

Decision No. 23207.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
SUTTER-BUTTE CANAL CO., to sell to )  
RICHVALE IRRIGATION DISTRICT, and )  
of letter to buy certain property )  
of SUTTER-BUTTE CANAL CO. )

Application No. 16998

BY THE COMMISSION:

ORIGINAL

FIRST SUPPLEMENTAL ORDER

The Railroad Commission by its order in Decision No. 23136 dated December 2, 1930, authorized Sutter-Butte Canal Co. to sell to the Richvale Irrigation District, the properties, water rights and other interests described in the agreement of option filed in this proceeding as Exhibit "A", subject to the terms and conditions of said order.

On December 23rd applicants filed a supplemental application in this proceeding wherein it is recited that applicants on December 20th entered into and duly executed an agreement of modification of option, a copy of which agreement is attached to the supplemental application, marked Exhibit No. 1. Decision No. 23136 dated December 2, 1930, contains a description of the properties authorized to be sold by said decision. The properties which Sutter-Butte Canal Co. now proposes to sell differ in several respects from those which it was authorized to sell by said Decision No. 23136. The company now asks permission

to sell the following described properties:

(a) "An undivided one-sixth (1/6) interest in all of the company's water rights and appropriations in and to the waters of Feather River, in the State of California, and being the same water right set forth in a Notice of Appropriations recorded by T. R. Fleming, on July 29, 1902, in Liber "H" of Mining and Water Claims, at page 399, Records of Butte County, California; and rights thereafter acquired and used, except and reserving only the Sunset 500 second feet Pumping Permit #688, granted said company on the 4th day of March 1920, by the Division of Water Rights of the State of California.

(b) Also an undivided one-sixth (1/6) interest in and to the Company's main Dam and Diversion Works, Intake, Head Gate, and other facilities whereby water is diverted from said Feather River at the head of Company's Main Canal in Butte County, California, together with an undivided one-sixth (1/6) interest in said Main Canal from said Intake for three miles more or less to the head of a lateral known as the Biggs Extension; also an undivided one-third (1/3) interest in said Biggs Extension for 3/4 miles more or less to the head of a lateral known as Belding Lateral; also an undivided two third (2/3) interest in and to the said Biggs Extension, beyond the head of said Belding Lateral, together with an undivided two-third (2/3) interest in all laterals leading from said Biggs Extension that are necessary to the service of lands outside of the boundaries of said district, as now constituted; also all of the remaining laterals leading from said Biggs Extension together with the pumps, buildings and other operative utility property of the company, lying within and/or exclusively necessary to the service of the lands of the 'Richvale Irrigation District', as now constituted; excepting herefrom, however, all non-operative lands and all personal property of said company."

The agreement of option filed in this proceeding as Exhibit "A" contemplated that the Richvale Irrigation District acquire from the Sutter-Butte Canal Co. a sufficient quantity of water and distribution facilities to serve not only the area within the boundaries of the Richvale Irrigation District, but also the lands in the so-called Richvale area outside the boundaries of said Richvale Irrigation District. The agreement of modification of option filed with the supplemental application as Exhibit No. 1 provides that the water which the Sutter-Butte Canal Co. asks

permission to sell to the Richvale Irrigation District is intended for use, and will only be used on the lands within the boundaries of the Richvale Irrigation District, as now constituted, save and except that said District shall have the right to deliver to duck clubs and hunting preserves located along, or in the vicinity of Butte Creek, any portion of the water sold and purchased under the terms of the agreement. It further provides that such district shall continue to deliver water to the Rice Experimental Station of the United States Department of Agriculture in the same manner as heretofore delivered by Sutter-Butte Canal Co. The agreement further provides that it is understood and agreed that any water not needed during any year by said District for its own lands and said duck clubs and hunting preserves, shall not be diverted by said District from the Feather River, but may be diverted and used by the Sutter-Butte Canal Co.

The Commission has considered the request of applicants and believes that such request should be granted subject to the provisions of this order, therefore,

IT IS HEREBY ORDERED that the provision of the order in Decision No. 23136, dated December 2, 1930, reading:

"IT IS HEREBY ORDERED that Sutter-Butte Canal Company, a corporation, be, and it is hereby, authorized to transfer to the Richvale Irrigation District, a public corporation, for the sum of \$750,000.00, those certain portions of its public utility properties, water rights and other interests described in Exhibit "A" filed in this proceeding, such transfer to be made subject to the terms and conditions of said Exhibit "A" amended as indicated in the foregoing opinion and subject to further conditions as follows"

be, and the same is hereby amended so as to read:

IT IS HEREBY ORDERED that Sutter-Butte Canal Co., a corporation, be, and it is hereby, authorized to transfer to the Richvale Irrigation District, a public corporation, those certain portions of its public utility properties, water rights and other interests described in the agreement of modification of option attached to the supplemental application, filed on December 23, 1930, and marked as

Exhibit No. 1, such transfer to be made subject to the terms and conditions of said Exhibit No. 1, and further subject to the conditions of the order in said decision No. 23126 dated December 2nd, 1930.

IT IS HEREBY FURTHER ORDERED that the authority herein granted will become effective twenty (20) days after the date hereof.

DATED at San Francisco, California, this 23<sup>rd</sup> day of December, 1930.

Al Seaver  
Edward J. [unclear]

W. J. [unclear]

Commissioners.