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6-14-56 Abandoning Branciforte Drive Water Line May Cause Forfeit

Attorney Willard Paine today declared that the proposed abandonment of the old Branciforte drive water line may result in forfeiture of the city's appropriate water rights along a stretch of Branciforte creek below Happy Valley school.

Paine is fighting a city move to discard the old line which has been supplying a number of properties with free water for nearly 70 years.

The council on Tuesday officially set November 1 as the abandonment date over objections from Paine, who said he would be forced to take his fight to court if the action is carried out.

Paine, owner of Squabble Hollow farm below the Happy Valley school dam, said abandonment of the line would leave his property without an assured water supply.

The city has been making feints in the direction of abandonment for over seven years. The old line is a maintenance problem and today supplies about 25 users who pay no water charges.

Water department figures indicate annual maintenance costs are \$2500. It would cost about \$60,000 to replace the leaky line and the council apparently has no intention of constructing a new line for the sole purpose of serving non-paying consumers.

Paine traces his right to so-called free water back to 1877, when the then owner of the property, Henry Call, sold his riparian and all other water rights to a private water company supplying the city in return for a guaranteed supply of water from the company's lines.

The company later passed into the hands of F. A. Hihn and in 1916 was bought by the city. Paine maintains that together with the system, the city took over all obligations, including the agreement to furnish water to properties along the way.

Since his property's riparian rights were given up, and cannot revert to the property because the land bordering the creek has been sold in the meantime, the city must either continue supplying water or settle the contractual obligation in some other way, Paine says.

Although a resolution of inten-

tion to abandon the line was passed Tuesday, councilmen agreed that city representatives will meet with Paine to discuss the issue further.

Paine said his opposition to the abandonment is prompted by the necessity of defending his rights and is no criticism of the councilmen. "They are as honest as they can be with the information they have," Paine said.

The city's stand is that it will no longer be obliged to furnish free water along Branciforte drive if it gives up the system.

Paine feels this is a shortsighted approach. He said that while the city may not want Branciforte water at this time the picture may change in the future.

Abandonment of the system may lose for the city its right to take water from the creek, Paine said.

Elizabeth Janes To Direct Live Oak Program

Miss Elizabeth Janes, fifth grade instructor at the Mission Hill elementary school, has been named director of the Live Oak school summer recreation program.

The announcement was made this morning by Herbert Cartwright, district superintendent of the Live Oak school. She will replace Mrs. Barbara Wilson who resigned as program director due to ill health.

The new recreation head, who has a degree in physical education, is experienced in summer recreation work. She has taught and supervised the summer swimming program at Camp Mitchell.

For four years she directed a summer camp for deaf children in San Bernardino. She is a past president of the Breakers folk dance organization.

Cartwright said that the new summer director is looking for volunteer workers to assist with the craft programs and the pre-school groups.

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