

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA

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SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

Order No. 2011-036-DAO-WS

VAm

IN THE MATTER OF:

Declaration of Modified Phase I
Water Shortage Restrictions
Applicable to Specifically Identified
Permittees located within the Interior
Palm Beach County Water Use Basin,
M-Canal Water Use Basin, portions of
the Water Conservation Area 1/C-51
Water Use Basin, and Sub-Basin C
(West Palm Beach Canal Basin)
of the Everglades Agricultural Area
Water Use Basin

**DECLARATION OF MODIFIED PHASE I WATER SHORTAGE RESTRICTIONS
AFFECTING IDENTIFIED PERMITTEES WITHIN AFFECTED AREAS**

The Governing Board of the South Florida Water Management District ("District"), after considering recommendations of District staff and being otherwise fully apprised of the matter, issues this Order pursuant to Section 373.246, Fla. Stat., and Chapter 40E-21, Fla. Admin. Code, based on the following Findings of Fact and Ultimate Facts and Conclusions of Law.

FINDINGS OF FACT

1. The boundaries of the area of concern encompass all or portions of the following water use basins located in Palm Beach County particularly described as the Interior Palm Beach County Water Use Basin, M-Canal Water Use Basin, Water Conservation Area 1/C-51 Water Use Basin, and Sub-Basin C (West Palm Beach Canal Basin) of the Everglades Agricultural Area Water Use Basin. A map of the area affected by this Order is attached hereto as Exhibit "A."

2. The water sources subject to this Order are surface waters that are withdrawn directly from the L-8 Canal, L-8 Tieback Canal, L-8 North Tieback Canal, and the M-Canal, which are hydraulically connected to Lake Okeechobee.

3. The users affected by this Order include all permitted users identified in Exhibit "B."

4. October 2010 through February 2011 has been the driest comparable period on record District-wide since records began in 1932. October 2010 was the driest on record and February 2011 was the third driest leaving many areas of the District in D2 (severe) to D3 (extreme) drought conditions.

5. From November 1, 2010 to March 8, 2011, rainfall in the watershed basins which recharge Lake Okeechobee has been 25% below normal. Rainfall over Lake Okeechobee was 42% below normal for the same time period. From November 1, 2010 to March 8, 2011, rainfall in Palm Beach County was 50% below normal.

6. The current low rainfall conditions seen in and around Lake Okeechobee and Palm Beach County are expected to continue through the remainder of the dry season. District meteorologists expect continued below average rainfall as a result of La Niña weather patterns.

7. As of March 8, 2011, Lake Okeechobee's water level was 11.94 feet NGVD. This is approximately 2.54 feet below Lake Okeechobee's historical average for this time of year.

8. Current and projected inflows to Lake Okeechobee over the dry season are relatively small. Adjacent areas around and north of Lake Okeechobee, a region

that directly recharges Lake Okeechobee, have seen near record dryness since October 1, 2010.

9. Statistical analyses of Lake Okeechobee water levels during La Niña years indicate that Lake Okeechobee is likely to fall into the water shortage management zone as early as mid-March and that there is greater than a 50% chance that the Lake Okeechobee stage will fall below 11.0 feet NGVD before June 1st.

10. As a result, the Governing Board issued Water Shortage Order No. 2010-206-DAO-WS, imposing a water shortage warning for Lake Okeechobee and connected surface waters as well as Lake Istokpoga and the Indian Prairie Region. Users within these areas were asked to voluntarily conserve water in order to avoid future water shortage restrictions.

11. Given Lake Okeechobee's low levels, the potential for delivering water from Lake Okeechobee to the coast is becoming increasingly difficult.

12. The water use basins subject to this order receive water from the L-8 Canal. The L-8 Canal is fed, in part, from Lake Okeechobee through Culvert 10A ("C-10A").

13. C-10A is operated by USACE and allows for gravity discharge from Lake Okeechobee to the L-8 Canal. As the Lake Okeechobee stage declines, flow through C-10A also declines.

14. In 2009, flow through C-10A ceased when the Lake Okeechobee stage fell to 11.75 feet NGVD. With the current Lake Okeechobee stage, the ability of Lake Okeechobee to maintain L-8 Canal stages is diminishing.

15. As of March 8, 2011, the water level at C-10A is 11.9 ft NGVD. The headwater stage at S5AE is 11.3 feet NGVD. The District characterizes the condition in the L-8 Canal as very low when the S5AE headwater stage is below 11.5 feet NGVD and low when it is below 12.0 feet NGVD. Without additional water delivered from Lake Okeechobee, there is increased likelihood that the water level in the L-8 Canal will continue to decline and adversely impact existing legal users and the water resources of the area.

16. Given limited water supply availability and numerous demands of both the natural resources and human consumption, the requirements of this Order impose restrictions and operational directives on the identified users in order to manage the available surface water as efficiently as possible.

17. The driest, most challenging months of the south Florida dry season, when hot, dry, and windy conditions cause maximum evapotranspiration and high water demands, remain. Also, the rainy season may or may not begin "on time" in early June. Even when it does begin to rain, it will be some time before the regional system is sufficiently recharged. Hence, conditions exist such that prudent management of the remaining water supply is imperative.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

18. The Governing Board is authorized to adopt a water shortage plan to regulate the withdrawal and use of water so as to protect the water resources of the District. § 373.246, Fla. Stat. (2010).

19. The District's Water Shortage Plan is set forth in Chapter 40E-21, Fla. Admin. Code.

20. The District may declare a water shortage to equitably distribute water supplies through implementation of the District's Water Shortage Plans set forth in Chapters 40E-21, Fla. Admin. Code. Fla. Admin. Code R. 40E-21.231.

21. The Governing Board is authorized to modify or rescind water shortage orders. Fla. Admin. Code R. 40E-21.291(4).

22. The Governing Board may order any combination in lieu of or in addition to the restrictions in Part V, Chapter 40E-21, Fla. Admin. Code, if necessary to achieve the percent reduction in overall demand, including, but not limited to, restrictions on the total amount of water withdrawn at any given time; the timing of withdrawal; restrictions on withdrawal rates; and the geographic location of water withdrawals. Fla. Admin. Code R. 40E-21.271.

23. Rule 40E-21.401, Fla. Admin. Code, and water use permit conditions authorize the District to obtain data concerning monitoring of water usage.

24. The District has monitored the condition of the water resources and the needs of the users as required by Rule 40E-21.221, Fla. Admin. Code.

25. In addition to considering that Lake Okeechobee and L-8 Canal levels are low, the District also considers other factors that evaluate the sufficiency of remaining water supplies, the projected user demands, climatic forecasts, the potential for serious harm to the water resources, projected water savings from cutting back user withdrawals from the affected sources, and any projected impacts on imposing such cutbacks on the consumptive use. Fla. Admin. Code R. 40E-21.221.

26. As a result, Phase I water shortage restrictions may be authorized requiring cutbacks on consumptive use demands, including diversion and

impoundment, agricultural, and nursery use classes for a 1-in-10 year rainfall condition by 15 percent.

27. The current and projected surface water levels in the regional system, the potential for groundwater level declines, and the present and projected water demands in the identified canals require the imposition of these mandatory water shortage restrictions.

28. Considering the above findings of fact, it is necessary to enter this Order imposing specific restrictions on the identified users within the affected Basins.

ORDER

Based upon the above Findings of Fact, and Ultimate Facts and Conclusions of Law, the Governing Board orders:

29. A water shortage is declared and modified Water Shortage restrictions are imposed on all permittees identified in Exhibit "B" located within the identified Basins that withdraw surface water directly from the L-8 Canal, L-8 Tieback Canal, L-8 North Tieback Canal, and M-Canal.

30. The specific restrictions are as follows:

a. The permitted users identified in Exhibit "B" must abide by the following restrictions, unless a rainfall event occurs and a specific temporary authorization to withdraw surface water from the regional system is issued:

i. All identified users shall reduce their withdrawals from the sources subject to this Order as directed in Exhibit "B."

ii. The reductions in allocation listed in Exhibit "B," or posted on the District's website, reflect a 15% cutback in withdrawals via the L-8 Canal, L-8

Tieback Canal, L-8 North Tieback Canal, and M-Canal only. To the extent practicable, users subject to this Order shall satisfy water demands from water sources for which a water shortage has not been declared in accordance with the limiting conditions of each user's water use permit.

iii. In addition to the provisions of paragraph 30(a)(i), above, the City of West Palm Beach shall conduct its water supply withdrawals between the hours of 6 p.m. and 6 a.m. This schedule is designed to minimize conflicts with existing legal users. However, the City of West Palm Beach may operate its pump during times and conditions specified in the pilot test to deliver water from the L-8 Reservoir to the Loxahatchee River.

b. The following specific restrictions also apply to the permitted agricultural users identified in this Order:

i. Agricultural operations which use overhead irrigation methods may apply their allocation of water as needed.

ii. Overhead irrigation of citrus nursery stock for moisture stress reduction shall be allowed on an as needed basis so long as the weekly allocation is not exceeded.

iii. The hours for low volume irrigation, such as drip and microjet irrigation, are not restricted.

iv. Livestock water use shall be voluntarily reduced.

v. Soil flooding uses for vegetable seed planting, rice planting, burning of sugarcane prior to harvest and to permit harvesting of sod shall be allowed

on an as needed basis so long as the restricted allocation, defined above, is not exceeded.

vi. Water use for freeze protection shall be restricted to situations in which official weather forecasting services predict temperatures likely to cause permanent damage to crops.

31. During rainfall events, users affected by this Order are requested to take all reasonable steps to hold as much water as possible within their surface water management systems, while still providing flood protection. Moreover, to the maximum extent practicable considering flood protection, the District seeks to avert the loss of excess water in the system as the result of a rainfall event. In such rainfall events, the District may determine that opportunities exist for certain permitted users affected by this Order to move water into local storage via surface water withdrawal facilities. These withdrawals will not be counted toward the allocations authorized in Paragraph 31, above. In such circumstances, the following procedures shall apply:

a. Operational Requirements: Permittees may submit a written request to withdraw surface water available from the regional system due to rainfall events. Such temporary withdrawal requests must be submitted via fax to the Operations Control Room at (561) 681-2570. In the event the District determines it is advantageous to temporarily operate a specific withdrawal facility, such temporary operation will be specifically authorized by Tom Olliff, or his designee. If the District staff authorizes a temporary operation of a withdrawal facility, notification of such authorization will be made in writing using a "Temporary Operation Authorization" form,

an example of which is attached as Exhibit "C" and will be provided to the affected individual permittee.

b. Potential Operational Conditions: In the event the District authorizes a temporary operation of a withdrawal facility, the District may impose operational requirements including, but not limited to: a) allocation amount; b) definition of where the water allocation is to be delivered; c) dates and times of operation; d) hours of withdrawal facility operation; and/or, e) reporting requirements.

c. Temporary operation of withdrawal facility reporting requirements: In the event an affected permittee is temporarily authorized to operate a withdrawal facility, the permittee shall provide the District with documentation of the volume withdrawn.

32. Permitted water users affected by this Order shall continue to report their water usage as required by permit conditions. Additionally, permitted water users outside of the Lake Okeechobee Service Area, a map of the Lake Okeechobee Service Area is attached hereto as Exhibit "D," shall report their weekly water usage to Tom Kosier at fax number (561) 682-6896. This information must be provided to the District on a weekly basis on Monday for the water use that occurred during the preceding Monday through Sunday. Failure to timely comply with these reporting requirements may result in a violation of the terms of this Order and will be punishable through imposition of appropriate fines.

33. In recognition of the impending need of multiple users within the affected Basins to lower pump intakes or install additional temporary pump facilities, the Governing Board issues this Order authorizing the temporary installation and operation

of pumping facilities located within the area subject of this Order and lower intakes of existing permitted facilities as needed. Application processing fees shall be waived for temporary installations authorized by this Order. This authorization shall last until this Order is rescinded. This Order shall automatically authorize users to install such temporary pumping facilities which are not located within the District's rights of way. Such temporary pumping facilities located within the District's rights of way are also authorized, so long as the following conditions are satisfied:

- a. A written description of the temporary pumping facility or lowered intake is submitted to District staff which indicates the intent to temporarily enable the permitted consumptive user to access surface water at lower elevations.
- b. An 8-1/2" x 11" drawing is submitted and clearly shows all additional temporary facilities to be placed within the District's right of way. Pump size and capacity as well as the diameter, length and elevation of any culvert installation must be depicted on the drawing.
- c. The user provides reasonable assurances that all reasonable water quality protection measures necessary to avoid off-site impacts will be employed. Measures may include turbidity screens, hay bales, fuel spill containment tank, etc. Also, the user provides reasonable precautions to ensure that all temporary facilities do not increase wildfire potential.
- d. The user provides reasonable assurances that the temporary installations, and the operation thereof, will not degrade or otherwise interfere with the integrity of any channel, bank, berm, levee, structure or any secondary channel, bank, berm, levee or structure.

e. The user provides reasonable assurances the temporary pumping units and appurtenant equipment shall be installed in such a manner so as to not block or otherwise interfere with District access. Piping shall be properly buried or bridged in a manner satisfactory to the District.

f. A 24-hour telephone contact person with a listing of the person's work, residence, mobile and pager numbers must be provided with the written submittal.

g. The written submittal must include a statement accepting application of all standard limiting conditions contained in Rule 40E-6.381, Fla. Admin. Code, to the temporary pumping installation authorized by this Order.

h. Users must provide evidence of their pump installation design and intent to comply with the terms of this Order, along with appropriate 24 hour contact information at the site, in a visible, weatherproof pouch or cover.

i. The written submittal must include a statement accepting the requirement that all temporary facilities will be removed from the canal and right of way within 15 days after the Governing Board or Executive Director rescinds this Declaration of Water Shortage.

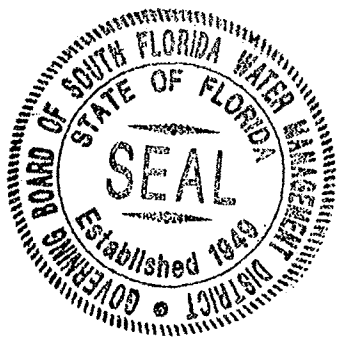
j. The written submittal must include a statement accepting the requirement that any canal right of way impacted by the placement of the temporary facilities will be restored to the satisfaction of the District within 15 days after the Governing Board or Executive Director rescinds this Declaration of Water Shortage.

34. This Order shall become effective on March 21, 2011 and shall remain in effect until modified or rescinded by the Governing Board, the Executive Director, or the Executive Director's designee, if the circumstances set forth in Subsection 40E-

21.291(5), Fla. Admin. Code, are present.

35. A Notice of Rights is attached as Exhibit "E."

DONE AND SO ORDERED in Ft. Pierce, Florida, on this 10th day of March,
2011.



Attest:

Vernon A. Marion
District Clerk/Assistant Secretary
March 17, 2011

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
By its Governing Board

Carol Ann Wehle
CAROL ANN WEHLE
Executive Director

Legal Form Approved:

Jennifer Bokankowitz
Jennifer Bokankowitz, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been
furnished via facsimile to the permittees identified in Exhibit B, on this 17th day of March,
2011.

Jennifer Bokankowitz
Jennifer Bokankowitz, Esq.

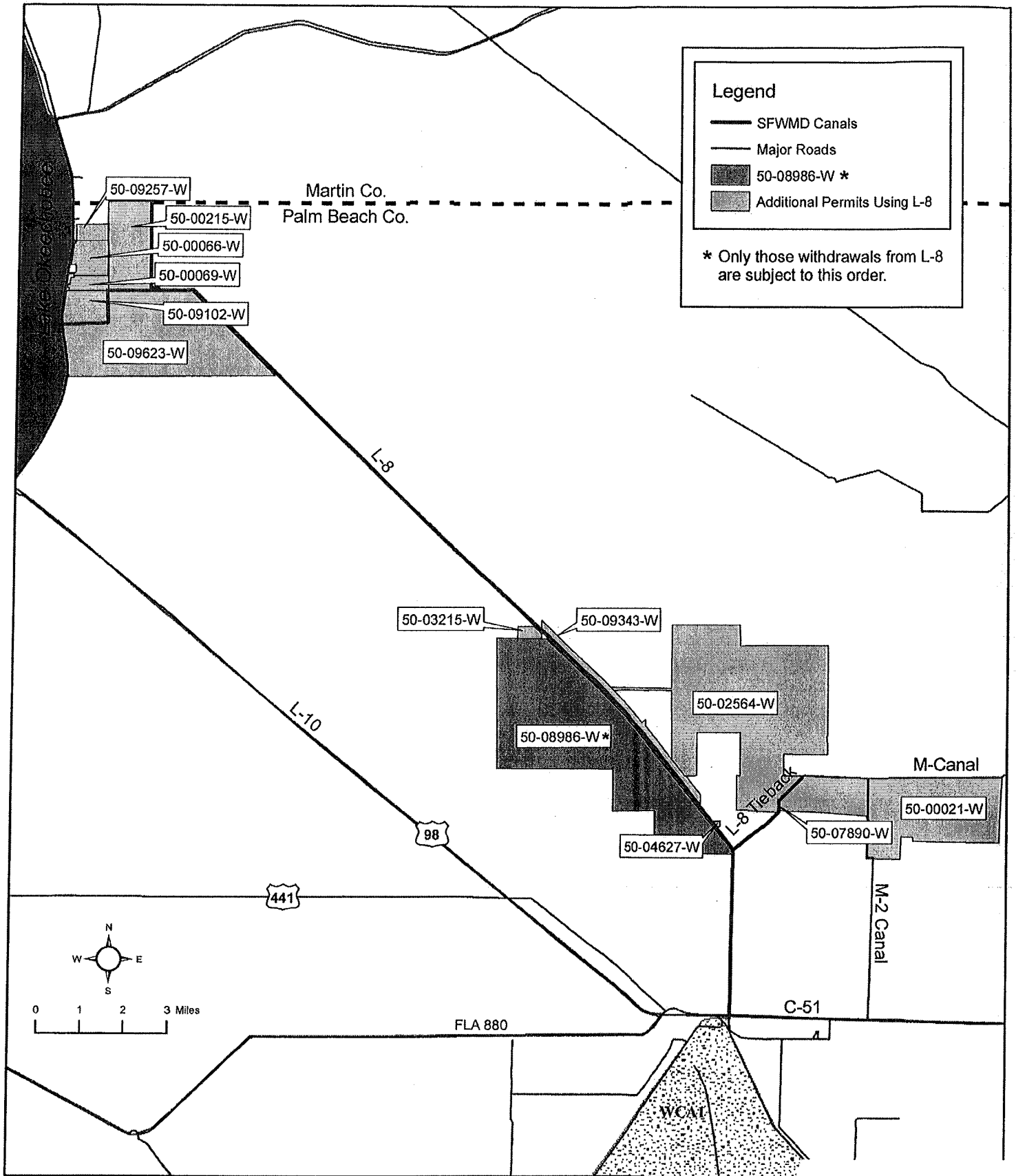


EXHIBIT A



South Florida Water Management District
 Water Use Regulation
 3301 Gun Club Road, West Palm Beach,
 FL 33406
 561-686-8800 - www.sfwmd.gov

L-8 Users

DISCLAIMER:

This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not self-executing or binding, and does not affect the interests of any persons or properties, including any present or future right or use of real property.

Permit No.	Permittee	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
50-00021-W	Seminole Improvement Dist. 4001 Seminole Pratt Whitney Rd. Loxahatchee, FL 33470	29.68	17.74	9.26	11.04	0.68	4.95	3.78	24.44	88.64	26.42
50-07890-W	Control 2 Pump Station City of West Palm Beach 1000 45th St., Unit 15 West Palm Beach, FL 33407	972	478	872	657	1,368	543	857	2,395	1,975	1,867

Allocations are expressed in million gallons ("MG").

50-09257-W	McKinstry Sand Cut Farm W.E. McKinstry, Inc. P.O. Box 579 Pahokee, FL 33476	See weekly application rate for crop type by acreage posted on the District's website
50-00215-W	Couse Rawls Farm Earnest H. & Hazel Crawls 227 E. Crescent Dr. Clewiston, FL 33440	See weekly application rate for crop type by acreage posted on the District's website
50-00066-W	Dot Tucker Farm Dot Tucker Farms, Inc. P.O. Box 190 Canal Point, FL 33438	See weekly application rate for crop type by acreage posted on the District's website
50-00069-W	Oasis Tree Farm Oasis Pelican Ltd. P.O. Box 539 Pahokee, FL 33476	See weekly application rate for crop type by acreage posted on the District's website
50-09102-W*	US Sugar Corporation Palm Beach County Project 111 Ponce De Leon Ave. Clewiston, FL 33440	See weekly application rate for crop type by acreage posted on the District's website
50-03215-W	Van Ness Ranch Barbara L. Van Ness 25430 N. 92nd Rd. Loxahatchee, FL 33414	See weekly application rate for crop type by acreage posted on the District's website
50-02564-W	Cypress Grove Community Dev. Dist. 1600 Sawgrass Corporate Pkwy. Suite 300	See weekly application rate for crop type by acreage posted on the District's website

Exhibit B

	Sunrise, FL 33323	
50-04627-W	Alfonso Nodal 20430 47th Place North Loxahatchee, FL 33470	See weekly application rate for crop type by acreage posted on the District's website
50-04685-W	Continental Florida Materials, Inc. 13450 W. Sunrise Blvd. Unit 430 Sunrise, FL 33323	See weekly application rate for crop type by acreage posted on the District's website
50-08986-W *	Sugar Farms – Palm Beach County Sugar Farms Co-Op P.O. Box 408 Loxahatchee, FL 33470	See weekly application rate for crop type by acreage posted on the District's website
50-09343-W	FPL Palm Beach L-8 Canal Florida Power & Light Company 700 Universe Blvd. Juno Beach, FL 33408	See weekly application rate for crop type by acreage posted on the District's website

Temporary Authorization of Withdrawal Facility Operation

Permittee's Name: _____
Business Phone: _____ Cellular Phone: _____
Facsimile: _____ Email: _____

Withdrawal Facility: _____

Delivery Location: _____

Operational Conditions:

- Pumping may commence immediately upon notification from the District's Control Room (561-682-6116).
- Permittee must call the District's Control Room for further detailed instructions.
- Permittee shall immediately cease withdrawals when notified to stop or stop withdrawals when needed for internal flood control.
- Under no circumstances shall withdrawals continue when the stage of the _____ Canal drops below _____ feet NGVD at the pump intakes.

Additional Operational Conditions: _____

Duration of Authorization:

From: _____ To: _____

Signed: _____

Print Name: _____

Date: _____

Lake Okeechobee Region Sub-Basin Boundaries

- A: NORTHEAST LAKE SHORE
- B: ST. LUCIE (C-44)
- C: WPB CANAL & L-8
- D: E. BEACH & E. SHORE WCD
- E: N. NEW RIVER & HILLSBORO
- F: MIAMI CANAL BASIN
- G: C-21 & S-236 BASINS
- H: CALOOSAHATCHEE (C-43)
- I: NORTHWEST LAKE SHORE
- J: NORTH LAKE SHORE

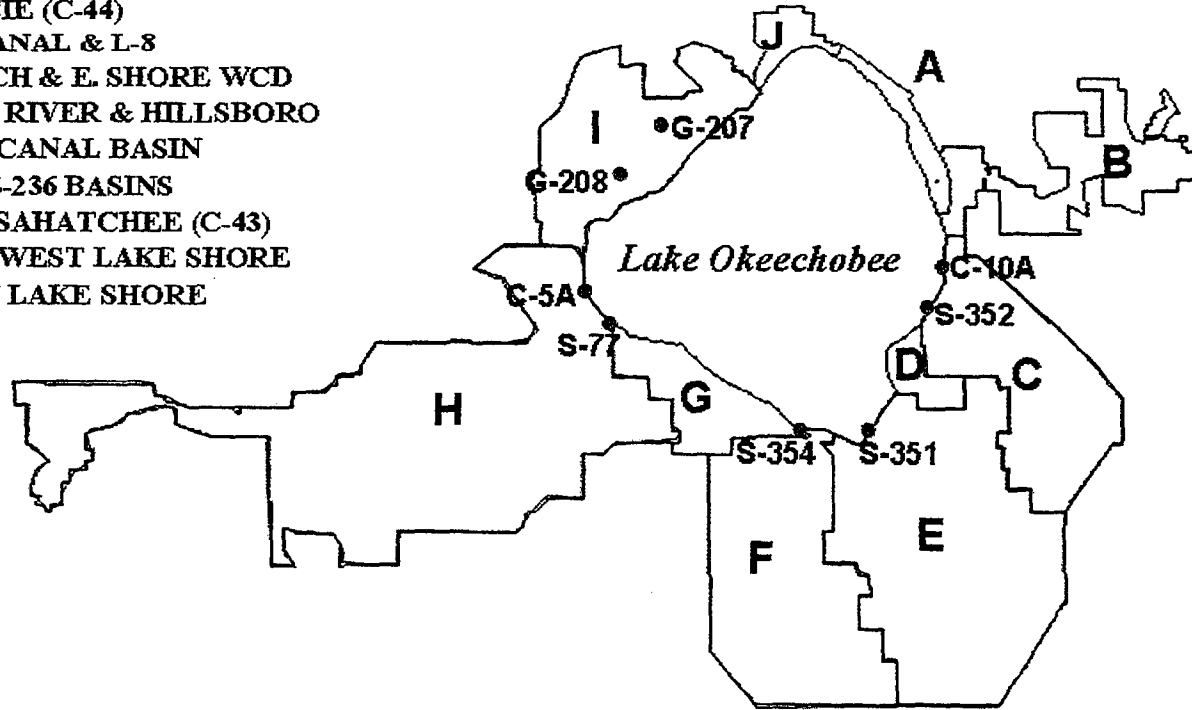


Figure 21-4

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.