

clear assertion that water is a common property resource and there are no specific private rights to its use, except through permit from a water management district. For a consumptive use permit to be granted, it must be shown that the proposed water use is a "reasonable-beneficial" use. The Water Resources Act defines this as "--the use of water in such quantities as is necessary for economic and efficient utilization, for a purpose and in a manner which is both reasonable and consistent with the public interest--." Consumptive use permits carry expiration dates and do not guarantee a specific water supply.

In addition to permitting authority, the districts have broad powers with respect to maintaining, regulating, altering, or constructing waterways and appurtenant facilities. They can acquire any land needed for carrying out their water management function, through eminent domain (forced sale through the courts) if necessary. They can address water quality issues, either through the evaluation of permit applications for discharges, or through delegation of specific programs by the DER, such as enforcement of the Stormwater Rule (Chapters 17-25, Florida Administrative Code), delegated to SFWMD in 1982.

The drainage districts established under Chapter 298 still exist within the water management districts, as do soil and water conservation districts and some county water control departments. Formation of new local, water related agencies now requires approval of the water management districts. The power to levy and spend ad valorem taxes for water resource management is specifically restricted, by the statute, to the water management districts.

Implementation of Water Resource Management

-Permits-

There has been some reluctance to use all the regulatory authority established by the legislature for water resource management until there was a strongly perceived need for regulatory programs. Consequently, development of permit programs was initiated early in the populous southern section of the state, but not in the northern districts. A growing awareness, statewide, that the only secure claim to water use is through a consumptive use permit prompted some users with large investments in water use, such as agricultural irrigators, to press their districts to initiate permitting. The serious drought over most of the peninsula in 1980-81 caused many users operating without permits to apply for them, when they realized that their supply would be terminated if their water use was discovered during the enforcement of water use restrictions. Discussion of inter-basin and inter-district transfers of