

**Effective 11/6/2025**

**Part 3**  
**Flood Control Projects and Drought Emergencies**

**17-78-301 Powers of county -- Contracts with United States -- Construction of flood control project.**

A county may contract with the United States of America, or any federal agency , for the construction of any flood control project within the county designed to:

- (1) abate or control flood waters or any excessive or unusual accumulation of water in any natural or artificial basin, stream, or body of water; or
- (2) for the protection of life and property against the danger, menace, injury, or damage resulting from any natural or artificial basin, stream, or body of water.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

**17-78-302 Maintenance of project -- Acquisition of property.**

A county may contract to:

- (1) maintain a flood control project after the construction work is completed, which maintenance may be without expense to the United States of America; and
- (2) acquire easements and rights-of-way to relocate public roads or bridges when the replacement shall be rendered necessary by the construction of any flood control project and may give satisfactory assurance to the United States of America, or any federal agency , that the location, relocation, building or rebuilding of such roads, rights-of-way, or bridges shall be done without expense to the United States of America or any federal agency.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

**17-78-303 Distribution of waters -- Operation of projects.**

The duty of distributing the waters of and operating the flood control project when completed shall rest upon the state engineer described in Section 73-2-1, provided, that the cost of such distribution and operation of the project by the state engineer shall be borne by the county entering into the cooperative contract with the United States of America for the construction and the operation of the flood control project.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

**17-78-304 Joint action of two or more counties.**

Whenever the construction of a flood control project described in this part is for the mutual benefit of two or more counties, the governing bodies of the counties may jointly enter into such cooperative contracts with the United States of America, or any federal agency , for the construction of the flood control project.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

**17-78-305 Clearing, improving, fencing, and construction of natural channels, sewers, and drains -- Enforcement of laws and regulations.**

- (1) In anticipation of and to provide for the carrying away and the safe disposal of natural storm and flood waters, the county may:
  - (a) remove any obstacle from any natural channels within the county and the incorporated municipalities in the county; and
  - (b) plan for and construct new channels, storm sewers, and drains to serve as though they were natural channels.
- (2) The county may cause channels, storm sewers, and drains described in Subsection (1)(b) to be surveyed, and the county legislative body may, by ordinance, establish their location and dimensions.
- (3)
  - (a) The county legislative body may promulgate regulations to prevent the destruction or obstruction of channels, storm sewers, and drains, and may provide for the enforcement of those regulations.
  - (b) The county legislative body may also provide for the maintenance, improvement, and fencing of all such channels, including covering or replacement with buried conduits.
  - (c) To implement the establishment, clearing, protection, and continued use of such channels, storm sewers, and drains, the county may acquire, by right of eminent domain necessary easements and rights-of-way.
- (4) All laws and sanitary regulations against the pollution of water in natural streams, canals, and lakes shall be enforced by:
  - (a) the county officers;
  - (b) the state, through the attorney general and in co-operation with the state board of health, state fish and game commission; and
  - (c) the several county legislative bodies.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

**17-78-306 Protection of channels and flood plains -- Acquisition of land.**

- (1) The county legislative body may also provide by ordinance for the protection and use of flood channels and present flood plains on rivers, streams, and canals located within the county and the incorporated municipalities in the county and may establish by ordinance the boundaries of these flood channels and present flood plains.
- (2) The county may acquire and hold by gift or purchase, such lands, rights-of-way, easements, or other interests in property within the established boundaries of these flood channels and present flood plains.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

**17-78-307 Declaration of drought emergency -- Appropriation -- Tax levy.**

- (1) The county legislative body of each county may at any regular meeting or at a special meeting called for such purpose, declare that an emergency drought exists in said county.
- (2)
  - (a) After a declaration of drought in a county, the county legislative body may appropriate from the money not otherwise appropriated in the county general fund such funds as shall be necessary for the gathering of information upon, and aiding in any program for increased precipitation within said county or in conjunction with any other county or counties.

- (b) If there are not sufficient funds available in the county general fund for the purpose described in Subsection (2)(a), the county legislative body may assess, levy, and direct the county to collect annually to aid in any program of increased precipitation.
- (3) The provisions of Chapter 69, County Auditor, relating to budgeting do not apply to appropriations necessitated by an emergency described in this section.

Renumbered and Amended by Chapter 14, 2025 Special Session 1