

Obstructing flow of surface water 1951

24-105. Obstructing flow of surface water; application to build levee; contents; examination by engineer; permit. It shall be unlawful for a landowner or proprietor to construct or maintain a dam or levee which has the effect of obstructing or collecting and discharging with increased force and volume the flow of surface water to the damage of the adjacent owner or proprietor; but nothing herein shall be construed as preventing an owner of land from constructing a dike or levee along the bank of a natural watercourse to repel flood waters from such natural watercourse if plans therefor have been approved as required in K.S.A. 24-126, as amended: Provided, That the provisions of this section shall apply only to lands used for agricultural purposes and highways lying wholly outside the limits of any incorporated city: Provided further, That where such surface water is the overflow of a watercourse on the premises of an upper landowner and such upper landowner has not constructed or maintained a levee along the bank of such watercourse to prevent the overflow, any landowner may make application to the chief engineer of the division of water resources stating in such application that an upper landowner, or landowners, if more than one, whose name and address is given in the petition, has not constructed a levee on his land to prevent the overflow from the stream, and requesting permission to build a levee on his own land to repel such flood water.

Each application shall be accompanied by maps, profiles, cross sections and such other data and information as the chief engineer of the division of water resources may require. The chief engineer of the division of water resources shall then set a day to examine the location of the proposed levee and shall notify the landowners whose names and addresses are given in said petition. If he finds from an examination of the location of the proposed levee and the submitted plans that the construction of the proposed levee is feasible, not adverse to the public interest and should be built, he may then grant permission for its construction. (History: L. 1911, ch. 175, § 1; L. 1917, ch. 176, § 1; R.S. 1923, 24-105; L. 1931, ch. 184, § 1; L. 1951, ch. 261, § 1; April 2.)