

Decision No. 22402

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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

Complainants,

VS.

Case No. 2711

KERN ISLAND CANAL COMPANY, a corporation,

Defendant.

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., EUENA VISTA CANAL, INC., CENTRAL CANAL COMPANY, EAST SIDE CANAL COMPANY, FARMERS CANAL COMPANY, GOOSE LAKE CANAL COMPANY, JAMES CANAL, INC., JAMES and DIXON CANAL, INC., JOYCE CANAL, INC., KERN RIVER CANAL & IRRIGATION COMPANY, KERN RIVER CANAL & IRRIGATION COMPANY, THE HERDO CANAL COMPANY, PIONEER CANAL, INC., THE PLUNKET CANAL COMPANY, STINE CANAL, INC., KERN COUNTY CANAL AND WATER COMPANY, KERN COUNTY LAND COMPANY.

Case No. 2755

CARR, COMMISSIONER:

THIRD ORDER PENDING FINAL DECISION

In connection with the above emtitled proceedings, the East Side Water Users Association has filed a written petition requesting that the provisions of the present Rule No. 2 of the Rules and Regulations of the East Side Canal Company be modified to eliminate the present dry period, so-called, which now exists

from the sixteenth (16th) day of June to the thirtieth (30th) day of June of each year, both inclusive, and that the irrigation period as therein set forth be correspondingly reduced so that the irrigation period will terminate on the sixteenth (16th) day of lugust instead of the thirty-first (31st) thereof.

The suggested change will in occasional years result in giving to the consumers under the East Side Canal Company's system an additional amount of water over and above that now received under present practice. However, there will be little substantial difference in average years. There will be a compensating advantage to consumers under the Kern Island Canal Company's system in that its consumers will be in a position to receive a greater quantity of water during the period from August 17th to August 31st, both inclusive, than would be available to them under the present rule.

The testimony of Mr. Frank Whitaker, Chief Engineer of both of the above utilities, is to the effect that the said utilities would not oppose this request. Under these conditions it appears reasonable that this change be given a fair trial for at least one irrigation season. For the purpose of protecting the consumers of the Kerm Island Canal Company from any possible unforeseen disadvantages, the suggested modification will be permitted for the irrigation year of 1930 only and, unless ordered otherwise by this Commission, the existing Rule No. 2 of the East Side Canal Company will automatically be considered to again become effective for the irrigation season of 1931 without further order.

ORDER

IT IS HEREBY OFDERED that so much of the present

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Rule No. 2 of the Rules and Regulations of the East Side Canal Company as reads as follows:

"First Period: The first period shall be from March 15 to June 15, both dates inclusive.

"Second Period: The second period shall be from July 1st to August 31st, both dates inclusive,"

be and it is hereby amended and modified to read as follows:

The regular irrigation season shall be from March 15th to August 16th, both dates inclusive,

and

modified and amended herein shall become effective as of the date of this order and remain effective for the irrigation season of the year 1930 only and that for the irrigation season of 1931 and thereafter the present existing Rule No. 2 of the Rules and Regulations of the East Side Canal Company be and it is hereby ordered to become effective again without further order of this Commission unless otherwise ordered.

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 2 Holday of May 1930.

Commissioners