

567—50.7(17A,455B) Review of complete applications.

50.7(1) Order of processing. In general, complete applications including all requested supporting information shall be reviewed in the order that complete information is received. However, when there are a large number of pending applications, which precludes the department from promptly processing all applications, the department may expedite review of a particular application out of order if the completed application and supporting documents were submitted at the earliest practicable time and any of the following conditions exist:

- a. Relatively little staff review time (generally less than four hours) is required and delay will cause the applicant hardship;
- b. The applicant can demonstrate that a delay in the permit will result in a substantial cost increase of a large project;
- c. Prompt review of the permit would result in earlier completion of a project that conveys a significant public benefit;
- d. The need for a permit is the result of an unforeseen emergency or catastrophic event; or
- e. A permit is needed to complete a project that will abate or prevent an imminent threat to the public health and welfare.

50.7(2) Summary report of application review. Before an initial decision is issued on an application, personnel assigned to review an application shall prepare a summary report which shall state whether the withdrawal, diversion, or use of water as described in the complete application conforms to relevant criteria. The report shall identify the information used to determine the potential for a proposed use of water to adversely affect other water users. For an application to withdraw groundwater, the report shall describe the effects on water levels anticipated to occur from the proposed use; indicate if verified well interference has been found; and provide options for resolving any verified well interference in accordance with 567—Chapter 54.

50.7(3) Public notice of recommendation to issue permit.

a. *New permits and modifications of permits.*

Prior to the issuance of a permit to withdraw, divert or inject water, the department shall publish a notice of recommendation to grant a permit. The notice shall summarize the application and the recommendations in the summary report. The notice shall allow 20 days to request a copy of the summary report and submit comments on the report. The department may extend the comment period upon request for good cause. The notice may be published in a newspaper circulated in the locality of the proposed water source, or the department may use other methods of publishing the notice to ensure adequate notice to the affected public. The notice shall be sent to any person who has requested a copy of the notice concerning the particular water use under consideration.

b. *Permit renewals.* The notice provisions of paragraph “a” of this subrule shall apply to requests for permit renewals except that the department need not publish notice of recommendation to grant a renewal permit which does not involve modification of permit conditions.

50.7(4) Notice to the applicant that proposed withdrawal, diversion or use of water does not conform to criteria. If the application review discloses that the proposed withdrawal, diversion or use of water violates one or more criteria and the application should therefore be disapproved, or approved only subject to special conditions to which the applicant has not agreed, the department shall notify the applicant and, when practical, suggest appropriate project modifications. The department shall offer the applicant an opportunity to submit comments before an initial decision is made.

50.7(5) Applications for uses that were nonregulated prior to July 1, 1985. Rescinded IAB 6/7/06, effective 7/12/06.

[ARC 5052C, IAB 6/17/20, effective 7/22/20]