

## **Part 2**

### **Procedures for the Approval of Dam Construction Plans**

#### **73-5a-201 Approval of state engineer necessary to construct, alter, or abandon dams.**

No person may construct, enlarge, repair, alter, remove, or abandon any dam or reservoir without obtaining written approval from the state engineer. Routine maintenance of the structure does not require approval from the state engineer.

Enacted by Chapter 319, 1990 General Session

#### **73-5a-202 Submission of plans.**

- (1) Before a dam is constructed, enlarged, repaired, altered, removed, or abandoned, plans for the work shall be submitted to the state engineer for his approval, unless the dam:
  - (a) impounds less than 20 acre-feet of water; and
  - (b) is not classified as a high hazard structure under Section 73-5a-106.
- (2)
  - (a) The plans shall be submitted 90 days before:
    - (i) awarding the construction contract; or
    - (ii) the commencement of construction, if the owner constructs the dam.
  - (b) The state engineer may shorten the 90-day review period if the owner and the design engineer submit satisfactory preliminary plans and design reports for review.
- (3) The state engineer may waive the requirement of plans if it can be demonstrated that failure of the proposed dam:
  - (a) does not constitute a threat to human life; and
  - (b) may result in only minor property damage that would be limited to property held by the owner of the structure.

Amended by Chapter 177, 2009 General Session

#### **73-5a-203 Review of plans.**

- (1) The state engineer shall establish a formal written procedure for the review of plans submitted pursuant to Section 73-5a-202. Plans shall be reviewed according to:
  - (a) design criteria which the state engineer shall specify in rules; and
  - (b) data or criteria generally accepted by the general dam design community.
- (2) Upon review of the plans, the state engineer will:
  - (a) approve them with appropriate conditions;
  - (b) reject them; or
  - (c) return them for correction.
- (3) The state engineer shall document each review indicating:
  - (a) how the plans were reviewed; and
  - (b) his evaluation of the plans.

Enacted by Chapter 319, 1990 General Session

#### **73-5a-204 Application for approval.**

- (1) If the submission of plans is not required by Subsection 73-5a-202(1) or is waived pursuant to Subsection 73-5a-202(3), approval to construct, enlarge, repair, alter, remove, or abandon the dam must be obtained by submitting an application to the state engineer.
- (2) The application shall contain:
  - (a) the location of the dam;
  - (b) physical dimensions of the dam;
  - (c) water rights attached to the dam; and
  - (d) any other information or drawings as required by the state engineer to evaluate the application.
- (3) Upon review, the application will be approved, rejected, or approved with conditions.

Amended by Chapter 5, 1991 General Session

**73-5a-205 Approvals void after one year if construction delayed -- Exceptions.**

- (1) Any approval granted under Section 73-5a-203 is void one year after the date of approval if construction has not started.
- (2) The state engineer may extend the approval in one year increments:
  - (a) upon a showing of reasonable cause for delay; and
  - (b) provided state-of-the-art design criteria has not changed in the intervening period.

Enacted by Chapter 319, 1990 General Session