

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373.223, F.S. Compliance with the following criteria constitutes reasonable assurances that reserved water will not be withdrawn.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(7)(g) and (h), F.A.C., are prohibited.
2. The definitions in Subsection 40E-10.021(7), 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

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
42 from a reservation or contributing waterbody.

43 6. Withdrawals from ~~the~~ Floridan aquifer system wells.

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

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

53 9. Withdrawals authorized by Subsection 40E-2.061(2), F.A.C. (General Permit by
54 Rule for Short-Term Dewatering).

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

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

64 1. Indirect Withdrawals of Groundwater from reservation or contributing waterbodies
65 must comply with the environmental criteria in Subsection 3.3 of the Applicant’s
66 Handbook and the daily groundwater withdrawal criteria in Subsection 3.11.5.C of
67 the Applicant’s Handbook.

68 2. Permitted ~~surface water withdrawals or indirect withdrawals of groundwater~~ Direct
69 Withdrawals of Surface Water or Indirect Withdrawals of Groundwater from a
70 reservation or contributing waterbody will be issued a daily allocation only. The
71 daily allocation shall be proposed by the applicant and based on the

72 reasonable--beneficial demand for the use class, as calculated pursuant to
73 Subsection 2.3 of the Applicant's Handbook, and the rated capacity of the
74 associated withdrawal facilities, whichever is less. Daily withdrawals shall be
75 reported to the District weekly using Form No. 1392, incorporated by reference in
76 Rule 40E-2.091, F.A.C.

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

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

85 ii. Demonstrating the proposed use is compatible with the variable
86 nature of the source.

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

102 c. Assessment of Downstream Impacts to Existing Legal Users in the Lake
103 Okeechobee Service Area: The applicant shall demonstrate that the
104 proposed use will not impact existing legal users in the Lake Okeechobee
105 Service Area (Subsection 3.2.1.F, Figure 3-3, of the Applicant's
106 Handbook). To provide these assurances, the applicant must provide an
107 operational plan that demonstrates that the daily surface water withdrawals
108 and indirect withdrawals of groundwater from reservation and contributing
109 waterbodies will only occur when ~~regulatory~~ Lake Okeechobee stage is
110 within or above the Low Sub-bands of the Lake Okeechobee Regulation
111 Schedule (LORS2008) and releases from Lake Okeechobee are being made
112 to either the Caloosahatchee River (S-77 and S-79) or St. Lucie Estuary (S-

308 and S-80). The applicant shall review DBHYDRO to determine if 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 ~~groundwater withdrawals~~ **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. ~~District approval is required before any withdrawals can be made.~~ **The permittee must submit the request to conduct such daily withdrawals on Form No. 1393, which is incorporated by reference in Rule 40E-2.091, F.A.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.

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

154 b. From Contributing Waterbodies to an Upper Chain of Lakes Reservation
155 Waterbody: When the lake stage of the immediate downstream reservation
156 waterbody is above the water reservation stage that is reserved from
157 allocation. On a daily basis, the permittee shall compare the lake stage of
158 the downstream reservation waterbody with the water reservation stage in
159 Subsection 40E-10.071(1) F.A.C., to determine if water is available for
160 withdrawal. The daily lake stage of the reservation waterbody will be
161 measured from the official District monitoring station(s) for the reservation
162 waterbody, as identified in the permit, and recorded at 10:00 AM each day.
163 This lake stage shall serve as the daily water level benchmark to determine
164 if water is available for withdrawal on that specific day for a 24-hour period.

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

174 d. From an Upper Chain of Lakes Reservation Waterbody or any Contributing
175 Waterbody: When the District, as local sponsor of the C&SF Project, is
176 discharging from the reservation waterbodies for: i) flood protection
177 purposes; ii) operations associated with maintenance of C&SF Project
178 components; or iii) environmental releases. District approval is required
179 before any withdrawals can be made. [The permittee must submit the request](#)
180 [to conduct such daily withdrawals on Form No. 1393, which is incorporated](#)
181 [by reference in Rule 40E-2.091, F.A.C.](#)

182 **5.2.2 Compliance, Monitoring, and Reporting**

183 **K. Specific Region Special Conditions**

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

187 a. Allocation:

188 The daily allocation is (recommended actual allocation) _____ (gpd or
189 mgd).

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

192 The availability of water for Direct Surface Water Withdrawals or Indirect
193 Withdrawals of Groundwater is ephemeral and does not have a 1-in-10 year
194 level of certainty afforded other water use permit allocations. Compliance
195 with the allocation is based on the quantity withdrawn over a single day.

196 b. Withdrawals from (name of reservation or contributing waterbody) will be
197 permitted only when the daily stage of (name of reservation waterbody), as
198 measured at the District monitoring station (name), is above the water level
199 schedule shown on Exhibit X (Maximum Daily Water Reservation Stage
200 Table), consistent with Rule 40E-10.071, F.A.C. Daily water levels at the
201 (name of Monitoring Station) and daily withdrawals from the (name of
202 reservation or contributing waterbody) shall be reported to the District on a
203 weekly basis using Form No. 1392. The daily water level measurements
204 from (name of Monitoring Station), recorded at 10:00 AM each day, will
205 serve as the daily water level benchmark to determine if water is available
206 for withdrawal from (name of reservation waterbody) on that specific day
207 for a 24-hour period. If any of the District’s daily water level data in
208 DBHYDRO are flagged for possible error, noted by a “?” next to the daily
209 reading, then the permittee may not make withdrawals until the data are
210 corrected or validated.

211 c. In addition to Special Permit Condition XX above, daily ~~surface water~~
212 ~~withdrawals~~ Direct Withdrawals of Surface Water and Indirect Withdrawals
213 of Groundwater from reservation and contributing waterbodies ~~will be~~
214 ~~permitted~~ may occur only when ~~regulatory~~ Lake Okeechobee stage is within
215 or above the Low Sub-bands of the Lake Okeechobee Regulation Schedule
216 (LORS2008) and releases from Lake Okeechobee are being made to either
217 the Caloosahatchee River (S-77 and S-79) or St. Lucie Estuary (S-308 and
218 S-80). The Permittee shall review DBHYDRO to determine if releases are
219 being made.

220 d. If the District, as local sponsor of the C&SF Project, is discharging from the
221 (name of reservation waterbody) for: i) flood protection purposes,
222 ii) operations associated with maintenance of C&SF Project components, or
223 iii) environmental releases, the permittee may request to ~~directly withdraw~~
224 ~~surface water or indirectly withdraw groundwater. The permittee~~ conduct
225 Direct Withdrawals of Surface Water or Indirect Withdrawals of
226 Groundwater. The Permittee shall request authorization to conduct such
227 daily withdrawals utilizing Form No. 1393. The Permittee shall not make
228 any withdrawals until it receives written approval from the District. Daily
229 withdrawals made pursuant to this authorization shall be noted on Form No.
230 1392.