

**42-316. Right of way and site for works for diverting, storing or conveying water.** All necessary right of way and site for any works for diverting, storing or conveying water to be applied to industrial uses shall be allowed on, over and through any land, and on, over, across and under any ditch, canal, conduit, railroad, street, or highway, by the nearest and most practicable route and method commensurate with the least damage to the property condemned: Provided, That no owner of real estate shall be compelled to grant right of way on, over or through his property for any irrigating canal, ditch, flume or conduit, if there shall be already in operation on, over or across the said property irrigating works sufficient and capable to furnish water to properly irrigate the same land intended to be irrigated by the canal, ditch, flume or conduit for which such condemnation is or shall be sought.

**History:** L. 1891, ch. 133, art. 3, § 1; May 20; R.S. 1923, 42-316.