

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA.

In the Matter of the Application)
of Foothill Ditch Company for an)
order authorizing the issuance)
of capital stock and promissory)
notes.)

Application No. 1617.

ORIGINAL

Decision No. 2313

GORDON, Commissioner.

O P I N I O N

Foothill Ditch Company in this application requests authority to issue ten thousand (10,000) shares of its capital stock at the par value of One (\$1.) Dollar per share, and four (4) promissory notes of Twenty-five Hundred (\$2500.) Dollars each, bearing interest at the rate of seven (7%) per cent. per annum, and payable to Mrs. Rosa S. Spaulding. These notes are to become due one, two, three and four years after date. Applicant also asks for authority to issue a one day promissory note to the First National Bank of Exeter in the sum of Five Thousand (\$5000.) Dollars, bearing interest at the rate of seven (7%) per cent. per annum.

The securities which Foothill Ditch Company herein asks authority to issue are to take the place of certain notes and stock previously issued without the consent of the Commission.

Previous to the filing of the application in this matter a hearing was held upon Application No. 1576 - In the Matter of the Transfer of Property from Rosa S. Spaulding to Foothill Ditch Company - and upon Application No. 1457 - Application of Foothill Ditch Company for permission to increase its rates.

By stipulation the Commission was enabled to consider the evidence in these two proceedings in connection with this application, and reference is hereby made to the transcripts and exhibits therein. In view of the above-mentioned stipulation, applicant was not represented at the hearing in the present application.

The evidence adduced places the present value of the property at Twenty-seven Thousand Nine Hundred Fifty (\$27,950.) Dollars.

In regard to the Ditch Company's application to issue a one-day promissory note in the sum of Five Thousand (\$5000.) Dollars to First National Bank of Exeter, I am of the opinion that no order is necessary, as this note is for a term of less than twelve months. As regards the other portions of the Company's application, I shall recommend that they be granted.

I submit herewith the following form of order.

ORDER

Foothill Ditch Company having made application for an order authorizing the issuance of Nine Thousand Nine Hundred Ninety-seven (9,997) shares of its common capital stock to Merryman Fruit, Land and Lumber Company, and one share each to R. C. Merryman, John A. VanCleve, Jr. and Louise Van Cleve, as officers and directors of Foot-hill Ditch Company, at the par value of One (\$1.) Dollar per share, and four (4) promissory notes of Twenty-five Hundred (\$2500.) Dollars each, and of one promissory note in the sum of Five Thousand (\$5000.) Dollars, as hereinbefore set forth, and a public hearing having been held, and the Commission being fully apprised in the premises;

IT IS HEREBY ORDERED that the Foothill Ditch Company be, and it is hereby, granted authority to issue 9,997 shares of its capital stock to Merryman Fruit, Land and Lumber Company, and one share each to R. C. Merryman, John A. VanCleve, Jr. and Louise Van Cleve, as officers and directors of Foothill Ditch Company, at the par value of One Dollar per share;

IT IS FURTHER ORDERED that Foothill Ditch Company be, and it is hereby, granted authority to issue four promissory notes in the sum of \$2500. each to Mrs. Rosa S. Spaulding; said notes to bear interest at not to exceed seven per cent. per annum, and to fall due one, two, three and four years after date, respectively;

IT IS FURTHER ORDERED that the notes and stock herein authorized to be issued shall be issued in substitution for certain stock and notes heretofore illegally issued by Foothill Ditch Company without the consent of this Commission.

Before any of the stock or notes herein authorized shall be issued, the stock and notes heretofore illegally issued shall be returned to applicant's treasury and cancelled.

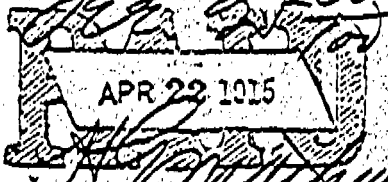
Within thirty (30) days after the issuance of any of the stock or notes herein authorized, Foothill Ditch Company shall make report of such fact to the Commission.

The authority herein granted to Foothill Ditch Company to issue notes and stock shall apply only to such notes and stock as are issued on or before October 20, 1915.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 20th
day of April, 1915.

Railroad Commission State of California



BY J. H. Withman
Assistant Secretary

Abbott
Mr. Gordon
Edwin W. Edgerton