§ 15-2109. General powers.

1. The board shall have power to make all necessary rules and regulations which shall be effective when approved by the department.

2. The board and its authorized agents may enter upon any lands as in its judgment may be necessary for the purpose of making surveys and examinations to accomplish any purpose authorized by title 21 of this article, being liable only for actual damage done.

3. The board on behalf of such district shall have and may exercise all of the powers enumerated in subdivision 1 of section 15-2103 and in addition thereto all such other powers as are necessary and proper to carry into execution the powers expressly granted to it, including power to make such channel improvements as may be necessary to prevent damage to downstream properties by the waters released from reservoirs. The board shall have charge of the operation of all reservoirs now in existence, or hereafter constructed for the regulation of the flow of the river and its tributaries of the district which it represents, not including, however, any reservoirs which are or may be maintained primarily to provide water for the canal system of the state. No reservoirs for the regulation of the flow of streams or for any other purpose except for municipal water supply shall be hereafter constructed in Hamilton or Herkimer counties on the south branch of the Moose River by any river regulating board.

4. The board shall have the right to establish and maintain stream gauges and rain gauges, and may make such surveys and examinations of rainfall, stream flow and flood conditions, and of other scientific and engineering subjects as may be necessary and proper for the purposes of the district and shall preserve a record thereof.

5. The board, on behalf of such district, subject to the limitations of title 21 of this article, shall have a dominant right of eminent domain over the right of eminent domain of public corporations, except cities. In exercise of this right, due care shall be taken to do no unnecessary damage to other public utilities, and in case of failure to

agree upon the mode and terms of interference, not to interfere with their operation and usefulness beyond the actual necessities of the case, due regard being paid to the other public interests involved.

6. The board on behalf of such district shall have power to consent to the transfer of jurisdiction over lands under its jurisdiction to any state department or a bureau, division or agency thereof, or to any state agency, upon such terms and conditions and under such regulations and restrictions as said board shall deem just and proper, providing, however, that the use of such lands will not interfere with the purposes for which they were acquired.

7. The board of the Hudson river-Black river regulating district shall have the power to contract to sell water, upon such terms and conditions as it deems advisable to any or all of the counties of Albany, Columbia, Essex, Fulton, Green, Hamilton, Rensselaer, Saratoga, Schenectady, Warren or Washington, which counties are contained within such district.