

MERRITT
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May 17, 1916.

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MERRITT
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Mr. E. B. Merritt,
Assistant Commissioner of Indian Affairs,
Washington, D. C.

My dear Mr. Merritt:

This will introduce my partner
and friend, Mr. James A. Murray. Any information
you can furnish him in the El Capitan matter will
be greatly appreciated.

Yours very truly,

F-S

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

May 22, 1916

Mr. E. B. Merritt,
Asst. Sec'y Indian Affairs,
Washington, D. C.

My dear Mr. Merritt:

Enclosed herewith find sworn statement in the
El Capitan Case Serial No. 014683 Los Angeles, California, which
kindly file with the other records in the matter. This statement
is sent for the reason that since the hearing in February we have
completed and perfected our water right to 1550 miners inches of
water, when it is in the river, from the Diverting Dam on the main
stream of the San Diego River; and 1100 miners inches of water from
the South Fork, when that amount of water is in the river. The
improvements which we have made since January 1, 1916, are:

The installation of the additional South Fork Syphon,
which brings the water from the Diverting Dam to the
city,

and the completion of the South Fork flume, which diverts
1100 miners inches of water from the South Fork.

We base our claim to this amount of water on the
old water filings of the San Diego Flume Co. in 1887-88, together
with our water filing of June 1, 1910, to all waters of the San Diego
River, the day we bought the system.

Thanking you for your courteous treatment in this
matter,

Very sincerely yours,

CUYAMACA WATER COMPANY

Manager

CUYAMACA WATER CO.
FILE No. 84
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F-S

CUYAMACA WATER COMPANY

Statement Showing Appropriations by Cuyamaca Water Company, or
Its Predecessors in Interest, of the Waters of the San Diego River
and its Tributaries.

- =====
- Appropriation dated May 28, 1886 - Six Thousand Inches - See Exhibit "F" - L.A. No. 014683.
 - Appropriation dated June 29, 1886 - Four Thousand Inches - See Exhibit "G" - L.A. No. 014683.
 - Appropriation dated July 31, 1886 - Two Thousand Inches - See Exhibit "H" - L.A. No. 014683.
 - Appropriation dated June 1, 1910 - One hundred Thousand Inches. See Exhibit "I" - L.A. No. 014683.
 - Appropriation dated June 12, 1914 - Five Hundred Inches - See Exhibit "K" - L.A. No. 014683.
 - Appropriation dated June 12, 1914 - Fifty Inches - See Exhibit "M" - L.A. No. 014683.

-----000-----

Statement Showing Expenditures for Protection of Water Rights
By Development of the System.

=====

Year 1910 (June 1st to December 31st)	-----	\$ 5,390.32
Year 1911	-----	51,815.20
Year 1912	-----	53,902.63
Year 1913	-----	89,908.33
Year 1914	-----	170,411.85
Year 1915	-----	37,804.00
Year 1916 (January 1st to April 30th)	-----	16,865.76
Total	-----	\$426,098.09

CUYAMACA WATER CO.
FILE No. 84
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State of California)
) S.S.
County of San Diego)

Lou B. Mathews, being first duly sworn, deposes and says: That he is the Secretary of the Cuyamaca Water Company; that he has read and examined the foregoing statements and knows the contents thereof; and that the same are true of his own knowledge and belief.

Lou B. Mathews

Subscribed and sworn to
before me this eighteenth
day of May, 1916.

Ray L. Mahini
Notary Public in and for the
County of San Diego, State of
California.

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

REFER IN REPLY TO THE FOLLOWING:
Land-Allotments
60178-1916
W A M

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

JUN -3 1916

Box 84 B
✓

Mr. Ed. Fletcher,

Care New Willard Hotel,

Washington, D. C.

Sir:

Receipt is acknowledged of your letter of inquiry dated June 1, 1916, with reference to the El Capitan Reservation in San Diego County, California.

It is assumed that you refer to what is known as the Capitan Grande Reservation located in Townships 14 and 15 South, Ranges 2 and 3 East. These lands were withdrawn mainly by Executive Order of 1875, although some subsequent withdrawals were made by the Department in 1907.

Under authority of the act of January 12, 1891 (26 Stat. L., 712), a trust patent was issued in the name of the Capitan Grande band on March 10, 1894, covering 8,960 acres, and under the provisions of the same act and that of March 1, 1910 (34 Stat. L., 1022), a patent was issued in the name of the band on July 9, 1913, covering 1,240 acres. *This patent covers the lands City wants*

These patents provide that the United States will hold the lands described therein (subject to all the restrictions and conditions contained in the act of January 12, 1891 - (26 Stat. L., 712), for a period of 25 years

in trust for the sole use and benefit of the said band or village of Indians according to the laws of California, and at the expiration of said period will convey the remaining portion not patented to individuals by patent to said band in fee, discharged from the trust and all other encumbrances. No allotments in severalty have been made to these Indians of any of their patented lands, but the act of January 12, 1891, supra, authorizes individual allotments and provides that trust patents may be issued to the allottees which shall override the patent to the band. *his own tract & fenced*

division has been made each Indian having

A report dated December 7, 1891, by the Mission Indian Commission appointed under the act of January 12, 1891, supra, known as the "Smiley Commission," shows that the lands withdrawn for the Capitan Grande band had the status of public domain of the United States at the time they were set aside for Mission Indian purposes.

It appears also from said report that Charles Hensley and A. B. Knowles and perhaps certain others, had claims against the Government arising from their eviction from this reservation, and it is suggested that you may obtain from the Department of Justice authentic information as to whether or not suit was ever brought against the United States to defend the claims of these people.

84

Refer in Reply to the
Following:
Land - Allotments
60178-1916
W A M

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

1-21659

June 3 1916

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Care New Willard Hotel,
Washington, D. C.

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put Back

[MERITT to Fletcher]
E.B. 4
Quinn
Box 1, Tolson 64 B

As to that part of your letter relative to legislation authorizing the taking of any of these lands for reservoir purposes, there is enclosed herewith a copy of the act of February 15, 1901 (31 Stat. L., 790), and also the act of March 3, 1891 (26 Stat. L., 1095).

The act of February 15, 1901, supra, authorizes the Secretary of the Interior to grant revocable permits for the use of land within "reservations of the United States" for reservoirs to be used for any beneficial purpose.

The act of March 3, 1891, grants to any canal or ditch company formed for the purpose of irrigation, a right of way for canals, ditches and reservoirs, so far as the public lands and "reservations of the United States are involved."

On June 23, 1914, in the case of Coachella Valley Ice and Electric Company, the Department held that the Morongo Mission Indian Reservation is a "reservation" within the meaning of the act of February 15, 1901, supra. This decision seems to be applicable with equal force to the act of March 3, 1891.

Very truly yours,

E. B. Meritt
Assistant Commissioner.

6-JM-2

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Very truly yours,

E. B. Meritt (Signed)
Assistant Commissioner/

6-JM-2

[MERITT to COSGROVE]

Land-Cont.
20649-19
C H I

March 17, 1919

Mr. T. B. Cosgrove,

City Attorney,

San Diego, California.

My dear Mr. Cosgrove:

I am in receipt of your letter of March 4, 1919, regarding application of Messrs. Murray and Fletcher for reservoir easement on Conejor Creek and right of way for a canal across the Capitan Grande Indian Reservation, with which you enclose copy of a communication addressed to you by the Engineer of the City of San Diego, wherein it is stated that the information furnished is not sufficient to enable him to determine whether the application now pending will conflict in any manner with the Reservoir site to be acquired by the City of San Diego on the Capitan Grande Reservation under the provisions of the Act of February 28, 1919. (Public 306).

This Office has made no extensive surveys which in themselves would show whether there would be any conflict between the easement sought by Messrs. Murray and Fletcher and the contemplated reservoir which the City may acquire the right to construct under the provisions of the Act of February 28, 1919, supra, and necessarily, it is incumbent on the parties interested themselves to furnish sufficient evidence to show whether, as a matter of fact, such conflict does or does not exist, if this is to be established before further action on the pending application is had.

As the Office understands the situation, the surveys heretofore made and now available to the City in connection with its proposed reservoir site on this Reservation, were merely preliminary and were not pursued to that degree of accuracy which would enable them to determine exactly where the high water mark of the contemplated reservoir would fall, based on Geological Survey bench mark or other well defined datum points

as related to a dam of different heights if erected at the proposed dam site on the Capitan Grande Reservation. Whether Messrs. Murray and Fletcher, or the Engineers connected with the Cuyamaca Water Company, are in a position to furnish this information with sufficient accuracy, I am unable to state. If extensive surveys are to be made, necessarily, some time would be consumed in such work and the preparation of tracings and drawings to show the results thereof. The application of these gentlemen for this reservoir easement has been pending before this Office for several years. Congress has authorized the acquisition of a reservoir site, under the conditions prescribed in the Act of February 28, 1919, by the City of San Diego, and in view of these facts, the Office sees no reason why final action should not be taken on the pending application of Messrs. Murray and Fletcher for the Reservoir easement on Conejor Creek, subject to such rights as may hereafter be acquired by the City of San Diego under the recent Act of February 28, 1919, should the City ever comply with the provision of that Act and construct the reservoir as contemplated therein.

It is not seem how this action would jeopardize in any manner the future rights of the City. I would be glad to receive such further suggestions in connection herewith as you may care to present.

Very truly yours,

E. B. Meritt

Assistant Commissioner.

Copy of
Mr. Ed Fletcher,
920 8th Street,
San Diego, Cal.

REFER IN REPLY TO THE FOLLOWING:

Land-Contracts
99348-07
34706-19
C H I

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

JUN - 5 1919

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Mr. Ed Fletcher, Mgr.,
Cuyamaca Water Company,
San Diego, Calif.

Sir:

Referring to the matter of your application for easement for reservoir and right of way for flume, involving certain lands within the Capitan Grande Indian Reservation, California, I enclose herewith for your information copy of letter this day addressed to the Commissioner of the General Land Office, relative thereto.

In the event that you desire to make a further showing in connection with the application, it is suggested that you take the matter up direct with the Commissioner of the General Land Office.

Very truly yours,

[Handwritten Signature]
Assistant Commissioner.

5-CHI-23

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[Handwritten scribble]

6000

JUN 5 1919

Ed Fletcher Papers

1870-1955

MSS.81

Box: 18 Folder: 12

General Correspondence - Meritt, E.B.



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