

**42-3,101. Penalty for failure to construct devices, or to lock head gate and deliver key, or to maintain such devices.** Any person, association or corporation who, being the owner of or controlling any ditch, conduit or other works for diverting water from any natural source, shall fail or neglect to construct therein such head gate for excluding the water therefrom and regulating the flow therein, or such rating flume or measuring device for rating or measuring the flow of water therein and determining the capacity thereof, as required by this act, or such waste gate and tailrace when thereunto lawfully required in pursuance thereof, or to maintain any such structure in good repair and condition, or to renew and replace the same whenever thereunto required, or to put and keep upon such head gate a suitable keyed device or lock, or to deliver the key thereof to the proper officer upon demand, shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of not less than ten dollars and not exceeding three hundred dollars, in the discretion of the court wherein conviction shall be had.

**History:** L. 1891, ch. 133, art. 8, § 13; May 20; R.S. 1923, 42-3,101.