

DIVISION C  
WITHDRAWAL, DIVERSION AND STORAGE  
OF WATER: WATER RIGHTS ALLOCATION

DIVISION C

CHAPTER 50

WATER USE, WITHDRAWALS, AND DIVERSIONS  
~~SCOPE OF DIVISION DEFINITIONS FORMS RULES OF PRACTICE~~  
(Prior to 12/2/86, Water, Air and Waste Management[900])

**567—50.1(455B) Scope of division.** The department has jurisdiction over the surface and groundwater of the state to establish and administer a comprehensive program to ensure that the water resources of the state be put to beneficial use to the fullest extent possible, that the waste or unreasonable use, or unreasonable methods of use of water be prevented, and that the conservation and protection of water resources be required with the view to their reasonable and beneficial use in the interest of the people.

Any person who proposes to pump or divert by gravity more than 25,000 gallons of water during a period of 24 hours or less from any source of groundwater or surface water, including streams bordering the state; impound surface water; divert surface runoff into a well, sinkhole or excavation; or inject water or any material into a well has a duty to review the thresholds in ~~this Chapter 51~~ and contact the department to resolve any doubt concerning whether a permit is required.

Chapter ~~50~~ explains when approval is required for withdrawal, diversion, or storage of water ~~and the Chapter 52 explains~~ criteria for permitting ~~the~~ withdrawal ~~or~~ diversion ~~or storage~~ of water. Chapter 53 sets forth the procedure for designating certain ground and surface water sources as protected sources and explains special criteria and conditions ~~that~~ which may be applicable to those sources. Chapter 54 describes procedures and criteria for determining compensation to owners of nonregulated wells for well interference caused by permitted uses.

**567—50.2(455B) Definitions.** ~~In addition to the definitions, references, and abbreviations in 567—Chapter 40, the following definitions apply to this title unless otherwise specified in the particular chapter of this title.~~ Definitions used in this division of these rules are listed in alphabetical order as follows:

~~“Adequate groundwater supply” means an aquifer which is capable of providing enough water to satisfy the demands which have been placed on it.~~

~~“Administrative resolution” means the settlement of well interference conflicts by the department according to established rules and procedures.~~

~~“Agricultural drainage well” means a vertical opening to an aquifer or permeable substratum which is constructed by any means including but not limited to drilling, driving, digging, boring, using an auger, jetting, washing, or coring, and which is capable of intercepting or receiving surface or subsurface drainage water from land directly or by a drainage system.~~

~~“Agricultural drainage well area” means an area of land where surface or subsurface water drains into an agricultural drainage well directly or through a drainage system connecting to the agricultural drainage well.~~

~~“Apparent well interference” means well interference in a nonregulated well resulting from a permitted use is likely but has not been verified.~~

~~“Aquifer” means a water-bearing geological formation (soil or rock) of sufficient volume, porosity, and permeability to be capable of yielding a usable quantity of water to a well or spring.~~

~~“Bulletin No. 23” means Technical Bulletin No. 23 entitled “Guidelines for Well Interference Compensation,” March 1986.~~

~~“Certified well contractor” means a well contractor who has successfully passed an examination prescribed by the department to determine the applicant’s qualifications to perform well drilling or pump services or both pursuant to 567—Chapter 82.~~

~~“Community public water supply” or “CWS” means a system for the provision to the public of piped water for domestic use that which has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.~~

**Commented [1]:** Adequate groundwater supply - now defined in Chapter 54.

**Commented [2]:** Apparent well interference - now defined in Chapter 54.

**Commented [3]:** Bulletin No. 23 - now defined in Chapter 54.

~~“Compensation” means payment to the owner of a nonregulated well for damages caused by a lowered water level in the well due to withdrawal of water for a permitted use.~~

~~“Complainant” means the owner of a nonregulated well who is suspected of being or has been shown to be adversely affected by well interference.~~

~~“Complaint” means the formal allegation against a permitted water user who is suspected of causing well interference.~~

~~“Confined aquifer” means an aquifer that which contains water under pressure and bounded above and below by confining layers overlain by impermeable formations such as clay or shale. In a well penetrating a confined aquifer, pressure will cause water to rise above the top of the aquifer. If the pressure in a confined aquifer is sufficiently great, water will rise above the ground surface and flow from a well, thus resulting in a “flowing artesian well” or a “naturally flowing well.”~~

~~“Confining layer” means a body of low permeable geologic material that is located above or below one or more aquifers.~~

~~“Conflict” means a dispute between a nonregulated or regulated well owner and a permitted water user regarding the liability of the permitted user for well interference damages to the nonregulated well.~~

~~“Consumptive use” means any use of water that which involves substantial evaporation, transpiration, incorporation of water into a product, or removal of water from a source without return thereto. Consumptive uses include, but are not limited to, irrigation, evaporative cooling, and flooding of wildlife areas by withdrawals or diversions from watercourses or aquifers.~~

~~“Controlled aquifer test” means a test, as approved by the department, for pumping from a well at a controlled rate for a specified duration while water levels are accurately measured at given frequencies in the pumping well and other nearby wells which use the same aquifer.~~

~~“Designated agricultural drainage well area” means an agricultural drainage well area in which there is located an anaerobic lagoon or earthen manure storage structure which requires a construction permit under 567—Chapter 65.~~

~~“Domestic use” means a use of water for human consumption and sanitation and public safety (fire protection).~~

~~“Drainage system” means tile lines, laterals, surface inlets, or other improvements that which are constructed to facilitate land the drainage of land.~~

~~“Drawdown” means the decrease in groundwater level due to well pumping.~~

~~“Earthen storage structure” means an earthen cavity, either covered or uncovered, including but not limited to an anaerobic lagoon or earthen manure storage basin which is used to store manure, sewage, wastewater, industrial waste, or other waste as regulated by the department of natural resources, if stored in a liquid or semiliquid state.~~

~~“General crop” means hay, commercial field corn or, soybeans, oats, grain sorghum or wheat.~~

~~“Industrial use” means a use of water by manufacturing, processing, commercial, and other industrial facilities incidental to providing a product or a service, excluding domestic use, irrigation use, livestock use, quarry use, nonindustrial power generation use, and recreational and aesthetic use. Examples include but are not limited to manufacturing, food processing, industrial cooling, excavation and processing of rock and gravel products, commercial laundries, cooling of perishables and electrical power generation other than for public consumption.~~

~~“Interior stream” means rivers, creeks, or other watercourses located within the interior of Iowa, not forming the borders of the state.~~

~~“Informal negotiations” means discussion between a complainant and permittee or applicant regarding settlement of a well interference conflict.~~

~~“Informal settlement” means a resolution of a well interference conflict by informal negotiations between a complainant and permittee or applicant without formal action by the department.~~

~~“Irrigation use” means a use of water that which is artificially applied to land to aid vegetative the growing thing of general crops and specialty crops.~~

~~“Livestock use” means a use of water in the production of animals, such as for drinking, sanitation, and cooling.~~

**Commented [4]:** Compensation - now defined in Chapter 54.

**Commented [5]:** Complainant - now defined in Chapter 54.

**Commented [6]:** Complaint - now defined in Chapter 54.

**Commented [7]:** Informal negotiations - now defined in Chapter 54.

**Commented [8]:** Informal settlement - now defined in Chapter 54.

*"Nonregulated well"* means a well used to supply water for a nonregulated use ~~(a use of water less than 25,000 gallons per day which is not required to have a water use permit).~~

*"Permanent storage"* means the volume of water expressed in acre feet which is stored upstream from a dam or in an impoundment up to the level of the principal outlet works of the structure.

*"Permitted use"* means a use of water in excess of 25,000 gallons per day ~~that~~ which requires a water use permit pursuant to these rules ~~and 567— Chapters 51 and 52 and Iowa Code chapter 455B, division III, part 4.~~

*"Pesticide"* means (1) any substance or mixture of substances intended ~~to~~ for preventing, destroying, repelling, or mitigating directly or indirectly, any insects, rodents, nematodes, fungi, weeds, ~~and~~ other forms of plant or animal life or viruses, except viruses on or in living persons, which the secretary of agriculture shall declare to be a pest; and (2) any substance intended for use as a plant growth regulator, defoliant, or desiccant.

*"Power generation use"* means a use of water incidental to the generation of electric power for distribution and sale to the public, including process water ~~(e.g., boiler makeup)~~ and water for cooling purposes.

*"Protected flow"* means the "established average minimum flow" defined in [Iowa Code section 455B.261](#).

*"Protected source"* means a surface water or groundwater source recognized by rule as needing special protection ~~in order~~ to ensure its long-term availability, in terms of either quality, ~~or~~ quantity, or both, to preserve the public health and welfare.

*"Pump test"* means a department-approved test for pumping from a well at controlled rate(s) for a specified duration while water levels are accurately measured at given frequencies in the pumping well and observation well(s).

*"Quarry use"* means a use of water for the extraction of stone, sand, minerals, or other geologic materials from the earth.

*"Recreational and aesthetic use"* means a use of water ~~that~~ which can be curtailed and is not essential for the preservation of life, the general welfare, or the state's economic base. Examples include but are not limited to flooding of wildlife areas, filling of pools and fountains, nonessential cooling, car washing, street cleaning, washing of other exterior surfaces ~~such as windows and walls,~~ amusement park-type water rides, turf watering ~~such as lawns, golf courses, and athletic fields,~~ and watering of landscape plantings.

*"Seven-day, 1-in-10 year low flow" or "(7Q10)"* means the minimum average flow expected to occur during a period of seven consecutive days ~~which~~ that has an average recurrence interval of once in ten years. ~~The 7Q10 may be calculated for specific seasonal periods of less than one year when appropriate.~~

*"Specialty crop"* means all other crops not listed as a general crop, ~~including but not limited to melons, sod farm or seed corn.~~

*"Stream"* means a "watercourse" other than a lake as defined in [Iowa Code section 455B.261](#).

*"Stream bordering the state"* means those reaches of the Missouri, Mississippi, Des Moines, and Big Sioux rivers that ~~mark Iowa's~~ serve as a state boundary.

*"Sufficient water supply"* means a nonregulated well ~~that~~ which is capable of providing enough water for the nonregulated use.

*"Surface water"* means water occurring on the surface of the ground.

*"Surface water intake"* means an artificial opening to a drain tile ~~that~~ which drains into an agricultural drainage well, if the artificial opening allows surface water to enter the drain tile without filtration through the soil profile.

~~*"Suspect permittee"* means a party possessing a water use permit when the permitted use is suspected of causing well interference in a nonregulated well.~~

*"Test pumping"* means a controlled aquifer test for verification of well interference, ~~using the existing wells and pumping systems of the complainant and suspect permittee.~~

*"Verified well interference"* means well interference ~~that~~ which has been proven by test pumping or with other substantial evidence to have caused or will cause a nonregulated well to be unable to maintain a sufficient water supply.

*"Water use reduction plan"* means a [plan](#) program that establishes numeric water reduction goals ~~(e.g., percent or volume of water per day)~~ on a short-term time frame through either voluntary or mandatory [water](#) conservation regulatory requirements, ~~(e.g., plumbing codes, sprinkling ordinances, et al.)~~ for each customer category (residential, commercial, industrial, landscape irrigation, agricultural, recreational, or other). Such a

**Commented [9]:** Suspect permittee - now defined in Chapter 54.

**Commented [10]:** Change the test pumping definition as (1) test pumping, as discussed in the new 50.2(2) and 50.6(1) is needed for new wells, and (2) the term "suspect permittee" is being struck and moved to Chpt 54.

~~plan shall include a mechanism for evaluating the system's unaccounted for water (water audit or the equivalent). An industrial permittee water use reduction plan shall examine reduction of the use of water in heat transfer, use of water in materials transfer, use of water for washing, and use of water as an incorporated ingredient. Each customer category or use category should be evaluated by the permittee. The permittee will then determine how to meet the water reduction goals.~~

“Well interference” means the lowering of water level in a well caused by the withdrawal of water at another location (usually a nearby well).

[ARC 2053C, IAB 7/8/15, effective 8/12/15]

**567—50.3(17A,455B) Forms for withdrawal, diversion, or storage of water.**

**50.3(1) Application forms.** The following application forms are currently in use:

Form 16: Application for a New Water Use Permit or to Modify an Existing Water Use Permit. 542-3106.

Form 18: Application for Permit to Store Water for Beneficial Use. 542-3109.

Form 20: Registration of Minor Nonrecurring Use of Water. 542-3112.

Form 542-1470: Water Supply Section Water Use Permit Renewal.

Form 542-1539: Application for Use of an Agricultural Drainage Well.

**50.3(2) Supplementary information forms.** The following forms are used to obtain additional information to supplement various types of applications:

Form 21: Survey of Land Owners and Occupants. 542-3113.

Form 22: Well Inventory Form. 542-3114.

Form 122: Water Well Inspection Report.

**50.3(3) Reporting form.** The following form is for reporting permitted activities:

Form 23: Report of Water Use by all Regulated Users. 542-3115.

~~567—50.4(17A,455B) How to request a permit.~~ **567—50.5(17A,455B) Water use permit applications.**

~~50.5(1)50.4(1) Application forms.~~ **50.5(1)50.4(1) Application forms.** Department forms for water use permit applications and modifications are listed in **50.3(1)** and are located on the water use program website at [www.iowadnr.gov/wateruse](http://www.iowadnr.gov/wateruse).

~~a. Application for approval of a new withdrawal or diversion of water unrelated to the use of an agricultural drainage well.~~ For withdrawals or diversions of water, unrelated to the use of an agricultural drainage well, a request for a new permit as distinguished from modification or renewal of an existing permit shall be made on Form 542-3106. ~~An application~~ **a water use permit application shall** form must be submitted **to the department** by or on behalf of the owner, lessee, easement holder, or option holder of the **source and** area where the water is to be withdrawn, diverted, and used. An application **shall** must be accompanied by a map portraying the **points of withdrawal or diversion points** and the land **area** on which water is to be used, **oriented** as to section, township, and range. One application normally will be adequate for all uses on contiguous tracts of land. ~~Tracts of land involved in the same operation separated only by roads or railroads will be deemed contiguous tracts. For water storage permits, applications will be made in conjunction with dam construction permits as required in rule 567—73.10(455B).~~

~~b. Application for diversion of water related to the use of an agricultural drainage well.~~ An application for the diversion of water and any other materials to an aquifer related to the use of an agricultural drainage well shall be made on a form obtained from the department and be submitted by or on behalf of such owners, lessees, easement holders, or option holders of all lands within the agricultural drainage well area. If the agricultural drainage well is part of a legally organized drainage district, the drainage district shall be a joint applicant. Applications for permits for diversions related to the use of an agricultural drainage well that existed prior to February 18, 1998, shall be made by July 1, 1999, with the exception of agricultural drainage wells that must be closed to comply with the provisions of 1997 Iowa Acts, Senate File 473. An application will not have to be filed for wells in a designated agricultural drainage well area which must be closed by December 31, 1999. In addition, the department may grant up to a six-month delay in the application date for owners of agricultural drainage wells where it can be shown there is a reasonable expectation that the agricultural drainage well will be voluntarily closed by December 31, 1999.

~~c. Application for modification or renewal of a water use permit.~~ **c. Application for modification or renewal of a water use permit.** A request for renewal of a **water use** permit **shall** should be submitted **to the department** on Form 542-1470. A request to modify an existing **water use**

permit shall be submitted to the department~~made on Form 16 (542-3106)~~ and must include an explanation of the necessity for the modification.

~~d. Where to submit application. Rescinded IAB 6/7/06, effective 7/12/06.~~

**50.5(2)50.4(2) Fees.**

a. Water use permit application fees. An application to the department for a A new water use permit application, modification of an existing water use permit modification request, or a registration of a minor nonrecurring use of water must be accompanied by~~with~~ the fee listed in the table below. These fees are nonrefundable and are not nontransferable. For any single application, if more than one fee in the table below applies, only the higher fee is required. ~~The fees become effective on July 1, 2009.~~

Water Use Permit Application Description	Form	Fees, in dollars
(1) To apply for a new permit to withdraw or divert water	16 (542-3106)	\$350
(2) To renew an existing permit	542-1470	\$0
(3) To modify an existing permit to either add a new source or increase the amount or rate of water withdrawn or diverted from a source or sources	16 (542-3106)	\$350
(4) To modify the conditions of an existing permit <u>that</u> <del>which</del> are not described in Item 3 of this table <u>(see above)</u>	16 (542-3106)	\$0
(5) To apply for an <u>ASR</u> aquifer storage and recovery permit or a protected source designation	N/A	\$700
<del>(6) To apply for a permit to store water</del>	<del>18 (542-3109)</del>	<del>\$75</del>
<del>(6?) To register a minor nonrecurring use of water</del>	<del>20 (542-3112)</del>	<del>\$75</del>

b. Annual water use permit fee. In addition to the application fee, there is an annual permit fee, ~~for a water use permit or an aquifer storage and recovery permit. The annual fee shall be based on the number of active permits.~~ Each water use permit permit holder shall pay the same annual fee. The fee is~~will not be~~ prorated and is nonrefundable. The annual water use permit fee is due December 1 of each year, ~~beginning with December 1, 2009.~~ The department will provide an annual fee notice to each permittee at least 60 days prior to the fee due date. An additional fee of \$100 will be imposed if the fee is not received by December 1. Failure to remit the fee by January 1 may result in the cancellation of the permit termination.

~~(1) There is no annual fee for a water storage permit (see (6) of table, paragraph 50.4(2) "a") or for a minor nonrecurring water use registration (see (7) of table, paragraph 50.4(2) "a").~~

~~(1?)~~ The annual fee shall be based on the costs for administering the water use permitting program for the previous calendar years and on the anticipated expenses for succeeding fiscal years. The department will review the annual permit fee each year and adjust the fee as necessary to cover all reasonable costs required to develop and administer the water use permitting program. The department shall request commission approval of the amount of the annual fee no later than September 30 of each year.

~~(2) Permittees holders that have paid an application fee after December 1, but prior to November 30, will not be required to pay an annual fee until December 1 of the following year. If an applicant remits an annual fee for the 12-month period beginning December 1 and then later submits an application fee for a permit modification, the applicant will be refunded the lesser of the fees. The department shall request commission approval of the amount of the annual fee no later than September 30 of each year.~~

**50.5(3)50.4(3) Required supporting information required for complete application.** An water use permit application shall not be considered complete until the fee specified in this rule and all supporting information requested under rule 567—50.6(17A,455B) has~~ve~~ been submitted by the applicant or the applicant's agents of the applicant.

[ARC 7694B, IAB 4/8/09, effective 5/13/09; ARC 5052C, IAB 6/17/20, effective 7/22/20; ARC 5899C, IAB 9/8/21, effective 10/13/21]

**50.5(4)567—50.5(455B) Initial screening of water use permit applications.**

a. 50.5(4) General procedure. Upon receipt, Each application upon receipt shall be promptly evaluated by the department to determine whether adequate information is available to review the project. The department shall then advise the applicant of additional information required for to review the project review.

b. 50.5(2) Application to withdraw groundwater. Evaluation of the potential effects of a proposed withdrawal of groundwater requires review of available hydrogeological information. The department may require additional supporting hydrogeological information, which the applicant is responsible for providing.

Commented [11]: Moved to new (1).

**567—50.6(17A,455B) Supporting information for water use permit applications.** As described in this rule, applicants shall submit supporting information ~~which is~~ reasonably required to assist the department in conducting the investigation ~~of an application required by Iowa Code sections 455B.264 and 455B.281,~~ and in determining whether ~~granting of a permit issuance~~ would be consistent with the policies and principles of beneficial use ~~policies and principles set forth in Iowa Code section 455B.262.~~ ~~Certain supporting information requirements are described in this rule. This description is intended to identify frequently required information.~~ The department may require additional information relative to ~~applications for the following types of permits application.~~

Commented [12]: Moved to beginning of this paragraph.

**50.6(1) Application for a permit to withdraw groundwater withdrawal permit.**

a. *Identification of source and effects of pumping.* An applicant ~~for a water use permit to withdraw groundwater~~ shall ~~be required to submit information needed by the department to identify the well location(s) and the aquifer(s) from which water withdrawals of water are proposed,~~ predict the effects of pumping with a reasonable degree of confidence, and determine any permit conditions for well interference pursuant to ~~567—Chapter 54. In areas of uncertainty, at many locations, the only reliable methods to determine the availability of a water source of adequate quantity and quality and to predict the effects of pumping, the applicants shall perform~~ require test drilling, yield testing ~~ing pumping, and a controlled aquifer pump testing that includes~~ with measurements in one or more observation wells conducted with prior approval ~~and in a manner that is acceptable to the department. The applicant shall be required to perform each of these exploratory operations to the extent necessary for the department to obtain information from which to determine whether a water use permit should be issued granted~~ and to identify conditions which should be imposed in any permit ~~granted.~~ The following requirements apply to exploratory drilling, ~~yield testing, and pump testing and test pumping.~~

(1) Test drilling. ~~In cases where~~ test drilling is needed for geological information relevant to the application, ~~the applicant shall be responsible for employing a driller to who will~~ collect, bag, and properly label cutting samples at each five-foot interval and at each apparent change in geological formation from a test hole or production well hole at least the approximate depth of the proposed production well. The cutting samples ~~shall must~~ be saved for collection in sample bags provided by the Iowa Geological Survey (IGS). The samples shall be submitted to ~~the~~ IGS and be accompanied by a driller's log showing the ~~well's~~ location and total depth ~~of the hole~~ and a description of the materials encountered at successive intervals.

(2) Yield testing. An applicant shall ~~be required to~~ construct a well and test pump it for yield to the extent necessary to determine whether water is available at the applicant's proposed rate of withdrawal from the proposed source. A written registration from the department is required before any yield test in which more than 25,000 gallons will be withdrawn in a period of 24 hours or less, ~~as provided in 50.4(4) (see 567—subrule 51.6(5)).~~

(3) ~~Pump~~ Controlled aquifer testing with supervision. An applicant shall ~~be required to~~ conduct a controlled aquifer ~~pump~~ test with supervision by a certified well contractor, licensed professional engineer, or other ~~department~~ designee of the department as a condition of obtaining a water ~~use~~ permit, if the department finds an aquifer test necessary to determine the effects ~~that which~~ the proposed withdrawal has on other ~~nearby~~ water users. ~~An~~ The applicant may be required to construct, develop, and maintain adequate observation wells for use in an aquifer ~~pump~~ test, and for subsequent water level measurements, or water quality monitoring. An applicant shall ~~be responsible for obtaining~~ a registration for an aquifer ~~pump~~ test as provided in ~~567—subrule 50.4(4) 51.6(5).~~

b. *Cooperation in obtaining well information about surrounding wells.* An applicant ~~who~~ requesting a permit authorizing ~~groundwater~~ withdrawals of ~~groundwater~~ from a well or reservoir may be required to assist the department in conducting an inventory of nearby wells within a designated radius of the proposed site. The need for an inventory and the appropriate radius will be determined after considering the ~~known~~ characteristics of the aquifer ~~that which is~~ the applicant proposes as a source of water and ~~the rate and amount of~~ the proposed withdrawals. The department shall provide ~~the applicant~~ a map specifying the ~~proposed inventory area, within which an inventory is proposed and forms~~ specifying the information to be gathered in the inventory. ~~The department shall also provide to the applicant and~~ a description of regulated uses within the inventory area. The applicant shall make a good-faith effort to assist the department in obtaining ~~available~~ information from public

records to identify landowners and occupants and from drilling contractors or pump installers identified by a landowner or occupant responding to the inventory.

**50.6(2)** *Application for an irrigation permit.* An applicant who proposes to irrigate crops on land shall submit a soil conservation plan prepared with the assistance of the NRCS for the land where crop irrigation is proposed, if the land includes either of the following:

*a.* which includes soils more erodible than Capability Subclass Iie as defined by the U.S.D.A. Natural Resources Conservation Service (NRCS); or

*b.* Slopes greater than 6 percent, where a modern NRCS Soil Survey is not available, shall submit a soil conservation plan prepared with the assistance of the NRCS for the land in which crop irrigation is proposed.

The soil conservation plan shall include and be accompanied by the applicant's written explanation of how operation of the proposed irrigation system will be compatible with the conservation plan.

**50.6(3)** *Application for a permit to dewater a rock quarry permit.* Iowa Code section 455B.268 and 567—Chapter 51 requires that a water use permit be obtained before diverting water or material from the surface directly into any underground watercourse or basin. When the department investigates an application for a permit to pump water for dewatering of a quarry excavated in carbonate rock, the department shall consider the potential for pollution of an underground watercourse or basin from drainage of surface water into the quarry. If available information, including topographic and subsurface geological information, supports a finding that drainage of surface water into the quarry would constitute a violation of the permit requirement in Iowa Code section 455B.268 and might cause pollution of an underground watercourse or basin if not controlled, then the department shall require that the applicant either request a water use permit to authorize a drainage of surface water into the quarry, or construct and maintain a means of controlling surface water which would otherwise drain into the quarry. Examples of suitable methods of controlling surface drainage are low berms or artificial drainage ways constructed as needed to reduce runoff of surface water from adjacent land into the quarry.

**50.6(4)** *Application for permit to diversion of water into an aquifer not related to the use of an agricultural drainage well.* An applicant for a water use permit to divert water or any other material from the surface into an aquifer not related to the use of an agricultural drainage well shall submit information showing that the requested diversion will not alter the quality of the aquifer.

~~50.6(5) Application for uses that were nonregulated prior to July 1, 1985. Rescinded IAB 6/7/06, effective 7/12/06.~~

**50.6(5)** *Applications for a permit to withdraw water withdrawal from a protected water source.* An applicant for a water use permit to withdraw water from a protected water source designated in 567—Chapter 53 rule 567—53.7(455B) may be required to provide specific information to support the application as required by rule 567—53.35(455B) or rule 567—53.7(455B).

**50.6(7)** *Application for permit to divert water into an aquifer related to the use of an agricultural drainage well.* An applicant for a permit to divert water or any other material into an aquifer by means of an agricultural drainage well shall submit the following information. The locations of the features as listed below shall be shown on a map drawn to scale submitted with the application.

*a.* Location of the agricultural drainage well to at least the nearest quarter quarter section, township and range.

*b.* Diameter and depth of the agricultural drainage well, if known.

*c.* Description and ownership of the lands which are drained by the agricultural drainage well and the associated drainage system.

*d.* Location of tiles which drain to the agricultural drainage well, if known, and the location of any existing surface water intakes.

*e.* The location and description of any earthen storage structures, confinement feeding operations, or open feedlots within the agricultural drainage well area.

*f.* Information regarding any known connections between the agricultural drainage well or its drainage system and wastewater disposal or storage systems such as septic tanks and the location of such connections.

*g.* The nature and extent of any agreements between the well owner and adjacent landowners who have lands which are drained by the agricultural drainage well and associated tile drainage system.

*h.* Any available information regarding the economic and physical feasibility of closing the agricultural

drainage well.

[ARC 4426C, IAB 5/8/19, effective 6/12/19]

**567—50.7(17A,455B) Review of complete water use permit applications.**

~~50.7(1) Order of processing.~~ In general, complete applications including all requested supporting information shall be reviewed in the order that complete information is received. However, when there are a large number of pending applications, which precludes the department from promptly processing all applications, the department may expedite review of a particular application out of order if the completed application and supporting documents were submitted at the earliest practicable time and any of the following conditions exist:

- ~~a.~~ Relatively little staff review time (generally less than four hours) is required and delay will cause the applicant hardship;
- ~~b.~~ The applicant can demonstrate that a delay in the permit will result in a substantial cost increase of a large project;
- ~~c.~~ Prompt review of the permit would result in earlier completion of a project that conveys a significant public benefit;
- ~~d.~~ The need for a permit is the result of an unforeseen emergency or catastrophic event; or
- ~~e.~~ A permit is needed to complete a project that will abate or prevent an imminent threat to the public health and welfare.

~~50.7(12) Summary report of application review.~~ Before a ~~p~~ initial decision is ~~made~~ issued on an ~~water use permit~~ application, ~~the department~~ personnel assigned to review an application shall prepare a summary report ~~stating which shall state~~ whether the withdrawal, diversion, or use of water ~~as~~ described in the ~~complete~~ application conforms to relevant criteria. The report shall identify the information used to determine the potential for a proposed use of water to adversely affect other water users. For an application to withdraw groundwater, the report shall describe the ~~anticipated~~ effects on water levels ~~resulting anticipated to occur~~ from the proposed use, ~~and~~ indicate if verified well interference has been found, ~~and~~ provide options for resolving any verified well interference in accordance with ~~567—Chapter 54~~.

~~50.7(23) Public notice (PN) of recommendation to issue permit.~~

~~a.~~ New ~~water use permits and permit modifications of permits.~~ Prior to ~~the issuing~~ ~~ance~~ of a permit to withdraw, divert, or inject water, the department shall publish a ~~PN~~ notice of recommendation to ~~issue~~ ~~grant~~ a ~~water use~~ permit. ~~A~~ ~~The~~ ~~notice~~ ~~PN~~ shall summarize the application and the recommendations in the summary report ~~and~~. ~~The~~ ~~notice~~ shall allow ~~the public~~ 20 days to request a copy of the summary report and submit comments on the report. The department may extend the comment period upon request for good cause. ~~PNs~~ ~~The~~ ~~notice~~ may be published in a newspaper circulated in the locality of the proposed water source, or the department may use other ~~publication~~ methods of publishing the notice to ensure adequate notice to the affected public. ~~A~~ ~~The~~ ~~notice~~ ~~PN~~ shall be sent to any person who has requested a copy of the notice concerning the particular water use under consideration.

~~b.~~ ~~Water use p~~ ~~ermit~~ ~~renewals.~~ The ~~PN~~ notice provisions of ~~paragraph "a" of this subrule~~ shall ~~not~~ apply to ~~water use~~ requests for permit renewals ~~except that the department need not publish notice of recommendation to grant a renewal permit which does not involve modification of permit conditions.~~

~~50.7(34) Notice to the applicant of that proposed withdrawal, diversion, or use of water does not conform to criteria violation.~~ If the application review ~~determines~~ ~~discloses~~ that the proposed withdrawal, diversion, or use of water violates one or more criteria and the application should therefore be disapproved, or approved only subject to special conditions to which the applicant has not agreed, the department shall notify the applicant and, when practical, suggest appropriate project modifications. The department shall offer the applicant an opportunity to submit comments before an ~~decision~~ ~~initial decision~~ is made.

~~50.7(5) Applications for uses that were nonregulated prior to July 1, 1985.~~ Rescinded IAB 6/7/06, effective 7/12/06.

[ARC 5052C, IAB 6/17/20, effective 7/22/20]

**567—50.8(17A,455B) Decision Initial decision by the department.**

~~50.8(1) Form of decision.~~ The ~~decision~~ ~~initial decision~~ by the department on an application shall be ~~either~~



approval or denial of the water use permit application ~~permit or disapproval issued by the department~~. Each water use permit shall include appropriate standard and special conditions consistent with Iowa Code sections 455B.261 to 455B.274 and 455B.281 and ~~567—~~Chapters 50~~2~~ to 54. The decision shall ~~may~~ incorporate by reference ~~and~~ attachment the summary report described in 50.7(1~~2~~). Each decision shall include the following:

a. Determinations as to whether the project satisfies all relevant criteria not addressed in ~~the~~ attached summary report;

b. An explanation of the purpose for imposing each special condition; ~~and~~.

c. ~~An e~~Explanation of consideration given to all comments submitted pursuant to 50.7(3~~2~~) ~~and~~ 50.7(4) unless the comments are adequately addressed in the attached summary report.

**50.8(2)** ~~Notice of initial decision~~. Copies of the ~~decision~~ ~~initial decision~~ shall be mailed to the applicant, any person who commented pursuant to 50.7(2~~3~~), and any other person who has requested a copy of the decision. The decision shall be ~~sent by certified mail~~ accompanied by a certification of the date of mailing. A ~~decision~~ ~~initial decision~~ becomes the final decision of the department unless a timely notice of appeal is filed in accordance with 50.8(3) ~~567— 50.9(17A, 455B)~~. ~~The final decision may be filed with the appropriate county recorder to give constructive notice to future landowners of any conditions or requirements imposed by the final decision.~~

**50.8(3)** ~~567— 50.9(17A, 455B)~~ Appeal of ~~initial decision~~. Any person aggrieved by an ~~decision~~ ~~initial decision~~ issued under ~~this rule~~ ~~567— 50.8(17A, 455B)~~ may file a notice of appeal with the director. The notice of appeal must be filed within 30 days following the certified ~~mailing~~ date of mailing of the decision unless the appellant shows good cause for failure to receive actual notice and file within the allowed time. The form of the notice of appeal and appeal procedures are governed by ~~567—~~Chapter 7. The department shall mail a copy of the notice of appeal to each person who commented on the application. If the appeal is from denial of a permit and a notice of recommendation to grant a permit was not published, the department shall publish the notice of commencement of a contested case and provide an opportunity for interested people to seek intervention in the contested case.

These rules are intended to implement Iowa Code sections 17A.3, 455B.105, 455B.171, 455B.262, 455B.264 through 455B.274, 455B.278, and 455B.281 and chapter 460.

~~[Filed emergency 6/3/83 — published 6/22/83, effective 7/1/83]~~

~~[Filed 12/2/83, Notices 6/22/83, 7/20/83 — published 12/21/83, effective 1/25/84]~~

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~~[Filed 10/2/87, Notice 6/17/87 — published 10/21/87, effective 11/25/87]~~

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~~[Filed 5/17/06, Notice 3/15/06 — published 6/7/06, effective 7/12/06]~~

~~[Filed emergency 8/20/08 — published 9/10/08, effective 8/20/08]~~

~~[Filed ARC 7694B (Notice ARC 7307B, IAB 11/5/08), IAB 4/8/09, effective 5/13/09]~~

~~[Filed ARC 2053C (Notice ARC 1914C, IAB 3/18/15), IAB 7/8/15, effective 8/12/15]~~

~~[Filed ARC 4426C (Notice ARC 4277C, IAB 2/13/19), IAB 5/8/19, effective 6/12/19]~~

~~[Filed ARC 5052C (Notice ARC 4919C, IAB 2/12/20), IAB 6/17/20, effective 7/22/20]~~

~~[Filed ARC 5899C (Notice ARC 5677C, IAB 6/16/21), IAB 9/8/21, effective 10/13/21]~~

<sup>1</sup>At its meeting held 2/9/98, the Administrative Rules Review Committee delayed 50.2, eight definitions, 50.3(1), 50.4, 50.6(4), 50.6(7), 50.7(2), 50.7(4) and 50.8(2) until adjournment of the 1998 Session of the General Assembly.