

CHAPTER 40E-2 CONSUMPTIVE USE

40E-2.011 Policy and Purpose.

(1) through (4) No change.

(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-2.091 Publications Incorporated by Reference.

(1) The "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District – July 16, 2014," <http://www.flrules.org/Gateway/reference.asp?No=Ref-04401>, is incorporated by reference herein.

(2) The following forms are referenced in the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District – July 14, 2014" 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;

(3) Subsections 62-40.416(7) and (8), F.A.C., May 3, 2014, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04373>, 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.

APPLICANT'S HANDBOOK FOR WATER USE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3.11.4 Caloosahatchee River (C-43) West Basin Storage Reservoir

The Caloosahatchee River (C-43) West Basin Storage Reservoir Water Reservation, as stated in subsection 40E-10.041(3), F.A.C., protects Comprehensive Everglades Restoration Plan project water needed for the protection of fish and wildlife within the Caloosahatchee River. Applications deemed complete prior to the conditions identified in subsection 40E-10.041(3), F.A.C., and which otherwise satisfy the requirements of Chapter 40E-2, F.A.C., as applicable, are determined not to use the water reserved pursuant to subsection 40E-10.041(3), F.A.C.

CHAPTER 40E-10 WATER RESERVATIONS

40E-10.021 Definitions.

(1) through (4) No change.

(5) Caloosahatchee River – The surface waters that flow through the S-79 structure, combined with tributary contributions below S-79 that collectively flow southwest to San Carlos Bay, as defined in subsection 40E-8.021(2), F.A.C.

(6) Caloosahatchee River (C-43) West Basin Storage Reservoir – A reservoir located in Hendry County, Florida, west of the City of LaBelle on the east side of the Townsend Canal and south of SR 80 as described in Appendix 1-12, and depicted in Figure 1-13 (also known as the 'C-43 Reservoir').

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended 3-18-10, 7-21-13, 7-16-14.

40E-10.031 Water Reservations Implementation.

(1) through (4) No change.

(5) Water reserved for the protection of fish and wildlife contained within and released, via operation, from the Caloosahatchee River (C-43) west Basin Storage Reservoir is defined in subsection 40E-10.041(3), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended 3-18-10, 7-21-13, 7-14-14, 7-16-14.

40E-10.041 Water Reservation Areas: Lower West Coast Planning Area.

(1) through (2) No change.

(3) Caloosahatchee River (C-43) West Basin Storage Reservoir:

(a) All surface water contained within and released, via operation, from the Caloosahatchee River (C-43) West Basin Storage Reservoir is reserved from allocation.

(b) The water reserved under this subsection will be available for fish and wildlife upon a formal determination of the Governing Board, pursuant to state and federal law, that the Caloosahatchee River (C-43) West Basin Storage Reservoir is operational.

(c) The reservation contained in this subsection and the criteria contained in Section 3.11.4 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 revised pursuant to subsection 373.223(4), F.S., in light of changed conditions or new information and prior to the approval described in paragraph (3)(b) above.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History—New 7-2-09, Amended 3-18-10, 7-21-13, 7-16-14.

APPENDICES OF 40E-10

APPENDIX 1: Lower West Coast Planning Area

Section 1-1 and Figures 1-1 through 1-11 No change.

Section 1-12 Legal Description of Caloosahatchee River C-43 West Basin Storage Reservoir

Caloosahatchee River

C-43 West Basin Storage Reservoir

A parcel of land lying in Sections 31, 32, 33, 34, 35, and 36, Township 43 South, Range 28 East, Section 31, Township 43 South, Range 29 East, Section 6, Township 44 South, Range 29 East, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, Township 44 South Range 28 East, Hendry County Florida, being more particularly described as follows:

Beginning at the Northwest corner of the East 1/2 of said Section 31, Township 43 South, Range 28 East; Thence, S89°51'14"E, along the North line of said East 1/2, a distance of 2,635.83 feet to the Northwest corner of said Section 32;

Thence, N89°26'04"E, along the North line of the Northwest 1/4 of Section 32, a distance of 2,650.29 feet to the North quarter corner of section 32;

Thence, N89°27'01"E, along the North line of the Northeast 1/4 of Section 32, a distance of 2,651.17 feet to the Northwest corner of said section 33;

Thence, N89°39'17"E, along the North line of the Northwest 1/4 of Section 33, a distance of 2,644.00 feet to the North 1/4 corner of Section 33;

Thence, N89°40'58"E, along the North line of the Northeast 1/4 of Section 33, a distance of 2,644.65 feet to the Northwest corner of said Section 34;

Thence, N89°24'50"E, along the North line of the Northwest 1/4 of Section 34, a distance of 2,644.35 feet to the North 1/4 corner of Section 34;

Thence, N89°25'57"E, along the North line of the Northeast 1/4 of Section 34, a distance of 2,644.21 feet to the Northwest corner of said Section 35;

Thence, N89°13'34"E, along the North line of the Northwest 1/4 of Section 35, a distance of 2,652.53 feet to the North 1/4 corner of Section 35;

Thence, N89°25'25"E, along the North line of Northeast 1/4 of Section 35, a distance of 2,650.20 feet to the Northwest corner of said Section 36;

Thence, N89°39'37"E, along the North line of the Northwest 1/4 of Section 36, a distance of 2,642.30 feet to the North 1/4 corner of Section 36;

Thence, N89°39'50"E, along the North line of the Northeast 1/4 of Section 36, a distance of 1,436.88 feet to an East corner of the Berry land as described in Official Record Book 605, page 1149, public records of Hendry County;

Thence, continue N 89°39'50"E, along said North line 1205.97 feet to the Northwest corner of said Section 31, Township 43 South, Range 29 East;

Thence, N89°39'59"E, along the North line of said Section 31, Township 43 South, Range 29 East for 1878.01 feet to an intersection with a line parallel with and 1,877.97 feet Easterly of, as measured perpendicular to the West line of said Section 31, Township 43 South, Range 29 East;

Thence, S00°09'39"E, along said parallel line for 5298.32 feet to an intersection with a line parallel with and 1877.97 feet Easterly of, as measured perpendicular to the West line of said Section 6, Township 44 South, Range 29 East;

Thence, S00°13'51"E, along said parallel line for 5241.63 feet to an intersection with the South line of the Southwest quarter of said Section 6, Township 44 South, Range 29 East;

Thence, N89°53'18"W, along said South line for 1878.00 feet to the Southwest corner of said Section 6 also being the Northeast corner of said Section 12, Township 44 South, Range 28 East;

Thence, S00°33'18"E, along the East line of Section 12, a distance of 5,310.64 feet to the Southeast corner of Section 12;

Thence, S89°30'12"W, along the South line of the Southeast 1/4 of Section 12, a distance of 2,634.72 feet to the South 1/4 corner;

Thence, S89°09'14"W, along the South line of the Southwest 1/4, a distance of 2,632.48 feet to the Southeast corner of said Section 11;

Thence, S87°42'48"W, along the South line of the Southeast 1/4 of Section 11, a distance of 2,640.48 feet to the South 1/4 corner of section 11;

Thence, S87°51'34"W, along the South line of the Southwest 1/4 of Section 11, a distance of 2,641.90 feet to the Southeast corner of said Section 10;

Thence, N89°40'57"W, along the South line of the Southeast 1/4 of Section 10, a distance of 2,643.20 feet to the South 1/4 corner of Section 10;

Thence, N89°41'44"W, along the South line of the Southwest 1/4 of Section 10, a distance of 2,643.59 feet to the Southeast corner of said Section 9;

Thence, N89°47'36"W, along the South line of the Southeast 1/4 of Section 9, a distance of 2,654.46 feet to the South 1/4 corner of Section 9;

Thence, N89°47'39"W, along the South line of the Southwest 1/4 of Section 9, a distance of 2,201.47 feet to a point of curvature with the arc of a circular curve to the right having a radius of 459.30 feet and a central angle of 89°13'48"; thence Northwesterly along the arc of said curve, for 715.29 feet to a point of tangency on the West line of Section 9;

Thence, N00°34'21"W, along the West line of Section 9, a distance of 2,230.83 feet to an intersection with a line being 50 feet Northerly of, as measured at right angles and parallel with the South line of the North 1/2 of said Section 8;

Thence, N89°52'19"W, along said parallel line, a distance of 5,287.36 feet;

Thence, N44°21'33"W, a distance of 2,971.24 feet;

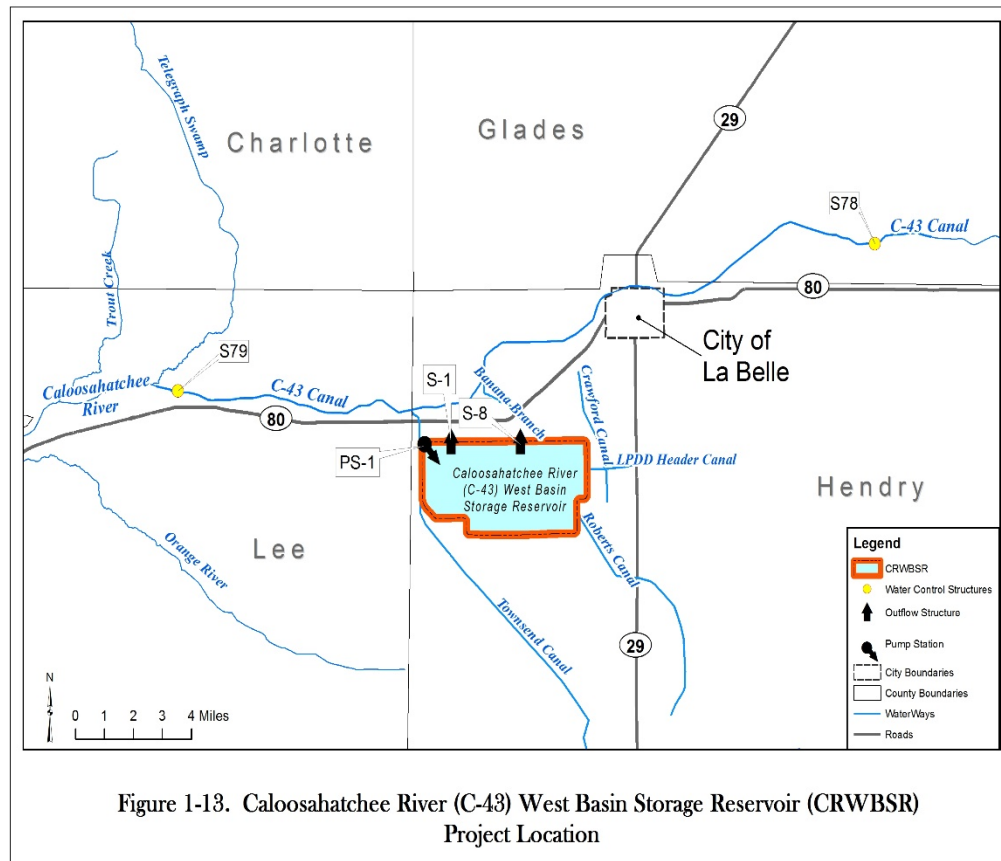
Thence, N32°48'36"W, a distance of 535.22 feet to an intersection with a line being 300 feet Easterly of, as measured at right angles and parallel to the West line of the East 1/2 of Section 6, Township 44 South, Range 28 East;

Thence, S89°40'57"W, along the South line of section 6, Township 44 South, Range 28 East, a distance of 300.00 feet to the West line of the East 1/2 ;

Thence, N00°21'09"W, along said West line, a distance of 5,287.40 feet to the South 1/4 corner of said Section 31;

Thence, N00°21'57"W, along the West line of the East 1/2 of Section 31, a distance of 5,275.89 feet to the Point of Beginning.

Figure 1-13. Caloosahatchee River (C-43) West Basin Storage Reservoir Project Location



APPENDIX 2: Upper East Coast Planning Area

No change.

APPENDIX 3: Lower East Coast Planning Area

No change.