



Legislation Text

File #: 24-1523, **Version:** 1

Interoffice Memorandum

DATE: October 2, 2024

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Ed Torres, M.S., P.E., LEED AP, Director, Utilities

CONTACT: Kerry Kates, P.E., LEED AP, Deputy Director, Utilities

PHONE: 407-254-9801

DIVISION: Fiscal and Operational Support Division

ACTION REQUESTED:

Approval and execution of Agreement for Process to Issue an Agricultural Use Consumptive Use Permit to East Central Florida Services among the City of Cocoa, East Central Florida Services, Inc., Orange County, Orlando Utilities Commission, and Tohopekaliga Water Authority. All Districts. (Fiscal and Operational Support Division)

PROJECT: N/A

PURPOSE: In August 2017, the Board approved one letter to the Governing Board Chair of the St. Johns River Water Management District ("SJRWMD") and five agreements relating to development of the regional alternative water supply project known as the "Taylor Creek Reservoir/St. Johns River Water Supply Project" (the "Project"), settling the dispute over using the Taylor Creek Reservoir ("TCR") for public water supply. It is anticipated that this regionally significant Project will provide up to 54 million gallons per day (MGD) of surface water for public supply, with Orange County expected to receive an allocation of up to 15 MGD. By alleviating reliance on groundwater, the Project will reduce negative impacts associated with aquifer drawdown within the Central Florida Water Initiative planning area, while simultaneously supporting increased water demands.

The comprehensive Project agreements are intended to establish the framework for implementing the Project. As part of the Project agreements, East Central Florida Services ("ECFS") provided a temporary Consumptive Use Permit ("CUP") to utilize water supply for agricultural use from the TCR until the Project could be permitted. Because this CUP is temporary, SJRWMD is no longer willing to sign monthly renewals, resulting in the need for ECFS to apply for a new agricultural CUP.

This Agreement for Process to Issue an Agricultural Use Consumptive Use Permit to East Central Florida Services ("Agreement") consents to ECFS seeking a 3-year duration CUP from SJRWMD where quantities are to remain the same (withdrawal up to 2.71 million gallons). The Agreement contains several protections which prevent ECFS from gaining prior use rights that would impact the viability of the Project and the ability to provide water to the Agreement parties.

The County Attorney's Office staff reviewed the agreement and find it acceptable as to form. Utilities Department staff recommends approval.

BUDGET: N/A



OFFICE OF COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

Phil Diamond, CPA
County Comptroller as
Clerk of the Board of County Commissioners
201 South Rosalind Avenue
Post Office Box 38
Orlando, FL 32802
Telephone: (407) 836-7300
Fax: (407) 836-5359

DATE: October 31, 2024

TO: Kerry Kates, Deputy Director
Utilities Department, BCC

FROM: David Rooney, Manager *RE for DR*
Comptroller Clerk of BCC

SUBJECT: Request for Execution of Documents, Utilities Department Consent Item 3,
Legislative File # 24-1523, October 29, 2024

Enclosed is the Agreement for Process to Issue an Agricultural Use Consumptive Use Permit to East Central Florida Services (5 originals) which were approved by the Board of County Commissioners (BCC) at its regular meeting held on October 29, 2024.

Please forward the documents to all required parties for signature.

Email copies of the fully-executed documents to ClerkofBCC@occompt.com and copy jennifer.mcgill@ocfl.net. Note: ClerkofBCC@occompt.com is **used only for County staff submission of pending documents.**

Please include in cover memo or subject line identification of the documents by name, agenda item number, and date of BCC approval. Emailed copies must be in full-size PDF format. The documents will be processed and filed for the record upon receipt.

If you are unable to return a copy of the fully-executed documents before November 29, 2024, notify Jennifer Lara-Klimetz by email of the reason for the delay prior to that date.

If you have any questions, please do not hesitate to call.

dr:re

Enclosures (5)

dl: Ed Torres, Director, Utilities Department, BCC [email]
Jon Weiss, Deputy County Administrator, BCC [email]
Nicole Robinson, Executive Assistant, Utilities Department, BCC [email]
Pending File

BCC Mtg. Date: October 29, 2024

**AGREEMENT FOR PROCESS TO ISSUE AN AGRICULTURAL USE
CONSUMPTIVE USE PERMIT
TO EAST CENTRAL FLORIDA SERVICES**

This **AGREEMENT FOR PROCESS TO ISSUE AN AGRICULTURAL USE CONSUMPTIVE USE PERMIT TO EAST CENTRAL FLORIDA SERVICES** (“Agricultural Use CUP Agreement”) is made and entered into this ___ day of _____, 2024 among the **CITY OF COCOA**, a Florida municipal corporation ("Cocoa"); **EAST CENTRAL FLORIDA SERVICES, INC.**, a Florida corporation, ("ECFS"); **ORANGE COUNTY**, a charter county and political subdivision of the State of Florida ("OCU"); **ORLANDO UTILITIES COMMISSION**, a statutory utility commission created as a part of the City of Orlando, created by special act of the Florida Legislature ("OUC"); and **TOHOPEKALIGA WATER AUTHORITY**, a special district created by special act of the Florida Legislature ("TWA"), (collectively the "Parties").

1. **DEFINITIONS.** Unless specified otherwise, all terms used in this Agricultural Use CUP Agreement shall have the same meaning as defined in the Taylor Creek Reservoir/St. Johns River Water Supply Project Permitting Agreement dated November 1, 2017 (the “Permitting Agreement”).

2. **AUTHORITY.** This Agricultural Use CUP Agreement is entered into by ECFS, OCU, OUC, TWA, and Cocoa under the same authorities as specified in Section 2 of the Permitting Agreement.

3. **EFFECT ON PERMITTING AGREEMENT.** Section 8.7 of the Permitting Agreement is modified as specified herein. Except where modified herein or where contrary to the terms of this Agricultural Use CUP Agreement, the provisions of the Permitting Agreement remain in

effect.

4. **SEEKING A 3-YEAR DURATION AGRICULTURAL USE CUP FOR THE QUANTITIES CURRENTLY AUTHORIZED BY PERMIT NO. 191011-2.**

A) Within a reasonable period of time beginning on the Effective Date, ECFS shall prepare and submit a renewal or modification application to the St. Johns River Water Management District (the “District”) for a 3 year duration CUP authorizing the same water use for the same agricultural purposes as currently authorized by the short duration CUP identified by District Permit No. 191011-2 (Agricultural Use CUP). For this Agricultural Use CUP, ECFS shall request surface and ground water allocations, including an allocation of surface water from the Taylor Creek Reservoir (“TCR”), in accordance with the sources and allocations stated in the conditions included in Permit No. 191011-2, as stated in Exhibit A of this Agreement, and Special Conditions 1, 2, and 3 referenced below, and request a permit, permit renewal, or permit modification for a duration of 3 years. ECFS shall provide to the District information supporting the need for these quantities of water.

B) In this Agricultural Use CUP application, permit renewal, or permit modification application, ECFS shall ask the District to include the following special permit conditions. ECFS shall provide documentation and information to the District as needed to have the District place these conditions on a CUP issued pursuant to the Agricultural Use CUP application described above. Notwithstanding whether or not the District includes these special conditions in the Agricultural Use CUP, the Special Conditions 2 and 3 shall be binding upon ECFS.

Special Condition 1 - Existing Legal Use (ELU) Condition:

This permit is being issued pursuant to the District’s authority in Part II, Chapter

373, Florida Statutes, and allocates the amount of water that may be used by the permittee from the identified sources in accordance with the permit conditions. The District further acknowledges the existence of the “Agreement for Process to Issue an Agricultural Consumptive Use Permit to East Central Florida Services, Inc.” entered into on ____, 2024, by the City of Cocoa, East Central Florida Services, Inc., Orange County, Orlando Utilities Commission and the Tohopekaliga Water Authority (the “Agreement”). By issuance of this permit the District does not intend to alter any terms of that Agreement.

Special Condition 2:

Upon a determination of Project Failure by the parties to that certain Taylor Creek Reservoir/St Johns River Water Supply Project General Implementation Agreement dated November 1, 2017, then the permittee shall, within 90 days of such Project Failure, calculate the number of days needed to attain both crop maturity and harvest of the crops growing when Project Failure occurs; and file with the District the permittee’s written abandonment of this permit, per the District’s Voluntary Rescission of Consumptive Use Permit Form or similar process, effective no later than 7 days after completing harvest of the crops currently in the ground and irrigated pursuant to this permit.

Special Condition 3:

Upon issuance of the “Single, Joint CUP for Additional TCR/SJR Quantity” as defined in that certain Taylor Creek Reservoir/St. Johns River Water Supply Project Permitting Agreement dated November 1, 2017, among the permittee, Orange County, OUC, the City of Cocoa, Tohopekaliga Water Authority, and Farmland Reserve, Inc, (the “Permitting Agreement”) then ECFS shall abandon this permit in writing effective upon the effective date of either (a) District’s final agency action upon both CUP Application Nos. 2-097-118375-1 (“Field Crops CUP Application”) and 2-095-115794-1 (“Agronomic Crops CUP Application”) or (b) other District final agency action allocating water to ECFS for agricultural use per implementation of the provisions of the Permitting Agreement.

C) ECFS shall submit a copy of any information ECFS intends to submit to the District to support the Agricultural Use CUP application, permit renewal, or permit modification application, to Cocoa, OCU, OUC, and TWA (collectively “Water Suppliers”) at least 15 days prior to submitting that information to the District. ECFS may provide this copy by electronic transmission only.

i.) Each Water Supplier shall have 10 days from the receipt of such information to provide comments to ECFS on such information. However, the ability of a Water Supplier to comment on

such information shall be limited to whether such information fails to comply with the terms of this Agricultural Use CUP Agreement. A Water Supplier may not comment on any other aspect of the Agricultural Use CUP application ECFS provides.

ii.) If a Water Supplier timely provides comments to ECFS that the Agricultural Use CUP application, permit renewal, or permit modification information does not meet the terms of this Agreement, then ECFS and that Water Supplier shall promptly meet to attempt to resolve those comments. ECFS and that Water Supplier shall notify the other Water Suppliers of such meeting and allow the other Water Suppliers to attend. These meetings may occur by electronic means. ECFS and the commenting Water Supplier shall endeavor to resolve the Water Supplier's concerns within 5 days. If ECFS and the Water Supplier cannot resolve the Water Supplier's concerns, then the issue shall be resolved by the Default and Remedy provisions of the Permitting Agreement. The Water Suppliers and ECFS may change these timeframes by mutual agreement.

5. EFFECT ON OTHER CURRENTLY PENDING AGRICULTURAL CUP APPLICATIONS OR ISSUED CUPS SUBJECT TO ADMINISTRATIVE CHALLENGE.

Notwithstanding either ECFS' requirement to apply for the 3-year duration Agricultural Use CUP or, alternatively, to apply for renewal or modification of Permit No. 191011-2 without modifying the 3-year duration, the issuance of that Agricultural Use CUP by the District, or any other provision in this Agricultural Use CUP Agreement, the following shall apply:

A) ECFS shall continue to request the District to hold its CUP application number 2-095-115794-1 ("Agronomics Crop CUP Application") in pending status. As part of this request, ECFS will provide letters or other acknowledgement to the District of ECFS's waiver of its rights under section 120.60, F.S., to have the District act on the Agronomic Crops CUP application. ECFS may

condition such waiver so that the waiver applies only to the extent OCU has waived its section 120.60, F.S., rights relative to CUP application number 119798-1.

B) That certain Joint Stipulation Regarding Continued Abeyance of Cases by Tohopekaliga Water Authority, Orange County, St. Johns River Water Management District and East Central Florida Services, Inc. (Joint Stipulation) relating to CUP number 2-097-118375-1 shall remain in effect. This Agreement does not modify any provisions of the Joint Stipulation.

C) The parties recognize that if the District issues the 3-year duration Agricultural Use CUP as referenced above, the allocations of water shall equal the quantities of water the District allocated to ECFS pursuant to the CUP issued under District Permit No. 191011-2 as related to the Agronomic Crops CUP application and the Field Crops CUP application. As such, if the District takes final agency action issuing the 3-year duration Agricultural Use CUP with all the water allocations referenced in the conditions in Exhibit A of this Agreement, then ECFS shall not request the District to issue temporary CUPs so long as the Agricultural Use CUP remains in effect. However, if the District revokes or modifies the 3-year duration Agricultural Use CUP, then ECFS may apply to the District for one or more temporary CUPs as needed to obtain authorization to withdraw the allocations under Permit No. 191011-2.

D) Nothing herein is intended to reduce or modify ECFS' ability under section 8.7 of the Permitting Agreement to apply for and seek an allocation of up 8 MGD of surface water from the Taylor Creek Reservoir under either the Field Crops CUP application or the Agronomic Corps CUP application, or both applications combined, and to request the District to issue either the Field Crops CUP or the Agronomic Crops CUP for a duration equal to the duration of the Single, Joint CUP for Additional TCR/SJR Quantity. More specifically, the Water Suppliers agree that the

issuance of a three year duration Agricultural Use CUP for a 2.91 MGD allocation of surface water from the Taylor Creek Reservoir, with conditions shown in Exhibit A of this Agreement, is not intended as a limitation, precedent, or determination of any type, on the ECFS' ability to seek, and the SJRMWD to approve, a greater allocation of water from the TCR in the Field Crops CUP application or the Agronomic Crops CUP application or both applications combined, upon the issuance of the Single, Joint CUP for Additional TCR/SJR Quantity.

6. **ECFS' EXISTING LEGAL USER STATUS AS TO AGRICULTURAL USE CUP.**

The Parties agree only as to a CUP issued pursuant to the Permitting Agreement referred to as the "Single, Joint CUP for Additional TCR/SJR Quantity;" the permitted allocations from the TCR authorized under the Agricultural Use CUP contemplated herein shall not have priority and not be considered an existing legal use. Notwithstanding any operation of law and together with its application for the Agricultural Use CUP, ECFS shall submit a written waiver of any existing legal user status this Agricultural Use CUP's allocations would have over the Single, Joint CUP for Additional TCR/SJR Quantity and request the District recognize this Agreement and the District's lack of intent to alter the same. The scope of this waiver of existing legal user status includes protections and priorities that would otherwise be provided by conditions of issuance and permit conditions regarding allocation timing, interference with quantity and quality and competition upon permit renewal as afforded by Sections 373.223, 373.233, and 373.236, Fla. Stat., and related District implementing rules. These provisions do not apply to any CUP other than the Single, Joint CUP for Additional TCR/SJR Quantity. For all other CUPs, the priority of water withdrawal authorized by the Agricultural Use CUP and status afforded as an existing legal user shall be governed by general law and the terms of this provision shall not apply.

7. **PROCEDURES UPON ISSUANCE OF A SINGLE, JOINT CUP FOR**

ADDITIONAL TCR/SJR QUANTITY. Pursuant to the Permitting Agreement, the Parties agree to take appropriate and timely action to expedite simultaneous issuance of the pending CUP applications referenced in the Permitting Agreement, including OCU and TWA dismissal of their Petitions challenging issuance of the Field Crops CUP Application No. 2-097-118375-1, upon the District's issuance of intended agency action on the Single, Joint CUP for Additional TCR/SJR Quantity.

8. **NO CHALLENGE TO AGRICULTURAL USE CUP OBTAINED PURSUANT TO THIS AGREEMENT.**

A) To enable ECFS to obtain a CUP after ECFS submits the permit application, permit renewal, or permit modification application required by this Agricultural Use CUP Agreement, ECFS will request the District to generate a technical staff report and proposed CUP reflecting this Agricultural Use CUP Agreement. ECFS will request the District to electronically transmit that technical staff report and proposed CUP to the Water Suppliers. If that technical staff report and proposed CUP contains an allocation of 2.91 MGD annual average surface water from Taylor Creek Reservoir and the conditions shown on Exhibit A; contains the special permit conditions set forth in this Agreement; and has a duration not exceeding three years, then the Water Suppliers shall not challenge, support a challenge, or otherwise oppose the District's approval of this Agricultural Use CUP issued pursuant to and consistent with the terms of this Agricultural Use CUP Agreement.

B) If the revised technical staff report contains a surface water allocation from the Taylor Creek Reservoir exceeding 2.91 MGD annual average, does not contain the special permit conditions set forth in Exhibit A of this Agreement, or has a duration exceeding three years, then ECFS shall

request the District to change the revised technical staff report to conform to the terms of this Agricultural Use CUP Agreement. If after receiving such request, the District then proposes to issue the Agricultural Use CUP with a surface water allocation from the Taylor Creek Reservoir exceeding 2.91 MGD annual average, does not contain the special permit conditions set forth in Exhibit A of this Agricultural Use CUP Agreement, or has a duration exceeding three years, then ECFS shall withdraw its Agricultural Use CUP application, permit renewal, or permit modification application with a request or application to the District to renew Permit No. 191011-2 .

9. **DISTRICT ISSUANCE OF AGRICULTURAL USE CUP WITH TCR ALLOCATION LESS THAN THE ALLOCATIONS, PER SOURCE, STATED IN EXHIBIT A OR DURATION OF LESS THAN THREE YEARS OR ALTERED CONDITIONS.** If the District proposes to issue a CUP to ECFS based upon the Agricultural Use CUP application, permit renewal, or permit modification application, described above that has a TCR surface water allocation less than the allocations, per source, stated in Exhibit A, a duration of less than three years, or does not contain the conditions shown on Exhibit A or contains restrictions on the use of water not contained within Permit Number 191011-2, then ECFS may petition for an administrative hearing contesting the same and asserting that the District should have issued such CUP according to the terms of this Agricultural Use CUP Agreement. During such administrative hearing, ECFS may request the District renew Permit Number 191011-2.

10. **NO IMPACT ON REGIONAL PERMITS OR TCR/SJR PROJECT WATER AVAILABILITY.** The Agricultural Use CUP issued pursuant to the terms of this Agricultural Use CUP Agreement is not intended to prevent issuance of any of the Regional Permits, cause a reduction of the amount of water allocable to the Water Suppliers in the Single, Joint CUP for Additional TCR/SJR Quantity, or any other applicable Regional Permit to be issued for the

TCR/SJR Project, or cause conditions to be appended to any Regional Permit that would increase the overall cost of implementing the TCR/SJR Project.

11. **MODIFICATIONS.** ECFS may modify the Agricultural Use CUP the District issues pursuant to the Agricultural Use CUP application described above provided that ECFS shall not seek a duration extension or an allocation of surface water from TCR greater than 2.91 MGD annual average.

12. **MEETING TO EVALUATE CUP RENEWAL.** ECFS, OCU, TWA, OUC and Cocoa representatives shall meet at a date that is approximately 2 years from the Effective Date of this Agricultural Use CUP Agreement to determine whether a renewal of the Agricultural Use CUP issued pursuant to the Agricultural Use CUP application described above is warranted.

13. **TERM OF AGREEMENT.** This Agricultural Use CUP Agreement will remain in effect until the abandonment or expiration of the Agricultural Use CUP.

14. **NOTICES.** All notices provided for in this Agricultural Use CUP Agreement must be delivered pursuant to the terms of Section 16 of the Permitting Agreement.

15. **OTHER APPLICABLE PROVISIONS OF THE PERMITTING AGREEMENT.** The provisions of paragraphs 12, 13, 18, 19, 20, 25, 26, 27, and 28, of the Permitting Agreement as amended apply to the terms of this Agricultural Use CUP Agreement.

16. **EFFECTIVE DATE.** This Agricultural Use CUP Agreement shall become effective upon date indicated above, which shall be the date reflecting the signature of all parties.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be duly executed and entered into by the City of Cocoa, Florida

CITY OF COCOA, a Florida municipal corporation

By: _____

ATTEST:

By: _____

APPROVED AS TO FORM:

Anthony A. Garganese, Esq.
City Attorney

IN WITNESS WHEREOF, the undersigned have caused this Agricultural Use CUP Agreement to be duly executed and entered into by Orange County, Florida



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

Date: October 29, 2024

ATTEST: Phil Diamond, CPA, Orange County Comptroller
as Clerk of the Board of County Commissioners

By: *Jennifer Ann - Kinety*
for Deputy Clerk

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be duly executed and entered into by the Orlando Utilities Commission

Print Name

By: _____
Clint Bullock
General Manager & CEO

Approved as to form and legality,
OUC Legal Department

By: _____

Date: _____

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be duly executed and entered into by the Tohopekaliga Water Authority.

TOHOPEKALIGA WATER AUTHORITY

An independent special district established and created pursuant to Chapter 189, Florida Statutes, by a special act of the Florida Legislature

By: _____
Todd P. Swingle, Executive Director

Date: _____

ATTEST:

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be duly executed and entered into by East Central Florida Services, Inc.

EAST CENTRAL FLORIDA SERVICES, INC.,
a Florida corporation

By: _____
Name: Douglas L. Rose
Its: Director

Attest: _____

Date: _____

Exhibit A

Conditions

1. With advance notice to the permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The permittee shall either accompany District staff onto the property or make provision for access onto the property.
2. Nothing in this permit should be construed to limit the authority of the St. Johns River Water Management District to declare a water shortage and issue orders pursuant to Chapter 373, F.S. In the event of a declared water shortage, the permittee must adhere to the water shortage restrictions, as specified by the District. The permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
3. Prior to the construction, modification or abandonment of a well, the permittee must obtain a water well permit from the St. Johns River Water Management District or the appropriate local government pursuant to Chapter 40C-3, F.A.C. Construction, modification, or abandonment of a well will require modification of the consumptive use permit when such construction, modification, or abandonment is other than that specified and described on the consumptive use permit application form.
4. Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to eliminate the leak or make the system fully operational.
5. The permittee's consumptive use of water as authorized by this permit shall not interfere with legal uses of water existing at the time of permit application. If interference occurs, the District shall revoke the permit, in whole or in part, to curtail or abate the interference, unless the interference associated with the permittee's consumptive use of water is mitigated by the permittee pursuant to a District-approved plan.
6. The permittee's consumptive use of water as authorized by this permit shall not have significant adverse hydrologic impacts to off-site land uses existing at the time of permit application. If significant adverse hydrologic impacts occur, the District shall revoke the permit, in whole or in part, to curtail or abate the adverse impacts, unless the impacts associated with the permittee's consumptive use of water are mitigated by the permittee pursuant to a District-approved plan.
7. The permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and/or related facilities from which the permitted consumptive use is made. Where permittee's control of the land subject to the permit was demonstrated through a lease, the permittee must either submit documentation showing that it continues to have legal control or

transfer control of the permitted system/project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40C-1.612, F.A.C. Alternatively, the permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.

8. A District-issued identification tag shall be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility as provided by Rule 40C-2.401, F.A.C. The permittee shall notify the District in the event that a replacement tag is needed.
9. The permittee's consumptive use of water as authorized by this permit shall not adversely impact wetlands, lakes, rivers, or springs. If adverse impacts occur, the District shall revoke the permit, in whole or in part, to curtail or abate the adverse impacts, unless the impacts associated with the permittee's consumptive use of water are mitigated by the permittee pursuant to a District-approved plan.
10. The permittee's consumptive use of water as authorized by this permit shall not reduce a flow or level below any minimum flow or level established by the District or the Department of Environmental Protection pursuant to Section 373.042 and 373.0421, F.S. If the permittee's use of water causes or contributes to such a reduction, then the District shall revoke the permit, in whole or in part, unless the permittee implements all provisions applicable to the permittee's use in a District-approved recovery or prevention strategy.
11. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to significant saline water intrusion. If significant saline water intrusion occurs, the District shall revoke the permit, in whole or in part, to curtail or abate the saline water intrusion, unless the saline water intrusion associated with the permittee's consumptive use of water is mitigated by the permittee pursuant to a District-approved plan.
12. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to flood damage. If the permittee's consumptive use causes or contributes to flood damage, the District shall revoke the permit, in whole or in part, to curtail or abate the flood damage, unless the flood damage associated with the permittee's consumptive use of water is mitigated by the permittee pursuant to a District-approved plan.
13. All consumptive uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to Section 373.136 or 373.243, F.S., unless a permit modification has been obtained to address the noncompliance. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

14. This permit does not convey to the permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
15. A permittee may seek modification of any term of an unexpired permit. The permittee is advised that Section 373.239, F.S., and Rule 40C-2.331, F.A.C., are applicable to permit modifications.
16. All submittals made to demonstrate compliance with this permit must include CUP number ### labeled on the submittal. Submittals should be made on-line at <https://permitting.sjrwmd.com> whenever possible.
17. This permit will expire on **DATE**.
18. Total annual allocation is 1385.9 million gallons (3.8 mgd) for a 2-in-10 year drought condition. This allocation represents the amount of water required to meet the water demands as a result of deficit rainfall quantities occurring during a drought with the probability of recurring twice every ten years. The permittee shall not exceed this allocation in hydrologic conditions less than a 2-in-10 year drought event. In addition, the permittee is advised that their annual use of water should be less than the drought allocation in all years except for the drought condition that is the basis for the allocation or a more severe drought.

Compliance with this annual allocation is based on the quantity withdrawn over a calendar year beginning on January 1 and ending on December 31.

19. If the District performs an analysis and determines that the allocated supplemental irrigation quantities are exceeded when the rainfall deficit is less severe than the drought conditions serving as the basis for the allocation, then before deciding whether to undertake any enforcement action, the District shall either:
 - A. Request the permittee to submit a report that includes reasons why the allocated quantities were exceeded, measures taken to meet the allocated quantities, and a plan to bring the permit into compliance.; or
 - B. Consult informally with the permittee as to the reason why the allocated quantity was exceeded.

The District shall evaluate information submitted by permittees who exceed their allocated quantities to determine whether there is good cause for the exceedance. Good cause justifying Permittees may justify an exceedance includes documentation of by documenting unusual water needs, such as weather conditions creating greater irrigation needs than normal. However, even with such documentation, phased reductions in water use will be required unless the District determines that water usage was reasonable under the circumstances reported and that further reductions are not feasible. A permit modification is required to implement any increase in

allocated quantities.

20. Beginning January 2028, the District will annually examine the agricultural user's 5-year moving average supplemental water use and compare it to the annual supplemental irrigation needs in a 5-in-10 year rainfall condition.

If the agricultural user's 5-year moving average supplemental water use is higher than the annual supplemental irrigation needs in a 5-in-10 year rainfall condition, the District shall notify the permittee who shall consult informally with the District to provide any known reasons why such use occurred, including documentation of prolonged periods of below average rainfall. Following such consultation, the permittee shall then submit a report to the District that includes a detailed explanation and any necessary analysis of the water use. The permittee may request in writing to forego the report and the District shall grant such request if the permittee presents documentation of prolonged periods of below average rainfall during the informal consultation.

If a permittee is unable to present documentation of prolonged periods of below average rainfall, the District shall modify the permit to include an annual allocation based on the amount of supplemental irrigation required during a 2-in- 10 year and a 5-in-10 year rainfall condition. In such case, the supplemental irrigation allocation based on the 5-in-10 year rainfall condition shall be valid for only 5 years unless the agricultural user's 5-year moving average water use continues to exceed the amount of supplemental irrigation needed during a 5-in-10 year rainfall condition for reasons other than prolonged periods of drought.

21. If the rainfall deficit is more severe than the drought conditions serving as the basis for the allocations, the permittee's withdrawals shall not exceed that amount necessary to continue to meet the reasonable-beneficial demands, provided no harm to the water resources occur and:

- a. All other conditions of the permit are met; and
- b. The withdrawal is otherwise consistent with any applicable declared Water Shortage Order in effect.

22. The annual withdrawal of surface water from the L-73 Canal for seedbed preparation, crop establishment, and irrigation of 1228 acres of row crops must not exceed 1385.9 million gallons per year (3.8 mgd average). The annual water use should be less than this amount in all years except for a 2-in-10 year drought.
23. The annual withdrawal of groundwater from the Upper Floridan Aquifer or surface water from the Taylor Creek Reservoir as back-up sources to supplement the L-73 Canal for seedbed preparation, crop establishment, irrigation, and freeze protection must not exceed 1060.6 million gallons per year (2.91 mgd average).

24. Maximum daily withdrawals of surface water from the L-73 Canal, groundwater from the Upper Floridan aquifer, or surface water from the Taylor Creek Reservoir for crop protection (frost/freeze protection) in any 24-hour period must not exceed 35.53 million gallons.
25. When water has been used for crop protection, the permittee shall complete the District Form Number 40C-2.900(10) (Crop Protection Report Form) for each month in which a crop protection event occurred, providing withdrawals per day by well/pump/station. The permittee must keep the completed form(s) for two years after the freeze protection event and make them available for inspection by District staff upon request.
26. Total maximum monthly allocation is 584.8 million gallons. Compliance with the maximum monthly allocation is based on the greatest quantity withdrawn in any single month.
27. The permittee must measure the quantity of water withdrawn by pumps P-R-1 (Station ID 242680), P-R-2 (Station ID 242681), P-R-21 (Station ID 261525), P-R-3 (Station ID 261526), P-R-22 (Station ID 407535), P-R-24 (Station ID 407536), P-R-16 (Station ID 410686), P-R19 (Station ID 410684), and P-R-20 (Station ID 410682) and well W-M3 (Station ID 406483). Total withdrawals of each pump and well must be recorded continuously, totaled monthly, and reported to the District every six months. The permittee must record the time of operation of Lift Pump (District ID 242827) and estimate the volume pumped based on the rated pumping capacity. Total withdrawals from the Taylor Creek Reservoir must be report to the District every six months. The reporting dates each year will be as follows:

Reporting Period	Report Due Date
January - June	July 31
July - December	January 31

28. Pumps P-R-1 (Station ID 242680), P-R-2 (Station ID 242681), P-R-21 (Station ID 261525), P-R-3 (Station ID 261526), P-R-22 (Station ID 407535), P-R-24 (Station ID 407536), P-R-16 (Station ID 410686), P-R19 (Station ID 410684), and P-R-20 (Station ID 410682), and PLS5 (Station ID 242827) and well W-M3 (Station ID 406483) must be equipped with totalizing flow meters. All flow meters must measure within +/- 5% of actual flow, be verifiable and be installed according to the manufacturer's specifications.
29. The permittee must maintain all flow meters and alternative methods for measuring flow. In case of failure or breakdown of any meter, the District must be notified in writing within 5 days of its discovery. A defective meter must be repaired or replaced within 30 days of its discovery.
30. The permittee must have all flow meters checked for accuracy at least once every 10 years and recalibrated if the difference between the actual flow and the meter reading is

greater than 5%. Flow Meter Accuracy Report Form (EN-51) must be submitted to the District within 10 days of the inspection/calibration.

31. The permittee must have a groundwater sample collected and analyzed from Floridan Aquifer well W-M3 (District ID# 406483) during an irrigation cycle by May 31st of each year.

Sample Collection

All groundwater samples must be collected in accordance with Florida Department of Environmental Protection (DEP) Standard Operating Procedure FS 2200 for groundwater sampling (DEP-SOP-001/01), DEP Quality Assurance Rule, 62-160, F.A.C.

Wells must be purged in accordance with the appropriate procedure in DEP-SOP-001/01, as necessary to evacuate water from the well column and induce groundwater representative of the hydrogeologic formation into the well prior to sampling. Purged water must be sampled and analyzed in the field for the following parameters:

Water Temperature (°C)
pH (SU)
Specific Conductance (umhos/cm or uS/cm)
Turbidity (NTU)

Calibrated instruments equipped with probe sensors are acceptable for field measurements during well purging and water quality sampling procedures. Purging and sampling must be documented using the Groundwater Sampling Log form referenced in FS 2200 or equivalent.

Water samples must be stored on ice immediately after collection, and remain on ice until received by the laboratory. It is recommended that sample duplicates be taken to allow for laboratory errors or data loss, and these samples be stored by the laboratory for a minimum of 60 days to ensure backup sample availability should re-analyses be required.

Laboratory Analyses

Water samples must be analyzed in the laboratory for the following major ion suite:

Calcium (mg/L)
Magnesium (mg/L)
Potassium (mg/L)
Sodium (mg/L)
Total iron (mg/L)
Chloride (mg/L)
Sulfate (mg/L)
Bicarbonate Alkalinity (as mg/L CaCO₃)
Carbonate Alkalinity (as mg/L CaCO₃)
Total Dissolved Solids (mg/L)
Specific Conductance (umhos/cm or uS/cm)

Quality Assurance

The permittee must provide documentation that field instruments were properly calibrated prior to obtaining field measurements during purging and sampling.

All water quality analyses must be performed by a laboratory certified by the Florida Department of Health (FDOH) and the National Environmental Laboratory Accreditation Program (NELAP). All laboratory analyses must be by methods for which the laboratory has FDOH certification. All laboratory analyses must be completed within EPA holding times. If data is lost or a laboratory error occurs and the EPA holding time for an analysis has expired, the permittee must have the well re-sampled within 15 days of notification from the laboratory that a loss or laboratory error has occurred. The resample shall be collected according to the procedures described above, and analyzed for the field parameters and the major ion suite listed above.

Laboratory analyses utilizing selective ion electrodes and field screening test kits (e.g., Hach and LaMotte) are not acceptable due to the inadequate sensitivity of these methods.

All major ion analyses must be checked for anion-cation balance (equivalent concentration in meq/L), and must not exceed 5% difference. If the ion balance exceeds 5% difference, the permittee must review the data and include in the report submitted to the District, a discussion of the cause or explanation of the imbalance. The permittee may also be required to have the sample re-analyzed if it is within acceptable holding times or have the well re-sampled. The re-sample shall be collected according to the procedures described above, and analyzed for the four field parameters and the major ion suite.

Report

A report must be submitted to the District no later than the last day of the month after the sampling (for example, the report for samples collected in May must be submitted to the District no later than June 30). The report must include the following:

- Table summarizing results for field measurements and laboratory chemical analyses
- Well sampling log
- Field instrument calibration verification
- Chain of custody forms (if outsourced)
- Laboratory analytical report (if outsourced)

All data must be submitted to the District in a District-approved electronic format readable by the District's computerized database. Form No. 40C-2.900(11) in paper format may be used in lieu of the electronic format for permittees not having access to a computer or the internet.

32. The permittee must implement the Water Conservation Plan submitted to the District on April 3, 2023, in accordance with the schedule contained therein.

33. The lowest quality water source, such as reclaimed water, must be used as irrigation water in place of groundwater when available and deemed feasible pursuant to District rules and applicable state law.
34. The permittee shall develop and maintain an Annual Conservation Goal Implementation Plan (ACGIP) pursuant to section 2.7 of the CFWI Supplemental Applicant's Handbook for Consumptive Use Permitting. The ACGIP shall outline conservation goals for no less than 5 years. The permittee shall submit the ACGIP upon request by the District, during a 10-year compliance report, and with an application for permit renewal or modification.
35. The permittee must implement the ACGIP submitted to the District on April 3, 2023, in accordance with the schedule contained therein.