

Decision No. 34754

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF
 David J. Bayne of Alturas, County of
 Modoc, State of California, for
 permission to Buy and Purchase, of
 "Thomas & Raker Ditch Company" of
 Alturas, County of Modoc, State of
 California, to sell and convey, to
 David J. Bayne, an undivided one-half
 interest in and to the Reservoirs
 and Ditches, and all rights apper-
 taining thereto, of the sellers, a
 Public Utility, of the State of
 California.

Application No. 24444

BY THE COMMISSION:

OPINION AND ORDER

In this proceeding, C. A. Raker, Iva S. Raker and Albert Thomas ask that the Commission authorize the transfer of the one-half interest held by C. A. Raker and Iva S. Raker in the Thomas & Raker Ditch Company to David J. Bayne who joins in the application and asks for authority to purchase said one-half interest.

Since about 1900, the Thomas & Raker Ditch Company has been in the business of selling and distributing water for irrigation purposes to an area of approximately 2,000 acres, located to the east and northeast of the town of Alturas, Modoc County. The water system comprises five impounding reservoirs, twenty miles of open ditch canals and appurtenant structures, and in the past several years has furnished service to an average of 500 acres per season. The rate charged is 7-1/2¢ per miners inch day.

The water system is jointly owned by C. A. Raker, Iva S. Raker and Albert Thomas, the former two owning a quarter interest each and the latter owning a half interest. It is proposed to transfer the half interest of C. A. Raker and Iva S. Raker to David J. Bayne. Mr. Bayne is a farmer and is one of the irrigators served from the water system.

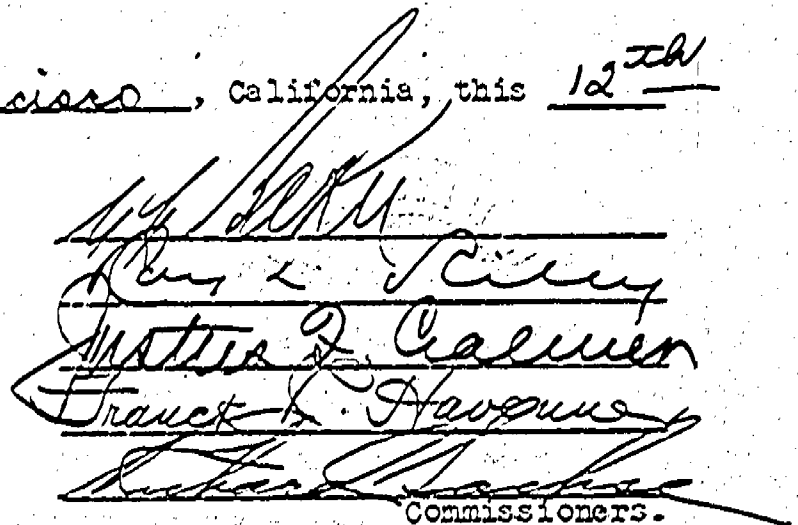
The Commission being of the opinion that this is not a matter in which a public hearing is necessary and that the request of applicants should be granted, therefore,

IT IS HEREBY ORDERED that C. A. Raker and Iva S. Raker be and they are hereby authorized to sell on or before February 1, 1942, all their rights, title and interests in and to the water system known as the Thomas & Raker Ditch Company serving irrigation water to an area northeast of Alturas, Modoc County, to David J. Bayne, subject to the following terms and conditions:

1. C. A. Raker and Iva S. Raker shall file or cause to be filed with this Commission, within thirty days after the date of the transfer, a certified copy of the deed or other instrument of conveyance by which they convey to David J. Bayne their rights, title and interest in the Thomas & Raker Ditch Company.
2. The consideration given for the transfer of this property shall not be urged before this Commission or any other public body as a finding of value for rate fixing purposes or for any purpose other than the transfer herein authorized.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 12th day of November, 1941.


Commissioners.