

1 **CHAPTER 40E-10 Water Reservations**

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3 40E-10.011 Purpose and General Provisions

4 40E-10.021 Definitions

5 40E-10.031 Water Reservations

6 40E-10.041 Water Reservation Areas: Lower West Coast Planning Area

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8 **40E-10.011 Policy and Purpose**

9 The purpose of this Chapter is to define the quantity, location and timing of
10 waters reserved from allocation for the protection of fish and wildlife pursuant to
11 Chapter 373.223(4), F.S., for specified water bodies. Water reservations are
12 implemented in the water use program pursuant to Chapters 40E-2 and 40E-20,
13 F.A.C.

14 Specific Authority: 373.044, 373.113, 373.171, F.S.

15 Laws Implemented 373.016, 373.1501, 373.1502, 373.026, 373.036, 373.219,
16 373.223, 373.4592, 373.4595, 373.470, F.S. History- New-

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19 **40E-10.021 Definitions**

20 (1) **Fakahatchee Estuary** - The area within the Ten Thousand Islands
21 region including the following river/bay systems, from west to east: Blackwater
22 River/Blackwater Bay, Whitney River/Buttonwood Bay, Pumpkin River/Pumpkin
23 Bay, Wood River, Little Wood River and Faka Union Canal/Faka Union Bay, and
24 Fakahatchee Bay as depicted in Figure 2 Fakahatchee Estuary.

25 (2) **Picayune Strand** – The area located southwest of the Florida
26 Panther National Wildlife Refuge, north of the Ten Thousand Islands NWR, east
27 of the South Belle Meade State Conservation and Recreation Lands (CARL)
28 Project, west of the Fakahatchee Strand Preserve State Park, and northeast of
29 Collier-Seminole State Park as depicted in Figure 1 Picayune Strand. The legal
30 description of the Picayune Strand is contained in Appendix 1.

31 Specific Authority: 373.044, 373.113, 373.171, F.S.

32 Laws Implemented 373.016, 373.1501, 373.1502, 373.026, 373.036, 373.219,
33 373.223, 373.4592, 373.4595, 373.470, F.S. History- New-

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36 **40E-10.031 Water Reservations**

37 (1) Applicants for consumptive use permits shall meet the
38 requirements of this rule by providing reasonable assurances Rules 40E-
39 2.301(1)(k) and 40E-20.301(1)(k), F.A.C., and Section 3.11 of the Basis of
40 Review for Water Use Permit Applications within the South Florida Water
41 Management District are met.

42 (2) Reservations contained in Rule 40E-10.041, F.A.C., shall be
43 reviewed in light of changed conditions or new information by 2014.

1 Specific Authority: 373.044, 373.113, 373.171, F.S.
2 Laws Implemented 373.016, 373.1501, 373.1502, 373.026, 373.036, 373.219,
3 373.223, 373.4592, 373.4595, 373.470, F.S. History- New-
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6 **40E-10. 041 Water Reservation Areas: Lower West Coast Planning Area**

7 (1) Picayune Strand as defined in Rule 40E-10.021(2), F.A.C.:

8 (a) Surface waters:

9 1. All surface water contained within the Picayune Strand are
10 reserved from allocation (see Figure 1).

11 2. All surface water flowing into the Picayune Strand identified
12 below is reserved from allocation:

13 i. The surface water flows depicted on Figures 3. A, B, and
14 C, simulated at weir "Miller3" within the Miller Canal (see
15 Figure 1);

16 ii. The surface water flows depicted on Figures 4. A, B, and
17 C, simulated at weir 'FU2' within the Faka Union Canal
18 (see Figure 1); and

19 iii. The surface water flows depicted on Figures 5. A, B and C
20 simulated at spillway 'Lucky LA' within the Merritt Canal
21 (see Figure 1).

22 (b) Groundwater: All groundwater in the water table and
23 unconfined portions of Lower Tamiami aquifer underlying the
24 Picayune Strand is reserved from allocation.
25

26 Notwithstanding the above, presently existing legal uses for the
27 duration of the permit existing on [effective date] are determined to
28 be not contrary to the public interest, pursuant to Section
29 373.223(4), F.S.
30

31 (2) Fakahatchee Estuary as defined in Rule 40E-10.021(1), F.A.C.:

32 (a) Surface waters:

33 The surface water flows into the Fakahatchee Estuary
34 identified below are reserved from allocation:

35 i. The surface water flows depicted on Figures 6. A, B
36 and C simulated at Faka Union Canal at structure
37 FU1 (See Figure 2);

38 ii. The surface water flows depicted on Figures 7. A, B
39 and C simulated at 'Miller@41' transect (beginning at
40 coordinate 471365.13N, 599423.29 E Southeast to
41 479226.67N, 595105.77E (delivering surface water to
42 Blackwater Bay and Buttonwood Bay) see Figure 2);

- 1 iii. The surface water flows depicted on Figures 8. A, B
2 and C simulated at 'FU@41' transect (beginning at
3 coordinate 480427.89N, 595005.67E Southeast to
4 487735.34N, 592478.09E (delivering surface water to
5 Pumpkin Bay) see Figure 2);
- 6 iv. The surface water flows depicted on Figures 9. A, B
7 and C simulated at 'Merritt@41' transect (beginning
8 at coordinate 490942.49N, 593218.49E flowing
9 Southeast to 499050.54N, 590515.81E (delivering
10 surface water to Faka Union Bay) see Figure 2); and
- 11 v. The surface water flows depicted on Figures 10. A, B
12 and C simulated at 'Fakahatchee@41' transect
13 (beginning at coordinate 498623.81N, 587955.37E
14 Southeast to 533587.95N, 575807.53E (delivering
15 surface water to Fakahatchee Bay) see Figure 2).
- 16 (b) Groundwater: All groundwater in the water table and
17 unconfined portions of Lower Tamiami aquifer underlying the
18 Fakahatchee Estuary is reserved from allocation.

19
20 Notwithstanding the above, presently existing legal uses for the
21 duration of the permit existing on [effective date] are determined to
22 be not contrary to the public interest, pursuant to Section
23 373.223(4), F.S.

24
25
26 Specific Authority: 373.044, 373.113, 373.171, F.S.
27 Laws Implemented 373.016, 373.1501, 373.1502, 373.026, 373.036, 373.219,
28 373.223, 373.4592, 373.4595, 373.470, F.S. History- New-
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APPENDIX 1 TO CHAPTER 40E-10

LEGAL DESCRIPTION OF PICAYUNE STRAND
AS DEFINED IN RULE 40E-10.021(1)

A tract of land in Townships 50, 51 and 52 South, Ranges 27 and 28 East, Collier County, Florida, more particularly described as follows:

Beginning at the Southeast Corner of Section 25, Township 51 South, Range 28 East, Collier County, Florida, run S 89°10'50" W, 2659.84 feet to the South Quarter Corner of said Section 25; thence S 89°09'41" W, 2659.37 feet to the Southwest Corner of said Section 25; thence S 00°19'11" W, 2611.61 feet to the East Quarter Corner of Section 35 of said Township 51 South, Range 28 East;

thence S 88°56'33" W, 2652.73 feet to the Northeast Corner of the Southwest Quarter of said Section 35; thence S 00°18'15" W, 2614.86 feet to the South Quarter Corner of said Section 35; thence S 88°54'23" W, 2650.59 feet to the Southwest Corner of Section 35; thence S 88°50'39" W, 2639.94 feet to the South Quarter Corner of Section 34 of said Township 51 South, Range 28 East;

thence S 89°00'23" W, 2652.66 feet to the Southwest Corner of said Section 34;

thence S 88°44'21" W along the north line of the Northeast Quarter of Section 4, Township 52 South, Range 28 East, 1450.32 feet to the Northeast Corner of those lands described in Official Record Book 2624, Page 2509, Public Records of Collier County, Florida; thence S 00°27'37" E along the east line of said lands, 6308.01 feet; thence continuing along said east line, S 89°34'56" W, 16.37 feet;

thence continuing along said east line, S 00°25'04" E, 360.00 feet to the north right-of-way line of U.S. Highway 41; thence westerly along the north right-of-way line of U.S. Highway 41, S 84°52'54" W, 327.99 feet; thence N 05°07'06" W, 39.00 feet to a point on a non-tangent curve; thence westerly 900.69 feet along the arc of said curve, concave to the northeast, having a radius of 1835.08 feet, a central angle of 28°07'18" and a chord of 891.68 feet, bearing N 81°03'27" W;

thence S 23°00'12" W, 39.00 feet; thence N 66°59'48" W, 5570.19 feet to a point of curvature; thence northwesterly 800.00 feet along the arc of a curve, concave to the southwest, having a radius of 17224.80 feet, a central angle of 02°39'40" and a chord of 799.93 feet, bearing N 68°19'38" W to a point of tangency;

thence N 69°39'28" W, 6844.52 feet; thence N 20°20'32" E, 39.00 feet to a point on a non-tangent curve; thence northwesterly 671.08 feet along the arc

1 of said curve, concave to the northeast, having a radius of 1835.08 feet, a
2 central angle of 20°57'10" and a chord of 667.35 feet, bearing N 59°10'53" W;
3 thence
4 S 41°17'43" W, 39.00 feet; thence N 48°42'17" W, 6815.31 feet to a point of
5 curvature; thence northwesterly 442.16 feet along the arc of a curve, concave
6 to the southwest, having a radius of 725.20 feet, a central angle of 34°56'02"
7 and a chord of 435.35 feet, bearing N 66°10'19" W to a point of tangency;
8 thence
9 N 83°38'20" W, 300.77 feet to the intersection of the north right-of-way line of
10 U.S. Highway 41 with the west line of Section 36, Township 51 South, Range
11 27 East;
12 thence N 00°03'59" E along the west line of said Section 36, 1586.32 feet to
13 the Northwest Corner of Section 36; thence N 01°15'40" W, 2658.40 feet, to
14 the West Quarter Corner of Section 25 of said Township 51 South, Range 27
15 East;
16 thence N 01°17'06" W, 2656.42 feet to the Northwest Corner of said Section
17 25;
18 thence N 01°16'05" W, 2655.83 feet to the West Quarter Corner of Section 24
19 of said Township 51 South, Range 27 East; thence N 01°16'15" W, 2656.76
20 feet to the Northwest Corner of said Section 24; thence N 00°19'01" E,
21 2764.38 feet to the West Quarter Corner of Section 13 of said Township 51
22 South, Range 27 East; thence N 00°19'04" E, 2764.32 feet to the Northwest
23 Corner of said Section 13; thence N 01°15'53" E, 2764.69 feet to the West
24 Quarter Corner of Section 12 of said Township 51 South, Range 27 East;
25 thence N 01°16'08" E, 2764.72 feet to the Northwest Corner of said Section
26 12; thence N 00°37'07" E, 2763.78 feet to the West Quarter Corner of Section
27 1 of said Township 51 South, Range 27 East; thence N 00°35'09" E, 2732.08
28 feet to the Northwest Corner of said Section 1; thence N 01°09'58" E, 2697.35
29 feet to the West Quarter Corner of Section 36 of Township 50 South, Range
30 27 East; thence N 01°14'25" E, 2554.73 feet to the Northwest Corner of said
31 Section 36; thence N 00°49'11" E, 2618.76 feet to the West Quarter Corner of
32 Section 25 of said Township 50 South, Range 27 East;
33 thence N 01°30'13" E, 2623.02 feet to the Northwest Corner of said Section
34 25;
35 thence N 01°14'51" E, 2643.78 feet to the West Quarter Corner of Section 24
36 of said Township 50 South, Range 27 East; thence N 00°55'45" E, 2647.27
37 feet to the Northwest Corner of said Section 24; thence N 89°04'28" W,
38 2655.08 feet to the South Quarter Corner of Section 14 of said Township 50
39 South, Range 27 East; thence N 89°06'09" W, 2673.56 feet to the Southwest
40 Corner of said Section 14; thence N 01°20'52" E, 2642.45 feet to the West
41 Quarter Corner of said Section 14; thence N 01°02'27" E, 2638.34 feet to the
42 Northwest Corner of said Section 14; thence S 88°57'18" E, 2650.45 feet to
43 the North Quarter Corner of said Section 14; thence S 89°16'05" E, 2679.46

1 feet to the Northeast Corner of said Section 14; thence N 00°32'07" E,
2 2629.53 feet to the West Quarter Corner of Section 12 of said Township 50
3 South, Range 27 East; thence N 00°05'55" E, 2655.64 feet to the Northwest
4 Corner of said Section 12; thence N 00°35'20" E, 2638.33 feet to the West
5 Quarter Corner of Section 1 of said Township 50 South, Range 27 East;
6 thence N 09°11'51" W along the west line of the Northwest Quarter of said
7 Section 1 a distance of 2352.20 feet to the intersection with the south line of
8 the south drainage right-of-way of Interstate 75; thence easterly along said
9 line, N 89°40'16" E, 2640.00 feet; thence S 88°14'35" E, 2676.02 feet;
10 thence S 89°13'04" E, 2656.26 feet; thence N 89°51'50" E, 2650.84 feet;
11 thence N 89°28'53" E, 2647.15 feet; thence S 89°53'38" E, 2654.08 feet;
12 thence S 89°59'57" E, 2650.10 feet; thence N 89°51'03" E, 2650.97 feet;
13 thence S 89°32'18" E, 2648.17 feet; thence N 89°47'26" E, 2686.92 feet;
14 thence N 00°23'28" W, 124.56 feet; thence S 89°54'09" E, 2649.59 feet;
15 thence S 89°56'18" E, 2651.63 feet; thence N 89°41'16" E, 2652.50 feet;
16 thence S 89°49'15" E, 2651.54 feet to the intersection of the south line of said
17 south drainage right-of-way with the east line of Section 1, Township 50
18 South, Range 28 East; thence S 00°18'22" E along the east line of the
19 Northeast Quarter of said Section 1 a distance of 2460.78 feet to the East
20 Quarter Corner of said Section 1; thence S 00°18'26" E, 2663.16 feet to the
21 Southeast Corner of said Section 1; thence S 00°19'17" E, 2661.71 feet to the
22 East Quarter Corner of Section 12 of said Township 50 South, Range 28
23 East; thence S 00°18'47" E, 2661.88 feet to the Southeast Corner of said
24 Section 12; thence S 00°18'10" E, 2662.06 feet to the East Quarter Corner of
25 Section 13 of said Township 50 South, Range 28 East; thence S 00°18'16" E,
26 2662.13 feet to the Southeast Corner of said Section 13; thence S 00°18'16"
27 E, 2662.14 feet to the East Quarter Corner of Section 24 of said Township 50
28 South, Range 28 East; thence S 00°17'28" E, 2661.81 feet to the Southeast
29 Corner of said Section 24; thence S 00°17'38" E, 2674.16 feet to the East
30 Quarter Corner of Section 25 of said Township 50 South, Range 28 East;
31 thence S 00°10'00" E, 2674.56 feet to the Southeast Corner of said Section
32 25; thence S 00°13'47" E, 2674.47 feet to the East Quarter Corner of Section
33 36 of said Township 50 South, Range 28 East; thence S 00°13'47" E,
34 2674.49 feet to the Southeast Corner of said Section 36; thence S 00°51'18"
35 E, 2682.32 feet to the East Quarter Corner of Section 1 of Township 51
36 South, Range 28 East; thence S 00°51'18" E, 2682.32 feet to the Southeast
37 Corner of said Section 1; thence S 00°28'26" W, 2596.09 feet to the East
38 Quarter Corner of Section 12 of said Township 51 South, Range 28 East;
39 thence S 00°41'47" W, 2598.68 feet to the Southeast Corner of said Section
40 12; thence southerly along the east line of Section 13, Township 51 South,
41 Range 28 East, S 00°35'55" W, 5191.01 feet to the Southeast Corner of said
42 Section 13; thence S 00°36'41" W, 2596.95 feet to the East Quarter Corner of
43 Section 24 of said Township 51 South, Range 28 East; thence S 00°34'08"

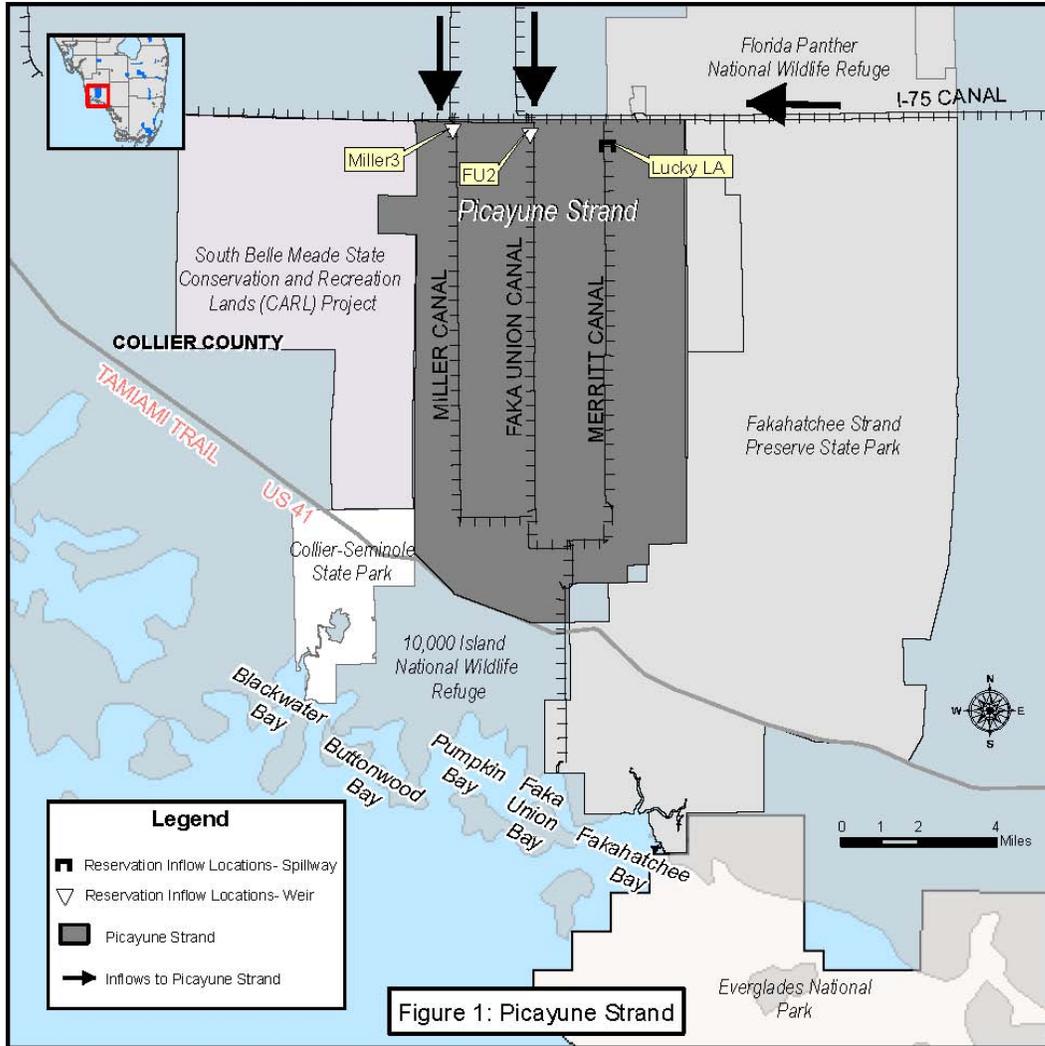
1 W, 2597.43 feet to the Southeast Corner of said Section 24; thence S
2 00°33'57" W, 2596.90 feet to the East Quarter Corner of Section 25 of said
3 Township 51 South, Range 28 East; thence S 00°34'27" W, 2597.76 feet to
4 the Southeast Corner of said Section 25 and the Point of Beginning.
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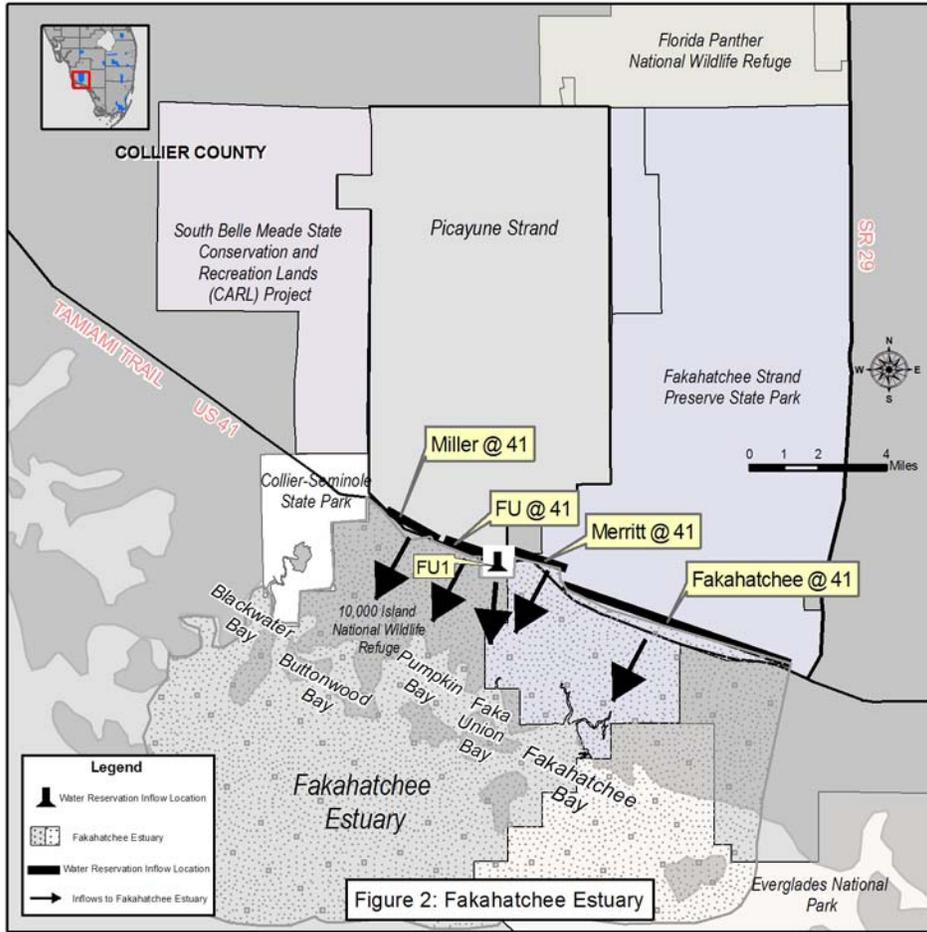
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APPENDIX 2 TO CHAPTER 40E-10

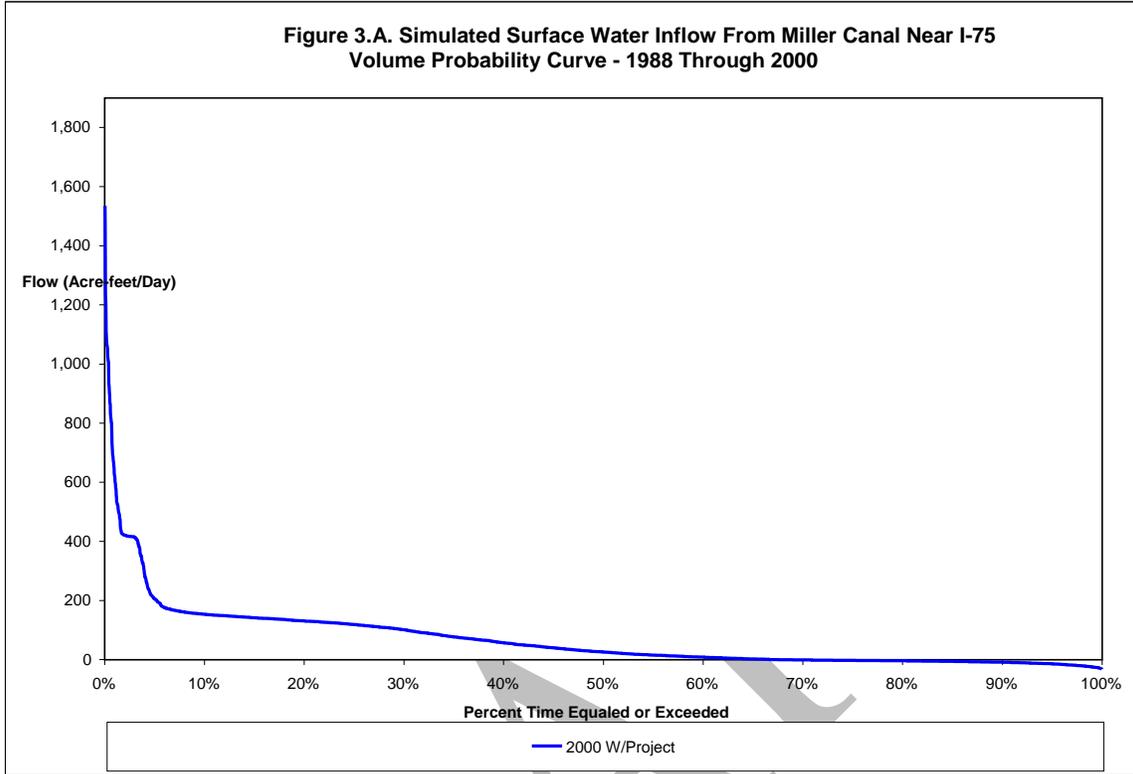
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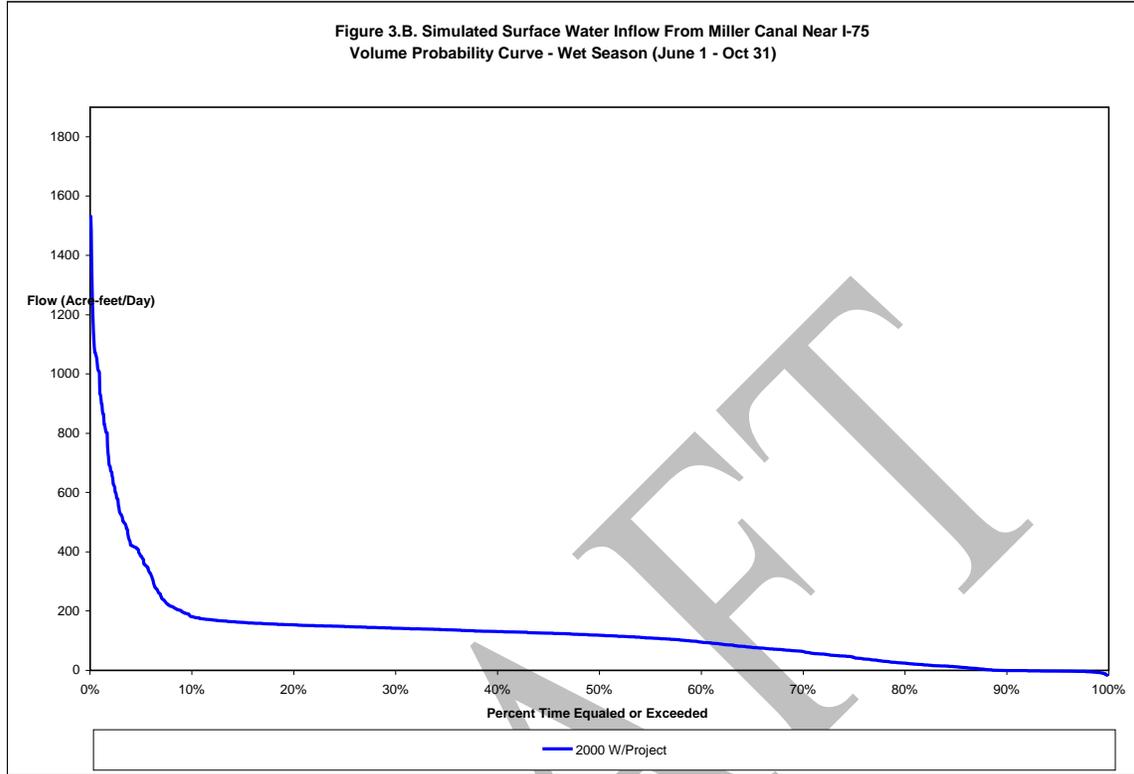
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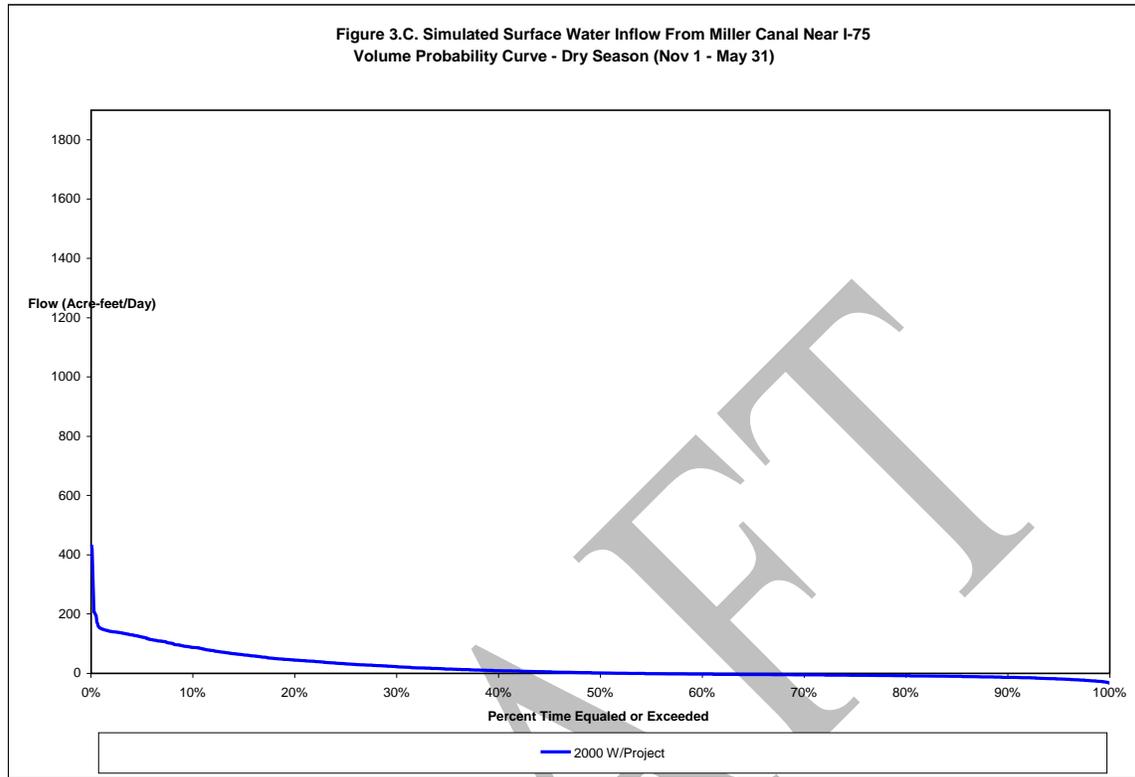
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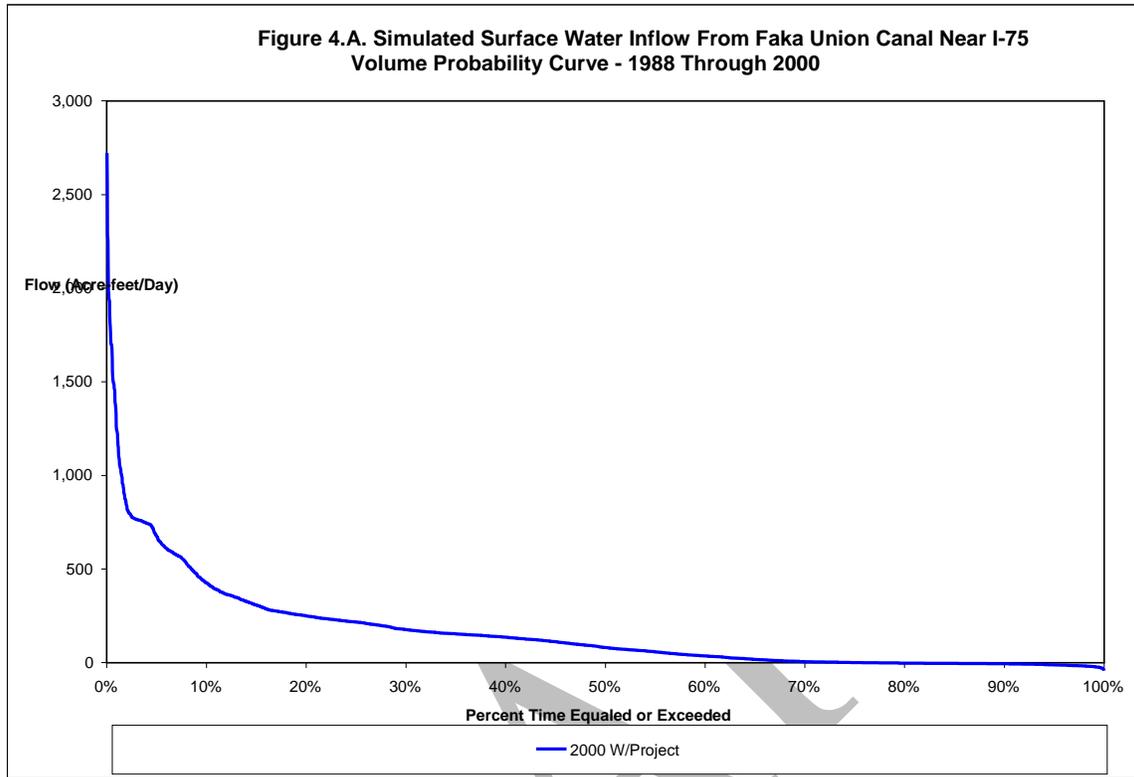
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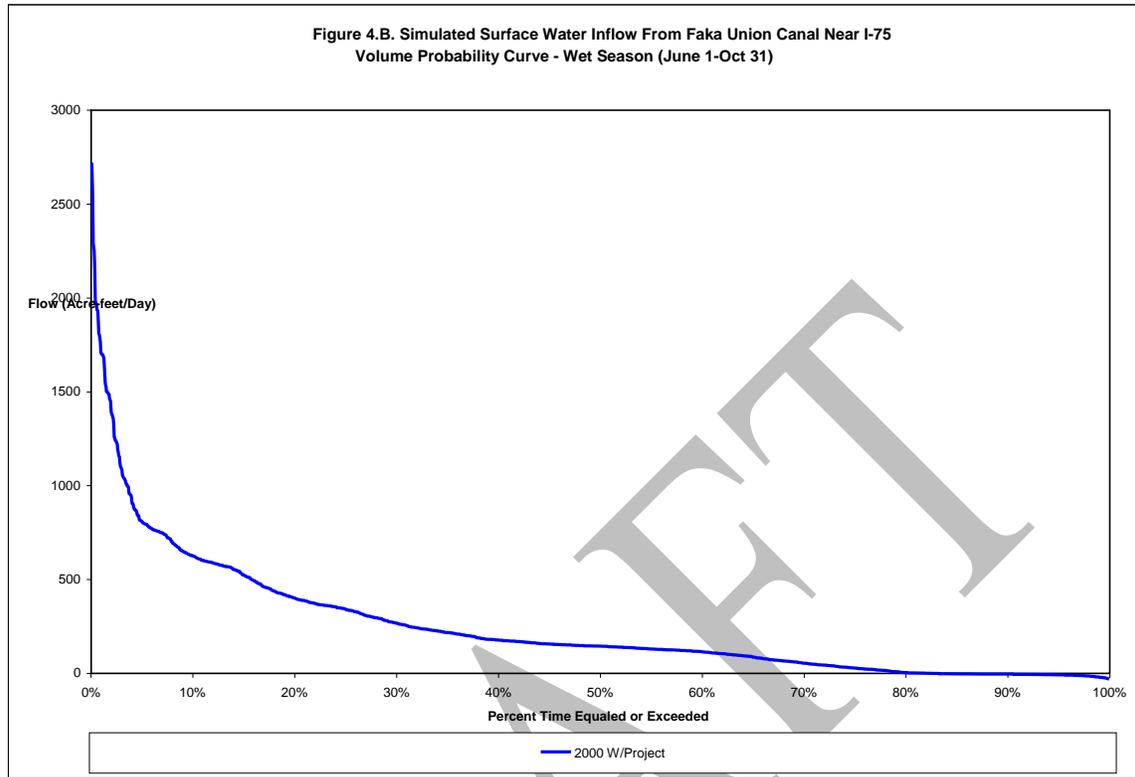
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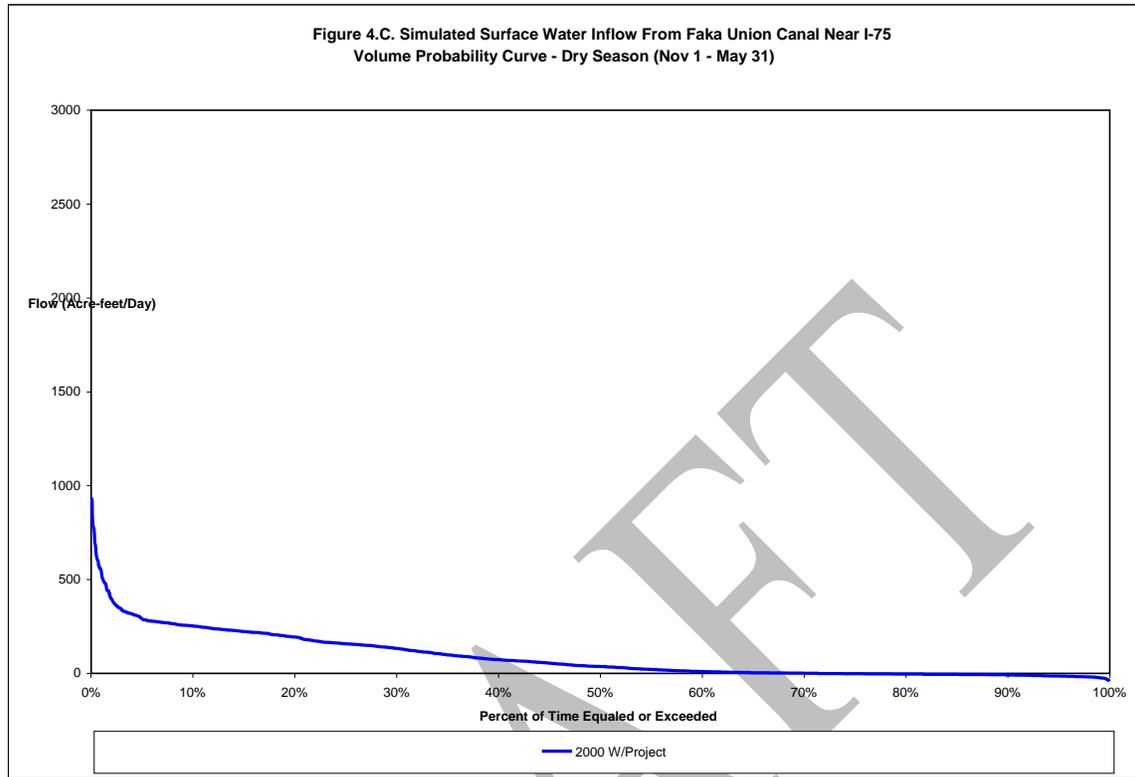
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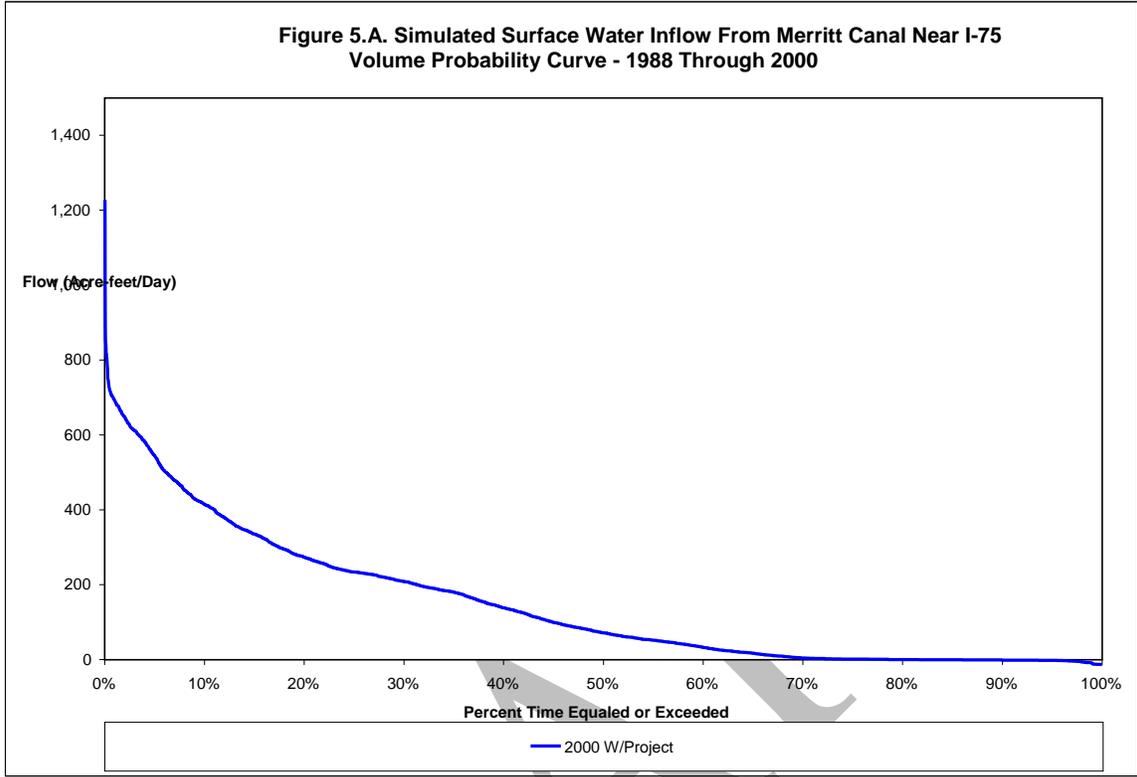
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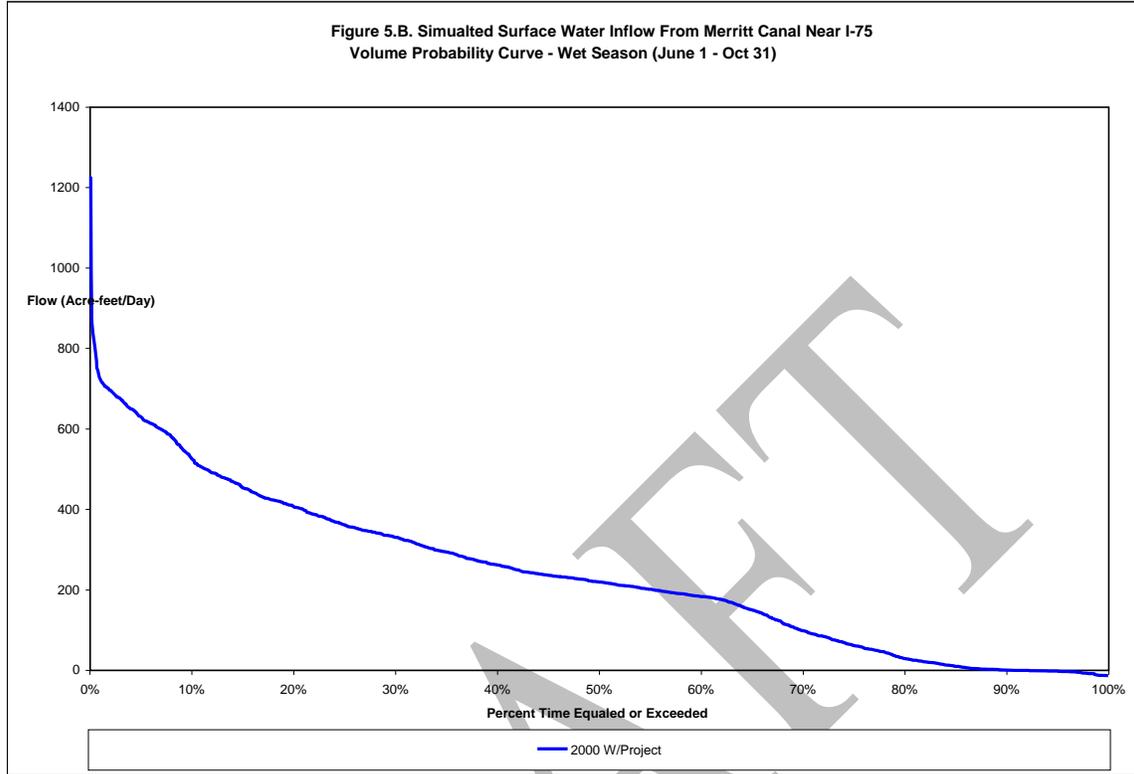
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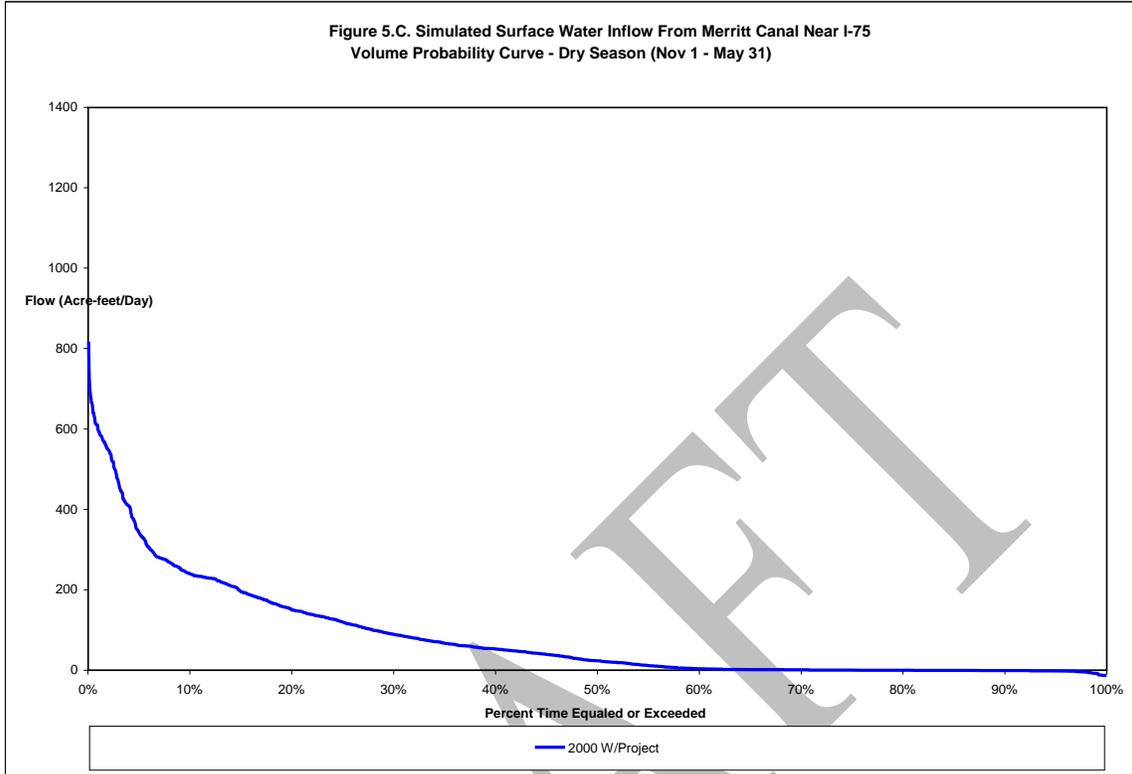
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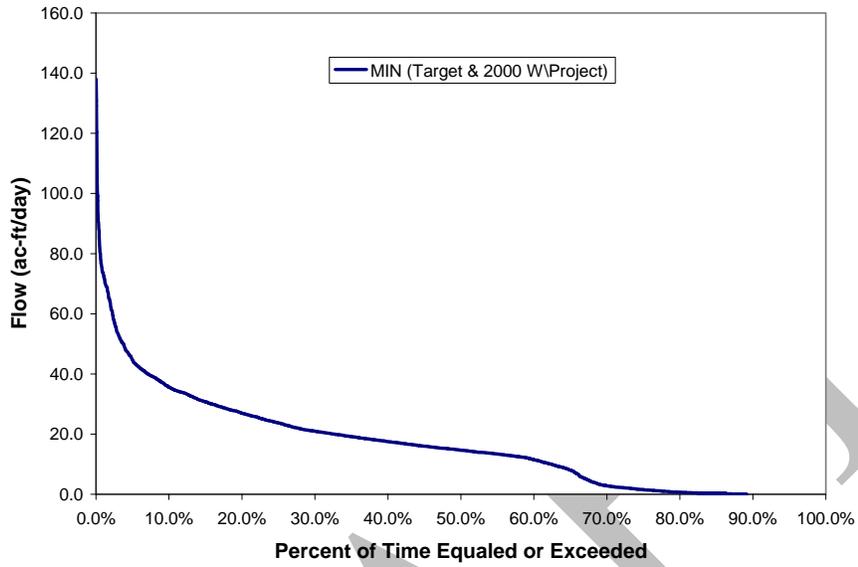


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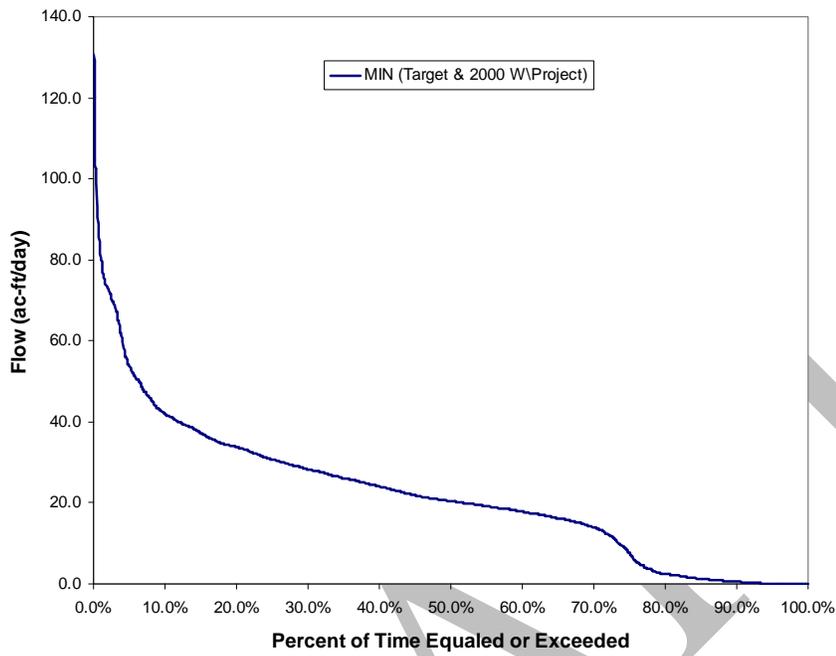
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Figure 6.A. Simulated Surface Water Deliveries to Faka Union Bay From Faka Union FU#1 Near US 41
Volume Probability Curve – 1988 Through 2000



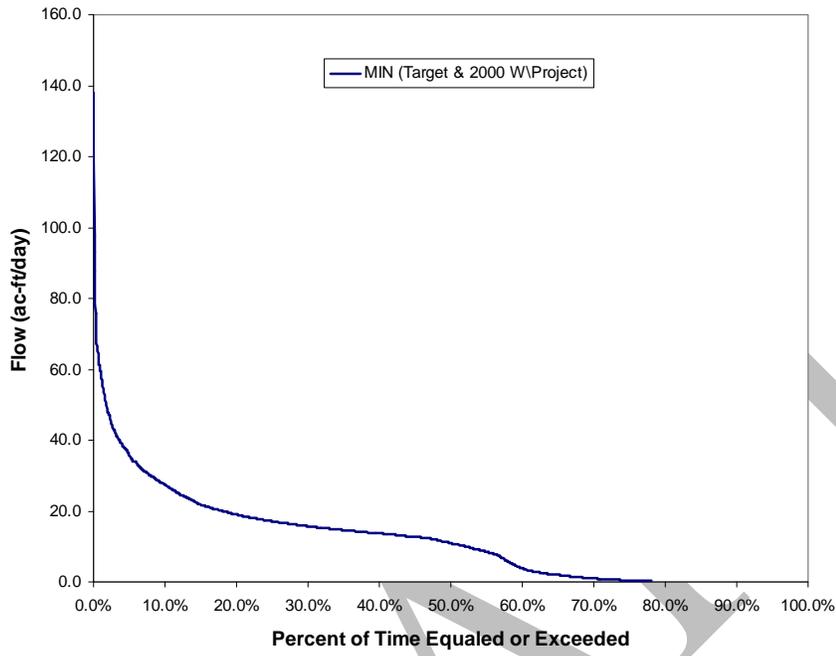
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Figure 6.B. Simulated Surface Water Deliveries to Faka Union Bay from Faka Union FU#1 Near US 41
Wet Season Volume Probability Curve – (June 1 - Oct 31)

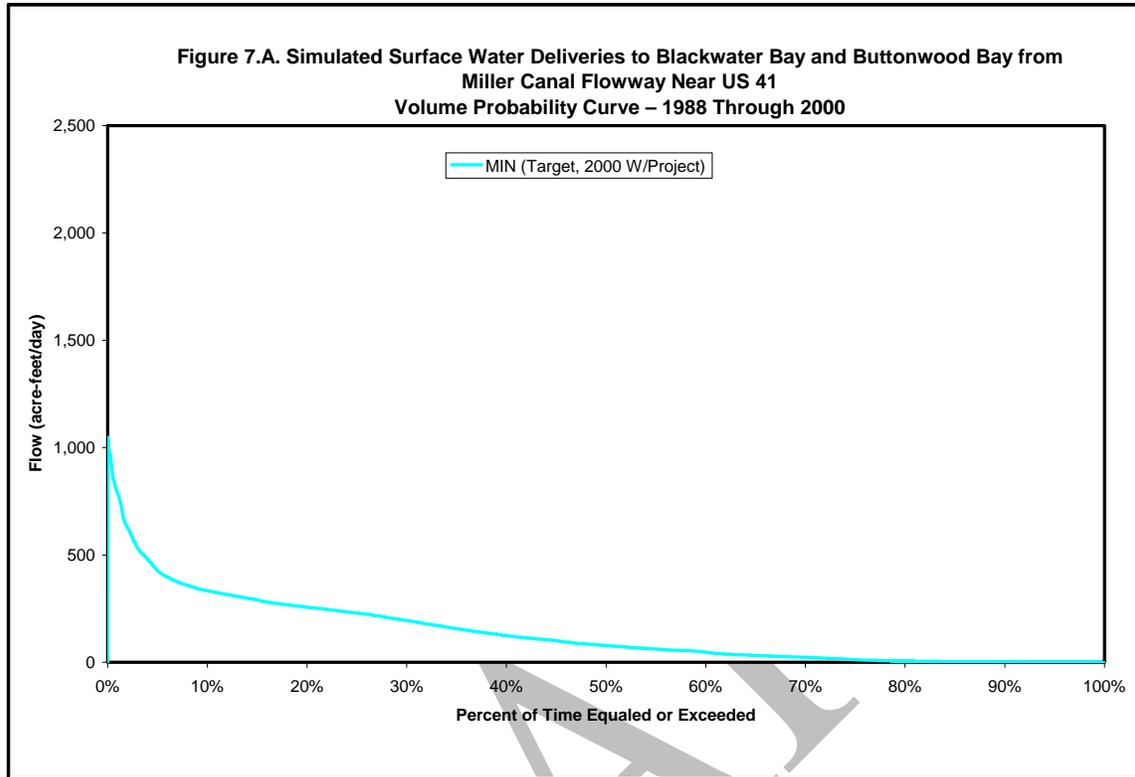


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Figure 6.C. Simulated Surface Water Deliveries to Faka Union Bay from Faka Union FU#1 Near US 41 Dry Season Volume Probability Curve (Nov 1- May 31)

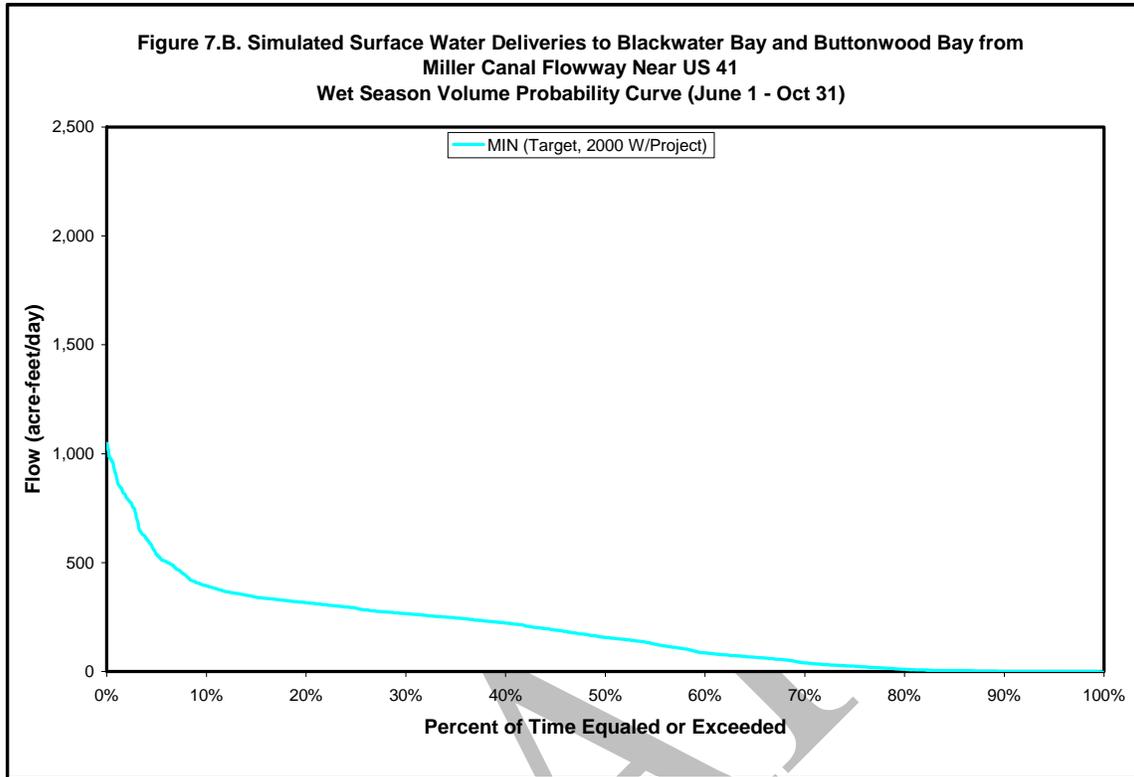


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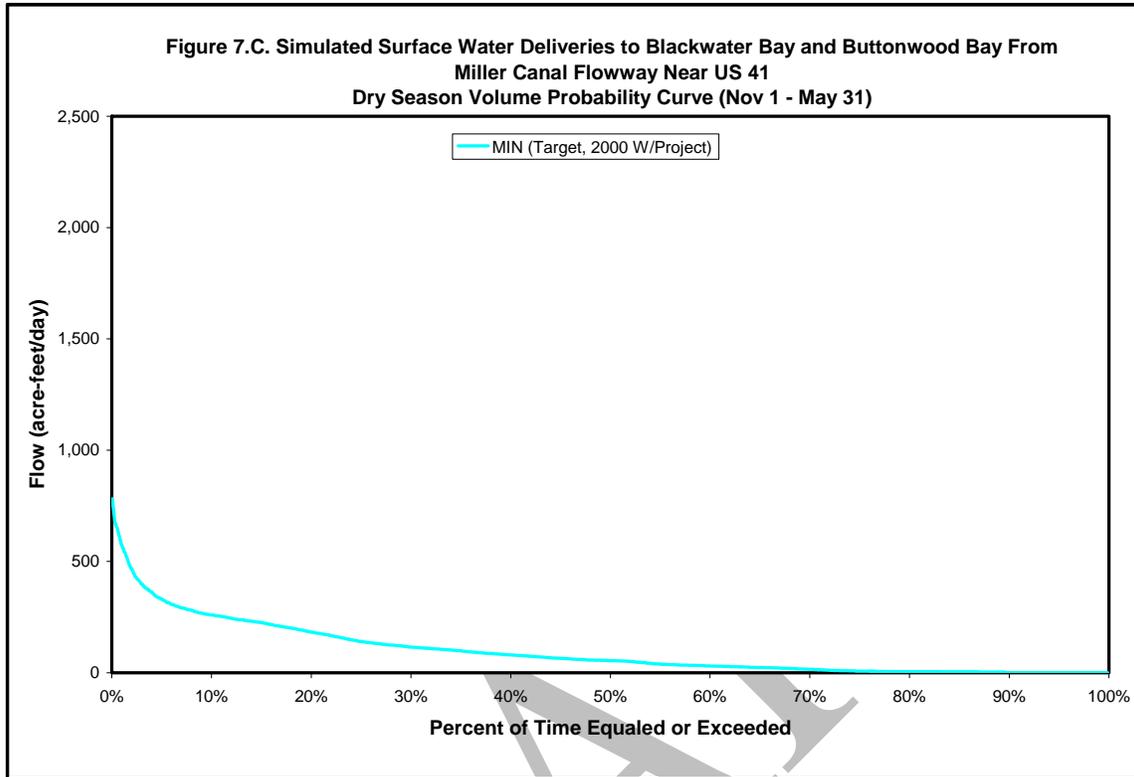
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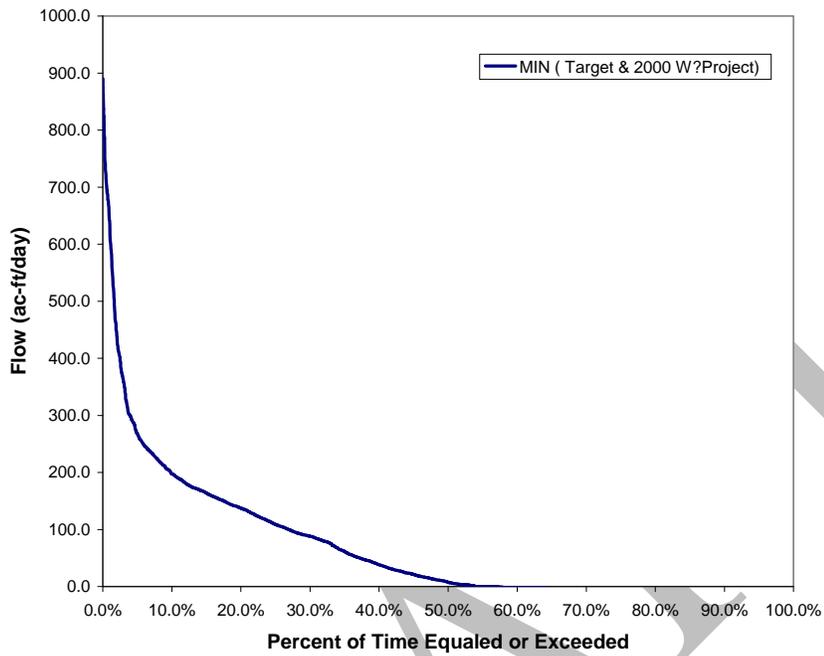
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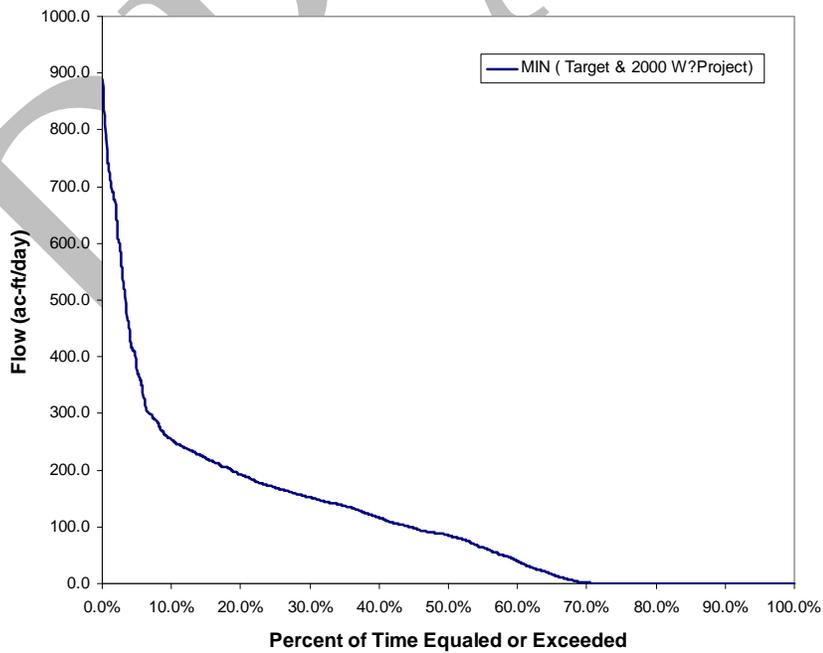
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Figure 8. A. Simulated Surface Water Deliveries to Pumpkin Bay From Faka Union Flowway Near US 41
Volume Probability Curve – 1988 Through 2000



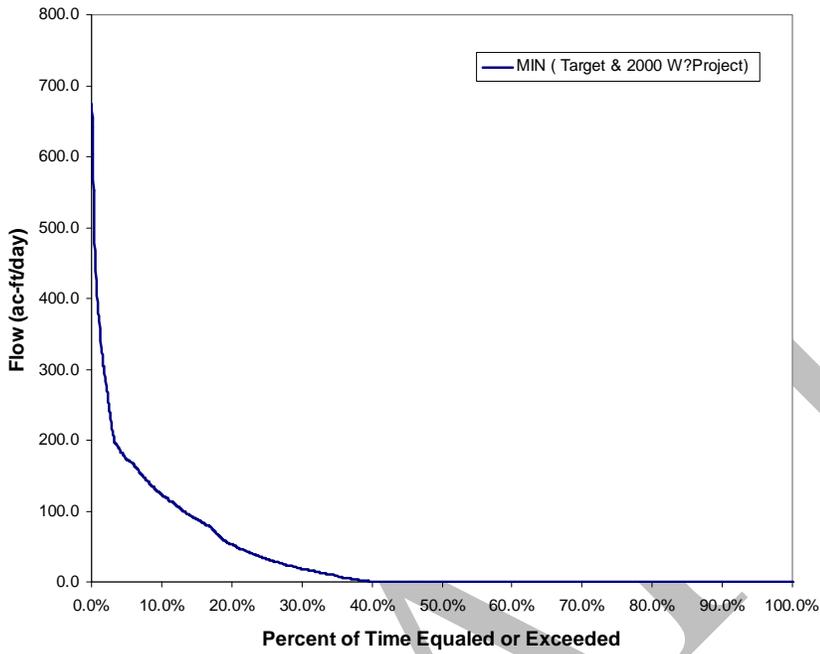
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Figure 8.B. Simulated Surface Water Deliveries to Pumpkin Bay from Faka Union Flowway Near US 41
Wet Season Volume Probability Curve (June 1 - Oct 31)



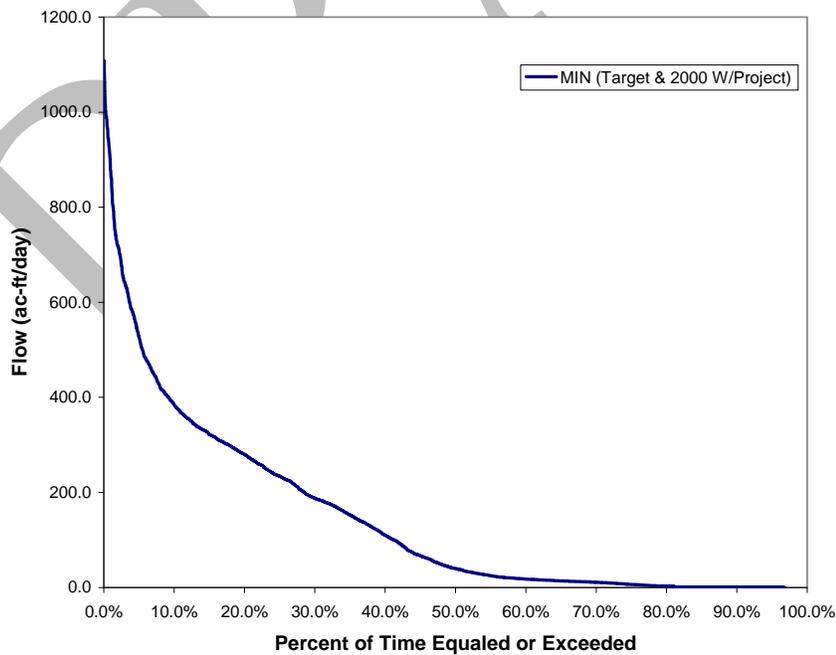
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Figure 8.C. Simulated Surface Water Deliveries to Pumpkin Bay from Faka Union Flowway Near US 41
Dry Season Volume Probability Curve (Nov1 - May 31)



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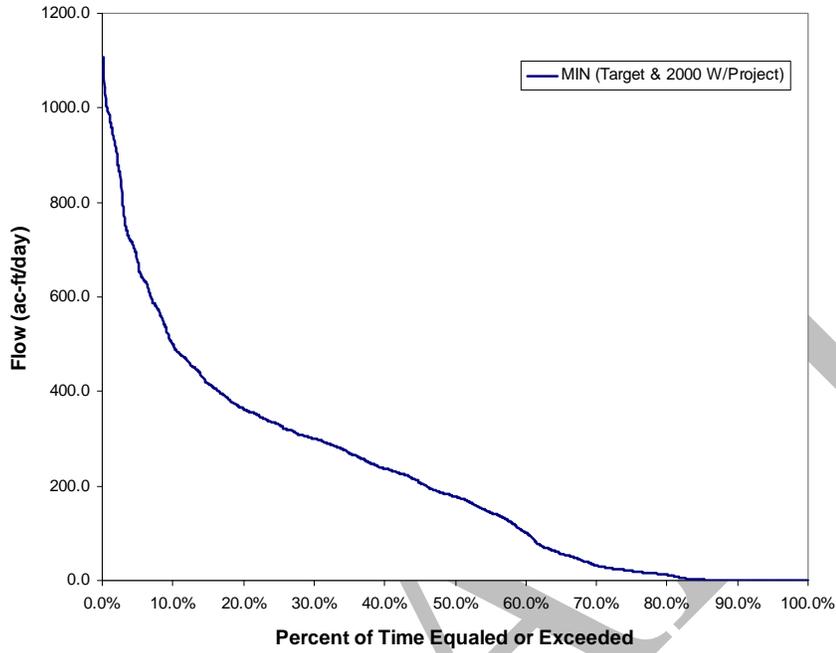
Figure 9.A. Simulated Surface Water Deliveries to Faka Union Bay From Merritt Canal Flowway Near US41 Volume Probability Curve – 1988 Through 2000



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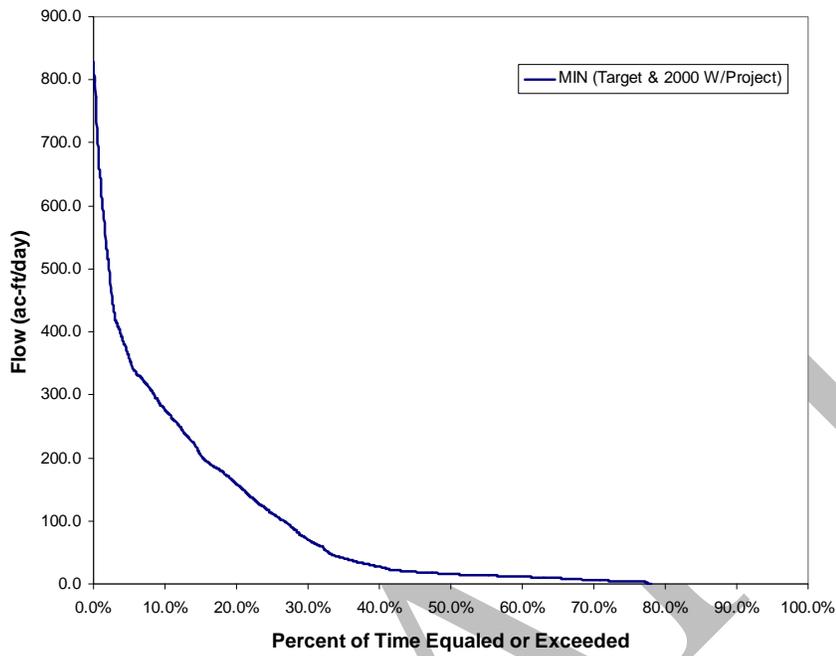
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Figure 9.B. Simulated Surface Water Deliveries to Faka Union Bay from Merritt Canal Flowway Near US41
Wet Season Volume Probability Curve (June 1- Oct 31)



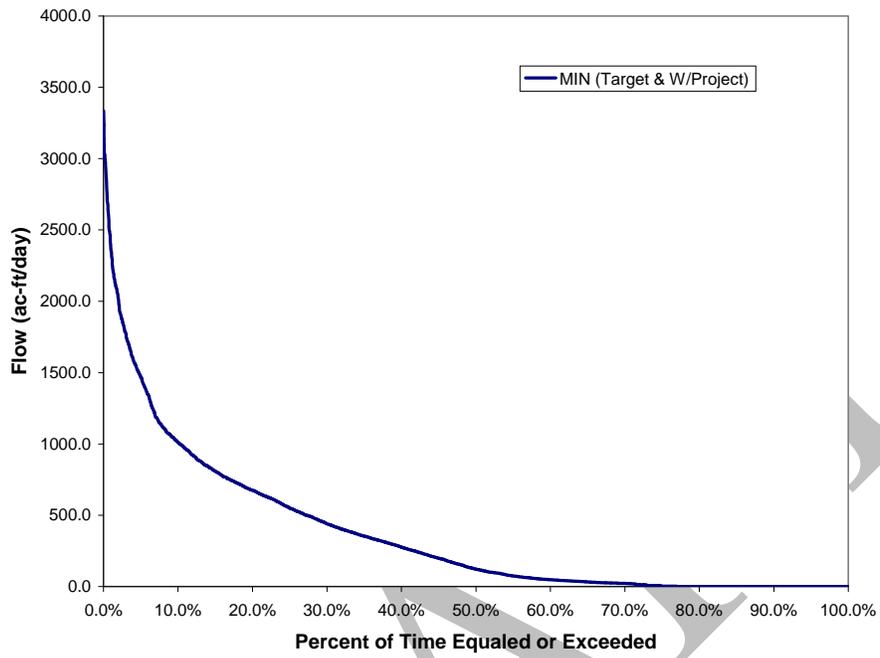
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Figure 9.C. Simulated Surface Water Deliveries to Faka Union Bay from Merritt Canal Flowway Near US41
Dry Season Volume Probability Curve (Nov 1 - May 31)



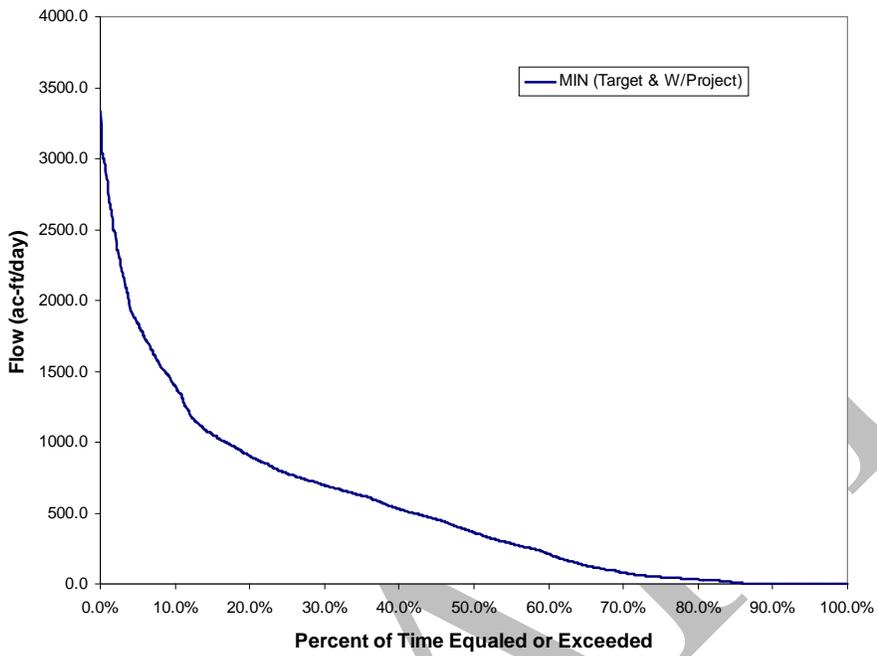
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Figure 10.A. Simulated Surface Water Deliveries to Fakahatchee Bay From Fakahatchee Strand
Volume Probability Curve – 1988 Through 2000



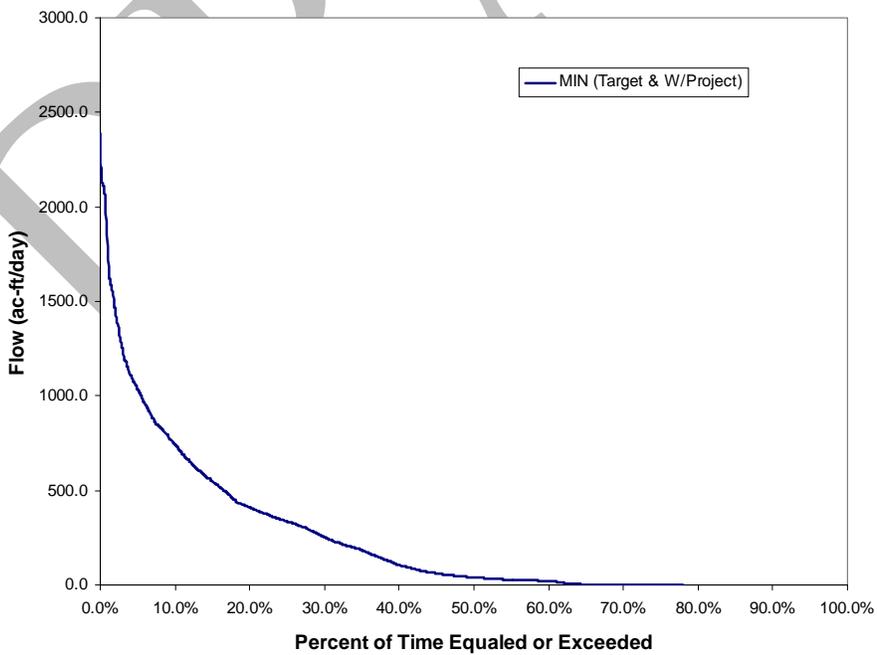
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Figure 10. B. Simulated Surface Water Deliveries to Fakahatchee Bay from Fakahatchee Strand
Wet Season Volume Probability Curve (June 1- Oct 31)



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Figure 10.C. Simulated Surface Water Deliveries to Fakahatchee Bay from Fakahatchee Strand
Dry Season Volume Probability Curve (Nov 1 - May 31)



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