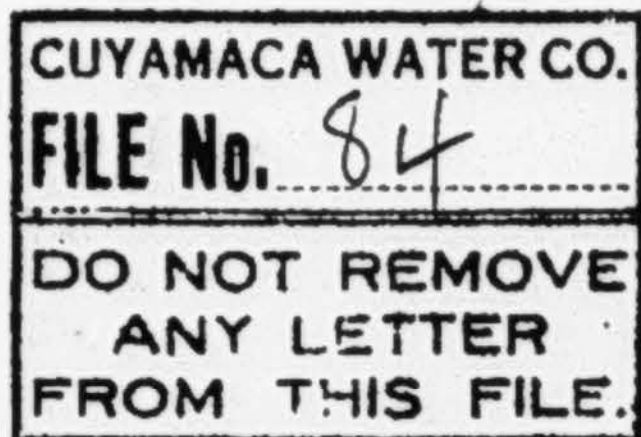


Personal



March 30, 1916.

Hon. Franklin K. Lane,
Secretary of the Interior,
Washington, D. C.

My dear Mr. Lane:

I understood that Mr. Cosgrove, attorney for the City of San Diego, did not feel that he had a square deal from the witnesses of the Indian Service in Los Angeles. At the conclusion of the testimony of Owen Bauer, chief witness for the government, a civil engineer employed by the U. S. Indian Service, and who prepared Exhibit No. 4, giving the approximate amount of damage which would be sustained by the Indians, were the permit asked for by the city granted, Mr. Cosgrove made the following statement, which appears in the record on page 754:

Mr. Cosgrove: "I desire to say at this time on behalf of the City of San Diego we consider this witness as fair in every particular, and that the figures he has given are in our opinion very reasonable and conservative approximates of the values of the lands," etc.

The damages, as per Government Exhibit No. 4, amounted to \$216,516. I am ready to go to Washington at any time that it is necessary, on a few days' notice.

Yours very truly,

Manager.

F-8

- Copy -

March 23, 1916.

Hon. Franklin K. Lane,
Secretary of the Interior,
Washington, D. C.

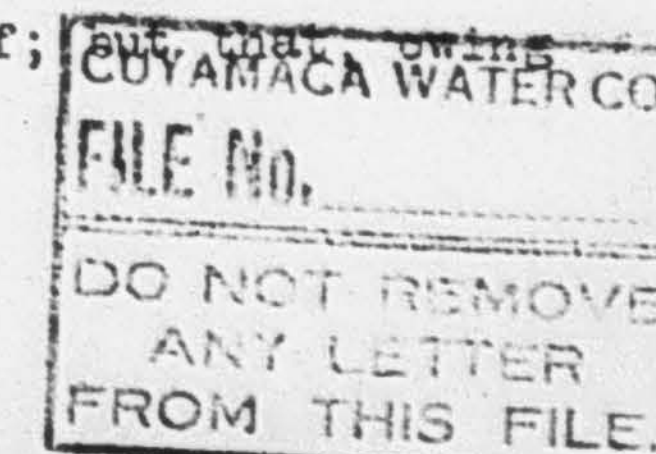
Dear Sir:

Referring to Senate Bill No. 5081, wherein the City of San Diego requests the right to flood certain lands within the El Capitan Indian Reservation, will say that we respectfully ask that your department withhold your approval of said permit, and for the following reasons, to wit:

1st. The undisputed testimony of the engineers and witnesses for the Government showed that the damage to the Indians caused by the floodage of these lands would amount to \$216,516.00. While the City of San Diego is only offering \$100,000.

2nd. That your Department, did, on August 20, 1892, grant to the San Diego Flume Co. (we being their successors in interest) the right to build reservoirs and develop water for those lands now irrigated by the Cuyamaca Water Co., which includes domestic water for the cities of El Cajon, La Mesa and East San Diego, as well as irrigation water for many thousands of acres of orchards and vegetable lands.

3d. That the San Diego Flume Co. and its successors in interest in good faith have spent nearly Two Million Dollars in the development of our system, although up to date it has never been a paying investment to the owners of the said system, no profit whatsoever having accrued to the owners thereof;



to the growth of the City of San Diego and the development of surrounding territory, we are now for the first time in position soon to realize at least a reasonable interest on the investment, with rates established by the State Railroad Commission.

4th. That not one-tenth of the land within the territory to which we supply water is developed.

5th. That by granting this request, and if said bill should become a law, the City of San Diego would put a cloud on the title to all of our water, would arrest the development of our back country, and would work unnecessary hardship upon the owners of this system.

6th. That the owners of this system have in every way lived up to its contract with the government, under date of August 20, 1892, and is entitled to its protection.

7th. That the City of San Diego does not own the El Capitan damsite, but that the owners of this system have a perfect title to same; and that nearly one-half of the reservoir site is owned by private individuals, over which the City of San Diego has no control, all as per map attached hereto.

8th. That the present bonding limit of the City of San Diego will not allow it to issue additional bonds to an amount of more than \$1,643,237.19, as per sworn statement of city auditor Moody, in testimony before the Register and Receiver of the Los Angeles Land Office.

9th. That the City of San Diego at the present time has approximately three years' supply of water on hand; and that

no emergency exists.

10th. That the City of San Diego will call an election within a short time to vote bonds for at least \$1,100,000, to build Otay and Barrett Dams, all as per newspaper clippings of yesterday's proceedings, herewith attached.

11th. That the testimony given before the Register and Receiver of the Los Angeles Land Office in this matter shows that the Mayor of this city, its hydraulic engineer and all its witnesses testified that it would cost at least \$2,000,000 to build El Capitan Dam and construct a pipeline from its reservoir to the City of San Diego.

12th. That when the City of San Diego shall have built Lower Otay and Barrett Dams, they will have voted bonds to within approximately \$500,000 of its bonding limit.

13th. That the City of San Diego is in no position to go ahead with this project, financially, as, in addition to the \$2,000,000 which it will cost to build El Capitan Dam and pipeline to the city, must be included the cost of the condemnation of our entire Cuyamaca system, and our engineers estimate that this cost together with the acquisition of riparian rights and El Capitan Damsite and our water rights will be approximately \$4,000,000.

14th. That this bill No. 5081 introduced in the Senate by Mr. Phelan, is wholly an attempt on the part of the City of San Diego to put a cloud on the title to our property without any intention, for years to come, of acquiring the El Capitan Damsite

and other private lands necessary before use could be made of the lands within the El Capitan Indian Reservation.

15th. That the granting of the request of the City of San Diego means a cloud on the title to our property, which will put us in a position where we cannot sell bonds for the continued development of our property, which is immediately necessary to take care of its growth, and questions our ownership of the water rights on the San Diego River.

16th. That the City of San Diego acquired the Hamilton water filing free of all cost; that the said Hamilton water filing is void on its face; and that the Department of the Interior has already turned down his application, and it is still the contention of the owners of the Cuyamaca Water Co. that the Hamilton Water filing was never made in good faith.

17th. That the original preliminary surveys and data relating to the Hamilton filing and maps filed with the Department of the Interior came through information paid for by the Cuyamaca Water Co. And that this scheme was instigated by one, C. T. Sackett, a discharged engineer of the Cuyamaca Water Co., who secured his information while in our employ, and who took from our files records and maps which have never been returned, and that the owners of the Cuyamaca Water Co. are today suing said Sackett both for damages and for the return of said maps. It was this same Sackett who got Hamilton to make this said water filing, which the City of San Diego is claiming ownership of today.

We urgently request that all the facts in the case, as per

evidence introduced before the Register and Receiver in Los Angeles, be thoroughly investigated before making any decision adverse to us;

That you ask for a report from both the Forest Service and the Indian Service covering the facts as presented at the Los Angeles hearing before the Register and Receiver.

In closing, we wish to state that the City of El Cajon, the City of La Mesa and part of the City of East San Diego are wholly dependent for their water supply upon the Cuyamaca Water Co.; and said cities have no other available source of water supply. This also applies to the settlements of Lemon Grove, Spring Valley and Normal Heights.

We respectfully ask that before making any adverse decision we be allowed to present additional facts and evidence before you in Washington and that reasonable notice be given, so that all the facts in the matter may be properly presented to you.

Respectfully submitted,

Very sincerely yours;

CUYAMACA WATER COMPANY.

By _____
Manager.

F-S

[EF to LANE]

April 17, 1916.

Personal

Hon. Franklin K. Lane,
Secretary of the Interior,
Washington, D. C.

My dear Mr. Lane:

Since writing you on the subject of House Bill No. 11540, wherein the City of San Diego requests the right to flood certain lands in the El Capitan Indian Reservation, will say that I desire to call your attention to Act of the 51st Congress, second session of 1891, dated January 12, 1891 -- 26 Stat. 712, Chapter 65, a copy of which is herewith enclosed.

In accordance with Section 3 of this act, all the lands excepting an area of less than ten acres were in March 1894 included in the tribal patent to the Capitan Grande band of Indians. In accordance with the above-mentioned section, these lands are now held in trust for the Indians by the United States for the sole use and benefit of the band.

Further, in accordance with this act, it appears that the Department of the Interior, which is charged with the administration of the reservation is without power to dispose of these lands, and is simply holding same in trust.

I wish you would carefully study this act, for our attorneys are of the opinion that Congress itself has no power to dispose of patented lands. Then again, since the title has not passed from the United States, the State laws of eminent domain are not applicable.

At the very end of the act a method is presented for acquiring rights of way through patented lands: By contract with the tribe, subject to the approval of the Secretary of the Interior. Even by this clause, in view of the wording of Section 3, we are of the opinion that the Secretary of the Interior is not authorized to approve such grant, as it is incompatible with the purposes for which the reservation was created.

In the recent hearing before the U. S. Land Office, all of the officials of the U. S. Office of Indian Affairs who testified agreed that if the reservoir proposed by the City of San Diego should be built the reservation must be abandoned. The City Attorney of San Diego also made a statement to this effect at the same time.

The tribal patent, in accordance with Section 3, was issued in March, 1894, for all the lands within the reservation which are included in the City of San Diego's proposed reservoir, excepting a few acres in Section 21. In accordance with said Section 3, these lands are therefore held in trust for a period of 25 years, for the sole use of the band.

You will note that, in accordance with this section, the Secretary of the Interior had power, after the creation of the reservation and before the issuance of the patent, to grant a right of way for the San Diego Flume Company's flume, which rights of way have been held good and the patent was later issued. This is precisely what happened. The San Diego Flume Company, of which we (Cuyamaca Water Company) are successors, obtained its right of way grant by

letter of September 10, 1892, from the Acting Secretary of the Interior, which date was after the creation of the Reservation, and prior to the patent issued in March, 1894. The Cuyamaca Water Co's. right of way for this flume is in accordance with Section 8 of the above-mentioned act "subject to such privilege" and, as you are aware, the patent to the San Diego Flume Co. was afterwards issued.

I sincerely trust that you can see your way clear to refuse your approval of said House Bill No. 11540 and Senate Bill No. 5081, without the necessity of my coming to Washington. But, if there is to be a hearing in this matter, kindly give us as much notice as you can, preferably three or four weeks, and greatly oblige,

Very sincerely yours,

CUYAMACA WATER COMPANY,

By _____
Manager.

April 17, 1916.

Personal

CUYAMACA WATER CO. FILE No. 84
DO NOT REMOVE ANY LETTER FROM THIS FILE.

Hon. Franklin K. Lane,
Secretary of the Interior,
Washington, D. C.

My dear Mr. Lane:

Since writing you on the subject of House Bill No. 11540, wherein the City of San Diego requests the right to flood certain lands in the El Capitan Indian Reservation, will say that I desire to call your attention to Act of the 51st Congress, second session of 1891, dated January 12, 1891 -- 26 Stat. 712, Chapter 65, a copy of which is herewith enclosed.

In accordance with Section 3 of this act, all the lands excepting an area of less than ten acres were in March 1894 included in the tribal patent to the Capitan Grande band of Indians. In accordance with the above-mentioned section, these lands are now held in trust for the Indians by the United States for the sole use and benefit of the band.

Further, in accordance with this act, it appears that the Department of the Interior, which is charged with the administration of the reservation is without power to dispose of these lands, and is simply holding same in trust.

I wish you would carefully study this act, for our attorneys are of the opinion that Congress itself has no power to dispose of patented lands. Then again, since the title has not passed from the United States, the State laws of eminent domain are not applicable.

At the very end of the act a method is presented for acquiring rights of way through patented lands: By contract with the tribe, subject to the approval of the Secretary of the Interior. Even by this clause, in view of the wording of Section 3, we are of the opinion that the Secretary of the Interior is not authorized to approve such grant, as it is incompatible with the purposes for which the reservation was created.

In the recent hearing before the U. S. Land Office, all of the officials of the U. S. Office of Indian Affairs who testified agreed that if the reservoir proposed by the City of San Diego should be built the reservation must be abandoned. The City Attorney of San Diego also made a statement to this effect at the same time.

The tribal patent, in accordance with Section 3, was issued in March, 1894, for all the lands within the reservation which are included in the City of San Diego's proposed reservoir, excepting a few acres in Section 21. In accordance with said Section 3, these lands are therefore held in trust for a period of 25 years, for the sole use of the band.

You will note that, in accordance with this section, the Secretary of the Interior had power, after the creation of the reservation and before the issuance of the patent, to grant a right of way for the San Diego Flume Company's flume, which rights of way have been held good and the patent was later issued. This is precisely what happened. The San Diego Flume Company, of which we (Cuyamaca Water Company) are successors, obtained its right of way grant by

letter of September 16, 1892, from the Acting Secretary of the Interior, which date was after the creation of the Reservation, and prior to the patent issued in March, 1894. The Cuyamaca Water Co's. right of way for this flume is in accordance with Section 8 of the above-mentioned act "subject to such privilege" and, as you are aware, the patent to the San Diego Flume Co. was afterwards issued.

I sincerely trust that you can see your way clear to refuse your approval of said House Bill No. 11540 and Senate Bill No. 5081, without the necessity of my coming to Washington. But, if there is to be a hearing in this matter, kindly give us as much notice as you can, preferably three or four weeks, and greatly oblige.

Very sincerely yours,

CUYAMACA WATER COMPANY,

By _____
Manager.

F-3

CUYAMACA WATER CO.
FILE No. 84
DO NOT REMOVE
ANY LETTER
FROM THIS FILE.

May 22, 1918.

To the Honorable
Franklin K. Lane,
Secretary of the Interior,
Washington, D. C.

Dear Sir:

By Act of Congress approved June 13, 1891, 26 Stat. 714, Congress gave to the San Diego Flume Company, our predecessors, the right to build a dam and necessary rights of way for a flume line through the Capitan Grande Indian Reservation, San Diego County, California. The consideration paid by the San Diego Flume Company was the furnishing of water to the Indians, quoting from the Act, as follows:

"The said Company, its successors and assigns shall furnish at its own expense, and at such places and at such points along the side of the flume or canal within the Reservation, and at and during such times and periods of time as the Indians on said Reservation may desire, or the United States Indian agent in charge of such Indians may request, an ample and sufficient supply and quantity of water for the use of said Indians, for agricultural and domestic purposes, and for stock belonging to said Indians."

The value of this consideration to the U. S. Government was two-fold: 1. It saved an expenditure of money by the U. S. Government for the construction of a water system, which would have cost not less than \$100,000. 2. It calls for the perpetual maintenance of said system by the San Diego Flume Company, without any charge whatsoever to the Government, and furnishes the Indians with all the water that they desire during the summer months -- waters impounded during the winter months by the construction of our reservoirs. 3. In addition, it irrigates all the higher levels of the Indian Reservation,

from the San Diego River through the present diverting dam, on the
owing to the location of our flume above the farming lands
Indian Reservation, thence by flume to Murray Dam. We have also
belonging to the Indians.

doubled the capacity of our flume for thirty-three miles in length,
That you may know the value of the service being rendered
increasing it from 10,000,000 to 20,000,000 gallons daily.

to the Indians, I refer you to a letter among the records of your
files of the El Capitan Grande Indian Reservation, signed by
U. S. Chief Engineer Code, in charge of the irrigation work for
the Indian Service in that District, who says that the value of
the service being rendered by the Cuyamaca Water Company in furnish-
ing water to the Indians is \$10,000 annually. When there is no
water in the Diverting Dam, we withdraw water from our Cuyamaca
Reservoir above.

The San Diego Flume Company, our predecessors, built the
Cuyamaca Dam, first. This is located above the present diverting
dam on the El Capitan Indian Reservation. Only a small diverting
dam was built on the Indian Reservation, originally. Since we
bought the system, we have increased the height of the diverting
dam ten feet. It is a solid masonry structure and backs up the
water in the canyon for nearly half a mile. It has always been
the intention of the Cuyamaca Water Company, as conditions warrant-
ed it, to raise the present diverting dam to at least 120 feet in
height and conserve the flood waters that have been for so many
years going to the ocean. Within the last twelve months, at an
expense of several hundred thousand dollars, we have just com-
pleted at La Mesa a multiple arch concrete dam, 860 feet in
length and 113 feet in height, which will hold between two and
three billion gallons of water, known as Murray Dam. This dam
is located at the other end of our flume, within five miles of
the City of San Diego, and is to be filled with water diverted

to raise the present diverting dam. To support our view of the matter,
we quote further from this Act of Congress, which reads:
"in consideration of the grant of such right of way, one
successors, with all the usual rights of land and water
constructing, maintaining and operating an irrigation
therein, through Sections 11, 14, 16 along the line as
Indian Commission. The map is marked Exhibit A of said
word 'dam.' The Act itself reads:
"with the necessary works appurtenant thereto through
Sections 11, 14, 16
Certainly a dam at this point is a necessary part of the works
appurtenant to a water system. The dam is located in Section 11;
as quoted above, you will see that Section 11 is described in the
Act.

from the San Diego River through the present diverting dam, on the Indian Reservation, thence by flume to Murray Dam. We have also doubled the capacity of our flume for thirty-three miles in length, increasing it from 10,000,000 to 30,000,000 gallons daily.

We now propose to build the diverting dam to 120 feet in height, at the present diverting dam, its present height being 30 feet, or else to build a new structure off the reservation on private property and just above the present diverting dam. By referring to the map, you will see that the diverting dam is about one-fourth mile from the North line of the Indian Reservation.

We believe we have the right, under the original Act of Congress, to raise the present diverting dam. To support our view of the matter, we quote further from this Act of Congress, which reads:

"In consideration of the grant of such right of way, one hundred feet in width, to said Company and its assigns or successors, with all the usual rights of land and water and all ingress, egress and regress, for the purpose of constructing, maintaining and operating an irrigation flume or canal, with the necessary works appurtenant thereto, through Sections 11, 14, &c along the line as indicated on a map accompanying the report on the Mission Indians' Commission. The map is marked Exhibit A of said report."

By referring to the map attached to the Act of Congress, there is plainly delineated on said map, at the location of our intake, the word "dam." The Act itself reads:

"With the necessary works appurtenant thereto through Sections 11, 14" &c.

Certainly a dam at this point is a necessary part of the works appurtenant to a water system. The dam is located in Section 11; as quoted above, you will see that Section 11 is described in the

Act. build dam does violence to manifest intent and scope of act which gives everything necessary for accomplishment of and the conservation

There can be no question as to the meaning of Section 1 in said Act of Congress, which reads that we shall have "all usual rights of land and water for the purpose of constructing, operating and maintaining an irrigation flume or canal, with the necessary works appurtenant thereto".

Conditions are unusual in California. It was necessary to spend over a million dollars to build the flume line, thirty-six miles in length, together with a large distributing system as well before there could be any possibility of return from the investment. It takes years to develop a country and put all the water possible to beneficial use. Owing to this fact, and the fact that it was impossible to borrow any more money at the time this system was built, and all irrigation systems had a black eye, and for the last twenty years the same condition has existed. The result has been that the temporary diverting dam originally built was never increased in height sufficiently to store the necessary flood waters to increase the net safe yield. That this was the intention from the beginning there can be no doubt. No engineer in his right senses would plan on a diverting dam of a capacity of only two days supply for the flume, which was the size of the original diverting dam.

After a thorough investigation as to the facts, Ex-Supreme Court Justice F. W. Henshaw wrote me the following opinion as to our rights:

"New York, Feb. 8, 1918.

"Col. Ed Fletcher,
Manager Cuyamaca Water Company,
San Diego, California.

"To say Congressional Act does not in terms grant right to build dam does violence to manifest intent and scope of act which gives everything necessary for accomplishment of and the conservation

and use of water for public benefit. Your brief most fair and convincing. Feel certain department of Interior alive to conditions in Southern California will construe act in accordance with its manifest intent and your construction there. Have not slightest doubt outcome of litigation would uphold your contention but litigation inevitably would result in long delay involving loss to company and deprivation to public."

Since this opinion was rendered by Mr. Henshaw, we have made new surveys and have found out that the best damsite and cheapest construction is just off the Indian Reservation, on private property, and it is at this point that we intend immediately to construct a dam at least 120 feet in height.

What we desire is a letter from you stating that you, representing the Indians, and so far as the Government is concerned, will not enjoin our construction of the proposed dam just above the Indian Reservation, as per map herewith attached. This dam will be of concrete construction; the plans have already been approved by the Hydraulic Engineer of the State Railroad Commission, and the dam will be built under their supervision. We will be glad to cooperate with the engineer of the Indian Service and satisfy him in every particular as to construction. We want him to develop water up there, and want him to divert water, and we want him to divert three or four times as much as he is developing; and if the Indian Reservation will be greatly benefitted by the construction of this proposed dam, as it will eliminate the flood damage, which has occurred in the past. It is an added factor of safety for an added supply of water to the Indians, and we will continue to furnish the Indians with water, as in the past, and without charge.

The only source of gravity water supply for the towns of Bostonia, Lemon Grove and Spring Valley and the cities of El Cajon and La Mesa and part of East San Diego is from this system. The city councils of the cities of El Cajon and La

Mesa have unanimously passed resolutions endorsing our position and urging the construction of this dam, as well as mass meetings held in all the towns that we furnish water to.

By granting our petition, in case the El Capitan bill is passed by Congress, there still remains 87 square miles of watershed to fill the El Capitan Reservoir, as per map herewith attached. The City of San Diego is not opposed to our building of this dam. My proof is the statement of the City Attorney of San Diego, Mr. Cosgrove, before the Public Lands Committee of the House, as per official record of H.R. 4037, as follows:

Page 58.

"The Chairman. Then, Mr. Cosgrove, if it is true that Mr. Fletcher has filings and surveys of appropriations or development otherwise that took all the water, you do not seek to have this committee or this Congress do anything to take it away?

Mr. Cosgrove. Indeed, not.

The Chairman. That is a question that you want determined in the courts?

Mr. Cosgrove. We want him to develop water up there, and we want him to divert water, and we want him to divert three or four times as much as he is developing; and if he would divert ten times as much as he is diverting, there would be more water there than we are using, as I can demonstrate."

Page 63.

"Mr. Taylor. You say you want to appropriate the surplus water after it passes them, that they cannot get and could not get under any system that is in contemplation?

Mr. Cosgrove. Yes, sir; and the same way up here in the mountains; if they would build reservoirs, we would be glad to have them. We are just as rich as that back country. Surely you can see the fallacy of this situation here. We want this country developed. It is our back yard, and we want this Cuyamaca Water Co. to build up their diverting dams, to build up their reservoirs here, and we want them to build the reservoirs themselves, but we simply want the privilege of stopping that water that rushes by and destroys the valley and rushes through the city and destroys our improvements. That is all we want."

Pages 74 and 75.

that would certainly add to the amount of water available for irrigation.

Mr. Raker. Then the whole thing summed up means this, that you are desiring to put a dam there intended to take the water that is now and has been for years going to waste?

Mr. Cramton. You know of no reason why they should not, any event, proceed with that work?

Mr. Cosgrove. That is it exactly.

Mr. Raker. Without interfering with their system or their water claims or their prior rights or the rights of the people below?

Mr. Cosgrove. Exactly. We simply want the privilege of conserving the water below his intake; that passes his intake.

Mr. Cramton. You heard his statement, Mr. Cosgrove, as to what they contemplate?

Mr. Cosgrove. Yes. If they want to increase the height of the diverting dam, we would be glad to help in any way to have them increase the height of that dam because it is to our benefit to have this country back here cultivated, every acre of it.

Mr. Cramton. At the diverting dam - reservoir?

Mr. Cosgrove. Yes.

Mr. Cramton. If he carries out those plans as stated, will that interfere with your plans?

Mr. Cosgrove. If they build a dam here they cannot build one very high, but if they build a little dam here (indicating on map) and back up a little water, it would conserve that amount of water. But the amount of water --

Mr. Cosgrove. Then, if they take every bit of water, there

Mr. Cramton. It would not interfere?

Mr. Cosgrove. Oh, no; it would not interfere.

Mr. Cramton. Therefore if there are any objections on your part, speaking for the city, to their making those improvements and changes that he referred to yesterday --

Mr. Cosgrove. To their increasing the --

Mr. Timberlake. Increasing the height of that dam from 30 feet to the height they said they were going to make it?

Mr. Cosgrove. If they increased this dam 30 feet, it would still be a little pond. It would not be anything like this thing we want to put here (indicating). The amount of water conserved there would be so very small as compared with the amount of water we use and want conserved that it would have no appreciable effect.

General Strong, of furnishing water from our Murray Dam to the

Mr. Cramton. If they should improve the system, or if this bill would pass, if they were able to make the improvements

immediately, that would certainly add to the amount of water available for irrigation.

Mr. Cosgrove. Yes.

Mr. Cramton. You know of no reason why they should not, in any event, go ahead with that work?

Mr. Cosgrove. We would like to see that.

Mr. Elston. That thing undercuts to a large extent Mr. Fletcher's apprehension that your dam down there at the El Capitan site might interfere with the appropriated waters that he claims above, but the litigation he said was contemplated was more litigation that he might institute himself than any litigation you might start.

Mr. Cosgrove. We have not any idea of starting any litigation against them. We want them to conserve all the water they can. If they want to increase the height of the diverting dam, we would be glad to help in any way to have them increase the height of that, because it is to our benefit to have this country back here cultivated, every acre of it. It is our back country.

Mr. Church. But he stated that if given 18 months, as I remember it, they proposed to build a structure there and a dam to take every bit of water.

Mr. Cosgrove. Yes.

Mr. Church. How would you be left there, then?

Mr. Cosgrove. Then, if they take every bit of water, there will not be any.

Mr. Church. Would you be satisfied?

Mr. Cosgrove. Yes; we would be glad to have them take all the water.

Mr. Church. There is no difference between you and them on that?

Mr. Cosgrove. There is no difference on that.

The City of San Diego cannot, for years to come, finance its big project, the El Capitan, even if the bill passes Congress.

We have lately taken the matter up with the Government, through Major General Strong, of furnishing water from our Murray Dam to the cantonment at Camp Kearny. The distance is only 8.6 miles; the

surveys have been made, and within thirty days the question will undoubtedly be settled that we will furnish water to the cantonment. If desired, I will be very glad to get a letter from Major General Strong in relation thereto, as to the necessity of this development.

We are drawing up a contract at the present time, whereby we are undertaking to build this dam, make other improvements in our distributing system and sell our entire system to the La Mesa, Lemon Grove and Spring Valley Irrigation District, which is now organized. The contract will undoubtedly be signed in a few weeks. The state authorities will put a valuation on the system complete and we take bonds in payment.

We urge that you now give your consent to our proceeding to construct the proposed dam, as there is nothing so vital to San Diego County as the conservation of water. We now have the finances to construct this dam, and the plans are to commence same immediately, while a few months hence financial conditions may be such as to make it impossible for us to accomplish our purpose. We are a public utility, and the Railroad Commission of the State of California having jurisdiction over us, we could be forced to sell water to the City of San Diego, at any time they desire it, for domestic purposes; but we give you this assurance, that we will gladly sell water to the City of San Diego, at any time they want it, and at a price not to exceed one-half the cost of every drop of water which the City of San Diego is getting from its present gravity system.

-10-

All we fear is that the U. S. Government might bring a suit to enjoin the construction of this dam, and all we ask is an assurance from you that such will not be the action of your department.

Respectfully submitted,

CUYAMACA WATER COMPANY,

Per _____

Manager.

F-S

Hon. Franklin K. Lane,
Secretary of the Interior,
Washington, D. C.

CUYAMACA WATER CO.
FILE NO. 84
DO NOT REMOVE
ANY LETTER
FROM THIS FILE

Understand Congressman Kettner has submitted bill drawn by City of San Diego, proposing to grant rights on Capitan Reservation. The rights asked for are same as applied for in Hamilton's application which was rejected by you, and, at our request, case was transferred to Los Angeles Land Office, where it is now being heard.

Your Department granted us permit to build Diverting Dam; also rights of way for flume line and pipelines, over thirty years ago, in Capitan Reservation. We have lived up to our part of the agreement, and nearly ~~\$2,000,000~~ Two Million Dollars has been spent in developing and maintaining our system. City owns no damsite or lands that will be flooded. If dam were built to flood lands asked for in application, greatest injustice would be done our company. By all means advise that City of San Diego's request be not granted until evidence in hearing at Los Angeles Land Office be submitted for your examination. San Diego's officials now admit there is six year's supply of water in their reservoirs today. No emergency exists.

We have been furnishing water to the cities of East San Diego, La Mesa and El Cajon for many years, and their rights must be protected, and our system is their only available source of supply.

If matter urgent one, by all means, grant us hearing in Washington at your convenience, giving us reasonable time, before giving your approval to having the bill introduced in Congress. This question is not one of damage to the Indians alone, but the obligations of the Government to protect us in rights heretofore granted by you. Our system has been run at a loss for many years, but our obligations to the Government have been faithfully kept. Favorable action on this bill, on the part of Congress puts a cloud on the title to our water rights, means endless litigation, and ruination to the Cuyamaca Water Co. All we ask is justice.

Have wired Governor Eshleman to see you.

CUYAMACA WATER CO.
Cuyamaca Water Company
FILE NO. 84 By El Fletcher, Manager.
DO NOT REMOVE
ANY LETTER
FROM THIS FILE.

Night letter
Charge Cuyamaca Water Co.
F-S

Ed Fletcher Papers

1870-1955

MSS.81

Box: 16 Folder: 5

General Correspondence - Lane, Franklin K.



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