

Bond Case Briefs

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DRAINAGE DISTRICTS - IOWA

Board of Water Works Trustees of City of Des Moines v. Sac County Board of Supervisors

Supreme Court of Iowa - January 27, 2017 - N.W.2d - 2017 WL 382402

City board of water works trustees brought several claims in federal court against drainage districts, alleging that districts had allowed excessive levels of nitrates in river.

The United States District Court for the Northern District of Iowa certified questions.

The Supreme Court of Iowa held that:

- There exists no remedy against drainage districts other than mandamus;
- The broad immunity in favor of drainage districts does not violate equal protection;
- Districts did not unconstitutionally take board's property; and
- Board could not assert claims against districts under inalienable rights clause.

Even if city board of water works trustees were regarded as a private entity, drainage districts did not unconstitutionally take board's property by permitting nitrate concentrations in river to exceed standards for drinking water; board did not own water flowing in river, nor was it denied access to that water.

City board of water works trustees, which was a public entity, could not assert takings claim against drainage district, which was another political subdivision of state, based on excessive nitrate concentrations in river.

City board of water works trustees could not assert claims against drainage districts under inalienable rights clause based on excessive levels of nitrate concentrations in river; clause did not provide basis for one public entity to sue another over use of state-owned assets.