

IRA

Decision No. 15904

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
NORTHERN WATER AND POWER COMPANY, )  
a corporation, and Nevada Irriga- )  
tion District, for an order author- )  
izing the sale and transfer by said )  
Northern Water and Power Company of )  
all its properties to said Nevada )  
Irrigation District. )

Application No. 12316

Goodfellow, Eells, Moore and Orrick,  
by T. W. Dahlquist, for applicants.

BY THE COMMISSION:

OPINION

In this application the Railroad Commission is asked to make an order authorizing Northern Water and Power Company to sell, for \$273,000., all of its properties, more particularly described in Exhibit "A" attached hereto, to Nevada Irrigation District.

Northern Water and Power Company is a corporation organized under the laws of the State of California on or about September 23, 1905. It has an authorized capital stock of \$5,000,000. and an authorized bonded indebtedness of \$1,000,000., of which amounts the application shows that \$3,250,000. of the stock and \$976,000. of the bonds are outstanding. It appears that the stock and bonds are held in the same proportions by five persons only and that the National City Company of California is by far the largest individual holder, owning more than eighty percent

of the outstanding securities. It further appears that the bondholders have agreed to the cancellation of the bonds and the release of the mortgage securing their payment and that there is no other indebtedness except certain amounts advanced by the National City Company of California, these amounts, as of December 31, 1924, according to the annual report filed by the company, aggregating \$37,880.

During the last few years the company's operations have been very limited, one consumer only, the Town of North Bloomfield, being supplied with water. The total revenues from the sale of water for each of the years 1922 to 1924, inclusive, are reported at \$75. a year, no revenues being received during 1925.

The company's properties include reservoir sites, lakes, water rights, ditches and flumes in the County of Nevada, the chief source of supply being known as Lake Bowman and the ditch line being known as the Bloomfield Ditch, which extends westward from the lake to a point near the Town of North Bloomfield. About half of the ditch, that portion extending west from Shands, a point two miles west of Graniteville, has been abandoned and is no longer used. The agreed purchase price of \$273,000. to be paid for applicant's properties does not, it is said, exceed the present fair value thereof.

Near Lake Bowman are two other lakes, namely, Lake Faucherie and Lake French, which, it is said, belong to Eureka Lake and Yuba Canal Company, Consolidated, a corporation also operating a ditch system in the vicinity. The waters from these lakes flow into Lake Bowman and are commingled, no attempt being made to separate them. From Lake Bowman water is conducted by means of

applicant's Bloomfield Ditch to Shands where it is delivered into a ditch belonging to Eureka Lake and Yuba Canal Company, Consolidated, constituting that company's supply. From Shands water flows through the Eureka and Milton ditch system to a reservoir, known as Waldron Reservoir, near the town of North Bloomfield, whence the water is taken by the citizens of the town. It appears that the ditch system from Lake Bowman to Waldron Reservoir is about forty miles in length and that the population of North Bloomfield consists of seven families.

Eureka Lake and Yuba Canal Company, Consolidated, serves other consumers and owns ditches in addition to the one extending from Shands to Waldron Reservoir, although its supply of water comes through the Bloomfield ditch of applicant. The testimony herein indicates that arrangements have been made, or will be made, whereby Nevada Irrigation District, following the acquisition of applicant's properties, will transfer the Bloomfield Ditch to the Eureka Company in exchange for the lakes owned by that company. It should be noted that the present application does not involve the abandonment of any service but only the transfer of properties. It is specified that the town of North Bloomfield will, as heretofore, be served with water from the Bloomfield, Eureka and Milton Ditch Systems.

#### ORDER

Northern Water and Power Company, having applied to the Railroad Commission for permission to sell its properties to Nevada Irrigation District, a public hearing having been held before

Examiner Fankhauser and the Railroad Commission being of the opinion that the application should be granted as herein provided,

IT IS HEREBY ORDERED that Northern Water and Power Company be, and it is hereby, authorized to sell to Nevada Irrigation District, for \$273,000., all of its properties described in Exhibit "A" attached hereto.

IT IS HEREBY FURTHER ORDERED that Northern Water and Power Company shall file with the Railroad Commission a certified copy of the instrument of conveyance within thirty days from the date upon which it is executed and shall file also a certified statement indicating the exact date upon which it actually relinquished control and possession of the properties herein authorized to be sold, such statement to be filed within ten days from the date such control and possession is relinquished.

IT IS HEREBY FURTHER ORDERED that the authority herein granted will become effective on the twentieth day after the date hereof.

DATED at San Francisco, California, this 26<sup>th</sup> day of January, 1926.

H. R. Brundage  
Chas. E. Sweeney  
George D. Squires  
Ernest W. West  
Leon Whitell

Commissioners.

EXHIBIT "A"

PROPERTIES OF NORTHERN WATER AND POWER COMPANY,  
SITUATE IN THE COUNTY OF NEVADA, STATE OF CALIFORNIA.

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FIRST: That certain reservoir generally known as and called "Bowman Reservoir", the greater portion of which lies in township eighteen (18) north, range twelve (12) east, Mount Diablo Base and Meridian, together with all other reservoirs, the waters of which when discharged therefrom flow into said "Bowman Reservoir"; and also all ditches and water courses which convey water to said "Bowman Reservoir" and such other reservoirs, and all waters which naturally or by means of any artificial water course flow or discharge into such reservoirs, or any of them, including the water right located on September 17, 1860, by Pettigean & Co., notice of which was recorded on September 17, 1860, in the Recorder's office of the County of Nevada, in Book 1 of Mining Locations, page 394; also water right located by North Bloomfield Gravel Mining Company February 27, 1869, and recorded on March 1, 1869, in Book 4 of Mining Locations, page 471, Nevada County Records; also water right located by North Bloomfield Gravel Mining Company September 15, 1871, and recorded September 21, 1871 in Book 5 of Mining Claims, page 78, Nevada County Records; also water right located by North Bloomfield Gravel Mining Company September 5, 1871, and recorded November 15, 1871, in Book 5 of Mining Claims, page 95; also water right located by North Bloomfield Gravel Mining Company November 1, 1871; and recorded November 15, 1871, in Book 5 of Mining Claims, page 95, Nevada County Records; also water right located July 11, 1872, and recorded July 19, 1872, in Book 1 of Water Rights, page 12, Nevada County Records.

Also the following mentioned lakes and water rights comprising what are generally referred to as the "South Lakes", to

wit: Shotgun Lake, Middle Lake, Island Lake, Crooked Lake, and Round Lake, with the following mentioned water rights appurtenant to said South Lakes, to wit: Water right located by the North Bloomfield Gravel Mining Company, notice whereof was posted July 11, 1872, and recorded on July 19, 1872, in Book 1 of Water Rights, page 17, Nevada County Records; water rights located by North Bloomfield Gravel Mining Company, notice whereof was posted July 11, 1872, and recorded on July 19, 1872, in Book 1 of Water Rights, page 20, Nevada County Records; water right located by North Bloomfield Gravel Mining Company, notice whereof was posted July 11, 1872, and recorded on July 19, 1872, in Book 1 of Water Rights, page 19, Nevada County Records; water rights located by North Bloomfield Gravel Mining Company, notice whereof was posted July 11, 1872, and recorded on July 19, 1872, in Book 1 of Water Rights, page 18, Nevada County Records. The said Shotgun Lake being located in the west half of the southwest quarter of section fourteen (14), and the east half of the southeast quarter of section fifteen (15), township eighteen (18) north, range twelve (12) east, Mount Diablo Meridian; said Middle Lake and Crooked Lake being located in the west half of the west half of section twenty-three (23), and the east half of the east half of section twenty-two (22), township eighteen (18) north, range twelve (12) east, Mount Diablo Meridian; Round Lake being located in the west half of the southeast quarter of section twenty-two (22) and the northeast quarter of the southwest quarter of said section twenty-two (22), township and range aforesaid, and the said Island Lake being located in the west half of section twenty-seven (27) and the east half of the east half of section twenty-eight (28), township and range aforesaid.

Also Saw Mill Flat Reservoir Site as described in the notice of location thereof, recorded in Book 1 of Water Rights, page 16, Nevada County Records.

Also that certain ditch generally known as and called

the "Bloomfield Ditch", and sometimes called the "North Bloomfield Ditch", which has heretofore been used for the purpose of conveying the water impounded in said Bowman Reservoir to the reservoir known as and called Waldron Reservoir, which said Bloomfield Ditch extends from a point in or near section eight (8), township Eighteen (18) north, range twelve (12) east, in a southwesterly direction to a point in section thirty-five (35), township eighteen (18) north, range eleven (11) east; thence in a northwesterly direction to a point in section nine (9) of said last mentioned township and range; thence in a southwesterly direction to a point in section five (5), township seventeen (17) north, range ten (10) east; and thence in a northerly and westerly direction to said Waldron Reservoir in section thirty (30), township eighteen (18) north, range ten (10) east, and also all ditches and water courses which convey water to the said Bloomfield Ditch, and all waters which naturally or by means of any artificial water course flow or discharge into said Bloomfield Ditch.

Also that certain ditch known as and called "Missouri Canyon Ditch", which extends from a point in Missouri Canyon a distance of four (4) miles, more or less, to the Town of North Bloomfield.

Also that certain ditch known as and called the "Gaston Ditch", extending from a point on the South Fork of Poorman's Creek, a distance of nine thousand (9,000) feet, more or less, to a point near the Gaston Ridge Mine.

Also that certain reservoir generally known as and called the "Waldron Reservoir", situated in section thirty (30), township eighteen (18) north, range ten (10) east.

Reference is hereby specifically made to the records in the office of the Recorder of Nevada County, California, for a more specific description of the water rights and other property hereinbefore referred to.

Also the south half of the northwest quarter of section three (3); the southeast quarter of the northeast quarter; the west half of the northwest quarter; the east half of the northwest quarter; the southwest quarter of the northwest quarter; the west half of the southeast quarter; the northeast quarter of the southeast quarter, and the southwest quarter of section four (4); the southeast quarter of section five (5), the northeast quarter; the east half of the northwest quarter of section eight (8); the northwest quarter of the northwest quarter of section nine (9); the northwest quarter of section eleven (11); the east half of the southeast quarter of section fifteen (15); the east half of the east half; the northeast quarter of the southwest quarter of section twenty-two (22), and the northwest quarter of section twenty-seven (27), all in township eighteen (18) north, range twelve (12) east, Mount Diablo Meridian, containing sixteen hundred and forty (1,640) acres, more or less.

SECOND: Also all improvements and fixtures situate upon any of the hereinabove described property.

THIRD: Also any and all contracts with individuals, corporations, cities, towns, villages, or other municipalities for the furnishing of water, light or power, together with all moneys, rentals or tolls due or to become due upon any or all of said contracts.

FOURTH: Also the following agreements and all of the right, title, and interest of the Company therein:

(1) An agreement dated December 18, 1905, under which the Company as assignee of the party of the second part named in such agreement is (according to the terms of said agreement) entitled to receive the quantity of water therein specified for use in connection with its business in the Grass Valley Mining District, in the County of Nevada, State of California, for the period from the date



of such agreement until January 2, 1936, upon the terms and conditions set forth in such agreement;

(2) An agreement dated December 18, 1905, under which the Company as assignee of the party of the second part named in such agreement is entitled to receive all electric current which it shall require for use in connection with its business in the Grass Valley Mining District, in the County of Nevada, State of California, for the period from the date of such agreement until January 2, 1936, upon the terms and conditions set forth in such agreement. Also any and all agreements which may have been substituted for either of said agreements or which may have been made in modification or renewal thereof whether in pursuance of any provision of either of said agreements or otherwise.

FIFTH: Also all waters, water rights, ditches, easements, flumes, lakes, reservoirs, reservoir sites and all other real property, of every kind and nature whatsoever, and all interests therein, situate in the said Nevada County, now owned by the Company, or in which it is in any way interested.