

78B-6-502 Estates and rights that may be taken.

The following estates and rights in lands are subject to being taken for public use:

- (1) a fee simple, when taken for:
 - (a) public buildings or grounds;
 - (b) permanent buildings;
 - (c) reservoirs and dams, and permanent flooding occasioned by them;
 - (d) any permanent flood control structure affixed to the land;
 - (e) an outlet for a flow, a place for the deposit of debris or tailings of a mine, mill, smelter, or other place for the reduction of ores; and
 - (f) solar evaporation ponds and other facilities for the recovery of minerals in solution, except when the surface ground is underlaid with minerals, coal, or other deposits sufficiently valuable to justify extraction, only a perpetual easement may be taken over the surface ground over the deposits;
- (2) an easement, when taken for any other use; and
- (3) the right of entry upon and occupation of lands, with the right to take from those lands earth, gravel, stones, trees, and timber as necessary for a public use.

Renumbered and Amended by Chapter 3, 2008 General Session