

Decision No. 5835

# ORIGINAL

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 JONATHAN FRANKLIN JACKSON and IDA E. )  
 JACKSON, his wife, for authorization )  
 and permission to sell and transfer ) Application 4022.  
 to H. B. McLeod their water plant by )  
 which they furnish water to the Town )  
 of San Martin, Santa Clara County, )  
 State of California. )

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BY THE COMMISSION:

## ORDER

JONATHAN FRANKLIN JACKSON and IDA E. JACKSON, his wife, having applied to this Commission for authority to transfer to H. B. McLeod a water plant used to furnish water to the town of San Martin, Santa Clara County, California, in accordance with the form of indenture attached to the application herein and marked "Exhibit A", in which the property to be transferred is described as follows:

All those certain lots, pieces or parcels of land situate, lying and being in the County of Santa Clara, State of California, and bounded and particularly described as follows:

Commencing at the northwest corner of Lot 248A San Martin Ranch Map No. 2 as recorded in Book "C" of Maps, pages 38 and 39, Records of Santa Clara County and running thence along the north line of said Lot 248A, N. 66° 11' E. 44.06 3/4 chs. thence S. 23° 49' E. 2.21 1/2 chs. to a stake marked "S" which stake is the point of beginning of the tract to be described; thence north 47° 59' E. 0.50 chs. to a stake marked "H.1"; thence S. 43° 15' E. 3.01 chs. to a stake marked H.1; thence S. 11° 37' W. 8.92 chs.

to a stake marked "S.3"; thence S. 47° 24' W. 8.20 chs. to a stake marked "S.4"; from which stake a live oak tree 5 feet in diameter marked "B.T.S.4" bears N. 1 1/4° W. 0.54 chs. thence S. 77° 37' W. 1.37 chs. to a stake marked "E.2"; thence north 44° 26' W. 2.65 3/4 chs. to a stake marked "E.3"; thence N. 50° 30' E. 9.21 chs. to a stake marked "S.6"; thence N. 7° 45' W. 6.60 chs. to a stake marked "S.7"; thence N. 47° 59' E. 3.20 chs. to the above mentioned stake marked "S" which is the point of beginning, containing 6.07 acres, a little more or less.

Also that certain parcel of land described as follows:

Beginning at a stake marked E.2 from which stake a point on the line between Lots 193 and 248A San Martin Ranch Map No. 2 as same is recorded in Book "G" of Maps, pages 38 and 39 in the office of the County Recorder of the County of Santa Clara, California, distant No. 66 11' E. 14.66 chs. from the intersection of the center lines of New Avenue and San Martin Avenue bears S. 23° 49' E. 2.15 chs; thence N. 23° 49' W. 1.50 chs. to a stake marked R.3; thence N. 66° 11' E. 1.50 chs. to a stake marked R.4; thence S. 23° 49' E. 1.50 chs. to a stake marked R.1; thence S. 66° 11' W. 1.50 chs. to the place of beginning. Containing 0.23 acres. Being a tract of land in Lot 248A of the San Martin Ranch Map No. 2 as the same is shown on Map Book "G" pages 38 and 39 in the office of the County Recorder of Santa Clara County, California, having its westerly line parallel with the center line of New Avenue and distant Northeasterly therefrom 14.66 chs. and having its southerly line parallel with the line between Lots 193 and 248A said San Martin Ranch and distant 2.15 chs. northwesterly therefrom.

Also all rights as to water, pipe lines &c. contained in the deed from San Martin Land and Water Company, a corporation to Hugh S. Hersman, as follows, viz:

Also the right to maintain and repair the present pipe leading from said 6.07 acre tract, and the right to reconstruct the same, adding to its size and capacity.

Also the right to construct and maintain a pipe line from said 6.07 acre tract to said 0.23 acre tract and from said 0.23 acre tract or from said 6.07 acre tract to Lot 247A in said Ranch. With the right to said second party to enter any part of said Lot 248A for the purpose of repairing or renewing said pipe lines and any of them and the right to travel and haul material over said Lot 248A for the purpose of reaching said 6.07 acre tract, and said 0.23 acre tract and maintaining said pipe lines and any reservoir which may be constructed upon said 6.07 acre tract or said 0.23 acre tract, provided, however, that all of such travel and hauling shall as far as practicable be over roadways now or hereafter established on said Lot 248A all of said pipe lines shall be placed at a depth in the soil which will not interfere with the plowing and cultivation thereof.

Also all of said water pipes and all water rights connected with any of said water pipes and reservoirs, together with all water pipes and connections thereto, along

the lines of said pipes and in the Town of San Martin and the pipes leading to said Town.

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

And it appearing to the Commission 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 herein be and the same hereby is granted; provided that the authority to transfer the above-described property shall apply only to such property as is transferred on or before October 31, 1918.

Dated at San Francisco, California, this 9<sup>th</sup> day of October, 1918.

Edwin O. Edgeston  
W. G. ...  
Frank ...  
Commissioners.