

ORIGINAL

Decision No. 48442

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MANUEL A. SOUZA, MARIA G. SOUZA,
CECILIA ANN SOUZA and MANUEL A.
SOUZA, JR.,

Complainants,

vs.

THE SAN JOAQUIN CANAL COMPANY,
a corporation,

Defendant.

Case No. 5420

C. Ray Robinson by James A. Cobey, for complainants.
J. E. Wooley and Vincent J. McGovern, for defendant.
Eldon N. Dye, for California Farm Bureau Federation,
interested party.

O P I N I O N

Manuel A. Souza and Maria G. Souza and their son and daughter-in-law, Manuel A. Souza, Jr. and Cecilia Ann Souza, ask the Commission to authorize The San Joaquin Canal Company to transfer existing water service rights from a parcel of land containing approximately 131 acres (owned by the senior Souzas, but farmed jointly with the junior Souzas) to another parcel of land containing approximately 133 acres owned by the junior Souzas. These acreages will be referred to hereinafter as Parcel 1 and Parcel 2, respectively.

A public hearing was held before Examiner Gillard in Los Banos on December 17, 1952.

The reason assigned for the proposed transfer is that complainants during this past year have developed a sufficient supply of water from deep wells to irrigate Parcel 1. No such

source of water is available to Parcel 2. The latter parcel is located within the outside boundaries of defendant's service area but does not possess water service rights. Both parcels are of similar quality and capable of raising the same crops.

The defendant has raised no objection to the proposed transfer, which has the support of the California Farm Bureau Federation.

The relief sought herein involves the transfer of a currently exercised water service right to another parcel which is equally accessible to defendant's distribution system. No additional supply of water is sought, and no burden will be placed upon defendant. The request is therefore within the principles set forth in Decision No. 38355 dated October 30, 1945 (46 CRC 152) and will be granted.

O R D E R

A public hearing having been held and based upon the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED that The San Joaquin Canal Company, a corporation, be and it is hereby authorized to exclude from its service area the lands of Manuel A. Souza and Maria G. Souza situated in Merced County and comprising a portion of the northwest quarter of Section 19, Township 10 South, Range 10 East, M.D.B. & M., totaling 131 acres, more or less, and to transfer the rights to irrigation service and include within its service area the lands of Manuel A. Souza, Jr. and Cecilia Ann Souza

situated in Merced County and comprising a portion of the south half of Section 4, Township 10 South, Range 9 East, M.D.B. & M., totaling 133 acres, more or less.

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

Dated at San Francisco, California, this 15th day of January, 1953.

R. T. Dunning
 President.

Harold F. Hule

Francis H. Patten

John E. V. Nicholls

Commissioners.

Commissioner Justus E. Craomer, being necessarily absent, did not participate in the disposition of this proceeding.