

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

RECEIVED
DISTRICT CLERK'S OFFICE

APR 18 2011 4:27 PM

Order No. 2011-047-DAO-WS

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

IN THE MATTER OF:

Governing Board Concurrence
With Executive Director's
Declaration of Modified Phase
I Water Shortage Restrictions
On Specified Use Classes
Withdrawing Surface and
Groundwater located within the
Interior Palm Beach County
Water Use Basin, C-18 Water
Use Basin, Loxahatchee River
Water Use Basin, North Palm
Beach County Water Use Basin,
M-Canal Water Use Basin,
Water Conservation Area No. 1/
C-51 Water Use Basin, and Water
Conservation Area No. 2 Water
Use Basin (Concurrence with
2011-040-DAO-WS)

**FINAL ORDER OF GOVERNING BOARD CONCURRENCE WITH AND
MODIFICATION OF EXECUTIVE DIRECTOR'S DECLARATION OF
WATER SHORTAGE RESTRICTIONS ON SPECIFIED USES WITHIN
PORTIONS OF THE LOWER EAST COAST REGION**

This matter came before the Governing Board of the South Florida Water Management District ("District"), on April 14, 2011, for concurrence with Order No.: 2011-040-DAO-WS, issued by the District's Executive Director concerning the diversion and impoundment, agricultural, and nursery use classes within the Interior Palm Beach County Water Use Basin, C-18 Water Use Basin, Loxahatchee River Water Use Basin, North Palm Beach County Water Use Basin, M-Canal Water Use Basin, Water Conservation Area No. 1/C-51 Water Use Basin, and Water Conservation Area No. 2

Water Use Basin. After being otherwise fully apprised of the matter, the Governing Board issues this Final Order of Governing Board Concurrence and Modification, containing the following Findings of Fact and Ultimate Facts and Conclusions of Law.

FINDINGS OF FACT

1. On March 10, 2011, the Governing Board executed Order No.: 2011-031-DAO-WS, issuing a water shortage warning for all users withdrawing surface or groundwater within the geographic boundaries of the District. A copy of Order No.: 2011-031-DAO-WS is available from the District Clerk.

2. The Governing Board delegated authority to the Executive Director to modify the water shortage warning order if the District's monitoring of water conditions and the water shortage plan implementation reasonably demonstrated that modification of the Board's order was warranted and necessary.

3. On March 21, 2011, the District's Executive Director issued a "Declaration of Modified Phase I Water Shortage Restrictions on Specified Use Classes Withdrawing Surface and Groundwater located within the Interior Palm Beach County Water Use Basin, C-18 Water Use Basin, Loxahatchee River Water Use Basin, North Palm Beach County Water Use Basin, M-Canal Water Use Basin, Water Conservation Area No. 1/C-51 Water Use Basin, and Water Conservation Area No. 2 Water Use Basin." The Order imposed modified phase I restrictions on all diversion and impoundment, agricultural, and nursery users withdrawing surface and groundwater within Broward and Palm Beach Counties. A copy of the Order No.: 2011-040-DAO-WS is attached hereto as Exhibit "A."

4. The District is experiencing the driest October-to-February period since recordkeeping began in 1932. From November 2, 2010 to April 7, 2011, Palm Beach County received 7.54 inches of rainfall, only 43% of average. Broward County received 7.37 inches of rainfall, 53% of average, for the same time period. This corresponds to a dry season rainfall deficit of 10.04 inches in Palm Beach County and 6.63 inches in Broward County.

5. The lack of rainfall has resulted in decreased surface and groundwater levels throughout Palm Beach and Broward Counties. As of April 5, 2011, about 40% of the United States Geological Survey ("USGS") groundwater monitoring stations, which are maintained on a real-time frequency, have water levels at or below the lowest 10th percentile for their periods of record. Approximately 35% of the USGS real-time wells have water levels between their lowest 10th and lowest 30th percentiles. Only about ¼ of the wells in the USGS network have water levels that remain within 20% of their median levels for this time of year.

6. As of April 11, 2011, Lake Okeechobee water levels are 2.53 feet below average for this time of year. All of the water supply risk indicators for the Lower East Coast Region remain in the "high risk" category due to low regional groundwater levels.

7. Based upon information provided by District staff and Section 373.175 and 373.246, Fla. Stat., and associated rules, the Executive Director determined the water conditions and reasonable implementation of the water shortage plan warranted imposition of water shortage restrictions.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

8. The Governing Board has authority to adopt a water shortage plan to regulate the withdrawal and use of water and protect the water resources of the District. § 373.246, Fla. Stat. (2010).

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

10. The Governing Board may issue a water shortage warning calling for voluntary reductions in demand within a source prior to declaring a water shortage. Fla. Admin. Code R. 40E-21.231(3).

11. Rule 40E-21.371, Fla. Admin. Code, recognizes the restrictions contained in Part V of Chapter 40E-21, Fla. Admin. Code, are general water use restrictions and also authorizes the imposition of any combination of restrictions in lieu of or in addition to those in Part V, Chapter 40E-21, Fla. Admin. Code.

12. Water Shortage Order No. 2011-031-DAO-WS authorized the Executive Director to modify the water shortage warning order if water conditions and water shortage plan implementation reasonably demonstrated a modification of the warning order was warranted and necessary.

13. The Executive Director or General Counsel is authorized to execute this final order pursuant to the delegation of authority set forth in South Florida Water Management Policies and Procedures, Section 101.22(b).

ORDER

Based upon the above Findings of Fact, Ultimate Facts and Conclusions of Law, the Governing Board of the South Florida Water Management District hereby concurs

with the actions taken by the District's Executive Director in issuing Order No. 2011-040-DAO-WS.

14. Exhibit "C" of Order No. 2011-040-DAO-WS is amended to adjust the allocations for the diversion and impoundment use class to a 15% reduction from the average monthly pumpage for years 2002-2006. The Amended Exhibit "C" is attached hereto as Exhibit "B."

15. A Notice of Rights is attached hereto as Exhibit "C."

DONE AND SO ORDERED in West Palm Beach, Florida, on this 14th day of April, 2011.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
By its Governing Board



Attest:


District Clerk/Assistant Secretary
April 18, 2011


SHERYL G. WOOD
General Counsel

Legal Form Approved:


Jennifer Bokankowitz, Esq.

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

Order No. 2011-040-DAO-WS

IN THE MATTER OF:

Declaration of Modified Phase
I Water Shortage Restrictions
On Specified Use Classes
Withdrawing Surface and
Groundwater located within the
Interior Palm Beach County
Water Use Basin, C-18 Water
Use Basin, Loxahatchee River
Water Use Basin, North Palm
Beach County Water Use Basin,
M-Canal Water Use Basin, Water
Conservation Area No. 1/C-51
Water Use Basin, and Water
Conservation Area No. 2 Water
Use Basin

2011-040-DAO-WS
15 JUN 15 10:00 AM
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

**DECLARATION OF WATER SHORTAGE IMPOSING MODIFIED
PHASE I RESTRICTIONS ON SPECIFIED USE CLASSES WITHIN
BROWARD AND PALM BEACH COUNTIES**

The Executive Director 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 Sections 373.083, 373.175, and 373.246, Florida Statutes, and Chapter 40E-21, Florida Administrative Code, based on the following Findings of Fact and Ultimate Facts and Conclusions of Law.

FINDINGS OF FACT

1. On March 10, 2011, the Governing Board issued Order No.: 2011-031-DAO-WS issuing a water shortage warning for all users withdrawing surface or groundwater within the geographic boundaries of the District. A copy of Order No.: 2011-031-DAO-WS is available from the District Clerk.

2. The Governing Board delegated authority to the Executive Director to modify the water shortage warning order if the District's monitoring of water conditions and water shortage plan implementation reasonably demonstrated that modification of the Board's order was warranted and necessary.

3. The sources of water affected by this Order includes surface and groundwater within the Interior Palm Beach County Water Use Basin, C-18 Water Use Basin, Loxahatchee River Water Use Basin, North Palm Beach County Water Use Basin, M-Canal Water Use Basin, Water Conservation Area No. 1/C-51 Water Use Basin, and Water Conservation Area 2 Water Use Basin, as described in Rules 40E-21.631 and 40E-21.691, Fla. Admin Code. A map depicting the area subject to this Order is attached hereto as Exhibit "A."

4. The use classes subject to this Order are the diversion and impoundment, agricultural, and nursery water use classes as identified in Rule 40E-21.651, Fla. Admin. Code.

5. District staff has continued to monitor the conditions of the water resources and the needs of the water users as required pursuant to Rule 40E-21.221, Fla. Admin. Code.

6. Water resources described in Water shortage Order No. 2011-031-DAO-WS has generally declined due, in part, to deficient rainfall.

7. The Lower East Coast ("LEC") Region has experienced well below average rainfall during the 2010-2011 dry season. During the month of February, 0.58 inches of rain fell in Palm Beach County and Broward County saw 0.17 inches of rain. This is 20% and 6%, respectively, below the average rainfall for February. From October 1, 2010 through March 17, 2011, about 7.75 inches of rain or less than half the

historic average fell over the LEC Region.

8. The CPC Drought Monitor reflects that the LEC Region is experiencing a D2 to D3 (severe to extreme) drought. Based on the La Niña conditions, the dry season has an increased probability of below normal rainfall.

9. The lack of rainfall has caused surface water levels to decrease in the LEC Region.

10. The WCAs west of the Lower East Coast ("LEC") Region are relied upon as the primary source of water to the LEC during the dry season in order to provide groundwater recharge, saltwater intrusion protection, and recharge of public drinking water wellfields. Historically, deliveries have averaged up to 500 million gallons per day during the dry season, with increased deliveries in April and May. If the freshwater levels decline, a significant potential exists for saltwater intrusion into the LEC Region's surficial, freshwater aquifers.

11. Like the other significant water bodies throughout the District, water outflows from the WCAs to the LEC are regulated by the U.S. Army Corps of Engineers ("Corps"). The Corps' Water Control Manual for the Water Conservation Areas and Everglades National Park sets regulatory floor elevations in the WCAs. The floor elevations identified in the regulation schedule are 10.5 feet NGVD for WCA-2 and 7.5 feet NGVD for WCA-3.

12. Pursuant to the WCA's regulation schedule, once a WCA regulatory floor elevation is exceeded, as has occurred in WCA 2 in 2007, water deliveries are restricted to the volume imported from secondary sources. If a secondary source is not available when a WCA level falls below the floor elevation, then water supply deliveries to the

coastal areas cannot be made from that WCA, unless the Corps approves a temporary deviation from the regulation schedule.

13. Lake Okeechobee has historically provided back-up water supplies to the Lower East Coast when WCA water storage is depleted. However, the water level in Lake Okeechobee is within the water shortage management zone of the Lake Okeechobee regulation schedule. Water shortage restrictions have been imposed pursuant to Order No.: 2011-038-DAO-WS and water supply deliveries have been reduced. Therefore, water supply deliveries from Lake Okeechobee are not available to deliver to the WCAs.

14. As of March 21, 2011, water levels in WCA-1, WCA-2A and WCA-3A marsh were 15.48, 11.40, and 8.76 feet. The level in the WCA-1 canal was 14.22 feet NGVD, only 0.22 feet above the floor elevation. The level in the canal in WCA- 2A was 10.76 feet NGVD, only 0.26 feet above the floor elevation. Finally, the water level in the WCA-3A canal was 7.85 feet NGVD, as measured on the headwater side of S-333, only 0.35 feet above the floor elevation.

15. WCA-1 stage projections indicate a significant chance that levels will remain relatively low through June. Given La Niña weather conditions, the District's position analyses project that there is a 90% chance WCA-1 will remain at or below the floor elevation of 14.0 feet NGVD through the end of the dry season. If WCA-1 experiences persistent dry hydrologic conditions, which are experienced 25% of the time, then water levels could decline to floor level by the end of March.

16. WCA-2A stage projections indicate a significant chance that levels will remain relatively low into July. Given La Niña weather conditions, the District's position analyses project that there is a 50% chance WCA-2A will remain below floor level

(10.5 feet NGVD) into July. If WCA-2A experiences persistent dry hydrologic conditions, which are experienced 25% of the time, water levels could decline to below floor as early as beginning of April.

17. WCA-3 stage projections indicate a significant chance that levels will remain relatively low into July. Given La Niña weather conditions, the District's position analyses project that there is more than a 50% chance that WCA-3 will remain below floor of 7.5 feet NGVD by mid-June. If WCA-3 experiences persistent dry hydrologic conditions, which are experienced 25% of the time, then water levels could decline to floor level (7.5 feet NGVD) or even below by the first week of April.

18. The U.S. Geological Survey ("USGS") maintains a network of monitoring wells within the LEC Region. Most USGS monitor wells in the LEC Region remain in the lowest 10th percentile for their respective periods of record. On March 21, 2011 Well PB-689 in northern Palm Beach County was at 22.18 ft NGVD. Well G-2852, in northern Broward County was at 3.85 ft NGVD on the same day. Both wells are within one foot of record low water levels.

19. A number of minimum flows and levels ("MFLs") have been established across the District. Pursuant to Rule 40E-8.221, Fla. Admin. Code, minimum water levels have been established for the Biscayne aquifer and peat-forming and marl-forming wetlands within the Everglades.

20. As of March 21, 2011, one of the District's Everglades MFL monitoring gauges, identified as G-3273, maintained a water level of 3.9 feet NGVD. Results from this gauge location indicate that the MFL for marl-forming wetlands located within eastern Everglades National Park has been exceeded.

21. Everglades MFL monitoring gauges, identified as HoleyG, 3A-NE and 3A-NW, maintained water levels of 10.4, 9.3, and 9.7 feet NGVD, respectively. Results from these gauge locations indicate the MFL for peat-forming wetlands located within Holey Land Wildlife Management Area and WCA 3 and has been exceeded.

22. In light of the above factors, District staff has reviewed the current conditions of the water resources, the present and anticipated demands, and the present and anticipated water supply. Given the downward trend in water level readings, the imposition of water shortage restrictions on diversion and impoundment, agricultural, and nursery uses is necessary to avoid serious harm and equitably distribute available supplies.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

23. The Governing Board has authority to adopt a water shortage plan to regulate the withdrawal and use of water and protect the water resources of the District. § 373.246, Fla. Stat. (2010).

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

25. The Governing Board may issue a water shortage warning calling for voluntary reductions in demand within a source prior to declaring a water shortage. Fla. Admin. Code R. 40E-21.231(3).

26. Rule 40E-21.271, Fla. Admin. Code, recognize the restrictions contained in Part V of Chapter 40E-21, Fla. Admin. Code, are general water use restrictions and also authorize the Governing Board to order any combination of restrictions in lieu of or in addition to those in Part V, Chapter 40E-21, Fla. Admin. Code.

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

28. Based on the cumulative assessment of surface and groundwater availability in the affected basins and climate forecasts, there is a significant potential that sufficient water will not be available to meet anticipated demands without mandatory restrictions on water usage within the affected Basins. The decline in surface and groundwater levels, the potential for further declines, and the present and projected water demands in the Basins, require the imposition of mandatory water shortage restrictions.

29. Considering the above Findings of Fact, it is necessary to impose restrictions in the affected Basins. The modified Phase I restrictions identified in this Order are geared toward achieving the goal of a 15% cutback in overall demand.

ORDER

Based upon the above Findings of Fact, Ultimate Facts and Conclusions of Law, the Executive Director orders that:

30. A water shortage is hereby declared and Modified Phase I restrictions are hereby imposed on all diversion and impoundment, nursery, and agricultural uses of surface and groundwater within the area depicted on Exhibit "A."

31. Users located in the basins identified in Exhibit "A," which were previously subject to Order No. 2011-036-DAO-WS, shall be subject to the restrictions contained in this Order.

32. Agricultural and nursery users not specifically identified in Exhibit "C" shall be subject to the restrictions set forth in Exhibit "B."

33. The permitted users identified in Exhibit "C" 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:

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

b. The reductions in allocation listed in Exhibit "C," or posted on the District's website, reflect a 15% cutback in withdrawals from surface water 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.

c. In addition to the provisions of Paragraph 32(b), 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.

d. The following specific restrictions also apply to the permitted users identified in Exhibit "C" 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 center pivot or 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.

34. Users having access to more than one source class shall maximize the user of the lesser or least restricted source class.

35. 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 to tide through S-155 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 located either east of the S-155A structure, along the Hillsboro Canal, or along the C-18 Canal to avert tidal discharges. These withdrawals will not be counted toward the allocations authorized in Paragraph 32, above. In such circumstances, the following procedures shall apply:

a. Operational Requirements: Eligible 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. In the event 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 "D" and will be provided to the affected individual permittee.

i. Notwithstanding Paragraph 34(a) of this Order, the Lake Worth Drainage District ("LWDD") is authorized to utilize its Control 9 and 12 pumps to pump water into their eastern system if headwater stage elevations at the District's structures S-40 or S-41 exceed 8.2 feet NGVD during non-business hours. The LWDD shall provide e-mail notification to the District Control Room when pumping operations commence. Pump operations shall terminate when stage elevations fall below 8.2 feet NGVD or upon direction from the District Control Room.

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.

36. Permitted water users affected by this Order shall continue to report their water usage as required by permit conditions. Additionally, permitted water users shall report their weekly water usage to the District via its website, www.sfwmd.gov. 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.

37. 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.

38. Permitted water users are requested to continue submitting water usage monitoring data in accordance with permit conditions. The Director of the Water Use Regulation Division is authorized to request, in writing, those permitted water users whose permit conditions require submittal of water usage monitoring data to provide additional data or data submittals at increased frequencies, as determined appropriate.

39. A user may request relief from this Order by filing an application for variance in accordance with Rule 40E-21.275, Fla. Admin. Code, but must conform to the water use restrictions until the Executive Director grants a temporary variance or the Governing Board grants a variance.

40. Any variance granted from this Order shall expire upon a declaration by the Governing Board that a water shortage in the affected areas no longer exists, rescinds this Order, or when a more restrictive water declaration is made in the affected areas (unless otherwise provided in such water shortage declaration).

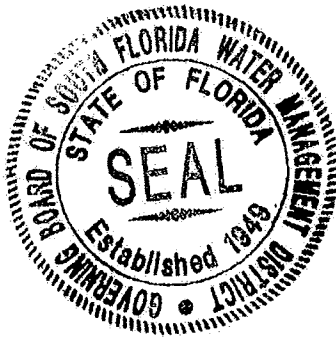
41. The Executive Director requests that every city and county commission, state and county attorney, sheriff, police officer and other appropriate local government official within the boundaries of Exhibit "A" assist in the implementation and enforcement

of this Water Shortage Order. District staff will cooperate with the local governments in implementing such enforcement measures.

42. This Order imposing Modified Phase I Moderate Water Shortage Restrictions shall become effective on March 26, 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), F.A.C., are present.

43. A Notice of Rights is attached hereto as Exhibit "E."

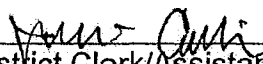
DONE AND SO ORDERED in West Palm Beach, Florida, on this 21 day of March 2011.



SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
By its Executive Director


CAROL ANN WEHLE

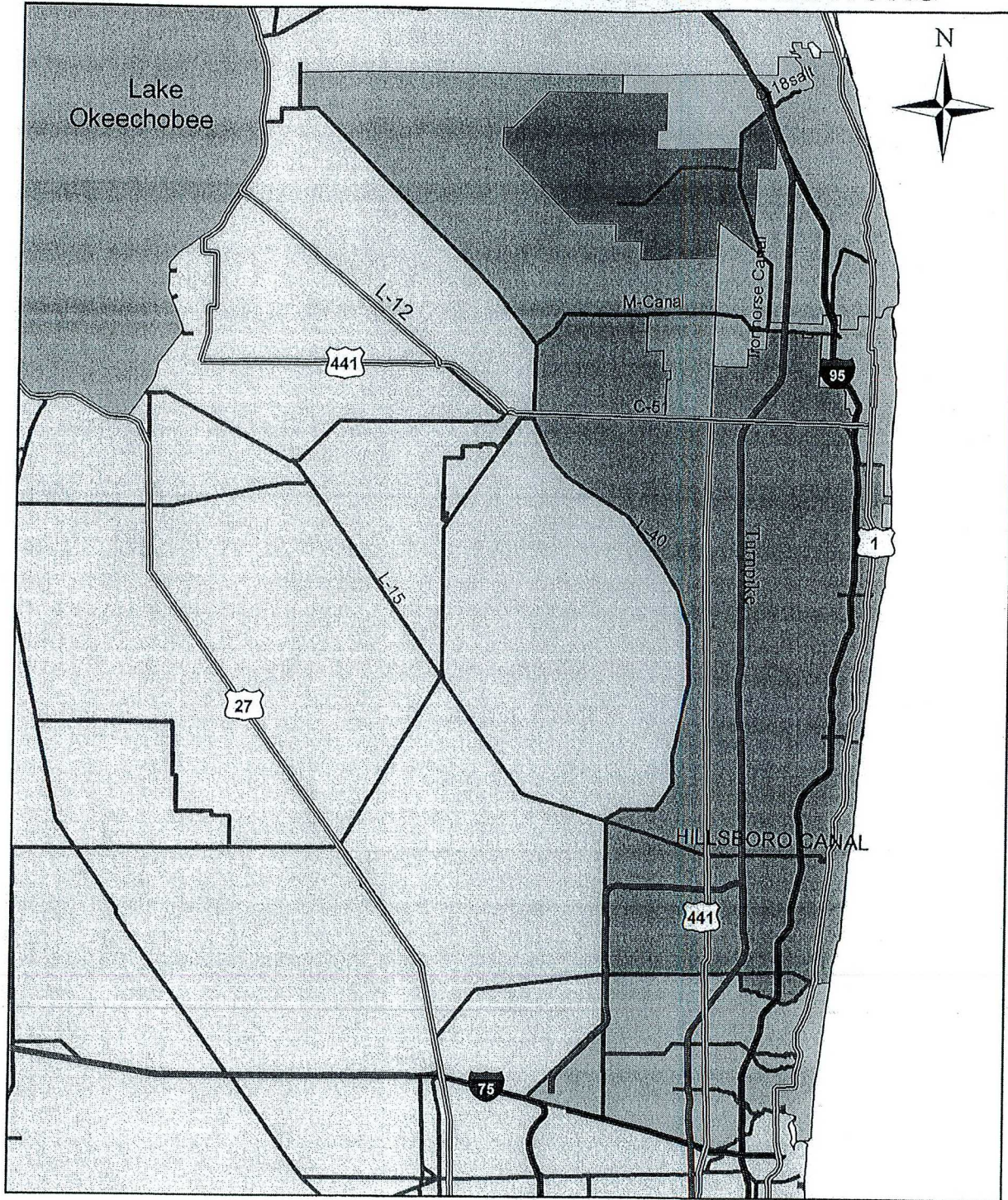
Attest:


District Clerk/Assistant Secretary
March 21, 2011










Legal Form Approved:

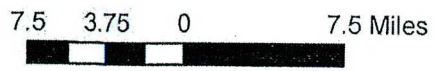

Jennifer Bokankowitz, Esq.

PHASE I WATER SHORTAGE RESTRICTIONS



Water Use Basins

-  C-18
-  Interior Palm Beach County
-  Loxahatchee River
-  North Palm Beach County
-  Water Conservation Area No. 1 / C-51
-  Water Conservation Area No. 2
-  M Canal
-  WCA
-  SFWMD Canals



MODIFIED PHASE I RESTRICTIONS

1. Agricultural Use

a. The hours for center pivot or low volume irrigation, such as drip and microjet irrigation, are not restricted.

b. Overhead irrigation:

i. Overhead irrigation is prohibited from 10:00 a.m. to 2:00 p.m.

ii. Overhead irrigation for field grown citrus nursery stock moisture stress reduction shall be allowed daily for 10 minutes per irrigation zone from 11:30 a.m. to 12:00 p.m. and 1:30 p.m. to 2:00 p.m.

c. All irrigation systems shall be operated in a manner that will maximize the percentage of water withdrawn and held which is placed in the root zone of the crop and will minimize the amount of water withdrawn and released or lost to the users but is not immediately available for other users.

d. Agricultural water conservation best management practices are encouraged to be implemented, including, but not limited to, developing irrigation schedules using real-time weather data and soil moisture probes and irrigate only when soil moisture levels indicate need, developing alternative water supply sources, and ensuring the irrigation system is operating with maximum efficiency by implementing a Mobile Irrigation Laboratory evaluation. For a comprehensive list of agricultural water conservation measures, see the Florida Agricultural Water Conservation Best Management Practices Manual produced by Florida Department of Agriculture and Consumer Services, available at www.floridaagwaterpolicy.com/PDF/Bmps/Bmp_AgWaterConservation2006.pdf.

- e. Livestock Use – Livestock water use shall be voluntarily reduced.
- f. Aquaculture Use - Aquacultural water use shall be voluntarily reduced.
- g. Soil Flooding – Soil flooding for vegetable seed planting, rice planting, burning of sugarcane prior to harvest, and to permit harvesting of sod harvesting shall be voluntarily reduced. Soil flooding for all other purposes is prohibited.
- h. Freeze Protection – Water use for freeze protection shall be restricted to situations in which official weather forecasting services predict temperature likely to cause permanent damage to crops.

2. Nursery

- a. Low volume irrigation, such as drip and microjet, and low volume hand-watering shall be voluntarily reduced.
- b. No irrigation is permitted on days when there has been sufficient rainfall. Users shall install a rain switch or other similar device to determine when there has been sufficient rainfall.
- c. Overhead irrigation shall be performed as follows:
 - i. Irrigation occurring inside (i.e., in shade houses or under covered structures) shall be conducted from 7:00 a.m. to 7:00 p.m.;
 - ii. Irrigation occurring outside shall be conducted as follows:
 - 1. Irrigation by those users which 1) are currently employing best management practices; and, 2) have registered with the Florida Department of Agriculture and Consumer Services, shall be voluntarily reduced.
 - 2. Irrigation by those users which 1) are not currently employing best management practices; and, 2) have not registered with the Florida

Exhibit B

Department of Agriculture and Consumer Services, is prohibited from 7:00 a.m. to 7:00 p.m.

d. External propagation bench misting shall be limited to 10 minutes per bench zone during daylight hours.

e. Stress reduction for containerized nursery stock is permitted from 10:00 a.m. to 4:00 p.m. for 10 minutes per irrigation zone.

f. Flood irrigation systems are restricted to 8 days per month.

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
50-09343-W	FPL Palm Beach L-8 Canal Florida Power & Light Company 700 Universe Blvd. Juno Beach, FL 33408	26.49	41.35	49.38	34.71	35.65	39.29	23.38	25.88	21.60	15.96
06-00185-W	Old Plantation Water Control Dist. P.O. Box 15405 Plantation, FL 33318	804.24	607.10	521.01	154.00	177.92	140.84	26.08	520.53	1,555.64	687.68
06-00837-W	Northern Broward County Recharge System Broward County 2555 W. Copans Rd. Pompano Beach, FL 33069	631.08	291.47	412.46	187.55	199.11	249.01	22.57	665.89	969.77	919.74
06-00960-W	Fern Forest Park Broward Co. Parks & Rec. Dep. 201 Lyons Rd. South Coconut Creek, FL 33063	15.30	8.50	13.60	31.45	32.30	41.65	22.95	19.13	17.43	16.58
06-01174-W	Sunshine Water Control Dist. 10300 NW 11 th Manor Coral Springs, FL 33071	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
06-02432-W	Kiwanis Park City of Coral Springs 9551 W. Sample Rd. Coral Springs, FL 33065	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
06-00096-W	WS McJunkin 49 N. 21 st Ct. Ft. Lauderdale, FL 33305	15.97	12.09	0	0	0	0	10.75	18.65	18.65	12.69
06-00155-W	Hendrix Farm 21715 Cartagena Dr.	116.31	42.32	36.51	0	0	0	41.68	71.08	119.86	76.57

Exhibit C

	Boca Raton, FL 33428										
50-00548-W	Acme Improvement Dist. Village of Wellington 14000 Greenbriar Blvd. Wellington, FL 33414	1.71	36.34	41.44	0	0	0	0	0	0	2.59
50-00793-W	Lake Worth Drainage Dist. 13081 Military Trail Delray Beach, 33484	2,120.41	1,033.63	517.25	418.70	0	680.59	91.36	1,637.34	1,396.02	2,645.42
50-01568-W	Recharge of E-3 Canal Basin City of Boca Raton Utility Srvc. 201 W. Palmetto Park Rd. Boca Raton, FL 33432	191.02	12.11	43.26	0	0.74	41.46	0.34	12.49	173.26	96.71
50-01584-W	Town of Jupiter Recharge Town of Jupiter 210 Military Trail Jupiter, FL 33458	0	0	0	0	0	0	0	0	0	0
50-04143-W	Broken Sound Aquifer Recharge 2701 NW 64 th Blvd. Boca Raton, FL 33496	111.40	120.76	184.41	109.33	112.18	176.08	20.65	153.10	160.46	130.01
50-05285-W	Loxahatchee Groves Water Control Dist. P.O. Box 407 Loxahatchee, FL 33470	139.29	92.03	97.81	6.25	0	0	0	48.05	147.71	153.89
50-06963-W	SW Boca Diversion & Improvement Palm Beach County P.O. Box 16097 West Palm Beach, FL 33416	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

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

Allocations for diversion and impoundments users is 85% of average monthly pumpage for 2009 and 2010.

Allocations for agricultural users is 85% of the monthly Blaney-Criddle allocation.

Exhibit C

Temporary Authorization of Withdrawal Facility Operation

Permittee's Name: _____
Name of 24/7 Contact: _____
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 Control Room at _____ a.m./p.m. on _____ to confirm all withdrawals have stopped.
- Permittee must call the District's Control Room for further detailed instructions.
- Permittee shall immediately cease withdrawals when notified to stop or when Permittee determines a need to stop withdrawals for internal flood control or to avoid any other water resource impacts.
- 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: _____

NOTICE OF RIGHTS

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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.

Permit No.	Permittee	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
50-00021-W	Seminole Improvement Dist. 4001 Seminole Pratt Whitney Rd. Loxahatchee, FL 33470	61.8	67.5	12.6	3.4	0	17.2	78.4	23.8	38.2
50-07890-W	Control 2 Pump Station City of West Palm Beach 1000 45th St., Unit 15 West Palm Beach, FL 33407	2116	2210	906	850	799	0	544	1230	576
50-09343-W	FPL Palm Beach L-8 Canal Florida Power & Light Company 700 Universe Blvd. Juno Beach, FL 33408	41.35	49.38	34.71	35.65	39.29	23.38	25.88	21.60	15.96
06-00185-W	Old Plantation Water Control Dist. P.O. Box 15405 Plantation, FL 33318	783.1	599.9	365.0	456.2	257.1	105.7	291.4	307.7	698.4
06-00837-W	Northern Broward County Recharge System Broward County 2555 W. Copans Rd. Pompano Beach, FL 33069	786.4	797.4	396.6	370.4	183.2	121.9	504.2	588.9	604.9
06-00960-W	Fern Forest Park Broward Co. Parks & Rec. Dept. 201 Lyons Rd. South Coconut Creek, FL 33063	38.6	28.9	20.9	25.2	29.0	22.5	31.0	26.9	26.6
06-01174-W	Sunshine Water Control Dist. 10300 NW 11 th Manor Coral Springs, FL 33071	2.6	11.5	0	4.7	1.3	2.6	3.7	3.3	17.2
06-02432-W	Kiwanis Park City of Coral Springs 9551 W. Sample Rd. Coral Springs, FL 33065	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
06-00096-W	WS McJunkin 49 N. 21 st Ct. Ft. Lauderdale, FL 33305	12.09	0	0	0	0	10.75	18.65	18.65	12.69
06-00155-W	Hendrix Farm 21715 Cartagena Dr. Boca Raton, FL 33428	42.32	36.51	0	0	0	41.68	71.08	119.86	76.57
50-00548-W	Acme Improvement Dist. Village of Wellington 14000 Greenbriar Blvd.	0	12.07	6.63	0	0	0	0	43.146	34.561

EXHIBIT B

Amended Exhibit C

	Wellington, FL 33414									
50-00793-W	Lake Worth Drainage Dist. 13081 Military Trail Delray Beach, 33484	3693	3307	1128	877	212	20	641	1541	1718
50-01568-W	Recharge of E-3 Canal Basin City of Boca Raton Utility Services. 201 W. Palmetto Park Rd. Boca Raton, FL 33432	387.9	435.4	348.1	219.7	23.8	0.13	0	1.2	253.4
50-01584-W	Town of Jupiter Recharge Town of Jupiter 210 Military Trail Jupiter, FL 33458	0	0	0	0	0	0	0	0	0
50-04143-W	Broken Sound Aquifer Recharge 2701 NW 64 th Blvd. Boca Raton, FL 33496	1.4	1.9	0.9	1.0	0.61	0.32	30.6	22.3	18.5
50-05285-W	Loxahatchee Groves Water Control Dist. P.O. Box 407 Loxahatchee, FL 33470	160.8	105.3	57.5	46.7	8.5	0	76.4	102.7	95.2
50-06963-W	SW Boca Diversion & Improvement Palm Beach County P.O. Box 16097 West Palm Beach, FL 33416	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

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

Allocations for the identified diversion & impoundment users are 85% of average monthly pumpage for years 2002-2006.

Allocations are for the identified agricultural users calculated by 85% of the Modified Blaney-Criddle Method.

Amended Exhibit C

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