

ORIGINAL

Decision No. 5628

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

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In the Matter of the Application
of ORO LOMA FARMS COMPANY, a cor-
poration, to transfer all of its
water system to a corporation
- hereafter to be formed.

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}
} Application No. 3443.
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Louis V. Crowley, representing
Louis Oneal.
Goodfellow, Zells, Moore and
Orrick, by C. J. Goodell for
Oro Loma Farms Company.
A. S. McCurdy for protestants.

BY THE COMMISSION:

o p i n i o n

This is an application of the Oro Loma Farms Company that an order be made by this Commission granting said company permission and authority to transfer all its physical water properties, wells, pumps, reservoirs, pipe lines, distributing system and equipment, to a mutual water company. The application herein was filed by the Oro Loma Farms Company to meet a situation in its affairs which was produced by the Commission's opinion and order given in Case No. 1056, Berry et al v. Oro Loma Farms Company on the 21st day of July, 1917.

This Commission found that the Oro Loma Farms Company is a public utility water company engaged in the business of distributing water for irrigation and domestic use within the

boundaries of an area of land in Merced and Fresno Counties, known as Oro Loma Farms.

The Oro Loma Farms Company is a corporation formed for the purpose of placing upon the market a tract of land in Merced County. Incidental to the marketing of said tract of land, wells were sunk and water developed for sale and distribution solely within that area. The contracts of sale of portions of their tract provided that as various portions of the tract became settled, the company would cause to be organized mutual water companies and would turn over its water production and distribution systems to the mutual water companies, thereby transferring to the settlers both the land and the water. Many contracts of such nature are outstanding and it is for the purpose of permitting the Oro Loma Farms Company to carry out its contractual obligations that applicant herein has filed this petition. No persons outside of the Oro Loma Farms tract are being served with water at the present time by applicant herein. Its water delivery is confined to lands where it is bound by contracts which provide for formation of mutual water companies.

At the hearings held on this application, the water users, all of whom are entitled to become stockholders in the Oro Loma Farms Irrigation Company, appeared and without exception joined in the application herein.

O r d e r

Applicant herein having filed with this Commission its application for permission to transfer all its physical water properties, wells, pipe lines, reservoirs, distributing system and equipment of whatsoever kind and character to a corporation to be hereafter formed and known as the Oro Loma Irrigation Company, in accordance with the proposed Articles of Incorporation which said

Articles were filed with this Commission on February 9, 1918.

A public hearing having been held thereon, the matter having been submitted and now being ready for decision,

IT IS HEREBY ORDERED that Oro Loma Farms Company, a corporation, be and it is hereby authorized to transfer all of its physical water properties, wells, pipe lines, reservoirs, pumps, distributing system and equipment of whatsoever kind and character to Oro Loma Irrigation Company, organized to serve water to its stockholders and to owners of portions of lands described as follows:

Oro Loma Tract, as per map thereof recorded June 24, 1912 in Book 1 at page 42 of Miscellaneous Maps in the office of the County Recorder of Fresno County, California.

Oro Loma Tract No. 2, as per map thereof recorded July 23, 1913 in Book 1 at page 44 of Miscellaneous Maps in the office of the County Recorder of Fresno County, California.

Oro Loma Tract No. 3, as per map thereof recorded July 23, 1913 in Book 1 at page 45 of Miscellaneous Maps in the office of the County Recorder, Fresno County, California.

The Southeast quarter ($SE\frac{1}{4}$) of Section twenty-five (25), Township twelve (12) South, Range eleven (11) East, Mount Diablo Base and Meridian, according to the United States Government Surveys.

The South 240.14 acres of Fractional Section Six (6): the Southeast quarter ($SE\frac{1}{4}$) of Section Nineteen (19); and the West-half ($W\frac{1}{2}$) and the West one-third ($W\frac{1}{3}$) of the East-half ($E\frac{1}{2}$), of Section Thirty (30), all in Township Twelve (12) South, Range Twelve (12) East, Mount Diablo Base and Meridian, according to the United States Government Surveys.

The authority herein granted is granted upon the following conditions and not otherwise.

First. That a certified copy of the Articles of Incorporation of Oro Loma Irrigation Company, a copy of its By-Laws and a list of its stockholders, be filed with this Commission.

Second. That a list of persons with whom the Oro Loma Farms Company has contracted to form said mutual water company and who contracted to issue stock shall be filed with this Commission.

Third. The transfer of the property herein authorized must be made within 90 days from the date of this order.

Dated at San Francisco, California, this 26th day of July, 1918.

Edwin C. Edgerton
H. H. Davidson
Alfred Gordon

Commissioners.