

Decision No. 40276

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of

KERN ISLAND CANAL COMPANY,
a corporation,

for an Order Authorizing it to With-
draw from Public Utility Service in
the Territory Served by the Mill Ditch
(from 26th Street south) and the
East Mill Ditch.

Application No. 28221

McCutchen, Thomas, Matthew, Griffiths and Greene,
by Burnham Enersen and Felix Stumpf, for
Kern Island Canal Company.

Harry M. Conron, for Kern Island Canal Company.

E. G. Norris, Mayor, and J. Kelly Steele, City Attorney,
for City of Bakersfield.

POTTER, COMMISSIONER:

O P I N I O N

Kern Island Canal Company, a corporation, engaged in the business of selling water for irrigation purposes in and in the vicinity of the City of Bakersfield, Kern County, asks the Commission for an order authorizing it to withdraw from public utility service in the territory heretofore served by the portion of Mill Ditch lying south of 26th Street and by East Mill Ditch. Applicant alleges that for many years the only irrigation water supplied through the Mill Ditch itself has been a small quantity supplied for irrigating a garden in or adjacent to a house, located in Block 295, City of Bakersfield, and that no water whatsoever has been delivered to said garden since 1945; that the area served by the East Mill Ditch has been converted from agricultural to urban residential and commercial uses, and that only eight different persons have purchased water from this ditch during the last five years, only five in 1945, and four in 1946. Applicant further alleges that the service rendered by means of Mill Ditch, south of 26th Street, and

by East Mill Ditch has been furnished at a substantial out-of-pocket loss each year for several years last past and that it would not be practical or possible to put this service on a paying basis by any change in rates.

A public hearing in this proceeding was held at Bakersfield.

The properties of the Kern Island Canal Company, a corporation, include a right to divert 300 cubic feet per second from the Kern River; a water distribution system consisting of approximately 71.4 miles of canals, ditches, branches and laterals, with appurtenant structures and facilities for the delivery of water; and certain other real and personal property. Among the ditches included within applicant's water distribution system are the Mill Ditch and the branch thereof known as the East Mill Ditch.

Mr. George L. Henderson, Secretary and Chief Engineer of the utility, testified that during the past five years the average operating expense incurred in maintaining the service sought to be withdrawn, amounted to \$852.39, and that the average yearly revenue therefrom for the same periods was \$22.79.

Mr. B. F. Atwood, the company's superintendent of canals, testified that during 1946 only five customers were served from the ditches proposed to be abandoned and that for 1947 only four applications were filed for service from said ditches. He also stated that the average area irrigated by each of said customers for the past five years would not exceed that of two average city lots, on which strawberries, grapes and fruit trees are grown. According to Mr. Atwood's testimony, none of these four consumers will suffer any substantial hardship by the discontinuance of canal irrigation water because all of them already also receive water from the California Water Service Company, a public utility supplying water for domestic and other use throughout the City of Bakersfield and adjoining and adjacent territory.

Mr. J. Kelly Steele, City Attorney for the City of Bakersfield, stated that the Bakersfield City Council, on the 5th day of August, 1946, duly passed and adopted a resolution to the effect that it would be in the public interest for the

portion of Mill Ditch, south of 26th Street, and the East Mill Ditch to be taken out of service and abandoned, and requested Kern Island Canal Company to discontinue the use and operation of said ditches.

No protest was made against the discontinuance of the service requested. Kern Island Canal Company serves water only for agricultural irrigation purposes at rates based upon an acre foot delivered. The territory in question now is all residential property within the city limits of Bakersfield and no longer can be considered as entitled to agricultural service classification. Under these circumstances authority to discontinue this service will be granted upon the giving of reasonable notice to present users.

The following form of order is recommended:

O R D E R

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

IT IS HEREBY ORDERED that Kern Island Canal Company, a corporation, be and it is hereby authorized to discontinue, on and after the 15th day of June, 1947, all public utility water service in the territory served by that portion of Mill Ditch south of 26th Street and by the East Mill Ditch located in the City of Bakersfield, Kern County.

IT IS HEREBY FURTHER ORDERED that on or before ten days from the date of this Order, Kern Island Canal Company shall notify, in writing, all consumers served during the three years last past of its intention to discontinue service on and after the 15th day of June, 1947, as authorized herein and shall file with this Commission, within ten days from the date of this Order, a statement that such notice has been duly given.

IT IS HEREBY FURTHER ORDERED that 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 Public Utilities Commission of the State of California.

Dated at Los Angeles, California, this 13th day of May, 1947.

Harold P. Kula

Scott Powell

P. J. [unclear]

Donald W. Potter
Commissioners.