

Decision No. 32241

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of E. B. Abell for Certificate of
Convenience and Necessity.

Application No. 22561.

ORIGINAL

E. B. Abell, for Applicant.

W. R. Williams, for Twentynine Palms Water Co.

C. R. Bunker, for Pacific Coast Land Co.
and J. I. Sklar.

Ralph Schneider, for himself.

Sherman S. Clark, for Sidney S. Wilson.

BY THE COMMISSION:

O P I N I O N

In the above entitled application E. B. Abell, the owner of a tract of land at Twentynine Palms, San Bernardino County, asks the Railroad Commission for a certificate of public convenience and necessity authorizing him to operate a public utility water system to deliver and sell water for domestic and other purposes in Sections 30 and 31, Township 1 North, Range 9 East, S.B.B. & M., near Twentynine Palms, San Bernardino County.

A public hearing in the above entitled matter was held at Twentynine Palms before Examiner MacKall.

The testimony shows that E. B. Abell is the owner and subdivider of the N.E. 1/4 of Section 31, T.1 N., R.9 E., S.B.B. & M., and has developed a well and installed a water system to aid in the sale of lots. He now proposes to extend water service to all lands embraced within Sections 30 and 31, T.1 N., R.9 E., S.B.B. & M., a large part of which is now vacant or unoccupied but which it is claimed at some future date will be subdivided and require domestic water.

Applicant has a well 111 feet in depth, six inches in diameter with the water table standing at minus 87 feet. A small storage tank of 1,550 gallons and some four inch mains have been installed to provide for present demands which consist of several residences and auto courts, a restaurant and a carpenter shop, in general all located on or near the main highway. The water facilities originally were installed to care only for applicant's own properties, but as he has been called upon for water service by many land owners scattered throughout Sections 30 and 31, he is now willing to install the facilities necessary for such water service if granted a certificate. The testimony shows that the elevation of this portion of Twentynine Palms Valley is in the neighborhood of 2,200 feet above sea level and is rapidly being subdivided in all directions for development as a winter resort in competition with similar lands in and around Palm Springs.

A large number of property owners appeared at the hearing in support of applicant's petition stating that they were owners of parcels of land ranging from small home sites to tracts in one case as large as 160 acres. These people were anxious and willing to have domestic water made available to their premises. Protests however were entered by others who objected to having their lands included within the certificated area mainly upon the grounds that they desired to develop individually their own supplies. Protest was filed at the hearing held in this proceeding by W. R. Williams in behalf of Twentynine Palms Water Company asking that the certificate be denied upon the ground that but a few days prior an application had been filed by this Company for a certificate to supply water in some fourteen square miles more or less of territory in this vicinity including sections 30 and 31. Mr. Abell stated he had no objection to the exclusion of the lands of protesting owners from his service

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area but questioned the reasonableness of the protest of the Twentynine Palms Water Company which has no mains within several miles of applicant's territory and no present ability to serve any portion of it. In this latter connection it is sufficient to say that since submission of this matter Twentynine Palms Water Company has requested that formal action upon its petition be indefinitely postponed.

The most serious and vital problem involved in this proceeding is the adequacy of water supply. Applicant's present well is but six inches in diameter with no record of sustained pumping yield. Charles F. Taylor, a well driller with general knowledge of wells in the Twentynine Palms area, and who drilled the Abell well, testified that while he had not thoroughly tested this particular well it was a good producer and that some wells in the vicinity have yielded 120 gallons per minute and one well some miles to the north tested considerably more. Mr. Taylor claims underground water generally is available throughout this entire territory but at considerable variations in depth. The Twentynine Palms Water Company has a well 8 inches in diameter, 161 feet deep, producing at present 110 g.p.m. It appears highly probable that additional water may be secured in the vicinity by applicant from new wells, when the necessity therefor arises.

The rates proposed by applicant are the same as those now in effect and being charged by the Twentynine Palms Water Company supplying water in adjacent territory under similar conditions. The rates are reasonable under existing conditions and circumstances and it appears that the application should be granted with the restrictions

in territory above referred to.

ORDER

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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require, and will require, the operation of a water system by E. B. Abell in the following described territory:

"Sections 30 and 31, T.1 N., R.9 E., S.B.B. & M., excepting therefrom the west 1/2 and the east 1/2 of the east 1/2 of the S.E. 1/4 of said Section 31, all in the County of San Bernardino."

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and it is hereby granted E. B. Abell to operate a public utility water system in the above described territory, and to sell and distribute water therein.

IT IS HEREBY FURTHER ORDERED that E. B. Abell be and he is hereby authorized and directed by this Commission to file, within thirty (30) days from the date of this Order, the following schedule of rates to become effective and to be charged for all water service rendered subsequent to the 31st day of August, 1939:

METER RATES

Monthly minimum charge 3/4" meter	\$1.50
For all water used for the month:	
From 0 to 500 cubic feet, per 100 cubic feet....	.30
From 500 to 1000 cubic feet, per 100 cubic feet....	.25
From 1000 to 5000 cubic feet, per 100 cubic feet...	.20
All over 5000 cubic feet, per 100 cubic feet.....	.15
Minimum meter monthly charge:	
1/2, 5/8 or 3/4-inch meters	\$1.50
1-inch meter	2.75
1 1/2-inch meter	3.50
2-inch meter	4.75

IT IS HEREBY FURTHER ORDERED that E. B. Abell be and he is hereby directed to file with this Commission, within thirty (30) days from the date of this Order, his rules and regulations governing his relations with his consumers; said rules and regulations to become effective upon their acceptance by this Commission.

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

Dated at San Francisco, California, this 1st day of August, 1939.

R. B. W. W. W.
W. B. W. W. W.
W. B. W. W. W.
Justice D. C. C.
COMMISSIONERS.