

San Diego, Calif., April 7, 1916.

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

H. L.  
Hon. J. A. Myers,  
Chairman Public Lands Committee,  
U. S. Senate,  
Washington, D. C.

Understand there is possibility of hearing

before your committee on ~~House Bill Number Eleven Thousand Five~~  
~~Senate Bill No. Five Thousand Eighty-One~~  
~~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 contract and all our obligations, and we now ask  
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 testimony 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 recom-  
mendation. 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

April 7, 1916.

Hon. Henry L. Myers,  
Chairman of the Public Lands Committee,  
U. S. Senate,  
Washington, D. C.

My dear Mr. Myers:

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 Senate  
Bill No. 5081.

Yours very truly,

F-8

CUYAMACA WATER CO.  
FILE No. 84  
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# WESTERN UNION NIGHT LETTER

Form 2269

GEORGE W. E. ATKINS, VICE-PRESIDENT

NEWCOMB CARLTON, PRESIDENT

BELVIDERE BROOKS, VICE-PRESIDENT

RECEIVER'S No.	TIME FILED	CHECK

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

San Diego, Calif., April 8, 1916.

Hon. Henry L. Myers,  
Chairman Public Lands Committee,  
U. S. Senate,  
Washington, D. C.

Message transmitted last night to J. A. Myers was intended for you, and should have read Senate Bill number Five Thousand Eighty-One instead of House Bill Number Eleven Thousand Five Hundred Forty.

Cuyamaca Water Co.,

By Ed Fletcher Manager.

Charge Cuyamaca Water Co.  
Night letter  
MS

CUYAMACA WATER CO.
FILE No. 84
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HENRY L. MYERS, MONT., CHAIRMAN.  
MAI A. SMITH, ARIZ. REED SMOOT, UTAH.  
CHARLES S. THOMAS, COLO. CLARENCE D. CLARK, WYO.  
WILLIAM H. THOMPSON, KANS. JOHN D. WORKS, CAL.  
KEY P. MAN, NEV. ALBERT B. FALL, N. MEX.  
JOSEPH L. HANDELL, LA. GEORGE W. NORRIS, MERR.  
GEORGE E. CHAMBERLAIN, OREG. THOMAS STERLING, S. DAK.  
JAMES D. PHELAN, CAL.  
PAUL D. HUSTING, WIS.  
CHARLES W. DRAPER, CLERK.

## United States Senate,

COMMITTEE ON PUBLIC LANDS.

Washington, D. C., April 20, 1916.

My dear Sir:

Your favor of the Fifteenth, with reference to S. 5081, has been received and contents carefully noted.

The above bill when introduced was referred to the Committee on Military Affairs but subsequently the Committee on Military Affairs was discharged and the bill was sent to Public Lands. It is still pending before the Public Lands Committee.

Owing to the great mass of legislation before this committee, S. 5081 has not been up for consideration. However, as I wrote you, when the committee decides to take this bill up I will lay before it your communications upon the same.

Yours respectfully,

*H. L. Myers*  
Chairman.

Mr. Ed. Fletcher,  
Fletcher Bldg.,  
San Diego, California.

M:D.

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

April 26, 1916.

Hon. H. L. Meyers,  
Chairman Public Lands Committee,  
U. S. Senate,  
Washington, D. C.

My dear Mr. Meyers:

I am in receipt of your letter of  
April 20th, and contents noted.

After reading the data which has been furnished you,  
and knowing that every department in the Land Office, the  
Secretary of the Interior included, have turned down the  
Hamilton application, and this bill has not the approval of  
the Secretary of the Interior, I hope that the Public Lands  
Committee will be so busy that it will not have time to  
take under consideration Senate Bill No. 5081.

We have been to endless and needless expense so far  
in protecting our rights, and we hope that we shall not have  
to go to any further expenses in the El Capitan matter, as  
per bill introduced by the City of San Diego.

Very sincerely yours,

CUYAMACA WATER COMPANY,

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

F-S

\_\_\_\_\_  
Manager.

The New Willard Hotel,  
Washington, D.C.

January 31, 1918.

Hon. Henry L. Myers,  
United States Senate,  
Washington, D.C.

My dear Senator,

Realizing how busy you are with the affairs  
of the nation, I am not, at the present time, going to bother  
you by even attempting to make a call.

The El Capitan Bill, in which Mr. James A. Murray of  
Monterey, California, and myself are interested (House Bill  
4037) was before the Public Lands Committee of the House on  
Monday and Tuesday (Jan. 28 and 29, 1918). The records will  
show there are two sides to the question, and enclosed here-  
with find copy of my brief, which I hope you will, at your  
convenience, read.

I have been told that the bill has not been introduced  
in the Senate. I would ask you to let your secretary notify  
me when that bill is introduced and referred to your Committee  
as it undoubtedly will be. All I want is two or three weeks  
notice in advance to enable me to get here for the hearings.

Please accept my sincere thanks for your interest in this  
matter, and I hope sometime to have the pleasure of showing  
you round some of our beautiful country in San Diego.

Believe me,

Very sincerely yours,

# WESTERN UNION

Form 200

RECEIVER'S NO.	TIME FILED	CHECK
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## TELEGRAM

THEO. N. VAIL, PRESIDENT

San Diego, Calif. Feb. 19, 1918

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

Hon. U.S. Senator, Henry L. Myers,  
Washington, D C.

City Attorney Cosgrove not yet arrived San Diego. Nothing can be done until his return. Will withdraw all opposition to pending bill City of San Diego providing City Council takes attitude of City Attorney Cosgrove and withdraw opposition to the building of and immediate construction of diverting dams at our intakes. Recognizing that City Council cannot waive any of the city's rights except by vote of people yet we are willing to accept resolution of City Council to the effect they will not oppose construction of diverting dams mentioned above. Record of Public Lands Committee proceedings now available shows City Attorney not opposing but encouraging these developments by us. Building of these dams by us means immediate conservation of flood

# WESTERN UNION

Form 200

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

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# WESTERN UNION

Form 2

RECEIVER'S NO.	TIME FILED	CHECK
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## TELEGRAM

THEO. N. VAIL, PRESIDENT

-2-

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

To waters now going to waste. City can always have additional water in an emergency at rate established by State authorities or our entire water system if desired at valuation placed by State authorities and on easy terms. As whole plea of city is that emergency exists and as such is not the case, we stand ready today to furnish city any amount of water desired. As our water system is now connected with the City of San Diego this can be furnished on twentyfour hours notice. We urge no action be taken on bill until City Attorney returns and amicable settlement made according to City Attorneys own proposition as per statement before Public Lands Committee of House. Will make every effort for immediate settlement and report.

Cuyamaca Water Company  
Ed Fletcher.

# WESTERN UNION

Form 200

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

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## TELEGRAM

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

-2- HLM

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Cuyamaca Water Company.

Feb. 20, 1918

*Meyers*

My dear Senator:-

Enclosed herewith find copy of telegram sent to Senator H. L. Myers, Chairman, Public Lands Committee, also clipping from today's paper which is explanatory.

I sincerely trust no action will be taken in relation to Senate Bill No. 3646 until I can have a conference with City Attorney and the City Officials of San Diego. All I ask is a short delay, for I believe a compromise settlement can be made satisfactory to all.

Yours very truly,

CITYALACA WATER COMPANY.

By

Manager.

EP/bm  
Encl.

Letter sent to

- Hon Marcus A Smith
- Hon Key Pittman
- Jos. E. Ransdell
- George E Chamberlain
- Charles L. McNary
- James D Phelan
- John F. Shafroth
- Andrieus A Jones
- John B Kendrick
- Frank B. Kellogg
- George W Norris
- Albert B. Fall
- Thomas Sterling
- Edwin S. Johnson
- Reed Smoot

February 20, 1918.

Senator H. L. Meyers,  
Chairman, Public Lands Committee,  
Washington, D. C.

My dear Senator Meyers:

Enclosed herewith find a clipping from the San Diego ~~Star~~  <sup>Tribune</sup> of today, showing that the City Council of San Diego have repudiated the compromise as outlined by City Attorney Cosgrove, and their reasons therefor. It shows clearly that the attached statement, which is a correct record of Mr. Cosgrove's testimony before the Public Lands Committee of the House, is in direct conflict with the information he has furnished the City Council of San Diego. The City Council have been misinformed as to the true situation, and I will immediately furnish them with a transcript of the evidence given by City Attorney Cosgrove. Either Mr. Cosgrove misrepresented the facts to the Public Lands Committee of the House, or he has misrepresented the facts to the City Council of San Diego, by telegram, as per clipping heretofore mentioned, and attached herewith.

I left word with Senator Meyers' Secretary, in the presence of Mr. W. R. Wheeler, on Monday the 38th of January, that I wanted to be heard in case this bill was introduced in the Senate. I had no chance to present my case; was not notified, and this same gentleman, Mr. Cosgrove, did not have the courtesy which is always extended one attorney to the other in court, to notify me that the bill was afterwards introduced, so that I might have a chance to present our side of the case to the Senate Public Lands Committee, although we had for two days been arguing the case before

Bill of the Public Lands Committee of the House.

The present City Attorney has camouflaged the entire situation. No emergency exists; there is water for years to come in the reservoirs of the city of San Diego and we have had heavy rains since my return. We can furnish any amount of water that the City wants, and have several times offered to do so and been refused. Under these conditions, no harm will come to anyone if your committee will only delay for three or four weeks any action on this bill until such time as a thorough investigation of the facts can be made by the City Council of San Diego, when I am sure a satisfactory adjustment can be made. It is certainly a small favor to ask, under the circumstances, and I urge your Honorable Committee to grant this one favor.

Respectfully submitted,

CUYAMACA WATER COMPANY,

By \_\_\_\_\_  
 Manager.

Copies to members of Public Lands Committee, et al.

NIGHT LETTER

February 23, 1918.

Senator H. L. Meyers,  
 Chairman Public Lands Committee,  
 Washington, D. C.

We are willing to make settlement this unfortunate controversy with city exactly on terms voluntarily stated by Mr. Cosgrove before House Public Lands Committee, and are notifying City Council of San Diego to that effect today. Mr. Cosgrove has not furnished City Council with the statement he made. Instead he has telegraphed as follows:

"February fourteenth

"Upon surrender in large part of city's rights on San Diego River, Col. Fletcher offers to withdraw opposition to our bill. Unqualified refusal on my part to entertain the proposition. Wire Henry L. Meyers, Chairman Senate Lands Committee that there is no chance to compromise with Col. Fletcher, and urgently request immediate action upon Phelan Senate Bill."

Again on February 17th, he wired as follows:

"Each member of Senate and House Committee has been petitioned in writing by Col. Fletcher and personally solicited by Washington associates to hold our bill in committee until he compromises the situation with the City Council. Strangely enough he attempts to implicate me as accessory in the movement. Such tactics unquestionably delay progress upon our bill. Wire Chairman House Land Committee that there is nothing to compromise with Col. Fletcher; that there is no possibility of reaching understanding with him."

Also under date of February eighteenth, Mr. Cosgrove telegraphed the City:

"Nothing to compromise; agreement with Fletcher entirely impossible. Cosgrove."

It is on the strength of these telegrams that the mayor and City Council wired, not knowing the facts as testified by City Attorney Cosgrove. On February twentieth, I received a

Meyers -2-

telegram from Wm. R. Wheeler, reading as follows:

"Cosgrove assures me no action will be taken by City in opposition to your proposed claim, but thinks activities which would embarrass City might weaken public opinion, which would force council to act."

Cosgrove is telling the City of San Diego one thing and you another. We feel we have a right in all fairness, to urge that no action be taken on this bill until all facts are presented to City Council and action taken by them, for no emergency exists; we are having heavy rains and San Diego is absolutely assured a water supply for five years to come, at least, even under normal conditions. Are mailing important papers.

CUYAMACA WATER COMPANY

By Ed Fletcher, Manager.

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Night letter  
Charge Cuyamaca Water Co.  
F-S

NECHT LETTER -

February 26, 1918.

Senator H. L. Meyers,  
Chairman Public Lands Committee,  
Washington, D. C.

Mass meetings held City of La Mesa; also Lemon Grove. Unanimous, voluntary action supporting Cuyamaca Company's contention, although City Council of San Diego, Deputy City Attorney and City Manager at meeting pleading no action be taken. Other cities and towns will soon take same action. We shall have shortly formal unanimous support of three municipalities and four or five towns, which depend upon us wholly for water.

City Council yesterday refused to take action recommended by City Attorney in his testimony before Land Committee, waiving any objection to our building our dams at our intakes, until City Attorney returns to San Diego. Certainly we have presented enough evidence to show it is at present time fight municipality and vs. municipality/ as no emergency exists urge no immediate action be taken.

Cuyamaca Water Company,  
By Ed Fletcher, Manager.

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Night letter.  
Charge Cuyamaca Water Co.  
F-S

May 23, 1918.

Senator Henry L. Myers, Chairman,  
Chairman Public Lands Committee,  
U. S. Senate,  
Washington, D. C.

My dear Mr. Myers:

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 would not oppose the building of 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 and development, 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.

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316  
18  
335  
42



**Ed Fletcher Papers**

**1870-1955**

**MSS.81**

**Box: 19 Folder: 16**

**General Correspondence - Myers, Henry L.**



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