

ORIGINAL

Decision No. 36462

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THE SAN JOAQUIN CANAL COMPANY, a corporation,
(formerly The San Joaquin & Kings River Canal
& Irrigation Company, Incorporated):

(1) For an Order Authorizing it to Enter into
a Certain Amendatory Contract, being an
Amendment to That Certain Contract known as
the Exchange Contract, heretofore entered into
with the United States of America, the Columbia
Canal Company, the San Luis Canal Company, and
the Firebaugh Canal Company, Mutual Water
Companies;

(2) For an Order Authorizing it to Acquire
from the San Luis Canal Company and Miller & Lux
Incorporated Water Rights Appurtenant to
Three Thousand Seven Hundred Eighty-seven and
68/100 (3,787.68) acres of land owned by Miller
& Lux Incorporated within the Service Area of
the San Luis Canal Company, and Authorizing it
to extend its Service to an Additional Area of
Three Thousand Seven Hundred Eighty-seven and
68/100 (3,787.68) Acres located above its
Outside Canal;

(3) For an Order Authorizing it to Enter into
Agreements with the Columbia Canal Company, the
San Luis Canal Company, and the Firebaugh Canal
Company, Mutual Water Companies, Amending the
Agreement of the 19th day of July, 1933, and the
Agreement of the 15th day of September, 1939,
for the Division of Water Between Them.

Application No. 25331

- J. E. Woolley, for The San Joaquin Canal Company.
- J. J. Deuel, for California Farm Bureau Federation.
- Sherwood Green, for Merced County Farm Bureau.
- L. M. Linneman, for San Hamburg.

HAVENNER, COMMISSIONER:

O P I N I O N

The San Joaquin Canal Company, a corporation, engaged in the business
of diverting, distributing and selling water for irrigation and domestic purposes,

in Fresno, Merced and Stanislaus Counties, asks the Commission for authority as follows:

To enter into a certain amendatory contract, being an amendment to that certain contract known as the Exchange Contract⁽¹⁾ heretofore entered into with the United States of America, the Columbia Canal Company, the San Luis Canal Company, and the Firebaugh Canal Company, mutual water companies, providing for the exchange of San Joaquin River water for a substitute supply and, among other things and primarily, to permit the sale and distribution of water to 3,787.7 more or less acres of lands belonging to Sam Hamburg, said lands now lying outside of the presently existing service area as heretofore established by formal order of this Commission.

Public hearings were held in this proceeding before Commissioner Havenner and Examiner Stava at Los Banos.

After submission of the above entitled proceeding, said San Joaquin Canal Company filed with this Commission on the twenty-fifth day of May, 1943, a new application being No. 25644, wherein said company asked to be permitted to serve the lands of Sam Hamburg from other sources of supply; the company has therefore decided to abandon the methods of service and deliveries of water as prayed for in the instant proceeding which will necessitate the dismissal of the present Application No. 25331.

O R D E R

Application as entitled above having been filed with the Railroad Commission of the State of California, public hearings having been held thereon, applicant having decided to abandon the requests as prayed for therein and a new and different formal application having been filed involving the service to the same or similar lands by other methods, the matter having been duly submitted and the Commission being now fully advised thereon and other good cause appearing, now therefore,

(1) Exchange contract was approved by the Commission in its Decision No. 31861, dated March 20, 1939, (41 C.R.C. 797).

IT IS HEREBY ORDERED that the foregoing application be and it is hereby denied.

IT IS HEREBY FURTHER ORDERED that for all other purposes the effective date of this Order shall be ten (10) 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 Commission of the State of California.

Dated at San Francisco, ~~June~~ 29, 1943.

Francis A. Havens
H. J. Baker
Richard Hayes
Thomas D. ...
Commissioners.