

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of W. J. HOLE for a certificate) Application No. 5344
to construct a domestic water)
system.)

Adair & Winder by A. H. Winder
for applicant

Serau & Thompson, by H. L. Thompson
for J. F. Megginson, et al,
protestants.

BY THE COMMISSION:

O P I N I O N

In the above application W. J. HOLE seeks certificate that public convenience and necessity require him to construct and operate a domestic water system to serve a tract of about 5,000 acres in and adjoining the city of Riverside.

A public hearing upon the application was held by Examiner Westover at Riverside, July 8, 1920.

The plans for the system in question contemplate pumping water from an existing well into a storage reservoir and distributing it through ten, eight, six, five, four and two inch mains to various parts of the tract on which about forty families are now living. The system is to be fully financed by private funds of applicant, already available, and is free of debt. About \$30,000 has already been spent in construction besides the original cost of the well. The well has been tested and shown to have a capacity of about eighty miner's inches.

During the progress of the hearing Mr. J. F. Megginson appeared with his attorney and objected to such use of the well for irrigation purposes as would reduce

the water level in his three wells nearby, but offered no objection to the use of fifty miner's of water continuous flow from the well of applicant. The protest was made on behalf of protestant and others to whom he had sold lands with certain water rights in the three wells upon his land, his tract having originally contained about 240 acres. Since the hearing, formal written protest, signed by ten persons claiming to own lands in said tract of J.F. Megginson, has been received and filed. The written protest objects to the use of water from applicant's well in excess of forty miner's inches.

It appears from the application and the testimony at the hearing that applicant wishes to reserve the right to use water from his well in question for irrigation purposes after the domestic needs of the system have been supplied, but that he has no present plan or intention of so using the water for irrigation. It also appears that water for irrigation amounting ⁱⁿ quantity to about fourteen hundred and fifty miner's inches has been developed from a group of wells upon the tract. These wells and an irrigation system are to be conveyed to a corporation now being organized under the name of Arlington Mutual Water Company, the stock of which is to be distributed to the owners of land in the 5,000 acre tract, about 1,500 acres of which are now being irrigated from the group of wells referred to.

The question of title to water from applicant's domestic well in excess of forty miner's inches or fifty miner's inches and the right of applicant to take such water from the well in question is not one for determination by the Railroad Commission. It is apparent that the forty miner's inches of water which may be supplied from applicant's well without

objection is sufficient for the domestic needs of inhabitants upon the tract at present and in the near future. It also appears that applicant is able to provide such system and water supply and to furnish good service. Pending the time when water in addition to the forty miner's inches may be required the parties will have opportunity to test, in the proper tribunal, their rights to the water in applicant's well in excess of said forty miner's inches.

O R D E R

A public hearing having been held upon the above entitled application, the matter having been submitted and being now ready for decision,

THE RAILROAD COMMISSION OF CALIFORNIA HEREBY DECLARES that present and future public convenience and necessity require and will require that W. J. HOLE construct and operate a water system for the purpose of supplying domestic water upon lands in the Rancho La Sierra within and adjoining the city of Riverside, as said lands and system are more fully described on map thereof accompanying the application herein as an exhibit; but such convenience and necessity does not require that said HOLE take from the well, to be used in connection with said system, water in excess of forty miner's inches continuous flow.

The Commission reserves the right to make such other and further orders herein from time to time as to it may seem just after a final determination of the right to take from said well water in excess of forty miner's inches continuous flow.

Dated at San Francisco, California, this 22nd day of July, 1920.

Edwin O. Edgerton
H. D. Lovelace
Dwight Martin
Commissioners.