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Decision No. \_\_\_\_\_

ORIGINAL

Decision No. 4197

BEFORE THE RAILROAD COMMISSION OF THE  
STATE OF CALIFORNIA.

Henry J. Gremenger,

Complainant,

v.

The Diamond Ridge Ditches,

Defendant.

Case No. 994.

William F. Bray for complainant.  
T. C. Patton for defendant

BY THE COMMISSION.

O P I N I O N

This is a complaint by Henry J. Gremenger, of  
Hank's Exchange, near Placerville, El Dorado County,  
against The Diamond Ridge Ditches, alleging that the  
defendant refuses to conduct water through a certain  
ditch and to supply complainant and others similarly

situated with any water for irrigation purposes.

Complainant also alleges that defendant has removed a certain pipe, rendering it impossible to conduct water through the ditch, and has refused the offer of complainant to pay the established charges for water.

A public hearing in this proceeding was held at Placerville November 9, 1916. ~~Exhibits were submitted and testimony taken.~~

The irrigation system operated by defendant comprises a conduit of flume and ditch about thirty-five miles in length, located in El Dorado County. The supply of water is obtained from the Cosumnes River and Camp Creek. The ditch was built about 1851 and was used for many years in mining operations but is now used almost exclusively for irrigation.

The lateral ditch, from which the complainant desires water service, branches off from the main canal and is about three and one-half miles long. In order to give service to complainant, testimony shows that the lateral will have to be cleaned throughout its length, flumes repaired and an inverted siphon or pipe line 486 feet long built across a small valley. A pipe line was located at the same point for many years but appears to have nearly reached the end of its life, when service was discontinued.

Defendant states in its answer to complainant that seasonable and proper application for water

from this lateral has not been made since 1912 and, due to the impossibility of determining beforehand the amount of water that would be required and on account of the extreme shortage of water in 1913, it was unable to run water in that year; also that one of the largest water users rented or leased his property in 1914 and his tenant stated that he would not purchase any water in the future.

The testimony shows that in June, 1915, and early in 1916, complainant approached defendant's agent in regard to securing water for irrigation. When defendant's agent was approached in 1916, water to the amount of \$50. worth for the irrigating season was requested by complainant, it being suggested that Frank X. Walsh, whose land could be served from the same ditch, would take an additional \$30. worth. Other prospective consumers appeared to desire water but no definite arrangement could be made with them in regard to the amount they would take. The total amount of revenue which defendant would receive from water service along the reconstructed lateral, beyond the amounts mentioned above, has not been determined, and on account of the uncertainty in regard to this amount, we believe that the consumers should share in the risk due to the cost of rebuilding the ditch.

An estimate of the cost of cleaning the ditch, repairing the flumes and constructing the pipeline was prepared by Milo H. Brinkley, one of the Com-

mission's engineers, and amounted to the following:

Cleaning Ditch .....	\$140.
Repairing flumes .....	25.
Constructing 12" riveted steel pipe .....	<u>374.</u>
Total .....	\$539.

An alternate estimate for a fifteen inch pipe line was also presented but the evidence shows that a twelve inch pipe has sufficient capacity for the needs of the consumers and if a greater size is desired by defendant it should bear the cost thereof.

The complainant has offered to clean out the ditch at his own expense but we believe that the prospective consumers should in addition be required to bear a portion of the cost of constructing the pipe line. It is to be understood, however, that any of these expenses, borne individually by complainant or other consumers, shall be rebated on water bills when the total of such bills reach a certain amount, hereinafter specified, the excess to be used in such refund. It is our opinion that a portion of the cost of the pipe line, amounting to \$60, should be advanced by consumers. With this arrangement the necessary outlay by the company will be \$339.

The initial annual cost of providing service to consumers without apportioning any part of the expense due to the main ditch will amount to the following:

Maintenance and operation .....	\$20.
Annual depreciation flume and pipe line .....	13.
8% interest on \$339. ....	<u>27.</u>
Total .....	\$60.

The evidence shows that the company will receive more than this amount of revenue annually from consumers and we believe that the increase from year to year will not only be substantial but that the revenue will, in a few years, be sufficient to bear the proper proportion of expenses for the main ditch. Any expense above the amount set out above should be used in refunding the expenses of reconstruction paid for by consumers in proportion to the individual outlay of each until such costs are extinguished.

### O R D E R

Complaint having been made by Henry J. Gremonger against The Diamond Ridge Ditches, involving the service of water by said defendant to said complainant, and a public hearing having been had on said complaint, and the Commission being fully advised in the premises,

IT IS HEREBY FOUND AS A FACT that the revenue obtainable from water service, which can be sup-

plied to consumers along the lateral ditch involved in this complaint is not sufficient initially to compensate defendant for cost of service unless the cost of cleaning the ditch, estimated at \$140, and a portion of the cost of the pipe line, amounting to \$60, are borne by consumers, such costs to be refunded in the manner herein provided.

IT IS HEREBY ORDERED by the Railroad Commission of the State of California that The Diamond Ridge Ditches do accept from consumers deposits to the amount of Two Hundred (\$200.) Dollars, if such deposits are offered to defendant, and shall within a period of fifteen (15) days from the acceptance of such deposits begin work on cleaning the ditch, repairing flumes and building the pipe line and rapidly push same to completion;

IT IS HEREBY FURTHER ORDERED that any revenues derived from water service through the before mentioned lateral greater than Sixty (\$60.) Dollars per year shall be apportioned to consumers proportionately to the respective amounts of their deposits, until the total amount of such deposits has been paid in full.

Dated at San Francisco, California, this 22nd day of March, 1917.

Max Shelen  
W. H. Leland

Frank P. Smith  
Commissioners