

To the Register and Receiver
of the U. S. Land Office,
Los Angeles, Calif.

:In the matter of the motion
: of the City of San Diego in
: the application of W. B. Ham-
: ilton for the El Capitan Res-
: ervoir site. L.A. 014683.

Gentlemen:

The trustees of the City of El Cajon, in the County of San Diego and State of California, in session this 7th day of February, 1916, respectfully protest against the granting of the Hamilton application, and for the following reasons, to wit:

First, The City of El Cajon, at great expense, has installed a distributing system through the City of El Cajon, and has extended its mains a distance of approximately two miles, to connect up with the main flume of the Cuyamaca Water Company.

Second, The City of El Cajon is dependent upon the Cuyamaca Water Company for its domestic water supply.

Third, The granting of said Hamilton application would put a cloud upon the title to the water rights of the Cuyamaca Water Company, and eventually means the diversion of a large part of the waters of the San Diego River to the City of San Diego.

Fourth, By so doing, this diminishes the amount of available water for the development and future expansion of the cities of El Cajon, La Mesa and East San Diego.

THEREFORE, we respectfully request that the said Hamilton application be denied, and that our protest become a matter of record in the proceedings now being held before the U. S. Land Office in Los Angeles.

adapted by Roll call = Apr 3 - absent

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*Lu F. Maclean
clerk*

Signed at El Cajon, California,
this 7th day of February, 1916.

From the papers of Ed Fletcher -

FROM THE CUYAMACA WATER COMPANY'S FILES ON THE LAMESA, LEMON GROVE & SPRING VALLEY IRRIGATION DISTRICT regarding the purchase of Cuyamaca by the District, correspondence with the State Railroad Commission,

The following files were removed to the correspondence files:

BRUNDIGE, H.W. (C.R.C.)

Fletcher to Brundige [22 letters] 2/12/25, 3/10/25, 4/23/25, 4/27/25, 4/28/25, 4/29/25, 4/29/25, 4/30/25, 4/30/25, 5/1/25, 5/4/25, 5/5/25, 5/5/25, 5/6/25, 5/7/25, 5/8/25, 5/9/25, 5/11/25, 5/14/25, 5/21/25, 5/23/25, 6/6/25, 6/23/25

Brundige to Fletcher [3 letters] 2/14/25, 3/17/25, 4/23/25
Director - La Mesa, Lemon Grove & Spring Valley Irrigation District to Brundige, 4/1/25

Wheeler, William, to Brundige [2 letters] 4/27/25, 5/7/25

Brundige to Wheeler [2 letters] 4/29/25, 5/11/25

Brundige to Hall, H.A., 4/23/25

CALIFORNIA RAILROAD COMMISSION

C.R.C. to Fletcher [2 letters] 1/16/25, 1/28/25

Fletcher to C.R.C [2 letters] 1/12/25, 8/8/25

C.R.C. to Cuyamaca Water Co. [5 letters] 3/9/25, 6/26/25, 8/6/25, 8/11/25, 8/12/25

HARRITT, C. (superintendent of Cuyamaca Water Company)

Harritt to Railroad Commission of Ca., 2/11/25

From the papers of Ed Fletcher.

From the papers of Cuyamaca Water Company, the following La Mesa
A MESA, LEMON GROVE AND SPRING VALLEY
IRRIGATION DISTRICT

Halley to Wheeler, William, [2 letters] 6/2/18, 1/16/19

Halley to War Finance Corporation, 9/18/18

Fletcher to SPRING VALLEY IMPROVEMENT CLUB (J.A. Thomas,
president), 3/9/18

OPTION TO PURCHASE MISSION GORGE SITE NO. 3

We, THE CUYAMACA WATER COMPANY, a co-partnership, and ED FLETCHER, individually, parties of the first part, do by these presents GRANT to LA MESA, LEMON GROVE AND SPRING VALLEY IRRIGATION DISTRICT, a public corporation organized under the California Irrigation District act, party of the second part, for a valuable consideration, an OPTION to purchase at any time within five (5) years from date of April 5, 1924, the property known as "MISSION GORGE DAM SITE AND RESERVOIR NO. 3", situated on the San Diego River in the County of San Diego, State of California, consisting of all lands now owned by said parties of the first part which will be flooded within said reservoir above said dam site below the three hundred thirty foot (330') contour line; together with all surveys, water rights, core drillings, records, etc., relating thereto. In consideration for the transfer thereof said second party will pay the sum of One Hundred Fifty Thousand Dollars (\$150,000.00), together with interest thereon at the rate of six per cent (6%) per annum from and after the 5th day of April, 1924, plus taxes accruing against said property after said last named date; provided that said sum and interest and taxes shall be payable when and if this option is exercised, and it is understood that the party of the second part is under no obligation unless it sees fit to exercise this option.

The real property included in this option is more particularly described as follows:

All that portion of the following described land lying and being within what is known as Mission Gorge Reservoir Site No. 3 and below an elevation of 330 feet above sea level, United States Geological Survey datum; Lot "B", the East half of Lot "F", and undivided one-half interest in Lot "C", and that portion of Lot "E" lying Northeasterly of a line running parallel with and 500 feet measured at right angles, to and Southwesterly from the base line of what is known as Mission Gorge Dam Site No. 3, said base line running North 44°29' West from a point which bears North 11° 14' West 4318.0 feet from the Southeast corner of said Lot "E" as said Lots are shown on Referees Partition Map of a portion of Lot 70 of Ex Mission Rancho, San Diego County, California, filed in Case No. 15191 in the office of the Clerk of the Superior Court of said County.

Also an acre of land for caretaker's house and ground to be as conveniently located as is practicable.

It is one of the conditions of this option that in the event of the exercise of said option and the construction of a dam at said Mission Gorge Dam Site No. 3, the hunting, fishing and boating privileges of said reservoir shall be open to the public, subject to the usual restrictions and conditions placed on all other lakes by the district or by the City Council should the City of San Diego acquire said property.

This option is given in confirmation of the option included in that certain option agreement of date April 5, 1924, executed by and between the parties hereto.

This option for sale is subject to the approval of the Railroad Commission of the State of California, before the transfer can be finally consummated.

DATED this 10th day of February, 1926.

Approved:
La Mesa, Lemon Grove & Spring
VALLEY IRRIGATION DISTRICT
BY: H. A. HALL, President
JOHN C. SCOTT, Secretary.

THE CUYAMACA WATER COMPANY
By Ed Fletcher Manager

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
IN AND FOR THE COUNTY OF SAN DIEGO.

Harvey D. Allen, George N. Johnson,)
C. S. Bond, F. W. Reed, Jacob)
Jepson, F. H. Slingsby, Nellie J.)
Gibson, F. A. Jaussand, M. F.)
Jaussand, Frank Teisseire, B.)
Jacques, Percy Whitehead, A. L.)
Gottesburn, Chris N. Ohre, J. W.)
Harlan, Jennie Baughman, Ruth E.)
Sutemier, Sero Tonini, F. D.)
Murtha, Winifred Murtha, B. H.)
Hubbard, Matilda Guglielmetti,)
J. R. Summers and March Schade,)
Plaintiffs,)

-vs-

La Mesa, Lemon Grove and Spring)
Valley Irrigation District, an)
Irrigation District organized and)
existing under and by virtue of)
the laws of the State of Cal-)
ifornia,)
Defendant.)

No. _____

Dept. No. _____

C O M P L A I N T .

Plaintiffs allege for cause of action:

1.

The defendant, La Mesa, Lemon Grove and Spring Valley Irrigation District, is an Irrigation District organized, existing and doing business under and by virtue of the laws of the State of California, in the County of San Diego, State of California; that said defendant has been so organized and existing as such Irrigation District for some time past.

2.

There is in the said County of San Diego a natural stream of water known as, and called, the San Diego River, which has its sources in the Laguna Mountains and other mountains in the neighborhood of, and to the East and North of, the lands of the plaintiffs herein, and the said River flows, and always has flowed, from the sources aforesaid, in a generally westerly direction, but with numerous turns and meanderings- through

the lands of the plaintiffs, through and across the county of San Diego, California, into the Pacific Ocean at a point on the shore of said ocean within the territorial limits of the city of San Diego, in said county of San Diego, California, and such stream in its natural condition flows through, and a part of its natural channel lies in, said territorial limits of the city of San Diego, California, in its course to the Ocean.

3.

The plaintiff, Harvey D. Allen, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego county, California, described as follows:

Lot 42 of Rancho Mission of San Diego, according to Partition Map thereof on file in the office of the County Clerk of said San Diego County, California.

The water of said San Diego River in its natural course- Flows across, through and over the said lands of said plaintiff Harvey D. Allen, and such land is riparian to said river.

Plaintiff, George N. Johnson, is, and for many years last past has been, the owner in fee of a tract of land in San Diego County, California, described as follows, to-wit:

All that portion of Pueblo Lot 1107 of the Pueblo lands according to the Pascoe map thereof, particularly described as follows: Beginning at a point on the Southerly line of said Lot 420.75 feet westerly from the S.E. corner of the S.W.1/4 of said Lot, thence northerly parallel with the westerly line of said Lot a distance of 900.25 feet to an intersection with the westerly line of said lot, thence southerly along the westerly line of said lot a distance of 324 feet, thence at right angles easterly a distance of 330.25 feet, thence at right angles southerly a distance of 1320 feet to an intersection with the southerly line of said Lot, thence at right angles easterly along the southerly line of said Lot a distance of 970 feet to the place of beginning.

The water of said San Diego River in its natural course, flows across, through and over the said lands of said plaintiff George N. Johnson, and such land is riparian to said river.

The plaintiff, C. S. Bond, is, and for many years last past has been, the owner in fee simple of a tract of land in said San Diego County, California, Described as follows, to-wit:

The S.E. 1/4 of Pueblo Lot 1107 according to the official map thereof made by James Pascoe in 1870.

The water of said San Diego River in its natural course, flows across, through and over the said lands of said plaintiff, C. S. Bond, and such lands is riparian to said river.

The plaintiff, Mary Schade, is, and for many years last past has been, the owner in fee simple of a tract of land in said San Diego County, California, Described as follows, to-wit:

The southwesterly 1/4 of Pueblo Lot 1108 according to the official map thereof made by James Pascoe in 1870.

The water of said San Diego River in its natural course, flows across, through and over the said lands of said plaintiff, Mary Schade, and such land is riparian to said river.

The plaintiff, F. W. Reed, is, and for many years last past has been, the owner in fee simple of a tract of land in said San Diego County, California, described as follows, to-wit:

All that portion of Lot 1107 of the Pueblo lands of the city of San Diego, according to Pascoe map thereof, particularly described as follows: Beginning at the S. E. corner of the S. W. 1/4 of said lot: thence N. along the easterly boundary line of said S. W. 1/4 a distance of 1782 feet; thence at right angles westerly parallel

with the southerly boundary of said Lot a distance of 1321 feet to an intersection with the westerly boundary line of said lot; thence southerly along the westerly boundary of said lot a distance of 900.25 feet to a point; thence southerly and parallel with the easterly boundary line of said lot; thence at right angles easterly along the southerly boundary line a distance of 1420.75 feet to the point of beginning.

The plaintiff, Jacob Jepson, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows:

Beginning at the N.W. corner of Pueblo Lot 1113, thence South along the West line of said Lot 15 chains; thence at right angles East 409 feet to a point; thence at right angles North and parallel to said West line to the North line of Pueblo Lot 1113; thence westerly along said West line to the point of beginning; as per map thereof made by C. H. Pool in 1856.

Also commencing at corner No. 1 of Lot 36 of the Partition of Rancho Mission of San Diego, thence N. 39 degrees 15 minutes E. 24.72 chains; thence N. six degrees 23 minutes W. 39.87 chains; thence W. 43.94 chains; thence S. 40 chains; thence E. 13.84 chains; thence S. 45 E. 26.30 chains to the point of beginning; containing 217.65 acres- and being part of Lot 36 of the Partition of Rancho Mission of San Diego as per survey and map made by C. J. Fox et al and filed in the case of Juan M. Luce et al vs. the Bank of San Diego, et al, in the Superior Court of San Diego, and bearing date of January 6, 1886.

The plaintiff, F. H. Slingsby, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows, to-wit:

Of 6 1/2 acres in Lot 7 of Pueblo Lot 1113.

The plaintiff, Nellie J. Gibson, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows, to-wit:

Part of Lots 31 and 35, Ex. Mission Rancho of San Diego.

The plaintiffs, F. A. Jaussand and M. F. Jaussand, are,

and for many years last past have been, the owners in fee simple of a tract of land in San Diego County, California, described as follows, to-wit:

The N. 380 feet of the E. 300 feet
of Lot 47 of Ex Mission Rancho of
San Diego.

The plaintiff, Frank Teisseire, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows, to-wit:

Blocks 5, 6 and 7 in Lot 56
Ex Mission Rancho of San Diego.

The plaintiff, B. Jacques, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows, to-wit:

Lots 49 and 50, Ex Mission Rancho
of San Diego.

The plaintiff, Percy Whitehead, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows, to-wit:

Lots 51 and 52, Ex Mission Rancho
of San Diego.

The plaintiff, A.L. Gottesburn, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows, to-wit:

90 acres in the N. E. corner of Lot
36 Ex Mission Rancho, of San Diego.

The plaintiff, Chris N. Ohre, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows, to-wit:

35.33 acres in Lot 33 Ex Mission Rancho
of San Diego.

The plaintiff, J. W. Harlan, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows, to-wit:

The E. 1/2 of Pueblo Lot 1108,
Pueblo lands of San Diego.

The plaintiff, Jennie Baughman, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows, to-wit:

The N.W.1/2 of Pueblo Lot 1108, of the Pueblo lands of the City of San Diego.

The plaintiff, Ruth E. Sutermer, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows- to-wit:

40 acres in Pueblo lands unnumbered S. of Pueblo Lot 1175 of the Pueblo lands of the City of San Diego.

The plaintiff, Sero Tonini, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows, to-wit:

Lots 3 and 4 of Heiner's subdivision of Pueblo Lot 1103 of the Pueblo lands of the City of San Diego, as per official map on record in the County Recorder's office of said county, in Deed Book I- page 183.

The plaintiff, F. D. Murtha, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows, to-wit:

23.75 acres in the N.E. corner of Pueblo Lot 1103 of the Pueblo lands of the city of San Diego.

Also 65 acres in Lot 2 of Pueblo Lot 1104 of the Pueblo lands of the city of San Diego.

The plaintiff, Winifred Murtha, is, and for many years last past has been, the owner in fee simple of a tract of land in San Diego County, California, described as follows, to-wit:

40 acres in Lot 1 of Pueblo Lot 1104 and the whole of Lot 3 of Pueblo Lot 1104, and the whole of Lot 1 of Pueblo Lot 1105, all of the Pueblo lands of the City of San Diego.

The water of said San Diego River, in its natural course, now flows, and from time immemorial has flowed, across, over and through the lands of all of said plaintiffs, hereinbefore set out and described, and all of the said lands are riparian to the said river. All of said lands have now, and always have had, all the rights and privileges, regarding said San Diego River and the water therein, incident, belonging and pertaining to riparian lands; that all of said rights and privileges have existed for many years and still exist, and have been exercised for many years and are now being exercised by the said plaintiffs as the owners of their said lands.

That the said plaintiffs, and each of them, own and possess, and have owned and possessed, the right to develop, pump and extract water from their respective lands, above described, for irrigation, domestic and other purposes upon such lands. All of the said lands are underlain with water, which percolates into and under the soil from the flow of said river through and over said lands, and such underlying water may be easily developed, pumped and extracted therefrom for the purposes above mentioned: that all of said lands are suitable for tillage, and the application of water to the purposes of tillage thereon increases the value of such lands; and the continued, undiminished flow of the water in said stream is necessary to maintain underlying water therein so that the same may be developed, pumped and extracted for irrigation, domestic and other purposes on such land; that without the flow of water in said river said lands will tend to become and will become arid and impossible of cultivation.

That the said plaintiffs have sunk and driven wells on their said lands and attached and connected therewith machinery and equipment for the pumping and extracting of water from said wells; that said plaintiffs are now, and for many years last past have been, pumping and extracting

water from the said wells for the domestic and irrigation uses and purposes aforesaid.

5.

The course of said San Diego River lies among mountains several thousand feet in height, in the eastern part of its course, which mountains gradually diminish in elevation toward the west and the foothills of the same flatten out into high mesas or tablelands toward and to the ocean shore, and the course of said river from the place where the defendant is about to construct a dam, as hereinafter alleged, some 3 miles east of the City of San Diego, lies first in a mountain canyon with steeply sloping sides, and then further westward in a narrow valley with alternating contractions and expansions, in some places a few hundred feet wide, and varying thence to a width of about three miles at the widest part; but everywhere shut in and well defined by high lands which line the sides of such valley on both sides to the ocean shore. Flat bottom lands, consisting of soil overlaid with sands, gravels, and other detrital material, compose the greater part of said inclosed valley where the lands of the plaintiffs are situated, as in this complaint alleged. The natural flow of water in the said stream moistens the said lands of the plaintiffs, not only so much of the said lands as lie immediately adjacent and contiguous to the surface channel of said stream, but also those parts of said lands which, although not immediately contiguous to the surface channel of the stream, are yet in the valley thereof, and in the bottom lands neighboring to the said stream, as hereinbefore alleged; the said lands not immediately contiguous to said channel are reached and moistened by the percolations of water from the stream into such neighboring lands; and the natural flow of the said water in the said stream is a continuing source and cause of benefit and fertility to all the said

lands. The lands of the said plaintiffs, respectively, are, and have been for many years, cultivated to useful crops of various kinds, the usual products of the country. To the successful production of such crops, and tillage of the said lands, the water and moisture supplied, as aforesaid, by and from the said stream have always been, are now, and will continue to be, necessary, and if such water be withdrawn or materially reduced in quantity all the said lands of plaintiffs will become arid and less productive.

6.

The flow of the water of said river is intermittent and varies greatly in different years and in different seasons of the same year. Usually the river flows in the surface channel thereof through and near the lands of the plaintiffs, as above described, for a time in each year varying from a few weeks to a few months (according to the quantity and distribution of rainfall during the successive rainy seasons), and during the remainder of the year the surface channel, in the greater part of its course, through, over, or near the said lands, as above described, is dry; but the said stream has a subsurface flow, when not disturbed by artificial means, which is perpetual. The extent and thoroughness of the wetting and subirrigation of all the lands of the plaintiffs is influenced and determined by the extent (both as to time and as to quantity of water) of the flow of said stream during the wet season of each year. If the flood water which descends in the said river during the wet season and produces a stream in the surface channel thereof, and at times escapes from the channel and spreads over the neighboring bottom lands, be prevented, even in part, from flowing down such channel, then the quantity of water which percolates from the stream and into the lands of the plaintiffs aforesaid

is, and will be, correspondingly diminished and the elevation of the water plane in the said lands of the plaintiffs is, and will be, lowered; their lands are, and will be, made more arid; and the obtaining of any water out of such lands, by means of pumps or otherwise, for use on the said lands or elsewhere, is, and will be, more expensive than if the water flowing naturally in the said river be not impeded, prevented, or diverted.

At times of heavy and long continued rainfall water descending in said river overflows the banks of the same, and flows and spreads on the surface of the bottom lands neighboring thereto, including a great part of the said lands of plaintiffs, and by the deposit of silt in and on the same, as well as by the wetting of such lands, adds to the fertility, productiveness and value of the same. All the water of the said stream at any time flowing therein is useful and necessary for the irrigation of lands in the watershed and valley thereof, including the said lands of plaintiffs, and for supplying the domestic needs and uses of the inhabitants of said watershed and valley and the needs and uses of said plaintiffs herein.

7.

The water taken by certain of said plaintiffs from the said lands owned by them, by means of pumping plants and machinery above described is, and always has been (for above 20 years last past), obtained by pumping the same from wells aforesaid, bored in said lands of those said plaintiffs and beneath the surface of the ground where the said stream flows; the water so obtained, being purified by filtration through the sands and gravels forming the banks and channel of said stream and the lands adjacent thereto, is for that reason fitter for consumption for all purposes than water which flows in the said surface

channel. The cost of pumping said water by those said plaintiffs depends directly upon the elevation of the plane of saturation in the ground where said wells of the said plaintiffs are situated. If such plane of saturation declines (which it does when the flow of water in the said stream is diminished), then the water obtained by said plaintiffs must be lifted from a greater depth, and the cost of pumping the same is correspondingly increased. The said plaintiffs, for a period of above 20 years last past, have obtained and taken, by the means aforesaid, a quantity of the water of said stream which percolates from the channel thereof into the ground where said wells of the said plaintiffs are situated, varying from 1500 to 2000 inches, measured under 4-inch pressure, in constant flow, and have during such time diverted and used and do yet divert and use such water for the domestic and irrigation purposes of those said plaintiffs, who have consumed and yet consume the same for the useful and beneficial irrigation of their said hereinbefore described lands, and for their domestic purposes. The quantity of said water now being taken, and necessary to be taken, for the said uses and purposes of the said plaintiffs amounts to at least 1500 inches measured under 4-inch pressure, perpetual flow, and such quantity will in all probabilities, increase in the future as cultivation of land increases.

There is no water available or obtained for the uses of the said plaintiffs above described, or for the uses of irrigation and domestic supply on any of the lands of the plaintiffs above described, other than the water which naturally flows in the said stream and the channel thereof.

The said defendant, La Mesa, Lemon Grove and Spring Valley Irrigation District, has entered upon the said stream and the channel thereof, at a point thereon above the said lands of the plaintiffs herein, in Lot 19, Rancho Ex Mission of San Diego, in the said County of San Diego, California, at or near a place in and on said stream commonly known as the site of the ancient dam of the Padres or Mission Fathers, and at said place said defendant is about to begin, and, as plaintiffs are informed and believe has begun, the construction of a dam across the channel of the said San Diego River and the construction of other works, all with the design and for the purpose of obstructing, damming back and impounding the flow of water of the said stream, and collecting the same in a reservoir above said dam, and diverting the same from such reservoir into a ditch or flume or pipe line, or all of such kinds of conduit, and leading and conducting the water from the said river and entirely beyond and out of the watershed thereof, and the said defendant has schemed and planned, and is scheming and planning, and it is its intention, by means of the said dam and other works, when completed as defendant intends, to obstruct and dam up the flow of water in said stream and to impound it in a reservoir above such dam, and thereby create an artificial lake above 1000 acres in area, from which the water will rapidly evaporate, and to divert the water of the stream and such reservoir and convey it beyond and out of the watershed of the said river, and to various places in said County of San Diego, far remote from the said watershed, and there make such water an article of merchandise and furnish, sell and deliver the same for such prices as it can obtain, to persons and corporations for use and consumption by the purchasers thereof, in parts of said San Diego County out of, and far remote from, the valley and watershed of the said San Diego River. That the

said defendant, unlawfully claims, the right to so divert, take, transport, and dispose of, the water of the said river, and to remove the same entirely from the channel of said river, and out of the watershed thereof, and to deprive the said plaintiffs, and each of them, of the use of the same. That the portion of the valley and watershed of the said stream above the said proposed dam and reservoir which the said defendant designs to construct, as aforesaid, is, as plaintiffs are informed and believe, the part of the watershed and valley of said river most productive of water and run-off to supply the flow of the said river, and, as the plaintiffs are informed and believe, the works of the said defendant which it has begun to construct, as above stated, will if completed as said defendant intends, impound and restrain from coming down the said stream in the natural flow thereof to the said lands of the plaintiffs, more than one-half of the total flow of said river. And the said defendant threatens to, and will, unless restrained by this court, (as the plaintiffs are informed and believe) divert and take all the water of the said river to be impounded by it by the dam and reservoir aforesaid (except such as will be evaporated and lost from the lake to be formed in such reservoir) out of the watershed of said stream, as aforesaid, and make use of it as an article of merchandise, as aforesaid, and by its said acts all the water of said stream at any time flowing above the said dam, designed and projected by it, as aforesaid, will be used and consumed beyond and out of the watershed and valley of the said river, and entirely prevented from descending to the lands of the plaintiffs, or any of said lands.

And, in consequence of such damming up and diversion of the said water, the quantity descending in the said stream to the said lands of the plaintiffs will be diminished to the extent

of one-half thereof, or more, and the level of the water beneath the surface of the plaintiffs' said lands, and all the lands of similar character in the valley of said river below said point of intended diversion, will be lowered, and the obtaining of such water for irrigation and domestic uses for all of said lands, or for any other purpose, by means of pumping therefrom, or any other means, will be rendered more difficult and more expensive, and the water obtainable by plaintiffs, and each of them, on and from their said lands, respectively, for any purpose, will be greatly reduced in amount, and all the said lands of plaintiffs, in consequence of the diminished flow of said stream to result from the intended acts of the said defendant, as above alleged, will be rendered less fertile and less valuable; the water in said lands of the said plaintiffs available for the use thereof will be diminished in amount and rendered more difficult and expensive to pump and procure; and thereby the plaintiffs, and each and every one of them, will sustain great and irreparable injury.

10.

The said defendant has not any right to dam up and spread out the waters of said stream by the means aforesaid, or any right to take the said water, or any part thereof, out of the watershed and valley of the said river, for purposes of use, sale, consumption, or any other purpose, or at all.

WHEREFORE, the plaintiffs pray that, pending this action, a writ of injunction issue out of this Court, directed to and commanding the said defendant, and its agents, servants, attorneys and employees, and all persons acting in aid or assistance of it, absolutely to desist and refrain from collecting the water of the said stream, or any part thereof, in a reservoir for storage in such manner that such water, or any material part thereof, will be lost by evaporation; and from taking, leading, or in any manner diverting any water of the said stream, or any of its tributaries, by the means devised by them as alleged in this complaint, or by any other means, from or out of the valley or watershed drained by the San Diego River, or any of its tributaries, and from interfering in any manner with the flow of the water in the said river in its natural course at any time, to or toward the said lands of the plaintiffs, and all thereof; and that upon the trial of this action such injunction be made perpetual by the judgment of the court. That the right and title of the said plaintiffs, and each of them, to have the water of said stream come down to, and by, and into the lands of the plaintiffs, as against the adverse claims and pretensions of the said defendant, be quieted, and that it be adjudged and decreed that the said defendant has not any right as against the plaintiffs, or any of them, to take the water of the said stream, or any part thereof, beyond or out of the watershed and valley thereof, or to cause the wastage and loss of such water by damming it back in a reservoir, nor to interfere with the flow of the water in any manner which will, or may, have the effect of diminishing or lowering the elevation of the plane of saturation of underground water in the lands of the plaintiffs, and the whole thereof. And that plaintiffs recover their costs, and have all other and proper relief.

Attorney for Plaintiff.

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

Harvey D. Allen being duly sworn, deposes and says; that he is one of the plaintiffs in the above entitled action; 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 those matters therein stated on information and belief, and as to those matters he believes it to be true.

Subscribed and sworn to before me
this 6th day of June, 1914.

Notary Public in and for said
County and State.

HARLEY W. BRUNDIGE - PRESIDENT, COM
CLYDE L. SEAVEY - - - - COMMISSIONER
EGERTON SHORE - - - - COMMISSIONER
GEORGE D. EQUIRES - - - COMMISSIONER
EZRA W. DECOTO - - - - COMMISSIONER
W. J. HANDFORD - - - - EXAMINER
WM. T. SATTERWHITE - - - EXAMINER
W. P. GEARY - - - RATE EXPERT-EXAMINER
W. R. WILLIAMS - - - - EXAMINER

Railroad Commission of the State of California

HENRY G. MATHEWSON - - - SECRETARY
W. C. FANKHAUSER - - - FINANCIAL EXPERT
CARL J. WHEAT - - - - ATTORNEY
CHAS. A. BECK - - - - AUTO STAGE DEPT.
HENRY A. FRAZIER RECORDER
LESTER S. READY - - - CHIEF ENGINEER
A. V. GUILLOU - - - GAS AND EL. ENGINEER
M. R. MACKALL - - - HYDRAULIC ENGINEER
W. J. DODGE - - - TELEPHONE ENGINEER
A. G. MOTT - - - TRANSPORTATION ENGINEER
R. M. VAUGHAN - - - VALUATION ENGINEER
A. T. PETTEY - - - - OFFICIAL REPORTER

BRANCH OFFICE
806 PACIFIC FINANCE BUILDING
LOS ANGELES
TELEPHONE MET. 3411

FIFTH FLOOR CALIFORNIA STATE BUILDING
CIVIC CENTER
SAN FRANCISCO, CAL

TELEPHONE PARK 5700

ADDRESS ALL COMMUNICATIONS TO
RAILROAD COMMISSION OF THE STATE OF
CALIFORNIA

February 24, 1925.

Appl. 10619.

Cuyamaca Water Company,
San Diego, Calif.

Gentlemen:

The Railroad Commission has now pending before it two applications involving conflicting claims to the waters of the San Diego River, and plans, based upon these adverse claims, for the development of the important water resources, upon which depend the future development and prosperity of San Diego and the rich agricultural territory contiguous to the City.

These two applications briefly stated are:

- First - Application for authority to transfer to La Mesa, Lemon Grove and Spring Valley Irrigation District practically the entire system of the Cuyamaca Water Company, including lands, water rights and dam sites.
- Second - Application of the City of San Diego for the fixing of the just compensation to be paid for El Capitan dam site properties of the Cuyamaca Water Company.

The Railroad Commission believes that whatever action it may take upon either of these two conflicting applications will not terminate the long drawn-out and expensive controversy over the title to these valuable water rights, and will serve only to continue the litigation that for so long has held up the development of the resources of the San Diego River. While such litigation is in progress the development of the river cannot proceed along the most economical and efficient plans. The resultant delay in the development of the stream will cause a very great economic loss to San Diego City and vicinity. With this possibility in view, the Commission has had special studies made of the situation to determine whether a joint development might not be possible which would result in the best interests of all parties and a great saving in costs.

After reviewing the testimony presented at the hearing recently held in San Diego in connection with the proposed transfer,

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and after studying the reports of the Commission's Engineering, Legal and other technical staff made in connection with an additional investigation of this matter, we are thoroughly convinced that the only practicable solution of the complicated and involved water supply problem of San Diego and the country around El Cajon, La Mesa, Lemon Grove and Spring Valley lies in the abandonment by the various rival interests of the present bitter struggle to gain control of the San Diego River and the combining of interests and resources for a common and comprehensive development of the entire San Diego River watershed. The welfare of the entire community demands that this be done and done without delay.

It is clearly apparent to us that there are in actual fact but two fundamental issues involved. The Irrigation District is interested in the San Diego River only to the extent of securing at a reasonable cost a dependable supply of water in sufficient quantity to properly irrigate and develop its fertile agricultural lands and to furnish domestic water to the communities within its borders. The City of San Diego urgently requires the unrestricted right to develop the water supply available in the San Diego River to meet its needs. An analysis of the situation shows that these two desires not only do not conflict, but on the contrary both lend themselves most admirably and simply to joint development with no serious obstacles to bar the way, and with mutual benefits to both parties. Furthermore, it is the belief of the Commission, after conferring with representatives of the various interests concerned, and public-spirited citizens of San Diego, that there is a sentiment in favor of getting together to work out this problem to mutual advantage.

We recognize the fact that in making suggestions for a joint solution of the San Diego water problem we are departing from the customary practice in cases of formal applications before this Commission. Nevertheless we are convinced that so much good will come both to the City and the District by the joint development of the river and the elimination of litigation that it would be a failure on our part to do our public duty to the state were we not to suggest the extreme desirability of the proposals herein set forth and cooperate with the parties in a progressive step looking to the benefit of the entire territory involved.

We therefore suggest that the people of San Diego and of the Irrigation District and the Cuyamaca Water Company consider the following plan, sincerely believing that the solution presented is economical, sound and thoroughly practicable and will be mutually

satisfactory to all concerned:

SUGGESTED PLAN

The plan as proposed contemplates

(1) That the Irrigation District acquire the properties of the Cuyamaca Water Company under the present option, modified as set forth in the attached memorandum of proposed agreement.

(2) That by agreement the District assign to the City of San Diego all water rights in the San Diego River to be acquired and now owned.

(3) That the Cuyamaca Water Company, Ed Fletcher and Charles F. Stern relinquish all hunting and fishing rights on Cuyamaca Lake and El Capitan Reservoir, and give an easement to lands around said lake and reservoir owned by them sufficient for sanitary protection, in consideration for which the City will grant to Fletcher and Stern the right to farm, lease, or create a lake for resort purposes in Fletcher Dam Site and flooded area until such site is required by the City or the District, provided also that the City may retain control over the sanitation and may use the waters impounded therein in cases of emergency.

(4) The District should sell to the City at cost of acquisition the El Capitan Dam Site and the Mission Gorge Dam Site No.3.

(5) The District should lease to the City of San Diego, for a proper consideration, for a period of forty years, the entire water production, storage and transmission facilities of the Cuyamaca system which it takes over, and in return the District should receive a binding contract from the City whereby it agrees to sell to the District at a fair price all water required for its present needs and its reasonable future development.

(6) The City should agree to pay such rental for the properties leased as will pay interest and sinking fund requirements thereon.

(7) The Cuyamaca Water Company should agree to sell and the City agree to purchase or lease the distribution system of the Cuyamaca Water Company now serving that territory known as Kensington Park, Teralta and Normal Heights.

The above proposal contemplates the retention by the District of the present distribution system of the Cuyamaca Water Company now serving consumers in the District and the abandonment of the proposed Fletcher Dam and transmission system, reserving however the right to construct such a dam on the San Diego River in case of failure by the City to supply the water as agreed.

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By following out the above plan, the City will immediately obtain control of the water rights and storage sites on the San Diego River and be in a position to undertake immediately the construction of the El Capitan Dam for which bonds have already been voted, and can fully develop the entire San Diego water supply without the otherwise prolonged delay through inevitable litigation. At the same time the District will be assured immediately an adequate supply of water and will also be relieved of the heavy financial burden entailed through the construction of its own impounding dams and transmission lines.

The advantages of such an arrangement are many. The elimination of duplication in water development on the San Diego River will result in great economies both to the City and the District in financial outlay for construction, maintenance and operation.

ADVANTAGES TO THE CITY OF SAN DIEGO

The City will secure, without further litigation so far as the Irrigation District and the Cuyamaca Water Company and its owners are concerned, title, ownership and complete control to all the waters of the San Diego River.

It will acquire at cost to the District the El Capitan Dam Site and will be able to purchase Mission Gorge Dam Site No. 3 for one hundred and twenty-five thousand dollars (\$125,000). This will enable the City to proceed immediately with the construction of El Capitan Dam.

Approximately \$500,000 will be saved by eliminating the necessity for the construction of the proposed conduit from El Capitan to the City.

\$12,000 per year in pumping charges in East San Diego will no longer be necessary.

Approximately \$400,000 worth of water, representing two billion gallons of impounded water in Murray Reservoir, will be turned over without cost to the City.

The City will obtain the use and control of Murray Dam and Reservoir, which has an estimated value to the City of at least \$500,000. This will assure a gravity service pressure of 50 to 60 pounds in East San Diego, Normal Heights and Kensington Park.

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The expenditure of \$30,000 per year for the purchase of water from the Cuyamaca Water Company for East San Diego will be eliminated.

The income derived from the sale of water to the District, together with the savings in present pumping and purchased water charges, will practically pay for the cost of the lease. At the end of forty years the City will have the option to acquire the leased properties for amounts already paid as rental.

ADVANTAGES TO THE DISTRICT

An adequate supply of water at a fair price will be immediately assured for the present needs and future development of the District.

If for any reason the City should fail to construct El Capitan and should not deliver the water as agreed from this or some other source, then the District may exercise the privilege of constructing a dam on the San Diego River, which dam will be taken over by the City at cost price to be included with the properties already leased.

There will be no costly delay in securing this water and the price to be paid will be less than the first cost to the District under its own plans.

The District will be freed from the expenditure of a considerable sum of money through expensive litigation and will be relieved of the responsibility of maintaining the production and transmission facilities.

At least \$500,000 will be saved through abandonment of the construction of Fletcher Dam, and \$50,000 saved by eliminating the installation of the proposed El Monte Pumping Plant.

The rental derived from the City will pay the interest and sinking fund requirements of the leased property amounting to approximately \$860,000.

The District will receive \$100,000 for the El Capitan Dam Site and will be able to sell to the City of San Diego for eighty-five thousand dollars (\$85,000) its present tract of about 400 acres of flood land in El Cajon Valley.

The financial burden to be assessed against the lands within the District will be relieved to the extent of approximately

2/24/25.

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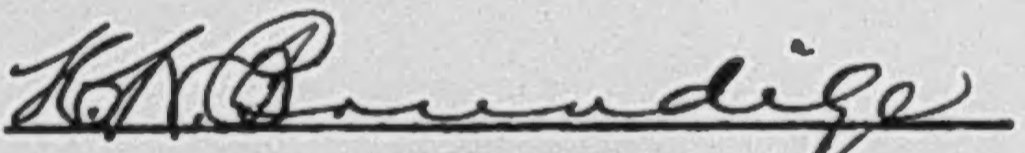
\$1,500,000.

The complete control over the distribution of water within its boundaries will be retained by the District.

The plan presented above is in general terms only. The various details which in our opinion will be necessary for the proper consummation of such a proposal have been made the basis of a memorandum attached hereto. We urge your careful consideration of this proposal.

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA,

By


President.

MEMORANDUM

PROPOSED PLAN FOR

TRANSFER OF CUYAMACA WATER COMPANY TO LA MESA, LEMON GROVE
AND SPRING VALLEY IRRIGATION DISTRICT, AND LEASE
AND SALE OF CERTAIN PROPERTIES TO THE CITY
OF SAN DIEGO.

Set out below are certain terms and conditions which the Commission believes must be definitely agreed upon, at least in substance, to properly effect a fair and lasting settlement of the San Diego River water supply problems. It is understood that these proposals are to be considered more or less as a guide and subject to such revision as may be agreed upon for incorporation in a final form of agreement, provided such suggestions are adopted.

The Irrigation District should complete the purchase of the properties of the Cuyamaca Water Company according to the terms of the present option but subject to the following conditions:

1. The District will lease to the City all water producing, transmitting and storage facilities and appurtenant rights of way, easements, rights and privileges to be acquired by it from the Cuyamaca Water Company, and in consideration therefor the City will assume the obligation to pay a rental sufficient to meet the interest and sinking fund requirements of the bonds of the District to the extent of the property involved. The City shall be given the option to purchase the properties so leased at the expiration of said lease, the amounts paid as rental, which are creditable to sinking fund requirements on the District's bonds to be considered as payments on the purchase price, which shall be cost to the District.

2. The District will assign to the City of San Diego all rights and water rights in the San Diego River, to be acquired by it from the Cuyamaca Water Company, and it and the Cuyamaca Water Company will consent to the entry of judgment against them in the case now pending in the Superior Court of San Diego County entitled City of San Diego vs. Cuyamaca Water Company et al., No. _____. It is agreed between the parties that in the event the City of San Diego does not, within two (2) years from this date, begin the construction of the El Capitan Dam or is unable to furnish from other sources the quantity of water required by the District under this agreement, the La Mesa, Lemon Grove and Spring Valley Irrigation District may construct a dam upon the San Diego River, which dam will be taken over by the City of San Diego at cost price,

the cost to be included as the other property within the lease referred to.

3. The District will transfer to the City all lands now owned by it or that it may hereafter acquire from the Cuyamaca Water Company in the El Capitan Dam and Reservoir Site with appurtenant rights for the sum of one hundred thousand dollars (\$100,000.).

4. The City will sell to the Irrigation District water for irrigation purposes at the rate of six cents per thousand gallons and water for domestic purposes at the rate of sixteen cents per thousand gallons. The area of the Irrigation District shall be definitely determined upon, not to exceed a maximum of 18,000 acres, and any area that is annexed by the City shall be deducted from the area of the District, and the water requirements of the District shall be reduced proportionately. The City will supply all reasonable demands for water made by the District.

5. Arrangements will be agreed upon between the City and the District providing for the revision and adjustment of the rates set out above, to take care of any radical changes in economic conditions which cannot at present be foreseen but which may possibly render the rates set out above unjust as against either party.

6. The City will acquire by lease or purchase the distribution systems of Cuyamaca Water Company, now used in serving domestic water to the districts west of the east boundary of East San Diego and adjoining the City and known as Kensington Park, Teralta, and Normal Heights, at a price mutually agreeable or to be fixed by arbitration, as conditions may warrant.

7. The District will exercise its option to purchase Mission Gorge Dam Site No. 3 for the sum of one hundred and twenty-five thousand dollars (\$125,000) from Cuyamaca Water Company, and the City will purchase this dam site at the cost to the District.

8. The District will transfer to the City 400 acres more or less, now owned by it in Mission Gorge Dam and Reservoir Site No. 3, together with all water rights appurtenant thereto, for \$85,000.

9. The District will transfer to the City Fletcher Dam Site and reservoir lands to be flooded by a dam 175 feet above stream bed. Ed Fletcher, Chas. F. Stern and/or Cuyamaca Water Company will relinquish all hunting and fishing and boating privileges which they may now possess on Cuyamaca Lake or in connection with the proposed El Capitan Reservoir and in addition Ed. Fletcher, Chas. F. Stern and/or Cuyamaca Water Company will grant an easement of a 100 foot strip of land above the high water contour of

Cuyamaca Lake and El Capitan Reservoir on lands owned by them to the City for police and sanitary purposes.

The Fletcher Dam and lands will remain in Cuyamaca interests to develop as they see fit excepting as follows:

1. All sanitary regulations are to be under control of City.
 2. The City will be given title to dam site and flooded area up to elevation 175 feet above stream bed, plus easement for 100 foot strip for sanitary and police purposes, but water is to be held in dam except in case of emergency.
 3. The City will have control of diversion and use of upper five feet (5 ft.) of dam if built by Fletcher interests for their purposes, subject only to City control.
 4. All hunting, fishing and boating rights will remain with Fletcher interests until such time as City or La Mesa Irrigation District will build a dam or Fletcher interests shall sell all lands.
 5. No rights in flooded area of Fletcher Reservoir or in water are to be sold with land.
 6. Fletcher interests may use any lands in reservoir site up to time dam is built.
10. In periods of water shortage, curtailment of water use in the District and in the City shall be made in the same percentage, curtailment of water use within the District to be dependent upon action by the City actually curtailing total use within its limits.
11. All present consumers of water of the Cuyamaca Water Company within the District shall be served by said District and all consumers outside by the City of San Diego.
12. If during the first five years of the lease period the City should desire to replace the Quail Canyon and Los Coches sections of the flume with siphons, the District will install them according to plans and specifications to be furnished by the City, and the cost thereof will be added to the lease and sale price of the system.



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ED FLETCHER, sole surviving partner of the partnership formerly composed of James A. Murray, now deceased, Ed Fletcher, and William G. Henshaw, doing business under the firm name and style of CUYAMACA WATER COMPANY, for an order authorizing the sale of a certain water system in San Diego County, now owned and operated by said co-partnership, to the La Mesa, Lemon Grove and Spring Valley Irrigation District, of the County of San Diego, State of California.

Application No. 10619

NOTICE OF HEARING

To -

- Guyamaca Water Company, San Diego, California,
- Ed Fletcher, Fletcher Bldg., San Diego, Calif.
- Crouch & Sanders, Attys., San Diego, Calif.
- Hendee & Rodabaugh, Attys, Bancroft Bldg., San Diego,
- Minnie H. Houghton, P.O. Box 354, La Mesa, Calif.
- S. J. Higgins, City Attorney, San Diego.
- Fred N. Patterson, c/o Jesse George, Attorney,
- 515 Bancroft Bldg., San Diego.
- Jesse George, Atty., 515 Bancroft Bldg., San Diego.
- Sweet, Stearns & Forward, Attys., San Diego, Calif.

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 Commissioner Brundige on Tuesday, January 20, 1925, at 10:00 a.m., in the Federal 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 2nd day of January, 1925.

H. G. MATHEWSON,
Secretary, Railroad Commission
of the State of California.

HFS
Card to Custodian of
the Federal Building.

January 16, 1925.

REPORT OF THE ENGINEERING DEPARTMENT
TO THE COMMISSION

Ed Fletcher et al., "Cuyamaca
Water Co.", to sell certain
properties to La Mesa, Lemon
Grove and Spring Valley Irriga-
tion District.)

) Application No. 10619

The entire development of the available sources of water supply on the San Diego River for the people of San Diego and the outlying territory has in the past been very seriously retarded by a more or less bitter struggle among and between various opposing interests to obtain sole control of the river. The contemplated acquisition of the interests of the Cuyamaca Water Company by the La Mesa, Lemon Grove and Spring Valley Irrigation District if carried out as proposed may intensify the existing difficulties and is apt to plunge the District and the City into very costly litigation which may extend over a period of many years. In the mean time the much needed waters run unused into the sea, and the proposed expenditure in the community of approximately \$7,000,000 in authorized bonds will be indefinitely postponed.

To the end that immediate and economical development of waters of the San Diego River for the best interests of both the District and the City of San Diego be obtained, a study of the situation has been made by the Hydraulic Division of the Engineering Department at the request of the Commission. It is the aim of this Department to propose a plan whereby the development of the San Diego River may be undertaken immediately and in one comprehensive scheme

to the mutual advantage of all parties concerned.

It appears that if the Irrigation District acquire the properties of the Cuyamaca Water Company under the present option agreement, and assign to the City of San Diego all water rights thereby acquired, and in addition lease to the City the entire water production, transmission and storage facilities of the system, and in return receive a binding contract from the City whereby the water needed by the District may be purchased from the City, that savings will result both ^{to} the District and the City.

By this arrangement the City of San Diego will acquire foremost without further litigation so far as the District and the Cuyamaca Water Company are concerned, the title and ownership to all the waters of the San Diego River, it will be able to acquire at the cost to the District the El Capitan Dam Site, and the District's option to purchase Mission Gorge Dam Site No. 3. These concessions alone, besides eliminating the alternative expensive litigation with its attending uncertainties, will enable the City of San Diego with practically no further opposition to proceed at once with the long delayed development of the entire San Diego River project, without the necessity of resorting to a new bond issue.

In addition to this the City of San Diego will effect a capital saving of approximately \$1,000,000 by eliminating the estimated cost of the proposed conduit from El Capitan Dam to the City, provided the flume is used jointly, and will also reduce expenses by the elimination of the pumping charges of \$12,000 per year in East San Diego (which is the equivalent of \$250,000 when capitalized at 6%), and will obtain two billion gallons of impounded water in the Murray Reservoir having an approximate value of \$390,000. This money so saved can be

applied to the benefit of the water development. The incidental value of the acquisition of the Murray Dam and Reservoir cannot of course be set out in terms of money.

The advantages accruing to the Irrigation District from this plan are many. Although the District assigns to the City of San Diego its rights and title to the waters of the San Diego River and releases its privileges to construct a storage reservoir at the Fletcher Dam Site, nevertheless it will under proper contract assure and guarantee an ample and sufficient supply of water for all its reasonable needs and development at a fair and just price. At the same time the District will be relieved of the heavy financial burden of completing the entire project to its ultimate development. The expenditure of approximately \$600,000 in flume reconstruction will be repaid by the City and consequently represents an ultimate saving to that extent. An alternative method of transmission may possibly reduce the above \$600,000 or perhaps reduce the operating costs. An amount varying from \$500,000 to \$1,000,000 will be saved through the abandonment of the construction of the Fletcher Dam and reservoir. The ultimate capital saving to the District it is safe to say may reasonably be expected to total \$1,300,000.

The District will save a considerable sum of money through the elimination of a vast amount of expensive litigation, and will be relieved of the responsibility of maintaining the production and transmission facilities; it will be in a position to purchase the quantity of water required at any time and at a reasonable price, and most important of all, may obtain this water immediately without the years of delay which otherwise must inevitably result.

To accomplish the results set out above the following plan

is suggested, with the belief that it is in principle fair to all parties concerned and that its consummation will without doubt result primarily in a long step toward the ultimate settlement of the vexing water problems of this District and will furthermore result in cementing the friendship of the City of San Diego and the outlying communities, whose relations have at times in the past been severely strained.

A transfer of the properties of the Cuyamaca Water Company to the La Mesa, Lemon Grove and Spring Valley Irrigation District should be approved according to the terms of the present and existing option, subject to the following terms and conditions:

1. The District will assign to the City of San Diego all rights and water rights to the waters of the San Diego River acquired from the Cuyamaca Water Company.

2. The District will transfer to the City of San Diego the El Capitan Dam Site with appurtenant rights for the sum of one hundred thousand dollars (\$100,000), which it is understood is the value which was assigned to this property during the negotiations for the option agreement.

3. The District will assign its option to the City of San Diego to purchase Mission Gorge Dam Site No. 3 for the sum of one hundred and fifty thousand dollars (\$150,000).

4. The District will transfer at cost to the City of San Diego under contract agreement all water producing, transmitting and storage facilities and appurtenant rights of way, easements, rights and privileges to be acquired by it from the Cuyamaca Water Company, in consideration whereof the said City of San Diego will assume the obligation to pay the interest

and sinking fund requirements of the bonds of the Irrigation District to the extent of the property involved therein, upon the completion of which the title to said property will vest in the City of San Diego.

5. The City of San Diego will agree to sell to the Irrigation District water for irrigation purposes as required not to exceed an average of eleven million (11,000,000) gallons daily per year, at the rate of 6 cents per thousand (1000) gallons for irrigation purposes and at the rate of 16 cents per thousand (1000) gallons for domestic use, the water to be delivered to the District from the transmission flume, pipe line or distribution reservoirs, or at points to be mutually agreed upon. This agreement should not be terminated through the acquisition by the City of San Diego of title to any or all of the properties.

6. Arrangements should be agreed upon by and between the City and the District providing for the revision and adjustment of the rates set out above to take care of any radical changes in the future economic conditions which cannot at present be foreseen but which may possibly render the rates set out above unjust in some instances.

7. The City of San Diego should take steps to acquire the distributions systems now serving domestic water to the districts adjoining the City and known as Kensington Park and Normal Heights, at a price mutually agreeable or to be fixed by arbitration or by the State Railroad Commission, as conditions may warrant. Until this has been accomplished water shall

be furnished the Cuyamaca Water Company for delivery to its remaining consumers as provided for in the option held by the Irrigation District.

8. In order that the City of San Diego may in the future exercise sole control and authority over the properties for which it is to assume responsibility, relinquishments should be obtained of the hunting and fishing privileges heretofore reserved to private interests.

9. El Cajon and the area served along the present Cuyamaca flume should in all fairness be permitted to enter the Irrigation District.

10. Matters of policy relating to the future expansion of the area included within the boundaries of the District, as well as matters involving the future annexation of certain of this territory by the City of San Diego must of necessity be left for consideration when and if such conditions arise.

11. In periods of water shortage which may arise on this system in the future requiring the proration of water, the available supply should be curtailed in equal percentage as to the average deliveries to the City and the District.

Decision No. 15050

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ED FLETCHER,)
 sole surviving partner of the part-)
 nership formerly composed of James)
 A. Murray, now deceased, Ed Fletcher)
 and William G. Henshaw, doing busi-)
 ness under the firm name and style of)
 CUYAMACA WATER COMPANY, for an order) Application No. 10619.
 authorizing the sale of a certain)
 water system in San Diego County, now)
 owned and operated by said copartners-)
 ship, to the LA MESA, LEMON GROVE AND)
 SPRING VALLEY IRRIGATION DISTRICT, of)
 the County of San Diego, State of Cal-)
 ifornia.)

Crouch & Sanders, and Flint & MacKay,
 by Arthur R. Smiley, for applicant.
 S. J. Higgins, City Attorney, for the City
 of San Diego.
 Sweet, Stearns & Forward, by F. W. Stearns,
 for the La Mesa, Lemon Grove and Spring
 Valley Irrigation District.
 Jesse George, for Fred M. Patterson et al.
 Titus and Macomber, by F. J. Macomber, for
 the Boston Ranch.
 F. S. Thatcher, City Attorney, for City of
 El Cajon and for the El Cajon Valley.
 W. Garfield, for K. B. Finley et al.
 Herbert Kelly, for Jerry Sullivan et al.
 C. S. Preston, for Fred M. Patterson et al.
 Henry J. Parker, in propria persona.
 James O'Keefe, City Attorney, for the City
 of La Mesa.

BRUNDIGE, SQUIRES and DECOTO, Commissioners:

O P I N I O N

In this proceeding Ed Fletcher, sole surviving partner
 of the partnership formerly composed of James A. Murray, now
 deceased, Ed Fletcher and William G. Henshaw, doing business

under the firm name and style of Guymaca Water Company, asks authority to transfer the major portion of its public utility properties to La Mesa, Lemon Grove and Spring Valley Irrigation District. It is alleged in the application in this proceeding that said District is duly organized and existing under and by virtue of the laws of the State of California and is fully empowered to acquire and operate said water system.

La Mesa, Lemon Grove and Spring Valley Irrigation District has filed a statement in this proceeding setting forth that it has legally exercised the option to purchase the properties, authority to transfer which is requested in the application herein, and that on the 7th day of November, 1924, said District voted bonds wherewith to provide payment of the purchase price of the properties mentioned in said application herein, and further states that it is the intention of said Irrigation District to complete the transaction and accept title to said properties upon approval of this application by the Railroad Commission.

The application in this matter further alleges in effect that Guymaca Water Company is now engaged in the business of supplying water to the District, and to the area included in the District as well as the distribution of water for domestic and agricultural purposes to municipalities, towns and private consumers of water in San Diego County; that by reason of the death of James A. Murray the co-partnership was dissolved, and said applicant as sole surviving partner is by law obligated to settle the affairs of said partnership without delay, which can best be accomplished by the sale of its properties; and that it is to the best interests of the public that said District acquire this water system that it may own the water production and distribution facilities supplying it with water. Wherefore the Commission is requested to

authorize the transfer of the properties according to the terms and conditions set out in the application herein.

The option of purchase excludes that portion of the distribution system of Cuyamaca Water Company serving the territory known as Normal Heights and Kensington Park, which are located outside of the city limits of the City of San Diego, and also outside of the proposed boundaries of the District, but provides for the sale by the District to applicant of sufficient and adequate water to supply this area. The option also provides for the purchase of Mission Gorge dam site, including certain lands and water rights, by the District, if it desires, for the sum of \$150,000.

The City of San Diego filed formal protest against the granting of this application, alleging that the Cuyamaca Water Company proposes to transfer to the District a right to 11 million gallons daily of the waters of the San Diego River; that the City of San Diego by reason of its being the successor to the Mexican Pueblo of San Diego, is the owner of the prior and paramount right to the use of all the waters of the San Diego River and that the proposed transfer of these rights would be an interference with the rights of the City of San Diego upon the river and to the waters thereof. In a supplemental protest the City further alleges that it is now and for the past ten years has been a consumer of the Cuyamaca Water Company, and as a consumer protests against the proposed transfer for the reason that the City would be deprived of the water now being purchased from the company, as the District cannot legally sell water to consumers residing outside of the District boundaries; that the present supply of water will all be used by the District, and as it cannot legally develop the additional supply of water to meet its requirements, the consumers outside the District

will be deprived of the water to which they are entitled.

Formal protests were filed by one Fred H. Patterson and also by S. P. Wyseki et al., being irrigation consumers of the Cuyamaca Water Company, residing in the El Cajon Valley, alleging that they will be deprived of water for irrigation purposes; that the terms of the option contract of sale and purchase are discriminatory against protestants, giving advantage to lands owned by Fletcher and Thumb; that no water is reserved or provision made for supplying water to protestants and other land owners of El Cajon Valley.

Protests against the granting of this application were filed by one J. H. Murphy and certain other property owners and tax payers upon the ground that the title of applicant to the waters, reservoir sites and dam sites sought to be sold to the District is in litigation in the courts and the Commission is therefore requested to refuse authority for the sale of these properties until such litigation is ended. A similar protest was filed by K. B. Finley and certain others residing in the La Mesa, Lemon Grove and Spring Valley District.

Joseph C. Tyler, M. S. Sprague and Vincent Whitney, owners of the Boston Ranch, filed a conditional protest in which it was alleged that a considerable sum of money had been expended by the former owners of said ranch under agreement with applicant for the delivery of water to irrigate said ranch. For this reason protestants requested that no sale of applicant's water system be authorized unless the purchaser thereof assumes all the liabilities to continue water service to said ranch under the terms of said agreement.

The Cuyamaca Water Company has been before the Railroad Commission on numerous occasions in the past, the decisions rendered in many of these cases having contained a very full and complete description of the system and the methods of

operation. For this reason it will be unnecessary to go into these matters further in this proceeding.

Public hearings in this proceeding were held in San Diego on the twentieth and twenty-first days of January, 1925, after all interested parties had been duly notified and given an opportunity to appear and be heard.

At the hearing Thomas H. King, engineer for the District, testified that the La Mesa, Lemon Grove and Spring Valley Irrigation District was organized November 1, 1913, and that it included at that time an area of about 13,000 acres; that the water development on the San Diego River as now proposed by the District would produce in connection with the Guyanaca Water Company supply, a net safe yield of 12,300 acre feet annually, or 11 million gallons daily; that this quantity of water would permit the District to extend its boundaries to include 19,500 acres, and also would provide ample water for all the company's consumers located outside the District boundaries, which the District would be obligated to serve and would also agree to serve. It was also shown by Mr. King that the purchase price of the Guyanaca system was \$1,100,000; that on November 7, 1924, the District had duly voted bonds in the amount of \$2,500,000 to provide funds for the purchase of the Guyanaca system under the terms of the option herein and for the purpose of developing more water on the San Diego River and to provide facilities for the further extension of the present distribution system to serve the District area.

The evidence shows that the District's entire project had been approved by the State Engineer, and that the California Bond Certification Commission had approved of the District issuing bonds to the extent of \$2,500,000, and that on November 7, 1924, the people of the District voted that amount of bonds.

In answer to the objections of representatives of the City of San Diego and of representatives of various consumers now outside the District boundaries, the officials of the District testified that it was the intention and desire of the District to assume all the service obligations of the Cuyamaca Water Company, and said officials further agreed to provide service to all the present consumers located outside the present boundaries. The evidence indicates that the present boundaries of the District can be extended to include a large area now served by the Cuyamaca Water Company but at present outside of the District area, and no apparent reason exists, so far as the testimony is concerned, which would preclude the District from serving water to consumers located beyond its legally constituted boundaries.

The City of San Diego contended that by virtue of being the successor of the Mexican Pueblo of San Diego, it is the owner of the paramount rights to all of the waters of the San Diego River, and that the City had already duly voted bonds to construct a dam and storage reservoir at El Capitan, being the first unit of a very comprehensive water supply development of the San Diego River.

The various conflicting claims to the prior water rights in this river clearly indicated to the Commission that unless there could be effected through negotiation and agreement a voluntary settlement of these disputes, that the costly litigation already in progress over these water rights in all probability would continue for many years and result in seriously delaying the proposed plans of both the District and the City of San Diego to complete their respective projects for the development of the resources of the San Diego River.

In order to avoid these difficulties it was suggested by the Commission that informal negotiations be undertaken to the end that a plan for the joint development of the river be worked out which would be acceptable both to the City of San Diego and the District.

Informal conferences were held in San Francisco on January 29, and on February 20 and 21, 1925, in which the Commission, the City of San Diego, the La Mesa District and the Cuyamaca Company participated, and a plan was worked out which it was believed was fair and equitable and to the mutual advantage both of the City and the people of the District and which would permit the immediate development of the waters of the river in the benefits of which both would share. After agreement had been reached upon the terms of the proposed settlement it was the expressed desire of the officers of the City of San Diego that the terms of the proposed settlement be submitted to the people of San Diego for their approval or disapproval at an election to be speedily called. With this proposal the Commission was in full accord, and, in order that the issues involved in the proposed settlement might not be further complicated or the voters of the City of San Diego in any way influenced in their judgment in this matter the Commission felt that it was proper and desirable that the decision in the matter of the application for a sale of the property of the Cuyamaca Company to the La Mesa, Lemon Grove and Spring Valley Irrigation District be withheld pending such election. For various reasons delay in calling such election ensued. In order that the people of San Diego be given full opportunity to express their views at such election when it became certain that an election could not be called and held before the expiration of the date of the option for purchase given by the Company to the District, the Commission requested an extension of the

option from May 7, 1925, to June 17, 1925. This extension of the option to purchase was granted. At this time an election has not yet been called by the City Council of San Diego and it is apparent to the Commission that the prospect of submitting to the people of San Diego the proposed settlement now is so remote that there appears to be no good or sufficient cause for longer withholding decision in the present proceedings.

After a careful consideration of the testimony and the evidence presented in this proceeding, it is believed that public interest will best be served by the granting of this application.

The following order is recommended:

O R D E R

Ed Fletcher, sole surviving partner of the partnership formerly composed of James A. Murray, now deceased, Ed Fletcher and William G. Henshaw, doing business under the firm name and style of Cuyamaca Water Company, having filed application for authority to transfer certain public utility property to the La Mesa, Lemon Grove and Spring Valley Irrigation District, and said District having filed a petition signifying its desire to purchase said system, public hearings having been held thereon and the matter having been submitted,

IT IS HEREBY ORDERED that the above application be and the same is hereby granted, subject to the following conditions:

1. That the authority granted shall apply only to that certain public utility property of Cuyamaca Water

Company more particularly set forth and described in Exhibit "A" entitled "Description of Cuyamaca System" and in Exhibit "C" under the sub-title "List of Properties" and attached to and made a part of the application herein.

2. That the authority herein granted shall apply only to such transfer as shall have been made on or before sixty (60) days from the date of this order, and a certified copy of the instrument of conveyance shall be filed with this Commission by said Ed Fletcher within thirty (30) days from the date on which it is executed.

3. That within ten (10) days from the date on which Ed Fletcher actually relinquishes control and possession of the properties herein authorized to be sold, he shall file with this Commission a certified statement indicating the date on which such control and possession was relinquished.

4. That the consideration given for the transfer of this property shall not be urged before this Commission or any other public body as a finding of value of the property for rate fixing or for any purpose other than the transfer herein authorized.

5. That the authority herein granted shall be contingent upon the La Mesa, Lemon Grove and Spring Valley Irrigation District filing with this Commission within thirty (30) days after the date of this order, a duly authorized resolution by its Board of Directors agreeing that said District will serve an adequate

supply of water in the quantities to which they may be entitled, to all of the present consumers of the Cuyamaca Water Company outside the boundaries of said District, except such consumers as under the terms of said option as set out in Exhibit "G" attached to the application herein, may be served by said Cuyamaca Water Company.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 15th day of June, 1925.

H.W. BRUNDIGE
C. L. SEAVEY
EGERTON SHORE
GEORGE D. SQUIRES
EZRA W. DECOTO

Commissioners.

DECLARED AS A TRUE COPY

Frederic Bigelow
Secretary Railroad Commission of the State of California.

File C-1005

Decision No. 15050.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ED FLETCHER,)
 sole surviving partner of the part-)
 nership formerly composed of James)
 A. Murray, now deceased, Ed Fletcher)
 and William G. Henshaw, doing business)
 under the firm name and style of)
 CUYAMACA WATER COMPANY, for an order) Application No. 10619.
 authorizing the sale of a certain)
 water system in San Diego County, now)
 owned and operated by said copartner-)
 ship, to the LA MESA, LEMON GROVE AND)
 SPRING VALLEY IRRIGATION DISTRICT, of)
 the County of San Diego, State of Cal-)
 ifornia.)

Crouch & Sanders, and Flint & MacKay,
 by Arthur R. Smiley, for applicant,
 S. J. Higgins, City Attorney, for the City
 of San Diego.
 Sweet, Stearns & Forward, by F. W. Stearns,
 for the La Mesa, Lemon Grove and Spring
 Valley Irrigation District.
 Jesse George, for Fred M. Patterson et al.
 Titus and Macomber, by F. J. Macomber, for
 the Boston Ranch.
 P. S. Thatcher, City Attorney, for City of
 El Cajon and for the El Cajon Valley.
 W. Garfield, for K. B. Finley et al.
 Herbert Kelly, for Jerry Sullivan et al.
 C. S. Preston, for Fred M. Patterson et al.
 Henry J. Parker, in propria persona.
 James O'Keefe, City Attorney, for the City
 of La Mesa.

BRUNDIGE, SQUIRES And DECOTO, Commissioners:

O P I N I O N

In this proceeding Ed Fletcher, sole surviving partner of the partnership formerly composed of James A. Murray, now deceased, Ed Fletcher and William G. Henshaw, doing business

under the firm name and style of Cuyamaca Water Company, asks authority to transfer the major portion of its public utility properties to La Mesa, Lemon Grove and Spring Valley Irrigation District. It is alleged in the application in this proceeding that said District is duly organized and existing under and by virtue of the laws of the State of California and is fully empowered to acquire and operate said water system,

La Mesa, Lemon Grove and Spring Valley Irrigation District has filed a statement in this proceeding setting forth that it has legally exercised the option to purchase the properties, authority to transfer which is requested in the application herein, and that on the 7th day of November, 1924, said District voted bonds wherewith to provide payment of the purchase price of the properties mentioned in said application herein, and further states that it is the intention of said Irrigation District to complete the transaction and accept title to said properties upon approval of this application by the Railroad Commission.

The application in this matter further alleges in effect that Cuyamaca Water Company is now engaged in the business of supplying water to the District, and to the area included in the District as well as the distribution of water for domestic and agricultural purposes to municipalities, towns and private consumers of water in San Diego County; that by reason of the death of James A. Murray the co-partnership was dissolved, and said applicant as sole surviving partner is by law obliged to settle the affairs of said partnership without delay, which can best be accomplished by the sale of its properties; and that it is to the best interests of the public that said District acquire this water system that it may own the water production and distribution facilities supplying it with water. Wherefore the Commission is requested to

authorize the transfer of the properties according to the terms and conditions set out in the application herein.

The option of purchase excludes that portion of the distribution system of Cuyamaca Water Company serving the territory known as Normal Heights and Kensington Park, which are located outside of the city limits of the City of San Diego, and also outside of the proposed boundaries of the District, but provides for the sale by the District to applicant of sufficient and adequate water to supply this area. The option also provides for the purchase of Mission Gorge Dam site, including certain lands and water rights, by the District, if it desires, for the sum of \$150,000.

The city of San Diego filed formal protest against the granting of this application, alleging that the Cuyamaca Water Company proposes to transfer to the District a right to 11 million gallons daily of the waters of the San Diego River; that the City of San Diego by reason of its being the successor to the Mexican Pueblo of San Diego, is the owner of the prior and paramount right to the use of all the waters of the San Diego River and that the proposed transfer of those rights would be an interference with the rights of the City of San Diego upon the river and to the waters thereof. In a supplemental protest the City further alleges that it is now and for the past ten years has been a consumer of the Cuyamaca Water Company, and as a consumer protests against the proposed transfer for the reason, that the City would be deprived of the water now being purchased from the company, as the District cannot legally sell water to consumers residing outside of the District boundaries; that the present supply of water will all be used by the District, and as it cannot legally develop the additional supply of water to meet its requirements, the consumers outside the District

will be deprived of the water to which they are entitled

Formal protests were filed by one Fred H. Patterson and also by S. F. Wysocki et al., being irrigation consumers of the Cuyamaca Water Company, residing in the El Cajon Valley, alleging that they will be deprived of water for irrigation purposes; that the terms of the option contract of sale and purchase are discriminatory against protestants, giving advantage to lands owned by Fletcher and Thumb; that no water is reserved or provision made for supplying water to protestants and other land owners of El Cajon Valley.

Protests against the granting of this application were filed by one J. H. Murphy and certain other property owners and tax payers upon the ground that the title of applicant to the waters, reservoir sites and dam sites sought to be sold to the District is in litigation in the courts and the Commission is therefore requested to refuse authority for the sale of these properties until such litigation is ended. A similar protest was filed by K. B. Finley and certain others residing in the La Mesa, Lemon Grove and Spring Valley District.

Joseph C. Tyler, M. S. Sprague and Vincent Whitney, owners of the Boston Ranch, filed a conditional protest in which it was alleged that a considerable sum of money had been expended by the former owners of said ranch under agreement with applicant for the delivery of water to irrigate said ranch. For this reason protestants requested that no sale of applicant's water system be authorized unless the purchaser thereof assumes all the liabilities to continue water service to said ranch under the terms of said agreement.

The Cuyamaca Water Company has been before the Railroad Commission on numerous occasions in the past, the decisions rendered in many of these cases having contained a very full and complete description of the system and the methods of

operation. For this reason it will be unnecessary to go into these matters further in this proceeding.

Public hearings in this proceeding were held in San Diego on the twentieth and twenty-first days of January, 1925, after all interested parties had been duly notified and given an opportunity to appear and be heard.

At the hearing Thomas H. King, engineer for the District, testified that the La Mesa, Lemon Grove and Spring Valley Irrigation District was organized November 1, 1913, and that it included at that time an area of about 13,000 acres; that the water development on the San Diego River as now proposed by the District would produce in connection with the Cuyamaca Water Company supply, a net safe yield of 12,300 acre feet annually, or 11 million gallons daily; that this quantity of water would permit the District to extend its boundaries to include 19,500 acres, and also would provide ample water for all the company's consumers located outside the District boundaries, which the District would be obligated to serve and would also agree to serve. It was also shown by Mr. King that the purchase price of the Cuyamaca system was \$1,100,000; that on November 7, 1924, the District had duly voted bonds in the amount of \$2,500,000 to provide funds for the purchase of the Cuyamaca system under the terms of the option herein and for the purpose of developing more water on the San Diego River and to provide facilities for the further extension of the present distribution system to serve the District area.

The evidence shows that the District's entire project had been approved by the State Engineer, and that the California Bond Certification Commission had approved of the District issuing bonds to the extent of \$2,500,000, and that on November 7, 1924, the people of the District voted that amount of bonds.

In answer to the objections of representatives of the City of San Diego and of representatives of various consumers now outside the District boundaries, the officials of the District testified that it was the intention and desire of the District to assume all the service obligations of the Cuyamaca Water Company, and said officials further agreed to provide service to all the present consumers located outside the present boundaries. The evidence indicates that the present boundaries of the District can be extended to include a large area now served by the Cuyamaca Water Company but at present outside of the District area, and no apparent reason exists, so far as the testimony is concerned, which would preclude the District from serving water to consumers located beyond its legally constituted boundaries.

The City of San Diego contended that by virtue of being the successor of the Mexican Pueblo of San Diego, it is the owner of the paramount rights to all of the waters of the San Diego River, and that the City had already duly voted bonds to construct a dam and storage reservoir at El Capitan, being the first unit of a very comprehensive water supply development of the San Diego River.

The various conflicting claims to the prior water rights in this river clearly indicated to the Commission that unless there could be effected through negotiation and agreement a voluntary settlement of these disputes, that the costly litigation already in progress over these water rights in all probability would continue for many years and result in seriously delaying the proposed plans of both the District and the City of San Diego to complete their respective projects for the development of the resources of the San Diego River.

In order to avoid these difficulties it was suggested by the Commission that informal negotiations be undertaken to the end that a plan for the joint development of the river be worked out which would be acceptable both to the City of San Diego and the District.

Informal conferences were held in San Francisco on January 29, and on February 20 and 21, 1925, in which the Commission, the City of San Diego, the La Mesa District and the Cuyamaca Company participated, and a plan was worked out which it was believed was fair and equitable and to the mutual advantage both of the City and the people of the District and which would permit the immediate development of the waters of the river in the benefits of which both would share. After agreement had been reached upon the terms of the proposed settlement it was the expressed desire of the officers of the City of San Diego that the terms of the proposed settlement be submitted to the people of San Diego for their approval or disapproval at an election to be speedily called. With this proposal the Commission was in full accord, and, in order that the issues involved in the proposed settlement might not be further complicated or the voters of the City of San Diego in any way influenced in their judgment in this matter the Commission felt that it was proper and desirable that the decision in the matter of the application for the sale of the property of the Cuyamaca Company to the La Mesa, Lemon Grove and Spring Valley Irrigation District be withheld pending such election. For various reasons delay in calling such election ensued. In order that the people of San Diego be given full opportunity to express their views at such election when it became certain that an election could not be called and held before the expiration of the date of the option for purchase given by the Company to the District, the Commission requested an extension of the

option from May 7, 1925, to June 17, 1925. This extension of the option to purchase was granted. At this time an election has not yet been called by the City Council of San Diego and it is apparent to the Commission that the prospect of submitting to the people of San Diego the proposed settlement now is so remote that there appears to be no good or sufficient cause for longer withholding decision in the present proceedings.

After a careful consideration of the testimony and the evidence presented in this proceeding, it is believed that public interest will best be served by the granting of this application.

The following order is recommended:

O R D E R

Ed Fletcher, sole surviving partner of the partnership formerly composed of James A. Murray, now deceased, Ed Fletcher and William G. Henshaw, doing business under the firm name and style of Cuyamaca Water Company, having filed application for authority to transfer certain public utility property to the La Mesa, Lemon Grove and Spring Valley Irrigation District, and said District having filed a petition signifying its desire to purchase said system, public hearings having been held thereon and the matter having been submitted,

IT IS HEREBY ORDERED that the above application be and the same is hereby granted, subject to the following conditions:

1. That the authority granted shall apply only to that certain public utility property of Cuyamaca Water

Company more particularly set forth and described in Exhibit "A" entitled "Description of Cuyamaca System" and in Exhibit "C" under the sub-title "List of Properties" and attached to and made a part of the application herein.

2. That the authority herein granted shall apply only to such transfer as shall have been made on or before sixty (60) days from the date of this order, and a certified copy of the instrument of conveyance shall be filed with this Commission by said Ed Fletcher within thirty (30) days from the date on which it is executed.

3. That within ten (10) days from the date on which Ed Fletcher actually relinquishes control and possession of the properties herein authorized to be sold, he shall file with this Commission a certified statement indicating the date on which such control and possession was relinquished.

4. That the consideration given for the transfer of this property shall not be urged before this Commission or any other public body as a finding of value of the property for rate fixing or for any purpose other than the transfer herein authorized.

5. That the authority herein granted shall be contingent upon the La Mesa, Lemon Grove and Spring Valley Irrigation District filing with this Commission within thirty (30) days after the date of this order, a duly authorized resolution by its Board of Directors agreeing that said District will serve an adequate

supply of water in the quantities to which they may be entitled, to all of the present consumers of the Cuyamaca Water Company outside the boundaries of said District, except such consumers as under the terms of said option as set out in Exhibit "C" attached to the application herein, may be served by said Cuyamaca Water Company.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 15th day of June, 1925.

H.W. BRUNDIGE
C. L. SEAVEY
EGERTON SHORE
GEORGE D. SQUIRES
EZRA W. DECOTO

Commissioners.

(S E A L)
CERTIFIED AS A TRUE COPY
FREDR. BIGELOW
Ass't. Secretary Railroad
Commission of the State of
California.

September 23, 1925.

State Railroad Commission,
California State Building,
San Francisco, California.

Attention: Mr. Brundige, Pres.

Gentlemen:

In compliance with your Decision #15050, this is to inform you that we yesterday signed contracts with the La Mesa, Lemon Grove and Spring Valley Irrigation District for the sale of the Cuyamaca System, and turned over the possession of the Cuyamaca System excepting the Normal Heights, East San Diego, and Kensington Park distribution lines, to the Irrigation District.

The Supreme Court have recently approved the validity of the bonds, the District directors will undoubtedly advertise for bids for the sale of the bonds at its meeting next Monday night, and the entire transaction will be, in all probability, closed within ninety days from date and complete payment made for the purchase price thereof. The management of the system by the District under our agreement is of the date of September first, 1925.

At this time let us thank you all as a Commission, and individually for your service in attempting to bring about a compromise between the District and the City. You rendered faithful service, and the City is undoubtedly the loser by not living up to its obligations. However, both Mr. Stern and the writer appreciate more than we can say your entire fairness and service rendered this community in relation thereto.

Yours very truly,

CUYAMACA WATER COMPANY

Per _____ Manager.

EF:AH

cc. -
Senator Flint

HARLEY W. BRUNDIGE - - PRESIDENT, COM.
 CLYDE L. SEAVEY - - - - COMMISSIONER
 GEORGE D. SQUIRES - - - COMMISSIONER
 EZRA W. DECOTO - - - - COMMISSIONER
 LEON O. WHITSELL - - - - COMMISSIONER
 WM. T. SATTERWHITE - - - EXAMINER
 W. R. WILLIAMS - - - - EXAMINER
 FRANK B. AUSTIN - - - - EXAMINER

Railroad Commission
 of the
State of California

HENRY G. MATHEWSON - - - SECRETARY
 W. P. GEARY - - - - - RATE EXPERT
 W. C. FANKHAUSER - - - FINANCIAL EXPERT
 CARL I. WHEAT - - - - - ATTORNEY
 W. J. HANDFORD - - - - AUTO STAGE DEPT.
 HENRY A. FRAZIER - - - - RECORDER
 LESTER S. READY - - - - CHIEF ENGINEER
 A. V. GUILLOU - - - - GAS AND EL. ENGINEER
 M. R. MACKALL - - - - HYDRAULIC ENGINEER
 W. J. DODGE - - - - TELEPHONE ENGINEER
 A. G. MOTT - - - - TRANSPORTATION ENGINEER
 R. M. VAUGHAN - - - - VALUATION ENGINEER
 A. T. PETTEY - - - - OFFICIAL REPORTER

BRANCH OFFICE
 808 PACIFIC FINANCE BUILDING
 LOS ANGELES
 TELEPHONE MET. 3621

FIFTH FLOOR CALIFORNIA STATE BUILDING
 CIVIC CENTER
 SAN FRANCISCO, CAL.

TELEPHONE PARK 8766

ADDRESS ALL COMMUNICATIONS TO
 RAILROAD COMMISSION OF THE STATE OF
 CALIFORNIA

September 29, 1925.
 Appl. #10619.

Cuyamaca Water Company,
 916 Eighth Street,
 San Diego, California.

Gentlemen: Attention: Ed. Fletcher, Manager.

President Brundige has requested me to acknowledge in his behalf receipt of your communication of September 23rd advising that you have signed contracts with the La Mesa, Lemon Grove and Spring Valley Irrigation District for the sale of the Cuyamaca System and have turned over the possession of that system, with the exception of the Normal Heights, East San Diego and Kensington Park distribution lines, to the Irrigation District.

President Brundige has read your letter with much interest and wishes to thank you most heartily for the kindly expressions contained therein.

Yours very truly,

RAILROAD COMMISSION OF THE STATE
 OF CALIFORNIA

By- *H. G. Mathewson*
 H. G. Mathewson, Secretary.

Approved
Fair
9/29/25

November 14, 1925.
Appl. #10619 - Decision #15050

Railroad Commission of California,
California State Building,
San Francisco, California.

Gentlemen:

Referring to your order extending time re the sale of the Cuyamaca System to the La Mesa, Lemon Grove, and Spring Valley Irrigation District, dated the 12th day of August, 1925, will say that bids were opened on the 9th of November. The highest bid for the bonds was made by Banks Huntley Company - 97.76 - and they were given thirty days in which to make their own investigation and favorable report of Quinton, Code and Hill.

It is just possible that the sale may not be finally completed and money paid us by December 31, 1925, and we ask an order extending the time to March 1, 1926.

Yours very truly,

CUYAMACA WATER COMPANY

By _____ Manager

EF:AH

November 25, 1925.

Railroad Commission of California,
California State Building,
San Francisco, California.

Attention: Mr. Brundige

Gentlemen:

You said you had not received my letter of November 14th asking for an extension of 60 days re sale of Cuyamaca System to the La Mesa District.

Will you please take this letter as your authority in relation thereto. The bonds will undoubtedly be paid for sometime this month, but it is going to take a little while to clear the title, and it will run over into January anyway. I would prefer 90 days in case we had to go into court for anything.

Yours very truly,

CUYAMACA WATER COMPANY

By

Manager.

EF:AH

RECEIVED
AUG 17 1925

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ED FLETCHER,
sole surviving partner of the partnership formerly composed of James A. Murray, now deceased, Ed Fletcher and William G. Henshaw, doing business under the firm name and style of GUYANACA WATER COMPANY, for an order authorizing the sale of a certain water system in San Diego County, now owned and operated by said partnership, to the LA MESA, LEMON GROVE AND SPRING VALLEY IRRIGATION DISTRICT, of the County of San Diego, State of California.

COPY

Application No. 10619.

BY THE COMMISSION:

ORDER EXTENDING TIME

Good cause appearing,

IT IS HEREBY ORDERED that the time within which Ed Fletcher, sole surviving partner of the partnership formerly composed of James A. Murray, now deceased, Ed Fletcher and William G. Henshaw, doing business under the firm name and style of Guyanaca Water Company, may transfer that certain public utility property of said Guyanaca Water Company as authorized by order of this Commission in Decision No. 15050, dated the 15th day of June, 1925, be and it is hereby extended to and including the 31st day of December, 1925.

IT IS HEREBY FURTHER ORDERED that the order in said Decision No. 15050, dated the 15th day of June, 1925, shall remain in full force and effect except as modified by this order extending time.

Dated at San Francisco, California, this 12th day of August, 1925.

Certified as a True Copy
[Signature]
SECRETARY
RAILROAD COMMISSION
STATE OF CALIFORNIA

C. L. SEAVEY
GEORGE D. SQUIRES

LEON O. WHITSELL
COMMISSIONERS

W. A. Thacker

In the Matter of the Application of
ED FLETCHER,
sole surviving partner of the partnership formerly composed of James A. Murray, now deceased, Ed Fletcher and William G. Henshaw, doing business under the firm name and style of GUYANAGA WATER COMPANY, for an order authorizing the sale of a certain water system in San Diego County, now owned and operated by said partnership, to the LA MESA, LEMON GROVE AND SPRING VALLEY IRRIGATION DISTRICT, of the County of San Diego, State of California.

Application No. 10619.

COPY

BY THE COMMISSION:

ORDER EXTENDING TIME

Good cause appearing,

IT IS HEREBY ORDERED that the time within which Ed Fletcher, sole surviving partner of the partnership formerly composed of James A. Murray, now deceased, Ed Fletcher and William G. Henshaw, doing business under the firm name and style of Guyanaga Water Company, may transfer that certain public utility property of said Guyanaga Water Company as authorized by order of this Commission in Decision No. 15050, dated the 15th day of June, 1925, be and it is hereby extended to and including the first day of March, 1926.

IT IS HEREBY FURTHER ORDERED that the order in said Decision No. 15050, dated the 15th day of June, 1925, shall remain in full force and effect except as modified by this order extending time.

Dated at San Francisco, California, this 21st day of November, 1925.

Certified as a True Copy

Fredy Bigelow
SECRETARY
RAILROAD COMMISSION
STATE OF CALIFORNIA

H. W. BRUNDIGE
C. L. SEAVEY

LEON J. WHITSELL
COMMISSIONERS

HARLEY W. BRUNDIGE . . . PRESIDENT, COM.
CLYDE L. SEAVEY COMMISSIONER
GEORGE D. SQUIRES COMMISSIONER
EZRA W. DECOTO COMMISSIONER
LEON O. WHITSSELL COMMISSIONER
WM. T. SATTERWHITE EXAMINER
W. R. WILLIAMS EXAMINER
FRANK B. AUSTIN EXAMINER

Railroad Commission
of the
State of California

HENRY G. MATHEWSON SECRETARY
W. F. GEARY RATE EXPERT
W. C. FANKHAUSER FINANCIAL EXPERT
CARL I. WHEAT ATTORNEY
W. J. HANDFORD AUTO STAGE DEPT.
HENRY A. FRAZIER RECORDER
LESTER S. READY CHIEF ENGINEER
A. V. GUILLOU GAS AND EL. ENGINEER
M. R. MACKALL HYDRAULIC ENGINEER
W. J. DODGE TELEPHONE ENGINEER
A. G. MOTT TRANSPORTATION ENGINEER
R. M. VAUGHAN VALUATION ENGINEER
A. T. PETTEY OFFICIAL REPORTER

BRANCH OFFICE
808 PACIFIC FINANCE BUILDING
LOS ANGELES
TELEPHONE MET. 3821

FIFTH FLOOR CALIFORNIA STATE BUILDING
CIVIC CENTER
SAN FRANCISCO, CAL.

TELEPHONE PARK 8700

ADDRESS ALL COMMUNICATIONS TO
RAILROAD COMMISSION OF THE STATE OF
CALIFORNIA

December 1, 1925.
Appl. No. 10619.

Cuyamaca Water Company,
Fletcher Building,
San Diego, California.

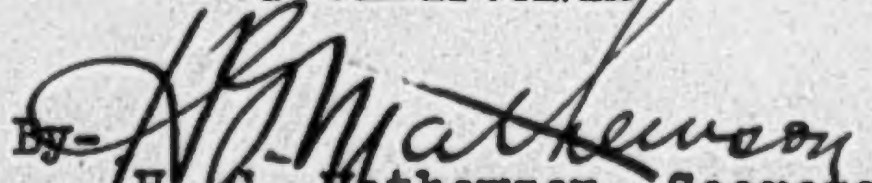
Gentlemen: Attention: Mr. Ed. Fletcher, Manager.

President Brundige desires to acknowledge receipt of your letter of November 25th referring to yours of November 14th, also received, concerning an extension of sixty days in the above numbered application, re the sale of the Cuyamaca System to the La Mesa District.

The Order in this case, extending time as requested was signed and issued November 21st and is no doubt received ere this. You will note that the extension runs to and including the first day of March, 1926.

Yours very truly,

RAILROAD COMMISSION OF THE STATE
OF CALIFORNIA

By- 
H. G. Mathewson, Secretary.

HARLEY W. BRUNDIGE
CLYDE L. SEAVEY
GEORGE D. SQUIRES
EZRA W. DECOTO
LEON O. WHITSELL
WM. T. SATTERWHITE
W. R. WILLIAMS
FRANK B. AUSTIN

PRESIDENT COM.
COMMISSIONER
COMMISSIONER
COMMISSIONER
EXAMINER
EXAMINER

Railroad Commission
of the
State of California

HENRY G. MATHEWSON
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A. V. GUILLOU
M. R. MACKALL
W. J. DODGE
A. G. MOTT
R. M. VAUGHAN
A. T. PETTEY

SECRETARY
RATE EXPERT
FINANCIAL EXPERT
ATTORNEY
AUTO STAGE DEPT.
RECORDER
CHIEF ENGINEER
GAS AND EL ENGINEER
HYDRAULIC ENGINEER
TELEPHONE ENGINEER
TRANSPORTATION ENGINEER
VALUATION ENGINEER
OFFICIAL REPORTER.

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SAN FRANCISCO, CAL.

TELEPHONE PARK 8700

ADDRESS ALL COMMUNICATIONS TO
RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

March 23, 1926.

Appl. 10619.

Cuyamaca Water Company,
Fletcher Building,
San Diego, California.

Attention Col. Ed Fletcher, Manager.

Gentlemen:

In checking over the Commission's order in its Decision No. 15,050 in Application 10,619, it has been found that there is a difference in the description of the properties authorized to be transferred, as contained in the deed which was sent the Commission in compliance with the above order and the deed attached as an exhibit to the application.

In order that the Commission's records may be complete in this matter, will you kindly furnish us with a certified statement to the effect that the properties described in the deed attached as an exhibit to the application are, in fact, the same as those described by metes and bounds in the deed filed with the Commission as required by this order.

Yours very truly,

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA,

By

H. G. Mathewson
H. G. Mathewson, Secretary.

March 31, 1926.

Appl. 10619

Railroad Commission
of the
State of California,
San Francisco, California.

Attention Mr. Mathewson, Secretary

Gentlemen:

Replying to your letter of March 23d, 1926,
I hereby certify that the metes and bounds description
contained in the deed to the La Mesa, Lemon Grove &
Spring Valley Irrigation District covers all and only
such lands as were generally described in the option
to the La Mesa, Lemon Grove & Spring Valley Irrigation
District which was attached as an exhibit to the application.

Yours very truly,

signed W. B. Shropshire
Engineer

KLM

*acknowledged before
Mathewson R. May
Notary Public*

FEDERAL TELEGRAPH COMPANY

ELLERY W. STONE, President



RADIOGRAM

THE FEDERAL TELEGRAPH COMPANY transmits and delivers this message subject to the terms and conditions printed on the back of this blank.

	DAY MESSAGE
	DAY LETTER
	NIGHT MESSAGE
	NIGHT LETTER

RECEIVER'S No.	TIME FILED	CHECK C O P Y	INDICATE BY	X	RATE DESIRED
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Send the following message, subject to the terms and conditions printed on the back hereof, which are hereby agreed to

Filed at _____ 192

San Francisco Aug. 27, 1926

Cuyamaca Water Co.,
San Diego, Calif.

Telegram received from Mayor Bacon and City Attorney Higgins and telegram from Alexander M. Loson health officer that company refuses to deliver sufficient water to Normal Heights district thereby endangering the health of citizens Please wire to commission report on conditions in Normal Heights and Kensington Park and reason for shortage if any in water deliveries to consumers

RAILROAD COMMISSION STATE OF CALIF

FEDERAL TELEGRAPH COMPANY

ELLERY W. STONE, President



RADIOGRAM

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	DAY MESSAGE
	DAY LETTER
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	NIGHT LETTER

RECEIVER'S No.	TIME FILED	CHECK	INDICATE BY	X	RATE DESIRED
----------------	------------	-------	-------------	---	--------------

Send the following message, subject to the terms and conditions printed on the back hereof, which are hereby agreed to

Filed at August 28, 1926. 192

Railroad Commission State of California,
San Francisco, California.

Telegram received City owning and controlling gates connected with our system diverted one hundred percent more water into city's system the last three months than for corresponding three months a year ago. They are in position to draw water away from Normal Heights and at certain hours of the day extremely low pressure in Normal Heights is the result If one half of the city's extra supply withdrawn from our system had been given to Normal Heights the last three months there would have been no shortage or lack of pressure in Normal Heights and the fact of city diversion being made shows our carrying capacity sufficient City alone to blame and trying to make us the goat See letter forwarded you yesterday also today's explanation

ED FLETCHER MANAGER
Cuyamaca Water Company

Chg Cuyamaca Water Co

Confirmation

FEDERAL TELEGRAPH COMPANY

ELLERY W. STONE, President



~~RADIO~~ TELEGRAM

THE FEDERAL TELEGRAPH COMPANY transmits and delivers this message subject to the terms and conditions printed on the back of this blank.

<input checked="" type="checkbox"/>	DAY MESSAGE
<input type="checkbox"/>	DAY LETTER
<input type="checkbox"/>	NIGHT MESSAGE
<input type="checkbox"/>	NIGHT LETTER

RECEIVER'S No.	TIME FILED	CHECK	INDICATE BY	X	RATE DESIRED
----------------	------------	-------	-------------	---	--------------

Send the following message, subject to the terms and conditions printed on the back hereof, which are hereby agreed to

Filed at San Francisco Aug 28 1926

**Colonel Ed Fletcher
920 Eighth Street
San Diego California**

The Commission suggests conference be held immediately with city authorities and La Mesa District to arrange fair allocation of water to Ouyamaca Water Company and city system. Similar suggestion also made by wire to Mayor Bacon

RAILROAD COMMISSION STATE OF CALIFORNIA

Charge Railroad Commn.

IC 35574

Ed Fletcher Papers

1870-1955

MSS.81

Box: 58 Folder: 14

**Business Records - Water Companies - Cuyamaca
Water Company - State Railroad Commission
- Application #10619, to transfer properties of
the Cuyamaca Water Company to the La Mesa,
Lemon Grove and Spring Valley Irrigation District**



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