

Decision No. 24385

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

R.L. YOUNG, C.F. ORRA, LOUIS SACCO,  
ELVIRA E. CAMPBELL, F.M. BLESSING,  
R.F. INGLE, AIDA E. GRAY, LAURA  
PETERSON, CHAS. A. MERRITT, J.R.  
McKAY, C.A. BLUME, and J.G. GREEN,

Complainants,

vs.

FELTON WATER CO., Wm. FEATHERSTON,  
GEO. FEATHERSTON, A.M. ANTHONY,  
JOHN DOE and MARY DOE,

Defendants.

ORIGINAL

Case No. 3103.

B.D. Marx Green, for Complainants.  
H.E. McPike, for Defendants.

BY THE COMMISSION:

O P I N I O N

In this proceeding R.L. Young and others have brought a complaint against the Felton Water Company, a corporation, in which it is alleged that said company has ignored applications for water made by several landowners of Felton Acres, that the service rendered is poor and interrupted and that the company has unduly wasted water and made no attempt to conserve its supply. Wherefore, complainants ask for an order of the Commission which will require defendant to remedy the conditions complained of.

Defendant in its answer makes a general denial of the above allegations and contends that it furnishes to the Felton Acres Tract all the water that it has available, conceding, however, that additional water is required for its consumers, to

obtain which it has instituted and has now pending before the Superior Court of the State of California in and for the County of Santa Cruz a suit entitled "Felton Water Company, a corporation, plaintiff, against Seminary Avenue Land Company, et al., defendants, No. 12126," for the condemnation of the waters of Limestone Brook, a tributary of Gold Gulch located in the neighborhood of Felton.

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

The principal water supply for this system is obtained by diversion from Bull Creek by means of a small dam which forms a storage reservoir of 170,000 gallons capacity. Delivery is by gravity through a 4-inch pipe line one mile in length to the distribution mains in the town of Felton and vicinity. A branch pipe main supplies the Felton Acres Tract. A supplemental supply is obtained from certain small springs in Bennett Creek through a 2-inch gravity pipe line also discharging into Bull Creek reservoir.

During the emergency which existed last summer by reason of the serious water shortage a small but insufficient flow of water was obtained by pumping from Fall Creek at a point northerly from the town of Felton which provided some relief for the sixteen consumers living in that area during July and August. At the present time this company serves a total of one hundred and ninety-four consumers, seventy-five of which are metered.

According to the testimony, for several years last past the water delivered by defendant during the summer months has been inadequate for the needs of the consumers, particularly those re-

siding in the higher elevations of the subdivision known as Felton Acres, where the service has been intermittent and most unsatisfactory. Originally a considerable portion of Felton Acres was supplied by gravity from the waters of Gold Gulch. Since April, 1929, however, defendant has been deprived of this source as a result of a court decision vesting the sole right and title to said waters in the Forest Lakes Mutual Water Company. So seriously depleted was the water supply during the past season that it became necessary to haul water for those living in this area. Defendant's attempts to serve the upper portions of Felton Acres by gravity delivery from the Bull Creek pipe main instead of providing more certain facilities by other possible methods has resulted in the poor service conditions complained of during the past years. The consumers in this upper zone are entitled to a more adequate and dependable water service which it appears can be provided at comparatively slight cost by the installation of a booster pump at a suitable point on the existing 4-inch pipe main, to lift the water into a tank of not less than 10,000 gallons capacity. This tank or reservoir should be located at an elevation higher than any water user residing in the tract. Such an installation would insure a continuous delivery to all premises in this section of the service area.

The evidence indicates that during the past season a large amount of water was wasted from excessive leakage occurring in and along the old and badly deteriorated transmission mains leading from both Bull Creek and Bennett Creek. By reason of the limited quantity of water available for delivery on this system as at present developed, it is necessary that such waste be reduced to a minimum in order to provide all water possible for use during

the summer months when the streams and springs are at the period of low flow and the demands at the peak. During the summer a large portion of the worn-out Bull Creek transmission main was replaced by the installation of a new pipe line. No improvements, however, were made on the Bennett Creek line which must be put in proper operating condition prior to the opening of the season. A complete metering of all service connections will effect a further saving of water through elimination of careless and negligent use thereof which invariably results from a flat rate method of delivery.

The supply from the Bennett Creek source can and should be considerably increased by proper development and utilization of the flow from the springs as well as by the repair or replacement of the worn-out parts of the pipe line. This water could be delivered far more advantageously and without prohibitive cost directly into the distribution mains at Felton rather than as at present through the 2-inch pipe line discharging into the Bull Creek reservoir. The evidence conclusively shows that, in spite of the shortage of water existing on this system for the past two or more years, defendant company has made no serious and earnest efforts to develop additional water and to provide its consumers with a proper water service other than, perhaps, such as may be attributed to the somewhat extensive litigation over water rights in which it has been involved. This litigation to date, however, has not resulted in providing sufficient water to meet the needs of its consumers during the summer months, nor will the acquisition of the waters sought through condemnation proceedings prove of any particular benefit until such time as the pipe lines are placed in a proper state of repair. As a necessary and practicable

method of most economically placing this system upon a sound and dependable operating basis, we suggest that defendant obtain the services of some competent water-works engineer and/or operator for the purpose of investigating the sources of supply and distribution methods with a view to advising and recommending the various improvements which are necessary and suitable. Such investigation along these lines as has in the past been made by the operators and employees of this water company has so far lacked the necessary thoroughness and has failed to produce the requisite beneficial results. This investigation among other things should embrace the compilation of data on the present available stream and spring flow and the possibility of obtaining additional water from well sources or otherwise, and also estimates indicating the probable cost of the development of each thereof, together with cost estimates of the other necessary improvements, especially the installation of a transmission main of proper capacity to deliver water from Bennett Creek directly into the distribution system as hereinabove indicated.

As to the allegations of complainants that service has been refused to certain applicants therefor, the testimony shows that since the filing of this proceeding all parties demanding water from defendant utility have been given service connections.

#### O R D E R

Complaint having been filed against the Felton Water Company, a corporation, as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed in the premises,

IT IS HEREBY ORDERED that Felton Water Company, a corpora-

tion, be and it is hereby directed to file with this Commission, within sixty (60) days from the date of this Order and subject to the approval of the Commission, detailed plans for the installation of a booster pumping plant and necessary auxiliary storage equipment and pipe connections to enable the water to be lifted from the existing 4-inch pipe main in Felton Acres to a tank or reservoir of not less than 10,000 gallons capacity, located at a suitable elevation to supply the highest levels of said tract, and furthermore that Felton Water Company, a corporation, shall file with this Commission, within sixty (60) days from the date of this Order, a report setting forth data and plans for improvement and further development of the Bennett Creek and Bull Creek sources of supply as indicated in the foregoing Opinion.

IT IS HEREBY FURTHER ORDERED that said improvements, upon acceptance, shall be installed and in proper working order, in a manner satisfactory to this Commission, on or before the thirty-first day of May, 1932.

Dated at San Francisco, California, this 11<sup>th</sup> day of January, 1932.

C. L. Stearns  
Leon Whitley  
W. A. Can  
M. B. Lewis  
Fred G. Stewart  
Commissioners.