

Decision No. 31427

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of
PACIFIC GAS AND ELECTRIC COMPANY for
an order of the Railroad Commission
of the State of California authorizing
it to enter into a certain agreement
with NETTIE HIGHTOWER in words and
figures as written in the form there-
for which is annexed hereto.

APPLICATION NO. 22258

BY THE COMMISSION:

O R D E R

In this application Pacific Gas and Electric Company, a corporation, asks for authority to enter into an agreement with Nettie Hightower, an irrigator, substantially in accordance with the words and figures as written in the form therefor, marked Exhibit "A" of Exhibit No. 1, attached to the application herein, said agreement providing, among other things, for the sale and delivery to said Nettie Hightower, as an accommodation and without dedication of same to public use, of such quantity of excess water that the Pacific Gas and Electric Company may have available in its Boardman Canal, not to exceed a flow of five miner's inches for the irrigation of a portion of her property which comprises 44 acres partly in the southwest quarter of Section 15 and southeast quarter of Section 16 of Township 11 North, Range 7 East, M.D.B.&M., in Placer County, provided that Irrigator shall for each irrigation take a continuous flow of not less than one miner's inch⁽¹⁾ of water for a period of not less than ten consecutive days, said

(1) A miner's inch for the purposes hereof shall mean a continuous flow of water equivalent to 1.5 cubic feet per minute.

water to be paid for at the rate of sixteen cents per miner's inch day.⁽²⁾

Reference is made to Decision No. 31282, in which the Commission set forth its interpretation of the time limit of this type of agreement and included a suggested clause to be inserted as a means by which the agreement might be terminated.

Inasmuch as both parties are agreeable to the signing of the proposed agreement, and it appearing that this is not a matter in which a public hearing is necessary, now, therefore

IT IS HEREBY ORDERED that Pacific Gas and Electric Company, a corporation, be and it is hereby authorized to enter into an agreement for the sale and delivery of excess water to Nettie Hightower under the same terms and conditions substantially as set forth in the form of agreement marked Exhibit "A" of Exhibit No. 1 which is 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 sixty (60) 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 3rd day of November, 1938.

Ray B. Brundage
Frank D. Miller
Ray L. Riley
Commissioners.

⁽²⁾ A miner's inch day shall mean one miner's inch as heretofore defined flowing for a period of twenty-four hours.