

Decision No. ~~9775~~ - 9795.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the )  
FRESNO CANAL AND LAND CORPORATION for )  
authority to sell and the CONSOLIDATED )  
CANAL COMPANY for authority to purchase ) Application No. 6869.  
certain property of the Fresno Canal and )  
Land Corporation known as the Lone Tree )  
Channel and its laterals. )

L. L. Cory for applicants.

BY THE COMMISSION.

O P I N I O N

In this proceeding the Fresno Canal and Land Corporation and the Consolidated Canal Company, both public utilities supplying water for irrigation purposes in Fresno and Kings Counties, make joint application as entitled above. The canal properties, ditch rights and appurtenances which it is proposed to sell and to purchase at an agreed price of \$52,750 include the Lone Tree Channel, Highland Canal, McCall Canal, and a certain interest in the Garfield Ditch, all more particularly described in the deed of sale, a copy of which is attached to the application and marked Exhibit "K". A sales agreement entered into between the applicants is also attached and marked Exhibit "D". Therein it is agreed that the sale price will be represented by a promissory note executed by the Consolidated Canal Company to the Fresno Canal and Land Corporation and payable on or before one year from the date thereof, with interest at 8%. Subsequent-

ly a supplemental application was filed asking that there be included in the proposed transfer what is known as the Sierring Ditch, which it is alleged is an integral part of the above mentioned canal properties and had been inadvertently omitted from the original application, the agreed price therefor to be \$8,348.54, to be paid in accordance with the terms of the agreement set forth in the original application.

A public hearing was held at Fresno before Examiner Satterwhite, of which all interested parties were notified and given an opportunity to appear and be heard.

The evidence shows that these canals constitute the only public utility property now owned by the Fresno Canal and Land Corporation, the major portion of its properties having recently been acquired by the Fresno Irrigation District. Upon the consummation of the transfer for which application is made herein the Fresno Canal and Land Corporation proposes to disincorporate. It was further shown that the Consolidated Canal Company is the owner of and is now operating an extensive public utility irrigation system and is in a position to render proper and adequate service to the present consumers on the Lone Tree Channel and other canals which are proposed to be transferred.

#### O R D E R

Joint application having been made for authority to transfer to the Consolidated Canal Company certain canal properties and rights of the Fresno Canal and Land Corporation, more particularly described in Appendix "A" attached hereto and made a part hereof, a public hearing having been held and the matter having been submitted,

It Is Hereby Found as a Fact that public convenience and na-

cessity would be best served by the granting of the application.

And basing its order on the foregoing finding of fact and the statements of fact contained in the opinion preceding this order,

IT IS HEREBY ORDERED that the Fresno Canal and Land Corporation be and it is hereby granted authority to sell, and Consolidated Canal Company to purchase, the certain properties and rights more particularly described in Appendix "A" attached hereto, in accordance with the terms of the agreement attached to the application and marked Exhibit "D" and as amended in the supplemental application, upon the following conditions and not otherwise:

1. The purchase price agreed upon between the applicants herein shall not be urged before this Commission or any other public body as a finding of value for rate fixing or any other purpose than the transfer herein authorized.
2. The authority herein granted shall apply only to such transfer as may have been made on or before January 31, 1922, and a certified copy of the instrument of conveyance shall be filed with this Commission by the Fresno Canal and Land Corporation within thirty (30) days of the date on which it is executed.
3. Within ten (10) days from the date on which Fresno Canal and Land Corporation actually relinquishes control and possession of the properties herein authorized to be transferred, a certified statement shall be filed with this Commission indicating the date on which such control and possession has actually been relinquished.

Dated at San Francisco, California, this 23rd day of November, 1921.

H. B. Brundage

James Martin

Charles H. Taylor

J. H. Connelley

3. Commissioners.

APPENDIX "A"

Schedule of property to be conveyed by Fresno Canal and  
Land Corporation to Consolidated Canal Company

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1. LONE TREE CHANNEL: Beginning at a point in the South bank of Fresno Canal which point is near the center of Section 32, Township 13 South, Range 23 East, M.D.B. & M., and running thence in a general Southwesterly direction 8.04 miles to a point in Section 26, Township 14 South, Range 22 East, M.D.B. & M., near the North line thereof.
2. HIGHLAND CANAL: Beginning at the end of Lone Tree Channel near the North line of Section 26, Township 14 South, Range 22 East, M.D.B. & M., and running thence in a Southeasterly direction 5.40 miles to a point in the East line of the West half of Section 7, Township 15 South, Range 23 East, M.D.B. & M.
3. MCCALL CANAL: Beginning at the end of Lone Tree Channel near the North line of Section 26, Township 14 South, Range 22 East, M.D.B. & M., and running thence in a Southwesterly direction 4.64 miles to a point in the South line of Section 17, Township 15 South, Range 22 East, M.D.B. & M.
4. Also a certain interest in Garfield Ditch, beginning in the West bank of Lone Tree Channel in Section 26, Township 14 South, Range 22 East, M.D.B. & M., thence running Southwest-erly six miles, more or less, ending in the West bank of the Fowler Switch Canal in Section 7, Township 15 South, Range 22 East, M.D.B. & M., said interest being represented by those certain options recently exercised by Fresno Canal and Land Corporation.
5. Commencing at a point on the Fowler Switch Canal, near the Southeast corner of the Southwest quarter of the Southeast quarter of Section 16, Township 14 South, Range 22 East, thence running along the North side of the county road, Westerly, a distance of about one half mile; thence North-westerly and Northerly to the Northeast corner of the South-east quarter of the Southeast quarter of Section 17, Town-ship 14 South, Range 22 East; thence Westerly for three miles to the Northeast corner of the Southeast quarter of the South-east quarter of Section 14, Township 14 South, Range 21 East; thence Southerly 330 feet along the West side of county road; thence Westerly about 1600 feet, to where the same connects with the Briggs Canal.

Also all laterals, headgates and appurtenances belonging to or connected with said properties.

Subject, however, to a certain interest heretofore trans-ferred by Fresno Canal and Land Corporation to the Fresno Irriga-tion District, a corporation, and a contract entered into between said Fresno Canal and Land Corporation and said Irrigation Dis-trict, with reference to said Lone Tree Channel and its laterals, headgates and appurtenances and for the cost of the care and main-tenance thereof, and also subject to the decision heretofore made by the Railroad Commission of the State of California fixing the rates to be charged for service of water through said Lone Tree Channel, bearing date April 16th, 1921, and numbered 8880.