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Decision No. 2253

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)	
FRESNO CANAL AND LAND CORPORATION and)	
LAGUNA IRRIGATION DISTRICT for auth-)	Application Number 7003.
ority to sell certain properties of)	
the Fresno Canal and Land Corporation)	
to said district.)	

ORIGINAL

BY THE COMMISSION:

O R D E R

FRESNO CANAL AND LAND CORPORATION asks permission to sell the properties described in Exhibit "A" attached hereto to Laguna Irrigation District. The district has agreed to pay \$265,000. for the properties.

In Decision Number 8971, dated May 14, 1921, the Commission authorized Fresno Canal and Land Corporation to sell certain of its properties to the Fresno Irrigation District, for the sum of \$1,750,000.

Applicants report that the Laguna Irrigation District has been properly organized and that all of the land which has been served by Fresno Canal and Land Corporation, through the properties which it intends to sell to the Laguna Irrigation District, are included in the Laguna Irrigation District.

The Commission is of the opinion that this is not a matter in which a hearing is necessary and that this application should be granted subject to the conditions of this order,

WHEREFORE, IT IS ORDERED that Fresno Canal and Land Corporation be, and it is hereby, authorized to sell and transfer to Laguna Irrigation District, the properties described in Exhibit "A" attached hereto, and said Laguna Irrigation District is hereby authorized to purchase said properties.

The authority herein granted is subject to the following conditions;-

1. The authority herein granted does not in any manner whatsoever relieve Fresno Canal and Land Corporation from rendering adequate service to consumers connected with, or served by, or through, that portion of its properties, plant and system, which are not being sold to the Laguna Irrigation District.
2. The consideration being paid for the properties described in Exhibit "A" attached hereto, by the Laguna Irrigation District, shall not be urged as a measure of value of the properties herein authorized to be sold, or the properties retained by the Fresno Canal and Land Corporation for any purpose other than the transfer herein permitted.
3. Within 30 days after its execution, Laguna Irrigation District shall file with the Commission a verified copy of the deed under which it has secured and holds title to the properties which it is herein permitted to purchase.
4. Fresno Canal and Land Corporation shall notify the Commission of the date on which it relinquishes control and possession of the properties, such notification to be submitted to the Commission within 10 days after control and possession of the properties has been relinquished.
5. The authority herein granted will apply only to such

sale and transfer as may be effected on or before
December 1, 1921.

Dated at San Francisco, California, this 22^d day of
July, 1921.

B. J. Ponder
H. J. Howard
Deputy Attorney

Commissioners.

EXHIBIT "A"

All those tracts and parcels of land lying and being in the County of Fresno, State of California, and bounded and described as follows, to-wit:-

1. Commencing at a point on the Section line between sections twenty-two (22) and twenty-three (23) in township seventeen (17) south, range twenty-one (21) east, Mount Diablo base and meridian, from which the one-quarter corner common to said sections bears north 1000 feet; thence south 54 degrees, 45 minutes east, 160 feet; thence south 77 degrees, 30 minutes east, 150 feet; thence south 81 degrees, 45 minutes east, 370 feet; thence south 68 degrees, 5 minutes east, 200 feet; thence north 30 degrees, 40 minutes east, 200 feet; thence north 48 degrees, 45 minutes east, 520 feet; thence south 390.3 feet to the center of county road on south bank of Cole Slough; thence following center of road south 50 degrees, 35 minutes west, 1073 feet; thence following center of road north 54 degrees, 47 minutes west, 1090 feet; thence following center of road north 32 degrees, 45 minutes west, 300 feet; thence following center of road north 89 degrees, 48 minutes west, 436.4 feet; thence north 30 feet to the north line of road; thence south 89 degrees, 48 minutes east 400 feet; thence north 75 feet; thence north 45 degrees, 00 minutes east, 100 feet; thence south 71 degrees 00 minutes east, 182 feet; thence south 57 degrees, 15 minutes east, 180 feet; thence south 39 degrees, 15 minutes east, 70 feet; thence south 74 degrees, 20 minutes east, 158 feet to the point of beginning, containing nineteen (19) acres, more or less.

2. Parcel of land in lot seventeen (17), in section thirty-six (36) township seventeen (17) south, range nineteen (19) east, M.D.B. & M., commencing at the northeast corner of said lot seventeen (17), thence west along north side of said lot seventeen (17), 430 feet; thence south 22 degrees 45 minutes west, 103 feet; thence east 480 feet; thence north 95 feet, to the point of beginning, containing one (1) acre, more or less.

3. All right, title and interest to that portion of lot twenty-seven (27), in section twenty-five (25), township seventeen (17) south, range twenty (20) east, M. D. B. & M., lying south of "E" Canal, containing one-half ($\frac{1}{2}$) acre, more or less.

4. The right, title and interest of the Corporation to a parcel of land, one-half ($\frac{1}{2}$) acre, more or less, and the buildings located thereon, situate on the south side of the Kings River at what is known as the Zalda Weir, which interest to such land needed for levee purposes is held jointly with the Island Reclamation District, no title having been conveyed to said District.

II.

All the following described canals, ditches and laterals of Fresno Canal and Land Corporation constituting a portion of or used in connection with Fresno Canal and Land Corporation's irrigation system:

1. "A" CANAL: Beginning at a point in the west bank of Teilman Cut near the east line of section twenty-two (22), township seventeen (17) south, range twenty-one (21) east, M. D. B. & M., and running thence in a general westerly direction 3.13 miles to a point in the east bank of "B" Canal, lot twenty-seven (27), section twenty (20), township seventeen (17) south, range twenty-one (21) east, M. D. B. & M., having the following widths, more or less, and approximate lengths of rights of way:

From point of beginning to point of joining Grant Canal for a length of 1500 feet, a width of 90 feet;

From point of joining Grant Canal to Kingston road for a length of 5800 feet, a width of 70 feet;

From Kingston road to departure from Grant canal for a length of 2270 feet, a width of 90 feet;

From departure of Grant Canal to end at "B" ditch for a length of 6350 feet, a width of 40 feet.

2. MAIN GRANT CANAL: Beginning at a point in the west bank of Tollman Cut near the east line of section twenty-two (22), township seventeen (17) south, range 21 east, M. D. B. & M., and running thence in a general westerly direction 5.75 miles to a point near the northeast corner of lot twenty-six (26), section twenty-five (25), township seventeen (17) south, range twenty (20) east, M. D. B. & M., having the following widths, more or less, and approximate lengths of rights of way:

From point of beginning to the departure from "A" ditch, a length of 9620 feet, a width of 110 feet;

From departure from "A" ditch to point in section 30, township 17 south, range 21 east, M. D. B. & M., for a length of 7343 feet, a width of 150 feet;

From above described point to the end in section 25, township 17 south, range 20 east, M. D. B. & M., for a length of 15,383 feet, a width of 70 feet.

3. "B" CANAL: Beginning at a point in the north bank of Grant Canal on lot 16, section twenty-nine (29), township seventeen (17) south, range twenty-one (21) east, M. D. B. & M., and running thence in a northwesterly direction 7.56 miles to a point in lot 2, section sixteen (16) township seventeen (17) south, range twenty (20) east, M. D. B. & M., having the following widths, more or less, and approximate lengths of rights of way:

From point of beginning to southwest corner of lot 20, section 13, township 17 south, range 20 east, M. D. B. & M., for a length of 17,200 feet, a width of 60 feet;

From above described point to east line of lot 10, in said section 13, for a length of 2930 feet, a width of 50 feet;

From above described point to a point in said lot 10 for a length of 760 feet, a width of 75 feet;

From above described point to the pond in lot 16, section 14, township 17 south, range 20 east, M. D. B. & M., for a length of 1230 feet, a width of 50 feet;

From said pond in lot 16 to the end at Murphy Slough in section 16, for a length of 17,800 feet, a width of 40 feet.

4. "B2" CANAL: Beginning at a point on the west bank of "B" Canal on lot 10, section twenty-nine (29), township seventeen (17) south, range twenty-one (21) east, M. D. B. & M., and running thence in a westerly direction 3.07 miles to a point in the west line of lot 1, section twenty-six (26), township seventeen (17) south, range twenty (20) east, M. D. B. & M., having the following widths, more or less, and approximate lengths of rights of way:

From point of beginning to the end at northwest corner of lot 1, section 26, township 17 south, range 20 east, M. D. B. & M., for a length of 16,200 feet, a width of 40 feet.

5. "G" CANAL: Beginning at the end of Grant Canal near the northeast corner of lot 26, section twenty-five (25), township seventeen (17) south, range twenty (20) east, M. D. B. & M., and running thence in a general westerly direction 6.02 miles to a point in the east bank of Burrel Canal near the southeast corner of section nineteen (19), township seventeen (17) south, range twenty (20) east, M. D. B. & M., having the following widths, more or less, and approximate lengths of rights of way:

From its head to check gate in lot 6, section 33, township seventeen (17) south, range twenty (20) east, M. D. B. & M., for a length of 21,200 feet, a width of 60 feet;

From said check gate in lot 6, in said section 33, to lot 18 in section 29, township 17 south, range 20 east, M. D. B. & M., for a length of 4030 feet, a width of 40 feet;

From said lot 18 to the end in Burrel ditch in section 19, township 17 south, range 20 east, M. D. B. & M., for a length of 6560 feet, a width of 30 feet.

6. "F" CANAL: Beginning at a point in the north bank of "G" Canal on lot 26, section twenty-six (26), township seventeen (17) south, range twenty (20) east, M. D. B. & M., and running thence in a

general northwesterly direction 2.86 miles to a point in the west bank of Turner Ditch in lot 9, section twenty-one (21), township seventeen (17) south, range twenty (20) east, M. D. B. & M., having the following widths, more or less, and approximate lengths of rights of way:

From point of beginning to center line of section 26, township 17 south, range 20 east, M. D. B. & M., for a length of 1864 feet, a width of 60 feet;

From above described point to a point in lot 4, section 27, township 17 south, range 20 east, M. D. B. & M., for a length of 3328 feet, a width of 40 feet;

From above point in lot 4 to the Waste Gate in lot 22, section 21, township 17 south, range 20 east, M. D. B. & M., for a length of 7708 feet, a width of 50 feet;

From said Waste Gate to the end at Riverdale ditch in lot 9, in said section 21, for a length of 2310 feet, a width of 40 feet.

7. "E" CANAL: Beginning at the end of Grant Canal near the northeast corner of lot 26, section twenty-five (25), township seventeen (17) south, range twenty (20) east, M. D. B. & M., and running thence in a general southwesterly direction 13 miles, more or less, to a point near the south quarter corner of section thirty-three (33), township seventeen (17) south, range nineteen (19) east, M. D. B. & M., having the following widths, more or less, and approximate lengths of rights of way:

From its point of beginning for a length of 13,945 feet, a width of 75 feet;

From Siphon Ditch headgate to West line of Elm Avenue for a length of 9400 feet, a width of 60 feet;

From said Elm Avenue to north line of section 5, township 18 south, range 20 east, M. D. B. & M., for a length of 9050 feet, a width of 50 feet;

From said north line of section 5, township 18 south,

range 20 east, M. D. B. & M., to west line of section 32, township 17 south, range 20 east, M. D. B. & M., for a length of 4770 feet, a width of 40 feet;

From said west line of said section 32, to south line of lot 16 in section 36, township 17 south, range 19 east, M. D. B. & M., for a length of 7040 feet, a width of 50 feet;

From said lot 16 to north line of lot 18, in section 36, township 17 south, range 19 east, M. D. B. & M., for a length of 890 feet, a width of 70 feet;

From said lot 18 to center of section 35, township 17 south, range 19 east, M. D. B. & M., for a length of 7300 feet, a width of 50 feet;

From said center of section 35, township 17 south, range 19 east, M. D. B. & M., to a gate in lot 30, section 35, township 17 south, range 19 east, M. D. B. & M., for a length of 683 feet, a width of 70 feet;

From said gate to lot 29, in section 35, township 17 south, range 19 east, M. D. B. & M., for a length of 1877 feet, a width of 50 feet;

From said lot 29 to Southeast quarter of Southeast quarter of section 34, township 17 south, range 19 east, M. D. B. & M., for a length of 2010 feet, a width of 40 feet;

From southeast quarter of Southeast quarter of said section 34 to the end near the south quarter corner of section 33, township 17 south, range 19 east, M. D. B. & M., for a length of 10,168 feet, a width of 30 feet.

8. SIPHON CANAL: Beginning at a point in the south bank of "E" Canal on the west line of lot 5, section 2, township 18 south, range 20 east, M. D. B. & M., and running thence in a general south-westerly direction 1.59 miles to a point at the south end of siphon across Zalda Canal at head of Island Canal near the northeast corner of lot 4, section ten (10), township eighteen (18) south, range twenty (20) east, M. D. B. & M., having the following widths, more

or less, and approximate lengths of rights of way:

From point of beginning to levee in lot 27, in section 2, township 18 south, range 20 east, M. D. B. & M., for a length of 3670 feet, a width of 70 feet;

From said levee to Island headgate for length of 4700 feet, a width of 30 feet.

9. "E" WASTEWAY: Beginning at a point in the south bank of "E" Canal near the north line of lot 17, section thirty-six (36) township seventeen (17) south, range nineteen (19) east, M. D. B. & M., and running thence in a general southwesterly direction 2.31 miles to a point at the south end of a gate constructed through the Reclamation Levee near the southeast corner of lot 1, section eleven (11), township eighteen (18) south, range nineteen (19) east, M. D. B. & M., having the following widths, more or less, and approximate lengths of rights of way:

From point of beginning to levee in section 11, township 18 south, range 19 east, M. D. B. & M., for a length of 12,185 feet, a width of 45 feet.

10. NORTH ISLAND CANAL: Beginning at the end of Siphon Canal which is the south bank of Zalda Canal near the northeast corner of lot 4, section ten (10), township eighteen (18) south, range twenty (20) east, M. D. B. & M., and running thence in a general southwesterly direction 3.75 miles to a point at the west end of a gate constructed through reclamation levee near the east line of lot 10, section twenty-seven (27), township eighteen (18) south, range nineteen (19) east, M. D. B. & M., having the following widths, more or less, and approximate lengths of rights of way:

From the point of beginning to divide with South Island Canal for a length of 1438 feet, a width of 170 feet;

From said point of division to East line of lot 7, section 9, township 18 south, range 20 east, M. D. B. & M., for a length of 5470 feet, a width of 130 feet;

From said line of lot 7 to lot 2 in section 17, township

18 south, range 20 east, M. D. B. & M., for a length of 6347 feet, a width of 30 feet;

From said lot 2 to north quarter corner of section 24, township 18 south, range 19 east, M. D. B. & M., for a length of 16,062 feet, a width of 30 feet;

From said quarter corner to lot 8 in section 27, township 18 south, range 19 east, M. D. B. & M., for a length of 15,776 feet, a width of 40 feet;

From said lot 8 to end at levee for a length of 986 feet, a width of 60 feet.

11. SOUTH ISLAND CANAL: Beginning at a point in the south bank of North Island Canal near the south line of lot 4, section ten (10), township eighteen (18) south, range twenty (20) east, M. D. B. & M., and running thence in a general southwesterly direction 4.06 miles to a point on the east bank of North Island Canal on lot 15, section eighteen (18) township eighteen (18) south, range twenty (20) east, M. D. B. & M., having the following widths, more or less, and approximate lengths of rights of way:

From point of beginning to the center line of lot 11, section 17, township 18 south, range 20 east, M. D. B. & M., for a length of 16,281 feet, a width of 20 feet;

From said center line of lot 11 to west line of section 17, township 18 south, range 20 east, M. D. B. & M., for a length of 2159 feet, a width of 100 feet;

From said west line of section 17 to the junction with North Island Canal, for a length of 2990 feet, a width of 30 feet.

12. "G" DITCH EXTENSION: Beginning in the south bank of "G" Ditch in lot eight (8), section twenty-nine (29), township seventeen (17) south, range twenty (20) east, M. D. B. & M., thence in a southerly and southwesterly direction 2½ miles, more or less, to the north bank of "E" Canal in lot eighteen (18), section thirty-six (36) township seventeen (17) south, range nineteen (19) east; having the following widths, more or less, and approximate lengths of rights of

way:

From its point of beginning to the end in lot 16, section 36, township 17 south, range 19 east, M. D. B. & M., for a length of 13,850 feet, a width of 50 feet.

13. SUMMIT LAKE DITCH: Beginning in the south bank of Beall Slough in lot eight (8), section eleven (11), township eighteen (18) south, range nineteen (19) east, M. D. B. & M., thence in a south-westerly direction $1\frac{1}{2}$ miles, more or less, to the southwest corner of lot 16, section ten (10), township eighteen (18) south, range nineteen (19) east; having the following widths, more or less, and approximate lengths of rights of way:

From point of beginning to the end in Section 10, township 18 south, range 19 east, M. D. B. & M., for a length of 7920 feet, a width of 40 feet.

The above canals are more specifically delineated on a map filed in the County Recorder's Office of Fresno County, in Book of Miscellaneous Maps at page, and in the County Recorder's Office of Kings County in Book of Miscellaneous Maps at page

III.

Four (4) shares of stock in the Laton Telephone Company, being certificate #1, dated June 7th, 1917, duly endorsed by the Corporation.

Also a certain telephone line commencing on the east line of the Townsite of Laton, thence east about one-half ($\frac{1}{2}$) miles to the Reynolds Weir.

Also a telephone line commencing at the southwest corner of section thirty-six (36), township seventeen (17) south, range twenty (20) east, M. D. B. & M., and extending southerly about two (2) miles, to the Zalda Weir.

IV.

Also, the entire irrigation system of the Fresno Canal

and Land Corporation situate within the boundaries of the Laguna Irrigation District, including in addition to the foregoing tracts and parcels of land, canals, ditches and laterals, telephone stock, all other tracts and parcels of land, canals, ditches and laterals together with the dams, headgates, weirs, flumes, aqueducts, structures, drops, checks, rights of way, water rights, rights to the use of water, privileges, franchises and easements, options and rights and property and rights secured and to be secured thereunder, tools, books, records and maps and other property and rights of the Fresno Canal and Land Corporation, real, personal or mixed, tangible or intangible, corporeal or incorporeal, wherever located as appurtenant to its irrigation system, so within the Laguna Irrigation District, exclusive, however, of the sale of certain parts and portions of the property and system of the Fresno Canal and Land Corporation to the Fresno Irrigation District, also subject to the following exceptions, to-wit:

1. The right of the Murphy Slough Association, comprising the Riverdale Ditch Company, Turner Ditch Company, Liberty Mill Race Ditch Company and the Reed Ditch Company, to five twelfths ($5/12$) interest, and of the Liberty Canal and Irrigation as to one-sixth ($1/6$) interest in those certain works situate on Kings River, and commonly known as Reynolds Cut Weir, the Murphy Slough Weir and the Wasteway Gate; provided however, that such Murphy Slough Association and such Liberty Canal Company shall bear their proportionate interest as above expressed of the maintenance and operation of such weirs and gates, including the reconstruction and repair of same whenever necessary and when called upon by said Laguna Irrigation District; provided however, that right shall be maintained in said Murphy Slough Association and said Liberty Canal and Irrigation Company for ingress and egress to such works, and to the records maintained with the relation to the waters flowing therefrom, and in relation to the division thereof as between themselves and said Laguna Irrigation District.

2. All moneys on hand or on deposit, all notes and accounts

receivable including water rentals up to and including the year 1920, and the amount repayable to the first party by said second party for the cost and maintenance and operation of its canal system, in accordance with the agreement of the 25th of February, 1921, and the agreement of the same date supplementary thereto, heretofore entered into between the parties hereto, and the right or franchise of Fresno Canal and Land Corporation to be a corporation.

3. Subject to the right on the part of Fresno Canal and Land Corporation and Consolidated Canal Company and Laguna Lands, a corporation, to inspect and use insofar as the same may be necessary and appropriate, any of the books, maps and records herein referred to insofar as they may relate to or be connected with any of the properties or any portion thereof owned or possessed by the Consolidated Canal Company, Laguna Lands, or retained by the said Fresno Canal and Land Corporation as a portion of its irrigation system.