



Suit May Arise From Abandonment Of City's Unwanted Water Line

6-13-56

City councilmen won't be surprised if they are sued for taking action to abandon an unwanted water line that has been supplying free water along Branciforte drive for years.

Willard Paine of Squabble Hollow farm, who traces his free water "rights" back to 1877, last night flatly told the council he will bring suit unless the city drops abandonment proceedings or agrees to some other settlement.

"I've got to go into court; I've got to protect my rights," Paine said.

The council agreed there should be further attempts to a settlement—the issue has been bandied about for years—but unanimously adopted a resolution setting forth the city's intention to withdraw all interest and responsibility in the line as of next November 1.

Paine and about 25 other users receive free water from the line but Paine made it clear he was speaking only for himself. An attorney, Paine showed councilmen a copy of an 1877 agreement whereby the first private company taking water from Branciforte creek permitted properties across which its lines passed to take water free of charge.

The agreement has been honored through succeeding ownerships, including that of the city, which bought the line in 1916.

For years, however, the city has had no interest in keeping the line for several reasons. Among these are today's unimportance of

Branciforte creek as a water supply; the \$2500 annually it costs to repair and maintain the leaky pipes and decrepit dam near Happy Valley school; the estimated \$60,000 it would cost to replace the line.

Only the so-called free users are on the line and the city's position is that since it wants to abandon the line it is under no obligation to continue supplying free water in return for rights of way it is giving up.

Paine's contention is that the 1877 agreement binds the line's owner—at present the city—to supply free water to his property forever.

A notice sent out by the city manager's office today pursuant to the council's notice of impending abandonment informs Branciforte drive water consumers they may hook onto a city water line laid several years ago as a substitute for the old line. The difference is that users will have to pay for water from the new line.

A number of property owners already have switched over and are paying regular charges.

The notice declares that the council "is faced with an obligation to administer the affairs of the municipal government in such a way that unecomonic facilities or improvements are not maintained at taxpayers' expense over a long period of time."

Supporting the city's position are two outside legal opinions and City Attorney Lester Burns.

Paine maintained that his paramount desire is to continue to receive free water for irrigation and domestic use but indicated he might agree to a financial settlement in forthcoming discussions with councilmen and City Manager Robert Klein.

Asked by Councilman Robert Burton if the city could buy up Paine's "rights," the attorney replied:

"Well, Bob, everything has a price, yes."

Index

Amusements	15
Classified Section	9-10-11
Comics	16
Editorial Features	17
Junior Editor	17
Markets	11
Radio and TV Programs	14
Society, Club News	3
Sports	8
Vital Statistics	11

D

V