

January 10, 1949.
Passed on File.

By FAUL, WATSON and MERCER
(Hicklin, Lynes and Hansen).

Referred to
Passed Senate, Date.....
Vote: Ayes..... Nays.....
Passed House, Date
Vote: Ayes..... Nays.....
Approved

Senate File 20

A BILL FOR

An Act to amend chapter four hundred sixty-five (465), Code 1946, relating to individual drainage rights and mutual drains, by amending section four hundred sixty-five point one (465.1), and by adding additional provisions to said chapter.

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

1 Section 1. Section four hundred sixty-five point one
2 (465.1), Code 1946, is amended by striking all of lines one
3 (1) to twelve (12), inclusive, and by substituting in lieu
4 thereof the following: "When the owner of any land desires
5 to construct any levee, open ditch, tile or other underground
6 drain, for agricultural or mining purposes, or for the purposes
7 of securing more complete drainage or a better outlet, across
8 the lands of others or across the right of way of a railroad
9 or highway, or when two or more landowners desire to construct
10 a drain to serve their lands, he or they may file with the
11 township clerk of the township".

1 Sec. 2. Chapter four hundred sixty-five (465), Code 1946,
2 is amended by adding thereto the following: "When the records
3 of any mutual drain are incomplete or have been lost, or when

4 the owner of any land affected by such mutual drain believes
5 that the apportionment of costs or damages is inequitable or
6 that repair or reconstruction is needed, such owner may
7 petition the board of trustees for relief. The trustees shall
8 notify all affected parties of such petition, and set a date
9 for a hearing on the petition. The trustees may adjourn the
10 proceedings from day to day, but no adjournment shall be for
11 more than ten days, and may order such engineering examinations,
12 reclassifications of lands and appraisals of damages as they
13 deem necessary. At the completion of the hearing the trustees
14 shall reestablish the original records or establish a revised
15 record and basis for apportionment of costs and damages as
16 they find equitable and advisable, and may order such repairs
17 or reconstruction as they find to be needed. All cost of
18 such reestablishment or revisions of records, and of the
19 needed repair or reconstruction shall be apportioned in
20 accordance with the basis established.”

1 Sec. 3. Chapter four hundred sixty-five (465), Code 1946,
2 is further amended by adding thereto the following: “Whenever
3 a landowner fails to pay the cost apportioned as provided in
4 section two (2) of this act, or whenever a repair or construc-
5 tion ordered as provided in section two (2) of this act is
6 not made within reasonable time, and in such other instances
7 as the trustees desire, the trustees may transmit a copy of
8 the records and procedures of such mutual drain to the board
9 of supervisors of the county in which the mutual drain is

10 located, together with a request that such mutual drain be
11 established as a drainage district. Upon receipt of such
12 transcript and request, the board of supervisors by resolution
13 shall establish such mutual drain as a drainage district; all
14 proceedings thereafter shall be as provided for other legally
15 established districts.”

1 Sec. 4. Chapter four hundred sixty-five (465), Code 1946,
2 is further amended by adding thereto the following: “The
3 decisions and actions of the trustees under section three (3)
4 of this act may be appealed as provided in sections four hundred
5 sixty-five point nine (465.9), four hundred sixty-five point
6 ten (465.10), and four hundred sixty-five point eleven (465.11).”

1 Sec. 5. Chapter four hundred sixty-five (465), Code
2 1946, is further amended by adding thereto the following:
3 “When the lands served by a mutual drain are within the boundary
4 of an established drainage district, a complete record of the
5 proceeding relating to such mutual drain shall be filed with,
6 and as a part of, the records of such established district.”

1 Sec. 6. Chapter four hundred sixty-five (465), Code
2 1946, is further amended by adding thereto the following: “If
3 the records referred to in section five (5) of this act are
4 incomplete or have been lost, the board may reestablish such
5 records so as to proportion future costs and damages in
6 proportion to the benefits and damages received because of
7 the construction of such mutual drains and improvements
8 thereof, and may order such surveys, engineering reports,

9 reclassification of lands and appraisal of damages as they
10 deem necessary. All costs of such proceedings shall be
11 assessed against the benefited lands.”

1 Sec. 7. Chapter four hundred sixty-five (465), Code
2 1946, is further amended by adding thereto the following:
3 “Upon receipt of a petition, signed by the owners of the lands
4 served by a mutual drain, requesting that such drain be combined
5 with an established drainage district, the board shall hold a
6 hearing with due notice to the owners of all lands affected
7 by said mutual drain, and if the board finds it desirable it
8 may by resolution make such mutual drains a part of the
9 established district. Such hearing and resolution may be
10 continued as the board deems necessary for the collection of
11 additional information as provided in section six (6) of this
12 act. Such combination with an established district shall
13 constitute dissolution of the mutual drain, and shall be so
14 recorded, after which such mutual drain shall be a part of the
15 district drain in all respects.”