

Decision No. _____

ORIGINAL

Decision No. 52231

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)	
WILLIAM F. FOWLER, as Receiver of)	
the Canal and Irrigation System, for-)	
merly owned and operated by the Sacramen-)	Application No. 3577.
to Valley West Side Canal Company, to)	
lease to P. B. Cross certain rights in)	
the "N" Lateral.)	

William F. Fowler in propria persona.
Bacigalupi and Elkus, by Charles Elkus,
for P. B. Cross.

THELEN, 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 certain specified rights in the lateral which is known as the "N" Lateral.

A public hearing was held in San Francisco on March 19, 1918, after notice published in a daily newspaper published in Willows.

The lease to be executed by Sacramento Valley West Side Canal Company and William F. Fowler, Receiver of the property of said Company, a copy whereof is attached to the petition herein, provides, in part, as follows:

1. That the portion of the "N" Lateral affected by the lease is described as follows:

Beginning at a point on the boundary line between the properties of A. J. Razor and Henry Jamison, said point being north 89°25' east 3440.7 feet from the southwest corner of said

Henry Jamison's property, thence north 6°01' west, 4365.4 feet to a point in the boundary line between the property of Henry Jamison and Section 77 of the Glenn Ranch Survey, from which point the southwest corner of Lot No. 1190 of the Jacinto Unit bears south 89°06' west 353.2 feet;

A strip of land 120 feet in width with parallel sides 60 feet on either side of the above described center line for the first 1380 feet of above described course;

A strip of land 90 feet in width with parallel sides 45 feet on either side of the last 2985.4 feet of the above described course, containing in all 9.96 acres.

That Cross may use said portion of the "N" Lateral for the purpose of conducting water through the same to irrigate his lands, but that the use of the lateral by Cross shall in no wise 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 said portion of the "N" 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 said portion of the "N" Lateral for the delivery of water as a public utility to lands that are being or may be capable of being served by said Canal and Irrigation System through said lateral and that the rights granted by the lease are to 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 "N" Lateral in repair and maintain the same.

It appears from the testimony herein that in 1917, 34 acres of land were irrigated below the southern terminus of that portion of the "N" Lateral here under consideration and that in 1918, application for water has been made for only 30 acres below such terminus. The testimony shows that this portion of the "N" Lateral can easily take care of a considerably larger amount of water than that necessary to irrigate said lands which have made application for 1918.

As it appears that all/^{existing}rights are to be safeguarded and that the result of granting this application will simply be to produce a more efficient use of the existing facilities for the irrigation of additional lands, 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 "N" Lateral described in the opinion which precedes this order under the terms and conditions of the form of lease hereinafter referred to, a public hearing having been held 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 "N" Lateral which is described in the opinion which precedes this order.

Within ten 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 22^d day of March, 1918.

Max Thelen
H. S. ...
Chas. Gordon
Frank P. White

Commissioners.