

## **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-5, 40E-8, and 62-40, F.A.C.

***Allocation Coefficient*** through ***Listed Species*** No Change.

***Lower East Coast Everglades Waterbodies*** - as used in Subsection 3.2.1.E, is defined as the surface water and groundwater from Water Conservation Areas 1, 2A, 2B, 3A and 3B, the Holeyland/Rotenberger wildlife management areas, and the freshwater portions of Everglades National Park, as depicted in Figure 3-1.

***Maximum Daily Allocation*** through ***Micro-Irrigation*** No Change.

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

***Other Surface Waters*** through ***Wetlands*** No Change.

### **1.5.2 Special Duration Factors**

A. No Change.

B. Sources of Limited Availability. For purposes of the Section, the following are Sources of Limited Availability:

1. Upper East Coast Regional Water Supply Planning Area: Surficial Aquifer System throughout the planning area and surface water in the Interior Martin County and Northwest Loxahatchee River Water Use Basins (see Chapter 40E-21, F.A.C., and Figures 3-1 and 3-2) to the extent that withdrawals induce seepage from the North Palm Beach County/Loxahatchee River Watershed Waterbodies.
2. Lower East Coast Regional Water Supply Planning Area: Surface water and Biscayne/Surficial Aquifer System to the extent that withdrawals result in induced seepage from the Central and Southern Florida Project and North Palm Beach County/Loxahatchee River Watershed Waterbodies, except when stormwater discharge or wet season discharge occurs; Lake

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Okeechobee; Central and Southern Florida Project; the Caloosahatchee River/Canal; and the St. Saint Lucie River/Canal.

3. No Change.

C. through D.No Change.

### **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:

A. through D.No Change.

#### **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 surface water and Biscayne/Surficial Aquifer System water by permit for water use withdrawals within the Northern Palm Beach County Service Area, ~~and Lower East Coast Service Areas 1, 2, and or 3,~~ and the Interior Martin County and Northwest Loxahatchee River Water Use Basins, as depicted in Figures 3-1 and 3-2.

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. through 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. The “base condition water use” shall be as provided below, but in no case shall exceed the withdrawal permitted to the applicant as of April 1, 2006 for uses within the Northern Palm Beach County Service Area and Lower East Coast Service Areas 1, 2, and 3. For uses within the Interior Martin County and Northwest Loxahatchee River Water Use Basins not subject to these provisions before [rule effective date], the “base condition water use”

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shall be as provided below, but in no case shall exceed the withdrawal permitted to the applicant as of April 1, 2022:

- a. For the public water supply use class, the maximum quantity of water withdrawn by the applicant from the permitted source during any consecutive twelve-month period during the five years preceding April 1, 2006 or April 1, 2022, whichever is applicable. If a permit allocation existing as of April 1, 2006 or April 1, 2022, whichever is applicable, contains an allocation based on a conversion of a water treatment system, the base condition water use shall be increased to account for the additional volume used as if the modified treatment system was operational as of April 1, 2006 or April 1, 2022, whichever is applicable;
- b. For the irrigation use class, the quantity of water calculated using Subsection 2.3.1.C to meet demands for the following: 1) the number of acres actively irrigated by the applicant over the duration of the irrigation permit existing as of April 1, 2006 or April 1, 2022, whichever is applicable; or 2) if the irrigation project, or a portion thereof, has not yet been constructed pursuant to a required surface water management construction permit or environmental resource permit as of April 1, 2006 or April 1, 2022, whichever is applicable, the number of acres authorized to be irrigated by such project when constructed, consistent with a water use permit existing as of April 1, 2006 or April 1, 2022, whichever is applicable;
- c. For the diversion and impoundment use class, the demands of the applicant calculated pursuant to Subsection 2.3.2.C for the physical conditions of the diversion and impoundment system as of April 1, 2006 or April 1, 2022, whichever is applicable; or,
- d. For other use classes, the quantity of water withdrawn by the applicant during the twelve months preceding April 1, 2006 or April 1, 2022, whichever is applicable.

In determining the base condition water use, pursuant to Subsections a. through d. above, the District shall consider and allow adjustments if the applicant demonstrates that such use is not representative of normal operations due to unanticipated conditions affecting the actual quantity of water withdrawn, such as extreme climatic conditions or equipment failure. Only uses conducted consistent with the existing consumptive use permit conditions shall be considered in identifying the base condition water use. The base condition water use shall not exceed that permitted as of April 1, 2006 or April 1, 2022, whichever is applicable.

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The base condition water use shall include water made available through implementation of offsets, alternative water supplies, or terminated or reduced base condition water uses, specifically required by permit condition to prevent increased water from being withdrawn from the subject Waterbodies. Under these circumstances, the applicant shall demonstrate that such actions were implemented and function as required by the permit.

4. No Change.
5. If the comparison of the evaluations identified in Subsection 3.2.1.E.4, above, identifies an increase in the volume or change in timing of water requested to be withdrawn from the Waterbodies, the applicant shall do one or more of the following:
  - a. through c. No Change.
  - d. Terminated or reduced base condition water use. Identify terminated or reduced base condition water uses as stated below. The request will be approved if the applicant demonstrates that the requested allocation does not cause an increase in volume or change in timing of withdrawals from the Waterbodies over the applicant's base condition water use due to the reduction or elimination of other base condition water uses that existed on April 1, 2006 or April 1, 2022, whichever is applicable. The applicant must demonstrate that water is available by providing documentation of the implementation of a substitution credit [Subsection 62-40.416(8), F.A.C.] or other modification or termination of the historic consumptive use permit prior to issuance of the proposed permit under this rule; or,
  - e. Available wet season water. Identify water is available during the wet season as set forth below. The wet season water will be approved if the applicant demonstrates that water is available under the conditions described below during the wet season, provided the applicant demonstrates that such water is not required to achieve the restoration benefits to the Waterbodies pursuant to the Comprehensive Everglades Restoration Plan, North Palm Beach County Comprehensive Water Management Plan, and the Acceler8 program. Water available under these conditions shall be limited to the wet season discharges that are projected to persist following implementation of the entire Comprehensive Everglades Restoration Plan, North Palm Beach County Comprehensive Water Management Plan, and the Acceler8 program.
    - i. through iii. No Change.

The District will assist the applicant in identifying the best available information necessary to make the determination of wet season

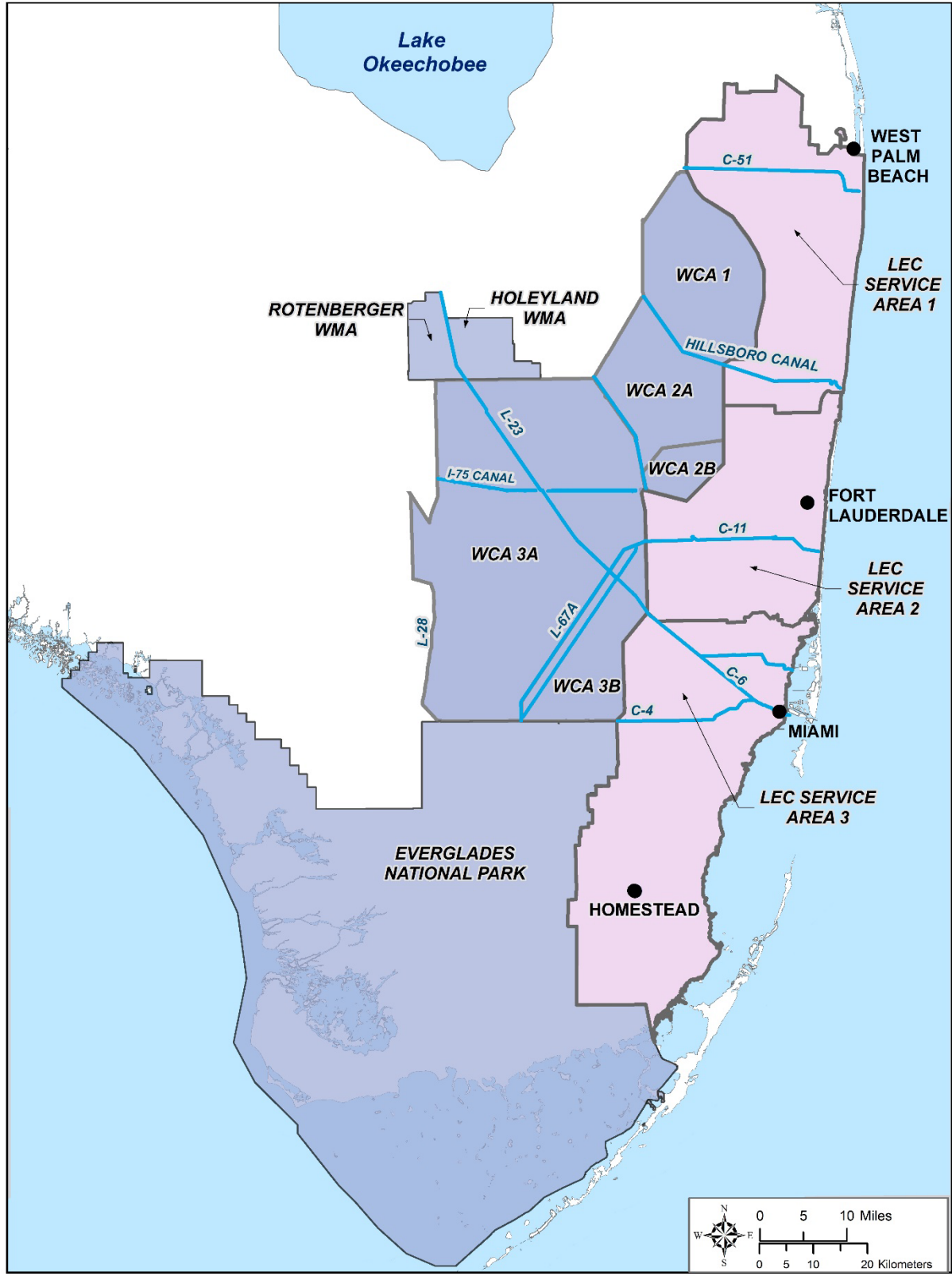
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water availability. Offsets, alternative water sources and terminated or reduced base condition water uses implemented after April 1, 2006 or April 1, 2022, whichever is applicable, shall be considered in addressing requested increases in withdrawals from Waterbodies under this section. Notwithstanding, as stated in Subsection 3.2.1.E.3, water made available from the permitted source through offsets, alternative water supplies and terminated or reduced base condition water uses implemented consistent with permit conditions to prevent increased water from being withdrawn from the subject Waterbodies, shall be considered in the base condition water use.

6. through 7. No Change.

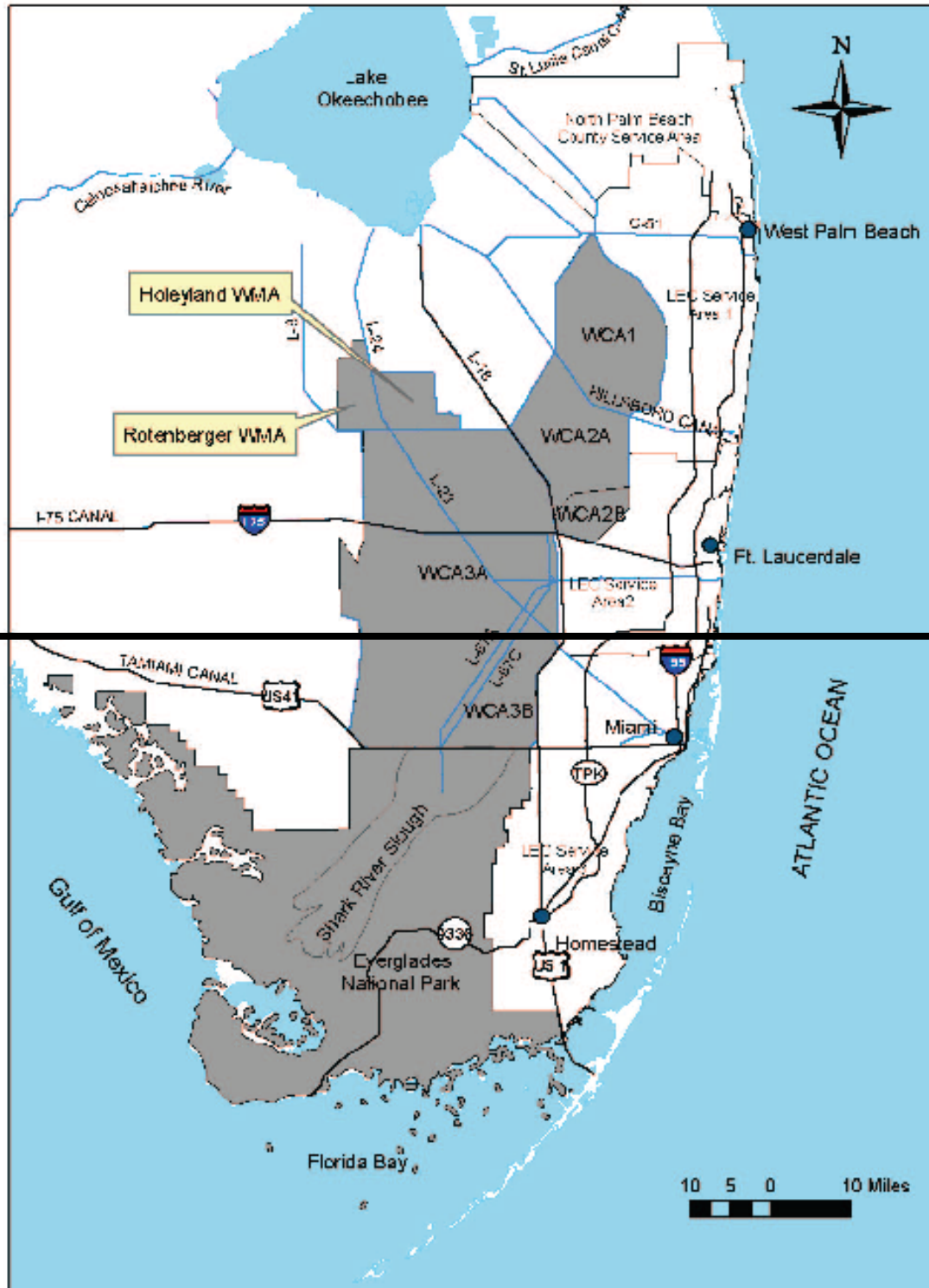
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**Figure 3-1. Lower East Coast Everglades Waterbodies and Major Integrated Conveyance Canals.**

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

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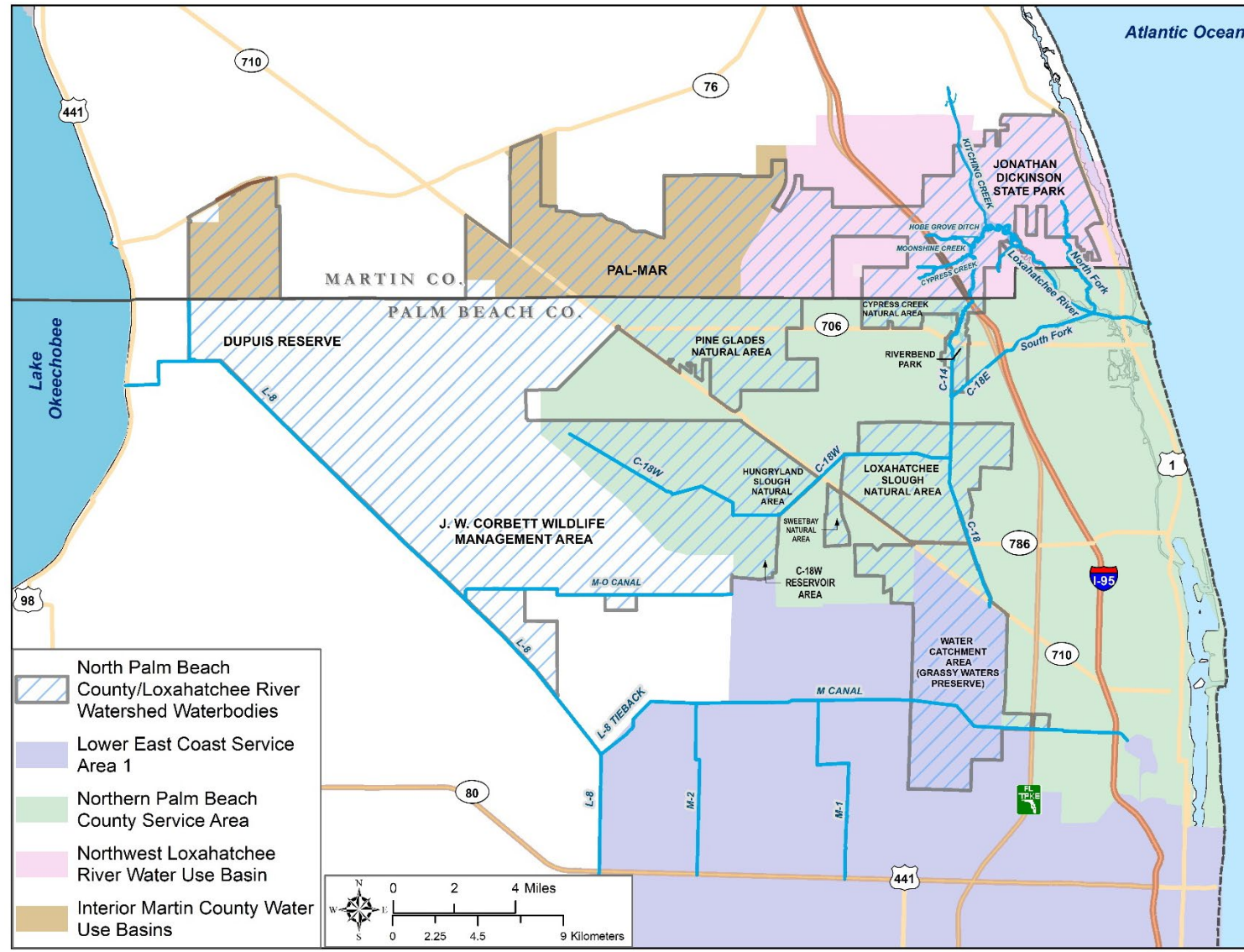
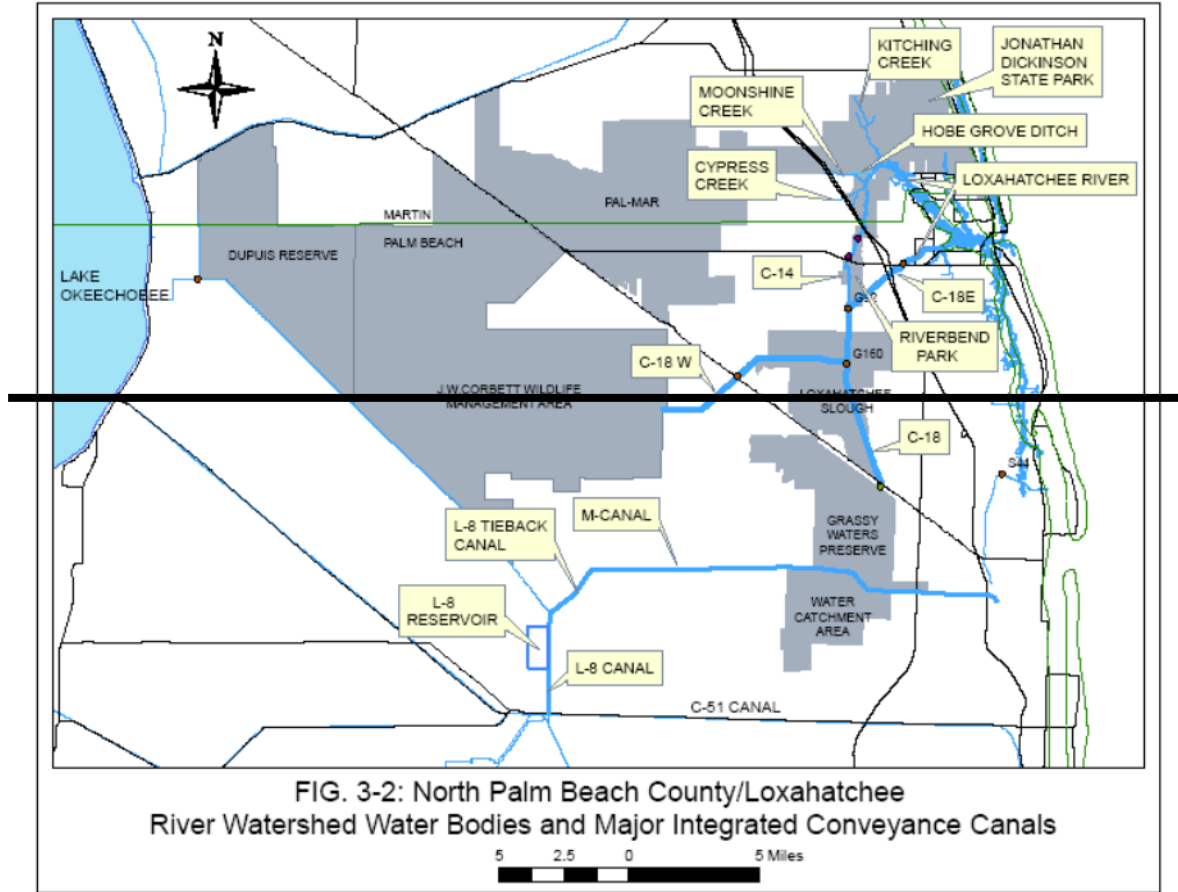


Figure 3-2. North Palm Beach County/Loxahatchee River Watershed Waterbodies and Major Integrated Conveyance Canals.



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

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F. No Change.

Figure 3-3 No Change.

### G. Utilization of the Upper Floridan Aquifer or Avon Park Permeable Zone Near the C-18W Reservoir

The following restrictions shall apply when allocating groundwater from the Upper Floridan aquifer (UFA) or Avon Park permeable zone (APPZ) beneath the C-18W Reservoir, as depicted in Figure 3-5. 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.

An applicant seeking to withdraw groundwater from the same storage horizon, UFA or APPZ, as the C-18W Reservoir aquifer storage and recovery (ASR) wells shall provide reasonable assurance that the requested allocation will not adversely impact the applicable groundwater buffer zone delineated in Figure 3-5. This demonstration is provided when the following criteria, pursuant to the impact evaluation provisions in Subsection 3.1, are met:

1. The cone of depression for the requested allocation will not intersect the applicable groundwater buffer zone delineated in Figure 3-5 for the storage horizon in which the ASR wells are completed; or,
2. If the cone of depression for the requested allocation intersects the applicable groundwater buffer zone delineated in Figure 3-5 for the storage horizon in which the ASR wells are completed, the applicant must demonstrate the requested allocation will not reduce the anticipated recovery efficiency during the initial construction and testing phase or the recovery efficiency established during the operational phase of the ASR system, as appropriate.

For existing legal users of the UFA or APPZ as of [rule effective date] whose cone of depression intersects the applicable groundwater buffer zone delineated in Figure 3-5 for the storage horizon in which the C-18W Reservoir ASR wells are completed, the use may be renewed. Applicants seeking additional allocations beyond that permitted as of [rule effective date] must demonstrate compliance with Subsection 2 above.

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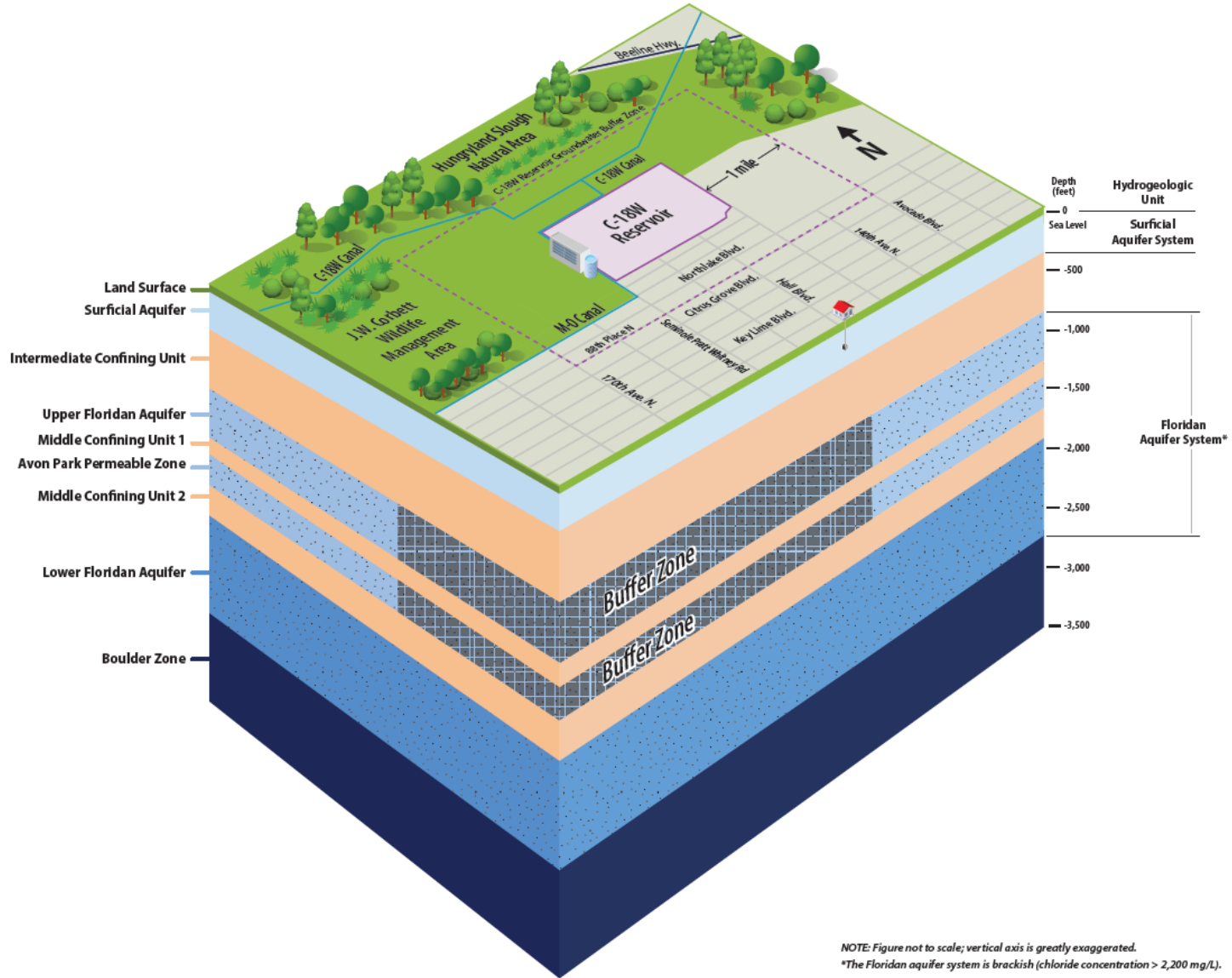


Figure 3-5. Protected areas in the UFA and APPZ related to the ASR wells at the C-18W Reservoir.

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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.

#### **3.7.3 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 a Comprehensive Everglades Restoration Plan ASR system, replacement of the impacted use'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 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.