

73-1-15 Obstructing canals or other watercourses -- Penalties.

- (1) Whenever any person has a right-of-way of any established type or title for any canal or other watercourse it shall be unlawful for any person to place or maintain in place any obstruction, or change of the water flow by fence or otherwise, along or across or in such canal or watercourse, except as where said watercourse inflicts damage to private property, without first receiving written permission for the change and providing gates sufficient for the passage of the owner or owners of such canal or watercourse. That the vested rights in the established canals and watercourse shall be protected against all encroachments. That indemnifying agreements may be entered as may be just and proper by governmental agencies.
- (2) Any person violating this section is guilty of a crime punishable under Section 73-2-27.
- (3) Any person who commits an act defined as a crime under this section is also liable for damages or other relief and costs in a civil action to any person injured by that act.
- (4)
 - (a) A civil action under this section may be brought independent of a criminal action.
 - (b) Proof of the elements of a civil action under this section need only be made by a preponderance of the evidence.

Amended by Chapter 215, 2005 General Session