March Ninth 1921

City Water Commission,
San Diego, California.

Gentlemen:

In making our offer of sale of the Cuyamaca system, we should have called your attention to the fact that we are negotiating with the San Diego Consolidated Gas & Electric Company, whereby, at the expense of the gas company, a power plant will be installed on Boulder Creek, above the diverting dam, with a power drop of nearly a thousand feet, which will develop a large amount of electrical energy, and in addition save roughly 30 percent of our present loss in transit from Cuyamaca Lake to the diverting dam, owing to the fact that the water is conveyed in pipe lines instead of the natural channel.

The total expense of the installation of this power plant will be paid by the gas company, and the revenue to the Cuyamaca Company will be determined by the State Railroad Commission of California. We believe that an income of $15,000 or $20,000 a year will be secured, but the greatest value will be in the saving of water now going to waste thru evaporation and percolation. Messrs. Murray, Henshaw and myself have signed the contract, but as yet the gas company has not signed, altho Mr. Jones has stated that the company is ready to sign.

We would like to have an answer by April 1st, next, as to whether or not the City intends to buy water from us, and by May 1st, next, as to whether or not the City desires to purchase the Cuyamaca System, as the surveys are completed and negotiations are on for the delivery to the Linda Vista mesa of all of our surplus water, to be put on lands owned by interests that I represent.

If the City commences taking water from us on April 1st, next, and notifies us on or before May 1st, that it is its desire to enter into a contract to purchase the Cuyamaca System, then, providing within a reasonable time, say by June 1st next, a contract is signed, any payments

that we have received for water furnished the City in April and May, will be applied to the contract price.

I would appreciate it if the Water Commission give no publicity to this offer, particularly if it should be rejected.

Assuring you of our desire to cooperate with you, we are

Very sincerely yours,

CUYAMACA WATER COMPANY

MANAGER

EF:KLM

October 31, 1922

Mr. Chas. T. Chandler,
University Avenue Bank,
San Diego, Calif.

My dear Mr. Chandler:

Enclosed find copy of letter that our engineer, Mr. King, wrote to Mr. White at Mr. White's request, and for your information.

Very truly yours,

EF:KHM

3 20.6

November 10, 1922.

Board of Water Commissioners,
San Diego, California.

Gentlemen:

The first result of our talk with Mr. Savage was demonstrated today when Mr. Savage instructed the young lady not to give us the record of rainfall today for the last twenty-four hours, insisting that if any information was desired it must be by letter.

For the last fifteen years the City and ourselves have been cooperating together and exchanging rainfall records and gauge height records between 8 and 9 o'clock every morning. Our Mr. Mathews, secretary of the Cuyamaca Water Company, as usual rang up this morning, and your secretary there refused to furnish the information on instructions of Mr. Savage. We have been glad to furnish all of our records and work of our hydrographer. The City Water Commission have sent men over and searched our records and taken therefrom anything they wanted, but from time to time we have not had the cooperation from Mr. Savage that he has asked from us . This shows again the caliber of the man.

I am pleased to furnish you with a copy of Mr. Savage's estimates of cost made to the City Council a few weeks ago that may be of interest, and which I understand you have not as yet received.

Yours very truly.

EF:AH

Dictated Nov. 9th.

cc-Mr. White
Mr. Chandler.

cuy. 65

November 22, 1922.

COPY

To the Honorable, the Board of Water Commissioners,
City of San Diego, California.

Gentlemen:

Replying to your request for information as to the available water supply from the Cuyamaca Water System:

The net safe yield of the Cuyamaca System in its present condition, based on run-off records, from 1886 to date and very carefully worked out by the United States Reclamation Service, shows a net safe yield of 3,800 acre feet annually, or 3.4 million gallons daily. This includes the pumping of an average of 1,600 acre feet annually from the Monte Basin during the drought period. The records of the Cuyamaca Water Company show that this amount was actually pumped during this period. The amount of water which could be developed by pumping, however, could be very largely augmented by the installation of proper pumping equipment in the Monte basin.

Mr. Harritt, Superintendent of the Cuyamaca Water Company, in compiling data for the State Railroad Commission made a very careful study of the Monte basin based on actual surveys. These surveys and studies disclose that there are 1400 acres of water bearing gravels tributary to the Monte pumping plant and that at least 700 acres of these gravels have a depth of 125 feet. The porosity of the gravels is 33-1/3% indicating a reserve supply of water of approximately 9.5 billion gallons. This entire amount of water is not available however. If the proper pumping equip-

ment were installed there could be drawn from these gravels about 4500 acre feet annually, or an average of 4 million gallons daily over a period of six years continuous drought, assuming no replenishment whatever during this period.

The Cuyamaca Water Company has acquired the pumping rights from the El Monte to Lakeside. The present pumping plant has a capacity of three million gallons daily. During the summer of 1921 these pumps were operated for a period of about five months continuously and the water plane was lowered only one foot. The records of the Cuyamaca Water Company which are also the records of the U. S. Geological Survey show a drop in the water plane of approximately one foot during this same period in other years when there was no pumping. It is, therefore, interesting to note that the pumping done in 1921 had no appreciable effect upon the water plane. The pumping merely conserving the water which would otherwise have been lost by evaporation and plant transpiration.

The Cuyamaca Water Company owns a strip of land extending entirely across the San Diego River at the location of the Monte pumping plant on which it could sink additional wells if necessary. This strip of land is, roughly, 2000 feet in length but the wells which have been used by the Monte pumping plant are all within a radius of 250 feet of the plant.

With the present development of the Cuyamaca Water Company the Monte pumping plant is thus shown to be one of the most valuable assets of the Cuyamaca Water Company, as the water in storage in the gravels after being drawn down to a depth of six or eight feet is retained by the gravels without

loss and is always available in periods of emergency.

Records of the Cuyamaca Water Company show the following:

Including the water delivered to the City of San Diego, the average annual delivery of water by the Cuyamaca Water Company for the last five year period was 4075 acre feet or 3.64 million gallons daily.

The average annual delivery during the same period exclusive of the water sold to the City of San Diego was 3155 acre feet or 2.8 million gallons daily.

During the year 1921 the total net delivery of water sold to the consumers of the Cuyamaca System, not including any water sold to the City of San Diego, was 2986 acre feet or an average of 2.66 million gallons daily.

The complete development of the Cuyamaca Water Company, as a gravity supply, would comprise the following:

The building of Fletcher dam at the intake of the present Cuyamaca flume with a storage slightly over 17,000 acre feet, or approximately 6 billion gallons, costing approximately $763,000.

A dam can be constructed to impound 12,000 acre feet at this site for $325,000. These construction costs are based on careful estimates of Mr. John S. Eastwood as he has prepared plans for the dams. Mr. Eastwood has agreed to undertake the construction of either of these dams for the price quoted.

The construction of a dam on South Fork to impound a little over 3000 acre feet or one billion gallons, costing approximately $100,000. The Cuyamaca Water Company has acquired from the U. S. Government a dam and reservoir site within the

Col. Fletcher 11/22/22

Capitan Grande Indian Reservation looking toward the construction of this reservoir.

The safe yield of the 17,000 acre foot reservoir at the intake of the Cuyamaca flume would be 4.4 million gallons daily. If the 12,000 acre foot storage only is utilized, the safe yield of the reservoir would be 3.8 million gallons daily, or 0.6 million gallons daily less than the larger reservoir. The South Fork reservoir, impounding 3,000 acre feet, will produce a safe yield of 0.9 million gallons daily.

It is unfortunate that there is no point on the South Fork of the San Diego River where any considerable storage is available as this stream is a very consistent producer of runoff. The proper and logical operation of this reservoir would be that of a diverting reservoir and the water should be passed down to the Murray Reservoir as rapidly as possible. This would materially assist in filling Murray Reservoir every year as this operation of the South Fork Reservoir would produce a somewhat greater yield than the 0.9 million gallons daily as shown above.

The safe yield of the Cuyamaca system, gravity supply, based on actual runoff records and restoration of runoff records by approved methods is 6.5 million gallons daily to which the pumping supply must be added of 4.0 million gallons daily, giving a total safe yield for the Cuyamaca System including the pumping as outlined above of 10.5 million gallons daily. The cost of the water pumped from the Monte gravels into the Cuyamaca System will compare very favorably with the cost of that developed by gravity.

By net safe yield is meant the performance of a reservoir

or series of reservoirs forming a water system through the period of greatest drought on record. It would not be economic, however, if the water is to be used for agricultural purposes to limit the use of water from the lake, or system, to the amount produced during this restricting period. This fact has been recognized by the State Railroad Commission in Decision No. 7453, in Case No. 1431. To quote from the decision will be the clearest way to bring out this point. The quotation follows:

> "It would be uneconomical, and would retard the development of this state, if an irrigation company were restricted in its delivery of water to only that area for which it would have a sufficient supply in the driest years. A restriction such as this would prevent the cultivation of large areas of land which would otherwise be cultivated and produce a crop a large proportion of the time. As a matter of fact, years of drought such as this do not ordinarily occur more frequently than from ten to twenty year periods, and it would be unjustly restricting the expansion of the agricultural pursuits of the state if a company were permitted to serve only the area for which it would have available water during years of extreme drought and consequent minimum water supply"

The group of years from 1904-05 to 1913-14 inclusive could be considered as a normal group of years in the production of runoff. It is, therefore, interesting and profitable to study the performance of any reservoir through this normal group of years if it is to form an irrigation supply. During this period the Cuyamaca system could have produced a gravity yield of 17.0 million gallons daily to which may be added the 4.0 million gallons daily which could be pumped from the gravels of the Monte basin, making a total of 21.0 million gallons daily which can be called the normal yield of the Cuyamaca system or the amount of water which it could have produced during the last 18 years

if fully developed.

There is another point to which I wish to call your attention, namely, connecting the Sutherland reservoir with the Cuyamaca system. This can be done by the construction of 15½ miles of pipe line which will deliver the Sutherland water at the intake of the Cuyamaca flume where it can be then carried toward San Diego and vicinity in the Cuyamaca system.

This reservoir, according to the U. S. Reclamation Service study, has a safe irrigation yield of 8,075 acre feet annually, or 7.2 million gallons daily. The yield through the normal period would be 13.3 million gallons daily. These results are based on a storage of 60,000 acre feet, or about 20 billion gallons.

Thus, if Sutherland reservoir be added to the Cuyamaca system, the safe yield of the system would be 17.7 million gallons daily, and the normal yield or the yield during the past 18 years would have been 34.3 million gallons daily. All of the results given in this letter allow for a 10% transmission loss.

Unquestionably the most economical method of bringing the Sutherland water to San Diego and vicinity is by way of the Cuyamaca System. To carry the Sutherland water to the San Clemente Reservoir direct would require a pipe line approximately twice as long as the line from Sutherland to the intake of the Cuyamaca flume.

The Sutherland Reservoir site is probably the best in San Diego County as there are only 834 acres exposed to evaporation when the reservoir is full, impounding over 60,000 acre feet of water.

#7

Col. Fletcher 11/22/22

Trusting the above information answers your inquiry,

I am

Yours respectfully,

T. H. KING
Chief Engineer Cuyamaca Water Co.

THK:MB

CITY OF SAN DIEGO, CALIFORNIA

BOARD OF WATER COMMISSIONERS

SAN DIEGO, ~~December 29,~~ 1922

RECOMMENDATIONS

OF

THE BOARD OF WATER COMMISSIONERS

OF THE

CITY OF SAN DIEGO, CALIFORNIA.

- - 0 - -

MADE AT THE REQUEST OF

THE HONORABLE, THE MAYOR AND THE COMMON COUNCIL,

UNDER THEIR RESOLUTION NO. 28526

PASSED DECEMBER 4th, 1922.

- - o0o - -

RESOLUTION NO. 28526.

FOR THAT WHEREAS, due to the rapid growth of the City of San Diego this Common Council is of the opinion that the City should proceed to develop immediately additional water for municipal purposes, and for the use of the inhabitants of said City, and that in order to accomplish such development it is necessary to secure the co-operation of all departments of the city government and the citizens of this community; and

WHEREAS, Mr. H. N. Savage, Hydraulic Engineer of the City of San Diego has recently submitted a report to this Common Council, together with recommendations concerning the development of additional water; and

WHEREAS, this Common Council feels that it should have the advice and assistance and co-operation of the Water Commission of this municipality before taking steps to secure additional water, NOW, THEREFORE,

BE IT RESOLVED BY the Common Council of the City of San Diego, as follows:

That the Board of Water Commissioners of the City of San Diego, California, be, and they are hereby respectfully requested to furnish this Common Council with such recommendations and suggestions as they may have concerning the development of additional water for the use of the City of San Diego and the inhabitants of said City.

Vitgilio Bruschi

Presented by Harry K. Weitzel

Fred A. Heilbron

Jno. A. Held

Don M. Stewart

Harry K. Weitzel

I HEREBY CERTIFY the above to be a full, true and correct copy of Resolution No. 28526 of the Common Council of the City of San Diego, as adopted by said Council Dec. 4, 1922.

ALLEN A. WRIGHT
City Clerk

By Fred W. Sick
Deputy

COPY
12-12-22
ELB

To the Honorable, The Mayor, and

The Common Council

of the City of San Diego, California.

Gentlemen:

We beg to acknowledge receipt of your resolution number 28526 under date of Dec. 4, 1922 asking the Board of Water Commissioners to give you its recommendations on the solving of the water problems of this City, and we take pleasure in complying with your request.

After two years study of the water situation we have come to the conclusion that the water problems of the City of San Diego have been difficult to solve in the past, they are more difficult at the present time, and it will be impossible to properly solve them in the future, unless the City regains its water rights which it has unwisely allowed to pass to adverse ownership. These problems will automatically adjust themselves when the adverse interests now in possession of certain valuable water rights on the San Diego River are eliminated, and plans made by the City to secure all the available water of the San Diego River and water adjacent to it.

While our storage reservoirs are now full, a shortage of rainfall such as occurs periodically would empty them in an estimated period of six years. The evaporation and wastage losses alone are estimated at 50% of all the water in storage.

The net safe yield of the City's present water system is about 9 million gallons per day,- our consumption during 1922 is about 11½ million gallons daily, the deficit of 2½ million gallons per day being made up by our short term purchases from private concerns, and by the city drawing on its reserve stock of water needed to carry us over a period of drought.

During 1923 we will need about 13 million gallons per day, and with our present growth it is estimated that the City will need in 1925 about 16 million gallons, or 7 million gallons daily more than our present system can produce.

Under these conditions it is imperative that our water problems be settled without further delay.

We consider the Cuyamaca System the key to the proper solving of the water problems of the City, and San Diego should at once secure this system.

The Cuyamaca System, developed further by the construction of the Fletcher Dam, which would give a net safe yield of approximately 4 million gallons per day, together with a dam at the South Fork giving a net safe yield of approximately 1 million gallons daily, and another pumping unit to develop approximately 4 million gallons per day from the El Monte sands, would immediately put the City in a position to secure control of approximately 11 million gallons per day. The El Monte underground reservoir, estimated to contain 10 billion gallons of water, will supply a net safe yield of 4 million gallons per day during the period of the dryest years known. This system is not only valuable as a

cheap producer of water to the City of San Diego, but it is valuable as to its location to combine with the Sutherland water development. A dam at the Southerland Dam site on the Santa Ysabel River to impound 20 billion gallons of water and produce a net safe yield of approximately 9 million gallons daily, is the most valuable additional asset the City of San Diego could acquire at the present time. This dam would require a pipe line 15½ miles long, reaching to the head of the Cuyamaca System and connecting with their flume.

We place these two projects as most important at this time to the City of San Diego, and except for about 3 million gallons per day that is already obligated to the present customers of the Cuyamaca System, this water is now unattached, but if not secured by the City within a short time the water will, no doubt, become attached to certain projects that will make it almost prohibitive for the City to then acquire it.

We are unable to agree with your Hydraulic Engineer, Mr. H. N. Savage, in his recommendation to the Council as to the proper procedure in the development of the San Diego River waters. He was requested by the City Council and the Water Commission to render a complete report of the additional water supply sources of the San Diego River. This report, after over one year's investigation, recommends only one available development, (a dam in Mission Gorge at Site No.2), which would give the City, according to his figures, a net safe yield of 12½ million gallons per day, at a cost of between 5 and 6 million dollars.

We consider that Mr. Savage was remiss in his duties to the Council, Water Commission, and to himself, when he did not call attention to the Cuyamaca Water Company's additional water supply source, for a water supply that will produce 11 million gallons of water per day, or 2 million gallons more than the present supply of the City's water system, at less than one-third of the cost of the present water supply, certainly is worth mentioning.

We feel that he has allowed his judgment as a Hydraulic Engineer to be prejudiced by certain adverse water ownerships and the personalities that go with them, as many others have done before him and are still doing. This has hitherto prevented the proper solution of our water problems.

We cannot agree with his recommendations that Site No.2 is the proper place for the Mission Gorge Dam. Within the past two years five Hydraulic Engineers, who stand high in their profession, and lead by Mr. O'Shaughnessy, who probably stands at the head of the profession in the United S tates, have passed on the proper location of a dam in the Mission Gorge, and all of them have given it as their opinion that Site No. 3 is the place for such a dam. After looking this matter over carefully, we have come to the conclusion that these engineers are correct, and if a dam is built in the Mission Gorge, the proper place for it is at Site No. 3.

By referring to Mr. Savage's report you will note that the 12½ million gallons of water per day, which he estimates as the net safe yield of a dam at Site No. 2 in Mission Gorge, is based on the assumption that no further diversion of the waters of the San Diego River will be made above such a dam, and that the Cuyamaca Water Company or their successors will only divert such water as they are now taking with their present equipment.

The Water Commission does not consider that this assumption is correct, as, regardless of whether the upper waters of the San Diego River are eventually controlled by the City of San Diego or whether they remain in adverse control, the further development of the present system of the Cuyamaca Water Company within a comparatively short time is logical and inevitable, and any calculations of the net yield of a dam in Mission Gorge should take into account the loss of water occasioned by such development.

In comparing, therefore, the merits of a dam at Site No. 3, or at No. 2 as recommended by Mr. Savage, we make full allowance for water which would be diverted from these reservoirs by the building of a dam at the Fletcher and at the South Fork Dam Sites, and additional pumping from the El Monte Sands.

With these corrections, a careful analysis of the records of water flow past Mission Gorge Dam Site No. 2, based on the records we have for the thirty years from 1886 to 1916, shows that if a dam had been built at Site No. 2 in the year 1886, it would have produced, after the first nine years, a net safe yield of 2.9 million gallons per day, and the reservoir

would not have been filled until the flood of 1916,( )thirty years after completion), and would then produce but 4.2 million gallons net safe yield per day, at a cost to the city of 25 ¢ per thousand gallons.

It would also show that if a dam had been built in 1886 at Site No. 3, as recommended by the Water Commission, that within four years after it was built, it would have produced during the entire remainder of the thirty years a net safe yield of its full capacity, or 4.3 million gallons per day, at a cost of about 7 ¢ per thousand gallons.

We wish to make it clear that the type and reservoir capacity of a dam at Site No. 3, which the Water Commission recommends as the most practical and economical for developing water in Mission Gorge, is in every way different from the dam as projected at the same site by Mr. Savage. We have figured on a dam of reasonable dimensions with an impounding capacity of 15 billion gallons, whereas Mr. Savage has projected an enormously large dam with a storage capacity of 90 billion gallons and without regard to initial expense or ultimate cost of water developed thereby.

Under such facts as these, we not only recommend against building a dam at Site No. 2, but we would consider it a calamity for the City of San Diego if such a dam was built, not only financially but from the fact that the City would be relying on a supposed dependable supply of 12½ million gallons of water per day from this dam, when it would actually produce only 4½ million gallons daily 30 years after construction, which would result in

leaving the City with a supply of water far short of its actual needs.

With the acquisition of the Cuyamaca and Southerland Systems, together with Mission Gorge Dam Site No. 3, and the land flooded by the reservoir thereof, the water problems of the City would be solved for some time to come, and the actual construction of a dam in Mission Gorge, could well be left until a later date when an additional water supply is required.

Another serious objection to the carrying out of Mr. Savage's recommendation for the development of Site No. 2 is, that it would practically use up the entire bonding capacity of the City for the next ten years or more in the erection of this dam, and this is not desirable for the City at the present time.

While the City would be engaged in erecting this Dam, the two developments mentioned above, the Cuyamaca and Southerland, would, no doubt, be connected with projects to be developed outside of the San Diego River and would therefore be lost forever to our City.

We find that a dam can be erected at Site No. 3, to impound 15 billion gallons of water, giving a net safe yield of approximately 4.3 million gallons per day, with a pipe line to the City that will supply the lower levels of the City's requirements, without pumping. The above net safe yield is based on the Fletcher and South Fork dams being built and the El Monte Sands being used.

The financing of these water developments could, no doubt, be done, first, with a bond issue of about $2,500,000.00 to cover the Southerland development, and could be extended over a period of three years or more. The bonding capacity of the City, after allowing $1,500,000.00 for other urgent City needs, could take care of such a bond issue. Second, the amount necessary to complete the financing of Site No. 3 could be covered at some later time by a further bond issue extending over three or four years. The Cuyamaca Water Company System could, we believe, be purchased on contract without issuing bonds.

We have given you, above, briefly the situation as to what can be accomplished in the proper development of the San Diego River and adjacent waters, and recommend the following:

1st: The purchase of the entire Cuyamaca Water System, with the addition of the Fletcher and South Fork Dams completed, the El Monte pumping Plant enlarged, and if possible that this purchase be made as a whole, under a contract that would allow the City to pay for it over a term of years; this would obviate the necessity of bonds being issued to acquire it. This System would produce a net safe yield of approximately 11 million gallons per day at a cost of about 6 ¢ per thousand gallons, with an impounding capacity of 23 billion gallons including the El Monte underground storage. This system can, no doubt, be purchased at a fair price, and we strongly recommend that negotiations by the City be entered into with the present owners.

If the purchase of thiswater system cannot be made at what your Honorable Body considers to be a fair price, then we recommend that steps be taken to condemn the entire system of the Cuyamaca Water Company, or, that a price be fixed for this system through the State Railroad Commission.

2nd: We recommend that immediate steps be taken by the City of San Diego to purchase or condemn the Southerland Dam Site with all the lands that would be flooded by the reservoir of such a dam, also the water rights and points of diversion of Black Canon Creek, and that when this has been done the City proceed with the erection of a suitable dam at this site to impound 20 billion gallons of water, and that the same be connected with the Cuyamaca System by a pipe line. We estimate the Southerland Dam Site, completed as above, will produce a net safe yield of 9 million gallons per day, at a cost of about 5¢ per thousand gallons.

3rd: We recommend that immediate steps be taken by the City of San Diego to purchase or condemn Dam Site No. 3 i n Mission Gorge, with all the lands that would be flooded by the reservoir of such a dam, and that when the finances of the city will permit, that a dam be erected at this site to impound approximately 15 billion gallons of water, and that the same be connected with the city water system by a pipe line and filtration plant. We estimate Mission Gorge Site No. 3 will produce a net safe yield of approximately 4.3 million gallons per day, at a cost of about 7¢ per thousand gallons.

The full completion of the development as recommended above would add to the present supply of the City a storage capacity of approximately 58 billion gallons of water, at a cost of about 6 million dollars. This additional system, at about the same cost as a dam at Site No. 2, as recommended by Mr. Savage, would then produce a net safe yield of approximately 24 million gallons per day, at an average cost of less than 7¢ per 1000 Gallons. It would stop the useless, expensive litigation that the City of San Diego is engaged in at the present time. We say useless litigation because the City could, no doubt, obtain through negotiation, the entire rights controlled by adverse interests, at a probable less cost than if it were successful in its litigation. This would enable the city to at once proceed to the proper development of its water resources.

The views of J. Perry Wood, Judge of the Superior Court of Los Angeles County, as expressed this month in connection with the suit being prosecuted by the city against the Cuyamaca Water Company, show that the contention of the City to the Paramount ownership of the waters of the San Diego River, under their claim of Pueblo rights, is not well founded and probably will not be sustained by the Courts. We believe it is not fair to the people of this City, that present and future water developments, on which the prosperity of this City relies, should depend on the outcome of doubtful legal proceedings. Therefore,

4th: We further recommend that you immediately instruct our City Attorney to hold in abeyance further active prosecution of any suits against the Cuyamaca Water Company until it is determined by you whether or not the City shall acquire their properties by negotiation or otherwise.

We believe that these recommendations, if followed, will result in the City of San Diego obtaining all of the water available at the lowest possible cost. This is what the people of San Diego want and must have. However, if there is a division in your Honorable Body on this matter, we would recommend that this entire matter be referred to the United States Reclamation Service with a request that its Chief Construction Engineer, Mr. F. C. Weymoth, who made several years ago a net safe yield study of these streams for the United States Reclamation Service, be sent here to check over this matter carefully, he being supplied with the reports that have been made by different engineers during the past two or three years; also by the recommendation of your own Hydraulic Engineers and the recommendations of the City Water Commission under date of April 13th, 1921, and these present recommendations under date of December 29, 1922. His decision, whatever it may be, could be accepted as final.

While the powers of the Water Commission are limited in the handling of water problems for the City, we believe that the people of San Diego will hold your Honorable Body and the Water Commission jointly responsible for the correct solution at this time of their water problems. This is the most critical

period in the City's history in water development and the correct solution of these problems means more than at any time since the City has been attempting to solve them.

The estimates given in these recommendations are based on data furnished by Hydraulic Engineers of recoghized ability and integrity and are assumed to be reliable and correctl

In Closing, we wish to thank you for the courteous treatment accorded our Commission, and for the opportunity given us to make recommendations.

You now have an opportunity to correct the deplorable conditions that exist in the water situation caused from mistakes heretofore made, and to put into effect a constructive, well directed plan of real water development adequate for a city of 300,000 inhabitants, and which would be a credit to all the members of your Honorable Body. You will have the full and harmonious support of the Water Commission in such a program, and we believe the full support of all our people.

Assuring you of our best personal regards, and trusting our recommendations will be of assistance to you in the water development of this city, we remain,

Frederick H. White

Chas. T. Chandler.

Board of Water Commissioners.

MAP

SHOWING DEVELOPMENT RECOMMENDED BY

THE BOARD OF WATER COMMISSIONERS

OF THE

CITY OF SAN DIEGO, CALIFORNIA,

that would increase the City's storage capacity 58 billion gallons and produce an additional net safe yield of 24 million gallons of water per day at a total cost of approximately six million dollars.

DEC. 29, 1922

Send copy of city water commission report to Keefe, Engel Post, Kluegel, McClure, Chandler, Bahm, Huber, C.H., J. T. Carrie Jacobs Bond, Lippincott.

To those not checked write the following:

Enclosed find report of the City Water Commission which is explanatory. Incidentally I own damsite No. 3 mentioned in the report, together with over two-thirds of the lands to be flooded.

A.B. Davis

RECOMMENDATIONS

OF

BOARD OF WATER COMMISSIONERS

OF THE

CITY OF SAN DIEGO

CALIFORNIA

MADE AT THE REQUEST OF

THE HONORABLE, THE MAYOR AND THE COMMON COUNCIL

UNDER THEIR RESOLUTION No. 28526

PASSED DECEMBER 4th, 1922

RESOLUTION No. 28526

FOR THAT WHEREAS, due to the rapid growth of the City of San Diego this Common Council is of the opinion that the City should proceed to develop immediately additional water for municipal purposes, and for the use of the inhabitants of said City, and that in order to accomplish such development it is necessary to secure the co-operation of all departments of the city government and the citizens of this community; and

WHEREAS, Mr. H. N. Savage, Hydraulic Engineer of the City of San Diego has recently submitted a report to this Common Council, together with recommendations concerning the development of additional water; and

WHEREAS, this Common Council feels that it should have the advice and assistance and co-operation of the Water Commission of this municipality before taking steps to secure additional water, NOW, THEREFORE,

BE IT RESOLVED BY the Common Council of the City of San Diego, as follows:

That the Board of Water Commissioners of the City of San Diego, California, be, and they are hereby respectfully requested to furnish this Common Council with such recommendations and suggestions as they may have concerning the development of additional water for the use of the City of San Diego and the inhabitants of said City.

Presented by Harry K. Weitzel

VIRGILIO BRUSCHI
FRED. A. HEILBRON
JNO. A. HELD
DON M. STEWART
HARRY K. WEITZEL.

I HEREBY CERTIFY the above to be a full, true and correct copy of resolution No. 28526 of the Common Council of the City of San Diego, as adopted by said Council Dec. 4, 1922.

ALLEN H. WRIGHT,
City Clerk.
By FRED W. SICK,
Deputy.

To the Honorable, The Mayor, and
The Common Council
of the City of San Diego, California.

Gentlemen:

We beg to acknowledge receipt of your resolution number 28526 under date of Dec. 4, 1922 asking the Board of Water Commissioners to give you its recommendations on the solving of the water problems of this City, and we take pleasure in complying with your request.

After two years study of the water situation we have come to the conclusion that the water problems of the City of San Diego have been difficult to solve in the past, they are more difficult at the present time, and it will be impossible to properly solve them in the future, unless the City regains its water rights which it has unwisely allowed to pass to adverse ownership. These problems will automatically adjust themselves when the adverse interests now in possession of certain valuable water rights on the San Diego River are eliminated, and plans made by the City to secure all the available water of the San Diego River and water adjacent to it.

While our storage reservoirs are now full, a shortage of rainfall such as occurs periodically would empty them in an estimated period of six years. The evaporation and wastage losses alone are estimated at 50 per cent of all the water in storage.

The net safe yield of the City's present water system is about 9 million gallons per day,—our consumption during 1922 is about 11½ million gallons daily, the deficit of 2½ million gallons per day being made up by our short term purchases from private concerns, and by the city drawing on its reserve stock of water needed to carry us over a period of drought.

During 1923 we will need about 13 million gallons per

day, and with our present growth it is estimated that the City will need in 1925 about 16 million gallons, or 7 million gallons daily more than our present system can produce.

Under these conditions it is imperative that our water problems be settled without further delay.

We consider the Cuyamaca System the key to the proper solving of the water problems of the City, and San Diego should at once secure this system.

The Cuyamaca System, developed further by the construction of the Fletcher Dam, which would give a net safe yield of approximately 4 million gallons per day, together with a dam at the South Fork giving a net safe yield of approximately 1 million gallons daily, and another pumping unit to develop approximately 4 million gallons per day from the El Monte sands, would immediately put the City in a position to secure control of approximately 11 million gallons per day. The El Monte underground reservoir, estimated to contain 10 billion gallons of water, will supply a net safe yield of 4 million gallons per day during the period of the dryest years known. This system is not only valuable as a cheap producer of water to the City of San Diego, but it is valuable as to its location to combine with the Sutherland water development. A dam at the Sutherland dam site on the Santa Ysabel River to impound 20 billion gallons of water and produce a net safe yield of approximately 9 million gallons daily, is the most valuable additional asset the City of San Diego could acquire at the present time. This dam would require a pipe line 15½ miles long, reaching to the head of the Cuyamaca System and connecting with their flume.

We place these two projects as most important at this time to the City of San Diego, and except for about 3 million gallons per day that is already obligated to the present

customers of the Cuyamaca System, this water is now unattached, but if not secured by the City within a short time the water will, no doubt, become attached to certain projects that will make it almost prohibitive for the City to then acquire it.

We are unable to agree with your Hydraulic Engineer, Mr. H. N. Savage, in his recommendation to the Council as to the proper procedure in the development of the San Diego River waters. He was requested by the City Council and the Water Commission to render a complete report of the additional water supply sources of the San Diego River. This report, after over one year's investigation, recommends only one available development, (a dam in Mission Gorge at Site No. 2), which would give the City, according to his figures, a net safe yield of 12½ million gallons per day, at a cost of between 5 and 6 million dollars.

We consider that Mr. Savage was remiss in his duties to the Council, Water Commission, and to himself, when he did not call attention to the Cuyamaca Water Company's additional water supply source, for a water supply that will produce 11 million gallons of water per day, or 2 million gallons more than the present supply of the City's water system, at less than one-third of the cost of the present water supply, certainly is worth mentioning.

We feel that he has allowed his judgment as a Hydraulic Engineer to be prejudiced by certain adverse water ownerships and the personalities that go with them, as many others have done before him and are still doing. This has hitherto prevented the proper solution of our water problems.

We cannot agree with his recommendations that Site No. 2 is the proper place for the Mission Gorge Dam. Within the past two years five Hydraulic Engineers, who stand high in their profession, and lead by Mr. O'Shaughnessy,

who probably stands at the head of the profession in the United States, have passed on the proper location of a dam in the Mission Gorge, and all of them have given it as their opinion that Site No. 3 is the place for such a dam. After looking this matter over carefully, we have come to the conclusion that these engineers are correct, and if a dam is built in the Mission Gorge, the proper place for it is at Site No. 3.

By referring to Mr. Savage's report you will note that the 12½ million gallons of water per day, which he estimates as the net safe yield of a dam at Site No. 2 in Mission Gorge, is based on the assumption that no further diversion of the waters of the San Diego River will be made above such a dam, and that the Cuyamaca Water Company or their successors will only divert such water as they are now taking with their present equipment.

The Water Commission does not consider that this assumption is correct, as, regardless of whether the upper waters of the San Diego River are eventually controlled by the City of San Diego, or whether they remain in adverse control, the further development of the present system of the Cuyamaca Water Company within a comparatively short time is logical and inevitable, and any calculations of the net yield of a dam in Mission Gorge should take into account the loss of water occasioned by such development.

In comparing, therefore, the merits of a dam at Site No. 3, or at No. 2 as recommended by Mr. Savage, we make full allowance for water which would be diverted from these reservoirs by the building of a dam at the Fletcher and at the South Fork Dam Sites, and additional pumping from the El Monte Sands.

With these corrections, a careful analysis of the records of water flow past Mission Gorge Dam Site No. 2, based on the records we have for the thirty years from 1886 to 1916,

shows that if a dam had been built at Site No. 2 in the year 1886, it would have produced, after the first nine years, a net safe yield of 2.9 million gallons per day, and the reservoir would not have been filled until the flood of 1916, (thirty years after completion), and would then produce but 4.2 million gallons net safe yield per day, at a cost to the city of 25c per thousand gallons.

It would also show that if a dam had been built in 1886 at Site No. 3, as recommended by the Water Commission, that within four years after it was built, it would have produced during the entire remainder of the thirty years a net safe yield of its full capacity, or 4.3 million gallons per day, at a cost of about 7c per thousand gallons.

We wish to make it clear that the type and reservoir capacity of a dam at Site No. 3, which the Water Commission recommends as the most practical and economical for developing water in Mission Gorge, is in every way different from the dam as projected at the same site by Mr. Savage. We have figured on a dam of reasonable dimensions with an impounding capacity of 15 billion gallons, whereas Mr. Savage has projected an enormously large dam with a storage capacity of 90 billion gallons and without regard to initial expense or ultimate cost of water developed thereby.

Under such facts as these, we not only recommend against building a dam at Site No. 2, but we would consider it a calamity to the City of San Diego if such a dam was built, not only financially but from the fact that the City would be relying on a supposed dependable supply of 12½ million gallons of water per day from this dam, when it would actually produce only 4.2 million gallons daily 30 years after construction, which would result in leaving the city with a supply of water far short of its actual needs.

With the acquisition of the Cuyamaca and Sutherland

Systems, together with Mission Gorge Dam Site No. 3, and the land flooded by the reservoir thereof, the water problems of the City would be solved for some time to come, and the actual construction of a dam in Mission Gorge could well be left until a later date when an additional water supply is required.

Another serious objection to the carrying out of Mr. Savage's recommendation for the development of Site No. 2 is, that it would practically use up the entire bonding capacity of the City for the next ten years or more in the erection of this dam, and this is not desirable for the City at the present time.

While the City would be engaged in erecting this dam, the two developments mentioned above, the Cuyamaca and Sutherland, would, no doubt, be connected with projects to be developed outside of the San Diego River and would therefore be lost forever to our city.

We find that a dam can be erected at Site No. 3, to impound 15 billion gallons of water, giving a net safe yield of approximately 4.3 million gallons per day, with a pipe line to the City that will supply the lower levels of the City's requirements, without pumping. The above net safe yield is based on the Fletcher and South Fork Dams being built and the El Monte Sands being used.

The financing of these water developments could, no doubt, be done, first, with a bond issue of about $2,500,000.00 to cover the Sutherland development, and could be extended over a period of three years or more. The bonding capacity of the City, after allowing $1,500,000.00 for other urgent city needs, could take care of such a bond issue. Second, the amount necessary to complete the financing of Site No. 3 could be covered at some later time by a further bond issue extending over three or four years. The Cuyamaca Water

Company System could, we believe, be purchased on contract without issuing bonds.

We have given you, above, briefly the situation as to what can be accomplished in the proper development of the San Diego River and adjacent waters, and recommend the following:

1st: The purchase of the entire Cuyamaca Water System, with the addition of the Fletcher and South Fork Dams completed, the El Monte Pumping Plant enlarged, and if possible that this purchase be made as a whole, under a contract that would allow the City to pay for it over a term of years; this would obviate the necessity of bonds being issued to acquire it. This System would produce a net safe yield of approximately 11 million gallons per day at a cost of about 6c per thousand gallons, with an impounding capacity of 23 billion gallons including the El Monte underground storage. This system can, no doubt, be purchased at a fair price, and we strongly recommend that negotiations by the City be entered into with the present owners. If the purchase of this water system cannot be made at what your Honorable Body considers to be a fair price, then we recommend that steps be taken to condemn the entire System of the Cuyamaca Water Company, or, that a price be fixed for this system through the State Railroad Commission.

2nd: We recommend that immediate steps be taken by the City of San Diego to purchase or condemn the Sutherland Dam Site with all the lands that would be flooded by the reservoir of such a dam, also the water rights and points of diversion of Black Canon Creek, and that when this has been done the City proceed with the erection of a suitable dam at this site to impound 20 billion gallons of water, and that the same be connected with the Cuyamaca System by a pipe line. We estimate the Sutherland Dam Site, completed as above,

will produce a net safe yield of 9 million gallons per day, at a cost of about 5½c per thousand gallons.

3rd: We recommend that immediate steps be taken by the City of San Diego to purchase or condemn Dam Site No. 3 in Mission Gorge, with all the lands that would be flooded by the reservoir of such a dam, and that when the finances of the City will permit, that a dam be erected at this Site to impound approximately 15 billion gallons of water, and that the same be connected with the City Water System by a pipe line and filtration plant. We estimate Mission Gorge Site No. 3 will produce a net safe yield of approximately 4.3 million gallons per day at a cost of about 7c per thousand gallons.

The full completion of the development as recommended above would add to the present supply of the City a storage capacity of approximately 58 billion gallons of water, at a cost of about 6 million dollars. This additional system, at about the same cost as a dam at Site No. 2, as recommended by Mr. Savage, would then produce a net safe yield of approximately 24 million gallons per day, at an average cost of less than 7c per 1000 gallons. It would stop the useless, expensive litigation that the City of San Diego is engaged in at the present time. We say useless litigation because the City could, no doubt, obtain through negotiation, the entire rights controlled by adverse interests, at a probable less cost than if it were successful in its litigation. This would enable the City to at once proceed to the proper development of its water resources.

The views of J. Perry Wood, Judge of the Superior Court of Los Angeles County, as expressed this month in connection with the suit being prosecuted by the City against the Cuyamaca Water Company, show that the contention of the City to the Paramount ownership of the waters of the San Diego River, under their claim of Pueblo rights, is not well

founded and probably will not be sustained by the courts. We believe it is not fair to the people of this City that present and future water developments, on which the prosperity of this City relies, should depend on the outcome of doubtful legal proceedings. Therefore,

4th: We further recommend that you immediately instruct our City Attorney to hold in abeyance further active prosecution of any suits against the Cuyamaca Water Company until it is determined by you whether or not the City shall acquire their properties by negotiation or otherwise.

We belive that these recommendations, if followed, will result in the City of San Diego obtaining all of the water available at the lowest possible cost. This is what the people of San Diego want and must have. However, if there is a division in your Honorable Body on this matter, we would recommend that this entire matter be referred to the United States Reclamation Service with a request that its Chief Construction Engineer, Mr. F. O. Weymoth, who made several years ago a net safe yield study of these streams for the United States Reclamation Service, be sent here to check over this matter carefully, he being supplied with the reports that have been made by different engineers during the past two or three years; also by the recommendation of your own Hydraulic Engineers and the recommendations of the City Water Commission under date of April 13, 1921, and these present recommendations under date of December 29, 1922. His decision, whatever it may be, could be accepted as final.

While the powers of the Water Commission are limited in the handling of water problems for the City, we believe that the people of San Diego will hold your Honorable Body and the Water Commission jointly responsible for the correct solution at this time of their water problems. This is the most critical period in the City's history in water development and the correct solution of these problems means more than at any time since the City has been attempting to solve them.

The estimates given in these recommendations are based on data furnished by Hydraulic Engineers of recognized ability and integrity and are assumed to be reliable and correct.

In closing, we wish to thank you for the courteous treatment accorded our Commission, and for the opportunity given us to make recommendations.

You now have an opportunity to correct the deplorable conditions that exist in the water situation caused from mistakes heretofore made, and to put into effect a constructive, well directed plan of real water development adequate for a city of 300,000 inhabitants, and which would be a credit to all the members of your Honorable Body. You will have the full and harmonious support of the Water Commission in such a program, and we believe the full support of all our people.

Assuring you of our best personal regards, and trusting our recomemndations will be of assistance to you in the water development of this City, we remain,

FREDERICK M. WHITE,
CHAS. T. CHANDLER,
Board of Water Commissioners.

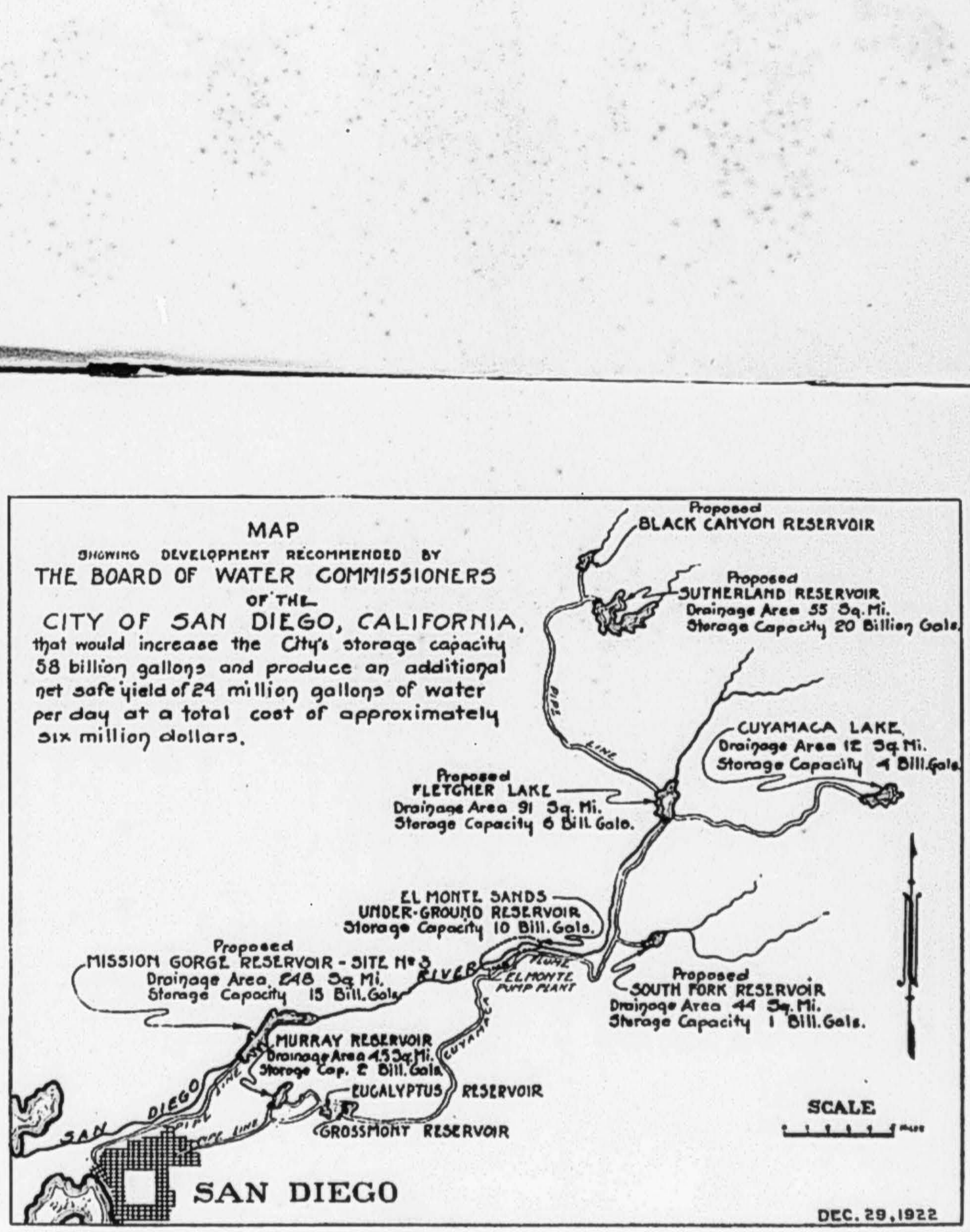
San Diego, California.
Dated December 29, 1922.

MAP

SHOWING DEVELOPMENT RECOMMENDED BY

THE BOARD OF WATER COMMISSIONERS OF THE CITY OF SAN DIEGO, CALIFORNIA,

that would increase the City's storage capacity 58 billion gallons and produce an additional net safe yield of 24 million gallons of water per day at a total cost of approximately six million dollars.



that the demand would be lessened as the price increased?

13. How much of your loss has been in maintenance of the flume and other structures, or has the loss been wholly on operation?

14. What has your water cost you per thousand gallons? The present price agriculturally is about 6 cents. At what price would your system be self-supporting?

15. What would be the method and cost of improving the condition of the flume so that it could perform its functions for a number of years at least?

16. What would be your method and cost of permanently improving or altering the flume, or putting in some substitute therefor?

17. What figure have you and your associates set for the Cuyamaca System, and what terms of payment would you suggest? Itemize as to yearly installments, interest rates and option for settlement in full by the city in cash or bonds.

18. Are you in a position to build the Fletcher dam and the dam at the South Fork and put the flume in thoroly good condition, adding your expense to the selling price of the flume and entering into a contract for installment payments?

The above questions are asked you to get a basis for investigation. Your answers will tend to expedite our work and give a basis for general discussion, not only among ourselves, but with the public.

Very truly yours,
BOARD OF WATER COMMISSIONERS

The Water Commissioners stated that if there was a difference in opinion in regard to recommendations contained in this report, they would be willing to abide by decision of U. S. Government Engineers.

In spite of this, on January 3rd, 1923, Mayor Bacon removed the Board of Water Commissioners from office because the recommendations contained in this pamphlet did not meet with his approval.

FREDERICK M. WHITE
CHARLES T. CHANDLER

San Diego, California
January, 4th, 1923

[WTR COM: L.C. MAIER & H.C. CLARK]

San Diego, California, March _____, 1928.

To the Honorable, The Mayor and Common Council
of The City of San Diego, California.

Gentlemen:

The undersigned, being the Water Commission heretofore appointed by your Honorable Body for the purpose of negotiating with the La Mesa, Lemon Grove & Spring Valley Irrigation District having in view a possible compromise or settlement with said district, and the acquiring of its system, or certain of its holdings, now makes its report to your Honorable Body, and herewith sets forth a proposed compromise for your consideration.

(1) That The City of San Diego acquire by lease from said district all of its rights, title, interest and holdings in and to its properties and system, excepting its distributing system, including all of its water rights, properties and interests on the San Diego River; also, Cuyamaca Lake, Cuyamaca Dam, Diverting Dam on the San Diego River, Fletcher Dam Site, El Capitan Dam Site, Monte Pumping Plant, main flume, Diverting Dam to Murray Dam, South Fork Feeder, telephone lines, Mission Gorge Dam Site No. 3, together with lands in connection therewith which may be flooded in case of the construction of a dam at that site, Cuyamaca Reservoir lands, diverting dam easement, Fletcher Reservoir lands, El Capitan Reservoir lands which the District owns, main flume rights of way, Monte Basin lands,

El Monte Pumping Plant lands, main pipe line from Murray Dam to the City; together with all the rights, title or interest of the District, or Ed Fletcher, Charles F. Stern and their associates, to all of the properties, rights and interests hereinbefore in this paragraph mentioned; together with all water filings and all water rights on the San Diego River, of any kind or description whatsoever, which said district, Ed Fletcher, or Charles F. Stern now own or control, or have any interest in whatever; together with all riparian rights owned or controlled by said District, or said Ed Fletcher, or said Charles F. Stern, on the San Diego River; also, all rights of way and rights of ingress and egress to any and all properties that are leased to said City, which shall include any properties that the district, or Ed Fletcher or Charles F. Stern may own, together with the use of all private roads, trails, etc.

(2) The City of San Diego and said District to enter into a lease, which lease will contain in substance the following provisions:

Said District will turn over and surrender to said City the properties hereinbefore mentioned, together with any and all other properties, if any, owned by said District, not including its distributing plant, giving the City the right to immediate possession, the right to go upon said lands or the interest so conveyed for the purpose of making repairs, reconstructions, improvements or building dams, or other structures, or doing anything necessary or convenient for the developing of water thereon.

The lease shall cover a period of approximately thirty (30) years. The rental, which shall be paid in equal payments semi-annually, shall be a sum of money which will in the aggregate total the cost price to said District of said system and the lands and interests so acquired, with interest at six per cent. (6%) per annum, payable semi-annually. This cost price to be determined by competent person or persons representing said City, and acting in conjunction with the District.

The District will execute or cause to be executed the necessary instruments of conveyance conveying to said City the aforesaid properties and interests, which instruments of conveyance will be placed in Escrow, to be delivered to said City of San Diego upon the expiration of the lease and the performance upon the part of said City of the terms and conditions thereof. In other words, The City of San Diego will become the absolute owner of all of said system, excepting the District's distributing system, properties and interests on the termination of the lease and payment of the rentals as provided in said lease. And provided further, that the said City of San Diego shall have the right of option to purchase from said District any of the dam sites mentioned, at the cost price thereof, when said City elects to construct a dam at such site, or otherwise make substantial improvements thereon for the purpose of conserving water. On the payment of said sum of money to the District for said site, said District will authorize the release of the deeds of conveyance so deposited in escrow, and will furnish to said City a certificate showing clear title in

the District; and in such event the cost price of said system shall be reduced accordingly.

The lease will further provide that said District will be furnished at meters along the flume and into main pipe lines with a certain amount of water by the City from said system as follows: For the first year the District's needs not to exceed an average of 4,000,000 gallons per day; for the second year the District's needs not to exceed an average of 5,000,000 gallons per day; for the third year the District's needs not to exceed an average of 6,000,000 gallons per day. Thereafter the City will furnish such additional water as the needs of the District may require, but not to exceed, however, an average of 10,000,000 gallons per day. The cost of the water to the District for the first three years shall be at the rate of four cents (4¢) per 1,000 gallons, delivered at the meters, as aforesaid. In this connection, however, it is understood that the District now represents that the cost price of the water now and for some time past, delivered to its main pipe lines, has not exceeded the sum of four cents (4¢) per 1,000 gallons, which cost price includes the overhead, maintenance and all expenses in connection with the production of said water, together with interest on the reasonable value of said system and properties, and also the charge of creating a sinking fund for the purpose of paying off the indebtedness of said District for said system and lands. That in this connection it is understood that The City of San Diego and said District will hereafter have their representatives and officials check the books

and properties of said District for the purpose of verifying the estimates of said District and arriving at the cost price of the properties and interests of said District, hereinbefore mentioned, and to determine that the cost price of the water as aforesaid does not exceed the sum of four cents (4¢) per 1,000 gallons. At the expiration of three years, water delivered to the District up to 6,000,000 gallons per day shall be at the rate of five cents (5¢) per 1,000 gallons.

The City of San Diego shall have the right to withdraw from Murray Dam an amount of water as heretofore during the past year was withdrawn or which might have been withdrawn, but not to exceed an average of 1,000,000 gallons per day, for the purpose of furnishing certain sections and suburbs in or adjacent to the eastern part of The City of San Diego, or other territory.

It will be a further condition of said lease that the said City will not withdraw water from Murray Dam, except as to the 1,000,000 gallons per day, when the withdrawal thereof would jeopardize the rights and interests of the District, and make it improbable that the City could fulfill the terms and conditions of its lease in the matter of furnishing water to the District; provided, however, that the City will at all times have the right to withdraw water from said Murray Dam when there is an excess, or when the said City has connected said dam with some other adequate source of supply, and may deliver such water so withdrawn to the said City, or any other dam or storage basin owned or controlled by said City, having in mind, however, at all

times, the rights of said District to the first demands on the waters of said Murray Reservoir to the extent of the terms of said lease.

Should the said District or The City of San Diego fail to keep and perform each and every condition of the lease, then the same may on thirty (30) days' written notice be terminated by the aggrieved party at its option, provided that if during said thirty (30) day period either of said parties shall remedy the alleged breach by complying with the conditions of the lease, then the breach shall be of no force or effect, and the lease fully reinstated thereby. Should the said lease be terminated because of breach on the part of the District, the City shall at its option thereupon be relieved from any further obligations thereunder, and may surrender back all said properties and interests to the District. Should the lease be terminated because of breach on the part of the City to perform the terms and conditions thereof, then the said District may at its option repossess and retake the properties and interests described in said lease, and in case of breach as aforesaid, the aggrieved party may in addition thereto call upon the other for any damages provided for by law in such cases; also, either party at its option may waive the right to cancel and bring suit to enforce the provisions of the lease.

On performance of the conditions of said lease by the said City and on the expiration thereof, the instruments of conveyance deposited in trust, as aforesaid, shall be delivered to The City

of San Diego and thereby it shall become the sole and exclusive owner of all of the properties and interests hereinbefore mentioned.

If the District and the City are unable to arrive at the cost price of water furnished to the Distridt in excess of 6,000,000 gallons per day after the three-year period, such question shall be determined by the Railroad Commission of the State of California. Should the Railroad Commission not be in existence at such time, said parties may resort to arbitration by selecting a board of arbitrators as they will mutually agree on, or either of said parties may resort to any political body which then may be exercising the functions that are now exercised by the Railroad Commission, or may resort to the courts to determine such question.

It will be understood that the said District is not required to take the maximum amount of water herein provided for, nor is the City limited in furnishing the maximum amount as herein required, providing the needs of the District require more water and the City is able and willing to furnish the same. The price of water so furnished for such excess would be the same as for water furnished in excess of 6,000,000 gallons per day.

The lease will further provide that either the District or said City may be relieved from the performance of the conditions, or any one thereof, when it is impossible because of conditions beyond the power and control of said parties, or either of them, to remedy, the act of God, the public enemy, or droughts; and provided, further, that in case of a shortage of water be-

cause of any such condition the City undertakes to furnish to said District such amount as it can reasonably supply, and to that end will make equitable division of water which it is able to supply, and will pro rata the same between said District, other communities and The City of San Diego.

And further, that the engineers of said District will serve in consultation with the engineers of The City of San Diego, without cost to the City, in matters relating to water and the development thereof, on the San Diego River, or matters pertaining to the system taken over from said District. Should they be called upon to do field work or render service other than consultation, they shall be compensated at the usual and reasonable rate.

That in the event that any portion or portions of said District should annex to The City of San Diego, and said City thereupon undertake to furnish such District so annexing with water, the amount guaranteed by said City to be furnished shall be reduced in the proportion the area of the section so annexing bears to the entire area of said District.

The City will abandon the suit now pending for the condemnation of lands at El Capitan Dam Site.

This proposed compromise will not in any way affect the pending suit as to the paramount rights to the waters of the San Diego River.

Other provisions may be incorporated in said lease which are customary and usually incorporated in such leases; all to be set forth in detail.

RECOMMENDATIONS:

If your Honorable Body approves of this brief outline of the proposed compromise, we recommend:

(1) That competent engineer or engineers, representing The City of San Diego, inspect the properties to be acquired from said District, and eliminate any property belonging to said District which may not be desired or of value to said City, and in this connection to work in conjunction with said District and its representatives in determining the cost price to said District at this time of the properties and rights to be taken over by The City of San Diego.

(2) We would also recommend that a competent accountant or accountants, representing said City of San Diego, work in conjunction with the district and its representatives and the Engineer or Engineers so representing the City, for the purpose of determining the cost price of said properties and rights, also for the purpose of determining the cost price to The City of San Diego of the water which the City proposes to furnish the district.

(3) On the determination of such questions, if satisfactory to both the district and the City, that said Honorable Common Council thereupon pass a resolution instructing the Legal Department to prepare the necessary leases and other instruments for the purpose of carrying into effect and accomplishing the provisions of said proposed compromise; and that thereafter such

instruments be executed by said Common Council, on behalf of The City of San Diego, and by the Board of Directors of said District, in its behalf.

Respectfully submitted this __ ___ day of March, 1928.

Signed L C Moore
H C Clark

Ed Fletcher Papers

1870-1955

MSS.81

Box: 23 Folder: 21

General Correspondence - San Diego, Calif - City Water Commission