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BEFORE THE RAILROAD COMMISSION OF  
THE STATE OF CALIFORNIA.

W. J. Rogers and Central Pacific  
Land and Lumber Company,

Complainants,

vs.

Case No. 597.

Sacramento Valley West Side Canal  
Company and William F. Fowler, Re-  
ceiver of the property of Sacra-  
mento Valley West Side Canal Com-  
pany,

Defendants.

Sacramento Valley Realty Company,  
et al,

Complainants,

vs.

Case No. 673.

Sacramento Valley West Side Canal  
Company and William F. Fowler, Re-  
ceiver of the property of Sacramento  
Valley West Side Canal Company,

Defendants.

BY THE COMMISSION.

SUPPLEMENTAL OPINION

On June 14, 1915, the Commission made an order  
in these proceedings fixing the rates to be charged for  
water furnished from the water system of Sacramento Val-  
ley West Side Canal Company, now operated by William F.  
Fowler, Receiver thereof, and further directed that wa-

ter be supplied in accordance with the terms of said order.

Since the date of said order the bondholders of the water company and the land owners under the system have been negotiating with reference to the purchase and operation of the water system by the land owners themselves through organization of mutual water companies and irrigation districts. A tentative plan has been agreed upon by the bondholders and the land owners.

The Commission does not in this proceeding pass upon the merits of that plan, nor does it here express any opinion with reference thereto.

It is conceded by all parties to be impossible this year to consummate any plan for the purchase and operation of the canal system by the land owners such as that proposed. The irrigation season begins about the first of April and if water is to be furnished this year from this system it is necessary that certain preliminary work in the construction of laterals be immediately commenced.

Accordingly, in order to provide for the furnishing of water during the irrigation season of 1916, the complainants in these proceedings have asked the Commission to allow to go into effect for the present irrigation season a slightly different arrangement than that provided in the order heretofore made on June 14, 1915, which arrangement more closely accords with the contemplated plan of purchasing and operating the system by the land owners.

A request for this supplemental order is made by the following parties complainant in these proceedings:

Sacramento Valley Realty Company,  
California Midland Realty Company,  
Charles L. Donohoe,  
H. J. Barceloux,  
Frank Spooner,  
William Schilling,  
A. D. Girard,  
M. S. Hess,  
Frank Shotts,  
Blanche Durbrow,  
F. M. Temple,  
Peter Barceloux Company,  
Estate of P. R. Garnett,  
H. W. Garnett,  
Lacey Williamson Company,  
The Spaulding Company,  
L. Lindsey,  
Owen Dunlap,  
George X. Fleming,  
William Spaletta, Lloyd T. Lacy,  
M. C. Dethlefs,  
S. C. Pierce,  
J. J. Curry,  
W. H. Crook,  
H. Jameson,  
O. L. Raper,  
G. M. Hanson,  
D. R. Linebaugh,  
C. T. Dillard,  
J. E. Knight,  
J. W. Farmer,  
Mrs. A. C. Troxel,  
Mrs. L. M. Newsom,  
W. B. Baylor,  
George E. St. Louis,  
Henry E. Reed,  
A. E. Duncan,  
Frank Miller,  
C. R. Wickes,  
Edgar Hunter,  
John S. Figge,  
A. Gollnick,  
Boyd Millar,  
E. E. Avery,  
Charles Glenn.

William F. Fowler, Receiver of this canal system, has acquiesced in the modified arrangement to be effective only during the present irrigation season.

This modified arrangement contemplates that the rates fixed by the Commission in its order heretofore made on June 14, 1915, shall be charged for water served at the bank of the main and River branch canals, and that the land owners themselves shall bear the cost of maintaining and operating the laterals during the irrigation season of 1916.

As before stated, the Commission does not here pass upon any plan for the purchase and operation of this canal system by the land owners. That matter is not now before us.

We are of the opinion that the order heretofore made on June 14, 1915, is entirely just and reasonable. In view, however, of the negotiations which have been under way between the bondholders and the land owners, and in view of the request for a modification of that order for the season of 1916 being made by all the complainants above-mentioned and acquiesced in by the Receiver, it appears to the Commission that a modification of its order solely for the season of 1916 may under these circumstances be made.

SUPPLEMENTAL ORDER.

In accordance with the foregoing Supplemental Opinion, the Railroad Commission hereby makes its order as follows:

1. Sacramento Valley West Side Canal Company and William F. Fowler, Receiver of the property of said company, are hereby authorized to charge for water furnished at the bank of the main and River branch canals during the irrigation season of 1916 the following rates:

Flat rates: For rice, .....\$7. per acre per annum,  
For all other crops .....\$2. per acre per annum, or

Measured rates: Where water is measured, the rate shall be \$2. per acre per annum for the use of one and one-half ( $1\frac{1}{2}$ ) feet per acre during the irrigating season, with an additional charge of \$1.50 per acre foot per annum for each acre foot used in excess of one and one-half ( $1\frac{1}{2}$ ) acre feet.

The amount of water for which rates shall be charged shall be the amount of water finally delivered at the private laterals of the land owners, the company bearing the loss due to evaporation and seepage between the main and River branch canals and the land where the water is used.

2. Such additional laterals as may be necessary to serve the land owners under the system of Sacramento Valley West Side Canal Company shall be constructed at the expense of the land owners and according to standard specifications of Sacramento Valley West Side Canal Company.

3. The cost of operating and maintaining the laterals during the irrigation season of 1916 shall be

borne by the land owners and not by the Receiver.

4. Where it is necessary to construct gates in the bank of the main and river branch canals, through which water is to be delivered, said gates shall be constructed and maintained by and under the supervision of the Sacramento Valley West Side Canal Company and the Receiver thereof; provided that the land owner shall advance the cost of the same.

5. The land owners desiring water for the irrigation of lands during the season of 1916 shall make application to the utility in writing, describing the land desired to be irrigated and the kind of crops to be raised thereon; this application to be made on or before March 1, 1916, on the condition that a payment of ten per cent (10%) of the cost of the water applied for shall accompany the application--the balance to be paid in five (5) equal monthly instalments, such payments may be evidenced by promissory notes dated the first day of each month beginning May 1, 1916, all payable November 1, 1916. Such notes to be secured by a crop mortgage, which shall be a first lien on the crop, or, in case such crop mortgage can not be given, then other security shall be given to

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the satisfaction of the utility, such notes to bear interest at the rate of seven (7%) per cent. per annum, and on the further condition that the water to be furnished to land owners for the season of 1916 shall be furnished in the order of furnishing provided in this Commission's order heretofore made on June 14, 1915.

6. This order shall remain in effect to and including October 31, 1916.

It is to be understood that this order is made solely for the irrigation season of 1916, and that the order heretofore made on June 14, 1915, shall remain in effect except as modified by this order and shall again be in full force and effect upon the expiration of this order.

Dated at San Francisco, California, this 7th  
day of February, 1916.

H. J. Loveland  
Wm. G. Gordon  
Edwin O. Edgerton  
Frank R. Fisher

Commissioners.