

# ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of HENRY H. MEYER, M. A. COSTA and JOHN COSTA, doing business under the fictitious name and style of "DOWNIEVILLE WATER COMPANY," to sell, and of the Commissioners of the Fire Department of the unincorporated Town of Downieville to purchase the properties of said Downieville Water Company.

Application No. 13067

BY THE COMMISSION:

OPINION AND ORDER.

The three partners doing business under the fictitious name and style of Downieville Water Company have joined in this application with the Commissioners of the Fire Department of the unincorporated Town of Downieville, asking that this Commission authorize the said water company partners to transfer the properties of said company, as more particularly described in Exhibit A attached to the application herein, to this public body.

The application recites that these properties include a portion of the ditch known as the "Costa Brothers Ditch" together with a reservoir and distributing pipe system in the Town of Downieville and the application further recites that it is imperative for some public authority, for the greater protection of the community of Downieville, to obtain ownership and control of the waters and this ditch and distributing system. It is

alleged that the Commissioners of the Fire Department constitute a proper and responsible body for these purposes and that they can, and will, accept said properties and assume the responsibilities which may attach to such ownership. Applicants operating the present water company also request authority to be relieved from public utility responsibilities.

While it is true that a transfer of these public utility properties to the Fire Commissioners above mentioned will divest this Commission of regulatory authority over the consumers of this system (City of Pasadena v. Railroad Commission, 183 Cal., 526), nevertheless we feel that in the present instance the public interest would be subserved by the authorization of the proposed transfer. The matter has been examined on the ground by the engineer representing the Hydraulic Division of this Commission and by the attorney of this Commission and we are of the opinion that this transfer may and should be authorized without a hearing. The Board of Fire Commissioners recognizes the responsibility which attaches to the purchase of water rights and a public utility system which is subject to service obligations. We are of the opinion that this Board of Fire Commissioners constitutes a proper body to hold these rights, and we are advised by the District Attorney of Sierra County- the legal adviser of this Board- that it is legally authorized to hold title to such waters, water rights and distributing system. Our order will, therefore, authorize the proposed transfer and will relieve the present holders of public utility obligations.

O R D E R

Application having been made to this Commission by The Downieville Water Company and the Commissioners of the Fire Department of the unincorporated Town of Downieville for authority to transfer the waters, water rights and distributing system of said Downieville Water Company to said Fire Commissioners, this Commission having investigated this matter, and being of the opinion that the contemplated transfer is in the public interest,

IT IS HEREBY ORDERED that Henry H. Meyer, M. A. Costa and John Costa, doing business under the fictitious name and style of Downieville Water Company, be and the same are hereby authorized to sell and transfer the waters, water rights and distributing system of said Downieville Water Company, as more particularly described in Exhibit A attached to the application herein, to the Commissioners of the Fire Department of the unincorporated Town of Downieville, which said Commissioners are hereby authorized to purchase said system, subject to the responsibilities pertaining thereto, and

IT IS HEREBY FURTHER ORDERED that said Henry H. Meyer, M. A. Costa and John Costa, doing business under the fictitious name and style of Downieville Water Company, are hereby relieved from duty as public utility operations to furnish water to any and all persons heretofore entitled, or who might become entitled to such service.

Dated at San Francisco, California, this 11<sup>th</sup> day of August, 1926.

W. A. Sandberg  
C. Seamy

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Thos. L. Quinn  
Commissioners.