

Decision No. 13857.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
SAN DIEGUITO MUTUAL WATER COMPANY,)
a corporation, to sell, and SAN)
DIEGUITO WATER COMPANY, a corporation,)
to buy, certain properties.)

Application No. 10318.

Chickering & Gregory, by Allen L. Chickering,
for San Dieguito Water Company, and

J. T. Clotfelder, by M. W. Reed, for San Dieguito
Mutual Water Company.

MARTIN, Commissioner:

O P I N I O N

In this application the San Dieguito Mutual Water Company, a corporation, asks authority to transfer certain property consisting of water rights, reservoirs, dams and conduit systems in San Diego County, to the San Dieguito Water Company, a corporation, which joins in the application.

The application alleges in effect that the San Dieguito Water Company is the owner of water rights, dam sites and other property along and adjacent to the San Dieguito River in San Diego County, and lying east of the property of the San Dieguito Mutual Water Company, and that the properties of both companies can be developed and operated most advantageously by the San Dieguito Water Company.

Both applicants disclaim any purpose or intention of being or becoming a public utility, and the application is made

solely for the purpose of removing any possible question which might later be raised concerning the validity of a transfer of the properties.

A public hearing in this matter was held in San Francisco after due notice had been given so that all interested parties might appear and be heard.

The evidence submitted indicates that the public interest will be served best by the consolidation contemplated herein, and it is evident that in so far as the jurisdiction of this Commission may extend, authority for the transfer should be granted. It will therefore be unnecessary at this time to give consideration to the public utility status of either applicant.

The following form of order is submitted.

O R D E R

Application having been made to this Commission as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed in the matter,

IT IS HEREBY ORDERED that San Dieguito Mutual Water Company, a corporation, be and the same is hereby authorized to transfer to San Dieguito Water Company, a corporation, all those certain water rights, reservoirs, dams and conduits in and on the San Dieguito River and located in San Diego County, California, more particularly described in the application herein, upon the following conditions:

1. The authority herein granted shall apply only to such transfer as shall have been completed on or before December 31, 1924, and a certified copy of the final instrument of conveyance shall be filed with this Commission by San Dieguito Mutual Water Company, a corporation, on or before January 31, 1925.

2. The consideration given for the transfer of the properties herein authorized shall not be urged before this Commission or any other public body as a finding of value for rate fixing or for any purpose other than the transfer herein authorized.

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 31st day of July, 1924.

H. B. Bundy

I. W. Martin

J. T. Whittney
Commissioners.