

FORESTS, WATER RIGHTS
Act of May 21, 1923, P.L. 290, No. 186
AN ACT

Cl. 32

Authorizing the Department of Forestry to grant, on terms, conditions, and stipulations, rights to occupy and use any portions of the State forests for dams, reservoirs, canals, pipe lines, and other water conduits, for certain water supply purposes; and providing remedies for violations of this act, or regulations or orders hereunder, or of such terms, conditions, or stipulations; and providing for revocation of the grant in certain cases.

Compiler's Note: Section 302(h) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall exercise the powers and duties conferred upon the Department of Forestry and the Commissioner of Forestry by Act 186 of 1923.

Section 1. Be it enacted, &c., That the Department of Forestry is hereby authorized, in its discretion, to grant the right to occupy and use any portions of the State forests for use as sites for dams, other water obstructions, reservoirs, canals, pipe lines, and other water conduits, for supplying water otherwise than for steam condensation. Every such grant shall be on such terms, conditions, and stipulations as the department shall deem necessary for the protection of the present and future interests of the Commonwealth and its people, and suitable for affording a reasonable opportunity for a fair return on the actual investment, prudently made, on the faith of such grant.

Section 2. That the Attorney General may, on the request of the Water Supply Commission, institute proceedings in any court, now or hereafter clothed with jurisdiction in cases in which the Commonwealth is a party, for the purpose of revoking, for violation of its terms, any permit issued hereunder; or for the purpose of remedying or correcting, by injunction, mandamus, or other process, any action of commission or omission in violation of the provisions of this act or any lawful regulation or order promulgated hereunder. The said courts shall have jurisdiction over all the above-mentioned proceedings, and shall have power to issue and execute all necessary process, and to make and enforce all rights, orders, and decrees to compel compliance with the law, orders, and regulations of the Commissioner of Forestry in respect of any so permitted dam, water obstruction, or appurtenant works, and to compel the performance of any condition imposed under the provisions of this act. In the event a decree revoking a permit is entered, the court is empowered to sell the whole or any part of the dam or other water obstruction, together with any or all appurtenant works, lands, and water rights; to wind up the business of such permittee

conducted in connection with such dam or water obstruction; to distribute the proceeds to the parties entitled to the same; and to make and enforce such further orders and decrees as equity and justice may require. At such sale or sales the vendee shall take the rights and privileges belonging to the permittee, and shall perform the duties of such grantee and assume all outstanding obligations and liabilities of the grantee which the court may deem equitable in the premises.