

Decision No. 25872

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ERICK R. CARLSON,  
Complainant,  
vs.  
LOUISE and AXEL P. BROWN,  
Defendants.

**ORIGINAL**

Case No. 3431.

Erick R. Carlson, for complainant.

Axel P. Brown, for defendants.

BY THE COMMISSION:

O P I N I O N

In this proceeding Erick R. Carlson, joined by five other water users, claims that defendants for several years last past have failed and refused to supply them with adequate and sufficient water to meet their bare household, cooking and sanitary requirements. While defendants admit in their answer that they have other sources of water supply, they deny complainants' claims of poor service and allege that the system is in a good state of repair and is distributing a sufficient quantity of water for the consumers' requirements.

A public hearing in this matter was held before Examiner Satterwhite in the Town of Albion in Mendocino County.

The water works supplying the community of Albion is owned by one Louise Brown as her separate property and is op-

erated by Axel P. Brown, her husband. The water supply is obtained from a collecting pit or cistern, ten feet square and about nine feet in depth, which intercepts shallow, sub-surface drainage waters. The storage facilities consist of two tanks of a total capacity of three thousand gallons. The construction of the collecting chamber is such as to allow the infiltration of surface water with the resultant possibility of serious contamination. According to the uncontroverted testimony, there never has been sufficient water supplied by defendants at any time, winter or summer, for many years; frequently the entire community has been without water for several days at a time, making it necessary, especially during the summer months and early fall, to store water for household purposes in bathtubs and other containers and to procure drinking water from springs and other sources. All requests for improved service made to the owner and operator of this water works have been met either with refusal or have been entirely disregarded.

The evidence clearly shows that the water supply facilities are inadequate in production and subject to serious surface contamination. The pumping equipment is seriously in need of repair and general over-hauling and the storage facilities are wholly insufficient. No effort has been made by defendants to provide additional water although they own and control several other convenient sources of supply which, it is conceded by all interested parties, very readily can be made available for distribution to their consumers at practically a nominal cost. Although defendant Brown contended that his duties as postmaster of Albion have and do make it impossible for him to devote more time and effort to the rendering of satisfactory water service to his consumers,

nevertheless the testimony shows that but a few hours each month are actually required to properly operate the system. In view of the fact that defendants are realizing a fair profit over and above their operating expenses including depreciation, it appears just and proper that they should be ordered and directed to proceed without unnecessary delay to develop and make available to each and every of their public utility consumers additional water and also provide increased storage facilities to the extent of not less than five thousand additional gallons. The distribution mains are in a most serious state of disrepair and, although the Railroad Commission will not at this time order replacement of the primary distribution main, defendants will be expected to make provision for better distribution facilities in the near future as soon as the revenues realized from water operations will warrant. Immediate steps should be taken to protect the present source of supply from contamination through the infiltration of surface water. It is furthermore suggested that an automatic float switch be installed to operate from the storage tank or tanks.

O R D E R

Erick R. Carlson, et al., having filed formal complaint as entitled above, 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 Louise Brown, owner, and Axel P. Brown, operating a water works at Albion in the County of Mendocino, be and they are hereby ordered to file with this Commission, within sixty (60) days from the date of this Order, for its ap-

proval, detailed plans for the development of an additional and adequate water supply by means of a well or wells, or springs, together with provision for automatic pumping control and the installation of additional storage facilities of not less than five thousand (5,000) gallons' capacity, said improvements to be provided and made available in proper working order and in a manner satisfactory to this Commission on or before the first day of September, 1933.

IT IS HEREBY FURTHER ORDERED that Louise Brown and Axel P. Brown be and they are hereby directed to provide, without delay, for the proper protection of the present source of water supply from contamination and surface pollution, and said Louise Brown and Axel P. Brown shall file with this Commission, not later than the first day of September, 1933, a certified copy of written approval by either the State or County Board of Health of the use for human consumption of the waters from said well.

Dated at San Francisco, California, this 29<sup>th</sup> day of May, 1933.

C. L. Seavey

W. A. Cunn

W. B. Harris

W. H. [Signature]  
Commissioners.