

Decision No. 32214

## 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 F. H. NEWCOMB in words and figures as written in the form therefor which is annexed hereto.

Application No. 22868

ORIGINAL

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 F. H. Newcomb, 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 F. H. Newcomb 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 as the Pacific Gas and Electric Company may have available in its Caperton Canal, not to exceed a flow of fifteen (15) miner's inches<sup>(1)</sup> for the irrigation of irrigator's twenty-seven acres located in the north half (N $\frac{1}{2}$ ) of the north half (N $\frac{1}{2}$ ) of the northeast quarter (NE $\frac{1}{4}$ ) of Section 16, Township 12 North, Range 7 East, MDB&M, in Placer County, provided that irrigator, F. H. Newcomb, shall take for each irrigation a continuous flow of not less than five (5) miner's inches of water for a period

(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 not less than ten consecutive days, said water to be paid for at the rate of sixteen cents (16¢) per miner's inch day.<sup>(2)</sup>

Reference is made to Decision No. 31282 in which this 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.

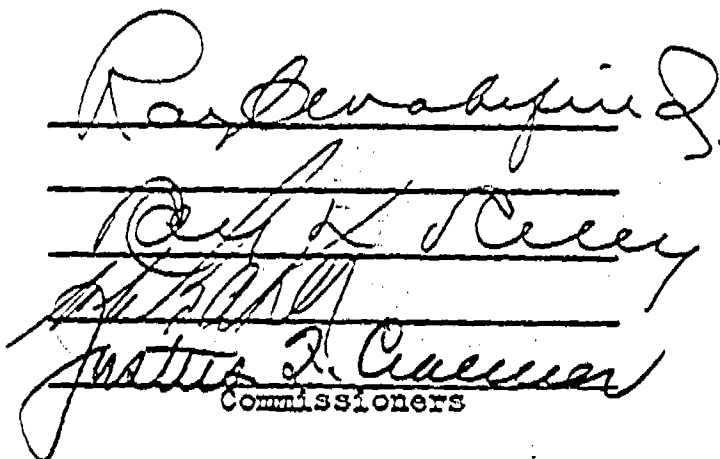
Inasmuch as both parties are agreeable to the signing of the proposed agreement and it appearing that this is not a matter in which a public hearing is necessary, now, therefore,

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 F. H. Newcomb 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.

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

Dated at San Francisco, California, this 1<sup>st</sup> day of August, 1939.

  
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Justus J. Cassman  
Commissioners

(2)

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