55 percent of average.

10. Areas around and to the north of Lake Okeechobee, a region that directly recharges the Lake, are experiencing at least 1-in-50 year dryness since March 2006. Lake stages within the Upper Chain of Lakes, which normally provide base flow into Lake Okeechobee, remain below their regulation schedules.

11. Demands for supplemental water deliveries for agricultural water users

from Lake Okeechobee within LOSA have recently peaked. Peak demands during May were more than double the March 1st demands.

12. The District recognizes there are economic implications of imposing Phase III restrictions on all use classes within LOSA. However, implementing such cutbacks now should help save supplies and help reduce the need for and / or duration of more severe cutbacks.

13. To continue to meet the reduced water supply demands from the Lake in the subject regions, the District is installing several temporary pumps at structures S-351, S-352 and S-354. These temporary pumps have aided in deliveries to the south from the Lake. These temporary pumps have a total, limited capacity of 1,400 cfs. Thus, deliveries to the south from the Lake will not be able to exceed 1,400 cfs. These flow rates are not sufficient to meet the potential Lower East Coast demands and the agricultural demands south of the Lake.

14. The Lake also serves as the primary back-up water supply for the Lower East Coast, historically providing as much as two-thirds of the recharge in the event of a drought in that region. There have been no water supply deliveries from the Lake to the Lower East Coast urban areas during 2007. As a result, the District has issued a number of emergency orders and restrictions on water use to protect the public's health, safety, and welfare and the water resources from serious harm affecting the majority of the area within the District's jurisdiction, including the Lower East Coast Region.

15. During dry conditions, Lake Okeechobee may also provide water supply to such important resources as the Stormwater Treatment Areas, aquifers, and the Caloosahatchee Estuary. Navigational use of Lake Okeechobee also occurs and may

be compromised during low lake conditions. As the Lake's level recedes, the ability to adequately provide supplemental water supplies to these uses diminishes due in large part to flow constraints. Additionally, the littoral areas of Lake Okeechobee become dry during low lake stages. The Lake's littoral zone becomes 94% dry when the Lake's stage reaches 11.0' NGVD. During the current period of low lake stages, the District has and intends to continue numerous activities within Lake Okeechobee to improve its ecology. These activities include controlled burns for exotic plants, removal of storm created berms within the Lake, planting of vegetation, muck removal, removal of sediments from municipal marinas, and boat ramp extensions.

16. Given the diversity of interests reliant upon Lake Okeechobee's stages and in accordance with the considerations listed in Rules 40E-21.221, 40E-8.441, 40E-8.421, and 40E-22.332, F.A.C., it is appropriate for the Governing Board to balance all relevant considerations in implementing water shortage declarations.

17. Water supplies from Lake Okeechobee have declined to the extent that sufficient water is not available to meet the present and anticipated requirements of the water users within the subject area and may not be available to protect the water resources from serious harm.

18. Under such conditions, pursuant to Rule 40E-21.331, F.A.C., the District is authorized to declare a water shortage emergency to equitably distribute Lake Okeechobee water supplies through implementation of the District's Water Shortage Plan, Chapter 40E-21, and Rules 40E-22.312-.332, F.A.C.

19. As a result of the above factors, conditions over this dry season are projected to further decline to the extent that sufficient water will not be available to

meet the present and anticipated requirements of the water users within the subject area, while protecting the water resources from serious harm.

20. The District finds that an emergency declaration is required to address the need for immediate action.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

21. Section 373.246, F.S., authorizes the Executive Director, with the concurrence of the Governing Board, to issue emergency orders where the public health, safety, or welfare; the health of animals, fish, or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural, or other reasonable uses are not sufficiently protected by the water shortage plan. This Order shall recite the existence of such an emergency and require that such action be immediately taken, as necessary.

22. Section 373.119(2), F.S., authorizes the Executive Director of the District, in the event of an emergency requiring immediate action to protect the public health, safety or welfare, with the concurrence of the Governing Board and without prior notice, to issue an order reciting the existence of such an emergency and requiring that such action be taken as deemed necessary.

23. Section 373.246, F.S., authorizes the Governing Board to adopt a water shortage plan to regulate the withdrawal and use of water so as to protect the water resources of the District. Chapter 40E-21, F.A.C., is the water shortage plan adopted by the Governing Board.

24. Rule 40E-21.331 F.A.C., authorizes the Executive Director to declare a water shortage emergency for the affected source class.

25. Rule 40E-21.401, F.A.C., and permit conditions, authorize the District to obtain data concerning monitoring of water usage.

26. The District has monitored the condition of the water resources and the needs of the users as required by Rule 40E-21.331, F.A.C.

27. Considering the above findings of fact, it is necessary to enter this Emergency Order imposing specific restrictions on water users within the affected Basins.

28. The Executive Director may order any combination in lieu of or in addition to the restrictions in Part V, Chapter 40E-21, F.A.C., if necessary to achieve the percent reduction in overall demand, pursuant to Rule 40E-21.371, F.A.C.

29. Pursuant to Rule 40E-22.332, F.A.C., when water levels within Lake Okeechobee fall below, or can be expected to fall below the June 1st stage of 10.5 feet NGVD, a Phase III or greater water shortage may be declared within LOSA. In addition to considering that Lake Okeechobee levels have fallen below 10.5 feet NGVD the District also considers a variety of other factors detailed in District rules that evaluate the sufficiency of remaining water supplies, the projected user demands, climatic forecasts, the potential for serious harm to the water resources, projected water savings from cutting back user withdrawals from the affected source, potential for significant harm to occur, and projected impacts on imposing such cutbacks on the consumptive uses. Recognizing the extreme variations in water resource conditions, climatic conditions, hydrologic conditions, economic considerations and other factors, the District's rules, cited above, recognize it is appropriate to preserve the Governing Board's ability to flexibly consider all of the District's missions under Chapter 373, F.S.,

when implementing water resource protection and allocation programs, including the Water Shortage Plan.

30. Based on the above Findings of Fact, including findings regarding Lake Okeechobee levels, climatic forecasts, potential water resource impacts, and projected user demands over the dry season, the estimated present and anticipated available water supplies within all use classes within the affected Basins, are insufficient to meet the estimated present and anticipated user demands. As a result, imposition of Phase III water shortage cutbacks are merited.

ORDER

Based upon the above Findings of Fact, Ultimate Facts and Conclusions of Law, the Governing Board orders that:

31. **IMPLEMENTATION OF ORDER:** This Order shall take effect on May 30, 2007 and shall, as to the affected Basins, supersede any other Water Shortage Order currently in effect, except as described herein. The provisions of this Order shall apply to users located in the southern portion of the Indian Prairie Water Use Basin, south of S-70 and S-75, and that portion of the Lakeshore Perimeter Water Use Basin that lies south of the L-59, L-60 and L-61 canals and between the Kissimmee River and the L-50 Canal, as depicted in Exhibit A, at such time as Lake Okeechobee's level rises above elevation 10.2 feet for a sustained period of time of not less than 2 weeks. Until that time, users within the southern portion of the Indian Prairie Water Use Basin and the above described portion of the Lakeshore Perimeter Water Use Basin must receive surface water supplies from Lake Istokpoga and comply with Water Shortage Order No. 2007-105-DAO-WS.

32. **RESTRICTIONS:**

a. Modified Phase III Extreme Water Shortage Restrictions are imposed on all uses of water from Lake Okeechobee or surface waters hydraulically connected to Lake Okeechobee within the affected Basins. A copy of the Modified Phase III Extreme Water Shortage Restrictions is attached as Exhibit B.

b. Permitted Users: Central and Southern Florida Flood Control Project system deliveries to permitted users within LOSA shall reflect a 45 percent cutback in supplies needed to meet the user demands during one in ten year rainfall conditions. The following process will apply to distributing water supplies to agricultural users within LOSA:

i. Permitted users are authorized to take their weekly allocation as directed on the District's web page under (www.sfwmd.gov) "Water Supply Plan for LOSA."

ii. The following specific restrictions also apply to permitted users:

(a) Agricultural operations which use overhead irrigation methods may apply their weekly allocation of water as needed.

(b) Overhead irrigation of citrus nursery stock for moisture stress reduction shall be allowed on an as needed basis so long as the weekly allocation is not exceeded.

(c) Nurseries using overhead irrigation methods may apply their weekly allocation of water as needed.

(d) Low volume irrigation hours shall not be restricted.

(e) Livestock water use shall be voluntarily reduced.

(f) Soil flooding uses for vegetable seed planting, rice planting, burning of sugarcane prior to harvest and to permit harvesting of sod shall be allowed on an as needed basis so long as the weekly allocation (for the "Other" use category) is not exceeded.

33. **PREVIOUS AUTHORIZATIONS:** Previously issued authorizations for lowered pump intakes or the addition of temporary installations and operation of pumping facilities pursuant to any Water Shortage Order issued between November 9, 2006 and the date of execution of this Order are re-authorized pursuant to this Order.

34. **CANAL OR SURFACE WATER BODY CONNECTIONS, INCLUDING THOSE LOCATED ON DISTRICT RIGHT OF WAY:** Pursuant to Section 373.119(2), F.S., and in recognition of the impending need of multiple users within the affected Basins to lower pump intakes or install additional temporary pump facilities, the Governing Board issues this Order authorizing the temporary installation and operation of pumping facilities located within the area which is the subject of this Order. Application processing fees shall be waived for temporary installations authorized by this Order. This Order shall automatically authorize users to install such temporary pumping facilities, so long as the following conditions are satisfied:

a. A written description of the temporary pumping facility or lowered intake is submitted to District staff which indicates the intent to temporarily enable the permitted consumptive user to access surface water at lower elevations.

b. An 8-1/2" x 11" drawing is submitted and clearly shows all additional temporary facilities to be placed within the District's right of way. Pump size and capacity as well as the diameter, length and elevation of any culvert installation must be depicted on the drawing.

c. The user provides reasonable assurances that all reasonable water quality protection measures necessary to avoid off-site impacts will be employed. Measures may include turbidity screens, hay bales, fuel spill containment tank,

etc. Also, the user provides reasonable precautions to ensure that all temporary facilities do not increase wildfire potential.

d. The user provides reasonable assurances that the temporary installations, and the operation thereof, will not degrade or otherwise interfere with the integrity of any channel, bank, berm, levee, structure or any secondary channel, bank, berm, levee or structure.

e. The user provides reasonable assurances the temporary pumping units and appurtenant equipment shall be installed in such a manner so as to not block or otherwise interfere with District access. Piping shall be properly buried or bridged in a manner satisfactory to the District.

f. A 24-hour telephone contact person with a listing of the person's work, residence, mobile and pager numbers must be provided with the written submittal.

g. The written submittal must include a statement accepting application of all standard limiting conditions contained in 40E-6.381 F.A.C., to the temporary pumping installation authorized by this Order.

h. Users must provide evidence of their pump installation design and intent to comply with the terms of this Order, along with appropriate 24 hour contact information at the site, in a visible, weatherproof pouch or cover.

i. The written submittal must include a statement accepting the requirement that all temporary facilities will be removed from the canal and right of way within 15 days after the Governing Board or Executive Director rescinds this Declaration of Water Shortage.

j. The written submittal must include a statement accepting the requirement that any canal right of way impacted by the placement of the temporary facilities will be restored to the satisfaction of the District within 15 days after the Governing Board or Executive Director rescinds this Declaration of Water Shortage.

35. **VARIANCES:** If a user has obtained a variance allowing limited, conditional water use pursuant to previous Water Shortage Orders affecting these Basins, such variance shall be automatically extended to apply to these Phase III restrictions as to uses occurring in the basins identified in such variance.

36. **REPORTING REQUIREMENTS:** Permitted water users are requested to continue submitting water usage monitoring data in accordance with permit conditions.

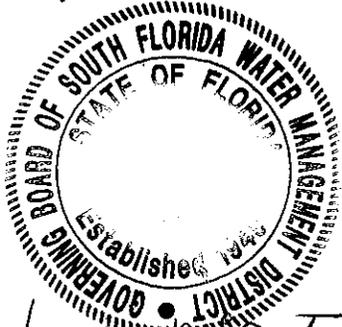
Pumpage reports for the temporary facilities authorized pursuant to Paragraph 34 must also be submitted along with these pumpage reports. The Director of the Water Use Regulation Department is authorized to request, in writing, those permitted water users whose permit conditions require submittal of water usage monitoring data to provide additional data or data submittals at increased frequencies, as determined appropriate.

37. The Governing Board requests that every city and county commission, state and county attorney, sheriff, police officer and other appropriate local government official within the boundaries of Exhibit A assist in the implementation and enforcement of this Water Shortage Order. The District staff will cooperate with the local governments in implementing such enforcement measures.

38. This Order imposing modified Phase III Extreme Water Shortage Restrictions shall become effective on May 30, 2007 and shall remain in effect until modified or rescinded by the Governing Board, or the Executive Director or the Executive Director's designee.

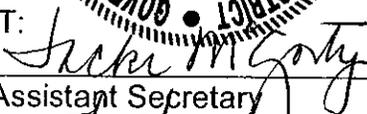
39. A copy of the Notice of Rights is attached as Exhibit C.

DONE and ORDERED this 29th day of May, 2007, at West Palm Beach, Palm Beach County, Florida.



SOUTH FLORIDA WATER MANAGEMENT
DISTRICT BY ITS EXECUTIVE DIRECTOR


CAROL ANN WEHLE
Executive Director

ATTEST:
BY: 
Assistant Secretary
DATE: 5/29/2007

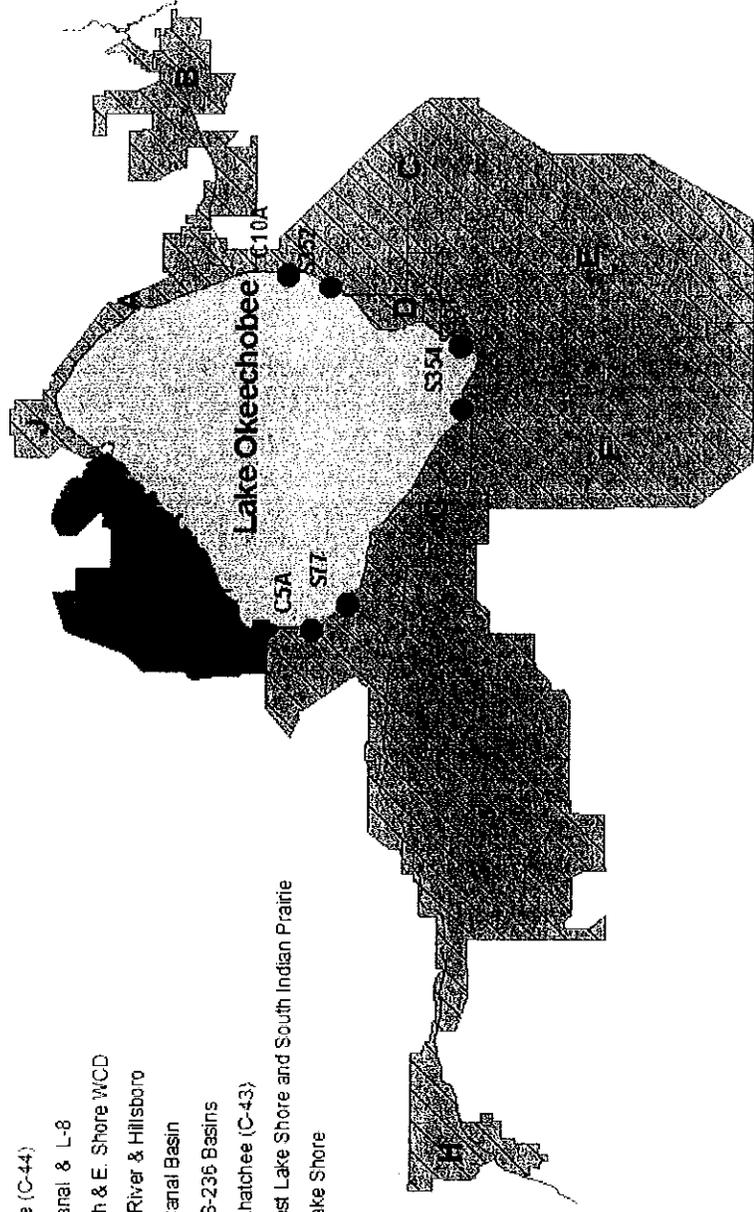
LEGAL FORM APPROVED:
BY: 
DATE: 5/29/07

Lake Okeechobee Service Area (LOSA) Sub-Basins Affected by Modified Phase III Water Shortage Order



Lake Okeechobee Service Area Basins

-  Northeast Lake Shore
-  St. Lucie (C-44)
-  WFPB Canal & L-8
-  E. Beach & E. Shore WCD
-  N. New River & Hillsboro
-  Miami Canal Basin
-  C-21 & S-236 Basins
-  Caloosahatchee (C-43)
-  Northwest Lake Shore and South Indian Prairie
-  North Lake Shore



NOTE: Northwest Lake Shore and South Indian Prairie Basins Temporarily Supplied by Lake Istokpoga

EXHIBIT B
MODIFIED PHASE III RESTRICTIONS FOR
THE LAKE OKEECHOBEE SERVICE AREA

(1) Essential/Domestic/Utility/Commercial.

(a) Essential Use.

1. The use of water for firefighting, safety, sanitation, health and medical purposes and other essential uses shall not be restricted.

2. Fire hydrant flushing shall be undertaken only on an emergency basis.

3. Sanitary sewer line flushing and testing shall not be restricted except on a voluntary basis.

(b) Domestic Type Use.

1. Residential type domestic use shall be voluntarily reduced to 40 gallons per person per day.

2. Domestic type use in industrial and commercial establishments shall be voluntarily reduced.

(c) Water Utility Use.

1. Initial pressure at the point of use (meter) shall be reduced to levels no greater than 45 pounds per square inch. Upon reduction of pressure, the utility shall notify the appropriate fire-fighting agencies and make arrangements for direct communication when additional pressure is required.

2. New water line flushing and disinfection shall be restricted to the hours of 7:00 P.M. to 7:00 A.M. seven days per week.

3. As may be appropriate the utility shall institute additional voluntary conservation measures such as reclaiming of backwash water, improving and accelerating leak detection surveys and repair programs, installing and calibrating meters, and stabilizing and equalizing system pressures.

(d) Power Production Use. Water used for power production shall be voluntarily reduced.

(e) Commercial and Industrial Process Use.

1. Commercial car washes shall be restricted as follows:

a. For washes servicing passenger vehicles and mobile equipment weighing less than 10,000 pounds,

i. Use in excess of 75 gallons per wash shall be prohibited; and

ii. Use equal to or less than 75 gallons per wash shall be voluntarily reduced;

b. For washes servicing mobile equipment weighing 10,000 pounds or more,

- i. Use in excess of 150 gallons per wash shall be prohibited; and
- ii. Use equal to or less than 150 gallons per wash shall be voluntarily reduced.
2. Water used for commercial and industrial processes shall be voluntarily reduced.
3. Water use for cleaning, adjusting and repair of irrigation systems by a licensed person or entity shall be restricted to 10 minutes per zone per week.
4. Water use for pesticide application under the supervision of a licensed pest control operator shall be limited to 10 minutes per zone. Under the provisions of this subparagraph, the applicator must be on the premises when water is applied outside of the hours allowed for irrigation.
5. Water use for well development under the supervision of a licensed well contractor shall be voluntarily reduced.
6. Water use for mobile equipment washing by a licensed person or entity shall be voluntarily reduced.

(2) Agriculture.

- (a) Agricultural Use.** See text of Order
- (b) Livestock Use.** See text of Order
- (c) Aquacultural Use.** Aquacultural water use shall be voluntarily reduced.
- (d) Soil Flooding.** See text of Order
- (e) Freeze Protection.** Water use for freeze protection shall be restricted to situations in which official weather forecasting services predict temperatures likely to cause permanent damage to crops.

(3) Urban Irrigation/Recreation.

- (a) Nursery Use.** See text of Order
- (b) Landscape Irrigation – New Installation.**
 1. For installations which have been in place for less than 30 days, and
 - a. less than 5 irrigated acres in size, water use for irrigation shall be restricted to the hours of 2:00 A.M. to 8:00 A.M., Monday, Wednesday and Saturday.
 - b. 5 irrigated acres or greater in size, water use for irrigation shall be restricted to the hours of 12:01 A.M. to 8:00 A.M., Monday, Wednesday and Saturday.
 2. Low volume irrigation and low volume hand watering of new landscaping shall be voluntarily reduced.
 3. Cleaning and adjusting of new irrigation systems shall be restricted to 10 minutes per zone

on a one time basis.

(c) Landscape Irrigation – Existing Installation.

1. For existing installations less than 5 irrigated acres in size, water use for irrigation shall be restricted to the hours from 4:00 A.M. to 8:00 A.M. for all types of irrigation, except low volume irrigation or otherwise provided in subsection (c)4., and 5:00 P.M. to 7:00 P.M. for low volume hand watering on one day per week being the same day as the irrigation day, as provided in subsections a. and b. below.

a. Installations with odd addresses shall be permitted to irrigate on Saturday.

b. Installations with even addresses or no address shall be permitted to irrigate on Sunday.

c. Installations which irrigate both even and odd addresses, including multi-family units, with existing landscapes less than five irrigated acres in size shall be permitted on Sunday and shall be restricted to the hours from 4:00 A.M. to 8:00 A.M., and 5:00 P.M. to 7:00 P.M. for low volume hand watering on one day per week being the same day as the irrigation day. No area may be irrigated more than 1 day per week.

2. For existing installations 5 irrigated acres or greater in size, water use for irrigation shall be restricted to the hours from 12:01 A.M. to 8:00 A.M. for all types of irrigation, except low volume irrigation or otherwise provided in subsection (c)4. and 5:00 P.M. to 7:00 P.M. for low volume hand watering on one day per week being the same day as the irrigation day.

a. Installations with odd addresses shall be permitted to irrigate on Saturday.

b. Installations with even addresses or no address shall be permitted to irrigate on Sunday.

c. Installations which irrigate both even and odd addresses, including multi-family units, with existing landscapes 5 irrigated acres and greater in size, shall be permitted one day per week on Saturday or Sunday and shall be restricted to the hours from 12:01 A.M. to 8:00 A.M., and 5:00 P.M. to 7:00 P.M. for low volume hand watering on one day per week being the same day as the irrigation day. No area may be irrigated more than 1 day per week.

3. Water use for cleaning, adjusting and repair of existing irrigation systems shall be limited to ten minutes per zone per week.

4. Low volume irrigation systems shall be voluntarily reduced. Low volume hand watering of existing landscaping as minimally necessary to prevent plant die off is allowed and restricted to 10 minutes per stressed area, per week, between 5:00 P.M. and 7:00 P.M. Low volume hand watering means watering by one hose attended by one person, fitted with a self-canceling or automatic

shutoff nozzle.

(d) Recreation Area Use.

1. Landscape irrigation for new and existing recreation areas shall be restricted to the hours prescribed for new and existing landscape irrigation in paragraph (3)(b) and (c) respectively.

2. Irrigation of seeded and/or sprigged recreation areas that have been in place for less than thirty days shall be allowed daily for 10 minutes per irrigation zone from 11:30 A.M. to 12:00 P.M., 1:30 P.M. to 2:00 P.M. and 3:30 P.M. to 4:00 P.M.

3. Watering of pervious non-vegetated recreational/sporting surfaces shall be restricted to ten minutes of application prior to each recreational/sporting event.

4. Irrigation of turfgrass sports fields shall be restricted to the hours of 12:01 A.M. to 8:00 A.M. on Sundays. Irrigation of surrounding facilities shall be irrigated as per the restrictions for the irrigation of existing landscape as stated in paragraph (3)(d), as applicable.

(e) Golf Course Use. Golf courses shall reduce their 1 in 10 monthly demands as calculated using the District's Basis of Review for Water Use Applications by 45%. Water use shall be totaled on a weekly basis and shall be reported to the District via Internet at www.sfwmd.gov/conserv by noon every Monday for the preceeding week. Compliance with the 45% cutback shall be evaluated on a monthly basis. For those golf course that use water from multiple sources, such as surface water and reclaimed water, the weekly pumpage reports shall specify the volumes pumped from each source and the 45% cutback shall apply only to that portion of the irrigation water that is not from a reclaimed water source.

(f) Water Based Recreation Use.

1. Water based recreation water use shall be voluntarily reduced.

2. Draining of facilities into sewers or onto impervious surfaces shall be prohibited.

3. Existing facilities shall not be refilled except for makeup water, unless the facility is leaking more than one inch of water a day. If a facility is leaking more than one inch of water a day and is in need of repair, it may be drained onto a pervious surface for repairs and subsequently refilled. Filling of existing water based recreational facilities is allowed after repair or resurfacing.

(4) Miscellaneous.

(a) Cooling and Air Conditioning Use. The use of water for cooling and air conditioning shall be restricted to that amount of water necessary to maintain a minimum temperature of 78 degrees Fahrenheit.

(b) Dewatering Use. Discharge of fresh water to tide from dewatering shall be prohibited.

(c) The watering in of individual cemetery grave sites to complete burial services shall be conducted via low volume hand watering only.

(d) Restaurants are encouraged to serve water only when requested.

(f) Other Outside Uses.

1. Washing or cleaning streets, driveways, sidewalks, or other impervious areas with water shall be prohibited, unless done with low-volume pressure cleaning equipment.

2. Outside pressure cleaning shall be restricted to only low volume pressure cleaning. Commercial low volume pressure cleaning may occur seven days a week. Non-commercial low volume pressure cleaning may occur Monday through Friday.

3. Mobile equipment washing with water shall be restricted to the hours and days prescribed for existing landscape irrigation in paragraph (3)(c)1., using only low volume mobile equipment washing methods and shall be conducted over a pervious surface or in an area that immediately drains to a pervious surface. Rinsing and flushing of boats after saltwater use shall be limited to 15 minutes once a day for each boat.

4. Washing boats that serve as a primary residence shall be restricted to the hours and days prescribed for existing landscape irrigation in paragraph (3)(c)1. Boats with an odd slip number shall be permitted to be washed on Saturday. Boats with an even slip number or no slip number shall be permitted to be washed on Sunday.

5. Rinsing of salt spray from vehicles in coastal areas shall be limited to 2 minutes per vehicle, one time per day. Low volume methods shall be used.

6. Watering of fertilizer or pest control products as required by the product label is permitted but shall be restricted to the hours and days for existing landscape irrigation in paragraph (3)(c)1. for a maximum of 10 minutes per zone by a nonlicensed individual or company immediately following application. The owner or an agent must be on site.

(g) Aesthetic Use.

1. Non-recirculating outside aesthetic uses of water shall be prohibited.

2. Water use for outside aesthetic purposes by facilities that recirculate water shall be voluntarily reduced and must meet the following criteria:

a. Draining of water from outside aesthetic facilities into sewers or onto impervious surfaces is prohibited.

- b. Outside aesthetic facilities shall not be operated when wind conditions cause water to be lost from the recirculating capacity of the facility.
 - c. Outside aesthetic facilities that leak water shall not be operated.
 - d. Outside aesthetic facilities that lose water due to an overflow shall not be operated.
3. Inside aesthetic uses of water shall be voluntarily reduced.

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing and/or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Right to Request Administrative Hearing

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569, 120.57, and 120.60(3), Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision in accordance with Rule 28-106.111, Fla. Admin. Code. Any person who receives written notice of a District decision and fails to file a written request for hearing within 21 days waives the right to request a hearing on that decision as provided by Subsection 28-106.111(4), Fla. Admin. Code.

The Petition must be filed at the Office of the District Clerk of the SFWMD, 3301 Gun Club Road, P.O. Box 24680, West Palm Beach, Florida, 33416, and must comply with the requirements of Rule 28-106.104, Fla. Admin. Code. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Pursuant to Rule 28-106.104, Fla. Admin. Code, any document received by the office of the District Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

- Filings made by mail must include the original and one copy and must be addressed to the Office of the District Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must also include the original and one copy of the petition. **Delivery of a petition to the District's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the District's security officer to contact the Clerk's office.** An employee of the District's Clerk's office will file the petition and return the extra copy reflecting the date and time of filing.
- Filings by facsimile must be transmitted to the District Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the District Clerk receives the complete document.

The following provisions may be applicable to SFWMD actions in combination with the applicable Uniform Rules of Procedure (Subsections 40E-0.109(1)(a) and 40E-1.511(1)(a), Fla. Admin. Code):

- (1)(a) "Receipt of written notice of agency decision" as set forth in Rule 28-106.111, Fla. Admin. Code, means receipt of either written notice through mail or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action.
- (b) If notice is published pursuant to Chapter 40E-1, F.A.C., publication shall constitute constructive notice to all persons. Until notice is published, the point of entry to request a formal or informal administrative proceeding shall remain open unless actual notice is received.
- (2) If the District's Governing Board takes action which substantially differs from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law. The District Governing Board's action is considered to substantially differ from the notice of intended agency decision when the potential impact on water resources has changed.
- (3) Notwithstanding the timeline in Rule 28-106.111, Fla. Admin. Code, intended agency decisions or agency decisions regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands pursuant to Section 373.427, Fla. Stat., shall provide a 14 day point of entry to file petitions for administrative hearing.

Hearings Involving Disputed Issues of Material Fact

The procedure for hearings involving disputed issues of material fact is set forth in Subsection 120.57(1), Fla. Stat., and Rules 28-106.201-.217, Fla. Admin. Code. Petitions involving disputed issues of material fact shall be filed in accordance with Rule 28-106.104, Fla. Admin. Code, and must comply with the requirements set forth in Rule 28-106.201, Fla. Admin. Code.

Hearings Not Involving Disputed Issues of Material Fact

The procedure for hearings not involving disputed issues of material fact is set forth in Subsection 120.57(2), Fla. Stat., and Rules 28-106.301-.307, Fla. Admin. Code. Petitions not involving disputed issues of material fact shall be filed in accordance with Rule 28-106.104, Fla. Admin. Code, and must comply with the requirements set forth in Rule 28-106.301, Fla. Admin. Code.

Mediation

As an alternative remedy under Sections 120.569 and 120.57, Fla. Stat., any person whose substantial interests are or may be affected by the SFWMD's action may choose to pursue mediation. The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. Choosing mediation will not adversely affect the rights to a hearing if mediation does not result in a settlement.

DISTRICT COURT OF APPEAL

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.