

**42-397. Repeated unlawful diversion as evidence.** If it shall appear that upon two or more occasions within the same period of thirty days or less, water to the carriage, use or enjoyment whereof any person or corporation was entitled for any purpose, was diverted or flowed without consent of such person or corporation into the works of any other carrier, or to the field, meadow, mill, manufactory or other works, or the habitation or premises, of any person or corporation not entitled thereto, this shall be deemed and taken as prima facie evidence that any improper diversion thereof afterwards during the same calendar year was caused or procured by the carrier into whose works or the person to whose field, meadow, mill, manufactory, works, habitation or premises such waters were so improperly diverted or flowed.

**History:** L. 1891, ch. 133, art. 8, § 9; May 20; R.S. 1923, 42-397.