

**42-323. Head gate, rating flume and lock; delivery of key to officer.** Every person, association or corporation hereafter constructing any canal, ditch, conduit or other works for diverting water from any source wherein any other person, association or corporation shall have a prior right of appropriation of water, shall at the time of the construction thereof construct and place therein a head gate, which shall be placed at or near the head of such works, and so constructed and arranged and so placed with reference to such works that the same may be set to exclude the waters or any part thereof, which are wont to flow therein, at all stages thereof; and every person, association or corporation owning or controlling any such works heretofore constructed, wherein there shall upon the passage of this act be no such head gate, shall construct and place therein such head gate within ninety days after the passage of this act; and such proprietors shall, as may be necessary from time to time, repair, replace, reconstruct and renew such head gates, so that the same shall at all times be efficient for the purposes herein set forth; and every person, association, or corporation owning or controlling such works shall at the time of the construction of said head gate construct and provide, at or near each such head gate, a rating flume, or measuring device for rating or measuring the flow of water in such works, and shall always maintain the same in good condition, and shall put on such head gate a keyed device or lock, which shall be of such strength and so designed, constructed and placed as to permit the locking or fastening of such gate, valve or device at any point at which, as herein provided, the same may be set, and shall, upon demand made by any officer authorized by law to demand and have the same, deliver to such officer the key thereof.

**History:** L. 1891, ch. 133, art. 4, § 3; May 20; R.S. 1923, 42-323.