

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA.

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ORIGINAL

D. G. GORDON,

Complainant,

-vs-

JAMES A. MURRAY, et al.,

Defendants.

Case No. 1057

D. G. Gordon in propria persona  
F. M. Faude for defendants.

BY THE COMMISSION.

O P I N I O N

The complainant herein requests an order of this Commission first: that the defendants have not complied with the order of the Commission, set forth in Decision No. 536, directing defendants to increase their available supply of water at least 33-1/3 per cent.

That the present available supply of water is inadequate to provide a sufficient supply for present irrigation consumers, many of whom have rights to specific quantities of water, which rights originate in certain contracts at stipulated annual rentals for each miner's inch of water.

That defendants contend that these contracts are not binding and are continually harassing irrigation consumers

with repeated applications to the Commission for increased rates.

Complainant asks that the Commission will approve the aforementioned contracts with consumers, and will further order as follows:

That defendants be compelled to construct additional reservoirs; to repair the flume; and to take other steps to provide an adequate supply for irrigation consumers.

Public hearings were held in San Diego, at which time defendants contended that the Commission had decided that an adequate supply had been secured and provided for all existing consumers.

This contention was based upon Decision No. 4058, dated January 25, 1917, which states as follows: "We are satisfied, from the testimony herein, that the Cuyamaca Company may now take on additional irrigation service to the extent of approximately 40 miner's inches."

The case was originally called on August 3, 1917, at which time the defendant appeared and requested a continuance until the finishing of the irrigation season of 1917 with the understanding that thereafter the case would be returned to the calendar and testimony taken. On May 1st, 1918, in accordance with that understanding his case was again called at San Diego at which time the complainant Gordon was still unprepared to proceed and made statements which indicated that he was doubtful as to whether or not he would at any time in the future proceed with the complaint herein. Under the circumstances, we deem that a dismissal without prejudice should be ordered in this matter.

O R D E R

For the reasons herein above given,

IT IS HEREBY ORDERED that the complaint herein be  
and the same is hereby dismissed without prejudice.

Dated at San Francisco, California, this 25<sup>th</sup> day  
of February, 1919.

Edwin A. Egan  
H. L. ...  
Frank R. ...  
H. R. ...  
Irving Martin  
Commissioners