

CHAPTER 51
WATER PERMIT OR REGISTRATION—WHEN REQUIRED

[Prior subject matter INRC rule 3.1]

[Prior to 12/3/86, Water, Air and Waste Management[900]]

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

567—51.2(455B) Storage (surface). A permit shall be required for the storage of 18 acre-feet or more of water in permanent storage. No such storage permit shall be granted by the department prior to issuance of a flood plain permit, if applicable, approving the plans and specifications for the impounding structure. No water storage permit from the department shall be required for waste stabilization lagoons, waste storage basins, or similar structures which are used solely for wastewater treatment or disposal. A storage permit is required for a stormwater retention basin of at least 18 acre-feet. A permit authorizing withdrawals of water from an artificial reservoir formed by an officially designated grade stabilization structure which was constructed with federal, state, or local cost-sharing funds shall not be granted unless the person applying for such a permit provides written approval for such withdrawals from the soil and water conservation district in which the structure is located.

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.

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

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).

567—51.6(455B) Miscellaneous uses. Unless otherwise provided herein, a permit shall be required for the use of more than 25,000 gallons of water per day for any purpose.

51.6(1) Reserved

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

51.6(3) Test pumping. The department may authorize by registration, as described in 51.6(5), test pumping of sources of water to determine adequacy of the source and effects of such withdrawals. The department may require the applicant to conduct the test pumping under the supervision of or acquire technical assistance from the department's Iowa geological survey (IGS) or its designee. No such registration for test pumping shall be for a period of more than one year. A registration must be obtained from the department for any pumping test in which more than 25,000 gallons of water will be withdrawn in a period of 24 hours or less.

51.6(4) Rural water districts. A 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.

51.6(5) Permit registration for minor, nonrecurring uses. Any use of water which 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 applicant may register minor, nonrecurring water use by submitting Form 20 (542-3112). Such registration shall be for up to one year. 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 necessary for the alleviation of damages, withdrawal of water shall cease immediately upon notification by the department and an application for a permit shall be submitted.

51.6(6) Research contracts. The withdrawal of water for research purposes by the department's IGS through its agents, employees, or contractees may be authorized by registration under 51.6(5) and may be subject to conditions set by the department.

567—51.7(455B) Excavation and processing of rock and gravel products. A water 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. This permit requirement is subject to the following exceptions:

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

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 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.

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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.