



Governing Board Meeting

Agenda and Meeting Information

December 12, 2023

9:00 a.m.

7601 US-301 • Tampa, Florida
(813) 985-7481 • 1-800-423-1476

Southwest Florida
Water Management District


WATERMATTERS.ORG • 1-800-423-1476



2379 Broad Street, Brooksville, Florida 34604
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

An Equal
Opportunity
Employer

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs, services and activities. Anyone requiring reasonable accommodation, or who would like information as to the existence and location of accessible services, activities, and facilities, as provided for in the Americans with Disabilities Act, should contact the Human Resources Office Chief, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only); or email ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). If requested, appropriate auxiliary aids and services will be provided at any public meeting, forum, or event of the District. In the event of a complaint, please follow the grievance procedure located at WaterMatters.org/ADA.

Final Agenda GOVERNING BOARD MEETING

DECEMBER 12, 2023
9:00 a.m.

7601 US 301 North, Tampa, FL 33637
(813) 985-7481

All meetings are open to the public

- › Viewing of the Board meeting will be available through the District's website at WaterMatters.org.
- › Public input will be taken only at the meeting location.
- › Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer.

Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

Unless specifically stated, scheduled items will not be heard at a time certain.

The current Governing Board agenda and minutes of previous meetings are available at WaterMatters.org.

Bartow Office

170 Century Boulevard
Bartow, Florida 33830
(863) 534-1448 or 1-800-492-7862 (FL only)

Sarasota Office

78 Sarasota Center Boulevard
Sarasota, Florida 34240
(941) 377-3722 or 1-800-320-3503 (FL only)

Tampa Office

7601 Hwy 301 N
Tampa, Florida 33637
(813) 985-7481 or 1-800-836-0797 (FL only)

MEETING NOTICE

1. CONVENE PUBLIC MEETING

- 1.1 Call to Order
- 1.2 Invocation and Pledge of Allegiance
- 1.3 Employee Recognition
- 1.4 Additions/Deletions to Agenda
- 1.5 Public Input for Issues Not Listed on the Published Agenda

2. CONSENT AGENDA

- 2.1 **Finance/Outreach and Planning Committee:** Resolution to Request Disbursement of Funds from the Land Acquisition Trust Fund for Land Management
- 2.2 **Resource Management Committee:** Approve the Jack Creek Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Highlands County (N856)
- 2.3 **Regulation Committee:** Water Use Permit No. 20020949.002, Gibson Place Water Conservation Authority, Middleton Water Conservation Authority / GPWCA - MWCA (Lake, Sumter Counties)
- 2.4 **Regulation Committee:** Water Use Permit No. 20 021039.000, Blue Goose Water Conservation Authority, LLC / Blue Goose Water Conservation Authority (Sumter County)
- 2.5 **Regulation Committee:** Water Use Permit No. 20 005789.015, Hernando Co. BOCC, Wiscon Maintenance Compound / Hernando County Water System (Hernando County)
- 2.6 **General Counsel's Report:** Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – Pop Florida Properties, LLC – CT No. 422327 – Sumter County
- 2.7 **General Counsel's Report:** Delegation of Authority – Memorandum of Agreement with the Florida Department of Environmental Protection – Coordinated Review of Permit Applications for Indirect Potable Reuse Projects
- 2.8 **Executive Director's Report:** Approve Governing Board Minutes – November 14, 2023

3. FINANCE/OUTREACH AND PLANNING COMMITTEE

- 3.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 3.2 **Discussion:** Action Item: Preliminary Budget for Fiscal Year 2025
- 3.3 **Discussion:** Information Item: Knowledge Management: Annual Review of Governing Board Policy, Investments
- 3.4 **Submit & File:** Information Item: Budget Transfer Report

4. RESOURCE MANAGEMENT COMMITTEE

- 4.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 4.2 **Discussion:** Action Item: Fiscal Year 2025 Cooperative Funding Process

4.3 **Discussion:** Action Item: Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt Minimum Flows for Horse Creek and Charlie Creek and Accept the Final Draft Reports

4.4 **Discussion:** Action Item: Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt Minimum Flows for the Little Manatee River and Accept Final Draft Report

5. OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE

5.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion

5.2 **Discussion:** Information Item: Hydrologic Conditions Report

5.3 **Discussion:** Action Item: Offer for Surplus Lands - Tampa Bypass Canal (TBC-16), SWF Parcel No. 13-001-741S

6. REGULATION COMMITTEE

6.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion

6.2 **Discussion:** Action Item: Denials Referred to the Governing Board

7. GENERAL COUNSEL'S REPORT

7.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion

7.2 **Discussion:** Action Item: Affirm Governing Board Committee Actions

8. COMMITTEE/LIAISON REPORTS

8.1 **Discussion:** Information: Industrial Advisory Committee

8.2 **Discussion:** Information: Public Supply Advisory Committee

9. EXECUTIVE DIRECTOR'S REPORT

9.1 **Discussion:** Information Item: Executive Director's Report

10. CHAIR'S REPORT

10.1 **Discussion:** Information Item: Chair's Report

10.2 **Discussion:** Information Item: Employee Milestones

ADJOURNMENT

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Approved November 27, 2023

OFFICERS	
Chair	Ed Armstrong
Vice Chair	Michelle Williamson
Secretary	John Mitten
Treasurer	Jack Bispham

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
John Hall
Kelly Rice
John Mitten
Nancy Watkins

RESOURCE MANAGEMENT COMMITTEE
Ashley Bell Barnett
Michelle Williamson
James Holton

REGULATION COMMITTEE
Dustin Rowland
Robert Stern
Joel Schleicher

FINANCE/OUTREACH AND PLANNING COMMITTEE
Jack Bispham
Joel Schleicher
Kelly Rice

** Board policy requires the Governing Board Treasurer to chair the Finance Committee.*

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Dustin Rowland
Environmental Advisory Committee	John Mitten
Industrial Advisory Committee	James Holton
Public Supply Advisory Committee	Robert Stern

OTHER LIAISONS	
Central Florida Water Initiative	Ashley Bell Barnett
Springs Coast Steering Committee	Kelly Rice
Coastal & Heartland National Estuary Partnership Policy Committee	John Hall
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	James Holton
Tampa Bay Regional Planning Council	Vacant

Southwest Florida Water Management District Schedule of Meetings Fiscal Year 2024

Governing Board Meeting

October 24, 2023 – 9:00 a.m., Tampa Office
November 14, 2023 – 9:00 a.m., Tampa Office
December 12, 2023 – 9:00 a.m., Tampa Office
January 23, 2024 – 9:00 a.m., Tampa Office
February 27, 2024 – 9:00 a.m., Brooksville Office
March 26, 2024 – 9:00 a.m., Brooksville Office
April 23, 2024 – 9:00 a.m., Tampa Office
May 21, 2024 – 9:00 a.m., Tampa Office
June 25, 2024 – 9:00 a.m., Brooksville Office
July 23, 2024 – 9:00 a.m., Tampa Office
August 27, 2024 – 9:00 a.m., Brooksville Office
September 24, 2024 – 3:00 p.m., Tampa Office

Governing Board Workshop

November 14, 2023 – 9:30 a.m., Tampa Office

Governing Board Budget Hearing – 5:01 p.m., Tampa Office

2024 – September 10 & 24

Agricultural & Green Industry Advisory Committee – 10:00 a.m.

2023 – December 5

2024 – March 12, June 11, September 10

Environmental Advisory Committee – 10:00 a.m.

2023 – October 10

2024 – January 9, April 9, July 9

Industrial Advisory Committee – 10:00 a.m.

2023 – November 7

2024 – February 13, May 7, August 6

Public Supply Advisory Committee – 1:00 p.m.

2023 – November 7

2024 – February 13, May 7, August 6

Springs Coast Management Committee – 1:30 p.m.

2023 – October 25, December 6

2024 – January 10, February 21, May 22, July 10

Springs Coast Steering Committee – 2:00 p.m.

2023 – November 8

2024 – January 24, March 6, July 24

Meeting Locations

Brooksville Office – 2379 Broad St., Brooksville, FL 34604

Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637

Governing Board Meeting
December 12, 2023

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CONVENE PUBLIC MEETING

December 12, 2023

Call to Order

The Board Chair calls the meeting to order. The Board Secretary confirms that a quorum is present. The Board Chair then opens the public meeting. Anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. Comments will be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. Several individuals wishing to speak on the same issue/topic should designate a spokesperson.

Presenter:

Ed Armstrong, Chair

CONVENE PUBLIC MEETING

December 12, 2023

Invocation and Pledge of Allegiance

An invocation is offered. The Board Chair conducts the Pledge of Allegiance to the Flag of the United States of America.

Presenter:

Ed Armstrong, Chair

CONVENE PUBLIC MEETING

December 12, 2023

Employee Recognition

Staff that have reached 20 or more years of service at the District will be recognized.

Presenter:

Ed Armstrong, Chair

CONVENE PUBLIC MEETING

December 12, 2023

Additions/Deletions to Agenda

According to Section 120.525(2), Florida Statutes, additions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Based upon that authority, the Chair has determined that good cause exists to make certain changes to the agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed.

ADDITIONS: The items that have been added to the agenda were received by the District after publication of the regular agenda. The Board was provided with the information filed and the District staff's analyses of these matters. Staff has determined that action must be taken on these items prior to the next Board meeting. Therefore, it is the District staff's recommendation that good cause has been demonstrated and should be considered during the Governing Board's meeting.

Staff Recommendation:

Approve the recommended additions and deletions to the published agenda if necessary.

Presenter:

Brian J. Armstrong, P.G., Executive Director

CONVENE PUBLIC MEETING

December 12, 2023

Public Input for Issues Not Listed on the Published Agenda

At this time, the Board will hear public input for issues not listed on the published agenda.

Presenter:

Ed Armstrong, Chair

Governing Board Meeting

December 12, 2023

2. CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine and action will be taken by one motion, second of the motion and approval by the Board. If discussion is requested by a Board member, that item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

- 2.1 **Finance/Outreach and Planning Committee:** Resolution to Request Disbursement of Funds from the Land Acquisition Trust Fund for Land Management 9
- 2.2 **Resource Management Committee:** Approve the Jack Creek Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Highlands County (N856) 14
- 2.3 **Regulation Committee:** Water Use Permit No. 20020949.002, Gibson Place Water Conservation Authority, Middleton Water Conservation Authority / GPWCA - MWCA (Lake, Sumter Counties) 16
- 2.4 **Regulation Committee:** Water Use Permit No. 20 021039.000, Blue Goose Water Conservation Authority, LLC / Blue Goose Water Conservation Authority (Sumter County) 35
- 2.5 **Regulation Committee:** Water Use Permit No. 20 005789.015, Hernando Co. BOCC, Wiscon Maintenance Compound / Hernando County Water System (Hernando County) 56
- 2.6 **General Counsel's Report:** Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – Pop Florida Properties, LLC – CT No. 422327 – Sumter County.. 84
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CONSENT AGENDA

December 12, 2023

Finance/Outreach and Planning Committee: Resolution to Request Disbursement of Funds from the Land Acquisition Trust Fund for Land Management

Purpose

Request the approval of Resolution 23-10, *Request to the Florida Department of Environmental Protection (DEP) for Disbursement of Funds from the Land Acquisition Trust Fund (LATF) for Land Management*.

Background

During the 2023 legislative session, the Florida Legislature appropriated \$10,237,210 from the LATF for the water management districts for land management on District conservation lands. The Southwest Florida Water Management District's share was \$2,250,000, which was included in the fiscal year 2024 adopted budget for land management activities.

The Governing Board must adopt a resolution to request funds from the LATF. Accordingly, a resolution has been prepared requesting the DEP to reimburse the District for land management expenditures incurred on District conservation lands from the appropriated funds. The exhibit to this item includes Resolution 23-10.

Staff Recommendation:

Approve Resolution 23-10, *Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Land Acquisition Trust Fund for Land Management*, as shown in the Exhibit.

Presenters:

Melisa Lowe, Bureau Chief, Finance Bureau

Jerry Mallams, P.G., Bureau Chief, Operations Bureau

Ellen Morrison, Bureau Chief, Land Resources Bureau

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 23-10

REQUEST TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR DISBURSEMENT OF FUNDS FROM THE LAND ACQUISITION TRUST FUND FOR LAND MANAGEMENT

WHEREAS, pursuant to Chapter 373, Florida Statutes (F.S.), the Governing Board of the Southwest Florida Water Management District (District) has the duty and responsibility to develop plans, projects and programs for regional water supply planning, water resource development, water supply development, land acquisition, surface water improvement and management, and water restoration initiatives within its boundaries; and

WHEREAS, through Specific Appropriation 1665F under the General Appropriations Act, Chapter 2023-239, Laws of Florida, for the annual period beginning July 1, 2023 and ending June 30, 2024 (Fiscal Year 2023-24), the Legislature specifically appropriated to the District a total of two million two hundred fifty thousand dollars (\$2,250,000) from the Land Acquisition Trust Fund of the State of Florida for land management purposes on District conservation lands; and

WHEREAS, in its Fiscal Year 2023-24, the District has budgeted two million two hundred fifty thousand dollars (\$2,250,000) from the Land Acquisition Trust Fund to be used for land management purposes on District conservation lands; and

WHEREAS, Section 373.501(2), F.S., prescribes a process for disbursing funds appropriated by the Legislature to the water management districts upon receipt by the Secretary of the State of Florida's Department of Environmental Protection of a resolution adopted by the Governing Board requesting such funds.

THEREFORE, BE IT RESOLVED, that the Governing Board of the Southwest Florida Water Management District hereby requests the Secretary of the Department of Environmental Protection to release from the Land Acquisition Trust Fund of the State of Florida the sum of up to two million two hundred fifty thousand dollars (\$2,250,000) for the activities described in the land management spend plan, attached hereto as Exhibit "A" and incorporated herein by this reference, pursuant to Section 373.501(2), F.S., and Specific Appropriation 1665F in the General Appropriations Act, Chapter 2023-239, Laws of Florida; and

BE IT FURTHER RESOLVED that a warrant be issued by the State of Florida's Chief Financial Officer in accordance with Section 17.52, F.S., to the Southwest Florida Water Management District for that amount available, or as may become available, from the Land Acquisition Trust Fund; and

BE IT FURTHER RESOLVED that these funds are subject to the requirements of Section 215.97, F.S., the Florida Single Audit Act. The Catalog of State Financial Assistance (CSFA) Number for these activities identified herein is CSFA 37.022 and the CSFA Title for these activities is "Water Management Districts – Land Acquisition and Improvement"; and

BE IT FURTHER RESOLVED that these funds are subject to the requirements of Section 216.347, F.S. (Grants and Lobbying Restriction); and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Secretary of the Department of Environmental Protection forthwith; and

BE IT FURTHER RESOLVED that the Chair of the Governing Board is hereby authorized to affix his signature to this resolution on behalf of the Board and attested by its Secretary.

APPROVED AND ADOPTED in Tampa, Hillsborough County, Florida on this twelfth day of December 2023.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
E.D. Armstrong III, Chair

Attest:

John Mitten, Secretary

Exhibit A

Land Management Spend Plan

The specific appropriation funding in the amount of two million two hundred fifty thousand dollars (\$2,250,000) will be used for expenditures in support of land management activities within the Southwest Florida Water Management District. These include, but are not limited to, the following:

Operational Maintenance and Restoration Activities on District Conservation Lands

- Repair and maintenance of roads and bridges.
- Roller chopping and hydro-axing as required for restoration, brush, and fuel management purposes.
- Prescribed burning.
- Control of feral hogs.
- Security, law enforcement, and maintenance services for public use facilities.
- Road, pasture, and restoration mowing.
- Recreational mowing such as public parking areas, campgrounds, and trails for public use facilities.
- Removal and construction of fencing.
- Replacement of culverts.
- Treatment of cogon grass, Old World climbing fern, Brazilian pepper, tropical soda apple, and other invasive plant species.
- Rearing, release, and monitoring of bio-control agents for Old World climbing fern.
- Land use and management planning.

CERTIFICATE AS TO RESOLUTION NO. 23-10

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

We, the undersigned, hereby certify that we are, Chair and Secretary, respectively, of the Southwest Florida Water Management District, organized and existing under and by virtue of the Laws of the State of Florida, and having its office and place of business at 2379 Broad Street, Brooksville, Hernando County, Florida, and that, on the twelfth day of December 2023, at a duly called and properly held hearing of the Governing Board of the Southwest Florida Water Management District, at the Tampa Office, 7601 US Highway 301 North, Tampa, Hillsborough County, Florida, at which hearing a majority of the members of the Governing Board were present in person or via communications media technology, the resolution, which is attached hereto and which this certificate is a part thereof, was adopted and incorporated in the minutes of that hearing.

Dated at Tampa, Florida, this twelfth day of December 2023.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
E.D. Armstrong III, Chair

Attest:

John Mitten, Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this twelfth day of December 2023, by E.D. Armstrong III and John Mitten, Chair and Secretary, respectively, of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the corporation. They are personally known to me.

WITNESS my hand and official seal on this twelfth day of December 2023.

Notary Public
State of Florida at Large
My Commission Expires:

CONSENT AGENDA

December 12, 2023

Resource Management Committee: Approve the Jack Creek Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Highlands County (N856)

Purpose

Request the Board's approval to use the Jack Creek Watershed Management Plan (WMP) floodplain information for regulatory purposes and to update Flood Insurance Rate Maps (FIRMs) in Highlands County (County). The WMP evaluates the capacity of the watershed in achieving flood protection primarily through computer modeling. The watershed model and floodplain information have gone through the District's process that includes internal review and external peer review by experienced licensed professional engineers. The WMP floodplain information serves as the basis for updating the FIRMs for the Federal Emergency Management Agency (FEMA). The County may coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

Background/History

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for 98 watersheds throughout the District. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2023-2027. Upon the Governing Board's approval, WMP floodplain information for these watersheds is typically used as the best information available by the ERP program.

Floodplain information for the Jack Creek watershed was prepared by a District hired consultant Geosyntec, Inc., Engineering Firm of Record, reviewed by the District and then reviewed by the District's independent peer review consultant, CDM Smith, Inc. Floodplain information for the watershed was presented for public review and comment through a virtual public outreach initiative from August 15, 2022, to September 30, 2022. During the outreach period, the District received approximately 77 unique comments. This data was used to make model refinements where appropriate. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represents the most accurate floodplain information available for the watershed.

Staff Recommendation:

Approve use of the Jack Creek Watershed Management Plan floodplain information for best information available by the District ERP program and to update Flood Insurance Rate Maps in Highlands County.

Presenter:

Terese Power, P.E., CFM, Manager, Engineering and Project Management Bureau

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CONSENT AGENDA

December 12, 2023

Regulation Committee: Water Use Permit No. 20020949.002, Gibson Place Water Conservation Authority, Middleton Water Conservation Authority / GPWCA - MWCA (Lake, Sumter Counties)

This is a modification of an existing water use permit for landscape/recreational use. The total permit demand is met using a combination of combined alternative sources consisting of Lower Floridan aquifer groundwater, captured stormwater and reclaimed water. The authorized quantities have changed from the previous permit. The total authorized demand quantities have increased from 6,058,600 gallons per day (gpd) to 9,606,900 gpd on an annual average basis, and the peak month quantity has increased from 16,425,300 gpd to 25,201,500 gpd. The total authorized Lower Floridan aquifer groundwater quantities have increased from 2,750,700 gpd to 4,466,000 gpd for the annual average, and from 14,748,800 gpd to 22,341,000 gpd for the peak month. The remainder of the total demand is met using a combination of captured stormwater and reclaimed water with the sum of the authorized quantities including an annual average quantity of 5,000,900 gpd and a peak month quantity of 2,860,000 gpd. This modification is to add 712 acres of proposed irrigated acreage associated with the Middleton Water Conservation Authority to this water use permit boundary. Quantities are based on the District's irrigation allotment calculation program, AGMOD, as well as information submitted by the Permittee.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, perform meter accuracy tests every five years and submit meter accuracy test reports, continue to implement the approved environmental monitoring plan, utilize alternative water sources before utilizing groundwater, modify the permit in the event of additional alternative water sources, construct the proposed withdrawals to the submitted specifications, continue to implement the water conservation plan previously submitted, and submit updates for Environmental Resource Permits which have been applied for and issued.

The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 020949.002**

PERMIT ISSUE DATE: December 12, 2023

EXPIRATION DATE: August 24, 2041

The Permittee is responsible for submitting an application to renew this permit no sooner than one year prior to the expiration date, and no later than the end of the last business day before the expiration date, whether or not the Permittee receives prior notification by mail. Failure to submit a renewal application prior to the expiration date and continuing to withdraw water after the expiration date is a violation of Chapter 373, Florida Statutes, and Chapter 40D-2, Florida Administrative Code, and may result in a monetary penalty and/or loss of the right to use the water. Issuance of a renewal of this permit is contingent upon District approval.

TYPE OF APPLICATION: Modification

GRANTED TO: Gibson Place Water Conservation Authority/Attn: Marty Dzuro
3619 Kiessel Road
The Villages, FL 32613

Middleton Water Conservation Authority/ Attn: Marty Dzuro
3619 Kiessel Road
The Villages, FL 32613

PROJECT NAME: GPWCA - MWCA

WATER USE CAUTION AREA(S): Not in a WUCA

COUNTY: Sumter, Lake

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)

ANNUAL AVERAGE	4,466,000 gpd
PEAK MONTH ¹	22,341,000 gpd

¹ Peak Month: Average daily use during the highest water use month.

ABSTRACT:

This is a modification of an existing water use permit for landscape/recreational use. The total permit demand is met using a combination of combined alternative sources consisting of Lower Floridan aquifer groundwater, captured stormwater and reclaimed water. The authorized quantities have changed from the previous permit. The total authorized demand quantities have increased from 6,058,600 gallons per day (gpd) to 9,606,900 gpd on an annual average basis, and the peak month quantity has increased from 16,425,300 gpd to 25,201,500 gpd. The total authorized Lower Floridan aquifer groundwater quantities have increased from 2,750,700 gpd to 4,466,000 gpd for the annual average, and from 14,748,800 gpd to 22,341,000 gpd for the peak month. The remainder of the total demand is met using a combination captured stormwater and reclaimed water with the sum of the authorized quantities including an annual average quantity of 5,000,900 gpd and a peak month quantity of 2,860,000 gpd. This modification is to add 712 acres of proposed irrigated acreage associated with the Middleton Water Conservation Authority to this water use permit boundary. Quantities are based on the District's irrigation allotment calculation program, AGMOD, as well as information submitted by the Permittee.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, perform meter accuracy tests every five years and submit meter accuracy test reports, continue to implement the approved environmental monitoring plan, utilize alternative water sources before utilizing groundwater, modify the permit in the event of additional alternative water sources, construct the proposed withdrawals to the submitted specifications, continue to implement the water conservation plan previously submitted, and submit updates for Environmental Resource Permits which have been applied for and issued.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>
Landscape/Recreation	9,606,900	25,201,500

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>
Golf Course	729.00	Sprinkler Over Plant	36.30"/yr.
Lawn & Landscape	1,186.00	Sprinkler Over Plant	29.80"/yr.
Lawn & Landscape	2,467.00	Sprinkler Over Plant	27.30"/yr.

WITHDRAWAL POINT QUANTITY TABLE

Water use from these withdrawal points are restricted to the quantities given below :

<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>
GPWCA-IR-1 / 1	16	1,020 / 600	Augmentation	762,500	2,902,000
GPWCA-IR-2 / 2	16	1,000 / 600	Augmentation	513,100	2,286,000
GPWCA-IR-3 / 3	16	1,000 / 600	Augmentation	307,100	1,777,000
GPWCA-IR-4 / 4	16	1,000 / 600	Augmentation	426,900	2,073,100
GPWCA-IR-5 / 5	16	1,000 / 600	Augmentation	738,500	2,842,800
GPWCA-IR-6 / 6	16	1,100 / 600	Augmentation	838,400	2,132,000
GPWCA-IR-7 / 7	16	1,000 / 600	Augmentation	239,900	2,568,500
GPWCA-IR-8 / 8	16	1,000 / 600	Augmentation	300,500	1,760,700
GPWCA-SW-1 / 9	36	N/A / N/A	Re-Pump	744,400	1,900,500
GPWCA-SW-2 / 10	36	N/A / N/A	Re-Pump	744,400	1,900,500
GPWCA-SW-3 / 11	36	N/A / N/A	Re-Pump	744,400	1,900,500
GPWCA-SW-4 / 12	36	N/A / N/A	Re-Pump	744,400	1,900,500
GPWCA-SW-5 / 13	36	N/A / N/A	Re-Pump	744,300	1,900,500
GPWCA-SW-6 / 14	36	N/A / N/A	Re-Pump	744,300	943,100
GPWCA-SW-7 / 15	36	N/A / N/A	Re-Pump	744,300	2,858,000
GPWCA-SW-8 / 16	36	N/A / N/A	Re-Pump	744,300	1,900,500
GPWCA-LP-1 / 17		N/A / N/A	Augmentation	204,300	255,300

GPWCA-LP-2 / 18		N/A / N/A	Augmentation	204,300	255,300
GPWCA-LP-3 / 19		N/A / N/A	Augmentation	204,300	255,300
GPWCA-LP-4 / 20		N/A / N/A	Augmentation	204,300	255,300
GPWCA-LP-5 / 21		N/A / N/A	Augmentation	204,300	255,300
GPWCA-LP-6 / 22		N/A / N/A	Augmentation	204,300	255,300
GPWCA-LP-7 / 23		N/A / N/A	Augmentation	204,200	255,300
GPWCA-LP-8 / 24		N/A / N/A	Augmentation	204,200	255,300
GPWCA-SW-WDLN / 25	36	N/A / N/A	Re-Pump	362,600	895,600
GPWCA-SW-SHLW / 26	30	N/A / N/A	Re-Pump	273,200	674,900
GPWCA-SW-BELL / 27	24	N/A / N/A	Re-Pump	67,200	166,000
GPWCA-SW-TBTL / 28	24	N/A / N/A	Re-Pump	187,000	462,000
GPWCA-SW-MDVW / 29	36	N/A / N/A	Re-Pump	498,600	1,231,700
GPWCA-SW-VS31 / 31	30	N/A / N/A	Re-Pump	387,600	957,400
GPWCA-SW-GLF8 / 32	24	N/A / N/A	Re-Pump	60,600	149,600
GPWCA-SW-LAUR / 33	36	N/A / N/A	Re-Pump	160,100	395,300
GWCA-SW-B BHS / 34	36	N/A / N/A	Re-Pump	210,900	521,000
GPWCA-HPP S-1 / 35		N/A / N/A	Augmentation	86,000	258,000
MWCA-IR-1 / 36	16	1,000 / 600	Augmentation	152,600	1,799,500
MWCA-SW-1 / 37	30	N/A / N/A	Re-Pump	649,900	2,044,800
MWCA-IR-2 / 38	16	1,000 / 600	Augmentation	186,500	2,199,400

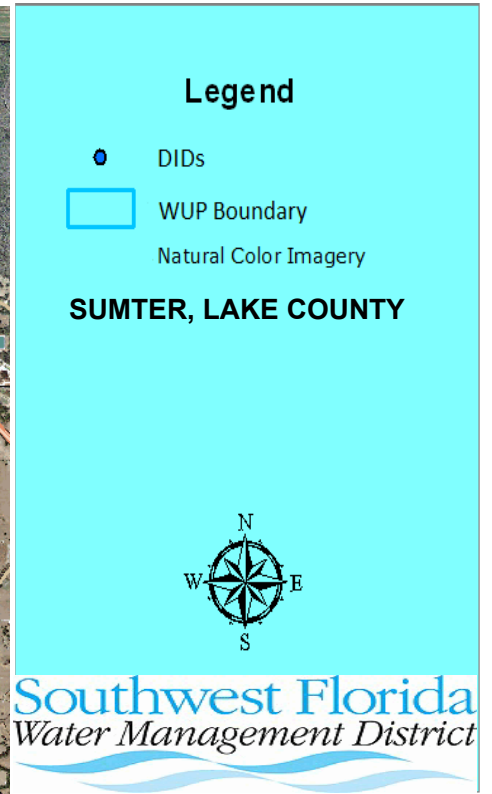
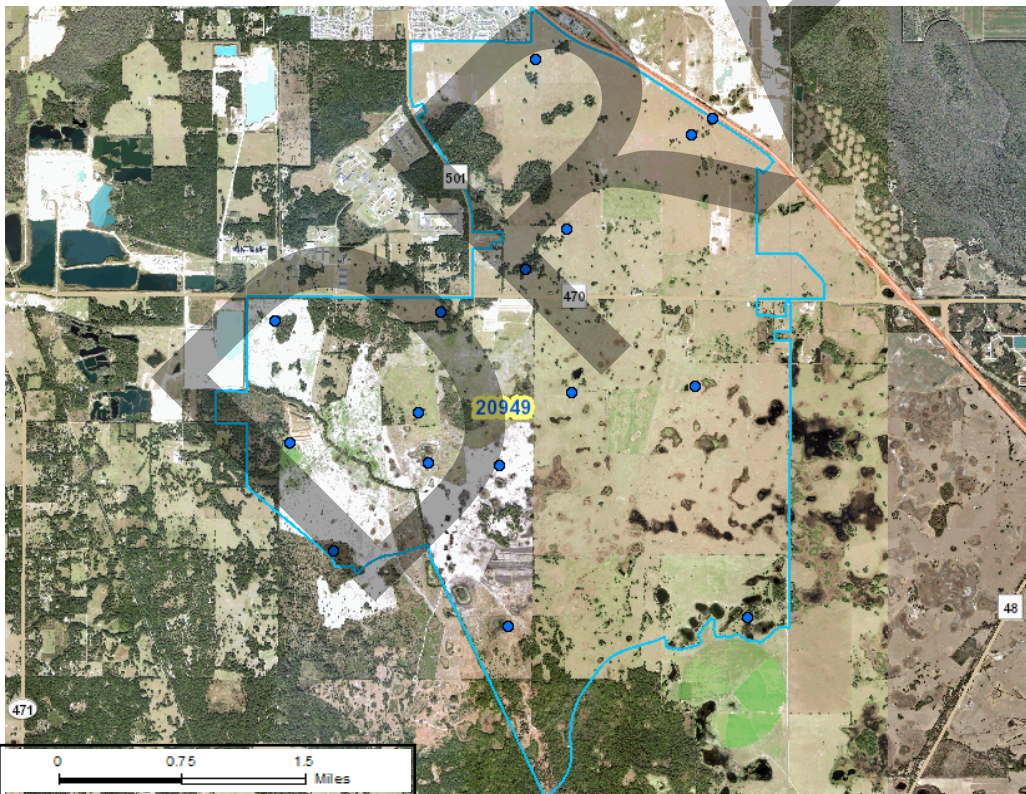
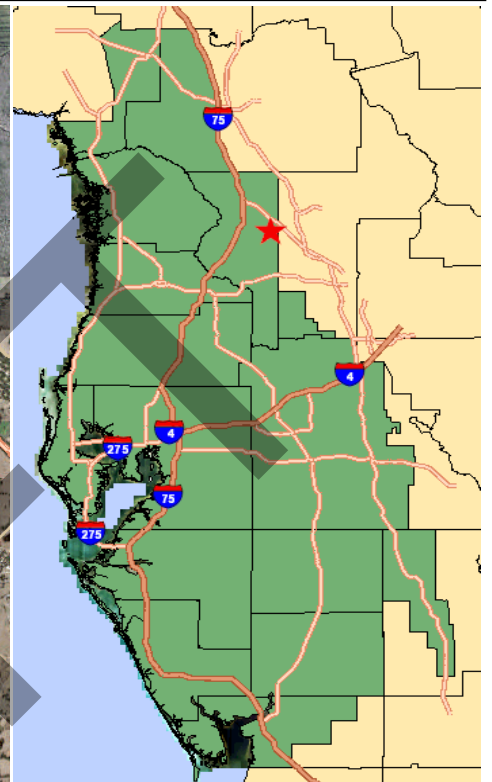
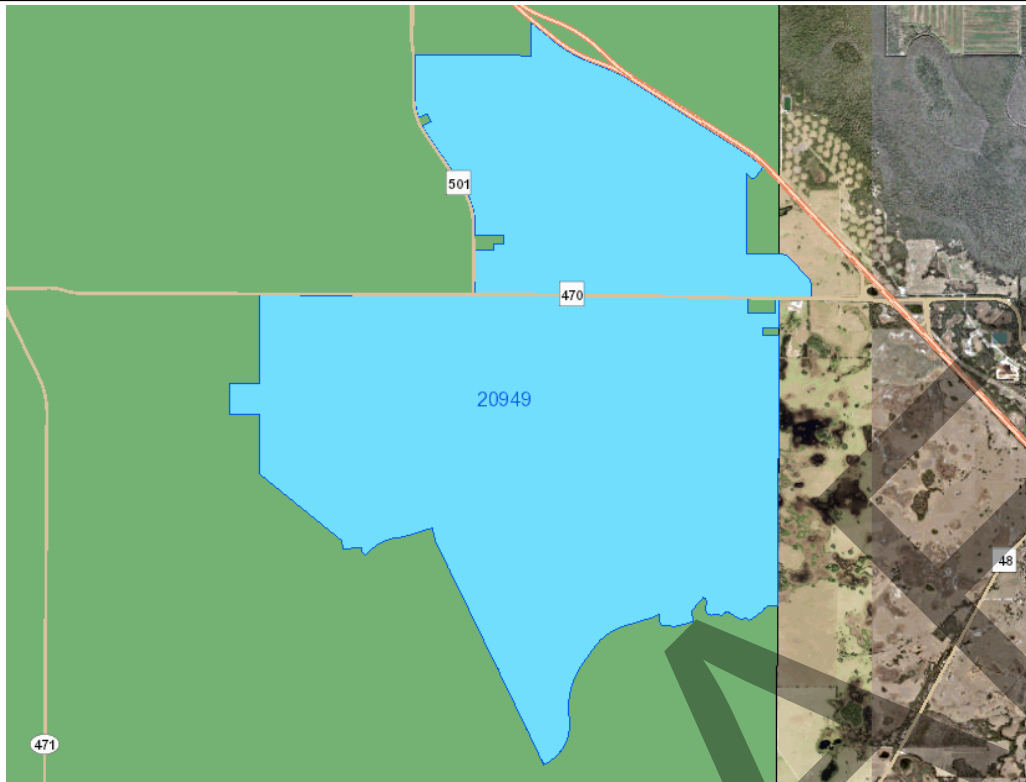
MWCA-SW-2 / 39	36	N/A / N/A	Re-Pump	794,400	2,499,100
MWCA-LP-1 / 40		N/A / N/A	Augmentation	280,100	280,100
MWCA-LP-2 / 41		N/A / N/A	Augmentation	280,100	280,100

DRAFT

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	28° 46' 58.46"/81° 59' 14.75"
2	28° 44' 10.93"/81° 59' 31.62"
3	28° 45' 31.89"/81° 59' 19.24"
4	28° 44' 43.81"/81° 57' 59.29"
5	28° 46' 27.59"/81° 58' 00.75"
6	28° 44' 41.03"/81° 58' 57.71"
7	28° 43' 04.94"/81° 59' 27.44"
8	28° 43' 08.32"/81° 57' 34.74"
9	28° 46' 58.46"/81° 59' 14.75"
10	28° 44' 10.93"/81° 59' 31.62"
11	28° 45' 31.89"/81° 59' 19.24"
12	28° 44' 43.81"/81° 57' 59.29"
13	28° 46' 27.59"/81° 58' 00.75"
14	28° 44' 41.03"/81° 58' 57.71"
15	28° 43' 04.94"/81° 59' 27.44"
16	28° 43' 08.32"/81° 57' 34.74"
17	28° 46' 58.46"/81° 59' 14.75"
18	28° 44' 10.93"/81° 59' 31.62"
19	28° 45' 31.89"/81° 59' 19.24"
20	28° 44' 43.81"/81° 57' 59.29"
21	28° 46' 27.59"/81° 58' 00.75"
22	28° 44' 41.03"/81° 58' 57.71"
23	28° 43' 04.94"/81° 59' 27.44"
24	28° 43' 08.32"/81° 57' 34.74"
25	28° 46' 58.46"/81° 59' 14.75"
26	28° 44' 10.93"/81° 59' 31.62"
27	28° 45' 31.89"/81° 59' 19.24"
28	28° 44' 43.81"/81° 57' 59.29"
29	28° 46' 27.59"/81° 58' 00.75"
31	28° 43' 04.94"/81° 59' 27.44"
32	28° 43' 08.32"/81° 57' 34.74"
33	28° 46' 58.46"/81° 59' 14.75"
34	28° 44' 41.03"/81° 58' 57.71"
35	28° 45' 14.40"/81° 59' 59.15"
36	28° 45' 10.49"/82° 01' 17.66"
37	28° 45' 10.49"/82° 01' 17.66"
38	28° 44' 20.22"/82° 01' 10.50"
39	28° 44' 20.22"/82° 01' 10.50"
40	28° 45' 10.49"/82° 01' 17.66"
41	28° 44' 20.22"/82° 01' 10.50"

Location Map
Gibson Place Water Conservation Authority/Attn: Marty Dzuro
WUP No. 20 020949.002



STANDARD CONDITIONS:

The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit A and made a part hereof.

SPECIAL CONDITIONS:

1. All reports and data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the condition specifies that a District-supplied form is to be used, the Permittee should use that form in order for their submission to be acknowledged in a timely manner. The only alternative to this requirement is to use the District Permit Information Center (www.swfwmd.state.fl.us/permits/epermitting/) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

Southwest Florida Water Management District
Tampa Service Office, Water Use Permit Bureau
7601 U.S. Hwy. 301 North
Tampa, Florida 33637-6759

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is required for data submittals such as crop report forms, meter readings and/or pumpage, rainfall, water level, evapotranspiration, or water quality data. (499)

2. The Permittee shall construct the proposed wells according to the surface diameter and casing depth specifications below. The casing shall be continuous from land surface to the minimum depth stated and is specified to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth at which high producing zones are encountered. However, it is the Permittee's responsibility to have the water in the well sampled during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Permittee, and to ensure that withdrawals from the well will not cause salt-water intrusion. All depths given are in feet below land surface. For Well Construction requirements see Exhibit B, Well Construction Instructions, attached to and made part to this permit.

District ID No. 4, Permittee ID No. GPWCA-IR-4 having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.

District ID No. 5, Permittee ID No. GPWCA-IR-5 having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.

District ID No. 6, Permittee ID No. GPWCA-IR-6 having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.

District ID No. 7, Permittee ID No. GPWCA-IR-7 having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.

District ID No. 8, Permittee ID No. GPWCA-IR-8 having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.

District ID No. 38, Permittee ID No. MWCA-IR-2, having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.(240)

3. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or

converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)

4. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
5. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)
6. Within 30 days of construction of a withdrawal facility, the Permittee shall install and/or properly maintain a District approved automated augmentation control system for the wells augmenting all surface water bodies within the permit boundary. The system shall be installed such that augmentation does not take place when the water level is at or above six-inches below the outfall elevation or one foot below the top of the liner, whichever is lower. Provisions shall be made by the Permittee in the augmentation schedule to allow for the maximum possible runoff/rainfall capture. The regulatory elevation may be modified by the Water Use Permit Bureau Chief, as necessary to protect environmental and water resources of the District. (314)
7. Prior to augmenting the surface water bodies, the Permittee shall install a backflow prevention system on District ID Nos. 1, 2, 3, 4, 5, 6, 7, 8, 36, and 38, Permittee ID Nos. GPWCA-IR-1, GPWCA-IR-2, GPWCA-IR-3, GPWCA-IR-4, GPWCA-IR-5, GPWCA-IR-6, GPWCA-IR-7, GPWCA-IR-8, MWCA-IR-1, MWCA-IR-2. (315)
8. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices. (331)
9. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)
10. The Permittee shall immediately implement the District-approved water conservation plan that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation practices indicated as proposed in the plan as well as achievements in water savings that have been realized from each water conservation practice shall be submitted by August 1, 2031.(449)
11. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water. (458)
12. The total withdrawal from District ID Nos. 1, 2, 3, 4, 5, 6, 7, 8, 36 and 38, Permittee ID Nos. GPWCA-IR-1, GPWCA-IR-2, GPWCA-IR-3, GPWCA-IR-4, GPWCA-IR-5, GPWCA-IR-6, GPWCA-IR-7, GPWCA-IR-8, MWCA-IR-1, MWCA-IR-2, 16-inch wells, for augmenting the surface water bodies, shall not exceed the total withdrawal from District ID Nos. 9, 10, 11, 12, 13, 14, 15, 16, 25, 26, 27, 28, 29, 31, 32, 33, 34, 37, and 39, Permittee ID Nos. GPWCA-SW-1,

GPWCA-SW-2, GPWCA-SW-3, GPWCA-SW-4, GPWCA-SW-5, GPWCA-SW-6, GPWCA-SW-7, GPWCA-SW-8, GPWCA-SW-WDLN, GPWCA-SW-SHLW, GPWCA-SW-BELL, GPWCA-SW-TBTL, GPWCA-SE-MDVW, GPWCA-SW-VS31, GPWCA-SW-GLF8, GPWCA-SW-LAUR, GPWCA-SE-BBHS, MWCA-SW-1, MWCA-SW-2, from the water body for irrigation during any month except during periods when sufficient surface water is not available to meet demands.(546)

13. The Permittee shall use Alternative Water Supplies in lieu of non-Alternative Water Supplies to the greatest extent practical, based on economic, environmental and technical feasibility. (551)
14. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
15. The Permittee shall acquire an Environmental Resource Permit (ERP) for construction in each development area prior to commencement of increased incremental groundwater withdrawal. The Permittee shall submit an annual report detailing all submitted completed, or issued ERPs. This report shall include details of the ERP application or permits such as ERP number, propose changes, expected water use increase, and estimated construction schedule. This report shall be due June 1 of each year.(571)
16. The Permittee shall submit a copy of the well completion reports to the District's Water Use Permit Bureau, within 30 days of each well completion.(583)
17. The Permittee shall not irrigate golf course roughs with non-alternative water supplies unless such water supplies are derived from a portion of the quantities permitted for the tees, greens, and fairways. The amount of permitted ground or surface water plus alternative water supply applied to the entire golf course shall not exceed reasonable-beneficial quantities for tees, greens and fairways alone. Further, during any single month, alternative water supply sources shall not be used to irrigated the roughs if any non-alternative water supplies are withdrawn for the purpose of irrigation during the same month. However, during wet weather, the Permittee may use roughs as excess stormwater and/or reclaimed water disposal sites. The District, shall be notified annually when this occurs.(594)
18. The Permittee shall maximize the use of surface waters before utilizing ground water for augmentation. Augmentation for aesthetic purposes only is strictly prohibited.(648)
19. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.(651)
20. The Permittee shall notify the District in writing of the installation of all surface water withdrawal points within 30 days of installation. The Permittee shall confirm the intake pipe diameter, pump capacity and location in the notification.(663)
21. Augmentation to and withdrawal of water from the surface water bodies that is authorized under this Water Use Permit, shall be conducted so as not to impair the function of the Surface Water Management System.(670)
22. The Permittee shall catalog development of sinkholes or changes to existing sinkholes which occur within 500 feet of permitted withdrawals. The report shall include descriptions of the investigation and any mitigation actions undertaken by the permittee or a note that the county conducted the sinkhole investigation.(677)
23. The Permittee shall implement a data collection program as documented in the Environmental Monitoring Plan (EMP) dated September 2023 that was submitted in support of this permit modification and maintain it throughout the term of the permit. Collected data shall include groundwater quality monitoring within the lower Floridan aquifer, groundwater level monitoring within the upper Floridan aquifer, surface water level and ecological monitoring (vegetation, wildlife, soils) in select wetlands. By June 1 of each year, the Permittee shall submit a report summarizing data collected and analyzed in the previous calendar year, as well as any updates to the EMP. The report shall include an analysis of upland and wetland conditions, including interpretation of applicable parameters such as treefalls per

unit area, rate of soil subsidence, effects on fish and wildlife, and evidence of vegetational succession. Documentation of soils in the EMP network shall be provided at the initiation of monitoring to establish baseline conditions, and in five-year increments thereafter in accordance with the Wetland Assessment Procedure guidelines. Data shall be obtained through field measurements and observations. Hydrographs from surface water gauges and wells shall be included for the period of record and discussed in the report. Any mitigation activities will be noted.

The annual report shall include presentation and analysis of data collected for the Wildwood Utility Dependent District (20020687.009), and the Blue Goose Water Conservation Authority (20021039.000) water use permits, as both permit areas were included in the submitted EMP. Any changes to the methods or frequency of monitoring for any of these data collection programs may be made only after approval by the Water Use Permit Bureau Chief.
(692)

24. The following proposed reclaimed water inflow lines shall be metered within 90 days of completion of construction of the reclaimed water delivery system: District ID Nos. 20, 21, 22, 23, 24, 35, 40, and 41, Permittee ID Nos. GPWCA-LP-4, GPWCA-LP-5, GPWCA-LP-6, GPWCA-LP-7, GPWCA-LP-8, GPWCA-HPPS-1, MWCA-LP-1, and MWCA-LP-2. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(700)
25. The following existing, reclaimed water inflow lines shall continue to be maintained and operated with non-resettable, totalizing flow meter(s) or other flow measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 17, 18, and 19, Permittee ID Nos. GPWCA-LP-1, GPWCA-LP-2, and GPWCA-LP-3. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(701)
26. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID Nos. 4, 5, 7, 8, 12, 13, 15, 16, 25, 26, 27, 28, 29, 31, 32, 33, 34, 38, and 39, Permittee ID Nos. GPWCA-IR-4, GPWCA-IR-5, GPWCA-IR-7, GPWCA-IR-8, GPWCA-SW-4, GPWCA-SW-5, GPWCA-SW-7, GPWCA-SW-8, GPWCA-SW-WDLN, GPWCA-SW-SHLW, GPWCA-SW-BELL, GPWCA-SW-TBTL, GPWCA-SW-MDVW, GPWCA-SW-VS31, GPWCA-SW-GLF8, GPWCA-SW-LAUR, GPWCA-SW-BBHS, MWCA-IR-2, MWCA-SW-2. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(718)
27. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 1, 2, 3, 6, 9, 10, 11, 14, 36, and 37, Permittee ID Nos. GPWCA-IR-1, GPWCA-IR-2, GPWCA-IR-3, GPWCA-IR-6, GPWCA-SW-1, GPWCA-SW-2, GPWCA-SW-3, GPWCA-SW-6, MWCA-IR-1, and MWCA-SW-1. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)
28. Water quality samples from the withdrawal points listed below shall be collected after pumping the withdrawal point at its normal rate for a pumping time specified below, or to a constant temperature, pH, and conductivity. The frequency of sampling per water quality parameter is listed in the table according to the withdrawal point. The recording and reporting shall begin according to the first sample date for existing wells and shall begin within 90 days of completion of any proposed wells. Samples shall be collected whether or not the well is being used unless infeasible. If sampling is infeasible, the Permittee shall indicate the reason for not sampling on the water quality data form or in the space for comments in the WUP Portal for data submissions. For sampling, analysis and submittal requirements see Exhibit B, Water Quality Sampling Instructions, attached to and made part of this permit.

Existing District ID Nos. 1 and 2, Permittee ID Nos. GPWCA-IR-1 and GPWCA-IR-2, for chloride, sulfate, and total dissolved solids on a quarterly basis.

Proposed District ID Nos. 5 and 8, Permittee ID Nos. GPWCA-IR-5 and GPWCA-IR-8, for chloride, sulfate, and total dissolved solids on a quarterly basis, with first analyzed sample due within 90 days of

completion of the withdrawal point or per the first reporting period as given in Exhibit B after completion of the monitor site.(752)

29. The Permittee shall continue to maintain the monitor well(s) or piezometer(s) listed below, monitor water levels using a electronic water level meter, and report them to the District at the frequency listed for the interval, aquifer system, or geologic formation listed. Water levels shall be recorded relative to North American Vertical Datum 1988 and to the maximum extent possible, recorded on a regular schedule: same time each day, same day each week, same week each month as appropriate to the frequency noted. The readings shall be reported online via the WUP Portal at the District website (www.watermatters.org) or mailed in hardcopy on District-provided forms to the Water Use Permit Bureau on or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource. The Permittee shall have the elevation of the measuring point on each well listed surveyed to the specified datum, and a copy of the certified survey report for the wells listed shall be included with the first data submittal.

District ID No. 127, Permittee ID No. VOSO-MW-7, to monitor the Upper Floridan aquifer on a twice monthly basis.

District ID No. 131, Permittee ID No. VOSO-MW-8R, to monitor the Upper Floridan aquifer on a twice monthly basis.

District ID No. 133, Permittee ID No. M-STA1(PZ), to monitor the surficial aquifer on a twice monthly basis.(756)

30. The Permittee shall continue to maintain the District-approved staff gauge in the water bodies at the location(s) specified by latitude and longitude below and report measurements of water levels referenced to North American Vertical Datum 1988 at the frequency indicated. The Permittee shall have the elevation of each staff gauge surveyed to the specified datum, and a copy of the certified survey report for the wells listed shall be included with the first data submittal.

District ID No. 129, Permittee ID No. W28 on a twice monthly basis at Lat. 28° 44' 11.98" Long. 82° 0' 5.22"

District ID No. 130, Permittee ID No. W209 on a twice monthly basis at Lat. 28° 46' 34.36" Long. 81° 57' 51.18"

District ID No. 132, Permittee ID No. M-STA1(SG) on a twice monthly basis at Lat. 28° 43' 36.05" Long. 82° 00' 50.03"

To the maximum extent possible, water levels shall be recorded on the same day of each week and reported to the Water Use Permit Bureau, online via the WUP Portal on the District website, or in hardcopy on District-provided forms on or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.
(762)

31. Groundwater withdrawals shall not exceed 4,466,000 gallons per day (gpd) on an annual average basis and 22,341,000 gpd on a peak month basis. Combined groundwater and stormwater withdrawals shall not exceed 9,606,900 gpd on an annual average basis or 25,201,500 gpd on a peak month basis.(991)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

1. With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, collect samples, take measurements, observe permitted and related facilities and collect and document any information deemed necessary to determine compliance with the approved plans, specifications and conditions of this permit. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.
2. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
3. A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.
4. The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Examples of adverse impacts include the following:
 - A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - B. Damage to crops and other vegetation causing financial harm to the owner; and
 - C. Damage to the habitat of endangered or threatened species.
5. The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:
 - A. A reduction in water levels which impairs the ability of a well to produce water;
 - B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.
6. Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted consumptive use is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40D-1.6105, F.A.C. Alternatively, the Permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
7. All withdrawals authorized by this WUP shall be implemented as conditioned by this permit, including any documents submitted as part of the permit application incorporated by reference in a permit condition. This permit is subject to review and modification, enforcement action, or revocation, in whole or in part, pursuant to Section 373.136 or 373.243, F.S.
8. This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
9. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.

10. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.
11. A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications.
12. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.
13. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
14. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
15. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that a statement in the application and in the supporting data are found to be untrue and inaccurate, the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing, pursuant to sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. All permits are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.

Exhibit B
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month for monthly reporting frequencies.

For bi-annual reporting, the data shall be recorded on a monthly basis and reported on or before the tenth day of the month following the sixth month of recorded data.

The Permittee shall submit meter readings online using the Permit Information Center at www.swfwmd.state.fl.us/permits/epermitting/ or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

1. The meter(s) shall be non-resettable, totalizing flow meter(s) that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Water Use Permit Bureau Chief.
2. The Permittee shall report non-use on all metered standby withdrawal facilities on the scanning form or approved alternative reporting method.
3. If a metered withdrawal facility is not used during any given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.
4. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.
5. Meter accuracy testing requirements:
 - A. For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.
 - B. The meter shall be tested for accuracy on-site, as installed according to the Flow Meter Accuracy Test Instructions in this Exhibit B, every five years in the assigned month for the county, beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy test requirement for existing meters.
 - C. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.
 - D. The test will be accepted by the District only if performed by a person knowledgeable in the testing equipment used.
 - E. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.
6. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.
7. Broken or malfunctioning meter:
 - A. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage.
 - B. The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.
 - C. If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than

60 consecutive days.

8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

9. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

FLOW METER ACCURACY TEST INSTRUCTIONS

1. Accuracy Test Due Date - The Permittee is to schedule their accuracy test according to the following schedule:

A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.

B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.

C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.

D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.

E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

January	Hillsborough
February	Manatee, Pasco
March	Polk (for odd numbered permits)*
April	Polk (for even numbered permits)*
May	Highlands
June	Hardee, Charlotte
July	None or Special Request
August	None or Special Request
September	Desoto, Sarasota
October	Citrus, Levy, Lake
November	Hernando, Sumter, Marion
December	Pinellas

* The permittee may request their multiple permits be tested in the same month.

2. Accuracy Test Requirements: The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:

A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.

B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.

C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.

D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.

3. Accuracy Test Report: The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:

A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.101.00 (5/14) for each flow meter tested. This form can be obtained from the District's website (www.watermatters.org) under "ePermitting and Rules" for Water Use Permits.

B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;

C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;

D. The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.

E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.

F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

WATER QUALITY INSTRUCTIONS

The Permittee shall perform water quality sampling, analysis and reporting as follows:

1. The sampling method(s) from both monitor wells and surface water bodies shall be designed to collect water samples that are chemically representative of the zone of the aquifer or the depth or area of the water body.
2. Water quality samples from monitor wells shall be taken after pumping the well for the minimum time specified (if specified) or after the water reaches a constant temperature, pH, and conductivity.
3. The first submittal to the District shall include a copy of the laboratory's analytical and chain of custody procedures. If the laboratory used by the Permittee is changed, the first submittal of data analyzed at the new laboratory shall include a copy of the laboratory's analytical and chain of custody procedures.
4. Any variance in sampling and/or analytical methods shall have prior approval of the Water Use Permit Bureau Chief.
5. The Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis.
6. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories."
7. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

8. Unless other reporting arrangements have been approved by the Water Use Permit Bureau Chief, reports of the analyses shall be submitted to the Water Use Permit Bureau, online at the District WUP Portal or mailed in hardcopy on or before the tenth day of the following month. The online submittal shall include a scanned upload of the original laboratory report. The hardcopy submittal shall be a copy of the laboratory's analysis form. If for some reason, a sample cannot be taken when required, the Permittee shall indicate so and give the reason in the space for comments at the WUP Portal or shall submit the reason in writing on the regular due date.
9. The parameters and frequency of sampling and analysis may be modified by the District as necessary to ensure the protection of the resource.
10. Water quality samples shall be collected based on the following timetable for the frequency listed in the special condition:

<u>Frequency</u>	<u>Timetable</u>
Weekly	Same day of each week
Quarterly	Same week of February, May, August, November
Semi-annually	Same week of May, November
Monthly	Same week of each month

WELL CONSTRUCTION INSTRUCTIONS

All wells proposed to be constructed shall be drilled and constructed as specified below:

1. All well casing (including liners and/or pipe) must be sealed to the depth specified in the permit condition.
2. The proposed well(s) shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with the water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.
3. A minimum of twenty (20) feet overlap and two (2) centralizers is required for Public Supply wells and all wells six (6) inches or more in diameter.
4. Any variation from estimated, maximum or minimum total depths; maximum or minimum casing depths; well location or casing diameter specified in the condition requires advanced approval by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.
5. The Permittee is notified that a proposal to significantly change any of these well construction specifications may require permit modification if the District determines that such a change would result in significantly greater withdrawal impacts than those considered for this Permit.
6. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

CONSENT AGENDA

December 12, 2023

Regulation Committee: Water Use Permit No. 20 021039.000, Blue Goose Water Conservation Authority, LLC / Blue Goose Water Conservation Authority (Sumter County)

This is a new permit for landscape/recreational use. The permit authorizes an annual average quantity of 8,743,200 gallons per day (gpd) and a peak month of 22,084,000 gpd. The permit authorizes the use of a combination of alternative sources including groundwater from the Lower Floridan aquifer, captured stormwater, and reclaimed water. The Lower Floridan aquifer quantity is limited to an annual average quantity of 3,835,200 gpd and a peak month quantity of 19,358,900 gpd. The remaining total permit demand source is from captured stormwater and reclaimed water and accounts for an annual average quantity of 5,908,000 gpd and a peak month quantity of 2,725,200 gpd. The total demand quantities are based on the District's irrigation allotment calculation program (AGMOD) as well as information submitted by the Permittee for 721 acres of golf course and 3,347 acres of lawn and landscape.

Special conditions include those that require the Permittee to record and report monthly meter readings from all withdrawal points, perform meter accuracy tests every five years and submit meter accuracy test reports, immediately implement the approved environmental monitoring plan, utilize alternative water sources before utilizing groundwater, construct the proposed withdrawals to the submitted specifications, implement the submitted water conservation plan, and submit updates for Environmental Resource Permits which have been applied for and issued.

The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 021039.000**

PERMIT ISSUE DATE: December 12, 2023

EXPIRATION DATE: December 12, 2043

The Permittee is responsible for submitting an application to renew this permit no sooner than one year prior to the expiration date, and no later than the end of the last business day before the expiration date, whether or not the Permittee receives prior notification by mail. Failure to submit a renewal application prior to the expiration date and continuing to withdraw water after the expiration date is a violation of Chapter 373, Florida Statutes, and Chapter 40D-2, Florida Administrative Code, and may result in a monetary penalty and/or loss of the right to use the water. Issuance of a renewal of this permit is contingent upon District approval.

TYPE OF APPLICATION: New

GRANTED TO: Blue Goose Water Conservation Authority, LLC/ Attn: Martin Dzuro
3619 Kiessel Road
The Villages, FL 32613

PROJECT NAME: Blue Goose Water Conservation Authority

WATER USE CAUTION AREA(S): Not in a WUCA

COUNTY: Sumter

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)	
ANNUAL AVERAGE	3,835,200 gpd
PEAK MONTH ¹	19,358,900 gpd

¹ Peak Month: Average daily use during the highest water use month.

ABSTRACT:

This is a new permit for landscape/recreational use. The permit authorizes an annual average quantity of 8,743,200 gallons per day (gpd) and the peak month is 22,084,000 gpd. The permit authorizes the use of a combination of alternative sources including groundwater from the Lower Floridan aquifer, captured stormwater and reclaimed water. The Lower Floridan aquifer quantity is limited to an annual average quantity of 3,835,200 gpd and a peak month quantity of 19,358,900 gpd. The remaining total permit demand source is from captured stormwater and reclaimed water and accounts for an annual average quantity of 5,908,000 gpd and a peak month quantity of 2,725,100 gpd. The total demand quantities are based on the District's irrigation allotment calculation program (AGMOD) as well as information submitted by the Permittee for 721 acres of golf course and 3,347 acres of lawn and landscape.

Special conditions include those that require the Permittee to record and report monthly meter readings from all withdrawal points, perform meter accuracy tests every five years and submit meter accuracy test reports, immediately implement the approved environmental monitoring plan, utilize alternative water sources before utilizing groundwater, construct the proposed withdrawals to the submitted specifications, implement the submitted water conservation plan, and submit updates for Environmental Resource Permits which have been applied for and issued.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>
Landscape/Recreation	8,743,200	22,084,000

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>
Golf Course	721.00	Sprinkler Over Plant	36.30"/yr.
Lawn & Landscape	3,347.00	Sprinkler Over Plant	27.30"/yr.

DRAFT

WITHDRAWAL POINT QUANTITY TABLE

Water use from these withdrawal points are restricted to the quantities given below :

<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>
BGWCA-IR-1 / 1	16	1,000 / 600	Augmentation	225,600	1,138,800
BGWCA-IR-2 / 2	16	1,000 / 600	Augmentation	225,600	1,138,800
BGWCA-IR-3 / 3	16	1,000 / 600	Augmentation	225,600	1,138,800
BGWCA-IR-4 / 4	16	1,000 / 600	Augmentation	225,600	1,138,800
BGWCA-IR-5 / 5	16	1,000 / 600	Augmentation	225,600	1,138,800
BGWCA-IR-6 / 6	16	1,000 / 600	Augmentation	225,600	1,138,800
BGWCA-IR-7 / 7	16	1,000 / 600	Augmentation	225,600	1,138,800
BGWCA-IR-8 / 8	16	1,000 / 600	Augmentation	225,600	1,138,800
BGWCA-IR-9 / 9	16	1,000 / 600	Augmentation	225,600	1,138,800
BGWCA-IR-1 0 / 10	16	1,000 / 600	Augmentation	225,600	1,138,800
BGWCA-IR-1 1 / 11	16	1,000 / 600	Augmentation	225,600	1,138,700
BGWCA-IR-1 2 / 12	16	1,000 / 600	Augmentation	225,600	1,138,700
BGWCA-IR-1 3 / 13	16	1,000 / 600	Augmentation	225,600	1,138,700
BGWCA-IR-1 4 / 14	16	1,000 / 600	Augmentation	225,600	1,138,700
BGWCA-IR-1 5 / 15	16	1,000 / 600	Augmentation	225,600	1,138,700
BGWCA-IR-1 6 / 16	16	1,000 / 600	Augmentation	225,600	1,138,700
BGWCA-IR-1 7 / 17	16	1,000 / 600	Augmentation	225,600	1,138,700

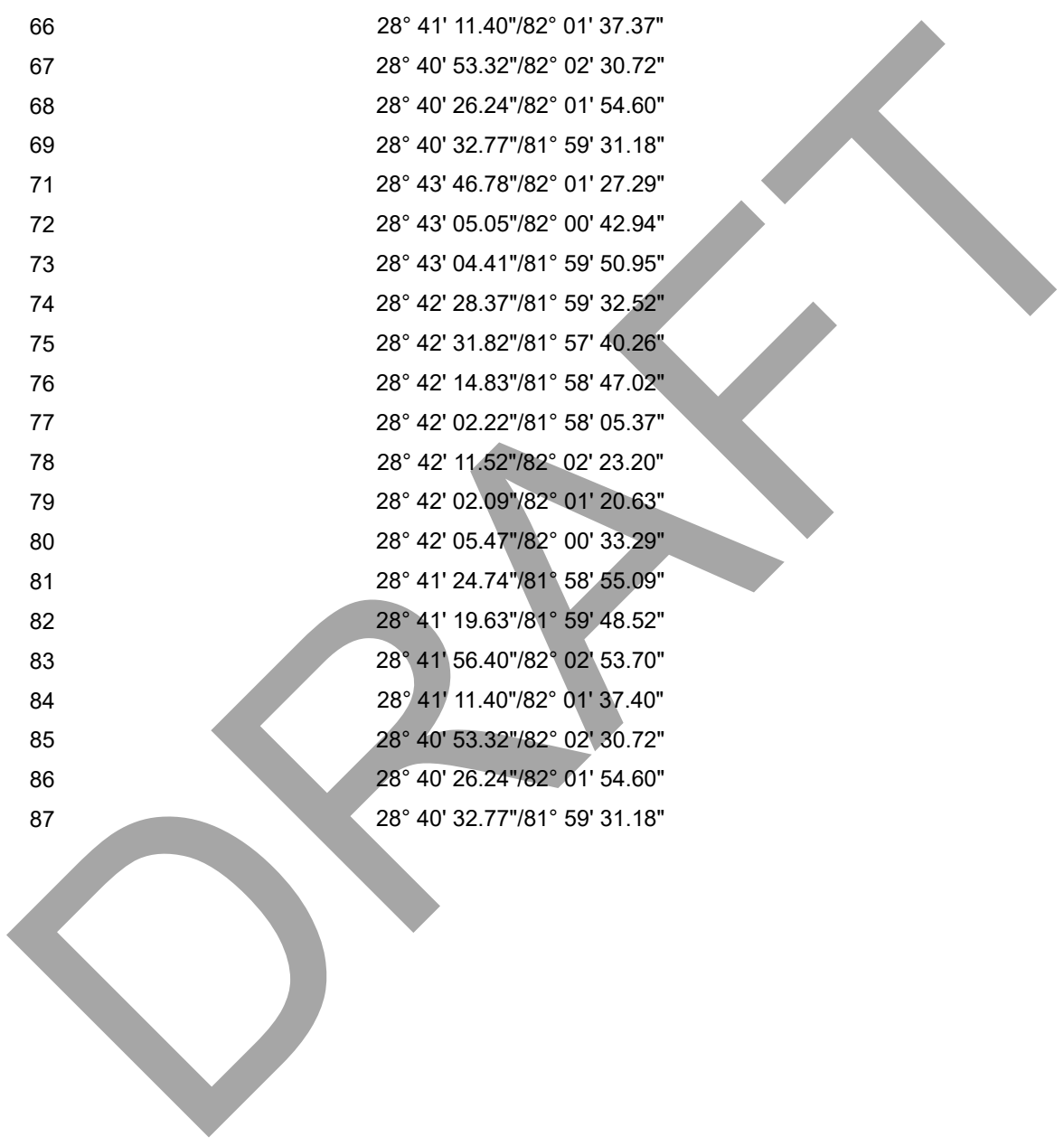
BGWCA-SW-1 / 36	30	N/A / N/A	Re-Pump	383,700	977,500
BGWCA-SW-2 / 37	30	N/A / N/A	Re-Pump	383,700	977,500
BGWCA-SW-3 / 38	30	N/A / N/A	Re-Pump	383,700	977,500
BGWCA-SW-4 / 39	30	N/A / N/A	Re-Pump	383,700	977,400
BGWCA-SW-5 / 40	30	N/A / N/A	Re-Pump	383,700	977,400
BGWCA-SW-6 / 41	30	N/A / N/A	Re-Pump	383,700	977,400
BGWCA-SW-7 / 42	30	N/A / N/A	Re-Pump	383,700	977,400
BGWCA-SW-8 / 43	30	N/A / N/A	Re-Pump	383,700	977,400
BGWCA-SW-9 / 44	30	N/A / N/A	Re-Pump	383,600	977,400
BGWCA-SW-10 / 45	30	N/A / N/A	Re-Pump	383,600	977,400
BGWCA-SW-11 / 46	30	N/A / N/A	Re-Pump	383,600	977,400
BGWCA-SW-12 / 47	30	N/A / N/A	Re-Pump	383,600	977,400
BGWCA-SW-13 / 48	30	N/A / N/A	Re-Pump	383,600	977,400
BGWCA-SW-14 / 49	30	N/A / N/A	Re-Pump	383,600	977,400
BGWCA-SW-15 / 50	30	N/A / N/A	Re-Pump	383,600	977,400
BGWCA-SW-16 / 51	30	N/A / N/A	Re-Pump	383,600	977,400
BGWCA-SW-17 / 52	30	N/A / N/A	Re-Pump	383,600	977,400
BGWCA-SW-G1 / 53	30	N/A / N/A	Re-Pump	130,700	321,700
BGWCA-SW-G2 / 54	30	N/A / N/A	Re-Pump	130,700	321,700
BGWCA-SW-G3 / 55	30	N/A / N/A	Re-Pump	130,700	321,700

BGWCA-SW-G4 / 56	30	N/A / N/A	Re-Pump	130,700	321,700
BGWCA-SW-G5 / 57	30	N/A / N/A	Re-Pump	130,700	321,700
BGWCA-SW-G6 / 58	30	N/A / N/A	Re-Pump	130,700	321,700
BGWCA-SW-G7 / 59	30	N/A / N/A	Re-Pump	130,700	321,700
BGWCA-SW-G8 / 60	30	N/A / N/A	Re-Pump	130,700	321,600
BGWCA-SW-G9 / 61	30	N/A / N/A	Re-Pump	130,700	321,600
BGWCA-SW-G10 / 62	30	N/A / N/A	Re-Pump	130,700	321,600
BGWCA-SW-G11 / 63	30	N/A / N/A	Re-Pump	130,600	321,600
BGWCA-SW-G12 / 64	30	N/A / N/A	Re-Pump	130,600	321,600
BGWCA-SW-G13 / 65	30	N/A / N/A	Re-Pump	130,600	321,600
BGWCA-SW-G14 / 66	30	N/A / N/A	Re-Pump	130,600	321,600
BGWCA-SW-G15 / 67	30	N/A / N/A	Re-Pump	130,600	321,600
BGWCA-SW-G16 / 68	30	N/A / N/A	Re-Pump	130,600	321,600
BGWCA-SW-G17 / 69	30	N/A / N/A	Re-Pump	130,600	321,600
BGWCA-LP-1 / 71		N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-2 / 72		N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-3 / 73		N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-4 / 74		N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-5 / 75		N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-6 / 76		N/A / N/A	Augmentation	128,400	160,500

BGWCA-LP-7 / 77	N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-8 / 78	N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-9 / 79	N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-10 / 80	N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-11 / 81	N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-12 / 82	N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-13 / 83	N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-14 / 84	N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-15 / 85	N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-16 / 86	N/A / N/A	Augmentation	128,400	160,500
BGWCA-LP-17 / 87	N/A / N/A	Augmentation	128,400	160,500

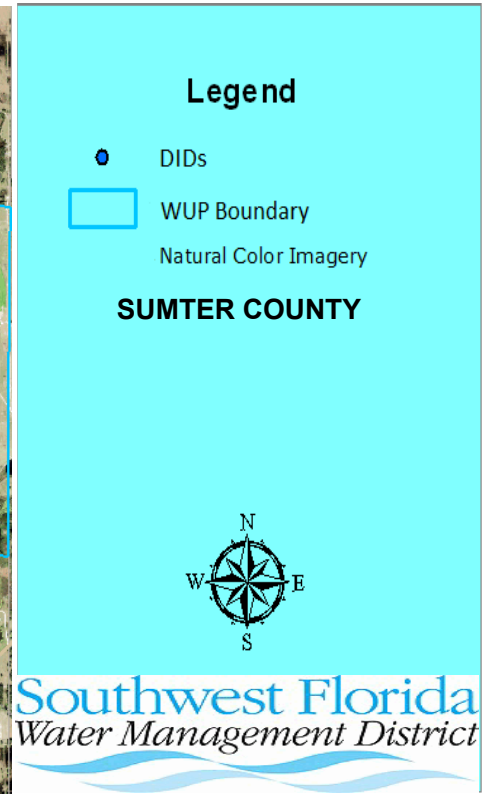
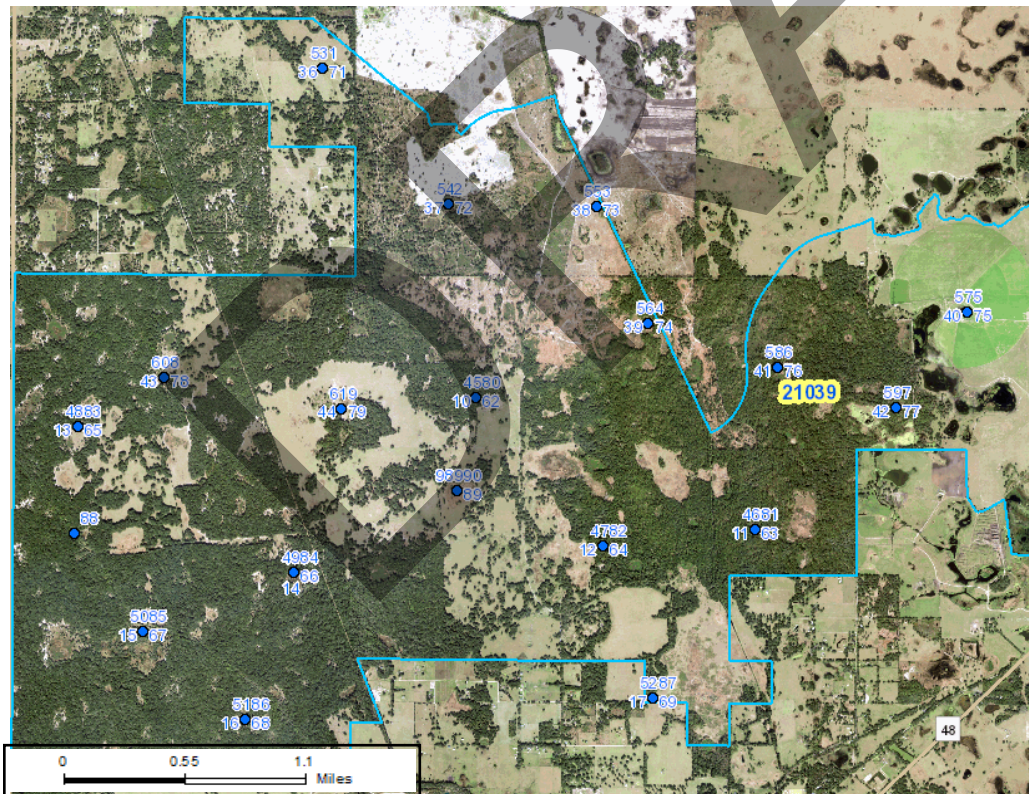
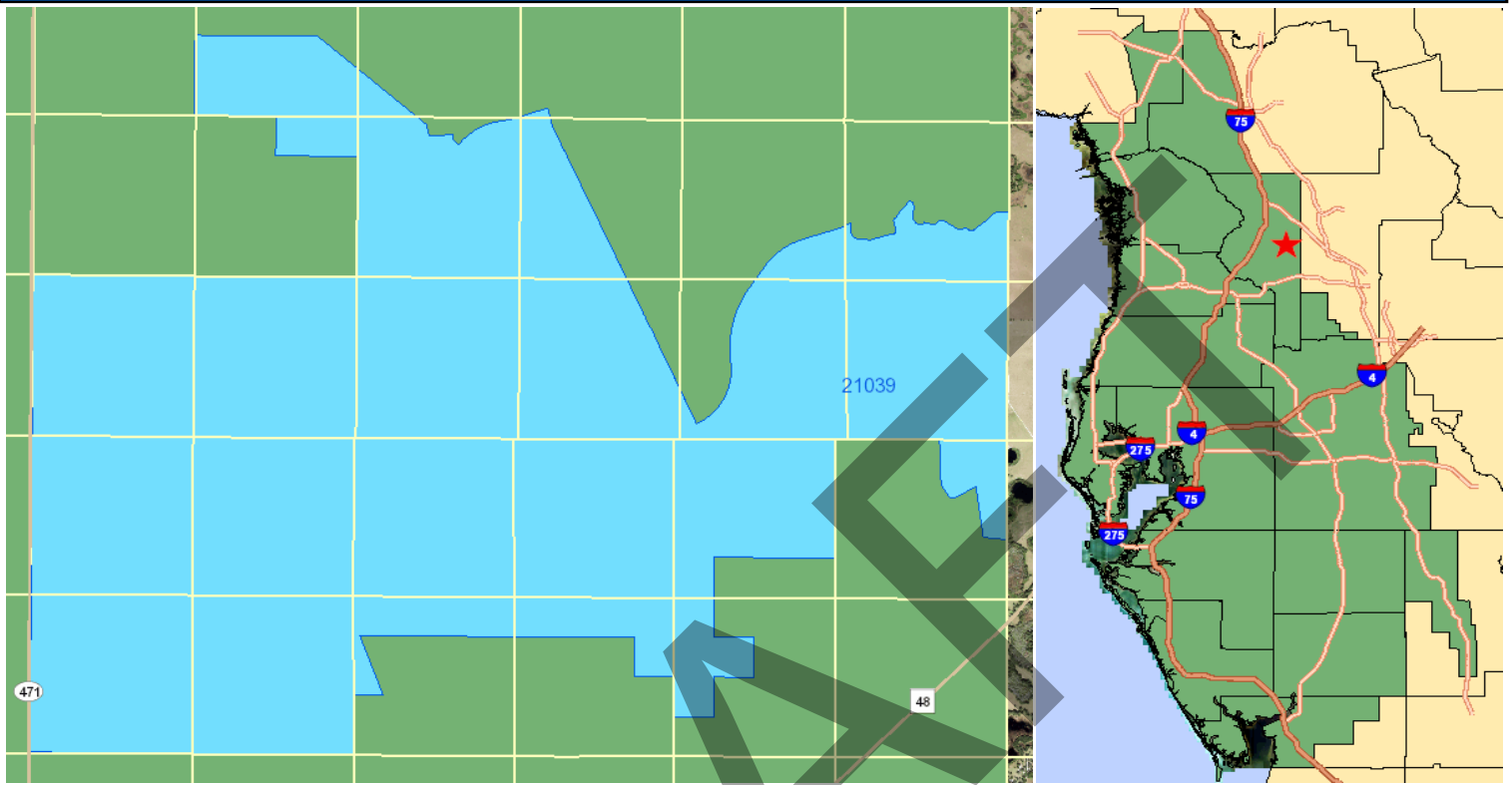
WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	28° 43' 46.78"/82° 01' 27.29"
2	28° 43' 05.05"/82° 00' 42.94"
3	28° 43' 04.41"/81° 59' 50.95"
4	28° 42' 28.37"/81° 59' 32.52"
5	28° 42' 31.82"/81° 57' 40.26"
6	28° 42' 14.83"/81° 58' 47.02"
7	28° 42' 02.22"/81° 58' 05.37"
8	28° 42' 11.52"/82° 02' 23.20"
9	28° 42' 02.09"/82° 01' 20.63"
10	28° 42' 05.47"/82° 00' 33.29"
11	28° 41' 24.74"/81° 58' 55.09"
12	28° 41' 19.63"/81° 59' 48.52"
13	28° 41' 56.40"/82° 02' 53.70"
14	28° 41' 11.40"/82° 01' 37.40"
15	28° 40' 53.32"/82° 02' 30.72"
16	28° 40' 26.24"/82° 01' 54.60"
17	28° 40' 32.77"/81° 59' 31.18"
36	28° 43' 46.78"/82° 01' 27.29"
37	28° 43' 05.05"/82° 00' 42.94"
38	28° 43' 04.41"/81° 59' 50.95"
39	28° 42' 28.37"/81° 59' 32.52"
40	28° 42' 31.82"/81° 57' 40.26"
41	28° 42' 14.83"/81° 58' 47.02"
42	28° 42' 02.22"/81° 58' 05.37"
43	28° 42' 11.52"/82° 02' 23.20"
44	28° 42' 02.09"/82° 01' 20.63"
45	28° 42' 05.47"/82° 00' 33.29"
46	28° 41' 24.74"/81° 58' 55.09"
47	28° 41' 19.63"/81° 59' 48.52"
48	28° 41' 56.40"/82° 02' 53.70"
49	28° 41' 11.40"/82° 01' 37.40"
50	28° 40' 53.32"/82° 02' 30.72"
51	28° 40' 26.24"/82° 01' 54.60"
52	28° 40' 32.77"/81° 59' 31.18"
53	28° 43' 46.78"/82° 01' 27.29"
54	28° 43' 05.05"/82° 00' 42.94"
55	28° 43' 04.41"/81° 59' 50.95"
56	28° 42' 28.37"/81° 59' 32.52"
57	28° 42' 31.82"/81° 57' 40.26"
58	28° 42' 14.83"/81° 58' 47.02"
59	28° 42' 02.22"/81° 58' 05.37"



60	28° 42' 11.52"/82° 02' 23.20"
61	28° 42' 02.09"/82° 01' 20.63"
62	28° 42' 05.47"/82° 00' 33.29"
63	28° 41' 24.74"/81° 58' 55.09"
64	28° 41' 19.63"/81° 59' 48.52"
65	28° 41' 56.40"/82° 02' 53.70"
66	28° 41' 11.40"/82° 01' 37.37"
67	28° 40' 53.32"/82° 02' 30.72"
68	28° 40' 26.24"/82° 01' 54.60"
69	28° 40' 32.77"/81° 59' 31.18"
71	28° 43' 46.78"/82° 01' 27.29"
72	28° 43' 05.05"/82° 00' 42.94"
73	28° 43' 04.41"/81° 59' 50.95"
74	28° 42' 28.37"/81° 59' 32.52"
75	28° 42' 31.82"/81° 57' 40.26"
76	28° 42' 14.83"/81° 58' 47.02"
77	28° 42' 02.22"/81° 58' 05.37"
78	28° 42' 11.52"/82° 02' 23.20"
79	28° 42' 02.09"/82° 01' 20.63"
80	28° 42' 05.47"/82° 00' 33.29"
81	28° 41' 24.74"/81° 58' 55.09"
82	28° 41' 19.63"/81° 59' 48.52"
83	28° 41' 56.40"/82° 02' 53.70"
84	28° 41' 11.40"/82° 01' 37.40"
85	28° 40' 53.32"/82° 02' 30.72"
86	28° 40' 26.24"/82° 01' 54.60"
87	28° 40' 32.77"/81° 59' 31.18"

Location Map
Blue Goose Water Conservation Authority, LLC/ Attn: Martin Dzuro
WUP No. 20 021039.000



STANDARD CONDITIONS:

The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit A and made a part hereof.

SPECIAL CONDITIONS:

1. All reports and data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the condition specifies that a District-supplied form is to be used, the Permittee should use that form in order for their submission to be acknowledged in a timely manner. The only alternative to this requirement is to use the District Permit Information Center (www.swfwmd.state.fl.us/permits/epermitting/) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

Southwest Florida Water Management District
Tampa Service Office, Water Use Permit Bureau
7601 U.S. Hwy. 301 North
Tampa, Florida 33637-6759

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is required for data submittals such as crop report forms, meter readings and/or pumpage, rainfall, water level, evapotranspiration, or water quality data.

(499)

2. The Permittee shall construct the proposed wells according to the surface diameter and casing depth specifications below. The casing shall be continuous from land surface to the minimum depth stated and is specified to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth at which high producing zones are encountered. However, it is the Permittee's responsibility to have the water in the well sampled during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Permittee, and to ensure that withdrawals from the well will not cause salt-water intrusion. All depths given are in feet below land surface. For Well Construction requirements see Exhibit B, Well Construction Instructions, attached to and made part to this permit.

District ID Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, Permittee ID Nos. BGWCA-IR-1, BGWCA-IR-2, BGWCA-IR-3, BGWCA-IR-4, BGWCA-IR-5, BGWCA-IR-6, BGWCA-IR-7, BGWCA-IR-8, BGWCA-IR-9, BGWCA-IR-10, BGWCA-IR-11, BGWCA-IR-12, BGWCA-IR-13, BGWCA-IR-14, BGWCA-IR-15, BGWCA-IR-16, and BGWCA-IR-17, having a surface diameter of 16-inches, with a minimum casing depth of 600 feet, drilled to an estimated total depth of 1000 feet.

(240)

3. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible. (296)
4. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year. (309)
5. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS. (312)

6. Within 30 days of construction of a withdrawal facility, the Permittee shall install and/or properly maintain a District approved automated augmentation control system for the wells augmenting all surface water bodies within the permit boundary. The system shall be installed such that augmentation does not take place when the water level is at or above six-inches below the outfall elevation or one foot below the top of the liner, whichever is lower. Provisions shall be made by the Permittee in the augmentation schedule to allow for the maximum possible runoff/rainfall capture. The regulatory elevation may be modified by the Water Use Permit Bureau Chief, as necessary to protect environmental and water resources of the District. (314)
7. Prior to augmenting the surface water bodies, the Permittee shall install a backflow prevention system on District ID Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, Permittee ID Nos. BGWCA-IR-1, BGWCA-IR-2, BGWCA-IR-3, BGWCA-IR-4, BGWCA-IR-5, BGWCA-IR-6, BGWCA-IR-7, BGWCA-IR-8, BGWCA-IR-9, BGWCA-IR-10, BGWCA-IR-11, BGWCA-IR-12, BGWCA-IR-13, BGWCA-IR-14, BGWCA-IR-15, BGWCA-IR-16, and BGWCA-IR-17 (315)
8. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices. (331)
9. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)
10. The Permittee shall immediately implement the District-approved water conservation plan that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation practices indicated as proposed in the plan as well as achievements in water savings that have been realized from each water conservation practice shall be submitted November 1, 2033.(449)
11. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit . The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water. (458)
12. The total withdrawal from District ID Nos. District ID Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, Permittee ID Nos. BGWCA-IR-1, BGWCA-IR-2, BGWCA-IR-3, BGWCA-IR-4, BGWCA-IR-5, BGWCA-IR-6, BGWCA-IR-7, BGWCA-IR-8, BGWCA-IR-9, BGWCA-IR-10, BGWCA-IR-11, BGWCA-IR-12, BGWCA-IR-13, BGWCA-IR-14, BGWCA-IR-15, BGWCA-IR-16, and BGWCA-IR-17, 16-inch wells, for augmenting the surface water bodies, shall not exceed the total withdrawal from District ID Nos. 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69, Permittee ID Nos. BGWCA-SW-1, BGWCA-SW-2, BGWCA-SW-3, BGWCA-SW-4, BGWCA-SW-5, BGWCA-SW-6, BGWCA-SW-7, BGWCA-SW-8, BGWCA-SW-9, BGWCA-SW-10, BGWCA-SW-11, BGWCA-SW-12, BGWCA-SW-13, BGWCA-SW-14, BGWCA-SW-15, BGWCA-SW-16, BGWCA-SW-17, BGWCA-SW-G1, BGWCA-SW-G2, BGWCA-SW-G3, BGWCA-SW-G4, BGWCA-SW-G5, BGWCA-SW-G6, BGWCA-SW-G7, BGWCA-SW-G8, BGWCA-SW-G9, BGWCA-SW-G10, BGWCA-SW-G11, BGWCA-SW-G12, BGWCA-SW-G13, BGWCA-SW-G14, BGWCA-SW-G15, BGWCA-SW-G16, and BGWCA-SW-G17,

from the water bodies for irrigation during any month except during periods when sufficient surface water is not available to meet demands.(546)

13. The Permittee shall use Alternative Water Supplies in lieu of non-Alternative Water Supplies to the greatest extent practical, based on economic, environmental and technical feasibility. (551)
14. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
15. The Permittee shall acquire an Environmental Resource Permit (ERP) for construction in each development area prior to commencement of increased incremental groundwater withdrawal. The Permittee shall submit an annual report detailing all submitted completed, or issued ERPs. This report shall include details of the ERP application or permits such as ERP number, propose changes, expected water use increase, and estimated construction schedule. This report shall be due June 1 of each year.(571)
16. The Permittee shall submit a copy of the well completion reports to the District's Water Use Permit Bureau, within 30 days of each well completion.(583)
17. The Permittee shall not irrigate golf course roughs with non-alternative water supplies unless such water supplies are derived from a portion of the quantities permitted for the tees, greens, and fairways. The amount of permitted ground or surface water plus alternative water supply applied to the entire golf course shall not exceed reasonable-beneficial quantities for tees, greens and fairways alone. Further, during any single month, alternative water supply sources shall not be used to irrigated the roughs if any non-alternative water supplies are withdrawn for the purpose of irrigation during the same month. However, during wet weather, the Permittee may use roughs as excess stormwater and/or reclaimed water disposal sites. The District, shall be notified annually when this occurs. (594)
18. The Permittee shall maximize the use of surface waters before utilizing ground water for augmentation. Augmentation for aesthetic purposes only is strictly prohibited.(648)
19. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.(651)
20. The Permittee shall notify the District in writing of the installation of all surface water withdrawal points within 30 days of installation. The Permittee shall confirm the intake pipe diameter, pump capacity and location in the notification.(663)
21. Augmentation to and withdrawal of water from the surface water bodies that is authorized under this Water Use Permit, shall be conducted so as not to impair the function of the Surface Water Management System.(670)
22. The Permittee shall catalog development of sinkholes or changes to existing sinkholes which occur within 500 feet of permitted withdrawals. The report shall include descriptions of the investigation and any mitigation actions undertaken by the permittee or a note that the county conducted the sinkhole investigation.(677)
23. The Permittee shall implement a data collection program as documented in the Environmental Monitoring Plan (EMP) dated September 2023 that was submitted in support of this permit modification and maintain it throughout the term of the permit. Collected data shall include groundwater quality monitoring within the lower Floridan aquifer, groundwater level monitoring within the upper Floridan aquifer, surface water level and ecological monitoring (vegetation, wildlife, soils) in select wetlands. By June 1 of each year, the Permittee shall submit a report summarizing data collected and analyzed in the previous calendar year, as well as any updates to the EMP. The report shall include an analysis of upland and wetland conditions, including interpretation of applicable parameters such as treefalls per unit area, rate of soil subsidence, effects on fish and wildlife, and evidence of vegetational succession. Documentation of soils in the EMP network shall be provided at the initiation of monitoring to establish baseline conditions, and in five-year increments thereafter in accordance with the Wetland Assessment

Procedure guidelines. Data shall be obtained through field measurements and observations. Hydrographs from surface water gauges and wells shall be included for the period of record and discussed in the report. Any mitigation activities will be noted.

The annual report shall include presentation and analysis of data collected for the Wildwood Utility Dependent District (20020687.009), and the Gibson Place Water Conservation Authority (20020949.002) water use permits, as both permit areas were included in the submitted EMP. Any changes to the methods or frequency of monitoring for any of these data collection programs may be made only after approval by the Water Use Permit Bureau Chief.
(692)

24. The following proposed reclaimed water inflow lines shall be metered within 90 days of completion of construction of the reclaimed water delivery system: District ID Nos. 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, and 87, Permittee ID Nos. BGWCA-LP-1, BGWCA-LP-2, BGWCA-LP-3, BGWCA-LP-4, BGWCA-LP-5, BGWCA-LP-6, BGWCA-LP-7, BGWCA-LP-8, BGWCA-LP-9, BGWCA-LP-10, BGWCA-LP-11, BGWCA-LP-12, BGWCA-LP-13, BGWCA-LP-14, BGWCA-LP-15, BGWCA-LP-16, and BGWCA-LP-17. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(700)
25. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69, Permittee ID Nos. BGWCA-IR-1, BGWCA-IR-2, BGWCA-IR-3, BGWCA-IR-4, BGWCA-IR-5, BGWCA-IR-6, BGWCA-IR-7, BGWCA-IR-8, BGWCA-IR-9, BGWCA-IR-10, BGWCA-IR-11, BGWCA-IR-12, BGWCA-IR-13, BGWCA-IR-14, BGWCA-IR-15, BGWCA-IR-16, BGWCA-IR-17, BGWCA-SW-1, BGWCA-SW-2, BGWCA-SW-3, BGWCA-SW-4, BGWCA-SW-5, BGWCA-SW-6, BGWCA-SW-7, BGWCA-SW-8, BGWCA-SW-9, BGWCA-SW-10, BGWCA-SW-11, BGWCA-SW-12, BGWCA-SW-13, BGWCA-SW-14, BGWCA-SW-15, BGWCA-SW-16, BGWCA-SW-17, BGWCA-SW-G1, BGWCA-SW-G2, BGWCA-SW-G3, BGWCA-SW-G4, BGWCA-SW-G5, BGWCA-SW-G6, BGWCA-SW-G7, BGWCA-SW-G8, BGWCA-SW-G9, BGWCA-SW-G10, BGWCA-SW-G11, BGWCA-SW-G12, BGWCA-SW-G13, BGWCA-SW-G14, BGWCA-SW-G15, BGWCA-SW-G16, and BGWCA-SW-G17. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(718)
26. Water quality samples from the withdrawal points listed below shall be collected after pumping the withdrawal point at its normal rate for a pumping time specified below, or to a constant temperature, pH, and conductivity. The frequency of sampling per water quality parameter is listed in the table according to the withdrawal point. The recording and reporting shall begin according to the first sample date for existing wells and shall begin within 90 days of completion of any proposed wells. Samples shall be collected whether or not the well is being used unless infeasible. If sampling is infeasible, the Permittee shall indicate the reason for not sampling on the water quality data form or in the space for comments in the WUP Portal for data submissions. For sampling, analysis and submittal requirements see Exhibit B, Water Quality Sampling Instructions, attached to and made part of this permit.

Proposed District ID Nos. 1, 11, 13, and 16, Permittee ID Nos. BGWCA-IR-1, BGWCA-IR-11, BGWCA-IR-13, and BGWCA-IR-16, for chloride, sulfate, and total dissolved solids on a quarterly basis, with first analyzed sample due within 90 days of completion of the withdrawal point or per the first reporting period as given in Exhibit B after completion of the monitor site.
(752)
27. Upon permit issuance, the Permittee shall begin recording water levels levels using a electronic water level meter to North American Vertical Datum 1988 (NAVD88) and report them to the District at the frequency listed for the interval, aquifer system, or geologic formation listed. The monitor well(s) or piezometer(s) shall be surveyed by a surveyor licensed in the State of Florida and referenced to NAVD88, and a certified survey indicating the datum reference shall be submitted with the first water level data report. To the maximum extent possible, water levels shall be recorded on a regular schedule: same time each day, same day each week, same week each month as appropriate to the frequency noted. The readings shall be reported online via the Permit Information Center at the District website, (www.watermatters.org/permits/epermitting/), or mailed in hardcopy on District-provided forms to the address given in this permit for mailing data and reports on or before the tenth day of the

following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.

District ID No. 90, Permittee ID No. W89(PZ), to monitor the surficial aquifer on a twice monthly basis. (755)

28. The Permittee shall maintain the District-approved staff gauge in the water bodies at the location(s) specified by latitude and longitude below and report measurements of water levels referenced to North American Vertical Datum 1988, at the frequency indicated. The Permittee shall have the elevation of each staff gauge surveyed to the specified datum, and a copy of the certified survey report for the wells listed shall be included with the first data submittal.

District ID No 88, Permittee ID No. JumperCrk(SG) on a twice monthly basis at Lat. 28° 41' 23.47" Long. 82° 02' 54.88"

District ID No. 89, Permittee ID No. W89(SG) on a twice monthly basis at Lat. 28° 41' 36.74" Long. 82° 00' 39.96"

To the maximum extent possible, water levels shall be recorded on the same day of each week and reported to the Water Use Permit Bureau, online via the WUP Portal on the District website, or in hardcopy on District-provided forms on or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource. (762)

29. Groundwater withdrawals shall not exceed 3,835,200 gallons per day (gpd) on an annual average basis and 19,358,900 gpd on a peak month basis. Combined groundwater and stormwater withdrawals shall not exceed 8,743,200 gpd on an annual average basis or 22,084,000 gpd on a peak month basis. (990)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

1. With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, collect samples, take measurements, observe permitted and related facilities and collect and document any information deemed necessary to determine compliance with the approved plans, specifications and conditions of this permit. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.
2. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
3. A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.
4. The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Examples of adverse impacts include the following:
 - A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - B. Damage to crops and other vegetation causing financial harm to the owner; and
 - C. Damage to the habitat of endangered or threatened species.
5. The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:
 - A. A reduction in water levels which impairs the ability of a well to produce water;
 - B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.
6. Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted consumptive use is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40D-1.6105, F.A.C. Alternatively, the Permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
7. All withdrawals authorized by this WUP shall be implemented as conditioned by this permit, including any documents submitted as part of the permit application incorporated by reference in a permit condition. This permit is subject to review and modification, enforcement action, or revocation, in whole or in part, pursuant to Section 373.136 or 373.243, F.S.
8. This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
9. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.

10. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.
11. A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications.
12. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.
13. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
14. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
15. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that a statement in the application and in the supporting data are found to be untrue and inaccurate, the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing, pursuant to sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. All permits are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.

Exhibit B
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month for monthly reporting frequencies.

For bi-annual reporting, the data shall be recorded on a monthly basis and reported on or before the tenth day of the month following the sixth month of recorded data.

The Permittee shall submit meter readings online using the Permit Information Center at www.swfwmd.state.fl.us/permits/epermitting/ or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

1. The meter(s) shall be non-resettable, totalizing flow meter(s) that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Water Use Permit Bureau Chief.
2. The Permittee shall report non-use on all metered standby withdrawal facilities on the scanning form or approved alternative reporting method.
3. If a metered withdrawal facility is not used during any given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.
4. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.
5. Meter accuracy testing requirements:
 - A. For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.
 - B. The meter shall be tested for accuracy on-site, as installed according to the Flow Meter Accuracy Test Instructions in this Exhibit B, every five years in the assigned month for the county, beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy test requirement for existing meters.
 - C. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.
 - D. The test will be accepted by the District only if performed by a person knowledgeable in the testing equipment used.
 - E. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.
6. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.
7. Broken or malfunctioning meter:
 - A. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage.
 - B. The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.
 - C. If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than

60 consecutive days.

8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

9. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

FLOW METER ACCURACY TEST INSTRUCTIONS

1. Accuracy Test Due Date - The Permittee is to schedule their accuracy test according to the following schedule:

A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.

B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.

C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.

D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.

E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

January	Hillsborough
February	Manatee, Pasco
March	Polk (for odd numbered permits)*
April	Polk (for even numbered permits)*
May	Highlands
June	Hardee, Charlotte
July	None or Special Request
August	None or Special Request
September	Desoto, Sarasota
October	Citrus, Levy, Lake
November	Hernando, Sumter, Marion
December	Pinellas

* The permittee may request their multiple permits be tested in the same month.

2. Accuracy Test Requirements: The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:

A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.

B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.

C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.

D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.

3. Accuracy Test Report: The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:

A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.101.00 (5/14) for each flow meter tested. This form can be obtained from the District's website (www.watermatters.org) under "ePermitting and Rules" for Water Use Permits.

B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;

C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;

D. The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.

E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.

F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

WATER QUALITY INSTRUCTIONS

The Permittee shall perform water quality sampling, analysis and reporting as follows:

1. The sampling method(s) from both monitor wells and surface water bodies shall be designed to collect water samples that are chemically representative of the zone of the aquifer or the depth or area of the water body.
2. Water quality samples from monitor wells shall be taken after pumping the well for the minimum time specified (if specified) or after the water reaches a constant temperature, pH, and conductivity.
3. The first submittal to the District shall include a copy of the laboratory's analytical and chain of custody procedures. If the laboratory used by the Permittee is changed, the first submittal of data analyzed at the new laboratory shall include a copy of the laboratory's analytical and chain of custody procedures.
4. Any variance in sampling and/or analytical methods shall have prior approval of the Water Use Permit Bureau Chief.
5. The Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis.
6. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories."
7. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

8. Unless other reporting arrangements have been approved by the Water Use Permit Bureau Chief , reports of the analyses shall be submitted to the Water Use Permit Bureau , online at the District WUP Portal or mailed in hardcopy on or before the tenth day of the following month. The online submittal shall include a scanned upload of the original laboratory report. The hardcopy submittal shall be a copy of the laboratory's analysis form . If for some reason, a sample cannot be taken when required, the Permittee shall indicate so and give the reason in the space for comments at the WUP Portal or shall submit the reason in writing on the regular due date .
9. The parameters and frequency of sampling and analysis may be modified by the District as necessary to ensure the protection of the resource.
10. Water quality samples shall be collected based on the following timetable for the frequency listed in the special condition:

<u>Frequency</u>	<u>Timetable</u>
Weekly	Same day of each week
Quarterly	Same week of February, May, August, November
Semi-annually	Same week of May, November
Monthly	Same week of each month

WELL CONSTRUCTION INSTRUCTIONS

All wells proposed to be constructed shall be drilled and constructed as specified below:

1. All well casing (including liners and/or pipe) must be sealed to the depth specified in the permit condition.
2. The proposed well(s) shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with the water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.
3. A minimum of twenty (20) feet overlap and two (2) centralizers is required for Public Supply wells and all wells six (6) inches or more in diameter.
4. Any variation from estimated, maximum or minimum total depths; maximum or minimum casing depths; well location or casing diameter specified in the condition requires advanced approval by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.
5. The Permittee is notified that a proposal to significantly change any of these well construction specifications may require permit modification if the District determines that such a change would result in significantly greater withdrawal impacts than those considered for this Permit.
6. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

CONSENT AGENDA

December 12, 2023

**Regulation Committee: Water Use Permit No. 20 005789.015, Hernando Co. BOCC, Wisconsin
Maintenance Compound / Hernando County Water System (Hernando County)**

This is a renewal with modification of an existing water use permit for Public Supply use. The authorized quantities have changed from the previous permit. This permit authorizes an increase in the annual average quantity from 23,299,000 gallons per day (gpd) to 24,360,000 gpd and an increase in the peak month quantity from 28,657,800 gpd to 31,911,600 gpd. The increase in quantities is due to an increase in projected population from 173,199 persons in 2035 to 187,354 persons in 2040. There is no change in use type from the previous permit. Quantities are based on a per capita rate of 128 gpd.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings, continue to report water levels at the appropriate frequencies, continue to report water quality parameters at the appropriate frequencies, modify the permit if an external source becomes available, construct proposed wells per the special condition, implement the Environmental Monitoring Report and submit an annual report, submit the annual wellfield report, submit well completion reports within 30 days, submit annual billing information, maintain a water conserving rate structure, submit meter accuracy tests every five years, submit an overpumpage report upon District request, submit the public supply annual report each year, respond to reclaimed water inquiries in a timely manner, and submit an updated water conservation plan by December 2025.

The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 005789.015**

PERMIT ISSUE DATE: December 12, 2023

EXPIRATION DATE: December 12, 2040

The Permittee is responsible for submitting an application to renew this permit no sooner than one year prior to the expiration date, and no later than the end of the last business day before the expiration date, whether or not the Permittee receives prior notification by mail. Failure to submit a renewal application prior to the expiration date and continuing to withdraw water after the expiration date is a violation of Chapter 373, Florida Statutes, and Chapter 40D-2, Florida Administrative Code, and may result in a monetary penalty and/or loss of the right to use the water. Issuance of a renewal of this permit is contingent upon District approval.

TYPE OF APPLICATION: Renewal

GRANTED TO: Hernando Co. BOCC, Wiscon Maintenance Compound/Attn: Landis Legg
15400 Wiscon Road
Brooksville, FL 34601

PROJECT NAME: Hernando County Water System

WATER USE CAUTION AREA(S): Not in a WUCA

COUNTY: Hernando

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)

ANNUAL AVERAGE	24,360,000 gpd
PEAK MONTH ¹	31,911,600 gpd

¹ Peak Month: Average daily use during the highest water use month.

ABSTRACT:

This is a renewal with modification of an existing water use permit for Public Supply use. The authorized quantities have changed from the previous permit. This permit authorizes an increase in the annual average quantity from 23,299,000 gallons per day (gpd) to 24,360,000 gpd and an increase in the peak month quantity from 28,657,800 gpd to 31,911,600 gpd. The increase in quantities is due to an increase in projected population from 173,199 persons in 2035 to 187,354 persons in 2040. There is no change in use type from the previous permit. Quantities are based on a per capita rate of 128 gpd.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings, continue to report water levels at the appropriate frequencies, continue to report water quality parameters at the appropriate frequencies, modify the permit if an external source becomes available, construct proposed wells per the special condition, implement the Environmental Monitoring Report and submit an annual report, submit the annual wellfield report, submit well completion reports within 30 days, submit annual billing information, maintain a water conserving rate structure, submit meter accuracy tests every five years, submit an overpumpage report upon District request, submit the public supply annual report each year, respond to reclaimed water inquiries in a timely manner, and submit an updated water conservation plan by December 2025.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>
Public Supply	24,360,000	31,911,600

USE TYPE

Regional Public Supply
System

PUBLIC SUPPLY:

Population Served:	187,354
Per Capita Rate:	128 gpd/person

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WITHDRAWAL POINT QUANTITY TABLE

Water use from these withdrawal points are restricted to the quantities given below :

<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>
RM-SOUTH / 1	6	300 / 50	Public Supply	78,000	102,200
RM-WEST-1 / 4	16	602 / 202	Public Supply	400,000	524,000
LR-1 / 6	16	600 / 200	Public Supply	600,000	786,000
LR-2 / 7	16	600 / 200	Public Supply	250,000	327,500
LR-3 / 8	16	510 / 360	Public Supply	600,000	786,000
RA-1 / 10	6	354 / UNK	Public Supply	68,700	90,000
HD-1 / 13 Standby	8	110 / UNK	Public Supply	93,300	122,200
HD-2 / 14	10	400 / 97	Public Supply	93,300	122,200
RM-West 2R / 34 Standby	16	600 / 200	Public Supply	400,000	524,000
WH1 / 35	10	250 / 125	Public Supply	300,000	393,000
WH2 / 36	10	218 / 115	Public Supply	300,000	393,000
WH3 / 37	12	400 / 135	Public Supply	200,000	262,000
WH4 / 38	10	293 / 97	Public Supply	750,000	982,500
WH5 / 39	12	200 / 155	Public Supply	600,000	786,000
RH1 / 40	10	250 / 220	Public Supply	200,000	262,000
SW3 / 41	12	535 / 205	Public Supply	488,000	639,200
SW2 / 42	12	461 / 205	Public Supply	425,000	556,800
SW1 / 43	12	535 / 210	Public Supply	472,000	618,200
SW6 / 46	16	508 / 253	Public Supply	1,000,000	1,310,000
SW7 / 47	16	530 / 252	Public Supply	700,000	917,000
SW5 / 48	16	480 / 253	Public Supply	1,000,000	1,310,000
SW4 / 49	16	450 / 253	Public Supply	860,000	1,126,600
HR-1 / 50	16	320 / 150	Public Supply	1,000,000	1,310,000
HR-2 / 51	16	400 / 150	Public Supply	1,000,000	1,310,000

JA-1 / 52	10	373 / 209	Public Supply	105,000	137,600
AB-1 / 53	10	322 / 159	Public Supply	215,000	281,700
CK-1 / 54	10	418 / 213	Public Supply	250,000	327,500
JA-2 / 55	10	350 / 223	Public Supply	215,000	281,700
EL-1 / 56	10	395 / 125	Public Supply	500,000	655,000
CK-2 / 57	10	484 / 242	Public Supply	250,000	327,500
LD-1 / 58	10	290 / 70	Public Supply	300,000	393,000
LD-2 / 59	12	273 / 80	Public Supply	650,000	851,500
KI-3 / 60	12	590 / 147	Public Supply	900,000	1,179,000
AB-2 / 61	12	425 / 143	Public Supply	532,000	696,900
LD-3 / 62	12	463 / 140	Public Supply	1,000,000	1,310,000
CK-3 / 63	12	500 / 127	Public Supply	500,000	655,000
KI-4 / 64	12	570 / 143	Public Supply	750,000	982,500
GR-1 / 65	10	585 / 140	Public Supply	1,000,000	1,310,000
GR-2 / 66	12	520 / 250	Public Supply	1,000,000	1,310,000
GR-3 / 67	12	450 / 255	Public Supply	1,000,000	1,310,000
EL-4 / 68	16	500 / 123	Public Supply	1,098,000	1,438,400
KI-5 / 69	16	500 / 200	Public Supply	600,000	786,000
DW-3 / 71	8	300 / 180	Public Supply	55,000	72,000
SV-1 / 72	8	160 / 90	Public Supply	104,000	135,200
SV-2 / 73	8	140 / 78	Public Supply	104,000	135,200
SV-5 / 74	16	250 / 150	Public Supply	279,700	366,500
ROAK / 75	6	250 / 100	Public Supply	20,000	26,200
CL-1 / 76	10	445 / 100	Public Supply	40,000	52,400
CL-2 / 77	6	400 / 131	Public Supply	40,000	52,400
Standby LF / 78	6	200 / 20	Industrial-Commercial	2,300	5,000
DW-4 / 166	12	505 / 183	Public Supply	55,000	72,100
GR-4 / 169	16	500 / 250	Public Supply	200,000	262,000
WI-1 / 170	16	500 / 250	Public Supply	200,000	262,000
WI-2 / 171	16	500 / 250	Public Supply	200,000	262,000

HR-3 / 172	16	400 / 150	Public Supply	200,000	262,000
HR-4 / 173	16	400 / 150	Public Supply	200,000	262,000
SR-1 / 174	16	500 / 250	Public Supply	450,000	589,500

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WITHDRAWAL POINT LOCATION TABLE

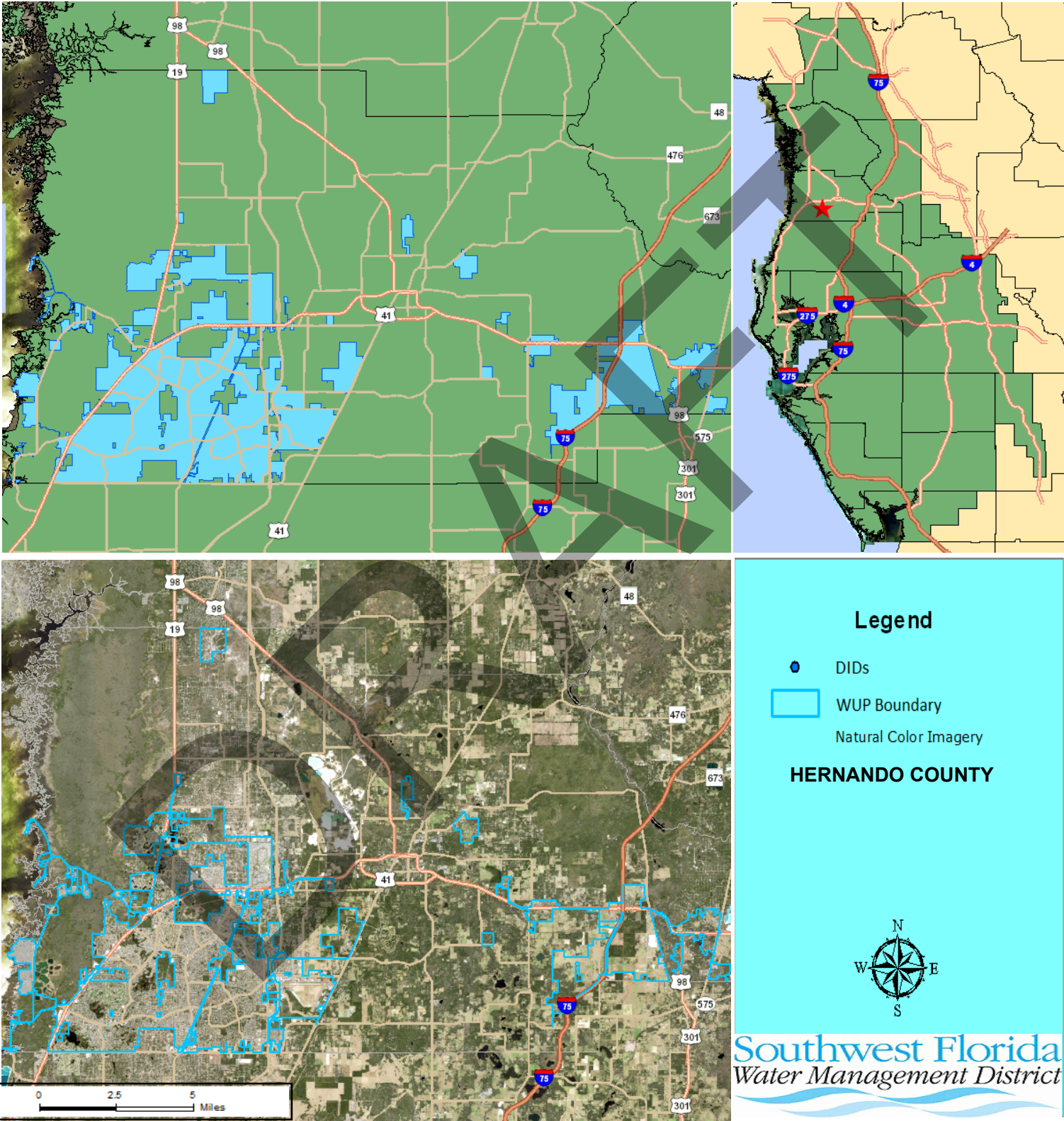
<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	28° 29' 55.98"/82° 10' 41.32"
4	28° 31' 31.50"/82° 13' 48.30"
6	28° 30' 46.90"/82° 15' 15.70"
7	28° 30' 45.66"/82° 15' 18.85"
8	28° 30' 29.36"/82° 15' 10.76"
10	28° 31' 11.90"/82° 17' 58.80"
13	28° 31' 26.89"/82° 17' 37.95"
14	28° 31' 30.22"/82° 17' 39.60"
34	28° 31' 32.81"/82° 13' 59.29"
35	28° 32' 28.10"/82° 32' 32.69"
36	28° 32' 36.30"/82° 32' 30.70"
37	28° 32' 50.20"/82° 32' 27.50"
38	28° 33' 00.60"/82° 32' 24.90"
39	28° 33' 14.89"/82° 32' 21.47"
40	28° 32' 28.90"/82° 33' 58.30"
41	28° 30' 27.72"/82° 30' 33.85"
42	28° 30' 39.58"/82° 30' 27.72"
43	28° 30' 47.50"/82° 30' 23.99"
46	28° 29' 55.10"/82° 30' 49.40"
47	28° 29' 50.70"/82° 30' 51.40"
48	28° 39' 59.60"/82° 30' 46.30"
49	28° 30' 07.90"/82° 30' 41.70"
50	28° 35' 02.76"/82° 31' 27.48"
51	28° 35' 02.80"/82° 31' 30.20"
52	28° 27' 26.90"/82° 36' 35.70"
53	28° 27' 47.30"/82° 30' 40.00"
54	28° 29' 36.90"/82° 33' 16.70"
55	28° 27' 27.10"/82° 36' 41.00"
56	28° 27' 08.60"/82° 33' 52.80"
57	28° 29' 35.40"/82° 33' 17.90"
58	28° 28' 19.20"/82° 33' 00.60"
59	28° 28' 22.99"/82° 33' 58.39"
60	28° 30' 40.40"/82° 31' 03.30"
61	28° 27' 49.80"/82° 30' 40.60"
62	28° 28' 22.40"/82° 33' 02.30"
63	28° 29' 33.50"/82° 33' 16.20"
64	28° 30' 42.50"/82° 31' 02.90"
65	28° 29' 07.10"/82° 31' 23.70"
66	28° 29' 07.80"/82° 31' 26.90"
67	28° 29' 08.30"/82° 31' 30.10"
68	28° 27' 09.60"/82° 33' 50.60"

69	28° 30' 43.41"/82° 31' 05.68"
71	28° 34' 24.92"/82° 20' 38.06"
72	28° 41' 01.90"/82° 31' 00.00"
73	28° 41' 06.90"/82° 31' 00.10"
74	28° 41' 04.51"/82° 31' 00.13"
75	28° 35' 51.76"/82° 23' 15.76"
76	28° 30' 28.30"/82° 20' 08.10"
77	28° 30' 28.20"/82° 20' 06.70"
78	28° 40' 20.33"/82° 29' 06.57"
166	28° 34' 25.28"/82° 20' 38.60"
169	28° 29' 07.15"/82° 31' 18.39"
170	28° 31' 55.94"/82° 28' 00.24"
171	28° 31' 53.99"/82° 28' 11.86"
172	28° 35' 01.60"/82° 31' 25.57"
173	28° 35' 03.21"/82° 31' 22.07"
174	28° 30' 34.57"/82° 14' 26.43"

Location Map

Hernando Co. BOCC, Wiscon Maintenance Compound/Attn: Landis Legg

WUP No. 20 005789.015



STANDARD CONDITIONS:

The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit A and made a part hereof.

SPECIAL CONDITIONS:

1. All reports and data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the condition specifies that a District-supplied form is to be used, the Permittee should use that form in order for their submission to be acknowledged in a timely manner. The only alternative to this requirement is to use the District Permit Information Center (www.swfwmd.state.fl.us/permits/epermitting/) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

Southwest Florida Water Management District
Tampa Service Office, Water Use Permit Bureau
7601 U.S. Hwy. 301 North
Tampa, Florida 33637-6759

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is required for data submittals such as crop report forms, meter readings and/or pumpage, rainfall, water level, evapotranspiration, or water quality data.
(499)

2. The quantities included in the permit are based on an average per capita rate of 128 gpd. By rule, the per capita rate in any given year shall not exceed 150 gpd. However, failure to maintain, on average, the per capita rate on which the permitted quantity is based could result in noncompliance with the terms of the permit. The per capita rate will be monitored via the Annual Report and the Reclaimed Water Supplier Report that are required to be submitted by April 1 of each year for the term of the permit.(67)
3. This permit shall be modified if an additional source of water is provided for public supply use from a separate entity. This includes additional Alternative Water Supply quantities and irrigation water for lawn/landscape and common areas. The Permittee shall notify the District of the additional water source and submit an application to modify the permit to acknowledge receipt.(68)
4. The annual average daily and peak month quantities for District ID Nos. 41, 42, 43, 52, 53, 55, 61, 169, 170, 171, 172, and 173, Permittee ID Nos. SW3, SW2, SW1, JA-1, AB-1, JA-2, AB-2, GR-4, HR-3, HR-4, WI-1, and WI-2, shown in the withdrawal point quantity table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary up to 3,452,000 gallons per day on an annual average basis for the individual wells, so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit. In all cases, the total annual average daily withdrawal is limited to the quantities set forth above.(221)
5. The Permittee shall construct the proposed wells according to the surface diameter and casing depth specifications below. The casing shall be continuous from land surface to the minimum depth stated and is specified to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth at which high producing zones are encountered. However, it is the Permittee's responsibility to have the water in the well sampled during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be

utilized by the Permittee, and to ensure that withdrawals from the well will not cause salt-water intrusion. All depths given are in feet below land surface. For Well Construction requirements see Exhibit B, Well Construction Instructions, attached to and made part to this permit.

District ID Nos. 169, 170, 171, and 174, Permittee ID Nos. GR-4, WI-1, WI-2, and SR-1, having a surface diameter of 16 inches, with a minimum casing depth of 250 feet, drilled to an estimated total depth of 500 feet.

District ID Nos. 172 and 173, Permittee ID Nos. HR-3 and HR-4, having a surface diameter of 16 inches, with a minimum casing depth of 150 feet, drilled to an estimated total depth of 400 feet.

(240)

6. The District reserves the right to set chloride, sulfate, or TDS concentration limits on any production well in the future, based on data collected and after a sufficient data base has been established to determine limits. These limits shall be required after discussions with the Permittee. At such time as the concentration in any water sample reaches or exceeds the designated concentration limits, the Permittee shall take appropriate action to reduce concentrations to below those set for the particular well. If the District determines that long-term upward trends or other significant water quality changes are occurring, the District may reconsider the quantities permitted.(276)
7. The Permittee shall continue implementation of the Environmental Management Plan, Revised (EMP) dated September 21, 2023, and included in Water Use Permit File of Record No. 20005789.015, with the additions and changes itemized below. The Permittee shall submit an Environmental Assessment Report by April 1st of each year for the preceding water year (October 1 - September 30).

The Environmental Assessment Report shall be prepared based on the following general guidelines.

- A. Essential graphs, tables, and text shall be presented, as well as monitoring progress at each site.
- B. Interpretive sections of wetland environmental conditions shall incorporate relations between water-level fluctuations, well pumpage, atmospheric conditions, and drainage factors related to the environmental condition of the wetlands and lakes in the vicinity of the permit area.
- C. Annual analysis of changes to percent cover of dominant and subdominant vegetative taxa utilizing the Wetland Assessment Procedure (WAP) methodology.
- D. Pumpage data, wetland, water-level data collected from each aquifer and for the region, and environmental parameters collected at the wellfield and in the region shall be used for the interpretive report results.
- E. Appropriate statistical trends shall be performed to analyze the interactions of rainfall and pumpage on surficial aquifer water levels, potentiometric levels in the semi-confined aquifers, lake, and wetland water levels. Evidence of abnormal plant succession will be evaluated qualitatively.
- F. Data shall be obtained through field measurements, aerial photo interpretation, and other appropriate methods.
- G. A brief summary of any recommended changes to the monitoring requirements shall be provided.

Changes to EMP During Permit Term

Wetlands

The Permittee will include in the annual report the continued appropriateness of the referenced wetlands. If a non-climatic change to any referenced wetland results in the wetlands no longer being appropriate as references, the Permittee will submit a feasibility analysis which will review the potential of an alternate wetland site for monitoring to the District. The Permittee must provide the feasibility analysis which includes details pertaining to the legal access of any alternate site and submit within 30 days a written request to the District to modify the EMP. Within 90 days of District staff approval of the EMP network modification, the Permittee must implement the approved change(s).

Water Levels

If the Permittee is unable to obtain or maintain legal access to any of the proposed monitoring sites, the Permittee must notify the District in writing within 15 days of concluding that access to any specific site is not possible. Within 30 days of such notification, the Permittee must identify alternative sites

where legal access can be obtained and submit a written request to the Bureau Chief, Water Use Permit Bureau, to modify the EMP. Within 90 days of District approval of the EMP modification, the Permittee must implement the approved change(s).

Wellfield Report

In addition to the Environmental Management Plan requirements above, the Permittee shall submit the following items as a comprehensive but concise assessment of the water resources of the wellfield area based on the subject areas listed below. This section of the report shall concisely summarize the elements listed below, with emphasis on the interactions between these elements, where appropriate. Data sources shall be referenced, but no raw data shall be included. Only essential text, graphs, and tables should be included. The items shall cover all activities and conditions pertaining to the permit and service area for the preceding water year (October 1 to September 30). The specific elements are listed below:

Wellfield Operation

A brief overview of wellfield operations including withdrawal point rotation within the wellfield for the previous 12 months shall include discussion of wells used most often, and wells used less often, and why their routine use was altered, future changes or modifications to the wellfield rotation plan due to the yield from the various wells, future annexation sites, potential future production well sites, etc. Any proposed production or monitor wells that were completed, wells retired and their current status, or wells converted from other uses to public supply use since the last Annual Wellfield Report will be noted.

Water Quality Monitoring

Water quality sampling collected as a condition of this permit shall be analyzed and summarized into graphs and statistical analysis for the annual reporting period and related to the historical water quality sampling results as well as to pumpage. The report shall delineate areas of concern with respect to water quality degradation, horizontal or vertical movement in the fresh water/saltwater interface, or other trends which have occurred. Changes in water quality specifically in shall be discussed.

Capital Improvement Program Status

A summary of completed water supply system improvements shall be provided. In addition, an update to any documented system weaknesses or anticipated system improvements shall be described.

Water Treatment Efficiency

A description of efforts to improve water treatment efficiency shall be included. This shall include good faith efforts undertaken in its infrastructure planning and implementation efforts. Opportunities during the prior year to replace water treatment-related infrastructure, including items such as change-outs to pressure vessels, piping, racks (skids), and treatment membrane elements shall be discussed.

Investigation of Complaints

A summary of the investigations of withdrawal-related complaints and mitigation activities related to the impacts shall be provided. This summary shall include:

1. Number and type of complaints,
2. Number and type of mitigation activities,
3. Number and type of complaints which did not require mitigation activity,
4. Total cost of all mitigation activity, and
5. Delineation of areas of concern with respect to legal existing use with respect to any water availability or water quality trends identified.

Wellfield Management Updates

The Permittee shall summarize the development, implementation, and events that may affect the

approved wellfield management plan over the previous reporting period. If additional information became available that necessitates a change to the plan, the Permittee shall submit an application to modify the permit to effect the changes.(287)

8. By December 1, 2025, the Permittee shall submit an updated Water Conservation Plan that aligns with the five elements of a conservation plan outlined in the Water Use Permit Applicant's Handbook, Part B. This plan can draw upon past conservation plans, but should be forward looking. The plan should highlight the conservation activities the County intends to implement, along with the frequency, duration, and implementation schedule for those activities.(449)
 9. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
 10. The Permittee shall submit a copy of the well completion reports to the District's Water Use Permit Bureau, within 30 days of each well completion.(583)
 11. Beginning January 1, 2012, the Permittee shall comply with the following requirements:
 - A. Customer billing period usage shall be placed on each utility-metered, customer's bill.
 - B. Meters shall be read and customers shall be billed no less frequently than bi-monthly.
 - C. The following information, as applicable to the customer, shall be provided at least once each calendar year and a summary of the provisions shall be provided to the District annually as described in Section D, below. The information shall be provided by postal mailings, bill inserts, online notices, on the bill or by other means. If billing units are not in gallons, a means to convert the units to gallons must be provided.
 1. To each utility-metered customer in each customer class - Information describing the rate structure and shall include any applicable:
 - a. Fixed and variable charges,
 - b. Minimum charges and the quantity of water covered by such charges,
 - c. Price block quantity thresholds and prices,
 - d. Seasonal rate information and the months to which they apply, and
 - e. Usage surcharges
 2. To each utility-metered single-family residential customer - Information that the customer can use to compare its water use relative to other single-family customers or to estimate an efficient use and that shall include one or more of the following:
 - a. The average or median single-family residential customer billing period water use calculated over the most recent three year period, or the most recent two year period if a three year period is not available to the utility. Data by billing period is preferred but not required.
 - b. A means to calculate an efficient billing period use based on the customer's characteristics, or
 - c. A means to calculate an efficient billing period use based on the service area's characteristics.
 - D. Annual Report: The following information shall be submitted to the District annually by October 1 of each year of the permit term to demonstrate compliance with the requirements above. The information shall be current as of the October 1 submittal date.
 1. Description of the current water rate structure (rate ordinance or tariff sheet) for potable and non-potable water.
 2. Description of the current customer billing and meter reading practices and any proposed changes to these practices (including a copy of a bill per A above).
 3. Description of the means the permittee uses to make their metered customers aware of rate structures, and how the permittee provides information their metered single-family residential customers can use to compare their water use relative to other single-family customers or estimate an efficient use (see C 1 & 2 above).
- (592)
12. The Permittee shall comply with allocated quantities. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.(651)

13. The Permittee shall maintain a water conserving rate structure for the duration of the permit term. Any changes to the water conserving rate structure described in the application shall be described in detail as a component of the next Annual Report on Water Rate, Billing and Meter Reading Practices of the year following the change.(659)
14. The Permittee shall submit a "Public Supply Annual Report" to the District by April 1 of each year on their water use during the preceding calendar year using the form, "Public Supply Water Use Annual Report Form" (Form No. LEG-R.103.00 (05/14)), referred to in this condition as "the Form," and all required attachments and documentation. The Permittee shall adhere to the "Annual Report Submittal Instructions" attached to and made part of this condition in Exhibit B. The Form addresses the following components in separate sections.

Per Capita Use Rate

A per capita rate for the previous calendar year will be calculated as provided in Part A of the Form using Part C of the Form to determine Significant Use deduction that may apply. Permittees that cannot achieve a per capita rate of 150 gpd according to the time frames included in the "Instructions for Completion of the Water Use Annual Report," shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance.

Residential Use

Residential use shall be reported in the categories specified in Part B of the Form, and the methodology used to determine the number of dwelling units by type and their quantities used shall be documented in an attachment.

Non-Residential Use

Non-residential use quantities provided for use in a community but that are not directly associated with places of residence, as well as the total water losses that occur between the point of output of the treatment plant and accountable end users, shall be reported in Part B of the Form.

Water Conservation

In an attachment to the Form, the Permittee shall describe the following:

1. Description of any ongoing audit program of the water treatment plant and distribution systems to address reductions in water losses.
2. An update of the water conservation plan that describes and quantifies the effectiveness of measures currently in practice, any additional measures proposed to be implemented, the scheduled implementation dates, and an estimate of anticipated water savings for each additional measure.
3. A description of the Permittees implementation of water-efficient landscape and irrigation codes or ordinances, public information and education programs, water conservation incentive programs, identification of which measures and programs, if any, were derived from the Conserve Florida Water Conservation Guide, and provide the projected costs of the measures and programs and the projected water savings.

Water Audit

If the current water loss rate is greater than 10% of the total distribution quantities, a water audit as described in the "Instructions for Completion of the Water Use Annual Report" shall be conducted and completed by the following July 1, with the results submitted by the following October 1. Indicate on Part A of the Form whether the water audit was done, will be done, or is not applicable.

Alternative Water Supplied Other Than Reclaimed Water

If the Permittee provides Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) to customers, the information required on Part D of the Form shall be submitted along with an attached map depicting the areas of current Alternative Water Use service and areas that are projected to be added within the next year.

Suppliers of Reclaimed Water

1. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd:

The Permittee shall submit the "SWFWMD Annual Reclaimed Water Supplier Report" on quantities of reclaimed water that was provided to customers during the previous fiscal year (October 1 to

September 30). The report shall be submitted in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09), that will be provided annually to them by the District. A map depicting the area of reclaimed water service that includes any areas projected to be added within the next year, shall be submitted with this report.

2. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd:

a. The Permittee has the option to submit the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above, or

b. Provide information on reclaimed water supplied to customers on Part E of the Form as described in the "Instructions for Completion of the Water Use Annual Report".

Updated Service Area Map

If there have been changes to the service area since the previous reporting period, the Permittee shall update the service area using the map that is maintained in the District's Mapping and GIS system. (660)

15. Permittees having their own wastewater treatment plant that generate at least advanced-secondary treated effluent (high-level disinfection, as described in Rule 62-600.440(5), F.A.C.) to the minimum FDEP requirements for public access reuse shall respond in a timely manner to inquiries about availability from water use permit applicants for water uses where such reclaimed water is appropriate. If reclaimed water is or will be available to that permit applicant within the next six years, the Permittees shall provide a cost estimate for connection to the applicant. (674)
16. By April 1 of each year, the Permittee shall document whether or not adverse environmental impacts due to pumpage were detected during the previous calendar year. If such impacts were detected, the Permittee shall specify and describe when and where mitigation actions were undertaken to mitigate the impacts. A quantitative (with respect to acreage) and qualitative (with respect to wetland health and function) assessment of the success of such mitigation actions shall be included. If an action was deemed unsuccessful by either the Permittee or the District, the Permittee shall include proposed alternative actions for the situation. (678)
17. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID No(s). 169, 170, 171, 172, 173, and 174, Permittee ID No(s). GR-4, WI-1, WI-2, HR-3, HR-4, and SR-1. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit. (718)
18. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID No(s). 1, 4, 6, 7, 8, 10, 14, 35, 36, 37, 38, 39, 40, 41, 42, 43, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 74, 75, 76, and 166, Permittee ID No(s). RM-SOUTH, RM-WEST-1, LR-1, LR-2, LR-3, RA-1, HD-2, WH-1, WH2, WH3, WH4, WH5, RH1, SW3, SW2, SW1, SW6, SW7, SW5, SW4, HR-1, HR-2, JA-1, AB-1, CK-1, JA-2, EL-1, CK-2, LD-1, LD-2, KI-3, AB-2, LD-3, CK-3, KI-4, GR-1, GR-2, GR-3, EL-4, KI-5, DW-3, SV-1, SV-2, SV-5, ROAK, CL-1, and DW-4. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit. (719)
19. The following existing standby withdrawal facilities (those that provide back-up water for another withdrawal point in the event the other withdrawal point becomes unusable) shall continue to be metered: District ID No(s). 13, 34, and 77, Permittee ID No(s). HD-1, RM-West 2R, and CL-2. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit. (722)
20. Water quality samples from the monitor sites listed below shall be collected and analyzed for the parameter(s) specified at the frequency indicated. For sampling, analysis and submittal requirements see Exhibit B, Water Quality Sampling Instructions, attached to and made part to this permit. Existing District ID No. 79/Permittee ID No. MM-4, for Chloride, Sulfate, and TDS, on a quarterly basis. (750)
21. Water quality samples from the withdrawal points listed below shall be collected after pumping the withdrawal point at its normal rate for a pumping time specified below, or to a constant temperature, pH, and conductivity. The frequency of sampling per water quality parameter is listed in the table according

to the withdrawal point. The recording and reporting shall begin according to the first sample date for existing wells and shall begin within 90 days of completion of any proposed wells. Samples shall be collected whether or not the well is being used unless infeasible. If sampling is infeasible, the Permittee shall indicate the reason for not sampling on the water quality data form or in the space for comments in the WUP Portal for data submissions. For sampling, analysis and submittal requirements see Exhibit B, Water Quality Sampling Instructions, attached to and made part of this permit.

Existing District ID Nos. 1, 6, 13, 38, 42, 48, 50, 55, 61, 63, 64, and 68/Permittee ID Nos. RM-SOUTH, LR-1, HD-1, WH-4, SW-2, SW5, HR-1, JA-2, AB-2, CK-3, KI-4, and EL-4 for Chloride, Sulfate, and TDS, after a minimum pumping time of 20 minutes, on a quarterly basis.
(752)

22. Within 90 days of the completion of the following proposed monitor well(s) or piezometer(s), the Permittee shall record water levels to the North American Vertical Datum 1988 (NAVD88) and report them to the District at the frequency listed for the interval, aquifer system, or geologic formation listed. The monitor well(s) or piezometer(s) shall be surveyed by a surveyor licensed in the State of Florida and referenced to NAVD88, and a certified survey indicating the datum reference shall be submitted with the first water level data report. To the maximum extent possible, water levels shall be recorded on a regular schedule: same time each day, same day each week, same week each month as appropriate to the frequency noted. The readings shall be reported online via the Permit Information Center at the District website, (www.watermatters.org/permits/epermitting/), or mailed in hardcopy on District-provided forms to the address given in this permit for mailing data and reports on or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.

District ID No. 175/ Permittee ID. AMPR-mw, to monitor Amelia Prairie on a twice-monthly basis at Lat. 28° 31' 28.95" Long. 82° 12' 50.83"

District ID No. 177/ Permittee ID. ANMA-mw, to monitor Annutteliga Marsh on a twice-monthly basis at Lat. 28° 37' 8.51" Long. 82° 32' 44.64"

District ID No. 180/Permittee ID. ELMA-mw, to monitor Elwood Marsh on a twice-monthly basis at Lat. 28° 29' 34.25" Long. 82° 31' 28.44"(755)

23. The Permittee shall continue to maintain the monitor well(s) or piezometer(s) listed below, monitor water levels, and report them to the District at the frequency listed for the interval, aquifer system, or geologic formation listed. Water levels shall be recorded relative to the North American Vertical Datum 1988 and to the maximum extent possible, recorded on a regular schedule: same time each day, same day each week, same week each month as appropriate to the frequency noted. The readings shall be reported online via the WUP Portal at the District website (www.watermatters.org) or mailed in hardcopy on District-provided forms to the Water Use Permit Bureau on or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.

Daily Recording Frequency/Monthly Reporting Frequency: District ID Nos. 79, 80, 85, 94, 95, 96, 104, 126, 129, and 131/Permittee ID Nos. MM4, MWSF1, MWSF3, MWSF5, MWSF5S, SHMW3, SHMW2, HRMW1, WWP-ufas, and HUNT-ufas.

Monthly Recording Frequency/Monthly Reporting Frequency: District ID No. 103/Permittee ID No. SHMW1.

(756)

24. Within 30 days of completing the construction of the water body or bodies listed on the table below, the Permittee shall install and maintain a District-approved staff gauge in the water bodies at the location(s) specified by latitude and longitude below and report measurements of water levels referenced to the North American Vertical Datum 1988 at the frequency indicated. Instructions for installation of the staff gauge, recording and reporting the data are given in Exhibit B, Water Level Instructions, attached to and made part of this permit.

District ID 176/Permittee ID AMPR-sg on Amelia Prairie record on a twice-monthly basis at Lat. 28° 31' 28.91" Log. 82° 12' 50.91"

District ID 178/Permittee ID ANMA-sg on Annutteliga Marsh record on a twice-monthly basis at Lat. 28°

37' 8.59" Log. 82° 32' 44.54"

District ID 179/Permittee ID BOMA-sg on Boggy Marsh record on a twice-monthly basis at Lat. 28° 33' 4.34" Log. 82° 15' 34.48"

District ID 181/Permittee ID ELMA-sg on Elwood Marsh record on a twice-monthly basis at Lat. 28° 29' 34.15" Log. 82° 31' 28.26"

District ID 182/Permittee ID PGPR-sg on Pine Grove Prairie (821) record on a twice-monthly basis at Lat. 28° 33' 10.31" Log. 82° 31' 30.34"

DID = District Identification number

PID = Permittee ID

Quarterly = February, May, August, November(760)

25. The Permittee shall continue to maintain the District-approved staff gauges, shallow monitor wells and wetland transects in the water bodies and at the location(s) specified by latitude and longitude below and report measurements of water levels referenced to NAVD 88 at the frequency indicated. The staff gauges and shallow monitor wells shall be recorded bi-weekly and reported monthly.

DID 18/PID CRI-sg on Croom Rital Marsh at 28° 32'13.48" / 82° 13'04.76" Reporting Frequency: Monthly

DID 19/PID CRI-mw on Croom Rital Marsh at 28° 32'13.46" / 82° 13'04.74" Reporting Frequency: Monthly

DID 20/PID CRO-mw on Croom Road Marsh at 28° 35'53.61" / 82° 14'58.45" Reporting Frequency: Monthly

DID 21/PID CRO-sg on Croom Road Marsh at 28° 35'53.61" / 82° 14'58.49" Reporting Frequency: Monthly

DID 24/ PID NM-sg on Norman Marsh at 28° 31'12.56" / 82° 11'34.37" Reporting Frequency: Monthly

DID 25/ PID NM-mw on Norman Marsh at 28° 31'12.54" / 82° 11'34.36" Reporting Frequency: Monthly

DID 30/PID SOP-sg on String of Pearls Marsh at 28° 36'24.11" / 82° 17'16.88" Reporting Frequency: Monthly

DID 31/PID SOP-mw on String of Pearls Marsh at 28° 36'24.06" / 82° 17'16.88" Reporting Frequency: Monthly

DID 89/PID WS-sg on Willow Sink at 28° 31' 20.51" / 82° 32' 29.30" Reporting Frequency: Monthly

DID 90/PID GA-sg on Golden Ave DRA at 28° 33' 33.42" / 82° 32' 48.19" Reporting Frequency: Monthly

DID 91/PID SS-sg on Shoemaker Sink at 28° 33' 37.15" / 82° 31' 59.65" Reporting Frequency: Monthly

DID 106/PID MERE-sg on Lake Meredith at 28° 27' 9.36" / 82° 34' 3.36" Reporting Frequency: Monthly*

DID 107/PID DIAN-sg on Lake Diana at 28° 27' 9.17" / 82° 34' 40.61" Reporting Frequency: Monthly

DID 108/PID ESP-sg on Eagle Scout Pond at 28° 31' 29.8" / 82° 32' 21.2" Reporting Frequency: Monthly

DID 109/PID R9-mw on Wetland 9 at 28° 35' 21.37" / 82° 33' 59.02" Reporting Frequency: Monthly

DID 110/PID CHAP-sg on Chapel Pond at 28° 30' 55.81" / 82° 32' 16.35" Reporting Frequency: Monthly*

DID 111/PID CENT-sg on Lake Century at Monthly 28° 30' 6.41" / 82° 34' 38.77" Reporting Frequency: Monthly

DID 112/ PID CRES-sg on Lake Crescent at 28° 29' 38.8" / 82° 34' 21.7" Reporting Frequency: Monthly*

DID 115/PID REGA-sg on Lake Regatta at 28° 29' 29.93" / 82° 33' 50.67" Reporting Frequency: Monthly

DID 116/PID R3-sg on Wetland 3 at 28° 41' 37.75" / 82° 32' 54.62" Reporting Frequency: Monthly

DID 117/PID R4-sg on Wetland 4 at 28° 38' 18.13" / 82° 33' 41.67" Reporting Frequency: Monthly

DID 118/PID R5-sg on Wetland 5 at 28° 37' 56.46" / 82° 33' 21.79" Reporting Frequency: Monthly

DID 119/PID THP-sg on Thaxton Pond at 28° 32' 23.97" / 82° 33' 29.71" Reporting Frequency: Monthly*

DID 120/PID CAP-sg on Capuchin Pond at 28° 25' 6.5" / 82° 35' 45.3" Reporting Frequency: Monthly*

DID 121/PID MM-sg on Morgan Marsh at 28° 33' 19.08" / 82° 33' 5.87" Reporting Frequency: Monthly

DID 122/PID R8-sg on Wetland 8 at 28° 37' 35.91" / 82° 33' 19.78" Reporting Frequency: Monthly

DID 123/PID R9-sg on Wetland 9 at 28° 35' 21.38" / 82° 33' 58.99" Reporting Frequency: Monthly

DID 133/PID CENT-mw on Lake Century at Monthly 28° 30' 6.44" / 82° 34' 38.55" Reporting Frequency: Monthly

DID 134/PID DIAN-mw on Lake Diana at 28° 27' 9.79" / 82° 34' 41.44" Reporting Frequency: Monthly
DID 135/PID REGA-mw on Lake Regatta at 28° 29' 34.41" / 82° 33' 49.72" Reporting Frequency: Monthly
DID 136/PID MM-mw on Morgan Marsh at 28° 33' 19.07" / 82° 33' 6.00" Reporting Frequency: Monthly
DID 137/PID SS-mw on Shoemaker Sink at 28° 33' 37.15" / 82° 31' 59.60" Reporting Frequency: Monthly
DID 138/PID WS-mw on Willow Sink at 28° 31' 20.81" / 82° 32' 29.32" Reporting Frequency: Monthly
DID 139/PID R3-mw on Wetland 3 at 28° 41' 37.75" / 82° 32' 54.54" Reporting Frequency: Monthly
DID 140/PID R4-mw on Wetland 4 at 28° 38' 18.10" / 82° 33' 41.68" Reporting Frequency: Monthly
DID 141/PID R5-mw on Wetland 5 at 28° 37' 56.43" / 82° 33' 21.82" Wetland Type: Reference; Reporting Frequency: Monthly
DID 142/PID R8-mw on Wetland 8 at 28° 37' 35.93" / 82° 33' 19.77" Reporting Frequency: Monthly
DID 144/ PID CRI-hwe on Croom Rital Marsh at 28° 32' 13.40" 82° 13' 04.40" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 145/ PID CRO-hwe on Croom Road Marsh at 28° 35' 53.77" 82° 14' 56.53" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 147/ PID SOP-hwe on String of Pearls Marsh at 28° 36' 23.46" 82° 17' 16.21" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 150/ PID CAP-hwe on Capuchin Pond at 28° 25' 7.82" 82° 35' 43.01" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 151/ PID CHAP-hwe on Chapel Pond at 28° 30' 56.12" 82° 32' 14.45" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 153/ PID ESP-hwe on Eagle Scout Pond at 28° 31' 32.88" 82° 32' 21.60" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 155/ PID REGA-hwe on Lake Regatta at 28° 29' 29.69" 82° 33' 49.13" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 156/ PID MM-hwe on Morgan Marsh at 28° 33' 19.30" 82° 33' 3.65" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 157/ PID SS-hwe on Shoemaker Sink at 28° 33' 34.10" 82° 31' 59.66" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 159/ PID WWP2-hwe on Weeki Wachee Prairie 2 at 28° 28' 39.23" 82° 33' 57.03" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 161/ PID R3-hwe on Ref 3 at 28° 41' 38.82" 82° 32' 53.92" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 162/ PID R4-hwe on Ref 4 at 28° 38' 19.02" 82° 33' 42.82" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 163/ PID R5-hwe on Ref 5 at 28° 37' 57.18" 82° 33' 23.17" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 164/ PID R8-hwe on Ref 8 at 28° 37' 37.08" 82° 33' 19.41" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 165/ PID R9-hwe on Ref 9 at 28° 35' 19.60" 82° 33' 59.40" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 175/ PID AMPR-mw on Amelia Prairie at 28° 31' 28.95" 82° 12' 50.83" Reporting Frequency: Monthly
DID 176/ PID AMPR-sg on Amelia Prairie at 28° 31' 28.91" 82° 12' 50.91" Reporting Frequency: Monthly
DID 177/ PID ANMA-mw on Annutteliga Marsh at 28° 37' 8.51" 82° 32' 44.64" Reporting Frequency: Monthly
DID 178/ PID ANMA-sg on Annutteliga Marsh at 28° 37' 8.59" 82° 32' 44.54" Reporting Frequency: Monthly
DID 179/ PID BOMA-sg on Boggy Marsh at 28° 33' 4.34" 82° 15' 34.48" Reporting Frequency: Monthly*
DID 180/ PID. ELMA-mw on Elwood Marsh at 28° 29' 34.25" 82° 31' 28.44" Reporting Frequency: Monthly
DID 181/ PID ELMA-sg on Elwood Marsh at 28° 29' 34.15" 82° 31' 28.26" Reporting Frequency: Monthly
DID 182/ PID PGPR-sg on Pine Grove Prairie (821) at 28° 33' 10.31" 82° 31' 30.34" Reporting Frequency: Monthly*
DID 924/ PID NM2-hwe on Norman Marsh at 28° 31' 13.22" 82° 11' 33.78" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 976/ PID AMPR-hwe on Amelia Prairie at 28° 31' 30.03" 82°

12' 51.64" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 978/ PID ANMA-hwe on Annutteliga Marsh at 28° 37' 7.60" 82° 32' 45.53" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 979/ PID BOMA-hwe on Boggy Marsh at 28° 33' 4.52" 82° 15' 35.36" WAP Transect on wetland edge; Reporting Frequency: Annually
DID 989/ PID WS2-hwe on Willow Sink at 28° 31' 22.09" 82° 32' 29.11" WAP Transect on wetland edge; Reporting Frequency: Annually

* = due to staff gauge locations, these sites do not require piezometers

DID = District Identification number

PID = Permittee ID

To the maximum extent possible, water levels shall be recorded on the same day of each week and reported to the Water Use Permit Bureau, online via the WUP Portal on the District website, or in hardcopy on District-provided forms on or before the tenth day of the following month. The frequency of Reporting may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.

(762)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

1. With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, collect samples, take measurements, observe permitted and related facilities and collect and document any information deemed necessary to determine compliance with the approved plans, specifications and conditions of this permit. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.
2. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
3. A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.
4. The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Examples of adverse impacts include the following:
 - A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - B. Damage to crops and other vegetation causing financial harm to the owner; and
 - C. Damage to the habitat of endangered or threatened species.
5. The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:
 - A. A reduction in water levels which impairs the ability of a well to produce water;
 - B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.
6. Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted consumptive use is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40D-1.6105, F.A.C. Alternatively, the Permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
7. All withdrawals authorized by this WUP shall be implemented as conditioned by this permit, including any documents submitted as part of the permit application incorporated by reference in a permit condition. This permit is subject to review and modification, enforcement action, or revocation, in whole or in part, pursuant to Section 373.136 or 373.243, F.S.
8. This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
9. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.

10. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.
11. A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications.
12. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.
13. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
14. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
15. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that a statement in the application and in the supporting data are found to be untrue and inaccurate, the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing, pursuant to sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. All permits are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.

Exhibit B
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month for monthly reporting frequencies.

For bi-annual reporting, the data shall be recorded on a monthly basis and reported on or before the tenth day of the month following the sixth month of recorded data.

The Permittee shall submit meter readings online using the Permit Information Center at www.swfwmd.state.fl.us/permits/epermitting/ or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

1. The meter(s) shall be non-resettable, totalizing flow meter(s) that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Water Use Permit Bureau Chief.
2. The Permittee shall report non-use on all metered standby withdrawal facilities on the scanning form or approved alternative reporting method.
3. If a metered withdrawal facility is not used during any given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.
4. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.
5. Meter accuracy testing requirements:
 - A. For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.
 - B. The meter shall be tested for accuracy on-site, as installed according to the Flow Meter Accuracy Test Instructions in this Exhibit B, every five years in the assigned month for the county, beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy test requirement for existing meters.
 - C. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.
 - D. The test will be accepted by the District only if performed by a person knowledgeable in the testing equipment used.
 - E. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.
6. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.
7. Broken or malfunctioning meter:
 - A. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage.
 - B. The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.
 - C. If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than

60 consecutive days.

8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

9. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

FLOW METER ACCURACY TEST INSTRUCTIONS

1. Accuracy Test Due Date - The Permittee is to schedule their accuracy test according to the following schedule:

A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.

B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.

C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.

D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.

E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

January	Hillsborough
February	Manatee, Pasco
March	Polk (for odd numbered permits)*
April	Polk (for even numbered permits)*
May	Highlands
June	Hardee, Charlotte
July	None or Special Request
August	None or Special Request
September	Desoto, Sarasota
October	Citrus, Levy, Lake
November	Hernando, Sumter, Marion
December	Pinellas

* The permittee may request their multiple permits be tested in the same month.

2. Accuracy Test Requirements: The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:

A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.

B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.

C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.

D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.

3. Accuracy Test Report: The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:

A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.101.00 (5/14) for each flow meter tested. This form can be obtained from the District's website (www.watermatters.org) under "ePermitting and Rules" for Water Use Permits.

B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;

C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;

D. The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.

E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.

F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

WATER QUALITY INSTRUCTIONS

The Permittee shall perform water quality sampling, analysis and reporting as follows:

1. The sampling method(s) from both monitor wells and surface water bodies shall be designed to collect water samples that are chemically representative of the zone of the aquifer or the depth or area of the water body.
2. Water quality samples from monitor wells shall be taken after pumping the well for the minimum time specified (if specified) or after the water reaches a constant temperature, pH, and conductivity.
3. The first submittal to the District shall include a copy of the laboratory's analytical and chain of custody procedures. If the laboratory used by the Permittee is changed, the first submittal of data analyzed at the new laboratory shall include a copy of the laboratory's analytical and chain of custody procedures.
4. Any variance in sampling and/or analytical methods shall have prior approval of the Water Use Permit Bureau Chief.
5. The Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis.
6. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories."
7. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

8. Unless other reporting arrangements have been approved by the Water Use Permit Bureau Chief , reports of the analyses shall be submitted to the Water Use Permit Bureau , online at the District WUP Portal or mailed in hardcopy on or before the tenth day of the following month. The online submittal shall include a scanned upload of the original laboratory report. The hardcopy submittal shall be a copy of the laboratory's analysis form . If for some reason, a sample cannot be taken when required, the Permittee shall indicate so and give the reason in the space for comments at the WUP Portal or shall submit the reason in writing on the regular due date .
9. The parameters and frequency of sampling and analysis may be modified by the District as necessary to ensure the protection of the resource.
10. Water quality samples shall be collected based on the following timetable for the frequency listed in the special condition:

<u>Frequency</u>	<u>Timetable</u>
Weekly	Same day of each week
Quarterly	Same week of February, May, August, November
Semi-annually	Same week of May, November
Monthly	Same week of each month

WATER LEVEL INSTRUCTIONS

The staff gauge(s) shall be surveyed according to instructions given on the District website and referenced to the North American Vertical Datum 1988, and a copy of the survey indicating the datum reference shall be submitted with the first water level data report. The staff gauge(s) shall be scaled in one-tenth foot increments and shall be sized and placed so as to be clearly visible from an easily accessible point of land. Water levels shall be recorded on a frequency as indicated in the table provided in the special condition and reported to the Water Use Permit Bureau , online via the WUP Portal at the District website or in hardcopy on District-provided forms on or before the tenth day of the following month. To the maximum extent possible, water levels shall be recorded on a regular schedule as indicated in the recording timetable below. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.

Water Level Recording Timetable

<u>Frequency</u>	<u>Recording Schedule</u>
Daily	Same time of each day
Weekly	Same day of each week
Monthly	Same week of each month
Quarterly	Same week of months specified

WELL CONSTRUCTION INSTRUCTIONS

All wells proposed to be constructed shall be drilled and constructed as specified below:

1. All well casing (including liners and/or pipe) must be sealed to the depth specified in the permit condition.
2. The proposed well(s) shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with the water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.
3. A minimum of twenty (20) feet overlap and two (2) centralizers is required for Public Supply wells and all wells six (6) inches or more in diameter.
4. Any variation from estimated, maximum or minimum total depths; maximum or minimum casing depths; well location or casing diameter specified in the condition requires advanced approval by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.
5. The Permittee is notified that a proposal to significantly change any of these well construction specifications may require permit modification if the District determines that such a change would result in significantly greater withdrawal impacts than those considered for this Permit.
6. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.

ANNUAL REPORT SUBMITTAL INSTRUCTIONS

The "Public Supply Water Use Annual Report Form" (Form No. LEG-R.023.00 (01/09)), is designed to assist the Permittee with the annual report requirements, but the final authority for what must be included in the Water Use Annual Report is in this condition and in these instructions. Two identical copies of the "Public Supply Water Use Annual Report Form" and two identical copies of all required supporting documentation shall be included if submitted in hard copy. "Identical copy" in this instance means that if the original is in color, then all copies shall also be printed in color. If submitted electronically, only one submittal is required; however, any part of the document that is in color shall be scanned in color.

1. **Per Capita Use Rate** - A per capita rate for the previous calendar year will be progressively calculated until a rate of 150 gpd per person or less is determined whether it is the unadjusted per capita, adjusted per capita, or compliance per capita. The calculations shall be performed as shown in Part A of the Form. The Permittee shall refer to and use the definitions and instructions for all components as provided on the Form and in the Water Use Permit Applicant's Handbook Part B. Permittees that have interconnected service areas and receive an annual average quantity of 100,000 gpd or more from another permittee are to include these quantities as imported quantities. Permittees in the Southern Water Use Caution Area (SWUCA) or the Northern Tampa Bay Water Use Caution Area (NTBWUCA), as it existed prior to October 1, 2007, shall achieve a per capita of 150 gpd or less, and those in these areas that cannot achieve a compliance per capita rate of 150 gpd or less shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance. Permittees not in a Water Use Caution Area that cannot achieve a compliance per capita rate of 150 gpd or less by December 31, 2019 shall submit this same report in the Annual Report due April 1, 2020.

2. **Residential Use** - Residential water use consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes), including irrigation uses, whether separately metered or not. The Permittee shall document the methodology used to determine the number of dwelling units by type and the quantities used. Estimates of water use based upon meter size will not be accepted. If mobile homes are included in the Permittees multi-family unit category, the information for them does not have to be separated. The information for each category shall include:

- A. Number of dwelling units per category,
- B. Number of domestic metered connections per category,
- C. Number of metered irrigation connections,
- D. Annual average quantities in gallons per day provided to each category, and
- E. Percentage of the total residential water use provided apportioned to each category.

3. **Non-Residential Use** - Non-residential use consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided and percent of total non-residential use quantities provided. For each category 1 through 6 below, the number of metered connections shall be provided. These non-residential use categories are:

- A. Industrial/commercial uses, including associated lawn and landscape irrigation use,
- B. Agricultural uses (e.g., irrigation of a nursery),
- C. Recreation/Aesthetic, for example irrigation (excluding golf courses) of Common Areas, stadiums and school yards,
- D. Golf course irrigation,
- E. Fire fighting, system testing and other accounted uses,-
- F. K-through-12 schools that do not serve any of the service area population, and
- G. Water Loss as defined as the difference between the output from the treatment plant and accounted residential water use (B above) and the listed non-residential uses in this section.

4. **Water Audit** - The water audit report that is done because water losses are greater than 10% of the total distribution quantities shall include the following items:

- A. Evaluation of:
 - 1) leakage associated with transmission and distribution mains,
 - 2) overflow and leakage from storage tanks,
 - 3) leakage near service connections,
 - 4) illegal connections,

- 5) description and explanations for excessive distribution line flushing (greater than 1% of the treated water volume delivered to the distribution system) for potability,
- 6) fire suppression,
- 7) un-metered system testing,
- 8) under-registration of meters, and
- 9) other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts used for residential and non-residential uses specified in Parts B and C above, and

B. A schedule for a remedial action-plan to reduce the water losses to below 10%.

5. **Alternative Water Supplied other than Reclaimed Water** - Permittees that provide Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following on Part D of the Form:

- A. Description of the type of Alternative Water Supply provided,
- B. County where service is provided,
- C. Customer name and contact information,
- D. Customer's Water Use Permit number (if any),
- E. Customer's meter location latitude and longitude,
- F. Meter ownership information,
- G. General customer use category,
- H. Proposed and actual flows in annual average gallons per day (gpd) per customer,
- I. Customer cost per 1,000 gallons or flat rate information,
- J. Delivery mode (e.g., pressurized or non-pressurized),
- K. Interruptible Service Agreement (Y/N),
- L. Month/year service began, and
- M. Totals of monthly quantities supplied.

6. **Suppliers of Reclaimed Water** - Depending upon the treatment capacity of the Permittees wastewater treatment plant, the Permittee shall submit information on reclaimed water supplied as follows:

A. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd shall utilize the "SWFWMD Annual Reclaimed Water Supplier Report" in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09). The "SWFWMD Annual Reclaimed Water Supplier Report" is described in Section 3.1 of Chapter 3, under the subheading "Reclaimed Water Supplier Report" and is described in detail in the Water Use Permit Applicant's Handbook Part B.

B. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd can either utilize the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above or provide the following information on Part E of the Form:

- 1) Bulk customer information:
 - a) Name, address, telephone number,
 - b) WUP number (if any),
 - c) General use category (residential, commercial, recreational, agricultural irrigation, mining),
 - d) Month/year first served,
 - e) Line size,
 - f) Meter information, including the ownership and latitude and longitude location,
 - g) Delivery mode (pressurized, non-pressurized).
- 2) Monthly flow in gallons per bulk customer.
- 3) Total gallons per day (gpd) provided for metered residential irrigation.
- 4) Disposal information:
 - a) Site name and location (latitude and longitude or as a reference to the service area map),
 - b) Contact name and telephone,
 - c) Disposal method, and
 - d) Annual average gpd disposed.

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

DRAFT

CONSENT AGENDA**December 12, 2023****General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – Pop Florida Properties, LLC – CT No. 422327 – Sumter County**

Pop Florida Properties, LLC (Pop Florida) owns real property at 2238 West County Road 48, Bushnell, Florida 33513, in Sumter County (Property). On July 22, 2022, District staff received a complaint regarding the Popeye's restaurant (Project) constructed on the Property. The complainant alleged that the construction of the restaurant to the south of their property caused flooding on the entrance road to their hotel following rain events. On August 18, 2022, and August 19, 2022, District staff conducted site visits during rainstorms and observed water discharging off-site without entering the stormwater system and receiving treatment. During these site visits, staff also observed water flow being blocked by the curbing installed on the Property, resulting in flooding on the roadway located on the neighboring property.

The total size of the Project covers less than an acre, with approximately 0.44 acres of the site consisting of impervious structures. Projects like this typically qualify for a 10/2 General Permit, which is a self-certification option and does not require an Environmental Resource Permit (ERP); however, the project must still comply with the District's rules and regulations governing stormwater management systems. The Project would qualify if it did not result in adverse water quantity or flooding impacts, adverse impacts to existing surface water storage and conveyance capabilities, or a violation of state water quality standards. Pop Florida's representative submitted to the Florida Department of Environmental Protection (FDEP) a self-certification for a stormwater management system in uplands serving less than 10 acres of total project area and less than 2 acres of impervious surfaces (10/2 General Permit). However, the construction plans for the site used outdated floodplain data, which resulted in each of the impacts and violations mentioned above. Due to these impacts, the site no longer qualifies for a 10/2 general permit by rule, and Pop Florida must apply for an ERP to bring the site into compliance.

On May 31, 2023, the Office of General Counsel (OGC) issued a Notice of Violation to Pop Florida, requiring the landowner to bring the property into compliance with State law by reconstructing the site to resolve the flooding and water quality treatment impacts. Thereafter, OGC staff received no response or communications from the landowner or any of its representatives until July 12, 2023. Following a period of negotiations, on October 6, 2023, the District issued a Notice of Violation and Proposed Consent Order to Pop Florida, requiring the landowner to bring the site into compliance by obtaining and adhering to an Environmental Resource Permit and paying to the District penalties in the amount of \$18,550, and attorney fees in the amount of \$1,825. Following the issuance of the Notice of Violation and Consent Order, the District has received no correspondence from the landowner, no agreement has been reached, and the violations remain unresolved.

Staff Recommendation:

1. Authorize District staff to issue an Administrative Complaint and Order to Pop Florida Properties, LLC and any other necessary parties to obtain compliance, recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.
2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

Presenter:

Destin Dawsy, Attorney, Office of General Counsel

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CONSENT AGENDA

December 12, 2023

General Counsel's Report: Delegation of Authority – Memorandum of Agreement with the Florida Department of Environmental Protection – Coordinated Review of Permit Applications for Indirect Potable Reuse Projects

Section 403.064(18)(e), Florida Statutes, directs the Florida Department of Environmental Protection and the water management districts to develop and execute a memorandum of agreement to establish procedural requirements for reviewing permits associated with the construction and operation of an indirect potable reuse project. The Memorandum of Agreement is intended to promote the sharing of information, avoid redundancy, and ensure consistency in the permitting process.

The Department of Environmental Protection has developed a draft Memorandum of Agreement, attached hereto as Exhibit A, that is currently being reviewed by the water management districts. However, the Memorandum of Agreement must be executed by December 31, 2023, and may not be finalized until after the Governing Board meeting on December 12, 2023. Staff request that the Governing Board delegate the authority to the Executive Director to execute the final Memorandum of Agreement.

Staff Recommendation:

Delegate to the Executive Director the authority to execute the Memorandum of Agreement between the Southwest Florida Water Management District and the Florida Department of Environmental Protection.

Presenter:

Christopher A. Tumminia, General Counsel, Office of General Counsel

**MEMORANDUM OF AGREEMENT BETWEEN
NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT,
SUWANNEE RIVER WATER MANAGEMENT DISTRICT,
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT,
SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, AND
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Northwest Florida Water Management District ("NFWMD"), Suwannee River Water Management District ("SRWMD"), St. Johns River Water Management District ("SJRWMD"), the South Florida Water Management District ("SFWMD"), the Southwest Florida Water Management District ("SWFWMD"), collectively referred to as the "Districts," and the Florida Department of Environmental Protection ("FDEP") enter into this Memorandum of Agreement ("MOA") to accomplish the goals and purposes stated below.

WHEREAS, the FDEP is a state agency with authority to issue permits authorizing the reuse of reclaimed water pursuant to Chapter 403, F.S.; and

WHEREAS, the Districts are legislatively created special districts and regional agencies of the state with the delegated authority to issue permits authorizing the consumptive use of water (hereinafter referred to as "consumptive use permits," "water use permits," or "permits"); and

WHEREAS, in 2020, section 403.064, F.S., was amended to require rule revisions that provide for potable reuse; and

WHEREAS, reuse of reclaimed water is a critical component of meeting the state's existing and future water supply needs while sustaining natural systems; and

WHEREAS, reclaimed water is not subject to regulation under s. 373.175 or part II of chapter 373, Florida Statutes (F.S.), until it has been discharged into waters as defined in s. 403.031, F.S.; and

WHEREAS, the FDEP has initiated rulemaking for Chapter 62-565, F.A.C., to establish procedures to obtain a permit, construct, modify, operate, and maintain an Advanced Treatment Water Facility (ATWF); the requirements for monitoring and reporting once a permit for an ATWF is issued; and the requirements for the proper operation of potable reuse systems, as authorized under s. 403.064(18), F.S.; and

WHEREAS, the FDEP has initiated rulemaking for Chapter 62-610, F.A.C., to reflect the relocation of regulations for potable reuse projects to proposed new Chapter 62-565, F.A.C., entitled "Potable Reuse;" and to be consistent with other title 62

chapters, correct regulatory references, clarify current language, maintain protections for surface waters used as potable water sources; and

WHEREAS, section 403.064(18)(e), F.S., directs the Districts and FDEP to develop and execute a memorandum of agreement to provide for the procedural requirements of a coordinated review, if requested by an applicant, of all permits associated with the construction and operation of an indirect potable reuse project in order to share information, avoid the redundancy of information requested from the permittee, and ensure consistency in the permit for the protection of the public health and the environment.

NOW THEREFORE, the Districts and FDEP agree to the following procedural requirements of a coordinated review of all permits associated with the construction and operation of an indirect potable reuse project :

I. REGULATION

A. **Coordination Team**. Coordination will be accomplished by a team of personnel from FDEP and the Districts comprised of staff members from each agency who are knowledgeable of the indirect potable reuse permitting and water use regulation efforts at their respective agencies. Programs included on the Coordination Team can include, but are not limited to, FDEP's Division of Water Resource Management and Districts' water use permitting program. The Coordination Team shall meet upon the request by an applicant for a coordinated review.

B. **Applicant Requests for Coordinated Review**. In the event that an applicant is applying for permits associated with the construction and operation of an indirect potable reuse project, the applicant may request a coordinated review by the permitting agencies. The applicant must submit the request in writing to the permitting agencies at the earliest opportunity possible but no later than the submittal of the first application applicable to the project for which coordination is requested. An applicant may request a joint pre-application meeting with the Coordination Team to discuss the proposed project.

C. **Application Review Procedures**. Upon the request from the applicant, staff of the Districts and FDEP will undertake a coordinated review. In order to achieve a comprehensive review of all permits associated with the construction and operation of an indirect potable reuse project, and in an effort to protect the water resources of the state and human health and safety, the coordinated review will be conducted pursuant to the following procedures:

1. Upon receipt of a request for a pre-application meeting for which the applicant has requested a coordinated review, the reviewing agency shall coordinate

the requested joint pre-application meeting between the affected agencies and the applicant.

2. Within 15 days of receipt of an application for a water use permit that includes the use of water associated with an indirect potable reuse project, a District acting as the reviewing agency shall notify FDEP's Division of Water Resource Management as the commenting agency and provide a copy of the application materials.

3. Within 15 days of receipt of an application for a water use permit that includes the use of water associated with an indirect potable reuse project, FDEP's Division of Water Resource Management as the reviewing agency shall notify the applicable District's water use permitting program as the commenting agency and provide a copy of the application materials.

4. Based on the information provided, any comments within the substantive jurisdiction of the commenting agency shall be provided from the commenting agency to the reviewing agency no later than 15 days following receipt, unless an additional five days is requested by the commenting agency and granted by the reviewing agency.

5. Comments received from the commenting agency shall be provided to the applicant.

6. A copy of the Notice of Intended or Proposed Agency Action, whichever is appropriate to the reviewing agencies, shall be provided to the commenting agencies at the same time it is sent to the applicant.

7. If an individual Consumptive Use Permit (CUP) or Water Use Permit (WUP) application includes an offset associated with the injection of reclaimed water into groundwater, the CUP/WUP shall not be considered complete until the applicant has obtained a permit for the underground injection control (UIC) from FDEP. Notwithstanding, for such applications that have not yet received a UIC from FDEP, upon request from the applicant, a District may effectuate final agency action on a CUP/WUP application if it does not meet the conditions for issuance for reasons other than completeness.

II. GENERAL PROVISIONS

The following provisions are intended to ensure the orderly administration of this MOA.

1. This MOA may be amended in writing by mutual agreement of the Parties. The Governing Boards of the Districts hereby delegate to the executive directors the authority to execute any and all amendments to this MOA. Any party may terminate its participation in this MOA by providing 60 days' written notice to the other

Parties.

2. Nothing herein shall be construed to conflict with any requirement of Chapters 373 or 403, F.S., or any District or FDEP rule.

AGREED TO this _____ day of _____,

2023.

[INSERT SIGNATURE BLOCKS FOR EACH DISTRICT and FDEP]

DRAFT

CONSENT AGENDA

December 12, 2023

Executive Director's Report: Approve Governing Board Minutes – November 14, 2023

Staff Recommendation:

Approve minutes as presented.

Presenter:

Brian J. Armstrong, P.G., Executive Director



**GOVERNING BOARD MEETING
TUESDAY, NOVEMBER 14, 2023 – 9:00 AM
7601 US 301 NORTH, TAMPA, FL 33637
(813) 985-7481**

MINUTES

Board Members Present

Ed Armstrong, Chair
Michelle Williamson, Vice Chair
John Mitten, Secretary
Jack Bispham, Treasurer
Joel Schleicher, Member
Kelly Rice, Member
Ashley Bell Barnett, Member
John Hall, Member
James Holton, Member
Dustin Rowland, Member
Robert Stern, Member
Nancy H. Watkins, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Chris Tumminia, General Counsel
Brian Werthmiller, Inspector General
Michael Molligan, Division Director
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director
Brian Starford, Division Director
Brandon Baldwin, Division Director

Board Administrative Support

Virginia Singer, Manager
Lori Manuel, Lead Administrative Coordinator

Convene Public Meeting

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., November 14, 2023, at the Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637. This meeting was available for live viewing through Internet streaming. An attendance roster is archived in the District's permanent records. Approved minutes from meetings can be found on the District's website at WaterMatters.org.

1.1 Call to Order

Chair Ed Armstrong called the meeting to order. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Chair Armstrong stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should complete and submit a "Request to Speak" card. Chair Armstrong stated that comments would be limited to three minutes per speaker, and when appropriate, exceptions to the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same topic designate a spokesperson. Chair Armstrong introduced each member of the Governing Board and staff present at the dais (this served as roll call). A quorum was confirmed.

1.2 Invocation and Pledge of Allegiance

Vice Chair Michelle Williamson offered the invocation and led the Pledge of Allegiance.

1.3 Employee Recognition

None were presented.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated there were no additions or deletions to the agenda.

Board Member Joel Schleicher requested the following item be moved to Discussion. In addition, Chair Armstrong stated a Request to Speak card was received for this item. This item was moved to Discussion:

Consent Agenda

General Counsel's Report

2.3 General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Gary Stoner – CT No. 427660 – Pinellas County

There was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. Ray Westbrook spoke regarding environmental concerns involving dewatering related to a Florida Department of Transportation (FDOT) project in Venice, Florida. Ms. Mary Westbrook spoke regarding environmental concerns involving the same project. Board Member Joel Schleicher asked for staff clarification regarding this issue. Ms. Michelle Hopkins, Regulation Division Director, stated that there is an on-going compliance investigation. She stated that FDOT is operating within the terms of their permit, and they also have a dewatering permit. Ms. Hopkins stated that the permit did not contemplate impacts. Staff has notified FDOT of the complaint investigation. Staff are continuing to investigate, and the Board will be kept apprised. Ms. Hopkins responded to questions.

Mr. David Ballard Geddis spoke regarding Maloney's Water Code.

Ms. Sherilyn Young spoke regarding environmental concerns related to the Weeki Wachee Springs.

Consent Agenda

Resource Management Committee

2.1 Bradenton Beach BMPs Avenues B and C - Reduction of Scope and Budget (W639)

Staff recommended the Board amend the Bradenton Beach BMPs Avenues B and C (W639) cooperative funding agreement to:

- a) Remove design and construction of Avenue B from the scope of work;
- b) Decrease the treatment area to 14.8 acres, the TSS removal to 10,485 lbs./yr., and the TN removal to 294 lbs./yr.; and
- c) Revise the project budget from \$530,930 to \$232,824 with the District and the City each contributing \$116,412.

Regulation Committee

2.2 Water Use Permit No. 20 010420.013, Peace River/Manasota Regional WSA / Peace River Water Treatment Plant Facility (DeSoto, Sarasota Counties)

Staff recommended the Board approve the proposed permit attached as an exhibit.

General Counsel's Report

2.3 General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Gary Stoner – CT No. 427660 – Pinellas County

Staff recommended the Board:

1. ~~Authorize District staff to issue an Administrative Complaint and Order to Gary Stoner to obtain compliance, recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.~~
2. ~~Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.~~

2.4 Approve Governing Board Minutes – October 24, 2023

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:23:37)

Finance/Outreach and Planning Committee

Treasurer Jack Bispham called the committee to order.

3.1 Consent Item(s) Moved to Discussion - None

3.2 Budget Transfer Report

This item is for the Board's information only, and no action is required.

Resource Management Committee

Board Member Ashley Bell Barnett called the committee to order.

4.1 Consent Item(s) Moved to Discussion - None

4.2 Tampa Bay Water Update

Mr. Charles Carden, Tampa Bay Water (TBW) General Manager, stated that due to current hydrologic conditions because of lack of rainfall, demand for water has increased. He stated that TBW has declared a stage one drought alert plan. He outlined information regarding management, enforcement, and outreach. Mr. Carden stated that TBW supports the District's recommendation of modified stage one water restrictions.

Mr. Carden addressed TBW's long term plan for the Southern Hillsborough County area. He provided an overview of the project, benefits, funding information, and a timeline. Mr. Carden responded to questions.

Mr. Carden addressed TBW's development alternatives plan that was approved by their Board which includes the development of regional reclaim projects.

This item was for information only. No action was required.

Operations, Lands and Resource Monitoring Committee

Board Member John Hall called the committee to order.

5.1 Consent Item(s) Moved to Discussion – None

5.2 Offer for Surplus Lands – Tampa Bypass Canal (TBC-14), SWF Parcel No. 13-004-317S

Ms. Ellen Morrison, Land Resources Bureau Chief, presented information regarding the TBC-14 parcel. She provided a history and summary of the project. Ms. Morrison also outlined the

criteria used to determine the surplus of this property. She provided information regarding the offer to purchase.

Staff recommended the Board:

- Accept the offer of \$407,000;
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals, and petroleum in or on or under the land upon the request of the buyer;
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:40:20)

Regulation Committee

Board Member Robert Stern called the committee to order.

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board

No denials were presented.

6.3 Consider Water Shortage Order(s) as Necessary

Mr. Darrin Herbst, Water Use Permitting Manager, presented information that included hydrologic conditions, and the statutes and rules related to the District's required water shortage plans. He also summarized water shortage phase options and the indicators that determine the appropriate phase. Mr. Herbst outlined the current conditions in support of the District's recommendation to implement modified phase one water shortage restrictions. He provided an overview of the proposed water shortage order.

Staff recommended the Board approve implementation of modified phase one water shortage restrictions.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:46:55)

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion

2.3 General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Gary Stoner – CT No. 427660 – Pinellas County

A Request to Speak card was submitted for this item.

Mr. Chris Tumminia, General Counsel, stated this is an on-going enforcement matter regarding unlicensed water well contracting. He explained that staff has been negotiating with Mr. Stoner but have been unable agree upon a resolution.

Mr. Gary Stoner addressed the Board regarding this item. He expressed concerns regarding the amount of the monetary penalties assigned to this violation. Mr. Tumminia and Ms. Taylor Greenan, Staff Attorney, responded to questions.

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Gary Stoner to compliance, recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.
2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:59:10)

Committee/Liaison Reports

8.1 Environmental Advisory Committee

Mr. Michael Molligan provided a summary of the October 10 meeting. A written summary of the meeting was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, wished everyone a happy Thanksgiving.

Chair's Report

10.1 Chair's Report

Board Member Joel Schleicher addressed a letter that the District received from the Sarasota County Tax Collector regarding the remittance of excess fees to the District as required by Florida law. Board Member Schleicher asked staff to provide information regarding the budgeting of excess fees received for the District and how the amounts are verified to be appropriate. Discussion ensued.

Board Chair Ed Armstrong asked that staff research the matter and provide a response as a follow up item after the Governing Board.

Chair Armstrong stated the Governing Board Workshop following this meeting will begin at 10:20 a.m.

Chair Armstrong stated the next Governing Board meeting is scheduled on Tuesday, December 12 at 9:00 a.m., in the Tampa office.

10.2 Employee Milestones

A written summary was provided.

Adjournment

The Board meeting recessed at 10:04 a.m.

Governing Board Meeting

December 12, 2023

3. FINANCE/OUTREACH & PLANNING COMMITTEE

3.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	97
3.2	Discussion: Action Item: Preliminary Budget for Fiscal Year 2025.....	98
3.3	Discussion: Information Item: Knowledge Management: Annual Review of Governing Board Policy, Investments	100
3.4	Submit & File: Information Item: Budget Transfer Report	101

FINANCE/OUTREACH AND PLANNING COMMITTEE

December 12, 2023

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenters:

Michael Molligan, Division Director, Employee, Outreach and General Services Division

Brandon Baldwin, Division Director, Business and IT Services Division

FINANCE/OUTREACH AND PLANNING COMMITTEE**December 12, 2023****Discussion: Action Item: Preliminary Budget for Fiscal Year 2025***Purpose*

Submit fiscal year (FY) 2025 Preliminary Budget for consideration by the Governing Board as required by statute; and authorize staff to prepare the *Preliminary Budget Submission* based on the preliminary budget as presented, adjusted for any modifications made by the Governing Board on December 12, for submission to the Florida Legislature on or before January 15, 2024.

Background

Section 373.535, Florida Statutes, requires water management districts (WMDs) to submit a preliminary budget for the next fiscal year to the Florida Legislature for review by January 15. The statutory language specifies the information to be included in the *Preliminary Budget Submission*. The President of the Senate and the Speaker of the House of Representatives may submit comments regarding the preliminary budgets to the WMDs on or before March 1 of each year. Each WMD must respond to those comments in writing on or before March 15 of each year.

In addition, the following specific provisions are contained in s. 373.536(5)(c), F.S., regarding the legislative review of the WMDs tentative budgets due August 1:

The Legislative Budget Commission may reject any of the following WMDs budget proposals:

1. *A single purchase of land in excess of \$10 million, except for land exchanges.*
2. *Any cumulative purchase of land during a single fiscal year in excess of \$50 million.*
3. *Any issuance of debt on or after July 1, 2012.*
4. *Any program expenditures as described in s. 373.536(5)(e)4.e. and f. (i.e., Outreach and Management and Administration programs) in excess of 15 percent of a district's total annual budget.*
5. *Any individual variances in a district's tentative budget in excess of 25 percent from a district's preliminary budget.*

At the October 24, 2023 Governing Board meeting, staff provided an overview of factors affecting budget development and recommended approval of the general budget assumptions needed to prepare the District's preliminary budget for FY2025. The Governing Board approved the assumptions as presented at the meeting.

On December 12, 2023, staff will present the preliminary budget for FY2025 and request approval to submit the *FY2024-25 Preliminary Budget Submission* to the Florida Legislature by January 15, 2024. The preliminary budget has been prepared using the same budget assumptions as presented to the Governing Board on October 24, 2023.

The development of the District's final budget will begin in February 2024. All budget requests will be subject to Governing Board review and approval during the development of the final budget for FY2025. At the June 25, 2024 Governing Board meeting, staff will present and request approval of the FY2025 Recommended Annual Service Budget.

At the July 23, 2024 Governing Board meeting, staff will present a budget update, including information regarding the results of the Certifications of Taxable Value, and will request approval to submit the *FY2024-25 Tentative Budget Submission* to the Governor and Florida Legislature on August 1, 2024.

Staff Recommendation:

Authorize staff to prepare the *Preliminary Budget Submission* for FY2025 based on the preliminary budget as presented, adjusted for any modifications made by the Governing Board on December 12, for submission to the Florida Legislature on or before January 15, 2024.

Presenter:

Brandon Baldwin, Division Director, Business and IT Services Division

FINANCE/OUTREACH AND PLANNING COMMITTEE

December 12, 2023

Discussion: Information Item: Knowledge Management: Annual Review of Governing Board Policy, Investments

Purpose

To provide the Board with recommended modifications to the District's Investment Policy and to solicit input prior to the January 23, 2024, Board meeting.

A copy of the current Investment Policy with the recommended changes redlined throughout the document will be provided under separate cover. A "clean draft copy" of the revised Investment Policy will be included as an action item in the January 2024 Board packet and approval will be requested at that time.

Background

At the September 26, 2023, Board meeting, a one-time extension of the review and approval period for *Governing Board Policy, Investments* was approved to extend from 60 days to 115 days. An Investment Policy and strategy overview was presented at the Governing Board workshop, held November 14, 2023. Options and recommended changes will be presented to the Board for discussion and direction to staff.

Benefits

Extending the number of days for review and approval has allowed the Governing Board to review and discuss the District's policy and investment strategies at the November workshop and provided sufficient time for staff to incorporate any modifications to the policy through the District's Knowledge Management process for approval by the Governing Board.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Brandon Baldwin, Division Director, Business and IT Services Division

FINANCE/OUTREACH AND PLANNING COMMITTEE

December 12, 2023

Submit & File: Information Item: Budget Transfer Report

Purpose

Provide the Budget Transfer Report covering all budget transfers made during the month of November 2023.

Background

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are presented to the Finance/Outreach & Planning Committee of the Governing Board as a Submit and File Report at the next regular scheduled meeting. The exhibit for this item reflects all such transfers executed during the month of November 2023.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Melisa J. Lowe, Bureau Chief, Finance Bureau

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
November 2023

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---			
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category	Reason For Transfer		Transfer Amount
<u>Change from Original Budget Intent</u>					
1	General Services Capital Field Equipment Fund	General Services Capital Field Equipment Fund	Transfer of funds originally budgeted for the Capital Field Equipment Fund (CFEF) for the replacement of assets as outlined within the adopted budget. Funds are still required for the replacement of equipment through the CFEF. The planned replacement of a Unimog was approved with the FY2024 budget for \$150,000. After competitive bidding, the cost of the replacement came in at \$175,492. This transfer is to request approval to utilize CFEF fund balance to cover the additional \$25,492.	\$	25,492.00
2	Engineering & Project Management Consultant Services	Data Collection Equipment - Outside	Transfer of funds originally budgeted for the evaluation of cost effectiveness metrics used in the review of Cooperative Funding Initiative projects. Since the current priority for large-scale alternative water supply development projects limits the number of new CFI projects based on available funding, a full analysis of cost effectiveness metrics is not warranted at this time. Staff will adjust cost effectiveness metrics based on historical costs and apply cost indices to bring into present/future values. Funds are required to replace a digital wireline camera that was lost when it became irretrievably lodged in a well in September 2023. The camera is a critical piece of equipment for well drilling and well monitoring activities to determine the cause of problems while drilling, identifying problems in existing monitor wells, and confirming the proper construction of monitor wells drilled for the District.		25,400.00
				Total Change from Original Budget Intent	\$ 50,892.00
<u>Consistent with Original Budget Intent</u>					
1	Natural Systems & Restoration Salaries & Benefits Grant - Financial Assistance	Natural Systems & Restoration Salaries & Benefits Grant - Financial Assistance	Funds are needed for the original purpose budgeted for the City of Anna Maria Stormwater Improvement Best Management Practices Cooperative Funding Initiative. The project benefits a Surface Water Improvement and Management (SWIM) priority water body and the District utilizes special accounting codes to track these type of expenditures. The funds are being transferred for accounting purposes only.	\$	442,498.00
2	Operations Capitalized - Consultant Services	Engineering & Project Management Capitalized - Consultant Services	Funds are needed for the original purpose budgeted for the design of water control structures electronic control system replacements. The funds are transferred from the Structure Operations section to the Design and Construction Management section to manage the project along with other budgeted Structures capital improvement projects.		250,000.00
3	Operations Equipment - Outside	Operations Equipment - Non-Capital Outlay	Funds are needed for the original purpose budgeted for the replacement of a skid-mounted spray system used to apply herbicide to targeted vegetation. Since the actual cost of the replacement system is under the \$5,000 capital threshold, the funds are transferred to the appropriate accounting codes for non-capital outlay.		4,500.00
				Total Consistent with Original Budget Intent	\$ 696,998.00
				Total Amount Transferred	\$ 747,890.00

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director, or designee, or the Finance Bureau Chief consistent with Budget Authority Transfer of Funds Board Policy, and are presented to the Governing Board as a Submit and File Report. This Board Policy limits transfers made for a purpose other than the original budget intent to \$75,000. However, transfers made for accounting reallocation purposes consistent with original budget intent are not limited.

Governing Board Meeting

December 12, 2023

4. RESOURCE MANAGEMENT COMMITTEE

4.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	103
4.2	Discussion: Action Item: Fiscal Year 2025 Cooperative Funding Process	104
4.3	Discussion: Action Item: Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt Minimum Flows for Horse Creek and Charlie Creek and Accept the Final Draft Reports	106
4.4	Discussion: Action Item: Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt Minimum Flows for the Little Manatee River and Accept Final Draft Report	113

RESOURCE MANAGEMENT COMMITTEE

December 12, 2023

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Jennette M. Seachrist, P.E., Division Director, Resource Management Division

RESOURCE MANAGEMENT COMMITTEE

December 12, 2023

Discussion: Action Item: Fiscal Year 2025 Cooperative Funding Process

Purpose

To update the Board on the status of the fiscal year (FY) 2025 Cooperative Funding process and request approval to deviate from the Cooperative Funding Initiative (CFI) Policy regarding Regional Subcommittee meetings.

Background

On October 6, 2023, the District received 30 CFI applications, requesting \$159.7 million of District funding in FY25. The applications include seven prioritized alternative water supply (AWS) projects requesting \$140.1 million, six ongoing (1A) projects requesting \$832,075, and 17 new projects requesting \$18.8 million.

Similar to the FY2024 CFI review process, staff recommends eliminating the eight Regional Subcommittee meetings for FY2025. In lieu of Regional Subcommittee meetings, project information, scoring and funding recommendations would be presented at the February and April Board meetings. The CFI Policy allows for deviation from the Regional Subcommittee review process if approved by the Board.

Discussion

The FY2025 CFI applications have been compiled by region, distributed to the Governing Board members, and posted on the District's website (<https://www.swfwmd.state.fl.us/business/coopfunding>). District staff are currently evaluating, scoring, and preparing evaluations for each project. Preliminary project evaluations will be provided to the Governing Board prior to the February Board meeting. The following topics are proposed for discussion at the February Board meeting:

- Summarize Funding Applications
- Review Preliminary Project Evaluations/Scores
- Receive Public/Stakeholder Input
- Select Projects for Presentations in April
- Review Timeline and Next Steps

Final staff evaluations will be presented in April along with the requested project presentations. Final approval of the FY2025 projects for inclusion in the Recommended Annual Service Budget (RASB) will be requested at the April Board meeting.

Staff Recommendation:

Approve eliminating the Regional Subcommittee meetings for the FY2025 CFI review process.

Presenter:

Kevin Wills, Cooperative Funding Initiative Lead, Engineering and Project Management Bureau

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RESOURCE MANAGEMENT COMMITTEE**December 12, 2023**

Discussion: Action Item: Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt Minimum Flows for Horse Creek and Charlie Creek and Accept the Final Draft Reports

Purpose

To request the Board initiate and approve rulemaking to amend Rule 40D-8.041, Florida Administrative Code (F.A.C.), to adopt minimum flows for Horse Creek and Charlie Creek, and accept the reports entitled: "Recommended Minimum Flows for Horse Creek, Final Draft, November 2023" and "Recommended Minimum Flows for Charlie Creek, Final Draft, November 2023."

Background/History

Horse Creek is approximately 54 miles long, originating in Hardee County and joining the Peace River north of County Road 761 in DeSoto County. Charlie Creek flows 42 miles through portions of Polk, Hardee, Highlands, and DeSoto Counties to Peace River. Both creeks are major tributaries to the Peace River, which provides a large volume of freshwater inflow to the Charlotte Harbor estuary. Minimum flows have not previously been established for either Horse Creek or Charlie Creek. Adoption of rules establishing minimum flows for these systems is scheduled for 2023 in the District's Minimum Flows and Levels Priority List and Schedule.

Staff submitted draft reports on recommended minimum flows for Horse Creek and Charlie Creek to the Governing Board in June 2023. The draft reports were then voluntarily submitted to an independent scientific peer review panel. The panel conducted their review from June 27 through October 9, 2023, and all panel meetings, as well as a publicly accessible web forum set up by the District for panel communication, were advertised in the Florida Administrative Register in accordance with Florida's Government-in-the-Sunshine Law. The panel found that the draft reports met relevant statutory requirements and that the analyses were thorough, scientifically reasonable, and based on the best available information. Staff revised the draft minimum flows reports for Horse Creek and Charlie Creek based on consideration of comments provided by the peer review panel and interested stakeholders. All peer review panel reports, stakeholder comments provided during the review, and staff response documents are included as appendices of the final draft versions of the minimum flows reports.

In addition to independent scientific peer review, the District facilitated stakeholder review by hosting meetings and corresponding with individual stakeholders or stakeholder groups, presenting the minimum flows to the District's Environmental Advisory and Public Supply Advisory Committees, and facilitating a public workshop. Comments and questions from the public workshop and other stakeholder input were reviewed but did not necessitate the need for further revision of the draft minimum flows reports. Electronic versions of the final draft minimum flows reports, which include all stakeholder input in the appendices, are available at <https://www.swfwmd.state.fl.us/projects/mfl/documents-and-reports>.

The development of minimum flows for Horse Creek and Charlie Creek included the evaluation of flows for fish passage and wetted perimeter lengths across the creek bottom and banks, instream habitats for fish and invertebrates and inundation of floodplains. In addition, water quality, sediment loads, and transfer of detrital material were assessed to support minimum flows development for the creeks. For

both creeks, a low flow threshold based on fish passage was used to develop minimum flows for low-flow conditions (Block 1). A percent-of-flow approach that is expected to maintain at least 85% of the most sensitive habitat-based criterion was used to develop minimum flows for moderate (Block 2) and high (Block 3) flow conditions. The recommended minimum flows for Block 2 are based on protecting the most sensitive group of fish and invertebrates and those for higher lows (Block 3a, 3b, and 3c) are based on protecting floodplain inundation at different elevations.

For Horse Creek, the baseline flow record used for minimum flow analyses was based on daily average flow at the U.S. Geological Survey (USGS) Horse Creek at SR 72 near Arcadia, FL Gage No. 02297310, adjusted for withdrawals, for the period of record from May 1, 1950, through December 31, 2021. For Charlie Creek, the baseline flow record used for minimum flow analyses was based on the daily average flow at the USGS Charlie Creek near Gardner, FL Gage No. 02296500, adjusted for withdrawals, for the period of record from May 1, 1950, through December 31, 2021.

For minimum flow purposes in Horse Creek, daily flow is defined as the preceding day's flow at the USGS Horse Creek at SR 72 near Arcadia, FL Gage No. 02297310, adjusted for withdrawal impacts. Recommended minimum flows for Horse Creek allow for no withdrawal-related reductions (0% reduction of the daily flow) under low flow conditions (Block 1, flows ≤ 15 cubic feet per second or cfs), up to a 12% reduction of the daily flow under moderate flow conditions (Block 2, flows > 15 cfs and ≤ 78 cfs), and for high flow conditions (Block 3) up to a 14% reduction for daily flows that inundate lower portions of the floodplain (Block 3a, flows > 78 cfs and ≤ 172 cfs), up to a 12% reductions for daily flows that inundate middle portions of the floodplain (Block 3b, flows > 172 cfs and ≤ 644 cfs), and up to an 8% reduction for daily flows that inundate upper portions of the floodplain (Block 3c, flows > 644 cfs).

For minimum flow purposes in Charlie Creek, daily flow is defined as the preceding day's flow at the USGS Charlie Creek near Gardner, FL Gage No. 02296500, adjusted for withdrawals. Recommended minimum flows for Charlie Creek allow for no withdrawal-related reductions of the daily flow under low flow conditions (Block 1, flows ≤ 27 cfs), up to a 14% reduction of the daily flow under moderate flow conditions (Block 2, flows > 27 cfs and ≤ 120 cfs), and for high flows (Block 3), up to a 12% reduction in daily flows that inundate lower portions of the floodplain (Block 3a, flows > 120 cfs and ≤ 316 cfs), up to a 9% reduction in daily flows that inundate middle portions of the floodplain (Block 3b, flows > 316 cfs and ≤ 945 cfs), and up to a 7% reduction in daily flows that inundate upper portions of the floodplain (Block 3c, flows > 945 cfs).

All relevant environmental values identified in the State Water Resource Implementation Rule were considered in the development of minimum flows for Horse Creek and Charlie Creek. In accordance with an adaptive management approach, the District will reevaluate the minimum flows, as necessary.

Status assessments based on the best available information indicate the recommended minimum flows for Horse Creek and Charlie Creek are being met and will continue to be met for the next 20 years. Therefore, a recovery strategy or system-specific prevention strategy are not required. The newly developed minimum flows for Horse Creek and Charlie Creek are identified in the final reports as "recommended" for current consideration by the District Governing Board for incorporation into District rules. The proposed rule language for establishment of minimum flows for Horse Creek and Charlie Creek are included as Exhibit A and Exhibit B, respectively.

Benefits/Costs

Adoption of the minimum flows for Horse Creek and Charlie Creek will protect the water resources and

ecology of the area and will support the District's water supply planning, water use permitting, and environmental resource permitting programs. A Statement of Estimated Regulatory Costs is not required for the Horse Creek or the Charlie Creek minimum flows as rulemaking associated with these minimum flows is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

Upon Governing Board approval of the proposed rule language, staff will submit notice to the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with formal rulemaking without further Board action. If substantive changes are necessary as the result of comments received from the public or reviewing entities such as OFARR, this matter will be brought back to the Board for consideration.

Staff Recommendation:

1. Accept the report entitled, "Recommended Minimum Flows for Horse Creek, Final Draft, November 2023."
2. Accept the report entitled, "Recommended Minimum Flows for Charlie Creek, Final Draft, November 2023."
3. Authorize the initiation of rulemaking to amend Rule 40D-8.041, F.A.C., to establish minimum flows for Horse Creek.
4. Authorize the initiation of rulemaking to amend Rule 40D-8.041, F.A.C., to establish minimum flows for Charlie Creek.
5. Approve the proposed rule language to establish minimum flows for Horse Creek, which is contained in Exhibit A to this recap.
6. Approve the proposed rule language to establish minimum flows for Charlie Creek, which is contained in Exhibit B to this recap.
7. Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process for Horse Creek minimum flows.
8. Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process for Charlie Creek minimum flows.

Presenter:

Kristina Deak, PhD, Senior Environmental Scientist, Natural Systems and Restoration Bureau

Exhibit A
RULES OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
RULE 40D-8.041
MINIMUM FLOWS

40D-8.041 Minimum Flows.

(1) through (23) No Change.

(XX) Minimum Flows for Horse Creek

(a) For purposes of this rule, Horse Creek in Hardee County, FL and Desoto County, FL includes the watercourse from the headwaters to the confluence with the Peace River and tributaries to the watercourse.

(b) Minimum Flows for Horse Creek are based on the daily average flow at the United States Geological Survey (USGS) Horse Creek at SR 72 near Arcadia, FL Gage No. 02297310, adjusted for withdrawals, for the period of record from May 1, 1950, through December 31, 2021, as set forth in Table 8-XX.

<u>Table 8-XX Minimum Flow for Horse Creek Based on the Flows from the USGS Horse Creek at SR 72 near Arcadia, FL Gage No. 02297310 Adjusted for Water Withdrawals</u>	
<u>If Adjusted Flow in cubic feet per second (cfs) on the previous Day is:</u>	<u>Minimum Flow is:</u>
<u>≤ 15 cfs</u>	<u>Flow on the previous day</u>
<u>> 15 cfs and ≤ 78 cfs</u>	<u>15 cfs or 88% of flow on the previous day, whichever is greater</u>
<u>> 78 cfs and ≤ 172 cfs</u>	<u>69 cfs or 86% of flow on the previous day, whichever is greater</u>
<u>> 172 cfs and ≤ 644 cfs</u>	<u>88% of flow on the previous day</u>
<u>> 644 cfs</u>	<u>92% of flow on the previous day</u>

(c) Status assessments of the Minimum Flows for Horse Creek will be completed to determine whether the flow is below or projected to fall below the Minimum Flows. Each status assessment is independent from and not a determination of water use permit compliance or environmental resource permit compliance. Permit compliance is a regulatory function that is not within the scope of this subsection. As part of each status assessment, the District will

use the following approach:

1. The District will evaluate the Minimum Flow annually to determine the extent to which the flow of Horse Creek has been reduced due to withdrawals as of the date of each status assessment at Gage No. 02297310. The annual evaluation will be completed through a review of:

(a) Flow data;

(b) Water withdrawals;

(c) Aquifer water levels;

(d) Rainfall data; and

(e) Hydrologic modeling.

2. The District will also evaluate the Minimum Flows every five years as part of the regional water supply planning process. This evaluation will include the use of hydrologic modeling.

3. If the Minimum Flows are being met based on the annual evaluation or the evaluation performed as a part of the regional water supply planning process, then no further actions are required beyond continued monitoring.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421 FS. History—New 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, 2-18-08, 3-2-08, 5-12-08, 5-10-09, 3-23-10, 3-28-10, 7-12-10, 8-2-10 (8), 8-2-10 (15), 10-16-12, 3-20-13(16), 3-20-13(17), 6-20-16, 3-15-18, 6-19-18, 4-15-20, 8-9-20, 4-12-21, 4-7-22, ____.

Exhibit B

RULES OF THE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RULE 40D-8.041

MINIMUM FLOWS

40D-8.041 Minimum Flows.

(1) through (23) No Change.

(XX) Minimum Flows for Charlie Creek

(a) For purposes of this rule, Charlie Creek in Polk County, FL and Hardee County, FL includes the watercourse from the headwaters to the confluence with the Peace River and tributaries to the watercourse.

(b) Minimum Flows for Charlie Creek are based on the daily average flow at the United States Geological Survey (USGS) Charlie Creek near Gardner, FL Gage No. 02296500, adjusted for withdrawals, for the period of record from May 1, 1950, through December 31, 2021, as set forth in Table 8-XX.

<u>Table 8-XX Minimum Flow for Charlie Creek Based on the Flows from the USGS Charlie Creek near Gardner, FL Gage No. 02296500 Adjusted for Upstream Withdrawals</u>	
<u>If Adjusted Flow in cubic feet per second (cfs) on the previous Day is:</u>	<u>Minimum Flow is:</u>
<u>≤ 27 cfs</u>	<u>Flow on the previous day</u>
<u>> 27 cfs and ≤ 120 cfs</u>	<u>27 cfs or 86% of flow on the previous day, whichever is greater</u>
<u>> 120 cfs and ≤ 316 cfs</u>	<u>88% of flow on the previous day</u>
<u>> 316 cfs and ≤ 945 cfs</u>	<u>91% of flow on the previous day</u>
<u>> 945 cfs</u>	<u>93% of flow on the previous day</u>

(c) Status assessments of the Minimum Flows for Charlie Creek will be completed to determine whether the flow is below or projected to fall below the Minimum Flows. Each status assessment is independent from and not a determination of water use permit compliance or environmental resource permit compliance. Permit compliance is a regulatory function that is not within the scope of this subsection. As part of each status assessment, the District will

use the following approach:

1. The District will evaluate the Minimum Flow annually to determine the extent to which the flow of Charlie Creek has been reduced due to withdrawals as of the date of each status assessment at Gage No. 02296500. The annual evaluation will be completed through a review of:

(a) Flow data;

(b) Water withdrawals;

(c) Aquifer water levels;

(d) Rainfall data; and

(e) Hydrologic modeling.

2. The District will also evaluate the Minimum Flows every five years as part of the regional water supply planning process. This evaluation will include the use of hydrologic modeling.

3. If the Minimum Flows are being met based on the annual evaluation or the evaluation performed as a part of the regional water supply planning process, then no further actions are required beyond continued monitoring.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421 FS. History—New 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, 2-18-08, 3-2-08, 5-12-08, 5-10-09, 3-23-10, 3-28-10, 7-12-10, 8-2-10 (8), 8-2-10 (15), 10-16-12, 3-20-13(16), 3-20-13(17), 6-20-16, 3-15-18, 6-19-18, 4-15-20, 8-9-20, 4-12-21, 4-7-22, ____.

RESOURCE MANAGEMENT COMMITTEE**December 12, 2023****Discussion: Action Item: Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt Minimum Flows for the Little Manatee River and Accept Final Draft Report***Purpose*

To request the Board initiate and approve rulemaking to amend Rule 40D-8.041, Florida Administrative Code (F.A.C.), to adopt minimum flows for the Little Manatee River, and accept the report entitled: "Recommended Minimum Flows for the Little Manatee River, Final Draft, November 2023."

Background/History

Developing minimum flows for the Upper and Lower Little Manatee River has been a significant effort that has gone on for a number of years and has involved substantial interaction with stakeholders. A draft report containing upper river minimum flows recommendations was completed in 2011 and reviewed by a panel of independent scientists in 2012. Delays completing the minimum flows recommendations for both the upper and lower river have occurred based on technical concerns and shifts in prioritization of waterbodies for minimum flow and level establishment.

In September 2021, District staff presented a draft report to the Board that summarized proposed minimum flows for both the Upper and Lower Little Manatee River and indicated the report would be reviewed by an independent, scientific peer review panel. This draft report included new and updated analyses and considered the 2012 peer review panel comments on the upper river minimum flows methods, results, and recommendations. The recently completed peer review was conducted from October 2021 through September 2023 by a panel of three independent scientists with extensive experience in hydrogeology, hydrology, hydraulic and hydrodynamic modeling, and aquatic ecology. The panel was charged with reviewing the technical approach used by the District to determine if the proposed minimum flows for the upper and lower river are supported by the data, procedures, and analyses used for their development. All panel meetings, as well as a publicly-accessible internet-based forum set up by the District for panel communication, were advertised in the Florida Administrative Register in accordance with Florida's Government-in-the-Sunshine Law.

The initial peer review panel report included many comments, mostly related to the hydraulic and hydrodynamic modeling, and the peer review period was extended so that the District could complete work needed to address the comments. Addressing the peer review panel's comments resulted in substantial revisions to the models, tools, and analyses used for both the upper and lower river minimum flows determinations. During the review period, numerous comments were received from stakeholders, and the peer review panel considered these comments during their review. Staff revised the draft minimum flows report based on consideration of peer review panel comments and those from interested stakeholders. In their September 2023 final peer review panel report, the panel found that the District's June 2023 revised draft minimum flows report met relevant statutory requirements; that the analyses were thorough, scientifically reasonable, and based on best available information; and indicated that all District responses to their comments were sufficient. All peer review panel reports, stakeholder comments provided during the review, and staff response documents are included in appendices of a final draft version of the minimum flows report.

In addition to the scientific peer review, the District solicited stakeholder review of the recommended minimum flows by hosting meetings and corresponding with individual stakeholders and stakeholder groups, presenting the minimum flows to the District's Environmental Advisory and the Public Supply Advisory Committees, and facilitating public workshops. Comments and questions from the public workshops and other stakeholder interactions were reviewed and used to improve the draft minimum flows report but did not necessitate revision of the recommended minimum flows. An electronic version of the final draft minimum flows report, which includes all stakeholder input in the report appendices, is available at <https://www.swfwmd.state.fl.us/projects/mfl/documents-and-reports>.

Staff is recommending separate minimum flows for the upper, freshwater, and lower, estuarine, segments of the Little Manatee River. For minimum flows purposes, the upper river originates east of Fort Lonesome in Hillsborough County and extends downstream to the Environmental Protection Commission (EPC) of Hillsborough County Water Quality Monitoring Station No. 1616; the lower river extends from EPC Water Quality Monitoring Station No. 1616 to Tampa Bay.

The recommended minimum flows were developed using standard and innovative techniques applied to riverine systems. Resources evaluated for minimum flows development for the freshwater river segment included water levels for fish passage, wetted perimeter lengths on the river bottom, instream habitats for fish and invertebrates, and floodplain inundation. For the estuarine portion of the river, resource evaluations focused on changes in salinity distributions, which exert a strong effect on the plant and animal communities of the water column, sediments, and shoreline, and favorable habitat for fish, crabs, and shrimp, with these favorable estuarine habitat analyses made possible based on a large dataset available from a long-term monitoring program.

For the upper segment of the river, the low-flow threshold, which has typically been developed to limit surface water withdrawals during dry periods, is based on protecting fish passage and was applied to the minimum flows for Block 1 (low flows). Because groundwater withdrawal impacts to the river are minimal based on the underlying geology in the area, the low-flow threshold was applied to any withdrawals in Block 1. In addition, since the low-flow threshold was shown to protect the lower river, it was applied to the entire river. The recommended minimum flows for the freshwater segment of the river for Block 2 (moderate flows) are based on protecting instream habitat for the most sensitive group of fish and invertebrates and those for higher flows (Block 3) are based on protecting floodplain inundation. For the lower river, the recommended minimum flows for Blocks 2 (moderate flows) and 3 (high flows) are based on protecting favorable estuarine fish habitat.

For both the Upper and Lower Little Manatee River, the minimum flows are based on the average daily flow at the U.S. Geological Survey Little Manatee River at US 301 near Wimauma, FL Gage No. 02300500, adjusted for withdrawals, for the period of records from April 1, 1939, through December 31, 2021.

Recommended minimum flows for the upper segment of the river allow for no withdrawal-related reductions, i.e., 0 percent reduction of the daily flow under low flow conditions (Block 1, flows ≤ 29 cubic feet per second or cfs), with the daily flow defined for minimum flow purposes as the preceding day's flow adjusted for withdrawal impacts. The upper river minimum flows allow for up to a 12 percent reduction of the daily flow under moderate-flow conditions (Block 2, flows > 29 cfs and ≤ 96 cfs), and for high-flow conditions (Block 3), up to a 13 percent flow reduction for flows that inundate the lower floodplain (flows > 96 cfs and ≤ 224 cfs, Block 3a) and up to a 10 percent reduction of flow for the flows (> 224 cfs, Block 3b) that inundate higher portions of the floodplain.

For the lower segment of the river, recommended minimum flows allow for withdrawal-related reductions of 0 percent of the daily flow under low-flow conditions (Block 1, flows <29 cfs), up to 13 percent of the daily flow under moderate-flow conditions (Block 2, flows >29 cfs and ≤96 cfs), and up to 32 percent of flow under high-flow conditions (Block 3, flows >96 cfs).

The recommended minimum flows for the upper and lower river segments are protective of all relevant environmental values identified in the State Water Resource Implementation Rule for consideration when establishing minimum flows and levels. The District will re-evaluate the minimum flows as necessary.

The proposed rule language for establishment of minimum flows for the Upper and Lower Little Manatee River is included as Exhibit A.

Benefits/Costs

Adoption of the minimum flows for the Little Manatee River will protect the water resources and ecology of the area and will support the District's water supply planning, water use permitting, and environmental resource permitting programs. A Statement of Estimated Regulatory Costs is not required for the Little Manatee River minimum flows as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

Upon Governing Board approval of the proposed rule language, staff will submit notice to the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with formal rulemaking without further Board action. If substantive changes are necessary as the result of comments received from the public or reviewing entities such as OFARR, this matter will be brought back to the Board for consideration.

Staff Recommendation:

1. Accept the report entitled "Recommended Minimum Flows for the Little Manatee River, Final Draft, November 2023."
2. Authorize the initiation of rulemaking to amend Rule 40D-8.041, F.A.C., to establish minimum flows for the Upper Little Manatee River and the Lower Little Manatee River.
3. Approve the proposed rule language to establish minimum flows for the Upper Little Manatee River and Lower Little Manatee River, which is contained in Exhibit A to this recap.
4. Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.

Presenter:

Kym Rouse Holzward, MS, CSE, Lead Ecologist, Natural Systems and Restoration Bureau

Exhibit A

RULES OF THE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RULE 40D-8.041

MINIMUM FLOWS

40D-8.041 Minimum Flows.

(1) through (23) No Change.

(XX) Minimum Flows for the Upper Little Manatee River.

(a) For purposes of this rule, the Upper Little Manatee River in Hillsborough County, FL and Manatee County, FL includes the watercourse from its headwaters to the Environmental Protection Commission of Hillsborough County Water Quality Monitoring Station No. 1616 located at 82.40557 W, 27.66662 N, and tributaries to the watercourse.

(b) Minimum Flows for the Upper Little Manatee River are based on the daily average flow at the United States Geological Survey (USGS) Little Manatee River at US 301 near Wimauma, FL Gage No. 02300500, adjusted for withdrawals, for the period of record from April 1, 1939, through December 31, 2021, as set forth in Table 8-XX.

<u>Table 8- XX Minimum Flow for the Upper Little Manatee River Based on the Flows from the USGS Little Manatee River at US 301 near Wimauma, FL Gage No. 02300500 Adjusted for Upstream Withdrawals</u>	
<u>If Adjusted Flow in cubic feet per second (cfs) on the previous Day is:</u>	<u>Minimum Flow is:</u>
<u>≤ 29 cfs</u>	<u>Flow on the previous day</u>
<u>> 29 cfs and ≤ 96 cfs</u>	<u>29 cfs or 88% of flow on the previous day, whichever is greater</u>
<u>> 96 cfs and ≤ 224 cfs</u>	<u>85 cfs or 87% of flow on the previous day, whichever is greater</u>
<u>> 224 cfs</u>	<u>90% of flow on the previous day</u>

(c) Status assessments of the Minimum Flows for the Upper Little Manatee River will be completed to determine whether the flow is below or projected to fall below the Minimum Flows. Each status assessment is independent from and not a determination of water use permit compliance or environmental resource permit compliance. Permit compliance is a regulatory function that is not within the scope of this subsection. As part of each status assessment, the District will use the following approach:

1. The District will evaluate the Minimum Flow annually to determine the extent to which the flow of the Upper Little Manatee River has been reduced due to withdrawals as of the date of each status assessment at Gage No. 02300500. The annual evaluation will be completed through a review of:

- (a) Flow data;
- (b) Water withdrawals;
- (c) Aquifer water levels;
- (d) Rainfall data; and
- (e) Hydrologic modeling.

2. The District will also evaluate the Minimum Flows every five years as part of the regional water supply planning process. This evaluation will include the use of hydrologic modeling.

3. If the Minimum Flows are being met based on the annual evaluation or the evaluation performed as a part of the regional water supply planning process, then no further actions are required beyond continued monitoring.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421 FS. History—New 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, 2-18-08, 3-2-08, 5-12-08, 5-10-09, 3-23-10, 3-28-10, 7-12-10, 8-2-10 (8), 8-2-10 (15), 10-16-12, 3-20-13(16), 3-20-13(17), 6-20-16, 3-15-18, 6-19-18, 4-15-20, 8-9-20, 4-12-21, 4-7-22, ____.

(YY) Minimum Flows for the Lower Little Manatee River.

(a) For purposes of this rule, the Lower Little Manatee River in Hillsborough County, FL includes the watercourse from the Hillsborough County Environmental Protection Commission Water Quality Monitoring Station No. 1616 located at 82.40557 W, 27.66662 N, to Tampa Bay, and tributaries to the watercourse.

(b) Minimum Flows for the Lower Little Manatee River are based on the daily average flow at the United States Geological Survey (USGS) Little Manatee River at US 301 near Wimauma, FL Gage No. 02300500, adjusted for withdrawals, for the period of record from April 1, 1939, through December 31, 2021, as set forth in Table 8-YY.

<u>Table 8-YY Minimum Flow for the Lower Little Manatee River Based on the Flows from the USGS Little Manatee River at US 301 near Wimauma, FL Gage No. 02300500 Adjusted for Upstream Withdrawals</u>	
<u>If Adjusted Flow in cubic feet per second (cfs) on the previous Day is:</u>	<u>Minimum Flow is:</u>
<u>≤ 29 cfs</u>	<u>Flow on the previous day</u>
<u>> 29 cfs and ≤ 96 cfs</u>	<u>29 cfs or 87% of flow on the previous day, whichever is greater</u>

<u>> 96 cfs</u>	<u>84 cfs or 68% of flow on the previous day, whichever is greater</u>
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(c) Status assessments of the Minimum Flows for the Lower Little Manatee River will be completed to determine whether the flow is below or projected to fall below the Minimum Flows. Each status assessment is independent from and not a determination of water use permit compliance or environmental resource permit compliance. Permit compliance is a regulatory function that is not within the scope of this subsection. As part of each status assessment, the District will use the following approach:

1. The District will evaluate the Minimum Flow annually to determine the extent to which the flow of the Lower Little Manatee River has been reduced due to withdrawals as of the date of each status assessment at Gage No. 02300500. The annual evaluation will be completed through a review of:

(a) Flow data;

(b) Water withdrawals;

(c) Aquifer water levels;

(d) Rainfall data; and

(e) Hydrologic modeling.

2. The District will also evaluate the Minimum Flows every five years as part of the regional water supply planning process. This evaluation will include the use of hydrologic modeling.

3. If the Minimum Flows are being met based on the annual evaluation or the evaluation performed as a part of the regional water supply planning process, then no further actions are required beyond continued monitoring.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421 FS. History—New 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, 2-18-08, 3-2-08, 5-12-08, 5-10-09, 3-23-10, 3-28-10, 7-12-10, 8-2-10 (8), 8-2-10 (15), 10-16-12, 3-20-13(16), 3-20-13(17), 6-20-16, 3-15-18, 6-19-18, 4-15-20, 8-9-20, 4-12-21, 4-7-22, ____.

Governing Board Meeting

December 12, 2023

5. OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE

5.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	119
5.2	Discussion: Information Item: Hydrologic Conditions Report	120
5.3	Discussion: Action Item: Offer for Surplus Lands - Tampa Bypass Canal (TBC-16), SWF Parcel No. 13-001-741S.....	121

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE

December 12, 2023

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Brian S. Starford, P.G., Division Director, Operations, Lands and Resource Monitoring Division

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE

December 12, 2023

Discussion: Information Item: Hydrologic Conditions Report

- November is the second month of the 8-month dry season (October through May). It is historically the driest month of the year, with a Districtwide long-term rainfall average of just 1.87 inches. Rainfall through November 14th has been low, widely scattered, associated with seasonally transitional weather systems (e.g., diminished convective/sea breeze rainstorms; increased frontal systems), and dominated by high pressure and dry air.
- **Rainfall:** Provisional (Nov. 1-14) rainfall totals have been below normal in the northern and southern counties, while within the normal range in the central counties. The Districtwide 12-month cumulative rainfall total has declined to a deficit of 12.77 inches below the long-term historical average.
- **Streamflow:** Provisional (Nov. 1-15) streamflow decreased at all 12 monitoring stations, compared to last month. Eight stations report below-normal flow, while four report normal flow. Regional streamflow, based on three index rivers, is below normal in the northern and central counties, while within the normal range in the southern counties.
- **Groundwater:** Provisional (Nov. 1-12) aquifer level percentiles decreased in all three regions of the District, compared to last month. Regional levels were in the normal range in the northern, central, and southern counties.
- **Lake Levels:** Provisional (Nov. 1-13) lake levels have declined in all four lake regions, compared to last month. Regional levels are below normal in the Northern and Tampa Bay regions, while they are within the normal range in the Polk Uplands and Lake Wales Ridge regions.
- **Overall:** Below-average rainfall throughout the District during October and November (through November 14th), has resulted in declines in most major hydrologic indicators. The National Oceanic and Atmospheric Administration (NOAA) continues to predict above-normal rainfall through May 2024, due to ongoing El Niño conditions in the Pacific Ocean continuing into Spring 2024. However, drier-than-normal rainfall during fall/winter would worsen overall hydrologic conditions.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Tamera McBride, Hydrologic Data Manager, Data Collection Bureau

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE

December 12, 2023

Discussion: Action Item: Offer for Surplus Lands - Tampa Bypass Canal (TBC-16), SWF Parcel No. 13-001-741S

Purpose

Recommend the Governing Board approve the Contract for Sale and Purchase, included as Exhibit 1, for a surplus parcel identified as TBC-16. The District received an offer to purchase the TBC-16 parcel from Trouble Creek Rd., LLC for \$78,000. The offer reflects a price of approximately \$49,057 per acre for approximately 1.59 acres. A site map and general location map are attached as Exhibits 2 and 3, respectively.

Background

The Tampa Bypass Canal system (TBC) runs in a linear alignment along the eastern edge of the cities of Tampa and Temple Terrace in Hillsborough County, Florida. From its northern terminus at Cow House Creek in the Lower Hillsborough Wilderness Park (and flood detention area), it runs south and west to McKay Bay near the City of Tampa. The TBC is also linked to the Hillsborough River via the Harney Canal segment (C-136). Owing to the urbanized nature of the area it traverses, the TBC system is crossed by a number of major highways, including I-75, I-4, US 301, and US 41.

The TBC is a component of the Four River Basins, Florida Project, formulated by the U.S. Army Corps of Engineers (USACOE) in response to severe regional flooding which occurred in west-central Florida in 1960. The TBC system was designed and constructed to provide standard flood protection (100-year flood plus 25 percent) to urbanized areas along the Lower Hillsborough River. Congress authorized the major flood control project under the joint sponsorship of the USACOE, and at the time, the newly created Southwest Florida Water Management District. Construction and excavation began in 1966 and continued until its completion in 1981.

The TBC system functions in concert with the Lower Hillsborough Wilderness Park (and flood detention area) by intercepting flood waters from the Hillsborough River and then conveying them to McKay Bay. With the use of flood control Structure S-155 located on the Hillsborough River and the earthen levee that runs along the western edge of the flood detention area, flood waters are impounded and spill over into the northern portion of the TBC. Several flood control structures (S-159, S-161, S-162 and S-160) on the TBC direct controlled flows safely to McKay Bay. Structure S-161 within the Harney Canal portion is also used to convey flows into the TBC from the Hillsborough River.

In 2012, TBC-16 and other parcels along the TBC were identified as no longer necessary for continued operation and maintenance of the canal. This parcel has been listed with the District's Real Estate Broker, Saunders Ralston Dantzler Real Estate since July 12, 2023.

Appraisal and Price

The TBC-16 Parcel was appraised on July 6, 2023, for \$65,000 by BBG Real Estate Services, Kyle Catlett, MAI. As part of the appraisal, District staff has discussed the contracts and market activity related to this property with the appraiser and he independently considered market conditions affecting the value of the property. The highest and best use for the property is for passive recreation or assemblage with the adjacent surrounding parcel. A sales summary and adjustment grid from the appraisal is attached as

Exhibit 4. The full appraisal is available upon request. The property value details are summarized below:

	Total	Per Acre
Offer Amount	\$78,000	\$49,057
Appraised Value	\$65,000	\$40,881
Listing Price	\$78,000	\$49,057

The buyer understands that there is no legal access to the property but since it is adjacent to property currently owned by the buyer, additional legal access is not needed. The District's title to the property includes the subsurface rights. Upon the request of a buyer and in accordance with Section 270.11(3), Florida Statutes the District may release its interest in all phosphate, minerals, metals, and petroleum that may be in, on or under the property. The current offer being presented to the Governing Board is also above the appraised value and if accepted will be accompanied by a five percent (5%) good faith deposit. The contract details are summarized below:

Sale Terms

- The District will deliver title to the buyer by Quit Claim Deed.
- The buyer will make a deposit of five percent (5%) of the contract price or \$3,900.
- The buyer has the option to purchase and extend the due diligence period up to two (2) extensions of ninety days (90) and will pay \$5,000 for each extension. The extension deposits are non-refundable.
- Closing will occur no more than 280 days after the effective date of the Contract for Sale and Purchase, which includes up to two (2) ninety-day (90) extensions.
- The buyer will pay the real estate commission of \$4,680 to Saunders Real Estate.
- The buyer will bear all expenses of the transaction except for the appraisal and advertising costs.

Benefits/Costs

The sale of surplus lands will allow the District to acquire lands that are more environmentally significant. Funds derived from the sale of surplus land may only be used for the purchase of other lands meeting the criteria in Section 373.139, Florida Statutes, resulting in more effectively meeting the District's core mission.

Staff Recommendation:

- Accept the offer of \$78,000;
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals, and petroleum in or on or under the land upon the request of the buyer;
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter:

Ellen Morrison, Bureau Chief, Land Resources Bureau

Approved by Attorney: CT**CONTRACT FOR SALE AND PURCHASE**

THIS Contract for Sale and Purchase (Contract) is made this _____ day of, 20____, by and between the Southwest Florida Water Management District, a public corporation of the State of Florida, having an address of 2379 Broad Street, Brooksville, Florida 34604 (District), and Trouble Creek Rd., LLC, having an address of 163 Commerce Ave N, St. Petersburg, FL 33716 (Buyer), as follows:

1. **AGREEMENT TO SELL:** The District hereby agrees to sell, and Buyer hereby agrees to buy, in accordance with this Contract, the real property that is more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference (Property).
2. **TIME FOR ACCEPTANCE:** Upon execution of this Contract by Buyer, Buyer's offer will be binding for _____ (60) days after such execution by Buyer. If this Contract is not executed by the District on or before _____ (60) days after execution of this Contract by Buyer, Buyer's offer contained in this Contract is withdrawn and this Contract will terminate.
3. **EFFECTIVE DATE:** The effective date of this Contract will be the date of execution by the District.
4. **APPROVAL:** This Contract is subject to approval by the District's Governing Board. If the District's Governing Board does not approve this Contract and all the terms and conditions hereof, the District will notify the Buyer in writing and this Agreement will terminate.
5. **PURCHASE PRICE:** The total purchase price for the Property will be Seventy Eight Thousand dollars (\$78,000) which will be paid in the following manner:
 - a. **Deposit:** Concurrent with the execution by Buyer of this Contract, Buyer will deposit five percent (5%) of the purchase price in the form of a certified or cashier's check from a financial institution as defined in Section 655.005, Florida Statutes (F.S.), made payable to the closing agent designated by the District, as earnest money (Deposit). In the event this Contract is terminated under Paragraphs 2, 4, 9, or 13 of this Contract, or as a result of the District's default under paragraph 14 of this contract, the District will return the Deposit to Buyer.
 - b. **Balance:** The balance of the purchase price will be paid at the time of closing by wire transfer from a financial institution as defined in Section 655.005, F.S., to the closing agent designated by the District.
6. **CLOSING, EXPENSE AND POSSESSION:** This Contract will be closed no later than _____ (95) days from the effective date referenced in Paragraph 2, unless this

Contract for Sale and Purchase
 Parcel Name: TBC-16
 SWF Parcel No.: 13-001-741S

Revised 3/1/2021

Contract is terminated pursuant to Paragraphs 2, 4, 9, 13, or 14. The following are additional details of closing:

- a. **Time and Place:** The date, time and place of closing will be set by the District.
- b. **Conveyance:** At closing, the District will deliver to Buyer a fully executed quit claim deed, conveying the Property and improvements in "AS IS, WHERE IS CONDITION," without warranties or representations.
- c. **Expenses:** Buyer shall be responsible for paying all closing costs associated with the Property including, but not limited to, Buyer's survey costs, documentary stamp tax on the deed, recording fees, abstract or title insurance fees, and Buyer's attorneys' fees. The District has designated Meridian Title Company Inc., having an address of 37837 Meridian Ave STE 100, Dade City, FL 33525, as the escrow agent for closing. The Buyer will pay any costs charged by such company or agent for this closing service. If Buyer obtains a survey of the Property, nothing contained therein will affect the purchase price or terms of this Contract.
- d. Buyer will also be responsible for paying SVN Saunders Ralston
Dantzler Real Estate in the amount of Forty Six Hundred Eighty dollars (\$ 4,680), by separate certified or cashier's check made payable to, or wire transfer to, the escrow agent designated by the District. The commission for the District's sale of surplus property is calculated based on the following schedule:

Commission Schedule: Maximum Compensation Rate			
Purchase Price for the Property			Maximum Rate
The first	\$ 0	- \$ 1,000,000	6.0%
The next	\$ 1,000,001	- \$ 5,000,000	5.0%
The next	\$ 5,000,000	and over	4.0%

7. **REAL ESTATE TAXES, EASEMENTS, RESTRICTIONS, AND ENCUMBRANCES:** Buyer agrees to take title to the Property subject to any outstanding taxes, special liens or assessments including real estate taxes, if any; comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions, qualifications and matters appearing on the plat or otherwise common to the subdivision, restrictive covenants, public utility easements and all outstanding easements, reservations and other interests.

8. **CONDITION OF THE PROPERTY:** Buyer agrees to accept the Property in "AS IS, WHERE IS CONDITION." The District makes no warranties or representations whatsoever as to the condition of the Property or the improvements located thereon, or the fitness of either for any particular use or purpose.

Contract for Sale and Purchase
Parcel Name: TBC-16
SWF Parcel No.: 13-001-741S

Revised 3/1/2021

9. **DUE DILIGENCE PERIOD:** Buyer will, at Buyer's expense, determine whether the Property is suitable for the Buyer's intended use and development of the Property within _____ (90) days from the effective date of this Contract (Due Diligence Period).

- a. During the Due Diligence Period, Buyer may conduct any tests, analyses, surveys, inspections, and investigations which Buyer deems necessary to determine to Buyer's satisfaction the suitability of the Property for Buyer's intended use and development. Buyer will deliver written notice to the District prior to the expiration of the Due Diligence Period of Buyer's determination of whether the Property is acceptable. If Buyer fails to comply with this notice requirement, Buyer will be deemed to have waived any objection to the suitability of the Property for the Buyer's intended use and development and to have accepted the Property in its present "as is" condition.
- b. If Buyer determines that the Property is not acceptable, Buyer must include the specific reasons therefore in its notice to the District. The District will have thirty (30) days from receipt of Buyer's notice to cure the specified deficiencies. If the deficiencies are identified by a survey, the survey must meet the requirements for a **Certified Boundary Survey in accordance with Chapter 472, Florida Statutes**, and must be provided to the District for review. If the deficiencies are identified in a Title Insurance Commitment, the Title Insurance Commitment and supporting documentation must be provided to the District for review. If the District fails to cure the deficiencies to the reasonable satisfaction of the Buyer, its attorney or the Buyer's title insurance company within the 30-day cure period, Buyer may either terminate this Contract or proceed to closing in the same manner as if no deficiencies had been found.
- c. Buyer may contact the District to arrange access to the Property for Buyer, its agents, contractors and assigns for the purpose of conducting such tests, analyses, surveys, inspections, and investigations. Buyer will indemnify and hold the District harmless from losses, damages, costs, claims and expenses of any nature, including attorneys' fees at all levels, and from liability to any person, arising from the conduct of any and all inspections or any work authorized by Buyer. Buyer will not engage in any activity that could result in a mechanic's lien being filed against the Property.

10. **EVIDENCE OF TITLE:** Buyer may, at Buyer's expense, obtain evidence of title and determine insurability of title or waive insurable title, within the Due Diligence Period specified in paragraph 9 and subject to the same notices and waivers. Buyer understands that District may only convey title by Quit Claim Deed and Buyer agrees that this will not be an objection to title.

11. **SURVEY:** If the Buyer chooses to obtain a survey of the Property, the Buyer agrees to provide the District with a certified copy of the survey.

12. **OPERATION OF PROPERTY DURING CONTRACT PERIOD:** Prior to closing, the District will continue to operate the Property and any business conducted on the Property in

Contract for Sale and Purchase
Parcel Name: TBC-16
SWF Parcel No.: 13-001-741S

Revised 3/1/2021

the manner operated prior to the date of the Contract and will take no action that would adversely impact the Property.

13. **RISK OF LOSS:** If substantial damage to the Property (more than \$5,000) occurs between the date of this Contract and the date of closing, the District will have the option of restoring the damaged Property to its condition immediately prior to the occurrence causing the damage, in which event, Buyer will complete the transaction as originally planned. If these repairs are not completed prior to the closing date, closing will be extended until such time as the repairs are completed. If the District elects not to restore the damaged Property, Buyer's sole remedy will be the right to terminate this Contract by giving written notice to the District or, alternatively, to proceed to closing on the Property, as damaged, without adjustment in the purchase price. If damage to the Property is \$5,000 or less, the parties will proceed to closing as though no damage had occurred.

14. **DEFAULT:** If Buyer fails to close within _____ (100 days from the effective date referenced in Paragraph 3, the District will retain the Deposit, this Contract will terminate, and the District and Buyer will be relieved of all rights and obligations under this Contract. If the District fails to deliver the quit claim deed to Buyer within _____ (100 days from the effective date referenced in Paragraph 3, the District will return the Deposit to Buyer, this Contract will terminate, and Buyer and the District will be relieved of all rights and obligations under this Contract. Notwithstanding the above, neither party shall be liable under this provision if the closing date is extended pursuant to Paragraph 13, Risk of Loss.

15. **ATTORNEYS' FEES AND COSTS:** Except as provided in Paragraph 9, Due Diligence Period, in any claim or controversy arising out of or relating to this Contract, each party agrees to bear its own attorney fees and costs.

16. **NOTICES:** All notices will be in writing and may be delivered by mail, overnight courier, or personal delivery. The parties agree to send all notices to the addresses specified in the introductory clause; and as to the District, such notice will be sent to the attention of its Office of General Counsel. Notice is effective upon receipt.

17. **SUCCESSORS:** Upon execution of this Contract by Buyer, this Contract will be binding upon and inure to the benefit of Buyer, Buyer's heirs, successors, or assigns.

18. **RECORDING:** Neither this Contract nor any notice of it may be recorded in any county by any person.

19. **ASSIGNMENT:** This Contract may not be assigned by Buyer without the prior written consent of the District.

20. **TIME OF ESSENCE:** Time is of the essence in the performance of this Contract.

21. **AMENDMENTS:** This Contract contains the entire agreement and all representations of the parties. No amendment will be effective except when reduced to writing signed by all parties. Notwithstanding the foregoing, the parties acknowledge that the description of the Property is without the benefit of a current survey. The parties agree that if, in the opinion of

the District, it becomes necessary to amend the description to correct errors, to more properly describe the Property, or to otherwise revise the description of the Property, the description to be used in the survey (if any) and in the closing instruments required by this Contract for the Property will be revised by or at the direction of the District and will be subject to the final approval of the District. Anything to the contrary hereinabove notwithstanding, such a revision of the description of the Property will not require a written amendment to this Contract. In such event, the District's execution and delivery of the closing instruments containing the revised description and the Buyer's acceptance of said instruments and of the final survey (if any) containing the revised description will constitute a full and complete ratification and acceptance of the revised description of the Property by the parties.

22. **SURVIVAL:** Paragraphs 6c, 7, 11 and 15 of this Contract will survive delivery and recording of deed and possession of the Property.

23. **COUNTERPARTS AND AUTHORITY TO SIGN:** The signatures of all parties need not appear on the same counterpart. In accordance with the Electronic Signature Act of 1996, electronic signatures, including facsimile transmissions, may be used and shall have the same force and effect as a written signature. Each person signing this Contract warrants that he or she is duly authorized to do so and to bind the respective party to the Contract.

24. **DOCUMENTS:** The following documents are attached and made a part of this Agreement. In the event of a conflict of contract terminology, priority will first be given to the language in the body of this Agreement.

Exhibit "A" Legal Description

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the parties have caused the Contract to be executed on the day and year set forth below.

DISTRICT:
**Southwest Florida Water Management
District, a public corporation of the State
of Florida**

Witness

Printed Name

Witness

Printed Name

Hailey Dalton

Witness

Hailey Dalton

Printed Name

Witness

Printed Name

By: _____

Name: _____

Title: _____

Date: _____

BUYER:

By: Johnathan Stanton

Name: Johnathan Stanton

Title: President

Date: 11/2/2023

By: _____

Name: _____

Title: _____

Date: _____

Exhibit "A"
Legal Description

Legal Description Parcel

Remainder of this page intentionally left blank.

TITLE SEARCH REPORT

Exhibit A

Fund File Number: 1355426

That part of the following described land lying above the mean high-water line:

Commencing at a point 1850.5' South and 15' West of the Northeast corner of the NW 1/4 of Section 22, Township 29 South, Range 19 East and run West to the Easterly, right-of-way line of the Tampa Southern Railroad; run thence South to the center line of Six Mile Creek, run thence Easterly along said center line of said Six Mile Creek to a point 15' West of the East boundary of said NW 1/4; run thence North to the point of beginning.

Less and except any portion thereof conveyed to Hillsborough County in Quit Claim Deed recorded in O.R. Book 4678, Page 1753, Public Records of Hillsborough County, Florida.

COPY

Exhibit "B"
Southwest Florida Water
Management District Requirements
for Surplus Boundary Surveys

- All improvements within 10 feet of the boundary lines must be shown (including, but not limited to: wells, septic tanks, fencing, gates, and utilities). Visible evidence of underground installations or apparent cross rights uses will be located and noted.
- The survey will be certified to the Southwest Florida Water Management District
- The following certification will appear on the survey map:

THIS _____ SURVEY IS CERTIFIED TO THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AS MEETING OR EXCEEDING, IN QUALITY AND PRECISION, THE STANDARDS APPLICABLE FOR THIS WORK, AS SET FORTH IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.
- Title Commitment exceptions must be addressed on the survey.
- When applicable, the existence of Sovereign Boundaries will be determined by coordinating with the Bureau of Survey and Mapping, Florida Department of Environmental Protection. The demarcation will be a part of this scope.
- When the question or establishment of mean high water, safe upland elevation or ordinary high-water lines is required, a scanned copy of the signed letter from DEP will be provided in PDF format (filename: DEP Sovereign Letter.pdf)
- All monumentation recovered outside the boundaries of the subject survey that was included in the analysis and resolution of the survey will be shown and dimensioned on the map of survey.
- The legal description of the parcel being surveyed will be shown on the map of survey.

Remainder of this page intentionally left blank.

Addendum to Contract



Addendum No. #1 to the Contract with the Effective Date of _____ between
Southwest Florida Water Management District, a public corporation of the State of Florida (Seller)
and Trouble Creek Rd., LLC (Buyer)
concerning the property described as: TBC-16

(the "Contract"). Seller and Buyer make the following terms and conditions part of the Contract:

EXTENSION DEPOSITS:

Two extension deposits will be allowed by Buyer to extend the due diligence period. Each extension deposit will be non-refundable and applicable to the purchase price. Each Extension deposit will be delivered from buyer to seller on or before the expiration of the due diligence period. Each extension deposit will be in the amount of Five-Thousand dollars (\$5,000.00). Each extension deposit will extend the due diligence for a period of ninety (90) days.

In the event an extension or extensions are exercised, closing will occur 5 days after the conclusion of the due diligence period.

Buyer agrees that no non-conforming requests to utilize adjacent District Project Lands will be made.

Buyer:

Johnathan Stanton

Date: 11/16/2023

Buyer:

Date: _____

Seller:

Date: _____

Seller:

Date: _____

Exhibit 2
Tampa Bypass Canal - SWF Parcel No. 13-001-741S, Surplus ID TBC-16
Site Map



Esri Community Maps Contributors, University of South Florida, City of Tampa, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, MEI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, State of Florida, Maxar, Microsoft

- Proposed Surplus Parcel SWF Parcel# 13-001-741S
- District Owned Lands Fee Simple
- District Owned Easement

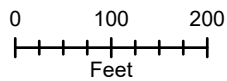
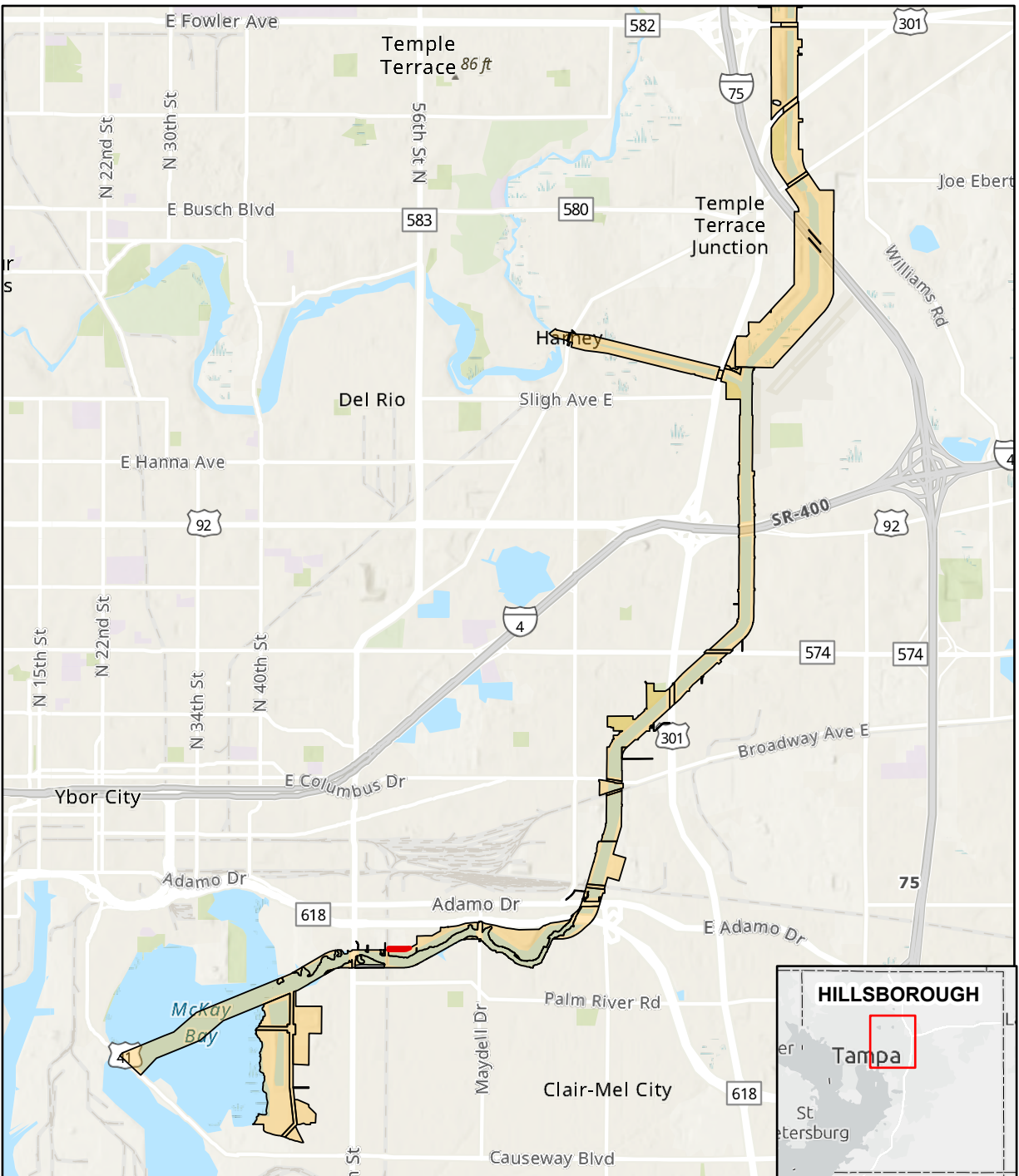


Exhibit 3 Tampa Bypass Canal - SWF Parcel No. 13-001-741S, Surplus ID TBC-16 Location Map



Esri, NASA, NGA, USGS, FEMA, University of South Florida, City of Tampa, FDEP, Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS, University of South Florida, City of Tampa, FDEP, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

- Proposed Surplus Parcel SWF Parcel# 13-001-741S
- District Owned Lands Fee Simple
- District Owned Easement

0 0.5 1
Miles



Southwest Florida
Water Management District

COMPARABLE LAND SALES ADJUSTMENT GRID

COMPARABLE LAND SALE ADJUSTMENTS					
	Subject	Comp 1	Comp 2	Comp 3	Comp 4
Property / Location	TBC-13/SWF #13-001-741S East Washington Street Tampa, Florida	Waterfront Lot - Wilkins Road Tampa, FL	Palm River Area Homesite 602 Winham Street Tampa, FL	Palm River Area Tract 508 South 57th Street Tampa, FL	Land on Tampa Bypass Canal 4213 Garden Lane Tampa, FL
Transaction Status		Closed	Closed	Closed	Closed
Date of Sale		Feb-23	Jan-22	Mar-21	Oct-20
Site Size (SF)	69,260	88,427	17,515	58,730	79,279
Sale Price		\$100,000	\$30,000	\$125,000	\$110,000
Unadjusted Price per SF (Gross)		\$1.13	\$1.71	\$2.13	\$0.76
Transactional Adjustments					
Property Rights Conveyed	<i>Fee Simple</i>	<i>Fee Simple</i>	<i>Fee Simple</i>	<i>Fee Simple</i>	<i>Fee Simple</i>
Adjustment		0%	0%	0%	0%
Financing Terms	<i>Cash to Seller</i>	<i>Cash to Seller</i>	<i>Cash to Seller</i>	<i>Cash to Seller</i>	<i>Cash to Seller</i>
Adjustment		0%	0%	0%	0%
Conditions of Sale	<i>Arm's Length</i>	<i>Arm's Length</i>	<i>Arm's Length</i>	<i>Arm's Length</i>	<i>Arm's Length</i>
Adjustment		0%	0%	0%	0%
Market Conditions	<i>Jun-23</i>	<i>Feb-23</i>	<i>Jan-22</i>	<i>Mar-21</i>	<i>Oct-20</i>
Adjustment		2%	9%	14%	16%
Adjusted Price per SF (Gross)		\$1.15	\$1.87	\$2.43	\$0.88
Property Adjustments					
Location	<i>Tampa</i>	<i>Tampa</i> Similar	<i>Tampa</i> Similar	<i>Tampa</i> Similar	<i>Tampa</i> Similar
Net Site Size (SF)	<i>69,260</i>	<i>88,427</i> Similar	<i>17,515</i> Considerably Superior	<i>58,730</i> Superior	<i>79,279</i> Inferior
	<i>Washington Street</i>	<i>Via Boat</i>	<i>Winham Street</i>	<i>S. 57th Street</i>	<i>Garden Lane</i>
Access/Frontage		Inferior	Similar	Similar	Similar
Zoning / Intended Use	<i>RM-16</i>	<i>AS-1</i> Similar	<i>RDC-12</i> Similar	<i>RSC-6</i> Similar	<i>RSC-6</i> Similar
Topography	<i>Generally level with wetlands</i>	<i>Generally level with native veg.</i> Slightly Superior	<i>Generally level with native veg.</i> Slightly Superior	<i>Generally level with native veg.</i> Slightly Superior	<i>Generally level with native veg.</i> Slightly Superior
	<i>Tampa Bypass Canal</i>	<i>Tampa Bypass Canal</i>	<i>None</i>	<i>None</i>	<i>Tampa Bypass Canal</i>
Water Frontage		Similar	Inferior	Inferior	Similar
Overall Comparison		Inferior	Superior	Superior	Inferior
Indication for Subject per Gross SF		\$1.15	\$1.87	\$2.43	\$0.88

ADJUSTMENT PROCESS

The sales that we have utilized represent the best available information that could be compared to the subject property. The major elements of comparison for an analysis of this type include the property rights conveyed, the financial terms incorporated into a particular transaction, the conditions or motivations surrounding the sale, changes in market conditions since the sale, the location of the real estate, its physical traits and the economic characteristics of the property.

Governing Board Meeting
December 12, 2023

6. REGULATION COMMITTEE

6.1	Consent Item(s) Moved to Discussion	136
6.2	Denials Referred to the Governing Board.....	137

REGULATION COMMITTEE

December 12, 2023

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Michelle Hopkins, P.E., Division Director, Regulation Division

REGULATION COMMITTEE

December 12, 2023

Discussion: Action Item: Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action. Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

Staff Recommendation:

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

Presenter:

Michelle Hopkins, P.E., Division Director, Regulation

Governing Board Meeting

December 12, 2023

7. GENERAL COUNSEL'S REPORT

- 7.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion 138
- 7.2 **Discussion:** Action Item: Affirm Governing Board Committee Actions 139

GENERAL COUNSEL'S REPORT

December 12, 2023

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Chris Tumminia, General Counsel, Office of General Counsel

GENERAL COUNSEL'S REPORT

December 12, 2023

Discussion: Action Item: Affirm Governing Board Committee Actions

The Governing Board has established four committees for conducting District business: the Finance/Outreach & Planning Committee; the Operations, Lands, & Resource Monitoring Committee; the Regulation Committee; and the Resource Management Committee. Each committee is a committee of the whole with all Governing Board members serving as committee members.

The Governing Board, sitting as a committee, considers and takes action on discussion agenda items during each Governing Board meeting. In order to clarify for the record that the Governing Board has taken action, the actions taken by the committees will be presented to the Board for affirmation.

Staff Recommendation:

Affirm the actions taken by the Governing Board Committees.

Presenter:

Christopher A. Tumminia, General Counsel, Office of General Counsel

COMMITTEE/LIAISON REPORTS

December 12, 2023

Discussion: Information: Industrial Advisory Committee

Presenter:

James Holton, Board Member

COMMITTEE/LIAISON REPORTS

December 12, 2023

Discussion: Information: Public Supply Advisory Committee

Presenter:

Robert Stern, Board Member

EXECUTIVE DIRECTOR'S REPORT

December 12, 2023

Discussion: Information Item: Executive Director's Report

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Brian J. Armstrong, P.G., Executive Director

CHAIR'S REPORT

December 12, 2023

Discussion: Information Item: Chair's Report

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Ed Armstrong, Chair

CHAIR'S REPORT

December 12, 2023

Discussion: Information Item: Employee Milestones

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Ed Armstrong, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	12/03/2018	David Melton	Lead Tradesworker	Brooksville	General Services	2023	12/03/2023
10	12/16/2013	Charles Santiago	Senior Print Shop Specialist	Brooksville	General Services	2023	12/16/2023
10	12/30/2013	Mike Busacca	Vegetation Management Section Coordinator	Brooksville	Operations	2023	12/30/2023
25	12/14/1998	Silas Rooker	Lead Tradesworker	Brooksville	General Services	2023	12/14/2023