

# ORIGINAL

Decision No. 47275

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SAM HAMBURG FARMS, a )  
 corporation, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 SAN JOAQUIN CANAL COMPANY, )  
 )  
 Defendant. )

Case No. 5384

## OPINION AND ORDER

Sam Hamburg Farms, a corporation, asks the Commission to authorize The San Joaquin Canal Company, a corporation, to deliver to it during the period between June 15 and September 15 of this year, sufficient surplus water to irrigate 5,200 acres of land.

Complainant alleges that such lands are receiving irrigation service on a permanent basis at the established rates from September 15 to June 15 of each year in accordance with Decision No. 36691, issued November 8, 1943, in Application No. 25644 (45 C.R.C. 8) and that all of the required charges have been paid<sup>1/</sup>. Complainant further alleges that defendant has notified the public that surplus water is available for sale at the established rates during the present 1952 irrigation season to lands located outside its established service area boundaries. Complainant further alleges that defendant will have water available in excess of the

<sup>1/</sup> The 1943 decision authorized the utility to extend its service area to include the lands here involved, and to supply irrigation water thereto at the established tariff rates. Such rates are not on a measured basis, but are flat charges on a seasonal acreage basis. However, such service was made subject to the following condition:

"That irrigation service to the above described land be restricted during the period from September 15 to October 15 and from May 15 to June 15 until all of the demands of the water users within the service area boundaries as they existed prior to the filing of this proceeding are satisfied." (45 C.R.C. 8)

demands of its contract holders and will, in addition thereto, use its canals to convey waste water for the purpose of relieving the San Joaquin River below defendant's point of diversion at Mendota Dam.

Defendant, in its answer to the complaint, admits the allegations of the complaint and asks that any order of authorization specifically provide: (1) that the authorization is applicable for the year 1952 only; and (2) that during the period June 15 to September 15, 1952, defendant be authorized to deliver water to complainant's lands described in Decision No. 36691, now under contract with defendant, without additional charge, but only when and at such times as defendant has water available in excess of the irrigation demands and requirements of any other lands holding defendant's 1952 regular, special or temporary-secondary irrigation contracts.

It appearing that this is not a matter on which a public hearing is necessary, and that the request should be granted, now, therefore,

IT IS HEREBY ORDERED that The San Joaquin Canal Company, a corporation, be and it is authorized to deliver surplus water, without additional charge, to the lands of Sam Hamburg Farms, a corporation, consisting of 5,200 acres now under contract, for the year 1952 only, and during the period June 15 to September 15, 1952, but only when and at such times as the company has water available

in excess of the irrigation demands and requirements of any other lands now holding or which may hereafter hold the company's 1952 regular, special or temporary-secondary irrigation contracts.

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

Dated at San Francisco California, this 17<sup>th</sup> day of June, 1952.

A. W. [Signature]  
 President.

Justin J. [Signature]  
Harold [Signature]

[Signature]  
[Signature]  
 Commissioners.