

RÉSUMÉ DIGEST

ACT 105 (SB 9)

2017 Regular Session

Allain

Prior law provided that an estate situated below is bound to receive the surface waters that flow naturally from an estate situated above, unless an act of man has created the flow.

New law provides that an estate situated below is the servient estate and is bound to receive the surface waters that flow naturally from a dominant estate situated above, unless an act of man has created the flow.

Prior law provided that the owner of the servient estate may not do anything to prevent the flow of the water. Prior law further provided that the owner of the dominant estate may not do anything to render the servitude more burdensome.

New law provides that the owner of the servient estate situated below may not do anything to prevent the flow of the water. New law further provides that the owner of the dominant estate situated above may not do anything to render the servitude more burdensome.

Effective upon signature of the governor (June 12, 2017).

(Amends C.C. Arts. 655 and 656)