

## ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

### RULE TITLES:

Minimum Surface Water Levels and Flows  
And Groundwater Levels

### RULE NOS.:

40C-8.031, F.A.C.

### SUMMARY OF THE RULE

The rule establishes minimum flows for Blue Spring AND Blue Spring Run, Volusia County. The minimum flows increase incrementally during the time period from 2006 to 2024, and are collectively referred to as a minimum flow regime. As with the minimum flows and levels previously established by the District, this rule requires an applicant for a permit, pursuant to Chapters 40C-2, 40C-20, 40C-4, or 40C-40, F.A.C., to provide assurance that minimum flows would not be violated by a proposed water withdrawal or the construction or operation of a proposed surface water management system.

### SUMMARY OF THE HEARINGS

The Governing Board of the St. Johns River Water Management District approved for publication the Notice of Proposed Rule on May 9, 2006. The Notice of Proposed Rule published in the Florida Administrative Weekly on May 19, 2006, Volume 32, Number 20. A public hearing on the proposed rule was opened on August 8, 2006, and was continued until October 10, 2006. A Notice of Change regarding the continuation of the Public Hearing was published in the Florida Administrative Weekly on September 15, 2006, Volume 32, Number 37. On October 10, 2006, the public hearing was reconvened

and one amendment to the published rule was presented to the Governing Board. A Notice of Change was published in the Florida Administrative Weekly, Volume 32, Number 42, and filed with the Joint Administrative Procedures Committee on October 20, 2006.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE:

The rule establishes a minimum flow regime for Blue Spring, Volusia County, pursuant to the mandate of Section 373.042, Florida Statutes. Blue Spring flows into the St. Johns River near Orange City, Volusia County, and is one of only three large natural warm-water refuges in North Florida for the endangered West Indian manatee and the only natural refuge on Florida's East Coast. Section 373.042(2), Florida Statutes, mandates that the water management districts adopt minimum flows and levels for all first magnitude springs. Blue Spring is a first magnitude spring and is included on the St. Johns River Water Management District's priority list and schedule for establishment of minimum flows and levels required under Section 373.042(2), Florida Statutes. Blue Spring was also named as a water course to be prioritized for the establishment of minimum flows and levels in a 1995 settlement agreement between the St. Johns River Water Management District and the organizations Concerned Citizens of Putnam County for Responsive Government, Inc. and Citizens for Water, Inc.