

Decision No. 12590.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
THOMAS J. ROURKE and ELLA M. ROURKE, )  
his wife, owners of a water plant, )  
to discontinue service to 5 acres. )

Application No. 8050.

ORIGINAL

Thomas J. Rourke, for applicants.

John P. Dunn, for Paul J. Otto  
and Florence J. Otto.

BY THE COMMISSION:

O P I N I O N

Thomas J. Rourke and Ella M. Rourke, applicants herein, own and operate a small public utility water system located about two and one half miles south of Azusa, Los Angeles County, and supply water for domestic and irrigation use. The application in this proceeding alleges in effect that prior to the irrigation season of 1922, water had been furnished for both domestic and irrigation purposes to the five-acre tract of land owned by Paul J. Otto, who has purchased and now owns an interest in another water system which will supply said tract with water for both domestic and irrigation purposes; and that the pipe line which has been used to serve this property can be used to advantage elsewhere on the system. The Commission is therefore asked to authorize applicants to discontinue service to this tract.

A public hearing in this matter was held before Examiner

Westover in Los Angeles. All interested parties were duly notified and given an opportunity to be present and to be heard.

From the evidence it appears that Mr. Otto has discontinued irrigation service from the Rourke system and now obtains at a cheaper rate the water required for this purpose from the Ritchey plant in which he owns an interest. He desires to continue the domestic use for the reason that the installation of approximately five hundred feet of pipe line at his own expense would be required to obtain this service from the Ritchey plant. However, it is apparent that it would be unprofitable for the applicants to maintain a pipe line of capacity sufficient to supply irrigation service, solely for the accommodation of a single consumer of water for domestic purposes, who has other means of obtaining an adequate source of supply.

The application should be granted.

#### O R D E R

Thomas J. Rourke and Ella M. Rourke having made application to the Railroad Commission as entitled above, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully informed in the matter,

It Is Hereby Found as a Fact that public convenience and necessity do not require the continued operation by Thomas J. Rourke and Ella M. Rourke of the pipe line serving the five-acre tract of land and residence owned by Paul J. Otto.

Basing the order upon the foregoing finding of fact and upon the statements of fact contained in the opinion which precedes this order,

**IT IS HEREBY ORDERED** that Thomas J. Rourke and Ella M. Rourke

be and they are hereby authorized to discontinue the service of water to the five-acre tract of land and residence owned by Paul J. Otto, on November 30, 1923.

IT IS HEREBY FURTHER ORDERED that within ten (10) days from the date of this order Thomas J. Rourke and Ella M. Rourke be and they are hereby directed to notify in writing Paul J. Otto of their intention to discontinue water service on November 30, 1923.

IT IS HEREBY FURTHER ORDERED that Thomas J. Rourke and Ella M. Rourke be and they are hereby directed to furnish this Commission within fifteen (15) days from the date of this order, an affidavit setting forth the fact that Paul J. Otto was duly notified of such intention to discontinue service.

Dated at San Francisco, California, this 11<sup>th</sup> day of September, 1923.

C. Leavy

H. B. Bunnage

J. J. Martens

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Commissioners.