

ORIGINAL

Decision No. 6728

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application)
of JAMES CANAL COMPANY and TRAN-)
QUILLITY IRRIGATION DISTRICT for)
an order approving agreement to) Application No. 4552.
sell properties and authorizing)
the conveyance thereof and the pay-)
ment of the purchase price there-)
for, and the withdrawal of said)
James Canal Company from further)
operations within Tranquillity Ir-)
rigation District.)

James M. O'Brien for applicant.
L. L. Dennett for Tranquillity
Irrigation District.

BY THE COMMISSION:

O P I N I O N

James Canal Company applies for authority
to transfer to Tranquillity Irrigation District/^{most of} its irriga-
tion system in and about Tranquillity, Fresno County, and
a two-thirds interest in the Beta Main Canal, which extends
from Fresno Slough, being the south branch of Kings River,
westerly to and within Tranquillity Irrigation District near
its southwest line.

A public hearing upon the application was
held by Examiner Westover at Tranquillity.

The irrigation district recently organized, includes nearly all of the irrigation system of the James Canal Company and includes the lands of all the latter's consumers except two: W. E. Leak of Los Angeles, owning 20 acres and R. F. Blair of Coalings, owning 40 acres. These lands adjoin the southerly line of the irrigation district, and are within the new James Irrigation District now being organized. The testimony shows that the owners of these lands hold contracts with the Canal Company. All other contracts for irrigation by the Canal Company with consumers outside of the new Tranquility Irrigation District have been cancelled, the consumers receiving stock in Beta Mutual Water Company in lieu thereof. The San Joaquin Valley Farm Lands Company, which subdivided all of the lands in the vicinity and which owns all of the stock of the Beta Mutual Company and applicant, James Canal Company, offers to contract with Mr. Leak and Mr. Blair that they may have service from Beta Mutual Water Company, a suitable amount of its stock being assigned to them to assure such service. The irrigation heretofore available to these two pieces of land has been that which could be supplied through Beta Main Canal which receives water from the slough during a season of from four to six weeks, usually beginning about the middle of May. It appears from the testimony that they will be as well served under the proposed arrangements as they have been served in the past.

O R D E R

JAMES CANAL COMPANY and TRANQUILLITY IRRIGATION DISTRICT having applied for authority to transfer an irrigation system from the former to the latter, a public hearing having been held thereon and the matter being ready for decision,

IT IS HEREBY ORDERED that James Canal Company be and it is hereby authorized and empowered to transfer to Tranquillity Irrigation District the property described in the agreement between said parties, dated February 13, 1919, and attached to the application herein as Exhibit "D", the property described in said exhibit including the property set forth in the schedule hereto annexed; for the agreed purchase price of \$50,000, with interest thereon at the rate of 6% per annum from the date of said agreement until paid.

This authority is granted upon the following conditions:

1. Applicants shall within 60 days from date hereof procure and file with the Commission cancellation and surrender of contract between James Canal Company and W. E. Leak for irrigation of the latter's 20 acres of land and contract between said company and R. F. Blair for the latter's 40 acres of land; or in lieu of cancellation of said two contracts the assurance of San Joaquin Valley Farm Lands Company that said lands of said Leak and Blair shall receive water service from Beta Mutual Water Company equal to that provided for said lands by said contracts with said James

Canal Company; the authority herein contained to transfer property not to become effective until said contracts have been surrendered and filed with the Commission or until said assurance and resolution of said San Joaquin Valley Farm Lands Company has been filed with the Commission.

2. The authority herein contained shall extend only to such conveyance as may be executed and delivered within 90 days from date hereof.

3. Within 10 days after execution and delivery of conveyance, James Canal Company shall make written and verified report to the Commission setting forth the fact and date of delivery of conveyance and file copy thereof.

4. Nothing herein contained shall be construed as a finding by the Railroad Commission of the value of said property to be transferred.

Dated at San Francisco, California, this
2nd day of ~~September~~ ^{October}, 1919.

Edwin O. Edgerton
J. D. Lybrand
Frank W. W. W.
Dwight Martin
Commissioners.

Schedule to accompanying decision in Application No. 4552 showing real property to be covered by conveyance therein authorized.

I.

All canals and ditches forming a part of James Canal Company's/irrigation system as shown and delineated upon the official map thereof recorded in Volume 7 of Records of Surveys at page 22, Fresno County Records, together with all right, title and interest of said Company in and to the easement and rights-of-way therefor, together with any and all rights it heretofore may have acquired, if any, by prescription or otherwise, to divert and distribute water to and for beneficial use upon any land now included within the boundaries of said District; excepting:

(a) Ditches Numbered 32, 33 and 35, and Main Canal Numbered 6, and all that part of Main Canal Numbered 4, Ditch Numbered 34 and Main Canal Numbered 5, lying southerly of the South line of Subdivision 8 of Tranquillity Colony as said line is delineated upon the official map thereof on file and of record in Volume 5 at page 51 of Records of Surveys, Fresno County Records;

(b) Also excepting that part or portion of the Inside and Outside canals lying southeasterly of the east line of Section 30, Township 15 South, Range 16 East, M.D.B. & M.;

(c) Also excepting that certain ditch extending from the end of said Main Canal No. 6 at a point in Lot 1 of Subdivision 9 of Tranquillity Colony and extending in a northwesterly direction through Lot 26 in Subdivision 8 of Tranquillity Colony to a point in Lot 27 of said Subdivision 8;

II.

An undivided two-thirds interest in and to that part and portion, lying easterly and southeasterly of the east line of Section 30, Township 15 South, Range 16 East, M.D.B. & M., of that certain canal known as the Beta Main Canal, together with the headgate thereof, as shown and delineated upon a map thereof recorded in Volume 9 of Records of Surveys at Pages 65 and 66, Fresno County Records; and also an undivided one-half interest in and to the diversion weir and dam situate near the southwest corner of Section 6, Township 16 South, Range 17 East, M.D.B. & M., used and useful for the purpose of effectuating and regulating the diversion of water from Fresno Slough into said Beta Main Canal; and also an undivided one-half interest in and to a certain dam or check situate in a branch slough at a point in and near the southerly boundary of the Northeast Quarter of Section 8, Township 15 South, Range 17 East, used and useful for the purpose of facilitating the diversion of waters into said Beta Main Canal; it is understood that the undivided interests in and to the properties hereinbefore in this paragraph specified are the whole and entire interests therein owned and transferable by said Company, and that the remaining undivided interests therein are owned by the Beta Mutual Water Company, a corporation, and not intended by this instrument to be sold by said Company to said District.

Also the pumping plant and pump house, together with all machinery and equipment therein and constituting a part of said pumping plant, situate on the west bank of Fresno Slough near the southwest corner of Section 33, Township 14

South, Range 16 East, M.D.B. & M., together with a site one hundred feet square, or its equivalent in area, upon which the same is situate and for the convenient use and occupation thereof; and also all existing pumps, pumping plants, culverts, checks, headgates and other irrigation works owned by said Company attached to and forming a part of the canals and ditches and parts of canals and ditches sold, as aforesaid.

Also the right, jointly with the Beta Mutual Water Company, a corporation, its successors and assigns, to operate, maintain and repair the said part of Beta Main Canal hereby sold, and also said dam, diversion wier, headgate and check or dam afore mentioned.

And said Company agrees to cause the Beta Mutual Water Company, a corporation, to quit claim to said District all of its right, title and interest in and to that part or portion of the right-of-way of said Beta Main Canal lying northwesterly of the east line of said Section 30, Township 15 South, Range 16 East, M.D.B. & M., as shown upon the said map of said canal, and also an undivided two-thirds interest in and to the headgate and right-of-way of that part of said Beta Main Canal lying easterly and southeasterly of the east line of said Section 30, Township 15 South, Range 16 East, M.D.B. & M., and also an undivided one-half interest in and to the diversion wier and dam and check or dam specified in Paragraph II hereof, reserving in said Beta Mutual Water Company the remaining undivided interests in and to said properties.