

Decision No. 5910

OFFICE OF THE
RAILROAD COMMISSION

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application
of EMMA H. ROSE, ANNA G. LANE and
HOBART ESTATE COMPANY, a corpora-
tion, for leave to discontinue
operation of the Douglas Ditch in
El Dorado County, California.

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)
) Application No. 3006
)

FAIRPLAY WATER USERS ASSOCIATION,

Complainants,

vs.

)
)
) Case No. 1128.
)

EMMA H. ROSE, ANNA G. LANE and
HOBART ESTATE COMPANY, a corporation,

Defendants.

ORDER DENYING REHEARING
AND MODIFYING ORDER.

BY THE COMMISSION:

It appearing from the amended and
supplemental petition for rehearing and the answer
thereto that applicants and defendants have offered to
their patrons using water from the Douglas Ditch for
irrigation purposes, to pay them the fair value of their
lands irrigated, if they would agree that water service
through said ditch might be discontinued; and that said
patrons have refused to accept said offer or to consent
to a discontinuance of water service; and said offer
appearing to the Commission to be just and reasonable,

and applicants and defendants having recently expressed to the Commission a willingness to pay to their patrons the total sum of \$500 as consideration for such discontinuance of service; and it appearing from the facts set forth in the original opinion that said Douglas Ditch cannot be operated by its owners without great financial loss and then only after investing large sums for reconstruction purposes; and it now appearing to the Commission that applicants and defendants should be permitted to discontinue service of water through said Douglas Ditch, and that a rehearing is not required,

IT IS HEREBY ORDERED that the petition for rehearing herein be and it is hereby denied.

IT IS HEREBY FURTHER ORDERED that the original order herein of January 19, 1916, contained in Decision No. 5056, be and it is hereby modified so that the portion thereof following the first paragraph will read as follows:

IT IS HEREBY ORDERED that all interested parties make a genuine effort to agree upon terms upon which service of water through Douglas Ditch may be discontinued; that verified written report be made to the Commission by the parties either jointly or separately, as to such terms agreed upon; or in the event of disagreement, such fact be stated and the points of disagreement be indicated; that such reports be filed within 30 days from date hereof, and thereafter the Commission will make an appropriate order herein.

Dated at San Francisco, California, this 12th day of November, 1916.

Edwin O. Edgerton
W. H. Hayward
W. H. Gordon
Frank R. DeWitt
Commissioners.

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