OK

File No. 81

Subject D. G. GORDON

62" Water
H. Leidel
F. A. Springstead
Lexington Flume

CUYAMACA WATER CO.
JUL 23 1913
JUL 23 1913

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA, July 23/13

Cuyamaca Water Company
San Diego Cal.

Gentlemen:

I learn from three points where a record is being kept of depth of water running in the flume, that an excessive quantity of water is being run through, which seems to indicate an intention on your part to discriminate against irrigators along the flume, by having an undue proportion of reservoir water beyond their reach, as was the case two years ago.

It is clearly your duty to apportion and utilize all available water in such manner as will give to each consumer the proportion to which he is legally entitled, even though this involves the pumping of water from La Mesa Reservoir.

you of course know that a reduction of supply to one quarter in accordance with the notice you have sent out will cause great loss to irrigators, and if it appears later that this reduction could have been avoided by promptly utilizing the water in La Mesa Reservoir as was done last year, what defense can you then offer in suits of injured irrigators demanding actual and punitive damages?

I will remind you that two years ago you continued to furnish water to all consumers below Eucalyptus Reservoir long after you had ceased to furnish any water along the flume. You must not expect us to submit to such discrimination again.

It is my belief from such information as I have been able to get that if you will fairly apportion and utilize the water in all of your reservoirs you can continue to furnish a half supply.

Ought you not to immediately reserve all water now in Cuyamaca Reservoir for the use of consumers along the flume line, pump from La Mesa Reservoir for the rest of the consumers who are above gravity flow from La Mesa Reservoir as was done last year?

Your truly

D. G. Gordon

Bostonia Cal. sept.23/13

Mr.Ed. Fletcher

Dear Sir:

In regard to the meeting of the Executive Committee of the water users under the Cuyamaca System about which I talked with you over the phone last eve. The object of said Committee is to look after the interests of said water users generally,and especially to try to have the orders of the Railroad Commission in respect to providing an increased supply of water and proper conduits,carried out as speedily as possible.

If you have any definite practical suggestions to offer bearing on the said object of the Committee I am sure we will give them fair consideration,but please omit all personalities. I have not said anything to any other member of the Committee about inviting you to offer suggestions,so if you are not prepared with any at this time just wait.

After the Committee has met it will possibly have some suggestions to make to you in the interest of harmony.

Your offer to take the Committee to see what the present conditions are,will I hope be followed up and accepted.

I have tried in the past to make you believe that I most earnestly desire to avoid unnecessary friction while insisting that the substantial rights of the water users be preserved,and I again ask you to believe that to be my desire.

Yours truly

D. G. Gordon

Bostonia Cal. Sept 25/13

Mr.Ed.Fletcher

Dear Sir:

I find that there is some doubt in the minds of some members of our General Committee as to you plans for renewal of flume.

There will probably be a meeting of the Committee next Tuesday and I would be glad to get from you before,or at that time a written statement of your plans so far as they are matured.

Mr.Harroun in his report to the Railroad Commission,of April 25 1913 says "Under date of April 22,1913 application has been made by Ed Fletcher and James A.Murray,for authority to construct

approximately two miles of open steel flume to cost	$55.000.00
For open concrete conduit and syphon at Sand Creek to cost approximately	10.000.00
and for open concrete conduit between Monte tunnel and Lankersheim tunnel,to cost	76.000.00 "

He approved that plan. Are you following it entirely or have you modified it,and if modified,in what respect?

Is the open steel flume only for trestles?

How much steel flume has been ordered?I understoodonly 4.100 f't

I understood Mr.Post to say that conduit to Lankersheim would be completed this fall,but I also understood that he did not expect to be able to conduct 2.000 inches beyond South Fork. Can you make that clear?

Am I right in believing that no definite plans for renewal between Lankersheim and Eucalyptus have been made or submitted to the Railroad Commission?

It is uncertain yet whether our meeting will be in San Diego or at La Mesa but if you can have reply to this at Parke Grables San Diego office by Monday P.M. it will reach us in time.

Yours truly

D. G. Gordon

F-35

Sept 27th, 1913.

Mr. D. G. Gordon,
c/o Park-Grable Co.,
San Diego, Calif.

Dear Sir:

Answering yours of Sept. 25th will say that we are following the plans approved by the Commission. The Sand Creek syphon is done and the conduit will be built within two weeks; within three weeks from date we will undoubtedly eliminate the old flume entirely and have water running thru the Sand Creek syphon. This will then release the necessary bridge timbers that we need for reconstruction of trestles. As you know the San Creek trestle is very large and we need that lumber for reconstruction work before we can go ahead with the building of our steel flume trestles. However, there has been no delay on that account; we placed the order for the steel flume early in July, but it was impossible to get delivery before the 10th of October as it had to come from the east. Since placing the original order for the steel flume, we have placed another order for a carload and it is our intention to have it come just as fast as we can reconstruct our flume and trestles.

The survey of the conduit from the Monte to Lankershim Tunnell, which was in the plan approved by the Commission, has been made and everything in readiness for Mr. Murray's O.K. on his return early this coming month. Mr. Murray is now in the east.

In addition to purchasing steel flume for

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA, Oct.10 1913

Cuyamaca Water Company

San Diego Cal.

Gentlemen:

Complaint is made to me that the water consumers along the line of the flume are not being treated fairly. That consumers at points beyond Eucalyptus Reservoir are getting from a quarter to a full supply while people alongthe flume are nominally getting a twelfth of an inch. A few minutes ago I went up to the Hawley Pipe Line on my land to see for myself.There is not a drop of water at my diverting opening. Of course you cannot give us a share of La Mesa Reservoir water but you can conserve that water so that later it will not be necessary to give the consumers beyond Eucalyptus Reservoir a share of pumped water. I am calling a meeting of the water Consumers along the flume for next week Saturday and before that time I would like to get from you a statement in answer to the following questions viz.

1. How much water are you delivering daily to Normal Heights?
2. " " " Kensington Park?
3. " " " Pacific Building Co.?
4 " " " Irrigators between E.San Diego & La Mesa City?
5 " " " La Mesa Mutual Water Co.?
6 " " " Spring Valley Pipe?
7 " " " Lemon Grove Pipe?
8 On what basis are you delivering water along the flume,as to quantity? Some think it is 1/12 inch to each consumer while some think it is 1/12 supply. Any information that you think would be of interest I would be glad to receive.I do not think any of our people would care for an insignificant quantity of pumped water.

Yours truly D.G.Gordon

trestles, we are eliminating 1500 or 2000 feet of wooden flume with steel flume instead in South Fork canyon. This will also arrive from the east about October 10th.

Mr Post is up the San Diego River and I do not know what statement he made to you but it is impossible to make permanent construction and bring the conduit line down to Lankershim Tunnel this fall. From Lankershim Tunnell to Eucalyptus Reservoir we intend to put a small pipe line around the valley where the flume is at present, and bring the main body of water across El Cajon Valley by syphon. I have instructed Mr Post to work in harmony with Mr Mansur and Culbertson in the matter of our pumping plants for they have had experience in putting down wells and will appreciate any suggestion that Messrs. Culbertson and Mansuer have to make for the good of the service, as they have had experience in putting down wells in the San Diego River.

I was amazed that Mr Lewis allowed even a temporary injunction without giving us a chance to be heard. There is certainly one judge who went back on you. It is up to us to pull together and get the right to pump. Our attorney is Mr Sweet and we would like to have you, if you will, instruct Judge Haines and the other attorneys to work together.

I wish to thank the committee for going up and looking over our work with me on Thursday; I shall be pleased to receive any suggestions from your committee at any time.

FK

Very truly yours,

Oct. 16, 1913

Mr. D. G. Gordon,

Bostonia, Cal.

Dear Sir:

Further in relation to our water development, our engineer Mr Post reports this morning that we will bring in a good well at the Chocolate Pumping Plant tomorrow and we will continue putting down one additional well, as well as making the gallery up the river bed and in all probability within two weeks from date we will have forty inches at that plant.

We have struck 18 ft of gravel at the Plant No. 3 and there is every indication that we will get about 25 or 30 inches of water at this point, and approximately 15 inches on an average at the upper plant or a total of about 75 inches is the best that we can develop at the three plants.

We have had Messrs Mansur and Culbertson with us; they recommended a certain style of wells and we made arrangements with them to put them in, but infortunately owing to the coarse gravel and boulders they were unable to carry out their ideas in the development of water and have recommended that we proceed along the lines that we are now working.

Very truly yours,

FK

Creek reservoir site which we have been trying to secure. The Boulder Creek Mining Co. is trying to force us to buy their mine for $250,000. The Water Commission have not given their decision yet. I hope to be able to give you something definite this coming week on the nature of our improvements.

Very truly yours,

FK

COPY Mr. & F.

October 23, 1913.

Mr. D. G. Gordon,
c/o Park Grable Co.,
San Diego, Cal.

Dear Sir:-

Replying to your letter of October 23rd, requesting an answer to certain questions, I beg to say:

Pumping Station No. 2 is pumping 30 to 35 Minor's Inches. Well No. 4 is still being drilled and will be ready the first of next week. It should yield 5 inches. The bed rock trench is being continued and adds about 1 inch a day on the average. Yesterday a bearing burned out on engine and repairs are being made.

I expect this plant to be near its capacity of 50 Miner's Inches within a week.

2. At Plant No. 3 triplex pump is now installed and pumping to start in a day or two. Wells No. 1 and 2 should yield 15 Miner's Inches. Well No. 3 is being drilled and about 10 Miner's Inches expected. Total capacity of plant will be 25 to 30 Miner's Inches.

3. At Plant No. 4 shaft is completed and drifting commenced across river bed. Yield 5 miner's Inches to date.

4. Shaft and trench is begun at plant No. 5, with no tests as yet of water supply. Engine and pump have not been ordered, awaiting capacity requirement.

5. The daily pumping rate of all plants now is 35 to 40 Miner's Inches.

#2.

6. Cuyamaca Lake is empty. Diverting Dam is empty.

7. Flume work has been prosecuted continuously since July and is now going on. Camp No. 1 is engaged on its next job. 350 Lin. Ft. concrete flume back of Indian Church (4th mile).

Camp No. 3 is erecting superstructure 1700 lin. ft. of steel flume on South Fork feeder. Car No, 23066 AT & SF is now unloading at Lakeside, with half of the steel flume for this structure.

Camp No. 3 is also erecting superstructure for steel flume on section between South Fork and Chocolate Canyon. 1000 lin. ft. of steel flume for this section is in above car.

Camp No. 2 is erecting trestle superstructure on section between Chocolate Canyon and Cape Horn. Car No. 28556 U.P. is reported near Los Angeles, Loaded with 2500 lin. feet steel flume for this section.

8. The leakage of the flume is about 60 miner's inches. It is not probable that water will reach beyond Sweetwater Trestle until some water starts in the river. Caulking and asphalting of the lower flume will be done immediately before water goes through.

9. No water above a nominal one-twelfth supply on the flume is feasible from pumping alone, since Cuyamaca is emptied. The one-quarter supply was continued beyond the correct limit for properly maintaining even a one-twelfth supply. This was however on the Railway Commission's order.

Very sincerely yours,

W S P.

Chief Engineer.

P.S. Sand Creek Syphon is in service

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

answered by Post letter attached

BOSTONIA, CALIFORNIA. Oct/23/13

RECEIVED OCT 24 1913

Cuyamaca Water Company
San Diego Cal.

Gentlemen:

There will be a meeting of the General Committee of the water consumers under your system, Saturday of this week, at which I would like to submit any information of interest to the Committee.

What is the latest from the pumping stations?

What is the probability of your having any irrigation water from the pumps, and if any, when? how much?

How much water is there in Cuyamaca Reservoir?

Is there anything new about renewal work on flume?

What, if any, flume materials have been received since the Committee went with Manager Fletcher to Sand Creek?

It is reported that you have been pumping 50 inches of water, and while only delivering 1/12 inch to each consumer along the flume, have not been able to run any water to end of flume. How about this? Are you doing anything to repair flume, or stop leaks?

If you have anything to communicate in answer to above will you please have it at Parke-Grables San Diego office by 9 oclock Saturday morning with anything else of interest.

Yours truly

D. G. Gordon

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

RECEIVED NOV 21 1913

BOSTONIA, CALIFORNIA, Nov. 20 1913

Cuyamaca Water Company
San Diego, Cal.

Gentlemen:

Some months ago your Engineer Post and Mr. Brookman of the Railroad Commission, were together at my house, and I suggested that this winter you ought to deliver to La Mesa Reservoir, for storage, as much of the flood waters as possible, delivering to consumers, only as much as they actually need. I afterwards submitted the suggestion to our General Committee and they approved it. Mr Springstead and Mr. Culbertson said that except during and for a few days after rains those irrigators who have shallow rooted plants, need irrigation water all through the winter. I did not mean that you should cut off supply from those who really need water. Last winter you notified all consumers that there was a full supply, and as the consumers expected to have to pay for the water, very many of them tried to use it, but I am sure they got very little benefit from it, except in the cases Springstead and Culbertson had in mind.

The recent rains have not thoroughly soaked the ground but they have made irrigation of orchards unnecessary for the next month or longer.

I was yesterday urged to apply to the Railroad Commission for an order directing you to carry out the suggestion referred to above, but I would like to hear from you first.

What do you think of the suggestion?

Have you any definite plans as to disposal of this winters flood water?

What progress have you made in renewing the flume?

Do you now expect to complete renewal of flume to Lankersheim tunnel before you begin to draw from Cuyamaca next season?

Have you made any progress in the matter of new reservoirs?

Have you any other information of interest to consumers, that you are willing to communicate?

Yours truly

D. G. Gordon

P.S.
It has occurred to me that possibly you may have more flood water than you are able to deliver to La Mesa Reservoir. In that case I suppose you ought to be free to require consumers to take up to a full supply, as heretofore.

D. G. G.

Nov. 21, 1913.

Mr. D. G. Gordon,

Bostonia, Cal.

Dear Sir:

Answering yours of November 20th will say that until La Mesa dam is filled, I would by all means recommend that this company be allowed to fill same and only give a half or quarter supply during the winter excepting where absolutely needed. But I do feel that where there is a superbundance of water and La Mesa dam filled, that owing to the low cost of water the full irrigation supply should then be furnished. I hope within the next week to be able to know definitely what our plans are. We have found out byt actual test of a thousand feet that we can reline the flume with two-ply roofing and only have a loss of one-twentieth of one percent, with a guarantee of five years. This will cost us about $50,000 to re-line the flume to stop the leakage the entire distance. I have recommended this and I believe it will be done.

We have also to put in a first-class pipe line from the end of the flume to the city limits of San Diego, with a 16 inch pipe line to the junction of the La Mesa dam pipe line and 12 inch from there to the city limits will furnish any surplus waters when La Mesa dam is filled to the city and it is the intention of the city to pump and

Dec. 15, 1913.

Mr. D. G. Gordon,

Bostonia, Cal.

Dear Sir:

I am certainly amazed at your attitude in the matter of objecting to the El Monte pumping plant being sold to the city. If the Cuyamaca Water Co. can make this arrangement, we will collect twenty or thirty thousand income which otherwise will have to come out of the pockets of the consumers and with our pumping plants already installed, we can always be readu to furnish emergency water, if we are allowed to pump out of the San Diego River at all.

I am commencing to lose my faith in h man nature when I find such men as you and Judge Haines opposing our getting back our money expended judiciously and by order of the Commission, to say nothing of the favorable reportof your committee to the Commission as to our efforts, that we had in good faith done everything possible to install pumping plants ordered by the Commission. Even you will admit that no sane man would have put in pumping plants under the circumstances unless ordered by the Commission so to do, as we had been notified in writing that we would have injunction suits on our hands if we attempted it. The time will come that you will find it to your own best interests to try and work in harmony with this company instead of knocking all the time.

Very truly yours,

FK

and use our system for carrying capacity.

I would be glad to have your committee take up with the Railroad Commission the question of none use of water in the winter until the reservoirs are filled and I would call this an emergency measure.

Regarding your inquiry as to the ~~amount~~ of our work at present will say that our pay roll alone last month was $15,000; we have had two carloads of steel flume arrive to replace trestles, the material alone costing us between seven and eight thousand dollars, and the report of our engineer today shows that 550 feet of same is in place and the balance coming in as fast as possible. We are replacing all of the trestles with concrete abuttments and doing it in first class shape so that the life of the trestle will be at least twenty-five to thirty years.

The Sand Creek syphon is complete and has been tested out successfully. We have also completed nearly two thousand feet of concrete conduit. With the lining of the balance of the flume the entire distance as we are now contemplating and having same completed by the 1st of February, we will have successfully put the flume in good condition at least for five years.

I think the above answers your question regarding the renewal of flume to Lankershim tunnel. I have just ordered the Lankershim tunnel put in condition at the expense of nearly a thousand dollars. We have had a hearing before the Water Commission in the matter of the Boulder

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA, Dec.18/13

Mr.Ed.Fletcher
San Diego, Cal.

Dear Sir:

I have your letter of 15th inst:

I think it is very strange that you appear to be incapable of looking at water matters from the consumers point of view,inasmuch as you were formerly one of us. I am sure that all of the consumers approve of my protest against the sale of the Monte plant to San Diego. What would plants 2-3 and 4 amount to in such years as 1897 to 1904,even after the flume is papered? We know that the Monte plant was a great producer in those years,and there is no reason to doubt that the location is as good as ever. As to Riparian objectors. It seems to me we have quite as strong a claim of right to have pumping resumed at the Monte plant,as at the upper plants.You were quite sure of suit being commenced at either location anyway.

Until there is a very much better prospect of getting gravity water than at present,it would be very unjust to us,to sell that plant as you propose. We want water while you simply want income.

Aside from the mere fact of sale,Iobject to any guaranty of delivery of water to the city,as the almost certainty of deficiency by loss in transit,would come out of present consumers.

I also object to heavy expenditures at the lower end of the system,until you have improved conditions at the upper end.

You place altogether too much emphasis on the fact that in our letter of Oct.25th to the Commission we gave you credit for apparent good faith in trying to get water from the river.I am personally

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA,

resposible for that slight praise.It was a mistake.I was told the loss in the flume was 60 inches whereas it now appears it was over 90 inches.

I have tried to put myself in your place in looking at the various questions that have arisen,and have been so careful to avoid doing injustice to you or Murray that many people think I have gone to the extreme in excusing delays,and I am afraid they are right,for I cannot now believe that Murray has at any time in the past three years tried to do his duty to the consumers.There have been lots of promises but very little performance,and until there has been some substantial performance you will have no reason to again accuse me of saying that yo u have been acting in good faith.

The Commission has been too easy with you.You are not in fairness entitled to an income from this system while consumers are suffering such heavy losses because of your neglect of duty.

I wont deny your statement that I am "As sane as any man under the system" but a good many consumers would have some doubt about it. When you have actually accomplished somethin substantial for the consumers generally,I shall be very glad to hear of it,and be ready to give you credit for it.

Isnt the real trouble due to a desire to get rid of the irrigators?

Yours truly

D. G. Gordon

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA. March 14/14

Cuyamaca Water Company
San Diego, Cal.

Gentlemen:

Your reported contract for sale of water to San Diego has brought me so many enquiries that I am unable to answer satisfactorily that I will be much obliged if you will answer definitely the following questions, namely: What is your contract with the City of San Diego?

What was the depth of water in La Mesa Reservoir yesterday?

What would be the depth when that reservoir is full?

How many inches a day was the water level rising in that reservoir the past few days?

How many days would it have taken to fill the reservoir if you had continued running ~~WATER~~ all available water into it, as you have been doing down to the time of commencing to deliver water to the City?

Why do you not fill the reservoir before delivering water to the City?

What is the depth of water in Cuyamaca Reservoir?

How many inches daily does the water level in Cuyamaca Reservoir rise?

How many million gallons of water daily, reaches the lower end of the flume at the present time?

Yurs truly

D. G. Gordon

Copy per mathews

March 16, 1914.

Mr. D. G. Gordon,
Bostonia, Calif.

Dear Sir:

Answering yours of March 14th will say that we have made no contract with the city of San Diego excepting for thirty or sixty days to help them out in a shortage, just so long as we have flood waters. I have told the city that these flood waters will cost ten cents a thousand gallons, or if they are not satisfied with that price, we will leave it to the Railroad Commission.

The depth of water at La Mesa reservoir is between 57 and 58 ft; the spillway is 60 ft; therefore the La Mesa reservoir is within less than three feet of being full. La Mesa reservoir has been rising from three to four inches a day, so we can fill it to the spillway in ten or twelve days. We are only delivering at present about a million gallons of water a day to the city; later on we expect to give them up to about four million a day. Our flume carries over ten million gallons a day delivered to Eucalyptus reservoir. The consumption along the flume at present is about two million gallons a day. When we are delivering to the city four million gallons a day, we will still be putting about four millions a day into La Mesa. The reason that we do not fill the reservoir completely

full at La Mesa dam before giving to the city is because it is a waste of water. If we fill La Mesa dam full, the city of San Diego can only take four or five millions of gallons a day, and with the consumption along the flume line of only two million gallons a day, we could not carry a full head thru the flume, as we would have no place to put the water and this would mean a waste, while under this arrangement we are continuing to fill La Mesa dam slowly by three to five million gallons a day, but we are increasing the length of time in which we can furnish the city of San Diego water.

Cuyamaca Lake has nearly 21 ft of water and is today just holding its own. There are about a thousand inches of water going to waste at the presenttime which we cannot use thru our system.

Hoping this answers your letter, and if not, kindly let me hear from you.

Very truly yours,

EK

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA. April 17/14

Cuyamaca Water Company
San Diego, Cal.

Gentlemen:

I have just received a communication from you stating that I am delinquent $10.80. I suppose I owe that amount but I do not consider myself delinquent, for I have had no bill from you for many months and I did not know how much you claimed from me.

Dr. Shepard has just telephoned me that he has also been notified that he is delinquent, and he says he has had no bill from you. It has occurred to me that perhaps you are going to try to follow the Home Telephone Company and dispense with bills. I hope not. There is some justification for the Telephone Company's course as their service is constant, and uniform as to quantity and quality whereas yours has been neither constant nor uniform. Some months ago Secretary Mathews told me you were considering the adoption of the system of the Con. Gas & Electric Co. in sending out bills, and I can see no objection to that. Will you please write me definitely as to your plans regarding sending bills to consumers.

I enclose herewith my check for $10.80 in payment for full supply in March of this year.

Yours truly

D G Gordon

For Cuyamaca Water Co's Files

July 27, 1914.

Mr. D. G. Gordon,
Bostonia, California.

Dear Sir:

Answering yours of July 15, will say that I have read the answer of Mr. Post in relation to same. I wish to also make answer, and say that the city is negotiating with us to lease the El Monte and Chocolate pumping plants, but nothing has been done to date.

We are furnishing no water to the City of San Diego as yet. No arrangements will be made to furnish any water to anyone from Cuyamaca Lake or the pumping plants excepting to the consumers on the flume, and we shall furnish the consumers on the flume with a full supply of water for the entire season either from Cuyamaca Lake or by pumping plants. If we furnish water to the City of San Diego it will be with the proviso that the full supply of water is furnished to the consumers along the flume.

I will investigate the matter and see if it is possible to furnish the excess water that you ask for.

We have made a tentative offer to the City in regard to the leasing of these pumping plants, subject, however, to taking them over ourselves on a week's notice.

Hoping this answers your letter to your satisfaction,

Yours very truly,

CUYAMACA WATER COMPANY

F-S

Not reviewed after dictation _____ Mgr.

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

Trasher

BOSTONIA, CALIFORNIA. Oct. 17 1914

RECEIVED OCT 19 1914

81

Cuyamaca Water Company

San Diego, Cal.

Gentlemen:

I enclose herewith copy of an application which I am sending to the Railroad Commission. On receipt of your letter of Sept.26thI got a committee to go up the river to inspect work at El Capitan and Boulder Creek.They found one man puttering about at El Capitan but couldnot find that even one man was on the Boulder Creek job. Yesterday ~~there~~ or rather Thursday there was a very large gathering of flume line consumers and they unanimously requested me to make said application.

Yours truly

D. G. Gordon

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of D.G.Gordon for an investigation of the present condition of the water system known as the Cuyamaca Water System, owned and operated by James A.Murray and Ed Fletcher, with special reference to unutilized reservoir sites and pumping stations, and to the unfair diversion and apportionment of the water of said system, and for an order carrying out the findings that shall result from such investigation.	APPLICATION No. 724

The petion of D.G.Gordon, whose post office address is Bostonia, Cal. respectfully represents.

1

That James A.Murray and Ed Fletcher own and operate as a public utility, a certain water system in the County of San Diego known as the Cuyamaca Water System, and are carrying on said busines under the name of the Cuyamaca Water Company. They will hereinafter be referred to as "said company". Their principal office is in San Diego, Cal. The said system was investigated by the commission under Application No.118, and this petition is based largely on the findings of the Commission in Decision No.536 rendered on said Application, and on the failure of said Company to carry out the order in said decision.

11

That your petitioner now has and for many years prior to the filing of said Application No.118 has had the right to receive from said system two miners inches of water, from the flume of said system.

111

That approximately one hundred persons now have, and for many years have had (either themselves or their grantors) rights similar to said right of this petitioner, except as to the quantity of water which each is entitled to, and the aggregate quantity to which said persons are entitled (including your petitioner) is 174 inches, all of which can only be supplied from that portion of said system known as "the flume line"
the flume line"

Virtually all of said 174 inches is used exclusively for farm irrigation, and the persons so entitled to water are known as irrigation consumers: that besides said 174 inches the Indians have the right to receive from said flume 40 inches of water and and there was formerly about 16 inches attached to lands now owned or controlled by said Murray and Fletcher, which water was also to be taken from said flume, making in all about 230 inches to be supplied from said flume out of a total of 473.09 to which according to said Decision (p13) consumer were entitled to receive from said system.

IIII

This Application is made at the request of a large number of said irrigation consumers.

V

That all consumers beyond the lower end of said flume, having the right to receive water from said system, may be supplied through said flume as well as from reservoirs below the lower end of said flume.

VI

That during the 12 months ending September 30, 1914, said irrigation consumers were supplied with water from said system only as follows-namely,

From Oct. 1 1913	to March 1 1914	No water
" Mar. 1st	to June 15th	full supply
" June 15th	to July 10th	no water
" July 10th	to Sept. 10th	full supply
" Sept. 10th	to Sept 30th	half supply, which half supply still continues but its duration is very doubtful.

That this short supply is not fairly chargeable to deficient rainfall last winter and spring is shown by the fact that the streams at the head of said system from early spring till June, ran so full that not only did they furnish a full supply for all consumers under said system, but the reservoirs at the lower end of said system were filled to their utmost capacity and 160 million gallons was delivered to the City of San Diego between March 15th and June 15th besides a great quantity of water ran past said system and was wasted.

V11

That this is the third successive year in which said irrigation consumers have suffered great loss and damage because of short supply of water from said system, due to the gross neglect of duty by said Company, and said consumers have reason to fear and do fear that they will suffer in a similar way next year unless the Commission compels said Company to conserve and make available for delivery to said irrigation consumers a considerable quantity of flood water which otherwise will be diverted or wasted.

V111

That said Company owns various unutilized reservoir sites at the head of said system which they claim can at moderate expense be made capable of storing very great quantities of flood water, but your petitioner after dilligent enquiry is unable to find any indication of an intention on the part of said Company to utilize any of said sites except for speculative purposes. Said Fletcher, as Manager of said Company persistently asserts that said system is now 100 per cent efficient and that it is only necessary to provide for furnishing 256 inches of water for those who according to said Decision (p 13) are entitled to 473.09 inches.

1X

That said Company owns or controls a number of pumping stations in the bed of the San Diego River from which water can be pumped into said flume at points from which water can flow by gravity to every one of said irrigation consumers, but said stations have not thus far been so utilized as to add any substantial quantity of water to the reservoir supply. There is now pending and for a year has been pending in the Superior Court of San Diego County, an application by the owners of lands along said San Diego River, for a permanent injunction to restrain said Company from pumping water from said river bed, and it is therefore unsafe to rely on such pumping as a substitute for stored flood water, but simply as a valuable emergency resource. Your petitioner is informed and believes that the plaintiffs in said application for injunction justify their action by alleging gross neglect by said company in failing to conserve flood water.

X

That while entirely neglecting to provide additional storage facilities for said system, said Company is now at great expense, increasing the carrying capacity of said flume, for the avowed purpose of facilitaying the delivery to the City of San Diego, of great quantities of flood waterwhich could be and ought to be storsdfor the use of all who have the right to receive water from said system. And your petitioner is informed and believes that said City is about to expend approximately $100.000.00 for a new conduit to carry such water from the lower end of said flume to a City reservoir, and this expenditure causes your petitioner to believe that such delivery of water is not meant to be a temporary matter but something which seriously affects the rights of all who are entitled to receive water from said system.

XI

That whereas in said Decision No.536 said Murray and Fletcher were ordered to take on no new consumers except on the conditions and with the limitations therein specified, your petitioner is informed and believes that said Company is disregarding said order in respect to new domestic consumers, and while your petitioner does not know that the aggregate of water so wrongfully delivered is great, your petitioner does know that whereas last May said Company notified said irrigation consumers that there was in La Mesa Reservoir "Nearly two years supply for the entire pipe line" (meaning all of said system except said flume line) and that there was 21 feet 1-1/2 inches in Cuyamaca Reservoir, yet the increase in domestic supply between May and September, was so great, as the Company alleges, that the supply for all irrigation consumers was on September 10th cut to one half" In order to furnish a full supply of domestic water for the rest of the season" The said domestic supply includes virtually all uses, except farm irrigation, which by said Company is considered inferior. That inasmuch as there are some thousands of acres of land seeking water from said system for so called domestic use, the taking on of new domestic consumers will if unchecked and unregulated result in making the rights of said irrigation consumers of no value

Wherefore your petitioner prays that the Commission will investigate the condition and service of said system in respect to utilizing available reservoir sites, and will thereupon make such specific order for the utilizing of such sites within definite dates, as will seem to the Commission just and reasonable.

That the Commission will also investigate the condition, availability and desirability of the various pumping stations owned or controlled by said Company, and will thereupon make such order in respect to the utilizing them as will seem to the Commission just and reasonable.

That the Commission will ascertain under what conditions and with what limitations and restrictions water may properly be delivered from or through any part of said system, to or for the City of San Diego, and make such order in reference thereto as will protect the rights of all who are entitled to receive water from said system.

That the Commission will also investigate the practises and rules of said Company in respect to the delivery of water to new domestic consumers, and in respect to withholding of water from irrigation consumers to insure a full supply to so called domestic consumers, and will thereupon make such order with reference to such practises and rules as will be just and fair to all who have the right to receive water from said system.

That if a hearing on this Application be deemed necessary before the investigation herein asked for, such hearing may be had at an early date.

Your petitioner further says that there is now pending before the Commission the Application of said Murray and Fletcher for an increase in rates to be charged for water furnished by said system and that hearing thereon is set for November 17 1914. Your petitioner respectfully suggests that hearing thereon be postponed until the investigation hereinbefore asked for has been made, and the Commission has ascertained whether the system and service of said Company is not still so inadequate, unjust and unreasonable as to justify an entire suspension of rates, rather than an attempt to provide adequate revenue

for willfully limited and willfully inadequate services.

D.G. Gordon

State of California,
County of San Diego, SS.

D.G.Gordon being first duly sworn, deposes and says that he is the petitioner named in the foregoing Application: that he has read said petition and knows the contents thereof, and that the same is true of his own knowledge except in matter which are therein stated on information and belief, and as to those matters he believes it to be true.

D.G. Gordon

Subscribed and sworn to before me this 17 day of October 1914.

Ina C. Drew
Notary Public
and for the County of
San Diego - State of Cal.

Nov. 3, 1914.

Mr. D. G. Gordon,

Bostonia, California.

Dear Sir:

Answering yours of November 2nd, will say that the completion of the relining of our flume must be done in dry weather, on account of the application of hot tar. Of this you are well aware. When this job is completed, we will have put our flume in first-class condition, so that it will last for a period of four or five years at least, without the necessity of further annoyance to our consumers.

No one suffered any hardship by losing the two or three weeks last July, but it was of inestimable service to us as well as you, for it gave us time to put our flume in temporary condition and stop 95% of all leakage. Otherwise the supply would not have lasted this summer, and we could not have given you the service , as we have.

Yours very truly,

CUYAMACA WATER COMPANY,

_____

Manager.

F-S

81

COPY

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

No._____

D. G. Gordon,
Complainant,
-vs-
James A. Murray and
Ed Fletcher,
Defendants.

COMPLAINT.

FILED
Railroad Commission
State of California
Nov. 12, 1914
Charles R.Detrick, Sec.
Case No.724 Ex_____

The Complaint of D. G. Gordon respectfully shows:

I.

That his occupation is orange and lemon growing, and his post office address is Bostonia, California.

II.

That the post office address of James A. Murray is Monterey, California, and the post office address of Ed Fletcher is San Diego, California. They own and operate a public utility in the County of San Diego, State of California, known as the Cuyamaca Water System, description of which system is set forth in Application No. 1130 heretofore filed with the Railroad Commission by said Defendants.

III.

That this Complainant now has and for many years has had the right to be supplied from said system with two miner's inches of water, perpetual flow, from the flume of said system; that approximately one hundred persons now have and for many years have had (either themselves or their grantors) rights similar to said right of Complainant, except as to the quantity of water each is entitled to, and the aggregate quantity of such rights is 174 inches, which can only be supplied from that portion of said system known as the flume line, and the only available reservoir for supplying said flume line is the Cuyamaca Reservoir, at the extreme head of said

system; that virtually all of said 174 inches is used for farm irrigation, and the persons so entitled to water are known as the flume line irrigation consumers; that this complaint is filed at the request of said consumers, on their behalf as well as on behalf of Complainant individually.

Besides said 174 inches the Indians near the head of said flume have the right to be supplied with 40 inches, and there was formerly about 16 inches attached to lands now owned or controlled by Defendants, making in all about 230 inches to be supplied from said flume, out of a total of 473.09 inches which, according to Decision No. 536 of the Railroad Commission, consumers throughout said entire system were entitled to have supplied.

All of said consumers, except along the flume line, may be supplied from reservoirs below said flume line as well as through said flume.

That since the date of said Decision No. 536, said flume line irrigation consumers have been supplied with water from said system only as follows, namely:

March 28, 1913,	to May 15,	full supply.	
May 15,	to Aug. 1,	1/2 "	
Aug. 1,	to Oct. 1,	1/4 "	nominally
Oct. 1,	to Mar. 1,	no water.	
March 1,	to June 15,	full supply	
June 15,	to July 10,	no water	
July 10,	to Sept.10,	full supply	
Sept.10,	to Nov. 10,	1/2 "	and on this date

the supply is to be cut off entirely for an indefinite time, yet Defendants claim that said system is 100 per cent.efficient and that under said Decision No. 536 they are only obliged to provide 256 inches of water to supply demand for 473.09 inches.

That the rainfall from November 1st, 1913 to May 1st, 1914, was considerably above the average. The streams at the head of said flume ran till the middle of June this year so that up to that date Defendants continued to furnish flood water to the City of San Diego, after filling the lower reservoirs of said system to their utmost capacity, and allowing great quantities of water to flow past the upper end of said flume and be wasted.

That a full supply of water from said System is especially necessary to Complainant and said irrigation consumers always during the season from May 1st to November 1st, and frequently during other months, and to some it is necessary every month; Complainant can profitably use a full supply at all times.

That in said Decision No. 536 it was "ordered that said Applicants take immediate steps to increase the available supply of water so that the same may be increased over the present available supply at least 33-1/3%"; that the only increase in available supply since said order was made has been from certain pumping stations in the bed of the San Diego River, which increase has, as Complainant believes, been insignificant, and there is now pending in the Superior Court of the County of San Diego a suit by riparian owners, for a permanent injunction to restrain Defendants from pumping water from said river bed. It is therefore unsafe to rely on such pumping as a substitute for reservoirs.

That Defendants claim to own four valuable reservoir sites near the head of said flume, namely: "Boulder Creek", "Poverty Gulch" "Canejos" and "El Capitan", but Complainant after dilligent inquiry believes that Defendants do not intend to utilize said sites or any of them for storage purposes, although they have many times promised to do so. They also claim the right to impound and divert very much more water than has ever before been impounded or diverted for use through said system.

That while entirely neglecting to provide additional storage facilities for said system, Defendants are now at great expense increasing the carrying capacity of said flume for the avowed purpose of facilitating the delivery to the City of San Diego of great quantities of flood water which could be and ought to be stored for the use of those who have the right to be supplied with water from said system.

That this is the third consecutive year in which said flume line irrigation consumers have been supplied with very much less than the quantity of water to which they are entitled, to their

great damage, and they fear that a year of much less than average rainfall will come and result in serious permanent injury to their orchards, unless additional storage is provided for said system, for there have been years when the supply of water in said Cuyamaca Reservoir was exhausted before the first day of June, and then the only supply of water from said system during the months when the need of water is most urgent, was pumped from said river bed, at Station known as "El Monte Pumping Station".

That Defendants own or control pumping stations at "Diverting Dam", "Indian School" and "Chocolate", but Complainant is informed and believes that none of said stations have much present or potential value as water producers; That there is a pumping station known as "El Monte" which Complainant believes ought rightfully to be a part of said system, but in view of the language used by the Commission in Decision No. 1609, Complainant does not know whether it is now part of said system. During the very dry years from 1897 to 1904 it produced very great quantities of water and Complainant believes could now be made to produce great quantities of water, but as hereinbefore stated a suit is pending to restrain Defendants from pumping from said river bed, and while no temporary injunction has been granted, a permanent injunction may be granted.

That Whereas in said Decision No. 536 said Murray and Fletcher were ordered to take on no new consumers except on the conditions and with the limitations therein specified, Complainant is informed and believes that Defendants are disregarding said order in respect to new domestic consumers, and while Complainant does not know that the aggregate of water wrongfully delivered is great, Complainant does know that whereas last May Defendants notified Complainant that there was "in La Mesa Lake sixty-three feet, or nearly two years supply for the entire pipe line" (meaning all of said system except said flume line) and that "the Cuyamaca Lake is twenty-one feet, one and one half inches", yet the increase in domestic supply between May and September was so great that on September 10th the supply for

all irrigation consumers was cut to one half "in order to furnish a full supply of domestic water for the rest of the season." Under the Defendants' rules domestic supply includes virtually all uses for which water is furnished from said system, except farm irrigation and inasmuch as there are some thousands of acres of land under the flow of said system seeking water for so called domestic use, the taking on new domestic consumers, and the preference given to such use, will if unchecked and unregulated, result in making the rights of irrigation consumers of no practical value.

WHEREFORE, Complainant asks:

1. That the Commission will investigate the various reservoir sites near the head of said flume, now available to Defendants, and will require Defendants to complete within a definite time in the near future, one or more designated reservoirs of sufficient capacity to insure a full supply of water to Complainant and all others having a right to water from said system, in years of average rainfall.

2. That the Commission will investigate the condition, availability and desirability of the various pumping stations hereinbefore named, and will make such order in respect to utilizing one or more of such stations as will seem to the Commission fair to said flume line irrigation consumers.

3. That the Commission will ascertain under what conditions and with what limitations and restrictions, water may properly be delivered from or through any part of said system, to or for the City of San Diego, without injustice to those who are now entitled to be supplied with water from said system, and will thereupon make such order with reference thereto as will be just and reasonable.

4. That the Commission will investigate the practices and rules of Defendants in respect to supplying water to new domestic consumers, and in respect to withholding water from irrigation consumers to insure a full supply to so called domestic consumers.

and will thereupon make such order in reference thereto as will be just and fair to all who have the right to be supplied with water from said system.

5. That the Commission will by order definitely recognize the right of irrigation consumers under said system, to a full supply of water in years of average rainfall, and the right to pro-rate with all consumers in times when there is not enough available water in said system for a full supply for all consumers.

Dated at Bostonia, California, this 10th day of November, 1914.

(S) D. G. Gordon.

STATE OF CALIFORNIA,)
) ss.
COUNTY OF SAN DIEGO,)

D. G. Gordon, being first duly sworn, deposes and says: that he is the Complainant in the action entitled above, that he has read the foregoing Complaint and knows the contents thereof, and that the same is true of his own knowledge, except as to matters which are therein stated on information or belief, and that as to those matters he believes it to be true.

(S) D. G. Gordon.

Subscribed and sworn to before me this 10th day of November, 1914.

Edward T. Lannon,

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

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA, Jan.2/15

RECEIVED JAN 6 1915

Cuyamaca Water Company
San Diego, Cal.

Gentlemen:

On Dec.17/14 I received your printed notice that "A full supply of water will be available to each consumer from 7:00 a.m. of December 21st,1914,and until further notice."and I prepared to utilize my supply,but none came until the evening of Dec.30th.

You send me a bill for 1/3 of full supply for December though you furnished me less than 36 hours supply for the month while I was ready and willing to receive and utilize a full supply during the entire month.What justification have you for this bill?

I still think that a full supply of irrigation water ought not to be furnished in winter,until La Mesa Reservoir has been filled.

Yours truly
D G Gordon

Matters all this trouble is because you did not add on notice no water will be furnished unless asked for what are you doing in all these cases Eds

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA. Jan.9,1915

RECEIVED JAN 12 1915

Cuyamaca Water Company
San Diego, Cal.

Gentlemen:-

Your letter of 7th inst;is received. I do not think Ruis can have any good excuse for not turning in my water Dec.21st unless you told him not tp,as I have repeatedly told him that I can always use my full supply of water on reasonable notice.Ordinarily I would have no trouble in caring for a Doublw supply but we are liable to have heavy rains in the near future.I will however accept your suggestion that I take a double supply to make up deficiency in Dec. and will at once provide ditches.Please direct Ruis to turn in a double supply after he gives me at least twelve hours notice of the time he will turn it in,so that I may adjust my measuring gate.

I enclose check for $3.60 and your bill.

Yours truly

D G Gordon

Cuyamaca

OK

SAN DIEGO, CALIFORNIA, April 21, 1915.

Mr. D. G. Gordon,
Bostonia, Calif.

Dear Sir:

Answering yours of April 20th, will say that there is some misunderstanding. I have instructed Harritt and Ruis to make up all shortages by the first of May. We are now filling up La Mesa Lake to 63 feet. If there is any surplus after that, I will take the matter up with you.

Yours very truly,

F-S

CUYAMACA WATER COMPANY,

Manager.

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

check 10.80 delivered to Mr Matthews. Sade

81

BOSTONIA, CALIFORNIA, May 31/15

Cuyamaca Water Company
San Diego, Cal.

Gentlemen:-

I enclose herewith check for $10.80 for this month water.

About a month ago I wrote you regarding use of surplus water and Mr.Fletcher wrote that he would take the matter up later.

I could use a double supply to advantage through June, and would be willing to pay 3 cents per 1.000 gallons,which is just what I estimate pumping costs me,and is about twice the legal rate for irrigation water,but at the recent hearing before Commissioner Thelen when he matter was brought to his notice he said any arrangement regarding surplus or waste water,that was satisfactory to you and the consumers would be approved by the Commission.I think that under the present circumstances 3 cents would be a fair rate.Of course if San Diego will take all your surplus water at a higher price than 3 cents that will be all right.

Please let me know promptly regarding this.

Yours truly

D. G. Gordon

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

81

BOSTONIA, CALIFORNIA, March 1,1916

Cuyamaca Water Company
San Diego, Cal.

Gentlemen:-

Your bill for a full supply of water for the entire month of February is received.You furnished only during 24 days in January yet I paid you for a full month,and therefore you owed me for a ~~month~~ Week. In February there was no water until the 23rd after which there was some,enough for my needs, and I am willing to call our account square to March 1st. I do not know of anything in the orders of the Railroad Commission that can justify you in charging for water that you have not been ready and willing to furnish.Have you recently received from the R.R. Commission authority to make such charge?

Yours truly

D. G. Gordon

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA. March 16,1916

Cuyamaca Water Company
San Diego,Cal.

Gentlemen:-

On the 1st inst: I wrote you in regard to your bill for last month,and asked you whether you had received recently from the R.R.Commission authority to make such charge,namely,a charge for water that you had been unable to furnish.I have not heard from you since.I understood from Assistant Manager Faude that you had asked the Commission for such authority,and I believe many who paid you for a full supply of water on January bills understood at the time of payment that you were taking steps to have the Commission definitely pass on the validity of your excess charge.I have had many calls for information in this matter and will be obliged to you if you will promptly tell me how the matter stands at the present time.

If you are intending to try to enforce payment for water that you could not furnish,and have not applied to the Rail-road Commission for authority to so charge,I suppose the easiest way to clear up the matter will be to file a Complaint against you as I have been asked to do.

Yours truly D. G. Gordon

March 20, 1916.

Mr. D. G. Gordon,
Bostonia, Calif.

Dear Sir:

Answering yours of the 16th, will say that we applied to the State Railroad Commission, and asked them what to do, on account of the extraordinary circumstances. We could get nothing definite from them. We preferred to be on the safe side, and have sent out the bills for the full amount. At the next hearing, when this question is taken up, if we are ordered so to do, we will rebate any such bills as the Commission may order us to.

My suggestion is that the next time you are in town you drop in to see me.

Yours very truly,

Manager.

F-S

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

4

BOSTONIA, CALIFORNIA, April 28,1916

Cuyamaca Water Company
San Diego,Cal.

Gentlemen:-

I presume you are going to have an abundance of water all of next month.I could use a double supply during the month to make up the shortage in January and February,and in case you assent to my having such supply I will send check for $21.60 on receipt of your April bill.It seems to me that if you have surplus water you ought to give consumers along the flume line the option of taking a double supply long enough to make good the January-February shortage which I believe was not uniform along the entire flume line. As I have previously informed you there are many such consumers who cannot use a double supply,but many could.

Yours truly

D. G. Gordon

May 2, 1916.

Mr. D. G. Gordon,
Bostonia, Calif.

Dear Sir:

Answering yours of April 28th, will say that the Railroad Commission has given us permission to rebate for the time during which there was a shortage of water on account of the floods last winter; but they have not ordered us to make a rebate. We consider the shortage was caused by an act of God, for which we are not responsible.

However, we have no hesitancy in saying that providing La Mesa Dam is full and we have surplus water we should be accommodating and let you have this surplus water to make up for the shortage. Although it is a fact that you never would have used the water that month, and you are simply taking advantage of our misfortune in asking for the water now. However, as stated before, as soon as there is a surplus and La Mesa Dam is full it is our intention to furnish those who want water with an amount sufficient to make up the shortage.

A copy of this letter has been sent to the State Railroad Commission.

Yours very truly,

CUYAMACA WATER COMPANY,

Manager.

F-S

May 9, 1916.

Mr. D. G. Gordon,
Bostonia, Calif.
Dear Sir:

Answering yours of the 28th, will say that I am trying to get the State Railroad Commission to make a decision as to whether we should lose our readiness-to-serve charge, on account of an act of God, in having our flume washed out. The State Railroad Commission must give us a definite order to make this refund before we will do it. My personal desire and wish is that if La Mesa Dam is full, and we have surplus water in the river thereafter that the shortage be made up to the consumers. Of course water is worth a great deal more to you in June than it is in February. You had no use for the water in February and are simply taking advantage of our misfortune in demanding it now. However, I am and have been a farmer, and if you can get away with it I don't blame you. My sympathies are with you.

You will hear from me further in the matter just as soon as the La Mesa Lake is full.

Yours very truly,

F-S

August 22, 1916.

Mr. D. G. Gordon,
Bostonia, Calif.
Dear Sir:

Enclosed find copy of exhibits sent to the State Railroad Commission this day.

Yours very truly,

Manager.

F-S

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The irrigators of Bostonia, California, in [redacted] meeting assembled, are unanimously of opinion that all the waters of the San Diego River that can possibly be impounded at the diverting dams of the Cuyamaca Water Company are absolutely needed for the territory under the flow of the Cuyamaca system outside of the limits of the City of San Diego, and we respectfully ask that no action be taken on Senate Bill No. 3648 at the present time, pending the efforts of the people of said territory to reach an understanding with the City Council of San Diego.

D. G. Gordon
Chas. O. Graves
F. R. Beatty
H. Culbertson

Committee.

March 30, 1917.

Mr. D. G. Gordon,
Bostonia, Calif.

Dear Sir:

Enclosed herewith find copy of answer to complaint No. 1057 to the Railroad Commission.

Yours very truly,
CUYAMACA WATER COMPANY,

Manager.

F-S

81

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

81

BOSTONIA, CALIFORNIA, March 31,1917

Cuyamaca Water Company
San Diego,Cal.

Gentlemen:-

I am in receipt of what purports to be an Answer to Complaint in Case No.1057 before the Railroad Commission.It does not appear to have been sworn to.

I am also in receipt of copy of your new rules and regulations.Will you please tell me how you propose to determine how much water I get? I do not see how it can be accurately measured under present arrangements.I do not know whether you are aware of the fact that not all of those who take water through the Hawley Pipe Line are stockholders of the Hawley Pipe Line Company.I am not a stockholder, and I do not recognize the right of that company to speak for me in the matter of delivery of water.Under the old system there has been a good deal of trouble in trying to fairly divide the shortage due to your failure to turn in enough,or to losses.Under the new rules and rates the trouble would certainly be much greater.I ask that my water be delivered by you at my diverting box,and that there be some definite measurement of what I actually get for my use.At present I do not need water and have had mine entirely turned off.I hope that by the time I need water from you there will have been found some way of properly measuring the water.

Yours truly

D G Gordon

81

April 3, 1917.

Mr. D. G. Gordon,
Bostonia, California.

My dear Mr. Gordon:

Answering yours of March thirty-first, will say the answer of the complaint was sworn to by me before being sent to San Francisco to the State Railroad Commission. A master meter will be put in immediately where the Hawley pipe line connects with our main flume, and it will be up to the consumers on the Hawley pipe line to distribute their own water unless some other arrangement can be made that will be mutually satisfactory. If you want the water turned off you should notify the Cuyamaca Water Company to that effect. If a satisfactory arrangement cannot be made, in the matter of distributing water, between you people the best thing to do is to call for a hearing beford the State Railroad Commission and let them decide it.

Yours very truly,
CUYAMACA WATER COMPANY

By _____
Manager

KF:B

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

---oOo---

D. G. GORDON, Complainant, vs. JAMES A. MURRAY and ED FLETCHER, Defendants.	Case No. 1087.

NOTICE OF HEARING.

To:

D. G. Gordon, Bostonia, California.

Ed Fletcher, San Diego, California.

James A. Murray, Monterey, California.

You and each of you are hereby notified that the Railroad Commission of the State of California has set a hearing in the above entitled matter before Examiner Encell for Thursday, June 7, 1917, at 9:30 A.M., in the ~~Postoffice House~~ Federal Court Room, Postoffice Building, at San Diego, California, at which time and place you may appear and be heard.

By order of the Railroad Commission.

Dated at San Francisco, California, this 10th day of April, 1917.

Charles R. Detwiler
Secretary Railroad Commission,
of the State of California.

AEF

Copy to Custodian,
Postoffice Bldg.,
San Diego, Cal.

RECEIVED APR 13 1917

April 13, 1917.

Mr. Mathews:

Keep that in mind for me to handle at the proper time.

Ed Fletcher.

F-S

81

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

---oOo---

D. G. GORDON, Complainant, vs. JAMES A. MURRAY and ED FLETCHER, Defendants.	Case No. 1057.

NOTICE RESETTING HEARING.

To:

D. G. Gordon, Bostonia, California.

Ed Fletcher, San Diego, California.

James A. Murray, Monterey, California.

You and each of you are hereby notified that the Railroad Commission of the State of California has reset the hearing in the above entitled matter before Examiner Encell from August 15th to Friday, August 3, 1917, at 10 A.M., in the Federal Courtroom, San Diego, California, at which time and place you will be given an opportunity to be heard.

By order of the Railroad Commission.

Dated at San Francisco, California, this 20th day of July, 1917.

Mathews

Charles R. Detrick
Secretary Railroad Commission
of the State of California.

ARF

Copy to Lucius R. Barrow.

July 23, 1917.

Copy of Complaint + also Answer

Mr. Mathews:

Don't fail to have me attend this meeting on the third of August. Let me know ahead of time.

Ed Fletcher

EF:B

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

RECEIVED
MAY 21 1917

BOSTONIA, CALIFORNIA, May 18,1917

Cuyamaca Water Company
San Diego,Cal.

Gentlemen:-

I have received a copy of your circular letter of 16th inst: regarding the HAWLEY PIPE LINE.

I am not a stockholder in the Hawley Pipe Line Company but I have flowage rights in that pipe line.The line was never meant for such service as you propose,and I do not think it can be so used without great injustice to the consumers along that line as compared with those on the flume line,or on pressure pipe lines.I have not been able to see how recording meters can be used on this line and it is my understanding of the recent order of the Railroad Commission that you must instal meters at the lands of consumers. You are hereby authorized to instal a meter at my diverting box for experimental purposes.I began useing water from the pipe line this morning.If a meter were installed at my box would you expect me to notify you every time I turned water on or off and if so how long time would you expect?

Yours truly

D G Gordon

May 21, 1917.

Mr. D. G.Gordon,
Bostonia, Cal.

Dear Sir:

We acknowledge receipt of your letter of May eighteenth, and in reply will say we agree with you that the line was never meant for a pressure line and cannot be so used.. We further agree it is impossible to install recording meters on this line.

We thank you for your courtesy in authorizing us to make meter tests at your diverting box. We have, however, been unable to make any arrangements for the operation of this pipe line, with your ~~Engineer~~ Manager and Board of Directors and, therefore, have no authority at this time to make such tests.

We are unable to understand upon what part of the State Railroad Commissioners' decision you place your opinion that we are required to install meters for consumers supplied from the flume line. We hope that you, as well as other consumers of the Hawley Pipe line, will see fit to carry out our suggestion made in the circular letter of the sixteenth, and see if we cannot get together and satisfactorily settle the question of delivering water thru the Hawley pipe line.

Yours very truly,
CUYAMACA WATER COMPANY

CH. B

Superintendent

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

RECEIVED JUN 16 1917

D. G. GORDON,
Complainant,
vs. Case No. 1057.
JAMES A. MURRAY and ED FLETCHER,
Defendants.

NOTICE OF HEARING.

To-

D. G. Gordon, Bostonia, California.
Ed Fletcher, San Diego, California.
James A. Murray, Monterey, California.

You and each of you are hereby notified that the Railroad Commission of the State of California has replaced the above proceeding on its calendar, and set the same for hearing before Examiner Encell on Wednesday, August 15, 1917, at 10 A.M., in the Federal Courtroom, in the city of San Diego, California, at which time and place you will be given an opportunity to be heard.

By order of the Railroad Commission.

Dated at San Francisco, California, this 14th day of June, 1917.

Charles R. Lennox
Secretary, Railroad Commission
State of California.

LC

Copy and card to
Lucius H. Barrow

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA, July 14,1917

Cuyamaca Water Co.
San Diego,Cal.

Gentlemen:

Your letter of yesterday is received.It does not clearly cover the questions raised in my former letters.There are three points on which I would like to have a clear understanding before taking up matters with the Railroad Commission.

1. I want compensation for the use of my interest inthe Hawley Pipe Line.
2. Your charge for general use of water when there is only a strictly irrigation use is so unreasonable that I am sure the Commission will not suatain it.I had hoped that by this time you would have concluded that it is not for your interest to try to enforce charges that will surely cut down your revenue.I believe that you would get considerably more income along the flume line from a 2 ¢ rate for all purposes than fro 2-1/2 ¢ and a general use charge.
3. Accurate measurement of water.The only excuse for change in system of rating is that we are only to pay for what water we use.I am sure that under the old system which you seem to want to continue,we did not get nearly 12.960 gallons per nominal inch,in 24 hours,and I do not believe I am gettingfull two inches now. What is your objection to recording meters? I find that those who have them are satisfied with them.

Do you decline to compensate me for use of Hawley Pipe Line?

Do you insist on a General Use charge against me?

Do you refuse to put in a recording meter for me,and if so how do you propose to "accurately determine" the quantity of water I use?

Yours truly
D. G. Gordon

July 17th., 1917.

D. G. Gordon,

Bostonia, Calif..

Dear Sir-

In reply to your letter of July 14th. will say that we will endeavor to make clear to you the three points emphasized therein.

1- We decline to compensate you for the use of the Hawley Pipe Line for the following reasons- The Hawley Pipe Line has been leased to this company by it's President and Board of Directors, whose action, we understand was approved at a meeting of the stockholders of the Hawley Pipe Line Company. We are paying the exorbitant rental of $400. per annum for this property, we have paid one quarters rental and have received receipt for same, and would therefore suggest that you take that question up with the Board of Directors of the Hawley Pipe Line Company.

2- As to the charge for water being unreasonable we will state that under the present rates the charge for water per annum will not be a great deal more than it has been in the past, to consumers on the flume line, also that our revenue from the flume line is somewhat in excess of what it was under the old rate, we might add that for a great many years this company sold water along the flume at a rate approximating the 2¢ rate that you suggest, with results that if continued would have been disasterous to the consumer as well as the company. In view of these facts and in answer to your second query we are compelled to insist on the general use charge against you as well as other consumers.

D.G.G.-#2

3- Accurate measurement of water- We wish to call to your attention that under the old system of which you complained this company had no control over the distribution of water on the Hawley Pipe Line, but merely turned the water in at the head of the line, under the new arrangement this company delivers the water at each individual measuring box, assuming all losses in transmission etc.. We have put a man on the Hawley Pipe Line continuously, this man has positive instructions to not only see that the proper head is maintained in each box, but to make a note of the date and time, should he find the pressure low, in order that we can make an adjustment. The superintendent of this company reports, that, in a recent trip of inspection over the Hawley Pipe Line every consumer taking water was found to have from ¼ to ¾ of an inch over pressure, at that time you were not only getting over pressure, but the opening in your box was carrying nearly 2½ inches of water. While we realize that these measurements are not accurate the error is in favor of the consumer, and is purposely made with the object of preventing complaints if possible.

We have absolutely no objection to recording meters, but with the low pressures existing on the flume and the Hawley Pipe Line we find that it is almost impossible to keep them running continuously, this may explain the reason why those who have them are so well satisfied. In answer to your third query we will say that we do not refuse to put in a recording meter for you, a concern in Twins Falls, Idaho are experimenting with a self recording weir, we are keeping in close touch with them and as soon as the instrument is perfected, which will probably be in a short time, we expect to experiment with them on our flume line, with the intention of eventually providing all our consumers with one in place of the boxes now used.

Trusting that we have made ourselves clear on the various points, raised, we are, Yours very truly,

_____ Manager

July 19th., 1917.

Railroad Commission
Of The State Of California,
San Francisco, Calif..

Gentlemen-

We beg to enclose copy of letter received from D. G. Gordon, also our reply to same.

Cuyamaca Water Company,

By_____
Manager

July 23, 1917.

Mr. Mathews:

Keep this letter of D. G. Gordon for future reference as he has admitted they can pump water for 2¢ per 1000 gallons.

Ed Fletcher

EF:B

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA. July 20,1917

Cuyamaca Water Company
San Diego,Cal.

Gentlemen:-

Your letter of 17th is just received.It is not satisfactory. I will offer you two alternatives,but will first say that before you made any arrangement with the Hawley Pipe Line Co.I notified you of my interest in the line and refused to recognize their right to bind me.I consider your contract with them only temporary.

The "GENERAL USE"charge where there is no such use is out of the question.

As to measurement of water.Neither my son nor I have been able to find more than a full head,and have found considerably less.My son tells me that the variation in flow at our ditches is quite noticeable,and that there is certainly less than a full head at night. I recognized the difficulty of providing for exact measurement promptly.I have simply claimed that the 2-1/2 ¢ irrigation rate should not apply untill necessary measurement provision is made.

The alternatives I offer are as follows,namely:

1. You credit me with $1.00 a month rental in months when I use water from the pipe line.
2. You waive the general use charge,since I have no such use.
3. You agree to put in a recording meter at my box before September next.

If you agree to these three propositions,Iwill for the present pay for water at the 2-1/2 ¢ rate on the assumption that I get the two full inches that I ought to get.

If you do not agree to these propositions I am ready to pay to the Railroad Commission the amount claimed by you.

You say that"Our revenue from the flume line is somewhat in excess of what it was under the old rate".It would be very strange if the summer months did not give you more than the old revenue. From November till May I shall be very much surprised if you do not find that the flume line consumers can pump as much water as they then need,and as they can pump for 2 cents or less the thousand gallons why should they be expected to pay you 3-1/3 cents for that quantity?

If you have any restrictions on visitors going to the La Mesa or Murray Dam will you please send me a permit.I would like to personally examine the work there before taking up the matter of hearing before the Railroad Commission set for the 15th of next month.

Yours truly

D G Gordon

August 7th., 1917.

81

Col. Ed. Fletcher,

Office.

Dear Sir-

If the attached letter to Mr. G. D. Gordon is alright, please hand it over to Mr. Mathews that he may enclose the required formal notice.

Yours very truly,

Jm Harrett

81

August 7th., 1917.

D. G. Gordon,

Bostonia, Calif..

Dear Sir-

In reply to your letter of Aug. 8th., we think that we have given you all the information possible in regard to our arrangement with the Hawley Pipe Line Company for the lease of their line, we will add however that this lease is made along the lines suggested by the Railroad Commission and the rental paid for the same is in no sense of the word a rebate for water rentals.

We note your claim that your water is used exclusively for irrigation, and will state that your bill was rendered accordingly.

As to the quantity of water that you have received we would say that in anticipation of this question being raised by you, we have kept a very careful record of the pressures in your measuring box, during the month of July for instance, we find that on 12 days your pressure was exactly right, on one day your pressure was 1/8 of an inch low, on 18 days your pressure varied from 1/8 of an inch to 1½ inches high.

We have not settled on a basis of old rates with any consumers on the Hawley Pipe Line, or any other part of the system, for either May or June or any other month.

We enclose herewith, in accordance with the rules and regulations, a formal demand that you make a deposit to secure payment of your future water bill, otherwise we will be compelled to discontinue your service.

Very truly yours,
Cuyamaca Water Company,

By_____
Superintendent

CH/K

[HARRITT]

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA. Sept 7 1917

Cuyamaca Water Company
San Diego,Cal.

Gentlemen:

I have just received your bill for last month,$30.25 for a nominal two inches.This is about three times as much as your bill a year ago for the same nominal quantity and about twice as much as it is costing me for electric power to pump two inches for the same time from a well 94 feet deep.

I object to this bill for the same reasons as stated in my letter to you dated August 8,1917,which letter you have not answered.

In that letter I promised to take up with the Hawley Pipe Line Company the matter of compensation for use of my interest in the Pipe Line. I told them I was willing to accept 8 per cent on the amount paid by me for the construction of the Upper Pipe Line.I do not know the terms of your agreement with them but I thought that inasmuch as I had distinctly notified you of my separate interest in the Pipe Line,you might have taken the common sense course of requiring them to compensate me.I infer that you did not do this for they refuse to pay me any part of the so called rental,and if you did not require them to pay me I do not see that I have a valid legal claim to part of that rental.

You are conducting water across my land in a pipe for which I paid 2/45 of the cost and delivering water after heavy losses in transit beyond me,at about ten dollars an inch less than you want me to pay,and besides this discrimination I am told that you have a man living at the lower end of the line among the group that controls the Pipe Line Company,so convenient that those people who virtually get a cash rebate of ten dollars an inch may have their water turned on or off as often as they please,which is an advantage at least equal to having a recording meter.

Will you not answer my letter of August 8,1917?
Who has charge of the water in the Hawley Pipe Line?
How can I communicate with him?
How often does he examine the Upper Pipe Line?
What are his instructions as to turning water on or off on request?
Is he employed solely by you,or part of the time by others?

I received from the Railroad Commission a copy of a letter sent by them to you dated August 27,1917.I do not accept that as conclusive because I am sure there has been a misapprehension of facts.

I would be glad to have a temporary working agreement with you until we can have a full hearing before the Commission which I hope will be as early as next December.I think they will then see the necessity of changes in rates.

Yours truly

D G Gordon

September 11th., 1917.

D. G. Gordon,

Bostonia, Calif..

Dear Sir-

In reply to your letter of September 7th., your letter of August 8th. has evidently been mislaid, we are therefor unable to answer it for that reason.

As to your interest in the Hawley pipe line we would say that we have no control over the distribution of the money which we pay the Hawley Pipe Line Company as rental.

As we have written you before, we would say that we are not making any rebate to anybody.

In answer to your query would say that I have charge of the water in the Hawley Pipe Line, for that is handled under my direction and you can communicate with me either at La Mesa, by telephone or at the Cuyamaca Water Company's Office in San Diego.

An employee of this Company examines the upper pipe line daily, he is employed solely by this Company and has instructions to turn the water on or off any consumer, excepting those whose water is shut off for non payment of bills, upon request, and within reason.

As to having a temporary working agreement with this Company, we would say that you must be aware, with your knowledge of the Railroad

Commission Act, that it would not be possible for us to enter into any arrangement other than that provided by the Commission's decisions, rules, regulations, etc.

Very truly yours,

Cuyamaca Water Company,

By_____
Superintendent

CH:K

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA, Oct.5,1917

Cuyamaca Water Company
San Diego,Cal.

Gentlemen:

Your September bill is received. In addition to objections made to your bills for May,June July and August of this year,applicable to this bill,I claim that by your unlawful cutting off my water September 8th,and depriving me of water till September 24th you caused me substantial damage which I shall try to have the Railroad Commissio sdjust,as well as give me punitive damages. I am sending to the Railroad Commission today my check for the amount claimed by you,namely $17.20

Yours truly

D G Gordon

D. G. GORDON
ATTORNEY AND COUNSELLOR AT LAW
BOSTONIA, SAN DIEGO COUNTY
CALIFORNIA

BOSTONIA, CALIFORNIA, N ov.6/17

Cuyamaca Water Company
San Diego,Cal.

Gentlemen:-

I have your bill claiming $11.20 for water furnished last month.I deny that I owe this but I will pay it under protest.I enclose my check for $11.20

Yours truly

D G Gordon

March 18,1918

Mr. D. G. Gordon,
Bostonia, California.

My dear Mr. Gordon:-

Thanks kindly for your letter of March 11th. I suggest that we do nothing until Cosgrove comes back next week, and see what action the City Council takes, then arrange for a committee meeting.

I only offered to deed my individual interest in the El Capitan Dam site. With Mr. Murray in Montana you can imagine I can get very little out of him.

Yours very truly,

EF/bm

April 1,1918

Mr. D. G. Gordon,
Bostonia, Calif.

Dear Sir:-

I thank you for your kind letter of the 28th, and suggest you give the Chamber of Commerce a reasonable time in which to take the matter up with the city council. If they don't do something within the next two weeks, I suggest that you call a meeting of the committee or write them a letter, and ask them to join as a committee in seeing the city council. My opinion is that the water committee will play a delaying game. I would not wait more than two weeks if I were you, before making arrangements to see the city council, and if possible, some day when they are in session.

It seems that the Chamber of Commerce did everything on earth they could to keep quiet the meeting of last Thursday, and would not allow newspaper men in. This is a remarkable situation. The whole game of the City is to delay this thing until the bill is passed in Washington, then you will see they take a different attitude at the city hall, a la German.

My suggestion is that you force a meeting with the city council within the next two weeks and smoke them out. Simply stand on Mr. Cosgrove's testimony and urge them to come through along the lines as pledged by Mr. Cosgrove. If you desire it I will mail you a copy of the hearing in Washington so that you can get all the facts. I only ask that you return it at your convenience. It gives Mr. Cosgrove's testimony and my own.

As far as Mr. Murray is concerned, I have no reason to doubt his word, whatsoever. You will be pleased to know that Mr. Henshaw has agreed to put up the cement, which will more than take care of both he interest and mine. So the buck is up to Mr. Murray, and I do not believe he will fail us. If we build the dam 117 feet it takes 38,000 barrels of cement, and if we build 137 feet, it will take 67,000 barrels. The plans are now with the Railroad Commission for their approval. Mr. Eastwood is there at the present time going over the matter.

I suggest you take this matter up with Mr. Lyons of La Mesa and Mr. Halley of Lemon Grove, who will, I am sure, be glad to assist in this matter, and to whom I have sent a copy of this letter.

P.S. Please do not give the press the information that we are securing the approval of the R.R. Com'n until we get it.

Yours very truly,

April 6, 1918

Mr. D. G. Gordon,
San Diego, Calif.

Mr dear Mr. Gordon:-

Answering yours of April 4th, will say that I am glad to have you write letters of this kind, for it gives me a chance to state my position, and if I am wrong, I am ready to admit it.

The domestic consumer uses a very small quantity for irrigation purposes. He pays 33 1/3 ¢ per thousand gallons for the first three thousand gallons. The irrigation rate is so low that I do not feel there is any injustice to the irrigator.

Our intention is to make a 2½¢ rate to anyone who will increase the supply of food products in excess of their normal crops, and the 2½¢ rate is an incentive for that purpose. When you realize that our total receipts for the sale of water for the year 1917 were about $55,000. and our operating expenses the same, you will understand that we are certainly making some sacrifice already, having never received more than enough to pay operating expenses of our system during the last seven years.

I want to be fair and you know it. The City of San Diego is charging everybody 10 ¢ a thousand gallons for irrigation water and they are making money on it. Go to La Jolla, Pacific Beach, and other places and ask the truck gardeners-- find out for yourself. There is only one other water system in Southern California offering water at as low a rate as we are, and that is the Sweetwater system. When I speak of water I mean water furnished under the same conditions as ours, for irrigation of citrus fruits and winter vegetables. If we can increase the food production over normal by making a 2½¢ irrigation rate this summer to all the farmers on the system that would appeal to me and would have serious consideration. My recollection is that we made the same offer to irrigators last year and the consumption of water was less than normal.

Yours very truly,

EF/bm

April 11, 1918.

To the Members of the
Bostonia Water Committee,
Bostonia, Calif.

Gentlemen:

I am pleased to inform you that we have today received from the State Railroad Commission approval in a general way of our plans for the building of a major dam at or near the diverting dam.

Mr. Murray, as you know, telegraphed Washington that on certain conditions he would build a dam on the San Diego River. That was at a time when it looked as if Mr. Murray would have to finance the whole project. Since then, Mr. Henshaw and I have arranged our finances and are able to put up our part of the necessary funds. All we want is a reasonable assurance that no injunction proceedings will be brought by the City.

We have no fear of the riparian owners below, for we can condemn any rights they have, but with the municipality of San Diego it is an entirely different proposition. We might let contracts; get our dam half built, and then have the city enjoin us, which would mean endless litigation - at least five or six years, to the Supreme Court of the United States, and in addition to that we would have our money invested and would probably have to pay the contractors damages for loss of profits even.

We must have a reasonable assurance, and a resolution passed by the City Council protecting us in this matter. We have an opinion by Supreme Justice Henshaw, who says that unquestionably we have the right to build this diverting dam, and the right was given to us by the original Act of Congress, to the San Diego Flume Co., in 1891; yet, the municipality of San Diego holds this club over our heads - the bugbear of the ownership of all the water in the San Diego River.

The City fails to realize that we can conserve this water quicker and cheaper than they can and, if necessary, in an emergency we can furnish it to them.

I hope that within the near future your committee will have a conference with the City Council in regard to this matter.

Very truly yours,

CUYAMACA WATER COMPANY,

By _____
Manager.

F-8

April 12, 1918.

Mr. D. G. Gordon,

Bostonia, Calif.

My dear Mr. Gordon:

Thanks for your kindly letter of April 10th. You are doing good work in the newspapers.

Get hold of Mr. Lyons and Mr. Halley, at an early date, and arrange for the whole committee to meet the council. I make this suggestion for the reason that Cosgrove is playing for delay until this bill is passed, and then they will be so cockey that there will be no doing business with them at all.

I notice that Mr. Cosgrove has not published in the papers the fact that they tried to get the bill through the House and there was so much objection to it that, by a vote of 18 to 13, the house adjourned rather than pass on the bill. Mr. Cosgrove lies when he says that we have to get a bill through Congress to raise the Diverting Dam. I have the opinion of Supreme Court Justice Henshaw that we have the right to build that dam, but we don't propose to get that dam half built and then have the city enjoin us.

The main Diverting Dam is on the reservation, but the Act of Congress of 1891 gives us the right to build the dam to any height that we want, and we only flood 65 acres of the Indian Reservation land.

Simply propose to the City Council that they take the matter up with the Cuyamaca Water Co., and that a resolution be passed protecting both the city's and the Cuyamaca Water Company's interests, which will eliminate the danger of the City's enjoining the construction of our dam, so that we are sure that we can build it, as far as the City is concerned. I am sending copy of a letter to each one of the Committee today, copy of which is herewith enclosed.

Both Diverting Dams are on the Indian Reservation, but the Government has our money, has assessed the damages, and we have signed the contract which they have drawn up for the diverting dam on the South Fork. How can they refuse?

With kind regards,

Very sincerely yours,

F-S

Manager.

May 15, 1918.

Mr. D. G. Gordon,

Bostonia, Calif.

Dear Sir:

Enclosed herewith find copy of letter of May 8th to the Hawley Pipeline Co., Mr. E. W. Moyer, Secretary, together with their reply of the 9th, and our letter of May 13th to the State Railroad Commission; Also, our letter of the 14th to the Hawley Pipeline Company, all for your information.

Very truly yours,

CUYAMACA WATER COMPANY,

By _____

Manager.

F-S

May 24, 1918

Mr. D. G. Gordon,
Bostonia, Calif.

Dear Sir:-

Answering yours of May 21st, will say that whoever told you that Murray has no intention of building a dam up on the River is a liar, with my compliments. Mr. Henshaw and I have financed our part of it, but we don't propose to build the dam until we have an assurance satisfactory to our attorneys that the City of San Diego will not enjoin us when we get the work half completed.

All I ask is that the City of San Diego give us assurance as per the testimony of City Attorney in Washington. In the meantime, we are going about our business condemning the private lands necessary and doing other things which will show our good faith, but of which I do not care to tell at the present time.

I thank you for your kind interest in the matter.

Yours very truly,

EF/bm

Copy

San Diego, Calif.
May 24, 1918

D. G. Gordon,
Bostonia, Calif.

Dear Sir:-

Answering yours of May 21st, will say that out receipts for water did not take care of operating expenses of the Cuyamaca Water Co. last year. Murray has not paid up a dollar for the Cuyamaca system the last year excepting for building the Murray Dam, and will not put up another dollar. It is utterly impossible for us to build this pipeline and we shall bring a suit in court enjoining the Hawley Pipeline stockholders from stopping our furnishing water through their line within the next few days if a compromise is not made.

We very much prefer that the Hawley Pipeline Co. manage their affairs themselves and we turn the water over to them at our intake, but we are willing to stand the inconvenience as well as loss of water. However, we will not lose money in operating the Hawley Pipeline and no court on earth can make us, for we have no money to lose.

My advice to you is to call a meeting of the Hawley Pipeline people at once and settle the matter, otherwise we shall go into court immediately. A copy of this letter has been sent to Mr. H. Culbertson and I have written the Railroad Commission today of our determination in this matter.

Yours very truly,

EF/bm
cc HC

Decision No. 6142

81

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

-oOo-

COPY

D. G. GORDON,

Complainant,

-vs-

JAMES A. MURRAY, et al.,

Defendants.

Case No. 1057

D. G. Gordon in propria persona
F. M. Pando for defendants.

BY THE COMMISSION.

O P I N I O N

The complainant herein requests an order of this Commission first: that the defendants have not complied with the order of the Commission, set forth in Decision No. 536, directing defendants to increase their available supply of water at least 33-1/3 per cent.

That the present available supply of water is inadequate to provide a sufficient supply for present irrigation consumers, many of whom have rights to specific quantities of water, which rights originate in certain contracts at stipulated annual rentals for each miner's inch of water.

That defendants contend that these contracts are not binding and are continually harassing irrigation consumers

with repeated applications to the Commission for increased rates.

Complainant asks that the Commission will approve the aforementioned contracts with consumers, and will further order as follows:

That defendants be compelled to construct additional reservoirs; to repair the flume; and to take other steps to provide an adequate supply for irrigation consumers.

Public hearings were held in San Diego, at which time defendants contended that the Commission had decided that an adequate supply had been secured and provided for all existing consumers.

This contention was based upon Decision No. 4058, dated January 25, 1917, which states as follows: "We are satisfied, from the testimony herein, that the Cuyamaca Company may now take on additional irrigation service to the extent of approximately 40 miner's inches."

The case was originally called on August 3, 1917, at which time the defendant appeared and requested a continuance until the finishing of the irrigation season of 1917 with the understanding that thereafter the case would be returned to the calendar and testimony taken. On May 1st, 1918, in accordance with that understanding his case was again called at San Diego at which time the complainant Gordon was still unprepared to proceed and made statements which indicated that he was doubtful as to whether or not he would at any time in the future proceed with the complaint herein. Under the circumstances, we deem that a dismissal without prejudice should be ordered in this matter.

O R D E R

For the reasons herein above given,

IT IS HEREBY ORDERED that the complaint herein be and the same is hereby dismissed without prejudice.

Dated at San Francisco, California, this 25th day of February, 1919.

EDWIN O. EDGERTON

H. D. LOVELAND

FRANK R. DEVLIN

H. W. BRUNDIGE

IRVING MARTIN

Commissioners

A TRUE COPY
H. Mathewson
ASSISTANT SECRETARY
RAILROAD COMMISSION
STATE OF CALIFORNIA.

GORDON

GORDON D.G. CUSTOMER SUIT
From the papers of Ed Fletcher, the following letters were removed to the alphabetized correspondence files:

FAUDE, F.M. to Fletcher, 2 letters, 4/7/17, 5/8/16
HARRITT, C.
FLetcher to Harritt, 2 letters, 7/19/17, 7/23/17
Harritt to Fletcher, 2 Letters, 7/21/17, 8/7/17
MATHEWS, Lou B. to Fletcher, 10/13/15
RAILROAD COMMISION
Cuyumaca Water Co. to Railroad Commission, 5 letters
7/19/17, 7/21/17, 9/25/17, 11/19/17, 12/21/17
Railroad Commission to Cuyamaca Water Co, 9/22/17
DETRICK, Charles R. Secretary
Detrick to Cuyumaca Water Co. 8 letters, 8/27/17
9/17/17, 9/22/17, 10/1/17, 10/8/17, 10/10/17
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General Correspondence - Gordon, D.G.