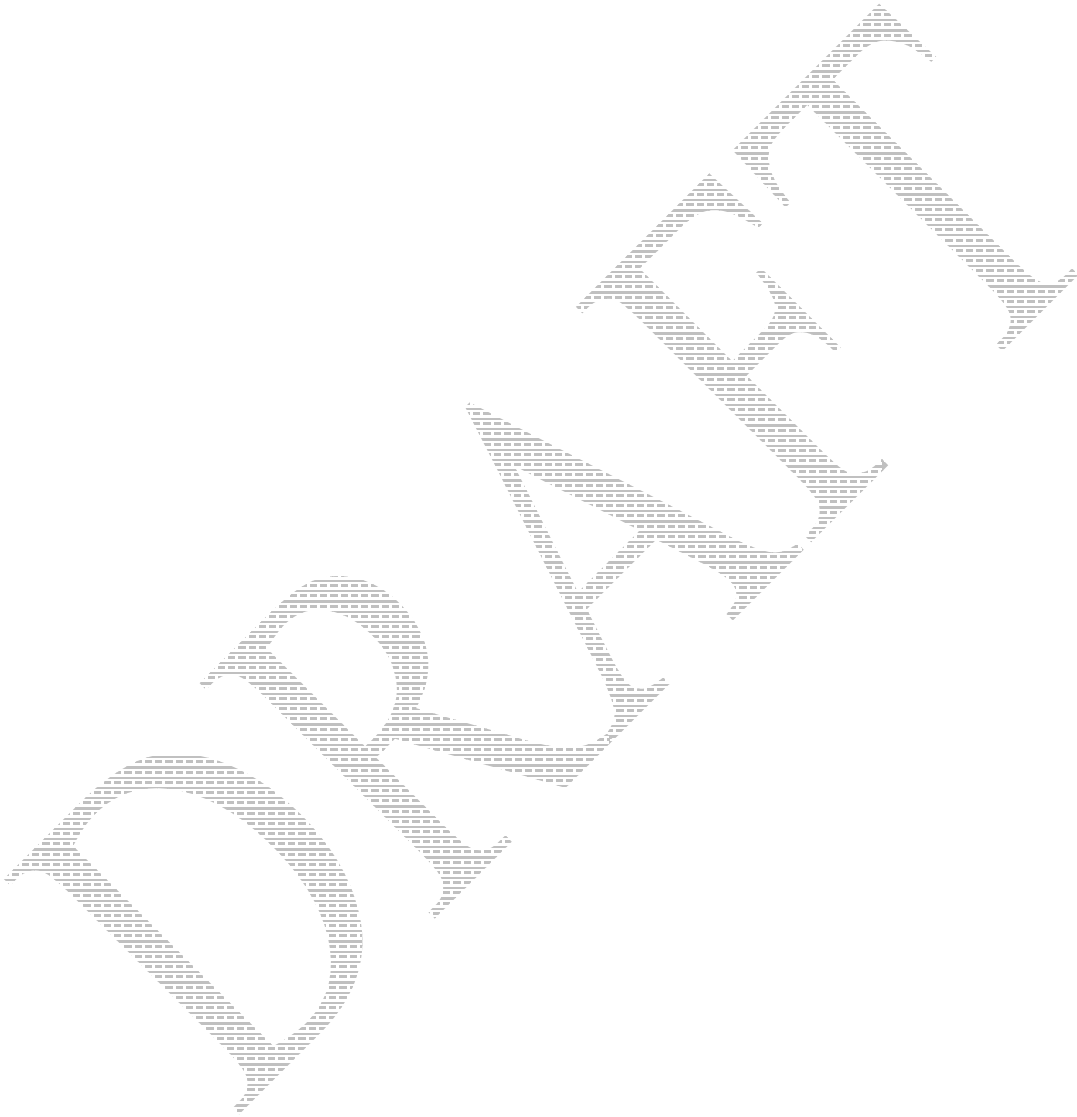


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EXHIBIT A

CHAPTER 40E-21 – “WATER SHORTAGE PLAN”



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SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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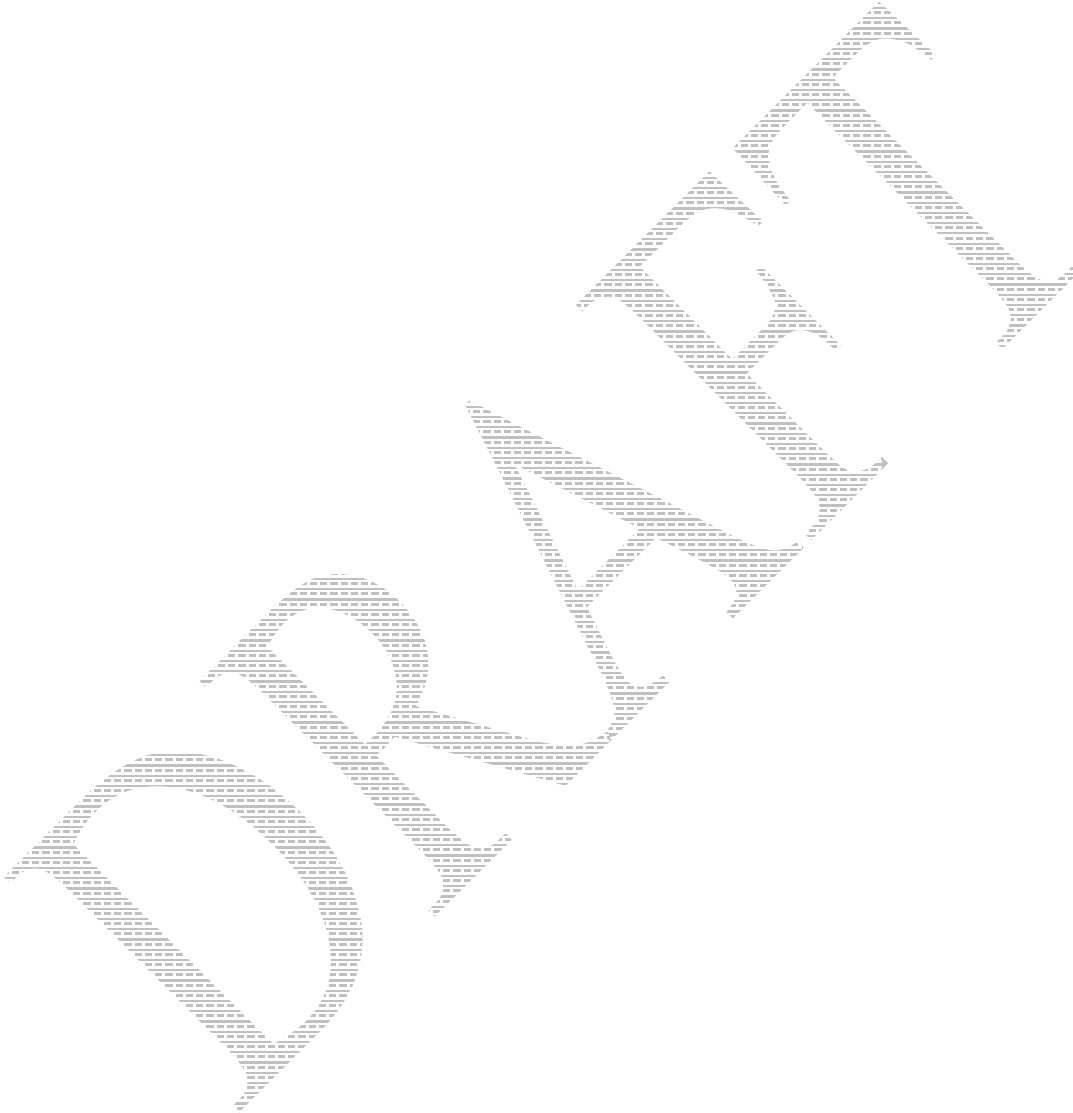
RULES

**CHAPTER 40E-21
WATER SHORTAGE PLAN**

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Rules of the South Florida Water Management District
WATER SHORTAGE PLAN
CHAPTER 40E-21



1	PART I	GENERAL	57	40E-21.611	Classification System
2			58	40E-21.631	Source Classes
3	40E-21.011	Policy and Purpose	59	40E-21.651	Use Classes
4	40E-21.031	Elements of the Plan	60	40E-21.671	Method of Withdrawal
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6	40E-21.132	Water Use Restrictions	62		
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8			64		
9	PART II	DECLARING AND	65		
10		IMPLEMENTING A	66	40E-21.011 Policy and Purpose.	
11		WATER SHORTAGE	67	(1) The rules in this chapter comprise the	
12			68	District's water shortage plan required under	
13	40E-21.221	Evaluating Water Conditions	69	subsection 373.246(1), Florida Statutes. The	
14	40E-21.231	Declaring a Water Shortage	70	purposes of the plan are to protect the water	
15	40E-21.251	Water Shortage Phases	71	resources of the District from harm; to	
16	40E-21.271	General Water Use	72	restrictions to assure equitable distribution of available	
17		Restrictions	73	water resources among all water users	
18	40E-21.275	Variances	74	during times of shortage, consistent with the	
19	40E-21.291	Implementing a Water	75	goals of minimizing adverse economic,	
20		Shortage Declaration	76	social and health related impacts; to provide	
21			77	advance knowledge of the means by which	
22			78	water apportionments and reductions will be	
23	PART III	EMERGENCY PROVISIONS	79	made during times of shortage, and to	
24			80	promote greater security for water use	
25	40E-21.331	Declaring a Water Shortage	81	permittees.	
26		Emergency	82	(2) These rules apply to all water users	
27	40E-21.371	Water Use Restrictions in a	83	including those exempt from permitting	
28		Water Shortage Emergency	84	pursuant to Rule 40E-2.051. However, these	
29	40E-21.391	Implementing a Water	85	rules shall not apply to users whose source	
30		Shortage Emergency	86	of water is limited solely to treated effluent	
31		Declaration	87	or seawater. Thus, for each regulated source	
32			88	and type of use it is the policy of the District	
33			89	to restrict water users uniformly, regardless	
34	PART IV	MONITORING AND	90	of whether the user uses water from a public	
35		ENFORCEMENT	91	or private utility system, pursuant to a	
36			92	consumptive use permit issued under	
37	40E-21.401	Monitoring	93	Chapter 40E-2, or from a private well for	
38	40E-21.421	Enforcement	94	domestic or individual home use.	
39			95	Specific Authority 373.044, 373.113 F.S.	
40			96	Law Implemented 373.175, 373.246 F.S.	
41	PART V	SPECIFIC RESTRICTIONS	97	History--New 5-31-82.	
42			98		
43	40E-21.501	Specific Restrictions	99	40E-21.031 Elements of the Plan.	
44	40E-21.521	Phase I Moderate Water	100	The water shortage plan consists of the	
45		Shortage	101	following elements:	
46	40E-21.531	Phase II Severe Water	102	(1) Part I. General - Part I provides the	
47		Shortage	103	general goals and objectives of the District	
48	40E-21.541	Phase III Extreme Water			
49		Shortage			
50	40E-21.551	Phase IV Critical Water			
51		Shortage			
52					
53					
54	PART VI	THE CLASSIFICATION			
55		SYSTEM			
56					

1 in developing and adopting the water
2 shortage plan. The various elements of the
3 plan are described, and definitions for key
4 terms used in the plan are provided.
5 **(2) Part II. Declaring and Implementing a**
6 **Water Shortage** - Part II describes the
7 procedures the District will utilize in
8 declaring a water shortage. Provisions are
9 made for comparing estimated present and
10 anticipated water supplies with estimated
11 present and anticipated user needs. The
12 impact on the water resource if demands are
13 met from available supplies is also
14 evaluated. In addition, a method for
15 expressing the severity of a water shortage
16 in terms of four water shortage phases is
17 provided. General user restrictions are
18 established. Finally, procedures for
19 implementing the water shortage declaration
20 are provided.
21 **(3) Part III. Emergency Provisions -**
22 Normally, the provisions of Part II will be
23 sufficient to protect users within use classes
24 during times of water shortage. At times,
25 however, due to the peculiar circumstances
26 which apply to each individual user, the
27 class restrictions imposed in Part II may be
28 inadequate to sufficiently protect individual
29 users. In those situations, the Executive
30 Director with the concurrence of the Board
31 may declare a water shortage emergency and
32 impose restrictions on individual users. Part
33 III establishes the procedures for declaring
34 and implementing a water shortage
35 emergency. In addition, provisions are made
36 for establishing water use restrictions,
37 including implementation of the restrictions
38 described in parts II and V.
39 **(4) Part IV. Monitoring and Enforcement**
40 - This part describes how the District, in
41 conjunction with local law enforcement
42 officials, will enforce the provisions of a
43 declared water shortage or water shortage
44 emergency. The District's enforcement
45 jurisdiction is described and enforcement
46 procedures are generally outlined. Penalties

47 for violations of the water shortage plan and
48 any order issued pursuant to it are provided.
49 In addition, the District's policy of seeking
50 the cooperation and assistance of local
51 government officials and of assisting such
52 officials in the enforcement of the water
53 shortage plan is generally described. The
54 District's overall program of monitoring
55 surface and ground waters, climatic
56 conditions and water demand during a
57 shortage is generally described. In addition a
58 monitoring program is established to
59 determine the impact of a water shortage on
60 the water resources of the District and the
61 effectiveness of a declaration of water
62 shortage or water shortage emergency.
63 **(5) Part V. Specific Restrictions** - Part V
64 establishes specific water use restrictions for
65 each water shortage phase and water use
66 class. These restrictions are in addition to
67 the general restrictions authorized in parts II
68 and III. Water users may refer to this part for
69 specific information concerning the
70 restrictions which apply to them during any
71 phase of a water shortage.
72 **(6) Part VI. The Classification System -**
73 Part VI classifies each user according to the
74 source of water supply, method of
75 withdrawal and type of water use. The
76 classification system is utilized in
77 conjunction with Parts II, III and V to
78 determine the water use restrictions with
79 which the users of a particular source must
80 comply. This part is published separately as
81 an appendix.
82 Specific Authority 373.044, 373.113 F.S.
83 Law Implemented 373.175, 373.246 F.S.
84 History--New 5-31-82.
85
86 **40E-21.051 Definitions.**
87 When used in this chapter:
88 (1) "Water shortage" means that situation
89 within all or part of the District when
90 insufficient water is available to meet the
91 present and anticipated needs of the users, or
92 when conditions are such as to require

1 temporary reduction in total use within a
2 particular area to protect water resources
3 from serious harm. A water shortage usually
4 occurs due to drought.
5 (2) "Water shortage emergency" means that
6 situation when the powers which can be
7 exercised under part II of chapter 40E-21 are
8 not sufficient to protect the public health,
9 safety, or welfare, or the health of animals,
10 fish or aquatic life, or a public water supply,
11 or commercial, industrial, agricultural,
12 recreational or other reasonable uses.
13 (3) "User" means any person, natural or
14 artificial, individual, firm, association,
15 organization, partnership, business trust,
16 corporation, company, agent, employee or
17 other legal entity, the United States of
18 America, and the State and all political
19 subdivisions, regions, districts,
20 municipalities, and public agencies thereof,
21 which directly or indirectly takes water from
22 the water resource, including but not limited
23 to uses from private or public utility
24 systems, uses under consumptive use
25 permits issued pursuant to chapter 40E-2, or
26 uses from individual wells or pumps for
27 domestic or individual home use. The term
28 does not include persons who use treated
29 effluent or seawater.
30 (4) "Water resource" means any and all
31 water on or beneath the surface of the
32 ground, including natural or artificial water
33 courses, lakes, ponds, or diffused surface
34 water and water percolating, standing, or
35 flowing beneath the surface of the ground.
36 (5) "Source class" means the assigned water
37 resource from which a user is obtaining
38 water either directly or indirectly. Source
39 classes within the District are specified in
40 rule 40E-21.631.
41 (6) "Use class" means the category
42 describing the purpose for which the user is
43 utilizing water. Use classes within the
44 District are specified in rule 40E-21.651.
45 (7) "Method of withdrawal class" means the
46 type of facility or means of extraction or

47 diversion of the water resource employed by
48 the user. Method of withdrawal classes
49 within the District are specified in rule 40E-
50 21.671.
51 (8) "Surface water use basin" means the
52 geographical area within which a user
53 obtains water from surface waters. Surface
54 water use basins are a type of source class
55 and are identified in subsection 40E-
56 21.631(1).
57 (9) "Ground water source" means a source
58 class within which users obtain water
59 directly from water table aquifers or from
60 confined or semi confined aquifers. Ground
61 water sources are a type of source class and
62 are identified in subsection 40E-21.631(2).
63 (10) "Percent reduction in overall demand"
64 means the weighted average reduction in all
65 water uses within a source class, regardless
66 of the type of use or method of withdrawal,
67 which is necessary to reduce estimated
68 present and anticipated demand to estimated
69 present and anticipated available water
70 supply.
71 (11) "Plan" means the water shortage plan
72 authorized in section 373.246, Florida
73 Statutes, and contained in this chapter.
74 (12) "Low-volume irrigation" means the use
75 of equipment and devices specifically
76 designed to allow the volume of water
77 delivered to be limited to a level consistent
78 with the water requirement of the plant
79 being irrigated and to allow that water to be
80 placed with a high degree of efficiency in
81 the root zone of the plant. The term also
82 includes water use in mist houses and
83 similar establishments for plant propagation.
84 (13) "Overhead irrigation" means the use of
85 equipment and devices which deliver water
86 under pressure, through the air, above the
87 level of the plant being irrigated.
88 (14) "Flood irrigation" means the delivery of
89 plant or crop irrigation water by the design
90 and practice of the flowing of water over the
91 surface to saturate the root zone or in
92 specific applications the raising of the level

1 of groundwater through the root zone or to
2 the soil surface.
3 (15) "Low volume hand watering" means
4 watering by one hose attended by one
5 person, fitted with a self-canceling or
6 automatic shutoff nozzle.
7 (16) "Low-volume mobile equipment
8 washing" means the washing of mobile
9 equipment with a "bucket" and "sponge" or
10 a hose with a self-canceling or automatic
11 shutoff nozzle or both.
12 (17) "Low-volume pressure cleaning" means
13 pressure cleaning by means of equipment
14 which is specifically designed to reduce the
15 inflow volume as accepted by industry
16 standards.
17 (18) "Nursery stock" means all plants, trees,
18 shrubs, vines, bulbs, cuttings, grafts, scions,
19 buds, flowering annual plants, aquatic
20 plants, seeds, corns, or tubers, grown or kept
21 for propagation, distribution or sale.
22 (19) "Mobile equipment" means any public,
23 private or commercial automobile, truck,
24 trailer, railroad car, camper, boat, or any
25 other type of similar equipment. The term
26 shall not include sanitation or sludge
27 vehicles or food vending or transporting
28 vehicles.
29 (20) "Even numbered address" means the
30 house address, box number or rural route
31 ending in the numbers 0, 2, 4, 6, 8 or the
32 letters A-M. Post office box numbers are not
33 included.
34 (21) "Odd numbered address" means the
35 house address, box number or rural route
36 ending in the numbers, 1, 3, 5, 7, 9 or the
37 letters N-Z. Post office box numbers are not
38 included.
39 (22) "Odd numbered days" means the days
40 whose dates end in the numbers 1, 3, 5, 7, or
41 9. For purposes of this chapter the date shall
42 be determined by the day during which a
43 watering period ends.
44 (23) "Low-volume watering" means the use
45 of equipment, devices, materials and/or
46 methods, including low-volume hand

47 watering, which limit the amount of water
48 applied to a surface to the minimum
49 necessary for dust control or evaporation
50 suppression; use of equipment specifically
51 designed to reduce flow and increase
52 saturation efficiency to a level accepted
53 under industry standards.
54 Specific Authority 373.044, 373.113 F.S.
55 Law Implemented 373.175, 373.246 F.S.
56 History--New 5-31-82, Amended 1-26-86
57
58 **40E-21.132 Water Use Restrictions.**
59 (1) The Water Shortage Plan in this section
60 establishes the water use restrictions to be
61 followed when the Board declares a water
62 shortage within the Lake Istokpoga-Indian
63 Prairie area. The restrictions are intended to
64 insure that established minimum flows and
65 levels within the area maintained and that
66 the water resources within the area do not
67 suffer serious harm.
68 (2) If the Board declares a water shortage
69 pursuant to rule 40E-21.231 or the
70 Executive Director with the advice and
71 concurrence of the Board declares a water
72 shortage emergency pursuant to rule 40E-
73 21.331 within the Lake Istokpoga-Indian
74 Prairie Area, then uses from the affected
75 sourced classes, shall be restricted pursuant
76 to rule 40E-21.271 or rule 40E-21.371
77 respectively.
78 Specific Authority 373.044, 373.113 F.S.
79 Law Implemented 373.119, 373.175,
80 373.246 F.S.
81 History--New 9-3-81, Amended 7-4-82.
82 Formerly 16K-30.09.

83 84 85 **PART II DECLARING AND** 86 **IMPLEMENTING A WATER** 87 **SHORTAGE**

88
89 **40E-21.221 Evaluating Water Conditions.**
90 (1) This rule sets forth the steps the District
91 will take to periodically evaluate water
92 conditions within the District in order to

1 determine whether a water shortage should
2 be declared.
3 (2) The District shall monitor the condition
4 of the water resources in the District as
5 provided in rule 40E-21.401.
6 (3) Current data shall be compared to
7 historical data to determine whether
8 estimated present and anticipated available
9 water supply within any source class will be
10 insufficient to meet the estimated present
11 and anticipated demands of the users from
12 the source class, or whether serious harm to
13 the water resources can be expected. It shall
14 be the policy of the District to seek the
15 cooperation and assistance of state, county
16 and municipal government officials in
17 developing the historic and technical data
18 used to periodically evaluate water
19 conditions.
20 (a) Present and anticipated available water
21 supply shall be periodically estimated for
22 each source class. Factors considered in
23 estimating present and anticipated available
24 supply within a source class may include:
25 1. historic, current and anticipated levels in
26 surface and ground waters, including
27 potentiometric heads in confined and
28 semiconfined aquifers,
29 2. historic, current and anticipated flows in
30 surface waters,
31 3. the extent to which water may be
32 transferred from one source class to another,
33 4. the extent to which present water use
34 restrictions may enhance future supplies, or
35 postpone more stringent restrictions,
36 5. historic, current and anticipated demand
37 of natural systems, including losses due to
38 evapotranspiration and seepage,
39 6. historic, current and anticipated seasonal
40 fluctuation in rainfall, and
41 7. other water resource factors affecting
42 present and anticipated available water
43 supply.
44 (b) Present and anticipated user demands for
45 each use and method of withdrawal class
46 shall be periodically estimated for each

47 source class. Factors considered in
48 estimating the present and anticipated
49 demands of the users within a source class
50 may include:
51 1. estimated current and anticipated
52 demands of permitted users,
53 2. estimated current and anticipated
54 demands of users exempt from permitting,
55 but subject to the provisions of the water
56 shortage plan,
57 3. current and anticipated demands of users
58 whose supply of water is established by
59 federal law,
60 4. anticipated seasonal fluctuations in user
61 demands,
62 5. the extent to which user demands may be
63 met from other source classes, and
64 6. other factors affecting present and
65 anticipated water demands.
66 (c) Estimated present and anticipated
67 available water supply shall be periodically
68 compared to estimated present and
69 anticipated user demands to determine
70 impact on the water resource. Factors that
71 may be considered in determining whether
72 serious harm to the water resource may
73 occur include:
74 1. potential for increased saltwater intrusion
75 or other ground water contamination,
76 2. potential for irreversible adverse impacts
77 on fish and wildlife, and
78 3. other factors adversely impacting the
79 water resource.
80 Specific Authority 373.044, 373.113 F.S.
81 Law Implemented 373.175, 373.246 F.S.
82 History--New 5-31-82, Amended 1-26-86.
83
84 **40E-21.231 Declaring a Water Shortage.**
85 (1) If in the opinion of the District there is a
86 possibility that insufficient water will be
87 available within a source class to meet the
88 estimated present and anticipated user
89 demands from that source, or to protect the
90 water resource from serious harm, the Board
91 may declare a water shortage for the
92 affected source class. When the affected

1 source extends beyond the District's
 2 boundaries, the District shall coordinate
 3 water shortage declarations with the
 4 appropriate water management districts to
 5 the extent practicable.
 6 (2) A water shortage may also be declared
 7 for those source classes not presently
 8 experiencing a water shortage if usage from
 9 such sources can reasonably be expected to
 10 impact the present and anticipated available
 11 water supply in those source classes
 12 identified in subsection (1).
 13 (3) Prior to declaring a water shortage for a
 14 source class, the Board or the Executive
 15 Director may issue a water shortage warning
 16 calling for voluntary reductions in demand
 17 within that source.
 18 (4) If a water shortage is declared for a
 19 source class, the District shall estimate the
 20 percent reduction in overall demand
 21 required to reduce demand to available
 22 water supply. The restricted area may
 23 include for enforcement purposes, all or part
 24 of a county, municipality, surface water
 25 basin or utility service area which impacts a
 26 source class for which a water shortage is
 27 declared.
 28 Specific Authority 373.044, 373.113 F.S.
 29 Law Implemented 373.175, 373.246 F.S.
 30 History--New 5-31-82, Amended 1-26-86.

31
 32 **40E-21.251 Water Shortage Phases.**
 33 (1) This rule establishes four phases of water
 34 shortage as a function of the estimated
 35 percent reduction in overall demand
 36 required to reduce estimated present and
 37 anticipated demand to estimated present and
 38 anticipated available water supply. The
 39 water shortage phase determines the type of
 40 water use restrictions which will be ordered
 41 in a declared water shortage.

42 (2) The following water shortage phases are
 43 established:

45	Water		% Reduction
46	Shortage	Color	in Overall

47	<u>Phase</u>	<u>Code</u>	<u>Demand</u>
48			
49	I. Moderate W/S	Yellow	less than 15%
50	II. Severe W/S	Orange	less than 30%
51	III. Extreme W/S	Red	less than 45%
52	IV. Critical W/S	Purple	less than 60%
53			

54 (3) Each source class for which a water
 55 shortage has been declared shall be assigned
 56 a specific water shortage phase. More than
 57 one source class may be combined into a
 58 single class for this purpose. The water
 59 shortage phase selected for a source class
 60 may be based upon:

- 61 (a) the estimated percent reduction in overall
- 62 demand as determined in subsection 40E-
- 63 21.231(4), and
- 64 (b) for areas with multiple sources, the
- 65 extent to which users have the capability to
- 66 obtain water from a source or sources other
- 67 than the source class for which a water
- 68 shortage has been declared.
- 69 Specific Authority 373.044, 373.113 F.S.
- 70 Law Implemented 373.175, 373.246 F.S.
- 71 History--New 5-31-82.

72
 73 **40E-21.271 General Water Use**
 74 **Restrictions.**

75 (1) This rule specifies general water use
 76 restrictions for all users for each water
 77 shortage phase. Specific restrictions by user
 78 class are presented in part V of this chapter.
 79 Users desiring detailed information about
 80 the specific restrictions applying to their use
 81 should refer to part V.

82 (2) The Board may order the water use
 83 restrictions specified in part V for the
 84 appropriate water shortage phase for each
 85 affected source class. The restricted area
 86 may include for enforcement purposes, all or
 87 part of a county, municipality, surface water
 88 basin or utility service area which impacts a
 89 source class for which a water shortage is
 90 declared. Further, the Board may order any
 91 combination in lieu of or in addition to the
 92 restrictions specified in part V of the

1 restrictions described in subsection (3), by
2 use or method of withdrawal class, within
3 each source class, if necessary to achieve the
4 percent reduction in overall demand.
5 (3) Additional restrictions which may be
6 considered include:
7 (a) provisions that recognize the right of
8 water users in an area to make voluntary
9 agreements among themselves, with the
10 concurrence of the Board or the Executive
11 Director, providing for the mutual reduction,
12 sharing, or rotation of use,
13 (b) provisions for the distribution of water to
14 permittees in exchange for ceasing or
15 reducing ground or surface water
16 withdrawals,
17 (c) provisions for the metering and reporting
18 of all water used, diverted, impounded,
19 extracted or withdrawn,
20 (d) provisions designed to maintain
21 minimum flows and minimum levels,
22 (e) provisions which recognize the extent to
23 which users can satisfy water demands from
24 sources for which a water shortage has not
25 been declared,
26 (f) provisions for monitoring water levels
27 and determining chloride concentrations in
28 order to protect against salt water intrusion
29 or other deterioration of water quality
30 including the closing and plugging of wells,
31 (g) restrictions on the total amount of water
32 that may be used, diverted, impounded,
33 extracted, or withdrawn during any day,
34 month, or year,
35 (h) restrictions on the timing of use,
36 diversion, impoundment, extraction, or
37 withdrawal of water,
38 (i) restrictions on pumping rates or diversion
39 rates, or
40 (j) such other provisions or restrictions as
41 are necessary to protect the water resources
42 from serious harm.
43 Specific Authority 373.044, 373.113 F.S.
44 Law Implemented 373.175, 373.246 F.S.
45 History--New 5-31-82, Amended 1-26-86
46

47 **40E-21.275 Variances.**

48 (1) All users requesting relief from the
49 provisions of this chapter shall file a petition
50 for variance.
51 (2) Criteria for Issuance - No petition for
52 variance shall be granted unless the
53 petitioner affirmatively demonstrates that
54 one or more of the following circumstances
55 exists:
56 (a) The variance is essential to protect health
57 or safety, or
58 (b) Compliance with the particular rule or
59 order from which a variance is sought will
60 require measures which, because of their
61 extent or cost, cannot be accomplished
62 within the anticipated duration of the
63 shortage, or
64 (c) Alternative restrictions which achieve
65 the same level of demand reduction as the
66 restrictions from which a variance is sought
67 are available and are binding and
68 enforceable
69 (d) The petitioner is a public or private
70 utility that demonstrates that special
71 circumstances exist which necessitate the
72 issuance of a variance, or
73 (e) The petitioner's source of water includes
74 an approved aquifer storage and recovery
75 installation or a water reclamation project.
76 (3) Limiting Conditions - Variances granted
77 shall be subject to the following conditions,
78 unless waived or modified by the Board:
79 (a) The variance granted shall be the
80 minimum necessary to alleviate the
81 circumstance for which the variance was
82 requested under subsection (2).
83 (b) All variances shall expire upon a
84 declaration by the Board that a water
85 shortage no longer exists, unless the Board
86 specifies that the variance shall be in effect
87 for a longer period of time, provided
88 however that variance conditions which
89 require the petitioner to modify water use
90 facilities shall remain in full force and effect
91 until such modifications have been
92 completed.

1 (c) Variances granted under paragraph (2)(b)
2 may prescribe a timetable for compliance
3 with the restrictions from which a variance
4 was sought.
5 (4) Petitions for Variance - The application
6 shall contain the following:
7 (a) the petitioner's name, address
8 (b) the specific rule or order from which the
9 petitioner is requesting relief,
10 (c) a detailed statement of the facts which
11 petitioner believes demonstrate that the
12 request qualifies for a variance under
13 subsection (2), including reports by qualified
14 technical experts,
15 (d) a description of the relief desired,
16 (e) the period of time for which the variance
17 is sought, including the reasons and facts in
18 support thereof,
19 (f) the damage or harm resulting or which
20 may result to petitioner from compliance
21 with the rule or order,
22 (g) the restrictions which petitioner can meet
23 and the date when petitioner can comply
24 with such restrictions
25 (h) the steps the petitioner is taking to meet
26 the rule or order from which the variance is
27 sought and when compliance will be
28 achieved.
29 (i) if the petitioner is the owner or operator
30 of a golf course whose need for a variance
31 arises from the operational inability of its
32 irrigation system or works to meet the front
33 nine-back nine requirement in 40E-21, Part
34 V, the petitioner shall submit a map showing
35 the proposed alternative division of the
36 course in-half and an explanation of the
37 petitioner's proposed irrigation scheme, and
38 (j) any other information, the applicant
39 believes is material.
40 (5) Procedures
41 (a) Unless the petitioner requests otherwise,
42 the petition for variance shall be considered
43 a petition for informal proceedings in
44 accordance with subsection 40E-1.571(2).
45 (b) Within five working days after receipt of
46 a complete petition for variance, which

47 contains the information listed in subsection
48 40E-21.275(4), the staff shall recommend to
49 the Executive Director whether the petition
50 complies with the provisions of subsections
51 (2) through (4). The recommendation shall
52 be in writing and shall constitute proposed
53 agency action. A copy of the
54 recommendation shall be forwarded to the
55 petitioner.
56 (c) The Executive Director shall review the
57 petition and the staff recommendation.
58 Petitions which do not require immediate
59 action or which do not comply with the
60 provisions of subsections (2) through (4)
61 may be deferred for Board action. Petitions
62 which require immediate action and which
63 comply with the provisions of subsections
64 (2) through (4) may be temporarily granted
65 by the Executive Director. Orders
66 temporarily granting a petition shall be
67 presented to the Board for concurrence,
68 rejection or modification.
69 (d) The Board shall consider all deferred
70 petitions as well as those temporarily
71 granted by the Executive Director, at its next
72 regularly scheduled meeting. The Board
73 may grant, or deny the deferred petitions and
74 may concur in, reject or modify those
75 variances temporarily granted by the
76 Executive Director. All Board action shall
77 be by written order and copies shall be
78 furnished to the petitioner and the
79 appropriate law enforcement officials. A
80 petitioner whose variance has been granted
81 shall be furnished an appropriate notice of
82 water shortage variance and any attachments
83 which shall be prominently displayed at
84 petitioners place of use.
85 Specific Authority 373.044, 373.113 F.S.
86 Law Implemented 373.175, 373.246 F.S.
87 History--New 5-31-82, Amended 1-26-86
88
89 **40E-21.291 Implementing a Water**
90 **Shortage Declaration.**
91 (1) When a water shortage is declared, or if
92 already declared if more severe restrictions

1 are imposed, the District will publish notice
2 of the declaration or restrictions at least once
3 in newspapers of general circulation in the
4 areas affected. In addition the District shall
5 make every effort to inform the general
6 public of the restrictions in effect and the
7 sources of supply which are affected.
8 Particular attention shall be given to
9 presenting this information in a form which
10 is easily understood and applied by the
11 citizens of the affected areas.
12 (2) The District shall notify each affected
13 permittee within the affected source class of
14 any change in the condition of his permit,
15 any suspension of his permit, or any other
16 restriction on his use of water. Notice shall
17 be by regular mail.
18 (3) The District shall notify local elected
19 officials of any water shortage declaration.
20 Notice shall be by the best practicable
21 means under the circumstances. In addition
22 local law enforcement officials shall be
23 notified as soon as possible of any water
24 shortage declaration or change of
25 restrictions affecting their areas of
26 responsibility. Any special materials
27 necessary for enforcement of the order shall
28 be furnished to local law enforcement
29 officials by the best practicable means under
30 the circumstances.
31 (4) A declaration of water shortage and any
32 provision or restriction adopted pursuant
33 thereto under the water shortage plan may
34 be modified or rescinded by the Board.
35 (5) A declaration of water shortage and any
36 provision or restriction adopted pursuant
37 thereto under the water shortage plan may
38 be modified or rescinded by the Executive
39 Director if all of the following
40 circumstances are present:
41 (a) the Board previously issued a declaration
42 of water shortage which remains in effect,
43 (b) the order rendering the Board's
44 declaration of water shortage specifically
45 delegates to the Executive Director the

46 authority to modify or rescind the existing
47 water shortage restrictions, and
48 (c) The District's monitoring of water
49 conditions and plan implementation
50 reasonably demonstrates that a modification
51 or rescision of the Board's declaration of
52 water shortage is warranted and necessary.
53 (6) All decisions of the Executive Director
54 made pursuant to this subsection shall be by
55 order and subject to ratification by the Board
56 at the next scheduled Board meeting.
57 (7) An order declaring a water shortage or
58 imposing more severe restrictions shall
59 become effective on the day after any notice
60 required in subsection (1) is published. An
61 order declaring a water shortage shall
62 remain in effect until modified or rescinded
63 by the Board or the Executive Director.
64 Specific Authority 373.044, 373.113 F.S.
65 Law Implemented 373.119, 373.175,
66 373.246 F.S.
67 History--New 5-31-82, Amended 1-26-86.
68
69

PART III EMERGENCY PROVISIONS

**40E-21.331 Declaring a Water Shortage
Emergency.**

70
71
72
73
74 (1) This rule sets forth the steps the District
75 will take to evaluate water conditions within
76 the District in order to determine whether a
77 water shortage emergency exists. A water
78 shortage emergency can occur under two
79 situations; first when specific users rather
80 than classes of users must be restricted, and
81 second when the emergency occurs so
82 abruptly that immediate action is needed to
83 restrict classes of users.
84 (2) The District shall monitor the condition
85 of the water resources of the District and the
86 needs of the users as provided in rule 40E-
87 21.401.
88 (3) Current data shall be evaluated to
89 determine whether any user's or classes of
90 users' estimated present and anticipated
91 available water supply will be insufficient to

1 protect the public health, safety or welfare,
2 or the health of animals, fish or aquatic life,
3 a public water supply, or commercial,
4 industrial, agricultural, recreational, or other
5 reasonable-beneficial use.

6 (a) The present and anticipated water supply
7 available to the user or classes of users shall
8 be estimated. Factors that may be considered
9 include:

- 10 1. those factors listed in paragraph 40E-
11 21.221(3)(a),
- 12 2. the ability of the user or classes of users
13 to obtain water from other users,
- 14 3. the ability of the user or classes of users
15 to obtain water from another source class,
16 and
- 17 4. other factors affecting the present and
18 anticipated available water supply of a user
19 or classes of users.

20 (b) The potential for adverse impacts on the
21 public health, safety or welfare, or the health
22 of animals, fish or aquatic life, or a public
23 water supply, or commercial, industrial,
24 agricultural, recreational, or other
25 reasonable-beneficial use shall be evaluated.

26 Factors that may be considered include:

- 27 1. those factors listed in paragraphs 40E-
28 21.221(3)(b) and (c),
- 29 2. the extent to which adverse impacts can
30 be reduced by imposing additional
31 restrictions on other users from the same
32 source class,
- 33 3. the extent to which restricting other users
34 from the same source class will create other
35 adverse impacts,
- 36 4. if the user(s) affected is or includes a local
37 governmental unit, the recommendation of
38 its board of elected officials, and
- 39 5. other factors relating to public health,
40 safety and welfare.

41 (4) The executive director may declare a
42 water shortage emergency with the advice
43 and concurrence of the Board:

44 (a) If, in the opinion of the District, the
45 provisions of part II are not sufficient to
46 protect the public health, safety, or welfare,

47 the health of animals, fish or aquatic life, a
48 public water supply, or commercial,
49 industrial, agricultural, recreational, or other
50 reasonable-beneficial uses,

51 (b) If water restrictions must be immediately
52 imposed on a class or classes of users due to
53 a rapid decline of water availability and
54 there is insufficient time to convene the
55 Board. In order to declare a water shortage
56 emergency under this subsection, the decline
57 must have occurred in such a manner that
58 the monitoring and evaluation of the water
59 resources under rule 40E-21.221 could not
60 reasonably have predicted the emergency.

61 (5) If a water shortage emergency is
62 declared for a user, the District shall
63 estimate the percent reduction in user
64 demand required to alleviate the emergency.

65 (6) If a water shortage emergency is
66 declared for a class or classes of users, the
67 executive director shall define the
68 restrictions needed to alleviate the
69 emergency including those set forth in Rules
70 40E-21.231 and 40E-21.251.

71 (7) Water shortage emergencies declared
72 under this section must be ratified by the
73 board at its next available meeting.

74 (8) Local governmental units are requested
75 to immediately report any resource-related
76 water supply problems detected or
77 experienced by their community to the
78 District.

79 Specific Authority 373.044, 373.113 F.S.
80 Law Implemented 373.119, 373.175,
81 373.246 F.S.
82 History--New 5-31-82, Amended, 12-16-84,
83 1-26-86.

85 **40E-21.371 Water Use Restrictions in a** 86 **Water Shortage Emergency.**

87 (1) This rule specifies water use restrictions
88 for a user subject to an order declaring a
89 water shortage emergency. More than one
90 user may be included in a single order for
91 purposes of establishing water use
92 restrictions pursuant to this rule.

1 (2) The Executive Director, with the advice
2 and concurrence of the Board, may order
3 water use restrictions for any user
4 experiencing a water shortage emergency,
5 consistent with any water shortage
6 restriction specified in part V, regardless of
7 the water shortage phase applicable to the
8 remaining users within the source class.
9 Further, the Executive Director, with the
10 advice and concurrence of the Board, may
11 order any additional combination of
12 restrictions necessary to achieve the percent
13 reduction in user demand.

14 (3) Additional restrictions which may be
15 considered include those listed in subsection
16 40E-21.271(3).
17 Specific Authority 373.044, 373.113 F.S.
18 Law Implemented 373.119, 373.175,
19 373.246 F.S.
20 History--New 5-31-82.

21
22 **40E-21.391 Implementing a Water**
23 **Shortage Emergency Declaration.**

24 (1) When a water shortage emergency is
25 declared, or if already declared if more
26 severe restrictions are imposed, the District
27 will publish notice of the declaration or
28 restrictions at least once in newspapers of
29 general circulation in the areas affected. In
30 addition the District shall make every effort
31 to inform the general public of the
32 restrictions in effect and the sources of
33 supply which are affected. Particular
34 attention shall be given to presenting this
35 information in a form which is easily
36 understood and applied by the citizens of the
37 affected areas.

38 (2) The Executive Director shall notify each
39 affected user of any change in the condition
40 of his use, any suspension of his use, or any
41 other restriction on his use by any means
42 reasonable under the circumstances. When
43 the Board concurs in and ratifies the
44 Executive Director's action, affected
45 permittees shall be notified as provided in
46 subsection 40E-21.291(2).

47 (3) The District shall notify local elected
48 officials of any water shortage emergency
49 declaration. Notice shall be by the best
50 practicable means under the circumstances.
51 In addition local law enforcement officials
52 shall be notified as soon as possible of any
53 water shortage emergency declaration or
54 change of restrictions affecting their areas of
55 responsibility. Any special materials
56 necessary for enforcement of the order shall
57 be furnished to local law enforcement
58 officials by the best practicable means under
59 the circumstances.

60 (4) The declaration of a water shortage
61 emergency and any measures adopted
62 pursuant thereto may be modified or
63 rescinded by the Executive Director with the
64 advice and concurrence of the Board or by
65 order of the Board.

66 (5) An order declaring a water shortage
67 emergency and any measures adopted
68 pursuant thereto shall become effective upon
69 issuance, unless otherwise specified in the
70 order. An order declaring a water shortage
71 emergency and any measures adopted
72 pursuant thereto shall remain in effect until
73 modified or rescinded pursuant to subsection
74 (4).

75 Specific Authority 373.044, 373.113 F.S.
76 Law Implemented 373.119, 373.175,
77 373.246 F.S.
78 History--New 5-31-82.

79
80

81 **PART IV MONITORING AND**
82 **ENFORCEMENT**

83

84 **40E-21.401 Monitoring.**

85 (1) This rule generally describes the data
86 collection and analysis the District may
87 undertake in anticipation of and during a
88 declared water shortage or water shortage
89 emergency. Monitoring data may be used to
90 determine:

91 (a) whether a water shortage or water
92 shortage emergency should be declared,

1 (b) whether the restrictions in effect are
2 sufficient to protect the water resources and
3 users within the affected area, in light of
4 existing and anticipated climatological
5 conditions, and
6 (c) whether the restrictions in effect are
7 being adequately enforced.
8 (2) Data may be obtained from any source
9 available, including but not limited to:
10 (a) the District,
11 (b) other water management districts,
12 (c) permittees who are required to submit
13 data as a condition of their permit,
14 (d) any local, state or federal agency, and
15 (e) any other source available.
16 (3) Resource Monitoring - When appropriate
17 the District shall collect and analyze data
18 concerning any aspect of the water resource.
19 Data which may be collected include but are
20 not limited to:
21 (a) levels in surface and ground waters,
22 including potentiometric heads in confined
23 and semiconfined aquifers,
24 (b) water quality in surface and ground
25 waters,
26 (c) flows in surface waters,
27 (d) transfers of water from one source class
28 to another,
29 (e) demand of natural systems, including but
30 not limited to losses due to
31 evapotranspiration and seepage,
32 (f) rainfall,
33 (g) impacts on fish and wildlife, and
34 (h) other data required to evaluate the status
35 of the water resources of the District.
36 (4) Demand Monitoring - When appropriate
37 the District shall collect and analyze data
38 concerning any aspect of user demand upon
39 the water resources. Data which may be
40 collected include but are not limited to:
41 (a) demands of permitted users,
42 (b) demands of users exempt from
43 permitting, but subject to the provisions of
44 the water shortage plan,
45 (c) demands of users whose supply of water
46 is established by federal law, and

47 (d) other data required to evaluate demands
48 on the water resources of the District.
49 (5) When appropriate, the District may
50 prepare a drought management report
51 summarizing the data gathered pursuant to
52 this rule.
53 Specific Authority 373.044, 373.113 F.S.
54 Law Implemented 373.026, 373.103,
55 373.175, 373.246 F.S.
56 History--New 5-31-82.

57
58 **40E-21.421 Enforcement.**

59 (1) It shall be the policy of the District to
60 seek the cooperation and assistance of state,
61 county and municipal governmental
62 officials, law enforcement officials, and
63 police officers in the enforcement of the
64 water shortage plan or any water shortage
65 order issued pursuant thereto.
66 Counties and municipalities throughout the
67 jurisdiction of the District are authorized and
68 encouraged to adopt ordinances which
69 provide for local enforcement of the
70 provisions of this chapter, or any order
71 adopted pursuant thereto. It shall be the
72 policy of the District to encourage local law
73 enforcement officials to provide violators of
74 the water use restrictions with no more than
75 one written warning during the initial phases
76 of a water shortage or water shortage
77 emergency.
78 (2) In enforcing the provisions of any water
79 shortage order issued pursuant to this
80 chapter, the District may utilize any of the
81 enforcement remedies available pursuant to
82 chapters 120 or 373, Florida Statutes, or
83 chapter 40E.
84 (3) Enforcement action may be initiated by
85 the Executive Director or his designee
86 pursuant to section 373.603, Florida
87 Statutes, against an individual violator or
88 class of violators or all of the violators of a
89 particular water shortage rule or order.
90 (4) The Executive Director or his designee
91 may assign District personnel for the
92 purpose of initiating enforcement action

1 pursuant to section 373.603, Florida
2 Statutes, for the violation of any water
3 shortage rule or order.
4 (5) In the event that a water shortage or
5 water shortage emergency has been declared
6 by the Board and the provisions of this
7 chapter have been invoked, the Executive
8 Director or his designee may thereafter take
9 appropriate emergency action pursuant to
10 sections 373.119, 373.175(4), 373.246(7)
11 and 120.69, Florida Statutes, and rule 40E-
12 1.611, to enforce the provisions of this
13 chapter or any order issued pursuant thereto,
14 or alleviate any emergency conditions which
15 might thereafter occur. Such action shall be
16 subject to subsequent ratification by the
17 Board at its next regular meeting.
18 (6) In the event a water user is in violation
19 of the water shortage plan or any water
20 shortage order issued pursuant thereto, it
21 shall be presumed that the person present at
22 the premises where such unauthorized use is
23 occurring who has a possessory interest in
24 those premises, is responsible therefore. In
25 the event that no one is present at the
26 premises while such unauthorized use is
27 occurring, it shall be presumed that the
28 owner of the premises is responsible for
29 such use. These presumptions shall not
30 affect the burden of proof of the District to
31 present a prima facie case as to each
32 violation, and shall be rebuttable by the
33 presentation of evidence to indicate that
34 another person was responsible for the
35 unauthorized water use.
36 Specific Authority 373.044, 373.113 F.S.
37 Law Implemented 373.119, 373.175,
38 373.246, 373.603, 373.609 F.S.
39 History--New 5-31-82.

40
41

42 **PART V SPECIFIC RESTRICTIONS**

43

44 **40E-21.501 Specific Restrictions.**

45 (1) Upon declaration of a water shortage or
46 water shortage emergency it shall be

47 prohibited to use water in a manner
48 inconsistent with the restrictions specified in
49 this part and part II. It shall be the duty of
50 each water user to stay informed as to the
51 phase of water shortage and the applicable
52 restrictions for that phase. Violation of the
53 restrictions specified in this part and part II
54 shall be subject to enforcement action
55 pursuant to rule ~~40E-21.421~~. The restrictions
56 specified in this part are summarized in
57 tabular form on Figure 21-1. The
58 information presented in Figure 21-1 should
59 sufficiently describe the required restrictions
60 for most users.

61 (2) In addition to the restrictions specified in
62 this part and part II, wasteful and
63 unnecessary water use is prohibited
64 regardless of the phase of water shortage.

65 Such wasteful and unnecessary water use
66 shall include, but not be limited to:

67 (a) Allowing water to be dispersed without
68 any practical purpose to the water user,
69 regardless of the type of water use.

70 (b) Allowing water to be dispersed in a
71 grossly inefficient manner, regardless of the
72 type of water use.

73 (c) Allowing water to be dispersed to
74 accomplish a purpose for which water use is
75 unnecessary or which can be readily
76 accomplished through alternative methods
77 without water use.

78 (3) In case of a conflict between Figure 21-
79 1 and this part, the specific restrictions in
80 this part shall control.

81 (4) Within each rule, use classes are grouped
82 in the same sequence as in rule 40E-21.651.
83 Specific Authority 373.044, 373.113 F.S.
84 Law Implemented 373.175, 373.246 F.S.
85 History--New 5-31-82

86

87 **40E-21.521 Phase I Moderate Water
88 Shortage.**

89 The following restrictions shall apply when
90 a phase I water shortage is declared by the
91 District.

92 (1) Essential/Domestic/Utility/Commercial

1 (a) Essential Use
2 1. The use of water for firefighting and
3 health or medical purposes shall not be
4 restricted.
5 2. Fire hydrant flushing shall be undertaken
6 only on an emergency basis.
7 3. Sanitary sewer line flushing and testing
8 shall not be restricted except on a voluntary
9 basis.
10 (b) Domestic Type Use
11 1. Residential type domestic use shall be
12 voluntarily reduced to achieve a per capita
13 consumption of 60 gallons per person per
14 day.
15 2. Domestic type use in industrial and
16 commercial establishments shall be
17 voluntarily reduced.
18 (c) Water Utility Use
19 1. Initial pressure at the point of use (meter)
20 shall be voluntarily reduced to levels no
21 greater than 45 pounds per square inch.
22 Upon reduction of pressure, the utility shall
23 notify the appropriate fire-fighting agencies
24 and make arrangements for direct
25 communication when additional pressure is
26 required.
27 2. New water line flushing and disinfection
28 shall be restricted to the hours of 7:00 P.M.
29 to 7:00 A.M. seven days per week.
30 3. As may be appropriate the utility shall
31 institute additional voluntary conservation
32 measures such as reclaiming of backwash
33 water, improving and accelerating leak
34 detection surveys and repair programs,
35 installing and calibrating meters, and
36 stabilizing and equalizing system pressures.
37 (d) Power Production Use
38 Water used for power production shall be
39 voluntarily reduced.
40 (e) Commercial and Industrial Process Use
41 1. Commercial car washes shall be restricted
42 as follows:
43 a. for washes servicing passenger vehicles
44 and mobile equipment weighing less than
45 10,000 pounds,

46 i. use in excess of 75 gallons per wash shall
47 be prohibited and
48 ii. use equal to or less than 75 gallons per
49 wash shall be voluntarily reduced;
50 b. for washes servicing mobile equipment
51 weighing 10,000 pounds or more,
52 i. use in excess of 150 gallons per wash shall
53 be prohibited and
54 ii. use equal to or less than 150 gallons per
55 wash shall be voluntarily reduced.
56 2. Water used for commercial and industrial
57 processes shall be voluntarily reduced.
58 (f) Diversion and Impoundment into Non-
59 District Facilities
60 Water used for diversion and impoundment
61 into non-District facilities shall be
62 voluntarily reduced.
63 (2) Agriculture
64 (a) Agricultural Use
65 1. Overhead irrigation, except by portable
66 volume gun, shall be restricted to the hours
67 of 2:00 P.M. to 10:00 A.M.
68 2. Portable volume gun irrigation hours
69 shall be voluntarily reduced. 3. Low volume
70 irrigation hours shall not be restricted.
71 4. All irrigation systems shall be operated in
72 a manner that will maximize the percentage
73 of water withdrawn and held which is placed
74 in the root zone of the crop and will
75 minimize the amount of water which is
76 withdrawn and released or lost to the user
77 but is not immediately available for other
78 users.
79 5. Users having access to more than one
80 source class shall maximize the use of the
81 lesser or least restricted source class.
82 (b) Livestock Use
83 Livestock water use shall be voluntarily
84 reduced.
85 (c) Aquacultural Use
86 Aquacultural water use shall be voluntarily
87 reduced.
88 (d) Soil Flooding
89 1. Soil flooding for pest control or soil
90 preservation shall be prohibited.

1 2. Soil flooding for burning of sugarcane
2 prior to harvest shall be voluntarily reduced.
3 3. Soil flooding to permit harvesting of sod
4 shall be voluntarily reduced.
5 (e) Freeze Protection
6 Water use for freeze protection shall be
7 restricted to situations in which official
8 weather forecasting services predict
9 temperatures likely to cause permanent
10 damage to crops.
11 (3) Nursery/Urban Irrigation/Recreation
12 (a) Nursery Use
13 1. Low volume irrigation uses and low
14 volume hand watering shall be voluntarily
15 reduced.
16 2. Overhead irrigation uses shall be
17 restricted as follows:
18 a. inside - 8:00 A.M. to 8:00 P.M., seven
19 days per week.
20 b. outside - 7:00 P.M. to 7:00 A.M., seven
21 days per week.
22 3. Flood irrigation systems shall be
23 restricted to 8 days per month.
24 (b) Landscape Irrigation - New Installation
25 1. For installations which have been in place
26 for less than 30 days and
27 a. less than 5 acres in size, water use for
28 irrigation shall be restricted to the hours of
29 2:00 A.M. to 8:00 A.M., Monday through
30 Friday,
31 b. 5 acres or greater in size, water use for
32 irrigation shall be restricted to the hours of
33 12:01 A.M. to 8:00 A.M. Monday through
34 Friday.
35 2. Low volume hand watering of new
36 landscaping shall be voluntarily reduced.
37 3. Cleaning and adjusting of new irrigation
38 systems shall be restricted to 10 minutes per
39 zone on a one time basis.
40 (c) Landscape Irrigation - Existing
41 Installation
42 1. For existing installations less than 5 acres
43 in size, water use for irrigation shall be
44 restricted to the hours from 4:00 A.M. to
45 8:00 A.M., three days per week.

46 a. Installations with odd addresses shall be
47 permitted to irrigate on Monday, Wednesday
48 and Saturday.
49 b. Installations with even addresses or no
50 address shall be permitted to irrigate on
51 Tuesday, Thursday and Sunday.
52 2. For existing installations 5 acres or
53 greater in size, water use for irrigation shall
54 be restricted to the hours from 12:01 A.M. to
55 8:00 A.M., three days per week.
56 a. Installations with odd addresses shall be
57 permitted to irrigate on Monday, Wednesday
58 and Saturday.
59 b. Installations with even addresses or no
60 address shall be permitted to irrigate on
61 Tuesday, Thursday and Sunday.
62 (d) Recreation Area Use
63 Existing and new recreation area water use
64 shall be restricted as provided in paragraphs
65 (b) and (c) respectively.
66 (e) Golf Course Use
67 1. Irrigation of greens and tees shall be
68 voluntarily reduced and shall be
69 accomplished during non-daylight hours.
70 2. Irrigation of fairways, roughs and
71 nonplaying areas on the first nine holes of
72 the course shall be restricted to the hours of
73 12:01 A.M. to 8:00 A.M. on Monday,
74 Wednesday and Saturday.
75 3. Irrigation of fairways, roughs and
76 nonplaying areas on the last nine holes of
77 the course shall be restricted to the hours of
78 12:01 A.M. to 8:00 A.M., Tuesday,
79 Thursday and Sunday.
80 (f) Clay Tennis Courts Use
81 1. Watering of clay tennis courts shall be
82 restricted to the hours of 12:01 P.M. to 3:00
83 P.M. and to 9:01 P.M. to 12:00 A.M. and
84 shall be for a maximum duration of five
85 minutes for each court during each allowed
86 time period.
87 2. Low-volume watering techniques shall
88 be used.
89 (g) Water Based Recreation Use
90 1. Water based recreation water use shall be
91 voluntarily reduced.

1 2. Draining of facilities into sewers or onto
2 impervious surfaces shall be prohibited.
3 (4) Miscellaneous
4 (a) Cooling and Air Conditioning Use
5 The use of water for cooling and air
6 conditioning shall be restricted to that
7 amount of water necessary to maintain a
8 minimum temperature of 78 degrees
9 Fahrenheit.
10 (b) Dewatering Use
11 Discharge of fresh water to tide from
12 dewatering shall be prohibited.
13 (c) Navigation Use
14 1. The District shall request the U. S. Army
15 Corps of Engineers to restrict its lockages to
16 maintain acceptable chloride concentrations
17 upstream of the locks and to conserve water.
18 2. In the case of the Franklin Lock and Dam,
19 the District shall request the U. S. Army
20 Corps of Engineers to restrict lockages to
21 once every four hours if:
22 a. chloride levels upstream of S-79 are 180
23 parts per million or higher and
24 b. a rainfall in excess of one inch in 24 hours
25 is not predicted in the surface water use
26 basin within the next 48 hours.
27 3. If the restrictions imposed in
28 subparagraph 2. are insufficient to stop the
29 rising chloride levels, the District shall
30 request the U. S. Army Corps of Engineers
31 to further restrict lockages to once every
32 four hours, twice per week.
33 4. If the restrictions imposed in
34 subparagraphs 2. and 3. are still insufficient
35 to stop the rising chloride levels, the District
36 shall request the U. S. Army Corps of
37 Engineers to prohibit lockages.
38 (d) Other Outside Uses
39 1. Washing or cleaning streets, driveways,
40 sidewalks, or other impervious areas with
41 water shall be prohibited.
42 3. Outside pressure cleaning shall be
43 restricted to only low volume pressure
44 cleaning, seven days a week.
45 2. Mobile equipment washing with water
46 shall be restricted to the hours and days

47 prescribed for existing landscape irrigation
48 in paragraph (3)(c), using only low volume.
49 Rinsing and flushing of boats after saltwater
50 use shall be limited to five 5 minutes once a
51 day for each boat.
52
53 (e) Aesthetic Use
54 1. Outside aesthetic uses of water shall be
55 prohibited.
56 2. Inside aesthetic uses of water shall be
57 voluntarily reduced.
58 Specific Authority 373.044, 373.113 F.S.
59 Law Implemented 373.175, 373.246 F.S.
60 History--New 5-31-82, Amended 1-26-86.
61
62 **40E-21.531 Phase II Severe Water**
63 **Shortage.**
64 The following restrictions shall apply when
65 a Phase II water shortage is declared by the
66 District.
67 (1) Essential/Domestic/Utility/Commercial
68 (a) Essential Use
69 1. The use of water for firefighting and
70 health or medical purposes and other
71 essential uses shall not be restricted.
72 2. Fire hydrant flushing shall be undertaken
73 only on an emergency basis.
74 3. Sanitary sewer line flushing and testing
75 shall not be restricted except on a voluntary
76 basis.
77 (b) Domestic Type Use
78 1. Residential type domestic use shall be
79 voluntarily reduced to 50 gallons per person
80 per day.
81 2. Domestic type use in industrial and
82 commercial establishments shall be
83 voluntarily reduced.
84 (c) Water Utility Use
85 1. Initial pressure at the point of use (meter)
86 shall be reduced to levels no greater than 45
87 pounds per square inch. Upon reduction of
88 pressure, the utility shall notify the
89 appropriate fire-fighting agencies and make
90 arrangements for direct communication
91 when additional pressure is required.

1 2. New water line flushing and disinfection
2 shall be restricted to the hours of 7:00 P.M.
3 to 7:00 A.M. seven days per week.
4 3. As may be appropriate the utility shall
5 institute additional voluntary conservation
6 measures such as reclaiming of backwash
7 water, improving and accelerating leak
8 detection surveys and repair programs,
9 installing and calibrating meters, and
10 stabilizing and equalizing system pressures.
11 (d) Power Production Use
12 Water used for power production shall be
13 voluntarily reduced.
14 (e) Commercial and Industrial Process Use
15 1. Commercial car washes shall be restricted
16 as follows:
17 a. for washes servicing passenger vehicles
18 and mobile equipment weighing less than
19 10,000 pounds,
20 i. use in excess of 75 gallons per wash shall
21 be prohibited and
22 ii. use equal to or less than 75 gallons per
23 wash shall be voluntarily reduced;
24 b. for washes servicing mobile equipment
25 weighing 10,000 pounds or more,
26 i. use in excess of 150 gallons per wash shall
27 be prohibited and
28 ii. use equal to or less than 150 gallons per
29 wash shall be voluntarily reduced.
30 2. Water used for commercial and industrial
31 processes shall be voluntarily reduced.
32 (f) Diversion and Impoundment into Non-
33 District Facilities
34 1. Water used for diversion and
35 impoundment into non-District facilities
36 shall be voluntarily reduced.
37 (2) Agriculture
38 (a) Agricultural Use
39 1. Overhead irrigation, except by portable
40 volume guns, shall be restricted to the hours
41 of 2:00 P.M. to 10:00 A.M.
42 2. Portable volume gun irrigation hours
43 shall be voluntarily reduced.
44 3. Low volume irrigation hours shall not be
45 restricted.

46 4. All irrigation systems shall be operated in
47 a manner that will maximize the percentage
48 of water withdrawn and held which is placed
49 in the root zone of the crop and will
50 minimize the amount of water which is
51 withdrawn and released or lost to the user
52 but is not immediately available for other
53 users.
54 5. Users having access to more than one
55 source class shall maximize the use of the
56 lesser or least restricted source class.
57
58 (b) Livestock Use
59 Livestock water use shall be voluntarily
60 reduced.
61 (c) Aquacultural Use
62 Aquacultural water use shall be voluntarily
63 reduced.
64 (d) Soil Flooding
65 1. Soil flooding for pest control or soil
66 preservation shall be prohibited.
67 2. Soil flooding for burning of sugarcane
68 prior to harvest shall be voluntarily reduced.
69 3. Soil flooding to permit harvesting of sod
70 shall be voluntarily reduced.
71 (e) Freeze Protection
72 Water use for freeze protection shall be
73 restricted to situations in which official
74 weather forecasting services predict
75 temperatures likely to cause permanent
76 damage to crops.
77 (3) Nursery/Urban Irrigation/Recreation
78 (a) Nursery Use
79 1. Low volume irrigation uses and low
80 volume hand watering shall be voluntarily
81 reduced.
82 2. Overhead irrigation uses shall be
83 restricted as follows:
84 a. inside - 8:00 A.M. to 8:00 P.M., seven
85 days per week.
86 b. outside - 7:00 P.M. to 7:00 A.M., on odd
87 numbered days.
88 3. Flood irrigation systems shall be
89 restricted to 6 days per month.
90 (b) Landscape Irrigation - New Installation

1 1. For installations which have been in place
2 for less than 30 days and
3 a. less than 5 acres in size, water use for
4 irrigation shall be restricted to the hours of
5 2:00 A.M. to 8:00 A.M., Monday,
6 Wednesday, Thursday and Friday,
7 b. 5 acres or greater in size, water use for
8 irrigation shall be restricted to the hours of
9 12:01 A.M. to 8:00 A.M. Monday,
10 Wednesday, Thursday and Friday.
11 2. Low volume irrigation and low volume
12 hand watering of new landscaping shall be
13 voluntarily reduced.
14 3. Cleaning and adjusting of new irrigation
15 systems shall be restricted to 10 minutes per
16 zone on a one time basis.
17 (c) Landscape Irrigation - Existing
18 Installation
19 1. For existing installations less than 5 acres
20 in size, water use for irrigation shall be
21 restricted to the hours from 4:00 A.M. to
22 8:00 A.M., two days per week.
23 a. Installations with odd addresses shall be
24 permitted to irrigate on Wednesday and
25 Saturday.
26 b. Installations with even addresses or no
27 address shall be permitted to irrigate on
28 Thursday and Sunday.
29 2. For existing installations 5 acres or
30 greater in size, water use for irrigation shall
31 be restricted to the hours from 12:01 A.M. to
32 8:00 A.M., two days per week.
33 a. Installations with odd addresses shall be
34 permitted to irrigate on Wednesday and
35 Saturday.
36 b. Installations with even addresses or no
37 address shall be permitted to irrigate on
38 Thursday and Sunday.
39 (d) Recreation Area Use
40 1. Existing and new recreation area water
41 use shall be restricted as provided in
42 paragraphs (b) and (c) respectively.
43 (e) Golf Course Use
44 1. Irrigation of greens and tees shall be
45 voluntarily reduced and shall be
46 accomplished during non-daylight hours.

47 2. Irrigation of roughs and nonplaying areas
48 on the first nine holes of the course shall be
49 restricted to the hours of 12:01 A. M. to 8:00
50 A.M. on Wednesday and Saturday.
51 3. Irrigation of fairways, roughs and
52 nonplaying areas on the last nine holes of
53 the course shall be restricted to the hours of
54 12:01 A.M. to 8:00 A.M. on Thursday and
55 Sunday.
56 (f) Clay Tennis Courts Use
57 1. Water of clay tennis courts shall be
58 restricted to the hours of 12:01 P.M. to 3:00
59 P.M. and to 9:01 P.M. to 12:00 A.M. and
60 shall be for a maximum duration of five
61 minutes for each court during each allowed
62 period.
63 2. Low-volume watering techniques shall
64 be used.
65 (g) Water Based Recreation Use
66 1. Water based recreation water use shall be
67 voluntarily reduced.
68 2. Draining of facilities into sewers or onto
69 impervious surfaces shall be prohibited.
70 3. Existing facilities shall not be refilled
71 except for makeup water.
72 (4) Miscellaneous
73 (a) Cooling and Air Conditioning Use
74 The use of water for cooling and air
75 conditioning shall be restricted to that
76 amount of water necessary to maintain a
77 minimum temperature of 78 degrees
78 Fahrenheit.
79 (b) Dewatering Use
80 Discharge of fresh water to tide from
81 dewatering shall be prohibited.
82 (c) Navigation Use
83 1. The District shall request the U. S. Army
84 Corps of Engineers to restrict its lockages to
85 maintain acceptable chloride concentrations
86 upstream of the locks and to conserve water.
87 2. In the case of the Franklin Lock and Dam,
88 the District shall request the U.S. Army
89 Corps of Engineers to restrict lockages to
90 once every four hours if:
91 a. chloride levels upstream of S-79 are 180
92 parts per million or higher and

1 b. a rainfall in excess of one inch in 24 hours
2 is not predicted in the surface water use
3 basin within the next 48 hours.
4 3. If the restrictions imposed in
5 subparagraph 2. are insufficient to stop the
6 rising chloride levels, the District shall
7 request the U. S. Army Corps of Engineers
8 to further restrict lockages to once every
9 four hours, twice per week.
10 4. If the restrictions imposed in
11 subparagraphs 2. and 3. are still insufficient
12 to stop the rising chloride levels, the District
13 shall request the U. S. Army Corps of
14 Engineers to prohibit lockages.
15 (d) Other Outside Uses
16 1. Washing or cleaning streets, driveways,
17 sidewalks, or other impervious areas with
18 water shall be prohibited.
19 2. Mobile equipment washing with water
20 shall be restricted to the hours and days
21 prescribed for existing landscape irrigation
22 in paragraph (3)(c), using only low volume.
23 Rinsing and flushing of boats after saltwater
24 use shall be limited to five 5 minutes once a
25 day for each boat.
26 3. Outside pressure cleaning shall be
27 restricted to only low volume methods,
28 seven days per week.
29 (e) Aesthetic Use
30 1. Outside aesthetic uses of water shall be
31 prohibited.
32 2. Inside aesthetic uses of water shall be
33 voluntarily reduced.
34 Specific Authority 373.044, 373.113 F.S.
35 Law Implemented 373.175, 373.246 F.S.
36 History--New 5-31-82, Amended 1-26-86
37
38 **40E-21.541 Phase III Extreme Water**
39 **Shortage.**
40 The following restrictions shall apply when
41 a Phase III shortage is declared by the
42 District.
43 (1) Essential/Domestic/Utility/Commercial.
44 (a) Essential Use

45 1. The use of water for firefighting and
46 health or medical purposes shall not be
47 restricted.
48 2. Fire hydrant flushing shall be undertaken
49 only on an emergency basis.
50 3. Sanitary sewer line flushing and testing
51 shall not be restricted except on a voluntary
52 basis.
53 (b) Domestic Type Use
54 1. Residential type domestic use shall be
55 voluntarily reduced to 40 gallons per person
56 per day.
57 2. Domestic type use in industrial and
58 commercial establishments shall be
59 voluntarily reduced.
60 (c) Water Utility Use
61 1. Initial pressure at the point of use (meter)
62 shall be reduced to levels no greater than 45
63 pounds per square inch. Voluntary initial
64 pressure reductions below 45 psi shall be
65 made consistent with the utility's ability to
66 maintain adequate service and fire flow
67 pressures. Upon reduction of pressure, the
68 utility shall notify the appropriate fire-
69 fighting agencies and make arrangements
70 for direct communication when additional
71 pressure is required.
72 2. New water line flushing and disinfection
73 shall be restricted to the hours of 7:00 P.M.
74 to 7:00 A.M. seven days per week.
75 3. As may be appropriate the utility shall
76 institute additional voluntary conservation
77 measures such as reclaiming of backwash
78 water, improving and accelerating leak
79 detection surveys and repair programs,
80 installing and calibrating meters, and
81 stabilizing and equalizing system pressures.
82 (d) Power Production Use
83 1. Water used for power production shall be
84 voluntarily reduced.
85 (e) Commercial and Industrial Process Use
86 1. Commercial car washes shall be restricted
87 as follows:
88 a. for washes servicing passenger vehicles
89 and mobile equipment weighing less than
90 10,000 pounds,

1 i. use in excess of 75 gallons per wash shall
2 be prohibited,
3 ii. use equal to or less than 75 gallons but
4 more than 50 gallons per wash shall be
5 restricted to the hours of 8:00 A.M. through
6 3:00 P.M., and
7 iii. use equal to or less than 50 gallons per
8 wash shall be voluntarily reduced;
9 b. for washes servicing mobile equipment
10 weighing 10,000 pounds or more,
11 i. use in excess of 150 gallons per wash shall
12 be prohibited,
13 ii. use equal to or less than 150 gallons but
14 more than 100 gallons per wash shall be
15 restricted to the hours of 8:00 A.M. through
16 3:00 P.M., and
17 iii. use equal to or less than 100 gallons per
18 wash shall be voluntarily reduced.
19 2. Water used for commercial and industrial
20 processes shall be voluntarily reduced.
21
22 (f) Diversion and Impoundment into Non-
23 District Facilities
24 1. Water used for diversion and
25 impoundment into non-District facilities
26 shall be voluntarily reduced.
27 (2) Agriculture
28 (a) Agricultural Use
29 1. Overhead irrigation, including by portable
30 volume guns, shall be restricted to the hours
31 of 7:00 P.M. to 7:00 A.M.
32 2. Low volume irrigation hours shall not be
33 restricted.
34 3. All irrigation systems shall be operated in
35 a manner that will maximize the percentage
36 of water withdrawn and held which is placed
37 in the root zone of the crop and will
38 minimize the amount of water which is
39 withdrawn and released or lost to the user
40 but is not immediately available for other
41 users.
42 4. Users having access to more than one
43 source class shall maximize the use of the
44 lesser or least restricted source class.
45 5. Withdrawals by each user from each
46 source class in each month shall be limited

47 to an amount that represents each user's
48 share of the total allocation for agricultural
49 irrigation made by the District from that
50 source for that month and in that basin. The
51 District's allocation for agricultural
52 irrigation will be determined based on its
53 evaluation of the supply capabilities of the
54 source class, the supply capabilities of other
55 source classes available in the area, the
56 needs of agriculture and all other users in the
57 area and the District's overall management
58 strategy for handling the uncertainties of
59 future climatological events. The share of
60 the total agricultural irrigation allocation
61 available to each user will be based on any
62 prioritization among crops the District
63 establishes based on economic loss and
64 equity considerations and the acreage and
65 quantity of withdrawals for which the user
66 has been permitted.
67 (b) Livestock Use
68 Livestock water use shall be voluntarily
69 reduced.
70 (c) Aquacultural Use
71 Aquacultural water use shall be voluntarily
72 reduced.
73 (d) Soil Flooding
74 1. Soil flooding for pest control or soil
75 preservation shall be prohibited
76 2. Soil flooding for burning of sugarcane
77 prior to harvest shall be voluntarily reduced.
78 3. Soil flooding to permit harvesting of sod
79 shall be prohibited.
80 (e) Freeze Protection
81 Water use for freeze protection shall be
82 restricted to situations in which official
83 weather forecasting services predict
84 temperatures likely to cause permanent
85 damage to crops.
86 (3) Nursery/Urban Irrigation/Recreation
87 (a) Nursery Use
88 1. Low volume irrigation uses and low
89 volume hand watering shall be voluntarily
90 reduced.
91 2. Overhead irrigation uses shall be
92 restricted as follows:

1 a. inside - 8:00 A.M. to 8:00 P.M., on odd
2 numbered days.
3 b. outside - 12:01 A.M. to 7:00 A.M., on
4 odd numbered days.
5 3. Flood irrigation systems shall be
6 restricted to 4 days per month.
7 (b) Landscape Irrigation - New Installation
8 1. For installations which have been in place
9 for less than 30 days and
10 a. less than 5 acres in size, water use for
11 irrigation shall be restricted to the hours of
12 2:00 A.M. to 7:00 A.M., Monday,
13 Wednesday and Friday,
14 b. 5 acres or greater in size, water use for
15 irrigation shall be restricted to the hours of
16 12:01 A.M. to 7:00 A.M. Monday,
17 Wednesday and Friday.
18 2. Low volume irrigation and low volume
19 hand watering of new landscaping shall be
20 voluntarily reduced.
21 3. Cleaning and adjusting of new irrigation
22 systems shall be restricted to 10 minutes per
23 zone on a one time basis.
24 (c) Landscape Irrigation - Existing
25 Installation
26 1. For existing installations less than 5 acres
27 in size, water use for irrigation shall be
28 restricted to the hours from 4:00 A.M. to
29 7:00 A.M. one day per week.
30 a. Installations with odd addresses shall be
31 permitted to irrigate on Saturday.
32 b. Installations with even addresses or no
33 address shall be permitted to irrigate on
34 Sunday.
35 2. For existing installations 5 acres or
36 greater in size, water use for irrigation shall
37 be restricted to the hours from 12:01 A.M. to
38 7:00 A.M., one day per week.
39 a. Installations with odd addresses shall be
40 permitted to irrigate on Saturday.
41 b. Installations with even addresses or no
42 address shall be permitted to irrigate on
43 Sunday.
44 (d) Recreation Area Use

45 1. Existing and new recreation area water
46 use shall be restricted as provided in
47 paragraphs (b) and (c) respectively.
48 (e) Golf Course Use
49 1. Irrigation of greens shall be voluntarily
50 reduced and shall be accomplished during
51 non-daylight hours.
52 2. Irrigation of tees shall be restricted to
53 non-daylight hours three days per week. The
54 front nine holes shall be restricted to
55 Monday, Wednesday and Saturday and the
56 back nine holes shall be restricted to
57 Tuesday, Thursday and Sunday.
58 3. Irrigation of fairways, roughs and
59 nonplaying areas on the first nine holes of
60 the course shall be restricted to the hours of
61 12:01 A.M. to 7:00 A.M. on Saturday.
62 4. Irrigation of fairways, roughs and
63 nonplaying areas on the last nine holes of
64 the course shall be restricted to the hours of
65 12:01 A.M. to 7:00 A.M. on Sunday.
66 (f) Clay Tennis Courts Use
67 1. Watering of clay tennis courts shall be
68 restricted to the hours of 12:01 P.M. to 3:00
69 P.M and 9:01 P.M. to 12:00 A.M. and shall
70 be for a maximum duration of five minutes
71 for each court during each allowed time
72 period.
73 2. Low-volume watering techniques shall
74 be used.
75 (g) Water Based Recreation Use
76 1. Water based recreation water use shall be
77 voluntarily reduced.
78 2. Draining of facilities into sewers or onto
79 impervious surfaces shall be prohibited.
80 3. Existing facilities shall not be refilled
81 except for makeup water.
82 (4) Miscellaneous
83 (a) Cooling and Air Conditioning Use
84 The use of water for cooling and air
85 conditioning shall be restricted to that
86 amount of water necessary to maintain a
87 minimum temperature of 78 degrees
88 Fahrenheit.
89 (b) Dewatering Use

1 Discharge of fresh water to tide from
2 dewatering shall be prohibited.
3 (c) Navigation Use
4 1. The District shall request the U. S. Army
5 Corps of Engineers to restrict its lockages to
6 maintain acceptable chloride concentrations
7 upstream of the locks and to conserve water.
8 2. In the case of the Franklin Lock and Dam,
9 the District shall request the U.S. Army
10 Corps of Engineers to restrict lockages to
11 once every four hours if:
12 a. chloride levels upstream of S-79 are 180
13 parts per million or higher and
14 b. a rainfall in excess of one inch in 24 hours
15 is not predicted in the surface water use
16 basin within the next 48 hours.
17 3. If the restrictions imposed in
18 subparagraph 2. are insufficient to stop the
19 rising chloride levels, the District shall
20 request the U. S. Army Corps of Engineers
21 to further restrict lockages to once every
22 four hours, twice per week.
23 4. If the restrictions imposed in
24 subparagraphs 2. and 3. are still insufficient
25 to stop the rising chloride levels, the District
26 shall request the U. S. Army Corps of
27 Engineers to prohibit lockages.
28 (d) Other Outside Uses
29 1. Washing or cleaning streets, driveways,
30 sidewalks, or other impervious areas with
31 water shall be prohibited.
32 2. Mobile equipment washing with water
33 shall be restricted to the hours and days
34 prescribed for existing landscape irrigation
35 in paragraph (3)(c), using only low volume
36 methods. Rinsing and flushing of boats after
37 saltwater use shall be limited to five 5
38 minutes once a day for each boat.
39 3. Outside pressure cleaning shall be
40 restricted to only low volume methods,
41 Monday through Friday.
42 (e) Aesthetic Use
43 1. Outside aesthetic uses of water shall be
44 prohibited.
45 2. Inside aesthetic uses of water shall be
46 prohibited.

47 Specific Authority 373.044, 373.113 F.S.
48 Law Implemented 373.175, 373.246 F.S.
49 History--New 5-31-82, Amended 1-26-86.
50
51 **40E-21.551 Phase IV Critical Water**
52 **Shortage.**
53 The following restrictions shall apply when
54 a Phase IV shortage is declared by the
55 District.
56 (1) Essential/Domestic/Utility/Commercial
57 (a) Essential Use
58 1. The use of water for firefighting, and
59 health or medical purposes shall not be
60 restricted.
61 2. Fire hydrant flushing shall be undertaken
62 only on an emergency basis.
63 3. Sanitary sewer line flushing and testing
64 shall be undertaken only on an emergency
65 basis.
66 (b) Domestic Type Use
67 1. Residential type domestic use shall be
68 voluntarily reduced to 30 gallons per person
69 per day.
70 2. Domestic type use in industrial and
71 commercial establishments shall be
72 voluntarily reduced to the minimum levels
73 necessary to preserve public health and
74 safety.
75 (c) Water Utility Use
76 1. Initial pressure at the point of use (meter)
77 shall be reduced to levels no greater than 45
78 pounds per square inch. Voluntary initial
79 pressure reductions below 45 psi shall be
80 made consistent with the utility's ability to
81 maintain adequate service and fire flow
82 pressures. Upon reduction of pressure, the
83 utility shall notify the appropriate fire-
84 fighting agencies and make arrangements
85 for direct communication when additional
86 pressure is required.
87 2. New water line flushing and disinfection
88 shall be restricted to the hours of 7:00 P.M.
89 to 7:00 A.M. seven days per week.
90 3. As may be appropriate the utility shall
91 institute additional conservation measures
92 such as reclaiming of backwash water,

1 improving and accelerating leak detection
2 surveys and repair programs, installing and
3 calibrating meters, and stabilizing and
4 equalizing system pressures.
5 (d) Power Production Use
6 Water used for power production shall be
7 voluntarily reduced.
8 (e) Commercial and Industrial Process Use
9 1. Commercial car washes shall be restricted
10 as follows:
11 a. for washes servicing passenger vehicles
12 and mobile equipment weighing less than
13 10,000 pounds,
14 i. use in excess of 75 gallons per wash shall
15 be prohibited,
16 ii. use equal to or less than 75 gallons but
17 more than 50 gallons per wash shall be
18 restricted to the hours of 8:00 A.M. through
19 3:00 P.M., and
20 iii. use equal to or less than 50 gallons per
21 wash shall be voluntarily reduced;
22 b. for washes servicing mobile equipment
23 weighing 10,000 pounds or more,
24 i. use in excess of 150 gallons per wash shall
25 be prohibited,
26 ii. use equal to or less than 150 gallons but
27 more than 100 gallons per wash shall be
28 restricted to the hours of 8:00 A.M. through
29 3:00 P.M., and
30 iii. use equal to or less than 100 gallons per
31 wash shall be voluntarily reduced.
32 2. Water used for commercial and industrial
33 processes shall be voluntarily reduced.
34
35 (f) Diversion and Impoundment into Non-
36 District Facilities
37 1. Water used for diversion and
38 impoundment into non-District facilities
39 shall be voluntarily reduced.
40 (2) Agriculture
41 (a) Agricultural Use
42 1. Overhead irrigation, including by portable
43 volume guns, shall be restricted to the hours
44 of 7:00 P.M. to 7:00 A.M.
45 2. Low volume irrigation hours shall not be
46 restricted.

47 3. All irrigation systems shall be operated in
48 a manner that will maximize the percentage
49 of water withdrawn and held which is placed
50 in the root zone of the crop and will
51 minimize the amount of water which is
52 withdrawn and released or lost to the user
53 but is not immediately available for other
54 users.
55 4. Users having access to more than one
56 source class shall maximize the use of the
57 lesser or least restricted source class.
58 5. Withdrawals by each user from each
59 source class in each month shall be limited
60 to an amount that represents each user's
61 share of the total allocation for agricultural
62 irrigation made by the District from that
63 source for that month and in that basin. The
64 District's allocation for agricultural
65 irrigation will be determined based on its
66 evaluation of the supply capabilities of the
67 source class, the supply capabilities of other
68 source classes available in the area, the
69 needs of agriculture and all other users in the
70 area and the District's overall management
71 strategy for handling the uncertainties of
72 future climatological events. The share of
73 the total agricultural irrigation allocation
74 available to each user will be based on any
75 prioritization among crops the District
76 establishes based on economic loss and
77 equity considerations and the acreage and
78 quantity of withdrawals for which the user
79 has been permitted.
80 (b) Livestock Use
81 Livestock water use shall be voluntarily
82 reduced.
83 (c) Aquacultural Use
84 Aquacultural water use shall be voluntarily
85 reduced.
86 (d) Soil Flooding
87 1. Soil flooding for pest control or soil
88 preservation shall be prohibited.
89 2. Soil flooding for burning of sugarcane
90 prior to harvest shall be voluntarily reduced.
91 3. Soil flooding to permit harvesting of sod
92 shall be prohibited.

1 (e) Freeze Protection
2 Water use for freeze protection shall be
3 restricted to situations in which official
4 weather forecasting services predict
5 temperatures likely to cause permanent
6 damage to crops.
7 (3) Nursery/Urban Irrigation/Recreation
8 (a) Nursery Use
9 1. Low volume irrigation uses and low
10 volume hand watering shall be voluntarily
11 reduced.
12 2. Overhead irrigation uses shall be
13 restricted as follows:
14 a. inside - 8:00 A.M. to 4:00 P.M., on odd
15 numbered days.
16 b. outside - 2:00 A.M. to 7:00 A.M., on odd
17 numbered days.
18 3. Flood irrigation systems shall be
19 restricted to 2 days per month.
20 (b) Landscape Irrigation - New Installation
21 1. For installations which have been in place
22 for less than 30 days and
23 a. less than 5 acres in size, water use for
24 irrigation shall be restricted to the hours of
25 6:00 A.M. to 7:00 A.M., Saturday.
26 b. 5 acres or greater in size, water use for
27 irrigation shall be restricted to the hours of
28 4:00 A.M. to 7:00 A.M., Saturday.
29 2. Low volume hand watering of new
30 landscaping shall be restricted to Monday,
31 Wednesday and Friday.
32 3. Cleaning and adjusting of new irrigation
33 systems shall be prohibited.
34 (c) Landscape Irrigation - Existing
35 Installation
36 1. For existing installations less than 5 acres
37 in size, water use for irrigation shall be
38 restricted to the hours from 6:00 A.M. to
39 7:00 A.M. one day per week.
40 a. Installations with odd addresses shall be
41 permitted to irrigate on Saturday.
42 b. Installations with even addresses or no
43 address shall be permitted to irrigate on
44 Sunday.
45 2. For existing installations 5 acres or
46 greater in size, water use for irrigation shall

47 be restricted to the hours from 4:00 A.M. to
48 7:00 A.M., one day per week.
49 a. Installations with odd addresses shall be
50 permitted to irrigate on Saturday.
51 b. Installations with even addresses or no
52 address shall be permitted to irrigate on
53 Sunday.
54
55 (d) Recreation Area Use
56 Existing and new recreation area water use
57 shall be restricted as provided in paragraphs
58 (b) and (c) respectively.
59 (e) Golf Course Use
60 1. Irrigation of greens shall be voluntarily
61 reduced and shall be accomplished during
62 non-daylight hours.
63 2. Irrigation of tees shall be restricted to
64 non-daylight hours one day per week. The
65 front nine holes shall be restricted to
66 Saturday and the back nine holes shall be
67 restricted to Sunday.
68 3. Irrigation of fairways, roughs and
69 nonplaying areas on the first nine holes of
70 the course shall be restricted to the hours of
71 4:00 A.M. to 7:00 A.M. on Saturday.
72 4. Irrigation of fairways, roughs and
73 nonplaying areas on the last nine holes of
74 the course shall be restricted to the hours of
75 4:00 A.M. to 7:00 A.M. on Sunday.
76 (f) Clay Tennis Courts Use
77 1. Watering of clay tennis courts shall be
78 restricted to the hours of 12:01 P.M. to 3:00
79 P.M. and to 9:01 P.M. to 12:00 A.M. and
80 shall be for a maximum duration of five
81 minutes for each court during each allowed
82 time period.
83 2. Low-volume water techniques shall be
84 used.
85 (g) Water Based Recreation Use
86 Water based recreation water use shall be
87 restricted, as follows:
88 1. Draining of facilities into sewers or onto
89 impervious surfaces shall be prohibited.
90 2. Filling of new or existing facilities shall
91 be prohibited.
92

1 3. Use of makeup water shall be prohibited.
2 (4) Miscellaneous
3 (a) Cooling and Air Conditioning Use
4 1. The use of water for cooling and air
5 conditioning shall be restricted to that
6 amount of water necessary to maintain a
7 minimum temperature of 78 degrees
8 Fahrenheit.
9 2. Cooling and air conditioning systems
10 shall not discharge water to tide.
11 3. Reuse of water shall be required.
12 (b) Dewatering Use
13 Discharge of fresh water to tide from
14 dewatering shall be prohibited.
15 (c) Navigation Use
16 1. The District shall request the U. S. Army
17 Corps of Engineers to restrict its lockages to
18 maintain acceptable chloride concentrations
19 upstream of the locks and to conserve water.
20 2. In the case of the Franklin Lock and Dam,
21 the District shall request the U.S. Army
22 Corps of Engineers to restrict lockages to
23 once every four hours if:
24 a. chloride levels upstream of S-79 are 180
25 parts per million or higher and
26 b. a rainfall in excess of one inch in 24 hours
27 is not predicted in the surface water use
28 basin within the next 48 hours.
29 3. If the restrictions imposed in
30 subparagraph 2. are insufficient to stop the
31 rising chloride levels, the District shall
32 request the U. S. Army Corps of Engineers
33 to further restrict lockages to once every
34 four hours, twice per week.
35 4. If the restrictions imposed in
36 subparagraphs 2. and 3. are still insufficient
37 to stop the rising chloride levels, the District
38 shall request the U. S. Army Corps of
39 Engineers to prohibit lockages.
40 (d) Other Outside Uses
41 1. Washing or cleaning streets, driveways,
42 sidewalks, or other impervious areas with
43 water shall be prohibited.
44 2. Mobile equipment washing with water
45 shall be restricted to the hours and days
46 prescribed for existing landscape irrigation

47 in paragraph (3)(c), using only low methods.
48 rinsing and flushing of boats after saltwater
49 use shall be limited to five minutes once a
50 day for each boat.
51 (e) Aesthetic Use
52 1. Outside aesthetic uses of water shall be
53 prohibited.
54 2. Inside aesthetic uses of water shall be
55 prohibited.
56 Specific Authority 373.044, 373.113 F.S.
57 Law Implemented 373.175, 373.246 F.S.
58 History--New 5-31-82, Amended 1-26-86,
59 2-14-91.

62 **PART VI THE CLASSIFICATION** 63 **SYSTEM**

65 **40E-21.611 Classification System.**

66 Unless the emergency provisions of part III
67 of this chapter are invoked, water users are
68 regulated by class under the provisions of
69 this water shortage plan. The rules in this
70 part establish the classification system
71 which provides the basis for distinguishing
72 among different user classes. Under the
73 system, each water user is classified
74 according to source, use and method of
75 withdrawal.
76 Specific Authority 373.044, 373.113 F.S.
77 Law Implemented 373.175, 373.246 F.S.
78 History--New 5-31-82.

80 **40E-21.631 Source Classes.**

81 Source classes are generally divided into
82 surface water use basins and groundwater
83 sources. A water user may be assigned any
84 combination of both surface water use basin
85 and groundwater source classes.
86 (1) Surface Water Use Basins.
87 Surface waters are classified by surface
88 water use basin. Descriptions of the
89 boundaries of the surface water use basins
90 are found in rule 40E-21.691. The surface
91 water use basins are grouped by region as
92 follows (see Figure 21-2):

1 (a) Water Conservation Area/Everglades
2 National Park (see Figure 21-3)
3 The surface water use basins in this area are
4 directly supplied with surface water from the
5 Water Conservation Areas and Everglades
6 National Park. The following surface water
7 use basins are included in the area:
8 Water Conservation Areas/Everglades
9 National Park Water Use Basin
10 (b) Lower East Coast (see Figure 21-4)
11 The water use basins in this area are directly
12 supplied with surface water from the Water
13 Conservation Areas or the M Canal. The
14 following surface water use basins are
15 included in the area:
16 1. Interior Palm Beach County Water Use
17 Basin
18 2. Loxahatchee River Water Use Basin
19 3. C-18 Water Use Basin
20 4. North Palm Beach County Water Use
21 Basin
22 5. M Canal Water Use Basin
23 6. Water Conservation Area 1 West Palm
24 Beach Canal Water Use Basin
25 7. Water Conservation Area 2 Water Use
26 Basin
27 8. Water Conservation Area 3 Water Use
28 Basin
29 9. South Dade Water Use Basin
30 (c) Lake Okeechobee (see Figure 21-5)
31 The surface water use basins in this area are
32 directly supplied with surface water from
33 Lake Okeechobee. The following surface
34 water use basins are included in the area:
35 1. Everglades Agricultural Area Water Use
36 Basin
37 2. Caloosahatchee River Water Use Basin
38 3. St. Lucie River Water Use Basin
39 4. Lakeshore Perimeter Water Use Basin
40 (d) Upper East Coast (see Figure 21-6)
41 The surface water use basins in this area are
42 directly supplied from local surface waters.
43 The following surface water use basins are
44 included in the area:
45 1. St. Lucie County Agricultural Area Water
46 Use Basin

47 2. Coastal St. Lucie County Water Use
48 Basin
49 3. Port St. Lucie Water Use Basin
50 4. Northwest Martin County Water Use
51 Basin
52 5. South Coastal Martin County Water Use
53 Basin
54 6. North Coastal Martin County Water Use
55 Basin
56 7. West Coastal Martin County Water Use
57 Basin
58 8. Stuart Peninsula Water Use Basin
59 9. Interior Martin County Water Use Basin
60 10. Northwest Loxahatchee River Water Use
61 Basin
62 (e) Kissimmee (see Figure 21-6)
63 The surface water use basins in this area are
64 directly supplied with surface water from the
65 West Chain of Lakes, the Upper Chain of
66 Lakes and the Kissimmee River. The
67 following surface water use basins are
68 included in the area:
69 1. West Chain of Lakes Water Use Basin
70 2. Upper Chain of Lakes Water Use Basin
71 3. Kissimmee River Valley Water Use Basin
72 4. Taylor Creek-Nubbin Slough Water Use
73 Basin
74 (f) Indian Prairie (see Figure 21-8)
75 The surface water use basins in this are
76 directly supplied with surface water from
77 Lake Istokpoga and Fisheating Creek or
78 associated surface water bodies. The
79 following surface water use basins are
80 included in the area:
81 1. Indian Prairie Water Use Basin
82 2. Fisheating Creek Water Use Basin
83 (g) Lower West Coast (see Figure 2-9)
84 The surface water use basins in this area are
85 directly supplied from local surface waters.
86 The following surface water use basins are
87 included in the area:
88 1. Caloosahatchee River Watershed - North,
89 Water Use Basin
90 2. Caloosahatchee River Watershed - South,
91 Water Use Basin

1 3. South Hendry County/L-28 Gap Water
2 Use Basin
3 4. Big Cypress Preserve Water Use Basin
4 5. Fakahatchee North Water Use Basin
5 6. Fakahatchee South Water Use Basin
6 7. Coastal Collier County Water Use Basin
7 (2) Groundwater Sources.
8 Groundwater sources are classified based on
9 the available hydrologic information, and
10 the restricted area may include aquifers
11 underlying all or part of a county,
12 municipality, surface water basin or utility
13 service area, as follows:
14 (a) Water table aquifers.
15 Groundwaters directly recharged by surface
16 waters and rainfall are classified according
17 to the surface water use basin within which
18 they are located. The titles and boundaries
19 described in subsection (1) shall apply.
20 (b) Confined and semiconfined aquifers.
21 Groundwaters not directly recharged by
22 surface waters and rainfall are classified as
23 follows:
24 1. Potable Floridan Aquifer.
25 2. Non-Potable Floridan Aquifer.
26 3. Sandstone Aquifer.
27 4. Upper Hawthorn Aquifer.
28 5. Suwannee Aquifer.
29 6. Lower Hawthorn Aquifer.
30 7. Other artesian or leaky artesian aquifers.
31 (c) Figures 21-3 through 21-9 list the water
32 table, confined and semiconfined aquifers
33 generally found within each surface water
34 use basin. Adjacent areas which are supplied
35 from a restricted groundwater source may
36 also be included in the restricted area.
37 Specific Authority 373.044, 373.113 F.S.
38 Law Implemented 373.175, 373.246 F.S.
39 History--New 5-31-82, Amended 1-26-86.
40
41 **40E-21.651 Use Classes.**
42 Use classes are generally grouped by related
43 uses. The four major groupings are:
44 Essential/Domestic/Utility/Commercial,
45 Agriculture, Nursery/Urban Irrigation/
46 Recreation and Miscellaneous. Neither the

47 order of listing of the major groupings nor
48 the order of listing within each major
49 grouping is intended to establish relative
50 priorities of water use. A user may be
51 assigned one or more use class regardless of
52 the groupings in this rule.
53 Each water user shall be given one or more
54 of the following use classes:
55 (1) Essential/Domestic/Utility/Commercial
56 (a) "Essential use" means use of water
57 strictly for fire fighting purposes, health and
58 medical purposes and the use of water to
59 satisfy federal, state or local public health
60 and safety requirements.
61 (b) "Domestic type use" means any use of
62 water for personal needs or for household
63 purposes such as drinking, bathing, heating,
64 cooking, sanitation or cleaning, whether the
65 use occurs in a residence or in a commercial
66 or industrial establishment.
67 (c) "Water utility use" means water used for
68 withdrawal, treatment, transmission and
69 distribution by potable water systems.
70 (d) "Power production use" means the use of
71 water for steam generation and the use of
72 water for cooling and for replenishment of
73 cooling reservoirs.
74 (e) "Commercial and industrial process use"
75 means the use of water integral to the
76 production of the primary goods or services
77 provided by a business establishment.
78 (f) "Diversion and impoundment into non-
79 District facilities" means the diversion or
80 extraction of water into non-District
81 impoundments and delivery systems
82 designed for purposes including, but not
83 limited to, maintaining structural integrity,
84 providing agricultural water and other non-
85 recreational, non-aesthetic uses.
86 (2) Agriculture
87 (a) "Agricultural use" means the use of
88 water for the commercial production of
89 crops or the growing of farm products
90 including but not limited to vegetables,
91 citrus and tropical fruits, pasture, nursery
92 stock, sugar cane, rice and sod.

1 (b) "Livestock use" means the use of water
2 for drinking by or washing of livestock.
3 (c) "Aquacultural use" means the use of
4 water for the spawning, cultivating,
5 harvesting or marketing of domesticated fin-
6 fish, shellfish, crustaceans, frogs, turtles,
7 alligators and other aquatic organisms that
8 have a sport or other economic value.
9 (d) "Soil flooding" means use of water for
10 raising of water levels on agricultural lands
11 for purposes not directly related to crop
12 growth including but not limited to soil
13 preservation crop harvesting and pest
14 control.
15 (e) "Freeze protection" means the periodic
16 and infrequent use of water to protect
17 agricultural and nursery crops from
18 permanent damage due to low temperatures.
19 This action would be taken in response to
20 forecasts of freezing temperatures by official
21 weather forecasting services.
22 (3) Nursery/Urban Irrigation/Recreation
23 (a) "Nursery use" means the use of water on
24 premises on or in which is nursery stock
25 grown, propagated or held for sale or
26 distribution or sold or reshipped.
27 (b) "Landscape irrigation-new installation"
28 means the outside watering or sprinkling of
29 shrubbery, trees, lawns, grass, ground
30 covers, plants, vines, gardens and other such
31 flora which have been planted for less than
32 30 days and are situated in such diverse
33 locations as residential landscaping, parks,
34 cemeteries, public, commercial and
35 industrial establishments, public medians
36 and rights of way.
37 (c) "Landscape irrigation - existing
38 installation" means the outside watering or
39 sprinkling of shrubbery, trees, lawns, grass,
40 ground covers, plants, vines, gardens and
41 other such flora which are planted and
42 established and are situated in such diverse
43 locations as residential landscapings,
44 recreation areas, cemeteries, public,
45 commercial and industrial establishments,
46 public medians and rights of way.

47 (d) "Recreation area use" means the use of
48 water for the maintenance and support of
49 intensive recreational areas such as but not
50 limited to playgrounds, football, baseball,
51 and soccer fields, polo fields, tennis courts,
52 race tracks and school playgrounds.
53 (e) "Golf course use" means water used to
54 irrigate an establishment designed and used
55 for playing golf.
56 (f) "Water based recreation use" means
57 water used for public or private swimming
58 and wading pools, including water slides.
59 This term does not include pools specifically
60 maintained to provide habitat for aquatic
61 life.
62 (4) Miscellaneous
63 (a) "Cooling and air conditioning use"
64 means the use of water for industrial cooling
65 or for air conditioning.
66 (b) "Dewatering use" means the removal of
67 water from a specific area to facilitate
68 mining or construction.
69 (c) "Navigation use" means water
70 discharged from ground or surface sources
71 either to tidewater or to downstream lakes or
72 reaches of rivers or canals for the purpose of
73 permitting or promoting boating activity.
74 (d) "Other outside uses" means the use of
75 water outdoors for the maintenance,
76 cleaning and washing of structures and
77 mobile equipment including automobiles
78 and the washing of streets, driveways,
79 sidewalks and similar areas.
80 (e) "Aesthetic use" means the use of water
81 for fountains, waterfalls, and landscape
82 lakes and ponds where such uses are entirely
83 ornamental and decorative and serve no
84 other functional purpose.
85 (5) The Board may establish such additional
86 use classifications as it deems necessary.
87 Specific Authority 373.044, 373.113 F.S.
88 Law Implemented 373.175, 373.246 F.S.
89 History--New 5-31-82.
90
91 **40E-21.671 Method of Withdrawal**
92 **Classes.**

- 1 Each water user may be identified by one or
- 2 more of the following method of withdrawal
- 3 classes:
- 4 (1) Surface waters:
- 5 (a) pump
- 6 (b) gravity flow
- 7 (2) Ground waters:
- 8 (a) artesian well
- 9 (b) pumped well
- 10 (c) infiltration gallery
- 11 Specific Authority 373.044, 373.113 F.S.
- 12 Law Implemented 373.175, 373.246 F.S.
- 13 History--New 5-31-8

