

ORIGINAL

Decision No. 9753.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
SOUTH FEATHER LAND AND WATER COMPANY )  
for an order authorizing an increase )  
in rates and charges for water furn- )  
ished and service rendered by it, in )  
the Counties of Butte and Yuba. )

Application No. 5283.

WYANDOTTE WATER USERS' ASSOCIATION, )  
Complainant, )  
vs. )  
SOUTH FEATHER LAND AND WATER COMPANY, )  
Defendant. )

Case No. 1403.

W. E. Duncan, Jr., for Wyandotte Water  
Users' Association and Protestant,

C. F. Metteer, for South Feather Land  
and Water Company.

BY THE COMMISSION:

SECOND SUPPLEMENTAL OPINION ON FURTHER HEARING

A First Supplemental Opinion and Order on Further Hearing  
of above entitled proceedings was rendered by this Commission  
on May 23, 1921 - Decision No. 9002.

This decision was issued, pending a final determination of the matters involved, to provide applicant with funds to enable it to make its necessary preparations to give proper irrigation service for the approaching season, and upon the showing from the evidence that there was urgent need of relief. Provision was made therein for collection of the first instalment of the annual charge for the present irrigation season at the rate established by this Commission's Decision No. 8492, rendered on December 24, 1920, namely, one half of the annual charge of \$60 per miner's inch per season. We have now for consideration the protests filed by the consumers against the irrigation rate established by aforementioned decision.

The protestants ask for a reconsideration and an adjustment of this rate, alleging in effect that it results in charges to the consumers that are unduly high and greater than they can afford to pay. In support of their contentions much additional evidence was introduced at the further hearing in these proceedings. This consisted largely of the testimony of a number of consumers who presented statements in more or less detail of the expenditures and crop receipts for their orchard properties. Also, testimony was introduced as to the recent inadequate service rendered by the utility, claiming thereby that their crops would not be properly matured, and consequently losses would be suffered.

It was admitted by applicant that a water shortage existed on the system during the three seasons of 1918 to 1920 inclusive, when the available supply during the low flow of the streams was inadequate to furnish the requirements of the consumers and it was necessary to prorate deliveries of water. However it was shown that the above seasons were a succession of years of ab-

normally low rainfall and that the water shortage was general throughout the state; but no evidence was introduced that the utility, under the conditions obtaining on the system, had not efficiently transmitted and distributed the water supply available during said water shortage.

While it is an indisputable fact that rates are directly affected by the ability of the rate payer to meet them, the question of the ability or inability to pay is often most difficult of determination. An important factor in connection with the establishment of the rate was that the system as at present developed has now reached approximately the limits of its capacity in order to provide adequate service for the needs of the present acreage irrigated. And, since further extension of service to new lands not heretofore irrigated is now restricted, the burden of the rate to yield the necessary revenue falls on existing consumers for the future operation of the system under the conditions which obtain. This factor and all other elements considered by the Commission in fixing these rates are very fully set forth and discussed in the opinion rendered in Decision No. 8492, and reference is hereby made thereto.

After careful analysis and consideration of the testimony and data submitted at the further hearing, it appears that no convincing evidence was introduced which in fairness to both the utility and the consumers would justify any modification of the rate schedule heretofore established in this proceeding.

#### SECOND SUPPLEMENTAL ORDER

A further hearing having been instituted by this Commission in the above entitled proceedings, following protests filed by

the consumers against the irrigation rate in effect and heretofore established in Decision No. 8492,-rendered by the Commission December 24, 1920; a public hearing having been held and additional evidence introduced, the matter having been submitted and being now ready for decision,

It Is Hereby Found as a Fact that said irrigation rate at present in effect is a just and equitable rate to be charged for the service rendered by South Feather Land and Water Company to its consumers;

And basing its order upon the foregoing findings of fact and the further findings of fact contained in the opinion preceding this order and in the opinion heretofore rendered in Decision No. 8492,

IT IS HEREBY ORDERED that the irrigation rate remain as set forth and established in Decision No. 8492 and that South Feather Land and Water Company proceed to collect, according to its rules and regulations, the second instalment for 1921 of the rate so established, namely, one half of the annual charge of \$60 per miner's inch per season.

Dated at San Francisco, California, this 10<sup>th</sup> day of November, 1921.

*H. B. Sandigo*

*Irving Martin*  
*Dean J. Howell*  
*J. J. Smith*  
Commissioners.