

ORIGINAL

Decision No. 19373

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
 MADERA CANAL AND IRRIGATION  
 COMPANY, a corporation,  
 and  
 SAN JOAQUIN RIVER WATER STORAGE  
 DISTRICT, a public corporation,  
 for an Order authorizing the transfer  
 and sale of property.

Application No. 14050.

W. H. Davis, by Oliver P. Schoonmaker,  
for Madera Canal and Irrigation Company.

Milton T. Farmer, for San Joaquin River Water  
Storage District.

LOUTTIT, COMMISSIONER:

O P I N I O N

Madera Canal and Irrigation Company, a corporation, engaged in the business of distributing and selling water for irrigation purposes to its consumers in Madera County, asks the Railroad Commission for authority to transfer its property to the San Joaquin River Water Storage District, a public corporation, which joins in the application.

A public hearing in this proceeding was held at Madera after all interested parties had been duly notified and given an opportunity to appear and be heard.

Madera Canal and Irrigation Company furnishes water for irrigation purposes to about 16,000 acres of land in the general vicinity of Madera. The water supply is obtained by diversion from Big Creek, a tributary of the South Fork of the Merced River, and from Soquel and Chilcoot Creeks, both being tributary to the North Fork of the San Joaquin River, from which sources the waters are conveyed to the Fresno River which is used as a natural channel from which the company has the adjudicated right to divert the first 200 second feet, or less, of water flowing therein. The physical system consists of a diversion dam and about 100 miles of transmission and distribution canals. In 1916, the engineers of this Commission estimated the reproduction cost new of the properties, exclusive of rights of way, water rights and other intangible values, to be \$108,643., (Decision No. 4478, 13 C.R.C. 528). The consideration which the district proposes to pay for the entire properties of this utility, including water rights, is \$175,000.

The district was formed and duly organized in 1924 under the provisions of the California Water Storage District Act and proposes to acquire and consolidate several other irrigating systems now within its boundaries, including the Madera Irrigation District. Owing to general depletion of stream flow early each summer throughout this area, storage is very urgently needed to insure a continuous and dependable service throughout the irrigation season. Individually, the various irrigating systems are financially unable to develop the necessary storage facilities; however, under the storage district plan, adequate storage can be developed to provide for hydro-electric power generation and a dependable water

supply for the entire 550,000 acres embraced within the district's boundaries which include all of the area irrigated by the company's canals.

Certain of the water users under this utility system, representing about 7,100 acres, all of which are situated within the boundaries of the district, hold so-called water right contracts with the company, providing, among other things, for the delivery of water by the canal company to the contract-holders in the amount of one second foot of water for each 160 acres of land at the rate of \$1.00 per acre. Although the status of these contracts was brought up during the hearing in this proceeding and the Commission was requested to indicate the rights of the holders of said contracts to receive water in the future from the district under the terms thereof, we feel that this is not a matter germane to this proceeding but is more properly a question of policy on the part of the Directors of the district relating solely to its future operations and entirely beyond the jurisdiction of this Commission.

There was no objection at the hearing to the proposed transfer of the canal company's property to the storage district and, it appearing that upon final completion of this transfer all of the lands now served, or entitled to be served, by this utility will be included within the boundaries of said district and will receive a better and more adequate water service therefrom, it is clear that public interest will best be served by granting this application.

The following Order is recommended:

O R D E R

Madera Canal and Irrigation Company, a corporation,

having applied to the Railroad Commission for authority to transfer its properties, rights and interests to San Joaquin River Water Storage District, a public corporation, which joins in the application, a public hearing having been held thereon, the matter having been submitted and the Commission being fully advised in the premises,

IT IS HEREBY ORDERED that Madera Canal and Irrigation Company, a corporation, be and it is hereby authorized to transfer to San Joaquin River Water Storage District, a public corporation, its physical properties and water rights, as more particularly described in, and subject to substantially the same terms and conditions as set forth in, Exhibits 1, A and B, attached to the application herein and made a part hereof by reference, subject, however, to the following terms and conditions:

1. The authority herein granted shall apply only to such transfer as may have been made on or before December 31, 1928, and a certified copy of the final instrument of conveyance shall be filed with the Commission by Madera Canal and Irrigation Company, a corporation, within thirty (30) days from the date on which it is executed.
2. Within thirty (30) days from the date that Madera Canal and Irrigation Company, a corporation, actually relinquishes control and possession of the property herein authorized to be sold, it shall file with this Commission a certified statement indicating the date upon which such control and possession were relinquished.

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 Railroad Commission of the State of California.

Dated at San Francisco, California, this 16<sup>th</sup> day of February, 1928.

Leon Whittell

C. Seaver

Ernest Cook

Thos. G. Loutin

M. J. [unclear]  
Commissioners.