

Decision No. 8867

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

Wm. F. DAVIS, HARRY O. ADAM, )  
WILLIAM B. WEARTON and MRS. )  
ANITA CLEMENT, )  
Complainants, )

-vs-

CASE NO. 1476

HUGH A. BOYLE AND MRS. IDA M. )  
BOYLE, )  
Defendants. )

William F. Davis, H. O. Adams and  
Mrs. A. Clement for Complainants.  
Hugh A. Boyle for Defendants.

BY THE COMMISSION.

O P I N I O N

Complainants herein, who are residents of Tiburon, Marin County, and are served by the public utility water system owned and operated by defendants, allege that the supply of water furnished by defendants is inadequate; that water is shut off at irregular intervals and that during September and October of each year the shortage of supply seriously affects the sanitary condition of the community. They ask the Railroad Commission to permit the Belvedere Land Company to serve the territory now supplied by defendants, or that defendants be required to purchase or obtain such additional supply of water as will adequately supply the consumers.

A public hearing was held in this matter before Examiner

Westover at Tiburon, of which all parties to this proceeding were notified and given an opportunity to appear and be heard.

Defendant, Hugh A. Boyle, testifying in his own behalf, admitted that the water supply has been insufficient, and stated that this condition is due to a continued decreasing flow from the springs which supply the system, this decrease being caused by the drought conditions which have prevailed for some time past.

The evidence shows that the Belvedere Land Company can not supply water to the Boyle System until the Belvedere Company is able to obtain an additional supply of water. While it was shown that the Marin Municipal Water District may install a supply main in the vicinity of the Boyle System at some future date, it would be impossible to obtain an additional supply from this source at the present time.

With reference to immediate requirements, or those of the coming season, defendant Boyle testified that he is ready, able and willing to develop additional springs, should the demand require it, although from present indications it is reasonable to expect a normal flow from the springs during the coming season, in which event it is probable that no additional sources of supply will be necessary. However, the following order is designed to provide adequate protection against any possible shortage of supply.

#### ORDER

Complaint having been made to the Railroad Commission as entitled above, a public hearing having been held and the matter having been submitted,

IT IS HEREBY FOUND AS A FACT that the service rendered by Hugh A. Boyle and Ida M. Boyle to their consumers has been inadequate and that the supply of water heretofore delivered has been insufficient.

And basing its order upon the foregoing finding of fact, and on the other statements of fact contained in the opinion which precedes this order,

IT IS HEREBY ORDERED that the defendants, Hugh A. Boyle and Ida M. Boyle, be and they are hereby directed to deliver a sufficient quantity of water to their consumers, and maintain or obtain sources of water supply sufficient to meet these needs.

IT IS HEREBY FURTHER ORDERED that Hugh A. Boyle and Ida M. Boyle be and they are hereby directed to file with this Commission on or before May 1, 1921, a report containing a detailed survey of water conditions obtaining under the public utility water system operated by them, together with a statement as to whether or not the present sources of supply will produce a sufficient quantity of water to adequately serve their consumers; and in the event it is apparent that the supply may be insufficient to adequately serve all consumers, said report shall include a detailed outline of defendants' plan to augment the supply to meet the demand.

IT IS HEREBY FURTHER ORDERED that defendants herein be and they are hereby directed, in the event that the present supply is insufficient to adequately supply all consumers during the coming season, to proceed immediately to develop an additional water supply in accordance with the plans submitted by them as modified or altered by the Commission, and shall have constructed

not later than June 15, 1921, the necessary facilities in accordance with the above mentioned plan as modified or altered by the Commission.

Dated at San Francisco, California, this 16th day of April, 1921.

H. D. Loveland  
H. H. Lundberg  
Wm. H. Martin  
Chas. H. Howe

Commissioners.