

ORIGINALDecision No. 59587

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PACIFIC GAS AND ELECTRIC COMPANY)
 for an order of the Commission grant-)
 ing and conferring upon applicant)
 all necessary permission and author-)
 ity to carry out the terms and con-)
 ditions of a contract with PHILLIP)
 GRANT BENTON and BARBARA JEAN)
 BENTON, dated October 27, 1959.)
 (Water))

Application No. 41702

OPINION AND ORDER

Pacific Gas and Electric Company,^{1/} a corporation, by the above-entitled application filed November 27, 1959, seeks authorization from this Commission to carry out the terms and conditions of an agreement with Phillip Grant Benton and Barbara Jean Benton,^{2/} dated October 27, 1959, relating to the sale of water as an accommodation service for irrigation of Bentons' property in Butte County.

A copy of the proposed agreement is attached to the application as Exhibit A. Under its terms and conditions, Pacific will divert such water as may be requested by Bentons, but not in excess of three miner's inches,^{3/} if and when water is available in Pacific's Centerville Canal, as to which Pacific shall be the sole judge. A charge of \$0.30 per miner's inch-day is to be made for all such water delivered, and Pacific estimates that it will derive an annual gross revenue of approximately \$30 from this contract sale.

1/ Sometimes herein called "Pacific".

2/ Sometimes herein called "Bentons".

3/ For the purpose hereof a miner's inch shall designate a continuous flow of water equivalent to 1/40 of a cubic foot per second, or 1.5 cubic feet per minute, and a miner's inch-day shall designate one miner's inch flowing continuously for a period of 24 consecutive hours.

The water so to be delivered is acknowledged by Bentons to be untreated and not intended nor offered for human consumption, and Bentons agree to assume all risks and liabilities in connection therewith.

The agreement contains a provision that it shall not become effective until authorized by this Commission. It is to remain in effect for a period of one year, and from year to year thereafter until terminated by either party upon thirty days' written notice.

A previous agreement between Pacific and Willard Kingsford and Verna Kingsford, former owners of Bentons' property, relating to a similar accommodation service, was authorized by this Commission by Decision No. 46464, dated November 27, 1951, in Application No. 32859. By Decision No. 54333, dated December 27, 1956, in first supplemental Application No. 32859, this Commission authorized assignment of said agreement to Emory K. Underwood, also a former owner of the subject property.

The Commission having considered the request of applicant and being of the opinion that the application should be granted and that a public hearing is not necessary; therefore,

IT IS HEREBY ORDERED that Pacific Gas and Electric Company, a corporation, be and it hereby is authorized to carry out the terms and conditions of the agreement dated October 27, 1959, with Phillip Grant Benton and Barbara Jean Benton, a copy of which is attached to the application as Exhibit A, which exhibit is made a part of this order by reference.

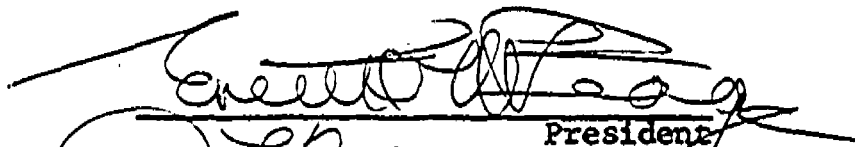
IT IS HEREBY FURTHER ORDERED that Pacific Gas and Electric Company shall:

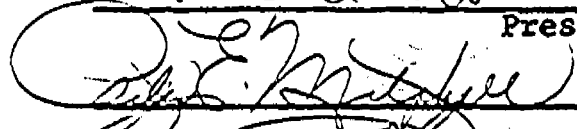
1. File with this Commission, within thirty days after the effective date of this order, two certified copies of the agreement as executed together with a statement of the date on which it is deemed to have become effective.

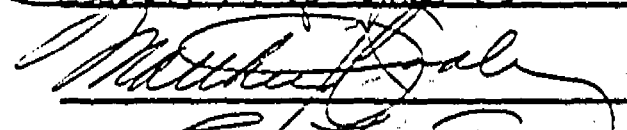
2. Notify this Commission of the date of termination of said agreement within thirty days from and after said date of termination.

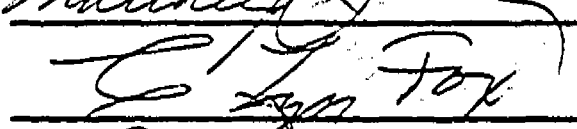
The effective date of this order shall be twenty days after the date hereof.

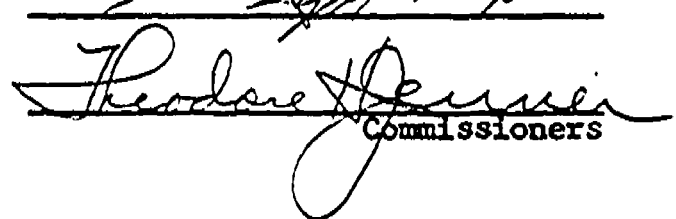
Dated at San Francisco, California, this 1st day of February, 1960:



President








Commissioners