

42-327. Outlets and gates for convenient delivery of water; contracts; construction of embankments. The proprietors of every canal, reservoir, ditch or conduit or other works for the appropriation, diversion, storage or carrying of water for beneficial uses shall construct and maintain necessary outlets and gates for the convenient delivery of water to the persons entitled to the use of water from such works: Provided, That where two or more of the persons entitled to the use of water from such works can be conveniently supplied from one outlet, a second or other outlet shall not be required; and a multiplicity of outlets in any ditch or conduit shall at all times be avoided so far as practicable. The location of such outlet shall be under the control of the manager or superintendent of such ditch, conduit, or reservoir, and the same shall be located at the places most convenient and practicable, having reference to the protection and safety of the works and the convenient distribution of water therefrom among those entitled to the use thereof: And provided further, That nothing herein contained shall be construed to prohibit the proprietors of any such works from agreeing with those entitled to the use of such waters, to construct or maintain such outlets and the gates thereof. Every such gate shall be constructed with embankments of height and strength sufficient to control and exclude the water at all stages, and shall be so constructed and arranged that the gate may be set and locked at any place, so as to exclude any part of such waters.

History: L. 1891, ch. 133, art. 4, § 7; May 20; R.S. 1923, 42-327.