

ORIGINAL

Decision No. 37712

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 THE SAN JOAQUIN CANAL COMPANY, a
 corporation, for an Order fixing the
 gross area to which service may be
 rendered for the growing of rice,
 and for a formula determining the
 annual net acreage which may be
 served for the growing of rice under
 varying conditions of water supply,
 and the acreage which may be irrigated
 by each rice grower.

Application No. 26276

In the Matter of the Application of
 THE SAN JOAQUIN CANAL COMPANY, a
 corporation, for an order authorizing
 it (1) to sell excess water for the
 irrigation of grass lands and to fix
 a rate therefor, (2) to transport
 water purchased from the United States
 by owners of grass lands and to fix a
 service charge therefor, and (3) to
 transport through the Outside Canal
 water purchased from the United States
 for the irrigation of approximately
 6,000 acres of land now receiving
 partial service and to fix a service
 charge therefor.

Application No. 26277

- J. E. Woolley, for Applicant.
- J. J. Deuel, for California Farm Bureau Federation.
- T. N. Harvey, for Arvin-Edison Water Storage District.
- C. R. Robinson and Samuel V. Cornell, for
Central California Mutual Water District.
- L. M. Linneman and J. B. Burgess, for
Dan Carmignani and E. J. Dietz.
- D. Oliver Germino, for Sam Hamburg.
- Claude L. Rowe, for Grass Lands Water Association.
- Walter M. Gleason, for Elon P. Close.

ROWELL, COMMISSIONER:

O P I N I O N

In Application No. 26276, the San Joaquin Canal Company asks the
 Commission (1) to fix and determine the gross area available for the growing of

rice; (2) to provide a formula by or which applicant may annually determine, under varying conditions of water supply, (a) the acreage of said gross rice area to which it may render service, and (b) the number of acres of each consumer that are entitled to service.

In Application No. 26277, as amended, the company asks the Commission (1) for authority to sell water in excess of the requirements of all of its consumers for irrigation of grass lands and to fix a rate for the service; (2) for authority to transport through its canals water which the owners of certain grass lands expect to purchase from the United States, and to fix a rate which may be charged for the transportation of such water; (3) for authority to transport through its Outside Canal other water purchased from the United States by the owner of approximately 6,000 acres of crop land which now has partial utility service, and to fix a charge for that service.

A public hearing was held at Los Banos in these proceedings and they were consolidated for hearing and decision.

Applicant diverts its water supply from the San Joaquin River at Mendota Dam, near Mendota, Fresno County, and distributes it within a gross service area of 146,700 acres located on the west side of the San Joaquin Valley in Fresno, Merced and Stanislaus Counties. The water is distributed by means of two main transmission canals, namely, Main and Outside Canals; which are 71 and 54 miles long, respectively. A description of the company's system and available water supply is contained in the Commission's Decision No. 22228 (34 CRC 473) and No. 31861 (41 CRC 746). The lands within the company's service area are irrigated for the production of various crops such as alfalfa, cotton, pasture, grain, rice, etc., each requiring water in varying quantities.

Application No. 26276:

In this application the company asks that the Commission make an order fixing the rice growing lands to include an area of 20,640.6 acres, and limiting the annual acreage planted to conform to the water available. This request is made

for the reason that rice requires a heavy duty of water, and an allocation of a large quantity to this crop would jeopardize the supply available to the growers of other crops. With the individual exceptions hereafter discussed, all existing rice growers, as well as other crop growers within the company's service area, are in favor of the application.

Historically, the growing of rice has been confined to approximately 20,000 acres of land where the soil is particularly adapted for the production of this crop. This area lies along and between the Main and Outside Canals and is approximately 18 miles long and 2 miles wide, and begins about three miles from the diversion dam. As a rice crop requires approximately 6 1/2 acre feet of water per acre per season, the tight soil and short canal transmission make the selected area particularly desirable from a water conservation standpoint.

Since the beginning of the war there has been a stimulation in rice production and land owners have sought to increase their acreage. The allotment of acreage for this crop becomes acute during years of short water supply when growers demand more acreage than can be irrigated with the available supply. The company's proposal as modified by an exchange of rights to service is to have a definite area of 20,457.61 acres of land set aside for this crop, said lands being more particularly described and set forth in Exhibit No. 2. As rice lands are usually planted to this crop every third year, Mr. Thomas C. Mott, the company's Chief Engineer and General Manager, stated that from his experience a maximum of 7,500 acres could be planted to rice in years of maximum water supply without interfering with the service to other crops. However, he suggested that the maximum acreage be reduced during years of subnormal rainfall to conform to the available water. The company's proposal is to allocate the rice acreage among the growers on the basis of land ownership within the rice area, with a minimum of 20 acres to the small land owner. The company can normally determine from snow surveys by March 10th of any year, the quantity of water that will be available for use by its system, and the total rice acreage can be fixed at that time on the basis of the ratio of the quantity of water available to the total of the company's entitlement.

No objection was made at the hearing to Mr. Mott's testimony concerning the limitation of the rice area, or restricting the planting of rice in any one year to a maximum of 7,500 acres, or to the method of allocating the rice acreage to the growers.

The company's application requests the fixing of a rice area of 20,640.6 acres. This was modified at the hearing, however, by asking for the inclusion in the rice area of two parcels of land containing a total of 881 acres to which no service rights have heretofore been attached. The first was explained as a transfer of a right to rice irrigation service from an equal acreage of land located within the rice growing area which the evidence showed had a vague and uncertain rice growing history. The other was also explained as a transfer of a right to irrigation service from a somewhat larger acreage, but it was admitted that this land had never been planted to rice. However, the company had informally transferred the service right from this land three years ago to the parcel now sought to be included within the rice area and rice has been planted on it each season during this period.

A further complication developed by the intervention of two other land owners asking for an extension of rice service to two parcels of land having a total of 710 acres. One of these parcels is located within the company's service area and is entitled to only general crop water service. The land does not adjoin the rice area and it would be difficult to serve because of its location on a distribution canal instead of one of the two main canals. The other parcel requesting rice service adjoins the rice area but is not within the general service area boundaries and, except for ten acres, has no water service rights. Each of these proposals to include more lands in the rice growing area will increase the use of water. The company's service area boundaries were definitely fixed by the Commission in its Decision No. 22228, dated March 19, 1930. Although the Commission has heretofore permitted a modification of these boundaries upon a showing that it was an equitable exchange of rights to service, it is concluded

that the testimony given in this proceeding does not justify a modification of the service area or an extension of the rice growing area. However, the owners of the four parcels of land involved herein, as well as the company, will be accorded a further hearing if requested in order that they may present further evidence to justify the inclusion of their lands within the company's service area boundaries.

Application No. 26277:

Mr. Mott also testified in connection with applicant's request for authority to sell water in excess of the requirements of its consumers for the irrigation of grass lands. He suggested a rate of 75 cents an acre per irrigation for this service, which is the same as that established by the Commission for the irrigation of fall pasture within the service area boundaries. Mr. Mott stated that during many years in the spring and fall months, the utility right to water from the San Joaquin River yields quantities in excess of the actual use by the consumers and the company desires to sell this excess water when it is available in order to put it to beneficial use. There were no objections to the company's request and, as it appears to provide a method of using water beneficially that might be wasted, the authority requested will be granted and a rate of 75 cents per acre per irrigation will be established for delivering this water.

In connection with the company's request for authority to transport through its canals water purchased from the United States at its Friant Dam by the owners of approximately 100,000 acres of the grass lands, the record shows that the owners of these lands have formed an organization called "Grass Lands Water Association." Last season, water was purchased from the Government for a fall irrigation and it was transported and delivered to the grass lands through the company's canals at a charge of 10 cents per acre per irrigation which has been effective since November, 1944. The company now asks that the 10-cent charge be made permanent for this transportation service. The association proposes to irrigate the lands during the spring and again in the fall of each year. This

practice had been followed in the past when Miller & Lux, Incorporated, owned the grass lands and the record shows that the crop service was not interrupted. However, at the hearing the association asked for an opportunity to present evidence at a later hearing upon the subject of such charges, if it should elect to do so. Representations have since been made to an agreed charge of less than ten (10) cents per acre, with a minimum annual charge of \$10,000, and a stipulation that the transportation of this water is subordinate and secondary to the rights of the company's regular consumers. Therefore, no further hearing is necessary and this charge will be authorized.

The third request of the company concerns the transportation through its Outside Canal of water purchased from the United States at its Friant Dam by the owner of approximately 6,000 acres of crop lands which now have only a partial right to the company's water service only for the period September 15th of each year to June 15th of the following year. The owner of these lands proposes to provide irrigation service for the three remaining months by purchasing 5,000 acre feet from the United States and have it delivered through the company's Outside Canal. The quantity of water conveyed would not exceed 30 second feet as that is the present capacity of the pumps at the lands.

Representatives of some of the consumer organizations expressed a fear that commingling the Friant water with the utility water might cause operating difficulties and interference with the regular service. They asked, and the company stipulated, that irrigation service to the 6,000 acres through the Outside Canal for the period of June 15th to September 15th would be subordinate and secondary to the use of that canal for the utility consumers and that it would not interfere with the utility service.

Mr. Mott testified that the Outside Canal had ample capacity to convey this water in connection with the utility water and that it could be measured and delivered to these lands without interfering with the service to any of the company's consumers. He showed that the theoretical requirements of this canal at Oro Lomo Road were 342 second feet, while the measured capacity was 547 second feet and that additional capacity was now available as the canal has been dredged since the above measurements were made. However, Mr. Mott stated that he would

not recommend an extension of this class of service to any other crop land under the canal system because of the possible complications that might arise in administrating, measuring and delivering the Friant water in connection with the utility service. The company proposes, and this land owner agrees, that a charge of 25 cents per acre irrigated be made for transporting this water.

In view of the testimony of the company's engineer and the stipulation concerning the status of the service, it is concluded that the company can transport and deliver the Friant water to the 6,000 acres without affecting the service to the company's regular consumers. Therefore the company will be authorized to transport the water and a charge of 25 cents per acre irrigated will be established for the transportation.

The following form of Order is recommended.

I N T E R I M O R D E R

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

IT IS HEREBY ORDERED as follows:

1. That The San Joaquin Canal Company, a corporation, be and it is hereby directed until further ordered by this Commission to restrict the delivery of water for the irrigation of rice to 20,097.53 acres of land, delineated on a map filed as Exhibit No. 2, excluding therefrom 543.07 acres in Section 1 and 2, T. 12 S., R. 12 E., and 114 acres in Sections 16 and 17, T. 11 S., R. 12 E., but including 297 acres in Section 35, T. 11 S., R. 12 E. and Section 2, T. 12 S., R. 12 E., all being a part of 20,457.60 acres shown on said map.
2. That The San Joaquin Canal Company shall not deliver water to an excess of 7,500 acres of rice in any year of maximum utility water supply, except as modified by a finding of this Commission. The company shall determine on or before March 10th of any year, the quantity of water that will be available for use

within its service area, and fix the total rice acreage that can be served that year in the ratio of the available water supply to the maximum supply. In the event there is a change in water conditions after March 10th that will cause a material increase or decrease in the allotted acreage to be planted to rice, the company may modify the allotted acreage as determined above to meet the changed conditions.

3. The San Joaquin Canal Company shall, subject to proper application being made for water, allocate the rice acreage to be planted by the growers within the above established rice area on the basis of the ratio of the acreage owned to the total acreage that can be safely irrigated during the year, except that small land holders owning 40 acres or less shall be entitled to plant 20 acres or less, and this acreage shall be deducted from the total rice acreage before the allocation is made to the remaining growers. In the event that some of the growers do not plant the acreage to which they are entitled, the excess shall be prorated among the remaining growers on the ownership basis, until the excess acreage is either allotted or refused.

4. That The San Joaquin Canal Company be and it is hereby authorized to sell excess water from its available supply for the irrigation of grass lands.

5. That The San Joaquin Canal Company be and it is hereby authorized to transport through its Outside Canal, for the period June 15th to September 15th of any year, water purchased from the United States for the irrigation of approximately 6,000 acres of land, situate in Township 12 South, Range 11 East, M.D.B. & M. and delineated on a map filed as Exhibit No. 1, said use of the Outside Canal to be subordinate and secondary to its use for regular utility service.

6. That The San Joaquin Canal Company be and it is hereby authorized and directed to file in quadruplicate with the Railroad Commission, within thirty (30) days from the date of this Order, a rate of seventy-five (75) cents per acre per irrigation, to be charged for delivering excess utility water to the grass lands, and a charge of twenty-five (25) cents per acre irrigated for transporting through

its Outside Canal water purchased from the United States for the irrigation of approximately 6,000 acres of land, hereinbefore described, and an annual charge of fifteen (15) cents per acre; with a minimum annual charge of \$10,000, for transporting through its canal water purchased from the United States, but not exceeding 100,000 acre feet of water annually, for a spring and fall irrigation of the grass lands of the Grass Lands Water Association, Inc., said transportation of water to be subordinate and secondary to the water deliveries made for its regular utility service.

The effective date of this Order shall be the date hereof, any party being permitted, however, to file within twenty (20) days for a further hearing upon the question of the inclusion of his lands within the area restricted for the irrigation of rice as provided herein:

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, California, this 13th day of March, 1945.

L. Harold Rudman
Justice F. Quinner
Richard Karkse
Frank W. Carr
Ernest Powell
Commissioners,