

Decision No. 7806.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application of)
L. J. Kendrick for permission to dis-)
continue furnishing water as a public) Application No. 5130.
utility for irrigation from Eagle)
Ditch at Grizzly Flats, El Dorado)
County, California.)

L. J. Kendrick in propria persona.

Carl Miller, Protestant, in
propria persona.

BY THE COMMISSION.

O P I N I O N

Applicant in this proceeding owns and operates what is known as "Eagle Ditch", through which water is being furnished for irrigation purposes to six consumers at Grizzly Flats and vicinity. The Eagle Ditch was originally constructed for mining purposes and the water right for mining purposes was owned in connection with the Eagle mine, but this mine has not been in operation for many years. However, in order to hold the water right and preserve the ditch for mining purposes against such time as the mine might resume operations, applicant has been running water through the ditch and serving consumers as above indicated. The charge for this service has been \$3.00 per year until about two years ago when it was increased to \$5.00. The ditch is now in a condition of disrepair, and it was testified at the hearing that it would require an expenditure of \$600 to put it into condition to furnish service as a public utility.

Applicant's consumers were each notified of the hearing in this matter, and there was a publication of the notice made in a

newspaper of general circulation in that territory, yet only one consumer appeared who entered any protest against the granting of the application herein. From the evidence presented at the hearing, it appears that this protestant has available, for at least a portion of each season, a supply of water from a certain spring, and it was also suggested that a well could be installed which would furnish an additional supply.

The Commission does not believe that it is fair to require applicant to continue operation as a public utility under existing conditions where the discontinuance of service will not work a hardship upon anyone.

ORDER.

L. J. Kendrick having made application to the Railroad Commission as entitled above, a public hearing having been held and the Commission being fully apprised in the premises,

IT IS HEREBY ORDERED that L. J. Kendrick be and he is hereby authorized to discontinue the service of water from Eagle Ditch, as a public utility, said authority to be and become effective from and after the date of this order.

Dated at San Francisco, California this 28th
day of June, 1920.

H. L. Loveland
Frank R. DeWitt
H. C. Brundage
Iving Martin
Commissioners.