

Decision No. 11119

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application
of WHITTIER WATER COMPANY, a cor-
poration, for an order authorizing
it to sell a portion of its water
system.

Application No. 8189.

James S. Bennett, for Whittier Water
Company and Judson Mutual Water Company.

BY THE COMMISSION.

O P I N I O N

The above entitled matter is an application by the Whittier Water Company for an order authorizing it to sell a portion of its system, together with certain water rights, in accordance with the terms of a certain agreement attached to the application.

A public hearing was held in this matter before Examiner Williams at Los Angeles at which time the Judson Mutual Water Company joined in the application. All parties interested were notified of the hearing and given an opportunity to be present and be heard.

The Whittier Water Company desires to sell that portion of its plant known as the Judson plant and the pipe lines now used in distributing the water therefrom, together with the right to take

underground and surface waters from this location.

The evidence shows that there are only a few public utility consumers receiving water from this unit. A large majority of the public utility consumers of the Whittier Water Company receive water from either the Bassett or the Bartolo plants, through pipe lines that are to be retained.

The question of the adequacy of the supply to be retained by the Whittier Water Company for the use of these consumers was gone into and the evidence is clear that there still remains an adequate supply for the needs of all of the public utility consumers remaining on the Whittier Water Company's system.

The evidence also shows that the Whittier Water Company aims to have all the public utility consumers on the Judson system buy stock in the new company, and in case they do not it intends to hold enough stock in the new company to have water delivered to them.

It was shown that this portion of the Whittier Water Company's system is practically a separate unit and can be separated from the remainder of the system without interfering in the least with the operation thereof.

After a careful consideration of all of the evidence, we believe that the authority requested by applicants should be granted.

O R D E R

Whittier Water Company having applied to the Railroad Commission for authority to sell its Judson system and water rights to the Judson Mutual Water Company, a public hearing having been held and the matter having been submitted and now ready for decision;

IT IS HEREBY ORDERED that the Whittier Water Company be and it is hereby granted authority to sell, and Judson Mutual Water Company to purchase, the certain properties and rights more particularly described in Appendix "A" attached hereto, in accordance with the terms of the agreement attached to the application, upon the

following conditions and not otherwise:

- (1) The purchase price agreed upon between the applicants herein shall not be urged before this Commission or any other public body as a finding of value for rate fixing or any other purpose than the transfer herein authorized.
- (2) The authority herein granted shall apply only to such transfer as may have been made on or before June 30, 1923, and a certified copy of the instrument of conveyance shall be filed with this Commission by the Whittier Water Company within thirty (30) days of the date on which it is executed.
- (3) Within ten (10) days from the date on which the Whittier Water Company actually relinquishes control and possession of the properties herein authorized to be transferred, a certified statement shall be filed with this Commission indicating the date on which such control and possession was actually relinquished.
- (4) The authority herein granted shall apply only in case each of the public utility consumers, now supplied by this system, purchases stock in the Judson Mutual Water Company or sufficient stock is set aside and retained by the Whittier Water Company so that it can deliver water to any of these consumers who do not desire to purchase stock in the Judson Mutual Water Company.
- (5) The Whittier Water Company shall file with this Commission, within ten (10) days after the date on which control and possession has actually been relinquished, a certified statement showing the names of all of the present public utility consumers listed in paragraph No. 8 of the application who have not purchased stock in the new company, and the amount of stock being held by the Whittier Water Company solely for the purpose of having water delivered to these consumers.

Dated at San Francisco, California, this 18th
day of October, 1922.

James M. McArthur
Charles F. McArthur
James M. McArthur
James M. McArthur

Commissioners.

APPENDIX "A"

SCHEDULE OF PROPERTY TO BE CONVEYED BY
WHITTIER WATER COMPANY TO JUDSON MUTUAL WATER COMPANY.

1. Lot One (1) of Tract Nineteen Hundred and Ten (1910) of the Rancho Paso de Bartolo, in the County of Los Angeles, as per map recorded in book 21 of Maps at page 159 in the office of the County Recorder of said County of Los Angeles, together with all the pumps, engines, water service equipment and other improvements thereon, subject to easements now of record, excepting and reserving to said Whittier Water Company two-thirds of the net avails of said Judson Mutual Water Company, its successors and assigns, of any oil, gas, or other hydrocarbons produced from said Lot One (1) of Tract Nineteen Hundred and Ten (1910) or received by it on account of permission to explore said land for the same, and whether the same shall accrue by its own operations or from bonus, rent, royalty or otherwise.
2. All the right, title and interest of said party of the first part in and to the 1000 miners inches of water confirmed to it by paragraph XXXVII of the Judgment of the Superior Court of the State of California in and for the County of Los Angeles entered November 20, 1917, in book 421 at page 2131 of Judgments of said Court, in action #90606, wherein Cate Ditch Company, a corporation, and others were Plaintiffs and Whittier Water Company, a corporation, and others, were Defendants (said interest hereby conveyed being 700 inches out of said 1000 inches).
3. That part of Lot Forty One (41) in Block Two (2) of Tract Five Hundred and Five (505) according to map recorded in Map Book 15, pages 94 and 95 Records of Los Angeles County, California, described as follows: Beginning at the most Westerly corner of said Lot Forty One (41); thence South 49° 54' East along the Southwesterly line of said Lot Forty One (41) 74.00 feet to a point; thence North 40° 16' East 182.62 feet to a point in the Northwesterly line of said Lot Forty One (41); thence South 62° 09' 30" West along said Northwesterly line 197.04 feet to the point of beginning, containing 0.16 acres of land, together with all the pumps, engines, water service equipment and other improvements thereon, subject to exceptions, reservations and conditions now of record.
4. All the right, title and interest of the party of the first part in that certain easement and right-of-way conveyed to the party of the first part by Elizabeth Ogden by instrument recorded May 9, 1917, in book 6467 at page 343 of deeds, records of Los Angeles County.
5. That certain Thirty (30) inch cement pipe line beginning at the concrete division box on South side of the Los Angeles and Santa Ana Road at its intersection with Colima Road; thence South 26° East 65 feet; thence North 45° East 65 feet; thence South 65° 18' East 378 feet; thence South 69° 11' East 435 feet; thence North 81° 51' East, 123 feet; thence North 72° 59' East 176 feet; thence North 81° 20' East 152 feet; thence North 83° 56' East 627 feet; thence South 60° 23' East 564 feet; thence South 73° 57' East 586 feet; thence South 65° 26' East 209 feet; thence

South $51^{\circ}-57'$ East 153 feet; thence South $14^{\circ}-03'$ East 343 feet to the intersection of old thirty (30) inch cement line East of California Domestic Water Company's Plant No. 3, excepting and reserving to said Whittier Water Company the capacity of said thirty (30) inch cement line in excess of 400 miners' inches continuous flow.

6. Hart Line.- Commencing at the Easterly end of said 30" cement line (Parcel Five (5) above described) thence easterly 751 feet of 32" x 28" concrete conduit, to the pipe line of La Habra Heights Company connecting with the pumping plant of La Habra Heights Mutual Water Company.

7. La Mirada Line.- Commencing at pumping plant on Lot 1 of Tract 1910 of the Rancho Paso de Bartolo (parcel number one (1) hereinbefore described), 350 feet of 48" x 28" concrete conduit; then 350 feet of 36" steel riveted No. 8 pipe; then 40 feet of 48" steel riveted No. 8 pipe; then 585 feet of 36" x 36" concrete conduit, in place across said Lot 1 to Norwalk and Puente Hills Road; thence Southeasterly along East Side of said Norwalk and Puente Hills Road 600 feet 48" x 48" concrete conduit; then 1400 feet of 36" cement pipe; then 4900 feet of 36" cement pipe, to Southerly side of Pacific Electric Railway right of way across said road; thence Southerly along East side of Norwalk and Puente Hills Road 500 feet of 36" x 36" concrete conduit to Atchison, Topeka and Santa Fe Railway right of way at Los Nietos; thence Southeasterly along Northwest side of said right of way 980 feet of 30" cement pipe; then $11\frac{1}{2}$ feet of 30" steel, riveted, pipe under railway tracks; then 570 feet of 30" cement pipe to Los Nietos and La Mirada Road; thence Southeasterly along Southwest side of Los Nietos and La Mirada Road 6022 feet of 30" cement (Bell) pipe; then 100 feet of cement (Bell) pipe to junction of road last mentioned with Painter Road; thence 3750 feet of 28" x 28" concrete conduit; then 381 feet of 34" x 28" concrete conduit; then 24 feet of steel, riveted, in concrete, under railway tracks; then 370 feet of 34" x 28" concrete conduit to Orchard Dale No. 1 Plant near junction of Los Nietos and La Mirada Road with unnamed road; thence Northwesterly along unnamed road 700 feet of 16" steel, riveted, in concrete; then 26 feet of 20" steel, riveted, in concrete, to the 14" line of the Orchard Dale Water Company.

8. Valley View Line.- Commencing near the intersection of Valley View Avenue with Broadway; thence Southwesterly along Valley View Avenue in Tract 505, 2000 feet of 4" steel, riveted, pipe #16, to the Southeast corner of Lot 77, said Tract 505.

9. Gunn Road Line.- Commencing at the intersection of Gunn Road with Los Nietos and La Mirada Road; thence Northeasterly along Gunn Road 2,700 feet of 16" concrete pipe to pumping plant of Colima Tract Water Company.

10. Colima Road Line.- Commencing at the intersection of Colima Road with Los Angeles and Santa Ana Road (Whittier Boulevard) thence Southwesterly along Colima Road 8184 feet of 18" redwood pipe, to the Northeast corner of Lot 95, in Tract 505; thence Westerly and thence Southerly 700 feet of 12" redwood pipe, to a point near the Southerly line of said Lot 95 approximately 600 feet West of Colima Road.

11. Painter Road Line.- Commencing at the intersection of Painter Road with Los Nietos and La Mirada Road; thence Northwesterly along Painter Road 1585 feet of 16" cement pipe; then 1864 feet of 14" and 18" cement pipe, double strength, to pumping plant of Santa Gertrudes Irrigation Company.

12. Carlton Road Line.- Commencing at the intersection of Carlton Road with Los Nietos and La Mirada Road; thence Southerly along said Carlton Road 1218 feet of 12" cement pipe.
