

134 Orig NEW JERSEY V. DELAWARE

DECISION BELOW:

LOWER COURT CASE NUMBER:

QUESTION PRESENTED:

NEW JERSEY'S EXCEPTIONS TO THE REPORT OF THE SPECIAL MASTER:

Article VII of the 1905 Compact between New Jersey and Delaware provides that “[e]ach State may, on its own side of the river, continue to exercise riparian jurisdiction of every kind and nature, and to make grants, leases, and conveyances of riparian lands and rights under the laws of the respective States.” New Jersey excepts to the following conclusions of the Special Master with regard to Article VII of the Compact:

1. That, although New Jersey may make grants of riparian RIGHTS beyond the low-water mark on the New Jersey side of the Delaware River, it cannot make grants of riparian LANDS beyond the low-water mark.

Report at 52, 99.

2. That New Jersey does not have exclusive riparian jurisdiction over improvements like piers and wharves on the New Jersey side of the river if they extend beyond the low-water mark. Report at 85-86, 99-100.

3. That Delaware may exercise its police power over riparian improvements like piers and wharves extending beyond the low-water mark on the New Jersey side, even to the extent of prohibiting improvements approved by New Jersey. Report at 85-86, 99-100.

CERT. GRANTED 10/15/2007