

42-317. Condemnation of lands for site or way. Any person, association or corporation desiring to construct a canal, fountain, ditch, conduit, dam, reservoir or other works for diverting, storing or conveying water to be applied to domestic or industrial uses, or for collecting, cleansing or filtering the same, or to enlarge any such works, or to change the course thereof in any place, or to relocate any part thereof, or to enlarge any part thereof, or to set, place or construct any wheel, pump or other machine or apparatus for raising water from any source so that the same may flow or be conveyed to the place of using the same, and who, being lawfully entitled to construct, maintain or operate such works, shall be unable to agree with the proprietor of any lands necessary to be taken for the site or way of such works or any thereof, touching the compensation and damages which ought to be paid in respect of any lands taken or damaged by the construction and operation of such works, or any such enlargement thereof, either by reason of the refusal of such proprietor or by reason that such proprietor is a minor, or incapacitated person, absent from the state, or cannot be found, shall be entitled to condemn and take for the purpose only such width or quantity of lands, as may suffice for the location and construction of such works or such enlargement thereof, and the subsequent maintaining, cleansing, repairing and improving thereof, as may be necessary from time to time; and may cause the damages and compensation to be paid in that behalf, to be ascertained in the manner prescribed by the laws regulating the exercise of the right of eminent domain, which are or may hereafter be in force, and shall be entitled to all rules, orders and other proceedings whatsoever prescribed by such laws.

History: L. 1891, ch. 133, art. 3, § 2; R.S. 1923, 42-317; L. 1965, ch. 318, §1; June 30.