

Decision No. 38112

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Clyde Henry, doing business as Brisbane
 Water Company, and Theodore C. Linde
 and Margaret C. Linde, his mother,
 doing business as Visitacion City Water
 Company, for an Order of the Railroad
 Commission authorizing the execution
 of a Contract allocating Water said
 Companies are entitled to under
 Agreement by and between Spring Valley
 Water Company, a Corporation, and
 Guadalupe Development Company, a
 Corporation.

ORIGINAL

Application No. 26795

BY THE COMMISSION:

O R D E R

Clyde Henry, doing business as the Brisbane Water Company, and Theodore C. Linde and Margaret C. Linde, his mother, doing business as the Visitacion City Water Company, operate two separate public utility water systems serving residents in and in the vicinity of the unincorporated town of Brisbane, San Mateo County. In this proceeding the owners of the respective utilities ask authority to execute a contract definitely establishing the amount of water each of said utilities is entitled to under an agreement heretofore entered into by and between Spring Valley Water Company and Guadalupe Development Company.

The Spring Valley Water Company, a corporation, on the 28th day of July, 1908, entered into an indenture with Guadalupe Development Company, a corporation, providing among other things for the delivery of not exceeding 100,000 gallons of water daily at the rate of 15¢ per thousand gallons to said Guadalupe Development Company for the latter's use on a tract of land comprising 250 acres, more or less, located in Guadalupe Valley in San Mateo County, in consideration for the granting

to Spring Valley Water Company of certain rights of way and easements for pipe lines across, under and through said tract of land. A portion of Guadalupe Valley was formerly known as Visitacion City and now generally is called Brisbane. Brisbane Water Company and Visitacion City Water Company have now succeeded to the right to the 100,000 gallons of water daily of said Guadalupe Development Company.

Heretofore serious disputes have arisen over the quantities of water each of these two utilities were entitled to and actually received. Numerous controversies also have involved the San Francisco Water Department, successor in interest to the Spring Valley Water Company. Brisbane Water Company and Visitacion City Water Company have now entered into an agreement wherein and whereby each company will be entitled to an equal amount of water under the original indenture, to wit: 50,000 gallons of water per day at 15¢ per thousand gallons. San Francisco Water Department in a letter to the California Railroad Commission, under date of February 24, 1945, and in a supplemental letter under date of May 21, 1945, has agreed to the delivery of this contract water at the rate of 50,000 gallons per day to each of said companies as provided in the agreement proposed herein.

It appearing that this is not a matter in which a public hearing is necessary and that it is in the best interest of the public that the application should be granted, now, therefore,

IT IS HEREBY ORDERED that Clyde Henry, doing business as the Brisbane Water Company, and Theodore C. Linde and Margaret C. Linde, his mother, doing business as the Visitacion City Water Company, be and they are hereby authorized to execute an agreement allocating the waters to which each of said parties are entitled respectively under and by virtue of that certain indenture by and between Spring Valley Water Company and Guadalupe Development Company, under date of July 28, 1908, substantially in accordance with the terms and conditions set forth in the form of contract attached to the application herein and marked Exhibit B, which is hereby made a part of this Order by reference.

IT IS HEREBY FURTHER ORDERED that Theodore C. Linde and Margaret C. Linde, his mother, within thirty (30) days from the date of this Order, shall file with this Commission two certified copies of said contract as finally consummated.

This Order shall become effective immediately.

Dated at San Francisco, California, this 27th day of

July, 1945.

Harold Rudner
Justice F. Casper

Frank D. Carr

James H. Sweet
Commissioners