

Los Gatos Road, one and a half miles north of the Town of Campbell. The two water systems were acquired in 1936 by Robert C. Hopkins, who was granted a certificate of public convenience and necessity for operation thereof in Decision No. 28692, issued April 6, 1936. Mr. Hopkins sold the domestic system to the San Jose Water Works (Decision No. 32949, issued March 26, 1940), and the irrigation system to C. D. Weaver and A. M. Weaver (Decision No. 32950, issued March 26, 1940).

A Bean Centrifugal Pump, operated by a four-cylinder 1916 Pierce Arrow automobile engine, delivers water from a 300-foot well, through 2,000 feet of 8-inch concrete pipe, to eight consumers for small scale agricultural irrigation purposes.

The annual reports to the Commission, filed by the utility for the five-year period 1940 to and including 1944, show results of operations summarized as follows:

<u>Item</u>	<u>Year</u> <u>1940</u>	<u>Year</u> <u>1941</u>	<u>Year</u> <u>1942</u>	<u>Year</u> <u>1943</u>	<u>Year</u> <u>1944</u>
Fixed Capital	\$1,800.00	\$1,800.00	\$1,800.00	\$1,800.00	\$1,800.00
Operating Revenues	48.70	38.84	36.62	56.49	101.55
Operating Expenses	<u>163.90</u>	<u>81.50</u>	<u>62.00</u>	<u>277.71#</u>	<u>241.76*</u>
Loss or Gain	<u>(\$ 117.20)</u>	<u>(\$ 42.66)</u>	<u>(\$ 25.38)</u>	<u>(\$ 221.22)</u>	<u>(\$ 140.21)</u>

(#) - Includes \$150 Depreciation Expense  
 (\*) - Includes \$30 Depreciation Expense

C. D. Weaver testified that he has been furnishing water at a loss for the past five years and now is forced by circumstances beyond his control to ask the Commission for authority to discontinue further service. Mr. Weaver testified, however, that he is willing to let the consumers operate the plant provided they pay all operating expenses and allow the Weavers to have water free of all charges; in the meantime he will continue service temporarily until the consumers can make the necessary arrangements for cooperative operation of the system.

Wm. Abilgaard, testifying for and in behalf of the water consumers, stated that the present residents had moved into the area largely in order to raise their own vegetables, fruit, flowers, and so forth, under the impression that irrigation water service would be available to them permanently. However, Mr. Abilgaard informed the Commission that all the consumers are aware of the fact that by reason of ill health and other complications involving repairs and maintenance, Mr. Weaver is unable to properly operate the system and that the water users themselves are ready and willing to assume the responsibility for its operations as soon as a working agreement can be reached satisfactory to all concerned.

There appears to be an ample water supply available to meet all system demands when the pumping plant is in proper working order and kept in repair. Five months have now elapsed since the submission of this proceeding and the major irrigation season is rapidly drawing to a close. Under the circumstances, it appears reasonable and proper to authorize applicants to discontinue public utility water service as prayed.

O R D E R

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

IT IS HEREBY ORDERED that C. D. Weaver and A. M. Weaver be and they are hereby authorized to discontinue all public utility water service in the subdivision known as Winchester Home Sites, located along Neal Avenue, east of the Santa Clara-Los Gatos Road, about one and a half miles north of the Town of Campbell in Santa Clara County, on and after the first day of November, 1945, and thereon and thereafter shall stand relieved of all public utility obligations and liabilities heretofore incurred in connection with such service.

IT IS HEREBY FURTHER ORDERED that C. D. Weaver and A. M. Weaver shall notify in writing, or by word of mouth, within ten (10) days from the date of this Order, each consumer now receiving or who has received irrigation water service during the five-year period last past, of their intention to discontinue service on November 1, 1945, as authorized herein; on or before the first day of November, 1945, said C. D. Weaver and A. M. Weaver shall file a statement with this Commission that such notice has been duly given.

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

Dated at San Francisco, California, this 25<sup>th</sup> day of September, 1945.

Harold Anderson  
Justus J. Casper  
Richard K. Kach  
Frank D. ...  
Walter ...  
Commissioners.