

Copy

Before the RAILROAD COMMISSION of the State of California

In the matter of Application of  
James A. Murray and Ed. Fletcher  
CUYAMACA WATER COMPANY

IN RE Apportionment of RESERVOIR WATER

The Cuyamaca Water Company has notified irrigators that beginning August 1st the supply of water furnished will be reduced to a quarter. It has been one half since May 15th.

I am informed and believe that Cuyamaca Reservoir has only a depth of about nineteen (19) feet and that La Mesa has a depth of about fortysix (46) feet

As an urgent emergency measure, I ask on behalf of irrigators along the flume line that the Commission cause an expert to ascertain whether in fairness to those irrigators, water ought not to be pumped back from La Mesa Reservoir to reduce the drain on Cuyamaca, and if it ought to be pumped back, that the Commission will so order.

Dated Bostonia Cal. July 21 1913

*D. J. Gordon*

*Copy*

Before the Railroad Commission of the State of California

In the matter of Application of  
James A. Murray and Ed. Fletcher

Application No. 110

RECEIVED  
JUL 17 1913

Protest of D.G. Gordon against certain of the "Rates and Rules of the Cuyamaca Water Company" Filed June 26 1913

A manuscript copy of these rates and rules was received by me June 28th and two days later I met Mr. Ed. Fletcher at his office and fully explained to him why certain of these rules would be objectionable to irrigators. He told me that he would have my objections carefully considered, and asked me to defer action until I heard from him. He promised to notify me as soon as his Company decided what position to take regarding the rules objected to. He neglected to so notify me and it was not until yesterday (July 15th) after printed copies had been distributed that I learned that the Company adhered to its original position.

This is my excuse for not promptly filing objections with the Commission. There is not time to call meetings if action is to be taken by the Commission before August 1st as appears to me to be desirable and therefore this is my individual protest.

It is my understanding of the Commission's Decision No. 536, and I believe it is the understanding of irrigators generally, that such of the water contracts therein referred to as continue to be strictly irrigation water contracts are unchanged except as to the amount of rental.

Those contracts provide for semi-annual payments, and this is a reasonable provision considering the definiteness and permanence of the demand for water, and the convenience of farmers who live at a distance from the Water Company's office. It is difficult to see how the public can be injured by a continuance of this rule.

The new rules 5 and 6 provide for monthly payments, with extremely harsh unreasonable penalties for failure to pay promptly.

In so far as these two rules conflict with the contract provisions they are objected to.

The books of this Company and of its predecessors will show that since 1894, the first year in which there was a shortage of supply from this Cuyamaca system, this Company and its predecessors have continuously interpreted said contracts as calling only for such proportion of the annual rate as the quantity of water which the Company was able and willing to supply, bore to a full supply.

This is reasonable. The farmer always suffers when there is a short supply altogether out of proportion to the mere amount of water rental and the Water Company ought also to suffer, especially when as at present the shortage is due to neglect of public duty.

The new Rule 7 provides that "No reduction in irrigation ~~XXXX~~ charges will be made for non-use of water whether on account of shortage of supply, or due to ~~XXXX~~ "turn-off" request of consumer, or other reason".

In view of the finding of the Commission in said Decision No. 536 "That the facilities of the applicants are inadequate, insufficient, unjust and unreasonable to its consumers, and that large, excessive and unreasonable losses occur in the system" it seems to be peculiarly unreasonable to offer such a rule at this time, for so far as the public can see there is nothing to indicate a probable improvement of those facilities in the near future, either in respect to storage or conduit.

The efficiency of the system is considerably less than it was a year ago owing to failure to fill La Mesa Reservoir, and the failure to fill that reservoir is believed by consumers to be due to gross neglect of the Water Company's duty <sup>ing</sup> during several weeks last Spring when a great quantity of water was diverted, carried a short distance and turned into the river.

Soon after the beginning of the irrigation season this year namely May 15th the water supply was reduced to one half and notice has been sent out by the Company that commencing August 1st the supply will be a quarter. There is no reasonable probability of any supply after September 1st.

Inasmuch as it is the avowed purpose of said Company to attempt to enforce said rules and to collect full pay for half supply

beginning August 1st and thereby cause disturbance among consumers I respectfully ask that the Commission before that date disapprove said Rules 5, 6 and 7 in so far as they conflict with the rules heretofore in force regarding time of payment, penalties, and the method of computing charges in case less than a full supply of water has been furnished because of the inability of the Company to furnish a full supply.

Dated Bostonia Cal. July 16 1913

*D. L. Gordon*

# Ed Fletcher Papers

1870-1955

MSS.81

Box: 57 Folder: 3

**Business Records - Water Companies - Cuyamaca  
Water Company - State Railroad Commission -  
Application #110 to reduce amount of water being  
supplied; See also D.G. Gordon correspondence**



**Copyright:** UC Regents

**Use:** This work is available from the UC San Diego Libraries. This digital copy of the work is intended to support research, teaching, and private study.

**Constraints:** This work is protected by the U.S. Copyright Law (Title 17, U.S.C.). Use of this work beyond that allowed by "fair use" requires written permission of the UC Regents. Permission may be obtained from the UC San Diego Libraries department having custody of the work (<http://libraries.ucsd.edu/collections/mscl/>). Responsibility for obtaining permissions and any use and distribution of this work rests exclusively with the user and not the UC San Diego Libraries.