

**CHAPTER 89-08-04  
OPERATION AND MAINTENANCE**

Section

89-08-04-01	Operating Plan
89-08-04-02	Maintenance Plan
89-08-04-03	Emergency Action Plan

**89-08-04-01. Operating plan.**

By the fifteenth of February of each year, the operator of a reservoir with a capacity of more than one thousand acre-feet must submit an operating plan for that year to the state engineer. The state engineer will review the operating plan, and if deficiencies or discrepancies exist, the state engineer must notify the owner of the dam of the deficiencies or discrepancies. The owner of the dam must correct the deficiencies or discrepancies and return the corrected operating plan to the state engineer within fourteen days of receiving notice of the deficiencies or discrepancies. The operating plan must be approved by the state engineer before the operation of the dam. If the operator receives no response from the state engineer within thirty days, the operating plan is approved.

**History:** Effective November 1, 1989; amended effective January 1, 2015.

**General Authority:** NDCC 28-32-02, 61-03-13

**Law Implemented:** NDCC 61-03-21

**89-08-04-02. Maintenance plan.**

Dam owners must maintain their structures in an adequate manner. The state engineer may require the owner of a dam with a capacity of more than one thousand acre-feet to submit a maintenance plan for the dam and appurtenant works.

**History:** Effective January 1, 2015.

**General Authority:** NDCC 28-32-02, 61-03-13

**Law Implemented:** NDCC 61-03-21

**89-08-04-03. Emergency action plan.**

The owner of a dam with a storage capacity of more than one thousand acre-feet must submit an emergency action plan for the dam to the state engineer. The plan must be approved by the state engineer. The plan must be maintained and updated on a regular basis, and copies of all updates must be submitted to the state engineer.

**History:** Effective January 1, 2015.

**General Authority:** NDCC 28-32-02, 61-03-13

**Law Implemented:** NDCC 61-03-21