

Decision No. 44596

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

J. M. Proffett  
 M. N. McCollough  
 Elmo Hedge and L. Cory for  
 Olive Groves, Inc.,  
 Complainants,

vs.

Case No. 5203

Yuba Investment Co.  
 Frank S. Carmichael,  
 Defendants.

Leon Cory in propria persona, for complainants  
Manwell and Manwell, by Ray Manwell, for defendants.

O P I N I O N

Complainants herein constitute four of the seven non-stockholder customers of the defendant Yuba Investment Company, a corporation, which supplies water for agricultural irrigation purposes near Bangor, Yuba County. Defendant Frank S. Carmichael also uses water from the system and is the sole stockholder of defendant Yuba Investment Company. The complaint will be dismissed as to Frank S. Carmichael, and the term "defendant" as hereinafter used will refer solely to Yuba Investment Company.

Complainants allege that the defendant is failing to render proper service and has failed to comply with Decision No. 41994, dated August 24, 1948, in that it:

1. Refuses to deliver water to more than one of the two measuring boxes serving the M. N. McCollough property.

2. Refuses to deliver water to more than one of the two measuring boxes serving the Quigley Grove and the Costello Grove owned

by Olive Groves, Inc., and refuses to clean out the main ditch between those two measuring boxes.

3. Delivers water to Frank S. Carmichael before May 1 and after October 15 and refuses to make like deliveries to complainants. The Rules and Regulations under which defendant operates state that "the irrigation season shall begin on May 1st and end on October 15th, approximately, governed by climatic conditions."

4. Has not filed a map and operative rules and regulations in accordance with the terms of Decision No. 41994.

5. Refuses to answer correspondence from the customers.

A public hearing was held before Examiner Gillard at Marysville on July 14, 1950.

After certain testimony had been adduced, defendant stated that it would make certain changes relative to service rendered to McCollough and Olive Groves, Inc., as more fully set forth in the order herein, would prorate among complainants any water available before May 1st and after October 15th, and would file the required maps and rules and regulations. The defendant also stated that if all correspondence from the customers were mailed to its attorney, Ray Manwell, the matters therein referred to would be handled more expeditiously.

The complainants accepted the foregoing in full satisfaction of all their complaints, and the case will be disposed of in accordance with such stipulation.

#### O R D E R

A public hearing having been held, and based upon the stipulation set forth in the opinion,

IT IS ORDERED that Yuba Investment Company, a corporation, shall:

(1) On or before April 30, 1951, construct on the property of M. N. McCollough a ditch approximately 300 yards in length running northerly, from the southerly measuring box serving said property, sufficient in width and depth to carry the maximum amount of water that said M. N. McCollough is entitled to receive at any one time.

(2) On or before April 30, 1951, clean that portion of the main canal lying between the two measuring boxes serving the property of Olive Groves, Inc., provided that Yuba Investment Company shall be entitled to measure all water delivered to Olive Groves, Inc., at the most southerly of said two measuring boxes.

(3) Prorate among all its customers, in accordance with their requests, but not in excess of the amount each is entitled to receive during the irrigation season, any water available behind the dam before May 1st and after October 15th of each year.

(4) Attend to all communications and complaints of complainants, through its attorneys Manwell and Manwell, as expeditiously as possible.

(5) Within forty (40) days after the effective date of this order, file with this Commission four sets of rules and regulations governing relations with its consumers.

(6) Within forty (40) days after the effective date of this order, file with this Commission four copies of a comprehensive map, drawn to an indicated scale of not less than 2000 feet to the inch, upon which shall be delineated by appropriate markings the territory presently served. This map should be reasonably accurate, show the source and date thereof, and include sufficient data to determine clearly and definitely the location of the property comprising the

entire utility area of service; provided, however, that such filing shall not be construed as a final or conclusive determination or establishment of the dedicated area of service or any portion thereof.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at Los Angeles, California, this 1st day of August, 1950.

Justus F. Casmen  
James H. Lawrence  
Harold A. Kule  
Nenneth Potter  
Commissioners.