

567—52.10(455B) Priority allocation restrictions.

52.10(1) General. After any event described in subrule 52.10(2) has occurred, the department will investigate and, if appropriate, may restrict water use according to the priority allocation plan as described in subrule 52.10(3). Prior to imposing the priority allocation plan, the department will normally require emergency conservation measures to be taken by existing permittees. The department will not normally require emergency conservation until a shortage of water is imminent and will not normally impose the priority allocation plan until an actual impairment of water usage exists.

The department will notify existing permittees of any emergency restriction or suspension of water use by written order pursuant to subrule 52.7(2). A permittee will be required to maintain daily records of water withdrawal and wastewater discharge, if any, while the emergency order is in effect. These records shall be available for inspection by the department to verify compliance with the order.

Suspension or restriction of water usage applicable to otherwise nonregulated water users shall be by emergency order of the director which the department shall cause to be published in local newspapers of general circulation and broadcast by local media. The emergency order shall state an effective date of the suspension or restriction and shall be immediately effective on that date unless stayed, modified or vacated at a hearing before the commission or by a court.

The department will lift the suspension or restriction of water usage, as deemed appropriate, when evidence of sustained, improved conditions is available.

The department will not impose a suspension of water or a further restriction, other than emergency conservation, on the uses of water provided in paragraphs 52.10(3) “g” through “i” or on uses of water pursuant to a contract with the state as provided in Iowa Code subsections 455B.263(5) and 455B.263(6) unless the governor has issued a proclamation, as described in paragraph 52.10(2) “b.” Notwithstanding such proclamation, in the case of water use under a contract with the state pursuant to Iowa Code subsections 455B.263(5) and 455B.263(6) and in effect prior to March 5, 1985, restriction or suspension measures will be limited to emergency conservation.

52.10(2) Triggering events. The department may implement the priority allocation plan following the occurrence of any of the following:

a. Receipt of a petition by a governmental subdivision or 25 persons that the priority allocation plan be implemented due to a substantial local water shortage adversely affecting their water supply.

b. Issuance by the governor of a proclamation of a disaster emergency due to a drought or other event affecting water resources of the state.

c. Determination by the department in conjunction with the homeland security and emergency management division of the Iowa department of public defense of a local crisis which affects availability of water.

d. Receipt of information from a state or federal natural resource, research or climatological agency (including the National Drought Monitor) indicating that a drought of local or state magnitude is imminent. As a general guideline, emergency conservation or priority allocation restrictions will not be imposed on withdrawals from a surface stream or adjacent alluvial aquifer when stream flow is above the seven-day, one-in-ten-year low-flow level.

52.10(3) Priority allocation plan. Notwithstanding a person’s possession of a permit or the person’s use of water being a nonregulated use, the department may suspend or restrict usage of water by category of use on a local or statewide basis in the following order:

a. Water conveyed across state boundaries.

b. Water used primarily for recreational or aesthetic purposes.

c. Uses of water for the irrigation of any general crop.

d. Uses of water for the irrigation of any specialty crop.

e. Uses of water for manufacturing or other industrial processes.

f. Uses of water for generation of electrical power for public consumption.

g. Uses of water for livestock production.

h. Uses of water for human consumption and sanitation supplied by rural water districts, municipal water systems, or other public water supplies.

i. Uses of water for human consumption and sanitation supplied by a private water supply.

This rule is intended to implement Iowa Code section 455B.266.