

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

# ORIGINAL

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the  
 CALISTOGA WATER COMPANY and the TOWN OF  
 CALISTOGA for an order of the Railroad  
 Commission of the State of California,  
 authorizing the former to sell and con-  
 vey unto the latter, and the latter to  
 purchase and acquire from the former all  
 of the Property of the said Calistoga  
 Water Company. ) Application No. 3488.

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BY THE COMMISSION:

O R D E R.

CALISTOGA WATER COMPANY having applied to the  
 Railroad Commission for authority to transfer to the Town  
 of Calistoga its public utility water system used in sup-  
 plying water to the Town of Calistoga, said transfer to be  
 made in accordance with the forms of conveyance attached to  
 the application in this proceeding and marked "Exhibit A",  
 in which forms of conveyance the property to be transferred  
 is more particularly described as follows:

All of the following described real property  
 situate in the County of Napa, State of California,  
 and particularly described as follows, to-wit:

Commencing at corner "C.E. 25" of the Carne  
 Humana Rancho, from which an oak 18 inches in di-  
 ameter bears south 27 degrees west 18 links distant  
 and a fir 30 inches in diameter bears south 79-3/4  
 degrees east 54 links distant, running thence south  
 24 1/2 degrees west 12.20 chains to a stake from which  
 a double madrone marked B.T. bears south 34 degrees

east 12 links distant; thence east 6.32 chains to a stake at W. F. Fisher's (formerly) south west corner, from which stake a black oak 10 inches in diameter bears south  $81\frac{1}{2}$  degrees west 38 links distant, and thence north 10.60 chains to the point of commencement.

Containing 3.36 acres of land.

TOGETHER with all water, water rights, reservations or appurtenances in regard to water, water pipes, rights of way, or other purposes appurtenant to, or connected with said land, or in any way used as a part of, or acquired by reason of the use and maintenance or for the use and maintenance of the water system, reservoir, or pipe lines located upon said lands, or in the Town of Calistoga.

ALSO grant and convey the right of way granted and conveyed by S. W. Collins and Mary A. Collins, his wife, to W. F. Fisher by grant dated March 12, 1886, and recorded in Liber 39 of Deeds at page 408, Napa County Records, together with all rights and privileges granted thereunder.

ALSO grant and convey the right of way granted and conveyed by G. J. Conner and Nancy Conner, his wife, to W. F. Fisher by grant dated March 12, 1886, and recorded in Liber 39 of Deeds at page 412, Napa County Records, together with all rights and privileges granted thereunder.

ALSO grant and convey all rights, reservations and privileges reserved and excepted in that certain deed made and executed by W. F. Fisher to E. B. Wooley, dated January 25, 1882, and recorded February 20, 1882 in Liber 29 of Deeds at page 376, Napa County Records.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereof.

Also, that certain lot, piece or parcel of land situate, lying and being in the County of Napa, State of California, and bounded and particularly described as follows, to-wit:

COMMENCING at a point on the southwestern boundary line of the Carne Humana Rancho, distant thereon 1.38 chains south  $70\frac{1}{2}$  degrees east from corner "C.E. 25" of the survey of said Rancho, running thence north  $19\frac{1}{2}$  degrees east 3.47 chains; thence south  $70\frac{1}{2}$  degrees east 3.50 chains; thence south  $19\frac{1}{2}$  degrees west 3.47 chains to the aforesaid southwestern boundary line of said Carne Humana Rancho, and thence northwesterly, along said last mentioned line, 3.50 chains to the point of commencement.

Containing 1.21 acres and being a portion of said Carne Humano Rancho.

ALSO Lot Number Three in Section Number Two, Township Eight North, Range Seven West, M.D.M. Containing 23.36 acres.

ALSO grant and convey an undivided one-fourth interest in and to that certain piece or parcel of land described as commencing at the southwest corner of the southeast quarter of Section Thirty-four in Township Nine North, Range Seven West, M.D.B. and M., and running thence north 9.32 chains; thence east 11.40 chains to a redwood post set in the ground; thence south 45½ degrees west 16.20 chains to a stake on the township line, and thence west 2.00 chains to the point of commencement.

ALSO: Commencing at a stake on the northeasterly line of the County Road leading from Calistoga to Healdsburg, which said stake is distant 9.63 chains south 53½ degrees east from the intersection of said northeasterly line of said County Road with the northwesterly line of the thirty acre tract of land sold by Mrs. S. Grace Crouch to W. E. Nance by deed dated June 21st, 1911 and recorded in Liber 102 of Deeds, page 23, Records of Napa County; running thence from said point of commencement north 60½ degrees east sixty feet to an iron stake set in the ground from which the center of the casing of a bored well on the land hereby conveyed bears south 24 degrees east 17½ feet distant; thence south 53½ degrees east one hundred and twenty-eight feet; thence north 82½ degrees west one hundred feet to the point of intersection of the northeasterly line of said County Road with the middle of Cyrus Creek, and thence along said line of the County Road North 53½ degrees west sixty-six feet to the point of commencement.

Containing one-seventh of an acre, more or less.

ALSO the right to lay water pipes across lots One, Two and Three in Section Thirty-five of Township Nine North, Range Seven West, M. D. B. and M. with the right to maintain and keep the said water pipes in good repair for the purpose of conveying water from the canyon above and west of said premises unto the land and premises of one John Cyrus, and being the same right conveyed to John Cyrus by J. S. Cooley et ux., by instrument dated March 29, 1882 and recorded April 6, 1882 in Liber 31 of Deeds, at page 142.

TOGETHER with all water, water rights, reservations or appurtenances in regard to water, water pipes, rights of way, or other purposes appurtenant to, or connected with any of the above described land, or in any way used as a part of, or in connection with the water system now existing and maintained in the Town of Calistoga, or acquired for use in connection therewith.

And the Town of Calistoga having joined in this application and it appearing that this application should be granted,--

IT IS HEREBY ORDERED that this application be, and the same is hereby granted, provided, that the authority herein granted to transfer said property shall apply only to such property as is transferred on or before June 30, 1918; and provided further, that a certified copy of the deed of conveyance executed in accordance with this order shall be filed with this Commission within thirty (30) days after the execution thereof, and that the consideration given for the property herein authorized to be transferred shall not be taken before this Commission or any other public body as a value for rate fixing purposes.

Dated at San Francisco, California, this 27<sup>th</sup> day of March, 1918.

Max Shuler  
H. S. Ireland  
W. S. Godwin

Commissioners.