

ORIGINAL

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Decision No. 6299

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of
SACRAMENTO VALLEY WEST SIDE CANAL
COMPANY, SUPERIOR CALIFORNIA FARM
LANDS COMPANY and WILLIAM F. FOWLER,
RECEIVER, for an order authorizing
the sale of a portion of a public
utility water system.

)
:
) Application No. 2978.
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)

MARTIN, Commissioner

SUPPLEMENTAL OPINION

The order of this Commission dated July 14, 1917 authorized Sacramento Valley West Side Canal Company and William F. Fowler, the Receiver of its property, to sell and convey the certain property described in exhibits filed with the application under consideration at that time, but only to the parties and for considerations and upon terms to be thereafter authorized by supplemental order.

On February 17, 1919 there was filed with the Commission an amended application in which the name of Alger Fast is inserted as receiver of the company in lieu of William F. Fowler, who resigned since the former order upon this application, and the Princeton-Codora-Glenn Irrigation District, P. B. Cross and Provident Irrigation District have become joint applicants. The

amended application recites that on October 1, 1917, all the property described in Exhibit "A" attached to the amended application was sold by Special Master Thomas J. Franklin under decree of the District Court of the Northern District of California to Merle B. Moon but that this sale has not yet been confirmed by the court. M. B. Moon entered into a contract with the Princeton-Codora-Glenn Irrigation District in which it is agreed that the former would sell and the latter would buy all of the properties set forth in the contract and marked Exhibits "B" and "C". The application further details certain rights and rights of way granted P. B. Cross by M. B. Moon which will, of course, be given the full legal consideration to which such grants may be found to be entitled.

It is stated that the Princeton-Codora-Glenn Irrigation District has proceeded with its organization and is now prepared to become owner of the properties in question, sufficient monies having been provided for the purchase. All the property is within the territorial limits of the irrigation district, and no obligations of a public utility nature are to be assumed, the property being devoted to the service of the lands within the district only under the Wright Irrigation Act.

It is also stated that certain laterals have been sold to P. B. Cross and by P. B. Cross transferred to the Provident Irrigation District.

The authorization of the Commission is asked for all of these transfers which have been attempted or agreed upon between the parties. The exhibits before referred to state the remuneration for the portions of applicant's property that are to be transferred and the terms of payment.

The record shows that the proceeds of the foreclosure sale, amounting to seventy-five thousand dollars, will be disposed of, under orders of the District Court, as follows:-

Payment to former receiver, William F. Fowler, for compensation allowed by the District Court	\$12,600
Payment to Devlin and Devlin, Attorneys for the receiver, for compensation allowed by the District Court	\$15,000
To be applied on outstanding receiver's certificates, amounting to \$65,000	<u>\$47,400</u>
Total	\$75,000 -

Opposition to the transfer of property to the Provident Irrigation District developed at the hearing held on March 26, 1919, but has since been withdrawn. There was no opposition to the transfer of property to the Princeton-Codora-Glenn Irrigation District.

I submit the following form of order:

O R D E R

SACRAMENTO VALLEY WEST SIDE CANAL COMPANY, a corporation, and Alger Fast, receiver of said Sacramento Valley West Side Canal Company, Superior California Farm Lands Company, Princeton-Codora-Glenn Irrigation District, P. B. Cross, and Provident Irrigation District having made application to this Commission for permission to transfer certain property, described in the Exhibits attached to the amended petition, public hearings having been held; and the Commission being of the opinion that

this amended application should be granted,-)

IT IS HEREBY ORDERED that Sacramento Valley West Side Canal Company, and Alger Fast, receiver thereof, be and the same are hereby authorized to sell and convey to Princeton-Codora-Glenn Irrigation District the property known as the River Branch Canal, described in "Exhibit B" and designated as "Parcel 1", subject to a right of way to the Provident Irrigation District, and also to sell and convey to said District all the properties described in "Exhibit C" and designated as "Parcel 2".

IT IS HEREBY FURTHER ORDERED that Sacramento Valley West Side Canal Company, and Alger Fast, receiver thereof, be and the same are hereby authorized to sell and convey to P. B. Cross, the following described properties:

That part of the said canal and irrigation system of said Sacramento Valley West Side Canal Company described in "Exhibit A" and commonly known as the "Barnes Lateral", "Quatman Lateral", "Schaad A Lateral", "Schaad B Lateral", "Chambers East Lateral", "Chambers West Lateral", "Quint Lateral", "Hagopian Lateral", "Hagopian A Lateral", "Hagopian B Lateral", "Hagopian C Lateral", "Hagopian D Lateral", "Bank Lateral", "Hill Lateral", "Nishan Lateral."

IT IS HEREBY FURTHER ORDERED that Sacramento Valley West Side Canal Company, and Alger Fast receiver thereof, be and the same are hereby authorized to sell and convey to Provident Irrigation District the following property described in said "Exhibit A":

That part of said canal and irrigation system known as "Schaad Lateral", "Schaad Lateral through Hart Ranch", and "Quint Lateral through Hart Ranch" and the right of way described in paragraph VII of the application.

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 2nd
day of May, 1919.

H. L. ...
Frank ...
H. V. ...
Irving Martin
Commissioners.