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SOUTH FLORIDA WATER MANAGEMENT DISTRICT

LEE COUNTY DIV. OF  
NATURAL RESOURCES

MAR 23 2011

**RECEIVED**

March 23, 2011

Dear Permittee/Interested Party:

On March 21, 2011, the Executive Director of the South Florida Water Management District ("District") issued Water Shortage Order No. 2011-039-DAO-WS. This Order imposes Modified Phase I water shortage restrictions for the Golf Course Use Class and Modified Phase II water shortage restrictions for the Landscape Irrigation Use Class who withdraw from surface and groundwater within the geographic boundaries of the South Florida Water Management District, as specified within Order No. 2011-039-DAO-WS. The specific restrictions, affected basins and use classes are identified within the Order, which may be obtained as described below.

The water resources within the affected region have declined due, in part, to deficient rainfall. The lack of rainfall has caused surface and groundwater levels to decrease in all areas of the District. South Florida Water Management District staff has reviewed the current conditions of the water resources, the present and anticipated demands, and the present and anticipated water supply. Given the downward trend in water level readings, the imposition of water shortage restrictions on golf course and landscape irrigation uses is necessary to avoid serious harm and to equitably distribute available supplies. As a result, a declaration of Modified Phase I water shortage restrictions for the golf course use class and Modified Phase II water shortage restrictions for the landscape irrigation use class is warranted.

Effective March 26, 2011, Modified Phase I Water Shortage Restrictions are hereby imposed on the golf course use class and Modified Phase II Water Shortage Restrictions are hereby imposed on the landscape irrigation use class within the geographic boundaries of the District, as specified within Order No. 2011-039-DAO-WS, unless and until water users request and receive a variance authorization. Issuance of a variance will be conditioned upon a District staff's technical determination that serious harm to the water resources or stated Project components in the affected area will not occur as a result of withdrawals and variance conditions.

Landscape irrigation users located in Broward, Palm Beach, Miami-Dade, Monroe, St. Lucie, Martin, Okeechobee, Glades, Hendry, and Lee Counties and those landscape irrigation users located within the Reedy Creek Improvement District within portions of Orange and Osceola Counties, shall be subject to the attached landscape irrigation restrictions (Attachment "A").

A copy of Order No. 2011-039-DAO-WS is available on the District's website at [www.sfwmd.gov](http://www.sfwmd.gov), in municipal and county offices, at District Headquarters, and at District Service Center offices in the affected area. A list of District offices in the affected area and their phone numbers is enclosed (Attachment "B"). A Notice of Rights is also enclosed (Attachment "C").

For additional information on the water shortage restrictions or water conservation, call the District's toll-free Water Conservation Hotline at 1-800-662-8876. Helpful water conservation tips are also available at [www.savewaterfl.com](http://www.savewaterfl.com). You will receive notice of any future changes in restrictions applicable to your area. If you need assistance, please contact your area's District Service Center office.

Sincerely,

Terrie Bates  
Assistant Deputy Executive Director

TB/kar  
Enclosures

## **MODIFIED PHASE II LANDSCAPE IRRIGATION RESTRICTIONS**

1. Users conducting landscape irrigation with reclaimed water are not restricted.
2. Landscape irrigation is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.
3. Irrigation of existing landscaping shall comply with the following provisions:
  - a. Even addresses, installations with irrigation systems that irrigate both even and odd addresses within the same zones, such as multi-family units and homeowners' associations, and rights-of-way or other locations with no address, shall have the opportunity to accomplish necessary landscape irrigation only on Thursday and Sunday.
  - b. Odd addresses shall have the opportunity to accomplish necessary landscape irrigation only on Wednesday and Saturday.
4. Irrigation of new landscaping shall comply with the following provisions:
  - a. On the day the new landscaping is installed, the new landscaping may be irrigated once without regard to the normally allowable watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is also allowable without regard to the normal allowable watering days and times.
  - b. The ninety (90) day period begins the day the new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice
  - c. Irrigation of new landscaping which has been in place for thirty (30) days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and Sunday.

d. Irrigation of new landscaping which has been in place for thirty-one (31) to ninety (90) days may be accomplished on Monday, Wednesday, Thursday, and Saturday.

e. Irrigation of the new landscaping is limited to areas containing the new landscaping only. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this paragraph if the zone in question is for an area that contains at least 50% new landscaping. If a zone contains less than 50% new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation under this paragraph. Targeted watering may be accomplished by low volume hand watering, or any appropriate method which isolates and waters only the new landscaping.

5. Landscape irrigation systems may be operated during restricted days and/or times for cleaning, maintenance, and repair purposes with an attendant on site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one test should not exceed 10 minutes per zone.

6. Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides and herbicides, where such watering-in is recommended by the manufacturer, or by federal, state or local law, or best management practices, shall be allowed under the following conditions:

a. Such watering-in shall be limited to one application unless the need for more than one application is stated in the directions for application specified by the manufacturer; and

b. Such watering-in shall be accomplished during normally allowable watering days and times set forth in Paragraphs 2 through 4, above, unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.

7. Any plant material may be watered using low volume irrigation, micro-irrigation, low-volume hand watering methods, and rain barrels, cisterns, or other similar rain-harvesting devices without regard to the watering days or times allowed.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT OFFICES  
WITH COPIES OF ORDER NO. 2011-039-DAO-WS**

**South Florida Water Management District Headquarters**  
3301 Gun Club Road, Building B-1  
West Palm Beach, FL 33406  
Phone: 561-686-8800

**SFWMD WATER SHORTAGE HOTLINE: (800) 662-8876**

**WEBSITE:**  
[www.sfwmd.gov](http://www.sfwmd.gov)

**SERVICE CENTERS**

**Big Cypress Basin Service Center**  
2660 Horseshoe Drive North  
Naples, FL 34104  
Phone: 239-263-7615

**Broward Service Center**  
8751 West Broward Blvd, Suite 500  
Plantation, FL 33324  
Phone: 954-713-3200

**Florida Keys Service Center**  
102050 Overseas Hwy, Suite 225  
Key Largo, FL 33037  
Phone: 305-453-1275

**Lower West Coast Service Center**  
2301 McGregor Blvd.  
Ft. Myers, FL 33901  
Phone: 239-338-2929

**Martin/St. Lucie Service Center**  
780 SE Indian Street  
Willoughby Crossroads Plaza  
Stuart, FL 34997  
Phone: 772-223-2600

**Miami-Dade Service Center**  
2121 SW 3<sup>rd</sup> Avenue  
Miami, FL 33129  
Phone: 305-377-7274

**Okeechobee Service Center**  
205 North Parrott Ave, Suite 201  
Okeechobee, FL 34972  
Phone: 863-462-5260

**Orlando Service Center**  
1707 Orlando Central Parkway, Ste 200  
Orlando, FL 32809  
Phone: 407-858-6100

**Palm Beach Service Center**  
3301 Gun Club Road, Building B-2  
West Palm Beach, FL 33406  
Phone: 561-682-6000

## NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

### **RIGHT TO REQUEST ADMINISTRATIVE HEARING**

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

### **Filing Instructions**

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

### **Initiation of an Administrative Hearing**

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

### **Mediation**

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

### **RIGHT TO SEEK JUDICIAL REVIEW**

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.