

**DEPARTMENT REPORTS**  
**OF THE**  
**STATE OF NEW YORK**  
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**OF THE**  
**State Departments, Officers, Boards**  
**and Commissions**

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*Sixth.* That said plans make fair and equitable provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands.

#### Decision

Wherefore, the Water Power and Control Commission does hereby approve the said application, maps and plans of the town of Fallsburgh on behalf of Extension No. 4 of South Fallsburg Water District, as thus modified.

In the Matter of Application of the VILLAGE OF WARWICK, for Approval of Acquisition of an Additional Source of Water Supply and of Financial and Engineering Plans for Construction of Such Addition. SECOND APPLICATION

Water Supply Application No. 2076  
(October 10, 1950)

Application, maps and plans approved as modified.

#### Proceedings

BY THE COMMISSION.—John M. Deming, Jr., Mayor of the incorporated village of Warwick in the town of Warwick, Orange county, acting in the name and on behalf of that village, on September 8, 1950 made application to the Water Power and Control Commission for approval of the plans of said village for the acquisition or taking of an additional water supply and of the construction proposed in connection therewith. This application was filed in the office of the Commission on September 12, 1950.

After due notice, published in the *Warwick Valley Dispatch*, the hearing on this application was held before George J. Natt, senior engineer of the Commission, in the village hall in the village of Warwick on October 4, 1950 at ten o'clock in the forenoon. At this hearing, the Commission considered the petition, maps and plans submitted, examined witnesses and heard arguments in favor of the project. The petitioner was represented by John J. Beattie, III, its attorney. No objections were filed and no one appeared in opposition.

On October 4, 1950, the Commission caused an engineering inspection to be made at the site of the proposed works.

#### Project

Applicant asks that the Commission approve of its installation and development, as a new and additional source of water supply, of a well to be put down by it in Memorial Park in the village. This well is to be a gravel-packed, concrete caisson type well and is to have an outside diameter of approximately 8 feet and an inside diameter of 6 feet. It is to be sunk through clay and gravel to ledge rock at a depth of 57 feet and it is to be developed so as to have a maximum yield of 600 gallons per minute. A pump

house of either frame or field-stone construction is to be erected over the well and in this house provision is to be made for the installation of two electric motor driven deep well pumps. For the immediate future, only one such pump, a 300-gallon-per-minute capacity, will be installed. The discharge line from this well will be connected with the discharge from the existing so-called *Layne* well, in the park, so that water from the new well can be pumped into the distribution system through the village main in Forester avenue. The estimated cost of this project is \$31,300.

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

#### Findings of Fact

1. Warwick was incorporated as a village in 1867, and covers a portion of the southerly part of the town of Warwick in Orange county. The village is about three miles north of the New York-New Jersey state line.

2. The village primarily is a residential community and according to the 1940 census had a population of 2,534. It is estimated that the population has increased only slightly over the last ten years and that today about 2,600 people inhabit the village.

3. The assessed valuation of all taxable real property in the village, according to the last assessment roll, is \$3,977,850 and the village has outstanding bonded indebtedness of \$14,075 of which \$5,000 was issued for water supply purposes.

4. A public water supply system was first installed in Warwick about 1871, at which time, the first of three reservoirs was constructed on Mistucky brook, a stream situated on the side of Warwick mountain. The total capacity of these reservoirs is about 60,000,000 gallons.

5. The village has never been entirely without water although, in recent years, particularly during the summer season, the amount of water in storage has been seriously depleted and restrictions on the use of water have had to be invoked. Such a serious situation developed in 1939 and thereafter the village board of trustees authorized the construction of a well to augment the source of water supply.

6. In 1940, a ten-inch gravel-packed well was put down in Memorial Park and equipped with an electric motor-driven deep-well pump of 200-gallon-a-minute capacity. The development of this well was approved by this Commission on October 29, 1940 in *Water Supply Application No. 1455* (64 State Dept. Rep. 296; completed works approved September 23, 1941).

7. Within the last few years, the efficiency of this well has become impaired and the pump no longer can be operated at its rated capacity for any appreciable length of time. At continuous high rate operation, fine sand and silt find their way into the well and clog the screen thus necessitating a shut-down for cleaning.

8. During the year 1949, another serious water shortage occurred during which one of the three reservoirs went dry and

the storage at the other two became dangerously low. The frequent interruptions to operation of the existing well during this shortage posed a serious threat to a continued supply of water.

9. The consumption of water in the village of Warwick averages about 500,000 gallons per day in the summer season. This appears to be high for a village of this size and character.

10. The construction of the proposed addition to the sources of water supply of the village, and the issuance of bonds to defray the cost of construction was authorized by a resolution of the board of trustees of the village at a meeting held on April 3, 1950. The making of an application to this Commission for approval of the project was authorized by that board on July 3, 1950.

11. Nial Sherwood, a consulting engineer with an office in the village of Liberty, has been retained by the village as its engineer in connection with this project. Mr. Sherwood was present at the hearing. The works when carried out will be constructed under his direction.

12. The location of the proposed well is about 400 feet east of the existing well and in this section of the park, nine test wells were sunk. At the site selected, pumping tests on the test well indicated that a yield of 600 gallons per minute can be attained with a draw-down of not to exceed 5 feet. This would appear to indicate the existence of an aquifer amply large enough for the needs of Warwick.

13. No analysis of the water from this well has yet been submitted and it must be required that an analysis be furnished the Commission before the water from the well is used for public water supply purposes.

14. The entire area surrounding the proposed well is now owned and used by the village as a park and if properly used as such there should be no danger of contamination of the well from such use. The Commission must require, however, that the village continue to own and protect all land within 200 feet of the proposed well.

15. The plans and specifications submitted in connection with this work appear to provide for safe and suitable construction and are satisfactory to this Commission.

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

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

#### Conditions

The Commission finds it necessary, in order to protect the water supply and the interests of the applicant and of the inhabitants of the territory supplied by it with water, to protect the water supply and interests of any other municipal corporation or other

civil division of the State and the inhabitants thereof, that the application, maps and plans submitted should be modified to conform to the following:

A. The village of Warwick must continue to own all land within 200 feet of the well approved under this decision and approval. Such land must be protected from the possibility of pollution of any kind and no source of pollution shall be allowed to remain or be constructed within such a distance of this well.

B. The Commission reserves the right to require the taking of further sanitary precautions or the treatment or purification of the water from this source should future analyses or inspections show a need for so doing.

C. Unless the works authorized by this decision shall have been fully completed by October 1, 1953, 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.

D. Nothing in this decision and approval contained shall be held to abrogate the provisions of section 524 of the Conservation Law, which forbid the operation of any of these works until, as constructed, they have been approved by the Commission. Such final approval will be given only on due petition therefor. In general, such approval will not be given except for a fully completed system, and it never will be given until all provisions affecting quality of the water and safety of the works fully have been complied with.

#### Statutory Determinations

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

*First.* That the application, maps and plans submitted are modified as set forth above and, as so modified, are the plans hereinafter mentioned.

*Second.* That the plans proposed are justified by public necessity.

*Third.* That said plans provide for the proper and safe construction of all work connected therewith.

*Fourth.* That said plans provide for the proper protection of the supply and the watershed from contamination and that filtration is at the present time unnecessary.

*Fifth.* That said plans are just and equitable to the other municipalities and civil divisions of the State affected thereby, and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply.

*Sixth.* That said plans make fair and equitable provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands.

**Decision**

Wherefore, the Water Power and Control Commission does hereby approve the said application, maps and plans of the village of Warwick, as thus modified.

In the Matter of Application of the VILLAGE OF HIGHLAND FALLS, for Permission to Extend Present Water Supply System. THIRD APPLICATION

**Water Supply Application No. 2078**

(October 10, 1950)

**Application, maps and plans approved as modified; water works system approved as constructed; operation thereof authorized.**

**Proceedings**

BY THE COMMISSION.—Chester A. Weyant, Mayor of the incorporated village of Highland Falls, Orange county, acting in the name and on behalf of that village, on August 30, 1950, made application to the Water Power and Control Commission for approval of the plans of the village for the extension of its supply and distribution mains into an area outside of the village wherein it has not heretofore legally supplied water, for the sale of water in that area and of the construction proposed in connection therewith. This application was filed in the office of the Commission on September 16, 1950.

After due notice, published in the *News of the Highlands*, a newspaper published in the village of Highland Falls, the hearing on this application was held before George J. Natt, senior engineer of the Commission, in the town hall of the town of Highlands, in the village of Highland Falls, on October 3, 1950, at two o'clock in the afternoon. At this hearing, the Commission considered the petition, maps and plans submitted, examined witnesses and heard arguments in favor of the project. The petitioner was represented by Francis J. Mahoney, its attorney. No objections were filed and no one appeared in opposition.

On October 3, 1950, the Commission caused an inspection to be made of the site of the proposed works.

**Project**

The village of Highland Falls now asks general approval from this Commission for the furnishing and sale of water, in the town of Highlands, adjacent to the southern boundary of the village and within 0.5 miles of its corporate limits and particularly for approval of a certain extension now contemplated along an extension of Mearns avenue. This proposed extension is to consist of about 280 feet of 6-inch pipe to which one hydrant will be attached. This particular line is to be installed at the expense of a real estate developer and deeded to the village at no cost to it.

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