

567—49.6(455B) Private well construction permit issuance, conditions, expiration, and denial.

49.6(1) Issuance. Upon receipt of a complete application, the department or contracting county shall issue a private well construction permit to the landowner or landowner's agent, except as provided in 49.6(6).

49.6(2) Not a water withdrawal permit. Each permit shall include notification that a private well construction permit is not a water withdrawal permit and does not eliminate the necessity of obtaining any water withdrawal permits required in 567—Chapters 50 and 53 through 55 for water withdrawal in excess of 25,000 gallons of water per day from any source or combination of sources in the state of Iowa.

49.6(3) Construction by certified well contractor. Each well construction permit shall require that each well be constructed by a certified well contractor in compliance with this chapter and 567—Chapter 82.

49.6(4) Transferability. A private well construction permit is not transferable.

49.6(5) Expiration. A private well construction permit shall expire one calendar year from the date of issuance. If the well construction is not started prior to the permit expiration date, a new application plus a new nonrefundable fee must be filed with the department or the county pursuant to 49.5(2).

49.6(6) Permit denial. The department or contracting county may deny a private well construction permit in the following circumstances:

a. If granting the permit would lead to the violation of state law, could result in groundwater contamination, or would lead to withdrawal from a protected source;

b. If the well could threaten public health or the environment; or

c. If the well would be an underground agricultural drainage injection well.

49.6(7) Appeal of permit denial. Any applicant aggrieved by a decision issued under the provisions of this chapter may file a notice of appeal with the director. The notice of appeal must be filed within 30 days of the date of the permit decision. The form of the notice of appeal and appeal procedures are governed by 561—Chapter 7. Appeal of a permit denied by a county that has been delegated authority to issue private well construction permits shall be administered by the county in accordance with its appeal or judiciary review process. Appeal to the department is possible only when the appeal involves well design or construction variances or if delegation to the county is suspended, rescinded, or revoked.

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