

Decision No. 16956.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PALM VALLEY WATER COMPANY,)
a corporation, for authority to)
transfer property.)

ORIGINAL

Application No. 12676.

C. L. McFarland, for applicant.
Prescott T. Stevens, in propria persona.

BY THE COMMISSION:

O P I N I O N

Palm Valley Water Company, a corporation, applicant in the above entitled proceeding, supplying water in and in the vicinity of Palm Springs, Riverside County, asks the Railroad Commission to approve a contract wherein applicant obtains the right to develop an additional water supply on lands in Chino Canyon owned by one Prescott T. Stevens, in exchange for the transfer to said Stevens of a certain open transmission canal and the agreement to reserve for and deliver to said Stevens a certain specified amount of the water to be developed.

A public hearing in this matter was held at Palm Springs before Examiner Williams, after all interested parties had been duly notified and given an opportunity to appear and be heard.

Palm Valley Water Company obtains its water supply from the waters flowing in Chino Creek in Riverside County. The increased demand for water on this system has made it necessary to acquire additional water. The rights now owned or controlled by the company in Chino Creek are limited and do not permit further development to the extent now necessary. In order to more fully develop the water resources on Chino Creek the company has made arrangements to acquire the water and certain other rights owned and controlled by Prescott T. Stevens in and about Chino Creek.

For these rights and other considerations the company has agreed to convey to said Stevens the conduit known as the Palm Valley Water Company's Canal, used for irrigation purposes, and in addition to supply water for domestic and household purposes and also for the irrigation of some 15 acres, more or less, of land belonging to said Stevens and certain other considerations more particularly set out in the agreement marked Exhibit "A", attached to the application in this matter.

The above mentioned Palm Valley Canal is an open irrigation ditch through which waters belonging to certain persons owning or controlling water rights in White Water River have been transported by the company, which however itself owns no water rights in this river. According to the testimony, for the past four or five years there has been no water available for transmission through this canal except water developed by said Stevens through his own water rights, the waters so developed having been delivered to the canal through pipe lines belonging to Stevens. The agreement provides that the irrigation water will be transported by Stevens by means of a concrete pipe line already under construction for this purpose.

After considering this matter fully it appears that the rights of the public and the consumers are properly protected in this proposed transfer, and that it will be to the best interests of the consumers to obtain an additional supply of water for domestic and other general purposes. The request of applicant therefore should be granted.

O R D E R

Palm Valley Water Company, a corporation, having made application for authority to transfer to Prescott T. Stevens a certain irrigating ditch near Palm Springs, Riverside County, a public hearing having been held thereon, and the matter having been submitted,

IT IS HEREBY ORDERED that Palm Valley Water Company, a corporation, be and it is hereby authorized to transfer to Prescott T. Stevens that certain conduit known as the Palm Valley Water Company's Canal, extending from its original intake near the North line of Section 24, Township 3 South, Range 3 East, S.B.B. & M., to its terminus in Section 15, Township 4 South, Range 4 East, S.B.B. & M., as more particularly described in and in accordance with the terms of the agreement entered into January 28, 1926, by and between Palm Valley Water Company and Prescott T. Stevens, said agreement being attached to and made a part of the application herein and hereby incorporated in this order by reference thereto, upon the following conditions and not otherwise:

1. The authority herein granted shall apply only to such transfer as shall have been completed on or before August 31st, 1926, and a certified copy of the instrument of conveyance shall be filed with this Commission by Palm Valley Water Company on or before thirty (30) days from the date of such transfer.
2. Within ten (10) days of the date on which possession and control of the property herein authorized to be transferred is actually relinquished to Prescott T. Stevens, a certified statement to that effect shall be filed with this Commission by Palm Valley Water Company.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 19th day of June, 1926.

H. B. Brundage
C. L. Seavey
Ernest W. Scott

Commissioners.