

567—52.3(455B) Conditions on withdrawals from streams.

52.3(1) Streams draining less than 50 square miles. Withdrawals of water from streams draining less than 50 square miles shall be subject to the following conditions:

a. Two hundred gallon per minute (200 gpm) restriction. New withdrawals of water for consumptive uses shall not be in excess of 200 gallons per minute (200 gpm) on an aggregate basis. However, the department may authorize withdrawals in excess of 200 gallons per minute (200 gpm) for storage purposes during high stream flows, taking into account other permitted withdrawals on the stream reach.

b. Protected flow restriction. Except as provided in 52.3(1)“c,” withdrawals for consumptive uses, with the exception of community public water supplies, shall cease when the stream flow is below the protected flow designated in rule 52.8(455B). When the flow of a stream, or portion thereof designated by the department, is below a flow equal to the protected flow plus the summation of all permitted consumptive withdrawals by permittees whose permits provide for maintenance of a protected flow in such stream or portion thereof, the department may, subject to the provisions of 52.3(1)“c,” order temporary cessation or rotation of all consumptive withdrawals, with the exception of community public water supplies, to ensure that the protected flow is preserved.

c. Replacement water exemption. Paragraphs 52.3(1)“a” and “b” shall not apply to withdrawals for consumptive uses from a stream if the permittee discharges replacement water into such stream at rates sufficient to offset the consumptive withdrawals and the department approves the method and location of discharge.

d. Exemption until July 1, 1991, for certain users. Rescinded IAB 6/7/06, effective 7/12/06.

52.3(2) Streams draining 50 or more square miles. Withdrawals of water from streams draining 50 or more square miles shall be subject to the following conditions:

a. Protected flow restriction. Except as provided in 52.3(2)“b,” withdrawals for consumptive uses, with the exception of community public water supplies, shall cease when the stream flow is below the protected flow designated in rule 52.8(455B). When the flow of a stream, or portion thereof designated by the department, is below a flow equal to the protected flow plus the summation of all permitted consumptive withdrawals by permittees whose permits provide for maintenance of a protected flow in said stream or portion thereof, the department may, subject to the provisions of 52.3(2)“b,” order temporary cessation or rotation of all consumptive withdrawals, with the exception of community public water supplies, to ensure that the protected flow is preserved.

b. Replacement water exemption. Paragraph 52.3(2)“a” shall not apply to withdrawals for consumptive uses from a stream if the permittee discharges replacement water into such stream or tributary thereto at rates sufficient to offset the consumptive withdrawals and the department approves the method and location of discharge.

c. Exemption until January 1, 1989, for certain water uses. Rescinded IAB 6/7/06, effective 7/12/06.

d. Exemption after December 31, 1988, for certain electric generating facility cooling needs. Rescinded IAB 6/7/06, effective 7/12/06.

e. Exemption until July 1, 1991, for certain users. Rescinded IAB 6/7/06, effective 7/12/06.