

Decision No. 31543

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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 ELMER F. LOVE in words and figures as written in the form therefor which is annexed hereto.

Application No. 22413

BY THE COMMISSION:

ORDER

In this application Pacific Gas and Electric Company, a corporation, asks for authority to enter into an agreement with Elmer F. Love, 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 Elmer F. Love, if and as requested by the latter so to do, 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 ten (10) miner's (1) inches for the irrigation of a portion of Love's 154 acres in the west half ($W\frac{1}{2}$) of Section 15, Township 11 North, Range 7 East, M.D.B.&M., in Placer County, provided that irrigator take a continuous flow of not less than one miner's inch of water for a period of not less than ten consecutive days, said water

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

to be paid for at the rate of sixteen (16) cents per miner's inch day.⁽²⁾ The agreement, unless otherwise terminated by the Pacific Gas and Electric Company as provided therein, shall be effective for a period of three years and thereafter from month to month for a period not exceeding six months, provided, however, that it may be terminated by either party at the end of the initial term or at any subsequent thirty-day period by service on the other party of written notice thirty days in advance of the date on which such termination shall become effective.

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 Elmer F. Love under the same terms and conditions substantially as set forth in the form 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.

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

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

Dated at San Francisco, California, this 9th day
of January, 1939.

R. B. Wabner
Frank M. ...
Carl L. ...
W. B. ...
Justus J. ...
Commissioners.