

Decision No. 31827

ORIGINAL

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 authori-
zing it to enter into a certain agree-
ment with Mrs. F. M. SCHULTZ in words
and figures as written in the form
therefor which is annexed hereto.

Application No. 22601

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 Mrs. F. M. Schultz, a miner, 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 Mrs. F. M. Schultz, 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 Fiddler Green Canal not to exceed a flow of three (3) miner's (1) inches for the operation of a proposed mill to be located on mining properties known as Duncan Hill Consolidated Mines, comprising about 215 acres of land, in the northeast quarter (NE $\frac{1}{4}$) of Section 17, and the northwest quarter (NW $\frac{1}{4}$)

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

of Section 16, Township 12 North, Range 8 East, MDB&M, in Placer County, California, provided that Miner (Mrs. F.M. Schultz) takes a continuous flow of not less than three miner's inches of water flowing continuously for not less than ten consecutive days, said water to be paid for at the rate of thirty (30) cents per miner's inch day⁽²⁾. This agreement, unless otherwise terminated by the Pacific Gas and Electric Company as provided therein, shall be effective for two 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 twenty 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 Mrs. F. M. Schultz 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 13th day
of March, 1939.

Rafaela W. W. W.
Frank W. W.
Ray H. W.
H. W.
Justus D. Cramer
Commissioners