

**567—50.4(17A,455B) How to request a permit.****50.4(1) Application form.**

*a. Application for approval of a new withdrawal or diversion of water unrelated to the use of an agricultural drainage well.* For withdrawals or diversions of water unrelated to the use of an agricultural drainage well, a request for a new permit as distinguished from modification or renewal of an existing permit shall be made on Form 542-3106. An application form must be submitted by or on behalf of the owner, lessee, easement holder or option holder of the area where the water is to be withdrawn, diverted, and used. An application must be accompanied by a map portraying the points of withdrawal or diversion and the land on which water is to be used oriented as to section, township, and range. One application normally will be adequate for all uses on contiguous tracts of land. Tracts of land involved in the same operation separated only by roads or railroads will be deemed contiguous tracts. For water storage permits, applications will be made in conjunction with dam construction permits as required in rule 567—73.10(455B).

*b. Application for diversion of water related to the use of an agricultural drainage well.* An application for the diversion of water and any other materials to an aquifer related to the use of an agricultural drainage well shall be made on a form obtained from the department and be submitted by or on behalf of such owners, lessees, easement holders, or option holders of all lands within the agricultural drainage well area. If the agricultural drainage well is part of a legally organized drainage district, the drainage district shall be a joint applicant. Applications for permits for diversions related to the use of an agricultural drainage well that existed prior to February 18, 1998, shall be made by July 1, 1999, with the exception of agricultural drainage wells that must be closed to comply with the provisions of 1997 Iowa Acts, Senate File 473. An application will not have to be filed for wells in a designated agricultural drainage well area which must be closed by December 31, 1999. In addition, the department may grant up to a six-month delay in the application date for owners of agricultural drainage wells where it can be shown there is a reasonable expectation that the agricultural drainage well will be voluntarily closed by December 31, 1999.

*c. Application for modification or renewal of a permit.* A request for renewal of a permit should be submitted on Form 542-1470. A request to modify an existing permit shall be made on Form 16 (542-3106) and must include an explanation of the necessity for the modification.

*d. Where to submit application.* Rescinded IAB 6/7/06, effective 7/12/06.

**50.4(2) Fees.**

*a. Application fee.* An application to the department for a new permit, modification of an existing permit, or registration of a minor nonrecurring use of water must be accompanied with the fee listed in the table below. These fees are nonrefundable and are not transferable. For any single application, if more than one fee in the table below applies, only the higher fee is required. The fees become effective on July 1, 2009.

| <b>Application Description</b>   | <b>Form</b>   | <b>Fees, in dollars</b> |
|--|---------------|-------------------------|
| (1) To apply for a new permit to withdraw or divert water  | 16 (542-3106) | \$350                   |
| (2) To renew an existing permit  | 542-1470      | \$0                     |
| (3) To modify an existing permit to either add a new source or increase the amount or rate of water withdrawn or diverted from a source or sources | 16 (542-3106) | \$350                   |
| (4) To modify the conditions of an existing permit which are not described in Item 3 of this table (see above)                                     | 16 (542-3106) | \$0                     |
| (5) To apply for an aquifer storage and recovery permit or a protected source designation  | N/A           | \$700                   |
| (6) To apply for a permit to store water   | 18 (542-3109) | \$75                    |
| (7) To register a minor nonrecurring use of water  | 20 (542-3112) | \$75                    |

*b. Annual permit fee.* In addition to the application fee, there is an annual permit fee for a water use permit or an aquifer storage and recovery permit. The annual fee shall be based on the number of active permits. Each permit holder shall pay the same annual fee. The fee will not be prorated and is

nonrefundable. The annual permit fee is due December 1 of each year, beginning with December 1, 2009. The department will provide an annual fee notice to each permittee at least 60 days prior to the fee due date. An additional fee of \$100 will be imposed if the fee is not received by December 1. Failure to remit the fee by January 1 may result in the cancellation of the permit.

(1) There is no annual fee for a water storage permit (see (6) of table, paragraph 50.4(2) “a”) or for a minor nonrecurring water use registration (see (7) of table, paragraph 50.4(2) “a”).

(2) The annual fee shall be based on the costs for administering the water use permitting program for the previous calendar years and on the anticipated expenses for succeeding fiscal years. The department will review the annual permit fee each year and adjust the fee as necessary to cover all reasonable costs required to develop and administer the water use permitting program. Permit holders that have paid an application fee after December 1, but prior to November 30, will not be required to pay an annual fee until December 1 of the following year. If an applicant remits an annual fee for the 12-month period beginning December 1 and then later submits an application fee for a permit modification, the applicant will be refunded the lesser of the fees. The department shall request commission approval of the amount of the annual fee no later than September 30 of each year.

**50.4(3)** *Supporting information required for complete application.* An application shall not be considered complete until the fee specified in this rule and all supporting information requested under 567—50.6(17A,455B) have been submitted by the applicant or agents of the applicant.

[ARC 7694B, IAB 4/8/09, effective 5/13/09; ARC 5052C, IAB 6/17/20, effective 7/22/20; ARC 5899C, IAB 9/8/21, effective 10/13/21]