

STATE OF NEW YORK  
CONSERVATION DEPARTMENT  
DIVISION OF WATER POWER AND CONTROL



WATER POWER AND CONTROL COMMISSION

Water Supply Application No. 2189-C

SPRING VALLEY WATER WORKS AND  
SUPPLY COMPANY

Eighth Application

THIRD MODIFYING DECISION

OFFICIAL RECORD

TO REMAIN IN THE CUSTODY OF THE WATER POWER AND CONTROL COMMISSION

State of New York  
Department of Conservation  
WATER POWER AND CONTROL COMMISSION  
Water Supply Application No. 2189-G

In the Matter of the Application

- of the -

SPRING VALLEY WATER WORKS AND  
SUPPLY COMPANY

for the approval of the acquisition of land and the construction of a dam for an impounding reservoir in Rockland County, New York.

Eighth Application

THIRD MODIFYING DECISION

Application filed	September 26, 1951
Original decision	July 23, 1952
First Modifying Decision	June 2, 1953
Second Modifying Decision	March 1, 1955
Third Modifying Decision	April 8, 1958

MODIFYING DECISION ON WATER SUPPLY APPLICATION NO. 2189-C

PROCEEDINGS

Henry L. deForest, Vice President of the Spring Valley Water Works and Supply Company, acting in the name and on behalf of that company, on September 26, 1951 filed an application with the Commission for approval of the plans of said company for the acquisition or taking of an additional water supply, the taking or condemnation of lands for such new source of water supply and of the construction proposed in connection therewith. This application was approved by the Commission by a decision dated July 23, 1952, which later has been modified by two supplementary decisions.

Among the paragraphs contained in the original decision was a condition which reads as follows:

"M. Unless the works authorized by this decision shall have been fully completed by January 1, 1958 or within such extended time as may have been applied for and granted by the Commission, then and on that date this decision shall be deemed to have lapsed and to be of no further force and effect."

The Spring Valley Water Works and Supply Company has, on February 19, 1958, filed a petition, duly verified, by George H. Buck, its President, requesting a modification of this Condition "M" to allow an extension to January 1, 1963 of the time limit within which the works must be completed.

After due notice published in the Nyack Journal News, in the Rockland Independent of Suffern, in the Rockland County Leader of Spring Valley and in the Rockland County Messenger of Hamerstraw, a hearing on this latest request was held before David D. Morey, Associate Engineer of the Commission, in the Rockland County Court House in New City, on March 25, 1958 at 9:30 o'clock in the forenoon. At this hearing the Commission considered the said request and heard testimony thereon. The applicant was represented by LeBoeuf, Lamb and Leiby, its attorneys (Craig Leonard, Esq., of Counsel).

After due study of this request and of the testimony thereon given at the hearing, the Commission finds as follows:

FINDINGS OF FACT

1. This application involves the creation of a storage reservoir on the Hackensack River near the junction of the east and west

branches of that river, in the town of Clarkstown, Rockland County, by the construction of an earth dam and concrete spillway and the installation of a mechanical gravity filter plant and pumping station immediately adjacent to and south of the dam. The capacity of this treatment plant ultimately is to be 10 million gallons per day but, under the original decision, only sufficient construction was to be undertaken to provide for a capacity of about 5 million gallons daily until the additional capacity appeared to be warranted.

2. The dam and reservoir constructed in connection with this project have been completed and are in operating condition but construction of the filter plant and pumping station has not yet been undertaken.

3. Delay in completing the project was occasioned in part by court reviews of the various proceedings in connection with this matter and in part by unexpected difficulties encountered during the course of construction. The principal reason, however, for delay in the construction of the filter plant and pumping station is a falling off in the Company's industrial demand for water.

4. At the time of the hearings on the original application, it was anticipated that industrial demands would increase substantially within a few years and it was considered that, because of this anticipated industrial expansion, a large additional water supply should be developed.

5. This anticipated industrial demand, however, has not yet materialized. The current industrial demand is less than it was in 1951 when it constituted some 77% of total sales and, in spite of an increase of over 100% in domestic sales, the total water sales in 1957 were but 0.78 million gallons per day in excess of those in 1951. In consequence, at the present time the company can more efficiently serve its customers with well water.

6. It is the opinion of the engineering firm employed by the company that within the next five years the industrial load will have resumed an upward trend and that the reservoir will be required as a source of supply for the customers of the Spring Valley Water Works and Supply Company within that time.

7. The Company has not in any way indicated any desire to abandon this project but wishes to have its demand increase before taking the steps necessary to finance the additional construction required.

8. In consideration of the above facts, an extension of time imposed by Condition M of the Commission's decision of July 23, 1952 can be granted.

DETERMINATION

Therefore, Condition M of the original decision of July 23, 1952 can be and hereby is revised to read as follows:

- M. Unless the works authorized by this decision shall have been fully completed by January 1, 1963 or within such extended time as may have been applied for and granted by the Commission, then and on that date this decision shall be deemed to have lapsed and to be of no further force and effect.

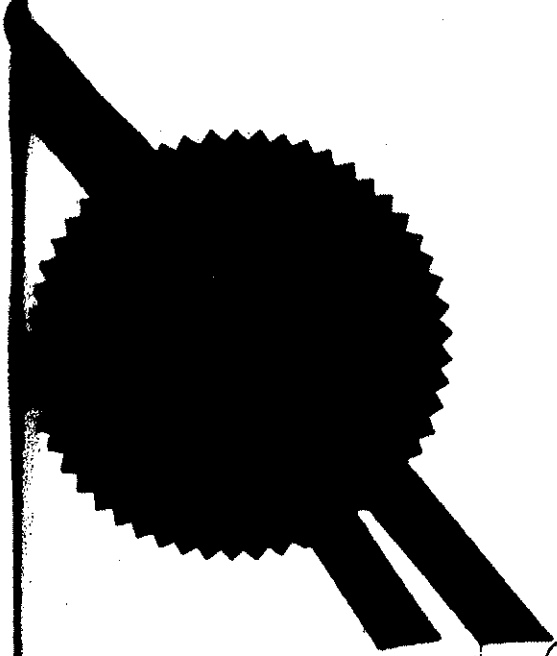
In all other respects the said decision shall remain as originally written.

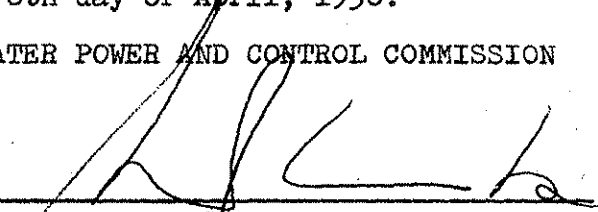
MODIFYING DECISION

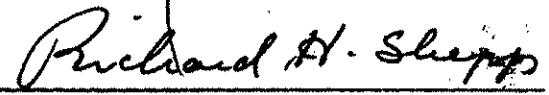
WHEREFORE, the Water Power and Control Commission does hereby modify the decision on the said application of Spring Valley Water Works and Supply Company as requested.

IN WITNESS WHEREOF, the Water Power and Control Commission has caused this determination and modification to be signed and has caused its official seal to be affixed hereto and has filed the same with all maps, plans, reports, and other papers relating thereto in its office in the city of Albany, this 8th day of April, 1958.

WATER POWER AND CONTROL COMMISSION

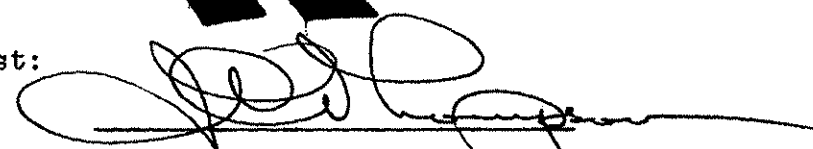


  
Conservation Commissioner, Chairman

  
Assistant Attorney General, Alternate

  
Superintendent of Public Works

Attest:

  
Secretary to the Commission