

are supplied with their water from a common source, the board of supervisors having jurisdiction of those benefited districts, shall, upon ten days written notice to the trustees, hold a hearing relative to the establishment of a single benefited water district with a boundary encompassing all the area within the subject districts. If the board finds the residents and property owners in the proposed district would be benefited, it may establish the single district by resolution. In the case of districts with outstanding warrants in excess of the anticipated revenues and cash balance within the district fund, an assessment shall be drawn up by the auditor for an amount approximately fifty-five percent of the total indebtedness of the district and the board of supervisors must approve by resolution the final assessment as made and cause bonds to be issued at approximately ten percent greater than the total indebtedness of the district in accordance with sections 357.20 and 357.21 except that the bonds shall be paid, approximately equally, from user charges and the assessment. In the case of districts with bonded indebtedness, a subarea of the new single district with a boundary identical to each indebted district shall be designated and taxed in accordance with sections 357.22 and 357.23. When all bonds have been retired, the subarea shall cease to exist. In the case of districts with a surplus cash balance, all funds and credits shall become the property of the single district and used by it to the same extent as if acquired under the provisions of section 357.26. Upon establishment of the single district by the board of supervisors, a resolution shall be passed either appointing three trustees or designating the board of supervisors as the trustees for the single district. The operation of the single district constitutes a county enterprise under section 331.461, subsection 1, Code 1981 Supplement.

Sec. 2. Section 331.461, subsection 1, paragraph f, Code 1981 Supplement, is amended to read as follows:

f. A waterworks or single benefited water district under section 1 of this Act, including land, easements, rights of way, fixtures, equipment, accessories, improvements, appurtenances, and other property necessary or useful for the operation of the waterworks or district.

Approved May 11, 1982

CHAPTER 1220
PERMANENT SOIL CONSERVATION PRACTICES
S.F. 2286

AN ACT relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds.

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

Section 1. Section 467A.7, subsection 16, Code 1981, is amended to read as follows:

16. The commissioners shall, as a condition for the receipt of any state cost-sharing funds for permanent soil conservation practices, require the owner of the land on which the practices are to be established to covenant and file, in the office of the soil conservation district of the

county in which the land is located, an agreement identifying the particular lands upon which the practices for which state cost-sharing funds are to be received will be established and providing that if the project is will not be removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the state soil conservation committee, for a period of twenty years after the date of receiving payment, the owner of the land on which the practices have been so removed, altered or modified shall refund to the department of soil conservation the state cost sharing funds used for the project, or for the portion of the project which has been removed, altered or modified so as to lessen its effectiveness. Such refunds shall be computed on a pro rata basis in accordance with guidelines drawn up by the state soil conservation committee in accordance with the age and anticipated remaining useful life of the project, and shall be reallocated to the district from which they were refunded to be used for conservation cost sharing. The commissioners shall assist the state soil conservation committee in the enforcement of this subsection. The agreement to refund shall not create a lien on the land, but shall be a charge personally against the owner of the land at the time of removal, alteration or modification if an administrative order is made under section 2 of this Act which gives rise to the need for a refund. Each soil conservation district which has entered into agreements under this subsection shall file in the office of the county recorder a statement that there are in effect in that county certain agreements covenanted under this subsection which place upon owners of agricultural land the obligation to maintain permanent soil conservation practices established with public cost-sharing money, and that failure to do so may result in an obligation to refund a portion of the public cost-sharing money used to establish the practices. A seller of agricultural land with respect to which an agreement covenanted under this subsection is in effect, and who is not currently in violation of that agreement, shall upon request to the commissioners be furnished with a written statement that, as of the date of the statement, the seller has incurred no obligation to refund to the department of soil conservation the state cost-sharing funds obtained pursuant to the agreement.

Sec. 2. Section 467A.61, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. The commissioners may also cause an inspection of land within the district on which they have reasonable grounds to believe that a permanent soil and water conservation practice established with public cost-sharing funds is not being properly maintained or is being altered in violation of section 467A.7, subsection 16. If the commissioners find that the practices are not being maintained or have been altered in violation of section 467A.7, subsection 16, the commissioners shall issue an administrative order to the landowner who made the unauthorized removal, alteration or modification to maintain, repair, or reconstruct the permanent soil and water conservation practices. The requirement for maintenance and repair is for the length of life as defined in section 467A.7, subsection 16. Public cost-sharing funds are not available for the work under this order. If the landowner fails to comply with the administrative order, the commissioners may petition the district court for an order compelling compliance with the order. Upon receiving satisfactory proof, the court shall issue an order directing compliance with the administrative order and may modify the administrative order. The provisions of section 467A.50 relating to notice, appeals and contempt of court shall apply to proceedings under this subsection.

Approved May 10, 1982