

2
O. R. W. ROBINSON
ATTORNEY AT LAW

106-7-8 International Bank Building LOS ANGELES, CAL. June 7, 1915 191

Mr. William S. Post,
Fletcher Bldg.,
San Diego, Calif.

My dear Mr. Post:

Replying to yours of the 5th inst. I desire to say I have consulted with Mr. Lawler with reference to the Carroll application of Mr. Fletcher, and it is his desire that I carry the matter to its conclusion, provided satisfactory arrangements can be made with you.

Mr. Lawler desires me to say that he is busy in the United States Court at the present time in the trial of the Los Angeles Investment Co. case and is unable to say when the same will be finished.

I have already been paid for my services in this matter up to the present time, though I was simply associated with Mr. Lawler who, as is my understanding, was the attorney of record.

I will undertake to carry the matter through to the final determination by the Department for an additional fee of \$250.00, \$100.00 to be paid as a retainer, the balance when the case is finally settled.

In the event of this not being satisfactory I would appreciate advice from you to that effect in order that Mr. Fletcher's interests may be protected before the Land Office pending the appointment of some other attorney.

Very truly yours,

O. R. W. Robinson

ORWR/H

COPY

Los Angeles

024976 "F" RMT
025259

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON.

August 31, 1915.

Carroll University Canal :
: Requiring additional data.
Carroll Reservoir. :

Register and Receiver,

Los Angeles, California.

Sir:-

I am in receipt of your letter dated June 24, 1915, returning the corrected map Field Notes, and other data in the above mentioned case. The data transmitted was forwarded to the U. S. Geological Survey for a report, by letter dated July 14, 1915. I am in receipt of a letter from the Geological Survey dated August 21, 1915, from which the following is quoted:

"According to the supplemental showing submitted in these cases, the project of the applicant should be considered as a part of the Volcan Land and Water Company's system, for which rights of way were granted on January 16, 1913, (Los Angeles 014512). It also appears from this showing that the City of San Diego holds an option on the Volcan system which includes the project involved in the cases under consideration, and that it has been proposed that the city utilize this system as a source of water supply for municipal use. It is further said that the matter is now being considered by the city authorities.

Municipal use of the rights applied for in these cases is believed to represent the highest use to which the water supply of San Diego River can be put, and no objection will be made in this office to approval of these applications on the grounds of interference with other possible uses of the water supply.

Los Angeles 024976 "F" RMT
025259

It is recommended, however, that no action be taken in these cases until it is determined whether the City of San Diego will exercise its option, in view of the fact that if the option is exercised the city will become the real party in interest, and it appears that its name should be substituted as applicant. Furthermore, since in this event the main use of the rights of way will be for municipal instead of irrigation purposes the application should properly be filed under the act of February 16, 1901 (31 Stat. 790).

If, however, the City of San Diego does not purchase the rights of the applicant and it is developed by the applicants as an irrigation scheme, it is requested that he be called upon to submit further data regarding the means by which water is to be conducted to the lands to be irrigated, giving detailed maps of the entire distributing system."

Attention is called to the fact that the application was applied for under the Act of March 3, 1891 (25 Stat. 1095), and section 2 of the Act of May 11, 1898 (30 Stat. 404), and the easement granted is limited to the use as defined in the act under which it was made. Should the water be used for municipal purposes, the permit must be acquired under the provisions of the act of February 16, 1901, (31 Stat. 790) above referred to. Thirty days from receipt hereof are hereby allowed applicant in which to meet these requirements as set forth or to apply to this office for an extension of time in case the time allowed is not sufficient in which to meet the requirements, or to appeal to the Secretary of the Interior herefrom, and in default thereof, the application hereby held for rejection, will be rejected without further notice.

At the expiration of the time allowed make prompt report.

Very respectfully,

C. A. Obenshain.

Clay Tallman,
Commissioner.

COPY

F Los Angeles 024976, and 025259 RMT

1 Encl.

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON.

October 5, 1915.

Carroll University Canal,) In re granting an extension
Carroll Reservoir.) of time.

Mr. O R W Robinson,
406-7-8 International Bank Building,
Los Angeles, California.

My dear Sir:-

I am in receipt of your letter dated September 24, 1915, requesting, as attorney for the applicant, an extension of time of six months from October 1, 1915, within which to meet the requirements of the letter to the Register and Receiver at Los Angeles, California, of August 31, 1915, in the matter of application for the above-entitled reservoir easement and right of way for the canal.

You state that field surveys must be made in order to obtain the data necessary to meet the requirements of said letter of August 31, 1915.

In view of these conditions, the Register and Receiver are, by letter of even date, advised that an extension of time of six months from October 1, 1915, in which to meet the requirements of letter of August 31, 1915, in the matter of the reservoir easement known as Carroll Reservoir, Los

Angeles 024976, and right of way for a canal known as the Carroll University Canal, Los Angeles 025259 (in your said letter designated as Los Angeles 024259), is granted, the matter being ex parte.

Enclosed herewith is a copy of said letter to the Register and Receiver in regard thereto.

Very respectfully,

(Signed) D K Parrott,

Acting Assistant Commissioner

84A
LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

Nov. 17, 1915.

Col. Ed Fletcher,
Fletcher Bldg.,
San Diego, Cal.

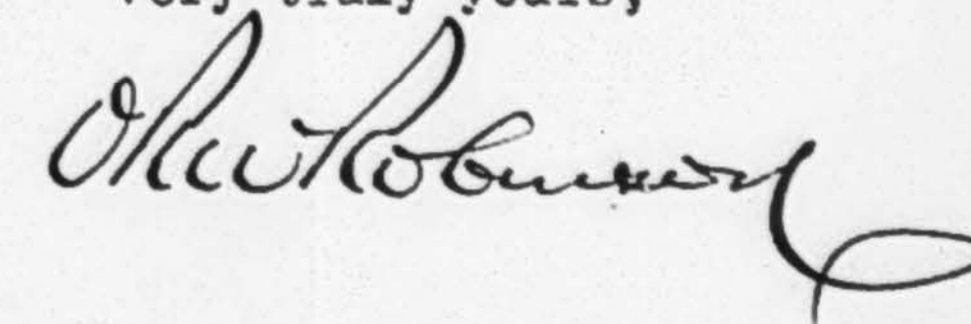
Dear Colonel:

Your Mr. W. S. Post has consulted me with reference to a hearing to be held before the Register and Receiver of the United States Land Office here on your protest against the application for a reservoir and dam site in Township 14 and 15 South, Range 2 East, S. B. M., filed by W. B. Hamilton, and in accordance with your desires as expressed to me by Mr. Post I have been able to arrange the date of said hearing for Monday, December 20th.

Mr. Post has also informed me that you are considering employing me to conduct this hearing on behalf of yourself and associates, and are desirous of securing a statement as to the amount of my fee in the event that I am given the case. I have not yet had an opportunity to examine the pleadings and the only information upon which I can base an estimate has been furnished me by Mr. Post, and I have told him that I will handle the matter for a minimum fee of \$750.00 and a maximum fee of \$1000.00, \$300.00 to be paid as retainer and the balance upon the submission of the case to the Commissioner of the General Land Office, it being my understanding that I am to prepare the case for trial, present evidence in your behalf before the Land Office and file such briefs as may be necessary here; Messrs. Britton and Gray of Washington having charge of the case before the Commissioner and before the Secretary. You will of course understand that the necessary incidental expenses are not included in the above fee.

In the event that this proposition is satisfactory to you please give me a written acceptance of same in order that I may commence the necessary preparatory work.

Very truly yours,



ORWR/H

LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

Nov. 29, 1915.

In re Hamilton et al.

Mr. W. S. Post,
Fletcher Building,
San Diego, Calif.

Dear Sir:

I beg to enclose herewith copy of telegram forwarded to the Commissioner of Indian Affairs by Mr. McCormick to which no reply has as yet been received.

I had a conference with Mr. Oldberg this morning in which he states that he has an appointment to meet Mr. Trusdelle at Phoenix on Dec. 7th next. Mr. Trusdelle is special Assistant to the Attorney General, whose particular line of work concerns water rights as supplied to Indian Reservations, and who by reason of his large experience would, in my opinion, be the best qualified man to handle the showing to be made by the Commissioner of Indian Affairs at the hearing on the 20th prox.

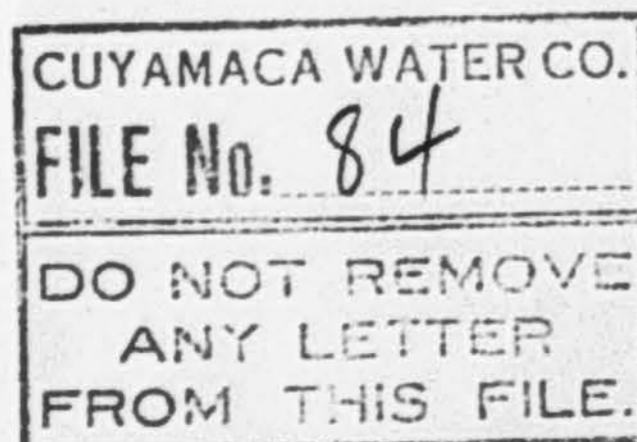
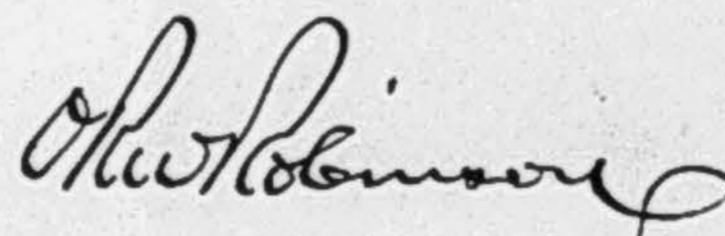
I have suggested this thought to Mr. Oldberg and he agrees that it would be extremely satisfactory to him if the gentlemen in question were detailed on the case, and with that end in view proposes to use every effort.

I have devoted about three hours of my time this morning to the examination of the papers given me by you yesterday, and, in view of my present knowledge of the case, I believe it extremely important that the agreement with the La Mesa Irrigation District be formally extended by a proper instrument in writing for at least one year. This matter should receive your immediate attention.

I expect to be in a position when I see you again to give you a list of the documents certified copies of which will in my judgment be necessary in the proper presentation of our side of the controversy.

Mrs. Robinson bids me express her appreciation of the courtesies extended her by you which were much appreciated and to which sentiment I desire to also subscribe.

Very truly yours,

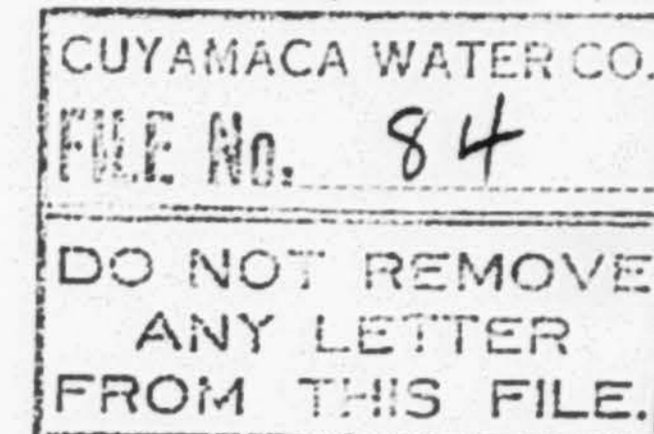


ORWR/H

1 Enc.

LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

Dec. 2, 1915.



Mr. W. S. Post,
Fletcher Bldg.,
San Diego, Cal.

Dear Sir:

Referring to the application for right of way for the Hamilton Reservoir, immediately after our telephone conversation of yesterday I called on the Register and Receiver of the U. S. Land Office and also upon Mr. Oldberg of the Indian Irrigation Department.

My conversation with these gentlemen was of a confidential nature and was to the effect that we would be ready to go to trial on the 20th inst. and would resist any application for continuance made on behalf of the City of San Diego.

It was very fortunate that I was notified of the city's intentions in the premises as shortly after ten o'clock Mr. Cosgrove appeared in the Land Office accompanied by a Deputy U. S. Assistant Attorney who introduced him to both the Register and Receiver. He immediately stated that the object of his visit was to procure a continuance of the hearing in question for a month or six weeks. Both he and I argued the matter orally before the Register and Receiver who refused at that time to pass upon the matter definitely, subsequently Mr. Cosgrove served me with a motion for continuance supported by affidavits and I have today filed motion for dismissal of same by reason of the insufficiency of the showing made on behalf of the city, copy of which motion I enclose herewith for your files.

I am satisfied that the application for continuance in its present form will be dismissed by the Register and Receiver, and I hope to be able to bring the matter to hearing on the date originally set. It appears to me that the weakest point in our case lies in the fact that under the rules of practice the Government may come in and without any showing of merit whatsoever ask for and obtain a continuance and if Cosgrove is wise enough he will follow this line of least resistance and have a person detailed to present the Indian interests and press the point raised by the city.

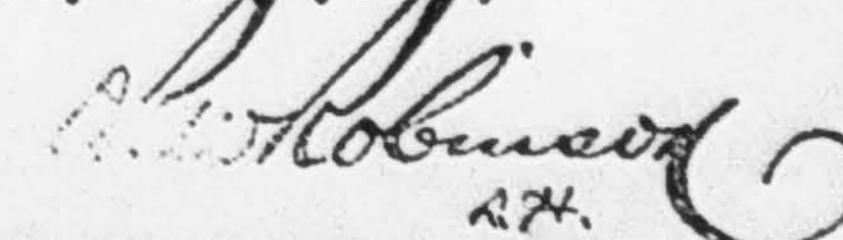
Of course I have done everything possible with Oldberg to block this line of attack and if it remains with him to decide no continuance will be granted. Trusting that my course of action will meet with your approval, I am

ORWR/H

1 Enc.

Dictated but re-read.

Very truly yours,



Dec 3, 1915

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Cal.

Dear Sir:-

We are in receipt of your letter of December 2nd to Mr. Post who is absent at this time. Thank you very much for what you are doing and feel sure that our case is in good hands. When you hear this whole story, you will find that the City of San Diego is at present controlled by a set of men who are looking for something for nothing and would take away from us, if they could, everything we have without compensation.

This man Hamilton was a dummy. It was really our former Manager, whom we caught grafting and whom we fired, that started all this trouble and Boone's interest in the matter is simply to get his attorney's fees and bother me, and I have beat him at every turn as will be shown up later.

Boone got Hamilton to give this water filing to the City for nothing after trying to blackmail us.

I have been in the hospital for appendicitis and as soon as I get out and around again, I hope to see you and go over this entire matter in detail.

Yours very truly,

Manager.


EF-K

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

Form 1204

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

WESTERN UNION



TELEGRAM

NEWCOMB CARLTON, PRESIDENT
GEORGE W. E. ATKINS, VICE-PRESIDENT BELVIDERE BROOKS, VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

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RECEIVED AT
C204GS K 5 COLLECT *25*
FX LOSANGELES CAL 350P DEC 3 1915
WILLIAM S POST *27*
FLETCHER BLDG SANDIEGO
APPLICATION FOR CONTINUANCE DENIED
O. R. W. ROBINSON
358PM

CUYAMACA WATER CO.
FILE No. 84
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LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

Dec. 7, 1915.

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

Mr. W. S. Post,
Fletcher Bldg.,
San Diego, Cal.

My dear Mr. Post:

I enclose herewith authorization of attorney
which you will please have signed and return to me at your
earliest convenience.

Very truly yours,



ORWR/H

1 Enc.

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

Dec. 13, 1915.

Mr. O. R. W. Robinson,
406-7-8 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

Enclosed find authorization of attorney; our understanding
through Mr. Post being that you are to have a retainer's fee of
Three Hundred Dollars (\$300.00), which is herewith enclosed. In
addition thereto, you are to have, for this case Four Hundred
Fifty Dollars (\$450.00), unless it is unduly extended, in which
case, the total fee, if carried to the Secretary of the Interior
is to be not to exceed One Thousand Dollars (\$1000.00).

Enclosed herewith find check for \$300.00. Also clipping, showing
that Cosgrove does not know when he licked. He is trying to get
even the labor associations and the Chamber of Commerce to telegraph
on to Washington.

There is a clique of four or five men in the Cabrillo Club, who
put this resolution over when only a very few were present, and no
notice in advance was given of the object of the meeting. This
might be interesting reading to the Los Angeles Land Office.

I hope to be up in Los Angeles this week, and have a talk
with you on the subject.

Yours very truly,

CUYAMACA WATER COMPANY,

F-8

Manager.

LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

Dec. 14, 1915.

84A

Col. Ed. Fletcher,
P. O. Box 1412,
San Diego, Calif.

My dear Colonel:

Referring to the matter of your protest against the Hamilton Reservoir site I beg to acknowledge the receipt of your communication of the 13th inst. with enclosed check for \$300.00.

You stated in said letter that it is your understanding that "in addition thereto you are (I am) to have for this case \$450.00 unless it is unduly extended, in which case the total fee if carried to the Secretary of the Interior is not to exceed \$1000.00."

In this connection I desire to call your attention to my letter to you of November 17th in which I stated, "I will handle the matter for a minimum fee of \$750.00 and a maximum fee of \$1000.00, \$300.00 to be as retainer and the balance upon the submission of the case to the Commissioner of the General Land Office, it being my understanding that I am to prepare the case for trial, present evidence in your behalf before the Land Office and file such briefs as may be necessary here, Messrs Britton and Gray of Washington being in charge of the case before the Commissioner and before the Secretary. You will of course understand that the necessary incidental expenses are not included in the above fee."

From the above you will observe that there is a discrepancy as between my offer and your acceptance, and in order that there may be no future misunderstanding I would request that you notify me in writing as to your acceptance of the proposition submitted in my letter of November 17th hereinabove referred to.

Voucher for \$300.00 being the amount of my retainer enclosed herewith.

Very truly yours,

O. R. W. Robinson

ORWR/H

1 Enc.

CUYAMACA WATER CO.
FILE No. 84
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Dec. 15, 1915.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Spring and Temple St.,
Los Angeles, Calif.

Dear Sir:

Answering yours of December 14th, will say that Mr. Post was present when I dictated the letter to you, and it was Mr. Post who stated the terms and conditions agreed upon with you in the matter of your services.

Your letter of November 17th, I have never seen until now, as I have been in the hospital for four weeks.

I feel that your charges are excessive, under the circumstances, and Mr. Post and I will call on you in regard to this matter, probably some time next week.

My understanding is that there is no necessity of any appearance of Britton & Gray, before the Secretary of the Interior, if the case is appealed, and that you can handle it from Los Angeles on briefs if an appeal is made.

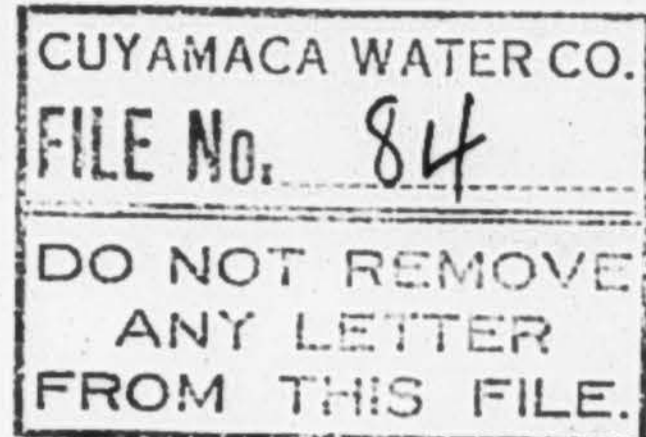
We expect to be in Los Angeles about Thursday or Friday.

Yours very truly,

CUYAMACA WATER COMPANY,

Manager.

EF-S



Dec. 16, 1915.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

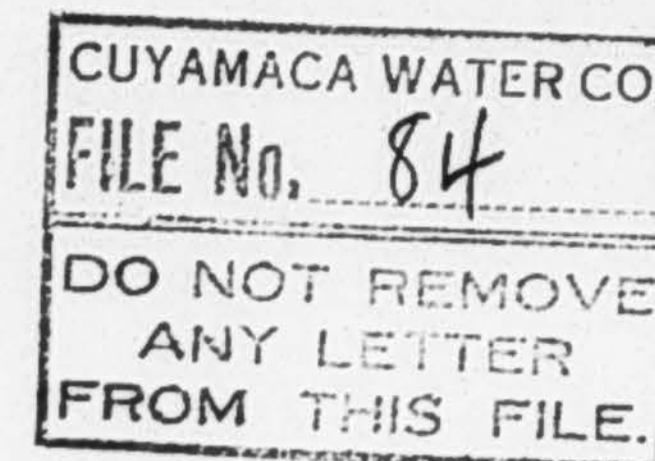
Answering yours of December 15th, thanks
for the information. We will be on hand Monday morning. Do
you feel that you have all the data necessary to win out?

Yours very truly,

CUYAMACA WATER COMPANY,

Manager.

F-S



Dec. 16, 1915.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

Enclosed herewith find clipping from the
San Diego Union of December 16, which certainly makes a monkey
out of the city. They are peeved at the Los Angeles Land Office,
and are going to try and put it through another way.

You might show this clipping to the land office officials if
you have a chance, and perhaps it would be wise to have it forward-
ed to Washington, or maybe you need it to introduce it as evidence.
Use your judgment in the matter.

Another thing, we offered yesterday to the City of San Diego
to furnish them 5,000,000 gallons of water a day for five or
six months, but we have such a bunch of fools for city council-
men that they are going to turn it down. The price of the water
was to be set by the State Railroad Commission. Instead they just
voted to pay \$10,000 to Hatfield the rainmaker, provided he fills
Morena Dam before the 20th of next December. It seems to me that
you should make note of this, and cross-examine me to the effect that
the city has abundant opportunity to get more water, and at a price
set by the Railroad Commission, but refused it. Mr. Post will bring
up a copy of that letter.

Yours very truly,

CUYAMACA WATER COMPANY,

Manager.

F-S

Dec. 24, 1915.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

Answering yours of December 24th, have you put to Mr. Mathews clearly the primary question as to whether in this proceeding we are compelled to make any answer to the opinion of Cosgrove? Has not Mr. Cosgrove the right to put in evidence in rebuttal of facts pertaining to the pueblo rights, thereby backing up his opinion in case we should in any way question the correctness of the opinion which has been introduced in evidence? This matter should be thoroughly gone into.

Mr. Gottesburn is going to Los Angeles this afternoon, with data for Mr. Mathews.

How important do you think it is for us to make an application ourselves, at the present time, limiting our flooding to only a small portion of the Indian Reservation, and without any real damage to anyone, or the flooding of any of the lands that are now being tilled by the Indians?

Yours very truly,

Manager.

CUYAMACA WATER CO.
FILE No. 84
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Extra Copy

WESTERN UNION DAY LETTER

Form 2569

GEORGE W. E. ATKINS, VICE-PRESIDENT

NEWCOMB CARLTON, PRESIDENT

BELVIDERE BROOKS, VICE-PRESIDENT

RECEIVER'S No.

TIME FILED

CHECK

SEND the following Day Letter, subject to the terms on back hereof, which are hereby agreed to

San Diego, Calif., Dec. 24, 1915.

O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Please send us, by express, our files Numbers Thirty-seven and Eighty-four, Sale of Excess Water to City of San Diego, and El Capitan Reservoir.

Cuyamaca Water Company.

Charge Cuyamaca Water Co.,
Day letter
FMF-S

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

Dec. 28, 1915.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

You have asked in a general way what my testimony will be in the Hamilton hearing. My suggestion is that it be along the following lines:

1st. That when we bought the system we followed our engineer's advice, and on the day we paid for the system, we made a water filing, in the name of Bertha Otterstedt, of all the waters in the River, simply as an additional precaution, as it was our intention to proceed with the development of the Cuyamaca system, as fast as the growth of the country demanded.

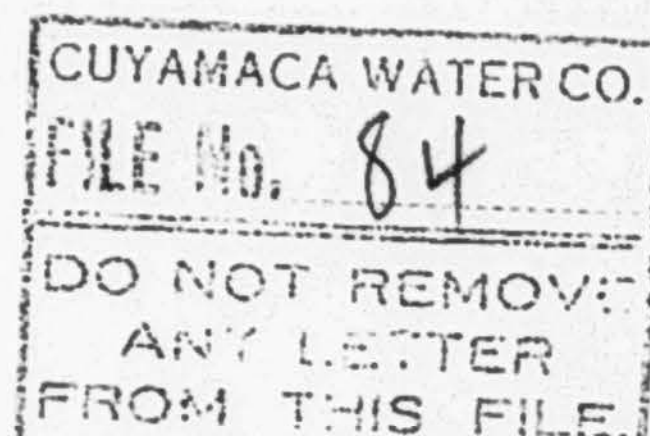
That we immediately commenced the diversion of more than twice the former amount of water through the flume; built the Murray Hill Reservoir; put in the Sand Creek concrete siphon; put in both the Chocolate and South Fork siphon; installed pumping plants during the dry seasons, on order of the Railroad Commission; raised the side-boards of the flume, and increased the carrying capacity and relined our flume, put in several thousand feet of steel trestle, new pipelines, etc.; and increased our diversion from ten or twelve million gallons a day to twenty-two million gallons daily, at La Mesa, through the flume and pipeline in its present condition, the length of this diversion being 35 miles.

By spending \$6000 or \$8000 increasing the capacity of the South Fork and Chocolate siphons, we can increase the delivery of water to approximately thirty to thirty-five million gallons daily to La Mesa Reservoir, Lower Otay Dam or the City of San Diego.

In addition, other improvements not mentioned heretofore are as follows: Money spent in new surveys; Boulder Creek Diversion in the mountains; raising of the Diverting Dam ten feet, etc.; the acquisition of El Capitan Reservoir site and dam site; the installation of the El Monte and the El Capitan pumping plants.

Our total cash invested in the system in its development since June 1, 1910, when we bought the system, is approximately \$600,000.

We have been under contract to sell to the La Mesa, Demon Grove and Spring Valley Irrigation District our entire system, at a price set by the State Railroad Commission. We had agreed to take the bonds of the irrigation district in payment. The Commission's decision as to the value of our system being \$745,000. We were not in any way satisfied with this value, but, as we had foolishly



included in our contract a clause that we would not appeal from the Railroad Commission's decision, we were thereby estopped from carrying the question of the value of our system to a higher court. However, Judge Boone, on behalf of one of his clients, brought a suit which clouded the title to the bonds; and so far has been able to block the sale of the system to the District. We are still negotiating with them, and hope to consummate the deal. The Cuyamaca Water Company furnishes all the water used by them to the cities of El Cajon and La Mesa, and over half of the water used by the City of East San Diego, all for domestic purposes. We have several thousand domestic consumers outside the city limits of the cities mentioned above. If the District takes our system over it will take over these obligations to furnish water to the different cities mentioned above.

RE HAMILTON FILING:

At the suggestion of Mr. Murray, we employed Mr. C. T. Sackett, engineer and Mr. Ben Hager, superintendent. Both of these gentlemen came from Montana for the purpose of working for the Cuyamaca Water Company. I believe Mr. Hager had an option to purchase from Mr. Murray a certain portion of his interest in the Cuyamaca Water Co., within a specified length of time, but it was never exercised. It was early in the year 1911 when Mr. Murray and I ordered Mr. Hager and Engineer Sackett to make a survey of the San Diego River, to determine which was the best dam site on the main stream to acquire. They surveyed the Diverting Dam as a possible reservoir site; also one above, known as the Helena Dam site. In addition to that, they surveyed down the river, and made a very favorable report on the El Capitan dam site, which we now own. They also ran a survey, which included a tunnel through the El Monte to the reservoir site on the "B" tract, about three miles south of the El Capitan Mountain. We spent several thousand dollars in making these surveys.

In the meantime Hager was drinking a great deal, and one of my friends told me of a conversation which took place between Sackett and Hager to the effect that they were planning to get control of the system and work Murray and Fletcher to a finish. My attention was called to a certain contract for employment of teams, in the matter of building the Murray Hill reservoir, and on investigation, I found that Mr. Hager was paying a dollar a day per team more for them than I could have secured the same stock for from the same man. Hager got beastly drunk a number of times; I got suspicious of the bunch, had Mr. Murray come to San Diego and Sackett was fired immediately. But Murray had an agreement to keep Hager for the certain length of time until his option expired to purchase a portion of the Cuyamaca. In the meantime, we employed a detective to watch the movements of both Sackett and Hager, and found that they were in close touch with Judge Boone, A. L. Ross and others.

When Sackett was fired, he took with him the surveys and maps from our office pertaining to the different reservoir sites along the river. I have this on the statement of Mr. Mathews, our secretary. I have never set eyes on the surveys and maps since. We brought

suit against both Hager and Sackett for the return of the maps, and for \$5000 damage, but we have never been able to serve either of these gentlemen, as they have seen fit to keep out of San Diego County ever since. I suppose this is one reason why they are not here at the trial.

I notice by the exhibits sent to Washington by Judge Boone that he admits being a personal enemy of mine. I have no such feeling, but I do feel it is important that all the facts should be brought out in this case, and wish to make the following explanation:

Judge Boone and I have had litigation and differences for fifteen or twenty years. He even tried to have me arrested for stealing two pieces of second-hand pipe which my foreman took by mistake, without my knowledge. He was attorney, for approximately fifteen years, for the San Diego Flume Company, from whom we bought the system. I refused to hire him when I took over the management of the Cuyamaca system for Mr. Murray and myself. This made him sore, and the important fact I wish to call the attention of the court to is as follows:

That the owners of the San Diego Flume Co., from whom we bought the system, were also stockholders in the La Mesa Development Co. They were practically the same stockholders in both companies. In selling the system to us, the San Diego Flume Co. reserved 150 inches of so-called water rights, to be known as "floating water rights", which they transferred to the La Mesa Development Co., said La Mesa Development Co. being controlled by practically the same people from whom we purchased the San Diego Flume system. We refused to recognize these so-called water rights, on the ground that there was no consideration, and that the contracts were illegal. In addition thereto, the State Railroad Commission, in the decision handed down by Hon. John M. Whlesan on March 28, 1913, made no recognition of these 150 inches of so-called water rights of the La Mesa Development Co.

Suit was brought by the La Mesa Development Co. against us to force recognition of these water rights, by M. C. Healion the former manager of the San Diego Flume Co., and the La Mesa Development Co. This case has been in litigation in courts ever since. There has been nothing that Judge Boone and Mr. Healion could possibly do that they have not done to annoy us ever since. We have even had litigation over two acres of rights of way, which the Cuyamaca Water Co. needed, and for which the La Mesa Development Co. demanded \$10,000. The jury gave them a verdict of \$328.50, yet the case has been appealed. I make this explanation for the following reason:

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If there is any virtue in the Hamilton filing, it seems to me that we have an interest in it, for we certainly paid for most of the data, as Mr. Hamilton's map filed with the Land Office shows that he secured the services of our discharged engineer, and undoubtedly took advantage of our records and maps which he took from our office, and which have never been returned.

I wish to call the court's attention to the fact that the Mayor of San Diego and all the engineers have testified to the need of at least five year's supply of water for the city of San Diego; that at the present time they have less than two year's supply on hand; and that, in that connection, last year we furnished to the City of San Diego, at a cost of ten cents a thousand gallons, approximately 300,000,000 gallons of water; that we are in position this year to furnish approximately 5,000,000 gallons daily, for a period of six or seven months, and have offered to do so, the price to be paid for same to be set by the State Railroad Commission, and the city of San Diego has turned the proposition down.

I have lived in the City of San Diego for 28 years. For ten or twelve years, to my knowledge, all the water that was used by the City of San Diego came from pumping plants in the San Diego River, and other witnesses will show that the San Diego Flume Co. whose system we afterwards purchased, for many years furnished pumped water out of the sands of the San Diego River, from the El Monte pumping plant, to the City of San Diego.

The city of San Diego was offered our system, at a price to be set by the State Railroad Commission, plus \$150,000, on the basis of \$50,000 down and \$10,000 a month until paid for. The City Council rejected this offer, and we sold immediately thereafter to the La Mesa, Lemon Grove and Spring Valley Irrigation District. I am satisfied that the action of the city in this case is simply one

to cloud the title to our water rights on the San Diego River, to keep us from selling to the District, and annoy us until we come to their terms in the matter of sale of all or a portion of our property to the city.

I want to call the court's attention to the following facts:

That the engineers for the city have testified it will cost \$2,000,000 to build El Capitan Dam and pipe line. They admit not even having determined bedrock at El Capitan or having surveyed to find the distance from El Capitan to the city. In addition to the \$2,000,000 which they estimated as the cost, must be added the cost of the riparian rights below; the cost of condemning our system, or at least that which we own in the San Diego River, including the El Capitan Dam site; our pumping plants; riparian rights, lands, etc. including the cost of moving the Indians. Certainly the total cost will be not less than \$3,000,000. In addition thereto, it will take at least five year's time to litigate these questions. The truth of the matter is that if the city of San Diego can only get a sort of a tax title hold, and temporary permit conditioned upon doing certain things they have accomplished their object, for it blocks us from doing what we intend to do, in case we don't sell the system to the District; i.e., to build a small dam at El Capitan, enough to impound the flood waters that would otherwise run to the ocean, taking into consideration first the needs of the riparian owners below, and letting them have the supply that they are entitled to. Any excess water from the El Capitan Dam we would pump into our flume at a small cost.

This has been the plan of Mr. Murray and myself for sometime, in case we went ahead with the development of the system. We would in no way be disturbing the Indians on the reservation, as our reservoir would not be to exceed 70 or 80 feet in height, at the most.

We have spent several thousand dollars at the El Capitan Dam site, driving tunnels, until our side walls are reached; clearing off the reservoir site; making water filings, etc. If the city's claim to the Hamilton water filing is rejected, we shall undoubtedly make an application a little later on, if we continue to own the system.

To sum the situation up in a few words: We purchased the system for cash on June 1, 1910; made our water filings; protected our water rights, by spending \$600,000 on the system; made our diversions; and now we ask the U. S. Government to protect a legitimate enterprise -- a public utility -- in its established rights and in its efforts to protect the supply of several cities

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Yours very truly,

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406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

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To sum the situation up in a few words: We purchased the system for cash on June 1, 1910; made our water filings; protected our water rights, by spending \$600,000 on the system; made our diversions; and now we ask the U. S. Government to protect a legitimate enterprise -- a public utility -- in its established rights and in its efforts to protect the supply of several cities

and irrigating sections who are dependent upon us for their water supply.

RIPARIAN EXPERT

I have for nine years been buying lands and water rights up and down the San Luis Rey River, in San Diego County, for forty-five miles. If you want to ask me any questions on the riparian right values, I can answer them.

ACQUISITION EL CAPITAN DAMSITE BY CITY

If the Indian Service grant this permit of Hamilton's, which has been assigned to the City without any consideration, then the following is the situation:

The United States Government has granted a permit to flood certain sections of the Indian Reservation, to the City, but the City of San Diego will have to condemn the El Capitan Damsite, which we own and on which we have spent a great deal of money in tunnels; in addition we own the Valley for approximately one third a mile below the damsite, and two thirds of a mile of the Valley of the reservoir site above.

On the lands we own above the El Capitan damsite we have installed pumping plants that cost us approximately \$30,000. - these are used to furnish water to the consumers of the Cuyamaca Water Company - and we pump from the San Diego River bed directly into our flume, a distance of approximately six or eight hundred feet from the pumping plant. Then we have another pumping plant on the Indian reservation costing between six and eight thousand dollars. These pumping plants are used for a reserve supply which is used in case of a shortage of water, and both of these pumping plants will be covered with water one hundred or one hundred and twenty-five feet deep if the City acquires and builds the El Capitan Reservoir.

Then again both our South Fork and the Chocolate Syphon, which conveys all our water to our consumers, will be covered with over one hundred feet of water and it will cost \$35,000. at least to remedy this condition.

Within the El Capitan Reservoir site east of us next comes private property owned by a party by the name of Head, approximately eighty acres I believe, which will have to be purchased by the City. The next property east and north is owned by a Mr. Henderson, one hundred and sixty acres I believe, which will have to be acquired. In other words the permission asked by the City from the United States Indian Service is to flood lands in the Indian Reservation, which are approximately one and a half miles away from the El Capitan damsite, which they do not own and must acquire. In addition it will cost approximately \$75,000. to build a County road for seven or eight miles to take the place of the present County road up the Valley just below the El Capitan damsite. Approximately three miles away is the El Monte Pumping Plant

from which we can and have pumped three million gallons of water daily. It was at this point that for five or six years practically all the water consumed by the City and the Cuyamaca Water Company consumers was pumped. This pumping plant is part of the Cuyamaca Water Company which is a public utility furnishing water to three different cities El Cajon, East San Diego and La Mesa, and there will be great damage done to this property by the construction of the El Capitan dam. I am also satisfied it will cost a half million dollars at least to acquire the riparian rights from the El Capitan dam to the ocean, if the City ever attempts to build the El Capitan dam.

Yours very truly,

Ed J

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Dec. 28, 1915.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

You have asked in a general way what my testimony will be in the Hamilton hearing. My suggestion is that it be along the following lines:

1st. That when we bought the system we followed our engineer's advice, and on the day we paid for the system, we made a water filing, in the name of Bertha Otterstedt, of all the waters in the River, simply as an additional precaution, as it was our intention to proceed with the development of the Cuyamaca system, as fast as the growth of the country demanded.

That we immediately commenced the diversion of more than twice the former amount of water through the flume; built the Murray Hill Reservoir; put in the Sand Creek concrete siphon; put in both the Chocolate and South Fork siphon; installed pumping plants during the dry seasons, on order of the Railroad Commission; raised the side-boards of the flume, and increased the carrying capacity and relined our flume, put in several thousand feet of steel trestle, new pipelines, etc.; and increased our diversion from ten or twelve million gallons a day to twenty-two million gallons daily, at La Mesa, through the flume and pipeline in its present condition, the length of this diversion being 35 miles.

By spending \$6000 or \$8000 increasing the capacity of the South Fork and Chocolate siphons, we can increase the delivery of water to approximately thirty to thirty-five million gallons daily to La Mesa Reservoir, Lower Otay Dam or the City of San Diego.

In addition, other improvements not mentioned heretofore are as follows: Money spent in new surveys; Boulder Creek Diversion in the mountains; raising of the Diverting Dam ten feet, etc.; the acquisition of El Capitan Reservoir site and dam site; the installation of the El Monte and the El Capitan pumping plants.

Our total cash invested in the system in its development since June 1, 1910, when we bought the system, is approximately \$600,000.

We have been under contract to sell to the La Mesa, Demon Grove and Spring Valley Irrigation District our entire system, at a price set by the State Railroad Commission. We had agreed to take the bonds of the irrigation district in payment. The Commission's decision as to the value of our system being \$745,000. We were not in any way satisfied with this value, but, as we had foolishly

Dec. 23, 1915.

Mr. O. H. W. Robinson,
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Los Angeles, Calif.

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suit against both Hager and Sackett for the return of the maps, and for \$5000 damage, but we have never been able to serve either of these gentlemen, as they have seen fit to keep out of San Diego County ever since. I suppose this is one reason why they are not here at the trial.

I notice by the exhibits sent to Washington by Judge Boone that he admits being a personal enemy of mine. I have no such feeling, but I do feel it is important that all the facts should be brought out in this case, and wish to make the following explanation:

Judge Boone and I have had litigation and differences for fifteen or twenty years. He even tried to have me arrested for stealing two pieces of second-hand pipe which my foreman took by mistake, without my knowledge. He was attorney, for approximately fifteen years, for the San Diego Flume Company, from whom we bought the system. I refused to hire him when I took over the management of the Cuyamaca system for Mr. Murray and myself. This made him sore, and the important fact I wish to call the attention of the court to is as follows:

That the owners of the San Diego Flume Co., from whom we bought the system, were also stockholders in the La Mesa Development Co. They were practically the same stockholders in both companies. In selling the system to us, the San Diego Flume Co. reserved 150 inches of so-called water rights, to be known as "floating water rights", which they transferred to the La Mesa Development Co., said La Mesa Development Co. being controlled by practically the same people from whom we purchased the San Diego Flume system. We refused to recognize these so-called water rights, on the ground that there was no consideration, and that the contracts were illegal. In addition thereto, the State Railroad Commission, in the decision handed down by Hon. John M. Eshleman on March 28, 1913, made no recognition of these 150 inches of so-called water rights of the La Mesa Development Co.

Suit was brought by the La Mesa Development Co. against us to force recognition of these water rights, by M. C. Healion the former manager of the San Diego Flume Co., and the La Mesa Development Co. This case has been in litigation in courts ever since. There has been nothing that Judge Boone and Mr. Healion could possibly do that they have not done to annoy us ever since. We have even had litigation over two acres of rights of way, which the Cuyamaca Water Co. needed, and for which the La Mesa Development Co. demanded \$10,000. The jury gave them a verdict of \$328.50, yet the case has been appealed. I make this explanation for the following reason:

That Judge Boone, representing the La Mesa Development Co., and Mr. Healion, are the prime movers in making us trouble. Mr. Hamilton admits that Judge Boone drew up the notice of appropriation. Mr. Hamilton admits also that one A. L. Ross called his attention to the water development on the San Diego River. Mr. A. L. Ross is a partner

in at least one large real estate deal that I know of, with Mr. Healion, the present manager of the La Mesa Development Co., and Mr. Ross has handled most of the La Mesa Development Company's properties.

Judge Boone and Mr. Sackett, our discharged engineer, became very friendly immediately after Mr. Sackett left our employ, and they have worked together hand and glove ever since. This also applies to Mr. Hager.

I claim that the motive for the Hamilton Water filing was to try to force the Cuyamaca Water Co. to make a settlement with the La Mesa Development Company in their suit; and that Judge Boone took advantage, not alone of the services of our discharged engineer, but of the records that were taken from our office, and there is no question in my mind but what Mr. Sackett called Boone's attention to the value of the El Capitan Dam site. The whole proposition was simply a fake filing, in my opinion, and planned to make us trouble.

If there is any virtue in the Hamilton filing, it seems to me that we have an interest in it, for we certainly paid for most of the data, as Mr. Hamilton's map filed with the Land Office shows that he secured the services of our discharged engineer, and undoubtedly took advantage of our records and maps which he took from our office, and which have never been returned.

I wish to call the court's attention to the fact that the Mayor of San Diego and all the engineers have testified to the need of at least five year's supply of water for the city of San Diego; that at the present time they have less than two year's supply on hand; and that, in that connection, last year we furnished to the City of San Diego, at a cost of ten cents a thousand gallons, approximately 300,000,000 gallons of water; that we are in position this year to furnish approximately 5,000,000 gallons daily, for a period of six or seven months, and have offered to do so, the price to be paid for same to be set by the State Railroad Commission, and the city of San Diego has turned the proposition down.

I have lived in the City of San Diego for 28 years. For ten or twelve years, to my knowledge, all the water that was used by the City of San Diego came from pumping plants in the San Diego River, and other witnesses will show that the San Diego Flume Co. whose system we afterwards purchased, for many years furnished pumped water out of the sands of the San Diego River, from the El Monte pumping plant, to the City of San Diego.

The city of San Diego was offered our system, at a price to be set by the State Railroad Commission, plus \$150,000, on the basis of \$50,000 down and \$10,000 a month until paid for. The City Council rejected this offer, and we sold immediately thereafter to the La Mesa, Lemon Grove and Spring Valley Irrigation District. I am satisfied that the action of the city in this case is simply one

to cloud the title to our water rights on the San Diego River, to keep us from selling to the District, and annoy us until we come to their terms in the matter of sale of all or a portion of our property to the city.

I want to call the court's attention to the following facts:

That the engineers for the city have testified it will cost \$2,000,000 to build El Capitan Dam and pipe line. They admit not even having determined bedrock at El Capitan or having surveyed to find the distance from El Capitan to the city. In addition to the \$2,000,000 which they estimated as the cost, must be added the cost of the riparian rights below; the cost of condemning our system, or at least that which we own in the San Diego River, including the El Capitan Dam site; our pumping plants; riparian rights, lands, etc. including the cost of moving the Indians. Certainly the total cost will be not less than \$3,000,000. In addition thereto, it will take at least five year's time to litigate these questions. The truth of the matter is that if the city of San Diego can only get a sort of a tax title hold, and temporary permit conditioned upon doing certain things they have accomplished their object, for it blocks us from doing what we intend to do, in case we don't sell the system to the District; i.e., to build a small dam at El Capitan, enough to impound the flood waters that would otherwise run to the ocean, taking into consideration first the needs of the riparian owners below, and letting them have the supply that they are entitled to. Any excess water from the El Capitan Dam we would pump into our flume at a small cost.

This has been the plan of Mr. Murray and myself for sometime, in case we went ahead with the development of the system. We would in no way be disturbing the Indians on the reservation, as our reservoir would not be to exceed 70 or 80 feet in height, at the most.

We have spent several thousand dollars at the El Capitan Dam site, driving tunnels, until our side walls are reached; clearing off the reservoir site; making water filings, etc. If the city's claim to the Hamilton water filing is rejected, we shall undoubtedly make an application a little later on, if we continue to own the system.

To sum the situation up in a few words: We purchased the system for cash on June 1, 1910; made our water filings; protected our water rights, by spending \$600,000 on the system; made our diversions; and now we ask the U. S. Government to protect a legitimate enterprise -- a public utility -- in its established rights and in its efforts to protect the supply of several cities

and irrigating sections who are dependent upon us for their water supply.

RIPARIAN EXPERT

I have for nine years been buying lands and water rights up and down the San Luis Rey River, in San Diego County, for forty-five miles. If you want to ask me any questions on the riparian right values, I can answer them.

ACQUISITION EL CAPITAN DAMSITE BY CITY

If the Indian Service grant this permit of Hamilton's, which has been assigned to the City without any consideration, then the following is the situation:

The United States Government has granted a permit to flood certain sections of the Indian Reservation, to the City, but the City of San Diego will have to condemn the El Capitan Damsite, which we own and on which we have spent a great deal of money in tunnels; in addition we own the Valley for approximately one third a mile below the damsite, and two thirds of a mile of the Valley of the reservoir site above.

On the lands we own above the El Capitan damsite we have installed pumping plants that cost us approximately \$30,000. - these are used to furnish water to the consumers of the Cuyamaca Water Company - and we pump from the San Diego River bed directly into our flume, a distance of approximately six or eight hundred feet from the pumping plant. Then we have another pumping plant on the Indian reservation costing between six and eight thousand dollars. These pumping plants are used for a reserve supply which is used in case of a shortage of water, and both of these pumping plants will be covered with water one hundred or one hundred and twenty-five feet deep if the City acquires and builds the El Capitan Reservoir.

Then again both our South Fork and the Chocolate Syphon, which conveys all our water to our consumers, will be covered with over one hundred feet of water and it will cost \$35,000. at least to remedy this condition.

Within the El Capitan Reservoir site east of us next comes private property owned by a party by the name of Head, approximately eighty acres I believe, which will have to be purchased by the City. The next property east and north is owned by a Mr. Henderson, one hundred and sixty acres I believe, which will have to be acquired. In other words the permission asked by the City from the United States Indian Service is to flood lands in the Indian Reservation, which are approximately one and a half miles away from the El Capitan damsite, which they do not own and must acquire. In addition it will cost approximately \$75,000. to build a County road for seven or eight miles to take the place of the present County road up the Valley just below the El Capitan Damsite. Approximately three miles away is the El Monte Pumping Plant

from which we can and have pumped three million gallons of water daily. It was at this point that for five or six years practically all the water consumed by the City and the Cuyamaca Water Company consumers was pumped. This pumping plant is part of the Cuyamaca Water Company which is a public utility furnishing water to three different cities El Cajon, East San Diego and La Mesa, and there will be great damage done to this property by the construction of the El Capitan dam. I am also satisfied it will cost a half million dollars at least to acquire the riparian rights from the El Capitan dam to the ocean, if the City ever attempts to build the El Capitan dam.

Yours very truly,

-F- S

Dec. 29, 1915.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

Enclosed find check for \$50, as per your letter of December 28th, itemized account to be rendered later. Kindly sign enclosed voucher.

Mr. Thum is a personal friend of mine, and I want you to go the limit to furnish him with any information you can.

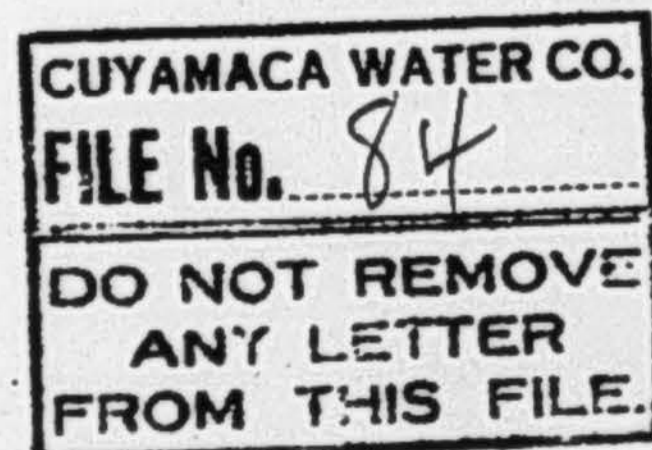
Yours very truly,

CUYAMACA WATER COMPANY,

Manager.

F-S

P. S. Enclosed also find check for \$15, as per your bill of December 1, 1915.



COPY

Law Offices of
O R W ROBINSON
406-7-8 International Bank Bldg.,
Corner Spring & Temple Streets
Los Angeles.

Jan. 8, 1916.

Col. Ed Fletcher,
P. O. Box 1412,
San Diego, Cal.

My dear Colonel:-

In accordance with my recent conversation on the subject of the Carroll University Canal and the Carroll Reservoir I am enclosing herewith copy of Commissioner's letter "F" of Aug. 31, 1915 and Commissioner's letter "F" of October 5, 1915, which are self-explanatory. You will note that we have until April 1, 1916 within which to comply with the provisions of the letter first above referred to.

In view of the fact that the necessary surveys have been made I would suggest that the matter be given immediate consideration and that the additional data required by the Commissioner be submitted at the earliest possible moment.

Very truly yours,

O R W Robinson

ORWR/H

2 Enc.

January 8, 1916.

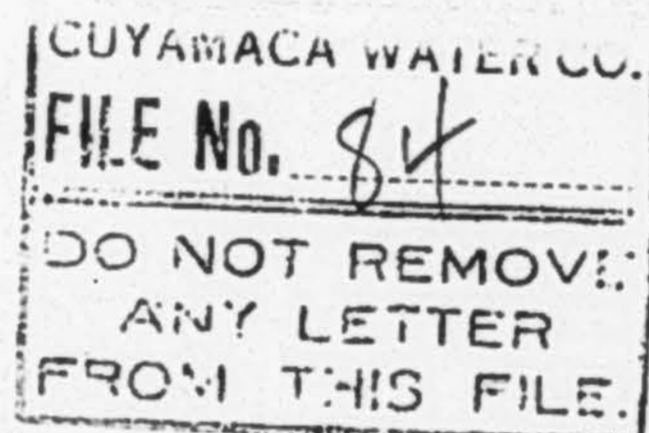
Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

Enclosed find clipping that will be of interest,
from the San Diego Tribune of December 28, 1915.
Do you want to give this to the Register and Receiver? It
shows that the City of San Diego is going after it both ways.

yours very truly,

F-S



June 9, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

Enclosed please find our check No. 8793
on the First National Bank of San Diego, for \$207.41, being
in full payment of your bill for professional services
rendered during April, 1916.

Kindly receipt the enclosed voucher, returning same at
your convenience.

Thanking you for waiting on us, we are,

Yours very truly,

CUYAMACA WATER COMPANY.

Secretary

M-S

84

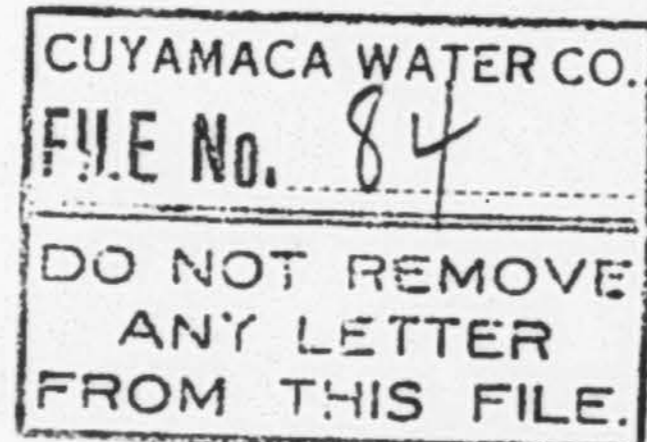
January 11, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

Enclosed find clipping that will be of interest
no doubt. Cosgrove commenced to lambast me the day he got
back.

Yours very truly,



Jan. 12, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

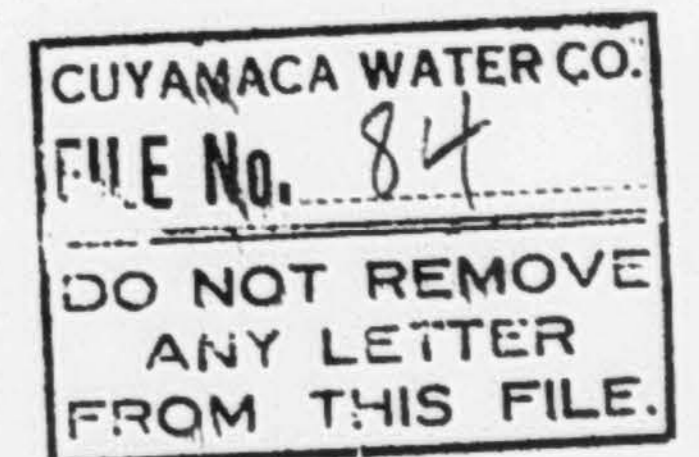
Answering your letter of January
eleventh, will say that we expect to deed the Cuyamaca
System to a Corporation the first of February, issue
\$600,000. worth of bonds, and not alone pay the Government
\$2600. on the Conejos application, but build a dam. We
will also raise the La Mesa Dam, and probably the Divert-
ind Dam, forty feet. This information is not for general
publication.

Yours very truly,

CUYAMACA WATER COMPANY

By _____
Manager

HF:B



January 14, 1916

Mr. O.R.W. Robinson,
406-7-8 International Bank Bldg.,
Los Angeles, Cal.

Dear Sir:-

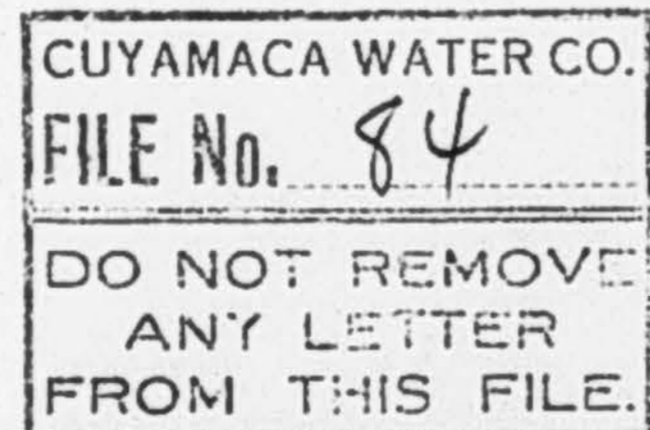
I enclose prints of Cuyamaca Water
Company's Exhibits "U" and "V" which were pre-
sented at the hearing in Los Angeles a few
days ago.

Yours very truly,

Assistant Manager.

FMP-K

Enclos.



January 15, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

Enclosed find copy of telegram from Britton & Gray,
attorneys at Washington; also clipping from last Sunday's
paper. Do you think Congress would give permission to have
those lands condemned without referring it to the Indian
Service?

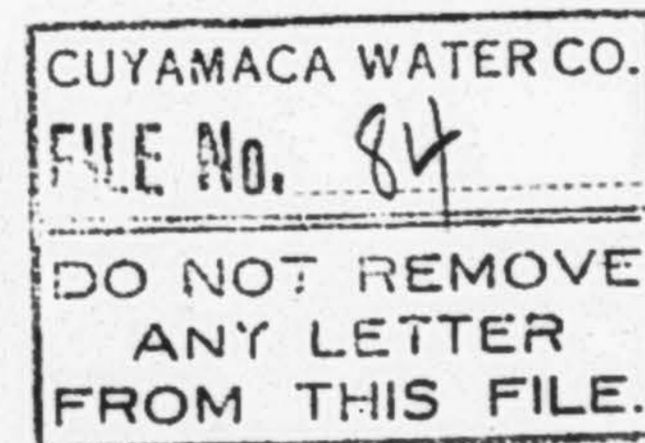
Let me know what you think of that letter to U. S. Senator
Phelan, of which I sent you a copy, by return mail.

Yours very truly,

CUYAMACA WATER COMPANY,

manager.

F-S



January 15, 1916.

Mr. O. R. W. Robinson,
International Bank Bldg.,
Los Angeles, Cal.

Dear Sir:-

I enclose herewith U. S. Exhibit II which was sent me by Mr. Huber in order that we could make a copy for our files.

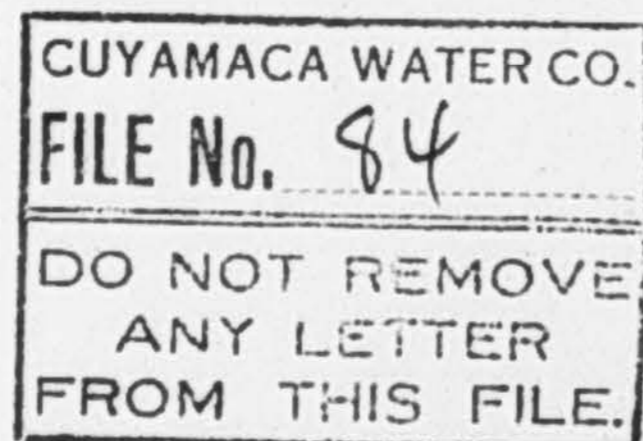
Mr. Fletcher has written you a letter regarding a telegram received from Britton & Gray asking information as to how much of the official record in Washington on Sand Creek and South Fork Syphon right of way is desired. This wire has not been answered and I believe it would be best for you to reply to them direct.

Very truly yours,

Assistant Manager.

FMF-K

Enclos.



LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

Jan. 15, 1916.

Mr. F. M. Faude,
Assistant Manager,
Cuyamaca Water Co.,
San Diego, Calif.
P. O. Box 1412.

My dear Mr. Faude:

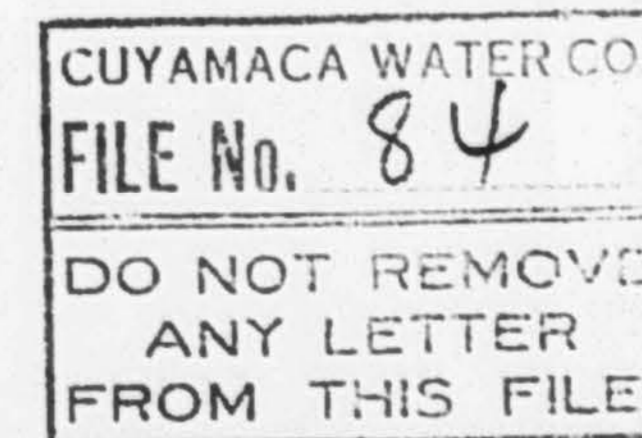
I beg to acknowledge your communication of the 14th inst. enclosing copies of contestant's Exhibits "U" and "V", which I have delivered to the officials of the Indian Service.

To complete my own files I would greatly appreciate copies of said Exhibits at your earliest convenience

Very truly yours,

O. R. W. Robinson

ORWR/H



LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

Jan 17, 1916.

Mr. F. M. Faude,
P. O. Box 1412,
San Diego, Cal.

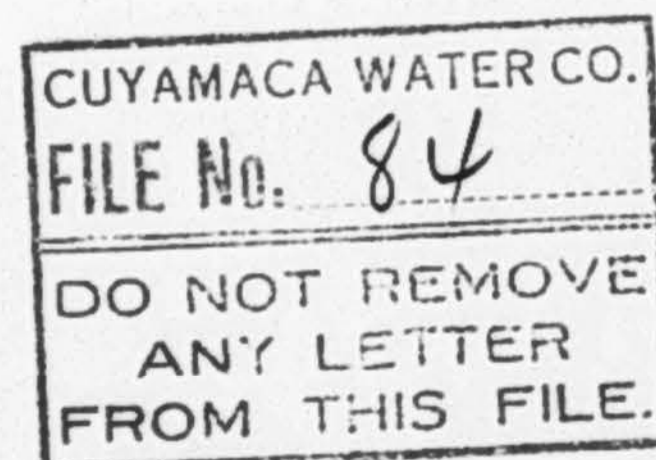
Dear Sir:

I beg to acknowledge receipt of your communication of the 15th inst. enclosing U. S. Exhibit II. I have today replied to Britton & Gray's wire and have mailed copy of same to Col. Fletcher.

Very truly yours,

O. R. W. Robinson

ORWR/H



January 20, 1916

Mr. O. R. W. Robinson,
International Bank Bldg.,
Los Angeles, Cal.

My dear Mr. Robinson:-

I desire to acknowledge receipt of your communication of the 15th inst.

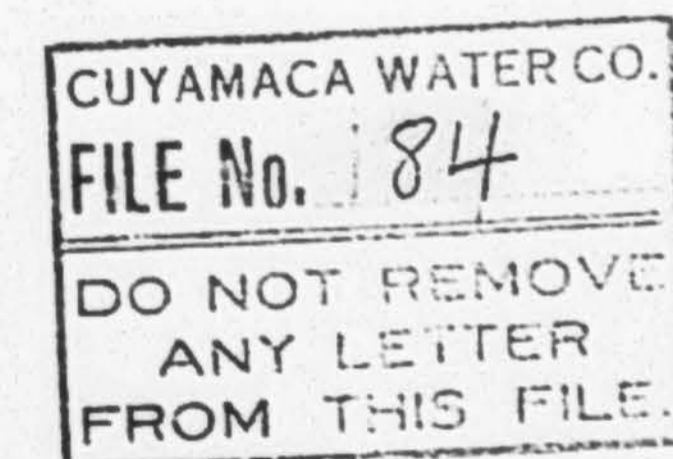
I am sending you herewith copies of Contestant's Exhibits "U" and "V" which were filed in the Land Office of Los Angeles during the recent hearing.

Very truly yours,

Assistant Manager.

FME-K

Enclos.



Jan. 22, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

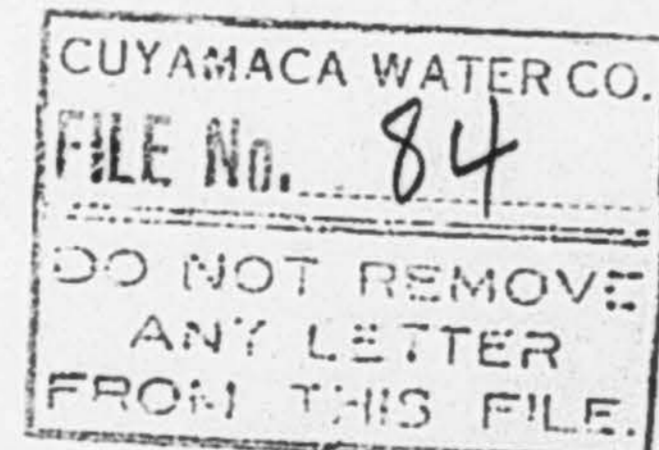
My dear Mr. Robinson:

Enclosed herewith find copy of letter received today. Will you please write on to Washington, and get a copy of the bill, and please furnish a copy to Mr. Oldberg; also one to Mr. Huber in San Francisco; one to Mr. Mancha and one to this office.

Yours very truly,

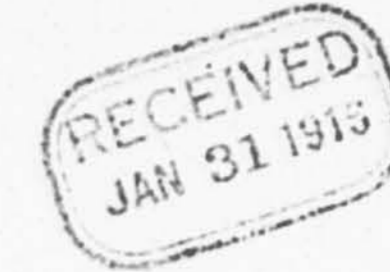
Manager.

F-5



LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

Jan. 27, 1916.



Cuyamaca Water Co.,
P. O. Box 1412,
San Diego, Cal.

Gentlemen:

Under separate cover I have mailed my expense account for the months of December and January in the Hamilton matter and in this connection I enclose herewith my check for \$7.50 to cover balance turned over to me by the Land Office on account of the view of the premises had on January 1st.

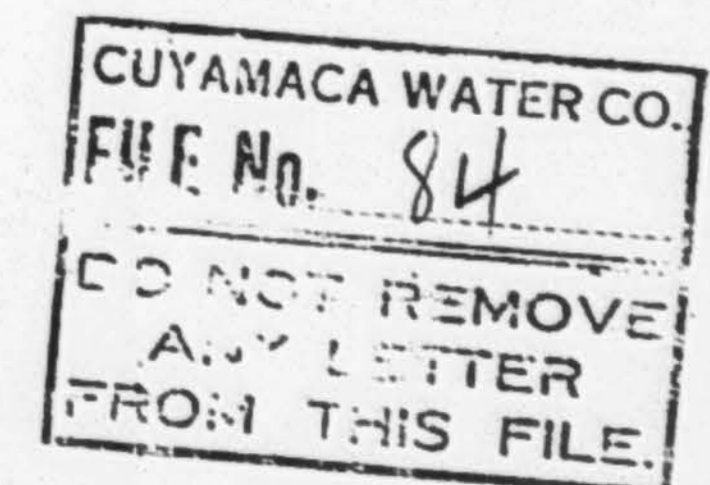
The total cost to us of said view being \$48.50.

Very truly yours,

O. R. W. Robinson

ORWR/H

1 Enc.



January 27, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

Enclosed find copy of letter from Britton & Gray,
our attorneys at Washington; also copy of telegram which
we sent today to Secretary of the Interior Lane. Have wired
Governor Eshleman, who is in Washington to see Lane.

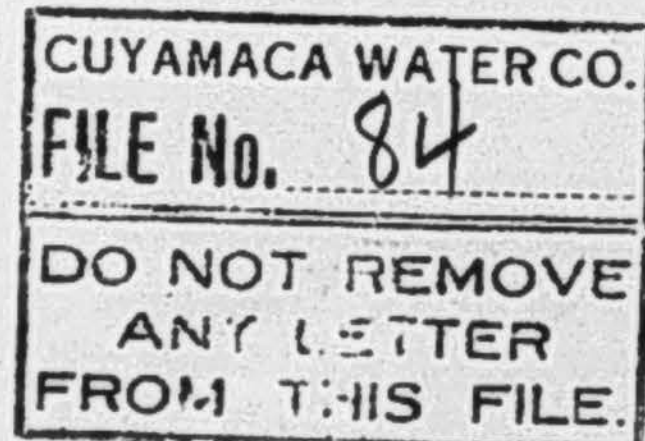
You can see that Kettner deceived Congressman Stephens,
his game being to keep the bill out of Congress until it had
the approval of the Secretary of the Interior.

Get hold of Oldberg. Am sending you two copies. See that
Oldberg gets one immediately, and ask him if he cannot wire
someone in Washington to have the Secretary of the Interior
withhold his approval of the bill.

Yours very truly,

CUYAMACA WATER COMPANY,

Manager.



January 28, 1916.

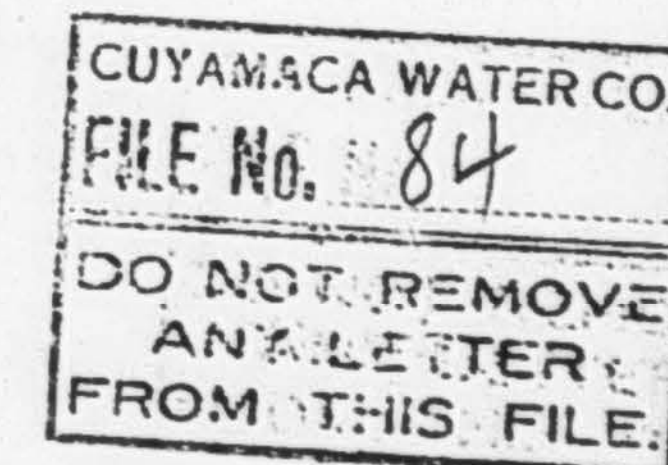
Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

Answering yours of January 24th, enclosed
find clipping. Mr. Kettner is side-stepping, and is playing the
game with City Attorney Cosgrove. I want you to try and find
out from Oldberg of the Indian Department just what is being
done in Washington. There can be no question but what it is
intended to introduce the bill, or the bill has already been
introduced. And Britton & Gray said in their telegram that the
bill had been referred to the Indian Service, so there must be
some mistake, and there is no question but what the bill has
been introduced, in my opinion. Please find out.

Yours very truly,

F-S



January 31, 1916.

an 5 500M-6-15

FEDERAL TELEGRAPH COMPANY

TELEGRAM

W. HOPIKIS, VICE-PRES. JOHN L. DEAHL, PRES. H. P. VEEDER, VICE-PRES. & GEN. MGR.

RECEIVER'S NO.	TIME FILED	CHECK	INDICATE BY	RATE DESIRED
			X	RATE DESIRED
				DAY MESSAGE
			X	DAY LETTER
				NIGHT LETTER

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

San Diego, Calif., Jan. 31, 1916.

O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Answering Your letter twenty-ninth, have ^{you} friend in
Washington furnish any information to Governor Eshleman, address
Hotel Willard, Washington, D. C.

Ed Fletcher.

Day letter.
F-S
Charge Cuyamaca Water Co.

Poulsen System

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

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

Enclosed find letters from Huber, which are explanatory.
I am going to get the City of El Cajon and the City of La Mesa
as well to protest, if I can.

Yours very truly,

F-S

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

February 1, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

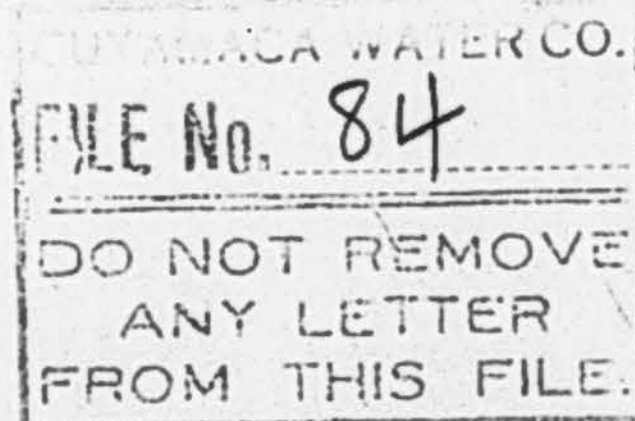
I return to you today, by
express, evidence of Hamilton and Cromwell. Kindly
acknowledge receipt.

Yours very truly,

CUYAMACA WATER COMPANY,

Manager.

F-S



Feb. 3, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

Replying to your letter of January 27,
in which you enclose your bill for expenses for the months
of December and January, we beg to hand you herewith our
check for \$56.42 in payment of same, and would ask that you
receipt the enclosed voucher and return same at your convenience.

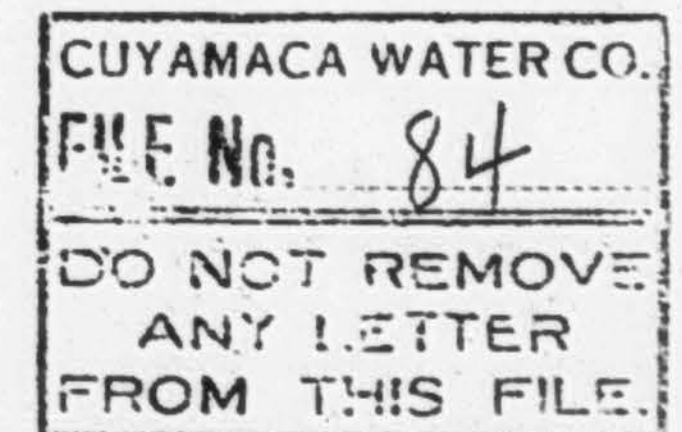
We are also enclosing receipted bill for \$7.50, account of
refund of amount advanced December 28, 1915, for expenses of
inspection of El Capitan Damsite, Jan. 1, 1916.

Yours very truly,

CUYAMACA WATER COMPANY,

Secretary

M-S



February 4, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, California.

Friend Robinson:

Answering yours of February third - Congratulations.

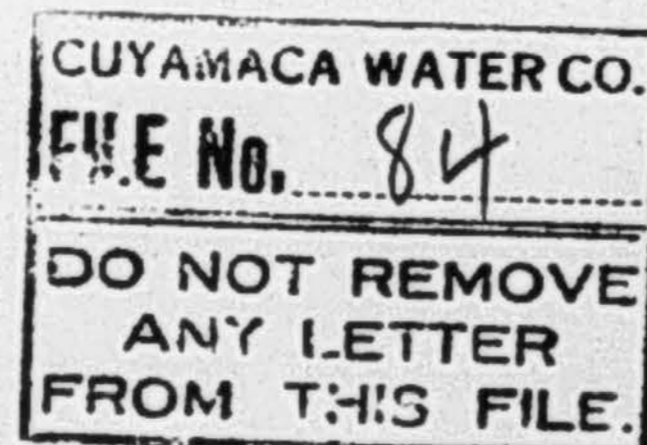
I feel we have the situation in Washington well in hand.

By the way, get a hold of Mr. Mathews of Bordwell and Mathews so we will know positively that he will be there to cross-examine Mr. Cosgrove next Wednesday the ninth - at the hearing of the El Capitan case.

I am pleased to inform you that we have had no loss to any of our dams, and the total damage to our flume is roughly about \$10,000. This is absolutely nothing compared to the loss sustained by the different systems in the County. As you know, the City has lost the Otay Dam. Will talk the situation over with you when I arrive in Los Angeles Tuesday afternoon the eighth.

Yours very truly,

EF:B



Feb. 5, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

Enclosed herewith find copy of a certified copy of the original patent. Mr. Post will bring up the certified copy and the balance of the copies. You had better take this matter up with Mr. Mathews and see whether or not it is advisable to introduce this.

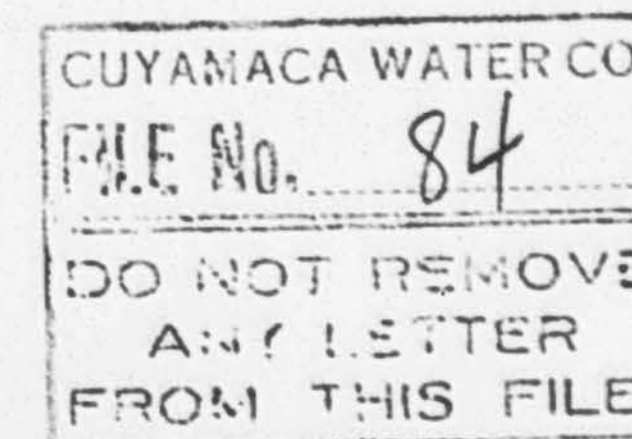
This is in answer to Mr. Mancha's request.

Yours very truly,

CUYAMACA WATER COMPANY,

F-S

Manager.



LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

Feb. 13, 1916.



Col. Ed Fletcher,
P. O. Box 1412,
San Diego, Cal.

My dear Colonel:

Referring to the subject matter of my last conversation with you and in pursuance of my agreement in the matter of the trial of the Hamilton case I am enclosing herewith my bill to the amount of \$700.00 I have several pressing obligations to meet within the next few days and would appreciate greatly a check for as much of this amount as it may be convenient for you to remit at the present time.

Personally I am very much pleased with the condition of the record of the trial just closed and while I will not be surprised of an unfavorable decision from the local office, I have every reason to believe that we will win on appeal before either the Commissioner or Secretary, and this belief is shared by my associate counsellor, Mr. W. B. Mathews.

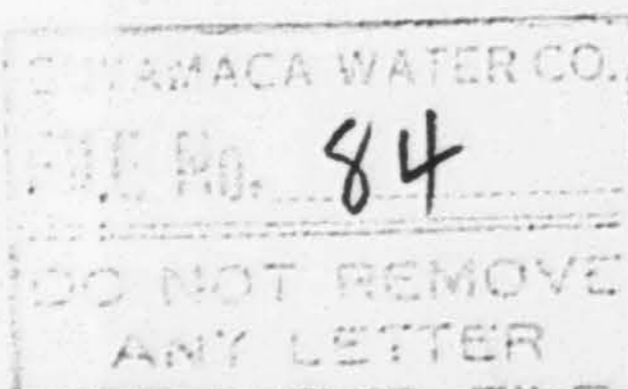
Hoping to hear from you in the immediate future,

I am

Very truly yours,

ORWR/h

1 Enc.



Feb. 15, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

Enclosed we beg to hand you herewith our check for \$400, on the First National Bank of San Diego, as part payment for services rendered re hearing before Land Office in Los Angeles, in the matter of the El Caviton Dam vs. the City of San Diego.

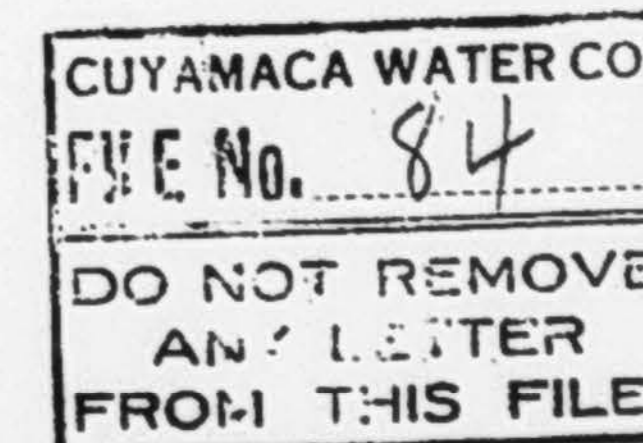
Kindly receipt the enclosed voucher, and return same at your convenience, and oblige,

Yours very truly,

CUYAMACA WATER COMPANY.

Secretary.

M-S



LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

Feb. 16, 1916.

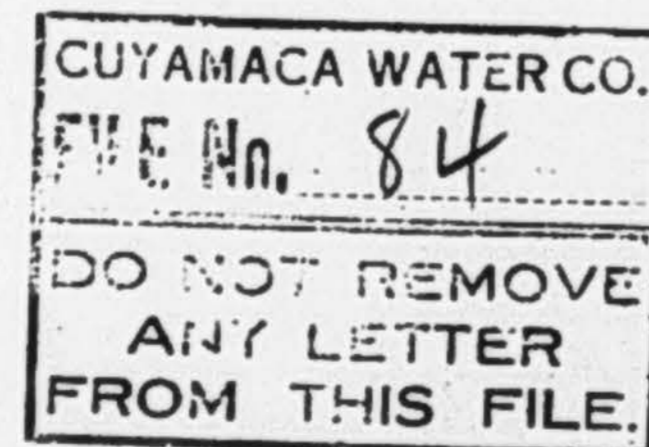


Cuyamaca Water Co.,
P. O. Box 1413,
San Diego, Cal.

Gentlemen:

I beg to acknowledge receipt of your communication of the 15th inst. together with enclosed check for \$400.00 on account of legal services in the El Capitan matter. Signed voucher for said payment being enclosed herewith. Please accept my thanks for same.

Very truly yours,



ORWR/H

1 Enc.

Feb. 17, 1916.

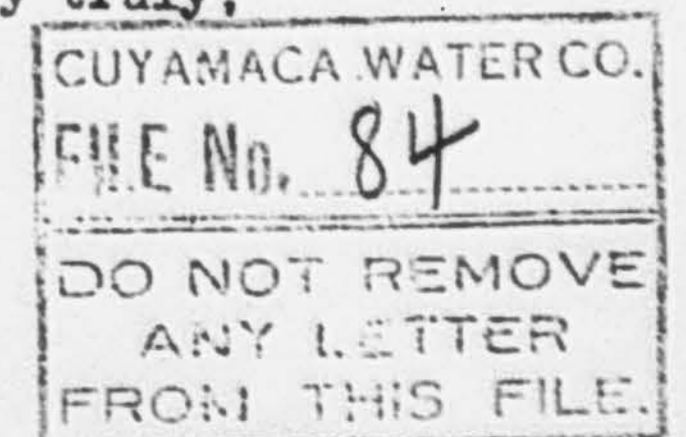
Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

Enclosed find copy of telegram from Eshleman, which is explanatory, in relation to bill being introduced in Congress for the El Capitan lands. What I want to know is will Congress pass a bill without the approval of the Indian Service, and if not can and will the Indian Service give us a fair hearing? Enclosed find clipping showing that the city claims five year's supply of water on hand on Jan. 31, after the Otay Dam went out; and according to their own statement ^{is} their damage between \$800,000 and \$1,000,000, which they will have to dig up immediately by bond issue. This leaves a bonding capacity of less than \$1,000,000, so it is foolish for them to think of going ahead on the El Capitan proposition. What do you think of this matter?

Had we better cut out Britton & Gray and what is it going to cost us to employ Gladdis and Marshall? I don't want to incur any indebtedness to Gladdis & Marshall until I know what it is going to cost.

Yours very truly,



F-S

Feb. 18, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

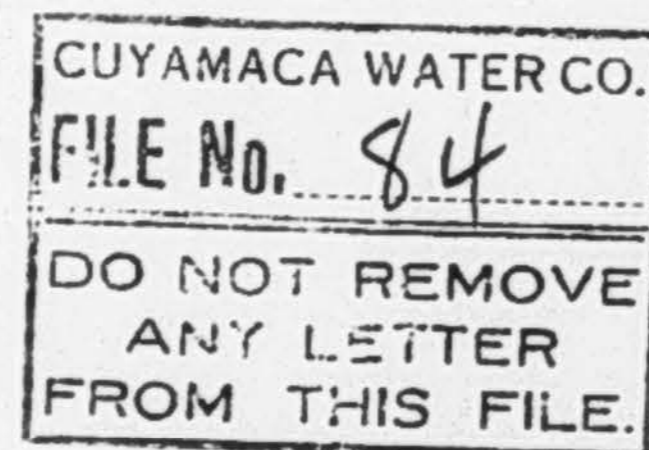
Enclosed herewith find clipping referred to in Mr.
Fletcher's letter to you of last night.

Yours very truly,

Ed Fletcher,

By _____

MMS



Feb. 23, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

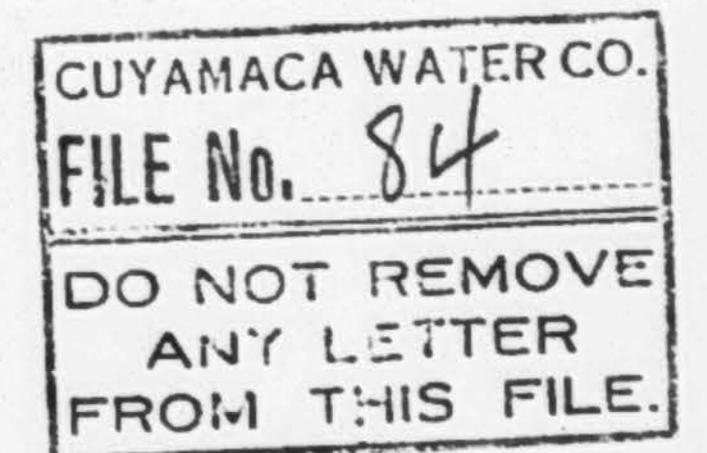
When can we have a complete copy of the
testimony introduced at the hearing?

Yours very truly,

CUYAMACA WATER COMPANY,

By _____
Manager.

F-S



Feb. 24, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

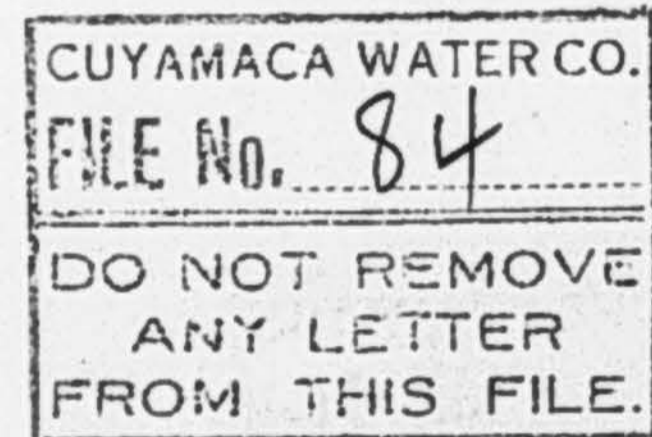
Enclosed find copy of letter from Huber, and my
advice is not to ask Glavis & Marshall to do anything more,
or incur any more expense with them until I have a chance
to discuss this matter with you.

Yours very truly,

CUYAMACA WATER COMPANY,

Manager

F-S



Feb. 28, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

Before filing any briefs, my suggestion
is that you go over this matter with Mr. Huber, and Mr. Post,
and they may be of assistance to you.

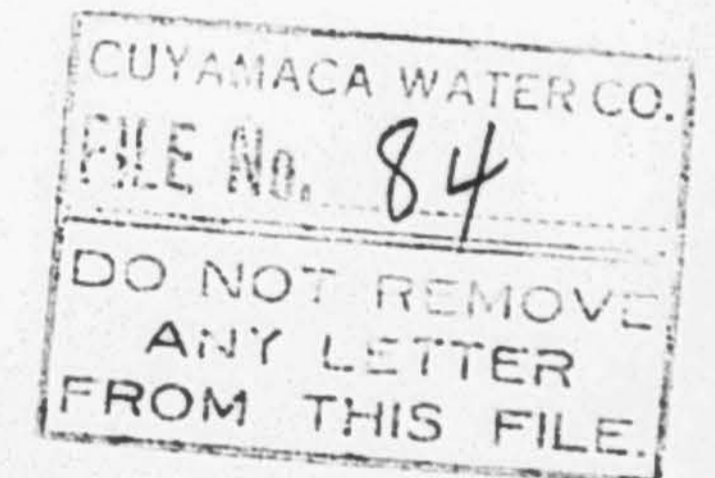
If it is agreeable, I should like to see the brief, as well.

Yours very truly,

CUYAMACA WATER COMPANY,

Manager.

F-S



Copy
WALTER/LEROY HUBER
CIVIL ENGINEER

April 13, 1916.

Mr. O. R. W. Robinson,
Attorney-at-law,
406 International Bank Building,
Corner Spring & Temple Streets,
Los Angeles, Calif.

Dear Mr. Robinson:

I have your letter of April 12th. I have spent some time during the past two days discussing the effect upon our case of the Act of January 12, 1891. Today I got Dechant to go down with me to talk the matter over with Mancha. Before I left Mr. Mancha told me that he will have a letter from the Chief of Field Division to the Commissioner prepared which will call attention to the effect of the Act of January 12, 1891, and its probable effect in placing most of the lands under consideration outside of the jurisdiction of the Land Office.

I have learned informally from Mr. Dechant that he is of the opinion that this Act very completely ties up the lands affected by it, and that he believes that even Congress would not be free to pass the City's bill. Of course, the last Section of the Act provides a means of granting certain rights of way even after a patent has been issued to the Indians. But this right, he believes, must be construed to cover only cases where rights of way could be granted without interfering with the main purposes of the Reservation. This view is strengthened by the wording in Section 3 of the Act: "And declare that the United States does and will hold the land thus obtained, subject to the provisions of Section 4 of this Act,

84

for the period of 25 years, in trust, for the sole use and benefit of the band and village to which it is issued."

Very Sincerely,

WLH:ERW

W. L. Huber

April 14, 1916.

Mr. O. R. W. Robinson,
407 International Bank Bldg.,
Los Angeles, Cal.

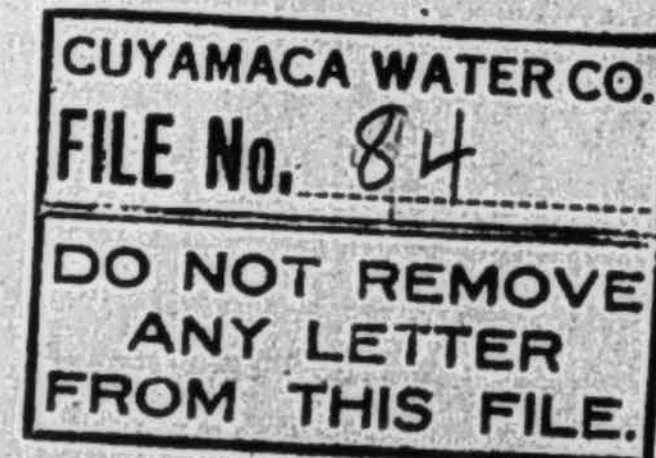
Dear Mr. Robinson:-

I find that we have no copy of
Cuyamaca Water Company's Exhibit "U" filed at
the recent hearing before the Land Office in
Los Angeles. May we borrow your copy for a few
days until we can have some duplicates made?

Very truly yours,

Assistant Manager.

EMF:K



LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

April 15, 1916.

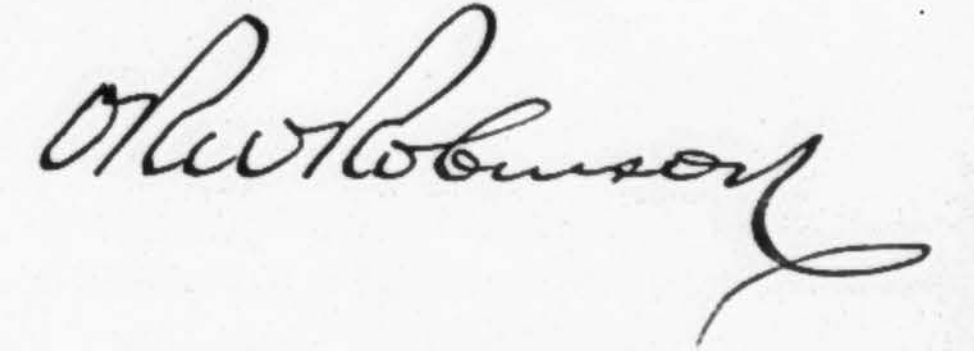
Cuyamaca Water Co.,
P. O. Box 1412,
San Diego, Cal.

Gentlemen:

Complying with the request of your Mr. Faude
of the 14th inst. I am enclosing herewith copy of pro-
testants Exhibit "U" introduced at the recent hearing
before the Land Office in the El Capitan case.

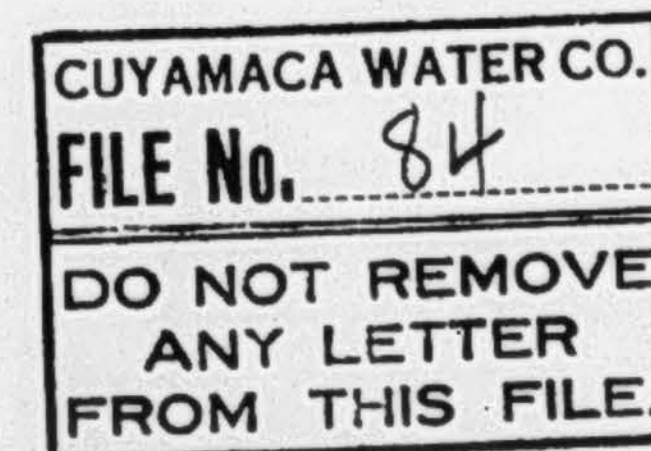
Please return same to me at your earliest con-
venience.

Very truly yours,



ORWR/H

1 Enc.



April 17, 1916.

Mr. O.-R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Mr. Robinson:

We beg to hand you herewith our check No. 8480, on the First National Bank of San Diego, for \$150.00, to apply on our February account, leaving still a balance due you of \$150.00 on the February bill.

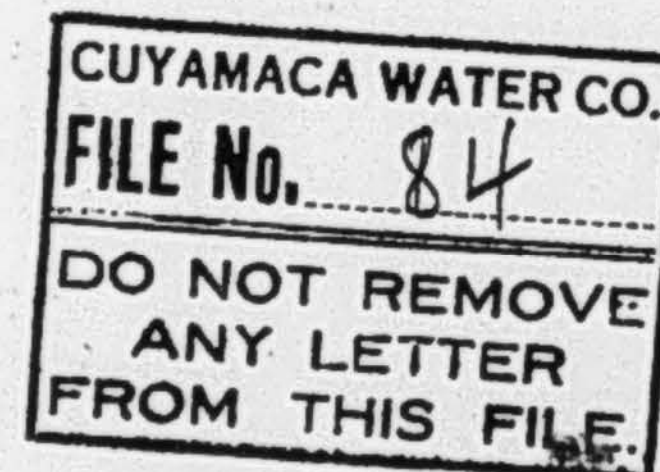
Kindly send receipt for the above amount at your convenience, and oblige,

Yours very truly,

CUYAMACA WATER COMPANY,

Secretary

M-S



LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

April 18, 1916.



Cuyamaca Water Co.,
P. O. Box 1412,
San Diego, Cal.

Gentlemen:

I beg to acknowledge the receipt of your communication of the 17th inst. with enclosed check for \$150.00 to apply on my February account, for which I enclose herewith my receipt.

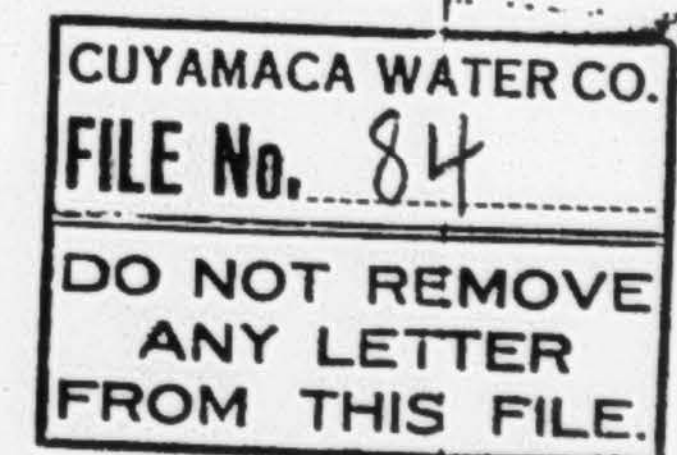
Thanking you for the attention which you have given this matter, I am

Very truly yours,

O. R. W. Robinson

ORWR/H

1 Enc.



LOS ANGELES, CAL. April 18, 1916

M. Cuyamaca Water Co.,
San Diego, Cal.

TO O. R. W. ROBINSON, DR.
 ATTORNEY AT LAW
 406-7-8 INTERNATIONAL BANK BUILDING

RECEIVED
 APR 19 1916

On account of PROFESSIONAL SERVICES in El Capitan matter See bill of Feby. 1, 1916	150 00
Balance due	150 00

Received payment of above
O.R.W. Robinson

LOS ANGELES, CAL. Mar. 1, 1916

M. Cuyamaca Water Co.
P. O. Box 1412, San Diego, Cal.

TO O. R. W. ROBINSON, DR.
 ATTORNEY AT LAW
 406-7-8 INTERNATIONAL BANK BUILDING

TO PROFESSIONAL SERVICES miscellaneous expenses for February in re El Capitan matter	
Telegrams and Telephones	15 09
Blue prints	3 50
Transcript of testimony	58 10
Legal services (Marshall and Glavis)	50 00
Legal services (copy of Kettner Bill)	30 00
Expenses to San Francisco and return Feb. 26-29	100 95
	<u>\$257 64</u>

Recd payment
Mar 21, 1916
O.R.W. Robinson

LAW OFFICES OF
 O. R. W. ROBINSON
 406-7-8 INTERNATIONAL BANK BUILDING
 CORNER SPRING AND TEMPLE STREETS
 LOS ANGELES

March 21, 1916.

RECEIVED
 MAR 22 1916

Cuyamaca Water Co.,
 P. O. Box 1412,
 San Diego, Cal.

Gentlemen:

Acknowledging your communication of the 20th inst. enclosing your checks Nos. 8273 and 8274 for a total of \$257.64 I enclose herewith receipt covering items enumerated.

Very truly yours,

O.R.W. Robinson

ORWR/H

1 Enc.

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

LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

April 19, 1916.

Col. Ed Fletcher,
P. O. Box 1412,
San Diego, Cal.

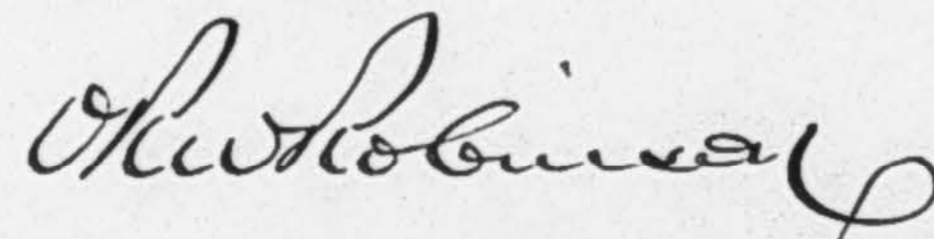
My dear Colonel:

I received a certified copy of the Indian patent yesterday and am very much gratified with its contents. I have had a copy of same made for you, which I enclose herewith, and have also furnished Huber, Mancha and Dechant with similar copies.

I think in view of the provisions of the Act of January 12, 1891 that it would be advisable to ascertain whether or not any of the present or proposed reservoirs of the Cuyamaca system are included in this patented land.

Please advise me on this subject at your earliest convenience.

Very truly yours,



ORWR/H

1 Enc.

WALTER LEROY HUBER
CIVIL ENGINEER

San Francisco, Cal., April 20, 1916

Mr. O. R. W. Robinson,
406 International Bank Building,
Corner Spring & Temple Streets,
Los Angeles, California.

Dear Mr. Robinson:

I have your letter of April 17th and your letter of April 19th, enclosing three copies of the Indian Patent. I have sent one copy over to Mr. Mancha and will deliver a second copy to Mr. Dechant personally either this afternoon or tomorrow morning.

Mr. Lee and I have gone over all engineering matters which we felt were of any importance in the preparation of your brief. This necessitated studying over all of the matter introduced by Mr. Earl at the third session of the hearing. Most of this does not bear upon the case.

I am enclosing herewith for your use a copy of some typewritten notes which were prepared by Mr. Lee and myself in co-operation. These cover only engineering matters, as I believe you have all other features of the case very clearly in mind. We have attempted to again describe Cuyamaca Water Company's system and its continuous development since its appropriations of 1910 were made. This is, of course, largely a repetition of the same matter which was given in your argument of April 1st prepared here in San Francisco.

We have followed this description with an argument to show complete utilization of the run-off from San Diego River, based upon Mr. Lee's studies as shown by "Exhibit W". We have then shown that Mr. Lee's testimony remained absolutely unshaken; that Mr. Earl was "barking up another tree", and that Mr. Cromwell's work was erroneous, as admitted in his own cross-examination and by testimony introduced by the government engineers. We have tried to draw a final conclusion as to engineering matters. You will probably re-arrange this to some extent because you will include many other items and will probably draw a final conclusion covering everything.

WALTER LEROY HUBER
CIVIL ENGINEER

O.R.W.R...#2

4/20/16

I presume you will now make the Indian Patent one of the strongest and probably the first argument of your brief in an endeavor to show that the Land Office is wholly without jurisdiction. Perhaps you will then choose to follow with a strong argument showing what damage would be done to the Indian Reservation if the City's application should be granted. I think the manner in which you handled this subject in your argument of April 1st was excellent; that is to quote U. S. Exhibit "IV" in full and to show testimony proving that the Indian Reservation would have to be completely abandoned, and then to follow this with a quotation of Cosgrove's statement that he considered the government witnesses as absolutely fair in this matter.

In this connection, there is a very strong answer by Mr. Schenck on page 774 of the transcript, in which he states that he does not consider the Government justified as yet in the abandonment of the Capitan Grande Indian Reservation. I think it would be well to quote in your brief Mr. Mancha's question and this answer of Mr. Schenck's in full.

Of course, you will again strongly point out Mr. W. B. Hamilton's bad faith and speculative attitude. We did not put this in the engineering notes, although it fell among the same material in your argument of April 1st. I presume you will also again strongly point out the manner in which the present protestants and their predecessors have at all times continuously lived up to the agreement to supply the Indians within the Capitan Grande Reservation with water.

I am sending a copy of these notes to Mr. Lee, who has not seen them since they were typed. He may have some additions or alterations to make which he will communicate to you direct, as he is now in his office in Los Angeles and hopes to remain there for at least a few days.

I will appreciate having a copy of your brief when it is prepared, and if I can assist in any other way by gathering data here in San Francisco or otherwise, I hope you will let me know. I will return all of your copies of the City's exhibits which I have in a day or two. In the meantime, Mr. Fowler, the District Engineer of the Forest ~~Reserve~~, wishes to make a few photostat copies of some of these engineering diagrams and maps.

WALTER LEROY HUBER
CIVIL ENGINEER

O.R.W.H...#3

4/20/16

He is doing this because it is possible that he may have to review this whole matter if it is later brought before the Forest service.

Very truly yours,

WLH/B

W. L. Huber

NOTES FOR MR. ROBINSON'S USE IN PREPARING A BRIEF ON APPEAL
IN THE MATTER OF CUYAMACA WATER COMPANY'S PROTESTS AGAINST THE
GRANTING OF EL CAPITAN RESERVOIR TO THE CITY OF SAN DIEGO,
ASSIGNEE OF W. B. HAMILTON, BEFORE THE UNITED STATES DEPARTMENT
OF THE INTERIOR, GENERAL LAND OFFICE.

These protestants are the owners, and they or their predecessors have been for a great many years, of water rights acquired on San Diego River in accordance with Sections 1415, 1416 and 1422 of the Civil Code of California. The original appropriations, covering the use of waters from San Diego River by their system, were made by San Diego Flume Company in 1886. Under these appropriations, certified copies of which appear as Protestants' Exhibits "F", "G" and "H", water has been continuously utilized since 1888.

In addition to the original appropriations made by San Diego Flume Company, these protestants, after acquiring the system in 1910, immediately began, under a definite plan, to develop the entire watershed of San Diego River. In their opinion this plan, when completed, will put to beneficial use every drop of water which, from an economic standpoint, and taking into consideration the rights of all parties, including lower riparian owners, can or should be diverted. In accordance with this plan these protestants caused new appropriations to be made in 1910 in accordance with Sections 1415, 1416 and 1422 of the Civil Code of California, which appropriations, with their subsequent transfers, appear as protestants' Exhibits "I", "J", "K", "L", "M" and "N".

In support of protestants' claims to all the waters of San Diego River which it is economically practical to utilize, the following description of their system and of their continuous work of development since making appropriations in 1910 is here summarized from the testimony of their Chief Engineer, William S. Post, as follows: (Tr. 577).

Cuyamaca Reservoir, with a capacity of 10,800 acre feet, is the highest structure on the drainage system. This reservoir stores the waters from twelve square miles of the upper portion of the drainage basin of Boulder Creek, a tributary of San Diego River. Waters released from this reservoir, as needed, flow down Boulder Creek to its junction with San Diego River at a point a short distance above Cuyamaca Water Company's diverting dam on San Diego River. From this diverting dam the waters of San Diego River, including waters stored in Cuyamaca Reservoir, are conducted through the Company's flume some thirty-six miles to storage reservoirs and to the service area.

The flume has a capacity of approximately forty second feet for the first seven miles. At about the beginning of the eighth mile the South Fork feeder enters making available the run-off from an area of forty-three square miles. From this point the remainder of the flume, with the exception of the South Fork syphon, has a capacity of thirty-one second feet. ~~Only one ^{of} proposed duplicate steel conduits has been installed at South Fork syphon. The cost of the second will not exceed \$10,000 and it is planned to make this installation at an early date.~~

The flume ends in Eucalyptus Distributing Reservoir which is connected with La Mesa Reservoir by a ditch and with Murray Hill Reservoir by a steel pipe. These reservoirs are used both for distribution and storage. From them for a distance of some eight miles a distribution system of pipes covers the cities of El Cajon, La Mesa and East San Diego and the communities of Kensington Park and Normal Heights, bordering the City Limits of San Diego. About 6,000 people are supplied with water for domestic consumption and most of them have no other source of water supply. About 4,000 acres of land are irrigated with water from the system and the service area is about 10,000 acres.

The cost of the San Diego Flume system up to 1889 was approximately \$1,000,000 and since the system has been acquired by these protestants about \$500,000 has been expended in additions and improvements, exclusive of the purchase price.

As previously stated, the system was purchased in 1910 by these protestants and plans for increased storage and enlarged carrying capacity were immediately thereafter initiated. In July, 1910, surveys were made of several reservoir sites on the upper watershed of San Diego River and its tributaries, among others the Inaja (capacity 4,000 acre feet) on Cedar Creek, Hoskens (capacity 6,000 acre feet) and Dye Canjon (capacity 2,000 acre feet) on the upper San Diego River, Boulder Creek (capacity 2,360 acre feet) on Boulder Creek, Tule, on Sand Creek, Poverty Gulch (capacity 4,000 acre feet) on King Creek, Conejos (capacity 867 acre feet) on Conejos Creek, and for the enlargement of the reservoir at the ex-

isting diverting dam on San Diego River to a capacity of 6,000 acre feet. In 1910 and 1911 the South Fork Syphon and Chocolate Syphon were installed on the line of the conduit. While both of these as built are of greater capacity than the original flume, they are each only one of duplicate steel syphons which will be installed for the final installation. In 1911 the diverting dam was raised and additional side boards were placed on the flume. For some distance forty second feet were diverted. The placing of additional side boards on the flume continued throughout 1912, 1913 and 1914 until the flume has for the first seven miles a capacity of forty second feet and, with the exception of the South Fork syphon, the remainder of the flume has a capacity of thirty-one second feet. Thus the capacity of 99-1/2% of the length of the flume has been increased from approximately sixteen second feet to thirty-one second feet. The flume itself was completely relined in 1914. The installation of duplicate syphons at South Fork and Chocolate Canyon would probably not cost in excess of \$10,000 and this installation which will make the total capacity of the flume thirty-one second feet is contemplated at an early date.

In 1913 two temporary pumping plants were installed by permission of the Department of the Interior in the bed of San Diego River at Chocolate and Sand Creeks. In 1914 a permanent pumping plant known as the Monte pumping Plant was installed below the proposed El Capitan site. In July, 1911, an application was filed by these protestants with the Department of the Interior for a reservoir site upon the South Fork known as the Conejos Reservoir

(previously referred to herein) and within the Capitan Grande Indian Reservation. This application has not yet received the final approval of the Department, but negotiations preliminary to such approval are now practically completed. (See Murray, James A. and Fletcher, Ed., Reservoirs and Conduits, (Los Angeles 013283) 7/5/11).

Lands have also been purchased by these protestants covering Poverty Gulch Reservoir site and El Capitan dam site. Surveys of a reservoir with maximum height of flood line of fifty feet and capacity of 2,500 acre feet have been made. A reservoir of this size does not materially affect the Capitan Grande Indian Reservation as does any reservoir of greater capacity. El Capitan dam site has been and now is being prospected by two drift tunnels. The purpose of these is to find bed rock for the abutments of a dam, if such bed rock can be found. To date this work of exploration has cost several thousand dollars. In 1915 a pipe line to the City of El Cajon was completed and, under a contract entered into with these protestants, the said city is now paying monthly rental for the use of this pipe line and through it the protestants are supplying water for domestic consumption by the inhabitants of the City.

Other additions and improvements have been made but, by the showing here made, it is clearly proven that these protestants have, by having been continuously and diligently engaged in the process of putting to beneficial use the waters appropriated in 1910, maintained their rights in accordance with state law to the waters so appropriated. Along with the extension and improvement of the system as enumerated, its growth is also shown by the great increase in

number of consumers served as shown by protestants' Exhibits "DD" and "EE" which are appended herewith.

The amount of water from the run-off of San Diego River which would have been utilized during the past twenty-one years by the fully developed system of Cuyamaca Water Company, if it had been constructed during those years, as outlined in the testimony of the Chief Engineer, Mr. William S. Post, is set forth in column 3 of Protestants' Exhibit "W". The quantities, as there shown, were testified to by Mr. Chas. H. Lee, Consulting Engineer, who determined them after a very exhaustive and detailed study of the available data. Mr. Lee has had long familiarity with the hydrographic and water supply conditions of this region, including the watershed of San Diego River. His personal familiarity extends back to 1905 when, as an engineer for the Hydrographic Branch of the U. S. Geological Survey, he established stream gaging stations on the principal rivers of San Diego County, including San Diego River. As Mr. Lee testified, he has based his computations on the assumption that the new and enlarged reservoirs proposed by the Company, as shown on Protestants' Exhibit "U" and described by Mr. Post, were already built. The conclusion which Mr. Lee draws from his studies is that the proposed fully developed system would have utilized, including an allowance for lower riparian owners, an average of 18,000 acre feet annually for the period of record. This amount constitutes 70% of the total run-off of the watershed tributary to El Capitan Reservoir and, as Mr. Lee testified, would represent a higher degree of utilization than has been obtained on any of the highly developed streams of

Quote Ex. "W" along here someplace

Southern California. The amount of water which the completed system would be enabled to conserve and which would be available for storage by the City of San Diego, is shown by the last column of Exhibit "W". This is shown to be zero during eleven years of the twenty-one years of record - - seven of these years occur consecutively. During this period of seven years, the City would be without any supply for replenishment of a reservoir which it might build on San Diego River.

Mr. Lee's testimony as to the amount of water which will be utilized by the proposed Cuyamaca Water Company's system has not been controverted by any instigation introduced in this case. The testimony of Mr. Earl, a witness for the City of San Diego, was not directed to the proposed Cuyamaca Water Company's system, as Mr. Earl clearly states (Tr.1133). He was merely comparing two reservoir systems assumed to be available to the City of San Diego - - one a group of seven mountain reservoirs, including the El Capitan Reservoir with a low dam, the other system being El Capitan Reservoir alone with a one hundred sixty foot dam. The seven mountain reservoirs included some of those proposed by the Cuyamaca Water Company, but did not include the proposed reservoir at the Company's diverting dam on San Diego River, nor did it include the Company's proposed enlarged La Mesa reservoir. The enlarging of this reservoir, together with the increased capacity of the flume, as now practically completed by the Company, will make available an additional storage capacity of 2,400 acre feet. The safe daily

draft on the seven reservoir system, as shown by the City of San Diego's Exhibit 46, is in no wise comparable to the draft of the proposed Cuyamaca Water Company's system.

It should be noted that the yield of El Capitan Reservoir, as determined by Mr. Cromwell, for the City of San Diego as shown on the City's Exhibit 13 is erroneous. In the first place he omits all consideration of the rights of Cuyamaca Water Company on San Diego River which were initiated prior to the date of filing of the Hamilton application as set forth in this case. Furthermore, he has made no allowance in his computations for riparian lands along the stream below the El Capitan Dam. He has also commenced his mass curve study with an assumption of a full reservoir following a dry year, which assumption, as developed by his cross-examination and by direct testimony introduced by U. S. Engineers Schenck and Palmer of the Office of Indian Affairs, is entirely erroneous. If corrections were made for these various omissions, the yield, as established by Mr. Cromwell, would be very much less than his direct testimony indicated.

As shown by the testimony of various witnesses, no accurate estimates of the cost of El Capitan Reservoir and the necessary conduit connecting it to the City of San Diego has, or can, be made at the present time, because of the absolute lack of data as to the nature of the strata underlying the proposed dam site and the detail of the topography to be crossed by the proposed conduit. The lowest guess hazarded was that of ^{City} Engineer Cromwell who placed the cost as approximately \$2,000,000, although he admitted in cross-examination

that he had neglected certain items. Such approximate "guesses" ranged from this figure upward to \$4,000,000.

Finally, it has been thus proven that appropriations made by these protestants covering all of the flow of the San Diego River have been maintained by continuous and diligent development work of magnitude; that there are no other waters of San Diego River, besides those which these protestants are utilizing or which they are in process of putting to beneficial use in accordance with their valid appropriations, which it is economically practical to utilize; that even if the City of San Diego had the right to store the waters of San Diego River in El Capitan Reservoir, its proposed system would unnecessarily duplicate that of Cuyamaca Water Company and would indeed be more costly than the Company's system; that the system of Cuyamaca Water Company, as proposed with dam at El Capitan not exceeding fifty feet in height, does not necessitate the abandonment of Capitan Grande Indian Reservation, nor does it cause any material damage to this reservation while the application by the City contemplates a reservoir which, according to witnesses of the government and frank admissions of the City Attorney in behalf of the City, will necessitate the absolute abandonment of the reservation.

WALTER LEROY HUBER
CIVIL ENGINEER

April 24,
1916.

Mr. O.R.W. Robinson,
406 International Bank Building,
Spring and Temple Streets,
Los Angeles, Calif.

Dear Mr. Robinson:

I was today discussing with Mr. Dechant the Indian patent. I gave him one of the copies which you sent up, and particularly discussed with him a portion of the last paragraph of the patent which says that "there is reserved from the land hereby held in trust for said Capitan Grande Band or Village of Mission Indians, a right of way thereon, for ditches or canals constructed by the authority of the United States". It is quite probable that the city of San Diego and possibly even some of the officials of the Land Office will construe this provision to include the right to make a grant such as the city of San Diego is now requiring. This is simply the old question of the Act of August 30, 1890 (26 Stat. 391) and the clause above quoted was probably inserted in this patent, as in others, simply to comply with that Act. You will remember that that Act reserves rights of way for certain canals, flumes and other structures in patents granted for areas west of the 100th meridian of longitude. Mr. Dechant called my attention to two citations, where it is held that rights of way thus reserved could only be for rights of way used by the United States itself, and not for a third party.

84

WALTER LEROY HUBER
CIVIL ENGINEER

#2 - 4/24/16. O.R.W.R.

using a grant by authority of the United States. These citations are: 176 Federal Reporter 762, also page 770 -- and 197 Federal Reporter 611. I believe this matter is one which you will probably wish to cover in your brief in order to keep the Land Office officials straight and to forestall the city.

Very Sincerely,

W.L. Huber

W.L.H:OH

April 24, 1916

Mr. O R W Robinson,
406 International Bank Bldg.,
Los Angeles, Cal.

Dear Robinson:-

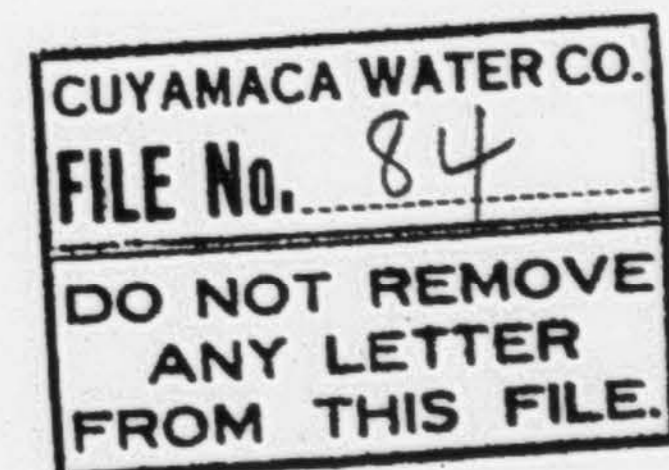
I am returning herewith your Exhibit "U" which we borrowed a few days ago.

Thanking you for your favor,

Yours very truly,

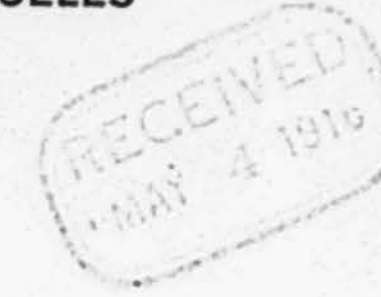
Assistant Manager.

FMF:K



LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

May 3, 1916.



Col. Ed Fletcher,
P. O. Box 1412,
San Diego, Cal.

My dear Colonel:

For your information I am enclosing herewith clipping from the Los Angeles Times of this date which may interest you.

I have some very heavy obligations to meet this month and would appreciate it very much if you can O. K. the bills which I have heretofore sent Mr. Mathews and instruct him to draw checks in my favor for the amounts in question.

Very truly yours,

Do #2746	Feb 1916	total paid	150.00x
Do #2834	March 1916		207.41
Do #	April 1916		19.37
			<hr/>
			376.78

ORWR/H

1 Enc.

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

May 4, 1916

Mathews:

See me about this.

Ed Fletcher.

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

*sent check
for \$150.00
May 5/16*

May 5, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Mr. Robinson:

Answering your letter of recent date, Colonel Fletcher has instructed me to send you \$150, and accordingly we are enclosing our check No. 8542, on the First National Bank of San Diego for this amount.

Kindly receipt the enclosed voucher in full, which is for the month of February, 1916.

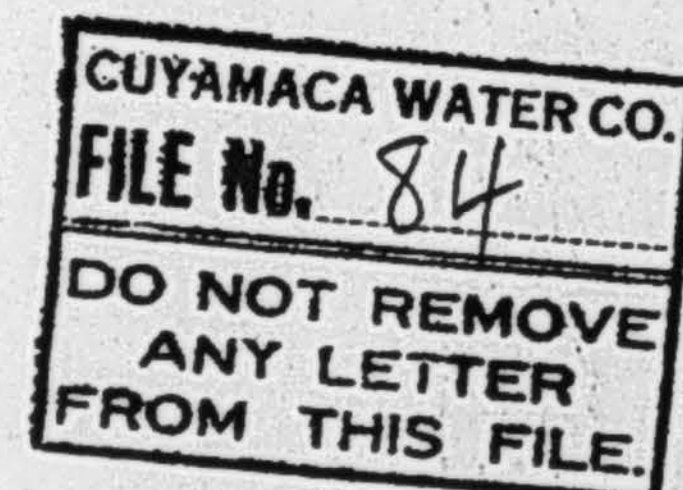
We hope very shortly to be able to send you the balance that is due you for professional services.

Yours very truly,

CUYAMACA WATER COMPANY,

Secretary

M-S



COPY

May 10, 1916.

Mr. O.R.W. Robinson,
406 International Bank Building,
Spring and Temple Streets,
Los Angeles, Calif.

Dear Mr. Robinson:

Last evening I had a conversation with Mr. E. B. Merritt, Assistant Commissioner of Indian Affairs, who was in San Francisco for a short time.

In discussing the Hamilton Filing and the effect upon it of the Tribal Patent to the Capitan Grande Indians, he called my attention to a decision of the U.S. Supreme Court to the effect that Congress has full authority to make such grant notwithstanding a previous Indian Patent. This case is "Lone Wolf vs. Hitchcock (187 U.S. 553)". I have looked up this reference and have verified Mr. Merritt's opinion. He also cited the same reference as authority for the statement that the Secretary of the Interior himself could, if he found the conditions warranting such action, grant an easement over lands covered by such Tribal Patent. I did not find that this particular decision covers that point.

In my discussion with Mr. Merritt, I did not think to inform him that, in the present case, it is not an easement but a permissive right which is sought by the City of San Diego; in fact I did not discuss this point to any extent with Mr. Merritt, as it is purely a law point. I only took the reference so as to verify it today.

Very Sincerely,

WLH:OH

84

W.L. Huber

WESTERN UNION

Form 260

RECEIVERS NO.	TIME FILED	CHECK
---------------	------------	-------

TELEGRAM

THEO. N. VAIL, PRESIDENT

SEND the following Telegram, subject to the terms on back hereof, which are hereby agreed to

May 13, 1916.

O. R. W. Robinson,
International Bank Bldg.,
Los Angeles, Cal.

Please send your copy Exhibit A for a few days so can make copies.

Cuyamaca Water Company.

(Chg Cuyamaca Water Co.)

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

WESTERN UNION

Form 260

RECEIVERS NO.	TIME FILED	CHECK
---------------	------------	-------

TELEGRAM

THEO. N. VAIL, PRESIDENT

SEND the following Telegram, subject to the terms on back hereof, which are hereby agreed to

May 17, 1916.

O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Cal.

Wire numbers of Exhibits showing water appropriations and names of appropriators introduced during hearing at Los Angeles.

Cuyamaca Water Company.

(Chg Cuyamaca Water Co.)

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

May 17, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

Will you kindly send me your copy of the evidence in the El Capitan hearing? I have asked Mr. Huber for his, but he says that he needs it to use up there for awhile, and I may need it if I go to Washington. Please send it by return mail, and it will be returned whenever it is needed.

Yours very truly,

CUYAMACA WATER COMPANY.

F-8

Manager.

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

May 20, 1916.

Form 1204

WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT
GEORGE W. E. ATKINS, VICE-PRESIDENT BELVIDERE BROOKS, VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	NIt
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	NIt
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT
C47GS K 30 COLLECT BLUE COUNT QNS 6 WORDS 38

FX LOSANGELES CAL 935A MAY 18 1916

CUYAMACA WATER CO
SANDIEGO

"F" SANDIEGO FLUME CO SIX THOUSAND INCHES "G" 124
SAME FOUR THOUSAND INCHES "H" 123 SAME TWO THOUSAND INCHES 122
"I" 125 OTTERSEDT "K" 126 OLSEN "M" 127 KEENAN

ROBINSON

1006AM

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

Mr. O. R. W. Robinson,
International Bank Bldg.,
Los Angeles, Cal.

Dear Sir:-

I am returning herewith your copy of
Protestant's Exhibit "A" filed during the recent
hearing in Los Angeles.

Very truly yours,

Assistant Manager.

HMF:K

Enclos.

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

LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

May 26, 1916.

May 27, 1916.

Col. Ed Fletcher,
P. O. Box 1412,
San Diego, Cal.

My dear Colonel:

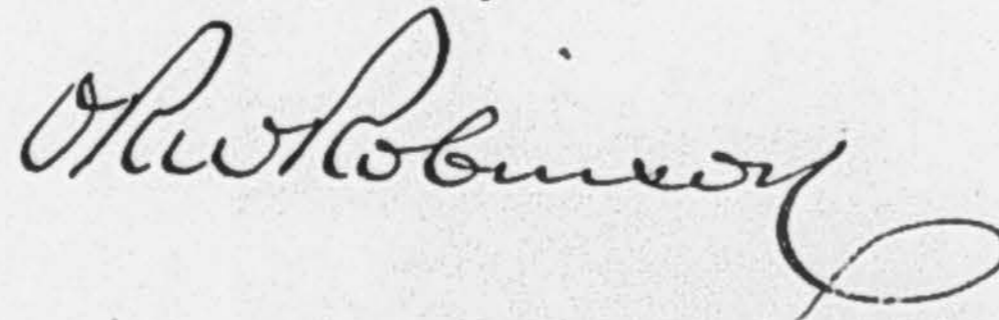
Confirming my telephone conversation of this morning I am leaving Los Angeles tomorrow afternoon and will not return until the following Wednesday morning. As a consequence I will not be able to see you before your departure for Washington.

Agreeable to your request I have today forwarded all of the exhibits which were introduced at the hearing of the El Capitan matter, together with a folder containing miscellaneous data which may be found useful in the preparation of an argument before the Secretary. Shipping receipt for same is enclosed herewith.

My own engagements are such that it is practically impossible for me to go east unless a great emergency arises, but it is my judgment that you should employ the best counsel obtainable in order that a proper presentation of the case may be made before the secretary. I do not intend this as any disparagement of your own ability, but the possibility of technical legal questions arising is so great that I do not believe you can afford to take the risk of a possible embarrassing position. If, however, it is your judgment that you can present the case better than an attorney who in the nature of things will only have a few short days to prepare his argument, you have my best wishes for your success, and the suggestion of confining your argument to points of law rather than the evidence. If upon mature consideration you believe my presence is absolutely necessary I will hold myself in readiness to respond to any request which you might make.

If you can and will instruct Mr. Mathews to send me a check for the balance due before your departure I would appreciate it very greatly.

Very sincerely yours,



ORWR/H

1 Enc.

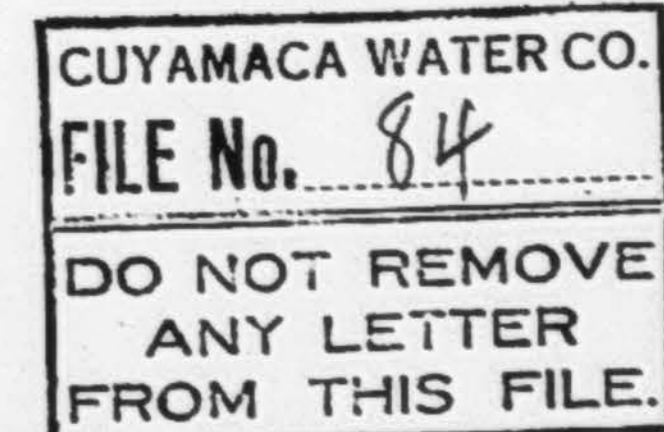
Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

Thanks for yours of May 26th. I am following Mr. Murray's instructions. Shall leave today probably, and will wire you, if needed.

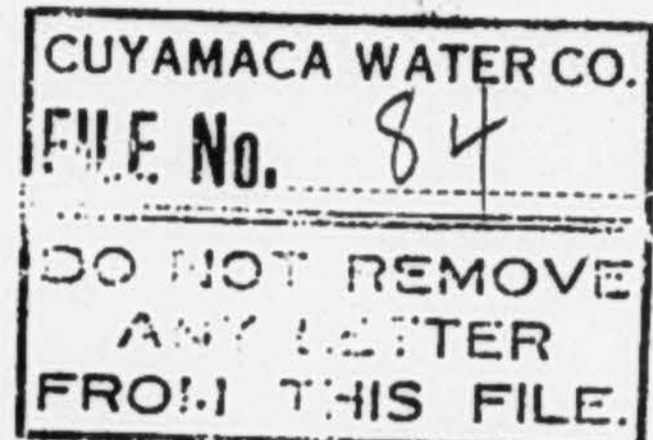
Yours very truly,

F-S



March 28, 1916.

Mr. C. R. W. Robinson,
406 International Bank Building,
Los Angeles, California.



Dear Sir:

Answering yours of March 25th, will say that Secretary Lane lead me to believe that he would give a favorable report within the next thirty days on Senate Bill No. 5081. If he does this all of our Hamilton water scrap is absolutely void, if the bill becomes a law, and what I want to stop is Secretary Lane's approval of Senate Bill No. 5081, and it will assist me in Washington if I can have a brief to submit to Secretary Lane and his advisers, which should have been drawn up by yourself, Mr. Lee and Mr. Huber. I do not believe that Secretary Lane is going to wait even for a report from the Los Angeles hearing. He was treated royally by San Diego citizens, waited upon by a committee and urged to give his approval to this Senate Bill No. 5081, and I am satisfied that we have a fight on our hands to keep him from approving said bill until such time as all the reports are in from Los Angeles when the facts can be laid before him in the proper manner. That is the reason I want a brief from you three men at the earliest possible date.

I want this one particular point, which was suggested by Secretary Lane, brought out: That Mr. Coogrove privately told Secretary Lane that he didn't think the witnesses for the Government were fair, and were biased and prejudiced against the city's interests. There is somewhere in the records a statement by the City Attorney - that he believed the Government witnesses were absolutely fair and

April 1, 1916.

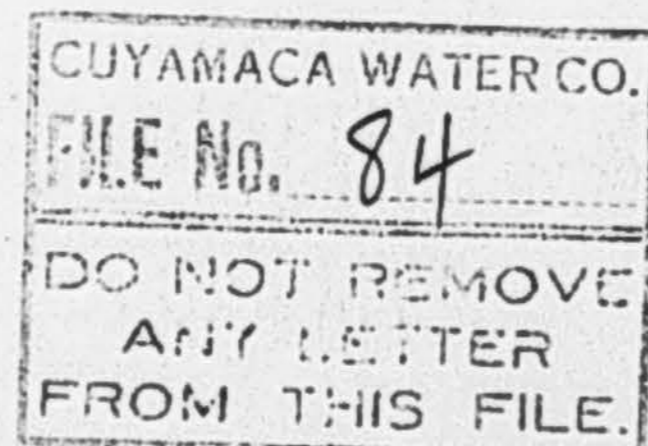
Mr. O. R. W. Robinson,
International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

Well, they have decided against us. Immediately see that the proper appeal is taken, without fail, and notify me to that effect.

Yours very truly,

F-S



April 4, 1916.

Mr. O. R. W. Robinson,
International Bank Bldg.,
Los Angeles, Calif.

Dear Sir:

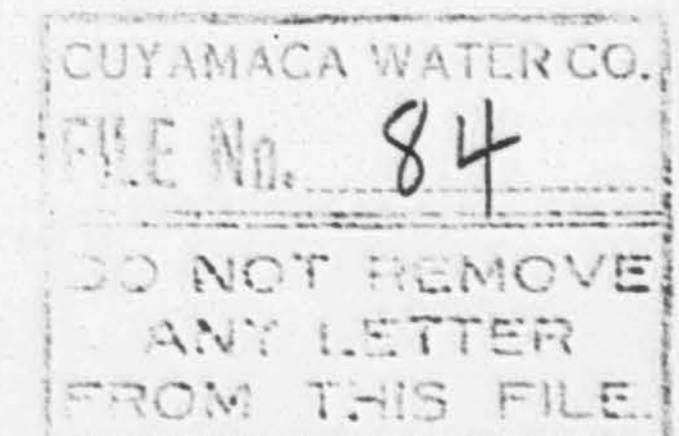
I am in receipt of your letter of April 3d. You will note that their order only allows you fifteen days in which to appeal, instead of thirty days from March 31, 1916. This is according to newspaper despatches.

By return mail, please acknowledge that you have received this letter, and have checked up to find out whether you have fifteen or thirty days in which to file the appeal. It will be some few days yet before I go to Washington, as I have received word from Secretary Lane that it will not be necessary for me to go immediately.

Yours very truly,

Manager.

F-S



April 6, 1916.

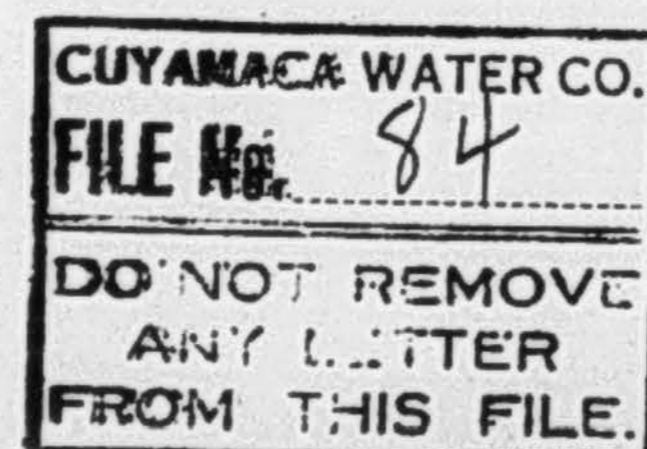
Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Robinson:

Answering yours of the 5th, will say that I shall be up to see you sometime this coming week. I acknowledge receipt of your protest, and will read it as soon as I can get to it.

Yours very truly,

F-8



April 6, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

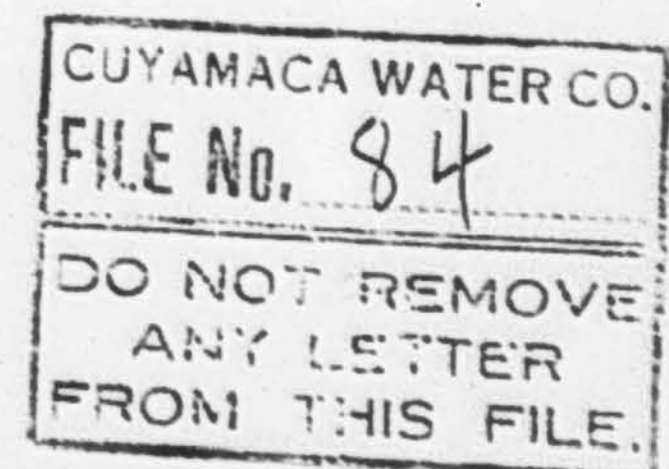
Dear Sir:

Answering yours of April 5th, the despatch definitely stated that you were only allowed fifteen days in which to file, instead of thirty days. Please look the matter up and see if this is not the case, and my desire is that you appeal at the earliest possible moment, so as to get all the records into Washington as soon as possible.

Yours very truly,

Manager.

F-8



WALTER LEROY HUBER
CIVIL ENGINEER

April 11, 1916.

Mr. O. R. W. Robinson
406 International Bank Building
Cor. Spring & Temple Sts.
Los Angeles, Calif.

Dear Mr. Robinson:

It seems that the status of lands in and about the Capitan Grande Indian Reservation has in the past been the subject of some investigation by officials of the U.S. Forest Service. I am able to enclose herewith for your information extracts from a letter from Acting Assistant Forester Peck to the District Forester at San Francisco, dated January 11, 1915. (Please consider this information confidential) The other parts of this letter pertain to other Indian Reservations within the Cleveland National Forest, and are of no interest to us in the present case. You may be able to secure more complete information from the local Land Office at Los Angeles, but I am enclosing these extracts in the hope that they may be of some service.

I think your discovery of these patents will revolutionize the whole procedure. I have wired to you for details of these patents. The officials in the Forest Service are quite interested, and I am myself very anxious to know more about them.

Very Sincerely,

W. L. Huber

WLH:OH

Walter

LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

Mar. 7, 1916.

Cuyamaca Water Co.,
P. O. Box 1412,
San Diego, Cal.

Gentlemen:

Complying with your request of the 6th inst I have the honor to furnish you herewith the items covered by my charge of \$100.95 for trip to San Francisco and return.

R. R. fare San Francisco & return	\$27.90
Pullman " " " "	5.00
Hotel 2 days @ \$2.50	5.00
Meals at San Francisco & en route	10.45
Tips	1.50
Taxi and car fare	1.10
Time for two days @ \$25.00	50.00
	<u>\$100.95</u>

Referring to the draft for \$100.00 given me on February 10th by Mr. Fletcher will say the amount of same was deposited in the United States Land Office by whom receipt will issue in due course. If under these circumstances you still desire a voucher from me I will be glad to furnish it upon your request.

Very truly yours,

O. R. W. Robinson

ORWR/H

OK. 6/4

CUYAMACA WATER CO.
MAR 20 1916
FILE No. 84
DO NOT REMOVE ANY LETTER FROM THIS FILE.

March 15, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

We desire to acknowledge receipt of your letter of recent date, and to thank you for the itemized statement contained therein, on your trip to San Francisco.

Referring to the \$100 paid to you on Feb. 10, 1916, we are enclosing herewith a voucher showing the amount to be applied on the company's proportion of the expenses in connection with the recent hearing held at the land office in Los Angeles.

We note in your letter that you say "A receipt will issue in due course from the U. S. Land Office." So far, we have had no receipt from them for the \$200 that was paid over to them in December, 1915, and we are enclosing our voucher, which we would ask that you receipt and return same at your convenience. Also return to us the voucher previously sent to you for a like amount.

Thanking you in advance for your kind attention to this matter, we are

yours very truly, CUYAMACA WATER CO.

CUYAMACA WATER COMPANY. 84

DO NOT REMOVE
ANY LETTER
FROM THIS FILE.

Secretary

LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

March 16, 1916.



Cuyamaca Water Co.,
P. O. Box 1412,
San Diego, Cal.

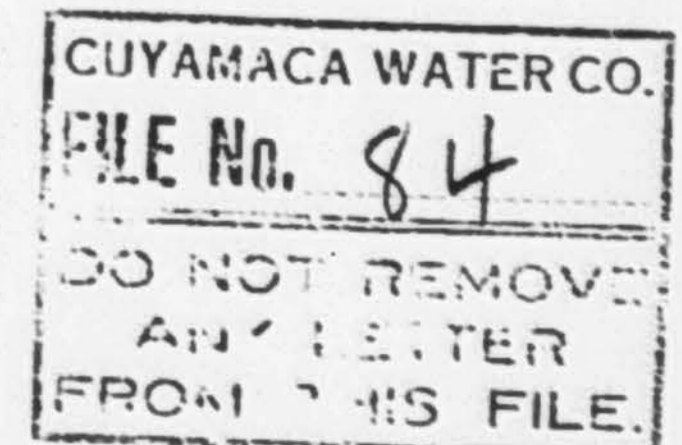
Gentlemen:

Referring to your communication of the 15th inst. I am returning herewith the two vouchers as requested.

Very truly yours,

ORWR/H

2 Enc.



March 20, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

I saw Secretary of the Interior Lane yesterday. A strong committee waited on him and urged immediate action by him on the El Capitan case. I presented our case as strong as I could, and got him to agree to give me notice before making any final decision in Washington, and he told me to write him a letter of warning, so that I would be sure to receive this notice.

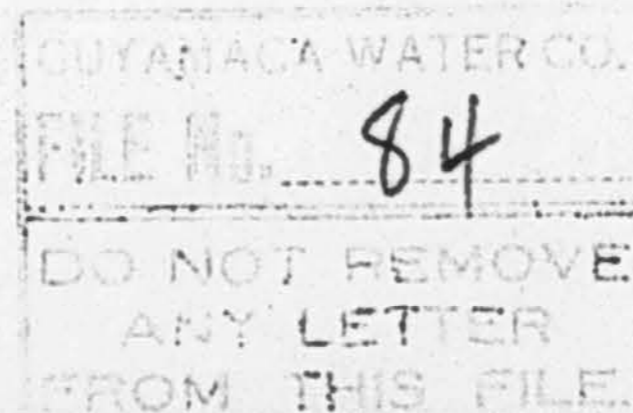
I am satisfied that the citizens of San Diego presented to him a very strong case, and although it was misrepresented, in my opinion, it had considerable influence with him.

This letter is written, asking you to immediately get in touch with Messrs. Lee and Huber, and prepare your brief, because the matter is going to be forced through, and I am satisfied that Secretary Lane is going to make his decision irrespective of the Los Angeles Land Office decision, and at an early date, so get busy.

I want this brief out not later than two weeks from date. I am very anxious that a copy of this brief be put directly into the hands of Secretary Lane, and the probabilities are that he will make a decision inside of thirty days at the most.

Copies of this letter have gone forward to Messrs. Lee and Huber.

Yours very truly,



Manager.

F-S

March 22, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

I am in receipt of yours of March 21st.

Did I not make it clear in my last letter that Mr. Lane led me to believe that in all probability he will not wait for any decision from the Register and Receiver of the Los Angeles Land Office? Therefore, it is absolutely necessary for me to have a brief for a synopsis of the position of the Cuyamaca Water Co., to submit direct to Mr. Lane, for his benefit, as Mr. Lane informed me that in all probability it would be necessary for me to be in Washington within the next four weeks.

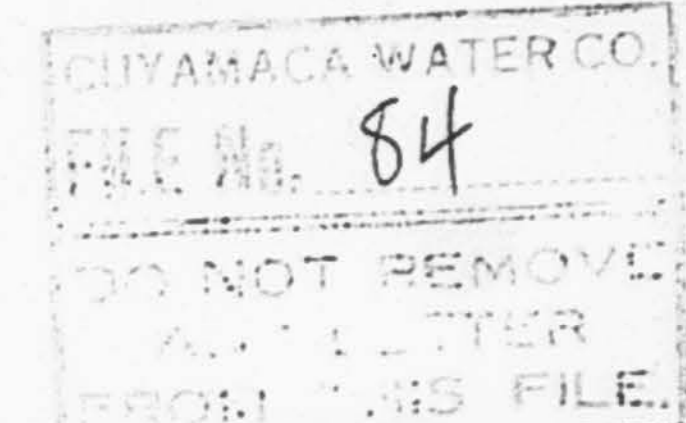
I thought that the brief that you file with the Los Angeles Land Office would be the one, a copy of which I could deliver to Mr. Lane. I am satisfied that Mr. Lane is not even going to wait for the Los Angeles Land Office to render a decision, and I want Lee and Huber and yourself to get together and let me have some concise statement, which I can deliver to Mr. Lane, personally, in Washington.

A copy of this letter has been sent to Mr. Lee and one to Mr. Huber. Please take the matter up with them, and you people decide on what is best to be done, immediately.

I received today a copy of Senate Bill No. 5081, introduced by Senator Phelan, which is a copy of the one introduced by Kettner in the House of Representatives.

Yours very truly,

F-S



CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT
 GEORGE W. E. ATKINS, VICE-PRESIDENT BELVIDERE BROOKS, VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT

C190GS K 17 COLLECT

FX LOSANGELES CAL-238P MAR 24 1916

CUYAMACA WATER CO

SANDIEGO

TOTAL DAMAGE SHOWN BY GOVERNMENT EXHIBIT FOUR IS TWO HUNDRED SIXTEEN THOUSAND FIVE HUNDRED SIXTEEN DOLLARS

O R W ROBINSON

250PM

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

RECEIVED
 MAR 23 1916

FEDERAL TELEGRAPH COMPANY TELEGRAM

. W. HOPKINS, VICE-PRES.

JOHN L. DEAHL, PRES.

H. P. VEEDER, VICE-PRES. & GEN. MGR.

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 thereof, which are hereby agreed to.					
San Diego, Calif., Mch. 24, 1916.					X
					X
					X
					X

O. R. W. Robinson,
 406 International Bank Bldg.,
 Los Angeles, Calif.

Wire at once amount of damages to El Capitan Indians, caused by floodage of lands, as testified to by engineers for the Government in the recent hearing in Los Angeles.

Cuyamaca Water Co.

M-S

Poulsen System

FILE No. 84
 DO NOT REMOVE
 ANY LETTER
 FROM THIS FILE.

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT
 GEORGE W. E. ATKINS, VICE-PRESIDENT BELVIDERE BROOKS, VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT

C182GS K 35 COLLECT BLUE

FX LOSANGELES CAL 110P MAR 25 1916

CUYAMACA WATER CO

SAN DIEGO

BONDING MARGIN IS ONE MILLION SIX HUNDRED FORTY THREE THOUSAND TWO HUNDRED THIRTY SEVEN DOLLARS AND TWENTY NINE CENTS BASED ON ASSESSMENT VALUE FOR PRESENT YEAR IN SUM OF EIGHTY AND ONE HALF MILLIONS

O R W ROBINSON

151PM

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

RECEIVED
 MAR 23 1916

March 24, 1916.

Mr. O. R. W. Robinson,
406 International Bank Building,
Los Angeles, California.

My dear Mr. Robinson:

Confirming our wireless telegram sent you this morning,
as follows:

"Wire at once amount of damages to El Capitan Indians caused
by floodage of lands as testified to by engineers for the
Government in the recent hearing in Los Angeles.
Cuyamaca Water Company.

We forwarded our copy of the transcript of the hearings held in
Los Angeles before the U. S. Land Commissioner and Registrar - re
City of San Diego vs. James A. Murray and Ed Fletcher - to Mr.
W. L. Huber of San Francisco to use, and not having this transcript
available we wired you, as above, for this information. This
testimony was given by engineers and witnesses for the U. S.
Government, and in which they showed the amount of the damages
to the Indians caused by the floodage of the El Capitan lands
while the City of San Diego was only offering something like
\$100,000.00

Thanking you for a prompt reply, we are,

Yours very truly,

CUYAMACA WATER COMPANY

By

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

LBM:B

5 500M-6-15

FEDERAL TELEGRAPH COMPANY

TELEGRAM

W. HOPKINS, VICE-PRES.

JOHN L. DEAHL, PRES.

H. P. VEEDER, VICE-PRES. & GEN. MGR.

RECEIVER'S NO.	TIME FILED	CHECK	INDICATE BY	X	RATE DESIRED
				X	DAY MESSAGE
					DAY LETTER
					NIGHT LETTER

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

San Diego, Calif., March 25, 1916.

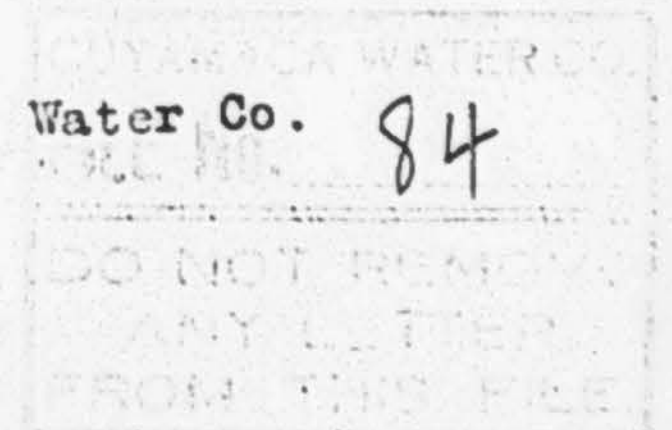
O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

Wire amount of bonding capacity, as per
certified statement of City Auditor Moody, in hearing.
If you have not information, get from Land Office.

8

Poulsen System

Cuyamaca Water Co. 84



October 3, 1916.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Cal.

Dear Sir:-

Replying to your letter of September 26th notifying me of the approval by the First Assistant Secretary of the Carroll Reservoir and Canal. I am very glad to hear of this approval, notice of which has also been sent me by Britton & Gray of Washington, D. C. In that connection, have you any recollection of having authorized them to appear for me in this matter in Washington, as I presume they will present a bill some time for such services as they may have performed.

What we need particularly here is a certified copy of the letter of the Secretary of the Interior which will convince a Title Insurance Company or an attorney examining my papers that this grant has been made to me. Will you kindly see that such a certified copy is obtained?

Mr. Post states that formerly the maps themselves were endorsed with the Secretary's signature and if the duplicate maps are returned to the local Land Office with such an endorsement, we should like to have what is called a negative made of this tracing which can be done by any blueprint company in a half hour. The prints from this negative will then show the Secretary's signature and the Register personally can attach a certificate that it is a true copy of the maps on file. You will understand from this explanation what I require and I should be obliged if this could be done as promptly as possible as this project is now under consideration by capital.

Your bill will be taken care of as soon as possible.

Yours very truly,

P:K

January 6, 1917.

Mr. O. R. W. Robinson,
406 International Bank Bldg.,
Los Angeles, Calif.

My dear Mr. Robinson:

At the request of our Manager, Col. Ed Fletcher, we beg to hand you herewith our check No. 9437 on the First National Bank of San Diego, for \$150.00, for professional services rendered by you. Apparently, we have had no itemized statement of this, and we would thank you if you would send us one by return mail, at the time that you return to us our voucher duly receipted by you.

Yours very truly,

CUYAMACA WATER COMPANY,

Secretary

M-S

84

October 31st, 1917.

Mr. O. R. W. Robinson,
406-7-8 International Bank Bldg.,
LOS ANGELES,
California.

My dear Mr. Robinson:-

At the time of our hearing re El Capitan Dam in the Land Office, Federal Building, Los Angeles, in December 1915, there was filed as one of our exhibits, if you remember, the original permit for rights-of-way from the Department of the Interior Office of Indian Affairs at Washington, to the San Diego Flume Company, dated July 13, 1892, Land 25142- 1892, signed by T. J. Morgan, Commissioner. Would it not be possible for you to secure the withdrawel of same for us, as we prefer to keep the original in our office. In the event the Land Office would like a copy for their files, we will be very glad to furnish them with one.

Trusting you will give this matter your immediate attention, we are,

Yours very truly,

CUYAMACA WATER COMPANY,

Seoty.

LBM/P.



LAW OFFICES OF
O. R. W. ROBINSON
406-7-8 INTERNATIONAL BANK BUILDING
CORNER SPRING AND TEMPLE STREETS
LOS ANGELES

November 2, 1917.

Cuyamaca Water Co.,
P.O. Box 1412,
San Diego, Calif.

Gentlemen:

Referring to your letter of the 31st ultimo, concerning the withdrawal of the original of a certain exhibit in the El Capitan case, and substituting in lieu thereof a certified copy, I have to say that I am not of record as Attorney for your Company before the General Land Office in this matter and as a consequence have not the authority to act in the manner requested by you. My connection with the case having terminated with the filing of the Brief on Appeal, at which time Col. Fletcher withdrew the matter from my hands.

However, if it is your desire to have me attend to the matter outlined in your letter above referred to, I will prepare the necessary authorization and enter my appearance as Attorney for the purpose of securing the return of the document requested by you.

Very truly yours,

ORWR:MS

Ed Fletcher Papers

1870-1955

MSS.81

Box: 22 Folder: 27

General Correspondence - Robinson, O.R.W.



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