

ORIGINAL

Decision No. 34231

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Ole Johnson, et al., Complainants, vs. Loleta Water Company and F. Bertsch, Defendants.	Case No. 3112.
------------------------------------------------------------------------------------------------------------------------	----------------

A.G. Bradford, Deputy District Attorney,
for the County of Humboldt and Complainants.

J.P. Mahan, for Defendants.

BY THE COMMISSION:

O P I N I O N

This is a proceeding brought by one Ole Johnson and twenty-six other residents of the Town of Loleta, Humboldt County, against the Loleta Water Company and F. Bertsch, its manager. The Loleta Water Company is a co-partnership owned by the said F. Bertsch and Mrs. Sarah J. Parrott and serves water for domestic purposes to ninety-four consumers in and about the Town of Loleta.

Complainants allege that the defendants have failed to supply an adequate amount of water for the needs of the people of the community; that the schoolhouse is practically without water; that the water served is of bad quality and full of sediment and dirt; that the community is practically without fire protection

and that the defendants have wholly failed to fulfill their promise to improve the conditions complained of; wherefore, complainants pray for relief from the above conditions and request that the utility be ordered to install meters. Defendants in their answer deny all of the allegations and attribute the shortage of water to the extreme drought existing during 1931, alleging further that they have gone to great expense to provide a new well and pumps to serve the higher portions of the town and have thereby relieved the conditions complained of.

A public hearing was held in this matter before Examiner Johnson at Lolota.

The evidence clearly shows that poor and inadequate service conditions have existed on this system for at least the last ten years and that by reason of the highly arbitrary attitude and untractable nature of the manager, Mr. Bertsch, constant complaints made by consumers during the above period have continually been ignored. According to the testimony, it is apparent that until this year no efforts whatsoever have been made by the manager to provide any reasonable water service to the consumers.

The principal water supply for this system is obtained from springs located in a small canyon about one and a quarter miles above the Town of Lolota and stored in a 50,000-gallon concrete reservoir. The effective drainage area is not in excess of ten acres. This source early in October of the present year was producing only about 17,000 gallons of water per day. A second source of supply formerly was secured from an open well located near the mouth of the same canyon which yielded approximately 3,000 gallons daily but is no longer available, having been con-

demned by order of the State Board of Health as contaminated and unsafe. During the summer of 1931 a new shallow well was dug and cut-in to supply a group of twenty-four consumers residing in the higher zone of the community. This well was sunk alongside the drainage ditch in the county roadway and is therefore subject to serious surface pollution; the pumping equipment is inadequate in design and capacity and both improperly located and connected to the well; the discharge lines are too small and operation is without proper storage facilities; indeed, the entire ill-advised and makeshift installation has failed to provide any appreciable improvement in the service to any of the consumers.

The location of this new well in the county road is most unfortunate and, if it is possible to adequately protect it from contamination, the testimony shows that its yield is insufficient to provide the necessary additional water needed for the community and that a new source must be obtained. The testimony of Mr. Carl F. Mau, one of the Commission's engineers who made a thorough study of water conditions in this area, is to the effect that without doubt ample water from one or more wells can be obtained at little expense from the water-bearing gravels of the Eel River Valley not over a quarter of a mile from the Town of Loleta. Mr. Mau testified further that the high turbidity and frequent distasteful odor in the water from the spring sources can easily be remedied through the systematic and regular cleaning of the reservoir, together with the cleaning-up of the lower portion of the drainage area and reservoir approach-channel. The protection by fencing or screening of the reservoir should be undertaken without delay to prevent any

further entrance of small animals and rodents. A sufficient portion of the drainage area and approach-channel also should be protected by proper fencing against the intrusion of stock.

Complainants have requested defendants be directed to meter the system. There is no meter rate in effect on this plant at present and the nature of this proceeding was such that no evidence sufficient to establish such a rate was presented. The installation of meters is highly recommended both as a means of reducing waste of water and as a means of providing a more uniform method of charging for water in accordance with the actual use thereof. However, as defendants will be directed to obtain additional water from other sources and otherwise improve their plant which will require some capital outlay, although not great, it appears unnecessary at this time to add to the above expense by requiring the full metering of the system. Defendants, nevertheless, should they so desire, may install meters and charge a meter rate provided they file with this Commission the necessary application and have a schedule of measured rates established.

O R D E R

Ole Johnson, et al., having filed formal complaint against the Loleta Water Company and F. Bertsch, its manager, as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission now being fully advised in the premises,

IT IS HEREBY ORDERED that F. Bertsch and Sarah J. Parrott, owners of the Loleta Water Company, be and they are hereby ordered to file with this Commission, within sixty (60) days from the date

of this Order, for its approval, detailed plans for the acquisition of an additional and adequate water supply through the development of a well or wells, together with the proper pumping equipment and accompanying storage facilities therefor, said well or wells, equipment and facilities to be installed and in proper working order in a manner satisfactory to this Commission on or before the first day of April, 1932.

IT IS HEREBY FURTHER ORDERED that, on or before thirty (30) days from the date of this Order, the said F. Bertsch and Sarah J. Parrott shall carry out the following instructions:

1. Clean-up the watershed at and above the gravity water supply reservoir and remove the objectionable decaying vegetable matter.
2. Clean the reservoir thoroughly and construct or install a proper screen or covering around or over said reservoir to prevent the intrusion therein of animals and rodents, etc.
3. Construct a suitable hog-tight fence around so much of the water-shed area as may be necessary to protect the spring's approach-channel and reservoir from entrance by stock.

IT IS HEREBY FURTHER ORDERED that the said F. Bertsch and Sarah J. Parrott be and they are hereby directed to provide, within thirty (30) days from the date of this Order, such proper means for the protection of the new well from contamination by surface pollution and roadside drainage as shall be acceptable to and approved by either the County or State Board of Health and a certified copy of such approval shall be filed with this Commission on or before such date; otherwise, the use of said well for

domestic water supply purposes by said F. Bertsch and said Sarah J. Parrott is prohibited on and after thirty (30) days from the date of this Order.

IT IS HEREBY FURTHER ORDERED that said F. Bertsch and Sarah J. Parrott be and they are hereby directed to file with this Commission, within thirty (30) days from the date of this Order, a statement, in writing, showing that they have complied with the terms of sub-paragraphs 1, 2 and 3 as set out above.

For all other purposes, the effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 16th day of November, 1931.

O. C. Deary
Leon Whitney
W. J. Van
M. B. Harris
Fred G. Stewart
Commissioners.