

LBM

Decision No. 21347.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
NEVADA IRRIGATION DISTRICT,
an irrigation district duly created
and existing under and by virtue of
the laws of the State of California,
and the Pacific Gas and Electric
Company, a corporation, for an order
of the Railroad Commission approving
two agreements made by and between
the applicants on the 8th day of May,
1929, (copies of which agreements,
marked "Exhibit A" and "Exhibit B"
respectively are filed herewith), and
authorizing the consummation of said
agreements in accordance with their
terms.

ORIGINAL

Application No. 15722

C. P. Cutten, for Pacific Gas and Electric Company;
Orrick, Palmer and Dahlquist; and C. F. Metteer,
for Nevada Irrigation District.

BY THE COMMISSION:

O P I N I O N

Applicant Pacific Gas and Electric Company, hereinafter
sometimes referred to as "the company", and applicant Nevada Irriga-
tion District, hereinafter sometimes referred to as "the district",
asked the Commission to approve the two agreements filed in this pro-
ceeding and marked "Exhibit A" and "Exhibit B" respectively, and to
authorize the parties to said agreement to consummate each of the
agreements in accordance with their respective terms.

By Decision No. 13792 dated July 10, 1924 in Application
No. 10212 the Commission approved the agreement referred to in that
proceeding and dated April 29, 1924, by and between Nevada Irrigation

District and Pacific Gas and Electric Company, and authorized the parties to the agreement to consummate the same in accordance with its terms.

Applicants now report that they have entered into that agreement which provides ^{among other things} that the Nevada Irrigation District would deliver water at Lake Spaulding at a rate of flow of not exceeding 135 cubic feet per second, to be used by Pacific Gas and Electric Company through the Drum Division works of said company for the generation of electric energy, said agreement providing that such water, after used by the company, should be returned to the natural channels of Bear River, so that the same might be available for diversion by the Nevada Irrigation District at or near Bear River Head Dam. Since the execution of the agreement dated April 29, 1924, it appears that the district has requested the company to increase the capacity of the Bear River Canal and Wise Canal, constituting a part of the Drum Division works of the Pacific Gas and Electric Company and to divert through said canals such water for the generation of electric energy at the Halsey Power Plant and at the Wise Power Plant of the company.

To carry out this plan applicants have entered into an agreement dated May 8, 1929 which is filed in this proceeding as "Exhibit A". In general, this agreement provides for the delivery by the district of waters of the district diverted into the Bear River under the agreement of April 29, 1924 up to a maximum flow of 120 cubic feet per second and for the payment to the district of the sum of \$2.13 per acre foot for all of such water delivered to the company. The agreement further provides for the payment by the company to the district of the sum of \$2.13 per acre foot for all water of the district beneficially used by the company and further provides for the payment by the district to the company of a proportionate amount of the cost of increasing the capacity of the Bear River Canal and the Wise Canal of the company.

The agreement contemplates the acquisition by the district at some future date of the system of canals and aqueducts commonly known as the "Gold Hill System" belonging to the Pacific Gas and Electric Company. Pending such acquisition the district and the company have entered into an agreement dated May 8, 1929 filed in this proceeding, and marked "Exhibit B", wherein and whereby the district will sell and deliver to the company all the water which the company shall from time to time request the district to sell to it, for sale and delivery by the company to the owners of land within the district, in the vicinity of the company's Gold Hill System for the irrigation of lands, and that the company will pay to the district for each acre foot of water diverted into the Gold Hill System at the Gold Hill Canal the sum of \$1.45 for each acre foot of water or otherwise, as set forth in the agreement.

Reference is here made to said agreements for a more definite and specific statement of the terms and provisions of the agreement. Neither this application nor the agreements to which reference has been made, involve the transfer to the district, of any of the canals or ditches belonging to the company. The Commission has considered the request of the applicants and believes that a hearing in this proceeding is not necessary.

ORDER

The Nevada Irrigation District and the Pacific Gas and Electric Company, having applied to this Commission for approval of the two agreements filed in this proceeding, marked "Exhibit A" and "Exhibit B", and for authority to consummate said agreements in accordance with their respective terms, and the Commission being of the opinion that this is not a matter in which a public hearing is necessary,

IT IS HEREBY ORDERED that the agreement entered into by and between the Nevada Irrigation District and the Pacific Gas and Electric Company, dated May 8, 1929, and filed in this proceeding as "Exhibit A", and the agreement entered into by and between said parties and dated May 8, 1929, filed in this proceeding as "Exhibit B" be, and the same are hereby approved, and the parties to said agreements are hereby authorized to consummate said agreements, in accordance with the respective terms.

DATED at San Francisco, California, this 8th day of July, 1929.

Thos. J. Larkin

C. C. Sawyer

Leon Whitell

W. J. Carr

Commissioners.