

Decision No. 24522

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

H.H. Caldwell,

Complainant,

vs.

Julia Conlin, Executrix of  
the Estate of Thomas Conlin,  
deceased.

Defendant.

**ORIGINAL**

Case No. 3113.

Dr. H.H. Caldwell, in propria persona  
and for certain consumers.  
Rowan Hardin, for defendant.

BY THE COMMISSION:

O P I N I O N

In this proceeding H.H. Caldwell, a resident of the Town of Columbia, Tuolumne County, for himself and in behalf of twenty-one other consumers, complains against the water service rendered by the Columbia Water System owned by the estate of Thomas Conlin, deceased, and operated by Julia Conlin, executrix of the will of said Thomas Conlin, deceased.

The complainant alleges that the water system, dam and reservoir are in an unclean and unsanitary condition; that the water served is unfit for drinking and domestic purposes; that the service rendered by defendant is interrupted for periods of many hours at a time and that defendant has refused to install and maintain service connections to the property lines of the water users. The Commission is asked to require the defendant

to remedy the conditions complained of above.

By way of answer defendant denies that the water works are maintained in an unclean and unsanitary condition and alleges that the system is fed by small springs in the vicinity of Columbia which have been insufficient in yield to properly supply the community during the summer season, requiring augmentation by purchase of water from the Pacific Gas & Electric Company. Defendant admits that at times service has been interrupted due to the shortage of water and the hilly nature of the territory supplied but states that, nevertheless, all consumers have been given a reasonable quantity of water and that the Columbia Water System has operated for approximately forty years with the understanding that all consumers are required, at their own expense, to connect the service lines to the established mains of the company. Defendant further alleges that the income received from the seventy consumers served over a widely scattered territory is insufficient to warrant the expense of the improvements necessary to render the class of service demanded by the complainants and requests that the proceeding be dismissed unless and until the Commission fix and allow such an increase in rates as would justify the installation of more adequate water works facilities.

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

The evidence shows that the water works supplying the Town of Columbia originally were established under the name of New England Water Company in the early mining days of California. At one time this system supplied a town with a population variously estimated at from fifteen to thirty thousand. At present the system serves but seventy consumers who are widely scattered over a

rather large territory. In 1889 one Thomas Conlin acquired the water works and operated them until the time of his death about two years ago. Subsequent to this time they have been managed by his sister, Miss Julia Conlin, executrix of his estate. Most of the distribution mains were installed in the early days at a time when there was little or no orderly arrangement of residences and buildings. Pipe lines were run in a more or less haphazard manner over and across private as well as public property as expediency seemed to demand. Consumers installed their own private service connections to the main pipe lines and also to other private service pipes as best suited their individual convenience, which practice has resulted in a condition of considerable confusion. However, in view of the present alleged exhausted financial condition of the Conlin estate, it would be wholly futile and unreasonable to require the complete rebuilding and relocation of the present distribution mains to provide all the consumers with individual service connections installed at the utility's expense. In a few instances where two or more consumers are supplied through a single small private service pipe, the poor service resulting thereby may be remedied very simply and at little expense by connecting each service pipe directly to the distribution main. A number of such cases exist and defendant should formulate a definite program calling for the gradual and progressive elimination of such duplicate and multiple service connections as soon as such action may be warranted by the revenues. In this connection the testimony shows that a single small service pipe supplies both the property of Dr. Caldwell and the premises of Mr. Engelke resulting in neither of these users being able to obtain adequate service. This is the most aggravated case presented and the trouble may be

eliminated by placing both premises on separate service pipes. This should be done without delay.

The principal source of the water supply of this utility is obtained from two large springs located in what is known as Matelot Gulch situated to the east of the Town of Columbia. Waters from these springs are collected and transported into a storage cistern of approximately 40,000 gallons capacity and located at an elevation above the main part of town. There is also another storage cistern, adjacent and somewhat higher, which formerly was used for standby and fire protection purposes but has, however, been allowed to fall into such a state of disrepair that it is no longer capable of effective use without a considerable amount of reconstruction. For a great number of years last past the water supply from the springs has been wholly insufficient to supply the demands of the consumers during a large portion of the year and during the present summer the combined yield of the springs has decreased to a flow of approximately one miner's inch, or about 16,000 gallons daily. To augment this supply, during the summer months the defendant has been forced to purchase water from Pacific Gas & Electric Company, delivered at the end of said company's Columbia Ditch supplied from the Matelot Reservoir. According to the testimony the Pacific Gas & Electric Company sells water from this ditch mainly for agricultural irrigation purposes and disclaims any liability resulting from the use of such water for domestic and household purposes. The water from the Columbia Ditch is introduced into defendant's distribution system without any attempt whatsoever being made to insure its freedom from possible pollution or contamination. While there was no proper evidence submitted during this proceeding showing that the waters received from the Columbia Ditch are in fact

dangerous to health, unsanitary and/or contaminated, nevertheless the majority of the consumers testified that they believed the water to be unsafe for human consumption and accordingly hauled in from outside sources all water used for drinking and cooking purposes during the period the ditch water was being supplied by defendant. In addition to the complaint as to the potability and the safety of the Columbia Ditch supply, testimony indicated that for several years last past during the periods of peak demand throughout the summer seasons defendant had failed to purchase sufficient water from the Pacific Gas & Electric Company to supply them with an adequate quantity for the irrigation and sprinkling of lawns, gardens and shrubbery.

The evidence very clearly indicates that the untreated ditch water may become unsafe for domestic use. Water from this source may be rendered safe for human consumption very inexpensively through treatment by the chlorine process before introduction into the mains, and it is therefore advised that no further ditch water be served to consumers for domestic or household uses unless such water is first subjected to some reliable system of pre-chlorination.

Complainants contend that the intake facilities, including the dam and reservoirs, are unclean and unwholesome. The testimony shows that subsequent to the filing of this complaint defendant has cleaned up the springs and cistern. The dam and reservoir, how-

ever, are not the property of this utility but belong to the Pacific Gas & Electric Company. In this connection it should be pointed out that a vast improvement in the general quality and appearance of the water may be assured for the future through the periodic and systematic cleaning of all intake and storage facilities and the regular flushing or blowing out of the mains from fire hydrants and at the gates and valves at the low points of the system. The adoption of such a program will clear up and eliminate practically all of the interior pipe line deposits arising from silt and rust, at the same time preventing the occurrence of unpleasant tastes from stagnant or poorly circulating water in dead-ended mains.

It appears that defendant has no adequate rules and regulations governing the distribution of water to the consumers. The standard rules and regulations for water companies adopted by this Commission will be of great assistance in the future to both the utility and the consumers. The Commission will therefore direct that these rules and regulations be adopted by the utility and adhered to in its future operations.

Defendant has stated that she is financially unable to expend any money for general improvements to the system and unwilling so to do unless an increased rate for service rendered be established by this Commission. The improvements suggested in this decision are comparatively inexpensive and can be done at no additional labor costs by the man regularly employed by defendant to look after the system. With the return of normal rainfall conditions, already assured this year, the water service on this system undoubtedly will be vastly improved over that rendered during the past five years of drought. In the event that the ex-

isting rate schedule is not uniform and permits of discriminatory charges against certain consumers, defendant may then apply to the Commission, in the manner prescribed by law, for a proper readjustment of the rates to be charged for future water deliveries.

O R D E R

H.H. Caldwell, et al., having filed a formal complaint against the inadequacy of the water service rendered by Julia Conlin, executrix of the estate of Thomas Conlin, deceased, operating a water system supplying consumers in and in the vicinity of the Town of Columbia, Tuolumne County, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully advised in the premises,

IT IS HEREBY ORDERED that Julia Conlin, executrix of the estate of Thomas Conlin, deceased, be and she is hereby ordered and directed to rearrange, within ninety (90) days from the date of this Order, the service connections supplying the premises of Dr. Caldwell and Mr. Engelke so that each thereof shall receive water through a separate pipe having independent connection with the water main.

IT IS HEREBY FURTHER ORDERED that Julia Conlin, executrix of the estate of Thomas Conlin, deceased, be and she is hereby ordered and directed to file with this Commission, within ninety (90) days from the date of this Order, a statement in writing showing that she has complied with the terms of the Order herein relating to the rearrangement of the service connections as directed above.

IT IS HEREBY FURTHER ORDERED that said Julia Conlin, ex-

ecutrix of the estate of Thomas Conlin, deceased, be and she is hereby ordered and directed to file with this Commission, within thirty (30) days from the date of this Order, revised rules and regulations governing the relations with her consumers, said rules and regulations to become effective upon their acceptance for filing by the Railroad Commission.

Dated at San Francisco, California, this 29<sup>th</sup> day of February, 1932.

O. Deaver  
Leon Whitwell  
W. J. Linn  
W. B. Lewis  
Frederic G. Stewart  
Commissioners.