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Decision No. 36901

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
 CALIFORNIA WATER & TELEPHONE COMPANY)
 for an order approving and authorizing)
 said Company to enter into a certain)
 agreement known as "RAYMOND BASIN AREA)
 WATER EXCHANGE AGREEMENT OF 1943,")
 and approving the entry of a consent)
 judgment in a certain pending action)
 involving underground water rights of)
 said Applicant.)

Application No. 25942

BY THE COMMISSION:

O P I N I O N

California Water & Telephone Company, hereinafter sometimes referred to as applicant, asks the Railroad Commission to approve and authorize applicant to enter into the Raymond Basin Area Water Exchange Agreement of 1943, a copy of which is on file in this application as Exhibit B, and to approve the entry of a consent judgment in the action designated "City of Pasadena, a municipal corporation, Plaintiff, vs. City of Alhambra, a municipal corporation, et al, Defendants," No. Pasadena C-1323.

It is of record that on or about September 23, 1937, the City of Pasadena filed suit in the Superior Court of the State of California in and for the County of Los Angeles, vs. the City of Alhambra, et al, No. Pasadena C-1323. In this action there are about twenty-five defendants, including California Water & Telephone

Company, taking and using underground waters from the Raymond Basin.¹ In this Note 1. In the Referee's report, Page 1, to which reference is hereafter made, the Raymond Basin is described as follows: "The area is roughly triangular in shape with the southern side formed by Raymond Fault, the northern side by the San Gabriel range of mountains which rises back of the valley to a general elevation above the sea level of 5,000 and a maximum of 6,150 feet at San Gabriel Peak, and the western side throughout most of its length by the San Rafael Hills. At its northerly extremity the westerly boundary follows Pickens Canyon Wash across the alluvium while below Brookside Park it crosses Arroyo Seco and extends south along the bedrock divide near the east bank of that stream to Raymond Fault. The alluvial valley floor of the Area comprises 40 square miles with a pronounced slope to the south from elevations of 1,000 to 2,000 feet above sea level at the mountain toe to a general elevation of 500 to 700 feet at Raymond Fault. The elevation is highest at the extreme northwest end of La Canada Valley and lowest near the easterly end of Raymond Fault. The Area is highly urbanized and within it are found the City of Sierra Madre, virtually all of the City of Pasadena, and a portion of the cities of South Pasadena, San Marino and Arcadia. Bordering it to the south are the cities of Alhambra and San Gabriel. Much of the remainder of the Area is urban in character although not incorporated into municipalities. The whole is suburban to Los Angeles City."

proceeding the City of Pasadena alleged that the annual supply of water to said Raymond Basin is about 23,500 acre feet and that said City is the owner of the prior and paramount right to take and divert therefrom 14,600 acre feet per annum as against each defendant. The City asks that it be adjudged the owner of the prior and paramount right to take and divert from said Raymond Basin in each year 14,600 acre feet of water; that the defendants be forever debarred from asserting any claim thereto adverse to the City of Pasadena and be enjoined from taking water from the Raymond Basin in any amount which, when added to the amount to which the City of Pasadena is adjudged entitled, would result in a total annual diversion from the Raymond Basin in excess of the average annual supply of water thereto. The defendants answered the complaint and denied the claim of the City of Pasadena.

The Superior Court, by its order of February 8, 1939, referred the matter to the Division of Water Resources, Department of Public Works of the State of California, as referee, for investigation and report. The Court by its order indicated the matters on which the referee was to report. On June 15, 1943, the Division of Water Resources, acting as referee, filed its report with the Court in which it found that during the past eleven years the average annual withdrawal of underground waters from the Raymond Basin was 27,400 acre feet and that the safe yield was about 21,900 acre feet. The findings of the referee are predicated upon a detailed study and many conferences of the parties interested. A copy of the referee's report is on file in this application.

After much negotiation the City of Pasadena and all defendants in said action, except California-Michigan Land and Water Company and La Canada Irrigation District, have agreed upon an arrangement whereby a judgment in the form of the agreement filed in this application as Exhibit A will be entered, fixing the right of each party to take and use water from the Raymond Basin in such proportionate and respective amounts as to aggregate 21,451 acre feet per annum, which is slightly less than the safe yield of the Raymond Basin as determined by the referee, and whereby those parties having water available from the Raymond Basin and other sources in excess of their public needs will release and make available

such excess to those parties who have no other available source of water supply and whose permissible extraction from the Raymond Basin under the terms of the judgment would be insufficient to satisfy the public needs, all as provided in and upon the terms and conditions of the agreement known as the Raymond Basin Area Water Exchange Agreement of 1943. Under this agreement applicant can take and use 1,567 acre feet of water from the Raymond Basin as contrasted with its claimed right to take 2,200 acre feet. The amount of water allocated to applicant together with water from other sources available to applicant is stated by applicant to be sufficient to meet its demand.

Because of the extensive investigation made by the Division of Water Resources, Department of Public Works of the State of California, as referee, under the direction and supervision of the Court, we do not believe that anything would be gained by holding a public hearing on this matter. The execution of the Raymond Basin Area Water Exchange Agreement of 1943 will avoid the expense of prolonged litigation and adjudicate the claims of the parties to the right of water from the Raymond Basin Area.

O R D E R

The Commission having considered the request of California Water & Telephone Company and it being of the opinion that this is not a matter on which a hearing is necessary and that this application should be granted, therefore,

IT IS HEREBY ORDERED that California Water & Telephone Company be and it is hereby authorized to enter into the Raymond Basin Area Water Exchange Agreement of 1943, a copy of which is on file in this proceeding as Exhibit B, and to perform any and all acts necessary to carry said Raymond Basin Area Water Exchange Agreement of 1943 into effect.

The effective date of this Order shall be the date hereof.

Dated at San Francisco, California, this 29th day of

February 1944.

Richard Laabs
Justus Z. Calmes
Francis R. Havens
Frank C. Lewis
John H. Powell
COMMISSIONERS.