

ORIGINAL

Decision No. 36135

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of

LONE PINE WATER COMPANY

for an Order establishing and/or fixing the rates to be charged by it for the service rendered to its consumers.

Application No. 22194

P. W. Smith, for Lone Pine Water Company.

Wm. Bauer, for Lone Pine Lions' Club.

Irving Joseph, for Lone Pine Fire District.

Allen W. Ramsey, for himself.

HAVENNER, COMMISSIONER:

FIRST SUPPLEMENTAL OPINION

This matter involves the filing in the above entitled proceeding of a supplemental application by the Lone Pine Water Company, a corporation, supplying water to the residents of Lone Pine, Inyo County, asking that the Railroad Commission modify its Order in Decision No. 32652, dated December 19, 1939, and eliminate therefrom that portion of the said order which reads as follows:

"IT IS HEREBY FURTHER ORDERED that within sixty (60) days from and after the date of this Order, Lone Pine Water Company, a corporation, be and it is hereby directed to file with this Commission plans and specifications for the improvement of its water system to eliminate muddy and discolored water, either by means of storage and settling facilities, or by any such other practicable method acceptable to this Commission, such facilities to be of sufficient and adequate size to provide its consumers with a clear water supply during periods of inclement weather

and heavy runoff of average duration, and that upon approval of such plans and specifications by this Commission, Lone Pine Water Company shall proceed immediately and without unreasonable or unnecessary delay with the construction thereof, said improvement to be completed and in proper working order in a manner satisfactory to this Commission within six (6) months from and after the date of this Order."

In lieu thereof said Company asks to be authorized to substitute therefor the construction of approximately 5,000 feet of 8-inch transmission pipe line extending from the present 12-inch outlet of the existing reservoir to Main Street.

Good cause appearing, the Commission, on August 3, 1942, ordered the proceeding in Application No. 22194 reopened for further hearing to determine whether Decision No. 32652 should be rescinded, altered or amended in any particular.

A public hearing in this reopened matter was held at Lone Pine.

The record shows that at the time the Commission directed the installation of the improvements, the order was fair and reasonable and was based upon sound evidence and good engineering judgment and advice. Applicant in good faith proceeded to comply with this portion of the order and submitted plans and specifications for the construction of a storage reservoir on Lone Pine Creek, which plans and specifications were approved by the Commission. Thereafter the Company obtained from the Federal Government a permit for the use of the land on which the reservoir was to be built at the present intake. Actual construction work was started. However, operations were stopped by Joe A. Wilson and George W. Parkes upon the purported grounds that they had filed a mining claim on the land for the operation of a quartz mine. The sum of \$5,000 was demanded by these two individuals for their rights.

By reason of the topographical characteristics of the area surrounding the intake and the flood conditions which at times prevail on these mountainous streams such as Lone Pine Creek, there is no other safe or suitable place for

the location of a reservoir within a distance of from 1,200 to 2,500 feet of the selected site. Any feasible change from the original location would result in a loss of 50 to 75 feet of head which would seriously impair and reduce the water pressure in the system throughout the entire town.

The owners of the mining claim have since constructed thereon a small house and a few out-buildings which would interfere with the installation of the reservoir as planned. To quiet the title as between these parties would result in costly litigation.

Applicant already has made substantial improvements to its present intake facilities and settling tanks which have eliminated a great deal of the suspended matter in the water, except during periods of unusual and infrequent floods caused by cloudbursts or heavy spring run-off from melting snow.

The urgent need of increased transmission line capacity to deliver a greater volume of water to that section east of Main Street in Lone Pine has resulted in the Company actually installing, at the suggestion of the Commission's engineering staff, an 8-inch and 12-inch transmission main from the present reservoir to a point east of Main Street. This construction was commenced subsequent to the filing of this supplemental application and the new line is now in successful operation.

Some question was raised as to the purity of the Company's water supply. Water from Lone Pine Creek has been used for domestic purposes by the residents of Lone Pine for over fifty years. According to the testimony there have been no proven instances in which there has been any sickness or disease directly attributable to the water supply. The City of Los Angeles uses Lone Pine Creek water taken from the same measuring box for its own employees, without treatment and without any facilities for the elimination of mud and silt from the water by additional settling or storage basins. The Company's water supply is reasonably safe from the standpoint of health.

The Commission is mindful of the fact that this Company is now subject to the regulations of the War Production Board in obtaining and using material and supplies for all new construction as well as for general maintenance and repairs. It is quite apparent from the current rulings of this Board that it would be impossible at the present time to obtain any of the critical materials necessary to construct this reservoir.

Under the present circumstances and conditions, I am of the opinion that so much of the Commission's Order in Decision No. 32652 as required Lone Pine Water Company to construct the above discussed reservoir should be rescinded. The following form of Order is recommended:

FIRST SUPPLEMENTAL ORDER

Lone Pine Water Company, a corporation, having filed a supplemental application asking for certain modifications of the Commission's Order in its Decision No. 32652, dated December 19, 1939, in the above entitled matter, the proceeding having been reopened by order of the Commission, a public hearing having been held thereon and other good cause appearing, now, therefore,

IT IS HEREBY ORDERED that that portion of the Commission's Decision No. 32652 reading as follows:

"IT IS HEREBY FURTHER ORDERED that within sixty (60) days from and after the date of this Order, Lone Pine Water Company, a corporation, be and it is hereby directed to file with this Commission plans and specifications for the improvement of its water system to eliminate muddy and discolored water, either by means of storage and settling facilities, or by any such other practicable method acceptable to this Commission, such facilities to be of sufficient and adequate size to provide its consumers with a clear water supply during periods of inclement weather and heavy runoff of average duration, and that upon approval of such plans and specifications by this Commission, Lone Pine Water Company shall proceed immediately and without unreasonable or unnecessary delay with the construction thereof, said improvement to be completed and in proper working order in a manner satisfactory to this Commission within six (6) months from and after the date of this Order,"

be and it is hereby rescinded.

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 32652 shall remain in full force and effect.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

For all other purposes, the effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at Los Angeles, California, this 26th day of January 1943.

Francis L. Havenner

H. J. Baker

Francis D. ...

Commissioners.