

ORIGINAL

Decision No. _____.

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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Decision No. 4460

In the matter of the Application :
of SACRAMENTO VALLEY WEST SIDE :
CANAL COMPANY, a corporation, :
SUPERIOR CALIFORNIA FARM LANDS :
COMPANY, a corporation, and : Application No. 2978.
WILLIAM F. FOWLER, Receiver, for :
an order authorizing the sale :
of a portion of a public utility :
water system. :

Frank Freeman and Morrison,
Dunne & Brobeck, by Edward Hohfeld, for
Petitioners.

Frank Moody, for Princeton-
Codora-Glenn Irrigation District.

C. L. Donohoe for California
Midland Realty Company, Protestants.

Charles F. Lambert, for certain
land owners in Princeton-Codora-Glenn
Irrigation District, Protestants.

~~THE~~ COMMISSIONER.

O P I N I O N.

Petitioners ask authority to convey to a
person not as yet ascertained, who may hereafter be
the purchaser of the property in foreclosure proceedings,
the River Branch Canal of Sacramento Valley West Side
Canal Company south from a point on the north line of

Section 43 of the Glenn Ranch Survey, Glenn County, north of Sidd's Landing, and all laterals located within the Princeton-Codora-Glenn Irrigation District in Glenn and Colusa Counties, free from all public utility obligations.

The petition as originally filed also asked authority to convey to P. B. Cross or to an irrigation district hereafter to be formed that portion of the Quint Canal of Sacramento Valley West Side Canal Company which is located on the Sisson Tract and that portion of the "N" lateral which is located on the Jameson Tract, in the southern portion of Glenn County. This part of the petition was withdrawn by letter from petitioners dated July 13, 1917.

A public hearing was held in Willows on June 15, 1917. At this hearing, petitioners and Princeton-Codora-Glenn Irrigation District appeared in support of the petition. A number of property owners in the Princeton-Codora-Glenn Irrigation District ~~appeared in support of the petition.~~ ~~appeared in support of the petition.~~ appeared in opposition to the petition.

The history and business of Sacramento Valley West Side Canal Company were fully discussed by this Commission in Cases Numbers 597 and 673 decided on June 14, 1915, (Vol. 7 Opinions and Orders of the Railroad Commission of California, page 113) to which decision reference is hereby made.

The irrigation system of Sacramento Valley West Side Canal Company is being operated by William F. Fowler as receiver under order of the United States District Court in and for the Northern District of California,

entered on June 3, 1915 in Case Number 146, Equitable Trust Company of New York and Joseph M. Babcock, Plaintiffs, vs. Sacramento Valley West Side Canal Company et al, Defendants.

Princeton-Codora-Glenn Irrigation District is a public irrigation district which was recently formed for the purpose of enabling the public therein to own and operate its own irrigation system. The district embraces the territory served with water for irrigation from the River Branch Canal and laterals of Sacramento Valley West Side Canal Company.

A description of the property to be conveyed within the Princeton-Codora-Glenn Irrigation District has been filed herein and marked Exhibit Number "2" of Petitioners.

The attorney for the Irrigation District explained at the hearing that the order herein is desired as a step to enable Sacramento Valley West Side Canal Company to make to the Board of Directors of the Irrigation District a definite offer for the sale of its property, this offer then to be submitted by the Board of Directors to the qualified electors of the Irrigation District.

At the present time, there is no contract on the part of Sacramento Valley West Side Canal Company to sell its property or of the Irrigation District to purchase the same. No price has been agreed upon and

no definite arrangements have been made under which the Irrigation District will secure water if it should acquire the property.

The Sacramento Valley West Side Canal Company and the Irrigation District both agree that the sale of the property shall not become effective unless it be to the Irrigation District.

Mr. Charles F. Lambert, appearing in behalf of certain property owners in the Irrigation District, protested against the granting of the petition. He stated that his clients are not opposed to the principle of ownership and operation of this irrigation system by the people themselves, but that they are opposed to the granting of the petition herein because they do not know what price is to be paid for the property and are opposed to having this water system divested of its public utility character unless definite arrangements have been made by which they will continue to secure a definite supply of water.

At the present time, there is no definite purchaser for the property of Sacramento Valley West Side Canal Company located in the Princeton-Codora-Glenn Irrigation District: no definite price has been agreed upon: and no definite arrangement has been made to supply water to persons in the Irrigation District who are now being served with water through the canals which it is proposed

to sell. Hence, the only order which the Railroad Commission can make at this time will be a conditional order expressing the Commission's consent to the sale of the property to such purchaser, for such consideration and upon such terms and conditions as will do full justice to all interested parties and as may hereafter be set forth in a supplemental order herein.

Superior California Farm Lands Company will join in such conveyance of the property as may hereafter be made, when the necessary/^{final}~~last~~ authorization from the Railroad Commission has been secured. This company has the legal title to a portion of the right-of-way of the canal system. As this company is not a public utility, the Railroad Commission's authorization for the conveyance by this company is not necessary.

I find that a conveyance of the River Branch Canal and lateral canals to the Princeton-Codora-Glenn Irrigation District should be authorized by this Commission provided that full justice is done to all parties; but for the reasons hereinbefore given it is obvious that the Railroad Commission's order at the present time can only be a conditional order.

I submit the following form of order:

O R D E R

SACRAMENTO VALLEY WEST SIDE CANAL COMPANY and
WILLIAM F. FOWLER, the receiver of its property, having.

applied to the Railroad Commission for authority to sell the River Branch Canal, south of the north line of Section 43, Glenn Ranch Survey, Glenn County, and the lateral canals located within the Princeton-Codora-Glenn Irrigation District, and a public hearing having been held, and good cause appearing:

IT IS HEREBY ORDERED that Sacramento Valley West Side Canal Company and William F. Fowler, the receiver of its property, be and the same are hereby authorized to sell and convey said property, but only to such party or parties, for such consideration and upon such terms and conditions as may hereafter be authorized by a supplemental order or orders herein.

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 14th day of July, 1917.

Max Thelen

Alex Gordon

Frank C. Decker
Commissioners.