

Decision No. 80077

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Oroville-Wyandotte
Irrigation District for an order,

a) determining and deciding pursuant to Section 11592 of the California Water Code the character and location of new facilities to be provided by the Department of Water Resources pursuant to Article 3, Chapter 6, Part 3, Division 6 of the California Water Code,

b) directing and requiring the Department of Water Resources to provide and substitute such facilities for the facilities of applicant to be taken or destroyed by said department,

c) determining and deciding all controversies between applicant and the Department of Water Resources concerning the requirements imposed by said Article 3, Chapter 6, Part 3, Division 6 of the Water Code, and

d) granting other appropriate relief.

Application No. 48869

ORDER GRANTING REHEARING
OF DECISION NO. 79724 FOR LIMITED PURPOSE

The Department of Water Resources, having filed a petition for rehearing of Decision No. 79724 and Decision No. 74542, the Commission having considered each and every allegation therein and being of the opinion that good cause has been made to appear

for rehearing of Decision No. 79724 for the very limited purposes of deciding which "historical costs" each party is responsible for, and for clarifying the asserted inconsistency between Finding No. 1 and any order of the Federal Power Commission;

IT IS ORDERED that rehearing of Decision No. 79724 be granted for the very limited purposes of determining which "historical costs" each party is responsible for, and determining whether any inconsistency which may exist between Finding No. 1 of Decision No. 79724 and any FPC order may be cured by ordering the Department of Water Resources to be financially responsible for:

- (a) Replacing the lower reach of Miners Ranch Canal with a tunnel approximately 4,400 feet in length extending from the vicinity of the intake tunnel upstream to near the lower siphon, and replacing the lower reach of the canal.
- (b) Providing an improved all-weather roadway along the remaining length of the canal.
- (c) Providing slope protection below the remaining length of the canal to include an adequate mantle of coarse material.

The parties are placed on notice that "historical costs" shall include all ascertainable expenditures to date, but shall not include the issue of any possible credit owing to the Department of Water Resources.

Rehearing shall be before such Commissioner or Examiner and at such time and place as shall hereafter be designated. The Secretary is directed to mail appropriate notice of hearing at least ten days before such rehearing. The effect of Decision No. 79724 is hereby suspended until further order of the Commission.

Dated at San Francisco, California, this 18th day of MAY, 1972.

Chairman

William J. Lyons
Barth
Vernon L. Sturgeon

Commissioners