

Decision No. 23217**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

J.B. Miller, Clarence Johnson,
Ed. Stokley, B.L. Gary, R.A.
Gillette, John H. Martin,
E.J. Frowiss, J.A. Kenner,
C.E. Smith, J.R. Adams, W.E.
Gullett, U.E. Bailey, Dave
Carroll, P.L. Fallis, Lester
Cochran, W.G. Bailey, D. Taylor,
Fred Clark, J.W. Adams, Stanley
Albright, Viola D. Smith,
Jas. E. Gregg, L.R. Saferite,
Bill Saferite, I.T. Mansker,
Geo. Moore

vs.

Case No. 2914.

WESTMORLAND WATER COMPANY.

Paul Overton and W.C. Kennedy,
for American States Water Service
Company of California.
Hickcox & Trude, and Ray D. Johnson,
by F.J. Trude, for E.T. Cook, defendant.
Fred Thompson, for J.B. Miller, et al.,
complainants.

BY THE COMMISSION:

O P I N I O N

In this proceeding, the above named water users, J.B. Miller, et al., have filed a complaint against the Westmorland Water Company, which company is owned and operated by F.T. Cook and furnishes water for domestic purposes in the town of Westmorland, Imperial County.

The complaint alleges that the company's settling basins located at the intake from the irrigation canal of the

Imperial Irrigation District are of inadequate capacity and are maintained in an unsanitary condition, as a result of which the water supply furnished the consumers has been insufficient for their needs, with frequent periods during which consumers have been entirely without water. It is further alleged that the water has been of poor quality for domestic uses. Wherefore, complainants ask that the company be compelled to remedy such existing conditions.

Defendant files a general denial by way of answer to the complaint.

A public hearing was held in this proceeding at Westmorland on October 23, 1930, before Examiner Cannon.

The evidence shows that the existing settling basins on the system are of insufficient capacity and too shallow to properly clarify the water and to permit the pumping at all times of sufficient water of potable quality to supply the demands of the consumers. Furthermore, an investigation recently made by the Board of Health of Imperial County disclosed the fact that certain of the water delivered to the consumers was contaminated, resulting in directions by said Board for the installation of suitable apparatus for chlorination of the water, together with certain other improvements necessary from a health standpoint to safeguard the water supply. These directions were complied with in part by the company. Mr. Cook, owner of the system, has agreed to complete these improvements but testified that his plans were temporarily interrupted by reason of the proposed sale of Westmorland Water Company to the American States Water Service Company of California. The request for authority to consummate said sale

and transfer of properties was made to the Railroad Commission in Application No. 16775, which proceeding was heard concurrently with the present proceeding, decision thereupon now pending. In the event the Commission authorizes the purchase of this water works by the American States Water Service Company of California, said company agrees to install new pumping equipment, settling basins and other improvements, which will meet all the requirements of the County Board of Health and should provide an adequate and more satisfactory water service.

Under these circumstances, the instant proceeding should be dismissed without prejudice pending action by the Commission in connection with the transfer involved in Application No. 16775 referred to above. Should the necessary improvements be not made within a reasonable time by the owners of this property, this case may be reopened upon request of complainants herein, or any of them. This arrangement has the approval of all parties interested in this instant proceeding.

O R D E R

Complaint having been made to this Commission as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully advised in the premises,

IT IS HEREBY ORDERED that the above entitled proceed-

ing be and it is hereby dismissed without prejudice.

Dated at San Francisco, California, this 29th day
of December, 1930.

C. J. Sawyer
Wm. M. ...
Leon ...
...

Commissioners.