**73-5a-101.  Power of state engineer to regulate dams.**

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| --- | --- |
| (1) | The state engineer has the authority to regulate the safety of dams for the purpose of protecting public safety. |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| (2) | To protect life and property, the state engineer may make rules controlling the construction and operation of dams, including rules controlling:

|  |  |
| --- | --- |
| (a) | design; |

|  |  |
| --- | --- |
| (b) | maintenance; |

|  |  |
| --- | --- |
| (c) | repair; |

|  |  |
| --- | --- |
| (d) | removal; and |

|  |  |
| --- | --- |
| (e) | abandonment. |

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|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| (3) | The state engineer may by rule exempt from this chapter any dam that:

|  |  |
| --- | --- |
| (a) | impounds less than 20 acre-feet of water and does not constitute a threat to human life if it fails; or |

|  |  |
| --- | --- |
| (b) | does not constitute a threat to human life and would result in only minor damage to property of the owner if it fails. |

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**73-5a-501.  State engineer to inspect dams.**

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| --- | --- | --- | --- | --- | --- |
| (1) | The state engineer shall inspect each dam that in the state engineer's opinion, if it failed:

|  |  |
| --- | --- |
| (a) | poses a threat to human life; or |

|  |  |
| --- | --- |
| (b) | could cause significant property damage ~~if the dam failed~~. |

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| --- | --- | --- | --- | --- | --- |
| (2) | An inspection required by Subsection [(1)](https://le.utah.gov/xcode/Title73/Chapter5A/73-5a-S501.html?v=C73-5a-S501_1800010118000101#73-5a-501(1)) shall occur:

|  |  |
| --- | --- |
| (a) | at increments commensurate with the relative risk to life and property; and |

|  |  |
| --- | --- |
| (b) | not less than once every five years. |

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| --- | --- |
| (3) | The state engineer may inspect a dam that is not exempt from regulation by this chapter. |

**73-5a-503.  Owners required to perform maintenance -- Orders to protect life and property.**

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| (1) | Following an inspection, the state engineer shall specify what maintenance is necessary to keep the dam and appurtenant structures in satisfactory condition and the owner of the dam shall be responsible for that maintenance. |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| (2) | Depending upon the severity of problems noted in Subsection (1) ~~during an inspection~~, the state engineer may issue orders for:

|  |  |
| --- | --- |
| (a) | engineering studies; |

|  |  |
| --- | --- |
| (b) | repairs; |

|  |  |
| --- | --- |
| (c) | storage limitations; |

|  |  |
| --- | --- |
| (d) | removal of the dam; |

|  |  |
| --- | --- |
| (e) | breaching of the dam; or |

|  |  |
| --- | --- |
| (f) | any other remedy the state engineer determines is appropriate to protect life and property. |

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