

Decision No. ✓

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 3161

In the matter of the application of)
J. A. GRAVES and JACOB BEAN to have) Application No. 2084.
certain property relieved from the)
character of public utility property.)

O'Melveny, Stevens and Millikin,
by Sayre Macneil for applicant.

BY THE COMMISSION:

O P I N I O N.

This is an application from the joint owners of a water utility to have certain of their water bearing lands now impressed with the character of public utility property relieved of that burden. J. A. Graves and Jacob Bean have owned a tract of approximately 18 acres in Tract No. 34 within the City of Pasadena for many years. The land affords protection to the pumping cone surrounding wells owned by applicants.

About 1896, a year of small rainfall, Mr. Graves found that productive wells could be secured by drilling on this 18 acre tract, and several years were spent in developing the supply of some 170 miner's inches of water now available. The location of the tunnels and wells from which the supply is secured, appear on a map of the property filed with the application. To protect the wells against encroachment by other parties prospecting for water, the entire 18 acres have been kept intact and in the names of applicants.

The growth of the City of Pasadena in the direction of this acreage has opened an opportunity for sale of the surface rights of the land, and with restrictions, covering possible drilling of wells on the lots and with precautionary measures for sanitary protection, there appears no reason why

the surface of the land should lie idle. One of this Commission's hydraulic engineers has made an investigation of the property and finds that the reservations hereinafter described appear sufficient to protect the water supply.

The applicants in the proceeding divide the water equally, and thereafter separately serve the public. Mr. Graves furnishes water to the Midwick County Club and to some one hundred and thirty metered consumers in the City of Alhambra. Mr. Bean uses the major portion of his share of water upon his orange grove of about 100 acres. He also has nine domestic consumers. Applicants' rights to pump have been established by use over a long period of time and it is not probable that any one will encroach upon their pumping territory. Protection against pollution is provided for in the order.

O R D E R.

J. A. GRAVES and JACOB BEAN, operating a water utility within the City of Pasadena, having applied to this Commission for an order authorizing the release of ^{certain} real estate from the character of public utility property, and a public hearing having been held thereon, and the matter now being ready for decision,

IT IS HEREBY ORDERED that the following described lands and easements are hereby found necessary to the operation of the said water utility now operated by J. A. Graves and Jacob Bean, to wit:

1. Lots sixteen (16), fifty-one (51) eighty-two (82) and seventy-two (72) in Tract No. 34 as per map thereof recorded in Map Book 13 Pages 190 and 191 Records of Los Angeles County.
2. A portion of Lot 1 of said tract No. 34, more particularly described as follows:-
Commencing at a point in the northerly line of

Allendale Road 78.22 feet westerly from the east boundary of said Lot One (1); thence northerly parallel to the easterly boundary of said lot one (1), 20 feet; thence south $29^{\circ} 55'$ west a distance of 16.36 feet; thence south, parallel with the easterly line of said lot one (1) 26.43 feet to a point on the north line of Allendale Road; thence easterly 21.01 feet along said Allendale Road to point of beginning.

3. The right to conduct water through the present cement pipe line or otherwise through the tunnel underneath the surface of lots eighty-one (81), eighty (80), seventy-nine (79), seventy-eight (78), seventy-seven (77), seventy-six (76), sixty (60), sixty-one (61), sixty-two (62), sixty-three (63), sixty-four (64), sixty-five (65), two (2), one (1) and seventy-two (72), all in said Tract No. 34, and under Oakland Avenue and Glenarm Street, said tunnel and pipe line being located as shown on plat attached to the application.

4. The right to all underground water in or under lots one to fifteen (1-15) both numbers inclusive; fifty-two to sixty-six (52-66) both numbers inclusive; sixty-seven to seventy-one (67-71) both numbers inclusive; seventy-three to eighty-one (73-81) both numbers inclusive and lot eighty-three (83); all in said Tract No. 34.

IT IS HEREBY ORDERED that the following described lands are hereby found to be not necessary to the operation of the said utility, and are to the extent described herein, relieved from the burden of their public utility character; but they are subject nevertheless to the said utility's right to the underground water hereinbefore described. All of said lands are located in said Tract No. 34, and are described as follows, to-wit:

That portion of lot one not hereinabove found necessary to the operation of said water utility; lots two to fifteen (2-15), both numbers inclusive; lots fifty-two to sixty-six (52-66), both numbers inclusive; lots sixty-seven to seventy-one (67-71), both numbers inclusive; lots seventy-three to eighty-one (73-81), both numbers inclusive; and lot eighty-three (83).

IT IS HEREBY FURTHER ORDERED that all conveyances of any of the real property hereinbefore described shall contain a clause reserving to the said utility now operated by J. A. Graves and Jacob Bean and to any utility of which it may at any time form a part, the right to all underground water in said property; and a restriction that all stables, bathing facilities, toilets and sanitary fixtures erected or installed upon any property herein described must be promptly connected with an outfall sewer, conveying all sewage away from all property herein described.

Conveyances of any of the real property hereinbefore described shall be made only after a certified copy of this order shall have been recorded in the office of the Recorder of Deeds for Los Angeles County.

Dated at San Francisco, California, this 14th

day of March, 1916.

Max Thelen

H. B. Overland

Alex Gordon

Edwin O. Edgerton

Commissioners.