

#### **40D-2.301 Conditions for Issuance of Permits.**

(1) To obtain an individual WUP, renewal, or modification, an applicant must provide reasonable assurance that the proposed consumptive use of water, on an individual and cumulative basis:

- (a) Is a reasonable-beneficial use;
- (b) Will not interfere with any presently existing legal use of water; and
- (c) Is consistent with the public interest.

(2) In order to provide reasonable assurances that the consumptive use is reasonable-beneficial, an applicant shall demonstrate that the consumptive use:

- (a) Is a quantity that is necessary for economic and efficient use;
- (b) Is for a purpose and occurs in a manner that is both reasonable and consistent with the public interest;
- (c) Will utilize a water source that is suitable for the consumptive use;
- (d) Will utilize a water source that is capable of producing the requested amount;
- (e) Except when the use is for human food preparation or direct human consumption, will utilize the lowest quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible;
- (f) Will not cause harm to existing offsite land uses resulting from hydrologic alterations;
- (g) Will not cause harm to the water resources of the area in any of the following ways:
  - 1. Will not cause harmful water quality impacts to the water source resulting from the withdrawal or diversion;
  - 2. Will not cause harmful water quality impacts from dewatering discharge to receiving waters;
  - 3. Will not cause harmful saline water intrusion or harmful upconing;
  - 4. Will not cause harmful hydrologic alterations to natural systems, including wetlands or other surface waters; and
  - 5. Will not otherwise cause harmful hydrologic alterations to the water resources of the area.
- (h) Is in accordance with any minimum flow or level and implementation strategy established pursuant to Sections 373.042 and 373.0421, F.S.; and
- (i) Will not use water reserved pursuant to Subsection 373.223(4), F.S.

(3) For projects that require both an ERP and an individual WUP, an application for an ERP must be deemed complete prior to issuance of the individual WUP when the design of the surface water management system can affect the quantities developed from the project site and the quantities needed to supply project water demands. The applicant may submit an application for a Conceptual ERP to satisfy this requirement, provided that the application contains information from which supplemental irrigation demands, potable water demands, other water use demands, and water supply quantities derived from the surface water management system can be calculated. Otherwise, the applicant shall submit an application for an Individual or General ERP. Phosphate mining projects are not required to have complete ERPs prior to WUP issuance. If the District determines that a permit application involves an area where there are water resource problems and due to the quantity, type or location of the proposed withdrawal it is unlikely that a water use permit will be issued, the requirement for a complete ERP application shall be waived by the District. Where such waivers are granted, and if a WUP is issued, it shall specify that a well construction permit will not be issued and that withdrawals cannot commence until the appropriate ERP is issued.

(4) The standards and criteria set forth in the WUP Applicant's Handbook Part B, (rev. 10/15), (<https://www.flrules.org/Gateway/reference.asp?No=Ref-05856>), shall be used to provide the

reasonable assurances required in subsections 40D-2.301(1) and (2), F.A.C.