LA MESA, LEMON GROVE AND SPRING VALLEY IRRIGATION DISTRICT

LA MESA, CALIFORNIA.

SAN DIEGO RIVER SITUATION

REPORT AND RECOMMENDATIONS

MARCH 3, 1931.

C. HARDITT,

GENERAL MANAGER

Enclosure:

Copy of letter transmitting Manager's Report

to

San Diego Chamber of Commerce Water Committee.

COPY OF LETTER TRANSMITTING MANAGER'S REPORT

ON

SAN DIEGO RIVER SITUATION

TO

SAN DIEGO CHAMBER OF COMMERCE WATER COMMITTEE

March 5, 1931.

Chamber of Commerce Water Committee,
Chamber of Commerce Building,
San Diego, California.

Gentlemen:

It has been the desire of the members of the Board of Directors of the La Mesa, Lemon Grove and Spring Valley Irrigation District to in no way enter into the existing discussion of the development of the San Diego River by the City of San Diego. However, in view of recent developments, this Board feels that the responsibility of protecting and working for the interests of their constituents requires that they present to your Honorable Body and to the public at large, the necessities of this area and their conclusions as to how these necessities may be provided for, with the idea in mind of assisting the City of San Diego to the utmost in providing for the City's requirements as well as protecting the development of this potential City area.

They have requested and instructed their General Manager to furnish them with a detailed study and analysis of the various plans heretofore submitted for the development of the San Diego River and to furnish them with his conclusions and recommendations as to which of such plans would best serve the public interests of the citizens of San Diego and the residents of the areas dependent upon the San Diego River as their only source of water supply.

The General Manager's report and analysis has been presented to this Board, has been carefully studied in all its phases including his conclusions and recommendations and the same are approved and indorsed by this Board.

It, of course, will be understood that this Board will and does feel that it should and will be governed very largely by the General Manager's findings, report and recommendations and for that reason we have thought best to submit said report for your consideration and information.

By Order of the Board of Directors.

LA MESA, LEMON GROVE AND SPRING VALLEY IRRIGATION DISTRICT.

By Ruth C. Drew
Secretary

CH/RD

TO: THE BOARD OF DIRECTORS of the
La Mesa, Lemon Grove & Spring
Valley Irrigation District,
La Mesa, California.

Gentlemen:

Subject: Report and Recommendations on the Irrigation District's interest in connection with the proposed development of the San Diego River by the City of San Diego.

Complying with your request, I have prepared and submit herewith a report of my findings and recommendations relating to the development of the San Diego River by the City of San Diego, as the same affects the interest of the Irrigation District and the City of San Diego and I recommend that the Board of Directors declare a policy of the District as favoring the development of the San Diego River, by the City, at Mission Gorge Site No. 2, and this recommendation is based upon the following discussion, data and other facts relating to the problem, together with an analysis of the various plans heretofore proposed, as the same may affect or relate to the interests of the Irrigation District.

The material and data used in this report have been assembled and studied during the course of my investigations of the cost of various structures and the cost of water therefrom made in compliance with the agreement between your Board and the Honorable City Council of the City of San Diego, at your conference on February 4th, 1931.

My conclusions and recommendations have been influenced largely by statements made by Mr. Cosgrove to the Chamber of Commerce Water Committee on the legal phases of the San Diego River situation and by statements made by members of the above mentioned Committee, particularly Senator Wright and Mr. Charles C. Crouch.

It was my pleasure on February 28th, 1931 to discuss in a general way, various phases of the situation with one member of the El Capitan Committee and with the Mayor of the City of San Diego and Councilmen Irey and Dowell.

On March 3rd, it was also my privilodge to attend the meeting of the Chamber of Commerce Water Committee at which this matter was thoroughly discussed.

I have been deeply impressed with the honesty and sincerity of purpose of all the members of this Committee and the members of the El Capitan Committee and the Officials of the City Government above referred to, in their efforts to work out a plan for the development of the San Diego River which would protect and foster the welfare and prosperity not only of the Irrigation District but of the entire area dependent upon the San Diego River for its water supply.

In view of the friendly attitude that many of these gentlemen have expressed towards the District, it is with extreme reluctance that I am compelled to advise your Honorable Body that certain of the plans for the development of the San Diego River to which they are giving serious consideration would, in my opinion, arrived at after careful study of all the factors involved, result in the utter desolation of this area.

The total runoff of the San Diego River has been computed by numerous authorities for a long period of years. The figures arrived at vary somewhat with the methods used and the period of time considered. It is believed that taking the River from its sources to the sea, the amount would approximate about 48,000 acre feet per year. A study of this question was made by the United States Reclamation Service for the seasons 1892-93 to 1918-19 inclusive, which probably represents a typical series of years. Their total for the runoff above Mission Gorge is given as 45,907 acre feet from a water shed of 376 square miles. The following figures are taken from their report:

Drainage Area	AREA in Sq. Miles	MEAN ANNUAL RUNOFF Acre Feet
Cuyamaca	12	4,226
Diverting Dam	90	17,040
South Fork	45	4,856
El Capitan	40	5,017
San Vicente	75	8,100
	262	39,239
Lakeside Basins	17	1,668
Los Coches	14	1,070
Mission Gorge	83	3,930
	114	6,668
GRAND TOTALS	376	45,907

However, it should be borne in mind and emphasized that any plan or plans for the development of this River should take into consideration the fact that it is not wholly undeveloped, but that 90% of the runoff above Cuyamaca is developed and is, and has been for 40

years put to beneficial use. Also, that 19% of the water passing South Fork and Diverting Dam on the San Diego River for the period 1899 to 1925, both inclusive, has been diverted at those points and put to beneficial uses.

Further, consideration should also be given to the fact that the El Monte gravel basin extending from a short distance above Lakeside to Capo Horn, and containing approximately 1,400 acres of water bearing gravels and forming a natural reservoir, has been developed to a very considerable extent.

There seems to be, on the part of many, a tendency to disregard this existing development and to consider it as of little economic importance. In view of this attitude, I want to call your attention to just what this development means, and to what it has meant in the past, not only to the area now outside of the City boundaries, but to certain areas now incorporated within the City limits and also to what it has meant to the City as a whole. This development, made by the old San Diego Flume Company and enlarged and extended by the Cuyamaca Water Company and later further enlarged and extended by the La Mesa, Lemon Grove and Spring Valley Irrigation District, is responsible for the establishment and growth of the Cities of La Mesa and El Cajon, of Lemon Grove and Spring Valley and the section surrounding El Cajon. It was under this development and its means of water supply that the large populated areas of East San Diego, Normal Heights, Kensington Park and La Mesa Colony were made possible. It was this development which carried the City of San Diego through the crisis brought about by the failure of the Otay Dam during the disasterous floods of 1916. It should be remembered, in considering the importance of this system, that in the big drouth of 1895 to 1905 it supplied a large portion of the water used in the City of San Diego, most of which was pumped from the gravel basin previously referred to between Lakeside and El Capitan. At the present time this system is supplying a portion of the City of San Diego, and also supplying a total developed area of 4,250 acres, some 1,800 domestic lots and 223 commercial tracts occupied by some 8,000 people who produced and shipped out of this territory during the year 1930, $1,530,000 worth of agricultural products.

There has been used from the City of San Diego's own water system for the years 1911 to 1929, 73,252 million gallons while from the Irrigation District system during the same period of time there has been delivered to the consumers 23,558 million gallons of water. In other words, this system has furnished about one-third as much water as has the City's system and at a much lower cost. Obviously, the economic importance of this development should, and no doubt will be respected and considered in view of its importance, not only to the City itself but to the entire metropolitan area.

The City of San Diego now controls potential water supplies aggregating 68 ½ million gallons daily. The Otay-Cottonwood system can be developed to a point where its safe yield will be 18 ½ million gallons daily; the San Diego River and the San Dieguito systems to approximately 25 million gallons daily each. With these various sources of supply, it is believed that the City may provide for its needs for many years in the future and at the same time permit and encourage the development of its immediate tributary area until such time as agriculture will so diminish that annexation to the City will be advisable or its water use will be of a character which will permit payment of rates very much higher than the present agricultural requirements could sustain.

Many who have been in San Diego any considerable period of time will recall that a large portion of what is now Normal Heights territory was occupied by lemon orchards as was a considerable portion of East San Diego, particularly along Cajon Avenue and along the East side of Fairmount Avenue. There was a very considerable acreage of oranges and lemons along the North side of Cajon Avenue on both sides of the location of the new Herbert Hoover High School, up to comparatively recent years. Along El Cajon Avenue on both sides of what is now called the Radio Road and extending to a considerable distance in each direction, were lemon and olive orchards. A large section of what is now College, or El Cerrito, Hill was a lemon orchard up to within the last five or six years. The developers of these sections were the pioneering agriculturists. The transition from agriculture to urban territory has spread and is spreading Eastward as the City of San Diego expands. There is little or no agricultural development today between the City limits of La Mesa and what was formerly the Easterly boundary of the City of San Diego at Boundary Street. In the Lemon Grove section Westerly from the Railroad, agriculture is decreasing. Practically the only portion of this section of San Diego's back country which is expanding agriculturally is in the neighborhood of, and Eastward from Grossmont and Mt. Helix.

In view of what has happened and is happening in the way of urban growth Easterly from old San Diego, it can be seen that in a comparatively few years this entire territory, at least as far Easterly as the town of El Cajon, will be in a position to sustain itself without the aid of the cheap water which it is now receiving. However, for the immediate present, and in view of the fact that there is an abundance of water available for development for City uses, plans should be adopted which will interfere as little as possible with the supply to the Irrigation District and other outside users. This particular phase of the situation will become less and less important as time goes on and may be given less and less consideration by the City of San Diego in its development of the San Diego River.

The development of the San Diego River by the City of San Diego is not and should not be so complicated as one would be led to believe by the number and diversity of proposed plans which have served largely to confuse and puzzle the ordinary layman. Unfortunately the problem has been, in the past, largely a political rather than an engineering one. There have been many schemes and plans advanced in the past years, some of them based upon sound engineering and economic principles and others based on more or less impossible presumptions and conclusions.

At the present moment there are two major plans under discussion by the City of San Diego. One advanced by Mr. H. N. Savage, the City's Hydraulic Engineer, advocating the construction of a dam at what is known as the Mission Gorge Site No. 2. The other, a plan outlined by Fred Rhodes in 1924 which has been modified and advanced by T. H. King, contemplating the construction of a dam at El Capitan and a dam at San Vicente connected by an inverted siphon.

Certain other suggestions and plans have been submitted, one by Colonel Fletcher which is primarily based upon pumping water from the underground basins of the San Diego and San Pasqual Rivers. One by John Covert involving a modification of both the Savage and the King plans. A plan for the future contemplates the bringing into the San Diego River area of water from the Colorado River. This is mentioned in connection with this discussion of the San Diego River development only because it has been planned to store the Colorado River water in some one or the other various reservoirs planned on the San Diego River or the Otay-Cottonwood system.

ELEMENTS TO BE CONSIDERED

In planning the development of the San Diego River, the City will, of course, give consideration to the following factors:

(a) The existing financial situation;

(b) The necessity of making any expenditures at this time;

(c) The water requirements of the City and the District at this time and in the immediate future; and

(d) How far ahead our present requirements and developments should be planned.

The principal factors entering into the immediate problem are funds available or that could be made available, and the present and immediate future requirements. Any development requiring the expenditure of vast sums of money at the present time should be very carefully considered, for it is doubtful if it would be possible or if it would be advisable for the people of San Diego today to vote additional bond issues for this purpose. There are now available however, the bonds voted in the following sums of money:

El Capitan Bonds	$ 2,800,000.
Chollas Reservoir Bonds	500,000.
Otay Pipeline Funds	350,000.
Sutherland Bonds	600,000.
TOTAL -	$ 4,250,000.

all of which could, I am advised, by vote of the people, be made available for the uses of the City for any purpose.

Obviously, the City will at this time endeavor to keep its expenditures for development of the San Diego River well within the limits of the sum set out above as available and will, of course, make no expenditure which is not absolutely necessary. Whichever plan of development is adopted, such plan will be carried on progressively and from time to time, as the growing requirements warrant. I am sure the people of San Diego can be trusted to see to it that no vast sum of money be spent in developing water which will not be used or necessary for many years in the future, consideration being given, of course, to the erratic and uncertain character of the water supply in San Diego County and the more or less irregular so called 10 year flood periods. It is estimated that the maximum requirements of the City 10 years hence will not exceed 30 million gallons per day. It is probable however, that the actual requirements at that time will be very much less than that.

Up to this point I have tried to give you a general picture of the situation and will now discuss briefly the various plans advanced for the River's development.

SAVAGE'S MISSION GORGE NO. 2 PLAN.

Mr. Savage advanced and recommended the development of the San Diego River by a dam at Mission Gorge Site No. 2 in November, 1922. His recommendations at that time were not acted upon and in 1924 Mr. John R. Freeman was employed by the City Council to make a study of the situation and advise the City as to the development of the River. Mr. Freeman made a very exhaustive study of the entire supply of water available from the various sources and his final conclusions corroborated Mr. Savage's recommendations. Mr. Freeman makes this statement in his report:

> "My attention in studying these several dam sites was given to this dam at El Capitan No. 2 because of the favor with which this seemed to be regarded at the City Hall, but it quickly became plain to me that this was an extremely expensive site by reason of the large width at the bottom

of the valley, and by reason of the great depth of decayed granite that must be dug out to provide safe foundation for a masonry dam and because of the difficulty of securing sufficient earthfill material at low cost, if the earth and rock-fill type was adopted."

It should be noted that Mr. Freeman's report, or portions of it, have been advanced by the proponents of practically every conceivable plan of development on the River. It is believed however, that Mr. Freeman's recent telegram to Mr. George S. Graves, published in the San Diego Union of March 5th, has established beyond any shadow of a doubt that his recommendations for the first development on the San Diego River are thoroughly in accord with those of Mr. Savage and Mr. Covort.

Mr. Savage's latest recommendations contemplate the acquisition of the necessary lands and the construction of the first unit at Mission Gorge No. 2 to a flowage level of 116' above stream bed flooding 3,320 acres of land, containing 87,000 acre feet of water and adding to the safe yield of the City's supply, 6 to 6½ million gallons daily. The estimated cost of this development, excluding lands and improvements thereof, is given by Mr. Savage as $1,293,750. Its total cost is estimated by Mr. Covert at $2,437,000. The total cost of Mr. Savage's ultimate development at this site is estimated by him at $4,700,000, while Mr. King's estimate for the same development is $8,162,000.

Assuming the total cost of Mr. Savage's first development to be as given by Mr. Covert, it could be completed and still leave available from funds already voted, $1,813,000 for the acquisition of additional lands in the Mission Basin for future development at this point or for development of other sources of supply. Mr. Savage's plan contemplates the raising of the Mission Gorge Dam a stage at a time, as the necessities arise or as funds become available, to a maximum flowage level of 156' above stream bed. It should be noted that the initial development of 87,000 acre feet at Mission No. 2 will not interfere with the present paved highway, the railroad, or the City's pumping plants below Lakeside and provides for the City's requirements for the next 6 or 7 years.

THE KING EL CAPITAN NO. 2 - SAN VICENTE PLAN.

Mr. King contemplates first, the construction of a dam at El Capitan to a height of 160' or to such height as the funds available would permit at this time and later the construction of a dam at the San Vicente site to a height of 260', the two connected by an inverted siphon 7' in diameter. This is a modification of the Rhodes plan of 1924 which involved the construction of the El Capitan Dam to a height of 200' and the San Vicente Dam to a height of 215'.

The first unit of Mr. King's development would yield about 6 or 6 ½ million gallons daily and would cost, according to Mr. King's estimate, $5,042,000. The total cost of the King plan, as given by Mr. King is $10,572,000.

THE FLETCHER PUMPING PLAN.

The Fletcher plan providing for the pumping of water from gravel basins on the San Diego and San Pasqual Rivers would not adversely affect the Irrigation District or the existing river development and therefore is not of particular interest to this section at this time.

THE COVERT MISSION GORGE NO. 2 - EL CAPITAN NO. 2 - SAN VICENTE PLAN.

Mr. Covert's plan advocates as the first unit in the development of the river, the construction of the Mission Gorge No. 2 Dam to a flowage of 116' above stream bed and is identical with Mr. Savage's plan up to that

point. Later, he advocates the construction of El Capitan to a flowage level of 197' above stream bed, and the San Vicente to a flowage level of 180' above stream bed. The total cost of the development suggested by Mr. Covert is $11,134,000.

COMMENTS ON THE VARIOUS PLANS

SAVAGE PLAN

It should be noted that Mr. Freeman, Mr. Savage and Mr. Covert are all in accord in so far as the first development on the San Diego River is concerned, all three engineers realizing the prudence and economic importance of developing the cheapest water on the river first. Mr. Savage advocates the complete control of the River at Mission Gorge Site No. 2, while Mr. Freeman and Mr. Covert would at some future date conserve a portion of the evaporation losses which would occur under the Savage plan by building a dam at El Capitan and one at San Vicente.

The principal objections by those opposed to Mr. Savage's plan are:

First - The vast area exposed to evaporation losses, and

Second - The uncertainty as to the cost of purchasing the lands to be flooded.

In this connection it should be admitted that the area exposed to evaporation is great but is not out of proportion to the volume of water impounded. The percentage of water lost by evaporation depends upon the area exposed in proportion to the volume of water stored which ultimately means the average depth of the Reservoir. At Mission Gorge No. 2 the mean depth of the Reservoir when full will be approximately 40'. Little or nothing has been said about the loss by evaporation from Lake Hodges, although its average depth is only 28' and the area exposed to evaporation, as compared to the volume of water stored, is very much greater than will be the case at Mission Gorge No. 2. The same comparison may be made between Mission Gorge No. 2 and Sweetwater. The losses by evaporation at Sweetwater have never been seriously considered although they are about one-third greater in proportion to the amount of water stored than would be the case at Mission Gorge No. 2. The Otay and the Morena are very slightly more efficient in this respect than the proposed development at Mission Gorge No. 2.

It is admitted that it is desireable to reduce these losses if and when it is economically advisable to do so, in other words, when, as pointed out by Mr. Freeman, the water becomes so valuable that the investment necessary to conserve these losses is less than the cost of additional development elsewhere.

It is conceded by the proponents of the various plans for development of the San Diego River that a dam at Mission Gorge is essential; that the River flow may not be controlled by the proposed dams on the upper River and that a dam must be built at the Mission Gorge, the exact location and the capacity varying according to the ideas of the various Engineers studying the problem.

There seems little reason to worry over the loss of water by evaporation from Mission Gorge Reservoir No. 2 when the water lost will not be required by the City for the next 15 or 20 years. The present situation is very similar to that in which the City found itself at the time Mr. Freeman's recommendations were made. At that time, the City's bonding capacity had practically been reached and Mr. Freeman's idea was to provide the City with the cheapest water available. At present, although the bonding capacity of the City has not been exhausted, it is very unlikely that any additional bond issues could be floated for some time to come and the necessity of developing first, the cheapest water available, is apparent.

Mr. Freeman stated that it might be possible, at some future time, to conserve some of the evaporation losses which would occur at Mission Gorge. This is quite true and if the time should come when it might be necessary to further consider the question of the efficiency of the City's reservoirs, the saving in the meantime would have justified the present choice of Mission Gorge No. 2.

This is made abundantly clear by taking Mr. Savage's estimate of $4,700,000 for the cost of complete development at Mission No. 2 and comparing it with Mr. King's estimate, under his plan, of $10,572,000. It is conservatively estimated that Mission Gorge No. 2, completely developed, will supply the City's needs for the next 15 to 18 years. Therefore, it is apparent that the saving to be made by the adoption of Mr. Savage's plan for Mission Gorge over Mr. King's plan, amounting to $5,872,000, invested at 5% over a period of 15 years would amount to approximately $12,000,000. This earned sum would permit the destruction or abandonment of Mission Gorge No. 2 at the end of that time and the building of the dams proposed by Mr. King.

Taking Mr. King's estimate of the cost of Mr. Savage's development and deducting therefrom $600,000 included by Mr. King as the cost of 2,000 acres, which he estimates would be water logged, and deducting also the capitalized pumping costs which he uses in his estimate, we find a difference in favor of Mission No. 2 of $4,410,000. This sum, in the 15 year period, would with earnings, approximate a total of $9,000,000. Under no accepted theory of figuring the cost of such projects has the capitalized cost of pumping ever been considered as a part of the capital investment, and therefore, the item given by Mr. King for capitalized pumping cost should unquestionably be deducted from his estimated total cost. The water logging of 2,000 acres of land above the Mission Reservoir is equally absurd.

Assuming that Mr. Savage is wrong altogether, and that Mr. King is correct, the difference in the cost of the two plans of development at the end of a 15 year period would be approximately $5,000,000.

These various sums represent the cost to the City of the comparatively small amount of water which would be conserved by the King development over and above the amount conserved at Mission Gorge No. 2 and do not include the accumulated maintenance charges and depreciation, amounting during the 15 year period to over $1,000,000.

Obviously, no business man would consider sponding any one of these vast sums of money for something which he did not need and for which he would have no use for 15 or 20 years. It should be obvious to anyone who is seeking to serve the best interests of the City of San Diego and the entire metropolitan area that the plan for the first development supported by Savage, Freeman and Covert should, by all means, be carried out immediately. It will be a number of years before any additional development on the River will be required and it may well be that conditions at that time would render it advisable to develop some entirely different source than the San Diego River or, if not, the further development of the River could and should be governed by the then existing conditions.

THE KING REPORT.

As previously stated, the present King plan is a modification of one proposed by Mr. Fred Rhodes in 1924. The Rhodes plan however, called for a dam at El Capitan 40' higher than does the King plan and a dam at San Vicente about 45' lower than the King plan, the plan of both being to keep the San Vicente Reservoir well filled with water for over year storage on account of its extremely small evaporation losses, this storage water to be carried from El Capitan to San Vicente by means of about ten and a half miles of pipe line. The Rhodes plan would permit the filling of San Vicente

from the El Capitan Reservoir and at the same time provide large storage in El Capitan. In other words, the Rhodes plan, as outlined by him, would function to some extent. Mr. King's plan, however, provides for regulating storage at El Capitan of only 79,000 acre feet of water altogether and the top contour would be level with, or below, the top contour of San Vicente. Under these conditions, it would be impossible to fill San Vicente, particularly at its upper levels, unless El Capitan were full. The volume of water which might be carried through a pipe line under these conditions would be comparatively small and moreover, due to the necessity of filling San Vicente and keeping it full for hold over storage, there would be no regulating capacity in El Capitan. There can be no question that the King plan would not satisfactorily function as planned.

Mr. King's first development, which is El Capitan to 160', would furnish a safe yield of 6 to 6 ½ million gallons daily but would destroy the entire valley development between the dam and Lakeside and would destroy the already existing underground reservoir at El Monte which has a safe yield of 4.2 million gallons daily. This would in turn practically destroy the development within the La Mesa, Lemon Grove and Spring Valley Irrigation District and outside areas supplied by the District.

The United States Geological Survey have made a very exhaustive study of the underground water supply in this County and has determined that the water is flowing out of the El Monte basin at the average rate of about 900 acre feet per annum. The United States Reclamation Service has determined that the average annual replenishment to this basin below El Capitan and above Lakeside is 1,668 acre feet. In other words, for the replenishment of this basin there is available an average of 768 acre feet per year, some years more and some less. Obviously, this amount of water, under the circumstances, is of no importance. In this connection the argument has been advanced that El Capitan would spill once in a while. This is true, but there will be intervals, 20 years at a time, when no water will go by this dam. It is obvious that a water supply which is available one year in 20 is not to be considered at all.

Some of Mr. King's estimates of cost are so low as to be impossible of support. For example, the amounts allowed for the construction of the pipeline connecting the two reservoirs and the rebuilding of the flume and County highway around El Capitan Reservoir total a sum which is hundreds of thousands of dollars lower than the cost would actually be.

Further, in support of a dam at Mission Gorge; I point to the fact that Mr. King concedes that a dam in the Gorge would be necessary in order to conserve the entire runoff of the river.

I have gone into this study of the King plan with considerable care, however Mr. King's supporters, or some of them, have announced that there is no intention on their part of ever carrying it out. Apparently it was advanced to confuse the real issue before the people, in order to advance the cause of El Capitan and to discredit the Mission Gorge development.

The matters of cost, efficiency, economy and practicability of the various proposed plans of development are of vital interest, not only to the taxpayers of San Diego but to the residents of the Irrigation District, due to the fact that long before any of these proposed structures are paid for, this area will no doubt be incorporated within the City of San Diego and will be bearing its proportion of the debt incurred.

It should be borne in mind as a factor of the utmost importance, that the present available resources of the City of San Diego will permit only the development of about 6 ½ million gallons daily at El Capitan and with this limited amount of water supplying the City's growing needs, as

well as the District's requirements, it would be only a short time, probably 3 to 5 years, until the City would be required to exercise its paramount right as against the District's use of water for irrigation purposes, with disastrous results to this entire area.

THE COVERT PLAN

The Covert plan has already been described in its general features and should be followed, at least as to the construction of the first unit. I believe, however, that the later developments contemplated should be left for future determination.

MISSION GORGE DAM SITE NO. 3

Some study has been given to the question of the substitution of a major dam at Mission Gorge Site No. 3 for one at Mission Gorge No. 2. A dam at this site which would approach the capacity and yield of the proposed maximum development at Mission Gorge No. 2 would be approximately 300' high and its cost, together with the cost of the lands to be flooded, would be wholly beyond the resources of the City of San Diego at this time. Therefore, its advocacy serves only to confuse the minds of those who are endeavoring to provide an adequate and cheap supply of water for the City and at the same time protect, so far as possible, the interests of the outside areas dependent upon the River for their water supply.

From a very careful consideration of the foregoing plans of development, I have reached the conclusion that the construction of a dam at Mission Gorge Site No. 2 would best promote the welfare of the La Mesa, Lemon Grove and Spring Valley Irrigation District, and would at the same time adequately serve the interests of the City of San Diego and care for its growing demands, thus serving the greatest number of people with the least amount of injury to those outside the City's boundaries depending upon the San Diego River for their water supply.

Respectfully submitted,

C. H. Garrett

General Manager
LA MESA, LEMON GROVE AND SPRING VALLEY
IRRIGATION DISTRICT.

CH/RD

A P P E N D I X

It might be well, in view of the misinformation which has been circulated for many years, to give you a general idea as to just what the situation is with regard to the Pueblo Rights Suit and the El Capitan Damsite.

Many believe that the City acquired the outright ownership of all the waters of the San Diego River which are placed thereby at the City's disposal for any purpose. It is believed that the plainest statement as to just what the City acquired is set out by the Supreme Court itself in the following words:

> "In the pending quiet title action it will not, of course, be determined that the City is or is not entitled to any particular quantity of water. If the litigation terminates favorably to the plaintiff, the only right which will be established and determined to be vested in the City will be a right to the water and the use thereof prior and paramount to the defendant's rights therein, and then only to the extent necessary for the needs of the City and its inhabitants. The amount needed is necessarily uncertain and conjectural and dependent upon conditions such as rainfall and other established sources of supply. The subject matter of the action is the establishment of the priority of right, and not the quantity of water to be taken."

It is made somewhat clearer by the statement made by Mr. Cosgrove before the Chamber of Commerce Water Committee in which he is reported to have stated that the Irrigation District owns a secondary right to the water of the river.

It is also the very general belief of the people as a whole, that the City have acquired and own without restriction the El Capitan damsite, and lands to be flooded. This impression is wholly erroneous. About one-half or two-thirds of the proposed El Capitan Dam would be built upon lands now owned by the Irrigation District. The District contested the right of the City to acquire these lands by Eminent Domain proceedings but were given such right by the Superior Court in Orange County in 1925. The Appelate Court held that these lands were already dedicated to a public use and could not be taken for other public purposes. However, the State Supreme Court has ruled, and its decision in the matter is final, that the land involved in this suit may be acquired by the City in view of the fact that the land sought was not being used by the District for supplying water and that the rights of the Irrigation District are protected in the Judgment and the consent given in the City's Amended Complaint.

The State Supreme Court ruled that the District may not take advantage of those portions of the Code which prevent the taking of lands dedicated to public use, by reason of the non-use by the District of the land sought and the reservation in behalf of the District. Briefly; these restrictions provide that the District retains and may maintain and have access at all times to its flume line across these lands; that its operations may not be disturbed; that it may run such water as it may acquire or own, or have a right to, through these lands or may pump water from these lands should it acquire such water, etc. In view of this situation, it is conceded that the City of San Diego may acquire such portions of the District lands as are not actually in use by the District and as may be required for the construction of the El Capitan Dam to a height which will not flood them to over 150' in depth. However, there are additional lands, easements and rights of way, above the El Capitan damsite which are not involved in this present condemnation suit and which are so located and are occupied by the District works that practically no water can be stored in this dam, when it is built, without their acquisition. No reservation can be entered into protecting this property which will permit the storing of any considerable quantity of water in the El Capitan Dam if it is built. It is not believed that these properties can be condemned by the City but that some agreement must be entered into with the Irrigation District for their acquisition or use.

In this connection I would say that the District owns about 400 acres of land in Mission Gorge basin which would be flooded by any dam built at that site. These lands are not at present utilized and are not therefore dedicated to a public use but it is conceded that it would require a very long period of time to condemn them. In this connection let me quote from a letter from Mr. T. B. Cosgrove to Mr. T. H. King dated February 10th, 1931.

> "The right to condemn this land could be contested in precisely the same fashion and over the same period of time as was contested the right to condemn the El Capitan dam site. This latter litigation extended over a period of several years. It is not highly probable, but it is conceivable that the City might not be successful in such litigation. Assuming, however, that it would be successful, and assuming that the litigation would consume precisely the same length of time as was consumed in condemning the El Capitan Dam Site, there would be a saving in favor of the El Capitan proposition of approximately six years."

From those statements in this explanation of the situation, it is not believed that under any circumstances or conditions, even were it possible at all, that the City can build a dam at El Capitan and store water therein without an agreement with the Irrigation District.

In addition to the obstacles herein enumerated, it should be pointed out that the Act of Congress granting the City the right to acquire certain lands in the El Capitan Indian Reservation, specifically requires the City to acquire the rights in these lands heretofore granted the San Diego Flume Company. These rights involve a right of way through the Indian Reservation 100 feet in width, which is occupied by the District's flume line and siphons. Whether or not these could be condemned is a doubtful question.

These matters regarding the rights acquired by the City at the El Capitan damsite have been gone into at such length only for the purpose of correcting the general misunderstanding regarding the situation and not in a spirit of belligerence. I believe it to be the desire and the duty of the District Officials to assist and cooperate with Officials of the City of San Diego in the development of this potential City area, and I regard it as necessary for such development, that the City and the Irrigation District work hand in hand and in complete harmony and understanding.

Ed Fletcher Papers

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