

ORIGINAL

Decision No. 27883

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THE SAN JOAQUIN & KINGS RIVER CANAL
& IRRIGATION COMPANY, INCORPORATED,
a corporation, to be relieved of ser-
vice to JACK GODFREY, owner and op-
erator of a public utility which serves
domestic water to consumers in the
Town of Dos Palos and the immediate
vicinity.

) Application No. 19683.

J. E. Woolley, for The San Joaquin & Kings
River Canal & Irrigation Company,
Incorporated.

Jack Godfrey, in propria persona.

Stephen P. Calvin, District Attorney of
Merced County, for Merced County
Water District No. 1

BY THE COMMISSION:

O P I N I O N

In this proceeding The San Joaquin & Kings River Canal & Irrigation Company, Incorporated, engaged in the business of selling water for irrigation and domestic purposes in Merced, Fresno and Stanislaus counties, asks authority to discontinue water service to Jack Godfrey who owns and operates the public utility water works which supplies domestic service to the unincorporated town of Dos Palos, in Merced County.

The application alleges that Jack Godfrey has not paid for the water delivered to him since June 12, 1933, although monthly bills have been rendered and other demands have been made

for payment. Request is made that applicant be authorized to discontinue service to said Jack Godfrey until water heretofore delivered be paid for and suitable arrangements be made to insure payment for future water deliveries.

A public hearing in this matter was held before Examiner MacKall at Dos Palos.

According to the evidence, Jack Godfrey operates a public utility water system under the fictitious firm name and style of Dos Palos Water Works which is the sole source of supply of domestic water to the town of Dos Palos. At the present time there are 206 water users receiving service, practically all through metered connections. The water supply is obtained from the Colony Irrigation Canal operated by applicant, a subsidiary of Miller & Lux, Inc. Water is diverted from the canal and passed through filter-beds of gravel and charcoal to a sump from which it is pumped into a storage tank and distributed to the users. For water furnished by applicant, a charge of eighteen dollars (\$18.00) per month is made upon an estimated average annual delivery of 20,000 gallons daily. The testimony, however, indicates that the actual deliveries during the past few years have been approximately 40,000 gallons daily which, if billed at effective rates, would call for a monthly charge of thirty-four dollars (\$34.00).

Since June 12, 1933, Jack Godfrey has failed and neglected to pay anything whatsoever for this water. The amount due and owing under the eighteen-dollar rate amounted to \$306 on the date of the hearing held in this matter. Mr. Godfrey stated that he had failed to pay the bills for the reason that during certain of the summer months of 1933 and 1934 applicant had not maintained the water in its Colony Canal at the usual elevation (which would permit operation of the filter at its maximum efficiency), necessitating the

manual operation of his pump. When the canal is maintained at a full head, the pump is controlled by an automatic switch. There was no complaint against the service of water from the canal for the other months. It also appears from the statements of Mr. Godfrey that even during the summer months referred to above no severe shortage of water was suffered by his consumers on account of low water stages in the Colony Canal.

The San Joaquin & Kings River Canal & Irrigation Company, Incorporated, is essentially an agricultural irrigation system operating approximately 204 miles of canals in the counties of Fresno, Stanislaus and Merced. In addition and incidental to irrigation service, it also supplies water for municipal and industrial uses to the towns of Dos Palos, South Dos Palos and Los Banos and also water for the Southern Pacific Company, several large creameries and oil-pumping stations along the line of its canals. As this latter type of service required the maintenance of the canals serving such consumers at full heads during the entire year, the Commission, in order to reduce the heavy and unreasonable burden thereby placed upon the company for maintenance, repairs and cleaning and to reduce the cost of water for irrigation purposes, authorized, in its Decision No. 22228 decided March 19th, 1930, the canal company to notify all such consumers to provide auxiliary water service either by the lowering of canal intake pipes where used or by the installation of wells in order to permit the canal company to make the necessary repairs and clean the ditches during the period of the year when water was not demanded for agricultural irrigation purposes. The effective date of this requirement was the 30th day of December, 1930, and the evidence shows that, although practically all other consumers in this class have made the necessary

changes, Mr. Godfrey has made no effort whatsoever to install the necessary facilities to permit the canal company to vary the head in its canals.

It further appears from the testimony that the construction of the filter-beds of the Dos Palos Water Works is most crude and inefficient and that said beds are wholly insufficient in capacity to provide water in adequate volume for pumping during lowered stages of the canal and that, if the operator of this utility had installed the necessary improvements in compliance with the direction of this Commission in its above Decision No. 22228, there would be no inconvenience during those months in which the stage of the Colony Canal is below its normal operating level.

It should be noted at this time that The San Joaquin & Kings River Canal & Irrigation Company, Incorporated, has now pending before this Commission another application (Application No. 19289) in which it has requested the Railroad Commission to make its order authorizing said applicant to discontinue service to Dos Palos Water Works during the months of November, December, January and February of each year. Although a hearing has been held in connection with this matter, no decision has as yet been rendered by reason of the request of applicant that the matter be held in abeyance pending the possible sale of the local domestic water company to a county water works district embracing and including the community of Dos Palos. Approval of this request would necessitate the lowering of the filter-beds and/or the installation of a new pump to raise the water from the canal during the indicated period.

The record shows that during the years 1931 to 1933, inclusive, the Dos Palos Water Works has earned an average gross revenue slightly in excess of \$5,000. The billing for water pur-

chased from applicant has amounted to \$216 per year. From this, it is apparent that no great burden is placed upon this domestic water company for purchased water. The reasons advanced by Mr. Godfrey for non-payment of this practically nominal charge for water furnished, which might be even double the amount had he been billed for all of the water actually delivered, are wholly unacceptable and unconvincing and clearly have no foundation in fact or reason. It should be pointed out at this time that the operator of the Dos Palos Water Works is under obligation and is strictly liable for the furnishing of water in adequate amounts and under reasonable pressures to all of his consumers at all seasons of the year and equally owes the public a duty to so conduct the affairs of his utility as to provide and insure a proper and ample water supply. While this Commission does not desire to place any hardship upon the residents of Dos Palos who depend upon the Dos Palos Water Works for service, there is no course open other than to authorize applicant to discontinue service until this delinquent account is duly satisfied. The record shows that said Jack Godfrey has ample funds to pay for the water supplied to him by applicant and there can be, therefore, no justification at all for any interruption of service. The rules and regulations of applicant already provide for discontinuance of water service for non-payment of bills; in this particular instance we will fix a definite limit of thirty (30) days from the date of this Order as the time when this account must be paid or service may be shut off. This period should be ample to permit said Jack Godfrey to settle in full.

O R D E R

Application having been filed with 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 thirty (30) days from the date of this Order The San Joaquin & Kings River Canal and Irrigation Company, Incorporated, be and it is hereby authorized to discontinue water service to Jack Godfrey for the use of the Dos Palos Water Works unless and until said Jack Godfrey shall have paid in full all delinquent water bills due and owing as of the date of this Order.

For all other purposes the effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 14th day of January, 1935.

Leon Whitely
W. A. C.
M. Bilan
W. H. G. G.
Frank R. Brown
Commissioners.