

the calculation of per capita daily water demand. The Applicant is advised that if significant seasonal population fluctuations are not accounted for, per capita water daily water use may be over-estimated. Permanent and seasonal (if applicable) population growth must be projected for the requested duration of the permit, on a yearly basis, for the area served by the application.

When population estimates are required for years in between published or referenced estimates, the Applicant must interpolate the data. The Applicant may assume that population increases in equal increments in the years between established estimates.

#### **2.6.5.1 Population Data**

Population data should be derived from the prevailing Comprehensive Land Use Plan (developed under Chapter 9J-5, F.A.C.). If the Applicant's population estimate varies from the Comprehensive Plan, other accepted sources of population data to validate the variance include the following: (1) University of Florida Bureau of Economics and Business Research (BEBR), (2) Regional Planning Council (RPC), (3) County Planning Departments, or the (4) District Planning Department.

#### **2.6.6 Health Review**

The Applicant for a public water supply general or individual permit is advised that permits or certifications regarding water quality may be required by other governmental agencies, such as the Florida Department of Environmental Protection and Department of Health and Rehabilitative Services, for public health purposes.

### **2.7 Diversion and Impoundment**

#### **2.7.1. Scope and Intent**

This Section contains criteria for calculating the allocation for diversion and impoundment systems and the criteria for users within diversion and impoundment systems to obtain consumptive use rights.

A diversion and impoundment permit is required for projects, excluding District operated facilities, that divert surface water through a pump or operable water control structure, or divert a combination of surface and ground water to a conveyance canal network system which the applicant has legal control to operate and maintain for the purposes of providing for the reasonable-beneficial demands of secondary users and consumptive and non-consumptive uses.

Users of surface water maintained through operation of a diversion and impoundment system are considered secondary users of the diversion and impoundment system. The District recognizes dependent and independent secondary users as the two categories of surface water users within a diversion and impoundment system that may attain water rights through the permitting process. The distinction between these two

categories is related to the manner in which the secondary user attains its water right. Unless exempt, such secondary users must obtain a consumptive use right through an independent permit or by incorporation into the diversion and impoundment permit. Criteria for each of these methods are set forth below.

### **2.7.2 Demand Calculation for Diversion and Impoundment system**

Reasonable demand calculations for diversion and impoundment systems will be based on the following factors: the extent (length, cross sections, and depth) of the canal network used to deliver the water associated with the diversion and impoundment operation; land use classifications within the area served by the diversion and impoundment system; surface water demands directly withdrawn from the diversion and impoundment system; seepage losses; water necessary to maintain groundwater elevations for the purpose of aquifer recharge and saltwater intrusion prevention; evaporation losses from the canal surfaces; and established control elevations during 1 in 10 year drought events.

For permit renewals in which no changes are proposed over historic operations, the demands may be determined from historic pumpage records, consistent with the criteria in Section 1.7.5.1. For modifications where the proposed allocation is increasing, the demands shall be determined with the use of models consistent with the criteria in Section 1.7.5.2, using the applicable efficiency and conservation measures for each use type served by the project while considering cycling of water from project to project within the system.

In addition to the requirements of Application Form RC-1W, diversion and impoundment permit applicants must submit: (1) a map identifying the location of all secondary users of their system, including irrigated acreage and land use type; upon permit modification this map must be updated to reflect changes in secondary users of the diversion and impoundment system; and (2) copies of the agreements executed with dependent secondary users pursuant to Section 2.7.3.A.

### **2.7.3 Conditions of issuance for Secondary Users of a Diversion and Impoundment System**

- A. Dependent Secondary Users are users of surface water from a diversion and impoundment system that have elected to obtain their water right through the diversion and impoundment permittee's permit, as evidenced by a legal agreement in compliance with the following:
  - (1) Agreement that the secondary user will comply with water shortage restrictions imposed by District rule or order issued pursuant to Chapter 40E-21, F.A.C.,

- (2) Agreement that the secondary user will comply with all applicable water conservation standards required in the diversion and impoundment permit;
  - (3) Agreement that the secondary user will notify the diversion and impoundment permittee of any changes in water use demands or sources;
  - (4) Agreement that the secondary user will continue to evaluate the feasibility of using reclaimed water in accordance with the requirements contained within the diversion and impoundment permit;
  - (5) Agreement that the secondary user will mitigate harm to the resources or existing legal uses caused by the secondary user;
  - (6) Agreement that the secondary user will submit a map identifying their system's location, irrigated acreage, and land use type; and
  - (7) Agreement that the dependent secondary user will comply with the above stated conditions and applicable conditions within the diversion and impoundment entities' consumptive use permit or be subject to potential District enforcement action pursuant to Chapter 373, F.S.
- B. Independent Secondary Users are users of surface water from a diversion and impoundment system that have obtained their water right through a separate consumptive use permit from the District. The District will utilize the applicable demand calculation criteria for the use class associated with the secondary use to determine the proposed project's demand, contained in the Basis of Review. Site specific resource evaluation must be conducted as required by Section 3.0. Impact evaluation associated with the diversion and impoundment system's withdrawal from the regional system will not be required. Resource impact evaluations must be conducted as required by Section 3.0. In addition, the requested allocation must be consistent with the diversion and impoundment permit as evidenced by demonstration of legal access to the diversion and impoundment system and by demonstration that the proposed secondary use will not cause the diversion and impoundment permittee to exceed its permitted allocation.

## **2.8 Transport and Use of Water Across County Boundaries**

Sections 373.016, 373.223(3) and 373.1962, F.S., govern the review of water use permit applications for the transport and use of water across county boundaries, including provision of exemptions and limitations on the application of such requirements. The following provides specific guidance as to the applicability of certain statutory exemptions and limitations within these statutes:

- A. A transport and use of ground water across county boundaries pursuant to Section 373.223(3), F.S., does not occur when: (1) a project withdraws