

December 1, 1922.

150-7

Mr. H. W. Brundige, Pres.,  
State Railroad Commission,  
San Francisco, Calif.

My dear Mr. Brundige:

Under separate cover today, there is an application going to the State Railroad Commission, signed by the city of East San Diego, the Fairmount Water Company and Ed Fletcher, petitioning your Honorable Body to approve the sale of the Fairmount Water Company's system, which I have under option to the City of East San Diego.

You are probably not aware of the fact that there has been endless trouble between the Fairmount Water Company and the City of East San Diego. As Peacemaker I have been brought into the matter at the request of the City of East San Diego, have taken an option on the Fairmount Water Company, or their system, and have turned said system over to the city of East San Diego so they can own their own distribution system. Their proceedings are ready awaiting the consent of the Railroad Commission before taking final action to acquire this distribution system. The price is \$31,000, roughly one-half its actual value, as the Railroad Commission's investigations will show.

It will be a great relief to everyone to see this matter expedited and consummated and relieve the Railroad Commission of a lot of work as well.

At the request of the city officials of East San Diego I am asking if you cannot expedite matters and have the Railroad Commission send someone down here for a formal hearing at once and clean the matter up as they are very anxious to take official action before the 10th of December. Everyone is in agreement down here now, and we do hope to have the approval of the Railroad Commission in what we have done.

Thanking you for your personal interest in this matter, and wishing you the Compliments of the Season, I am

Yours sincerely,

EF:KLM

540 7-21 20M

HARLEY W. BRUNDIGE - PRESIDENT, COM.  
IRVING MARTIN - COMMISSIONER  
CHESTER H. ROWELL - COMMISSIONER  
H. STANLEY BENEDICT - COMMISSIONER  
MYRON WESTOVER - EXAMINER  
WM. T. BATTERWHITE - EXAMINER  
W. J. HANDFORD - EXAMINER  
W. P. GEARY - RATE EXPERT-EXAMINER  
W. R. WILLIAMS - EXAMINER  
R. T. EDDY - EXAMINER

BRANCH OFFICE  
124 PACIFIC FINANCE BUILDING  
LOS ANGELES  
TELEPHONE 6071  
PICO 111

Railroad Commission  
of the  
State of California

NINTH FLOOR, FLOOD BUILDING  
POWELL AND MARKET STREETS  
SAN FRANCISCO

Ap. No. 8462

HENRY G. MATHEWSON - SECRETARY  
RICHARD SACHSE - CHIEF ENGINEER  
L. S. READY - GAS AND EL. ENGINEER  
C. I. RHODES - HYDRAULIC ENGINEER  
A. L. WILSON - TELEPHONE ENGINEER  
H. G. WEEKS - TRANSPORTATION ENGINEER  
W. C. FANKHAUSER - FINANCIAL EXPERT  
HUGH GORDON - ATTORNEY  
CHAS. A. BECK - AUTOMOBILE DEPT.  
A. T. PETTEY - OFFICIAL REPORTER

TELEPHONE BUTTER 2150

ADDRESS ALL COMMUNICATIONS TO  
RAILROAD COMMISSION OF THE STATE OF  
CALIFORNIA

December 5, 1922

Colonel Ed Fletcher,  
Fletcher Building,  
920 Eighth Street  
San Diego, California.

My dear Colonel Fletcher:

I have your letter of December 1st concerning application of the City of East San Diego, the Fairmount Water Company and Ed Fletcher for approval of the sale of the Fairmount Water Company's system to the City of East San Diego in which you request an early hearing, by December the 10th, if possible.

This matter has been assigned to Commissioner Martin, who has set it down for hearing in San Diego on December 20th, which is the earliest date possible for holding the hearing. Notices were mailed last evening and should reach you ahead of this letter. Be assured that the Commission will do everything within its power to expedite the matter.

Yours very truly,

*H. W. Brundige*  
President

HWB IS



1507

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

--ooOoo--

In the matter of the application of the FAIRMOUNT WATER COMPANY, a corporation, ED FLETCHER, and the CITY OF EAST SAN DIEGO, California, a municipal corporation, for an order authorizing the sale by said Fairmount Water Company to said Ed Fletcher of the plant, water distributing system and real and personal property incident thereto, in the City of East San Diego and territory adjacent to said City, and for an order authorizing the sale by said Ed Fletcher to the said City of East San Diego of those portions of said system lying within the limits of said City.

Application No. 8462.

NOTICE OF HEARING

To:

Fairmount Water Company, San Diego, California.,  
and its Attorneys,  
Sweet, Stearns & Forward, Union Bldg., San Diego, Calif.  
Ed Fletcher, San Diego, Calif.,  
and his Attorneys,  
Crouch & Sanders, Spreckels Bldg., San Diego, Calif.  
A. Ray Sauer, Jr., Pres., Board of Trustees, East San Diego, Cal.,  
Arthur T. French, City Attorney, Bancroft Bldg., San Diego, Cal.

YOU, AND EACH OF YOU, ARE HEREBY NOTIFIED that the Railroad Commission of the State of California has set a hearing in the above entitled matter before Commissioner Martin on Wednesday, December 20th, 1922, at 9:30 a.m. in the Federal Building at San Diego, California, at which time and place you may appear and be heard.

BY ORDER OF THE RAILROAD COMMISSION.

Dated at San Francisco, California, this 4th day of December, 1922.

RM  
Card to Custodian,  
Federal Bldg.

H. G. MATTHEWSON,  
Secretary, Railroad Commission of  
the State of California.

CLASS OF SERVICE DESIRED	
Telegram	
Day Letter	<input checked="" type="checkbox"/>
Night Message	
Night Letter	
Patrons should mark an X opposite the class of service desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM	

**WESTERN UNION**  
**TELEGRAM**

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

Form 1204 A

Receiver's No.
Check
Time Filed

Send the following message, subject to the terms on back hereof, which are hereby agreed to

February 12, 1925.

Mr. H. W. Brundidge,  
State Railroad Commission,  
San Francisco, Calif.

City manager Rhodes today said he hoped Railroad Commission would call another conference next week and stated every indication favorable Hope you can do this

ED FLETCHER

Chg Cuyamaca Water Co



HARLEY W. BRUNDIGE - PRESIDENT, COM.  
 CLYDE L. SEAVEY - COMMISSIONER  
 GEORGE D. SQUIRES - COMMISSIONER  
 GEORGE D. SQUIRES - COMMISSIONER  
 KIRA W. DECOTO - COMMISSIONER  
 W. J. HANDFORD - EXAMINER  
 W. T. SATTERTHWHITE - EXAMINER  
 W. P. GEARY - RATE EXPERT-EXAMINER  
 W. R. WILLIAMS - EXAMINER

BRANCH OFFICE  
 800 PACIFIC FINANCE BUILDING  
 LOS ANGELES  
 TELEPHONE 6942  
 MET. 3211

# Railroad Commission of the State of California

FIFTH FLOOR CALIFORNIA STATE BUILDING  
 CIVIC CENTER  
 SAN FRANCISCO, CAL.

HENRY G. MATHEWSON - SECRETARY  
 W. C. FANKHAUSER - FINANCIAL EXPERT  
 CARL I. WHEAT - ATTORNEY  
 CHAS. A. BECK - AUTO STAGE DEPT.  
 HENRY A. FRAZIER - RECORDER  
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 A. V. GUILLOU - GAS AND EL. ENGINEER  
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 W. J. DODGE - TELEPHONE ENGINEER  
 A. G. MOTT - TRANSPORTATION ENGINEER  
 R. M. VAUGHAN - VALUATION ENGINEER  
 A. T. PETTEY - OFFICIAL REPORTER

TELEPHONE PARK 1906

ADDRESS ALL COMMUNICATIONS TO  
 RAILROAD COMMISSION OF THE STATE OF  
 CALIFORNIA

February 14, 1925.

Mr. Ed. Fletcher,  
 San Diego,  
 California.

Dear Sir:

For some time the Railroad Commission has been engaged in procuring data with the view of submitting a proposal for an amicable settlement of disputes affecting the waters of the San Diego River.

This proposal has now reached the stage of a preliminary draft, the terms and conditions of which we wish to discuss with the Mayor of San Diego, the members of the City Council, the City Attorney, the City Manager, and such other city officers as may be interested in the subject; also with the officers and attorneys of the La Mesa Lemon Grove and Spring Valley Irrigation District and the officers and attorneys of the Cuyamaca Water Company.

The object of such discussion is to see whether the proposal which has been drafted should be modified in any particular before it is formally submitted to the parties at interest or is made public. The Commission would come to San Diego to discuss these matters were it not for the fact that before the plan is finally made public we desire the advice and the counsel of those invited to the conference.

We urgently hope, therefore, that it will be possible for you to meet with us in the office of the Railroad Commission in the State Building, Civic Center, San Francisco, at 10:00 a.m. on Friday, February 20th.

Yours very truly,

*H. W. Brundige*  
 President.

HWB:EM

March 10, 1925.

Mr. H. W. Brundige,  
 State Railroad Commission,  
 California State Building,  
 San Francisco, California.

PERSONAL

My dear Mr. Brundige:

Enclosed find article from this morning's paper that is explanatory. This action was taken in opposition to every newspaper both daily and weekly, which editorially urged the election on April 7th.

As you remember, it was tentatively agreed upon that on April 7th a primary election would be held voting yes or no on your plan of compromise. We have been anxiously awaiting your Mr. Stava, and his not coming has served as an excuse. However, Mr. Heilbron gave me his word that the election would be called around May 1st, or said he would do his darnedest to have it by that time.

The point I wish to bring out, Mr. Brundige, is this, and the irrigation district feels it very keenly. Their option expires on the 8th day of May. It is not to be expected that they will sit idly by and attempt to do nothing but lose out by latches. On the other hand, the Railroad Commission is in an embarrassing position. It seems to me hardly fair that the Railroad Commission will refuse to act one way or the other and see the district lose out. With the city acting as it is today, stalling the proposition, personally I have no desire to extend the option, and would only do so providing the City of San Diego sets an election date prior to May 8th, at which time the voters can say yes or no in the matter of acceptance of your plan.

As a friend, and speaking personally, I hope that you can see your way clear to recommend to the Railroad Commission that they write the city council of San Diego, calling attention to the fact that the option expires on the 8th day of May, that sufficient time has been given the city, and the Railroad Commission hopes that the city can see its way clear to agree to call an election prior to May 8th so an expression by a vote of the people can be secured. The city must call the election and set the date by resolution by the 10th of April, otherwise it will be too late, and if they refuse so to do it seems to me the



fair thing to the district in that case would be to ratify the transfer of the property of the Cuyamaca System to the district, for the La Mesa district has assumed all of our obligations and they are better able to carry them out even than private individuals.

The above is just a suggestion for your consideration.

Yours very truly,

EF:KLM

P. S. The Realty Board yesterday passed a resolution, unanimously urging the council to put your plan on the ballot for a primary vote, April 7th. When they found out this could not be done, they passed another resolution urging that the election be called at the earliest possible moment.

Your plan has been outlined several times in all the different papers, and certainly another month's campaign would give the people sufficient time to know what is going on.

Enclosed find clipping from last night's Sun which is explanatory, saying that this whole thing is now being brought into politics.

The Cuyamaca Company is committed officially in writing to the city. The district is also officially committed to the city, and yet the city refuses to take any action until after the election. It seems to me that we should have some definite assurance, and the public here should have some definite assurance that this election will be called by the city council sometime in April so that the people can express their opinion.

E.F.

HARLEY W. BRUNDIGE - - - PRESIDENT, COM.  
CLYDE L. SEAVEY - - - COMMISSIONER  
EDGERTON SHORE - - - COMMISSIONER  
GEORGE D. SQUIRES - - - COMMISSIONER  
EZRA W. DECOTO - - - COMMISSIONER  
WM. T. BATTERWHITE - - - EXAMINER  
W. H. WILLIAMS - - - EXAMINER  
FRANK B. AUSTIN - - - EXAMINER

BRANCH OFFICE  
806 PACIFIC FINANCE BUILDING  
LOS ANGELES  
TELEPHONE MET. 3411

# Railroad Commission of the State of California

FIFTH FLOOR CALIFORNIA STATE BUILDING  
CIVIC CENTER  
SAN FRANCISCO, CAL.

HENRY G. MATHEWSON - - - SECRETARY  
W. P. GEARY - - - RATE EXPERT  
W. C. FANKHAUSER - - - FINANCIAL EXPERT  
CARL J. WHEAT - - - ATTORNEY  
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A. G. MOTT - - - TRANSPORTATION ENGINEER  
R. M. VAUGHAN - - - VALUATION ENGINEER  
A. T. PETTEY - - - OFFICIAL REPORTER

TELEPHONE PARK 5706

ADDRESS ALL COMMUNICATIONS TO  
RAILROAD COMMISSION OF THE STATE OF  
CALIFORNIA

March 17, 1925.

Col. Ed. Fletcher,  
Fletcher Building,  
San Diego, California.

My dear Colonel:

I am in receipt of your two recent letters, for which I desire to express my personal appreciation. I thank you for the kindly sentiments therein expressed.

Like all the others who attended the conference, ending in agreement for settlement of the controversies over San Diego water supply, I am hopeful of an early approval by the people of the contemplated plan. I am glad to know that the matter will be submitted to the people not later than May 1st, although I have been hopeful that an earlier date might be selected. My feeling is that it would be unwise to take any action looking toward transferring the property as contemplated in the agreement until the people of San Diego could have an opportunity to approve the plan proposed, providing always, of course, that the matter will be submitted to them at a comparatively early date.

With very best personal regards, I am

Yours truly,

*H. W. Brundige*

HWB:EM

*Handwritten notes:*  
H. W. Brundige  
H. W. Brundige  
H. W. Brundige  
H. W. Brundige  
H. W. Brundige



*History*

*Attach  
copy of  
letter to him*

RAILROAD COMMISSION  
of the

STATE OF CALIFORNIA

San Francisco, Cal.

March 17, 1925.

Col. Ed Fletcher,  
Fletcher Building,  
San Diego, California.

My dear Colonel:

I am in receipt of your two recent letters,  
for which I desire to express my personal appreciation.  
I thank you for the kindly sentiments therein expressed.

Like all the others who attended the conference,  
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an opportunity to approve the plan proposed, providing  
always, of course, that the matter will be submitted to  
them at a comparatively early date.

With very best personal regards, I am

Yours truly,

H. W. BRUNDIGE

HNB:EM

April 1, 1925.

Mr. Harley W. Brundige,  
President, Railroad Commission,  
San Francisco, California.

Dear Sir:-

An article by W.H. Porterfield in the San  
Diego Sun last night has aroused us to the feeling that we  
are being double crossed by the City of San Diego. Mr. Porter-  
field is writing against the proposed change in the charter  
which would give the city council unlimited means to use in  
litigation, which Mr. Porterfield advises is to be directed  
towards the water situation.

The City Council are also delaying any  
action whatever on the compromise with the apparent intention  
of delaying the whole matter until after the date for the  
expiration of the option, May 8th. We feel that in all justice  
to us you should immediately grant the sale of the Cuyamaca  
System to the District.

Hoping you can view the matter in the same  
light that we do and find your way clear to give your consent,  
I remain

Yours very truly,

Director, La Mesa, Lemon Grove and  
Spring Valley Irrigation District.

cc to Ed Fletcher

*cc Stern*



Los Angeles, California.  
April 23rd, 1925.

Mr. H. A. Hall, Vice-President,  
La Mesa, Lemon Grove and  
Spring Valley Irrigation District,  
La Mesa, California.

My dear Mr. Hall:-

I am enclosing herewith copy of a letter addressed to Col. Ed Fletcher, President of the Cuyamaca Water Company requesting that he agree to an extension of the option given to the La Mesa, Lemon Grove and Spring Valley Irrigation District for the sale of the water company properties to the district. I hope that Col. Fletcher may agree to the extension suggested and that such extension will be agreeable to the district.

I may further say to you that the Commission, having heard the application of the Cuyamaca Water Company for a transfer of its properties to the district, has withheld decision in this matter in the hope that the citizens of San Diego might have an opportunity to express their approval, or disapproval, of the proposed settlement brought about in conference between the Railroad Commission, the City, the District and the Company. The Commission felt that while this settlement was under discussion that it was advisable that action upon the proposed transfer be delayed until the people most vitally affected would have an opportunity to express their sentiments in some appropriate manner.

We realize that unless there can be an extension of the option to purchase that there is danger that the whole plan of settlement may fail unless some action is taken prior to that date.

Mr. H. A. Hall, #2.

I trust that you will find it to your interests to agree to an extension of the option which I am requesting Col. Fletcher to make.

With best personal regards, I am

Yours very truly,

RAILROAD COMMISSION STATE OF CALIFORNIA.

By

*H. B. Brundage*  
President.

Attn.  
HWD/FG



HARLEY W. BRUNDIGE - PRESIDENT, COM.  
CLYDE L. BEAVEY - COMMISSIONER  
EDERTON SHORE - COMMISSIONER  
GEORGE D. SQUIRES - COMMISSIONER  
KERA W. DECOTO - COMMISSIONER  
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BRANCH OFFICE  
800 PACIFIC FINANCE BUILDING  
LOS ANGELES  
TELEPHONE MET. 2421

**Railroad Commission**  
of the  
**State of California**

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A. T. PETTEY - OFFICIAL REPORTER

TELEPHONE PARK 6700

ADDRESS ALL COMMUNICATIONS TO  
RAILROAD COMMISSION OF THE STATE OF  
CALIFORNIA

Los Angeles, California.  
April 23rd, 1925.

Col. Ed Fletcher, President,  
Cuyamaca Water Company,  
San Diego, California.

My dear Col. Fletcher:-

As you are aware, the option you gave to the La Mesa, Lemon Grove and Spring Valley Irrigation District expires on May seventh next. In all the conversations leading to the proposed settlement of the water controversy which has existed in San Diego for a generation, or two, it had been the hope and expectation that the people of San Diego would have an opportunity to express themselves as to the fairness of the proposed settlement before the expiration of this option. It seems that this cannot now be done and I, therefore, am addressing this letter to you asking that there be a reasonable extension of time given by you in order that the people may have the opportunity within reasonable time to express themselves upon this question which, I believe, is most vital to their interests.

I believe it is not unreasonable to extend this option to June fifteenth, which time it would seem to me would be reasonable to permit the calling of an election and the expression of the people upon this proposed settlement.

May I express a hope that you will find it possible to grant such an extension of time to the La Mesa District.

With best personal regards, I am,

Yours very truly,

RAILROAD COMMISSION STATE OF CALIFORNIA,

By

*H. W. Brundige*  
President.

Atts.  
HWB FG

( Copy )

RAILROAD COMMISSION  
of the  
STATE OF CALIFORNIA  
  
San Francisco, Cal.

Los Angeles, California.  
April 23rd, 1925.

Col. Ed Fletcher, President,  
Cuyamaca Water Company,  
San Diego, California.

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With best personal regards, I am,

Yours very truly,

RAILROAD COMMISSION STATE OF CALIFORNIA

By H. W. Brundige  
President.

ATTS.  
HWB FG



*History*

April 25, 1925

Mr. Harley W. Brundige,  
State Railroad Commission,  
San Francisco, California.

My dear Mr. Brundige:

All San Diego papers printed your letters  
in full. Enclosed find clippings.

Mr. Sanders and Mr. Stearns were each given  
a copy of the contract today for the first time. A copy  
is herewith enclosed. Also enclosed find copy of  
San Diego Union of April 23d, wherein Mr. Higgins says  
that "the contract is drawn exactly along the lines of  
the conclusions reached at the conference with the  
State Railroad Commission in San Francisco". This is  
an absolute false statement.

On Pages 11 and 12 you will see that in the  
contract the city demands that the district either buy  
water in sufficient quantities, or in lieu thereof pay  
the sum of \$5,943.58 each month during the life of the  
lease, or a sum sufficient to enable the city to realize  
each and every month of the lease a sum equal to that  
which they agree to pay the district. This was not the  
agreement at all. It is ridiculous on its face and  
the only agreement was to pay 6 cents for irrigation and  
16 cents for domestic water - such water as the district  
needed each month from time to time.

On Page 16 another clause calls for each domestic  
or irrigating consumer to pay for 2,000 cubic feet of water  
at the domestic rate, or a minimum of \$3.20 a month for  
each domestic consumer, - - - an absolute absurdity.

Again, the city does not agree to buy Fletcher  
dam in case the district builds it providing the city did  
not build El Capitan within the time specified; and the  
wording is ambiguous as to when they have that right, but,  
of course that is a detail that can be changed.

-2-

The city is demanding all of our lands in  
El Capitan and adjacent thereto, several hundred acres that  
have never been taken into consideration or heretofore  
mentioned in our agreement with the La Mesa District, or  
in San Francisco at our hearings.

The attorneys for the irrigation district, as  
well as our attorneys, are all "het" up over this matter.  
The council has been prepared to jam this thing thru  
and call an election on next Monday. The business men  
of the community have got busy and an initiative petition  
will be circulated immediately.

I will have further information of interest  
for you the first of the week.

I am absolutely convinced that there never can  
be an agreement between the district and this city  
council until there is another conference, for the  
Railroad Commission to settle these details. In the  
meantime the initiative petition will go forward and  
put up to the people within the next thirty or forty days  
with the wording exactly as the Railroad Commission  
recommended.

Yours very truly,

EF:KLM



April 23, 1925.

Mr. Harley W. Brundige,  
State Railroad Commission,  
San Francisco, California.

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Again, the city does not agree to buy Fletcher  
dam in case the district builds it providing the city did  
not build El Capitan within the time specified; and the  
wording is ambiguous as to when they have that right, but,  
of course that is a detail that can be changed.

San Diego, California,  
April 27th, 1925.

Railroad Commission of the  
State of California,  
San Francisco, California.

Mr. Harley W. Brundige, Pres.

Gentlemen:

As you probably already know, a large committee  
has been organized, representing every shade of public  
opinion, including Mr. Claus Spreckels, Mr. W. F. Raber,  
manager of the Gas & Electric Company, G. A. Davidson  
and three other bank presidents, Mr. George W. Marston,  
Edw. Dowell, representing labor, and many other prominent  
business men of the city. It has been decided to  
bring before the city council, an initiative petition,  
the question of ratification of the plan as proposed by  
the Railroad Commission by the citizens of San Diego,  
owing to the numerous delays of the city council of  
San Diego to take such action.

Enclosed herewith find initiative petition for  
your perusal, and official or unofficial approval is  
desired of you. It is our intention not to file these  
petitions with the city council until we have secured  
that approval. We realize the time is short and  
immediate action is necessary in order to have the election  
in San Diego on or before the date set by you, ie: the  
15th of June.

We would be pleased to hear from you in regard  
to these matters, and are only desirous of cooperating  
with the Railroad Commission in getting an expression from  
the people as to the plan of settlement proposed by the  
Railroad Commission of California.

In closing let me advise you that to a man, so  
far as the writer knows, the citizens of San Diego are  
deeply appreciative of the service you have already  
rendered.

Yours very truly,

Wm. E. Wheeler  
Chairman Citizens Committee

Casa Grande Apts.



The city is demanding all of our lands in El Capitan and adjacent thereto, several hundred acres that have never been taken into consideration or heretofore mentioned in our agreement with the La Mesa District, or in San Francisco at our hearings.

The attorneys for the irrigation district, as well as our attorneys, are all "hot" up over this matter. The council has been prepared to jam this thing thru and call an election on next Monday. The business men of the community have got busy and an initiative petition will be circulated immediately.

I will have further information of interest for you the first of the week.

I am absolutely convinced that there never can be an agreement between the district and this city council until there is another conference, for the Railroad Commission to settle these details. In the meantime the initiative petition will go forward and put up to the people within the next thirty or forty days with the wording exactly as the Railroad Commission recommended.

Yours very truly,

EF:KLM

cc - History  
Stem  
Smiley

San Diego, California  
April 27th, 1938.

Railroad Commission of the  
State of California  
San Francisco, California.

Mr. Harley W. Brundage, Esq.

Gentlemen:

As you probably already know, a large committee has been organized, representing every shade of public opinion, including Mr. Glenn Thompson, Mr. W. E. Hader, manager of the San & Electric Company, G. A. Davidson and three other bank presidents, Mr. George W. Harston, Edw. Dowell, representing labor, and many other prominent business men of the city. It has been decided to bring before the city council, an initiative petition, the question of ratification of the plan as proposed by the Railroad Commission by the citizens of San Diego, owing to the numerous delays of the city council of San Diego to take such action.

Enclosed herewith find initiative petition for your personal, and official or unofficial approval is desired of you. It is our intention not to file these petitions with the city council until we have secured that approval. We realize the time is short and immediate action is necessary in order to have the election in San Diego on or before the date set by you, the 15th of June.

We would be pleased to hear from you in regard to these matters, and are only desirous of cooperating with the Railroad Commission in getting an expression from the people as to the plan of settlement proposed by the Railroad Commission of California.

In closing let me advise you that to a man, so far as the writer knows, the citizens of San Diego are deeply appreciative of the service you have already rendered.

Yours very truly,

Wm. E. Wheeler  
Chairman Citizens Committee

San Diego, Calif.



April 27, 1925.

Mr. Hawley W. Brundige,  
State Railroad Commission,  
California State Building,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find clippings from today's papers that are explanatory. You will notice that Mr. Higgins repeats today that the contract was drawn exactly along the same line as the plan offered by the Railroad Commission. As I sent you a copy of the contract you are in a position to judge for yourself.

The La Mesa Irrigation District Directors meet tonight. The attorneys for the district say that the contract as submitted by Higgins is impossible. We meet with the Board of Directors of the Irrigation District tonight, at which meeting an answer will be prepared and sent to the council.

The attorneys for the district have intimated that they are going to insist upon a clause going in that any violation on the part of the city nullifies the entire contract. I can readily see this would be a stumbling block to the city's acceptance. I have phoned Mr. Hall urging him by all means to see that a courteous letter is written to the council, and asked for the elimination of that clause at the Board of Directors meeting tonight.

Mayor Bacon has unqualifiedly approved the circulation of the initiative petitions, but I do feel that the petition should not be filed with the city council except as a last resort. Mr. Wheeler, the chairman of the committee, says he has written you on the subject and sent you a copy of the petition.

Will keep you posted as things develop.  
Yours very truly,

EF:KIM

cc - Smiley  
Stem

April 28, 1925.

Mr. Harlow W. Brundige,  
State Railroad Commission,  
California State Building,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find clipping from this morning's paper that is explanatory.

Councilman Weitsel this morning over the phone told me that if the district and the city could get together on the contract between now and Thursday that they would call an election Thursday afternoon, otherwise it would go over until next Monday.

Mayor Bacon has unqualifiedly approved the initiative petition, but there is no intention of filing it with the city council until you feel it should be filed, if at all. It has already had the desired effect, and there is a speeding up process going on in the city hall today. Over two thousand signatures were secured yesterday on the initiative petition, and it is remarkable how anxious people were to sign.

Yours very truly,

EF:KIM

cc - Stem



HARLEY W. BRUNDIGE - - - PRESIDENT, COM.  
 CLYDE L. SEAVEY - - - COMMISSIONER  
 EGERTON SHORE - - - COMMISSIONER  
 GEORGE D. SQUIRES - - - COMMISSIONER  
 EZRA W. DECOTO - - - COMMISSIONER  
 WM. T. SATTERWHITE - - - EXAMINER  
 W. R. WILLIAMS - - - EXAMINER  
 FRANK B. AUSTIN - - - EXAMINER

BRANCH OFFICE  
 808 PACIFIC FINANCE BUILDING  
 LOS ANGELES  
 TELEPHONE MET. 3421

# Railroad Commission of the State of California

FIFTH FLOOR CALIFORNIA STATE BUILDING  
 CIVIC CENTER  
 SAN FRANCISCO, CAL.

HENRY G. MATHEWSON - - - SECRETARY  
 W. P. GEARY - - - RATE EXPERT  
 W. C. FANKHAUSER - - - FINANCIAL EXPERT  
 CARL I. WHEAT - - - ATTORNEY  
 W. J. HANDFORD - - - AUTO STAGE DEPT.  
 HENRY A. FRAZIER - - - RECORDER  
 LESTER S. READY - - - CHIEF ENGINEER  
 A. V. GUILLOU - - - GAS AND EL. ENGINEER  
 M. R. MACKALL - - - HYDRAULIC ENGINEER  
 W. J. DODGE - - - TELEPHONE ENGINEER  
 A. G. MOTT - - - TRANSPORTATION ENGINEER  
 R. M. VAUGHAN - - - VALUATION ENGINEER  
 A. T. PETTEY - - - OFFICIAL REPORTER

TELEPHONE PARK 1706

ADDRESS ALL COMMUNICATIONS TO  
 RAILROAD COMMISSION OF THE STATE OF  
 CALIFORNIA

April 29, 1925.

Mr. William R. Wheeler,  
 Casa Grande Apartments,  
 San Diego, California.

My dear Mr. Wheeler:

I am in receipt of your letter under date of April 27th enclosing copy of printed initiative ordinance proposed by Citizens' Committee submitting for ratification by the people of San Diego at an election the proposed plan for transfer of Cuyamaca Water Company to La Mesa, Lemon Grove and Spring Valley Irrigation District and lease and sale of certain properties to City of San Diego.

I have read the proposed initiative ordinance and find that it contains a true and correct copy of the proposal made by the Railroad Commission and agreed to by representatives of the City of San Diego, the La Mesa Lemon Grove and Spring Valley Irrigation District and the Cuyamaca Water Company.

Very truly yours,

*H. W. Brundige*  
 President.

HWB:EM

*History*

April 29, 1925.

Mr. Harley W. Brundige,  
 State Railroad Commission,  
 California State Building,  
 San Francisco, California.

My dear Mr. Brundige:

I am pleased to inform you that we made some headway yesterday.

Enclosed find clipping from Evening Tribune showing the attitude of the La Mesa District, also clipping from the morning Union showing the result of the conference.

The initiative petitions, I am of the opinion, had a good effect on the council. Two thousand signatures were secured the first day and more than enough signatures necessary have already been secured. However, there is no intention of filing the initiative petitions except as a last resort and with your approval. The final conference has been postponed until Friday on account of the district's attorney, Mr. Fred Stearns, being absent from the city on important business.

I believe the beginning of the end is in sight, thanks to you.

With kind personal regards, I am

Sincerely yours,

ED FLETCHER

EF:KLM



# DISTRICT ASKS CONFERENCE ON WATER PLAN

From Page 1

such conference.

"In the meantime, as you are aware, the option held by the district on the Cuyamaca properties expires on the 15th day of June, this year, and if any action is to be taken toward a settlement of the controversies now pending over the waters of the San Diego river, it is manifestly necessary that immediate action be taken to submit the railroad commission's plan to the people of the city of San Diego at as early a date as possible. The adjustment of the legal form of the contract in conference may take considerable time, and in the interest of saving time we would respectfully suggest to your honorable body that there be submitted to the people of San Diego at an election to be held as soon as permissible under the law, the terms of settlement contained in the letter of the railroad commission addressed to your honorable body under date of Feb. 24, 1925, which letter contains all of the fundamentals heretofore agreed upon by all parties. During the pendency of such election, ample opportunity would be afforded to all parties to work out the legal form of the final contract.

"Assuring your honorable body of the earnest and sincere desire on the part of the district to cooperate in every way, we remain,

"Sincerely yours,

"LA MESA, LEMON GROVE AND SPRING VALLEY IRRIGATION DISTRICT.

"By H. A. HALL, Director."

**Directors Object**

The main stumbling blocks, as the directors saw them, are in connection with the payments to be made by the district to the city for water supplied the district and the lack of guarantee of a permanent supply of water. Belief was expressed that both these major differences could be smoothed out, possibly at a meeting of city councilmen and district directors.

There were several points on which the district directors placed a different interpretation of the compromise than the city attorney did in the contract he has drawn up, and a mutual review of the railroad commission's draft of the compromise probably will be made on this account.

After the directors had gone over the contract at some length it was decided that Director Hall should attend the meeting in Attorney Stearns' office today. Hall was given power to act on the instructions of the district directors, as they expressed them at the meeting.

The city council yesterday adjourned over until Thursday morning at 10 o'clock, when some definite stand will be taken with reference to submitting the contract with the Cuyamaca company and the La Mesa Irrigation district to the people.

City Attorney Higgins declared yesterday that he had drawn the contract in absolute conformity with the agreement reached at the conference with the state railroad commission, and that if any of the directors of the irrigation district hold to the contrary, they are badly mistaken.

"I want it understood that the city council is not trying to delay this election," said Councilman Helfbron yesterday, "but we do want to examine this contract thoroughly before it is submitted. That is only fair to the people. Personally, I have not yet seen a copy of the contract, nor have a majority of the councilmen, but we shall have copies tonight. We want to get work started at El Capitan, and no effort is being made by us to block progress on the river."

## THINK FORM AS DRAWN NOT STRICT PLAN

Directors of the La Mesa Irrigation district today hold that City Attorney S. J. Higgins' form of contract for the Cuyamaca water compromise is not a strict interpretation of the state railroad commission's plan, according to announcement from offices of the district's counsel at noon today.

At the same time the directors announce they believe the differences of opinion can be adjusted, and with that in view they ask the common council for a conference, leaving the time to be set by the city.

This position was reached following an all-morning conference of representatives of the irrigation district and the Cuyamaca Water company, after which the following was addressed to the mayor and council:

"San Diego, April 28, 1925.  
"To the Honorable, the Mayor and Common Council of the City of San Diego.

"Gentlemen: The board of directors of La Mesa, Lemon Grove and Spring Valley Irrigation district have given to the proposed contract submitted by your city attorney for a settlement of the water differences, as thorough a consideration as the limited time at their disposal would allow. The contract has been gone over in connection with the proposed plan of settlement submitted by the railroad commission, and it seems to us that the contract contains certain provisions not in accordance with our interpretation of the railroad commission's plan, and therefore not acceptable to the district.

"We believe, however, that all of these differences can be adjusted if a conference is held between the representatives of the various parties, and would, therefore, respectfully request that your honorable body fix a time for the holding of

(Continued on Page Six)

PAGE TWELVE

## DIFFERENCES IN CONTRACT IRONED OUT IN CONFERENCE

City's Representatives at Impromptu Gathering Evince Willingness to Concede Points Raised by La Mesa District; Final Draft to Be Made at Meeting Tomorrow.

Long strides toward obtaining a water compromise contract satisfactory to La Mesa, Lemon Grove and Spring Valley Irrigation district were taken at an informal conference in the city attorney's office yesterday when virtually all the important objections raised by the district to the contract drawn by City Attorney S. J. Higgins were practically settled as far as those present are concerned.

Because of the impromptu nature of the conference no final decision was reached, but it was agreed that another meeting would be held tomorrow morning at which the contract will be dealt with again and sections objected to by the district reframed to suit both the city attorney and district representatives.

The conference at the city hall followed one earlier in the day at the office of Frederic W. Stearns, district counsel. At this earlier conference, H. A. Hall, representing the district, dictated a letter to the council asking for an early meeting at which the contract could be discussed. This request was delivered to the city clerk yesterday, but as no council meeting was held no action was taken. It is considered likely, however, that the council, district directors and attorneys for both parties, as well as counsel for the Cuyamaca company, will attend the conference arranged for tomorrow morning at 10 o'clock.

At the conference in the city hall yesterday Attorney Stearns represented the district, while the city was represented by the mayor, city attorney and city manager.

Attorneys for the Cuyamaca Water company also were present.

The main objections of the district were brought up by Stearns. The first of these, relating to the minimum monthly price to be paid by the district to the city for water, was discussed, and it was agreed that this point easily could be settled as it was written into the contract through a misunderstanding. Another important objection relating to a guarantee that the city would not drain Murray lake and thus deprive the district of one of its main water sources was discussed, and it was brought out that the city had no such intention and would be willing to incorporate such a guarantee into the contract.

A number of other differences were discussed and agreement reached on them.

Stearns for the district and S. J. Higgins for the city said they are determined that no injustice shall be worked on either the city or the district if it is possible to prevent such a contingency, so the meeting for tomorrow was arranged.



April 29, 1925.

Mr. Harley W. Brundige,  
State Railroad Commission,  
California State Building,  
San Francisco, California.

My dear Mr. Brundige:

I am pleased to inform you that we made some headway yesterday.

Enclosed find clipping from Evening Tribune showing the attitude of the La Mesa District, also clipping from the morning Union showing the result of the conference.

The initiative petitions, I am of the opinion, had a good effect on the council. Two thousand signatures were secured the first day and more than enough signatures necessary have already been secured. However, there is no intention of filing the initiative petitions except as a last resort and with your approval. The final conference has been postponed until Friday on account of the district's attorney, Mr. Fred Stearns, being absent from the city on important business.

I believe the beginning of the end is in sight, thanks to you.

With kind personal regards, I am

Sincerely yours,

EF:KLM

cc - Stearns  
Smiley  
Haley

April 29, 1925.

Mr. H. W. Brundige, Pres.,  
State Railroad Commission,  
California State Building,  
San Francisco, California.

My dear Mr. Brundige:

Your wonderful letter to the Mayor, which was published in all three of the papers, together with the initiative petition backed by the business men of the city, scared the living tar out of the city council.

I have it on very good authority that next Monday the city council of San Diego will call an election for an advisory vote to approve or reject substantially the plan of the settlement of the problems on the San Diego River as proposed by the Railroad Commission of California.

The signed petitions are being held by the committee ready to file at any time that you think best, but I believe there will be no need of filing these petitions and am very certain that the city officials of San Diego now see the light.

I cannot thank you enough for the wonderful work you have done in bringing about the settlement, and I hope to have the pleasure of wiring you next Monday that the election has been called.

Yours sincerely,

EF:KLM

cc - Stearns  
Smiley  
Haley



HISTORY

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California State Building,  
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Yours sincerely,

EF:KLM

*History*

April 30, 1925.

Mr. Harley W. Brundige,  
State Railroad Commission,  
California State Building,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find clipping from this morning's paper which corroborates my letter to you yesterday, i.e. that the council have had a change of front and undoubtedly will call the election next Monday, as they originally promised you in San Francisco, and what should have been done April 7th at the general election.

Higgins is trying to throw dust in the eyes of the public. I don't care for that, however, for the Cuyamada Company has furnished everything the city has ever asked for, or we ever agreed to give to the district.

We took the 30 miles of flume line over in 1910 on a general right-of-way deed and the district has agreed to take it over as is, all our right, title and interest, whatever it is. As we have been in undisturbed possession for 40 years, the title ought to be pretty good.

As you see, Higgins is still harping on a definite amount of water althb we all distinctly remember that was thrashed out and definitely settled in San Francisco by the state engineer, who said whatever the reasonable needs of the district were must be provided, otherwise the bonds could not be certified to by the Bond Commission. I am satisfied Higgins will back down on this as well when the time comes.

With kind regards, I am

Sincerely yours,  
ED FLETCHER

EF:KLM



April 30, 1925.

Mr. Harley W. Brundige,  
State Railroad Commission,  
California State Building,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find clipping from this morning's paper which corroborates my letter to you yesterday, ie: that the council have had a change of front and undoubtedly will call the election next Monday, as they originally promised you in San Francisco, and what should have been done April 7th at the general election.

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With kind regards, I am

Sincerely yours,

EF:KLM

cc Blum

Smiley

Hedley

History

May 1st, 1925.

Mr. Harley W. Brundige,  
State Railroad Commission,  
California State Building,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find clipping from last night's paper showing that Mr. Heilbron fought to the last ditch in opposition to his pledge with us in San Francisco. Mr. Heilbron was very insistent to the bitter end that the contract be drawn up, the interpretation of which was applied by the city officials governing what was the agreement in San Francisco.

Mr. Heilbron was insistent upon a contract to which neither the district nor ourselves would have agreed. I am sure his attitude on the water question killed him politically in this city.

I have every reason to believe that next Monday the ordinance to call the election will be passed by the city council along the original line's agreed upon in San Francisco.

Yours very truly,

ED FLETCHER

EF:KLM



# WATER COMPROMISE CAUSES HOT ARGUMENT AT SESSION OF COUNCIL

Common council action on the water compromise contract was postponed this morning until next Monday. The adjourned session this morning was short, but snappy. In fact, but for the insistence of Councilman Fred Hellbron there would have been no mention of the water question this morning. The contract wasn't ready. However, the council had assembled, and, after cleaning up a few routine matters, Hellbron wanted to know why someone did not bring up the water question. No one seemed

willing to assume that responsibility.

"You all know that we were to meet here this morning to settle this water question and to discuss the contract," said Hellbron. "Why isn't it here?" he asked.

The mayor replied that the attorney had been holding conferences with the council on the subject.

"I wasn't at any," replied Hellbron. "Call Higgins here."

When the city attorney arrived (Continued on Page Eighteen)

*Tribune  
April 30*



# COUNCIL STAGES HOT ARGUMENT ON WATER

From Page 1.

he was asked concerning the contract. He then told the council that he still was in conference with representatives of the irrigation district, and that he anticipated the conference would be completed in time to have the contract ready at 3 o'clock this afternoon.

Then and there was started a general display of councilmanic temper over the issue at stake, participated in by all the members. Stewart and Bruschi engaged in a bit of repartee over the merits of a poker game.

Stewart opposed the proposed method of signing the contract and writing in its conditions afterward, he said.

"It's like making a blind bet. You wouldn't sit in a poker game and make a blind bet, would you?" he asked.

"No, but if I held four aces I would call your bluff," answered Bruschi.

From then on there was a general exchange of ideas concerning the contract. Higgins explained that by this afternoon he would be able to tell the council just exactly what the city would be required to do by its provisions. He said that the contract lacked legal descriptions of all the lands the city would get, but he considered that these could be dovetailed into the document when completed. He anticipated that this would take 60 days.

## Starts Argument

This statement started a warm argument over whether or not to present the contract in what was termed its uncompleted state to a vote of the people. Stewart maintained, and doggedly held, that no matter what was agreed to, that when once signed the city would have to stand by what the contract contains and that no matter what was intended to be written in afterwards, it would have no effect.

City Attorney Higgins took issue on this point, saying that the contract as laid down now could be submitted to a vote of the people and then be subject to conditions imposed by the council in keeping with the state railroad commission's agreement, before being signed.

Stewart said he doubted this.

Higgins was asked several questions pertaining to terms of the contract, a copy of which some of the councilmen said they had not seen. He was asked concerning a survey of the Cuyamaca properties, and replied that a legal description of every parcel of land would be furnished. He said his office has been furnished with a list of these but no legal descriptions of all.

## Survey Needed

Concerning the Gump slide, he said, it would be necessary to make a survey of the center line of this property from the diverting dam to the La Mesa reservoir, and that this probably would take some time.

A warm argument next sprung up from a contention over the quantity of water to be furnished the La Mesa irrigation district. Higgins told the council that the contract provides a "reasonable amount for 18,000 acres."

What might constitute a "reasonable amount" was next attacked, particularly by Stewart and Hellbron. The latter argued that the state railroad commission's figures show that 18,000 acres would require 16,000,000 gallons a day, and that providing not less than 60 percent of the land used water the city would be expected to furnish not less than 10,000,000 gallons a day.

Stewart joined Hellbron in declaring it would not be fair to tie up the city with a contract to furnish the outside country with that much water every day.

Other councilmen, particularly Weltzel, held that it was possible that not more than 5,000,000 gallons a day would ever be used.

Higgins told the council there was no way of telling how much water would be used by the irrigation district, and that by writing in "a reasonable amount," he considered the city's interests would be safeguarded, as then there would be no chance for a waste of water. The mention of waste again stirred Stewart to a pitch when he declared he never heard of "anybody in California wasting any water."

## Adjourn to Monday

After arguing on what the contract should have, with no copy of a contract before the council, for some time, Hellbron suggested that the council adjourn until 3 o'clock this afternoon and settle the matter.

Higgins offered the suggestion that the contract could be ready then and that the council should call the election at once. When asked by Hellbron if he could have the election ordinance ready then, he replied that perhaps it could be ready by tomorrow.

Then followed another display of the councilmanic mind on whether to hurry or wait. Bruschi sided with Hellbron that the matter should be disposed of at once. Stewart, however, had insisted there was nothing further before the council, and he offered a motion to adjourn until Monday. Weltzel offered a second. Hellbron, however, had moved to adjourn until 3 o'clock, which Bruschi seconded. More argument followed. Hellbron said he wouldn't be with the council any longer and that he desired to have the matter settled. Stewart insisted that here was nothing for the council to take up today, and when his idea came to a vote Weltzel and Held voted with him, Hellbron and Bruschi voting no.

After declaring the council adjourned until Monday, Mayor Bacon suggested that the council meet this afternoon in conference with City Attorney Higgins to further the water plan. This was agreed to, although Hellbron said he wouldn't be there.



May 1st, 1925.

Mr. Harley W. Brundige,  
State Railroad Commission,  
California State Building,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find clipping from last night's paper showing that Mr. Heilbron fought to the last ditch in opposition to his pledge with us in San Francisco. Mr. Heilbron was very insistent to the bitter end that the contract be drawn up, the interpretation of which was applied by the city officials concerning what was the agreement in San Francisco.

Mr. Heilbron was insistent upon a contract to which neither the district nor ourselves would have agreed. I am sure his attitude on the water question killed him politically in this city.

I have every reason to believe that next Monday the ordinance to call the election will be passed by the city council along the original lines agreed upon in San Francisco.

Yours very truly,

EF:KLM

cc - Stern  
History

History

May 4, 1925.

Mr. H. W. Brundige, President,  
Railroad Commission of California,  
California State Building,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find clippings from Sunday and Monday morning Unions that are explanatory.

The Mayor informs me there is going to be a big blow-up in the city hall. politics has entered into the proposition again in the matter of re-appointment of Chief of Police, City Attorney and City Manager, which all must be done in the next two weeks.

This matter may come up today for final action, but the prospects are not as encouraging.

Yours very truly,

ED FLETCHER

EF:KLM



May 4, 1925.

Mr. H. W. Brundige, President,  
Railroad Commission of California,  
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This matter may come up today for final action, but the prospects are not as encouraging.

Yours very truly,

EF:KLM

*cc. Linn*

*Huston*

May 5, 1925.

Mr. Harley W. Brundige, President,  
State Railroad Commission,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed herewith find copy of extension of option dated April 23d, 1925, to the La Mesa, Lemon Grove & Spring Valley Irrigation District, as per your request, with their acceptance.

Yours very truly,

EF:KLM



May 5, 1925.

Mr. H. W. Brundige, President,  
State Railroad Commission,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed herewith find editorial in the  
"Sun", also clipping from the Evening Tribune which  
are explanatory.

There is a big fight on politically here  
over the re-appointment of city manager, city  
attorney and the chief of police, and the lid is going  
to blow off soon down here, with suspected charges of  
graft. The situation is pitiful. The city hall  
is a madhouse, and incidentally, City Attorney Higgins  
is a liar if he has been quoted correctly. At this  
is the third time he has quoted 12,000 acres as the  
maximum size of the irrigation district I am almost  
convinced!

Yours very truly,

EF:KLM

May 5, 1925.

Mr. Harley W. Brundige, President,  
State Railroad Commission,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed herewith find copy of extension  
of option dated April 23d, 1925, to the La Mesa,  
Lomon Grove & Spring Valley Irrigation District, as  
per your request, with their acceptance.

Yours very truly,

EF:KLM

cc - *Stim*  
*Smiley*  
*Hickory*



*Edmund*

May 6, 1925.

Mr. H. W. Brundige, President,  
State Railroad Commission,  
California State Building,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find clipping from this morning's paper that is explanatory. The council is slipping as you can see and are repudiating the definite agreement in San Francisco. Our only hope now is to get the district and the city to agree on a definite amount. This seems hopeless but I have not given up hope and have an engagement to meet Mr. Rhodes today!

Yours very truly,  
ED FLETCHER

EF:KLM

May 6, 1925.

Mr. H. W. Brundige, President,  
State Railroad Commission,  
California State Building,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find clipping from this morning's paper that is explanatory. The council is slipping as you can see and are repudiating the definite agreement in San Francisco. Our only hope now is to get the district and the city to agree on a definite amount. This seems hopeless but I have not given up hope and have an engagement to meet Mr. Rhodes today!

Yours very truly,

EF:KLM  
*cc Stern*



May 7th, 1925.

Mr. Harley W. Brundige, Pres.,  
State Railroad Commission,  
California State Building,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find article from last night's  
Sun and this morning's Union, for your information.

I have asked my associate, Mr. Charles F.  
Stern, to see you in San Francisco the early part of  
next week.

With kind personal regards, I am  
Yours very truly,

EF:KLM

Form Tel. 52-1-1-24

# FEDERAL TELEGRAPH COMPANY

ELLERY W. STONE, President



## RADIOGRAM

THE FEDERAL TELEGRAPH COMPANY transmits and delivers this  
message subject to the terms and conditions printed  
on the back of this blank.

	DAY MESSAGE
X	DAY LETTER
	NIGHT MESSAGE
	NIGHT LETTER

RECEIVER'S No.	TIME FILED	CHECK	INDICATE BY	X	RATE DESIRED
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Send the following message, subject to the terms and con-  
ditions printed on the back hereof, which are hereby agreed to

San Diego, Calif  
Filed at May 7th, 1925 192

Mr. Harley W. Brundige, Pres.,  
State Railroad Commission  
San Francisco, California.

City council today unanimously decided stop negotiations  
and have ordered city attorney to continue water litigation  
Do you advise immediate filing of initiative petitions  
Kindly wire my expense

WILLIAM R. WHEELER  
Casa Grande Apartments



*Union*

May 8, 1925.

Mr. Harley W. Brundige, Pres.,  
State Railroad Commission,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find last night's Tribune, controlled by the Spreckels people, this morning's Union, today's Sun and this week's San Diego Independent, all of which are explanatory.

This is the first time I have ever been accused of being in a conspiracy. How about you? Be prepared to take thy punishment!

There are many rumors afloat, and it is possible there will be a recall of three of the city councilmen, and two of them may land in jail in the near future. I do not see any hope in this situation from the city council.

The city council, so I have been told by one of the city officials, thought it would scare the La Mesa District from going ahead with its contract with the Cuyamaca Company by threatening continued litigation, but it has only solidified the people of the district. There are now two cities and 18,000 acres a unit in fighting for their rights.

Mr. Hall, president of the Bank of La Mesa, told me last night that 147 people came into his bank yesterday and demanded litigation to the end. No more talk of compromise!

Yours very truly,

EF:KLM

ED FLETCHER

May 8, 1925.

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State Railroad Commission,  
San Francisco, California.

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Mr. Hall, president of the Bank of La Mesa, told me last night that 147 people came into his bank yesterday and demanded litigation to the end. No more talk of compromise!

Yours very truly,

EF:KLM

*stem*  
*Smiley*  
*Shelton*



May 9, 1925.

Mr. Harley W. Brundige, Pres.,  
State Railroad Commission,  
California State Building,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find clipping from this morning's  
Union that is explanatory.

As you can see it is perfectly ridiculous, the  
statement of Mr. Higgins, that the case will be over in  
six months, and that we cannot appeal to the Supreme  
Court. There will be no trial of the pueblo right suit  
even in the Superior Court within the next six months,  
and it is questionable if even the condemnation suit can  
be tried.

Personally I see no hope in getting together  
with the city. It is too mixed up with politics.

Yours very truly,

EF:KLM

May 11, 1925.

Mr. Harley W. Brundige, Pres.,  
State Railroad Commission,  
San Francisco, Calif.

My dear Mr. Brundige:

Enclosed find clipping from the La Mesa  
Scout, also this morning's Union, for your  
information.

Very truly yours,

EF:KLM



CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

The filing time as shown in the date line on full rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.  
RECEIVED AT 341 PLAZA, SAN DIEGO. CALIF. ALWAYS OPEN.

PA19 157 BLUE 1/68

WP SAN FRANCISCO CALIF MAY 9 125BP

WM R WHEELER

CASAGRANDE COMMENTS SANDIEGO CALIF

RE YOUR WIRE MAY SEVENTH COMMISSION RENDERED ITS GOOD OFFICES IN ATTEMPTING TO SECURE WHAT IT BELIEVED TO BE FAIR SETTLEMENT OF LONG STANDING WATER CONTROVERSY/PENDING APPROVAL OR DISAPPROVAL BY THE PEOPLE OF SANDIEGO OF PROPOSED SETTLEMENT THE COMMISSION HAS WITHHELD ITS DECISION UPON APPLICATION FOR TRANSFER OF CUYAMACA PROPERTY TO LANES DISTRICT/COMMISSION VERY RELUCTANT TO TAKE ANY ACTION WHICH MIGHT BE LOOKED UPON AS SUGGESTING

WC 1026A (LJ)

4146

1925 MAY 11 AM 10 18

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

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RECEIVED AT 341 PLAZA, SAN DIEGO. CALIF. ALWAYS OPEN.

1925 MAY 11 AM 10 18

PA19 SHEET TWO

OR ADVISING VOTERS OF SANDIEGO OR INTERFERING IN MATTERS WHICH THEY ALONE SHOULD DECIDE/THE COMMISSION DOES BELIEVE SETTLEMENT PROPOSED IS FAIR TO ALL CONCERNED BUT DOES NOT DESIRE TO INDICATE THE MANNER IN WHICH THE PEOPLE OF SANDIEGO EXPRESS THEIR VIEWS UPON THE PROPOSAL/FOR THIS REASON WE DO NOT EITHER ADVISE OR OBJECT TO FILING THE PROPOSED INITIATIVE PETITION/THIS IS A MATTER WHICH THE COMMISSION BELIEVES MUST BE DECIDED BY THE GOOD JUDGMENT OF YOURSELF AND YOUR ASSOCIATES WITHOUT EITHER ADVICE OR DIRECTION BY THIS COMMISSION

H W BRUNNICE.



May 14, 1925.

Mr. Harley W. Brundige,  
State Railroad Commission,  
San Francisco, California.

My dear Mr. Brundige:

The city is forcing us into immediate action, and we will have to start a couple of lawsuits this coming week to protect ourselves. I see no possibility of any compromise with the district.

The La Mesa Irrigation District has done just what they agreed. 2500 acres with-drew and the vacancy has been immediately filled with new lands so that today there are eighteen thousand acres of land in the district, including the cities of El Cajon and La Mesa, with 3,000 acres more clamoring to come in. My opinion is that the district will very soon let them in, as the state engineer of California and the state bonding commission originally approved a district of 22,000 acres, I believe.

Enclosed find clipping from the Sun for your records.

Yours very truly,

EF:KLM

May 21, 1925.

Mr. Harley W. Brundige, Pres.,  
State Railroad Commission,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find clipping from last night's Tribune and this morning's Union which are explanatory.

Mr. McClure had a conference with a couple of members of the council at three o'clock yesterday but later on in the afternoon, Rhodes and three members of the council went North to buy machinery, finding it more important than to settle this water question.

There is no trouble with the Mayor, City Manager and the District agreeing with the state engineer, but the council seems determined not to call the election, and got out of town at a time when they should be here.

The only thing to bring this question to a head, and bring about a compromise is for the Cuyamaca Water Company to be eliminated and the Railroad Commission approve the sale to the district. I do hope the Railroad Commission of California will take final action in this matter at an early date.

Yours very truly,

EF:KLM



May 23, 1925.

Mr. Harley Brundige, Pres.,  
State Railroad Commission,  
San Francisco, Calif.

PERSONAL

My dear Mr. Brundige:

Enclosed find clipping from the San Diego Herald, also article in this morning's Union, that are explanatory.

They show you just what we are up against down here, and the half has not been told. This whole water scrap has been mixed up with this scandal and it is wheels within wheels down at the city hall, a regular madhouse. The truth is we have refused to pay tribute, but I do not want to get mixed up in it, and I know you will treat this as confidential.

Mr. McClure is waiting over until the city council returns and the city manager, to try and come to a definite agreement on Monday in relation thereto.

Yours sincerely,

EF:KLM

June 6, 1925.

Mr. H. W. Brundige,  
State Railroad Commission,  
San Francisco, California.

My dear Mr. Brundige:

Enclosed find clipping from the San Diego Sun that is explanatory.

I have refused to sign an extension of the option to the La Mesa Irrigation District after the 17th of June, at least until after I have had a personal conference with you.

I am telegraphing you today, per the enclosed copy, asking for a conference next Wednesday morning.

Yours very truly,

EF:KLM



June 23, 1925.

State Railroad Commission,  
California State Building,  
San Francisco, California.

Attention: Mr. Brundige

Gentlemen:

Inclosed herewith find certified deed which has been placed in escrow with the Southern Title Guaranty Company according to the terms of our contract with the La Mesa Irrigation District, and which I am forwarding you in compliance with the condition of your order Section 2.

Does this fulfill all the requirements as far as we are concerned?

It is problematical when the La Mesa Irrigation District can pay the money or deliver the bonds according to our contract for the reason that the Supreme Court has not yet rendered an opinion as to whether the 1916 issue of bonds of the La Mesa District are legal or not. They were destroyed in 1918 - all that were not issued - and the Supreme Court of California will determine at some future date whether they were legally destroyed or not.

Is it going to be necessary for us to ask for a continuation of time in which to finally complete the transfer, or is the filing of this certified deed satisfactory to the Commission as full compliance with your order?

Both Mr. Stern and I personally appreciate more than we can put on paper your action and the action of the Board in ratifying this sale.

Yours very truly,

EF:AH

GUYAMACA WATER COMPANY  
SUCCESSORS TO  
THE SAN DIEGO PLUMB COMPANY  
OFFICE: FLETCHER BUILDING  
515 EIGHTH STREET, BETWEEN BROADWAY AND E  
P. O. BOX 1412

SAN DIEGO, CALIFORNIA.

ED FLETCHER, MANAGER  
LOU B. MATHEWS, SECRETARY  
C. HARRIS, SUPERINTENDENT

*Water History*

July 17, 1925.

State Railroad Commission,  
California State Building,  
San Francisco, California.

Attention: Mr. H. W. Brundige, Pres.

Gentlemen:

The Railroad Commission plan of settlement agreed upon between the City, the La Mesa Irrigation District and the Guyamaca Water Company has not yet been submitted to a vote of the people. Instead the City ordered the condemnation proceedings of El Capitan to proceed altho a definite agreement had been reached as to the division of the waters of the San Diego River. The City Council had refused to agree to the wording - a reasonable supply of water - as definitely agreed upon in San Francisco in the presence of your honorable body.

State Engineer McClure came to San Diego, was authorized by the Board of Directors of the La Mesa Irrigation District to act for the District in conjunction with their chief engineer Mr. King; two or three conferences were held with several councilmen and the mayor, also with City Manager Rhodes, and finally in writing the State Engineer of California on behalf of the La Mesa Irrigation District, accepted the Rhodes' plan of division of the waters of the San Diego River, i.e. two-thirds to the City and one-third to the District with a maximum of not to exceed eight million gallons daily to the District, the District to retain its present supply, and letters of written acceptance were forwarded to Mayor Bacon and City Manager Rhodes without any reservation. These letters were written and received by the City officials two or three weeks before the litigation commenced at Santa Ana.

The Mayor made two or three attempts to call a conference with the idea of putting before them the acceptance of the plan of water development by the District and to recommend the submission to the people by vote the question of ratification of the Railroad Commission plan. The City Council, knowing what the



conference was for, refused to meet with the Mayor, and soon the litigation was on. For four or five weeks the litigation proceeded in Santa Ana in the matter of condemnation of the El Capitan damsite, and the jury rendered a verdict of \$600,000 for the damsite and 190 acres of land, reserving to the Cuyamaca Water Company and the La Mesa District all water and water rights above and below ground, the question of ownership to be determined later.

In the mean time, the Grand Jury on four counts indicted one of the city councilmen and he is out on \$10,000 bail. Two of the counts have been dismissed on a technicality that he is a legislative officer and not an executive. He is expected to go to trial on the other two counts.

We had come to an agreement with the city manager as to the valuation of the Normal Heights, Kensington Park and East San Diego distribution lines, but the indictment of one of the city councilmen, together with a \$600,000 judgment against the City has put the Council in a bad light and made them the laughing stock of the town, for the City of San Diego had twelve or fourteen witnesses there on valuations and the highest value presented by any of them was approximately \$10,000 - the lowest, \$5,000 for the property which the jury gave us \$600,000 for, our demands being for a million.

Immediately that the above became public, the Council proceeded to look for revenge, and inclosed find clipping showing that the City Council intend to parallel our pipelines in Normal Heights as per official action taken on July 13th. This means confiscation of our property.

Normal Heights is now within the city limits of San Diego, and we supported the annexation on the theory that the City Council were going to live up to their obligation, i.e. the Railroad Commission compromise. A year before we defeated annexation three to one and could have done it this time. The fact is - we kept the faith and the City has not.

We are willing to leave the question of valuation of Normal Heights and any pipelines within the city limits of San Diego to the Railroad Commission of California for valuation, or to arbitration in the usual manner, or to the courts - whichever the City prefers.

We have been informed that we have no legal remedy in this matter and that the Railroad Commission

cannot legally stop the City of San Diego from paralleling our lines in Normal Heights. We ask that the attorney of the Railroad Commission give you an opinion in relation thereto as to what remedy, if any, can be taken to protect us, and if we cannot be protected legally, we ask that the Railroad Commission of California at least write a letter of protest to the Mayor and Common Council of San Diego sending copies to the three daily papers, calling attention to the fact that the Cuyamaca Water Company has kept the faith and is entitled to fair treatment, believing the City of San Diego would live up to its obligation - i.e. the Railroad Commission agreement, at the request of the City Manager of San Diego with a letter from him to the effect that the expense we would be put to would be paid by the City in the final settlement.

We have spent many thousands of dollars recently in reconstructing and changing our distribution line in Normal Heights so that five streets might be paved immediately. The value of the distribution lines agreed on between the City Manager and our Company as part of the Railroad Commission agreement, is as follows:

East San Diego.....	\$96,906.87
Kensington Park.....	19,975.60
Teralta.....	16,798.87
Normal Heights, including our recent expenditures made at the request of the City in changing our pipelines so that the streets might be paved.....	65,996.94
Total	<u>\$199,678.28</u>

We ask that you help us in any possible way as a matter of simple justice and that early action be taken by your honorable body in relation thereto.

Yours very truly,

EF:AH

*Presented  
personally*

*Ed J*



Seima Defekt

cannot legally stop the City of San Diego from publishing  
any lines in Normal Heights. We ask that the attorney of  
the Railroad Commission give you an opinion in relation  
thereas to what remedy, if any, can be taken to protect  
us, and if we cannot be protected legally, we ask that the  
Railroad Commission of California at James write a letter  
of protest to the Mayor and Common Council of San Diego  
ending copies to the three daily papers, calling atten-  
tion to the fact that the Guyanese Water Company has  
kept the Keith and is entitled to fair treatment, ha-  
ving the City of San Diego would live up to its  
obligation - i.e. the Railroad Commission, etc., as  
the request of the City Manager of San Diego with a  
letter from him to the effect that the expense we would  
be put to would be paid by the City in the final settle-

Part of the Railroad Commission agreement, is as follows:

agreed on between the City Manager and our company as  
passed immediately. The value of the distribution lines  
line in Normal Heights so that five streets might be  
recently in reconstructing and changing our distribution  
We have spent many thousands of dollars

East San Diego	.....	\$98,908.87
Kearney Park	.....	19,975.30
Toronto	.....	18,798.87
Normal Heights, including our recent expansion made at the request of the City in changing our pipeline so that the above might be paved	.....	66,998.94
		<u>\$197,673.98</u>

We ask that you help us in any possible way  
 to attain the goal of a better world.  
 Your cooperation is most appreciated.  
 Yours very truly,  
 [Signature]

HA:ME

known, the question of ownership to be determined later. Mead District all water and water rights above and below land, reserving to the Oryzomys Water Company and the a verdict of \$600,000 for the damage and 100 acres of demolition of the El Capitlan damsite, and the jury rendered litigation proceeded in Santa Ana in the matter of some upon the litigation was on. For four or five weeks the conference was for, refused to meet with the lawyer, and

1. In the mean time, the Grand Jury on 10/11/41  
counted indicated one of the city councilmen and he is out  
on \$10,000 bail. Two of the counts have been dismissed  
and a technicality that he is a legislative officer and not an  
employee is expected to be tried on the other two  
counts.

[illegible]

action taken on July 1950. This means consultation of  
 officials of our agencies in normal height and per official  
 kind of things about the city council in order to  
 the Council proceeded to look for revenue and improve  
 the Council and they were not too far from the mark and  
 following cases and above described.

Normal Heights is now within the city limits of San Diego, and we supported the annexation on the theory that the City Council were going to live up to their obligation, i.e. the Railroad Commission compromise. A year before we defeated annexation there to me and could have done it this time. The fact is - we kept the faith and the City was not.

The above - whichever the City prefers.

we have been informed that we have no legal remedy in this matter and that the Railroad Commission



August 7, 1925.

Railroad Commission,  
State of California,  
California State Building,  
Sacramento, California.

Attention Mr. H. W. Brundige

Gentlemen:

Application #9865  
Decision #13468

Will you kindly extend the time of transfer  
of the properties of the Cuyamaca Water Company, a partnership,  
to the Cuyamaca Water Company, a corporation, to January 1st,  
1926.

This is only a precautionary measure, as we expect  
to sell the system to the La Mesa, Lemon Grove & Spring  
Valley Irrigation District and have it closed before that  
time, and this application is made simply as a matter of  
protection, for we shall deed our property to a corporation  
if for any reason the La Mesa Irrigation District fails  
to purchase.

Thanking you kindly for the extension, I am

Yours very truly,

EF:KLM



**Ed Fletcher Papers**

**1870-1955**

**MSS.81**

**Box: 3 Folder: 6**

**General Correspondence - Brundige, Harley W.**



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