

**NOTICE OF INTENT TO MODIFY A PERMIT
AUTHORIZING THE USE OF WATER
FOR RECREATIONAL PURPOSES
IN HARDIN COUNTY, IOWA**

Notice is hereby given that pursuant to Iowa Code Chapter 455B, there is now on file with the Iowa Department of Natural Resources, 6200 Park Avenue, Suite "200"; Des Moines, Iowa 50321, an application as described below.

The City of Iowa Falls, Iowa DNR Log # 34,794, requests a newly modified water use permit authorizing withdrawal of water from the Iowa River, on land generally described as the SE ¼ of Section 13, T89N, R21W, in Hardin County, Iowa, in the maximum quantity of 50 million gallons per year at a maximum rate of 700 gallons per minute (1.56 cubic feet per second) from May 21st through October 15th of each year for recreational purposes to maintain a waterfall.

The proposed permit modification represents the increase in yearly allotment from 36 million gallons of water per year to 50 million gallons, to facilitate operational flexibility.

The Department has determined that this use of water conforms to the relevant criteria (Iowa Code Chapter 455B and Iowa Administrative Code Chapter 567) and recommends the permit be granted. A copy of the summary report for the application is available upon request to the Department at the address listed above. Comments on the report and this use of water must be received by OCTOBER 22, 2026, and should specify the Iowa DNR log number.

(By Michael K. Anderson, P.E.)

**IOWA DEPARTMENT OF NATURAL RESOURCES
WATER USE PERMIT SUMMARY REPORT**

Applicant: City of Iowa Falls

Application Iowa DNR Log No.: 34,794

The City of Iowa Falls, Iowa DNR Log # 34,794, requests a newly modified water use permit authorizing withdrawal of water from the Iowa River, on land generally described as the SE ¼ of Section 13, T89N, R21W, in Hardin County, Iowa, in the maximum quantity of 50 million gallons per year at a maximum rate of 700 gallons per minute (1.56 cubic feet per second) from May 21st through October 15th of each year for recreational purposes to maintain a waterfall.

1. The Iowa River traverses through the center of the community in a general west to east direction. The point of withdraw is located in the south central section of the City's commercial district.
2. The proposed water source consists of the Iowa River and its associated drainage basin system. Under normal conditions an aquifer associated with an extremely large drainage basin system, will not be subject to depletion as a result of water withdrawal at an insignificant rate.
3. The drainage area of the Iowa River at the withdrawal site is approximately 665 square miles, and direct Iowa River withdrawals are restricted to when there is sufficient flow in excess of the combined withdrawals of all similarly regulated permits in this reach of the river to maintain instream flows comparable to 104 cubic feet per second in the Iowa River at the USGS permanent flow record station at Marshalltown, Iowa. The Applicant's intent is to withdraw water to create a waterfall and then return the unspent water to the Iowa River. The only water consumed will be that amount lost to evaporation; therefore, there is no protected flow requirement for the Applicant's permit.
4. The nearest neighboring water users requiring the diversion of water from wells in sufficiently large quantities to require a water use permit are the City of Iowa Falls (permit #0019), located within one mile of the applicant's site, and Hawkeye Renewables, LLC (permit #8796), located within 1 ¼ miles of the applicant's site. The City of Iowa Falls permit consists of three Hampton Dolomite Mississippian aquifer wells each approximately 225 feet deep and the Hawkeye Renewables, LLC permit which gets its water from one Cambrian-Ordovician well 1,940 feet deep. None of these wells are directly impacted by water withdrawal from the Iowa River.
5. The applicant is devoting a reasonable amount of water to a beneficial use (recreational/aesthetic purposes, e.g., water creation and maintenance). There is no evidence that the use of water pursuant to a permit granted in accordance with the conclusions contained herein will constitute a waste of the water resources of the State, will be incompatible with the state comprehensive plan for water resources, will impair the effect of pollution control laws of this State or the navigability of and navigable watercourse, or will be detrimental to the public interest or to the interests of property owners with prior or superior rights who might be affected. The requested amount of water use is also justified by law, barring compelling circumstances that mitigate to the contrary.

THEREFORE:

The requested use of water conforms to the relevant criteria in Division III, Part 4, Chapter 455B, Code of Iowa and Chapter 50 of Part 567, Iowa Administrative Code. No substantial adverse effect upon other water users is foreseen at this time. Following publication of notice and subject to revisions in response to comments that may be submitted, the attached draft permit should be issued for a period of ten years.

Summary Report: Log 34,794

City of Iowa Falls

09/22/2026

Water Supply Engineering Section

Date:

IOWA DEPARTMENT OF NATURAL RESOURCES

WATER USE PERMIT

Permit issued to:

CITY OF IOWA FALLS
315 STEVENS ST PO BOX 698
IOWA FALLS IA 50126

Permit Number: 9239-M2

Effective: xx/xx/2026

Expires: xx/xx/2036

The Permittee is authorized to:

withdraw water from the Iowa River, on land generally described as the SE ¼ of Section 13, T89N, R21W, in Hardin County, Iowa, in the maximum quantity of 50 million gallons per year at a maximum rate of 700 gallons per minute (1.56 cubic feet per second) from May 21st through October 15th of each year for recreational purposes to maintain a waterfall.

This authorization to withdraw water has been granted pursuant to the provisions of Part 4 of Division III of Chapter 455B, Code of Iowa, and Chapter 50, Part 567, Iowa Administrative Code, and is further subject to the general permit conditions within this permit.

Conditions of this permit may be appealed as provided in rule 567--50.8(3), Iowa Administrative Code. Appeal must be in writing and must be received at the Iowa Department of Natural Resources, Water Supply Engineering Section, 6200 Park Ave. Suite 200, Des Moines, Iowa 50321-1371 within thirty days of the date of the certification of the mailing of the permit.

FOR THE DIRECTOR:

By: _____ Date Executed: xxxxxxx, 2026
cc: Permit File

CERTIFICATE OF MAILING

On the date shown below, a copy of the foregoing permit was mailed to the Permittee and to each person entitled to receive a copy as provided by rule 567--50.8(2), Iowa Administrative Code.

Certified by (initials): _____ Date: _____

GENERAL PERMIT CONDITIONS

1. Permittee shall maintain accurate and up-to-date records of monthly water use from each authorized source and submit them annually to the Department.
2. Permittee may be required to submit other information related to the regulation of this use of water as directed by the Department.
3. This Permit is issued pursuant to Iowa Code chapter 455B.265(1) to authorize the withdrawal and use of water by the permittee, subject to the terms contained herein and to the laws and rules of the Department that regulate the withdrawal and use of water. Issuance of this permit does not relieve the permittee of the responsibility to comply with applicable local, state and federal laws, ordinances, regulations or other legal requirements.
4. Permittee shall be responsible for notifying the Department when there are changes to any conditions and authorizations given in this permit, including additional water source(s), well(s), intake(s), an expansion of the facility, or any other listed condition.
5. Permittee shall construct, maintain, and monitor observation wells as directed by the Department to define the effects of Permittee's water withdrawals on groundwater resources or on other water users who might be affected by the withdrawals authorized herein.
6. Permittee shall limit intake to provide for the downstream discharge of that portion of the natural flow in said Iowa River that is required to prevent material damage to downstream users.
7. Permittee shall provide screening on water intakes as required in Section 481A.14, Code of Iowa, to protect fish and other aquatic life.
8. Permittee must apply to renew this water use permit using the appropriate DNR form prior to the expiration date of the current permit version.
9. Permittee shall submit to the Department within 90 days of being notified by the Department or no later than the expiration date of this permit, whichever first occurs, a plan for implementing routine day-to-day water conservation measures and for implementing emergency water conservation measures during periods of water shortage. Until such a plan has been submitted to and approved by the Department, Permittee shall implement those emergency water conservation measures determined to be necessary by the Department pursuant to Iowa Code Sections 455B.265 and 455B.266.
10. This permit supersedes Water Use Permit No. 9239-R1.

CAVEAT

Permittee is advised that pursuant to Section 455B.271, Code of Iowa, the authority to withdraw water provided by this permit may be modified, canceled or suspended in case of any breach of the terms or conditions herein, in case of any violation of state law pertaining to the permit, or if found necessary to prevent substantial injury to private or public interests.