

Decision No. 11418

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

John August Nelson, et al.,  
Complainants,

-vs-

Lake Hemet Water Company, a  
corporation,  
Defendant.

ORIGINAL

CASE NO. 1747.

Henry Goodcell and W. G. Irving, for complainants.  
Hunsaker, Britt & Cosgrove, by John M. Clayton,  
for defendant.

BY THE COMMISSION.

O P I N I O N

John August Nelson, et al., complainants in the above entitled proceeding, allege in effect that the rate charged for water delivered by the Lake Hemet Water Co. between October 11th and March 15th, or during the winter months, is unreasonable and excessive, and that Rule 16, whereby the company requires that the minimum charge be paid before any water, including winter water, will be delivered, is unfair and that said rule should be amended to allow the delivery of winter water without the payment of the minimum charge.

Defendant in its answer denies these allegations.

A hearing in this matter was held at Hemet before Examiner Williams.

In accordance with its rules and regulations, which have been approved by this Commission, the Lake Hemet Water Company charges each of its public utility consumers a certain amount which varies

with each individual, depending on his acreage and whether he desires to order water at the rate of 1/16 of a miner's inch or 1/8 of a miner's inch per acre. This is what is called the minimum. It is required that this be paid before any water is delivered during any calendar year and to this practice complainants object. However, the showing on this point having been given careful consideration, the Commission is of the opinion that the evidence is not sufficient to justify it in ordering a change in the company's rules, and this part of the complaint will be dismissed.

The present rate for water, forty cents per miner's inch day, was established by the Commission in its Decision No. 7441, dated April 19, 1920. (Page 88, Vol. 18, Opinions and Orders of the Railroad Commission of California). This rate applies to all public utility water sold, whether delivered in the period between March 15th and October 11th, called the irrigation season, or between October 11th and March 15th, called the winter season. Complainants maintain that this rate is too high for water delivered during the winter season; that much of the flood waters run to waste because the people cannot afford to pay this rate; that if the rate were reduced fifty per cent or more the people would use twice as much winter water and thereby improve their crops and at the same time not reduce the income of the company to any appreciable extent, if at all.

The company claims that the cost of delivering water in the winter is as great as during the irrigation season; that the consumers are not governed so much by the price of the water as by the rainfall during the winter; and that by lowering the rate the use of water will not be materially increased over what it is under the present rates.

Evidence was introduced to show that a greatly increased use of water during the winter months would be beneficial to the orchards

and result in higher grade fruit. The testimony of Dr. Bachelors (Riverside Citrus Experiment Station) regarding his experiments in the vicinity of Hemet was very convincing in this connection. There is no assurance, however, that all consumers will purchase all the water they could beneficially use during the winter.

The evidence shows that the rates for extra and winter water have varied in the past from ten cents to fifty cents per miner's inch day, the lower rate having been in effect for a short time during the spring of 1912, and the higher rate having been charged for extra water during the irrigation season for a number of years. The evidence also shows that the flood flows in the San Jacinto River at the point of diversion do not usually begin before December, whereas the irrigation season closes on October 11th. If a winter rate much lower than the regular rate were put into effect and no differentiation made between water from natural stream flow and water from storage, a condition could arise wherein a large number of consumers might call for winter water immediately after the close of the irrigation season, necessitating the withdrawal of stored water from the reservoir in order to supply such demands. If a new rate be established for water from natural stream flow and the present rate continued for stored water, during periods when the natural flow is augmented by stored water there will be confusion on the part of both the company and the consumers as to what the proper charge should be unless some definite procedure is established. It is believed that by continuing the present rate for all water delivered while the reservoir is being drawn upon, the frequency of this occurrence will be regulated on the one hand by the desire of the company to conserve its stored water against a possible dry winter, and on the other hand by the objection of the consumers to the

summer rate for winter water.

The consumers have asked to have the rate for winter water reduced to twenty cents per miner's inch day, and the company suggests in its brief that the rate be reduced to thirty cents per miner's inch day, by way of experiment.

After carefully considering all the evidence the Commission is of the opinion that a rate of twenty-five cents per miner's inch day for all water delivered from the natural stream flow between October 11th and the following March 15th of each year will be fair to both the company and the consumers.

#### O R D E R

John August Nelson, et al., having filed formal complaint with the Railroad Commission against the Lake Hemet Water Company, as outlined above, a public hearing having been held, the matter having been submitted and being now ready for decision:

IT IS HEREBY FOUND AS A FACT that the rate now charged by the Lake Hemet Water Company for so-called "winter water" is unjust and unreasonable in so far as it differs from the rate set out in this order, and that the rate so set out is a just and reasonable rate to be charged for such service.

And basing its order upon the foregoing finding of fact and upon the statements of fact contained in the preceding opinion,

IT IS HEREBY ORDERED that Lake Hemet Water Company be and it is hereby authorized and directed to file with this Commission, within twenty (20) days from the date of this order the following rates for winter irrigation water and effective for all water delivered on and after January 1, 1923:

WINTER IRRIGATION RATES

For all water delivered between October 11th and the following March 15th, annually, any portion of which is drawn from Lake Hemet, for each miner's inch day, or 1728 cubic feet, 40 cents.

For all water delivered between October 11th and the following March 15th, annually, no portion of which is drawn from Lake Hemet, for each miner's inch day, or 1728 cubic feet, 25 cents.

Except as altered herein, the present rate schedule shall remain in full force and effect.

IT IS HEREBY FURTHER ORDERED that as to all other matters contained in the above entitled complaint, the same is hereby dismissed.

IT IS HEREBY FURTHER ORDERED that January 1, 1923, be and the same is hereby designated as the effective date of this order.

Dated at San Francisco, California, this 29th day of December, 1922.

H. H. Brundage

Wesley Martin

W. P. Benedict

Commissioners.