

DAMS

464B.1 through 464B.22 Reserved.

464B.23 Protection of banks.

Where the water backed up by any dam belonging to any mill or machinery is about to break through or over the banks of the stream or raceway, or to wash a channel, so as to turn the water of such stream or raceway, or any part thereof, out of its ordinary channel, whereby such mill or machinery will be materially injured or affected, the owner or occupant of such mill or machinery, if that person does not own such banks or the land lying contiguous thereto, may, if necessary, enter thereon and erect and keep in repair such embankments and other works as may be necessary to prevent such water from breaking through or over the banks, or washing a channel as aforesaid; such owner or occupier committing thereon no unnecessary waste or damage, and being liable to pay all damages which the owner of the lands may actually sustain by reason thereof.

[R60, § 1275, 1276; C73, § 1204; C97, § 1936; C24, 27, 31, 35, 39, § **7789**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 469.23]

C93, § 464B.23

464B.24 Embankments damages.

If any person shall injure, destroy, or remove any such embankment or other works, the owner or occupier of such mill or machinery may recover of such person all damages the owner or occupant may sustain by reason thereof.

[R60, § 1277; C73, § 1205; C97, § 1937; C24, 27, 31, 35, 39, § **7790**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 469.24]

C93, § 464B.24

464B.25 Right to utilize fall.

Any person owning and using a water power for the purpose of propelling machinery shall have the right to acquire, maintain, and utilize the fall below such power for the purpose of improving the same, in like manner and to the same extent as provided in this chapter for the erection or heightening of milldams. After such right has been acquired, the fall shall be considered part and parcel of said water power or privilege, and the deepening or excavating of the stream, tail, or raceway, as herein contemplated, shall in no way affect any rights relating to such water power acquired by the owner thereof prior to such change.

[C73, § 1206; C97, § 1938; C24, 27, 31, 35, 39, § **7791**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 469.25]

C93, § 464B.25