

Decision No. 28312

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

GEORGE MAST, and  
JOHN HELLESOE,

Complainants,

vs.

CENTRAL MENDOCINO COUNTY POWER  
COMPANY (formerly the WILLITS  
WATER COMPANY) a corporation,

Defendant.

ORIGINAL

Case No. 3548.

Leslie L. Burr, for Complainants.

McClymonds & Wells, by Wm. S. Wells, Jr.,  
for Defendant.

BY THE COMMISSION:

O P I N I O N

Complainants herein allege that the utility agreed to sell them water for irrigation purposes at the rate of four dollars (\$4.00) per acre per year for three irrigations and did so sell and deliver water to them at said rate until the year 1932, at which time further service was refused. Request is made for an order directing the defendant to continue to sell them irrigation water at a rate not to exceed that heretofore charged.

A public hearing in this matter was held before Examiner Johnson at Willits.

The evidence shows that complainants Mast and Hellesoe own and operate adjoining farms situated some four miles east of

the Town of Willits. The company's transmission main used to deliver water for domestic purposes in Willits passes directly in front of each farm where it is tapped also for domestic service to their premises as well as for the irrigation deliveries which formerly were supplied to them.

Prior to 1926 the company impounded its water behind a forty-foot dam. The storage capacity being insufficient to satisfy the demand, the height was increased twelve and one-half feet in 1926. To improve the pressure in Willits, the outlet into the transmission main at the dam was set at seventeen feet below the crest, thereby making approximately 500 acre feet of water available annually. In consequence of this increased water supply, it appears that there was a quantity of surplus water available either for carrying over to the following season or subject to disposal for irrigation or other uses. With this situation in mind, in 1926 and 1927 Edward Morris, the company manager, approached both Mr. Mast and Mr. Hellesoe and urged them to prepare some of their respective lands for irrigation, offering them water at a rate of four dollars (\$4.00) per acre for three irrigations per season. Both accepted his offer and thereupon and thereafter Mast prepared and irrigated eight acres and Hellesoe fifteen acres. This service was rendered under the above arrangement until the year 1932 when they were notified by Mr. E.H. Maize, the company's new manager, that service under the former rate would no longer be supplied and that all further irrigation water deliveries would be charged under the regular domestic tariffs. The evidence shows that the special rate charged complainants was never filed with the Railroad Commission by defendant. Following this notification meters were installed on complainants' service connections. Both Mast and Hellesoe immediately realized

that they could no longer afford to irrigate alfalfa under the domestic rates and they were therefore forced to discontinue the use of irrigation water as there is no other source of water available to them in sufficient quantities for irrigation purposes.

Complainants contend that, with the exception of the abnormally dry year of 1931, there has been more than sufficient water to meet the demands for both agricultural and domestic use and demand a resumption of deliveries under the former rate. The defendant utility admits that irrigation service heretofore has been provided to complainants under the Morris agreement and also admits that the cost of irrigating alfalfa is prohibitive at the rates now charged; however, it is defendant's contention that the continuation of this irrigation service is likely to make it impossible to provide its domestic consumers in Willits and vicinity with adequate water under proper pressures during years of sub-normal rainfall and runoff, especially in view of the fact that there are now some fifteen other and prospective ranch owners and operators who may desire and are entitled to take irrigation service if the former rate of four dollars (\$4.00) per acre is permitted to remain in effect.

The testimony shows that, since the raising of the dam, there has always been a surplus of water in the reservoir carried over into the winter with the exception of very dry years such as 1931. It is estimated by both complainants and the company that the water requirement for alfalfa on the Mast and Hellesoe lands is eight inches per irrigation to each acre, resulting in a total annual demand of 46 acre feet, or 2,003,760 cubic feet of water per season for the two ranches. The testimony shows that fifteen other parties whose lands are susceptible to irrigation from the

transmission main may request service for a total of approximately fifty acres. Upon the above basis, using the same duty of water, the total irrigation demand for all possible consumers would amount to 146 acre feet, or 6,359,760 cubic feet per season. The company estimates the yearly domestic consumption at 9,450,000 cubic feet, or 217 acre feet. Using the above figures, the combined domestic and irrigation demand may safely be taken at 363 acre feet which can be furnished without pumping from a normal supply of 395 acre feet. In addition to the above quantity of water, there is now always available the balance of the storage capacity of the reservoir below the gravity flow line of the transmission main intake amounting to approximately 240 acre feet but which can only be recovered by pumping. The company already has a pumping plant installed for this purpose. From the above figures, there can be no dispute over the fact that, since the raising of its dam, this utility has had in all but the most severe year of drought (1931) a surplus of water available for irrigation purposes over and above its demands for domestic service and that furthermore such surplus should in the future be sufficient to provide service for those possible additional irrigators except in years of most severe water shortage.

According to the evidence, one of the major difficulties with domestic service in the Town of Willits has been and still is the lack of adequate storage facilities in said town to provide for and act as a balancing reservoir. The installation of such equipment should largely eliminate any fear from pressure difficulties arising from the continuation of agricultural service. However, in order to prevent any unnecessary drain upon the transmission main by irrigators, this service should be placed upon a

definite rotation schedule permitting but one consumer to be served at a time. Rules and regulations governing this class of service should be promulgated by the utility and filed with this Commission subject to its approval.

The record in this proceeding clearly indicates that during the year 1926 or 1927 defendant made a clear and unequivocal dedication of its surplus waters for irrigation purposes making a charge therefor of four dollars (\$4.00) per acre per year for three irrigations and that since dedication complainants have availed themselves continuously and without interruption of this full and complete service with the exception of the partial and curtailed deliveries rendered during the dry year of 1931 until 1932 when the acts of defendant in increasing the rates charged made it mandatory that complainants discontinue the use of water. In view of the facts set out above, it is evident that this agricultural service should be continued by defendant under just and reasonable rates, rules and regulations. The rate of four dollars (\$4.00) per acre per season for three irrigations is not unreasonable when compared with the rates charged by other utilities providing comparable service. This rate is the equivalent of two dollars (\$2.00) per acre foot if water is applied to the land in the quantity of eight inches per acre for each of the three irrigations. With no additional investment required by defendant utility for this agricultural irrigation service, it appears that the charge of four dollars (\$4.00) per acre per season heretofore made is a just and proper rate at this time. In order to protect the domestic service and prevent interference therewith through possible future carelessness or waste by irrigation consumers, defendant will be permitted to render this service at its option either under the

flat rate method heretofore in effect or its equivalent under measured deliveries based upon the quantities set out above.

O R D E R

Complaint having been made to this Commission as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully advised in the premises,

IT IS HEREBY ORDERED that the Central Mendocino County Power Company, a corporation, be and it is hereby directed to file with the Railroad Commission, within thirty (30) days from the date of this Order, the following rates for surplus water delivered to its consumers for the irrigation of lands near and/or contiguous to its transmission main between its storage reservoir and the Town of Willits, Mendocino County, California, said rates to become effective for all such service rendered from and after the date of this Order.

SCHEDULE RATE NO. 4  
Sale of Surplus Water For Irrigation

FLAT RATE

Per acre per season providing for a minimum of three deliveries, each of approximately 8 inches in depth (2/3 acre foot per acre)-----\$4.00

MEASURED RATE

Per acre foot, or its equivalent-----\$2.00

Note: The above rates are applicable only to the sale of surplus water from the company's reservoir delivered through the transmission main to lands near and/or contiguous to said main. Water so sold may be delivered either at a flat rate per acre for three irrigations

per season, each of 8 inches in depth as near as may be, or measured by meters or weirs or some such device at the option of the utility. Service is subject to prorotation and/or discontinuance during any irrigation season when it will seriously jeopardize the necessary water deliveries to domestic and municipal consumers. Irrigation service at the above rates will be provided and payment by consumers shall be made in accordance with rules and regulations in effect and approved by the Railroad Commission.

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IT IS HEREBY FURTHER ORDERED that the Central Mendocino County Power Company, a corporation, be and it is hereby directed to file with this Commission, within thirty (30) days from the date of this Order, revised rules and regulations governing the relations with its consumers for the sale and delivery of surplus water for agricultural irrigation purposes, said rules and regulations to become effective only upon their acceptance for filing by the Railroad Commission.

For all other purposes, the effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 22 day of September, 1933.

P. L. ...

W. A. ...

W. B. ...

Commissioners.