

62-42.200 Definitions.

When used in this chapter, including materials incorporated by reference, the following words shall have the indicated meanings unless the rule indicates otherwise:

(1) Agency or Agencies: The Department and applicable water management districts acting under the authorities afforded by Part II of Chapter 373, F.S., as applicable. Flow Duration Curve means a plot of magnitude of flow versus percent of time the magnitude of flow is equaled or exceeded.

(2) Authorized uses: Uses of water authorized by a consumptive use permit issued by the applicable District or Department, any general permit by rule of the Districts, or by statute. Flow Duration Frequency means the percentage of time that a given flow is equaled or exceeded.

(3) Consumptive use permit (CUP): a permit that authorizes the consumptive use of particular quantities of ground or surface water. The phrases “Consumptive Use Permit,” “Consumptive Use Permitting,” and “Consumptive Use Applicants” are synonymous with “Water Use Permit,” “Water Use Permitting,” and “Water Use Applicants,” respectively, as used by agencies implementing Part II of Chapter 373, F.S.

(4) District(s): A water management district established pursuant to Ch. 373, F.S.

(5) Domestic Use: Exempt water uses as defined in section 373.019(6), F.S. (2025). See also section 373.219(1), F.S. (2025).

(6) Implementation Strategy: A strategy designed to ensure that a minimum flow or minimum water level (MFL) Compliance Point meets its MFL in accordance with sections 373.042, 373.0421, and 373.805, F.S., as applicable.

(7) MFL Compliance Point: The gage at which an MFL is established in this Chapter.

(8) Outstanding Florida Spring (OFS): Springs as defined in Section 373.802(5), F.S.

(9) P50 flow: The flow of the spring or surface water that is equaled or exceeded 50 percent of the time as determined from the expressed long-term flow time series.

Rulemaking Authority ~~373.026(6), 373.026(7), 373.036(1)(d), 373.043, 373.171, 373.227, 373.250, 373.805, 373.813, FS. Law Implemented 373.016, 373.019, 373.023, 373.026, 373.033, 373.036(1)(d), 373.0391, 373.0395, 373.042, 373.0421, 373.046, 373.0831, 373.086, 373.103, 373.106, 373.113, 373.116, 373.118, 373.171, 373.175, 373.216, 373.217, 373.219, 373.185, 373.1961, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.246, 373.250, 373.418, 373.451, 373.453, 373.62, 373.802, 373.805, 373.813, 403.0615(3), 403.064, 403.0891 FS., Section 38, Chapter 2002-296 Laws of Florida. History—New 11-26-14, Amended _____.~~

Substantial rewording of Rule 62-42.300 follows. See Florida Administrative Code for present text.

62-42.300 The Lower Santa Fe and Ichetucknee Rivers and Priority Springs Minimum Flows and Levels and Recovery and Prevention Strategies

(1) Minimum Flows for Lower Santa Fe and Ichetucknee Rivers and Priority Springs (LSFIR)

(a) For purposes of this rule, the Lower Santa Fe River includes the watercourse from the Santa Fe River Rise to the confluence with the Suwannee River including the Lower Santa Fe River Priority Springs and associated spring runs; the Ichetucknee River includes the watercourse from the Ichetucknee Headspring to the confluence with the Lower Santa Fe River including the Ichetucknee River Priority Springs and associated spring runs. The Lower Santa Fe River and Ichetucknee River Priority Springs are set forth in Table 1-1 below.

Table 1-1. Lower Santa Fe and Ichetucknee River Priority Springs

River	Spring Name
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<u>Lower Santa Fe</u>	<u>Treehouse Spring (OFS)</u>
<u>Lower Santa Fe</u>	<u>COL101974</u>
<u>Lower Santa Fe</u>	<u>Columbia Spring (OFS)</u>
<u>Lower Santa Fe</u>	<u>Gilchrist Blue Spring</u>
<u>Lower Santa Fe</u>	<u>Devil's Ear Spring (OFS)</u>
<u>Lower Santa Fe</u>	<u>Siphon Creek Rise</u>
<u>Lower Santa Fe</u>	<u>Hornsby Spring (OFS)</u>
<u>Lower Santa Fe</u>	<u>July Spring</u>
<u>Lower Santa Fe</u>	<u>Poe Spring (OFS)</u>
<u>Lower Santa Fe</u>	<u>Rum Island Spring</u>
<u>Lower Santa Fe</u>	<u>Santa Fe River Rise</u>
<u>Ichetucknee</u>	<u>Ichetucknee Springs Group (OFS)</u>

(b) Minimum Flows for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs are as set forth in Table 1-2 below.

Table 1-2. Minimum Flows for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs

<u>Watercourse</u>	<u>MFL Compliance Point</u>	<u>Minimum P50 Flow in cubic feet per second (cfs)</u>
<u>Lower Santa Fe River and Santa Fe River Rise, Treehouse Spring, Hornsby Spring and Columbia Spring</u>	<u>Lower Santa Fe River at the HWY 441 gage/USGS Gage No. 02321975</u>	<u>502</u>
<u>Lower Santa Fe River and Poe Spring, COL101974 Spring, Rum Island Spring, Gilchrist Blue Spring, Devil's Ear Spring, July Spring, and Siphon Creek Rise</u>	<u>Lower Santa Fe River at the Ft. White, FL gage/USGS Gage No. 02322500</u>	<u>1,167</u>
<u>Ichetucknee River and Ichetucknee Springs Group</u>	<u>Ichetucknee River at the HWY 27 gage/USGS Gage No. 02322700</u>	<u>346</u>

(c) The Agencies shall assess the MFL status as described in section 373.0421, F.S., of the Lower Santa Fe and Ichetucknee Rivers and Priority Springs concurrently with the approval of each Regional Water Supply Plan (RWSP). The assessment shall include a review wherein (1) the current flows at the MFL Compliance Point(s) are compared to the adopted MFLs, and (2) reasonably projected future flows are compared to the adopted MFLs. For reasonably projected future flows, the Agencies will consider impacts from all projected water withdrawals within 20 years. Based on an analysis of the various stressors on the MFL Compliance Points, including but not limited to rainfall and water withdrawals, if the existing flow in a water body falls below, or is projected within 20 years to fall below, the MFL due to water withdrawals the Agencies shall review the Implementation Strategy in accordance with the requirements of sections 373.0421 and 373.805(4), F.S., and the Implementation Strategy shall be updated as necessary to achieve the MFL within 20 years of the effective date of this rule.

(2) Pursuant to Sections 373.0421 and 373.805, F.S., the regulatory measures in this rule are adopted as part of the Implementation Strategy for the Lower Santa Fe and Ichetucknee River. In accordance with Section 373.042(5), F.S., each district shall implement this rule without the district's adoption by rule. These regulatory measures apply to all consumptive uses of water with withdrawal points within the North Florida Regional Water Supply Partnership (Partnership) area, which includes all of Alachua, Baker, Bradford, Clay, Columbia, Duval, Flagler, Gilchrist, Hamilton, Nassau, Putnam, St. Johns, Suwannee, and Union counties. Unless otherwise stated, these regulatory measures supplement the rules of the Suwannee River Water Management District (SRWMD) and the St. Johns River Water Management District (SJRWMD) for regulating consumptive uses of water in the Partnership area. Where explicitly stated, these rules supersede specifically identified rules of the Districts regulating the consumptive use of water in the Partnership area.

(3) Allocations of Water

(a) All Authorized Uses shall be considered consistent with the Implementation Strategy and will not be subject to revocation in whole or in part on the basis of this rule where the permittee is in compliance with this rule. Permits that do not meet the requirements within this rule will be subject to revocation in whole or in part. Nothing in this rule shall be construed to alter an Agency's authority to enforce or modify a permit under circumstances not addressed in this rule.

(b) When necessary to provide reasonable assurance that the proposed use will be in accordance with the MFL or Implementation Strategy, quantities of water will be authorized in incremental amounts by year(s) based upon the projected need. For example, a stepped allocation may be provided in conjunction with implementation of an alternative water supply project that will make more water available for use. In such a case, as more water becomes available for use (and is needed) the annual allocation will increase.

(4) Where a residence is supplied potable water by a public supplier and such water is available for residential irrigation, no general permit by rule shall be authorized for private residential irrigation water use from a Floridan aquifer private well constructed after [effective date] within the Partnership area. This subsection shall not apply to wells constructed prior to [effective date]. An applicant may seek a No-Fee Noticed General Consumptive Use Permit, Form 62-42.300(4), incorporated by reference herein, effective [effective date], and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18920>, or on the Department's website at <https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir-and-priority-springs-minimum>, from the applicable District where the conditions in the No-Fee Noticed General Consumptive Use Permit are met. "Available" means that a point of connection is at or immediately adjacent to the property boundary, and water for the use is able to be provided by a public supplier in sufficient volume and frequency to maintain the landscape. The No-Fee Noticed General Consumptive Use Permit shall have a duration of 10 years, is automatically authorized for the permittee and subsequent owners for the duration of the authorization, and is renewable. To continue using the permit after 10 years, the user must apply for renewal using Form 62-42.300(4).

(5) Upon [effective date], unless otherwise provided by law, each permittee shall comply with the Monitoring and Reporting Requirements: Implementation Strategy for the LSFIR MFLs, adopted and incorporated by reference herein, effective [effective date]. Copies of the Monitoring and Reporting Requirements are available at <http://flrules.org/Gateway/reference.asp?No=Ref-18921>, or on the Department's website at <https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir>

and-priority-springs-minimum. As referenced in the Monitoring and Reporting Requirements: Implementation Strategy for LSFIR MFLs in this subsection, the following forms are incorporated:

(a) Water Use/Pumpage Report Form (EN-50), Form 62-42.300(5)(a), is hereby incorporated by reference, effective [effective date], and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18922> or on the Department's website at <https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir-and-priority-springs-minimum>.

(b) Annual Statement of Continuing Use, Form 62-42.300(5)(b), is hereby incorporated by reference, effective [effective date], and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18923> or on the Department's website at <https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir-and-priority-springs-minimum>.

(c) Flow Meter Accuracy Report Form (EN-51), Form 62-42.300(5)(c), is hereby incorporated by reference, effective [effective date], and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18924> or on the Department's website at <https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir-and-priority-springs-minimum>.

(d) Alternative Method Flow Verification Report Form, Form 62-42.300(5)(d), is hereby incorporated by reference, effective [effective date], and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18925> or on the Department's website at <https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir-and-priority-springs-minimum>.

(6) Upon [effective date], unless otherwise provided by law, each Permittee shall comply with the applicable Water Conservation Requirements: Implementation Strategy for LSFIR MFLs, adopted and incorporated by reference herein, effective [effective date]. Copies of the Water Conservation Requirements are available at <http://flrules.org/Gateway/reference.asp?No=Ref-18933>, or on the Department's website at <https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir-and-priority-springs-minimum>. As referenced in the Water Conservation Requirements: Implementation Strategy for LSFIR MFLs in this paragraph, the following forms are incorporated:

(a) The Public Supply Annual Report, Form 62-42.300(6)(a), is hereby incorporated by reference, effective [effective date], and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18934> or on the Department's website at <https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir-and-priority-springs-minimum>.

(b) The Public Supply Five-Year Water Conservation Report, Form 62-42.300(6)(b), is hereby incorporated by reference, effective [effective date], and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18926> or on the Department's website at <https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir-and-priority-springs-minimum>.

(c) The Agricultural Water Conservation Report, Form 62-42.300(6)(c), is hereby incorporated by reference, effective [effective date], and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18927> or on the Department's website at

<https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir-and-priority-springs-minimum>.

(d) For all other use types, the CII/MD/LR Water Conservation Report, Form 62-42.300(6)(d), is hereby incorporated by reference, effective [effective date], and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18928> or on the Department's website at <https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir-and-priority-springs-minimum>.

(7) Upon the effective date of this rule, unless otherwise provided by law, each Permittee shall comply with the Offset Requirements: Implementation Strategy for LSFIR MFLs, adopted and incorporated by reference herein, effective [effective date], and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18929> or on the Department's website at <https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir-and-priority-springs-minimum>.

(a) Section 2.2 of the St. Johns River Water Management District Applicant's Handbook: Consumptive Uses of Water, as incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C., is incorporated by reference here, and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18930> or on the Department's website at <https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir-and-priority-springs-minimum>. This document describes the calculation of Demonstrated 2025 Demand for permittees and applicants within the SJRWMD.

(b) Section 2.3 of the Suwannee River Water Management District Water Use Permit Applicant's Handbook, as incorporated by reference in subsection 40B-2.301(3), F.A.C., is incorporated by reference here, and available at <http://flrules.org/Gateway/reference.asp?No=Ref-18931> or on the Department's website at <https://floridadep.gov/owper/water-policy/content/lower-santa-fe-and-ichetucknee-rivers-lsfir-and-priority-springs-minimum>. This document describes the calculation of Demonstrated 2025 Demand for permittees and applicants within the SRWMD.

(8) The Department delegates to each District the authority to accept and grant, where conditions have been met, applications for extension pursuant to section 373.805(5), F.S.

Rulemaking Authority 373.026(6), 373.026(7), 373.036(1)(d), 373.043, 373.171, 373.227, 373.250, 373.805, 373.813 FS. Law Implemented 373.016, 373.019, 373.023, 373.026, 373.033, 373.036(1)(d), 373.0391, 373.0395, 373.042, 373.0421, 373.046, 373.0834, 373.086, 373.103, 373.106, 373.113, 373.116, 373.118, 373.171, 373.175, 373.216, 373.217, 373.219, 373.185, 373.1964, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.246, 373.250, 373.418, 373.451, 373.453, 373.62, 373.703, 373.705, 373.707, 373.709, 373.802, 373.805, 373.813, 403.0615(3), 403.064, 403.0891 FS., ~~Section 38, Chapter 2002-296, Laws of Florida. History--New 6-10-15, Amended _____.~~