

Decision No. \_\_\_\_\_

ORIGINAL

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA

Decision No. 4410

In the Matter of the Application of  
MONTEREY COUNTY WATER COMPANY,  
SPRECKELS SUGAR COMPANY and JOHN L.  
MATTHEWS, L. B. ULREY and H. E. WETZ-  
EL, for an order authorizing the sale  
and conveyance of Monterey County  
Water Company's Canal B, and certain  
other property to John L. Matthews,  
L. B. Ulrey and H. E. Wetzel.

Application No. 2957.

BY THE COMMISSION:

O R D E R.

In this application Monterey County Water Company and Spreckels Sugar Company, its sole stockholder, have asked authority to sell to John L. Matthews, L. B. Ulrey and H. E. Wetzel for the sum of \$7,403.97, a certain public utility canal and the rights appurtenant thereto known as "Canal B," and at present owned and operated by Monterey County Water Company, the property to be conveyed being set forth in a form of conveyance attached to the application in this proceeding and marked "Exhibit C," as follows:

1. All that certain piece or parcel of land situate, lying and being in the County of Monterey, State of California, and bounded and particularly described as follows, to-wit:

The northwest quarter of the northeast quarter of Section twenty-three (23), Township nineteen (19) south, Range eight (8) East, M.D.B. & M., and also

2. That certain lot, piece or parcel of land situate, lying and being in the County of Monterey, State of California, and bounded and more particularly described as follows:

All that portion of lot one (1) of Section twenty-three (23), Township nineteen (19) South, Range eight (8) East, M.D.B. & M., which lies north of the center of the San Lorenzo Creek, and more particularly described as follows:

BEGINNING at a cedar post marked "S 1" in the fence line in the center of San Lorenzo Creek, and from which the southeast corner of said lot one (1) bears south four hundred sixty-two (462) feet distant; thence along the east line of said lot one (1) North eight hundred thirty-one (831) feet to the east line of San Lorenzo Rancho; thence along said east line of said rancho, south twenty-six (26) degrees, fifteen (15) minutes west, nine hundred seventy (970) feet distant to a cedar post marked "S 2", set in center of San Lorenzo Creek, thence up the center of said creek north eighty-five (85) degrees, no (0) minutes East, four hundred thirty (430) feet to the place of beginning, containing four and nine hundredths (4.09) acres. Courses all true. Magnetic variation sixteen (16) degrees and ten (10) minutes East.

Excepting from the two pieces of real property hereinabove particularly described all that certain strip or parcel of land conveyed by P. W. Morse, of the City of Watsonville, County of Santa Cruz, State of California, to the County of Monterey, by a conveyance dated the 6th day of September, A. D. 1901, and recorded in the office of the County Recorder of Monterey County on the 7th day of September, A. D. 1901, at 45 minutes past 2 o'clock P.M. of said day, in volume 66 of Deeds, at page 170, of the records of Monterey County.

3. That certain irrigation canal or ditch situate in the County of Monterey, State of California, as now located and constructed, commencing from an intake or dam on the San Lorenzo river, or creek, situate on said two lots, pieces or parcels of land hereinabove particularly described, thence running in a general southwesterly direction about thirty-five hundred (3500) feet across the northwest quarter of the northeast quarter and lots one (1) and three (3) of Section twenty-three (23), Township nineteen (19) South, Range eight (8) East, M.D.B. & M., to an iron flume constructed across said San Lorenzo river, or creek; thence running across said San Lorenzo river, or creek, by said iron flume and structure and entering upon the San Lorenzo rancho near the northeast corner of said rancho, and thence running in a southwesterly direction across said San Lorenzo rancho and following in a general way along the foot of a Mesa and more particularly along the southerly side of a county road leading from Kings City, County of Monterey, State of California, to Bitterwater and commonly known as the

"Bitterwater Road" to the point of intersection with the southerly side of said road, about fifteen hundred (1500) feet northeasterly from the city limits of Kings City, said Canal being about four and a half (4.5) miles long.

4. All of the right, title and interest of the party of the first part in and to that certain agreement dated November 11, 1897, by and between San Lorenzo Water Company and Frederick Burchard and Maria Burchard, his wife; together with that certain right of way and the branch ditch described in said agreement and built pursuant thereto. The obligations of the party of the first part under said agreement are hereby assumed by the parties of the second part.

5. All water rights owned and held by Monterey County Water Company upon the San Lorenzo river, or creek, in the County of San Benito and the County of Monterey, State of California, and covered

(a) By the original water filing by Wm. K. Brown, dated the 23rd day of August, 1895, and recorded in the office of the County Recorder of Monterey County, California, on the 26th day of August, 1895, in Volume "A" of Water Rights, at page 113 of the records of Monterey County, for six thousand (6,000) inches of water measured under a four (4) inch pressure, and diverted from a point on the northeast quarter of section twenty-three (23), Township nineteen (19) South, Range eight (8) East, M.D. B. & M., and more particularly described in said Water Filing by Wm. K. Brown, reference to which is hereby made.

(b) By the Notice of Appropriation of Water by P. W. Morse, dated July 9, A. D. 1901, and recorded in the office of the County Recorder of Monterey County on the 11th day of July, A. D. 1901, at 47 minutes past 3 o'clock in Volume "A" of Water Rights, at page 191, of the records of Monterey County, for twenty-four thousand (24,000) inches measured under a four (4) inch pressure, and diverted from the San Lorenzo creek, or river, at a point on the northeast quarter of Section twenty-three (23), Township nineteen (19) South Range eight (8) East, M.D.B. & M., and more particularly described in said Notice of Appropriation of Water by P. W. Morse, reference to which is hereby made.

And it appearing to the Commission that this is not a case in which a public hearing is necessary,--

IT IS HEREBY ORDERED that Monterey County Water Company be, and it is hereby authorized to transfer to John L. Matthews, L. B. Ulrey and H. E. Wetzel for the sum of \$7,403.97 the property above described upon the following conditions, to-wit:

1.- The authority herein granted shall not become

effective until John L. Matthews, L. B. Ulrey and E. E. Wetzel shall have filed with this Commission a stipulation stating that upon receiving the title to said property they will continue to perform the public utility obligations of Monterey County Water Company insofar as said canal is concerned, and will give at least as adequate and extensive public utility service as has been furnished by said Company from said canal, and that neither they, their successors nor assigns shall claim before this Commission or any other public body that the consideration given for said property constitutes its value for rate fixing purposes;

2.- Within ten (10) days after the conveyance of said property has been made applicants shall file with the Railroad Commission a certified copy of the deed of conveyance;

3.- The authority herein granted to transfer property shall apply only to such transfer as may be made on or before July 31, 1917.

Dated at San Francisco, California, this 19th day of June, 1917.

Max Thelen  
A. D. Loveland  
Alfred Gordon  
Edwin O. Edgerly  
Francis P. Glover  
Commissioners.