

Decision No. 32168

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of INDEPENDENCE ACRES WATER WORKS
for permission to limit the number
of water consumers.

ORIGINAL

Application No. 22736.

L. L. Colodny, for Applicant.

Samuel H. Weissberg, for one of the
consumers.

RILEY, COMMISSIONER:

O P I N I O N

In this proceeding L. L. Colodny, doing business under the fictitious firm name and style of Independence Acres Water Works, serving domestic water in Tract No. 8451, Los Angeles County, a part of Agoura, petitions for authority to limit the number of consumers entitled to water service, and to eliminate from the service area all lots allegedly purchased without rights to water.

A public hearing in this matter was held in Los Angeles.

At the hearing applicants asked to amend the application herein, to limit the number of consumers to those at present attached to the water system, to those who have made written applications for water prior to the date of the hearing in this proceeding and to those parties at said date having actually under construction residences in the tract.

Evidence shows that almost continuously during the twelve years this system has been operated there has been an insufficient water supply. Five deep wells have been drilled in the tract in an effort to provide a dependable volume of water of potable quality.

The deepest well was 978 feet. However, none of them produced a satisfactory water, being characterized by excessive hardness, objectionable tastes and odors and low sustained yields. Tunnels and shafts driven into the hillside at two separate locations failed to produce water in usable quantities. Efforts to obtain water in the adjacent areas likewise proved unavailing even though the best engineering advice available was obtained and followed. Fifteen years of attempts by the original owners of the subdivision and their creditors conclusively shows that until water is brought into this area from distant or outside sources through some coordinated plan embracing a large portion of the western part of Los Angeles County, the residents of this Agoura territory will be forced to rely upon the inadequate local wells and shallow pits.

When the certificate of public convenience and necessity was issued to the applicants to operate a water works in 1927, there were thirty-six consumers attached to the water system. The service area embraced all of Tract No. 8451, containing 387 lots, varying in size from ordinary city lots along Ventura Boulevard to small farms in the back areas. The original subdividers attempted to develop the property as small chicken and rabbit farms, providing small parcels for raising of alfalfa and other green feed. The lack of water prevented the plans from becoming successful, water yield during the summer of most of the years being sufficient for interior household purposes only.

At present there are fifty-four consumers actually attached to the water system, with eight written applications on file and, in addition, four residences being constructed in the service area. It is the opinion of L. L. Colodny that with careful handling of the water available, this entire group can be supplied reasonably during years of normal rainfall, but that in years of lesser runoff, water in the summer and fall months must be restricted to

household use only. This plan contemplates the rationing of water during the summer and autumn seasons in years of less than average rainfall.

Careful consideration of the record in this proceeding shows that applicant has made all reasonable efforts commensurate with existing local conditions to obtain a suitable supply of potable water for his consumers, that such water cannot be obtained at any fair and proper cost within the means of applicant, and that therefore the extending of service to any substantial number of additional users will injuriously withdraw the supply in whole and in part from those who have heretofore and are now being served or who are rightfully entitled to be served by the applicant.

The following form of Order is recommended:

ORDER

Application having been filed with the Railroad Commission as entitled above, and as amended, a public hearing having been held thereon, the matter having been duly submitted and the Commission being now fully advised in the premises and good cause therefor appearing,

IT IS HEREBY ORDERED that L. L. Colodny, operating under the fictitious firm name and style of Independence Acres Water Works, be and he is hereby authorized to restrict all further water service to those lots heretofore served in the authorized service area, together with lots and parcels for which applications for water have been made, as of the date of the Order herein, and to such other parcels upon which buildings are actually being constructed on the date of this Order, provided in such cases actual water connection and commencement of water service must be requested for actual use prior to September 1, 1939, unless and until otherwise ordered by this Commission.

IT IS HEREBY FURTHER ORDERED that L. L. Colodny be and he is hereby directed to file with the Commission, within ten days from the date of this Order, a tabulation showing the names of consumers and lots heretofore served with water, the names of consumers and lots on which water service has been requested by written application during the past twenty-four months to and including the date of the Order herein, and the names of owners and lots on which buildings were under construction 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.

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 18th day of July, 1939.

Francis J. Brown
Ray A. Kelley
H. B. Allen
Justus D. Casner
COMMISSIONERS.