

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

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

WESTERN UNION TELEGRAM



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

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

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, VICE-PRESIDENT

BELVIDERE BROOKS, VICE-PRESIDENT

RECEIVED AT

D96GS ID 51 GOVT 3 EX

FA WASHINGTON DC VIA LOSANGELES CAL 624P FEB 2 1916

ED FLETCHER *504 870 Ast*
 MGR CUYAMACA WATER CO SANDIEGO CAL

YOUR TELEGRAM JANUARY TWENTY SEVENTH AS FAR AS I AM INFORMED BILL REFERRED TO NOT YET INTRODUCED YOUR WIRE WILL BE KEPT FOR CONSIDERATION IN EVENT IT IS INTRODUCED AND WE ARE CALLED ON FOR REPORT

FRANKLIN K LANE

SECY

640PM

m 1590

Message No. _____
 Delivered to *Ed Fletcher*
 No. *6507*
 By *AJ* To be *del*



September 17, 1917

Honorable Secretary of the Interior,

Washington, D. C.

Los Angeles 014683

Dear Sir:

Referring to the application to flood the lands of the El Capitan Indian Reservation, afterwards assigned to the City of San Diego, without expense to the said city, the application having been rejected by the Secretary of the Interior, and re-hearing asked for by the City of San Diego, will say:

It is over fifteen months since the hearing in Washington. Since that time material changes have taken place, vitally affecting the case. The City of San Diego, instead of attempting to develop water on the San Diego River has voted bonds and will in a few days let a contract to build the Lower Otay Dam, with a capacity of 15,000,000,000 gallons of water, to cost roughly \$700,000., the bonds lately having been voted, and said dam will be completed, according to the City Engineer H. M. Savage, by January 1, 1919, in time to catch the waters that winter.

On the first day of August, 1917, according to the report of the City Manager of San Diego, there was on hands in the reservoirs of the city 14,237,879,000 gallons of water. The daily consumption for the year 1917 will not be in excess of 8,500,000 gallons. During the year 1916, the total consumption from the San Diego City system was 3,025,511,996 gallons. In addition thereto, the City of San Diego has its pumping plants in the San Diego River completely installed ready for service on twenty-four hours' notice, from which can be pumped into the

city system direct between 4,000,000 and 5,000,000 gallons daily. These pumping plants have not been used by the city to any extent, if at all, for the last year or two. The above facts should demonstrate conclusively, in my opinion, that no emergency exists, as claimed by the City; that it is unquestionably the City's intention to develop water elsewhere, and the general consensus of opinion is that the city will build its other dam, Barrett, as soon as the Lower Otay is completed, which will materially increase the city's supply of water.

The City of San Diego has issued bonds almost to its limit, there being approximately \$1,000,000 excess bonding capacity at the present time. The City's own testimony in this case shows that it will cost approximately \$2,000,000 to \$3,000,000 to build El Capitan Dam and a pipeline to the city, and the testimony shows that no one knows how far it is to bedrock at El Capitan Dam. We have satisfied ourselves, at the expense of several thousand dollars, that bedrock is at least 150 feet, if not more, and in our opinion a conservative estimate of the cost of building El Capitan Dam alone will be \$1,500,000, to which is to be added the cost of acquisition of 22 miles of riparian rights on the river or the furnishing of 6,000 acre feet (U.S. Government engineer's estimates) to the riparian owners below; the cost of building 22 miles of pipeline, estimated at \$800,000; the condemning of the damsite and nearly a mile of the reservoir site, which we own in fee simple; together with the cost of \$200,000 or \$300,000 for moving the Indians. All the above makes the proposition prohibitive

from the city's standpoint as the city has only a bonding capacity of approximately a million dollars while it will cost three or four million at least to complete the project.

At the hearing in Los Angeles, the testimony of the Government engineers, as well as our own show that the net safe yield with the El Capitan built is not to exceed 3,000,000 or 4,000,000 gallons daily. This was based on conditions as they were at the time of the hearing. Since then the Cuyamaca Water Co. has commenced construction, and nearly completed Murray Dam. This dam is built of concrete, is 117 feet in height and has a capacity of 2,200,000,000 gallons. It will be completed by January 1, 1918. We have put our flume in condition to carry 20,000,000 gallons of water daily, and each year hereafter we will divert from the San Diego River approximately 1,500,000,000 to 2,000,000,000 gallons of excess water which was not included in the figures given at the hearing of this case in Los Angeles. In other words, the net safe yield is reduced to the extent of our new diversion, which makes the El Capitan plan absolutely unfeasible as we can prove the cost of the water developed from the El Capitan will be prohibitive owing to the excessive cost of the work compared with the net safe yield.

In addition thereto, the President of the Chamber of Commerce of San Diego appointed a committee of twenty of the most prominent citizens of San Diego to make an investigation into the matter, and that committee has unanimously recommended that instead of building El Capitan Dam the first dam to be built shall be in the

San Diego River at a point known as the San Diego Gorge, nineteen miles below the so-called El Capitan dam site. At the San Diego Gorge dam site, bed rock is exposed, the engineering problems are simple, and here will be caught not alone all the waters that would be caught at El Capitan Dam site, but in addition thereto 186 sq. miles of water shed below the El Capitan Dam site. The value of this additional water shed cannot be over estimated when one considers that the entire water shed of the Cuyamaca system is only 104 sq. mi.

Morena	119	"	"
Otay	98	"	"
Sweetwater	186	"	"
Carroll	196	"	"
San Diego Gorge.	375	"	"

all as per map I am sending under separate cover.

In addition thereto, the Chamber of Commerce Committee has recommended the purchase of 5,000,000 gallons of water daily, from the Volcan Co., at 10¢ a thousand gallons, all as per clipping herewith enclosed. This is remarkably cheap water as compared to the water now developed by the City of San Diego, every drop of which costs 19¢ per thousand gallons, according to the report of the City Manager of San Diego, said reports being herewith attached. Please note that said City Manager in making his report did not include additional costs, which bring the cost of every drop of water delivered in the city to more than 27¢ per one thousand gallons against the Volcan Co's offer of 10¢;

and in all sincerity I make the solemn statement that I can prove to any disinterested engineer that the cost of every drop of water ever developed from the El Capitan will be in excess of 20¢ per thousand gallons delivered at the city limits. We have offered the surplus water of the Cuyamaca system to the city at 6¢ per thousand gallons but the city has refused to buy to date.

In conclusion, I can only again call your attention to the fact that this Hamilton application was made either wholly or in part from records deliberately taken from our office without the consent of any of the owners and never returned by Hamilton's engineer one C. T. Sackett, who was in our employ. We paid \$1500. for the data that said Sackett took from our office. We brought said Sackett from Montana, and any information he secured on the San Diego River was while in our employ, particularly the El Capitan dam site and reservoir site.

We could have settled this case at one time and eliminated the Hamilton application for \$3,000, although the original offer to us was \$25,000. We considered the Hamilton application was born in infamy, and we refused to be held up, although it has cost us today \$25,000 in litigation. Only the Supreme Court of the United States will ever settle this question, for we feel certain of our position that it is only an attempt on the part of political enemies to punish us or to hold us up, and by granting the application of the City of San Diego, which paid nothing for this Hamilton water filing, the City of San Diego will be playing into the hands of a clique of men who are determined to

cloud the title to our property and block the legitimate development of San Diego County.

I desire to call your attention to the following facts: That the Secretary of the Interior can only give a temporary permit, revokable at any time; that the City of San Diego cannot vote and sell bonds based on any temporary permit, as has been proven in the Hetch-Hetchy case, by the City of San Francisco; that the Indians have unanimously protested against being removed, and that their removal will lay the foundation for another case such as described in Ramona; that the removal of these Indians violates the terms of the U. S. Government, when the Government by act of Congress, in 1894, set these lands aside for the Indians and agreed to deliver them to the Indians free and clear of all encumbrance, at the end of twenty-five years, or in March, 1919. Acting on this pledge of Congress, these Indians have subdivided their property to their own satisfaction, and have a right to demand a deed in March 1919. I do not believe the U. S. Government will ever repudiate this action; and I urge the Secretary of the Interior to take all these matters into consideration, and render a decision in our favor, against the City of San Diego, as he has already done in the application of said Hamilton.

I sincerely trust for an early and favorable decision.

Respectfully submitted,

CUYAMACA WATER COMPANY

Manager

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Washington Sept. 29, 1914

Chief Engr.
F R S
102381-14

DETAIL NO. 61

Mr. C. R. Olberg
Superintendent of Irrigation
Los Angeles, California.

Sir:

Referring to the matter at the Capitan Grande reservation, the following is quoted from the annual report of Supt. McCormack:

"The arrangement by which the Indians at Capitan Grande get water from the Cuyamaca Water Co., is quite unsatisfactory and I see no remedy until some competent employee can be on the grounds at all times to attend to the matter."

There is also enclosed a copy of a letter which is self Ex-planatory.

Please act in cooperation with Superintendent McCormack in preparing a statement regarding the conditions and remedies necessary to aid the Indians of this reservation.

Respectfully,
(Signed) E. B. Meritt.

Assistant Commissioner

Copy to Supt. McCormack.

COPY

San Diego, Calif., Sept. 16, 1914.

Secretary of the Interior,
Washington, D. C.

Sir:-

I am writing you directly at the request of some of the Indians on the El Capitan Indian Reservation which is located in the gorge of the San Diego River and occupies the river bed beginning at about thirty miles from this city and extends about ten miles up the stream. I passed through this reservation yesterday and talked with quite a number of the Indians. They were willing to talk about themselves but when any mention was made of the condition of affairs on the Reservation, they were perfectly mum. When asked about the crops some of them would talk and others would say very little. I afterwards found out that Superintendent of the reservation had instructed them not to talk to anyone but to refer them to the "Capitan". The crops for the season are very poor. Many were absent from the reservation, grape picking in Cajon Valley. I was told that in this way they expected to make enough money to buy food for the winter.

Their great difficulty is to get water from the flume. MacCormack, the Superintendent, told them they were to get it and they never have gotten it as yet. Joe Waite, representing government made sketch and said they were to get forty inches but they never ~~got~~ had over two inches, did'nt have water for two months, flume shut down. The trouble about water commenced three years ago when Fletcher took charge of the flume. They put in a pumping plant below settlement at chapel, between chapel and the schoolhouse. Since then have been pumping during summer time into flume about thirty ~~miles~~ inches per day, 400,000 gallons. All water in river drained out at that place. Have about thirty persons and 500 head of animals. Only place can get water is at schoolhouse where one inch is turned on. No water for horses or cattle, have to drive horses and cattle to schoolhouse for water.

This is about the substance of what I could get personally from interviews with various Indians. I met one who could speak English fairly well but he referred me to "Capitan". He seemed to be the most intelligent of any of the Indians to whom I talked, so I became interested in drawing him out, if possible, but I could get nothing out of him more than I could out of the others. However, my wife, who speaks Spanish, took up the attempt at conversation and I retired to see if she could get anything of importance out of him. It seems that this particular Indian had known some of her people in California and after some conversation about various places in San Diego County, he became more communicative and this is the substance of what he said. "The Indians had lately had trouble and if they left this place there were only two places they would have; one of these was at Old San Diego Mission and the other at Ramona. That there were about thirty at that

place and 500 head of horses and cattle and they would want from 50 to 160 acres apiece. The Fletcher people had put in a pumping plant that was draining all their land and the cattle had no water, they had to take the cattle down to the schoolhouse to give them water. He pointed out to an alfalfa field that had died this summer from want of water that had been pumped from it. That the horses wanted water so badly they had pawed the sands in the river bed trying to get water. That the cattle were thin from want of water. They had many reports to the Indian Agent who paid no attention to them and that the agent who was supposed to look after their interests was in with Fletcher. They were promised forty inches of water but they never received it and sometimes didn't have any at all. They didn't have water for two months when the flume was shut down. That this pump was pumping thirty inches every day. That they were going to have a meeting the 1st of next October and they were going to call the Indians from other reservations and discuss the matter and how they had been treated. He said he was afraid to talk to Senor Boone because he had been told not to talk to anyone and also because he was afraid he might be a liar just like Fletcher. He also referred to Fletcher as being the enemy of the Indians. That he, Fletcher, was always sending men out to interview them, that he asked the men if they came from Fletcher and they said no, but he recognized Fletcher's automobile. He said that a number of people had told him that they would report the matter and get relief for the Indians but they had never done so. He was assured that this would be the exception to his other experiences."

I have been familiar with this reservation for a great many years. I was attorney for the San Diego Flume Company who built the flume and operated it up to June 1st, 1910, when it was sold to James A. Murray, who on the same day sold a sixth interest to Ed. Fletcher and Fletcher has been the manager since that time. The diverting dam is built of solid masonry down to bed rock which is about a mile above that chapel settlement. At the time of the visit to the diverting dam yesterday, there was a stream of water running through the wier three and one half inches deep and four feet wide and further down the flume came a stream two and one half inches deep and five feet six inches wide which I estimated to be about 150 inches. All this water ran past the reservation except what was turned out at the schoolhouse.

Murray and Fletcher call themselves the Cuyamaca Water Company which is not a corporation but a co-partnership. They have organized a corporation under the same name and have obtained permission from the Railroad Commission of this state to convey the property, but as yet have not done so. Recently the consumers have been put upon half supply but it would seem that the Indians have been put upon one-fortieth supply and that at the most inconvenient place. There have been gates at various places along the flume for the years preceeding the purchase by Murray and Fletcher, for the convenience of the different settlements. The first settlement begins about a mile below the diverting dam and extends down the stream about three quarters of a mile and contains about seventy acres of land in actual use. At this settlement there were originally two supply boxes, The next settlement going down stream is the schoolhouse, which

contains one supply box. The next settlement begins about five miles below the diverting dam and extends down the stream about a mile and has three supply boxes. The next settlement further down has one supply box. The next settlement at the south end of the reservation has one supply box. According to the stories told by the Indians all of these supply boxes are nailed up at the present time excepting the one at the schoolhouse and that is allowed one inch only of water. It will thus be seen that the most of the Indians have to drive their stock and cattle several miles each day to take them to water.

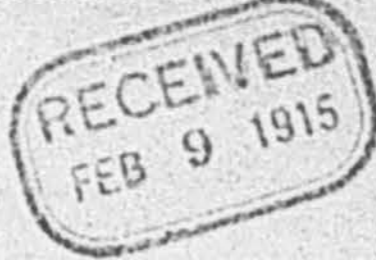
If you desire any references concerning myself, I refer you to Senator Works, Representative Kettner of this district and Cham Clark, Speaker of the House of Representatives.

Very respectfully yours,

(Signed) L. L. Boone.

ADDRESS REPLY TO
"DISTRICT FORESTER"

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
DISTRICT 5



114 SANSOME STREET
~~FIRST NATIONAL BANK BUILDING~~
SAN FRANCISCO, CALIF.

January 13, 1915

L
Cleveland - Uses
San Diego Flume Co
(Interior) 1/12/91

Mr. W. S. Post, Engineer,
Cuyamaca Water Company,
924 8th St., San Diego, Cal.

Dear Sir:

Further reference is made to your letter of
December 11:

Mr. W. L. Huber has called here and showed me a
copy of an abstract of the rights of Messrs. Murray and
Fletcher in the San Diego flume.

It appears that a right of way within the Indian
Reservation was granted by the Secretary of the Interior
under the Act of January 12, 1891 (26 Stat. 712). This
office has taken the matter up with the Forester and his
office has learned by inquiry at the Indian Office that
the grant approved by the Secretary of the Interior did
not include that part of the flume in Secs. 7, 8 and 9,
T 15 S, R 2 E, S B M, which at the time of the approval
of the grant had been recommended for elimination from
the Indian Reservation. By reference to Mr. Geo. R. Wick-
ham's letter of December 10, included in the abstract, I
note that Secs. 8 and 9 were eliminated from the Indian

*Mathews to go with Right of way
through Indian Reserve*

TELEPHONE KEARNY 5889

Reservation on April 16, 1901, and that Sec. 7 was elim-
inated on June 18, 1902. I presume that this is correct
although there is nothing in our records to show the date
of the elimination of these lands from the Indian Reser-
vation since they were eliminated long prior to their in-
clusion within the Cleveland National Forest. I presume
Mr. Wickham obtained the information from the U. S. Land
Office records at Los Angeles which is the proper source
for the information. These sections were withdrawn on
September 28, 1906, for Forest purposes and were included
within the Cleveland National Forest on February 14, 1907.
Therefore, it appears that the area included in these sec-
tions was vacant, unreserved public land for a period of
several years prior to the Forest withdrawal, and this
office recognizes that a right of way was acquired under
the provisions of the Act of July 26, 1866 (2339 U.S. Rev.
Stat.), so far as National Forest lands are concerned.

Very truly yours,

John H. Hutton
Acting District Forester.

Land
Contracts
103951-1911
109459-1913
109794-1913
C H I

Permit

The Honorable

The Secretary of the Interior.

Sir:

On June 25, 1913, the Department approved the recommendation of this Office that a temporary permit be issued to Messrs. Murray & Fletcher (Cuyamaca Water Company) to begin excavations on the Capitan Grande Reservation (El-Capitan), rendered necessary by reason of the proposed change in location of one-half mile of their present flume, subject to certain conditions.

The Office is now in receipt by reference from the Department of telegram dated September 10, 1913, from the Cuyamaca Water Company, reading as follows:

Application is made by Cuyamaca Water Company of San Diego, California, for immediate permission to place temporary pumping plant upon El Capitan Indian Reservation, San Diego County, to pump from wells in the gravel beds in the San Diego River. The Cuyamaca Water Company provides the Indians on this reservation with domestic and irrigation water free of charge as provided in right of way contract dated eighteen eighty-nine. The purpose is to pump from the underlying gravels on the reservation into the company's flume. This flume is connected with each Indian tract and therefore no damage can be produced. The cause of this application is the unusual shortage

L-103951

in the water supply in San Diego County, and in addition to the Indian Reservation, the Cuyamaca Water Company serves about four thousand acres under irrigation, and ten thousand people with domestic water. Unless this permission is granted, irreparable demand will be done to the lands and the people will be without water for domestic purposes. It is suggested that you grant by telegram temporary permission to the applicants until you can receive formal report by the Indian Bureau regarding same.

The Office is also in receipt by reference from the Department of telegram dated September 11th, from the Railroad Commission, of the State of California, reading as follows:

Railroad Commission of California endorses telegraphic application of Cuyamaca Water Company to install temporary pumping plants on the El Capitan Indian Reservations. The shortage of water creates extremely serious conditions unless immediate permission can be received from you as requested. Damage will undoubtedly accrue to both the people and the lands. Kindly advise.

The Office respectfully recommends that temporary permission be granted to the Cuyamaca Water Company to place pumping plant upon the Capitan Grande (Elcapitan) Reservation, in San Diego County, California, for the purpose of pumping water from wells in the gravel beds in the San Diego River, for irrigation purpose, subject to the condition that such permission shall not be construed as granting any right-of-way or in any way abrogating the terms and conditions

L-103951

of stipulation entered into in connection with the right-of-way granted by the Department on December 16, 1892, to the San Diego Flume Company (now the Cuyamaca Water Company), under the provisions of the Act of January 12, 1891 (26 Stat. 712), and subject to the further condition that the permit may be revoked by the Secretary of the Interior at any time prior to the granting of a permanent right-of-way, for reasons to be determined by him.

There are enclosed herewith drafts of telegrams addressed to the Cuyamaca Water Company, the California Railroad Commission, and the Superintendent of the Volcan School, in charge of said Reservation, prepared for your signature in the event that the foregoing recommendation meets with your approval.

Respectfully,
(s) C. R. Hauke
Second Assistant Commissioner.

9-HFW-12

Sept. 15, 1913

Approved:

(s) A. A. Jones,
First Assistant Secretary.

1-4759

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

Sept. 25, 1913.

Land Contracts

103951-1911
109704-1913
C H D

Permit.

The Cuyamaca Water Company,
San Francisco, California.

Gentlemen:-

In response to your telegram to the Acting Secretary of the Interior dated September 10, making application for immediate permission to place temporary pumping plant upon the El Capitan Indian Reservation, San Diego County, California, you are informed that under date of September 12, 1913, the Assistant Secretary of the Interior telegraphed you as follows:

"Your telegram September tenth. Temporary permission granted you today to place pumping plant upon Capitan Grande Reservation, San Diego County, California, for use in pumping water from San Diego River for irrigation purposes, subject to certain conditions, letter follows."

The conditions mentioned in the telegram above quoted are set forth in Office letter to the Department, dated September 12, copy of which is enclosed for your information.

Respectfully,
C. F. Hauke
Second Assistant Commissioner.

9-PBM-19

REFER IN REPLY TO THE FOLLOWING:

5-1100

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

1

Land-
Contracts DEPARTMENT OF THE INTERIOR
99348-07
134386-13 OFFICE OF INDIAN AFFAIRS
C H I WASHINGTON

NOV -7 1913

Reservoir and Flume
Right of Way

Mr. Ed Fletcher,
San Diego, California.

Sir:

Your letter dated October 9, 1913, regarding the application of Messrs. Murray and Fletcher for right of way for reservoir and flume, involving certain lands within the Capitan Grande Indian Reservation, California, has been referred to this Office by the Assistant Commissioner of the General Land Office.

In response, you are informed the Office has this day transmitted to the Superintendent of the Pechanga Indian School, who now has jurisdiction over the Capitan Grande Reservation, form of stipulation for execution by the applicants, in lieu of the one submitted by the former Superintendent of the Volcan Indian School, which school has been abolished.

On receipt of the stipulation and bond mentioned therein, duly executed in duplicate, through the Superintendent of the Pechanga Indian School, the application above mentioned will be given further consideration.

Respectfully,

C. H. Hauke
Second Assistant Commissioner.

*in Part
206x
Please see me
What is this? 11-88-1 in relation to it.*

*Copy Reservoir
& Canal*

WASHINGTON, D. C.

February 6, 1918.

W. R. Read, Esq.,
Chief Engineer,
Department of Indian Affairs,
WASHINGTON, D. C.

Dear Sir:

Confirming our verbal understanding, I furnish you herewith the following information showing our interpretation of the Act of Congress approved June 12, 1891, 26 Stat. 714, giving to the San Diego Flume Company the right to build a dam and necessary rights of way for a flume line through the Capitan Grande Indian Reservation, San Diego County, California.

The consideration paid by the San Diego Flume Company, our predecessors, was the furnishing of water to the Indians, quoting from the Act, as follows:

"The said Company, its successors and assigns shall furnish at its own expense, and at such places and at such points along the side of the flume or canal within the said Reservation, and at and during such times and periods of time as the Indians on said Reservation may desire, or the United States Indian agent in charge of such Indians may request, an ample and sufficient supply and quantity of water for the use of said Indians, for agricultural and domestic purposes, and for stock belonging to said Indians."

The value of this consideration to the United States Government was two-fold: It saved the United States Government an investment of not less than \$50,000 to \$75,000 to supply the Indians with a proper irrigation system.

That you may know the value of the service being rendered to the Indians, I refer you to the letter of record in the files of the El Capitan Grande Reservation, signed by United States Chief Engineer Code, in charge of Engineering Work for the Indian Service in that district, who says that the value of the service being rendered by us in furnishing

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1 water to the Indians, is \$10,000 annually. When there is no
2 water in the dam called the Diverting Dam, we withdraw water
3 from our Cuyamaca Reservoir above and furnish this to the
4 Indians. This water is of great value to them in the summer
5 months for irrigation purposes, when there is no water running
6 in the river.

7 We desire immediately to raise the present dam, or
8 build a new dam directly below it at a distance of not ex-
9 ceeding five or six hundred feet, and believe we have the
10 right under the original Act of Congress to do this. We did
11 raise the Diverting Dam ten feet in 1912, without asking
12 the consent of the Department. Our recent letter, was, we
13 considered, an act of courtesy, calling your attention to the
14 fact and notifying you of our intention to raise the dam.

15 To support our view of the matter, we quote further
16 from this Act of Congress, which reads:

17 "In consideration of the grant of such right
18 of way, one hundred feet in width, to said
19 Company and its assigns or successors, with
20 all the usual rights of land and water and all
21 ingress, egress and regress, for the purpose
22 of constructing, maintaining and operating an
23 irrigation flume or canal, with the necessary
24 works appurtenant thereto, through Sections
25 11, 14 &c along the line as indicated on a
26 map accompanying the report on the Mission
27 Indians Commission. The map is marked Exhibit
28 A of said report."

29 By referring to the map attached to the Act of Con-
30 gress, there is plainly delineated on said map, at the loca-
31 tion of our intake, the word "dam". The act itself reads:
32 "With the necessary works appurtenant thereto through Sec-
33 tions 11, 14" &c.

Certainly a dam at this point is a necessary part of
the works appurtenant to a water system. The dam is located
in Section 11; as quoted above, you will see that Section
11 is described in the Act.

There can be no question as to the meaning of Section 1
in said Act of Congress, which reads that we shall have

1 "all usual rights of land and water for the purpose of con-
2 structing, operating and maintaining an irrigation flume or
3 canal, with the necessary works appurtenant thereto."

4 Conditions are unusual in California. It was necess-
5 ary to spend over a million dollars to build the flume line,
6 thirty-six miles in length, together with a large distributing
7 system as well before there could be any possibility of return
8 from the investment. It takes years to develop a country
9 and put all the water possible to beneficial use. Owing to
10 this fact, and the fact that it was impossible to borrow any
11 more money at the time this system was built, and all irriga-
12 tion systems had a black eye, and for the last twenty years
13 the same condition has existed. The result has been that
14 the temporary diverting dam originally built was never increased
15 in height sufficiently to store the necessary flood waters
16 to increase the net safe yield. That this was the intention
17 from the beginning there can be no doubt. No engineer in his
18 right senses would plan on a diverting dam of a capacity of
19 only two days supply for the flume, which was the size of the
20 original diverting dam.

21 When we raised the Diverting Dam ten feet in 1912 at
22 a small expense, we increased the capacity of the Diverting
23 Dam to approximately a weeks supply. The time has come with
24 the growth of San Diego County that we need a larger supply
25 of water, as two municipalities are entirely dependent upon
26 us for their supply - El Cajon and La Mesa, while in addition
27 we furnish approximately half the water for East San Diego,
28 another municipality, altogether eight to ten thousand dom-
29 estic consumers depend on us, and we are thus certainly put-
30 ting this water to the highest beneficial use that water can
31 be put to.

32 The day the Cuyamaca Water Company purchased this sys-
33 tem they made a new filing on all of the water of the San

Diego River at the diverting dam, intending immediately to either raise the Diverting Dam or to build another dam directly below so as to conserve a larger quantity of water; as an emergency measure to protect the growth of the municipalities we supply we first built Grossmont Reservoir to protect the domestic supply of the City of La Mesa at a cost of approximately \$50,000; we put in a complete distributing system in Normal Heights and Kensington Park at a cost of approximately \$65,000, where we furnish approximately two thousand people with a domestic water supply. We immediately thereafter came under the jurisdiction of the State Railroad Commission of California, who have exclusive control of all public utilities. Mr. Eshelman, Pres. of the State Railroad Commission, in his decision, however, ordered us to rebuild the flume. We immediately proceeded to do so, put same in first class condition, and increased its capacity from ten millions to twenty millions of gallons daily. We built a steel siphon across South Fork and Chocolate Creek, put in forty or fifty large trestles, and shortened the entire distance of the flume to about 33 miles in length. The State Railroad Commission afterwards in its decision, asked that we build Murray Dam, a concrete structure 900 feet long and 117 feet high. This was completed in January 1918. The final step to bring our system to its maximum development is the raising of the Diverting Dam, as above stated, and from an engineering standpoint it would be foolish to spend the amount of money that has been spent on the system without planning for a dam at the Diverting Dam sufficient to control, eventually, for all practical purposes, the flood waters of that stream.

It is ancient history, but a matter of fact that the original owners of this system lost over one million dollars in this project owing to the collapse of the boom of '88 and '89, and it took twenty years to get conditions back to normal.

An examination of the official map attached to the Act of Congress will show that the Diverting Dam is located in the NE corner of the Indian Reservation in Section 11. By completing this dam to the height we intend, we will only flood between ten and twenty additional acres of land within the Indian Reservation, as nearly as we can estimate without an actual survey, but none of the land that will be flooded within the Reservation has ever been of value for agricultural or pasturage purposes, as it is in a narrow canon, wholly within the stream bed.

I call your attention to Section 5 of said Act of Congress, which says:

"the said Company may shut off water in the Fall or Winter for the purpose of special or general repairs to its flumes, aqueducts or reservoirs."

Mention is particularly made here of our reservoirs, which includes the present Diverting Dam.

There is no restriction in the Act to show what height the Diverting Dam shall be built, nor is it mentioned on the map attached, and ordinary business foresight would indicate that any concern that would spend over a million dollars in building a flume, would plan eventually to build a dam of sufficient height to control the flood waters passing the Diverting Dam, for there are approximately one hundred square miles of water shed, not including Cayamaca Lake water shed, which is above the Diverting Dam intake, and the best water shed there is on San Diego County.

The municipalities and farmers under our system demand that we increase our storage facilities at the Diverting Dam.

It would have been built before, but it has been almost impossible to finance any water project during the last five or six years. Nevertheless, we have spent between five and six hundred thousand dollars in developing our system, by the orders

of the State Railroad Commission of California, who have complete jurisdiction over all our acts. Any construction work that we undertake on the Diverting Dam will be under the jurisdiction and inspection of the State Railroad Commission of California; they will inspect and pass the plans and finally inspect and accept the whole structure, therefore so far as danger from breakage of the dam is concerned, the Indians are fully protected.

There are no diversions of the stream flow of the San Diego River below our intake, excepting a few riparian owners who have installed pumping plants. If there is objection from them the cases will no doubt be adjudicated by the State Water Commission, or in the courts, as, being a public utility, furnishing municipalities with water, we have the right of condemnation.

As I said before, there is nothing in the Act which forbids the construction of a dam on the Reservation or the height of the dam. In fact the language of the Act and the map itself show what was intended, and gives us the right to build the dam. Only a few acres of practically valueless Indian Reservation land are affected. The money is now available for the construction of the dam, and, as you know, in California, water is king.

Therefore, when the psychological moment is at hand it would be a crime not to take advantage of this opportunity to conserve, for all time, the flood waters now going to the ocean.

Respectfully submitted,

THE CUYAMACA WATER COMPANY.

by

President.

THE CITY OF SAN DIEGO, a municipal corporation

-vs-

THE UNITED STATES OF AMERICA and the CAPITAN GRAND BAND OF MISSION INDIANS.

APPROVAL OF DECREE

WHEREAS Section three of the act of February 28, 1919 (40 Stat. L. 1206), extending the alw of eminent domain of the State of California over the lands of the Capitan Grande Band of Indians for the purpose of enabling the City of San Diego to acquire a municipal water supply provides -

That any judgment or order of condemnation entered in such proceeding shall be binding upon said Capitan Grande Band of Indians only upon the approval by the Secretary of the Interior of the terms of said judgment: PROVIDED FURTHER, That the Secretary of the Interior shall require from the City of San Diego in addition to the award of condemnation such further sum which, in his opinion, when added to said award, will be sufficient in the aggregate to provide for the purchase of additional lands for the Capitan Grande Band of Indians, the erection of suitable homes for the Indians on the lands so purchased, the erection of such schools, churches, and administrative buildings, the sinking of such wells and the construction of such roads and ditches, and providing water and water rights and for such other expenses as may be deemed necessary by the Secretary of the

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1
2
3 Interior to properly establish these Indians
4 permanently on the lands purchased for them;
5 and

6 WHEREAS On the 10th day of June, 1921, there
7 was handed down in the above entitled case a decree
8 awarding the Capitan Grande Band of Indians the sum
9 of \$75,000 plus ^{such} ~~the~~ additional amount as may be re-
10 quired by the Secretary of the Interior, and providing
11 that such decree shall be binding upon the parties
12 only upon the approval of the decree by the Secretary of
13 the Interior;

14 NOW THEREFORE, The Secretary of the Interior
15 having made or caused to be made, an exhaustive inves-
16 tigation for the purpose of determining the amount
17 necessary to carry out the provisions of said act of
18 February 28, 1919, hereby fixes the total amount re-
19 quired in the sum of \$361,428, and the decree in the above
20 entitled case is hereby approved on condition that the
21 City of San Diego, in addition to the \$75,000
22 awarded herein, pay the sum of \$286,428.

23 IN WITNESS WHEREOF The Secretary of the Interior
24 has hereunto affixed his hand and official seal this
25 22nd day of December, 1922

26 ALBERT B. FALL

27 Seal of Dept,
28 of
29 Interior.

Secretary

THE CITY OF SAN DIEGO, a
municipal corporation

-vs-

THE UNITED STATES OF AMERICA
and the CAPITAN GRAND BAND OF
MISSION INDIANS.

APPROVAL OF DECREE

WHEREAS Section three of the act of February
28, 1919 (40 Stat. L. 1206), extending the law of eminent
domain of the State of California over the lands of the
Capitan Grande Bank of Indians for the purpose of enabling
the City of San Diego to acquire a municipal water supply
provides -

That any judgment or order of condemna-
tion entered in such proceeding shall be binding
upon said Capitan Grande Band of Indians
only upon the approval by the Secretary of the
Interior of the terms of said judgment:
PROVIDED FURTHER, That the Secretary of the
Interior shall require from the City of San
Diego in addition to the award of condemnation
such further sum which, in his opinion,
when added to said award, will be sufficient
in the aggregate to provide for the purchase
of additional lands for the Capitan Grande
Band of Indians, the erection of suitable
homes for the Indians on the lands so pur-
chased, the erection of such schools, churches,
and administrative buildings, the sinking of
such wells and the construction of such roads
and ditches, and providing water and water
rights and for such other expenses as may be
deemed necessary by the Secretary of the

Interior to properly establish these Indians permanently on the lands purchased for them; and

WHEREAS On the 10th day of June, 1921, there was handed down in the above entitled case a decree awarding the Capitan Grande Band of Indians the sum of \$75,000 plus such additional amount as may be required by the Secretary of the Interior, and providing that such decree shall be binding upon the parties only upon the approval of the decree by the Secretary of the Interior;

NOW THEREFORE, The Secretary of the Interior having made or caused to be made, an exhaustive investigation for the purpose of determining the amount necessary to carry out the provisions of said act of February 28, 1919, hereby fixes the total amount required in the sum of \$361,428, and the decree in the above entitled case is hereby approved on condition that the City of San Diego, in addition to the \$75,000 awarded herein, pay the sum of \$286,428.

IN WITNESS WHEREOF The Secretary of the Interior has hereunto affixed his hand and official seal this 22nd day of December, 1922

ALBERT B. FALL

Secretary

Seal of Dept,
of
Interior.

THE CITY OF SAN DIEGO, a
municipal corporation

-VS-

THE UNITED STATES OF AMERICA
and the CAPITAN GRAND BAND OF
MISSION INDIANS.

APPROVAL OF DECREE

WHEREAS Section three of the act of February 28, 1919 (40 Stat. L. 1206), extending the law of eminent domain of the State of California over the lands of the Capitan Grande Bank of Indians for the purpose of enabling the City of San Diego to acquire a municipal water supply provides -

That any judgment or order of condemnation entered in such proceeding shall be binding upon said Capitan Grande Band of Indians only upon the approval by the Secretary of the Interior of the terms of said judgment: PROVIDED FURTHER, That the Secretary of the Interior shall require from the City of San Diego in addition to the award of condemnation such further sum which, in his opinion, when added to said award, will be sufficient in the aggregate to provide for the purchase of additional lands for the Capitan Grande Band of Indians, the erection of suitable homes for the Indians on the lands so purchased, the erection of such schools, churches, and administrative buildings, the sinking of such wells and the construction of such roads and ditches, and providing water and water rights and for such other expenses as may be deemed necessary by the Secretary of the

Interior to properly establish these Indians permanently on the lands purchased for them; and

WHEREAS On the 10th day of June, 1921, there was handed down in the above entitled case a decree awarding the Capitan Grande Band of Indians the sum of \$75,000 plus such additional amount as may be required by the Secretary of the Interior, and providing that such decree shall be binding upon the parties only upon the approval of the decree by the Secretary of the Interior;

NOW THEREFORE, The Secretary of the Interior having made or caused to be made, an exhaustive investigation for the purpose of determining the amount necessary to carry out the provisions of said act of February 28, 1919, hereby fixes the total amount required in the sum of \$361,428, and the decree in the above entitled case is hereby approved on condition that the City of San Diego, in addition to the \$75,000 awarded herein, pay the sum of \$286,428.

IN WITNESS WHEREOF The Secretary of the Interior has hereunto affixed his hand and official seal this 22nd day of December, 1922

ALBERT B. FALL

Secretary

Seal of Dept,
of
Interior.

C O P Y

El Capitan Government Reservation,
San Diego, California.

September 19, 1919.

We, the undersigned, most respectfully greet your Excellency the President of the United States and Mrs. Woodrow Wilson on the distinguished occasion of your Excellency's visit to San Diego and to urge upon your Honorable Personage as President of the United States to reserve our lands on the El Capitan Dam site as a token of the Nation's recognition of our original American citizenship of the United States.

And to inform your Excellency that the Council of San Diego City have cruelly ordered the removal from our residential homes we love for reasons uncalled for.

That your Excellency authorize the Indian Reservation of El Capitan be reserved for our residential ownership as we appreciate our lands, and pledge our Loyalty to the United States Government, by reserving its site for our future use.

Victor Paipo
Joseph D. Paipo
Jim Banegas
Marie I. Paipo
Charley Rodriguez
Baptiste Quitao
Isidro Sachappa
Elario Mesa
Vincent Mesa
Baltazar Cauro
Paul Rodriguez
Mary Rodriguez
Dan Bombidella
Philomena Bombidella
John Prieta
Mary Prieta
Steven Prieta
Petrick Quaro
Savan Piapo
Dora Ames
Romero Ames
Mrs. Rosa Ames
John Ames

Owing to the limited time in preparing this personal petition, all the signatures of the residents of El Capitan were not obtained, but the remainder can be secured.

IRRIGATION SCHEDULE

CAPITAN GRANDE INDIAN RESERVATION

EFFECTIVE JULY 1, 1918 AT 6 A.M.

Pipe Line Number	Entitled to		Number of acres	To be turned on		To be turned off	
	inches	number of hours		Day of month	Time	Day of month	Time
5	40	24	5.1	1, 11 + 21	6 AM	2, 12 + 22	6 AM
3	10	48	2.3	2, 12 + 22	6 AM	4, 14 + 24	6 AM
15	30	24	3.2	2, 12 + 22	6 AM	3, 13 + 23	6 AM
17	30	24	3.6	3, 13 + 23	6 AM	4, 14 + 24	6 AM
14	10	12	0.4	4, 14 + 24	6 AM	4, 14 + 24	6 PM
6	30	12	2.0	4, 14 + 24	6 AM	4, 14 + 24	6 PM
13	10	12	0.5	4, 14 + 24	6 PM	5, 15 + 25	6 AM
11	30	12	2.0	4, 14 + 24	6 PM	5, 15 + 25	6 AM
12	40	24	4.8	5, 15 + 25	6 AM	6, 16 + 26	6 AM
9	40	36	7.6	6, 16 + 26	6 AM	7, 17 + 27	6 PM
8	40	48	10.4	7, 17 + 27	6 PM	9, 19 + 29	6 PM
7	20	36	4.2	9, 19 + 29	6 PM	1, 11 + 21	6 AM
4	20	36	4.1	9, 19 + 29	6 PM	1, 11 + 21	6 AM

Day of month	Time	Turn on Line No.	Turn off Line No.
1, 11 + 21	6 AM	5	7.4
2, 12 + 22	6 AM	3, 15	5
3, 13 + 23	6 AM	17	15
4, 14 + 24	6 AM	14, 6	3, 17
4, 14 + 24	6 PM	13, 11	14, 6
5, 15 + 25	6 AM	12	13, 11
6, 16 + 26	6 AM	9	12
7, 17 + 27	6 PM	8	9
8, 18 + 28		-	-
9, 19 + 29	6 PM	7, 4	8

DEPARTMENT OF THE INTERIOR
UNITED STATES INDIAN SERVICE
IRRIGATION

WM REE CHIEF ENGINEER HV CLOTT'S SUPT OF IRRIGATION
SCHEDULE PREPARED BY OW BAUER ASST ENGINEER

IRRIGATION SCHEDULE

CAPITAN GRANDE INDIAN RESERVATION

EFFECTIVE JULY 1, 1918 AT 6 A.M.

Pipe line Number	Entitled to		Number of acres	To be turned on		To be turned off	
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3	10	48	2.3	2, 12 + 22	6 AM	4, 14 + 24	6 AM
15	30	24	3.2	2, 12 + 22	6 AM	3, 13 + 23	6 AM
17	30	24	3.6	3, 13 + 23	6 AM	4, 14 + 24	6 AM
14	10	12	0.4	4, 14 + 24	6 AM	4, 14 + 24	6 PM
6	30	12	2.0	4, 14 + 24	6 AM	4, 14 + 24	6 PM
13	10	12	0.5	4, 14 + 24	6 PM	5, 15 + 25	6 AM
11	30	12	2.0	4, 14 + 24	6 PM	5, 15 + 25	6 AM
12	40	24	4.8	5, 15 + 25	6 AM	6, 16 + 26	6 AM
9	40	36	7.6	6, 16 + 26	6 AM	7, 17 + 27	6 PM
8	40	48	10.4	7, 17 + 27	6 PM	9, 19 + 29	6 PM
7	20	36	4.2	9, 19 + 29	6 PM	1, 11 + 21	6 AM
4	20	36	4.1	9, 19 + 29	6 PM	1, 11 + 21	6 AM

Day of month	Time	Turn on Line No.	Turn off Line No.
1, 11 + 21	6 AM	5	7, 4
2, 12 + 22	6 AM	3, 15	5
3, 13 + 23	6 AM	17	15
4, 14 + 24	6 AM	14, 6	3, 17
4, 14 + 24	6 PM	13, 11	14, 6
5, 15 + 25	6 AM	12	13, 11
6, 16 + 26	6 AM	9	12
7, 17 + 27	6 PM	8	9
8, 18 + 28		-	-
9, 19 + 29	6 PM	7, 4	8

DEPARTMENT OF THE INTERIOR
UNITED STATES INDIAN SERVICE
IRRIGATION

WM REED CHIEF ENGINEER H.V. CLOTT'S SUPT OF IRRIGATION
SCHEDULE PREPARED BY OW BAUER ASST ENGINEER

ABSTRACTS FROM CROSS EXAMINATION OF GEORGE CROMWELL,
CITY ENGINEER OF SAN DIEGO.

MR. ROBINSON: Have you made any other safe yield studies than those for this proceeding?

MR. CROMWELL: I believe I have, yes.

MR. ROBINSON: For what watersheds?

MR. CROMWELL: For the Temecula and the City sheds.

MR. ROBINSON: Enumerate the different sheds for which you have made safe yield studies.

MR. CROMWELL: I have made a very cursory study of the Temecula watershed. You might say the same of the City's watersheds. I have read different reports that have been made by the engineers and formed my opinions on the City watersheds from these reports.

MR. ROBINSON: But you have never actually made a study of it?

MR. CROMWELL: I have over certain periods, yes, short periods, where we have the records, such records on our present shed are very incomplete.

(See Volume I, page 253 of Transcript)

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MR. ROBINSON: Have you ever had any experience in the construction of a dam similar to the one of which you have made the cost estimate at El Capitan Reservoir site?

MR. CROMWELL: No sir, outside of experiments on foundation work and dam drill or borings - examination of sites that are under construction.

MR. ROBINSON: That wasn't actual construction, it was more in the nature of exploration work?

MR. CROMWELL: Exploration work, yes sir.

(See Volume I, page 254 of Transcript)

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MR. ROBINSON: I believe you testified in your direct examination that you have made no survey of the actual line of the proposed pipe line, is that correct?

MR. CROMWELL: Yes sir, that is correct, yes.

MR. ROBINSON: Have you made any survey of the damsite for the proposed El Capitan Dam?

MR. CROMWELL: No sir, I have not.

MR. ROBINSON: Have you made any survey to determine the areas and capacities of the proposed El Capitan Reservoir for the various heights of dam?

MR. CROMWELL: No sir, I have not.

MR. ROBINSON: Such being the case, from what data were the accepted area curves which you have shown in the City of San Diego's Exhibit No. 13 plotted?

MR. CROMWELL: I have taken the information contained on a map made by one C. T. Sackett, which I have every reason to believe was a careful survey. I understand Mr. Sackett spent several months in the preparation of this map, I have accepted that data as he prepared it.

MR. ROBINSON: Does Mr. Sackett's data show the capacity at the various levels?

MR. CROMWELL: I don't know as that map does, I would not be positive about that now.

MR. ROBINSON: From what data did you plot the curve which does show the capacities of the various curves?

MR. CROMWELL: We had data on file in the Hydraulic Engineer's Department in San Diego, and the best information at hand at the time I constructed that.

MR. ROBINSON: Just what do you mean, the best available information on hand?

MR. CROMWELL: I mean it was the only information I had at the time.

MR. ROBINSON: From what source?

MR. CROMWELL: From records kept in our department down there we have on other watersheds and other reservoir sites.

MR. ROBINSON: The records of the City of San Diego?

MR. CROMWELL: Records we have obtained from other parties.

MR. ROBINSON: How were these, how was that data obtained without survey?

MR. CROMWELL: We have accepted other surveys on it, I have stated that I believe.

MR. ROBINSON: Who made those surveys?

MR. CROMWELL: They were made by Mr. Sackett, I believe. I think that the Cuyamaca Water Company have made surveys of that damsite.

MR. ROBINSON: Mr. Sackett's data was not of any benefit to you in that behalf, was it?

MR. CROMWELL: The area covered by the flood line contour was of some benefit.

MR. ROBINSON: Have you ever seen the Cuyamaca Company's survey?

MR. CROMWELL: I think I have, I am not positive, I would not say for sure whether I have or not seen other maps.

MR. ROBINSON: Have you ever made any profiles of the proposed damsite at El Capitan?

MR. CROMWELL: No sir, I have not.

(See Volume I, pages 256 and 257, of Transcript)

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MR. CASSEBAVE: Would you consider a dam erected at El Capitan damsite with a seepage loss of one million gallons a day a successful structure?

MR. CROMWELL: Yes.

(See Volume I, page 250 of Transcript)

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MR. ROBINSON: Now you have testified that the dam at El Capitan with a leakage or seepage of one million gallons daily, would be a successful structure, have you in your studies of available water supply made any allowance for such leakage or seepage?

MR. CROMWELL: I think so, yes.

MR. ROBINSON: You consider, however, that the seepage or leakage will be amply sufficient to provide for the lower riparian lands?

MR. CROMWELL: Between El Capitan and the Confluence of the San Vicente Creek.

(See Volume I, pages 268 and 269, of Transcript)

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COPY

El Capitan Government Reservation,

San Diego, California.

September 19, 1919.

We, the undersigned, most respectfully greet your Excellency the President of the United States and Mrs. Woodrow Wilson on the distinguished occasion of your Excellency's visit to San Diego and to urge upon your Honorable Personage as President of the United States to reserve our lands on the El Capitan Dam site as a token of the Nation's recognition of our original American citizenship of the United States.

And to inform your Excellency that the Council of San Diego City has cruelly ordered the removal from our residential homes we love for reasons uncalled for.

That your Excellency authorize the Indian Reservation of El Capitan be reserved for our residential ownership as we appreciate our lands, and pledge our Loyalty to the United States Government, by reserving its site for our future use.

Victor Paipo
Joseph D. Paipo
Jim Banegas
Marie I. Paipo
Charley Rodriguez
Baptiste Quitac
Isidro Sachappa
Elario Mesa
Vincent Mesa
Baltazar Cauro
Paul Rodriguez
Mary Rodriguez
Dan Bombidella
Philomena Bombidella
John Prieta
Mary Prieta
Steven Prieta
Patrick Quaro
Savan Piapo
Dora Ames
Romero Ames
Mrs. Rosa Ames
John Ames

Owing to the limited time in preparing this personal petition, all the signatures of the residents of El Capitan were not obtained, but the remainder can be secured

SUMMARY OF TESTIMONY OF H. K. PALMER, ASSISTANT ENGINEER, UNITED STATES INDIAN SERVICE, REGARDING IRRIGATION OF RIPARIAN LANDS BELOW PROPOSED EL CAPITAN RESERVOIR

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See pages 1013 and following of transcript of testimony and United States Exhibits VI and VII.

The following table is from United States Exhibit VI and shows area and requirements of riparian lands.

	Above Lakeside	Below Lakeside	Mission Valley	San Vicente Creek	Los Cochos Creek
Area Irrigated -----	70	973	1,640	207	115
Total Area Susceptible of irrigation -----	1,364	4,857	3,540	582	115
Total amount of water required for full development -----	3,410	12,143	8,850	1,450	290
Evaporation -----	405- 2,575	1,162	8,240	110	40
Total Water Requirement -----	3,815- 5,985	13,305	17,090	1,560	330
Storage Capacity of Sands -----	5,700	9,680	6,666	1,600	400

Areas are shown in acres.
Water requirements are shown in acre feet.

Total Area Irrigated -	3,005 acres.
Total Area susceptible of irrigation -	10,458 acres
Note - Not shown - deduced from exhibit	

The following table shown on Exhibit VII and explained in testimony of the witness indicates the quantities necessary for the irrigation of riparian lands:

Year	Full Development of Riparian Lands		Irrigation Limited to Present Area		
	Total Runoff at Dam	Required by Riparian Lands	Available for Storage	Required by Riparian Lands	Available for Storage
1890-1891	48,100	15,400	32,700	8,600	39,500
1891-1892	11,300	11,300	0	5,100	6,200
1892-1893	4,100	4,100	0	1,500	2,600
1893-1894	0	0	0	0	0
1894-1895	24,300	13,600	10,700	1,000	23,300
1895-1896	0	0	0	0	0
1896-1897	3,400	3,400	0	3,400	0
1897-1898	0	0	0	0	0
1898-1899	0	0	0	0	0
1899-1900	0	0	0	0	0
1900-1901	0	0	0	0	0
1901-1902	0	0	0	0	0
1902-1903	4,713	4,713	0	4,713	0
1903-1904	0	0	0	0	0
1904-1905	26,255	10,155	16,100	3,555	22,700
1905-1906	65,305	0	65,305	0	65,305
1906-1907	40,957	11,357	29,600	0	40,957
1907-1908	11,256	11,256	0	4,456	6,800
1908-1909	36,854	17,354	19,500	754	36,100
1909-1910	20,727	15,027	5,700	3,027	17,700
1910-1911	12,698	12,698	0	2,198	10,500
1911-1912	9,944	9,944	0	8,944	1,000
1912-1913	2,708	2,708	0	2,708	0
TOTAL	322,617	143,012	179,605	49,955	272,662

All quantities are shown in acre feet.
Duty of water on riparian lands is 2 1/2 acre feet per acre.

The average requirement of riparian lands if fully developed is 6,218 acre feet per year.
The average requirement of riparian lands as at present irrigated is 2,172 acre feet per year.
Note:- Deduced from exhibit VII - Not Shown

The following table shown on Exhibit VII and explained in testimony of the witness indicates the quantities necessary for the irrigation of riparian lands:

Year	Full Development of Riparian Lands		Irrigation Limited to Present Area		
	Total Runoff at Dam	Required by Riparian Lands	Available for Storage	Required by Riparian Lands	Available for Storage
1890-1891	48,100	15,400	32,700	8,600	39,500
1891-1892	11,300	11,300	0	5,100	6,200
1892-1893	4,100	4,100	0	1,500	2,600
1893-1894	0	0	0	0	0
1894-1895	24,300	13,600	10,700	1,000	23,300
1895-1896	0	0	0	0	0
1896-1897	3,400	3,400	0	3,400	0
1897-1898	0	0	0	0	0
1898-1899	0	0	0	0	0
1899-1900	0	0	0	0	0
1900-1901	0	0	0	0	0
1901-1902	0	0	0	0	0
1902-1903	4,713	4,713	0	4,713	0
1903-1904	0	0	0	0	0
1904-1905	26,255	10,155	16,100	3,555	22,700
1905-1906	65,305	0	65,305	0	65,305
1906-1907	40,957	11,357	29,600	0	40,957
1907-1908	11,256	11,256	0	4,456	6,800
1908-1909	36,854	17,354	19,500	754	36,100
1909-1910	20,727	15,027	5,700	3,027	17,700
1910-1911	12,698	12,698	0	2,198	10,500
1911-1912	9,944	9,944	0	8,944	1,000
1912-1913	2,708	2,708	0	2,708	0
TOTAL	322,617	143,012	179,605	49,955	272,662

All quantities are shown in acre feet.
Duty of water on riparian lands is 2 1/2 acre feet per acre.

The average requirement of riparian lands if fully developed is 6,218 acre feet per year.
The average requirement of riparian lands as at present irrigated is 2,172 acre feet per year.
Note:- Deduced from exhibit VII - Not Shown

SUMMARY OF TESTIMONY OF H. K. PALMER, ASSISTANT ENGINEER, UNITED STATES INDIAN SERVICE, REGARDING IRRIGATION OF RIPARIAN LANDS BELOW PROPOSED EL CAPITAN RESERVOIR

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See pages 1013 and following of transcript of testimony and United States Exhibits VI and VII.

The following table is from United States Exhibit VI and shows area and requirements of riparian lands.

	Above Lakeside	Below Lakeside	Mission Valley	San Vicente Creek	Los Cochas Creek
Area Irrigated -----	70	975	1,640	207	115
Total Area Susceptible of irrigation -----	1,364	4,857	3,540	582	115
Total amount of water required for full development -----	5,410	12,143	8,850	1,450	290
Evaporation -----	405- 2,575	1,162	8,240	110	40
Total Water Requirement -----	3,815- 5,985	13,305	17,090	1,560	330
Storage Capacity of Sands -----	5,700	9,680	6,666	1,600	400

Areas are shown in acres.
Water requirements are shown in acre feet.

: Total Area Irrigated - 3,005 acres. :
: Total Area susceptible of irrigation - 10,458 acres :
: Note - Not shown - deduced from exhibit :
:-----

SUMMARY OF TESTIMONY OF H. K. PALMER, ASSISTANT ENGINEER, UNITED STATES INDIAN SERVICE, REGARDING IRRIGATION OF RIPARIAN LANDS BELOW PROPOSED EL CAPITAN RESERVOIR

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: Total Area Irrigated - 3,005 acres. :
: Total Area susceptible of irrigation - 10,458 acres :
: Note - Not shown - deduced from exhibit :
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The following table shown on Exhibit VII and explained in testimony of the witness indicates the quantities necessary for the irrigation of riparian lands:

Year	Total Runoff at Dam	Full Development of Riparian Lands		Irrigation Limited to Present Area	
		Required by Riparian Lands	Available for Storage	Required by Riparian Lands	Available for Storage
1890-1891	48,100	15,400	32,700	8,600	39,500
1891-1892	11,300	11,300	0	5,100	6,200
1892-1893	4,100	4,100	0	1,500	2,600
1893-1894	0	0	0	0	0
1894-1895	24,300	13,600	10,700	1,000	23,300
1895-1896	0	0	0	0	0
1896-1897	3,400	3,400	0	3,400	0
1897-1898	0	0	0	0	0
1898-1899	0	0	0	0	0
1899-1900	0	0	0	0	0
1900-1901	0	0	0	0	0
1901-1902	0	0	0	0	0
1902-1903	4,713	4,713	0	4,713	0
1903-1904	0	0	0	0	0
1904-1905	26,255	10,155	16,100	3,555	22,700
1905-1906	65,305	0	65,305	0	65,305
1906-1907	40,957	11,357	29,600	0	40,957
1907-1908	11,256	11,256	0	4,456	6,800
1908-1909	36,854	17,354	19,500	754	35,100
1909-1910	20,727	15,027	5,700	3,027	17,700
1910-1911	12,698	12,698	0	2,198	10,500
1911-1912	9,944	9,944	0	8,944	1,000
1912-1913	2,708	2,708	0	2,708	0
TOTAL	322,617	145,012	179,605	49,955	272,662

All quantities are shown in acre feet.
Duty of water on riparian lands is 2 1/2 acre feet per acre.

The average requirement of riparian lands if fully developed is 16,216 acre feet per year.
The average requirement of riparian lands as at present irrigated is 2,173 acre feet per year.
Note:- Deduced from exhibit VII - Not Shown

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1892-1893	4,100	4,100	0	1,500	2,600
1893-1894	0	0	0	0	0
1894-1895	24,300	13,600	10,700	1,000	23,300
1895-1896	0	0	0	0	0
1896-1897	3,400	3,400	0	3,400	0
1897-1898	0	0	0	0	0
1898-1899	0	0	0	0	0
1899-1900	0	0	0	0	0
1900-1901	0	0	0	0	0
1901-1902	0	0	0	0	0
1902-1903	4,713	4,713	0	4,713	0
1903-1904	0	0	0	0	0
1904-1905	26,255	10,155	16,100	3,555	22,700
1905-1906	65,305	0	65,305	0	65,305
1906-1907	40,957	11,357	29,600	0	40,957
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COST OF WATER DEVELOPED BY EL CAPITAN RESERVOIR

The safe yield of the El Capitan Reservoir as computed by H. K. Palmer, Assistant Engineer of the United States Indian Irrigation Service is as follows: (See U. S. Exhibit VII)

	: Under Present Irrigation : : of Riparian Lands.		: With Riparian lands : fully developed.	
	: Acre : Feet	: Million Gallons : per day	: Acre : Feet	: Million Gallons : per day
1891 to 1904	: 4,015	: 3.580	: 2,592	: 2.315
1904 to 1913	: 18,220	: 16.220	: 11,400	: 10.180

George Cromwell, City Engineer of San Diego, estimates the cost of the dam and pipe line at \$2,000,000. (See page 191 of Volume I of transcript) Maintenance and Operation Expense is estimated by Mr. Cromwell at \$30,000 per year for dam and pipe line (See page 191 of Volume I of transcript).

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Interest on bonds was assumed by Cromwell at 5% (see page 191 of Volume I of transcript). At the present time 5% bonds could not be sold, and it is a question if 6% bonds could be disposed of.

But it will be assumed that such is the case and interest will be figured at 6%.

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The necessary annual income to support the property

is as follows:

Interest at 6% on \$2,000,000 -----	\$ 120,000
Maintenance and Operation Expense -----	30,000
Depreciation Annuity -----	40,000
	\$ 190,000

Based upon Mr. Palmer's safe yield computations, the cost per 1,000 gallons of water delivered is as follows:

	: Under Present Irrigation : With riparian Lands fully		: of Riparian Lands : developed	
	: Safe Yield : Cost per	: Safe Yield : Cost per	: Safe Yield : Cost per	: Safe Yield : Cost per
	: Billion Gals: 1,000 gals	: Billion Gals: 1,000 gals	: Billion Gals: 1,000 gals	: Billion Gals: 1,000 gals
	: yearly	: delivered	: yearly	: delivered
1891 - 1904	: 1.307	: \$ 0.145	: 0.845	: \$ 0.225
1904-1913	: 5.920	: \$ 0.030	: 3.716	: \$ 0.048

From an examination of Exhibit VII it appears that the safe yield for the first 13 years and five months is 3.58 million gallons daily and for the last 9 years is 16.22 million gallons daily, both based upon present irrigation requirements of riparian lands below the reservoir. A weighted average of the two periods gives a safe yield of 8.65 million gallons daily or 3.157 billion gallons for the year.

When the computations are based upon requirements of the riparian lands if fully developed, the exhibit shows a safe yield of 2.315 million gallons daily for the first 13 years and five months

The necessary annual income to support the property

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COMMITTEES APPOINTED AT FOUR WATER MEETINGS

LEMON GROVE: J. H. Halley
A. F. Sonka
~~x0kagzxxzuzsd~~ Chas L. Good.

La MESA : W. E. Lyon
G. M. Hawley
M.B.Christopher

BOSTONIA: D. G. Gordon
F. R. Beatty
H. Culbertson

(C. O. Graves declined)

SPRING VALLEY: Capt. John Campbell
Improvement Club. J. B. Barry
Ira C. Robinson
E. L. Lyon
D. Shadegar

Committee

WHEREAS, the City of San Diego has caused to have introduced in Congress a bill granting rights of way over certain Government lands, to be used for reservoir purposes by the City of San Diego, the same being House Bill No. 10587 and Senate Bill No. 3646; and

WHEREAS, upon the hearing on the bill before the committee on public lands of the House of Representatives, the chairman thereof made the following statement: "El Cajon, La mesa and those other cities, as a matter of fact, the chair knows, are red hot in favor of this bill;" and

WHEREAS, the only source of gravity water supply for the present needs and future growth of the City and Valley of El Cajon is the waters of the San Diego River, through the Cuyamaca Water Company's system; and

WHEREAS, the construction of the El Capitan Dam by the City of San Diego does not contemplate the use of any of the waters thereby impounded for the City of Valley of El Cajon, but would divert to the City of San Diego waters which are sorely needed in this locality and which could be utilized to develop the surrounding country, were a dam constructed on the San Diego River by the Cuyamaca Water Company, at its present diverting point, thereby making it possible to furnish water by gravity to the city and vicinity of El Cajon; and

WHEREAS, the owners of the Cuyamaca Water System are pledged to construct a dam at their said diverting point, and have already commenced condemnation proceedings to acquire the flooded area now owned by private individuals; and

WHEREAS, the City Attorney of San Diego asserted before the Public Lands Committee of both the House of Representatives and the Senate that the City of San Diego would welcome any development

of these waters by the Cuyamaca Water Company, and would not oppose the building of the said diverting dams by the Cuyamaca Water Company, even if it took all the water at their points of diversion; but that the City merely wished the privilege of conserving the flood waters that could be impounded at the El Capitan damsite below the Cuyamaca Water Company's points of diversion; and

WHEREAS, the City Attorney of San Diego, while still in Washington, after making the statements above mentioned, did wire the City Council of San Diego, advising that no arrangement be made with the Cuyamaca Water Company whereby the City Council would give its consent to allowing the Cuyamaca Water Company to build said diverting dams; and

WHEREAS, subsequent thereto, the City Council of San Diego, as appears by the public press, has repudiated such statements of their attorney, and has threatened to enjoin by court action the construction of such dams by the Cuyamaca Water Company, and has refused to confer with the owners of the Cuyamaca Water Company or to discuss the question of a compromise or settlement along the lines testified to by the City Attorney of San Diego, at the hearing before the said Public Lands Committees; and

WHEREAS, the City of San Diego has numerous other undeveloped sources of water supply available to its use, while the City and suburban section of El Cajon has no other source of gravity water supply except from the waters of the San Diego River; and

WHEREAS, the City Trustees of the City of La Mesa have unanimously passed resolutions denying the statement of the Chairman of the Public Lands Committee of the House of Representatives, as reported in the official records of the House, that the cities of La Mesa, and El Cajon are red hot in favor of the City of San Diego's bill; and

WHEREAS, at well attended mass meeting held at Lemon Grove, Spring

Valley, La Mesa and ~~Lemon Grove~~ and Bostonia, as well as the Merchants Association of La Mesa, by unanimous vote, have upheld the position of the Cuyamaca Water/Company in its controversy with the City of San Diego; and

WHEREAS, the finances of the City of San Diego are such that it is not possible for it to construct a dam at the El Capitan site for many years to come, even if permitted so to do by the Congress of the United States;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the City of El Cajon, California:

1. That the future prosperity and growth of the City and Valley of El Cajon depends upon this section securing the waters of the San Diego River, impounded at a point on said stream by the Cuyamaca Water Company which will permit the flow of water by gravity to this city and the territory adjacent thereto;
2. That in this time of financial stress, it is for the best interests of the City of El Cajon as well as the City of San Diego and the surrounding territory to have such development made by private capital without the voting of bonds and the incurring of indebtedness;
3. That a reasonable time has been given by the City Council of San Diego in which to give the Cuyamaca Water Company a reasonable assurance that the City of San Diego will not, by litigation or otherwise, attempt to interfere with, but will, as the City Attorney of San Diego has testified, encourage the building of diverting dams by the Cuyamaca Water Company, which will impound valuable flood waters now going to waste to the ocean;
4. That we protest against the dog in the manger attitude of the City Council of San Diego in attempting to take away from this suburban section the only source of gravity water supply that we can obtain, and we urge the members of the House of Representatives and the Senate of

the U. S. Congress that this bill be not passed until such time as a positive assurance is given by the City of San Diego to the Cuyamaca Water Company and its consumers that it will not interfere with the construction of the impounding reservoirs at or adjacent to the Cuyamaca Water Company's present diverting points on the San Diego River;

5. That a certified copy of this resolution be sent to the Chairman of the House and Senate Public Lands Committee of Congress and to the City Council of the City of San Diego.

PASSED AND ADOPTED, by the Board of Trustees of the City of El Cajon, California, at the regular meeting of the city board, called and held on the 30th day of May, 1918.

(Signed) O. D. Innes

President of the Board of Trustees of the City
of El Cajon, California.

Corrected Copy -

WHEREAS, it is the function of the ~~San Diego~~ ^{El Cajon} Farm Bureau to promote the best agricultural interests of the entire ~~San Diego~~ ^{community}; and,

WHEREAS, this Bureau, through ~~San Diego~~ intimate association with conditions throughout the important agricultural sections of Lemon Grove, Spring Valley, La Mesa, El Cajon, Bostonia, and all the large territory tributary to the irrigation and domestic water supply which for years has been diverted from the San Diego River by the Cuyamaca Water Company, believes that only through further development of water at or near the present points of diversion of the Cuyamaca Water Company, where the elevation permits distribution over the said sections, can the agricultural and domestic life therein be sustained and permitted to grow to the full extent of its unusually rich possibilities; and,

WHEREAS, the City of San Diego, through House Bill No. 10587 and Senate Bill No. 3646, is seeking to acquire from the Congress of the United States the right to flood certain Indian lands, with the object of building a reservoir in the San Diego River at a point below the present points of diversion of the Cuyamaca Water Company, at an elevation which absolutely prohibits the use of the water to be impounded upon practically all of the lands in the sections which for many years have relied upon the waters of this river; and,

WHEREAS, the City Council of San Diego has utterly

failed, neglected, and refused to heed the requests of properly organized and duly authorized committees from the above vitally affected sections to officially endorse the statements of the City Attorney of San Diego, made by him as legally appointed representative, holding power of attorney, before the Committee on Public Lands of both the Senate and House of Representatives at the time the said bills were up for hearing, his statements being to the effect that in its proposed development of San Diego River water the city of San Diego would in no way interfere with, enjoin, nor in any ^{way} obstruct the erection of dams by the Cuyamaca Water Company at its present diversion points even though such dams should divert all the water ^{from} ~~in~~ the river; and,

WHEREAS, the City of San Diego has other and more practicable sources of water supply lying idle and undeveloped, and will be financially unable for many years to develop its proposed impounding system in the San Diego River; but, if the said bills are passed, can obstruct immediate development by the Cuyamaca Water Company, which has pledged immediate development provided the City of San Diego verify the representations of its fully empowered representative before the Public Lands committees, as above outlined; and,

WHEREAS, the rural cities and communities vitally affected have, at fully representative mass meetings, regular meetings of trustees, and regular meetings of public organizations therein, unanimously passed resolutions urging the Congress of the United States to take no action upon the said bills until such time as the City of San Diego give positive guarantee of good faith in its

representations before the Public Lands Committees as above outlined; and,

WHEREAS, ~~as has been stated in the agricultural interests of the entire country~~ it is our belief that if the said bills be passed by the Congress of the United States before such good faith is shown by the City of San Diego, a grave injustice and irreparable damage will be done to residents and agriculturists who have invested their capital and energy in these vitally affected sections;

NOW THEREFORE BE IT RESOLVED, by the ~~San Diego Community~~ *E. L. Boyer* Farm Bureau, that we unreservedly support the petitions embodied in resolutions sent to Congress by the cities and communities so vitally affected, and that we urge the members of the Senate and House of Representatives of the United States that House Bill No. 10587 and Senate Bill No. 3646 be not passed until a positive assurance is given by the City of San Diego to the Cayamaca Water Company and its consumers that it will not interfere with, enjoin against, nor in any way obstruct the immediate construction of reservoirs for the impounding of water at or adjacent to the present points of diversion of the Cayamaca Water Company on the San Diego River; and that a certified copy of this resolution be sent to the chairman of the House and Senate Public Lands Committee of Congress and to the City Council of San Diego.

PASSED AND ADOPTED by the ~~San Diego Community~~ *E. L. Boyer Farm* Bureau at the regular meeting called and held on the 28th Day of May, 1916.

— — — — — *president*
— — — — — *Secretary*

WHEREAS, it is the function of the ^{El Cajon} San Diego County Farm Bureau to promote the best agricultural interests of the entire ^{community} county; and,

^{through} WHEREAS, this Bureau, through ~~extensive study~~ of, ~~an~~ intimate association with, conditions throughout the important agricultural sections of Lemon Grove, Spring Valley, La Mesa, El Cajon, Bostonia, and all the large territory tributary to the irrigation and domestic water supply which for years has been diverted from the San Diego River by the Cuyamaca Water Company, believes that only through further development of water at or near the present points of diversion of the Cuyamaca Water Company, where the elevation permits distribution over the said sections, can the agricultural and domestic life therein be sustained and permitted to grow to the full extent of its unusually rich possibilities; and,

WHEREAS, the City of San Diego, through House Bill No. 10587 and Senate Bill No. 3646, is seeking to acquire from the Congress of the United States the right to flood certain Indian lands, with the object of building a reservoir in the San Diego River at a point below the present points of diversion of the Cuyamaca Water Company, at an elevation which absolutely prohibits the use of the water to be impounded upon practically all of the lands in the sections which for many years have relied upon the waters of this river; and,

WHEREAS, the City Council of San Diego has utterly

WHEREAS, it is the function of the El Cajon Farm Bureau to promote the best agricultural interests of the entire community; and

WHEREAS, this Bureau, through intimate association with conditions throughout the important agricultural sections of Lemon Grove, Spring Valley, La Mesa, El Cajon, Bostonia, and all the large territory tributary to the irrigation and domestic water supply which for years has been diverted from the San Diego River by the Cuyamaca Water Company, believes that only through further development of water at or near the present points of diversion of the Cuyamaca Water Company, where the elevation permits distribution over the said sections, can the agricultural and domestic life therein be sustained and permitted to grow to the full extent of its unusually rich possibilities; and,

WHEREAS, the City of San Diego, through House Bill No. 10587 and Senate Bill No. 3646, is seeking to acquire from the Congress of the United States the right to flood certain Indian lands, with the object of building a reservoir in the San Diego River at a point below the present points of diversion of the Cuyamaca Water Company, at an elevation which absolutely prohibits the use of the water to be impounded upon practically all of the lands in the sections which for many years have relied upon the waters of this river; and,

WHEREAS, the City Council of San Diego has utterly failed, neglected, and refused to heed the requests of properly organized and duly authorized committees from the above vitally affected sections to officially endorse the statements of the City Attorney of San Diego, made by him as legally appointed representative,

holding power of attorney, before the Committee on Public Lands of both the Senate and House of Representatives at the time the said bills were up for hearing, his statements being to the effect that in its proposed development of San Diego River water the City of San Diego would in no way interfere with, enjoin, nor in any way obstruct the erection of dams by the Cuyamaca Water Company at its present diversion points even though such dams should divert all the water from the river; and,

WHEREAS, the City of San Diego has other and more practicable sources of water supply lying idle and undeveloped, and will be financially unable for many years to develop its proposed impounding system in the San Diego River; but, if the said bills are passed, can obstruct immediate development by the Cuyamaca Water Company, which has pledged immediate development provided the City of San Diego verify the representations of its fully empowered representative before the Public Lands committees, as above outlined; and,

WHEREAS, the rural cities and communities vitally affected have, at fully representative mass meetings, regular meetings of trustees, and regular meetings of public organizations therein, unanimously passed resolutions urging the Congress of the United States to take no action upon the said bills until such time as the City of San Diego give positive guarantee of good faith in its representations before the Public Lands Committees as above outlined; and,

WHEREAS, it is our belief that if the said bills be passed by the Congress of the United States before such good faith is shown by the City of San Diego, a grave injustice and irreparable

damage will be done to residents and agriculturalists who have invested their capital and energy in these vitally affected sections;

NOW THEREFORE BE IT RESOLVED, by the El Cajon Farm Bureau, that we unreservedly support the petitions embodied in resolutions sent to congress by the Cities and communities so vitally affected, and that we urge the members of the Senate and House of Representatives of the United States that House Bill No. 10587 and Senate Bill No. 3646 be not passed until a positive assurance is given by the City of San Diego to the Cuyamaca Water Company and its consumers that it will not interfere with, enjoin against, nor in any way obstruct the immediate construction of reservoirs for the impounding of water at or adjacent to the present points of diversion of the Cuyamaca Water Company on the San Diego River; and that a certified copy of this resolution be sent to the chairman of the House and Senate Public Lands Committee of Congress and to the City Council of San Diego.

PASSED AND ADOPTED by the El Cajon Farm Bureau at the regular meeting called and held on the 28th day of May, 1918.

President.

Secretary.

WHEREAS, the only source of supply of water for our present needs and future growth must come from the San Diego River, through the Cuyamaca system, and

WHEREAS, the City of San Diego is attempting to acquire from the United States the right to flood certain Indian lands in the El Capitan Indian Reservation, with the object of diverting any surplus water at that point, and

WHEREAS, the City of San Diego, through its City Attorney, has asserted before the Public Lands Committee of the House and Senate that it will welcome any development of these waters for the benefit of the lands adjacent to the City; and the city will not interfere with but encourage the development, by the Cuyamaca Water Co. building dams at the Cuyamaca Water Co's intakes, and

WHEREAS, the City Council of San Diego has not yet taken any favorable action, as expressed by City Attorney Cosgrove; but instead, at a mass meeting held at La Mesa Monday Night did attend said mass meeting accompanied by the Deputy City Attorney as well the City Manager of San Diego and said representative did protest against any action being taken at said meeting by the citizens of La Mesa,

THEREFORE, we the citizens of La Mesa, at a fully representative mass meeting respectfully request that no action be taken which would jeopardize the development of the Cuyamaca system which furnishes water for irrigation and domestic purposes to our own and surrounding communities, for said Cuyamaca Water Co. have pledged that they will build within eighteen (18) months a dam to the height of 110 to 120 feet, impounding 8,000,000,000 to 10,000,000,000 gallons of water; bids

WHEREAS, the only source of supply of water for our present needs and future growth must come from the San Diego River, through the Cuyamaca system, and

WHEREAS, the City of San Diego is attempting to acquire from the United States the right to flood certain Indian lands in the El Capitan Indian Reservation, with the object of diverting any surplus water at that point, and

WHEREAS, the City of San Diego, through its City Attorney, has asserted before the Public Lands Committee of the House and Senate that it will welcome any development of these waters for the benefit of the lands adjacent to the City; and the city will not interfere with but encourage the development, by the Cuyamaca Water Co. building dams at the Cuyamaca Water Co's intakes, and

WHEREAS, the City Council of San Diego has not yet taken any favorable action, as expressed by City Attorney Cosgrove; but instead, at a mass meeting held at La Mesa Monday Night did attend said mass meeting accompanied by the Deputy City Attorney as well the City Manager of San Diego and said representative did protest against any action being taken at said meeting by the citizens of La Mesa,

THEREFORE, we the citizens of La Mesa, at a fully representative mass meeting respectfully request that no action be taken which would jeopardize the development of the Cuyamaca system which furnishes water for irrigation and domestic purposes to our own and surrounding communities, for said Cuyamaca Water Co. have pledged that they will build within eighteen (18) months a dam to the height of 110 to 120 feet, impounding 8,000,000,000 to 10,000,000,000 gallons of water; bids

are now being asked for, and we have every assurance the contract will soon be let.

This is the first real water development in San Diego County in thirty years outside of certain developments the City of San Diego has made. We feel that private capital, controlled by state authorities should develop this water now rather than wait many years on a promise for San Diego to do it, and when done take away from this section of the county our ~~water~~ future heritage, as planned by the City of San Diego.

are now being asked for, and we have every assurance the contract will soon be let.

This is the first real water development in San Diego County in thirty years outside of certain developments the City of San Diego has made. We feel that private capital, controlled by state authorities should develop this water now rather than wait many years on a promise for San Diego to do it, and when done take away from this section of the county our ~~water~~ future heritage, as planned by the City of San Diego.

C o p y

COUNCIL RESOLUTION # 23919

RESOLUTION Declaring the intention of the City of San Diego in the matter of the Development of the unappropriated waters of the San Diego River as provided for in proposed Congressional act, commonly known as El Capitan Reservoir Project.

WHEREAS: present demands demonstrate inadequacy of present City system, and

Whereas: The only source excluding Volcan System is the San Diego River, and

WHEREAS: During the past twenty years 84% of San Diego River water has gone to waste, and

Whereas: Property damage be avoided and bottom lands reclaimed, The San Diego River water be impounded, The City through Congress and Interior Department sought to acquire reservoir rights upon which to construct dam and reservoir, and

WHEREAS; The El Capitan Bill has received recommendation of Land Office at Los Angeles, and the Bill introduced and now pending before the 64th Congress having received support of Indian Office, favorable recommendation of the Secretary of the Interior, and has been favorably been reported for adoption by Congress by the Land Committees of Senate and House, and

WHEREAS: The El Capitan project has from the beginning been opposed and protested by a privately owned water Company claiming title to undeveloped waters in San Diego River, and

WHEREAS: The City of La Mesa, a community of 1300 inhabitants furnished water by said private water Company has filed with the Land Committees of Congress and with the Common Council a Resolution of protest against said El Capitan project, and

WHEREAS: Said resolution petitions the City of San Diego to abandon the development of the San Diego River and

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WHEREAS: present demands demonstrate inadequacy of present City system, and

Whereas: The only source excluding Volcan System is the San Diego River, and

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WHEREAS; The El Capitan Bill has received recommendation of Land Office at Los Angeles, and the Bill introduced and now pending before the 64th Congress having received support of Indian Office, favorable recommendation of the Secretary of the Interior, and has been favorably been reported for adoption by Congress by the Land Committees of Senate and House, and

WHEREAS: The El Capitan project has from the beginning been opposed and protested by a privately owned water Company claiming title to undeveloped waters in San Diego River, and

WHEREAS: The City of La Mesa, a community of 1300 inhabitants furnished water by said private water Company has filed with the Land Committees of Congress and with the Common Council a Resolution of protest against said El Capitan project, and

WHEREAS: Said resolution petitions the City of San Diego to abandon the development of the San Diego River and

look elsewhere for a water supply and further recommends that future water development for San Diego be left to private capital, and

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

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

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

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

Second, That the most available and advisable supply is the San Diego River.

Third, That the undeveloped waters of the San Diego River would if impounded prove entirely adequate to meet all present and reasonable probable future demands of the City of San Diego and of neighboring communities adjacent to San Diego River water shed.

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

Fifth, That it is the desire of this Common Council to secure the passage of the El Capitan Bills (Bill S 3646

look elsewhere for a water supply and further recommends that future water development for San Diego be left to private capital, and

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

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

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

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

Second, That the most available and advisable supply is the San Diego River.

Third, That the undeveloped waters of the San Diego River would if impounded prove entirely adequate to meet all present and reasonable probable future demands of the City of San Diego and of neighboring communities adjacent to San Diego River water shed.

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

Fifth, That it is the desire of this Common Council to secure the passage of the El Capitan Bills (Bill S 3646

and Bill H. R. 10587) to the end that the voters of this municipality may be afforded an opportunity of manifesting their desires at an election held for that purpose in the matter of the place and extent of future water development.

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

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

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

Ninth, That this Common Council has not and has no intention of interfering with appropriations of water from the San Diego River heretofore made.

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

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

Passed and adopted by the said Common Council of the City of San Diego, California this 30th day of August, 1918.
Ayes- Fisher, Bruschi, Fay, Moore Certified to by City Clerk
Noes- none Allen H. Wright

and Bill H. R. 10587) to the end that the voters of this municipality may be afforded an opportunity of manifesting their desires at an election held for that purpose in the matter of the place and extent of future water development.

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

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

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

Ninth, That this Common Council has not and has no intention of interfering with appropriations of water from the San Diego River heretofore made.

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

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

Passed and adopted by the said Common Council of the City of San Diego, California this 30th day of August, 1918.
Ayes- Fisher, Bruschi, Fay, Moore Certified to by City Clerk
Noes- none Allen H. Wright

415
Copy. Council Resolution # 23919 -

~~and quotation.~~
Res. Declaring the intentions of City of S.D. in the matter of the development of the unappropriated waters of S.D. River as provided for in proposed Congressional act, commonly known as El. Capt. Res. Project.

Whereas: present demands demonstrate inadequacy of present City System
Whereas The only source excluding Volcan System is S.D. River

• during past 20 yrs. 84% of S.D. Riv. water has gone to waste.

• Property damage be avoided & bottom lands reclaimed, The S.D. River water be impounded, The City through Congress & Interior Dept. sought to acquire reservoir rights upon which to construct dam & res. &

Whereas The El Capitan Bill has received recommendation of Land Office at Los. A. and the Bill introduced and now Pending before the 64th Congress having received support of Indian office, favorable recommendation of the sec. of Interior & has been favorably been reported for adoption by Congress by the Land committees of Senate & House. +

Whereas The El Capt. project has from beginning been opposed and protested by a privately owned Water Co claiming title to undeveloped waters in S.D. river. +

Whereas The city of Lakmea a community of 1300 inhabitants furnished water by said private Water Co has filed with the Land Committees of Cong. and with the Common Council a Resolution of protest against said El Capt. project +

Whereas said resolution petitions the City of S.D. to abandon the development of the S.D. Riv. & look elsewhere for a water supply and further recommends that future water development for S.D. be left to private capital +

Whereas said resolution of city of Lakmea intimates that the Council of S.D. is opposed to any development of the S.D. Riv. by private capital for prospective use of water by Lakmea or adjoining communities and that said council is not in harmony with the policy of water development suggested by the city attorney of said city of S.D. to the Land committees of the Senate & House of Rep. &

Whereas This common Council is desirous that its intentions & plans be manifest to the end that members of Congress voting upon said El. Capt Bill (Bill S. 3646 and Bill H.R. 10587) be fully informed in the premises and that the citizens of this and adjacent communities be aware of the plans of this municipality in the matters of the development of waters of the S.D. Riv., Now Therefore

Be it Resolved by the Council of S.D. as follows:

First That existing conditions demand the acquirement by the City of S.D. of an additional water supply

Second That the most available & desirable supply is the S.D. River

Third That the undeveloped waters of the S.D. river would if impounded prove entirely adequate to meet all present and reasonably probable future demands of the City of S.D. and of neighboring communities adjacent to S.D. Riv watershed.

Fourth That the catchment of the entire flow of the S.D. riv. & the development of the S. D. river watershed is a matter of paramount importance to the city of S. D. & adjacent communities

Fifth That it is the desire of this council to secure the passage of the 81st Capt. Bills (Bill S. 3646 & Bill H. R. 10587) to the end that the voters of this municipality may be afforded an opportunity of manifesting their desires at an election held for that purpose in the matter of the place and extent of future water developments.

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

Seventh That it is the desire of this common council to see all of the water of the S. D. riv. put to beneficial use and the needs of the city of La Mesa as well as any other suburban communities adjacent to the city of S. D., amply provided for.

Eighth That this council will in no manner impede any bona fide water development work upon the S. D. riv. but on the contrary will be greatly pleased to see actual construction work of large dams upon the S. D. riv. or its tributaries.

Ninth That this council has not and has no intention of interfering with appropriations of water from the S. D. riv. heretofore made.

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

Eleventh That it is the belief of this council that the question of the development of the unappropriated waters of the S. D. river should be determined once for all, that this is the proper time to determine such question, that the electors of this municipality should determine this question and that an election upon the question of impounding the flood waters of the S. D. river as provided for in the 81st Capitular bill is the proper manner of presenting the problem to the citizens of this community.

Passed and adopted by the said common council of the city of S. D. city this 30th day of August 1918

Ayes - Fisher, Banachi, Fay & Moore -

Nays - none

absent none

certified to by city clerk Allen H. Wright

January 14, 1918.

RESOLUTION BY TRUSTEES CITY OF LA MESA,
SAN DIEGO COUNTY, CALIFORNIA, TO PUBLIC
LANDS COMMITTEE OF U. S. CONGRESS.

WHEREAS, the City of La Mesa and its suburban territory has, before the City of La Mesa was organized, and for the last thirty years, secured all its domestic and irrigation water from the system of the Cuyamaca Water Co., and

WHEREAS, the only available water supply is from the San Diego River, and

WHEREAS, this entire section of the county, including the cities of La Mesa, Lemon Grove, Spring Valley, Grossmont and the surrounding territory, is entirely dependent upon the water of the Cuyamaca Water Company's system for its future growth and development, and

WHEREAS, the City of San Diego has planned to build a dam on the San Diego River that will flood the El Capitan Indian Reservation, and

WHEREAS, if the said El Capitan Dam is built by the City of San Diego, it conflicts with the rights of the Cuyamaca Water Co., and take away from the above mentioned territory the surplus water vitally necessary to the development of San Diego's back country described above, which water the Cuyamaca Water Company for years has been diligently conserving, having just completed the construction of Murray Dam, a concrete structure 900 feet in length and 100 feet high, with a capacity of approximately 2-1/2 billion gallons, and

WHEREAS, owing to the elevation of the proposed dam to be built by the City of San Diego, it will be impossible to irrigate by gravity any section of this territory above mentioned, the plans of the City of San Diego being to build the pipeline

January 14, 1918.

RESOLUTION BY TRUSTEES CITY OF LA MESA,
SAN DIEGO COUNTY, CALIFORNIA, TO PUBLIC
LANDS COMMITTEE OF U. S. CONGRESS.

WHEREAS, the City of La Mesa and its suburban territory has, before the City of La Mesa was organized, and for the last thirty years, secured all its domestic and irrigation water from the system of the Cuyamaca Water Co., and

WHEREAS, the only available water supply is from the San Diego River, and

WHEREAS, this entire section of the county, including the cities of La Mesa, Lemon Grove, Spring Valley, Grossmont and the surrounding territory, is entirely dependent upon the water of the Cuyamaca Water Company's system for its future growth and development, and

WHEREAS, the City of San Diego has planned to build a dam on the San Diego River that will flood the El Capitan Indian Reservation, and

WHEREAS, if the said El Capitan Dam is built by the City of San Diego, it conflicts with the rights of the Cuyamaca Water Co., and take away from the above mentioned territory the surplus water vitally necessary to the development of San Diego's back country described above, which water the Cuyamaca Water Company for years has been diligently conserving, having just completed the construction of Murray Dam, a concrete structure 900 feet in length and 100 feet high, with a capacity of approximately 2-1/2 billion gallons, and

WHEREAS, owing to the elevation of the proposed dam to be built by the City of San Diego, it will be impossible to irrigate by gravity any section of this territory above mentioned, the plans of the City of San Diego being to build the pipeline

down the San Diego River directly to the city, and

WHEREAS, the City of San Diego today owns the Barrett Dam site together with all water rights, and for a sum of not to exceed \$300,000 can build said dam and increase its present water supply over fifty per cent, and

WHEREAS, the Guyanaca Water Company has repeatedly offered to sell water in any amount to the City of San Diego at a less price than that authorized by the State Railroad Commission of California, or purchase the Guyanaca Water system on most favorable terms and can develop a large amount of water, if desired, from other sources, including a pumping plant already installed in the San Diego River, which can and has delivered four to five million gallons of water daily to the city reservoirs; although said pumping plants are not now and have not been in use for the past year.

WHEREAS, there are many other sources of supply available to the City of San Diego without the development of the El Capitan project,

THEREFORE, the undersigned feel that no emergency exists on the part of the city; that this proposed development would put a cloud on the title of the Guyanaca Water Company's water rights, thereby stopping any further development and jeopardizing the entire future development of this section of the county; as the granting of the City's petition by Congress will make it impossible for the Guyanaca Water Company to finance any further construction, including its proposed dam to be built on the San Diego River.

For the above reason we ask that the City of San Diego's petition for the flooding of said lands in the El Capitan dam reservation be denied.

down the San Diego River directly to the city, and

WHEREAS, the City of San Diego today owns the Barrett Dam site together with all water rights, and for a sum of not to exceed \$300,000 can build said dam and increase its present water supply over fifty per cent, and

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Copy

RESOLUTION NO ____.

---oOo---

A Resolution of the Board of Trustees of the City of La Mesa, California, Protesting against the Passage of a Bill to Grant Rights of Way Over Government Lands for Reservoir Purposes, to be used by the City of San Diego, California.

---oOo---

WHEREAS, there is pending before the Congress of the United States a bill to grant rights of way over certain Government Lands for Reservoir purposes, to be used by the City of San Diego, California, for reservoir purposes, the same being H.R. No. 4037; and

WHEREAS, upon the hearing on this bill before the Committee on the Public lands of the House of Representatives, the Chairman thereof made the following statement:

"El Cajon, La Mesa, and those other cities, as a matter of fact, the Chair knows, are red hot in favor of this bill."

AND WHEREAS, the only source of water supply for the present needs and future growth of the City of La Mesa and of the territory adjacent thereto, is the waters of the San Diego River;

AND WHEREAS, the City of San Diego is attempting in and by the said bill to acquire from the United States the right to flood certain Indian lands in the El Capitan Indian Reservation in order that it may construct a dam at the El Capitan damsite a short distance below the intake of the Cuyamaca Water Company's system;

AND WHEREAS, the construction of a dam and reservoir at the said point will not permit the use of any of the waters thereby impounded by the City of La Mesa or any of the surrounding country as the said damsite is below the level of this City, and the construction of a dam at the said point would therefore be of no benefit to the City of La Mesa, but would

1 divert to the City of San Diego waters which are sorely needed
2 in this locality and which could be utilized to develop the
3 surrounding country were a dam constructed upon the said River
4 at a point further up the said stream;

5 AND WHEREAS, the owners of the Cuyamaca Water Company's
6 system have offered to construct a dam at their diverting point
7 of the said River if permitted so to do by the City of San
8 Diego, the building of which said dam would not interfere
9 with the lands of any Indians on the said stream and would
10 permit the waters impounded thereby to be used upon the terrie
11 tory in this vicinity;

12 AND WHEREAS, the City Attorney of the City of San Diego
13 asserted before the Public Lands Committee of both the House
14 of Representatives and the Senate that the City of San Diego
15 would welcome any developement of these waters by the Cuyamaca
16 Water Company for the benefit of the City of La Mesa and the
17 surrounding community and wanted the Cuyamaca Water Company
18 to build up their reservoirs at the diverting dams, and would
19 not oppose such construction, but merely wished the privilege
20 of saving surplus waters that would remain after the construc-
21 tion of such dams by the said Company;

22 AND WHEREAS, subsequent thereto the City Council of the
23 City of San Diego, as appears from the public press, has
24 repudiated such statements of their attorney and have threat-
25 ened to enjoin by court action the construction of such dams
26 by the Cuyamaca Water Company and have refused to confer with
27 the owners of the Cuyamaca Water Company or to discuss the
28 question of a compromise or settlement upon the lines suggested
29 by the City Attorney of the City of San Diego at the hearing
30 before the said Public Lands Committee;

31 AND WHEREAS, the City of San Diego has numerous other
32 undeveloped sources of water supply available to its use, while
33 the City of La Mesa has no other source of water supply except

1 from the waters of the said San Diego River;

2 NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
3 THE CITY OF LA MESA, CALIFORNIA, as follows:

4 Section 1. That the City of San Diego, California,
5 will not construct such dam for many years to come even though
6 permitted so to do by the Congress of the United States.

7 Section 2. That it is vital to the future prosperity
8 and growth of the City of La Mesa that when the waters of the
9 San Diego River are impounded, they be impounded at a point
10 on the said stream which will permit the flow of water by
11 gravity to this City and the territory adjacent thereto.

12 Section 3. That it would be to the best interests of
13 the City of La Mesa as well as the City of San Diego and the
14 surrounding territory to have such developement made by private
15 capital without the voting of bonds and the incurring of
16 indebtedness.

17 Section 4. That an effort be made by this Board of
18 Trustees to induce the City Council of the City of San Diego,
19 to abide by the terms of the statements made by its City
20 Attorney before the Committee of Public Lands.

21 Section 5. That failing in such effort this Board of
22 Trustees oppose the passage of the said bill before the
23 Congress of the United States.

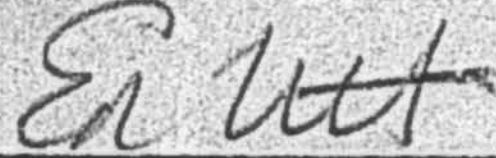
24 Section 6. That a certified copy of this Resolution
25 be sent to the Common Council of the City of San Diego with
26 the request for a joint meeting of the governing bodies of
27 the two municipalities for the purpose of conferring upon the
28 ssaid matter.

29 Passed and adopted by the Board of Trustees of the City
30 of La Mesa, California, at a special meeting of the said Board
31 duly called and held on the 2 day of May, A.D. 1918.

32 JH Mallery
33 President of the Board of Trustees
of the City of La Mesa, California.

1 State of California, }
2 County of San Diego, } SS.
3 City of La Mesa, }

4 I hereby certify that the foregoing resolution
5 was passed by the Board of Trustees of the City of La Mesa,
6 California, at the time above stated.

7 

8 City Clerk of the City of La Mesa,
9 California, and Ex-Officio Clerk
10 of the Board of Trustees of the
11 said City.

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RESOLUTION NO. _____

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A Resolution of the Board
of Trustees of the City of
La Mesa, California, Protest-
ing Against the Passage of a
Bill to Grant Rights of Way
Over Government Lands for
Reservoir Purposes, to be
used by the City of San Diego,
California.

---000---

Ed Fletcher Papers

1870-1955

MSS.81

Box: 61 Folder: 3

**Business Records - Water Companies -
Cuyamaca Water Company - El Capitan Dam
- Letters to Indian Service, City resolutions**



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