

**Effective 5/13/2014**

**73-5-7 Inspection of ditches and diverting works by engineer.**

- (1)
  - (a) The state engineer shall have authority to examine and inspect any ditch or other diverting works, and at the time of such inspection, the state engineer may order the owners thereof to make any addition or alteration that the state engineer considers necessary for the security of such works, the safety of persons, or the protection of property.
  - (b) If any person, firm, copartnership, association, or corporation refuses or neglects to comply with the requirements of the state engineer as described in Subsection (1)(a), the state engineer may bring action in the name of the state in the district court to enforce the order.
- (2) The state engineer shall, by July 1, 2017, inventory and maintain a list of all open, human-made water conveyance systems that carry 5 cubic feet per second or more in the state, including the following information on each conveyance system:
  - (a) alignment;
  - (b) contact information of the owner;
  - (c) maximum flow capacity in cubic feet per second;
  - (d) whether the conveyance system is used for flood or storm water management; and
  - (e) notice of the adoption of a management plan for the conveyance system as reported to the Division of Water Resources under Section 73-10-33.
- (3) The owner of an open, human-made water conveyance system that carries 5 cubic feet per second or more shall inform the state engineer if the information described in Subsection (2) changes.
- (4) The state engineer:
  - (a) may contract with a local conservation district created in Title 17D, Chapter 3, Conservation District Act, to fulfill the duties described in Subsection (2); and
  - (b) may contract a local conservation district created in Title 17D, Chapter 3, Conservation District Act, to provide technical support for a canal owner who is adopting a management plan, as described in Section 73-10-33.

Amended by Chapter 355, 2014 General Session