

Decision No. 36309

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the amended supplemental application of HOME FARMS WATER COMPANY to be relieved of its obligation to furnish water in the territory covered by the certificates of public convenience and necessity granted by Decision No. 18157 dated April 4, 1927, and Decision No. 26427 dated October 16, 1933, except as to furnishing water for domestic and commercial purposes in and about the Town of Romoland, Riverside County, California; to lease for a term of years its entire public utility properties now used to furnish water for domestic and commercial purposes in and about the Town of Romoland, Riverside County, California, including the certificates of public convenience and necessity granted by said decisions to furnish water for domestic and commercial purposes in and about the Town of Romoland, Riverside County, California.

Amended Supplemental
Application No. 24195

Al Freedman, for Applicant.

Frank Quartararo, a Consumer, for himself.

HAVENNER, COMMISSIONER:

FIRST SUPPLEMENTAL OPINION

Home Farms Water Company is a public utility authorized to furnish water service in a portion of Riverside County, including the townsite of Romoland. The utility requests authority to lease its so-called "domestic" water system in and about Romoland to Al Freedman, one of the three owners of the company. It also requests cancellation of its certificate in so far as the latter permits it to render utility service other than that furnished through the Romoland "domestic" system.

After hearing on the original application and upon the record then before the Commission, these requests were denied, but "with the understanding that applicants may renew their requests by the filing of an appropriate supplemental application covering the matters discussed in this opinion." (Decision No. 34695,

October 28, 1941.) That decision sets forth the history of the system and fully explains the reasons for the denial.

An amended supplemental application was filed, and a public hearing thereon was had before Commissioner Havenner and Examiner Clark at Riverside.

The evidence shows that applicant has not served any water for irrigation purposes, and that there has not been any bona fide application for irrigation service during the last ten years except in the single instance of Frank Quartararo, who obtained irrigation service on a forty (40) acre tract of land in 1936 and 1937, and again in 1942, said tract being the northwest one quarter of the Southwest one quarter of Section 10, Township 5 south, Range 3 West, S.B.E. & M.

Home Farms Water Company desires to be relieved of all service obligations in territory other than that served through the Romoland "domestic" system, which it desires to lease to Mr. Freedman. The company has agreed as follows:

- (1) To cause water to be delivered to said lessee in sufficient quantity to provide for any and all water service for domestic and commercial purposes in and about the Town of Romoland;
- (2) To furnish whatever financial aid is required by lessee to render adequate service;
- (3) To waive all rights to waters beneath lands not now owned by the company in territory covered by its certificates, and to refrain from any future assertion of such rights;
- (4) The company further agrees that in the event of a sale of any of its real properties it will not reserve any rights to any waters beneath land so conveyed.

The agreement under which it is proposed to lease to Al Freedman the real and personal property now used in supplying water to consumers in and about the Town of Romoland runs for a period of five years, with option to renew at the expiration thereof. Operation of the system in and in the vicinity of Romoland will be continued under the present effective rates, rules and regulations as filed with this Commission.

The above agreements are covered by written stipulation filed in this proceeding, duly authorized by corporate action by the Board of Directors. It

therefore appears that as far as it is possible for this Company to do so, land owners will be amply protected in whatever rights they may have to use underground or percolating waters. The record shows that agricultural irrigation water service has not been rendered during the past ten years, except as noted above, and is not now demanded by any one other than said Frank Quartararo. Applicant has agreed to continue through said lessee the agricultural irrigation to the said 40-acre (more or less) parcel of land of Frank Quartararo. No further protests were made at the hearing.

FIRST SUPPLEMENTAL ORDER

Amended supplemental application having been filed, a public hearing having been held thereon, the matter having been duly submitted, and the Commission being now fully advised,

IT IS HEREBY ORDERED that existing certificates authorizing Home Farms Water Company to render public utility water service in Riverside County, in so far as such certificates authorize service in territory other than that certain area in and about the townsite of Romoland (more particularly described as the S $\frac{1}{2}$ of Section 10, T.5 S., R.3 W., S.B.B.& M.), the area adjacent thereto, and the 40-acre (more or less) tract now occupied by Frank Quartararo in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10, T.5 S., R.3 W., S.B.B.& M., are hereby canceled and said company relieved of all utility obligations.

IT IS FURTHER ORDERED that Home Farms Water Company be and it is hereby authorized, within ninety (90) days from the date of this Order, to lease its public utility properties in and about the townsite of Romoland (more particularly described as the S $\frac{1}{2}$ of Section 10, T.5 S., R.3 W., S.B.B.& M.), the area adjacent thereto, and the 40-acre (more or less) tract now occupied by Frank Quartararo in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10, T.5 S., R.3 W., S.B.B.& M., together with its certificate of public convenience and necessity, to Al Freedman, substantially in accordance with the indenture attached as Exhibit "A" to the amended supplemental application herein.

IT IS HEREBY FURTHER ORDERED that Al Freedman, an individual, be and he is hereby directed as follows:

- (1) To file, within thirty (30) days after acquisition, four copies of rates for service in and about the Town of Romoland, which rates shall not be higher in any particular than the applicable rates now on file.

- (2) To file, within thirty (30) days after acquisition, four sets of rules and regulations applicable in and about the Town of Romoland. Each set shall contain a map or sketch, drawn to an indicated scale, upon a sheet approximately 8½ x 11 inches in size, delineating the boundaries of the service area, it being understood, however, that the filing of such sketch shall not be considered as a conclusive determination of the area of dedication.
- (3) To file within sixty (60) days after acquisition, four copies of a comprehensive map, drawn to an indicated scale of not less than 600 feet to the inch, delineating the area served and its location with reference to sources of supply and surrounding territory. Such map shall show the source and date thereof, and include data sufficient to determine clearly the location of the various properties comprising the service area.
- (4) To file a certified copy of the lease agreement herein authorized within ten (10) days after execution thereof.
- (5) To file a certified statement showing the date on which Home Farms Water Company relinquishes control and possession of the properties within ten (10) days after such relinquishment.

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.

This Order shall become effective on the twentieth day after the date hereof.

Dated at San Francisco, California, this 20th day of April,

1943.

Francis L. Havens
Justus J. Coe
Richard L. Clark
James Clark
 COMMISSIONERS.