

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

Decision No. 11655

In the Matter of the Application of WILLIAM F. FOWLER, as Receiver of the Canal and Irrigation System formerly owned by Sacramento Valley West Side Canal Company, for an order authorizing the lease of a portion of the Quint Lateral to P.B. Cross.

Application No. 3190.

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Bacigalupi and Elkus for Petitioner.

WHEELER, Commissioner.

O P I N I O N.

William F. Fowler, Receiver of the property formerly owned and operated by Sacramento Valley West Side Canal Company, in Glenn and Colusa Counties, asks authority to lease to P. B. Cross for the term of forty years specified rights in that portion of the Quint Lateral which is located on the Logan Cecil Tract.

The lease to be executed by Mr. Fowler, a copy whereof is attached as Exhibit "A" to the petition herein, provides, in part, as follows:

1. That Cross is to use said portion of the Quint Lateral for the purpose of conducting water through the same to irrigate his lands, but that the use of the Lateral by Cross shall not interfere with or affect its use by the canal and irrigation system of Sacramento Valley West Side Canal Company.

2. That if the demands of the lands entitled to be served with water from said canal and irrigation system shall require the present entire capacity of the Quint Lateral, Cross, if he desires to use the lateral, shall, at his own expense, make the necessary enlargement thereof.

3. That said canal and irrigation system shall at all times have a preferential right to the use of the said portion of the Quint Lateral for the delivery of water as a public utility to lands now being served or capable of being served through said canal and irrigation system through said lateral and that the rights granted by the lease shall be secondary to the use of the lateral as a public utility.

4. That Cross shall, at his own cost and expense, keep said portion of the Quint Lateral in repair and maintain the same.

The lease contains other provisions to which it is not necessary here to refer.

It appears that said portion of the Quint Lateral has a capacity in excess of its present requirements as a part of the public utility water system formerly owned and operated by Sacramento Valley West Side Canal Company and that the consummation of the proposed lease will result in a more complete utilization of said lateral without doing injury to anyone.

California Midland Realty Company, the owner of the only lands which are receiving water from said portion of the Quint Lateral, other than lands which have been purchased by Cross, has filed herein a letter stating that it has no objection to the granting of the petition.

I recommend that the petition be granted and submit the following form of order:

O R D E R.

WILLIAM F. FOWLER, Receiver of the property of Sacramento Valley West Side Canal Company, having filed herein his petition asking authority to lease to P. B. CROSS the right to use the portion of the Quint Lateral hereinafter more particularly

described, under the terms and conditions of the form of lease hereinafter referred to, and the Railroad Commission being fully advised,

IT IS HEREBY ORDERED that William F. Fowler, Receiver of the public utility water system formerly owned and operated by Sacramento Valley West Side Canal Company, be and he is hereby authorized to lease to P. B. Cross, for the period of forty (40) years, and under the terms and conditions which are set forth in copy of proposed lease which is attached to the petition herein and marked "Exhibit A," that portion of the Quint Lateral which is located on the Logan Cecil Tract, beginning at the intersection of the Quint Lateral and the line between the Logan Cecil Tract and Section 90 of the Sacramento Valley Irrigation Company's subdivision of the Jacinto unit, and running thence in a general southerly direction across said Logan Cecil Tract to the boundary line between said Logan Cecil Tract and the Sacramento Valley Colony No. 4, containing 30.4 acres.

Within ten (10) days after the execution of the lease herein authorized, Petitioner shall file with the Railroad Commission a certified copy thereof.

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 21<sup>st</sup> day of September, 1917.

Max Thelen  
W. E. Gordon  
Frank R. Dyer  
Commissioners.