

April 7, 1916.

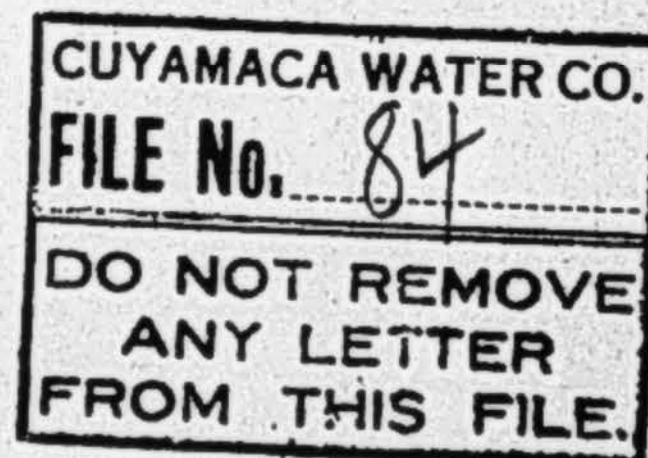
Hon. Scott Ferriss,
Chairman of the Public Lands Committee,
House of Representatives,
Washington, D. C.

My dear Mr. Ferriss:

Confirming my telegram of this date,
a copy of which is herewith attached, enclosed find synopsis
of the situation from the standpoint of the Cuyamaca Water
Co. in opposition to House of Representatives Bill No.
11540.

Yours very truly,

F-8



WESTERN UNION NIGHT LETTER

Form 2289

RECEIVER'S No.	TIME FILED	CHECK

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

SEND the following Night Letter, subject to the terms
on back hereof, which are hereby agreed to San Diego, Calif., April 7, 1916.

Hon. Scott Ferriss,
Chairman Public Lands Committee, House of Representatives,
Washington, D. C.

Understand there is possibility of hearing before
your committee on House bill number eleven thousand five hundred
forty of Congressman Kettner for City of San Diego. We strenuously
object to any favorable action on the part of your committee, for the
following reasons:

First. It will cloud the title to our water rights, of which we
have had possession for thirty years, and does us a great injustice.

Second. Two million dollars have been spent since the time the
Interior Department granted us rights of way and permit to divert water
from the El Capitan Indian Reservation. We have lived up to our con-
tract and all our obligations, and we now ask the the protection of the
United States Government in this matter.

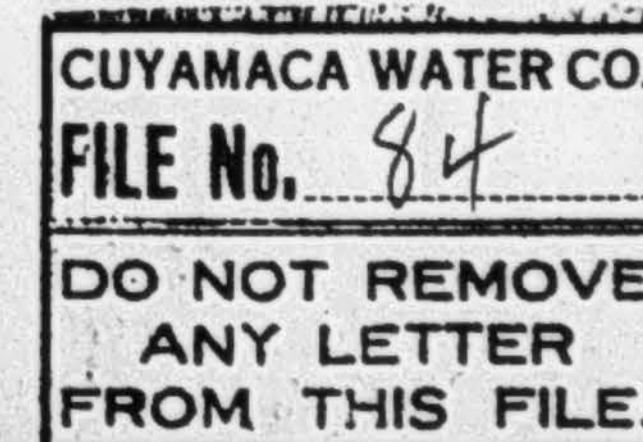
Third. We have spent Five Hundred Thousand Dollars in developing
our property the last four years, and when complete development is made
there will be very little if any excess water available, as per testi-
mony of Government engineers.

Fourth. We furnish water to the cities of East San Diego, La Mesa
and El Cajon. They are wholly dependent upon us for their water supply
and the granting of this right asked for by the City of San Diego does
the greatest injustice to these cities
as well as our irrigation consumers.

If it is intended to have a hearing of this bill,
we request reasonable notice in advance, that we may appear
in Washington, and present strong reasons why the matter should
not receive your recommendation. Kindly assure us that we will
be extended the courtesy of a notice.

Cuyamaca Water Co.,
By Ed Fletcher, Manager.

Night letter
Charge Cuyamaca Water Co.
F-8



Form 1204

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

WESTERN UNION TELEGRAM



CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	NMs
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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NEWCOMB CARLTON, PRESIDENT
GEORGE W. E. ATKINS, VICE-PRESIDENT BELVIDERE BROOKS, VICE-PRESIDENT

RECEIVED AT

C88GSQ 21 GOVT

HB WASHINGTON DC 1228P APL 8-1916

ED FLETCHER

CUYAMACA WATER CO SANDIEGO CAL

NO HEARING FORMALLY SET KETTNER WILL ADVISE YOU IN PLENTY OF TIME

SCOTT FERRIS

1116 A

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

January 31, 1918

Hon. Scott M. Ferris, Chairman,
Public Lands Committee,
House of Representatives,
Washington, D.C.

My dear Mr. Ferris,

Herewith I beg to hand you complete copy of my brief and exhibits for the Cuyamaca Water Co., as officially inserted in the records, in accordance with my promise to you at the hearings. I will be much obliged if you will have the brief filed as one of the exhibits in yesterday's hearing.

I take this opportunity of thanking you and the members of the Committee for the courtesies extended to me, and also for the able and impartial manner in which you handled the hearings.

Believe me,

Very respectfully,

CUYAMACA WATER COMPANY

SUCCESSORS TO

THE SAN DIEGO FLUME COMPANY

OFFICE: FLETCHER BUILDING

916 EIGHTH STREET, BETWEEN BROADWAY AND E

P. O. BOX 1412

ED FLETCHER, MANAGER

F. M. FAUDE, ASST. MANAGER

LOU B. MATHEWS, SECRETARY

C. HARRITT, SUPERINTENDENT

SAN DIEGO, CALIFORNIA.

Feb. 19, 1918.

Mr. Scott Ferris,
Chairman, Public Lands Committee,
Washington, D. C.

Dear Sir:-

Confirming my verbal agreement, the following is a copy of the report of the Water Committee of the Chamber of Commerce, officially endorsed by the Board of Directors of the Chamber of Commerce:

Your Committee appointed to consider the question of procuring an additional water supply for the City of San Diego, begs leave to report as follows:

The City is confronted with two conditions, First, the necessity for an additional water supply to supply its present and future needs; Second, the inability of the City to increase its bonded indebtedness to any extent for that purpose or for any other purpose at this time.

Having these two conditions in mind, we make the following suggestions:

1st; That the City enter into a contract for a reasonable period with the Volcan Water Company for the delivery of five million gallons per day at rate of 10 ¢ per thousand gallons, commencing as soon as the system is completed for that purpose, to be not later than July 1st, 1920, etc.

2nd: That as soon as sufficient funds are available Barrett Dam be completed to a sufficient height to store five billion gallons of water. The construction of this dam will be merely the completion of the present water system and will prevent waste of flood waters caused by insufficiency of Delzura conduit to carry said flood waters of the Lower Otay Reservoir during the rainy season. This Dam will cost about \$300,000.00 and the city will be able to expend this amount without increasing it's bonded indebtedness as it yearly pays off \$310,000.00 of its present bonds.

3rd; As soon thereafter as funds are available for that purpose, that a dam be built in the San Diego River gorge to conserve flood waters of the San Diego River. This Dam would have an outlet of sufficient height to furnish water to the lower levels of the City. This Dam could be built at an expense not to exceed \$750,000.00 and would store upwards of ten billion gallons of water. The building of this Dam should be the first step in the conservation and development of the waters of the San Diego River and should be followed up later by such development higher up as may be deemed advisable.

4th: While this development is going on the pumping facilities from the waters of the San Diego River should be kept in first class condition for emergencies and to furnish additional emergency supplies. As an additional auxiliary, provision should be made for the installation of pumping plant at Tia Juana River for due protection in event of damage to any or all of the City's reservoirs, and for additional supply. Provisions should be made at once for the securing of suitable land for that purpose and whenever circumstances warrant or demand for installing pumping plant and pipe line, etc.

We believe that the suggestions herein contained when followed out will furnish the City of San Diego with an ample supply of water for its future growth for many years to come.

Respectfully submitted,

(Signed) Julius Wangenheim,
Frederick W. Stearns,
Sam Ferry Smith,
John Forward, Jr.,
W. W. Whitson,

A complete copy of this report is herewith attached. You will notice that no mention was made of El Capitan Damsite. This committee had the advice of Mr. H. M. Savage, who built the Sweetwater Dam, is now building the City of San Diego's Dam known as the Lower Otay, and is one of the most representative engineers of the Pacific Coast. It was only an afterthought and

after Mr. Cosgrove had telegraphed from Washington, that the Chamber of Commerce by telegraph endorsed the building of El Capitan Dam.

The above report is dated September 8th, 1917, and enclosed herewith is an editorial of the same date written by the Editor of the San Diego Sun, the newspaper with the largest circulation in the City of San Diego, urging that the Cuyamaca water system be purchased by the City.

A controversy arose ^{as} to the present attitude of Ira E. Bennett, Managing Editor of the Washington Post, towards the present bill of the City of San Diego. Mr. Bennett appeared and pleaded for the Indians at the original hearing, also filed a brief on the subject. Enclosed find letter from Mr. Bennett under date of Feb. 11th, 1918 which is explanatory, and shows conclusively that Mr. Bennett has not changed his attitude, and I am sure his brief will be of interest.

I have just arrived in San Diego, and until Mr. Cosgrove returns I cannot effect a compromise with the City of San Diego long the lines as recommended by Mr. Cosgrove in his testimony before the Public Lands Committee, that he had no objection to our building dams at our intakes; that he welcomed it; that it meant everything to the county and that the City of San Diego would be glad to see it done, even to the extent of our taking all the water that might originate above our intakes; that there was plenty of water below for

50

CUYAMACA WATER CO.

(Signed) By: Ed. Fletcher.
Manager.

SF-4-

El Capitan Dam. If the City Council only pass a resolution taking the attitude that the City Attorney of San Diego has taken, whether the City Council's action is legal or not, or even if it is only a moral obligation, we are willing to withdraw all opposition to the building of El Capitan Dam. We urge the Committee to take no action on the pending bill for a reasonable length of time, until we may have opportunity to adjust this matter amicably with the City of San Diego.

Respectfully submitted,

EF/tm

Cuyamaca Water Co
(Signed) By Ed Fletcher,
Manager.

SF-4-

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Respectfully submitted,

CUYAMACA WATER CO.,

(Signed) By Ed Fletcher,

Manager.

EF/BM

Office of the Editor

THE WASHINGTON POST

February 11, 1918.

My dear Mr. Fletcher:

I received your letter of February 6th, but delayed replying on account of having the grip. Your letter states that "Mr. Scott Ferris inferred to the Committee that you had reversed your position in the matter of the El Capitan Indians, and Hon. Cato Sells also testified along those lines. This was in answer to my statement with your authority that I would file a brief which stated your position in the matter. Mr. Ferris objected to the filing of the brief on account of your reversal of attitude." You ask me whether or not my attitude has changed and whether or not you may have the privilege of filing my "brief." My views have not changed at all, and you have permission to file the statement referred to.

I think the committee must have misunderstood Mr. Sells. He telephoned to me and assured me that he had looked very carefully into the situation, and had taken steps which would absolutely guarantee protection of the Indians. I assured him that that was all I had ever asked, and I expressed my confidence in his good faith and judgment. I added that as a Californian I could testify that the white men of California cannot be trusted to respect the rights of the Indians. These rights must be protected by the United States Government. Mr. Sells told me that he understood this, and assured me that he was taking steps accordingly. This was the substance of our conversation. We did not discuss the merits of the San Diego water situation.

I have found a copy of my statement which I filed with the Secretary of the Interior, and I enclose it herewith. I have no objection to your filing it with the Committee if you care to do so, and if the Committee deems it worthy of notice.

Sincerely yours,

Mr. Ed Fletcher,
Care New Willard Hotel,
Washington, D. C.

(Signed) Ira E. Bennett

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON, D. C.

-0-

James A. Murray	)	Involving application of right of
Ed. Fletcher	(	way. Serial No 014623, Los Angeles,
William G. Henshaw	)	California series. Under the act of
Protestants and Appellants.	(	February 15th, 1901. (Stats.790).
	(	-0-
vs.)	
	(	Appeal to the
The City of San Diego	)	Secretary of the Interior
(A Municipal Corporation)	)	--oOo--
Assignee of W. B. Hamilton	)	By
Protestee and Respondent.	(	Ira E. Bennett

---oOo---

STATEMENT IN BEHALF OF THE CAPITAN GRANDE BAND

OR VILLAGE OF MISSION INDIANS.

-0-

The application of the City of San Diego for a permit to use rights of way for reservoir purposes through lands of the Capitan Grande Indian Reservaion, under the Act of Congress approved February 15, 1901, is in fact and effect an attempt to dispossess the Indians of their lands, which they hold under trust patents from the United States, issued in accordance with the Act of Congress approved January 12, 1891.

These trust patents declare that the United States at the expiration of twenty-five years will issue patents to the Indians "In fee simple, discharged of said trust and free of all charge and incumbrance whatsoever.

The proposed permit to use the rights of way, if it could be given, would conflict with the vested rights of the Indians, and would prevent the United Staes from conveying the lands to the Indians by patent in fee simple and free of incumbrance, as it is bound by law to do.

The permit, if given, could not be continued in force longer than March 10, 1919, when the twenty-five year trust period will expire. At that date the Secretary of the Interior is required by law to convey the lands in question to the Indians by patent in fee simple and free of incumbrance.

The patent issued March 10, 1894, reads in part as follows:

"NOW KNOW YE, THAT THE UNITED STATES OF AMERICA, in consideration of the premises and in accordance with the provisions of the third section

of the said Act of Congress approved January 12, 1891, hereby declares that it does and will hold the said tracts of land selected as aforesaid (subject to all the restrictions and conditions contained in the said Act of Congress, January 12, 1891), for the period of twenty-five years in trust, for the sole use and benefit of the said Capitan Grande band or village of Mission Indians, according to the laws of California, and at the expiration of the said period the United States will convey the same or the remaining portion not patented to individuals, by patent to said Capitan Grande band or village of Mission Indians, as aforesaid, in fee simple discharged of said trust and free of all charge or incumbrance whatsoever.

"And there is reserved from the lands 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."

Under this patent 8,960 acres of land were conveyed to the Indians in trust. Another patent, issued July 9, 1913, conveys to the Indians 1,240 acres in trust. There have been no allotments in this reservation.

WHAT SAN DIEGO REALLY ASKS.

The City of San Diego ostensibly asks for a revocable permit to use rights of way through the Capitan Grade Indian Reservation, but in fact it asks for a transfer of practically the entire reservation and the removal of the Indians to another place. This was admitted by the City Attorney at the hearing before the Register and Receiver at Los Angeles (Transcript, Page 37). He said:

The City admits that the granting of this permit will flood, if not the entire tillable land of the Indians, such a large portion of it that the remaining portion would be uninhabitable from a sanitary standpoint, and we would not desire Indians living on the rim of the reservoir, and we admit that the granting of the permit, for all practical purposes, will take from the Indians all their tillable land, take from them all their places of abode, and they would have to be moved from their location. The position the City of San Diego takes is that the granting

of the permit would compel the Government to remove the Indians to some other place, and we are ready to stand the expense and furnish the ground to which they may be moved."

This frank avowal that San Diego's application for a permit, if granted, would result in the eviction of the Indians is made clear by the terms of the pending bill (H.R.11540), introduced by Mr. Kettner, in which it is provided that the Indians shall be removed, and that the damages suffered by them, not exceeding \$100,000, shall be paid by the city.

The bill in question provides for rights of way, while the application before the Secretary of the Interior is merely for a revocable permit to use the right of way.

Thus the City of San Diego is asking simultaneously for a violation of the law by the Secretary of the Interior and for nullification by Congress of the act for the relief of these Indians and the violation of the trust created by said Act.

There is nothing in the act of February 15, 1901 which appeals prior acts or part of acts. The Act of January 12, 1891, for the relief of the Mission Indians of California, is in full force and was amplified by the Act of Congress approved March 1, 1907 (34 Stat.1022), the Indian Appropriation Act.

RIGHTS OF THE INDIANS.

It is not necessary here to go deeply into the history of the Mission Indians of California. The story is told in Sen. Ex. Doc. 49, Forty-eighth Congress, First Session, which contains the report of Special Agent Helen Jackson and Abbot Kinney to the Commissioner of Indian Affairs; the Commissioner's eloquent appeal to the Secretary of the Interior for action; the letter of Secretary Teller to President, asking that the matter be called to the attention of Congress, and President Arthur's message to Congress, dated January 14, 1884. On December 21, 1885, President Cleveland asked Congress to relieve these Indians. The Senate passed a relief bill several times, but the bill did not pass the House until December 10, 1890, and it was approved by the President

January 12, 1891.

Many years of injustice were suffered by the Mission Indians before their friends could impress the subject upon Congress. The devotion of Mrs. Helen Jackson to their cause finally won recognition. The temper of Congress, when its attention was finally directed to the plight of the Indians, is exhibited in the brief, but emphatic report of the Senate Committee on Indian Affairs (S. Rep. 74, Fiftieth Congress, 1st. Sess.), reading as follows:

"The history of the Mission Indians for a century may be written in four words: Conversion, civilization, neglect, outrage. The conversion and civilization were the work of the Mission fathers previous to our acquisition of California; the neglect and outrage have been mainly our own. Justice and humanity alike demand the immediate action of Government to preserve for their occupation the fragments of land not already taken from them. Accompanying this report is a letter from the Commissioner of Indian Affairs, giving information of their present condition; also the report of Mrs. Helen Jackson and Mr. Abbot Kinney, giving the results of an investigation into the condition of these Indians and making recommendations of measures to be adopted for their protection and relief.

"The bill referred to the Committee is substantially the bill passed by the Senate in the Forty-ninth Congress, and, with certain amendments, indicated in the text, is recommended for passage."

Pursuant to the Act, the Secretary of the Interior Albert K. Smiley, Joseph B. Moore, and Charles C. Painter as members of the Mission Indian Commission. They made a thorough investigation of conditions, and caused surveys to be made, upon which surveys they based recommendations for the adjustment of the boundaries of the various reservations. The report of the Commissioners was submitted to the President December 7, 1891, and on December 29, an Executive order was issued by President Harrison approving the report and the recommendations. The Executive order reads in part:

"All of the lands mentioned in said report are hereby withdrawn from settlement and entry until patents shall have issued for said selected

reservations, and until the recommendations of said Commission shall be executed, and, by the Proclamation of the President of the United States, the lands of any part thereof shall be restored to the public domain.

(Signed) Benj. Harrison."

The Capitan Grande Reservation was created in accordance with this order, and its boundaries remained as thus determined. A patent conveying 8,960 acres to the Indians in trust for twenty five years was issued on March 10, 1894.

The Indian Appropriation Act, approved March 1, 1907, (34 Stat. L., Page 1022) contains the following provisions:

"That Section three of the act approved January twelfth, eighteen hundred and ninety-one, entitled, 'An Act for the Relief of the Mission Indians in the State of California,' be, and the same is hereby, so amended as to authorize the Secretary of the Interior to select, set apart, and cause to be patented to the Mission Indians such tracts of the public lands of the United States, in the State of California, as he shall find upon investigation to have been in the occupation and possession of the several bands or villages of Mission Indians, and are now required and needed by them, and which were not selected for them by the Commission as contemplated by Section two of said Act.

Pursuant to this act, a patent was issued on July 9, 1913, conveying 1,240 acres in trust to the Indians.

Although no allotments have been made, the Indians are occupying individual parcels of ground, and in due time will be entitled to individual patents. The policy of Congress and the Department of the Interior in dealing with the Capitan Grande Indians has been the same as that which was successful in dealing with the Omahas.

There has been no intimation in Congress that the policy of relief for the Mission Indians of California is to be changed. On the contrary, the Act of March 1, 1907, is a comparatively recent reassertion of this policy. The application of the City of San Diego traverses this policy, and if granted would cause serious embarrassment. Any permit given would necessarily have to be revoked in a short time. The City of San Diego might suffer injury by entering upon an enterprise which cannot be completed, and the Indians of Capitan Grande would be disturbed by the fear that the United States, notwithstanding its solemn pledge, intended to take away their homes and set them adrift as wanderers.



GUYAMAGA WATER COMPANY

SUCCESSORS TO

THE SAN DIEGO FLUME COMPANY

OFFICE: FLETCHER BUILDING

916 EIGHTH STREET, BETWEEN BROADWAY AND E

P. O. BOX 1412

ED FLETCHER, MANAGER
LOU B. MATHEWS, SECRETARY
C. HARRITT, SUPERINTENDENT

Copy

SAN DIEGO, CALIFORNIA.

Feb. 19, 1918.

Mr. Scott Ferris,
Chairman, Public Lands Committee,
Washington, D. C.

Dear Sir:-

Confirming my verbal agreement, the following is a copy of the report of the Water Committee of the Chamber of Commerce, officially endorsed by the Board of Directors of the Chamber of Commerce:

Your Committee appointed to consider the question of procuring an additional water supply for the City of San Diego, begs leave to report as follows:

The City is confronted with two conditions, First, the necessity for an additional water supply to supply its present and future needs; Second, the inability of the City to increase its bonded indebtedness to any extent for that purpose or for any other purpose at this time.

Having these two conditions in mind, we make the following suggestions:

1st; That the City enter into a contract for a reasonable period with the Volcan Water Company for the delivery of five million gallons per day at rate of 10 ¢ per thousand gallons, commencing as soon as the system is completed for that purpose, to be not later than July 1st, 1920, etc.

2nd: That as soon as sufficient funds are available Barrett Dam be completed to a sufficient height to store five billion gallons of water. The construction of this dam will be merely the completion of the present water system and will prevent waste of flood waters caused by insufficiency of Delzura conduit to carry said flood waters of the Lower Otay Reservoir during the rainy season. This Dam will cost about \$300,000.00 and the city will be able to expend this amount without increasing it's bonded indebtedness as it yearly pays off \$310,000.00 of its present bonds.

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Respectfully submitted,

(Signed) Julius Wangenheim,
Frederick W. Stearns,
Sam Ferry Smith,
John Forward, Jr.,
W. W. Whitson,

A complete copy of this report is herewith attached. You will notice that no mention was made of El Capitan Damsite. This committee had the advice of Mr. H. M. Savage, who built the Sweetwater Dam, is now building the City of San Diego's Dam known as the Lower Otay, and is one of the most representative engineers of the Pacific Coast. It was only an afterthought and

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I have just arrived in San Diego, and until Mr. Cosgrove returns I cannot effect a compromise with the City of San Diego long the lines as recommended by Mr. Cosgrove in his testimony before the Public Lands Committee, that he had no objection to our building dams at our intakes; that he welcomed it; that it meant everything to the county and that the City of San Diego would be glad to see it done, even to the extent of our taking all the water that might originate above our intakes; that there was plenty of water below for

SF-4-

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Respectfully submitted,

CUYAMACA WATER CO.,

(Signed) By Ed Fletcher,

Manager.

EF/BM

(REPLY OF CHAIRMAN OF COMMITTEE ON PUBLIC LANDS.)

HOUSE OF REPRESENTATIVES
COMMITTEE ON THE PUBLIC LANDS
WASHINGTON, D. C.

March 20, 1918.

Mrs. Lucy B. Long

San Diego, California

My dear Madam:

I am in receipt of your telegram. The bill as it stands does not violate the rights of any citizen or any community. The City Attorney was particular to ask for legislation and to insist on legislation that would not invade the rights of anybody. The Committee was particularly careful to perfect the bill so that it did not invade the rights of any citizen or any community.

If you have rights there they will certainly be taken care of under this bill and no one will be permitted to meddle with them under this legislation. We went into every phase of it and we have absolutely written it into the law that the rights of none of these people, the rights of none of those communities will be invaded.

Very respectfully yours,

(Signed) SCOTT FERRIS

May 23, 1918.

Hon. Scott Ferris, Chairman,
Public Lands Committee,
House of Representatives,
Washington, D. C.

My dear Mr. Ferris:

Enclosed find copy of the La Mesa Scout, showing that the City of La Mesa, as well as that section of the country is unanimously behind the Cuyamaca Water Company in its controversy with the City of San Diego. I made this assertion before the Public Lands Committee of the House and Senate, and today the entire country served with water from the Cuyamaca Water system is unanimously supporting the Cuyamaca Water Company's contention.

The official records of the House Public Lands Committee shows that the City Attorney of San Diego, T. B. Cosgrove, pledged the word of the City of San Diego that the city was not opposed to our building our diverting dams, but would welcome this development. This is not true. The City Council has refused to take any action whatsoever, and instead the individual members of the City Council have positively stated that if we commence the construction of the dam injunction proceedings will be filed by the City. This means endless litigation, for, although we have for thirty-five years diverted our present supply of water, and for the last seven years have spent \$750,000 to protect our water filings on surplus water, yet it is not a business proposition for us to commence construction and take the chance of having the work half completed, with \$200,000 or \$300,000 involved and then have endless litigation with the city.

As the City of San Diego has violated the pledge of its city attorney, and as the entire back country is dependent upon us for its sole water supply for future growth, we respectfully ask that no action be taken in the matter of House Bill No. 10587, Senate Bill No. 3646.

Respectfully submitted,

CUYAMACA WATER COMPANY,

By _____

Manager.

F-8

May 27, 1918.

Honorable Scott Ferris,
Public Lands Committee,
House of Representatives,
Washington, D. C.

My dear Mr. Ferris:

I mailed you last week a copy of the La Mesa Scout, showing the resolution unanimously passed by the City Council of La Mesa, endorsing the position of the Cuyamaca Water Company.

Enclosed herewith find clipping of the El Cajon Valley news, showing the resolution unanimously passed by the City Council of El Cajon. The attached resolution fully covers the situation, and I sincerely trust that you will take the time to read it. The entire back country is unanimously behind the Cuyamaca Water Company in its attempt to conserve the flood waters of the San Diego River.

Since returning home we have made all the surveys and definitely located the damsite; have brought suit to condemn the private lands that will be flooded outside of the Indian Reservation, and contracts are now being drawn with the riparian owners, giving their consent as well to the construction of the dam. We have already tentatively secured the consent of over ten miles of riparian rights from the largest property owners along the San Diego River.

The City Council of San Diego have refused to stand by the City Attorney, Mr. Cosgrove, who made the statement that the City of San Diego would not oppose, but gladly see the Cuyamaca Water Company build its diverting dam at its intakes on the San Diego River no matter if it took all the water at the points of diversion. Until such time as the City Council of San Diego does live up to the obligation as made by the City Attorney, certainly, in all fairness, House Bill No. 10587 and Senate Bill No. 3646 should not be passed. When the City of San Diego does live up to the obligation as made by the City Attorney the Cuyamaca Water Company will gladly approve of the passage of said bill and will make no further objection thereto.

Very truly yours,

CUYAMACA WATER COMPANY,

BY

MANAGER

June 5, 1918.

Hon. Scott Ferris, Chairman,
Public Lands Committee,
House of Representatives,
Washington, D. C.

My dear Mr. Ferris:

Answering yours of the 29th, I enclose you herewith article from the El Cajon Valley News, which is explanatory, showing the united back country in opposition to the City. Knowing that there would be no opposition whatsoever, directly or indirectly, to the city's building the El Capitan if only the city council of San Diego will take the attitude that the City Attorney did at Washington toward our building our diverting dams, it seems to me that it is a great injustice for Congress to take any action whatsoever on this bill until we have some assurance that we may go ahead with our construction work.

Your answer may be "The courts will protect you." Our answer to that is: We can let a contract, put \$200,000 or \$300,000 into the dam, have it half completed and then five or six years of litigation ties up the completion of the dam, with contractors on our back with suit for profits, etc.

It is an absolute certainty that the City of San Diego, for many years, cannot conserve this water, and the present situation is such that there is a club being held over our head to stop our development of same.

H. W. KELLER
PRESIDENT

South Coast Land Company

(INCORPORATED)

MAIN OFFICE
SUITE 212 KERCKHOFF BUILDING
LOS ANGELES, CAL.
PHONE MAIN 227

BRANCH OFFICES:
SAN DIEGO, CAL.
DEL MAR, CAL.

WM. G. KERCKHOFF
VICE-PRESIDENT

F. H. TOLLE
SECRETARY

DIRECTORS

H. E. HUNTINGTON
C. A. CANFIELD
W. G. KERCKHOFF
E. FLETCHER
H. W. KELLER
H. P. BAUMGAERTNER

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Enclosed find copy of telegram sent to
Mr. Wheeler by the La Mesa, Lemon Grove and
Spring Valley Irrigation District, which is
explanatory.

Yours very truly,

CUYAMACA WATER COMPANY,

F-S

By _____

Manager.

Ed Fletcher Papers

1870-1955

MSS.81

Box: 8 Folder: 5

General Correspondence - Ferris, Scott



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