

House File 861 - Introduced

HOUSE FILE 861
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HF 480)

A BILL FOR

1 An Act relating to beneficial use in the context of water
2 allocation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 455B.261, subsection 4, Code 2025, is
2 amended by striking the subsection.

3 Sec. 2. Section 455B.265, subsection 1, Code 2025, is amended
4 to read as follows:

5 1. In its consideration of applications for permits, the
6 department shall give priority in processing to persons in the
7 order that the applications are received, except ~~where~~ when
8 the application of this processing priority system prevents the
9 prompt approval of routine applications or ~~where~~ when the public
10 health, safety, or welfare will be threatened by delay. If
11 the department determines after investigation that the diversion,
12 storage, or withdrawal is consistent with the principles and
13 policies of beneficial use and ensuring conservation, the
14 department shall grant a permit. The determination of beneficial
15 use shall be made on a case-by-case basis, and shall not be based
16 on categories of uses. An application for a permit shall be
17 approved or denied within ninety days from the date that the
18 department receives the complete application. A renewal permit
19 shall be approved or denied by the department within thirty days
20 from the date that the department receives a complete application
21 for renewal. If the applicant requests an extension of the time
22 allotted, the department may approve the request to allow the
23 applicant more time to submit additional information to resolve
24 a contested or complex application. Regardless of the request
25 in the application, and subject to appeal, the director or the
26 department may determine the duration and frequency of withdrawal
27 and the quantity of water to be diverted, stored, or withdrawn
28 pursuant to the permit. Each permit granted after July 1,
29 1986, shall include conditions requiring routine conservation
30 practices, and requiring implementation of emergency conservation
31 measures after notification by the department.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to beneficial use of water allocation.

1 Under current law, for the purposes of Code chapter 455B,
2 subchapter III, part 4, "beneficial use" is defined as the
3 application of water to a useful purpose that inures to the
4 benefit of the water user and subject to the user's dominion and
5 control but does not include the waste or pollution of water.
6 The bill strikes the definition and provides that beneficial
7 use is determined by the department of natural resources on a
8 case-by-case basis when determining whether to grant a permit for
9 the diversion, storage, or withdrawal of water, and must not be
10 based on the category of use.

unofficial