

567—54.5(455B) Well interference by existing permitted uses. If a complaint is made to the department by the owner of a nonregulated well regarding suspected well interference, the following procedures will be followed.

54.5(1) *Initial notification of complaint.* The complainant shall provide the department with the following information:

- a. Name, address, and telephone number.
- b. Description of the nonregulated well, including: location, depth, construction data and other pertinent information, as available.
- c. Description of the problem.
- d. Suspected cause of well interference.

54.5(2) *Initial response by the department.* The department will provide the complainant with a description of procedures, guidelines for resolving well interference complaints and information from department files on permitted uses in the area. The department will also notify any permitted user who is suspected of causing well interference of a possible well interference complaint.

54.5(3) *Well inspection.* It is the responsibility of the complainant to have the affected well inspected by a certified well contractor, to have the contractor complete Form 122: Water Well Inspection Report, and to submit the report to the department. Costs for a well inspection are eligible for compensation if well interference is subsequently verified.

54.5(4) *Corrective work prior to a settlement.* The complainant may proceed with corrective measures prior to a settlement and remain eligible for compensation if well interference is subsequently verified. However there will be no assurance of compensation. To be eligible for compensation, conditions prior to the corrective work must be documented on Form 122: Water Well Inspection Report.

The department and suspect permittee(s) should be notified and given opportunity to inspect the nonregulated well and consider alternative means for resolving the possible conflict prior to proceeding with the corrective work. If not, and well interference is subsequently verified but a reasonable settlement other than compensation is available, no compensation will be awarded.

Determination of apparent well interference, verified well interference and compensation, if any, will proceed in accordance with subrule 54.5(5) and rules 54.6(455B) and 54.7(455B).

54.5(5) *Determination of apparent well interference.* The department will determine that the complaint appears valid if all of the following criteria are met:

- a. The well inspection found no mechanical or structural reason for well failure.
- b. A permitted use can be identified as an apparent cause of well interference.
- c. The nonregulated well was in use when the permitted use began or the suspect permitted use changed significantly while the nonregulated well was still active.
- d. The suspect permittee and complainant withdraw water from the same aquifer or sources likely to be in close hydraulic connection.
- e. The suspect permittee was withdrawing water during the period when well interference was claimed.
- f. Well interference is reasonably possible with known conditions (i.e., pumping rates, separation distances, aquifer properties and relative water levels in the wells).
- g. Other obvious causes of water level decline are not apparent.

The department may identify permitted uses, in addition to those identified by the complainant, as apparent causes of well interference and will so notify the complainant and each suspect permittee. The department or a suspect permittee may identify other nonregulated wells which may also be affected by well interference caused by the suspected permittee(s), and the department will so notify the suspect permittee(s) and each potential complainant who has been so identified.

If the department determines that apparent well interference exists, the department will immediately notify the complainant and suspect permittee(s) of the situation, procedures, and required informal negotiations. If the department determines that apparent well interference does not exist, the complaint will be dismissed and the complainant and each suspect permittee will be so notified. A dismissal may be appealed by the complainant as provided in rule 54.10(455B).

54.5(6) *Emergency withdrawal suspension or restrictions.* If the complainant's well is not able to deliver a sufficient water supply due to apparent well interference, the department may immediately suspend or restrict withdrawal by the suspect permittee(s) pursuant to 567—subrule 52.7(2). Restrictions may include, but are not limited to, scheduling withdrawals or reducing withdrawal rates. If approved by the department, the permittee(s) may elect to provide a temporary water supply to the complainant or take other appropriate measures as an alternative to withdrawal suspension or restrictions. A temporary water supply must meet the needs of the intended use in terms of both quantity and quality.