

Decision No. 51457

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Ed Laboudigue, doing business)
as French Gulch Ditch System, to)
sell, and E. E. Erich to purchase)
the ditch and water right known)
as said French Gulch Ditch System)
located in the Town of French)
Gulch, County of Shasta, State of)
California.)

Application No. 36782

OPINION AND ORDER

By this application filed March 8, 1955, Ed Laboudigue seeks authority to sell, and E. E. Erich to purchase, the water system known as French Gulch Ditch System from which water is furnished for irrigation and fire protection purposes in the Town of French Gulch, Shasta County.

The properties proposed to be transferred consist of a parcel of land 70 by 133 feet, a water right to take water from Clear Creek, and a ditch to convey the water to be taken from Clear Creek, situated about one-half mile north of the Town of French Gulch, to about one-half mile south of said town. These properties are more particularly described in a copy of a deed attached to the application as Exhibit "A".

The consideration for the properties to be transferred is the assumption by the purchaser, E. E. Erich; of outstanding obligations consisting of a deed of trust in the amount of \$361.25, a mortgage in the sum of \$480, and personal obligations of Ed Laboudigue amounting to \$100.

The reasons given for the proposed transfer are that the seller is physically unable to continue the operation of the system

and the purchaser, who is familiar with the system, is willing to operate it to provide irrigation and fire protection service in and about the community.

Applicant Laboudigue was found to be operating a public utility by the Commission by its Decision No. 41200, dated February 10, 1948, in Case No. 4911. In the latest annual report to the Commission filed for the year 1953 for French Gulch Ditch System, the total capital investment is shown to be \$1,000 for land.

The action taken herein shall not be construed to be a finding of value of the properties herein authorized to be transferred.

The Commission having considered the above-entitled application and being of the opinion that the proposed transfer will not be adverse to the public interest, and that a public hearing is not necessary, therefore,

IT IS HEREBY ORDERED that:

1. Ed Laboudigue, on or after the effective date hereof and on or before October 31, 1955, may sell and transfer the water utility properties referred to herein, known as French Gulch Ditch System, to E. E. Erich, pursuant substantially to the terms set forth in the statement attached to the application as Exhibit "B".
2. E. E. Erich, after the effective date hereof and on or before October 31, 1955, may assume the deed of trust, the mortgage, and the personal accounts of Ed Laboudigue in the amounts of \$361.25, \$480 and \$100, respectively, as set forth in Exhibit "B" attached to the application.
3. The rates and rules of Ed Laboudigue, now on file with this Commission, shall be refiled within thirty days from the date of actual transfer under the name of E. E. Erich in accordance with procedure prescribed by General Order No. 96, or in lieu of such refiling, said E. E. Erich may file a notice of adoption of said presently filed rates and rules. No increases in the presently filed rates and rules shall be made unless otherwise authorized by this Commission.
4. On or before the date of actual transfer, Ed Laboudigue shall refund all deposits which customers are entitled to have refunded; and that any unrefunded deposits shall be transferred to and become the obligation for refund of E. E. Erich.

- 5. On or before the date of actual transfer to the physical properties herein authorized, Ed Laboudigue shall transfer and deliver to E. E. Erich and the latter shall receive and preserve all records, memoranda and papers pertaining to the construction and operation of the properties of the French Gulch Ditch System.
- 6. If the authority herein granted is exercised, Ed Laboudigue shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfer herein authorized and of his compliance with the provisions of this order.
- 7. Upon due compliance with all the conditions of this order, said Ed Laboudigue shall stand relieved of all further public utility obligations and liabilities in connection with the operation of the public utility water system known as French Gulch Ditch System.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 10th day of May, 1955.

Hubert E. Mitchell
President

JUSTUS J. CALVERT
ROBERT W. BROWN

WALTER J. BAKER

Commissioners