

Decision No. 31773

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 E. A. HEBENSTREIT in words and
figures as written in the form there-
for which is annexed hereto.

ORIGINAL

Application No. 22581

BY THE COMMISSION:

ORDER

In this application Pacific Gas and Electric Company, a corporation, asks for authority to enter into an agreement with E. A. Hebenstreit 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 E. A. Hebenstreit, 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 Greeley Canal, the service outlet to be approximately 1,400 feet below the intake of Greeley Canal within the northwest quarter (NW $\frac{1}{4}$) of the northeast quarter (NE $\frac{1}{4}$) of Section 29, Township 12 North, Range 8 East, MBD&M, of a flow not to exceed two miner's inches⁽¹⁾ for mining purposes and the rate therefor to be thirty (30) cents per miner's inch day.⁽²⁾

- (1) A miner's inch for the purpose hereof shall mean a continuous flow of water equivalent to 1.5 cubic feet per minute.
- (2) A miner's inch day for the purposes hereof shall mean one miner's inch, as heretofore defined, flowing for a period of twenty-four hours.

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 therein 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 E. A. Hebenstreit under the same terms and conditions substantially as are 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 210th day of February, 1939.

Raymond W. Brown
Frank A. Brown
Ray H. Brown
W. J. Brown
Justice J. Brown
Commissioners