

ORIGINAL

Decision No. 68642

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Property owners of Pinon Hills, et al,)
 Complainant,)
 vs.)
 Smithson Springs Water Company,)
 Defendant.)

Case No. 8039
(Filed October 13, 1964)

Louis M. Davis, for complainants.
Charles W. Drake and William Schwartz, for defendant.
Samuel Taylor, in propria persona,
 interested party.
Reginald H. Knaggs, for the
 Commission's staff.

O P I N I O N

A public hearing on the complaint was held in Pinon Hills (formerly known as Juniper Hills and Desert Springs), San Bernardino County, California, before Examiner Rogers on January 12, 1965, at the conclusion of which the matter was submitted.

At the time of the hearing herein, defendant had approximately 98 metered consumers. The number of such consumers has increased from 84 in 1958. In addition, it had 10 water haulers who secured water from a metered tap in the service area. No haulage customers, other than those served in 1957, may be served by defendant. Rates for all customers are on an annual basis.

Residents pay annual minimum charges of \$48 per year and water haulers pay annual minimum charges of \$24 per year. At the hearing, approximately 50 water consumers appeared out of approximately 108 water users of both types.

Complainants' representative, Louis M. Davis, appeared at the hearing herein, but refrained from presenting any direct evidence, leaving the presentation for the group to the staff hydraulic engineer. Evidence by the engineer is summarized as follows:

The complaint was filed on October 13, 1964, by property owners and water customers of defendant. They alleged that water was rationed to all customers in 1964; that it was necessary for them to haul water from other sources for minimum household requirements; that an additional 220,000 gallons of storage is needed; and that there are leaks in the main line from the springs to the reservoir.

The engineer made four field investigations of the service and operations of the system in December 1964. The investigations included inspection of the springs used as sources of supply, of two 200,000-gallon storage tanks and one 25,000-gallon storage tank, and of the distribution facilities, a review of the operations, and an examination of defendant's records.

After a prior hearing, the Commission issued Decision No. 54551, dated February 19, 1957, in Case No. 5803, which required that defendant improve its operations and remove phreatophytes, and report on these improvements. Reviews of the system and supplies by the staff in 1957 and 1958 disclosed that there was a supply of 13 gallons of water per minute and retained storage of 150,000 gallons of water, which was found by the staff to be ✓

adequate to provide water service to the customers. The engineer stated that defendant has not complied with the order to improve service; field inspections made by him in December 1964 showed that neglect in continuing routine operations and maintenance work since 1960 resulted in a drastic reduction in source of supply and that roots from phreatophytes in the spring area have grown into the collection galleries and collector pipes to such an extent that the total flow of water from all sources on December 2, 1964, was approximately 5 gallons per minute and retained storage was 11,000 gallons. The engineer stated that the present total storage capacity of approximately 425,000 gallons is adequate.

The engineer recommended that defendant rehabilitate its source of supply, collection galleries and collector pipes by removing all root growth and accumulated sediment so that a full flow of water is reestablished to ensure the maximum supply of water, annually clean and inspect each of its 200,000-gallon storage reservoirs, perform any required maintenance work, keep on hand at its operating headquarters in Pinon Hills a minimum of 25 pounds of available chlorine materials for use in disinfecting facilities after maintenance work and for routine operation of the system, investigate any other sources of supply and report the results of such investigation in writing to the Commission.

One of the property owners, who is also a minority stockholder in the water company, claimed that the present water shortage is due to deliberate and willful neglect of the system. This witness presented a log (Exhibit No. 2) showing that during 12 days in August 1964 and 20 days in September 1964, the water at his home was totally off on some occasions and off for varying

periods on other occasions. He testified also that William Schwartz owns 138 shares of stock of the defendant company out of a total of 250 shares issued.

Louis Davis, the president of the Pinon Hills Chamber of Commerce and the representative of the group of complainants herein, was called as a witness by defendant. In response to questions by defendant, he testified that he is employed by defendant to manage and operate the system; that in June 1964 Schwartz instructed him to clean out the collecting basins and the reservoirs and make necessary repairs; that he did this work on June 7, 1964; that he took a plumber's snake and cleaned the roots out of the collector pipes as far as possible; and that such work resulted in no increase in the water supply. He also testified that he writes to Schwartz approximately weekly and telephones him approximately twice monthly to advise him about the Pinon Hills system.

William Schwartz testified that he is secretary-treasurer and overseer of the defendant company; that he purchased his interest therein in 1940 or 1941; that his eyesight has failed so that he cannot drive and consequently he is in the service area infrequently; that he has instructed Louis Davis to keep the system in operation and make necessary repairs; that he had a new vertical well drilled, but secured no water therefrom; and that he had a horizontal well drilled and secured a little water therefrom. He also testified that Davis has the facilities to make repairs, but has no chlorine in the area. He further testified he has instructed Davis to make whatever repairs are necessary and to spend whatever money is required to keep the system in repair.

Upon the evidence herein and the prior decisions of this Commission concerning defendant, of which we take official notice, we find that:

1. Defendant's supply of water is obtained from springs in the vicinity of the service area; the water from the springs is collected through perforated collector pipes; there are phreatophytes in the vicinity of the collection galleries; and these phreatophytes seriously deplete the amount of water available for the system.

2. The roots of the phreatophytes grow into and plug collector pipes; in 1960 defendant's supply of water amounted to 13 gallons of water per minute; this supply of water has been reduced to approximately 5 gallons of water per minute due to the accumulated growth of phreatophytes and plugging of collector pipes and galleries by sediment; the cleaning of the collection galleries and collector pipes will increase the available supply of water; and such supply of water, together with the available storage of 425,000 gallons, is sufficient for the present and immediate foreseeable customers in the area.

3. It is necessary, annually, to rehabilitate the collection galleries and collector pipes, in order to ensure a reasonable supply of water.

4. Some transmission mains and distribution lines are subject to leaks.

On the foregoing findings, we conclude that defendant should be required to do work on the system and make repairs as set forth in the order herein, within the periods and subject to the conditions therein specified.

O R D E R

IT IS HEREBY ORDERED that:

1. Defendant, Smithson Springs Water Company, shall within thirty days after the effective date of this order rehabilitate its source of supply, collection galleries and collector pipes by removing all root growth and accumulated sediment so that a full flow of water is reestablished and shall report to the Commission, in writing, within ten days after the completion of such work.

2. Defendant, on or before March 1, 1966, and on or before March 1 of each year thereafter, shall repeat such rehabilitation work in the collection galleries and collector pipes, as described in ordering paragraph 1, to ensure the maximum supply of water.

3. Defendant shall clean and inspect each of its 200,000-gallon storage reservoirs on or before April 1 of each year, and shall perform any needed maintenance prior to April 1 of each year.

4. Defendant shall keep on hand at its operating headquarters in Pinon Hills a minimum of 25 pounds of available chlorine materials for use in disinfecting facilities after maintenance work and for routine operation of the system.

5. Defendant shall investigate any other sources of supply and shall report the results of such investigation, in writing, to the Commission on or before June 1, 1965.

The Secretary of the Commission is directed to cause personal service of this order to be made upon defendant. The

effective date of this order shall be twenty days after the completion of such service.

Dated at San Francisco, California, this 24th day of February, 1965.

Fredrick B. Holblitt
President
Ed. P. Rutledge
George L. Hoover
Augusta
William M. Bennett
Commissioners