

Decision No. 29835

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
SAN JUAN WATER COMPANY, a corporation, ) Application No. 21201  
to transfer certain water rights. )

S. H. Woodruff, for Applicant.

BY THE COMMISSION.

OPINION

ORIGINAL

San Juan Water Company, a public utility corporation, seeks approval by the Commission of the sale of water rights in twenty-three acres of land. The land is not owned by applicant and a sale is pending, providing the right of applicant to develop and use water thereunder is relinquished and the water made free for development and use on the land involved exclusively.

A public hearing thereon was conducted by Examiner W. R. Williams at Los Angeles. No one appeared to oppose the application.

S. H. Woodruff, president of applicant corporation, testified that the Water Company now has water rights at the mouth of San Juan Creek near San Juan Capistrano, Orange County, and that engineers estimate this source will produce 25,000 gallons a minute, if necessary. The creek is on the west side of a valley. Only enough water is now taken out of wells to supply the consumers of the San Juan Water Company, about 200 in number.

The land being sold is a half mile from the mouth of the creek, at higher elevation and, of all the lands in which the Company has rights, is least likely to be explored for public utility purposes. The present source, Mr. Woodruff testified, will supply all the Company's service area if densely populated.

The relinquishment of the water right on the twenty-three-acre tract is part of an agreement of sale of the land to Arthur B. and

Majorie F. Perkins and Falconer E. and Gladys H. Campbell, description of which is contained therein. Not only are the rights relinquished but buyers are confirmed in the right to develop and use water for domestic purposes and irrigation, limited exclusively to the lands described.

It appears from the record that such water rights as are sought to be sold are not useful or necessary for the performance of utility duty by applicant and that authority should be granted for their sale. Applicant amended its application to include not only the persons named in Exhibit "A," but also "or any other person or persons or corporation." The amended language sought will be included in the order for clarity and convenience of applicant in the future.

#### O R D E R

IT IS HEREBY ORDERED that San Juan Water Company, a corporation, be and it is hereby authorized to sell and transfer to Arthur B. Perkins and Marjorie F. Perkins and Falconer E. Campbell and Gladys H. Campbell, or any other person or persons or corporation, such certain water rights as may now be owned by applicant on the following described lands, and no others:

That portion of the Rancho Boca de La Playa, County of Orange, State of California, described as follows:

Parcel 1: All of Blocks One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8), and all of Lot "X" lying northerly of the southwesterly line of Blocks Seven (7) and Eight (8) and the prolongation of said southwesterly line of Blocks Seven (7) and Eight (8) across said Lot "X" of Tract No. 871," as per map recorded in Book 30, pages 16 and 17 of Miscellaneous Maps, Records of Orange County, California.

Parcel 2: A strip of land 10 feet in width, the northeasterly line of which lies along the southwesterly line of the land allotted to Reginaldo Pryor (Superior Court Case No. 1210 of Orange County, California), extending from the easterly line of Tract No. 871, as per Map recorded in Miscellaneous Maps, Book 30, pages 16 and 17, Records of Orange County, California, to the northwesterly line of the land owned by Teresa P. Yorba, a distance of 656.38 feet, more or less, measured along said southwesterly line.

Parcel 3: A strip of land 10 feet in width, the southeasterly line of which lies along the northwesterly line of the land of said Teresa P. Yorba and its southwesterly prolongation, extending from the southwesterly line of the above described strip of land to a line 10 feet southwesterly, measured at right angles, from the southwesterly line of the land of said Teresa P. Yorba.

Parcel 4: A strip of land, 10 feet in width, the northeasterly line of which lies along the southwesterly line of the land of said Teresa P. Yorba and extending from the southwesterly prolongation of the northwesterly line of land of said Teresa P. Yorba to a line 10 feet northwesterly of and parallel with the northwesterly line of Well Site No. 1 of the San Juan Water Company.

Parcel 5: A strip of land, 10 feet in width, included within the following described boundary line, to-wit: Beginning at the most northerly corner of Well Site No. 1 of San Juan Water Company, thence southwesterly 50 feet to the westerly corner of said Well Site No. 1, thence southeasterly at right angles 30 feet to the southerly corner of said Well Site No. 1, thence northeasterly at right angles 40 feet to the southwesterly line of the San Juan Water Company's right of way, thence southeasterly at right angles 10 feet to a point in said last mentioned line, thence southwesterly at right angles 50 feet, thence northwesterly at right angles 50 feet, thence northeasterly at right angles, to the northwesterly prolongation of the northeasterly line of said Well Site No. 1, 60 feet, thence southeasterly at right angles to the point of beginning.

Parcel 6: A strip of land, 10 feet in width, the northeasterly line of which is 10 feet southwesterly, measured at right angles, from the southwesterly line of land of said Teresa P. Yorba, and extending from a line 10 feet southeasterly of and parallel with southeasterly line of said Well Site No. 1, to the westerly line of Well Site No. 2 of the San Juan Water Company.

IT IS HEREBY FURTHER ORDERED that the consideration given for the rights herein authorized to be transferred shall never be used before this Commission, or any other public authority, as representing the value of the property so transferred, for rate fixing purposes.

Dated at San Francisco, California, this 7<sup>th</sup> day of

June, 1937.

Matthew M. Mera  
Seon O. White  
James R. M. Mera  
Raymond M. Mera  
Ray L. Mera  
Commissioners.