

*Number 220-6
Mar. 29 89*

January 3, 1928

Daily Transcript,
734 First Street,
San Diego, California.

Gentlemen:

Enclosed herewith you will find a "Notice of Application to Appropriate Water." The law requires that this notice be published once a week for four consecutive weeks, meaning four insertions. Would you kindly publish the said notice and furnish me with an affidavit for proof of publication as soon as advertising period is completed. If possible I should like to have your affidavit of proof of publication in duplicate.

Yours very truly,

EF:ME

Received notice of Publication 1-25722-

Certificate of partnership --

fictitious name --

In the matter of the
Cuyamaca Water Company

STATE OF CALIFORNIA)
County of San Diego)

SS.

Affidavit of Publication.

E. C. Reynolds - being duly sworn deposes and says: That he is, and was at all times mentioned herein, over the age of eighteen years, and was not and is not interested as a party or otherwise in the above-named matter.

That he is the principal clerk of the printers and publishers of the San Diego Sun, a newspaper published daily except Sunday at the City of San Diego, in the above-named County and State.

That as such principal clerk he has, and at all times herein mentioned has had, charge of all the advertisements published in said newspaper. That the certificate of partnership -- fictitious name -- of which the annexed clipping, which is referred to and made part hereof, is a copy, has been published once a week in said newspaper for the period of four weeks from the 4th day of October, 1911, to the 1st day of November, 1911, to wit: upon the 4th, 11th, 18th and 25th days of October, 1911 and upon the 1st day of November, 1911, and that said publication was made in the said newspaper proper and not in a supplement.

(Signed) E. C. Reynolds

Subscribed and sworn to before me
this 4th day of November, 1911.

(Signed) Minnie Schaffner

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

(SEAL)

State of Montana,)
) SS.
County of Silver Bow)

On this 26th day of September, 1911, before me, E. L. Chapman a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared James A. Murray, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office, the day and year in this certificate first above written.

E. L. Chapman

Notary Public in and for the County
of Silver Bow State of Montana

(SEAL)

My Commission Expires April 15, 1914.

ENDORSED

Filed - Oct 3 1911
J. T. Butler, Clerk
By J. B. McLees, Deputy.

(SEAL)

STATE OF CALIFORNIA,)
County of San Diego,) SS.

I, J. T. Butler, County Clerk of the County of San Diego, State of California, and ex-officio Clerk of the Superior Court of said County, hereby certify that I have compared the foregoing copy with the original CERTIFICATE OF PARTNERSHIP - FICTITIOUS NAME - of the Cuyamaca Water Company. now on file in my office; that the same contains a full, true and correct transcript therefrom and of the whole thereof.

Witness my hand and the Seal of the Superior Court, this
15th day of May A.D. 1916

J. T. BUTLER, County Clerk.

By C. M. Eilerman Deputy.

(SEAL)

File
102 ✓

FEB 8 1917

FEB 10 1917

Mr. Mathews: Keep for
future reference.

Ed Fletcher.

F-S

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the
CITY OF SAN DIEGO for an Order Estab-
lishing the Rates to be Charged by Said
City for the Delivery of Water to Con-
sumers Outside of the Boundaries of
said City

:
:
:
:
: Application No. _____
:
:
:
:
:
:

The petition of the City of San Diego respectfully shows:

I.

That the City of San Diego is a municipal corporation,
organized and existing under the laws of the State of California.

II.

That E. M. Capps is the duly elected, qualified and acting
Mayor of said City of San Diego.

III.

That said City of San Diego is the owner of a certain water
system and is engaged in maintaining said water system and supply-
ing water to the residents and inhabitants of said city; that said
city is also selling water to certain persons and companies lo-
cated outside of the corporate limits of said City, under con-
tracts with said persons and companies.

IV.

That an application has heretofore been filed by said city
with this Honorable Commission, Application No. 547, and, by
Decision No. 1465 upon said application, rendered by this Honor-
able Commission April 28, 1914, the rates fixed for water to be
supplied to consumers outside the corporate limits of said city
are as follows, to-wit:

Minimum per month for any use entitling consum-
er to five thousand gallons, One and 25/100
Dollars (\$1.25)

102

Amounts between five thousand gallons and twenty-thousand gallons per month, Fifteen Cents (15¢) per thousand gallons.

Amounts between twenty-thousand gallons and one million gallons per month, Ten Cents (10¢) per thousand gallons.

Amounts above one million gallons per month, Nine and-one-half cents (9½¢) per thousand gallons.

To the foregoing, the City of San Diego shall add, for those of its consumers who receive water at points outside of the City located west of the Booster and Filtration Plants, the sum of One-half Cent (½¢) per thousand gallons, the minimum to remain as above indicated.

That the foregoing rates, fixed by this Honorable Commission, became effective on June 1, 1914, have been and are in full force and effect at all of the times herein mentioned.

V.

That the cost of water to the said City of San Diego is in excess of the rates fixed by this Honorable Commission, as more specifically appears as follows:

That the cost of such service during the year 1915 was as follows:

Interest on capital account allowed by the Commission - 3,500,000 at 6% \$210,000.

Additions to capital account since Commission's valuation, 738,981 at 6% 44,338.

Depreciation allowed by Commission 27,398.

Maintenance and Operation (actual) 50,992.

Total \$332,728.

Gallons delivered to City Gates 2,084,787,000

Cost per 1,000 gallons 15.9 cents

That incomplete figures and data for the year 1916 show a greater cost to the said City of San Diego than the foregoing figures.

That replacement of structures and equipment destroyed by the floods of 1916 will require further additions to capital

account.

That the rates established by this Honorable Commission have proved to be materially less than the cost of the service required, and that the City of San Diego is compelled, under said rates, to furnish water to consumers, outside of its corporate limits, at a loss to said City.

WHEREFORE, Applicant asks that the Railroad Commission of the State of California make its order authorizing said applicant to increase the rates chargeable to outside consumers.

Dated at San Diego, California, this 17th day of January, A. D. 1917.

(Signed) CITY OF SAN DIEGO, a Municipal Corporation

By Edwin M. Capps
Mayor.

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

E. M. Capps, being first duly sworn, deposes and says:

That he is the duly elected, qualified and acting Mayor of the City of San Diego, a municipal corporation; that he makes this verification on behalf of said City of San Diego; that he has read the foregoing application and knows the contents thereof, and that the same is true of his own knowledge, except as to matters therein stated on information and belief, and as to such matters he believes it to be true.

Edwin M. Capps

Subscribed and sworn to before me
this 17th day of January A. D. 1917.

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

(SEAL)

BEFORE THE RAILROAD COMMISSION
OF THE
STATE OF CALIFORNIA.

IN THE MATTER OF THE APPLICATION)
OF THE CUYAMACA WATER COMPANY, A COPART-)
NERSHIP, AND THE CITY OF EAST SAN DIEGO,)
CALIFORNIA, A MUNICIPAL CORPORATION, FOR)
AND ORDER AUTHORIZING THE SALE BY THE)
SAID CUYAMACA WATER COMPANY TO THE SAID)
CITY OF CERTAIN PORTIONS OF ITS DISTRI-)
BUTION SYSTEM LYING WITHIN THE CORPORATE)
LIMITS OF SAID CITY.)

APPLICATION
FOR APPROVAL
OF SALE.

Comes now the Cuyamaca Water Company, a Copartnership,
and The City of East San Diego, California, a municipal corpora-
tion, by its Board of Trustees, and respectfully shows and rep-
resents unto the Railroad Commission of the State of California
as follows, to-wit:

1. That Ed Fletcher and William G. Henshaw are the
surviving members of a Copartnership formerly composed of Ed
Fletcher, William G. Henshaw, and James A. Murray, which said
Copartnership is now, and for many years last past has been,
engaged in the production, distribution, and sale of water for
domestic, irrigation, and other purposes in the County of San
Diego, State of California.

2. That the applicant The City of East San Diego is a
municipal corporation of the 6th class of the State of Cali-
fornia.

3. That heretofore to-wit: on the 29th day of December,
1922, your Honorable Commission, after proceedings duly had and
taken, and a hearing thereon, duly made its Order and Decision
No. 11414 on Application No. 6462, wherein and whereby it
authorized the said City of East San Diego to purchase all that

portion of the Fairmount Water Company's water distribution system lying within the corporate limits of said City.

4. That thereafter and on the 13th day of March, 1923, and in pursuance of the said order, and in accordance with the requirements therein contained, the said sale was consummated, and duly certified copies of the instruments of conveyance are on file with your Commission in the said matter.

5. That attached hereto, marked "Exhibit A", and by reference thereto made a part hereof, is a schedule of certain portions of the water distribution system of the applicant Guyanaca Water Company which lie within the corporate limits of the said City of East San Diego, and which said portions of said distribution system, the applicant, the said City of East San Diego, is desirous of purchasing from the applicant the Guyanaca Water Company, for the purpose of annexing the same to and making the same a part of its municipal water system.

6. That the applicant Guyanaca Water Company is willing to sell such portions of its said system to the said City for the price of Six Thousand Dollars (\$6,000.00), which said price it alleges is the fair and reasonable value thereof, and which said price the applicant, the City of East San Diego, is willing to pay for the said property.

7. That the reason why the applicant, the City of East San Diego, is desirous of purchasing said property is that it is the policy of the said City to own and operate all of the water distribution system within its corporate limits; and the reasons why the applicant, the Guyanaca Water Company, is willing to sell said property, are that it is aware of the policy of the said City and desires to work in cooperation with its Board of Trustees, and is aware that unless it will

so sell the said property that the said City might at any time parallel the said mains and render the said properties valueless to the said Cuyamaca Water Company.

8. That attached hereto, marked "Exhibit B", and by reference thereto made a part hereof, is a copy of the proposed instrument of transfer of said property from the applicant Cuyamaca Water Company to the applicant The City of East San Diego, California.

9. That attached hereto, marked "Exhibit C", and by reference thereto made a part hereof, is a copy of the resolution of the Board of Trustees of said City authorizing the President of said Board to sign this application to your Honorable Commission requesting authorization to purchase the said property.

WHEREFORE, petitioners ask that the Railroad Commission of the State of California by appropriate orders authorize the sale of said property to the said City of East San Diego in accordance with the terms and conditions in this application hereinbefore contained and referred to.

GROUCH & SANDERS
ADDRESS:
Spreckels Building,
San Diego, California.
Attorneys for said Petitioner.

CUYAMACA WATER COMPANY, a Copart-
nership,

By Ed Fletcher
Manager
Petitioner

ARTHUR T. FRENCH
City Attorney of the City
of East San Diego, Calif.
ADDRESS:
Bancroft Building,
San Diego, California.
Attorney for said Petition.

THE CITY OF EAST SAN DIEGO, CALI-
FORNIA, A Municipal Corporation,

By A. RAY SAUER, JR.
President of its Board of
Trustees
Petitioner

ATTEST: (SEAL)

WILSON W. BARNER
City Clerk of said City and ex
officio Clerk of the Board of
Trustees of said City.

EXHIBIT A

Schedule of the Property of the Cuyamaca Water Co. to be Acquired
by the City of East San Diego.

Alhambra Park

Approximately:

21 services
21 - $5/8 \times 3/4$ meters
2176' of 3" Standard Screw
3400' of 2" " "
3 - 2" gates
2 - 3" "

Montecello Tract

Approximately:

15 services
15 - $5/8 \times 3/4$ meters
1365' of 3" Standard Screw
4228' of 2" " "
2 - 2" gates
1 - 3" gate

Monte Vista Avenue

Approximately:

10 services
10 - $5/8 \times 3/4$ meters
70' - 3" Standard Screw
875' - $1\frac{1}{2}$ " " "
1 - 3" gate

Orchard Avenue

Approximately:

4 services

4 - 5/8 x 3/4 meters

70' - 3" Standard Screw

822' - 2" " "

335' - 1" " "

2 - 3" gates

Highland Avenue

Approximately:

17 services

17 - 5/8 x 3/4 meters

70' - 3" Standard Screw

1265' - 2" " "

1 - 3" gate

Orangewood Avenue

Approximately:

18 services

18 - 5/8 x 3/4 meters

70' - 3" Standard Screw

1050' - 2" " "

50' - 1" " "

50' - 3/4" " "

1 - 3" gate

Olive Hill Tract

Approximately:

19 services

19 - 5/8 x 3/4" meters

Olive Hill Tract (Cont'd)

Approximately:

2" pipe, new, 400'

2085' - 2" pipe (old)

661' - 1" pipe "

85' - 3/4" " "

5 - 2" gates

Highland Park Tract - Boundary and Cajon

Approximately:

4 services

4 - 5/8 x 3/4 meters

500' - 1" pipe (old)

155' - 3/4" " "

Cajon Avenue - Pacific to Boundary

Approximately:

3" pipe 1050'

2" " 350'

EXHIBIT B
BILL OF SALE

THIS AGREEMENT made and entered into on this ^{as of the} 1st day of April, 1925, by and between THE CUYAMACA WATER COMPANY, a Copartnership, of San Diego, California, party of the first part, and THE CITY OF EAST SAN DIEGO, CALIFORNIA, a municipal corporation of the 6th class, party of the second part;

W I T N E S S E T H :

THAT for and in consideration of Six Thousand Dollars (\$6,000.00), cash in hand paid by the party of the second part to the party of the first part, the receipt whereof is hereby acknowledged, party of the first part hereby sells, assigns, and conveys unto the said party of the second part, the following described portions of its water distribution system within the City limits of the said City, to-wit:

Alhambra Park

Approximately:

21 services
21 - 5/8 x 3/4 meters
2176' of 3" Standard Screw
3400' of 2" " "
3 - 2" gates
2 - 3" "

Montecello Tract

Approximately:

15 services
15 - 5/8 x 3/4 meters
1265' of 3" Standard Screw
4223' of 2" " "
2 - 2" gates
1 - 3" gate

Monte Vista Avenue

Approximately:

10 services
10 - 5/8 x 3/4 meters
70' - 3" Standard Screw
875' - 1 1/2" " "
1 - 3" gate

Orchard Avenue

Approximately:

4 services
4 - 5/8 x 3/4 meters
70' - 3" Standard Screw
822' - 2" " "
535' - 1" " "
2 - 3" gates

Highland Avenue

Approximately:

17 services
17 - 5/8 x 3/4 meters
70' - 3" Standard Screw
1265' - 2" " "
1 - 3" gate

Orangewood Avenue

Approximately:

18 services
18 - 5/8 x 3/4 meters
70' - 3" Standard Screw
1050' - 2" " "
50' - 1" " "
50' - 3/4" " "
1 - 3" gate

Olive Hill Tract

Approximately:

19 services
19 - 5/8 x 3/4" meters
2" pipe, new, 400'
2085' - 2" pipe (old)
661' - 1" pipe "
85' - 3/4" " "
5 - 2" gates

Highland Park Tract - Boundary and Cajon.

Approximately:

4 services
4 - 5/8 x 3/4 meters
500' - 1" pipe (old)
155' - 3/4" " "

Cajon Avenue - Pacific to Boundary

Approximately:

3" pipe 1050'
2" " 350'

IN WITNESS WHEREOF, the parties hereto have hereunto set their names, the party of the first part part by Ed Fletcher, its Manager, and the party of the second part by the President of its Board of Trustees, pursuant to a Resolution of the said Board authorizing him so to do, and all pursuant to the authorization of the Railroad Commission of the State of California set forth and contained in its Decision No. 11939, dated 4-18-23 on Application No. 8915.

THE CUYAMACA WATER COMPANY, a Copartnership,

By Ed Fletcher
Manager
Party of the First Part,

ATTEST:

City Clerk of
said City and ex-
officio Clerk of
the Board of Trustees
of said City.

THE CITY OF EAST SAN DIEGO, CALIFORNIA,
a Municipal Corporation,

By _____
President of its Board of Trustees
Party of the Second Part

"Exhibit C"

IN THE MATTER OF THE PROPOSED
ACQUISITION OF PORTIONS OF THE
GUYANACA WATER COMPANY'S WATER
DISTRIBUTION SYSTEM IN THE
CITY OF EAST SAN DIEGO.

Res. No. 1150

A Resolution Authorizing the
President of the Board of
Trustees to Sign an Applica-
tion to the Railroad Com-
mission of the State of
California for Authority to
Purchase Certain Property of
the Guyanaca Water Company.

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WHEREAS, this Board of Trustees has been negotiating for the purchase of certain portions of the Guyanaca Water Company's water distribution system in the City of East San Diego, California;

AND WHEREAS, satisfactory terms have been agreed upon and a proposed contract of purchase and sale of the said property has been filed with the Clerk of this Board;

AND WHEREAS, before such sale can be lawfully had it will be necessary to secure the authorization therefor from the Railroad Commission of the State of California;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CITY OF EAST SAN DIEGO, CALIFORNIA, AS FOLLOWS:

THAT the President of this Board of Trustees, in behalf of this Board, be authorized to sign that certain application to the Railroad Commission of the State of California requesting authorization of the Guyanaca Water Company to sell the said properties to the City, and requesting authority on the part of the City of East San Diego to purchase the said properties.

Passed and adopted by the Board of Trustees of the City of East San Diego, California, at a regular meeting of the said Board held on the 5th day of April, 1925, and the following vote, to-wit:

AYES: Trustees Goldsmith, Martin, Lauer
NAYS: Trustees None
ABSENT: Trustees Hall, McCurdy

A. Ray Lauer, Jr.
President of the Board of
Trustees of the City of East
San Diego, California.

ATTEST:
Wilbur W. Easton
City Clerk of the City of
East San Diego, California,
and ex officio Clerk of the
Board of Trustees of said City.

Seal

BEFORE THE RAILROAD COM-
MISSION OF THE STATE OF
CALIFORNIA.

IN THE MATTER OF THE
APPLICATION OF THE CUYA-
MACA WATER COMPANY, A CO-
PARTNERSHIP, AND THE CITY
OF EAST SAN DIEGO, CALI-
FORNIA, A MUNICIPAL COR-
PORATION, FOR AN ORDER
AUTHORIZING THE SALE BY
THE SAID CUYAMACA WATER
COMPANY TO THE SAID CITY
OF CERTAIN PORTIONS OF
ITS DISTRIBUTION SYSTEM
LYING WITHIN THE COR-
PORATE LIMITS OF SAID CITY

APPLICATION FOR APPROVAL
OF SALE.

CROUCH & SANDERS
Attorneys for petitioner
CUYAMACA WATER COMPANY

Original & 4
Copies Taken to P.A.

2-14-24 by E.F.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application
of Ed Fletcher, sole surviving
Partner of the Partnership Com-
posed of James A. Murray, now
Deceased, Ed Fletcher, and
William G. Henshaw, doing
Business under the firm name and
style of Guyanaca Water Company,
for an Order Authorizing the
Sale of a Certain Water System
in San Diego County, now Owned
and Operated by said Partnership;
and of the Guyanaca Water Com-
pany, a Corporation, to Purchase
and Acquire said Water System;
and for an Order Authorizing the
Issue of Stocks and Bonds of said
Corporation.

APPLICATION
NO. _____

-----000-----

APPLICATION

The petition of Ed Fletcher, as surviving partner of
the partnership composed of James A. Murray, now deceased, Ed
Fletcher, and William G. Henshaw, doing business under the firm
name and style of Guyanaca Water Company, and of the Guyanaca
Water Company, a corporation, respectfully shows:

I.

That the applicant, Ed Fletcher, as surviving Co-
partner of the partnership hereinbefore mentioned, is engaged
in the business of operating a water system in San Diego County
along the San Diego River in said County, and in the sale and
distribution of water for domestic and agricultural purposes to
municipalities and private consumers of water in San Diego County.

That the applicant, Guyanaca Water Company, a corpora-
tion, is a corporation duly organized and existing under and by
virtue of the laws of the State of California, having its prin-
cipal place of business in the City of San Diego, County of San
Diego, State of California, and is organized for the purpose of

and authorized to acquire and operate a water system in San Diego County for the sale of water to public consumers.

II.

That the post office address of each applicant is:

Ed Fletcher, as surviving partner of
the Cuyamaca Water Company, a partner-
ship,

Fletcher Building,
San Diego, California;

and

Cuyamaca Water Company, a corpora-
tion,

916 - 8th Street,
San Diego, California.

III.

That in the year 1885 the San Diego Flume Company was organized and incorporated under the laws of the State of California and acquired and operated a water system in San Diego County along the San Diego River.

That on the first day of June, 1910, Ed Fletcher and James A. Murray, Co-partners, then doing business under the firm name and style of Cuyamaca Water Company purchased all of the physical properties of the said San Diego Flume Company, together with all the water rights and personal property of every kind and character pertaining to the waters of the San Diego River.

That in the year 1913 William G. Henshaw became a partner in said Cuyamaca Water Company.

That on the 10th day of May, 1921, the said James A. Murray died testate and by the will of said James A. Murray his interest in said Co-partnership was given, devised and bequeathed to Mary H. Murray, his widow.

That on or about the 18th day of September, 1933, the said Ed Fletcher acquired all of the right, title and estate of the said William G. Henshaw in and to the property and assets of the said Cuyamaca Water Company.

That said Ed Fletcher is the sole surviving partner of the old and dissolved Co-partnership, Guyanaca Water Company, and that by reason thereof is entitled to the sole and exclusive possession and management of the properties of said dissolved partnership.

IV.

That the reasons in detail upon the part of each applicant for entering into the proposed sale and the issuance of the said bonds and stock, and the facts warranting the same, and showing that it is for the benefit of the public service, are as follows:

(a). On the part of Ed Fletcher, as sole surviving partner of the said dissolved Guyanaca Water Company, that under the statutes of the State of California the old partnership of Guyanaca Water Company was dissolved as to all the partners by the death of the partner, James A. Murray. That thereafter the said William G. Henshaw withdrew from said Co-partnership and transferred, assigned and conveyed unto the said Ed Fletcher as an individual, all of his right, title and interest in and to said dissolved business as a Co-partner.

That the power and authority of said Ed Fletcher as sole and surviving partner of said dissolved partnership is restricted and limited by the provisions of the Civil Code of the State of California.

That the said Ed Fletcher, as surviving partner, in accordance with the provisions of the Code of Civil Procedure of this State, has a right to continue in possession of said dissolved partnership and to settle its business and is obligated to settle the affairs of said partnership without delay.

That the only party other than the said Ed Fletcher, interested in the property of said dissolved partnership is the estate of the deceased partner, James A. Murray; that under the

will of the said James A. Murray, deceased, Mary H. Murray, his widow, has acquired all the right, title and interest of the deceased partner.

That public interest and necessity demanded the continued and uninterrupted operation of the public utility owned, controlled and operated by the said dissolved co-partnership, and in order to better accomplish this end and object, it is necessary for the benefit of the public service to transfer the estate of said dissolved partnership to the Guyanaca Water Company, a corporation, and wind up the affairs of the said dissolved partnership as required by law.

That the making of the order prayed for herein will enable the lawful winding up and termination of the old Guyanaca Water Company dissolved by operation of law and agreement of the partners, as aforesaid, and the immediate assumption and continued operation of the said public utility by the Guyanaca Water Company, a corporation, thereby continuing in a lawful manner the conservation and distribution of water to the municipalities, communities and people served by the said public utility.

That the said Ed Fletcher individually was financially unable to successfully assume the burden of continued operation of the said public utility in an efficient and practical manner and that it was necessary for him to transfer and sell the properties of the public utility to an individual or organization in a position to efficiently finance and continue the operation of the said public utility, and that if the orders prayed for herein be made, that the said Guyanaca Water Company, a corporation, ^{will be able} to successfully and efficiently operate the said public utility so as to benefit public service.

(b). That the reasons on the part of the applicant, Guyanaca Water Company, a corporation, for securing the order

and authorization prayed for herein, are that the said Cayamaca Water Company, a Co-partnership, has agreed to sell, and the said Cayamaca Water Company, a corporation, has agreed to purchase and acquire, all the property and assets of every kind and description of the said dissolved partnership, and to continue the operation of the same as a public utility for the benefit of the public, and that it is necessary that authority be secured from this Commission for the formal transfer and conveyance of all the property of said dissolved partnership, Cayamaca Water Company, to your applicant, Cayamaca Water Company, a corporation, so that it, the said Cayamaca Water Company, a corporation, may legally have actual physical possession of the property and equipment of the said dissolved partnership, and continue the operation of the water system now owned and operated by the said dissolved partnership as a public utility.

That the applicant, Cayamaca Water Company, a corporation, does not have sufficient funds with which to purchase the said water system now owned and operated by the said dissolved partnership, Cayamaca Water Company, and that in order to provide the necessary funds to consummate the said purchase, it is necessary that an order be made authorizing the issuance of stock and bonds of said corporation to provide the said funds.

That if the orders prayed for herein be granted, the said dissolved Co-partnership, Cayamaca Water Company, will sell and transfer to the Cayamaca Water Company, a corporation, all of its properties, including the said water system, and the said Cayamaca Water Company, a corporation, will then execute and place in the Pacific Southwest Trust & Savings Bank of Los Angeles, its trust deed as security for the payment of the principal and interest of the bonds hereinafter specified, which said trust deed will be a first lien upon all the properties constituting the said water system and hereinafter described.

That it is for the public benefit and convenience to have the public utility such as the said water system herein described, owned and operated by a corporation such as the Guyanaca Water Company, a corporation, rather than by the surviving partner of a dissolved Co-partnership, ^{under} ~~as~~ the legal obligation of disposing of the said water system for the purpose of winding up the affairs of said partnership, and that the plan outlined in this petition for the transfer of the said public utility from said dissolved partnership to the said corporation is a feasible, practical plan, and one that will benefit the public.

V.

This application is made under the provisions of the "Public Utilities Act of 1915," and amendments thereto, and particularly under Sections 51 and 52 of said Act.

VI.

That attached hereto, and by reference thereto incorporated herein, and made a part hereof, is a certified copy of the Articles of Incorporation of the applicant, Guyanaca Water Company, a corporation, marked "Exhibit A".

VII.

That attached hereto, and by reference thereto incorporated herein, and made a part hereof, is a financial statement prepared as of the first day of January, 1924, being the first day of the month in which this application is filed, and which shows all the information and facts in the order required by Subdivision 6 of Rule III of the Rules of Procedure of the Railroad Commission of the State of California, which financial statement is marked "Exhibit B".

VIII.

That attached hereto, and by reference thereto incor-

porated herein, and made a part hereof, is a general description of the property of the applicant, Guyana Water Company, a partnership, the field of its operation, including an inventory or appraisal in detail of its property and equipment, together with a statement of the original cost of the same to the said applicant, which said general description is marked "Exhibit C."

That the Guyana Water Company, a corporation, has no estate or property other than a right to purchase all of the properties of the applicant, Guyana Water Company, a partnership, and as shown in said "Exhibit B."

IX.

That the applicant, Guyana Water Company, a corporation, desires to issue common stock of the par value of One Million Dollars (\$1,000,000.00), and the amount of bonds which the said applicant desires is an authorized issue of bonds for the sum of Two Million, Five Hundred Thousand Dollars (\$2,500,000), of which issue bonds to the value of Seven Hundred and Fifty Thousand Dollars (\$750,000.00) can be issued at this time, and the remainder for Seventy-five Per Cent (75%) of the cost of improvements and extensions of the said water system in the future.

Said bonds shall bear interest at the rate of Six and one-half per cent (6½%) per annum, payable semi-annually, on the 2nd days of January and July of each year following their date, and said bonds shall extend over a period of thirty (30) years from the 2nd day of January next succeeding their date, and shall issue in Twenty (20) Series, so that the first of said series shall mature ten (10) years from the 2nd day of January next succeeding their date, and the remainder in annual series until the maturity of said issue.

That attached hereto and marked "Exhibit B" is a copy of a contract or agreement for the sale and purchase above referred to, and of the proposed deed of sale from the Guyanaca Water Company, a partnership, to the Guyanaca Water Company, a corporation, and of the deed of trust to be executed by the said corporation as security for the said bonds, together with the said bonds. These copies are substantially the form to be followed in the original instruments.

XII.

Only one detailed description of the property affected by this application has been attached hereto, and wherever a description in detail of such property is required or necessary, reference is hereby made to the said detailed description attached hereto.

WHEREFORE, the said applicants ask that the Honorable Railroad Commission of the State of California make its order authorizing the applicant, Ed Fletcher, as sole surviving partner of the partnership formerly composed of James A. Murray, now deceased, Ed Fletcher, and William G. Henshaw, doing business under the firm name and style of Guyanaca Water Company, to sell and transfer to the Guyanaca Water Company, a corporation, all of the property enumerated in the detailed description hereto annexed, and to authorize the execution, delivery and acknowledgment of the necessary conveyances to transfer title of the said property from the said Co-partnership to the said corporation, and to confirm and authorize the said sale as herein specified, and to further make its order authorizing the issuance by the Guyanaca Water Company, a corporation, of its capital stock of the par value of One Million Dollars (\$1,000,000.00), and of its bonds for the sum of Seven Hundred and Fifty Thousand Dollars (\$750,000.00), in the manner and form herein specified,

to provide capital to pay the purchase price for the sale herein prayed for; by reason of the fact that compliance with the laws of the State of California requires the winding up of the affairs of the said dissolved Co-partnership at the earliest possible date; that public necessity and convenience required that the hearing of this application be had at the earliest possible date convenient with the business of this Commission; and that your applicants will forever pray.

Dated at San Diego, California, this 18th day of January, 1934.

Ed Fletcher

as sole surviving partner of the Partnership formerly composed of James A. Murray, now deceased, Ed Fletcher, and William G. Henshaw, doing business under the firm name and style of Cuyamaca Water Company.

CUYAMACA WATER COMPANY,
a Corporation.

By ED FLETCHER
President

Attest:

M. E. FLETCHER
Secretary

Crouch & Sanders
Attorneys at Law,
Spreckels Building,
San Diego, California.

Attorneys for Applicants

State of California,)
County of San Diego,) ss.

ED FLETCHER, being first duly sworn, deposes and says:

That he is one of the applicants in the above entitled

proceedings, and he is the applicant as sole surviving partner of the said Caymanea Water Company, a Co-partnership, and is also President, Director and Manager of the Caymanea Water Company, a corporation, and alleges: That he has read the foregoing application and knows the contents thereof, and that the same are true of his own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters he believes them to be true.

Ed Fletcher

Subscribed and sworn to before me this 18th day of
January, 1924.

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

Ed Fletcher Papers

1870-1955

MSS.81

Box: 58 Folder: 12

**Business Records - Water Companies -
Cuyamaca Water Company - State Railroad
Commission - Unnumbered applications**



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