

Decision No. 40222

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of
SUTTER BUTTE CANAL CO.
 for an Order Authorizing it to enter
 into a Grant of Easement and Agreement.

Application No. 28352

O R D E R

Sutter Butte Canal Co., a corporation, engaged in the public utility business of diverting, distributing and selling water for irrigation purposes in Sutter and Butte Counties, asks for authority to enter into a Grant of Easement and Agreement with Sacramento and San Joaquin Drainage District. The Reclamation Board of the State of California, acting by and through said Drainage District, and in cooperation with the United States War Department, Corps of Engineers, proposes to perform certain reclamation work including the construction of a levee on and along the west bank of the Feather River in the vicinity of the Canal Company's diversion dam and intake works, owned jointly with Richvale Irrigation District and Biggs-West Gridley Water District, public corporations.

This grant and agreement, among other things, provides that said Canal Company jointly with Richvale Irrigation District and Biggs-West Gridley Water District, owners as tenants in common of certain of the interests and rights involved herein, grant and convey to said Drainage District a right of way and easement to construct, operate and maintain a levee over the Company and District lands, in consideration for which said Drainage District, without cost to the above grantors, agrees to enlarge the jointly-owned main canal, construct a new headgate therein, make any and all necessary alterations in the existing intake structure in the main canal to eliminate head loss in that structure, and move the gate-keeper's house to a parcel of land located near the proposed new headgate, containing 0.202 acres, more or less, and grant to the Canal Company and the said Irrigation District and Water District the exclusive and perpetual easement and

right to maintain and use thereon said gatekeeper's house.

It appearing that this is not a matter in which a public hearing is necessary, and that it is in the public interest that the application be granted, now, therefore,

IT IS HEREBY ORDERED that Sutter Butte Canal Co., a corporation, be and it is hereby authorized to grant and convey a certain right of way and easement to Sacramento and San Joaquin Drainage District, acting by and through The Reclamation Board of the State of California, substantially in accordance with the terms and conditions set forth in the indenture entitled "Grant of Easement and Agreement," marked Exhibit "A" attached to the application herein, which Exhibit "A" is hereby made a part of this Order by reference.

IT IS FURTHER ORDERED that Sutter Butte Canal Co., a corporation, file with this Commission, within sixty (60) days from the date of this Order, two certified copies of said indenture as finally executed.

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

Dated at ~~San Francisco~~ California, this 27th day of April, 1947.

Harold J. Hull
Justus F. Gallison
W. H. Russell
R. F. Dinsman
Herbert J. Potter
 Commissioners.