

RESOLUTION NO. _____

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(22)

A Resolution of the Board of Trustees of the City of La Mesa, California, Protesting against the passage of a Bill to Grant Rights of Way Over Government Lands for Reservoir Purposes, to be used by the City of San Diego, California.

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WHEREAS, there is pending before the Congress of the United States a bill to grant rights of way over certain Government Lands for Reservoir purposes, to be used by the City of San Diego, California, for reservoir purposes, the same being H.R. No. 4037; and

WHEREAS, upon the hearing on this bill before the Committee on the Public Lands of the House of Representatives, the Chairman thereof made the following statement:

"El Cajon, La Mesa, and those other cities, as a matter of fact, the Chair knows, are red hot in favor of this bill."

AND WHEREAS, the only source of water supply for the present needs and future growth of the City of La Mesa and of the territory adjacent thereto, is the waters of the San Diego River;

AND WHEREAS, the City of San Diego is attempting in and by the said bill to acquire from the United States the right to flood certain Indian lands in the El Capitan Indian Reservation in order that it may construct a dam at the El Capitan damsite a short distance below the intake of the Cuyamaca Water Company's system;

AND WHEREAS, the construction of a dam and reservoir at the said point will not permit the use of any of the waters thereby impounded by the City of La Mesa or any of the surrounding country as the said damsite is below the level of this City, and the construction of a dam at the said point would therefore be of no benefit to the City of La Mesa, but would divert to the City of San Diego waters which are sorely needed in this locality and which

could be utilized to develop the surrounding country, were a dam constructed upon the said River at a point further up the said stream;

AND WHEREAS, the owners of the Cuyamaca Water Company's system have offered to construct a dam at their diverting point of the said River if permitted so to do by the City of San Diego, the building of which said dam would not interfere with the lands of any Indians on the said stream and would permit the waters impounded thereby to be used upon the territory in this vicinity;

AND WHEREAS, the City Attorney of the City of San Diego asserted before the Public Lands Committee of both the House of Representatives and the Senate that the City of San Diego would welcome any development of these waters by the Cuyamaca Water Company for the benefit of the City of La Mesa and the surrounding community and wanted the Cuyamaca Water Company to build up their reservoirs at the diverting dams, and would not oppose such construction, but merely wished the privilege of saving surplus waters that would remain after the construction of such dams by the said Company;

AND WHEREAS, subsequent thereto the City Council of the City of San Diego, as appears from the public press, has repudiated such statements of their attorney and have threatened to enjoin by court action the construction of such dams by the Cuyamaca Water Company and have refused to confer with the owners of the Cuyamaca Water Company or to discuss the question of a compromise or settlement upon the lines suggested by the City Attorney of the City of San Diego at the hearing before the said Public Lands Committee;

AND WHEREAS, the City of San Diego has numerous other undeveloped sources of water supply available to its use, while the City of La Mesa has no other source of water supply except

from the waters of the said San Diego River;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CITY OF LA MESA, CALIFORNIA, as follows:

Section 1. That the City of San Diego, California, will not construct such dam for many years to come even though permitted so to do by the Congress of the United States.

Section 2. That it is vital to the future prosperity and growth of the City of La Mesa that when the waters of the San Diego River are impounded, they be impounded at a point on the said stream which will permit the flow of water by gravity to this City and the territory adjacent thereto.

Section 3. That it would be to the best interests of the City of La Mesa as well as the City of San Diego and the surrounding territory to have such development made by private capital without the voting of bonds and the incurring of indebtedness.

Section 4. That an effort be made by this Board of Trustees to induce the City Council of the City of San Diego, to abide by the terms of the statements made by its City Attorney before the Committee of Public Lands.

Section 5. That failing in such effort this Board of Trustees oppose the passage of the said bill before the Congress of the United States.

Section 6. That a certified copy of this Resolution be sent to the Common Council of the City of San Diego with the request for a joint meeting of the governing bodies of the two municipalities for the purpose of conferring upon the said matter.

Passed and adopted by the Board of Trustees of the City of La Mesa, California, at a special meeting of the said Board duly called and held on the 2 day of May, A. D. 1918.

(Signed) J. H. Mallery

President of the Board of Trustees
of the City of La Mesa, California.

THE THE ARTICLE OF THE CITY OF SAN DIEGO BY ACT:
State of California, }
County of San Diego, } SS.
City of La Mesa, }

I hereby certify that the foregoing resolution
was passed by the Board of Trustees of the City of La Mesa,
California, at the time above stated.

(Signed) Ed Utt.

City Clerk of the City of La Mesa,
California, and Ex-Officio Clerk
of the Board of Trustees of the
said City.

June 7, 1918.

Hon. William Kettner,
Washington, D. C.

Dear Sir:

Your favor of May 29th in answer to my letter of May 13th requesting a conference with you, to hand. I am indeed sorry that you did not see fit to meet us as it naturally tends to the opinion that you do not care to pay attention to the interests of this part of your district. Had you made the reply you did at once instead of later it would have saved you much unfavorable publicity. I may add that one friend of mine insisted on a conference with you and was informed that you would not see us under any circumstances.

Referring to the El Capitan bill: If the city of San Diego will give us legal reasonable assurance that there will be no interference with the development on the San Diego River above El Capitan dam site, all opposition will be withdrawn. San Diego's city attorney, Mr. Cosgrove, before the House Committee on Public Lands in Washington, stated that "We will welcome such development and will do all we can to aid it". Mr. Cosgrove's fair words mislead many of us into the belief that he was sincere, and we remained silent until he returned and the city council began to threaten injunction suits if the Cuyamaca Water Company made any move to raise the present diverting dam.

Wishing to be fair the Board of Trustees of this city held a meeting with the Council of San Diego, and asked an official statement as to the city's position. The good councilmen again soothed us with fair words, in which the odium was all thrown on the wicked newspapers, who never get anything right. Mr. Bard moved that the matter be taken under serious consideration and a written reply be sent the city of La Mesa. The acting president, Mr. Fay, stated that we might expect it in the near future. Mr. Bard left for Washington three days later to push the bill before Congress. The answer from San Diego is still on the way. I realize that a former member of the La Mesa board misrepresented this matter to you in a telegram which he sent after the Board of Trustees had agreed not to favor either side; but now you know the real situation I expect you to look at the matter in a different light. All the city of La Mesa and the balance of the County asks is that private capital be allowed to develop the water we need now in which event the city can have the right to build a mythical dam at El Capitan if she wishes. We object to San Diego holding up this development when they expect to do nothing. In other words, we want them to quit playing fast and loose with everybody, the Government included and get down to brass tacks.

If you wish any further information I shall be glad to furnish it to you, including copies of resolutions, transcript of the meeting in San Diego, etc.

Thanking you, I am,

Yours very truly,
(Signed) J. H. Mallery

President Board of Trustees of the City
of La Mesa, California.

(Copy-MMS)

June 7, 1918.

Hon. John E. Raker,
Washington, D. C.

Dear Sir:

Being one of the California members of the House committee on Public Lands, I wish to call your attention to certain matters relative to House Bill No. 10587 "A Bill Granting the City of San Diego the Right to Flood Certain Indian Lands."

If you remember the hearing before the Public Lands Committee one member (yourself, I think) asked Mr. Cosgrove, the representative of the city of San Diego, if the contemplated dam at El Capitan Dam Site would affect the Cuyamaca Water Company's system. Mr. Cosgrove said in substance that it would not, that the city did not wish to damage the Cuyamaca Water Company's system and that "We have no idea of starting any litigation against them." (Proceedings, page 74 et seq) The Cuyamaca Water Company agreed to withdraw any opposition to the said bill if the city of San Diego would agree not to interfere with the future development of the Cuyamaca Water Company. This Mr. Cosgrove agreed to, according to the papers. Mr. Cosgrove then, as we are advised in the public press, wired the San Diego council not to meet Mr. Fletcher as they had him beaten, and not to enter into any agreement with him. Various Councilmen immediately rushed into print with interviews in which injunction suits were threatened if any one attempted development on the San Diego River above El Capitan.

Up to this time the citizens of La Mesa and El Cajon and the country supplied by the Cuyamaca Water Company had taken no part in the matter; as the building of the El Capitan Dam would not affect us so long as the dams above Capitan could be built. We have since learned that one member of the La Mesa Board immediately after he had voted to remain neutral in the matter wired Mr. Kettner that La Mesa was red hot for the bill, which is not and never was in accordance with the facts. This Board then asked for a conference with the Common Council of San Diego and asked for a definite expression of the City's attitude in the matter. The conference was held and all the council present expressed themselves as willing to abide by Mr. Cosgrove's promise. They then on motion of Mr. Bard took the matter under advisement to furnish us with a written answer at an early date. We are still waiting the answer. Three days later Mr. Bard left for Washington and has, according to the San Diego newspapers, and information from our representative in Washington, been "moving heaven and earth to get the bill passed at once".

The city of La Mesa, El Cajon and surrounding country are bitterly opposed to passage of House bill #10587 until the city of San Diego gives us reasonable legal assurance that there will be no interference with the development of water in the San Diego River above El Capitan Dam site by present owners or their successors. This is our only source of gravity water, while the City has numerous other undeveloped locations. Thanking you for your consideration, I am,

Yours very truly,

(Signed) J. H. Mallery

President Board of Trustees of
La Mesa, Calif.

(Copy-MMS)

June 10, 1918.

Dr. J. H. Mallery,
President Board of Trustees,
La Mesa, Calif.

My dear Dr. Mallery:

Congratualtions on your fine
letter to Raker and Kettner! You could not have
put it in better form.

Don't forget to make Wednesday a red letter
day for Governor Stephens. We shall be there
with bells on, about four o'clock.

Yours very truly,

F-S

Ed Fletcher Papers

1870-1955

MSS.81

Box: 17 Folder: 5

General Correspondence - Mallery, J.H.



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