

Decision No. 10848.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM J. O'ROURKE and ADA B.)
O'ROURKE, his wife, OSCAR W.)
WRIGHT and ETHEL J. WRIGHT,)
his wife, and LEO. H. SMITH,)
Complainants,)
vs.)
HAINES CANYON WATER COMPANY,)
Defendant.)

Case No. 1720.

George A. Hart, for Complainants.
Evans & Pearce, by W. E. Evans, for Defendant.
Wallace M. Morgan, for Tujunga Business Men's
Association.

BY THE COMMISSION.

O P I N I O N

Complainants in the above entitled proceeding own the south 1175.5 feet of acreage lot No. 111, of Monte Vista, in the Rancho Tujunga, County of Los Angeles, California.

Complainants allege in effect that the Haines Canyon Water Company, defendant herein, owns and operates the water system selling and distributing water to property owners in said Rancho Tujunga; that defendant has refused and still refuses to supply water to the above described land of complainants, although the property is located in the heart of Tujunga, and water is served by defendant to property owners on all sides of complainants' property; and that said property is valueless without water.

Defendant, in its answer, denies all the allegations of com-

plainants, except as to the service of water to certain portions of said Rancho Tujunga not exceeding 1726 acres, to which a definite dedication of its water and water rights was made; that the system is designed for said acreage and is insufficient to furnish water to the land of complainants; that the capacity of the reservoirs from which this territory would receive its water supply is exhausted; that the mains leading to this tract are inadequate for such service and would require the expenditure of a considerable amount of money to supply complainants' land.

A hearing in this matter was held at Tujunga before Examiner Williams, of which the interested parties were notified and given an opportunity to be present and to be heard.

This matter was combined for hearing with Application No. 7593. There was also filed against applicant the informal complaints of Jean Earhart and G. H. Ferguson, which involve the service of water to their property located in what is known as the Descanso Tract. As these matters were all so closely related it was stipulated and agreed by counsel that they be joined with this complaint for decision.

The testimony shows that this defendant did originally dedicate its water supply, under a mutual arrangement made in connection with the sale of land, to 1726 acres of land, known as the Western Empire Tract. Since the inception of this water supply concern many changes have taken place. The water company has become a public utility and the terms of the original agreements have gradually been eliminated, except the acreage dedication, which the defendant has consistently used as a means of promoting the real estate ventures of the California Home Extension Association.

The water system has been extended from time to time to land other than the original Western Empire Tract, as the de-

mands of the Home Extension Association required. The testimony shows that water service was offered to the owners of the tract in question under terms laid down by Mr. Hartranft of the Home Extension Association, which terms were not acceptable to the complainants.

The evidence shows that the tract of land in question lies along the State Highway, adjacent to the business section of Tujunga. The water system of the defendant, or land admittedly under this system, surrounds it on all sides except one. It is very problematical whether or not an adequate water supply for their needs can be developed by complainants on their own lands.

Mr. Lynch, the Engineer and President of the Haines Canyon Water Company, testified that water could be developed to adequately supply the needs of all the territory that could reasonably be expected to come under the system, including the lands of complainants. He stated that the present pumping facilities will of necessity have to be enlarged to adequately supply the present territory as it becomes more thickly settled.

In view of the evidence presented it appears to this Commission that there is not now, if at any time there was, justification for refusal of the Haines Canyon Water Company to include the lands of complainants, and others similarly situated, within the area served by it, when such lands are so located that adequate service is reasonably possible.

O R D E R

William J. O'Rourke and Ada B. O'Rourke, his wife, Oscar W. Wright and Ethel J. Wright, his wife, and Leo H. Smith having filed formal complaint with the Railroad Commission against Haines Canyon Water Company as outlined above, a public hearing

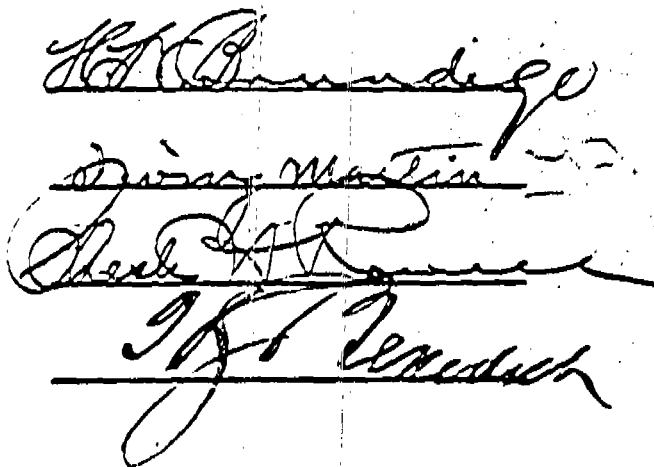
having been held and the matter having been submitted,

It Is Hereby Found as a Fact that the complainants herein are entitled to the service of water from the Haines Canyon Water Company;

And basing its order on the foregoing finding of fact and upon the other statements of fact contained in the opinion which precedes this order,

IT IS HEREBY ORDERED that Haines Canyon Water Company be and it is hereby directed to furnish water for domestic and irrigation purposes to said complainants under the rates, rules and regulations accepted for filing by the Railroad Commission.

Dated at San Francisco, California, this 10th day of August, 1922.

The block contains three handwritten signatures in cursive script, each written over a horizontal line. The signatures are arranged vertically and appear to be those of the three commissioners mentioned in the caption below.

Commissioners.