

Decision No. _____

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

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GEORGE PINK, et al.,
Complainants,
vs.
SAN JOAQUIN AND KINGS RIVER
CANAL AND IRRIGATION COMPANY,
Defendant.

ORIGINAL

Case No. 834.

Decision No. 2983

J. W. Hawkins, of Hawkins & Hawkins, for complainants.
Edward F. Treadwell for defendant.

DEVLIN, Commissioner.

O P I N I O N.

The complaint herein was filed July 30, 1915, alleging, in effect, discrimination against complainants in the delivery of water for irrigation purposes.

Complainants, some twenty-six in number, are farmers residing in the vicinity of Crows Landing, Stanislaus County, and are supplied with water for irrigation from the canals of defendant.

The San Joaquin and Kings River Canal and Irrigation Company, defendant, is a public service corporation organized and existing under the laws of the State of Nevada and engaged, among other activities, in the sale and distribution of water to complainants and others.

Water is diverted by defendant from the San Joaquin River near Firebaugh, Fresno County, and is distributed through gravity canals and laterals to irrigators in Fresno, Merced and

Stanislaus Counties, supplying some 118,000 acres with water.

All the complainants reside at the lower end of the defendant's main canal, north of the Orestimba Creek in what is called the Orestimba Section. The area there irrigated is some 5000 acres.

Public hearing was held in this proceeding at Crows Landing on November 19, 1915, at which time it was stipulated by all parties in this action that the suggestions contained in the report of the Commission's Hydraulic Engineers would, if put into effect with some slight alterations, reduce largely the possibility of discrimination. Defendant stipulated that it would follow these recommendations. Complainants agreed that in such case this action would not be pressed.

The agreed provisions follow:

- (1) The installation of gauges in the canals to record the quantity of water going into each section and the recording of gauge heights at least once daily.
- (2) The establishment of rules and regulations providing for a rotation schedule.
- (3) The construction of a spillway from a point near the end of the main canal.

Discussion of the first recommendation disclosed the fact that gauges are in place in the canals but no record has been kept of the quantity of water passing them during the past year.

The second item occasioned some discussion as to its advisability in this locality. It was contended by defendant that less than 4 per cent of the area irrigated is represented by complainants and that it would not be right to establish a rotation schedule for the entire system unless a majority of the consumers be given an opportunity to be heard.

The advisability of a rotation schedule of delivery in order to distribute water equitably and efficiently is well established. However, in this proceeding I recommend that this be established only in the locality represented before the Commission, but I suggest to the Company that it conform to the methods indicated on its entire system.

We now come to the recommendation that a wasteway be provided near the lower end of the main canal. Efforts are being made by complainants to secure permission to use a lateral ditch which extends from a point near the end of the main canal to the San Joaquin River as a wasteway. If this is secured by complainants the Company stipulates that it will clean, enlarge and maintain this ditch and construct a spillway in its main canal or if some other right of way can be obtained the Company will construct and maintain a wasteway on it.

I recommend, that upon the owners filing an agreement that the Company may use this ditch or some other right of way, the defendant be ordered to construct the above mentioned wasteway.

It was apparent at the hearing that considerable of the friction that exists is due to local administration of the Company's affairs which finally resulted in personal ill-feeling between the utility and its consumers, and it was agreed that a change in the local representative would be conducive to harmony and the elimination of much of the existent trouble. Inasmuch as the utility expressed its intention of changing its local representative with a view to removing the troubles which it is agreed between both parties were due to this cause, I think it safe to assume that no further trouble will arise from this source.

I submit herewith the following form of order:

O R D E R .

Complaint having been made by George Fink and others against the San Joaquin and Kings River Canal and Irrigation Company alleging discrimination by defendant against complainants, in the delivery of water used for irrigation, and a public hearing having been held and it having been stipulated and agreed by the parties concerned regarding improvements in service, and the Commission being fully apprised in the premises,

IT IS HEREBY ORDERED by the Railroad Commission of the State of California that the San Joaquin and Kings River Canal and Irrigation Company establish gauges in its canals to measure the quantity of water going into each section and that these gauges be read at least once daily and the reading recorded.

IT IS FURTHER ORDERED that the following rule be put into effect and that this rule shall affect only that portion of the system of this Company north of Orestimba Creek in Stanislaus County:

An employee will be designated by the Company to whom water users may make requests, before the 20th of each month, for water to be used in the month following, stating amount, length of run desired and the area to be irrigated. There will then be a non-discriminatory schedule arranged, conforming as nearly as possible to requests, and posted at Crows Landing post office on or before the 28th of that month. The schedule will show for each water user the time of beginning and ending of the run and the amount of water to be delivered. Water users may, by specific arrangement made in advance, exchange deliveries.

IT IS FURTHER ORDERED that the San Joaquin and Kings River Canal and Irrigation Company construct and maintain a wasteway from its main canal to the San Joaquin River contingent upon an agreement being filed with this Commission giving the use of some existing lateral or right of way to the Company, and that the San Joaquin and Kings River Canal and Irrigation Company report to this Commission within 60 days from the date of this order the progress made in carrying out this work.

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 8th day of December, 1915.

Max Miller
H. Loveland
Aug. Gordon
Frank R. Dehn

Commissioners.