

**ORIGINAL**

Decision No. 23875

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of

BANK OF AMERICA, National Trust  
and Savings Association, a national  
banking association,

Application No. 23875

for Authority to Discontinue its  
Operations as a public utility known  
as the Tash Properties Water Company.  
(Amended Title).

Keyes & Erskine by J. Benton Tulley, for  
Applicant.  
Don M. Kitzmiller, for S. J. Kitzmiller,  
Protestant.  
Mrs. Anita Head, for Estate of Iverson,  
Protestant.

CRAIGER, COMMISSIONER:

O P I N I O N

In this proceeding, the Bank of America, National Trust  
and Savings Association, asks for authority to discontinue the public  
utility water service rendered from the irrigation system operated  
by the Tash Properties Water Company located near Soledad in  
Monterey County.

A public hearing on this matter was held at Soledad.

Some few years ago, the Bank of America, National Trust  
and Savings Association, came into possession through foreclosure  
proceedings of the A. M. Tash Ranch containing 138 acres more or  
less, located on the westerly bank of the Salinas River about  
opposite the Town of Soledad. As part and parcel of said Ranch,

there is a public utility irrigation pumping plant consisting of four wells, cement delivery pipe lines, outlet and distribution boxes, together with various appurtenant structures. This plant and irrigation system now called Tash Properties Water Company was installed originally in 1910 by A. M. Tash and thereafter supplied a large number of adjacent ranches with irrigation water service.

For the past two years, however, there has remained but one regular consumer, S. J. Kitzmiller, who irrigates 20.25 acres of land, practically all of which is in apples and pears. Last year, water was supplied upon an emergency and temporary basis only to a tenant farming the Iverson Ranch. There is a private well and irrigation pump on the Iverson place but during the season of 1940 this well was not capable of yielding sufficient water to properly irrigate the carrot crop. Water was delivered by the Tash Properties Water Company for a period of time sufficient to prevent the loss and failure of the crop. Mrs. Anita Head, Administratrix of the Iverson Estate, testified that she desires to maintain the right to have available at all times in the future stand-by water service from the applicant system for the Iverson Ranch. The claim of applicant is that it can no longer afford to supply a demand water service as a public utility to but one single regular consumer with occasional call for stand-by water deliveries to the Estate of Iverson. This contention appears to be borne out by the record in this case.

The evidence shows that the pumping plant, wells and outlet pipes and boxes cost originally in excess of \$3,500. The cost of power alone during the past three years has ranged from \$325 to \$403. There have been no records kept of actual costs of

plant operation, maintenance, depreciation and other kindred items incurred by the various tenants farming the Tash property. Such testimony as was presented indicates that plant operating expenses, including depreciation, will approximate at least \$600 per annum.

In the event no water was used on the Tash Ranch, the entire burden of meeting operating expenses and fixed charges would be placed upon the shoulders of the one remaining water user, S. J. Kitzmiller, resulting, of course, in a prohibitive charge for irrigation of the twenty-acre orchard. It is clearly inequitable under existing conditions to longer continue the public utility servitude upon this ranch and pumping plant.

Discontinuance of public utility service in this instance should work no severe hardship upon Mr. Kitzmiller or upon the Iverson Ranch either, for that matter. Applicant has agreed to enter into a contract with said Kitzmiller for the delivery of water for irrigation in the future and there is no reason to doubt but that similar arrangements can be made with the Estate of Iverson. Neither of these properties, therefore, should be deprived of water from the Tash Ranch wells upon relieving applicant of its duties and obligations to supply and deliver water as a public utility.

The following form of Order is recommended.

O R D E R

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

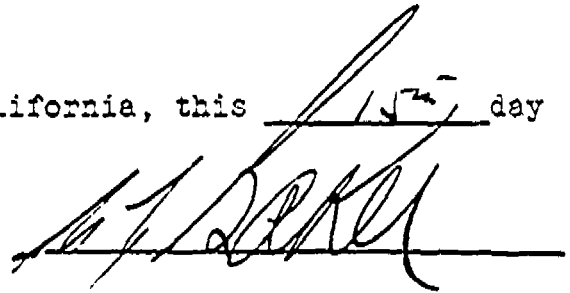
IT IS HEREBY ORDERED that Bank of America, National Trust and Savings Association, be and it is hereby authorized to discon-

tinue public utility irrigation water service on or after the thirty-first day of October, 1941, by and through the Tash Properties Water System, a public utility operating on what is generally known as the A. M. Tash Ranch, located in the County of Monterey, near the Town of Soledad, and thereupon said Bank of America, National Trust and Savings Association, shall stand relieved of all further public utility obligations and liabilities in connection therewith.

For all other purposes, the effective date of this Order shall be 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 15<sup>th</sup> day of July, 1941.



Justice J. Calver  
Francis D. Havens  
Richard K. ...  
COMMISSIONERS.