

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

Applicant: Lawler Scs Capture LLC

Application Log No.: 32,563

The applicant, Lawler Scs Capture, LLC, Iowa DNR Log No. 32,563, requests a permit authorizing withdrawal of water from one new Devonian Limestone well, about 380 feet deep, located on land generally described as the NW ¼ of the SE ¼ of Section 01, T95N, R12W, Chickasaw County, Iowa, in the maximum quantity of 55.9 million gallons per year at a maximum rate of 100 gallons per minute throughout each year for carbon capture-related purposes on said land.

The well is in proximity to the Homeland Energy ethanol production plant.

1. The proposed source of water is located in the Devonian Limestone, geographically about 6 miles generally east of the City of New Hampton. The Devonian aquifer is sometimes used in this locality for public and private water supply, and is quite productive with substantial local variations.
2. The proposed source of water is in the vicinity of the village of Lawler, and 2000 feet west of the Simpson Creek drainage, which flows in a southerly to easterly direction east of the applicant's land. The drainage area of the Simpson Creek catchment just downstream of the land in question is about 14.6 square miles. Simpson Creek hence (eventually) drains into the Turkey River. The water in question is to be used for issues related to carbon capture, ancillary related to ethanol production uses. IDNR anticipates no substantial impacts on water availability in the aquifer as a result of the Applicant's proposed withdrawal.
3. Based upon the previous pump test there appears to be sufficient water for the Homeland Energy usage and also for the existing City of New Hampton municipal use.
4. The nearest private well, as discussed above, is located approximately 5100 feet east-northeast of the site. Withdrawals made at this distance and at the magnitude and rate requested by the Applicant are likely to result in some minor degree of interference (at the most) with this private well. It is further likely that any other private water wells

associated with these dwellings identified with this application will not be adversely affected by the proposed withdrawals, to a certain degree (see analysis above). Such drawdown effects as have been discussed do not preclude a recommendation to grant this permit. In any event, the interests of individuals using water for domestic purposes, as well as those persons benefiting from the permits mentioned above, are amply protected, in the event of substantial injury, pursuant to Section 455B.271, Code of Iowa.

5. According to Departmental records, the nearest neighboring water user requiring the diversion of water in sufficiently large proportions to require a water use permit and utilizing a Cambrian Jordan sandstone water source (#1471) is more than 6 miles south and westward of the Applicant's withdrawal site. In this circumstance, substantial interference with this neighboring water user is highly unlikely. Other neighboring water uses requiring the diversion of water in sufficiently large proportions to require water use permits are located in excess of 7 miles from Applicant's well, and are withdrawing water for municipal use, and for material production. The City of Lawler is located only two miles eastward of this withdrawal site, this City utilizes a Devonian Cedar Valley Limestone aquifer source for their municipal wells. Based on the hydrology of the drainage basin system, and the relative elevations and distances between the withdrawal sites, and the lack of any reported or documented usage conflicts from this operation or any other operation in this area, the Department anticipates no adverse impacts resulting from the Applicant's proposed use of water.
6. Any permit issued pursuant to this application should not be construed as an authorization to discharge water into the Simpson Creek drainage, or ultimately to the Turkey River itself, or to any other waters or lands. An NPDES Permit authorizing such discharges must first be obtained from the Department.
7. The ability and intent of the applicant to devote a reasonable amount of water to a beneficial use seem evident. 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.

THEREFORE:

The requested use of water conforms to the relevant criteria in Division III, Part 4, Chapter 455B, Code of Iowa and Chapter 52 of Part 567, Iowa Administrative Code. No 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.

April 25, 2023

Water Supply Engineering Section