

1 **3.11.5 Upper Chain of Lakes, Headwaters Revitalization Lakes, and Kissimmee River**

2 1. A permit applicant shall provide reasonable assurances that the proposed use will not  
3 withdraw water reserved under Rule 40E-10.071, F.A.C., and meets the conditions for  
4 issuance under Section 373.223, F.S. Compliance with the following criteria constitutes  
5 reasonable assurances that reserved water will not be withdrawn. Water within the  
6 reservation or contributing waterbodies identified below that is not reserved under  
7 Rule 40E-10.071, F.A.C., shall be allocated pursuant to this subsection. However, new or  
8 increased surface water withdrawals from the Headwaters Revitalization Lakes and the  
9 Kissimmee River reservation waterbodies, as defined in Paragraphs 40E-10.021(7)(g) and  
10 (h), F.A.C., are prohibited.

11 2. The definitions in Subsection 40E-10.021(7), F.A.C., are applicable to this subsection. The  
12 following definitions also apply to this subsection:

13 a. Direct Withdrawals of Surface Water: Withdrawals of surface water from  
14 facility intakes physically located within a reservation or contributing  
15 waterbody.

16 b. Indirect Withdrawals of Groundwater: Withdrawals from surficial aquifer  
17 system (SAS) well(s) that results in 0.1 foot or more of additional drawdown,  
18 as determined per Subsection 3.1.2 of the Applicant’s Handbook, at the  
19 landward edge of the reservation or contributing waterbody.

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

21 1. Direct withdrawals of surface water from Upper Chain of Lakes reservation or  
22 contributing waterbodies that occur when the reservation waterbody stage exceeds  
23 the stage reserved from allocation, as described in Subsection 40E-10.071(1),  
24 F.A.C., and are authorized by a permit consistent with criteria contained in  
25 Subsections 3.11.5.B and 3.11.5.C of the Applicant’s Handbook.

26 2. Indirect withdrawals of groundwater with less than 0.1 foot of drawdown from a  
27 reservation or contributing waterbody.

28 3. A permit modification or renewal involving a direct withdrawal of surface water or  
29 an indirect withdrawal of groundwater that does not change the source, increase the  
30 allocation, or change the withdrawal location (e.g., replacement of an existing well  
31 or surface water pump with similar construction and at a similar location); **that**  
32 **includes crop changes that do not change the allocation; or that results in a decrease**  
33 **in permit** allocation.

34 4. **Re-allocation or transfer of a water use permit involving a direct withdrawal of**  
35 **surface water or an indirect withdrawal of groundwater issued a) before [rule**

36 effective date] if the previous permittee demonstrated such use complied with the  
37 criteria in Section 3.1 through 3.10 of the Applicant’s Handbook; or b) after [rule  
38 effective date] if the previous permittee demonstrated compliance with the criteria  
39 in Subsection 3.11.5 of the Applicant’s Handbook.

40 5. A proposed new use or a water use permit modification that does not include a  
41 direct withdrawal of surface water or an indirect withdrawal of groundwater from  
42 a reservation or contributing waterbody.

43 6. Withdrawals from the Floridan aquifer system.

44 7. District-authorized direct withdrawals of water when the District, as local sponsor  
45 of the Central and Southern Florida Flood Control Project (C&SF Project), is  
46 making discharges from the reservation waterbodies for: a) flood protection  
47 purposes; b) operations associated with maintenance of C&SF Project components;  
48 or c) environmental releases (e.g., drawdowns).

49 8. Dispersed water management or other water quality improvement projects that have  
50 been authorized by the District and are consistent with the Northern Everglades and  
51 Estuaries Protection Program (NEEPP), pursuant to Section 373.4595, F.S.

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

54 Withdrawals from reservation and contributing waterbodies are subject to the following additional  
55 criteria and applicable special conditions in Subsection 5.2.2.K.9 of the Applicant’s Handbook.  
56 Water from contributing waterbodies and Upper Chain of Lakes reservation waterbodies may not  
57 always be available for use. Allocations from these sources do not have the 1-in-10 year level of  
58 certainty afforded to other water use permit allocations. Applicants must consider the purpose of  
59 their proposed use, the variability of the source, the suitability of the source for the proposed use,  
60 and the rights of existing legal users.

61 1. Indirect withdrawals of groundwater from reservation or contributing waterbodies  
62 must comply with the environmental criteria in Subsection 3.3 of the Applicant’s  
63 Handbook and the daily groundwater withdrawal criteria in Subsection 3.11.5.C of  
64 the Applicant’s Handbook.

65 2. Permitted surface water withdrawals or indirect withdrawals of groundwater from  
66 a reservation or contributing waterbody will be issued a daily allocation only. The  
67 daily allocation shall be proposed by the applicant and based on the  
68 reasonable--beneficial demand for the use class, as calculated pursuant to  
69 Subsection 2.3 of the Applicant’s Handbook, and the rated capacity of the  
70 associated withdrawal facilities, whichever is less. Daily withdrawals shall be  
71 reported to the District weekly using Form No. 1392, incorporated by reference in  
72 Rule 40E-2.091, F.A.C.

73 a. Suitability of the Source for the Use: The applicant must consider the  
74 variable nature of the supply in demonstrating that this source is suitable for  
75 the intended use. This may be accomplished by:

76 i. Demonstrating the proposed withdrawals **in combination with other**  
77 **sources of water and storage** meet the reasonable-beneficial needs  
78 of the use. Operational plans that describe how both sources will be  
79 used to meet the reasonable--beneficial needs shall be submitted in  
80 the application and incorporated as a permit condition; or

81 ii. Demonstrating the proposed use is compatible with the variable  
82 nature of the source.

83 b. Assessment of Downstream Impacts to the Kissimmee River: The applicant  
84 shall provide reasonable assurance that the proposed use will not impact the  
85 District's Kissimmee River Restoration Project objectives, set forth in  
86 Section 373.1501(3), F.S. To provide these assurances, the applicant shall  
87 analyze the effects of: i) the individual impact of the proposed withdrawal,  
88 and ii) the cumulative impact of the proposed withdrawal combined with all  
89 other permitted withdrawals from reservation and contributing waterbodies.  
90 These analyses shall demonstrate that the individual and cumulative  
91 withdrawals do not reduce average discharges at the S-65 structure by more  
92 than 4.18 percent as of **[rule effective date]**, compared to a no-withdrawal  
93 condition over the range of hydrologic variability that occurred between  
94 1965 and 2005. The applicant shall use the District's Upper Kissimmee-  
95 Operations Simulation (UK-OPS) Model (Version 3.12), which is  
96 incorporated by reference in Rule 40E-2.091, F.A.C., to conduct this impact  
97 assessment.

98 c. Assessment of Downstream Impacts to Existing Legal Users in the Lake  
99 Okeechobee Service Area: The applicant shall demonstrate that the  
100 proposed use will not impact existing legal users in the Lake Okeechobee  
101 Service Area (Subsection 3.2.1.F, Figure 3-3, of the Applicant's  
102 Handbook). To provide these assurances, the applicant must provide an  
103 operational plan that demonstrates that the daily surface water withdrawals  
104 and indirect withdrawals of groundwater from reservation and contributing  
105 waterbodies will only occur when regulatory releases from Lake  
106 Okeechobee are being made to either the Caloosahatchee River or St. Lucie  
107 Estuary.

108 **C. Daily Withdrawal Criteria**

109 **1. Daily Groundwater Withdrawal Criteria**

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

- 113 a. SAS wells that impose 0.1 foot or greater of additional drawdown in Upper  
114 Chain of Lakes reservation or contributing waterbodies will be authorized  
115 only when the immediate downstream reservation waterbody is above the  
116 lake stage that is reserved from allocation, as described in  
117 Subsection 40E-10.071(1), F.A.C.
- 118 b. SAS wells that impose 0.1 foot or greater of additional drawdown in  
119 contributing waterbodies to the Headwaters Revitalization Lakes and  
120 Kissimmee River will be authorized only when the stage in the Headwaters  
121 Revitalization Lakes is above the Headwaters Revitalization Schedule  
122 (Chapter 40E-10, F.A.C., Appendix 4, Figure 4-8B and Table 4-8).
- 123 c. Indirect groundwater withdrawals from an Upper Chain of Lakes  
124 reservation waterbody or any contributing waterbody can occur when the  
125 District, as local sponsor of the C&SF Project, is discharging from the  
126 reservation waterbodies for: i) flood protection purposes; ii) operations  
127 associated with maintenance of C&SF Project components; or iii)  
128 environmental releases. District approval is required before any  
129 withdrawals can be made.

## 130 2. Daily Surface Water Withdrawal Criteria

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

- 135 a. From Upper Chain of Lakes Reservation Waterbodies: When the daily lake  
136 stage of the reservation waterbody is above the water reservation stage that  
137 is reserved from allocation. On a daily basis, the permittee shall compare  
138 the lake stage of the reservation waterbody with the water reservation stage  
139 in Subsection 40E-10.071(1), F.A.C., to determine if water is available for  
140 withdrawal. The daily lake stage of the reservation waterbody will be  
141 measured from the official District monitoring station(s) for the reservation  
142 waterbody, as identified in the permit, and recorded at 10:00 AM each day.  
143 This lake stage shall serve as the daily water level benchmark to determine  
144 if water is available for withdrawal on that specific day for a 24-hour period.
- 145 b. From Contributing Waterbodies to an Upper Chain of Lakes Reservation  
146 Waterbody: When the lake stage of the immediate downstream reservation  
147 waterbody is above the water reservation stage that is reserved from  
148 allocation. On a daily basis, the permittee shall compare the lake stage of  
149 the downstream reservation waterbody with the water reservation stage in  
150 Subsection 40E-10.071(1) F.A.C., to determine if water is available for  
151 withdrawal. The daily lake stage of the reservation waterbody will be  
152 measured from the official District monitoring station(s) for the reservation  
153 waterbody, as identified in the permit, and recorded at 10:00 AM each day.

154 This lake stage shall serve as the daily water level benchmark to determine  
155 if water is available for withdrawal on that specific day for a 24-hour period.

156 c. From a Contributing Waterbody to Headwaters Revitalization Lakes or  
157 Kissimmee River Reservation Waterbodies: When the stage within the  
158 Headwaters Revitalization Lakes is above the Headwaters Revitalization  
159 Schedule (Chapter 40E-10, F.A.C., Appendix 4, Figure 4-8B and Table 4-  
160 8). The daily lake stage of the reservation waterbody will be measured from  
161 the official District monitoring station(s) for the reservation waterbody, as  
162 identified in the permit, and recorded at 10:00 AM each day. This lake stage  
163 shall serve as the daily water level benchmark to determine if water is  
164 available for withdrawal on that specific day for a 24-hour period.

165 d. From an Upper Chain of Lakes Reservation Waterbody or any Contributing  
166 Waterbody: When the District, as local sponsor of the C&SF Project, is  
167 discharging from the reservation waterbodies for: i) flood protection  
168 purposes; ii) operations associated with maintenance of C&SF Project  
169 components; or iii) environmental releases. District approval is required  
170 before any withdrawals can be made.

## 171 5.2.2 Compliance, Monitoring, and Reporting

### 172 K. Specific Region Special Conditions

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

176 a. Allocation:

177 The daily allocation is (recommended actual allocation) \_\_\_\_\_ (gpd or  
178 mgd).

179 The withdrawal shall be consistent with any applicable declared Water  
180 Shortage Orders in effect, pursuant to Chapter 40E-21, F.A.C.

181 The availability of water for direct surface water withdrawals or indirect  
182 withdrawals of groundwater is ephemeral and does not have a 1-in-10 year  
183 level of certainty afforded other water use permit allocations. Compliance  
184 with the allocation is based on the quantity withdrawn over a single day.

185 b. Withdrawals from (name of reservation or contributing waterbody) will be  
186 permitted only when the daily stage of (name of reservation waterbody), as  
187 measured at the District monitoring station (name), is above the water level  
188 schedule shown on Exhibit X (Maximum Daily Water Reservation Stage  
189 Table), consistent with Rule 40E-10.071, F.A.C. Daily water levels at the  
190 (name of Monitoring Station) and daily withdrawals from the (name of  
191 reservation or contributing waterbody) shall be reported to the District on a

192 weekly basis using Form No. 1392. The daily water level measurements  
193 from (name of Monitoring Station), recorded at 10:00 AM each day, will  
194 serve as the daily water level benchmark to determine if water is available  
195 for withdrawal from (name of reservation waterbody) on that specific day  
196 for a 24-hour period. If any of the District's daily water level data in  
197 DBHYDRO are flagged for possible error, noted by a "?" next to the daily  
198 reading, then the permittee may not make withdrawals until the data are  
199 corrected or validated.

200 c. In addition to Special Permit Condition XX above, daily surface water  
201 withdrawals and indirect withdrawals of groundwater from reservation and  
202 contributing waterbodies will be permitted when regulatory releases from  
203 Lake Okeechobee are being made to either the Caloosahatchee River or  
204 St. Lucie Estuary.

205 d. If the District, as local sponsor of the C&SF Project, is discharging from the  
206 (name of reservation waterbody) for: i) flood protection purposes,  
207 ii) operations associated with maintenance of C&SF Project components, or  
208 iii) environmental releases, the permittee may request to directly withdraw  
209 surface water or indirectly withdraw groundwater. The permittee shall not  
210 make any withdrawals until it receives written approval from the District.  
211 Daily withdrawals made pursuant to this authorization shall be noted on  
212 Form No. 1392.