

No spoil materials shall be stored on the easement area beyond one month unless Grantor approves or requests a longer period of time. All materials from cleaning and dredging shall be removed from the easement area within one month unless Grantor approves or requests a longer period of time. At the completion of each dredging, the Access Easement shall be returned to the condition immediately prior to such dredging and provide for the free and unfettered ingress and egress by the Grantor.

The above-described easements are non-exclusive and subject to any utilities and/or easements of record. Reserving from all of the above-described parcel of land, the existing rights-of-way, if any, of any public service or public utility providing water, sewer, gas, electric, telephone, telegraph or cable television, providing, however, that the exercise of such rights-of-way does not interfere with or endanger the flood control works or the safe operation thereof.

Reserving to the Grantor, its successors and assigns, of any right, title or interest in and to the property (easement area) described above and at such Grantor's, successors or assigns own risk, and subject to permit requirements for regulated activities pursuant to 6 NYCRR Part 501 including, but not limited to, Article 16 of the Environmental Conservation Law and regulations pursuant thereto, the right of using this property, providing such use does not, in the opinion of the Commissioner or his/her authorized representative acting for the People of the State of New York, or its assigns, interfere with or prevent the use and exercise of the rights hereinbefore described.

For interpretation of this instrument, it is understood that Grantor, successors or assigns may use the flood protection easement area, at such Grantor's, successors or assigns own risk, for the limited purposes of (1) vehicle parking for no more than 48 hours, such as employee and visitor parking, and (2) for interim storage of materials, such as finished goods awaiting shipment and raw materials used for manufacturing on site, which uses do not unreasonably interfere with the use by Grantee under this instrument and do not interfere with access to all areas of the flood protection easement area for inspection purposes. Any areas used for parking and/or storage of

materials will be vacated within one week of oral or written notice of the Grantee to the Grantor by the Grantor at no expense to the Grantee. The use by Grantor for the limited purposes of vehicle parking and interim storage of materials will not establish any right to continued use of the property for those purposes nor diminish in any way the permanent right, privilege and easement of the Grantee to use the Flood Protection Easement for flood control purposes. Use of the flood protection easement area for interim storage of waste materials, including and not limited to inoperative, unregistered vehicles, is specifically prohibited.

TO HAVE TO HOLD the said easement hereby granted unto the Grantee, its successors and assigns forever.

Being an interest in lands conveyed to the Grantor herein by deed recorded in the Yates County Clerk's Office on May 27, 1998, in Liber 398 of Deeds at page 638.

IN WITNESS WHEREOF, the Grantor has caused its name to be subscribed by the duly authorized officer as of the day and year first above written.

YATES COUNTY

By \_\_\_\_\_

Robert N. Multer

State of New York )  
                                  ) ss.:  
County of Yates     )

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year 2002, before me personally came ROBERT N. MULTER, to me know, who, being by me duly sworn, did depose and say that he resides in the Town of Middlesex, Yates County; that he is the Chairman of the Yates County Legislature, duly authorized to execute conveyances on behalf of Yates County, the corporation described in and which executed the above instrument; and that he signed his name thereto by authority of said Yates County Legislature.

\_\_\_\_\_  
Notary Public

# KEUKA LAKE OUTLET COMPACT

Five Maiden Lane  
Penn Yan, New York 14527  
315-536-3015



KEUKA LAKE

John Andersen, Chairman  
William Weber, Secretary  
Dwight Rogers, Treasurer  
William Mayer, Esq., Counsel

Edward J. Balsley, Manager  
315-536-3374

October 24, 2002

Subject: Draft policy for release of water and minimum flow on the Outlet

From: Ed Balsley, Gates Manager, Penn Yan

To: Commissioner John Andersen, Jerusalem  
Commissioner Doug Marchionda, Jr., Penn Yan  
Commissioner Norm Snow, Milo  
Commissioner Jim Multer, Barrington  
Commissioner Myron Baran, Pulteney  
Commissioner Vincente D'Ingianni, Wayne  
Commissioner Tom Chadwick, Urbana  
Commissioner Bob DeSeyn, Hammondsport  
Secretary Bill Weber

On Thursday, October 3<sup>rd</sup>, Mr. Art Miller, who is involved in studying the Outlet for possible recreational and competitive kayaking, asked me if it would be possible to open three gates for a four-hour period in order to supply enough water for a trial run. Knowing of no reason why I could not, I agreed and ordered the three gates opened from 9:00 a.m. to 1:00 p.m. Unbeknownst to me, a science project from the Marcus Whitman School District was in progress in the outlet near Penn Yan. This project apparently involved several classes of elementary school children along with teachers and some people from Cornell. The release of water ruined the project but fortunately did not cause any injuries to anyone, although the potential of that scared me to near death. I subsequently found out that this project has been done for the past five years and apparently no one at Marcus Whitman had any idea of what could happen to the stream flow due to gate openings. Obviously, had I known this project was scheduled, I would have told Mr. Miller he would have to do his kayak run at a different time. In discussing this incident with Peter Landre, it was decided to develop the attached draft policy for you to consider adopting. This policy, or some variation of it, will hopefully prevent incidents like the one described above from happening again. While the focus in the past has always been on releases of water, you can see where there are times when releases need to be curtailed. Please review this draft and plan on discussing it at the next