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CHAPTER 51

WATER PERMIT OR REGISTRATION — WHEN REQUIRED

[Prior subject matter INRC rule 3.1]

[Prior to 12/2/86, Water, Air and Waste Management[900]]

~~567— 51.1(455B) Scope of chapter.~~ This chapter contains thresholds which explain when a water use permit or registration is required for withdrawal, diversion or storage of water.

~~567— 51.2(455B) Storage (surface).~~ Rescinded ARC 5899C, IAB 9/8/21, effective 10/13/21. See rule 567—73.11(455B).

~~567— 51.3(455B) Diversion from surface into aquifer.~~ A permit is required for diversion of water or any other material from the surface directly into any aquifer, including diversion by means of an agricultural drainage well. Diversion by tile or ditch into a sinkhole or quarry excavated in carbonate rock is presumed to be a diversion from the surface directly into an aquifer in the absence of convincing evidence to the contrary.

Commented [1]: Old 51.3 - moved to new 50.4(7).

~~567— 51.4(455B) Drain tile lines.~~ Water in drain tile lines shall be considered surface water.

Commented [2]: Old 51.4 - moved to new 50.4(9).

~~567— 51.5(455B) Cooling/heating systems.~~ A permit for the withdrawal of groundwater for use as a heat exchange media in a heating/cooling system may be granted, allowing such groundwater to be discharged into sanitary or storm sewers (when the use is complete). However, a permittee that has such a system shall make plan and design provisions to the permittee's system to allow the groundwater to be returned directly (i.e., reinjected) to the aquifer from which it was originally pumped. The department reserves the right to order such direct return as part of its water conservation plan responsibility as described in 567—subrule 52.9(3) (chiefly incorporating mandated emergency conservation measures), and its priority allocation plan responsibility as described in 567—subrule 52.10(3).

Commented [3]: Old 51.5 - moved to new 50.4(8).

~~567— 50.451.6(17A,455B) When a water use permit is required.~~ ~~Miscellaneous uses.~~ Unless otherwise provided herein, a water use permit shall be required for the use, withdrawal, or diversion of more than 25,000 gallons of water per day for any purpose.

~~— 51.6(1) Reserved~~

~~50.4(1) 51.6(2) Drainage at construction sites.~~ A permittee may obtain permit coverage through registration as described in ~~50.4(4) 51.6(5)~~ for ~~the~~ withdrawal of water to lower the water table as necessary at a construction site.

~~50.4(2) 51.6(3) Pump test pumping.~~ The department may authorize by registration, as described in ~~50.4(4) 51.6(5)~~ test pumping of sources of water to determine ~~adequacy of the source's adequacy and the~~ effects of ~~watersuch~~ withdrawals on other users and the natural environment. The department may require ~~an~~ the applicant to submit the pump test results to the department. No ~~such~~ registration for a pump test ~~test pumping~~ shall be for a period of more than one year. A registration must be obtained from the department for any pump test pumping in which more than 25,000 gallons of water will be withdrawn in a ~~period of 24 hours period, or less.~~

~~50.4(3) 51.6(4) Rural water districts.~~ A water use permit shall be required for withdrawals of water by any rural water district having its own source of water, and such a withdrawal shall be classified as a use by a ~~community public water supply~~ CWS.

~~50.4(4) 51.6(5) Permit coverage obtained by registration for minor, nonrecurring uses.~~ Any use of water ~~thatwhich~~ is a minor, nonrecurring use, including, but not limited to, highway construction and maintenance, charging of lagoons, drilling wells, and hydrostatic testing of pipelines, shall require permit coverage that may be obtained through registration. ~~The permit~~

a. An applicant may register a minor, nonrecurring water use by submitting the registration form provided by the department ~~Form 20 (542-3112)~~. Such registrations shall be for up to one year.

b. After an investigation of any withdrawal allegedly causing material damage, the department shall require prompt, appropriate action for the alleviation of damages. Where agreement cannot be reached on the action

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necessary for the alleviation of damages, withdrawal of water shall cease immediately upon notification by the department and an application for a water use permit application shall be submitted.

~~50.4(5)~~~~51.6(6)~~ *Research contracts.* The withdrawal of ~~w~~Water withdrawals for research purposes by the Iowa Geological Survey through its agents, employees, or contractees may be authorized by registration under ~~50.4(4)~~~~51.6(5)~~ and may be subject to conditions set by the department.

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

~~50.4(6)~~~~567~~ ~~51.7(455B)~~ *Excavation and processing of rock and gravel products.* A water use permit is required for withdrawal of more than 25,000 gallons of surface water or groundwater in one day ~~for dewatering, washing, pugging, or use of a hydraulic dredge~~ in connection with removal or processing of rock or gravel products. A water use permit is not required for the following: This permit requirement is subject to the following exceptions:

~~a.1.~~ A permit is not required for ~~o~~Operation of a hydraulic dredge ~~that~~which returns all water used as a transport medium directly back into the pit from which it is withdrawn by the dredge; and

~~b.2.~~ A permit is not required for ~~w~~Water withdrawal of water from a gravel pit or rock quarry sump pit for material washing if the wash water is discharged directly back into the pit from which it is withdrawn.

~~50.4(7)~~ *Diversion from surface into aquifer.* A water use permit is required for diversion of water or any other material from the surface directly into any aquifer, including diversion by means of an agricultural drainage well. Diversion by tile or ditch into a sinkhole or quarry excavated in carbonate rock is presumed to be a diversion from the surface directly into an aquifer in the absence of convincing evidence to the contrary.

~~50.4(8)~~ *Cooling/heating systems.* A water use permit to withdraw groundwater for use as a heat exchange media in a heating/cooling system may be granted, allowing such groundwater to be discharged into sanitary or storm sewers when the use is complete. However, a permittee that has such a system shall make a plan and design provisions to the permittee's system to allow the groundwater to be reinjected to the aquifer from which it was originally pumped. The department reserves the right to order such direct return as part of its water conservation plan responsibility described in 50.16(3) and its priority allocation plan responsibility described in rule 567—50.17(455B).

~~50.4(9)~~ *Drain tile lines.* Water in drain tile lines shall be considered surface water.

~~567~~ ~~51.8(159)~~ *Agricultural drainage wells.* All agricultural drainage wells must be registered by the owner with the department by September 30, 1988, on the form provided by the department. Registration of an agricultural drainage well is not considered a permit as required under rule 567 ~~51.3(455B)~~ or subrule 51.6(5).

These rules are intended to implement Iowa Code sections 455B.262, 455B.264 to 455B.274, and 455B.278 and chapter 460.

Commented [4]: New 50.4(7) - moved from old 51.3.

Commented [5]: New 50.4(8) - moved from old 51.5.

Commented [6]: "Permittee's" will be deleted in the NOIA.

Commented [7]: New 50.4(9) - moved from old 51.4.

[Filed 10/9/75, Notice 8/25/75 — published 10/20/75, effective 11/24/75]

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

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

~~¹ See Delays, IAB 6/28/78, p.194.~~

~~² Effective date of 51.2 [NRC 3.1(4)] delayed 70 days by the Administrative Rules Review Committee; published IAC 6/23/82. Effective date of 51.3 [NRC 3.1(4)] delayed by the Administrative Rules Review Committee 45 days after convening of the next General Assembly pursuant to §17A.8(9); published IAC 8/18/82.~~

~~³ At its meeting held 2/9/98, the Administrative Rules Review Committee delayed 51.3 until the adjournment of the 1998 Session of the General Assembly.~~