

Decision No. 28647

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
PACIFIC GAS AND ELECTRIC COMPANY, a
corporation, and POTTER VALLEY
IRRIGATION DISTRICT for an order of
the Railroad Commission authorizing
applicants to enter into an agree-
ment, in words and figures as written
in the form therefor, which is annexed
hereto.

ORIGINAL
Application No. 20402.

BY THE COMMISSION:

O R D E R

Pacific Gas and Electric Company, a corporation, and
Potter Valley Irrigation District, an irrigation district or-
ganized, existing and functioning under and by virtue of the
"California Irrigation District Act," having filed an application
with the Railroad Commission requesting authority to cancel an
existing contract entered into under date of June 18, 1930, by
and between Snow Mountain Water and Power Company (Pacific Gas
and Electric Company's predecessor in interest) and Potter
Valley Irrigation District and further requesting the approval
of a new agreement in lieu thereof in accordance with the words
and figures as written in the copy of the form of agreement
marked Exhibit "A" attached to the application herein, said agree-
ment providing, among other things, for the sale and delivery by
Pacific Gas and Electric Company at the company's tailrace of its
Potter Valley power plant to said District's two main canals lead-
ing from said tailrace, at a rate of flow not to exceed 50 cubic

feet of water per second at said tailrace (a) during each summer period⁽¹⁾ of the term of the agreement such quantity of water up to 16,660 acre feet⁽²⁾ as shall be required by the District, and (b) during each winter period⁽³⁾ of the term of the agreement such quantity of water up to the difference between 19,000 acre feet and the quantity which the District shall have purchased during the next preceding summer period, to be paid for at the following rates:

If delivered during any summer period, \$1.33 1/3 for each acre foot of the first 3,000 acre feet, and \$1.25 for each acre foot in excess thereof;

If delivered during any winter period, \$1.25 for each acre foot in excess of such quantity of such surplus water as shall be delivered pursuant to the following:

If and when during any winter period of the term of the agreement it shall have surplus water available therefor, as to which it shall be the sole judge, Pacific Gas and Electric Company, without dedicating or intending to dedicate same to a public use therefor, but solely as an accommodation to the District for use by it in preserving its canals and for no other purpose, will deliver into said canals during such winter period without charge to the District therefor such quantity of such water as the latter shall request for said purpose up to but not to exceed ten acre feet a day at an aggregate rate of flow of five cubic feet of water per second or less;

1. Summer period shall mean that period of each season from May 1st to October 15th, both inclusive.

2. An acre foot is the equivalent of 0.504 cubic feet of water per second flowing for twenty-four hours.

3. Winter period shall mean that period of each season from October 16th to April 30th, both inclusive.

said agreement to remain in full force and effect until April 15, 1972 (the date of expiration of the license of Pacific Gas and Electric Company granted said Snow Mountain Water and Power Company by the Federal Power Commission in connection with Project No. 77, California), with the option to the District to extend the term of this agreement for a further period of not to exceed fifty (50) years, if Pacific Gas and Electric Company, its successors and assigns, shall at that time and for such further period be in possession and control of the properties described in said license, said option to be exercised by giving written notice to that effect to Pacific Gas and Electric Company at any time between April 15, 1967, and April 15, 1971; and it appearing that this is not a matter in which a public hearing is necessary and that the application should be granted,

IT IS HEREBY ORDERED that Pacific Gas and Electric Company, a corporation, and Potter Valley Irrigation District, an irrigation district, be and they are hereby authorized to cancel the contract approved by the Railroad Commission in its Decision No. 22710, issued the 25th day of July 1930, and to substitute in lieu thereof an agreement for the delivery of water under substantially the same terms and conditions as are set forth in the form of agreement marked Exhibit "A" attached to the application herein and made a part hereof by reference.

IT IS HEREBY FURTHER ORDERED that Pacific Gas and Electric Company, a corporation, file with this Commission, within thirty (30) days from the date of this Order, two certified

copies of said agreement as finally consummated.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 16th day
of March, 1936.

W B Davis

Leon A. White

W A. C. C.

W. H. H. H.

Commissioners.