

Decision No. 16402.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

A. J. LOFGREN, ERNEST GRELL,
CLAY B. HARRIS, CHAS. BLOOM,
G. A. LATTEMORE, L. V. GRAVES,
A. K. BAKER, MRS. A. A. BRADFORD,
MARY A. RUTHERFORD, E. A. LANTZ,
T. A. CARLSON, L. T. POND,
E. A. BURNHAM, P. J. SWENSON,
E. H. LATTEMORE, BERT EVANS,
P. C. EVANS, J. L. McLAIN,
W. J. HIGGINS, J. P. ARNOIDY,
PETER GRELL, OSCAR GRELL,
L. P. FOX, HENRY B. RYSTROM,
H. A. NELSON, et al.,

Plaintiffs,

vs.

SUTTER BUTTE CANAL COMPANY, a
corporation,

Defendant.

ORIGINAL

Case No. 1964.

BY THE COMMISSION:

ORDER OF DISMISSAL

The above entitled proceeding is a complaint filed on December 10, 1923, by A. J. Lofgren and more than twenty-five other consumers who hold continuous water right contracts for irrigation service with the Sutter Butte Canal Company, a public utility supplying water for agricultural purposes in Butte and Sutter Counties. The complaint alleges that the contracts held by the above consumers require the payment of a certain fixed yearly amount per acre whether the lands covered by said contracts are actually irrigated or not; that the Commission in the exercise of its rate-fixing powers increased the rates which the contract holders had agreed to pay on lands not irrigated, resulting in an unfair discrimination against such contract holders in favor of

the regular consumers who are required to pay for irrigation service only when water is actually used. The Commission therefore is requested to issue its order equalizing the rates charged all consumers, whether their lands are irrigated under the said continuous contracts or otherwise.

Subsequent to the filing of the above complaint this Commission in Case No. 2126 upon its own motion instituted an investigation into the rates, contracts, practices, rules and regulations and conditions of service of the above defendant Sutter Butte Canal Company, in which all matters complained of were most exhaustively investigated. In view of the fact that the Commission on the 20th day of March, 1926, rendered its Decision No. 16289 fully covering all matters complained of herein, and substantially granting the relief prayed for, it appears that this case should be dismissed; wherefore

IT IS HEREBY ORDERED that the above entitled proceeding be and the same is hereby dismissed.

Dated at San Francisco, California, this 2nd day
of April, 1926.

H. B. Duesenberg
Chase
Emmert
Leon Whitell

Commissioners.