

Decision No. 31554

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the application of
ORCHARD DALE SERVICE COMPANY for
authorization to declare certain
property inoperative and to sell
said property.

Application No. 22144.

Edward R. Bowen and
Charles W. Getchell, for Applicant.

BY THE COMMISSION:

O P I N I O N

In this proceeding Orchard Dale Service Company, a corporation, engaged in the business of selling water for irrigation and domestic purposes in a tract of land located near Whittier, Los Angeles County, asks the Commission to declare that 50 miner's inches of its water supply, together with appurtenant easements, are nonoperative and to authorize the company to sell this property and apply the proceeds toward reducing its funded debt.

A public hearing in this matter was held in Los Angeles before Examiner M. R. MacKall.

The record shows that Orchard Dale Service Company is the owner of a right to two hundred miner's inches of water in the water bearing lands of a 40-acre tract known as the "Judson Lands" or "Judson Basin." These lands are situate on the East Bank of the San Gabriel River about one-half mile south of Whittier Boulevard in Los Angeles County. The water right is a part of one thousand miner's inches of water confirmed to the

Whittier Water Company in 1917 by the Superior Court of the County of Los Angeles. The balance of the right is owned by associated water companies, but only 900 miner's inches have been developed by wells and pumps. Orchard Dale Service Company holds an easement in the wells, pumps, and water bearing lands, for the production of its 200 miner's inches and also a flowage easement in the four miles of pipe line that conveys its water from the Judson Lands to its gross service area consisting of 930 acres planted largely to citrus groves. There are 122 acres of the above total area that obtain water from a mutual water company and an additional 79 acres at present undeveloped. Approximately 94% of the water sold at present is for irrigation purposes, the remainder for domestic use.

Mr. Edward R. Bowen, a consulting engineer, presented a report showing the use of water by the consumers for the nine-year period, 1928 to 1937, inclusive, and an estimate of the probable maximum demand for water on the tract for the future under complete development. This report shows that the average maximum rate of delivery for the months of maximum water use during the nine-year period for both irrigation and domestic use was 94.1 miner's inches and demand for the maximum month was 109.1 miner's inches. The estimated future water requirements of the area, excluding the 122 acres that are being supplied from outside sources, for both domestic and irrigation purposes including transmission and distribution losses total 140 miner's inches. Mr. Bowen therefore recommends that the company can safely release 50 miner's inches of water without fear of jeopardizing the adequacy of its service. It further appears that additional water could be obtained from local well sources within the service area if ever required for the future unpredictable requirements.

Mr. Charles Cetchell, Vice President and General Manager of the service company, testified that the utility has a funded debt in the amount of \$50,000.00 which bears interest at the rate of 6½%. Under present plans it is proposed to retire a portion of the bonds and use the remainder of the funds to replace depreciated and inadequate distribution facilities and to construct a reservoir on the system which is now entirely without standby water facilities to insure uninterrupted service in the event of line failures, particularly necessary during periods of peak demand.

The evidence presented in this matter shows that this utility may safely dispose of 50 miner's inches of its water rights without in any way interfering with the water requirements of its consumers and that the funds to be obtained from this source can be most advantageously spent on system improvements as proposed.

In declaring the above 50 miner's inches of water to be nonoperative property, in accordance with the prayer of applicant, no further order from this Commission will be necessary to authorize the sale of said 50 miner's inches to the purchasing party or parties.

ORDER

Application having been filed by Orchard Dale Service Company, a corporation, 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 found as a fact that the rights to fifty (50) miner's inches of water of the total rights to possession, control and disposal of two hundred (200) miner's inches of water

in and from the said Judson Lands or Judson Basin, belonging to Orchard Dale Service Company, a corporation, together with appurtenant pumpage and flowage rights are no longer necessary or required insofar as the present and future public utility water service obligations and liabilities of said Orchard Dale Service Company is concerned, and the rights to the said fifty (50) miner's inches of such water are hereby declared to be non-operative property rights.

The effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 12th day of December, 1938.

Robert A. Ford
Leon A. White
Frank A. Miller
Ray L. Gray
W. H. Miller
COMMISSIONERS.