

Decision No. 37160

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of  
SUTTER BUTTE CANAL CO.

to sell to BIGGS-WEST GRIDLEY WATER  
DISTRICT, and of the latter to buy  
certain property of SUTTER BUTTE  
CANAL CO.

**ORIGINAL**

Application No. 25398.

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

The Commission in its Decision No. 36083, dated December 29, 1942, authorized Sutter Butte Canal Co. to transfer to Biggs-West Gridley Water District, for the sum of \$500,000, certain portions of its ditch system, water rights and other interests, and thereafter the Company did transfer such properties in consideration of the issuance and delivery to it of \$500,000 of 5% revenue bonds of the District.

The District now proposes to sell a new issue of 4% bonds and pay the Company \$625,000 for the purpose of retiring \$495,000 of its outstanding bonds and purchasing a twenty-five year service charge contract, together with certain additional water rights and properties more particularly described in Exhibit "A" attached to the application.

The service charge contract provides for the payment by the District to the Company of \$10,000 per year for a period of twenty-five years. The total payment by the District is reduced approximately 50% under the proposed purchase plan. The water rights to be sold consist of an undivided 45.35% interest in and to 200 cubic feet per second of the 300 cubic feet per second of the natural flow of the Feather River to which the Company was originally entitled in excess of 2400 cubic feet per second. The real estate consists largely of an undivided 2% interest in and to the land at the Company's headgate and dam. Other property

consists of an undivided 2% interest in the Company's diversion works, together with an undivided 2% of the main canal from said diversion works to the head Biggs Extension Canal; a .38% interest in said main canal from the head of said Biggs Extension to the head of irrigation Lateral No. 4; a 2.86% interest in and to Biggs Extension Canal from the main canal to the head of Belding Lateral; a 1.82% interest in and to Lateral No. 4 from its head to Lateral No. 8, and a 5.99% interest in and to Lateral No. 8 from its head to the east boundary of the District.

A new service agreement superseding the agreement of December 31, 1942, will be entered into by and between the Company and the District, providing for the joint operation of facilities, and for the delivery of water by the Company through the District to lands lying outside the boundaries of the District. A copy of this agreement is attached to the application as Exhibit "B."

The transfer of a portion of the Company's property will require an adjustment of its books to reflect the transfer of the properties. This order will provide for the filing of copies of each and every book entry recording the sale of said properties.

The Commission having considered applicants' request and it appearing that this is not a matter in which a public hearing is necessary, and that the application should be granted, now, therefore,

IT IS HEREBY ORDERED that Sutter-Butte Canal Co., a corporation, be and it is hereby authorized to transfer to Biggs-West Gridley Water District, a public corporation, those certain portions of its public utility properties, water rights, and other interests described in Exhibit "A" attached to the application.

IT IS HEREBY FURTHER ORDERED that within sixty (60) days after the execution of the deed transferring the aforesaid properties to the Biggs-West Gridley Water District, Sutter Butte Canal Co. shall file with the Railroad Commission a certified copy of such deed.

IT IS HEREBY FURTHER ORDERED that Sutter Butte Canal Co. shall file with this Commission within sixty (60) days after the date of the sale of said properties a copy of each and every book entry recording the sale of said properties.

The action taken herein shall not be construed to be a finding of value for any purposes other than the proceeding herein involved.

IT IS HEREBY FURTHER ORDERED that the authority herein granted will be effective upon the date hereof.

Dated at ~~San Francisco~~ <sup>San Francisco</sup> California, this 27<sup>th</sup> day of June 1944.

Richard Parker  
Justus F. Green  
Francis R. Havenner  
Francis Green  
John H. Lowell  
 COMMISSIONERS.