

SAN DIEGO, CALIFORNIA. June 11, 1915.

Cuyamaca Water Company,
916 Eighth St.,
San Diego, Calif. Attention Mr. Ed Fletcher.

My dear Col. Fletcher:

Your esteemed favor of the 9th inst., together with enclosures, being a communication addressed to you from the Manager of Operation, is received and the contents of both carefully noted. This is a matter upon which you should have the advice of the attorney for the Cuyamaca Water Company, and is of necessity one concerning which I am not at liberty to express a private opinion.

Respectfully yours,

A. B. Conybeare
City Attorney

TBC/L

SAN DIEGO, CALIFORNIA. June 14, 1915.

Look up

Mr. Ed Fletcher,
920 Eighth St.,
San Diego, Calif.

My dear Colonel Fletcher:

Answering your esteemed favor of June 12th, beg to inform you that you did not furnish me with the letter directed by the Manager of Operation to the Cuyamaca Water Company, but you furnished me with a copy of the same and in your letter stated that you furnished me merely with a copy. If you desire this copy returned, I shall be very glad to comply with your wishes in the matter.

Very respectfully yours,

A. B. Conybeare
City Attorney

TBC/L

July 16, 1915.

T. B. Coogrove, Esq.,
City Attorney,
CITY OF SAN DIEGO, CALIF.

Dear Mr. Coogrove:

Attached herewith statement of H. L. Moody, City Auditor, to the Operating Department re bills of Cuyamaca Water Company, \$1096.50.

I beg to advise you that the Cuyamaca Water Company has paid the City for the following:

Rentals for meters for the month of April	\$	6.95
Rental & Repairs to beltting on engine		55.19
Total		62.14

In addition the Cuyamaca Company has paid rentals on meters for the months of May and June amounting to \$13.90, leaving a difference of \$1034.36, which is a charge for installation and cost of meters and fittings.

If this expense of \$1034.36 is to be borne by the City will you kindly advise the Auditor to that effect and have warrant released payable to the Cuyamaca Water Company.

Very truly yours,

CHIEF CLERK.

CHOF

CUYAMACA WATER CO.
FILE No. 37
DO NOT REMOVE
ANY LETTER
FROM THIS FILE.

July 16, 1915.

Charles Holzman, Chief Clerk,
Operating Department,
City of San Diego.

CUYAMACA WATER CO.
FILE No. 37
DO NOT REMOVE
ANY LETTER
FROM THIS FILE.

My dear Mr. Holzman:

Replying to your esteemed favor of the 16th inst. in the matter of the expense connected with the installation of meters near Highland Avenue and Anna Street, installed for the purpose of measuring water furnished by the Cuyamaca Water Company to the City of San Diego, beg to advise you that the expense of the installation of the meter or meters at said point is specifically covered by the first paragraph of Resolution No. 18755 of the Resolutions of the Common Council of the City of San Diego. This resolution is in part as follows:

"RESOLUTION NO. 18755.

BE IT RESOLVED, By the Common Council of the City of San Diego, as follows:

That the Superintendent of the Department of Water be and he is hereby authorized and directed to immediately have the proper connection made connecting the pipe line of the Cuyamaca Water system with the pipe line of the system of the City of San Diego, at a point near the intersection of Highland Avenue and Anna Street, in the City of East San Diego, to install a meter at said point of connection, and to incur the expense necessary and incidental to the installation of said connection and meter; the expense of which shall be borne by the Water Fund of the City of San Diego."

The above quoted provision of Resolution No. 18755 is very clear and specific and places the cost of installation of a meter upon the Water Department. If the Water Department, acting under the authority of this resolution, has installed two meters,

it might be argued that the second meter had been installed without authority, although this is by no means apparent, and this comment should not be construed as an expression of opinion on the part of the City Attorney to that effect.

Irrespective of that particular phase of the proposition, there would be no reason for holding that the cost of the installation should be borne by the Cuyamaca Water Company, and it is my opinion that the expense of said installation of the meter is not a proper charge against the Cuyamaca Water Company.

Respectfully submitted,

City Attorney

TBC/L

CUYAMACA WATER CO.
FILE No. 37
DO NOT REMOVE
ANY LETTER
FROM THIS FILE.

March 10, 1916.

Mr. T. B. Cosgrove,
City Attorney,
San Diego, Calif.

My dear Mr. Cosgrove:

I appreciate your report to the City Council that the Cuyamaca Water Co. claim for water delivered in June, 1915 is a valid one. I realize the fact that without your report no action could have been secured from the city council, whatever.

While I feel it is only justice, I believe that you fully appreciate also that the Cuyamaca Water Co. has been of service to this community, owing to the fact that it is in a position to furnish, and has been furnishing, five or six million gallons of water to the city daily since the flood. While, if we had not been in position so to do, the City of San Diego would have been without water for some considerable period, and I believe that the City Council appreciates it. I violated the order of the State Railroad Commission, in not putting the City of San Diego on the delinquent list, but I did it for the sake of harmony, and with only one idea in mind -- that is hearty co-operation with the city officials.

Very sincerely yours,

CUYAMACA WATER CO.
FILE No. 37
DO NOT REMOVE
ANY LETTER
FROM THIS FILE.

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May 17, 1916.

City Attorney T. B. Cosgrove,
City Hall,
San Diego, California.

My dear Mr. Cosgrove:

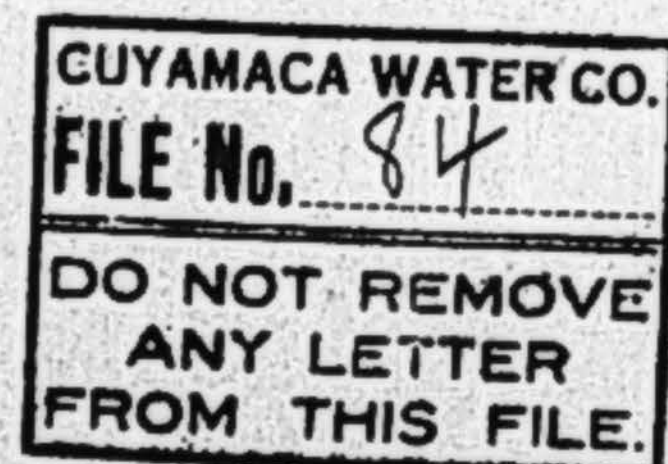
Answering yours of May 5th, enclosed
find letter from Mr. Faude which is explanatory. I
have only one copy for our files, but I intend to have
several more copies made and will see that you get a copy.

I have been sick in bed for two weeks
and this is the reason your letter hasn't been answered
before.

Very sincerely yours,
CUYAMACA WATER COMPANY

By _____
Manager.

EF:B



May 22, 1916.

Personal

Mr. T. B. Cosgrove,
City Attorney,
San Diego, Calif.

My dear Mr. Cosgrove:

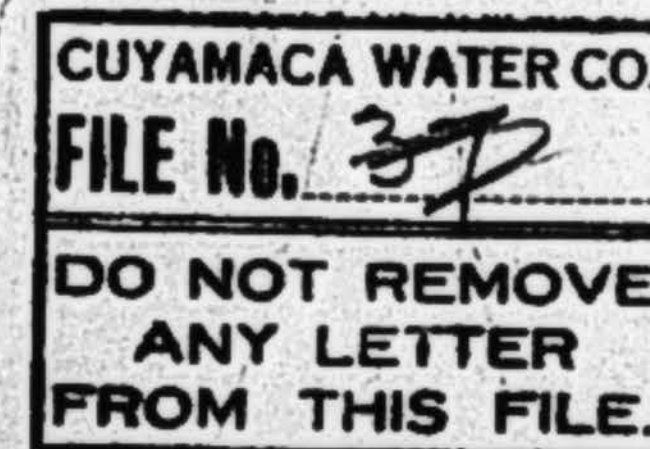
This is a copy of letter I have written
to the State Railroad Commission, but have not sent. I think
it only a matter of courtesy that I take this matter up with
you before forwarding the letter. Would appreciate any sug-
gestions from you in the matter, and if I had any reasonable
assurance that we would be paid within the next thirty days,
the letter would not be sent.

Thanking you for an early reply,

Yours very truly,

Manager.

F-8



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- Copy -

[1916]

San Diego, California, May 22, 1915.

State Railroad Commission,
833 Market Street,
San Francisco, Cal.

Attention President Max Thelen

Gentlemen:-

The City of San Diego has not paid us for what they owe us for water furnished by the Cuyamaca Water Co. for June 1915, the sum being \$4,761.19. Their City Attorney has given a written opinion to the City Council to the effect that it is a legal claim against the City.

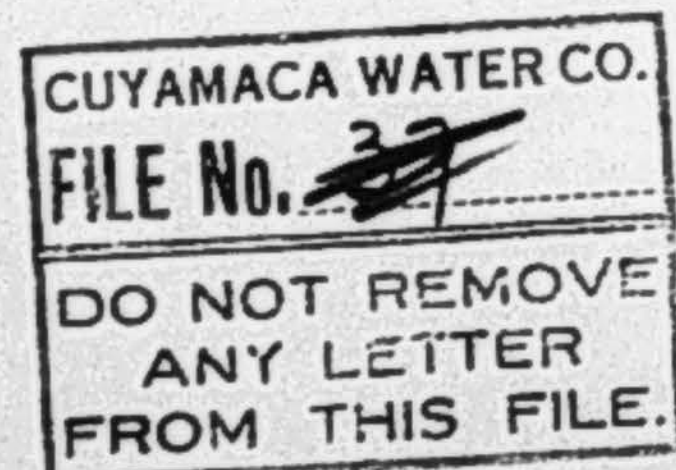
The reason the bill has not been paid according to their statements is that there are no funds. The facts are that the City Council transferred many thousands of dollars and at one time over \$15,000 from the Water Fund to the Salary Fund and said money has never been returned.

Shall we follow the Rules and Regulations of the State Railroad Commission and shut off the furnishing of any water to the City of San Diego and make them pay in advance? They are paying us monthly at the present time for the water used the previous month, but have refused to pay this bill for reasons which I do not know.

Our extraordinary expenses in addition to operating expenses since the first of February have exceeded \$65,000. I have not received a dollar from the owners of the Cuyamaca Water System to finance this work and I am in urgent need of money.

Will your Honorable Commission kindly advise us what action should be taken in the premises?

Very sincerely yours,



Manager.

EF:K

May 25, 1916.

Mr. T. B. Cosgrove,
City Attorney,
San Diego, Calif.

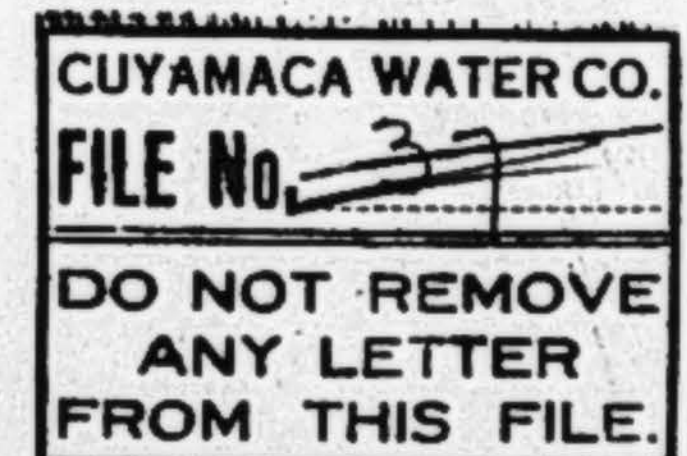
My dear Mr. Cosgrove:

I thank you very much for yours of May 24th, and I see that the Council has passed an ordinance making the appropriation.

You have relieved me from an embarrassing situation, and I hope to return the compliment some way, at some future time.

Yours very truly,

F-8



August 22, 1916.

Mr. T. B. Cosgrove,
City Attorney,
San Diego, Calif.

Dear Sir:

Enclosed find copy of exhibits sent to the State
Railroad Commission this day.

Yours very truly,

Manager.

F-S

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cosgrove
T. B. COSGROVE, CITY ATTORNEY
MILTON R. THORP, DEPUTY
S. J. HIGGINS, DEPUTY
L. D. JENNINGS, PROSECUTOR

OFFICE OF
CITY ATTORNEY
CITY HALL

SAN DIEGO, CALIFORNIA. August 24, 1916.

Cuyamaca Water Company,
Ed Fletcher, Manager,
San Diego, California.

Dear Sir:

We are in receipt of copies of communications by you designated as Exhibits, and being letters addressed by F. M. Faude, Assistant Manager to Col. Ed Fletcher, Manager, Cuyamaca Water Company, under date of August 11th, 1916, with attached schedule, being statement showing excess capacity of La Mesa reservoir over actual irrigation and domestic use for low service for 1915; also copy of communication addressed by John M. Eshleman, President of the Railroad Commission of the State of California under date of July 1st, 1914, to Cuyamaca Water Company, San Diego, California and the City of El Cajon; also communication from James E. Sellers, self-styled "Efficiency Engineer for City of San Diego, California", to Mr. Max Thelen, Chairman State Railroad Commission, under date of August 18th, 1916.

For your courtesy in this and other matters please accept our sincere appreciation.

Enclosed herewith please find copies of affidavits forwarded to the Railroad Commission of event date herewith.

Very respectfully yours,

J. B. Gray
City Attorney

TBC/EW

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T. B. COSGROVE, CITY ATTORNEY
MILTON R. THORP, DEPUTY
S. J. HIGGINS, DEPUTY
L. D. JENNINGS, PROSECUTOR

OFFICE OF
CITY ATTORNEY
CITY HALL

SAN DIEGO, CALIFORNIA November 5, 1917.



Comment

Mr. Lou B. Matthews,
Cuyamaca Water Company,
916 Eighth Street,
San Diego, California.

My dear Mr. Matthews:-

Upon the completion of the testimony of the plaintiff in the case of James vs. The City of San Diego, which was the case following the failure of the Otay Dam, concerning which you have rendered me valuable assistance in the way of information regarding flood data, I beg to inform you that on the afternoon of Thursday, November 1st, the court sustained a motion for nonsuit interposed by the defendant. The effect of the granting of the motion by the court was to terminate the case in favor of the city and to deny the claim of the plaintiff. In short, the city has won this case.

By reason of the manner in which the motion was presented and the ruling thereon, it became unnecessary for the city to introduce any oral testimony, and consequently it was unnecessary for the City to bring witnesses to Santa Ana.

It is not at all unlikely that the attorneys for the Otay claimants will institute other proceedings against the city. As soon as this is done, if it is done, it will be incumbent upon this office to again undertake the preparation of data for the defense of such cases the same as was done in the James case just terminated as above outlined.

For the kindness you have shown me in furnishing data, in giving your deposition, or expressing a willingness to testify orally in court on behalf of the city, we are exceedingly grateful, and sincerely trust that if an opportunity presents you will call upon this office for the extension of similar courtesies to you. In the event that other suits are instituted against the city I should like to feel that I may be at liberty to again communicate with you.

With sincere feelings of esteem, I am,

Very truly yours,

T. B. Cosgrove
City Attorney.

TBC/EW

November 14th, 1917.

Mr. T. B. Cosgrove,
City Attorney,
City Hall,
SAN DIEGO, Calif.

My dear Mr. Cosgrove:-

I wish to acknowledge receipt of your letter of November 5th, 1917, in which you stated that you had been successful in winning the case for the City in the suit for flood damages brought by James against the City of San Diego.

It certainly was very gratifying to read in our daily papers of your success in winning the suit, and you certainly are to be congratulated for representing the case for the City of San Diego.

Colonel Ed. Fletcher has instructed me to render you any further assistance or data that our offices may have, in the event of any of these suits being contested, and I shall only be too glad at any time on hearing from you, to give you any data that may be in our possession.

With kind personal regards, I am,

Yours very truly,

CUYAMACA WATER COMPANY,

LBM/P.

Secretary.

August 7th, 1918

Mr. T. B. Cosgrove,
City Attorney,
San Diego, Calif.

My dear Mr. Cosgrove:

I understand that an ordinance has been drawn which is not an emergency ordinance, and which compels us to wait thirty-one days for our money for the sale of water to the City.

This is not satisfactory and is not in accordance with the way we have always been paid heretofore. We went to an expense of nearly \$2600.00 in order to furnish water to the City, and the City collects this money promptly from the Government each month. There is no valid reason, in my opinion, why we should be kept out of our money for such a length of time.

Will you please see that it is made an emergency ordinance and oblige.

Both Mr. Lockwood and Mr. Moore told our Mr. Mathews they thought we were entitled to this consideration under all the circumstances.

Yours very truly,

RF/bm

cc TF
VB
VM

Mr. T. B. Cosgrove, City Attorney

Answering your letter of the 7th wherein Congressman Kettner suggests that we get together and discuss this matter to see if a compromise cannot be effected in the El Capitan matter, and conforming our conversation this morning, my understanding is as follows:

1. You are to recommend to the City Council of San Diego that they buy our surplus water, or a reasonable amount, the price to be fixed at six (6¢) cents per thousand gallons, delivered to the city limits, and to hold good for the duration of the war.

2. That the City Council of San Diego passes a resolution stipulating that the City of San Diego will not directly or indirectly oppose the building of a major dam at the Diverting Dam, or the Conojos on the South Fork, and will allow us to divert any and all water originating east of these two points. In consideration of the above, and, speaking for myself, and I have every reason to believe that my partners will agree as well, the Cuyamaca Company are to withdraw any opposition to House Bill 4037 and Senate Bill 3646 as well, and I personally pledge myself to do all I can to assist the City in the El Capitan project. The understanding also is that when this compromise is effected the City of San Diego is to recommend, through the City Attorney, to the Commissioner of Indian Affairs, that the Cuyamaca Company be allowed to immediately build both the Conojos and Diverting Dams to a sufficient height to control the flow of the stream at the Cuyamaca Company's intakes.

T. B. COBROVE, CITY ATTORNEY
MILTON R. THORP, DEPUTY
S. J. HIGGINS, DEPUTY
L. D. JENNINGS, PROSECUTOR

OFFICE OF
CITY ATTORNEY
CITY HALL

SAN DIEGO, CALIFORNIA September 19, 1918

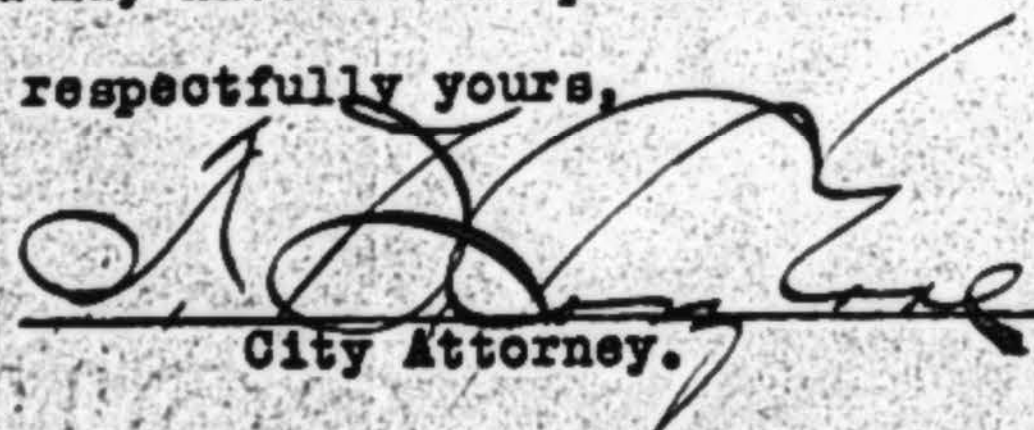
Col. Ed. Fletcher,
Manager, Cuyamaca Water Co.,
San Diego, California.

My dear sir:

Resolution No. 23912, of the Resolutions of the Common Council, directs the City Attorney to prepare draft of a contract with the Cuyamaca Water Co., for the furnishing of water by said Company to said City, under certain terms specified in the Resolution.

It is further suggested in this Resolution that the City Attorney confer before the contract is prepared, with, among others, "representatives of the Cuyamaca Water Co." At your convenience, or at the convenience of anyone whom you may be pleased to delegate as a representative of the Cuyamaca Water Co., I shall be pleased to confer with you in this matter and consider any suggestions you may have in the premises.

Very respectfully yours,


City Attorney.

TBC:CL

San Diego

EARLE K. COSSBOTH

GEORGE CHOMWELL,
CITY ENGINEER

EUGENE A. SCHMIDT,
ASST. CITY ENGINEER

OFFICE OF THE
CITY ENGINEER

CITY OF SAN DIEGO, CALIFORNIA

Feb., 4, 1919.

Mr. T. B. Cobrove,
City Attorney,
San Diego, Calif.

Dear Sir:

In re communication addressed to you as of date Jan., 21st, 1919, by Commissioner Cato Sells of the Office of Indian Affairs, of the Department of the Interior, and the two maps accompanying same, concerning application of Messrs. Murray and Fletcher for easement for reservoir on Conejas Creek and right of way for canal across certain lands within the Capitan Grande Indian Reservation, which letter and maps you have referred to me, beg to advise as follows:

First: I note "Twenty days from the date of this letter are hereby allowed the City of San Diego within which to submit additional showing in this matter." This means that reply must be in the hands of the commissioner on or before Thursday, February 13th, 1919.

Second: On the map entitled "Map of Survey of Center Line of Conejas Canal and King Creek Feeder of James A. Murray and Ed. Fletcher, San Diego County, California, Scale: 1 inch equals 2,000 feet; width of canal 4 feet." In both the title and the certificate of Chief Engineer William S. Post, the survey is designated as for a canal. By referring to the U.S. Geological Survey Map, El Cajon Quadrangle herewith transmitted, you will note the survey goes up-hill and down-hill and hence could not be used for a canal but probably could be used as the location for a pipe line. These maps do not contain sufficient information to determine whether or not the surveyed line will encroach upon any land that may be flooded providing a 160 foot dam is constructed at El Capitan damsite. Elevations or a profile of the surveyed line should be furnished together with elevation of the flood line of the reservoir at El Capitan with a 160 foot dam, this with particular reference to Sections 7, 9 and 10, Twp. 1st S., Range 2 E., San Bernardino Meridian.

Third: I notice on the map of reservoir filed that the dam is designated as 96 feet in height and capacity of reservoir 1600 acre feet. In "Report of W. S. Post, Hydraulic Engineer for the Cuyamaca Water Company, under date of July 26th, 1910, on development of fourteen proposed reservoirs to conserve waters of the San Diego River, accompanied by tables of capacities of reservoir sites and narrative descriptions of reservoir sites."



A copy of which was introduced as Exhibit A in the case of James A. Barry et al., Petitioners, Appellant vs. The City of San Diego, Municipal Corporation, Respondent and Respondent, Application for writ of Habeas Corpus, Department of the Interior, Dec. 1, 1961, Los Angeles, the subject of which is Site No. 10, 1000 feet with 10 acres flooded, usually 657 acre feet and drainage area 11.5 square miles.

Yours truly,

H. C. [Name]

Consulting Engineer.

Ed Fletcher Papers

1870-1955

MSS.81

Box: 5 Folder: 19

General Correspondence - Cosgrove, T.B.



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