

Decision No. 21973

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

TEHACHAPI CATTLE COMPANY, a corporation,
MEDA E. HOUGHTON as Administratrix of
the Estate of R. E. HOUGHTON, deceased,
and S. M. JASPER,

Complainants,

vs.

KERN ISLAND CANAL COMPANY, a corporation,

Defendant.

ORIGINAL

Case No. 2711.

In the Matter of the Investigation upon the
Commission's own motion into the operations,
service, practices, contracts, rules and
regulations of ANDERSON CANAL INC., BUENA
VISTA CANAL INC., CENTRAL CANAL COMPANY,
EAST SIDE CANAL COMPANY, FARMERS CANAL COM-
PANY, GOOSE LAKE CANAL COMPANY, JAMES CANAL
INC., JAMES AND DIXON CANAL INC., JOYCE CANAL
INC., KERN ISLAND CANAL COMPANY, KERN RIVER
CANAL & IRRIGATION COMPANY, THE LERDO CANAL
COMPANY, PIONEER CANAL INC., THE PLUNKETT
CANAL COMPANY, STINE CANAL INC., KERN
COUNTY CANAL AND WATER COMPANY, KERN COUNTY
LAND COMPANY.

Case No. 2755.

Athearn, Chandler & Farmer and Frank R. Devlin,
by Milton T. Farmer, for S. M. Jasper.
Houghton & Houghton, by Edward T. Houghton, for
Tehachapi Cattle Company, and the Estate
of R. E. Houghton, deceased.

McCutchen, Olney, Mannon & Greene, by John T.
Pigott, for Kern Island Canal Company, and
for Anderson Canal, Inc., Buena Vista Canal,
Inc., Central Canal Company, East Side
Canal Company, Farmers Canal Company, James
Canal, Inc., James and Dixon Canal, Inc.,
Joyce Canal, Inc., Kern Island Canal Company,
Kern River Canal & Irrigating Company, Lerdo
Canal Company, Pioneer Canal, Inc., The
Plunkett Canal Company, Stine Canal Company,
Inc., Kern County Canal and Water Company,
and Kern County Land Company.

Thomas W. McManus, in propria persona.

Harris, Willey, Griffith & Harris by M. B. Harris,
and F. A. Chamberlain, for the Farmers
Protective Association, and for water
users under the Buena Vista Canal, Inc.,
Farmers Canal Company, Kern Island Canal
Company, Kern River Canal and Irrigation
Company, Stine Canal and Castro Canal.

Alfred Siemon, for the East Side Water Users Association.
Charles N. Sears, for consumers on the Arroyo Ditch.
C. S. Harkins, for the Castro interests.
George B. Preston, for the South Fork water users.
Mrs. Bertha M. Rankin, for East Side Water Users Association.
J. E. Roberts, for the Beardsley Canal.

CARR, COMMISSIONER:

O P I N I O N

On June 14, 1929 the Tehachapi Cattle Company, the Houghton Estate and S. M. Jasper filed a complaint against the Kern Island Canal Company which, answered by the defendant, presented various issues as to the practices of the latter company respecting the delivery of water, service area, and the like. Thereafter, on September 12, 1929, the Commission instituted an order of investigation into the rules and practices of the Kern Island Canal Company and various other canal companies controlled directly or indirectly by the Kern County Land Company and serving water from the Kern River through a net-work of canals to a great area of irrigable land in Kern County.

As the hearings progressed in these two cases, which were consolidated for hearing, it developed that none of the various public utility canal companies, except the East Side Canal Company, was operating under established rules and regulations and that these several companies and the consumers served by them, alike, were of the opinion that this somewhat astounding condition should be remedied by the establishment of appropriate rules and regulations governing the service and delivery of water. Other questions presented by the complaint and the investigation were, by general assent, postponed for later consideration and a series of hearings were held and devoted to a consideration of the matter of rules and

regulations. Tentative drafts of such were worked out by engineers of the Railroad Commission, the companies and groups of consumers, and with these as a starting point a two days' hearing was held at Bakersfield at which they were considered in detail. A surprising unanimity of sentiment developed as to the character of rules and regulations which should be put into effect. In general, rules and regulations as to which both the several companies and the consumers were in accord contemplate somewhat radical and fundamental changes in the method of service and delivery of water. Brief reference to those changes seems to be appropriate.

1. Heretofore the several canal companies have served water on the basis of successive applications, those first in time being given the first service. The rules herein established will provide for a rotation system for the delivery of water, the rotation generally starting at the head of the canal.

2. Heretofore, in times of shortage of water, which have been marked during the years 1928 and 1929, the later applicants in the point of time have been the ones deprived of water. Under the rules herein established, as nearly as may be with the fluctuating water stages of the Kern River, deliveries of water will be reduced proportionately to all during such periods.

3. Heretofore, particularly in times of shortage, there has been no certainty as to when water would be received for irrigation. Under the rules established the several companies are to make out schedules based upon applications made at the first of the year specifying as accurately as possible the times and amounts of delivery for each consumer, which schedules are to be public.

In order to guard against applications for more water than may be reasonably required, limitations are put upon the amount

of water which may be had by any consumer for a single irrigation. Since there are times in the year, and years, when there is ample water available, provision is made for secondary applications for service of such available water.

The engineers who took the lead in formulating the tentative rules which are the basis of this order, towards the close of the hearing, submitted for the record a statement of their understanding of the application of the various provisions which are necessarily of a somewhat technical character. It seems appropriate to set forth in the opinion the statement thus prepared.

"Consumer may put in an application for any or all of his land that it is considered will be irrigated. If the consumer cannot use water in his regular turn, he will be served out of turn in the rotation period. This out-of-turn use takes precedence over use of secondary water. This allows consumer a certain leeway in the time of use within the rotation period at times that water is available. Secondary water is, practically speaking, to be prorated among the various lands in accordance with the demands therefor at any time. If one lateral area completes its rotation and use of primary water before some other lateral area, no secondary water can accrue in any lateral area while primary needs in any other lateral area remain unsatisfied.

"The secondary water that would so accrue in the lateral area that has completed its use of primary water is to be allocated to any or all other lateral areas that have not completed the use of primary water before any water is delivered under said secondary applications."

Certain of the consumers and the Kern Island Canal Company suggested that the so-called "stock streams" be done away with as constituting a wasteful use of water. Other consumers opposed this. These stock streams as cared for in the past call for a continuous flow of a very small quantity of water. On the other hand, it was urged that in times of shortage, when proration of the supply becomes necessary, water for the irrigation of planted crops be given preference over water for the irrigation of wild grass lands. This suggestion was opposed by the companies.

A perusal of the record indicates its unsatisfactory condition as to these two suggestions. As the Commission is retaining jurisdiction in these proceedings, a determination on these two points may well be left to the future when the record may be of a more helpful character.

Toward the close of the hearing suggestion was made by representatives of the consumers that provision be made for an engineer or water-master to exercise certain functions respecting the delivery of water from the river to the various canal companies. This Commission would hardly have jurisdiction to make any order along this line without the assent of the utilities affected. If such assent is forthcoming a further order may become necessary to provide, in some appropriate way, for funds to compensate such a water-master. Presumably the consumers would wish him compensated in large part, at least, by them rather than entirely by the companies, as he would be essentially their representative and his compensation should be attributable to those for whom he acts.

As the new rules and regulations, which will become effective as of the first of the year, involve sweeping changes in the methods heretofore employed, their successful application will require tact, judgment and patience on the part of the several companies and of their consumers, and it is to be hoped that this will be forthcoming as the result of the somewhat extended hearings and the apparent realization of all that the growth and development of the section under these various canals make imperative a new and different system for delivery of water which will more nearly put all consumers on the same basis, produce greater certainty as to time and amount of delivery and give complete publicity to the allocation of water to each consumer. The evidence, in my opinion, does not justify any change at this

time in the rules and regulations of East Side Canal Company, which, as heretofore indicated, is the only one of these companies which has been operating under established rules.

I recommend the following form of order:

F I R S T O R D E R

Public hearings having been had in the above entitled matters and it having been agreed by all parties appearing therein that there should first be considered and disposed of the matter of rules and regulations of the various utility water companies, and this particular issue having been submitted to the Commission for decision,

IT IS HEREBY ORDERED that the Kern Island Canal Company establish and observe the rules and regulations governing the distribution and use of water set forth and contained in Exhibit "A" hereof.

IT IS HEREBY FURTHER ORDERED that Kern River Canal & Irrigation Company establish and observe rules and regulations governing the distribution and use of water similar to those contained in Exhibit "A", except as otherwise specified in Exhibit "B" hereto attached.

IT IS HEREBY FURTHER ORDERED that the public utility canal companies named in the title of Case No. 2755, other than the Kern Island Canal Company, Kern River Canal & Irrigation Company and East Side Canal Company, establish and observe the rules and regulations governing the distribution and use of water similar to those contained in Exhibit "A", except as otherwise specified in Exhibit "C" hereto attached.

IT IS HEREBY FURTHER ORDERED that the Commission retain jurisdiction in these two cases to make such further orders and determinations upon stipulation or further hearings as may be appropriate and proper.

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

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 ^{31st}~~26th~~ day of December, 1929.

Thomas D. Lott
C. S. Sawyer
Frederick
Leon A. Kelly
M. J. C.
Commissioners.

EXHIBIT 'A'

RULES AND REGULATIONS
GOVERNING THE DISTRIBUTION AND USE OF WATER
UNDER THE SYSTEM OPERATED BY THE
KERN ISLAND CANAL COMPANY.

WEEBACHEAPI CATTLE COMPANY et al. vs. KERN ISLAND CANAL COMPANY.

Rules and Regulations Governing the Distribution and Use of Water

Under the Kern Island Canal Proposed by Plaintiffs.

1. Operations and Control of Canal Company Works.

All diversion works, canal, ditches, head gates and other structures belonging to the Canal Company will be operated and maintained by the Company, and the control and operation of such will be under the exclusive control of the Chief Engineer of the Company or his authorized agents, and no other persons shall have a right to change or interfere with any of said works in any manner. The location and number of gates for the distribution of water from the Company's canal and the manner of delivery therefrom, so as to secure safe and efficient operation thereof, shall be determined by the Chief Engineer of the Company, subject, if questioned by the Consumers, to the approval of the Railroad Commission. It shall be the duty of the Company to so operate the canal as to prevent undue or excessive losses of water.

2. Operation and Maintenance of Private Laterals.

The operation and maintenance of private ditches not the property of the Canal Company shall be taken care of by the individuals or groups of individuals who use them, excepting that, by arrangement with the consumers and with the consent of the Railroad Commission, the operation and maintenance of any of such private ditches may be taken over by the Company.

3. Obstructions of Canals or Right of Way.

No fences shall be built or trees planted or other obstructions or structures placed on any right of way or other property of the Company without the written permission of the Chief Engineer of the Company, nor shall any fences or other structures be placed in or across any of the canals of the Company in such a manner as to catch debris or obstruct the flow of the water in any manner, and the Company shall not be responsible for any damage that may result from the removal of such obstructions.

Any owner, through whose lands the canal passes, shall be liable for any damage to the canal or its structures by stock or the crossing of the canal by any person with machinery, wagons, or other vehicles, or otherwise, if such act be authorized by him. The Company may make any repairs necessitated thereby and the owner must pay the cost occasioned thereby.

No one shall be permitted without authorization from the Chief Engineer to use the ditches of the Company to carry any water other than that furnished by the Canal Company. Such permission will, however, be granted (a) to a consumer who desires merely to augment the head by pumped water, and (b) to a consumer who agrees in writing to either restore the Company's ditch to the same condition as it would be in without such use or that the Company may do so and add the cost thereof to his water bill.

4. Condition of Private Ditches and Laterals.

Laterals or private ditches owned by the consumers must be kept in reasonable repair and reasonably free from weeds and other obstructions and be of sufficient capacity to carry an adequate quantity of water to economically irrigate the areas under them.

Service may be refused ditches found not to be in accordance with this rule at the time of delivery and the consumer will thereby lose his right to receive water during the current irrigation. Notification of intent to refuse service must be given the consumer at least five (5) days in advance of the schedule date of delivery.

5. Applications for Water.

Not later than February 1st of each year consumers shall make application, in writing, for water for the ensuing season, from March 1st to March 1st, on the forms approved by the Railroad Commission and to be furnished by the Company. These applications shall be filed in the office of the Company in Bakersfield and shall state:

- (a) Name and address of landowner and tenant, if any,
- (b) Description of land to be irrigated,
- (c) Number of net acres of each crop to be irrigated.
- (d) The number of irrigations desired for each such crop, the acre feet for each such irrigation, the approximate dates of each such irrigation, and the "head" desired for each irrigation.

Separate applications will be required for the lands in each section.

6. Basis of Allocation, etc.

As a basis for the above application and the allocation of the supply thereunder, each applicant shall be entitled during any one month to not to exceed two acre feet (one second foot for 24 hours) for each three acres of net acreage to be irrigated during such month, except that the above amount may be increased to two acre feet (one second foot for 24 hours) for each two acres to be irrigated, for such acreage as is limited to two irrigations for the year, or is receiving its first water after being dry for the previous irrigation season.

Above limitation in the use of water will, at the consumer's request, be increased for seepage loss in accordance with the following seepage table in cases when deliveries are made to laterals at points distant from lands irrigated, provided that payment for water shall be based upon the amount delivered at the Company's point of measurement

Allowable increases for seepage losses above maximum entitlements (Rule 6) based on lengths of unlined ditches from Company's point of measurement to edge of tract to be irrigated when such length equals or exceeds 1/2 mile.

Head Applied per "	Length of Ditch	Allowance for each additional 1/2 mile	
		1/2 mile	1 mile
Less than 5 cu ft. sec.		0.25 cu. ft. sec.	0.50 cu. ft. sec.
5.0 cu. ft. sec. (a under 10)		0.40 "	0.80 "
10.0 "	(" " 20)	0.50 "	1.00 "
20.0 "	(" " 30)	0.60 "	1.20 "
30.0 "	(" " 40)	0.70 "	1.40 "
<u>Additional for each</u>			
10 cu. ft. sec. in excess of 40 cu. ft. sec.		0.25 cu. ft. sec.	0.50 cu. ft. sec.

No allowances will be made for ditches less than 1/2 mile in length and in case of greater lengths the nearest 1/2 mile will be used in calculating allowances. Lengths will be determined by the Company based upon the ditch course from point of measurement to the point of entry into tract described in application.

* In cases where deliveries are made at rates less than the head applied for, seepage allowance may, at Applicant's option, be based on the rate applied for unless the lesser rate of delivery is due to lack of capacity in Applicant's ditch or other causes not within the control of the Company.

7. Lateral Areas.

The engineer of the company shall divide all of the lands legally entitled to service into lateral areas so that deliveries may be made within the period hereinafter provided. A map clearly showing the boundaries of each lateral area shall be filed with the Railroad Commission and a copy thereof kept posted at the points in each lateral area provided for in Rule 11. Any change in lateral areas shall at once be reported to the Railroad Commission with the reasons therefor.

8. Method of Delivery.

Water will be delivered by rotation within lateral areas to be determined by the Chief Engineer of the Company, beginning at the head thereof. Deliveries under new rotation schedules will begin on March 1st of each year and the number and times of each rotation and the delivery to each user thereunder shall be tentatively determined by the Chief Engineer of the company from applications filed and the water supply considered by him to be probably available, and a schedule thereof shall be prepared and made available for inspection at the office of the company. Schedules will be so arranged that deliveries to all parts of the system shall be at periods not exceeding 30 days. Any consumer not able to use water in his regular turn on any run may receive water upon the completion of the rotation in his area provided no undue loss of water is involved and there is no interference with deliveries to other irrigators.

The minimum "irrigation head" applicable to service of each applicant in each of said lateral areas will be five (5) cubic feet per second for 24 hours. Heads applied for may be altered by the Company when necessary to the extent necessary so that the irrigation of tracts may be accomplished without delivery for fractional days. Where delivery is made covering a tract or tracts less than 15 acres in extent, heads of less than 5 cubic feet per second (but not less than 1 cubic foot per second) may be used by previous arrangement with the Company, subject to above provision against delivery by fractional days.

9. Exchange of Water.

Exchange of water between irrigators in the same area and during the same rotation period will be permitted with the approval of the Company upon reasonable notice, provided that such exchange will not unreasonably interfere with other deliveries or cause any undue loss of water.

10. Shortage of Water.

When a shortage of water threatens to prevent the supplying of the estimated requirements of consumers during any run of water or during the remainder of the irrigating season, the Company will so prorate the supply, serving to each consumer in the established sequence, but by so reducing the length of time of runs or the amount of water during the full length of run as will provide total deliveries of water to each consumer in the proportion of each consumer's demand to the aggregate of all consumers' demands. Due notice will be given each consumer when

such deviation is necessary.

Any landowner whose supply has been diminished by pro-rating may, on secondary application at a later date when the water available is in excess of the demand, receive any water of which he was deprived during the period of shortage, and such application shall be superior to secondary applications under Rule 12.

11. Notice of Delivery.

Irrigators will be notified by notices posted at a convenient point or points within each lateral area of the times during which water will be delivered to each irrigator and the amount thereof for each rotation, at least five days when possible before the time of delivery and will be further directly notified by the Company if any change is thereafter necessary in time of delivery. Each irrigator shall, at least twenty-four hours before the time designated for delivery of water to him, notify the Company of his readiness to receive the same, or shall be present at his head gate at the time specified for delivery to him and accept the delivery of water. The irrigator who, after notification of service so given by the company, fails to use his allotment of water during any irrigation will not be entitled to any more water at any further irrigation than if he had used his full share. Consumers not residing in the ditch tender's division shall have the responsibility of ascertaining when irrigation water will be available to them.

14. Secondary Applications.

Secondary applications may also be made at any time for water which may be available in excess of the requirements or demands under primary applications filed as provided in Rule 5. Service under such applications is not to be required less than five days after the date of application. Such secondary applications shall be made in the form provided for in Rule 5 and be subject to the same limitation as to amounts as provided for in Rule 5. Water will be delivered thereunder in such manner as will not interfere with regularly scheduled deliveries under primary applications or result in undue loss of water.

In case the total demand under secondary applications exceeds in amount the water available therefor, the supply shall be prorated so far as is reasonably possible.

It is the intent of this Rule that all the water so which the Canal Company shall be entitled will be made available to consumers thereunder when there is a reasonable demand therefor.

15. Point of Delivery.

All deliveries shall be measured at the head of the consumers' laterals and through a measuring device or device to be approved by the Railroad Commission. The time of delivery will start when the headgates to such laterals are opened and expire when said headgates are closed. Water must be used con-

continuously day and night and no allowance will be made for failure to do so during any regular run.

14. Use of Water out of Turn.

Any person using water out of his turn without permission of the ditch tender forfeits his right to water at the next regular irrigation.

15. Waste of Water.

Consumers wasting water either ~~willfully~~, ~~carelessly~~ or on account of defective or inadequate ditches and structures, or on account of inadequate preparation of the land for irrigation, may be refused further service until such conditions are remedied.

16. Breaks in Consumers' Laterals.

In the event of breaks in consumers' laterals the water may be turned onto the nearest land entitled to service that can take the water without damage to the land or to the crops thereon, until the water can be otherwise taken care of. Receiving water in such cases shall not affect the right of any irrigator to receive water in his regular turn, but if the irrigator desires to complete the irrigation of his land under such circumstances he shall be allowed to do so, and then he shall not claim another irrigation during that run. If such break makes it necessary to shut off the water at the head of the ditch the ditch tender or the office of the Company must

be notified immediately so that the water can be taken care of. If such notification is not given the irrigator using the water at the time of the break shall not be entitled to the return of the water when the break is repaired. Otherwise, as soon as practicable after the repair of a break the water shall be returned to the rotation interrupted by the break and the run completed as usual, provided that the person to whom the water is given while the break is being repaired will be allowed to finish his irrigation before the water is taken from him.

Irrigators shall be responsible for loss or damage caused by their turning a head of water back into the Company's canal without notification of the ditch tender or the office of the Company.

17. Access to Lands.

The authorized agents or employees of the Company shall have free access at all times to all lands irrigated from the canal system, for the purpose of examining the ditches and the flow of water therein and for the purpose of ascertaining the acreage of crops on lands irrigated or to be irrigated.

18. Liability for Damage.

The Company will not be liable for any damage caused by the negligence or carelessness of any consumer in the use of water or for failure on his part to maintain any ditch for which he is wholly or in part responsible. The consumer will not be

liable for any loss or damage caused by the negligence or carelessness of the Company or its failure to properly operate and maintain its canals and structures.

19. Payments.

Water bills are payable at the office of the Company at 19th and E Streets, Bakersfield, California, on or before the 15th day of the month succeeding the month during which water was used, and, unless paid by that date, they shall become delinquent and no further water will be delivered to the lands of persons from whom payments are delinquent excepting upon advance payment for the same. Delinquent payments shall bear interest at 8% until paid. All water charges on rented lands must be paid for in advance of delivery, unless written undertaking of the owner of the land guaranteeing payment is filed at the office of the Company. In case advance payments are in excess of the amount of the bill for water used, the said excess upon demand shall be returned to the consumer by the Company.

20. Complaints of Consumers.

Complaints of any kind against the Company should be made in writing to the Chief Engineer of the Company promptly after the acts complained of have occurred. Consumers have the right to refer any complaints to the Railroad Commission.

21. Claims for Errors.

All claims for errors in the measurement of water must

be made in writing to the Chief Engineer of the Company within five (5) days after the completion of the irrigation during which said error occurs. If no claim is made in that time, the measurement as reported by the ditch tender shall be the basis for the water charge and any further complaint thereon can be made to the Railroad Commission.

32. Private ditches not now of capacity to receive minimum heads must be enlarged on or before January 1, 1961.

33. These rules are not intended to limit any legal right of either landowner, consumer or canal company which may be legally theirs.

EXHIBIT "B"

RULES AND REGULATIONS
GOVERNING THE DISTRIBUTION AND USE OF WATER
UNDER THE
KERN RIVER CANAL AND IRRIGATION COMPANY

EXHIBIT "B"

Rules and Regulations Governing the Distribution and Use of
Water under the Kern River Canal and Irrigation Company.

1. Substitute for Rule No. 3 in Exhibit "A" the following:
Method of Delivery.

Water will be delivered by rotation within the area served by the Company, or, if so determined by the Chief Engineer of the Company, within smaller Lateral Areas. Rotation shall begin at the head of the area (or of the several area if there be more than one) on the date of the first diversion of water in 1930 and thereafter continuously rotated so long as water is available and demanded under applications made as provided in Rule 5. When, at the end of any season, March 1st to March 1st, or the end of any period of diversion within any season, the last rotation shall not have been completed, delivery of the next available water shall begin at the point where the previous rotation ended. The balance of any unfinished rotation or any rotation during which no water is available shall be considered cancelled at the beginning of the succeeding rotation period.

On or before March 1st of each year the Chief Engineer of the Company shall prepare a tabulation of the applications for water for the ensuing season showing the times and amounts of water applied for and the same shall be available for inspection at the office of the Company and a copy thereof furnished each ditch tender. As soon as practicable after water becomes available for delivery by the Canal Company each season, the

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Chief Engineer shall also prepare and make available for inspection at the office of the Company a table showing his estimate of the approximate times and amounts of each rotation and the approximate delivery to each user thereunder, based upon rotations within periods not exceeding 30 days and, as nearly as practicable, upon the applications received. Such schedule shall be subject to changes made necessary during the season by variations in available water supply, exchanges of water, shortages, etc., as hereinafter provided.

Any consumer not able to use water in his regular turn on any run may receive water on the completion of the rotation in his area provided no undue loss of water is involved and there is no interference with deliveries to other irrigators.

In case Lateral Areas are established within the area served by the Company, a map showing the boundaries of the same shall be posted for inspection at the office of the Company and at one or more convenient points within the area, and its ratable portion of the canal diversions will be rotated within each Lateral Area as above provided.

The minimum "irrigation head" applicable to service of each applicant in each of said Lateral Areas will be five (5) cubic feet per second for 24 hours. Heads applied for may be altered by the Company when necessary to the extent necessary so that the irrigation of tracts may be accomplished without delivery for fractional days. Where delivery is made covering a tract or tracts less than 15 acres in extent, or if during the year 1930 for other reasons it would work a hardship on the consumer to have a 5-foot head, heads of less than 5 cubic feet per

second (but not less than 1 cubic foot per second) may be used by previous arrangement with the Company, subject to above provision against delivery by fractional days.

2. Substitute for Rule No. 10 in Exhibit "A" the following:

Shortage of Water.

When a shortage of water threatens to prevent the supplying of the estimated requirements of consumers during any rotation of water, the Company will so prorate the supply, serving to each consumer in the established sequence, - but by so reducing the length of time of runs, or the amount of water during the full length of run, - as will provide total deliveries of water to each consumer in the proportion of each consumer's demand to the aggregate of all consumers' demands, except that, if in the judgment of the Chief Engineer the shortage will involve only the last run or rotation probable during the season or principal portion thereof or other conditions of uncertainty as to flow render it in his judgment desirable, he may complete such portion of the rotation as is possible without proration. Due notice will be given each consumer when deviation is necessary.

Any landowners whose supply has been diminished by prorating may on secondary application at a later date, when the water available is in excess of the demand, receive any water of which he was deprived during the period of shortage, and such application shall be superior to secondary applications under Rule 12.

EXHIBIT "C"

RULES AND REGULATIONS
GOVERNING THE DISTRIBUTION AND USE OF WATER
UNDER THE

EXHIBIT "C"

Rules and Regulations Governing the Distribution and Use of
Water Under

Rules as in Exhibit "A" except as follows:

1. Substitute for Rule No. 6 in Exhibit "A" the following:

Method of Delivery

Water will be delivered by rotation within the area served by the Company, or if so determined by the Chief Engineer of the Company, within smaller Lateral Areas. Rotation shall begin at the head of the area (or of the several areas if there be more than one), on the date of the first diversion of water in 1930 and thereafter continuously rotated so long as water is available and demanded under applications made as provided in Rule 5. When, at the end of any season, March 1st to March 15th, or the end of any period of diversion within any season, the last rotation shall not have been completed, delivery of the next available water shall begin at the point where the previous rotation ended. The balance of any unfinished rotation or any rotation during which no water is available, shall be considered cancelled at the beginning of the succeeding rotation period.

On or before March 1st of each year the Chief Engineer of the Company shall prepare a tabulation of the applications for water for the ensuing season showing the times and amounts of water applied for and the same shall be available for inspection at the office of Company, and a copy thereof furnished each ditch tender. As soon as practicable after water becomes available for delivery by the Canal Company each season, the

Chief Engineer shall also prepare and make available for inspection at the office of the Company, a table showing his estimate of the approximate times and amounts of each rotation and the approximate delivery to each user thereunder, based upon rotations within periods not exceeding 30 days and as nearly as practicable, upon the applications received. Such schedule shall be subject to changes made necessary during the season by variations in available water supply, exchanges of water, shortages, etc., as hereinafter provided.

Any Consumer not able to use water in his regular turn on any run, may receive water on the completion of the rotation in his area provided no undue loss of water is involved and there is no interference with deliveries to other irrigators.

In case Lateral Areas are established within the area served by the Company, a map showing the boundaries of the same shall be posted for inspection at the office of the Company and at one or more convenient points within the area, and its ratable portion of the canal diversions will be rotated within each Lateral Area as above provided.

The minimum "irrigation head" applicable to service of each applicant will be five (5) cubic feet per second for 24 hours. Heads applied for may be altered by the Company to the extent necessary so that the irrigation of tracts may be accomplished without delivery for fractional days.

Where delivery is made covering a tract or tracts less than 15 acres in extent, heads of less than 5 cubic feet per second (but not less than 1 cubic foot per second) may be

used by previous arrangement with the Company, subject to above provision against delivery by fractional days.

2. Substitute for Rule No. 10 in Exhibit "A" the following:

Shortage of Water.

When a shortage of water threatens to prevent the supplying of the estimated requirements of consumers during any rotation of water, the Company will so prorate the supply serving to each Consumer in the established sequence, - but by so reducing the length of time of runs, or the amount of water during the full length of run, - as will provide total deliveries of water to each Consumer in the proportion of each Consumer's demand to the aggregate of all Consumers' demands, except that if in the judgment of the Chief Engineer, the shortage will involve only the least run or rotation probable during the season or principal portion thereof, or other conditions of uncertainty as to flow render it in his judgment desirable, he may complete such portion of the rotation as is possible without proration. Due notice will be given each Consumer when deviation is necessary.

Any landowners whose supply has been diminished by proration, may on secondary application at a later date, when the water available is in excess of the demand, receive any water of which he was deprived during the period of shortage, and such application shall be superior to secondary applications under Rule 12.

Note: Change names of utilities and of canals as they appear in Exhibit "A" to accord with name of each utility establishing rules.