

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

CASCADE LAND COMPANY,)
 Complainant,)
 vs.)
 MARIN WATER AND POWER)
 COMPANY,)
 Defendant.)

Case No. 761.

E. E. Cosgriff for complainant,
Joseph Haber, Jr., for defendant.

TERLEN, Commissioner.

O P I N I O N.

This is an action to compel defendant water utility to supply water to complainant.

The complaint alleges in part that complainant owns about 800 acres of land situated on the Fairfax-Bolinas Road about 2000 feet southerly from the railroad station at Fairfax in Marin County; that complainant has subdivided a portion of this land into lots many of which have been sold to people who desire to build houses thereon; that complainant has laid in the streets of said subdivision water mains and laterals which comply with the specifications and requirements of the water company; that all of complainant's land lies within the district supplied with water by the water company; that complainant has done all things on its part necessary to be done in order to receive a water supply from the water company; and that complainant has made application to the water company for water but has been refused water. The complainant accordingly asks this Commission to make an order directing the water company to supply complainant enough water for ordinary domestic use upon said land.

A public hearing was held in San Francisco on May 20, 1915. At this hearing complainant showed that two houses have been built upon its land and that several more will soon be constructed if water is secured for the tract.

Defendant's counsel stated that defendant has two objections to the grant of the relief asked by complainant.

1. The first objection is that if defendant itself makes the extension necessary to serve this tract, it can not be reimbursed for the moneys so expended, in case Marin Municipal Water District is successful in acquiring defendant's property under proceedings already initiated looking to the acquisition of this property in eminent domain proceedings.

Complainant thereupon offered to bear the entire expense of constructing the necessary extension, which offer, as conceded by defendant, removed defendant's first objection. In view of this offer and defendant's position thereon, it becomes unnecessary for this Commission to discuss in this proceeding the issue thus raised by defendant.

2. The second objection, and the one relied on by defendant, is that defendant has not at its disposal sufficient water to enable it safely to supply complainant.

By stipulation between the parties, such portions of the testimony in Application 1141, being the Application of Marin Municipal Water District for an order establishing the just and reasonable compensation to be paid by Marin Municipal Water District for the property of Marin Water and Power Company, as might be deemed material, were considered in evidence in the present proceeding.

In the hearing on Application No. 1141, Mr. C.J. Rhodin, a witness for the water company, testified (Transcript, p. 959) that the total capacity of the present developed and used sources of water of Marin Water and Power Company, excluding the supply from Swede George, is 2,000,000 gallons daily, and 2,126,000 gallons daily if Swede George is included. He added that he considered

these amounts to be "the proven capacity of these reservoirs."

Mr. A. M. Hunt, a witness for the water company, reported in Water Company's Exhibit "V" as follows:

"After a careful study and analysis of the records of the company, I state that the present plant of the company can supply an average of 2,000,000 gallons of water per day during every year (in which the annual rainfall and distribution of the same during the year are not more adverse to water yield than any of the years from 1880 to date.)"

Mr. Hunt reported that the amount of water supplied by Marin Water and Power Company from its various sources from 1908 to 1913, inclusive, has been as follows:

<u>Calendar Year</u>	<u>Average per day</u>
1908	1,635,377 gallons
1909	1,825,000 "
1910	2,126,611 "
1911	1,774,836 "
1912	1,563,730 "
1913	1,673,800 "

As the seasons of lowest rainfall at Lagunitas since 1880 were those of 1911-12 and 1912-13, the water which could have been supplied in either the year 1912 or 1913 was assumed by Mr. Hunt to be the measure of the amount which the company can supply in the most adverse season of record.

In Application No. 1508, the company's witness testified that the average supply of water per day in 1914 had been 1,507,000 gallons.

The falling off of use in 1911 and 1912 is undoubtedly due to the fact that in 1911 the company started systematically metering its system. Much waste of water has been stopped by the meters installed to date.

It is thus evident that there is still a substantial margin between the average capacity of the system and the present demands on it. At the present time, only 50 per cent of the system is metered. A considerable amount of additional water could no doubt be conserved by extending the metering of the system.

In view of the facts herein set forth I am not impressed with the defendant's claim that its water supply is so limited that it can not safely extend its service to the lands of the complainant herein.

I submit the following form of order:

O R D E R.

A public hearing having been held in the above entitled proceeding and the same having been submitted and being now ready for decision,

IT IS HEREBY ORDERED that Marin Water and Power Company, within 30 days from the date of this order, construct such pipe line as may be necessary, at complainant's cost, to serve the land of complainant described in the opinion which precedes this order, and that Marin Water and Power Company thereafter supply to said land at its usual rates a sufficient amount of water for ordinary domestic use, as required.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 2nd day of

June
1915.

Max Thelen

H. D. Harland

Edmund D. Edgerton

Commissioners.