

NATURAL RESOURCES DEPARTMENT[561]

Created by 1986 Iowa Acts, chapter 1245, section 1802
 Rules of divisions under this Department “umbrella” include Environmental
 Protection Commission[567] and Natural Resource Commission[571]

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 8
CONTRACTS FOR SERVICES AND PUBLIC IMPROVEMENTS

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/27/30

561—8.1(8A) Contract policy. All service and public improvements contracts with the department shall be awarded on a competitive basis to the maximum practical extent. All contracts shall be in written form. [ARC 9434C, IAB 7/23/25, effective 8/27/25]

561—8.2(8A,26,455B,573) Contracts for public improvements.

8.2(1) Definition. As used in these rules, “public improvement” means public improvement as defined in Iowa Code section 26.2.

8.2(2) Bidding process. The department shall use the bidding processes identified in Iowa Code chapter 26.

8.2(3) Approval and award of contracts. All contracts for public improvements in excess of \$100,000 shall be approved by the director and the appropriate commission.

8.2(4) Change orders and extra work orders. All change orders and extra work orders shall be approved by the director before the work is performed, except in emergency situations. In addition, any order or accumulation of orders that increases the amount of the original contract by more than \$50,000 or 10 percent of the original contract, whichever is greater, shall also be approved by the appropriate commission.

8.2(5) Interest on retained funds.

a. Scope. This rule implements Iowa Code section 573.12(3) regarding payment to a contractor of interest earned on retained funds. This rule does not address payment of interest under Iowa Code section 573.14.

b. General requirements.

- (1) Interest shall be paid pursuant to Iowa Code section 573.12.
- (2) Interest shall be paid on retained funds of a contract only if the accrued interest on those funds is at least \$25. This dollar threshold reflects the cost to the department of processing an interest payment on retained funds in contracts for the construction of public improvements.
- (3) Interest shall not be paid on retained funds of a contract declared in default.

c. Procedures.

(1) Interest shall begin to accrue on retained funds on the date the first progress payment is issued. An interest rate shall be established on this date in accordance with Iowa Code section 12C.6. This interest rate shall apply for the duration of the contract.

(2) In general, interest shall continue to accrue on retained funds until the date final payment is approved by the chief engineer. Final payment is payment of retained funds less assessed liquidated damages, if applicable.

(3) Notwithstanding paragraph 8.2(5) “b,” interest shall cease to accrue on retained funds:

1. Upon the expiration of 60 days following field acceptance of a project if the contractor has failed to submit to the department the documentation necessary for final payment, as specified in the contract provision.

2. Upon the court obtaining jurisdiction of the retained funds pursuant to Iowa Code section 573.16. Retained funds turned over to the court will include the interest accrued on those funds to the date the action was filed, if the interest has not been paid to the contractor.

[ARC 9434C, IAB 7/23/25, effective 8/27/25]

561—8.3(8A,455A) Contracts for services.

8.3(1) Services defined. The term “services” shall be as defined in 11—118.3(8A), adopted as required by Iowa Code section 8A.311.

8.3(2) Purchasing standards for service contracts. The department shall comply with the provisions of 11—Chapters 117 through 121 (as of July 16, 2025).

8.3(3) *Approval of service contracts.* All contracts for services in excess of \$50,000 shall be approved by the director and the appropriate commission.

8.3(4) *Service contract amendments and change orders.* All service contract amendments and change orders that increase the amount of the original contract by more than \$50,000 or 10 percent of the original contract, whichever is greater, shall also be approved by the appropriate commission.

[ARC 9434C, IAB 7/23/25, effective 8/27/25]

561—8.4(456A) Contracts for sale of timber. When the total cost of a public sale of timber exceeds the sum of \$5,000 as estimated by the department, the department shall advertise by publishing a notice by email or through mail, and by posting on the state of Iowa bid opportunities website. The notices shall be not less than 15 days prior to the date set for receiving bids. The notice to bidders (invitation for bids) shall conform as nearly as possible to the formal competitive process used by the department. All timber buyers and timber sales agreements must comply in all respects with Iowa Code section 456A.36.

[ARC 9434C, IAB 7/23/25, effective 8/27/25]

These rules are intended to implement Iowa Code sections 455A.4, 456A.20(2), and 573.12(3).

[Filed 7/22/88, Notice 3/23/88—published 8/10/88, effective 9/14/88]

[Filed 4/26/91, Notice 2/20/91—published 5/15/91, effective 6/19/91]

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[Filed ARC 9434C (Notice ARC 8645C, IAB 1/8/25), IAB 7/23/25, effective 8/27/25]

CHAPTER 9
GROUNDWATER HAZARD DOCUMENTATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/27/30

561—9.1(558) Authority, purpose and application.

9.1(1) Authority. Iowa Code section 558.69 directs the department to adopt rules regarding a statement to be submitted to county recorders when they record instruments transferring real property. The statement must disclose the existence and location of wells, disposal sites, underground storage tanks, and hazardous wastes on the property.

9.1(2) Purpose. These rules provide the necessary forms, instructions, and explanation of this requirement. The statute's purpose is to give real property transferees notice of the condition of any wells, disposal sites, underground storage tanks, hazardous waste disposal, and private burial sites existing on the real estate.

9.1(3) Applicability. These rules apply to all persons, corporations, and other legal entities who are transferors or transferees of real property within the state of Iowa and all county recorders who are called upon to record instruments transferring real property in Iowa.

9.1(4) When groundwater hazard statement is required. A groundwater hazard statement shall be presented to the county recorder along with the real estate transaction documents only when required by Iowa Code section 558.69 or when otherwise required by Iowa law.

[ARC 9435C, IAB 7/23/25, effective 8/27/25]

561—9.2(558) Form.

9.2(1) The department adopts by reference Form 542-0960, "Groundwater Hazard Statement" (February 1, 2023), which may be obtained from the department or local county recorders.

a. When a groundwater hazard statement is required pursuant to 9.1(4), the transferor or the transferor's agent or attorney shall complete and present Form 542-0960. The transferor's agent or attorney may sign the form on behalf of the transferor, but in doing so the agent or attorney represents that the transferor made a good-faith effort to accurately provide the information requested by the form.

b. For real estate transactions where a groundwater hazard statement is required pursuant to 9.1(4) and where the real estate transaction is dated after February 1, 2023, county recorders shall only accept the currently adopted form. Any person may reproduce Form 542-0960 through photocopying or electronic means so long as the general format and wording are not altered.

9.2(2) The form shall be submitted to the county recorder, in the manner prescribed by the recorder, at the time required by 9.1(4).

9.2(3) County recorders shall return or present the statement with the recorded instrument when the instrument is returned or presented to the transferee or the transferee's designee.

9.2(4) When a county recorder accepts a groundwater hazard statement for recording, the county recorder shall transmit the groundwater hazard statement to the department through one of the following methods:

a. Pursuant to a written agreement between the department and the custodian of the county land record information system, recorded groundwater hazard statement forms shall be presented to the department via a browser interface provided through the county land record information system for the duration of such an agreement. Any agreement shall include but not be limited to terms requiring each form to be posted on the system within 15 days of recording, and that each form remain on the system for at least five years.

b. In the absence of such an agreement, or if the county land record information system is inoperable, a county recorder shall submit a digital copy of each recorded groundwater hazard statement to the department via email within 15 days of its recording. All emails shall be directed to the department's records division. The department shall retain custody of such forms for at least five years.

9.2(5) Nothing in these rules shall be construed as requiring any party to submit to the department the first page of any document that transfers a property on which no conditions are present.

[ARC 9435C, IAB 7/23/25, effective 8/27/25]

These rules are intended to implement Iowa Code section 558.69.

[Filed emergency 7/1/87—published 7/29/87, effective 7/1/87]

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[Filed ARC 9435C (Notice ARC 8648C, IAB 1/8/25), IAB 7/23/25, effective 8/27/25]

CHAPTER 10

WAIVERS FROM ADMINISTRATIVE RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 11

THE IOWA NATURE STORE

Rescinded **ARC 9437C**, IAB 7/23/25, effective 8/27/25

CHAPTER 12
SPECIAL NONRESIDENT DEER AND TURKEY LICENSES

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/17/30

561—12.1(483A) Purpose. These rules establish the process by which the department will issue special nonresident deer and turkey licenses to individuals as part of statewide or local efforts to promote the state and its natural resources.

[ARC 9704C, IAB 11/12/25, effective 12/17/25]

561—12.2(483A) Definitions. When used in this chapter:

“Approved organization” means an organization that is incorporated under Iowa Code chapter 504 as a nonprofit organization, whose mission involves providing hunting experiences for disabled veterans and military personnel.

“Conservation organization” means an organization that is incorporated under Iowa Code chapter 504 as a nonprofit organization, whose mission emphasizes natural resource conservation or supports science-based natural resource management or who provides educational outreach efforts in Iowa related to environmental stewardship or natural resources conservation and management. A local or state chapter or division of a national or international conservation organization shall qualify as a conservation organization. A person who purchases a deer license from a conservation organization under these rules is not subject to the restriction provided in 12.5(1)“b.”

“Coordinator” means the department staff person appointed by the director to administer the process for allocation of special nonresident deer and turkey licenses pursuant to this chapter.

“Department” means the department of natural resources.

“Director” means the director of the department of natural resources.

“Nonresident disabled veteran or disabled member of the armed forces” means a person who is a veteran and who has an assigned service-related disability rating of 30 percent or more by the United States Department of Veterans Affairs; or a person who is a member of the armed forces serving on active federal duty currently participating in the Integrated Disability Evaluation System (IDES).

“Outdoor industry” means a commercial enterprise or venture that promotes or otherwise contributes to the use of natural resources. A business that solely provides guide or outfitter services is not an outdoor industry.

“Program” means the review and selection process through which special nonresident deer and turkey licenses are allocated in accordance with Iowa Code section 483A.24 and these rules.

“Review committee” means the committee that ranks certain requests for special licenses for consideration by the director or the director’s designee and consists of the following: the administrator of the conservation and recreation division, the chief of the wildlife bureau, the chief of the law enforcement bureau, the chair of the natural resource commission, and the vice-chair of the natural resource commission.

“Special licenses” means the special nonresident deer licenses and special nonresident turkey licenses issued pursuant to these rules.

“Special nonresident deer license” means a deer license issued pursuant to Iowa Code section 483A.24(3).

“Special nonresident turkey license” means a turkey license issued pursuant to Iowa Code section 483A.24(4).

“Sponsor” means an entity that applies on behalf of one or more hunters. Sponsors shall either conduct business in Iowa and be registered with the secretary of state or have some other affiliation with the state of Iowa.

“Statewide signature event organization” means an authority of the state with a foundation dedicated to a mission of making capital improvements on state property or that serves as a major platform for the promotion of Iowa’s agriculture, culture, and natural resources.

[ARC 9704C, IAB 11/12/25, effective 12/17/25]

561—12.3(483A) Availability of special licenses.

12.3(1) The program shall be available to provide no more than the number of special licenses allowed by Iowa Code section 483A.24 to nonresidents through requests submitted by individual hunters, through a sponsor, or through an approved organization.

12.3(2) A statewide signature event organization shall receive one special nonresident deer license upon application. The statewide signature event organization shall return to the department the greater amount of either one-half of the proceeds from its sale of the special nonresident deer license or the fee for a nonresident deer license as set forth in Iowa Code section 483A.1. The department's proceeds shall cover the cost of the special nonresident deer license. A license made available to a statewide signature event organization in accordance with this subrule may be valid for up to two years after selection of the organization by the director or the director's designee. The statewide signature event organization shall notify the coordinator immediately following the sale of the special nonresident deer license of which year and for what season the special nonresident deer license will be used.

[ARC 9704C, IAB 11/12/25, effective 12/17/25]

561—12.4(483A) Coordinator duties. The coordinator of the program shall:

12.4(1) Assist the review committee in the evaluation and selection of hunters who may receive special licenses.

12.4(2) Develop templates for requests for special licenses and provide the templates to hunters, sponsors, and approved organizations upon request.

12.4(3) Convene the review committee to rank hunters according to the criteria in 561—12.7(483A).

12.4(4) Summarize each request received and distribute the summaries to the review committee and the director or the director's designee.

12.4(5) Establish the date on which applications for special licenses for disabled veterans and disabled active military personnel are due, establish the dates on which the director or the director's designee will select the conservation organizations and hunters who will receive special licenses, and inform the conservation organizations, the approved organizations and the hunters of their selection.

[ARC 9704C, IAB 11/12/25, effective 12/17/25]

561—12.5(483A) Request, review, and selection process for promotional special licenses.**12.5(1) Submission of requests.**

a. Individual hunters or sponsors shall submit a request, or requests, to the coordinator.

b. Applicants will not qualify for a deer license under this rule if they were issued a deer license under this rule the previous year.

c. Hunters awarded a deer license under this rule may purchase preference points for the regular nonresident deer license and shall not lose those preference points when awarded a deer license under this rule.

12.5(2) Review. The review committee shall review the summaries prepared by the coordinator, rank the hunters according to criteria in 561—12.7(483A), and forward the rankings to the director or the director's designee for consideration and final selection. The review committee shall exercise its discretion and, in addition to the criteria in 561—12.7(483A), shall also consider the following:

a. Requests that demonstrate little or no promotion of the state of Iowa or its natural resources shall not be included in the rankings forwarded to or considered by the director or the director's designee.

b. Requests from a sponsor, a sponsor-related entity, or hunter that has been found guilty of a game violation in Iowa or elsewhere within the past five years or that, in the opinion of the review committee, has exhibited poor hunting ethics or judgment shall not be considered for a special license.

c. Review of requests shall occur at least once annually but may occur more frequently as needed based upon the number of requests and the dates by which they are received.

12.5(3) Selection and payment. Upon notice of selection to receive a special license, the sponsor or hunter shall make payment in accordance with 561—12.12(483A) to the department through the coordinator.

[ARC 9704C, IAB 11/12/25, effective 12/17/25]

561—12.6(483A) Consideration of requests for promotional special licenses. The review committee will recommend to the director or the director's designee which conservation organizations are best qualified to promote the state and its natural resources. In making recommendations to the director or the director's designee, the review committee will base its recommendations on the expected ability of hunters to promote the state and its natural resources and, if applicable, based on the degree of success special license holders have had in previous years or seasons in promoting the state and its natural resources. By way of illustration, the committee may consider requests from the following:

12.6(1) A hunter who has a direct beneficial impact on the state through an arm's-length business relationship with an Iowa-based outdoor industry.

12.6(2) A conservation organization that will use the special nonresident deer license as a fundraiser for that organization. A conservation organization shall be limited to one special nonresident deer license per year, whether the organization is a local or state chapter or division of a national or international conservation organization. The organization shall return to the department the greater amount of either one-half of the proceeds from its sale of the special nonresident deer license or the fee for a nonresident deer license as set forth in Iowa Code section 483A.1. The department's proceeds shall cover the cost of the special nonresident deer license. A license made available to a conservation organization in accordance with this subrule may be valid for up to two years after selection of the organization by the director or the director's designee. The sponsoring conservation organization shall notify the coordinator immediately following the sale of the special nonresident deer license of which year and for what season the special nonresident deer license will be used. The conservation organization shall specifically explain how and during what period the organization will market the special nonresident deer license for auction or some other legal fundraiser.

12.6(3) A hunter nominated by the governor or a member of the Iowa legislature.

12.6(4) A hunter recommended by the department.

12.6(5) A hunter who is a well-known public figure nationally or regionally and who may provide a positive portrayal of the state and its natural resources.

[ARC 9704C, IAB 11/12/25, effective 12/17/25]

561—12.7(483A) Ranking criteria for promotional special licenses.

12.7(1) The following criteria shall be used by the review committee to rank individual hunters as identified in 12.6(1), 12.6(4) and 12.6(5). The rankings shall be determined as the average of the following rating points and will be provided to the director or the director's designee as an aid in determining the selection of hunters.

a. Five points if the hunter is directly affiliated with an Iowa-based outdoor industry.

b. From 0 to 10 points for the following:

(1) The relative size of the hunter's potential audience.

(2) The hunter's proposal to promote the state and its natural resources.

(3) If the hunter has received a special license in the past, the value of the actual promotion of the state and its natural resources or special services provided as a result.

c. From 0 to 5 points if the hunter meets the description in 12.6(5).

12.7(2) A conservation organization's request shall be forwarded to the director or the director's designee if the conservation organization meets the definition in 561—12.2(483A) and approval shall be based on evaluation of the organization's prior performance, if any, in selling the special nonresident deer license.

12.7(3) Hunters as identified in 12.6(3) shall not be ranked by the review committee, and their requests will be forwarded to the director or the director's designee for consideration.

[ARC 9704C, IAB 11/12/25, effective 12/17/25]

561—12.8(483A) License term for promotional special licenses. With the exception of the term provided for in 12.6(2), special licenses issued under these rules shall be valid for only the applicable deer or turkey season immediately following allocation of the license.

[ARC 9704C, IAB 11/12/25, effective 12/17/25]

561—12.9(483A) Reporting by recipients of promotional special licenses. Within eight months after a hunter's participation in a hunt with a license issued pursuant to this chapter, the sponsor or hunter shall provide to the coordinator information about the hunt to demonstrate how the hunt will provide or has provided promotion of the state and its natural resources. The director or the director's designee may consider compliance with this reporting requirement in evaluating future requests.

[ARC 9704C, IAB 11/12/25, effective 12/17/25]

561—12.10(483A) License costs for promotional special licenses. With the exception provided in 12.6(2) for conservation organizations, a nonresident who obtains a special license issued pursuant to this chapter shall pay the applicable fee as follows:

12.10(1) For a special nonresident deer license, the fee described in Iowa Code section 483A.1 for a deer hunting license, antlered or any sex deer.

12.10(2) For a special nonresident turkey license, the fee described in Iowa Code section 483A.1 for a wild turkey hunting license.

[ARC 9704C, IAB 11/12/25, effective 12/17/25]

561—12.11(483A) Request, review, and selection processes for special licenses for nonresident disabled veterans or disabled members of the armed forces.

12.11(1) Submission of requests.

a. Individual hunters or approved organizations shall submit a request, or requests, to the coordinator.
b. Applicants will not qualify for a deer or turkey license under this rule if they were issued a deer or turkey license under this rule the previous year. However, if there are unclaimed deer or turkey licenses under this rule, then the coordinator may keep a list of applicants who received licenses the previous year and who apply for the current year, and process those applicants' applications to determine the recipients of the unclaimed licenses.

c. Hunters awarded a deer license under this rule may purchase preference points for the regular nonresident deer license and shall not lose those preference points when awarded a deer license under this rule.

12.11(2) Review. After the established deadlines have passed, the coordinator shall review the applications for completeness and shall process the complete applications to determine the recipients of the special licenses. The coordinator shall exercise discretion and shall also consider the following:

a. Requests from an approved organization or hunter that has been found guilty of a game violation in Iowa or elsewhere shall not be considered for a special license.

b. If special licenses are unclaimed after the established deadlines, the coordinator may set new deadlines and inform participating approved organizations that licenses are still available.

12.11(3) Selection and payment. Upon notice of selection to receive a special license, the approved organization or hunter shall make payment in accordance with 561—12.17(483A) to the department through the coordinator.

[ARC 9704C, IAB 11/12/25, effective 12/17/25]

561—12.12(483A) License term for disabled veteran and military special licenses. Special deer or turkey licenses issued under these rules shall be valid for only the applicable deer or turkey season immediately following allocation of the license.

[ARC 9704C, IAB 11/12/25, effective 12/17/25]

561—12.13(483A) License costs for disabled veteran and military special licenses. A nonresident who obtains a special license issued pursuant to this chapter shall pay the applicable fee as follows:

12.13(1) For a special nonresident deer hunting antlered or any sex deer license or a turkey hunting license, the fee described in Iowa Code section 483A.24(5) "c."

12.13(2) For a special nonresident hunting license that includes the wildlife habitat fee, the fee described in Iowa Code section 483A.24(5) "d."

[ARC 9704C, IAB 11/12/25, effective 12/17/25]

These rules are intended to implement Iowa Code section 483A.24.

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IAB 11/12/25, effective 12/17/25]

CHAPTER 13
STATE LANDS VOLUNTEER PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/27/30

561—13.1(461A) Definitions.

“*Department*” means the same as defined in Iowa Code section 461A.1(2).

“*Director*” means the same as defined in Iowa Code section 461A.1(3).

“*Volunteer*” means an organization incorporated under Iowa Code chapter 504 as a nonprofit organization, or an individual providing services on behalf of the nonprofit organization, that provides volunteer services for the benefit of lands under the jurisdiction of the department and that registers as a volunteer under this chapter. A volunteer may include a friends group or organization as defined in 571—14.1(461A). A volunteer shall not include an organization or individual that operates a concession operation, as defined in 571—14.1(461A), unless that concession operation remits all receipts and returns all net proceeds after qualifying expenses from such operations to the department for the benefit of the state parks system, or otherwise procures goods or services for the benefit of the department. Qualifying volunteer services are, unless otherwise specified, limited to activities undertaken on lands under the jurisdiction of the department to benefit such lands. Volunteer services do not include any administrative functions of a nonprofit organization registered under this program.

[ARC 9438C, IAB 7/23/25, effective 8/27/25]

561—13.2(461A) Registration. Organizations seeking to provide services under this program for the benefit of lands under the jurisdiction of the department must register with the department. The department shall make forms available for such application. The department may request additional information as part of its review. Registration must be renewed every other year or as soon as substantial changes are planned to the approved services contained in the authorization letter referenced in this chapter, whichever occurs first.

[ARC 9438C, IAB 7/23/25, effective 8/27/25]

561—13.3(461A) Review. The department will review requests for registration to determine whether the registrant will be designated a volunteer under this program. The department shall evaluate the volunteer’s ability to perform the services, the department’s identified need for such services, and the department’s ability to manage the volunteer’s proposed activities, if applicable.

[ARC 9438C, IAB 7/23/25, effective 8/27/25]

561—13.4(461A) Department decision. The department shall notify the registrant of its decision within a reasonable time period. If the department admits the registrant into the program, the department shall issue an authorization letter that shall be acknowledged by the registrant and shall state the terms of the registrant’s participation in the program. The department may authorize the registrant’s proposed activities in part and deny them in part. The department may provide reasons for any program denials.

[ARC 9438C, IAB 7/23/25, effective 8/27/25]

561—13.5(461A) Program benefit. Volunteers providing services consistent with this program shall be afforded liability protection consistent with Iowa Code section 669.24, provided the volunteers are complying with the terms of the authorization letter issued by the department. Failure to comply with department directives or policies, including those that may be described in the authorization letter and any amendments, may negate this liability protection. Nothing in these rules shall require registered volunteers to secure insurance for activities approved in the department’s authorization letter.

[ARC 9438C, IAB 7/23/25, effective 8/27/25]

These rules are intended to implement Iowa Code section 461A.81.

[Filed ARC 2092C (Notice ARC 1989C, IAB 5/13/15), IAB 8/5/15, effective 9/9/15]

[Filed ARC 9438C (Notice ARC 8615C, IAB 1/8/25), IAB 7/23/25, effective 8/27/25]

CHAPTER 14
CONCESSIONS

Rescinded **ARC 9439C**, IAB 7/23/25, effective 8/27/25

CHAPTER 15
REVOCATION, SUSPENSION, AND NONRENEWAL OF LICENSE
FOR FAILURE TO PAY STATE LIABILITIES

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/27/30

561—15.1(272D) Purpose and use. This chapter is intended to help collect liabilities of the state or a state agency from persons who have licenses with the department. This chapter shall apply to all licenses issued, renewed or otherwise authorized by the department.

[ARC 9440C, IAB 7/23/25, effective 8/27/25]

561—15.2(272D) Definitions. For purposes of this chapter, the following definitions shall apply, in addition to those contained in Iowa Code section 272D.1:

“*Collecting agency*” means the centralized collection unit of the department of revenue.

“*Department*” means the department of natural resources.

“*License*” means a license, certification, registration, permit, approval, renewal or other similar authorization issued to a person by the department that evidences the admission to, or granting of authority to engage in, a profession, occupation, business, industry, or recreation, including those authorizations set out in Iowa Code chapters 321G, 321I, 455B, 455C, 455D, 456A, 459, 459A, 461A, 462A, 481A, 481B, 481C, 482, 483A, 484B and 484C.

“*Notice of intent*” means a notice sent to a licensee indicating the department’s intent to suspend, revoke, or deny renewal or issuance of a license.

“*Withdrawal of a certificate of noncompliance*” means a document provided by the collecting agency certifying that the certificate of noncompliance is withdrawn and that the department may proceed with issuance, reinstatement, or renewal of a person’s license.

[ARC 9440C, IAB 7/23/25, effective 8/27/25]

561—15.3(272D) Requirements of the department.

15.3(1) Records.

a. The department shall collect and maintain records of its licensees consistent with Iowa Code section 272D.8.

b. The records shall be made available to the collecting agency so that the collecting agency may match to the records the names of persons with any liabilities placed with the collecting agency for collections. The records must be submitted in an electronic format and updated on a quarterly basis.

15.3(2) Certificate of noncompliance. Upon receipt of a certificate of noncompliance from the collecting agency, the department shall initiate rules and procedures for the suspension, revocation, or denial of issuance or renewal of a license to a person.

15.3(3) Notice of intent. The department shall provide to a person a notice of intent to suspend, revoke or deny issuance or renewal of the person’s license in accordance with Iowa Code chapter 272D. The suspension, revocation, or denial shall be effective no sooner than 30 days following the issuance of the notice of intent to the person. The notice shall state all of the following:

a. That the department has received a certificate of noncompliance from the collecting agency and intends to suspend, revoke or deny issuance or renewal of a person’s license;

b. That the person must contact the collecting agency to schedule a conference or to otherwise obtain a withdrawal of a certificate of noncompliance;

c. That the department will revoke, suspend or deny issuance or renewal of the person’s license unless a withdrawal of a certificate of noncompliance is received from the collecting agency within 30 days from the date of the notice of intent;

d. That in the event the department’s rules and procedures conflict with the additional rules and procedures under this chapter, the rules and procedures of this chapter shall apply;

e. That mistakes of fact in the amount of the liability owed and the person’s identity may not be contested to the department; and

f. That the person may request a district court hearing as outlined in Iowa Code section 272D.9.

15.3(4) *Withdrawal.* Upon receipt of a withdrawal of a certificate of noncompliance from the collecting agency, the department shall immediately reinstate, renew, or issue a license if the person is otherwise in compliance with the department's requirements.

[ARC 9440C, IAB 7/23/25, effective 8/27/25]

561—15.4(272D) No administrative appeal of the department's action; district court hearing. Pursuant to Iowa Code section 272D.8, a person does not have a right to a hearing before the department to contest the department's action under this chapter but may request a court hearing pursuant to Iowa Code section 272D.9.

[ARC 9440C, IAB 7/23/25, effective 8/27/25]

These rules are intended to implement Iowa Code chapter 272D.

[Filed ARC 8774B (Notice ARC 8598B, IAB 3/10/10), IAB 6/2/10, effective 7/7/10]

[Filed ARC 9440C (Notice ARC 8641C, IAB 1/8/25), IAB 7/23/25, effective 8/27/25]

CHAPTER 16
STATE PARK AND RECREATION AREA FEES

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/27/30

561—16.1(455A) Definitions.

“*Commission*” means the same as defined in Iowa Code section 461A.1(1).

“*Department*” means the same as defined in Iowa Code section 461A.1(2).

“*Director*” means the same as defined in Iowa Code section 461A.1(3).

[ARC 9441C, IAB 7/23/25, effective 8/27/25]

561—16.2(455A) Camping, rental facilities, vessel storage, and other special privileges—fees.

16.2(1) *Fee methodology.* The director or the director’s designee shall fix and publish on the department’s website base fees for camping, the use of rental facilities, vessel storage and other special privileges at state parks and recreation areas under the jurisdiction of the department and the commission. The director or the director’s designee may consider the following factors when establishing and when adjusting base fees:

- a. The specific park’s or recreation area’s amenities.
- b. The size and features of a particular campsite or rental facility.
- c. Use of campsites, rental facilities, or other special privileges.
- d. Day of the week, season of the year, holidays, or other noteworthy occasions or special events.
- e. Cost of operations.
- f. Other considerations that the director or the director’s designee deems appropriate.

16.2(2) *Fees honored.* The fee to be charged shall be the fee currently in effect at the time the reservation is made and paid for. Any change to a reservation shall be subject to the fees applicable to the campsite or rental facility, along with any applicable reservation change fee, at the time the reservation is modified.

[ARC 9441C, IAB 7/23/25, effective 8/27/25]

561—16.3(455A) Areas under management—varying fees. Fees charged for like services in state-owned areas under management by political subdivisions may vary from those established pursuant to this chapter.

[ARC 9441C, IAB 7/23/25, effective 8/27/25]

These rules are intended to implement Iowa Code section 455A.14.

[Filed ARC 4395C (Notice ARC 4226C, IAB 1/16/19), IAB 4/10/19, effective 5/15/19]

[Filed ARC 9441C (Notice ARC 8649C, IAB 1/8/25), IAB 7/23/25, effective 8/27/25]

CHAPTER 17
OIL, GAS, AND METALLIC MINERALS
[Prior to 5/8/19, Energy and Geological Resources Division[565] Ch 51]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/27/30

561—17.1(458A) Purpose. The purpose of this chapter is to implement a drilling permit for oil, gas, and metallic mineral wells. This chapter does not apply to wells for waste disposal, storage, or other types of injection wells.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

561—17.2(458A) Definitions. For the purpose of this chapter, the following terms shall have the meaning indicated in this chapter.

“Artesian water” means underground water that is confined by impervious material under pressure sufficient to raise it above the upper level of the saturated material in which it lies if this is penetrated by wells or natural fissures.

“Barrel of oil” means 42 United States gallons of oil measured at 60 degrees Fahrenheit and atmospheric pressure at sea level, after deductions for the full amount of basic sediment, water, and other impurities present, ascertained by centrifugal or other recognized and customary test.

“Blowout” means a sudden or violent escape of oil or natural gas, as from a drilling well when high formational pressure is encountered.

“Blowout preventer” means a heavy casinghead control fitted with special gates or rams that can be closed around the drill pipe, or that completely closes the top of the casing.

“Casinghead gas” means any gas or vapor, or both gas and vapor, indigenous to an oil stratum and produced from such stratum with oil.

“Certificate of compliance and authorization to transport oil or gas from lease” means a form prescribed by the department, which, when executed by an operator or producer, certifies that the operation of the wells involved, and the production of oil or gas therefrom, has been in compliance with the orders and rules of the department. This certificate also authorizes a purchaser of oil or gas to transport the same from the lease. Thereby, the department is informed of the purchaser, and the purchaser is informed that the oil or gas purchased has been produced legally. The certificate of clearance by the department is included on the bottom of the producer’s compliance form.

“Common source of supply” is synonymous with pool.

“Cubic foot of gas” means the volume of gas contained in one cubic foot of space at a standard pressure base and a standard temperature base. The standard pressure base shall be 14.65 pounds per square inch absolute, and the standard temperature base shall be 60 degrees Fahrenheit.

“Developed area” means a spacing unit on which a well has been completed that is capable of producing oil or gas, or the acreage that is otherwise attributed to a well by the department for allowable purposes.

“Development” means any work that actively looks toward bringing in production.

“Gas-oil ratio” means the ratio of the gas produced in cubic feet to the number of barrels of oil concurrently produced during any stated period.

“Lease” means a tract or tracts of land that, by virtue of an oil, gas, or metallic minerals lease, fee or mineral ownership, a drilling, pooling, or other agreement, a rule, or order of governmental authority, or otherwise, constitutes a single tract or leasehold estate for the purpose of the development or operation thereof for oil or gas or both, or for the exploration for or production of metallic minerals.

“Oil and gas” means oil or gas or both.

“Oil well” means any well capable of producing oil in paying quantities.

“Operator” means any person who, duly authorized, is in charge of the development of a lease, or the operation of a producing well.

“Purchaser” means any person who directly or indirectly purchases, transports, takes, or otherwise removes production to the person’s account from a well, wells, or pool.

“*Storer*” means every person as herein defined who stores, terminals, retains in custody under warehouse or storage agreements or contracts, oil that comes to rest in the person’s tank or other receptacle under control of said storer, but excluding the ordinary lease stocks of producers.

“*Transporter*” means and includes any common carrier by pipeline, barge, boat, or other water conveyance or truck or other conveyance except railroads, and any other person transporting oil by pipeline, barge, boat or other water conveyance, or truck and other conveyance.

“*Well*,” in addition to the definition in Iowa Code chapter 458A, means any boring into the ground for the purpose of oil, gas, or metallic mineral production or to obtain geological information relating to oil, gas, or metallic mineral production or storage.

“*Well log*” means the written record progressively describing the strata, water, oil, gas or metallic minerals encountered in drilling a well with such additional information as to give volumes, pressures, rate of fill-up, water depths, caving strata, casing record, etc., as is usually recorded in normal procedure of drilling. The well log includes any electrical or other geophysical logging, detail of all cores, and all drill-stem tests, including depth tested, cushion used, time pool open, flowing and shut-in pressures and recoveries.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

561—17.3(458A) Permit to drill, deepen or plug a well. An owner or other entity seeking to drill a well shall obtain from the department a permit to drill, deepen, or plug a well prior to commencement of operations to drill, deepen, or plug any well.

17.3(1) *Application to drill, deepen, or plug a well.* An owner or other entity seeking to drill, deepen, or plug a well may apply for a permit under this rule by submitting to the department an application on a form prescribed by the department. One application may be filed for a group or series of exploratory wells within a designated area. The application for each well or group of exploratory wells shall be accompanied by the following:

- a. A fee of \$50 for a production well, or a fee of \$200 for an individual or group of exploratory wells.
- b. An organization report as described in 561—17.5(458A).
- c. A bond as described in Iowa Code section 458A.4(1)“d” if one is not already on file with the department. The bond shall have a clearly noted period of coverage, or be renewed annually with notation of such.
- d. A map prepared by a licensed surveyor or engineer. The map shall be to scale and shall show the distance from:
 - (1) The two nearest lease lines,
 - (2) The two nearest section lines, and
 - (3) The nearest completed or drilling wells on the same lease.
- e. A model or quantitative data of the area of influence of each well with sufficient information for the department to comply with its duties related to the production of oil, gas, and minerals, including but not limited to establishing spacing that meets the requirements of Iowa Code section 458A.7. The department may delay this requirement through a permit condition until such time as required for production.
- f. Copies of each agreement with landowners pertinent to the well’s location and area of influence, including maps showing the boundaries of each agreement. The department may delay this requirement relative to area of influence through a permit condition until such time as required for production.
- g. In the case of a group of stratigraphic test wells, a plat of the general area to be covered by township and range listing the approximate number and depth of the holes, and outlining the parcels where drilling is contemplated. The plat shall indicate the nature of the applicant’s property interest in each parcel where drilling is contemplated.

17.3(2) *Approval or denial of permit; appeals.*

- a. The department shall, within 90 days of receipt of a complete application unless otherwise required to protect the environment or human health, grant a permit when such an application shows the drilling, deepening, or plugging of a well is consistent with this chapter and related laws. Unless extended in writing by the department, the permit shall expire one year from the date of issue if the work for which the permit was issued is not being actively pursued.

b. A permit application will be denied for being incomplete or for otherwise being inconsistent with this chapter and related laws.

c. Any aggrieved party may appeal the department's decision to approve or deny a permit application in accordance with 561—Chapter 7. The notice of appeal must be filed within 30 days following the issuance of the permit unless the appellant shows good cause for failure to receive actual notice and file within the allowed time.

17.3(3) Injection wells. Per 40 CFR Section 144.26, oil- and gas-related injection wells are used to inject fluids associated with oil and gas production. The United States Environmental Protection Agency's Underground Injection Control Program Director for Region 7 is the permitting authority for underground injection of substances in the state of Iowa and shall be notified of any proposed injection wells.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

561—17.4(458A) Transfer of drilling permits. A permit holder shall not transfer the permit to any other location or to any other person until the following requirements have been complied with and the transfer has been approved by the department.

17.4(1) Transfer to another location. If, prior to the drilling of a well, the permit holder desires to change the location, the permit holder shall submit a letter so stating and another application properly filled out showing the new location. No additional fee is necessary, but drilling shall not be started until the transfer has been approved and the new permit posted at the new location.

17.4(2) Transfer to another person. If, while a well is being drilled, or after it has been completed, the permit holder disposes of their interest in the well, the person shall submit a written statement to the department setting forth the facts and requesting that the permit be transferred to the person who has acquired the well.

17.4(3) Statement of responsibility and bond. Before the transfer of a drilling permit shall be approved, the person who has acquired the well must submit a written statement setting forth that the person has acquired such well and assumes the full responsibility for its operation and abandonment in conformity with the laws of Iowa and the rules and orders of the department. The bond required to guarantee compliance shall be furnished by the person acquiring such well.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

561—17.5(458A) Organization reports.

17.5(1) Every person independently engaged in, or acting as a principal or agent for another entity that is engaged in, the production, storage, transportation (except railroad), refining, reclaiming, treating, marketing, or processing of oil or gas, or the exploration for or production of metallic minerals, shall file the following with the department:

- a. The name under which the business is being operated.
- b. The name and contact information of the person, business or businesses engaged in any of the above.
- c. The plan of organization.
- d. In case of a corporation:
 - (1) The law under which it is chartered;
 - (2) The names and contact information for any persons acting as trustees;
 - (3) The name(s) of the manager, agent or executive; and
 - (4) The names and contact information of officers.
- e. If business is conducted under an assumed name, the names and contact information of all owners in addition to the other information required.

17.5(2) Immediately after any change of facts stated in the report filed, a supplementary report shall be filed with the department with updated information.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

561—17.6(458A) Drilling. The following subrules shall apply to all wells drilled:

17.6(1) *Sealing off strata.* During the drilling of any well for production of or exploration for oil, gas, or metallic minerals, all oil, gas, and water strata above and below the producing horizon shall be sealed or separated where necessary in order to prevent their contents from passing into other strata.

a. All fresh waters and waters of present or probable value for domestic, public, commercial or livestock purposes shall be confined to their respective strata and shall be adequately protected by methods approved by the department. Special precautions shall be taken in drilling and abandoning wells to guard against any loss of artesian water from the strata in which it occurs, and the contamination of artesian water by objectionable water, oil, or gas.

b. All water shall be isolated from the various oil- and gas-bearing strata that are penetrated. Isolation shall be performed by cementing casing with or without the use of mud-laden fluid. Alternative methods shall be approved on a case-by-case basis by the department.

17.6(2) *Casing and tubing requirements.* All wells drilled for oil, gas or production of metallic minerals shall be completed with strings of casing that shall be properly cemented at sufficient depths to protect all water-, oil-, or gas-bearing strata.

a. Sufficient cement shall be used on surface to fill the annular space back of the casing to the bottom of the cellar or to the surface of the ground.

b. All strings of casing shall be cemented under pressure for at least 12 hours before drilling plug or initiating tests. The department may approve having the casing under pressure for less than 12 hours if the applicant provides evidence that the shorter time frame is adequate. The term “under pressure” as used in this subrule will be complied with if one float valve is used or if pressure is otherwise held.

c. Cementing shall be by the pump and plug method, or another method approved by the department.

d. All flowing wells shall be tubed. The tubing shall be set as near the bottom as practicable, but tubing perforations shall not be above the top of pay unless authorized by the department.

17.6(3) *Defective casing or cementing.* In any well that appears to have defective, faultily cemented, or corroded casing that will permit or may create underground waste, the operator shall use the appropriate method and means to eliminate underground waste. If waste cannot be eliminated, the well shall be properly plugged and abandoned.

17.6(4) *Blowout prevention.* In all drilling operations, proper and necessary precautions shall be taken for keeping the well under control, including the use of a blowout preventer and high-pressure fittings attached to properly cemented casing strings, where indicated by geologic conditions.

17.6(5) *Pulling outside string of casing.* In pulling outside strings of casing from any oil or gas well, the space outside the casing left in the hole shall be kept and left full of mud-laden fluid or cement of adequate specific gravity to seal off all fresh and salt water strata and any strata bearing oil or gas not producing. No casing shall be removed without the prior approval of the department.

17.6(6) *Safety rules.*

a. All oil wells shall be cleaned into a pit or tank, not less than 40 feet from the derrick floor and 150 feet from any fire hazard.

b. All flowing oil wells must be produced through an approved oil and gas separator or emulsion treater of ample capacity and in good working order.

c. No boiler or portable electric lighting generator shall be placed or remain nearer than 150 feet from any producing well or oil tank.

d. Any debris that might constitute a fire hazard shall be removed to a distance of at least 150 feet from the vicinity of wells and tanks. All waste shall be disposed of in such manner as to avoid creating a fire hazard and to comply with the rules of the environmental protection commission.

e. The drilling fluid level shall be maintained continuously at a height sufficient to control subsurface pressures.

f. During the course of drilling, blowout preventers shall be tested at least once each 24-hour period, and results of the test shall be noted in the driller’s record.

17.6(7) *Preservation of cores and samples.*

a. Sample cuttings shall be taken at 5-foot intervals and at each change of formation or member, if less than 5 feet thick, in all wells drilled for oil, gas, or metallic mineral exploration or production, in the state of Iowa, unless a geophysical log is to be taken for the entire depth of the well.

b. Where a geophysical log is to be taken for the entire depth of the well, sample cuttings shall be taken at 10-foot intervals and at each formation or member change if less than 10 feet thick. The department may grant a waiver from the 10-foot sample interval under special conditions. Each sample shall be carefully identified as to well name and depth of sample, and all samples shall be shipped at the operator's expense to the Iowa geological survey.

c. The operator of any well drilled as provided in the previous paragraph shall, during the drilling of, or immediately following the completion of, any given well, advise the department of all intervals that are to be cored, or have been cored. The cores shall be preserved and forwarded to the Iowa geological survey at the operator's expense.

d. This rule shall not be construed as prohibiting the operator from taking samples of the core for identification and tests pertaining to oil and gas or metallic minerals. In the event that it is necessary for the operator to utilize all or any portion of the core to the extent that representative samples, sufficiently large to analyze, are not available for the state, the operator shall furnish the Iowa geological survey with the results of identification or testing procedures.

17.6(8) Well completion or recompletion report and well log. Within ten days after completion of a well drilled for oil or gas or production of metallic minerals, or casinghead gas, the operator or the operator's agent shall file with the department a complete log or record of the well, duly signed, on forms prescribed by the department. This record shall be filed even though samples of the drill cuttings have been taken and preserved for subsequent delivery to the Iowa geological survey. The logs on the wells shall be forwarded to the department and shall be confidential for a period of six months when so requested by the operator in writing.

A proper log for any well shall include all normally recorded information on the following:

a. Depth to and thickness of water-bearing beds, including, where measured, the static water level and volume of such water.

b. Lithology of formations penetrated, including color, hardness, and character of the rock, and particularly showing the position and thickness of coal beds and deposits of mineral materials of economic value.

c. Any caverns, large voids, losses of circulation, and sudden appreciable changes in water level.

d. A record of all oil, gas, and highly mineralized water encountered, including fill-up, volumes, and pressures.

e. A record of all casing and liner used, including the size, weight, amount, and depth set, the amount of cement used on each casing string, and the amount of casing stripped from the hole on completion or abandonment of the well.

f. Data on drill stem tests.

g. Generalized description of any core taken during drilling.

h. Data on perforating, acidizing, fracturing, shooting, and testing.

i. Data on bridge plugs set, make and type of plug, depth set, whether left in place or removed, and details of plug back operation below the bridge.

j. Electrical or other geophysical logging.

17.6(9) Stratigraphic test wells.

a. All stratigraphic test wells shall be plugged in accordance with the provisions of 561—17.14(458A).

b. Lithologic samples must be collected during the drilling of all stratigraphic test wells in accordance with the provisions of 17.6(7).

c. All records, samples, and logs, including mechanical logs, required under this rule must be filed with the Iowa geological survey six months after completion of the program set forth in the original application. If the company so requests in writing, these records, samples, and logs shall be kept confidential for an additional year after filing.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

561—17.7(458A) Identification of wells. Every well shall be identified by a sign, posted on the derrick or not more than 20 feet from the wellhead. Such signs shall be durable and legible. The wells on each lease or property shall be numbered in nonrepetitive, logical, and distinctive sequence. Each sign shall show the

number of the well, the name of the lease (which shall be different or distinctive for each lease), the name of the lessee, owner or operator, the permit number, and the location by quarter, section, township, and range.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

561—17.8(458A) Surface equipment.

17.8(1) Meter fittings. Meter fittings and associated metering equipment shall measure gas and oil flows separately and shall obtain gas-oil ratios either on the gas vent line of every separator or other proper connections made for metering, using current industry standard of practices. Wellhead equipment shall be installed and maintained so that static bottom hole pressures may be obtained at any time by the department after notification of the operator. Valves shall be installed so that pressures can be readily obtained on both casing and tubing.

17.8(2) Chokes or beans. All flowing wells shall be equipped with adequate chokes or beans to properly control the flow of the well.

17.8(3) Separators. All flowing wells must be produced through separators to maintain efficient gas-oil and oil-water ratios.

17.8(4) Dikes. When it is deemed necessary by the department to protect life, health, or property, the department may require any lease or oil storage tanks to be surrounded by an earthen dike with a capacity of one and one-half times the capacity of the tank or tanks it surrounds. The dike shall be continually maintained and the reservoir kept free from vegetation, water, or oil.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

561—17.9(458A) Deviation. No well may be intentionally deviated from the plans in the approved permit without written approval. Directional surveys may be required by the department whenever the location of the bottom of the well is in doubt. When necessary to protect correlative rights, the department shall require that the well be modified.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

561—17.10(458A) Notification of fire, breaks, leaks, or blowouts. All persons controlling or operating any oil and gas wells or pipelines, or receiving tanks, storage tanks, or receiving and storage receptacles into which crude oil is produced, received, or stored, or through which oil or gas is piped or transported, shall notify the department of fire, breaks, leaks or blowouts in accordance with Iowa Code section 455B.386. A written report, giving full details concerning all fires that occur at such oil or gas wells or tanks or receptacles on their property, all tanks or receptacles struck by lightning and any other fire that destroys oil or gas, and any breaks or leaks in or from tanks or receptacles and pipelines from which oil or gas is escaping or has escaped shall be submitted to the department within 30 days. In all reports of fires, breaks, leaks, or escapes, or other accidents of this nature, the location of the well, tank, receptacle, or line break shall be given by section, township, range, and property so that the exact location thereof can be readily located on the ground. The report shall likewise specify what steps have been taken or are in progress to remedy the situation reported, and shall detail the quantity of oil or gas lost, destroyed, or permitted to escape. In case any tank or receptacle is permitted to run over, the escape thus occurring shall be reported as in the case of a leak.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

561—17.11(458A) Producing from different pools through the same casing string or multiple completion of wells. No well shall be permitted to produce either oil or gas from different pools through the same string of casing. The multiple-zone completion of any well may be authorized only by special order of the department upon notice and hearing.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

561—17.12(458A) Commingling of production prohibited. The production from one pool shall not be commingled with that from another pool in the same field before delivery to a purchaser, unless otherwise ordered by the department.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

561—17.13(458A) Reports by producers, transporters or storers.

17.13(1) *Producers.* The producer or operator of each and every lease shall, on or before the fifteenth day of each month succeeding the month in which the production occurs, submit to the department a statement showing the amount of production made by each such lease during the preceding month.

17.13(2) *Transporters or storers.* Each transporter or storer of any oil or gas from any well, lease, pool, or developed unit shall, on or before the fifteenth day of each month succeeding the month in which the purchasing or taking occurs, file with the department, a statement of oil or gas purchased or taken from any such well, lease, pool, or developed unit during the preceding month.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

561—17.14(458A) Abandonment and plugging of wells. Any well drilled in connection with oil or gas operations or metallic mineral exploration or production shall be properly plugged when the well is no longer used for the purpose for which it was drilled. In instances where no completion or recompletion reports are filed, the well(s) in question must be properly abandoned and plugged within 30 days after the permit authorizing the drilling expires.

17.14(1) *Notice of intent to abandon and plug.* Notice of the proposed method of abandoning and plugging any well drilled in connection with oil or gas operations or metallic mineral exploration or production must be filed with the department. Approval must be obtained from the department prior to commencing operations. Time must be allowed for a department representative to be present at the plugging operations if so desired by the department. Where the time required to file notice and obtain approval in writing would constitute an undue hardship, verbal permission to proceed may be granted, but in any case, the notice must be filed.

17.14(2) *Method of plugging.* Before any well is abandoned, it shall be plugged in a manner that will permanently confine all oil, gas, and water in the separate strata in which they occur. This operation shall be accomplished by the use of mud-laden fluid, cement, and plugs, used singly or in combination as approved by the department. In the event that no log or an unsatisfactory log of the well is supplied, the well shall be completely plugged with cement from bottom to top. Casing shall be cut off below plow depth. Seismic, core, or other exploratory holes drilled to or below strata containing fresh water shall be plugged and abandoned in accordance with the applicable provisions in this subrule.

17.14(3) *Extension of time to plug well.* Upon written application to defer the abandonment and plugging of any unplugged well, the department may grant an extension for a reasonable period of time when good cause is shown and provided that all of the casing is left in the well and is in sound condition. The bond covering such well shall remain in full force and effect until the well is plugged and the other requirements of final abandonment have been completed.

[ARC 9442C, IAB 7/23/25, effective 8/27/25]

These rules are intended to implement Iowa Code chapter 458A.

[Filed ARC 4434C (Notice ARC 4279C, IAB 2/13/19), IAB 5/8/19, effective 6/12/19]

[Filed ARC 9442C (Notice ARC 8651C, IAB 1/8/25), IAB 7/23/25, effective 8/27/25]

CHAPTERS 18 to 99
Reserved

CHAPTER 100
Transferred to Public Defense[650] IAB 7/29/87

CHAPTER 101
Transferred to Public Defense[650] IAB 7/29/87

CHAPTERS 102 to 2504
Reserved

CHAPTER 2505
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

[ARC 0433D, IAB 7/8/26, effective 6/18/26]

561—2505.5(17A,22) Confidential records. The custodian may treat a record as a confidential record and withhold it from examination only to the extent that the custodian is authorized by Iowa Code section 22.7, another applicable provision of law, or a court order. Unless deemed as a confidential record or considered as a confidential record by Iowa Code section 22.7, all records are considered public and routinely disclosed without the consent of the subject.

2505.5(1) *Persons who may request.* Any person who would be aggrieved or adversely affected by disclosure of a record and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order authorizes the custodian to treat the record as a confidential record may request the custodian to treat that record as a confidential record and to withhold it from public inspection.

2505.5(2) *Request.* A written request that a record be treated as a confidential record and be withheld from public inspection should be filed with the custodian. The request must set forth the legal and factual basis justifying such confidential record treatment for that record. The request should include two copies of the record in question: one copy of the record with all information provided and a second copy of the record with the information being requested confidential deleted from the record.

2505.5(3) *Timing of decision.* A decision by the custodian with respect to the disclosure of a record to members of the public may be made when a request for its treatment as a confidential record that is not available for public inspection is filed or when the custodian receives a request for access to the record by a member of the public.

2505.5(4) *Request granted or deferred.* If a request for such confidential record treatment is granted, or if action on such a request is deferred, a copy of the record from which the matter in question has been deleted and a copy of the decision to grant the request or to defer action upon the request will be made available for public inspection in lieu of the original record. If the custodian subsequently receives a request for access to the original record, the custodian will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record that is not available for public inspection of the pendency of that subsequent request.

2505.5(5) *Request denied and opportunity to seek injunction.* If a request that a record be treated as a confidential record and be withheld from public inspection is denied, the custodian will notify the requester in writing of that determination and the reasons therefor. On application by the requester, the custodian may engage in a good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8 or other applicable provision of law. However, such a record need not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian will notify the requester in writing of the time period allowed to seek injunctive relief or the reason for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian may extend the period of good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received; if a court directs the custodian to treat it as a confidential record, to the extent permitted by another applicable provision of law; or with the consent of the person requesting access.

2505.5(6) *Processing of confidentiality claims.* In order to request a record be held confidential with the department, the party will comply with the following provisions:

a. Applicability/availability. Businesses that provide information to the department in applications, reports or otherwise in recorded form, or from or about which information is obtained and recorded by the department, may request that information not be disclosed to others for reasons of business confidentiality. Until such time as a request for confidentiality is received by the department, all information will be available to the public. If a claim is received after the information itself is received, the department will make such efforts as are administratively practicable to associate the claim with all copies of the previously received information. However, the department cannot ensure that such efforts will be effective in light of the possibility of prior disclosure or dissemination of the information beyond the department's reasonable control.

b. Confidentiality request process. An entity that submits information to the department may assert a confidentiality claim in accordance with the following process:

(1) Attach a cover sheet indicating the entity is seeking the information to be held confidential. The submission will include a letter of substantiation with the information required by paragraph 2505.5(6) "c."

(2) File two copies of the information: one copy with all information present and a second copy with the information for which the party wishes to claim confidential treatment deleted from the document.

c. Contents of claim. All claims for confidentiality must be substantiated with the following information in a letter attached to the proposed confidential document:

(1) A statement of all measures the business has taken to protect the confidentiality of the information and a statement of intent to continue to take such measures;

(2) Practices and policies of other businesses, if known, regarding confidentiality of similar information;

(3) A statement that the information is not, and has not been, reasonably attainable without the consent of the business by other persons other than government bodies by use of legitimate means;

(4) A statement demonstrating that disclosure of the information is likely to cause substantial harm to the business's competitive position;

(5) A reference to any other determinations of confidential status of the information or similar information.

d. Initial action by department. All claims will be reviewed for completeness and applicability of subrule 2505.5(8). If the claim does not include the substantiation required by paragraph 2505.5(6) "c," or if the claim relates to information within subrule 2505.5(8), the business making the claim will be notified by certified mail. If the substantiation or comment regarding the inapplicability of subrule 2505.5(8) is not received by the department within ten days of the date on the return receipt, the department will place the information in the public file. Otherwise, all information claimed to be confidential will be treated as such by the department until further notice.

e. Substantive criteria for use in confidentiality determinations. Prior determinations by the courts, the department, or other agencies on the information or similar information will be given due consideration and effect. Determinations will hold that business information is entitled to confidential treatment for the benefit of a particular person if:

(1) The business has taken and intends to continue to take reasonable measures to protect the confidentiality of the information;

(2) The information is not readily obtainable by others by legitimate means;

(3) The claim is not unreasonable in view of the nature of the information, the interests and normal practices of the business, and the practices of other businesses;

(4) No statute or rule specifically requires disclosure of the information; and

(5) There is a substantial likelihood that disclosure of the information would cause substantial harm to the competitive position of the business.

f. Determination. The department will transmit its determination regarding a claim for business confidentiality to the claimant by certified mail, notifying the claimant of the opportunity to provide comments within ten days subject to reasonable extension upon written request, and that failure to comment will be construed to indicate agreement with the preliminary determination. If the determination is in response to a request for disclosure, the person requesting the disclosure will be sent a similar notice in the same manner within ten days of the request. If any substantial comments are received, the final

decision will be made by the director or designee. If no substantial comments are received, the preliminary determination becomes the final decision.

g. All procedures within this rule will not be considered contested case proceedings as provided in Iowa Code chapter 17A.

2505.5(7) Confidential records. The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

- a. Sealed bids received prior to the time set for public opening of bids;
- b. Tax records made available to the department;
- c. Records that are exempt from disclosure under Iowa Code section 22.7;
- d. Minutes of closed meetings of a government body;
- e. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets;
- f. Those portions of the department's staff manuals, instructions, or other statements issued that set forth criteria or guidelines to be used by staff in auditing; in making inspections; in settling commercial disputes or negotiating commercial arrangements; or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution, or settlement of cases when disclosure of these statements would:

- (1) Enable law violators to avoid detection;
 - (2) Facilitate disregard of requirements imposed by law; or
 - (3) Give a clearly improper advantage to persons who are in an adverse position to the department;
- g. Records that constitute attorney work product, constitute attorney-client communications, or are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11; Iowa R.C.P. 1.503(3); Fed. R. Civ. P. 26(b)(3); and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

h. Any other records made confidential by law.

2505.5(8) Not confidential. Notwithstanding any other provision, the following information will not be considered confidential by the department:

a. Emission data. For purposes of this subrule, "emission data" means the following, with reference to any source of emission of any substance into the air:

- (1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission that has been emitted by the source (or of any pollutant resulting from any emission by the source) or any combination of the foregoing;
- (2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions that, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and
- (3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

b. Analytical results of monitoring or public water supply systems;

c. Name and address of any permit applicant; and

d. NPDES permits, applications (including any information required by NPDES application forms), and effluent data. For purposes of this subrule, "effluent data" means the following, with reference to any source of discharge of any pollutant:

(1) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant that has been emitted by the source (or of any pollutant resulting from any discharge from the source) or any combination of the foregoing;

(2) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants that, under an applicable

standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

[ARC 0433D, IAB 7/8/26, effective 6/18/26]

561—2505.9(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the department of natural resources by personal identifier in record systems. For the purposes of this rule, “record system” means any group of records under the control of the agency from which a record may be retrieved by a personal identifier, such as the name of an individual, number, symbol, or other unique retriever assigned to an individual. Records maintained by the department of natural resources, the environmental protection commission, and the natural resource commission are in accordance with guidelines as set forth by the state records commission’s file system. An updated index is maintained by the department and is available for public inspection. Records are collected pursuant to authorities contained in Iowa Code title XI. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications. Department of natural resources and natural resource commission records may include but are not limited to the following:

2505.9(1) Department of natural resources.

a. Administration, organization, and management.

- (1) Organization and management.
- (2) Planning and programming.
- (3) Administrative reports.
- (4) Insurance and bonding.
- (5) Departmental emergency planning.
- (6) Correspondence and reference materials.
- (7) Information and public relations.

b. Budgets, accounting and financial analysis.

- (1) Budget information.
- (2) Accounting.
- (3) Cost accounting.

c. Office services and facilities management.

- (1) Communications.
- (2) Printing and reproduction.
- (3) Records management.
- (4) Motor pool operations.
- (5) Facilities management.
- (6) Engineering and construction.

d. Equipment, supplies, and services.

- (1) Procurement.
 - (2) Property accountability.
- e. Legislative and legal.*
- (1) Department legislative liaison.
 - (2) Bills, joint resolutions, amendments, messages, and reports.
 - (3) Federal government.
 - (4) Administrative procedures.
 - (5) Attorney general opinions and research materials.
 - (6) Claims against the state.
 - (7) Lawsuits filed by the state.
 - (8) 28E agreements.

f. Personnel and payroll.

- (1) Employee personnel/payroll files.

- (2) Merit rules.
- (3) Payroll administration.
- (4) Position classification.
- (5) Preemployment.
- (6) Certification and selection.
- (7) Scheduling, assignments, and working hours.
- (8) Grievances.
- (9) Training and education.
- (10) Employee benefits and welfare.
- (11) Employment relations.
- (12) Equal employment opportunity.
- (13) Management improvement programs.
- (14) Delegation of authority and signature authorization.
- g. Conservation and environment.*
- (1) Geology.
 - 1. Surface and groundwater monitoring.
 - 2. Natural resources geographic information system (GIS) library.
 - 3. Oil/gas exploration and drilling.
- (2) Water conservation.
- (3) Land conservation.
- (4) Soil conservation.
- (5) Forestry management.
- (6) Fish and game conservation.
- (7) Recreation.
- (8) Environmental technology.
- (9) Air quality monitoring.
- (10) Water quality monitoring.
- (11) Land quality monitoring.
- (12) Hazardous material planning.
 - 1. Hazardous waste management.
 - 2. Underground storage tanks.
 - 3. Leaking underground storage tanks.
- (13) Radioactive materials.
- (14) Environmental—interdisciplinary.
- 2505.9(2) Natural resource commission.**
 - a.* Tort claims investigations.
 - b.* Numerous licensing files.
 - c.* Lifetime licenses.
 - d.* Boat registrations.
 - e.* Docks, mooring, buoys or raft registrations.
 - f.* Snowmobile registrations.
 - g.* Miscellaneous mailing list (e.g., magazine).
 - h.* Payroll and personnel information system.
 - i.* Fur buyer reports.
 - j.* Fish and game violations.
 - k.* Safety certified students (hunter safety, snowmobile safety, and boating safety).
 - l.* Special events applications and permits.
 - m.* Snowmobile accident reports.
 - n.* Boating accident reports.
 - o.* Drowning reports.
 - p.* Timber buyer reports and bonds.
 - q.* Work programs with Iowa State University.

- r. Timber management and forestry.
- s. State park ranger violation reports.
- t. Incident reports.
- u. Donations.
- v. Real estate acquisition.
- w. Encroachments.
- x. Campground host program.
- y. Law enforcement intelligence network (LEIN) and turn in poachers (TIP).
- z. Park leases and concessions.

[ARC 0433D, IAB 7/8/26, effective 6/18/26]

561—2505.10(17A,22) Other groups of records. This rule describes groups of records maintained by the department of natural resources other than record systems as defined in rule 561—2505.9(17A,22). These records are routinely available to the public. However, the department's files of these records may contain confidential information. In addition, some records may contain information about individuals. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications.

2505.10(1) Rulemaking. Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

2505.10(2) Commission records. Agendas, minutes, and materials presented to the environmental protection commission and the natural resource commission are available from the office of the director, except these records concerning closed sessions that are confidential under Iowa Code section 21.5(5). Commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3.

2505.10(3) Publications. News releases, annual reports, Iowa Outdoors magazine, project reports, agency newsletters, etc., are available from the department offices for public information. Brochures describing various department programs are available at local offices of the department. Department news releases, project reports, Iowa Outdoors magazine, and newsletters may contain information about individuals, including department staff or members of the commission or committees.

2505.10(4) Statistical reports. Periodic reports for various department programs are available from the department offices for public information.

2505.10(5) Grants or loans. Records on persons and institutions receiving grants or loans are available through the institutions, also for public information. The records may contain information about employees of a grantee.

2505.10(6) Published materials. The department of natural resources uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

2505.10(7) Policy manuals. The department of natural resources employees' manual, containing the policies and procedures for programs administered by the department, is available in every office of the department. Policy manuals do not contain information about individuals.

2505.10(8) All other records that are not exempted from disclosure by law. The department maintains a variety of records that do not generally contain information pertaining to named individuals.

[ARC 0433D, IAB 7/8/26, effective 6/18/26]

[Filed Emergency ARC 0433D, IAB 7/8/26, effective 6/18/26]

CHAPTER 2506
CONTESTED CASES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

[ARC 0432D, IAB 7/8/26, effective 6/18/26]

561—2506.4(17A) Electronic requests for contested case proceeding.

2506.4(1) A person entitled to a contested case proceeding must electronically file written request for such a proceeding within the time specified by the governing rules or statutes or, if no rule or statute sets such a time, within 60 days.

[ARC 0432D, IAB 7/8/26, effective 6/18/26]

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