

CR.

Decision No. \_\_\_\_\_.

ORIGINAL

Decision No. 4327-

BEFORE THE RAILROAD COMMISSION OF THE  
STATE OF CALIFORNIA.

Cazadero Improvement Club,  
Complainant,  
v.  
Cazadero Water Works,  
Defendant.

Case No. 1047.

O. P. Trine for Complainant.  
George S. Montgomery for Defendant.

BY THE COMMISSION.

O P I N I O N

This is a complaint by CAZADERO IMPROVEMENT CLUB, of Cazadero, Sonoma County, against the Cazadero Water Works, owned by George S. Montgomery.

The complaint alleges that the pipe lines of the system are in very bad condition and a large amount of water is lost through leakage, also that the storage

tanks are not large enough and need repairing. It is further stated that no effort is being made by defendant to increase the water supply, although the population is increasing and the consumers have great difficulty in the summer months in securing a sufficient amount of water for their needs, causing them to suffer great inconveniences and to pay charges for water not received.

A public hearing in this proceeding was held before Examiner Encell at Cazadero May 1, 1917.

The water system owned by defendant supplied service to forty consumers in 1916 for household and business purposes; a small amount of water was used for stock and the irrigation of lawns and gardens. The supply is obtained from Boulder Creek and from two springs, each furnishing water to different portions of the community, although the distributing system can operate as a unit to the extent that the small size of connecting pipe will permit.

This water system was constructed about seven years ago by R. C. Chapman and S. R. Break, who had a contract with George S. Montgomery to subdivide and sell his property in this vicinity. Later this contract was cancelled and a new one made with Break. About two years ago it developed that Break could not fulfill his contract and George S. Montgomery took back the unsold property and the water system came into his possession. The record does not show that any-

thing was ever paid by Montgomery for this system and he could not name any amount or produce any figures which would show approximately what its cost had been.

The testimony shows that service has been very inadequate at times during the past year. One consumer testified that no water was received for a period of four months, excepting one half hour, compelling her to carry water, although payment for service was regularly solicited. Another consumer testified that he had received no water for periods of three days at a time. There was cumulative testimony along the same line. In addition, it was testified that the maintenance of the springs had not been such as to keep them in good sanitary condition. A large amount of pipe is not covered, causing it to burst in winter from freezing, with consequent cessation of service.

No contention was made by the defendant that these statements were contrary to fact or that consistent efforts were being made to give efficient service. The owner of the system contended that he was in no way responsible for conditions as the system had been leased in 1916 to W. B. Quigley, who had operated the system. This purported lease was executed without the authority of the Commission, and is therefore void and could not operate to release the owner from his obligation to properly conduct this water system.

It was contended by the defendant that the revenues from the system were not such as to justify ex-

penditures for improvements, but as long as ownership of a public utility is claimed it is expected that service will be adequate. Owners have the privilege of making formal application to the Commission for an adjustment of rates if the revenues are insufficient. No such application has ever been made. It appears that a royalty has been paid to the owner by the operator of the system, the balance being taken to cover the costs of operation. The evidence also shows that if better service were given the revenues would be greater, as some consumers have refused to pay for service which has not been received.

An inspection of the property was made by Milo E. Brinkley, one of the Commission's Engineers, who testified that the storage facilities were unusually meagre, as was the capacity of the pipe lines for the number of consumers to be served. He recommended that certain improvements be carried out and advised that it was unnecessary to bring water from Ward Creek, the present supply on Boulder Creek being sufficient if the additional storage be provided. His plans provide for a tank of larger capacity at a higher elevation than the present tank on Boulder Creek and the installation of pipe two inches in diameter to increase the capacity of the distributing system. The further development of the spring above the Snyder tank was recommended. Brinkley estimated the total cost of the suggested improvements at about Six Hundred (\$600.) Dollars.

We believe that the suggested improvements, or other facilities equally effective, should be constructed and it is also our opinion that better service will bring more revenue and the increase in returns will pay the annual charges on such improvements.

### O R D E R

Complaint having been made by the Cazadero Improvement Club against the Cazadero Water Works, owned by George S. Montgomery, involving the service of water by said defendant to the members of said club and to other water users,

And a public hearing having been had on such complaint, and the Commission being fully advised in the premises,

IT IS HEREBY FOUND AS A FACT that the service and facilities of the defendant are inadequate and that the facilities herein ordered are proper and reasonable improvements, and basing this order on the foregoing findings of fact and the further findings of fact contained in the opinion preceeding this order,

IT IS HEREBY ORDERED that the Cazadero Water Works of George S. Montgomery within fifteen

(15) days from the date of this order submit plans to this Commission and make arrangements for the purchase and erection of a tank of at least ten thousand (10,000) gallons capacity on Boulder Creek at a point about forty feet higher in elevation than the present tank and for the purchase and installation of at least twelve hundred (1200) feet of pipe two (2) inches in diameter or greater, which pipe shall be an extension of the present two inch supply main on Boulder Creek and take the place of the present one inch main, which one inch main shall be taken up and relaid on other portions of the system where needed.

IT IS HEREBY FURTHER ORDERED that the Cazadero Water Works or George S. Montgomery, within sixty (60) days from the date of this order, construct the improvements as planned and in addition develop the spring supplying what is known as the Snyder tank, to a greater capacity by suitable construction.

IT IS HEREBY FURTHER ORDERED that the Cazadero Water Works or George S. Montgomery make weekly reports of the progress of construction as ordered until such improvements are finished.

Dated at San Francisco, California, this 21st day of May, 1917.

Max Thelen  
W. J. Loveland  
Edwin O. Edwards  
Frank R. Kester  
Commissioners.