

#### **40E-10.021 Definitions**

(1) through (7) No Change.

~~(8)(7)~~ No Change.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History—New 7-2-09, Amended 3-18-10, 7-21-13, 7-16-14, 1-31-21 \_\_\_\_\_.*

#### **40E-10.031 Water Reservations Implementation**

(1) through (6) No change.

~~(7)(6)~~ No Change.

*Rulemaking Authority: 373.044, 373.113, 373.171, F.S. Laws Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470, F.S. History- New 7-2-2009, Amended 3-18-10, 7-21-13, 7-14-14, 7-16-14, 1-31-21 \_\_\_\_\_.*

#### **40E-10.071 Water Reservation Areas: Upper and Lower Kissimmee Basin Planning Areas**

(1) Upper Chain of Lakes

(a) No Change.

1. No Change.

2. Groundwater: Surficial aquifer system groundwater contributing to Lakes Hart-Mary Jane that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021.](#)

(b) No Change.

1. No Change.

2. Groundwater: Surficial aquifer system groundwater contributing to Lakes Myrtle-Preston-Joel that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021.](#)

(c) No Change.

1. No Change.

2. Groundwater: Surficial aquifer system groundwater contributing to East Lake Tohopekaliga or its contributing waterbodies that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021.](#)

3. Contributing Waterbodies: Surface water that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021.](#)

(d) No Change.

1. No Change.

2. Groundwater: Surficial aquifer system groundwater contributing to Lake Tohopekaliga or its contributing waterbodies that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021.](#)

3. Contributing Waterbodies: Surface water that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021](#).

(e) No Change.

1. No Change.

2. Groundwater: Surficial aquifer system groundwater contributing to the Alligator Chain of Lakes or its contributing waterbodies that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021](#).

3. Contributing Waterbodies: Surface water that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021](#).

(f) No Change.

1. No Change.

2. Groundwater: Surficial aquifer system groundwater contributing to Lake Gentry or its contributing waterbodies that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021](#).

3. Contributing Waterbodies: Surface water that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021](#).

(2) No Change.

(a) No Change.

(b) Groundwater: Surficial aquifer system groundwater contributing to the Headwaters Revitalization Lakes or their contributing waterbodies that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021](#).

(c) Contributing Waterbodies: Surface water that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021](#).

(3) No Change.

(a) Surface Water: All surface water in the Kissimmee River (Figure 4-9) is reserved from additional allocations in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021](#).

(b) Groundwater: Surficial aquifer system groundwater contributing to the Kissimmee River or its contributing waterbodies that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021](#).

(c) Contributing Waterbodies: Surface water that is required for the protection of fish and wildlife is reserved from allocation in accordance with Subsection 3.11.5 of the Applicant's Handbook, [incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021](#).

(4) The reservation contained in this rule and the criteria contained in Subsection 3.11.5 of the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District," incorporated by reference in Rule 40E-2.091, F.A.C., [effective March 21, 2021](#), shall be reviewed and revised pursuant to Section 373.223(4), F.S., in light of changed conditions or new information, including any revised regulation schedules.

February 8, 2021~~January 31, 2021~~

*Rulemaking Authority: 373.044, 373.113, 373.171, F.S. Laws Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470, F.S. History- New*  
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## Appendix 4: Upper and Lower Kissimmee Basin Planning Areas

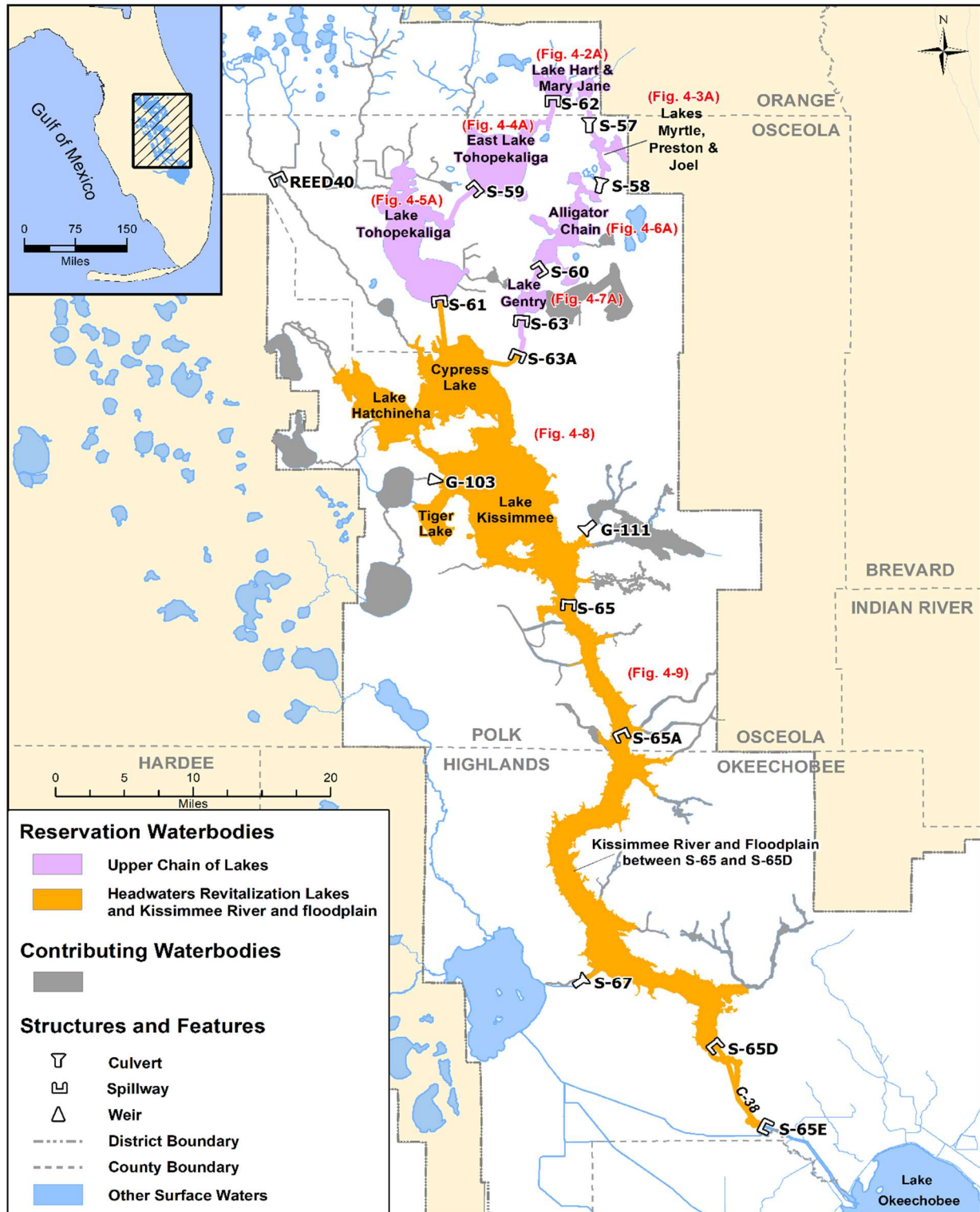


Figure 4-1. Kissimmee River and Chain of Lakes reservation and contributing waterbodies.

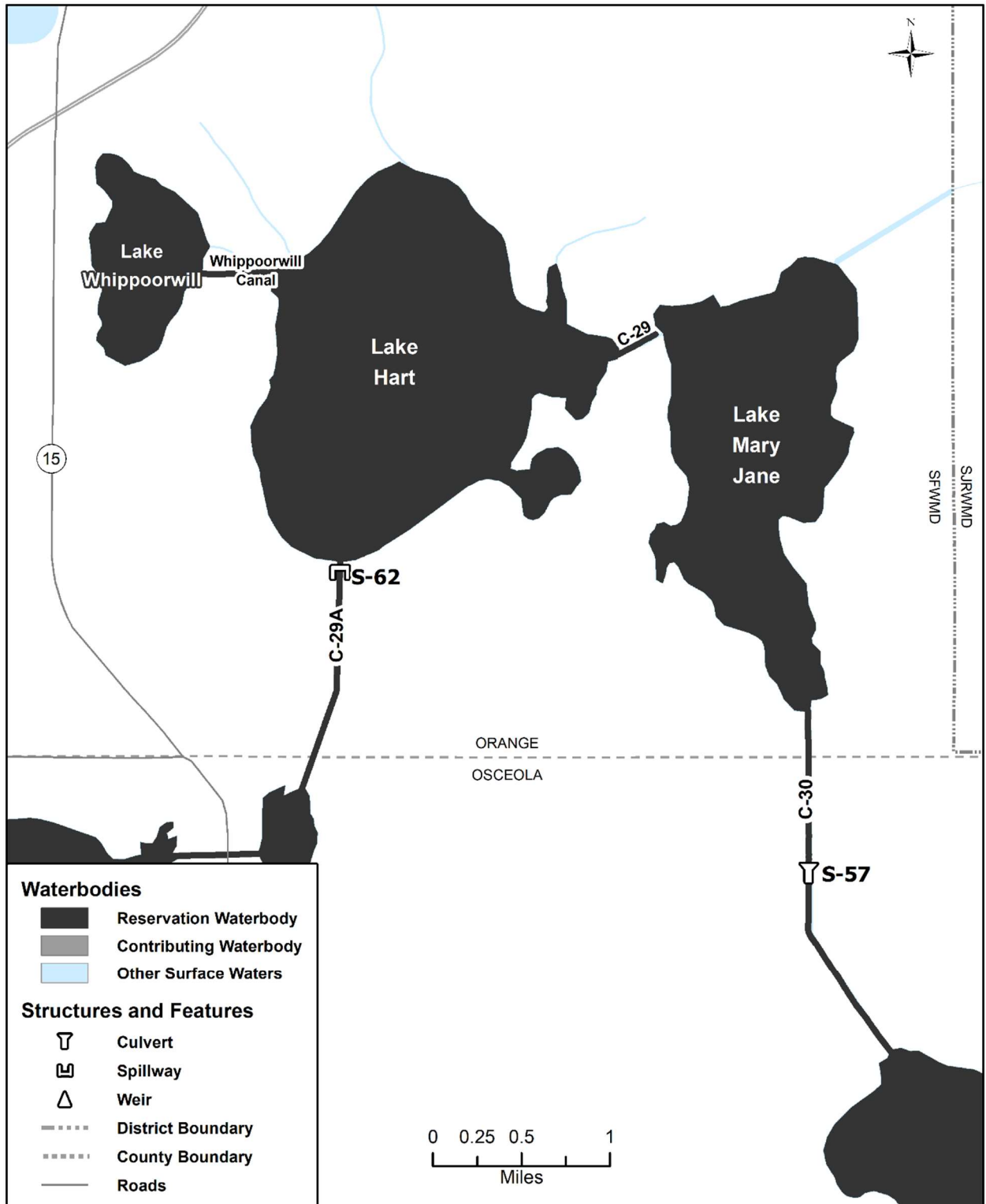


Figure 4-2A. Lakes Hart-Mary Jane reservation waterbodies (no contributing waterbodies present). Unlabeled waterbodies in this figure are not included in this reservation waterbody group.

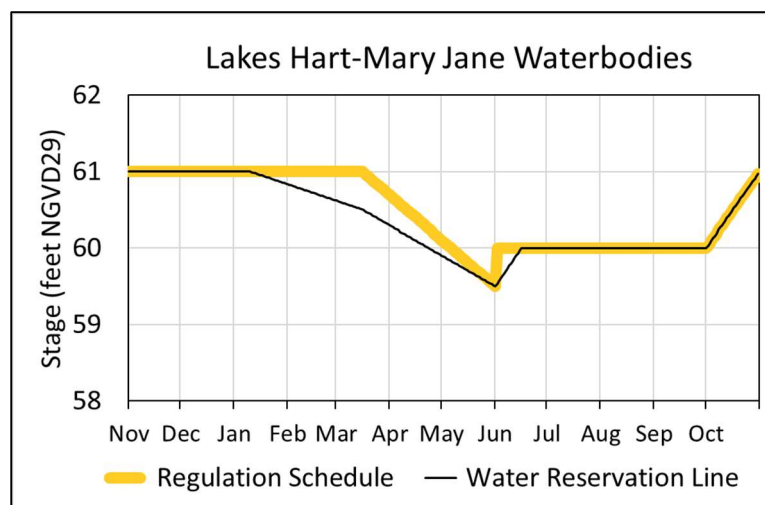


Figure 4-2B. Hydrograph of the current regulation schedule and the water reservation stage at S-62 (water reservation line) for Lakes Hart-Mary Jane reservation waterbodies. The water reservation line is derived from data in Table 4-2.

Table 4-2. Maximum daily water reservation stages at S-62 for Lakes Hart-Mary Jane reservation waterbodies (black line in Figure 4-2B).

Day	January	February	March	April	May	June	July	August	September	October	November	December
1	61.00	60.83	60.62	60.29	59.90	59.50	60.00	60.00	60.00	60.00	61.00	61.00
2	61.00	60.82	60.61	60.28	59.89	59.53	60.00	60.00	60.00	60.03	61.00	61.00
3	61.00	60.82	60.60	60.27	59.88	59.57	60.00	60.00	60.00	60.06	61.00	61.00
4	61.00	60.81	60.59	60.25	59.86	59.60	60.00	60.00	60.00	60.10	61.00	61.00
5	61.00	60.80	60.58	60.24	59.85	59.63	60.00	60.00	60.00	60.13	61.00	61.00
6	61.00	60.79	60.58	60.23	59.84	59.67	60.00	60.00	60.00	60.16	61.00	61.00
7	61.00	60.78	60.57	60.21	59.82	59.70	60.00	60.00	60.00	60.19	61.00	61.00
8	61.00	60.78	60.56	60.20	59.81	59.73	60.00	60.00	60.00	60.23	61.00	61.00
9	61.00	60.77	60.55	60.19	59.80	59.77	60.00	60.00	60.00	60.26	61.00	61.00
10	61.00	60.76	60.55	60.18	59.79	59.80	60.00	60.00	60.00	60.29	61.00	61.00
11	60.99	60.75	60.54	60.16	59.77	59.83	60.00	60.00	60.00	60.32	61.00	61.00
12	60.98	60.75	60.53	60.15	59.76	59.87	60.00	60.00	60.00	60.35	61.00	61.00
13	60.98	60.74	60.52	60.14	59.75	59.90	60.00	60.00	60.00	60.39	61.00	61.00
14	60.97	60.73	60.52	60.12	59.73	59.93	60.00	60.00	60.00	60.42	61.00	61.00
15	60.96	60.72	60.51	60.11	59.72	59.97	60.00	60.00	60.00	60.45	61.00	61.00
16	60.95	60.72	60.50	60.10	59.71	60.00	60.00	60.00	60.00	60.48	61.00	61.00
17	60.95	60.71	60.49	60.08	59.69	60.00	60.00	60.00	60.00	60.52	61.00	61.00
18	60.94	60.70	60.47	60.07	59.68	60.00	60.00	60.00	60.00	60.55	61.00	61.00
19	60.93	60.69	60.46	60.06	59.67	60.00	60.00	60.00	60.00	60.58	61.00	61.00
20	60.92	60.68	60.45	60.05	59.66	60.00	60.00	60.00	60.00	60.61	61.00	61.00
21	60.92	60.68	60.44	60.03	59.64	60.00	60.00	60.00	60.00	60.65	61.00	61.00
22	60.91	60.67	60.42	60.02	59.63	60.00	60.00	60.00	60.00	60.68	61.00	61.00
23	60.90	60.66	60.41	60.01	59.62	60.00	60.00	60.00	60.00	60.71	61.00	61.00
24	60.89	60.65	60.40	59.99	59.60	60.00	60.00	60.00	60.00	60.74	61.00	61.00
25	60.88	60.65	60.38	59.98	59.59	60.00	60.00	60.00	60.00	60.77	61.00	61.00
26	60.88	60.64	60.37	59.97	59.58	60.00	60.00	60.00	60.00	60.81	61.00	61.00
27	60.87	60.63	60.36	59.95	59.56	60.00	60.00	60.00	60.00	60.84	61.00	61.00
28	60.86	60.62	60.34	59.94	59.55	60.00	60.00	60.00	60.00	60.87	61.00	61.00
29	60.85		60.33	59.93	59.54	60.00	60.00	60.00	60.00	60.90	61.00	61.00
30	60.85		60.32	59.92	59.53	60.00	60.00	60.00	60.00	60.94	61.00	61.00
31	60.84		60.31		59.51		60.00	60.00		60.97		61.00

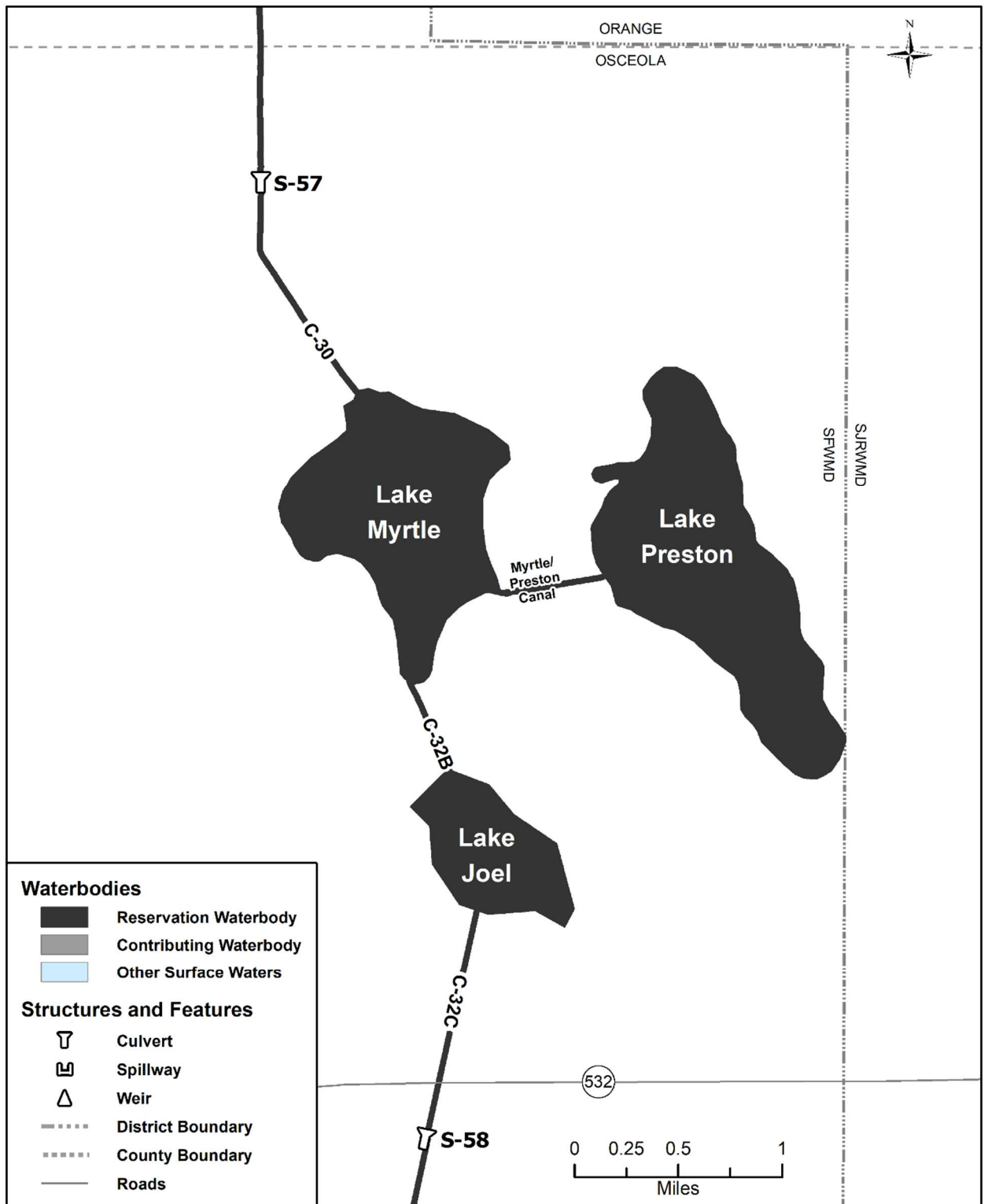


Figure 4-3A. Lakes Myrtle-Preston-Joel reservation waterbodies (no contributing waterbodies present). Unlabeled waterbodies in this figure are not included in this reservation waterbody group.



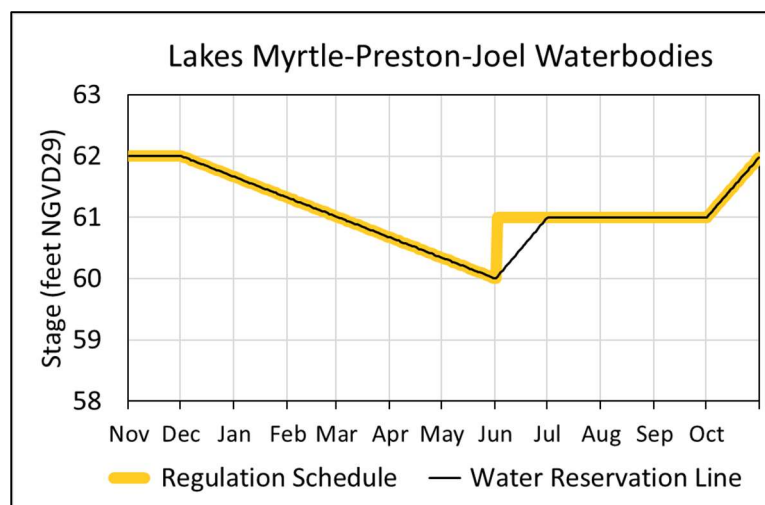


Figure 4-3B. Hydrograph of the current regulation schedule and the water reservation stage at S-57 (water reservation line) for Lakes Myrtle-Preston-Joel reservation waterbodies. The water reservation line is derived from data in Table 4-3.

Table 4-3. Maximum daily water reservation stages at S-57 for Lakes Myrtle-Preston-Joel reservation waterbodies (black line in Figure 4-3B).

Day	January	February	March	April	May	June	July	August	September	October	November	December
1	61.66	61.32	61.01	60.67	60.34	60.00	61.00	61.00	61.00	61.00	62.00	62.00
2	61.65	61.31	61.00	60.66	60.33	60.03	61.00	61.00	61.00	61.03	62.00	61.99
3	61.64	61.30	60.99	60.65	60.32	60.07	61.00	61.00	61.00	61.06	62.00	61.98
4	61.63	61.29	60.98	60.64	60.31	60.10	61.00	61.00	61.00	61.10	62.00	61.97
5	61.62	61.27	60.97	60.63	60.30	60.13	61.00	61.00	61.00	61.13	62.00	61.96
6	61.60	61.26	60.96	60.62	60.29	60.17	61.00	61.00	61.00	61.16	62.00	61.95
7	61.59	61.25	60.94	60.60	60.27	60.20	61.00	61.00	61.00	61.19	62.00	61.93
8	61.58	61.24	60.93	60.59	60.26	60.23	61.00	61.00	61.00	61.23	62.00	61.92
9	61.57	61.23	60.92	60.58	60.25	60.27	61.00	61.00	61.00	61.26	62.00	61.91
10	61.56	61.22	60.91	60.57	60.24	60.30	61.00	61.00	61.00	61.29	62.00	61.90
11	61.55	61.21	60.90	60.56	60.23	60.33	61.00	61.00	61.00	61.32	62.00	61.89
12	61.54	61.20	60.89	60.55	60.22	60.37	61.00	61.00	61.00	61.35	62.00	61.88
13	61.53	61.19	60.88	60.54	60.21	60.40	61.00	61.00	61.00	61.39	62.00	61.87
14	61.52	61.18	60.87	60.53	60.20	60.43	61.00	61.00	61.00	61.42	62.00	61.86
15	61.51	61.16	60.86	60.52	60.19	60.47	61.00	61.00	61.00	61.45	62.00	61.85
16	61.49	61.15	60.85	60.51	60.18	60.50	61.00	61.00	61.00	61.48	62.00	61.84
17	61.48	61.14	60.84	60.49	60.16	60.53	61.00	61.00	61.00	61.52	62.00	61.83
18	61.47	61.13	60.82	60.48	60.15	60.57	61.00	61.00	61.00	61.55	62.00	61.81
19	61.46	61.12	60.81	60.47	60.14	60.60	61.00	61.00	61.00	61.58	62.00	61.80
20	61.45	61.11	60.80	60.46	60.13	60.63	61.00	61.00	61.00	61.61	62.00	61.79
21	61.44	61.10	60.79	60.45	60.12	60.67	61.00	61.00	61.00	61.65	62.00	61.78
22	61.43	61.09	60.78	60.44	60.11	60.70	61.00	61.00	61.00	61.68	62.00	61.77
23	61.42	61.08	60.77	60.43	60.10	60.73	61.00	61.00	61.00	61.71	62.00	61.76
24	61.41	61.07	60.76	60.42	60.09	60.77	61.00	61.00	61.00	61.74	62.00	61.75
25	61.40	61.05	60.75	60.41	60.08	60.80	61.00	61.00	61.00	61.77	62.00	61.74
26	61.38	61.04	60.74	60.40	60.07	60.83	61.00	61.00	61.00	61.81	62.00	61.73
27	61.37	61.03	60.73	60.38	60.05	60.87	61.00	61.00	61.00	61.84	62.00	61.72
28	61.36	61.02	60.71	60.37	60.04	60.90	61.00	61.00	61.00	61.87	62.00	61.70
29	61.35		60.70	60.36	60.03	60.93	61.00	61.00	61.00	61.90	62.00	61.69
30	61.34		60.69	60.35	60.02	60.97	61.00	61.00	61.00	61.94	62.00	61.68
31	61.33		60.68		60.01		61.00	61.00		61.97		61.67



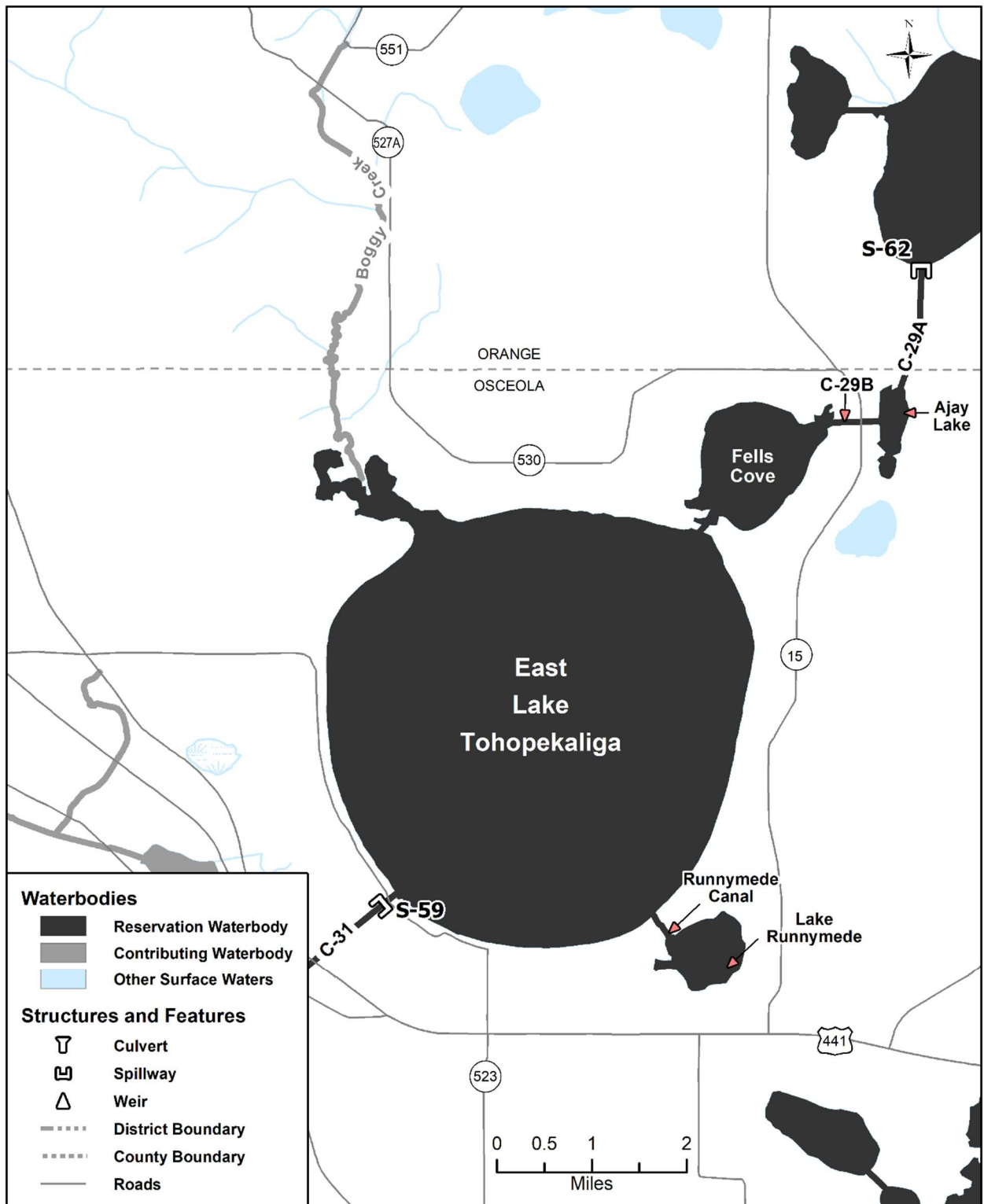


Figure 4-4A. East Lake Tohopekaliga reservation and contributing waterbodies. Unlabeled waterbodies in this figure are not included in this reservation/contributing waterbody group.

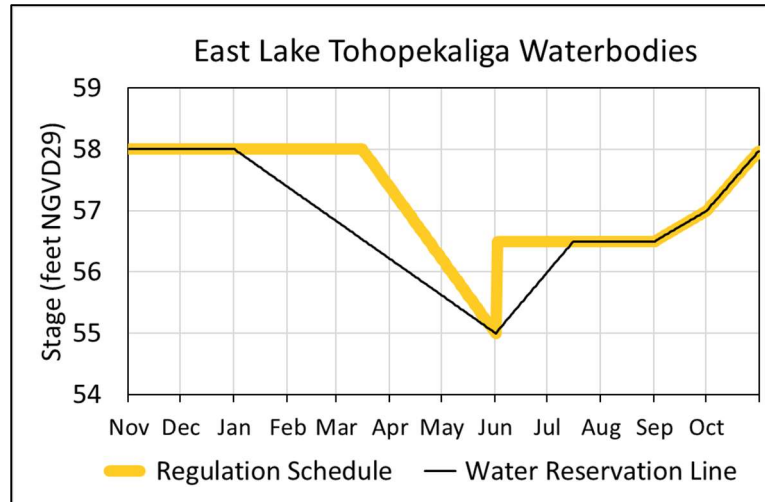


Figure 4-4B. Hydrograph of the current regulation schedule and the water reservation stage at S-59 (water reservation line) for East Lake Tohopekaliga reservation waterbodies. The water reservation line is derived from data in Table 4-4.

Table 4-4. Maximum daily water reservation stages at S-59 for East Lake Tohopekaliga reservation waterbodies (black line in Figure 4-4B).

Day	January	February	March	April	May	June	July	August	September	October	November	December
1	58.00	57.38	56.83	56.21	55.62	55.00	56.00	56.50	56.50	57.00	58.00	58.00
2	57.98	57.36	56.81	56.19	55.60	55.03	56.03	56.50	56.52	57.03	58.00	58.00
3	57.96	57.34	56.79	56.17	55.58	55.07	56.07	56.50	56.53	57.06	58.00	58.00
4	57.94	57.32	56.77	56.15	55.56	55.10	56.10	56.50	56.55	57.10	58.00	58.00
5	57.92	57.30	56.75	56.13	55.54	55.13	56.13	56.50	56.57	57.13	58.00	58.00
6	57.90	57.28	56.73	56.11	55.52	55.17	56.17	56.50	56.58	57.16	58.00	58.00
7	57.88	57.26	56.71	56.09	55.50	55.20	56.20	56.50	56.60	57.19	58.00	58.00
8	57.86	57.25	56.69	56.07	55.48	55.23	56.23	56.50	56.62	57.23	58.00	58.00
9	57.84	57.23	56.67	56.05	55.46	55.27	56.27	56.50	56.63	57.26	58.00	58.00
10	57.82	57.21	56.65	56.03	55.44	55.30	56.30	56.50	56.65	57.29	58.00	58.00
11	57.80	57.19	56.63	56.01	55.42	55.33	56.33	56.50	56.67	57.32	58.00	58.00
12	57.78	57.17	56.61	55.99	55.40	55.37	56.37	56.50	56.68	57.35	58.00	58.00
13	57.76	57.15	56.59	55.97	55.38	55.40	56.40	56.50	56.70	57.39	58.00	58.00
14	57.74	57.13	56.57	55.95	55.36	55.43	56.43	56.50	56.72	57.42	58.00	58.00
15	57.72	57.11	56.55	55.93	55.34	55.47	56.47	56.50	56.73	57.45	58.00	58.00
16	57.70	57.09	56.53	55.91	55.32	55.50	56.50	56.50	56.75	57.48	58.00	58.00
17	57.68	57.07	56.51	55.89	55.30	55.53	56.50	56.50	56.77	57.52	58.00	58.00
18	57.66	57.05	56.49	55.87	55.28	55.57	56.50	56.50	56.78	57.55	58.00	58.00
19	57.64	57.03	56.47	55.85	55.26	55.60	56.50	56.50	56.80	57.58	58.00	58.00
20	57.62	57.01	56.45	55.83	55.24	55.63	56.50	56.50	56.82	57.61	58.00	58.00
21	57.60	56.99	56.43	55.81	55.22	55.67	56.50	56.50	56.83	57.65	58.00	58.00
22	57.58	56.97	56.41	55.79	55.20	55.70	56.50	56.50	56.85	57.68	58.00	58.00
23	57.56	56.95	56.39	55.77	55.18	55.73	56.50	56.50	56.87	57.71	58.00	58.00
24	57.54	56.93	56.37	55.75	55.16	55.77	56.50	56.50	56.88	57.74	58.00	58.00
25	57.52	56.91	56.35	55.74	55.14	55.80	56.50	56.50	56.90	57.77	58.00	58.00
26	57.50	56.89	56.33	55.72	55.12	55.83	56.50	56.50	56.92	57.81	58.00	58.00
27	57.48	56.87	56.31	55.70	55.10	55.87	56.50	56.50	56.93	57.84	58.00	58.00
28	57.46	56.85	56.29	55.68	55.08	55.90	56.50	56.50	56.95	57.87	58.00	58.00
29	57.44		56.27	55.66	55.06	55.93	56.50	56.50	56.97	57.90	58.00	58.00
30	57.42		56.25	55.64	55.04	55.97	56.50	56.50	56.98	57.94	58.00	58.00
31	57.40		56.23		55.02		56.50	56.50		57.97		58.00

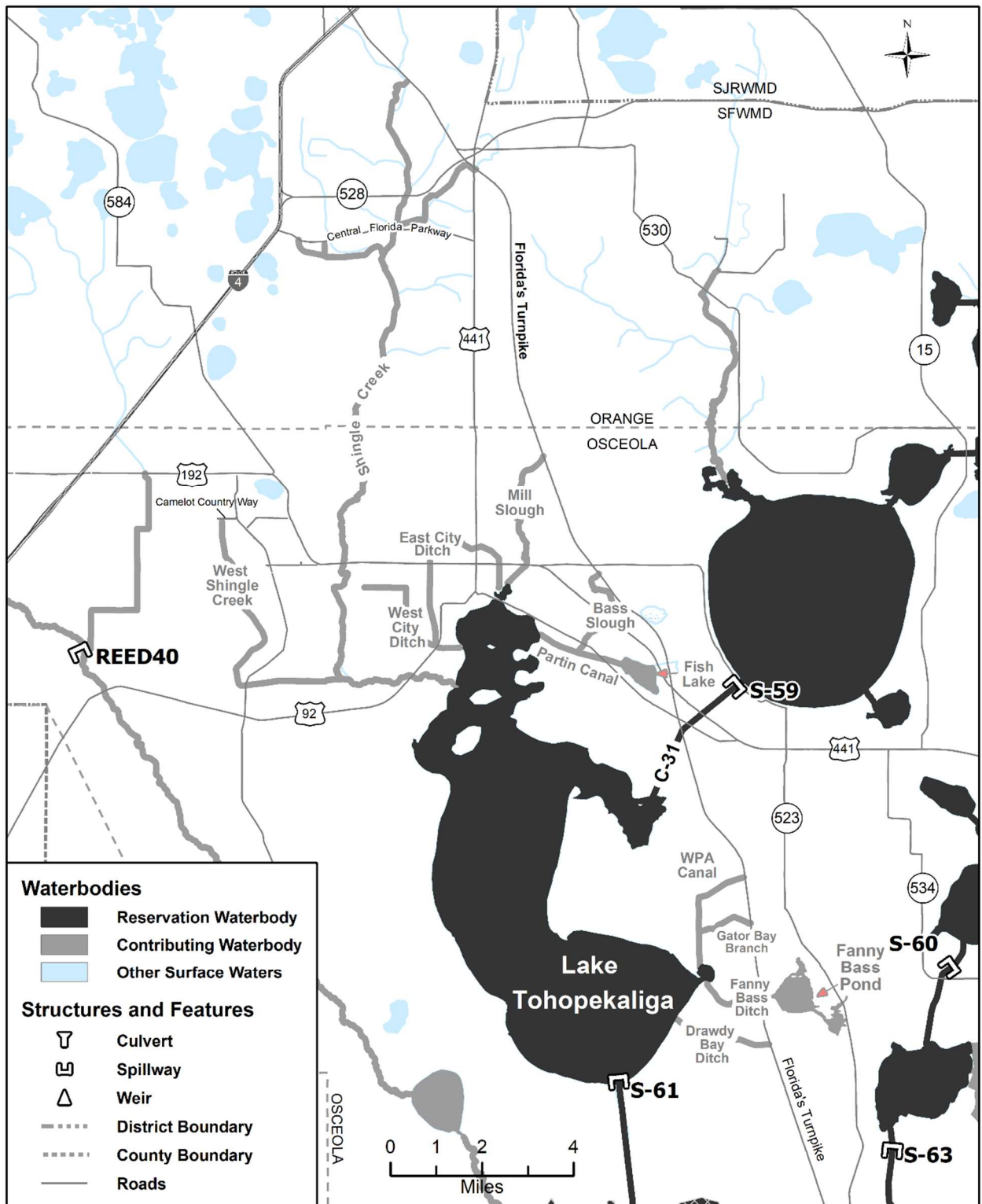


Figure 4-5A. Lake Tohopekaliga reservation and contributing waterbodies. Unlabeled waterbodies in this figure are not included in this reservation/contributing waterbody group.

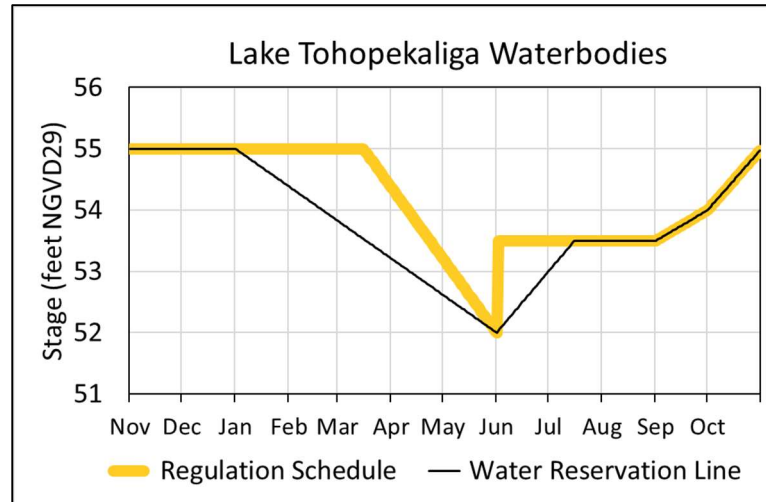


Figure 4-5B. Hydrograph of the current regulation schedule and the water reservation stage at S-61 (water reservation line) for Lake Tohopekaliga reservation waterbodies. The water reservation line is derived from data in Table 4-5.

Table 4-5. Maximum daily water reservation stages at S-61 for Lake Tohopekaliga reservation waterbodies (black line in Figure 4-5B).

Day	January	February	March	April	May	June	July	August	September	October	November	December
1	55.00	54.38	53.83	53.21	52.62	52.00	53.00	53.50	53.50	54.00	55.00	55.00
2	54.98	54.36	53.81	53.19	52.60	52.03	53.03	53.50	53.52	54.03	55.00	55.00
3	54.96	54.34	53.79	53.17	52.58	52.07	53.07	53.50	53.53	54.06	55.00	55.00
4	54.94	54.32	53.77	53.15	52.56	52.10	53.10	53.50	53.55	54.10	55.00	55.00
5	54.92	54.30	53.75	53.13	52.54	52.13	53.13	53.50	53.57	54.13	55.00	55.00
6	54.90	54.28	53.73	53.11	52.52	52.17	53.17	53.50	53.58	54.16	55.00	55.00
7	54.88	54.26	53.71	53.09	52.50	52.20	53.20	53.50	53.60	54.19	55.00	55.00
8	54.86	54.25	53.69	53.07	52.48	52.23	53.23	53.50	53.62	54.23	55.00	55.00
9	54.84	54.23	53.67	53.05	52.46	52.27	53.27	53.50	53.63	54.26	55.00	55.00
10	54.82	54.21	53.65	53.03	52.44	52.30	53.30	53.50	53.65	54.29	55.00	55.00
11	54.80	54.19	53.63	53.01	52.42	52.33	53.33	53.50	53.67	54.32	55.00	55.00
12	54.78	54.17	53.61	52.99	52.40	52.37	53.37	53.50	53.68	54.35	55.00	55.00
13	54.76	54.15	53.59	52.97	52.38	52.40	53.40	53.50	53.70	54.39	55.00	55.00
14	54.74	54.13	53.57	52.95	52.36	52.43	53.43	53.50	53.72	54.42	55.00	55.00
15	54.72	54.11	53.55	52.93	52.34	52.47	53.47	53.50	53.73	54.45	55.00	55.00
16	54.70	54.09	53.53	52.91	52.32	52.50	53.50	53.50	53.75	54.48	55.00	55.00
17	54.68	54.07	53.51	52.89	52.30	52.53	53.50	53.50	53.77	54.52	55.00	55.00
18	54.66	54.05	53.49	52.87	52.28	52.57	53.50	53.50	53.78	54.55	55.00	55.00
19	54.64	54.03	53.47	52.85	52.26	52.60	53.50	53.50	53.80	54.58	55.00	55.00
20	54.62	54.01	53.45	52.83	52.24	52.63	53.50	53.50	53.82	54.61	55.00	55.00
21	54.60	53.99	53.43	52.81	52.22	52.67	53.50	53.50	53.83	54.65	55.00	55.00
22	54.58	53.97	53.41	52.79	52.20	52.70	53.50	53.50	53.85	54.68	55.00	55.00
23	54.56	53.95	53.39	52.77	52.18	52.73	53.50	53.50	53.87	54.71	55.00	55.00
24	54.54	53.93	53.37	52.75	52.16	52.77	53.50	53.50	53.88	54.74	55.00	55.00
25	54.52	53.91	53.35	52.74	52.14	52.80	53.50	53.50	53.90	54.77	55.00	55.00
26	54.50	53.89	53.33	52.72	52.12	52.83	53.50	53.50	53.92	54.81	55.00	55.00
27	54.48	53.87	53.31	52.70	52.10	52.87	53.50	53.50	53.93	54.84	55.00	55.00
28	54.46	53.85	53.29	52.68	52.08	52.90	53.50	53.50	53.95	54.87	55.00	55.00
29	54.44		53.27	52.66	52.06	52.93	53.50	53.50	53.97	54.90	55.00	55.00
30	54.42		53.25	52.64	52.04	52.97	53.50	53.50	53.98	54.94	55.00	55.00
31	54.40		53.23		52.02		53.50	53.50		54.97		55.00

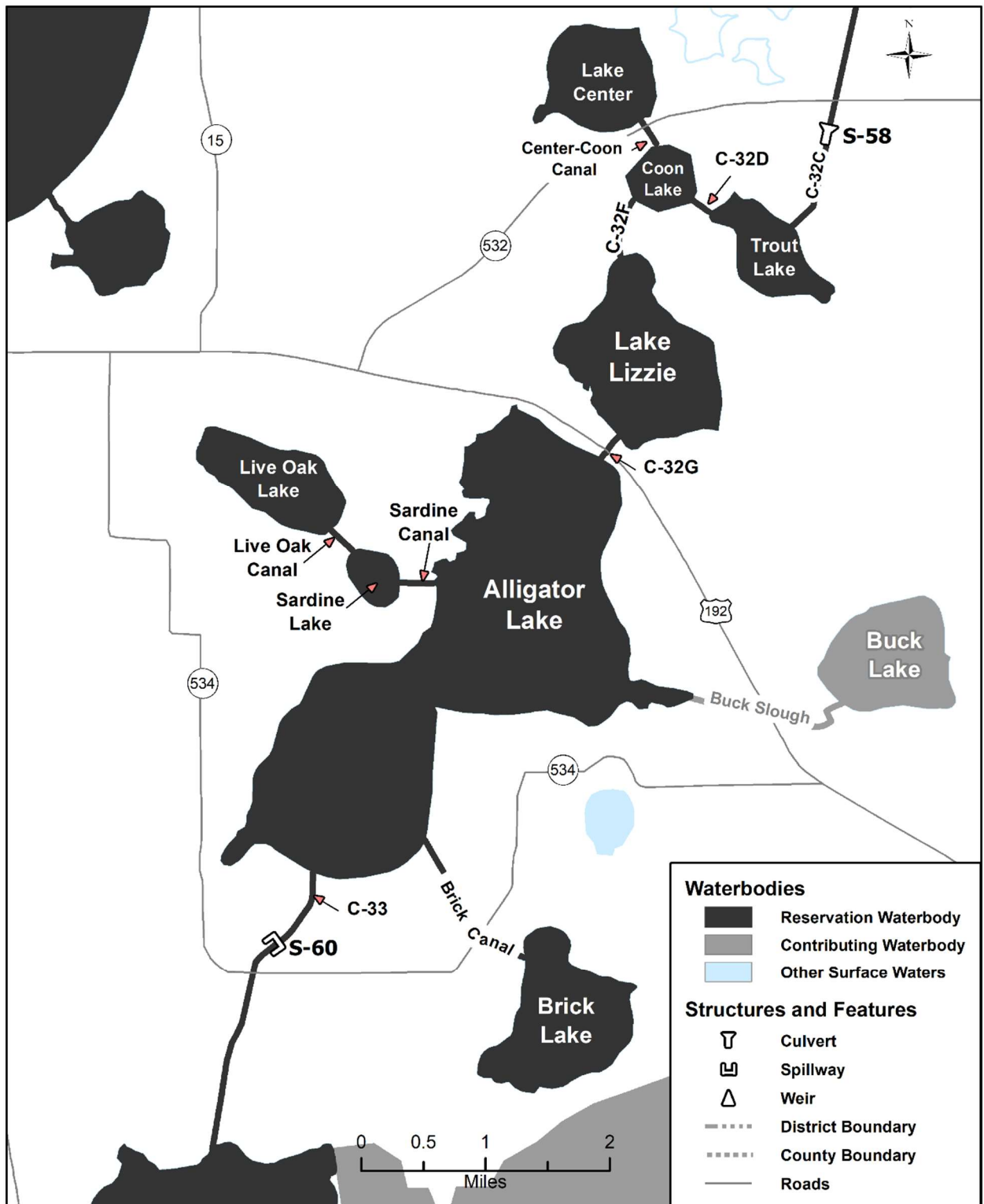


Figure 4-6A. Alligator Chain of Lakes reservation and contributing waterbodies. Unlabeled waterbodies in this figure are not included in this reservation/contributing waterbody group.

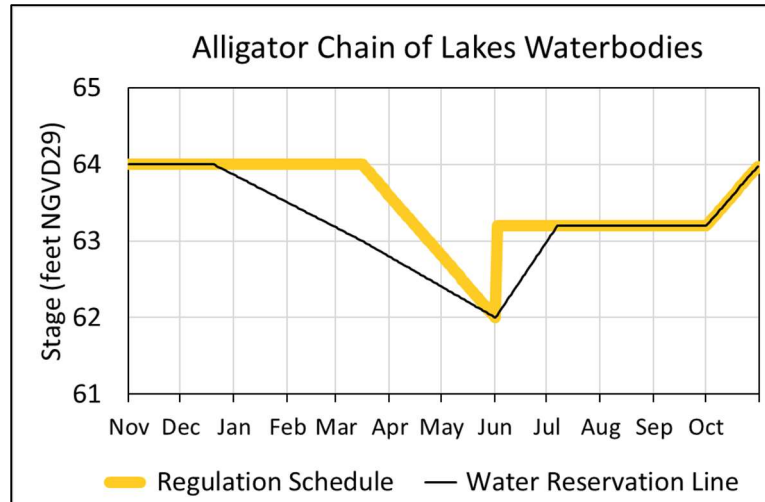


Figure 4-6B. Hydrograph of the current regulation schedule and the water reservation stage at S-60 (water reservation line) for Alligator Chain of Lakes reservation waterbodies. The water reservation line is derived from data in Table 4-6.

Table 4-6. Maximum daily water reservation stages at S-60 for Alligator Chain of Lakes reservation waterbodies (black line in Figure 4-6B).

Day	January	February	March	April	May	June	July	August	September	October	November	December
1	63.86	63.50	63.17	62.79	62.40	62.00	63.00	63.20	63.20	63.20	64.00	64.00
2	63.85	63.49	63.16	62.78	62.39	62.03	63.03	63.20	63.20	63.23	64.00	64.00
3	63.84	63.48	63.15	62.77	62.38	62.07	63.07	63.20	63.20	63.25	64.00	64.00
4	63.83	63.47	63.14	62.75	62.36	62.10	63.10	63.20	63.20	63.28	64.00	64.00
5	63.81	63.45	63.13	62.74	62.35	62.13	63.13	63.20	63.20	63.30	64.00	64.00
6	63.80	63.44	63.12	62.73	62.34	62.17	63.17	63.20	63.20	63.33	64.00	64.00
7	63.79	63.43	63.10	62.71	62.32	62.20	63.20	63.20	63.20	63.35	64.00	64.00
8	63.78	63.42	63.09	62.70	62.31	62.23	63.20	63.20	63.20	63.38	64.00	64.00
9	63.77	63.41	63.08	62.69	62.30	62.27	63.20	63.20	63.20	63.41	64.00	64.00
10	63.76	63.40	63.07	62.68	62.29	62.30	63.20	63.20	63.20	63.43	64.00	64.00
11	63.74	63.38	63.06	62.66	62.27	62.33	63.20	63.20	63.20	63.46	64.00	64.00
12	63.73	63.37	63.05	62.65	62.26	62.37	63.20	63.20	63.20	63.48	64.00	64.00
13	63.72	63.36	63.03	62.64	62.25	62.40	63.20	63.20	63.20	63.51	64.00	64.00
14	63.71	63.35	63.02	62.62	62.23	62.43	63.20	63.20	63.20	63.54	64.00	64.00
15	63.70	63.34	63.01	62.61	62.22	62.47	63.20	63.20	63.20	63.56	64.00	64.00
16	63.69	63.33	63.00	62.60	62.21	62.50	63.20	63.20	63.20	63.59	64.00	64.00
17	63.67	63.31	62.99	62.58	62.19	62.53	63.20	63.20	63.20	63.61	64.00	64.00
18	63.66	63.30	62.97	62.57	62.18	62.57	63.20	63.20	63.20	63.64	64.00	64.00
19	63.65	63.29	62.96	62.56	62.17	62.60	63.20	63.20	63.20	63.66	64.00	64.00
20	63.64	63.28	62.95	62.55	62.16	62.63	63.20	63.20	63.20	63.69	64.00	64.00
21	63.63	63.27	62.94	62.53	62.14	62.67	63.20	63.20	63.20	63.72	64.00	63.99
22	63.62	63.26	62.92	62.52	62.13	62.70	63.20	63.20	63.20	63.74	64.00	63.98
23	63.60	63.24	62.91	62.51	62.12	62.73	63.20	63.20	63.20	63.77	64.00	63.97
24	63.59	63.23	62.90	62.49	62.10	62.77	63.20	63.20	63.20	63.79	64.00	63.95
25	63.58	63.22	62.88	62.48	62.09	62.80	63.20	63.20	63.20	63.82	64.00	63.94
26	63.57	63.21	62.87	62.47	62.08	62.83	63.20	63.20	63.20	63.85	64.00	63.93
27	63.56	63.20	62.86	62.45	62.06	62.87	63.20	63.20	63.20	63.87	64.00	63.92
28	63.55	63.19	62.84	62.44	62.05	62.90	63.20	63.20	63.20	63.90	64.00	63.91
29	63.53		62.83	62.43	62.04	62.93	63.20	63.20	63.20	63.92	64.00	63.90
30	63.52		62.82	62.42	62.03	62.97	63.20	63.20	63.20	63.95	64.00	63.88
31	63.51		62.81		62.01		63.20	63.20		63.97		63.87



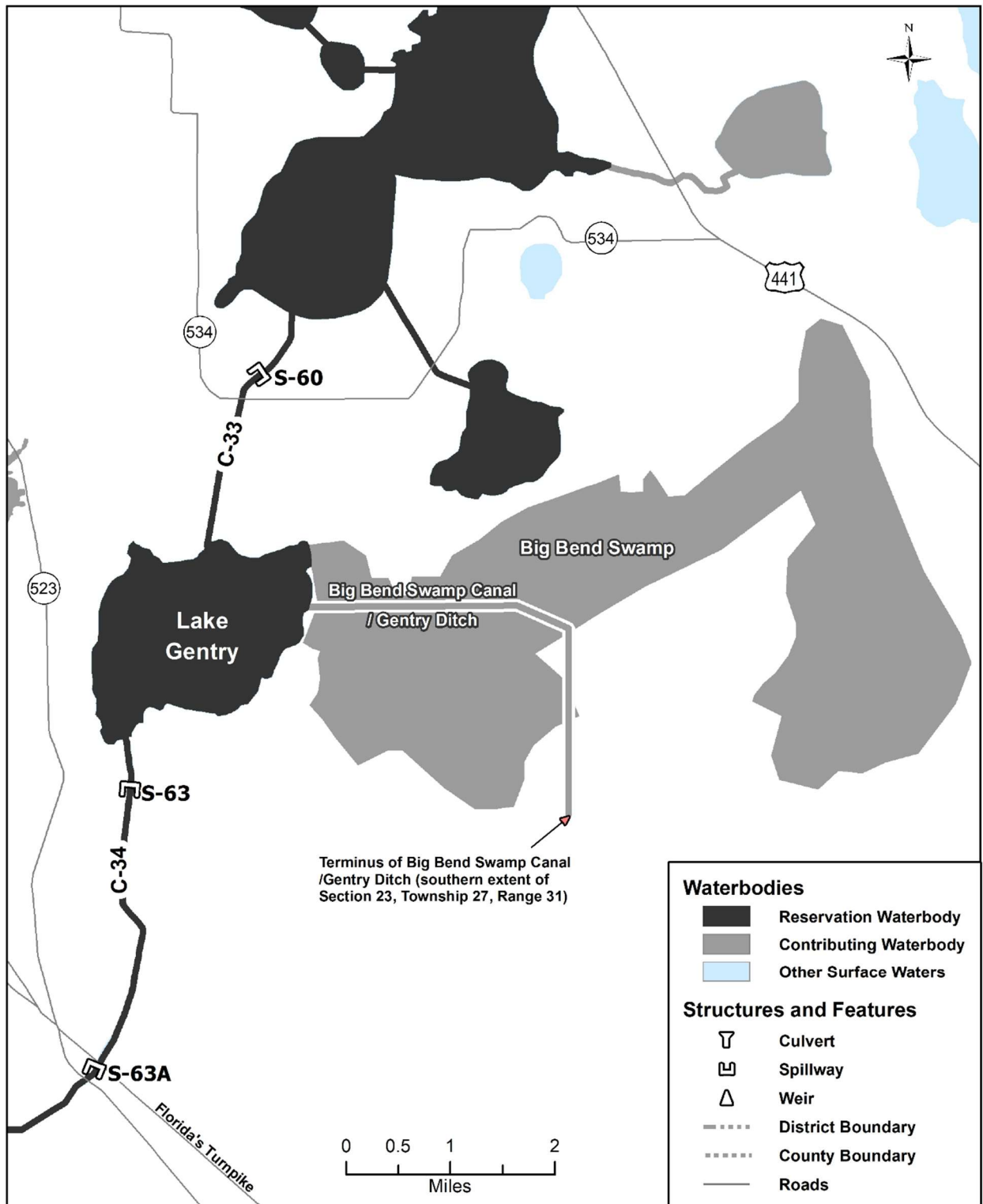


Figure 4-7A. Lake Gentry reservation and contributing waterbodies. Unlabeled waterbodies in this figure are not included in this reservation/contributing waterbody group.



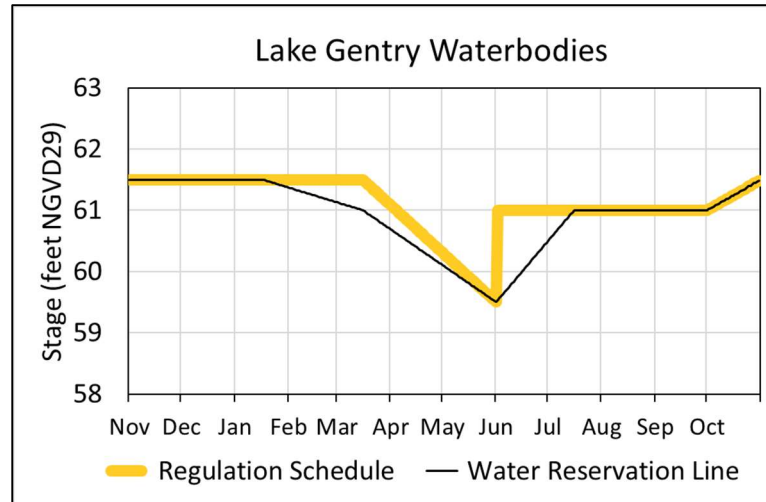


Figure 4-7B. Hydrograph of the current regulation schedule and the water reservation stage at S-63 (water reservation line) for Lake Gentry reservation waterbodies. The water reservation line is derived from data in Table 4-7.

Table 4-7. Maximum daily water reservation stages at S-63 for Lake Gentry reservation waterbodies (black line in Figure 4-7B).

Day	January	February	March	April	May	June	July	August	September	October	November	December
1	61.50	61.37	61.13	60.69	60.10	59.50	60.50	61.00	61.00	61.00	61.50	61.50
2	61.50	61.36	61.12	60.67	60.08	59.53	60.53	61.00	61.00	61.02	61.50	61.50
3	61.50	61.35	61.11	60.65	60.06	59.57	60.57	61.00	61.00	61.03	61.50	61.50
4	61.50	61.34	61.10	60.63	60.05	59.60	60.60	61.00	61.00	61.05	61.50	61.50
5	61.50	61.34	61.09	60.61	60.03	59.63	60.63	61.00	61.00	61.06	61.50	61.50
6	61.50	61.33	61.09	60.59	60.01	59.67	60.67	61.00	61.00	61.08	61.50	61.50
7	61.50	61.32	61.08	60.57	59.99	59.70	60.70	61.00	61.00	61.10	61.50	61.50
8	61.50	61.31	61.07	60.55	59.97	59.73	60.73	61.00	61.00	61.11	61.50	61.50
9	61.50	61.30	61.06	60.53	59.95	59.77	60.77	61.00	61.00	61.13	61.50	61.50
10	61.50	61.29	61.05	60.51	59.93	59.80	60.80	61.00	61.00	61.15	61.50	61.50
11	61.50	61.28	61.04	60.49	59.91	59.83	60.83	61.00	61.00	61.16	61.50	61.50
12	61.50	61.28	61.03	60.47	59.89	59.87	60.87	61.00	61.00	61.18	61.50	61.50
13	61.50	61.27	61.03	60.45	59.87	59.90	60.90	61.00	61.00	61.19	61.50	61.50
14	61.50	61.26	61.02	60.44	59.85	59.93	60.93	61.00	61.00	61.21	61.50	61.50
15	61.50	61.25	61.01	60.42	59.83	59.97	60.97	61.00	61.00	61.23	61.50	61.50
16	61.50	61.24	61.00	60.40	59.81	60.00	61.00	61.00	61.00	61.24	61.50	61.50
17	61.50	61.23	60.98	60.38	59.79	60.03	61.00	61.00	61.00	61.26	61.50	61.50
18	61.49	61.22	60.96	60.36	59.77	60.07	61.00	61.00	61.00	61.27	61.50	61.50
19	61.48	61.22	60.94	60.34	59.75	60.10	61.00	61.00	61.00	61.29	61.50	61.50
20	61.47	61.21	60.92	60.32	59.73	60.13	61.00	61.00	61.00	61.31	61.50	61.50
21	61.47	61.20	60.90	60.30	59.71	60.17	61.00	61.00	61.00	61.32	61.50	61.50
22	61.46	61.19	60.88	60.28	59.69	60.20	61.00	61.00	61.00	61.34	61.50	61.50
23	61.45	61.18	60.86	60.26	59.68	60.23	61.00	61.00	61.00	61.35	61.50	61.50
24	61.44	61.17	60.84	60.24	59.66	60.27	61.00	61.00	61.00	61.37	61.50	61.50
25	61.43	61.16	60.82	60.22	59.64	60.30	61.00	61.00	61.00	61.39	61.50	61.50
26	61.42	61.16	60.81	60.20	59.62	60.33	61.00	61.00	61.00	61.40	61.50	61.50
27	61.41	61.15	60.79	60.18	59.60	60.37	61.00	61.00	61.00	61.42	61.50	61.50
28	61.41	61.14	60.77	60.16	59.58	60.40	61.00	61.00	61.00	61.44	61.50	61.50
29	61.40		60.75	60.14	59.56	60.43	61.00	61.00	61.00	61.45	61.50	61.50
30	61.39		60.73	60.12	59.54	60.47	61.00	61.00	61.00	61.47	61.50	61.50
31	61.38		60.71		59.52		61.00	61.00		61.48		61.50

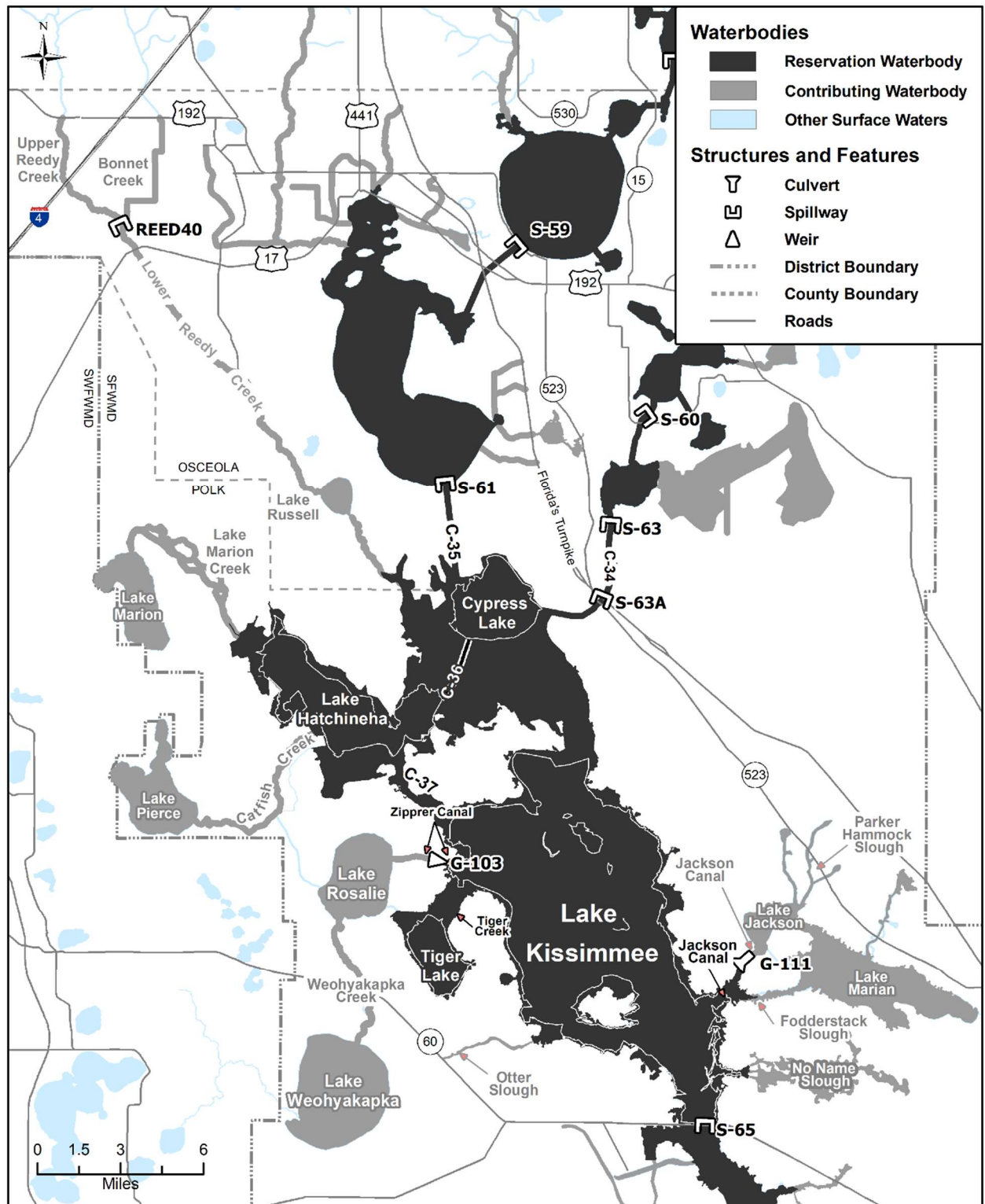


Figure 4-8A. Headwaters Revitalization Lakes reservation and contributing waterbodies. Unlabeled waterbodies in this figure are not included in this reservation/contributing waterbody group.

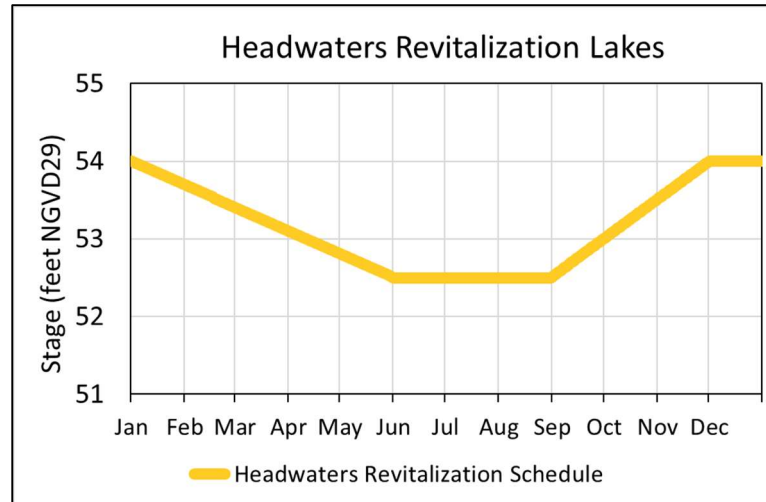


Figure 4-8B. Hydrograph of the authorized Headwaters Revitalization Schedule (HRS) at S-65 (derived from data in Table 4-8) for the Headwaters Revitalization Lakes reservation waterbodies.

Table 4-8. Stages for the Headwaters Revitalization Lakes reservation waterbodies (yellow line in Figure 4-8B).

Day	January	February	March	April	May	June	July	August	September	October	November	December
1	54.00	53.69	53.41	53.10	52.81	52.50	52.50	52.50	52.52	53.01	53.51	54.00
2	53.99	53.68	53.40	53.09	52.80	52.50	52.50	52.50	52.53	53.02	53.53	54.00
3	53.98	53.67	53.39	53.08	52.79	52.50	52.50	52.50	52.55	53.04	53.54	54.00
4	53.97	53.66	53.38	53.07	52.78	52.50	52.50	52.50	52.57	53.05	53.56	54.00
5	53.96	53.65	53.37	53.06	52.77	52.50	52.50	52.50	52.58	53.07	53.58	54.00
6	53.95	53.64	53.36	53.05	52.76	52.50	52.50	52.50	52.60	53.09	53.59	54.00
7	53.94	53.63	53.35	53.04	52.75	52.50	52.50	52.50	52.61	53.10	53.61	54.00
8	53.93	53.63	53.34	53.03	52.74	52.50	52.50	52.50	52.63	53.12	53.62	54.00
9	53.92	53.62	53.33	53.02	52.73	52.50	52.50	52.50	52.65	53.14	53.64	54.00
10	53.91	53.61	53.32	53.01	52.72	52.50	52.50	52.50	52.66	53.15	53.66	54.00
11	53.90	53.60	53.31	53.00	52.71	52.50	52.50	52.50	52.68	53.17	53.67	54.00
12	53.89	53.59	53.30	52.99	52.70	52.50	52.50	52.50	52.70	53.18	53.69	54.00
13	53.88	53.58	53.29	52.98	52.69	52.50	52.50	52.50	52.71	53.20	53.71	54.00
14	53.87	53.57	53.28	52.97	52.68	52.50	52.50	52.50	52.73	53.22	53.72	54.00
15	53.86	53.56	53.27	52.96	52.67	52.50	52.50	52.50	52.74	53.23	53.74	54.00
16	53.85	53.55	53.26	52.95	52.66	52.50	52.50	52.50	52.76	53.25	53.76	54.00
17	53.84	53.54	53.25	52.94	52.65	52.50	52.50	52.50	52.78	53.27	53.77	54.00
18	53.83	53.53	53.24	52.93	52.64	52.50	52.50	52.50	52.79	53.28	53.79	54.00
19	53.82	53.52	53.23	52.92	52.63	52.50	52.50	52.50	52.81	53.30	53.80	54.00
20	53.81	53.51	53.22	52.91	52.62	52.50	52.50	52.50	52.83	53.32	53.82	54.00
21	53.80	53.50	53.21	52.90	52.61	52.50	52.50	52.50	52.84	53.33	53.84	54.00
22	53.79	53.49	53.20	52.89	52.60	52.50	52.50	52.50	52.86	53.35	53.85	54.00
23	53.78	53.48	53.19	52.88	52.59	52.50	52.50	52.50	52.88	53.36	53.87	54.00
24	53.77	53.47	53.18	52.88	52.58	52.50	52.50	52.50	52.89	53.38	53.89	54.00
25	53.76	53.46	53.17	52.87	52.57	52.50	52.50	52.50	52.91	53.40	53.90	54.00
26	53.75	53.45	53.16	52.86	52.56	52.50	52.50	52.50	52.92	53.41	53.92	54.00
27	53.74	53.44	53.15	52.85	52.55	52.50	52.50	52.50	52.94	53.43	53.93	54.00
28	53.73	53.43	53.14	52.84	52.54	52.50	52.50	52.50	52.96	53.45	53.95	54.00
29	53.72	53.42	53.13	52.83	52.53	52.50	52.50	52.50	52.97	53.46	53.97	54.00
30	53.71		53.12	52.82	52.52	52.50	52.50	52.50	52.99	53.48	53.98	54.00
31	53.70		53.11		52.51		52.50	52.50		53.49		54.00

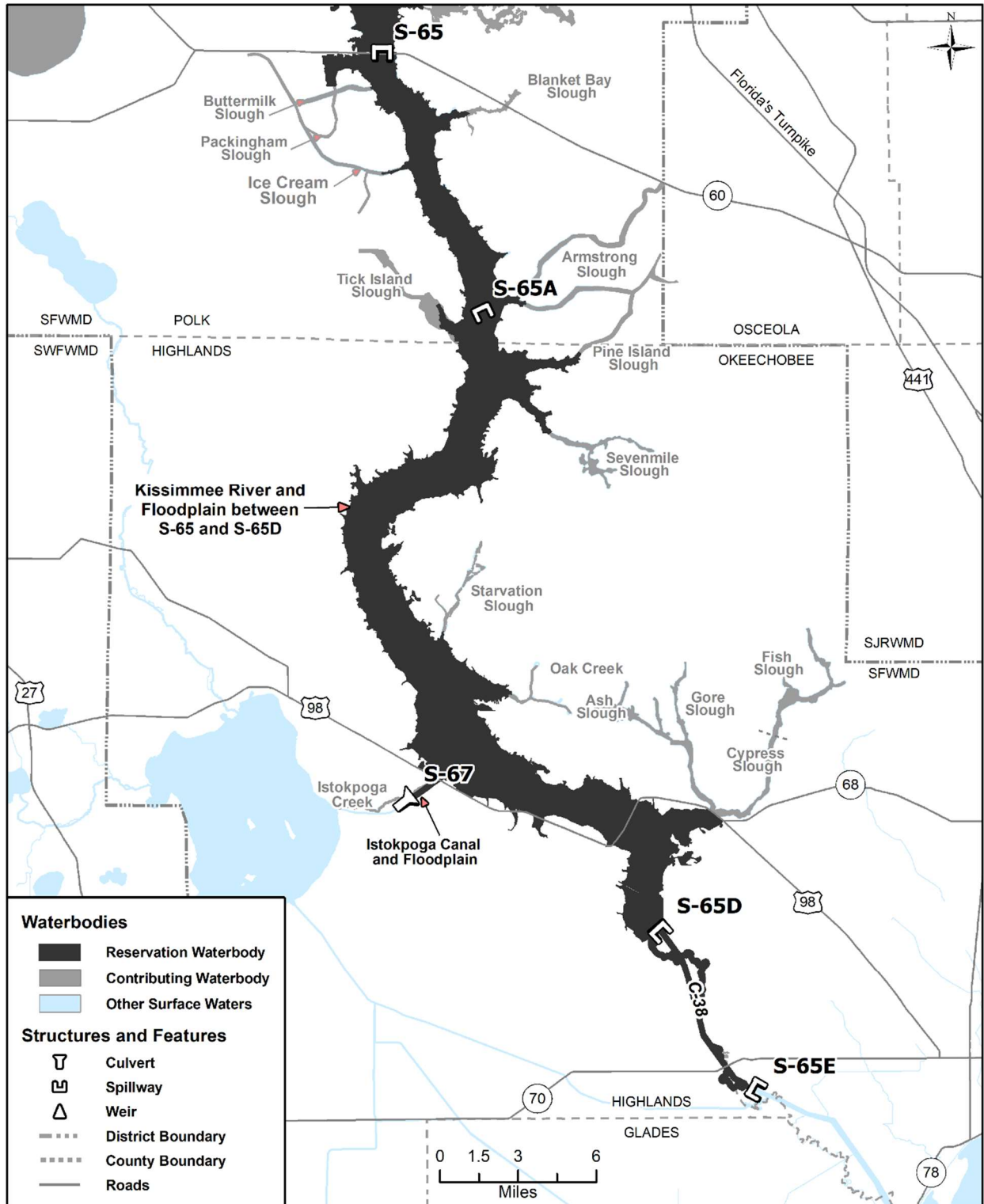


Figure 4-9. Kissimmee River reservation and contributing waterbodies. Unlabeled waterbodies in this figure are not included in this reservation/contributing waterbody group.

**40E-2.091 Publications Incorporated by Reference.**

(1) The “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, ~~2021 January 31, 2021~~” (<http://www.flrules.org/Gateway/reference.asp?No=Ref12649XXXXX>) is incorporated by reference herein.

(2) The following forms and materials are referenced in the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, ~~2021 January 31, 2021~~” (<http://www.flrules.org/Gateway/reference.asp?No=Ref12649XXXXX>) and are incorporated herein:

(a) Through (h) No Change.

(i) Upper Kissimmee-Operations Simulation (UK-OPS) Model (Version 3.12P) (<http://www.flrules.org/Gateway/reference.asp?N=RefXXXXX>), referenced in Subsection 3.11.5.B.2.b.

(j) ~~(i)~~ No Change..

(3) through (4) No Change.

*Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.216 FS. Law Implemented 373.042, 373.0421, 373.083, 373.109, ~~373.196~~, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.243, 373.250 FS. History—New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, 9-26-12, 10-23-12, 7-21-13, 7-14-14, 7-16-14, 9-7-15, 01-31-21 \_\_\_\_\_.*

**Applicant’s Handbook**

**3.11.5 Upper Chain of Lakes, Headwaters Revitalization Lakes, and Kissimmee River**

1. A permit applicant shall provide reasonable assurances that the proposed use will not withdraw water reserved under Rule 40E-10.071, F.A.C., and meets the conditions for issuance under Section 373.223, F.S. Compliance with the following criteria constitutes reasonable assurances that reserved water will not be withdrawn. Water within the reservation or contributing waterbodies identified below that is not reserved under Rule 40E-10.071, F.A.C., shall be allocated pursuant to this subsection. However, new or increased surface water withdrawals from the Headwaters Revitalization Lakes and the Kissimmee River reservation waterbodies, as defined in Paragraphs 40E-10.021(8)(g) and (h), F.A.C., are prohibited.
2. The definitions in Subsection 40E-10.021(8), F.A.C., are applicable to this subsection. The following definitions also apply to this subsection:
  - a. Direct Withdrawals of Surface Water: Withdrawals of surface water from facility intakes physically located within a reservation or contributing waterbody.
  - b. Indirect Withdrawals of Groundwater: Withdrawals from surficial aquifer system (SAS) well(s) that results in 0.1 foot or more of additional drawdown, as determined

per Subsection 3.1.2 of the Applicant's Handbook, at the landward edge of the reservation or contributing waterbody.

**A. The Following Uses Do Not Withdraw Reserved Water**

1. Direct Withdrawals of Surface Water from Upper Chain of Lakes reservation or contributing waterbodies that occur when the reservation waterbody stage exceeds the stage reserved from allocation, as described in Subsection 40E-10.071(1), F.A.C., and are authorized by a permit consistent with criteria contained in Subsections 3.11.5.B and 3.11.5.C of the Applicant's Handbook.
2. Indirect Withdrawals of Groundwater with less than 0.1 foot of drawdown from a reservation or contributing waterbody.
3. A permit modification or renewal involving a Direct Withdrawal of Surface Water or an Indirect Withdrawal of Groundwater that does not change the source, increase the allocation, or change the withdrawal location (e.g., replacement of an existing well or surface water pump with similar construction and at a similar location); that includes crop changes that do not change the allocation; or that results in a decrease in permit allocation.
4. Re-allocation or transfer of a water use permit involving a Direct Withdrawal of Surface Water or an Indirect Withdrawal of Groundwater issued: a) before [rule effective date] if the previous permittee demonstrated such use complied with the criteria in Section 3.1 through 3.10 of the Applicant's Handbook; or b) after [rule effective date] if the previous permittee demonstrated compliance with the criteria in Subsection 3.11.5 of the Applicant's Handbook.
5. A proposed new use or a water use permit modification that does not include a Direct Withdrawal of Surface Water or an Indirect Withdrawal of Groundwater from a reservation or contributing waterbody.
6. Withdrawals from Floridan aquifer system wells.
7. District-authorized Direct Withdrawals of Surface Water or Indirect Withdrawals of Groundwater when the District, as local sponsor of the Central and Southern Florida Flood Control Project (C&SF Project), is making discharges from the reservation waterbodies for: a) flood protection purposes; b) operations associated with maintenance of C&SF Project components; or c) environmental releases (e.g., managed spring recessions or lake drawdowns).



8. Dispersed water management or other water quality improvement projects that have been authorized by the District and are consistent with the Northern Everglades and Estuaries Protection Program (NEEPP), pursuant to Section 373.4595, F.S.
9. Withdrawals authorized by Subsection 40E-2.061(2), F.A.C. (General Permit by Rule for Short-Term Dewatering).

**B. Additional Criteria for Issuance of Permits from Upper Chain of Lakes Reservation or Contributing Waterbodies**

Withdrawals from reservation and contributing waterbodies are subject to the following additional criteria and applicable special conditions in Subsection 5.2.2.K.9 of the Applicant's Handbook. Water from contributing waterbodies and Upper Chain of Lakes reservation waterbodies may not always be available for use. Allocations from these sources do not have any level of certainty afforded to other water use permit allocations. Applicants must consider the purpose of their proposed use, the variability of the source, the suitability of the source for the proposed use, and the rights of existing legal users.

1. Indirect Withdrawals of Groundwater from reservation or contributing waterbodies must comply with the environmental criteria in Subsection 3.3 of the Applicant's Handbook, or Subsection 3.4 of the Central Florida Water Initiative (CFWI) Supplemental Applicant's Handbook for Consumptive Use Permitting, if effective and the withdrawal is located within the CFWI, and the daily groundwater withdrawal criteria in Subsection 3.11.5.C of the Applicant's Handbook.
2. Permitted Direct Withdrawals of Surface Water or Indirect Withdrawals of Groundwater from a reservation or contributing waterbody will be issued a daily allocation only. The daily allocation shall be proposed by the applicant and based on the reasonable--beneficial demand for the use class, as calculated pursuant to 1) Subsection 2.3 of the Applicant's Handbook or 2.2 through 2.6 of the CFWI Applicant's Handbook, if effective and applicable; and 2) the rated capacity of the associated withdrawal facilities, whichever is less. Daily withdrawals shall be reported to the District weekly using Form No. 1392, incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021.
  - a. Suitability of the Source for the Use: The applicant must consider the variable nature of the supply in demonstrating that this source is suitable for the intended use. This may be accomplished by:
    - i. Demonstrating the proposed withdrawals in combination with other sources of water and storage meet the reasonable-beneficial needs of the use. Operational plans that describe how both sources will be used to meet the reasonable--beneficial needs shall be submitted in the application and incorporated as a permit condition; or
    - ii. Demonstrating the proposed use is compatible with the variable nature of the source.



- b. **Assessment of Downstream Impacts to the Kissimmee River:** The applicant shall provide reasonable assurance that the proposed use will not impact the District's Kissimmee River Restoration Project objectives, set forth in Section 373.1501(3), F.S. To provide these assurances, the applicant shall analyze the effects of: i) the individual impact of the proposed withdrawal, and ii) the cumulative impact of the proposed withdrawal combined with all other permitted withdrawals from reservation and contributing waterbodies. These analyses shall demonstrate that the proposed use and a cumulative assessment including the withdrawals of other existing legal uses do not reduce annual average discharges at the S-65 structure by more than 4.18 percent as of [rule effective date], compared to a no-withdrawal condition over the range of hydrologic variability that occurred between 1965 and 2005. The applicant shall use the District's Upper Kissimmee-Operations Simulation (UK-OPS) Model (Version 3.12P), which is incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021, to conduct this impact assessment.
- c. **Assessment of Downstream Impacts to Existing Legal Users in the Lake Okeechobee Service Area:** The applicant shall demonstrate that the proposed use will not impact existing legal users in the Lake Okeechobee Service Area (Subsection 3.2.1.F, Figure 3-3, of the Applicant's Handbook). To provide these assurances, the applicant must provide an operational plan that demonstrates that the daily surface water withdrawals and indirect withdrawals of groundwater from reservation and contributing waterbodies will only occur when Lake Okeechobee stage is within or above the Low Sub-band of the Lake Okeechobee Regulation Schedule (LORS2008) and regulatory releases from Lake Okeechobee are being made to either the Caloosahatchee River (S-77 and S-79) or St. Lucie Estuary (S-308 and S-80). The applicant shall review the Army Corps of Engineers web page at <https://www.saj.usace.army.mil/WaterManagement/> to determine if Lake Okeechobee regulatory releases are being made.

### **C. Daily Withdrawal Criteria**

#### **1. Daily Groundwater Withdrawal Criteria**

The availability of Indirect Withdrawals of Groundwater will be determined daily, consistent with Rule 40E-10.071, F.A.C. Daily groundwater withdrawals are authorized when the applicable criteria in Subsections a. through c., below, are met:

- a. SAS wells that impose 0.1 foot or greater of additional drawdown in Upper Chain of Lakes reservation or contributing waterbodies will be authorized only when the immediate downstream reservation waterbody is above the lake stage that is reserved from allocation, as described in Subsection 40E-10.071(1), F.A.C.
- b. SAS wells that impose 0.1 foot or greater of additional drawdown in contributing waterbodies to the Headwaters Revitalization Lakes and Kissimmee River will be authorized only when the stage in the Headwaters Revitalization Lakes is above the Headwaters Revitalization Schedule (Chapter 40E-10, F.A.C., Appendix 4, Figure 4-8B and Table 4-8).

- c. Indirect Withdrawals of Groundwater from an Upper Chain of Lakes reservation waterbody or any contributing waterbody can occur when the District, as local sponsor of the C&SF Project, is discharging from the reservation waterbodies for: i) flood protection purposes; ii) operations associated with maintenance of C&SF Project components; or iii) environmental releases (e.g., managed spring recessions or lake drawdowns). The permittee must submit the request to conduct such daily withdrawals on Form No. 1393, incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021. District approval is required before any withdrawals can be made. For withdrawals to be made under this condition, the criteria for the Assessment of Downstream Impacts to Existing Legal Users in the Lake Okeechobee Service Area shall be met [Subsection 3.11.5.B.2 (c.)].

## 2. Daily Surface Water Withdrawal Criteria

The availability of surface water for withdrawal will be determined daily, consistent with Subsections 40E-10.071(1) through (3), F.A.C. Daily surface water withdrawals are authorized when the applicable criteria in subsections a. through d., below, are met:

- a. From Upper Chain of Lakes Reservation Waterbodies: When the daily lake stage of the reservation waterbody is above the water reservation stage that is reserved from allocation. On a daily basis, the permittee shall compare the lake stage of the reservation waterbody with the water reservation stage in Subsection 40E-10.071(1), F.A.C., to determine if water is available for withdrawal. The daily lake stage of the reservation waterbody will be measured from the official District monitoring station(s) for the reservation waterbody, as identified in the permit, and recorded at 10:00 AM each day. This lake stage shall serve as the daily water level benchmark to determine if water is available for withdrawal on that specific day for a 24-hour period.
- b. From Contributing Waterbodies to an Upper Chain of Lakes Reservation Waterbody: When the lake stage of the immediate downstream reservation waterbody is above the water reservation stage that is reserved from allocation. On a daily basis, the permittee shall compare the lake stage of the downstream reservation waterbody with the water reservation stage in Subsection 40E-10.071(1) F.A.C., to determine if water is available for withdrawal. The daily lake stage of the reservation waterbody will be measured from the official District monitoring station(s) for the reservation waterbody, as identified in the permit, and recorded at 10:00 AM each day. This lake stage shall serve as the daily water level benchmark to determine if water is available for withdrawal on that specific day for a 24-hour period.
- c. From a Contributing Waterbody to Headwaters Revitalization Lakes or Kissimmee River Reservation Waterbodies: When the stage within the Headwaters Revitalization Lakes is above the Headwaters Revitalization Schedule (Chapter 40E-10, F.A.C., Appendix 4, Figure 4-8B and Table 4-8). The daily lake stage of

the reservation waterbody will be measured from the official District monitoring station(s) for the reservation waterbody, as identified in the permit, and recorded at 10:00 AM each day. This lake stage shall serve as the daily water level benchmark to determine if water is available for withdrawal on that specific day for a 24-hour period.

- d. From an Upper Chain of Lakes Reservation Waterbody or any Contributing Waterbody: When the District, as local sponsor of the C&SF Project, is discharging from the reservation waterbodies for: i) flood protection purposes; ii) operations associated with maintenance of C&SF Project components; or iii) environmental releases (e.g., managed spring recessions or lake drawdowns). The permittee must submit the request to conduct such daily withdrawals on Form No. 1393, incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021. District approval is required before any withdrawals can be made. For withdrawals to be made under this condition, the criteria for the Assessment of Downstream Impacts to Existing Legal Users in the Lake Okeechobee Service Area shall be met (Subsection 3.11.5.B.2 (c.)).

### **3.11.6 Everglades Agricultural Area (EAA) Reservoir**

The Everglades Agricultural Area Reservoir Water Reservation, as stated in paragraph 40E-10.061(3)(a), F.A.C., protects the Central Everglades Planning Project water needed for fish and wildlife within the Lower East Coast Everglades Waterbodies. Renewals of existing permits and applications received before the conditions identified in paragraphs 40E-10.061(3)(b)&(c), F.A.C., and which otherwise satisfy the requirements of Chapter 40E-2, F.A.C., as applicable, do not use water reserved under paragraph 40E-10.061(3)(a), F.A.C. In accordance with Section 373.1501(5)(d), F.S., the quantity of water available to existing legal users is not diminished by the reservation rule.

## **5.2.2 Compliance, Monitoring, and Reporting**

The following subsections contain additional compliance, monitoring, and reporting permit conditions.

### **K. Specific Region Special Conditions**

9. Permits for withdrawals from a reservation or contributing waterbody, defined in Rule 40E-10.021, F.A.C., shall be subject to the following Special Permit Conditions:
  - a. Allocation:

The daily allocation is (recommended actual allocation) \_\_\_\_ (gpd or mgd). The withdrawal shall be consistent with any applicable declared Water Shortage Orders in effect, pursuant to Chapter 40E-21, F.A.C. The availability of water for Direct Surface Water Withdrawals or Indirect Withdrawals of Groundwater is ephemeral and does not have any level of certainty typically afforded other water use permit

allocations. Compliance with the allocation is based on the quantity withdrawn over a single day.

- b. Withdrawals from (name of reservation or contributing waterbody) will be permitted only when the daily stage of (name of reservation waterbody), as measured at the District monitoring station (name), is above the water level schedule shown on Exhibit [X] (Maximum Daily Water Reservation Stage Table), consistent with Rule 40E-10.071, F.A.C. Daily water levels at the (name of Monitoring Station) and daily withdrawals from the (name of reservation or contributing waterbody) shall be reported to the District on a weekly basis using Form No. 1392, incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021. The daily water level measurements from (name of Monitoring Station), recorded at 10:00 AM each day, will serve as the daily water level benchmark to determine if water is available for withdrawal from (name of reservation waterbody) on that specific day for a 24-hour period. If any of the District's daily water level data in DBHYDRO are flagged for possible error, noted by a "?" next to the daily reading, then the permittee may not make withdrawals after 5 consecutive days until the data are corrected or validated.
- c. In addition to Special Permit Condition [XX] above, daily Direct Withdrawals of Surface Water and Indirect Withdrawals of Groundwater from reservation and contributing waterbodies may occur only when Lake Okeechobee stage is within or above the Low Sub-band of the Lake Okeechobee Regulation Schedule (LORS2008) and regulatory releases from Lake Okeechobee are being made to either the Caloosahatchee River (S-77 and S-79) or St. Lucie Estuary (S-308 and S-80). The Permittee shall review the Army Corps of Engineers web page at <https://www.saj.usace.army.mil/WaterManagement/> to determine if Lake Okeechobee regulatory releases are being made.
- d. If the District, as local sponsor of the C&SF Project, is discharging from the (name of reservation waterbody) for: i) flood protection purposes, ii) operations associated with maintenance of C&SF Project components, or iii) environmental releases (e.g., managed spring recessions or lake drawdowns), the permittee may request to conduct Direct Withdrawals of Surface Water or Indirect Withdrawals of Groundwater. The Permittee shall request authorization to conduct such daily withdrawals utilizing Form No. 1393, incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021. The Permittee shall not make any withdrawals until it receives written approval from the District. Daily withdrawals made pursuant to this authorization shall be noted on Form No. 1392, incorporated by reference in Rule 40E-2.091, F.A.C., effective March 21, 2021. For withdrawals to be made under this condition, the criteria for the Assessment of Downstream Impacts to Existing Legal Users in the Lake Okeechobee Service Area shall be met [Subsection 3.11.5.B.2(c.)].