

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

**Consumptive Use  
CHAPTER 40E-2, F.A.C.**



Effective: September 7, 2015

**CHAPTER 40E-2  
CONSUMPTIVE USE**

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**40E-2.010 Review of Consumptive Use Permit Applications.**

Consumptive use permit applications are processed pursuant to Section 120.60, F.S. and Chapters 40E-1 and 28-106, F.A.C.

*Rulemaking Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History—New 7-2-98, Amended 10-23-12.*

**40E-2.011 Policy and Purpose.**

(1) It is the policy of the District to control all water uses within its boundaries, pursuant to the provisions of Chapter 373, F.S. and Chapter 62-40 and Title 40E, F.A.C.

(2) The rules in this chapter implement the comprehensive water use permit system contemplated in Chapter 373, Part II, F.S.

(3) Additional rules relating to water use are found in Chapter 40E-5, F.A.C. (Artificial Recharge), Chapter 40E-8, F.A.C. (Minimum Flows and Levels (MFLs)), Chapter 40E-10, F.A.C. (Water Reservations), Chapter 40E-21, F.A.C. (The Water Shortage Plan), Chapter 40E-22, F.A.C. (Regional Water Shortage Plans), and Chapter 40E-24, F.A.C. (Mandatory Year-Round Landscape Irrigation Conservation Measures).

(4) Standards for the construction, repair and abandonment of water wells are found in Chapters 40E-3, F.A.C. (Water Wells).

(5) If an application for any proposed water use does not meet the provisions of this chapter for a general permit or evidence indicates the potential for harm, the District will provide the permit applicant with the option to either withdraw the general permit application or supply the additional information, and if applicable, the fee required for an individual permit. In the event one of these options is not selected, staff will recommend that the Governing Board deny the general permit application. The criteria in the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C., will be utilized to determine whether the conditions for issuance in Rule 40E-2.301, F.A.C., are satisfied.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 373.083, 373.203, 373.216, 373.219, 373.249 FS. History—New 9-3-81, Formerly 16K-2.01, Amended 7-4-82, 2-24-85, 11-18-91, 8-1-02, 8-31-03, 7-2-09, 10-23-12, 7-14-14.*

**40E-2.031 Implementation.**

(1) The effective dates for the water use permitting program established in this chapter are:

(a) If the use or withdrawal of water exceeds 100,000 gallons per day, the effective dates are:

1. January 12, 1977, for the portion of the District formerly within the Ridge and Lower Gulf Coast Water Management District,

2. March 2, 1974, for the remainder of the District;

(b) If the use or withdrawal of water does not exceed 100,000 gallons per day, the effective date is January 14, 1979.

(2) The effective dates specified in subsection (1) are used to determine the two year period provided in Section 373.236, F.S., for existing water users to file initial applications.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.103(1), 373.216, 373.226 FS. History—New 9-3-81, Formerly 16K-2.011, Amended 10-23-12.*

#### **40E-2.041 Permits Required.**

(1) Unless expressly exempt by law or District rule, a water use permit must be obtained from the District prior to any use or withdrawal of water.

(2) The District issues water use permits in two forms, individual water use permits and general water use permits. A water use permit may be obtained by meeting the requirements of this chapter.

(3) Under certain circumstances the District may issue a temporary water use permit pursuant to Section 373.244, F.S.

(4) A water user seeking a noticed general permit shall obtain one permit for all withdrawals intended to serve contiguous areas. Unless obtaining multiple permits whose withdrawal quantities are monitored and reported from each withdrawal facility or point of diversion, if required by Subsection 4.1.1 of the Applicant's Handbook, and evaluated for feasibility of using reclaimed water, if required by Subsection 2.2.4.B of the Applicant's Handbook, two or more projects shall be aggregated and treated as a single project for permitting purposes when the District determines that the projects are physically proximate and either:

- (a) Share the same irrigation infrastructure; or,
- (b) Are operated as a common enterprise.

However, when multiple use classifications, as set forth in Rule 40E-21.651, F.A.C., are served by separate withdrawal facilities, the District is authorized to issue separate noticed general permits.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 373.083, 373.116, 373.118, 373.219, 373.244 FS. History—New 9-3-81, Formerly 16K-2.03(1), (2), Amended 10-23-12, 7-14-14.*

#### **40E-2.051 Exemptions.**

No permit is required under Rule 40E-2.041, F.A.C., for the following water uses:

- (1) Water used strictly for domestic use at a single family dwelling or duplex provided that the water is obtained from one withdrawal facility for each single family dwelling or duplex.
- (2) Water used strictly for fire fighting purposes.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219 FS. History—New 9-3-81, Formerly 16K-2.025, Amended 2-24-85, 4-20-94, 3-15-10.*

#### **40E-2.061 General Permits by Rule.**

Certain specified uses have been determined to be reasonable-beneficial, not interfering with existing legal uses, and consistent with the public interest pursuant to Section 373.223, F.S. The Board hereby grants a General Permit by Rule for all non-exempt consumptive uses within the District that satisfy the following criteria:

(1) General Permit by Rule for Landscape Irrigation at a Single Family Dwelling or Duplex.

(a) The Board hereby grants a general permit to each person for the use, withdrawal, or diversion of water at a single family dwelling or duplex including, but not limited to, home lawn and ornamental irrigation, car washing, and other incidental uses provided that water is obtained from a single on-site withdrawal facility, such as a private irrigation well or surface water diversion, for each single family dwelling or duplex; that landscape irrigation is conducted in accordance with Chapters 40E-21 and 40E-24, F.A.C., or with any approved variance; and that the amount of water used is limited to only that necessary for efficient utilization.

(b) When reclaimed water is available, the use of a private irrigation well or surface water diversion for home lawn and ornamental irrigation is not authorized under this section. Reclaimed water is deemed available when reclaimed water is provided by a utility through a point of connection at the property boundary.

(c) Persons using or proposing to use water in a manner that differs from the conditions imposed by Chapter 40E-24, F.A.C., shall apply for a modification of this permit pursuant to subsection 40E-2.331(4), F.A.C.

## (2) General Permit by Rule for Short-Term Dewatering.

(a) The Board hereby grants a general permit for the use of water in conjunction with short-term dewatering operations, such as well pointing, utility construction, lake construction, exploratory testing, and other minor uses; aquifer performance tests; or in conjunction with a short-term Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities, provided the following criteria are met:

1. Has a maximum daily pumpage of less than 5 million gallons (MG) and a maximum total project pumpage of less than 100 MG over a one year period;
2. Will retain all discharge on the project site unless associated with an aquifer performance test;
3. Will not dewater to a depth below 0.0 feet NGVD (or equivalent NAVD) within 1,000 feet of saline water, except when dewatering water with a chloride concentration of greater than 1,000 milligrams per liter;
4. Will not occur within 100 feet of a wastewater treatment plant rapid-rate land application system permitted under Part IV of Chapter 62-610, F.A.C.;
5. Will not occur within 1,000 feet of a known landfill or contamination; and,
6. Will not occur within 1,000 feet of a freshwater wetland unless dewatering activities are completed within 60 days.

(b) In proceeding with a general permit by rule for dewatering, the permittee acknowledges that the dewatering operation is subject to the Permit Conditions in Section 5.0 of the Applicant's Handbook, including responsibility for mitigating any harm that may occur as a result of the dewatering to existing legal uses, off-site land uses, or natural resources.

(c) Linear projects, such as roads, utilities, or pipelines, may qualify for multiple general permits by rule. The dewatering activity for these projects may have a rolling one-year duration, in which the dewatering operation at the end of each one year period occurs no more than one mile from the location at the beginning of each one year period.

## (3) General Permit by Rule for Closed-Loop Systems.

(a) The Board hereby grants a general permit for the use of water for cooling/heating systems for swimming pools and air conditioning units provided the following criteria are met:

1. The withdrawal and discharge points are on property legally controlled by the permittee;
2. The water is discharged to the same source, aquifer, or permeable zone from which it is withdrawn;
3. The discharge or injection has been permitted by the Department; and,
4. The water has no contact or mixing with other water sources, additives, and chemicals.

(b) In proceeding with a general permit by rule for closed-loop systems, the permittee acknowledges that the use is subject to the Permit Conditions in Section 5.0 of the Applicant's Handbook, including responsibility for mitigating any harm that may occur as a result of the withdrawal to existing legal uses, off-site land uses, or natural resources.

(c) The permittee shall not utilize the withdrawal facility associated with this general permit by rule for any other type of consumptive use.

*Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.216 FS. Law Implemented 373.083, 373.118, 373.219, 373.223 FS. History—New 3-15-10, Amended 7-14-14, 9-7-15.*

**40E-2.071 Noticed General Permits and Individual Permits.**

(1) The use of water, which does not qualify for a general permit by rule, qualifies for a noticed general permit if the use:

(a) Does not withdraw from the following sources:

1. Surface water from the C-23, C-24 or C-25 Canals, or any connected canal systems that derive water supply from these District canals;
2. Surface water from the L-1, L-2 or L-3 Canals;
3. Surface water within the Lake Istokpoga/Indian Prairie Canal System depicted in Figures 21-20 and 21-21, Chapter 40E-21, F.A.C.;
4. Surface or groundwater within the Picayune Strand or Fakahatchee Estuary, groundwater indirectly from the Picayune Strand or Fakahatchee Estuary or any canal identified in Figure 3-4 of the Applicant's Handbook, or surface water indirectly from any canal identified in Figure 3-4 of the Applicant's Handbook;
5. Surface water from the Lower East Coast Everglades Waterbodies, the North Palm Beach County/Loxahatchee River Watershed Waterbodies, or the integrated conveyance system identified in Figures 3-1 and 3-2 of the Applicant's Handbook;
6. Surface water from the protected canal reaches identified in Figure 3-1 in Chapter 40E-10, F.A.C.;

(b) Satisfies the following facility restrictions:

1. Is from facilities having a cumulative withdrawal capacity of less than 1,000,000 GPD;
2. Is from groundwater wells less than eight (8) inches in diameter; and,
3. Is from surface water facilities which have a cumulative intake diameter less than six (6) inches;

(c) Has a cumulative average daily use of less than 100,000 GPD on an annual basis, unless the location and volume criteria in subparagraph (d)4., below, is applicable;

(d) Meets the following location and volume criteria, as applicable:

1. Withdraws groundwater from the Lower Tamiami aquifer within the area depicted in Figure 2-1 and has an annual average allocation of less than 10,000 GPD;

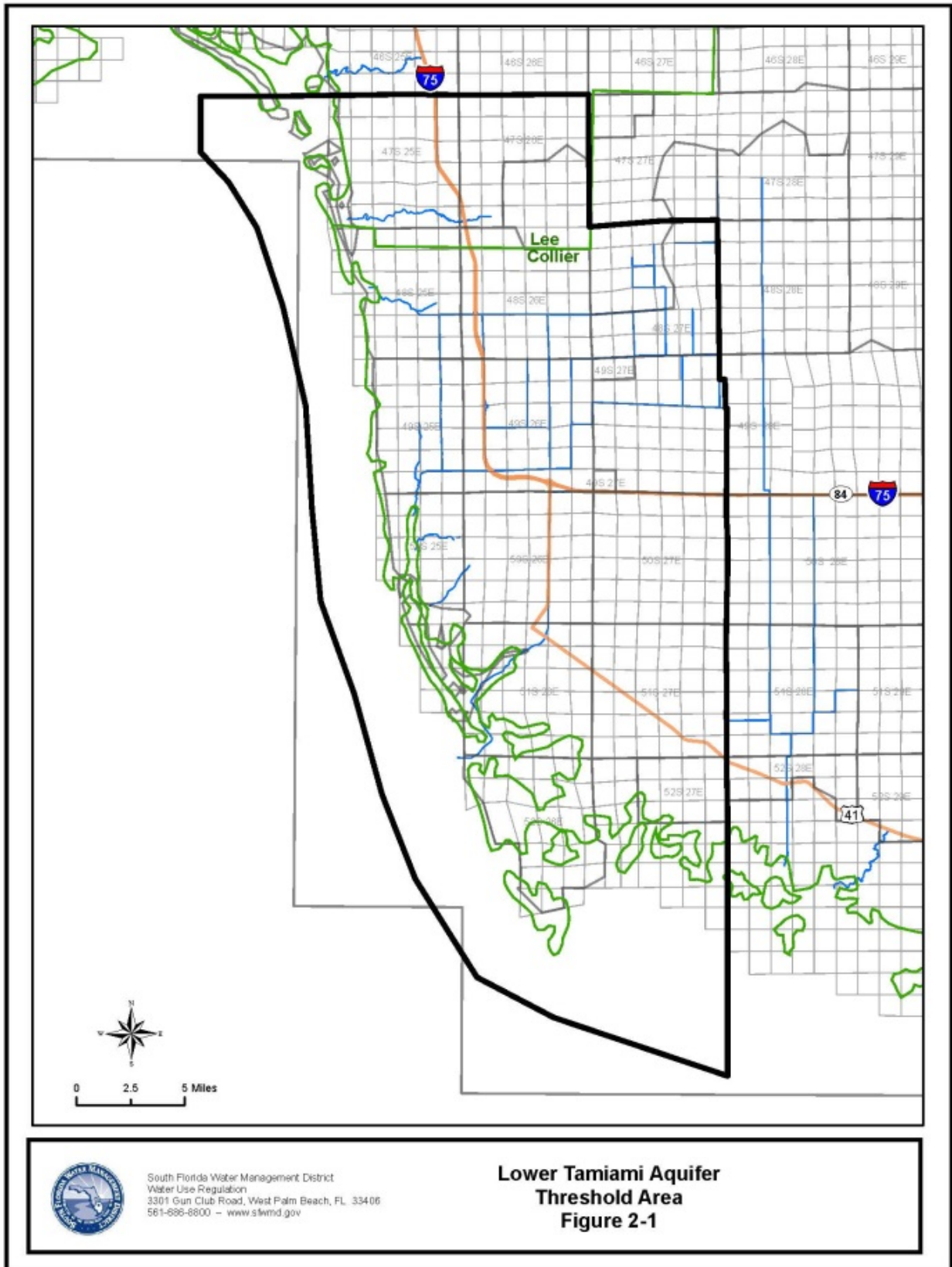
2. Withdraws groundwater from the Sandstone aquifer within the area depicted in Figure 2-2 and has an annual average allocation of less than 10,000 GPD;

3. Withdraws groundwater from the Mid-Hawthorn aquifer within the area depicted in Figure 2-3 and has an annual average allocation of less than 10,000 GPD; or,

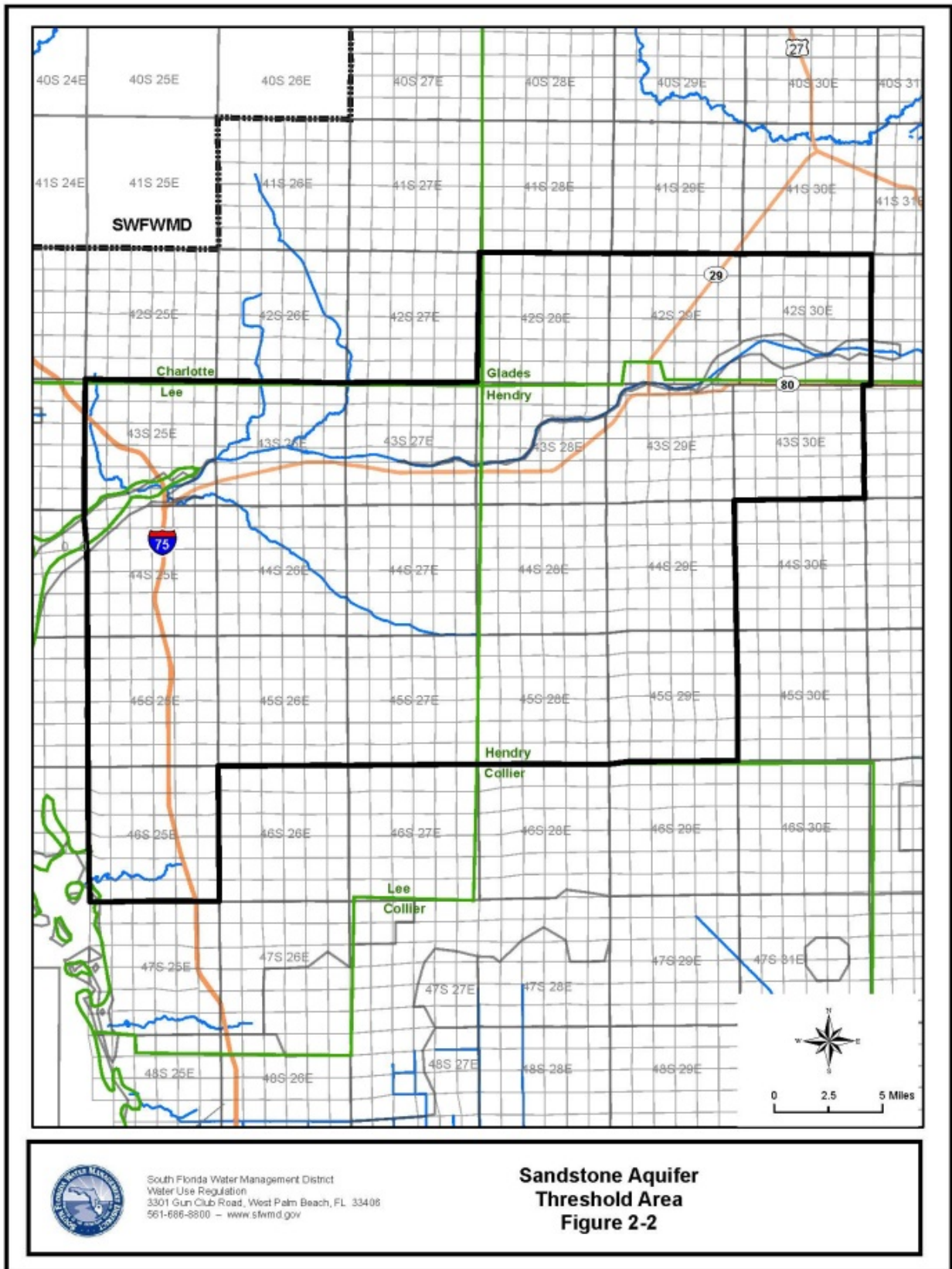
4. Withdraws water for irrigation purposes within the South Dade County Water Use Basin depicted in Figure 21-11, Chapter 40E-21, F.A.C., and has an annual average allocation of less than 300,000 GPD, regardless of the facility restrictions in paragraph (1)(b), above; and,

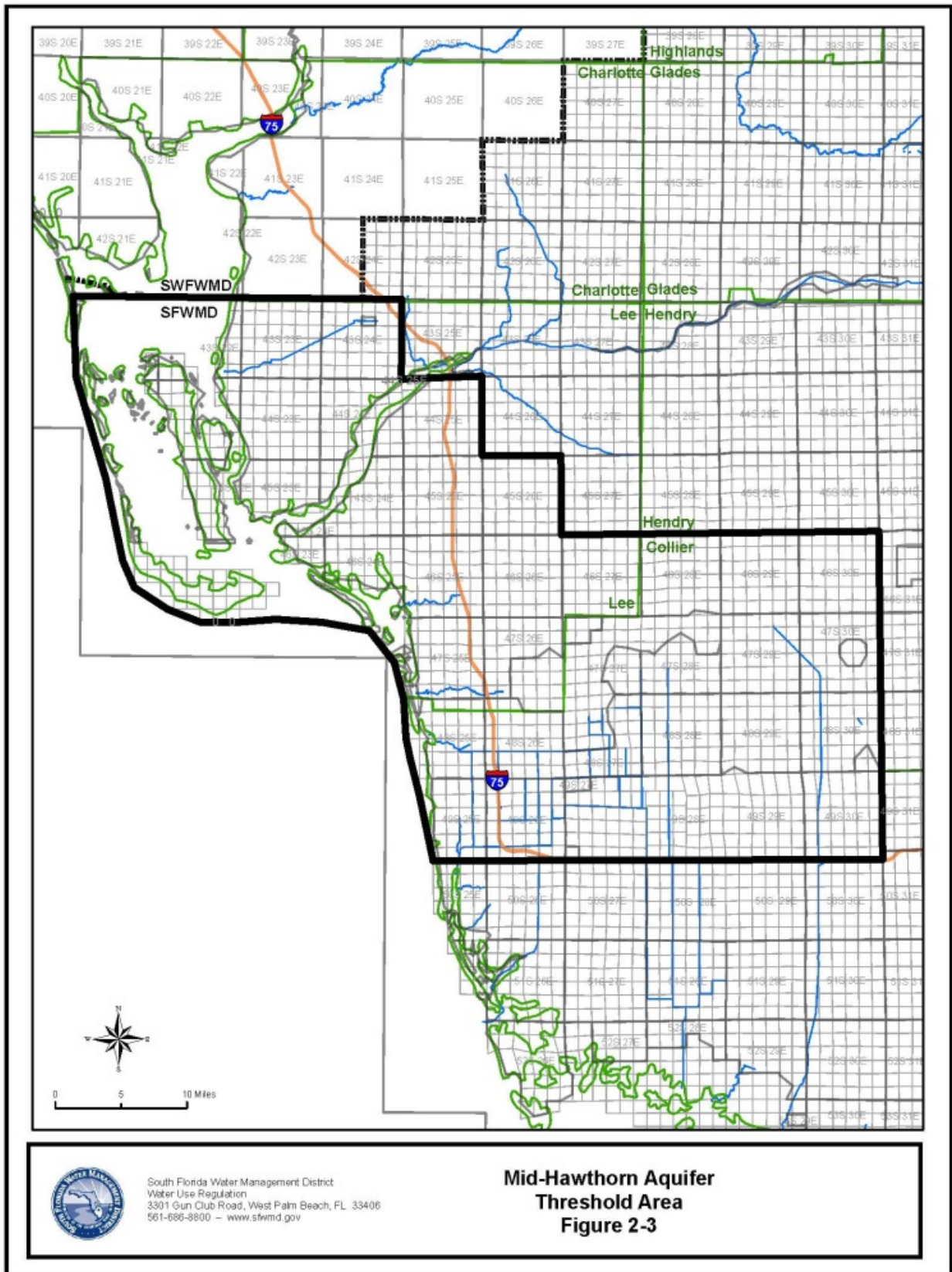
(e) Is consistent with requirements of any applicable mandatory reuse zones.

(2) An individual permit is required for all non-exempt uses that do not qualify for a general permit. Diversion and impoundment uses do not qualify for a general permit and must apply for an individual permit. Dewatering uses that do not qualify for a general permit by rule must apply for an individual permit.











*Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.216 FS. Law Implemented 373.083, 373.118, 373.219, 373.223 FS. History—New 7-14-14, 9-7-15.*

#### **40E-2.091 Publications Incorporated by Reference.**

(1) The “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District – September 7, 2015” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05791>) is incorporated by reference herein.

(2) The following forms and materials are referenced in the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District – September 7, 2015” and are incorporated herein:

(a) Form 1376, Report of Planting and Harvest of Seasonal Crops Form, (July 14, 2014) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03855>) referenced in Subsection 5.2.1E;

(b) Form 1377, Water Quality Report Form, (July 14, 2014) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03856>) referenced in Subsection 4.2.1;

(c) Form 1378, Water Use Pumpage Report Form, (July 14, 2014) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03857>) referenced in Subsection 4.1.1;

(d) Form 1387, Flow Meter Accuracy Calibration Report Form, (July 14, 2014) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03881>) referenced in Subsection 4.1.1;

(e) Form 1388, Alternative Method Calibration Report Form, (July 14, 2014) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03882>) referenced in Subsection 4.1.1; and,

(f) Form 1389, Crop (Freeze) Protection Form, (July 14, 2014) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03883>) referenced in Subsection 4.1.1;

(g) Subsections of the Environmental Resource Permit Applicant’s Handbook, Volume I (General and Environmental), October 1, 2013 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05372>) referenced in Section 3.3.6, as follows:

1. Subsection 10.2.2.3 regarding Assessment of Impacts;
2. Subsection 10.3.1 regarding Types of Mitigation, specifically Subsections 10.3.1.1, 10.3.1.3, and 10.3.1.8;
3. Subsection 10.3.2 regarding Guidelines for the Amount of Mitigation;
4. Subsection 10.3.3 regarding Mitigation Proposals;
5. Subsection 10.3.4 regarding Monitoring Requirements for Mitigation Areas;
6. Subsection 10.3.5 regarding Protection of Mitigation Areas;
7. Subsection 10.3.6 regarding Mitigation Success;
8. Subsection 10.3.7 regarding Financial Responsibility for Mitigation; and,
9. Figure 10.2.8-5.

(3) Subsections 62-40.416(7), (8) and (9), F.A.C. (May 3, 2014) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05792>) are referenced in Subsection 3.1.2.A and incorporated by reference herein.

(4) The “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District” and forms incorporated herein are available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436.

*Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.216 FS. Law Implemented 373.042, 373.0421, 373.083, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History—New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, 9-26-12, 10-23-12, 7-21-13, 7-14-14, 7-16-14, 9-7-15.*

#### **40E-2.101 Content of Application.**

(1) Except in those circumstances detailed in subsection (5), below, applications for permits required by this chapter shall be filed electronically at [www.sfwmd.gov.ePermitting](http://www.sfwmd.gov.ePermitting), or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District’s Service Centers. The addresses and phone numbers of the District’s Service Centers are online at [www.sfwmd.gov](http://www.sfwmd.gov), “Locations.”

(2) The application for all water use permits shall contain:

(a) The appropriate permit application processing fee required by Rule 40E-1.607, F.A.C.;

(b) The information required in Section 373.229(1), F.S.;

- (c) Information sufficient to show that the use meets the criteria and conditions established in Rule 40E-2.301, F.A.C.; and,
- (d) The application forms, as specified below, signed by the applicant or the authorized agent of the applicant.
- (3) Application for an Individual Water Use Permit shall be made using Form No. 1379, Water Use Permit Application, (July 14, 2014), <http://www.flrules.org/Gateway/reference.asp?No=Ref-04377>. Applicants shall also submit one or more of the following supplemental forms as appropriate for each type of water use proposed in the permit application:
- (a) Form 1380, Water Use Permit Application Supplemental Form A – Agricultural Use, (July 14, 2014), <http://www.flrules.org/Gateway/reference.asp?No=Ref-04378>;
- (b) Form 1381, Water Use Permit Application Supplemental Form B – Commercial/Industrial Use, (July 14, 2014), <http://www.flrules.org/Gateway/reference.asp?No=Ref-04379>;
- (c) Form 1382, Water Use Permit Application Supplemental Form C – Landscape/Recreation Use, (July 14, 2014), <http://www.flrules.org/Gateway/reference.asp?No=Ref-04380>;
- (d) Form 1383, Water Use Permit Application Supplemental Form D – Dewatering Use, (July 14, 2014), <http://www.flrules.org/Gateway/reference.asp?No=Ref-04381>;
- (e) Form 1384, Water Use Permit Application Supplemental Form E – Public Supply Use, (July 14, 2014), <http://www.flrules.org/Gateway/reference.asp?No=Ref-04382>;
- (f) Form 1386, Water Use Permit Application Supplemental Form F – Diversion and Impoundment Use, (July 14, 2014), <http://www.flrules.org/Gateway/reference.asp?No=Ref-04383>.
- (4) Application for a Noticed General Water Use Permit shall be made using Form 1391, Notice of Intent to Use a Water Use Noticed General Permit, (July 14, 2014), <http://www.flrules.org/Gateway/reference.asp?No=Ref-04384>.
- (5) The filing of an application is not required for a General Permit by Rule provided the criteria in Rule 40E-2.061, F.A.C., are met.
- (6) The forms identified in subsections (3) and (4) above are incorporated by reference herein and are available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800) 432-2045, ext. 6436, or (561) 682-6436.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 373.083, 373.103(1), 373.116, 373.219, 373.223, 373.229 FS. History—New 9-3-81, Amended 12-1-82, 2-24-85, 11-21-89, Repromulgated 1-4-93, Amended 4-20-94, 8-1-02, 10-23-12, 7-14-14.*

#### **40E-2.301 Conditions for Issuance of Permits.**

- (1) In order to obtain a permit, permit renewal, or permit modification under this chapter, an applicant must give reasonable assurances that the proposed water use at the time the permit application is deemed complete:
- (a) Will not cause harmful saline water intrusion;
- (b) Will not harm offsite land uses;
- (c) Will not cause harm to wetlands or other surface waters;
- (d) Will not cause pollution of the water resources;
- (e) Is otherwise a reasonable-beneficial use as defined in Section 373.019(13), F.S., with consideration given to the factors set forth in Rule 62-40.410, F.A.C.;
- (f) Will not interfere with presently existing legal uses;
- (g) Is in accordance with Section 373.2295, F.S., concerning interdistrict transfer of groundwater and Section 373.223(3), F.S., concerning water transport and use of groundwater or surface water across county boundaries.
- (h) For uses with a recommended maximum allocation which exceeds 100,000 gallons per day or uses within a mandatory reuse zone, makes use of a reclaimed water source in accordance with the criteria contained in the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C.
- (i) Is in accordance with any minimum flow or level and implementation strategy established pursuant to Sections 373.042 and 373.0421, F.S.; and
- (j) Is consistent with Sections 373.016 and 373.036, F.S., and otherwise is consistent with the public interest as prescribed by Chapter 373, F.S., and this chapter.
- (k) Will not withdraw water reserved under Chapter 40E-10, F.A.C.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C., are met.

*Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.042, 373.083, 373.103(4), 373.1501, 373.1502, 373.223, 373.229, 373.2295, 373.470 FS. History—New 8-14-02, Amended 8-31-03, 4-23-07, 2-13-08, 7-2-09, 7-14-14.*

#### **40E-2.321 Duration of Permit.**

General Duration Provision. When requested by an applicant, a consumptive use permit shall have a duration of 20 years provided the applicant provides sufficient data to demonstrate reasonable assurance that the proposed use meets the conditions for issuance for the requested 20 year permit duration; or otherwise, permits may be issued for a shorter duration that reflects the period for which such reasonable assurances can be provided. This determination will be made pursuant to requirements in Rule 40E-2.301, F.A.C., and the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 373.236 FS. History—New 9-3-81, Amended 2-24-85, 4-20-94, 7-11-96, 8-31-03, 4-23-07, 2-13-08, 7-14-14.*

#### **40E-2.331 Modification of Permits.**

(1) A permittee shall apply to the District for approval of any modification of an unexpired permit pursuant to Section 373.239, F.S. and Rule 40E-1.609, F.A.C.

(2) Applications for modification, except letter modifications issued pursuant to subsection (4), shall contain the information required in Rule 40E-2.101, F.A.C., will be evaluated using the criteria specified in Rule 40E-2.301, F.A.C., and will be subject to the limiting conditions specified in Rule 40E-2.381, F.A.C. Modifications shall be approved if criteria in Rule 40E-2.301, F.A.C., are met.

(3) Proposed increases in allocation will be treated as new uses to the extent the proposed allocation exceeds the existing allocation.

(4)(a) Modification of an existing water use permit shall be approved by letter, provided the permit is in compliance with all applicable limiting conditions and the modification request:

1. Does not result in an increase in the amount of the permit allocation;
2. Does not modify the existing permit expiration date, except when:
  - a. The permit duration is based upon the current lease expiration date, the permit duration shall be extended by letter modification to the new lease date, but shall not exceed the applicable permit duration pursuant to Rule 40E-2.321, F.A.C.;
  - b. A public water supply permittee achieves demonstrable savings attributable to implementation of its water conservation plan beyond that required by Subsection 2.3.2.F.1 of the Applicant’s Handbook;
  - c. A permittee complies with the extension provisions of Section 373.236(5), F.S.; or,
  - d. The permit duration is based upon a proposed “start” date for dewatering, the permit duration shall be extended to one year from the new “start” date, but shall not exceed the applicable permit duration in Rule 40E-2.321, F.A.C.; or
3. Does not potentially interfere with any presently existing legal use of water, cause environmental harm, saltwater intrusion, pollution of the water resources, harm to offsite land uses, does not withdraw water reserved under Chapter 40E-10, F.A.C., or does not otherwise raise issues requiring a Staff determination of whether such impacts would occur pursuant to the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C.;
4. Does not change the permitted withdrawal source(s) or use classification;
5. Does not result in a modification of the permit pursuant to Section 373.239(2), F.S.; and,
6. Does not allow more cumulative days and time to conduct landscape irrigation pursuant to Chapter 40E-24, F.A.C., for those permits issued pursuant to Rule 40E-2.061, F.A.C., and those permits classified as landscape irrigation use.

(b) The timeframes set forth in Rule 40E-1.603, F.A.C., shall apply to the processing of letter modifications.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 373.083, 373.223, 373.229, 373.239 FS. History—New 9-3-81, Formerly 16K-2.09(1), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 8-1-02, 4-23-07, 2-13-08, 7-2-09, 3-15-10, 10-23-12, 7-14-14.*

**40E-2.341 Revocation of Permits.**

Violations of this chapter may result in the revocation or suspension of the authorization in whole or in part in accordance with the provisions of Chapter 373, F.S., including Sections 373.119 and 373.243, Chapter 120, F.S. and Rules 40E-1.609 and 28-106.2015, F.A.C.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.60(6), 373.103(4), 373.219, 373.229 FS. History—New 4-20-94, Amended 7-2-98, 10-23-12.*

**40E-2.351 Transfer of Permits.**

A permittee must comply with the requirements of Rule 40E-1.6107, F.A.C., in order to obtain a permit transfer to a new permittee. If the permit transfer is in conjunction with an application for permit modification, the permit shall be transferred at the time of permit modification if all applicable permit transfer criteria are met. Upon approval, all terms and conditions of the permit shall be binding on the transferee.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History—New 9-3-81, Formerly 16K-2.09(2), Amended 4-20-94.*

**40E-2.381 Permit Conditions.**

Pursuant to Sections 373.216, 373.219 and 373.223, F.S., the District shall impose reasonable permit conditions on permits granted under this chapter. Standard permit conditions in Section 5.1 of the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit. Special permit conditions, including those specified in Section 5.2 of the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit as applicable.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 373.042, 373.0421, 373.083, 373.216, 373.219(1), 373.223 FS. History—New 9-3-81, Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 8-1-02, 4-23-07, 2-13-08, 10-23-12, 7-14-14.*

**40E-2.441 Temporary Permits.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.244 FS. History—New 9-3-81, Amended 4-20-94, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*

**40E-2.451 Emergency Authorization.**

(1) Permission to begin use, withdrawal, or diversion of water prior to the issuance of a permit may be applied for in writing, when emergency conditions exist which would justify such permission. However, no such permission shall be granted unless the use, withdrawal, or diversion is already being considered for a permit under Rule 40E-2.041, F.A.C. A serious set of unforeseen or unforeseeable circumstances must exist to create an emergency. Mere carelessness or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of emergency authorization.

(2) Emergency authorizations shall be administered pursuant to Rule 40E-0.108, F.A.C.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.60(5), 373.219 FS. History—New 9-3-81, Formerly 16K-2.11, Amended 4-20-94, 7-2-98, 10-23-12.*

**40E-2.501 Permit Classification.**

Each water use permit shall be classified according to source, use and method of withdrawal. The source use and method of withdrawal classes are listed in Rules 40E-21.631 through 40E-21.691, F.A.C.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.246 FS. History—New 9-3-81, Formerly 16K-2.12(2), Amended 7-4-82, 10-23-12.*