

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

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IN THE MATTER OF APPLICATION NUMBER 3405 OF E. T. LARSEN
TO APPROPRIATE WATER FROM BRUSH CANYON A TRIBUTARY OF THE
SOUTH FORK OF THE AMERICAN RIVER IN EL DORADO COUNTY FOR
AGRICULTURAL AND DOMESTIC PURPOSES

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DECISION NO. 3405 D. 81

Decided November 5, 1925

APPEARANCES AT HEARING HELD December 22, 1924

For Applicant - H. E. Dillinger, Atty., Placerville, Calif.

For Protestant - Geo. A. Hunt, Engr., 245 Market St.,
San Francisco, California

Examiner - Edward Hyatt, Jr., Chief of Division of Water Rights.

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OPINION

This is an application originally filed for 1.25 second feet from
January 1st to December 31st and 60 acre feet to be collected between November
1st and May 30th of each season for agricultural and domestic purposes.

The application was filed May 8, 1923, completed in accordance with
the Water Commission Act and the requirements of the Rules and Regulations
and, being protested, was set for hearing in Room 707 Forum Building, Sacra-
mento, at 10:00 o'clock A.M. on December 22, 1924. Of this hearing appli-
cant and protestant were duly advised and appearances were made on behalf
of each as shown above.

Before this hearing a protest filed by Western States Gas and Electric Company was withdrawn as it appeared protestant had confused the source specified "Brush Canyon" with "Brush Creek". Brush Canyon enters the South Fork of the American River over a mile below diversion by Western States Gas and Electric Company.

The protest of Pacific Gas & Electric Company is based on their claimed right to use 1,000 second feet through their Folsom power house and their fear that after July 15th of a normal year an already insufficient water supply would be further depleted through consummation of the appropriation. At the hearing it was stipulated that, if applicant amended his application to provide for the storage of not less than 40 acre feet per annum to be collected and would limit the period of direct diversion to from about May 1st to about September 1st, the protest would be withdrawn. The application was subsequently amended to meet these requirements of this stipulation and the protest may therefore be considered withdrawn. It is, however, incumbent on the applicant to comply with the terms of the stipulation in making the appropriation and therefore logical that the permit allow for diversion from the normal flow up to about July 15th after which date the flow in the source will be supplemented by drafts on storage.

ORDER

Application Number 3405 for a permit to appropriate water 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 now being fully informed in the premises--

IT IS HEREBY ORDERED that said application Number 3405 be approved and that a permit be granted to the applicant subject to such of the usual terms and conditions as may be appropriated and the following special terms and conditions to wit:

"The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed sixty (60) acre feet per annum for storage to be collected from about January 1st to about May 30th of each season and one and twenty-five hundredths (1.25) cubic feet per second direct diversion from about May 1st to about July 15th of each season, provided however that if a storage reservoir of not less than forty (40) acre feet capacity is constructed and operated by permittee as proposed direct diversion may be continued until September 1st of each season".

Dated at Sacramento, this fifth day of November, 1925.

(Edward Hyatt, Jr.)
CHIEF OF DIVISION OF WATER RIGHTS

JCP:MP