

12 PERMITS

12.1 Permits Required

No one may use, construct, excavate or alter the works of the District or install any structure or equipment to enable the discharge of water, water withdrawal or other water use by anyone without receiving a permit from the District. In the case of an emergency, authorization (written if practical) may be given by the General Manager or District Engineer. Unless expressly exempt by law or District rule or policy, a permit must be obtained for:

- o Construction, excavation, alteration, or abandonment of any drain, ditch, canal, or other system of drainage connecting to or to connect with, discharge into, withdraw from or otherwise make use of the works of the District; or,
- o Construction, alteration, or abandonment of any bridge, or other crossing over a work of the District; or,
- o Any other construction, excavation or alteration including placement of utilities, on or within District rights-of-way.

12.2 Exemptions

The following activities are allowed under a general permit from the District and, therefore, exempt from the process of filing a specific application as set forth in applicable sections of this Section.

- o Driveway Culverts in Public rights-of-way

12.3 Content of Application

A Permit Application in the form contained in **Appendix 12-A** shall contain maps, drawings, calculations and engineering details sufficient to define the nature, scope, intent and functioning of the proposed activity including but not limited to:

- o The applicant's name, telephone number and address, including zip code;
- o The owner's name, telephone number and complete address if applicant or user is different from the owner;
- o The project location relative to Section, Township and Range; Lot, Block and Subdivision; or a metes and bounds description;
- o Whether the proposed use is a modification of an existing use, or is a new use;
- o A description of the proposed use of or encroachment on works of the District;

- o A description of the portion of the works of the District to be used; and
- o A statement of the probable or possible impacts on other lands.
- o Three copies of an 8-1/2" by 11" drawing to scale or with dimensions, reflecting the proposed use in plan and elevation views as related to the applicable works of the District and tied to a known reference point in the immediate area of the proposed use.

12.4 Issuance of Permits

12.4.1 Application Forms

The General Manager shall have permit application forms available at the District office and shall receive and give receipts for submitted permits during normal office hours.

12.4.2 Conditions for Issuance

In order to obtain a permit under this rule, an applicant must provide reasonable assurance that the short and long term effects of activity or proposed use of the works of the District:

- o Will not interfere with the construction, alteration, operation, or maintenance of the works of the District; and,
- o Is not inconsistent with the overall objectives of the Plan of Reclamation; and,
- o Will not otherwise be harmful to the works of the District, and will not interfere with the legal rights of others; and,
- o Will be operated and maintained in a manner acceptable to the District.

12.4.3 Property Rights

The applicant must own or lease the land affected by the portion of the works of the District involved. If other lands are affected, they must be considered in the granting or denying of a permit application.

12.4.4 Permit Criteria

The applicant for a utility crossing, or for other permitted activity hereunder within SIRWCD rights-of-way shall comply with **Appendix 12-B**.

12.5 Duration, Modification and Transfer Permits

12.5.1 Duration

Unless revoked or otherwise modified, a construction permit will be effective for a period of two years. Once construction is complete, the permitted activity or work may be operated so long as it is consistent with the objectives of the District.

12.5.2 Modifications

Applications to modify a permit may be made:

- By formal application and review using the same criteria as new applications, or
- By letter, provided the requested modification does not:
 - Substantially alter the permit authorization;
 - Further restrict, or impair the management of the works of the District;
 - Increase the discharge or withdrawal of water to a work of the District.

12.5.3 Transfers

Upon written notification to the District, and written approval issued by the District, a permit may be transferred. All terms and conditions of the permit shall be binding upon the transferee.

12.6 Limiting Conditions

12.6.1 Board Actions

The Board may impose on any permit granted under this Section such reasonable conditions as are necessary to assure that the permitted activity will be consistent with the overall objectives of the District and will not be harmful to the works of the District.

12.6.2 Standard Conditions

The Standard Conditions, as amended from time to time, shall be attached to all permits issued pursuant to this Section unless waived or modified by the Board. A specimen of such conditions are appended as **Exhibit 12-C**.

The permittee shall obtain all necessary Federal, State, local and regional authorizations prior to commencement of the activity or construction of any permitted work.

The permit does not convey any property right to the permittee, nor any rights and privileges other than those specified in the permit and these rules

12.7 Emergency Permit Authorization

12.7.1 Emergency Permit Conditions

Permission to begin activities or construction of works prior to the issuance of a permit may be requested (in writing if practical) when emergency conditions justify. A serious set of unforeseen or unforeseeable circumstances must exist to create an emergency. Mere carelessness or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of emergency authorization.

12.7.2 Authorization

The General Manager or District Engineer may grant emergency authorization at their discretion. This action will be reviewed by the Board of Supervisors at the next regular meeting.

12.8 Remedial and Emergency Measures

12.8.1 Permitted Work

In the event that construction, alteration, operation or maintenance of works of the District require the alteration, repair or removal of any permitted work or activity, the District shall immediately notify the permittee. The permittee shall have sixty (60) days to alter, repair or remove the permitted work or activity.

12.8.2 Unpermitted Work

Unpermitted works or activities, or permitted works or activity, which have deteriorated to the degree that they are unsafe, a hazard, an impediment to maintenance operations, or impair works of District, shall be removed, repaired or terminated to the satisfaction of the District within thirty (30) days of receipt of written notice by the affected party.

12.8.3 Emergency Actions

Unpermitted works or activities, or permitted works or activities, are subject to immediate alteration, repair or removal if an emergency condition exists and the continued exercise of the permitted use might endanger lives or property.

12.8 4 Permittee Default

If the permittee fails to remove, alter or repair a permitted work or activity when so ordered by the District, the District may repair, alter, or remove it at the permittee's expense, collectable with interest at the highest lawful rate commencing thirty (30) days from written demand made by the District.

12.9 Unlawful Use

12.9.1 Unlawful Activities

It shall be unlawful to connect with, place structures in or across, or otherwise make use of, works of the District without a permit. The District may use any remedy available to it under Chapters 120 and 298, *Florida Statutes*, and these rules to cause the unpermitted use to be removed or permitted.

12.9 2 Permit Compliance

It shall be unlawful for any permitted use to violate the provisions of Chapter 298, *Florida Statutes*, or the terms and conditions of a permit. The District may use any remedy available to it under Chapters 120 and 298, *Florida Statutes*, to cause the permitted use to be removed or brought into compliance with Chapter 298, *Florida Statutes*, and this Section.

12.9.3 Damage to District Works

Damage to works of the District resulting from the violations specified in Subsections 12.9.1 & 12.9.2 shall be repaired by the violator to the satisfaction of the District. In lieu of making the repairs, the violator may deposit with the District a sufficient sum to ensure such repair.

12.10 Permit Application Procedure

12.10.1 General

Procedures for permit applications shall be in accordance with Chapters 120 and 298, *Florida Statutes*, and the provisions of this Section.

12.10.2 Permit Submittal

Application for permit shall be:

Filed with the District; and

Accompanied by the appropriate fee in accordance with the schedule of fees, as established by the Board and set forth in **Appendix 12-D**. The failure of any person to pay the required fee(s) shall be grounds for nonacceptance for review of the permit application.

12.10.3 Permit Completeness

Within fifteen (15) working days after receipt of an application, the District shall notify the applicant if the application is incomplete and inform him of the additional information required to make the application complete. If additional information is not supplied within ninety (90) days after notice by the District, the application will be denied for lack of completeness. If the application is still incomplete after additional information is provided, the District shall so notify the applicant, who shall have an additional thirty (30) days to render the application complete or be denied for lack of completeness. An extension of time may be granted by the District upon showing by the applicant that a good faith effort is being made to provide the additional information and that additional time is required. Denial of an application for lack of completeness is without prejudice to the applicant's right to file a new application on the same subject matter.

12.10.4 Staff Recommendation

The District shall notify the applicant of the date on which the application is declared complete. Within a reasonable time thereafter, the District Staff shall formulate its recommendation for approval or disapproval of the subject application, which shall constitute proposed agency action. The District Staff shall further formulate its advice to the District regarding the potential for impact of the proposed agency action upon third parties, and specify the form of notice to be extended such parties. The Staff recommendation for notice may include publication of notice of the proposed agency action in a newspaper having general circulation as defined in Chapter 50, *Florida Statutes*. A notice of proposed agency action shall be furnished to the applicant and any persons requesting the same. The notice shall state the District's intention to recommend that the Board approve, deny or approve with conditions, the permit application and the reasons therefor and shall specify a date for filing petitions for administrative hearing which shall not be less than thirty (30) days after the date of mailing or the date of publication of the notice of proposed agency action, whichever last occurs.

12.10.5 Administrative Hearing

Substantially affected persons shall have the right to request an administrative hearing under Section 120 57, *Florida Statutes*, by filing a petition for administrative hearing with the General Manager by the date specified in the notice of proposed agency action. A petition for Administrative hearing shall be deemed filed with the District on the date of receipt by the District Secretary and must be in substantial compliance with the provisions of Chapter 120, *Florida Statutes*, a copy of which will be provided with the notice. Failure to substantially comply with the provisions of Chapter 120, *Florida Statutes*, or to timely request an administrative hearing shall constitute a waiver of the right to a Section 120 57 Administrative Hearing.

12.10.6 Board Consideration

The Board shall consider the permit application at its next available meeting following the mailing of notice of proposed agency action. The permit applicant and other interested parties may appear before the Board to present informal argument in favor of or against the proposed agency action. Appearance before the Board pursuant to this subsection shall not provide a basis for appealing the decision of the Board pursuant to Chapter 120, *Florida Statutes*.

12.10.7 Agency Action

The Board may approve, reject or modify the proposed agency action, which shall constitute final agency action, except for those instances when a valid petition for administrative hearing has been timely filed. In such instances, if the dispute is not resolved to the satisfaction of the petitioner at the Board meeting pursuant to these rules, the Board shall defer final consideration of the matter pending the completion of the administrative hearing and the submittal of a recommended order and exceptions to that order.

Applicants and other interested parties not objecting to the notice of proposed agency action should nevertheless be prepared to defend their position regarding the permit application when it is considered by the Board as final agency action. In the event the Board takes final agency action which differs materially from the proposed agency action, the District shall mail notice of final agency action to all persons who received a notice of proposed agency action. Substantially affected persons who failed to request a Section 120 57 Administrative Hearing based upon the notice of proposed agency action shall have the right to request such a hearing in accordance with Subsection 10.10.5.

Applicants entitled to a hearing pursuant to Section 120.57(1), *Florida Statutes*, may waive their right to such a hearing and request an informal hearing before the Board pursuant to Section 120.57(2), *Florida Statutes*, which may be granted at the option of the District.

In the event a substantially affected person fails to exhaust administrative remedies pursuant to Section 120.57, *Florida Statutes*, in accordance with the provisions of this section, final agency action shall not be subject to judicial review regarding those matters which might have been raised in a Chapter 120 administrative hearing. In addition, all findings of fact incorporated in the staff report, notice of proposed agency action and final order which might have been contested in a Chapter 120 administrative hearing shall be deemed uncontested and true in any further judicial or administrative proceedings.

12.11 Suspension, Revocation or Modification of District Permits

12.11.1 Conditions For Action

The District may suspend or revoke a permit, in whole or in part, when it determines that the permittee or his agent has:

- Submitted false or inaccurate information on an application or operational report;
- Violated Chapter 298, *Florida Statutes*, the rules promulgated thereunder, or any other provision of Florida law related to the operations of the District;
- Violated a condition of the permit;
- Failed to allow inspection of the permitted work during and/or following construction.

The District may revoke a permit or modify its terms and conditions when it determines that such action is necessary to protect the public health, safety and welfare, prevent a public or private nuisance, or when the continued utilization of the permit becomes inconsistent with the objectives of the District. In such instances, due consideration shall be given to the extent to which the permittee has detrimentally relied upon the permit.

12.11.2 Notice To Permittee

The General Manager shall initiate proceedings to suspend, revoke, or modify a permit or other authorization by serving a Notice of Intention upon the permittee by certified mail or by service of process, which shall state the nature of the intended action, and those findings of fact and conclusions of law which support the action.

The permittee may request an administrative hearing pursuant to Section 120.57, *Florida Statutes*, by filing a Petition for Administrative Hearing with the District within fourteen (14) days of the date of receipt of the Notice of Intention. Petitions

are deemed filed upon receipt by the General Manager. The Petition must contain the following information:

- o Name and address of the party making request.
- o A reference to the permit number on the Notice of Intention.
- o A statement as to whether the party is requesting a formal Section 120.57(1), *Florida Statutes*, or an informal Section 120.57(2), *Florida Statutes*, hearing.
- o When a formal hearing is requested, the permittee shall admit or deny each finding of fact contained in the Notice of Intention, or state that the permittee is without knowledge as to the same which shall be deemed to be a denial.

The District may decline to hold a formal hearing when there are no disputed issues of material fact.

Failure to comply with the provisions of this subsection shall constitute a waiver of the right to a Section 120.57, *Florida Statutes*, administrative hearing. In such event, all findings of fact and conclusions of law contained in the Notice of Intention shall be deemed uncontested and true in any further judicial or administrative proceedings.

The Board shall consider the Notice of Intention for which a valid petition for a Section 120.57, *Florida Statutes*, hearing has not been timely filed at the next available meeting following the expiration of the fourteen (14) day time period mentioned in this subsection. The permittee or other affected persons may state their objections to or comment in favor of the intended action, but the appearance shall not constitute grounds for an administrative appeal pursuant to Chapter 120, *Florida Statutes*.

12.11.3 Administrative Hearing

When a valid petition for administrative hearing has been filed, the Board action shall defer consideration of the matter pending the completion of the administrative hearing and the submittal of a recommended order, and any exceptions to that order. Provided, however, that the permittee may appear before the next available meeting of the Board to discuss the intended action by submitting a written request therefor within the time period mentioned in Subsection 12.11.2. The Board may cancel the intended action or make such modifications as are deemed appropriate at that time. An informal appearance before the Board pursuant to this subsection shall not constitute a waiver of the right to a formal administrative hearing.

12.11.4 Emergency Action

In the case of an emergency, the President may enter an order which suspends or revokes a permit, in whole or in part, or modifies the terms and conditions of the permit. The permittee shall take whatever actions necessary to cause immediate compliance with the Emergency Order, both shall have the right to administrative appeal, subject to the provisions of this Section.

12.12 Emergency Orders

An emergency exists when immediate action is necessary to protect public health, safety or welfare; the health of animals, fish or aquatic life; the works of the District; a public water supply or recreational, commercial, industrial, agricultural or other reasonable uses of land and water resources.

Whenever an emergency exists, the General Manager shall issue an emergency order, which shall describe the conditions which are causing the emergency, and the type of corrective action necessary to minimize or abate the emergency conditions. The order shall be delivered by service of process or by personal delivery by an agent of the District to the person, or the agent of the person responsible for causing or contributing to the emergency conditions.

The person or his agent shall take whatever action necessary to cause immediate compliance with the terms of the emergency order, but shall have the right to appeal the order in accordance with the provisions of this Section.

12.13 Administrative Enforcement Action

12.13.1 Need For Enforcement

Administrative enforcement action may be taken whenever the General Manager of the District determines or has reason to believe that a violation of the provisions of Chapter 298, *Florida Statutes*, or any regulation promulgated thereunder, or permit or order issued pursuant to this rule has occurred, is occurring, or is about to occur.

12.13.2 Notice

The General Manager shall serve an administrative complaint and order on the alleged violator or violators. The order shall state the findings of fact and conclusions of law which support the initiation of administrative enforcement action, the remedial or other action necessary to terminate such action, and the time period within which such remedial or other action must be taken.

The respondent may request an administrative hearing under Chapter 120.57, *Florida Statutes*, by filing a petition for administrative hearing with the District within fourteen (14) days of the date of receipt of the order. Petitions are deemed filed with the

District on the date of receipt by the District Secretary. The petition must be in substantial compliance with the provisions of Chapter 120, *Florida Statutes*. A copy of the order shall be attached to the petition. The petition shall contain allegations admitting or denying each finding of fact in the order or state that respondent is without knowledge as to the same, which shall be deemed to be a denial.

Failure to substantially comply with the provisions of this subsection shall constitute a waiver of the right to a Section 120.57, *Florida Statutes*, administrative hearing.

When a valid petition for administrative hearing has been timely filed, the Board shall enter a final order after receipt of the recommended order in accordance with the provisions of Chapter 120, *Florida Statutes*. When a valid petition has not been timely filed, the order shall become final upon the expiration of the time for filing the petition. The final order shall constitute final agency action which shall be enforceable pursuant to Sections 298.66 and 120.69, *Florida Statutes*, provided, however, that when the alleged violator fails to exhaust administrative remedies in accordance with the provisions of this Section, all findings of fact and conclusions of law contained in the order shall be deemed uncontested and true and shall become final and binding upon the respondent in any further judicial proceedings. In such event, the final order shall not be subject to judicial review regarding those matters which might have been raised in a Chapter 120, *Florida Statutes*, administrative hearing.

Notwithstanding or in lieu of any administrative enforcement action taken pursuant to this section, the General Manager may pursue appropriate judicial remedies pursuant to Chapter 298, *Florida Statutes*.

APPENDIX 12-A

SOUTH INDIAN RIVER WATER CONTROL DISTRICT

("District")

15600 Jupiter Farms Road

Jupiter, Florida 33478

(561) 747-0550

Application for Connection to or Use of District Facilities*

A. Landowner Information

Name: _____

Address: _____

Telephone Number: _____

B. Proposed Connection or Use: (Check appropriate box)

- Culvert connection to District canal for irrigation or gravity drainage
- Pump connection to District canal for irrigation or pumped drainage
- Installation of culvert or water control structure in District canal for crossing or water control
- Overhead or underground utility crossing of District rights-of-way/easements
- Other (specify): _____

C. Location:

Section: _____ Township: _____ Range: _____

Canal No.: _____

Area Served: _____ acres

D. Construction Schedule:

Estimated commencement date: _____

Estimated completion date: _____

F. Special Conditions:

ACKNOWLEDGEMENT AND ACCEPTANCE:

I hereby certify that the information shown above is accurate to the best of my knowledge, and that I am obligated to satisfy all Standard Provisions and Special Conditions imposed by the District:

Landowner's Signature: _____

Landowner's Name (type or print) _____

Date: _____

If Applicant is not the Owner:

I hereby certify to the statement above, and also that I am authorized by the Landowner to act as his agent in obligating him, his successors and assigns in this matter:

Signature: _____
Name (type or print): _____
Title or Position: _____
Date: _____

Application Approved and Permit Issued:

By: _____
South Indian River Water Control District

Date of Approval: _____
Permit Expiration Date: _____

*This Application will become a Permit if and when approved and signed by an authorized representative.

APPENDIX 12-B

SOUTH INDIAN RIVER WATER CONTROL DISTRICT

("District")

15600 Jupiter Farms Road

Jupiter, Florida 33478

(561) 747-0550

Application for connection to or Use of District Facilities

STANDARD PROVISIONS

for

Application/Permit No. _____

If this Application for a Permit is approved, I do acknowledge, understand, and agree that:

1. I hereby indemnify and hold the District harmless from claims for property damage or personal injury arising from the installation or use of the permitted facility, and that this indemnification extends to damage to the facility itself that may occur from district operation and maintenance work.
2. If this Application/Permit is for a drainage connection, then drainage discharge from the area served shall not exceed the volumetric equivalent of 2.5 inches of depth over the area for any 24-hour period.
3. Approval of this application does not relieve the Permittee from securing any and all other permits that may be required by other entities or governmental agencies, including, but not limited to, the South Florida Water Management District, the Florida Department of Environmental Protection, and Palm Beach County.
4. The Applicant, his agents and contractors, shall conduct the work in a manner that will not impair the use, or potential use, of the District right-of-way and facilities. In no case shall drainage canals or appurtenant works be obstructed or restricted.
5. The use of, or construction within, the District's right-of-way shall conform to the details of the attached approved drawings supporting this application. If modifications are desired, those modifications must be approved by the District in writing, prior to construction.
6. If a permit is granted, I shall notify the District at the beginning and completion of the work, enabling the coordination and scheduling of inspections.
7. All installations shall be clearly marked with a post of contrasting colors to identify the location and extent of the permitted installation.
8. Within fifteen (15) days of completion of the work, I shall submit a statement to the District certifying that the work was performed in accordance with the permit and the approved drawings. If the work deviates from the permit or approved drawings, the certification shall state the nature and extent of those deviations.
9. I accept total responsibility for any erosion of, or shoaling in, the District's right-of-way or canals that results from the permitted work, and I shall repair or remove same promptly, at no expense to the District.

10. During and after construction, I shall prevent material from the construction area from being discharged to, or settling in, District canals.
11. If a permit is issued for a hydraulic connection of my property with a District canal, I shall not discharge hyacinths or other aquatic vegetation into the District canal.
12. Unless authorized by permit, I shall neither place, construct or plant, nor cause to be placed, constructed or planted, any object or improvement within the District right-of-way without the express written prior approval of the District.
13. If required in the interests of the District's operation and maintenance program, or by any modifications to the District's Standard Provisions, I agree to alter, replace, relocate or remove the permitted facilities at no cost to the District, all as is more fully set forth by adopted District Policies and Procedures.
14. The lands to be benefited by this application are, or may be, subject to flooding during periods of high water resulting from heavy rains or other acts of God, and the permit will be accepted subject to this possibility, which is recognized not to be within the control of the District.
15. Any other requirements that may be imposed by the District are binding upon me, my successors and assigns.
16. Any permit issued as an approval of this application shall not be transferable from the applicant/permittee to a subsequent owner or owners of all, or a portion of, the subject property without the express, written approval of the District.

ACKNOWLEDGEMENT AND ACCEPTANCE:

Signature: _____ Date: _____

APPENDIX 12-C

PERMIT INFORMATION AND CRITERIA

South Indian River Water Control District

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EXHIBITS

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APPENDIX 12-C

SECTION 1

INTRODUCTION

The purpose of this Appendix is to provide information describing the criteria and permitting requirements relating to the utilization of works of the District.

This information will be used as a guideline by the District staff in reviewing applications and proposals, and for issuing permits. The criteria and requirements contained herein are subject to change by the Board of Supervisors of the District.

The Board may waive strict application of the criteria appearing in this Appendix when such action is determined to be in the best interest of the District and general public, consistent with the objectives of the District.

APPENDIX 12-C

SECTION 2

RULES FOR USE OF OR CONNECTION TO WORKS OF THE DISTRICT

Permits Required

No utility or other improvement shall be constructed across, under, along or within a canal or right-of-way over which the District has jurisdiction, unless a valid application for a construction permit has been approved by the District.

Inspection

Any utility or other improvement constructed under a valid permit shall be subject to inspection by the District to assure compliance with the terms of the permit before use of the utility or improvement will be allowed.

Pre-Application Meeting

Every applicant is encouraged to contact the District prior to preparing an application for District review and evaluation. They can offer assistance in providing information and answering questions.

For applications embracing large, complex or sensitive projects, a pre-application meeting may save time, effort or money for the applicant. This is particularly true for the connection of drainage facilities and canal crossings.

Drawings Required

Drawings of the proposed work shall be submitted with the application. The drawings shall provide sufficient detail and information to present a clear indication of the proposed work. Insufficient or unclear drawings shall result in the return of an application without action by the District.

APPENDIX 12-C

SECTION 3

CANAL CROSSING CRITERIA

Canal Crossing Policy

It is the policy of the District to:

1. Allow District landowners vehicular access to their property from one side of the canal to the other provided that it is the only alternative for accessing the subject property.
2. The District may require joint use crossings to serve more than one owner when such action will result in fewer structures in District canals.
3. Limit hydraulic losses in its canal systems so that a single crossing, whether culvert or bridge, induces a head loss in the system of not more than 0.20 feet. The head loss shall be calculated using the design flow for the drainage area served by the canal at the crossing location.

The District shall establish the drainage area to be used for determination of the design flow at each crossing, and shall evaluate applications for canal crossing permits using the foregoing policy as a guideline.

Application for Canal Crossing Permit

A permit application for a new, or an existing unpermitted crossing shall include, as a minimum, the following information on the nearest culverted or bridge crossings both upstream and downstream from the proposed crossing, all provided by the applicant at no expense to the District:

- * The location, in feet, from the existing crossings to the location of the proposed crossing.
- * The culverts, the invert elevations, diameter, length and type of culvert.
- * For bridges, the deck and low member elevations (referenced to NGVD), and the length and number of spans.

An applicant for a new, or an existing unpermitted, crossing may be required to provide additional information including, but not limited to, cross sections of the canal, or locations of existing improvements and right-of-way lines.

A permit application for replacement of an existing permitted crossing does not need to include the information specified above.

Culverted Crossing

No culvert placed in a District primary canal shall be less than 60 inches in diameter.

The culvert invert must be set an elevation which is consistent with the water management objectives of the canal in which it is installed, as determined by the District

If in the opinion of the District Engineer, a proposed crossing results in an unacceptable cumulative head loss, then the culvert may be oversized, or a bridge may be required, at the option of the District.

Drainage areas, invert elevations, and culvert oversizing requirements shall be determined by the District.

Any proposed crossing requiring more than two (2) culverts to pass the design flow under the conditions stated may, at the option of the District, not be permitted. Instead, a bridge may be required.

Construction of a culverted crossing shall conform to the requirements of Exhibit A.

Bridges

All bridges crossing District rights-of-way must be designed and certified by a Florida Professional Engineer. All bridges crossing District canals must provide for continuous and uninterrupted access for District equipment along the canal berms.

Public road bridges and bridges subject to use by the public shall be designed to carry minimum anticipated loads per Florida Department of Transportation Design Standards.

The following minimum horizontal and vertical clearances shall control the design of bridges over District canals:

Horizontal:

Center Span: 25-foot clear bent spacing, measured perpendicular to the canal centerline.

Approach Spans: 20-foot spacing between bent centers, measured perpendicular to the canal centerline.

Vertical:

Six (6) feet above the seasonal high optimum water control elevation, two (2) feet above the design water surface, or two (2) feet above adjacent natural ground, whichever produces the highest low member elevation. However, these vertical clearance requirements may be modified after review and consideration of technical reasons which constitute an acceptable basis for giving a variance.

Crossing Criteria Flexibility

The foregoing criteria are to be used as guidelines in designing and evaluating the crossing improvements. Alternative methods of meeting the District's objectives may be considered, depending on the magnitude and nature of resultant impacts. Therefore, the Board may modify these criteria, provided that the primary goal of meeting District water control objectives is not compromised.

APPENDIX 12-C

SECTION 4

DRAINAGE AND IRRIGATION CONNECTIONS WITH DISTRICT CANALS

Public Road Drainage

The District realizes that the construction or improvement of public roads by the State, County or municipalities benefits the landowners of the District as well as the public-at-large. It realizes, further, that many public road projects have minimal impact upon its water control system because of the size and nature of the project, and because other governmental agencies require some measure of runoff attenuation or water quality treatment.

Therefore, in the spirit of intergovernmental agency cooperation, the inflow criteria in this section may be modified by the Board upon the satisfactory showing of evidence by the governmental entity/applicant that such modification does not violate the water control and water quality objectives of the District.

Drainage Connections

Existing Connections:

Drainage connections with District canals existing prior to the adoption of these Rules may be replaced in size and kind as a matter of custodial maintenance. However, an application for permit must be submitted to the District and approved prior to initiation of such replacement to assure compatibility of the completed work with the District's objectives including, but not limited to, restoration of the District's rights-of-way in an acceptable manner.

New Connections and Enlargement of Existing Connections:

New drainage connections and the enlargement of existing drainage connections with District canals shall be designed and installed to limit discharge from the drainage area served by the proposed installation.

For gravity drainage, the applicant must demonstrate that the proposed installation will limit drainage discharge to the volumetric equivalent of not more than 2.5 inches of depth over the area served in a 24-hour period. For pump drainage, the total pump capacity shall not exceed the volumetric equivalent of 2.5 inches per day from the area to be served by the pump.

All gravity drainage connections to District canals shall be made in accordance with the details shown on Exhibit B.

Irrigation Connections

Connections to District canals for irrigation withdrawals shall be designed and installed in a manner that is consistent with the water control, operation and maintenance objectives of the District. Irrigation intake works lying within the limits of the canal shall not impair the District's ability to perform normal maintenance operations. Intake works violating this objective shall be removed immediately upon request of the District during the required maintenance period.

Above ground irrigation system improvements including, but not limited to, pumps, pump houses or appurtenant works shall not be permitted in the District's right-of-way.

All Connections

1. The location of all connections shall be clearly marked by placing a post of contrasting colors over the culvert or pipe. The post shall be placed over the culvert or pipe at the top of the canal slope.
2. The permittee shall install and maintain connections in a manner that will prevent the introduction of hyacinths or other aquatic growth into the District's canals.

APPENDIX 12-C

SECTION 5

OPEN CHANNEL CONNECTIONS

Since open channel connections disrupt continuous access along canals by District maintenance equipment and cannot control inflow into the system, open channel connections shall not be permitted. However, the District may waive this requirement, provided that a waiver will not adversely impact other lands in the District or the operation and maintenance efforts of the District.

APPENDIX 12-C

SECTION 6

SPOIL DISPOSITION

Earthen material (spoil) excavated from a District canal or right-of-way is the property of the District. The District may dispose of this spoil in a manner which, in the opinion of the District, is in its best interests.

At the option of the District, and at the request of the landowner whose property adjoins the canal from which spoil has been removed, such spoil may be taken and used on the adjacent land.

The intent of this policy is to permit a landowner to use adjacent spoil to benefit his land if the District has no need for it. However, each application shall be evaluated independently, depending upon the needs of the District and its landowners at the time the application is considered.

Restoration of the canal, berm and right-of-way shall be in accordance with the requirements of Exhibit C.

APPENDIX 12-C

SECTION 7

UTILITY CONSTRUCTION

Overhead Crossings

Overhead lines shall not be permitted to cross directly over District water control structures.

Overhead communication and similar utility line crossings of District rights-of-ways and Project Works shall have the following minimum vertical clearance as measured to the elevation of the lowest wire:

- 1 40 feet above the elevation of the canal berm, as measured from the lowest point of sag; or
- 2 25 feet above the dike crown;

which ever produces the higher wire elevation. These facilities shall be constructed in accordance with requirements shown on Exhibit D.

Overhead powerlines shall have minimum vertical clearances as shown on Exhibit D

In all cases, minimum vertical clearance shall be measured from the elevation of the lowest point of sag of the line within the District right-of-way or easement to the highest point of the berm of dike crown.

Over-Water Crossings

The design and construction of pile-supported or free-span utilities over a District canal shall be subject to the same horizontal and vertical clearance requirements as for bridges. See Section 3.

If an installation is to be made adjacent to an existing bridge, pilings shall be aligned with the bridge pilings, with no intermediate pilings or bents permitted.

A cross-section of the canal, taken at 10-foot intervals at the centerline of the proposed work from top-of-bank to top-of-bank, drawn to scale and referenced to National Geodetic Vertical Datum, shall be submitted with the application.

Under-Canal Crossings

Under-canal utility crossings of any type (including, but not limited to, communication cables and utility pipes), shall be made to provide a minimum cover of 4 feet over the utility line. This cover shall be measured from the top of the utility line's protective encasement to the existing canal bottom, design section or, if known, ultimate section, whichever produces the lowest installation.

At a minimum, communication utility lines shall be encased in a continuous length of seamless steel pipe, or approved equivalent, throughout the width of the canal right-of-way. A scaled drawing showing the existing cross-section of the canal and right-of-way, with elevations referenced to National Geodetic Vertical Datum, shall be submitted with the application.

Pressurized pipes transmitting non-volatile fluids or gasses may be buried without encasement, at the risk of the utility owner. At a minimum, however, the transmission lines must be ductile iron pipe with restrained mechanical joints throughout the canal right-of-way.

Criteria for the crossing of other types of pressurized lines including, but not limited to, natural gas lines, shall be determined and applied in accordance with industry standards at the time of application evaluation.

The under-canal crossing shall be marked by the permittee by placing permanent above-ground markers or signs over the utility at each canal right-of-way line. The markers must identify the type of utility buried and the name of the utility owner. All markers must be clearly visible, and must be maintained by the permittee.

See Exhibit E for details.

Utilities Paralleling Canals or Rights-of-Ways

The District discourages the installation of any utility within, and paralleling, its rights-of-ways. If an applicant can demonstrate, to the satisfaction of the District's Board, that refusal to allow such an installation will result in an undue hardship, then the District may consider an application. However, the establishment of criteria and terms and conditions of such an approval, if granted, are solely with the jurisdiction of the Board.

APPENDIX 12-C

SECTION 8

OTHER USES

Use of District Rights-of-Way For Access

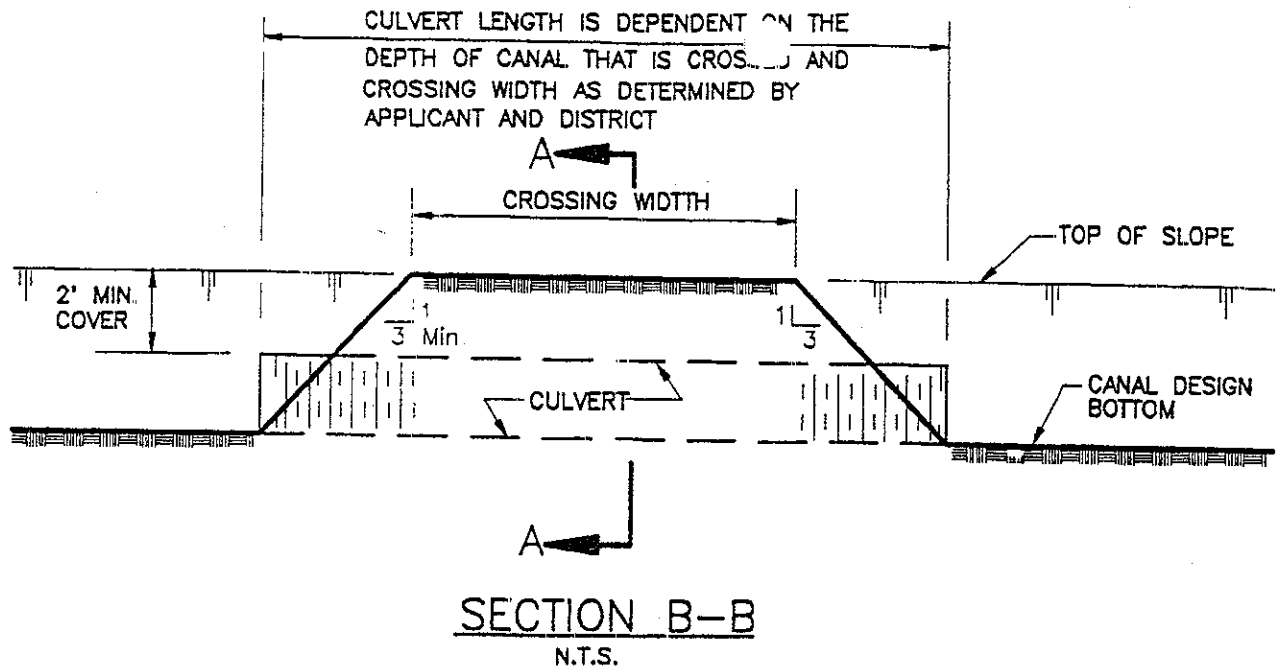
The District does not permit the use of its rights-of-way as a means to access private lands. Under special circumstances involving demonstrated hardship, the Board may grant a temporary right-to-use District rights-of-way for private access with the conditions that the District be held harmless from any liabilities resulting from the applicant's use of the right-of-way and that the temporary use be for the shortest time possible.

Bee Hives

The District is required by law to adopt and use methods and processes reasonably adequate to render any place of employment safe and to protect the well-being of its employees. Therefore, the placement of bee hives on District rights-of-ways shall not be permitted.

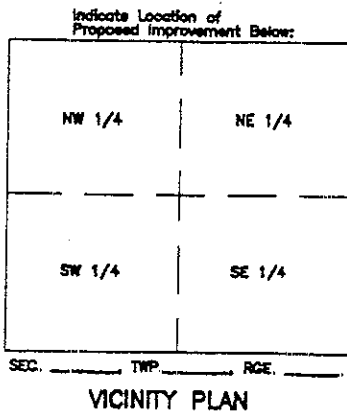
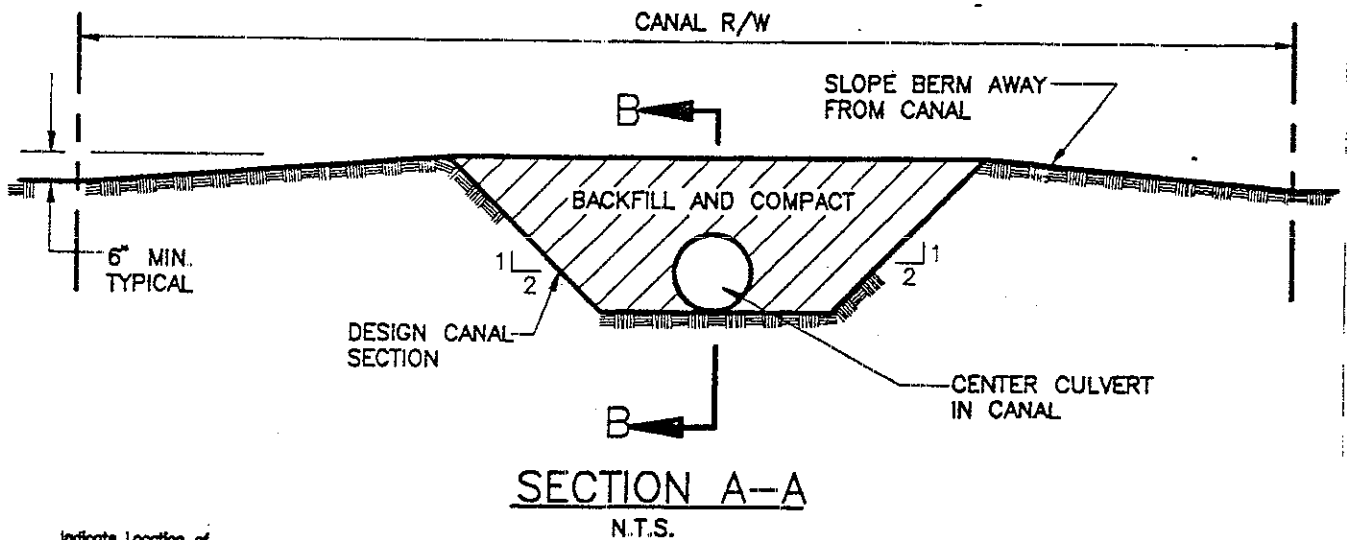
Docks/Observation Platforms

District canals are operated and maintained, to the extent possible, to provide for an unobstructed flow way which achieves the permitted level of flood protection. Therefore, the placement of docks, observation platforms or other structures that could restrict flow, catch debris and clog the canal, or constitute a hinderance to the mobilization of District staff and equipment shall not be permitted.

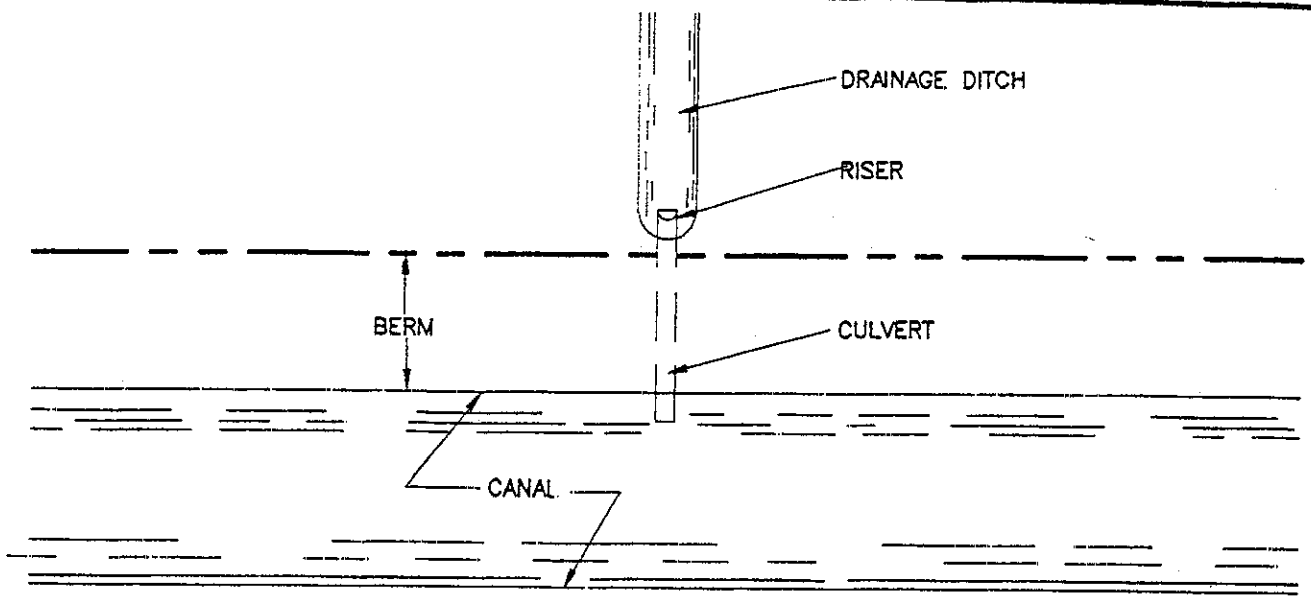


NOTES:

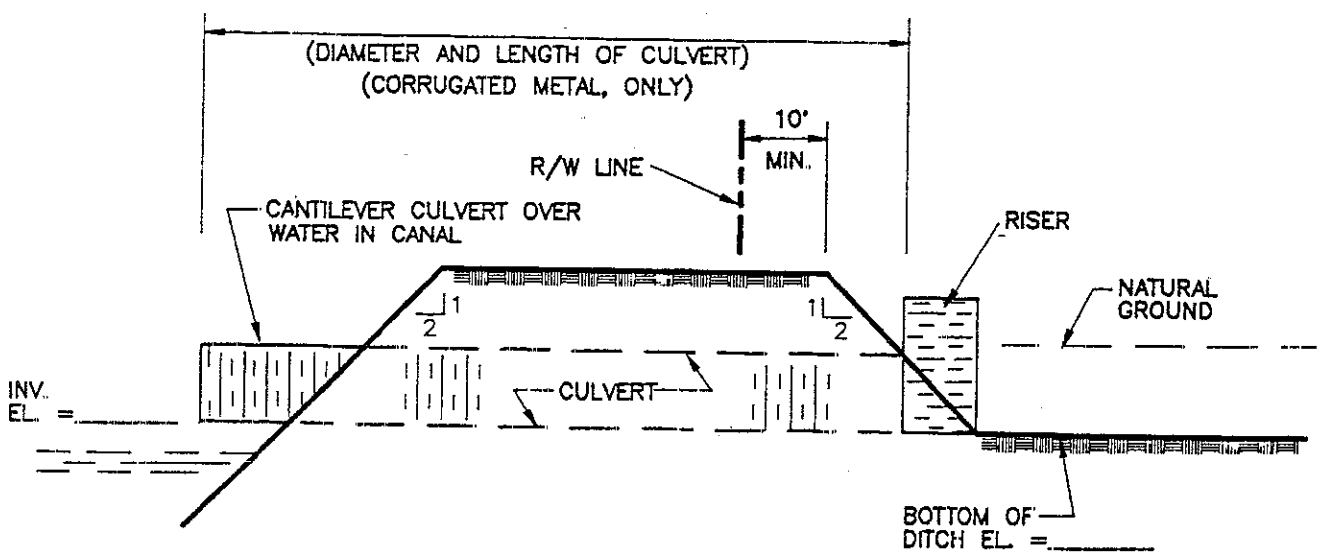
1. CONCRETE OR SAND-CEMENT ENDWALLS MAY BE USED TO SHORTEN THE CULVERT LENGTH. ALL WORK SHALL BE IN ACCORDANCE WITH FLORIDA D.O.T. SPECIFICATIONS.
2. ALL DISTURBED SLOPES, BERMS AND OTHER AREAS SHALL BE SEEDED, FERTILIZED AND MULCHED (OR SODDED) IN ACCORDANCE WITH FLORIDA D.O.T. SPECIFICATIONS.
3. DRAINAGE SHALL NOT BE BLOCKED OR IMPAIRED AT ANY TIME.
4. THE APPLICANT SHALL NOTIFY THE S.I.R.W.C.D. OFFICE (747-0550) 24 HOURS PRIOR TO CONSTRUCTION OF THE CROSSING.



SOUTH INDIAN RIVER WATER CONTROL DISTRICT	
SKETCH TO ACCOMPANY	
CULVERTED CANAL CROSSING	
DATE:	APPLICATION NUMBER:
CANAL NO.:	APPLICANT:

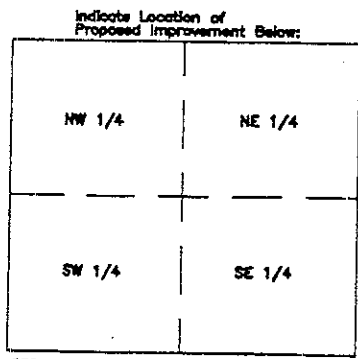


PLAN VIEW
N.T.S.



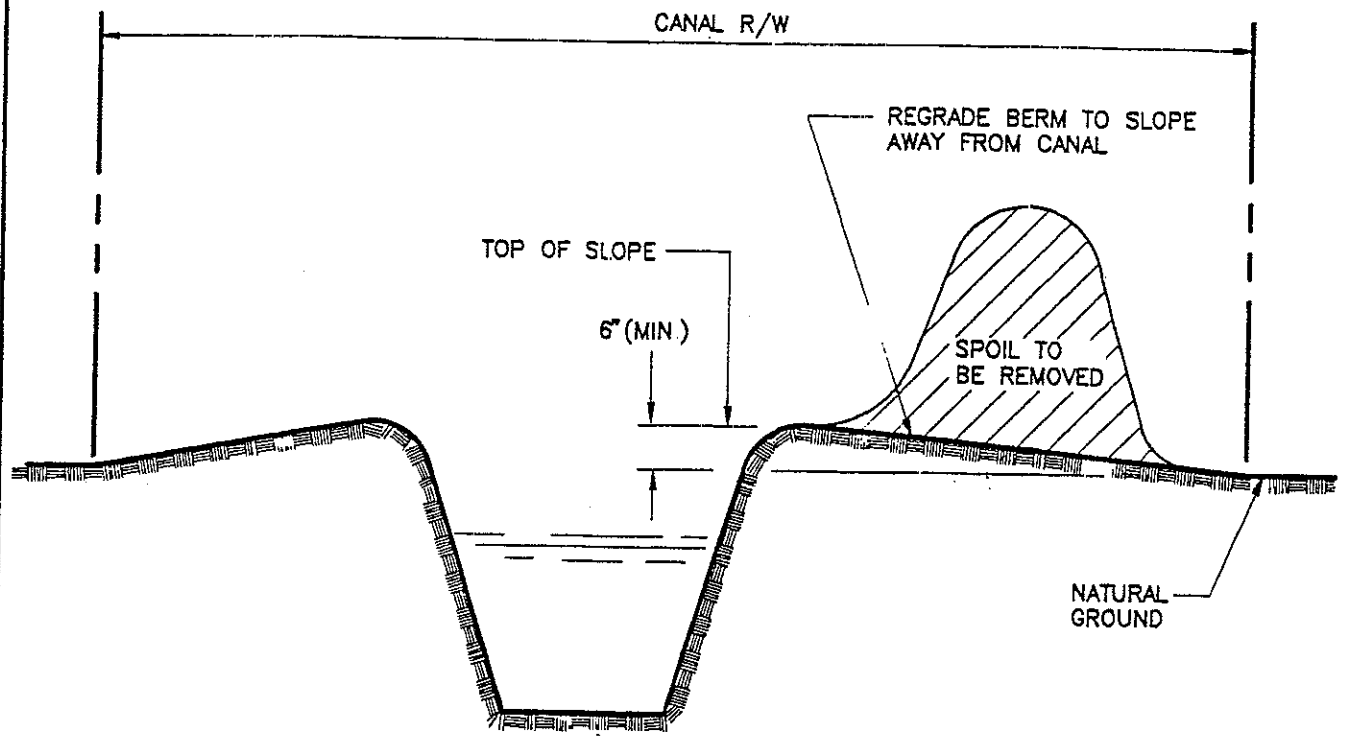
SECTION A-A
N.T.S.

NOTE:
ALL ELEVATIONS REFER
TO N.G.V.D.



SEC. _____ TWP. _____ RCE. _____
VICINITY PLAN

SOUTH INDIAN RIVER WATER CONTROL DISTRICT	
SKETCH TO ACCOMPANY	
GRAVITY DRAINAGE CONNECTION	
DATE:	APPLICATION NUMBER:
CANAL NO.:	APPLICANT:

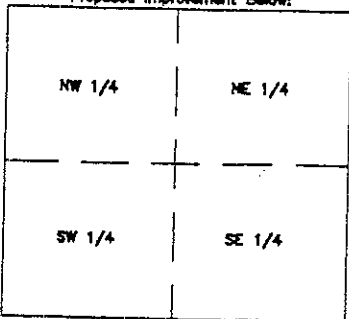


ELEVATION
N.T.S.

NOTE:

- 1.) ALL DISTURBED AREAS SHALL BE GRASSED IN KIND.

Indicate Location of Proposed Improvement Below:



SEC. _____ TWP. _____ RGE. _____

VICINITY PLAN

SOUTH INDIAN RIVER WATER CONTROL DISTRICT

RESTORATION
OF
CANAL BERMS

DATE:

APPLICATION
NUMBER:

CANAL NO.:

APPLICANT:

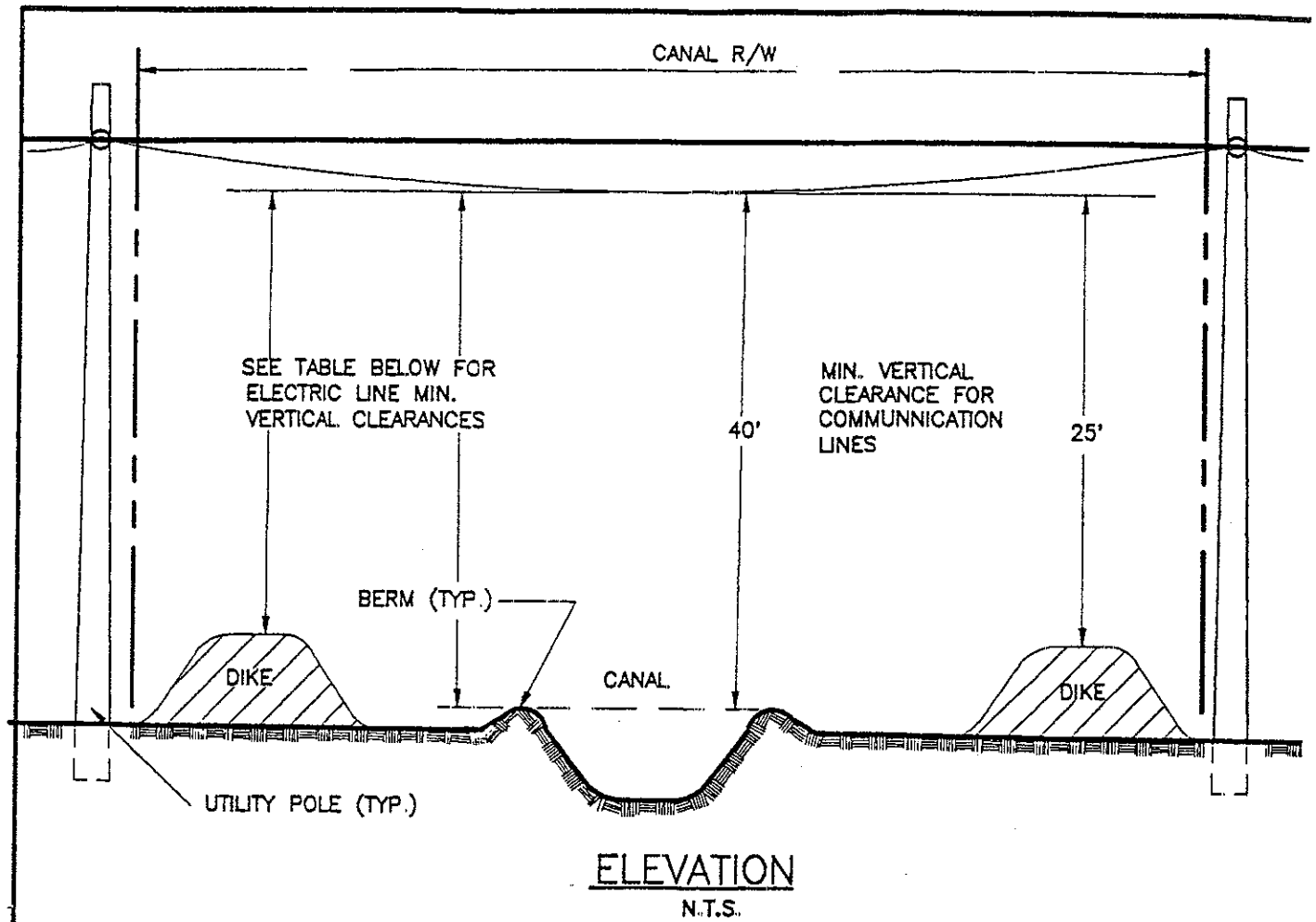
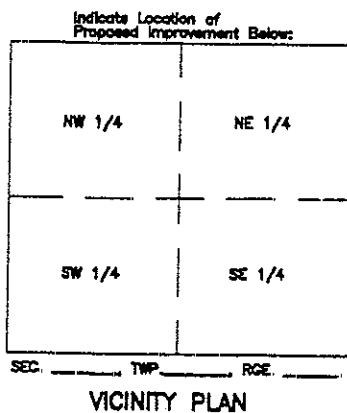


TABLE OF ELECTRICAL VERTICAL CLEARANCES

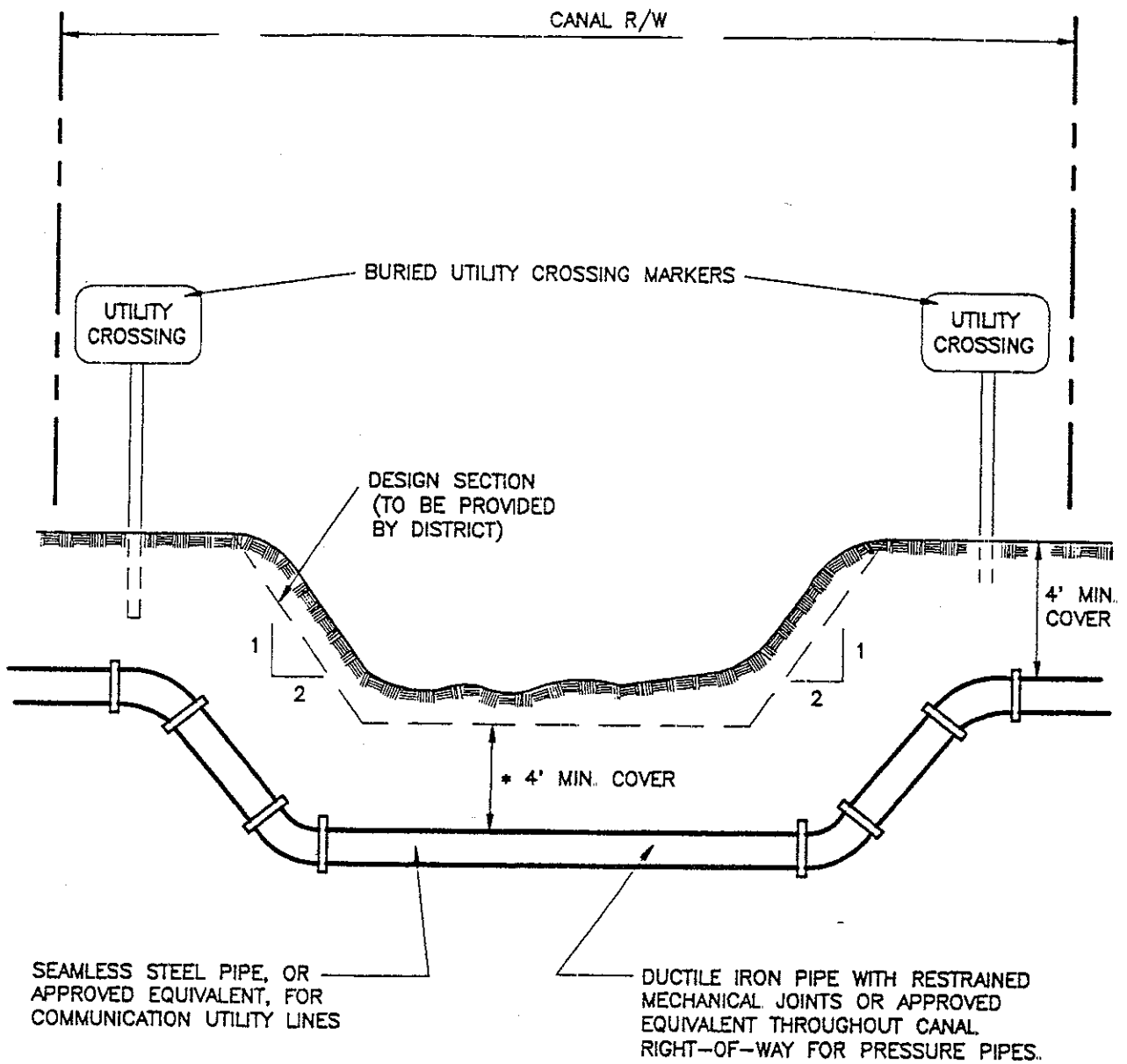
CROSSING OVER	VOLTAGE OF CROSSING CIRCUIT						
	PHASE TO PHASE	GUYS (Grounded)	69KV	115KV	138KV	240KV	500KV
	PHASE TO GROUND		50kv & under	67KV	80KV	138KV	289KV
MINIMUM VERTICAL CLEARANCE FROM BERM		40'-0"	45'-0"	45'-8"	46'-2"	48'-0"	54'-0"
MINIMUM VERTICAL CLEARANCE FROM DIKE		20'-0"	20'-0"	25'-0"	25'-0"	25'-0"	35'-0"

NOTES:

- 1.) POLES SHALL NOT BE LOCATED WITHIN CANAL RIGHT-OF-WAY.
- 2.) CLEARANCES SHOWN SHALL BE WITH WIRES AT MAXIMUM DESIGN TEMPERATURE AND FINAL SAG.



SOUTH INDIAN RIVER WATER CONTROL DISTRICT	
OVERHEAD UTILITY CROSSING	
DATE:	APPLICATION NUMBER:
CANAL NO.:	APPLICANT:

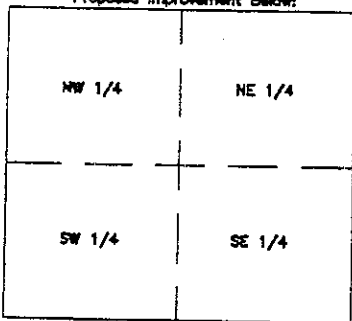


* AS MEASURED TO THE TOP OF PIPE OR TOP OF ENCASEMENT, WHICHEVER IS HIGHER.

ELEVATION

N.T.S.

Indicates Location of Proposed Improvement Below:



SEC. _____ TWP. _____ RGE. _____

VICINITY PLAN

SOUTH INDIAN RIVER WATER CONTROL DISTRICT

UNDER CANAL
UTILITY CROSSING

DATE:

APPLICATION
NUMBER:

CANAL NO.:

APPLICANT:

APPENDIX 12-D

PERMIT FEE SCHEDULE

South Indian River Water Control District

A. Application and Inspection Fees

All Permit applications shall be accompanied by a fee payable to the District in accordance with the schedule shown below. The District shall not commence processing any permit application until said fees are paid in full. The fees are utilized to cover the cost of District staff processing, investigations, and inspections of the proposed permit activities:

I.	Minor activities involving a single-family lot up to 2.5 acres	\$25.00
II.	Activities affecting commercial uses or parcels of land larger than 2.5 acres	\$75.00
III.	Underground or overhead utilities	\$250.00
IV.	Culvert connections, culvert crossings, bridge crossings, other major activities affecting works of the District	\$300.00
V.	Land development projects	Non-Standard Fee

B. Approval and Issuance of Permit

Upon approval of an application by the District staff, an additional fee to be determined by the staff based on the District's actual administrative, engineering, and legal costs, may be due and payable prior to issuing the permit. The applicant for a land development project shall be responsible for paying all costs actually incurred for District staff and consultants to review, comment, or otherwise coordinate with other governmental entities having jurisdiction over the proposed project.

C. Government Agencies

All governmental agencies are exempt from the above permit fees