

TOWN OF FORT MYERS BEACH  
ORDINANCE NO. 96 -09

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH WATER SHORTAGE PLAN ORDINANCE; PROVIDING AUTHORITY; TITLE AND CITATION; DEFINITIONS; APPLICATION OF ORDINANCE; PERMANENT WATER RESTRICTIONS/ DECLARATION OF A WATER SHORTAGE/ WATER SHORTAGE EMERGENCY; ENFORCEMENT; PENALTIES; WATER USERS TO ACCEPT PROVISIONS OF ORDINANCE; SEVERABILITY; REPEALING CLAUSE; AND EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

SECTION ONE: Authority

This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION TWO: Title and Citation

This Ordinance shall be known and may be cited as the "Town of Fort Myers Beach Water Shortage Plan Ordinance."

SECTION THREE: Definitions

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The words "shall" and "will" are mandatory and not discretionary.

A. "District" shall mean the South Florida Water Management District.

B. "Low Volume Device" shall mean:

(1) An irrigation system specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated and to allow that water to be placed with a high degree of efficiency in the root zone of the plant. The term also includes the water use system in most houses and similar establishments for plant propagation. Overhead irrigation and flood irrigation are not included under this definition.

(2) Hand watering by one person, with one hose fitted with a

self-cancelling or automatic shutoff nozzle or both.

C. "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

D. "Restaurant" shall mean an establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state. The definition of restaurant shall include both "standard" and "fast food" operations.

E. "Water Resource" shall mean any and all water on or beneath the surface of the ground, including natural or artificial water courses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

F. "Water Shortage Condition" shall mean sufficient water is not available to meet present or anticipated needs of persons using the water resource, or conditions require temporary reduction in total water usage within a particular area to protect the water resource from serious harm. A water shortage generally occurs due to drought.

G. "Water Shortage Emergency" shall mean that situation when the powers which can be exercised under Part II of Chapter 40E-21, Florida Administrative Code, are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational or other reasonable uses.

#### SECTION FOUR: Application of Ordinance

The provisions of this Ordinance shall apply to all persons using water resources whether from public or privately owned water utility systems, private wells, or private connections with surface water bodies in the Town of Fort Myers Beach. This Ordinance shall not apply to persons using reclaimed water.

#### SECTION FIVE: Permanent Water Restrictions/ Declaration of a Water Shortage/ Water Shortage Emergency

A. It Shall be unlawful for any person to irrigate lawns within the Town of Fort Myers Beach between the hours of 9:00 A.M. to 5:00 P.M. except:

(1) With low-volume devices;

(2) To maintain irrigation systems which are not low volume. Such maintenance shall be limited to ten (10) minutes per zone, once a week; and,

(3) To apply fertilizers and pesticides.



SECTION EIGHT: Water Users to Accept Provisions of Ordinance

No water service shall be furnished to any person by Lee County Utilities or any private utilities within the Town, unless such person agrees to accept all provisions of this Ordinance. The acceptance of water service from the Department of Lee County Utilities or other private utility companies within the Town shall in and of itself constitute the acceptance of the provisions herein.

SECTION NINE: Severability

If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and in no way affect the validity of all other provisions of this ordinance.

SECTION TEN: Repealing Clause

All ordinances or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

SECTION ELEVEN: Effective Date

This ordinance shall become effective September 30, 1996.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member REYNOLDS and seconded by Council

Member Murphy and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 1st day of July, 1996.

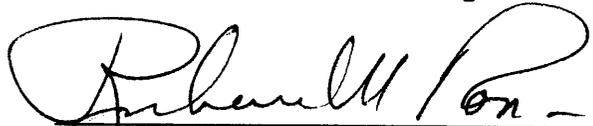
ATTEST:

By:   
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By:   
Anita T. Cereceda, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney

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

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- 40E-21.401 Monitoring.
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- 40E-21.631 Source Classes.
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- 40E-21.671 Method of Withdrawal Classes.

**PART I GENERAL**

- 40E-21.011 Policy and Purpose.

(1) The rules in this chapter comprise the District's water

shortage plan required under subsection 373.246(1), Florida Statutes. The purposes of the plan are to protect the water resources of the District from harm; to assure equitable distribution of available water resources among all water users during times of shortage, consistent with the goals of minimizing adverse economic, social and health related impacts; to provide advance knowledge of the means by which water apportionments and reductions will be made during times of shortage, and to promote greater security for water use permittees.

(2) These rules apply to all water users including those exempt from permitting pursuant to Rule 40E-2.051. However, these rules shall not apply to users whose source of water is limited solely to treated effluent or seawater. Thus, for each regulated source and type of use it is the policy of the District to restrict water users uniformly, regardless of whether the user uses water from a public or private utility system, pursuant to a consumptive use permit issued under Chapter 40E-2, or from a private well for domestic or individual home use.

Specific Authority 373.044, 373.113 FS.  
Law Implemented 373.175, 373.246 FS.  
History--New 5-31-82.

40E-21.031 Elements of the Plan. The water shortage plan consists of the following elements:

(1) Part I. General - Part I provides the general goals and objectives of the District in developing and adopting the water shortage plan. The various elements of the plan are described, and definitions for key terms used in the plan are provided.

(2) Part II. Declaring and Implementing a Water Shortage - Part II describes the procedures the District will utilize in declaring a water shortage. Provisions are made for comparing estimated present and anticipated water supplies with estimated present and anticipated user needs. The impact on the water resource if demands are met from available supplies is also evaluated. In addition, a method for expressing the severity of a water shortage in terms of four water shortage phases is provided. General user restrictions are established. Finally, procedures for implementing the water shortage declaration are provided.

(3) Part III. Emergency Provisions - Normally, the provisions of Part II will be sufficient to protect users within use classes during times of water shortage. At times, however, due to the peculiar circumstances which apply to each individual user, the class restrictions imposed in Part III may be inadequate to sufficiently protect individual users. In those situations, the Executive Director with the concurrence of the Board may declare a water shortage emergency and impose restrictions on individual users. Part III establishes the procedures for declaring and implementing a water shortage emergency. In addition, provisions are made for establishing water use restrictions, including implementation of the restrictions described in parts II and V.

(4) Part IV. Monitoring and Enforcement - This part describes how the District, in conjunction with local law enforcement officials, will enforce the provisions of a declared water shortage or water shortage emergency. The District's enforcement jurisdiction is described and enforcement procedures are generally outlined. Penalties for violations of the water shortage plan and any order issued pursuant to it are provided. In addition, the District's policy of seeking the cooperation and assistance of local government officials and of assisting such officials in the enforcement of the water shortage plan is generally described. The District's overall program of monitoring surface and ground waters, climatic conditions and water demand during a shortage is generally described. In addition a monitoring program is established to determine the impact of a water shortage on the water resources of the District and the effectiveness of a declaration of water shortage or water shortage emergency.

(5) Part V. Specific Restrictions - Part V establishes specific water use restrictions for each water shortage phase and water use class. These restrictions are in addition to the general restrictions authorized in parts II and III. Water users may refer to this part for specific information concerning the restrictions which apply to them during any phase of a water shortage.

(6) Part VI. The Classification System - Part VI classifies each user according to the source of water supply, method of withdrawal and type of water use. The classification system is utilized in conjunction with Parts II, III and V to determine the water use restrictions with which the users of a particular source must comply. This part is published separately as an appendix.

Specific Authority 373.044, 373.113 FS.  
Law Implemented 373.175, 373.246 FS.  
History--New 5-31-82.

40E-21.051 Definitions. When used in this chapter:

(1) "Water shortage" means that situation within all or part of the District when insufficient water is available to meet the present and anticipated needs of the users, or when conditions are such as to require temporary reduction in total use within a particular area to protect water resources from serious harm. A water shortage usually occurs due to drought.

(2) "Water shortage emergency" means that situation when the powers which can be exercised under part II of chapter 40E-21 are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational or other reasonable uses.

(3) "User" means any person, natural or artificial, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public

agencies thereof, which directly or indirectly takes water from the water resource, including but not limited to uses from private or public utility systems, uses under consumptive use permits issued pursuant to chapter 40E-2, or uses from individual wells or pumps for domestic or individual home use. The term does not include persons who use treated effluent or seawater.

(4) "Water resource" means any and all water on or beneath the surface of the ground, including natural or artificial water courses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

(5) "Source class" means the assigned water resource from which a user is obtaining water either directly or indirectly. Source classes within the District are specified in rule 40E-21.631.

(6) "Use class" means the category describing the purpose for which the user is utilizing water. Use classes within the District are specified in rule 40E-21.651.

(7) "Method of withdrawal class" means the type of facility or means of extraction or diversion of the water resource employed by the user. Method of withdrawal classes within the District are specified in rule 40E-21.671.

(8) "Surface water use basin" means the geographical area within which a user obtains water from surface waters. Surface water use basins are a type of source class and are identified in subsection 40E-21.631(1).

(9) "Ground water source" means a source class within which users obtain water directly from water table aquifers or from confined or semi confined aquifers. Ground water sources are a type of source class and are identified in subsection 40E-21.631(2).

(10) "Percent reduction in overall demand" means the weighted average reduction in all water uses within a source class, regardless of the type of use or method of withdrawal, which is necessary to reduce estimated present and anticipated demand to estimated present and anticipated available water supply.

(11) "Plan" means the water shortage plan authorized in section 373.246, Florida Statutes, and contained in this chapter.

(12) "Low-volume irrigation" means the use of equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated and to allow that water to be placed with a high degree of efficiency in the root zone of the plant. The term also includes water use in mist houses and similar establishments for plant propagation. Overhead irrigation and flood irrigation are not included.

(13) "Overhead irrigation" means the use of equipment and devices which deliver water under pressure, through the air, above the level of the plant being irrigated.

(14) "Flood irrigation" means the delivery of plant or crop irrigation water by the design and practice of the flowing of water over the surface to saturate the root zone or in specific applications the raising of the level of groundwater through the

root zone or to the soil surface.

(15) "Low-volume hand watering" means watering by one hose attended by one person, fitted with a self-canceling or automatic shutoff nozzle.

(16) "Low-volume mobile equipment washing" means the washing of mobile equipment with a "bucket" and "sponge" or a hose with a self-canceling or automatic shutoff nozzle or both.

(17) "Low-volume pressure cleaning" means pressure cleaning by means of equipment which is specifically designed to reduce the inflow volume as accepted by industry standards."

(18) "Nursery stock" means all plants, trees, shrubs, vines, bulbs, cuttings, grafts, scions, buds, flowering annual plants, aquatic plants, seeds, corns, or tubers, grown or kept for propagation, distribution or sale.

(19) "Mobile equipment" means any public, private or commercial automobile, truck, trailer, railroad car, camper, boat, or any other type of similar equipment. The term shall not include mobile homes, boats that serve as a primary residence, sanitation or sludge vehicles or food vending or transporting vehicles.

(20) "Even numbered address" means the house address, box number or rural route ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. Post office box numbers are not included.

(21) "Odd numbered address" means the house address, box number or rural route ending in the numbers, 1, 3, 5, 7, 9 or the letters N-Z. Post office box numbers are not included.

(22) "Odd numbered days" means the days whose dates end in the numbers 1, 3, 5, 7, or 9. For purposes of this chapter the date shall be determined by the day during which a watering period ends.

(23) "Low-volume watering" means the use of equipment, devices, materials and/or methods, including low-volume hand watering, which limit the amount of water applied to a surface to the minimum necessary for dust control or evaporation suppression; use of equipment specifically designed to reduce flow and increase saturation efficiency to a level accepted under industry standards.

(24) "License" means, but is not limited to, the appropriate professional registration, occupational license, contractor license or applicator license for the jurisdiction in which work is being performed.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.175, 373.246 FS.

History--New 5-31-82, Amended 1-26-86, 2-14-91.

#### 40E-21.132 Water Use Restrictions.

(1) The Water Shortage Plan in this section establishes the water use restrictions to be followed when the Board declares a water shortage within the Lake Istokpoga-Indian Prairie area. The restrictions are intended to insure that established minimum flows and levels within the area maintained and that the water resources within the area do not suffer serious harm.

(2) If the Board declares a water shortage pursuant to rule

40E-21.231 or the Executive Director with the advice and concurrence of the Board declares a water shortage emergency pursuant to rule 40E-21.331 within the Lake Istokpoga-Indian Prairie Area, then uses from the affected source classes, shall be restricted pursuant to rule 40E-21.271 or rule 40E-21.371 respectively.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.119, 373.175, 373.246 FS.

History--New 9-3-81, Amended 7-4-82, Formerly 16K-30.09.

#### 40E-21.221 Evaluating Water Conditions.

(1) This rule sets forth the steps the District will take to periodically evaluate water conditions within the District in order to determine whether a water shortage should be declared.

(2) The District shall monitor the condition of the water resources in the District as provided in rule 40E-21.401.

(3) Current data shall be compared to historical data to determine whether estimated present and anticipated available water supply within any source class will be insufficient to meet the estimated present and anticipated demands of the users from the source class, or whether serious harm to the water resources can be expected. It shall be the policy of the District to seek the cooperation and assistance of state, county and municipal government officials in developing the historic and technical data used to periodically evaluate water conditions.

(a) Present and anticipated available water supply shall be periodically estimated for each source class. Factors considered in estimating present and anticipated available supply within a source class may include:

1. historic, current and anticipated levels in surface and ground waters, including potentiometric heads in confined and semiconfined aquifers,
2. historic, current and anticipated flows in surface waters,
3. the extent to which water may be transferred from one source class to another,
4. the extent to which present water use restrictions may enhance future supplies, or postpone more stringent restrictions,
5. historic, current and anticipated demand of natural systems, including losses due to evapotranspiration and seepage,
6. historic, current and anticipated seasonal fluctuation in rainfall, and
7. other water resources factors affecting present and anticipated available water supply.

(b) Present and anticipated user demands for each use and method of withdrawal class shall be periodically estimated for each source class. Factors considered in estimating the present and anticipated demands of the users within a source class may include:

1. estimated current and anticipated demands of permitted users,
2. estimated current and anticipated demands of users exempt

History--New 5-31-82, Amended 1-26-86.

40E-21.251 Water Shortage Phases.

(1) This rule establishes four phases of water shortage as a function of the estimated percent reduction in overall demand required to reduce estimated present and anticipated demand to estimated present and anticipated available water supply. The water shortage phase determines the type of water use restrictions which will be ordered in a declared water shortage.

(2) The following water shortage phases are established:

Water Shortage Phase	Color Code	% reduction in overall demand
I. Moderate Water Shortage	Yellow	less than 15%
II. Severe Water Shortage	Orange	less than 30%
III. Extreme Water Shortage	Red	less than 45%
IV. Critical Water Shortage	Purple	less than 60%

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

(a) the estimated percent reduction in overall demand as determined in subsection 40E-21.231(4), and

(b) for areas with multiple sources, the extent to which users have the capability to obtain water from a source or sources other than the source class for which a water shortage has been declared.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.175, 373.246 FS.

History--New 5-31-82.

40E-21.271 General Water Use Restrictions.

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

(2) The Board may order the water use restrictions specified in part V for the appropriate water shortage phase for each affected source class. The restricted area may include for enforcement purposes, all or part of a county, municipality, surface water basin or utility service area which impacts a source class for which a water shortage is declared. Further, the Board may order any combination in lieu of or in addition to the restrictions specified in part V of the restrictions described in subsection (3), by use or method of withdrawal class, within each source class, if necessary to achieve the percent reduction in overall demand.

(3) Additional restrictions which may be considered include:

(a) provisions that recognize the right of water users in an area to make voluntary agreements among themselves, with the concurrence of the Board or the Executive Director, providing for the mutual reduction, sharing, or rotation of use,

(b) provisions for the distribution of water to permittees in exchange for ceasing or reducing ground or surface water withdrawals,

(c) provisions for the metering and reporting of all water used, diverted, impounded, extracted or withdrawn,

(d) provisions designed to maintain minimum flows and minimum levels,

(e) provisions which recognize the extent to which users can satisfy water demands from sources for which a water shortage has not been declared,

(f) provisions for monitoring water levels and determining chloride concentrations in order to protect against salt water intrusion or other deterioration of water quality including the closing and plugging of wells,

(g) restrictions on the total amount of water that may be used, diverted, impounded, extracted, or withdrawn during any day, month, or year,

(h) restrictions on the timing of use, diversion, impoundment, extraction, or withdrawal of water,

(i) restrictions on pumping rates or diversion rates, or

(j) such other provisions or restrictions as are necessary to protect the water resources from serious harm.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.175, 373.246 FS.

History--New 5-31-82, Amended 1-26-86.

#### 40E-21.275 Variances.

(1) All users requesting relief from the provisions of this chapter shall file an application for variance but must conform to water use restrictions until the Executive Director grants a temporary variance or the Board grants the variance.

(2) Criteria for Issuance - No application for variance shall be granted unless the applicant provides reasonable assurances that the variance will not otherwise be harmful to the water resources of the District and affirmatively demonstrates that one or more of the following circumstances exists:

(a) The variance is essential to protect health or safety, or

(b) Compliance with the particular rule or order from which a variance is sought will require measures which, because of their extent or cost, cannot be accomplished within the anticipated duration of the shortage, or

(c) Alternative restrictions which achieve the same level of demand reduction as the restrictions from which a variance is sought are available and are binding and enforceable, or

(d) The applicant is a public or private utility that demonstrates that special circumstances exist which necessitate the

issuance of a variance, or

(e) The applicant's source of water includes an approved aquifer storage and recovery installation or a water reclamation project.

(3) Limiting Conditions - Variances granted shall be subject to the following conditions, unless waived or modified by the Board:

(a) The variance granted shall be the minimum necessary to alleviate the circumstance for which the variance was requested under subsection (2).

(b) All variances shall expire upon a declaration by the Board that a water shortage no longer exists or when a more restrictive water shortage declaration is made, unless the Board specifies that the variance shall be in effect for a longer period of time, provided however that variance conditions which require the applicant to modify water use facilities shall remain in full force and effect until such modifications have been completed. However, when a new application for variance is filed within seven working days of the effective date of a more restrictive water shortage declaration, the existing variance shall remain in effect until final agency action on the application.

(c) Variances granted under paragraph (2)(b) may prescribe a timetable for compliance with the restrictions from which a variance was sought.

(4) Applications for Variance - The application shall contain the following:

(a) the applicant's name, address, telephone number and location of the property for which relief is requested.

(b) the specific rule, order, water shortage phase or restriction from which the applicant is requesting relief,

(c) a detailed statement of the facts which the applicant believes demonstrate that the request qualifies for a variance under subsection (2), including reports by qualified technical experts,

(d) a description of the relief desired,

(e) the period of time for which the variance is sought, including the reasons and facts in support thereof,

(f) the damage or harm resulting or which may result to the applicant from compliance with the rule or order,

(g) if the variance is sought under paragraph (2)(b), information identifying the restrictions which currently can be met, a description of the measures which would be necessary to meet all restrictions and the date when these measures could be completed,

(h) if the applicant is the owner or operator of a golf course whose need for a variance arises from the operational inability of its irrigation system or works to meet the front nine-back nine requirement in 40E-21, Part V, the applicant shall submit a map showing the proposed alternative division of the course in-half and an explanation of the applicant's proposed irrigation scheme,

(i) For applications for variance from restrictions on irrigation, a general description of the irrigation system,

including pump or water system output and irrigated area, and  
(j) any other information, the applicant believes is material.

(5) Procedures

(a) Within ten working days after receipt of a complete application for variance, which contains the information listed in subsection 40E-21.275(4), the staff shall recommend to the Executive Director whether the application complies with the provisions of subsections (2) through (4). The recommendation shall be in writing and shall constitute proposed agency action. The District shall set forth in writing the grounds or basis for denial of the variance and inform the applicant of the right to a hearing on the denial of the application by filing a petition. A copy of the recommendation shall be forwarded to the applicant. Any petition for hearing on an application for variance shall be considered a petition for informal proceedings in accordance with section 40E-1.571(2).

(b) The Executive Director or his designee shall review the application and the staff recommendation. Applications which do not require immediate action or which do not comply with the provisions of subsections (2) through (4) may be deferred for Board action. Applications which require immediate action and which comply with the provisions of subsections (2) through (4) may be temporarily granted by the Executive Director or his designee. Temporary variances granted by the Executive Director or his designee shall be presented to the Board for concurrence, rejection or modification.

(c) The Board shall consider all deferred applications as well as those temporarily granted by the Executive Director or his designee, at its next regularly scheduled meeting. The Board may grant, or deny the deferred applications and may concur in, reject or modify those variances temporarily granted by the Executive Director or his designee. All Board action denying applications for variances shall be by written order and copies shall be furnished to the applicant and the appropriate law enforcement officials. An applicant whose variance has been granted shall be furnished an appropriate notice of water shortage variance and any attachments which shall be prominently displayed at the applicant's place of use.

(d) The Board may revoke or modify a variance when it determines that the continued utilization of the variance is inconsistent with the objectives of the District.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.175, 373.246 FS.

History--New 5-31-82, Amended 1-26-86, 2-14-91.

40E-21.291 Implementing a Water Shortage Declaration.

(1) When a water shortage is declared, or if already declared if more severe restrictions are imposed, the District will publish notice of the declaration or restrictions at least once in newspapers of general circulation in the areas affected. In

addition the District shall make every effort to inform the general public of the restrictions in effect and the sources of supply which are affected. Particular attention shall be given to presenting this information in a form which is easily understood and applied by the citizens of the affected areas.

(2) The District shall notify each affected permittee within the affected source class of any change in the condition of his permit, any suspension of his permit, or any other restriction on his use of water. Notice shall be by regular mail.

(3) The District shall notify local elected officials of any water shortage declaration. Notice shall be by the best practicable means under the circumstances. In addition local law enforcement officials shall be notified as soon as possible of any water shortage declaration or change of restrictions affecting their areas of responsibility. Any special materials necessary for enforcement of the order shall be furnished to local law enforcement officials by the best practicable means under the circumstances.

(4) A declaration of water shortage and any provision or restriction adopted pursuant thereto under the water shortage plan may be modified or rescinded by the Board.

(5) A declaration of water shortage and any provision or restriction adopted pursuant thereto under the water shortage plan may be modified or rescinded by the Executive Director if all of the following circumstances are present:

(a) the Board previously issued a declaration of water shortage which remains in effect,

(b) the order rendering the Board's declaration of water shortage specifically delegates to the Executive Director the authority to modify or rescind the existing water shortage restrictions, and

(c) the District's monitoring of water conditions and plan implementation reasonably demonstrates that a modification or rescission of the Board's declaration of water shortage is warranted and necessary.

(6) All decisions of the Executive Director made pursuant to this subsection shall be by order and subject to ratification by the Board at the next scheduled Board meeting.

(7) An order declaring a water shortage or imposing more severe restrictions shall become effective on the day after any notice required in subsection (1) is published. An order declaring a water shortage shall remain in effect until modified or rescinded by the Board or the Executive Director.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.119, 373.175, 373.246 FS.

History--New 5-31-82, Amended 1-26-86.

40E-21.331 Declaring a Water Shortage Emergency.

(1) This rule sets forth the steps the District will take to evaluate water conditions within the District in order to determine

whether a water shortage emergency exists. A water shortage emergency can occur under two situations; first when specific users rather than classes of users must be restricted, and second when the emergency occurs so abruptly that immediate action is needed to restrict classes of users.

(2) The District shall monitor the condition of the water resources of the District and the needs of the users as provided in rule 40E-21.401.

(3) Current data shall be evaluated to determine whether any user's or classes of users' estimated present and anticipated available water supply will be insufficient to protect the public health, safety or welfare, or the health of animals, fish or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial use.

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

1. those factors listed in paragraph 40E-21.221(3)(a),
2. the ability of the user or classes of users to obtain water from other users,
3. the ability of the user or classes of users to obtain water from another source class, and
4. other factors affecting the present and anticipated available water supply of a user or classes of users.

(b) The potential for adverse impacts on the public health, safety or welfare, or the health of animals, fish or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial use shall be evaluated. Factors that may be considered include:

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

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

(a) If, in the opinion of the District, the provisions of part II are not sufficient to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses,

(b) If water restrictions must be immediately imposed on a class or classes of users due to a rapid decline of water availability and there is insufficient time to convene the Board. In order to declare a water shortage emergency under this subsection, the decline must have occurred in such a manner that

the monitoring and evaluation of the water resources under rule 40E-21.221 could not reasonably have predicted the emergency.

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

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

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

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

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.119, 373.175, 373.246 FS.

History--New 5-31-82, Amended 12-16-84, 1-26-86.

#### 40E-21.371 Water Use Restrictions in a Water Shortage Emergency.

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

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

(3) Additional restrictions which may be considered include those listed in subsection 40E-21.271(3).

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.119, 373.175, 373.246 FS.

History--New 5-31-82.

#### 40E-21.391 Implementing a Water Shortage Emergency Declaration.

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

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

(3) The District shall notify local elected officials of any water shortage emergency declaration. Notice shall be by the best practicable means under the circumstances. In addition, local law enforcement officials shall be notified as soon as possible of any water shortage emergency declaration or change of restrictions affecting their areas of responsibility. Any special materials necessary for enforcement of the order shall be furnished to local law enforcement officials by the best practicable means under the circumstances.

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

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

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.119, 373.175, 373.246 FS.

History--New 5-31-82.

#### 40E-21.401 Monitoring.

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

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

(b) whether the restrictions in effect are sufficient to protect the water resources and users within the affected area, in light of existing and anticipated climatological conditions, and

(c) whether the restrictions in effect are being adequately enforced.

(2) Data may be obtained from any source available, including but not limited to:

(a) the District,

(b) other water management districts,

(c) permittees who are required to submit data as a condition of their permit,

(d) any local, state or federal agency, and

(e) any other source available.

(3) Resource Monitoring - When appropriate the District shall

collect and analyze data concerning any aspect of the water resource. Data which may be collected include but are not limited to:

- (a) levels in surface and ground waters, including potentiometric heads in confined and semiconfined aquifers,
- (b) water quality in surface and ground waters,
- (c) flows in surface waters,
- (d) transfers of water from one source class to another,
- (e) demand of natural systems, including but not limited to losses due to evapotranspiration and seepage,
- (f) rainfall,
- (g) impacts on fish and wildlife, and
- (h) other data required to evaluate the status of the water resources of the District.

(4) Demand Monitoring - When appropriate the District shall collect and analyze data concerning any aspect of user demand upon the water resources. Data which may be collected include but are not limited to:

- (a) demands of permitted users,
- (b) demands of users exempt from permitting, but subject to the provisions of the water shortage plan,
- (c) demands of users whose supply of water is established by federal law, and
- (d) other data required to evaluate demands on the water resources of the District.

(5) When appropriate, the District may prepare a drought management report summarizing the data gathered pursuant to this rule.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.026, 373.103, 373.175, 373.246 FS.

History--New 5-31-82.

#### 40E-21.421 Enforcement.

(1) It shall be the policy of the District to seek the cooperation and assistance of state, county and municipal governmental officials, law enforcement officials, and police officers in the enforcement of the water shortage plan or any water shortage order issued pursuant thereto.

Counties and municipalities throughout the jurisdiction of the District are authorized and encouraged to adopt ordinances which provide for local enforcement of the provisions of this chapter, or any order adopted pursuant thereto. It shall be the policy of the District to encourage local law enforcement officials to provide violators of the water use restrictions with no more than one written warning during the initial phases of a water shortage or water shortage emergency.

(2) In enforcing the provisions of any water shortage order issued pursuant to this chapter, the District may utilize any of the enforcement remedies available pursuant to chapters 120 or 373, Florida Statutes, or chapter 40E.

(3) Enforcement action may be initiated by the Executive Director or his designee pursuant to section 373.603, Florida Statutes, against an individual violator or class of violators or all of the violators of a particular water shortage rule or order.

(4) The Executive Director or his designee may assign District personnel for the purpose of initiating enforcement action pursuant to section 373.603, Florida Statutes, for the violation of any water shortage rule or order.

(5) In the event that a water shortage or water shortage emergency has been declared by the Board and the provisions of this chapter have been invoked, the Executive Director or his designee may thereafter take appropriate emergency action pursuant to sections 373.119, 373.175(4), 373.246(7) and 120.69, Florida Statutes, and rule 40E-1.611, to enforce the provisions of this chapter or any order issued pursuant thereto, or alleviate any emergency conditions which might thereafter occur. Such action shall be subject to subsequent ratification by the Board at its next regular meeting.

(6) In the event a water user is in violation of the water shortage plan or any water shortage order issued pursuant thereto, it shall be presumed that the person present at the premises where such unauthorized use is occurring who has a possessory interest in those premises, is responsible therefor. In the event that no one is present at the premises while such unauthorized use is occurring, it shall be presumed that the owner of the premises is responsible for such use. These presumptions shall not affect the burden of proof of the District to present a prima facie case as to each violation, and shall be rebuttable by the presentation of evidence to indicate that another person was responsible for the unauthorized water use.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.119, 373.175, 373.246, 373.603, 373.609 FS.

History--New 5-31-82.

#### 40E-21.501 Specific Restrictions.

(1) Upon declaration of a water shortage or water shortage emergency it shall be prohibited to use water in a manner inconsistent with the restrictions specified in this part and part II. It shall be the duty of each water user to stay informed as to the phase of water shortage and the applicable restrictions for that phase. Violation of the restrictions specified in this part and part II shall be subject to enforcement action pursuant to rule 40E-21.421.

(2) In addition to the restrictions specified in this part and part II, wasteful and unnecessary water use is prohibited regardless of the phase of water shortage. Such wasteful and unnecessary water use shall include, but not be limited to:

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

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

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

(3) Within each rule, use classes are grouped in the same sequence as in rule 40E-21.651.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.175, 373.246 FS.

History--New 5-31-82, Amended 2-14-91.

#### 40E-21.521 Phase I Moderate Water Shortage.

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

(1) Essential/Domestic/Utility/Commercial

(a) Essential Use

1. The use of water for firefighting, safety, sanitation, health and medical purposes and other essential uses shall not be restricted.

2. Fire hydrant flushing shall be undertaken only on an emergency basis.

3. Sanitary sewer line flushing and testing shall not be restricted except on a voluntary basis.

(b) Domestic Type Use

1. Residential type domestic use shall be voluntarily reduced to achieve a per capita consumption of 60 gallons per person per day.

2. Domestic type use in industrial and commercial establishments shall be voluntarily reduced.

(c) Water Utility Use

1. Initial pressure at the point of use (meter) shall be voluntarily reduced to levels no greater than 45 pounds per square inch. Upon reduction of pressure, the utility shall notify the appropriate fire-fighting agencies and make arrangements for direct communication when additional pressure is required.

2. New water line flushing and disinfection shall be restricted to the hours of 7:00 P.M. to 7:00 A.M. seven days per week.

3. As may be appropriate the utility shall institute additional voluntary conservation measures such as reclaiming of backwash water, improving and accelerating leak detection surveys and repair programs, installing and calibrating meters, and stabilizing and equalizing system pressures.

(d) Power Production Use

Water used for power production shall be voluntarily reduced.

(e) Commercial and Industrial Process Use

1. Commercial car washes shall be restricted as follows:

a. for washes servicing passenger vehicles and mobile equipment weighing less than 10,000 pounds,

1. use in excess of 75 gallons per wash shall be prohibited

and

ii. use equal to or less than 75 gallons per wash shall be voluntarily reduced;

b. for washes servicing mobile equipment weighing 10,000 pounds or more,

i. use in excess of 150 gallons per wash shall be prohibited and

ii. use equal to or less than 150 gallons per wash shall be voluntarily reduced.

2. Water used for commercial and industrial processes shall be voluntarily reduced.

3. Water use for cleaning, adjusting and repair of irrigation systems by a licensed person or entity shall be restricted as follows:

a. projects one irrigated acre or greater in size shall be limited to one hour per acre per week,

b. projects less than one irrigated acre in size shall be limited to 10 minutes per zone per week.

4. Water use for pesticide application under the supervision of a licensed pest control operator shall be voluntarily reduced. Under the provisions of this subparagraph, the applicator must be on the premises when water is applied outside of the hours allowed for irrigation.

5. Water use for well development under the supervision of a licensed well contractor shall be voluntarily reduced.

6. Water use for mobile equipment washing by a licensed person or entity shall be voluntarily reduced.

(f) Diversion and Impoundment into Non-District Facilities

Water used for diversion and impoundment into non-District facilities shall be voluntarily reduced.

(2) Agriculture

(a) Agricultural Use

1. Overhead irrigation shall be restricted to the hours of 2:00 P.M. to 10:00 A.M.

2. Low volume irrigation hours shall not be restricted.

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

4. Users having access to more than one source class shall maximize the use of the lesser or least restricted source class. 5. Overhead irrigation for field grown citrus nursery stock moisture stress reduction shall be allowed daily for 10 minutes per irrigation zone from 11:30 A.M. to 12:00 P.M. and from 1:30 P.M. to 2:00 P.M.

(b) Livestock Use

Livestock water use shall be voluntarily reduced.

(c) Aquacultural Use

Aquacultural water use shall be voluntarily reduced.

(d) Soil Flooding

1. Soil flooding for vegetable seed planting, rice planting,

burning of sugarcane prior to harvest and to permit harvesting of sod shall be voluntarily reduced.

2. Soil flooding for all other purposes shall be prohibited.

(e) Freeze Protection

Water use for freeze protection shall be restricted to situations in which official weather forecasting services predict temperatures likely to cause permanent damage to crops.

(3) Nursery/Urban Irrigation/Recreation

(a) Nursery Use

1. Low-volume irrigation uses and low-volume hand watering shall be voluntarily reduced.

2. Overhead irrigation uses shall be restricted as follows:

a. inside - 8:00 A.M. to 8:00 P.M., seven days per week.

b. outside - 7:00 P.M. to 7:00 A.M., seven days per week.

c. Overhead irrigation for containerized nursery stock moisture stress reduction on stock grown in containers up to and including 1 gallon in size shall be allowed daily for 10 minutes per irrigation zone from 11:30 A.M. to 12:00 P.M., 1:30 P.M. to 2:00 P.M. and 3:30 P.M. to 4:00 P.M.

3. Flood irrigation systems shall be restricted to 8 days per month.

(b) Landscape Irrigation - New Installation

1. For installations which have been in place for less than 30 days and

a. less than 5 irrigated acres in size, water use for irrigation shall be restricted to the hours of 2:00 A.M. to 8:00 A.M., Monday through Friday,

b. 5 irrigated acres or greater in size, water use for irrigation shall be restricted to the hours of 12:01 A.M. to 8:00 A.M. Monday through Friday.

2. Low-volume irrigation and low-volume hand watering of new landscaping shall be voluntarily reduced.

3. Cleaning and adjusting of new irrigation systems shall be restricted to 10 minutes per zone on a one time basis.

(c) Landscape Irrigation - Existing Installation

1. For existing installations less than 5 irrigated acres in size, water use for irrigation shall be restricted to the hours from 4:00 A.M. to 8:00 A.M. for all types of irrigation, except low-volume irrigation, and 5:00 P.M. to 7:00 P.M. for low-volume hand watering only, three days per week.

a. Installations with odd addresses shall be permitted to irrigate on Monday, Wednesday and Saturday.

b. Installations with even addresses or no address shall be permitted to irrigate on Tuesday, Thursday and Sunday.

2. For existing installation 5 irrigated acres or greater in size, water use for irrigation shall be restricted to the hours from 12:01 A.M. to 8:00 A.M., three days per week.

a. Installations with odd addresses shall be permitted to irrigate on Monday, Wednesday and Saturday.

b. Installations with even addresses or no address shall be permitted to irrigate on Tuesday, Thursday and Sunday.

3. Water use for cleaning, adjusting and repair of existing

irrigation systems shall be limited to ten minutes per zone per week.

4. Low-volume irrigation uses shall be voluntarily reduced.

(d) Recreation Area Use

1. Landscape irrigation for new and existing recreation areas shall be restricted to the hours prescribed for new and existing landscape irrigation in paragraphs (b) and (c) respectively.

2. Irrigation of seeded and/or sprigged recreation areas that have been in place for less than thirty days shall be allowed daily for 10 minutes per irrigation zone from 11:30 A.M. to 12:00 P.M., 1:30 P.M. to 2:00 P.M. and 3:30 P.M. to 4:00 P.M.

3. Watering of pervious non-vegetated recreational/sporting surfaces shall be restricted to ten minutes of application prior to each recreational/sporting event. Low-volume watering shall be used.

(e) Golf Course Use

1. Irrigation of greens and tees shall be voluntarily reduced and shall be accomplished during non-daylight hours.

2. Irrigation of fairways, roughs and nonplaying areas on the first nine holes of the course shall be restricted to the hours of 12:01 A.M. to 8:00 A.M. on Monday, Wednesday and Saturday.

3. Irrigation of fairways, roughs and nonplaying areas on the last nine holes of the course shall be restricted to the hours of 12:01 A.M. to 8:00 A.M., Tuesday, Thursday and Sunday.

4. Irrigation of seeded and/or sprigged areas that have been in place for less than thirty days shall be allowed daily for 10 minutes per irrigation zone from 11:30 A.M. to 12:00 P.M., 1:30 P.M. to 2:00 P.M. and 3:30 P.M. to 4:00 P.M.

(f) Water Based Recreation Use

1. Water based recreation water use shall be voluntarily reduced.

2. Draining of facilities into sewers or onto impervious surfaces shall be prohibited.

(4) Miscellaneous

(a) Cooling and Air Conditioning Use

The use of water for cooling and air conditioning shall be restricted to that amount of water necessary to maintain a minimum temperature of 78 degrees Fahrenheit.

(b) Dewatering Use

Discharge of fresh water to tide from dewatering shall be prohibited.

(c) Navigation Use

1. The District shall request the U. S. Army Corps of Engineers to restrict its lockages to maintain acceptable chloride concentrations upstream of the locks and to conserve water.

2. In the case of the Franklin Lock and Dam, the District shall request the U. S. Army Corps of Engineers to restrict lockages to once every four hours if:

a. chloride levels upstream of S-79 are 180 parts per million or higher and

b. a rainfall in excess of one inch in 24 hours is not predicted in the surface water use basin within the next 48 hours.

3. If the restrictions imposed in subparagraph 2. are insufficient to stop the rising chloride levels, the District shall request the U. S. Army Corps of Engineers to further restrict lockages to once every four hours, twice per week.

4. If the restrictions imposed in subparagraphs 2. and 3. are still insufficient to stop the rising chloride levels, the District shall request the U. S. Army Corps of Engineers to prohibit lockages.

(d) Other Outside Uses

1. Washing or cleaning streets, driveways, sidewalks, or other impervious areas with water shall be prohibited.

2. Outside pressure cleaning shall be restricted to only low-volume pressure cleaning, seven days a week.

3. Mobile equipment washing with water shall be restricted to the hours and days prescribed for existing landscape irrigation in paragraph (3)(c)1., using only low-volume mobile equipment washing methods and shall be conducted over a pervious surface or in an area that immediately drains to a pervious surface. Rinsing and flushing of boats after saltwater use shall be limited to 15 minutes once a day for each boat.

4. Washing boats that serve as a primary residence shall be restricted to the hours and days prescribed for existing landscape irrigation in paragraph (3)(c)1. Boats with an odd slip number shall be permitted to be washed on Monday, Wednesday and Saturday. Boats with an even slip number or no slip number shall be permitted to be washed on Tuesday, Thursday and Sunday.

(e) Aesthetic Use

1. Non-recirculating outside aesthetic uses of water shall be prohibited.

2. Water use for outside aesthetic purposes by facilities that recirculate water shall be voluntarily reduced and must meet the following criteria:

a. Draining of water from outside aesthetic facilities into sewers or onto impervious surfaces is prohibited.

b. Outside aesthetic facilities shall not be operated when wind conditions cause water to be lost from the recirculating capacity of the facility.

c. Outside aesthetic facilities that leak water shall not be operated.

d. Outside aesthetic facilities that lose water due to an overflow shall not be operated.

3. Inside aesthetic uses of water shall be voluntarily reduced.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.175, 373.246 FS.

History--New 5-21-82, Amended 1-26-86, 2-14-91.

40E-21.531 Phase II Severe Water Shortage.

The following restrictions shall apply when a Phase II water shortage is declared by the District.

(1) Essential/Domestic/Utility/Commercial

(a) Essential Use

1. The use of water for firefighting, safety, sanitation, health and medical purposes and other essential uses shall not be restricted.

2. Fire hydrant flushing shall be undertaken only on an emergency basis.

3. Sanitary sewer line flushing and testing shall not be restricted except on a voluntary basis.

(b) Domestic Type Use

1. Residential type domestic use shall be voluntarily reduced to 50 gallons per person per day.

2. Domestic type use in industrial and commercial establishments shall be voluntarily reduced.

(c) Water Utility Use

1. Initial pressure at the point of use (meter) shall be reduced to levels no greater than 45 pounds per square inch. Upon reduction of pressure, the utility shall notify the appropriate firefighting agencies and make arrangements for direct communication when additional pressure is required.

2. New water line flushing and disinfection shall be restricted to the hours of 7:00 P.M. to 7:00 A.M. seven days per week.

3. As may be appropriate the utility shall institute additional voluntary conservation measures such as reclaiming of backwash water, improving and accelerating leak detection surveys and repair programs, installing and calibrating meters, and stabilizing and equalizing system pressures.

(d) Power Production Use

Water used for power production shall be voluntarily reduced.

(e) Commercial and Industrial Process Use

1. Commercial car washes shall be restricted as follows:

a. for washes servicing passenger vehicles and mobile equipment weighing less than 10,000 pounds,

i. use in excess of 75 gallons per wash shall be prohibited and

ii. use equal to or less than 75 gallons per wash shall be voluntarily reduced;

b. for washes servicing mobile equipment weighing 10,000 pounds or more,

i. use in excess of 150 gallons per wash shall be prohibited and

ii. use equal to or less than 150 gallons per wash shall be voluntarily reduced.

2. Water used for commercial and industrial processes shall be voluntarily reduced.

3. Water use for cleaning, adjusting and repair of irrigation systems by a licensed person or entity shall be restricted as follows:

a. projects one irrigated acre or greater in size shall be limited to one hour per acre per week,

b. projects less than one irrigated acre in size shall be

limited to 10 minutes per zone per week.

4. Water use for pesticide application under the supervision of a licensed pest control operator shall be voluntarily reduced. Under the provisions of this subparagraph, the applicator must be on the premises when water is applied outside of the hours allowed for irrigation.

5. Water use for well development under the supervision of a licensed well contractor shall be voluntarily reduced.

6. Water use for mobile equipment washing by a licensed person or entity shall be voluntarily reduced.

(f) Diversion and Impoundment into Non-District Facilities

1. Water used for diversion and impoundment into non-District facilities shall be voluntarily reduced.

(2) Agriculture

(a) Agricultural Use

1. Overhead irrigation shall be restricted to the hours of 2:00 P.M. to 10:00 A.M.

2. Low volume irrigation hours shall not be restricted.

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

4. Users having access to more than one source class shall maximize the use of the lesser or least restricted source class. 5. Overhead irrigation for field grown citrus nursery stock moisture stress reduction shall be allowed daily for 10 minutes per irrigation zone from 11:30 A.M. to 12:00 P.M. and from 1:30 P.M. to 2:00 P.M.

(b) Livestock Use

Livestock water use shall be voluntarily reduced.

(c) Aquacultural Use

Aquacultural water use shall be voluntarily reduced.

(d) Soil Flooding

1. Soil flooding for vegetable seed planting, rice planting, burning of sugarcane prior to harvest and to permit harvesting of sod shall be voluntarily reduced.

2. Soil flooding for all other purposes shall be prohibited.

(e) Freeze Protection

Water use for freeze protection shall be restricted to situations in which official weather forecasting services predict temperatures likely to cause permanent damage to crops.

(3) Nursery/Urban Irrigation/Recreation

(a) Nursery Use

1. Low-volume irrigation uses and low-volume hand watering shall be voluntarily reduced.

2. Overhead irrigation uses shall be restricted as follows:

a. inside - 8:00 A.M. to 8:00 P.M., seven days per week.

b. outside - 7:00 P.M. to 7:00 A.M., on odd numbered days.

c. Outside overhead irrigation for containerized nursery stock moisture stress reduction on stock grown in containers up to and including one gallon in size shall be allowed daily for 10 minutes

per irrigation zone from 11:30 A.M. to 12:00 P.M., 1:30 P.M. to 2:00 P.M. and 3:30 P.M. to 4:00 P.M.

3. Flood irrigation systems shall be restricted to 6 days per month.

(b) Landscape Irrigation – New Installation

1. For installations which have been in place for less than 30 days and

a. less than 5 irrigated acres in size, water use for irrigation shall be restricted to the hours of 2:00 A.M. to 8:00 A.M., Monday, Wednesday, Thursday and Friday,

b. 5 irrigated acres or greater in size, water use for irrigation shall be restricted to the hours of 12:01 A.M. to 8:00 A.M. Monday, Wednesday, Thursday and Friday.

2. Low-volume irrigation and low-volume hand watering of new landscaping shall be voluntarily reduced.

3. Cleaning and adjusting of new irrigation systems shall be restricted to 10 minutes per zone on a one time basis.

(c) Landscape Irrigation – Existing Installation

1. For existing installations less than 5 irrigated acres in size, water use for irrigation shall be restricted to the hours from 4:00 A.M. to 8:00 A.M. for all types of irrigation, except low-volume irrigation, and 5:00 P.M. to 7:00 P.M. for low-volume hand watering, two days per week.

a. Installations with odd addresses shall be permitted to irrigate on Wednesday and Saturday.

b. Installations with even addresses or no address shall be permitted to irrigate on Thursday and Sunday.

2. For existing installations 5 irrigated acres or greater in size, water use for irrigation shall be restricted to the hours from 12:01 A.M. to 8:00 A.M., two days per week.

a. Installations with odd addresses shall be permitted to irrigate on Wednesday and Saturday.

b. Installations with even addresses or no address shall be permitted to irrigate on Thursday and Sunday.

3. Water use for cleaning, adjusting and repair of existing irrigation systems shall be limited to ten minutes per zone per week.

4. Low-volume irrigation uses shall be voluntarily reduced.

(d) Recreation Area Use

1. Landscape irrigation for new and existing recreation areas shall be restricted to the hours prescribed for new and existing landscape irrigation in paragraphs (b) and (c) respectively.

2. Irrigation of seeded and/or sprigged recreation areas that have been in place for less than thirty days shall be allowed daily for 5 minutes per irrigation zone from 11:30 A.M. to 12:00 P.M., 1:30 P.M. to 2:00 P.M. and 3:30 P.M. to 4:00 P.M.

3. Watering of pervious non-vegetated recreational/sporting surfaces shall be restricted to ten minutes of application prior to each recreational/sporting event. Low-volume watering shall be used.

(e) Golf Course Use

1. Irrigation of greens and tees shall be voluntarily reduced

and shall be accomplished during non-daylight hours.

2. Irrigation of fairways, roughs and nonplaying areas on the first nine holes of the course shall be restricted to the hours of 12:01 A.M. to 8:00 A.M. on Wednesday and Saturday.

3. Irrigation of fairways, roughs and nonplaying areas on the last nine holes of the course shall be restricted to the hours of 12:01 A.M. to 8:00 A.M. on Thursday and Sunday.

4. Irrigation of seeded and/or sprigged areas that have been in place for less than thirty days shall be allowed daily for 5 minutes per irrigation zone from 11:30 A.M. to 12:00 P.M., 1:30 P.M. to 2:00 P.M. and 3:30 P.M. to 4:00 P.M.

(f) Water Based Recreation Use

1. Water based recreation water use shall be voluntarily reduced.

2. Draining of facilities into sewers or onto impervious surfaces shall be prohibited.

3. Existing facilities shall not be refilled except for makeup water, unless the facility is leaking more than one inch of water a day. If a facility is leaking more than one inch of water a day and is in need of repair, it may be drained onto a pervious surface for repairs and subsequently refilled.

(4) Miscellaneous

(a) Cooling and Air Conditioning Use

The use of water for cooling and air conditioning shall be restricted to that amount of water necessary to maintain a minimum temperature of 78 degrees Fahrenheit.

(b) Dewatering Use

Discharge of fresh water to tide from dewatering shall be prohibited.

(c) Navigation Use

1. The District shall request the U. S. Army Corps of Engineers to restrict its lockages to maintain acceptable chloride concentrations upstream of the locks and to conserve water.

2. In the case of the Franklin Lock and Dam, the District shall request the U. S. Army Corps of Engineers to restrict lockages to once every four hours if:

a. chloride levels upstream of S-79 are 180 parts per million or higher and

b. a rainfall in excess of one inch in 24 hours is not predicted in the surface water use basin within the next 48 hours.

3. If the restrictions imposed in subparagraph 2. are insufficient to stop the rising chloride levels, the District shall request the U. S. Army Corps of Engineers to further restrict lockages to once every four hours, twice per week.

4. If the restrictions imposed in subparagraphs 2. and 3. are still insufficient to stop the rising chloride levels, the District shall request the U. S. Army Corps of Engineers to prohibit lockages.

(d) Other Outside Uses

1. Washing or cleaning streets, driveways, sidewalks, or other impervious areas with water shall be prohibited.

2. Outside pressure cleaning shall be restricted to only

low-volume pressure cleaning, seven days a week.

3. Mobile equipment washing with water shall be restricted to the hours and days prescribed for existing landscape irrigation in paragraph (3)(c)1., using only low-volume mobile equipment washing methods and shall be conducted over a pervious surface or in an area that immediately drains to a pervious surface. Rinsing and flushing of boats after saltwater use shall be limited to 15 minutes once a day for each boat.

4. Washing boats that serve as a primary residence shall be restricted to the hours and days prescribed for existing landscape irrigation in paragraph (3)(c)1. Boats with an odd slip number shall be permitted to be washed on Wednesday and Saturday. Boats with an even slip number or no slip number shall be permitted to be washed on Thursday and Sunday.

(e) Aesthetic Use

1. Non-recirculating outside aesthetic uses of water shall be prohibited.

2. Water use for outside aesthetic purposes by facilities that recirculate water shall be voluntarily reduced and must meet the following criteria:

a. Draining of water from outside aesthetic facilities into sewers or onto impervious surfaces is prohibited.

b. Outside aesthetic facilities shall not be operated when wind conditions cause water to be lost from the recirculating capacity of the facility.

c. Outside aesthetic facilities that leak water shall not be operated.

d. Outside aesthetic facilities that lose water due to an overflow shall not be operated.

3. Inside aesthetic uses of water shall be voluntarily reduced.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.175, 373.246 FS.

History--New 5-31-82, Amended 1-26-86, 2-14-91.

40E-21.541 Phase III Extreme Water Shortage.

The following restrictions shall apply when a Phase III shortage is declared by the District.

(1) Essential/Domestic/Utility/Commercial

(a) Essential Use

1. The use of water for firefighting, safety, sanitation, health and medical purposes and other essential uses shall not be restricted.

2. Fire hydrant flushing shall be undertaken only on an emergency basis.

3. Sanitary sewer line flushing and testing shall not be restricted except on a voluntary basis.

(b) Domestic Type Use

1. Residential type domestic use shall be voluntarily reduced to 40 gallons per person per day.

2. Domestic type use in industrial and commercial establishments shall be voluntarily reduced.

(c) Water Utility Use

1. Initial pressure at the point of use (meter) shall be reduced to levels no greater than 45 pounds per square inch. Voluntary initial pressure reductions below 45 psi shall be made consistent with the utility's ability to maintain adequate service and fire flow pressures. Upon reduction of pressure, the utility shall notify the appropriate fire-fighting agencies and make arrangements for direct communication when additional pressure is required.

2. New water line flushing and disinfection shall be restricted to the hours of 7:00 P.M. to 7:00 A.M. seven days per week.

3. As may be appropriate the utility shall institute additional voluntary conservation measures such as reclaiming of backwash water, improving and accelerating leak detection surveys and repair programs, installing and calibrating meters, and stabilizing and equalizing system pressures.

(d) Power Production Use

1. Water used for power production shall be voluntarily reduced.

(e) Commercial and Industrial Process Use

1. Commercial car washes shall be restricted as follows:

a. for washes servicing passenger vehicles and mobile equipment weighing less than 10,000 pounds,

i. use in excess of 75 gallons per wash shall be prohibited,

ii. use equal to or less than 75 gallons but more than 50 gallons per wash shall be restricted to the hours of 8:00 A.M. through 3:00 P.M., and

iii. use equal to or less than 50 gallons per wash shall be voluntarily reduced;

b. for washes servicing mobile equipment weighing 10,000 pounds or more,

i. use in excess of 150 gallons per wash shall be prohibited,

ii. use equal to or less than 150 gallons but more than 100 gallons per wash shall be restricted to the hours of 8:00 A.M. through 3:00 P.M., and

iii. use equal to or less than 100 gallons per wash shall be voluntarily reduced.

2. Water used for commercial and industrial processes shall be voluntarily reduced.

3. Water use for cleaning, adjusting and repair of irrigation systems by a licensed person or entity shall be restricted as follows:

a. projects one irrigated acre or greater in size shall be limited to one hour per acre per week.

b. projects less than one irrigated acre in size shall be limited to 10 minutes per zone per week.

4. Water use for pesticide application under the supervision of a licensed pest control operator shall be voluntarily reduced. Under the provisions of this subparagraph, the applicator must be

on the premises when water is applied outside of the hours allowed for irrigation.

5. Water use for well development under the supervision of a licensed well contractor shall be voluntarily reduced.

6. Water use for mobile equipment washing by a licensed person or entity shall be voluntarily reduced.

(f) Diversion and Impoundment into Non-District Facilities

1. Water used for diversion and impoundment into non-District facilities shall be voluntarily reduced.

(2) Agriculture

(a) Agricultural Use

1. Overhead irrigation shall be restricted to the hours of 7:00 P.M. to 7:00 A.M.

2. Low-volume irrigation hours shall not be restricted.

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

4. Users having access to more than one source class shall maximize the use of the lesser or least restricted source class. 5. Withdrawals by each user from each source class in each month shall be limited to an amount that represents each user's share of the total allocation for agricultural irrigation made by the District from that source for that month and in that basin. The District's allocation for agricultural irrigation will be determined based on its evaluation of the supply capabilities of the source class, the supply capabilities of other source classes available in the area, the needs of agriculture and all other users in the area and the District's overall management strategy for handling the uncertainties of future climatological events. The share of the total agricultural irrigation allocation available to each user will be based on any prioritization among crops the District establishes based on economic loss and equity considerations and the acreage and quantity of withdrawals for which the user has been permitted.

6. Overhead irrigation for field grown citrus nursery stock moisture stress reduction shall be allowed daily for 10 minutes per irrigation zone from 11:30 A.M. to 12:00 P.M., 1:30 P.M. to 2:00 P.M. and 3:30 P.M. to 4:00 P.M.

(b) Livestock Use

Livestock water use shall be voluntarily reduced.

(c) Aquacultural Use

Aquacultural water use shall be voluntarily reduced.

(d) Soil Flooding

1. Soil flooding for vegetable seed planting, rice planting, burning of sugarcane prior to harvest and to permit harvesting of sod shall be voluntarily reduced.

2. Soil flooding for all other purposes shall be prohibited.

(e) Freeze Protection

Water use for freeze protection shall be restricted to situations in which official weather forecasting services predict

temperatures likely to cause permanent damage to crops.

(3) Nursery/Urban Irrigation/Recreation

(a) Nursery Use

1. Low-volume irrigation uses and low-volume hand watering shall be voluntarily reduced.

2. Overhead irrigation uses shall be restricted as follows:

a. inside - 8:00 A.M. to 8:00 P.M., on odd numbered days.

b. outside - 12:01 A.M. to 7:00 A.M., on odd numbered days.

c. Outside overhead irrigation for containerized nursery stock moisture stress reduction on stock grown in containers up to and including one gallon in size shall be allowed daily for 10 minutes per irrigation zone from 11:30 A.M. to 12:00 P.M., 1:30 P.M. to 2:00 P.M. and 3:30 P.M. to 4:00 P.M.

3. Flood irrigation systems shall be restricted to 4 days per month.

(b) Landscape Irrigation - New Installation

1. For installations which have been in place for less than 30 days and

a. less than 5 irrigated acres in size, water use for irrigation shall be restricted to the hours of 2:00 A.M. to 7:00 A.M., Monday, Wednesday and Friday,

b. 5 irrigated acres or greater in size, water use for irrigation shall be restricted to the hours of 12:01 A.M. to 7:00 A.M. Monday, Wednesday and Friday.

2. Low-volume irrigation and low-volume hand watering of new landscaping shall be voluntarily reduced.

3. Cleaning and adjusting of new irrigation systems shall be restricted to 10 minutes per zone on a one time basis.

(c) Landscape Irrigation - Existing Installation

1. For existing installations less than 5 irrigated acres in size, water use for irrigation shall be restricted to the hours from 4:00 A.M. to 7:00 A.M. for all types of irrigation, except low-volume irrigation, and 5:00 P.M. to 7:00 P.M. for low-volume hand watering only, one day per week.

a. Installations with odd addresses shall be permitted to irrigate on Saturday.

b. Installations with even addresses or no address shall be permitted to irrigate on Sunday.

2. For existing installations 5 irrigated acres or greater in size, water use for irrigation shall be restricted to the hours from 12:01 A.M. to 7:00 A.M., one day per week.

a. Installations with odd addresses shall be permitted to irrigate on Saturday.

b. Installations with even addresses or no address shall be permitted to irrigate on Sunday.

3. Water use for cleaning, adjusting and repair of existing irrigation systems shall be limited to ten minutes per zone per week.

4. Low-volume irrigation uses shall be voluntarily reduced.

(d) Recreation Area Use

1. Landscape irrigation for new and existing recreation areas shall be restricted to the hours prescribed for new and existing

landscape irrigation in paragraphs (b) and (c) respectively.

2. Watering of pervious non-vegetated recreational/sporting surfaces shall be restricted to ten minutes of application prior to each recreational/sporting event. Low-volume watering shall be used.

(e) Golf Course Use

1. Irrigation of greens shall be voluntarily reduced and shall be accomplished during non-daylight hours.

2. Irrigation of tees shall be restricted to non-daylight hours three days per week. The front nine holes shall be restricted to Monday, Wednesday and Saturday and the back nine holes shall be restricted to Tuesday, Thursday and Sunday.

3. Irrigation of fairways, roughs and nonplaying areas on the first nine holes of the course shall be restricted to the hours of 12:01 A.M. to 7:00 A.M. on Saturday.

4. Irrigation of fairways, roughs and nonplaying areas on the last nine holes of the course shall be restricted to the hours of 12:01 A.M. to 7:00 A.M. on Sunday.

(f) Water Based Recreation Use

1. Water based recreation water use shall be voluntarily reduced.

2. Draining of facilities into sewers or onto impervious surfaces shall be prohibited.

3. Existing facilities shall not be refilled except for makeup water, unless the facility is leaking more than one inch of water a day. If the facility is leaking more than one inch of water a day and is in need of repair, it may be drained onto a pervious surface for repairs and subsequently refilled.

(4) Miscellaneous

(a) Cooling and Air Conditioning Use

The use of water for cooling and air conditioning shall be restricted to that amount of water necessary to maintain a minimum temperature of 78 degrees Fahrenheit.

(b) Dewatering Use

Discharge of fresh water to tide from dewatering shall be prohibited.

(c) Navigation Use

1. The District shall request the U. S. Army Corps of Engineers to restrict its lockages to maintain acceptable chloride concentrations upstream of the locks and to conserve water.

2. In the case of the Franklin Lock and Dam, the District shall request the U. S. Army Corps of Engineers to restrict lockages to once every four hours if:

a. chloride levels upstream of S-79 are 180 parts per million or higher and

b. a rainfall in excess of one inch in 24 hours is not predicted in the surface water use basin within the next 48 hours.

3. If the restrictions imposed in subparagraph 2. are insufficient to stop the rising chloride levels, the District shall request the U. S. Army Corps of Engineers to further restrict lockages to once every four hours, twice per week.

4. If the restrictions imposed in subparagraphs 2. and 3. are

still insufficient to stop the rising chloride levels, the District shall request the U. S. Army Corps of Engineers to prohibit lockages.

(d) Other Outside Uses

1. Washing or cleaning streets, driveways, sidewalks, or other impervious areas with water shall be prohibited.

2. Outside pressure cleaning shall be restricted to only low-volume pressure cleaning, Monday through Friday.

3. Mobile equipment washing with water shall be restricted to the hours and days prescribed for existing landscape irrigation in paragraph (3)(c)1., using only low-volume mobile equipment washing methods and shall be conducted over a pervious surface or in an area that immediately drains to a pervious surface. Rinsing and flushing of boats after saltwater use shall be limited to 15 minutes once a day for each boat.

4. Washing boats that serve as a primary residence shall be restricted to the hours and days prescribed for existing landscape irrigation in paragraph (3)(c)1. Boats with an odd slip number shall be permitted to be washed on Saturday. Boats with an even slip number or no slip number shall be permitted to be washed on Sunday.

(e) Aesthetic Use

1. Outside aesthetic uses of water shall be prohibited.

2. Inside aesthetic uses of water shall be prohibited.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.175, 373.246 FS.

History--New 5-31-82, Amended 1-26-86, 2-14-91.

40E-21.551 Phase IV Critical Water Shortage.

The following restrictions shall apply when a Phase IV shortage is declared by the District.

(1) Essential/Domestic/Utility/Commercial

(a) Essential Use

1. The use of water for firefighting, safety, sanitation, health and medical purposes and other essential uses shall not be restricted.

2. Fire hydrant flushing shall be undertaken only on an emergency basis.

3. Sanitary sewer line flushing and testing shall be undertaken only on an emergency basis.

(b) Domestic Type Use

1. Residential type domestic use shall be voluntarily reduced to 30 gallons per person per day.

2. Domestic type use in industrial and commercial establishments shall be voluntarily reduced to the minimum levels necessary to preserve public health and safety.

(c) Water Utility Use

1. Initial pressure at the point of use (meter) shall be reduced to levels no greater than 45 pounds per square inch. Voluntary initial pressure reductions below 45 psi shall be made

consistent with the utility's ability to maintain adequate service and fire flow pressures. Upon reduction of pressure, the utility shall notify the appropriate fire-fighting agencies and make arrangements for direct communication when additional pressure is required.

2. New water line flushing and disinfection shall be restricted to the hours of 7:00 P.M. to 7:00 A.M. seven days per week.

3. As may be appropriate the utility shall institute additional conservation measures such as reclaiming of backwash water, improving and accelerating leak detection surveys and repair programs, installing and calibrating meters, and stabilizing and equalizing system pressures.

(d) Power Production Use

Water used for power production shall be voluntarily reduced.

(e) Commercial and Industrial Process Use

1. Commercial car washes shall be restricted as follows:

a. for washes servicing passenger vehicles and mobile equipment weighing less than 10,000 pounds,

i. use in excess of 75 gallons per wash shall be prohibited,

ii. use equal to or less than 75 gallons but more than 50 gallons per wash shall be restricted to the hours of 8:00 A.M. through 3:00 P.M., and

iii. use equal to or less than 50 gallons per wash shall be voluntarily reduced;

b. for washes servicing mobile equipment weighing 10,000 pounds or more,

i. use in excess of 150 gallons per wash shall be prohibited,

ii. use equal to or less than 150 gallons but more than 100 gallons per wash shall be restricted to the hours of 8:00 A.M. through 3:00 P.M., and

iii. use equal to or less than 100 gallons per wash shall be voluntarily reduced.

2. Water used for commercial and industrial processes shall be voluntarily reduced.

3. Water use for cleaning, adjusting and repair of irrigation systems by a licensed person or entity shall be restricted as follows:

a. projects one irrigated acre or greater in size shall be limited to one hour per acre per week.

b. projects less than one irrigated acre in size shall be limited to 10 minutes per zone per week.

4. Water use for pesticide application under the supervision of a licensed pest control operator shall be voluntarily reduced. Under the provisions of this subparagraph, the applicator must be on the premises when water is applied outside of the hours allowed for irrigation.

5. Water use for well development under the supervision of a licensed well contractor shall be voluntarily reduced.

6. Water use for mobile equipment washing by a licensed person or entity shall be voluntarily reduced.

(f) Diversion and Impoundment into Non-District Facilities

1. Water used for diversion and impoundment into non-District facilities shall be voluntarily reduced.

(2) Agriculture

(a) Agricultural Use

1. Overhead irrigation shall be restricted to the hours of 7:00 P.M. to 7:00 A.M.

2. Low-volume irrigation hours shall not be restricted.

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

4. Users having access to more than one source class shall maximize the use of the lesser or least restricted source class. 5. Withdrawals by each user from each source class in each month shall be limited to an amount that represents each user's share of the total allocation for agricultural irrigation made by the District from that source for that month and in that basin. The District's allocation for agricultural irrigation will be determined based on its evaluation of the supply capabilities of the source class, the supply capabilities of other source classes available in the area, the needs of agriculture and all other users in the area and the District's overall management strategy for handling the uncertainties of future climatological events. The share of the total agricultural irrigation allocation available to each user will be based on any prioritization among crops the District establishes based on economic loss and equity considerations and the acreage and quantity of withdrawals for which the user has been permitted.

6. Overhead irrigation for field grown citrus nursery stock moisture stress reduction shall be allowed daily for 10 minutes per irrigation zone from 11:30 A.M. to 12:00 P.M., 1:30 P.M. to 2:00 P.M. and 3:30 P.M. to 4:00 P.M.

(b) Livestock Use

Livestock water use shall be voluntarily reduced.

(c) Aquacultural Use

Aquacultural water use shall be voluntarily reduced.

(d) Soil Flooding

1. Soil flooding for vegetable seed planting, rice planting, burning of sugarcane prior to harvest and to permit harvesting of sod shall be voluntarily reduced.

2. Soil flooding for all other purposes shall be prohibited.

(e) Freeze Protection

Water use for freeze protection shall be restricted to situations in which official weather forecasting services predict temperatures likely to cause permanent damage to crops.

(3) Nursery/Urban Irrigation/Recreation

(a) Nursery Use

1. Low-volume irrigation uses and low-volume hand watering shall be voluntarily reduced.

2. Overhead irrigation uses shall be restricted as follows:

a. inside - 8:00 A.M. to 4:00 P.M., on odd numbered days.

b. outside - 2:00 A.M. to 7:00 A.M., on odd numbered days.

c. Outside overhead irrigation for containerized nursery stock moisture stress reduction on stock grown in containers up to and including one gallon in size shall be allowed daily for 10 minutes per irrigation zone from 11:30 A.M. to 12:00 P.M., 1:30 P.M. to 2:00 P.M. and 3:30 P.M. to 4:00 P.M.

3. Flood irrigation systems shall be restricted to 2 days per month.

(b) Landscape Irrigation - New Installation

1. For installations which have been in place for less than 30 days and

a. less than 5 irrigated acres in size, water use for irrigation shall be restricted to the hours of 6:00 A.M. to 7:00 A.M., Saturday.

b. 5 irrigated acres or greater in size, water use for irrigation shall be restricted to the hours of 4:00 A.M. to 7:00 A.M., Saturday.

2. Low-volume irrigation and low-volume hand watering of new landscaping shall be restricted to Monday, Wednesday and Friday.

3. Cleaning and adjusting of new irrigation systems shall be prohibited.

(c) Landscape Irrigation - Existing Installation

1. For existing installations less than 5 irrigated acres in size, water use for irrigation shall be restricted to the hours from 6:00 A.M. to 7:00 A.M. for all types of irrigation, except low-volume irrigation, and 5:00 P.M. to 7:00 P.M. for low-volume hand watering only, one day per week.

a. Installations with odd addresses shall be permitted to irrigate on Saturday.

b. Installations with even addresses or no address shall be permitted to irrigate on Sunday.

2. For existing installations 5 irrigated acres or greater in size, water use for irrigation shall be restricted to the hours from 4:00 A.M. to 7:00 A.M., one day per week.

a. Installations with odd addresses shall be permitted to irrigate on Saturday.

b. Installations with even addresses or no address shall be permitted to irrigate on Sunday.

3. Low-volume irrigation uses shall be restricted to Monday, Wednesday and Friday.

(d) Recreation Area Use

1. Landscape irrigation for new and existing recreation areas shall be restricted to the hours prescribed for new and existing landscape irrigation in paragraphs (b) and (c) respectively.

2. Watering of pervious non-vegetated recreational/sporting surfaces shall be restricted to ten minutes of application prior to each recreational/sporting event. Low-volume watering shall be used.

(e) Golf Course Use

1. Irrigation of greens shall be voluntarily reduced and shall be accomplished during non-daylight hours.

2. Irrigation of tees shall be restricted to non-daylight

hours one day per week. The front nine holes shall be restricted to Saturday and the back nine holes shall be restricted to Sunday.

3. Irrigation of fairways, roughs and nonplaying areas on the first nine holes of the course shall be restricted to the hours of 4:00 A.M. to 7:00 A.M. on Saturday.

4. Irrigation of fairways, roughs and nonplaying areas on the last nine holes of the course shall be restricted to the hours of 4:00 A.M. to 7:00 A.M. on Sunday.

(f) Water Based Recreation Use

Water based recreation water use shall be restricted, as follows:

1. Draining of facilities into sewers or onto impervious surfaces shall be prohibited.

2. Filling of new or existing facilities shall be prohibited.

3. Use of makeup water shall be prohibited.

(4) Miscellaneous

(a) Cooling and Air Conditioning Use

1. The use of water for cooling and air conditioning shall be restricted to that amount of water necessary to maintain a minimum temperature of 78 degrees Fahrenheit.

2. Cooling and air conditioning systems shall not discharge water to tide.

3. Reuse of water shall be required.

(b) Dewatering Use

Discharge of fresh water to tide from dewatering shall be prohibited.

(c) Navigation Use

1. The District shall request the U. S. Army Corps of Engineers to restrict its lockages to maintain acceptable chloride concentrations upstream of the locks and to conserve water.

2. In the case of the Franklin Lock and Dam, the District shall request the U. S. Army Corps of Engineers to restrict lockages to once every four hours if:

a. chloride levels upstream of S-79 are 180 parts per million or higher and

b. a rainfall in excess of one inch in 24 hours is not predicted in the surface water use basin within the next 48 hours.

3. If the restrictions imposed in subparagraph 2. are insufficient to stop the rising chloride levels, the District shall request the U. S. Army Corps of Engineers to further restrict lockages to once every four hours, twice per week.

4. If the restrictions imposed in subparagraphs 2. and 3. are still insufficient to stop the rising chloride levels, the District shall request the U. S. Army Corps of Engineers to prohibit lockages.

(d) Other Outside Uses

1. Washing or cleaning streets, driveways, sidewalks, or other impervious areas with water shall be prohibited.

2. Outside pressure cleaning shall be restricted to only low-volume pressure cleaning, Monday and Wednesday.

3. Mobile equipment washing with water shall be restricted to the hours and days prescribed for existing landscape irrigation in

paragraph (3)(c)1., using only low-volume mobile equipment washing methods and shall be conducted over a pervious surface or in an area that immediately drains to a pervious surface. Rinsing and flushing of boats after saltwater use shall be limited to 15 minutes once a day for each boat.

4. Washing boats that serve as a primary residence shall be restricted to the hours and days prescribed for existing landscape irrigation in paragraph (3)(c)1. Boats with an odd slip number shall be permitted to be washed on Saturday. Boats with an even slip number or no slip number shall be permitted to be washed on Sunday.

(e) Aesthetic Use

1. Outside aesthetic uses of water shall be prohibited.
2. Inside aesthetic uses of water shall be prohibited.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.175, 373.246 FS.

History--New 5-31-82, Amended 1-26-86, 2-14-91.

#### 40E-21.611 Classification System.

Unless the emergency provisions of part III of this chapter are invoked, water users are regulated by class under the provisions of this water shortage plan. The rules in this part establish the classification system which provides the basis for distinguishing among different user classes. Under the system, each water user is classified according to source, use and method of withdrawal.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.175, 373.246 FS.

History--New 5-31-82.

#### 40E-21.631 Source Classes.

Source classes are generally divided into surface water use basins and groundwater sources. A water user may be assigned any combination of both surface water use basin and groundwater source classes.

(1) Surface Water Use Basins. Surface waters are classified by surface water use basin. Descriptions of the boundaries of the surface water use basins are found in rule 40E-21.691. The surface water use basins are grouped by region as follows (see Figure 21-1):

(a) Water Conservation Area/Everglades National Park (see Figure 21-2). The surface water use basins in this area are directly supplied with surface water from the Water Conservation Areas and Everglades National Park. The following surface water use basins are included in the area:

Water Conservation Areas/Everglades National Park Water Use Basin

(b) Lower East Coast (see Figure 21-3). The water use basins in this area are directly supplied with surface water from the

Water Conservation Areas or the M Canal. The following surface water use basins are included in the area:

1. Interior Palm Beach County Water Use Basin
2. Loxahatchee River Water Use Basin
3. C-18 Water Use Basin
4. North Palm Beach County Water Use Basin
5. M Canal Water Use Basin
6. Water Conservation Area 1 West Palm Beach Canal Water Use

Basin

7. Water Conservation Area 2 Water Use Basin
8. Water Conservation Area 3 Water Use Basin
9. South Dade Water Use Basin

(c) Lake Okeechobee (see Figure 21-4). The surface water use basins in this area are directly supplied with surface water from Lake Okeechobee. The following surface water use basins are included in the area:

1. Everglades Agricultural Area Water Use Basin
2. Caloosahatchee River Water Use Basin
3. St. Lucie River Water Use Basin
4. Lakeshore Perimeter Water Use Basin

(d) Upper East Coast (see Figure 21-5). The surface water use basins in this area are directly supplied from local surface waters. The following surface water use basins are included in the area:

1. St. Lucie County Agricultural Area Water Use Basin
2. Coastal St. Lucie County Water Use Basin
3. Port St. Lucie Water Use Basin
4. Northwest Martin County Water Use Basin
5. South Coastal Martin County Water Use Basin
6. North Coastal Martin County Water Use Basin
7. West Coastal Martin County Water Use Basin
8. Stuart Peninsula Water Use Basin
9. Interior Martin County Water Use Basin
10. Northwest Loxahatchee River Water Use Basin

(e) Kissimmee (see Figure 21-6). The surface water use basins in this area are directly supplied with surface water from the West Chain of Lakes, the Upper Chain of Lakes and the Kissimmee River. The following surface water use basins are included in the area:

1. West Chain of Lakes Water Use Basin
2. Upper Chain of Lakes Water Use Basin
3. Kissimmee River Valley Water Use Basin
4. Taylor Creek-Nubbin Slough Water Use Basin

(f) Indian Prairie (see Figure 21-7). The surface water use basins in this area are directly supplied with surface water from Lake Istokpoga and Fisheating Creek or associated surface water bodies. The following surface water use basins are included in the area:

1. Indian Prairie Water Use Basin
2. Fisheating Creek Water Use Basin

(g) Lower West Coast (see Figure 21-8). The surface water use basins in this area are directly supplied from local surface waters. The following surface water use basins are included in the

area:

1. Caloosahatchee River Watershed – North, Water Use Basin
2. Caloosahatchee River Watershed – South, Water Use Basin
3. South Hendry County/L-28 Gap Water Use Basin
4. Big Cypress Preserve Water Use Basin
5. Fakahatchee North Water Use Basin
6. Fakahatchee South Water Use Basin
7. Coastal Collier County Water Use Basin

(2) Groundwater Sources. Groundwater sources are classified based upon the available hydrologic information, and the restricted area may include aquifers underlying all or part of a county, municipality, surface water basin or utility service area, as follows:

(a) Water table aquifers. Groundwaters directly recharged by surface waters and rainfall are classified according to the surface water use basin within which they are located. The titles and boundaries described in subsection (1) shall apply.

(b) Confined and semiconfined aquifers. Groundwaters not directly recharged by surface waters and rainfall are classified as follows:

1. Potable Floridan Aquifer.
2. Non-Potable Floridan Aquifer.
3. Sandstone Aquifer.
4. Upper Hawthorn Aquifer.
5. Suwannee Aquifer.
6. Lower Hawthorn Aquifer.
7. Other artesian or leaky artesian aquifers.

(c) Figures 21-2 through 21-8 list the water table, confined and semiconfined aquifers generally found within each surface water use basin. Adjacent areas which are supplied from a restricted groundwater source may also be included in the restricted area.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.175, 373.246 FS.

History--New 5-31-82, Amended 1-26-86, 2-14-91.

#### 40E-21.651 Use Classes.

Use classes are generally grouped by related uses. The four major groupings are: Essential/Domestic/Utility/Commercial, Agriculture, Nursery/Urban Irrigation/Recreation and Miscellaneous. Neither the order of listing of the major groupings nor the order of listing within each major grouping is intended to establish relative priorities of water use. A user may be assigned one or more use class regardless of the groupings in this rule.

Each water user shall be given one or more of the following use classes:

- (1) Essential/Domestic/Utility/Commercial

(a) "Essential use" means use of water strictly for fire fighting safety, sanitation, health and medical purposes and the use of water to satisfy federal, state or local public health and safety requirements.

(b) "Domestic type use" means any use of water for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial establishment.

(c) "Water utility use" means water used for withdrawal, treatment, transmission and distribution by potable water systems.

(d) "Power production use" means the use of water for steam generation and the use of water for cooling and for replenishment of cooling reservoirs.

(e) "Commercial and industrial process use" means the use of water integral to the production of the primary goods or services provided by a business establishment.

(f) "Diversion and impoundment into non-District facilities" means the diversion or extraction of water into non-District impoundments and delivery systems designed for purposes including, but not limited to, maintaining structural integrity, providing agricultural water and other non-recreational, non-aesthetic uses.

## (2) Agriculture

(a) "Agricultural use" means the use of water for the commercial production of crops or the growing of farm products including but not limited to vegetables, citrus and tropical fruits, pasture, nursery stock, sugar cane, rice and sod.

(b) "Livestock use" means the use of water for drinking by or washing of livestock.

(c) "Aquacultural use" means the use of water for the spawning, cultivating, harvesting or marketing of domesticated fin-fish, shellfish, crustaceans, frogs, turtles, alligators and other aquatic organisms that have a sport or other economic value.

(d) "Soil flooding" means use of water for raising of water levels on agricultural lands for purposes not directly related to crop growth including but not limited to soil preservation crop harvesting and pest control.

(e) "Freeze protection" means the periodic and infrequent use of water to protect agricultural and nursery crops from permanent damage due to low temperatures. This action would be taken in response to forecasts of freezing temperatures by official weather forecasting services.

## (3) Nursery/Urban Irrigation/Recreation

(a) "Nursery use" means the use of water on premises on or in which is nursery stock grown, propagated or held for sale or distribution or sold or reshipped.

(b) "Landscape irrigation - new installation" means the outside watering or sprinkling of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora which have been planted for less than 30 days and are situated in such diverse locations as residential landscaping, parks, cemeteries, public, commercial and industrial establishments, public medians and rights of way.

(c) "Landscape irrigation - existing installation" means the outside watering or sprinkling of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora which are planted and established and are situated in such diverse

locations as residential landscapings, recreation areas, cemeteries, public, commercial and industrial establishments, public medians and rights of way.

(d) "Recreation area use" means the use of water for the maintenance and support of intensive recreational areas such as but not limited to playgrounds, football, baseball, and soccer fields, polo fields, tennis courts, race tracks and school playgrounds.

(e) "Golf course use" means water used to irrigate an establishment designed and used for playing golf.

(f) "Water based recreation use" means water used for public or private spas, swimming pools and wading pools, including water slides. This term does not include pools specifically maintained to provide habitat for aquatic life.

(4) Miscellaneous

(a) "Cooling and air conditioning use" means the use of water for industrial cooling or for air conditioning.

(b) "Dewatering use" means the removal of water from a specific area to facilitate mining or construction.

(c) "Navigation use" means water discharged from ground or surface sources either to tidewater or to downstream lakes or reaches of rivers or canals for the purpose of permitting or promoting boating activity.

(d) "Other outside uses" means the use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment including automobiles and the washing of streets, driveways, sidewalks and similar areas.

(e) "Aesthetic use" means the use of water for fountains, waterfalls, and landscape lakes and ponds where such uses are entirely ornamental and decorative and serve no other functional purpose.

(5) The Board may establish such additional use classifications as it deems necessary.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.175, 373.246 FS.

History--New 5-31-82, Amended 2-14-91.

#### 40E-21.671 Method of Withdrawal Classes.

Each water user may be identified by one or more of the following method of withdrawal classes:

(1) Surface waters:

(a) pump

(b) gravity flow

(2) Ground waters:

(a) artesian well

(b) pumped well

(c) infiltration gallery

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.175, 373.246 FS.

History--New 5-31-82.