

DNR REGULATORY AGENDA FOR SFY 2008
FORM FOR REGULATORY ACTION DESCRIPTION

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Withdrawal, Diversion, and Storage of Water: Water Rights Allocation Rule Revision - Permit Fees

Rule Chapter(s) that may be involved 567—Chapter 50 [Water Use & Allocation] Scope, Definitions, Forms, and Rules of Practice (567—50.4(2))

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Rule revisions are needed to increase the application fee for IDNR's Water Rights Allocation Program to cover the cost of the program. Fees for a new permit or modification of an existing permit are being considered to support the operation of the water use program. Currently, the \$25 fee for the 10-year permit generates about \$10,000 per year, while the cost of the program is about \$300,000 per year. A water allocation fee will also be considered. The fees should be increased to produce revenues between \$500,000 - \$750,000 per year to provide the resources needed to meet the legislative obligations. These obligations include: updating the State Water Plan, funding Iowa Geological Survey and the US Geological Survey to update the protected flow criteria, installation of gaging stations on key segments of Iowa rivers to measure low flow, and updating and completing new aquifer water availability/safe yield studies.

Legal Basis

(Include whether action is required by statute or court order)

The Iowa DNR has jurisdiction over the surface and ground waters of the state to establish and administer a comprehensive program that ensures the water resources of the state are put to beneficial use, and allows the department to institute fees in accordance with Iowa Code 455B.105(11).

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Rule revisions are needed to obtain fees in order to support the program.

Other Affected/Interested Rule Making Authorities

IDALS and IDED

Potential Public Groups Impacted

Iowa Farm Bureau, Iowa Association of Business and Industry, Iowa Association of Municipal Utilities, American Water Works Association, Iowa Association of Water Agencies, Iowa Rural Water Association, statewide golf course association, energy generators, irrigators, aggregate producers, etc.

Schedule:

(Actions & month/year)

10/07: Advisory group meetings
12/07: Submit to EPC as an Information Item (draft rules)
1/08: Submit to EPA as a Decision Item (proposed rules)
2/08: Notice of Intended Action published in Iowa Administrative Bulletin
3/08: Hold public hearing & public comment period
5/08: Submit to EPC as a Decision Item (final rules)
6/08: Adopted & filed published in Iowa Administrative Bulletin

Staff Contact/Phone #

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