

BEFORE THE DIVISION OF WATER RIGHTS  
DEPARTMENT OF PUBLIC WORKS  
STATE OF CALIFORNIA

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In the Matter of Application Number 3895 by E.D.N. Lehe  
to Appropriate from Star Lake in El Dorado County for  
Power Purposes

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DECISION NO. 3895 D 48

Decided March 25 , 1925

APPEARANCES AT HEARING HELD MARCH 3, 1925

For Applicant:	E.D.N. Lehe, in propria persona
For Protestants:	F.E. Brockliss, for Knox Johnson, Chris Johnson, Mrs. F. E. Brockliss and Mrs. Hans Truelson
Examiner:	Edward Hyatt, Jr., Chief of Division of Water Rights, assisted by Everett N. Bryan, Office Engineer

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O P I N I O N

Application Number 3895 was filed on March 7, 1924, by E.D.N. Lehe. It seeks to appropriate 600 acre feet per annum from Star Lake, a tributary of Cold Creek and Lake Tahoe, by means of storage to be collected during the months of April, May, June, and September of each year for power purposes. The water is to be released in times of water shortage and flow down Cold Creek to the intake of the canal of applicant leading to the power house.

Application Number 3231 was filed on January 16, 1923, by the same applicant to appropriate from Cold Creek for the same purpose.

This application was approved on October 26, 1923, and the permit allows the applicant and permittee to divert for beneficial purposes, and subject to vested rights, not to exceed  $18\frac{1}{2}$  cubic feet per second from about May 1st to about October 15th of each season.

The purpose of the later application is to provide storage and thereby augment the low flow of Cold Creek during the summer months when the natural flow is insufficient to generate power as required by the applicant and his associates. The power generated under both applications is not for the applicant (E.D.N. Lehe) alone it appears, but is for supplying light, heat and power to the property, hotel and resort owners about Al Tahoe, Bijou and the vicinity, who have formed a cooperative organization for the purpose.

Application Number 3895 was completed in accordance with the Water Commission Act and the Rules and Regulations of the Division of Water Rights, and being protested was regularly set for hearing in Room 707 Forum Building, Sacramento, on Tuesday morning, March 3, 1925, at 10 o'clock A.M. Of this hearing applicant and protestant received due notice and appearances were made by the applicant in propria persona and by F. E. Brockliiss of Berkeley, California, on behalf of all protestants.

The protestants are Chris Johnson, Mrs. F. E. Brockliiss, Knox Johnson, and Mrs. Hans Truelson. They claim to have rights by appropriation and long continued use to irrigate some 600 acres by diversions from Cold Creek during June, July and August, the diversions being made at a point below that at which water is to be returned to the stream by the applicant.

The protestants maintained that the flow from Star Lake was uniform throughout the year and during the irrigation season was inadequate to supply their needs under the prior rights claimed by them, while the applicant maintained there was a very considerable flood flow at the time when snow melted in the spring. The evidence on this point was inconclusive but it was admitted by the protestants that they had no use for water during any season of the year except June, July and August, while the applicant at once freely consented to reduction of the season during which water would be collected by him so as to eliminate the latter half of June and all of July and August. However, the protestants admitted that during most years there was probably a surplus of water in Cold Creek throughout all of June, over and above that required to satisfy their needs and on the suggestion of the examiner Mr. Lehe amended his application to eliminate only the months of July and August from the season of intended diversion.

It appears that the applicant in his application confused the season of collection with the season of use and never had in mind the collection of storage during July and August, and that the protestants had no objection to collection of water in storage as proposed by applicant whenever there was a surplus over and above that required to satisfy their needs under prior rights claimed by them.

O R D E R

Application Number 3895 for a permit to appropriate water from Star Lake having been filed with the Division of Water Rights

as above stated, protests having been filed, a public hearing having been held, and the Division of Water Rights being now fully informed in the premises,

IT IS HEREBY ORDERED that said application be approved and that a permit be granted to the applicant subject to the usual terms and conditions.

Dated at Sacramento, California, this 25th day of March, 1925.

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CHIEF OF DIVISION OF WATER RIGHTS  
DEPARTMENT OF PUBLIC WORKS  
STATE OF CALIFORNIA

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