

**42-395. Unlawful acts affecting works; penalty.** It shall be unlawful for any person or persons, without the consent of the superintendent, ditch rider, or other authorized person in charge, to knowingly and willfully raise the head gate of any canal, ditch, conduit or reservoir for the diversion, conveyance, retention or storage of water for domestic, agricultural or other industrial uses whatsoever; or to knowingly and willfully raise the gate of outlet or sublateral whereby said person is himself supplied with water; or to knowingly or willfully close or lower the gate whereby any other person or persons shall be supplied with water from any ditch, canal, conduit, reservoir, lateral, or sublateral; or to by any way or means whatsoever willfully and knowingly prevent any other person or persons from receiving the supply of water to which he or they may be entitled; or to willfully and maliciously cut or break down the head gate of any such ditch, conduit, or reservoir, or the gate of any feeder or lateral thereof; or to willfully cut, excavate, throw down or open the embankment, side or other part of any such work, being the property of another, or in which any other person or persons may be joint owners with the person so offending, or which may be in the possession of any other person or persons, with intent maliciously to injure any person, association, or corporation, or for his, her or their own gain, or with intent to take or cause to run or pour out of such ditch, canal, conduit or lateral, flume feeder or reservoir any water for his or their own use, profit, benefit, or advantage, or for the use, profit, benefit or advantage of any other person or persons not entitled thereto, and to the injury of any other person or persons, association or corporation entitled to the use of such water, or to the injury of the proprietors of such ditch, conduit, reservoir, flume feeder, or lateral, or other person interested therein; or to break or injure or carry away any part or all of any bridge or viaduct, or to oppose or interfere with any officer or ditch rider in the discharge of his duties, or to in any way willfully obstruct the discharge of any such duties—he, she or they so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than fifty dollars nor more than three hundred dollars, and may be imprisoned in the county jail not to exceed ninety days.

**History:** L. 1891, ch. 133, art. 8, § 7; L. 1905, ch. 277, § 1; Feb. 28; R.S. 1923, 42-395.