

Decision No. 24487

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Inverness Improvement Association,
 Complainant,
 vs.
 Inverness Water Works,
 Mrs. Julia S. Hamilton, Owner,
 Defendant.

Case No. 2794.

ORIGINAL

Inverness Improvement Association,
 Complainant,
 vs.
 Inverness Water Works,
 Mrs. Julia S. Hamilton, Owner,
 Defendant.

Case No. 3094.

Arthur E. Barendt, for Complainant.
Chickering & Gregory, by S.R. Durhing,
for Defendant.

BY THE COMMISSION:

O P I N I O N

In these proceedings complaint is made by the Inverness Improvement Association, a non-profit corporation, against the rates and service rendered by the water system owned and operated by Julia S. Hamilton under the name and style of Inverness Water Works, at Inverness, Marin County.

Case No. 2794 was filed November 27, 1929, and the Com-

mission rendered therein its Decision No. 22444, dated May 17, 1930, 34 C.R.C. 678, requiring defendant among other things to install additional storage facilities and to "zone" the so-called "Mesa" district. It is contended in Case No. 3094 that defendant failed to comply with the Commission's decision to the extent that the storage facilities were not installed and the "Mesa" was not zoned. Complainants allege that it is unreasonable to require the consumers to pay the increased rates established by the Commission in its Decision No. 6576, dated August 16, 1919, 17 C.R.C. 210, because the service has been inadequate, primarily on account of a shortage of water supply and insufficient storage and distribution facilities, and that defendant has failed to provide a supplementary water supply from the so-called Second Valley source as it agreed to do during the proceedings in 1919. It is further alleged that large quantities of water run to waste throughout the year in First and Second Valleys and that, if this water were stored and made available to the consumers, there would be sufficient water for all purposes at all times.

Defendant in its answer denies the materiality of the issues raised in connection with the rate proceeding and alleges that the Commission's Order in Decision No. 22444 has been complied with; that the inadequate service during the past season has been caused by excessive and wasteful use of water by the consumers; that steps have been taken to correct this condition which will result in an adequate supply of water for all consumers and that the so-called Second Valley supply is not necessary if the water supplied from the present sources is not deliberately wasted.

For the purpose of obtaining a full understanding of the various matters involved, the Commission ordered the reopening of

Case No. 2794.

Public hearings in these proceedings were held at Inverness before Examiner Sattorwhite.

The water for this system is obtained by diversion from three small canyons in what is known as First Valley and is stored in two sets of tanks having a combined capacity of 40,000 gallons. The upper storage consists of a single 10,000-gallon tank known as the Tinney Tank, impounding the water for the upper portion of the so-called "Mesa" area. The lower section is served by three 10,000-gallon tanks known as the Colby Tanks. The distribution system consists of approximately 19,000 feet of 2 and 4-inch mains. Water is served to one hundred and ninety consumers, of which forty are all-year or permanent users while the others are summer or week-end and holiday residents.

In Decision No. 6576, issued August 16, 1919, in Application No. 4652, the Commission increased the rates for the water service rendered by defendant from twelve dollars to fifteen dollars per year and stated that this utility should provide sufficient water at adequate pressure and, in general, render a high-class service. Certain consumers alleged that during the proceedings in the above rate case defendant had promised to build a trail through what is known as Second Valley in order that a pipe line might be installed to provide an additional water supply when necessary, but had failed to do so with the result that the consumers have suffered from a serious shortage of water during the past summer. The First Valley sources did not produce sufficient supply to meet the demands of the consumers, thereby resulting in damage to the gardens because of the necessity of placing drastic restrictions on the use of water for irrigation purposes. The testimony indicates that the

insufficient water supply also caused inconvenience to some of the consumers in the so-called "Mesa" area and that periods of inadequate service caused by a shortage in the supply had occurred during other seasons and could have been avoided by bringing in the Second Valley source but that this water was permitted to run to waste into Tomales Bay. Owing to the fact that an ample and adequate supply was not provided, it is contended that the rates should be reduced to the former charge of twelve dollars per year as the service has not been improved as promised by the company and required by the Commission. No other data was presented to support complainant's request for a decrease in rates.

Defendant showed that a trail had been constructed into Second Valley but that heretofore the First Valley sources of supply had furnished all the water necessary. Owing to the unprecedented dry winter and previous dry seasons last past, the First Valley water supply gradually decreased in quantity during the spring until in May it was not sufficient to supply the demands of the consumers. Thereupon an investigation by one of the Commission's engineers showed that all of the water was not being diverted into the system and recommendations were made to make this water available and the result was that approximately 2,000 feet of 2-inch main were installed to deliver the wasted water into the system, augmenting the supply by an amount estimated to be 20,000 gallons per day. However, the water sources continued to decrease as the summer progressed until it became necessary to take drastic action in order to provide the community with water for domestic and household uses. The Commission authorized the discontinuance of water for irrigating purposes from July 24th to August 12th and afterwards limited irrigation use to fifteen minutes

a day from August 12th to October 20th. Meters were also installed on all consumers having gardens in order to conserve the water and eliminate possible wasteful use.

The Commission in its Decision No. 22444, dated May 19, 1930, Case No. 2794, ordered defendant among other things to file plans covering the installation of additional storage facilities and to zone the so-called "Mesa" area. The record shows that a new main was installed from the Tinney Tank which serves the upper portion of the "Mesa" and that a number of consumers on the "Mesa" that had complained of lack of pressure from the Colby Tanks serving the lower portion of the "Mesa" had been transferred to the new main and that other consumers on the "Mesa" could be connected also if necessary. This installation was considered by the defendant a compliance with the Commission's order as there was some misunderstanding as to what area the "Mesa" covered. The company did not consider additional storage facilities necessary as the overflow from the Tinney Tank was conveyed to the lower tanks. The record also shows that, owing to the decrease in the supply of the Tinney Tank source during the summer, it would be impractical to extend the Tinney system over the entire "Mesa" area as it would result in a shortage to those consumers in case another dry season should occur. The testimony for both complainant and defendant agrees that the Tinney system should not be overloaded but that service should be restricted to the area and the number of consumers that it can reasonably be expected to serve. Representatives of both parties stated that the installation of meters will materially assist in conserving the available supply and provide a more equitable distribution of the water.

Complainant contended that the installation of approxi-

mately 2,000 feet of 2-inch main to the Second Valley source would provide an additional 20,000 gallons a day and that with the installation of another 10,000-gallon tank in the Colby group, the system would have sufficient water supply and storage for the present and also provide for the future growth of the system. It was contended that the water supply or storage facilities had not been increased in the past thirteen years although the consumers had increased from one hundred and six to one hundred and ninety-five in the interval.

Defendant showed that, owing to the lands of Julia Shafter Hamilton being heavily mortgaged and to her long continuous, serious illness, the banks holding the mortgage had insisted that the lands in Second Valley area be deeded to her daughter, Miss Bertha S. Hamilton, and such deed was passed on May 11, 1931. As the Second Valley water has not been dedicated to the public, defendant claims it has no right to divert this water as requested by complainant, that prior to the present season there has been sufficient water for all purposes and that with an increased rainfall during the winter, along with the meters now installed, there should be sufficient water for all purposes without the additional water supply or storage.

After carefully considering the evidence submitted in connection with these proceedings, it is concluded that the Tinney system should not be extended throughout the "Mesa" area but should serve the consumers that are affected by the low stage of water in the Colby Tanks; that the Colby storage should be increased at least by a 10,000-gallon tank; that with the indications of the return of at least normal rainfall and the installation of meters on all users having gardens, it is not considered necessary to bring in the Second Valley supply at this time. However, defendant should bear in mind

that it is obligated to provide an adequate supply of water for the community and the fact that lands formerly owned by defendant are now deeded to another member of the family should not be seriously urged as a reason for not providing the water if it becomes necessary. The following Order will provide for bringing in a portion of the Second Valley supply if and when it becomes necessary as the testimony shows it can be made available within a week's time.

O R D E R

Inverness Improvement Association, a corporation, having filed complaint as entitled above in Case No. 3094 and Case No. 2794 having been reopened by the Commission for further hearing, public hearings having been held thereon, the matters having been submitted and the Commission being now fully advised in the premises,

IT IS HEREBY ORDERED that Julia Shafter Hamilton, who owns and operates a water system at Inverness, Marin County, under the fictitious firm name and style of Inverness Water Works, be and she is hereby directed to file with this Commission, within thirty (30) days from the date of this Order, plans for the installation of at least a 10,000-gallon tank at the so-called Colby group of tanks, said plans to be subject to the approval of the Commission.

IT IS HEREBY FURTHER ORDERED that said Julia Shafter Hamilton make necessary provisions and arrangements to install a pipe line of at least two inches internal diameter in Second Valley at sufficient elevation to force the water into the Colby Tanks and connect same either to the Colby Tanks or to the existing distribution system in Second Valley and Julia Shafter Hamilton shall file with this Commission, within ninety (90) days from the date of

this Order, a statement setting forth said necessary provisions and arrangements, same to be subject to the approval of this Commission.

Dated at San Francisco, California, this 15th day of February, 1932.

C. C. Sawyer
Leon Swindell
W. J. Can
W. B. Harris
Fred G. Stewart
Commissioners.