

December Nineteenth,  
1 9 3 0

Colonel I. C. Copley,  
824 Security Bldg.,  
Los Angeles, California.

My dear Colonel:

Your representatives have been here investigating the Santa Margarita Ranch matters and I am certainly pleased at their thoroughness in going into the tax situation.

One question that troubles them is as follows. The Santa Margarita Ranch owners, thru their representative, Charles Hardy have publicly and privately, time and again, demanded that the Santa Margarita Ranch be assessed and taxed as a dry farming proposition.

They have also informed Mr. Hunt of the county assessor's office thru their attorney, Mr. Cosgrove, that the recent Superior Court decision prohibits the Santa Margarita Ranch owners from taking water out of the Santa Margarita Ranch water shed by the Santa Margarita owners on to contiguous land along the coast outside the Santa Margarita Ranch water shed which the Santa Margarita owners own and control.

The decision allows and recognizes the ownership by the Santa Margarita Ranch owners of 74% of all the water of the Santa Margarita River which river has the largest water shed of any river in San Diego County and the largest volume of water, I believe, unless it is the San Luis Rey.

The question is, can this water be taken out of the Santa Margarita water shed by the owners of the Santa Margarita Ranch and put on their other lands? My contention is that they can and for the following reason. The owners of the Santa Margarita Ranch own all the riparian lands on the river for a distance of nearly twenty miles from a point below the Temecula bridge to the ocean. They also own the entire river channel and gravels for nearly twenty

2-

miles to the ocean. There are no lower riparian owners to contest their diversion of or selling that water which they control and own to the city of San Diego or Oceanside or putting it on any other lands of their own for development purposes.

I wrote a letter to Judge Jennings on this point under date of July 3rd, 1930 asking for his interpretation of the decision he made and on July fifth we received the following letter from him. "You state that your object in sending me this correspondence is to find out if I can informally interpret my decision in the Santa Margarita-Vaile case. The possibility of the plaintiff taking water from the Santa Margarita River and using it on coast lands not riparian to the stream was not presented, so far as I remember, during the trial of the case, and was not considered by me. The task that I had to perform was to discover the irrigable acreage on the Santa Margarita Ranch within the water shed of the Santa Margarita River, and allot a certain proportion of the water of the river to the plaintiff based on its irrigable acreage, and the different uses to which the water on that acreage might be put."

I am asking you, please, to present this letter to our good friend, Mr. Henry O'Melveny and let him advise you as to whether I am correct when I say that any and all water which originates on the Santa Margarita water shed which the courts may determine the Santa Margarita Ranch owners own and control may be diverted outside the water shed to any point that the Santa Margarita Ranch owners may desire said water to go whether it be on their own lands to the north or south or any where else so long as they divert that water on their ranch from the Santa Margarita River for the reason that they own all the riparian rights, river channel and underground gravels between that point of diversion and the ocean.

I am furnishing you a map showing the ownership of the Santa Margarita Ranch of the lands above described and in red I have outlined the exterior boundaries of the Santa Margarita Ranch water shed owned by and within the control of the Santa Margarita Ranch owners for your information and Mr. O'Melveny.

The court has awarded them 3,000 miner's inches of water, approximately, from the Santa Margarita River alone. In addition to this supply the Santa Margarita Ranch owners own all the water shed lands

of the San Onofre and a very large portion of the San Mateo water shed also all the Las Flores water shed with over 100 wells from which they are developing water today and irrigating thousands of acres but the particular point at issue is the right or not of the Santa Margarita Ranch owners taking, if they wish to, some or all of their water from the Santa Margarita River and water shed on to other properties outside the water shed.

I am very desirous that you should be reliably informed by probably the most competent men in the state of California as to whether or not my contention is true.

Wishing you the Compliments of the  
Season, I am

Yours very truly,

LF:AKK

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VICE PRESIDENT

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San Diego, Calif.

Col. Ed Fletcher  
San Diego, Calif.

Dear Col. Ed:

I have your favor of September 8th giving me an account of the water polo game in which the Fletcher family came out victorious. It is most interesting, and I am glad you sent it to me. I cannot tell you too often how much I admire your family and how much I wish it were mine.

I also acknowledge receipt of your favor of September 10th. In reply, it would not be possible for me alone to enter into a general discussion either by correspondence or by word of mouth.

We have an engineering expert, Gen. Kuhn. I had an interview with him today lasting about one and a half hours. He makes the statement that the proposed dam at El Capitan, 197 ft. in height, would impound all of the normal run-off of all the drainage area contributing to such dam. He said that one dam at El Capitan will hold all the water that both El Capitan and Murray could collect.

I note so many things in your letter which do not seem to me sound reasoning that I cannot refer to more than two. First, you said that water from Murray Dam at nine cents per thousand gallons would replace water now costing the city twenty-two cents per thousand gallons.

When you and Mr. Wheeler and I were driving you brought up that same point. I asked you what made up the cost of twenty-two cents per thousand gallons and you told me "interest charges, repairs, and general operating expenses". I do not recall whether or not you included amortization. I asked you at that time if any of these expenses would be removed if the city bought water from Murray Dam, and you said "no". I then asked you if it did not mean that we would be paying the full amount for our water from Otay et al. plus the nine cents per

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Col. Ed Fletcher--Page 2

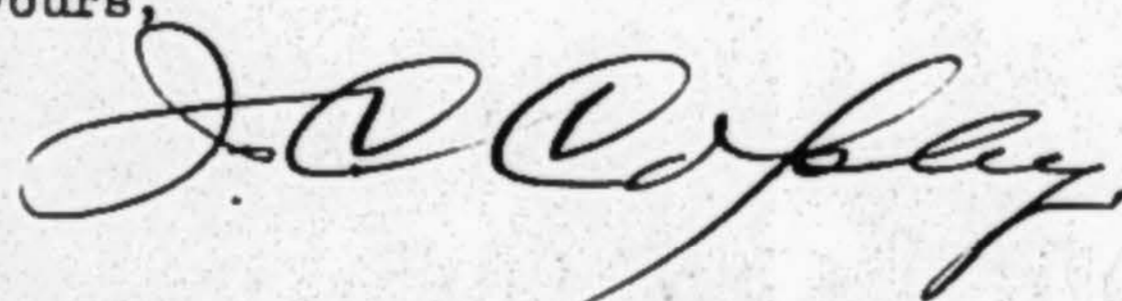
thousand gallons from Murray and I still believe that the answer must be "yes". Then I suggested to you that it could not be justified on the ground of economy, that it might be justified on the ground of insurance, but of that I wasn't competent to speak at that moment.

The second point I wish to make is the one in your letter in which you state that the water in Murray Dam reservoir is evaporating rapidly unless it is used. It seems to me that the water in Otay, et al. is also evaporating just the same.

I will send your letter to General Kuhn, and I suggest that you talk to him because I do not think you and I are reasoning along the same lines, judging from our conversation on that automobile trip and from your letter to me. It is quite possible that this is because of my lack of detailed information, therefore, I suggest that you talk to General Kuhn. If you have no objection I will send him your letter, but not until I hear from you.

With kindest regards and best wishes to all,  
I am,

Sincerely yours,



ICC/KP

September Tenth,  
1 9 3 1

Colonel I. C. Copley,  
San Diego Union,  
San Diego, California.

My dear Colonel:

As per our talk last Saturday, from time to time I want to write you on different subjects pertaining to water.

Today, the subject is Murray Dam. Murray Dam was built in 1916 by James A. Murray and myself. The top elevation is 550 feet above sea level. It is within about a mile of the easterly city limits of San Diego. It holds 2 billion gallons and by raising it ten feet, which can easily be done, the storage will be in excess of 3 billion gallons, if there is any necessity for it.

At the southerly end the foundation is not rock but conglomerate. Former state engineer approved the foundation before the concrete was laid. There has always been a little seepage there. The lake fills nearly every year and goes over the top of the dam itself when the wind blows and the lake is full.

The outlet is thru an automatic syphon spill way. It may cost \$25,000 or \$50,000 to repair the dam satisfactory to the new state engineer but it is problematical whether we will have to spend anything or not.

The city should own Murray Dam which is far superior and take the place of the proposed Chollas Reservoir which Mr. Savage recommended and the city voted bonds to build at a cost of \$550,000.

The elevation of Chollas Reservoir, if built, would be about 400 feet above sea level holding only 550 million gallons of water capacity from Otay as compared to Murray Dam, 550 feet elevation now holding 2 billion gallons.

-2- Col. I. C. Copley

After the Chollas Reservoir bonds were voted every one saw the ridiculousness of this expenditure and its construction has been abandoned, I understand.

The city can purchase Murray Dam and lands flooded, Cuyamaca Lake and 1100 acres flooded (El Capitan damsite and lands flooded which the court gave a value of \$600,000), 300 or 400 acres of water bearing gravels, the El Monte pumping plant and 400 acres in the reservoir site, if Mission #2 or #3 is built, all from the district for \$350,000 or less with a settlement of the water question made between the city and the district.

You can see how valuable Murray Dam is to the city and how it would be a waste to build Cholla Reservoir once the city owned Murray.

All the La Mesa District wants is to operate and own its own distribution lines and get water at the same price that the city sells to the Santa Fe and the San Dieguito Districts, ie, 4¢ for irrigation and ten cents for domestic with a limited amount as needed of four million gallons on the average to the consumers for irrigation.

Why cannot the La Mesa district be treated the same as the other two districts?

The La Mesa district have the largest bond issue, are closer to the city and some day will be a part of the city but they cannot be brought in by force.

City attorney Cosgrove has publicly stated that the La Mesa district have a very favorable secondary water right and that a compromise on the water question can be made along the lines suggested above, providing it is approved by the vote of the people and ratified by the legislature. This will easily be approved.

Murray dam is filled by the flood waters that come down thru the flume in the winter time from the San Diego River and then there is, I believe 6 square miles of water shed as well which yields 40 to 50 inches of water alone.

With the city having annexed to it most of the land below Murray Dam and the city furnishing water to it from Otay, there is practically no demand for the water

-3- Col. I. C. Copley

from Murray dam except to take care of the city needs. The daily purchase by the city from the district now is approximately 700,000 gallons.

When James A. Murray and I owned the system, Murray dam was a valuable factor for we owned all the pipe lines in East San Diego, Normal Heights and actually, in our water development, made possible the annexation of 40,000 to 50,000 people which has been added to the growth of San Diego, although it was Cuyamaca water that did it.

What is the result? The city has steadfastly refused to buy any water from the district from Murray dam. Instead its supply is now coming from the city supply. They have furnished 22¢ water from Otay and in addition added to its cost by pumping Otay water up hill almost to Murray dam, spending \$40,000 or \$50,000 a year in operating expense in addition in order to have the pleasure of selling it for 20¢ when 9¢ water from Murray dam will take care of the entire territory and the city can make over 100% profit and save the \$40,000 to \$50,000 pumping expense as well.

Those supporting Mission #2 held over our heads a fear of a shortage of water supply. They said nothing of the almost criminal waste of water impounded in Morena and Barrett and lost by running down the natural channel between Morena and Barrett and Barrett and Otay. Something like three million gallons daily being lost thereby, water that had already cost the city a million dollars for every million gallons developed. I shall touch on that phase in another article.

Today, I want particularly to stress what you describe as insurance for the city, the absolute necessity of San Diego buying immediately 3 to 5 million gallons of water a day from the district making 100% on the sale thereof and stopping a \$40,000 a year pumping expense as well.

It is criminal to run our reserve down almost to nothing and let water evaporate adjoining the city just to spite the district and to force them to their knees in a settlement dictated by the city officials, people who are our own flesh and blood. They will never be forced in to the city but with fair treatment, having been in possession of that water for forty odd years, when a reasonable settlement is made, they will voluntarily come in,

-4- Col. I. C. Copley

The city council and Mr. Savage are determined to force them in but it can never be done, except, possibly, the city of La Mesa who have made such fools of themselves by taking on Mattoon Acts and other district expenditures guaranteeing the payment with the result that the only way they can save their face is to go in the city and let the city of San Diego assume it.

Murray Dam has another value. With El Capitan built to 200 or preferably 225 feet in height with a net safe yield of 15 million gallons daily with a top elevation of 777, water will flow by gravity into Murray dam. It will also flow by gravity into Otay by a two mile connection with the Otay pipe line.

The top contour of Otay, when full, is around 500 feet, as I remember it, so you see the two work together and will be most economical.

A dam even 225 feet high at El Capitan will not fully control the floods of the San Diego River and Murray dam is the largest reservoir not on the stream that it is possible to find close to the city therefore, I say, for many reasons, the city should buy Murray dam.

It is a splendid elevation, large capacity, close proximity to town, economical and the most vital reason, by its acquisition, a settlement for all time of the sixteen year litigation between the city and the district.

I hope you will have time to read this long epistle. It is not for publication but simply from a friend to a friend giving my point of view in relation thereto.

I will write you later under separate heading what I think should be done to conserve an additional two or three million gallons net safe yield from Morana, Barrett and Otay, the cheapest water San Diego ever can develop together with the possibility of a power and the exchange thereof that will furnish us free lighting for the business section of this city.

A business or a city only is successful as it watches its expenditures and takes advantage of possible economy. Your business was developed by economy. San Diego has been the most wasteful city that I have ever seen or heard of.

Sincerely yours,

EF:ASK

September Nineteenth,  
1 9 3 1

Colonel I. C. Copley,  
San Diego Union,  
San Diego, California.

My dear Colonel:

I thank you for your letter of the eighteenth in answer to my letter of the eighth.

I sent a copy of my letter to you to General Kuhn as we agreed.

My letter to you was written just as a matter of information giving my point of view and for further possible reference, not in any way to start an argument but to personally acquaint you on the ground with the situation and have my point of view.

Your remark that General Kuhn makes a statement that a proposed dam at El Capitan 197 feet in height would impound all of the normal run-off of the drainage area is correct but Mr. Savage builds a dam to control all the waters including the floods as well as normal run-off.

Otay dam was built by Mr. Spreckels to hold 12 billion gallons. It took 20 years for the dam to fill up owing to the small amount of water shed yet Mr. Savage in rebuilding increased it to nearly 20 billion gallons. Just so the Barrett dam built higher than sufficient to take care of normal run-off, yet Mr. Savage advocates its being built 50 feet higher.

Just so Mission Gorge #2, if built, Mr. Savage did not plan it for a normal run-off but for the entire flood waters so why not do the same thing at El Capitan and keep the water back at a high elevation away from the wind with the least evaporation loss possible.

The dam should go 225 to 235 feet high to carry out the same principal Mr. Savage has advocated all the other locations.

September 18, 1931.

You quote General Kuhn as saying that one dam at El Capitan would hold all the water that both El Capitan and Murray could collect. This is probably true. You are aware how valuable a steam power plant is as an emergency and electricity is developed by water power. Just so in the gas business you must have an emergency supply or an emergency plant. Just so Murray dam, full of water, is invaluable to the city. A million dollars is nothing if an emergency happens.

To illustrate, in 1916 when Otay dam went out, in four different places the pipe line of the city of San Diego was washed out as well from Otay dam cutting off for over two months a supply of water either from Morena, Barrett or Otay. Just so the Cuyamaca Water Company had a mile of pipe line and a mile and a half of flume go out cutting off our total supply for La Mesa, East San Diego, Lemon Grove, etc., For sixty days San Diego would have carried its water in barrels if it had not been that Murray dam was there full of water and we furnished the total supply of water that the city used from Murray Dam for nearly sixty days. Even all the pumping plants of San Diego in the San Diego River were put out of commission for some time. That condition is liable to happen again.

Murray dam is invaluable as it is off any main stream, is full, an equalized reservoir, at an elevation that serves the city saving thousands of dollars now being paid for pumping, is the only site within a radius of 12 miles of San Diego that has sufficient storage and can be bought cheap for this purpose. Therefore, it is a factor of safety that this growing San Diego absolutely must have for its protection as a water supply in time of emergency.

On your second point, I agree with you that if the city has all the water it wants it is foolish to buy from Murray dam and pay 9¢ for water. The contention, however, has been by the city, Savage, et al that the supply was limited, that we were in danger of running out of water and as you so well put it, if that is true, then as a matter of insurance the city should now and for the last two years have been buying water from Murray dam at 9¢ all they could and holding back in reserve in their own reservoirs all the water as a greater measure of insurance or safety to their

September 18, 1931. °

You quote General Kuhn as saying that one dam at El Capitan would hold all the water that both El Capitan and Murray could collect. This is probably true. You are aware how valuable a steam power plant is as an emergency and electricity is developed by water power. Just so in the gas business you must have an emergency supply or an emergency plant. Just so Murray Dam with over two billion capacity should be kept full of water at all times and a million dollars is so small in value if an emergency should happen.

To illustrate, in 1916 when Otay dam went out, in four different places the pipe line of the city of San Diego was washed out as well from Otay dam cutting off for over two months a supply of water either from Morena, Barrett or Otay. Just so the Cuyamaca Water Company, that same flood, had a mile of pipe line and a mile and a half of flume go out cutting off from the San Diego River our total supply of water for La Mesa, East San Diego, Lemon Grove, etc. For sixty days Murray dam furnished our Cuyamaca consumers their supply of water also the city of San Diego practically its total supply, otherwise San Diego would have been hauling water in barrels.

Even pumping plants owned by the city of San Diego on the San Diego River were put out of commission for some time. The above condition is liable to happen any time.

Murray Dam is invaluable to San Diego as it is off any main stream, is an equalizing reservoir, at an elevation that serves the city by gravity and would save several thousands of dollars now being paid for pumping water, if the city owned it. It is the only reservoir site within a radius of 12 miles of San Diego that has sufficient storage and can be bought cheap for this purpose. Therefore, it is a factor of safety that this growing San Diego absolutely must have for its protection as a water supply in time of emergency.

On your second point, I agree with you that if the city has all the water it wants it is foolish to buy from Murray dam and pay 9¢ for water. The contention, however, has been by the city, Savage, et al that the supply was limited, that we were in danger of running out of water and as you so well put it, if that is true, then as a matter of insurance the city should now and for the last two years have been buying water from Murray dam at 9¢ all they could and holding back in reserve in their own reservoirs the water as a greater measure of insurance or safety to their

September 19, 1931

water supply in case of drought. It is wholly a matter of policy.

What I object to is the city running its 22¢ water in to San Diego and spending \$40,000 or \$50,000 after the water gets in to San Diego to pump it back to within a mile of Murray dam which \$40,000 or \$50,000 can be saved by using water from Murray dam, extending the limit of San Diego's water supply in its reservoirs as a matter of insurance.

My understanding of the city's cost of water, ie 22¢ per thousand gallons includes all expenses including amortization and without amortization nearly 16¢.

I agree with you that if there is no shortage of water there was no point to my reference to Murray dam evaporation but if there is a shortage and our city storage should be conserved as much as possible it is a pity that the water is lying there without demand for it and evaporating.

If you feel that our storage of water in the reservoirs is reduced to an extent that warrants us to conserve same for fear of a shortage to the extent that, as a matter of insurance, we take our nearest and cheapest outside source of supply, Murray Dam, then we are in agreement.

If you recognize that as a factor of safety and as an equalizing reservoir off the main water shed close to the city we need such a reservoir as Murray dam for an emergency and insurance kept full of water at all times irrespective of El Capitan dam, Morena, Barrett and Otay, the pipe lines from which are always in danger of being washed out from floods, then we are in agreement and I believe we are in agreement.

My letters to you are simply friendly discussions between you and me alone. I don't want to bother you if it irritates you at all but I do want you to take a personal interest in these matters in San Diego and that is the only reason that I took you to Murray dam and from the Dulzura conduit to Otay the other day.

I got an impression on our trip that you

-K Colonel I. C. Copley

September 19, 1931

were interested to the extent, at least, of getting a letter from me on the subject and if you care to I will be glad to, in a short time, give you my personal point of view on the almost criminal waste of water and possible loss of revenue from power from Morena, Barrett and Otay to the city.

With kind personal regards,

Sincerely yours,

EF:ASK

P.S. You possibly may not be aware that within the last week the La Mesa District, thru a business mens committee have offered to sell to the city for the sum of \$248,000 Murray dam with the reservoir nearly full of water, the lands flooded, 300 or 400 acres of land riparian to the San Diego river, most of which will be flooded if Mission #2 or #3 are built, the El Monte pumping plant and several hundred acres of water bearing gravels which will produce 6½ million gallos of water a day to the district at the present time at a cost in to the flume of not to exceed 3½¢ a thousand gallons, the El Capitan dams site and reservoir lands which the district owns, which a Santa Ana juray valued at \$600,000 in a condemnation some time ago and a new trial is granted by the supreme court. The so-called Fletcher dams site and reservoir site above the diverting dam and several hundred acres. Also Cuyamaca dam and 1100 acres flooded which would probably cost in excess of two and a half million dollars. In return they are asking for four million gallons daily out of the 22 to 24 million gallons daily net safe yield from the river for irrigation purposes at their present price delivered to the consumer and whatever is necessary for domestic service as well.

-5- Colonel I. C. Copley

September 19, 1931

The four million gallons for irrigation is within a million or so of what they have actually used heretofore for many years.

If the city prefers the district will take the water in bulk and distribute it themselves paying 4¢ for irrigation and 10¢ for domestic the same as the Santa Fe and San Dieguito Districts are paying. If this is done the district will continue to pay the interest and sinking fund on its \$2,000,000 bond issue now outstanding, will maintain its own distribution lines and distribute the water themselves at their own cost giving the city the easement for right of way in to the city along the flume line from El Capitan to the city, if desired, or will join in with the city in the reconstruction of a permanent line.

I sincerely trust you will be favorable to a settlement along these lines. Please remember that we have had 16 years of litigation and the district, the water company and the city have already spent over a million dollars in litigation already.

Once this settlement is made with the district I feel sure it is only a matter of time when all the residential section of La Mesa will join the city and eventually most of the district territory will become residential and join the city but the present method of force, the plan of Mr. Savage and the past city council, will never win.

I am glad to see there is a changed feeling since the election and my opinion is the city and the district will get together.

I sincerely trust that your paper will favor a settlement with the district in a general way along the lines above outlined.

E.F.

**Ed Fletcher Papers**

**1870-1955**

**MSS.81**

**Box: 5 Folder: 18**

**General Correspondence - Copley, Col. Ira C.**



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