

Natural Resources
Rodgers, Chair
Doyle
Rife

FILED JAN 26 1984

SENATE FILE 2107

BY VANDE HOEF

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the repair of private drainage ways.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S. 2107

1 Section 1. Section 465.22, Code 1983, is amended to read
2 as follows:

3 465.22 DRAINAGE IN COURSE OF NATURAL DRAINAGE--
4 RECONSTRUCTION--DAMAGES. Owners of land may drain the same
5 land in the general course of natural drainage by constructing
6 or reconstructing open or covered drains, discharging the
7 same water in any natural watercourse or depression ~~whereby~~
8 by which the water will be carried into some other natural
9 watercourse, and when ~~such~~ the drainage is wholly upon the
10 owner's land ~~he shall not be~~ the owner is not liable in damages
11 ~~therefor~~, nor ~~shall any such~~ is an owner, in constructing
12 a replacement drain, wholly on ~~his~~ the owner's own land, and
13 in the exercise of due care ~~be,~~ liable in damages to another
14 in case a previously constructed drain on ~~his~~ the owner's
15 own land is rendered inoperative or less efficient by ~~such~~
16 the new drain, unless in violation of the terms of a written
17 contract. However, if the drainage is by means of a covered
18 drain and the lower adjoining owner has connected to that
19 natural course of drainage by means of a covered drain, the
20 upper owner is liable for damages caused to the lower landowner
21 by the failure to repair the covered drain on the upper
22 landowner's property. ~~Nothing in this~~ This section shall
23 ~~in any manner be construed to~~ does not affect the rights or
24 liabilities of proprietors in respect to running streams.

25 EXPLANATION

26 This bill provides that an owner of higher land drained
27 by a tile drain is liable to the adjoining landowner for
28 damages caused by the failure to repair the tile drain if
29 the lower landowner has connected to the upper landowner's
30 tile drain.

31 The bill takes effect July 1 following enactment.

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