

Decision No. 22565

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application
of LERDO CANAL COMPANY, for with-
drawal from apparent public service
status. } Application No. 16307

In the Matter of the Application
of PUNKET CANAL, INC., for with-
drawal from apparent public service
status. } Application No. 16308

In the Matter of the Application
of JAMES & DIXON CANAL, INC., for
withdrawal from apparent public
service status. } Application No. 16309

In the Matter of the Application
of JAMES CANAL, INC., for withdrawal
from apparent public service status. } Application No. 16310

In the Matter of the Application
of ANDERSON CANAL, INC., for with-
drawal from apparent public service
status. } Application No. 16311

In the Matter of the Application
of JOYCE CANAL, INC., for withdrawal
from apparent public service status. } Application No. 16312

McCutchen, Olney, Mannon & Greens,
by John T. Pigott, for Applicants.

Houghton & Houghton, by Edward T. Houghton,
for Tehachapi Cattle Company, and the
Estate of R. E. Houghton, deceased.

Athearn, Chandler & Farmer, and Frank R. Devlin,
by Milton T. Farmer, for S. M. Jasper.

F. A. Chamberlain for the Farmers Protective
Association, and for landowners taking
water under the Buena Vista Canal, Inc.,
Farmers Canal Company, Kern Island Canal
Company, Kern River Canal & Irrigation
Company; Stine Canal and Castro Canal.

CARR, Commissioner:

O P I N I O N

Lerdo Canal Company, Plumcket Canal, Inc.,
James and Dixon Canal, Inc., James Canal, Inc., Anderson
Canal, Inc., and Joyce Canal, Inc., claiming that they are
not now and have never been engaged in public service, seek
to withdraw from their "apparent status" as public utilities
and to be relieved from the obligation of filing annual or
other reports with the Railroad Commission. The capital
stock of each of applicant corporations is owned by Kern
County Canal and Water Company. Kern County Land Company
owns the capital stock of Kern County Canal and Water Com-
pany. At the outset of the hearing counsel stated that
the purpose of the proceedings was to relieve the six canal
companies primarily of the necessity of filing annual reports.

Lerdo Canal Company has been making such reports
since 1913, but does not now serve any lands not owned by
Kern County Land Company. Exhibit No. 1 is a tabulation
of lessees of the Kern County Land Company who have been
served by the Lerdo Company. This exhibit shows that eight
such lessees were served in 1896, the number decreasing until

in 1919 there were three, none in 1920 and 1921, two in 1922 and 1923, none in 1924, one in 1925, none in 1926, one in 1927 and none since that year. Exhibit No. 2 shows that but one owner of land aside from Kern County Land Company has been served between 1913 and 1927. The land company has since acquired the property of this consumer. In years of plentiful supply certain surplus service has been rendered. There were five such consumers in 1917, two in 1922 and two in 1927. (Exh. No. 3.) The entire service area of the Lerdo Canal embraces lands owned by the Kern County Land Company.

The Pluncket Canal, Inc., has not since 1878 served water to lands other than those owned by the Kern County Land Company. Some twelve or thirteen hundred acres are regularly under irrigation at a charge of one dollar and fifty cents an acre per year, which charges are paid by transfer on the books. This canal is a lateral of the James Canal. An independent right to water from the Kern River is claimed.

James and Dixon Canal, Inc., has never supplied water to any one except Kern County Land Company or its predecessors. It receives its water through the Pioneer Canal and claims an independent right on the river.

James Canal, Inc., with the exception of one person served in the years 1897 and 1898, has served

only the Kern County Land Company.

Anderson Canal, Inc., served a few tenants of Kern County Land Company between 1894 and 1900. In 1926 and 1927 two consumers were receiving service, and since 1927 only lands owned by Kern County Land Company have been irrigated from this canal. The Anderson Canal has an appropriation from the river and does not receive any part of its water from any other canal.

Joyce Canal, Inc., has irrigated lands owned by the Kern County Land Company only and has received no demands for service from others.

From the evidence submitted it does not appear that any of the applicant canal companies are now rendering a public utility service.

ORDER

Public hearings having been held and the above matters being now under submission,

IT IS HEREBY ORDERED that Lerdo Canal Company, Plumcket Canal, Inc., James and Dixon Canal, Inc., James Canal, Inc., Anderson Canal, Inc., and Joyce Canal, Inc.,

be and they are hereby authorized to discontinue the filing of annual reports with this Commission.

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 23rd day of June, 1930.

W. H. Sawyer
Leon A. Whittell
Wm. D. Lovell
Wm. H. C. Lee
Commissioners