

Key language in the Memorandum of Agreement (MOA) between the SJRWMD and the City of Apopka regarding when water may or may not be available for the City's use.

2. (b) Nothing in this MOA shall be construed to afford the City any right or entitlement to water from the NSRA. The operation of the Facility to withdraw and treat water from the NSRA is at all times subordinate to the operational requirements and management objectives of the NSRA, as established by the District and NRCS within their sole judgment and discretion, as they presently exist and may be modified in the future. The City bears the sole risk that the construction, operation, and use of the Facility will meet its objectives for Project ARROW. It is presently understood and agreed that operational limitations shall include the following:

- (1) Water levels in the wetlands will be managed separately for each of the eight phases within the NSRA. The average minimum water level for withdrawal across all of the wetlands has been estimated at 62.25 in the NSRA. Since all eight phases will be managed at different levels, a single value does not provide sufficient guidance for setting trigger values for when withdrawal can occur. Therefore, the water level in the Lust Road Canal, a main NSRA collection canal, shall be used as the trigger value as to when withdrawal can occur. No water shall be withdrawn for the City from the NSRA when the water level at the intersection of the Lust Road Canal and Airport Road Canal drops below 58.25 feet NGVD, and
- (2) No water shall be withdrawn for the City from the NSRA when the water level in Lake Apopka is at or below 66.25 feet NGVD, as measured by the District's Lake Apopka staff gauge at Oakland, FL.
- (3) The operational limitations of this paragraph are supplemental to and independent of the terms or conditions incorporated within Consumptive Use Permit No. 102497 authorizing the water withdrawals that are the subject of this MOA.

(c) The quantities that are available for withdrawal from the NSRA and the related operational limitations are based upon the District's estimate of presently available surplus surface water supplies, after taking into consideration the District's management objectives for Lake Apopka and the NSRA. The above operational limitations on available quantities are subject to modification by the District at any time based upon the availability of surplus surface water from these areas, which may change in conjunction with changes to management practices for Lake Apopka and/or the NSRA. If the District modifies the above operational limitations, the District shall provide written notice of such modification to the City at least 180 days prior to such modification becoming effective. Prior to undertaking such modification District staff shall consult with the City staff in good faith to help ensure City staff are aware of a pending modification change so that the City can address its reclaimed water system accordingly.