

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

RECEIVED
JUL 9 1914

In the Matter of the Wholesale
Rates of OYAMACA WATER COMPANY

Case No. 531.

NOTICE OF RESCHEDULING HEARING

To-

Oyamaca Water Company,

San Diego, California,

and all interested parties;

You and each of you are hereby notified that the Railroad Commission of the State of California has reset the hearing in the above-entitled matter before Commissioner Gordon, from July 21, 1914, to Wednesday, July 29, 1914, at 2 o'clock P.M., in the Federal Courtroom, Postoffice Building, in the city of San Diego, California, at which time and place you will be given an opportunity to be heard.

By order of the Railroad Commission.

Dated at San Francisco, California, this 7th
day of July, 1914.

Charles R. Smith

Commissioner, Railroad Commission
of the State of California.

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BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

In the matter of the Wholesale)
Rates of CUYAMACA WATER COMPANY) Case No. 631.

NOTICE OF RESSETTING OF HEARING

To Cuyamaca Water Company, San Diego, California,
La Mesa Mutual Water Company, La Mesa, California,
C. R. Bridges, La Mesa, California,
F. E. Bozza, La Mesa, California,
C. C. Park, La Mesa, California,
F. M. Oliver, La Mesa, California,
W. L. Maxwell, La Mesa, California,
M. L. Knudston, La Mesa, California,
E. C. Starrett, La Mesa, California,
Haines and Haines, Tinkler Building, San Diego, Cal.,
Crouch and Harris, 324 McNeese Building, San Diego, Cal.,
D. G. Gordon, Bostonia, California,
A. H. Sweet, 303 Union Building, San Diego, California,
Patterson Sprigg, Attorney at Law, San Diego, Cal.,
Lemon Grove Mutual Water Company, Lemon Grove, Cal.,
F. W. Fisher, Lemon Grove, California,
W. E. Hutchinson, La Mesa, California,
J. A. Thomson, Lemon Grove, California,
K. B. Finley, La Mesa, California,
D. L. Wood, R. F. D. #1, Box 169 B, San Diego, Cal.,
S. E. Grable, La Mesa, California,
and all interested parties:

You and each of you are hereby notified that the Railroad Commission of the State of California has reset the hearing in the above entitled matter before Commissioner Gordon, from July 7, 1914, to Tuesday, July 21, 1914, at 2 o'clock P.M., in the Federal Courtroom, Postoffice Building, in the city of San Diego, California, at which time and place you will be given an opportunity to be heard.

By order of the Railroad Commission.

Dated at San Francisco, California, this 24 day
of July, 1914.



Secretary Railroad Commission
of the State of California.

Copy and card to
C. H. Hartman
Post Office, San Diego.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the Wholesale Rates of CUYAMACA WATER COMPANY.

Case No. ⁶³¹ 430.

COPY

BY THE COMMISSION:

ORDER INSTITUTING INVESTIGATION AND ORDER TO SHOW CAUSE.

IT IS HEREBY ORDERED that the Commission institute an investigation into the rates charged by CUYAMACA WATER COMPANY for the supply of water to such of its consumers as re-distribute the water so received, or any part thereof, except the Pacific Building Company and La Mesa Mutual Water Company; and that a hearing in this matter be held before Commissioner Loveland on Tuesday, July 7, 1914, at 2 o'clock P.M., in the Federal Building, San Diego, California, at which time and place all interested parties may appear and be heard; and

IT IS FURTHER ORDERED that at said hearing CUYAMACA WATER COMPANY appear and show cause, if any it have, why this Commission should not make this investigation and establish such wholesale rates for the supply of water as may seem to the Commission just and reasonable; and

IT IS FURTHER ORDERED that the Secretary of this Commission do, and he is hereby directed to serve a certified copy of this Order upon CUYAMACA WATER COMPANY.

By order of the Railroad Commission.

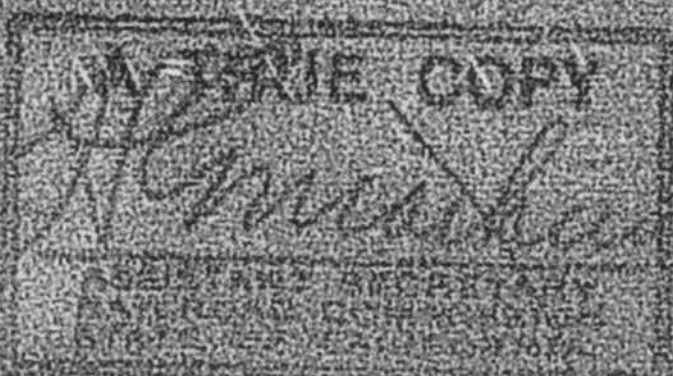
Dated at San Francisco, California, this 1st

day of July, 1914.

John M. Erickson

H. D. Lynch

Ray Thaler



631
Case No. ~~650~~.....

**BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of
the Wholesale Rates of
CUYAMACA WATER COMPANY

**Order Instituting Investigation
and Order to Show Cause.**

COPY

Filed *July 1* 1914.

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

TENTH FLOOR, COMMERCIAL BUILDING

833 MARKET STREET

SAN FRANCISCO, CAL.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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Commission's Investigation in the
Matter of the Wholesale Rates of
the Guyanaca Water Company.

Case No. 651.

- D. G. Gordon, for the consumers along the flume.
- M. H. Hall, for sixteen tracts in La Mesa.
- Haines & Haines, for Lemon Grove Mutual Water Company and Fairmount Water Company.
- A. H. Sweet, for Guyanaca Water Company.
- Walter Moore, for the Wheeler Tract.
- James Darling, for the Marlet Tract, Water Right 1275.
- F. H. Oliver, in propria persona.
- Patterson Springs, for Granada Tract.
- G. A. Campbell, for Waverley Tract.
- F. E. Stone, for Tract No. 343.
- Alexander Wilson, for Block 5, Park View.
- H. L. Knudsen, for Tract No. 343.
- Stella E. Thomas, for Maxwell Water Tract.
- H. E. Findley, for Block 7, Grable's Addition to La Mesa.

Gordon, Commissioner.

OPINION.

This investigation was initiated by the Commission subsequent to a large number of complaints received from various water consumers dealing with the Guyanaca Water Company, who alleged unjust and exorbitant demands made by that company. The Guyanaca Water Company in its reply to the complainants and to the Commission in all these matters, claimed to be following to the letter the provisions of the decision of the Railroad Commission of the State of California, No. 530, dated March 20, 1913, and the rules of the Guyanaca Water Company, approved by the State Railroad Commission under date of August 27, 1913.

In the decision of the Commission above referred to, the rate for water to be furnished the La Mesa Mutual Water Company was denominated a domestic use for which the mutual company should make to the Guyanaca Water Company a minimum monthly payment of \$100.00 and should pay for all water used at the rate of fifteen

cents per thousand gallons. Through a later action of the Commission, the rate to be paid by the Pacific Building Company, now succeeded by the Fairmont Water Company, was established at eighteen cents per thousand gallons.

In practically every one of the informal complaints referred to, the particular contention is in the interpretation of the following among the approved rules of the Guyanese Water Company:

1 (a) For consumers upon the Distributing System (West of Eucalyptus Dam); 60.00 per month per miner's inch maximum demand.

3 (a) All water used by irrigation consumers for domestic purposes incident to irrigation purposes are to be considered as part of the irrigation supply and no additional charge shall be made for the domestic character of such use.

3 (b) For each isolated building where water is piped from irrigation canals and used not for purposes incident to irrigation purposes, but distinct therefrom, such as dwellings occupying one-half acre or less, in one ownership or tenancy, schools, stores, blacksmith shops and livery stables, a monthly rate of \$1.25

The following distinction between irrigation and domestic use shall be the rule:

4 - The irrigation rate will apply only to tracts of one-half (1/2) acre or more in extent; such acreage to include town lots in one tract where a sufficient number of lots in one tract collectively make one-half (1/2) acre or more, under the ownership and control of one consumer, in cases in which there is not more than one house on said lots; provided the lands are cultivated for the purpose of making a livelihood by the raising of products from such lands for the market.

The use of water in irrigation for ornamental purposes shall be considered domestic use.

4 1/2 - The rates will be ascertained in accordance with these rules. In case of default of payment of charges, irrigation or domestic, by one or more consumers of a group, the supply to such privately owned pipe line shall be discontinued at the point of tapping of the Company's main, to make the sales rates adopted herein agree with the total of the monthly payments actually paid.

A public hearing was held in San Diego on July 20th, and on July 28th and inspection was made by the Commissioner of a large portion of the district involved. It developed during this hearing that there are some thirty distinct tracts which had formerly received water at an irrigation rate based upon the number of

miner's inches or fractional parts, set out as the maximum use which would be allowed upon the entire tract by some contract or agreement between the Guyanese Water Company or its predecessors and the then individual owner of the separate tract. From the time of the Commission's decision until recently, the rate listed above in the rules of the company as 1 (a) has applied. However, recently, it appears that the Guyanese Water Company has made a survey of each of these tracts, and has decided its charge upon the area upon which water is found to be used at the rate 1 (a), and has added to that rate \$1.25 for each structure found according to the provision above set forth and numbered 2 (b), and further gave weight particularly where properties had been sub-divided and portions sold to actual residents, to provision 6 of the rules.

In practically every instance, it has been learned that while the Guyanese Water Company seeks to apply the full domestic rate where there is justification in the rules, it does not however make the individual delivery of water to the users considered separately that should undoubtedly be an essential part of their duty. It is possible to justify the application of a domestic rate such as has been established by the Commission where the Guyanese Water Company not only transmits the supply in bulk for a community but at its own expense provides distributing mains, service connections and meters, and carries on business relations with the individual consumer.

In the case of the thirty tracts under consideration in this hearing, the consumers in obtaining water are not alone at the expense of payment to the Guyanese Water Company but must as well meet the assessments of a national authority to support a full distributing system and to pay for the collection from the individuals the total amount of the water bills, which is finally transferred to the Guyanese Water Company in lump sum at an expense to this public utility company. The claim is made by the representatives of the greater number of these tracts that in obtaining a

water right, so called, from the present utility or its predecessors, the use as an irrigation use has become established for all time, and that the sub-division of the land and the assignment of a proportional part of the water right to each sub-divisional lot has not changed the character of use in such a way as to warrant any difference in the rate. This does not seem reasonable, as particularly in one tract the owner was entitled to one-half miner's inch. It is now subdivided and each lot contains about two-ninths of an acre, and according to the testimony would be entitled to a maximum use of 144 gallons per day. This amount of water, would by comparison with the data obtained in many other places, not be sufficient for the needs of an ordinary family and the small garden and shrubbery that are an essential part of that family's comfort during the heat of the summer season in this vicinity.

It was admitted that this water is used for all purposes on lands in the residence section of the town of La Mesa, excepting possibly for a portion of the drinking water of the residents. Domestic use is never confined to the use of water for drinking alone, and if the amount that should be paid for water be based only upon the question of whether it is used for domestic or irrigation purposes, it is undoubtedly a fact that in many of the tracts under consideration a significant proportion of the water is being used for domestic purposes. The actual physical use of water in all these tracts is not substantially different from that in the district covered by the La Mesa Mutual Water Company and by the Fairmont Water Company, except in the proportion subdivided and dealt upon, and it is my opinion that neither an irrigation rate based upon the miner's inch per acre maximum demand that may be reached but not exceeded, or a domestic rate based upon a survey of the individual uses and charges as though the water were delivered to each premises should apply.

There are twelve or more separate tracts, each holding or claiming to hold a contract entered into with the San Diego Flume Company who received water through the mains of the La Mesa Mutual Water Company, all the water being delivered through a single master meter for the use of these several tracts and the La Mesa Mutual Company's own direct consumers. The individual meters on each of these tracts are read monthly and the sum of water used by them is deducted from that passing through the master meter, the remainder being made the subject of payment, at the rate established, by the La Mesa Mutual Water Company. The sum to be paid by each tract to the Cuyamaca Water Company is collected by some individual on the tract and each tract makes further payment to the La Mesa Mutual Water Company for the use of the system, and the individuals on the tract in addition to this, must meet the expense of distribution over the tract.

It seems undoubtedly a fact that there should be recognized a difference in the use on the several tracts under consideration from that under simple irrigation conditions. I do not believe that the Cuyamaca Water Company is entitled to charge the full domestic rate set forth in the decision of the Commission #536 excepting where distribution is made by this company to each individual user. This rate is as follows:

"For domestic use \$5 per thousand gallons, with a minimum charge of \$1.25 per month, the applicants, Cuyamaca Water Company, to furnish meters and cost of installation of all facilities, the consumer to furnish pipes upon his own premises."

This rate is clearly to be applied only where the Cuyamaca Water Company bears all expense to the property line of the individual consumer.

I will recommend that the Cuyamaca Water Company be allowed to collect for domestic use on all parts of its system except where

delivery is made as required by the hereinbefore quoted portions of the Railroad Commission's decisions 4538 and 455, the following amounts for each domestic consumer:

A minimum monthly payment during use of 75¢ where the water is measured to the consumer, the rate for water used shall be 18¢ per thousand gallons.

On each such tract as received consideration before the Commission at the time of the hearing upon Case No. 631, the Guyanaca Water Company shall be allowed to charge the rate set forth above against all domestic consumers, and shall charge against the remainder of the tract the proper proportion by area of the irrigation rate otherwise chargeable to the entire tract. Should the group of consumers upon the tract not make collection of the total amounts properly due to the Guyanaca Water Company, I will recommend that the company assume the privilege and duty of dealing directly with each consumer and may at its option install a meter at its own expense to determine the amount of water used by each individual domestic water user.

It is my understanding that an application for readjustment of all the rates of the Guyanaca Water Company will be considered by the Commission in the near future.

I submit herewith the following Order:

ORDER.

A hearing having been had herein and the matter having been submitted and the Commission being fully apprised in the premises,

IT IS HEREBY FOUND AS A FACT by the Railroad Commission of the State of California that the rate for water used by domestic consumers other than the La Mesa Mutual Water Company and the Fairmont Water Company, and whose delivery is made direct to the individual consumers was not established by the decisions of the Railroad Commission, Nos. 531 and 755, and that the rates demanded by the Guyanaca Water Company in such cases have been unjust, and that certain of the rules and regulations established by the Guyanaca

Water Company are improper, and that the rates and regulations set forth in the Order of the Commission herein are just rates and regulations, and basing its order on the foregoing finding of fact and the further findings of fact set out in the opinion preceding this Order,

IT IS HEREBY ORDERED by the Railroad Commission of the State of California that the Guyanaca Water Company establish the following rates for domestic water consumers as defined by Rule 8:

In every instance where water is not delivered at the expense of the company to the property line of the individual consumer, to-wit, minimum monthly payment during use.....75¢
When meters are installed, per 1000 gals.....15¢

IT IS FURTHER ORDERED, that upon all tracts where distribution is affected by a group or association of consumers upon the tract, and payment made to the Guyanaca Water Company in a lump sum, that amounts shall be charged for all domestic consumers as defined by Rule 8 at the rate set forth above, and the remainder of the tract pay the just proportional part by area of the irrigation rate otherwise established by the Commission's decision No. 536, the sum of these amounts, being the amount of the bill to be charged against such a tract entire.

IT IS FURTHER ORDERED, that the Guyanaca Water Company shall have the right to deal directly with the individuals upon each tract when payment is not made for the tract as a unit in accordance with the rules and regulations.

IT IS FURTHER ORDERED, that Rule 9 of the Rules and Regulations of the Guyanaca Water Company, as approved by the State Railroad Commission, and issued by the company on August 27th, 1915, be amended to read as follows:

Respective minimum area to which irrigation rate shall apply.
The following distinction between irrigation and domestic use will be the rule: The irrigation rate will apply only to tracts of one-half an acre or more in extent, such an acreage to include town lots in one tract, where these total a sufficient area and there is not more than one dwelling house on each half acre; less than one-half acre use shall be deemed domestic use.

IT IS FURTHER ORDERED that this rate and amendment of the rules and regulations should be considered to apply upon and after July 1st, 1914, and all payments made or to be made for use of water during the intervening period, shall be adjusted accordingly.

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.

Dated at San Francisco, California, this 18th day of August, 1914.

(Signed) John H. Eshleman

• Alex Gordon

• Max Thelen

Commissioners.

(SEAL)

A TRUE COPY

(Signed) Charles R. Detrick
Secretary Railroad Commission,
State of California.

Copy of copy.

Ed Fletcher Papers

1870-1955

MSS.81

Box: 57 Folder: 5

**Business Records - Water Companies -
Cuyamaca Water Company - State Railroad
Commission - Application #631 to re-set rates**



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