

copy 51-A

Application for Certificate fixing time of completion of appropriation of water initiated prior to December 19, 1914, under Sec. 1415 of Civil Code.

We, Ed Fletcher and William G. Henshaw, as surviving partners of a co-partnership formerly composed of James A. Murray, Ed Fletcher and ~~W. G.~~ William G. Henshaw, and doing business under the firm name and style of Cuyamaca Water (Name of applicant)

Company of San Diego County of San Diego (Postoffice)

State of California do hereby make application, under the terms of Section 12 of the Water Commission Act (Stat. 1913 Chap 586), for a certificate prescribing the time within which us, or either of us, and our predecessors in interest, the full amount of water appropriated by ~~us~~ by notice as provided in Section 1415 of the Civil Code shall be applied to a useful or beneficial purpose.

We have attached hereto a certified copy of said notices of appropriation and affidavits showing that the work specified in Section 1415 of the Civil Code was commenced within sixty days of posting said notices.

1. The source of the appropriation is San Diego River located in San Diego (Name of stream, lake or other source)

County, tributary of Pacific Ocean

2. The amount of water which the applicants intend to apply all the flood waters of the San Diego River and to beneficial use is all surface and subterranean water of said river (One cubic foot per second equals 40 miner's inches) not otherwise appropriated to the extent of one hundred thousand miner's cubic feet per second. inches

3. The use to which the water is to be applied is Domestic and Irrigation Supply

4. The point of diversion is located S. E. Cor. of Sec. 2, T. 14 S., R. 2 E., S.B.M. bears (Give distance and bearing to section corner) S. 75° 20' E. 1,820 feet

being within the S. W. 1/4 of S. E. 1/4 (Give smallest legal subdivision not to exceed 40 acres).

of Sec. 2 Tp. 14 S. R. 2 E. S. B. M., in the county of San Diego

5. The Flume to be 34 (Main ditch, canal or pipe line)

miles in length, terminating in the Eucalyptus Reservoir in N. W. 1/4 of S. E. 1/4 and the (Smallest legal subdivision) S. W. 1/4 of N. E. 1/4 of of Sec. 17 Tp. 16 S. R. 1 W. S.B.M., the

proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works is Cuyamaca Flume

DESCRIPTION OF WORKS

DIVERSION WORKS--

7. (a) Height of dam 130 feet; length on top 1,015 feet; length at bottom 100 feet; material to be used and character of construction concrete multiple arch (Loose rock, concrete, masonry) type with siphon spillway rock and brush, timber, crib, etc., wasteway over or around dam)

(b) Description of headgate (Timber, concrete, etc.,) number and size of openings)

CANAL SYSTEM--

8. Give dimensions at each point of canal where materially changed in size, stating miles from headgate: (a) At headgate: Width on top (at water line) 5' 10" feet; width on bottom 5' 10" feet; depth of water 20" feet; grade 0.95 feet fall per one thousand feet.

(NOTE--In case of insufficient space for answers in form attach extra sheets.)



(b) \_\_\_\_\_ miles from headgate. Width on top  
(at water line) \_\_\_\_\_ feet; width on bottom \_\_\_\_\_ feet;  
depth of water \_\_\_\_\_ feet; grade \_\_\_\_\_ feet fall per one  
thousand feet. (Attach sheet covering other changes.)

9. The nature of the works by means of which the power is to  
be developed \_\_\_\_\_

10. Total fall to be utilized \_\_\_\_\_ feet.  
(Head)

11. The use to which power is to be applied is \_\_\_\_\_

12. Total amount of power to be developed \_\_\_\_\_  
theoretical horsepower.

13. Such works to be located in \_\_\_\_\_  
(40-acre subdivision)  
of Sec. \_\_\_\_\_ Tp. \_\_\_\_\_ R. \_\_\_\_\_, Cal.

14. Is water to be returned to any stream? \_\_\_\_\_  
(Yes or no)

15. If so name stream and locate point of return \_\_\_\_\_  
(Locate

\_\_\_\_\_ Sec. \_\_\_\_\_ Tp. \_\_\_\_\_ R. \_\_\_\_\_, Cal.  
within 40-acre subdivision)

16. Estimated cost of proposed works \_\_\_\_\_

17. Construction work will be completed on or before \_\_\_\_\_

18. The water will be completely applied to the proposed use  
on or before \_\_\_\_\_ three years from granting of this application

19. The land to be irrigated has a total area of 25,000 acres,  
located in each forty-acre tract as follows:

That territory East of San Diego, Ex Mission Rancho, Rancho El Cajon,  
Coronado and Linda Vista, being in the El Cajon Valley, South there-  
from to the Sweetwater River and West to the Pacific Ocean, and a  
portion of Linda Vista Mesa.

21. The Cuyamaca Water Company is the successor in interest of The San Diego Flume Company, a corporation organized in 1886 for the purpose of the development of waters of the San Diego River for the purpose of furnishing a domestic supply of water to the City of San Diego and the irrigation of lands between the ocean and the easterly edge of El Cajon Valley.

In June, 1910, the applicants, Ed Fletcher and the late James A. Murray (William G. Henshaw became a partner in 1913), co-partners as aforesaid under the corporation name of Cuyamaca Water Company, purchased all the physical properties of The San Diego Flume Company, together with the water rights and personal property of every kind and character pertaining to the waters of the San Diego River.

The Cuyamaca Water Company immediately commenced the improvement of the system and has spent over \$70,000 per annum, or with interest over \$100,000 per annum since that time in the development of the property, making the following improvements:

(1) The installation of approximately 1,000 meters ranging from domestic service to 8" meters, the work being distributed over the years 1910-11-12-13-14-15-16-17-18-19-20-21.

Note: The various distribution systems installed since 1910 by this Company aggregate about forty miles in length.

## (2) Construction of steel siphon across South Fork work done in 1911.

## (3) Construction of steel siphon of 31 second feet capacity across Chocolate Creek work done in 1911-12.

(4) Construction of the distribution system for Kensington Park work done in 1912.



(5) Construction of the distribution system in Normal Heights district work done in 1912.

X (6) Raising and thereby increasing the capacity of the Diverting Dam work done in 1912.

(7) Construction of the distribution system for La Mesa Heights work done in 1912.

/// (8) Construction of Murray Hill reservoir work done in 1912-13.

X (9) Construction of concrete pipe line from main flume to Murray Hill reservoir work done in 1912-13.

+ (10) Construction of 5,000 feet of 24" pipe line from Murray Hill reservoir to Eucalyptus reservoir work done in 1912-13.

/// (11) Raising the sides of the main flume and thereby increasing its capacity from approximately 18 second feet to 31 second feet work done in 1912-13-14-15-16.

(12) Construction of steel flume on the South Fork Feeder, thereby increasing the capacity of this diversion from 6 second feet to 18 second feet work done in 1913.

(13) Construction of reinforced concrete siphon across Sand Creek, capacity 31 second feet, work done in 1913. ~~+ Concrete flume~~

(14) Construction of 1 mile of steel flume near Chocolate and South Fork, thereby increasing the capacity of the flume previously in use at that point, work done in 1913.

(15) Construction of pumping plant below Diverting Dam, work done in 1913.

(16) Construction of pumping plant at Sand Creek, work done in 1913.

(17) Construction of pumping plant at Chocolate Creek work done in 1913.

(18) Construction and acquisition of a number of small distribution systems at various points between the City of La Mesa and the City of San Diego, work done in 1913-14-15-16-17-18-19.

(19) Lining the wooden flume with rubberoid roofing, thereby decreasing the leakage from approximately 40% to approximately 10% work done in 1914.

(20) Increasing the capacity of the La Mesa ditch which is used to deliver the water into Murray reservoir from approximately 12 second feet to 31 second feet, work done in 1914.

(21) Construction of a booster pumping plant at the junction of the outlet well from the Murray reservoir with the steel line from Eucalyptus reservoir to the city limits, work done in 1914.

(22) Purchase of the El Capitan damsite upon the San Diego River together with a portion of the reservoir site, in 1914.

(23) Construction of 8 miles of 16" and 14" steel pipe line from Eucalyptus reservoir to the city limits of San Diego, work done in 1914-15.

(24) Acquisition and rebuilding of pumping plant at El Monte, capacity 3,000,000 gallons daily, work done in 1914-15.



(25) Acquisition and construction of pumping plant at Grossmont work done in 1915.

(26) Construction of the Grossmont water system, including four small reservoirs, work done in 1915.

(27) Construction of the distribution system of the City of El Cajon, including reservoir, work done in 1915.

(28) Construction of the Hawley Heights distribution system and pumping plant work done in 1915.

(29) Construction and acquisition of various small distribution systems around the City of La Mesa, work done in 1915-16-17.

(30) Exploration work to determine if suitable bed rock foundations were available at the El Capitan damsite upon the San Diego River in 1915-16-17-18-19-20-21.

(31) Further construction work on steel siphon across South Fork, combined capacity of 51 second feet of the two steel siphons, work done in 1916.

(32) The acquisition of the Conejos damsite and reservoir site from the Government; obtaining the Government's permission to construct the same in the El Capitan Indian Reservation; in 1916-17.

(33) Construction of new Hurray dam (at the site of the old La Mesa dam), a concrete, multiple arch structure 117 feet in height and 660 feet in length, increasing the storage at this point from approximately 400,000,000 gallons to over 2,000,000,000 gallons, work done in 1918.

(Area and capacity tabulation and contour map of reservoir attached, marked Exhibit B.)

(34) Condemnation of additional lands surrounding La Mesa reservoir for use in increasing the size of reservoir incidental to the construction of the new dam, work done in 1916.

(35) Construction of reinforced concrete siphon across Sweetwater Pass with a capacity of 51 second feet, work done in 1919.

(36) Installation of booster pumping plant at Normal Heights work done in 1919.

(37) Construction of the distribution system for the Sullivan tract, work done in 1919.

(38) The raising of Guyancon dam, thereby increasing the storage capacity approximately 2,000 acre feet, work done in 1919-20.

(Area and capacity tabulation and contour map attached hereto, marked Exhibit C.)

(39) The acquisition of the Fletcher damsite above the Diverting Dam on the North Fork of the San Diego River, together with all of the lands to be flooded excepting those of one owner, a suit to condemn which is now being prosecuted; the securing of a contract with the County of San Diego giving the right to flood the county roads lying within this reservoir site, and securing the consent of the United States Government waiving any objections on the part of the Government to the building of the Fletcher dam as far as the El Capitan Indian Reservation is concerned. These operations extending through 1919-20-21.

(40) Core drillings and foundation exploration at the Fletcher damsite, work done in 1920-21.



(41) Reconstruction of a concrete diverting dam (the former taken out by the flood) on the South Fork of the San Diego River, thereby enabling a maximum of 18 second feet to be diverted from this stream into the flume, work done in 1921.

(42) Further improvements in the Monte pumping plant, work done in 1921.

(43) At the present time improvements are being made to the flume to increase its capacity and further reduce the losses by leakage.

(44) A portion of the 8 miles of steel pipe line from Eucalyptus reservoir to the city limits of San Diego is now being replaced by the construction on El Cajon Avenue of a reinforced concrete pipe of monolithic design 20" in diameter; 4,000 feet of this concrete construction has been completed.

(45) Expenditure of large sum of money in 1913-14, in exploration work ascertaining the power possibilities on Boulder Creek and the filing of an application with the State Water Commission and the Federal Power Commission for permit to develop power at this point.

(46) In addition to the engineering and surveying cost of the foregoing this company has expended large sums of money in engineering and exploration work on the following reservoir sites:

- a. Poverty Gulch reservoir site
- b. Lower Boulder Creek reservoir site
- c. Haskins reservoir site
- d. Bye Valley reservoir site
- e. King Creek reservoir site
- f. Lower Alvarado Canyon reservoir site
- g. Spring Valley storage reservoir site
- h. Bancroft storage reservoir site
- i. Tale Springs reservoir site

(47) Expenditure of large sums of money defending our rights to the waters of the San Diego River, both surface and sub-surface flow, including resisting the bill asked by the City of San Diego to be passed by Congress for the removal of the Indians from the El Capitan reservoir site incidental to the contemplated construction of the dam by the City of San Diego on the Cuyamaca Water Company's land owned in fee simple, and securing from the City of San Diego at that time an acknowledgement of the right of the Cuyamaca Water Company to all the waters of the San Diego River at the Diverting Dam and Conejos sites and the City's consent to build the necessary dams to take all the water of the river at these points, as is evidenced from the following taken from the record of the hearings before the Committee on the Public Lands of the House of Representatives on January 28, 1916, on H. R. 4037 (page 75), Mr. Cosgrove, the City Attorney, representing the City of San Diego at that time:

"Mr. Elston. That thing undercuts to a large extent Mr. Fletcher's apprehension that your dam down there at the El Capitan site might interfere with the appropriated waters that he claims above, but the litigation he said was contemplated was more litigation that he might institute himself than any litigation you might start.

"Mr. Cosgrove. We have not any idea of starting any litigation against them. We want them to conserve all the water they can. If they want to increase the height of the Diverting dam, we would be glad to help in any way to have them increase the height of that, because it is to our benefit to have this country back here cultivated, every acre of it. It is our back country.

"Mr. Charch. But he stated that if given 18 months, as I remember it, they proposed to build a structure there and a dam to take every bit of water.

"Mr. Cosgrove. Yes.

"Mr. Charch. How would you be left there, then?

"Mr. Cosgrove. Then, if they take every bit of water, there will not be any.

"Mr. Charch. Would you be satisfied?

"Mr. Cosgrove. Yes; we would be glad to have them take all the water."



The following tabulation shows the number of irrigation and domestic consumers served by the Guyanaca Water Company from June, 1910, to July, 1921, inclusive (see note following the tabulation):

Year	Domestic	Irrigation
1910 June to Dec., inc.	33	350
1911	38	350
1912	55	350
1913	Not available	340
1914	Not available	345
1915	523	330
1916	625	146 (Five mutual water companies organized in 1916)
1917	603	177
1918	728	153
1919	755	194
1920	821	196
1921 Jan. to July, inc., 1926		215

Note: It is impossible for the Guyanaca Water Company to give, with

any degree of accuracy, the number of consumers supplied by the system, for the reason that under this system there are many instances where a number of consumers have banded themselves together, forming small mutual water companies for the distribution of water, thereby gaining a wholesale rate for the water. These small communities serve from 10 to over 1,000 individual consumers each. In the tabulation shown above, such a group, be it 10 or 1,000 consumers, is treated as one consumer. The list, therefore, is extremely inaccurate when applied to individual consumers of water from the Guyanaca Water Company. An instance of these groupings is as follows:

Town of Lakeside

City of El Cajon, an incorporated city

City of La Mesa, an incorporated city

Spring Valley Mutual Water Company

Outlook Terrace Mutual Water Company

Lemon Grove Mutual Water Company

Chollas Mutual Water Company

Fairmont Water Company, serving the City of East San Diego, an incorporated city

And a number of others.

At the time of the purchase of the water system from The San Diego Finance Company its net safe yield, according to the engineer of the State Railroad Commission, was 256 nine-months miner's inches, or 3,485,000 gallons per day. As the territory served by the system has improved and settlement thereon increased, its water needs have grown, with which this company by the foregoing improvements has kept pace, so that at the present time its net safe yield is approximately







*Due*

San Francisco, Calif.,

The James A. Murray Estate, Ed Fletcher and Wm. G. Henshaw, doing business under the firm name of "Cuyamaca Water Company" have made application to the State Water Commission of California to recognize their ownership of all the water in the San Diego River at their points of diversion, claiming due diligence, under a water filing made June 1, 1910.

The Cuyamaca Water Company agrees to build a multiple arch dam 130 ft. in height, 1015 ft. in length, and complete same within three years from date of granting of application.

The Water Company claims that they have spent, since the water filing was made, June 1, 1910, including interest, over \$100,000 per annum, in the development of their property. A partial list of the improvements is as follows:

New construction of over 40 miles of distributing line;

Steel siphons across South Fork and Chocolate Creeks;

The construction of Murray Hill reservoir, also Murray dam;

Increasing the capacity of the flume from 18 to 21 second feet, a distance of 32 miles;

Construction of a steel flume nearly a mile in length on the South Fork;

Re-inforced concrete siphons across Sand Creek, also one to take the place of the Sweetwater trestle;

Installation of several pumping plants, including the re-construction of El Monte pumping plant, which pumps 3 million gallons daily.

The acquisition of El Capitan dam site and part of the lands



to be flooded;

The construction of 8 miles of 16" and 14" steel pipe line;

The acquisition of the Conejos damsite and reservoir site from the U. S. Government on South Fork; also the Government's permission to construct a dam in the El Capitan Indian Reservation;

The acquisition of additional reservoir lands at Murray dam;

The raising of Cuyamaca dam, also the diverging dam;

The acquisition of the Fletcher damsite, with necessary core drillings, also lands to be flooded, with the result that it has proven this location as a favorable site where the company intends to build their next development on the San Diego River.

The expenditure of large sum of money defending the company's rights to the San Diego River, with a reference to City Attorney Cosgrove's statement before Congress that the city welcomed this proposed development;

That the net safe yield of the Cuyamaca System on June 1, 1910, was approximately 2-1/2 million gallons daily, that the company has now increased the net safe yield to 6 million gallons daily;

That the Cuyamaca Company furnished this year, 1921, 800,000,000 gallons of water to the city, the revenue being \$80,000;

That the cost of the proposed Fletcher dam on the North Fork is \$318,000, the Conejos on the South Fork \$150,000;

The raising of Murray Dam 10 ft. will double the capacity of the reservoir, at a cost of \$35,000;

Also other improvements to the system.

Colonel Fletcher today confirmed the filing of the due diligence application with the State Water Commission, and said, "This is the final step in the complete development of the Cuyamaca System. Our water filing was made before the State Water Commission



came into existence. The State Water Commission will now determine whether we have been diligent or not in the prosecution of our work.

"The money was available and the dams would have been built in 1918 if it had not been for the attitude of the city authorities at that time, in refusing to give their consent to allow us to build dams at our points of diversion, in accordance with the promise made Congress by the city attorney, Mr. Cosgrove, who was sent to Washington with full authority to speak for the city.

"The only source of water supply for a large share of the consumers of the Cuyamaca Water Company is from the San Diego River. Shall we take away their future heritage?

"The dams we propose building will not materially interfere with either the construction of a dam at El Capitan or at Mission Gorge. The Cuyamaca Company owns a large majority of all the riparian rights on the river below our proposed damsites. We can condemn the rest. For the interest of both the city and county, this question should be settled at an early date, and we hope to have the city's cooperation so that early development can be made on the San Diego River. We shall certainly cooperate in every way with the city to settle this vexed question."



Office January 4th 1922

Mr. Mathews: Send a copy of Due Diligence, with copy of clipping from La Mesa Scout to each member of the city council; each director of the Chamber of Commerce; Mayor Bacon; F. A. Rhodes; W. C. Earle; H. N. Savage; F. M. White; C. T. Chandler

E.P.

Scout J. J. & G.H.

Due Diligence also to W.H. Brown. Mrs Murray. J. J. Edt.



Names and Addresses of parties to whom a copy  
of "Due Diligence" and clipping from the La Mesa Scout have been mailed.

JAN 5 1922

Mayor Bacon  
City Hall  
San Diego, Calif.

Virgilio Bruschi  
City Hall  
San Diego, Calif.

Don M. Stewart  
City Hall  
San Diego, Calif.

Fred A. Heilbron  
City Hall  
San Diego, Calif.

Harry K. Weitzel  
City Hall  
San Diego, Calif.

John A. Held  
City Hall  
San Diego, Calif.

F. A. Rhodes  
City Hall  
San Diego, Calif.

W. C. Earle  
City Hall  
San Diego, Calif.

S. J. Higgins  
City Hall  
San Diego, Calif.

Allen H. Wright  
City Hall  
San Diego, Calif.

Stanley Hale  
City Hall  
San Diego, Calif.

H. N. Savage  
McNeece Building  
San Diego, Calif.

C. T. Chandler  
University Avenue Bank  
406 University Avenue  
San Diego, California

Frank J. Belcher, Jr.,  
First National Bank  
San Diego, Calif.

Jack C. Thompson  
Southern Trust & Commerce Bank  
San Diego, California

Joseph W. Sefton, Jr.,  
San Diego Savings Bank  
San Diego, California

Rufus Choate  
Union National Bank  
San Diego, California

Duncan MacKinnon  
U. S. National Bank  
San Diego, California

G. A. Davidson  
Southern Trust & Commerce Bank  
San Diego, California

H. H. Jones  
S. D. Cons. Gas & Elect. Company  
San Diego, California

Frederic W. Stearns  
Union Building  
San Diego, California

Julius Wangenheim  
148 West Juniper Street  
San Diego, California

F. M. White  
Benson Lumber Company  
Foot Sigbee Street  
San Diego, California

John S. Akerman  
Pacific Wood & Coal Company  
411 E Street  
San Diego, Calif.

Herbert L. Sullivan  
Western Lumber Company  
Foot Columbia Street  
San Diego, California

B. W. Sinclair  
Sinclair Ford Agency  
1040 First Street  
San Diego, Calif.

Sam S. Porter  
San Diego Hotel  
San Diego, California

Leslie Mills  
Southwest Onyx & Marble Co.,  
Foot of Crosby Street  
San Diego, California

Geo. W. Marston  
Cor. Fifth and C Streets  
San Diego, California

E. B. Gould  
Pioneer Truck Company  
954 Third Street  
San Diego, California

O. W. Cotton  
Pacific Building Company  
324 C. Street  
San Diego, California

H. M. Folsom  
Brunwig Drug Company  
Cor 5th & J Streets  
San Diego, California

Carl Heilbron  
Southern Electrical Company  
866 Third Street  
San Diego, California

M. F. Heller  
Heller's Store  
847 Fifth Street  
San Diego, California

A. T. Mercier  
Sprinkler Bldg,  
San Diego, California

William Kettner  
304 Spreckles Building  
San Diego, California

Ben Thorpe  
Bonsall, California

Felix Landis  
El Cajon, California

JAN 5 1922



RESOLUTION

WHEREAS, The Spring Valley Mutual Water Company gets its entire supply of water from the Cuyamaca Water Company, by gravity, and

WHEREAS, There is no other practicable method of securing an outside source of water at a reasonable cost, and

WHEREAS, The future development of Spring Valley and surrounding territory is dependent upon an additional water supply, and

WHEREAS, The Cuyamaca Water Company is planning to enlarge its source of supply by the construction of additional reservoirs on the San Diego River and has filed a petition of "due diligence" with the State Water Commission to protect its interests,

THEREFORE, We, the Board of Directors of the Spring Valley Mutual Water Company, in session this \_\_\_\_\_ day of \_\_\_\_\_, 1922 cannot too strongly urge the State Water Commission to grant the application of the Cuyamaca Water Company, including the town of Spring Valley, in securing a bountiful supply of water, which is very much needed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RESOLUTION

WHEREAS, the Board of Trustees of the City of La Mesa recognizes that the future growth of this city and surrounding territory is wholly controlled by an abundant water supply, and

WHEREAS, our only possible source of future water supply by gravity is from the Cuyamaca System, and

WHEREAS, a petition to the State Water Commission has been filed by the Cuyamaca Water Company for permission to complete a dam, or dams, at its points of diversion on the San Diego River,

THEREFORE, We, the Board of Trustees of the City of La Mesa, California, assembled this 6th day of January, 1922, petition the State Water Commission of California that the Cuyamaca Water Company be granted said petition, and in so doing make it possible for this section to continue its growth by use of both domestic and irrigation water.

BOARD OF TRUSTEES  
CITY OF LA MESA, CALIFORNIA

By E. W. PORTER, President

John F. Walter, City Clerk

The above resolution was passed unanimously by the Board of Trustees of the City of La Mesa.

Special Meeting  
January 6th, 1922



130-3 *not used?*

*Keep for future reference.*

When the city attorney clouds the issue and says we have only won a "talking point" in the recognition of our ownership of water by the State of California, it is a case of sour grapes. The State of California, thru its hydraulic department, after a year's investigation, <sup>and</sup> after hearing the protests of the City of San Diego, both oral and in writing, has officially recognized the ownership of the waters of the San Diego River by the Cuyamaca Water Company.

We acquired title by the only legal process under the California law, and the only way it can be taken away from us is thru an adverse decision of the highest courts ~~in~~ San Diego's ~~own~~ claim that the King of Spain gave the paramount right to the City of San Diego thru a pueblo ~~that never existed~~ <sup>is far fetched indeed</sup> and even if it had, the city lost out by sleeping on its rights, for lo!, these seventy odd years, since California became a state. If the city attorney gets any satisfaction out of belittling the importance of this official decision by the state, I am glad.

We have been given until October, 1925 to build a major dam on the San Diego River at our point of diversion at ~~or near~~ <sup>the</sup> the diverting dam. This time limit can be extended if the city continues its litigation and policy of delay against us in our plan of development of the San Diego River.

The city's chameleon attitude is interesting and changes as the wind, for Mr. Cosgrove, representing the City before the Congressional Committee in Washington, under oath, stated: "Yes, we would be glad to have the Cuyamaca Water Company take ALL of the water at the Cuyamaca Water Company's point of diversion", and speaking on behalf of the city he said San Diego would be glad to see its back country develop. Now the City of San Diego reverses itself, and has made

Office Feb. 3, 1922

Mr. King:

What about this?

E. F.

Re: Application No. 12-2641  
Letter from Chandler 1/31/22

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E. & M. LIND CO.

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REGISTRATION INVESTMENT COMPANY

*San Diego, Calif.*



2.  
numerous protests to the State of California, which have been over-ruled and a decision given in our favor.

Now Higgins breaks into print with the loser's wail, claiming that all he did was merely a formality, and the Cayamaca Water Company has only won a "talking point". We are more than anxious to have the pueblo suit brought to trial at the earliest possible date, and have this question settled for all time, for when the smoke is cleared away, it will be found that the cheapest water/<sup>to be</sup> developed ~~on the San Diego River~~ will be thru the completion of our major dam on the San Diego River at or near our diverting dam, also in the building of a dam in Mission Gorge Site No. 3, and this water development will be approximately one-half the cost as compared with either Site No. 2 or at El Capitan. I shall do everything I can to cooperate with the City of San Diego in making this water development on the San Diego River, and if possible eliminate endless litigation."

Oct. 27, 1922

Mr. Mathews:

12-7641  
✓ CHANDLER, A.E.  
Destroy the other bill and put this bill thru.

Pay balance next month.

ED FLETCHER

SOUTH COAST LAND COMPANY

IN ASSOCIATION WITH

FLETCHER-SARGENT INVESTMENT COMPANY

Don Pedro Pay

December 31, 1917.

Mr. Mathews:

Please keep these papers for future reference.

Ed Fletcher.



STATE WATER COMMISSION

EXPLANATION OF SENATE BILLS 193 to 200  
PERTAINING TO THE WORK OF THE COMMISSION.

- - -oOo- - -

S.B.193 - An Act to amend section 23 of the "Water Commission Act," approved June 16, 1913, relating to fees upon applications for and issuance of permits to appropriate water.

This amendment is for the purpose of clearing up the present uncertainty of the Act regarding payment of fees on permits to appropriate water where the water available under one application and permit is insufficient to provide a full season's supply. The basis for computing fees as provided in the Act is the acreage of land to be irrigated or the theoretical horsepower capable of being developed by the works. Under a strict interpretation of the Act as it now reads, a full fee would be paid for every permit issued for the same land or generating equipment, regardless of the fact that a full water supply might not be obtainable even in a year of maximum supply. The amendment provides that only one fee shall be paid upon issuance of two or more permits for the irrigation of the same land or operation of the same generating equipment.

S.B.194 - An Act directing the State Water Commission to make a survey of the water resources of the State of California, including surface and underground waters, and to compile a report thereof, and making an appropriation to defray the expenses of such survey.

This bill, if enacted, would enable the Water Commission to make thorough investigations of stream flow, underground water and storage possibilities in connection with the 800 applications for permit to appropriate water now pending before the Commission, many of which are being protested by existing water users. Or, if granted without proper limitations, might be detrimental to public welfare in the future. Such investigations are necessary if an orderly and well balanced development of the water resources of the State without injury to valid existing water rights is to occur. The Water Commission, in order to act intelligently on pending applications, must consider physical data and facts, as well as legal points. The funds of the Commission have in the past been inadequate to undertake such work on the scale which is becoming increasingly necessary.

Some idea of the problems before the Commission is conveyed by the statement that pending applications on fourteen of the more important streams of the State involve the appropriation of water for the development of 6,802,000 horsepower in 107 power plants at an estimated cost of \$693,498,000; and the irrigation of 4,275,000 acres of land at a cost of \$187,864,000. The present development from these same streams totals 642,900 horsepower at 60 power plants, and 2,415,000 acres of irrigated land; in other words, a ten fold increase for power and two fold increase for irrigation.

This bill proposes an appropriation of \$100,000 for such investigations. The latter will be in addition to the routine work of the engineering department of the Commission, and will furnish valuable data for planning future development of water resources.

S.B.195 - An Act to repeal sections 1415, 1416, 1417, 1418, 1419, 1420, 1421, and 1422, of the Civil Code of the State of California, relating to the appropriation of water.

S.B.196 - An Act to repeal section 1410 of the Civil Code of the State of California, relating to the appropriation of water.

The Water Commission Act supersedes the Civil Code provisions regarding the appropriation of water as listed in S.B.195 and S.B.196 and confusion sometimes arises where this is not known. The retention of these sections can serve no useful purpose and simply leads to misunderstanding.

S.B.197 - An act to amend section 16 of the "Water Commission Act," approved June 16, 1913, relating to change of place of use of appropriated water.

This amendment provides for supervision by the Water Commission of changes in place of use of water after permit or license has been granted. The Act now includes a provision with regard to change in point of diversion and the amendment adds the words "and place of use". The Commission receives petitions to change the place of use more often than the point of diversion, and now acts on such as provided for point of diversion. The amendment will clearly prescribe the procedure and will assist in the general purpose of the Act, which is to stabilize and accurately define water right titles and place them fully on public record.

S.B.198 - An act to amend section 32 of the "Water Commission Act," approved June 16, 1913, relating to fees to be paid upon submission of proof of appropriation of water.

This bill proposes to increase the fees collected from irrigation claimants on stream adjudications from 15 to 25 cents per acre for 100 acres or less of irrigated land, 10 to 20 cents per acre for 101 to 1000 acres, and 5 to 10 cents per acre for 1001 or more acres.

The purpose is to more nearly reimburse the State for the cost of surveys and stream system investigations in connection with adjudications. The experience of the Commission thus far has indicated that the present fees are inadequate to reimburse the State for adjudication work where surveys of irrigated land are involved. The fees are increased with the idea of making them large enough to maintain the revolving fund provided for under S.B.200.

S.B.199 - An Act to amend an act, known as the "Water Commission Act," approved June 16, 1913, amending section 37 thereof June 16, 1913, amending section 37 thereof, and adding thereto five new sections to be numbered 37a, 37b, 37c, 37d, 37e, relating to the distribution of water and providing for the appointment of water masters and defining their duties.

This bill provides the detailed machinery for the functioning of the Water Commission under the general authority which it was given in Sec. 37 of the Act to supervise the distribution of water from natural streams. The distribution of water by public officials to the ditches and water right owners entitled thereto is not new. It has been successfully carried on in Colorado and Wyoming for over thirty years. Dr. Elwood Mead, as State Engineer of Wyoming, was largely responsible for the introduction of the system in that State. The statutes of Wyoming have subsequently been the model for other states, and today Montana and California are the only Western States which have not such a system in effect. The drought of the past three years has brought forcefully to the attention of the water users of California the necessity for an accurate and impartial division of water during periods of shortage. This bill is designed to meet this recognized need and has been drawn up after careful study of the statutes and experience in other irrigation states.

The bill provides for the division of the State into water districts when the necessity arises, and the appointment of properly qualified water masters to divide the waters of streams and other sources of supply under the supervision of the Water Commission and in accordance with decreed water rights, and the permits and licenses of the Commission.

The water master is given power to enforce his orders and provisions are made for construction and maintenance of accurate measuring devices in canals and in stream channels above and below reservoirs.



(S.B.199 -continued)

The immediate future will witness the construction of large stream bed reservoirs on many important rivers of the State. Many of these reservoirs will provide water for irrigation which, when released, will flow long distances in natural channels before reaching its destination. Without some system of State supervision of the operation of such reservoirs and the policing of the stream channel below, there would be the utmost confusion among the various owners of water rights along the stream, with litigation as the inevitable result. With such supervision, however, the natural flow rights of prior users could be protected and the owners of storage rights assured of receiving the water to which they were entitled.

The bill has been endorsed by various organizations, including the California Irrigation Districts Association.

S.B.200 - An Act creating a cash revolving fund for the use of the State Water Commission in making determinations of water rights as provided by the "Water Commission Act" approved June 16, 1913, making an appropriation therefor.

The Water Commission has thus far in its history not had sufficient funds available from legislative appropriations to actively carry on determinations of existing water rights on stream systems as provided in the Act. Proceedings have been initiated and are about completed on two streams, the Stanislaus and West Carson Rivers. The experience of the past three dry years with water shortages on almost every stream in the State, and the extensive program for construction of storage reservoirs now proposed, indicate that the time is ripe for greater activity in this phase of the Commission's work. Before these problems of interfering water rights which have arisen can be solved, there must be complete and authoritative determinations of water rights.

The Water Commission Act provides for a relatively cheap, speedy and accurate method for such determinations. The procedure is modeled after the Oregon law which has received the sanction of the United States Supreme Court.

The bill proposes the appropriation of a revolving fund of \$50,000 to be maintained by fees collected from water right owners at time of filing proof. The fees at present charged are insufficient to reimburse the State for the cost of the work, and increased fees are provided for in S.B.198.

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S.B. \_\_\_\_\_

This bill was to have been introduced during the first session of the legislature, but was overlooked and will be introduced at the second session. It provides a fund of \$45,000 to carry on the work of water distribution proposed under S.B.198. The expense will include salary and traveling expenses of water masters, incidental expenses, etc. In most states, the cost of distribution work is paid for either by the counties or the water users. It is the unanimous opinion of the officers responsible for such work in other states, however, that the cost should be paid by the State. The expense and delay of making collections from local sources is great. There is also the inefficiency in organization that results from employes being directed by one authority and paid by another.

guilty of a misdemeanor. The possession or use of water when the same shall have been so denied him by the water master shall be prima facie evidence of the guilt of the person using it.

Sec.4. A new section is hereby added to said act to be numbered section thirty-seven c, and to read as follows:

Sec.37c. The owner of any conduit shall construct and maintain to the satisfaction of the state water commission a substantial and serviceable headgate or diversion works, at or near the point where the water is diverted, which shall be of such construction that it can be locked and kept closed by the water master; and such owners shall construct and maintain, when required by the state water commission, suitable measuring devices at such points along such ditch as may be necessary for the purpose of assisting the water master in determining the amount of water that is to be diverted into said conduit from the stream. Any and every owner or manager of a reservoir located across or upon the bed of a natural stream or of a reservoir which requires the use of a natural stream channel, shall construct and maintain, when required by the state water commission, a measuring device of a plan to be approved by the state water commission, below such reservoir, and a measuring device above such reservoir on each or every stream or source of supply discharging into such reservoir, for the purpose of assisting the state water commission or water master in determining the amount of water to which appropriators are entitled and thereafter diverting it for such appropriators use. If any such owner or owners of water works shall refuse or neglect to construct and put in such headgates or measuring devices after thirty days notice, the water master may close such ditch, and the same shall not be opened or any water diverted from the source of supply, under the penalties prescribed by law for the opening of headgates lawfully closed until the requirements of the state water commission as to such headgates or measuring device have been complied with, and if any owner or manager of a reservoir located across the bed of a natural stream, or of a reservoir which requires the use of a natural stream channel, shall neglect or refuse to put in such measuring devices after thirty days notice by the state water commission, the water master may open the sluice-gate or outlet of such reservoir and the same shall not be closed, except by order of the state water commission, under the penalties of the law for changing or interfering with headgates, until the requirements of the state water commission as to such measuring devices are complied with.

Sec.5. A new section is hereby added to said act, to be numbered section thirty-seven d, and to read as follows:

Sec.37d. The water master shall have the power to arrest any person violating any of the provisions of sections thirty-seven b, and thirty-seven c of this act, and to give him into the custody of the sheriff, or other competent police officer within the county, and immediately thereafter make complaint before a magistrate against the person so arrested.

Sec.6. A new section is hereby added to said act, to be numbered section thirty-seven e, and to read as follows:

Sec.37e. Any person violating any of the provisions of sections thirty-seven b and thirty-seven c of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars, nor more than two hundred fifty dollars, or imprisoned in the county jail not less than ten days nor more than six months, or by both such fine and imprisonment.



Referred to Committee on Irrigation

AN ACT

TO AMEND AN ACT, KNOWN AS THE "WATER COMMISSION ACT", APPROVED JUNE 16, 1913, AMENDING SECTION THIRTY-SEVEN THEREOF JUNE 16, 1913, AMENDING SECTION THIRTY-SEVEN THEREOF AND ADDING THERETO FIVE NEW SECTIONS, TO BE NUMBERED THIRTY-SEVEN a, THIRTY-SEVEN b, THIRTY-SEVEN c, THIRTY-SEVEN d, THIRTY-SEVEN e, RELATING TO THE DISTRIBUTION OF WATER AND PROVIDING FOR THE APPOINTMENT OF WATER MASTERS AND DEFINING THEIR DUTIES.

The People of the State of California do enact as follows:

Section 1. Section thirty-seven of an act known as the "water commission act," approved June 16, 1913, is hereby amended to read as follows:

Section 37. The state water commission shall divide the state into water districts to be so constituted and adjusted as to insure the most practical and economical supervision of the distribution of water on the part of the state, and shall have authority to make such reasonable regulations to secure the equal and fair distribution of water in accordance with the determined rights as may be needed. Said water districts shall not be created until a necessity therefor shall arise and shall be created and changed from time to time as the claims to water shall require.

Sec. 2. A new section is hereby added to said act, to be numbered section thirty-seven a, and to read as follows:

Sec. 37a. One or more water masters for each water district shall be appointed by the state water commission. The water master shall be properly qualified and shall perform the duties imposed on him by this act as an employee under the general supervision and control of the state water commission. It shall be the duty of the water master to divide the waters of the streams, or other sources of supply, among the several conduits, ditches, pipe lines and other means of diversion (all of which are hereinafter referred to as conduits) and reservoirs taking water therefrom, according to the rights of the water users as fixed by the permits or licenses issued by the state water commission, determinations of rights under this act, or the adjudications of the courts, and to so adjust or close the headgates of conduits, and regulate the controlling works of reservoirs, as may be necessary to insure a proper distribution of the water thereof among the water users entitled to its use. Whenever, in the pursuance of his duties, the water master regulates a headgate to a conduit or the controlling works of reservoirs, it shall be his duty to attach to such headgate or controlling works a written notice properly dated and signed, setting forth the fact that such headgate or controlling works has been properly regulated and is wholly under his control, and such notice shall be a legal notice to all parties interested in the diversion and distribution of the water of such conduit or reservoir.

Sec. 3. A new section is hereby added to said act, to be numbered section thirty-seven b, and to read as follows:

Sec. 37b. Any person who shall wilfully and without authority open, close, change, or interfere with any headgate, water-box or measuring device while under the control of the water master, or who shall wilfully take or use water which has been denied him by the water master under the provisions of this act, shall be deemed

WATER CODES IN IRRIGATION STATES

State	Code Provides for			Distribution of water from natural streams by public authority	Doctrine of riparian rights recognized
	Date Adopted or Amended	Supervision of Appropriation of water at central office	System for Adjudication of water rights		
Arizona	: 1919	: Yes	: Yes *	: Yes	: No
California	: 1913 : 1917	: Yes	: Yes *	: Authority but no machinery	: Yes
Colorado	: 1879 : 1881 : 1903	: Yes incomplete	: Yes <sup>o</sup>	: Yes	: No
Idaho	: 1903	: Yes	: Yes <sup>o</sup>	: Yes	: No
Kansas	: 1917	: Yes	: No	: No	: Yes
Montana	:	: No	: No	: No	: Yes
Nevada	: 1903 : 1905 : 1915	: Yes	: Yes *	: Yes	: No
New Mexico	: 1907	: Yes	: Yes <sup>o</sup>	: Yes	: No
Nebraska	: 1895	: Yes	: Yes <sup>x</sup>	: Yes	: Yes
N. Dakota	: 1905	: Yes	: Yes <sup>o</sup>	: Yes	: Yes
Oklahoma	: 1905	: Yes	: Yes <sup>o</sup>	: Yes	: Yes
Oregon	: 1909	: Yes	: Yes *	: Yes	: Yes
S. Dakota	: 1905	: Yes	: Yes <sup>o</sup>	: Yes	: Yes
Texas	: 1913 : 1917	: Yes	: Yes <sup>x</sup>	: Yes	: Yes
Utah	: 1903	: Yes	: Yes <sup>o</sup>	: Yes	: No
Wyoming	: 1890	: Yes	: Yes <sup>x</sup>	: Yes	: No
Washington	: 1917	: Yes	: Yes <sup>o</sup>	: Yes	: Yes

<sup>o</sup>Colorado System - rights to water vested through beneficial use prior to enactment of code, determined by courts after physical data assembled by State Engineer, except in Colorado where State Engineer has no connection with defining of rights.

<sup>x</sup>Wyoming System - vested rights defined by an engineering board subject to review of courts on appeal.

\*Oregon System - vested rights determined by an engineering board, subject to review and consequent confirmation or modification by court.



COPY

July 29, 1913.

THE STATE WATER COMMISSION,  
702 Mills Building,  
San Francisco, Calif.

Gentlemen:-

In reply to your instructions of July 1st, relative to our application for permit on waters of Boulder Creek, #1, we beg to forward a portion of the field notes of conduit not transmitted in our application; marked Exhibit "G" viz: Conduit from point of diversion to beginning of power pressure line. The remaining field notes will be transmitted on July 30th or 31st.

Respectfully, *Murray & Fletcher*

~~CUYAMACA WATER COMPANY,~~

By,

Secretary.

WSP-WK

Exhibit G

FIELD NOTES  
of Center Line  
of Location of  
BOULDER CREEK CONDUIT.

of

Murray and Fletcher.

Within Cleveland National Forest.

STATION	BEARING	DISTANCE	REMARKS
0	N 34° 01' W	90.5	Beginning at Station 0, point of diversion of Conduit, whence the 1/4 corner between sections 9 and 10, T. 14 S., R. 3 E., S.B.M., bears N.15°285'W, 2682.3 feet.
0+90.5	N 59° 09' W	90.0	
1+80.5	N 66° 17' W	120.8	
3+01.3	N 76° 35' W	93.7	
3+95.0	N 85° 16' W	117.9	
5+12.9	N 84° 46' W	106.1	
6+19.0	S 87° 35' W	90.3	
7+09.3	N 65° 01' W	142.2	
8+51.5	N 49° 39' W	138.6	
9+90.1	N 57° 10' W	60.2	
10+50.3	S 80° 26' W	61.1	
11+11.4	N 5° 19' E	65.2	
11+76.6	N 39° 55' W	98.5	
12+75.1	N 63° 39' W	69.2	
13+44.3	N 70° 20' W	173.0	
15+17.3	N 82° 48' W	128.7	
16+46.0	N 73° 03' W	163.2	
18+09.2	S 89° 26' W	198.9	
20+08.1	N 68° 45' W	71.3	
20+79.4	N 72° 41' W	111.8	
21+91.2	N 77° 56' W	95.0	
22+86.2	N 64° 51' W	90.3	
23+75.5	N 40° 23' W	110.5	
24+87.0	N 42° 34' W	139.0	
26+26.0	N 59° 21' W	52.5	
26+78.5	N 70° 02' W	104.2	
27+82.8	N 55° 54' W	104.8	
28+87.5	N 62° 13' W	87.5	
29+75.0	S 76° 29' W	53.7	
30+28.7	S 58° 33' W	86.0	
31+14.7	S 78° 56' W	114.0	
32+28.7	N 12° 46' E	48.0	
32+76.7	N 33° 21' E	97.7	
33+74.4	N 7° 06' E	60.2	
34+34.6	N 16° 17' W	75.2	
35+09.8	N 12° 32' E	80.4	



STATION	BEARING	DISTANCE	REMARKS
35+90.2	N 2° 37' E	218.1	
38+08.3	N 11° 36' W	90.4	
38+98.7	N 47° 54' W	132.5	
40+31.2	S 84° 41' W	75.5	
41+06.7	N 14° 32' W	137.8	
42+44.5	N 44° 10' W	112.7	
43+57.2	N 57° 27' W	167.7	
45+24.9	N 63° 21' W	208.9	
47+33.8	N 58° 52' W	161.1	
48+94.9	N 58° 13' W	145.3	
50+40.2	N 77° 09' W	65.2	
51+05.4	S 76° 53' W	34.2	
51+39.6	S 32° 01' W	169.3	
53+08.9	S 2° 26' W	133.0	
54+41.9	S 27° 11' W	140.1	
55+82.0	S 15° 33' W	91.1	
56+73.1	S 2° 18' W	127.8	
58+00.9	S 45° 51' W	52.9	
58+53.8	S 21° 24' W	39.0	
58+92.8	S 3° 56' W	50.5	
59+43.3	S 4° 55' E	214.8	
61+58.1	S 8° 39' W	65.2	
62+23.3	S 86° 02' W	78.8	
63+02.1	S 30° 50' W	34.8	
63+36.9	N 64° 24' W	132.3	
64+69.2	N 70° 32' W	49.0	
65+18.2	S 85° 44' W	164.3	
66+82.5	N 37° 32' W	116.1	
67+98.6	N 42° 58' W	44.9	
68+43.5	N 70° 54' W	111.2	
69+54.7	S 65° 06' W	27.0	
69+81.7	S 47° 06' W	80.8	
70+62.5	N 86° 55' W	111.5	
71+74.0	S 82° 46' W	124.0	
72+98.0	N 3° 55' W	145.5	
74+43.5	N 61° 34' W	69.2	
75+12.7	N 88° 01' W	42.9	
75+55.6	S 86° 38' W	132.6	
76+88.2	N 22° 47' W	64.8	
77+53.0	N 43° 34' W	118.8	
78+71.8	N 49° 26' W	127.9	
79+99.7	N 55° 03' W	86.6	
80+86.3	N 67° 16' W	46.3	
81+32.6	N 88° 16' W	70.0	
82+02.6	S 73° 53' W	38.8	
82+41.4	N 75° 01' W	233.7	
84+75.1	N 68° 55' W	175.4	
86+30.5	N 75° 22' W	48.4	
86+78.9	S 88° 40' W	85.1	
87+64.0	N 42° 08' W	32.5	
87+96.5	N 83° 53' W	77.2	
88+74.1	N 86° 53' W	158.0	
90+32.1	N 87° 21' W	152.2	
91+84.3	S 78° 41' W	107.7	
92+91.0	N 36° 52' W	52.2	
93+43.2	N 68° 11' W	166.3	
95+09.5	N 36° 00' W	96.6	
96+06.1	N 78° 49' W	52.9	
96+59.0	N 89° 31' W	126.0	
97+85.0	N 52° 21' W	108.0	
98+93.0	N 24° 10' W	139.7	

STATION	BEARING	DISTANCE	REMARKS
100+32.7	N 41° 52' W	85.7	
101+18.4	N 49° 45' W	103.2	
102+21.6	N 09° 38' W	202.0	
104+23.6	N 21° 04' E	114.6	
105+38.2	N 45° 21' E	129.8	
106+68.0	N 22° 25' E	49.7	
107+17.7	N 24° 05' W	68.2	
107+85.9	N 27° 56' W	102.3	
108+88.2	N 30° 28' W	74.2	
109+62.4	N 49° 02' W	151.7	
111+14.1	N 79° 51' W	42.6	
111+56.7	S 60° 48' W	59.2	
112+15.9	S 46° 22' W	28.6	
112+44.5	S 26° 07' W	264.8	
115+09.3	S 55° 24' W	191.9	
117+01.2	S 32° 38' W	87.8	
117+89.0	S 53° 50' W	216.6	
120+07.6	S 76° 34' W	217.8	
122+25.4	S 75° 47' W	172.4	
123+97.8	S 83° 24' W	219.5	
126+17.3	S 61° 05' W	72.8	
126+90.1	S 48° 48' W	129.5	
128+19.6	S 37° 33' W	32.9	
128+52.5	S 14° 32' W	68.2	
129+20.7	S 71° 51' W	65.0	
129+85.7	S 30° 49' W	97.4	
130+83.1	N 88° 35' W	87.5	
131+70.6	S 67° 11' W	51.7	
132+22.3	S 44° 54' W	139.8	
133+62.1	S 67° 40' W	89.4	
134+51.5	S 36° 10' W	172.5	
136+24.0	N 75° 35' W	178.4	
138+02.4	N 62° 49' W	93.1	
138+95.5	N 75° 49' W	116.0	
140+11.5	S 85° 48' W	113.8	
141+25.3	N 87° 16' W	79.2	
142+04.5	S 70° 07' W	81.0	
142+85.5	N 75° 45' W	158.7	
144+44.2	N 71° 24' W	132.0	
145+76.2	N 79° 21' W	109.1	
146+85.3	N 77° 15' W	37.1	
147+22.4	N 86° 23' W	145.6	
148+68.0	S 89° 44' W	238.7	
151+06.7	N 44° 10' W	250.1	
153+58.9	N 53° 55' W	89.6	
154+46.5	N 77° 20' W	102.9	
155+49.4	S 73° 25' W	36.2	
155+85.6	S 59° 35' W	177.1	
157+62.7	N 64° 30' W	176.5	
159+39.2	N 78° 42' W	71.0	
160+10.2	N 82° 25' W	234.3	
162+94.5	N 45° 24' W	47.7	
163+42.2	N 41° 57' W	188.1	
165+30.3	N 51° 00' W	255.6	
167+85.9	N 78° 12' W	199.5	
169+85.4	N 61° 19' W	502.2	
174+87.6	N 71° 08' W	86.9	
175+74.5	N 77° 47' W	88.4	
176+62.9	S 80° 25' W	88.4	
177+51.3	S 66° 59' W	146.2	
178+97.5	S 78° 17' W	167.5	
180+65.0	S 88° 14' W	94.5	



- 4 -

STATION	BEARING	DISTANCE	REMARKS
181-59.5	S 78° 27' W	62.7	
182-22.2	S 43° 23' W	79.5	
183-01.7	S 12° 21' W	72.8	
183-74.5	S 53° 21' W	150.2	
185-24.7			Station 185-24.7 beginning of Pipe Line Power Drop.

*Final.* *As finally amended - March 18 - 1914 + four*

APPLICATION NO. BOULDER CREEK NO 1.

APPLICATION FOR A PERMIT TO APPROPRIATE THE PUBLIC WATERS  
OF THE STATE OF CALIFORNIA.

We, James A. Murray and Ed. Fletcher respectively  
of Monterey, County of Monterey and San Diego, County of  
San Diego, State of California, do hereby make application for a  
permit to appropriate the following described public waters of  
the State of California, subject to vested rights.

If the applicant is a corporation:

- (a) Name of same
- (b) Date and place of incorporation
- (c) Amount of capital stock
- (d) Amount paid in
- (e) Names and addresses of directors

1. The source of the proposed appropriation is Boulder Creek
2. The amount of water which the applicant intends to apply  
to beneficial use is 50 cubic feet per second.

3. The use to which the water is to be applied is Irrigation  
and Power.

4. The point of diversion is located at a point, whence 1/4  
corner between Secs. 9 & 10, T. 14 S., R. 3 E., S.B.M. bears N.  
15°23' W. 2682.3 feet, being within the SW<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub> of Sec. 10, Tp.  
14 South, R. 3 East., S.B.M., in the County of San Diego.

5. The main conduit and pipe line to be  
4.33 miles in length, terminating in the NW<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub> of Sec.  
12, Tp. 14 S. R. 2 E., S.B.M., the proposed location being shown  
throughout on the accompanying map.

6. The name of the ditch, canal or other work is Boulder  
Creek Reservoir and Conduit.

7. (a) Total amount of power to be developed 9100 theoretical  
horsepower.

- (b) Total fall to be utilized 1,600 feet.

- (c) The nature of the plant by means of which the power is  
to be developed Hydro-Electric.

- (d) Such works to be located in NW<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub> of Sec. 12,  
Tp. 14 S., R. 2 E., S.B.M.



(e) Is water to be returned to any stream? Yes.

(f) If so, name stream and locate point of return to

Boulder Creek in NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of

Sec. 12, Tp. 14 S., R. 2 E., S.B.M.

8. Description of Diversion works:

I Nature of works: (Reservoir, dam, ditch, flume, etc) Reservoir and Conduit.

II Dimensions of works:

- (a) Dam: Height 40 feet; length at bottom 200 feet; Length at top 455 feet; thickness at bottom 90 feet; thickness at top 4 feet; slope of front (water) face 1:1 feet; slope of back face 1:1; material used in construction Rock type of dam Rock fill - plank faced.
- (b) Reservoir: capacity when filled 2,200,000 cubic feet; surface area at high water mark 5 acres.
- (c) Headgate: Width 3 feet; height 3 feet; Material concrete
- (d) Canal; Total length 3.50 miles.

9. Canal System -

(a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate.

At headgate; Width on top (at water line) 3 feet; width on bottom 3 feet; depth of water, 2.5 feet; grade 3 feet fall per 1000 feet.

Location below headgate. Depth. Bottom width. Width at water line; -Grade per mile.  
At 3.50 mile circular pipe 24 inches diameter, 4290 lin.ft.

10. Time required for completion of work .....years.

ESTIMATED COST OF WORKS:

- 11. (a) Estimated cost of dam \$ 34,000
- (b) Estimated cost of ditches 40,000
- (c) Estimated cost of tunnel
- (d) Estimated cost of power plant 200,000
- (e) Total cost of entire works 274,000

12. Method of accomplishing the work and financial resources of the applicant:

- (a) Whether by contract, employment of others, or by direct labor .....
- (b) Cash on hand, \$2,952.00 May 1, 1913.
- (c) Treasury stock \$.....
- (d) Bonds to be issued, \$.....
- (d) Other resources, \$479,215 appraised value of water system.

FILING FEE:

13. The sum of \$10.00 is attached hereto in the form of Post Office Money Order. No.....Dated..... payable to the State Water Commission at Sacramento, California. Fill in the following information where the water has been previously appropriated:

14. (a) Give the names of persons or corporations who may have previously recorded notices of appropriation which would conflict with the use of the water under this application: Applicants as successors to the San Diego Flume Company own all the water rights.

- (b) The dates of such filings, respectively:  
July 31, 1886. July 28, 1887.

(c) State what, if anything, has been done in the way of construction of works for the development of power or any use of the water under these applications:

The San Diego Flume System, now owned by applicants.

- (d) The value of such works and the date or dates such work was commenced: Original cost \$1,000,000. built in 1888-89.
- (e) How long has this work been abandoned? Not abandoned.
- (f) Please state whether the water or the use of water under the above mentioned appropriations has been put to any useful or beneficial purpose:

For the irrigation of 4,000 acres of lands in El Cajon Valley, La Mesa and East of San Diego.

- (g) If so, has it ceased to be put to some beneficial purpose or use? No.
- (h) Give dates of use and for what purpose:



In use since 1888 - for irrigation and domestic use.

(1) Was any work done under said appropriation prior to April 8, 1911?

Yes - as above - \$1,000,000.

(j) Give extent and value of improvements made subsequent to April 8, 1911. Murray and Fletcher have expended \$99,946.

(NOTE: Duplicate maps of the proposed ditch or other works prepared on a scale of not more than 400 feet to the inch, together with duplicate copies of field notes of the entire location and works, etc., in accordance with the rules of the State Water Commission, accompany this application.)

(s) Ed. Fletcher

May 9th, 1913.

(s) James A. Murray by A. H. Sweet his attorney

Signed in the presence of us as witnesses:

(1) Lou B. Mathews 916 8th St. San Diego, Calif.

(2) William S. Post, 924 8th St. " " "

STATE OF CALIFORNIA: } SS  
County of Sacramento }

This is to certify that we have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows:.....

In order to retain its priority, this application must be filed in the office of the State Water Commission with corrections, on or before ..... 1913 .....

WITNESS OUR HANDS this ..... day of ..... 1913 .....

State Water Commission.

PERMIT NO. 1.

STATE OF CALIFORNIA: }  
County of Sacramento } SS

This is to certify that we have examined the foregoing application and do hereby grant the same, subject to vested rights and the following limitations and conditions:;;;;;.....

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 50 cubic feet per second.

Actual construction work shall begin on or before July 15th, 1914 and shall thereafter be prosecuted with reasonable diligence and be completed on or before .....

Complete application of the water to the proposed use shall be made on or before.....

WITNESS our hands this ..... day of ..... 19.....

Application No.....

APPLICATION  
To appropriate the public waters of the State of California.

This instrument was first received in the office of the State Water Commission at Sacramento, Cal., on the Twelfth day of May, 1913, at 9 o'clock A.M.

Returned to applicant for correction.

Corrected application received

Approved:

Secretary  
This form approved by the State Water Commission  
State Water Commission.



To The Honorable State Water Commission,  
of the State of California,  
Call Building,  
San Francisco, Calif.

Gentlemen:-

The undersigned, being a riparian owner of land located below the point of the proposed appropriation and diversion on the San Diego River, of water by the La Mesa, Lemon Grove and Spring Valley Irrigation District of La Mesa, California, and representing a majority of all of the other riparian owners of the San Diego River below said point of appropriation and proposed diversion, excepting the city of San Diego as per map herewith attached; files this his protest for himself and on behalf of the majority of the other riparian owners on the said San Diego River below the point of the appropriation and proposed diversion, to the State Water Commission of the State of California, and protests against any extension of time being given to the said La Mesa, Lemon Grove and Spring Valley Irrigation District, which petition for said extension has been applied for by the said La Mesa, Lemon Grove and Spring Valley Irrigation District, and bases this protest on the fact that the said district has not exercised due diligence to carry on the work necessary to put the water filed upon, to a beneficial use; That no work has ever been done on the said San Diego River by the said La Mesa, Lemon Grove and Spring Valley Irrigation District at the point of appropriation and proposed diversion of the water, or at any other place within the knowledge of protestants.

That said La Mesa, Lemon Grove and Spring Valley Irrigation District filed two notices of appropriation of a portion of the waters of said San Diego River on the 10th day of November, 1913, appropriating 105,000 inches of the waters of said San Diego River; That two and one-half years of time have elapsed since said time and

no attempt made by said district to put the waters so appropriated to beneficial use;

Further that filings have been made on the San Diego River by the Cuyamaca Water Company for all of the flood waters that flow in said San Diego River; That the said Cuyamaca Water Company has spent, or claims to have spent, the sum of \$100,000.00 a year in protecting its water rights; That the Cuyamaca Water Company at this time are actually diverting at their diverting dam, between 1,600 and 1,800 miner's inches of water from the said San Diego River, and the said Cuyamaca Water Company has in the past at the south fork of the San Diego River, diverted at least 1,000 miner's inches of water, and claim that they have the right at any time to divert at least 1,000 miner's inches of water at that point.

Further, that the claim of one W. B. Hamilton to take all of the water from the San Diego River, is now before the Department of the Interior for adjudication;

Further, that the said W. B. Hamilton's right of appropriation and use of the lands of the El Capitan Indian Reservation has been granted by the United States Land Office of Los Angeles, California.

Further, that if the asserted rights of the Cuyamaca Water Company and the asserted rights arising out of the claims of W. B. Hamilton filings are enforced, it is questionable if enough water will flow over, under and through the riparian lands owned by the protestants herein, to supply their needs without any more water being diverted by any one else, and further, protestants do not believe that the La Mesa, Lemon Grove and Spring Valley Irrigation District can ever expect to conserve enough water at the point of the appropriation and proposed diversion below Santee on the said San Diego River, to warrant the construction of a dam by them at



this point.

The point raised and the position taken by the protestants herein, being riparian owners below the point of appropriation and proposed diversion by the La Mesa, Lemon Grove and Spring Valley Irrigation District, is that sufficient water will not flow over, under and through the San Diego River where protestant's lands are located, if the said district is allowed to appropriate and divert the water upon which they have filed, to keep the sands and gravels in said river bed surcharged each year; And protestants hereby insist that it is their legal right to have said sands and gravels in said San Diego River all surcharged each year, and to have an uninterrupted flow of water each spring and summer into said sands and gravels as long as said river flows after the rainy season.

The further object of this protest is if possible, to prevent the appropriation and diversion of any water or waters from the watershed of the San Diego River for the purpose of taking said water and placing it upon other lands outside of said watershed.

Protestants herewith respectfully request that in the future Mr. Harvey D. Allen be notified whenever said La Mesa, Lemon Grove and Spring Valley Irrigation District, take any step or steps in an attempt to prove their right to any of the waters of the said San Diego River.

Respectfully submitted,

Harvey D. Allen

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

On this 11th day of May, A. D. 1916, before me, B. H. Taylor, a Notary Public, in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Harvey D. Allen known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my Official Seal at my office in the City of San Diego, County of San Diego, State of California, the day and year in this certificate first above written.

B. H. Taylor

Notary Public in and for the County  
of San Diego, State of California.

My commission expires

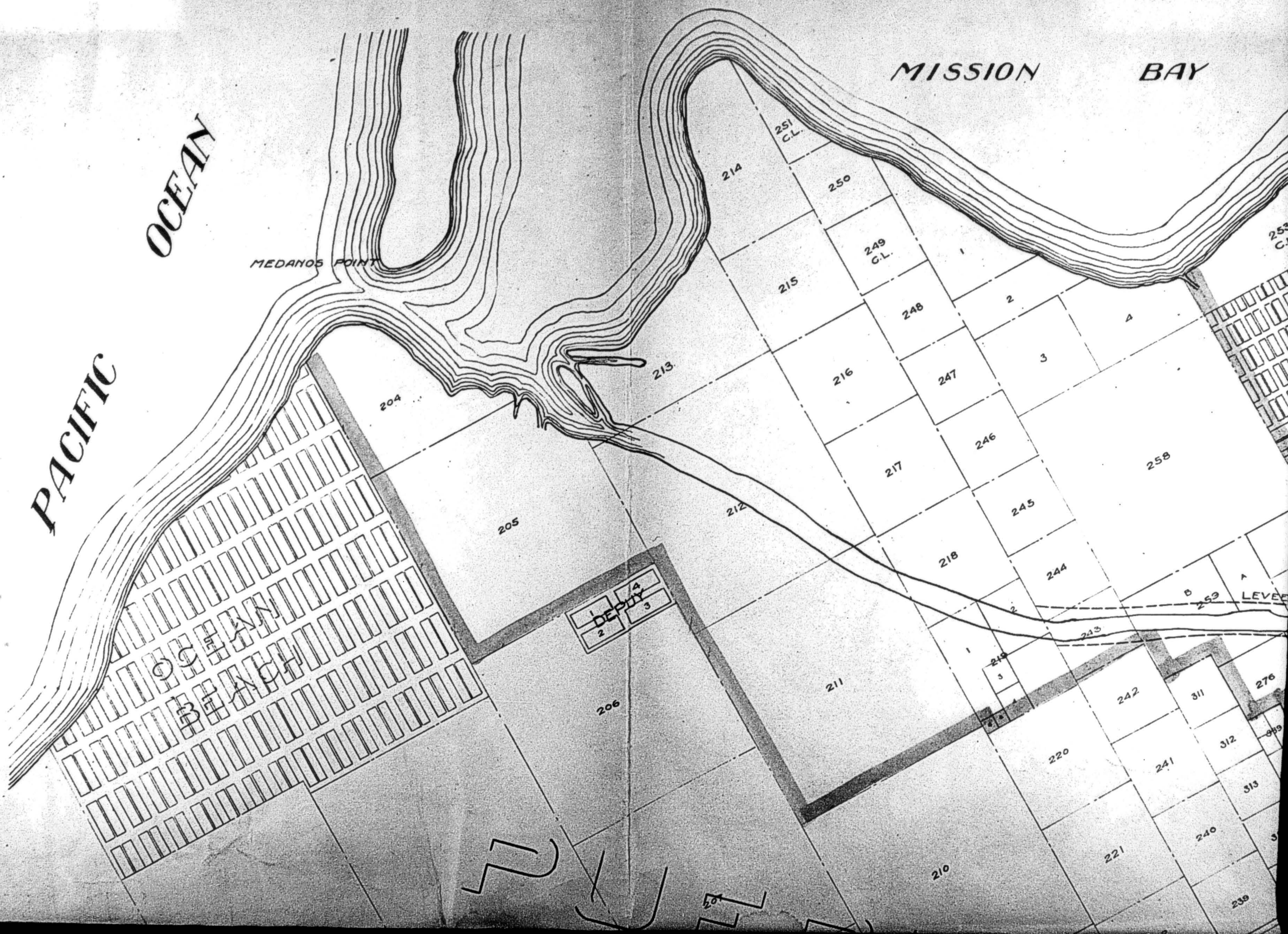
Jan. 25, 1920.



PACIFIC OCEAN

MISSION BAY

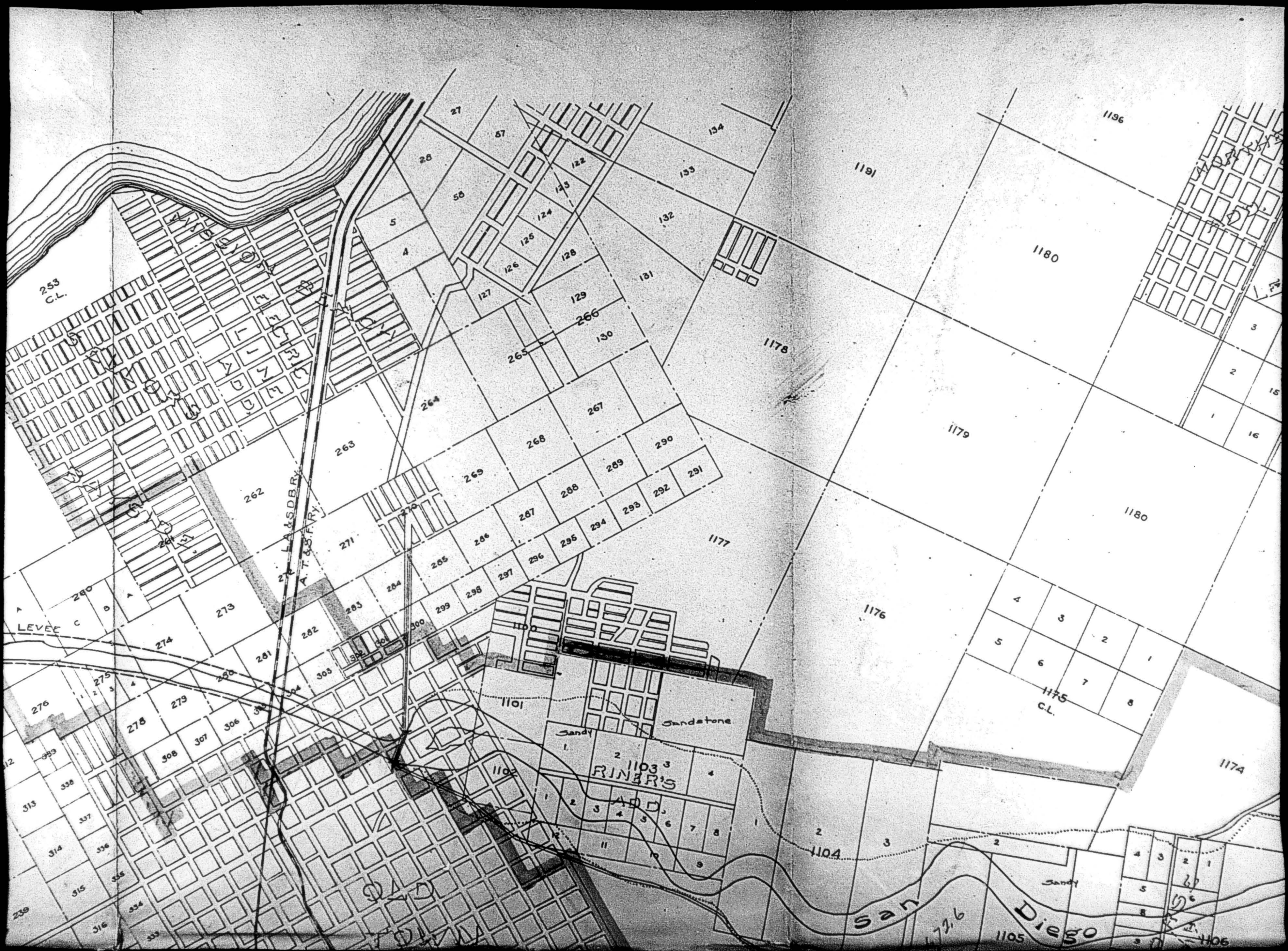
MEDANOS POINT



1	4
DEPT	
2	3

LEVEL





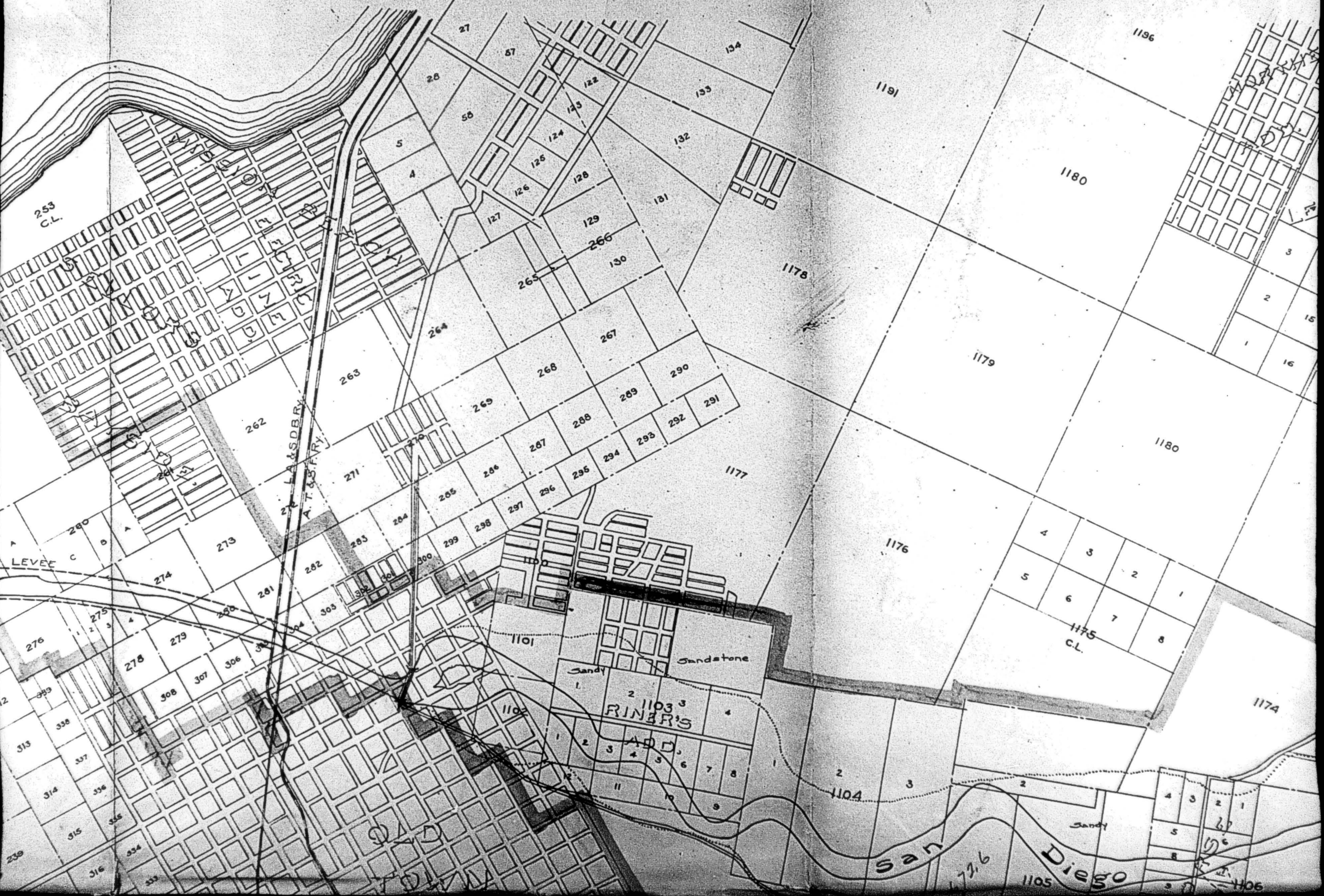
253  
C.L.

LEVEE

LA SDBRY  
A.T.S.F.RY

RINER'S  
ADD

SAN  
Diego



27

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1196

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1191

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4

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264

267

1179

262

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1177

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1175  
C.L.

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1174

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308

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1101

Sandy

Sandstone

2  
1103  
3  
RINER'S

1  
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4  
5  
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9  
10  
11

1104

3

2

Sandy

4

3

2

1

5

6

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8

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315

334

333

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316

333

332

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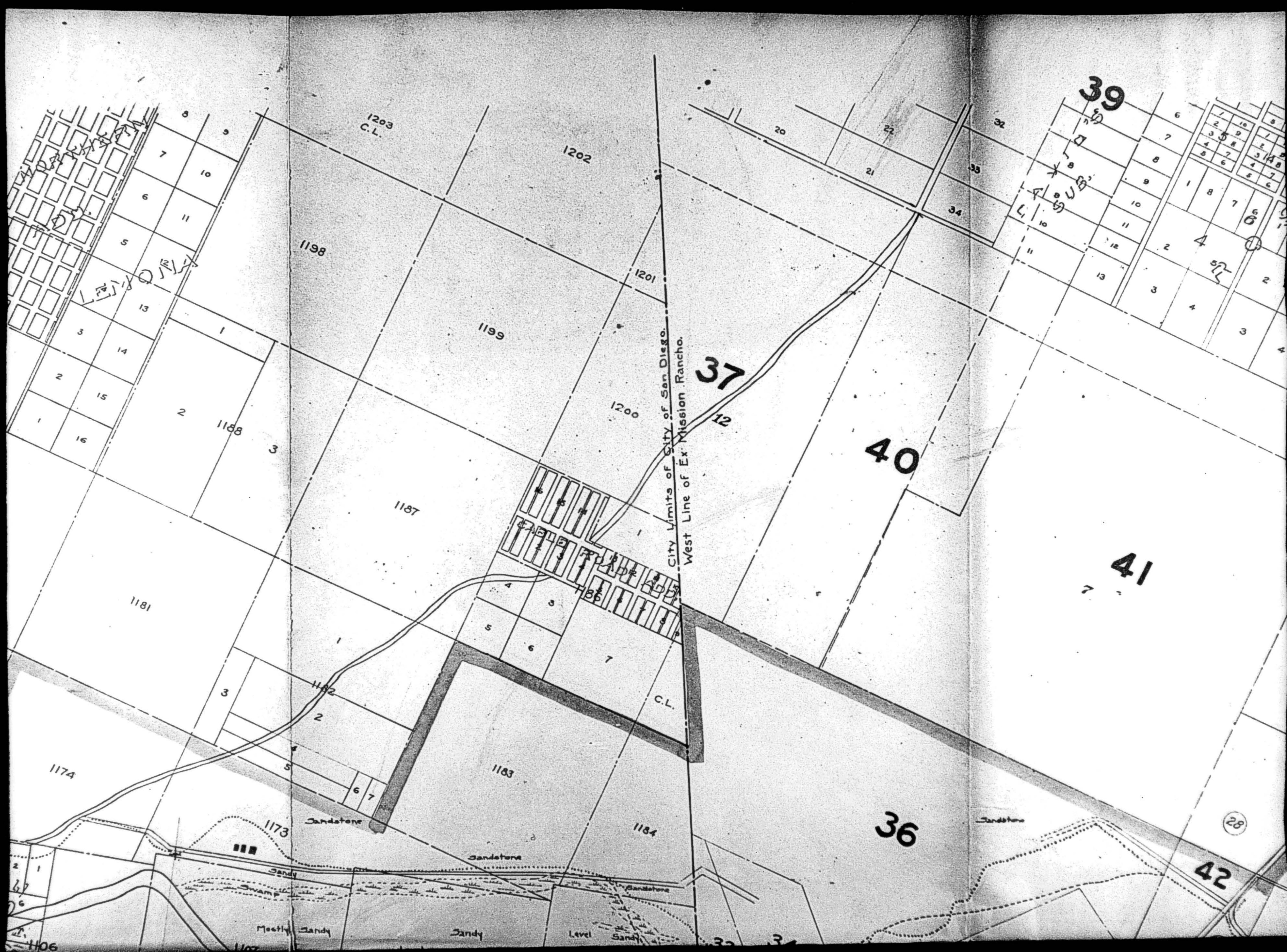
305

304

1105

1106





1203  
C.L.

1202

1198

1199

1200

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37

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41

City Limits of City of San Diego.  
West Line of Ex Mission Rancho.

1181

1187

1188

1183

1184

36

1174

1173

Sandstone

Sandstone

Sandstone

III

Sandy

Mostly Sandy

Sandy

Level Sandy

28

42

1106

1107

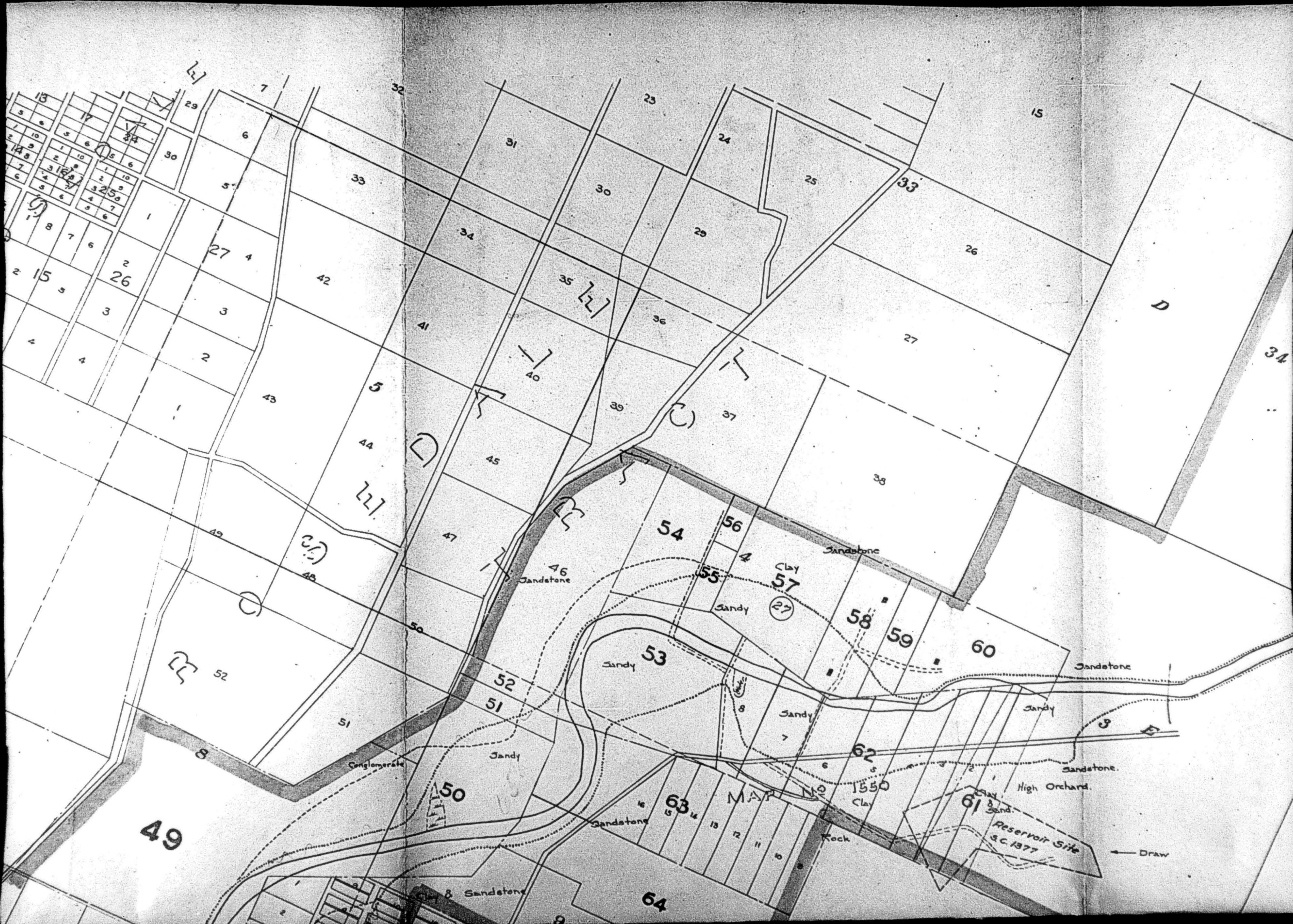
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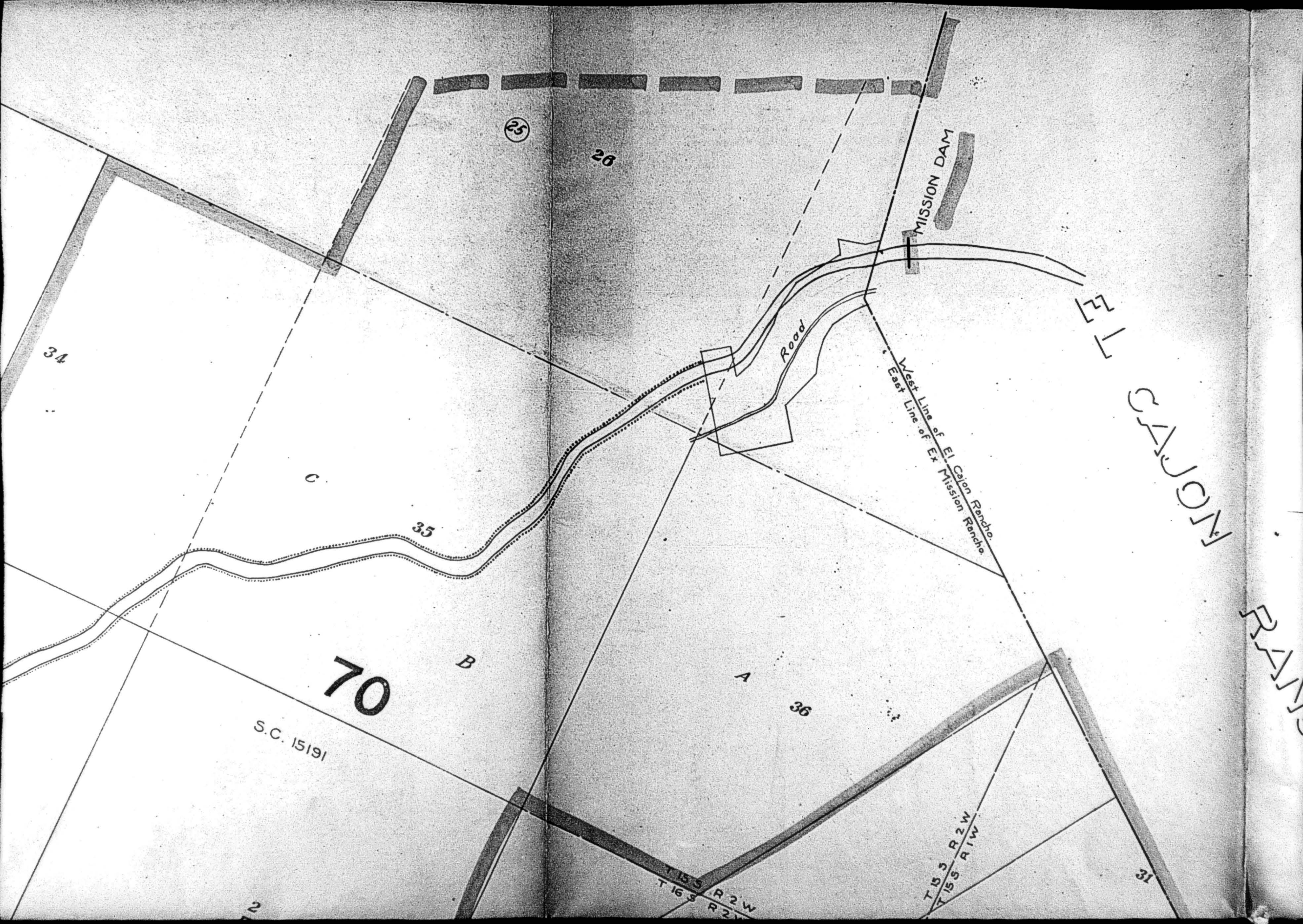
LEAD ORE

SWAMP









25

26

34

C

35

B

70

S.C. 15191

A

36

Road

MISSION DAM

West Line of El Cajon Rancho.  
East Line of Ex Mission Rancho.

EL CAJON

RATTLESNAKE

T 15 S R 2 W  
T 16 S R 2 W

T 15 S R 2 W  
T 15 S R 1 W

31

2



EXHIBIT N<sup>o</sup> 1

SHOWING RIPARIAN LANDS  
BELOW MISSION DAM, SAN  
DIEGO RIVER, SAN DIEGO  
COUNTY, CALIFORNIA.

AREA = 10,000 Acs ±

SCALE: 1" = 1000'

STATION

RANCHO

NOTE:-

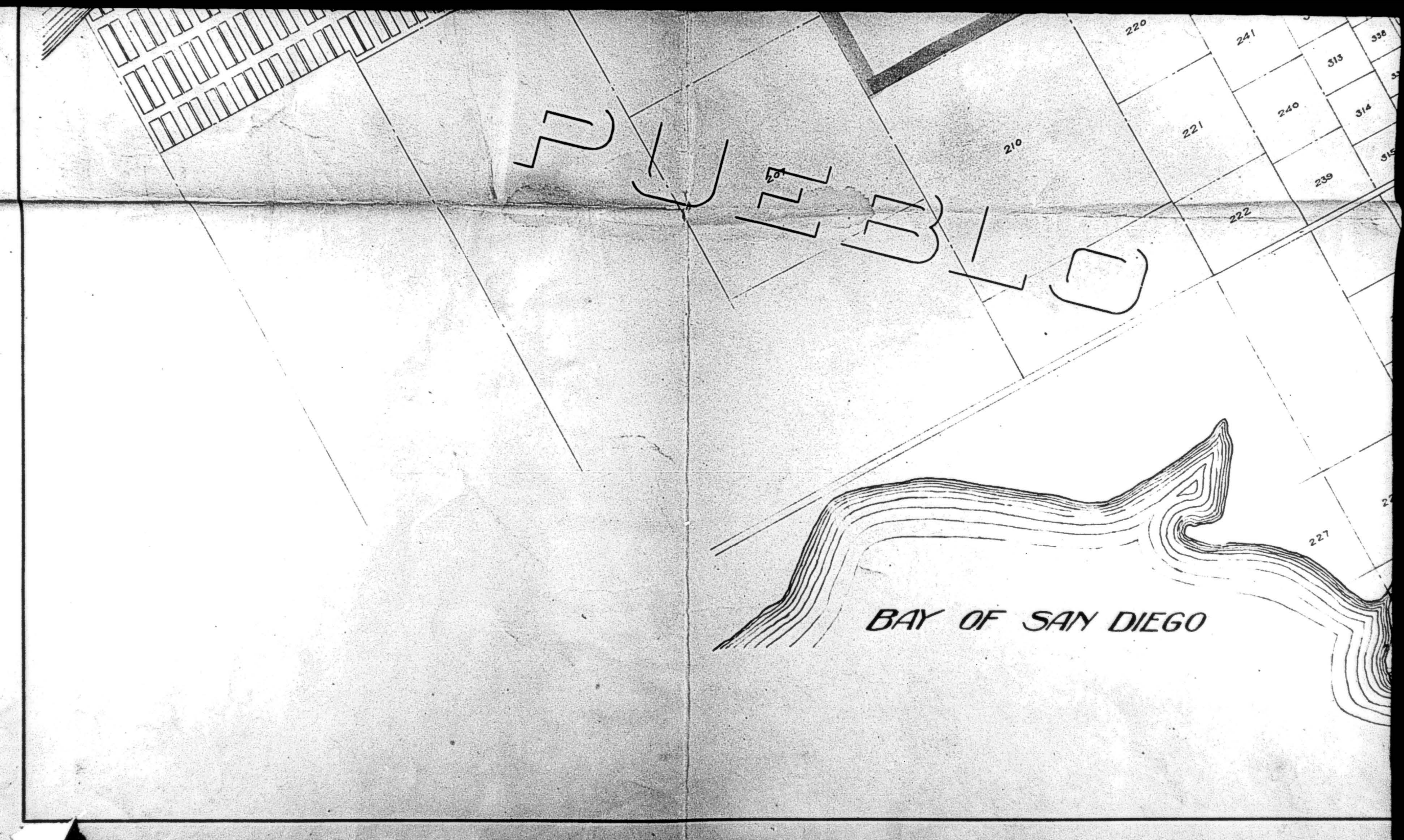
Riparian rights of Murray and Fletcher shown thus .....

" " " " " " , recorded, shown thus...

Numbers within circles refer to abstract







220

241

315

338

210

221

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239

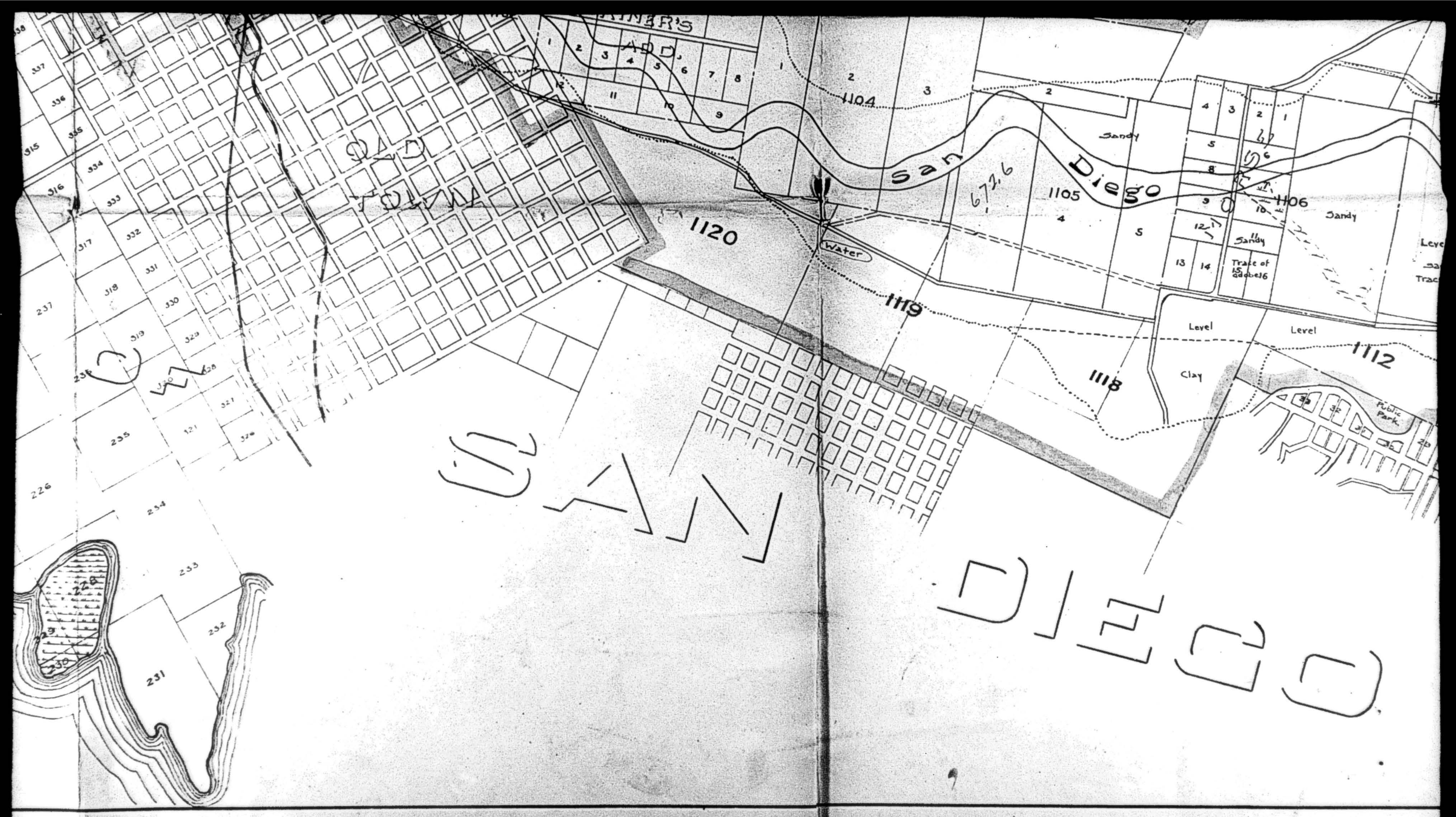
222

201

227

*BAY OF SAN DIEGO*





OLD TOWN

SAN DIEGO

1120

Water

1119

1105

1106

1118

1112

Level

Level

Clay

Public Park

Sandy

Sandy

Sandy

672.6

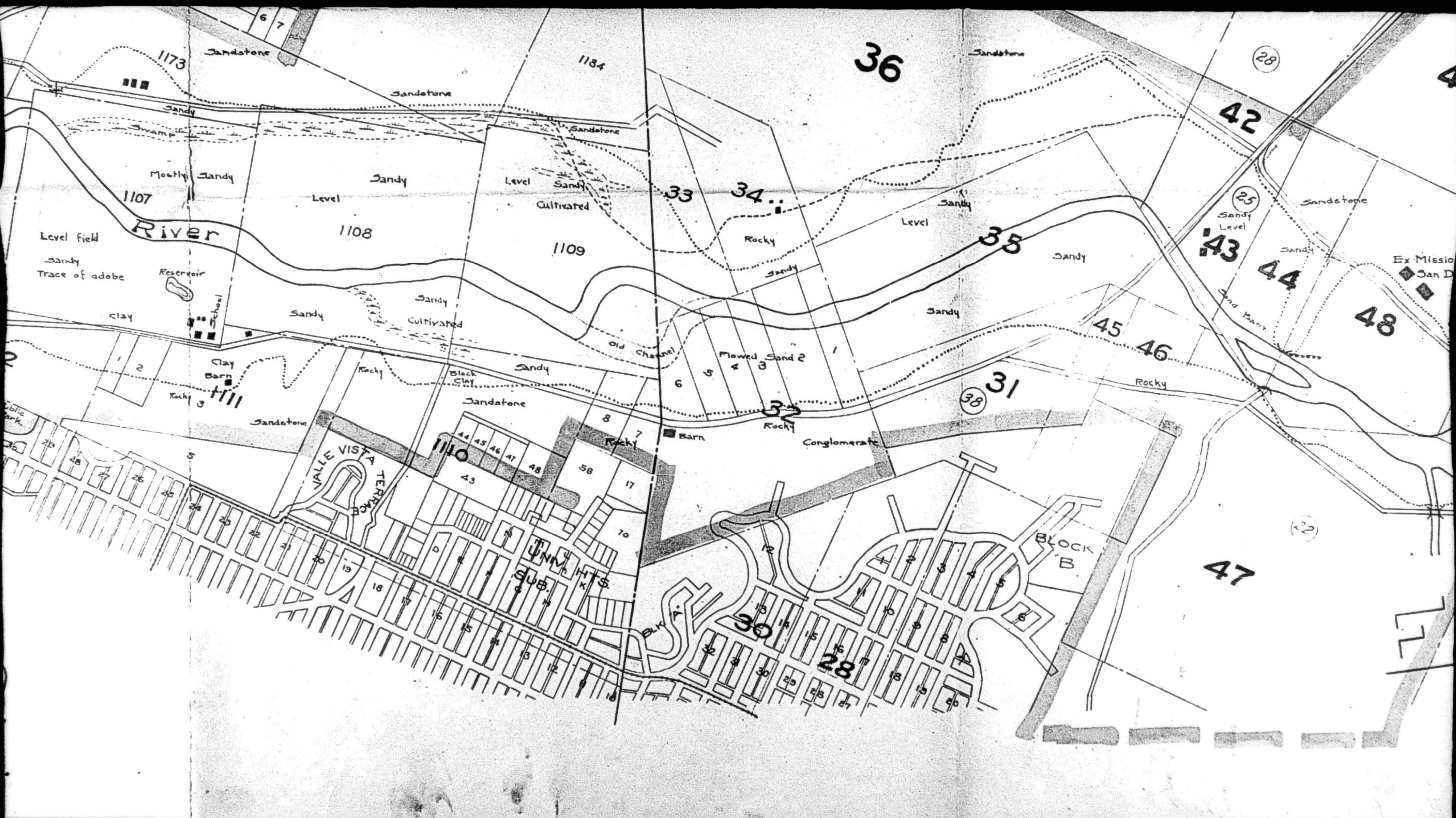
Trace of 15 address

OWNER'S

ADD.







1173

Sandstone

1184

36

Sandstone

28

42

Mostly Sandy

Sandy

Level

Cultivated

33

34

Rocky

Level

Sandy

35

Sandy

25

Sandy Level

43

44

Ex Missio  
San D

48

Level field

1107

River

Level

1108

1109

sandy  
Trace of adobe

Reservoir

School

Sandy

Sandy

Cultivated

old channel

Flowed Sand 2

45

46

Sandy

Rocky

Public park

Clay

Barn

Rocky

1111

Rocky

Black Clay

Sandy

6

15

4

3

32

Rocky

Barn

Conglomerate

38

31

VALLE VISTA  
TERRACE

1110

44

45

46

47

48

43

58

17

10

UNIV. HTS.  
SUB. K

7

BLK. 7

30

28

BLOCK  
B

47

22



49

50

MAP

1550  
Clay

High Orchard

61  
Clay  
Sand

Reservoir Site  
s.c. 1377

← Draw

Gandstone

63

Rock

64

Clay & Sandstone

65

Level Sand  
15' above river

Gandstone

66

Ex Mission  
San Diego

10

9

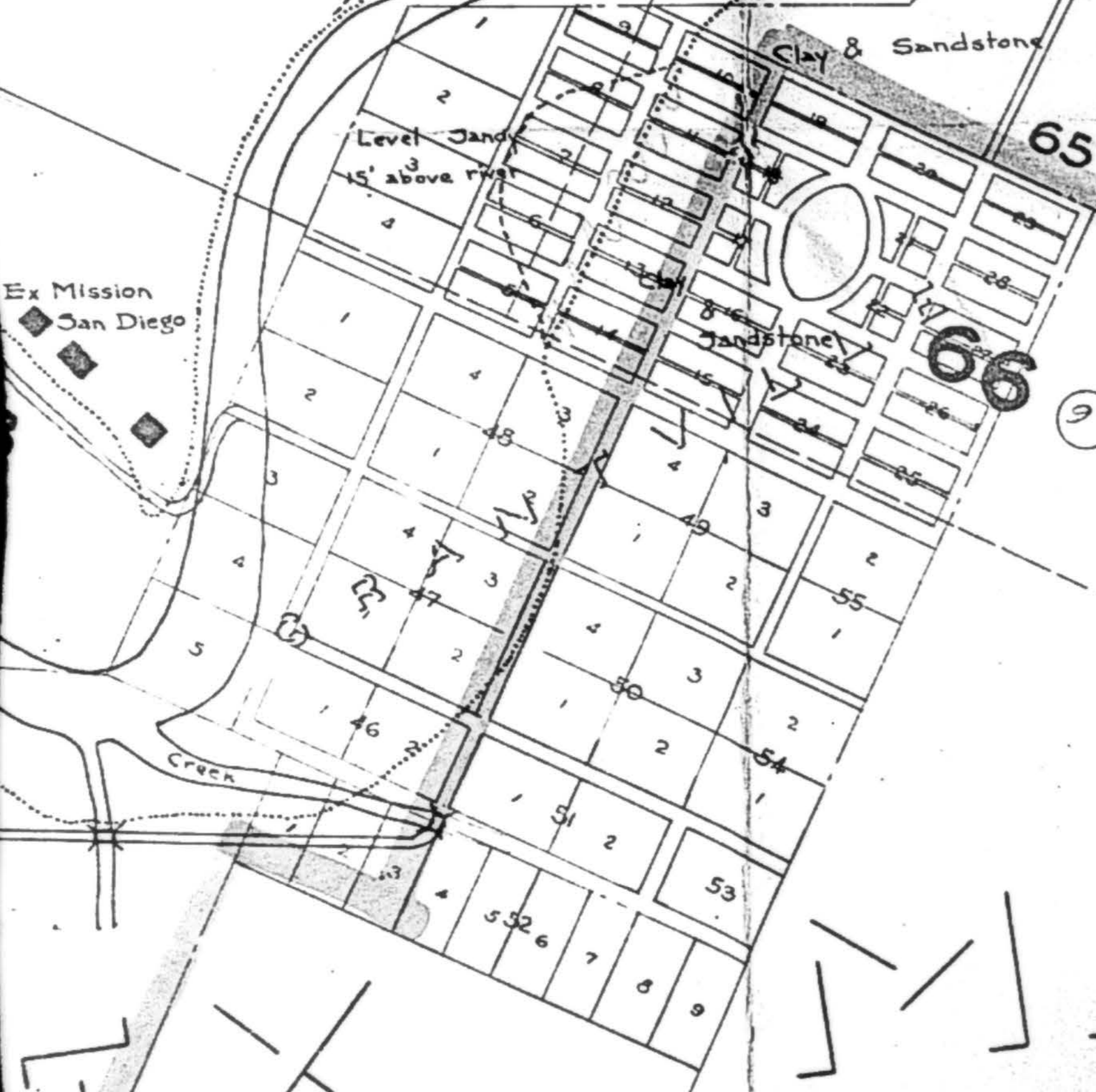
9A

MISSION

11

67

EX





NE

31

T 15 S  
T 16 S R 2 W  
R 2 W

T 15 S R 2 W  
T 15 S R 1 W

G

H

Handwritten text: "HARD" with a large "D" and "H" and a curved line below.

6 J

(10)

(9)

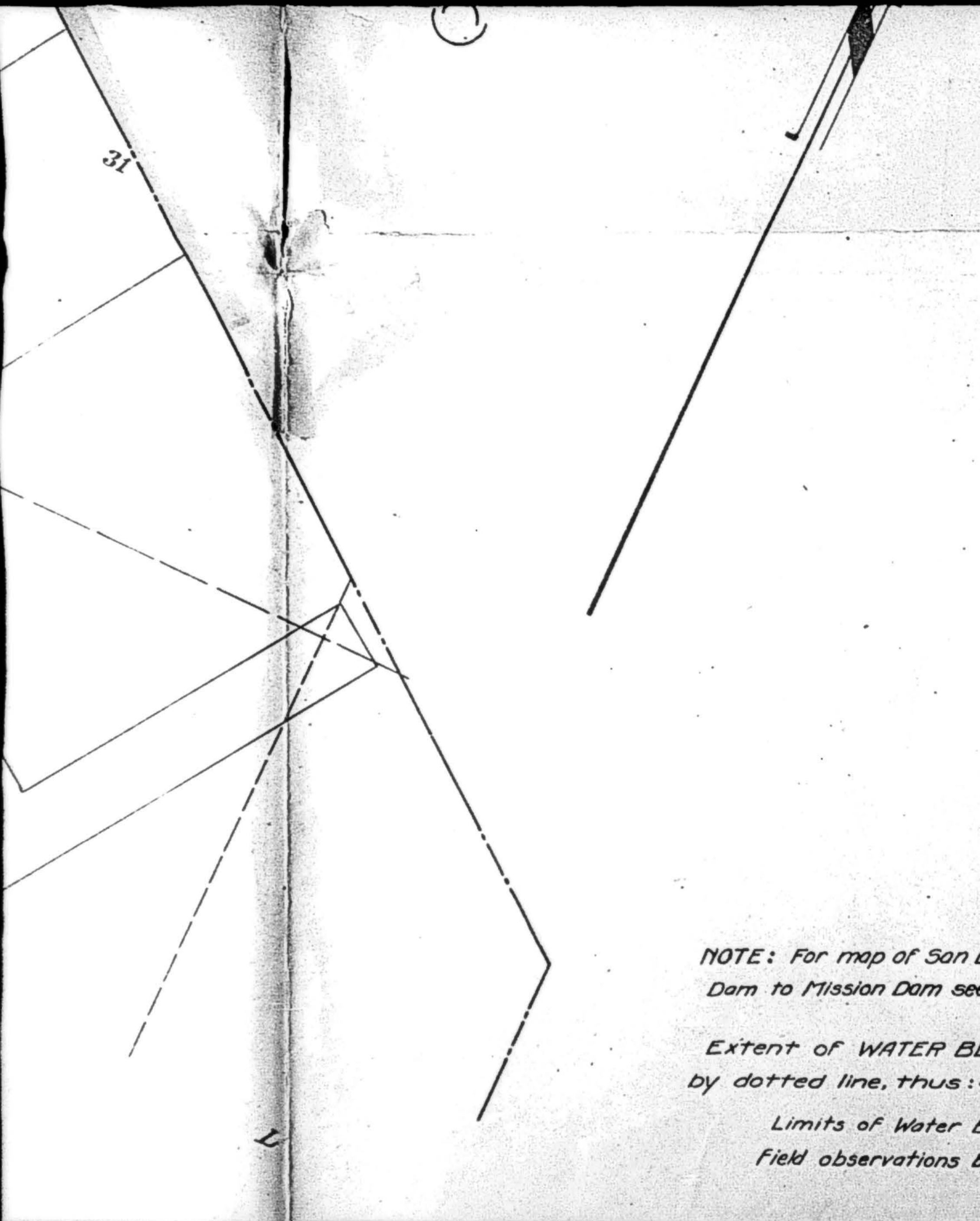
68

12

H

L





CUYAMACA WATER CO.  
 MAP OF  
**SAN DIEGO RIVER**

FROM MISSION DAM TO PACIFIC OCEAN  
 SHOWING LIMITS OF  
**WATER BEARING GRAVEL**

SCALE: 1"=1000'

Traced from blue line prints.

W.S. POST, Chief Engr.

MARCH 20, 1914.

Drawing No. 2410.

File No. 6-19.

NOTE: For map of San Diego River from Diverting  
 Dam to Mission Dam see Drawing No. 2105, File No. 6-8.

Extent of WATER BEARING GRAVEL is shown  
 by dotted line, thus: .....

Limits of Water Bearing Gravel determined from  
 field observations by W.E. Randall.



COMMISSIONERS:

IRVING MARTIN  
A. E. CHANDLER  
W. A. JOHNSTONE, PRESIDENT  
JOSEPHINE A. PATTEN, SECRETARY

STATE WATER COMMISSION  
OF  
CALIFORNIA

SIXTH FLOOR CALL BUILDING  
74 NEW MONTGOMERY ST.  
SAN FRANCISCO

EX OFFICIO

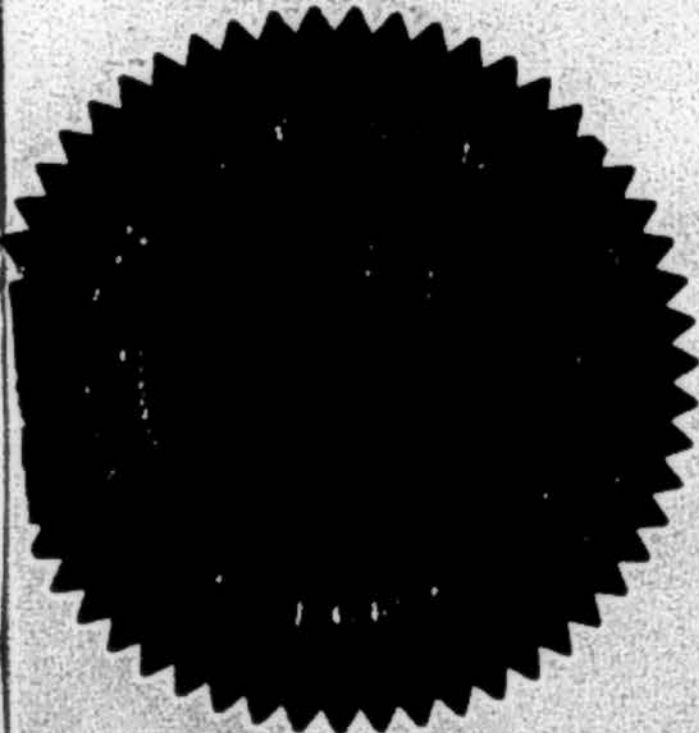
GOVERNOR HIRAM W. JOHNSON  
STATE ENGINEER W. F. McCLURE  
TELEPHONE BUTTER 1087

ADDRESS ALL COMMUNICATIONS TO THE  
STATE WATER COMMISSION

APPLICATION NO. 628  
RECEIPT NO. 774  
CERTIFICATE NO. 47

I, JOSEPHINE A. PATTEN, Secretary of the State Water Commission of California, do hereby certify that I have carefully compared the attached copy of application of and permit issued to Ed Fletcher, San Diego, California, to appropriate eight cubic feet per second direct diversion and twelve thousand and eleven acre feet per annum storage of the waters of Escondido Creek, with the original copy now on file in this office, and that the same is a true and correct transcript thereof.

WITNESS my hand and the seal of the State Water Commission this 6th day of August, 1917.

  
*Josephine A. Patten*  
Secretary.



STATE OF CALIFORNIA                    )  
  ) ss  
County of San Diego                    )

I, JOHN H. TERRY, County Recorder of San Diego County, do hereby certify that a copy of Permit No.302 of the State Water Commission in favor of Ed Fletcher Application No.628 was filed in my office on July 20, 1917.

Witness my hand and Official Seal this 20day of July A.D. 1917.

JOHN H. TERRY,  
Recorder.

---

Deputy.



For full information regarding the filling out and filing of this form send for Rules and Regulations of the Commission governing appropriation of water

Application No. 628

APPLICATION FOR A PERMIT

To appropriate Unappropriated Waters of the State of California FOR AGRICULTURAL PURPOSES

I, Ed Fletcher (Name of Applicant)

of San Diego County of San Diego (Post office)

State of California, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is Escondido Creek (Name of stream, lake, or other source)

located in San Diego County, tributary of

2. The amount of water which the applicant intends to apply to beneficial use is eight (One cubic foot per second equals 40 miner's inches) cubic feet per second.

3. The use to which the water is to be applied is Irrigation and Domestic

4. The point of diversion is located North 41° 15' West 345.8 feet from Southwest corner of Section 2, T 13 S., R. 3 W., S.B.M. (Give distance and bearing to section corner)

being within the Southeast quarter of Southeast quarter (Give smallest legal subdivision not to exceed 40 acres)

of Sec 3 Tp 13 S. R. 3 W. S.B. M., in the county of San Diego

5. The canal to be two miles in length, terminating in the SW quarter of NW quarter of Sec. 15 (Main ditch, canal or pipe line) (Smallest legal subdivision)

Tp 13 S R. 3 W. S.B. M., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works is San Elijo Canal and San Elijo Reservoir

DESCRIPTION OF WORKS

Diversion Works— Identical with Storage Dam. See paragraph 9.

7. (a) Height of dam feet; length on top feet; length at bottom

feet; material to be used and character of construction (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate 2 outlet gates 3' x 3' (Timber, concrete, etc., number and size of openings)

Note.—In case of insufficient space for answers in form attach extra sheets.



**Canal System—**

8. Give dimensions at each point of canal where materially changed in size, stating miles from headgate:

**Pipe Line**

(a) At headgate: Width on top (at water line) 24 inches diameter, width on bottom  
feet; depth of water \_\_\_\_\_ feet; grade one foot feet fall per one thousand feet.

(b) At \_\_\_\_\_ miles from headgate: Width on top (at water line) \_\_\_\_\_ feet;  
width on bottom \_\_\_\_\_ feet; depth of water \_\_\_\_\_ feet; grade \_\_\_\_\_  
feet fall per one thousand feet. (Attach sheet covering other changes.)

**Storage Reservoir—**

9. The amount of water to be stored is 12,011 acre feet.

10. The location of the proposed reservoir will be in E 1/2 of SE 1/4 of Section 3; SW 1/4 of  
(Give 40-acre subdivisions)  
SW 1/4, N 1/2 of SW 1/4, S 1/2 of NW 1/4, NE 1/4 of NW 1/4, NE 1/4 and  
NW 1/4 of SE 1/4 of Section 2; T. 13 S., R. 3 W., S.B.M.; and  
SW 1/4 of SW 1/4 of Section 36, T. 12 S., R. 3 W., S.B.M.

11. The dam will be located in SE 1/4 of SE 1/4  
(40-acre subdivisions)  
Sec. 3 Tp. 13 S., R. 3 W., S.B. M. It will be 140 feet  
in height; length on top 400 feet; length on bottom 200 feet; width on top 4  
feet; slope of front or water face 1/4 : 1; slope on back vertical  
(Feet horizontal to 1 vertical) (Feet horizontal to 1 vertical)  
height of dam above water line when full 0 feet.

12. Character of construction of dam and the materials of which it is to be built concrete;  
arched form

13. Estimated cost of proposed works, \$ 250,000.

14. Construction work will begin on or before July 1, 1917

15. Construction work will be completed on or before July 1, 1922

16. The water will be completely applied to the proposed use on or before July 1, 1922

17. The land to be irrigated has a total area of 3600 acres, located in each forty-acre tract as follows:  
in Rancho San Dieguito, as shown on map;  
and S 1/2 of Sec. 36 and S 1/2 of Sec. 35, T. 13 S., R. 4 W., S.B.M.

18. Irrigation will begin about April 1 and end about November 1 of each year.  
(Month) (Month)

19. It is understood and agreed that this application and the permit and license which may be granted hereunder  
shall be subject to all the conditions set forth in Section 20 of the Water Commission Act (Statutes 1913, Chapter 586),  
which is as follows:



SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and provided, further*, that when such municipality shall desire to use the additional water granted in its said application it may so do upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

(Signed) ED FLETCHER

(Name of Applicant)

924 Eighth Street,  
San Diego, California.

Signed in the presence of us as witnesses:

1. (Signed) WILLIAM S. POST 924 - 8th Street, San Diego, Cal.  
(Name) (Address)

2. (Signed) THOMAS P. ELLIS 4034 Ibis Street, San Diego, Cal.  
(Name) (Address)

For the use of the Water Commission in sending notices as provided in Rule 8, Page 8 of Rules and Regulations, the applicant should answer the following questions:

1. What is the name of the post office most used by those living near the proposed point of diversion?  
Encinitas, California.

2. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion?



Applicant ED FLETCHER

SAN DIEGO, SAN DIEGO CO., CALIF.

Application No. 628

Permit No. 302

# APPLICATION

AGRICULTURAL

TO APPROPRIATE THE PUBLIC

WATERS OF THE

STATE OF CALIFORNIA

This application was first received in the office

of the State Water Commission the 26

day of March 1917

at 1:50 o'clock P..M.

Returned to Applicant for Correction

Corrected Application Received

Approved:

July 12, 1917.

Recorded in Book No. \_\_\_\_\_ of

Permits, on Page \_\_\_\_\_

PERMIT No. 302

STATE OF CALIFORNIA,

City & County of San Francisco } ss.

This is to certify that we have examined the application of which the foregoing is a true and correct copy and do hereby grant the same, subject to VESTED RIGHTS and the following limitations and conditions, in addition to those enumerated in Section 20 (Statutes 1913, Chapter 586) set forth above

Actual construction work shall begin on or before October 1, 1917 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and shall not exceed eight (8) direct diversion and twelve thousand and eleven (12,011) acre feet per cubic feet per second/or its equivalent in case of rotation. annum storage.

Said construction work shall be completed on or before July 1, 1921

Complete application of the water to the proposed use shall be made on or before July 1, 1922

WITNESS our hands this 12th day of July 1917.

(Signed) A. E. CHANDLER  
" IRVING MARTIN  
" W. A. JOHNSTONE

(SEAL)



*Office Copy*

IN THE OFFICE OF THE STATE WATER COMMISSION  
STATE OF CALIFORNIA.

IN THE MATTER OF THE APPLICATION )  
OF THE SAN DIEGUITO MUTUAL WATER )  
COMPANY, A CORPORATION, FOR AN )  
ORDER UNDER SECTION 12 OF THE )  
WATER COMMISSION ACT OF THE STATE )  
OF CALIFORNIA. )

TO THE HONORABLE, THE STATE WATER COMMISSION  
OF THE STATE OF CALIFORNIA:

Comes now the SAN DIEGUITO MUTUAL WATER COMPANY, A corporation, and makes this its application for an order of your Honorable Body and the issuance of a certificate in accordance therewith, under and pursuant to Section 12 of the State Water Commission Act, and in support of its application represents and shows as follows:

I.

That it is a corporation duly organized and existing under the laws of the State of California relating to mutual water companies, having its principal place of business in the County of San Diego, State of California -- office address Fletcher Building, San Diego, said state.

II.

That it is an appropriator and user of water under an appropriation made and maintained according to the laws of the State of California with reference to water appropriations existing prior to the passage of the Water Commission Act.



### III.

That your applicant claims under a written notice which in accordance with Section 1415 of the Civil Code of the State of California was posted in a conspicuous place on the San Dieguito River, San Diego County, California, at the point of intended diversion (a point which was near the location of what is now known as the Lake Hodges dam), which notice in all things complied with the requirements of said section of the Civil Code concerning the number of inches of water claimed, the purposes for which it was claimed, the place of intended use, the means by which the water was to be diverted, and the size of the ditch, pipe or aqueduct to be used in making such diversion and use; and a copy of such notice was duly recorded in the office of the Recorder of said County of San Diego within ten days after the original was posted as aforesaid.

### IV.

The means specified in said notice for diversion and utilization of the water, in a general way, consisted of (a) a multiple arch concrete dam in the channel of said river, having a height of 133 feet, a length at the top of 750 feet, and requiring the use of 18,669.5 cubic yards of cement construction; (b) a concrete conduit having a diameter of 42 inches, and a length of about 4-1/2 miles; (c) a distributing reservoir formed by the construction of a concrete dam 650 feet in length with a height of 58 feet; and (d) concrete main pipe lines 26 to 20 inches in diameter, with a total length of 9 miles. The construction of all of which is necessary to apply all of the water appropriated to the most beneficial use over the maximum area of land.

### V.

That before said dam could be constructed it was neces-



sary to get assent thereto from all owners of riparian lands on said river below the site of said dam; that the obtaining of such assent was promptly undertaken after the posting and recording of the notice as aforesaid, and diligently prosecuted until such assent of all such owners between the said damsite and the Pacific Ocean on said river was obtained.

#### VI.

That immediately after obtaining the assent as aforesaid the work of constructing said dam, conduit, distributing reservoir and lines was undertaken and diligently prosecuted to completion of said dam, said conduit, said distributing reservoir, and nine miles of the main distributing lines.

That in the prosecution of this work much difficulty was encountered on account of labor and other conditions which were brought on by, accompanied and followed the late world war, and the further prosecution of such work to completion so as to put to the most beneficial use over the maximum area of land the full amount of water appropriated by your petitioner is still hampered and much interfered with by said conditions, and also by existing financial conditions.

#### VII.

That in order to complete the pipe lines required to put all of such water to the most beneficial use over such area requires the expenditure of at least \$700,000 and a very considerable amount of time.

#### VIII.

That when the distributing works above mentioned are fully completed it will be possible to irrigate 18,000 acres of land in said county of San Diego which must otherwise remain without irrigation.



IX.

That your petitioner is extremely desirous of completing the works necessary to put all of the water appropriated as aforesaid to the said beneficial use at the earliest time possible under all the circumstances; and that the owners of the lands which it will be possible to irrigate thereby are all anxious to have said works completed so that their lands can be irrigated therefrom.

X.

That in order to make certain a supply of water for the irrigation of said lands last above mentioned it was necessary to construct what is known as Lake Hodges dam and the distributing reservoir above mentioned, in order that flood waters flowing in said San Dieguito river could be impounded and distributed for irrigating purposes during the irrigating season, because the waters flowing naturally and uninterruptedly in said stream were not sufficient in amount for this purpose.

XI.

That your petitioner represents that under all the said circumstances and conditions the completion of the undertaking above mentioned will require at least five years; and, therefore, represents that an order on the part of Your Honorable Body prescribing a term of five years within which the full amount of water appropriated as aforesaid shall be applied as aforesaid would not be unreasonable and would enable your petitioner to proceed with certainty with the completion of the works necessary therefor, to the great advantage of the State of California and particularly to the residents of the County of San Diego and the owners of the lands which it will be possible to irrigate by said works.



XII.

That attached hereto is a map showing the location of said Works, - the part thereof which has been completed in solid lines, and the part thereof which it is proposed to construct in dotted lines -- and in a general way the land above mentioned.

WHEREFORE, your petitioner respectfully prays that Your Honorable Body exercise the authority vested in you by Section 12 of the Water Commission Act by making an order prescribing the time within which the full amount of water appropriated as aforesaid may be applied to the most beneficial or useful purpose over the maximum area by your petitioner; and that after having made said order that you issue certificate in accordance therewith.

Dated San Diego, California, April \_\_\_\_\_, 1921.

SAN DIEGUITO MUTUAL WATER COMPANY,

By \_\_\_\_\_

As its President.

Attest:

\_\_\_\_\_

Its Secretary.



IN THE OFFICE OF THE STATE WATER COMMISSION

STATE OF CALIFORNIA.

IN THE MATTER OF THE APPLICATION )  
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Dated San Diego, California, April \_\_\_\_\_, 1921.

SAN DIEGUITO MUTUAL WATER COMPANY,

By \_\_\_\_\_

As its President.

Attest:

\_\_\_\_\_  
Its Secretary.



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

to Warren from Fletcher, February 20, 1922  
to Warren from Fletcher, January 11, 1922

"1921-1922 APPLICATION 12-2641 AND DUE DILIGENOE FILE"

CITY TRUSTEES OF EAST SAN DIEGO:

to City Trustees from Fletcher, February 20, 1922

CITY TRUSTEES OF EL CAJON:

to City Trustees from Fletcher, February 20, 1922  
to Board of Trustees from Fletcher, May 2, 1922  
to City Trustees from Fletcher, May 23, 1922  
(with application no. 12-2641)

CITY TRUSTEES OF LA MESA:

to City Trustees from Fletcher, February 20, 1922

BROWN, W. S. K., March 30, 1922

CHANDLER, A. E.:

to Chandler from Fletcher, December 8, 1921  
to Chandler from Fletcher, March 6, 1922  
to Chandler from Fletcher, March 22, 1922  
to Fletcher from Chandler, March 25, 1922  
to Chandler from Fletcher, May 1, 1922  
to Chandler from Fletcher, May 19, 1922  
to Chandler from Fletcher, June 23, 1922  
to Chandler from Fletcher, July 3, 1922  
to Chandler from Fletcher, July 10, 1922  
to Chandler from Fletcher, September 15, 1922  
to Chandler from Fletcher, September 16, 1922  
Chandler's statement of account from Cuyamaca Water Co., September 19, 1922  
to Chandler from Fletcher, October 19, 1922  
to Fletcher from Chandler, October 24, 1922  
to Fletcher from Chandler, November 1, 1922

FLETCHER, A.B., to Department of Public Works from Fletcher, January 9, 1922

HALLEY, J. H.:

to Halley from Fletcher, May 2, 1922  
to Halley from Fletcher, February 20, 1922

HUBER, WALTER LEROY, December 20, 1921

KLUEGEL, H. A.:

to Kluegel from Fletcher, May 26, 1922  
to Fletcher from Kluegel, May 29, 1922  
to Fletcher from Kluegel, September 21, 1922  
to Kluegel from Fletcher, September 15, 1922  
to Kluegel from Fletcher, September 15, 1922  
to Kluegel from Fletcher, September 15, 1922

MADSEN, MARTIN, January 9, 1922

MCCLURE, W. F., January 9, 1922

PORTER, E. W., May 2, 1922

SKINNER, NED A., January 11, 1922

THACHER, P. S., May 23, 1922

WARREN, J. M. C.:

to Warren from Fletcher, May 2, 1922



**Ed Fletcher Papers**

**1870-1955**

**MSS.81**

**Box: 56 Folder: 22**

**Business Records - Water Companies - Cuyamaca Water Company - State Water Commission: filings and notes**



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