

357A.2 Petition — deposit — limitation.

1. *a.* A petition may at any time be filed with the auditor requesting the supervisors to incorporate and organize a district encompassing an area, not then included in any other district, in a county or in two or more adjacent counties for the purpose of providing an adequate supply of water for residents of the area who are not served by the water mains of any city water system.

b. There shall be filed with the petition a bond with sureties approved by the auditor, or a certified check, credit union certified share draft or cash in an amount sufficient for the payment of all costs and expenses incurred in the proceedings if the district is not finally established.

2. The petition shall be signed by the owners of at least thirty percent of all real property lying within the outside perimeter of the area designated for inclusion in the proposed district, and shall state:

a. The location of the area, describing such area to be served or specifying the area by an attached map.

b. The reasons a district is needed.

c. A new water service plan describing the cost feasibility and estimated construction schedules.

3. Water services, other than water services provided as of April 1, 1987, shall not be provided within two miles of the limits of a city by a rural water district incorporated under [this chapter](#) except as provided in [this section](#). Except as otherwise provided in [this chapter](#), a rural water association shall not provide water services within two miles of a city, other than water services provided as of July 1, 2014.

4. *a.* A rural water district or rural water association may give notice of intent to provide water service to a new area within two miles of a city by submitting a water plan to the city. [This subsection](#) shall not apply in the case of a district or association extending service to new customers or improving existing facilities within existing district or association service areas or existing district or association agreements. If water service is provided by a city utility established under [chapter 388](#), the water plan shall be filed with the governing body of that city utility. The district or association shall provide written notice pursuant to [this subsection](#) by certified mail.

b. The water plan shall indicate the area within two miles of the city which the district or association intends to serve within the next three years. Upon request, the city or city utility shall provide a district or association with a map of the city limits that indicates areas that are currently provided water service by a city utility or enterprise.

c. If the city fails to respond to the water plan within seventy-five days of receipt of the plan, the district or association may provide service in the area designated in the plan. The city may inform the district or association within seventy-five days of receipt of the plan that the city requires additional time or information to study the question of providing water service outside the limits of the city. If additional time or information is required, the city shall respond to the plan by certified mail within one hundred sixty-five days of receipt of the plan.

d. (1) In responding to the plan, the city may affirmatively waive its right to provide water service within the areas designated for water service by the rural water district, or the city may reserve the right to provide water service in some or all of the areas which the district or association intends to serve.

(2) *(a)* If the city reserves the right to provide water service, the city shall provide the district or association with a copy of the city's water plan relating to the city's intent and ability to provide water service to such an area.

(b) If the city reserves the right to provide water service within some or all of the areas which the district or association intends to serve, the city shall provide service within three years of receipt of the water plan submitted under paragraph "a".

(c) If the city reserving the right to provide service fails to provide service within three years of receipt of the water plan submitted under paragraph "a", the city waives its right to provide water service and shall provide notice to the district or association by certified mail and the district or association may provide service within the area of the water plan submitted under paragraph "a". If the city fails to provide notice to the district or association, the

district or association may provide service in accordance with this paragraph “d”, regardless of whether the district or association has received such notice.

(3) If the district or association fails to provide service within three years after a city waives the right to provide water service under this paragraph “d”, the district or association shall provide notice to the city by certified mail and the city may provide service within the area of the water plan submitted under paragraph “a”. If the district or association fails to provide notice to the city, the city may provide service in accordance with this paragraph “d”, regardless of whether the city has received such notice.

(4) For purposes of this paragraph “d”, “provide water service” and “provide service” mean to deliver water in sufficient quantity and quality to meet customer demand. The department of natural resources shall determine whether such service meets customer demand, as provided under [section 455B.174](#).

5. [This section](#) does not preclude a city from providing water service in an area which is annexed by the city pursuant to [section 357A.21](#).

[C71, 73, 75, 77, 79, 81, §357A.2]

[84 Acts, ch 1055, §7; 85 Acts, ch 67, §42; 87 Acts, ch 109, §2; 91 Acts, ch 134, §2, 3; 92 Acts, ch 1015, §3, 4; 95 Acts, ch 77, §2; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §393; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1086, §2, 3; 2016 Acts, ch 1011, §56, 57](#)

Referred to in [§331.382, §357A.20, §499.5](#)