

Decision No. 23289

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of C. D. and ALTA M. WEAVER, and of ROBERT C. HOPKINS and GENEVIEVE CALLISON HOPKINS, for an order authorizing C. D. and ALTA M. WEAVER to purchase and ROBERT C. HOPKINS and GENEVIEVE CALLISON HOPKINS to sell and convey the irrigation water system commonly known as "Winchester Homesites Pumping Plant."

ORIGINAL

Application No. 23289

BY THE COMMISSION:

O R D E R

Robert C. Hopkins and Genevieve Callison Hopkins own and operate a public utility water system under the fictitious firm name and style of the Winchester Homesites Pumping Plant, and supply water for domestic and agricultural irrigation purposes to residents of the Neal Avenue district which is located about one and one-half miles north of the Town of Campbell in Santa Clara County. In this proceeding, authority is asked to sell and transfer to C. D. and Alta M. Weaver, who join in the application, that portion of said system utilized in the production and distribution of agricultural irrigation water only, and request is made to be relieved, thereupon, of any and all further public utility obligations to furnish such irrigation water service. It appears that this is a matter in which a public hearing is unnecessary and that the application should be granted, now therefore:

IT IS HEREBY ORDERED that Robert C. Hopkins and Genevieve Callison Hopkins be and they are hereby authorized to sell and transfer to C. D. and Alta M. Weaver the property and facilities used in the production and distribution of water for irrigation purposes to residents on and in the vicinity of Neal Avenue in the County of Santa Clara, said property and facilities being more particularly described in Exhibit "C" and said sale to be made substantially in accordance with the terms and conditions of the deed of sale set forth in Exhibit "D," said exhibits being attached to the application herein and are hereby made a part of this Order by reference subject, however, to the following terms and conditions:

1. The authority herein granted shall apply only to such transfer as shall have been made on or before the 1st day of June, 1940, and a certified copy of the final instrument of conveyance shall be filed with this Commission by Robert C. Hopkins and Genevieve Callison Hopkins within thirty (30) days from the date on which said instrument is executed.
2. Within ten (10) days after the date on which Robert C. Hopkins and Genevieve Callison Hopkins actually relinquish control and possession of the property herein authorized to be transferred, they shall file with this Commission a certified statement indicating the date upon which such control and possession were relinquished.
3. On or before the 1st day of May, 1940, Robert C. Hopkins and Genevieve Callison Hopkins shall refund all amounts for deposits, if any, made by their consumers for main extensions, meter or service connections, and/or any other purpose.
4. On or before the 10th day of May, 1940, Robert C. Hopkins and Genevieve Callison Hopkins shall file with this Commission a certified statement to the effect that the terms and conditions of Paragraph 3 herein have been complied with.
5. The consideration for the transfer herein authorized shall not be urged before this Commission or any other public body as a finding of value for rate fixing or for any purpose other than the transfer herein authorized.

IT IS HEREBY FURTHER ORDERED that upon due compliance with the terms and conditions set forth above, Robert C. Hopkins and Genevieve Callison Hopkins be and they are hereby relieved of all further public utility obligations and liabilities in connection with the properties herein authorized to be transferred.

IT IS HEREBY DECLARED BY THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA:

That public convenience and necessity require that C. D. and Alta M. Weaver operate and maintain a water system for the purpose of supplying water for irrigation purposes to the residents along Neal Avenue and vicinity in Santa Clara County in the area commonly known as Winchester Home Sites, more particularly defined and established in Decision No. 28692, dated April 6, 1936.

That a certificate of public convenience and necessity be and it is hereby granted to said C. D. and Alta M. Weaver to operate a water system for the purpose of supplying irrigation water within the area described above.

That within thirty (30) days from and after the date of this Order, C. D. and Alta M. Weaver shall file with this Commission the following rate to be charged for all water service rendered their consumers in the area indicated above on and after the 1st day of May, 1940:

IRRIGATION RATE

Undiminished capacity of pump in proper state of efficiency, per hour. \$1.25

That within thirty (30) days from and after the date of this Order, C. D. and Alta M. Weaver shall submit to this Commission for its approval rules and regulations governing relations with their consumers, each set thereof to contain a suitable map or sketch,

upon a sheet approximately 8-1/2 x 11" in size, delineating there-
upon in distinctive markings the boundaries of the service area
hereinabove established.

For all other purposes the effective date of this Order
shall be twenty (20) days from and after the date hereof.

Dated at Los Angeles, California, this
26th day of March, 1940.

Ray L. Cline
Francis D. Miller
Ray Swadlow
H. H. Keen
Justus J. Cameron
Commissioners.