

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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S. A. PONCE,

Complainant,

-vs-

Case No. 1270.

HALF MOON BAY WATER COMPANY,  
a corporation, BANK OF ITALY,  
a corporation, WILLIAM MEISSNER,  
APRONIA WATER COMPANY, a cor-  
poration, and HORACE G. KNAPP,

Defendants.

J. H. McCurdy for complainant.  
Louis Ferrari for Bank of Italy.  
Albert Mansfield for Wm. Meissner.  
Alfred W. Hare for Mrs. C. E. Dunsmore.

BY THE COMMISSION:

O P I N I O N

The amended complaint alleges that defendants are engaged in operating a water system at Half Moon Bay, San Mateo County, under the fictitious name of Half Moon Bay Water Company; that water service is insufficient, inadequate and unsatisfactory; that the wells and pumps are inadequate, and that at times during the last summer consumers were wholly without water.

The answer of the bank discusses the title and possession of its undivided 6/15ths interest in the system, but is silent as to the allegations concerning service. The answer of defendant Wm. Misner (sued as Wm. Meissner),

denies all of the allegations of the complaint, and alleges that he has no interest in the system except as legatee under the will of Lizzie Knapp, deceased, the owner of an undivided 5/15ths interest in the system.

A public hearing was held by Examiner Westover at Half Moon Bay, at which the facts relating to the service and system were presented, and subsequently two additional hearings were held by him in San Francisco.

At the last hearing it appeared from the agreed statement of counsel that the Bank of Italy owns an undivided 6/15ths interest, Wm. Misner has succeeded to the undivided 5/15ths interest of Lizzie Knapp, deceased, and that the remaining 4/5ths interest was owned by Apponolia Water Company, a corporation now defunct, because of failure to pay its corporation tax. It also appeared that considerable uncertainty existed as to who were the members of the last board of direct<sup>ors</sup> of said Apponolia Water Company who would by virtue of law become trustees in liquidation for creditors and stockholders; and as to the whereabouts of such trustees. It appears, however, that Mrs. C. E. Dunsmore is the owner of nearly all of the capital stock of the company, and thus owns practically an undivided 4/15ths interest in the system of defendants.

The water supply of defendants is obtained by diversion from Diggs Creek, and by pumping from a drilled well located near the point of diversion. The flow of the stream is practically continuous, and is reported as measuring 1200 gallons per hour on October 29, 1918.

The rights to the water in this creek are involved in an action pending in the Superior Court of San

Mateo County, brought by Lizzie Knapp as plaintiff against Lizzie Diggs and Wm. Debenedetti, both defendants therein using water from the stream for irrigation.

Under stipulation made in that case all of the water has been used by the parties thereto, in rotation, during the last four or five years, for intervals of three or four days each; but last year it appears that Mr. Debenedetti diverted and used all of the water, thus greatly reducing the limited supply of defendants herein. Counsel state that a trial of the case of Knapp v. Diggs, et al. can probably be had at a comparatively early date and the rights of the parties determined.

We suggest that if decree is not to be entered soon in that case, an effort should be made to modify the present stipulation so that the system of defendants herein may receive a continuous flow <sup>equivalent to</sup> the interest in the stream owned by the estate of Lizzie Knapp, now deceased.

Mr. Mansfield, attorney for Mrs. Knapp, expressed the opinion that the water system herein should receive about half of the water in the stream upon final adjudication of the respective rights thereto.

Water is diverted from the creek into a concrete lined storage reservoir, and conveyed by gravity through a 6 inch transmission line about two miles to the town of Half Moon Bay, where it is distributed to about 125 consumers. Water is also developed from a 6 inch drilled well 66 feet deep, <sup>already mentioned.</sup> The pumping plant consists of a 5 inch pump with a 4 h.p. gasoline engine, and discharges water directly into the reservoir.

No engineering testimony was offered by defendants. They expressly rely upon the testimony of Wm. Stava, one of the Commission's assistant hydraulic engineers, who made an investigation and report, which has been placed in evidence, pursuant to stipulation of counsel. Mr. Stava reports the pump to be in good condition, with a larger capacity than the 1200 gallons per hour which it was delivering at the time of the first hearing; but that the engine is in poor condition and should be replaced by one of 8 h.p. to 12 h.p. He also reports the transmission line to be in poor condition, and in need of repair.

Consumers who testified at the hearing complained also of a sediment in the water. Mr. Stava recommends that this condition be remedied by raising the outlet at the reservoir about 6 inches to prevent sediment being carried into the distribution system.

Complaint at the hearing was also made of the quality of the water coming from the tank and well of A. T. Gilchrist, one of the consumers. It appears that his tank, receiving water from his well and also from the system of defendants, is so connected that when the pressure on the system becomes low, water objectionable in character to consumers of defendants flows into the system. Mr. Stava recommends that a check valve be installed.

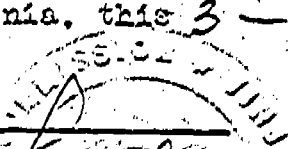
The pumper in charge of the system of defendants testified that nearly half of the water is lost in transmission because of leaky mains, and that the present 4 h.p. engine is far too small.

O R D E R

Public hearings having been held in the above entitled case, and the matter being submitted and now ready for decision,

IT IS HEREBY ORDERED that defendants, Bank of Italy, Wm. Misner and Mrs. C. E. Dunsmore, operating a water system at Half Moon Bay, San Mateo County, under the fictitious name of Half Moon Bay Water Company, provide for their consumers an adequate supply of water, and render high-class service to their consumers; and to that end within sixty days they repair the transmission main leading from the storage reservoir; raise outlet at reservoir about 6 inches, sufficient to prevent sediment being carried into the distribution system; install 6 h.p. or 12 h.p. gas engine or the equivalent electric equipment at the pumping plant; and arrange to have check valve placed in the line leading from tank of A. T. Gilchrist; and that within 30 days they arrange to procure a continuous flow of not less than one-third of the waters of Diggs Creek or take steps to procure a decree of the Superior Court of San Mateo County adjudicating their rights to the waters of said creek; or that in lieu of obtaining such supply from Diggs Creek they develop not less than 2000 gallons of pure water per hour in addition to present available water supply by sinking additional wells, or otherwise.

Dated at San Francisco, California, this 3<sup>d</sup> day of July, 1919.

  
*H. D. Lybrand*  
*Frank Kirby*  
*H. N. Brundage*  
*George W. Martin*  
Commissioner 237