

To accompany the petition of the Amherst Water Company, by E. M. Whitcomb, president, that provision be made for an additional water supply for said company. Water Supply.

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**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Twenty-Nine.

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An Act relative to Additional Water Supply for the Amherst Water Company.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section two of chapter one  
2 hundred and seventy-nine of the acts of the  
3 year eighteen hundred and eighty as amended  
4 by chapter one hundred and ninety-eight of  
5 the acts of the year nineteen hundred and  
6 three is hereby further amended by inserting  
7 after the word "Pelham" in the fifth line the  
8 words:— at any point or points upstream from  
9 the Amherst-Pelham boundary line, likewise  
10 tributaries thereof in the town of Pelham in-  
11 cluding Buffum brook, — after the word "there-  
12 with" in the eighth line the words:—and of  
13 the outlet brook therefrom which is a tributary  
14 of Mill river, — after the word "said" in the  
15 eighth line the words:— Nurse and Dean, —

16 after the word "Leverett" in the twelfth line  
17 the words:— and may divert into said Atkins  
18 pond the water of said Nurse and Dean brooks  
19 or any part thereof and may also take and  
20 convey into said town of Amherst or divert  
21 into said Atkins pond the water of Adams  
22 brook, of which said Nurse and Dean brooks  
23 are tributaries, at any point or points not  
24 more than twenty-five hundred feet downstream  
25 from the above mentioned highway leading  
26 from the Amherst town line to East Leverett,  
27 —after the word "basin" in the twelfth line  
28 the words:— Nurse, Dean, — after the word  
29 "and" in the twelfth line the word:— Adams,  
30 —after the word "Franklin" in the four-  
31 tenth line the words:— and said outlet brook  
32 from Atkins pond being situated part in the  
33 town of Shutesbury in the county of Franklin  
34 and part in the town of Amherst in the county  
35 of Hampshire, — after the word "reservoirs"  
36 in the seventeenth line the words:— including  
37 the raising of said Atkins pond and basin  
38 connected therewith, — and after the word  
39 "same" in the twenty-fourth line the words:  
40 — may, for the purposes aforesaid, under the  
41 direction of the town, county or state authori-  
42 ties as the case may be, raise or change the  
43 location of any street or highway, — so as to  
44 read as follows:— *Section 2.* Said corporation  
45 may take, hold and convey into and through  
46 the town of Amherst or any part thereof, the  
47 water of what is known as the Amethyst brook,

48 formerly valley, situated in the town of Pel-  
49 ham, at any point or points upstream from  
50 the Amherst-Pelham boundary line, likewise  
51 tributaries thereof in the town of Pelham in-  
52 cluding Buffum brook, and may also take  
53 and convey into said town of Amherst the  
54 water of what is known as Atkins pond and of  
55 the basin connected therewith and of the out-  
56 let brook therefrom which is a tributary of  
57 Mill river, of Nurse brook and of Dean brook,  
58 so called, said Nurse and Dean brooks being  
59 about eighteen hundred feet distant from said  
60 pond and running parallel with each other  
61 where they cross the highway leading from  
62 the Amherst town line to East Leverett; and  
63 may divert into said Atkins pond the water  
64 of said Nurse and Dean brooks or any part  
65 thereof and may also take and convey into  
66 said town of Amherst or divert into said Atkins  
67 pond the water of Adams brook, of which  
68 said Nurse and Dean brooks are tributaries,  
69 at any point or points not more than twenty-  
70 five hundred feet downstream from the above  
71 mentioned highway leading from the Amherst  
72 town line to East Leverett; said pond, basin,  
73 Nurse, Dean and Adams brooks being situated  
74 in the town of Shutesbury in the county of  
75 Franklin, and said outlet brook from Atkins  
76 pond being situated part in the town of Shutes-  
77 bury in the county of Franklin and part in  
78 the town of Amherst in the county of Hamp-  
79 shire; and may take and hold by purchase or

80 otherwise any real estate necessary for the  
81 preservation and purity of the same, or for  
82 forming any dams or reservoirs including the  
83 raising of said Atkins pond and basin con-  
84 nected therewith, and for laying and main-  
85 taining aqueducts and pipes for distributing  
86 the waters so taken and held; and may lay  
87 its water pipes through any private lands,  
88 with the right to enter upon the same and  
89 dig therein for the purpose of making all neces-  
90 sary repairs; and for the purposes aforesaid  
91 may carry its pipes under or over any water  
92 course, street, railroad, street railway, high-  
93 way or other way, in such manner as not to  
94 obstruct the same; may, for the purposes afore-  
95 said, under the direction of the town, county  
96 or state authorities as the case may be, raise  
97 or change the location of any street or high-  
98 way, and may, under the direction of the  
99 board of selectmen, enter upon and dig up  
100 any road or other way for the purpose of lay-  
101 ing or repairing its aqueducts, pipes or other  
102 works; and in general may do any other acts  
103 and things convenient or proper for carrying  
104 out the purposes of this act.

1 SECTION 2. Said water company may for  
2 the purposes stated in said chapter one hun-  
3 dred and seventy-nine, and amendments thereto,  
4 and this act, take by eminent domain under  
5 chapter seventy-nine of the General Laws of  
6 this commonwealth, or acquire by purchase or

7 otherwise, and may hold and convey, the waters  
8 or so much thereof as may be necessary, of  
9 any underground water from wells which may  
10 be constructed or sunk at any suitable points  
11 for such supply in the town of Leverett not  
12 farther than one mile from the southerly bound-  
13 ary of said town, together with any water  
14 rights connected therewith, and also all lands,  
15 rights of way and easements necessary for  
16 holding such water, for preserving and protect-  
17 ing the quality thereof and for conveying the  
18 same to the town of Amherst. For the pur-  
19 poses set forth under said chapter one hundred  
20 and seventy-nine of the acts of the year eighteen  
21 hundred and eighty and all amendments thereto,  
22 including this act, said corporation may erect  
23 on the land thus taken or held, proper dams,  
24 buildings, standpipes, fixtures and other struc-  
25 tures, and may make excavations, procure and  
26 operate machinery and provide such other  
27 means and appliances, and do such other things,  
28 as may be necessary for the establishment and  
29 maintenance of a complete and effective water  
30 works for the purposes aforesaid; provided,  
31 that no source of water supply for domestic  
32 purposes or lands necessary for preserving or  
33 protecting the quality of such water shall be  
34 acquired under this act without the consent of  
35 the department of public health, and that the  
36 location of all dams, reservoirs, wells, or other  
37 works for collecting or storing the water shall  
38 be subject to the approval of said department.

1 SECTION 3. For the aforesaid purposes said  
2 corporation may construct, lay and maintain  
3 aqueducts, conduits, pipes and other works un-  
4 der and over any land, water courses, canals,  
5 dams, railroads, railways and public or other  
6 ways, and along, under or over any highway  
7 or other way in the towns of Amherst and  
8 Pelham or the said part of Leverett, in such  
9 manner as not unnecessarily to obstruct the  
10 same; and for the purpose of constructing,  
11 laying, maintaining and repairing such aque-  
12 ducts, conduits, pipes and other works, and  
13 for all such purposes, said corporation may dig  
14 up, raise and embank any such lands, highways  
15 or other ways in such manner as to cause the  
16 least hindrance to public travel, and may, for  
17 the purposes aforesaid, under the direction of  
18 the town, county or state authorities as the  
19 case may be, raise or change the location of  
20 any street or highway. Said company shall  
21 not enter upon, construct or lay any aqueduct,  
22 conduit, pipe or other works within the loca-  
23 tion of any railroad company or street railway  
24 company except at such times and in such  
25 manner as it may agree upon with such cor-  
26 poration, or, in case of failure so to agree, as  
27 may be approved by the department of public  
28 utilities. For the aforesaid purposes said cor-  
29 poration may take by eminent domain under  
30 chapter seventy-nine of the General Laws of  
31 this commonwealth, or acquire by purchase or  
32 otherwise, and hold, all lands, rights of way

33 and easements in said towns of Amherst and  
34 Pelham or said part of said towns of Leverett  
35 and Shutesbury necessary for receiving, holding  
36 and distributing said water, and any person  
37 injured in this property by any such taking or  
38 by a taking under section two may recover  
39 damages from said corporation under said  
40 chapter seventy-nine of the General Laws of  
41 this commonwealth.

1 SECTION 4. Said corporation may distribute  
2 water throughout the said part of the towns  
3 of Leverett, Shutesbury or in the town of  
4 Pelham adjacent to the distributing pipes, may  
5 regulate the use of the same and may, subject  
6 to the approval of the department of public  
7 utilities, establish and fix from time to time,  
8 and may collect, the rates for the use of said  
9 water. Said corporation may make such con-  
10 tracts with said towns of Leverett, Shutesbury  
11 and Pelham or with any fire or water district  
12 hereafter established in said towns, or with  
13 any individual, firm, association or corporation  
14 therein, to supply water thereto for the extin-  
15 guishment of fires and for such other purposes  
16 as may be mutually agreed upon, and in case  
17 of failure so to agree as may be decided by the  
18 department of public utilities.

1 SECTION 5. Section five of chapter one hun-  
2 dred and seventy-nine of the acts of eighteen  
3 hundred and eighty, as amended by section

4 three of chapter one hundred and ninety-eight  
5 of the acts of nineteen hundred and three and  
6 by section one of the acts of nineteen hundred  
7 and nine, is hereby further amended by strik-  
8 ing out said section and inserting in place  
9 thereof the following: —

10 *Section 5.* Said corporation may hold all  
11 such lands, waters, water rights, easements  
12 and property of every kind and description as  
13 may be necessary for the purposes set forth in  
14 chapter one hundred and seventy-nine of the  
15 acts of eighteen hundred and eighty and all  
16 amendments thereof, including this act, and  
17 may issue, in addition to the stock and bonds  
18 of the corporation heretofore issued, such other  
19 and additional stock and bonds under the direc-  
20 tion of the department of public utilities as  
21 that department shall determine to be reason-  
22 ably necessary for the acquirement and pay-  
23 ment of the aforesaid property, the payment  
24 of debts and all other expenditures in connec-  
25 tion with the operation, extension or carrying  
26 on of its business.

1 SECTION 6. This act shall take effect upon  
2 its passage.