

THIS AGREEMENT and LEASE made and entered into at San Diego, California this 26th day of January, 1920 by and between THE CITY OF SAN DIEGO a municipal corporation organized and existing under a free holder's charter sometimes referred to as "The City" or "Said City" acting by and through the Common Council and the Board of Water Commissioners of said city as first party and WM. G. HENSHAW of San Francisco, California and ED FLETCHER of San Diego, California sometimes hereafter referred to as "Henshaw and Fletcher" or "Said Henshaw and Fletcher". WITNESSETH:

WHEREAS, the City has heretofore entered into a written contract with the said parties of the second part bearing date the 26th day of January 1920 for the purchase for the period of ten years of a minimum of Three-hundred sixty-five million (365,000,000) gallons of water per year and a maximum of one-billion ninety-five million (1,095,000,000) gallons of water per year at the rate of ten cents (10¢) per thousand gallons at the times and in the manner as in said contract provided and which said contract is now on file in the office of the City Clerk of said City endorsed: "Contract between The City of San Diego first party and Wm. G. Henshaw and Ed Fletcher second parties for the purchase of water" and marked Document Number 126781 and

WHEREAS, The City in order to enable it to secure delivery of the water so provided to be purchased and sold by said contract hereinbefore referred to is desirous of having constructed a sixteen and eighteen inch wood stave, steel and concrete pipe line ^{and reservoir} commencing at a point marked "Point of delivery" on the blueprint map hereto attached and marked "Exhibit A" and hereby referred to and made a part hereof and terminating at a point marked "Point of termination" on said blueprint map hereinbefore referred to and is further desirous of leasing said pipe line when constructed from the parties of the second part and of securing in addition thereto an option to purchase the same and using said pipe line

during the term of said lease as a part of said city's transmission and water distributing system.

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

ARTICLE I.

First: That said Wm. G. Henshaw and Ed Fletcher parties of the second part hereby agree at their own cost and expense to construct said pipe line ^{and reservoir} and to complete the same within seven months from the date of the execution of this contract, delays caused by strikes, inability to obtain material, the elements or due to other causes over which they shall have no control excepted. Said pipe line shall be ^{from to eighteen} sixteen inches in diameter and shall extend from the point marked "Point of delivery" on the blueprint hereto attached and marked "Exhibit A" along the course and line as outlined and described ~~xx~~ on said blueprint so marked "Exhibit A" to the point marked "Point of termination of pipe line" on said blueprint so marked "Exhibit A".

Second: The work of constructing said pipe line ^{and reservoir} shall be commenced within two months from the date hereof and said pipe line ^{and reservoir} shall be completed as hereinafter provided and shall be constructed in a thoroughly workmanlike manner according to the plans and specifications hereto attached marked "Exhibit B" and by reference made a part hereof and under the direction and supervision of the Manager of Operations of said City.

Third: In order that the purchase price provided in the option hereinafter granted to said city may as to said city be just and reasonable any and all contracts made or entered into by said Wm. G. Henshaw and Ed Fletcher for the purchase of materials or for the payment of labor in connection with said pipe line or for the construction of all or any portion of said pipe line shall before being executed be approved by the City Attorney and by the Manager of Operations of said City or such engineer as the City may employ for that purpose.

Fourth: For and in consideration of the sum of One Dollar (\$1.00) per year payable in advance on the first day of each and every January commencing with the first day of January 1920 the City hereby leases, demises and lets unto the said Wm. G. Henshaw and Ed Fletcher for the purpose of constructing and maintaining thereon the pipe line hereinbefore referred to for the term of ten years a strip of land six feet in width over and across the Pueblo Lands of said City and which said strip so leased is more particularly shown and delineated upon the blue print hereto attached marked "Exhibit A" and also sufficient land for said reservoir, as the location of the said pipe line./ The City also agrees that the location of said strip of land shall be marked and staked on the ground by the city engineer and that the said city engineer shall furnish to the parties of the second part all engineering assistance and reservoir needed by them in the location and construction of said pipe line./ Said City further agrees to procure for said Henshaw and Fletcher free of cost to them, a right of way for said pipe line six feet in width/ with right of ingress and egress thereto over and across any and all land not owned or controlled by said city on the line of said pipe line as shown upon said Exhibit A".

ARTICLE II.

The said Wm. G. Henshaw and Ed Fletcher hereby covenant with the said City of San Diego that they will lease said pipe line/when constructed to said city and they do and each of them does by these presents demise and let unto said city the said pipe line/upon the following terms and conditions, to-wit:

(a) The term of this lease shall be for a period of ten years from and after the date when such pipe line/and reservoir shall be completed and the delivery of water therefrom shall begin.

(b) The City hereby covenants and agrees that it will pay to said second parties as rental for said pipe line/and reservoir during the term of this lease the sum of Sixteen Hundred Fifty Dollars per month, payable in advance on the 1st day of each and every month during said term commencing with the day and month when said pipe line/and reservoir shall have been completed, and the delivery of water therefrom

shall begin, and continuing during the term of this lease.

(c) It is further covenanted and agreed that during the term herein provided for and commencing with the time when said pipe line/and reservoir is completed and the delivery of water therefrom begins the city will maintain said pipe line/and reservoir in good condition and repair at its own expense.

(d) That in order promptly to make the payments of rental above specified and provided for the city hereby covenants and agrees that it will by appropriate proceedings establish and maintain a fund to be known as "The La Jolla Pipe Line Fund" from which appropriations shall be made from time to time for such rental payments and that it will at all times while this lease shall be in force and effect keep in said fund sufficient money promptly to make the monthly rental payments hereby required by it to be made.

ARTICLE III.

(a) For and in consideration of the sum of Twenty-five thousand (\$25,000.00) Dollars to be paid within sixty days from and after the date of the execution of this agreement said Henshaw and Fletcher hereby agree to give and grant and do hereby give and grant to said city the exclusive option to purchase said pipe line/and reservoir at any time on or before the expiration of the leasehold period of said pipe line at the actual cost of said pipe line/and reservoir to said parties of the second part plus simple interest on such actual cost at the rate of seven per cent per annum on such cost from the date each item of such cost is actually paid out by said second parties. Said second parties hereby further covenant and agree that they will within ninety days after the completion of said pipe line/file with the City Clerk of said city a statement of the cost of construction of said pipe line/and reservoir which statement shall contain an itemized statement of all disbursements made in the construction and completion of said pipe line/and reservoir and the sum thus ascertained plus interest thereon at the rate of seven per cent per annum on such cost from the date each item of such cost is actually paid out by said second parties.

(b) It is further agreed by and between the parties hereto that in the event that the city shall elect to purchase the said pipe

line and reservoir under the option hereinbefore granted that then and in that event and upon the making of such purchase the city shall be entitled to receive and shall receive credit upon the purchase price for the said sum of Twenty-five thousand (\$25,000.00) Dollars so paid by it for said option plus interest thereon at the rate of seven percent. per annum from and after the date of such payment.

(c) In the event that the city shall not elect to exercise the option to purchase said pipe line/hereinbefore granted to it then and in that event the said city shall be entitled to a credit for the said sum of Twenty-five thousand (\$25,000.00) Dollars so paid by it for said option plus interest at the rate of seven per cent per annum from the date when said payment of Twenty-five thousand (\$25,000) Dollars is made upon the rental so to be paid by it for said pipe line/which said credit shall be applied upon the rentals for the last three years of the term of said lease.

(d) It is further covenanted and agreed by and between the parties that in the event the city shall elect to purchase said pipe line/that then and in that event in addition to the said sum of Twenty-five thousand (\$25,000.00) Dollars so paid for the option price as hereinbefore provided the city shall be entitled to have all rentals theretofore paid by it to said Wm. G. Henshaw and Ed Fletcher for the rental of said pipe line/credited upon said purchase price and the city shall only be compelled to pay the difference, if any, between the said sum of Twenty-five thousand (\$25,000.00) plus interest and the rentals theretofore paid by it and the cost of said pipe line/plus interest as hereinbefore provided.

(e) Upon the election of the city to purchase under this option and the payment of the purchase price as hereinbefore provided for the said Wm. G. Henshaw and Ed Fletcher agree by a good and sufficient conveyance to convey to said city the title to said pipe line/and the unexpired term of the lease of the land upon which said pipe line/is constructed, if any there be, free and clear of all incumbrances.

(f) Said Wm. G. Henshaw and Ed Fletcher further covenant and agree with said city that they will keep said pipe line/and reservoir during the period of construction and also during the leasehold period free from any and all liens of any kind or character whatsoever and that they will neither encumber or suffer to be encumbered or hypothecate said pipe line/and reservoir; provided however that this covenant shall not be construed to prevent the said Wm. G. Henshaw and Ed Fletcher from assigning this contract or pledging any payments to be made hereunder to any bank or banks in the City of San Diego as security for any money advanced or to be advanced by any such bank for the purpose of constructing such pipe line; and reservoir

(g) In the event the city does not elect to purchase said pipe line/under the option herein contained then the city agrees upon the expiration of the term herein provided for to surrender possession of said pipe line/and reservoir to the second parties hereto in good condition, wear and tear and damage by the elements alone excepted.

ARTICLE IV.

It is hereby mutually agreed that nothing in this contract is intended to or does impose any liability or debt upon said city for an amount of money equal to the aggregate of all rental payments that are mentioned, specified or provided for herein; but on the contrary the debt or liability created hereby for such rentals is only that which arises from month to month as the said rentals accrue and that all payments to become due hereunder for such rentals can be made by said city from time to time without violating any of the terms or provisions of the Constitution of the State of California or the terms and provisions of the Charter of said City relating to the power of said city to incur liability or debt.

IN WITNESS WHEREOF the said city pursuant to Ordinance of its Common Council duly and regularly adopted has caused this agreement to be executed in its corporate name by its Common Council attested by its City Clerk and the seal of the city to be hereto affixed and the Board of Water Commissioners of said City have by

Resolution duly and regularly adopted caused this agreement to be executed by its members and attested by its Secretary and said Henshaw and Fletcher have duly executed this agreement the day and year first above written.

THE CITY OF SAN DIEGO.

Signed L. J. Wilde
Mayor

" Fred A. Heilbron

" Don M. Stewart

" By: Harry Weitzel

" Jno. A. Held

Virgilio Bruschi

Members of Common Council.

ATTEST:

Allen H. Wright
City Clerk

Charles E. Sumner

Horace B. Day

Horace Aughe

Board of Water Commissioners
of the City of San Diego.

ATTEST:

Luril Palmer
Secretary

Parties of the first part

Ed Fletcher

Wm. G. Henshaw

Parties of the second part.

I hereby approve the form of the foregoing contract this
21st day of January, 1920.

S. J. Higgins
City Attorney.

ORDINANCE NO. 6210

AN ORDINANCE APPROPRIATING THE SUM OF \$5847.07
OUT OF THE WATER FUND OF THE CITY OF SAN DIEGO
FOR THE RELIEF OF THE CUYAMACA WATER COMPANY.

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

Section 1. That there be and hereby is appropriated out of
the Water Fund of the City of San Diego the sum of Fifty-eight
Hundred Forty-seven and 7/100 Dollars (\$5847.07), for the use
and purpose, and for the use and purpose only and exclusively, of
Payment of the claim of the Cuyamaca Water Company, being Claim
No. 8440, for water furnished to said City, as follows:

For water furnished at El Cajon and Boundary Streets,
from May 1, 1915 to May 19, 1915:

10 in. Meter at El Cajon and Boundary

May 19, 1915 - Meter reading	34,681,800 cubic feet
Apr. 30, 1915 - " "	31,045,600 cubic feet
	3,636,200 cubic feet

6 in. Meter #1140204 at Highland and Anna

May 19, 1915 - Meter reading	11,055,700 cubic feet
Apr. 30, 1915 - " "	9,034,500 cubic feet
	2,021,200 cubic feet

6 in. Meter #1200865

May 19, 1915 - Meter reading	11,426,300 cubic feet
Apr 30, 1915 - " "	9,267,800 cubic feet
	2,158,500 cubic feet

3,636,200
2,021,200
2,158,500

7,815,900 cubic feet equals 58,470,748 gallons,
at 10 cents per thousand gallons, \$5847.07

Section 2. That this ordinance shall take effect and be in
force on the thirty-first day from and after its passage and
approval.

RECEIVED
JUN 18 1915

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

CUYAMACA WATER CO.

FILE No.

DO NOT REMOVE
ANY LETTER
FROM THIS FILE.



ORDINANCE NO. 6489

AN ORDINANCE PROVIDING FOR ADDITIONAL SUMS TO BE ALLOWED FOR THE OPERATING FUND IN THE BUDGET OF THE CITY OF SAN DIEGO FOR THE YEAR 1916.

BE IT ORDAINED By the Common Council of the City of San Diego as follows:-

Section 1. That an account, to be numbered 82½, Emergency Road Repairs, and providing for an appropriation of the sum of Fifteen Thousand Seven Hundred Dollars (\$15,700.00), be and the same is hereby added to the Operating Fund, Series B; and an account, to be numbered 120½, Purchase of Water from Cuyamaca Water Company, and providing for an appropriation of Forty-five Thousand Dollars (\$45,000.00), be and the same is hereby added to the Operating Fund, series B, as provided in Ordinance No. 6430 of the Ordinances of the City of San Diego, entitled, "An Ordinance Fixing and declaring the budget allowance of the City of San Diego and the various departments thereof for the fiscal year beginning January first, 1916."

Section 2. That this ordinance shall take effect and be in force on the thirty-first day from and after its passage and approval.

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of Ordinance No. 6489 of the Ordinances of the City of San Diego, California, as adopted by the Common Council, and approved by the Mayor of said City on the 10th day of Feb. 1916.

Allen H. Wright, City Clerk,
By Hugh A. Sanders, Deputy.

Auditor's Certificate.

I hereby certify that the appropriation made, or indebtedness incurred by reason of the provisions of the annexed Ordinance IN RE

can be made or incurred without the violation of any of the provisions of the Charter of the City of San Diego, California.

Dated June 8 1915

N. L. Moody
Auditor of the City of San Diego, California.

I Hereby Certify that the above and foregoing is a full, true and correct copy of Ordinance No. 6210, of the ordinances of the City of San Diego, California, as adopted by the Common Council of said city, and approved by the Mayor of said City on the 12th day of June 1915

Allen H. Wright
City Clerk of the City of San Diego, California

By Y. A. Jacques Deputy

102

ORDINANCE NO. 6624.

AN ORDINANCE FOR THE RELIEF OF THE
CUYAMACA WATER COMPANY.

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

Section 1. That there be and is hereby set aside and appropriated
out of the Water Fund of the City of San Diego, the sum of four thousand
seven hundred sixty-one and 19/100 Dollars (\$4,761.19), for the use
and purpose, and for the use and purpose only and exclusively, of payment
of the claim of the Cuyamaca Water Company for water furnished to and u
used by the City of San Diego during the month of June, 1915.

Section 2. That this ordinance shall take effect and be in force
on the thirty-first day from and after its passage and approval.

Presented by H. L. Moody,

Dicated by T.B.Cosgrove

102

Auditor's Certificate.

I hereby certify that the appropriation made, or
indebtedness incurred by reason of the provisions of the annexed Ordinance IN RE

can be made or incurred without the violation of any of the provisions of the Charter
of the City of San Diego, California.

Dated.....191.....

Auditor of the City of San Diego, California.

I Hereby Certify that the above and foregoing is a full, true and correct copy
of Ordinance No. 6624, of the ordinances of the City of San Diego,
California, as adopted by the Common Council of said city, and approved by the Mayor
of said City on the.....day of MAY 26 1916.....191.....

ALLEN H. WRIGHT

City Clerk of the City of San Diego, California
HUGH A. SANDERS

By.....Deputy

RESOLUTION No. 17795

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

That Ed Fletcher and J. A. Murray and the Cuyamaca Water Company be and they are hereby invited and requested to immediately furnish to this Common Council and file with the City Clerk the following propositions:

First: A proposition for the sale to the City of San Diego of the holdings of said parties of all properties owned by them and used in connection with and as a part of what is commonly known as the Cuyamaca Water Company.

Second: A proposition covering the leasing to the City of San Diego of all the properties mentioned in Proposition First.

Document No.

Filed

By

Resolution No.

Adopted by Common Council

I hereby Certify the above to be a full, true and correct copy of Resolution No. 17795

of the Common Council of the City of San Diego, California, as adopted by said Council

JUL 20 1914

191

ALLEN H. WRIGHT

City Clerk.

Y. A. JACQUES

By

Deputy.

RESOLUTION No. 18042

WHEREAS, the Mayor of the City of San Diego, California, has in Document No. 80518, on file in the office of the City Clerk of said City, recommended the appointment of a special advisory water Commission, to investigate and report to this Council on matters pertaining to the development and acquisition of a water supply for the City of San Diego; and

WHEREAS, the Cuyamaca Water Company, has made a proposition to sell certain water works and water rights to the City of San Diego, limiting the acceptance of said proposition to the 1st day of September, 1914; said proposition being contained in Document No. 79956 on file in said City Clerk's office; and

WHEREAS, it is the desire of this Council that said proposition of the Cuyamaca Water Company be investigated and reported upon by the special advisory water Commission to be appointed in pursuance of the recommendation of the Mayor of said City; Now Therefore,

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

That the Cuyamaca Water Company, be and it hereby is requested to extend time fixed in said proposition contained in said Document No. 79956 to such a time as will enable said Special Commission to make a report to this Council.

RESOLUTION No. _____

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

RESOLUTION No. 18183

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

That the Volcan Land & Water Company be, and they are hereby requested to extend the option granted the City of San Diego for the purchase of the Volcan Land & Water Company's properties for a period of thirty (30) days, to and including the 22nd day of October, 1914. This extension of time being an additional period of thirty days, and subject to the terms set forth in the communication of May 28, 1914, addressed by the President of the Volcan Land & Water Company to the Mayor and Common Council of the City of San Diego.

Document No. _____
Filed _____
By _____
Date _____
Resolution No. _____
Adopted by Common Council _____

Document No. _____
Filed _____
By _____
Date _____
Resolution No. _____
Adopted by Common Council _____

I Hereby Certify the above to be a full, true and correct copy of Resolution No. 18042
of the Common Council of the City of San Diego, California, as adopted by said Council

AUG 31 1914

191

ALLEN H. WRIGHT

City Clerk.

HUGH A. SANDERS

By

Deputy.

I Hereby Certify the above to be a full, true and correct copy of Resolution No. 18183
of the Common Council of the City of San Diego, California, as adopted by said Council

SEP 21 1914

191

ALLEN H. WRIGHT

City Clerk.

HUGH A. SANDERS

By

Deputy.

TBC/S

RESOLUTION No. 18184

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

That the Volcan Land & Water Company be, and they hereby are requested to submit to the Mayor and City Council of the City of San Diego the contract, agreement and other legal documents all worked out in detail, providing the ways and means by which the Volcan Land & Water Company proposes to transfer its properties to the City of San Diego.

I Hereby Certify the above to be a full, true and correct copy of Resolution No. 18184 of the Common Council of the City of San Diego, California, as adopted by said Council

SEP 21 1914

191

ALLEN H. WRIGHT

City Clerk.

By HUGH A. SANDERS

Deputy.

C. W. CO.

RESOLUTION NO. 18755

FILE

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 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.

This connection and meter is installed for the purpose of enabling the City of San Diego to have delivered to it through the carrying facilities of the Cuyamaca System a portion of the flood waters of the San Diego River. The City of San Diego hereby agrees to pay the Cuyamaca Water Company ten cents per thousand gallons as a rental or carrying charge for the use of the carrying facilities of said Cuyamaca Water Company, for carrying and conveying said flood waters from a point in the bed of the San Diego River where the diverting dam of the Cuyamaca System is located through its flumes and pipe line to the point where the same is delivered to and discharged into the pipe line of the said City of San Diego. Provided always, however, that said price of ten cents per thousand gallons is subject to change at the order of the Railroad Commission of the State of California, and provided further that said rental price of ten cents per thousand gallons shall be reduced to seven cents per thousand gallons in the event that the City of San Diego shall install proposed Cuyamaca-Chollas Avenue pipe line and connect the same with

the Cuyamaca System.

This resolution shall operate as a contract between the owners of the Cuyamaca System and the City of San Diego, the acceptance of which shall be presumed on the part of the owners of the Cuyamaca System by their participation in or allowing the connection and mater hereinbefore referred to to be installed and the delivery of water through the same to said City.

It is further agreed and understood that this resolution and the acceptance thereof shall in no manner impair or prejudice the rights which the City of San Diego or the owners of the Cuyamaca Water System may now have to the whole or any portion of the waters of the San Diego River, and that the passage of the same by the Common Council or the acceptance of the same by the owners of the Cuyamaca Water System shall not be construed as a waiver of any claim or right which either party may have to the waters of the San Diego River; that any and all flood waters of the San Diego River delivered through the Cuyamaca Water System to the City of San Diego at the point of connection of the Cuyamaca System with the City system at El Cajon Avenue and Boundary Street, in the City of San Diego, shall be subject to the same terms and conditions as herein mentioned for the delivery of flood waters at Highland Avenue and Anna Street.

RESOLUTION NO. _____

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

I Hereby Certify the above to be a full, true and correct copy of Resolution No. 18755 of the Common Council of the City of San Diego, California, as adopted by said Council Dec. 9-1914.

Allen H. Wright

City Clerk.

BY W. E. Bartlett

Deputy.

SEAL.

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

That the Manager of Operation be, and he is hereby authorized and directed to accept from the Cuyamaca Water Company two million (2,000,000) Gallons of water per day, or such amount in excess thereof as the Manager of Operation may determine, each day during the remainder of the month of June, 1915. The price of said water per thousand gallons to be the amount fixed by the Railroad Commission of the State of California in the matter of the establishment of rates for the Cuyamaca Water Company now pending before said Railroad Commission, but in no event to exceed ten cents per thousand gallons. The delivery of water by said Cuyamaca Water Company to the City of San Diego after the date of this resolution shall be considered as an acceptance of the terms thereof.

I HEREBY CERTIFY the above to be a full, true and correct copy of Resolution No. 19841 of the Common Council of the City of San Diego, as adopted by said Council June 7th, 1915.

ALLEN H. WRIGHT
CITY CLERK

BY HUGH A SANDERS
DEPUTY

SERIES & FOLDER TITLE

ED FLETCHER

CUDA WTR Co

[illegible]

RESOLUTION NO. 21037.

WHEREAS, damage to the Water System of the City of San Diego, caused by recent heavy floods, resulting in the breaking of the Otay Dam and complete loss of the water impounded thereby, together with loss of water pipes, conduits and mains connecting the City's Reservoirs to its distributing System, necessitates prompt action to acquire a supply of water for the immediate use of the inhabitants of said City. NOW THEREFORE

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

That the Manager of Operation be and he hereby is authorized and directed to immediately have the proper connection made for the delivery by the Cuyamaca Water Company of the flood waters of the San Diego River to the Water System of the City of San Diego, said flood waters to be delivered in such amount and for such a time as may be determined by said Manager of Operation. The price of said water per thousand gallons to be the amount fixed by the Railroad Commission of the State of California in the matter of the establishment of rates for the Cuyamaca Water Company now pending before said Railroad Commission, but in no event to exceed ten cents per thousand gallons, the rate per thousand gallons above mentioned to be for the use of the flume and carrying facilities belonging to said Cuyamaca Water Company in carrying said flood waters to the distributing system of said city, and shall not be considered or intended as a purchase of the water so delivered. The understanding of said Common Council being that this flood water of the San Diego River is now the property of the City of San Diego, and this resolution shall not be construed or understood as a waiver of any right or title which the City of San Diego now has to said waters of the San Diego River, neither shall it be construed or understood as a waiver of any claims or rights now held by the Cuyamaca Water Company in the premises. The delivery of said flood waters by said Cuyamaca Water Company to the City of San Diego after the date of this Resolution shall be considered as an acceptance of the terms thereof, and shall be construed as a contract between the parties relative to the supplying of water as herein indicated.

I hereby certify the above to be a full, true and correct copy of Resolution No. 21037 of the Common Council of the City of San Diego, California, as adopted by said Council Jan. 31, 1916.

Allen H. Wright, clerk

Hugh A. Sanders deputy.

COLLECTION NAME

ED FLETCHER

SERIES & FOLDER TITLE

WATER COMPANY PAPERS

[illegible]

Resolution
21099

RESOLUTION NO. 21099

AUTHORIZING THE MANAGER OF OPERATION TO CONNECT THE CITY WATER SYSTEM WITH THE WATER SYSTEM OF THE CUYAMACA WATER COMPANY, AND PROVIDING THE TERMS UNDER WHICH WATER SHALL BE FURNISHED THE CITY OF SAN DIEGO BY THE CUYAMACA WATER COMPANY.

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

That the Manager of Operation be and he is hereby authorized and directed to complete the connection between the City water system and the water system of the Cuyamaca Water Company, in order that water may be delivered by the Cuyamaca Water Company into the water mains of the City of San Diego, and in the event that such connection has heretofore been made by the Manager of Operation then such action by the Manager of Operation is hereby approved and ratified.

Any and all water furnished the City of San Diego by the Cuyamaca Water Company pursuant to the direction of this resolution shall be paid for at the rate of ten cents (10¢) per thousand gallons, measured at the meters placed at the point of connection between the two systems, and said payments shall be made monthly for the water furnished during the previous month, the warrants providing for such payments to be issued immediately upon receipt of statement from the Cuyamaca Water Company and as soon after the first of the month as the action of the Purchasing Department and of the Auditing Committee will permit.

In view of the loss of the Lower Otay Dam and the water impounded therein, and the destruction of certain mains providing for the conducting of water into the City of San Diego from the system

belonging to the City of San Diego, the Cuyamaca Water Company and the City of San Diego have entered into the agreement set forth in this resolution for the purpose of relieving the possibility of water shortage within the limits of said municipality, and in view of said emergency existing at the time the connection here-mentioned in, was made it is specifically understood and agreed by and between the Cuyamaca Water Company and the owners thereof and the City of San Diego that any rights or claims which both or either of the parties may now have or hereafter acquire in and to the waters of the San Diego River are in no manner affected by the terms of this resolution, or any action taken thereunder, but that the rights of both parties shall continue hereafter the same as though this resolution had not been adopted.

The accepting of water by the City of San Diego and the furnishing of water by the Cuyamaca Water Company under the terms of this resolution shall constitute an acceptance of the terms herein mentioned, and the same shall hereafter be considered as a contract between the parties.

102

102

AUDITOR'S CERTIFICATE. I HEREBY CERTIFY that the appropriation made, or indebtedness incurred, by reason of the provisions of the annexed ^{Resolution} ordinance, can be made or incurred without the violation of any of the provisions of the Charter of the City of San Diego, California.

Dated 2-16 1916

A. L. Moody
Auditor of the City of San Diego, California.

I Herby Certify that the above and foregoing is a full, true and correct copy of Resolution No. 21099, of the resolutions of the City of San Diego, California, as adopted by the Common Council of said City on the FEB 16 1916 day of FEB 16 1916 1916, and approved by the Mayor of said City on the

ALLEN H. WRIGHT

City Clerk of the City of San Diego, California.
W. E. BARTLETT

By _____ Deputy.

Resolution
21099 Dated Feb
16 1916

✓ Fred W. Stearns
letter - Feb 18
1916

original to Ed Fletcher

102

RESOLUTION No. 21270

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

That the recommendation of the Finance Committee of said City, relative to the Claim of the Cuyamaca Water Company for \$4761.19 for water furnished the City of San Diego at El Cajon and Boundary Street, from June 9, 1915 to July 1, 1915, as contained in Document No. 98278 on file in the office of the City Clerk, be and said recommendation is hereby adopted, viz:

That said claim of the Cuyamaca Water Company be filed with the City Auditor, as a valid and legal claim against the Water Fund of the City of San Diego, and that the City Auditor be and he is hereby directed to inform this Common Council of the first instance that the Water Fund contains sufficient funds to pay said claim, and that upon receipt of such information from the City Auditor, an ordinance appropriating the sum of \$4761.19 from the Water Fund in payment of said claim be adopted.

I hereby certify the above to be a full, true and correct copy of Resolution No. 21270 of the Common Council of the City of San Diego, as adopted by said Council. MAR 27 1916

102
 ALLEN H. WRIGHT

City Clerk.

By HUGH A. SANDERS

Deputy.

RESOLUTION NO. 23790

FOR THAT WHEREAS, it is deemed advisable to add to the water supply of The City of San Diego, and to reduce as far as convenience will allow the draft upon the present water supply; and

WHEREAS, an abundant supply of water is at the present time available in the reservoirs of the Cuyamaca Water Company, NOW, THEREFORE,

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

That the Manager of Operation of The City of San Diego be, and he is hereby authorized and directed to immediately have the proper connection made for the delivery, and to have delivered by the Cuyamaca Water Company to The City of San Diego, from the Murray and Cuyamaca reservoirs such amount of water as in the judgment of the Manager of Operation may be deemed advisable to obtain.

That the price to be paid for said water shall be at the rate of seven cents (7¢) per thousand gallons, measured at the point of connection between the water mains of the Cuyamaca Water Company and those of The City of San Diego. Payments shall be made monthly for water furnished during the preceding month.

The delivery of water by the Cuyamaca Water Company pursuant to the terms of this resolution, and the acceptance of the same by The City of San Diego shall not be considered by either of said parties as a waiver of any claim that either party may now have to the waters of the San Diego River, or any part thereof, nor shall the furnishing of water pursuant to the terms of this resolution be considered as an acknowledgement by either party of any claim the other party may now assert to the waters of said

Resolution No.

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

river, nor shall any prejudice to either party result therefrom, neither shall this resolution or the acceptance or furnishing of water thereunder be construed or understood by either party as a waiver or recognition of any claim or right either party now has or claims to have, or the basis upon which to hereafter formulate claim or right to the waters of said river.

The delivery of water by the Cuyamaca Water Company and the acceptance of the same by The City of San Diego subsequent to the date of this resolution and the service of a copy of the same upon the Cuyamaca Water Company shall be construed as an acceptance of its terms, and shall constitute the contract between the parties relative to the supply of water, as herein indicated.

J. D. [Signature]
J. M. Lockwood

The terms of the resolution, as above stated, are hereby agreed to.

By _____

Manager.

I hereby certify the above to be a full, true and correct copy of Resolution No. 23790
of the Common Council of the City of San Diego, as adopted by said Council. JUL 3-1918

ALLEN H. WRIGHT

Allen H. Wright
City Clerk

By _____

~~W. E. B. [Signature]~~

Deputy

RESOLUTION No. 23902

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

That the Manager of Operation be and he is hereby directed to renew the use of the waters of the Cuyamaca Water System forthwith, or to show cause in writing to this Council why such order should not be carried out, this in accordance with Resolution No. 23790, wherein the use of the Cuyamaca water by the City of San Diego was provided for.

I hereby certify the above to be a full, true and correct copy of Resolution No. 23902
of the Common Council of the City of San Diego, as adopted by said Council AUG 26 1918

ALLEN H. WRIGHT

City Clerk.

HUGH A. SANDERS

By

Deputy.

RESOLUTION #23919

RESOLUTION DECLARING THE INTENTIONS OF THE CITY OF SAN DIEGO IN THE MATTER OF THE DEVELOPMENT OF THE UNAPPROPRIATED WATERS OF THE SAN DIEGO RIVER, AS PROVIDED FOR IN PROPOSED CONGRESSIONAL ACT, COMMONLY KNOWN AS THE EL CAPITAN RESERVOIR PROJECT.

FOR THAT WHEREAS, present demands upon the water system of The City of San Diego have demonstrated the inadequacy of said system as a means of water supply for this and surrounding communities and have indicated the necessity of acquiring additional water development facilities; and

WHEREAS, the most available source of supply for said City, and with the exception of portions of the Volcan system, the only adequate supply of gravity water is from the San Diego River water-shed; and

WHEREAS, during the past twenty years eighty-four per cent. of the waters of said San Diego River has gone to waste into the Pacific Ocean, often times causing in addition to its loss great damage to property located in the San Diego River Valley; and

WHEREAS, to the end that property damage may be prevented, river bottom lands reclaimed and particularly that the annual loss of the waters of the San Diego River may to a large extent be avoided and such waters impounded and applied to municipal and other beneficial uses and demands, The City of San Diego has through Congress and the Interior Department of the United States sought to acquire reservoir rights upon Government lands riparian to the San Diego River upon which to construct a dam and reservoir; and

WHEREAS, this project, commonly referred to as the El Capitan project, having received the recommendation of the Land Office at Los Angeles, California, and the bill introduced in and now pending before the Sixty-fourth Congress having received the support of the Indian Office, favorable recommendation from the Secretary of the Interior, and after presentation to and consideration by the Land Committees of the Senate and House of Representatives, has been favorably reported to Congress for adoption; and

WHEREAS, the El Capitan project from its inception has been opposed and protested by a privately owned Water Company claiming title to the undeveloped waters of the San Diego River; and

WHEREAS, the City of La Mesa, a community of approximately thirteen hundred inhabitants, furnished with water by said private water Company, has filed with the Land Committee of Congress and with the Common Council a resolution of protest against said El Capitan project; and

WHEREAS, said resolution petitions The City of San Diego to abandon the development of the San Diego River and to look elsewhere for a water supply, and further recommends that future water developments for The City of San Diego be left to private capital; and

WHEREAS, said resolution of said City of La Mesa intimates that the Common Council of the City of San Diego is opposed to any development of the San Diego River by private capital for prospecting use of water at La Mesa or adjoining communities, and that said Common Council is not in harmony with the policy of water development suggested by the City Attorney of said, The City of San Diego to the Land Committees of the Senate and House of Representatives; and

WHEREAS, this Common Council is desirous that its intentions and plans be manifest to the end that members of Congress voting upon said El Capitan Bill (Bill S. 3646 and Bill H. R. 10587) be fully informed in the premises, and that the citizens of this and adjacent communities be aware of the plans of this municipality in the matter of the development of the waters of the San Diego River, NOW, THEREFORE,

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

First: That existing conditions demand the acquirements by The City of San Diego of an additional water supply.

Second: That the most available and advisable source of supply is the San Diego River.

Third: That the undeveloped waters of the San Diego River would if impounded prove entirely adequate to meet all present and reasonably probable future demands of The City of San Diego and of neighboring communities adjacent to San Diego watershed.

Fourth: That the catchment of the entire flow of the San Diego River and the development of the San Diego River watershed is a matter of paramount importance to the City of San Diego and to adjacent communities.

Fifth: That it is the desire of this Common Council to secure the passage of the El Capitan Bills (Bill S 3646 and Bill H. R. 10587) to the end that the voters of this municipality may be afforded an opportunity of manifesting their desires at an election held for that purpose in the matter of the place and extent of future water developments.

Sixth: That this Common Council intends to pursue its desires in this connection despite the protest of any private water company or suburban community receiving water from such private company.

Seventh: That it is the desire of this Common Council to see all of the water of the San Diego River put to beneficial use and the needs of the City of La Mesa, as well as the many other suburban communities adjacent to The City of San Diego, amply provided for.

Eighth: That this Common Council will in no manner impede any bonafide water development work upon the San Diego River, but on the contrary will be greatly pleased to see actual construction work of large dams upon the San Diego River or its tributaries.

Ninth: That this Common Council has not and never has had any intention of interfering with appropriations of water from the San Diego River heretofore made.

Tenth: That this Common Council has no intention of interfering with further bona fide water appropriations by the City of La Mesa or by any other person, firm or corporation, private or public.

Eleventh: That it is the belief of this Common Council that the question of the development of the unappropriated waters of the San Diego River should be determined once and for all, that this is the proper time to determine such question, that the electors of this municipality should determine this question, and that an election upon the question of impounding the flood waters of the San Diego River, as provided for in the El Capitan Bill, is the proper manner of presenting the problem to the Citizens of this Community.

Passed and adopted by the Common Council of the City of San Diego, California, this 30th day of August, 1918, by the following vote, to-wit:

Ayes ---Councilmen Fisher, Bruschi, Fay and Moore.
Noes ---None.
Absent--None.

Walter P. Moore,
President pro tempore of the Common Council of the

City of San Diego, California.

I Hereby Certify that the above and foregoing Resolution was passed by the Common Council of the said City of San Diego, at the time and by the vote above stated.

(Seal) Allen H. Wright,
City Clerk of the City of San Diego, California, and
Ex-Officio Clerk of the Common Council of the City
of San Diego.

By. W. E. Bartlett, Deputy.

C 2500
RESOLUTION NO. 23926

FOR THAT WHEREAS, it is deemed advisable to add to the water supply of The City of San Diego, and to reduce as far as convenience will allow the draft upon the present water supply; and

WHEREAS, an abundant supply of water is at the present time available in the reservoirs of the Cuyamaca Water Company, NOW THEREFORE,

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

That the Manager of Operation of The City of San Diego be, and he is hereby authorized and directed to immediately have the proper connection made for the delivery, and to have delivered by the Cuyamaca Water Company to The City of San Diego, from the Murray and Cuyamaca reservoirs not less than three million (3,000,000) gallons of water daily, or such sum in addition thereto as in the judgment of the Manager of Operation conditions may require.

That the price to be paid for said water shall be seven cents (7¢) per thousand gallons, measured at the point of connection between the water mains of the Cuyamaca Water Company and those of The City of San Diego. Payments shall be made monthly for water furnished during the preceding month. All payments for water furnished during the year 1918 shall be made from the Series P.25 See 11, Operating Department Fund Ordinances ²³⁷³ On the first of each month the Manager of Operation is directed to present to the Common Council an ordinance bearing the approval of the City Attorney providing for the payment of the water to be furnished during the ensuing month.

The delivery of water by the Cuyamaca Water Company pursuant to the terms of this resolution, and the acceptance of the same by The

City of San Diego shall not be considered by either of said parties as a waiver of any claim that either party may now have to the waters of the San Diego River, or any part thereof, nor shall the furnishing of water pursuant to the terms of this resolution be considered as an acknowledgment by either party of any claim the other party may now assert to the waters of said river, nor shall any prejudice to either party result therefrom, neither shall this resolution or the acceptance or furnishing of water thereunder be construed or understood by either party as a waiver or recognition of any claim or right either party now has or claims to have, or the basis upon which to hereafter formulate claim or right to the waters of said river.

This resolution shall be in force and is intended to provide for the immediate delivery of water preceding and in anticipation of the preparation of a contract providing for the furnishing of water pursuant to the terms of Resolution No. 23912.

Presented by _____

Dictated by _____

*I hereby Certify that the above and foregoing is a full, true and correct copy of
Resolution No. 23926, of the resolutions of the City of San Diego, California,
as adopted by the Common Council of said City on the SEP 3 1918 day of
191, and approved by the Mayor of said City on the
day of 191*

ALLEN H. WRIGHT

City Clerk of the City of San Diego, California.

By

HUGH A. SANDERS

Deputy.

RESOLUTION No. 24130

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

That the Manager of Operation of The City of San Diego be, and he hereby is authorized and directed to immediately turn off and close the connection authorized by Resolution No. 23926 adopted by the Common Council of said City on the 3rd day of September, 1918, said connection being for the delivery of water by the Cuyamaca Water Company to The City of San Diego; and from and after the adoption of this Resolution by the Common Council, the Manager of Operation is directed to receive no more water from the said Cuyamaca Water Company for the use of said The City of San Diego unless directed so to do by this Common Council.

I hereby certify the above to be a full, true and correct copy of Resolution No. 24130
of the Common Council of the City of San Diego, as adopted by said Council DEC 5 1918

ALLEN H. WRIGHT

City Clerk.

HUGH A. SANDERS

By

Deputy.

RESOLUTION NO. 24705

FOR THAT WHEREAS, it is deemed advisable to add to the water supply of The City of San Diego, and to reduce as far as convenience will allow, the draft upon the present water supply, NOW, THEREFORE,

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

That the Manager of Operation of The City of San Diego be, and he is hereby authorized and directed to immediately have the proper connection made for the delivery, and to have delivered by the Cuyamaca Water Company, to The City of San Diego not less than three million gallons of water daily for a period of three months, and thereafter such additional amount not to exceed seven hundred thirty million gallons, to be delivered in quantities of not less than three million gallons of water daily, as in the judgment of the Manager of Operation conditions may require.

That the price to be paid for said water shall be ten cents per thousand gallons, measured at the point of connection between the water mains of the Cuyamaca Water Company and those of The City of San Diego. Payments shall be made monthly for water furnished during the preceding month. All payments for water furnished during the year 1919 shall be made from Item 5218, Series P, Operating Department Fund, as provided by Section 12 of Ordinance No. 7728 of the ordinances of said City of San Diego.

The delivery of water by the Cuyamaca Water Company, pursuant to the terms of this resolution, and the acceptance of the same by The City of San Diego, shall not be construed by either of said parties as a waiver of any claim that either party may now have to the waters of the San Diego River, or any part thereof, nor shall the furnishing of water, pursuant

to the terms of this resolution, be considered as an acknowledgment by either party of any claim the other party may now assert to the waters of said river, nor shall any prejudice to either party result therefrom, neither shall this resolution, or the acceptance or furnishing of water thereunder, be construed or understood by either party as a waiver or recognition of any claim or right either party now has or claims to have, or the basis upon which to hereafter formulate claim or right to the waters of said river.

The accepting of water by The City of San Diego and the furnishing of water by the Cuyamaca Water Company, under the terms of this resolution, shall constitute an acceptance of the terms herein mentioned, and the same shall hereafter be considered as a contract between the parties.

Presented by _____

Dictated by _____

Resolution No.

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

I hereby certify the above to be a full, true and correct copy of resolution No. 24705
of the Common Council of the City of San Diego, as adopted by said Council. JUL 21 1919

ALLEN H. WRIGHT

City Clerk

By Y. A. JACQUES

Deputy



RESOLUTION NO. 26337

FOR THAT WHEREAS, it is deemed advisable to add to the water supply of The City of San Diego, and to reduce as far as convenience will allow the draft on the present water supply, NOW, THEREFORE,

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

That the Manager of Operation of The City of San Diego be, and he is hereby authorized and directed to immediately have the proper connection made for the delivery, and to have delivered, by the Cuyamaca Water Company, at the city line, to The City of San Diego, not less than three million (3,000,000) gallons nor more than five million (5,000,000) gallons of water daily, for a period of six (6) months commencing April 1st, 1921. The Cuyamaca Water Company shall have the right, on thirty days' written notice, to reduce the amount over and above three million (3,000,000) gallons a day to be delivered to the City at the city line, under the terms of this resolution, to three million (3,000,000) gallons of water daily.

That the price to be paid for said water shall be ten cents (10¢) per thousand gallons, measured at the point of connection between the water mains of the Cuyamaca Water Company and those of The City of San Diego. Payments shall be made monthly for water furnished during the preceding month; but upon the express understanding and agreement that any amount of water paid for by said City but not taken by it shall be delivered to it upon written request therefor; provided, however, that the right of the city to have delivery of any quantity of water paid for and not taken shall not extend beyond the period of six months hereinabove mentioned; and nothing herein contained shall be construed as obligating the said Cuyamaca Water Company to deliver more than five million (5,000,000) gallons of water in any one day. All payments for water furnished shall be made from Item 317.

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

Series P, Operating Department _____ Fund, _____
 as provided by Section 9 of Ordinance No. 8220 of the ordinances of The City of San Diego.

All water furnished under the terms of this resolution shall be chlorinated and be satisfactory for municipal consumption according to the standard prescribed by the Board of Health of The City of San Diego, and shall be delivered under sufficient head to flow by gravity into the University Heights Reservoir.

The delivery of water by the Cuyamaca Water Company pursuant to the terms of this resolution, and the acceptance of the same by The City of San Diego shall not be construed by either of said parties as a waiver of any claim that either party may now have to the waters of the San Diego River, or any part thereof, nor shall the furnishing of water pursuant to the terms of this resolution be considered as an acknowledgement by either party of any claim the other party may now assert to the waters of said river, nor shall any prejudice to either party result therefrom, neither shall this resolution or the acceptance or furnishing of water thereunder be construed or understood by either party as a waiver or recognition of any claim or right either party now has or claims to have, or the basis upon which to hereafter formulate a claim or right to the waters of said river.

The accepting of water by The City of San Diego, and the furnishing of water by the Cuyamaca Water Company under the terms of this resolution shall constitute an acceptance of the terms herein mentioned, and the same shall hereafter be considered as a contract between the parties.

The terms of the resolution above stated are hereby agreed to.

CUYAMACA WATER COMPANY

By _____
 Manager.

Presented by _____

Dictated by _____



I hereby certify the above to be a full, true and correct copy of resolution No. 26337
 of the Common Council of the City of San Diego, as adopted by said Council. MAR 30 1921

Allen St. Wright
 City Clerk

By _____
 Deputy

Ed Fletcher Papers

1870-1955

MSS.81

Box: 56 Folder: 17

**Business Records - Water Companies - Cuyamaca Water
Company - City of San Diego - City ordinances re water**



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