

Decision No. 16119.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MONTEREY COUNTY WATER COMPANY,)
a corporation, for an order author-)
izing the abandonment of portions)
of its main canal in the County of)
Monterey, State of California.)

Application No. 11715.

Morrison, Hohfeld, Foerster, Shuman and
Clark, by Howard A. Judy, for applicant.

WHITSELL, Commissioner:

O P I N I O N

Monterey County Water Company, a corporation, engaged in the business of distributing water for irrigation purposes in Salinas Valley, Monterey County, asks for authority to abandon service through that portion of its main canal traversing the property of E. A. Brookins, Margaret J. Whisman, and the crossing of the county road east of the Brookins property, and to grant by quitclaim deed all of its rights, title and interests in and to the rights of way and/or easements for this portion of the canal to the above owners of the land crossed by said canal.

A hearing in this proceeding was held in San Francisco after all interested parties had been duly notified and given an opportunity to appear and be heard.

Applicant has appeared before this Commission in another proceeding and reference is made to Decision No. 11157 dated October 23, 1922 (22 C.R.C. 449) for a history of the company and a description of the system and methods of operation.

The evidence in this proceeding shows that the deeds for the rights of way of applicant's canal across the property of H. A. Brookins and Margaret J. Whisman each contained clauses which provided that if and when the canal should not be used for a period of two consecutive years, the said rights of way would thereupon revert to and become the property of the parties owning the land. It appears that the owners of the lands traversed by the canal sought to be abandoned have installed wells and pumping plants from which they now supply their lands with water, and as the canal has not been used for the past two years the applicant has been requested by the above land owners to abandon this portion of the canal, as provided in the aforesaid deeds, in order that the lands may be restored to their original condition and be used for agricultural purposes.

The abandonment of this canal will eliminate the maintenance by applicant of a bridge across the canal at the county road running along the easterly boundary of the Brookins property. No one protested the granting of this request, and as the evidence shows that lands located below the property of Brookins and Whisman are supplied with irrigation water from another canal, it appears that the application should be granted.

The following form of order is recommended:

O R D E R

Monterey County Water Company, a corporation, having made application to the Railroad Commission for authority to abandon a certain portion of its main canal located in Monterey County, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully advised thereon,

IT IS HEREBY ORDERED:

1. That Monterey County Water Company, a corporation be

and it is hereby authorized to abandon on or after the thirty-first day of March, 1926, that portion of its main canal in Monterey County crossing that certain county road which runs along the easterly boundary of property owned by one H. A. Brookins and also those other portions of its said main canal traversing property owned by H. A. Brookins and property owned by Margaret J. Whisman.

2. That Monterey County Water Company, a corporation, be and it is hereby authorized to grant by quitclaim deed or otherwise to the owners of the lands traversed by the portions of its main canal herein authorized to be abandoned, all of the rights, title and interests heretofore held by said Monterey County Water Company in or to the rights of way and/or easements across said lands.
3. That within ten (10) days from the date of this order Monterey County Water Company, a corporation, shall notify in writing H. A. Brookins and Margaret J. Whisman of its intention to discontinue on or after March 31, 1926, the operation of its main canal over their respective properties.
4. That a certified copy of the final instruments of conveyance granting the rights, title and interests herein authorized to be transferred shall be filed with the Commission by Monterey County Water Company, a corporation, within thirty (30) days from the date on which they are executed.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing opinion and order are hereby approved
and ordered filed as the opinion and order of the Railroad Com-
mission of the State of California.

Dated at San Francisco, California, this 8th day
of March, 1926.

H. R. Anderson

O. L. Seaver

Leon Whitell

Commissioners.