

**Rules of the
South Florida Water Management District**

**CRITICAL WATER
SUPPLY PROBLEM AREAS
Chapter 40E-23, F.A.C.**



Amended December 10, 1997

CHAPTER 40E-23 — CRITICAL WATER SUPPLY PROBLEM AREAS

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40E-23.011 — Policy and Purpose.

The rules in this chapter designate areas that have water supply problems which have become critical or are anticipated to become critical within the next 20 years.

Specific Authority 373.044, 373.113, 373.171 FS.

Law Implemented 373.016, 373.023, 373.103(1), 373.216 — .249, 403.064(1) FS.

History — New 11-17-91.

40E-23.021 — Definitions.

(1) "Area of Special Concern" means an area that is of special water concern because of either limitations on water availability or other potentially adverse impacts associated with a proposed withdrawal.

(2) "Critical Water Supply Problem Areas" means those areas that have experienced or are anticipated to have water supply problems in the next 20 years as depicted on Figure 23-1.

(3) "Reduced Threshold Area (RTA)" means an area established by the District for which the threshold separating a General Permit from an individual permit has been lowered from the maximum limit of 3 MG per month (100,000 gpd) to 600,000 gallons per month (20,000 gpd). These areas are typically resource depleted areas where there has been an established history of sub-standard water quality, saline water movement into ground or surface water bodies or the lack of water availability to meet projected needs of a region.

(4) "Restricted Allocation Area" means areas designated within the District for which allocation restrictions are applied with regard to the use of specific sources of water. The water resources in these areas are managed in response to specific sources of water for which there is a lack of water availability to meet the needs of the region from that specific source of water.

(5) "Saline Water" means an aqueous solution with a chloride concentration greater than 250 mg/l and less than sea water.

(6) "Saline Water Interface" means a hypothetical surface of chloride concentration between fresh water and seawater where the chloride concentration is 250 mg/l at each point on the surface.

(7) "Saline Water Intrusion" means the phenomenon occurring when more dense saline water moves laterally inland from the seacoast or moves vertically upward to replace fresher water in an aquifer.

(8) "Seawater" means an aqueous solution with a chloride concentration equal to or greater than 19,000 mg/l.

Specific Authority 373.044, 373.113, 373.171 FS.

Law Implemented 373.016, 373.023, 373.216 — .249, 403.064(1) FS.

History — New 11-17-91.

40E-23.023 — Boundaries.

(1) The Critical Water Supply Problem Areas within the District are generally depicted in Figure 23-1, and specifically shall include the area within the following boundaries:

(2) All those lands within the State of Florida lying southerly, easterly and westerly of the following specifically described line:

(3) From the intersection of the easterly extension of the boundary line between St. Lucie and Indian River Counties and the Atlantic Ocean, including the waters of said Ocean and the islands therein within the jurisdiction of the State of Florida, thence, bear westerly along said easterly extension line and the said line between said St. Lucie and Indian River Counties to the intersection thereof with the east boundary line between Okeechobee and St. Lucie Counties, said point being also the Northeast (NE) corner of Section 1, Township 34 South, Range 36 East; Thence, southerly along the east line of said Section 1 and said boundary line between said Okeechobee and St. Lucie Counties, said line also being the boundary between Ranges 36 East and 37 East, to the Southeast (SE) corner of said Section 1; Thence, westerly along the south line of said Section 1 and the south lines of Sections 2 and 3, Township 34 South, Range 36 East to the Northwest (NW) corner of Section 10, Township 34 South, Range 36 East; Thence, southerly along the west line of said Section 10 to the Southeast (SE) corner of Section 9, Township 34 South, Range 36 East; Thence, westerly along the south line of Section 9 and the south lines of Sections 8 and 7, Township 34 South, Range 36 East to the intersection thereof with the boundary line between Ranges 35 East and 36 East; Thence, southerly along said boundary line between said Ranges 35 East and 36 East to the Northeast (NE) corner of Section 13, Township 34 South, Range 35 East; Thence, westerly along the north line of said Section 13 to the Northwest (NW) corner of said Section 13; Thence, southerly along the west line of said Section 13 and the west lines of Sections 24, 25 and 36, Township 34 South, Range 35 East to the intersection thereof with the boundary line between Townships 34 South and 35 South, said point being also the Southwest (SW) corner of said Section 36; Thence, westerly along the south line of Section 35, Township 34 South, Range 35 East and said boundary line between said Townships 34 South and 35 South to the intersection thereof with the easterly Right of Way line of U.S. Highway 441 (State Road 15); Thence, southerly along said easterly Right of Way line of said U.S. Highway 441 (State Road 15) to the intersection thereof with the south line of Section 27, Township 35 South, Range 35 East; Thence, easterly along said south line of said Section 27 and the south lines of Sections 26 and 25, Township 35 South, Range 35 East to the intersection thereof with the boundary line between Ranges 35 East and 36 East, said point being also the Southeast (SE) corner of said Section 25; Thence, southeasterly to the Northeast (NE) corner of Section 6, Township 36 South, Range 36 East; Thence, southerly along the east line of said

Section 6 to the Southwest (SW) corner of Section 8, Township 36 South, Range 36 East; Thence, easterly along the south line of said Section 8 to the Southeast (SE) corner of said Section 8; Thence, southeasterly to the Southeast (SE) corner of Section 16, Township 36 South, Range 36 East; Thence, southerly along the east line of Section 21, Township 36 South, Range 36 East to the Southeast (SE) corner of said Section 21; Thence, southeasterly to the Northwest (NW) corner of Section 35, Township 36 South, Range 36 East; Thence, southerly along the west line of said Section 35 and the west line of Section 2, Township 37 South, Range 36 East to the Southwest (SW) corner of said Section 2; Thence, easterly along the south line of said Section 2 and the south line of Section 1, Township 37 South, Range 36 East to the intersection thereof with the boundary line between Okeechobee and St. Lucie Counties, said point being also the Southeast (SE) corner of said Section 1; Thence, southerly along said boundary line between said Okeechobee and St. Lucie Counties to the intersection thereof with the center line of South Florida Water Management District's Levee 64 Remainder; Thence, northwesterly along said center line of said Levee 64 Remainder and the center lines of South Florida Water Management District's Levees 63 North and 63 South to the west line of Section 32, Township 37 South, Range 36 East; Thence, southerly along said west line of said Section 32 to the Southeast (SE) corner of the Northeast one-quarter (NE1/4) of Section 31, Township 37 South, Range 36 East; Thence, westerly to the center of said Section 31; Thence, northerly to the northeast (NE) corner of the northwest one-quarter (NW1/4) of said Section 31; Thence, westerly along the north line of said Section 31 to the northwest (NW) corner of said Section 31; Thence, northerly to the Northeast (NE) corner of the Southeast one-quarter (SE1/4) of Section 25, Township 37 South, Range 35 East; Thence, westerly to the Northwest (NW) corner of the Southwest one-quarter (SW1/4) of said Section 25; Thence, northerly along the west line of said Section 25 and the west lines of Sections 24 and 13, Township 37 South, Range 35 East to the Northwest (NW) corner of said Section 13; Thence, westerly to the center line of Hamrick Road; Thence, northerly along said center line of said Hamrick Road to the intersection thereof with the north line of the South one-half (S1/2) of Section 11, Township 37 South, Range 35 East; Thence, westerly along the one-quarter (1/4) section line of said Section 11 and the one-quarter (1/4) section lines of Sections 10 and 9, Township 37 South, Range 35 East to the Southwest (SW) corner of the Northwest one-quarter (NW1/4) of said Section 9; Thence, southerly to the Southwest (SW) corner of said Section 9; Thence, westerly along the south lines of Sections 8 and 7, Township 37 South, Range 35 East to the intersection thereof with the boundary line between Ranges 34 East and 35 East, said point being also the Southwest (SW) corner of said Section 7; Thence, southerly along said boundary line between said Ranges 34 East and 35 East, said line being also the west lines of Sections 18, 19 and 30, Township 37 South, Range 35 East, to the Southwest (SW) corner of said Section 30; Thence, southeasterly to the intersection thereof with the boundary line between Townships 37 South and 38 South, said point being also the Southwest (SW) corner of Section 32, Township 37 South, Range 35 East; Thence, southwesterly to the Northwest

(NW) corner of Section 18, Township 38 South, Range 35 East; Thence, southerly along the west line of said Section 18 to the intersection thereof with the boundary line between Okeechobee and Glades Counties; Thence, northwesterly along said boundary line between said Okeechobee and Glades Counties, said line also being in part the boundary line between Highlands and Glades Counties, to the Southeast (SE) corner of Section 36, Township 37 South, Range 33 East; Thence, northerly along the east line of said Section 36 to the intersection thereof with the south Right of Way line of South Florida Water Management District's Canal 41A; Thence, northwesterly, leaving said Right of Way line of said Levee 41A, to the Northeast (NE) corner of Section 35, Township 37 South, Range 33 East; Thence westerly along the north line of said Section 35 and the north line of Section 34, Township 37 South, Range 33 East to the Northwest (NW) corner of the Northeast one-quarter (NE1/4) of said Section 34; Thence, northerly to the Northeast (NE) corner of the Southwest one-quarter (SW1/4) of Section 22, Township 37 South, Range 33 East; Thence, northwesterly to the Northwest (NW) corner of Section 16, Township 37 South, Range 33 East; Thence, northerly to the Southeast (SE) corner of Section 5, Township 37 South, Range 33 East; Thence, northwesterly to the intersection thereof with the boundary line between Townships 36 South and 37 South, said point being also the Northwest (NW) corner of said Section 5; Thence, westerly along said boundary line, said line being also the north line of Section 6, Township 37 South, Range 33 East and the north lines of Sections 1, 2, 3, 4, 5 and 6, Township 37 South, Range 32 East, to the intersection thereof with the boundary line between Ranges 31 East and 32 East, said point being also the Northwest (NW) corner of said Section 6; Thence, northerly along said boundary line, said line being also the west lines of Sections 31, 30, 19, 18 and 7, Township 36 South, Range 32 East, to the Northeast (NE) corner of the South one-half (S1/2) of Section 12, Township 36 South, Range 31 East; Thence, westerly along the one-quarter (1/4) line of said Section 12 and the one-quarter (1/4) lines of Sections 11 and 10, Township 36 South, Range 31 East to the intersection thereof with the center line of State Road 621; Thence, southwest, southerly and westerly along said center line of said State Road 621 to the intersection thereof with the boundary line between Townships 36 South and 37 South, said point being also the westerly boundary line of the South Florida Water Management District and the Northwest (NW) corner of Section 2, Township 37 South, Range 30 East; Thence, southerly along the west line of said Section 2 and said westerly boundary line of said South Florida Water Management District, being also the west lines of Sections 11, 14, 23, 26 and 35, Township 37 South, Range 30 East, and Sections 2, 11 and 14, Township 38 South, Range 30 East, to the Southwest (SW) corner of said Section 14; Thence, easterly along the south line of said Section 14 and said westerly boundary line of said South Florida Water Management District to the Northwest (NW) corner of the East one-half (E 1/2) of the West one-half (W 1/2) of Section 23, Township 38 South, Range 30 East; Thence, southerly along the west line of the East one-half (E 1/2) of the West one-half (W 1/2) of said Section 23 and the west lines of the East one-half (E 1/2)

of the West one-half (W 1/2) of Sections 26 and 35, Township 38 South, Range 30 East, said line being also the westerly boundary line of said South Florida Water Management District, to the Southwest (SW) corner of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of said Section 35; Thence, easterly, and leaving said westerly boundary line of said South Florida Water Management District, along the south line of the North one-half (N 1/2) of said Section 35 to the intersection thereof with the east line of said Section 35, said point being also the Southeast (SE) corner of the North one-half (N 1/2) of said Section 35; Thence, southeasterly to the intersection thereof with the north line of Section 1, Township 39 South, Range 30 East, said point being also the Northwest (NW) corner of the Northeast one-quarter (NE 1/4) of said Section 1 and the boundary between Townships 38 South and 39 South; Thence, southerly to the intersection thereof with the south line of said Section 1, said point being also the Southwest (SW) corner of the Southeast one-quarter (SE 1/4) of said Section 1; Thence, southeasterly to the intersection thereof with the east line of Section 12, Township 39 South, Range 30 East, said point being also the boundary line between Highlands and Glades Counties and also the Northeast (NE) corner of the Southeast one-quarter (SE 1/4) of said Section 12; Thence, southeasterly to the Southeast (SE) corner of the Southwest one-quarter (SW 1/4) of Section 7, Township 39 South, Range 31 East; Thence, southeasterly to the Southwest (SW) corner of Section 17, Township 39 South, Range 31 East; Thence, easterly along the south line of said Section 17 to the Northwest (NW) corner of Section 21, Township 39 South, Range 31 East; Thence, southeasterly to the Northwest (NW) corner of Section 35, Township 39 South, Range 31 East; Thence, southerly along the west line of said Section 35 to the intersection thereof with the boundary line between Townships 39 South and 40 South, said point being also the Southwest (SW) corner of said Section 35; Thence, easterly along said boundary line between said Townships 39 South and 40 South, being also the north line of Section 2, Township 40 South, Range 31 East, to the intersection thereof with the northerly extension of the southwesterly Right of Way line of South Florida Water Management District's Levee 50; Thence, southerly and easterly along said northerly extension of said southwesterly Right of Way line of said Levee 50 to the intersection thereof with the east line of Section 26, Township 40 South, Range 31 East; Thence, southerly along said east line of said Section 26 and the east line of Section 35, Township 40 South, Range 31 East to the intersection thereof with the north Right of Way line of South Florida Water Management District's Levee Dike 3; Thence, westerly and southwesterly along said Right of Way line of said Levee Dike 3 and the northwesterly Right of Way line of South Florida Water Management District's Levee 43 and its southwesterly extension to the intersection thereof with the center line of U.S. Highway 27 (State Road 25); Thence, southeasterly along said center line of said U.S. Highway 27 (State Road 25) to the intersection thereof with the center line of State Road 78; Thence, southwesterly and westerly along said center line of said State Road 78 to the intersection thereof with the boundary line between Ranges 29 East and 30 East, said point being on the east line of Section 13, Township 42 South, Range 29 East; Thence, northerly along

said east line of said Section 13 and the east lines of Sections 12 and 1, Township 42 South, Range 29 East to the boundary line between Townships 41 South and 42 South, said point being also the Northeast (NE) corner of said Section 1; Thence, westerly along said boundary line, being also the north line of said Section 1 and the north lines of Sections 2, 3, 4, 5 and 6, Township 42 South, Range 29 East, and the north lines of Sections 1, 2, 3, 4, 5, and 6, Township 42 South, Range 28 East, to the intersection thereof with the boundary line between Glades and Charlotte Counties, said point being also the boundary line between Ranges 27 East and 28 East and also the Northwest (NW) corner of Section 6, Township 42 South, Range 27 East; Thence, southerly along said boundary line between said Glades and Charlotte Counties and the boundary line between said Ranges 27 East and 28 East, being also the west line of said Section 6 and the west lines of Sections 7, 18, 19, 30 and 31, Township 42 South, Range 28 East, to the intersection thereof with the boundary line between Lee and Charlotte Counties, said point being also the boundary line between Townships 42 South and 43 South and also in part the northerly boundary line of the South Florida Management District and also the Southwest (SW) corner of said Section 31; Thence, westerly along said boundary line between said Lee and Charlotte Counties and its westerly extension and in part said boundary line between said Townships 42 South and 43 South and said northerly boundary line of said South Florida Water Management District and its westerly extension to the intersection thereof with the Gulf of Mexico, including the waters of said Gulf and the islands therein within the jurisdiction of the State of Florida, and the end of the specifically described line.

Specific Authority 373.044, 373.113, 373.171 FS.

Law Implemented 373.016, 373.023, 373.216 — .249, 403.064(1) FS.

History — New 11-17-91.

40E-23.031 — Implementation.

The effective date for rules established in this chapter is November 17, 1991.

Specific Authority 373.044, 373.113, 373.171 FS.

Law Implemented 373.016, 373.023, 373.216 — .249, 403.064(1) FS.

History — New 11-17-91.

40E-23.043 — Application.

All water uses within the critical water supply problem areas designated on Figure 23-1 shall meet the applicable criteria specified in the "Basis of Review for Water Use Permit Applications Within the South Florida Water Management District — October 1997" incorporated by reference in Rule 40E-2.091(1)(a), F.A.C. If a water use project is divided by the boundary line designating the area a Critical Water Supply Problem Area, the entire project shall be treated as if it lies within the Critical Water Supply Problem Area.

Specific Authority 373.044, 373.113, 373.171 FS.

Law Implemented 373.016, 373.023, 373.216 — .249, 403.064(1) FS.

History — New 11-17-91, Amended 7-11-96, 4-9-97, 12-10-97.

40E-23.053 — Criteria for Designation.

The following criteria are used to designate critical water supply problem areas:

(1) Areas that have been designated as a Reduced Threshold Area and identified in Rule 40E-20.302, F.A.C.;

(2) Areas that have been designated as an Area of Special Concern pursuant to criteria contained in the "Basis of Review for Water Use Permit Applications Within the South Florida Water Management District — October 1997" incorporated by reference in Rule 40E-2.091(1)(a), F.A.C.;

(3) Areas that have experienced water shortage restrictions pursuant to Rule 40E-21.231, F.A.C. of two or more declarations or one declaration of a duration of 90 days or more since May 31, 1982;

(4) Areas that have been designated as a Restricted Allocation Area pursuant to criteria contained in the "Basis of Review for Water Use Permit Applications Within the South Florida Water Management District — October 1997" incorporated by reference in Rule 40E-2.091(1)(a), F.A.C.;

(5) Areas that are experiencing saline water intrusion; or

(6) Other areas with known or anticipated water supply problems.

Specific Authority 373.044, 373.113, 373.171 FS.

Law Implemented 373.016, 373.023, 373.216 — .249, 403.064(1) FS.

History — New 11-17-91, Amended 7-11-96, 4-9-97, 12-10-97.

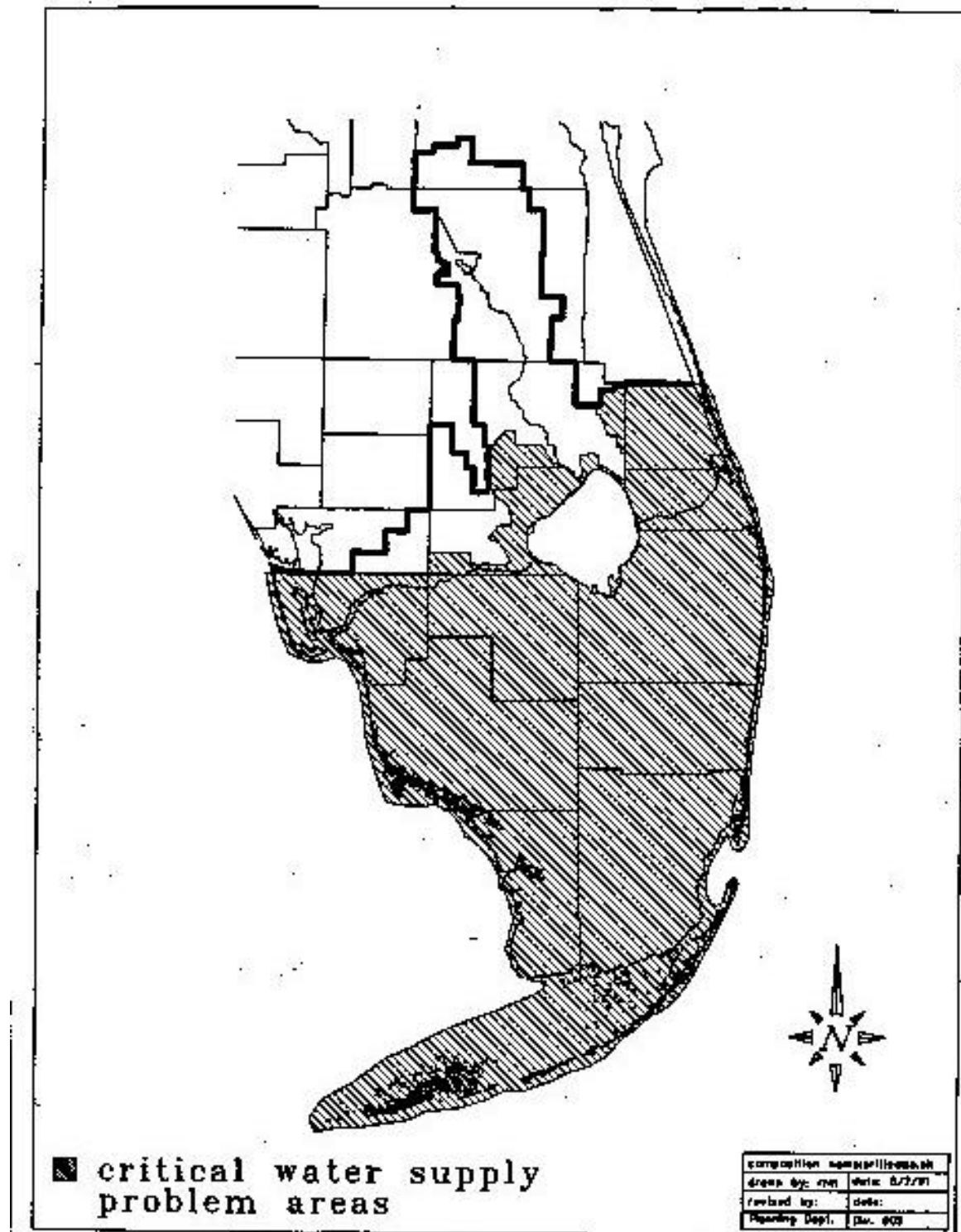


Figure 23-1

