

Decision No. 26907

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on  
the Commission's own motion into the  
rates, charges, contracts, rules, regu-  
lations, classifications, operations,  
practices, services, or any of them, of  
GREAT WESTERN POWER COMPANY OF CALIFORNIA  
and WESTERN CANAL COMPANY in the dis-  
tribution and sale of water in the  
Counties of Butte, Glenn, Sutter and  
Colusa, State of California.

Case No. 3712.

C.P. Cutten, W.R. Dunn and Chaffee E. Hall,  
for Western Canal Company.

Ware & Ware, by Allison Ware, for the heirs  
of John Houk, Smith-Riddell Company, the  
heirs of Emmons White, Katherine E. Owen,  
Isabella Goodspeed, Vera E. Upphoff, the  
Estate of J.B. Hook, deceased, Chester Rose,  
Archie McRae, California-Western State Life  
Insurance Company, Sarah Elizabeth Ludy,  
Receiver Central National Bank of Oakland,  
B.M. Howard, A.T. Armstrong, F.E. Kronquest,  
interested parties.

Herbert W. Whitten, for E.L. Adams and Herbert  
Whitten and John P. Maxwell.

Jerome D. Peters, for Gage Bros., The Anglo-  
California National Bank, California Lands  
Inc., Bank of Tehama County, Dodge Land Co.,  
Butte Farm Land Company, M.L. Goodspeed and  
C.C. Meikle.

Jerome D. Peters and George F. Freeman, for  
Butte Farm Land Company.

Orville C. Pratt, Jr., for himself and  
Emily J. Pratt.

HARRIS, COMMISSIONER:

PRELIMINARY OPINION AND ORDER  
PENDING FINAL DECISION

The investigation in this matter was instituted for the

purpose of inquiring into certain features of the schedule of rates, together with rules and regulations, filed in response to the Commission's decision of December 21, 1931, adjudging the agricultural irrigation service of the respondents to be public utility in character.

Hearings have been held in the matter but a final determination of questions in respect to the possible discriminatory character of the schedules will not be possible before this irrigating season is well under way. It appears, therefore, that immediate action should be taken to establish rates and service rules applicable to water service before final decision in this investigation.

In recognition of this situation, the company has offered to modify its rules in several material respects and has offered also a modified and reduced schedule of rates for the 1934 season. I am of the opinion that the proposed schedule should be accepted as the applicable rates for service pending the Commission's final action in this matter.

The following form of Order is recommended.

#### O R D E R

For the reasons expressed in the foregoing Opinion,

IT IS HEREBY ORDERED that the rates, rules and regulations received by the Railroad Commission on the 29th day of June, 1933, filed by Western Canal Company, a corporation, be and they are hereby temporarily suspended until further order of this Commission.

IT IS HEREBY FURTHER ORDERED that, in lieu of the above rates heretofore filed, the Great Western Power Company of California and Western Canal Company shall file with this Commission,

within ten (10) days from the date of this Order, the following schedule of rates for irrigation service to become effective as of the date of this Order and continue in effect for the irrigation season of 1934 only.

R A T E S

- (a) Water service for all crops on lands without equitable service rights will be \$1.25 per acre foot.

Water service for all crops on lands with equitable service rights will be \$.85 per acre foot.

- (b) Minimum service for rice irrigation, 5 acre feet per acre.

Minimum service for other crops, 2 acre feet per acre.

Special service for fertilization and preparation of lands, etc., minimum 1/2 acre foot per acre.

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IT IS HEREBY FURTHER ORDERED that, in lieu of the above rules and regulations heretofore filed, the Great Western Power Company of California and Western Canal Company shall file with this Commission, within ten (10) days from the date of this Order, modified rules and regulations.

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

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commis-

sion of the State of California.

Dated at San Francisco, California, this 27<sup>th</sup> day of  
March, 1934.

Leon C. Ware  
W. A. Carr  
M. B. Harris  
[Signature]  
Commissioners.

Commissioner Ware has not participated in this decision, feeling disqualified by reason of the fact that his brother, Mr. Allison Ware, appeared as counsel for certain of the interested parties to this proceeding.