

WHEREAS, The City of San Diego has for many years been engaged in litigation with the La Mesa, Lemon Grove & Spring Valley Irrigation District, relative to the water of the San Diego River; and

WHEREAS, the said litigation, although in the main concluded, still exists to the extent that the City still is impeded in the construction of necessary dams and reservoirs; and

WHEREAS, the Irrigation District has on several occasions proposed compromises to The City of San Diego, which were not acceptable; and

WHEREAS, the people of The City of San Diego have never at any time desired to injure or deprive the people of the said Irrigation District of necessary water, but have only desired a free hand in the development of the hitherto undeveloped waters of the San Diego River; NOW, THEREFORE,

BE IT RESOLVED By the Common Council of The City of San Diego, as follows:

That the City Council hereby proposes to the said Irrigation District a settlement of all differences, and that for such purpose it be agreed:

1. The City of San Diego will buy the Murray dam and reservoir lands, the El Capitan dam and reservoir lands owned by the district, which must include all lands included in the Santa Ana condemnation suit, and also eighty (80) acres adjoining belonging to the Cuyamaca Water Company; the lands in the Mission Gorge Reservoir site, about 400 acres owned by the Irrigation District; all lands owned by the Irrigation District at Mission Gorge Site No. 3. The price to be paid for all such property to be two hundred forty-eight thousand dollars (\$248,000.00).

2. The Irrigation District will convey to The City of San Diego, without any further consideration except that which flows from the other obligations herein agreed upon and assumed:

(a) Five hundred (500) acres, or thereabouts, of water-bearing gravels lying above and below and adjacent to the El Monte pumping plant, and including such El Monte pumping plant, and all lands in the San Diego River bottom lying between El Capitan dam site and Lakeside.

(b) All rights of the District to the Fletcher dam site and reservoir lands.

(c) The Cuyamaca dam and reservoir lands, approximately eleven hundred (1100) acres of land, whatever the District owns, subject to the hunting, fishing and boating rights heretofore granted to the Cuyamaca Water Company, which contract has approximately ten (10) years to run.

(d) The diverting dam near the mouth of Boulder Creek; all rights of way, entire flume line which includes Sand Creek, South Fork and Chocolate steel and concrete siphons, a mile and a half of tunnel, and all of the distribution lines of the Irrigation District, including also Murray Hill, Eucalyptus and Mt. Helix reservoirs.

3. The Irrigation District will pay all of its own outstanding bonds, both principal and interest.

4. The City agrees that it will, to the extent that it is possible to do so with the distribution facilities which are by the District conveyed to the City, furnish water to the District consumers, under the same conditions, regulations and rates at which water is now furnished by the District, which rates are understood to be as follows, to-wit:

FOR DOMESTIC PURPOSES:

21 cents per 100 cubic feet;

FOR IRRIGATION PURPOSES:

15 cents per 100 cubic feet per month for the first
1000 feet per month;

10 cents per 100 cubic feet per month for the next
2000 feet per month;

6 cents per 100 cubic feet per month for all over
and above 3000 feet.

5. It is recognized, however, that the main flume line now owned by the District will of necessity be rebuilt within about five (5) years, and it is agreed that when the time comes to rebuild the said main flume, the cost of reconstruction or replacement by pipe lines to render the same service now rendered by such flumes, then the cost of such reconstruction or replacement with pipe lines is to be borne by the City and the Irrigation District in proportion to its use each year by the City and the District. The reconstruction of such flume or conduit shall be financed by The City of San Diego in the first instance, and the District's proportion of such cost shall be paid annually one-fortieth ($1/40$) part with five per cent. (5%) interest each year; provided, that should the City issue bonds for the purpose of such work, then the District will pay annually its proportion of interest and sinking fund on such bond issue.

The matter of how much of the said flume and main pipe line shall be reconstructed, and when, and of what material, shall be determined by The City of San Diego, and should it be found more profitable to abandon that portion of the main flume which lies above the El Capitan Reservoir site and to pump water from a reservoir to be constructed by the City upon such site into such main flume at or near such reservoir site, then the cost of such pumping of the water which is so delivered to the Irrigation District consumers shall be charged against the Irrigation District, and paid for by the District, or its consumers.

6. Should any of the lands now served by the District be annexed to The City of San Diego, the amount of water to be delivered to the District shall be reduced proportionately,

and such lands pay city rates for water.

7. The amount of water so to be supplied by the City to the said Irrigation District consumers for irrigation purposes shall be not to exceed four million (4,000,000) gallons daily on the average.

8. Such contract, before it becomes binding upon either the City or the Irrigation District, shall be submitted to the electors of The City of San Diego, and approved by a majority of the electors of said City voting upon the subject at such election, and the City of San Diego must have received a patent from the United States for the Indian Reservation lands, for which application is pending.

9. It is recognized that there may be legal difficulties in carrying out the foregoing proposal, and therefore this resolution shall not be deemed a contract by the City, but rather as a suggestion which, if accepted in principle, requires a contract in detail prepared with care and possibly some change in method of accomplishing the desired end therefor.

IT IS FURTHER RESOLVED that should this proposition be accepted in principle by the directors of the La Mesa, Lemon Grove and Spring Valley Irrigation District, then the City Attorney is directed to confer with the attorney for the Irrigation District, and to present a form of contract for adoption by the City and the Irrigation District.

Presented by _____

Approved by _____

SALE OF MISSION GORGE TO CITY

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

ATTACHED TO COPY OF RESOLUTIONS WERE:

CONKLING, W.M.

Fletcher to Conkling, November 25, 1930

Fletcher to Conkling, November 20, 1930

SAVAGE, H.N.

Fletcher to Savage, John L. Bacon, Paul Edwards, Joseph Kuhn, October 31, 1930

Savage to Fletcher, November 3, 1930

Ed Fletcher Papers

1870-1955

MSS.81

Box: 63 Folder: 5

Business Records - Water Companies - Cuyamaca Water Company - Sale of System - Sale of Mission Gorge to City



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