

AEF

ORIGINAL

Decision No. 3056

Decision No. ✓

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA.

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GEO. W. FINK, et al,

Complainants,

vs.

Case No. 834.

SAN JOAQUIN AND KINGS RIVER CANAL  
AND IRRIGATION COMPANY,

Defendant.

DEVLIN, Commissioner.

ORDER ON PETITION FOR REHEARING.

WHEREAS, this Commission rendered its decision in the above entitled matter on the 18th day of December, 1915, which decision is numbered 2983, and on the 5th day of January, 1916, defendant, the San Joaquin and Kings River Canal and Irrigation Company, filed its petition asking that either a rehearing be had in the said matter or that a supplemental order be made modifying the order in the aforementioned decision by eliminating that portion of the order relating to a rotation schedule of irrigation; and

WHEREAS, in the petition for rehearing defendant urged that the opinion of the Commission recited that all parties stipulated to the conditions therein set out; that the hearing was largely in the nature of a discussion in the course of which defendant indicated willingness to inaugurate a rotation schedule of irrigation under certain conditions; that qualifying language was, however, used by counsel for defendant in regard to his indication of such willingness; and

WHEREAS, after a more careful consideration of the evidence in this matter, I am of the opinion that defendant's objection to the recital in the original opinion that there was such a stipulation

on its part, is justified; and

WHEREAS, counsel for complainants expressed a willingness to waive any rotation rules being ordered, at least for a period of one year;

IT IS HEREBY ORDERED that the following part of the aforementioned order relating to the establishment of a rotation schedule of irrigation be eliminated from said decision No. 2983:

"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 all other portions of the aforementioned decision No. 2983 remain and continue in force.

IT IS FURTHER ORDERED that said petition for rehearing herein in all other respects than hereinbefore provided be and the same is hereby denied.

The foregoing Order on Petition for Rehearing is hereby approved and ordered filed as the order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 22<sup>nd</sup> day of January, 1916.

H. B. ...  
...  
Frank R. ...

Commissioners.