

40E-21.221 Evaluating Water Conditions.

(1) and (2) No Change.

(3) (a) No Change.

(b) Present and anticipated user demands for each use and method of withdrawal class shall be periodically estimated for each source class. Factors considered in estimating the present and anticipated demands of the users within a source class ~~may~~ include:

1. through 6. No Change.

(c) Estimated present and anticipated available water supply shall be periodically compared to estimated present and anticipated user demands to determine impact on the water resource. Factors ~~that may be~~ considered in determining whether serious harm to the water resource may occur include:

1. through 3. No Change.

(d) No Change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History—New 5-31-82, Amended 1-26-86, 9-10-01,_____.

40E-21.251 Water Shortage Phases.

(1) and (2) No Change.

(3) Each source class for which a water shortage has been declared shall be assigned a specific water shortage phase. More than one source class may be combined into a single class for this purpose. The water shortage phase selected for a source class ~~is may be~~ based upon:

(a) and (b) No Change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 5-31-82, Amended _____.

40E-21.275 Variances.

(1) through (4) No Change.

(5)(a) through (c) No Change.

(d) The Board will ~~may~~ revoke or modify a variance when it determines that the continued utilization of the variance is inconsistent with the objectives of the District.

(6) No Change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 5-31-82, Amended 1-26-86, 2-14-91, 7-2-98, 6-12-00,_____.

40E-21.421 Enforcement.

(1) through (5) No Change.

~~(6) In the event a water user is in violation of the water shortage plan or any water shortage order issued pursuant thereto, it shall be presumed that the person present at the premises where such unauthorized use is occurring who has a possessory interest in those premises, is responsible therefor. In the event that no one is present at the premises while such unauthorized use is occurring, it shall be presumed that the owner of the premises is responsible for such use. These presumptions shall not affect the burden of proof of the District to present a prima facie case as to each violation, and shall be rebuttable by the presentation of evidence to indicate that another person was responsible for the unauthorized water use.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.175, 373.246, 373.603, 373.609 FS. History—New 5-31-82, Amended _____.

40E-21.551 Phase IV Critical Water Shortage.

The following restrictions shall apply when a Phase IV shortage is declared by the District.

(1) (a) No Change.

(b) Domestic Type Use.

1. Residential type domestic use should ~~shall~~ be voluntarily reduced to 30 gallons per person per day.

2. Domestic type use in industrial and commercial establishments should ~~shall~~ be voluntarily reduced to the minimum levels

necessary to preserve public health and safety.

- (c) No Change.
- (d) Power Production Use. Water used for power production should ~~shall~~ be voluntarily reduced.
- (e) 1. No Change.
- (I) and (II) No Change.
- (III) Use equal to or less than 50 gallons per wash should ~~shall~~ be voluntarily reduced;
- b. No Change.
- (I) and (II) No Change.
- (III) Use equal to or less than 100 gallons per wash should ~~shall~~ be voluntarily reduced.
- 2. Water used for commercial and industrial processes should ~~shall~~ be voluntarily reduced.
- 3. No Change.
- 4. Water use for pesticide application under the supervision of a licensed pest control operator should ~~shall~~ be voluntarily reduced. Under the provisions of this subparagraph, the applicator must be on the premises when water is applied outside of the hours allowed for irrigation.
- 5. No Change.
- 6. Water use for mobile equipment washing by a licensed person or entity should ~~shall~~ be voluntarily reduced.
- (f) Diversion and Impoundment into Non-District Facilities. Water used for diversion and impoundment into non-District facilities should ~~shall~~ be voluntarily reduced; however, the diversion of surface water from sources in the Lake Okeechobee Region as depicted on Figure 21-4 and described in subsection 40E-21.691(3), F.A.C., shall be subject to the restrictions described in subparagraph (2)(a)6., below.
- (2) (a) No Change.
- (b) Livestock Use. Livestock water use should ~~shall~~ be voluntarily reduced.
- (c) Aquacultural Use. Aquacultural water use should ~~shall~~ be voluntarily reduced.
- (d) Soil Flooding.
- 1. Soil flooding for vegetable seed planting, rice planting, burning of sugarcane prior to harvest and to permit harvesting of sod should ~~shall~~ be voluntarily reduced.
- 2. No Change.
- (e) No Change.
- (3) Nursery/Urban Irrigation/Recreation.
- (a) Nursery Use.
- 1. Low volume irrigation uses and low volume hand watering should ~~shall~~ be voluntarily reduced.
- 2. and 3. No Change.
- (b), (c), and (d) No Change.
- (e) Golf Course Use.
- 1. Irrigation of greens should ~~shall~~ be voluntarily reduced and shall be accomplished during non-daylight hours.
- 2. through 4. No Change.
- (f) No Change.
- (4) No Change.