

567—50.2(455B) Definitions. Definitions used in this division of these rules are listed in alphabetical order as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Protected flow” means the *“established average minimum flow”* defined in Iowa Code section 455B.261.

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

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

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

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

“Stream” means a *“watercourse”* other than a lake as defined in Iowa Code section 455B.261.

“Stream bordering the state” means those reaches of the Missouri, Mississippi, Des Moines, and Big Sioux rivers that serve as a state boundary.

“Sufficient water supply” means a nonregulated well which is capable of providing enough water for the nonregulated use.

“Surface water” means water occurring on the surface of the ground.

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

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

“Test pumping” means a controlled aquifer test for verification of well interference using the existing wells and pumping systems of the complainant and suspect permittee.

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

“Water use reduction plan” means a program that establishes numeric water reduction goals (e.g., percent or volume of water per day) on a short-term time frame through either voluntary or mandatory conservation regulatory requirements (e.g., plumbing codes, sprinkling ordinances, et al.) for each customer category (residential, commercial, industrial, landscape irrigation, agricultural, recreational, or other). Such a plan shall include a mechanism for evaluating the system’s unaccounted-for water (water audit or the equivalent). An industrial permittee water use reduction plan shall examine reduction of the use of water in heat transfer, use of water in materials transfer, use of water for washing, and use of water as an incorporated ingredient. Each customer category or use category should be evaluated by the permittee. The permittee will then determine how to meet the water reduction goals.

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

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