

Decision No. 54698**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EDWARD Z. COLLINGS, et al,  
Complainants,

vs.

Case No. 5820

LIVE OAK SPRINGS WATER CO.,  
owned by GUSTAVE WOEMPNER,  
PHELIX WOEMPNER, and FERDY  
WOEMPNER,

Defendants.

George R. Kirk, for complainants.  
David H. Thompson, for defendants.  
Charles W. Drake, for the Commission Staff.O P I N I O N

Defendant Live Oak Springs Water & Power Company is a public utility water corporation authorized by this Commission to render service as such in an unincorporated community known as Live Oak Springs situated on U. S. Highway 80 approximately 65 miles east of the City of San Diego. <sup>1/</sup> Exhibit No. 3 herein is a map of the service area which contains approximately 40 acres of land on which there are at present 120 residences, many of which are occupied in the summer months only. The service area is approximately level with variation extremes of about 100 feet. The water supply is from three wells and two springs. Reliable information concerning main sizes and locations is not available but the staff engineering witness who investigated the matter for the purposes of the hearing herein was of the opinion that there is a large quantity of two-inch and smaller mains with the possibility of some larger mains. All services are on a flat rate basis of \$36 per year for each residential

1/ Decision No. 35603, dated July 21, 1942, in Application No. 25067.

connection plus a charge of five cents per month for each 100 square feet of lawn, garden and shrubbery area irrigated by each consumer.<sup>2/</sup>

The complaint herein was filed on September 11, 1956, by thirty-one of defendant's consumers. They complain that the defendant provides them with insufficient water and does not have water storage facilities and as a result water is only available three or four hours a day; that the lack of water has created a health hazard and the San Diego County Health Department has threatened to condemn the property at Live Oak Springs because of the health hazard; that the lack of water creates a fire hazard; and that because of the above facts the complainants are being exposed to unnecessary hazards to their health and safety and are suffering damage to their property. They request that the defendant be required to provide them with adequate water 24 hours a day.

In its answer to the complaint, filed with this Commission on October 11, 1956, the defendant Live Oak Springs Water & Power Company, named in the complaint as Live Oak Springs Water Co.,<sup>3/</sup> alleges that it has furnished sufficient water for domestic use at all times and that the pumping system has been in operation 24 hours a day since May 1, 1956. It further alleges, inter alia, that most of the complainants irrigate with water furnished by defendant, fail to pay for this water in accordance with defendant's filed tariff, and as a result thereof unduly reduce the pressure in the water system. The defendant further alleges that as a result of certain specified excessive water usages for irrigation purposes on occasions some of the complainants have not received adequate water, that defendant is negotiating for additional storage capacity to mitigate

<sup>2/</sup> Decision No. 47800, dated October 7, 1952, in Application No. 33411  
<sup>3/</sup> The corporate defendant is a stock corporation. The individually named defendants were the stockholders at the time the complaint was filed. The stock is in escrow.

the pressure problem in the system and that if it fails to obtain such added storage capacity it will convert the system to a pressure system.

A public hearing on the complaint was held in Jacumba, California, on January 24, 1957, before Examiner Kent C. Rogers, and the matter was submitted.

#### Complainants' Evidence

Twenty-two property owners owning houses in Live Oak Springs, and all but one of whom signed the complaint herein, testified at the hearing. Fifteen or sixteen of the complainants are summer-month residents only. The balance reside in their cabins most of the year or on weekends all year. One of the complainants testified that the service is satisfactory. The others testified that there is a complete lack of water or that the supply of water is so low as to be almost unusable after approximately 7 a.m. One complainant, Mrs. A. N. Holland, kept a record for several months in 1956 of the periods when the water was off. The following tabulation is demonstrative of her record and appears to exemplify the complaints of the other witnesses:

July 1	off all day
" 7	off after 6:30 p.m.
" 14	off after 7 p.m.
" 15	off after 8:30 a.m.
" 29	off all day
" 30	off after 9 a.m.
" 31	off after 4 p.m.
August 1	off after 9 p.m.
" 2	off after 10:30 a.m.
" 3	off and on all day
" 4	off after 12 noon
" 5	off 9 a.m. to 12 noon
" 6	off 3 hours
" 7	off after 8:30 a.m.
" 8	off and on
" 9	off and on
" 10	off after 8:30 a.m.
" 11	on 5 a.m., off after 9 a.m.
" 12	off 8:30 a.m., on 4:30 p.m.
" 13	off 8 a.m., on 4:30 p.m.
" 14	off 7:30 a.m., on 9 p.m.
" 15	off after 8:45 a.m.

It is interesting to note that the altitude of the residences apparently does not control the quality of the water service. Two of the witnesses testified that their cabins are in gullies and one of the witnesses, Mr. Clifford Gabard, testified that his cabin is in the lowest spot in the area. He testified that he has low water pressure and at times only a dribble of water. There were no complaints concerning the purity of the water.

#### The Defendant's Evidence

Mr. Gustave Woempner, one of the stockholders and the former operator of the system, testified that the source of water is three wells and two springs; that he does not know the production of the wells; that the company has 96 to 98 customers; that the booster pump in the lower spring is controlled by a time clock, can pump five hours out of each 24 hours and is set to run from 7 a.m. to 12 noon; and that when the pump is not working there is a shortage of water in the higher areas. He also stated that there is always sufficient water for domestic purposes but if users are irrigating the pressure is low; that since 1953 all customers have been expected to pay for irrigation or outside water pursuant to defendant's filed tariff (Decision No. 47800, supra); that statements are sent to the customers with a place for customers to figure their irrigation charges (Exhibit No. 1); and that 30 to 60 of the customers irrigate but only 3 or 4 pay the irrigation charge. The witness further testified that the County Health Department has never threatened to condemn the system.

#### The Commission Staff's Evidence

A Commission Associate Utilities Engineer made an investigation of the system, its operation and the complaints for the purpose of presenting evidence at the hearing. His evidence is summarized as follows:

It is estimated that the peak demand is one gallon per minute per consumer (120 residences) or 120 gallons per minute.

The peak day demand is estimated at 90,000 gallons but if 10 per cent of the consumers carelessly use water for irrigation this peak demand could be increased to 240 gallons per minute and if 60 people irrigate, it would be increased to 300 or 400 gallons per minute. The water supply is from three wells and two springs. Well No. 1, equipped with a 3-inch by 12-inch jack pump, is the only well that can pump without breaking suction. The estimated available water that can be pumped from this well is 75 gallons per minute. Water from the wells is pumped directly into the distribution system. The lower spring is approximately 20 feet above the wells, and is equipped with a 10-gallon per minute booster pump and a 1/2 horsepower electric motor. It is estimated that the inflow to the spring is approximately three gallons per minute. The usable storage in the spring collecting basin is approximately 3,000 gallons. The upper spring is approximately 60 feet above the wells, is connected to the distribution system and floats on the line. Consequently, the maximum system pressure is determined by the elevation of the water in the upper spring reservoir. The usable storage in the upper spring reservoir is approximately 15,000 gallons and the spring flow is a little greater than that of the lower spring, i.e., three gallons per minute.

The highest street in the area is from 20 to 40 feet above the wells and from 20 to 40 feet below the upper spring. The highest pressure available to persons residing along this high street is from 9 to 18 pounds per square inch gauge.

The witness stated that the investigation reveals that the following are the basic causes of the customers' complaints:

- (a) Inadequate pressure in parts of the distribution system.
- (b) Inadequate water supply.
- (c) Lack of automatic equipment.

- (d) The Company's improper application of rate schedules by allowing customers to use water for irrigation without paying the irrigation rates.

In order to provide the customers with a reasonably adequate water supply the witness recommends the following:

(1) The immediate installation of a 1,000-gallon pressure tank at the wells together with the necessary automatic equipment to operate the pump at between 55 to 75 pounds per square inch gauge.

(2) The immediate installation of a float valve with a solenoid interrupter control at the upper springs reservoir and a 50-gallon-per-minute booster pump with automatic equipment to operate the pump at between 25 to 40 pounds per square inch gauge.

(3) The rehabilitation of Well No. 2 or No. 3 or the development of a new source of supply.

The cost of these improvements including the rehabilitation of a well and the installation of one booster pump is estimated to be approximately \$3,000.

From the evidence it appears and we find that the system is inadequate and all reasonable necessary steps should be taken forthwith to correct the deficiencies in the system. The defendant offered no plan or suggestion to accomplish this end. The staff's recommendations appear to be reasonable and defendant will be ordered to comply therewith. There is no evidence to show that defendant is illegally providing service to any consumer outside its service area or that the water is not fit for human consumption and these portions of the complaint will be dismissed.

O R D E R

A complaint having been filed, a public hearing having been held therein,

IT IS ORDERED:

(1) That prior to June 28, 1957, Live Oak Springs Water & Power Company, a corporation, shall make the following improvements in its water system and shall report in writing to this Commission within ten days after such improvements have been completed.

- (a) Install and place in operation a 1,000-gallon or larger pressure tank at the wells, together with necessary automatic equipment to operate the existing jack pump at between 55 and 75 pounds per square inch gauge pressure.
- (b) Install and place in operation a float valve with solenoid interrupter at the upper spring reservoir to control the amount of water stored, and a 50-gallon-per-minute or larger booster pump with automatic equipment set to operate at between 25 and 40 pounds per square inch gauge pressure to pump water from the reservoir into the distribution system. The solenoid interrupter shall be installed on the float valve so that the valve remains closed during the operation of the booster pump.

(2) That prior to July 31, 1957, Live Oak Springs Water & Power Company shall rehabilitate and put into operation either or both of its existing Wells No. 2 and No. 3, together with suitable pumping equipment and automatic controls therefor, to increase the water production therefrom to at least 120 gallons per minute to be delivered into the system through the pressure tank to be installed as required by Paragraph (1) of this order. Said utility shall notify the Commission in writing within five days after the said facilities have been placed in operation. In the event that the existing wells cannot be rehabilitated to obtain therefrom at least 120 gallons per minute, Live Oak Springs Water & Power Company shall so inform the Commission in writing within fifteen days after the determination of this fact, and in any event not later than August 15, 1957, and

at the same time shall submit an alternative proposal for obtaining additional water supply together with estimated costs thereof. After submission of such proposal the Commission may issue its further order in this matter.

(3) That within twenty days after the effective date of this order Live Oak Springs Water & Power Company shall file, for inclusion in its tariff schedules on file with this Commission, an up-to-date tariff service area map, acceptable to this Commission and in accordance with the requirements of General Order No. 96.

Such map shall become effective upon five days' notice to the Commission and to the public after filing as hereinabove provided.

(4) That Live Oak Springs Water & Power Company shall file, within forty days after the effective date of this order, four copies of a comprehensive map drawn to an indicated scale not smaller than 800 feet to the inch, delineating by appropriate markings the various tracts of land and territory served; the principal water production, storage and distribution facilities; and the location of its various properties.

(5) That commencing with the effective date of this order Live Oak Springs Water & Power Company shall bill all customers using water for irrigation and shall collect charges therefor in accordance with its filed tariff. Failure to do so will subject the defendant and its responsible officers to appropriate action by this Commission.

(6) That except to the extent relief is granted herein the complaint be and it is dismissed.

The effective date of this order shall be twenty days after the date hereof.



The Secretary of the Commission is directed to cause a copy of this order to be served by registered mail upon the responsible officers of Live Oak Springs Water & Power Company.

Dated at San Francisco, California, this 19<sup>th</sup> day of March, 1957.

*Peter E. Mitchell*  
 President

*William H. Doole*

*R. H. Hardy*

*C. L. Fox*

Commissioners

Commissioner Ray E. Untereiner, being necessarily absent, did not participate in the disposition of this proceeding.