

Dam Maintenance/Discharge of Water: Miller County Circuit Court, Arkansas, Action Filed Against Drainage District/Agricultural Operation



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The John O. Nix Trust (“Nix”) filed an October 10th Complaint in Miller County, Arkansas, Circuit Court against Bradley Enterprise & Farm, LLC, (“Bradley”) and Drainage Districts No. 4 & 5 (“District”) addressing the maintenance of a dam.

The Nix alleges injury to property in Miller County, Arkansas.

Nix describes itself as an owner of agricultural property in Miller County, Arkansas. Bradley is stated to be the owner of agricultural and/or recreational property that is adjacent to the Nix property.

A drainage ditch is stated to be flowing from the north to the south on the boundary separating the Nix property from the Bradley property.

A dam is stated to have been installed by the District and subject to its continuing jurisdiction and oversight. Further, the prior owner of the Bradley property is stated to have installed a dam and weir across the drainage ditch near the southwest corner of the Nix property. Such dam is stated to have been installed so that water could be impounded and used to maintain the level of the reservoir on the Bradley property.

Bradley is alleged to have not adequately maintained the dam which as a result began to leak and discharge water onto the Nix property. That discharge is alleged to have caused erosion and damage to the Nix property.

Repairs by Bradley are stated to have not been effective.

The Complaint alleges that Bradley owed Nix duties to properly maintain and repair the dam and to not inappropriately discharge water onto the Nix property.

The Complaint states that to address and correct the issues with the dam and alleged damage to the Nix property the following is requested:

1. An order allowing Nix to remove the Dam and restore the drainage ditch to its original condition;
2. An order allowing Nix to correct the erosion and restore its property to its prior Condition; and
3. An award of money damages equal to the amount it is required to expend in order to complete the work specified herein and ordered by the Court, with the amount of such damages being in

in excess of that required to establish federal diversity jurisdiction and with the exact amount of such damages to be determined at the trial of this matter.

A copy of the Complaint can be downloaded [here](#).