

ORIGINAL

Decision No. 19404

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SANTA PAULA WATER WORKS, LTD.,)
a corporation, for an Order)
authorizing it to enter into)
agreements under which it will)
transfer priorities under certain)
water rights owned by it.)

Application No. 33916

OPINION AND ORDER

Santa Paula Water Works, Ltd., a corporation, asks the Commission for authority to carry out the terms and conditions of an agreement, dated November 24, 1952, with Roy C. Whitelaw and Virginia Whitelaw, his wife, permitting them to take a portion of the surface flow of Santa Paula Creek for garden irrigation purposes.

The company furnishes water service in and in the vicinity of Santa Paula, Ventura County, and is the owner of an appropriative right to take and use water from the Santa Paula Creek. It has adequate sources of water, other than the water of Santa Paula Creek, particularly from wells drilled adjacent to the Santa Clara River, and water taken from said Santa Paula Creek as provided for in the agreement will not adversely affect its present utility operation.

The premises of Roy C. Whitelaw and Virginia Whitelaw, his wife, are located on the South 80 feet of Lot 4, Section 21, T. 4 N., R. 21 W., S.B.B. & M. Said premises are situated far above applicant's distribution system and applicant is unable and unwilling to serve the above-named parties as a regular utility customer.

The agreement provides that during its terms, Roy C. Whitelaw and Virginia Whitelaw, his wife, shall have the right to take from the surface flow of the Santa Paula Creek a maximum of 65,340 cubic feet of water per year, but not in excess of 179 cubic feet of water from the stream in any 24-hour period. The use of the water is limited to use on their premises and shall not be used for human consumption. The price to be paid for the right to take water is \$36.25 per year.

The agreement expires on December 31, 1953, but may be extended by mutual agreement in writing, executed prior to the date of termination, and with the consent and approval of this Commission. The agreement automatically terminates in the event that Roy C. Whitelaw and Virginia Whitelaw, his wife, cease to occupy and use the premises covered by said agreement.

The agreement does not, however, contain a clause providing that it be subject at all times to change or modification by this Commission in the exercise of its jurisdiction as is required by General Order No. 96. Appropriate revision of the agreement will be ordered.

The Commission having considered the request of applicant and being of the opinion that the application should be granted and that a public hearing is not necessary, therefore,

IT IS HEREBY ORDERED that Santa Paula Water Works, Ltd., a corporation, be authorized to carry out the terms and conditions of the agreement with Roy C. Whitelaw and Virginia Whitelaw, his wife, dated November 24, 1952, as set forth in Exhibit A attached to the application, which exhibit is made part of this order by reference, upon revision of said agreement to include substantially the following provision:

"This contract shall at all times be subject to such changes or modifications by the California

Public Utilities Commission as said Commission may, from time to time, direct in the exercise of its jurisdiction."

IT IS HEREBY FURTHER ORDERED that:

1. Applicant shall file with the Commission within thirty (30) days after the effective date of this order, two certified copies of the agreement as hereinabove ordered revised, together with a statement of the date on which the revised agreement is deemed to have become effective.
2. Applicant shall notify this Commission of the date of termination of said revised contract within thirty (30) days from and after said date of termination.

The effective date of this order shall be twenty (20) days after the date hereof

Dated at San Francisco, California, this 6th day of January, 1953.

R. F. [Signature]
President.

Justin J. [Signature]

Harold [Signature]

[Signature]
Commissioners.