

**CHAPTER 77  
DRAINAGE DISTRICTS**

77.01 Creation  
77.02 Establishment

77.03 Construction  
77.04 Application

**77.01 CREATION.** The Board is responsible for the maintenance and management of drainage districts located within the County and which have been established pursuant to Chapter 468 of the Code of Iowa.

**77.02 ESTABLISHMENT.** The County drainage districts and multi-county drainage districts have been established and constructed with the presumption the drainage of surface waters from agricultural lands and all other lands, or the protection of such lands from overflow is a public benefit and is conducive to the public health, convenience, and welfare.

**77.03 CONSTRUCTION.** The construction over, across, or beneath established County drainage districts or established multi-county drainage districts is subject to an application for the approval of such construction.

**77.04 APPLICATION.** The Board of Supervisors shall be the exclusive governing body for the establishment of requirement for construction over, across, or beneath established County drainage districts or established multi-county drainage districts and for the approval of an application for such construction:

1. The applicant shall furnish the County, or its representative, plats showing the exact location of the proposed construction. If in view of such plats, it is determined by the County that such locations are in conflict with present or proposed County facilities, and that a more desirable location is possible, the applicant shall review such possible alignment changes. No construction is to commence on any portion of the project within the County without a written approval of the route from the County or it's representative.
2. The applicant will at any time subsequent to the commencement of construction, and at applicant's sole expense, reconstruct or replace its installation as may be necessary to conform to new grade or alignments resulting from maintenance or construction operations by the County in connection with any of its drainage facilities. The applicant agrees to do this within 45 days of receipt of written request from the County, or such longer time period as the County may specify, without cost to the County. Such reconstruction or realignment of applicant's improvements shall be made in accordance with and approved by the County or it's representative. If the applicant is unable to comply within the time period specified above, the County may cause the work to be done and the applicant will pay the cost thereof upon receipt of a statement of such costs.
3. The County shall give the applicant at least 60 days written notice of the proposed construction of new County facilities, and at least 24 hours verbal (via telephone) notice of emergency maintenance repairs to County drainage facilities, that may expose, cover up, or disturb any installation belonging to applicant, so that applicant may arrange to protect same. Emergency (24 hour) notice shall be given by calling applicant at 1-800-292-8989. The County representative shall inform all County contractors, workers, and employees of the location of applicant's installations. Failure to give the notice herein above required, or to inform said contractors, workers, or employees of said location, shall create no liability on the part of the County.
4. The County assumes no responsibility for damages to applicant's property occasioned by any construction or maintenance operation of the County, subsequent to applicant's installation.
5. The County shall provide applicant access to maps or other information regarding the location of all known County drainage facilities, so that reasonable care may be taken by applicant to avoid unnecessary damage to said County drainage facilities. It shall also be understood by the applicant that typically the drainage district plats were created in the early 1900's, and have limited accuracy.

6. The applicant shall take all reasonable precautions during construction to protect and safeguard the lives and property of the public and adjacent property owners, and shall hold the County harmless from any damage or losses that may be sustained by adjacent property owners on account of such construction operations. A copy of a Certificate of Insurance naming this County as an additional insured for the permit work (or at the County's option, proof of adequate self-insurance) shall be provided to the County Auditor prior to any installation work. The minimum limits of liability under the insurance policy or proof of self-insurance shall be \$1,000,000.00 per occurrence. Further, applicant shall replace, repair, or reimburse all damages to private property, occasioned by applicant's installation, or subsequent modifications and repairs.
7. The construction and maintenance of applicant's installation shall be carried on in such a manner as to not interfere with, nor interrupt the function of, and County drainage facilities. In the event it becomes necessary to temporarily stop the normal flow of water in any County drainage facilities in order to permit the applicant's construction and installation the following shall be done by the applicant.
  - A. If the crossing involves a tile line, the replacement of tile with approved metal pipe or concrete pipe, in the manner approved by the County's designated Drainage Engineer shall be performed as rapidly as possible. If the approved method of repair is impossible and the volume of water flowing in the tile is sufficient to create the possibility of crop loss or property damage, the Contractor will be permitted to temporarily block the tile line to prevent the flow of this tile water into the pipeline, or tile line trench. In the event that this tile line is so temporarily blocked, the Contractor will be expected to provide sufficient pumping equipment to pump the impounded tile water across the construction trench to the undisturbed tile line. Such temporary blockages of said drainage district tile lines will be removed as rapidly as possible, and any tile repairs caused by this blockage will be immediately repaired at the applicant's expense.
  - B. If the crossing involves the crossing of a drainage district open channel that is carrying sufficient flow of water to make it necessary to place a temporary dam across said open channel, such temporary dams may be constructed only upon approval from the representative of the County's designated Drainage Engineer. The maximum elevation of this impounded water shall be determined by the designated Drainage Engineer and all excess water must be allowed to flow across the construction trench through either a closed metal culvert pipe or by pumping. All temporary dam structures are to be removed as soon as the crossing is completed. The construction and removal of these dams to be in such manner that the smooth and efficient function of the drainage channel is not impaired, with all costs and damages borne by Applicant.
8. The applicant shall hold the County harmless from any damage that may result to any County drainage facilities because of the installation, construction, or future maintenance or repair of the applicant's installation and shall reimburse the County for any legitimate expenditures that the County may have to make in order to repair said County facilities resulting from applicant's construction or any subsequent repair or modification thereto.
9. The applicant agrees to give the County 24 hours' notice of its intention to commence construction on any lands within the jurisdiction of the County. Said notice shall be made in writing to the designated Drainage Engineer. Notice cannot be given until the approval of the construction project has been issued by the County Engineer. As-built plans for all installations shall be furnished to the County within 90 days after the completion of the project. Said plans shall include a plan and profile and location using the civil monument, or GPS locations.
10. The Board of Supervisors shall appoint a representative to inspect and approve all construction by applicant that impacts County drainage facilities. Said appointment shall be in writing. All reasonable compensation, wages, mileage, and other legitimate expenses for this representative will be paid by the applicant. Said representative will approximately pre-locate public drainage facilities when necessary, private drainage facilities where possible, inspect all crossings of public drainage facilities, and shall

have the authority to require the applicant to excavate and expose the crossing of any County drainage facilities where the representative believes it prudent to visually examine same. Further, said representative has the authority to suspend construction by verbal order to the contractor at the site and a telephone call to applicant, or it's designated representative with six hours of the verbal order.

11. Drainage facility crossings shall be constructed by applicant as follows, as directed by the representative of the County.

A. Crossing of Open Channel Facilities.

- (1) Passage of the applicant's installation in a horizontal plane five feet below design grade of the drainage channel, as established by the County's designated Drainage Engineer.
- (2) The above depth is to extend to a point two times the design base width of the channel either side of the centerline of the drainage channel, unless the existing base width is greater than the design base width. If the existing base width is greater than the design width, the depth is to extend to a point two times the existing width.
- (3) The rate of slope for transition from normal installation laying depth to crossings of drainage channels shall not be steeper than four to one.
- (4) If such channel crossings occur at points of outlets of drainage district, of private tile lines or within 25 feet of said outlets, such outlet facilities must be relocated to a point no less than 25 feet from such

crossings. Such relocations shall be at the expense of the applicant and as directed by the representative of the drainage district.

B. Crossing of Drainage District Tile Lines.

- (1) All proposed installations must be place under the existing drainage district tile lines. These requirements may be waived only upon the review by and approval of the designated Drainage Engineer.
- (2) A minimum of one-foot clearance below existing drainage district facilities must be maintained.
- (3) At all crossings of drainage district tile lines with the proposed installation, one of the following must be used: a. Replace the drainage district tile with reinforced concrete pipe of the same or larger diameter than the existing tile. Concrete pipe is to be 2,000D strength (Iowa Department of Transportation approved) with standard tongue and groove joints; or b. Bore new installation, maintaining existing tile in an undisturbed case.
- (4) The length of tile to be replaced by any of the above alternates is as follows: a. Eight-Inch Tile and Smaller. Six feet either side of centerline of proposed installation, measured at right angles to the centerline of the installation. b. Ten-Inch Tile and Larger. Ten feet either side of centerline of proposed installation, measured at right angles to the centerline of installation.
- (5) At all crossings of drainage district tile lines where the drainage district and private tile lines are damaged by the construction, maintenance or repair of applicant's installation shall be repaired as directed by the County's designated Drainage Engineer.

12. All permits issued by the County are subject to existing regulations and statues, which may be promulgated or enacted.

13. All permits issued by the County are subject to revocation by the County, whenever in its judgment it is necessary for legitimate County purposes. In such event, written notice shall be provided to permit holder.

14. Permit holder agrees to pay all other costs, fees, and expenses associated with its crossing of the County, including, but not limited to, publication costs, engineering costs, and legal services. Said costs will be paid within 30 days of the mailing of statements to contractor.

15. Permit holder agrees to include a copy of these requirements in all bidding specifications; or if the construction and installation contract has been let by the time the permit goes into effect, then to provide a copy to the contractor and to advise it that it is subject to the terms of these requirements.
16. The County hereby appoint Brian W. Blomme for drainage matters, as the County designated Drainage Engineer for all established drainage districts and established multi-county established drainage districts and private drainage facilities. The designated Drainage Engineer may be changed at any time by the County. The permit holder will be notified of any such change. Brian Blomme may be reached at 215 East 5th Street, PO Box 220, Storm Lake, Iowa, 50588-0458, (712) 749-2520.