

Decision No. 31815

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

R. E. ST. CLAIR,  
Complainant,  
vs.

E. T. MINNEY, JEAN NAYLOR  
and R. SELLERS,  
Defendants.

Case No. 4354.

ORIGINAL

Harold F. Sawallisch by Wakefield Taylor  
for Complainant.  
E. T. Minney, Jean Naylor and R. Sellers,  
for defendants.

BY THE COMMISSION:

O P I N I O N

R. E. St. Clair is a resident of a subdivided tract known as El Sobrante Rancho, located in the foothills near the Town of Pinole in Contra Costa County. In behalf of a number of his neighbors, as well as himself, he has brought this complaint against defendants as owners and operators of a water system supplying their homes with water. The complaint charges inadequate and insufficient water for domestic needs, interrupted service with practically no water at all for many days at a time, pipe lines too small, unclean tanks, dirty water and refusal of defendants to remedy such matters. Request is made that the owner of this water plant be required to install necessary improvements and meter all consumer service pipes to prevent inequitable use of water by certain consumers having large lawns

and gardens. No answer was filed by any of the defendants; all of them, however, appeared personally at the hearing.

A public hearing in this proceeding was held before Examiner M. R. MacKall in Oakland.

According to the evidence Jean Naylor owned and subdivided the tract of land called El Sobrante Rancho and also installed a temporary water system to serve water to those consumers living on lots in the higher elevations of the subdivision. Real estate operations are conducted under the name of The Minney Company in conjunction with defendant E. T. Minney. R. Sellers, who owns property in the tract on which he raises chickens, is in charge of the plant and operations in the field but does not reside in the subdivision, living in the City of Berkeley.

The subdivided lots were first placed on the market in July 1934. In 1935 water pipes were installed to serve the upper lots. It was the original intention of the operators to require all parties living at the lower elevations to provide their own water from individual wells or other sources. However, some of these did connect to the pipe lines and because of the steep and precipitous nature of the terrain, prevented the residents on the slopes above from getting water. In addition, the pipe lines and mains are so small that any reasonable service is impossible during the summer months and other high demand periods. Most of the lines are of 3/4 inch pipe only, the largest being but 1 1/2 inches in diameter. There are three shallow wells,--two dug and the other a drilled and cased well. This hillside country contains no good underground water fields. All defendant's wells are low producers and do not provide adequate water to properly meet the maximum requirements of the present twenty consumers.

The testimony shows that the wells are not fenced or properly protected from outside and surface contamination and that none of the storage tanks have ever been cleaned. Apparently a considerable amount of sediment has accumulated in the floors of certain of the tanks which at times becomes stirred up and is carried into the discharge lines to the consumers. The owner of this system must take immediate steps to properly protect the wells in use from pollution from outside sources and thoroughly clean all tanks in use. This cleaning should be done at intervals of not more than six months and oftener if the condition of the water makes it necessary.

Testimony of complainant is to the effect that at the present time service is continuous and adequate and that there is now sufficient water to meet all his demands. However, meters have been installed on the majority of services reducing waste and as the winter demands are quite small, there is no doubt that with the small pipe and increased load next spring and summer the service will again be unsatisfactory. The evidence shows that the tank across the road from complainant must be kept full in order to give him continuous water deliveries. The owner of this system must arrange to maintain the water level in this tank at its maximum elevation at all times or raise it sufficiently to eliminate the present pressure difficulties. Complainant claims that defendant has forbidden the use of water for lawn or flower irrigation, limiting water to interior household purposes only. Such unreasonable prohibitions on water service are highly improper and cannot be permitted. Domestic service in a private residential community such as this must provide a reasonable amount of water

for outside lawn and garden requirements unless very unusual or emergency conditions of supply exist not present in this instance.

Testimony indicates that service has been improved to a large extent because certain consumers in the lower areas were cut off the system, thereby preventing the serious drain upon the small capacity pipe lines. Within the last six months a new storage tank also has been installed. However, the testimony directly indicates that in the next summer season the inadequacy of the existing facilities will create new hazards. When this occurs and unless prompt relief is afforded, the Commission will be forced to take whatever steps are necessary to require the owner of this system to install larger mains and other required facilities.

No question was raised as to the public utility status of this water works. Defendants have conceded that water has been sold to all members of the public generally within the area supplied and that the plant operations are subject to the control and jurisdiction of this Commission. Defendant owner of this plant, therefore, will be required to file rules and regulations for the operation of this system and a schedule of rates being charged for service rendered.

#### O R D E R

Complaint as entitled above having been filed with this Commission, a public hearing having been held, the matters having been duly submitted and the Commission being now fully advised in the premises, therefore,

IT IS HEREBY ORDERED that Jean Naylor be and she is hereby directed to file with this Commission within thirty (30)

days from the date of this order the following schedule of rates for water delivered to her consumers in the El Sobrante Rancho tract, County of Contra Costa:

Residence service, Flat Rate per month.....\$1.50

Monthly Metered Rates

First 300 cubic feet.....\$1.50  
Over 300 cubic feet, per 100 cubic feet..... .35

IT IS HEREBY FURTHER ORDERED that Jean Naylor submit within thirty (30) days from the date of this order to the Commission for its approval rules and regulations governing relations with her consumers.

IT IS HEREBY FURTHER ORDERED that Jean Naylor file or cause to be filed with this Commission within thirty (30) days from the date of this order a map outlining the area served showing location and size of pipe lines, wells, pumping plants, storage and other facilities.

IT IS HEREBY FURTHER ORDERED that except as herein above provided this proceeding be and it is hereby dismissed.

For all other purposes the effective date of this Order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this 3rd day of January, 1939.

*Robert W. ...*  
*Francis ...*  
*Ray H. Riley*  
*M. ...*

COMMISSIONERS.