

Decision No. 32215

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 MRS. CLARA ZIMMERMAN in words and figures as written in the form therefor which is annexed hereto.

ORIGINAL

Application No. 22861

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. Clara Zimmerman, 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 Mrs. Clara Zimmerman 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 Boardman Canal, not to exceed a flow of ten (10) miner's inches⁽¹⁾ for the irrigation of a portion of irrigator's one hundred eighty-eight acres located in the east half ($E\frac{1}{2}$) of the northeast quarter ($NE\frac{1}{4}$) of Section 23, the west half ($W\frac{1}{2}$) of the

(1)

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

northwest quarter (NW $\frac{1}{4}$) of Section 24, and portions of the southwest quarter (SW $\frac{1}{4}$) of the southeast (SE $\frac{1}{4}$) and the southeast quarter (SE $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of Section 14, all of Township 11 North, Range 7 East, MDB&M, in Placer County, provided that irrigator, Mrs. Clara Zimmerman, shall take for each irrigation a continuous flow of not less than two (2) miner's inches of water for a period 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. ⁽²⁾ 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 Mrs. Clara Zimmerman 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 1st day of August, 1939.

Ray Swabner

Ray H. Kelly

Justice J. Casner
Commissioners