

R.S. 58:22-1 et seq.

LEGISLATIVE FACT SHEET

ON *New Jersey Water Supply Law, 1958*

N.J.R.S. 58:22-1 et seq.

( *—* Amendment)

LAWS OF 1958

CHAPTER 34 *May 12, 1958*

SENATE 145

ASSEMBLY

INTRODUCED *March 17*

BY *Dumont, Crane, Fox*

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING

VETO *no*

*For background material see:*

*Hearings and reports in New Jersey Documents  
Section*

*974.90*

*W329*

*1957 a, b.*

*1958 a, b, c, d (c and d are deposited only).*

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**SENATE, No. 145**

**STATE OF NEW JERSEY**

INTRODUCED MARCH 17, 1958

By Senators DUMONT, CRANE and FOX

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning water supplies, providing for increased water supplies for public potable, industrial, irrigation and other purposes, prescribing the functions, powers and duties of the Department of Conservation and Economic Development in connection therewith, and supplementing Title 58 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:

1 1. This act shall be known and may be cited as the "New Jersey Water  
2 Supply Law, 1958."

1 2. The Legislature hereby finds and determines that—

2 (a) Adequate supplies of wholesome water are essential to the health,  
3 welfare, commerce and prosperity of the people of the State. Such supplies  
4 will be best developed by long-range plans, to be put into effect in stages dur-  
5 ing a period of years. The formulation and execution of such plans cannot  
6 safely be allowed to wait until the shortage of water in the State becomes  
7 critical in all parts of the State.

8 (b) The needs of the State's growing population and expanding in-  
9 dustrial development require the establishment of new and additional water  
10 supply facilities; the planning for and, subject to specific authorization by  
11 law, the acquisition of sites for the establishment of future water supply

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

12 facilities; and a continuing program of studies and investigations to deter-  
13 mine the resources and potentials for development of the ground waters of  
14 the State.

15 (c) There is an immediate need for a new major supply of water to meet  
16 the present acute water requirements in the northeastern metropolitan coun-  
17 ties and in the Raritan Valley, areas which directly and indirectly affect the  
18 commerce and prosperity of the entire State.

19 (d) The existing water sources in the Hackensack, Passaic, Rockaway,  
20 Wanaque and Pequannock rivers have been and are now being developed to  
21 the reasonable limit of the capacity of these rivers by municipalities and  
22 water companies in the northeastern region of New Jersey. Well supplies in  
23 this region have also approached their limit of practicable development.  
24 (e) Delaware Valley water supplies can ultimately be made available for  
25 New Jersey's long-range needs. Such supplies are dependent on a compre-  
26 hensive survey now being conducted by the United States Army Corps of  
27 Engineers, on a United States Supreme Court decision to establish the rights  
28 of the several States involved and on joint legislation of and co-operation be-  
29 tween New Jersey and neighboring States.

30 (f) The Raritan river basin is the only area where large quantities of  
31 additional water can be obtained immediately and economically to serve the  
32 northeastern metropolitan counties as well as the counties in the Raritan  
33 Valley. This basin is about equal in size to the Passaic river basin, is wholly  
34 within the State, is reasonably close to the counties needing water and is  
35 virtually undeveloped for water supply.

36 (g) The establishment of an on-river reservoir at Spruce Run will pro-  
37 vide additional water supply from the Raritan river basin, provide a source  
38 of water to fill the reservoir at Round Valley, and provide increased and sus-  
39 tained minimum flows in the south branch downstream thereof and in the  
40 Raritan river. The combined development of an off-river reservoir in the  
41 Round Valley area now under acquisition by the State for reservoir purposes  
42 with the smaller and cheaper on-river reservoir at Spruce Run will provide

43 water supply storage for delivery of water in pipelines at the user's expense  
44 to areas within and without the Raritan river basin for areas desiring that  
45 type of supply as well as stream flow regulation for multiple use to serve  
46 areas, both within and without the basin, which prefer to obtain their supply  
47 at less initial cost from stream channels nearer to the area of demand. Water  
48 from the reservoirs will also be available for local use. The increased and  
49 sustained minimum flows will improve the quality of the water in the river, will  
50 tend to reduce the salinity in the tidal reaches, and will improve the upper  
51 river and its tributaries for recreational purposes. Water for filling the  
52 reservoirs will not interfere with the higher sustained low flow specified by  
53 law and will not in any event adversely or otherwise affect the storage of  
54 water impounded in upstream lakes.

55 (h) The provisions proposed for the development of water storage facil-  
56 ities on the Raritan river basin are also applicable, with minor modifications,  
57 to the conservation and development of the ground-water resources of the  
58 South Jersey Coastal Plain and elsewhere in favorable areas throughout the  
59 State to provide storage and tide dam facilities to create artificial recharge  
60 of ground-water aquifers in areas of heavy pumpage and to protect such  
61 areas from surface pollution and salt water intrusion. They also provide a  
62 basis for State participation in the long-range, authorization plan now under  
63 study by the United States Army Corps of Engineers for the development of  
64 the water resources of the interstate Delaware river basin.

65 (i) It is therefore in the interest of the health, safety and prosperity of  
66 the people of the State as a whole, that immediate legislative action be taken  
67 towards making provision for storage facilities to augment natural water re-  
68 sources to make available an adequate supply of water for the most critical  
69 need and in addition provide for a long-range program for development, as  
70 shall be required, of the remaining water resources of the State.

1 3. As used in this act, unless the context indicates another or different  
2 meaning or intent:

3 (a) "Department" means the Department of Conservation and  
4 Economic Development, or its successor.

5 (b) "Construct" and "construction" mean, in addition to the usual  
6 meanings thereof, acts of construction, reconstruction, replacement, exten-  
7 sion, improvement and betterment.

8 (c) "Cost" shall mean, in addition to the usual connotations thereof,  
9 the cost of acquisition or construction of all or any part of a water supply  
10 facility and of all or any real or personal property, agreements and fran-  
11 chises deemed by the department to be necessary or useful and convenient  
12 therefor or in connection therewith, including interest or discount on bonds,  
13 cost of issuance of bonds, cost of geological and hydrological services, en-  
14 gineering and inspection costs and legal expenses, cost of financial, profes-  
15 sional and other estimates and advice, organization, administrative, operating  
16 and other expenses prior to and during such acquisition or construction, and  
17 all such other expenses as may be necessary or incident to the financing, ac-  
18 quisition, construction and completion of such water supply facility or part  
19 thereof and the placing of the same in operation, and also such provision for  
20 reserves for working capital, operating, maintenance or replacement ex-  
21 penses and for payment or security of principal of or interest on bonds  
22 during or after such acquisition or construction as the State Comptroller  
23 may determine, and also reimbursements to the State General Fund of any  
24 moneys theretofore expended for or in connection with such water sup-  
25 ply facility.

26 (d) "Commissioner" means the Commissioner of Conservation and Eco-  
27 nomic Development.

28 (e) "Council" means the Water Policy and Supply Council in the  
29 Division of Water Policy and Supply.

30 (f) "Division" means the Division of Water Policy and Supply in the  
31 Department of Conservation and Economic Development.

32 (g) "Net revenues" means all revenues received by the department or  
33 division from the operation of a water supply facility, or any part thereof,

34 in excess of the operating expenses thereof and provision for such rea-  
35 sonable reserves therefor as the State Comptroller may require or approve.

36 (h) "Operating expenses" means, in addition to the usual meanings  
37 thereof, all costs and expenses of operating, maintaining, managing, repair-  
38 ing and reconstructing a water supply facility and each and every part  
39 thereof including, without limiting the generality of the foregoing, admin-  
40 istrative expenses, premiums on insurance, including use and occupancy in-  
41 surance and casualty insurance, costs of collection of any revenues, legal  
42 and engineering expenses, payments to employee retirement, insurance,  
43 health and hospitalization funds, expenses, liabilities and compensation of  
44 fiduciaries, and any other expenses required to be paid for or with respect to  
45 proper operation or maintenance of such water supply facility.

46 (i) "Project" means any work for the protection and preservation or for  
47 the development, conservation, regulation or recreational use of a water  
48 supply facility, which is separately planned, financed or identified by the de-  
49 partment or division.

50 (j) "Real property" means lands, within or without the State, and im-  
51 provements thereof or thereon, any and all rights of way, water, riparian and  
52 other rights, any and all easements and privileges in real property, and any  
53 right or interest of any kind or description in, relating to or connected with  
54 real property.

55 (k) "Water supply facility" or "facility" means and refers to the  
56 real property and the plants, structures, machinery and equipment and other  
57 property, real, personal and mixed, acquired, constructed or operated, or to  
58 be acquired, constructed or operated by or on behalf of the State, for the  
59 purpose of augmenting the natural water resources of the State and making  
60 available an increased supply of water for all uses, and any and all appur-  
61 tenances necessary, useful or convenient for the collection, storage, control,  
62 sale or exchange of water, and to preserve and protect these resources and  
63 facilities and provide for the conservation and development of future water  
64 supply sources, and to facilitate incidental recreational uses of either of  
65 them.

1 4. The department shall, through the division or otherwise

2 (a) Plan, design, develop, acquire, construct, and place in operation and  
3 maintain the following water supply facilities and may expend or commit  
4 from the proceeds of the New Jersey Water Bond Act, 1958, an amount not  
5 exceeding **[\$37,000,000.00] \$39,500,000.00** for the cost thereof:

6 (1) A reservoir of approximately 55 billion gallons capacity in the  
7 area, commonly known as Round Valley, located in the county of Hunter-  
8 don, acquired or in the process of being acquired pursuant to the provi-  
9 sions of chapter 60 of the laws of 1956, hereinafter referred to as the  
10 Round Valley reservoir; together with such works, structures, pumping  
11 plants, pipelines, force mains, and other facilities as may be necessary  
12 or useful to divert or pump water thereto, release water therefrom, and  
13 provide for the storage of water therein. The source of waters for said  
14 reservoir shall be either or both the south branch of the Raritan river  
15 or the Delaware river, exclusive of its tributaries.

16 (2) A reservoir of approximately 10 billion gallons capacity to be  
17 created by the construction of a dam or dams on Spruce Run and Mul-  
18 lockaway creek tributaries of the south branch of the Raritan river,  
19 located northwest of the town of Clinton in the county of Hunterdon,  
20 hereinafter referred to as the Spruce Run reservoir; together with such  
21 works and facilities as may be necessary or useful for the storage of  
22 waters and to regulate the flow in the south branch of the Raritan river  
23 and of the Raritan river above and below its confluence with the Millstone  
24 river.

25 (b) Carry out a 10-year program of detailed geological and hydrological  
26 studies and ground-water investigations, inventories and reports throughout  
27 the State by means of test drillings, observation wells, and any other means  
28 necessary to determine ground-water resources, quality, and supply poten-  
29 tials, and may expend or commit from the proceeds of said bond act an  
30 amount not exceeding \$125,000.00 in any 1 year plus any unexpended or un-  
31 committed balance from any prior year or years and \$1,250,000.00 overall  
32 for the cost thereof.

33 (c) By studies, tests and actual field experiments, determine the prac-  
34 ticability and suitability in this State of developing and utilizing natural  
35 ground-water storage to supplement on-stream reservoir storage as a source  
36 of water supply, and may expend or commit from the proceeds of said bond  
37 act an amount not exceeding \$100,000.00 for the cost thereof.

38 (d) Continue to research, plan and design ways and means of improving  
39 stream flows in the Raritan Watershed or in the Millstone Watershed or both,  
40 whether by river regulation reservoirs, pumping, flow diversion, water re-  
41 use, or other means, or any combination thereof, deemed practicable to meet  
42 the needs of the area or areas; and acquire, as and when authorized specifi-  
43 cally by law after public hearing, real property in any area in said water-  
44 sheds as shall be suitable as a site or sites for the establishment of an addi-  
45 tional water supply facility or facilities including any real property in any  
46 area in said watersheds where the utilization of natural ground-water stor-  
47 age to supplement on-stream reservoir storage as a source of water supply  
48 is determined to be practicable and suitable. The proceeds of said bond act in  
49 an amount not exceeding in the aggregate \$3,000,000.00 may be expended or  
50-51 committed for the costs thereof.

52 (e) Continue to research, plan and design ways and means of improving  
53 stream flows in any other area or areas, whether by river regulation reser-  
54 voirs, pumping, flow diversion, water reuse, or other means, or any combina-  
55 tion thereof, deemed practicable to meet the needs of the area or areas; and  
56 acquire, as and when authorized by law after public hearing, real property  
57 in any such area or areas as shall be suitable as a site or sites for the estab-  
58 lishment of an additional water supply facility or facilities including any  
59 real property in any such area or areas where the utilization of natural  
60 ground-water storage to supplement on-stream reservoir storage as a source  
61 of water supply is determined to be practicable and suitable. The proceeds of  
62 said bond act in an amount not exceeding in the aggregate \$2,000,000.00  
63 may be expended or committed for the costs thereof.

1 5. The department may expend or commit any remaining funds unex-  
2 pended or uncommitted as hereinabove authorized for any project, as defined  
3 herein, as shall be authorized specifically by law.

1 6. Any funds of the State heretofore authorized by law to be expended  
2 for any of the specific purposes authorized by this act[, except such as were  
3 authorized pursuant to P. L. 1956, chapter 60,] and which have been or shall  
4 be so expended, shall be refunded to the State General Fund, and returned  
5 from it to any other fund from which the same may have been transferred,  
6 from the proceeds of said bond act allocated to such purpose.

1 7. No water shall be pumped from the south branch of the Raritan river  
2 into the Round Valley reservoir whenever the flow in said river is less than  
3 40 million gallons daily at the United States Geological Survey stream gaug-  
4 ing station at Stanton, or less than 70 million gallons daily at the United  
5 States Geological Survey stream gauging station at Manville or less than 90  
6 million gallons daily at the United States Geological Survey stream gaug-  
7 ing station at Bound Brook, nor shall water be pumped from said river into  
8 such reservoir during the period from June 15 to September 15 in any year.

9 Upon the completion and placing in operation of the Round Valley res-  
10 ervoir, not less than 830,000 gallons of water daily shall be released at all  
11 times into Prescott brook from such reservoir and at all times not less than  
12 170,000 gallons of water daily shall be released into the south branch of the  
13 Rockaway creek from such reservoir.

1 8. Whenever the flow of water in the south branch of the Raritan river  
2 is less than 40 million gallons daily at the United States Geological Survey  
3 stream gauging station at Stanton, or less than 70 million gallons daily at the  
4 United States Geological Survey stream gauging station at Manville, or less  
5 than 90 million gallons daily at the United States Geological Survey stream  
6 gauging station at Bound Brook, a sufficient amount of water shall be released  
7 from the Spruce Run reservoir or from such other reservoir or reservoirs  
8 as may be constructed on the south branch of the Raritan river or its tribu-  
9 taries and, if necessary, from the Round Valley reservoir in such amounts  
10 as will maintain not less than the said flows of 40 million gallons daily at

11 Stanton and 70 million gallons daily at Manville and 90 million gallons daily  
12 at Bound Brook, and such released water shall be returned to the south  
13 branch of the Raritan river at the point of diversion or pumping into any  
14 such reservoir or at some point upstream thereof.

1 9. (a) The department shall have jurisdiction and control, subject to  
2 the provisions hereof, over the use and disposition of all additional water  
3 made available for use pursuant to this act. It shall sell such water and  
4 rights thereto on just and reasonable terms and conditions as determined by  
5 the council and at just, reasonable and equitable rates and charges, to per-  
6 sons, associations, corporations including water supply corporations, munici-  
7 palities, municipal and district water commissions, and authorities for public  
8 potable, industrial, irrigation, and other purposes upon application and after  
9 public hearing; provided that before such water may be used for potable pur-  
10 poses, purification and treatment shall be accomplished by the purchaser in  
11 a manner satisfactory to the State Department of Health. The council may  
12 grant or deny any application made pursuant to this section, and at its dis-  
13 cretion, dispense with public hearing when the quantity of water applied for  
14 is less than  $\frac{1}{2}$  million gallons a day. In granting or denying any such appli-  
15 cation, the council shall be governed by the principles and procedures estab-  
16 lished and recognized by *common* law applicable to the diversion and use of  
17 water in this State, or as set forth in Title 58 of the Revised Statutes and  
18 to which Title this act is a supplement.

19 (b) The division shall cause a notice of every public hearing required  
20 to be held pursuant to this section to be given, as hereinafter provided, for  
21 the purpose of hearing all persons and municipal corporations or other civil  
22 divisions of the State that may be affected thereby. The notice shall specify  
23 the time, date and place of the hearing, the time within which objections shall  
24 be filed, and shall be published in such newspaper and for such length of  
25 time, not exceeding 4 weeks, as the division shall determine.

26 (c) Any person or municipal corporation or the proper authorities of  
27 any civil division of the State may file in the office of the division objections

28 to any application to purchase such water. Every such objection shall be  
29 filed not later than 5 days prior to the date of hearing and shall particularly  
30 specify its ground.

31 (d) The expense of the hearing on any application to purchase such wa-  
32 ter shall be certified by the division to the applicant, who shall pay the same  
33 within 30 days thereafter.

1 10. The department shall determine and establish, after public hearing,  
2 just, reasonable and equitable rates and charges for water sold from any  
3 project authorized by this act which shall provide net revenues sufficient  
4 to meet annual payments of principal and interest chargeable to such proj-  
5 ect and incurred by the State under the Water Bond Act, 1958. Such rates  
6 shall not be subject to revision or other action by any other department,  
7 commission, board or body. The department shall have power to revise such  
8 rates from time to time, and any contract for the sale of water shall be sub-  
9 ject to the exercise of this power. Differentiation in rates and charges may  
10 be made on the basis of quantities of water to be supplied, distances between  
11 the facility and point of diversion, the cost in making such water available,  
12 the place where the water is to be used and the character of such use, and  
13 the like. The aggregate revenue produced by such rates shall, so far as prac-  
14 ticable, be limited to costs to the State of operation and maintenance and  
15 of debt service and to the reimbursement of the State Treasury of the  
16 amount of operating deficits, including annual payments of principal and  
17 interest, previously incurred by the State.

1 11. The department shall have power to investigate and hold hearings  
2 to determine existing water rights in riparian owners and the holders of  
3 grants and easements for the diversion and use of waters of the south  
4 branch of the Raritan river and the Raritan river and may make findings of  
5 fact in respect thereto.

6 Nothing in this act shall be construed to diminish or impair the common  
7 law rights of riparian owners.

1 12. For the purposes of this act, the department shall have power:

2 (a) to acquire in the name of the State of New Jersey, as an agency of  
3 the State, by purchase or otherwise on such terms and conditions and in  
4 such manner as it shall determine, or by the exercise of the power of eminent  
5 domain, any land and other property which it may determine is reasonably  
6 necessary for any water supply facility authorized by this act, and any and  
7 all rights, title and interest in such land and other property, including public  
8 lands, parks, playgrounds, reservations, roads, waters and water rights,  
9 owned by or in which any State, county, municipality, or special district, or  
10 public body or agency thereof, has any right, title or interest, or parts thereof  
11 or rights therein, and any fee simple absolute or any lesser interest in  
12 private property, including waters and water rights, and any easements  
13 upon, or the benefit of restrictions against abutting property, to preserve  
14 and protect any such water supply facility; provided, however, that nothing  
15 in this act shall be deemed to authorize the department to acquire by con-  
16 demnation any property which is part of an existing public water supply  
17 system or facility;

18 (b) to receive and accept from any Federal agency, subject to the ap-  
19 proval of the Governor or such other approval as may be required by law,  
20 grants for or in aid of the acquisition or construction of the water supply  
21 facilities authorized by this act, and to receive and accept aid or contributions  
22 from any source, of either money, property, labor, or other things of value  
23 to be held, used and applied only for the purposes of this act, and to make  
24 and perform such agreements and contracts as may be necessary or con-  
25 venient in connection with the procuring, acceptance or disposition of such  
26 grants and contributions;

27 (c) to adopt and enforce rules and regulations for the control, use, oper-  
28 ation and maintenance of facilities authorized by this act;

29 (d) to enter on any lands, waters or premises for the purpose of mak-  
30 ing surveys, borings, soundings, and examinations;

31 (e) to do and perform any acts and things authorized by this act under,  
32 through or by means of its officers, agents, and employees, or by contract  
33 with any person.

13. [(a)] Whenever the power of condemnation is exercised by the department pursuant to this act, the provisions of chapter 1 of Title 20 (Eminent Domain) of the Revised Statutes, as amended and supplemented, shall be applicable and such power shall include the condemnation of public as well as privately owned property, except as otherwise provided by this act.

[(b)] Whenever any person entitled to an award in condemnation proceedings instituted for the purposes of this act, or whenever any person deriving a right, title or interest under such person, shall remain in possession of the property taken after the date of the vesting of title in the State, the reasonable value of the use and occupancy of such property subsequent to such time, as may be fixed by agreement or by the court in which such condemnation proceeding is pending, or by any court of competent jurisdiction, shall be a lien against such award and the interest thereon, subject only to liens of record at the time of such vesting of title in the State.]

14. On or at any time after the institution of an action by the department for the condemnation of property, it may file with the Clerk of the Superior Court, a declaration of taking signed by the commissioner or other duly authorized officer of the department declaring that all or any part of such property is being taken for the use of the State. The said declaration of taking shall be sufficient if it sets forth: (1) a description of the property, adequate for the identification thereof, to which there may be attached a plan or map thereof; (2) a statement of the estate or interest in said property being taken; (3) a statement of the sum of money estimated by the department to be just compensation for the property taken.

From the filing of the said declaration of taking and the deposit in court to the use of the persons entitled thereto of the amount of the estimated compensation stated in said declaration, title to the property described as being taken by said declaration shall vest in the State (free from the right, title, interest or lien of all persons), and said property shall be deemed to be condemned and taken for the use of the State and the right to just com-

17 pension for the same shall vest in the persons entitled thereto. Upon the  
 18 filing of the declaration of taking, the court shall designate a day (not exceed-  
 19 ing 20 days after such filing, except upon good cause shown), on which the  
 20 persons in possession shall be required to surrender possession to the depart-  
 21 ment.

22 The ultimate amount of compensation shall be determined pursuant to  
 23 Title 20 of the Revised Statutes. If the amount so fixed shall exceed the  
 24 amount so deposited in court by the department or otherwise paid to the  
 25 persons entitled thereto, the court shall enter judgment against the State in  
 26 the amount of such deficiency, together with interest at the legal rate on  
 27 such deficiency from the date of the vesting of title to the date of the entry  
 28 of the final judgment (subject, however, to abatement for use, income, rents  
 29 or profits derived from such property by the owner thereof subsequent to  
 30 the vesting of title in the State), and the court shall order the department to  
 31 deposit the amount of such deficiency in court. The money deposited into  
 32 court shall be secured in such manner as may be directed by the court and  
 33 shall be disbursed according to the order or judgment of the court to the  
 34 persons found to be entitled thereto by the final award or judgment of the  
 35 court. In case the amount deposited in court as the estimated compensation  
 36 for the property shall exceed the amount of the final award or judgment,  
 37 such excess shall be returned to the department.]

1 [15.] 14. The department shall also have power to make reasonable regu-  
 2 lations for the installation, construction, maintenance, repair, renewal, reloca-  
 3 tion and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles  
 4 and other equipment and appliances herein called "public utility facilities" of  
 5 any public utility as defined in section 48:2-13 of the Revised Statutes, in,  
 6 on, along, over or under any project. Whenever the department shall deter-  
 7 mine that it is necessary that any such public utility facilities which now are,  
 8 or hereafter may be, located in, on, along, over or under any project, should  
 9 be relocated, or should be removed from such project, the public utility own-  
 10 ing or operating such facilities shall relocate or remove the same in accord-

11 ance with the order of the department; provided, however, that the cost and  
12 expenses of such relocation or removal, including the cost of installing such  
13 facilities in a new location, or new locations, and the cost of any lands, or  
14 any rights or interest in lands, and any other rights acquired to accomplish  
15 such relocation or removal, less the cost of any lands or any rights or inter-  
16 ests in lands or any other rights of the public utility paid to the public util-  
17 ity in connection with the relocation or removal of such property, shall be  
18 ascertained and paid by the department as a part of the cost of such project.  
19 In case of any such relocation or removal of facilities, as aforesaid, the pub-  
20 lic utility owning or operating the same, its successors or assigns, may main-  
21 tain and operate such facilities, with the necessary appurtenances, in the  
22 new location or new locations, for as long a period, and upon the same terms  
23 and conditions, as it had the right to maintain and operate such facilities  
24 in their former location or locations.

1 [16.] 15. Any county, municipality or other political subdivision, or any  
2 public agency or body of the State of New Jersey, or any other person, not-  
3 withstanding any contrary provision of law, is hereby authorized and em-  
4 powered to sell, lease, lend, grant or convey to the State of New Jersey at the  
5 request of the department, or to permit the department at its request to re-  
6 locate, use, maintain or operate as part of its water supply facility without the  
7 necessity for any advertisement, order of court or other action or formality  
8 other than the authorizing resolution of the governing body of the county  
9 or municipality concerned or the regular and formal action of any authority  
10 or other person concerned, any real or personal property owned by it or  
11 held, including all or any part of any public highway or water supply facility,  
12 which may be necessary or useful and convenient for the purposes of this act  
13 and which may be accepted by the department. Any such sale, lease, loan,  
14 grant, conveyance or permit may be made with or without consideration and  
15 for a specified or an unlimited period of time. The department may enter  
16 into and perform any and all agreements with respect to property so ac-  
17 cepted by it, including agreements for relocation of any public highway or

18 for the assumption of principal or interest or both of indebtedness of such  
19 county, municipality, political subdivision, agency, or body, or person or of  
20 any mortgage or lien existing with respect to such property or for the  
21 operation and maintenance of such property as part of a water supply facility.

1     **[17.] 16.** The reservoirs constructed pursuant to this act shall be avail-  
2 able for public use for recreation, swimming, fishing and boating in such man-  
3 ner and to such extent as shall not impair the availability of the water therein  
4 for potable or industrial use or endanger the water supply facility or any of  
5 the works or facilities of any purchaser of such water.

1     **[18.] 17.** This act is intended to protect and secure the public health and  
2 welfare and shall be liberally construed to effect the purposes thereof.

1     **[19.] 18.** If any provision of this act or the application thereof to any per-  
2 son or circumstance is held invalid, such invalidity shall not affect other pro-  
3 visions or applications of the act which can be given effect without the invalid  
4 provisions or applications and to this end the provisions of this act are de-  
5 clared to be severable.

1     **[20.] 19.** This act shall take effect immediately, but shall be inoperative  
2 unless and until the "New Jersey Water Bond Act, 1958," shall be duly ap-  
3 proved by a majority of the legally qualified voters of the State voting on the  
4 question of the approval of said act at a general election.

**SENATE, No. 145**

**STATE OF NEW JERSEY**

**INTRODUCED MARCH 17, 1958**

**By Senators DUMONT, CRANE and FOX**

**Referred to Committee on Revision and Amendment of Laws**

**An Act concerning water supplies, providing for increased water supplies for public potable, industrial, irrigation and other purposes, prescribing the functions, powers and duties of the Department of Conservation and Economic Development in connection therewith, and supplementing Title 58 of the Revised Statutes.**

**1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:**

**1 1. This act shall be known and may be cited as the "New Jersey Water  
2 Supply Law, 1958."**

**1 2. The Legislature hereby finds and determines that—**

**2 (a) Adequate supplies of wholesome water are essential to the health,  
3 welfare, commerce and prosperity of the people of the State. Such supplies  
4 will be best developed by long-range plans, to be put into effect in stages dur-  
5 ing a period of years. The formulation and execution of such plans cannot  
6 safely be allowed to wait until the shortage of water in the State becomes  
7 critical in all parts of the State.**

**8 (b) The needs of the State's growing population and expanding in-  
9 dustrial development require the establishment of new and additional water  
10 supply facilities; the planning for and, subject to specific authorization by  
11 law, the acquisition of sites for the establishment of future water supply**

12 facilities; and a continuing program of studies and investigations to deter-  
13 mine the resources and potentials for development of the ground waters of  
14 the State.

15 (c) There is an immediate need for a new major supply of water to meet  
16 the present acute water requirements in the northeastern metropolitan coun-  
17 ties and in the Raritan Valley, areas which directly and indirectly affect the  
18 commerce and prosperity of the entire State.

19 (d) The existing water sources in the Hackensack, Passaic, Rockaway,  
20 Wanaque and Pequannock rivers have been and are now being developed to  
21 the reasonable limit of the capacity of these rivers by municipalities and  
22 water companies in the northeastern region of New Jersey. Well supplies in  
23 this region have also approached their limit of practicable development.

24 (e) Delaware Valley water supplies can ultimately be made available for  
25 New Jersey's long-range needs. Such supplies are dependent on a compre-  
26 hensive survey now being conducted by the United States Army Corps of  
27 Engineers, on a United States Supreme Court decision to establish the rights  
28 of the several States involved and on joint legislation of and co-operation be-  
29 tween New Jersey and neighboring States.

30 (f) The Raritan river basin is the only area where large quantities of  
31 additional water can be obtained immediately and economically to serve the  
32 northeastern metropolitan counties as well as the counties in the Raritan  
33 Valley. This basin is about equal in size to the Passaic river basin, is wholly  
34 within the State, is reasonably close to the counties needing water and is  
35 virtually undeveloped for water supply.

36 (g) The establishment of an on-river reservoir at Spruce Run will pro-  
37 vide additional water supply from the Raritan river basin, provide a source  
38 of water to fill the reservoir at Round Valley, and provide increased and sus-  
39 tained minimum flows in the south branch downstream thereof and in the  
40 Raritan river. The combined development of an off-river reservoir in the  
41 Round Valley area now under acquisition by the State for reservoir purposes  
42 with the smaller and cheaper on-river reservoir at Spruce Run will provide

43 water supply storage for delivery of water in pipelines at the user's expense  
44 to areas within and without the Raritan river basin for areas desiring that  
45 type of supply as well as stream flow regulation for multiple use to serve  
46 areas, both within and without the basin, which prefer to obtain their supply  
47 at less initial cost from stream channels nearer to the area of demand. Water  
48 from the reservoirs will also be available for local use. The increased and  
49 sustained minimum flows will improve the quality of the water in the river, will  
50 tend to reduce the salinity in the tidal reaches, and will improve the upper  
51 river and its tributaries for recreational purposes. Water for filling the  
52 reservoirs will not interfere with the higher sustained low flow specified by  
53 law and will not in any event adversely or otherwise affect the storage of  
54 water impounded in upstream lakes.

55 (h) The provisions proposed for the development of water storage facil-  
56 ities on the Raritan river basin are also applicable, with minor modifications,  
57 to the conservation and development of the ground-water resources of the  
58 South Jersey Coastal Plain and elsewhere in favorable areas throughout the  
59 State to provide storage and tide dam facilities to create artificial recharge  
60 of ground-water aquifers in areas of heavy pumpage and to protect such  
61 areas from surface pollution and salt water intrusion. They also provide a  
62 basis for State participation in the long-range, authorization plan now under  
63 study by the United States Army Corps of Engineers for the development of  
64 the water resources of the interstate Delaware river basin.

65 (i) It is therefore in the interest of the health, safety and prosperity of  
66 the people of the State as a whole, that immediate legislative action be taken  
67 towards making provision for storage facilities to augment natural water re-  
68 sources to make available an adequate supply of water for the most critical  
69 need and in addition provide for a long-range program for development, as  
70 shall be required, of the remaining water resources of the State.

1 3. As used in this act, unless the context indicates another or different  
2 meaning or intent:

- 3 (a) "Department" means the Department of Conservation and  
4 Economic Development, or its successor.
- 5 (b) "Construct" and "construction" mean, in addition to the usual  
6 meanings thereof, acts of construction, reconstruction, replacement, exten-  
7 sion, improvement and betterment.
- 8 (c) "Cost" shall mean, in addition to the usual connotations thereof,  
9 the cost of acquisition or construction of all or any part of a water supply  
10 facility and of all or any real or personal property, agreements and fran-  
11 chises deemed by the department to be necessary or useful and convenient  
12 therefor or in connection therewith, including interest or discount on bonds,  
13 cost of issuance of bonds, cost of geological and hydrological services, en-  
14 gineering and inspection costs and legal expenses, cost of financial, profes-  
15 sional and other estimates and advice, organization, administrative, operating  
16 and other expenses prior to and during such acquisition or construction, and  
17 all such other expenses as may be necessary or incident to the financing, ac-  
18 quisition, construction and completion of such water supply facility or part  
19 thereof and the placing of the same in operation, and also such provision for  
20 reserves for working capital, operating, maintenance or replacement ex-  
21 penses and for payment or security of principal of or interest on bonds  
22 during or after such acquisition or construction as the State Comptroller  
23 may determine, and also reimbursements to the State General Fund of any  
24 moneys theretofore expended for or in connection with such water sup-  
25 ply facility.
- 26 (d) "Commissioner" means the Commissioner of Conservation and Eco-  
27 nomic Development.
- 28 (e) "Council" means the Water Policy and Supply Council in the  
29 Division of Water Policy and Supply.
- 30 (f) "Division" means the Division of Water Policy and Supply in the  
31 Department of Conservation and Economic Development.
- 32 (g) "Net revenues" means all revenues received by the department or  
33 division from the operation of a water supply facility, or any part thereof,

34 in excess of the operating expenses thereof and provision for such rea-  
35 sonable reserves therefor as the State Comptroller may require or approve.

36 (h) "Operating expenses" means, in addition to the usual meanings  
37 thereof, all costs and expenses of operating, maintaining, managing, repair-  
38 ing and reconstructing a water supply facility and each and every part  
39 thereof including, without limiting the generality of the foregoing, admin-  
40 istrative expenses, premiums on insurance, including use and occupancy in-  
41 surance and casualty insurance, costs of collection of any revenues, legal  
42 and engineering expenses, payments to employee retirement, insurance,  
43 health and hospitalization funds, expenses, liabilities and compensation of  
44 fiduciaries, and any other expenses required to be paid for or with respect to  
45 proper operation or maintenance of such water supply facility.

46 (i) "Project" means any work for the protection and preservation or for  
47 the development, conservation, regulation or recreational use of a water  
48 supply facility, which is separately planned, financed or identified by the de-  
49 partment or division.

50 (j) "Real property" means lands, within or without the State, and im-  
51 provements thereof or thereon, any and all rights of way, water, riparian and  
52 other rights, any and all easements and privileges in real property, and any  
53 right or interest of any kind or description in, relating to or connected with  
54 real property.

55 (k) "Water supply facility" or "facility" means and refers to the  
56 real property and the plants, structures, machinery and equipment and other  
57 property, real, personal and mixed, acquired, constructed or operated, or to  
58 be acquired, constructed or operated by or on behalf of the State, for the  
59 purpose of augmenting the natural water resources of the State and making  
60 available an increased supply of water for all uses, and any and all appur-  
61 tenances necessary, useful or convenient for the collection, storage, control,  
62 sale or exchange of water, and to preserve and protect these resources and  
63 facilities and provide for the conservation and development of future water  
64 supply sources, and to facilitate incidental recreational uses of either of  
65 them.

1 4. The department shall, through the division or otherwise

2 (a) Plan, design, develop, acquire, construct, and place in operation and  
3 maintain the following water supply facilities and may expend or commit  
4 from the proceeds of the New Jersey Water Bond Act, 1958, an amount not  
5 exceeding \$37,000,000.00 for the cost thereof:

6 (1) A reservoir of approximately 55 billion gallons capacity in the  
7 area, commonly known as Round Valley, located in the county of Hunter-  
8 don, acquired or in the process of being acquired pursuant to the provi-  
9 sions of chapter 60 of the laws of 1956, hereinafter referred to as the  
10 Round Valley reservoir; together with such works, structures, pumping  
11 plants, pipelines, force mains, and other facilities as may be necessary  
12 or useful to divert or pump water thereto, release water therefrom, and  
13 provide for the storage of water therein. The source of waters for said  
14 reservoir shall be either or both the south branch of the Raritan river  
15 or the Delaware river, exclusive of its tributaries.

16 (2) A reservoir of approximately 10 billion gallons capacity to be  
17 created by the construction of a dam or dams on Spruce Run and Mul-  
18 hockaway creek tributaries of the south branch of the Raritan river,  
19 located northwest of the town of Clinton in the county of Hunterdon,  
20 hereinafter referred to as the Spruce Run reservoir; together with such  
21 works and facilities as may be necessary or useful for the storage of  
22 waters and to regulate the flow in the south branch of the Raritan river  
23 and of the Raritan river above and below its confluence with the Millstone  
24 river.

25 (b) Carry out a 10-year program of detailed geological and hydrological  
26 studies and ground water investigations, inventories and reports throughout  
27 the State by means of test drillings, observation wells, and any other means  
28 necessary to determine ground-water resources, quality, and supply poten-  
29 tials, and may expend or commit from the proceeds of said bond act an  
30 amount not exceeding \$125,000.00 in any 1 year plus any unexpended or un-  
31 committed balance from any prior year or years and \$1,250,000.00 overall  
32 for the cost thereof.

33 (c) By studies, tests and actual field experiments, determine the prac-  
34 ticability and suitability in this State of developing and utilizing natural  
35 ground-water storage to supplement on-stream reservoir storage as a source  
36 of water supply, and may expend or commit from the proceeds of said bond  
37 act an amount not exceeding \$100,000.00 for the cost thereof.

38 (d) Continue to research, plan and design ways and means of improving  
39 stream flows in the Raritan Watershed or in the Millstone Watershed or both,  
40 whether by river regulation reservoirs, pumping, flow diversion, water re-  
41 use, or other means, or any combination thereof, deemed practicable to meet  
42 the needs of the area or areas; and acquire, as and when authorized specif-  
43 cally by law after public hearing, real property in any area in said water-  
44 sheds as shall be suitable as a site or sites for the establishment of an addi-  
45 tional water supply facility or facilities including any real property in any  
46 area in said watersheds where the utilization of natural ground-water stor-  
47 age to supplement on-stream reservoir storage as a source of water supply  
48 is determined to be practicable and suitable. The proceeds of said bond act in  
49 an amount not exceeding in the aggregate \$3,000,000.00 may be expended or  
50-51 committed for the costs thereof.

52 (e) Continue to research, plan and design ways and means of improving  
53 stream flows in any other area or areas, whether by river regulation reser-  
54 voirs, pumping, flow diversion, water reuse, or other means, or any combina-  
55 tion thereof, deemed practicable to meet the needs of the area or areas; and  
56 acquire, as and when authorized by law after public hearing, real property  
57 in any such area or areas as shall be suitable as a site or sites for the estab-  
58 lishment of an additional water supply facility or facilities including any  
59 real property in any such area or areas where the utilization of natural  
60 ground-water storage to supplement on-stream reservoir storage as a source  
61 of water supply is determined to be practicable and suitable. The proceeds of  
62 said bond act in an amount not exceeding in the aggregate \$2,000,000.00  
63 may be expended or committed for the costs thereof.

1 5. The department may expend or commit any remaining funds unex-  
2 pended or uncommitted as hereinabove authorized for any project, as defined  
3 herein, as shall be authorized specifically by law.

1 6. Any funds of the State heretofore authorized by law to be expended  
2 for any of the specific purposes authorized by this act, except such as were  
3 authorized pursuant to P. L. 1956, chapter 60, and which have been or shall  
4 be so expended, shall be refunded to the State General Fund from the pro-  
5 ceeds of said bond act allocated to such purpose.

1 7. No water shall be pumped from the south branch of the Raritan river  
2 into the Round Valley reservoir whenever the flow in said river is less than  
3 40 million gallons daily at the United States Geological Survey stream gaug-  
4 ing station at Stanton, or less than 70 million gallons daily at the United  
5 States Geological Survey stream gauging station at Manville or less than 90  
6 million gallons daily at the United States Geological Survey stream gaug-  
7 ing station at Bound Brook, nor shall water be pumped from said river into  
8 such reservoir during the period from June 15 to September 15 in any year.

9 Upon the completion and placing in operation of the Round Valley res-  
10 ervoir, not less than 830,000 gallons of water daily shall be released at all  
11 times into Prescott brook from such reservoir and at all times not less than  
12 170,000 gallons of water daily shall be released into the south branch of the  
13 Rockaway creek from such reservoir.

1 8. Whenever the flow of water in the south branch of the Raritan river  
2 is less than 40 million gallons daily at the United States Geological Survey  
3 stream gauging station at Stanton, or less than 70 million gallons daily at the  
4 United States Geological Survey stream gauging station at Manville, or less  
5 than 90 million gallons daily at the United States Geological Survey stream  
6 gauging station at Bound Brook, a sufficient amount of water shall be released  
7 from the Spruce Run reservoir or from such other reservoir or reservoirs  
8 as may be constructed on the south branch of the Raritan river or its tribu-  
9 taries and, if necessary, from the Round Valley reservoir in such amounts  
10 as will maintain not less than the said flows of 40 million gallons daily at

11 Stanton and 70 million gallons daily at Manville and 90 million gallons daily  
12 at Bound Brook, and such released water shall be returned to the south  
13 branch of the Raritan river at the point of diversion or pumping into any  
14 such reservoir or at some point upstream thereof.

1 9. (a) The department shall have jurisdiction and control, subject to  
2 the provisions hereof, over the use and disposition of all additional water  
3 made available for use pursuant to this act. It shall sell such water and  
4 rights thereto on just and reasonable terms and conditions as determined by  
5 the council and at just, reasonable and equitable rates and charges, to per-  
6 sons, associations, corporations including water supply corporations, munici-  
7 palities, municipal and district water commissions, and authorities for public  
8 potable, industrial, irrigation, and other purposes upon application and after  
9 public hearing; provided that before such water may be used for potable pur-  
10 poses, purification and treatment shall be accomplished by the purchaser in  
11 a manner satisfactory to the State Department of Health. The council may  
12 grant or deny any application made pursuant to this section, and at its dis-  
13 cretion, dispense with public hearing when the quantity of water applied for  
14 is less than  $\frac{1}{2}$  million gallons a day. In granting or denying any such appli-  
15 cation, the council shall be governed by the principles and procedures estab-  
16 lished and recognized by law applicable to the diversion and use of water in  
17 this State, as set forth in Title 58 of the Revised Statutes and to which Title  
18 this act is a supplement.

19 (b) The division shall cause a notice of every public hearing required  
20 to be held pursuant to this section to be given, as hereinafter provided, for  
21 the purpose of hearing all persons and municipal corporations or other civil  
22 divisions of the State that may be affected thereby. The notice shall specify  
23 the time, date and place of the hearing, the time within which objections shall  
24 be filed, and shall be published in such newspaper and for such length of  
25 time, not exceeding 4 weeks, as the division shall determine.

26 (c) Any person or municipal corporation or the proper authorities of  
27 any civil division of the State may file in the office of the division objections

28 to any application to purchase such water. Every such objection shall be  
29 filed not later than 5 days prior to the date of hearing and shall particularly  
30 specify its ground.

31 (d) The expense of the hearing on any application to purchase such wa-  
32 ter shall be certified by the division to the applicant, who shall pay the same  
33 within 30 days thereafter.

1 10. The department shall determine and establish, after public hearing,  
2 just, reasonable and equitable rates and charges for water sold from any  
3 project authorized by this act which shall provide net revenues sufficient  
4 to meet annual payments of principal and interest chargeable to such proj-  
5 ect and incurred by the State under the Water Bond Act, 1958. Such rates  
6 shall not be subject to revision or other action by any other department,  
7 commission, board or body. The department shall have power to revise such  
8 rates from time to time, and any contract for the sale of water shall be sub-  
9 ject to the exercise of this power. Differentiation in rates and charges may  
10 be made on the basis of quantities of water to be supplied, distances between  
11 the facility and point of diversion, the cost in making such water available,  
12 the place where the water is to be used and the character of such use, and  
13 the like. The aggregate revenue produced by such rates shall, so far as prac-  
14 ticable, be limited to costs to the State of operation and maintenance and  
15 of debt service and to the reimbursement of the State Treasury of the  
16 amount of operating deficits, including annual payments of principal and  
17 interest, previously incurred by the State.

1 11. The department shall have power to investigate and hold hearings  
2 to determine existing water rights in riparian owners and the holders of  
3 grants and easements for the diversion and use of waters of the south  
4 branch of the Raritan river and the Raritan river and may make findings of  
5 fact in respect thereto.

6 Nothing in this act shall be construed to diminish or impair the common  
7 law rights of riparian owners.

1 12. For the purposes of this act, the department shall have power:

2 (a) to acquire in the name of the State of New Jersey, as an agency of  
3 the State, by purchase or otherwise on such terms and conditions and in  
4 such manner as it shall determine, or by the exercise of the power of eminent  
5 domain, any land and other property which it may determine is reasonably  
6 necessary for any water supply facility authorized by this act, and any and  
7 all rights, title and interest in such land and other property, including public  
8 lands, parks, playgrounds, reservations, roads, waters and water rights,  
9 owned by or in which any State, county, municipality, or special district, or  
10 public body or agency thereof, has any right, title or interest, or parts thereof  
11 or rights therein, and any fee simple absolute or any lesser interest in  
12 private property, including waters and water rights, and any easements  
13 upon, or the benefit of restrictions against abutting property, to preserve  
14 and protect any such water supply facility; provided, however, that nothing  
15 in this act shall be deemed to authorize the department to acquire by con-  
16 demnation any property which is part of an existing public water supply  
17 system or facility;

18 (b) to receive and accept from any Federal agency, subject to the ap-  
19 proval of the Governor or such other approval as may be required by law,  
20 grants for or in aid of the acquisition or construction of the water supply  
21 facilities authorized by this act, and to receive and accept aid or contributions  
22 from any source, of either money, property, labor, or other things of value  
23 to be held, used and applied only for the purposes of this act, and to make  
24 and perform such agreements and contracts as may be necessary or con-  
25 venient in connection with the procuring, acceptance or disposition of such  
26 grants and contributions;

27 (c) to adopt and enforce rules and regulations for the control, use, oper-  
28 ation and maintenance of facilities authorized by this act;

29 (d) to enter on any lands, waters or premises for the purpose of mak-  
30 ing surveys, borings, soundings, and examinations;

31 (e) to do and perform any acts and things authorized by this act under,  
32 through or by means of its officers, agents, and employees, or by contract  
33 with any person.

1 13. (a) Whenever the power of condemnation is exercised by the de-  
2 partment pursuant to this act, the provisions of chapter 1 of Title 20  
3 (Eminent Domain) of the Revised Statutes, as amended and supplemented,  
4 shall be applicable and such power shall include the condemnation of public  
5 as well as privately owned property, except as otherwise provided by this  
6 act.

7 (b) Whenever any person entitled to an award in condemnation pro-  
8 ceedings instituted for the purposes of this act, or whenever any person de-  
9 riving a right, title or interest under such person, shall remain in possession  
10 of the property taken after the date of the vesting of title in the State, the  
11 reasonable value of the use and occupancy of such property subsequent to  
12 such time, as may be fixed by agreement or by the court in which such con-  
13 demnation proceeding is pending, or by any court of competent jurisdiction,  
14 shall be a lien against such award and the interest thereon, subject only to  
15 liens of record at the time of such vesting of title in the State.

1 14. On or at any time after the institution of an action by the depart-  
2 ment for the condemnation of property, it may file with the Clerk of the  
3 Superior Court, a declaration of taking signed by the commissioner or other  
4 duly authorized officer of the department declaring that all or any part of  
5 such property is being taken for the use of the State. The said declaration  
6 of taking shall be sufficient if it sets forth: (1) a description of the prop-  
7 erty, adequate for the identification thereof, to which there may be attached a  
8 plan or map thereof; (2) a statement of the estate or interest in said prop-  
9 erty being taken; (3) a statement of the sum of money estimated by the  
10 department to be just compensation for the property taken.

11 From the filing of the said declaration of taking and the deposit in court  
12 to the use of the persons entitled thereto of the amount of the estimated  
13 compensation stated in said declaration, title to the property described as  
14 being taken by said declaration shall vest in the State (free from the right,  
15 title, interest or lien of all persons), and said property shall be deemed to  
16 be condemned and taken for the use of the State and the right to just com-

17 pension for the same shall vest in the persons entitled thereto. Upon the  
18 filing of the declaration of taking, the court shall designate a day (not exceed-  
19 ing 20 days after such filing, except upon good cause shown), on which the  
20 persons in possession shall be required to surrender possession to the depart-  
21 ment.

22 The ultimate amount of compensation shall be determined pursuant to  
23 Title 20 of the Revised Statutes. If the amount so fixed shall exceed the  
24 amount so deposited in court by the department or otherwise paid to the  
25 persons entitled thereto, the court shall enter judgment against the State in  
26 the amount of such deficiency, together with interest at the legal rate on  
27 such deficiency from the date of the vesting of title to the date of the entry  
28 of the final judgment (subject, however, to abatement for use, income, rents  
29 or profits derived from such property by the owner thereof subsequent to  
30 the vesting of title in the State), and the court shall order the department to  
31 deposit the amount of such deficiency in court. The money deposited into  
32 court shall be secured in such manner as may be directed by the court and  
33 shall be disbursed according to the order or judgment of the court to the  
34 persons found to be entitled thereto by the final award or judgment of the  
35 court. In case the amount deposited in court as the estimated compensation  
36 for the property shall exceed the amount of the final award or judgment,  
37 such excess shall be returned to the department.

1 15. The department shall also have power to make reasonable regulations  
2 for the installation, construction, maintenance, repair, renewal, relocation and  
3 removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and  
4 other equipment and appliances herein called "public utility facilities" of  
5 any public utility as defined in section 48:2-13 of the Revised Statutes, in,  
6 on, along, over or under any project. Whenever the department shall deter-  
7 mine that it is necessary that any such public utility facilities which now are,  
8 or hereafter may be, located in, on, along, over or under any project, should  
9 be relocated, or should be removed from such project, the public utility own-  
10 ing or operating such facilities shall relocate or remove the same in accord-

11 ance with the order of the department; provided, however, that the cost and  
12 expenses of such relocation or removal, including the cost of installing such  
13 facilities in a new location, or new locations, and the cost of any lands, or  
14 any rights or interest in lands, and any other rights acquired to accomplish  
15 such relocation or removal, less the cost of any lands or any rights or inter-  
16 ests in lands or any other rights of the public utility paid to the public util-  
17 ity in connection with the relocation or removal of such property, shall be  
18 ascertained and paid by the department as a part of the cost of such project.  
19 In case of any such relocation or removal of facilities, as aforesaid, the pub-  
20 lic utility owning or operating the same, its successors or assigns, may main-  
21 tain and operate such facilities, with the necessary appurtenances, in the  
22 new location or new locations, for as long a period, and upon the same terms  
23 and conditions, as it had the right to maintain and operate such facilities  
24 in their former location or locations.

16. Any county, municipality or other political subdivision, or any pub-  
2 lic agency or body of the State of New Jersey, or any other person, notwith-  
3 standing any contrary provision of law, is hereby authorized and empowered  
4 to sell, lease, lend, grant or convey to the State of New Jersey at the request  
5 of the department, or to permit the department at its request to relocate,  
6 use, maintain or operate as part of its water supply facility without the  
7 necessity for any advertisement, order of court or other action or formality  
8 other than the authorizing resolution of the governing body of the county  
9 or municipality concerned or the regular and formal action of any authority  
10 or other person concerned, any real or personal property owned by it or  
11 him, including all or any part of any public highway or water supply facility,  
12 which may be necessary or useful and convenient for the purposes of this act  
13 and which may be accepted by the department. Any such sale, lease, loan,  
14 grant, conveyance or permit may be made with or without consideration and  
15 for a specified or an unlimited period of time. The department may enter  
16 into and perform any and all agreements with respect to property so ac-  
17 cepted by it, including agreements for relocation of any public highway or

18 for the assumption of principal or interest or both of indebtedness of such  
19 county, municipality, political subdivision, agency, or body, or person or of  
20 any mortgage or lien existing with respect to such property or for the  
21 operation and maintenance of such property as part of a water supply facility.

1 17. The reservoirs constructed pursuant to this act shall be available for  
2 public use for recreation, swimming, fishing and boating in such manner and  
3 to such extent as shall not impair the availability of the water therein for  
4 potable or industrial use or endanger the water supply facility or any of the  
5 works or facilities of any purchaser of such water.

1 18. This act is intended to protect and secure the public health and wel-  
2 fare and shall be liberally construed to effect the purposes thereof.

1 19. If any provision of this act or the application thereof to any person  
2 or circumstance is held invalid, such invalidity shall not affect other pro-  
3 visions or applications of the act which can be given effect without the invalid  
4 provisions or applications and to this end the provisions of this act are de-  
5 clared to be severable.

1 20. This act shall take effect immediately, but shall be inoperative unless  
2 and until the "New Jersey Water Bond Act, 1958," shall be duly approved  
3 by a majority of the legally qualified voters of the State voting on the ques-  
4 tion of the approval of said act at a general election.

(OFFICIAL COPY REPRINT)

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 145

STATE OF NEW JERSEY  
STATE OF NEW JERSEY

INTRODUCED MARCH 12, 1958  
ADOPTED MARCH 31, 1958

Amend page 12, section 13, line 1, delete "(a)".

Amend page 12, section 13, lines 7 to 15, delete.

Amend page 12, section 14, lines 1 to 16, delete.

Amend page 13, section 14, lines 17 to 37, delete.

Amend page 13, section 15, line 1, delete "15.", insert "14.".

Amend page 14, section 16, line 1, delete "16.", insert "15.".

Amend page 15, section 17, line 1, delete "17.", insert "16.".

Amend page 15, section 18, line 1, delete "18.", insert "17.".

Amend page 15, section 19, line 1, delete "19.", insert "18.".

Amend page 15, section 20, line 1, delete "20.", insert "19.".

[OFFICIAL COPY REPRINT]

SENATE, No. 145

STATE OF NEW JERSEY

INTRODUCED MARCH 17, 1958

By Senators DUMONT, CRANE and FOX

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning water supplies, providing for increased water supplies for public potable, industrial, irrigation and other purposes, prescribing the functions, powers and duties of the Department of Conservation and Economic Development in connection therewith, and supplementing Title 58 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:

1 1. This act shall be known and may be cited as the "New Jersey Water  
2 Supply Law, 1958."

1 2. The Legislature hereby finds and determines that—

2 (a) Adequate supplies of wholesome water are essential to the health,  
3 welfare, commerce and prosperity of the people of the State. Such supplies  
4 will be best developed by long-range plans, to be put into effect in stages dur-  
5 ing a period of years. The formulation and execution of such plans cannot  
6 safely be allowed to wait until the shortage of water in the State becomes  
7 critical in all parts of the State.

8 (b) The needs of the State's growing population and expanding in-  
9 dustrial development require the establishment of new and additional water  
10 supply facilities; the planning for and, subject to specific authorization by  
11 law, the acquisition of sites for the establishment of future water supply

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

12 facilities; and a continuing program of studies and investigations to deter-  
13 mine the resources and potentials for development of the ground waters of  
14 the State.

15 (c) There is an immediate need for a new major supply of water to meet  
16 the present acute water requirements in the northeastern metropolitan coun-  
17 ties and in the Raritan Valley, areas which directly and indirectly affect the  
18 commerce and prosperity of the entire State.

19 (d) The existing water sources in the Hackensack, Passaic, Rockaway,  
20 Wanaque and Pequannock rivers have been and are now being developed to  
21 the reasonable limit of the capacity of these rivers by municipalities and  
22 water companies in the northeastern region of New Jersey. Well supplies in  
23 this region have also approached their limit of practicable development.

24 (e) Delaware Valley water supplies can ultimately be made available for  
25 New Jersey's long-range needs. Such supplies are dependent on a compre-  
26 hensive survey now being conducted by the United States Army Corps of  
27 Engineers, on a United States Supreme Court decision to establish the rights  
28 of the several States involved and on joint legislation of and co-operation be-  
29 tween New Jersey and neighboring States.

30 (f) The Raritan river basin is the only area where large quantities of  
31 additional water can be obtained immediately and economically to serve the  
32 northeastern metropolitan counties as well as the counties in the Raritan  
33 Valley. This basin is about equal in size to the Passaic river basin, is wholly  
34 within the State, is reasonably close to the counties needing water and is  
35 virtually undeveloped for water supply.

36 (g) The establishment of an on-river reservoir at Spruce Run will pro-  
37 vide additional water supply from the Raritan river basin, provide a source  
38 of water to fill the reservoir at Round Valley, and provide increased and sus-  
39 tained minimum flows in the south branch downstream thereof and in the  
40 Raritan river. The combined development of an off-river reservoir in the  
41 Round Valley area now under acquisition by the State for reservoir purposes  
42 with the smaller and cheaper on-river reservoir at Spruce Run will provide

43 water supply storage for delivery of water in pipelines at the user's expense  
44 to areas within and without the Raritan river basin for areas desiring that  
45 type of supply as well as stream flow regulation for multiple use to serve  
46 areas, both within and without the basin, which prefer to obtain their supply  
47 at less initial cost from stream channels nearer to the area of demand. Water  
48 from the reservoirs will also be available for local use. The increased and  
49 sustained minimum flows will improve the quality of the water in the river, will  
50 tend to reduce the salinity in the tidal reaches, and will improve the upper  
51 river and its tributaries for recreational purposes. Water for filling the  
52 reservoirs will not interfere with the higher sustained low flow specified by  
53 law and will not in any event adversely or otherwise affect the storage of  
54 water impounded in upstream lakes.

55 (h) The provisions proposed for the development of water storage facil-  
56 ities on the Raritan river basin are also applicable, with minor modifications,  
57 to the conservation and development of the ground-water resources of the  
58 South Jersey Coastal Plain and elsewhere in favorable areas throughout the  
59 State to provide storage and tide dam facilities to create artificial recharge  
60 of ground-water aquifers in areas of heavy pumpage and to protect such  
61 areas from surface pollution and salt water intrusion. They also provide a  
62 basis for State participation in the long-range, authorization plan now under  
63 study by the United States Army Corps of Engineers for the development of  
64 the water resources of the interstate Delaware river basin.

65 (i) It is therefore in the interest of the health, safety and prosperity of  
66 the people of the State as a whole, that immediate legislative action be taken  
67 towards making provision for storage facilities to augment natural water re-  
68 sources to make available an adequate supply of water for the most critical  
69 need and in addition provide for a long-range program for development, as  
70 shall be required, of the remaining water resources of the State.

1 3. As used in this act, unless the context indicates another or different  
2 meaning or intent:

3 (a) "Department" means the Department of Conservation and  
4 Economic Development, or its successor.

5 (b) "Construct" and "construction" mean, in addition to the usual  
6 meanings thereof, acts of construction, reconstruction, replacement, exten-  
7 sion, improvement and betterment.

8 (c) "Cost" shall mean, in addition to the usual connotations thereof,  
9 the cost of acquisition or construction of all or any part of a water supply  
10 facility and of all or any real or personal property, agreements and fran-  
11 chises deemed by the department to be necessary or useful and convenient  
12 therefor or in connection therewith, including interest or discount on bonds,  
13 cost of issuance of bonds, cost of geological and hydrological services, en-  
14 gineering and inspection costs and legal expenses, cost of financial, profes-  
15 sional and other estimates and advice, organization, administrative, operating  
16 and other expenses prior to and during such acquisition or construction, and  
17 all such other expenses as may be necessary or incident to the financing, ac-  
18 quisition, construction and completion of such water supply facility or part  
19 thereof and the placing of the same in operation, and also such provision for  
20 reserves for working capital, operating, maintenance or replacement ex-  
21 penses and for payment or security of principal of or interest on bonds  
22 during or after such acquisition or construction as the State Comptroller  
23 may determine, and also reimbursements to the State General Fund of any  
24 moneys theretofore expended for or in connection with such water sup-  
25 ply facility.

26 (d) "Commissioner" means the Commissioner of Conservation and Eco-  
27 nomic Development.

28 (e) "Council" means the Water Policy and Supply Council in the  
29 Division of Water Policy and Supply.

30 (f) "Division" means the Division of Water Policy and Supply in the  
31 Department of Conservation and Economic Development.

32 (g) "Net revenues" means all revenues received by the department or  
33 division from the operation of a water supply facility, or any part thereof,

34 in excess of the operating expenses thereof and provision for such rea-  
35 sonable reserves therefor as the State Comptroller may require or approve.

36 (h) "Operating expenses" means, in addition to the usual meanings  
37 thereof, all costs and expenses of operating, maintaining, managing, repair-  
38 ing and reconstructing a water supply facility and each and every part  
39 thereof including, without limiting the generality of the foregoing, admin-  
40 istrative expenses, premiums on insurance, including use and occupancy in-  
41 surance and casualty insurance, costs of collection of any revenues, legal  
42 and engineering expenses, payments to employee retirement, insurance,  
43 health and hospitalization funds, expenses, liabilities and compensation of  
44 fiduciaries, and any other expenses required to be paid for or with respect to  
45 proper operation or maintenance of such water supply facility.

46 (i) "Project" means any work for the protection and preservation or for  
47 the development, conservation, regulation or recreational use of a water  
48 supply facility, which is separately planned, financed or identified by the de-  
49 partment or division.

50 (j) "Real property" means lands, within or without the State, and im-  
51 provements thereof or thereon, any and all rights of way, water, riparian and  
52 other rights, any and all easements and privileges in real property, and any  
53 right or interest of any kind or description in, relating to or connected with  
54 real property.

55 (k) "Water supply facility" or "facility" means and refers to the  
56 real property and the plants, structures, machinery and equipment and other  
57 property, real, personal and mixed, acquired, constructed or operated, or to  
58 be acquired, constructed or operated by or on behalf of the State, for the  
59 purpose of augmenting the natural water resources of the State and making  
60 available an increased supply of water for all uses, and any and all appur-  
61 tenances necessary, useful or convenient for the collection, storage, control,  
62 sale or exchange of water, and to preserve and protect these resources and  
63 facilities and provide for the conservation and development of future water  
64 supply sources, and to facilitate incidental recreational uses of either of  
65 them.

1 4. The department shall, through the division or otherwise  
2 (a) Plan, design, develop, acquire, construct, and place in operation and  
3 maintain the following water supply facilities and may expend or commit  
4 from the proceeds of the New Jersey Water Bond Act, 1958, an amount not  
5 exceeding \$37,000,000.00 for the cost thereof:

6 (1) A reservoir of approximately 55 billion gallons capacity in the  
7 area, commonly known as Round Valley, located in the county of Hunter-  
8 don, acquired or in the process of being acquired pursuant to the provi-  
9 sions of chapter 60 of the laws of 1956, hereinafter referred to as the  
10 Round Valley reservoir; together with such works, structures, pumping  
11 plants, pipelines, force mains, and other facilities as may be necessary  
12 or useful to divert or pump water thereto, release water therefrom, and  
13 provide for the storage of water therein. The source of waters for said  
14 reservoir shall be either or both the south branch of the Raritan river  
15 or the Delaware river, exclusive of its tributaries.

16 (2) A reservoir of approximately 10 billion gallons capacity to be  
17 created by the construction of a dam or dams on Spruce Run and Mul-  
18 hockaway creek tributaries of the south branch of the Raritan river,  
19 located northwest of the town of Clinton in the county of Hunterdon,  
20 hereinafter referred to as the Spruce Run reservoir; together with such  
21 works and facilities as may be necessary or useful for the storage of  
22 waters and to regulate the flow in the south branch of the Raritan river  
23 and of the Raritan river above and below its confluence with the Millstone  
24 river.

25 (b) Carry out a 10-year program of detailed geological and hydrological  
26 studies and ground-water investigations, inventories and reports throughout  
27 the State by means of test drillings, observation wells, and any other means  
28 necessary to determine ground-water resources, quality, and supply poten-  
29 tials, and may expend or commit from the proceeds of said bond act an  
30 amount not exceeding \$125,000.00 in any 1 year plus any unexpended or un-  
31 committed balance from any prior year or years and \$1,250,000.00 overall  
32 for the cost thereof.

33 (c) By studies, tests and actual field experiments, determine the prac-  
34 ticability and suitability in this State of developing and utilizing natural  
35 ground-water storage to supplement on-stream reservoir storage as a source  
36 of water supply, and may expend or commit from the proceeds of said bond  
37 act an amount not exceeding \$100,000.00 for the cost thereof.

38 (d) Continue to research, plan and design ways and means of improving  
39 stream flows in the Raritan Watershed or in the Millstone Watershed or both,  
40 whether by river regulation reservoirs, pumping, flow diversion, water re-  
41 use, or other means, or any combination thereof, deemed practicable to meet  
42 the needs of the area or areas; and acquire, as and when authorized specifi-  
43 cally by law after public hearing, real property in any area in said water-  
44 sheds as shall be suitable as a site or sites for the establishment of an addi-  
45 tional water supply facility or facilities including any real property in any  
46 area in said watersheds where the utilization of natural ground-water stor-  
47 age to supplement on-stream reservoir storage as a source of water supply  
48 is determined to be practicable and suitable. The proceeds of said bond act in  
49 an amount not exceeding in the aggregate \$3,000,000.00 may be expended or  
50-51 committed for the costs thereof.

52 (e) Continue to research, plan and design ways and means of improving  
53 stream flows in any other area or areas, whether by river regulation reser-  
54 voirs, pumping, flow diversion, water reuse, or other means, or any combina-  
55 tion thereof, deemed practicable to meet the needs of the area or areas; and  
56 acquire, as and when authorized by law after public hearing, real property  
57 in any such area or areas as shall be suitable as a site or sites for the estab-  
58 lishment of an additional water supply facility or facilities including any  
59 real property in any such area or areas where the utilization of natural  
60 ground-water storage to supplement on-stream reservoir storage as a source  
61 of water supply is determined to be practicable and suitable. The proceeds of  
62 said bond act in an amount not exceeding in the aggregate \$2,000,000.00  
63 may be expended or committed for the costs thereof.

1 5. The department may expend or commit any remaining funds unex-  
2 pended or uncommitted as hereinabove authorized for any project, as defined  
3 herein, as shall be authorized specifically by law.

1 6. Any funds of the State heretofore authorized by law to be expended  
2 for any of the specific purposes authorized by this act, except such as were  
3 authorized pursuant to P. L. 1956, chapter 60, and which have been or shall  
4 be so expended, shall be refunded to the State General Fund from the pro-  
5 ceeds of said bond act allocated to such purpose.

1 7. No water shall be pumped from the south branch of the Raritan river  
2 into the Round Valley reservoir whenever the flow in said river is less than  
3 40 million gallons daily at the United States Geological Survey stream gaug-  
4 ing station at Stanton, or less than 70 million gallons daily at the United  
5 States Geological Survey stream gauging station at Manville or less than 90  
6 million gallons daily at the United States Geological Survey stream gaug-  
7 ing station at Bound Brook, nor shall water be pumped from said river into  
8 such reservoir during the period from June 15 to September 15 in any year.

9 Upon the completion and placing in operation of the Round Valley res-  
10 ervoir, not less than 830,000 gallons of water daily shall be released at all  
11 times into Prescott brook from such reservoir and at all times not less than  
12 170,000 gallons of water daily shall be released into the south branch of the  
13 Rockaway creek from such reservoir.

1 8. Whenever the flow of water in the south branch of the Raritan river  
2 is less than 40 million gallons daily at the United States Geological Survey  
3 stream gauging station at Stanton, or less than 70 million gallons daily at the  
4 United States Geological Survey stream gauging station at Manville, or less  
5 than 90 million gallons daily at the United States Geological Survey stream  
6 gauging station at Bound Brook, a sufficient amount of water shall be released  
7 from the Spruce Run reservoir or from such other reservoir or reservoirs  
8 as may be constructed on the south branch of the Raritan river or its tribu-  
9 taries and, if necessary, from the Round Valley reservoir in such amounts  
10 as will maintain not less than the said flows of 40 million gallons daily at

11 Stanton and 70 million gallons daily at Manville and 90 million gallons daily  
12 at Bound Brook, and such released water shall be returned to the south  
13 branch of the Raritan river at the point of diversion or pumping into any  
14 such reservoir or at some point upstream thereof.

1 9. (a) The department shall have jurisdiction and control, subject to  
2 the provisions hereof, over the use and disposition of all additional water  
3 made available for use pursuant to this act. It shall sell such water and  
4 rights thereto on just and reasonable terms and conditions as determined by  
5 the council and at just, reasonable and equitable rates and charges, to per-  
6 sons, associations, corporations including water supply corporations, munici-  
7 palities, municipal and district water commissions, and authorities for public  
8 potable, industrial, irrigation, and other purposes upon application and after  
9 public hearing; provided that before such water may be used for potable pur-  
10 poses, purification and treatment shall be accomplished by the purchaser in  
11 a manner satisfactory to the State Department of Health. The council may  
12 grant or deny any application made pursuant to this section, and at its dis-  
13 cretion, dispense with public hearing when the quantity of water applied for  
14 is less than  $\frac{1}{2}$  million gallons a day. In granting or denying any such appli-  
15 cation, the council shall be governed by the principles and procedures estab-  
16 lished and recognized by law applicable to the diversion and use of water in  
17 this State, as set forth in Title 58 of the Revised Statutes and to which Title  
18 this act is a supplement.

19 (b) The division shall cause a notice of every public hearing required  
20 to be held pursuant to this section to be given, as hereinafter provided, for  
21 the purpose of hearing all persons and municipal corporations or other civil  
22 divisions of the State that may be affected thereby. The notice shall specify  
23 the time, date and place of the hearing, the time within which objections shall  
24 be filed, and shall be published in such newspaper and for such length of  
25 time, not exceeding 4 weeks, as the division shall determine.

26 (c) Any person or municipal corporation or the proper authorities of  
27 any civil division of the State may file in the office of the division objections

28 to any application to purchase such water. Every such objection shall be  
29 filed not later than 5 days prior to the date of hearing and shall particularly  
30 specify its ground.

31 (d) The expense of the hearing on any application to purchase such wa-  
32 ter shall be certified by the division to the applicant, who shall pay the same  
33 within 30 days thereafter.

1 10. The department shall determine and establish, after public hearing,  
2 just, reasonable and equitable rates and charges for water sold from any  
3 project authorized by this act which shall provide net revenues sufficient  
4 to meet annual payments of principal and interest chargeable to such proj-  
5 ect and incurred by the State under the Water Bond Act, 1958. Such rates  
6 shall not be subject to revision or other action by any other department,  
7 commission, board or body. The department shall have power to revise such  
8 rates from time to time, and any contract for the sale of water shall be sub-  
9 ject to the exercise of this power. Differentiation in rates and charges may  
10 be made on the basis of quantities of water to be supplied, distances between  
11 the facility and point of diversion, the cost in making such water available,  
12 the place where the water is to be used and the character of such use, and  
13 the like. The aggregate revenue produced by such rates shall, so far as prac-  
14 ticable, be limited to costs to the State of operation and maintenance and  
15 of debt service and to the reimbursement of the State Treasury of the  
16 amount of operating deficits, including annual payments of principal and  
17 interest, previously incurred by the State.

1 11. The department shall have power to investigate and hold hearings  
2 to determine existing water rights in riparian owners and the holders of  
3 grants and easements for the diversion and use of waters of the south  
4 branch of the Raritan river and the Raritan river and may make findings of  
5 fact in respect thereto.

6 Nothing in this act shall be construed to diminish or impair the common  
7 law rights of riparian owners.

1 12. For the purposes of this act, the department shall have power:

2 (a) to acquire in the name of the State of New Jersey, as an agency of  
3 the State, by purchase or otherwise on such terms and conditions and in  
4 such manner as it shall determine, or by the exercise of the power of eminent  
5 domain, any land and other property which it may determine is reasonably  
6 necessary for any water supply facility authorized by this act, and any and  
7 all rights, title and interest in such land and other property, including public  
8 lands, parks, playgrounds, reservations, roads, waters and water rights,  
9 owned by or in which any State, county, municipality, or special district, or  
10 public body or agency thereof, has any right, title or interest, or parts thereof  
11 or rights therein, and any fee simple absolute or any lesser interest in  
12 private property, including waters and water rights, and any easements  
13 upon, or the benefit of restrictions against abutting property, to preserve  
14 and protect any such water supply facility; provided, however, that nothing  
15 in this act shall be deemed to authorize the department to acquire by con-  
16 demnation any property which is part of an existing public water supply  
17 system or facility;

18 (b) to receive and accept from any Federal agency, subject to the ap-  
19 proval of the Governor or such other approval as may be required by law,  
20 grants for or in aid of the acquisition or construction of the water supply  
21 facilities authorized by this act, and to receive and accept aid or contributions  
22 from any source, of either money, property, labor, or other things of value  
23 to be held, used and applied only for the purposes of this act, and to make  
24 and perform such agreements and contracts as may be necessary or con-  
25 venient in connection with the procuring, acceptance or disposition of such  
26 grants and contributions;

27 (c) to adopt and enforce rules and regulations for the control, use, oper-  
28 ation and maintenance of facilities authorized by this act;

29 (d) to enter on any lands, waters or premises for the purpose of mak-  
30 ing surveys, borings, soundings, and examinations;

31 (e) to do and perform any acts and things authorized by this act under,  
32 through or by means of its officers, agents, and employees, or by contract  
33 with any person.



17 pension for the same shall vest in the persons entitled thereto. Upon the  
18 filing of the declaration of taking, the court shall designate a day (not exceed-  
19 ing 20 days after such filing, except upon good cause shown), on which the  
20 persons in possession shall be required to surrender possession to the depart-  
21 ment.

22 The ultimate amount of compensation shall be determined pursuant to  
23 Title 20 of the Revised Statutes. If the amount so fixed shall exceed the  
24 amount so deposited in court by the department or otherwise paid to the  
25 persons entitled thereto, the court shall enter judgment against the State in  
26 the amount of such deficiency, together with interest at the legal rate on  
27 such deficiency from the date of the vesting of title to the date of the entry  
28 of the final judgment (subject, however, to abatement for use, income, rents  
29 or profits derived from such property by the owner thereof subsequent to  
30 the vesting of title in the State), and the court shall order the department to  
31 deposit the amount of such deficiency in court. The money deposited into  
32 court shall be secured in such manner as may be directed by the court and  
33 shall be disbursed according to the order or judgment of the court to the  
34 persons found to be entitled thereto by the final award or judgment of the  
35 court. In case the amount deposited in court as the estimated compensation  
36 for the property shall exceed the amount of the final award or judgment,  
37 such excess shall be returned to the department.]

1 [15.] 14. The department shall also have power to make reasonable regu-  
2 lations for the installation, construction, maintenance, repair, renewal, reloca-  
3 tion and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles  
4 and other equipment and appliances herein called "public utility facilities" of  
5 any public utility as defined in section 48:2-13 of the Revised Statutes, in,  
6 on, along, over or under any project. Whenever the department shall deter-  
7 mine that it is necessary that any such public utility facilities which now are,  
8 or hereafter may be, located in, on, along, over or under any project, should  
9 be relocated, or should be removed from such project, the public utility own-  
10 ing or operating such facilities shall relocate or remove the same in accord-

11 ance with the order of the department; provided, however, that the cost and  
12 expenses of such relocation or removal, including the cost of installing such  
13 facilities in a new location, or new locations, and the cost of any lands, or  
14 any rights or interest in lands, and any other rights acquired to accomplish  
15 such relocation or removal, less the cost of any lands or any rights or inter-  
16 ests in lands or any other rights of the public utility paid to the public util-  
17 ity in connection with the relocation or removal of such property, shall be  
18 ascertained and paid by the department as a part of the cost of such project.  
19 In case of any such relocation or removal of facilities, as aforesaid, the pub-  
20 lic utility owning or operating the same, its successors or assigns, may main-  
21 tain and operate such facilities, with the necessary appurtenances, in the  
22 new location or new locations, for as long a period, and upon the same terms  
23 and conditions, as it had the right to maintain and operate such facilities  
24 in their former location or locations.

1 [16.] 15. Any county, municipality or other political subdivision, or any  
2 public agency or body of the State of New Jersey, or any other person, not-  
3 withstanding any contrary provision of law, is hereby authorized and em-  
4 powered to sell, lease, lend, grant or convey to the State of New Jersey at the  
5 request of the department, or to permit the department at its request to re-  
6 locate, use, maintain or operate as part of its water supply facility without the  
7 necessity for any advertisement, order of court or other action or formality  
8 other than the authorizing resolution of the governing body of the county  
9 or municipality concerned or the regular and formal action of any authority  
10 or other person concerned, any real or personal property owned by it or  
11 him, including all or any part of any public highway or water supply facility,  
12 which may be necessary or useful and convenient for the purposes of this act  
13 and which may be accepted by the department. Any such sale, lease, loan,  
14 grant, conveyance or permit may be made with or without consideration and  
15 for a specified or an unlimited period of time. The department may enter  
16 into and perform any and all agreements with respect to property so ac-  
17 cepted by it, including agreements for relocation of any public highway or

18 for the assumption of principal or interest or both of indebtedness of such  
19 county, municipality, political subdivision, agency, or body, or person or of  
20 any mortgage or lien existing with respect to such property or for the  
21 operation and maintenance of such property as part of a water supply facility.

1     **[17.] 16.** The reservoirs constructed pursuant to this act shall be avail-  
2 able for public use for recreation, swimming, fishing and boating in such man-  
3 ner and to such extent as shall not impair the availability of the water therein  
4 for potable or industrial use or endanger the water supply facility or any of  
5 the works or facilities of any purchaser of such water.

1     **[18.] 17.** This act is intended to protect and secure the public health and  
2 welfare and shall be liberally construed to effect the purposes thereof.

1     **[19.] 18.** If any provision of this act or the application thereof to any per-  
2 son or circumstance is held invalid, such invalidity shall not affect other pro-  
3 visions or applications of the act which can be given effect without the invalid  
4 provisions or applications and to this end the provisions of this act are de-  
5 clared to be severable.

1     **[20.] 19.** This act shall take effect immediately, but shall be inoperative  
2 unless and until the "New Jersey Water Bond Act, 1958," shall be duly ap-  
3 proved by a majority of the legally qualified voters of the State voting on the  
4 question of the approval of said act at a general election.

Chapter 34, Laws of 1958  
APPROVED 5-2-58  
[SECOND OFFICIAL COPY REPRINT]  
SENATE No. 145

ASSEMBLY AMENDMENTS TO

**SENATE, No. 145**

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY  
**STATE OF NEW JERSEY**

ADOPTED APRIL 21, 1958

Amend page 6, section 4(a), line 5, delete "\$37,000,000.00", and insert in lieu thereof "\$39,500,000.00".

Amend page 8, section 6, line 2, delete ", except such as were".

Amend page 8, section 6, line 3, delete "authorized pursuant to P. L. 1956, chapter 60,".

Amend page 8, section 6, line 4, after "State General Fund" insert ", and returned from it to any other fund from which the same may have been transferred,".

Amend page 9, section 9, line 16, after "and recognized by" insert "common".

Amend page 9, section 9, line 17, after "this State," insert "or".