

42-394. Waste of water; penalty. That it shall be unlawful for any person entitled to the use of waters under this act for irrigation purposes, to use the same in excessive quantities or to suffer the same to run to waste. And if any person using the waters of any natural stream or other source of supply shall, by reason of his omission to maintain and keep the banks or other appurtenances of the works whereby the same are diverted, conveyed, or stored, in proper repair, or by other negligence knowingly suffers such waters to run to waste, or willfully and wastefully uses water in greater quantity than necessary for his purposes, such person shall be liable to a fine of not less than five dollars and not exceeding three hundred dollars, in the discretion of the court wherein conviction shall be had.

And it shall be unlawful for any water bailiff, ditch rider, or superintendent, or other person in charge or control of the operation of head gates or water gates to laterals or ditches supplying water from any irrigating canal to consumers and users of water, to furnish water to any consumer or user whose laterals are not in proper repair to receive and distribute said water without waste, and any water bailiff, ditch rider, superintendent, or other person so in charge or control of the operation of head gates or water gates as aforesaid, who shall furnish water to any consumer or user whose laterals are not in proper repair to receive and distribute said water without waste, shall be guilty of a misdemeanor and punished by a fine of not less than five dollars nor more than fifty dollars for each and every offense.

And every water bailiff, ditch rider, superintendent, or other person under whose charge or control shall be the operation and management of the water gates or boxes supplying consumers with water, shall have the right to go over and upon the lands of water users for the purpose of determining whether their laterals, ditches, and conduits are clean and in repair and in proper condition to receive and distribute the water in an economic manner.

History: L. 1891, ch. 133, art. 8, § 6; L. 1917, ch. 219, § 1; May 26; R.S. 1923, 42-394.