

ORIGINAL

Decision No. 3943

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Decision No. _____

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA.

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In the Matter of the Application)
of PLACERVILLE GOLD MINING COMPANY,)
for an order authorizing the sale)
of certain property to Western)
States Gas and Electric Company,)
a corporation; and WESTERN STATES)
GAS and ELECTRIC COMPANY, to pur-)
chase said property.)

App. No. 2657

Allen E. Chickering, of Chickering & Gregory, for Western States Gas and Electric Company.

Devlin and Devlin, for Placerville Gold Mining Company.

BY THE COMMISSION.

OPINION

This is an application by Placerville Gold Mining Company for authority to sell, and by Western States Gas and Electric Company for authority to purchase, a certain water system in the Counties of El Dorado and Amador, conducting water from the South Fork of the American River to Placerville and surrounding territory, consisting of a number of lakes, reservoirs, and approximately 200 miles of canals, flumes and ditches, together with the buildings and

other property used in connection with the operation of said plant, all of which property is more particularly described in the order following this opinion.

A public hearing was held in San Francisco, December 16th, 1916.

The predecessors in interest of Placerville Gold Mining Company, and later that Company itself, have been for many years the owners and operators of the system above referred to, and have been supplying water for irrigation and domestic use as well as for mining purposes. During the dry season Placerville Gold Mining Company has also been supplying from 1000 to 1500 miner's inches of water to Western States Gas & Electric Company for the purpose of generating electricity. The system was constructed a great many years ago in order to furnish water to various mines, principally for the purpose of hydraulic mining; these mines have not been operating for a number of years, and, according to the testimony of Mr. Ray C. Beal, who was manager of the system for nine years, applicant's operating expenses in eight of these nine years exceeded its income -- usually by several thousand dollars.

The Western States Gas and Electric Company, for some years past, has had; on the South Fork of the American River, near the City of Placerville a hydro~~electric~~ electric development, consisting of a generating station operated in connection with ditches, flumes and canals, conveying water from the upper watershed of the South Fork of the American River to the generating station, and expects to develop and operate the new property in conjunction with its present system.

Placerville Gold Mining Company now desires to sell all of its water system to Western States Gas and Electric Company and to retire from business as a distributor of water, and Western States Gas and Electric Company has agreed to buy said property, subject to the approval of this Commission, for the sum of \$108,750.00, in addition to accrued taxes on said property, amounting to approximately \$4000.00.

Mr. J. W. Link, civil and hydraulic engineer of H. M. Byllesby & Co., of Chicago, submitted an estimate of the reproduction cost of the properties at \$799,860.80, and the reproduction cost less depreciation at \$666,472.20.

While not passing upon this, or any other valuation of the property, there appears to us to be no question but that the original cost of the system less depreciation, is far in excess of the proposed cost to the Western States Gas and Electric Company; but as this system was built for mining purposes, to which it is no longer adaptable, there would naturally be a serious question as to how far the

system's production cost would affect its value for rate making or other purposes.

There are certain other substantial interests which it will be necessary for the Western States Gas and Electric Company to purchase in order to give it an undisputed title to all the property comprised in the system, which will increase the total cost of the system to the purchaser to approximately \$190,000. The Placerville Gold Mining Company now has about 300 agricultural consumers, all of whose rights will, of course, have to be respected by the purchaser.

Under all the circumstances of this case we are of the opinion that the application ^{should} be granted.

O R D E R

PLACERVILLE GOLD MINING COMPANY having applied to this Commission for authority to sell to Western States Gas and Electric Company its water system hereinafter more particularly described, and Western States Gas and Electric Company having joined in this application, and a public hearing having been held, and it appearing to this Commission for the reasons set forth in the foregoing opinion that the application should be granted,

IT IS HEREBY ORDERED that Placerville Gold Mining Company be, and the same is hereby authorized to sell to Western States Gas and Electric Company, for the sum of \$108,750.00, in addition to the payment by the last mentioned Company of accrued taxes (amounting to approximately \$4000.00), all the real or personal property described in the Appendix hereto, marked "Exhibit A", and hereby incorporated into

and made a part of this Opinion, and Order.

The authority herein granted is granted subject to the condition that the purchase price for the property herein authorized to be transferred, and the action of this Commission in authorizing the transfer shall not be binding upon this Commission or any other rate fixing body, as affecting the valuation of said property for rate fixing purposes, or otherwise.

Dated at San Francisco, California, this 21st day of December, 1916.

Max Thelen
H. D. Rowland
Alex Gordon
Edwin C. Eyster
Frank R. Dewhi

Commissioners.

"EXHIBIT A."

All that property mortgaged by C. N. Beal to El Dorado Water and Deep Gravel Mining Company, a corporation, by mortgage recorded on June 15, 1907, at 25 minutes past 12 o'clock P.M. in Book I of Mortgages at page 106 et seq., El Dorado County Records, in the office of the County Recorder of the County of El Dorado, and recorded on the 22nd day of July, 1907, at 30 minutes past 9 o'clock A.M. of that day in Volume 1 of Mortgages at page 536 et seq., in the office of the County Recorder of the County of Amador, Amador County Records; said mortgage bearing date June 15, 1907, and made, executed and acknowledged by said C. N. Beal on said June 15, 1907, and said property being all the real and personal property of every name, kind, nature and description situate, lying and being partly in the County of El Dorado and partly in the County of Amador, in the State of California, constituting and composing the Canal and Ditch property, Water Works and Water System called or known as the El Dorado Water and Deep Gravel Mining Company's Canal and Water System, including among others all the following described real and personal property, to-wit:

FIRST: That certain canal or ditch called or known as the Main Canal or Main Trunk Canal, more particularly described as follows, to-wit: Being the canal constructed by El Dorado Water and Deep Gravel Mining Company about the year 1873, commencing at the point of junction with, or intake from, South Fork of American River near Cedar Rock, in section 29, of township 11 north of range 15 east, and extending thence through said section 29 and through sections 30 and 31 of township 11 north, range 15 east; sections 36, 35, 26, 27, 34, 28, 33, 32, 31, and 30 of township 11 north, range 14 east; sections 25, 36, 35, 34, 33, 32, 29, 30, and 31 of township

11 north, range 13 east; sections ~~1~~ 1 and 2 of township 10 north, range 13 east; sections 25, 36, and 35 of township 11 north, range 12 east; sections 2, 3, 4, 9, 8, and 7 of township 10 north, range 12 east, and sections 1, 12, 2 and 11 of township 10 north, range 11 east, M.D. B. & M., to "The Falls" being a point in said section 11, township 10 north, range 11 east about one quarter mile north-easterly from the village of Smith's Flat.

SECOND: That certain canal or ditch and flumes called or known as the South Fork Canal, more particularly described as follows, to-wit: Commencing at the point of junction with, or intake from, South Fork of American River in section 29 of township 11 north of range 13 east, and extending thence through said section 29 and through sections 30 and 19 of township 11 north, range 13 east, sections 24, 23, 22, 21, 20, 19, 30 and 31, of township 11 north, range 12 east, and sections 36, 25, 26, 27, 34, 35 and 32 of township 11 north, range 11 east, M.D. M., to the reservoir called "Nigger Hill Reservoir", located on Reservoir Hill in said section 32, township 11 north, range 11 east, thence through section 33 of township 11 north of range 11 east, and through sections 3, 10, 11, 15, 16, 17, and 18 of township 10 north, range 11 east, M.D.M. to a point on said section 18, being the Placerville City Reservoir.

THIRD: That certain canal or ditch and flumes called or known as the Iowa Canal, more particularly described as follows, to-wit: Being the canal constructed about the year 1859, commencing at the point of junction with or intake from Iowa Canon (a tributary to South Fork of American River) in section 33 of township 11 north, range 12 east; and extending thence through said section 33 and through sections 32, 29, 30 and 31 of township 11 north, range 12 east, sections 5 and 6 of township 10 north, range 12 east, and sections 1, 12, 2, 11, 10 and 3 of township 10 north, range 11 east,

M.D. M., and through sections 33 and 32 of township 11 north range 11 east, M.D.M., to the reservoir called "Wigger Hill Reservoir", located on Reservoir Hill in said section 32 of township 11 north, range 11 east.

FOURTH: That certain canal or ditch and flumes called or known as the South Fork Canal Extension, and also known as the El Dorado Water and Deep Gravel Mining Company's Missouri Flat Ditch, more particularly described as follows, to-wit: Commencing at a point in section 18 of township 10 north of range 11 east, known as the Placerville City Reservoir, and extending through sections 20 and 19 of township 10 north, range 11 east, and sections 24, 14, 23 and 26 of township 10 north, range 10 east, M.D. B. & M. to a point near the village of El Dorado, known as the El Dorado Reservoir; thence through sections 27 and 28 of township 10 north, range 10 east, to the westerly terminus of said ditch.

FIFTH: That certain canal or ditch and flumes called or known as the Webber Canal, more particularly described as follows, to-wit: Commencing at the point of junction with or intake from Webber Creek, in section 16 of township 10 north of range 12 east, and extending thence through said section 16 and through sections 17 and 18 of township 10 north, range 12 east, sections 13, 12, 11, 15, 16, 17 and 18 of township 10 north, range 10 east, to a point in said section 18, township 11 north, range 11 east, known as the Webber Reservoir.

SIXTH: That certain canal or ditch and flumes called or known as the Gold Hill Canal, more particularly described as follows, to-wit: Commencing at the point of junction with or intake from Hangtown Creek, in Placerville, in section 7, of township 10 north of range 11 east, opposite Southern Pacific Depot and Morey's Foundry, and extending thence through said section 7, and through sections 1 and 2 of township 10 north, range 10 east, and

sections 35, 34, 33, 32, and 31 of township 11 north, range 10 east, M.D.M. to a point near the town or village of Gold Hill.

SEVENTH: That certain canal or ditch and flumes called or known as the Foster Canal, more particularly described as follows, to-wit: Being the canal constructed about the year 1852, commencing at the point of junction with or intake from Hangtown Creek, in section 10, of township 10 north of range 11 east, and extending thence through said section 10 and through sections 9 and 8 of the said township and range to the County Road near the easterly line of the City of Placerville.

EIGHTH: That certain canal or ditch and flumes called or known as the Texas Hill ditch, more particularly described as follows, to-wit: Commencing at junction with South Fork Canal (intake) in section 16 of township 10 north of range 11 east, where said canal crosses Webber Canal, and extending thence through sections 16, 21, and 20 of the said township and range, to a point on or near the Henrietta Quartz Mine.

NINTH: That certain canal or ditch and flumes called or known as the Poverty Point Ditch, more particularly described as follows, to-wit: Commencing at Nigger Hill Reservoir, in section 32 of township 11 north of range 11 east, and extending thence through said section 32, and through section 31 of the said township and range, section 5 of township 10 north, range 11 east, and section 36 of township 11 north, range 10 east M.D.M. to a point near the River Hill Quartz Mine.

TENTH: That certain canal or ditch and flumes called or known as the Clay Hill Ditch, more particularly described as follows, to-wit: Commencing at junction with Poverty Point Ditch in section 32 of township 11 north of range 11 east, and extending thence through said section 32 and through sections 5 and 8 of township 10 north range 11 east, M.D.M. to Clay Hill.

ELEVENTH: That certain canal or ditch and flumes called or known as the Ober Ditch, and more particularly described as follows, to-wit: Commencing at a point or intake from Big Canon in section 5 of township 10 north of range 11 east, and extending thence through said section 5 and through sections 6 and 8 of said township and range, and sections 36 and 35 of township 11 north, range 10 east, M.D.M., via County Hospital, to a point on the Ober Ranch in said section 35.

TWELFTH: Those certain canals and ditches and flumes whether hereinbefore named and particularly described or not, which were conveyed or purported to be conveyed to the El Dorado Water and Deep Gravel Mining Company by Benjamin T. Hunt and others by deed bearing date the 26th day of September, 1873, and recorded in the office of the County Recorder of the said County of El Dorado on the 7th day of October, 1873, in Book 0 of Deeds, pages 587 to 591 inclusive, and all other property, real and personal, and property rights of every name, kind, nature or description conveyed or purporting to be conveyed, by the deed last mentioned to the said El Dorado Water and Deep Gravel Mining Company.

THIRTEENTH: All laterals, lateral canals, branch canals and ditches leading from or to any and all the canals and ditches hereinbefore described, and any and all tributaries to said canals and ditches owned and controlled by said El Dorado Water and Deep Gravel Mining Company, a corporation, at the time of making and executing its deed to said C. N. Beal, bearing date June 15th, 1907, recorded in Book 68 of Deeds at pages 251 to 262 inclusive, in the office of the County Recorder of the County of El Dorado, State of California, and by the said deed conveyed to the said C. N. Beal.

FOURTEENTH: All the rights, of every name, kind, nature and description conveyed to the said C. N. Beal by the deed last mentioned which at the said time of the making and executing of the said deed had become and were then vested in the said El Dorado Water And Deep Gravel Mining Company, a corporation, by appropriation, grant, conveyance, prescription, user or otherwise, in and to all or any of the waters of the South Fork of the American River, and in and to all or any of the waters of any and all tributaries of said South Fork of the American River, including among others of said tributaries, Silver Lake, Twin Lakes, Audrain Lake Echo Lake, the Medley Lakes, Silver Fork, Slippery Ford Branch, Lake Henry or Lake George, the lakes and ponds of the Slippery Ford Branch of the South Fork of the American River, Alder Creek, Plum Creek, Houghtown Creek, Webber Creek, Mill Creek or Wolf Creek, Strawberry Creek, Silver Creek, and all other creeks, streams and natural waters flowing into said lakes and creeks, or any of them, and all rights conveyed to said C. N. Beal by said deed and which at the time of the making and executing of said deed had become vested in said El Dorado Water and Deep Gravel Mining Company, a corporation, by appropriation, grant, conveyance, prescription, user or otherwise, in and to the beds and banks or any part of the beds and banks, of all or any of the rivers, lakes, creeks and streams aforesaid, whether included in the specific appropriations and claims of water rights next hereinafter mentioned or not.

FIFTEENTH: All rights of every name, kind, nature and description conveyed by said deed bearing date June 15th, 1907, to said C. N. Beal that had become and were at the time of the making of said deed vested in said El Dorado Water and Deep Gravel Mining Company, a corporation, by appropriation, grant,

conveyance, prescription, user or otherwise, in and to the following described appropriations and claims of water and water rights, to-wit:

1. That certain appropriation of, claim to, and right of water described in the notice of claim made by John Kirk and F. A. Bishop on May 7th, 1872, and recorded in the office of the County Recorder of the County of El Dorado, State of California, on May 15th, 1872, in Book A of Water Rights, page 11,

2. That certain appropriation of, claim to, and right of water described in the notice of claim made by said John Kirk and F. A. Bishop on May 7th, 1872, and recorded in the office of the Recorder of said County of El Dorado on May 15, 1872, in Book A of Water Rights, page 13.

3. That certain appropriation and claim of water described in the notice of claim to and right of water described in the notice of claim made by said John Kirk and F. A. Bishop on May 7th, 1872, and filed in the office of the Recorder of said County of El Dorado on May 15th, 1872, in Book A of Water Rights, page 15.

4. That certain appropriation and claim of water described in the notice of claim to and right of water described in the notice of claim made by the said John Kirk and F. A. Bishop on May 7th, 1872, and filed in the office of the Recorder of the said County of El Dorado, on May 15th, 1872, in Book A of Water Rights, page 17.

5. That certain appropriation and claim of water described in the claim to and right of water described in the notice of claim made by said John Kirk and F. A. Bishop on May 6th, 1872, and filed in the office of the Recorder of said County of El Dorado, on May 15th, 1872, in Book A of Water Rights, page 19.

6. That certain appropriation and claim of water described in the notice of claim to and right of water described in the notice of claim made by said John Kirk and F. A. Bishop on May 13th, 1872, and filed in the office of the Recorder of the said County of El Dorado on May 15th, 1872, in Book A of Water Rights, page 21.

7. That certain appropriation and claim of water described in the notice of claim to and right of water described in the notice of claim made by said John Kirk and F. A. Bishop on May 7th, 1872, and filed in the office of the Recorder of said County of El Dorado on May 15th, 1872, in Book A of Water Rights, page 23.

8. That certain appropriation and claim of water described in the notice of claim to and right of water described in the notice of claim made by George E. Williams and others on May 22nd, 1873, and filed in the office of the Recorder of Amador County on June 2d, 1873, in Book A of Water Rights, page 34.

9. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said George E. Williams and others on April 11, 1872, and filed in the office of the Recorder of El Dorado County, on April 18th, 1872, in Book A of Water Rights, page 1.

10. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said George E. Williams and others, on May 7th, 1872, and filed in the office of the Recorder of El Dorado County, on May 13th, 1872, in Book A of Water Rights, page 9.

11. That certain appropriation and claim of water described in the notice of claim and right of water described in the

notice of claim made by said George E. Williams and others on May 16th, 1873, and filed in the office of the Recorder of El Dorado County, on May 23rd, 1873, in Book A of Water Rights, page 57.

12. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said George E. Williams and others on May 16th, 1873, and filed in the office of the Recorder of El Dorado County on May 23d, 1873, in Book A of Water Rights, page 59.

13. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said George E. Williams and others on May 16th, 1873, and filed in the office of the Recorder of El Dorado County on May 23rd, 1873, in Book A, of Water Rights, page 61.

14. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said George E. Williams and others on May 16th, 1873, and filed in the office of the Recorder of El Dorado County on May 23rd, 1873, in Book A, of Water Rights, page 63.

15. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said George E. Williams and others on May 17th, 1873, and filed in the office of the Recorder of El Dorado County on May 23rd, 1873, in Book A, of Water Rights, page 65.

16. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by El Dorado Water and Deep Gravel Mining Company, on August 25th, 1874, and filed in the office

of the Recorder of El Dorado County on September 3rd, 1874, in Book A, of Water Rights, page 75.

17. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said El Dorado Water and Deep Gravel Mining Company on September 28th, 1874, and filed in the office of the Recorder of El Dorado County on September 29th, 1874, in Book A of Water Rights, page 79.

18. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said El Dorado Water and Deep Gravel Mining Company on October 25th, 1875, and filed in the office of the Recorder of El Dorado County, on November 2d, 1875, in Book A of Water Rights, page 95.

19. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said El Dorado Water and Deep Gravel Mining Company on November 23d, 1875, and filed in the office of the Recorder of El Dorado County on November 29th, 1875, in Book A of Water Rights, page 97.

20. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said El Dorado Water and Deep Gravel Mining Company on August 16th, 1876, and filed in the office of the Recorder of El Dorado County on August 17th, 1876, in Book A of Water Rights, on page 104.

21. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said El Dorado Water and Deep Gravel Mining Company on October 22d, 1876, and filed in the office of the Recorder of El Dorado County on October 26th, 1876, on Book A of Water Rights, page 107.

22. That certain ~~appropriation~~ appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said El Dorado Water and Deep Gravel Mining Company on December 18th, 1886, and filed in the office of the Recorder of El Dorado County on December 20th, 1886, in Book A of Water Rights, page 195.

23. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said El Dorado Water and Deep Gravel Mining Company on June 17th, 1899, and filed in the office of the Recorder of El Dorado County, on June 28th, 1899, in Book B of Water Rights, page 238.

24. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by said El Dorado Water and Deep Gravel Mining Company on October 7th, 1899, and filed in the office of the Recorder of El Dorado County on October 11th, 1899, in Book B of Water Rights, page 244.

25. That certain appropriation and claim of water described in the notice of claim and rights of water described in the notice of claim made by John Blair, W. E. Brown and James Blair, on September 5th, 1874, and filed in the office of the Recorder of El Dorado County on September 7th, 1874, in Book A of Water Rights, page 78.

26. That certain appropriation and claim of water described in the notice of claim and right of water described in the notice of claim made by Arthur Young on February 21st, 1894, and filed in the office of the Recorder of El Dorado County on February 23rd, 1894, in Book B of Water Rights, page 94.

27. That certain appropriation and claim to the water

flowing in Brush Canyon, described in the notice of claim made by Alex D. Henderson on and from August 8th, 1899, and filed in the office of the Recorder of El Dorado County on August 14th, 1899, in Book B of Water Rights, page 241.

28. That certain appropriation and claim to the water flowing in Long Canyon, described in the notice of claim made by Alex D. Henderson on and from August 8th, 1899, and filed in the office of the Recorder of El Dorado County on August 14th, 1899, in Book B of Water Rights, page 241.

29. That certain appropriation and claim to the water flowing in Big Iowa Canyon, described in the notice of claim made by said Alex D. Henderson on and from August 8th, 1899, and filed in the office of the Recorder of El Dorado County on August 14th, 1899, in Book B of Water Rights, page 240.

30. That certain appropriation and claim to the water flowing in Little Iowa Canyon described in the notice of claim made by said Alex D. Henderson on and from August 8th, 1899, and filed in the office of the Recorder of El Dorado County on August 14th, 1899, in Book B of Water Rights, page 240.

31. That certain appropriation and claim to the water flowing in South Fork of the American River, described in the notice of claim made by Alex D. Henderson (named in the body of said notice, as recorded, Alex D. Hamilton, but correctly signed A. D. Henderson) on and from August 29th, 1896, and filed in the office of the Recorder of El Dorado County on August 31st, 1896, in Book B of Water Rights, page 165.

32. That certain appropriation and claim to the water described in the notice of claim made by Alexander D. Henderson on and from August 29th, 1896, and filed in the office of the Recorder of El Dorado County, on August 31st, 1896, in Book B of Water Rights, page 194.

SIXTEENTH: All the rights conveyed to said C. N. Beal by said deed so bearing date June 15th, A.D. 1907, theretofore acquired by said El Dorado Water and Deep Gravel Mining Company, under all or any of the notices and claims mentioned in subdivisions numbered one (1) to thirty-two (32) inclusive, of the preceding clause or paragraph hereof numbered "Fifteenth", to all or any reservoirs and reservoir sites, dams, and dam sites mentioned or referred to in said notices and every of them, whether the same were acquired by said El Dorado Water and Deep Gravel Mining Company under said notices as original claimant or appropriator thereof, or by any grant or conveyance from original claimants or appropriators, or by prescription or user or otherwise.

SEVENTEENTH: All the right, title and interest which said C. N. Beal then had or may thereafter acquire in and to the distributing reservoirs owned, claimed, used or occupied by said El Dorado Water and Deep Gravel Mining Company up to the time of the delivery of said deed so dated June 15th, 1907, to said C. N. Beal and all the estate, right, title and interest of the said C. N. Beal at the time of said mortgage dated June 15th, 1907, in and to the lands upon which the same are located or constructed, and particularly the following reservoirs, to-wit:

1. That certain reservoir known as the Nigger Hill Reservoir, situated on Nigger Hill, in Placerville Township, in section 32, of township 11 north of range 11 east, Mount Diablo Base and Meridian.

2. That certain reservoir known as the Placerville Reservoir situated on and adjacent to Excelsior Placer Mine (which Placer Mine was at the time of the delivery of said deed, June 15th, 1907) owned by the said El Dorado Water and Deep Gravel Mining Company) together with the right to said

C. N. Beal to maintain said reservoir thereon forever as a reservoir for storing and distributing water, subject to the right reserved to said El Dorado Water and Deep Gravel Mining Company to all minerals on the bed rock and to a height of not more than ten feet above the bed rock beneath said reservoir and the right to extract said minerals therefrom in such manner at all times that the maintenance of said reservoir shall not in any way be interfered with or endangered.

3. That certain reservoir known as the Webber Reservoir, situated a short distance southerly from the said Placerville Reservoir, together with the right to maintain said reservoir thereon forever, as a reservoir for storing and distributing water, right being reserved to said El Dorado Water and Deep Gravel Mining Company to all minerals on the bed rock and to a height of not more than ten feet above the bed rock beneath said reservoir and the right to extract minerals therefrom in such manner at all times that the maintenance of said reservoir shall not in any way be interfered with or endangered.

4. That certain reservoir known as the El Dorado Reservoir, situated about a mile and a half in a northeasterly direction from the town of El Dorado.

5. All other reservoirs and all the right, title and interest which the said C. N. Beal then (upon receipt by him of said deed of June 15, 1907) had or may thereafter acquire in and to the lands whereon the same are situated and up to the time of the delivery of the said deed so bearing date of June 15th, 1907, theretofore owned or used by said El Dorado Water and Deep Gravel Mining Company as part of its said water system and works so conveyed to said C. N. Beal by said Deed of June 15th, 1907, whether the same are or are not

hereinbefore or hereinafter specifically described.

EIGHTEENTH: All of the right, title and interest which the said C. N. Beal then (upon receipt by him of said deed of June 15, 1907) had or may thereafter acquire in and to all dams then existing upon all or any of the rivers, creeks and streams hereinbefore named, and their several tributaries, and at the outlet of all or any of the lakes and ponds hereinbefore named, whether such dams are or are not hereinbefore or hereinafter specifically described.

NINETEENTH: All of the right, title and interest which the said C. N. Beal then (on the receipt by him of said deed of June 15th, 1907) had or may thereafter acquire in and to all tunnels, flumes, trestles, pipe lines, pipes, gates, siphons, and all other appliances and property constituting any part or parts of the canals, ditches, reservoirs and water system therein described and conveyed to said C. N. Beal by said deed so dated June 15th, 1907, and all tools, implements, appliances and all other personal property used in connection therewith.

TWENTIETH: All those certain lots, pieces or parcels of land situate, lying and being partly in the County of Amador and partly in the County of El Dorado, State of California, and particularly described as follows, to-wit:

1. In township ten (10) north range seventeen (17) east, Mount Diablo Base and Meridian; all of the southwest quarter of the southeast quarter of section twenty-nine (29); all of the northeast quarter of the northeast quarter; all of the northeast quarter of the southwest quarter of section thirty-two (32), and all of lots two (2) and four (4) of said section thirty-two (32).

2. In Township nine (9) north, range seventeen (17) east, M.D.B. and M. All of lot one (1) of section five (5).

TWENTY-FIRST: All those certain lots, pieces or parcels of land situate, lying, and being in the County of Amador, State of California, particularly described as follows, to-wit:

In township nine (9) north, range seventeen (17) east, Mount Diablo Base and Meridian; All of lots two (2), three (3), four (4), seven (7), eight (8), nine (9), and ten (10), of section five (5).

TWENTY-SECOND: All those certain lots, pieces or parcels of land situate, lying and being in the said County of El Dorado, particularly described as follows, to-wit:

1. In township ten (10) north, range seventeen (17) east, Mount Diablo Base and Meridian. All of the south half of the southwest quarter of section twenty-nine (29).

2. In township eleven (11) north, range fifteen (15) east Mount Diablo Base and Meridian, all the southwest quarter of the southwest quarter of section twenty-eight (28); all the south half of the southeast quarter of section twenty-nine (29); all the northeast quarter of the northwest quarter, all the northwest quarter of the northeast quarter, and all the south half of the northeast quarter of section thirty-three (33).

3. In township ten (10) north, range eleven (11) east, Mount Diablo Base and Meridian; All the estate, right, title and interest which the said C. N. Beal then (upon receipt by him of said deed of June 15th, 1907), had or may thereafter acquire in and to the northwest quarter of the northeast quarter of section twelve (12).

4. All that certain piece or parcel of land and reservoir site and reservoir in said County of El Dorado, situate, lying and being partly in section twelve (12) of township ten (10) north, range eleven (11) east, and partly in section seven (7) of township ten (10) north range twelve (12) east, Mount Diable Base and Meridian, more particularly described as follows, to-wit: Commencing at a point from which the northeast corner of section twelve (12) township ten (10) north range eleven (11) east bears south seventy-four (74) degrees west, no variation, 3 chains and 34 links and running thence south forty-three and three-quarters ($43\frac{3}{4}$) degrees east 4 chains, thence south forty-eight (48) degrees and three minutes west one chain, thence south thirty-six (36) degrees fifteen (15) minutes west one chain, thence south thirty-one (31) degrees twenty-six (26) minutes west one chain, thence south twenty (20) degrees three minutes west 2 chains, thence south eight (8) degrees twenty-eight (28) minutes west one chain, thence south fifteen degrees fifty-one minutes west one chain, thence south thirty-one (31) degrees forty-five (45) minutes west one chain; thence south thirty-seven (37) degrees forty-two minutes west one chain, thence south ten degrees three minutes west one chain; thence south twenty-seven degrees fifty-nine (59) minutes west one chain, thence south forty (40) degrees twenty-eight (28) minutes west one chain, thence south ten (10) degrees forty-three minutes west one chain, thence south thirty-three (33) degrees fifty-three (53) minutes west one chain, thence south fifty-five (55) degrees thirteen (13) minutes west one chain, thence south eighty-one/⁽⁸¹⁾degrees three minutes west 2 chains, thence north eighty-eight (88) degrees ten (10) minutes west one chain, thence south eighty-six (86) degrees fifty-eight (58) minutes west one chain, thence south seventy-

four (74) degrees twenty-two minutes west one chain, thence south sixty-four degrees nine minutes west one chain, thence south eighty-one (81) degrees fifty-seven minutes west one chain, thence north sixty-nine degrees thirty-nine minutes west 3 chains, thence north seventy-nine degrees forty-five minutes west two chains, thence north sixty-five (65) degrees west one chain, thence north fifty-one (51) degrees forty-five (45) minutes west one chain, thence north eighty-five (85) degrees twenty-two (22) minutes west one chain, thence north seventy-seven degrees fourteen minutes west one chain, thence north eighty-seven degrees (87) fifty (50) minutes west one chain, thence north seventy-three degrees two minutes west 2.31 chains, thence north ten (10) degrees twenty-eight (28) minutes east 10.69 chains, thence south seventy-seven (77) degrees, fifty-three (53) minutes east one chain, thence north sixty-nine degrees sixteen (16) minutes east one chain, thence north sixty-six (66) degrees fifty-one (51) minutes east one chain, thence south sixty-nine degrees thirty-nine (39) minutes east one chain; thence south seventy degrees forty-six minutes east one chain, thence south eighty-five degrees thirty minutes east one chain, thence south seventy-six degrees fifty-two minutes east one chain, thence south seventy-seven degrees twenty-four minutes east one chain, thence south eighty-three (83) degrees thirty-seven (37) minutes east one chain, thence north eighty-nine degrees eighteen minutes east one chain, thence north eighty-three (83) degrees twenty-two minutes east one chain, thence north seventy-four degrees five minutes east one chain, thence north sixty-nine degrees thirty-one minutes east one chain, thence north sixty-three degrees sixteen minutes east two chains, thence north fifty-eight degrees forty-three (43) minutes east 2 chains, thence north forty-

seven degrees eleven (11) minutes east 2.42 chains to the place of beginning, and containing twenty-six and forty-two hundredths (26.42) acres, more or less.

And also all rights of way, rights of way for ditches, rights to take earth, timber and rock, and all other rights, privileges, easements, which were granted to said El Dorado Water and Deep Gravel Mining Company, its successors and assigns, by Alburn J. Blakeley and C. J. Blakeley, his wife, by deed bearing date the fourth day of January, 1877, recorded in the office of the County Recorder of said County of El Dorado on the fifth day of March, 1877, in Book 2 of Deeds at page 488.

5. All of lots numbered fourteen (14) and fifteen ~~four~~ (15) in block twenty-one in the City of Placerville, in said County of El Dorado, as the said lots are marked and numbered and designated on the official map and in the field notes of the official survey of said City of Placerville, on file and of record in the office of the County Recorder of the said County of El Dorado.

TWENTY-THIRD: All the right forever to overflow any part of all of the southwest quarter of section eight (8) in township nine (9) north, range seventeen east, Mount Diablo Base and Meridian, which was granted to the said El Dorado Water and Deep Gravel Mining Company, a corporation, by P. R. Plasse and Barthilde Plasse, his wife, by deed bearing date the 30th day of June, 1879, and recorded in the office of the County Recorder of the County of Amador in Book 1 C of Agreements, page 417.

TWENTY-FOURTH: All the estate, right, title, property, interest and easements retained by said El Dorado Water and Deep Gravel Mining Company in and to the lands in said County of El Dorado described as: All the south half of the northeast

quarter, and the southeast quarter of the southwest quarter of section one (1) in township eleven (11) north, range seventeen (17) east, and the southwest quarter of the southwest quarter of section six (6) in township eleven (11) north, range eighteen (18) east, Mount Diablo Base and Meridian, in and by a certain deed of conveyance bearing date in the month of March, 1877, and recorded in the office of the County Recorder of El Dorado County, wherein and whereby the said El Dorado Water and Deep Gravel Mining Company conveyed to one J. D. Phillips a portion of said lands but excepted from said deed and conveyance all such land as it (said corporation) should desire or might appropriate and use for reservoirs and ditch purposes and also reserved to itself and its successors the right of way for all reservoirs, ditches and ingress and egress to such reservoir or reservoirs to construct and operate the same, and also all earth, rock and timber upon said land for the construction of any such reservoirs and ditches as they might desire to construct and maintain forever.

TWENTY-FIFTH: All the rights which the said C. N. Beal then (upon receipt of the said deed so bearing date of June 15th, 1907), had in the body of water known as Echo Lake, situated in part in section one (1) in township eleven (11) north of range seventeen (17) east, Mount Diablo Base and Meridian, in El Dorado County aforesaid, and all rights to maintain a reservoir thereon and to maintain a dam across the outlet of said Lake near the dividing line between lots two (2) and three (3) of the northeast quarter of section one (1) and to raise the said dam or build a new one in the manner described in a certain instrument executed by J. S. Becker on the 19th day of June, 1903, and recorded in the office of the County Recorder of said El Dorado County on the fifth day of April,

1907, in Book A of Miscellaneous Records, page 47, and all other rights in said body of water, and in lots one (1), two (2), three (3) and four (4) of the northeast quarter, and lot five (5) of the northwest quarter of said section one (1), township eleven (11) north, range seventeen (17) east, Mount Diablo Base and Meridian, as said rights are defined in said instrument executed by said J. S. Becker.

TWENTY-SIXTH: All the right granted to the said El Dorado Water and Deep Gravel Mining Company, its successors and assigns by one M. K. Neilsen by an instrument in writing bearing date the 9th day of June, 1903, and recorded in the office of the County Recorder of El Dorado County on the 15th day of October, 1906, in Book F of Agreements, page 265, wherein and whereby said M. K. Neilsen granted to the said El Dorado Water and Deep Gravel Mining Company, a corporation, the right, on payment of stumpage as therein provided, to cut and remove standing timber from all the lands and premises described as the west half of the southeast quarter, the southeast quarter of the northeast quarter, and the northeast quarter of the southwest quarter of section twenty-eight (28) in township eleven (11) north of range fifteen (15) east, Mount Diablo Base and Meridian.

And also all the right, title and interest of the party of the first part in and to all ditches, canals, flumes, water rights, reservoirs, and other property formerly belonging to El Dorado Water and Deep Gravel Mining Company which are appurtenant to the property hereinbefore described, whether the said property is hereinabove referred to or not.

Also all that certain property situated in the Town or City of Placerville, County of El Dorado, State of California, and known and described as lots numbers sixteen (16) and seventeen (17) in block number twenty-one (21) of said Town or City of Placerville.

Also, all the right, title and interest of the party of the first part in and to the South half of the Southeast quarter of Section One (1), in Township Eleven (11) North, Range Seventeen (17) East, Mount Diablo Base and Meridian. TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining.