

Decision No. 37310

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

In the Matter of the application of O. R. Haile for permission to sell certain real property and certain excess equipment belonging to the water system at Denair, California, and to apply the proceeds on the indebtedness against the property of said Denair water system.

Application  
No. 26291

BY THE COMMISSION:

OPINION AND ORDER

O. R. Haile owns and operates a public utility water system in the town of Denair in Stanislaus County, California. His 1943 report shows that he supplied water to 73 consumers and that his operating revenues amounted to \$1,087.80.

The Commission by Decision No. 33695, dated December 3, 1940, in Application No. 23731, authorized Towner B. Linkhorn to sell to O. R. Haile the properties generally described as follows:

- (a) Lots 21, 22, 23, 24 and 25 in Block 3 of the TOWN OF ELMWOOD, now Denair, according to the Map thereof, filed in the office of the County Recorder of Stanislaus County, California, on March 8, 1897, in Vol. 1 of Maps at page 51.
- (b) Water tank; 1 three inch Centrifugal Pump; 1 Overload switch; 2 ten horse power motors; and pipe lines installed for the purpose of supplying some of the residents of Denair with water.

The record in Application No. 23731 shows that Lots 24 and 25 and the improvements thereon were not used in the operation of the water system. O. R. Haile asks permission to sell said lots. He further asks permission to sell a Sterling pump, two electric motors and a small motor house, none of which are now being used by him in the operation of the water system. The improvements recently made by applicant to his water system have rendered said personal property nonoperative.

Applicant reports that he will use the proceeds realized from the sale of said properties to pay in part the notes issued under the authority granted by Decision No. 36917, dated March 7, 1944, in Application No. 26022. Authority to sell the properties is requested in order to avoid any question as to the legality of the sales.

The Commission has considered applicant's request for permission to sell the properties herein mentioned, and is 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 O. R. Haile be, and he is hereby, authorized to sell lots 24 and 25 in Block 3 of Elmwood Colony (Denair) Stanislaus County, California; and one Sterling pump, two electric motors and a small motor house. O. R. Haile shall use the proceeds realized from the sale of said properties to pay, in part, the notes issued under the authority granted by Decision No. 36917, dated March 7, 1944, in Application No. 26022.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup>  
day of September, 1944.

Richard Sachs

Justus J. Craven

Francis D. Hewens

Frances Deane

Earl Powell  
Commissioners