

Decision No. 8274

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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**ORIGINAL**

In the Matter of the Application of )  
A. J. MARTIN to discontinue service ) Application No. 5826.  
of irrigation water. )

R. B. Bidwell for applicant.  
R. T. Walters and C. S. Mank for Eva  
Anderson and James Schimmel, protestants.

MARTIN, Commissioner.

O P I N I O N

A. J. Martin, applicant herein, is the owner of a water system furnishing water for irrigation purposes to a small number of consumers near Baldwin Park, California.

Applicant alleges that because of a business occupation which requires his presence elsewhere, he is unable to devote the time necessary to the operation of the water system. He further alleges that there are other wells in the vicinity of his well from which any or all of his consumers can obtain a water supply sufficient for their needs, and further, that from March 9, 1919, to March 7, 1920, the plant in question was operated approximately 479 hours, from which the total revenue was \$957.10, while the cost of maintenance and operation for the same period was \$1,106.97.

Wherefore, for these reasons applicant asks that the Railroad Commission authorize him to discontinue service as a public utility.

A public hearing was held in this matter, and the evidence shows that applicant is the owner of a forty-acre tract of land and that he has developed the water system in question for the purpose of irrigating this land. However, as applicant has not required all of the water for his own uses, he has from time to time

supplied water to his neighbors for the irrigation of their lands. In 1920 applicant operated his pump for the irrigation of lands other than his own a total of only 19 hours, and the area irrigated was only 4.5 acres. This amount of business is negligible from the standpoint of public utility operation and it does not seem just to require applicant to continue the operation of his plant on this basis. On the other hand, the Commission does not desire to impose any hardship upon those consumers of water who have heretofore been supplied through this system. It does not appear that it is difficult to develop water in this territory, and moreover the testimony indicates that other sources of water supply are already available to the consumers. After a careful consideration of all the evidence submitted, I am of the opinion that it is fair to all concerned to authorize applicant to discontinue service as a public utility on and after May 1, 1921.

#### O R D E R

A. J. MARTIN having made application to the Railroad Commission, as entitled above, for permission to discontinue the service of water for irrigation purposes as a public utility, a public hearing having been held and the Commission being fully apprised in the premises,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity do not require applicant to continue service as a public utility after May 1, 1921.

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

IT IS HEREBY ORDERED that A. J. Martin be, and he is hereby authorized to discontinue service of water to consumers on and after May 1, 1921, on the following conditions:

1. - Within ten (10) days of the date of this order, applicant herein shall notify each consumer who is now receiving public utility service, or who has heretofore received such service from applicant, that on and after May 1, 1921, such service will be discontinued as authorized herein.
2. - Within thirty (30) days from the date of this order applicant shall file proof with this Commission that all consumers have been notified as outlined above, including in said statement the name and address of each consumer so notified.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 25<sup>th</sup> day of October, 1920.

W. H. Loveland

John R. Dwyer

H. A. Brundage

James Martin  
Commissioners.