

Sept. 25, 1914.

Railroad Commission
of the State of California,
833 Market St.,
San Francisco, California.

Attention Mr. R.W.Hawley.

No. I.C. 2946

Dear Sirs:

We have your letter of September 18th, No. I.C. 2946 referring to a communication from Mr. J. W. Near, of Lemon Grove Park.

We do not happen to have Mr. Near's name on our books. However, he may be one of a number of consumers who are taking water and paying for it through the party who attends to the collections and ordering of water. We are, however, investigating this matter, and as soon as we have found out what the complaint is, we will communicate with you.

Yours very truly,

CUYAMACA WATER COMPANY.

Secretary

H-8

JOHN M. ESHLEMAN, COMMISSIONER, PRESIDENT
H. D. LOVELAND, COMMISSIONER
ALEX GORDON, COMMISSIONER
EDWIN O. EDGERTON, COMMISSIONER
MAX THELEN, COMMISSIONER, ATTORNEY

ADDRESS ALL COMMUNICATIONS TO
RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Railroad Commission
of the
State of California

TENTH FLOOR, COMMERCIAL BUILDING
833 MARKET STREET
SAN FRANCISCO

RECEIVED
SEP 22 1914
CHARLES R. DETRICK, SECRETARY
H. H. SANBORN, RATE EXPERT
R. BACHSE, ACT. CHIEF ENGINEER
L. R. REYNOLDS, AUDITOR
P. A. BIRNHEIMER, BOND EXPERT
TELEPHONE—BUTTER 2260

September 18, 1914.

I. C. 2946

Cuyamaca Water Company,

San Diego, California.

Gentlemen:

This Commission has received a communication from J. W. Near representing various residents of Lemon Grove Park.

The complainant does not appear to understand the rates established for service such as that rendered himself and his contemporaries by the decision in Case No. 631, - the Commission's investigation into the rates of Cuyamaca Water Company.

It is the understanding of the Commission, and we trust that it has been made sufficiently clear to you, that the modified domestic rate will apply upon areas of one-half acre where you do not give actual physical, individual service. Upon tracts of more than one-half acre, the irrigation rate is supposed to apply and (contrary to the complainant's belief) where irrigation has been carried on, even though at domestic rates, you undoubtedly will permit the use of water to the same extent and under the present established irrigation rate. The permission of this Commission will certainly be required before you can extend service to tracts not previously supplied with water for irrigation purposes. It is our understanding that in this case the land upon which water is desired for irrigation purposes has been cultivated and irrigated with water paid for at domestic rates.

Will you please investigate this matter and report.

Respectfully,

CUYAMACA WATER CO.
FILE No. 89
DO NOT REMOVE
ANY LETTER
FROM THIS FILE.

RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA,

By *Chas. R. Detrick*
Secretary.

RWELKO Probably Baker! - Give me an account of amt of water used + charge since 7/1913
Ellis

COPY

September 18, 1914.

I. C. 2946

J. W. Near, Esq.
Lemon Grove,
California..

Dear Sir:-

Your letter of September 16th was duly received by the Commission. Under the decision in Case No. 631, being the Commission's investigation into the rates of Cuyamaca Water Company, water delivered to you for domestic purposes purely, according to the rules for the control of the affairs of the Cuyamaca Water Company that were approved by the Commission, will be charged at 75¢ per month minimum payment and 15¢ per thousand gallons. This, of course, is less than the domestic rate established for all cases where the Cuyamaca Water Company makes actual individual delivery and the difference should cover the expense that you must meet in carrying water through the general system of the Lemon Grove Mutual Water Company.

Water for irrigation use will be charged for at the irrigation rate established by the Commission in its decision in Application No. 118. These rates were to apply on and after August 27, 1913, and any payment made for irrigation or domestic water at 25¢ per 1000 gallons during that period is subject to adjustment. Where you have used water for irrigation purposes in the past, you undoubtedly have the right to demand service to the same extent at this time, subject to the general rules of the company. For irrigation of lands not recently served, the company is without doubt justified in refusing service at this time without the approval of the Railroad Commission.

Respectfully,

RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA,

By Chas. R. Detrick,

Secretary.

*M. Donaldson,
Lemon Grove,
Cuyamaca*

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| CUYAMACA WATER CO. |
| FILE No. 89 |
| DO NOT REMOVE ANY LETTER FROM THIS FILE. |

RWH/KC

I. C. No. 2946

Feb. 27th, 1914.

Railroad Commission State of California,
San Francisco, California.

Gentlemen:

Answering yours of February 24th, 1914

relative to informal complaint filed by J. W. Near and others from Lemon Grove, will say that I have read said complaint and have the following statement to make: The Southern Investment Co. were never authorized by us to sell water or make any representations for the sale of water by us at 8¢ per thousand gallons during the year 1911, or any other time. You will notice that this was at a time long before the matter had been presented to the Railroad Commission, and I do not remember that the Railroad Commission was even in existence. I told the owners of the Southern Investment Co. that water was short and I questioned very much whether there would be water to sell for irrigation purposes. The representations of the Southern Investment Co. were that the water was to be used primarily for homes and small tracts. I then wrote the officers of the Southern Investment Co. a letter informing them that as far as I personally was concerned, I was willing to sell them water at 8¢ a thousand gallons providing it was satisfactory to Mr. J. A. Murray, my partner, who owned at that time a five-sixths interest in the system, and as soon as Mr. Murray

returned I would take the matter up with him. On Mr Murray's return a short time afterwards I explained the situation to him and tried to get him to give his consent to sell additional water. His answer was this: that at the present time the system was not in condition to take on additional consumers and he was opposed to it excepting for domestic purposes. I informed the Southern Investment Co. of this fact.

A little later on I applied to the Railroad Commission for a valuation of our system and equitable rates. The decision of the Railroad Commission was the same as Mr Murray's: that we were not to take on any new consumers for irrigating purposes and only to furnish domestic water. The Railroad Commission established a rate of 25¢ a thousand gallons and that rate I have lived up to, and I am pleased to inform you that we have entirely reconstructed our flume and put in a new pipe line since the 1st of July last year at an expense of nearly half a million dollars, and in leakage alone we are saving a million gallons a day. In a few weeks we shall apply to the Railroad Commission for a revaluation of our plant and equitable rates, both for irrigation and domestic purposes. I am satisfied that we are in a position now to furnish irrigating water, and by next summer I hope that the Railroad Commission of this State will allow us to sell irrigating water and at a rate that is equitable.

The land of the Southern Investment Company known as Lemon Grove Park, never had any water rights and was

raw land put on the market without any contract for water. These consumers desire to impress you with the fact that I have been making ridiculous statements to them and I wish you would immediately inform ^{them} that that I have simply obeyed the order of the Commission. All my personal interests are in that section of the country and I am just as anxious as these individuals to give them irrigating water as I want irrigating water for my own raw lands, but until the water question is settled, I have refrained from disposing of any of my raw lands and Mr Murray and I have treated our own holdings the same as any other outside holdings in every particular.

A copy of this letter has been sent to each individual who has made this informal complaint.

Very truly yours,

FK

Lemon Grove, Cal. January 30, 1914.

To the Hon. Board of Railroad Commissioners.

Gentlemen:

We the undersigned, residents of a subdivision of Lemon Grove named "Lemon Grove Park" present to you a case of injustice, and in our opinion a violation of your orders as given to the Cuyamaca Water Co.

In the early months of 1911 most of the present signers of this petition bought lots, running from 1 to 14 acres each on a representation by the Southern Investment Co. that water was to cost us 8¢ per 1,000 gallons. On the strength of this we built houses and settled on the land, some of us planted trees, and some garden truck, while others expected to settle later.

The first years water was paid by the Investment Co., so that it was March 1912 before we found out that the Cuyamaca Water Co. refused to furnish water at less than 25¢ per 1,000 gallons. This is not all, as we have to carry this water some four miles through the Lemon Grove mutual water pipes, for which we pay assessments, and also each month each tract pays 25¢ to an agent, who reads our meters, makes out bills, collects the money and forwards it to the Cuyamaca Water Co.

Some quit at once (one of them even had his house lumber on the ground), a few have hung on and make their precarious living by outside work.

While we realize that action lay against the Investment Company, they protested that they had a promise from the Cuyamaca Water Co. and were not at fault.

When your Honorable Body issued regulations, which were later embodied in a pamphlet entitled "Rates and Rules of the Cuyamaca Water Co." we naturally believed that our troubles were over, as Rule 8 entitled- Definition- Minimum Area to which irrigation rates will apply- states, "The irrigation rate will apply only to tracts of 1/4 acre or more in extent-- provided the lands are cultivated for the purpose of making a livelihood by the raising of products from such lands for the market." In settling here such was our intention.

In this subdivision there are 215 acres, which if fully cultivated would maintain many families.

The President and Secretary of our Mutual Water Co. saw Mr. Fletcher and requested that Lemon Grove Park be allowed the irrigation rate as defined by the above Rule 8. He refused stating that he only agreed to give them domestic water, a ridiculous statement to make in regard to land most of which runs from 3 to 14 acres; only a few being in smaller lots.

The Southern Investment Co. assert positively that the Cuyamaca Water Co. promised to give them all the water they needed, and such was the promise they made us. Naturally we have used little water, so far, because the price was prohibitive, but at reasonable rates we should use the necessary amounts; and Lemon Grove Park would soon be a valuable addition to Lemon Grove. We now ask of you that you require the Cuyamaca Water Co. to grant us the irrigation rate, which you have already provided for in your instructions to them.

Respectfully submitted

Reply to J. W. Near Lemon Grove.

CHARLES R. DETRICK, SECRETARY
H. H. SANBORN, RATE EXPERT
W. C. EARLE, CHIEF ENGINEER
L. R. REYNOLDS, AUDITOR
P. A. SINSHEIMER, BOND EXPERT

TELEPHONE--BUTTER 2260

Railroad Commission
of the
State of California

TENTH FLOOR, COMMERCIAL BUILDING
333 MARKET STREET
SAN FRANCISCO

Feb. 24, 1914.

I. C. No. 2946.

Cuyamaca Water Company,

San Diego, California.



Gentlemen:-

We enclose herewith copy of an informal complaint filed with this Commission by J. W. Near and other consumers of your company, living at Lemon Grove. We will be glad to have you give consideration to this matter and to accord such relief as you can to the complainants.

Respectfully,

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

By *Charles R. Detrick*
Secretary.

MT/E

*copy of letter to
in letter*

John W. Near
Christ Millen
Edward Kempp
L. N. Norton
Max Horechec
M. Donaldson
Antonina Meissner
Lis. L. Busch
Frank L. Moore
John T. Nicolson
Mrs. Gerhart Heckerman
Joseph Kempp
F. B. Wright

Ed Fletcher Papers

1870-1955

MSS.81

Box: 55 Folder: 19

**Business Records - Water Companies - Cuyamaca
Water Company - Cuyamaca Customers - Customer
correspondence - Near, J.W., et al., I.C.#2946**



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