§ 15-2103. Creation of river regulating districts.

1. Bodies corporate, which shall consist of and be known as river regulating districts, may be created pursuant to title 21 of this article to construct, maintain and operate reservoirs within such districts, subject to the provisions of this article for the purpose of regulating the flow of streams, when required by the public welfare, including public health and safety. Such river regulating districts are declared to be public corporations and shall have perpetual existence and the power to acquire, and hold such real estate and other property as may be necessary, to sue and be sued, to incur contract liabilities, to exercise the right of eminent domain and of assessment and taxation and to do all acts and exercise all powers authorized by and subject to the provisions of this article. Such powers shall be exercised by and in the name of the board of the district.

1-a. Notwithstanding any other provision of law, for purposes of applying for and/or receiving any federal moneys or deriving any type of benefit or advantage pursuant to federal law, rule or regulation river regulating districts are hereby deemed to be municipal corporations within the meaning of subdivision two of section sixty-six of the general construction law.

2. Petitions may be filed as follows:

a. Any person or public corporation may present to the department a petition for the organization of a river regulating district pursuant to the provisions of title 21 of this article. Any such petitioner shall be a resident or owner of real estate within the proposed district, or if a public corporation, one whose boundaries lie wholly or partly within such district.

b. The petition shall set forth:

(1) The proposed name of the district, as the ..... River Regulating District.

(2) The necessity for the organization of such district, the purposes to be accomplished thereby and the benefits to inure from the exercise

of its powers.

(3) A general description of the territory included in the proposed district. Such description need not be given by metes and bounds, or by political subdivisions, but it shall be sufficient to state that the territory to be included in the proposed district constitutes the watershed of the particular river in reference to which the petition is filed stating generally the extent of such watershed. In the event that the district sought to be organized does not include the whole watershed of the particular river, but only the watershed of a tributary of the river, then, the petition should generally set forth the extent of such watershed, the reason why the watershed of the tributary should be organized as a separate river regulating district, and the relation of the regulation of the flow of such tributary to and effect upon the flow of the river to which it is tributary.

(4) The extent of the regulation possible through the construction and operation of reservoirs.

(5) Whether state or private lands, or both, will be required, and in general the extent thereof, and all such facts as would show or tend to show the public necessity for the regulation of the flow of the river.

3. Hearings shall be held as follows:

a. Immediately upon the receipt of such petition, the department shall cause notice by publication pursuant to subdivision one of section 15-1903 to be given of the pendency of the petition, and of the time and place of a hearing thereon, and may appoint times and places for further hearings if deemed by it to be desirable.

b. Hearings shall be conducted in accordance with the procedure set forth in section 15-1903 of this article. If after such a hearing or hearings, it should appear that the purposes of title 21 of this article would be best served by the creation of the river regulating district sought in the petition, the department shall thereupon so decide and declare. It shall then prepare and file a map of such district with a certificate of its determination creating such district and showing the name, extent and purpose of the district, with the Secretary of State and the county clerk of each county wholly or partly within the

district, and notice of such decision shall be given in the manner set forth in section 15-0903.

4. Review is available according to the following provisions:

a. The decision of the department may be reviewed in accordance with the provisions of section 15-0905. Upon failure so to review within the time prescribed or if the action of the department is sustained or modified on such review, the district shall thereupon become a river regulating district of the State of New York and a public corporation with all the rights and powers granted by title 21 of this article. No such review shall be had excepting at the instance of the Attorney General of the state unless prior to the application for the review the party making application shall file a bond or undertaking in a sum to be fixed by the Supreme Court or a justice thereof with good and sufficient sureties to be approved by the court or a justice thereof agreeing to pay all costs and expenses caused by such review as determined by the court in the proceeding in the event of failure to set aside or modify the determination and order of the department creating such district.

b. After such a river regulating district shall have been created as a public corporation hereunder, the certificate creating the same shall be final and binding upon all the public corporations and real estate within the district, and shall finally and conclusively establish the regular creation and organization of such district.

c. The organization of the district shall not be directly or collaterally questioned in any suit, action or proceeding except as herein expressly provided.

5. Copies of the certificate certified by the department shall be recorded in the office of the Secretary of the State and in the office of the county clerk of each county partly or wholly within the district and in the event of a review any order or judgment of the court thereupon shall be likewise recorded. The county clerks and the Secretary of the State shall receive for filing and recording such copies and all papers to be filed and recorded by them under the

provisions of title 21 of this article. They shall also receive such fees as are, or hereafter may be, provided by law for like services in similar cases and all above mentioned fees shall be a part of the preliminary expenses.