

567—52.20 (455B) Water storage permits.

52.20(1) *Beneficial use and protected flow criteria.* A permit for storage of impounded water shall be based on the following findings:

a. The proposed storage is for a specified beneficial use such as human or livestock water supply, recreation, aesthetic value, erosion control, or low-flow augmentation.

b. The impounding structure can be operated in a manner which will not adversely affect any applicable protected flow in the impounded stream.

c. The construction, operation, and maintenance of the impounding structure has been approved by the department.

52.20(2) *Duration of permit.* A permit for storage of water impounded by a dam other than a major structure may be granted for the life of the structure. A permit for storage of water impounded by a major structure may be granted for any period not exceeding ten years.

52.20(3) *Conditions of approval for storage of water impounded by a major structure.* A permit authorizing storage of water impounded by a major structure as defined in 567—Chapter 70 shall include the following conditions:

a. Storage of water shall not commence until construction of the dam as approved by the department is completed and accepted by the department pursuant to 567—paragraph 74.21(1)“c.” Until construction of the dam is accepted the gate on the low level or dewatering outlet shall remain open.

b. The permittee shall notify the department of any proposed change in the ownership of any part of the dam, or of any change in the identity of the person responsible for its construction, operation, and maintenance. For dams built under easement where the property owner does not have primary responsibility for construction, operation, and maintenance, notice of proposed change in ownership is not required if the identity of the responsible person does not change.

c. The permittee shall permit inspections of the dam in accordance with 567—Chapter 74.

52.20(4) *Criteria for renewal of water storage permits.* In addition to considering the criteria in subrule 52.9(1), the department shall review its most recent dam safety inspection report as part of the review of an application for renewal of a water storage permit and shall consider the following additional factors:

a. The physical condition of the dam and appurtenant structures as related to safety of the dam.

b. The permittee’s record of compliance with the conditions of the expiring storage permit and the approval order which authorized construction, use and maintenance of the dam.

c. Changed circumstances including upstream or downstream development which may affect the hazard classification of the dam or its ability to function as intended.

52.20(5) *Conditions of cancellation or suspension of water storage permits.* When a water storage permit is canceled or suspended pursuant to Iowa Code section 455B.271, the gate on the low level or dewatering outlet shall be opened and the impoundment drained in accordance with the procedures in 567—Chapter 74 and the impoundment shall remain drained unless storage of water is again authorized. Additional measures including breaching of the dam may be required if necessary to reduce risk of damage associated with dam failure.

This rule is intended to implement Iowa Code sections 455B.262, 455B.264, 455B.265, 455B.267, 455B.270, 455B.271, 455B.274 and 455B.278.