

April 12, 1965.

Passed on File.

Senate File 543

By AGRICULTURE COMMITTEE.

Passed Senate, Date *5/10*

Passed House, Date *6/3*

Vote: Ayes *45* Nays *2*

Vote: Ayes *91* Nays *0*

Approved

*motion to reconsider filed 5/11
motion withdrawn 5/12*

Spilling committee 5/13

A BILL FOR

An Act relating to comprehensive planning of water resources of the state and matters associated therewith.

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

1 Section 1. Section four hundred fifty-five A point seven-

2 teen (455A.17), Code 1962, is hereby amended by striking all

3 of such section after the word "establish" in line two (2)

4 thereof and inserting in lieu thereof the following:

5 "and enforce a comprehensive state-wide plan for the control,

6 utilization and protection of the water resources of the state,

7 which plan shall include all uses and developments of water

8 resources and shall provide for the optimum control, protection,

9 development, allocation and utilization thereof. All uses and

10 developments of water resources regulated under provisions of

11 this chapter must be found to be compatible with the state com-

12 prehensive plan prior to the granting of a permit by the water

13 commissioner or an approval order by the council. In making

14 and formulating such state comprehensive plan for the further

15 control, development, protection, allocation, and utilization

16 of the water resources of the state, the council shall make

17 surveys and investigations of the water resources of the state

18 and shall give consideration to the needs of agriculture, indus-

19 try, health, fish and wildlife, recreation, pollution and

20 allied matters as they relate to flood control and water resour-

21 ces.

22 "The council shall be the official representative of the state
23 of Iowa on all comprehensive water resources planning groups
24 for which state participation is provided. The council shall
25 coordinate state planning with local and national planning and,
26 in safeguarding the interests of the state and its people, shall
27 undertake the resolution of any conflicts that may arise between
28 the water resources policies, plans, and projects of the federal
29 government and the water resources policies, plans, and projects
30 of the state, its agencies, and its people. Nothing in this
31 section assigning the overall responsibility for comprehensive
32 planning of water resources to the council shall be construed
33 as limiting or supplanting the functions, duties and responsibil-
34 ities of the several state or local agencies or institutions
35 with regard to planning of water associated projects within the
36 particular area of responsibility of such state or local agency
37 or institution.

38 "The council shall enter into negotiations and agreements with
39 the federal government relative to the operation of, or the re-
40 lease of water from, any project that has been authorized or
41 constructed by the federal government when the council shall
42 deem such negotiations and agreements to be necessary for the
43 achievement of the policies of the state of Iowa relative to
44 its water resources.

45 "The council, on behalf of the state, shall enter into
46 negotiations with the federal government relative to the inclu-
47 sion of conservation storage features for water supply in any
48 project that has been authorized by the federal government when

49 the council shall deem such negotiations to be necessary for
50 the achievement of the policies of the state of Iowa and the
51 state comprehensive plan for water resources; provided, how-
52 ever, that any agreements reached pursuant to such negotiations
53 shall not bind the state until enacted into law by the legis-
54 lature.

55 "Water users who will benefit from the development by the
56 federal government of conservation storage for water supply
57 shall be encouraged to assume the responsibility for repaying
58 to the federal government any reimbursable costs incurred in
59 such development and such users who will accept benefits from
60 such developments financed in whole or in part by the state
61 shall assume by contract the responsibility of repaying to the
62 state their reasonable share of the state's obligations in
63 accordance with such basis as will assure payment within the
64 life of the development. No appropriation, diversion, or use
65 shall be made by any person of any of the waters of the state
66 that have been stored or released from storage either under
67 the authority of the state or pursuant to an agreement between
68 the state and the federal government until such time as he shall
69 have assumed by contract his repayment responsibility; provided,
70 however, that the application of this provision shall in no way
71 infringe upon any vested property interests.

72 "In its contracts with water users for the payment of state
73 obligations incurred in the development of conservation storage
74 for water supply, the council shall include (1) such terms as
75 it shall find reasonable and necessary for the protection of
76 the health, safety, and general welfare of the people of the

77 state, (2) such terms as it shall find reasonable and necessary
78 for the achievement of the purposes of this chapter and acts
79 amendatory thereof or supplemental thereto, and, (3) such terms
80 as shall make clear that the state of Iowa shall not be respon-
81 sible to any person in the event the waters involved are
82 insufficient for performance. The council may designate and
83 describe any such contract, and describe the relationships
84 to which it relates, as a sale of storage capacity, a sale
85 of water release services, a contract for the storage or sale
86 of water, or any similar terms suggestive of the creation of
87 a property interest. The term of such contracts shall be
88 commensurate with the investment and use concerned but in no
89 event shall the council enter into any such contract for a term
90 in excess of the maximum period provided for water use permits.

91 "The council shall procure and obtain flood control works
92 and water resources projects from and through or by co-operation
93 with the United States, or any agency of the United States, by
94 co-operation with and action of the cities, towns and other
95 subdivisions of the state, under the laws of the state relating
96 to flood control and use of water resources, and by co-opera-
97 tion with the action of landowners in areas affected thereby
98 when the council shall deem such projects to be necessary for
99 the achievement of the policies of the state of Iowa and the
100 state comprehensive plan for water resources."

1 Sec. 2. Section four hundred fifty-five A point thirty-
2 three (455A.33), Code 1962, is hereby amended as follows:

3 a. By inserting in line four (4) after the word "floodway"
4 the words "or flood plains".

5 b. By inserting in line six (6) immediately after the
6 word "floodway," the words "adversely affect the control, devel-
7 opment, protection, allocation, or utilization of the water
8 resources of the state, or adversely affect or interfere with
9 the state comprehensive plan for water resources, or an approv-
10 ed local water resources plan,".

11 c. By inserting in line twenty-two (22) after the word
12 "floodway" the words "or flood plains".

1 Sec. 3. Section four hundred fifty-five A point eighteen
2 (455A.18), Code 1962, is hereby amended as follows:

3 a. By striking all of lines five (5) through eighteen (18)
4 and inserting in lieu thereof the words "chapter. The council
5 may construct flood control works or any part thereof. In the
6 construction of such works or in making surveys and investiga-
7 tions or in formulating plans and programs relating to the water
8 resources of the state, the council may cooperate with other
9 states or any agency thereof".

10 b. By striking all of lines twenty-two (22) to forty (40),
11 inclusive.

12 c. By striking from line forty-nine (49) the words "and
13 also" and inserting in lieu thereof a comma.

14 d. By inserting in line fifty-one (51) after the word
15 "use" the words ", and the effect of any such use upon the
16 state comprehensive plan for water resources,".

17 e. By adding thereto the following:

18 "Upon application by any person for approval of the con-
19 struction or maintenance of any structure, dam, obstruction,
20 deposit or excavation to be erected, used, or maintained in or

21 on the flood plains of any river or stream, the council shall
22 cause an investigation to be made of the effect thereof on the
23 efficiency and capacity of the floodway and on the state comp-
24 rehensive plan for water resources. In determining the effect
25 of any such proposal the council shall consider fully its effect
26 on flooding or flood control both to any proposed works and to
27 adjacent lands and property, on the wise use and protection of
28 water resources, on the quality of water, on fish, wildlife and
29 recreational facilities or uses, and on all other public rights
30 and requirements."

1 Sec. 4. Section four hundred fifty-five A point thirty-six
2 (455A.36), Code 1962, is hereby amended as follows:

3 a. By inserting in line sixteen (16) after the word "control"
4 the words "and water resources".

5 b. By inserting in line twenty-one (21) after the word
6 "state," the words "adversely affect the control, development,
7 protection, allocation or utilization of the water resources
8 of the state, or adversely affect or interfere with the state
9 comprehensive plan for water resources or an approved local
10 water resources plan,".