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affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply.

Sixth. That said plans make fair and equitable provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands.

Wherefore, the Water Power and Control Commission does hereby approve the said application, maps and plans of Wegman Road Extension of West Gates water district, as prepared, and does also approve of the water works construction therein, as built.

In the Matter of the Application of the VILLAGE OF ELBRIDGE for Approval of Its Project for a Source of Water Supply and of Its Financial and Engineering Plans for the Construction of a Water Supply System

Water Supply Application No. 670

(Water Power and Control Commission, November 25, 1931)

Application approved as modified

BY THE COMMISSION.—Leroy N. Giles, mayor, and Isaac A. Hill and Elyn C. Earll, trustees of the incorporated village of Elbridge, in the town of Elbridge, Onondaga county, acting on behalf and in the name of said municipality, on October 21, 1931, made application to the Water Power and Control Commission for approval of the plans of said village for the acquisition or taking of a water supply and of the construction of a water supply system therein. This application was filed in the office of the Commission on October 23, 1931.

After due notice, published in the *Elbridge Citizen*,

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the hearing on this application was held in the village hall of the village of Elbridge, on November 11, 1931, at 11 o'clock in the forenoon. At this hearing, the Commission considered the petition, maps and plans submitted, examined witnesses, and heard arguments for and against the project. The petitioner was represented by Willis N. Sargent, its attorney, and in addition, Mayor Giles and Trustees I. A. Hill and D. Elmer Munro appeared in support of the application. Objections were filed by the city of Syracuse; which municipality appeared by Frank Malpass, corporation counsel, represented by Mark Conan, assistant corporation counsel.

On November 11, 1931, the Commission caused an engineering inspection to be made of the sites of the proposed works.

It is proposed to install in Elbridge a complete water works system, capable of serving water to all the houses in the village, both for domestic use and for fire protection. It is proposed to purchase water from the city of Syracuse, under the provisions of our decision of September 22, 1931, on Water Supply Application No. 609, filed by said city and under the provisions of a special act of the Legislature which was approved by the Governor on September 23, 1931. Connection to one of the conduits of the city of Syracuse is to be made at a point about 2.5 miles southeast of the village, just north of the Elba-Skaneateles town line. The petition states that the tap is to be 2½ inches in diameter. At this connection a recording meter is to be installed. From the meter a six-inch cast iron pipe line is to be extended northwesterly along a town highway, through the southeasterly corner of the village, to Genesee turnpike (Main street) and there is to connect to the distribution system in the village. The entire piping system is to consist of 1,500 feet of 10-inch, 7,358 feet of 8-inch,

19,700 feet of 6-inch cast iron pipe, 1,300 feet of 2-inch galvanized iron pipe and twenty-one fire hydrants. On a hill north of the village a 200,000 gallon steel stand-pipe, 34 feet 6 inches in diameter by 29 feet high is to be erected. The total appropriation available for this project is \$52,000.

The city of Syracuse objected to this project on the grounds that it would interfere with the rights of that municipality under the provisions of section 2 of chapter 631 of the Laws of 1906 and also because it would interfere with the operation of the water works system of the city of Syracuse.

After due study of the petition and its exhibits, the evidence and arguments given at the hearing and the report of the engineers of the Commission on this application, it appears as follows:

Elbridge is an incorporated village in the town of Elbridge, near the westerly boundary of Onondaga county. It is situated on Skaneateles creek and Genesee turnpike, about fifteen miles west of the center of the city of Syracuse. This village is almost entirely residential in character. It was stated that the majority of the inhabitants thereof are employed in Syracuse. There are now no industrial plants in the village, although formerly there were five chair factories and a piano player plant, all of which were operated by water power from Skaneateles creek. The population of this village is estimated at about 500 persons. The total assessed valuation of property therein was shown by the last roll to be \$304,486. The village has no outstanding bonded indebtedness.

There is now no water works system of any sort in the village of Elbridge. Water for domestic purposes is obtained from individually owned wells of the ordinary type. Successful wells cannot be put down near every house, nor do those in existence give liberal supplies of water. Many of them go dry during

periods of drought. During the dry seasons of the past two years, many wells supplied from eight to ten families. The village is fairly closely built up and has no sewerage system; with the result that there is ever present and increasing danger of contamination of the well water from local sources of pollution. Water for fire fighting is obtainable only from a few relatively small cisterns and from the creek. The protection so afforded is negligible except for a few buildings. The proposed water works system is desired to increase the comfort and convenience of the inhabitants of the village, for the protection of health and property and for the reduction of fire insurance rates. There is no question but that there is urgent necessity for a suitable public water works system in the village of Elbridge.

The board of trustees of the village of Elbridge by resolution adopted at a meeting held on October 5, 1931, adopted this project, authorized a bond issue of \$52,000 to defray the cost thereof and submitted these questions to a referendum vote at a special election to be held on October 21, 1931. At this election the action of the trustees was ratified by a vote of 115 to 33. The making of this petition to the Commission was authorized by resolution of the trustees adopted at a meeting held October 21, 1931. Since the petition was signed, Trustee Earll has died and D. Elmer Munro has been appointed as trustee in his place.

H. Lizars Aberdeen, a civil engineer with an office in the city of Syracuse, has been retained as the engineer in charge of this work and Dean Louis Mitchell of the College of Applied Science of Syracuse University has been retained as consulting engineer with regard thereto.

Syracuse draws water by gravity from Skaneateles lake. It has two complete conduits running from the lake to the city and a third conduit has been partly

constructed. On September 22, 1931, this Commission approved of an application filed by that city (water Supply Application No. 609) and by so doing authorized it to construct a second intake in Skaneateles lake, to complete the third conduit from the lake to the city and to draw from the lake, subject to various conditions, not in excess of 58 million gallons daily. In order to protect the rights and interests of other communities for sources of water supply, we found it necessary to require Syracuse to supply water to any municipalities in a certain area, which includes the town of Elbridge, which could thereafter obtain our approval for the taking of such water. It was further provided that the connections to the Syracuse mains should be made in a manner satisfactory to the city at the cost of the taker, that the amount of water so taken should be that reasonably required to meet the needs of the taker and that Syracuse should be paid for such water at a rate to be agreed upon between the city and the taker or, in case of disagreement, to be fixed by us. The present application has been made in accordance with the terms of said decision. It is now incumbent upon us to decide whether or not the needs of Elbridge for a water supply are such that Syracuse should be required to supply it.

The physical conditions are such that the present project would give Elbridge an ample supply of water under pressures sufficient for fire protection.

Elbridge is situated on Skaneateles outlet, about 7.5 miles below (north of) the lower end of Skaneateles lake and at an elevation at least 300 feet lower than that lake. Skaneateles creek has virtually no tributaries between the lake and Elbridge. There is no question but that Skaneateles creek or lake are the logical and normal sources of water supply for this village. No other source of supply is readily available.

Elbridge could be supplied from Skaneateles lake or outlet as follows:

(a) Directly by gravity from the lake, necessitating the construction of a long but relatively small pipe line and an intake in the lake.

(b) By gravity from Skaneateles creek, by constructing a pipe line about three miles in length and a diverting dam or intake on the creek.

(c) Indirectly from Skaneateles lake by purchasing water from Elbridge water district No. 1, which in turn is to purchase water from Skaneateles water district No. 1, which itself purchases water from the village of Skaneateles, which pumps it from Skaneateles lake, requiring about 1.5 miles of pipe and payment for the water.

(d) By pumping water from the creek in the village.

(e) By taking water from the Syracuse conduits as proposed.

Perhaps any one of these methods would once have been available. They are not all available now. Creek water would at any time have required purification and treatment to make it safe for drinking. Diversion of water from the lake by the city of Syracuse has greatly increased the intensity of the pollution in the creek and this intensity is steadily increasing. At the moment, purification of this water would be too difficult to be undertaken by a village of this size.

It is expected that the village of Skaneateles will soon abandon its intake and thereafter pump water from the Syracuse mains. It would thus appear that any project for the supply of Elbridge would involve taking of water from some part of the waterworks system of the city of Syracuse. If it be granted that Elbridge has a right to a supply of water from Skaneateles lake, then the amount available for Syracuse must in any event be reduced by the amount needed for Elbridge.

To supply Elbridge by way of the existing water districts would require direct or indirect dealings with two districts and an incorporated village and the water would all be pumped, which is entirely unnecessary. In our opinion the proposed project is more sensible than any other. It is true that it will give the city of Syracuse certain added responsibilities and the employees of that city will have added duties required by the operation, supervision and maintenance of the connection and meter, but any additional expense to which the city may be put should be met by the payment for the water.

Elbridge formerly was an industrial village, the mills in which were all operated by water power obtained from Skaneateles creek. When Syracuse developed Skaneateles lake as a source of water supply, it acquired from the mill owners the right to take all the water from the creek. It has since diverted water in steadily increasing amounts. This virtually amounted to the destruction of the water power developments on the creek. It is improbable that this alone was responsible for the removal or abandonment of the industries, but it doubtless was a contributory cause. Although the owners of the water powers were compensated for their losses, nevertheless the village of Elbridge as a whole suffered damage for which no compensation was made.

The present needs of the people of Elbridge for water will not exceed from 20,000 to 50,000 gallons per day. Syracuse now uses about 40 million gallons daily and has our authority to divert up to 58 million gallons daily from Skaneateles lake. The amount of water needed by Elbridge will be but a minute proportion to the total draft of the city.

Elbridge is a commuting suburb of Syracuse and in large measure city and village have mutual interests.

We think that we are justified in requiring Syracuse

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to supply Elbridge with water under the provisions of our decision of September 22, 1931, and under the further requirements which follow.

Syracuse now has two complete conduits and is about to finish the construction of a third. These multiple conduits are of benefit to the city in that one may be shut off for maintenance, repair or cleaning, while the others continue in operation. It would not be just to Syracuse to deprive it of this advantage by permitting Elbridge to connect to but one conduit; which in effect shall require Syracuse always to keep that conduit in operation. It is true that the storage in the Elbridge standpipe would allow the supply to the village to be shut off for short intervals, but we think it would be more equitable to require the village to make connections to at least two conduits. We also find that the proposed 2½ inch connection cannot well be made and it is probable that two 2-inch connections will be substituted therefor. These details we think should be left for mutual agreement between the two municipalities.

At present the water passing through the Syracuse conduits is of good quality. Syracuse maintains the sanitary condition of Skaneateles lake and also chlorinates all the water drawn therefrom. As long as this condition persists there should be no necessity for further treatment of the water by Elbridge. It is possible that some time Syracuse may decide to abandon chlorination at Skaneateles lake and move its plant elsewhere. The city does not wish to be bound to deliver treated water to Elbridge and to this the village agrees. We should reserve the right to require Elbridge to install and operate suitable apparatus for the treatment of this water if in the future we may find such action to be necessary.

Plans and specifications for the proposed works which were submitted with the application generally

provide for safe and suitable construction. Certain details, particularly of the standpipe, are not complete. We, therefore, should not now give our full approval to these plans but should require that final plans be submitted to and approved by us before the works are built.

It is our opinion that the carrying out of this project will have no adverse effect on the water supply interests of other municipalities in the State.

The legal damages which may be caused by the execution of the plans of the petitioner do not appear to be such as to require any special consideration or legislative enactment in order that they may be equitably determined and paid.

The legal grounds for objection to this application urged by the city of Syracuse are matters which we have already discussed in connection with Water Supply Application No. 609, mentioned above. Unquestionably there will be a certain amount of extra work and extra responsibility connected with the supply of water to Elbridge. This, however, will not be large and whatever extra cost it might cause the city should be compensated for in the price to be paid for the water.

We think that we should not at this time fix the price to be paid for the water or the other details with regard to the connection and the sale of water. These matters should more properly be left for agreement between the city and the village. In the event that such agreement cannot be reached, either side may appeal to us for settlement of the issue.

The Commission finds it to be necessary to protect the water supply and the interests of the applicant and of the inhabitants of the territory supplied by it with water, to protect the water supply and interests of other municipal corporations or other civil divisions of the State and the inhabitants thereof, to bring into

cooperation all municipal corporations or other civil divisions of the State which may be affected thereby, and to make safe all dams or reservoirs to be constructed by said plans, that the application, maps and plans submitted should be modified to conform to the following:

1. All structures to be built in connection with this project shall be fully constructed in complete accordance with plans thereof and specifications therefor, which have been submitted to and approved by this Commission, prior to the beginning of such construction.

2. The village of Elbridge shall, upon order of this Commission, given if future changes in conditions shall show need therefor, install and thereafter operate satisfactory apparatus for the treatment or purification of all water drawn by applicant from the mains of the city of Syracuse.

3. Elbridge shall make connections to at least two of the Syracuse conduits but unless the city shall otherwise desire, shall draw water from only one of these conduits at any one time.

4. All taps and connections to the Syracuse mains shall be made and the necessary meter installed and maintained at the expense of the village. Connections shall be made in conformity with the reasonable requirements of the proper authorities of the city of Syracuse. Syracuse shall be paid for the water so taken at the rates agreed upon by that city and the village of Elbridge or if they cannot agree shall, upon application by either party, be fixed by this Commission.

5. All water taken by Elbridge from the Syracuse mains must be measured by a recording meter of a type satisfactory to this Commission. Such meter and the records thereof must be open to public inspection at all reasonable times.

6. Should any question or controversy arise as to any of the above matters and on petition of any interested party, this Commission reserves the right, insofar as its authority will permit, to take such steps as may be necessary justly to settle such controversy.

7. These words shall be completely constructed within three years of the date of this decision.

The Water Power and Control Commission, having given due consideration to the said petition and its exhibits, the proofs and arguments submitted at the hearing and the reports of its engineers thereon, determines and decides as follows:

First. That the application, maps and plans submitted are modified as set forth above and, as so modified, are the plans hereinafter mentioned.

Second. That the plans proposed are justified by public necessity.

Third. That said plans provide for the proper and safe construction of all work connected therewith.

Fourth. That said plans provide for the proper protection of the supply and the watershed from contamination and that filtration is at the present time unnecessary.

Fifth. That said plans are just and equitable to the other municipalities and civil divisions of the State affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply.

Sixth. That said plans make fair and equitable provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands.

Wherefore, the Water Power and Control Commission does hereby approve the said application, maps and plans of the village of Elbridge, as thus modified.

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In the Matter of the Application of the NORTH JAVA
WATER DISTRICT for Approval of Its Acquisition of
a Source of Water Supply and of Its Financial and
Engineering Plans for the Construction of a Water
Supply System

Water Supply Application No. 671

(Water Power and Control Commission, November 25, 1931)

Application approved as modified.

By THE COMMISSION.—Walter E. Schwab, Michael Petrie and Edward J. Almeter, water commissioners of North Java water district, in the town of North Java, Wyoming county, acting on behalf and in the name of said district, on October 5, 1931, made application to the Water Power and Control Commission for approval of the plans of said district for the acquisition or taking of a water supply, the taking or condemnation of lands for a new or additional source of water supply and of the construction of a water works system in said district. This application was filed in the office of the Commission on October 28, 1931.

After due notice, published in the *Wyoming County Times* of Warsaw, the hearing on this application was held in the fire hall of the Volunteer Fire Department of the village of North Java, on November 18, 1931, at 10 o'clock in the forenoon. At this hearing the Commission considered the petition, maps and plans submitted, examined witnesses and heard arguments in favor of the project. The petitioner was represented by Henry R. Bristol, its attorney; in addition Water Commissioners Schwab and Petrie appeared in support of the application. No objections were filed and no one appeared in opposition.

On November 18, 1931, the Commission caused an