

Decision No. 17279

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

A. O. BARNES and MARTHA L. BARNES,)
Petitioners,)

vs.)

EAST GARDENA WATER COMPANY, a cor-)
poration,)

Defendant.)

Case No. 2217.

Kemp, Partridge & Kemp, by John W. Kemp,
for complainants.

E. J. Fleming, for defendant.

BY THE COMMISSION:

O P I N I O N

This is a case brought by A. O. Barnes and Martha L. Barnes, owners of Lot 4 of the South Gardena Tract, Los Angeles County, asking the Commission to compel the East Gardena Water Company, a corporation, to supply their above-mentioned property with water. The complaint alleges that defendant water company has an ample water supply for the service requested, that defendant's system delivers water to lands contiguous to the property which complainants desire to be served; that complainants have no other means of obtaining a water supply for said property; that the defendant's water system is the nearest and most available source of supply but that said defendant has refused to furnish complainants' property with water.

In its answer defendant denies the essential allegations set out in the complaint and alleges in effect that com-

plainants' lands are not contiguous to lands served by defendant; that defendant was organized for the sole purpose of supplying water to a portion of the Bassett Tract, which is approximately 1500 feet from complainants' land and is therefore not contiguous to defendant's service area; that defendant has no rights of way for the installation of the necessary pipe lines, that the cost of the pipe lines necessary to render this service would be in the neighborhood of \$4,000, and that the revenues which would be derived from this extension, if made, would never be adequate. It is further alleged that complainants now have a shallow well which has supplied their property for years and that there are available other sources of supply, including that of the City of Long Beach, from which complainants could secure water. The Commission therefore is asked to deny the request of complainants.

A public hearing was held in this matter at Los Angeles before Examiner Williams, after all interested parties had been duly notified and given an opportunity to appear and be heard.

The evidence shows that the East Gardena Water Company serves water for irrigation purposes only to approximately 400 acres of lands located on the Bassett Tract. The consumers are practically all stockholders in the company, which was originally organized to operate as a mutual concern. In general it appears that in only a few instances has water been supplied to persons not stockholders in the corporation. The tract of land owned by complainants contains about 5 acres, of which it is desired to irrigate approximately $3\frac{1}{2}$ acres. This tract has never received water from defendant and lies approximately 1800 feet south of any property supplied by it with water. To serve water to complainants' land would require an extension of approximately 2656 feet of water main, at a cost of approximately \$5,000. According to the testimony the Los Angeles Chamber of Commerce has agreed

through its representatives to pay for the entire costs of the necessary installation. However, the evidence presented in this proceeding indicates that the water supply of defendant's system is taxed to the limit of its capacity to meet the demands of the present consumers in the territory now served and that at the height of the irrigation season many of the consumers are seriously delayed before water can be delivered to them. Under such circumstances the Commission is of the opinion that the facts do not warrant the issuing of an order directing the extension of service to the lands of complainants as requested herein. It appears therefore that this complaint should be dismissed.

ORDER

Complaint and answer having been filed in the above entitled proceeding, a public hearing having been held thereon, the matter having been submitted, and the Commission now being fully apprized in the premises,

IT IS HEREBY ORDERED, for the reasons set forth in the preceding opinion, that this complaint be and the same hereby is dismissed.

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 27th day of August, 1926.







Commissioners.