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Decision No. 54858

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
Pacific Union College Association for)	
an order authorizing it to carry out)	
the terms and conditions of a contract)	Application No. 38853
dated February 20, 1957 with Dick R.)	
Friesen for accommodation storage of)	
water for a limited period of time.)	

OPINION AND ORDER

By this application, Dick R. Friesen^{1/}, doing business as Angwin Water Co., and Pacific Union College Association^{2/}, a non-profit corporation, jointly request authority to carry out the terms and conditions of a contract entered into by them on February 20, 1957. A copy of the contract is attached to the application as Exhibit "A".

The terms of the contract provide that runoff water from Angwin Creek drainage area is to be stored for College in reservoirs owned by Friesen. College has been granted a permit by the State Water Rights Board to store and use 20 acre-feet of such runoff water for irrigation purposes. The stored water, up to a maximum of 20 acre-feet, is to be delivered only when the storage is in excess of Friesen's water utility requirements, of which Friesen is to be the sole judge. For all water delivered College is to pay Friesen at the rate of \$10 per acre-foot. The contract is to be in force until February 10, 1959, with the provision that it may be terminated by either party on not less than 30 days' written notice.

^{1/} Sometimes herein called Friesen.
^{2/} Sometimes herein called College.

With reference to the previous storage of irrigation water for College and the service now proposed to be furnished, Decision No. 54196, dated September 18, 1956 in Application No. 36736, states as follows:

"Friesen's arrangements with Pacific Union College, which have not heretofore been submitted to the Commission are necessarily void. Friesen may include in his tariff a special schedule for such service, or he may, with the acquiescence of the College authorities, enter into a new agreement which should be submitted to the Commission for authorization prior to its becoming effective."

Friesen, in addition to negotiating the subject contract, filed a rate schedule for the service in question. Since this schedule will no longer serve any useful purpose, when the contract becomes effective, the order herein will provide for the schedule to be withdrawn.

The contract includes the provision that it shall at all times be subject to such changes or modifications as this Commission may direct in the exercise of its jurisdiction.

The Commission having considered the request of applicants and being of the opinion that the application should be granted and that a public hearing is not necessary, and finding that the rate for the service to be rendered in accordance with the terms of the agreement is just and reasonable; therefore,

IT IS HEREBY ORDERED that:


1. Dick R. Friesen is authorized to carry out the terms and conditions of the contract dated February 20, 1957, with Pacific Union College Association, a non-profit corporation, as set forth in Exhibit A, attached to the application.
2. If the authority herein granted is exercised, the tariff schedule filed by Dick R. Friesen on February 25, 1957, designated Schedule No. 3-L, Limited Irrigation Service, will cease to be in effect after the date on which the contract is deemed to have become effective and thereafter will be withdrawn.

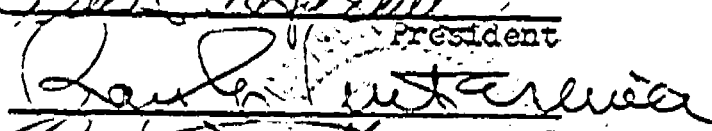
IT IS HEREBY FURTHER ORDERED that applicant, Dick R. Friesen, shall:

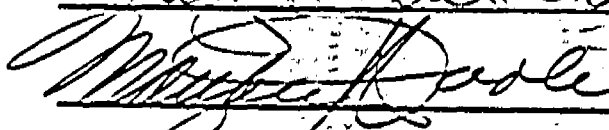
1. File with this Commission within thirty days after the effective date of this order two certified copies of the agreement as executed together with a statement of the date on which the contract is deemed to have become effective.
2. Notify this Commission in writing of the date of termination of said agreement within thirty days from and after said date of termination.

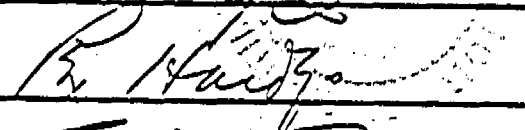
The effective date of this order shall be twenty days after the date hereof.

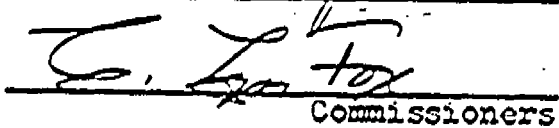
Dated at San Francisco, California, this 16th day of APRIL, 1957.



President








Commissioners