

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 1397.

G. W. MORDECAI, et al.,

Complainants,

vs.

THE MADERA CANAL AND IRRIGATION
COMPANY, a corporation,
and

C. S. MOSES,

Defendants.

Case No. 418.

In the matter of the investiga-
tion into the service, equipment
and facilities of MADERA CANAL AND
IRRIGATION COMPANY, a corporation,
on the RAILROAD COMMISSION'S own
initiative.

Case No. 498.

FEELER, Commissioner.

SUPPLEMENTAL OPINION.

In its order rendered on December 5, 1913, in the above
entitled proceedings, this Commission, among other matters, provided
as follows:

"Madera Canal and Irrigation Company is hereby directed
to distribute its waters ratably and fairly among all persons
entitled thereto and to make and enforce such rules and regu-
lations and take such other steps as may be necessary to this
end, including the institution of an efficient system of
measuring the water distributed, the taking of the necessary
steps to prevent the taking of water by persons not entitled
thereto and the hiring of enough competent employees to enforce
the company's proper rules and regulations."

In pursuance of this order, the Madera Canal and Irrigation
Company has prepared tentative Rules and Regulations which have been
submitted to this Commission. The Commission's hydraulic department
has checked them over and has made a number of changes, which have
been embodied by the company in revised Rules and Regulations. The
hydraulic department now reports that the Rules and Regulations in
their revised form are satisfactory.

I find a number of matters in these proposed Rules and

Regulations which may require alterations hereafter, but believe that the Rules and Regulations as proposed are in general satisfactory and that the Madera Canal and Irrigation Company should be authorized to put them into effect, subject, of course, to the right of this Commission hereafter, from time to time, to make such changes or alterations therein as may be found to be just and reasonable. I accordingly recommend that the Madera Canal and Irrigation Company be authorized by supplemental order to establish these Rules and Regulations at once.

I submit herewith the following form of supplemental order:

SUPPLEMENTAL ORDER.

IT IS HEREBY ORDERED that MADERA CANAL AND IRRIGATION COMPANY be and the same is hereby authorized to establish and enforce the following Rules and Regulations governing the service of water to its customers, said Rules and Regulations to become effective immediately:

RULES AND REGULATIONS.

OPENING OF SEASON

1. The irrigation season will open as soon as there are ten second feet of water flowing in the main canal, and water users are advised to prepare their lands early in the season in order that all the first waters may be utilized.

DEFINITION OF PRO RATA AND ROTATION DELIVERY

2. Water will be delivered to water users on a "pro rata" or rotation basis depending upon the quantity available. A "pro rata" delivery means a simultaneous flow available at a point nearest on the Company's system, for use of each and every consumer, in an exact proportion of the total amount available, based on the consumer's right to receive the same. This method may be applied to all or a part of the system. By "rotation" is meant that method of delivery whereby the water is carried through a portion of the distribution system for a portion of the time, in larger amount than otherwise available, the aim being

to deliver to each consumer an exact proportion as by "pro rating."

PRO RATA DELIVERY

3. When sufficient water is available to supply all demands simultaneously it will be distributed at all division points in a proportional part of the total flow available allowing for seepage loss, this proportion being based upon the acreage and rights to demand service upon each part of the system. That is, the total that it is determined can be delivered from the supply will be ratably divided.

ROTATION DELIVERY

4. When the supply available is not sufficient to satisfy fully all demands simultaneously, water may be delivered in rotation to all parts of the system. So far as possible a forecast will be made of the available water supply, and rotation shall be so planned as to provide as full a head as possible in each canal during the period of flow, which period will vary in accordance with the amount of the total supply and rightful demands upon it, and as many of the laterals will be served at one time as may be feasible.

DUTY OF WATER

5. The Company shall have the right to limit the quantity of water delivered, to the rate of one second foot per six hours for each acre irrigated.

ROTATION OF SERVICE IN CYCLES

6. Between consumers along the main canal and distributaries delivery shall be by rotation, and as nearly as practicable each individual will be given a ratable service; provided this has not been done the rotation shall continue in cycles, that is, those receiving a proportionately deficient supply in the preceding season, shall be served in precedence to others during the following season. In no case will water be furnished upon or to lands, unless the same are under a proper system of ditches, checks, levees, gates, etc.

NOTICE OF WATER DELIVERY

7. The Company will give notice of the beginning and duration of each run of water as far in advance as possible for

the guidance of water users and will notify individuals in advance when the water will be available during that run.

MEASUREMENT OF WATER

8. The Company will establish gauging stations and other practicable methods of measurement at suitable points on the main canal and laterals in sufficient number to arrive at a close approximation of the amounts of water delivered at all points of the system of the Company. Records will be made of the flow passing such points daily, or as often as practicable and from such records the amounts of water delivered to individuals will be determined and carried to totals by months. In these computations the seepage loss will be allowed for, when measurement is made at a point other than the point of delivery. Each interested party will be informed upon request, of the amounts of water he has received.

APPLICATION FOR WATER

9. Written application for water shall be made to the Company on the blank forms to be furnished by it. These applications shall be filed in the Company's office at Madera, not later than January 15th of each year and shall give the location of the land to be irrigated, acreage, and crop. As it is upon these applications that delivery schedules are based, by failure to make such application within the time specified, the consumer forfeits his right to water during that season, UNLESS, same can be furnished him without disarranging the schedule, or causing shortage of water to those entitled to it. During 1914 such applications shall be filed by May 1st.

ESTABLISHMENT OF SCHEDULES

10. The Superintendent of the Canal System will establish a schedule which will be followed in the delivery of water to consumers and will establish the points and methods of measurement of water, obtaining approval of these matters from the Railroad Commission.

DEVIATIONS FROM SCHEDULES

11. Deviation from the established schedule will be

allowed only by previous arrangement with the canal Superintendent and when the efficiency of the system is not thereby seriously impaired. When a consumer has not used the water when it is available during any period, nor arranged an exchange with another user, he may be supplied an amount to make up the shortage during a subsequent period, PROVIDED there is more water available than sufficient to supply all demands.

WATER CHARGED FOR

12. To insure an equal distribution of water, and for the common protection of all water users, any water allowed to run upon land not included in this application, or to waste by reason of imperfect ditches, checks or levees, or insufficient number of checks, or otherwise, will be charged as used for irrigation. The consumer applying for water agrees that he will keep his ditches clean, in good repair and condition to receive a full head of water from the canal system; and the Superintendent may refuse water upon his failure to do so.

USE AND WASTE OF WATER

13. A water user must use water throughout the period of delivery continuously day and night, and must not permit use on land other than that described in his application, nor allow any reasonably avoidable losses.

CONTROL OF GATES

14. The control of all structures on the Company's system is under the management of the company, and no water user is allowed to change or interfere with the same except by special permission. A violation of this rule is a misdemeanor.

CARE OF GATES

15. Water users at the end of the lateral completing irrigation must notify the company in time to shut off the water at the head, and all water users shall use all reasonable means to prevent the theft of bars.

PATROL OF SYSTEM.

16. There will be a sufficient number of Ditch Tenders employed to adequately patrol the entire system operating; and it will be planned to visit once daily practically every point where water is running.

DUTY OF DITCH TENDERS

17. It will be the duty of the Ditch Tenders to follow strictly the instructions of the Superintendent in the delivery of water to the various consumers, to make Gauge and Weir or other readings at the established measuring points; to guard the property of the Company; to see that water is not wasted; and to report to the Company Superintendent any dereliction or trespasses by consumers.

ACCESS TO DITCHES

18. The employees of the company shall have ^{free} access at all times to any part of the distribution system on or crossing the land of individual consumers for the purpose of repairs, measurements of water, or any other necessary details of operation.

ADVANCE PAYMENTS

19. All water users delinquent or not possessing satisfactory credit or contract with the company, must pay for water in advance.

ASSISTANCE OF WATER USERS

20. Consumers are expected to do everything possible to prevent waste of water or damage, and to effect a ratable and equitable distribution of the water to those entitled to it.

LIMITATION OF IRRIGATED AREA

21. The lands to which this company may furnish water is limited by the following clause in the order of the Railroad Commission: "Madera Canal and Irrigation Company is hereby directed to furnish no water to lands not heretofore actually irrigated from its system or under contracts on which payments have not been kept up, until this portion of this order is vacated or modified by this Commission."

22. All persons violating these rules will be dealt with as provided by law.

WATER RATES ON CONTRACT LANDS.

Until the existing established rates may be changed by order of the Railroad Commission or other proper authority, any person who may take at any time upon any part of his land covered by water contract, water from said system in excess of the quantity specified therein, shall pay said Company therefor, in addition to the \$1.00 per acre per annum, specified in such contract, the following rates and sums, to-wit:-

(1) For each acre upon which such excess water may be used or taken the first time during each irrigation season, the sum of thirty cents, being the rate of \$1.30 per acre fixed by ordinance No. 50 of the Board of Supervisors, less the \$1.00 per acre per annum, to be paid under the terms and conditions of such water contract.

(2) For each subsequent irrigation and for each acre upon which such excess water may be taken or used after such first irrigation, during such irrigation season, the sum of fifty cents, being the rate fixed by such ordinance for subsequent irrigations after the first irrigation during the irrigation season.

(3) The taking or using of such excess water shall be deemed and considered an agreement on the part of such water user to pay said Company said sums, together with interest on such sums from the respective dates that such excess water may be taken or used, at the rate of seven per cent per annum; and the Company shall have the right to demand payment in advance for any excess water.

WATER RATES ON LANDS NOT COVERED BY WATER CONTRACTS.

Until the existing established rates fixed by ordinance No. 50 of the Board of Supervisors may be changed by the Railroad Commission or other proper authority, the rates on lands that are not covered by such water contracts shall be as follows, to-wit:-

\$1.30 per acre for the first irrigation, and fifty cents per acre for each subsequent irrigation, during each of such irrigation seasons; and the Company shall have the right to demand payment in advance for such water according to such rates; and the taking and using of such water for such purposes shall be deemed and considered an agreement on the part of the water users, using or taking the same, to pay said Company said rates and sums, together with interest on such sums from the respective dates that such water may be so taken or used, at the rate of seven per cent per annum.

The foregoing supplemental opinion and order are hereby approved and ordered filed as the supplemental opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 3rd day of April, 1914.

W. Gordon

Max Thelen

Edwin O. Edgerton
