§ 21-1009. Grievances.

1. For the purposes of section 7.3 of the Compact, a person shall be aggrieved only when they have exhausted all rights and remedies afforded pursuant to article seventy-eight of the civil practice law and rules and:

a. there is interference with a present use of the water by the complaining person or an interference with the complaining person's present enjoyment of riparian land occurring prior to suit, or which will immediately occur when the withdrawal complained of is begun;

b. a decrease in the market value of the complaining person's interest in riparian land occurring prior to suit or which will immediately occur when the withdrawal complained of is begun, regardless of whether his or her use of the water or enjoyment of riparian land was interfered with prior to suit, or will be immediately interfered with when the withdrawal complained of is begun; or

c. the complaining person is an applicant, and the complaining person's application is denied or modified in whole or in part.

2. Nothing contained in this section shall, however, be construed as depriving any person of any remedy either at law or in equity, which he or she now has, or may hereafter acquire, under the laws of this state.