

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE:

DECLARATION OF WATER SHORTAGE

SECOND BOARD ORDER
MODIFYING WATER SHORTAGE ORDER NO. SWF 2010-022

The Governing Board of the Southwest Florida Water Management District (District), during a public hearing held at its regularly schedule monthly meeting on October 25, 2011, at the District's Tampa Service Office in Temple Terrace, Florida, received data and recommendations from District staff, and comment from the public, regarding hydrologic conditions and other pertinent facts regarding the existence of an ongoing water shortage within the District. Based upon the testimony, data, staff recommendations and public comment, the Governing Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. At its November 16, 2010 meeting, in accordance with Chapter 40D-21, Florida Administrative Code (F.A.C.), the District's Water Shortage Plan ("Plan"), the Governing Board considered then-current water resource and water supply information, staff recommendations and public input and, upon careful consideration, issued Water Shortage Order No. SWF 2010-022.
2. The Plan specifies that the District will monitor certain Drought Indicators, including rainfall, groundwater levels and stream flows.
3. Pertinent current Drought Indicators are summarized as follows:
 - a. **Rainfall**
 - i. As of October 23, 2011, the northern region of the District is experiencing a 12-month moving sum of rainfall registering at the 25th percentile, which is classified as "moderately abnormal" in accordance with Table 21-1 in the Plan, as modified. This region includes the following counties: Citrus, Hernando, Marion, Lake, Levy and Sumter.

- ii. As of October 23, 2011, the northern region of the District is also experiencing a 24-month moving sum of rainfall registering below the 25th percentile, which is classified as “moderately abnormal” in accordance with Table 21-1 in the Plan.
- iii. Although the four-county central region of the District is not, as a whole, experiencing abnormal rainfall conditions as specified in the Plan, Tampa Bay Water has reported below-normal conditions for the combination of weather stations it uses to monitor rainfall in its service area, which constitutes three of the four counties in the region.

b. Groundwater Levels

As of October 24, 2011, the Aquifer Resource Indicator for the northern region is at the 20th percentile, a status which is classified as “severely abnormal” by the Plan.

c. Stream Flows

- i. As of October 24, 2011, the 7-day moving average stream flow for the Withlacoochee River, as measured at the gage at Holder, was at the 5th percentile, which is classified as “critically abnormal” by the Plan.
- ii. As of October 24, 2011, the 8-week moving average stream flow for the Withlacoochee River, as measured at the gage at Holder, was below the 10th percentile, which is classified as “extremely abnormal” by the Plan.

4. The Plan also specifies that the District will consider additional factors when determining whether to declare or modify a water shortage and which phase of restrictions and other required actions should be implemented to respond to a declared or continuing water shortage event.

5. Pertinent additional factors include:

- a. The Climate Prediction Center’s current forecasts indicate that rainfall will be below normal from November 2011 through May 2012.
- b. Public suppliers are currently experiencing modest increases in demand when there is an absence of rain; however, there no known drought-related public supply concerns at this time.
- c. The District and the adjacent St. Johns River Water Management District have an Interagency Agreement which currently stipulates that all of Marion County, including the city of Ocala but excluding The Villages and the city of Dunnellon,

will follow restrictions established by the St. Johns River Water Management District.

6. All groundwater and surface water sources throughout the District are currently affected by this water shortage event, to varying degrees. At this time the same phase of water shortage is advisable for all categories of water users in all parts of the District because all users are impacting the available sources and contributing to the potential for harm to the natural systems.

CONCLUSIONS OF LAW

7. The Governing Board of the District is duly authorized by Section 373.246(2), Florida Statutes (F.S.), and Chapter 40D-21, F.A.C., to issue Orders declaring the existence of a water shortage within all or part of the District and to impose such measures, restrictions and other required actions as may be necessary to reduce demand on available water supplies.

8. County and city officials and all law enforcement authorities are required to enforce orders lawfully issued by the Executive Director pursuant to the Plan and Section 373.609, F.S.

ORDERED

THEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED:

9. Water Shortage Order No. SWF 2010-022, as written, is hereby extended through February 29, 2012, unless further extended, modified or rescinded by Governing Board action prior to that date.

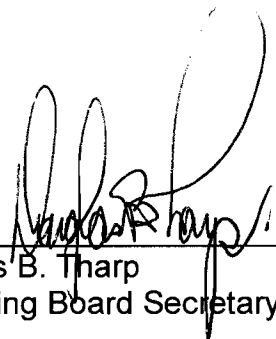
10. Except as modified herein, all other terms and conditions of Water Shortage Order No. SWF 2010-022 shall remain in full force and effect. This specifically includes The Villages and the city of Dunnellon in Marion County.

DONE AND ORDERED in Hillsborough County, Florida, on this 25th day of October 2011.

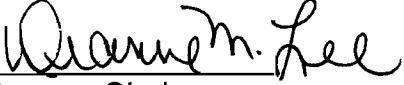
SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: 
H. Paul Senturia
Governing Board Chair Director

Attest:

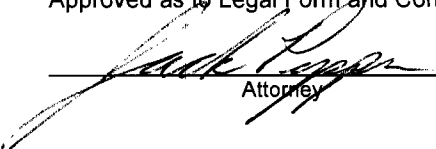

By: _____
Douglas B. Tharp
Governing Board Secretary

Filed this 26th day
of October, 2011



Quann M. Lee
Agency Clerk

Approved as to Legal Form and Content



Jack Pappas
Attorney

NOTICE OF RIGHTS

Persons to whom this Order is directed, or whose substantial interests are affected, may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, Florida Administrative Code (F.A.C.). A request for a hearing must: 1) explain how the petitioner's or other person's substantial interests will be affected by the District's action; 2) state all material facts disputed by the petitioner or other person, or state that there are no disputed facts; and 3) otherwise comply with Chapter 28-106, F.A.C.

A request for hearing must be filed with and received by the Agency Clerk of the District at District Headquarters, 2379 Broad Street, Brooksville, Florida 34604-6899 within twenty-one (21) days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or any other person may have to request a hearing under Sections 120.569 and 120.57, F.S.

Mediation pursuant to Section 120.573, F.S., and Rule 28-106.111, F.A.C., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

In accordance with subsection 120.569(1), F.S., the following additional administrative or judicial review may be available.

A party who is adversely affected by final agency action may seek review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within thirty (30) days after the rendering of the final action by the District.