

STATE OF NEW YORK
CONSERVATION DEPARTMENT



WATER RESOURCES COMMISSION

Water Supply Application No. 4925

HACKENSACK WATER COMPANY

(New Jersey)

D E C I S I O N

OFFICIAL RECORD

TO REMAIN IN THE CUSTODY OF THE WATER RESOURCES COMMISSION

State of New York

Department of Conservation

WATER RESOURCES COMMISSION

Water Supply Application No. 4925

In the Matter of the Application

- of the -

HACKENSACK WATER COMPANY

for approval to provide additional
reservoir storage for stream flow
regulation on the Hackensack River
in Rockland County, New York.

(New Jersey)

D E C I S I O N

Application filed	April 23, 1965
Hearing held in Orangetown	May 19, 1965
Decision	July 22, 1965

DECISION ON WATER SUPPLY APPLICATION NO. 4925

PROCEEDINGS

George H. Buck, President of Hackensack Water Company, acting in the name and on behalf of that corporation, on April 27, 1965 made application to the Water Resources Commission for approval of the plans of that corporation for the construction of a dam and reservoir at River Vale, New Jersey, which will flood lands in New York State, the waters of which will be used for public water supply purposes in the state of New Jersey. This application was filed in the office of the Commission on April 28, 1965.

After due notice published in the Rockland County Leader of Spring Valley, the Rockland Independent of Suffern, and in The Journal News of Nyack, the hearing on this application was held before Robert A. Cook, Secretary to the Commission, in the Municipal Building of the town of Orangetown, on May 19, 1965 at 9:30 o'clock in the forenoon. At this hearing the Commission considered the petition, maps and plans submitted, examined witnesses and heard arguments concerning the project as shown by the minutes. The applicant was represented at the hearing by its attorneys, DeForest, Elder and Mulreany (Robert H. Mulreany, Esq., of Counsel). A notice of appearance was filed by the town of Orangetown which was represented at the hearing by its attorney, Arthur J. Prindle, Esq.

PROJECT

Hackensack Water Company now proposes to construct a dam on the Hackensack River at River Vale, New Jersey. This dam will impound the waters of the river to form a reservoir which will flood lands back into New York State in the towns of Orangetown and Clarkstown, Rockland County. No direct use of water from the reservoir in New York State is proposed at this time.

OTHER POSITIONS

The town of Orangetown appeared at the instant hearing. It expressed concern over the relocation and raising of various roads, bridges and sewers which now or in the future may cross the area to be flooded by the reservoir. The town also asked the Commission to give consideration to reserving some of the water to be impounded in New York State for the use of the residents in Rockland County.

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After due study of the petition and its exhibits and of the evidence and arguments given at the hearing, the Commission finds as follows:

FINDINGS OF FACT

1. Hackensack Water Company is a corporation duly organized under the laws of the State of New Jersey. It supplies water service to about 760,000 persons in Bergen and Hudson counties in the northern part of New Jersey.
2. The growth of population in Bergen county in recent years has resulted in increasing demands on the present sources of supply of Hackensack.
3. The major sources of supply of the Hackensack Water Company in New Jersey are two impounding reservoirs on the Hackensack River and on Pascack Brook and their tributaries: Oradell Reservoir, having a capacity of 2,850 million gallons and Woodcliff Lake, with a capacity of 889 million gallons. In addition, Hackensack has had the benefit of regulated stream flow from DeForest Lake in Rockland County since 1956 when it was put into operation.
4. The Water Power and Control Commission, the predecessor of this Commission, in a decision dated July 23, 1952 in Water Supply Application No. 2189 authorized the Spring Valley Water Works and Supply Company, (now Spring Valley Water Company Incorporated) a wholly owned subsidiary of Hackensack Water Company, to construct a dam and impounding reservoir, known as DeForest Lake, on the Hackensack River in Rockland County to provide a supply of water to meet the needs of the residents of the area served by Spring Valley Water Company for a considerable period of time in the future. In approving that application that Commission required the continuous release of certain quantities of water from that reservoir for the benefit of certain uses of this stream downstream from the dam. This, in effect, has provided some flow augmentation in this stream which has been of benefit to the present applicant company.
5. In return for such stream flow benefits the Hackensack Water Company invested in additional securities of Spring Valley in an amount necessary to provide for the construction of the reservoir and pays a portion of the annual operating and maintenance expenses and fixed charges of the reservoir.

6. DeForest Lake, having a capacity of 5,600 million gallons, has a safe dependable yield of 20 million gallons a day, of which 10 million gallons a day has been reserved by the said Water Power and Control Commission for Rockland County. Under the decision of that Commission in Water Supply Application No. 2189, water could not be distributed in New York State from DeForest Lake until a filter plant had been built by Spring Valley. This plant has now been completed and residents of New York State are now able to use those portions of the waters of DeForest Lake which were reserved for them.

7. As presently developed the Hackensack River at the Company's intake in New Jersey has a safe yield of some 67 million gallons per day. Prior to completion and use of the filter plant at DeForest Lake by Spring Valley, practically the entire regulated flow of the river was available to Hackensack for use in New Jersey.

8. As the waters of DeForest Lake are increasingly being utilized in New York State the available yield to the Hackensack Water Company proportionately will decrease.

9. Hackensack now proposes to construct a dam at River Vale, New Jersey, approximately two miles below the New York-New Jersey State Line, to create a reservoir extending into New York State. The proposed reservoir, which ultimately will have a capacity of about 4,000 million gallons, will impound the waters of the Hackensack River and will be used to preserve the existing yield of the river supply for Hackensack.

10. The construction of the River Vale Reservoir will reportedly add 10 million gallons per day to the total safe yield of the Hackensack River. The applicant contends that this increase in yield only will offset the loss in yield of the river available to it as Rockland County Consumers use waters of DeForest Lake.

11. The River Vale Reservoir will have a capacity of some 4,000 million gallons of water. Of this total only about 700 million gallons will be impounded in the reservoir north of the New York State line.

12. The town of Orangetown has suggested that the Commission might reserve an additional 5 million gallons of water per day

from this impoundment for use by residents in New York State.

13. The village of Nyack operates the only public water supply system in New York State other than Spring Valley Water Company which utilizes water from the Hackensack River. That village has been authorized by the Water Power and Control Commission in a decision of December 9, 1958 in Water Supply Application No. 3431, to divert an annual average of 3.0 million gallons of water per day from the river for use in its public water supply system.

14. The Commission's action in approving the instant application will in no way affect the rights of the village of Nyack nor prohibit it from applying to the Commission for an additional quantity of water from the Hackensack River at some time in the future if its water supply requirements necessitate such action.

15. The testimony adduced at the instant hearing indicates that Spring Valley has proven sources of supply yielding 23 million gallons of water per day. That Company is reported to be continuing its efforts to find additional ground water supplies adequate to meet its future water supply needs which it is estimated will be about 27 to 30 million gallons per day by the year 1985.

16. Hackensack Water Company reportedly has future plans for the installation of pumps and transmission facilities which could be utilized to pump water from River Vale Reservoir to DeForest Lake in years such as the present one when DeForest Lake does not fill from snowmelt and spring runoff. The installation of such equipment is not a part of the instant proposal.

17. In view of the above facts, the Commission will not reserve to New York State any portion of the yield of the Hackensack River attributable to the River Vale Reservoir. The Commission will however reserve to itself the right to consider future applications for the taking of water by communities in New York State from the Hackensack River for public water supply purposes.

18. Hackensack, through its wholly owned subsidiary, Corwick Realty Corporation, has acquired the lands which will be flooded in New York State. The river basin, in general, is at present relatively sparsely inhabited. Since the Company

owns all of the essential land, no interference with the operations of others is anticipated.

19. It is not anticipated that any large or unusual damages will result to persons or property, either directly or indirectly, from the construction of the reservoir. However, Hackensack is in a financial position to pay any damages which may be legally assessed against it by reason of the execution of the proposed plans.

20. Only relatively minor works involving the raising or relocations of roads, bridges, or sewers are now required to be constructed in New York State. The Commission need not require the submission of detailed plans for this project for its approval but its action in so doing in no way relieves the applicant from the necessity of obtaining such local consents or approval as may be needed for the various works in New York.

21.- The carrying out of this project will have no adverse effect on the water supply interests of any other municipality or civil division of the State.

22. The legal damages which may be caused by the execution of the plans of the petitioner are not such as to require any special consideration or legislative enactment in order that they equitably may be determined and paid.

23. The question of the quality of the water produced from this reservoir, none of which water is to be used in New York State, is not in any way of concern to the authorities of this State. All of this water as used in New Jersey is treated by the company before so being used.

CONDITIONS

The Commission finds it necessary, in order to protect the water supply and the interests of the applicant and of the inhabitants of the territory supplied by it with water, to protect the water supply and the interests of any other municipal corporation or other civil division of the State and the inhabitants thereof and to protect the water supply and interests of any other person or waterworks corporation engaged in supplying water to any other municipal corporation or other civil division of the State and the inhabitants thereof that the application, maps and plans submitted should be modified to conform to the following:

- A. In granting its approval of the instant application the Water Resources Commission in no way relinquishes its right to consider any future application which may come before it for the taking of a supply of water from the Hackensack River in New York State whether from the River Vale Reservoir or otherwise.

STATUTORY DETERMINATIONS

The Water Resources Commission, having given due consideration to the said petition and its exhibits and the proofs and arguments submitted at the hearing, determines and decides as follows:

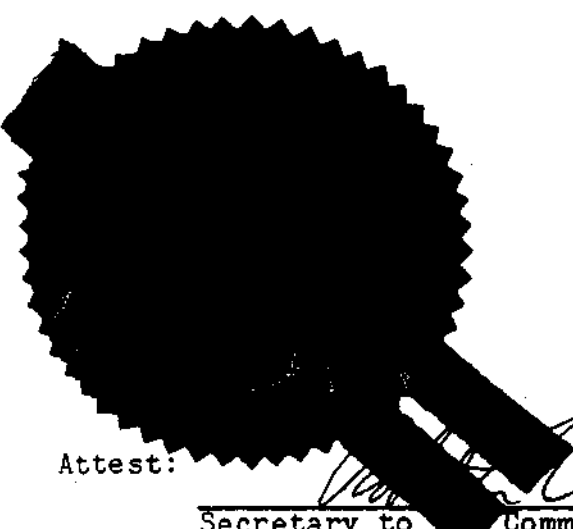
- First. That the application, maps and plans submitted are modified as set forth above and, as so modified, are the plans hereinafter mentioned.
- Second. That the plans proposed are justified by public necessity.
- Third. That said plans provide for the proper and safe construction of all work connected therewith.
- Fourth. That said plans provide for the proper protection of the supply and the watershed from contamination.
- Fifth. That said plans are just and equitable to the other municipalities and civil divisions of the State affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply.
- Sixth. That said plans make fair and equitable provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands.

DECISION

WHEREFORE, the Water Resources Commission does hereby approve the said application, maps and plans of Hackensack Water Company as thus modified.

IN WITNESS WHEREOF, the Water Resources Commission has caused this determination and approval to be signed and has caused its official seal to be affixed hereto and has filed the same with all maps, plans, reports, and other papers relating thereto in its office in the city of Albany, this 22nd day of July, 1965.

WATER RESOURCES COMMISSION



Paul B. Barof

Secretary to the Conservation
Dept., Alternate - Acting
Chairman

Attest:

[Signature]
Secretary to Commission

STATE OF NEW YORK }
CITY AND COUNTY OF ALBANY } ss.

I, ROBERT A. COOK, Secretary to the Water Resources Commission, State of New York, do hereby certify that the foregoing is a true copy of the original decision "In the matter of the application of the HACKENSACK WATER COMPANY for approval to provide additional reservoir storage for stream flow regulation on the Hackensack River in Rockland County, New York," duly filed in the office of said Water Resources Commission on the 22nd day of July, 1965, and remaining on file therein.

I FURTHER CERTIFY that the said copy has been compared by me with the original thereof and that the same is a correct transcript therefrom and of the whole of said original.

WITNESS my hand and the seal of
said Water Resources Commission
this 27th day of July, 1965.


Secretary to the Commission



STATE OF NEW YORK

COUNTY OF ALBANY ss:

Robert A. Cook, being duly sworn, deposes and says: I am over eighteen years of age and an Associate Engineer in the Division of Water Resources of the State of New York having its office in the Conservation Department.

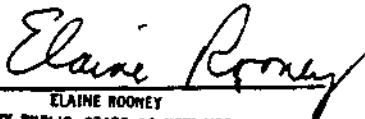
On the 27th day of July, 1965, I served the annexed decisions upon the attorneys or persons named below, by depositing a true copy thereof, properly enclosed in a sealed, postpaid wrapper, in the letter box maintained by the post office in the city of Albany, New York, a depository under the exclusive care of the United States Post Office Department, directed to the said attorneys and other persons at the addresses within the State respectively, heretofore designated by them for that purpose as follows:

DeForest, Elder & Mulreany
Attorneys & Counsellors at Law
20 Exchange Place
New York 5, New York

Mr. Bernard H. Valligny
Town Clerk
Orangeburg, New York 10962


Associate Engineer

Sworn to before me this
28th day of July, 1965.



ELAINE ROONEY
NOTARY PUBLIC, STATE OF NEW YORK
RENSSELAER COUNTY
COMMISSION EXPIRES MARCH 30, 1967.