

IN THE MATTER OF THE APPLICATION OF JAMES A. MURRAY

AND ED FLETCHER FOR RIGHTS OF WAY ETC.

Application of James A. Murray and Ed Fletcher for right of way for reservoir and canal and affidavits setting forth purposes for which right of way is to be used, and that applicants intend, in good faith, to utilize the same for such purposes, if the permit is granted:

To the Honorable Secretary of the Interior of the United States:

Your applicants James A. Murray and Ed Fletcher respectfully present and file this petition and make application for a permit for a right of way, under the provisions of an Act of Congress approved March 3, 1891 entitled "An act to repeal timber-culture laws, and for other purposes" and the Act of Congress approved May 11, 1898 entitled "An act to amend an act to permit the use of the right of way through public lands for tram roads, canals and reservoirs and for other purposes" and also an Act of Congress approved February 15, 1901 entitled "An act relating to rights of way through certain parks, reservations and other public lands", and also an Act of Congress approved February 1, 1905; amendments thereto and regulations promulgated under the said Acts and Acts kindred thereto, for a reservoir upon Conejos Creek, San Diego County, California and canals, ditches, pipes and pipe lines, flumes, tunnels and other water conduits to convey the water of said Conejos Creek and also of King Creek and all tributaries of the San Diego River which said canal can utilize for the main purpose of irrigation fully set

Exhibit "G"

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A. H. SWEET  
SAN DIEGO, CAL.



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3 forth on the maps herewith filed and in that connection and  
4 for that purpose your applicants respectfully represent:

5 First: That it is the intention and purpose of said  
6 applicants to divert and use said waters of Conejos Creek and  
7 King Creek, which jointly form the stream known as South Fork,  
8 and all other tributaries of the San Diego River which can be  
9 utilized by this canal.

10 Second: That for the purpose of carrying out their  
11 intentions as aforesaid, these applicants have become owners  
12 of the right to use the waters of the San Diego River, the  
13 South fork and other tributaries of the said San Diego River  
14 in San Diego County, State of California, and that said appli-  
15 cants are the sole owners of all water and water rights,  
16 privileges and easements of the San Diego Flume Company,  
17 a corporation organized under the laws of the State of  
18 California, and are the grantees and successors in interest  
19 of the San Diego Flume Company of all said water, water rights,  
20 property and easements, and that a copy of the record of  
21 the notice of appropriation upon the aforesaid streams made  
22 and filed by the said San Diego Flume Company, duly certified  
23 by the County Recorder of the County of San Diego, State of  
24 California, accompanies this application and is hereto attached  
25 and marked Exhibit "A" and made a part hereof; and that a  
26 copy of the record of the transfer and conveyance by said  
27 San Diego Flume Company to said James A. Murray of all of the  
28 water, water rights, easements, franchises and privileges, duly  
29 certified by the said County Recorder, is hereto attached  
30 marked Exhibit "B" and made a part hereof; and that a copy  
of the record of the conveyance and transfer by the said  
applicant James A. Murray to the said applicant Ed Fletcher  
of an undivided one-sixth of all of the said property, water,  
water rights, easements, franchises and privileges acquired

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water rights, easements, franchises and privileges acquired



1  
2 by said Murray from said San Diego Flume Company by virtue of  
3 the said conveyance and transfer, is hereto attached marked  
4 exhibit "C" and made a part hereof and that the said copies  
5 of said notice of appropriation and the said deeds of  
6 transfer and conveyance are attached to and accompany this  
7 application and are all made a part of the same.

8 Third: That a certificate of the Secretary of State of  
9 the State of California, that no change has been made in the  
10 laws of California governing the use of water, since the date  
11 of the laws last filed with the Department, is hereby attached  
12 and marked Exhibit "D".

13 Fourth: That the amount of water of South Fork and said  
14 tributaries owned by said applicants as appears from the  
15 notice of appropriation set forth in said Exhibit "A" is 4000  
16 Miner's inches, and the whole thereof; that a miner's inch is  
17 the unit used in said title, and its equivalent in cubic feet  
18 per second is one fiftieth of a cubic foot per second.

19 Fifth: That a statement of the amount of water flowing  
20 in said South Fork at the point of diversion during the  
21 preceeding four years is hereto annexed and marked Exhibit  
22 "E".

23 Sixth: That the said waters of South Fork, being formed  
24 by the junction of said Conejos Creek and King Creek has been  
25 in continuous use by the San Diego Flume Company, the grantor  
26 and predecessor of James A. Murray and Ed Fletcher, and by  
27 James A. Murray and Ed Fletcher for a period of 23 years as  
28 appears from an affidavit of Lott B. Mathews, hereby annexed and  
29 marked Exhibit "F".

30 Seventh: It is the intention of said applicants to use  
the waters of said tributaries of South Fork and other tribu-  
taries of the San Diego River, by the construction of a dam  
upon Conejos Creek and a system of canals, flumes, conduits,

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1 tunnels and pipes, which are more particularly set forth and  
2 shown on the maps accompanying this petition, upon lands  
3 now served by the San Diego Flume of which the said James A.  
4 Murray and Ed Fletcher are the owners and upon other lands.

5 Eighth: That the said construction will be of economic  
6 value to the lands thus served and that no injury will be  
7 done to other proprietors and users.

8 Ninth: That the said construction will not interfere  
9 with the execution of the contract entered into by the San  
10 Diego Flume Company the predecessors of James A. Murray and  
11 Ed Fletcher, with the Secretary of the Interior for use of  
12 waters on El Capitan Indian Reservation but said applicants  
13 agree that they will not curtail in any way the rights of the  
14 Indians aforesaid.

15 Ninth: That the said James A. Murray and Ed Fletcher  
16 intend to apply for further rights of way to convey the waters  
17 of Cuyamaca Lake and Boulder Creek into Conejos Creek and  
18 thence into the reservoir here applied for, and that in that  
19 event they concede the right of the Government to exchange an  
20 amount of water for use in the Conejos Valley above the  
21 Reservoir equal in amount to that now used on the lower portion  
22 of reservation out of the San Diego Flume, to the extent of  
23 40 inches.

24 Tenth: That the location of said dam and canal and lands  
25 sought to be secured hereunder are particularly shown, desig-  
26 nated and set forth upon the maps and field notes of the  
27 surveys therefor accompanying this application, which said maps  
28 are severally entitled as follows:

29 Map of Survey of water line of Conejos Reservoir of  
30 James A. Murray and Ed Fletcher on Conejos-Creek, San Diego  
County, California, Scale 1 inch - 1000 feet. Height of dam  
96 feet. Capacity of Reservoir 1680 Acre feet;

Map of survey of center line of Conejos canal and King

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Creek Feeder of James A. Murray and Ed Fletcher, Scale 1 inch -  
2000 feet.

Map of Survey of that part of Conejos Canal and King  
Creek Feeder of James A. Murray and Ed Fletcher within  
El Capitan Indian Reservation.

Eleventh: That the land proposed to be traversed by the  
rights of way herein applied for lie within the San Jacinto  
Forest Reserve and that accompanying this application are the  
maps hereinbefore referred to and described, in duplicate, on  
tracing linen, and Field Notes in duplicate of the said  
reservoir and canal, and that said right of way lies partly  
within El Capitan Grande Indian Reservation and that  
accompanying this application are triplicate maps on tracing  
linen, showing the reservoir and such portion of the canal  
as traverses said Indian Reservation.

That there are no Articles of Association of said  
applicants and they have never made or executed any Articles  
of Association or of copartnership.

That the rights of way hereby sought and applied for by  
said applicants are over and upon surveyed lands within the  
San Jacinto Forest Reserve and partly within the El Capitan  
Grande Indian Reservation, and will, if secured, be used by  
said applicants for the main purpose of irrigation.

WHEREFORE your applicants would respectfully petition  
the Honorable Secretary of the Interior of the United States  
to issue to said applicants a permit to use a certain parcel  
of land proposed to be occupied as a reservoir described on  
said accompanying maps and field notes, as follows:

Commencing at Station 0, which is the Initial Point  
whence the north-east township corner of township 15 south,  
Range 2 east San Bernardino Base and Meridian bears west 2040  
feet, and thence along the lines indicated on the maps present-  
ed and filed herewith and described in the field notes  
accompanying the same to the place of beginning.

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3 Also for a permit to use a right of way fifty (50) feet  
4 wide on each side of the center line of said canal ditches,  
5 pipe lines, tunnels and other water conduits, the center line  
6 of all of which is described as follows on said map hereto  
7 attached.

8 Beginning at station 0, which is the Initial Point whence  
9 the north east township corner of township 15 South, Range  
10 2 East, San Bernardino Base and Meridian bears North 76 degrees  
11 29' West 1554 feet, thence along the lines indicated on these  
12 maps presented and filed herewith and described in the field  
13 notes accompanying the same to Station 223, which is the  
14 "terminal Point whence the northwest corner of section 19,  
15 township 15 South, Range 2 South East, bears north 34 degrees 35'  
16 east 833 feet.

17 Also beginning at station 224, which is the Initial  
18 point, whence the northeast township corner of township 15  
19 South, Range 2 East, bears north 13 degrees 41' West 5080  
20 feet thence as shown on said map and by the accompanying  
21 field notes to Station 16, which is the Terminal Point whence  
22 said northeast township corner of township 15 South, Range  
23 2 East bears North 3 degrees 20' West 3623 feet.

24 Said Rights of way and said parcel of land being upon  
25 Surveyed land within the San Jacinto Forest Reserve and partly  
26 within El Capitan Grande Indian Reservation, and to be used  
27 and occupied by said applicants for the main purpose of  
28 irrigation.

29 And your applicants will ever pray.  
30

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1  
2 James A. Murray

3  
4 Ed Fletcher

5 Applicants and Petitioners

6  
7 State of Montana )  
8 County of Silver Boy ) SS.

9  
10 James A. Murray being first duly sworn, deposes and says:  
11 That he has read the foregoing petition and application  
12 and knows the contents thereof and that the same is true to  
13 the best of his knowledge and belief.

14 James A. Murray

15 Subscribed and sworn to before  
me this 18 day of May 1911

16 (SEAL) E. L. Chapman  
17 Notary Public in and for the State of Montana  
18 County of Silver Boy  
19 Residing at Butte - Montana  
20 My commission expires April 13, 1914

21 State of California, )  
22 County of San Diego. ) SS.

23 Ed Fletcher being first duly sworn, deposes and says:  
24 That he has read the foregoing petition and application  
25 and knows the contents thereof and that the same is true to  
26 the best of his knowledge and belief.

27 Ed Fletcher

28 Subscribed and sworn to before  
me this 23 day of May 1911.

29 (SEAL) E. C. Batchelder  
30 Notary Public in and for the  
County of San Diego, State  
of California.

1  
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3  
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A. H. SWEET  
SAN DIEGO, CAL.

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SAN DIEGO, CAL.



NOTICE OF APPROPRIATION OF WATER.

The San Diego Flume Company hereby claims and appropriates all the waters of the South Fork of the San Diego River in the county of San Diego, California, to the extent of Four Thousand Miners' inches measured under a four inch pressure whether above or below ground, and now flowing, or hereafter to flow, at the following point on said stream, the same being the point where this notice is posted and the point at which the company intends to divert said water, to wit:-

On the South Fork of the San Diego River at a point about one mile above the junction with the main river and as near as can be told in section thirty six or thereabouts Township 14 <sup>South</sup> North, Range two East, San Bernardino Meridan.

Said water is appropriated, claimed and intended for irrigation and domestic use and mechanical purposes.

The places where it is intended to use said water are the city of San Diego, Ex Mission Rancho, Rancho of El Cajon and other places between the point of diversion and the seaboard.

The company intends to divert said water by means of a dam in said stream and by a flume, ditch, tunnel or other aqueduct four wide and three deep or less if the fall will permit and by iron pipes— inches in diameter or less if the fall will permit.

This water is claimed as a part of the water and Flume system already begun on the San Diego River by Wm E Robinson and others, whose rights the company has acquired and as a branch of said system, the main work upon which is now being done upon the main line on said river to be connected to this with a flume or pipe.

THE SAN DIEGO FLUME COMPANY,

George D. Copeland, President.

A. C. Platt, Secretary.

Witness to posting.

R. H. Stretch, June 29th, 1886.

Received for record July 2, 1886 at 9 o'clock A. M. at request of T. S. Van Dyke.

S. A. McDowell, County Recorder.  
By J. S. Sanderman, Deputy.



STATE OF CALIFORNIA, } ss.  
COUNTY OF SAN DIEGO

I, JOHN H. FERRY, County Recorder in and for San Diego County, State of California, do hereby certify that I have compared the foregoing copy with the original record of a certain

*Water Claims & Notice of Appropriation*

found and appearing of record in Book No. *1* of *Water Claims*  
at page *152* et seq., and that the same is a full, true and correct copy of such original record and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal, this

*13<sup>th</sup>* day of *May* A. D. 19*61*

*John H. Ferry* County Recorder.

By *Harold Angier* Deputy Recorder.



E X H I B I T "B"

This Indenture made this First day of June, A.D. Nineteen Hundred and Ten, by and between The San Diego Flume Company, a corporation, organized and existing under the laws of the State of California, the party of the first part, and James A Murray, the party of the second part, Witnesseth:

That the said party of the first part, in consideration of Ten Dollars and other value received, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, assign, transfer and convey unto the said party of the second part, all that certain real and personal property situated and being in the County of San Diego, State of California, described as follows, to-wit:

All that portion of lots "D", "R" and "G" of the Cuyamaca Rancho in said County as set out in the decree of partition of said Rancho recorded in book 43 of deeds at page 309 et seq in the County Recorder's office of said County, particularly described as follows:

Beginning at a point North 89 degrees 25' East 448.8 feet from corner 6 of said Lot "R", thence North 21 degrees 12' East 1094 feet, thence North 4 degrees 20' East 995.5 feet, thence North 32 degrees 18' West 507.6 feet, thence North 10 degrees 27' West 866.5 feet, thence North 53 degrees 42' West 439 feet, thence North 2 degrees 52' West



141.3 feet, thence North 40 degrees 06' West 536.1 feet, thence North 69 degrees 26' West 193.4 feet, thence North 65 degrees 11' West 671.1 feet, thence South 37 degrees 52' West 309.3 feet, thence North 52 degrees 08' West 640.5 feet, thence North 37 degrees 57' East 1028.0 feet, thence South 76 degrees East 1043 feet, thence South 89 degrees 13' East 504.8 feet, thence South 79 degrees 40' East 880.7 feet, thence North 74 degrees 57' East 408.5 feet, thence South 80 degrees 07' East 571.4 feet, thence North 36 degrees 13' East 451.5 feet, thence North 54 degrees 30' East 11.21 chains, thence North 40 degrees 30' East 11.97 chains, thence North 62 degrees 06' East 17.88 chains, thence North 22 degrees 00' East 13.48 chains, thence South 41 degrees 00' East 4.16 chains, thence North 45 degrees 00' East 11.82 chains, thence South 83 degrees 15' West 9.47 chains, thence North 20 degrees 15' East 17.68 chains, thence North 61 degrees 30' East 12.73 chains, thence North 10 degrees 30' East 7.80 chains, thence North 18 degrees 45' West 11.74 chains, thence North 1 degree 30' West 5.53 chains, thence North 53 degrees 15' East 12.35 chains, thence North 14 degrees 30' East 13.03 chains, thence South 68 degrees 15' East 10.30 chains, thence South 7.50 chains, thence South 25 degrees 30' East 7.87 chains, thence South 16 degrees 15' West 11.66 chains, thence

South 27 degrees 45' East 21.67 chains, thence North 82 degrees 30' East 14.01 chains, thence South 32 degrees 45' East 10.45 chains, thence South 62 degrees 00' East 6.97 chains, thence South 26 degrees 15' West 7.20 chains, thence South 33 degrees 00' East 5.75 chains, thence North 89 degrees 30' West 5.45 chains, thence South 8.64 chains, thence South 48 degrees 30' West 11.51 chains, thence North 52 degrees 15' West 5.91 chains, thence North 32 degrees 15' West 5.45 chains, thence South 69 degrees 07' West 7.43 chains, thence South 15 degrees 16' East 11.69 chains, thence South 34 degrees 29' East 8.24 chains, thence South 12 degrees 15' East 4.03 chains, thence South 32 degrees 21' West 12.23 chains, thence South 12 degrees 40' West 13.32 chains, thence South 10 degrees 24' West 7.91 chains, thence South 41 degrees 53' West 5.20 chains, thence South 7 degrees 44' West 7.67 chains, thence South 74 degrees 27' West 15.09 chains, thence South 0 degrees 22' West 5.92 chains, thence South 89 degrees 25' West 20 chains, thence North 0 degrees 22' East 5.12 chains, thence North 41 degrees 25' West 7.83 chains, thence North 58 degrees 08'



West 6.58 chains, thence North 28 degrees 15'  
West 5.20 chains, thence North 0 degrees 15'  
East 4.70 chains, thence North 26 degrees 46'  
West 2.42 chains, thence North 75 degrees 15'  
West 6.97 chains, thence South 57 degrees 30'  
West 2.65 chains, thence South 22 degrees West  
8.33 chains, thence North 77 degrees West 3.03  
chains, thence North 41 degrees West 4.55 chains  
thence South 73 degrees West 8.33 chains, thence  
South 62 degrees 30' West 4.92 chains, thence  
South 34 degrees 15' West 7.58 chains, thence  
South 8 degrees 15' West 7.50 chains, thence  
South 10 degrees 45' East 4.92 chains, thence  
South 29 degrees East 4.55 chains, thence  
South 56 degrees 30' East 1.79 chains, thence  
North 84 degrees 30' East 4.05 chains, thence  
North 59 degrees East 7.58 chains, thence  
North 86 degrees East 3.79 chains, thence  
South 68 degrees East 6.97 chains, thence  
South 32 degrees 02' East 5.30 chains, thence  
South 24 degrees 58' West 3.03 chains; thence  
North 65 degrees 02' West 10.61 chains, thence  
South 71 degrees 58' West 1.21 chains, thence  
South 43 degrees 58' West 9.09 chains, thence  
South 52 degrees 57' West 3.99 chains, thence  
South 23 degrees 59' West, 7.77 chains, thence  
North 65 degrees 04' West 5.70 chains, thence  
South 73 degrees 46' West 5.07 chains, thence

South 30 degrees 10' West 7.14 chains, thence West  
2.58 chains, thence South 3.02 chains, thence West  
10 chains to beginning; and also the lands marked  
"Y" and "Z" on the map of Cuyamaca Reservoir lands  
and water rights filed in the office of said County  
Recorder on July 13th, 1908, and numbered 1144 of  
maps filed in said office and the lands described  
on said maps as the "Cuyamaca Reservoir", and also  
that portion of Lot Four (4) in Section Seventeen  
(17), Township Sixteen (16) South, Range One (1)  
West, S.B.M. in the County of San Diego, State of  
California, more particularly described as fol-  
lows:- Commencing at a point 541 feet North 75  
degrees 36' East from the Southwest corner of said  
Lot Four, thence North 75 degrees 36' East 60 feet  
to corner No. 1, thence North 71 degrees 06' East  
163.2 feet to corner No. 2, thence North 88 degrees  
01' East 25.9 feet to corner No. 3, thence South 79  
degrees 29' East 143.5 feet to corner No. 4, thence  
South 66 degrees 23' East 106.2 feet to corner No.  
5, thence South 58 degrees 41' East 177 feet to  
corner No. 6, thence North 3 degrees 03' East  
70.7 feet to corner No. 7, thence North 45 degrees  
17' West 101.6 feet to corner No. 8, thence North  
52 degrees 51' West 280.2 feet to corner No..9,



thence North 45 degrees 29' West 179.4 feet to corner No. 10, thence South 84 degrees 07' West 130.1 feet to corner No. 11, thence South 72 degrees 33' West 238 feet to corner No. 12, thence South 16 degrees 26' East 278 feet to point of beginning; and also that certain other tract of land bounded and particularly described as follows, to-wit: Commencing at a point 108.2 feet North 45 degrees 29' West from corner No. 9 of the above described tract, thence North 20 degrees 21' East 350 feet, thence North 69 degrees 39' West 110 feet to East side of Right of Way of San Diego Flume Company, thence South 30 degrees West 344 feet along East side of said Right of Way, thence North 84 degrees 07' East 52 feet, thence South 45 degrees 29' East 71.2 feet to point of beginning; and also that portion of La Mesa Colony in the Rancho Mission of San Diego according to the map thereof filed in the County Recorder's office of said San Diego County, September 4th, 1901, and numbered 876 of the maps filed in said office, particularly described as follows: Beginning at a point Eight Hundred Fifty-five (855) feet North 36 degrees 32' East of the Northwest corner of the Southwest Quarter

of Section Thirteen, Township Sixteen South, Range Two West, S.B.M., at a stake set in a stone mound, thence North 36 degrees 32' East on the boundary line of Lot Nineteen of Rancho Mission of San Diego, according to the Partition Map thereof on file in the office of the Clerk of the Superior Court of the County of San Diego, California, and also on file in the office of the Recorder of said County, which boundary line of lot Nineteen of said Rancho Mission is as marked and delineated on said amended map of La Mesa Colony, to the Corner of said Lot Nineteen which lies West of the North boundary of Lot One Hundred Ninety-six (196) of said La Mesa Colony, thence East on the North boundary of said Lot Nineteen of said Ex Mission Rancho to the Northwest corner of said Lot One Hundred Ninety-six (196) of La Mesa Colony thence South, Southerly and Southeasterly along the westerly line of said lot One hundred ninety-six (196) of La Mesa Colony and along the Southerly Boundary line of Lots One Hundred Ninety-five (195) and One Hundred Ninety-four (194) of said La Mesa Colony and continuing along the Westerly and Northerly boundary lines of the County Road as marked on said Amended map of La Mesa Colony, to the Easterly line of Lot One Hundred Fifty-seven (157) of said La Mesa Colony, thence North on the East boundary line of



said Lot One Hundred Fifty-seven (157) of La Mesa Colony to the Northeast corner thereof, thence West on the North boundary line of said Lot One Hundred Fifty-seven (157) to the curved boundary line on the West side thereof, thence Southwest, Southerly and Southeasterly along said curved West boundary line of said lot One Hundred Fifty-seven (157) to an intersection of said line with the Section line, thence East on the South boundary line of said Lot One Hundred Fifty-seven (157) to the southeast corner thereof, thence southwesterly along the boundary line of the County Road as shown on Map of La Mesa Colony to a point where said road deflects West; thence along said road following the deflection of the same around the North side and the west side of Lot One Hundred Fifty-five (155) of said La Mesa Colony to a point where the South line of said Lot One Hundred Fifty-five (155) protruded across the County Road is intersected, thence along the Northerly boundary of said County Road following the detour thereof to a point where a line drawn parallel with and One Hundred Ninety and seven-tenths (190.7) feet at right angles southwesterly from La Mesa Dam intersects the West boundary

line of said County Road, thence North 60 degrees 45' West parallel with said La Mesa Dam, Right Hundred Forty-seven and five tenths (847.5) feet to the point of beginning; and also the reservoir known as the "Cuyamaca Reservoir" and the property known as the Diverting Dam, being a Masonry dam built about 1885 across the San Diego River at the head, or near the head, of the main flume and about two thousand feet below the mouth of Boulder Creek, by which dam the waters of said river and creek are diverted into the main flume of the said party of the first part; and also the main flume and right of way therefor, said flume having been built about the years 1887 and 1888 and extending from the said diverting dam above described, to the distributing reservoir of said party of the first part near La Mesa, in said County, a distance of thirty five and three-fourths ( $35\frac{3}{4}$ ) miles, more or less; and also the distributing reservoir of said party of the first part at the lower end of said flume, built for receiving the water from said flume and forming a connection with the main pipe line leading to the City of San Diego, and also the earth dam, forming a part of said reservoir; and also the main pipe line of said party of the first part, extending



from the distributing reservoir of said party of the first part to the meter house at the boundary of the City of San Diego, in said County, a distance of about 42,040 feet more or less; and also the La Mesa Reservoir built about the years 1895 and 1896 and being a storage reservoir located on or near the Northwest boundary of La Mesa Colony and the dam forming a part of the same, and the twenty-four inch pipe line laid about the year 1896, connecting said La Mesa Reservoir and the twenty inch pipe line leading to the said City of San Diego, the connection with said latter pipe line being about three miles west of said distributing reservoir; and also the eight inch wood pipe line laid about the year 1901 and extending from near the end of the main flume, westerly to a point near the end of "La Mesa Ditch", a distance of eight thousand feet, more or less; and also the thirty-six inch pipe line laid in 1894 or thereabouts and extending across Alvarado Canon twelve hundred forty-two feet in length, more or less, connecting the ends of La Mesa ditch line; and also the eight inch pipe line laid in 1897 or thereabouts, and being sixteen hundred sixty feet more or less in length connecting the small flume paralleling the La Mesa Ditch

with the eight inch pipe line hereinbefore described; and also La Mesa Ditch and Ditch line constructed in the years 1895 and 1896, or thereabouts, and commencing at a point near the end of the main flume of said party of the first part and extending in a Westerly direction seven hundred fifty feet more or less to Alvarado Canyon, where it connects with the east end of thirty-six inch pipe line above described as crossing said Canyon and then commencing at the West end of said thirty-six inch pipe line and extending in a Northwesterly direction to La Mesa Reservoir, a distance of nineteen thousand nine hundred thirty feet, more or less; and also an eight inch steel pipe and pipe line constructed in 1908 and commencing at the junction of the eight inch pipe line laid in 1897, hereinbefore described, and running Westerly and paralleling said La Mesa Ditch fifty one hundred fifty feet, more or less; and also all service pipes and pipe lines of the said party of the first part in and about La Mesa and La Mesa Colony in said County; and also the Sand Creek feeding flume, being about fifteen hundred feet in length and being of the dimensions of about twelve inches by fourteen inches and intersecting



the main flume about two and one-fourth miles below the Diverting Dam; and also the feeding flume known as the South Fork Feeder; being about eighteen hundred twenty feet in length and of the dimensions of Ten inches by twenty inches and intersecting the main flume at a point about seven and one-fourth miles below the Diverting Dam; and also all rights of way for each and all the said flumes; ditches, pipes and pipe lines and flume lines; and all easements and interest in land of every kind and character of the said party of the first part for said flumes, pipes, ditches and pipe lines, or either or any of them, used, or which may be used in connection therewith; and also all other flumes, flume lines, ditches and ditch lines, pipes and pipe lines, aqueducts, conduits, spillways, reservoirs and reservoir sites and dams of the said party of the first part, or in which it has any interest; and also all buildings, improvements, structures of every kind and character situated or being upon the above described land, easements or rights of way, or on either or any of them; and also all water, and water rights and privileges and all rights to impound, collect, take,

divert, sell or otherwise dispose of water in any quantities whatsoever and all water and water rights, privileges and flooding and flooding rights of the said party of the first part and all rights and privileges to flood or cover land in said County with water or to impound water or collect water thereon; and also all franchises, rights and privileges of the said party of the first part, or belonging to it (except the franchise of said party of the first part to be a corporation which is not included in this conveyance but is expressly excepted from the operation thereof) and also all other easements, rights and privileges of the said party of the first part, belonging to or appertaining to its said water system, and that certain small dwelling house and stable at and near the Cuyamaca Dam and small dwelling house and stable near the Diverting Dam, and five small houses and out houses and appurtenances along the said main flume line and also two small dwelling houses and out-houses and stables at or near the end of said flume, and also one small store house and a small blacksmith shop at or near the end of the main flume, and also one small meter house near the limits of the City of San Diego; also three small buildings at



at or near La Mesa Dam for caretaker, storage et cetera, and also all other buildings, structures and edifices of every kind and nature belonging to and used as an appurtenance in the operation of its said water system; also all its franchises for impounding, collecting, storing, taking, selling and distributing water, and also its rights, privileges and franchises so to do; and also all improvements, wagons, harness, maps, charts, cases for charts, materials on hand, one safe, and all materials on hand which the grantor now has and uses or intends to use in the operation of its water system, provided however that the grantor hereby reserves and excepts from the operation of this conveyance all its accounts, account books, claims, corporation books, correspondence, office furniture and furnishings, and all other personal property not specifically enumerated nor in any way connected with its water system, and all water rentals, moneys, profits, and earnings which have accrued or may have been earned, or may become due or payable for the rental, use or purchase of water or water rights, or from other sources, or which shall be earned, or accrue or become payable on or before July First, 1910,

provided however, that the grantor will pay to the grantee all moneys or collections for water rentals earned, or which may be collected for the use of water during the month of June, 1910, that is to say, the party of the first part shall retain for its own use and benefit all unpaid balances due, accruing, vesting or owing to the party of the first part, arising from or growing out of water rentals, or water rights, or contracts for the supply of water to its consumers prior to June First, 1910; and the second party shall be entitled thereto subsequent to June First, 1910, the party of the first part to collect the water rentals earned for the month of June, 1910, and pay over the same to the party of the second part.

This property, water system, franchises, easements et cetera are sold subject to all water right contracts, or contracts to rent, sell, supply or distribute water hitherto made by the party of the first part, whether such contracts refer to water already furnished or hereafter to be furnished.

And the said party of the first part hereby assigns, conveys, transfers and sets over to the party of the second part all its



right, title, claim, interest or estate in or to such contracts and all of them, and substitutes, and places the party of the second part in the place and stead of the party of the first part in or to such water right contracts, and assigns, transfers and sets over to the second party all liens, or claims of lien, and all other means provided for the enforcement of said contracts which the party of the first part may have, and the second party hereby assumes, and agrees to perform all such contracts to the same extent and in the same manner as the party of the first part is now bound to perform the same, provided, however, that such assignment and transfer shall in no way affect the right of the grantor to enforce all equitable or legal remedies to compel payment of any balance due or unpaid for water rentals, or for the amount agreed to be paid for the water rights specified in such contracts.

It is further understood and agreed that there are now in existence contracts to supply water covering about six hundred and twenty-five miner's inches of water at various rentals.

To have and to hold all the above

granted, transferred and described property, property rights, and privileges, benefits, claims and easements unto the said party of the second part, his heirs and assigns forever, subject to the covenants and conditions herein contained and to the payment of the state and county taxes for the fiscal year 1910-1911.

In Witness Whereof the said party of the first part has caused this indenture to be executed in its corporate name and under its corporate seal on this First day of June, A.D. 1910, by its President and Secretary thereunto duly authorized by a resolution of its board of directors duly, regularly and unanimously passed and adopted at a meeting of said board duly held on the 28th day of May, A.D. 1910, at which all of the directors of said party of the first part were present, and by the consent of the stock holders of the party of the first part, holding more than two-thirds of the issued capital stock of said party of the first part, to-wit: all of such stock, expressed by a vote at a stockholders meeting of said party of the first part duly and regularly called and held for that



purpose at the office of said party of the first part  
in the City of San Diego, County of San Diego,  
State of California, on the 28th day of May,  
A.D. 1910.

The San Diego Flume Company,  
By M. C. Healion, President.  
Attest: J. F. Maloney, Secretary.

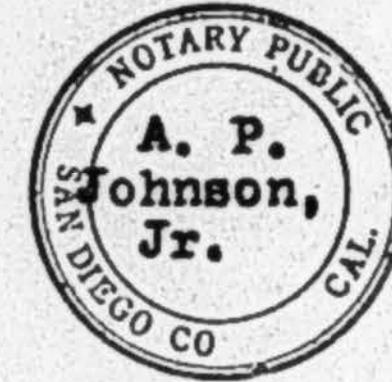


State of California, )  
                          ) ss.  
County of San Diego.)

On this First day of June, A.D.  
Nineteen Hundred and ten, before me, A. P. Johnson,  
Jr., a Notary Public in and for said County,  
residing therein, duly commissioned and sworn,  
personally appeared M. C. Healion and J. F.  
Maloney, known to me to be the President and  
Secretary of the Corporation that executed the  
within instrument, and acknowledged to me that  
such Corporation executed the same.

In Witness Whereof, I have hereunto  
set my hand and affixed my Official Seal, at my

office, in San Diego, County of San Diego, State  
of California, the day and year in this Certificate  
first above written.



A. P. Johnson, Jr.,  
Notary Public in and for the County  
of San Diego, State of California.

Recorded at Request of Southern Title Guaranty  
Co. (Moore), Jun. 1, 1910, at 54 min. past 2  
o'clock, P.M.

John H. Ferry, County Recorder.  
By Walter Forward, Deputy Recorder.

Fee \$4.60



MAP OF SURVEY OF  
PART OF  
CONEJOS CANAL & KING CREEK FEEDER  
OF  
JAMES A. MURRAY & ED. FLETCHER

SAN DIEGO COUNTY, CALIFORNIA

Scale: 1 inch = 2000 feet.

WIDTH OF CANAL 4 FEET.



State of California }  
 County of San Diego } s.s.

William S. Post, being duly sworn, says he is the Chief Engineer of James A. Murray and Ed. Fletcher, that the survey of said James A. Murray and Ed. Fletcher's Conejos Canal and King Creek Feeder :- described as follows, Beginning at Station 0, which is the "Initial Point"; whence the north east township corner of township 15 south, range 2 east, San Bernardino base and meridian bears North  $76^{\circ}59'$  West 1554 feet, thence as shown on this map and by the accompanying field notes to Station 127 which is the "Terminal Point" for the Capitan Grande Indian Reservation portion, whence the north west corner of Section 10, Township 15 South, Range 2 East bears north  $0^{\circ}02'$  East 165 feet: Also beginning at Station 224 which is the "Initial Point," whence the northeast township corner of township 15 south, range 2 east, bears north  $13^{\circ}41'$  west, 5080 feet, thence as shown on this map and by the accompanying field notes to Station 16, which is the "Terminal Point" whence said northeast township corner of township 15 South, range 2 east bears North  $3^{\circ}20'$  West, 3,623 feet: - being a total length of Canal of 27,794 feet, and a total length of feeder of 1,763 feet, was made by him as Chief Engineer of James A. Murray and Ed. Fletcher and under their authority, commenced on the 30<sup>th</sup> day of December 1910, and completed on the 21<sup>st</sup> day of January 1911, and that the Survey of the said Canal, and Feeder accurately represents a proper grade line for the flow of water and that said survey is accurately represented upon this map and by the accompanying field notes. And no lake or lakebed, stream or streambed, is used for the said Canal or Feeder except as shown on this map.

Sworn and subscribed to before me this 1<sup>st</sup> day of May

*William S. Post*  
 Chief Engineer

1911

*Edwin Reed*  
 Notary Public in and for the County of  
 San Diego, State of California

We James A. Murray and Ed. Fletcher, do hereby certify that William S. Post is our Chief Engineer, that the survey of the said Conejos Canal and King Creek Feeder is accurately represented on this map and by the accompanying field notes was made

RANGE 1 EAST.  
 RANGE 2 EAST.

NCHO



East

TOWNSHIP 14 SOUTH  
TOWNSHIP 15 SOUTH  
N 88° 19' W

N 88° 19' W

4.	3.	2.	1.	4.	3.	2.	1.
5.	6.	7.	8.	5.	6.	7.	8.
12.	11.	10.	9.	12.	11.	10.	9.

PART OF CAPITAN GRANDE INDIAN

N 0° 02' W 104.90

N 0° 01' W 102.65

West 80

S 89° 59' E 80.20

N 0° 02' E 80.10

South 80

N. 89° 54' W 80

RANGE 1 EAST  
RANGE 2 EAST



6.

5.

4.

7.

8.

9.

11.

18.

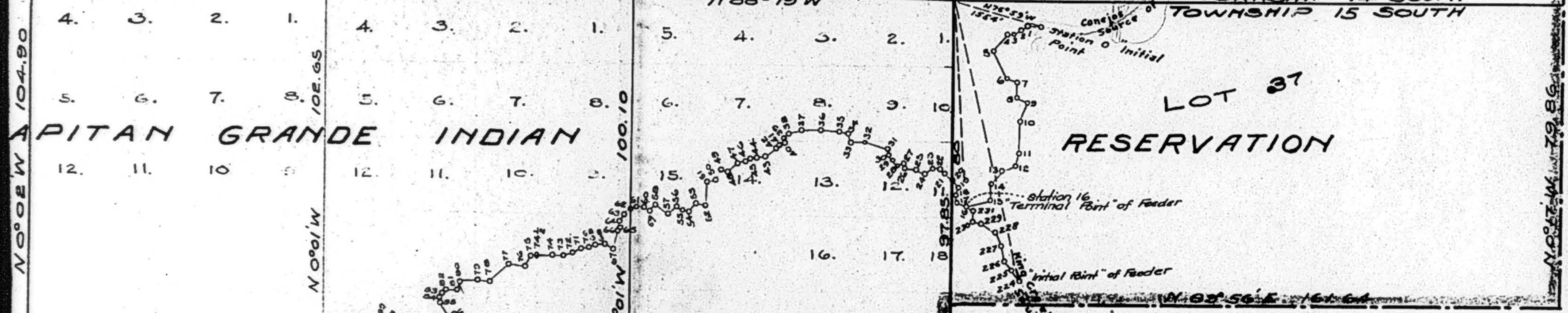
17.

16.

15.



TOWNSHIP 14 SOUTH  
TOWNSHIP 15 SOUTH  
N 88° 19' W



N 0° 02' W 104.80

N 0° 02' W 80.10

N 0° 01' W 102.65

South 80

N 0° 01' W 100.10

South 80

RANGE 2 EAST.  
RANGE 3 EAST.

N. 89° 54' W 80

15.

11.

12.

LOT 37  
RESERVATION

West 82.15 Creech Feeder  
Station 0 Initial  
Creech Feeder  
Station 16 Terminal Port of Feeder  
Initial Point of Feeder  
Creech Feeder  
Station 0 Initial  
Creech Feeder

W. 89° 56' E 161.64

S 89° 59' E 80.20  
N. 89° 41' W 86.85

N 88° 19' W

N 88° 19' W

4. 3. 2. 1.

5. 4. 3. 2. 1.

6. 7. 8. 9. 10.

15. 16. 17. 18. 19. 20. 21. 20.

13. 13.

4. 3. 2. 1.

5. 4. 3. 2. 1.

6. 7. 8. 9. 10.

15. 16. 17. 18. 19. 20. 21. 20.

13. 13.

4. 3. 2. 1.

5. 4. 3. 2. 1.

6. 7. 8. 9. 10.

15. 16. 17. 18. 19. 20. 21. 20.

13. 13.



of the said Canal, and Feeder accurately represents a proper grade line for the flow of water and that said survey is accurately represented upon this map and by the accompanying field notes. And no lake or lakebed, stream or streambed, is used for the said Canal or Feeder except as shown on this map.

William S. Post  
Chief Engineer

Sworn and subscribed to before me this 1<sup>st</sup> day of May

1911

Edmund Reed  
Notary Public in and for the County of  
San Diego, State of California

We James A. Murray and Ed. Fletcher, do hereby certify that William S. Post is our Chief Engineer, that the survey of the said Conejos Canal and King Creek Feeder as accurately represented on this map and by the accompanying field notes, was made under our authority, that we have adopted the said Conejos Canal and King Creek Feeder as represented on this map and by the accompanying field notes, on the 23<sup>rd</sup> day of March 1911, as the definite location of the said Canal and Feeder described as follows:- Beginning at Station 0, which is the "Initial Point," whence the northeast township corner of township 15 south, range 2 east, San Bernardino base and meridian bears North 76°59' West 1554 feet, thence as shown on this map and by the accompanying field notes to Station 127 which is the "Terminal Point" for the Capitan Grande Indian Reservation portion, whence the north west corner of Section 10, Township 15 South, Range 2 East bears north 0°02' East 165 feet: Also beginning at Station 224 which is the "Initial Point," whence the northeast township corner of township 15 South, range 2 east, bears north 13°41' West, 5080 feet, thence as shown on this map and by the accompanying field notes to Station 16, which is the "Terminal Point" whence said northeast township corner of township 15 South, Range 2 east bears North 3°20' West, 3,623 feet:- being a total length of Canal of 27,794 feet, and a total length of feeder of 1,763 feet; and that no lake or lakebed, stream or streambed, is used for said Canal or Feeder except as shown on this map; and that this map has been prepared to be filed for the approval of the Secretary of the Interior, in order that we may obtain the benefits of Sections 18 to 21 inclusive of the act of Congress approved March 3, 1891, entitled "An Act to Repeal Timber Culture Laws, and for other purposes, and Section 2 of the Act approved May 11, 1898, and also the act of Congress approved February 15<sup>th</sup> 1901, entitled "An Act Relating to Right of Way through certain parks, reservations and other public lands," and we further certify that the right of way herein described is desired for the main purpose of irrigation and other purpose.

James A. Murray  
Ed Fletcher

EL CAJON RANCHO

LOT 37



EL CAJON RANCHO  
LOT 37

N. 89° 54' W 80

18.

17.

16.

15.

19.

20.

21.

30.

29.



N. 89° 54' W 80

15.

RANGE 2  
RANGE 3



EXHIBIT "C"

THIS INDENTURE made this 1st day of June A. D., nineteen Hundred and Ten, by and between James A. Murray, party of the first part, and Ed Fletcher, party of the second part, WITNESSETH:

That the party of the first part, in consideration of Ten Dollars and other value received, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, assign, transfer and convey unto the said party of the second part an undivided one-sixth of all that certain real and personal property situated and being in the County of San Diego, State of California, described as follows:

All that portion of Lots "D", "E" and "G" of the Cuyamaca Rancho in said County as set out in the decree of partition of said Rancho recorded in book 43 of deeds at page 309 et seq in the County Recorder's office of said County, particularly described as follows:

Beginning at a point North 89 degrees 25' East 448.8 feet from corner 6 of said Lot "E", thence North 21 degrees 12' East 1094 feet, thence North 4 degrees 20' East 995.5 feet, thence North 32 degrees 18' West 507.6 feet, thence North 10 degrees 27' West 866.5 feet, thence North 53 degrees 42' West 439 feet, thence North 2 degrees 52' West 141.3 feet, thence North 40 degrees 06' West 536.1 feet, thence North 69 degrees 26' West 193.4 feet, thence North 65 degrees 11' West 671.1 feet, thence South 37 degrees 52' West 309.3 feet, thence North 52 degrees 08' West 640.5 feet, thence North 37 degrees 57' East 1028.0 feet, thence South 76 degrees East 1043 feet, thence South 89 degrees 13' East 504.8 feet, thence South 79 degrees 40' East 880.7 feet, thence North 74 degrees 57' East 408.5 feet, thence South 80 degrees 07' East 571.4 feet, thence North 36 degrees 13' East 451.5 feet, thence North 54 degrees 30' East 11.21 chains, thence North 40 degrees 30'

EXHIBIT "C"

THIS INDENTURE made this 1st day of June A. D., nineteen Hundred and Ten, by and between James A. Murray, party of the first part, and Ed Fletcher, party of the second part, WITNESSETH:

That the party of the first part, in consideration of Ten Dollars and other value received, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, assign, transfer and convey unto the said party of the second part an undivided one-sixth of all that certain real and personal property situated and being in the County of San Diego, State of California, described as follows:

All that portion of Lots "D", "E" and "G" of the Cuyamaca Rancho in said County as set out in the decree of partition of said Rancho recorded in book 43 of deeds at page 309 et seq in the County Recorder's office of said County, particularly described as follows:

Beginning at a point North 89 degrees 25' East 448.8 feet from corner 6 of said Lot "E", thence North 21 degrees 12' East 1094 feet, thence North 4 degrees 20' East 995.5 feet, thence North 32 degrees 18' West 507.6 feet, thence North 10 degrees 27' West 866.5 feet, thence North 53 degrees 42' West 439 feet, thence North 2 degrees 52' West 141.3 feet, thence North 40 degrees 06' West 536.1 feet, thence North 69 degrees 26' West 193.4 feet, thence North 65 degrees 11' West 671.1 feet, thence South 37 degrees 52' West 309.3 feet, thence North 52 degrees 08' West 640.5 feet, thence North 37 degrees 57' East 1028.0 feet, thence South 76 degrees East 1043 feet, thence South 89 degrees 13' East 504.8 feet, thence South 79 degrees 40' East 880.7 feet, thence North 74 degrees 57' East 408.5 feet, thence South 80 degrees 07' East 571.4 feet, thence North 36 degrees 13' East 451.5 feet, thence North 54 degrees 30' East 11.21 chains, thence North 40 degrees 30'

A. H. SWEET  
SAN DIEGO, CAL.

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SAN DIEGO, CAL.



1 East 11.97 chains, thence North 62 degrees 06' East 17.88  
 2 chains, thence North 22 degrees 00' East 13.48 chains, thence  
 3 South 41 degrees 00' East 4.16 chains, thence North 45 degrees  
 4 00' East 11.82 chains, thence South 83 degrees 15' West 9.47  
 5 chains, thence North 20 degrees 15' East 17.68 chains, thence  
 6 North 61 degrees 30' East 12.73 chains, thence North 10 degrees  
 7 30' East 7.80 chains, thence North 18 degrees 45' West 11.74  
 8 chains, thence North 1 degree 30' West 5.53 chains, thence  
 9 North 53 degrees 15' East 12.35 chains, thence North 14 degrees  
 10 30' East 13.03 chains, thence South 68 degrees 15' East 10.30  
 11 chains, thence South 7.50 chains, thence South 25 degrees 30'  
 12 East 7.87 chains, thence South 16 degrees 15' West 11.66  
 13 chains, thence South 27 degrees 45' East 21.67 chains, thence  
 14 North 82 degrees 30' East 14.01 chains, thence South 32 degrees  
 15 45' East 10.45 chains, thence South 62 degrees 00' East 6.97  
 16 chains, thence South 26 degrees 15' West 7.20 chains, thence  
 17 South 33 degrees 00' East 5.75 chains, thence North 89 degrees  
 18 30' West 5.45 chains, thence South 8.64 chains, thence South  
 19 48 degrees 30' West 11.51 chains, thence North 52 degrees 15'  
 20 West 5.91 chains, thence North 32 degrees 15' West 5.45 chains,  
 21 thence South 69 degrees 07' West 7.43 chains, thence South  
 22 15 degrees 16' East 11.69 chains, thence South 34 degrees 29'  
 23 East 8.24 chains, thence South 12 degrees 15' East 4.03 chains,  
 24 thence South 32 degrees 21' West 12.23 chains, thence South  
 25 12 degrees 40' West 13.32 chains, thence South 10 degrees 24'  
 26 West 7.91 chains, thence South 41 degrees 53' West 5.20 chains,  
 27 thence South 7 degrees 44' West 7.67 chains, thence South  
 28 74 degrees 27' West 15.09 chains, thence South 0 degrees 22'  
 29 west 5.92 chains, thence South 89 degrees 25' West 20 chains,  
 30 thence North 0 degrees 22' East 5.12 chains, thence North 41  
 degrees 25' West 7.83 chains, thence North 58 degrees 08' West  
 6.58 chains, thence North 28 degrees 15' West 5.20 chains,  
 thence North 0 degrees 15' East 4.70 chains, thence North 26

1 East 11.97 chains, thence North 62 degrees 06' East 17.88  
 2 chains, thence North 22 degrees 00' East 13.48 chains, thence  
 3 South 41 degrees 00' East 4.16 chains, thence North 45 degrees  
 4 00' East 11.82 chains, thence South 83 degrees 15' West 9.47  
 5 chains, thence North 20 degrees 15' East 17.68 chains, thence  
 6 North 61 degrees 30' East 12.73 chains, thence North 10 degrees  
 7 30' East 7.80 chains, thence North 18 degrees 45' West 11.74  
 8 chains, thence North 1 degree 30' West 5.53 chains, thence  
 9 North 53 degrees 15' East 12.35 chains, thence North 14 degrees  
 10 30' East 13.03 chains, thence South 68 degrees 15' East 10.30  
 11 chains, thence South 7.50 chains, thence South 25 degrees 30'  
 12 East 7.87 chains, thence South 16 degrees 15' West 11.66  
 13 chains, thence South 27 degrees 45' East 21.67 chains, thence  
 14 North 82 degrees 30' East 14.01 chains, thence South 32 degrees  
 15 45' East 10.45 chains, thence South 62 degrees 00' East 6.97  
 16 chains, thence South 26 degrees 15' West 7.20 chains, thence  
 17 South 33 degrees 00' East 5.75 chains, thence North 89 degrees  
 18 30' West 5.45 chains, thence South 8.64 chains, thence South  
 19 48 degrees 30' West 11.51 chains, thence North 52 degrees 15'  
 20 West 5.91 chains, thence North 32 degrees 15' West 5.45 chains,  
 21 thence South 69 degrees 07' West 7.43 chains, thence South  
 22 15 degrees 16' East 11.69 chains, thence South 34 degrees 29'  
 23 East 8.24 chains, thence South 12 degrees 15' East 4.03 chains,  
 24 thence South 32 degrees 21' West 12.23 chains, thence South  
 25 12 degrees 40' West 13.32 chains, thence South 10 degrees 24'  
 26 West 7.91 chains, thence South 41 degrees 53' West 5.20 chains,  
 27 thence South 7 degrees 44' West 7.67 chains, thence South  
 28 74 degrees 27' West 15.09 chains, thence South 0 degrees 22'  
 29 west 5.92 chains, thence South 89 degrees 25' West 20 chains,  
 30 thence North 0 degrees 22' East 5.12 chains, thence North 41  
 degrees 25' West 7.83 chains, thence North 58 degrees 08' West  
 6.58 chains, thence North 28 degrees 15' West 5.20 chains,  
 thence North 0 degrees 15' East 4.70 chains, thence North 26



degrees 46' West 2.42 chains, thence North 75 degrees 15' West 6.97 chains, thence South 57 degrees 30' West 2.65 chains, thence South 22 degrees West 8.33 chains, thence North 77 degrees West 3.03 chains, thence North 41 degrees West 4.55 chains, thence South 73 degrees West 8.33 chains, thence South 62 degrees 30' West 4.92 chains, thence South 34 degrees 15' West 7.58 chains, thence South 8 degrees 15' West 7.58 chains, thence South 10 degrees 45' East 4.92 chains, thence South 29 degrees East 4.55 chains, thence South 56 degrees 30' East 1.79 chains, thence North 84 degrees 30' East 4.05 chains, thence North 59 degrees East 7.58 chains, thence North 86 degrees East 3.79 chains, thence South 68 degrees East 6.97 chains, thence South 32 degrees 02' East 5.30 chains, thence South 24 degrees 58' West 3.03 chains, thence North 65 degrees 02' West 10.61 chains, thence South 71 degrees 58' West 1.21 chains, thence South 43 degrees 58' West 9.09 chains, thence South 52 degrees 57' West 3.99 chains, thence South 23 degrees 59' West 7.77 chains, thence North 65 degrees 04' West 5.70 chains, thence South 73 degrees 46' West 5.07 chains, thence South 30 degrees 10' West 7.14, thence West 2.58 chains, thence South 3.02 chains, thence West 10 chains to beginning; and also the lands marked "Y" and "Z" on the map of Cuyamaca Reservoir lands and water rights filed in the office of said County Recorder on July 13th, 1908, and numbered 1144 of maps filed in said office and the lands described on said maps as the "Cuyamaca Reservoir"; and also that portion of Lot Four (4) in Section Seventeen (17), Township Sixteen (16) South, Range One (1) West, S. B. M., in the County of San Diego, State of California, more particularly described as follows:- Commencing at a point 541 feet North 75 degrees 36' East from the Southwest corner of said Lot Four, thence North 75 degrees 36' East 60 feet to corner No. 1, thence North 71 degrees 06' East 163.2 feet to corner No. 2, thence North 88 degrees 01' East 25.9 feet to corner No. 3,

degrees 46' West 2.42 chains, thence North 75 degrees 15' West 6.97 chains, thence South 57 degrees 30' West 2.65 chains, thence South 22 degrees West 8.33 chains, thence North 77 degrees West 3.03 chains, thence North 41 degrees West 4.55 chains, thence South 73 degrees West 8.33 chains, thence South 62 degrees 30' West 4.92 chains, thence South 34 degrees 15' West 7.58 chains, thence South 8 degrees 15' West 7.58 chains, thence South 10 degrees 45' East 4.92 chains, thence South 29 degrees East 4.55 chains, thence South 56 degrees 30' East 1.79 chains, thence North 84 degrees 30' East 4.05 chains, thence North 59 degrees East 7.58 chains, thence North 86 degrees East 3.79 chains, thence South 68 degrees East 6.97 chains, thence South 32 degrees 02' East 5.30 chains, thence South 24 degrees 58' West 3.03 chains, thence North 65 degrees 02' West 10.61 chains, thence South 71 degrees 58' West 1.21 chains, thence South 43 degrees 58' West 9.09 chains, thence South 52 degrees 57' West 3.99 chains, thence South 23 degrees 59' West 7.77 chains, thence North 65 degrees 04' West 5.70 chains, thence South 73 degrees 46' West 5.07 chains, thence South 30 degrees 10' West 7.14, thence West 2.58 chains, thence South 3.02 chains, thence West 10 chains to beginning; and also the lands marked "Y" and "Z" on the map of Cuyamaca Reservoir lands and water rights filed in the office of said County Recorder on July 13th, 1908, and numbered 1144 of maps filed in said office and the lands described on said maps as the "Cuyamaca Reservoir"; and also that portion of Lot Four (4) in Section Seventeen (17), Township Sixteen (16) South, Range One (1) West, S. B. M., in the County of San Diego, State of California, more particularly described as follows:- Commencing at a point 541 feet North 75 degrees 36' East from the Southwest corner of said Lot Four, thence North 75 degrees 36' East 60 feet to corner No. 1, thence North 71 degrees 06' East 163.2 feet to corner No. 2, thence North 88 degrees 01' East 25.9 feet to corner No. 3,



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thence South 79 degrees 29' East 143.5 feet to corner No. 4,  
thence South 66 degrees 23' East 106.9 feet to corner No. 5,  
thence South 58 degrees 41' East 177 feet to corner No. 6,  
thence North 3 degrees 03' East 70.7 feet to corner No. 7,  
thence North 45 degrees 17' West 101.6 feet to corner No. 8,  
thence North 52 degrees 51' West 280.2 feet to corner No. 9,  
thence North 45 degrees 29' West 179.4 feet to corner No. 10,  
thence South 84 degrees 07' West 130.1 feet to corner No. 11,  
thence South 72 degrees 33' West 238 feet to corner No. 12,  
thence South 16 degrees 26' East 278 feet to point of begin-  
ning; and also that certain other tract of land bounded and  
particularly described as follows, to-wit: Commencing at a  
point 108.2 feet North 45 degrees 29' West from corner No. 9  
of the above described tract, thence North 20 degrees 21'  
East 350 feet, thence North 69 degrees 39' West 110 feet to  
East side of Right of Way of San Diego Flume Company, thence  
South 30 degrees West 344 feet along East side of said Right of  
Way, thence North 84 degrees 07' East 52 feet, thence South  
45 degrees 29' East 71.2 feet to point of beginning; and also  
that portion of lot "E" of said Rancho Cuyamaca as set forth  
in said decree of partition of said Rancho, recorded in Book  
43 of Deeds at page 309 et seq in said County Recorder's office  
as aforesaid, particularly described as follows: Beginning at  
corner No. 6 of said Lot "E", thence North 89 degrees 25' East  
448.8 feet, thence North 21 degrees 12' East 1094.4 feet,  
thence North 4 degrees 20' East 995.5 feet, thence North 32  
degrees 18' West 507.6 feet, thence North 10 degrees 27' West  
866.5 feet, thence North 53 degrees 42' West 439 feet, thence  
North 2 degrees 52' West 141.3 feet, thence North 40 degrees  
06' West 536.1 feet, thence North 69 degrees 26' West 193.4  
feet, thence North 65 degrees 11' West 671.1 feet, thence South  
37 degrees 52' West 309.3 feet, thence North 52 degrees 08'  
West 640.5 feet, thence North 37 degrees 57' East 1028 feet

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thence South 79 degrees 29' East 143.5 feet to corner No. 4,  
thence South 66 degrees 23' East 106.9 feet to corner No. 5,  
thence South 58 degrees 41' East 177 feet to corner No. 6,  
thence North 3 degrees 03' East 70.7 feet to corner No. 7,  
thence North 45 degrees 17' West 101.6 feet to corner No. 8,  
thence North 52 degrees 51' West 280.2 feet to corner No. 9,  
thence North 45 degrees 29' West 179.4 feet to corner No. 10,  
thence South 84 degrees 07' West 130.1 feet to corner No. 11,  
thence South 72 degrees 33' West 238 feet to corner No. 12,  
thence South 16 degrees 26' East 278 feet to point of begin-  
ning; and also that certain other tract of land bounded and  
particularly described as follows, to-wit: Commencing at a  
point 108.2 feet North 45 degrees 29' West from corner No. 9  
of the above described tract, thence North 20 degrees 21'  
East 350 feet, thence North 69 degrees 39' West 110 feet to  
East side of Right of Way of San Diego Flume Company, thence  
South 30 degrees West 344 feet along East side of said Right of  
Way, thence North 84 degrees 07' East 52 feet, thence South  
45 degrees 29' East 71.2 feet to point of beginning; and also  
that portion of lot "E" of said Rancho Cuyamaca as set forth  
in said decree of partition of said Rancho, recorded in Book  
43 of Deeds at page 309 et seq in said County Recorder's office  
as aforesaid, particularly described as follows: Beginning at  
corner No. 6 of said Lot "E", thence North 89 degrees 25' East  
448.8 feet, thence North 21 degrees 12' East 1094.4 feet,  
thence North 4 degrees 20' East 995.5 feet, thence North 32  
degrees 18' West 507.6 feet, thence North 10 degrees 27' West  
866.5 feet, thence North 53 degrees 42' West 439 feet, thence  
North 2 degrees 52' West 141.3 feet, thence North 40 degrees  
06' West 536.1 feet, thence North 69 degrees 26' West 193.4  
feet, thence North 65 degrees 11' West 671.1 feet, thence South  
37 degrees 52' West 309.3 feet, thence North 52 degrees 08'  
West 640.5 feet, thence North 37 degrees 57' East 1028 feet



1 to the North boundary line of said Lot "E"; thence North 76  
2 degrees West 1676.8 feet to corner No. 3 of said Lot "E";  
3 thence North 66 degrees 30' West 2900 feet to corner No. 4  
4 of said Lot "E"; thence South 4237 feet to corner No. 5 of  
5 said Lot "E"; thence South 63 degrees 30' East 5986 feet  
6 to point of beginning; and also that certain tract of land  
7 particularly described as follows, to-wit: beginning at cor-  
8 ner No. 7 of said Lot "E" of said Cuyamaca Rancho; thence  
9 North 0 degrees 22' East 9.39 chains to the most Easterly  
10 corner of Stonewall Mine; thence South 46 degrees 37' West  
11 9.09 chains along the Southeasterly boundary of said Mine to  
12 the most Southerly corner thereof; thence North 43 degrees 23'  
13 West 19.70 chains along the Southwesterly boundary of said  
14 Mine to West line of Section Numbered Three (3) Township  
15 Fourteen (14) South, Range Three (3) East, S. B. M.; thence  
16 South along said West line 17.34 chains to South line of said  
17 Lot "E"; thence North 89 degrees 25' East 20 chains to point  
18 of beginning; and also that certain other tract of land  
19 particularly described as follows, to-wit: beginning on the  
20 East line of Lot "E" of said Cuyamaca Rancho, distant North  
21 0 degrees 22' East 9.39 chains from Corner No. 7 of said Lot;  
22 thence North along said East line 20 chains to South line of  
23 Cuyamaca Reservoir Lands; thence South 89 degrees 25' West  
24 20 chains; thence South 0 degrees 22' West 1.67 chains to the  
25 Northeasterly line of Stonewall Mine; thence Southeasterly  
26 along the Northeasterly line of said Mine 28.79 chains to  
27 beginning; and also all of the lands described or delineated  
28 as lots "V", "X" and "W" on the map of the lands of the  
29 La Mesa Development Company in Cuyamaca Rancho, filed in the  
30 County Recorder's office of said County July 13th, 1908 and  
numbered 1144 of the maps filed in said office; and also that  
portion of La Mesa Colony in the Rancho Mission of San Diego  
according to the map thereof filed in the County Recorder's

1 to the North boundary line of said Lot "E"; thence North 76  
2 degrees West 1676.8 feet to corner No. 3 of said Lot "E";  
3 thence North 66 degrees 30' West 2900 feet to corner No. 4  
4 of said Lot "E"; thence South 4237 feet to corner No. 5 of  
5 said Lot "E"; thence South 63 degrees 30' East 5986 feet  
6 to point of beginning; and also that certain tract of land  
7 particularly described as follows, to-wit: beginning at cor-  
8 ner No. 7 of said Lot "E" of said Cuyamaca Rancho; thence  
9 North 0 degrees 22' East 9.39 chains to the most Easterly  
10 corner of Stonewall Mine; thence South 46 degrees 37' West  
11 9.09 chains along the Southwesterly boundary of said Mine to  
12 the most Southerly corner thereof; thence North 43 degrees 23'  
13 West 19.70 chains along the Southwesterly boundary of said  
14 Mine to West line of Section Numbered Three (3) Township  
15 Fourteen (14) South, Range Three (3) East, S. B. M.; thence  
16 South along said West line 17.34 chains to South line of said  
17 Lot "E"; thence North 89 degrees 25' East 20 chains to point  
18 of beginning; and also that certain other tract of land  
19 particularly described as follows, to-wit: beginning on the  
20 East line of Lot "E" of said Cuyamaca Rancho, distant North  
21 0 degrees 22' East 9.39 chains from Corner No. 7 of said Lot;  
22 thence North along said East line 20 chains to South line of  
23 Cuyamaca Reservoir Lands; thence South 89 degrees 25' West  
24 20 chains; thence South 0 degrees 22' West 1.67 chains to the  
25 Northeasterly line of Stonewall Mine; thence Southeasterly  
26 along the Northeasterly line of said Mine 28.79 chains to  
27 beginning; and also all of the lands described or delineated  
28 as lots "V", "X" and "W" on the map of the lands of the  
29 La Mesa Development Company in Cuyamaca Rancho, filed in the  
30 County Recorder's office of said County July 13th, 1908 and  
numbered 1144 of the maps filed in said office; and also that  
portion of La Mesa Colony in the Rancho Mission of San Diego  
according to the map thereof filed in the County Recorder's



1 office of said San Diego County, September 4th, 1901 and  
2 numbered 876 of the maps filed in said office, particularly  
3 described as follows: Beginning at a point Eight Hundred  
4 Fifty-five (855) feet North 36 degrees 32' East of the North-  
5 west corner of the Southwest Quarter of Section Thirteen,  
6 Township Sixteen South, Range Two West, S. B. M., at a  
7 stake set in a stone mound, thence North 36 degrees 32' East  
8 on the boundary line of Lot Nineteen of Rancho Mission of  
9 San Diego according to the Partition Map thereof on file in  
10 the office of the Clerk of the Superior Court of the County of  
11 San Diego, California, and also on file in the office of the  
12 Recorder of said County, which boundary line of Lot Nineteen  
13 of said Rancho Mission is as marked and delineated on said  
14 amended map of La Mesa Colony, to the Corner of said Lot  
15 Nineteen which lies West of the North boundary of Lot One  
16 Hundred Ninety-six (196) of said La Mesa Colony, thence East  
17 on the North boundary of said Lot Nineteen of said Ex Mission  
18 Rancho to the Northwest corner of said Lot one Hundred Ninety-  
19 six (196) of La Mesa Colony, thence South, Southerly and  
20 Southeasterly along the Westerly line of said Lot One Hundred  
21 Ninety-six (196) of La Mesa Colony and along the Southerly  
22 Boundary line of Lots One Hundred Ninety-five (195) and One  
23 Hundred Ninety-four (194) of said La Mesa Colony, and con-  
24 tinuing along the Westerly and Northerly boundary lines of  
25 the County Road as marked on said Amended map of La Mesa  
26 Colony, to the Easterly line of Lot One Hundred Fifty-seven  
27 (157) of said La Mesa Colony, thence North on the East  
28 boundary line of said Lot One Hundred Fifty-seven (157) of  
29 La Mesa Colony to the Northeast corner thereof, thence West  
30 on the North boundary line of said Lot One Hundred fifty-  
seven (157) to the curved boundary line on the west side  
thereof, thence southwest, southerly and southeasterly along  
said curved West boundary line of said lot One Hundred Fifty-  
seven (157) to an intersection of said line with the Section

1 office of said San Diego County, September 4th, 1901 and  
2 numbered 876 of the maps filed in said office, particularly  
3 described as follows: Beginning at a point Eight Hundred  
4 Fifty-five (855) feet North 36 degrees 32' East of the North-  
5 west corner of the Southwest Quarter of Section Thirteen,  
6 Township Sixteen South, Range Two West, S. B. M., at a  
7 stake set in a stone mound, thence North 36 degrees 32' East  
8 on the boundary line of Lot Nineteen of Rancho Mission of  
9 San Diego according to the Partition Map thereof on file in  
10 the office of the Clerk of the Superior Court of the County of  
11 San Diego, California, and also on file in the office of the  
12 Recorder of said County, which boundary line of Lot Nineteen  
13 of said Rancho Mission is as marked and delineated on said  
14 amended map of La Mesa Colony, to the Corner of said Lot  
15 Nineteen which lies West of the North boundary of Lot One  
16 Hundred Ninety-six (196) of said La Mesa Colony, thence East  
17 on the North boundary of said Lot Nineteen of said Ex Mission  
18 Rancho to the Northwest corner of said Lot one Hundred Ninety-  
19 six (196) of La Mesa Colony, thence South, Southerly and  
20 Southeasterly along the Westerly line of said Lot One Hundred  
21 Ninety-six (196) of La Mesa Colony and along the Southerly  
22 Boundary line of Lots One Hundred Ninety-five (195) and One  
23 Hundred Ninety-four (194) of said La Mesa Colony, and con-  
24 tinuing along the Westerly and Northerly boundary lines of  
25 the County Road as marked on said Amended map of La Mesa  
26 Colony, to the Easterly line of Lot One Hundred Fifty-seven  
27 (157) of said La Mesa Colony, thence North on the East  
28 boundary line of said Lot One Hundred Fifty-seven (157) of  
29 La Mesa Colony to the Northeast corner thereof, thence West  
30 on the North boundary line of said Lot One Hundred fifty-  
seven (157) to the curved boundary line on the west side  
thereof, thence southwest, southerly and southeasterly along  
said curved West boundary line of said lot One Hundred Fifty-  
seven (157) to an intersection of said line with the Section



1 line, thence East on the South boundary line of said Lot One  
 2 Hundred Fifty-seven (157) to the Southeast corner thereof,  
 3 thence Southwesterly along the boundary line of the County  
 4 Road as shown on Map of La Mesa Colony to a point where said  
 5 road deflects west; thence along said road following the  
 6 deflection of the same around the North side and the West side  
 7 of Lot One Hundred Fifty-five (155) of said La Mesa Colony  
 8 to a point where the South line of said Lot One Hundred Fifty-  
 9 five (155) protruded across the County Road is intersected,  
 10 thence along the Northerly boundary of said County Road fol-  
 11 lowing the detour thereof to a point where a line drawn parallel  
 12 with and One Hundred Ninety and Seven-tenths (190.7) feet at  
 13 right angles Southwesterly from La Mesa Dam intersects the West  
 14 boundary line of said County Road, thence North 60 degrees  
 15 45' West parallel with said La Mesa Dam, Eight Hundred forty-  
 16 seven and five-tenths (847.5) feet to the point of beginning;  
 17 and also the reservoir known as the "Cuyamaca Reservoir" and  
 18 the property known as the Diverting Dam, being a Masonry  
 19 dam built about 1885 across the San Diego River at the head,  
 20 or near the head, of the main flume and about two thousand feet  
 21 below the mouth of Boulder Creek, by which dam the waters of  
 22 said river and creek are diverted into the main flume of the  
 23 said party of the first part; and also the main flume and  
 24 right of way therefor, said flume having been built about the  
 25 years 1887 and 1888 and extending from the said diverting  
 26 dam above described, to the distributing reservoir of said  
 27 party of the first part near La Mesa in said County, a dis-  
 28 tance of thirty-five and three-fourths (35 3/4) miles, more  
 29 or less; and also the distributing reservoir of said party  
 30 of the first part at the lower end of said flume, built for  
 receiving the water from said flume and forming a connection  
 with the main pipe line leading to the City of San Diego; and  
 also the earth dam, forming a part of said reservoir; and

1 line, thence East on the South boundary line of said Lot One  
 2 Hundred Fifty-seven (157) to the Southeast corner thereof,  
 3 thence Southwesterly along the boundary line of the County  
 4 Road as shown on Map of La Mesa Colony to a point where said  
 5 road deflects west; thence along said road following the  
 6 deflection of the same around the North side and the West side  
 7 of Lot One Hundred Fifty-five (155) of said La Mesa Colony  
 8 to a point where the South line of said Lot One Hundred Fifty-  
 9 five (155) protruded across the County Road is intersected,  
 10 thence along the Northerly boundary of said County Road fol-  
 11 lowing the detour thereof to a point where a line drawn parallel  
 12 with and One Hundred Ninety and Seven-tenths (190.7) feet at  
 13 right angles Southwesterly from La Mesa Dam intersects the West  
 14 boundary line of said County Road, thence North 60 degrees  
 15 45' West parallel with said La Mesa Dam, Eight Hundred forty-  
 16 seven and five-tenths (847.5) feet to the point of beginning;  
 17 and also the reservoir known as the "Cuyamaca Reservoir" and  
 18 the property known as the Diverting Dam, being a Masonry  
 19 dam built about 1885 across the San Diego River at the head,  
 20 or near the head, of the main flume and about two thousand feet  
 21 below the mouth of Boulder Creek, by which dam the waters of  
 22 said river and creek are diverted into the main flume of the  
 23 said party of the first part; and also the main flume and  
 24 right of way therefor, said flume having been built about the  
 25 years 1887 and 1888 and extending from the said diverting  
 26 dam above described, to the distributing reservoir of said  
 27 party of the first part near La Mesa in said County, a dis-  
 28 tance of thirty-five and three-fourths (35 3/4) miles, more  
 29 or less; and also the distributing reservoir of said party  
 30 of the first part at the lower end of said flume, built for  
 receiving the water from said flume and forming a connection  
 with the main pipe line leading to the City of San Diego; and  
 also the earth dam, forming a part of said reservoir; and



1  
2 also the main pipe line of said party of the first part,  
3 extending from the distributing reservoir of said party of  
4 the first part to the meter house at the boundary of the City  
5 of San Diego, in said County, a distance of about 42,040 feet  
6 more or less; and also the La Mesa Reservoir built about the  
7 years 1895 and 1896 and being a storage reservoir located on or  
8 near the Northwest boundary of La Mesa Colony and the dam  
9 forming a part of the same, and the twenty-four inch pipe line  
10 laid about the year 1896, connecting said La Mesa Reservoir and  
11 the twenty inch pipe line leading to the said City of San  
12 Diego, the connection with said latter pipe line being about  
13 three miles west of said distributing reservoir; and also the  
14 eight inch wood pipe line laid about the year 1901 and extending  
15 from near the end of the main flume, westerly to a point near  
16 the end of "La Mesa Ditch", a distance of eight thousand feet,  
17 more or less; and also the thirty-six inch pipe line laid in  
18 1894 or thereabouts and extending across Alvarado Canyon twelve  
19 hundred forty-two feet in length, more or less, connecting the  
20 ends of La Mesa ditch line; and also the eight inch pipe line  
21 laid in 1897 or thereabouts, and being sixteen hundred sixty  
22 feet, more or less, in length, connecting the small flume  
23 parallelling the La Mesa Ditch with the eight inch pipe line  
24 hereinbefore described; and also La Mesa Ditch and Ditch line  
25 constructed in the years 1895 and 1896, or thereabouts, and com-  
26 mencing at a point near the end of the main flume of said party  
27 of the first part and extending in a westerly direction seven  
28 hundred fifty feet more or less, to Alvarado Canyon, where it  
29 connects with the east end of thirty-six inch pipe line above  
30 described as crossing said Canyon and then commencing at the  
West end of said thirty-six inch pipe line and extending in a  
Northwesterly direction to La Mesa Reservoir, a distance of  
nineteen thousand nine hundred thirty feet, more or less; and  
also an eight inch steel pipe and pipe line constructed in 1908

1  
2 also the main pipe line of said party of the first part,  
3 extending from the distributing reservoir of said party of  
4 the first part to the meter house at the boundary of the City  
5 of San Diego, in said County, a distance of about 42,040 feet  
6 more or less; and also the La Mesa Reservoir built about the  
7 years 1895 and 1896 and being a storage reservoir located on or  
8 near the Northwest boundary of La Mesa Colony and the dam  
9 forming a part of the same, and the twenty-four inch pipe line  
10 laid about the year 1896, connecting said La Mesa Reservoir and  
11 the twenty inch pipe line leading to the said City of San  
12 Diego, the connection with said latter pipe line being about  
13 three miles west of said distributing reservoir; and also the  
14 eight inch wood pipe line laid about the year 1901 and extending  
15 from near the end of the main flume, westerly to a point near  
16 the end of "La Mesa Ditch", a distance of eight thousand feet,  
17 more or less; and also the thirty-six inch pipe line laid in  
18 1894 or thereabouts and extending across Alvarado Canyon twelve  
19 hundred forty-two feet in length, more or less, connecting the  
20 ends of La Mesa ditch line; and also the eight inch pipe line  
21 laid in 1897 or thereabouts, and being sixteen hundred sixty  
22 feet, more or less, in length, connecting the small flume  
23 parallelling the La Mesa Ditch with the eight inch pipe line  
24 hereinbefore described; and also La Mesa Ditch and Ditch line  
25 constructed in the years 1895 and 1896, or thereabouts, and com-  
26 mencing at a point near the end of the main flume of said party  
27 of the first part and extending in a westerly direction seven  
28 hundred fifty feet more or less, to Alvarado Canyon, where it  
29 connects with the east end of thirty-six inch pipe line above  
30 described as crossing said Canyon and then commencing at the  
West end of said thirty-six inch pipe line and extending in a  
Northwesterly direction to La Mesa Reservoir, a distance of  
nineteen thousand nine hundred thirty feet, more or less; and  
also an eight inch steel pipe and pipe line constructed in 1908



1 and commencing at the junction of the eight inch pipe line laid  
 2 in 1897, hereinbefore described, and running Westerly and  
 3 paralleling said La Mesa Ditch fifty One Hundred fifty feet,  
 4 more or less; and also all service pipes and pipe lines  
 5 of the said party of the first part in and about La Mesa and  
 6 La Mesa Colony in said County; and also the sand Creek feeding  
 7 flume being about fifteen hundred feet in length and being of  
 8 the dimensions of about twelve inches by fourteen inches  
 9 and intersecting the main flume about two and one-fourth  
 10 miles below the Diverting Dam; and also the feeding flume  
 11 known as the South Fork Feeder, being about eighteen hundred  
 12 twenty feet in length and of the dimensions of Ten inches by  
 13 twenty inches and intersecting the main flume at a point about  
 14 seven and one-fourth miles below the Diverting Dam; and also  
 15 all rights of way for each and all the said flumes, ditches,  
 16 pipes and pipe lines and flume lines; and all easements and  
 17 interest in land of every kind and character of the said  
 18 party of the first part for said flumes, pipes, ditches and  
 19 pipe lines, or either or any of them, used, or which may be  
 20 used in connection therewith; and also all other flumes,  
 21 flume lines, ditches and ditch lines, pipes and pipe lines,  
 22 aqueducts, conduits, spillways, reservoirs and reservoir sites  
 23 and dams of the said party of the first part, or in which it  
 24 has any interest; and also all buildings, improvements, and  
 25 structures of every kind and character situated or being  
 26 upon the above described land, easements or rights of way,  
 27 or on either or any of them; and also all water and water  
 28 rights and privileges and all rights to impound, collect,  
 29 take, divert, sell or otherwise dispose of water in any  
 30 quantity or quantities whatsoever and all water and water  
 rights, privileges and flooding and flooding rights of the  
 said party of the first part and all rights and privileges to  
 flood or cover land in said County with water or to impound

1 and commencing at the junction of the eight inch pipe line laid  
 2 in 1897, hereinbefore described, and running Westerly and  
 3 paralleling said La Mesa Ditch fifty One Hundred fifty feet,  
 4 more or less; and also all service pipes and pipe lines  
 5 of the said party of the first part in and about La Mesa and  
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 14 seven and one-fourth miles below the Diverting Dam; and also  
 15 all rights of way for each and all the said flumes, ditches,  
 16 pipes and pipe lines and flume lines; and all easements and  
 17 interest in land of every kind and character of the said  
 18 party of the first part for said flumes, pipes, ditches and  
 19 pipe lines, or either or any of them, used, or which may be  
 20 used in connection therewith; and also all other flumes,  
 21 flume lines, ditches and ditch lines, pipes and pipe lines,  
 22 aqueducts, conduits, spillways, reservoirs and reservoir sites  
 23 and dams of the said party of the first part, or in which it  
 24 has any interest; and also all buildings, improvements, and  
 25 structures of every kind and character situated or being  
 26 upon the above described land, easements or rights of way,  
 27 or on either or any of them; and also all water and water  
 28 rights and privileges and all rights to impound, collect,  
 29 take, divert, sell or otherwise dispose of water in any  
 30 quantity or quantities whatsoever and all water and water  
 rights, privileges and flooding and flooding rights of the  
 said party of the first part and all rights and privileges to  
 flood or cover land in said County with water or to impound



1  
2 water or collect water thereon; and also all franchises, rights  
3 and privileges of the said party of the first part, or belong-  
4 ing to him, and also all other easements, rights and privileges  
5 of the said party of the first part, belonging to or appar-  
6 taining to his said water system, and that certain small  
7 dwelling house and stable at and near the Cuyamaca Dam and  
8 small dwelling house and stable near the Diverting Dam, and five  
9 small dwelling and out houses and appurtenances along the said  
10 main flume line and also two small dwelling houses and out-  
11 houses and stables at or near the end of said flume, and also  
12 one small store house and a small blacksmith shop at or near  
13 the end of the main flume, and also one small meter house near  
14 the limits of the City of San Diego; also three small buildings  
15 at or near La Mesa Dam for caretaker, storage et cetera and also  
16 all other buildings, structures and edifices of every kind and  
17 nature belonging to and used as an appurtenance in the operation  
18 of his said water system; also all his franchises for impounding,  
19 collecting, storing, taking, selling and distributing water,  
20 and also his rights, privileges and franchises so to do; and  
21 also all improvements, wagons, harness, maps, charts, cases for  
22 charts, materials on hand, one safe, and all materials on  
23 hand which the grantor now has and uses, or intends to use in  
24 the operation of his water system; and also the undivided one-  
25 sixth of all property conveyed to the party of the first part  
26 by the San Diego Flume Company, a corporation by its deed of  
27 even date herewith and the undivided one-sixth of all the  
28 property which said Company has contracted to sell and convey  
29 to the party of the first part and which he has contracted to  
30 buy. This property, water system, franchises, easements, et  
cetera are sold subject to all water right contracts, or con-  
tracts to rent, sell, supply or distribute water hitherto  
made by the party of the first part, whether such contracts

1  
2 water or collect water thereon; and also all franchises, rights  
3 and privileges of the said party of the first part, or belong-  
4 ing to him, and also all other easements, rights and privileges  
5 of the said party of the first part, belonging to or appar-  
6 taining to his said water system, and that certain small  
7 dwelling house and stable at and near the Cuyamaca Dam and  
8 small dwelling house and stable near the Diverting Dam, and five  
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11 houses and stables at or near the end of said flume, and also  
12 one small store house and a small blacksmith shop at or near  
13 the end of the main flume, and also one small meter house near  
14 the limits of the City of San Diego; also three small buildings  
15 at or near La Mesa Dam for caretaker, storage et cetera and also  
16 all other buildings, structures and edifices of every kind and  
17 nature belonging to and used as an appurtenance in the operation  
18 of his said water system; also all his franchises for impounding,  
19 collecting, storing, taking, selling and distributing water,  
20 and also his rights, privileges and franchises so to do; and  
21 also all improvements, wagons, harness, maps, charts, cases for  
22 charts, materials on hand, one safe, and all materials on  
23 hand which the grantor now has and uses, or intends to use in  
24 the operation of his water system; and also the undivided one-  
25 sixth of all property conveyed to the party of the first part  
26 by the San Diego Flume Company, a corporation by its deed of  
27 even date herewith and the undivided one-sixth of all the  
28 property which said Company has contracted to sell and convey  
29 to the party of the first part and which he has contracted to  
30 buy. This property, water system, franchises, easements, et  
cetera are sold subject to all water right contracts, or con-  
tracts to rent, sell, supply or distribute water hitherto  
made by the party of the first part, whether such contracts



1 refer to water already furnished or hereafter to be furnished.

2 And the said party of the first part hereby assigns,  
3 conveys and transfers and sets over to the said party of the  
4 second part an undivided one-sixth of all the right, title,  
5 claim, interest or estate of the party of the first part in  
6 or to such contracts and all of them and substitutes and places  
7 the said party of the second part in the place and stead of  
8 the said party of the first part in or to the said interest in  
9 said contracts and assigns, conveys and sets over to the said  
10 party of the second part the undivided one-sixth of all claims,  
11 liens or liens of claims and all other means provided for the  
12 enforcement of said contracts which the said party of the first  
13 part may have or obtain, and the said party of the first part  
14 hereby assumes the undivided one-sixth of all such contracts  
15 and agrees to perform his part thereof and interest therein  
16 to the same extent and in the same manner that the said party  
17 of the first part would be bound to perform or fulfill the  
18 same if this conveyance were not made.

19 To have and to hold all the said undivided one-sixth  
20 interest in all the above described property, property rights,  
21 and privileges, benefits, claims and easements unto the said  
22 party of the second part, his heirs and assigns forever,  
23 subject to the covenants and conditions herein contained and

24 to the payment of the State and County taxes for the fiscal  
25 year 1910/1911.

26 IN WITNESS WHEREOF the said party of the first part has  
27 hereunto set his hand the day and year first above written.

28 James A. Murray

29 State of California, )  
30 County of San Diego. ) SS.

On this 1st day of June 1910 before me, Stephan  
Connell, a Notary Public in and for the said County,

1 refer to water already furnished or hereafter to be furnished.

2 And the said party of the first part hereby assigns,  
3 conveys and transfers and sets over to the said party of the  
4 second part an undivided one-sixth of all the right, title,  
5 claim, interest or estate of the party of the first part in  
6 or to such contracts and all of them and substitutes and places  
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23 subject to the covenants and conditions herein contained and  
24 to the payment of the State and County taxes for the fiscal  
25 year 1910/1911.

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27 hereunto set his hand the day and year first above written.

28 James A. Murray

29 State of California, )  
30 County of San Diego. ) SS.

On this 1st day of June 1910 before me, Stephan  
Connell, a Notary Public in and for the said County,

A. H. SWEET  
SAN DIEGO, CAL.

A. H. SWEET  
SAN DIEGO, CAL.



1  
2 residing therein duly commissioned and sworn, personally  
3 appeared James A. Murray, known to me to be the person whose  
4 name is subscribed to the within instrument and acknowledged  
5 to me that he executed the same.

6 IN WITNESS WHEREOF I have hereunto set my hand and affixed  
7 my Notarial seal at my office in San Diego, County of San  
8 Diego, State of California, the day and year in this certifi-  
9 cate first above written.

10 Stephen Connell

11 Notary Public in and for the  
12 County of San Diego, State of  
13 California.

14 (SEAL)

15 Endorsed:

16 Recorded at request of Southern Title Guaranty Co (Moore)  
17 June 1, 1910 at 55 Min. Past 2 o'clock P. M. in Book No. 491 of  
18 deeds page 353 et seq Records of San Diego County, California,  
19 John H. Ferry County Recorder By Walter Forward Deputy  
20 Recorder Fee \$5.10. Compared Walter Forward

21 State of California, )  
22 County of San Diego ) SS

23 I, John H. Ferry, County Recorder in and for San Diego  
24 County, state of California, do hereby certify that I have  
25 compared the foregoing copy with the original record of a certain  
26 deed - Murray to Fletcher found and appearing of record in  
27 Book No. 491 of Deeds at page 353 et seq., and that the same  
28 is a full and correct copy of such original record and of  
29 the whole thereof.

30 IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my official seal, this 17th day of May A. D. 1911

John H. Ferry County Recorder  
N  
H. C. Parsons Deputy Recorder

(SEAL)

1  
2 residing therein duly commissioned and sworn, personally  
3 appeared James A. Murray, known to me to be the person whose  
4 name is subscribed to the within instrument and acknowledged  
5 to me that he executed the same.

6 IN WITNESS WHEREOF I have hereunto set my hand and affixed  
7 my Notarial seal at my office in San Diego, County of San  
8 Diego, State of California, the day and year in this certifi-  
9 cate first above written.

10 Stephen Connell

11 Notary Public in and for the  
12 County of San Diego, State of  
13 California.

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29 the whole thereof.

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affixed my official seal, this 17th day of May A. D. 1911

John H. Ferry County Recorder  
N  
H. C. Parsons Deputy Recorder

(SEAL)



EXHIBIT "D"

STATE OF CALIFORNIA ) DEPARTMENT OF STATE

-----

I, FRANK C. JORDON, Secretary of State of the State of California, do hereby certify, that the Laws of the State of California, governing Corporations, Water Rights and Irrigation, have been filed in the office of the Department of the Interior, at Washington, D. C. and

I do further certify that the same are the existing laws and that no changes have been made in said laws since the date of those last forwarded.

WITNESS my hand and the Great Seal of the State of California, at my office in Sacramento, this twenty-fourth day of May A. D. Nineteen hundred and Eleven.

Frank C. Jordan  
Secretary of State

(SEAL)

EXHIBIT "D"

STATE OF CALIFORNIA ) DEPARTMENT OF STATE

-----

I, FRANK C. JORDON, Secretary of State of the State of California, do hereby certify, that the Laws of the State of California, governing Corporations, Water Rights and Irrigation, have been filed in the office of the Department of the Interior, at Washington, D. C. and

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WITNESS my hand and the Great Seal of the State of California, at my office in Sacramento, this twenty-fourth day of May A. D. Nineteen hundred and Eleven.

Frank C. Jordan  
Secretary of State

(SEAL)

A. H. SWEET  
SAN DIEGO, CAL.

A. H. SWEET  
SAN DIEGO, CAL.



## EXHIBIT "E"

TABLE I

Statement of amount of water in cubic feet per second flowing in the San Diego River and the San Diego Flume combined opposite Lakeside California - being a drainage area of 208 square miles, from Records of United States Geological Survey Water Resources Branch.

	1907	1908	1909	1910	Average
Jan.	187.7	21.	154.8	158.9	130.6
Feb.	90.4	81.4	284.7	53.2	127.4
Mar.	245.6	47.7	124.2	47.8	116.4
Aprl.	164.7	20.8	79.5	39.7	76.2
May	57.3	14.5	30.6	10.9	28.3
June	24.3	7.3	14.8	8.7	13.8
July	11.4	8.1	10.3	7.9	9.4
Aug.	9.1	7.4	23.5	7.8	12.0
Sept.	9.1	7.4	7.3	8.5	8.1
Oct.	6.8	6.9	5.9	7.3	6.7
Nov.	3.3	5.2	4.6	4.8	4.7
Dec.	5.5	2.8	31.3	5.0	11.1

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TABLE I

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Mar.	245.6	47.7	124.2	47.8	116.4
Aprl.	164.7	20.8	79.5	39.7	76.2
May	57.3	14.5	30.6	10.9	28.3
June	24.3	7.3	14.8	8.7	13.8
July	11.4	8.1	10.3	7.9	9.4
Aug.	9.1	7.4	23.5	7.8	12.0
Sept.	9.1	7.4	7.3	8.5	8.1
Oct.	6.8	6.9	5.9	7.3	6.7
Nov.	3.3	5.2	4.6	4.8	4.7
Dec.	5.5	2.8	31.3	5.0	11.1



EXHIBIT "E" Continued

Table II

Estimated Discharge of South Fork by comparison with San Diego River as shown in Table I, the proportion of drainage areas being 208 square miles to 37 square miles. [in sec. ft.]

	Average Discharge of San Diego River 208 square Miles	Estimated Discharge of South Fork of San Diego River 37 Square Miles
Jan.	130.6	21.6
Feb.	127.4	21.4
Mar.	116.4	20.0
AprL.	76.2	12.7
May	28.3	4.8
June	13.8	2.3
July	9.4	1.6
August	12.0	2.0
Sept.	8.1	1.4
Oct.	6.7	1.1
Nov.	4.7	.8
Dec.	11.1	2.0

*John*

EXHIBIT "E" Continued

Table II

Estimated Discharge of South Fork by comparison with San Diego River as shown in Table I, the proportion of drainage areas being 208 square miles to 37 square miles. [in sec. ft.]

	Average Discharge of San Diego River 208 square Miles	Estimated Discharge of South Fork of San Diego River 37 Square Miles
Jan.	130.6	21.6
Feb.	127.4	21.4
Mar.	116.4	20.0
AprL.	76.2	12.7
May	28.3	4.8
June	13.8	2.3
July	9.4	1.6
August	12.0	2.0
Sept.	8.1	1.4
Oct.	6.7	1.1
Nov.	4.7	.8
Dec.	11.1	2.0

*John*

A. H. SWEET  
SAN DIEGO, CAL.

A. H. SWEET  
SAN DIEGO, CAL.



EXHIBIT "F"

State of California, )  
County of San Diego. ) SS.

Lou B. Mathews being first duly sworn, deposes and says:  
That he is the secretary of James A. Murray and Ed Fletcher  
and was for many years the secretary of the San Diego Flume  
Company and continued to be secretary of said company up  
to the time it transferred its property to said Murray and  
Fletcher. That the said San Diego Flume Company, a corporation  
organized and existing under the laws of the State of Calif-  
ornia, and the said James A. Murray and Ed Fletcher have  
continuously used and made continuous use of the waters of  
the south fork of the San Diego River in the County of  
San Diego, State of California, since the completion of  
the flume line built by said company in the year 1888.

Lou B. Mathews

Subscribed and sworn to before  
me this 31st day of May, 1911.

(SEAL) Stephen Connell  
Notary Public in and for the  
County of San Diego, State of  
California.

EXHIBIT "F"

State of California, )  
County of San Diego. ) SS.

Lou B. Mathews being first duly sworn, deposes and says:  
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organized and existing under the laws of the State of Calif-  
ornia, and the said James A. Murray and Ed Fletcher have  
continuously used and made continuous use of the waters of  
the south fork of the San Diego River in the County of  
San Diego, State of California, since the completion of  
the flume line built by said company in the year 1888.

Lou B. Mathews

Subscribed and sworn to before  
me this 31st day of May, 1911.

(SEAL) Stephen Connell  
Notary Public in and for the  
County of San Diego, State of  
California.

A. H. SWEET  
SAN DIEGO, CAL.

A. H. SWEET  
SAN DIEGO, CAL.



FIELD NOTES OF WATER LINE

OF CONEJOS RESERVIOR OF JAMES A MURRAY AND ED FLETCHER.

Stat.	Course	Dist	Notes.
			Survey commenced December 30th 1910 with E. L. Berger transit of 5 1/2" circle reading to single minutes.
			Asimuth determination by observation of Polaris Dec. 31, 1910.
			All courses are true courses.
			Distances in feet levels with Gurley level.
0	West	411.7	Beginning at Station 0 which is Initial Point being the 1/4 corner for the South Boundary of Section 31, T 14 S., R 3 E S. B. M. whence the northeast township corner of T 15 S., Range 3 E bears west 2040 feet; and being within El Capitan Indian Reservation; thence over lands of El Capitan Indian Reservation in section 6 T. 15 S., R 3 E.
1	S 18° 02' W	366.7	
2	S 18° 02' W	350	Being also station 0 Initial Point of Canal Survey.
3	S 37° 59' E	550	
4	N 34° 14' E	112	
5	N 43° 39' E	167	

Stat	Course	Dist	Notes.
6	N 60° 44' E	441	
7	S 73° 26' E	295	
8	S 0° 35' E	291	
9	S 30° 00' W	310	
10	S 60° 00' E	80	
11	N 30° 00' E	260	
12	N 58° 16' E	238	
13	S 39° 10' E	150	
14	N 29° 14' E	307	
15	S 53° 41' E	325	
16	N 18° 03' W	192	
17	N 29° 57' E	300	
18	N 11° 35' E	357	
19	N 75° 23' E	290	
20	N 2° 49' W	195	
21	N 20 49' W	48	On township line between township 14 and 15 South, R 3 E, whence the corner of section 31 T. 14 S R 3 E section 31 bears east 900 feet, and a corner of section 6 T. 15 S. R 3 E bears east 1326 feet. Thence in section 31, T. 14 S. R 3 E.
22	N 75° 35' E	510	
23	N 21° 29' E	147	
24	N 13° 30' E	308	
25	N 56° 40' E	220	
26	S 67° 37' W	225	
27	S 22° 21' W	322	
28	S 32° 55' W	200	



Stat.	Course	Dist.	Notes.
29	S 42° 15' W	420	
30	S 65° 05' W	331	
31	N 46° 20' W	87	
32	S 13° 24' W	162	
33	S 13° 24' W	95	Being on the township line between township 14 and 15 south R. 3 E. whence the northwest corner of T 15 S., R. 3 E., bears west 3091 feet, thence in section 6, T 15 S R 3 E.
34	S 67° 12' W	363	
35	N 25° 13' W	259	
36	N 25° 44' W	173	Being on township line between townships 14 and 15 south R 3 E., whence the northwest corner of T. 15 S. R. 3 E., bears west 2624 feet, thence in section 31. T 14 S R 3 E.
37	S 43° 33' W	120	
38	N 37° 27' W	188	
39	S 56° 35' W	377	
0			Place of beginning Survey completed Jan. 6, 1911.



FIELD NOTES OF WATER LINE

OF CONEJOS RESERVIOR OF JAMES A MURRAY AND ED FLETCHER.

Stat.	Course	Dist	Notes.
			Notes.
			Survey commenced December 30th 1910 with E. I. Berger transit of 5 1/2" circle reading to single minutes.
			Asimuth determination by observation of Polaris Dec. 31, 1910.
			All courses are true courses.
			Distances in feet levels with Gurley level.
0	West	411.7	Beginning at Station 0 which is Initial Point being the 1/4 corner for the South Boundary of Section 31, T 14 S., R 3 E S. E. E. whence the northeast township corner of T 15 S., Range 3 E bears west 3040 feet; and being within El Capitan Indian Reservation; thence over lands of El Capitan Indian Reservation in section 6 T. 15 S., R 3 E.
1	S 18° 02' W	366.7	
2	S 18° 02' W	350	Being also station 0 Initial Point of Canal Survey.
3	S 37° 59' E	550	
4	N 34° 14' E	112	
5	N 43° 39' E	167	

Stat	Course	Dist	Notes.
6	N 60° 44' E	441	
7	S 73° 36' E	295	
8	S 0° 35' E	291	
9	S 30° 00' W	310	
10	S 60° 00' E	80	
11	N 30° 00' E	260	
12	N 58° 16' E	238	
13	S 39° 10' E	150	
14	N 29° 14' E	307	
15	S 53° 41' E	328	
16	N 18° 03' W	192	
17	N 29° 57' E	300	
18	N 11° 35' E	357	
19	N 75° 23' E	290	
20	N 2° 49' W	195	
21	N 20 49' W	48	On township line between township 14 and 15 South, R 3 E, whence the corner of section 31 T. 14 S R 3 E section 31 bears east 900 feet, and a corner of section 6 T. 15 S. R 3 E bears east 1328 feet. Thence in section 31, T. 14 S. R 3 E.
22	N 75° 35' E	510	
23	N 21° 29' E	147	
24	N 71 13° 30' E	308	
25	N 56° 40' E	320	
26	S 67° 37' W	225	
27	S 22° 21' W	322	
28	S 32° 55' W	200	



Stat.	Course	Dist.	Notes.
29	S 43° 15' W	420	
30	S 65° 05' W	331	
31	N 46° 20' W	87	
32	S 13° 24' W	162	
33	S 13° 24' W	95	Being on the township line between township 14 and 15 south R. 3 E. whence the northwest corner of T 15 S., R 3 E., bears west 3091 feet, thence in section 6, T 15 S R 3 E.
34	S 67° 12' W	363	
35	N 25° 13' W	359	
36	N 25° 44' W	173	Being on township line between townships 14 and 15 south R 3 E., whence the northwest corner of T. 15 S. R. 2 E., bears west 2624 feet, thence in section 31. T 14 S R 3 E.
37	S 43° 38' W	120	
38	N 37° 27' W	188	
39	S 56° 35' W	377	
0			Place of beginning Survey completed Jan. 6, 1911.

Field Notes of Center line

of

Conejos Canal

of

James A. Murray & Ed. Fletcher.

Survey No. 1.

Stat.	Course	Dist.	Description.
			Survey commenced Jan 2, 1911. With E. L. Berger Transit of 5 1/2" circle reading to single minutes.
			Azimuth determined by observation of Polaris, Dec. 31, 1910.
			All courses are true courses. Distances are in feet, levels with Gurley level.
			Beginning at Station "0" of Survey No. 1 which is the initial Point and which is also Stat. 2 of Conejos Reservoir Survey, whence the northeast township corner of T 15 S. R. 2 E. bears N 76° 50' W 1554 feet and being within El Capitan Indian Reservation. Thence through lands of El Capitan Reservation in Section 6 T 15 S R 3 E.
1	S 57° 35' W	161	
2	S 77° 48' W	133	
3	S 74° 37' W	70	
4	S 46° 19' W	420	
5	S 27° 48' E	582	
6	S 72° 13' E	233	
7	S 30° 34' E	221	
8	S 46° 17' E	185	
9	S 12° 50' W	326	
10	S 60° 54' W	592	



Stat.	Course	Dist.	Description.
11	: S 13° 06' W :	294 :	
12	: S 64° 30' W :	233 :	
13	: S 35° 47' W :	302 :	
14	: S 7° 26' W :	276 :	
15	: S 71° 11' W :	490 :	
16	: N 31° 40' W :	215 :	: Station 16 of survey No 1 being also Station 16 of Survey No 2 terminal Point of Survey No 2.
17	: N 24° 29' W :	151 :	
18	: N 61° 21' E :	175 :	
19	: N 67° 56' W :	121 :	
20	: N 67° 56' W :	165 :	: Intersects township line between ranges 2 & 3 east T 15 S whence, the northeast <i>township</i> corner of T. 15 S R2E bears north 3248 feet.
20½	: N 2° 11' W :	186 :	
21	: N 62° 48' W :	132 :	
22	: S 88° 11' W :	92 :	
23	: N 62° 15' W :	209 :	
24	: N 61° 25' W :	163 :	
25	: N 88° 15' W :	202 :	
26	: N 3° 15' E :	84 :	
27	: N 66° 55' W :	39 :	
28	: N 36° 25' W :	126 :	
29	: N 39° 35' W :	116 :	
30	: N 10° 46' W :	84 :	
31	: N 68° 35' W :	544 :	
32	: S 83° 55' W :	250 :	
33	: N 7° 15' E :	139 :	
34	: N 67° 09' W :	158 :	
35	: N 84° 27' W :	330 :	
36	: S 80° 29' W :	319 :	

Stat	Course	Dist	Description
37	: S 81° 08' W :	242 :	
38	: S 41° 34' W :	101 :	
39	: S 8° 48' E :	79 :	
40	: S 80° 22' W :	69 :	
41	: S 14° 22' W :	43 :	
42	: S 73° 44' W :	274 :	
42½	: S 39° 22' W :	160 :	
43	: S 70° 30' W :	104 :	
44	: S 87° 00' W :	81 :	
45	: S 56° 00' W :	95 :	
46	: S 71° 50' W :	216 :	
47	: S 33° 35' W :	216 :	
48	: N 75° 05' W :	96 :	
49	: S 37° 54' W :	192 :	
50	: S 67° 54' W :	192 :	
51	: S 6° 54' W :	410 :	
52	: N 73° 26' W :	134 :	
53	: S 47° 59' W :	180 :	
54	: N 71° 31' W :	118 :	
55	: N 82° 31' W :	104 :	
56	: S 57° 29' W :	156 :	
57	: N 71° 41' W :	347 :	
58	: S 24° 16' W :	162 :	
59	: N 63° 14' W :	141 :	
60	: N 88° 01' W :	195 :	
61	: S 56° 17' W :	25 :	
62	: S 56° 17' W :	215 :	
63	:	:	

: Intersects section line between section 1 and 2 T 15 S R 2 E whence the ¼ corner between sections 1 & 2 bears south 00 01' east 104 ft.



Stat.	Course	Dist	Description
63	S 39° 02' W	56	
64	S 9° 32' E	150	
65	S 54° 18' W	56	
66	S 14° 48' W	320	
67	N 55° 22' W	163	
68	N 89° 12' W	162	
69	S 69° 18' W	108	
70	S 74° 48' W	86	
71	S 52° 18' W	220	
72	S 77° 48' W	174	
73	N 7° 27' W	150	
74	S 89° 33' W	278	
74½	S 72° 26' W	111	
75	S 23° 46' W	201	
76	N 84° 38' W	316	
77	S 43° 11' W	402	
78	N 83° 49' W	222	
79	S 70° 08' W	375	
80	S 32° 50' W	80	
81	S 67° 30' W	250	
82	S 41° 23' W	89	
83	S 11° 22' E	90	
84	S 23° 33' E	82	
85	S 27° 43' E	172	
86	S 10° 02' E	141	
87	S 35° 25' E	143	
88	S 45° 04' E	182	
89	S 45° 04' E	418	

Stat.	Course	Dist.	Description.
90	S 87° 26' W	337	
91	S 51° 56' W	176	
92	N 74° 19' W	278	
93	N 87° 29' W	229	
94	N 68° 59' W	238	
95	N 23° 29' W	142	
96	N 63° 54' W	272	
97	N 23° 19' W	144	
98	S 59° 54' W	158	
99	S 77° 57' W	414	
100	S 13° 30' E	172	
101	S 32° 00' W	70	
102	S 23° 00' E	270	
103	S 86° 00' W	690	
104	S 86° 00' W	320	Intersects section line between sections 2 and 3 whence the section corner of section 2, 3, 10 & 11 bears S 0° 01' E 202 ft
105	S 67° 40' W	409	
106	S 45° 00' W	50	Intersects section line between sections 3 and 10 whence sec. corner bears east 735 feet.
107	S 45° 00' W	78	
108	S 82° 00' W	1465	
109	N 87° 20' W	340	
110	N 81° 43' W	117	
111	S 86° 11' W	133	
112	S 68° 11' W	400	
113	S 84° 41' W	610	
114	N 81° 54' W	229	
115	N 16° 36' W	407	



Stat.	Course	Dist	Description
116	N 8° 11' W	76	
117	N 51° 12' W	80	
118	N 76° 47' W	61	
119	S 86° 06' W	74	
120	S 53° 44' W	149	
121	N 77° 16' W	104	
122	S 54° 26' W	190	
123	N 80° 04' W	87	
124	S 59° 56' W	200	
125	S 59° 56' W	148	
126	N 88° 12' W	200	
127			Station 127 Terminal point of Survey of Survey No 1 intersects section line between section 9 & 10 whence section corner of section 3, 4, 9 & 10 bears north 0° 02' E 165 feet.

Survey completed Jan 8, 1911.

Field Notes of Survey No 3,  
Within San Jacinto Forest Reserve.

Stat.	Course	Dist.	
127	N 88° 12' W	100	Survey commenced Jan 8, 1911.
			Station 127. Initial point of survey
			No 3 on section line between sections
			9 and 10 whence section corner of sec-
			tion 3, 4, 9, & 10 bears north 0° 02'
			E 165 feet thence through San Jacinto
			Forrest Reserve.
128	S 63° 39' W	91	
128½	S 28° 36' W	235	
129	S 40° 36' W	112	
130	S 57° 56' W	312	
130½	S 31° 36' W	133	
131	S 57° 36' W	788	
132	N 52° 04' W	273	
133	S 57° 25' W	332	
134	N 73° 40' W	280	
135	S 75° 20' W	240	
136	N 69° 40' W	94	



Stat	Course	Dist
137	N 75° 18' W	80
138	S 79° 41' W	69
139	S 22° 24' W	179
140	S 148° 09' W	123
141	S 16° 29' W	137
142	S 15° 59' W	405
143	N 81° 21' W	120
144	N 89° 37' W	63
145	S 60° 42' W	42
146	S 51° 05' W	192
147	S 11° 30' W	222
148	N 77° 30' W	190
149	S 17° 46' W	105
150	S 1° 00' E	50
151	S 19° 45' E	120
152	S 62° 55' E	95
153	S 23° 35' E	465
154	S 4° 20' W	160
155	S 18° 00' W	114
156	S 65° 30' W	65
157	S 19° 10' W	58
158	S 79° 40' W	233
159	S 22° 52' W	244
160	S 22° 42' W	102
160½	S 18° 20' W	260
161	S 10° 32' W	217
162	S 6° 24' W	216
163	S 19° 59' E	143
164	S 7° 01' W	217

Stat	Course	Dist
165	S 42° 41' W	458
166	S 3° 24' W	150
167	S 31° 50' W	292.0
168	S 10° 46' W	50.0
169	S 10° 46' W	45
170	S 5° 19' E	340
171	S 24° 21' W	116
172	S 40° 45' W	240
173	S 13° 55' W	104
174	S 46° 35' W	60
175	S 24° 15' W	182
176	S 36° 25' W	84
177	S 59° 55' W	173
178	S 67° 50' W	168
179	S 32° 47' W	72
180	S 27° 37' W	500
181	S 43° 37' W	328
182	S 20° 16' E	153
183	S 31° 28' E	101
184	S 0° 58' E	433
185	S 50° 42' W	68
186	S 86° 41' W	60
187	S 12° 12' W	112
188	S 17° 04' W	182
189	S 16° 22' W	276
190	S 1° 57' W	360

Intersects section line between section 9 and 16, whence southwest corner of section 9 bears south 88° 54' west 998'



Stat.	Course	Dist.	
191	S 30° 42' W	132	:
192	S 6° 43' E	159	:
193	S 9° 17' W	190	:
194	S 32° 43' E	190	:
195	S 10° 23' E	309	:
196	S 19° 19' E	357	:
197	S 2° 31' W	134	:
198	S 36° 06' W	38	:
199	S 0° 36' W	203	:
200	S 9° 36' W	262	:
201	S 4° 56' W	140	:
202	S 4° 56' W	760	: Intersects section line between sections 16 and 21, whence section corner 16, 17, 20 and 21 bears south 89° 30' West 428 feet.
203	S 20° 18' W	154	:
204	S 77° 30' W	178	:
205	S 46° 25' W	174	:
206	S 50° 07' W	870	: Intersects section line between sections 20 and 21 whence section corner 16, 17, 20 and 21 bears north 1093 feet.
207	N 77° 16' W	523	:
208	S 57° 25' W	875	:
209	N 88° 25' W	480	:
210	S 44° 25' W	420	:
211	S 86° 35' W	606	:
212	S 62° 45' W	184	:
213	S 7° 51' W	750	:

Stat.	Course	Dist.	
214	S 22° 01' W	178	:
215	S 85° 40' W	1510	:
216	S 85° 40' W	210	: Intersects section line between section 19, and 20 whence section corner 19, 20, 29 & 30 bears south 0° 03' West 1940 feet.
217	N 39° 54' W	2210	:
218	N 38° 04' W	310	:
219	N 68° 00' W	554	:
220	N 66° 03' W	556	:
221	N 86° 43' W	2370	:
222	N 86° 43' W	474	: Intersects Range line between Section 19 T 15 S R 2 E and section 24 T 15 S R 1 E, whence northwest corner section 19 T 15 S R 2 E bears north 713 feet station 223, terminal point of survey No 3 on east boundry of El Cajon Rancho, whence N E corner section 24 T 15 S R 1 E bears N 34° 35' E 833 feet.

Survey completed Jan 21, 1911.



Field Notes of Survey No 2,  
King Creek Feeder of Conjos Canal.  
Within El Capitan Indian Reservation.

Stat.	Course	Dist.	
224	N 37° 21' W	250	Survey Commenced Jan. 3, 1911
:	:	:	Beginning at Station 224 of Survey No 2 which is the Initial Point whence the northwest corner of Section #6 T 15 S R 3 E bears N 13° 41' W 5080.
225	N 37° 21' W	233	
226	N 16° 35' W	255	
227	N 27° 07' W	282	
228	N 59° 05' W	322	
229	N 76° 56' W	160	
230	N 00° 44' W	160	
16	N 33° 50' W	100	Station 16 terminal point of survey No 2 being also station 16 of survey No 1 whence the northwest corner of Section #6 bears N 3° 20' W 3623 ft
			Survey completed Jan 3, 1911



MAP OF SURVEY OF  
WATER LINE OF CONEJOS RESERVOIR

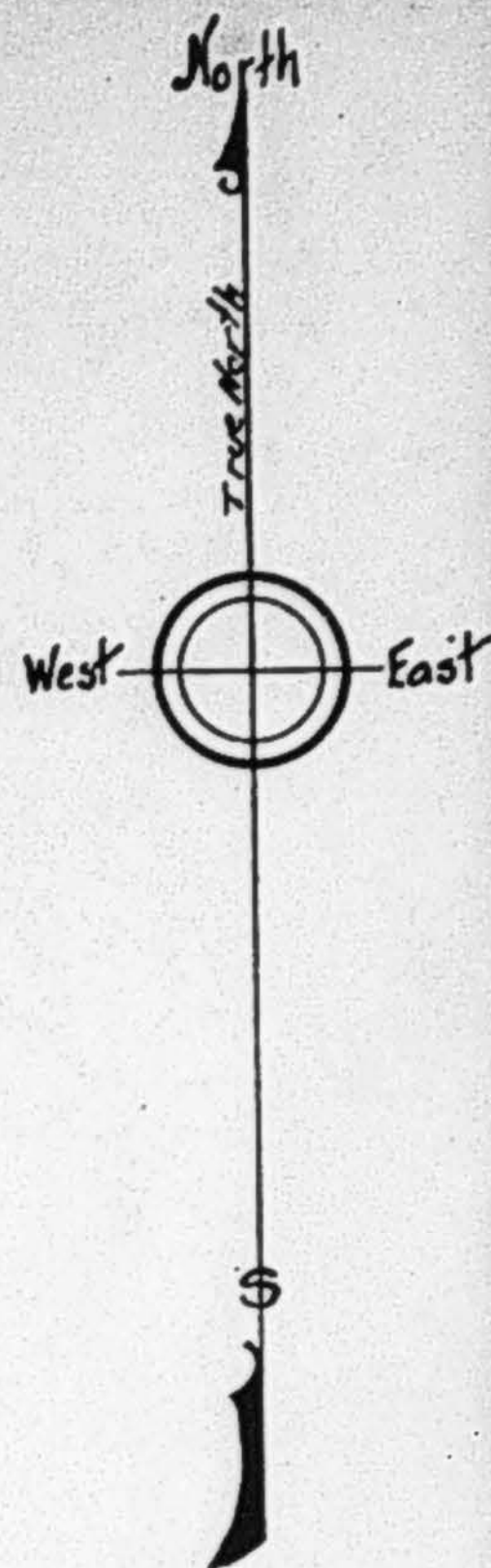
OF  
JAMES A. MURRAY & ED. FLETCHER  
ON CONEJOS CREEK.

SAN DIEGO COUNTY, CALIFORNIA.

Scale 1 inch = 1000 feet.

HEIGHT OF DAM 98 FEET.

CAPACITY OF RESERVOIR 1680 ACRE FEET.



State of California }  
County of San Diego } ss.

William S. Post, being duly sworn, says he is the Chief Engineer of James A. Murray and Ed. Fletcher; that the survey of said James A. Murray and Ed. Fletcher's Conejos Reservoir :- described as follows - Beginning at Station O, which is the "Initial Point" whence the Northeast Township Corner of Township 15 South, Range 2 East, San Bernardino Base and Meridian, bears west 2040 feet, and thence as shown on this map and by the accompanying field notes to the place of beginning, being a total area of reservoir of 45.65 acres, was made by him as Chief Engineer of James A. Murray and Ed. Fletcher and under his authority commenced on the 30<sup>th</sup> day of December, 1910 and completed on the 6<sup>th</sup> day of January, 1911, and that the Survey of the said reservoir accurately represents a level line, which is the proposed water line of the said reservoir and that said survey is accurately represented upon this map and by the accompanying field notes.

And no lake or lake bed, stream or stream bed, is used for the said reservoir except as shown on this map.

William S. Post  
Chief Engineer.

Sworn and subscribed to before me this 1<sup>st</sup> day of May, 1911.

E. W. Reed  
Notary Public in and for the  
County of San Diego, State of California.



SAN BERNARDINO  
MERIDIAN.

TOWNSHIP 14 SOUTH, RANGE 2 EAST.  
TOWNSHIP 14 SOUTH, RANGE 3 EAST.  
80

SAN BERNARDINO  
MERIDIAN.

SOUTH, RANGE 2 EAST.  
SOUTH, RANGE 3 EAST.  
80

North 89°52' East 161.87

West 2040'

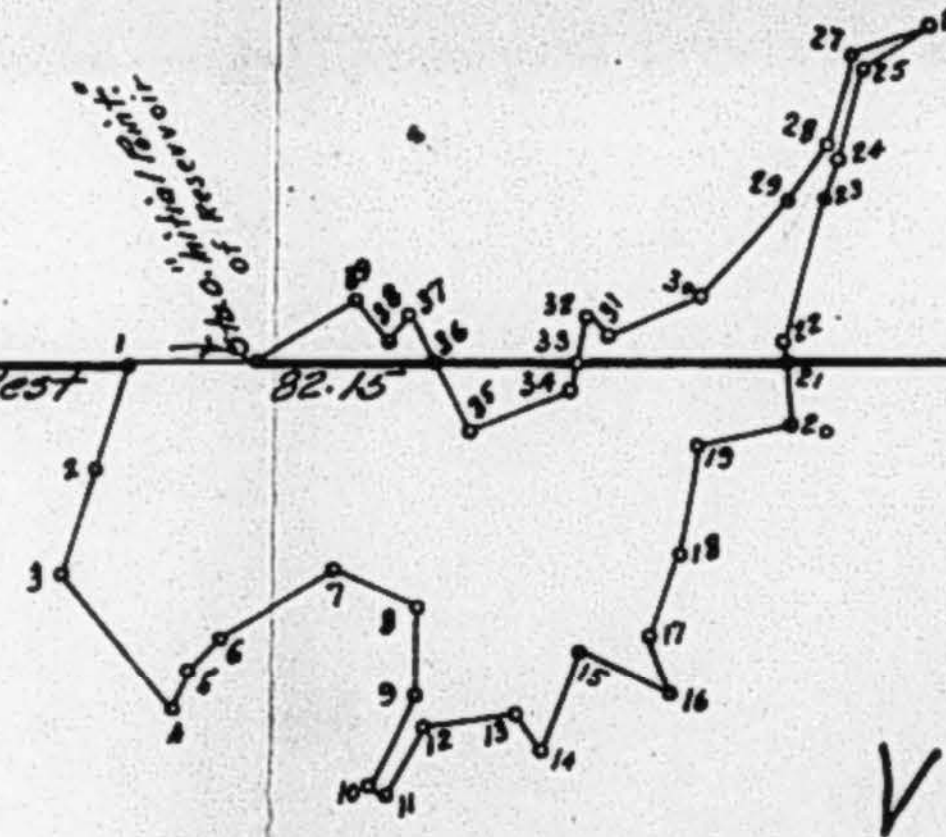
West

82.15

West 80

1000 feet  
to  
road

Conejos Creek  
Source of Water Supply



LOT  
37.  
PART OF CAPITAN GRANDE  
INDIAN RESERVATION.

North 80

79.86

North 0°17' West



shown on this map.

William S. Post  
Chief Engineer.

Sworn and subscribed to before me this 1<sup>st</sup> day of May, 1911.

Edmund Reed,  
Notary Public in and for the  
County of San Diego, State of California.

We James A. Murray and Ed. Fletcher, do hereby certify that William S. Post is our Chief Engineer, that the survey of the said Conejos Reservoir as accurately represented on this map and by the accompanying field notes, was made under our authority, that we have adopted the said Conejos reservoir as represented on this map and by said field notes, on the 23<sup>rd</sup> day of March, 1911 as the definite location of the said reservoir described as follows: - Beginning at Station O, which is the "Initial Point" whence the Northeast township Corner of Township 15 South, Range 2 East, San Bernardino Base and Meridian, bears west 2040 feet, and thence as shown on this map and accompanying field notes to the place of beginning, being a total area of reservoir of 45.65 acres, and that no lake or lake bed, stream or stream bed is used for the said reservoir except as shown on this map; and that the map has been prepared to be filed for the approval of the Secretary of the Interior, in order that we may obtain the benefits of Sections 18 to 21 inclusive of the act of Congress approved March 3, 1891, entitled "An act to repeal timber culture laws, and for other purposes," and Section 2 of the act approved May 11, 1898, and also the act of Congress approved February 15<sup>th</sup>, 1901, entitled "An act relating to right of way through certain parks, reservations and other public lands," and we further certify that the right of way herein described is desired for the main purpose of irrigation and other purpose.

James A. Murray  
Ed. Fletcher



TOWNSHIP 155 SOUTH, RANGE 2 EAST.  
TOWNSHIP 155 SOUTH, RANGE 3 EAST.

80

North 89° 56' East

161.64

PART OF C

North 0° 17' West



West

MAP OF SURVEY OF  
CONEJOS CANAL & KING CREEK FEEDER  
OF  
JAMES A. MURRAY & ED. FLETCHER

SAN DIEGO COUNTY, CALIFORNIA

Scale: 1 inch = 2000 feet.

WIDTH OF CANAL 4 FEET.

State of California }  
County of San Diego } S.S.

William S. Post, being duly sworn, says he is the Chief Engineer of James A. Murray and Ed. Fletcher, that the survey of said James A. Murray and Ed. Fletcher's Conejos Canal and King Creek Feeder:- described as follows, Beginning at Station 0, which is the "Initial Point"; whence the north east township corner of township 15 south, Range 2 east, San Bernardino base and meridian bears North  $76^{\circ} 59'$  West 1554 feet, thence as shown on this map and by the accompanying field notes to Station 223 which is the "Terminal Point" whence the north west corner of Section 19, township 15 south, range 2 east, bears north  $34^{\circ} 35'$  east 833 feet: Also beginning at Station 224 which is the "Initial Point"; whence the northeast township corner of township 15 south, range 2 east bears north  $13^{\circ} 41'$  west, 5080 feet, thence as shown on this map and by the accompanying field notes to Station 16, which is the "Terminal Point" whence said northeast township corner of township 15 south, range 2 east bears North  $3^{\circ} 20'$  West, 3623 Feet:- being a total length of Canal of 56,727 feet and a total length of feeder of 1,763 feet, was made by him as Chief Engineer of James A. Murray and Ed. Fletcher and under their authority, commenced on the 30<sup>th</sup> day of December 1910, and completed on the 21<sup>st</sup> day of January 1911, and that the Survey of the said Canal, and Feeder accurately represents a proper grade line for the flow of water and that said survey is accurately represented upon this map and by the accompanying field notes. And no lake or lakebed, stream or streambed, is used for the said Canal or Feeder except as shown on this map.

*William S. Post*  
Chief Engineer

Sworn and subscribed to before me this 1<sup>st</sup> day of May

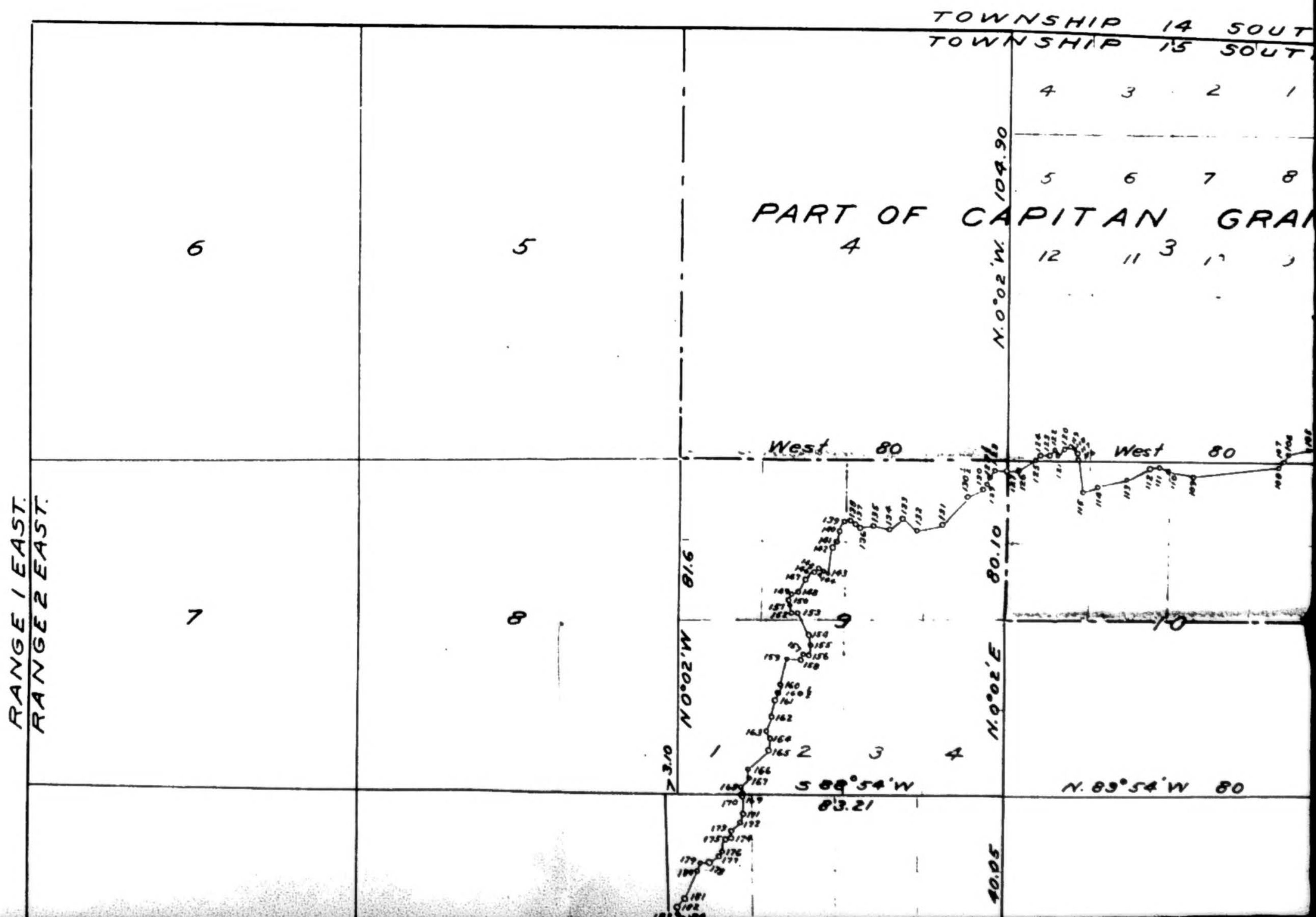
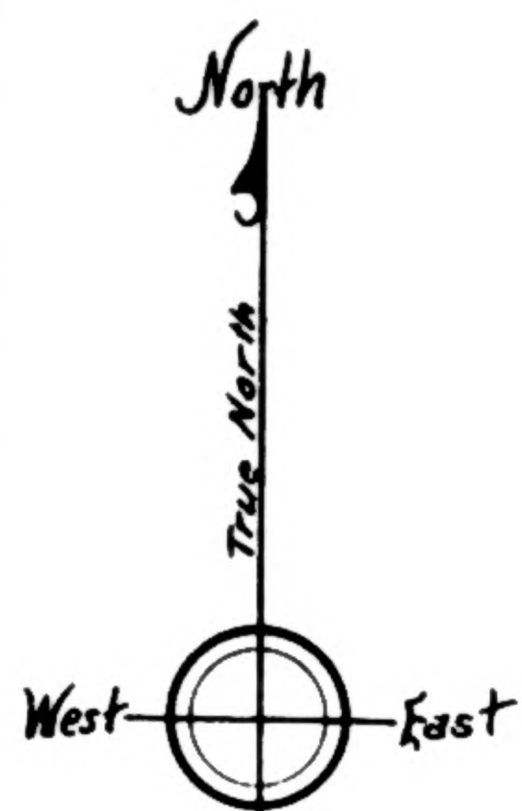
1911

*Edwin Reed*

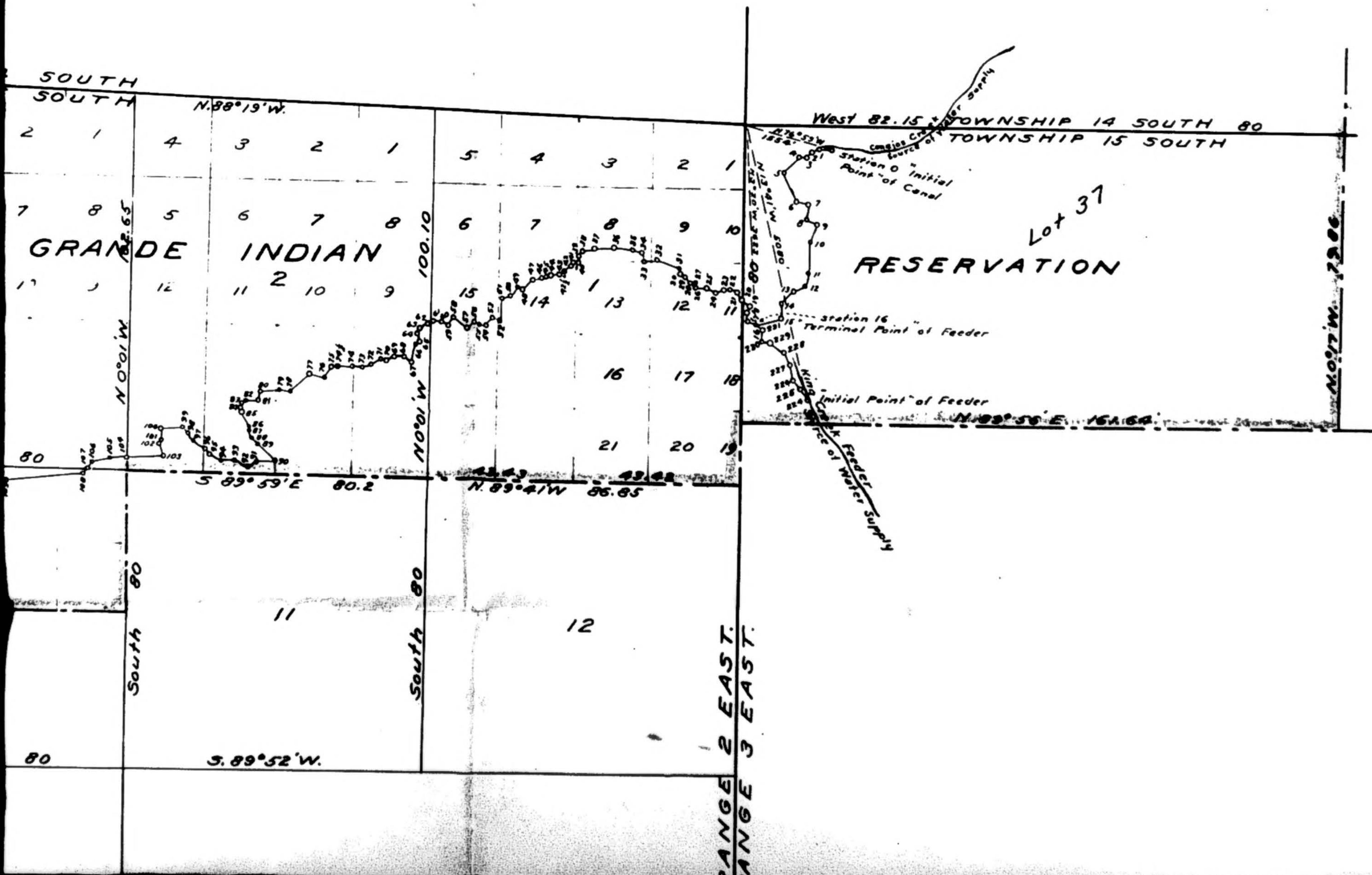
Notary Public in and for the County of  
San Diego, State of California

We James A. Murray and Ed. Fletcher, do hereby certify that William S. Post is our Chief Engineer, that the survey of the said Conejos Canal and King Creek Feeder











And no lake or lakebed, stream or streambed, is used for the said Canal or Feeder except as shown on this map.

William S. Post  
Chief Engineer

Sworn and subscribed to before me this 12 day of May 1911

Edwin Reed,  
Notary Public in and for the County of  
San Diego, State of California

We James A. Murray and Ed. Fletcher, do hereby certify that William S. Post is our Chief Engineer, that the survey of the said Conejos Canal and King Creek Feeder as accurately represented on this map and by the accompanying field notes, was made under our authority, that we have adopted the said Conejos Canal and King Creek Feeder as represented on this map and by the accompanying field notes, on the 23<sup>rd</sup>. day of March 1911, as the definite location of the said Canal and Feeder described as follows:- Beginning at Station 0, which is the "Initial Point"; whence the northeast township corner of township 15 south, Range 2 East, San Bernardino base and meridian bears North  $76^{\circ} 59'$  West 1554 feet, thence as shown on this map and by the accompanying field notes to Station 223 which is the "Terminal Point" whence the northwest corner of Section 19, Township 15 South, Range 2 East bears north  $34^{\circ} 35'$  east 833 feet: Also beginning at Station 224 which is the "Initial Point," whence the northeast township corner of Township 15 south, range 2 east bears north  $13^{\circ} 41'$  west, 5,080 feet, thence as shown on this map and by the accompanying field notes to Station 16, which is the "Terminal Point" whence said northeast township corner of township 15 south, range 2 east, bears North  $3^{\circ} 20'$  West, 3,623 Feet, being a total length of Canal of 56,727 feet and a total length of Feeder of 1,763 feet; and that no lake or lakebed, stream or streambed, is used for said Canal or Feeder except as shown on this map; and that this map has been prepared to be filed for the approval of the Secretary of the Interior, in order that we may obtain the benefits of Sections 18 to 21 inclusive of the act of Congress approved March 3, 1891, entitled "An Act to Repeal Timber Culture Laws, and for other purposes, and Section 2 of the Act approved May 11, 1898, and also the act of Congress approved February 15<sup>th</sup> 1901, entitled "An Act Relating to Right of Way through certain parks, reservations and other public lands," and we further certify that the right of way herein described is desired for the main purpose of irrigation and other purpose.

James A. Murray  
Ed Fletcher

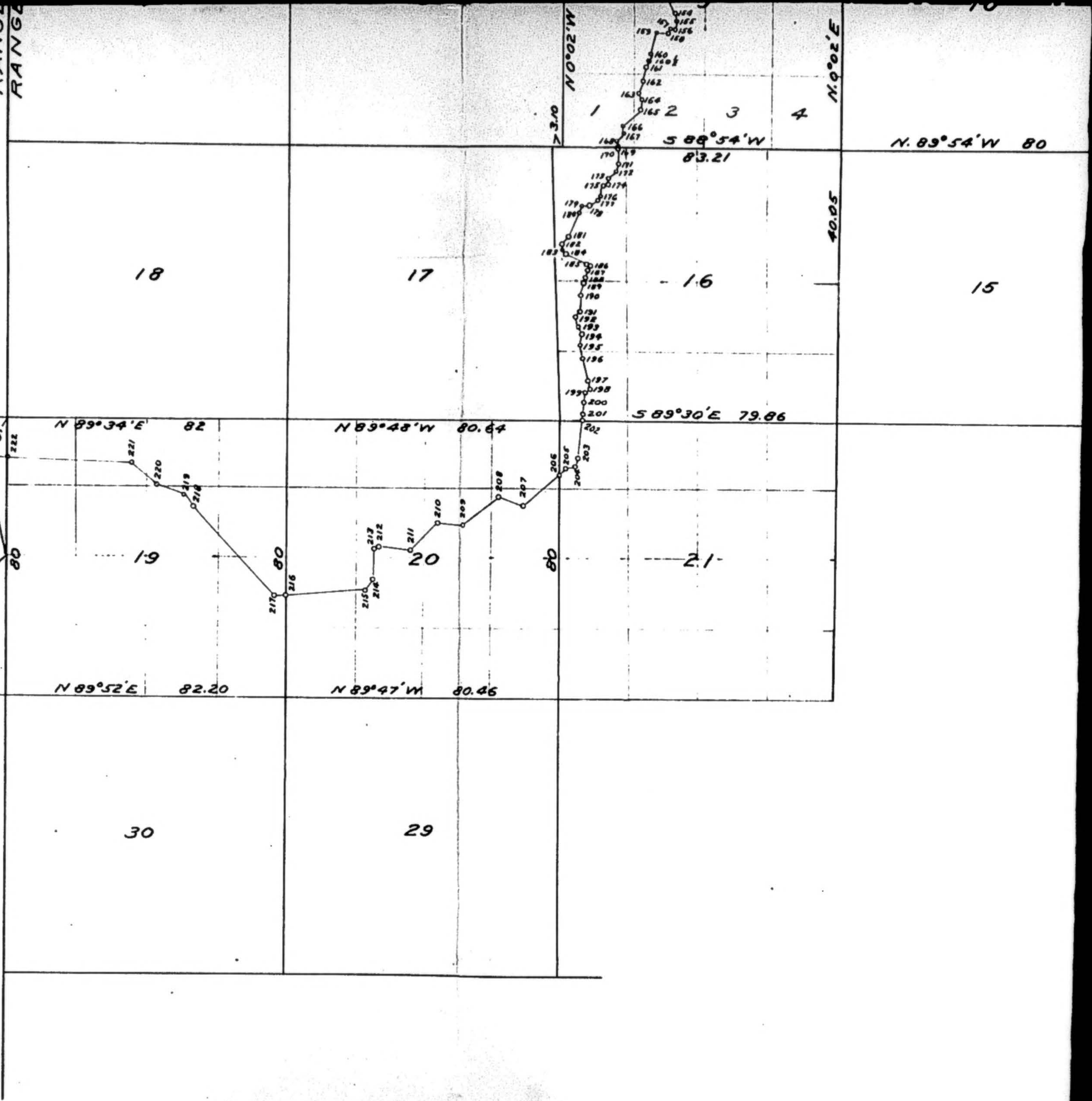


EL CAJON RANCHO

Lot 37

Terminal Point of Canal

RANGE  
RANGE





80

South

S. 89° 52' W.

South

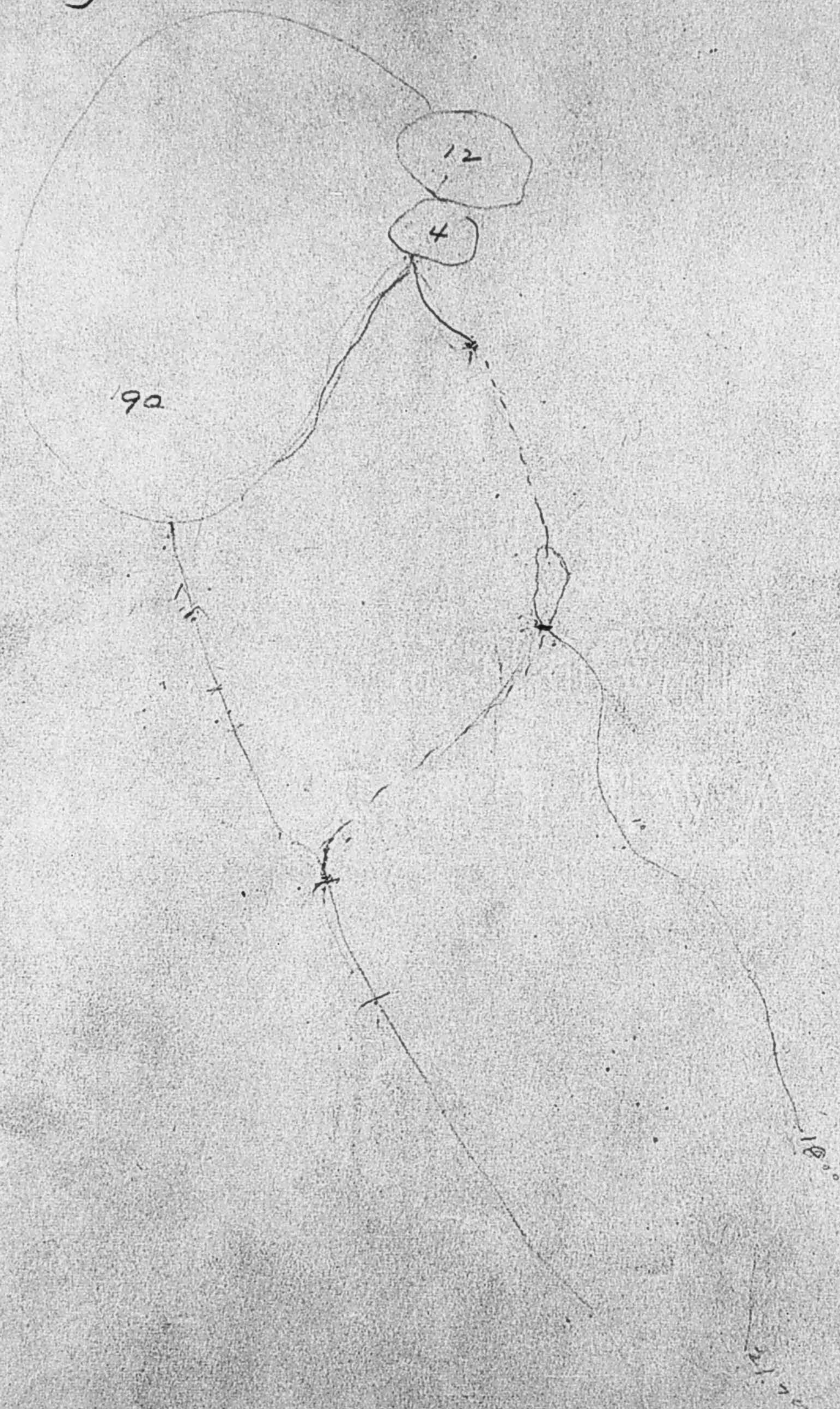
12

RANGE 2 EAST.

RANGE 3 EAST.



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DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON, D.C.

-o-

James A. Murray )  
 Ed Fletcher ( )  
 William G. Henshaw )  
 Protestants and Appellants. ( )  
 vs. ( )  
 The City of San Diego ( )  
 (A Municipal Corporation) )  
 Assignee of W. B. Hamilton ( )  
 Protestee and Respondent. ( )

Involving application for  
 right of way. Serial No. 014623,  
 Los Angeles, California Series.  
 Under the Act of February 15,  
 1901. (31 Stats. 790).

-o-

Appeal to the  
 Secretary of the Interior

-o-

By Ed. Fletcher.

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The following are the reasons why the Cuyamaca Water Company are opposed to H.R. 11540, and S. 5081, companion bills, being the application of the city of San Diego by Act of Congress to flood certain lands within the boundaries of the El Capitan Indian Reservation:

FIRST: No emergency exists; San Diego having stored in its reservoirs 14,254,000,000 gallons of water, as per the report of the Manager of Operations, June 1, 1916. This amount of water, together with the available supply from the city's pumping plants in the San Diego River alone, assures San Diego of an 8-years' supply of water absolutely in sight. In addition thereto, the Cuyamaca Water Company are in a position, and have agreed, at rates established by the State Railroad Commission of California to furnish any amount of water the city might need up to two billion gallons a year, which is approximately two-thirds of a year's supply for the city. In addition thereto, an abundant supply of water can be secured either from the Tia Jauna River, or from the Volcan Water Company at a much-less price per thousand gallons than the cost of the present gravity water owned by the city.

SECOND: San Diego is within less than \$2,000,000 of being bonded to the limit, 15 per cent, of its assessed valuation. Bonds will be voted within the next sixty days, in all probability, for approximately \$1,250,000 to rebuild Lower Otay Dam, Barrett Dam, and to cover the additional damage done to the city's water system by last January's floods. Other bonds must be voted which will exhaust our bonding capacity--our assessments are now practically the cash value of the property. San Diego's remarkable growth ceased two years ago, and without

84B



question we have less permanent residents in San Diego today than two years ago, with no immediate prospect of appreciable growth. Therefore, San Diego is not in a position financially to build a water system which reliable engineers have testified will cost \$4,000,000, and which the City Engineer has estimated will cost \$2,000,000 for San Diego cannot finance the project for many years.

THIRD: The enactment into law of this bill and the construction of the El Capitan project, would parallel the Cuyamaca Water system which has been in existence for approximately twenty-five years, and who have diverted from the San Diego River when the water was there during that period fully 16 second feet, The present owners of the Cuyamaca system purchased same June 1, 1910. We have spent approximately \$500,000 on the system since then, increased our diversion of water to 31 second feet instead of 16, and have constructed one reservoir; have rebuilt 32 miles of flume and conduit, have installed three large pumping plants in the San Diego River, and in addition thereto, have acquired four additional reservoir sites and dam sites on which some work has been done. When said dams of the Cuyamaca Water Company are completed, conditions will not warrant the construction of the El Capitan Dam and the flooding of the Indian lands as planned by the city of San Diego, as the water will not be there in sufficient quantity to make this project feasible; all as per sworn testimony now in the records, and made by competent witnesses, including Assistant Chief Engineer for the U.S. Indian Service, Francis R. Schenck. (Tr.774).

FOURTH: The Cuyamaca Water Company furnish the entire supply of domestic water to the cities of El Cajon, La Mesa and East San Diego, also the settlements of Lemon Grove and Teralta and Spring Valley, as well as approximately 4,000 acres of irrigated land, practically all of which will within five years be sub-divided into one or two-acre tracts, or for domestic use. Practically all of the territory described which the Cuyamaca Water Company furnish water to, is suburban to San Diego, and within five or ten miles of its city limits. The territory we furnish water to is at such an ele-



vation that it is not practical for San Diego's water system to furnish water to the territory wholly dependant for water upon one source of supply—the Cuyamaca Water Company, from the San Diego River.

I admit that as a rule the paramount need of a great city controls but in this case, where the city of San Diego can avail itself of at least five other sources of supply without attempting to develop this El Capitan project, that it is a great injustice to the present consumers of the Cuyamaca Water Company, and injustice to the six cities and settlements that I have just mentioned, to take away their only source of supply—except their present needs—for the taking away of the present surplus water, blocks the future development of the small towns, and their rights should be respected in this case. We filed on all of the water in the San Diego River on June 1, 1910, the day that we purchased the system, and on the order of, and with the approval of the State Railroad Commission of California, have spent since then in excess of \$500,000 in protecting our rights and the rights of our consumers. The passage of this bill in Congress means litigation for the next five years to come, if the city by "hook or crook" commences the development of the El Capitan project. We invested this money in developing the system, knowing that in the past for twenty odd years the system had never even paid operating expenses. The facts are, that the Cuyamaca Water Company ever since we bought it from June 1, 1910, to January 1, 1916, has never paid even operating expenses, but the possibilities were there, we had confidence in the future, and now when the system will shortly be a paying investment, the city of San Diego tries to put a cloud on the title of our water rights, as well as a cloud on any bonds that we might desire to issue for future development of our water system by having this bill introduced in Congress.

A certain water filing was made within the El Capitan Indian Reservation on the San Diego River in the name of W.B. Hamilton, by one C.T. Sackett a discharged engineer of the Cuyamaca Water Company and who secured his information pertaining to the San Diego River while in our employment.



The Hamilton application also includes the right to flood the lands that are specified in the present bill before Congress. The Secretary of the Interior rejected the Hamilton application. Said Hamilton then made the city of San Diego a present of said water filing and application before the Department of the Interior, which case is now pending on rehearing. The owners of the Cuyamaca Water Company view the situation as follows:

The San Diego Flume Company (we being the successors in interest thereto), did, in 1891, enter into agreement with the United States Government whereby in consideration of the San Diego Flume Company securing a right of way for its flume line through said reservation, which was granted, agreed to furnish the Indians of this reservation with all the water they needed (approximately 40 inches agreed upon as the maximum necessary amount) and we have fulfilled our part of the agreement since 1891, making no charge whatsoever for water furnished. San Diego River only flows above the ground in the winter and spring months, but we constructed a reservoir in the mountains, thereby assuring the Indians a supply of water continuously through the summer months when water is of the greatest value. It would have cost the United States Government at least \$100,000 to have installed this water system to supply the Indians with the water which we have been furnishing, and must furnish perpetually while the Indians are there. If the Cuyamaca Water Company, or its predecessors had been making a large sum of money on its investment in the past, and if it could have been reasonably shown that an emergency existed and the city of San Diego was financially able to construct this water system, undoubtedly there would have been no legal obligation on the part of the United States Government to have considered the Cuyamaca Water Company, but in a case of this kind where the Cuyamaca Water Company and its predecessors in interest have lost over a million dollars of their initial investment in building and maintaining said water system, where the Indians have received the benefits free of cost, where the Government has not been compelled to build water systems for the Indians, as the United States Government has done in every other case in California where irrigation demanded it.



the owners of the Cuyamaca Water company feel that at least there is a moral obligation on the part of the United States Government to see that the interests of the Cuyamaca Water Company are protected in this case, and that we will not be put to the unnecessary expense of five years' litigation with the city of San Diego by the passage of this bill.

You may ask, "Why did the city of San Diego ask Congress to pass this bill?" I can truthfully answer to the best of my knowledge and belief that ninth-tenths of it is politics and one-tenth a hairbrained idea of a city engineer who under oath has testified that he never has made any surveys himself, that he accepted the surveys of our discharged engineer that no bearings have ever been made to determine whether there is bedrock on the El Capitan Dam site on which to build a dam, that he has never surveyed a pipe line or conduit for twenty-five miles from the El Capitan Dam site to the city reservoir site of San Diego, and under oath, the city engineer also testified that he considered any dam that leaked a million gallons a day was safe, and he proposed to take care of the riparian owners below, i.e. approximately 10,000 acres, with the water that leaked through the dam, The facts are, the city engineer of San Diego never built a dam in his life, and his main engineering work today was the superintending of the laying of several miles of pipe line, and etc.; all as per the sworn testimony in the hearing at Los Angeles. It is this man with the meager data that he has at hand, and limited experience, who makes an estimate of \$2,000,000 which the city of San Diego accepted; said \$2,000,000 to cover the cost of condemning the El Capitan site which we own, as well as half a mile of the reservoir site, four other ranches to be condemned, the payment to the United States Government for the removal of the Indians from the reservation (estimated cost \$216,000), by the Government, the construction of the dam 170 feet high, construction of a pipe line to the city of San Diego twenty-five miles distance, as well as acquitting the riparian rights for twenty-five miles below on the San Diego River.

The city engineer's estimate is preposterous and even if it should be done, the water will not be there, for the Cuyamaca Water Company's



water rights control practically all of the flow of the San Diego River, and it will only be in case of extreme floods that there will be a surplus of water. It was admitted by Mr. Choate, a witness for the city, that during the last thirty years, there were periods of five years at a time that the San Diego River never even ran into the ocean at any time during that five-year period.

The owners of the Cuyamaca Water Company are in no way attempting to hold up the city of San Diego, either in the sale of its system to the city, or the sale of water as needed by the city. At any price that the courts may determine to be the value of our property, we will be satisfied to accept and take payment in 5 per cent bonds of the city. The city of San Diego did commence condemnation proceedings in April 1915, but no further steps have been taken to prosecute the suit. Within the last thirty days the Manager of Operations, Mr. B.C. Lockwood, in an interview in the daily papers has advocated the purchase of the Cuyamaca System, also City Engineer Cromwell. The reason for this senseless litigation and the present request of the city of San Diego from Congress is one of personalities and politics.

In closing, I want to say a word on behalf of the Indians. The statement of the attorney of the city of San Diego at the recent hearing, indicates the position of the city in this regard when he says "the city admits that the granting of this permit will flood, if not the entire tillable land of the Indians, such a portion of it that the remaining portion would be uninhabitable from a sanitary standpoint, and we would not desire the Indians living on the rim of the reservoir, and we admit that the granting of this permit will take from the Indians all of their tillable land, their places of abode, and they would have to be moved from their location. The position of the city of San Diego takes is the granting of this permit would compel the Government to move the Indians to some other place."

Mr. McCormick of the Office of Indian Affairs, states that he does not think it will be possible to remove these Indians without using force.



Appreciating the condition of the Mission Indians of California, and realizing the fact that in the past they had been oppressed and abused by the whites in the name of advancement and progress, Congress passed an Act, which was approved by the President, and became a law on January 12, 1891, (26 Stat. 712), the title of which is "An Act for the Relief of the Mission Indians in the State of California". Approximately eleven or twelve thousand acres of land were set aside by Congress, and some of which land was purchased outright from private parties and became a part of the Indian reservation.

The Act in question provides, among other things, for the appointment of "three disinterested persons as Commissioners to arrange a just and satisfactory settlement of the Mission Indians residing in the State of California, upon reservations which shall be secured to them as hereinafter provided."

Section two of said Act states in part: "That it shall be the duty of said Commissioners to select a reservation for each band or village of Mission Indians.....which reservation shall include, as far as practicable, the lands and villages which have been in the actual occupation and possession of said Indians, and which be sufficient in extent to meet their just requirements."

Section three provides, "that the Commissioners, upon completion of their duties, shall report the result to the Secretary of the Interior, who, if no valid objection exists, shall cause a patent to issue for each of the reservations selected by the Commission and approved by him in favor of each band or village of Indians occupying any such reservation which patents shall be of the legal effect, and declare that the United States does and will hold the land thus patented, subject to the provisions of section four of this Act, for the period of twenty-five years, in trust for the sole use and benefit of the band or village to which it is issued, and that at the expiration of such period the United States will convey the same or the remaining portion not previously patented in severalty by patent to said band or village, discharged of said trust, and free from all charge or incumbrance whatsoever."



The provisions of this Act were complied with. The Capitan Grande Band of Indians, under patent issued March 10, 1894, are the owners of the equitable title to all of the lands within the Capitan Grande Reservation, which are enumerated in H. R. 11540 and S. 5081, companion bills as aforesaid, with the exception of the E.  $\frac{1}{2}$  of the S.E.  $\frac{1}{4}$  of Sec. 21. T. 12 S. R. 2 E., S.B.M. (an area of approximately 9.83 acres within the flood line).

The Government of the United States holds the legal title to said lands in trust for the Indians. The patent above referred to reads, in part, as follows:

"NOW KNOW YE, THAT THE UNITED STATES OF AMERICA, in consideration of the premises and in accordance with the provisions of the third section of the said Act of Congress approved January twelfth, eighteen hundred and ninety-one, hereby declares that it does and will hold the said tracts of land selected as aforesaid (subject to all the restrictions and conditions contained in the said Act of Congress of January twelfth, eighteen hundred and ninety-one), for the period of twenty-five years in trust, for the sole use and benefit of the said Capitan Grande Band or Village of Mission Indians, according to the laws of California, and at the expiration of said period the United States will convey the same or the remaining portion not patented to individuals, by patent to said Capitan Grande Band or Village of Mission Indians as aforesaid, in fee simple, discharged of said trust and free of all charge or incumbrance whatsoever.....

"And there is reserved from the lands hereby held in trust for said Capitan Grande Band or Village of Mission Indians a right of way thereon for ditches or cañals, constructed by the authority of the United States."

The language of this document is plain and unambiguous and, I think is capable of but one construction, and that construction absolutely precludes the allowance of the provisions of H.R. 11540 and S. 5081, companion bills as aforesaid.



These Indians are self-supporting as the records of the Office of Indian Affairs will show. They have unofficially been allotted their lands and within three years will get United States Government patents. On March 10, 1894, the United States Government issued a patent to this Mission Band of Indians covering 8,960 acres and on July 9, 1913, less than three years ago another patent was issued to these Indians for 1,240 acres. I do not believe that Congress is going to stultify itself and repudiate its agreement with the Indians. I believe it would be a violation of the law, and as great an injustice as could be done to the Indians, particularly as the Indians themselves (approximately 100), unanimously protested against being moved from their homes.

The following petition is explanatory:

"El Capitan Indian Reservation,  
San Diego County, Cal.

"To the President of the United States,  
Secretary of the Interior and  
Members of Congress.

Washington, D. C.

Sirs:-

We, the undersigned members of the El Capitan Grande Indian Reservation, urgently protest against the granting to the city of San Diego the right to flood the lands of the El Capitan Reservation for the following reasons, to-wit:

"It will force us to leave the Reservation, flood our homes, school house, burial ground, and our tillable lands, together with all that is sacred to us, and it is in direct violation of the Act of Congress which set aside these lands for our use. These lands have been patented to us in trust and the Act of Congress itself provides that our land will be deemed to us free and clear of all incumbrance in 1919.

"We want to live and die here, and feel that the greatest injustice that can be heaped upon us is to have the United States Government repudiate its written obligation in direct violation of the Act



which set aside this land for our use. We can not believe that any action will be taken by your honored sirs that will jeopardize our right to live on this Reservation or that will force us again to become wanderers on the face of the earth.

Respectfully submitted,

SIGNED: Paul Rodriguez	Stephen Prieta
Dan Bombidella	Seraplano Prieta
Alisian Pico	John Prieta
Philomina Rodriguez	Prudentia Romero
Cresenta Rodriguez	Margaret Benegas
Charley Rodriguez	Afel Rodriguez
Mary G. Rodriguez	Furmando Alto
John Curo	Jesus D. Paipo
Mrs. R. Ames	Mary Paipo
Mrs. L. Banegas	Frinipo Paipo
Mrs. M. Prieta	Jose Pena
Aupoimo Prieta	Lorenza Pena
Mrs. E. Curo	Doloras Pena
Lauretta Lachappe	Amado Espanoza
Pefa Quagio	J. Vanturo Paipo
Francisco Chapulli	Victor Paipo
Carmel Curo	Valentyne Peidro
Ambrosia Curo	Baltazar Curo
Frank Curo	Ramon Ames
Ysedro Lachappe	Juan Diego
R. Rardgas	Mrs. J. Safel
Dora Rodriguez	Vesenta
Annie Paipo	Lachopo
Vincent Mesa	Poporio Lachopo
Caventano Curo	Campo (by Juan Tuchafo
Felix Paipo	Maria Paipo
Ralph Paipo	Ferman Osuma
Sam Brown	Leano Lachappa
Grabel Duro	Capishan Pico



Pedro Qarihe

Felix Quiro

Samonio Pico

Juana Pico

Esparania Pico

Juan De La CrusQuorro

Marie C. Osuna

Lola Quiro

Modista Helmeappa

Rosana La Chappe

Eperoma La Chappe

Rosila Brown

Jack Brown

Lusy Brown

Anna La Chappe

Maggerit La Chappe

Esperancia La Chappe

Juan De La Cruz Paipo

Juan Watchena

Joe Bastan La Chappe

Torancia La Chappa

Marie A. Quarro

Gebuico La Chappe

Avelino La Chappe

Antonio Pico

Rosando Pico

Magarita Pico

Macelia Quorro

Euranca Duro

Pancho La Chappe

Marie La Chappe

Antonio M. La Chappe

John Duro

Dora Brown

Arylia Brown

Antonio La Chappe

Dan La Chappe

Petra La Chappe

Sylvester Paipo

Louisa Paipo

Francisco Watcheno

Luka La Chappa

Joe M. La Chappa

Cathibrina Quarro

With absolute conviction that our position is right and in the interest of justice, I respectfully petition to you to protest against the said bill becoming a law.

Respectfully submitted,

(Signed) Ed Fletcher.



DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON, D. C.

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James A. Murray	)	Involving application of right of
Ed. Fletcher	(	way. Serial No 014623, Los Angeles,
William G. Henshaw	)	California series. Under the act of
Protestants and Appellants.	(	February 15th, 1901. (Stats.790).
	(	-0-
vs.	)	
	(	Appeal to the
The City of San Diego	)	Secretary of the Interior
(A Municipal Corporation)	)	--oOo--
Assignee of W. B. Hamilton	)	By
Protestee and Respondent.	(	Ira E. Bennett

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STATEMENT IN BEHALF OF THE CAPITAN GRANDE BAND

OR VILLAGE OF MISSION INDIANS.

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The application of the City of San Diego for a permit to use rights of way for reservoir purposes through lands of the Capitan Grande Indian Reservaion, under the Act of Congress approved February 15, 1901, is in fact and effect an attempt to dispossess the Indians of their lands, which they hold under trust patents from the United States, issued in accordance with the Act of Congress approved January 12, 1891.

These trust patents declare that the United States at the expiration of twenty-five years will issue patents to the Indians "In fee simple, discharged of said trust and free of all charge and incumbrance whatsoever.

The proposed permit to use the rights of way, if it could be given, would conflict with the vested rights of the Indians, and would prevent the United Staes from conveying the lands to the Indians by patent in fee simple and free of incumbrance, as it is bound by law to do.

The permit, if given, could not be continued in force longer than March 10, 1919, when the twenty-five year trust period will expire. At that date the Secretary of the Interior is required by law to convey the lands in question to the Indians by patent in fee simple and free of incumbrance.

The patent issued March 10, 1894, reads in part as follows:

"NOW KNOW YE, THAT THE UNITED STATES OF AMERICA, in consideration of the premises and in accordance with the provisions of the third section



of the said Act of Congress approved January 12, 1891, hereby declares that it does and will hold the said tracts of land selected as aforesaid (subject to all the restrictions and conditions contained in the said Act of Congress, January 12, 1891), for the period of twenty-five years in trust, for the sole use and benefit of the said Capitan Grande band or village of Mission Indians, according to the laws of California, and at the expiration of the said period the United States will convey the same or the remaining portion not patented to individuals, by patent to said Capitan Grande band or village of Mission Indians, as aforesaid, in fee simple discharged of said trust and free of all charge or incumbrance whatsoever.

"And there is reserved from the lands hereby held in trust for said Capitan Grande band or village of Mission Indians a right of way thereon, for ditches or canals, constructed by the authority of the United States."

Under this patent 8,960 acres of land were conveyed to the Indians in trust. Another patent, issued July 9, 1913, conveys to the Indians 1,240 acres in trust. There have been no allotments in this reservation.

#### WHAT SAN DIEGO REALLY ASKS.

The City of San Diego ostensibly asks for a revocable permit to use rights of way through the Capitan Grade Indian Reservation, but in fact it asks for a transfer of practically the entire reservation and the removal of the Indians to another place. This was admitted by the City Attorney at the hearing before the Register and Receiver at Los Angeles (Transcript, Page 37). He said:

The City admits that the granting of this permit will flood, if not the entire tillable land of the Indians, such a large portion of it that the remaining portion would be uninhabitable from a sanitary standpoint, and we would not desire Indians living on the rim of the reservoir, and we admit that the granting of the permit, for all practical purposes, will take from the Indians all their tillable land, take from them all their places of abode, and they would have to be moved from their location. The position the City of San Diego takes is that the granting



of the permit would compel the Government to remove the Indians to some other place, and we are ready to stand the expense and furnish the ground to which they may be moved."

This frank avowal that San Diego's application for a permit, if granted, would result in the eviction of the Indians is made clear by the terms of the pending bill (H.R.11540), introduced by Mr. Kettner, in which it is provided that the Indians shall be removed, and that the damages suffered by them, not exceeding \$100,000, shall be paid by the city.

The bill in question provides for rights of way, while the application before the Secretary of the Interior is merely for a revocable permit to use the right of way.

Thus the City of San Diego is asking simultaneously for a violation of the law by the Secretary of the Interior and for nullification by Congress of the act for the relief of these Indians and the violation of the trust created by said Act.

There is nothing in the act of February 15, 1901 which appeals prior acts or part of acts. The Act of January 12, 1891, for the relief of the Mission Indians of California, is in full force and was amplified by the Act of Congress approved March 1, 1907 (34 Stat.1022), the Indian Appropriation Act.

#### RIGHTS OF THE INDIANS.

It is not necessary here to go deeply into the history of the Mission Indians of California. The story is told in Sen. Ex. Doc. 49, Forty-eighth Congress, First Session, which contains the report of Special Agent Helen Jackson and Abbot Kinney to the Commissioner of Indian Affairs; the Commissioner's eloquent appeal to the Secretary of the Interior for action; the letter of Secretary Teller to President, asking that the matter be called to the attention of Congress, and President Arthur's message to Congress, dated January 14, 1884. On December 21, 1885, President Cleveland asked Congress to relieve these Indians. The Senate passed a relief bill several times, but the bill did not pass the House until December 10, 1890, and it was approved by the President



January 12, 1891.

Many years of injustice were suffered by the Mission Indians before their friends could impress the subject upon Congress. The devotion of Mrs. Helen Jackson to their cause finally won recognition. The temper of Congress, when its attention was finally directed to the plight of the Indians, is exhibited in the brief, but emphatic report of the Senate Committee on Indian Affairs (S. Rep. 74, Fiftieth Congress, 1st. Sess.), reading as follows:

"The history of the Mission Indians for a century may be written in four words: Conversion, civilization, neglect, outrage. The conversion and civilization were the work of the Mission fathers previous to our acquisition of California; the neglect and outrage have been mainly our own. Justice and humanity alike demand the immediate action of Government to preserve for their occupation the fragments of land not already taken from them. Accompanying this report is a letter from the Commissioner of Indian Affairs, giving information of their present condition; also the report of Mrs. Helen Jackson and Mr. Abbot Kinney, giving the results of an investigation into the condition of these Indians and making recommendations of measures to be adopted for their protection and relief.

"The bill referred to the Committee is substantially the bill passed by the Senate in the Forty-ninth Congress, and, with certain amendments, indicated in the text, is recommended for passage."

Pursuant to the Act, the Secretary of the Interior Albert K. Smiley, Joseph B. Moore, and Charles C. Painter as members of the Mission Indian Commission. They made a thorough investigation of conditions, and caused surveys to be made, upon which surveys they based recommendations for the adjustment of the boundaries of the various reservations. The report of the Commissioners was submitted to the President December 7, 1891, and on December 29, an Executive order was issued by President Harrison approving the report and the recommendations. The Executive order reads in part:

"All of the lands mentioned in said report are hereby withdrawn from settlement and entry until patents shall have issued for said selected



reservations, and until the recommendations of said Commission shall be executed, and, by the Proclamation of the President of the United States, the lands of any part thereof shall be restored to the public domain.  
(Signed) Benj. Harrison."

The Capitan Grande Reservation was created in accordance with this order, and its boundaries remained as thus determined. A patent conveying 8,960 acres to the Indians in trust for twenty five years was issued on March 10, 1894.

The Indian Appropriation Act, approved March 1, 1907, (34 Stat. L., Page 1022) contains the following provisions:

"That Section three of the act approved January twelfth, eighteen hundred and ninety-one, entitled, 'An Act for the Relief of the Mission Indians in the State of California,' be, and the same is hereby, so amended as to authorize the Secretary of the Interior to select, set apart, and cause to be patented to the Mission Indians such tracts of the public lands of the United States, in the State of California, as he shall find upon investigation to have been in the occupation and possession of the several bands or villages of Mission Indians, and are now required and needed by them, and which were not selected for them by the Commission as contemplated by Section two of said Act.

Pursuant to this act, a patent was issued on July 9, 1913, conveying 1,240 acres in trust to the Indians.

Although no allotments have been made, the Indians are occupying individual parcels of ground, and in due time will be entitled to individual patents. The policy of Congress and the Department of the Interior in dealing with the Capitan Grande Indians has been the same as that which was successful in dealing with the Omahas.

There has been no intimation in Congress that the policy of relief for the Mission Indians of California is to be changed. On the contrary, the Act of March 1, 1907, is a comparatively recent reassertion of this policy. The application of the City of San Diego traverses this policy, and if granted would cause serious embarrassment. Any permit given would necessarily have to be revoked in a short time. The City of San Diego might suffer injury by entering upon an enterprise which cannot be completed, and the Indians of Capitan Grande would be disturbed by the fear that the United States, notwithstanding its solemn pledge, intended to take away their homes and set them adrift as wanderers.



Office of the Editor

THE WASHINGTON POST

February 11, 1918.

My dear Mr. Fletcher:

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I have found a copy of my statement which I filed with the Secretary of the Interior, and I enclose it herewith. I have no objection to your filing it with the Committee if you care to do so, and if the Committee deems it worthy of notice.

Sincerely yours,

Mr. Ed Fletcher,  
Care New Willard Hotel,  
Washington, D. C.

(Signed) Ira E. Bennett



**GUYAMAGA WATER COMPANY**

SUCCESSORS TO

**THE SAN DIEGO FLUME COMPANY**

OFFICE: FLETCHER BUILDING

916 EIGHTH STREET, BETWEEN BROADWAY AND E

P. O. BOX 1412

ED FLETCHER, MANAGER

F. M. FAUDE, ASST. MANAGER

LOU B. MATHEWS, SECRETARY

C. HARRITT, SUPERINTENDENT

SAN DIEGO, CALIFORNIA,

Feb. 19, 1918.

Mr. Scott Ferris,  
Chairman, Public Lands Committee,  
Washington, D. C.

Dear Sir:-

Confirming my verbal agreement, the following is a copy of the report of the Water Committee of the Chamber of Commerce, officially endorsed by the Board of Directors of the Chamber of Commerce:

Your Committee appointed to consider the question of procuring an additional water supply for the City of San Diego, begs leave to report as follows:

The City is confronted with two conditions, First, the necessity for an additional water supply to supply its present and future needs; Second, the inability of the City to increase its bonded indebtedness to any extent for that purpose or for any other purpose at this time.

Having these two conditions in mind, we make the following suggestions:

1st; That the City enter into a contract for a reasonable period with the Volcan Water Company for the delivery of five million gallons per day at rate of 10 ¢ per thousand gallons, commencing as soon as the system is completed for that purpose, to be not later than July 1st, 1920, etc.

2nd: That as soon as sufficient funds are available Barrett Dam be completed to a sufficient height to store five billion gallons of water. The construction of this dam will be merely the completion of the present water system and will prevent waste of flood waters caused by insufficiency of Delzura conduit to carry said flood waters of the Lower Otay Reservoir during the rainy season. This Dam will cost about \$300,000.00 and the city will be able to expend this amount without increasing it's bonded indebtedness as it yearly pays off \$310,000.00 of its present bonds.



3rd; As soon thereafter as funds are available for that purpose, that a dam be built in the San Diego River gorge to conserve flood waters of the San Diego River. This Dam would have an outlet of sufficient height to furnish water to the lower levels of the City. This Dam could be built at an expense not to exceed \$750,000.00 and would store upwards of ten billion gallons of water. The building of this Dam should be the first step in the conservation and development of the waters of the San Diego River and should be followed up later by such development higher up as may be deemed advisable.

4th: While this development is going on the pumping facilities from the waters of the San Diego River should be kept in first class condition for emergencies and to furnish additional emergency supplies. As an additional auxiliary, provision should be made for the installation of pumping plant at Tia Juana River for due protection in event of damage to any or all of the City's reservoirs, and for additional supply. Provisions should be made at once for the securing of suitable land for that purpose and whenever circumstances warrant or demand for installing pumping plant and pipe line, etc.

We believe that the suggestions herein contained when followed out will furnish the City of San Diego with an ample supply of water for its future growth for many years to come.

Respectfully submitted,

(Signed) Julius Wangenheim,  
Frederick W. Stearns,  
Sam Ferry Smith,  
John Forward, Jr.,  
W. W. Whitson,

A complete copy of this report is herewith attached. You will notice that no mention was made of El Capitan Damsite. This committee had the advice of Mr. H. M. Savage, who built the Sweetwater Dam, is now building the City of San Diego's Dam known as the Lower Otay, and is one of the most representative engineers of the Pacific Coast. It was only an afterthought and



after Mr. Cosgrove had telegraphed from Washington, that the Chamber of Commerce by telegraph endorsed the building of El Capitan Dam.

The above report is dated September 8th, 1917, and enclosed herewith is an editorial of the same date written by the Editor of the San Diego Sun, the newspaper with the largest circulation in the City of San Diego, urging that the Cuyamaca water system be purchased by the City.

A controversy arose <sup>as</sup> to the present attitude of Ira E. Bennett, Managing Editor of the Washington Post, towards the present bill of the City of San Diego. Mr. Bennett appeared and pleaded for the Indians at the original hearing, also filed a brief on the subject. Enclosed find letter from Mr. Bennett under date of Feb. 11th, 1918 which is explanatory, and shows conclusively that Mr. Bennett has not changed his attitude, and I am sure his brief will be of interest.

I have just arrived in San Diego, and until Mr. Cosgrove returns I cannot effect a compromise with the City of San Diego long the lines as recommended by Mr. Cosgrove in his testimony before the Public Lands Committee, that he had no objection to our building dams at our intakes; that he welcomed it; that it meant everything to the county and that the City of San Diego would be glad to see it done, even to the extent of our taking all the water that might originate above our intakes; that there was plenty of water below for



**SF-4-**

El Capitan Dam. If the City Council only pass a resolution taking the attitude that the City Attorney of San Diego has taken, whether the City Council's action is legal or not, or even if it is only a moral obligation, we are willing to withdraw all opposition to the building of El Capitan Dam. We urge the Committee to take no action on the pending bill for a reasonable length of time, until we may have opportunity to adjust this matter amicably with the City of San Diego.

Respectfully submitted,

CUYAMACA WATER CO.,

(Signed) By Ed Fletcher,

EF/BM

Manager.



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**Ed Fletcher Papers**

**1870-1955**

**MSS.81**

**Box: 62 Folder: 4**

**Business Records - Water Companies - Cuyamaca  
Water Company - Mission Gorge #3 (Boulder  
Creek) - Murray-Fletcher application for  
Boulder Creek (Mission Gorge) right-of-way**



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