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In the Matter of the Petition of the CITY OF ROCHESTER to the New York State Water Power and Control Commission, for Permission to Divert Water Into Hemlock Lake for Water Supply

Water Supply Application No. 438

(Water Power and Control Commission, August 18, 1932)

Application dismissed.

BY THE COMMISSION.—On April 30, 1927, under the provisions of article IX of the Conservation Law, the city of Rochester made application to the Water Power and Control Commission for approval of a project involving the emergency use of certain waters from Carney Hollow creek and Quanz brook as new and additional sources of water supply for said city, the development of the same and the acquisition or taking of the lands and water rights necessary to carry out the project. This application was filed May 2, 1927.

After due notice, published as required by law, the hearing on this matter was had in the village hall in the village of Dansville, Livingston county, on May 24, 1927, at 10 o'clock in the forenoon, eastern standard time, and immediately adjourned to the board of trade rooms in the Citizens Bank building in the same village and thereafter continued, pursuant to adjournments duly taken, in the Supreme Court room of the Monroe county court house in the city of Rochester on July 8 and 23, 1927, when it was closed. At this hearing the city of Rochester was represented by Claude S. Smith, deputy corporation counsel. Objections to the application were filed by: Robert Pratt and Katherine H. Oberdorf, executors of the last will and testament of Nancy E. Angell, deceased, represented at the hearing by Robert Pratt; Winfield Scott

Oberdorf, executor of the estate of Edward Tracy Scoville, deceased, represented by Peck & Whitbeck, Ernest Whitbeck, of counsel; village of Dansville represented by C. W. Knappenberg, village attorney, and by Southerland & Dwyer, Arthur E. Sutherland and Andrew R. Sutherland, of counsel; John H. Quanz, represented by H. V. Pratt, and by the Berwin Paper Corporation, Power Specialty Company and Pell W. Foster, all of whom were represented by Austin W. Erwin, and Milton A. Chase.

On September 14, 1927, the Commission directed that proceedings in the case be suspended pending the results of certain negotiations then under way between the city of Rochester and the village of Dansville. On July 28, 1932, C. Arthur Poole, city manager of Rochester, advised the Commission that no agreement had been reached in the matter and that the city was agreeable to having the proceedings closed.

Wherefore, the Water Power and Control Commission does hereby dismiss the said application of the city of Rochester.

In the Matter of the Application of the CITY OF JOHNSTOWN for a New and Additional Source of Water Supply

Water Supply Application No. 608

(Water Power and Control Commission, August 18, 1932)

Application dismissed.

BY THE COMMISSION.—Tracey C. Smith, president of the board of water commissioners of the city of Johnstown, Fulton county, acting on behalf and in the name of that municipality on April 7, 1931, made application to the Water Power and Control Commission for approval of the plans of said city for the acquisition or