

Decision No. _____

ORIGINAL

Decision No. 3758

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
AUGUST C. HIHN, KATHERINE C. HENDER-)
SON, AGNES HIHN YOUNGER, HARRIET HIHN)
and A. S. JANSEN, as trustees of the)
creditors and stockholders of F. A.)
Hihn Company, a corporation dissolved,)
and KATHERINE C. HENDERSON, AUGUST)
C. HIHN, AGNES HIHN YOUNGER, RUTH)
READY, TERESA HIHN, MINNIE E. HIHN)
and FRED D. HIHN, and SANTA CRUZ)
WATER COMPANY, a private corporation)
organized, acting, existing and in-)
corporated under the laws of the)
State of California, for an order)
authorizing the sale by said appli-)
cants to the City of Santa Cruz, a)
municipal corporation, in the State)
of California, of property described)
in the annexed agreement, of the)
water system and public utility)
known as the "Hihn Water System.")

Application No. 2568.

BY THE COMMISSION:

O R D E R.

August C. Hihn, Katherine C. Henderson, Agnes Hihn
Younger, Harriet Hihn and A. S. Jansen, as trustees of the
creditors and stockholders of F. A. Hihn Company, a corpora-
tion dissolved, and Katherine C. Henderson, August C. Hihn,
Agnes Hihn Younger, Ruth Ready, Teresa Hihn, Minnie E. Hihn
and Fred D. Hihn, and Santa Cruz Water Company having applied
to this Commission for authority to convey to the City of
Santa Cruz, for the sum of \$56,000.00 in accordance with the
terms and conditions of the form of agreement between appli-
cants and the City of Santa Cruz, a copy of which agreement

is attached to this application, the following described property, comprising the public utility water system generally known as the Hihn Water System; which is situated partly within and partly outside of the City of Santa Cruz:

REAL PROPERTY.

1. HIGH STREET RESERVOIR, situate in said City of Santa Cruz.

Being a part of lot 5 in Block "A" of the former town, now city, of Santa Cruz, and beginning in the easterly line of lot 6 of said Block "A", at a point from which the southeast corner of said lot 6 on the north side of High Street bears south $16^{\circ} 30'$ east, 170 feet distant; running thence on a line parallel with the north line of High Street, north $75^{\circ} 15'$ east 201.96 feet to the westerly line of lot 4 of said block "A"; thence along said last named line north $14^{\circ} 45'$ west 3.30 feet to the northwest corner of said lot 4; thence along the north line of lot 4, north $69^{\circ} 45'$ east, 69.30 feet to the southwest corner of lot 3 of said block; thence along the westerly line of lot 3, north $14^{\circ} 30'$ west, 206.58 feet to the northwest corner thereof; thence along the northerly line of the same lot, north $67^{\circ} 10'$ east, 207.90 feet to the northeast corner of said lot 3, in the westerly line of Potrero Street; thence along the last named line north $19^{\circ} 15'$ west, 25.08 feet; thence leaving said street, south $67^{\circ} 10'$ west, 204.60 feet; thence north $13^{\circ} 45'$ west 217.80 feet to the southerly line of lands of E. A. Noel; thence along the last named line, south $57^{\circ} 20'$ west, 300.96 feet to the northeast corner of first mentioned lot 6; thence along the easterly line of said lot 6, south $16^{\circ} 30'$ east, 341.22 feet to the place of beginning. Reserving from the above premises a right of way for a public street twenty feet wide as described in deed from F. A. Hihn to J. H. Logan, dated September 10, 1892, and thereafter recorded in Volume 91 of Deeds, at pages 76 and 77, of the record of deeds, in the office of the county recorder of the county of Santa Cruz.

2.

2. MAJORS CREEK WATER RIGHTS.

Right to waters of Cojo or Majors Creek, together with one-half acre of land^{as} described in deed from Antonio and Maggie J. Silva to F. A. Hihn, dated August 3, 1881, and recorded in volume 31 of deeds, at pages 551 to 554, Santa Cruz county records. Also water rights and several small parcels of land on the Refugio Rancho as described in deed from Santa Cruz Water Co. to F. A. Hihn, dated March 2, 1889, and recorded in volume 71 of deeds, at pages 80 to 82, being the same property as described in the three following deeds from L. T. Almstead and Fanny A. Almstead to Santa Cruz Water Co., dated July 27, 1881, and recorded in volume 32 of deeds, at page 22, and October 25, 1881, recorded in volume 32 of deeds, at page 299, and May 8, 1882, and recorded in volume 33 of deeds, at page 406, Santa Cruz county records.

3. BRANCIFORTE CREEK SYSTEM.

(a) Branciforte reservoir, situate in said city of Santa Cruz.

Beginning at the intersection of the westerly line of Branciforte Avenue with the southerly line of lands formerly of one Smith, now Laveage Park; running thence along said line of Branciforte Avenue south $19^{\circ} 10'$ west, 112 feet; thence leaving said avenue, north $65^{\circ} 15'$ west, 82.50 feet; thence north $40^{\circ} 15'$ west, 265 feet; thence north 44° east, 126 feet; thence south $28^{\circ} 15'$ east, 195 feet; and thence south 64° east 115 feet, more or less, to the point of beginning. Containing $782/1000$ of an acre.

(b) Beginning at a point on the easterly side of Branciforte Creek on the north boundary of land formerly of Henry Rice, on the quarter section line running east and west through the middle of Section 29, Township 10 South, Range 1 West, Mount Diablo Meridian, distant 1311 feet west of the east line of said section, from which the one-sixteenth section corner bears south $89^{\circ} 56'$ west, 35 feet distant and a laurel marked "W" bears north 19° west 42 feet distant; thence running south $89^{\circ} 56'$ west along the quarter section line crossing said creek, 108 feet; thence north 29° west, 66 feet; thence north $18\frac{1}{2}^{\circ}$ east, 252 feet to a stake 2 - A; thence north $52\frac{1}{2}^{\circ}$ east, 91 feet to a stake 3 - A; thence crossing said creek, south 69° east, 86 feet to a stake S; thence

south $52\frac{1}{2}^{\circ}$ west, 109 feet to a stake S; thence south $11\frac{1}{2}^{\circ}$ west, 177 feet to a stake S; thence south $19\frac{1}{2}^{\circ}$ east, 88 feet to the place of beginning. Also the right to construct on said premises fifteen feet more or less high above the bed of said creek, a dam or dams. Also the right of access to and from the land above described, from and to the county road.

(c) Scotts Valley Reservoir.

That certain tract of land situated within the boundaries and forming a part of the Carbonera Rancho, and on the easterly side of the county road leading from the city of Santa Cruz to Scotts Valley; and bounded on the south by land of the estate of F. W. Billing; on the east by the west branch of Branciforte Creek; on the north and northwest and northeast by a private road running from said county road, said private road beginning on the easterly side of said county road at or near the northwest corner of land of the estate of F. W. Billing, and running northeasterly, southeasterly and northeasterly, to and across the said west branch of Branciforte Creek.

4. All and singular the rights to water, and to pipe or other instruments to carry water, and other rights and easements which are now had or owned, or which may be had, by said parties of the first part, or by certain of said parties of the first part as trustees for F. A. Hihn Company, a corporation dissolved, or by F. A. Hihn,--subject to existing servitudes, of, in or to the waters of Majors Creek, and its transmission system, and the rights in connection therewith, and of, in and to the waters of Branciforte Creek, and both branches thereof; but, as to any water rights in or to Branciforte Creek appurtenant to any land situate in the city of Santa Cruz and now belonging to or held by the parties of the first part, or any of them, or owned at the time of his death by F. A. Hihn, or at the time of its dissolution by F. A. Hihn Company, the rights conveyed shall be ~~be~~ only to the quantity of water now taken from the present intake or intakes of Branciforte Creek water system, or taken by any subsequent diversion of such water by said party of the second part, provided, however, that such subsequent diversion or taking shall be from a point without the present exterior boundaries of the city of Santa Cruz.

PHYSICAL STRUCTURES AND IMPROVEMENTS.

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>
<u>EAST BRANCIFORTE COLLECTION:</u>		
Settler at dam	1	each
Settler No. 2	1	"
Reservoir: Appurtenances as follows:	1	"
Masonry retaining wall, wooden cover, 75'		
of 6" C.I. Class B, sluice pipe, 14' of		
12" riv. iron overflow pipe, frame tool		
house 12' x 12' and barbed wire fence.		
Trestle on transmission line	1	"
<u>SCOTT'S VALLEY COLLECTION SYSTEM:</u>		
Diversion Dam; Appurtenances as follows:	1	"
Drain box, and 607' of 8" riv. Iron		
outlet pipe.		
Flume:	10693	foot
Box 12" x 10", built of redwood		
Tributary flumes		
Tributary pipe, 124' of 4" boiler tubing		
169' of 3" " "		
233' of 4" riv. iron		
Trestle on transmission line	1	each
Reservoir - capacity 4 M.G.	1	"
Appurtenances as follows:		
Retaining foot wall, wooden cover,		
board fence.		
Settler near reservoir.	1	"
<u>MAJORS CREEK COLLECTION SYSTEM:</u>		
Diversion Dam, rock fill with rubble facing	1	"
Old Dam log cribbing	1	"
By pass	1	"
Training wall - West, rock fill with rubble		
facing	1	"
Appurtenances; Redwood booms and 5/8" steel cable		
Sand box - 14' of 6" No. 14 riv. iron inlet pipe	1	"
Settler: - Appurtenances	1	"
sluice box, 40' of 14" riv. iron sluice pipe,		
8" crane gate with standard, spillway, fence.		
Whirling settler, Appurtenances -	1	"
Funnel and 18' of 14" galv. sheet iron pipe,		
24' of 8" riv. iron sluice pipe		
Drainage Ditch	1	"
Road to Dam	1	"
Bridge	1	"
Trail - between tunnel portals	1	"

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>
<u>MAJORS CREEK TRANSMISSION:</u>		
Flume - Redwood box 14" x 17"	8000	foot
Tunnel - 45' x 6" bore	329	"
Timbering 424 B.M.		
Settler at tunnel portal -	1	each
Appurtenances - drainage ditch, wooden cover, redwood intake box		
<u>UPPER HIGH STREET RESERVOIR:</u>		
Rubble concrete bottom plaster finish	1	"
Appurtenances - redwood fence, road		
<u>LOWER HIGH STREET RESERVOIR:</u>		
Rubble concrete, brick, concrete and cement plaster finish, wooden cover, overflow to creek - 949' of 8" riv. pipe, 245' of 8" terra cotta and 970' of flume 8" x 8"	1	"
<u>EAST BRANCIORTE TRANSMISSION LINE:</u>		
Pipe:		
8" riveted (14 gauge)	4599	foot
9" Std. screw black	417	"
10" C.I. #1	796	"
10" riv. Iron (14 gauge)	11948	"
12" casing	17	"
12" Riv. Iron	1015	"
12" C.I. #1	178	"
Gates:		
4" I.B.B. 2	2	each
6" I.B.B. L	2	"
10" I.B.B. L	2	"
Hydrants - 2 1/2"	3	"
Stands	1	"
<u>SCOTTS VALLEY TRANSMISSION LINE:</u>		
Pipe:		
6" C. I. #1	10583	foot
7" Std. Screw Black	209	"
Gates - 6" I.B.E. L.	5	each
<u>MAJORS CREEK TRANSMISSION:</u>		
Supply pipe from settlers to High Street Reservoir		
8" C.I.	328	foot
10" C.I.	1943	"
8" Riv. 1 (14 gauge)	32718	"
10" " " " "	1758	"
10" Std. casing	1235	"
12" " " "	40	"

DISTRIBUTION SYSTEM:

	Quantity	Unit
Pipe:		
Standard Screw Black 3/4"	1239	foot
" " " 1"	6215	"
" " " 1 1/4"	3238	"
" " " 1 1/2"	2850	"
" " " 2"	34116	"
Standard Screw Galv. 3/4"	150	"
" " " 1"	511	"
" " " 1 1/4"	246	"
" " " 2"	356	"
Standard Screw Black 2 1/4"	6896	"
" " " 3"	3155	"
" " " 3 1/2"	950	"
" " " 4"	22359	"
" " " 5"	122	"
" " " 6"	827	"
Boiler Tubes: 2"	50	"
" " 2 1/2"	300	"
" " 3"	802	"
" " 3 1/2"	1381	"
" " 4"	2070	"
Cast Iron, Class B, - 3"	7064	"
" " " 4"	20814	"
" " " 6"	5208	"
" " " 8"	5100	"
" " " 10"	50	"
Casing Standard 4"	598	"
" " 5"	3110	"
" " 6"	800	"
" " 8"	1298	"
Riv. Iron 4"	13665	"
" " 6"	1268	"
" " 8"	2261	"
Stop cocks		
Brass 1"	3	each
" 2"	3	"
" 2 1/2"	3	"
Iron Body brass lined 4"	1	"
Gates:		
Wheel, Brass 1"	3	"
" " 1 1/4"	1	"
" " 1 1/2"	10	"
Globe " 1 1/2"	1	"
Wheel " 2"	28	"
" Iron Body Brass Ld. 2"	18	"
Globe Valves, Brass 2"	4	"
Wheel Gates, I.B.B.L. 2 1/2"	9	"
Globe valves, Brass 3"	1	"
Wheel Gates, I.B.B. L. 3"	7	"
" " " 4"	66	"
Gates, I.B.B.L. 6"	15	"
" " " 8"	6	"
Hydrants: 1 1/2"	1	"
" 2 1/2"	44	"
" 3"	7	"
Services	1116	"
Services outside city	95	"
Meters 3/4"	1	"
" 1"	2	"
" 1 1/2"	1	"

And the Commission being of the opinion that this is not a case in which a public hearing is necessary and that the application should be granted,--

IT IS HEREBY ORDERED that the application in this proceeding be, and the same is hereby granted under the following conditions, and not otherwise:

Inasmuch as a portion of the water system to be transferred is situated outside, and is supplying water to consumers outside of the City of Santa Cruz, the authority herein granted to transfer this system shall not become effective until the City of Santa Cruz shall have filed with the Commission a stipulation declaring that the City takes this system subject to all the existing rights and obligations attached to the system as a public utility supplying water outside the municipal limits, and shall have received from the Railroad Commission a supplemental order, stating that such a stipulation satisfactory in form to the Commission has been filed.

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

Max Thelen
Abraham
Alex Gordon
Edwin G. Edgerton

Commissioners.