

THE VOLCAN PROPOSITION

1st Purchase price	\$2,500,000.
2nd This payment to be:	
(a) In City of San Diego Bonds to be voted now	\$1,000,000.
(b) In mortgage on the Volcan property only. (similar to a mortgage)	\$1,500,000.
3rd Volcan company agrees, if the \$1,000,000 City of San Diego Bonds are voted, to finance the Warner-Carroll-University Heights construction - sufficient for 10,000,000 gals. by an additional issue of mortgage on the Volcan property and this construction of	\$1,500,000.
Total -----	\$4,000,000.

of which

City of San Diego Bonds	\$1,000,000.
Mortgage waterworks system only as security bonds	\$3,000,000.

Schedules of
Offer of Volcan

No 1 - Taken to Harroun Aug 7-
by E.F.

No 2 - ~~X~~ - 4 - 5 - in office Aug 14.

No 6 - out probably at Sweets
or City attorney.

No 3 - complete transmitted
to Cosgrove Aug 14.

BUY VOLCAN WATER SYSTEM, EXPERTS URGE CITY

**\$2,818,175 Estimate Placed
On Property by Engineers
After Inspection.**

POWER PROSPECT SHOWN

**Plan of Developing Supply
For Municipality Given
In Report.**

COMPARATIVE VOLCAN VALUATIONS

By Lippincott and O'Shaughnessy, \$2,818,175.

By Engineer Harroun, \$2,-693,000.

By Henshaw and Fletcher, \$2,500,000, price in their offers to the city.

Councilman Herbert R. Fay transmitted to City Clerk Wright yesterday the official report on the Volcan water system, having received it from M. M. O'Shaughnessy and J. B. Lippincott, who were employed by the city under a special ordinance last January to make an examination and report on the value of this system, with a recommendation as to the advisability of the city acquiring it.

Accompanying the report was a letter from Lippincott in which he said to Fay that he and O'Shaughnessy believe it for the best interests of San Diego to acquire the Volcan system on account of the rapid growth of the city. This is recommended not only on account of the addition to the present municipal water system, but to prepare for future water requirements.

The report states that a study of the Volcan water system in its present undeveloped condition shows it to have a reasonable value at this time of \$2,818,175.

Report is Exhaustive

The report is the result of a physical appraisal of the Volcan property and a personal inspection by the engineers, which they state has been constantly under way since the ordinance authorizing their employment by the city became effective, January 7. It is a voluminous document, and covers many pages of closely typed copy, and is a thoroughly detailed and exhaustive statement of the present condition of the water system and of its possibilities for profitable development.

The engineers preface their report by saying:

"We do not pass on the title to riparian rights of other realty holdings of the Volcan company; we advise that you instruct the city attorney to review titles, water rights, Indian rights, as well as the claim of the Escondido Mutual Water Company or other claimants."

The engineers recommend that the Warner dam be developed for hydro-electric power; construction of a flume from Warner's to Pamo and delivery of water from there to the city, which they say can be done at a cost of 7.94 cents per 1000 gallons for the delivery of 10,000,000 gallons a day. Development of the entire system they say would insure daily delivery of 19.05 million gallons at a cost of 6.84 cents per 1000 gallons.

The report places the acreage and values of the various reservoirs as follows:

Warner's, 2980 acres, at \$100 an acre, \$298,000; Pamo, 654 acres, at \$150, \$98,100; San Clemente, 166 acres, at \$200, or \$33,200; Sutherland, 127 acres, at \$100, \$12,700; Santa Mafra, 80 acres, at \$100, \$8,000; Carroll, 621 acres, at \$97, \$60,175. This gives a value of \$510,175 for 4817 acres of reservoir lands. The available water supply of the following sites, according to the report, would be:

Warner's, 11.6 million gallons a day; Sutherland, 3.2 millions; Pamo, 7 millions; Carroll, 7.1 millions. The report recommends development of Warner's, and Pamo, which, with the added water from the flow from Warner's, would give a supply of 19.05 millions of gallons a day.

The plan of development suggested is a conduit from Pamo to San Clemente, raising the Warner dam to ninety feet and a conduit from Warner to Pamo which would guarantee delivery of 10,000,000 gallons a day. This cost, the report says, would be \$2,979,500, if built on a cash basis,

if under efficient management. The engineers say the development could be accomplished in two years.

The engineers say the rights of way are valued at \$240,000 and that the water right should be computed on a productiveness of 1647 miner's inches of water at \$1000 per inch, or \$1,647,000. The \$1000 allowance is for continuous flow of one inch for twelve months a year.

The power drop from the end of the Warner aqueduct into Pamo watershed should yield hydro-electric power to give the city a net annual revenue of \$30,000, equivalent to 5 per cent, or \$600,000, according to the report. The power to be developed would be approximately 1500 kilowatt. This power would be worth 1 cent per kilowatt wholesale at the switchboard. At this rate the city would earn \$131,000.

The report advises that a pipe line from San Clemente to the University Heights reservoir would cost an additional \$125,000. The engineers advise diverting the water from the Carroll dam to the flume of the Cuyamaca system.

The Present City Water System

77.2
8.7
68.5

Reservoirs Contents of Reservoirs

July 1-1912

Morena
Upper Otay
Lower Otay
Chollas

Depth of Water	Gallons.
83' 3"	1,210,000,000
70'	1,806,000,000 (a)
107' 10"	1,250,000,000 (a)
33'	747,402,000 ✓
	7,675,000,000 ✓
	80,746,000 ✓

~~9,308,402,000~~
9,713,178,000 OK-

Contents of Reservoirs

July 1-1914

Depth of water	Gallons.	
84.984' 87.27	1,350,000,000	
OK. 68.3	1,310,000,000	
82' 4 1/4"	1,000,000,000	250,000,000
33' 10 1/2"	670,000,000 OK.	
	3,465,000,000 OK.	
	3,500,000,000	4,175,000,000
	84,000,000 OK.	

Bal on hand July 1, 1914 5,529,000,000 4,184,178,000

Consumption during this period.

City Consumption July 1-1912 - July 1, 1913	1,223,137,000 Gals.
" " The year 1913	2,705,000,000
" " July 1-1914	2,289,510,756
Outside City Jan 1-1914 - July 1-1914	2,561,581,878
Total Consumption	1,323,987,000
subtracted Decrease in storage as above.	4,851,092,634
Actual Net Yield - 2 years	5,252,124,000
1912-1914	398,907,366
	5,250,000,000
	4,184,178,000
	1,065,822,000

Analysis

for 2 years 1912-1914

The watershed furnished a net supply in two years over & above what was in storage of 760,000,000 Gals.

for 1 year 1,065,822,000 " 380,000,000 " 552,941,000 " Storage per day 1,460,000 Storage consumption 7,400,000

(a) to be verified probably should be 1,250,000,000 Gals - but old Frasier
b Pencil figures to be checked up tomorrow - Pat.
Daily deficit last 2 years - 5,940,000

Consumption

483
135
360
37

1914 - City only.

~~Jan. 273,698,660~~

Jan. 144,090,000

Feb. 138,055

Mar. 211,346

Apr. 212,218

May 244,580

June 273,698

1,223,987,000

1912

July - Dec incl.

227,278,608

163,687

212,100

186,738

173,502

159,832

1,123,137,000

Deslams
Quartz
Platinum

Morena 83' 3

1,240,000,000

I called Mr. Isaacson and he was not in but his secretary said this new bill which Pres. Roosevelt just signed just applies to municipal corporations. However, some time ago Pres. Roosevelt did sign a bill covering individuals and corporations.

ASK [w/1934] *an*

Lovett:

Will you read this and let me know if this applies to individuals as well as corporations and let me ask you a few questions after reading.

E.F.

I don't know; apparently it refers to Corporations only. Isaacson, Referee in Bankruptcy, may know about it. *hth jvd w/1934*

CAPITAL AID AS DEBT ACT SIGNED BY PRESIDENT

WASHINGTON, June 7 (A.P.)—At the stroke of noon, President Roosevelt today signed into law a bankruptcy bill to facilitate the release of numerous corporations and utilities from the hands of receivers.

Even Start for All

The White House made clear that the bill would be signed just when the clock showed 12 so that applicants for its benefits could get off to an even start, with no preference for those "in the know."

The act binds all creditors to a court-approved reorganization plan to which holders of two-thirds of the total amount of claims have agreed.

A petition for reorganization may be filed by any creditor or stockholder if it has been approved by holders of 25 percent in amount of each class of claims and 10 percent of the total. If the company is not actually insolvent, but merely unable to meet maturing debt, shareholders representing 10 percent of each class of stock and 5 percent of the total must agree to such petition. A debtor company may file the petition without such approval.

Two-Thirds Must Sign

Favorable court action on a composition plan must be accompanied by written agreement by the holders of two-thirds of the total claims. If the company is not held actually insolvent, approval by stockholders representing majority holdings also is required.

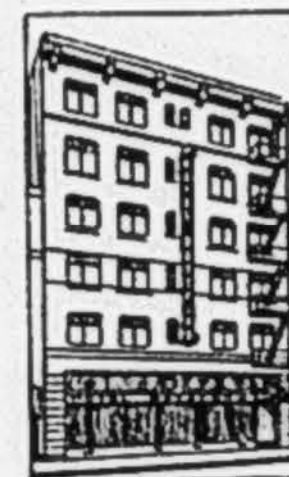
Throughout the country there are situations where holders of large amounts of claims have agreed to plans of settlement, but where action has been held up by minority creditors' objections. Heretofore, it has been necessary for bondholders' committees to go through foreclosure proceedings, which required cash payment for the interest of dissenters. Even though a company's assets were bid in at a low figure, it frequently has been difficult to arrange for this financing.

Under the new law, no cash will be necessary. If a majority agrees to accept new securities in lieu of former claims, on court approval, the minority has to accept them also.

In many cases, under existing conditions, foreclosure and sale of a company's property would leave nothing after the satisfaction of secured claims or senior bonds. The new law makes it much easier to leave stockholders and junior claimants with what might be termed securities of "recovery value," while giving secured claims the preference due them.

WALTER LOWRY

HARRY WILKINS



"You will feel at home at the Botsford"

HOTEL BOTSFORD

SIXTH STREET
JUST NORTH OF BROADWAY

SAN DIEGO, CALIFORNIA

Aug 9. 29

Colonel.

*Enclosed find Cashier's
check for \$18.00 rebate from
amount paid me in matter
of Capt's cert. *St. John**

San Diego, Cal.
April 13, 1914.

Mr. Ed. Fletcher,
Mangr. V. L. & W. Co.
Dear Sir:

Subject: Carroll Dam Site Lands:

As previously reported, script has been placed upon the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 13 T. 13 S., R. 3 W. on April 1. On April 11, I placed an additional 40 acres of script upon

the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18, T. 13 S. R. 2 W. This 40 lies immediately south of the Easternmost Carroll 40. and covers a portion of the stream.

All the rest of Section 18 is officially unsurveyed, and rights upon it as a practical matter, see letter of Mr. Lawler, can be obtained by two methods:

Use of Valentine, or Wyandote script which alone may be applied upon unsurveyed land or

Making a formal application for permanent easement under the law of 1891, such as the V.L. & W. Co now holds for its Warner Pamo Canal etc.

Mr. Lawler makes the valuable suggestion that 40 acres of Wyandote script be placed on the dam site proper; and be governed by the urgency of events whether you go to the further expense of placing this character of script on all of it.

He thinks it wise to expedite the patent issued under this script by aid of a Washington attorney, and have this patent in your hands before actually filing the right of way application. This on account of the publicity of such an application, and the possibility of bumping up against a "withdrawal" order which is the outrage which the Reclamation Service may inflict if their attention is drawn to it.

In the mean time he agrees that the rapid survey which we are now doing to secure the necessary field notes for a right of way application, should be done, and this application prepared ready for filing.

Yesterday I instructed Mr. Hickok to survey and determine the exact forty in which the dam site lies in order that the Wyandote script can be properly located, before doing other work.

You will understand that this dam site lies between the two 40s which have been scripted, a distance along the river of $\frac{3}{4}$ of a mile. Somewhere along this distance Mr. Hickok will select the 40 in which Wyandote script should be placed.

My suggestion is that Mr. Lawler be authorized to secure 40 acres of Wyandote script for you at once. Second: Enter the right of way application for the remainder under the law of 1891, when Mr. Lawler has secured the Wyandote patent. This leaves in your hands 120 acres of Script, which ~~you~~ now you will not need, and which perhaps can be turned back in trade with the dealers in procuring the Wyandote. Your purchase price was \$10 per acre, but in the market it is supposed to stand at \$11.25.

V. L. & W. CO.
FILE

Aug. 1, 1914.

Mr. Ed. Fletcher,
Mgr. Volcan Land & Water Co.

Dear Sir:-

Mr. Sweet advises that before you attack the Escondido Mutual before the State Water Commission, that you notify Mr. Wohlford as per the draft of a letter which is attached. The idea is, that by a conference we could again reform this contract and Mr. Henshaw could also be a party to it. In case of refusal to come half way or ignoring your proposal for a conference, he then advises preparing a protest to the State Water Commission and also to ask for a conference with the Indian Department and enter into a contract with them directly, defining their relation to Warners Dam.

Mr. Lee telephoned that he has called on Mr. Olberg and read the second letter which he has sent to Mr. Harroun. The letter states clearly that the Indian service does not claim stored water during the summer, but simply what water is in the river. Further then this he did not go and told Lee that he could not without consulting Washington, state over his signature, that they made no claim to water during the winter months to the extent of their Rincon Ditch right which they claim to be 300 miner's inches. He did say in the letter that he was advised that the city of San Diego was interested in this matter and that the Indian service would place no obstruction in the way of the city, provided the rights of the Indians were taken care of.

Mr. Olberg told Mr. Lee that it would be impossible for him to come down to Del Mar Sunday.

S/P

V. L. & W. CO. FILE

November 7, 1914.

Mr Ed Fletcher,

Manager, V L & W Co.,

Dear Sir:

Herewith please find bills of the Volcan Land and Water Co. for the month of October-1914 for payment. The discount bills are here also. The following list shows the amounts chargeable to the construction of the water works only, some of the bills being chargeable to Warner Ranch.

Payroll San Diego Office	\$	505.35
" Warner Dam		409 55
" Pano & Carroll Dams		82 57
Russ Lumber & Mill Co. (discount)		1.55
Carpenters "		17 74
Western Metal Supply Co "		3.28
Pacific Hardware & Steel Co.		3 49
W E Keenan		55 50
Dr A L Derbyshire		8 00
Ed Fletcher Co.		33 00
J A Ream Agt Warner Ranch		.00
Arch. & Engrs. Supply Co.		19 04
Electric Blue Printers		8 00
Underwood Typewriter Co.		3 75
Ingle Manfg. Co.		3 12
Doyle-Barnes Co.		53 18
Pacific Wood & Coal Co. (Credit)		7 90 ⁺
Riverside Portland Cement Co.		233 64
Chas S Hardy (Bay City Market)		2 36
E H Webb		184 00
J C Bargar		3 27
J S Stockton		7 00
Milos Store		4 85
Ramona Market		12 50
Valley Hardware & Furniture Co.		10 38
Thomas Jerman		4 80
Joe Cozard		2 50
Escondido Rockdale Co.		1 20
R L Verlaque		31 15
Alfred D Wilson		27 54
Santa Ysabel Store		3 90
Warner Hot Springs		6 37

As it is 3 days before the day set for turning in the bills, it is possible there will one or two more bills come in that should be paid this month. There will be one more that I know of, it is Kettner & Salmons, amounting to about \$70.00.

Yours truly,

E

April 12, 1915.

Mr. Olson:

Change the Lower Otay pipe line to connect up with Chollas Reservoir instead of westerly as at present. Put in a dotted line in red from Eucalyptus Reservoir to a connection with the pipe line just south of Chollas Reservoir. Also put in a dotted red line from Eucalyptus Reservoir to Sweetwater Dam, and giving me on paper the air line distance from Eucalyptus to Chollas and from Eucalyptus to Sweetwater as the bird flies.

Ed Fletcher.

Office
Sept. 10, 1919

Mathews:

Keep this Water Commission Act, Chapter 586, Stats. 1913, and amendments, in your files for future reference.

E. F.

WATER COMMISSION ACT.

CHAPTER 586, STATS. 1913.

An act to regulate the use of water which is subject to such control by the State of California, and in that behalf creating a state water commission; specifying and providing for the appointment of the members of said commission; fixing the terms of office and compensation of the members of said commission; fixing the powers, duties and authority of said commission and its members; providing for the filling of vacancies in the membership of said commission; providing for the removal from office of the appointed members of said commission; providing for the co-operation of courts with said commission; providing that certain courts shall take judicial notice of certain acts of the state water commission; specifying the duties of all persons summoned as witnesses before said commission or any of its members; appropriating money for carrying out the provisions of this act; providing for the payment of the indebtedness and expenses of said commission, its members and employees; declaring what water is unappropriated; providing for the utilization of water and the works necessary to such utilization to the full capacity of streams or of such portion or portions of such capacity as the public good may require; declaring what water may be appropriated; declaring that the nonapplication for ten consecutive years of any portion of the waters of any stream to lands riparian to such stream shall be conclusive presumption that the use of such nonapplied water is not needed on said riparian lands for a useful or beneficial purpose; declaring that such nonapplied water shall be deemed to be in the use of the state and subject to appropriation; declaring the duties of those who desire to appropriate water; declaring the periods for which water may be appropriated and the conditions under which water may be appropriated; providing for the payment of fees and charges by the applicants for permission to appropriate water and by the appropriators of water; providing for the ascertainment and adjudication of water rights; providing for the bringing of actions by certain persons, or, upon the direction of the state water commission, by the attorney general, for the quieting of title to water rights; specifying certain duties of the claimants, possessors or users of water or water rights; declaring water rights forfeited under certain conditions; regulating the appropriation of water; excepting cities, cities and counties, municipal water districts, irrigation districts and lighting districts from certain provisions of this act; defining certain words and terms used in this act; repealing all acts or parts of acts in conflict with this act; declaring how this act shall be known; making legislative declaration concerning those parts of this act which may not be declared unconstitutional.

[Approved June 16, 1913. Amended 1915. Amended 1917. Amended 1919.]

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

SECTION 1. For the purpose of carrying out the provisions of this act a state water commission consisting of five persons is hereby created and established. Two members of said commission shall be, ex officio,

the governor of the state and the state engineer, respectively. Three members of said commission, one of whom shall be the executive member and the other two shall be associate members, shall be appointed by the governor for the term of four years; *provided, however*, that the members first appointed shall be appointed to hold office for the unexpired term of the members in office at the time this amendatory act takes effect. Such appointive commissioners shall be men of practical knowledge or experience in the application and use of waters for irrigation, mining and municipal purposes, and shall be so appointed that at least one thereof shall have had practical knowledge and experience in the use of water for agricultural purposes, and one thereof shall have had practical knowledge and experience in the use of water for mining purposes, and one thereof shall have had practical knowledge and experience in the use of water for municipal purposes. The executive member shall be president of the commission. The executive member of said commission shall receive as compensation for his services the sum of five thousand dollars per annum. Each of the associate members of said commission shall receive as compensation for his services fifteen dollars per day while actually engaged in the duties of his office. All members of the commission shall receive their actual and necessary traveling expenses. No commissioner who is directly or indirectly interested in any matter before the commission shall sit with the commission during the hearing of such matter; nor shall he be detailed by the commission to investigate or report on any such matter; nor shall he take part in any determination of any such matter. But the governor shall have the power and authority, upon request of the commission, to appoint pro tempore some disinterested person to sit and act in the place and stead of such interested commissioner. Such pro tempore commissioner shall have compensation for the time of service equal to the compensation of a commissioner during such service and shall have the power and authority of the same, only in the matter for the investigation and determination of which he shall have been appointed and his connection with the commission shall cease and determine upon the completion of the investigation and determination for which he was appointed. But the commissioner in whose place and stead he sits shall have power, compensation and authority in all other cases. It shall be the duty of the executive member of said commission to consider and act upon all applications for permits to appropriate water under the provisions of the water commission act and to do all things required or proper relating to such applications and his acts and orders in such matters shall be deemed the acts and orders of said commission; *provided, however*, that any person, firm, association, or corporation interested in any such application may appeal from any order of said executive member granting or refusing to grant a permit or a license to appropriate by filing with said commission a notice of appeal within thirty days after notice of such order is given as provided in the water commission act. Such notice of appeal shall be sufficient if it sets forth or refers to with reasonable certainty the order appealed from and the grounds of dissatisfaction therewith. Upon the filing of notice of appeal the said water commission shall review all papers and proceedings in the matter in which the order appealed from was made, take such additional evidence as it may deem

proper, and enter its order in such matter affirming, reversing, or modifying in any way the order of said executive member. (*Amended 1919.*)

SEC. 2. Whenever a vacancy in the state water commission shall occur, the governor shall forthwith appoint a qualified person to fill the same for the unexpired term. The legislature, by a two-thirds vote of all members elected to each house, or the governor, may remove any one or more of the appointed commissioners from office. The commission shall have a seal bearing the following inscription: State water commission of California. The seal shall be affixed to all authentications of copies of records and to such other instruments as the commission may direct. All courts shall take judicial notice of said seal.

SEC. 3. A majority of the appointed commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners present, when in session as a board, shall be deemed to be the act of the commission; but any investigations, inquiry or hearing which the commission has power to undertake or hold may be undertaken or held by or before any commissioners or commissioner designated for the purpose by the commission; and every finding, order, ascertainment or decision made by the commissioners or the commissioner so designated pursuant to such investigation, inquiry or hearing, when approved by the commission and ordered filed in its office, shall be and be deemed to be the finding, order, ascertainment or decision of the commission.

SEC. 4. (a) Each commissioner shall have power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, maps, accounts, documents and testimony in any inquiry, investigation, hearing, ascertainment or proceeding ordered or undertaken by the commission in any part of the state. Each witness who shall appear by order of the commission or any commissioners or a commissioner shall receive for his attendance the same fees and mileage allowed by law to witnesses in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness who has not been required to attend at the request of any party shall be subpoenaed by the commission his fees and mileage shall be paid from the funds appropriated for the use of the commission in the same manner as other expenses of the commission are paid. Any witness subpoenaed, except one whose fees and mileage may be paid from the funds of the commission, may, at the time of service, demand the fee to which he is entitled for travel to and from the place at which he is required to appear and one day's attendance. If such witness demands such fees at the time of service, and they are not at that time paid or tendered, he shall not be required to attend before the commission or commissioners as directed in the subpoena. All fees and mileage to which any witness is entitled under the provisions of this section may be collected by action therefor instituted by the person to whom such fees are payable. But no witness shall be compelled to attend as a witness before the water commission or any water commissioner or water commissioners out of the county in

which he resides, unless the distance be less than thirty miles from his place of residence to the place of hearing.

(b) The superior court of the county or city and county in which any inquiry, investigation, hearing or proceedings may be held by the commission or any commissioner or commissioners shall have the power to compel the attendance of witnesses and the production of papers, maps, books, accounts, documents and testimony as required by any subpoena issued by the commission or any commissioner or commissioners. The commission, commissioners or commissioner before whom the testimony is to be given or produced may, in case of the refusal of any witness to attend or testify or produce any papers, maps, books, accounts or documents required by such subpoena, report to the superior court in and for the county or city and county in which the proceeding is pending by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or for the production of said papers, maps, books, accounts or documents and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers, maps, books, accounts or documents required by the subpoena before the commission, commissioners, or commissioner in the cause or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such cause or proceeding, and ask an order of said court, compelling the witness to attend, testify, and produce said papers, maps, books, accounts or documents before the commission, or commissioners, or commissioner. The court, upon the petition of the commission or commissioners or commissioner, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause, if any he have, why he refused to obey said subpoena, or refused to answer questions propounded to him by said commission, or any commissioners or any commissioner, or neglected, failed or refused to produce before said commission, or any commissioners or any commissioner the books, papers, maps, accounts or documents called for in said subpoena. A copy of said order and the petition therefor shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or any commissioners or a commissioner, the court shall thereupon enter an order that said witness appear before the commission or commissioners or commissioner at the time and place fixed in said order, and testify or produce the required papers, maps, books, accounts or documents, or both testify and produce; and upon failure to obey said order said witness shall be dealt with as for contempt of court.

(c) The state water commission or any commissioners or commissioner, or any party to a proceeding before the commission or any commissioners or any commissioner, may in any investigation or hearing before the commission or any commissioners or any commissioner cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for depositions in civil actions in the superior courts of this state.

(d) No person shall be excused from testifying or from producing any book, map, document, paper or account in any investigation or

inquiry by or hearing before the commission or any commissioners or commissioner upon the ground that the testimony or evidence, book, map, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture. But no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing material to the matter under investigation by said commission, or any commissioners, or any commissioner concerning which he shall have been compelled to testify or to produce documentary evidence; *provided*, that no person so testifying or producing shall be exempt from prosecution and punishment for any perjury committed by him in his testimony.

SEC. 5. A full and accurate record of business or acts performed or of testimony taken by the commission or any member or members thereof in pursuance of the provisions of this act shall be kept and be placed on file in the office of said water commission.

SEC. 6. The state water commission shall take, charge and collect the following fees: for copies and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio; for certified copies of official documents and orders filed in its office, fifteen cents for each folio, and one dollar for every certificate under seal affixed thereto; for certified copies of evidence and proceedings before the commission, fifteen cents for each folio. The commission may fix reasonable charges for publications issued under its authority. All fees charged and collected under this section shall be paid, at least once each week, accompanied by a detailed statement thereof, into the treasury of the state.

SEC. 7. For the purpose of carrying out the provisions of this act the state water commission is authorized to pass such necessary rules and regulations as it may from time to time deem advisable, and to appoint and remove at its pleasure a secretary who shall have charge of its books and records and perform such other duties as from time to time may be prescribed and whose salary shall be fixed by the water commission; and the state water commission may also employ such expert, technical and clerical assistance, and upon such terms, as it may deem proper.

SEC. 8. For the purpose of carrying out the provisions of this act the sum of fifty thousand dollars is hereby appropriated for the fiscal years 1913-1914 and 1914-1915 out of any money in the state treasury not otherwise appropriated, and the state controller is hereby authorized and directed to draw warrants upon such sum from time to time upon the requisition of the state water commission approved by the state board of control, and the state treasurer is hereby authorized and directed to pay such warrants.

SEC. 9. All indebtedness incurred for salaries, and all necessary costs in traveling and other expenses of said commission, and each of its members and persons employed by it, while actually engaged in the business of said commission, shall be paid by the state out of the funds hereby appropriated, upon the sworn statement of the person or persons incurring such indebtedness, and upon the requisition of the state water commission, approved by the state board of control, and the state controller is hereby authorized to draw warrants upon the state treasurer for said indebtedness, salaries, costs and expenses, as provided by law

for the payment of similar costs and expenses and the drawing of similar warrants.

SEC. 10. The state water commission is hereby authorized and empowered to investigate for the purpose of this act all streams, stream systems, portions of stream systems, lakes, or other bodies of water, and to take testimony in regard to the rights to water or the use of water thereon or therein, and to ascertain whether or not such water, or any portion thereof, or the use of said water or any portion thereof, heretofore filed upon or attempted to be appropriated by any person, firm, association, or corporation, is appropriated under the laws of this state.

SEC. 11. All water or the use of water which has never been appropriated, or which has been heretofore appropriated and which has not been in process, from the date of the initial act of appropriation, of being put, with due diligence in proportion to the magnitude of the work necessary properly to utilize for the purpose of such appropriation such water or the use of water, or which has not been put, or which has ceased to be put to some useful or beneficial purpose, or which may hereafter be appropriated and ceased to be put, to the useful or beneficial purpose for which it was appropriated, or which in the future may be appropriated and not be, in the process of being put, from the date of the initial act of appropriation, to the useful or beneficial purpose for which it was appropriated, with due diligence in proportion to the magnitude of the work necessary properly to utilize for the purpose of such appropriation such water or the use of water, is hereby declared to be unappropriated. And all waters flowing in any river, stream, canyon, ravine or other natural channel, excepting so far as such waters have been or are being applied to useful and beneficial purposes upon, or in so far as such waters are or may be reasonably needed for useful, and beneficial purposes upon lands riparian thereto, or otherwise appropriated, is and are hereby declared to be public waters of the State of California and subject to appropriation in accordance with the provisions of this act. If any portion of the waters of any stream shall not be put to a useful or beneficial purpose to or upon lands riparian to such stream for any continuous period of ten consecutive years after the passage of this act, such nonapplication shall be deemed to be conclusive presumption that the use of such portions of the waters of such stream is not needed upon said riparian lands for any useful or beneficial purpose; and such portion of the waters of any stream so nonapplied, unless otherwise appropriated for a useful and beneficial purpose is hereby declared to be in the use of the state and subject to appropriation in accordance with the provisions of this act; *provided, however*, that where there is pending any action or proceeding to condemn any lands riparian to any stream or any rights, powers or privileges to use the waters of any stream upon lands riparian to such stream or to condemn rights essential to use the waters of any stream which action or proceeding was commenced prior to the sixteenth day of June, 1913, said period of ten consecutive years shall be exclusive of the period of time during which such action or proceeding is pending. In any case where a reservoir or reservoirs have been or shall hereafter under the provisions of this act be constructed or surveyed, laid out and proposed to be constructed for the storage of water for a system, which water is to be used

at one or more points under appropriations of water heretofore or hereafter made, which appropriations and rights thereunder are now, or shall hereafter be held and owned by the person or corporation owning such reservoir site or sites and constructing such reservoir or reservoirs, such reservoir or reservoirs and appropriations and rights shall, in the discretion of the state water commission, constitute a single enterprise and unit, and work of constructing such reservoir or reservoirs, or any of them, or work on any one of such appropriations shall, in the discretion of said commission, be sufficient to maintain and preserve all such applications for appropriations and rights thereunder. (*Amended 1919.*)

SEC. 12. The state water commission shall have authority to, and may, for good cause shown, upon the application of any appropriator or user of water under an appropriation made and maintained according to law prior to the passage of this act, prescribe the time within which the full amount of the water appropriated shall be applied to a useful or beneficial purpose; *provided*, that said appropriator or user shall have proceeded, with due diligence in proportion to the magnitude of the project, to carry on the work necessary to put the water to a beneficial use; and in determining said time said commission shall grant a reasonable time after the construction of the works or canal or ditch or conduits or storage system used for the diversion, conveyance or storage of water; and in doing so said commission shall also take into consideration the cost of the application of such water to the useful or beneficial purpose, the good faith of the appropriator, the market for water or power to be supplied, the present demand therefor, and the income or use that may be required to provide fair and reasonable returns upon the investment and any other facts or matters pertinent to the inquiry. Upon prescribing such time the state water commission shall issue a certificate showing its determination of the matter. For good cause shown, the state water commission may extend the time by granting further certificates. And, for the time so prescribed or extended, the said appropriator or user shall be deemed to be putting said water to a beneficial use.

And if at any time it shall appear to the state water commission, after a hearing of the parties interested and an investigation, that the full capacity of the works built or constructed, or being built or constructed, under an appropriation of water or the use thereof made under the provisions of this act has not developed or can not develop the full capacity of the stream at the point where said works have been or are being built or constructed, and that the holder of the said appropriation will not or can not, within a period deemed to be reasonable by the commission, develop the said stream at said point to such a capacity as the commission deems to be required by the public good, then and in that case the said commission, in its discretion, may permit the joint occupancy and use, with the holder of the appropriation, to the extent necessary to develop the stream to its full capacity or to such portion of said capacity as may appear to the state water commission to be advisable, by any and all persons, firms, associations, or corporations applying therefor, of any dam, tunnel, diversion works, ditch, or other works or constructions already built or constructed or in process of being built or constructed under this act; *provided*, that said commission shall take into consideration the reasonable cost of the original and new work,

the good faith of the applicant, the market for water or power to be supplied by the original and the new work, and the income or use that may be required to provide fair and reasonable returns upon such cost; *provided, further*, that the applicant or applicants shall be required to pay to the party or parties owning said dam, tunnel, diversion works, ditch, or other works or constructions a pro rata portion of the total cost of the old and the new works, said pro rata portion to be based upon the proportion of the water used by the original and the subsequent users of said dam, tunnel, diversion works, ditch, or other works or constructions, if the water is used or to be used for irrigation or domestic purposes; or, if the water is used or to be used for the generation of electricity or electrical or other power, the said pro rata portion shall be based upon the relative amount of electricity or electrical or other power capable of being developed by the original and the new works; or, if a portion of the water utilized under a joint occupancy of any dam, tunnel, diversion works, ditch or other works or construction, shall be used for the purpose of irrigation and another portion of said water shall be used for the generation of electricity or electrical or other power, then and in that case the applicant or applicants for joint occupancy shall be required to pay to the party or parties owning said dam, tunnel, diversion works, ditch, or other works or constructions a pro rata portion of the total cost of the old and new works, said pro rata portion to be based upon the proportion of the relative amount of water used by each joint occupant and the income derived by each said joint occupant from said joint occupancy; or, if any of the waters used under such joint occupancy shall be utilized for purposes other than those specified above, then and in that case the applicant or applicants for such joint occupancy shall be required to pay to the party or parties owning said dam, tunnel, diversion works, ditch, or other works or constructions, such a pro rata portion of the total cost of the old and new works as shall appear to the state water commission to be just and equitable. Said applicant or applicants shall also be required to pay a proper pro rata share, based as above, of the cost of maintaining said dam, tunnel, diversion works, ditch or other works or constructions, on and after beginning the occupancy and use thereof. Furthermore, the state water commission if it appears to the said commission that the full capacity of the works built or constructed, or being built or constructed, under an appropriation of water or the use thereof under this act, will not develop the full capacity of the stream at that point, and it appears to the commission that the public good requires it, and the commission specifically so finds after investigation and hearing of the parties interested, may permit any person, firm, association or corporation to repair, improve, add to, supplement, or enlarge, at his or its proper cost, charge and expense, any dam, tunnel, diversion works, ditch, or other works or constructions already built or constructed or in process of being built or constructed under the provisions of this act, and to use the same jointly with the owners thereof; *provided*, that the said repairing, improving, adding to, supplementing, or enlarging shall not materially interfere with the proper use thereof by the owner of said dam, tunnel, diversion works, ditch, or other works or constructions or shall not materially injure said dam, tunnel, diversion works, ditch or other works or constructions.

And the state water commission shall determine the pro rata and other costs provided for in this section.

SEC. 13. All rights granted or declared by this act shall be ascertained, adjudicated and determined in the manner and by the tribunals as provided in this act.

SEC. 14. This act shall not be held to bestow, except as expressly provided in this act, upon any person, firm, association or corporation, any right where no such right existed prior to the time this act takes effect.

SEC. 15. The state water commission shall allow, under the provisions of this act, the appropriation for beneficial purposes of unappropriated water unless, in the opinion of the said commission, such appropriation would be detrimental to the public welfare. (*Amended 1917.*)

SEC. 15a. The state water commission shall allow the appropriation of water in this state for beneficial use in another state only when, under the laws of the latter, water may be lawfully diverted therein for beneficial use in the State of California. Upon any stream flowing across the state boundary a right of appropriation having the point of diversion and the place of use in another state and recognized by the laws of that state, shall have the same force and effect as if the point of diversion and the place of use were in this state; *provided*, that the laws of that state give like force and effect to similar rights acquired in this state. (*Amended 1917.*)

SEC. 16. Every application for a permit to appropriate water shall set forth the name and post-office address of the applicant, the source of water supply, the nature and amount of the proposed use, the location and description of the proposed headworks, ditch, canal and other works; the proposed place of diversion and the place where it is intended to use the water; the time within which it is proposed to begin construction, the time required for completion of the construction, and the time for the complete application of the water to the proposed use. If for agricultural purposes, the application shall, besides the above general requirements, give the legal subdivisions of the land and the acreage to be irrigated, as near as may be; if for power purposes, it shall give, besides the general requirements prescribed above, the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the use to which the power is to be applied; if for storage in a reservoir, it shall give, in addition to the general requirements prescribed above, the height of dam, the capacity of reservoir, and the use to be made of the impounded waters; if for municipal water supply, it shall give, besides the general requirements specified above, the present population to be served, and, as near as may be, the future requirements of the city; if for mining purposes, it shall give, in addition to the general requirements prescribed above, the nature and location of the mines to be served and the methods of supplying and utilizing the water. All applications shall be accompanied by as many copies of such maps, drawings, and other data as may be prescribed or required by the state water commission, and such maps, drawings, and other data shall be considered as part of the application. If any permittee or licensee, or the heirs, successors, or assigns of any permittee or licensee, desire to change the

point of diversion from the point of diversion specified in the original application, or after the granting of any permit or license, such change or changes may be made only upon the permission of the state water commission; *provided*, that, before granting such permission, such applicant must establish, to the satisfaction of the state water commission, and such commission must so find, that such change in the place of diversion will not operate to the injury of any other appropriator or legal user of such waters before permitting such change in the place of the diversion. Upon receipt of application for permission to make such change in the place of diversion, the commission shall, by order, fix a time within which any person interested may appear in opposition to such application, and such applicant shall, if the commission so require, cause to be published at least once a week for four consecutive weeks, in a newspaper or newspapers of general circulation in the county in which is situated both the old and new points of diversion, a copy of said order. Proof of such publication shall be by affidavit of the publisher of such newspaper. Should any objection be made to the change in point of diversion so applied for, the state water commission shall fix a time for the hearing of said application and of the objections thereto, which time shall be not less than thirty days nor more than sixty days after the period of said publication, and upon such hearing the said commission shall grant or refuse, as the facts shall warrant, such permission to change place of diversion.

SEC. 17. Any person, firm, association or corporation may apply for and secure from the state water commission, in conformity with this act and in conformity with reasonable rules and regulations adopted from time to time by the state water commission, a permit for any unappropriated water or for water which having been appropriated or used flows back into a stream, lake or other body of water within this state. And any application so made shall give to the applicant a priority of right as of the date of said application to such water or the use thereof until such application shall have been approved or rejected by said commission; *provided*, that such priority shall continue only so long as the provisions of law and the rules and regulations of the water commission shall be followed by the applicant. Upon the approval of any application by the commission, said approval shall give priority of right as of the date of said application, and shall give the right to take and use the amount of water specified in said approval until the issuance by the state water commission of a license for the use of said amount of water, or until the said commission refuses to issue said license. But the approval of any application shall give the right to take and use water only to the extent and for the purpose allowed in said approval; *provided*, that any defective application made in a bona fide attempt to conform to the rules and regulations of the state water commission and to the law shall secure to the applicant a priority of right as of the date of said application until he shall have been notified by said commission in what respect his application is defective. And said applicant shall be allowed sixty days after notice of said defect in which to file an amended and perfected application. If, within said sixty days, said applicant shall not file an amended and perfected application, said priority of right shall cease and determine, unless for good cause shown the state water commission shall allow said applicant to file a further

amended and perfected application; *provided*, also, that any priority of right secured under this section shall not be effective for more than thirty days after service of notice of such approval, personally or by registered mail, on the applicant, unless within said period of thirty days a true copy of said approval upon which such priority is based shall have been filed in the office of the recorder of the county or city and county in which the water is to be diverted, and, within ten days thereafter, a certificate of such filing by the county recorder is also filed with the state water commission.

SEC. 18. Actual construction work upon any project shall begin within such time after the date of the approval of the application as shall be specified in said approval, which time shall not be less than sixty days from date of said approval, and the construction of the work thereafter shall be prosecuted with due diligence in accordance with this act, the terms of the approved application, and the rules and regulations of said commission; and said work shall be completed in accordance with law, the rules and regulations of the state water commission, and the terms of the approved application and within a period specified in the permit; but the period of completion specified in the permit may, for good cause shown, be extended by the state water commission. And if such work be not so commenced, prosecuted and completed, the water commission shall, after notice in writing and mailed in a sealed, postage-prepaid and registered letter addressed to the applicant at the address given in his application for a permit to appropriate water, and a hearing before the commission, revoke its approval of the application. But any applicant, the approval of whose application shall have been thus revoked, shall have the right to bring an action in the superior court of the county in which is situated the point of proposed diversion of the water for a review of the order of the commission revoking said approval of the application. And thirty days after the revocation of said permit all rights of the said permittee under said permit shall cease and lapse, unless said permittee shall within said thirty days after said revocation bring an action in the superior court for a review of the order of revocation. The priority of right of any permittee so bringing an action shall continue under said permit until a final judgment is rendered as to the reasonableness of the revocation of said permit. But until and unless the revocation of the permit shall be finally decreed by such court, the permittee shall not take or use any of the water the right to take and use which is granted by said permit.

SEC. 19. Immediately upon completion, in accordance with law, the rules and regulations of the state water commission, and the terms of the permit, of the project under such application, the holder of a permit for the right to appropriate water shall report said completion to the state water commission. The said commission shall immediately thereafter cause to be made a full inspection and examination of the works constructed and shall determine whether the construction of said works is in conformity with law, the terms of the approved application, the rules and regulations of the state water commission, and the permit. The said water commission shall, if said determination is favorable to the applicant, issue a license which shall give the right to the diversion of such an amount of water and to the use thereof as may be necessary to fulfill the purpose of the approved application. Said license shall be

in such form as may be prescribed by the state water commission under the provisions of this act. But if the said commission shall find, upon inspection and examination of the works constructed, that the construction and condition of said works are not in conformity with the law, the rules and regulations of the state water commission, the terms of the approved application and the terms of the permit, then and in that case the said commission may, after due notice in writing and in the manner provided in sections one thousand and eleven, one thousand and twelve, and one thousand and thirteen of the Code of Civil Procedure to the applicant or the holder of the permit, and a public hearing thereon, refuse to issue said license. And thirty days after the refusal of said commission to issue said license all rights of the applicant and the holder of the permit under said application and permit shall lapse and cease. But the holder of any permit to whom the said water commission may have refused to issue said license, shall have the right to bring an action within thirty days after the said refusal, in the superior court to review said order and to obtain a decree requiring the issuance of such license. And the rights of the holder of any permit so bringing an action shall continue under said permit until the decree in such action has been entered and become final. But until the refusal of the commission to issue said license shall be finally determined by the courts, the permittee shall not take or use any of the water, the taking and using of which is granted to him by said permit. And if the holder of any permit which has been revoked by the state water commission shall not bring an action within said thirty days in the superior court to determine the validity of said revocation, then and in that case all rights of the applicant and of the holder of said permit shall lapse and cease.

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 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. 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 accepts 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 do so 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.

SEC. 20a. When the party entitled to the use of water fails to beneficially use all or any part of the water claimed by him, for which a right of use has vested, for the purpose for which it was appropriated or adjudicated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water. (*Amended 1917.*)

SEC. 21. Nothing herein contained shall be construed to deprive the state or any city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state, or any person, company or corporation of any rights which, under the law of this state they may have, to acquire property by or through eminent domain proceedings.

SEC. 22. Licenses hereafter granted for water or use of water shall be subject to the right of the state to impose the fees and charges provided in this act.

SEC. 23. Every person, firm, association or corporation making application for a permit to appropriate water or the use of water under this act shall pay to the state water commission, at the time of filing said application, a filing fee in the sum of five dollars, and, upon the issue of a permit, the additional fee, if the purpose or use is for the generation of electricity or electrical or other power, of ten cents for each theoretical horsepower capable of being developed by the works up to and including one hundred theoretical horsepower, of five cents for each horsepower in excess of one hundred theoretical horsepower up to and including one thousand theoretical horsepower, and of one cent for each theoretical horsepower in excess of one thousand theoretical horsepower; also, if for agricultural purposes, of five cents for each acre of land to be irrigated by means of said appropriation to and including one hundred acres, of three cents per acre for each acre in excess of one hundred acres up to and including one thousand acres, and of two cents for each acre over one thousand acres. All fees shall forthwith be paid into the state treasury by the state water commission. No fee shall be required from any person, firm, association, or corporation exempt by any law of the State of California from the payment of such fee. (*Amended 1917.*)

SEC. 24. In case suit is brought in the superior court for determination of rights to water or the use of water, the case may, in the discretion of the court, be transferred to the state water commission for investigation, as referee. (*Amended 1917.*)

SEC. 25. Upon its own initiative or upon petition signed by one or more claimants to water or the use of water upon any stream, stream

system, lake, or other body of water, all of which sources of supply are hereinafter referred to as "stream system," requesting the determination of rights, based upon prior appropriation, of the various claimants to the water of that stream system, it shall be the duty of the state water commission, if, upon investigation, it finds the facts and conditions are such as to justify, to enter an order granting said petition and to make proper arrangements to proceed with such determination. (*Amended 1917.*)

SEC. 26. As soon as practicable after the state water commission shall make and enter the order granting the said petition or selecting the stream system upon which the determination of water rights by appropriation is to begin, it shall prepare a notice setting forth the fact of the entry of said order and of the pendency of the said proceedings, the date when the state water commission shall begin said examination, and that all claimants to rights by appropriation of the waters of said stream system are required, as in this act provided, to make proof of their claims. The notice shall be published for a period of four consecutive weeks in one or more newspapers of general circulation published in each county in which any part of said stream system is situated. (*Amended 1917.*)

SEC. 27. At the time set in said notice, the state water commission shall begin an investigation of the flow of the stream system and of the conduits diverting water, and of the lands irrigated or irrigable therefrom, and shall gather such other data and information as may be essential to the proper determination of the water rights by appropriation. It shall reduce its observations, data, information and measurements to writing. It shall execute surveys and shall prepare maps from the observations of such surveys in accordance with such uniform rules and regulations as it may adopt; which surveys and maps shall show with substantial accuracy the course of the stream or streams; the location of each conduit diverting water therefrom, land irrigated and capable of being irrigated by each conduit, and the kind of culture upon the irrigated land. The maps shall be prepared as the surveys and observations progress, and, when completed, it [they] shall be filed and made of record in the office of the state water commission. (*Amended 1917.*)

SEC. 28. Upon the completion of such measurements and maps, and the filing of said observations, data, information and measurements, the state water commission shall prepare a notice setting forth the date, prior to which the proofs, to be furnished by claimants upon forms supplied by the state water commission and more specifically referred to in the next section hereof, as to the rights by appropriation of the waters of said stream system, shall be filed; *provided, however*, that the date set, prior to which said proofs must be filed, shall not be less than sixty days from the date of the last publication of said notice as hereinafter provided. The notice shall be deemed to be an order of the state water commission as to its contents, and it shall be published by the state water commission for a period of four consecutive weeks in one or more newspapers of general circulation published in each county in which any part of said stream system is situated. At or near the time of the first publication of said notice it shall be the duty of the state

water commission to send by registered mail to each claimant to rights by appropriation of the waters of said stream system, in so far as such claimant can be reasonably ascertained at his last known place of address, a notice equivalent in terms to the said published notice. (*Amended 1917.*)

SEC. 29. The state water commission shall, in addition, enclose with the notice to be mailed as aforesaid, blank forms, proofs of appropriation, upon which said claimant shall present in writing all particulars necessary for the determination of his right by appropriation of the waters of said stream system, the said statement to include the following:

- (a) The name and post-office address of the claimant.
- (b) The nature of the right or use on which the claim for appropriation is based.
- (c) The date of the initiation of such right and a description of works of diversion and distribution.
- (d) The date of beginning of construction.
- (e) The date when completed.
- (f) The dates of beginning and completion of enlargements.
- (g) The dimensions of the ditch as originally constructed and enlarged.
- (h) The date when water was first used for irrigation or other beneficial purposes, and if used for irrigation, the amount of land irrigated the first year, the amount in subsequent years, with the dates of irrigation and the area and the location of the lands which are intended to be irrigated.
- (i) The character of the soil and the kind of crops cultivated, and such other facts as will show the extent and nature of the right and a compliance with the law in acquiring the same, as may be required by the state water commission. Each claimant shall be required to certify to his statements, under oath. (*Amended 1917.*)

SEC. 30. After the date fixed for the filing of proofs, no proofs shall be received or filed with the state water commission; *provided, however*, that the state water commission may, for cause shown, in its discretion, extend the time in which proofs may be filed. Upon neglect or refusal of any person to make proof of his claim to rights by appropriation of the waters of such stream system, as required by this act, prior to the expiration of the period fixed by the state water commission, during which proofs may be filed, the state water commission shall determine the right by appropriation of such person on such evidence as it may obtain or may have on file in its office in the way of maps, plats, surveys and transcripts; and exceptions to such determination may be filed in court as hereinafter provided. (*Amended 1917.*)

SEC. 31. Any claimant of a right by appropriation of the water of any stream system upon whom no service of notice shall have been had of the pendency of proceedings for the determination of the rights by appropriation of the waters of said stream system, and who shall have had no actual knowledge or notice of the pendency of said proceedings, may at any time prior to the expiration of three months after the entry of the determination of the state water commission, as provided in section thirteen of this act, file a petition to intervene in said proceedings. Such petition shall be under oath and shall contain, among other

things, all matters required by this act of claimants who have been duly served with notice of said proceedings, and also a statement that the intervenor had no actual knowledge or notice of the pendency of said proceedings. Upon the filing of said petition in intervention, the petitioner shall be allowed to intervene and thereafter shall have all the rights and be subject to all the duties of the claimants who have been duly served. (*Amended 1917.*)

SEC. 32. At the time of submission of proof of appropriation, the state water commission shall collect from such claimants, on the basis of the statements in the proofs, a fee of fifteen cents for each acre of irrigated or irrigable lands up to and including one hundred acres, ten cents for each acre in excess of one hundred acres and up to and including one thousand acres, and five cents per acre for each acre in excess of one thousand acres; also twenty-five cents for each theoretical horsepower up to and including one hundred horsepower, fifteen cents for each theoretical horsepower in excess of one hundred horsepower and up to and including one thousand horsepower, and five cents for each theoretical horsepower in excess of one thousand horsepower; also five (5) dollars for each cubic foot per second, or fraction thereof, claimed for any purpose other than irrigation or power; the minimum fee however, for any claimant to be five (5) dollars. All fees charged and collected under this section shall be paid, at least once each month, accompanied by a detailed statement thereof, into the treasury of the state. (*Amended 1917.*)

SEC. 33. As soon as practicable after the expiration of the period fixed in which proofs may be filed, the state water commission shall assemble all proofs which have been filed, and prepare and certify an abstract of all of the said proofs, which shall be printed in the state printing office. As soon as practicable the state water commission shall prepare a notice fixing and setting a time and place, reasonably convenient to the claimants, when and where the evidence taken by or filed with it shall be open to the inspection of all interested persons, said period of inspection to be not less than ten (10) days, which notice shall be deemed to be an order of the state water commission as to the matters contained therein. A copy of said notice, together with a printed copy of the said abstract of proofs, shall be sent by registered mail, at least fifteen (15) days prior to the first day of such period of inspection, to each claimant who has appeared and filed proof as herein provided. A representative of the state water commission shall be present at the time and place designated in said notice, and allow, during said period, any person interested to inspect such evidence and proofs as have been filed in accordance with this act. (*Amended 1917.*)

SEC. 34. Should any claimant desire to contest any of the statements and proofs of claims filed with the state water commission by any other claimant to the waters of the stream system, he shall, within fifteen (15) days after said evidence and proofs shall have been opened to public inspection, or within such further time as for good cause shown may be allowed by the state water commission upon application made prior to the expiration of said fifteen (15) days, in writing, notify the state water commission, stating with reasonable certainty the grounds of the proposed contest, which statement shall be verified by the affidavit of

the contestant, his agent or attorney. The statements or proofs of the person whose rights are contested and the verified statement of the contestant shall be deemed sufficient to constitute a proper cause for such contest. (*Amended 1917.*)

SEC. 35. Within ten (10) days after the receipt of the notice of contest the state water commission shall notify by registered mail the contestant and the claimant whose rights are contested to appear before it at a time and place specified in said notice, and that at said time and place said contest will be heard; *provided*, that said time shall not be less than fifteen (15) days nor more than sixty (60) days from the date of the mailing of the notice of the commission. The state water commission shall have power to adjourn hearings of contests from time to time upon reasonable notice to all parties in interest, and to issue subpoenas for and compel the attendance of witnesses to testify before it and to produce papers, books, maps, and other documents. The costs of taking testimony at a hearing shall be borne by the parties thereto as follows: each party shall pay for the direct examination of his own witness and the cross-examination of opponent's witness and shall share equally for that part of the examination directed by the representative of the commission. One copy of the transcript of testimony taken at the hearing shall be furnished to the commission and the cost thereof borne equally by the parties. (*Amended 1917.*)

SEC. 36. As soon as practicable after the hearing of contests, it shall be the duty of the state water commission to make, and cause to be entered of record in its office, an order determining and establishing the several rights by appropriation of the waters of said stream; *provided*, *however*, that within sixty (60) days after the entry of an order establishing water rights, the state water commission may, for good cause shown, reopen the proceedings and grant a rehearing. Such order and determination shall be prepared, and after certification by the state water commission, printed in the state printing office. A copy of said order of determination shall be sent by registered mail to each person who has filed proof of claim, and to each person who has become interested through intervention or as a contestant under the provisions of section eight or section eleven of this act. (*Amended 1917.*)

SEC. 36a. As soon as practicable, after the entry of the order of determination, a certified copy thereof, together with the original evidence and transcript of testimony filed with, or taken before the state water commission, as aforesaid, duly certified by it, shall be filed with the clerk of the superior court of the county in which said stream system, or any part thereof, is situated. Upon the filing of the certified copy of said order, evidence, and transcript with the clerk of the court in which the proceedings are to be had, the state water commission shall procure an order from said court setting a time for hearing. The clerk of such court shall immediately furnish the state water commission with a certified copy of said order. It shall be the duty of the state water commission immediately thereupon to mail a copy of such certified order of the court, by registered mail, addressed to each known party in interest at his last known place of residence, and to cause the same to be published at least once a week for four consecutive weeks in some newspaper of general circulation published in each county in which such stream

system or any part thereof is located, and the state water commission shall file with the clerk of the court proof of such service by registered mail and by publication. Such service by registered mail and by publication shall be deemed full and sufficient notice to all parties in interest of the date and purpose of such hearing. (*Amended 1917.*)

SEC. 36b. At least ten days prior to the day set for hearing, all parties in interest who are aggrieved or dissatisfied with the order of determination of the state water commission shall file with the clerk of said court notice of exceptions to the order of determination of the state water commission, which notice shall state briefly the exceptions taken, the reasons therefor, and the prayer for relief, and a copy thereof shall be transmitted by registered mail at least ten (10) days prior to such hearing, to the state water commission and to each claimant, who was an adverse party to any contest wherein such exceptor was a party in the proceedings. The order of determination by the state water commission and the statements or claims of claimants and exceptions made to the order of determination shall constitute the pleadings but the court may allow such additional or amended pleadings as may be necessary to a final determination of the proceeding. If no exceptions shall have been filed with the clerk of the court as aforesaid, then on the day set for the hearing, on motion of the state water commission, or its attorney, the court shall enter a decree affirming said order of determination. On the day set for hearing all parties in interest who have filed notices of exceptions as aforesaid shall appear in person, or by counsel, and it shall be the duty of the court to hear the same or set the time for hearing, until such exceptions are disposed of, and all proceedings thereunder shall be as nearly as may be in accordance with the rules governing civil actions. Whenever in the judgment of the court the state is a necessary party to the action, the court shall make an order to that effect and thereupon a copy of all pleadings and proceedings on file with the court in said matter shall be served upon the attorney general who shall represent the state therein. (*Amended 1917.*)

SEC. 36c. For further information on any subject in controversy, the court may employ one or more qualified persons to investigate and report thereon under oath, subject to examination by any party in interest as to his competency to give expert testimony thereon. The court may take additional evidence on any issue and may, if necessary, refer the case for such further evidence to be taken by the state water commission as it may direct, and may require a further determination by it. After the hearing, the court shall enter a decree determining the right of all persons involved in such proceeding. Said decree shall in every case declare as to the water right by appropriation adjudged to each party, the extent, priority, amount, purpose of use, point of diversion, and place of use of said water; and as to water used for irrigation, such decree shall also declare the specific tracts of land to which it shall be appurtenant, together with such other conditions as may be necessary to define the right and its priority. Upon the hearing the court may assess and adjudge against any party such costs as it may deem just. Appeals from such decree may be taken to the supreme court by the state water commission or any party in interest, in the same manner and with the same effect as in civil cases. (*Amended 1917.*)

SEC. 36d. A certified copy of the decree of the superior court shall be prepared by the clerk thereof, without charge, and filed for record in the office of the county recorder of each county in which any part of the stream system is situated and also in the office of the state water commission. It shall be the duty of the state water commission to issue to each claimant represented in such determination a certificate to be signed by the president of the state water commission, and attested under seal of the secretary of said commission, setting forth the name and post-office address of the owner of the right; the priority of the date, extent and purpose of such right; and, if such water be for irrigation purposes, a description of the legal subdivisions of land to which said water is appurtenant. (*Amended 1917.*)

SEC. 36e. Whenever proceedings shall be instituted for the determination of rights by appropriation of water, it shall be the duty of all claimants interested therein and having notice thereof as in this act provided, to appear and submit proof of their respective claims at the time and in the manner required by law; and any such claimant who shall fail to appear in such proceedings and submit proof of his claim shall be barred and estopped from subsequently asserting any rights theretofore acquired upon, the stream system, embraced in such proceedings, and shall be held to have forfeited all rights by appropriation to said water theretofore claimed by him on such stream system, unless entitled to relief under the laws of this state; *provided*, that such proceedings shall result in a determination by the state water commission and a decree by the superior court determining the rights on such stream. Such decree shall be conclusive as to the rights by appropriation of all existing claimants upon the stream system lawfully embraced in the determination. (*Amended 1917.*)

SEC. 36f. The state water commission shall have authority and power in making a determination as to the rights by appropriation of the waters of any stream system, to fix a time limit for the completion of all appropriations of water from such stream, where such rights of appropriations were initiated prior to December 19, 1914, and since prosecuted with reasonable diligence, and such appropriators having been duly notified as provided in this act, must appear and submit their proofs of claim, in accordance with section twenty-eight of this act, or they shall be deemed and held to be in default, and to have abandoned or to have no right, title or interest in or to the waters of such stream. In determining rights of such appropriators, the state water commission shall prescribe such a reasonable time for the completion of such appropriations, and the application of the water appropriated to a beneficial use, as will enable such appropriators acting in good faith and with due diligence to complete the same. The findings of the state water commission shall provide for the submission of proof or evidence as to the completion of such appropriation and the amount of water actually applied to beneficial use upon the expiration of such time limit, and shall, in accordance with such proof, enter supplemental findings, establishing and determining such rights of appropriation, in so far as the same shall have been completed; and certificates of water right shall be issued in accordance with such supplemental findings and order of determination of said commission; but this section shall not be construed

to confer any rights of appropriation upon parties who shall have abandoned their said appropriations or failed to use due diligence in the application of the water to a beneficial use and in the completion of their appropriations; and all such appropriators, who shall fail to complete their said appropriations within the limit of time fixed by the state water commission in said findings, or such further time granted upon application made prior to the expiration of such time limit, as the state water commission shall find equitable and just, shall be deemed to have abandoned their rights of appropriation, and rights acquired by virtue thereof waived, and such appropriators shall be deemed and held to have no right, title or interest in or to the waters of such stream by virtue of their said appropriations. The findings and determination of the state water commission made under the provisions of this section may be reviewed in the manner prescribed by section thirty-six b of this act. (*Amended 1917.*)

SEC. 37. The power to supervise the distribution of water in accordance with the priorities established under this act, when such supervision does not contravene the authority vested in the judiciary of the state, is hereby vested in the state water commission.

SEC. 38. The diversion or use of water subject to the provisions of this act other than as it is in this act authorized is hereby declared to be a trespass, and the state water commission is hereby authorized to institute in the superior court in and for any county wherein such diversion or use is attempted appropriate action to have such trespass enjoined.

SEC. 39. Water or the use of water which has heretofore been appropriated or acquired, or which shall hereafter be appropriated or acquired for one specific purpose, shall not be deemed to be appropriated or acquired for any other or different purpose. And any person, firm, association or corporation applying to the state water commission for a license to appropriate water or the use of water shall state in the application for said license the specific purpose to which it is proposed to put such water or the use thereof. Water heretofore or hereafter appropriated for other than domestic use, may be applied to domestic use, in whole or in part, without a separate and distinct appropriation being made therefor. And water appropriated for one purpose under the provisions of this act may be subsequently appropriated for other purposes under the provisions of this act; *provided*, that such subsequent appropriation shall not injure any previous appropriation.

SEC. 40. The state water commission is also authorized and empowered to investigate any natural situation available for reservoirs or reservoir systems for gathering and distributing flood or other waters not under beneficial use in any stream, stream system or lake or other body of water, and to ascertain the feasibility of such projects, including the supply of water that may thereby be made available, the extent and character of the areas that may be thereby irrigated, and make estimate of the cost of such project.

SEC. 41. Nothing in this act shall be construed as depriving any city, city and county, municipal water district, irrigation district or lighting district of the benefit of any law heretofore or hereafter passed for their benefit in regard to the appropriation or acquisition of water or the use of water; and nothing in this act shall affect or limit in any

manner whatsoever the right or power of any municipality which has heretofore appropriated or acquired water or the use of water for municipal purposes, to use or to sell or otherwise dispose of such water or the use thereof, either within or without its limits for domestic, irrigation or other purposes, in accordance with laws in effect at the time of the passage of this act.

SEC. 42. The word "water" in this act shall be construed as embracing the term "or use of water"; and the term "or use of water" in this act shall be construed as embracing the word "water." Whenever the terms stream, stream system, lake or other body of water or water occurs in this act, such term shall be interpreted to refer only to surface water, and to subterranean streams flowing through known and definite channels. But nothing in this act shall be construed as giving or confirming any right, or title, or interest to or in the corpus of any water; *provided*, that the term "useful or beneficial purposes" as used in this act shall not be construed to mean the use in any one year of more than two and one-half acre-feet of water per acre in the irrigation of uncultivated areas of land not devoted to cultivated crops.

SEC. 43. Nothing in this act shall be construed as depriving any person, firm, association or corporation of the right of appeal conferred under the laws of this state.

SEC. 44. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 45. This act shall be known as the "water commission act."

SEC. 46. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SERIES & FOLDER TITLE .VOLCAN PAPERS

H. Taylor
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 18 T 13 S, R 2 W.

MEMORANDUM OF FINAL INSTRUCTIONS

By Mr. Fletcher

Feb. 6, 1917.

Mr. Fletcher wants it clearly understood that all the deeds and assignments as far as possible shall read from Mr. Henshaw. He advises that wherever rights are now in his name that before the execution of the papers which Mr. Luce is preparing, transfers of assignments will be made by him to Mr. Henshaw. The papers will then have the following form:

Deed from Henshaw for all lands in Carroll Reservoir: under his control or Fletcher's:

Assignment from Henshaw for floodage rights in Carroll Reservoir including the $\frac{1}{4}$ interest of Merrill in Hill tract.

Consent to building of dam by Henshaw, covering his deeded holdings down the River.

Assignment from Henshaw for all riparian consents down the River whether in Henshaw's or Fletcher's name.

All the above to be made out as if Henshaw was the owner. The following two assignments only, will be made by Fletcher:

Assignment for water rights:
Assignment for U.S. right of way for reservoir, easement and canal right of way.

All these papers to be ready to go on the Owl tonight.

Mr. Fletcher insists that the printed form shall be

used for Mr. Henshaw's consent for his holdings down the River instead of the broader form prepared by Mr. Luce.

WSP/bm

Office November 2, 1922.

Kate:

Give me a list of all the stone entries, who acquired them, and when, affecting the Sutherland damsite. What I want to know is when the first application was made. Let me have it by tomorrow.

E. F.

Ed Fletcher application N. 1/4 of N. 1/4
of Sec 21 - Tp 12 Range 2 East S.B. M.
Letter from Mr. Nickham Oct 30/15 says
he sent application on Aug 7/1916 -
you sent \$100 for same.
attached is Mr. Kings letter on balance.

K

Dear Mary

Let Mary read... then file
among ~~my~~ in drawer

Will you today about moving
Cuyamaca. He pret to get home
about 15th Will either get Senate
bill back in committee & bring
it or have a hearing at once
Cuyamaca has overdone it
Yours truly
Ed

Herewith are:

Williams	4-1/2 pp	3 carbons
Fletcher, A.G.	1 p	2 "
Darlington	1/2	1 "
McClure	1-1/2	1 "
Faulkner	1	1 "
Thelan	2	2 "
Murray	2-1/2	2 "
Henshaw	1-1/2	1 "
Huber	1	1 "

15-1/2 pp

FOR SALE

CHOICEST COUNTRY PROPERTY

SAN LUIS REY VALLEY

40 acres four miles up San Luis Rey Valley from Bonsall being, NE¹/₄ of NW¹/₄, Sec. 13, Twp. 10 South, Range 3 West, TAX FACTOR VALUATION \$2700. Will discount 50%.

RAMONA

40 acres Ramona Valley, Block 362, TAX FACTOR'S VALUATION \$2950. Will discount 25%

SAN DIEGUITO DISTRICT

Approximately 35 acres in Lot 2 of Section 4, Twp. 13 South, Range 4 West, in San Dieguito Irrigation District. TAX FACTORS VALUATION \$1000 per acre. Will discount 25%.

20 acres in NE¹/₄ of NW¹/₄ Sec. 10, TWP. 13, S. Range 4 West, in San Dieguito Irrigation District. TAX FACTORS VALUATION \$1100 per acre. Will discount 25%.

We control the following property and will consider any reasonable offer. These properties are in Oceanside and South Oceanside.

BOONE & SHAEFFER ADDITION

Lots 7 to 13, Block 1
Lot 7 to 16, Block 4

Lots 1 to 5, Block 5
Lots 18 to 22, Block 5

MYERS & McCOMBERS ADDITION

Lots 5 & 6, Block 46

OCEANSIDE TOWNSITE

Lots 9 to 12, Block 27

2

SOUTH OCEANSIDE

Lot A, Block 4,
Lot M, Block 4
Lot I, Block 16
Lot N, Block 20
Lot H, Block 26

TIMKEN & O'Bear ADDITION

Lots 15 & 16, Block 20
Lots 19, 20 & 21, Block 20

We have \$500,000, reasonable estimate, in any kind of coast property beach lots, acreage, avocado orchards or estates, low prices and easy terms. We only sell our own property. If interested please write or see us.

ED FLETCHER COMPANY
1020 Ninth Street,
San Diego, Calif.



CITY

SAN DIEGO

CALIFORNIA



COUNTY

*This book is issued with
Compliments of*

Ed. Fletcher Co.

Real Estate Investments

1550 D ST.

SAN DIEGO, CAL.

AGENTS FOR

Del Mar by the Sea

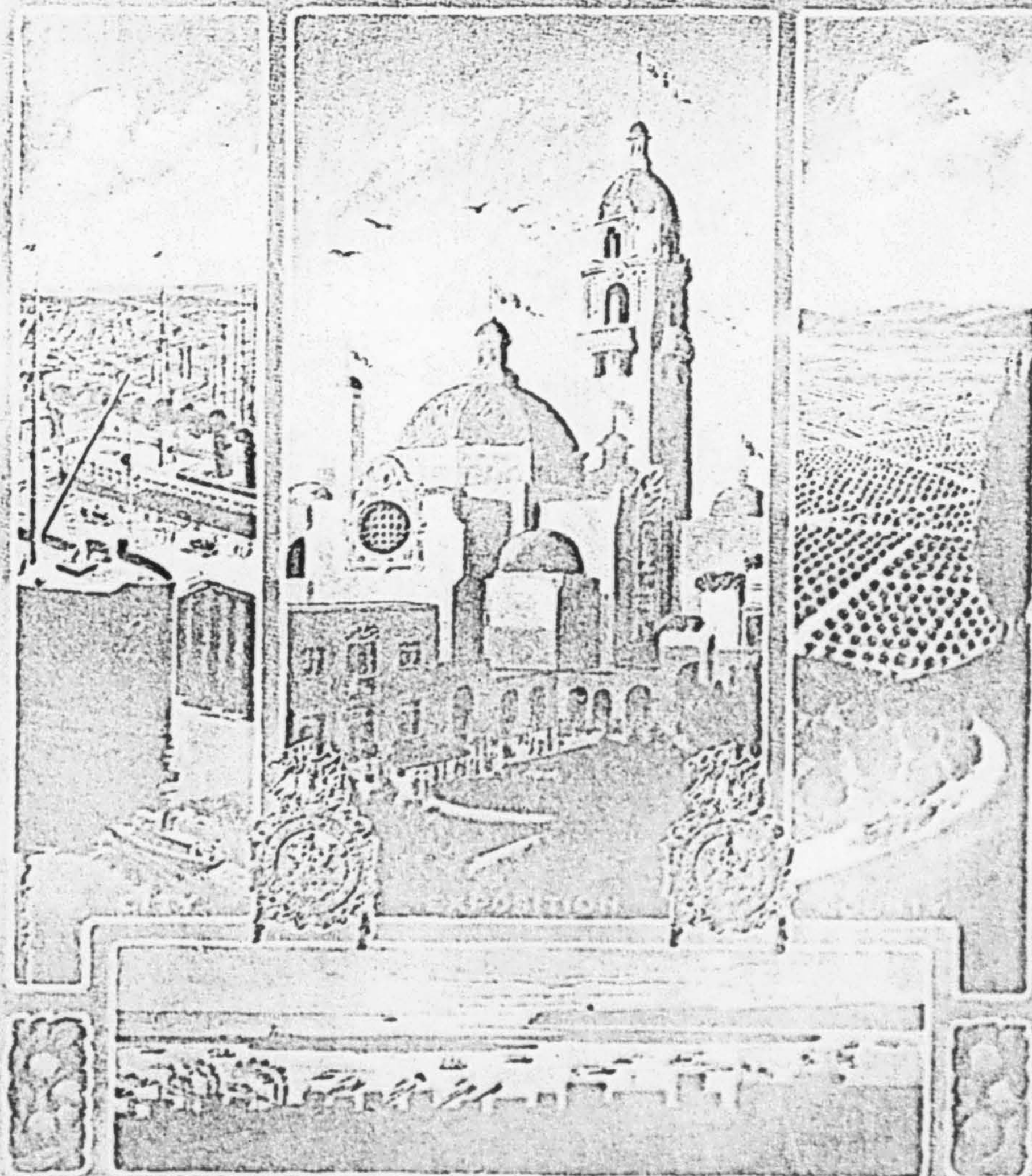
The million dollar beach resort. A place to spend one month or twelve months. Del Mar, on the main line of the Santa Fe, between Los Angeles and San Diego, is becoming one of the leading resorts on the Pacific Coast. Its many scenic views, both mountain and marine, good roads, incomparable beach and nearness to San Diego, make it the ideal homesite.

While there stop at Stratford Inn.

ILLUSTRATED BOOKLET ON REQUEST.

SAN DIEGO

CALIFORNIA



Lands	972,575
Warner Reservoir	614,762
Hellhole Conduit	637,160
Merriam Conduit	469,771
Merriam Resv.	214,715
Dist. System	1,310,546
Water rights	<u>1,075,000</u>
	5,294,529

972,575
1,075,000
2,047,575

Mr. Huber's value of the San Luis Rey irrigation district
given in his report to W. F. McClure, Nov. 4, 1918

Statement of properties bought to complete
the Carroll Project.

<u>Name</u>	<u>Purchase Price</u>	<u>Amount Paid</u>	<u>Amount Due</u>	<u>Estimated Payment</u>
James Carroll	\$38,917.50	\$1,000.00	\$37,917.50	\$5,000.00
Thomas Carroll	14,700.00	700.00	14,000.00	4,000.00
E. E. Nulton	12,500.00	3,125.00	9,375.00	2,500.00
R. B. Chapman	18,400.00	1,000.00	17,400.00	10,000.00
Euc. Culture Co.	6,000.00	1,000.00	5,000.00	5,000.00
F. C. Foster	2,000.00	500.00	1,500.00	1,500.00
H. G. Fenton	5,000.00	1,000.00	4,000.00	4,000.00
S. Carter Smith	5,000.00	500.00	4,500.00	500.00
J. G. Merrill	15,821.50	1,250.00	14,571.50	3,750.00
M. Barnett	40,000.00	2,500.00	37,500.00	17,500.00
Mrs X. Hill	60,000.00	-----	60,000.00	10,000.00
John Dawson	4,500.00	-----	4,500.00	4,500.00
Belle S. Hawks	2,400.00	400.00	2,000.00	1,000.00
I. Isaac Irwin	3,200.00	2,200.00	1,000.00	1,000.00
Wm. Roeslein	1,750.00	200.00	1,550.00	550.00
Louis Cassou	2,700.00	1,500.00	1,200.00	-----
	<u>\$232,889.00</u>	<u>\$16,875.00</u>	<u>\$216,014.00</u>	<u>\$70,800.00</u>

[1918]
CSM

SAN DIEGUITO MUTUAL WATER COMPANY.

ESTIMATES ON FINISHED WORK, NOW UNDER CONSTRUCTION.

LAKE HODGES DAM:

	To May 1st.	TO FINISH	TOTAL
Mr. Case's figures	\$ 180,129.71	\$ 99,252.83	\$ 279,382.54
Add dfce on E.O.F's Stmt.	22,118.68	---	22,118.68
" Incidentals	13,799.05	---	13,799.05
" do (4 mos)	---	8,000.00	8,000.00
	\$ 216,047.44	\$ 107,252.83	\$ 323,300.27

LAKE HODGES CONDUIT:

Mr. Case's Figures.	\$ 30,990.53	\$ 79,072.55	\$ 110,063.08
Add Dfce on E.O.F's Stmt.	6,733.49	---	6,733.49
Add Incidentals (4 mos)	---	3,250.00	3,250.00
	37,724.02	82,322.55	120,046.57

DISTRIBUTING LINE:

Mr. Case's Figures	\$ 74,312.92	\$ 43,536.51	\$ 117,849.43
Add Dfce on E.O.F's Stmt	6,445.85	---	6,445.85
Add Incidentals (4 mos)	---	3,000.00	3,000.00
	\$ 80,758.77	\$ 46,536.51	\$ 127,295.28

SAN DIEGUITO DAM:

Mr. Case's Figures	\$ 655.00	\$ 37,945.85	\$ 38,600.85
Add Dfce on E.O.F's Stmt	2,210.43	---	2,210.43
Add Eastwood's Commn	1,100.00	---	1,100.00
Add Incidentals (4 mos)	---	1,500.00	1,500.00
	\$ 3,965.43	\$ 39,445.85	\$ 43,411.27

TOTAL \$614,053.39

EOF
June 3, 1918.

Tabulation Showing Agricultural and Non-Agricultural Lands
In San Dieguito Ranch.

Sheet No. 1

Section	Portion	Waste Area	Total Area
15	Fraction SW $\frac{1}{4}$	36.5	142.86
16	SE $\frac{1}{4}$	1.2	159.21
	SW $\frac{1}{4}$ & Fr. NW $\frac{1}{4}$	22.7	187.21
17	Fr. NE $\frac{1}{4}$	53.3	96.53
	Fr. NW $\frac{1}{4}$	69.8	104.10
	SE $\frac{1}{4}$	2.8	163.64
	SW $\frac{1}{4}$	39.9	163.63
18	Fr. NE $\frac{1}{4}$ & SE $\frac{1}{4}$	80.5	109.23
19	NE $\frac{1}{4}$	23.8	159.76
	Fraction NW $\frac{1}{4}$	12.7	97.69
	SW $\frac{1}{4}$	90.7	161.43
	SE $\frac{1}{4}$	50.3	159.76
24	Fr. SE $\frac{1}{4}$	2.6	52.87
25	Fr. NE $\frac{1}{4}$	23.5	54.80
	Fr. SE $\frac{1}{4}$	0.6	30.81
20	NE $\frac{1}{4}$	41.7	159.65
	NW $\frac{1}{4}$	4.5	159.65
	SE $\frac{1}{4}$	12.1	159.65
	SE $\frac{1}{4}$	3.2	159.65
21	SW $\frac{1}{4}$	13.5	160.52
	SE $\frac{1}{4}$	44.6	160.53
22	NW $\frac{1}{4}$ Fraction	59.2	157.90
	SW $\frac{1}{4}$	77.6	172.42
	Fr. S. $\frac{1}{2}$ of SE $\frac{1}{4}$	69.5	71.55
27	NE $\frac{1}{4}$ outside R.	130.5	132.21
	" " inside R.	27.3	27.33
	SE " "	40.9	42.28
	" " outside R.	96.7	116.59
	NW $\frac{1}{4}$	94.5	160.25
	SW $\frac{1}{4}$	114.7	159.17
28	NE $\frac{1}{4}$	28.3	160.53
	NW $\frac{1}{4}$	6.0	160.52
	SW $\frac{1}{4}$	1.1	159.67
	SE $\frac{1}{4}$	67.3	159.67
29	NE $\frac{1}{4}$	90.0	160.82
	NW $\frac{1}{4}$	115.5	160.81
	SW $\frac{1}{4}$	85.3	159.92
	SE $\frac{1}{4}$	45.0	159.92
30	NE $\frac{1}{4}$	20.0	160.82
	FW $\frac{1}{4}$	81.0	162.61
	SW $\frac{1}{4}$	38.0	160.84
	SE $\frac{1}{4}$	21.4	159.97
31	NE $\frac{1}{4}$	78.6	159.97
	Fr. NW $\frac{1}{4}$	35.5	97.63
	" SW $\frac{1}{4}$	1.1	10.95
	" SE $\frac{1}{4}$	80.8	145.38

Section	Portion	Waste Area	Total Area
32	:NE $\frac{1}{4}$: .0:	: 159.92:
	:NW $\frac{1}{4}$: 77.6:	: 159.92:
	:SW $\frac{1}{4}$: 79.3:	: 159.92:
	:SE $\frac{1}{4}$: 15.9:	: 159.92:
33	:NE $\frac{1}{4}$: 45.2:	: 159.80:
	:NW $\frac{1}{4}$: 9.9:	: 159.80:
	:SW $\frac{1}{4}$: 4.1:	: 159.87:
	:SE $\frac{1}{4}$: 27.2:	: 159.87:
34	:NW $\frac{1}{4}$: 37.8:	: 159.44:
	:Fr. SW $\frac{1}{4}$: 19.4:	: 96.04:
	:NE $\frac{1}{4}$ inside R.	: 19.1:	: 47.39:
	:N. $\frac{1}{2}$ of NE $\frac{1}{4}$ outside	: 4.2:	: 53.07:
4	:Fr. NE $\frac{1}{4}$ inside R.	: 24.4:	: 83.81:
	:Fr. SW $\frac{1}{4}$ of NE $\frac{1}{4}$:	:
	: outside	: 15.8:	: 25.00:
	:NW $\frac{1}{4}$: 4.7:	: 170.85:
5	:NW $\frac{1}{4}$: 24.4:	: 163.78:
6	:Fr. NE $\frac{1}{4}$: 21.7:	: 53.07:
	:	:	:

Summary of Lands of Santa Fe Ranch falling under

FINAL SUMMARY OF SANTA FE RANCH LANDS

Various Pipe Lines	
Cleared Lands	3821 Acres
Eucalyptus Trees	1522 "
Uncleared Lands in original grant	3056 Acres
" " outside " "	399 "
	<u>3455 Acres</u>
Total Area Ranch	<u>8798 Acres</u>

Of this the following can be irrigated from the present distribution line by the construction of the necessary laterals.

Area A I & A2	
Cleared Lands	100 Acres now supplied by pumping
"	159 "
Uncleared "	74 "
Total Area AI & A2	333 Acres which can be supplied from Line "A".

Area B includes that part of Walnut grove South of Little San Elijo.

Cleared Lands	529 Acres
Eucalyptus Trees	141 "
Uncleared Lands	<u>240 "</u>
Total Area B	910 Acres which can be supplied from Line "B".

Area C

Cleared Lands	96 Acres
Eucalyptus Trees	440 "
Uncleared Lands	<u>71 "</u>
Total Area C	607 Acres which can be supplied from line "C".

Note Line "C" extends to the Western boundary of the Ranch.

Surveyor Bub. reports
for San Dieguito Ranch

Field No 1-	8.8 Acres
" " 2	23.4 "
" " 3	23.7 "
<hr/>	
	55.9 "

Apr 27 - charged to
Ed Fletcher Co. cost of
above survey. \$10. 65

W. S. Fort.

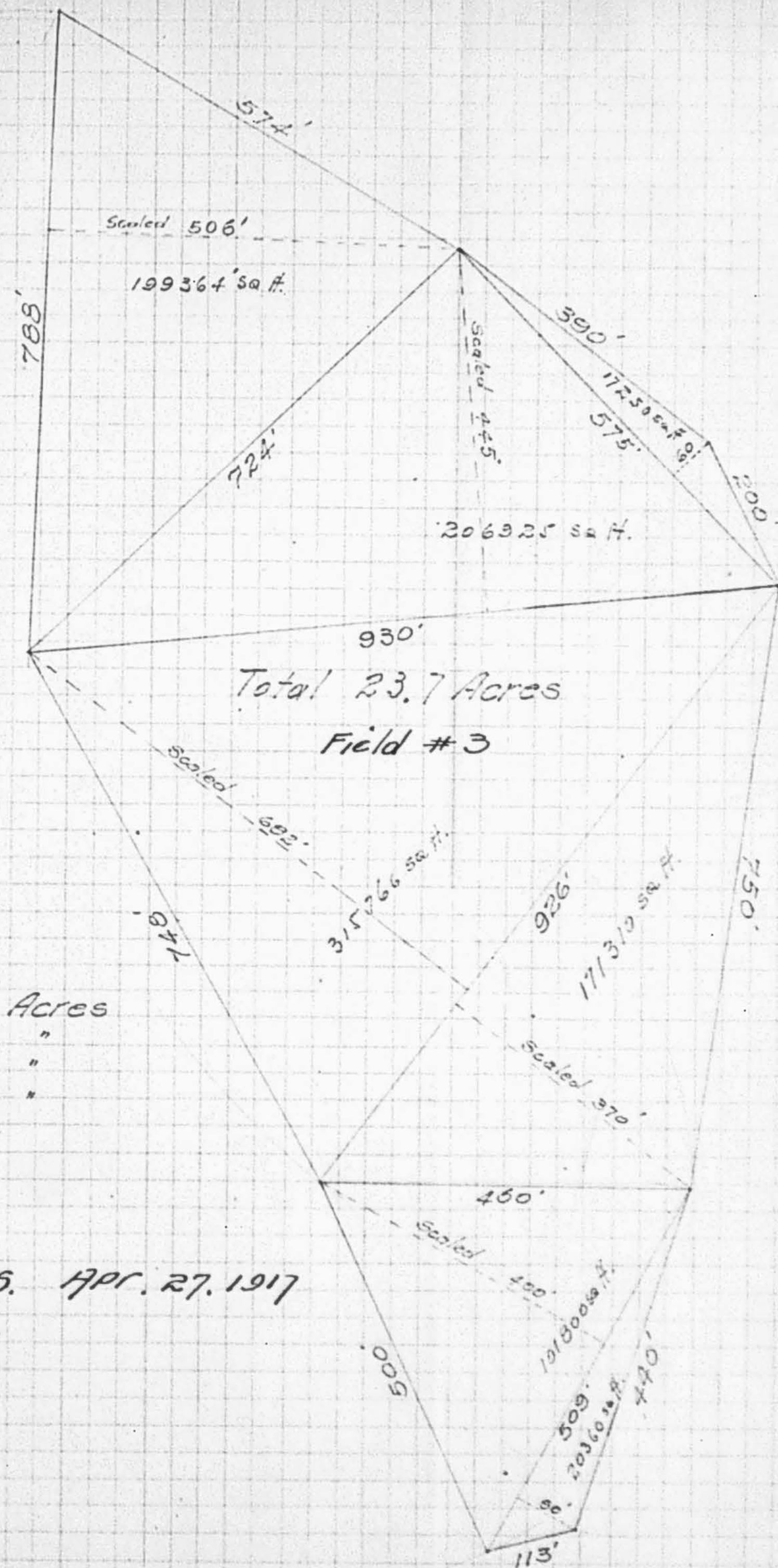
199364	
206925	
315766	
171310	
101800	
20360	
17250	
<hr/>	
43560	103.27750
	87120
	161575
	130680
	308950
	304920

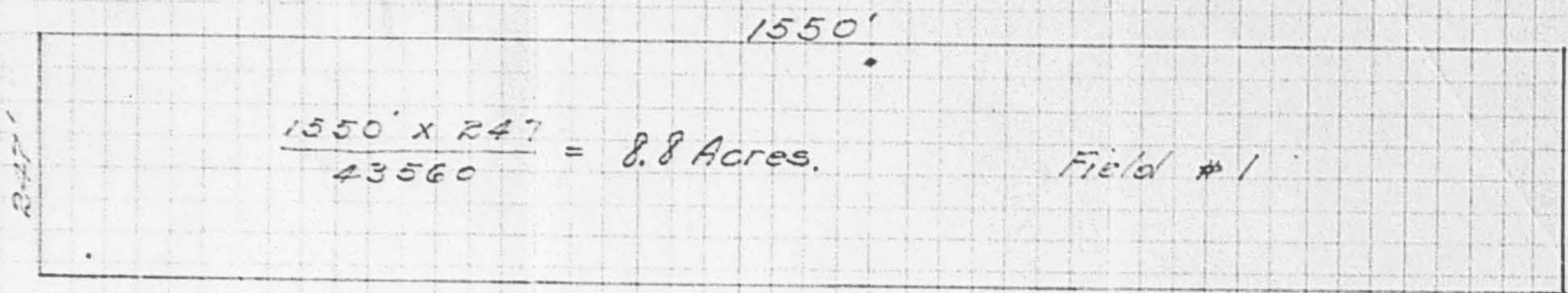
43560 / 103.27750 123.7

Field #1 =	8.8 Acres
" #2 =	23.4 "
" #3 =	23.7 "
Total	55.9 "

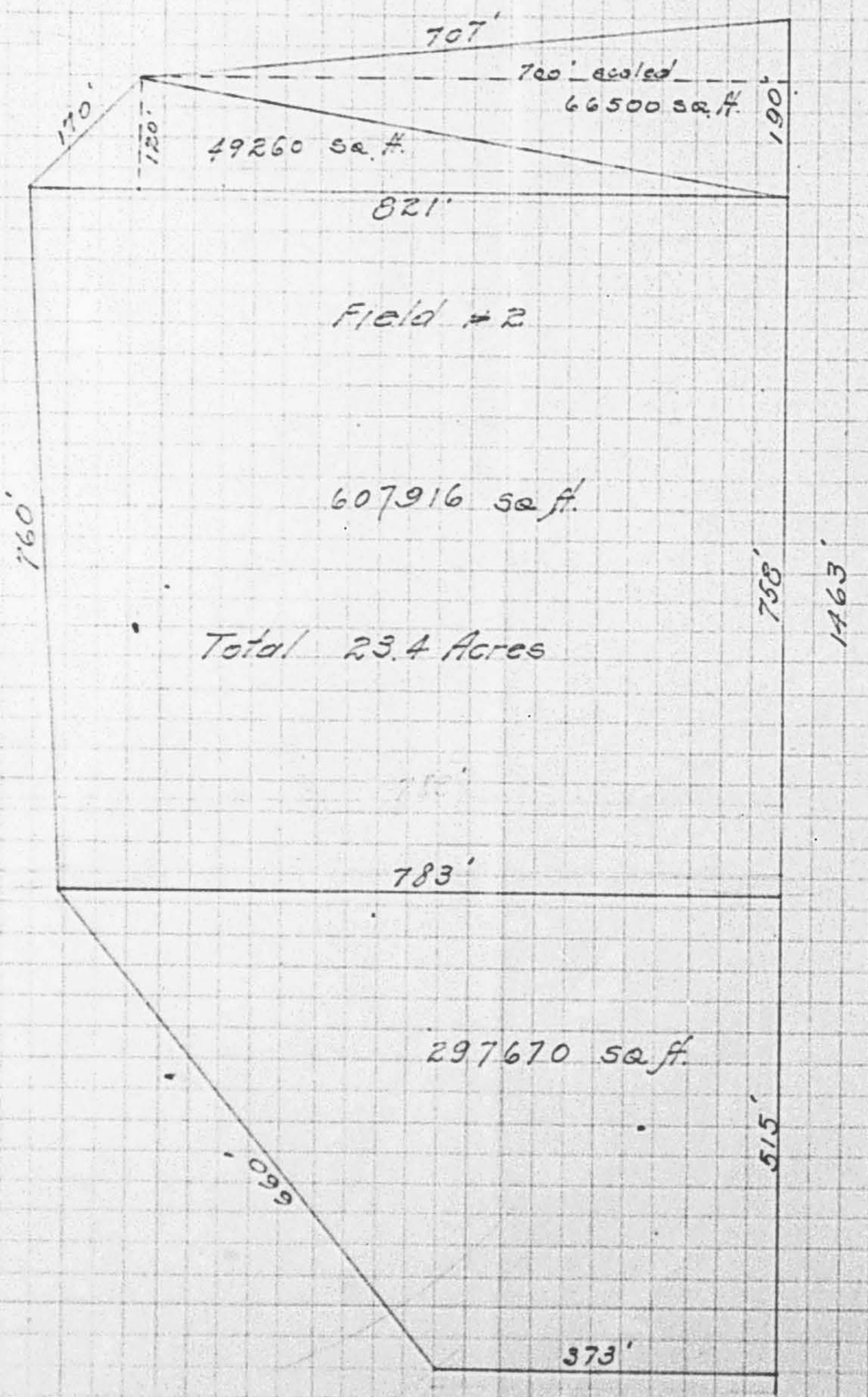
Time of Survey

4 men - 6 hrs. Apr. 27. 1917





66500
 49260
 607916
 297670
 43560 | 10213460 | 23.4
 87120
 150146
 130680
 194660
 174240
 20420



Miss Weitekamp:

Please give me a statement showing how much rent the Anderson Bros. owe at Del Mar.

3-7-29

EF

Miss Weitekemp:

Please get out all my receipted bills that I have paid Avery.
Let me know when he was paid up to and see me about it.

EF

8-30-29

September Seventeenth,
1 9 2 9

Miss Weitekemp:

Please take this deed down to Mr. Hagenbruch of the
Southern Trust Branch, Bank of Italy and ask him to
change the deed to Grossmont Park Company, a corporation
instead of Ed Fletcher and then bring it back to me.

E.F.

January 2nd, 1914.

Mr. Ed. Fletcher:

In consideration of your making me the payment of Five Thousand Dollars (\$5000.00) on January 2nd, 1914, on account of the K. Deasy option of May 1st, 1913, I agree as follows: to take in lieu of cash on the June 1st, 1914 payment for the consideration of Nine Thousand Dollars (\$9000.) a deed to Lot 401, Resubdivisions of Blocks 22 & 23 of Del Mar, together with all improvements and with the house furnished for the sum of Nine Thousand Dollars, (\$9000); you to furnish me a good and sufficient grant deed and clear certificate of title at that time showing property free and clear of encumbrances excepting State and County taxes for 1914-15.

In addition I agree to waive to you personally one half the interest that may be due under the terms of this option up to June 1st, 1914.

August 29, 1917

Kate:

I have bought Swallow's $2/3$ interest in Pueblo Lot 1339 and have paid him \$100.00 on account. The total purchase price is \$1200.00 to \$1300.00 - figure it out - \$30.00 an acre.

Write a separate envelope and keep this for our reference.

Ed Fletcher.

Office
December 26, 1924.

Miss May:

I wish you would keep this record for me. It is a valuation made for the State of California on the Henshaw Estate and I may need it at some future time for reference.

E. F.

Office
February 3, 1925.

Miss Fletcher:

I am going into a final conference tomorrow morning with Treanor and I want a statement this afternoon showing just how much money is owing and on which piece in the San Luis Rey. If I remember rightly there are only two - the Stevens and Miss Cary's. I want to know the amount and when it is due, also the mortgage on the Hermans piece to Gilmore I believe. How much is coming to us and how much do we owe and when. Also the \$3500 note ~~which~~ of which I owe a fourth and Treanor three fourths to Bank of Italy. Mark that overdue, with the Craig and Hooper properties as security.

Also does Mrs. Taylor owe anything on the Barnett property or is there anything due on the Chapman. Also do we owe anything on the Gramman contract and how much is due us?

Please don't do anything else but get this statement out this afternoon so that I can take it down tomorrow.

E. F.

Warner's Ranch
Springs \$250,000

Ranch -
42000 acres @ 2500
25 25,000
1,0500 00 \$1,000,000
Damm 1,000,000

Ranch 1,000,000
6000 acres 900,000
under water
Damm 315 1,250,000
Bencida 325 500,000
6000 acres 6. 200,000
1/3 int Kelly 55 120,000
1/3 Santa Fe 120,000
1/3 L. V. Mesa 100,000
Water rights 200,000
Southland 200,000
Pam 150,000

2,000,000 5.06 Wls
500,000 preferred

Investment 3,000,000

Bryain - Carey 2d 7/25
 Hermans 250 1000 - 2 yrs
 Stevens 2725 10900 - man 1/1918
 Overhart 875 3500 overdue
 26 25

Morena 200 800
 100.00
 + 350 + 1400

San Diego. Cal.

February 3-1925

Hermans Place Mtg H. T. Gilmore \$1000.00 due 2 years from Moh 1st. 1922
 you owe \$250.00 Treanor \$750.00
 J. B. Fayer bought the place
 He still owes you \$350.00 Treanor \$1050.00

Lucy Stevens Mtg. \$10900.00 due 3 years from May 1st. 1918
 you owe \$2725.00 Treanor owes \$8175.00

Merchants Nat. Bk (Craig & Hooper) \$3500.00 overdue and must be paid.
 you owe 875.00 Treanor \$2625.00

Bryan - Carey Mtg. Treanor paid you owe note due Aug. 2-1925 1500.00

Morena owes you on Grammons land \$200.00 Treanor \$600.00

Summary.

	Ed F.	Treanor	Total.
Lucy Stevens Mtg	\$2725.00	8175.00	10900.00
Merchants Nat. Bk.	875.00	2625.00	3500.00
Hermans (Gilmore)	250.00	750.00	1000.00
Bryans-Carey	1500.00		1500.00
Morena owes	200.00	600.00	800.00
Hayes "	350.00	1050.00	1400.00

Ed Fletcher Papers

1870-1955

MSS.81

Box: 45 Folder: 13

**Business Records - Water Companies - Volcan Land and
Water Company - In-house notes and correspondence**



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