

ORIGINAL

Decision No. 6036.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

EDWARD J. COSTELLO, Jr.,
Complainant,

vs.

LOS VERJELS LAND AND WATER
COMPANY,
Defendant.

Case No. 1252.

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Edward J. Costello, Jr., in propria persona.
V. T. McGillicuddy and F. M. Turner for
Los Verjels Land and Water Company.

GORDON, Commissioner.

O P I N I O N.

This is a proceeding brought by Edward J. Costello, Jr., a user of water from the irrigation system of defendant. The complaint alleges, in effect, that defendant is not exercising due care in the operation or maintenance of the irrigating system; that through neglect, water is wasted from the reservoir; that the ditches, flumes and siphons which deliver water to the consumers are in such bad state of repair that water is wasted and an insufficient quantity delivered for the irrigation of the lands using water. Complainant asks that defendant be directed to remedy the causes for complaint and to render efficient service.

In its answer, defendant admits that because of negligence on the part of its local representative, water was wasted during the past season from the reservoir; that the ditch system is dilapidated and in need of extensive repairs but that because

of the lack of funds and difficulty in obtaining labor and material, repairs were delayed.

Defendant owns and operates a small irrigation system in Yuba County, in the vicinity of Bangor, and delivers water for the irrigation of some 260 acres of land planted to olives, citrus and deciduous fruits and miscellaneous crops. The ditch system was originally constructed to deliver water for mining purposes and was purchased by defendant, who constructed a dam to impound the waters from Dry Creek.

Defendant was organized as a land company and acquired and operated the water system as a part of its realty project. In order to attract settlers and purchasers of land, defendant contracted to deliver water and to waive payment of any part of the purchase price of the land for five years. Because of conditions due to the war, sales of land practically ceased and defendant now finds itself without revenue and obligated to deliver water. Stock assessments have been levied to meet the cost of operation and maintenance. I cannot censure too strongly ^{some of the} ~~such~~ unbusinesslike methods, which it is obvious are conducive of inefficient operation. Defendant's credit has been seriously impaired and delay in the payment of operating expenses makes it almost impossible to secure necessary labor and material. The evidence shows that the flumes and pipes are in such dilapidated condition that a large part of the water delivered from the impounding reservoir is lost before reaching the area irrigated. No system of deliveries has been in effect, each consumer taking such amount of water from the ditches as he found available and as in his opinion he could use. No consumer can feel assured that he will receive a sufficient amount of water to irrigate.

I am of the opinion that to give good service and deliver a sufficient quantity of water, so that the irrigators may feel assured that a crop can be produced, it will be necessary to repair or replace practically every flume on the system and I shall recommend that defendant be directed to file plans and specifications for these improvements, also rules and regulations providing, among other things, for a schedule of deliveries.

I submit the following form of order:

O R D E R.

A public hearing having been held in the above entitled proceeding, the matter having been submitted and being now ready for decision,

IT IS HEREBY ORDERED that LOS VERJELS LAND AND WATER COMPANY be and it is hereby directed to file with the Railroad Commission of the State of California, for its approval, plans and specifications for the improvement of its water plant within 20 days from the date of this order.

IT IS FURTHER ORDERED that upon the approval of said plans and specifications, Los Verjels Land and Water Company shall proceed without delay to construct and repair its system, as provided in the approved plans and specifications, and shall complete such construction and improvements on or before May 1st, 1919.

IT IS FURTHER ORDERED that Los Verjels Land and Water Company file for approval by the Railroad Commission, rules and regulations providing for adequate supervision and a satisfactory

schedule of deliveries of water by said company, which rules and regulations it is directed be put in effect as corrected and amended by the Commission.

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 30th day of December, 1918.

Edwin O. Edgerton
H. J. Richards
W. E. Gordon
Frank P. Blum

Secretary.