



State of New Jersey

**DEPARTMENT OF CONSERVATION
AND ECONOMIC DEVELOPMENT**

JOSEPH E. MCLEAN, COMMISSIONER
TRENTON 7

DIVISION OF ADMINISTRATION

ALDEN T. COTTRELL
DIRECTOR

PLEASE ADDRESS REPLY TO:
STATE HOUSE ANNEX

February 21, 1955

Mr. Thompson:

I am attaching Administrative Rules and Regulations
from the following units of this Department.

A.R. Post - Bureau of Planning and Commerce
M.E. Johnson - Bureau of Geology and Topography
John Wyack - Division of Water Policy and Supply
John Wyack - Delaware and Raritan Canal
Salvatore A. Bontempo - Division of Veterans Services
F.E. Kimble, Jr. - Bureau of Aeronautics
Peter J. Gannon - Bureau of Navigation

A handwritten signature in cursive script that reads "Alden T. Cottrell".

Alden T. Cottrell

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Atch.

RULES AND REGULATIONS

DEPARTMENT OF CONSERVATION AND
ECONOMIC DEVELOPMENT

MEMORANDUM

January 11, 1955

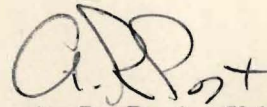
TO: A. T. Cottrell

FROM: A. R. Post

SUBJECT: Administrative Rules and Regulations as per the
State Constitution

Director Cope has provided this office with a copy of your memorandum dated January 4th concerning the subject matter. This bureau does not formulate any administrative rules and regulations and, therefore, it has not been necessary for us to file matters of this character with the Secretary of State.

However, under the law, we are required to file with the Secretary of State copies of the Standard Building Code of New Jersey that have been adopted by the department. This was done sometime ago in accordance with the provisions of the law.



A. R. Post, Chief
Bureau of Planning and Commerce

ARP:emm
CC/Dr. Cope

MEMORANDUM

January 12, 1955

TO: Alden T. Cottrell, Director, Division of Administration

FROM: John Wyack, Secretary, Water Policy and Supply Council

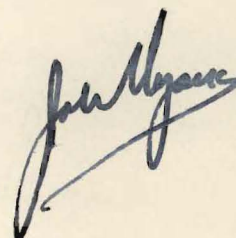
SUBJECT: Administrative Rules and Regulations as per the State Constitution.

As requested in your memorandum dated January 4th, there is enclosed the Rules and Regulations adopted by this Division for filing with the Secretary of State, as follows:

1. Laws and Rules relating to Water Supply.
2. Information for Applicants and Regulations re Dams.
3. Information for Applicants and Regulations re Stream Encroachments.
4. Information for Applicants and Regulations re Well Permits.
5. Notice of Areas Delineated under Chapter 375, P.L. 1947 as amended, in which permit for diversion of subsurface water in excess of 100,000 gallons daily is required.

The Rules and Regulations for the Use of Water from the Delaware and Raritan Canal are undergoing revision and will be sent you in the next week or two.

The Rules relating to Water Supply are also undergoing revision, but the revised booklet may not be available for several months yet.



STATE OF NEW JERSEY
DEPARTMENT OF CONSERVATION
DIVISION OF WATER POLICY AND SUPPLY

NEW JERSEY DEPARTMENT OF
CONSERVATION & ECONOMIC DEVELOPMENT
DIVISION OF WATER POLICY & SUPPLY

INFORMATION FOR APPLICANTS

for

CONSTRUCTION, ALTERATION
OR REPAIR OF DAMS

1947

~~28 WEST STATE STREET~~
TRENTON 8, NEW JERSEY

Dept. Conservation & Economic Development
Division of Water Policy and Supply
520 East State Street, Trenton 9, N. J.

Dep. Conservation & Economic Development
Division of Water Policy and Supply
520 East State Street, Trenton 9, N. J.

~~DEPARTMENT OF CONSERVATION~~

~~DIVISION OF WATER POLICY AND SUPPLY~~

~~28 West State Street~~

~~TRENTON 8, NEW JERSEY~~

~~MORGAN F. LARSON~~

Commissioner of Conservation

- THURLOW C. NELSON, *Chairman*.....Highland Park
- GEORGE S. BURGESS.....Madison
- FORSTER W. FREEMAN.....Paterson
- MAX GROSSMAN.....Atlantic City
- KENNETH H. MURRAY.....Far Hills
- JOSEPH H. PALMER.....Tuckerton
- JOHN ROACH, JR.....Dover
- ROSWELL M. ROPER.....East Orange
- HERBERT K. SALMON.....Stanhope

JOHN WYACK, *Secretary*

HOWARD T. CRITCHLOW, *Chief Engineer*

ROBERT PEACOCK, *Counsel*

This pamphlet is published by the Division of Water Policy and Supply of the Department of Conservation in order that the public may be informed as to the important laws of New Jersey relative to the construction, alteration and repair of dams, and the rules adopted by the Water Policy and Supply Council pertaining to applications for approval of plans for dams or changes in dams.

Additional copies of this pamphlet may be obtained without cost upon application to the office of the Division.

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AUTHORITY

Under authority of Title 58, Chapters 1 and 4 of the Revised Statutes (quoted in part hereinafter), and Chapter 22, Laws of 1945, the Division of Water Policy and Supply requires all public authorities, private persons or corporations desiring to construct, alter, or repair any dam which is not exempted by the provisions of the statutes, to submit application, plans and specifications for such structure to the Division. If, after examination, the application, plans and specifications are found to be satisfactory, the Water Policy and Supply Council may issue a permit authorizing the construction, alteration, or repair of the structure.

The purpose of the examination of the plans and specifications by the Division is to insure that the design, construction, alteration, or repair of all dams shall be accomplished in such a manner that such structures will not be a menace to life and property, or against the interests of public safety.

The Division of Water Policy and Supply, established within the Department of Conservation by Chapter 22, Laws of 1945, succeeded the State Water Policy Commission on July 1, 1945. That act transferred to, and vested in the Division of Water Policy and Supply, the functions, powers, duties, records, and property of the State Water Policy Commission, the Passaic Valley Flood Control Commission, and those of the Board of Conservation and Development relating to the Delaware and Raritan Canal. The Division is one of five consolidated into the Department of Conservation, administered by the Commissioner of Conservation.

The governing body of the Division is the Water Policy and Supply Council, consisting of nine members appointed by the Governor with the advice and consent of the Senate. Members serve without compensation. All acts of the Council are subject to the approval of the Commissioner of Conservation.

LAWS RELATING TO CONSTRUCTION AND REPAIR OF DAMS

Title 58, Chapter 4 of the Revised Statutes, Supervision Over Dams and Reservoirs

58:4-1. Construction and repair of reservoirs and dams; consent of commission; exception. No municipality, corporation or person shall, without the consent of the State Water Policy Commission,* hereinafter in this chapter designated as the "commission," build any reservoir or construct any dam on any river or stream in this state or between this and any other state which will raise the waters of such river or stream more than five feet above their usual mean low-water height, nor repair, alter or improve existing dams which so raise the water, without such consent, but this chapter shall not affect or relate to dams where the drainage area above the same is less than one-half square miles in extent.

Where the water surface created by any such dam or reservoir is less than one hundred acres in extent, it shall not be necessary to obtain the approval of the commission for the repair of any such dam which would raise the water less than eight feet above the surface of the ground unless complaint be made in writing to the commission raising a question as to the security and safety of the existing structure.

58:4-2. Approval of plans of reservoirs and dams. Every municipality, corporation or person, before constructing any reservoir or dam subject to the provisions of this chapter, shall apply to the commission for the approval of the plans of such reservoir or dam, which approval the commission may grant with such modifications, limitations or changes as in its judgment may be necessary for the protection of life and property.

58:4-3. Descriptions, surveys and plans of existing reservoirs and dams. Every municipality, corporation or person owning and maintaining or having control of any reservoir or dam shall, upon written request therefor, furnish to the commission as full, true and particular description of the reservoir or dam as may be practicable, and shall, when so requested by the commission, cause to be made such surveys, plans and drawings of the reservoir or dam as may be necessary to give sufficient information for the determination of its safety as may be required by the commission.

58:4-4. Inspection of reservoirs and dams. Upon written application by any person owning or representing property liable to be injured or destroyed by the breaking of any reservoir or dam, or upon application by the mayor or governing body of any municipality on account of pos-

* Succeeded by Division of Water Policy and Supply of the Department of Conservation, July 1, 1945, Chap. 22, P. L. 1945.

sible danger of loss of life or of injury to any highway or bridge within his or its jurisdiction from the breaking of any reservoir or dam, or without such complaint whenever the commission shall have cause to apprehend that any reservoir or dam is unsafe, the commission shall forthwith thoroughly inspect such reservoir or dam.

58:4-5. Alterations, additions and repairs of unsafe reservoir or dam. If, in the judgment of the commission, such reservoir or dam is not sufficiently strong to resist the pressure of water upon it or there is reasonable cause to believe that danger to life or property may be apprehended from the reservoir or dam, or if for any other cause the commission shall determine the reservoir or dam to be unsafe, it shall determine whether the water in such reservoir or above such dam shall be drawn off in whole or in part, and what alterations, additions and repairs are necessary to be made to the reservoir or dam to make the same safe. The commission shall forthwith in writing order the owner or person having control of the reservoir or dam to cause such alterations, additions and repairs to be made within the time to be limited in the order, and may order the water above the dam or in the reservoir to be drawn off in whole or in part as it may determine.

58:4-6. Proceedings upon failure to comply with orders or prosecute work. If the owner or person having control of any reservoir or dam shall not forthwith comply with any order of the commission made as provided in section 58:4-5 of this title or shall not prosecute the work, when commenced, with reasonable expedition, the commission may direct the attorney-general to proceed in the name of the state to enforce its order in a court of competent jurisdiction. Upon the filing of a petition by the attorney-general in such court, a citation shall issue to the person controlling or owning the reservoir or dam, commanding him to appear at a time and place named therein to show cause, if any exists, why the relief prayed for should not be granted. The court shall summarily hear the said cause, and upon hearing the parties, and by proceeding ex parte if the respondent fails to appear, the court may make such order and decree in the premises as will effectually secure the persons interested from danger of loss from the breaking of the reservoir or dam complained of. The court may enforce such orders and decree by injunction, process by contempt, by sequestration or by such other processes as may be applicable in such cases.

58:4-7. Height of dams; authority for increase. Any company authorized by the laws of this state to dam rivers or streams in this state or between this and any other state and to erect dams not to exceed a certain height may be authorized by the commission to construct dams of a greater height, if in the judgment of the commission the interests of the economical development of water power may so require. Such authority shall not be granted until the commission is first satisfied that the dam shall be constructed of sufficient strength to make the same safe and that due compensation shall be made to the owners of any land or rights in land and water which may be affected by such construction.

58:4-8. Department for inspection of reservoirs and dams. The commission may, when provided with sufficient funds, create a department for the inspection of existing reservoirs and dams and the supervision of the erection of new reservoirs and dams in this state or between

LAWS RELATING TO DAMS

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this and any other state so that said structures may be built with due regard for the safety of property and life which might be endangered by improper construction thereof.

58:4-9. Maintenance of existing reservoirs and dams; petition against abandonment. Where a reservoir or dam has been in existence twenty years and the owners of land along the shores above such dam or on such reservoir have made or shall have made permanent improvements on said land or where the shores have become a populated community, depending upon the permanency of the condition created, and a petition signed by a majority of the landowners along the shore of any pond formed by the reservoir or dam protesting against the removal of the reservoir, water or dam has been filed with the commission, the owner or owners of the reservoir or dam shall not, without the consent of the commission, tear down, destroy or abandon the reservoir or dam, or withdraw the water below the usual low-water mark, or maintain such a condition, except for the purpose of necessary repairs.

58:4-10. Hearing on petition; fixing low-water mark; maintenance expenses. When a petition has been filed protesting against the removal of any reservoir, water or dam as provided in section 58:4-9 of this title the commission shall grant a hearing, upon twenty days' notice to all parties interested, and may then establish and fix a permanent low-water mark. Should it appear that the maintenance of such a dam would be an undue burden upon the owner thereof, the landowners interested around the reservoir or above the dam may, in the discretion of the commission, be ordered to pay a part or all of the expenses of maintenance.

APPLICATIONS

GENERAL INFORMATION

The following information is given for the guidance of applicants for the approval of drawings and for permits for the construction, alteration or permanent repair of dams within the State of New Jersey.

Applications must be made on a form adopted by the Division, which will be furnished upon request. It must be filled in carefully and signed by the owner of the proposed dam or his agent. If privately owned, the individual owner, or each member of a partnership, should sign the application. If owned by a corporation, it should be signed by an executive officer, the corporate seal affixed and attested by the secretary; and, if owned by a municipality or county, it should be signed by the executive officer or his agent.

Applications, accompanied by all supporting documents in a form satisfactory to this Division, must be submitted before the fifteenth day of the month prior to the regular monthly meeting of the Water Policy and Supply Council at which action is desired. Such action will be at the discretion of the Council.

The supporting documents to be submitted with each application should illustrate and describe in detail the design of the proposed structure and the methods to be employed in its construction, and should include the following:

- (a) Site plan including tributary drainage area. For this purpose a State Geological Survey Atlas Sheet should be used. These sheets are published by the Department of Conservation, Division of Forestry, Geology, Parks and Historic Sites, State House Annex, Trenton, New Jersey, and may be obtained from that office at fifty cents each. This plan is illustrated in Plate 2.
- (b) Appropriate plans and drawings of the project.
- (c) Complete information relative to the nature and depth of the underlying earth strata.
- (d) Specifications embracing materials and methods of construction.
- (e) On large projects, a complete engineering report should be submitted, outlining all engineering investigations, studies and analyses.

Approval of plans will not in anywise authorize the occupation of riparian or other State property. Permits, licenses or grants therefore must, where required, be obtained from the Division of Navigation of the Department of Conservation, or such other authority as may have jurisdiction thereof.

Note.—The Division of Water Policy and Supply issues a separate pamphlet concerning bridges, culverts, walls, fills, and other structures in or along streams. Copy of this pamphlet should be obtained if the construction of such an encroachment is contemplated.

Drawings

All drawings shall be prepared by an engineer licensed by the New Jersey State Board of Professional Engineers and Land Surveyors, or licensed under the laws of another State having reciprocal provisions relating to the practice of professional engineering in New Jersey, and each drawing shall bear the name of the engineer and his license number.

All drawings must be submitted in duplicate and each drawing submitted must bear a title giving clearly the classification of work, date, scale, name of stream and accurate location. When revised drawings are submitted they should be so marked and dated. The drawings shall include complete maps, plans, profiles and cross-sections indicating the nature, location, extent and dimensions of the proposed structure.

Each drawing must show clearly the datum to which elevations shown, are referred. The United States Coast and Geodetic Survey datum, referred to mean tide at Sandy Hook, should be used wherever possible.

General plans. The general plan of the dam and reservoir must show accurately the position of all essential details, such as spillway or wasteway, its point of discharge into the stream, pipes through the dam, inlets, outlets, screen chamber, gate or valve house, head-race, canal, mill or power plant, and tail-race. The area of the water surface of the pond or reservoir must be shown in acres and the capacity indicated in gallons or cubic feet. See Plates 3 and 4.

If any structures, such as roads, railroads or buildings are to be relocated, both the existing and proposed locations must be shown on the plan.

Longitudinal section of dam site. The longitudinal section of the dam or cross-section of the valley at the site of the dam must show the elevation of the crest of the dam, the elevation of the flow line of the pond or reservoir, the original surface of the ground, the nature and depth of the underlying strata, the probable depth of the excavation for the foundation of the dam and for the cut-off, elevation of the restored surface of the ground, and the location and elevation of all pipes or conduits passing through the dam. See Plate 5.

Cross-sections of dam and spillway. The typical cross-sections, which must be drawn to a scale of not less than 10 feet to 1 inch, must include the maximum section of the dam and of the spillway section. They must show the original surface of the ground, and sub-surface conditions

as disclosed by test pits or borings, the probable depth of excavations for the foundation and for cut-off, the elevations of the top of the dam, the crest of the spillway and the normal flow line or water surface in the reservoir. See Plate 6.

If the dam is of earth the depth of stripping must be shown, as well as the position, material and dimensions of the cut-off or core-wall, the width of the crest, the slopes and the nature and dimensions of the slope protection, the position and dimensions of the outlet pipes or conduits and the cut-off to prevent seepage along such structures, the disposition of different classes of earth, if of varying composition, and the methods and manner of construction.

If the dam is of masonry the cross-sections must show all dimensions and must indicate the position and kinds of masonry to be included in the structure.

Diagrams of forces. For masonry dams, including those of concrete, diagrams of forces must be presented showing the results of graphical or mathematical analysis, together with the weights and conditions of loading assumed and the maximum pressures under these conditions. See Plate 7.

Result of exploratory borings. When exploratory borings are made, diagrams must be submitted showing in detail the character of materials encountered in each boring and the elevations at which each was found.

Details. If not clearly indicated on one or more of the drawings listed above, the following details must be shown on additional detail sheets:

Detail of spillway, wasteway or overflow must show the length and depth of opening, together with the width and shape of the crest, grade and shape of the approach and discharge channels, if any, methods of protecting the toe of the dam or end of the discharge channel from erosion, and must give the dimensions of all walls, floors and paving.

Detail of the outlet or control works must show the location and dimensions of all valves or sluice gates, intakes, screen chambers, racks, outlet towers, and gate houses and appurtenances.

For reinforced concrete dams detailed drawings must be submitted showing the size, spacing and arrangement of all reinforcing and expansion joints.

Special drawings must also be submitted showing special features of construction not otherwise shown, such as piling, fishway, apron, material to be used in the core-wall, movable dams, Taintor gates and mechanical devices.

For timber dams complete details must be submitted showing the size of members, details of framing, material to be used for fill and all other construction features.

Specifications

The specifications must describe carefully and in detail the preparation of the site of the dam, the materials to be employed in its construction, their arrangement in the structure, the methods to be used and the results to be obtained.

If stone or concrete masonry is to be used, the different kinds or classes must be carefully described and the materials and proportions specified.

If an earth embankment forms an essential portion of the dam the quality or qualities of material must be specified, and the manner of depositing it in the embankment; and if in layers, the weight and kind of roller to be used, manner of sprinkling, size of stone to be allowed to remain in the material, etc., must be specified. The manner of protecting embankment slopes from erosion must be indicated.

Spillway Design

Particular care must be exercised in the design of the spillway, since a large proportion of dam failures have been due to inadequate spillway capacity.

The maximum flood discharge of a stream is dependent not only upon the amount and distribution of rainfall, but also upon the characteristics of the tributary watershed, such as its size, shape, elevation, the steepness of slopes, the proportion of wooded, cultivated, meadow and swamp areas and the character of the soil.

The size of the spillway necessary for any dam depends upon the maximum expected flood flow, the size of the reservoir created, the type of spillway adopted, and the potential damage that will result from the failure of the dam.

The engineers of the Division of Water Policy and Supply are ready and available for preliminary consultation prior to preparation of final designs, and to render assistance in determining the magnitude of flood for which the spillway should be designed.

The discharge capacity of a spillway may be found by using the formula $Q = CLH^{\frac{3}{2}}$, where Q is the discharge in cubic feet per second, L the length of the spillway in feet, C a coefficient depending upon the shape of the crest and the head of water passing over the crest, and H

APPLICATIONS

the height of the water surface above the spillway crest in feet. Suggested coefficients are given on Plate 1.

It is good practice to leave sufficient freeboard between the highest expected water surface and the top of the dam in order to provide ample margin for wave and ice action, and for indeterminates of design.

Unit Stresses

Design and construction of concrete dams and concrete structures appurtenant to dams shall be in accordance with the latest specifications adopted by the Joint Committee on Standard Specifications for Concrete and Reinforced Concrete of the American Society of Civil Engineers.

Earth Slopes

The Water Policy and Supply Council will not issue a permit for the construction of a dam involving earth embankments having slopes steeper than two horizontal to one vertical. Flatter slopes may be used, if desired, and may be required, if, after an examination of the site, an investigation of the materials to be used, or a study of the construction methods to be employed, the Council deems such flatter slopes to be necessary.

PROCEDURE

Applications, including complete drawings and all other pertinent data, will, upon receipt, be referred to the Division's engineers for examination and report.

An inspection of the site of the proposed dam may be made in company with the applicant or his agent, when desirable. After complete study, any deficiencies found in the drawings will be called to the attention of the applicant, in order that proper revision may be made.

After examination by the engineers, the application is presented to the Water Policy and Supply Council for its consideration. When the application and drawings have been approved by the Council, a permit will be forwarded to the applicant. The application and one set of approved drawings are retained by the Division for its files and one copy of the approved drawings is returned to the applicant for permanent filing and record.

Upon receipt of a permit and within thirty days from date thereof the applicant must file with the Division its written acceptance of the terms and conditions of the permit, upon a form attached to the permit for that purpose.

Foundation Inspection

Upon notice from the applicant that the foundation excavation is ready for inspection, an inspection will be made by an engineer of the Division and no construction may be made on the foundation until it has been approved in writing by an authorized representative of the Division.

Monthly Reports

After the issue of a permit by the Water Policy and Supply Council for the construction, repair or alteration of any dam, the owner will be required to submit a monthly progress report. These reports must be made upon blanks furnished by the Division, which blanks will be mailed to the owner during the last week of each month.

PERMIT

Each permit issued by the Water Policy and Supply Council for the construction, alteration or repair of a dam will be subject to the following standard conditions and to such other terms and conditions as the Council shall deem necessary.

Standard Conditions

1. That this permit does not give any property rights, either in real estate or material, nor any exclusive privileges; neither does it authorize any injury to private property, nor invasion of private rights, nor any infringement of Federal, State or local laws or regulations; nor does it waive the obtaining of Federal assent, when necessary.

2. That the work shall at all times be subject to supervision and inspection by representatives of the Division and that no changes in plans and specifications as approved shall be made except with written consent of the Division. The Division, however, reserves the right to require such changes or modifications in the plans and specifications as may be considered necessary in the interest of public safety.

3. That the work shall be under the direction of a competent engineer, and that he or a competent representative shall be on the ground daily during the construction and until the completion of the dam.

4. That the Division shall be notified in advance of the proposed time of the commencement of this work; that no material shall be placed on any portion of the foundation until such portion of the foundation has been approved in writing by a representative of the Division.

5. That a report on the status of the construction work shall be mailed to the Division of Water Policy and Supply, 28 West State Street, Trenton 8, New Jersey, on the first day of each month until the work upon the dam has been completed, upon a form to be furnished.

6. That no brush or waste timber cleared from the area under this approval shall be burned unless and until the party doing the work shall have obtained a permit from the fire warden of the district in which the burning is to be done, in accordance with Title 13:9-19 of the Revised Statutes.

7. That no flashboards or other obstruction shall be placed or permitted to remain on the crest of the spillway.

8. That the work shall be started within _____ from date of this permit and completed within _____ from said date; other-

PERMIT

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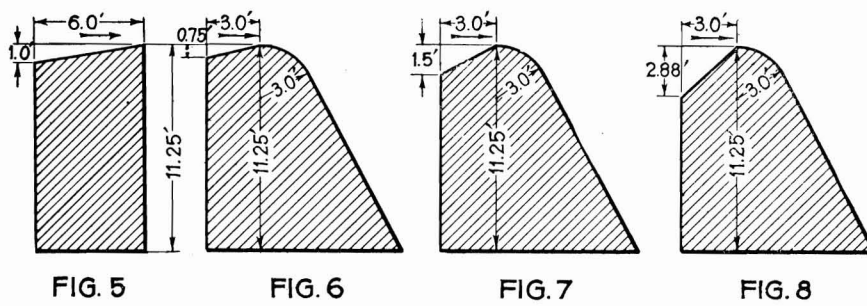
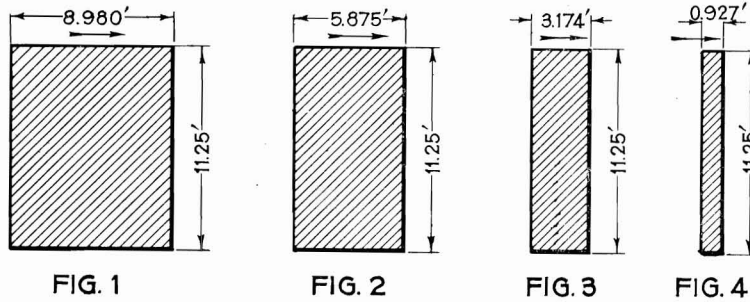
wise, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

9. This permit shall not become operative unless and until the applicant shall file with the Division within thirty days from date hereof, upon a form furnished, its written acceptance of the terms and conditions hereby imposed.

SPECIMEN DRAWINGS

Plates 2 to 7, appended, are specimen drawings only and are intended to show the scope of information desired rather than to indicate a preference on the part of the Division for any particular type of dam or of construction details.

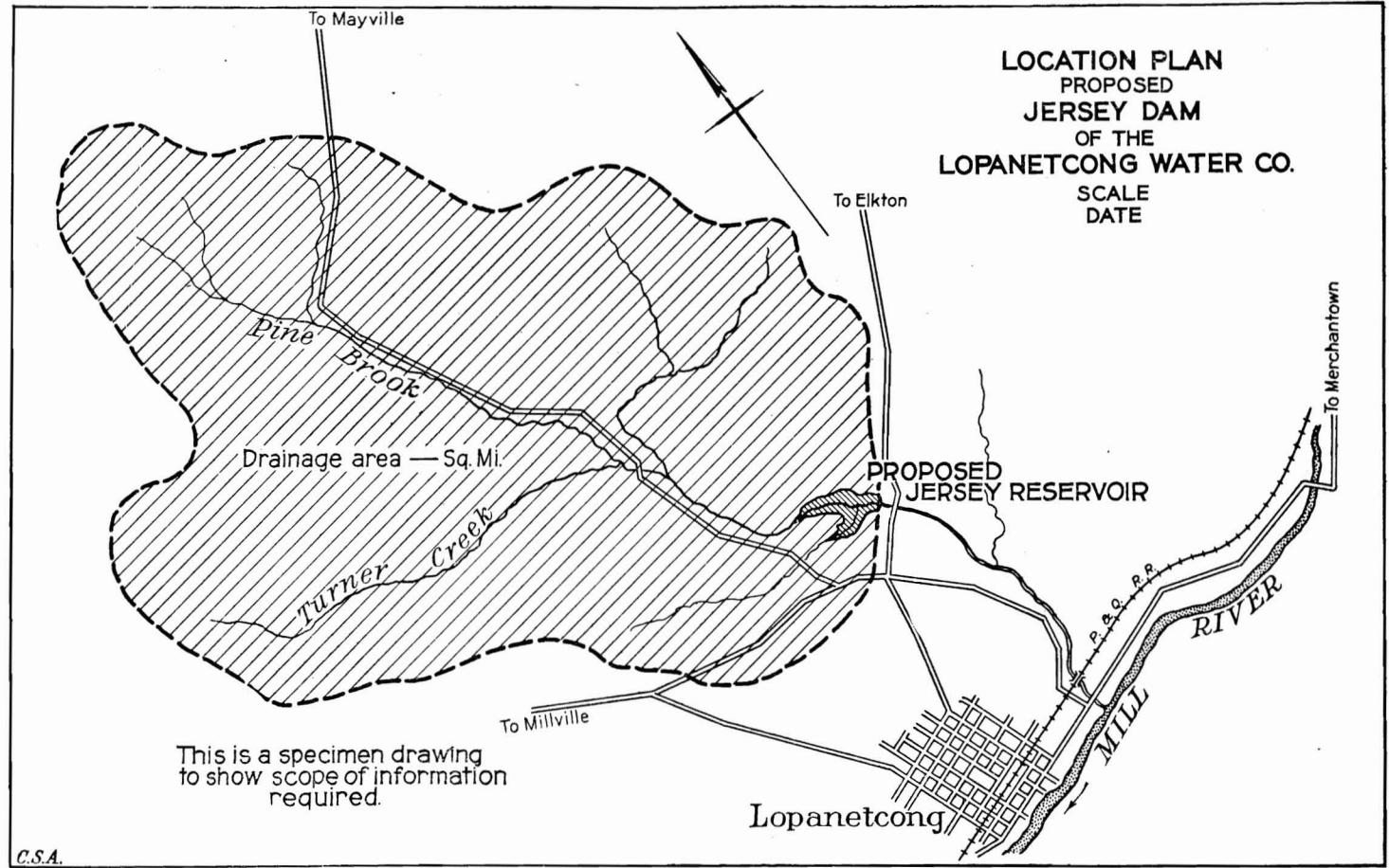
COEFFICIENTS FOR SPILLWAY DISCHARGE

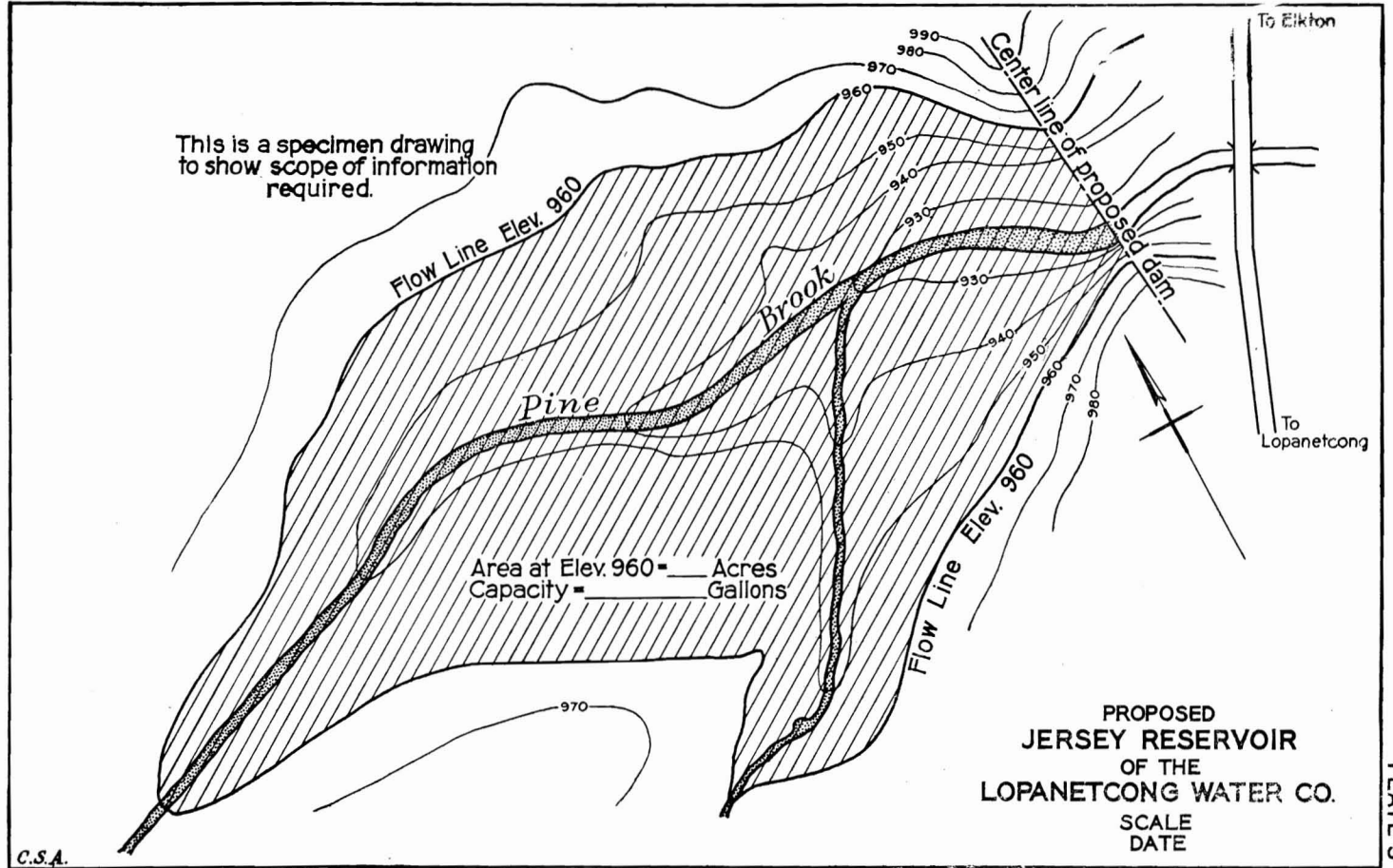


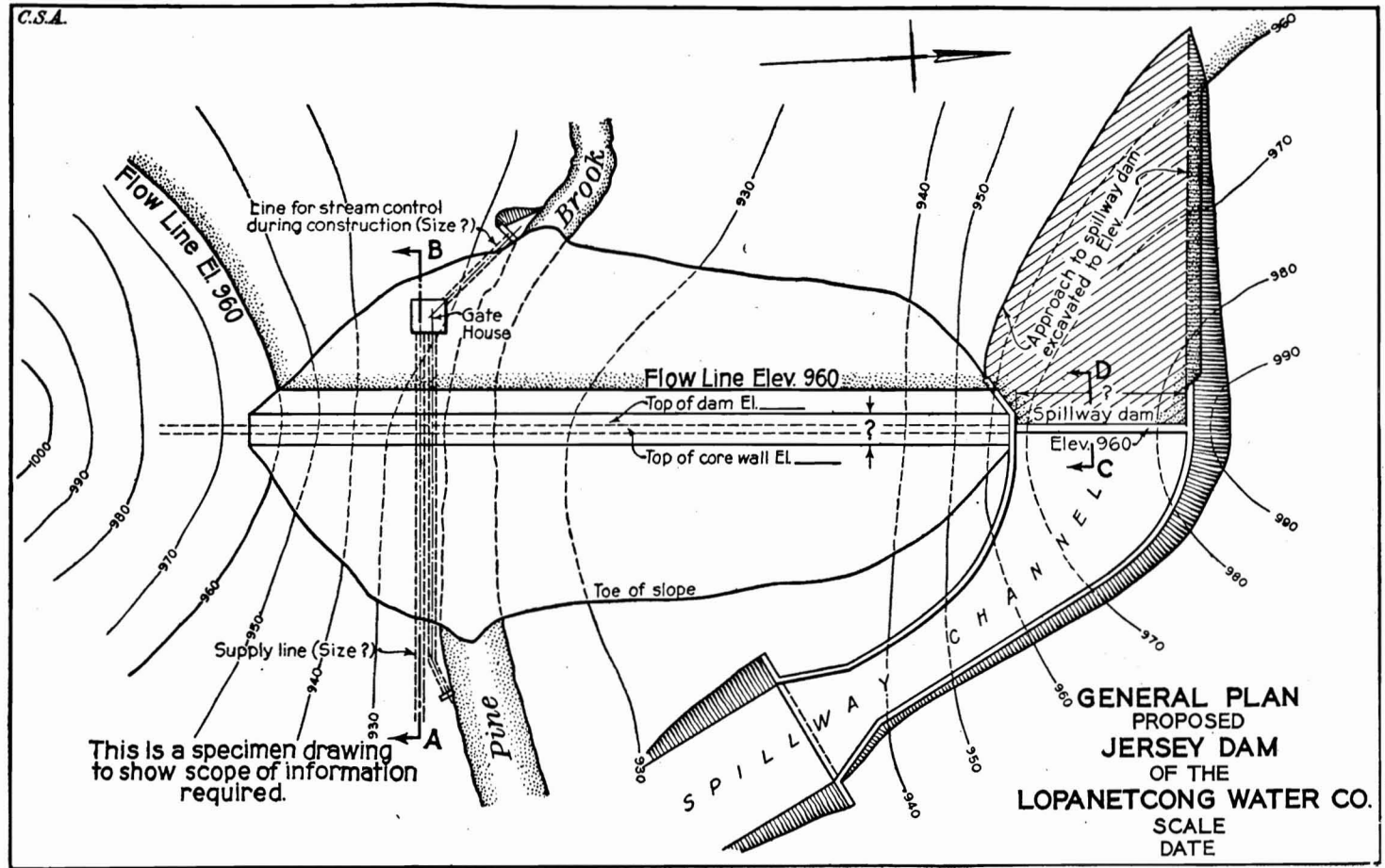
SECTIONS OF SPILLWAY DAMS

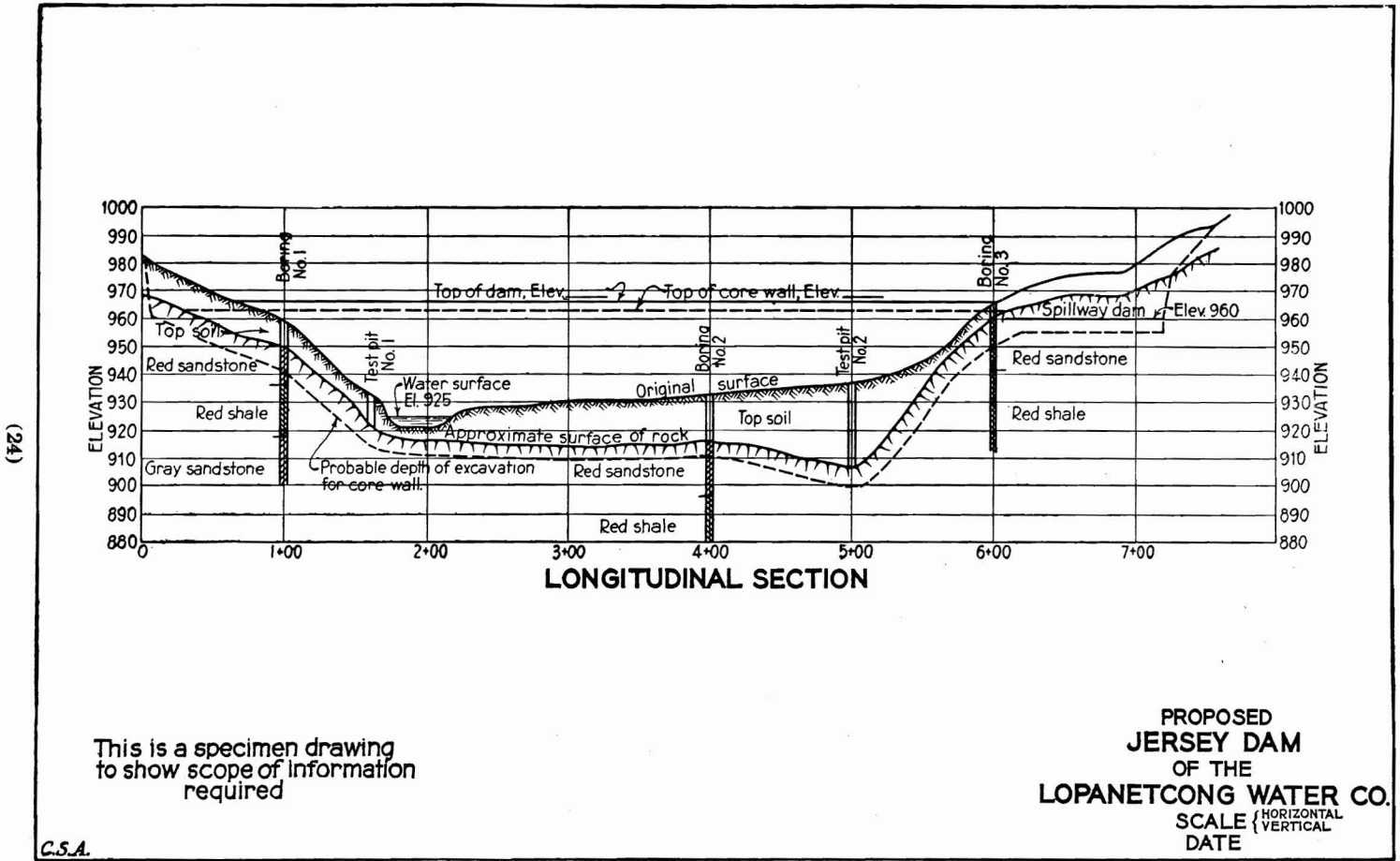
HEAD (H) OF WATER OVER SPILLWAY	VALUE C IN THE FORMULA $Q = CLH^{\frac{3}{2}}$							
	FIG. 1	FIG. 2	FIG. 3	FIG. 4	FIG. 5	FIG. 6	FIG. 7	FIG. 8
1 FOOT	2.65	2.64	2.66	3.00	3.54	3.30	3.37	3.45
2 FEET	2.64	2.64	2.70	3.31	3.49	3.35	3.52	3.73
3 FEET	2.62	2.64	2.78	3.31	3.27	3.43	3.57	3.87
4 FEET	2.62	2.64	3.10	3.31	3.25	3.53	3.66	3.88

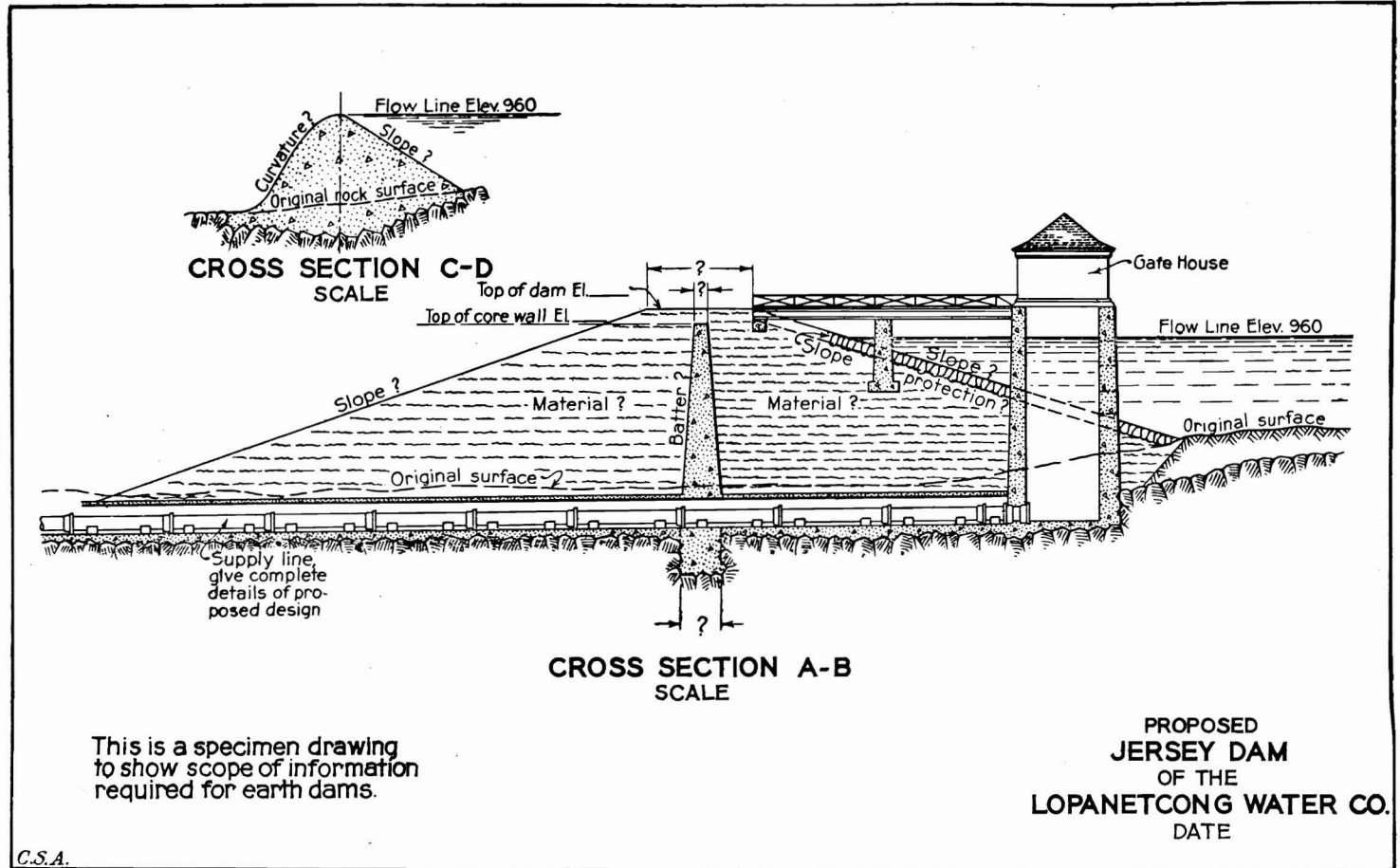
The table above is based upon the results of experiments of the United States Deep Waterways Board at Cornell University 1899 as published in the Water Supply and Irrigation Paper No. 200 of the U.S.G.S. to which attention is directed for more detailed information.



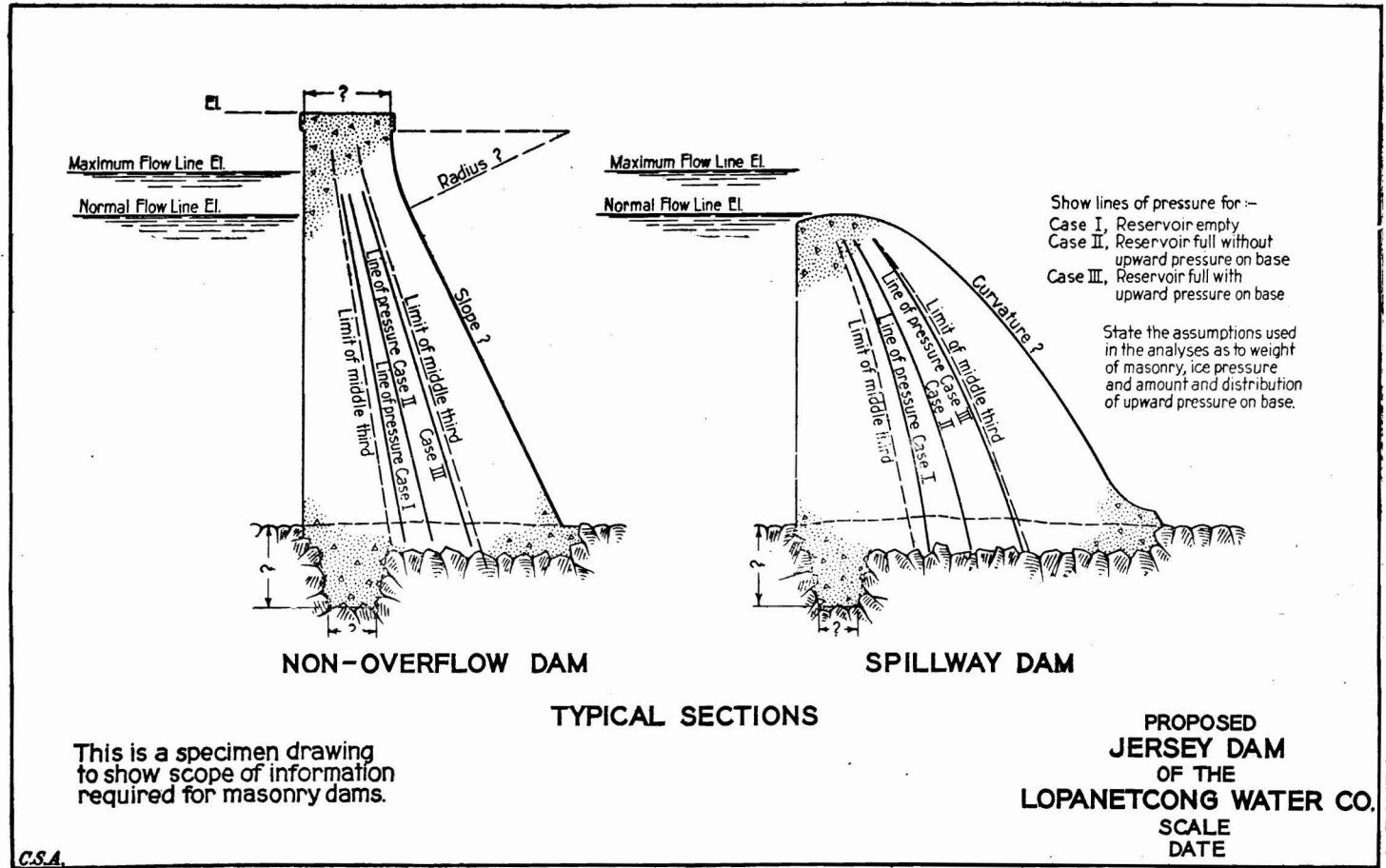








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STATE OF NEW JERSEY

DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

DIVISION OF WATER POLICY AND SUPPLY

INFORMATION FOR APPLICANTS

for

CONSTRUCTION OR ALTERATION

of

ENCROACHMENTS ON STREAMS

Bridges, Culverts, Walls, Fills and
Other Structures

1954

520 EAST STATE STREET
TRENTON 7, NEW JERSEY

DEPARTMENT OF CONSERVATION AND ECONOMIC
DEVELOPMENT

DIVISION OF WATER POLICY AND SUPPLY

520 East State Street

TRENTON 7, NEW JERSEY

JOSEPH E. McLEAN

Commissioner of Conservation and Economic Development

WATER POLICY AND SUPPLY COUNCIL

THURLOW C. NELSON, *Chairman*.....Highland Park
MAX GROSSMAN.....Atlantic City
KENNETH H. MURRAY.....Califon
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JOHN ROACH, JR.....Dover
HERBERT K. SALMON.....Stanhope
AUGUST C. SCHULTES.....Woodbury
LILLIAN M. SCHWARTZ.....Highland Park

JOHN WYACK, *Secretary*

HOWARD T. CRITCHLOW, *Director and Chief Engineer*

THOMAS P. COOK, *Counsel*

This pamphlet is published by the Division of Water Policy and Supply of the Department of Conservation and Economic Development in order that the public may be informed as to the important laws of New Jersey relative to the construction and repair to structures within the high-water mark of streams, and the rules adopted by the Water Policy and Supply Council pertaining to applications for approval of plans for such structures.

Additional copies of this pamphlet may be obtained without cost upon application at the office of the Division.

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AUTHORITY

Under authority of Title 58, Chapter 1, Revised Statutes (quoted in part herein), Chapter 22, Laws of 1945, and Chapter 448, Laws of 1948, the Division of Water Policy and Supply requires all public authorities, private persons or corporations desiring to construct or to alter any bridge, culvert, wall, fill, pipeline, building or other structure encroaching on a stream, to submit application and plans for such structure to the Division. If, after examination, these plans are found to be satisfactory, the Water Policy and Supply Council may issue a permit for the construction.

The purpose of the examination of the plans by the Division is to insure that the erection, renewal or removal of structures will be carried on in such a manner that adequate waterways will be provided and maintained to the end that flood or other damage to adjacent property by waters affected by the structure will be prevented, as well as to protect the interests of the State of New Jersey.

The powers and duties formerly vested in the State Water Policy Commission under the Revised Statutes were assigned to the Division of Water Policy and Supply upon its establishment in the Department of Conservation on July 1, 1945 (Chapter 22, P. L. 1945). The Division was consolidated into the merged Department of Conservation and Economic Development on January 1, 1949 (Chapter 448, P. L. 1948).

The Division operates under a Director, who serves as administrative officer, and a nine-member Water Policy and Supply Council, in which is vested all the quasi-judicial powers and duties of the former State Water Policy Commission. The Director and Council are appointed by the Governor with the advice and consent of the Senate. The Council serves without compensation. All acts of the Council are subject to the approval of the Commissioner of Conservation and Economic Development.

**LAWS RELATING TO CONSTRUCTION AND REPAIR OF
STRUCTURES WITHIN THE HIGH-WATER
MARK OF STREAMS**

(Excerpt from Title 58, Chapter 1, Revised Statutes,
creating the State Water Policy Commission)

58:1-26. Construction and maintenance of structures within streams regulated; penalty for violation. No structure within the natural and ordinary high-water mark of any stream shall be made by any public authority or private person or corporation without notice to the commission, and in no case without complying with such conditions as the commission may prescribe for preserving the channel and providing for the flow of water therein to safeguard the public against danger from the waters impounded or affected by such structure, and this prohibition shall apply to any renewal of existing structures. No such approval by the commission shall impair or affect any property rights, otherwise existing, which might be invaded by the construction or maintenance of any such structure.

The commission may, whenever in its judgment public safety so requires, and after a hearing either on its own motion or upon complaint, make and serve an order directing any person, corporation, officer or board constructing, maintaining or using any such structure in any of the waters of this State to remove or repair it within such reasonable time and in such manner as shall be specified in the order, and every such person, corporation, officer or board shall obey, observe and comply with the order and with the conditions prescribed by the commission for preserving the channels of streams and for safeguarding the public against danger from waters impounded by structures hereinafter referred to.

Every person, corporation, officer or board failing, omitting or neglecting so to do, or who constructs or reconstructs any such structure in any of the waters aforesaid without submitting to the commission plans therefor and obtaining its approval thereof, or who fails to remove, construct or reconstruct the same in accordance with the plans so approved shall forfeit to this State not to exceed five hundred dollars for each and every offense. Every violation of any such order, direction or requirement shall be a separate and distinct offense, and, in case of a continuing violation, every day's continuance thereof shall be and be deemed a separate and distinct offense.

58:1-27. Recovery of penalties; disposition of moneys recovered. Any action to recover a penalty under section 58:1-26 of this title may be brought in any court of competent jurisdiction on order of the commission and in the name of the State. In any such action all penalties incurred up to the time of commencing the same may be sued for and recovered therein and the commencement of an action to recover such penalty shall not be, or be held to be, a waiver of the right to recover any other penalty. All moneys recovered in any such action, together with the costs recovered therein, shall be paid into the State treasury by the commission to the credit of the general fund.

JUDICIAL DECISIONS

Ronade Associates vs. Department of Conservation and Economic Development, Division of Water Policy and Supply of the State of New Jersey. 7 N. J. Super. 132, 72 A 2d. 355.

City of Passaic vs. City of Clifton and Department of Conservation and Economic Development, Division of Water Policy and Supply of the State of New Jersey. 14 N. J. 136.

State of New Jersey, Division of Water Policy and Supply vs. Mae C. Erwin, et al. Chancery Court Decree, Docket 158/463, by A. Dayton Oliphant.

APPLICATIONS

General Information

The following information is given for the guidance of applicants for the approval of drawings and for permits for the construction, alteration or permanent repair of bridges, culverts, flood control structures, buildings, pipelines, channel improvements and relocations, walls, fills, or other structures, excepting dams, within the natural and ordinary high-water mark of any stream within the State of New Jersey. (See Note.)

Applications must be made on a form adopted by the Division, which will be furnished upon request. It must be filled in carefully and signed by the owner of the proposed structure, or his agent. If privately owned, the individual owner, or a member of a partnership, should sign the application. If owned by a corporation, it should be signed by an executive officer, and, if owned by a governmental unit, it should be signed by the executive officer or his agent.

The supporting documents to be submitted with each application should illustrate and describe in detail the design of the proposed structure, and should include the following:

(a) Site plan, including tributary drainage area. For this purpose a State Topographic Atlas Sheet, or suitable County or other official map, should be used. The Atlas Sheets are published by the Bureau of Geology and Topography, Division of Planning and Development, Department of Conservation and Economic Development, 520 East State Street, Trenton 7, New Jersey, and may be procured from that office.

(b) Appropriate plans and drawings of the project.

(c) On large projects, a complete engineering report should be submitted, outlining all engineering investigations, studies and analyses.

Approval of plans will not in anywise authorize the occupation of riparian or other State property. Permits, licenses or grants therefor must, where required, be obtained from the Bureau of Navigation, Division of Planning and Development, of the Department of Conservation and Economic Development, or such other authority as may have jurisdiction thereof.

The Division reserves the right to have its engineers inspect the site of the work at any time when such inspection is deemed advisable by the Division.

The Council may order a public hearing on an application if in its judgment such hearing is desirable in the public interest. The expenses of such hearing will be certified to the applicant, who shall pay the same within thirty days.

NOTE: The Division of Water Policy and Supply issues a separate pamphlet concerning dams. Copy of this pamphlet should be obtained if the construction, alteration, or repair of a dam is contemplated.

Drawings

All drawings shall be prepared by an engineer licensed by the New Jersey State Board of Professional Engineers and Land Surveyors, or licensed under the laws of another State having reciprocal provisions relating to the practice of professional engineering in New Jersey, and each drawing shall bear the name of the engineer and license number.

Drawings submitted by public authorities shall be in duplicate, and drawings submitted by private persons or corporations shall be in triplicate. Each drawing submitted must bear a title giving clearly the classification of work, date, scale, name of stream and accurate location. When revised drawings are submitted they should be so marked, and dated.

Each drawing must show clearly the datum to which elevations shown are referred. The New Jersey Geodetic Control Survey datum, referred to mean tide at Sandy Hook, should be used wherever possible, or the equation to that datum should be given.

Stream Survey Drawings

In cases where the stream under consideration has been mapped by the Riparian Stream and Waterways Survey, prints from the stream survey drawings may be used in lieu of drawings prepared by the applicant insofar as the pertinent information contained thereon is equivalent to the information required. In many instances the stream survey drawings, having the proposed construction plotted upon them in red ink, will satisfy the requirements of the Division. An appropriate title should be added.

Prints of the stream survey drawings may be obtained from the office of the Division upon payment of fifty cents in cash in advance for each sheet ordered.

Bridges and Culverts

For such structures the following information is required; drawings, as indicated on Plate I, to include location plan; cross-section at proposed bridge site; cross-section of present bridge (if one exists); profile of stream for a reasonable distance above and below site, showing stream bed, normal and floodwater surface. If the bridge is on a skew, give the angle of the center line of the bridge with the direction of the line of flow.

In addition to the above, the following information, when submitted, will expedite action upon applications: total drainage area above bridge site; description of watershed; character of stream bed and banks; extent and depth of overflow during floods; effect of previous floods upon bridges along the same stream, giving location of such bridges, their span and clearance; whether bridge will be within backwater influence from a restriction or dam downstream. In such cases, and where a dam is located within one hundred feet upstream of the bridge or culvert, complete details of such structures, including all dimensions and elevations, shall be furnished.

Photographs of the bridge site, including the stream channel and roadway approaches, will help the Division in acting upon applications. The reverse side of the photographic prints should contain a description of the photographs, giving date, location and purpose.

Permits for the construction of bridges and culverts apply only to the discharge capacity of the waterway, as no analysis is made to determine the strength of the structure.

Fills and Channel Changes

For fills and embankments along, and channel changes in streams, careful study should be made of the material that will form the new banks of the stream and the protection that will be necessary to prevent erosion. In new channels, where excavation is necessary, the manner of disposing of the excavated material must be clearly indicated.

Plate II shows typical drawings required in connection with applications for fills. The plan should show the stream for a distance of *at least* several hundred feet above and below the limits of the proposed fill and to points well behind the limits of maximum high water on each bank. Top and bottom of existing and proposed banks should be clearly indicated, as should also the flow line elevation of slack water when a dam exists below the site. Where possible, contours and elevations of the stream bed should be indicated.

The cross-sections should be taken entirely across and at right angles to the flow of the stream and to above maximum floodwater elevation; the height and date of maximum flood should be indicated thereon. These sections should be taken at intervals above, opposite, and below the proposed work, particularly at the *narrowest* and *widest* sections, and plotted to the same horizontal and vertical scale. Detail cross-sections of the proposed fill at intervals of two hundred feet or less should show the existing and proposed slopes. The kind of material to be used in the fill and the method of protecting it from erosion should be clearly indicated.

A profile of the stream should be submitted, showing the stream bed and normal and floodwater surfaces between points well above and below the proposed work, and all elevations should be given in *figures*.

Permits for fills, embankments, and channel improvements and relocation will generally be subject to the establishment of stream encroachment lines defining all or portions of a strip of land in each case to be reserved for the safe passage of floodwaters, present or future.

Much of the information suggested under "Bridges and Culverts" will facilitate consideration of application for fills.

Walls

Plate III shows typical drawings required in connection with applications for walls. The plan, profile and cross-sections should give the same data as indicated above for fills, and, in addition, detail cross-sections of the wall are required. The plans should indicate the materials to be used in construction, and the character and weight of the material in the wall and that to be used for back filling. The character and

depth of foundation should be indicated, and if the wall is to be carried on pile or grill work, details should be submitted with reference to spacing and size of piles and depth to which they are to be driven. If the fill or wall is designed to carry dead or live loads, their intensities should be indicated. In reinforced concrete design, full details should be submitted, and proposed methods of anchoring into the bank, adjacent walls, or protective work shown. All peculiarities in design or construction of the wall and banks or channel of the stream should be clearly set forth. Computations for stability should be submitted with the plans, clearly indicating what assumptions have been made. Photographs and general information as outlined under "Bridges and Culverts," will be of value.

Pipe Crossings

Applications for approval of pipes or conduits proposed for construction beneath the bed or within the high-water mark of any stream should be prepared as outlined herein under "Bridges and Culverts."

Buildings

Whenever the repair of an existing building or the construction of a new building requires the placing of any structure within the high-water mark of any stream, application should be prepared as outlined herein under "Walls."

GENERAL

Attention is invited to Conditions 6 and 7 of the Permit wherein the applicant agrees that there shall be no unreasonable interference with the free discharge of the stream nor with navigation during construction; and, that upon completion or abandonment of the work, the applicant shall cause to be removed from the channel of the stream all materials, equipment, debris and structures not shown on the approved drawings.

PROCEDURE

Applications, including complete drawings and all other pertinent data, will, upon receipt, be referred to the Division's engineers for examination and report.

An inspection of the site of the proposed encroachment may be made in company with the applicant or his agent, when desirable. After complete study, any deficiencies found in the drawings will be called to the attention of the applicant, in order that proper revision may be made.

After examination by the engineers, the application is presented to the Water Policy and Supply Council for its consideration. When the application and drawings have been approved by the Council, a permit will be forwarded to the applicant. The application and one set of approved drawings are retained by the Division for its files, and one set of the approved drawings is returned to the applicant for permanent

filing and record. Additional sets of approved drawings are forwarded to local governmental units, where required.

Attention is invited to Condition 9 of the permit which states that it will not become operative unless and until the applicant files with the Division within thirty days from date thereof, written acceptance of the terms and conditions of the permit, upon a form furnished for that purpose.

Upon completion of the work the applicant is required to certify this fact to the Division upon the form attached to the permit for that purpose.

PERMIT

Each permit issued by the Water Policy and Supply Council for the construction, alteration or repair of an encroachment will be subject to the following standard conditions and to such other terms and conditions as the Council shall deem necessary.

Standard Conditions

1. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State or local laws or regulations; nor does it waive the obtaining of Federal or other State department consent, when necessary.
2. The work shall at all times be subject to supervision and inspection by representatives of the Division and no changes in plans and specifications as approved shall be made except with written consent of the Division.
3. The work shall be under the direction of a competent engineer, and he or a competent representative shall be on the ground daily during the construction and until the completion of the work.
4. The action of the Division in approving this application and issuing this permit shall not relieve the agency constructing the works hereby approved from responsibility for damage caused by such works; nor does the Division accept responsibility for the structural design.
5. The work shall be started within.....from date of this permit and completed within.....from said date; otherwise, this permit, if not previously revoked or specifically extended, shall cease and be null and void.
6. The applicant will not cause or permit any unreasonable interference with the free discharge of the stream nor with navigation, during construction, by the placing and/or dumping of any materials, equipment or debris in or about the stream or channel in any manner which may cause interference or in any other way.
7. Upon completion or abandonment of the work, the applicant shall cause to be removed from the channel of the stream all materials, equipment, debris and structures not shown on the approved drawings.
8. The applicant shall, within 30 days after the completion of the work, certify to the Division that the structure has been built in ac-

cordance with the approved plans and that all unauthorized encroachments have been removed.

9. This permit shall not become operative unless and until the applicant shall file written acceptance of the terms and conditions hereby imposed within thirty days from date hereof, upon a form to be furnished.

FLOOD DISCHARGE

The primary purpose of the supervision exercised by the Division over encroachments on streams is to preserve the channel and provide for the flow of floodwaters therein to safeguard the public against danger from waters impounded or affected by structures placed in or along the streams of the State. Knowledge of the probable magnitude of flood discharge is, therefore, essential to an intelligent exercise of the Division's powers.

The maximum flood discharge of a stream is dependent not only upon the amount and distribution of rainfall, but also upon the characteristics of the tributary watershed, such as its size, shape, elevation, the steepness of slope, the proportion of wooded, cultivated, meadow and swamp areas and the character of the soil.

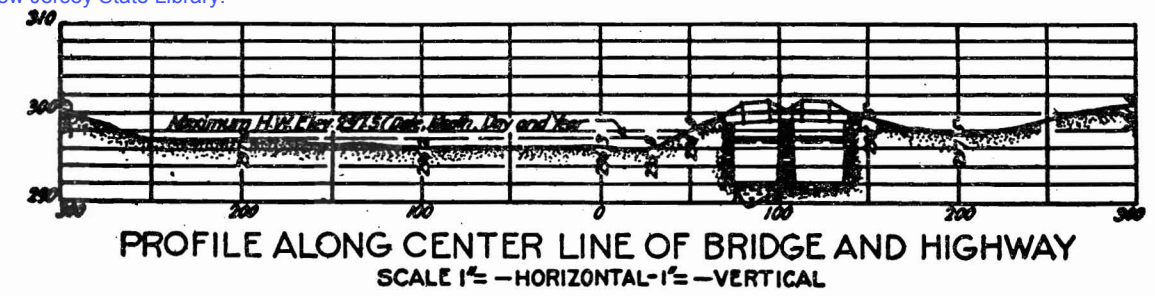
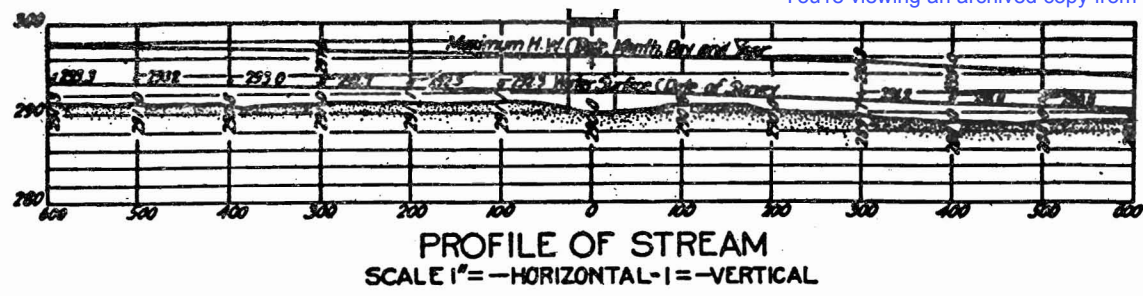
The size of clear waterway opening to be provided for in or along the flood plain of a stream depends upon the economic balancing of flood flows against the potential damage which will be the result of floods larger than the flood flow selected for design. Applicants should therefore give the question of maximum flood flow careful consideration in order to design structures that will safely pass floodwaters.

The engineers of the Division of Water Policy and Supply are available for preliminary consultation prior to preparation of final designs, and to render assistance in determining the magnitude of flood for which the structure should be designed.

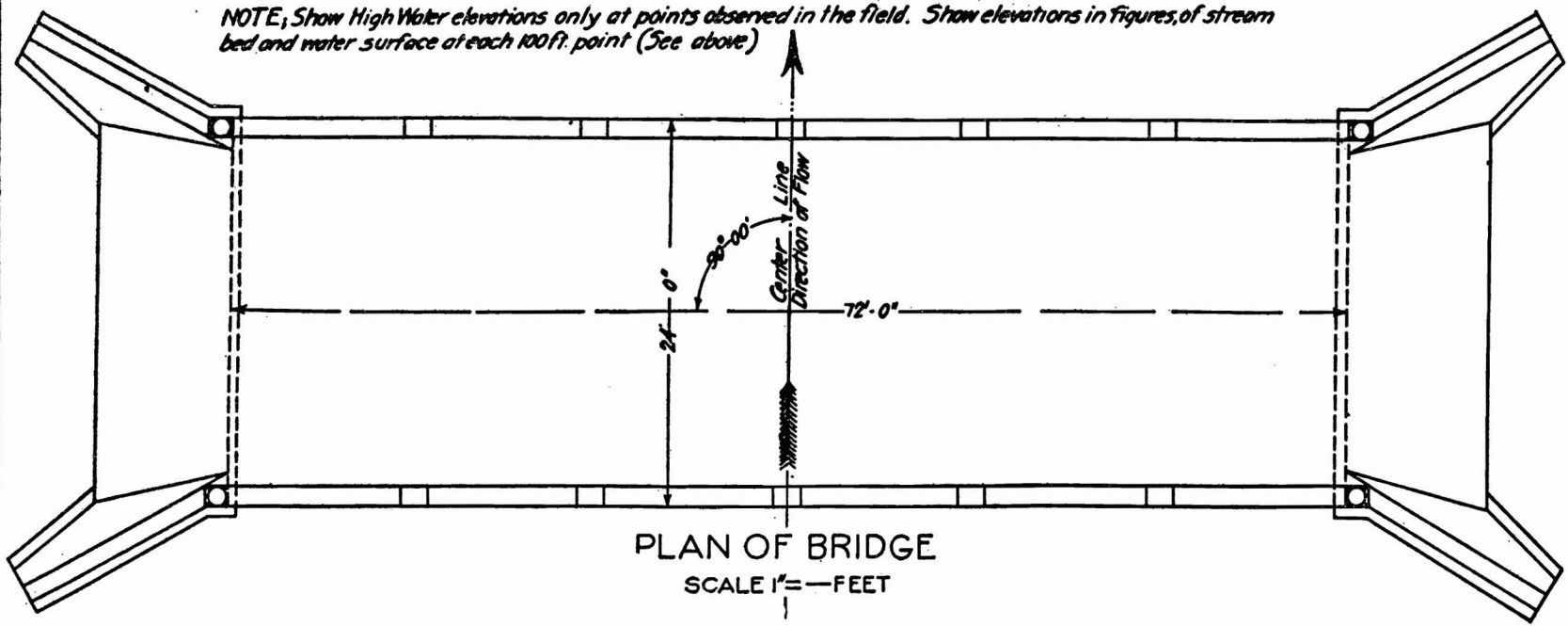
SPECIMEN DRAWINGS

The following specimen drawings show the content of drawings required for submission with an application but are not intended to indicate a preference for any particular type or detail of construction.

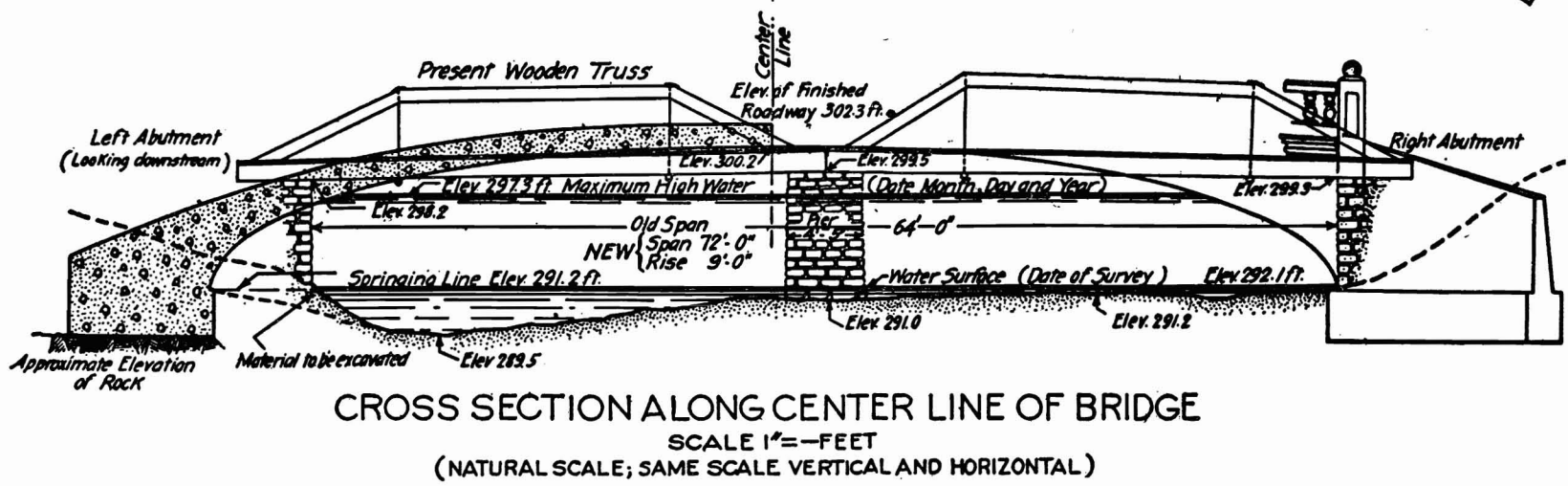
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NOTE: Show High Water elevations only at points observed in the field. Show elevations in figures, of stream bed and water surface at each 100 ft. point (See above)



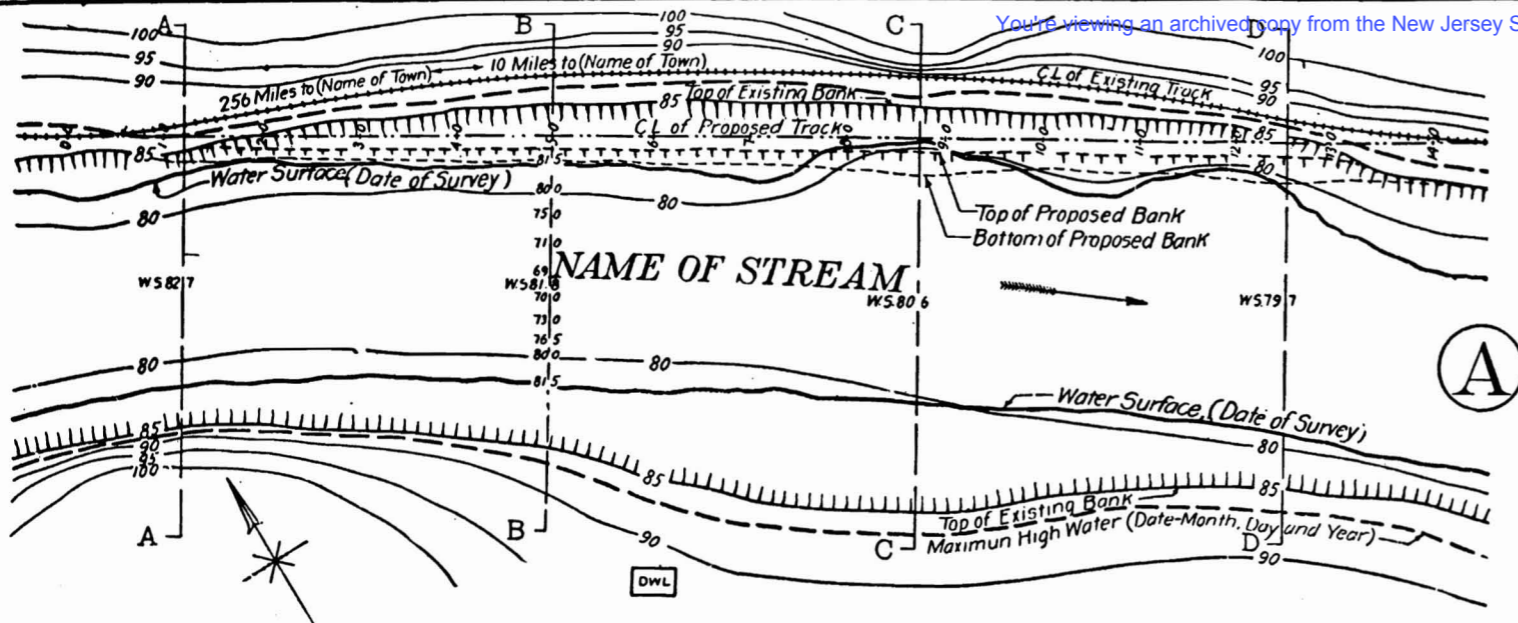
NOTE: All elevations shown refer to New Jersey Geodetic Control Survey.



PROPOSED BRIDGE
 OVER THE
 NAME OF STREAM
 AT OR NEAR
 NAME OF TOWN TOWNSHIP AND COUNTY
 SCALES AS SHOWN
 DATE

Note. Specimen plan to show scope of information desired

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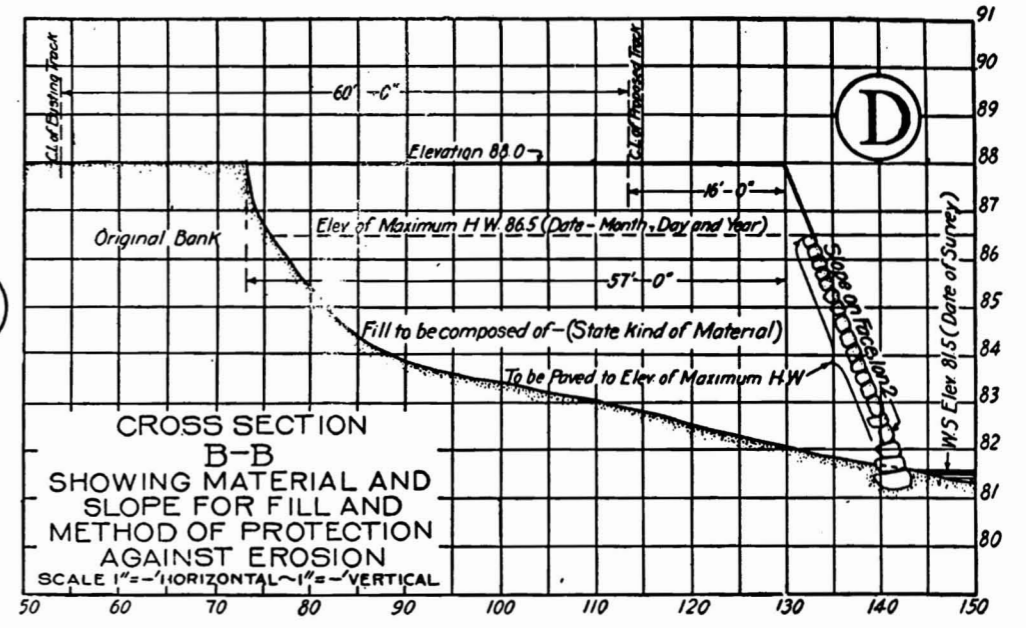


PLAN.

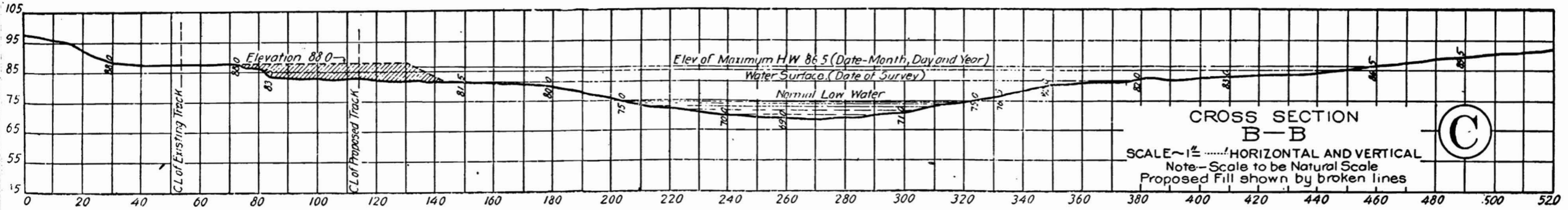
SCALE 1 INCH = FEET

Note -
Proposed fill indicated by
broken lines, thus TTTTTTTT
Water Surface taken, (Date-Month, Day and Year)

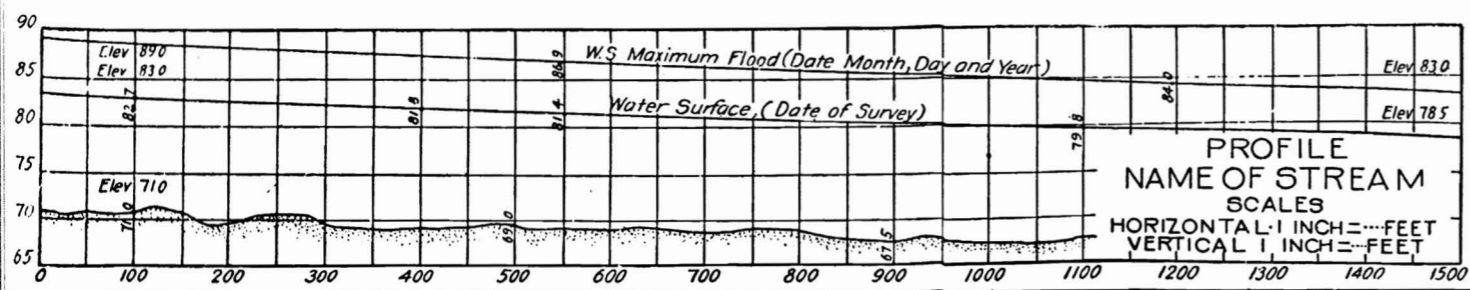
NOTE: All elevations shown refer to
New Jersey Geodetic Control Survey.



CROSS SECTION
B-B
SHOWING MATERIAL AND
SLOPE FOR FILL AND
METHOD OF PROTECTION
AGAINST EROSION
SCALE 1" = 1' HORIZONTAL ~ 1" = 1' VERTICAL



CROSS SECTION
B-B
SCALE ~ 1" = 1' HORIZONTAL AND VERTICAL
Note - Scale to be Natural Scale
Proposed Fill shown by broken lines



PROFILE
NAME OF STREAM
SCALES
HORIZONTAL 1 INCH = FEET
VERTICAL 1 INCH = FEET

NAME OF COMPANY
PROPOSED FILL
ALONG THE
NAME OF STREAM
AT OR NEAR
NAME OF TOWN, TOWNSHIP AND COUNTY
SCALES AS SHOWN
DATE

(B)

(C)

(A)

(D)

STATE OF NEW JERSEY

~~STATE WATER POLICY~~

~~COMMISSION~~

NEW JERSEY DEPARTMENT OF
CONSERVATION & ECONOMIC DEVELOPMENT
DIVISION OF WATER POLICY & SUPPLY



LAWS AND RULES
RELATING TO WATER SUPPLY
IN NEW JERSEY

1939

STATE OF NEW JERSEY

~~STATE WATER POLICY
COMMISSION~~

NEW JERSEY DEPARTMENT OF
CONSERVATION & ECONOMIC DEVELOPMENT
DIVISION OF WATER POLICY & SUPPLY

LAWS AND RULES
RELATING TO WATER SUPPLY
IN NEW JERSEY

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Dept. Conservation & Economic Development
Division of Water Policy and Supply
520 East State Street, Trenton 9, N. J.

~~28 WEST STATE STREET~~

~~TRENTON, NEW JERSEY~~

Dept. Conservation & Economic Development
Division of Water Policy and Supply
520 East State Street, Trenton 9, N. J.

~~NEW JERSEY STATE WATER POLICY COMMISSION~~
~~28 WEST STATE STREET, TRENTON, N. J.~~

GEORGE S. BURGESS, *Chairman*.....Montclair
THOMAS G. COULTER.....Camden
FORSTER W. FREEMAN.....Paterson
FRANCIS V. LOWDEN.....Roselle
THURLOW C. NELSON.....New Brunswick
HERBERT K. SALMON.....Stanhope

JOHN WYACK, *Secretary*
HOWARD T. CRITCHLOW, *Engineer*
ROBERT PEACOCK, *Counsel*

This pamphlet is published by the State Water Policy Commission in order that the public may be informed as to the rules adopted by the Commission pertaining to applications for approval of plans for diversion of potable waters of the State for public water supply purposes.

Additional copies of this pamphlet may be obtained without cost upon application to the office of the Commission.

LAWS AND RULES RELATING TO WATER SUPPLY IN NEW JERSEY

AUTHORITY

The State Water Policy Commission of New Jersey, by virtue of Title 58, Chapter 1, of the Revised Statutes, creating the Commission and defining its duties, has jurisdiction over all sources of potable public water supplies, including surface, sub-surface and percolating waters, to the end that the same may be economically and prudently developed for public use.

In particular, the Commission is charged with the duty of considering applications for the diversion of undeveloped water resources for potable and public use and the approval of works for such diversion and use.

Contracts between municipalities for water supplies must be submitted to and approved by the Commission, as provided by Section 40:62-84 of the Revised Statutes.

The right of eminent domain, granted to holders of permits for diversion of potable waters of the State by the State Water Policy Commission or its predecessors, under provision of Title 58, Chapter 6, of the Revised Statutes, may be exercised only with the approval of the Commission, on petition and after hearing.

RULES REGARDING APPLICATIONS FOR WATER SUPPLY

The following rules have been adopted by the State Water Policy Commission for the simplification of procedure and the avoidance of delays. They are subject to change without notice, and are printed here for the information of those having business to transact with the Commission. They must not be interpreted as limiting in any way the freedom of the Commission. The Commission expressly reserves the right to depart from them in any instance where it judges that the public interest will be best served by such action.

1. The application shall be made in writing on forms to be furnished by the Commission upon request. Said forms provide for certain information regarding the location of the source of supply, description of lands and/or rights for which approval of right to exercise the power of eminent domain is desired, the approximate location of the proposed reservoir or other works, with their estimated capacity, copies of any official reports relating to the same and showing the need for an added supply, and the reason for the choice made.

2. The application shall be accompanied by a map prepared upon the proper atlas sheet of the Department of Conservation and Development, Scale 1"=1

mile, or 1"=2,000 feet, or other topographic map, showing (a) the location of the source of supply, and in the case of a surface source, the drainage area and its size in square miles above the point of intake; (b) the approximate location and estimated capacities of the proposed storage works; (c) the approximate location and sizes of the transmission mains; (d) the location of pumping station and treatment works, if any; (e) the boundaries of the territory to be supplied; (f) the location and names of other existing public water supplies taking water within a radius of five miles of the proposed intake. This information shall be shown in red ink, designating existing works by solid lines and proposed works by dashed lines.

3. Other drawings and data shall be submitted as required by application forms. Drawings must not exceed 30 inches in width, but may be of any length. The title shall be placed in the lower right-hand corner of the drawings and shall specify (a) the name and address of the applicant; (b) the name and address of the designing engineer and consulting engineer; (c) scale of drawings; (d) date.

4. Any other information which may be of assistance in understanding the need for an added supply, and the reasons for the choice made, should be submitted.

5. All applications for approval of plans and specifications for projects pertaining to water supply shall be accompanied by a certificate of a professional engineer, duly licensed as such under the laws of the State of New Jersey or under the laws of another State having reciprocal provisions relating to the practice of professional engineering in New Jersey, certifying that such plans and/or specifications were prepared by or under the supervision of such certifying engineer.

6. Contracts for water supply between municipalities should be submitted for approval by the Commission before final execution. They must be accompanied by a map showing the territory to be supplied and the proposed mains, also the connections with the system that will furnish the water. Certified copies of resolutions passed by the governing body of each municipality authorizing the agreement must also be submitted.

7. Upon receipt of an application in proper form the Commission will set a date for public hearing, and issue a notice thereof which it will cause to be published in newspapers circulating in the territory affected by the application. The Commission will also notify officials of public water supply systems in the vicinity. An inspection of the site is usually made by an engineer of the Commission prior to the hearing. (Note:—The regular meetings of the Commission are held the second Wednesday of each month.)

8. The expense of hearings and determination by the Commission will be certified to the applicant, who shall pay the bill within thirty days thereafter, as provided by law.

ESTABLISHING THE STATE WATER POLICY COMMISSION

Revised Statutes

Title 58. WATERS AND WATER SUPPLY

Chapter 1. State Water Policy Commission

58:1-1. Membership; terms; vacancies. The state water policy commission, hereinafter in this chapter designated as the "commission", created and established by the act entitled "An act to conserve, protect, control and regulate the use, development and diversion of surface, subsurface and percolating waters of the state; to control and regulate the construction and maintenance of dams; to create a water policy commission and define its powers and duties and to transfer to such commission the jurisdiction, powers, rights and duties of the department of conservation and development over water supplies, dams and flood control," approved May sixth, one thousand nine hundred and twenty-nine (L. 1929, c. 267, p. 631), as amended and supplemented, is continued. The commission shall consist of seven members. As the term of each commissioner expires his successor shall be appointed by the governor by and with the advice and consent of the senate for the term of seven years. Any vacancy in the commission through death, resignation or other cause shall be filled for the unexpired term in the manner provided for an original appointment.

Source. L. 1929, c. 267, §1, p. 631.

58:1-2. Organization; secretary; quorum. The commission shall organize annually by selecting a chairman, and appointing a secretary, who shall be an employee of the commission and may, at its pleasure, be discharged.

Four commissioners shall constitute a quorum for the transaction of business, the exercise of any powers or the performance of any duties.

Source. L. 1929, c. 267, §2, p. 631.

58:1-3. Body corporate; regulations; meetings. The commission is hereby created a body corporate for the purposes authorized herein and shall have an official seal. It may make rules and regulations for its own government and for proceedings hereunder.

The commission may meet at any time or place within the state but shall hold not less than one stated meeting each month. All meetings and the minutes thereof shall be open to the public.

Source. L. 1929, c. 267, §2, p. 631.

58:1-4. Attorney general as counsel. The attorney general shall be the attorney at law for and legal adviser of the commission and shall upon its request, either personally or through a deputy or assistant, furnish it advice and aid.

Source. L. 1929, c. 267, §2, p. 631.

58:1-5. Offices; assistants. The commission may maintain one or more offices for the transaction of its business and employ such engineering, clerical and other assistants as shall be necessary to carry the provisions of this chapter

into effect. The commission may fix the compensation of all employees, subject to the provisions of Title 11, Civil Service, except where otherwise provided by statute.

Source. L. 1929, c. 267, §2, p. 631.

58:1-6. Accounts; annual report. The commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the legislature before February first in each year.

Source. L. 1929, c. 267, §2, p. 631.

58:1-7. Commissioners paid expenses only. The members of the commission shall serve without compensation but shall be paid their actual expenses incurred in and incident to the performance of their duties.

Source. L. 1929, c. 267, §3, p. 632.

58:1-8. Hearings by one or more members. The commission may conduct hearings by one or more of its members in place and stead of the full commission, unless a party in interest appearing before the commission objects thereto. When a hearing shall be so held by less than a majority of the members of the commission all testimony shall be taken stenographically and a transcribed copy thereof furnished each member of the commission. Thereafter the action of the commission upon the matter upon which the hearing was so held shall be as effective as though the hearing was held before the commission.

Source. L. 1931, c. 300, §2, p. 744, suppl. to L. 1929, c. 267, p. 631.

58:1-9. Jurisdiction, rights, powers and duties of commission. The commission shall succeed to and exercise all the jurisdiction, rights and powers and perform all the duties formerly exercised and performed by or conferred and charged upon the department of conservation and development in so far as the same were formerly vested in the state water supply commission and were transferred to said department by an act entitled "An act to establish a department of conservation and development and to consolidate therein the state water supply commission, the board of forest park reservation commissioners, the state geological survey, the Washington Crossing commission, the state museum commission and the Fort Nonsense park commission," approved April eighth, one thousand nine hundred and fifteen (L. 1915, c. 241, p. 426).

The commission shall exercise all the jurisdiction, rights and powers and perform all the duties relating to the water supplies of the state formerly vested in the department of conservation and development by the act above referred to and in addition thereto all the jurisdiction, rights, powers and duties relating to water supply matters, control and supervision of the construction and maintenance of dams, flood control, drainage, irrigation and water power which were formerly vested in the state water supply commission and its successor, the department of conservation and development, by said act above referred to and by any amendments or supplements and any laws enacted subsequent thereto.

Source. L. 1929, c. 267, §4, p. 632.

58:1-10. General supervision over water supply sources. The commission shall have general supervision over all sources of potable and public water supplies, including surface, subsurface and percolating waters, to the end that the same may be economically and prudently developed for public use.

Source. L. 1929, c. 267, §7, p. 635.

58:1-11. Investigations of water resources. The commission shall continue and extend investigations of the water resources of the state, including the systematic gauging of rainfall and stream flow throughout the state, so as to

complete a comprehensive study for the entire state, for the conservation, development, regulation and use of the waters in each of the principal watersheds of the state with reference to the accomplishment of the following public uses and purposes:

- a. The supply of pure and wholesome water from watersheds to municipalities and the inhabitants thereof and the disposal of sewage and wastes which may affect the supply.
- b. The prevention of floods.
- c. Drainage and irrigation.
- d. The conservation, development and utilization of water power.
- e. The protection of public navigation.

Source. L. 1929, c. 267, §5, p. 633.

58:1-12. Report to legislature of results of investigations; plans. The commission shall report to the legislature from time to time the results of such investigations, with plans, to the end that a complete plan be finally presented for the economical and comprehensive development, for all the purposes enumerated in section 58:1-11 of this title, of all the water resources in each of the principal watersheds of the state.

The commission shall investigate and report to the legislature as to the consents and privileges granted prior to May sixth, one thousand nine hundred and twenty-nine, affecting the use of the waters aforesaid, and as to the terms of such consents and privileges and whether the conditions thereof have been complied with, or whether they are revocable, and as to the extent of existing diversion rights and the use being made of the waters affected thereby.

Source. L. 1929, c. 267, §5, p. 633.

58:1-13. Plans for watersheds; contents. Every such plan for any watershed shall set forth the developments already made and authorized to be made in such watershed for one or more of the purposes enumerated in section 58:1-11 of this title, and the extent to which any such existing or authorized development may be improved, enlarged or extended so as to increase its efficiency for any of such purposes, to the end that all developments in such watershed for all such purposes may be co-ordinated and unified and the rights of the state asserted and utilized so as to combine the most economical construction, maintenance and operation, and the most efficient service, with the production, maintenance and operation, and which may be practicable.

Source. L. 1929, c. 267, §5, p. 633.

58:1-14. Use of previous reports and surveys in investigations. In such investigations the commission shall, so far as possible, make use of all records, studies, reports and surveys which have previously been made by, or on behalf of, the state or any municipal corporation or civil division, or district agency thereof. Every public officer, department, commission or board having custody or possession of such records, studies, reports or surveys shall freely make the same available for use by the commission.

Source. L. 1929, c. 267, §5, p. 633.

58:1-15. Annual reports to commission relative to water diverted for water supply purposes. The commission may require annually, reports from all district water supply commissions, municipal corporations and other civil divisions of the state, corporations or persons diverting water, either from surface, sub-surface, well or percolating sources, or from a combination of any such sources,

for water supply purposes, as to the amount diverted, the proportional amount from each source, the communities and population supplied, the rates charged, and such other matters as shall be requisite to, or useful in, a proper supervision of the water supplies of the state and their development and public use and to determine the charge for the "excess diversion" thereof.

Source. L. 1929, c. 267, §5, p. 633.

58:1-16. Report to commission of amount of water used; examination of meters, records and works. The officers in control of municipal and other water-works shall keep accurate records by meters, or other approved methods, of the amount of water used and shall report the same quarterly to the commission. The commission may make such investigation of the meters and records as may be necessary to determine all matters pertinent to its duties, and may examine the plants and works of all public or quasi public water supplies, to ascertain the sources of supply and determine the taking and diversion effected, and the charge, if any, authorized by law to be made for "excess diversion".

Source. L. 1929, c. 267, §6, p. 635.

58:1-17. Condemnation for new or additional sources of water supply; approval of project by commission. No district water supply commission, municipal corporation or other civil division of the state, or any board, commission or other body of or for any such municipal corporation or other civil division, and no person or corporation supplying or proposing to supply the inhabitants of any municipal corporation or other civil division of the state with water, shall have power to condemn lands, water or water rights for any new or additional source of water supply, whether such source be surface, subsurface, well or percolating water, or to divert water from such new or additional source (other than for new or additional sources of water supply, the maps or plans for which, in conformity with permits for the taking thereof, were heretofore approved by the state water policy commission or the board or body theretofore authorized by law, to grant such approval), until such district commission, municipal corporation, civil division, person or corporation has first submitted a petition to the commission, as hereinafter provided, and until the commission shall have approved the same as submitted or with such modifications and subject to such conditions as it may determine should be incorporated in such approval after a hearing as hereinafter provided.

Source. L. 1929, c. 267, §8, p. 635.

58:1-18. Applications for approval of maps and plans; contents; security for expenses. Any district water supply commission, municipal corporation or other civil division of the state, or any person or corporation, may make application by petition in writing to the commission for the approval of its maps, plans and profiles of such new or additional water supply or for such new or additional source or sources of water supply.

The application shall show the sources of the proposed supply and shall be accompanied by an exhibit of maps of the lands to be acquired and showing the sites and areas of the proposed reservoirs, a plan of the other works proposed to be constructed, the profiles of the aqueduct lines and the flow lines of the water when impounded, maps, plans and surveys and abstract of official reports relating to the same, showing the need for a particular source or sources of supply and the reasons therefor, the plan proposed for protecting the new supply and watershed from contamination or the proposed plan for filtering such new supply. The application shall also be accompanied by such proof as

to the character and purity of the water supply proposed to be acquired as the commission shall require.

If the application is made by a person or waterworks corporation, it shall be accompanied by an undertaking in such amount and with such sureties as the commission shall determine, that such person or corporation will pay the expenses of the hearing and determination as hereinafter provided.

Source. L. 1929, c. 267, §8, p. 635.

58:1-19. Notice of public hearing; filing of objections to project. The commission shall thereupon cause public notice to be given that on a day therein named it will hold a public hearing at such place as it may specify in the notice, for the purpose of hearing all persons and municipal corporations or other civil divisions of the state that may be affected thereby. The notice shall be published in such newspaper and for such length of time, not exceeding four weeks, as the commission shall determine.

At any time prior to the day specified in the notice any person or municipal corporation or the proper authorities of any civil division of the state may file in the office of the commission objections to the project proposed by the application. Every objection so filed shall particularly specify its ground.

Source. L. 1929, c. 267, §8, p. 635.

58:1-20. Hearing; determination as to plans. The commission shall, upon the day specified in the notice, or upon such subsequent day or days to which it may adjourn the hearing, proceed to examine the maps and profiles and to hear the proofs and arguments submitted in support of and in opposition to the proposed project. The commission shall determine whether the plans proposed are justified by public necessity, whether they provide for the proper and safe construction of all works connected therewith, whether they provide for the proper protection of the supply and the watershed from contamination or provide for the proper filtration of such additional supply, whether the reduction of the dry-season flow of any stream will be caused to an amount likely to produce insanitary conditions or otherwise unduly injure public or private interests, and whether the 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.

Sources. L. 1907, c. 252, §3, p. 634 [C. S. p. 5798, §14]. L. 1929, c. 267, §8, p. 635.

58:1-21. Action by commission on application after hearing. The commission shall, within sixty days after the final hearing and with all convenient speed, either approve the application, maps and plans as presented or with such modifications and subject to such conditions as it may determine should be made therein to protect the water supply and the interests of the applicant or of the inhabitants of the territory supplied by it with water, or the water supply and interests of any municipal corporation or other civil division of the state, or the inhabitants thereof, or the water supply and interests of any other person or corporation engaged in supplying water to any municipal corporation or other civil division of the state, or the inhabitants thereof, or to bring into co-operation all municipal corporations or other civil divisions of the state which may be affected thereby, or to make safe all dams or reservoirs to be constructed by said plans; or it may reject the application entirely or permit another to be filed in lieu thereof, but it shall, however, make a reasonable effort to meet the needs of the applicant, with due regard to the actual or prospective needs and interests

of all other municipal corporations and civil divisions of the state affected thereby, and the inhabitants thereof.

Source. L. 1929, c. 267, §8, p. 635.

58:1-22. Decision in writing; filing; certiorari. Whenever the commission shall make a decision on any application submitted to it, it shall state the same in writing and cause the same to be filed, together with all plans, maps, surveys and other papers or records relating thereto, in the office of the commission. The decision of the commission and its action on any application may be reviewed by certiorari.

Source. L. 1929, c. 267, §8, p. 635.

58:1-23. Applicant to pay expenses. The expense of any such hearing and determination by the commission shall be certified by the commission to the applicant who shall pay the same within thirty days thereafter.

Source. L. 1929, c. 267, §8, p. 635.

58:1-24. Approval of work before operation of new system. No new water supply system built in accordance with plans approved by the commission shall be operated until the work has been approved by the commission, except that a temporary use of part of the constructed works may, upon request, be authorized by the commission.

Source. L. 1929, c. 267, §9, p. 638.

58:1-25. Interconnecting of water supply systems; rates and terms. The commission may, upon petition or upon its own initiative, after hearing, upon notice, require by order in writing the interconnecting of public water supply systems, whether in public or private ownership, whenever it determines that the public interest requires that such connection be made, and require the furnishing of water by means of any such system to another, upon fair compensation, reasonable rates and just and equitable terms to be prescribed by the commission, which rates shall be subject to review and adjustment by the board of public utility commissioners.

Source. L. 1929, c. 267, §10, p. 638.

58:1-26. Construction and maintenance of structures within streams regulated; penalty for violations. No structure within the natural and ordinary high water mark of any stream shall be made by any public authority or private person or corporation without notice to the commission, and in no case without complying with such conditions as the commission may prescribe for preserving the channel and providing for the flow of water therein to safeguard the public against danger from the waters impounded or affected by such structure, and this prohibition shall apply to any renewal of existing structures. No such approval by the commission shall impair or affect any property rights, otherwise existing, which might be invaded by the construction or maintenance of any such structure.

The commission may, whenever in its judgment public safety so requires, and after a hearing either on its own motion or upon complaint, make and serve an order directing any person, corporation, officer or board constructing, maintaining or using any such structure in any of the waters of this state to remove or repair it within such reasonable time and in such manner as shall be specified in the order, and every such person, corporation, officer or board shall obey, observe and comply with the order and with the conditions prescribed by the commission for preserving the channels of streams and for safeguarding the public against danger from waters impounded by structures hereinbefore referred to.

Every person, corporation, officer or board failing, omitting or neglecting so to do, or who constructs or reconstructs any such structure in any of the waters aforesaid without submitting to the commission plans therefor and obtaining its approval thereof, or who fails to remove, construct or reconstruct the same in accordance with the plans so approved shall forfeit to this state not to exceed five hundred dollars for each and every offense. Every violation of any such order, direction or requirement shall be a separate and distinct offense, and, in case of a continuing violation, every day's continuance thereof shall be and be deemed to be a separate and distinct offense.

Source. L. 1929, c. 267, §11, p. 638.

58:1-27. Recovery of penalties; disposition of moneys recovered. Any action to recover a penalty under section 58:1-26 of this title may be brought in any court of competent jurisdiction on order of the commission and in the name of the state. In any such action all penalties incurred up to the time of commencing the same may be sued for and recovered therein and the commencement of an action to recover such penalty shall not be, or be held to be, a waiver of the right to recover any other penalty. All moneys recovered in any such action, together with the costs recovered therein, shall be paid into the state treasury by the commission to the credit of the general fund.

Source. L. 1929, c. 267, §12, p. 639.

58:1-28. Subpoena and examination of witnesses; production of books and papers. The commission may subpoena and require the attendance of witnesses and the production by them of books and papers pertinent to the investigations and inquiries which it is authorized to make under this chapter, and may examine them and such public records as it shall require in relation thereto. For the purposes of such examinations the commission shall possess all the powers conferred by statute upon a committee of the legislature.

Source. L. 1929, c. 267, §13, p. 640.

58:1-29. Compulsion to testify; self-incrimination; immunity. No person shall be excused from testifying or from producing any books or papers in any investigation or inquiry by or upon any hearing before the commission or any commissioner thereof, when ordered to do so by the commission, upon the ground that the testimony or evidence, books or documents required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence; provided that no person so testifying shall be exempt from prosecution or punishment for perjury committed by him in his testimony. Nothing herein contained is intended to give, or shall be construed as in any manner giving, unto any corporation immunity of any kind.

Source. L. 1929, c. 267, §14, p. 640.

58:1-30. Commissioners may administer oaths. Each commissioner may administer oaths in any investigation or proceeding which the commission is required or authorized to institute or conduct.

Source. L. 1929, c. 267, §15, p. 640.

58:1-31. Entry upon lands or waters. The commission or its agents, engineers, surveyors and other employees may enter upon any land or water for the purpose of making any investigation, examination or survey contemplated by this chapter.

Source. L. 1929, c. 267, §16, p. 640.

58:1-32. Disposition of moneys collected for "excess diversion" of water. The commission shall turn over to the state treasurer all moneys collected by it for "excess diversion" of water, charges for which are authorized by law to be made, and all such funds so turned over or paid directly to the state treasurer shall be shown in his accounts as moneys received on account of charges for "excess diversion" of the water of the state. The commission may retain for its own use the moneys resulting from charges made by it to meet the expenses of hearings as herein provided.

Source. L. 1929, c. 267, §17, p. 640.

58:1-33. Certain powers of district water supply commissions and municipalities not affected; dams. Nothing contained in this chapter shall be held to affect the jurisdiction, power or authority of any district water supply commission or the power of any municipal corporation or other civil division of the state to acquire by condemnation or otherwise any existing waterworks system, or to develop, enlarge or improve its existing water supply from its present source of supply, except that for the construction or enlargement of any dam the approval of the commission must be obtained, and except that notice of any taking of additional water shall be given to the commission before work of construction begins, upon which notice the commission may call a hearing whenever in its judgment the necessities and opportunities of other municipalities are affected thereby, and after such hearing the commission may impose such conditions upon such taking of additional water as may be required in the interest of such other municipalities.

Source. L. 1929, c. 267, §19, p. 641.

58:1-34. Contracts with municipalities for water supply. L. 1910, c. 303, p. 546 (C. S. pp. 5803 to 5805, §§28 to 37), entitled "An act to empower municipalities to contract with the state water supply commission for a water supply and raise and advance moneys for the purpose, and to empower the said commission to acquire lands, water rights and waterworks and construct works necessary to furnish such supply and to sell water and water power in this state," approved April twelfth, one thousand nine hundred and ten, saved from repeal, together with amendments and supplements thereto approved on the following dates:

April 27, 1911 (L. 1911, c. 245, p. 526; 1924 Suppl. §232-37a).

April 27, 1911 (L. 1911, c. 252, p. 533; 1924 Suppl. §§232-37b to 232-37e).

April 23, 1915 (L. 1915, c. 394, p. 749; 1924 Suppl. §232-33).

[The 1910 act, as amended and supplemented, authorizes the state water supply commission (now the state water policy commission) to contract with municipalities to provide their inhabitants with a water supply, and to construct or acquire the necessary works to furnish such supply. This act does not authorize contracts with municipalities within the North Jersey water supply district since at least to that extent the act was repealed by L. 1916, c. 71, §22, as amended by L. 1924, c. 190, p. 411 (see section 58:5-30 of this title).]

Chapter 2. Payments to State for Waters Diverted

58:2-1. Payment in the case of diversion of surface water supplies; exception. Every municipality, corporation or private person diverting the waters of streams or lakes with outlets for the purpose of a public water supply shall make annual payments on May first to the state treasurer for all such water diverted in excess of a total amount equal to one hundred gallons daily for each inhabitant of the municipality or municipalities supplied, as shown by the census of one thousand nine hundred and five, or in excess of such greater amount as it may have been legally diverting on June seventeenth, one thousand nine hundred and seven.

The provisions contained in this chapter as to payment to the state for water diverted from surface sources shall not apply to waters obtained from wells, except as provided in section 58:2-4 of this title.

Sources. L. 1907, c. 252, §8, p. 637 [C. S. p. 5799, §19]. L. 1910, c. 304, §6, p. 553 [C. S. p. 5802, §26], suppl. to L. 1907, c. 252, p. 633.

58:2-2. Fixing of charges for surface waters diverted; review. Payment for water diverted as provided in section 58:2-1 of this title shall be deemed to be a license and its amount shall be fixed by the state water policy commission at a rate of not less than one dollar nor more than ten dollars per million gallons. If at all times an amount equal to the average daily flow for the driest month, as shown by the existing records, or in lieu thereof one hundred and twenty-five thousand gallons daily for each square mile of unappropriated watershed above the point of diversion, shall be allowed to flow down the stream, the commission shall fix the minimum rate and may increase the rate proportionally as a less amount is allowed to flow down the stream below the point of diversion, due account being taken in fixing said increase both of the duration and amount of the deficiency. The aforesaid one hundred and twenty-five thousand gallons daily for each square mile of unappropriated watershed shall be additional to the dry-season flow or any part thereof which may be allowed to flow down from any appropriated watershed or watersheds above the point of diversion.

Water diverted within the corporate limits of a municipality for manufacturing and fire purposes only and returned without pollution to the stream from which it was taken within said corporate limits shall not be reckoned in making up the aggregate amount diverted.

Any party aggrieved by the action of the commission upon filing written complaint on or before March twentieth, shall be heard and permitted to give evidence of the facts, and the sum fixed may be changed, reduced, or canceled, as the facts may warrant.

Source. L. 1907, c. 252, §8, p. 637 [C. S. p. 5799, §19].

58:2-3. Certification and collection of amounts due; state water supply fund. The state water policy commission shall annually certify to the state comptroller, as soon as practicable after January first, and not later than February fifteenth, the names of all municipalities, corporations or private persons owing money to the state for the diversion of water during the preceding year, with the amounts so due.

The state comptroller shall promptly notify said municipalities, water companies or persons of their indebtedness to the state, and if said amounts are not paid to the state treasurer on or before July first of the same year, the state comptroller shall certify to the attorney general for collection the names of the delinquents and the amounts due from each, and the attorney general shall take immediate steps to collect the same in the name of the state.

All sums received as herein provided shall be credited by the state treasurer to a special fund to be used by the commission as the legislature may direct for the control of the waters and conservation of the water supplies of the state.

Source. L. 1907, c. 252, §8, p. 637 [C. S. p. 5799, §19].

58:2-4. Payment in the case of condemnation of subsurface, well or percolating water supplies. In the case of the condemnation of subsurface, well or percolating water supplies, there shall be charged by the state a fee of one dollar per million gallons from that portion of the supply for the acquisition of which the state's right of eminent domain is exercised for all water diverted, which charge shall be certified to the state comptroller by the state water policy commission and its collection shall be enforced in the same manner as hereinbefore in this chapter provided in the case of excess diversion of surface water supplies.

Source. L. 1910, c. 304, §6, p. 553 [C. S. p. 5802, §26], suppl. to L. 1907, c. 252, p. 633.

58:2-5. Saving clause. Nothing in this chapter shall be construed to confer upon any municipality, corporation or person, any franchise not already possessed by said municipality, corporation or person, but the approval of the commission contained in its decision as provided in this chapter, shall constitute the assent of the state to the diversion of water as against the state in accordance with the terms of said decision.

Source. L. 1907, c. 252, §8, p. 637 [C. S. p. 5799, §19].

EXERCISE OF RIGHT OF EMINENT DOMAIN

Chapter 6. Acquisition of Lands and Water Rights for New or Additional Water Supply

58:6-1. Corporations and persons supplying water; approval of plans and assent of state to be obtained. Every municipal or other corporation now or hereafter organized under any law of this state and engaged in the business of supplying water for public use in one or more municipalities of this state, and any person or persons so engaged, which singly or jointly with other of such municipal or other corporations, or other persons, shall obtain from the state water policy commission or other state agency succeeding to and exercising the jurisdiction and powers of such commission, the approval of plans for and assent of the state to the diversion of water for any new or additional water supply or from any new or additional source or sources of water supply in this state, may acquire by gift, devise, purchase or condemnation all such lands, water and water rights as may be required to enable such municipal or other corporation, or such person or persons, to divert and use water for such new or additional water supply or from such new or additional source or sources of supply in accordance with the plans so approved and the assent of the state so obtained.

Source. L. 1931, c. 120, §1, p. 203.

58:6-2. Corporations and persons supplying water; approval of plans and assent of state heretofore obtained. Every municipal or other corporation organized under any law of this state and engaged in the business of supplying water for public use in one or more municipalities of this state, and any person or persons so engaged, which singly or jointly with other of such municipal or other corporations, or other persons, has obtained from the state water supply commission, the board of conservation and development or the state water policy commission, the approval of plans for and the assent of the state to the diversion of water for any new or additional water supply or from any new or additional source or sources of water supply in this state, may acquire by gift, devise, purchase or condemnation, such lands, water and water rights as may be required to enable such municipal or other corporation or such persons, to divert and use water for such new or additional water supply or from such new or additional source or sources of supply in accordance with the plans so approved and the assent of the state so obtained.

Source. L. 1931, c. 120, §2, p. 204.

58:6-3. Approval before condemnation proceedings. Before the right of condemnation conferred by this chapter is exercised, the approval of the state water policy commission or other state agency succeeding to and exercising the jurisdiction and powers of such commission, shall be first secured thereto.

Source. L. 1931, c. 120, §3, p. 204.

58:6-4. Law regulating condemnation proceedings. In the event of the exercise of the power of condemnation conferred by this chapter, the proceedings therefor shall be had pursuant to the provisions of chapter 1 of the title Eminent Domain (§20:1-1 et seq.).

Source. L. 1931, c. 120, §4, p. 204.

58:6-5. Power to condemn under existing laws not affected. Nothing contained in this chapter shall limit or in any way affect any power to condemn lands, water or water rights which any such municipal or other corporation or person may now have or hereafter acquire under any existing law of this state, and such power so to condemn may be exercised as though this chapter had not been passed.

Source. L. 1931, c. 120, §5, p. 204.

CONTRACTS BETWEEN MUNICIPALITIES

Title 40. MUNICIPALITIES AND COUNTIES

Chapter 62. Public Utilities Municipally Owned Article 8. Water Supply

40:62-84. Contracts to supply other municipalities; approval. The governing body of any municipality owning or controlling waterworks may enter into a contract or contracts with any other municipality to furnish a supply of water to it and its inhabitants, for public and private use, for the term of a year or years, provided, there shall first be obtained the approval of the state board or department having jurisdiction of such matters, which approval the board or department may withhold or grant upon such terms as it may deem proper. If approval is withheld the reason therefor shall be furnished by the board or department to the municipality applying therefor. All such contracts to be binding upon the municipality supplying water, shall be approved by the general legislative body of the municipality and the mayor or other chief executive officer thereof.

Source. L. 1917, c. 152, Art. XXXII, §15, p. 437 [1924 Suppl. §*136-3216].

JUDICIAL DECISIONS

The Authority of the State Water Policy Commission is governed and defined by certain court decisions, in the following cases:

DIVERSION OF WATER.

Borough of Collingswood vs. State Water-Supply Commission. Supreme Court—84 *N. J. Law*, p. 104. Court of Errors and Appeals—85 *N. J. Law*, p. 673.

City of New Brunswick vs. Board of Conservation and Development, Elizabeth-town Water Co. et al. Supreme Court—108 *Atlantic Reporter*, p. 865. Court of Errors and Appeals—Appeal dismissed June 4, 1920.

Fagan vs. Borough of Wharton, Department of Conservation and Development et al. Supreme Court—Decided per curiam, October, 1919; writ dismissed. Court of Errors and Appeals—Decision of Supreme Court affirmed October 15, 1920.

Society for Establishing Useful Manufactures vs. Board of Conservation and Development. Supreme Court—90 *N. J. Law*, p. 469. Court of Errors and Appeals—91 *N. J. Law*, p. 718.

Borough of Oakland vs. Board of Conservation and Development and City of Bayonne. Supreme Court—98 *N. J.* 99. Court of Errors and Appeals—98 *N. J.* 806.

Middlesex Water Co. vs. Board of Conservation and Development, et al. Supreme Court—144 *Atlantic Reporter*, p. 162.

Borough of Chatham vs. Board of Conservation and Development, et al. Supreme Court—147 *Atlantic Reporter*, p. 720. Court of Errors and Appeals—Decided October 20, 1930; judgment reversed.

EXCESS DIVERSION CHARGES.

East Jersey Water Company vs. Board of Conservation and Development; Acquackanonk Water Company vs. Board of Conservation and Development. Supreme Court—91 *N. J. Law*, p. 448. No appeal taken.

State of New Jersey vs. Mayor and Aldermen of Jersey City. Court of Errors and Appeals—111 *Atlantic Reporter*, p. 544.

State of New Jersey vs. City of Trenton and State of New Jersey vs. City of Newark. Court of Errors and Appeals—97 *N. J.* 241; 117 *Atlantic Reporter*, p. 158. United States Supreme Court—262 *U. S.* 182.

State of New Jersey vs. City of Atlantic City. Supreme Court, No. 5, Mercer Circuit, May term, 1924.

State of New Jersey vs. Millville Water Company. Supreme Court, No. 4, Mercer Circuit, May term, 1924.

CREATION OF A MORTGAGE IN EXCESS OF \$100,000.

Attorney-General Wilson vs. State Water-Supply Commission. Court of Errors and Appeals—84 *N. J. Equity*, p. 150.

PROTECTION OF PUBLIC WATER SUPPLIES

City of Jersey City vs. State Water Policy Commission and Oak Ridge Lake Park Realty Co., Inc. Court of Errors and Appeals—118 *N. J. Law*, p. 72; 191 *Atlantic Reporter*, p. 456.

Form 103 (revised 5/52)

STATE OF NEW JERSEY
DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT
DIVISION OF WATER POLICY AND SUPPLY
520 East State Street, Trenton 7, New Jersey

INFORMATION FOR APPLICANTS FOR WELL PERMITS

The Division of Water Policy and Supply and the State Geologist have adopted the following regulations for the handling of well permit applications under Chapter 377, Laws of 1947 as amended.

Filing of Application:

1. Application must be submitted in triplicate on forms (white, blue, pink) furnished by the Division or State Geologist.
2. A fee of \$3.00 must accompany each application - payable to DIVISION OF WATER POLICY AND SUPPLY.
3. Send application and fee DIRECT TO STATE GEOLOGIST, 520 East State Street, Trenton 7, New Jersey.
4. Application must be made in the name of the owner of the well. It is suggested the driller fill out the forms for owners' signature.
5. Location of proposed well must be accurately shown on the application (see instructions below).
6. The blue and pink forms will be returned to driller when approved. The blue form (permit) must be kept on the job and given to owner on completion of well.

Locating Site of Proposed Well:

Indicate location of proposed well on back of application form (white copy only) as follows: After first locating site of well on State Atlas map, lay the application face down on the map and fit rectangle over the rectangle on map containing well site. Indicate site by a dot in the rectangle on the application. Next, find the numbers at the sides (latitudes) and ends (longitudes) of the Atlas map opposite the rectangle and put the same numbers on the four corresponding lines of the rectangle on the application form. Give number of Atlas map. Detailed sketch of the well site is also required on back of application form.

State Atlas maps may be obtained from the State Geologist at a cost of sixty cents each. List of Atlas maps will be furnished free of charge. Please send separate checks or money orders for maps and well permits.

Filing Well Record:

1. Within 60 days after completion of the drilling of the well, the driller must file with the State Geologist a complete record in duplicate or triplicate, as required, of the construction and test of the well and an accurate log of the materials penetrated in drilling. Forms for this purpose will be furnished with the permit. (When permanent pumping equipment is not to be provided by the driller, statement to that effect must be noted under Item 9).
2. When specified on the permit, samples of cuttings must be sent by the driller to the State Geologist immediately after completion of the well.

Trenton, New Jersey
May 20, 1952

STATE OF NEW JERSEY
DEPARTMENT OF CONSERVATION AND RECREATION
DIVISION OF WATER POLICY AND SUPPLY
250 East State Street, Trenton, New Jersey

REGISTRATION FOR APPLICANTS FOR WELL PERMITS

The Division of Water Policy and Supply and the State Geologist have adopted the following regulations for the handling of well permit applications under Chapter 27V, Laws of 1953 as amended.

Timing of Application:

1. Application must be submitted in triplicate on forms (blue, blue, pink) furnished by the Division or State Geologist.
2. A fee of \$10.00 must accompany each application - payable to DIVISION OF WATER POLICY AND SUPPLY.
3. Said application must be filed in the office of the State Geologist, 250 East State Street, Trenton, New Jersey.
4. Application must be submitted in the name of the owner of the well. It is suggested the applicant fill out the form for owner's signature.
5. Location of proposed well must be accurately shown on the application (see instructions below).
6. The blue and pink forms will be returned to applicant upon approval. The blue form (owner) must be kept on the job and given to owner on completion of well.

Locating Site of Proposed Well:

Latitude location of proposed well on back of application form (blue copy) only as follows: After first locating site at well on State Atlas map, for the application; see back of the map and its rectangle over the rectangle on map copy. Latitude well site. Latitude site by a dot in the rectangle on the application. Next, find the numbers of the sides (latitudes) and ends (longitudes) of the site and opposite the rectangle and put the same numbers on the four corners of the lines of the rectangle on the application form. Give number of lines on the back of application form. In this rectangle in this rectangle on back of application form.

State Atlas may be obtained from the State Geologist at a cost of sixty cents each. List of Atlas may be furnished free of charge. Please send separate checks or money orders for maps and well permits.

Filing Well Permits:

1. Within 60 days after completion of the drilling of the well, the driller must file with the State Geologist a complete record in duplicate as indicated, as required, of the construction and test of the well and an accurate log of the materials penetrated in drilling. Forms for this purpose will be furnished with the permit. (When permanent pumping equipment is installed by the driller, statement of that effect must be noted under item 2.)
2. When specified on the permit, samples of water, samples of soil, or other material to be analyzed, must be submitted to the State Geologist immediately after completion of the well.

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DEPARTMENT OF CONSERVATION & RECREATION

Trenton, New Jersey
May 20, 1955

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ADMINISTRATIVE DIV.

N O T I C E

Under the provisions of Chapter 375, Laws of 1947, the Division of Water Policy and Supply of the Department of Conservation and Economic Development has delineated the following "protected" areas. In these areas no person, corporation or agency of the public shall divert or obtain water from sub-surface or percolating sources in excess of 100,000 gallons a day for any purpose without first obtaining a permit for such withdrawal from the Division of Water Policy and Supply, 520 East State Street, Trenton, N. J. Further information regarding the procedure to be followed under the law will be furnished by the Division upon request.

On October 6, 1947, portions of Middlesex and Monmouth Counties:

Middlesex County: East Brunswick Township, Helmetta Borough, Jamesburg Borough, Madison Township, Milltown Borough, Monroe Township, Perth Amboy City, Raritan Township east of Mill Brook, east of City of Metuchen and south of Port Reading R.R., Sayreville Township, South Amboy City, South River Borough, Spotswood Borough, Woodbridge Township, south of Port Reading R.R.

Monmouth County: Keansburg Borough, Keyport Borough, Matawan Borough, Matawan Township, Raritan Township, Union Beach Borough.

On December 1, 1947, portions of Burlington, Camden, Gloucester, Salem Counties:

Burlington County: Beverly City, Bordentown City, Bordentown Township, Burlington City, Burlington Township, Chester Township, Chesterfield Township, Cinnaminson Township, Delanco Township, Delran Township, Eastampton Township, Edgewater Park Township, Evesham Township, Fieldsboro Borough, Florence Twp., Hainesport Township, Lumberton Twp., Mansfield Township, Moorestown Township, Mount Holly Twp., Mount Laurel Township, Palmyra Borough, Riverside Township, Riverton Borough, Springfield Twp., Westampton Township, Willingboro Township.

Camden County: Audubon Borough, Barrington Borough, Bellmawr Borough, Berlin Borough, Berlin Township, Brooklawn Borough, Camden City, Clementon Borough, Collingswood Borough, Delaware Township, Gibbsboro Borough, Gloucester City, Gloucester Township, Haddon Township, Haddonfield Borough, Haddon Heights Borough, Hi-Nella Borough, Laurel Springs Borough, Lawnside Borough, Lindenwold Borough, Magnolia Borough, Merchantville Borough, Mount Ephraim Borough, Oaklyn Borough, Pennsauken Township, Pine Hill Borough, Pine Valley Borough, Runnemede Borough, Somerdale Borough, Stratford Borough, Tavistock Borough, Voorhees Township, Wood-Lynne Borough.

Gloucester County: Clayton Borough, Deptford Township, East Greenwich Township, Elk Township, Glassboro Borough, Greenwich Township, Harrison Township, Logan Township, Mantua Township, National Park Borough, Paulsboro Borough, Pitman Borough, South Harrison Township, Swedesboro Borough, Washington Township, Wenonah Borough, West Deptford Township, Westville Borough, Woodbury City, Woodbury Heights Borough, Woolwich Township.

Salem County: Lower Penns Neck Township, Mannington Township, Oldmans Township, Penns Grove Borough, Pilesgrove Township, Salem City, Upper Penns Neck Township, Woodstown Borough.

Under the provisions of Chapter 244, Laws of 1947, the Division of Water Policy and Supply of the Department of Conservation and Economic Development has estimated the following quantities of water to be required for the various purposes of the public utility system in the State for the year 1954. It is estimated that the total quantity of water required for the various purposes of the public utility system in the State for the year 1954 is 1,000,000,000 gallons. It is further estimated that the total quantity of water required for the various purposes of the public utility system in the State for the year 1954 is 1,000,000,000 gallons. It is further estimated that the total quantity of water required for the various purposes of the public utility system in the State for the year 1954 is 1,000,000,000 gallons.

On October 6, 1953, the Division of Water Policy and Supply of the Department of Conservation and Economic Development has estimated the following quantities of water to be required for the various purposes of the public utility system in the State for the year 1954. It is estimated that the total quantity of water required for the various purposes of the public utility system in the State for the year 1954 is 1,000,000,000 gallons. It is further estimated that the total quantity of water required for the various purposes of the public utility system in the State for the year 1954 is 1,000,000,000 gallons. It is further estimated that the total quantity of water required for the various purposes of the public utility system in the State for the year 1954 is 1,000,000,000 gallons.

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DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT
DIVISION OF WATER POLICY AND SUPPLY
300 EAST STATE STREET, TRENTON 2, N. J.

Form No. 106-
Rev. May 1953

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On March 19, 1951, portions of Essex, Middlesex, and Union Counties.

Essex County: Maplewood Township, Millburn Township, City of Orange, Village of South Orange, Town of West Orange.

Middlesex County: Carteret Borough, Dunellen Borough, Highland Park Borough, Metuchen Borough, Middlesex Borough, Piscataway Township, Raritan Township (west of Mill Brook and north of Port Reading R.R.); South Plainfield Borough, Woodbridge Township (north of Port Reading R.R.).

Union County: Clark Township, Cranford Township, Fanwood Borough, Garwood Borough, Kenilworth Borough, City of Linden, Mountainside Borough, City of Plainfield, City of Rahway, Roselle Borough, Roselle Park Borough, Scotch Plains Township, Springfield Township, City of Summit, Union Township, Westfield Town.

On April 16, 1951, the whole of Atlantic and Cape May Counties was designated as a protected area.

On April 20, 1953, portions of Union County.

Township of Hillside and that portion of the City of Elizabeth situated northwest of the main line of the Pennsylvania Railroad.

On June 21, 1954, In Essex County,

The Boroughs of Caldwell, Essex Fells, North Caldwell, Roseland, Verona and West Caldwell.

