

Decision No. ✓.

ORIGINAL

Decision No. 3/58

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
MOUNTAIN LIGHT AND WATER COMPANY,
BROOKDALE LAND COMPANY and COUNTY
OF SANTA CRUZ for an order authori-
zing MOUNTAIN LIGHT AND WATER COM-
PANY and BROOKDALE LAND COMPANY to
convey certain water rights.

} Application No. 2112.
}
}
}

J. F. Hughes, for Mountain Light and Water Company.

BY THE COMMISSION.

O P I N I O N.

This application, as amended, requests an order from this Commission authorizing Mountain Light and Water Company and Brookdale Land Company to execute two instruments with the County of Santa Cruz, the first of which, designated as applicants' Exhibit No. 1, will cancel a certain purported conveyance of water rights hereinafter more particularly referred to and the second of which, designated as applicants' Exhibit No. 2, will convey to the County of Santa Cruz certain land, easements and water rights for the purpose of enabling said County to maintain its fish hatchery on the San Lorenzo River.

This application was filed in pursuance of a stipulation of the parties for the settlement of the case, before this Commission, of James S. Naismith, complainant, vs. Brookdale Land Company, Mountain Light and Water Company and County of Santa Cruz, defendants, said case being designated as Number 904.

Most of the facts relevant to this application are set forth in the Opinion in that case, which was decided by this Commission by Decision No. 3149 on March 11, 1916.

We might add that the proposed cancellation agreement complies with the spirit of this Commission's Order in Case No. 904, and that the proposed new deed will convey to the County of Santa Cruz all the lands and easements which the original deed from Brookdale Land Company to the County of Santa Cruz (dated May 7, 1912, and recorded in the office of the County Recorder of the County of Santa Cruz in Volume 241 of Deeds, page 272, and which was executed without the authorization of this Commission) purported to convey, and all the water rights which can properly be conveyed, to the County of Santa Cruz, with due regard to the rights of the inhabitants of the village of Brookdale and its vicinity.

O R D E R.

Mountain Light and Water Company, Brookdale Land Company and County of Santa Cruz having applied to this Commission for an order authorizing Mountain Light and Water Company and Brookdale Land Company to execute to and with the County of Santa Cruz two certain instruments, drafts of which designated as applicants' Exhibit No. 1 and applicants' Exhibit No. 2 were filed with this Commission on March 10, 1916, and a public hearing having been held and it appearing that it is for the best interests of all of the applicants and of the inhabitants of Brookdale and its vicinity in Santa Cruz County that the application should be granted,

IT IS HEREBY ORDERED that Mountain Light and Water Company and Brookdale Land Company be and the same are hereby authorized to execute two certain instruments with applicant, County of Santa Cruz, in the words and figures of the drafts of said instruments, one of which is designated as applicants' Exhibit No. 1 and one of which is designated as applicants' Exhibit No. 2, both of which were filed with this Commission at the hearing on March 10, 1916.

The authority herein granted is granted upon the following conditions and not otherwise:

1. The instruments herein authorized shall not be executed later than May 31st, 1916.
2. Within 30 days after the execution of said instruments, applicant shall file copies of the same with this Commission.

Dated at San Francisco, California, this 14th day of March, 1916.

Max Thelen

H. H. Loveland

Alfred Gordon

Edwin O. Edgerton

Commissioners.