

## CHAPTER 228

## DRAINAGE DISTRICT ASSESSMENTS

H. F. 110

AN ACT to amend section four hundred fifty-five point two hundred twelve (455.212), Code 1954, relating to installments of assessments for the costs incident to the adoption by a drainage district board of a federal plan of improvement for said district.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section four hundred fifty-five point two hundred  
2 twelve (455.212), Code 1954, is hereby amended by striking from line  
3 eight (8) of said section the word "three" and inserting in lieu thereof  
4 the word "twenty".

Approved April 19, 1957.

## CHAPTER 229

## WATER RESOURCES CONSERVATION

H. F. 553

AN ACT relating to the conservation, protection, development, use, and regulation of the water resources of Iowa.

WHEREAS, the use of water for municipal, industrial, agricultural, recreational and all other beneficial purposes is a matter of great public interest and affects the public welfare, health and safety; and

WHEREAS, the sustained yield of water, services and products of kinds dependent upon water from related soils, watersheds, and ground water basins is essential to the attainment and maintenance of a permanent, stable and fruitful economy in the state of Iowa; and

WHEREAS, the proper use and management of surface water facilities makes practicable the conservation of ground water and land in many areas; and

WHEREAS, the needs of the state of Iowa, in reference to the availability and use of water of good quality, are such that the public interest and welfare require that our limited water supplies be put to the highest beneficial use in due regard to the needs of the land to assure proper development, wise use, conservation and protection of water, as well as land, including the sustained yield of water from soils, watersheds and ground water basins making up water problem areas; and

WHEREAS, the public interest, health and welfare will be served by enactment of a water code supplying needed definitions in the area of water rights, classifying certain uses of water as regulated uses to be regulated and controlled by means of a permit system to make possible the greatest utilization of the water resources of the state of Iowa for beneficial use but at the same time to protect the public interest in areas where competing uses are involved, and otherwise providing for the conservation, development, protection, use and regulation of the water resources of the state of Iowa; now therefore,

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section four hundred fifty-five A point one (455A.1),  
2 Code 1954, is amended as follows:

3 1. By striking the words, "flood control" in line twenty-four (24) of  
4 such section and inserting in lieu thereof the words, "the subject  
5 matter of this chapter".

6 2. By adding to said section the following:

7 "Surface water" means the water occurring on the surface of the  
8 ground;

9 "Ground water" means that water occurring beneath the surface of  
10 the ground;

11 "Diffused waters" means waters arising by precipitation and snow-  
12 melt, and not yet a part of any water course or basin and shall include  
13 capillary soil water;

14 "Depleting use" means the storage, diversion, conveyance, or use of  
15 any supply of water which might impair rights of lower or surround-  
16 ing users, or might impair the natural resources of the state or might  
17 injure the public welfare if not controlled.

18 "Beneficial use" means the application of water to a useful purpose  
19 that inures to the benefit of the water user and subject to his dominion  
20 and control but does not include the waste or pollution of water;

21 "Nonregulated use" means the use of water for ordinary household  
22 purposes, use of water for poultry, livestock and domestic animals,  
23 any beneficial use of surface flow from rivers bordering the state of  
24 Iowa, or use of ground water on islands or former islands situated in  
25 such rivers, existing beneficial uses of water within the territorial  
26 boundaries of municipal corporations on the effective date of this Act,  
27 except that industrial users of water, having their own water supply,  
28 within the territorial boundaries of municipal corporations, shall be  
29 regulated when such water use exceeds three (3) percent more than  
30 the highest per day beneficial use prior to the effective date of this Act,  
31 and any other beneficial use of water by any person of less than five  
32 thousand (5000) gallons per day;

33 "Regulated use" means any depleting use except a use specifically  
34 designated as a nonregulated use;

35 "Permit" means the written authorization issued by the water  
36 commissioner or council to a permittee which shall be limited as to  
37 quantity, time, place, and rate of diversion, storage or withdrawal in  
38 accordance with the declared policies and principles of beneficial use  
39 set forth in this chapter;

40 "Permittee" means the person who obtains a permit from the  
41 council authorizing such persons to take possession by diversion or  
42 otherwise and to use and apply an allotted quantity of water for a  
43 designated beneficial use, and who makes actual use of the water for  
44 such purpose;

45 "Waste" means (a) permitting ground water or surface water to  
46 flow, taking it or using it in any manner so that it is not put to its full  
47 beneficial use, (b) transporting ground water from its source to its  
48 place of use in such a manner that there is an excessive loss in transit,  
49 (c) permitting or causing the pollution of a water bearing strata  
50 through any act which will cause salt water, highly mineralized  
51 water, or otherwise contaminated water to enter it;

52 "Watercourse" means any lake, river, creek, ditch or other body

53 of water or channel having definite banks and bed with visible evidence  
 54 of the flow or occurrence of water, except such lakes or ponds without  
 55 outlet to which only one landowner is riparian;

56 "Basin" means a specific subsurface water-bearing reservoir having  
 57 reasonably ascertainable boundaries;

58 "Established average minimum flow" means when reasonably required  
 59 for the purpose of this Act, the council shall determine and establish  
 60 the average minimum flow for a given watercourse at a given point  
 61 thereon. The "average minimum flow" for a given watercourse as  
 62 used in this Act shall be determined by the following factors:

63 (a) Average of minimum daily flows occurring during the preceding  
 64 years chosen by the council as more nearly representative of changing  
 65 conditions and needs of a given drainage area at a particular time;

66 (b) minimum daily flows shown by experience to be the limit at  
 67 which further withdrawals would be harmful to the public interest  
 68 in any particular drainage area; and (c) those minimum daily flows  
 69 shown by established discharge records and experiences to be defi-  
 70 nitely harmful to the public interest. Such determination shall be  
 71 based upon available flow data, supplemented, when available data are  
 72 incomplete, by whatever evidence is available."

73 "Impounded or stored water" means that water captured and stored  
 74 on the land by anyone taking it pursuant to the provisions of this  
 75 chapter, and the party impounding the water shall become the absolute  
 76 owner thereof.

1 SEC. 2. Section four hundred fifty-five A point two (455A.2),  
 2 Code 1954, is amended as follows:

3 1. By inserting after the word, "the" in line four (4) of such sec-  
 4 tion the words, "orderly development, wise use, protection and".

5 2. By inserting after the word, "agency" in line eleven (11) of  
 6 such section the following: ", the Iowa natural resources council,".

7 3. By striking all of such section after the word, "statewide" in line  
 8 thirteen (13) of such section and inserting in lieu thereof the follow-  
 9 ing: "program for the control, utilization, and protection of the sur-  
 10 face and ground-water resources of the state. It is hereby declared  
 11 that the general welfare of the people of the state of Iowa requires  
 12 that the water resources of the state be put to beneficial use to the  
 13 fullest extent of which they are capable, and that the waste or un-  
 14 reasonable use, or unreasonable methods of use, of water be pre-  
 15 vented, and that the conservation of such water be exercised with the  
 16 view to the reasonable and beneficial use thereof in the interest of the  
 17 people, and that the public and private funds for the promotion and  
 18 expansion of the beneficial use of water resources shall be invested to  
 19 the end that the best interests and welfare of the people are served.

20 Water occurring in any basin or in any watercourse, or other nat-  
 21 ural body of water of the state, is hereby declared to be public waters  
 22 and public wealth of the people of the state of Iowa and subject to use  
 23 in accordance with the provisions of this Act, and the control and  
 24 development and use of water for all beneficial purposes shall be in  
 25 the state, which, in the exercise of its police powers, shall take such  
 26 measures as shall effectuate full utilization and protection of the  
 27 water resources of the state of Iowa."

1 SEC. 3. Section four hundred fifty-five A point four (455A.4),  
 2 Code 1954, is hereby amended as follows:

3 1. By striking the word, "seven" in line two (2) of such section  
4 and inserting in lieu thereof the word, "nine (9)".

5 2. By striking the word, "and" in line six (6) after the word,  
6 "office".

7 3. By striking all of such section after the word, "years." in line  
8 eleven (11) of such section and insertng in lieu thereof the following:

9 "The terms of three (3) members of the council shall expire on  
10 July 1 of each odd-numbered year. Within sixty (60) days following  
11 the organization of each biennial regular session of the general assem-  
12 bly, appointments shall be made of successors to members of the coun-  
13 cil whose terms of office shall expire on the first of July next there-  
14 after and of members to fill the unexpired portion of vacant terms."

1 SEC. 4. Each incumbent member of the Iowa natural resources  
2 council serving at the time of the enactment of this Act shall con-  
3 tinue in office until the expiration of the term of office to which he  
4 was appointed. Short-term appointments of such additional members  
5 for periods of less than six (6) years as is necessary to provide for  
6 the transition from seven (7) members to nine (9) members, three  
7 (3) of whose terms expire on July 1, of each odd numbered year, shall  
8 be made within thirty (30) days after the effective date of this Act  
9 by the governor with the consent of two-thirds ( $\frac{2}{3}$ ) of the senate in  
10 executive session, if the general assembly is then in session.

1 SEC. 5. Section four hundred fifty-five A point seven (455A.7),  
2 Code 1954, is hereby amended by striking the word, "one" in line  
3 seven (7) of such section and inserting in lieu thereof the word,  
4 "two (2)".

1 SEC. 6. Section four hundred fifty-five A point nine (455A.9),  
2 Code 1954, is hereby amended by inserting at the beginning of such  
3 section the numeral "1", and inserting at the end of such section the  
4 following:

5 "2. The council shall choose a water commissioner who shall not  
6 be a member of the council and shall fix the compensation of such  
7 commissioner, which shall be payable out of the funds appropriated  
8 to the council. The water commissioner shall be qualified by training  
9 and experience. The term of office of the water commissioner shall  
10 be during the pleasure of the council. The water commissioner shall  
11 serve in a quasi-judicial capacity as the trier of fact questions in the  
12 processing of all applications for appropriation permits. He shall  
13 conduct hearings on any applications for permits as provided by law  
14 and the rules and regulations of the council, and he shall perform  
15 such other duties as the council may prescribe.

16 3. The council may choose one or more deputy water commission-  
17 ers who shall not be members of the council. The council shall fix  
18 the compensation of such deputy commissioners, which shall be pay-  
19 able out of the funds appropriated to the council. The deputy com-  
20 missioners shall be qualified by training and experience. The term  
21 of office of the deputy commissioners shall be during the pleasure of  
22 the council. A deputy commissioner shall have all of the duties, re-  
23 sponsibilities, and powers of the water commissioner when acting in  
24 his stead. The deputy commissioners shall be assigned hearings on  
25 applications for permits by the water commissioner."

1 SEC. 7. Section four hundred fifty-five A point seventeen  
2 (455A.17), Code 1954, is hereby amended by adding thereto the fol-  
3 lowing new sentence: "The council shall administer said programs."

1 SEC. 8. Section four hundred fifty-five A point eighteen (455A.18),  
2 Code 1954, is hereby amended by inserting after the word, "protec-  
3 tion" in line thirty-eight (38) of such section the word, "utilization,"  
4 and by striking all of such section after the word, "state." in line  
5 thirty-nine (39) of such section and inserting in lieu thereof the fol-  
6 lowing:

7 "Upon application by any person for permission to divert, pump,  
8 or otherwise take waters from any watercourse, underground basin  
9 or watercourse, drainage ditch or settling basin within the state of  
10 Iowa for any purpose other than a nonregulated use, the council shall  
11 cause to be made an investigation of the effect of such use upon the  
12 natural flow of such watercourse and also the effect of any such use  
13 upon the owners of any land which might be affected by such use  
14 and shall hold a hearing thereon."

1 SEC. 9. The procedure for securing a permit to divert, store or  
2 withdraw waters shall be as follows:

3 1. The application for a permit shall be made in writing to the  
4 council and shall set forth the designated beneficial use for which the  
5 permit is sought, the specific limits as to quantity, time, place, and  
6 rate of diversion, storage or withdrawal of waters.

7 2. Upon receipt of an application for a permit, the water commis-  
8 sioner shall set a time and place for hearing. The hearing shall be  
9 in the county where the permit is sought, but may be held at any  
10 other place in the state unless objection is raised by the applicant.  
11 The hearing shall be to the water commissioner.

12 3. The water commissioner shall cause notice of the hearing to be  
13 published in a newspaper of general circulation in the county in  
14 which the permit is sought. Said notice shall be published once each  
15 week for two consecutive weeks, with the date of last publication  
16 not less than ten (10) nor more than thirty (30) days prior to the  
17 date of hearing and said notice shall be on a form provided by the  
18 council which shall specify the date, time and place of hearing and  
19 shall include a concise statement of the designated beneficial purposes  
20 for which diversion is sought, the specific limits as to quantity, time,  
21 place, and rate of diversion, storage or withdrawal of waters, the  
22 name of the applicant and the description of the land upon which  
23 waters are to be diverted, stored or withdrawn. In addition to the  
24 foregoing, the water commissioner shall cause a copy of the notice  
25 to be sent to the director of the conservation commission, commis-  
26 sioner of public health, the secretary of the soil conservation commit-  
27 tee, secretary of agriculture, director of the Iowa geological survey,  
28 the director of the Iowa development commission, and to any other  
29 person who has filed a written request for a notification of any hear-  
30 ings affecting a designated area, by ordinary mail, prior to the date  
31 of last publication.

32 4. Any interested person may appear and present evidence at the  
33 hearing, and may be represented by counsel, who shall have the right  
34 to question others who present evidence.

35 5. The applicant for a permit shall pay a fee to the council in the

36 amount of ten (10.00) dollars at the time of filing his application  
37 which fee shall include the cost of publishing notice and which pub-  
38 lication shall then be paid for by the council.

39 6. The council shall prescribe the rules of procedure for the con-  
40 duct of the hearings.

41 7. The determination of the water commissioner on any application  
42 before him shall be in writing, filed with the council and shall set  
43 forth his findings. A copy of the determination shall be mailed to  
44 the applicant and to any person appearing who in writing requests  
45 a copy of the determination.

46 8. Any party aggrieved by the determination of the water commis-  
47 sioner may, within thirty (30) days from the date such determination  
48 is filed, appeal therefrom to the council setting forth in general terms  
49 the determination appealed from and the grounds of the appeal. The  
50 director shall set a time and place for hearing before the council and  
51 shall then send a notice by ordinary mail to all persons who appeared  
52 at the hearing before the water commissioner.

53 9. The council shall adopt rules and regulations for the conduct  
54 of the hearing on appeal and shall file a determination in writing,  
55 setting forth findings. A copy of the determination shall be mailed  
56 to the applicant or to any person appearing who in writing requests  
57 a copy of the determination.

58 10. The water commissioner or the council at any hearing or other  
59 proceeding authorized by this Act, shall have the power to administer  
60 oaths; take testimony; issue subpoenas and compel the attendance of  
61 witnesses, the subpoenas shall be served in the same manner as sub-  
62 poenas issued by the courts of the state; and to order the taking of  
63 depositions in the same manner as depositions are taken under the  
64 Iowa Rules of Civil Procedure.

1 SEC. 10. If the water commissioner at the first hearing or the  
2 council at the hearing on appeal shall determine after due investi-  
3 gation that such diversion, storage or withdrawal will not be detri-  
4 mental to the public interests, including drainage and levee districts,  
5 or to the interests of property owners with prior or superior rights  
6 who might be affected, the water commissioner following the first  
7 hearing, or the council following the hearing on appeal shall grant  
8 a permit for such diversion, storage or withdrawal. Any person or  
9 public body aggrieved by the granting of such permit may appeal as  
10 provided by section four hundred fifty-five A point twenty-three  
11 (455A.23). Permits may be granted for any period of time but not  
12 to exceed ten (10) years. Permits may be granted which provide  
13 for less diversion, storage, or withdrawal of waters than set forth  
14 in the application. Permits may be extended by the water commis-  
15 sioner beyond the period for which granted without hearing if no  
16 objection is raised, but if written objection is filed by any aggrieved  
17 person shown to have an interest, a hearing shall be held thereon.  
18 Any permit granted shall remain as an appurtenance of the land  
19 described in the application unless disposed of otherwise.

1 SEC. 11. In the consideration of applications for permits, priority  
2 will be given to persons in the order applications are received. How-  
3 ever, persons who have made diversion or withdrawal of water for a  
4 beneficial use prior to the effective date of this Act will be accorded

5 priority according to the actual date of said diversion or withdrawal.  
6 The water commissioner or the council on appeal shall exercise their  
7 judgment on the quantity of water for which a permit may be  
8 granted. The use of water for ordinary household purposes, for poul-  
9 try, livestock and domestic animals shall have priority over other  
10 uses. Any person with an existing irrigation system in use prior to  
11 the effective date of this Act shall be issued a permit to continue,  
12 unless by the use thereof some other riparian user is damaged. In  
13 the consideration of applications for permits by regulated users, the  
14 declared policies and principles of beneficial use, as set forth in this  
15 chapter, shall be the standard for the determination of the disposition  
16 of the applications for said permits. Nothing in this chapter shall  
17 impair the vested right of any person. Prior orders of the council  
18 shall not be invalidated by the provisions of this Act.

1 SEC. 12. The water commissioner and the council shall have the  
2 authority to issue a permit for beneficial use of water in a water-  
3 course provided the established average minimum flow is preserved.

1 SEC. 13. No use of water shall be authorized that will impair the  
2 effect of pollution control laws of this state.

1 SEC. 14. No permit shall be issued or continued that will impair  
2 the navigability of any navigable watercourse.

1 SEC. 15. For the purpose of administering this Act, a permit as  
2 herein provided shall be required for the following:

3 1. Any municipal corporation or person supplying a municipal cor-  
4 poration which increases its water use in excess of one hundred thou-  
5 sand (100,000) gallons, or three per cent (3%), whichever is the  
6 greater, per day more than its highest per day beneficial use prior  
7 to the effective date of this Act. Such corporation or person shall  
8 make reasonable provision for the storage of water at such time or  
9 times when the daily use of such water by such corporation or person  
10 is less than the amount specified herein.

11 2. Except for a nonregulated use, any person using in excess of  
12 five thousand (5,000) gallons of water per day, diverted, stored, or  
13 withdrawn from any source of supply except a municipal water sys-  
14 tem or any other source specifically exempted under the provisions  
15 of this Act.

16 3. Any person who diverts water or any material from the surface  
17 directly into any underground watercourse or basin. Provided, how-  
18 ever, that any diversion of water or material from the surface directly  
19 into any underground watercourse or basin existing upon the effective  
20 date of this Act shall not require a permit if said diversion does not  
21 create waste or pollution.

22 4. Industrial users of water having their own water supply, within  
23 the territorial boundaries of municipal corporations, shall be regulated  
24 when such water use exceeds three (3) percent more than the high-  
25 est per day beneficial use prior to the effective date of this Act.

1 SEC. 16. No person shall take water from any natural water-  
2 course, underground basin or watercourse, drainage ditch, or set-  
3 tling basin within the state of Iowa for any purpose other than a  
4 nonregulated use except upon compliance with the provisions of this

5 Act, provided that existing uses may be continued during the period  
6 of the pendency of an application for a permit.

1 SEC. 17. Nothing in this Act shall operate to deprive any person  
2 of the right to use diffused waters, or to drain land by use of tile, open  
3 ditch or surface drainage, or to construct an impoundment on said  
4 person's property or across a stream that originates on said person's  
5 property so long as provision is made for safe construction and for  
6 continued established average minimum flow, if and when such flow  
7 is required to protect the rights of water users below.

1 SEC. 18. Every permit issued hereunder shall be irrevocable for  
2 the term therefor, and for any extension of such term except as fol-  
3 lows:

4 1. A permit may be modified or cancelled by the water commission-  
5 er, with the consent of the permittee.

6 2. Subject to appeal in the manner provided by section nine (9),  
7 subsection eight (8), of this Act, a permit may be modified or can-  
8 celled by the water commissioner in case of any breach of the terms  
9 or conditions thereof or in case of any violation of the law pertaining  
10 thereto by the permittee, his agents or servants, in case of non-use as  
11 provided hereinafter, or in case the water commissioner finds such  
12 modification or cancellation necessary to protect the public health or  
13 safety or to protect the public interests in lands or waters, or to pre-  
14 vent substantial injury to persons or property in any manner, upon  
15 at least thirty (30) days written notice mailed to the permittee at  
16 his last known address, stating the grounds of the proposed modifi-  
17 cation or cancellation and giving the permittee an opportunity to  
18 be heard thereon.

19 3. By written order to the permittee, the water commissioner may  
20 forthwith suspend operations under a permit if he finds it necessary  
21 in an emergency to protect the public health or safety or to protect  
22 the public interests in lands or waters against imminent danger of  
23 substantial injury in any manner or to any extent not expressly  
24 authorized by the permit, or to protect persons or property against  
25 such danger, may require the permittee to take any measures neces-  
26 sary to prevent or remedy such injury; provided, that no such order  
27 shall be in effect for more than thirty (30) days from the date thereof,  
28 without giving the permittee at least ten (10) days written notice of  
29 such order and an opportunity to be heard thereon.

1 SEC. 19. The right of the permittee and his successors to the use  
2 of water shall terminate when he ceases for three (3) consecutive  
3 years to use it for the specific beneficial purpose authorized in his  
4 permit and the permittee has been notified by the water commission  
5 that unless written application as set forth as follows, that the per-  
6 mit will cease; provided, however, that upon his written application  
7 prior to the expiration of said three-year period for extension of said  
8 permit, the council may grant such extension without loss of priority.

1 SEC. 20. A permittee may sell, transfer, or assign his permit by  
2 conveying, leasing, or otherwise transferring the ownership of the  
3 land described in the permit, but such permit shall not constitute  
4 ownership or absolute rights of use of such waters, but such waters  
5 shall remain subject to the principle of beneficial use and the orders  
6 of the council.



1 SEC. 21. The state of Iowa, any subdivision thereof, or municipal  
2 corporation, for the purpose of carrying out any permission granted,  
3 as hereinbefore provided, shall have and exercise the power of emi-  
4 nent domain.

1 SEC. 22. Section four hundred fifty-five A point nineteen  
2 (455A.19), Code 1954, is hereby amended as follows:

3 1. By inserting after the word, "erected" in line three (3) of such  
4 section the words, ", used, or maintained".

5 2. By striking from line seventeen (17) of such section the words,  
6 ", make, use or maintain" and inserting in lieu thereof the words,  
7 "or make".

8 3. By striking from lines twenty-two (22) to twenty-five (25) in-  
9 clusive, of such section the words, "and it is uncertain as to whether  
10 it will adversely affect the efficiency of or unduly restrict the capacity  
11 of the floodway,".

12 4. By striking the word, "may" in line twenty-five (25) of such  
13 section and inserting in lieu thereof the word, "shall".

14 5. By inserting after the word, "same." in line thirty (30) of such  
15 section the following new paragraph:

16 "The council shall have the authority to maintain an action in  
17 equity to enjoin any such person from erecting or making or suffering  
18 or permitting to be made any structure, dam, obstruction, deposit, or  
19 excavation other than a dam constructed and operated under the  
20 authority of chapter four hundred sixty-nine (469) of the Code, for  
21 which a permit has not been granted."

1 SEC. 23. Section four hundred fifty-five A point twenty-five  
2 (455A.25), Code 1954, is hereby repealed.

1 SEC. 24. Unauthorized depleting uses. In the event that any per-  
2 son shall file a complaint with the council that any other person is  
3 making a depleting use of water not expressly exempted as a nonregu-  
4 lated use under the provisions of this chapter and without a permit  
5 to do so, the council shall cause an investigation to be made and if  
6 the facts stated in the complaint are verified the council shall order  
7 the discontinuance of the use.

1 SEC. 25. Section four hundred fifty-five A point twenty-six  
2 (455A.26), Code 1954, is hereby amended by inserting after the word,  
3 "chapter," in line three (3) of such section the words, "or whoever  
4 diverts or withdraws water in violation of the provisions of this  
5 chapter, upon conviction,".

1 SEC. 26. Saving clause. If any provision of this chapter or the  
2 application of such provision to any person or circumstance shall be  
3 held invalid, the remainder of this Act or the application of such  
4 provision to persons or circumstances other than those to which it  
5 is held invalid, shall not be affected thereby.

1 SEC. 27. This Act being deemed of immediate importance shall be  
2 in full force and effect immediately upon its publication in the Davis

- 3 County Republican, a newspaper published in Bloomfield, Iowa, and  
4 the Britt-News Tribune, a newspaper published in Britt, Iowa.

Approved May 1, 1957.

I hereby certify that the foregoing Act, House File 553, was published in the Davis County Republican, Bloomfield, Iowa, May 7, 1957, and in the Britt News-Tribune, Britt, Iowa, May 15, 1957.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 230

### DRAINAGE AND LEVEE DISTRICTS

#### S. F. 247

AN ACT relating to drainage and levee districts having pumping stations.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Chapter four hundred sixty-one (461), Code 1954, is  
2 hereby amended by adding thereto the following new section:

3 "The provisions of this chapter so far as applicable shall apply to  
4 all levee districts maintaining levees for the protection of any drain-  
5 age district or districts having pumping stations."

1 SEC. 2. Senate File two hundred forty-six (246), Acts of the Fifty-  
2 seventh General Assembly, is amended as follows:

3 1. Insert in line twelve (12) of section one (1) before the word  
4 "At", a new sentence: "Thereafter, in levee and drainage districts  
5 having pumping stations trustees shall hold office until the fourth Sat-  
6 urday in January three years after election."

7 2. Insert after the word "years" in line sixteen (16) of section one  
8 (1) the words, "to succeed the member of the board whose term will  
9 expire on the following Saturday".

Approved April 17, 1957.

## CHAPTER 231

### LEVEE OR DRAINAGE DISTRICTS

#### S. F. 246

AN ACT relating to the election and terms of office of trustees in levee or drainage districts having pumping stations.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section four hundred sixty-two point twenty (462.20),  
2 Code 1954, is hereby repealed and the following enacted in lieu  
3 thereof:

4 "The presently acting de facto members of the boards of trustees of  
5 drainage or levee districts having pumping stations are hereby de-  
6 clared to be the legally constituted members of such boards; the terms  
7 of such present trustees shall expire on the fourth (4th) Saturday of  
8 January, 1958, 1959 and 1960 respectively and the length of the term  
9 of each present trustee shall be determined by lot at a meeting to be