

APPLICANT'S HANDBOOK FOR WATER USE PERMIT APPLICATIONS

1.1 Definitions

Additional definitions can be found in Chapter 373, F.S., and Chapters 40E-3, 40E-8, and 62-40, F.A.C.

North Palm Beach County /Loxahatchee River Watershed Waterbodies - as used in Subsection 3.2.1.E, is defined as the surface and groundwater from the City of West Palm Beach Grassy Waters Preserve, Water Catchment Area, Pal-Mar and J.W. Corbett Wildlife Management Area, Loxahatchee Slough, Loxahatchee River, Riverbend Park, Dupuis Reserve, Jonathan Dickenson State Park, Kitching Creek, Moonshine Creek, Cypress Creek, and Hobe Grove Ditch, Hungryland Slough, Pine Glades, and the C-18W Reservoir, as depicted in Figure 3-2.

3.2 Source Specific Criteria

3.2.1 Restricted Allocation Areas

Due to concerns regarding water availability, the following geographic areas are restricted with regard to the utilization of specific water supply sources. These areas and sources include the following:

E. Lower East Coast Regional Water Availability

In addition to all other applicable consumptive use statutory and rule provisions, the following restrictions shall apply when allocating water by permit for water use withdrawals within the Northern Palm Beach County Service Area and Lower East Coast Service Areas 1, 2 or 3.

Subsection 3.2.1.E is a component of recovery strategies for MFLs for the Everglades and the Northwest Fork of the Loxahatchee River, as set forth in Chapter 40E-8, F.A.C., and assists in implementing the objective of the District to ensure that water necessary for Everglades restoration and restoration of the Loxahatchee River Watershed is not allocated for consumptive use upon permit renewal or modification under this rule.

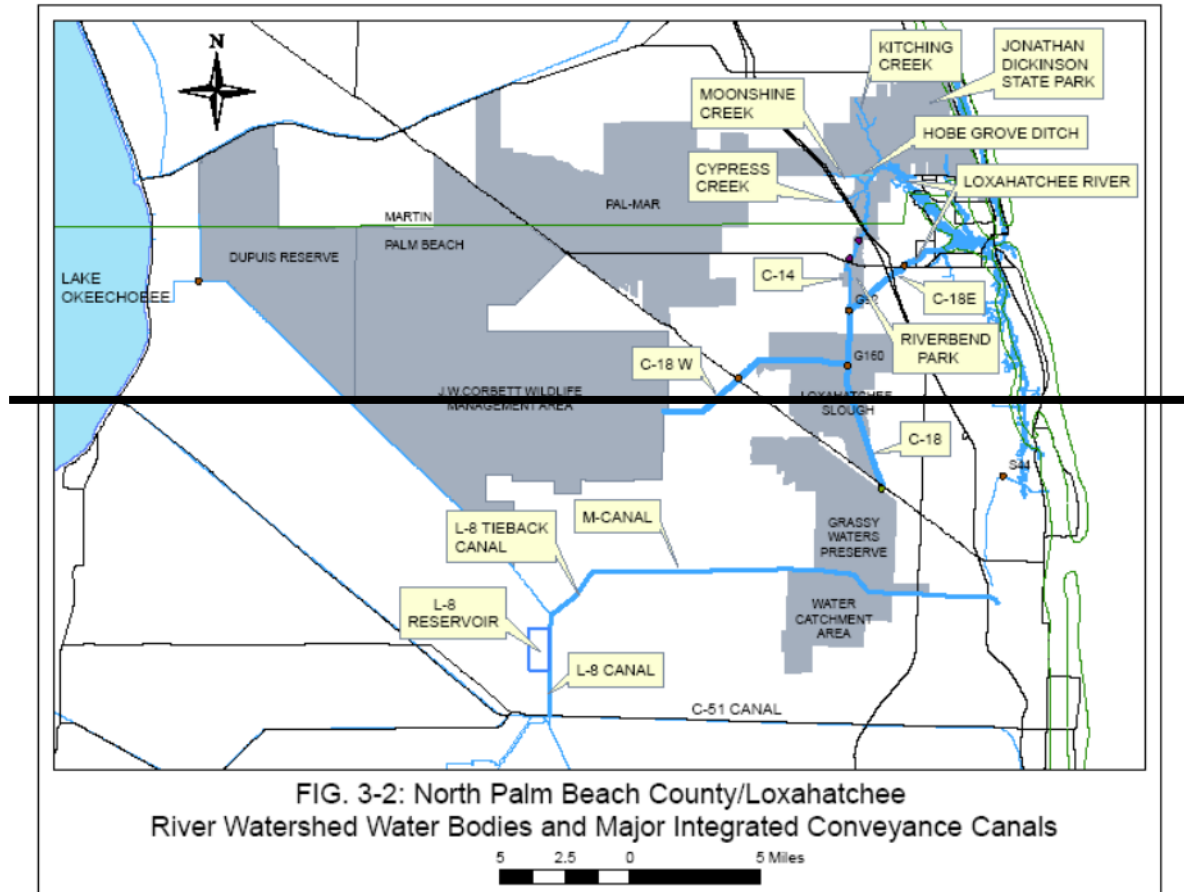
1. - 2. No Change.

The evaluation of water withdrawn from Waterbodies under this section shall address the impacts of the proposed use on surface water and groundwater from: a) integrated conveyance systems that are hydraulically connected to the subject Waterbodies and are tributary to or receive water from such Waterbodies; and b) the Waterbodies. Integrated conveyance systems that are hydraulically connected to the subject Waterbodies include primary canals used for water supply including, but not limited to, the Central and Southern Florida Project Canals, and secondary and tertiary canals that derive water from primary canals.

3. - 7. No Change.

FIG. 3-1: Lower East Coast Everglades Waterbodies and Major Integrated Conveyance Canals

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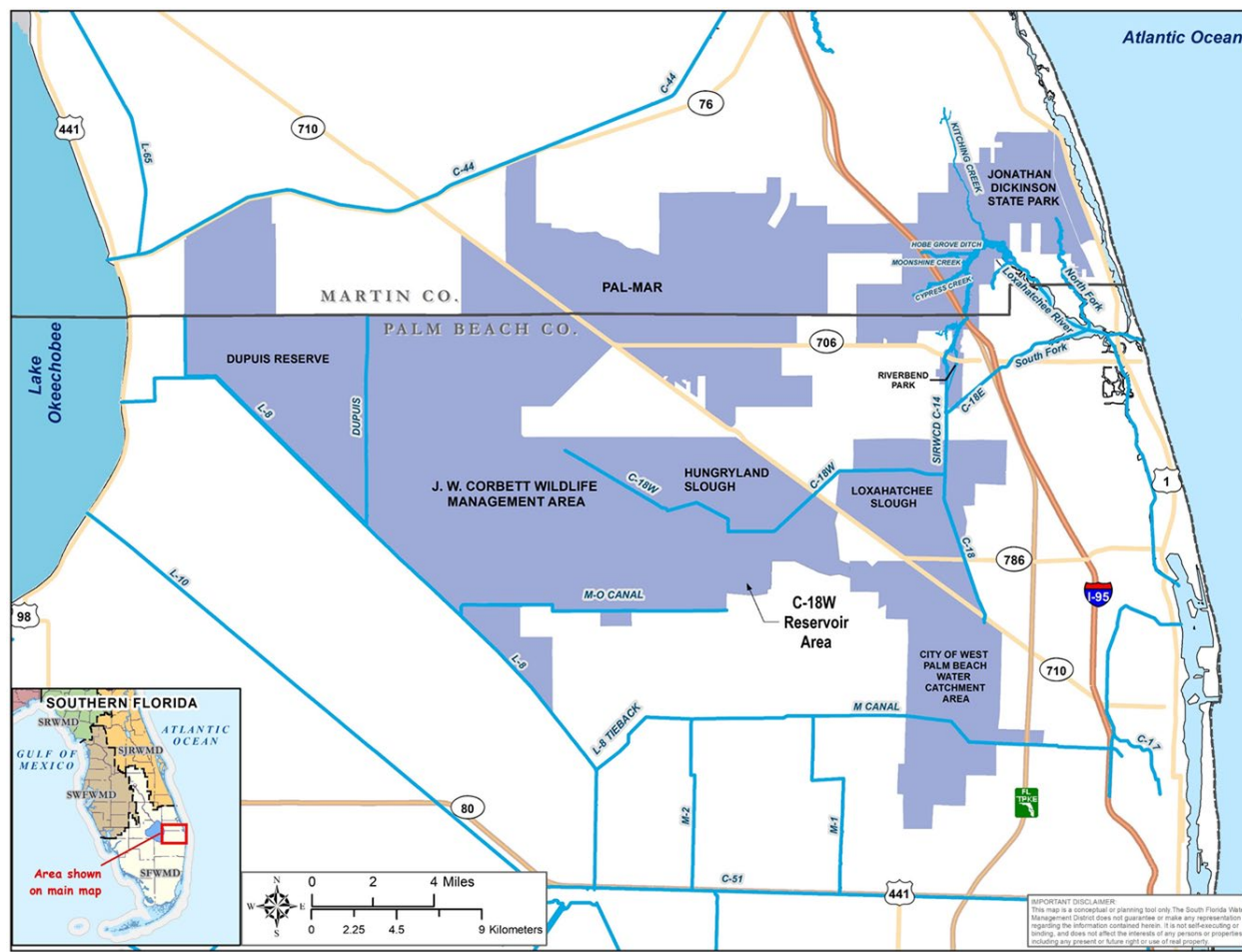


Figure 3-2. North Palm Beach County/Loxahatchee River Watershed Water Bodies and Major Integrated Conveyance Canals.

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G. Aquifer Storage and Recovery Systems Utilizing the Upper Floridan Aquifer System

The following restrictions shall apply when allocating groundwater stored in the upper Floridan aquifer system (upper FAS) beneath the C-18W Reservoir, as depicted in Figure 3-4. This subsection assists in implementing the District's objective of ensuring that water necessary for the restoration of the Loxahatchee River Watershed is not allocated to consumptive use upon permit issuance, renewal, or modification under these criteria.

The applicant shall provide reasonable assurance that the requested allocation will not withdraw from the portion of the upper FAS underlying the C-18W Reservoir and associated buffer zone delineated in Figure 3-4. This demonstration is provided when the following criteria, pursuant to the impact evaluation provisions in Subsection 3.1.2, are met:

1. The requested allocation will not interfere with the C-18 W Reservoir ASR wells as described in Section 3.7, below; or,
2. The requested allocation will not result in 1-foot or more of drawdown to the portion of the upper FAS that underlies the C-18W Reservoir groundwater buffer zone delineated in Figure 3-4.

For existing legal users of the upper FAS as of [rule effective date] whose cone of depression intersects the zone delineated in Figure 3-4, the use may be renewed. However, no additional allocations that increase the withdrawal's impact beyond that of the previously permitted use as of [rule effective date] will be authorized.

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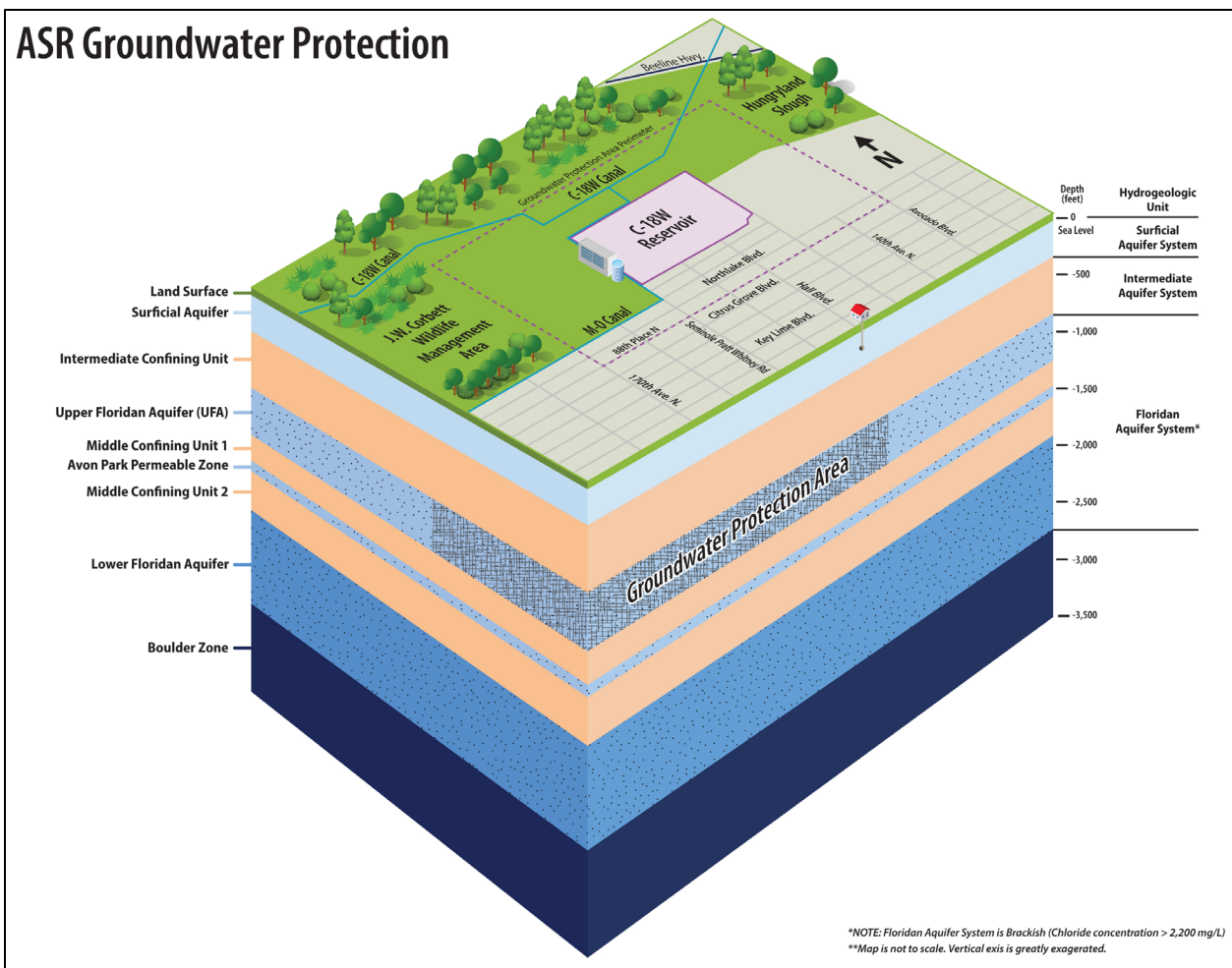


Figure 3-4. Area of upper Floridan aquifer system protection related to the C-18W Reservoir and associated aquifer storage and recovery (ASR) wells.

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3.7 Interference with Existing Legal Users

To obtain a water use permit the applicant must provide reasonable assurance that it will not interfere with any existing legal use of water, pursuant to Section 373.223(1)(b), F.S. In general, an applicant must provide reasonable assurances that the proposed withdrawal of water, together with other exempt or permitted uses ~~withdrawals~~ within the cone of influence of the proposed withdrawal, will not result in interference with those existing legal uses.

3.7.2 Definition of Interference with an Existing Legal Use

Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1-in-10 year drought event that results in the:

- A. Inability to withdraw water consistent with provisions of the permit or exempt use, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference;
- B. Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or when such change is imminent; ~~or,~~
- C. Inability of an existing legal user to meet its permitted demands without exceeding the permitted allocation; ~~or,~~
- D. If the proposed use is an ASR system, the applicant shall identify all existing legal uses within the area of influence and provide reasonable assurance that the operation of the proposed ASR system will not cause interference per the criteria contained in Subsections 3.7 and Subsection 3.10; or,
- E. If the existing legal use is an ASR system, 1) the transmittance of ASR waters away from the delineated project area by changing or accelerating the flow velocity or flow direction; or 2) a change in the concentration of total dissolved solids.

3.7.3 Mitigation Requirements for Interference with Existing Legal Uses

If the applicant cannot provide reasonable assurance that a proposed withdrawal will not interfere with existing legal uses, the applicant must submit a mitigation plan. The mitigation plan shall identify actions necessary to mitigate for interference once the impact has occurred, or is imminent. Such actions must be sufficient to provide water consistent with the authorized use and will require a permit modification if required by Rule 40E-2.331, F.A.C. As necessary to offset the interference, mitigation will include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means. If the existing legal use is an ASR system, replacement of the impacted user's equipment shall not be included in the mitigation plan.

Once the permit is issued, the permittee shall mitigate interference with existing legal uses that was caused in whole or in part by the permittee's withdrawals, consistent with the approved mitigation plan. The mitigation plan will require a permittee to mitigate

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immediately, or upon the actual occurrence of an interference. The determination of when mitigation is required is based upon the likelihood that the interference is projected to occur.

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