

## APPENDIX A

### LAWS OF NEW YORK.—By Authority. CHAP. 233.

AN ACT to amend the conservation law, in respect to water supply to provide for union water districts and conservation water works.

Became a law April 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter six hundred and forty-seven of the laws of nineteen hundred and eleven, entitled "An act relating to conservation of land, forests, waters, parks, hydraulic power, fish and game, constituting chapter sixty-five of the consolidated laws," is hereby amended by adding thereto a new article to be known as article nine-a and to read as follows:

#### ARTICLE 9-A.

##### UNION WATER DISTRICTS.

Section 530. Union water districts; formation.

531. Petition to conservation commission; hearing.

532. Submission of proposition.

533. Acquiring of lands.

534. Letting of contracts; construction work.

535. Maintenance and operation of works.

536. Cost and expenses.

537. When other municipalities may participate; regulations.

538. Sale of water by commission.

539. Definitions.

§ 530. **Union water districts; formation.** Any number of municipalities, including water districts, within contiguous counties may join in the formation of a union water district, and three or more such municipalities may meet and confer for that

purpose. The subject for consideration at any such meeting shall be the proposition that the municipalities thus conferring shall join in the formation of a union water district. Municipalities not represented at the first meeting may participate in adjourned meetings and each municipality represented at any such meeting shall have one vote, which shall be cast by the chief executive officer thereof. The officers so attending shall choose a chairman, who shall preside over the meeting and a clerk whose duty it shall be to keep minutes of the proceedings. Whenever ten or more municipalities so attending shall vote in the affirmative on said proposition, those so voting shall thereupon become a union water district, except that if less than ten municipalities shall vote in the affirmative, they shall become a union water district provided they shall have a combined population of at least twenty-five thousand inhabitants, according to the last preceding federal census or state enumeration, and the census or enumeration last taken shall control. Whenever such meeting shall result in the formation of a union water district, a report in writing of such meeting shall be made and subscribed by the chairman and the clerk of the meeting, and such report shall set forth the attendance at such meeting, the vote taken, and the name adopted for such district, which shall consist of one word to precede the words "union water district" and shall not be a name previously adopted by any other such district, and the same shall, within five days after such meeting, be filed in the office of the clerk of each county wherein any municipality becoming a member of such union water district shall be situated.

There shall be a board, to be known as the trustees of such union water district, consisting of the chief executive officer of each municipality becoming a member thereof. A majority of all the members of such board of trustees shall constitute a quorum for the transaction of business, and they shall choose one of their number chairman, whose duty it shall be to preside at meetings of the board, and they shall choose a clerk, whose duty it shall be to keep the records of its proceedings. Within ten days after the filing of such a report in the offices of the county clerks, the said trustees shall meet and each shall take and file with the said clerk the constitutional oath of office.

The said board of trustees shall have power and it shall be their duty to adopt by-laws and rules to govern the conduct of its business. Meetings, in addition to any meetings otherwise provided for in this article, may be called by at least three trustees who shall file said call with the clerk, and it shall be the duty of the clerk to give written notice of such meeting by mail to each member at least two days prior to the time fixed therefor, stating in such notice the time and place of the meeting. All meetings shall be held at a convenient place within one of said municipalities.

§ 531. **Petition to conservation commission; hearing.** The board of trustees of such union water district may apply in writing to the conservation commission to investigate the proposition and to cause surveys, maps, plans and estimates to be made and such further or other information supplied as may be deemed advisable by the conservation commission to be made. Such petition shall set forth the formation of such union water district and state the population thereof determined in the manner hereinbefore specified, and shall contain an estimate of the probable population of each municipality at the end of ten years next succeeding and an estimate of the consumption of water per capita per diem which such municipality will require, and a statement in detail of all water supplies and works then owned by any such municipality and of the water works of any water works company or of any person supplying water to them or any of them and such other matters, if any, as may be prescribed by the rules and regulations of the commission. The petition shall also state at what location or point in or for each municipality it is desired to have water supplied by works to be constructed.

Upon the receipt of such petition, the conservation commission may in its discretion, and if it has funds available for such purpose, cause preliminary investigations, surveys, maps and plans to be prepared under direction of the chief engineer of said commission. If the commission thereupon finds that the physical conditions are unfavorable for the acquisition of a water supply and the construction of works for the supply of such union water

The pendency of a proceeding on the part of any municipality or water district for procuring an independent supply of water under any statute, shall not prevent such municipality or water district from taking part in the formation of a union water district as herein provided.

§ 532. **Submission of proposition.** Upon receiving from the commission the report, maps, plans, estimates of cost, and other information aforesaid, the board of trustees shall consider and either adopt or reject the same. If the board adopts the same, such adoption shall be certified by the board to each municipality included within such union water district, and thereupon there shall be submitted to the electors of each such municipality a proposition for issuing its bonds for its proportion of the estimated cost aforesaid. Such proposition shall be submitted within thirty days after receiving such certification from the board of trustees.

In case of a city, except as herein otherwise provided, such elections shall be conducted according to the statutes applicable to the submission of a proposition for the establishment of an independent water supply for such city or for authorization of a bonded debt. In case of a village, except as herein otherwise provided, such election shall be conducted in the manner provided by article nine of the village law. In case of a water district, except as herein otherwise provided, such election shall be conducted as provided in article thirteen of the town law, but only electors resident within the water district shall participate in the election. Such proposition shall be deemed adopted by a municipality if a majority of all the votes cast at said election shall be cast in favor of the proposition. Except as otherwise provided herein, a municipality, when the issuance of such bonds has been authorized as herein provided, shall issue and sell the same in the manner now provided by law for the issuance and sale of bonds, except that the limitations now provided by law upon indebtedness of municipalities shall not apply to a debt incurred under the provisions of this section except as otherwise provided by the constitution of the state.

It shall be the duty of the proper authorities of such municipi-

pality to levy annually, in the manner now provided by law in case of bonds authorized to be issued by such a municipality, such sum or sums as shall be necessary to meet the principal and interest upon the bonds issued as provided herein, or for the establishment of a sinking fund on account of the bonds so issued.

An affirmative vote in any municipality at an election held as aforesaid shall be binding for a period of two years. A negative vote in any municipality shall not be final as to said municipality, but the same proposition may be resubmitted not more than three times to the electors thereof and in such case not more than four months shall elapse between such resubmission unless an affirmative vote shall result. If the vote of any such municipality shall be in the negative four times, then such union water district shall cease to exist, except that in such case the municipalities voting in the affirmative may through the said board of trustees apply to the commission to certify the proportion of cost which each such municipality should bear of such project, as the same should be modified by reason of the elimination of the municipalities voting in the negative, and on a report by the commission of such estimate, a proposition based thereon shall be submitted to each such municipality in the manner herein provided for the submission of an original proposition and in that case the provision aforesaid as to the issuance and sale of bonds shall apply as so modified. If in such case any municipality shall vote in the negative, no further proceeding shall be had upon such petition and said union water district shall cease to exist.

Upon the issuance and sale by a municipality of bonds as herein provided, the proceeds shall be deposited in a national or state bank or in a trust company by each municipality separately, but to the credit of the conservation commission, and such moneys shall be used and paid out by the commission for the purposes herein provided. Such municipality shall select the depositories which shall agree to pay the highest rate of interest upon such deposit and the deposit shall be secured by bonds to the municipality approved by the commission. The interest accumulating upon such deposit shall be credited to the municipality making the same and shall be used by it in paying interest on its bonds is-

sued as above provided. In withdrawing such deposits, the commission shall withdraw not more than one-half of the amount so deposited by any one municipality until one-half of the separate deposits of other municipalities shall have been withdrawn.

Upon concurrence of a sufficient number of municipalities by affirmative votes on submission of the proposition aforesaid and the deposit of an aggregate amount of money equal to the estimate of the cost reported as herein provided, the commission shall proceed to construct water works, as described in its report or as the same may after such hearing be modified, subject only to such minor changes in the design as circumstances may from time to time in the opinion of the commission require. Such works shall be known as conservation water-works.

§ 533. **Acquiring of lands.** The commission or its agents, engineers, and such other persons as may be necessary for the execution of the powers and duties herein provided, may enter upon any land or water for the purpose of making surveys, examinations and investigations for preparing the maps, plans, specifications and reports herein provided for, and the persons damaged thereby shall be entitled to file claims therefor with the board of claims and recover against the state such damages.

The commission shall have the power to purchase and take possession of in the name of the people of the state of New York and to be held by said people for the purposes authorized by this article or to acquire in the same name by condemnation as herein-after provided for such purposes, all lands above or under water and structures and to acquire and take in the same name and manner and divert and use waters, public or private, deemed by the commission to be necessary for said purposes. If the commission shall be unable to agree with the private owner of lands and properties for the purchase thereof or with the private owner of frontage along waters for acquiring of the right to divert such waters or to agree with the private owner of lands for acquiring of easements in, over or against such lands, the same may be acquired by the commission by condemnation as follows:

An accurate survey of the lands so acquired or of lands in, over or against which any easement is so required shall be made and a

map thereof shall be prepared accompanied with an accurate description of the said lands, rights and easements so required, which description shall state the volume of water to be taken or diverted where less than the whole flow of any stream or water is to be taken or diverted and of the period during which such lands are to be held or such waters used or diverted and a sufficient description of any other easements in, over or against such lands, so as to describe with common certainty the lands, rights or easements to be taken, and the same shall be certified by the commission and filed in its office and a duplicate thereof made and recorded in the office of the clerk of the county within which any lands taken or affected are situated. Thereupon the commission may apply to the supreme court within the judicial district containing such lands for the appointment of commissioners of appraisal to determine the amount of compensation to be paid by the conservation commission for the property to be so appropriated and, except as otherwise provided in this article, the provisions of title one of chapter twenty-three of the code of civil procedure known as the condemnation law shall apply to and govern the procedure on such application and regulate the fixing and payment of the compensation to be made. The commission may in its discretion unite in one petition to said court, applications to acquire several such properties or all the separate properties sought to be taken for any one project carried on under this article.

Such petition shall be accompanied by a duplicate of the map and descriptions of the properties to be taken and required to be filed as aforesaid.

On the appointment of commissioners of appraisal and the taking and filing of official oaths by them as required by the condemnation law in case of such application, the conservation commission may enter upon and take possession of and use, for the purposes herein authorized, the lands and properties described in such petition and the said maps and statements accompanying the same. Said petition and the said duplicate map and statements filed therewith shall be conclusive evidence of the boundaries of the lands to be appropriated and of the extent and nature of any

rights and easements described therein to be taken. This provision for compensation shall not be construed to require payment of compensation except to the extent of the legal rights of such private owners and according to the legal measure of damages and there shall be no presumption that the lands and property rights so described are privately owned.

In case any lands or rights as hereinbefore described are owned by the public not including the lands and waters of the canals and lands within the forest preserve, and the acquisition thereof for the purposes herein described shall be necessary, the same may be entered upon and used by the conservation commission and if the same were at the time of such taking the separate property or under the jurisdiction of any county or other municipality or other civil division of the state or contain improvements made by them, a just and fair sum on account of such taking may be agreed upon by the conservation commission and the governing board or body of such county, municipality or civil division and the amount thereof shall be paid over by the conservation commission to the proper officers of such county, municipality or civil division on the execution and delivery to the commission of an appropriate conveyance describing the lands and rights so taken and in case such amount cannot be agreed upon the same shall be fixed and determined by three commissioners to be appointed by the supreme court within the judicial district where said lands affected are located on application either by the commission or the proper authorities of such county, municipality or civil division on notice to the other and when the determination of such commissioners shall be confirmed by said court the sum so affixed and determined upon shall be paid by the conservation commission.

Any diversion right now exercised for private purposes and under which public waters are diverted under any gratuitous franchise, express or implied, or franchise terminable at will as against the user, shall be and be deemed to be revoked when and to the extent that the waters subject to diversion are in the opinion of the commission, to be so certified by order to be made by it, needed for public water supply as herein provided.

The commission shall have the right subject, in case of state



improved highways, to the approval of the state commission of highways, to relocate highways which are within lands to be flowed by works constructed hereunder and shall have the right to lay pipes or conduits for conveyance of water along or across any highway or other public place and across any railroad, canal, transmission or other way devoted to public use, but the same shall be restored to its former condition of usefulness. The commission shall have power to apply in behalf of the state under any law of congress for permission to divert waters from any Indian lands when required for furnishing public water supply for a union water district.

Whenever it shall be necessary to appropriate lands occupied by graves, burial places, cemeteries or other places of interment of human remains, the same may be acquired in the same manner as other lands as herein provided and where the same is to be acquired by condemnation, service of notice of the time and place of presentation of the petition upon a person, corporation or other governing board, body or officer having possession, ownership or exercising control thereover, or service thereof in such manner or upon such other persons as shall be specially directed by the court, shall be sufficient. But such lands shall not be entered upon by the conservation commission in such case until after judgment adjudging that the condemnation thereof is necessary for the purposes herein specified shall be rendered, nor until the special provisions of such judgment as to the removal and reinterment of the human remains in said lands shall be complied with by the commission and the judgment shall require that such remains be removed to some other appropriate lands or places to be specified in said judgment including the removal and replacing of all marks distinguishing the persons so interred and the removal, transportation and reinterment of such remains shall be made in accordance with the provisions of the public health law and the local rules or ordinances of any city, village or town wherein the lands containing such remains or lands in which they shall be reinterred are located. Upon completing the work of reinterment the commission shall convey an appropriate right and title in the lands acquired by it for such reinterment, to the person, corporation or governing board or officer, if any, formerly owning,

possessing or controlling the property from which said remains were removed. If there be no such person, corporation or other governing board or officer, the commission shall, as part of the expense of the project prosecuted by it, maintain the property acquired for such reinterment as a cemetery. The lands required for such reinterment shall be deemed to be required for the purposes of the project authorized by this article.

Before any lands are acquired by purchase or any condemnation proceedings instituted or any expenditure made for excavation or construction hereunder, the commission shall cause a general map to be made and filed in its office and furnish a certified copy thereof to each municipality a member of a union water district, which map shall show the lands necessary to be acquired and waters necessary to be diverted, and shall show the lands needed for rights of way and for the location of reservoirs and central points of delivery of water, and the commission shall cause general plans of all construction and excavation work to be made and filed, and copies thereof furnished in the same manner.

§ 534. **Letting of contracts; construction work.** All excavation and construction work shall be performed under contracts based upon maps, plans and specifications and estimates of quantities made by the commission as hereinbefore provided, and any contract for performance of the whole work to be done or material, based upon any one petition or any contract for any part of such work or materials shall be let to the lowest responsible bidder after public notice of such letting, to be given by advertising the same once in each week for four weeks immediately preceding the day fixed for the receiving of bids and one such notice shall be published in a newspaper printed within each of the counties wherein any part of such work is to be performed. The requirements of the state finance law and the labor law as to the form and contents of public contracts in respect to the requirements of bonds from contractors to secure faithful performance and completion of the work shall apply to all contracts let under the provisions of this article.

If in the judgment of the chief engineer any work is not being performed according to the contract or for the best interests of the

public, he shall so certify to the commission and the commission shall thereupon have power to suspend or stop the work under such contract while it is in progress, and to provide for completion of the same in such manner as will accord with the contract specifications and for the best interests of the public, or the contract may be cancelled and readvertised and relet in the manner herein prescribed and any excess in the cost of completing the work beyond the price charged for which the same was originally awarded, shall be charged to and paid by the contractor failing to perform the work.

If at any time in the conduct of the work under any contract it shall become apparent to the chief engineer that any item in the contract will exceed in quantity the engineer's estimate by more than fifteen per centum, he shall so certify to the commission and the commission shall thereupon determine whether the work in excess thereof shall be completed by the contractor under the terms and at the prices specified in the contract or whether it shall be done by the commission or whether a special contract shall be made for such excess in the manner above prescribed. Every contract made hereunder shall reserve to the commission the right to suspend or cancel the contract as above provided and to complete the work or readvertise or re-let the same as the commission may determine and reserve to the commission the right to enter and complete any item of the contract which shall exceed in quantity the engineer's estimate by more than fifteen per centum or to make a special contract for such excess as the commission may determine.

All excavation and construction work shall be performed under the supervision of the conservation commission through its chief engineer and all payments upon contracts shall be made upon estimates to be made by said chief engineer. All works to be constructed hereunder shall be designed for delivery of water by gravity and all such water shall, before it is delivered to any municipality, be properly filtered under direction of the commission.

§ 535. **Maintenance and operation of works.** Upon completion of any conservation water works as provided hereunder, the commission shall maintain and shall operate the same and shall guard the waters from contamination. The commission shall

cause records to be kept of the quantity of water delivered to the central points and the same shall be measured by meter to each municipality and the commission shall render to each municipality in a union water district annually as of the first day of January a statement of the quantity so delivered for the calendar year last preceding.

If the quantity of water so delivered exceeds the aggregate quantity due to a municipality based on the rate of one hundred and twenty-five gallons per diem to each actual inhabitant thereof as shown in the petition herein provided, then a charge shall be made to such municipality for such excess and at such rate per million gallons as the commission shall determine. Payment for such excess by such municipality shall be made on or before July first of each calendar year to the commission. The commission shall annually apportion the whole sum so received among the municipalities in proportion to the amount which each has contributed to the cost of the conservation water works and shall promptly pay to each municipality its share thereof. Upon the completion and placing in operation of such water works, the commission shall employ such superintendent and assistants as it deems necessary for the proper and economical operation and administration thereof, and shall purchase and supply such materials and labor as are necessary in the maintenance, repair and operation. The commission shall cause an accurate account of all such expenses to be made and kept and shall report the same annually in the month of January for the calendar year last past.

The commission may from time to time, upon temporary loan certificates to be issued by it, borrow such sums as may be necessary to carry on such operation and maintenance. Such certificates shall bear interest at the rate of six per centum and shall be sold at not less than par and each municipality within a union water district shall be liable for its share of such expense in the proportion which it contributed to the original cost of the works. The annual amounts for such expenses, as apportioned by the commission, shall be paid by each municipality on the first day of March following the calendar year in which the said expenses were incurred. Interest to March first shall be included in the sum annually reported by the commission for such expense. A mem-

ber of the board of trustees of a union water district shall be reimbursed by his municipality for his actual and necessary expenses and disbursements paid or incurred by him in the performance of his duties, upon vouchers audited and approved in the manner provided by law for other claims against such municipality.

§ 536. **Cost and expenses.** If the cost of a conservation water works exceeds the original estimate of the commission, the excess shall be borne among the municipalities according to the proportion which each contributed to the estimated cost and the same shall be raised by each municipality in a manner to be determined by it and the said sum paid over to the conservation commission. If the total cost of such construction shall be less than the cost as estimated and as raised by the municipalities, such excess shall be refunded to said municipalities by the conservation commission ratably as the same was contributed, and when so refunded, the same shall be used by said municipalities to retire the bonds issued by them or paid into the sinking fund for the retirement of said bonds.

All cost and expenses on the part of the state of New York, including the expense of engineering or other professional services incurred on account of the construction of conservation water works or the acquiring of lands and diversion rights shall be deemed a part of the cost thereof to be borne by the municipalities in a union water district, and shall be estimated as part of the expense and shall be paid from the funds raised by said municipalities for said purpose.

§ 537. **When other municipalities may participate; regulations.** Any municipality originally eligible to membership in a union water district and not a member thereof, may on a majority vote of the governing board or body of such municipality, or in case of a water district, the town board may apply by petition to the conservation commission and to the trustees of such union water district to become a member of such union water district. If the commission and the board of trustees approve the petition the commission shall estimate and determine the cost of additional construction to provide for service of water to such municipality from the conservation water works, and shall likewise estimate and determine what share of the original cost thereof should

be paid by such petitioning municipality and shall report the same to it and to the board of trustees. Such municipality shall thereupon in the manner hereinbefore provided in the original formation of a union water district determine whether it will issue bonds to cover the aggregate amount so reported and if the same is determined in the affirmative, bonds shall be issued and sold by such municipality and the proceeds raised and deposited and taxes imposed for the retirement of such bonds issued, in the same manner as in case of the original organization of a union water district. The proceeds of such bonds issued shall be deposited to the credit of the commission for the purposes of this act in the manner hereinbefore provided. Upon the deposit of such funds, such municipality shall thereupon become a member of such union water district and shall be supplied with water from such conservation water works.

The funds so deposited by said municipality shall be disposed of as follows: The estimated cost of the additional construction due to each municipality becoming a member of a union water district shall be deducted; the remainder shall be apportioned to each municipality in the district including the municipality thus last added thereto, in the proportion in which each has contributed to the cost of the conservation water works, and the commission shall as soon as possible pay to each municipality its share thereof. All sums so received by each municipality shall be applied by it to the payment of the principal of any outstanding bonds which it may have issued for the construction of conservation water works.

§ 538. **Sale of water by commission.** The commission, with the unanimous consent of the board of trustees of a union water district, may sell water by meter to water works companies or others, exclusive of municipal corporations, provided such water is for use or resale in territory outside that of any municipality in such district and provided that no additional construction connected with the conservation water works shall be necessitated by reason of such sale, except for the installation of meters to measure water so sold and for meter houses and for not exceeding five hundred feet of pipe lines for connections to each of such meters.

Contracts for such sale shall be limited to periods of five years

from the time of making the same, and upon the expiration thereof, new contracts so limited may be made in like manner.

The receipts from such sales shall be applied, first, to the installation of meters and appurtenances above named, and the remainder shall be distributed among the municipalities which are members of the union water district, and in the proportion in which each has contributed to the cost of the conservation water works.

§ 539. **Definitions.** The term "chief executive officer of a municipality" as used in this article shall in the case of a city be deemed to refer to the mayor thereof; in case of a village, the village president; in case of a town, the supervisor; in case of a water district, the supervisor of the town within which such district or the major part thereof is located.

§ 2. This act shall take effect immediately.

APPENDIX "B".

PETITION OF CHARLTON UNION WATER DISTRICT

July 3, 1913.

To the Conservation Commission, Albany, N. Y.:

GENTLEMEN.—The Charlton Union Water District having organized June 23, 1913, in compliance with the provisions of Chapter 233 of the Laws of 1913, hereby petitions the Conservation Commission under the provisions of section 531 of said law, and sets forth the formation of said Union Water District by attaching hereto as Appendix "A" certified copies of all documents and minutes of all meetings executed and held in the formation of said Union Water District.

The population of said Union Water District, as appears by the United States Census for the year 1910, is as follows:

City of Cohoes .....	24,709
City of Watervliet .....	15,074
Town of Waterford .....	6,128
Village of Green Island .....	4,737

The total population of said district being .....	50,648
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The petitioner estimates the probable population of each of the municipalities at the end of ten years next succeeding, as follows:

City of Cohoes .....	26,000
City of Watervliet .....	20,000
Town of Waterford.....	7,000
Village of Green Island.....	5,000

making a total estimated population of said Union Water District of 58,000.



The petitioner estimates the consumption of water per capita per diem which each of said municipalities will require, to be 125 gallons in each, amounting to totals per diem as follows:

City of Cohoes .....	3,088,625 gallons
City of Watervliet .....	1,884,250 gallons
Town of Waterford.....	766,000 gallons
Village of Green Island.....	592,125 gallons

The total for said Union Water District being 6,331,000 gallons per diem.

The petitioner further states that the City of Cohoes is the owner of the water works system supplying said city, which is described in detail as follows: See Appendix "B".

That the City of Watervliet is supplied by a corporation known as the Watervliet Hydraulic Company, and that a detailed description of the works of said water works corporation, so far as the same are known to the petitioner at the present time, is as follows: (See Appendix "C".)

That the Town of Waterford is supplied by the Waterford Water Co. Under the provisions of Chapter 391 of the Laws of 1912, the town is authorized to purchase the water works system of the company. The purchase price has been agreed upon. Passing of title is held in abeyance pending the sale by the town of bonds for the purpose of raising funds for the purchase price. A detailed description of said water works is as follows: (See Appendix "D".)

That the Village of Green Island is supplied by a corporation known as Green Island Water Supply Company, and that a description of the water works of said corporation supplying said village is, so far as known to the petitioner, in detail as follows: (See Appendix "E".)

The petitioner further suggests the locations or points in and for each of said municipalities at which each desires to have water supplied by works which may be constructed by the Conservation Commission under the provisions of law aforesaid (Chapter 233 of the Laws of 1913) to be as follows:

For the City of Cohoes at its present principal distributing reservoir.

For the City of Watervliet at a distributing reservoir to be provided by it at an elevation of not over 300 feet above tide, to be located within two miles of the westerly boundary of said city.

For the Town of Waterford at the southwesterly standpipe of the existing water works system supplying said town.

For the Village of Green Island a reservoir or standpipe to be provided by said village at an elevation of not over 300 feet above tide, to be located within two miles of the westerly boundary of said village.

The location of present water works of above municipalities is shown in accompanying map. See Appendix "F".

The petitioner hereby applies to the Conservation Commission to investigate the proposition of a supply of water to said Union Water District under the provisions of said law (chapter 233 of the Laws of 1913), and to cause surveys, maps, plans and estimates to be made, and such further or other information as said Commission may deem advisable; and your petitioner will forever pray, etc.

(Signed) JOHN F. SCOTT,

*Chairman, Charlton Union Water District.*

STATE OF NEW YORK, }  
COUNTY OF ALBANY } ss.:

On the 3d day of July, in the year 1913, before me personally came John F. Scott, to me known, who, being by me duly sworn, did depose and say, that he resides in the city of Cohoes, county of Albany; that he is the Chairman of the Board of Trustees of the Charlton Union Water District, the municipal corporation described in and which executed the above instrument; that such municipal corporation is not required by law to have a corporate seal; and that he signed his name to said instrument by order of the Board of Trustees of said Union Water District.

JOHN F. SCOTT.

Sworn to before me this 3d  
days of July, 1913.

(Signed) JOHN F. MAHONY,

*Notary Public.*

APPENDIX "C".

DISCHARGE IN MILLION GALLONS PER DAY OF ALPLAUS KILL, NEAR CHARLTON, N. Y., FOR 1913 AND 1914.

DAY	1913							1914				
	June	July	August	September	October	November	December	January	February	March	April	May
1.....	11.9	4.2	T	.039	.211	1.775	17.600	3.540	31.000	3.170	193.200	43.3
2.....	35.2	3.7	T	.019	.591	.724	19.880	2.030	30.100	8.600	296.000	30.4
3.....	17.6	3.7	T	.007	1.425	.679	14.780	3.380	36.800	9.500	133.000	23.2
4.....	12.9	3.5	T	.001	.633	2.610	11.620	2.410	26.490	10.520	102.800	19.4
5.....	10.2	7.0	T	T	.297	.904	9.040	3.610	26.490	13.500	99.500	44.5
6.....	9.7	4.6	T	T	.267	2.413	6.920	2.350	22.200	8.600	92.500	53.5
7.....	11.6	3.7	T	T	.329	1.214	13.510	3.460	*18.130	7.680	69.800	26.5
8.....	11.8	3.2	T	T	.238	1.660	29.200	4.310	*14.070	7.680	192.000	20.0
9.....	9.4	3.0	T	T	.398	27.400	11.620	2.328	10.000	6.910	179.500	18.1
10.....	8.0	2.6	T	T	.633	42.820	11.620	4.150	*9.260	7.680	108.500	16.8
11.....	8.0	2.6	T	T	.186	17.640	*11.720	3.995	*8.510	9.040	93.100	14.2
12.....	7.2	2.5	T	T	.096	12.200	*11.810	4.620	*7.770	5.480	130.500	20.0
13.....	6.46	2.3	T	T	.162	9.050	*11.910	*4.090	*7.030	4.780	83.400	103.0
14.....	5.8	1.9	.050	T	.211	11.050	*12.010	*3.550	*6.280	5.810	68.400	38.7
15.....	5.3	1.9	.001	T	.297	10.520	*12.100	*3.020	*5.540	4.860	69.600	23.3
16.....	5.3	1.6	T	T	.472	9.500	12.200	*2.490	*4.800	9.040	97.000	16.8
17.....	4.5	1.6	T	T	.211	7.300	11.620	*1.960	*4.060	21.410	92.500	14.2
18.....	4.5	1.8	T	T	.079	4.780	10.000	1.426	3.310	65.200	68.500	12.3
19.....	4.3	1.5	T	T	.074	4.620	4.225	1.375	*3.250	34.900	64.000	11.6
20.....	5.5	3.6	T	T	.071	35.800	3.315	1.426	*3.190	37.800	63.300	10.3
21.....	7.0	2.1	T	T	.071	19.100	3.170	1.660	*3.130	31.000	133.000	9.7
22.....	6.1	1.1	T	.140	.071	14.143	4.150	2.350	*3.080	23.900	58.100	8.4
23.....	4.9	1.0	T	1.215	2.670	12.200	2.220	1.835	*3.010	20.700	36.800	7.7
24.....	4.4	1.3	T	.769	1.102	10.000	2.960	1.899	2.960	16.200	29.700	6.5
25.....	4.4	1.5	T	.510	1.895	9.050	3.380	2.540	2.815	15.500	25.800	6.1
26.....	4.2	.9	T	.238	7.300	5.160	4.070	2.880	2.740	52.500	119.000	7.1
27.....	11.0	.8	T	.329	14.050	5.480	2.350	4.460	2.880	210.000	77.500	6.5
28.....	8.0	.8	T	.267	6.125	3.690	4.150	6.920	2.960	504.000	152.000	4.1
29.....	5.6	.6	T	.211	4.150	3.380	5.810	10.530	.....	264.000	87.200	2.7
30.....	4.9	.3	.029	.238	4.150	6.910	8.140	15.490	.....	191.700	104.000	3.6
31.....	.....	T	.091	.....	2.605	.....	4.300	21.450	.....	217.000	.....	2.6
Total.....	255.7	70.9	.171	3.983	51.070	293.772	291.400	131.534	301.855	1,828.660	3,120.200	625.1

T = Trace.

\* Interpolated.

## APPENDIX D.

HERMANN M. BIGGS, M.D.  
Commissioner

DIVISION OF LABORATORIES AND RESEARCH  
AUGUSTUS WADSWORTH, M.D.  
Director

NEW YORK  
STATE DEPARTMENT OF HEALTH  
ALBANY

### SANITARY ANALYSIS OF WATER

(RESULTS ARE PARTS IN 1,000,000)

No. B-12253, C-8828, April 15, 1914

From Town of Charlton, County of Saratoga.

Collection of sample authorized by Hermann M. Biggs.

Collected and sealed by C. A. Howland.

Collected on April 4, 1914, 11:55 A. M.

Collected from Alplaus Kill at a point about 125 feet above gauging station maintained by U. S. Geological Survey near Charlton.

Color	18.	Nitrogen as	Ammonia free	.018	Hardness, total	40.3
Odor, hot	1 Veg.		Ammonia albumi-		Alkalinity	32.00
			noid, total	.138		
Odor, cold	1 Veg.		Nitrites	.001	Iron	
Turbidity	10.		Nitrates	0.40	Bacteria per c.cm.	800
Solids, total	88.		Oxygen consumed	6.50		
Loss on ignition	23.		Chlorine	0.75		
Mineral residue	65.					

Remarks:

B. coli type.

10 c. c. inoculations 1 plus 2 minus.  
1 c. c. inoculations 0 plus 3 minus.  
1/10 c. c. inoculations 0 plus 3 minus.

(Signed) A. WADSWORTH