

42-322. Duty to maintain and supply water; damage liability for failure; contracts not affected.

The proprietors of any canal, ditch, conduit or other works for collecting, diverting or carrying water to be used in whole or in part for the irrigation of land of others, shall at all times keep such works properly repaired and suitably cleaned, so that the same may conveniently carry the water, to which the consumers of water therefrom are entitled, and shall, at all times, so far as may be reasonably practicable keep therein a flow of water sufficient to supply and discharge the amount to which all of those lawfully entitled to the use of water therefrom may be entitled; and such proprietors shall be liable for all damages occasioned such consumers by their willful or negligent failure to comply with the provisions of this section: Provided, That this act shall not be construed to in any way interfere with or prohibit the making of contracts fixing a different period or time when such water shall be supplied.

History: L. 1891, ch. 133, art. 4, § 2; L. 1911, ch. 213, § 1; March 6; R.S. 1923, 42-322.