

Tax Deed.

Deed 304⁹ fr N. of S. N. Cor of NW⁴ x SE⁴ x Sec. 6 - T14S. R3W 5BM

thence N 82°-46' E 399.8 feet

" S 6°-05' E 696.6 "

" N 35°-10' E 453.0 "

" S 30°-42' E 318.0 "

" S 67°-27' E 255.9 "

" S 77°-38' E 201.0 "

" S 59°-24' W 1058.6 "

South 183.7 "

(Deed 50°-24 1/2' W 1837)

then to SW Cor. NW⁴ x SE⁴

North 304⁹ feet to beginning in N² SE⁴ Sec 6 - T14S. R3W

Carl

Carl & Sinks to

Jato Ona Cooperative Sugar Co.

Deed Book 613/327

Dated Sep 30 1913

Filed Oct 3-13

"All that portion of the North Half of the Southeast quarter of Section Six (6) T. 14S. R. 3W. 5BM. bounded & described as follows -

Beginning at the Southeast corner of the North Half of the Southeast quarter of said Section Six, T. 14S. R. 3W. 5BM. running thence N. 0°-24 1/2' E (all bearing being from true Meridian) along the East line of Section Six (6) One Hundred Eighty-three and Seven-tenths (183.7) feet, thence North 59°29' West Ten Hundred Sixty-nine and six-tenths (1069.6) feet, thence North 77°38' West Two Hundred and One (201) feet, thence North 67°27' West, Two Hundred Fifty-five and nine-tenths (255.9) feet, thence North 30°42' West Three Hundred and Eighteen (318) feet to a point in the center of County road, thence following the center line of said County Road South 35°10' West Four Hundred Fifty-three (453) feet, thence South 56°05' West Six Hundred Ninety-six and six-tenths (696.6) feet, thence South 82°46' West Three Hundred Ninety-nine and eight-tenths (399.8) feet, thence South 0°24 1/2' West Three Hundred Four and Nine-tenths (304.9) feet to the Southwest corner of said North Half of the Southeast quarter of said Section Six (6) said point being in the center of the County road running North and South thru

said section Six (6) thence South
 $89^{\circ} 27'$ East Twenty-seven Hundred Fifty-two and
 Eight-tenths (2752.8) feet, more or less, to the point
 of beginning, excepting therefrom any portion
 thereof lying within the boundaries of any public
 road."

Fletcher & Mary C.P.
 Lined: D.B. 751-240; 17-21-21 Measured: 10-21-21 G.D.

Location: San Diego Co. R^o
 Consideration 300.00
 Purpose Road Station

Description: Beginning at a point in the center of the
 San Diego - Los Angeles Stage road, which point is accepted
 as being at the S.E. cor. of N.E. & S.W. of Dec. 6, T. 14 S., R. 3 W.,
 S. 13 M., and which point is $S 63^{\circ} 24' W$ of and 3100.41 feet distant
 from a 4"x4" post marked S.D. 7, which post marks the N.W. corner
 of the Mayhew Branson Lot, according to Map of the R^o San
 Diego, subdivided and partitioned under an order of the
 18th Judicial District Court, dated June 1, 1875 and confirmed
 October 30th 1875, and running thence from said point of
 commencement N. 0^o - 04' E along the center line of said Dec.
 6. 305[±] feet to an intersection with the center line of the
 E & W. public road;

- thence along the center line of said public road $S 82^{\circ} 57' W$
 173 feet to a point;
- thence $S 76^{\circ} 15' W$ 295[±] feet to the beginning of a curve to the
 left with a radius of 300 feet; thence along said curve through
 an angle of $90^{\circ} - 20'$ for a distance of 106[±] feet, to the end of said
 curve;
- thence $S 55^{\circ} 55' W$ 294.4 feet to a point on the North boundary line of said
 N.E. of the S.W. of Dec 6;
- thence $S 89^{\circ} 35' E$ along said boundary line 798.6 feet to the place of beg.
 and containing 3.68 Acres. More or less.

PACIFIC

OCC

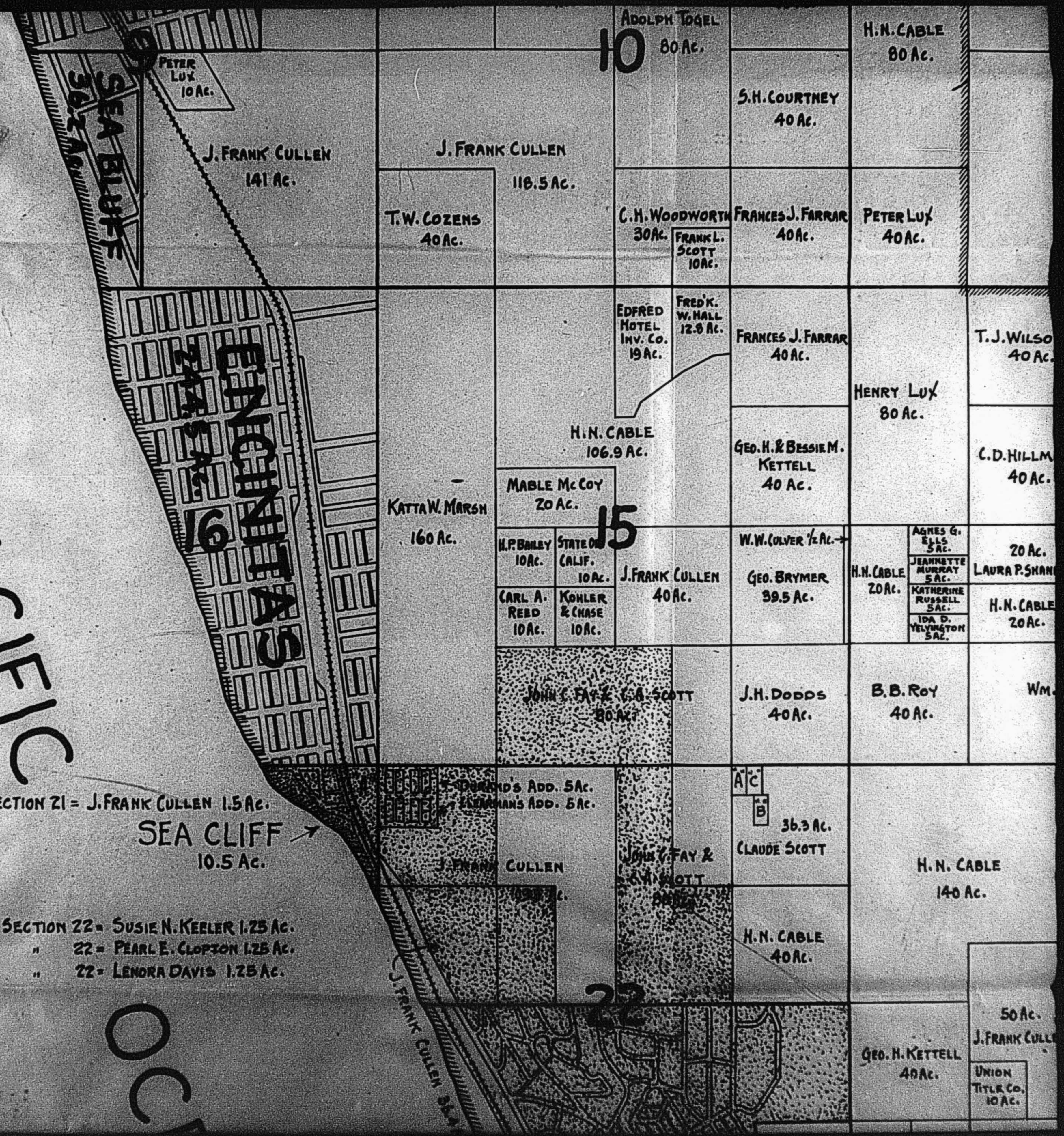
"A" IN SECTION 21 = J. FRANK CULLEN 1.5 Ac.

SEA CLIFF →
10.5 Ac.

"A" IN SECTION 22 = SUSIE N. KERLER 1.25 Ac.

"B" " " 22 = PEARLE E. CLOPTON 1.25 Ac.

"C" " " 22 = LENDRA DAVIS 1.25 Ac.



PETER LUX
10 Ac.

J. FRANK CULLEN
141 Ac.

J. FRANK CULLEN
118.5 Ac.

ADOLPH TÖGEL
80 Ac.

H.N. CABLE
80 Ac.

S.H. COURTNEY
40 Ac.

T.W. COZENS
40 Ac.

118.5 Ac.

C.H. WOODWORTH
30 Ac.
FRANK L. SCOTT
10 Ac.

FRANCES J. FARRAR
40 Ac.

PETER LUX
40 Ac.

EDFRED HOTEL INV. CO.
19 Ac.

FRED K. W. HALL
12.5 Ac.

FRANCES J. FARRAR
40 Ac.

HENRY LUX
80 Ac.

T.J. WILSON
40 Ac.

H.N. CABLE
106.9 Ac.

Geo. H. & BESSIE M. KETTELL
40 Ac.

C.D. HILLMAN
40 Ac.

KATTA W. MARSH
160 Ac.

MABLE MCCOY
20 Ac.

15

H.P. BAILEY
10 Ac.

STATE OF CALIF.
10 Ac.

J. FRANK CULLEN
40 Ac.

W.W. CULVER 1/2 Ac.

Geo. BRYMER
39.5 Ac.

H.N. CABLE
20 Ac.

AGNES G. ELLIS
5 Ac.
JEANNETTE MURRAY
5 Ac.
KATHERINE RUSSELL
5 Ac.
IDA D. YELVINGTON
5 Ac.

20 Ac.
LAURA P. SHANLEY

H.N. CABLE
20 Ac.

CARL A. REED
10 Ac.

KOHLER & CHASE
10 Ac.

JOHN C. FAY & C.A. SCOTT
80 Ac.

J.H. DODDS
40 Ac.

B.B. ROY
40 Ac.

Wm.

DEWIND'S ADD. 5 Ac.
STANMAN'S ADD. 5 Ac.

J. FRANK CULLEN

JOHN C. FAY & C.A. SCOTT

A
B
36.3 Ac.
CLAUDE SCOTT

H.N. CABLE
140 Ac.

H.N. CABLE
40 Ac.

23

Geo. H. KETTELL
40 Ac.

50 Ac.
J. FRANK CULLEN

UNION TITLE CO.
10 Ac.

S ENCINITAS

LOS ENCINITAS

RANCHO

18

70 Ac.

A.T. & S.F. RY. Co.

A.T. & S.F. RY. Co.

19

550 Ac.

13

24

14

23

T.J. WILSON
40 Ac.

C.D. HILLMAN
40 Ac.

20 Ac.
LAURA P. SHANNON

C.D. HILLMAN
40 Ac.

H.N. CABLE
20 Ac.

Wm. C. McFANN
75 Ac.

BLE
c.

CARL ECKHARDT
80 Ac.

50 Ac.
J. FRANK CULLEN

JOHN B. HAMMOTT
120 Ac.

UNION
TITLE CO.
10 Ac.

A.G. ALLEN
80 Ac.

A.E. EALY
160 Ac.

FRANCIS W. FISH

R

A.T. & S.F. Ry. Co.

17

494 Ac.

A.T. & S.F. Ry. Co.

343.1 Ac.

A.T. & S.F. Ry. Co.

139 Ac.

A.T. & S.F. Ry. Co.

20

640 Ac.

A.T. & S.F. Ry. Co.

21

640 Ac.

A.T. & S.F. Ry. Co.

22

334 Ac.

RANCHO

D

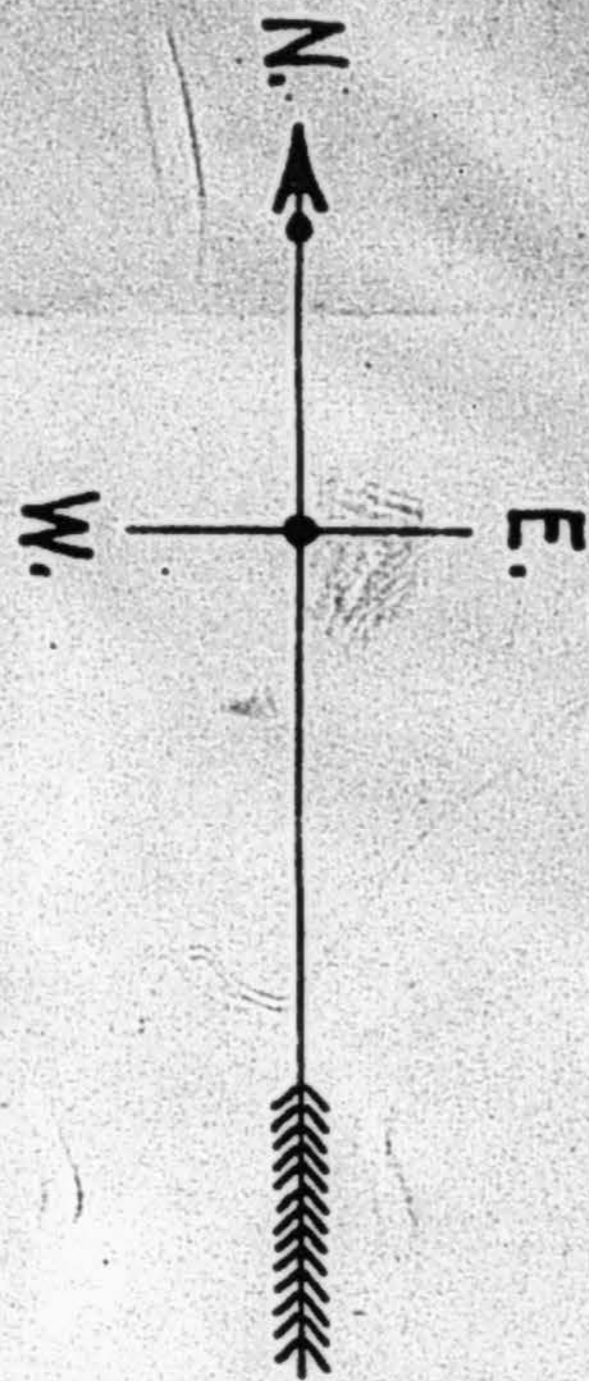
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OCEAN

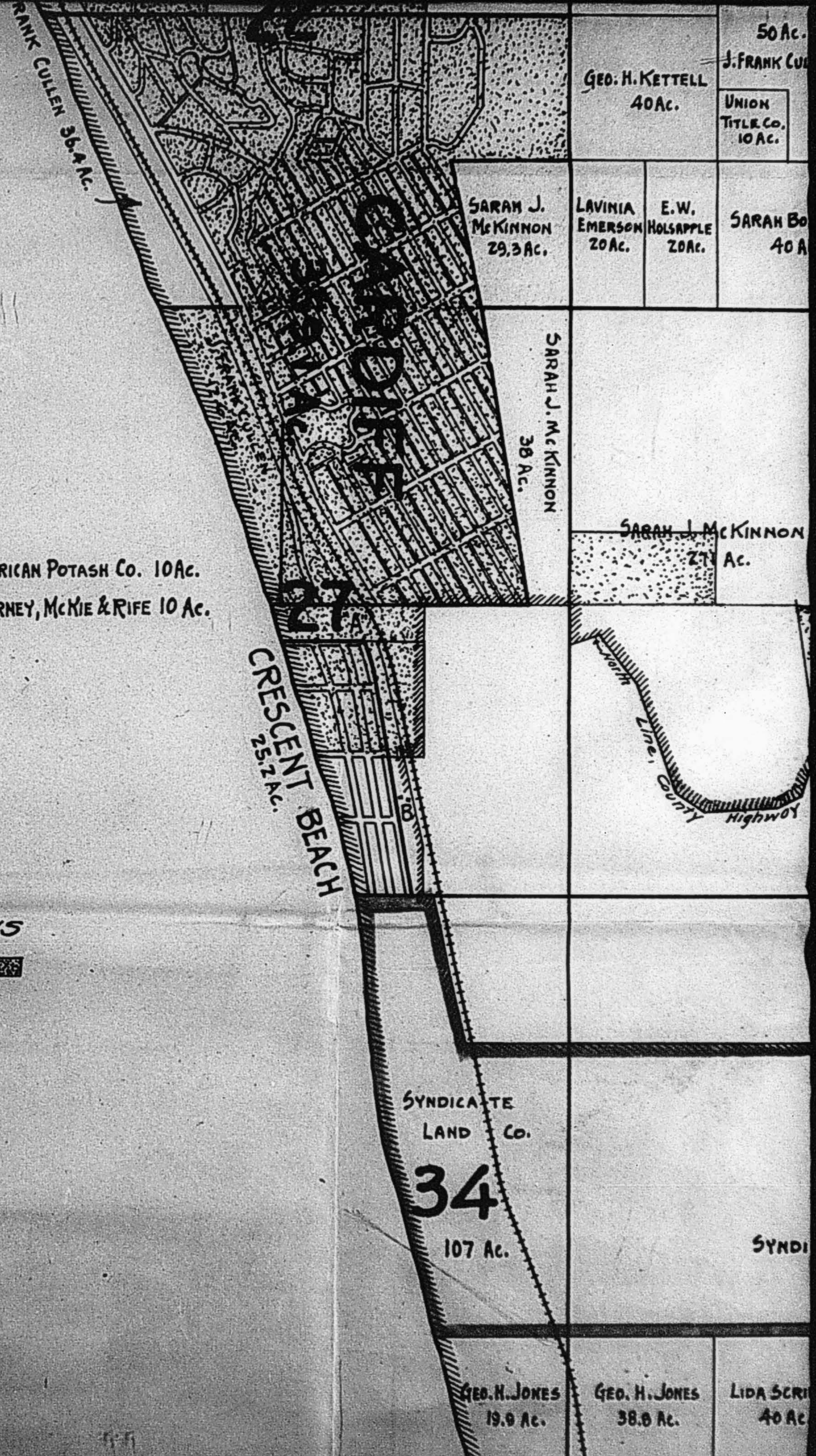


SCALE - 1" = 1000'

T.13S.R.4W.

"A" IN SECTION 27 = AMERICAN POTASH Co. 10Ac.
"B" " " 27 = BARNEY, McKIE & RIFE 10 Ac.

NOTE - CARDIFF IRRIGATION DISTRICT IS
Shown Thus 



50 Ac.
J. FRANK CULLEN
UNION
TITLE Co.
10 Ac.

GEO. H. KETTEL
40 Ac.

SARAH J. MCKINNON
29.3 Ac.

LAVINIA EMERSON
20 Ac.

E. W. HOLSAPPLE
20 Ac.

SARAH BO...
40 A

SARAH J. MCKINNON
38 Ac.

SARAH J. MCKINNON
27 Ac.

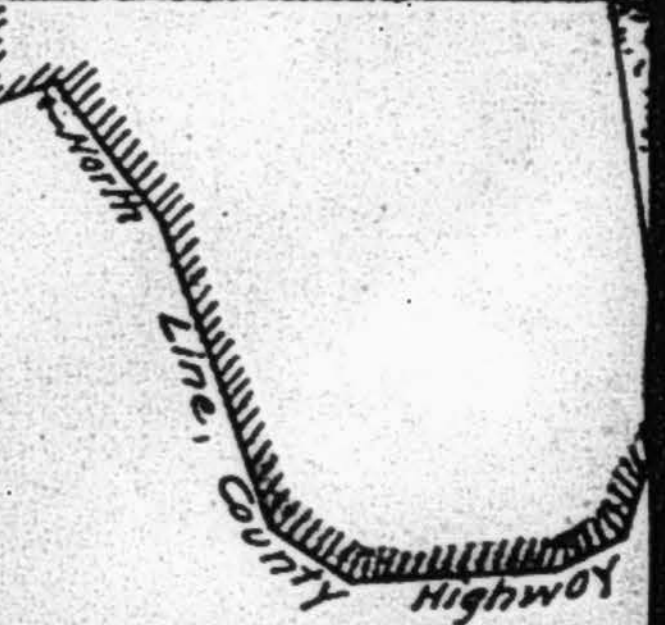
CRESCENT BEACH
25.2 Ac.

SYNDICATE
LAND Co.
34
107 Ac.

GEO. H. JONES
19.9 Ac.

GEO. H. JONES
38.8 Ac.

LIDA SCRIBNER
40 Ac.



50 Ac. J. FRANK CULLEN
JOHN B. HAMMOTT
120 Ac.
UNION
TITLE CO.
10 Ac.
SARAH BOLTON
40 Ac.

A.G. ALLEN
80 Ac.

A.E. EALY
160 Ac.

FRANCES W. FISH
90.3 Ac.

550 Ac.

C. KINNON
Ac.
C.A. GILLESPIE
40 Ac.

A.G. ALLEN
80 Ac.

FRANCES W. FISH
8.5 Ac.

A.T. & S.F. RY. Co.
199 Ac.

A.T. & S.F. RY. Co.
30
639.5 Ac.

26
SARAH J. MCKINNON
17.8 Ac.
C.M. PECK
25 Ac.
A-Line New Survey
Highway

SARAH J. MCKINNON
20 Ac.

25
GUYE PEARL
40 Ac.

MARGARET LAUGHTER
35.8 Ac.

RANCHO SAN DIEGUITO

SAN ELIJO LAND Co.
120 Ac.

GEO. W. CANNING
75 Ac.

H.H. ROLLINS
25 Ac.

THOS. A. WHITE
15 Ac.

EDITH OLSON
40 Ac.

JENNIE M. LICKERT, EST.
56 Ac.

35
SYNDICATE LAND Co.
360 Ac.

W.R. FOX
5 Ac.

36
SYNDICATE LAND Co.
480 Ac.

R.4 W.

A.T. & S.F. RY. Co.
31
415.6 Ac.
SYNDICATE LAND Co.
168.8 Ac.

LIDA SCRIPPS
40 Ac.

PROPT. 135.0
SAN

50 Ac.

640 Ac.

640 Ac.

SAN DIEGUITO

IRRIGATION

F.R.Y. Co.

A.T. & S.F.R.Y. Co.

A.T. & S.F.R.Y. Co.

5 Ac.

600 Ac.

440 Ac.

29

28

FE

F.R.Y. Co.

A.T. & S.F.R.Y. Co.

5.6 Ac.

360 Ac.

32

33

10
SAM DIEGUITO

640 Ac.

334 Ac.

A.T. & S.F. RY. Co.

A.T. & S.F. RY. Co.

194.8 Ac.

28

440 Ac.

27

33

34

4W.

GEO. H. JONES
19.9 Ac.

GEO. H. JONES
38.8 Ac.

GEO. H. JONES
18.2 Ac.

LUCY EST

GEO. H. JONES
14

3
15.1 Ac.
HINKLE & SCHNEIDER

HINKLE &

"A"	"B"	"C"
M.D. BRYSON 10 AC.		
"D"		
"E"		
S.G. BULLOCK 12.5 Ac.		
P.W. CROAK 7.5 Ac.		

SECTION	OWNER	ACRES
"A"	CORLIES ANQUIER	2.5 Ac.
"B"	HAROLD ANQUIER	2.5 "
"A"	JOSEPHINE G. LEWIS	1.5 "
"B"	EUIZ. LEWIS GRIFFIN	1.0 "
"C"	PHOEBE L. PARKER	0.66 "
"D"	H. S. UTLEY	3.5 "
"E"	WM. F. McCANN	2.5 "
"F"	CAROLYN A. MOSES	3.5 "
"G"	A. WILL ANQUIER	0.5 "
"H"	LIDA SCRIPPS	5.0 "

480 Ac.

SYNDICATE LAND Co.
168.8 Ac.

PROP. T. 13 S.

T. 14 S

GEO. H. JONES 38.8 Ac.
LIDA SCRIPPS 40 Ac.

LUCY ESTES 4.5 Ac.
GEO. H. JONES 144.8 Ac.

LILLIAN S. TRASK 20.5 Ac.
61 Ac.
SYNDICATE LAND Co.

IDA GUNDRUM 161.7 Ac.

A. C. WAGNER 123.4 Ac.

ED. FLETCHER

EMILY PRESTON 40 Ac.

SYNDICATE LAND Co. 160.5 Ac.

159.8 Ac.

HINKLE & SCHNEIDER 73.8 Ac.

2

JENNIE C. STEVENS 120 Ac.

SYNDICATE LAND Co 40 Ac.

RACHEL LORING 20 Ac.

102.5 Ac.

BELLE S. A. BURN 40 Ac.

SARAH H. HYER

6

ED FLETCHER 22.6 Ac.

"A" "B" "C" M.D. BRYSON 10 Ac.
"D" "E" S. G. BULLOCK 12.5 Ac.
"F" "G" P. W. CROAKE 7.5 Ac.
"H" LIDA SCRIPPS 10 Ac.
WM. M. MOORE

SUSANNA STEVENS 10 Ac.

A. C. WELTE 12 Ac.

"A" "B" PETER JAUREQUIA

SANTA ANA CO-OP. SUGAR Co. 32.5 Ac.

SAN DIEGUITO RIVER

"A" IN SECTION 1 = CORLIES ANGLER 2.5 Ac.
"B" " = HAROLD ANGLER 2.5 Ac.

SOUTH COAST LAND Co. 130 Ac.

12

JOHN DAWSON 39.98 Ac.

H. R. PATRICK 159.12 Ac.

7

JOHN DAWSON 160 Ac.

R. 3 W.
R. 4 W.

PEARL F. HANDLEY 80.8 Ac.

M. W. MCKINNEY 40 Ac.

GEORGE EATON 40 Ac.

JOHN DAWSON 80 Ac.

DAVID C. REED 40 Ac.

O. B. HANDLEY 80.64 Ac.

JENNIE M. ...

RANCHO SAN DIEGUITO

ED. FLETCHER

57.6 Ac. A.T. & S.F.R.Y. Co.
133 Ac.

OSCAR MAURER
33.9 Ac.

J.H. DINSMORE
22.8 Ac.

ED FLETCHER
22.6 Ac.

34.7 Ac.

SANTA ANA CO-OP. SUGAR Co.

17.2 Ac.
J.B. STODDARD

SARAH E. SINKS
160 AC.

159.12 AC.

M.W. MCKINNEY
40 Ac.

JENNIE M. & E.

TLER.

OCK.

30 Ac.
LISA B. PADDOCK.
SARAH

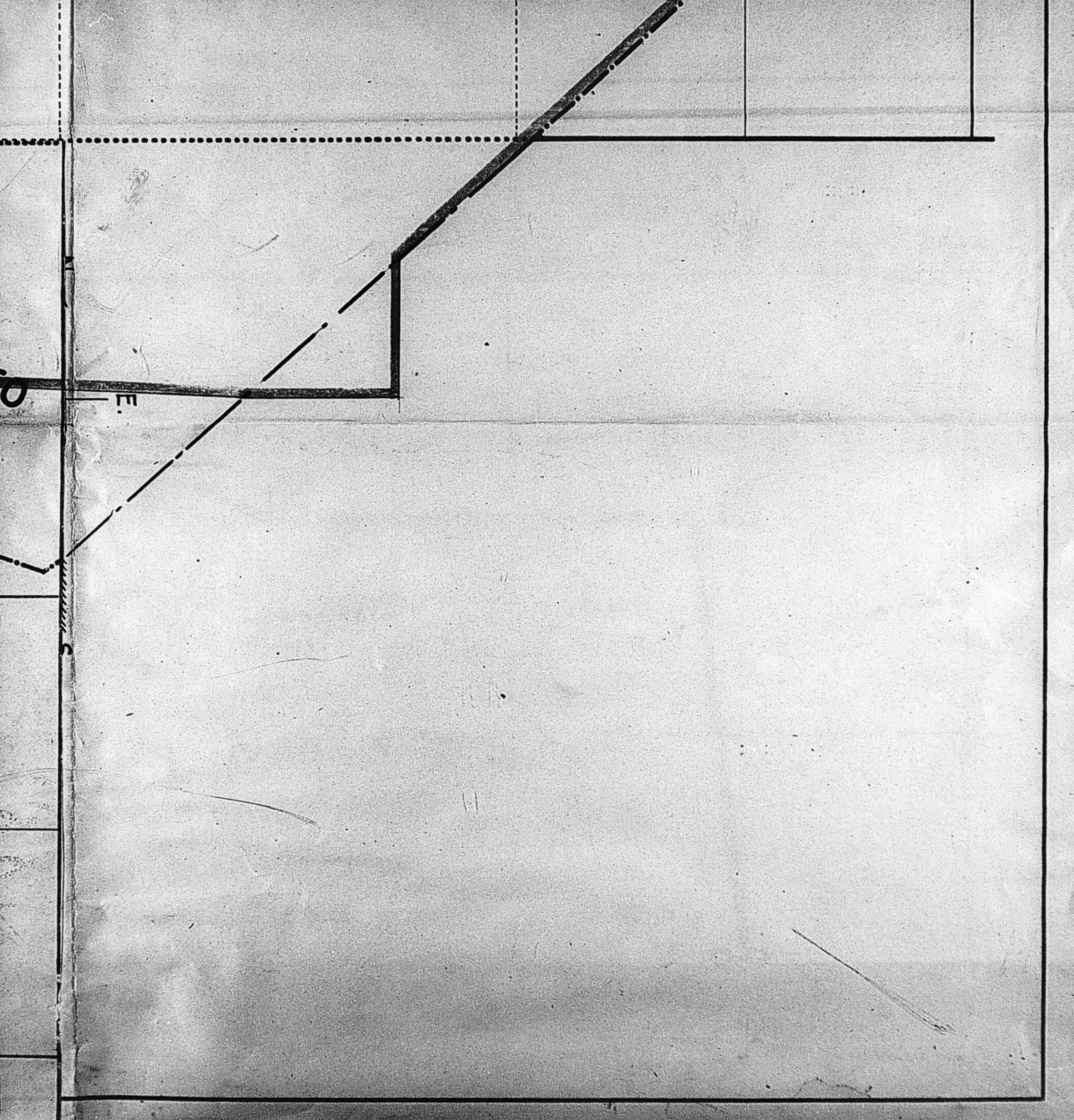
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III

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INDENTURE, Made this 20th day of March,
1918, by and between ED FLETCHER and MARY
C. B. FLETCHER, his wife, of the City of
San Diego, County of San Diego, State of
California, first parties, and SAN DIEGUITO
MUTUAL WATER COMPANY, a California corpora-
tion, hereinafter called the Water Company,
second party.

IN CONSIDERATION of the sum of Ten Dollars,
lawful money of the United States, to them in hand paid
by the Water Company, and of other good and valuable
considerations, the receipt whereof is hereby acknow-
ledged, the first parties hereby grant, convey, assign
and transfer unto the Water Company, its successors and
assigns, all rights to impound and divert the waters of
Escondido Creek, in said County of San Diego, vested in
them by the terms of Permit No. 302 issued to said Ed
Fletcher by the State Water Commission of the State of
California, which permit is dated July 12th, 1917, and
certified copy thereof duly filed in the office of the
Recorder of said San Diego County on July 20th, 1917;
said permit and the application therefor are hereby re-
ferred to and made a part hereof for greater certainty

of description and definition of the rights hereby conveyed, the same as though said application and said permit were set forth herein in full.

TO HAVE AND TO HOLD said rights and everything pertaining thereto unto the Water Company, its successors and assigns forever.

IN WITNESS WHEREOF, the first parties have duly executed this indenture the day and year first above written.

STATE OF CALIFORNIA,)
 : SS.
COUNTY OF SAN DIEGO.)

On this _____ day of _____, in the year
one thousand nine hundred and eighteen, before me,
_____, a Notary Public in and
for said County of San Diego, State of California, per-
sonally appeared ED FLETCHER and MARY C. B. FLETCHER,
his wife, known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my official seal in said County the
day and year in this certificate first above written.

Notary Public in and for said
County and State.

SAN DIEGO, California, March 22, 1918.

Mr. Fred H. Roberts,
o/o San Pasqual Ranch Co.,
San Pasqual, California.

Dear Sir:

On February 25, 1910, you posted at the point of diversion, and on February 28, 1910, at 9 Minutes past 4 P.M., you caused to be recorded in the County Recorder's Office of San Diego County, California, in Book 4 of Water Claims, at page 45, the following notice:

"To all whom it may concern:

Notice is hereby given, that the undersigned hereby appropriates and claims the water flowing at the point of diversion which is at a point about the middle of the East side of the property described below and being the Northeast Subdivision of Bernardo Rancho to the extent of six hundred inches, measured under a four inch pressure.

That said water is claimed for the purposes of irrigation and for irrigating the following described property belonging to me, to-wit: Being a part of the Rancho San Bernardo and described as follows; Beginning at a stake marked S.B.1 on the map or plat of the survey of said Rancho made by Hays and running thence $77 \frac{1}{3}^{\circ}$ West 4861.5 feet, thence South $15 \frac{1}{2}^{\circ}$ West 6370 feet, thence South $84 \frac{1}{4}^{\circ}$ East 4913.2 feet. Thence North $15 \frac{1}{2}^{\circ}$ East 5799.1 feet to the place of beginning containing 686 acres of land more or less.

The means by which I intend to divert said water is by twenty-four inch pipes, and open ditches 2 feet deep x 5 feet wide at bottom, flumes and aqueducts.

Dated February 25, 1910.

F.H. Roberts,

Claimant.

E.L. Richards, Witness.

Recorded at Request of E.L. Richards, Feb. 28, 1910
at 9 Min. past 4 o'clock P.M.

Fee \$.60

John H. Ferry, County Recorder,
By Walter Forward, Deputy Recorder."

And thereafter and with due diligence you caused to be constructed ditches, pipe lines and aqueducts by means of which you diverted to the lands described in the notice a certain amount of water, and used the same on said lands for the irrigation thereof, and you continued to use water from said

ditches thereafter and as long as water was flowing in said river, until the flood in 1916, when you ceased taking water through said ditches by reason of floods which washed out your intake ditches and destroyed the wells which you had sunk and from which you were pumping water from the bed of the creek. My understanding is, however, that within a reasonable time thereafter you re-constructed the intake to your ditches and again used the waters on the lands described in the notice of appropriation from said river, and for the necessary irrigation of said lands.

Thereafter you received a notice from the San Dieguito Mutual Water Company, signed by Ed Fletcher, President, and E.O. Faulkner, secretary, dated December 26, 1917, a copy of which said notice is as follows:

" San Diego, Cal. December 26, 1917

To _____

YOU ARE HEREBY NOTIFIED that the undersigned objects to any diversion of the waters of the Bernardino River, otherwise known as the San Dieguito River or Santa Ysabel River, together with the water from all creeks or affluents of said river, in excess of the quantity you are legally entitled to take there from, upon the ground that any such illegal or excessive diversion by you will interfere with the right of the undersigned to the quantity of water appropriated by it in said stream and its affluents, which right is vested in the undersigned by virtue of compliance with the Laws of the State of California concerning the appropriation of water for irrigation and other beneficial purposes.

If you divert or continue to divert any water of said River or any creeks or affluents thereof over and above the quantity you are legally entitled to without an agreement so to do with the undersigned, suit to enjoin such excessive and illegal diversion will be instituted against you by the undersigned.

SAN DIEGUITO MUTUAL WATER COMPANY.
By Ed Fletcher,
Its President.

E.O. Faulkner,
Its Secretary.

(SEAL)

Now you desire an opinion from me as to what the effect of this notice is upon your right to continue the diversion of water through the ditches described in the notice of appropriation, used upon the lands also described therein. This opinion is based upon the assumption that the foregoing statement as to your actual appropriation of waters, and the use thereof upon the lands described in the notice, for beneficial purposes, is correct. That is that you actually constructed the ditches and that you actually took and appropriated six hundred inches of water, measured under a four inch pressure, from the stream, and that you actually used the waters upon the lands described in the notice, and that the use thereof was beneficial to said lands, and that the whole of the six hundred inches was beneficially used upon said lands.

In *Atchison vs Peterson*, 20 Wall. 514 (U.S. Sup. Ct.) Justice Field, delivering the opinion, said:

" The right to water by prior appropriation is limited in every case in quantity and quality by the uses for which the appropriation is made..... The appropriation does not confer such an absolute right to the body of the water diverted that the owner can allow it, after its diversion, to run to waste and prevent others from using it for other legitimate purposes."

In *Senior vs Anderson*, 115 Cal. 503, the Court hold that an appropriation is not limited by the quantity of water that could be put to a useful purpose upon the land the first or second year, but to the quantity that could be put to a useful purpose on the land within a reasonable time, by the use of reasonable diligence, and to entitle the party to the benefit of such appropriation, the party should within a reasonable time apply the water to such beneficial use, and that the appropriator should act as fast as he could reasonably put his land into cultivation. In other words, if you appropriate and actually divert six hundred inches of water, to be used on the six hundred acres of land, and only cultivated and used this flow upon forty acres of land, and allowed the rest of the water to run

to waste, you could not be heard to complain if other people appropriated and used the water so that you were only able to obtain sufficient water to irrigate the forty acres. The test in every instance is the beneficial use you put the water to. However, if you are appropriating six hundred inches, and as rapidly as it is possible for you to do by the use of all reasonable diligence, to yearly thereafter enlarge the acreage of land so that you will finally cultivate the entire tract of land and use the entire six hundred inches of water, you thereupon become vested with the right to continue to divert and use six hundred inches, measured under four inch pressure, and no subsequent appropriation made by the San Dieguito Mutual Water Company, or by any other party, can legally interfere with your continued use of this water.

The same rule which we quoted from in the case of Senior vs Anderson, supra, is followed in Cal.Etc. Co. vs Madera Etc. Ir. Co. 167 Cal. 78; on page 83 the Court says:

"It is now well settled that an appropriator is not entitled to the quantity of water actually diverted and taken into possession if he uses only a portion of it, and that his right is limited to the amount he actually uses for a beneficial purpose, not exceeding the carrying capacity of his ditch or canal."

The last quotation is made by the Court from Wiel on Water Rights, Secs. 478-479.

They quote from Smith vs Hawkins, 120 Cal. 88:

"An appropriation of water by the owner of lands by means of a ditch is not measured by the capacity of the ditch through which the appropriation is made but is limited to such quantity, not exceeding the capacity of the ditch, as the appropriator may put to a useful purpose."

And in Leavitt vs Lassen Ir. Co. 157 Cal. 86, it is held:

"That any appropriator is limited not by the amount which the appropriator took; not by the amount which he claims; not by an amount sufficient to thoroughly and properly irrigate a thousand acres of land, but it would be measured by the amount which he had been actually taking and applying to the beneficial use upon that land."

Section 586 of Wiel on Water Rights, is as follows:

"To give color of title the adverse claimant may have taken his use in any character whatever, but if he began it in the character of an appropriator, pretending to have a valid appropriation he must have made his adverse use a use for a beneficial purpose since the right of appropriation cannot be held without beneficial use. One pretending to be an appropriator has no color of title without beneficial use. It is consequently held that the adverse use must be for a beneficial purpose ; though the beneficial use need not be made immediately a reasonable time being allowed as in making the appropriation."

It would seem that the foregoing quotations are ample. They declare what the law is, in my opinion, at the present time with reference to your rights under your notice of appropriation, and your use of the waters thereafter.

You need have no anxiety over the fact that by reason of the flood, (which would be construed as an act of God), the intake to your ditch was destroyed, provided that it did not become apparent after the ditch was destroyed that you intended to abandon your rights as an appropriator. Rights acquired by an appropriator cannot be lost by nonuser of the water, except by the clear intent of the appropriator to abandon the use of the water or by a failure to use the water through said ditches for a period of five years. In the first instance it would be made manifest by some neglect or act of your own. If you had publicly announced after the flood that you intended to abandon the use of the ditches all together and had thereafter allowed them to become destroyed for the purposes for which they were built, then all rights under your notice of appropriation and use thereafter would be lost; or if you had abandoned the use of said ditches and had failed and neglected for a period of five years, (which is the prescriptive period), to divert water from the stream, then you could not be heard to complain if others appropriated the water and objected to your again diverting water through your ditches.

In the case of Smith vs Hawkins 110 Cal.122, in construing Section 1411 of the Civil Code of California, which is as follows:

"The appropriation must be for some useful or beneficial purpose, and when the appropriator, or his successor in interest, ceases to use for such a purpose, the right ceases."

The Court holds:

"In this state five years is the period fixed by law for ripening of an adverse possession into a prescriptive title. Five years is also the period declared by law after which a prescriptive right depending upon enjoyment is lost for nonuser; and for analogous reasons we consider it to be a just and proper measure of time for the forfeiture of an appropriator's rights for a failure to use the water for beneficial purposes."

This rule is followed in the case of Kayberry vs Alhambra Addition Water Co. 125 Cal.444, which holds:

"That a water right is not barred by acquiescence in an impairment thereof for less time than is required for adverse use."

From the foregoing statement of facts and citations of law I am of the opinion that the San Pasqual Ranch Company is entitled to continue to use the water from the San Pasqual, or San Dieguito or Santa Ysabel creek, whichever you may choose to call it, up to the capacity of such ditch, namely, six hundred inches of water, measured under a four inch pressure, provided that such amount has been actually used by such ranch company for beneficial uses upon said ranch. I am further of the opinion that it was the intention only of the San Dieguito Mutual Water Company to give you and other users of water in San Pasqual Valley, notice that in the event you should attempt to enlarge your ditches and divert more water than you had a right to under your appropriation, that they would then institute actions to enjoin the taking of such larger quantities of water than you had heretofore put to a beneficial use upon your lands.

Although you are not particularly interested at this time, it may hereafter appear that the San Dieguito Mutual Water Company may not be entitled to the full flow of the river. They

in turn may not be able to place the entire flow of the river to a beneficial use within a reasonable time, and in such case the same rule as I have heretofore cited as applicable in your case, will in like manner apply to the Mutual Water Company.

Respectfully yours,

Well Measurements - San Dieguito Rancho

Depth to Water in Well X

<u>1917</u>	Nov.	3,	8.75 ft.
		10,	8.67
		18,	8.83
		25,	9.00
<u>1918</u>	Jan.	5,	9.33
		12,	9.08
		19,	9.21
		26,	9.26
Feb.	2,	7.20	
		9,	6.79
		16,	7.17
		23,	6.50
Mar.	2,	6.44	
		9,	5.80
		16,	5.60
		23,	6.08
		30,	5.50

Measurements taken by

J. H. Baker,
Del Mar, Calif.

REPORT ON AGRICULTURAL VALUE OF LANDS
AND DUTY OF WATER IN PROPOSED IRRIGATION
DISTRICT EXTENDING FROM DEL MAR TO SOUTH OCEANSIDE
SAN DIEGO COUNTY, CALIFORNIA.

By

Frank Adams

COOPERATIVE IRRIGATION INVESTIGATIONS IN CALIFORNIA.

Jan. 26, 1918

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Agricultural Value of Lands.

The proposed irrigation district to which this report refers extends in a narrow strip along the coast of San Diego County from Del Mar to Oceanside and is said to comprise a total of about 22,000 acres. Topographic features are fully covered by U. S. Geological Survey LaJolla, Oceanside, and Escondido quadrangles. Elevations are generally under 250 ft. Outside of elevations and direct coastal exposure, the significant topographic characteristics, agriculturally, are the relatively even slopes of the lower coastal plain and of the flatter areas back of and lower than the higher portions of the coastal plain, the frequent abrupt breaks in the coastal plain made by stream channels and coastal inlets, and the frequent occurrence, especially on portions of the Santa Fe Ranch, of rough, non-agricultural areas.

Agriculturally, the more important and the more valuable portions of the proposed district seem to be those constituting the direct coastal plain. These are obviously of especial importance from the standpoint of truck growing, which seems likely to be an important industry in the transition of the area to a typical settled San Diego County community. While this far mainly dry-farmed, the suitability of the lands there for growing almost, if not every, annual truck and field crop common to the Southern California coastal plain seems fully demonstrated by the plantings along the coast where water has already been made available, as at LaJolla, Del Mar, South Oceanside, etc. Whether citrus plantings can be profitably made on this direct plain need not be gone into, for it is not understood that that is contemplated except in scattered areas where individual tastes of ultimate purchasers of land may run in that direction. The similarity of the coastal plain to the Chula Vista section, and of some of the higher lands to the west, as on the upper mesas of the Santa Fe Ranch, to the LaMesa section, suggests sufficient warrant for expecting results from citrus comparable with results from those other citrus areas. From a frost standpoint, which it was not the province of this report to consider except very generally, it is obvious, as suggested by Mr. H. F. Alciatore, Meteorologist of San Diego Office of the Weather Bureau, that in the absence of any particular topographic dissimilarity between the sections north and south of San Diego, there is nothing other than purely local cause for temperature differences. What local differences there are that are meteorologically significant is a matter purely for the meteorologist.

In connection with the matter of soil types within the proposed district, through courtesy of Professor Chas. F. Shaw, of the University of California, access has been had to the as yet unpublished Soil Survey of San Diego County, prepared by the College of Agriculture of the University of California and the Bureau of Soils of the U. S. Department of Agriculture. The soil classification within the district as made by the Bureau of Soils and the University of California is given on the attached blueprint from tracing from the manuscript map at Berkeley. Summarizing these, as in the table above, it is found that the soils classified as Kimball sandy loams and as Kimball and Los Flores sand loams, undifferentiated (Nos. 13 and 40 on the map), comprise 53 per cent of the total. Rough broken land, coastal beach and dune sands, and rough stoney lands, all nonagricultural, comprise approximately 28 percent. Miscellaneous other agricultural lands, chiefly San Joaquin sandy loams (No. 43) and Montezuma adobe (No. 30) make up the remaining 19 percent.

For one use or another, practically all of the 72 percent making up the agricultural lands may be considered tillable and valuable under irrigation. Differences in value obviously exist, but the lands of distinct agricultural value constitute the bulk of the 72 percent.

Rainfall and Irrigation Season.

A 65-year seasonal (July-June) rainfall record, 1851-1915, is available for San Diego. The average seasonal precipitation for this period was 9.67 inches, the minimum 3.75 inches in 1876-1877, and the maximum 25.97 inches in 1883-1884.

The summer season being practically rainless, the length of irrigation season, particularly for annuals such as truck, depends largely on the fall and winter rainfall.

While deep-rooting plantings, such as trees, will carry over rainless months during late fall, winter, or early spring without great injury, vegetables suffer or are set back to an unprofitable degree by lack of moisture at any time.

Except in months following a relatively heavy precipitation, therefore, say a monthly fall of 2 inches or more, irrigation may reasonably be deemed necessary for truck and frequently for groves, in each of the fall to spring months in which the precipitation is less than one inch. The only exception that might be necessary to this and be in the case of much more than normal monthly precipitation, which the records indicate are too infrequent to give much weight to.

During the 65 years 1851-1915 and after omitting months preceded by months with at least 2 inches of precipitation, less than one inch fell in October in 58 seasons, in November in 38 seasons, in December in 22 seasons, in January in 17 seasons, in February in 14 seasons, and in March in 20 seasons.

In other words for plantings still actively growing, and particularly truck, irrigation would seem quite sure to be necessary through October and also likely to be needed more than one-half of the seasons in November,

about one-third of the seasons in December, about one-quarter of the seasons in January, about one-fifth of the seasons in February, and about one-third of the seasons in March.

The normal irrigation season in San Diego County, for citrus groves is locally considered to be 7 or 8 months. It seems clear, however, from the above analysis of the rainfall records, that counting full cropping the normal maximum irrigation season for truck will be in excess of that, say 8 or 9 months. With less than full croppings, or with the growth without irrigation during the summer of Lima, white or other standard beans that have proven profitable in normal years along the coastal plain, this period might of course be reduced. In such an event, the land would be less productive than if fully cropped to truck or rotated between truck and Lima or other beans and the beans irrigated, and consequently less valuable and economically subject to a less capital charge for irrigation works.

Duty of Water.

The amount of water necessary to grow crops under irrigation, commonly called the "duty of water", is primarily measured by the amount required to raise and maintain the soil moisture percentage sufficiently above the so-called "wilting point" (the point below which plants begin to wilt) to care for the needs of the plants throughout the growing season plus evaporation and deep percolation losses. The only wholly satisfactory method of determining this amount is by soil moisture studies in planted, growing fields throughout at least one, and preferably several, seasons. This method has, of course, not been possible in the case in hand, although we have very fortunately had access to results of studies of this nature by the U. S. Bureau of Plant Industry on three citrus groves in the Chula Vista section during 1917. In the absence of following this method the common and often quite satisfactory method of taking account actual use has had to be resorted to. Because of the small present use within the proposed district, the principal data have had to be collected from the Chula Vista, La Mesa, and Lemon Grove sections. But little truck being raised in the La Mesa and Lemon Grove sections, it has been necessary to use data on this class of plantings chiefly from Chula Vista, supplemented by such short timerecords as could be obtained from truck farms under the San Diego city water system about Pacific Beach and La Jolla and under the Oceanside Mutual Water Company's pumping system at South Oceanside and Carlsbad. Unfortunately the truck gardens under these systems have not yet become sufficiently established to give records of great value, yet they are suggestive. The soil at Pacific Beach and La Jolla is sufficiently like much of that in the proposed district to be fully comparable, and the South Oceanside and Carlsbad sections are within the district. The soil at Chula Vista, while having frequently a more compact subsoil, is generally comparable with the major soils from Del Mar to Oceanside. A tabulation of the data assembled is appended. Only fields have been included which we were able to visit, whose owners we were able to interview, or both, or for which we were able satisfactorily to check figures given through the advice of water company operating officials or employees. The years 1916 and 1917 are locally considered, when taken together, to represent average requirements.

In the absence of more data it is not considered prudent to recommend any lower net figure for the proposed district than shown by the average given in the summary, viz: About 1.10 acre-foot per acre per annum for citrus fruits, and about 1.6 acre-foot per acre for truck farming. Even then some doubt is felt as to the sufficiency of these amounts for maximum yields. In this connection the information obtained from the Bureau of Plant Industry for Tracts 18, 53 and 55 at, hula Vista is especially significant. While 1917, to which year this information relates, was abnormally dry, the use on those three tracts, 1.57, 1.14 and 1.67, averaging 1.46, acre-feet per net acre irrigated, is very considerably above the 1.1 acre-feet suggested herein. Alfalfa is not considered at all in arriving at the figures given, because obviously the cost of water will in any event be too high to justify its production.

The area given by the proponents as lying within the proposed district boundaries is about 22,000 acres. Applying the soil percentage taken from the reconnaissance soil map, the agricultural area is about 15,800 acres. In many cases, as is the custom about such sections as Del Mar and La Mesa, residences in the proposed district may be expected to be built on rough land classed as nonagricultural, and this will to that extent reduce the percentage of agricultural land in roads, buildings, and vacant spaces under full development. Assuming, however, a 10% reduction for such purposes, leaves about 14,500 acres that would need water under full development.

No one is wise enough to read accurately the future of such a section as is included in the proposed irrigation district after water has been made available. The plantings chosen depend far more on the personal tastes of the landowners in such a section than in a section devoted to agricultural staples. Nor is it easy to determine in advance how little water, i.e., how much less than the requirements for maximum yields, landowners will be satisfied with. If the section were to develop strictly as an agricultural one, which admittedly can not be expected, the settlers could not afford to demand less than necessary for best results. San Diego communities do not, however, develop as do communities devoted to agricultural staples. On the contrary, they are largely suburban, with domestic use frequently as important as agricultural use. While investigations by the water administration of Los Angeles indicate that domestic and irrigation requirements, when reduced to an acreage basis, do not vary widely, possibly residents within such a district as is proposed might be willing to reduce domestic use considerably below normal requirements in the dry years that occasionally come to all southwestern sections. The extent to which this can be assumed as permissible, the extent to which residential values will govern over agricultural values, and the reduction below normal irrigation requirements under full development it is safe to assume permissible in a project of this kind in figuring safe yield for the system, are not considered directly within the purpose of this report. These matters have, however,

been given some consideration; and the following in relation thereto is presented:

To any thoughtful observer of San Diego County agriculture the conclusion seems warranted that the various conditions and characteristics that, summed up, make San Diego County communities what they are are based fundamentally on residential values rather than on net money returns from the soil. Too many people are attracted by the climatic, geographical, and social advantages of San Diego County to permit the relatively meagre water supplies of the county to be devoted merely to the most economic agricultural use. The warrant for departing from standards necessary in sections of larger water supply therefore seems clear. If this is done, however, and a less water supply per irrigated acre figured on than safe culture warrants, the distinctively special basis on which the project is to be promoted should be clearly set forth. This, it seems to the writer, is due not only to those who supply necessary funds, but also those who are to develop the main lands and tracts that will be made available if the contemplated water supply is provided. In other words, in the opinion of the writer they should understand that the project goes forward as one only partially dependent for the financial success on economic agricultural returns.

As a practical question, the project or "gross" water duty for systems with which the proposed irrigation district is comparable is in some cases less than the net agricultural duty found from the data given in the attached summary. For instance, the Escondido Mutual Water Company, in the irrigation census of 1909, reported a gross project duty of 0.99 acre-foot per acre. Mr. J. E. Boal, manager of the Sweetwater Water Company, stated, to both Mr. Tait and Mr. Veihmeyer, that his company has found 350,000 gallons per acre (1.07 acre feet) sufficient for citrus orchards, although the amount used by the different irrigators varies somewhat from the usual averages. The computations of the Cuyamaca Water Company, presented in connection with this present investigation, show a gross duty for 1915 and 1916, respectively, of 0.84 and 1 acre-foot per acre, the latter being increased to include some pumped water. On the other hand, Mr. Tait reports that Lake Hemet Water Company figuring from its own computations of delivery, shows a gross duty of 1.1 acre-foot per acre or citrus and deciduous fruits and some alfalfa.

The question of water rates to be charged by Cuyamaca Water Company, and other matters relating to that Company in many instances involving water duty have on numerous occasions been before that State Railroad Commission. (Decisions 536, 764, 1186, 1609, 1738, 2525, 2527, 2528, 2528, 2529, 2531, 2669, 2670, 2671, 3299, 4058). These decisions have been read in connection with this study by F. J. Veihmeyer. In connection with decision No. 4058 the Commission seems to accept a duty of one acre-foot per acre "for such crops as prevail in this territory." Possibly more significant, however, are the words of the Commission in Decision No. 536 with a broader question of what constitutes a safe yield. This report will be concluded with the following quotation from its remarks:

BEFORE THE BOARD OF DIRECTORS OF THE SAN DIEGUITO
IRRIGATION DISTRICT, COUNTY OF SAN DIEGO, STATE
OF CALIFORNIA.

.....
IN THE MATTER OF THE EXCLUSION OF LANDS ; PETITION FOR
OF ED FLETCHER ;
from ; EXCLUSION OF LANDS
SAN DIEGUITO IRRIGATION DISTRICT ;
.....

TO THE HONORABLE BOARD OF DIRECTORS OF THE SAN DIEGUITO
IRRIGATION DISTRICT, SAN DIEGO COUNTY, STATE OF CALIFORNIA.

Comes now Ed Fletcher and files this, his petition for the exclusion and taking from the boundaries of the San Dieguito Irrigation District, a public Corporation, duly organized and existing under the California Irrigation District Act, and situate in the County of San Diego, State of California, a certain tract of land belonging to said petitioner, and in support thereof represents and shows as follows:

1. That he is now, and for several years past has been the owner of a certain tract of land, situate in the County of San Diego, State of California, particularly described as follows, to-wit:

The West three (3) acres of the North Half of the Southeast Quarter of the Northeast Quarter of Section 15, Township 13 South, Range 4 West, S.B.M. *North*

2. That said tract of land is included within the boundaries of the said San Dieguito Irrigation District and is now a part of and included in said San Dieguito Irrigation District.

3. That your petitioner desires to have said tract of land excluded and taken from said Irrigation District upon the grounds and for the reasons following:

That said tract of land is not tillable and is located in a canyon, making it undesirable for either agricultural or residential purposes.

WHEREFORE, your petitioner respectfully prays that said tract of land hereinbefore described be excluded and taken from said San Dieguito Irrigation District.

DATED November 17th, 1927.

Respectfully submitted.

Ed Fletcher

In determining the safe net yield of a system for irrigation it is testified that much more difficulty is encountered than to obtain the same fact with reference to a domestic supply.

In the case of water supplied for domestic purposes the system must be capable of supplying at all times sufficient water for its consumers, and the safe net yield must be based upon the minimum possibility of this supply because the demand is continuing and any substantial diminution works great hardship upon the consumers. This, however, is not the case with an irrigation system. In periods of shortage it is possible for crops to get along with a supply below that which they normally require. The determination of this minimum amount for crop requirements which may be used as a basis for determining the safe net yield must be a combination of measurement and judgment. This problem is the result of the following consideration:

If in California, where the rainfall varies greatly from year to year, each irrigation system will be limited in its operation to supplying that number of consumers only whose reasonable requirements would be met in the driest year, the result would be that most all of the water companies in this state would in by far the majority of years be allowing a great portion of the water supply to waste, and also by reason of this fact raise the cost for each unit of water used. While on the other hand, if the water company be permitted to take on consumers up to the limit of its ability to serve in the year of maximum supply, and this has been too often the case in California, we would have a condition wherein almost every year the consumers' crops would suffer for water. Good judgment will indicate a medium amount which, while not perhaps actually the average, will insure in the driest year which the history of the region in question for a sufficient number of years shows is likely to occur, a sufficient amount of water to carry crops through the year without serious or permanent injury, if as is the case, the crops are trees and vines. A somewhat different rule perhaps might be followed with crops of different character. Therefore, while in the case of *Palmer vs. Southern California Mountain Water Company*, we were inclined to take as the basis for the safe yield the maximum precipitation and run-off, which is necessary when considering domestic service, yet I believe for the reasons I have already pointed out, such a rule here where irrigation is being considered, would be to the advantage either of the company or to the irrigators and would be contrary to public policy if applied to a company whose consumers, as here, are largely irrigators.

BEFORE THE BOARD OF DIRECTORS OF THE SAN
DIEGUITO IRRIGATION DISTRICT, COUNTY OF
SAN DIEGO, STATE OF CALIFORNIA.

.....
IN THE MATTER OF THE EXCLUSION OF LANDS:
.....
of ED FLETCHER from
.....
SAN DIEGUITO IRRIGATION DISTRICT
.....

: PETITION FOR
:
: EXCLUSION OF LANDS
:
:

TO THE HONORABLE BOARD OF DIRECTORS OF THE SAN DIEGUITO
IRRIGATION DISTRICT, SAN DIEGO COUNTY, STATE OF CALIFORNIA.

Comes now Ed Fletcher and files this, his petition for the
exclusion and taking from the boundaries of the San Dieguito
Irrigation District, a public Corporation, duly organized and
existing under the California Irrigation District Act, and
situate in the County of San Diego, State of California, a
certain tract of land belonging to said petitioner, and in
support thereof represents and shows as follows:

1. That he is now, and for several years past has
been the owner of a certain tract of land, situate in
the County of San Diego, State of California,
particularly described as follows, to-wit:

Beginning at the Northwest corner of the Southeast
Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of
Section 15, Township 13 South, Range 4 West, S.B.M.
and running thence along the Northerly line of said
Southeast quarter (SE $\frac{1}{4}$) of the Northeast Quarter
(NE $\frac{1}{4}$) 198.0 feet; thence Southerly parallel with
and distant 198.0 feet Easterly from the Westerly
line of the said Southeast Quarter (SE $\frac{1}{4}$) of the
Northeast Quarter (NE $\frac{1}{4}$) a distance of 660.0 feet
to the East and West center line of the said Southeast
Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$); thence
Westerly along the said East and West center line
198.0 feet to the aforesaid Westerly line of the said
Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter
(NE $\frac{1}{4}$); thence Northerly along the said Westerly
line to the point of beginning, being the Westerly
three (3) acres of the North Half of the Southeast
Quarter of the Northeast Quarter of said Section
15, Township 13 South, Range 4 West.

2. That said tract of land is included within the
boundaries of the said San Dieguito Irrigation Dis-
trict and is now a part of and included in said
San Dieguito Irrigation District.

3. That your petitioner desires to have said tract
of land excludd and taken from said Irrigation
District upon the grounds and for the reasons following:

That said tract of land is not tillable and

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WHEREFORE, your petitioner respectfully prays that
said tract of land hereinbefore described be excluded and
taken from said San Dieguito Irrigation District.

DATED _____, 1927.

Respectfully submitted,

SAN DIEGUITO WATER CO.-FLETCHER AGREEMENT OF HUNTING-FISHING
PRIVILEGES

From the papers of Ed Fletcher, the following letters were
removed to the alphabetized correspondence files

CROUCH, C.C.

Fletcher to Crouch, 12/21/22

Crouch to Fletcher, 12/22/22

WRIGHT, Leroy A.,

Crane to Wright, 3/25/25

Wright to Fletcher, (2 letters) 3/25/25, 12/22/22

Fletcher to SOUTHERN TITLE GUARANTY COMPANY, 3/26/25

Ed Fletcher Papers

1870-1955

MSS.81

Box: 46 Folder: 5

**Business Records - Water Companies - Volcan
Land and Water Company - San Dieguito
System - San Dieguito Irrigation District**



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