

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,

IN AND FOR THE COUNTY OF MONO

THE SOUTHERN SIERRAS POWER COMPANY,  
a corporation,

Plaintiff,

vs

JOE McLAUGHLIN and MARY McLAUGHLIN,  
his wife, JOHN DOE, RICHARD ROE  
and JANE DOE,

Defendants.

No. 1125

SUMMONS

ACTION BROUGHT IN THE SUPERIOR COURT OF  
THE COUNTY OF MONO, STATE OF CALIFORNIA  
AND THE COMPLAINT FILED IN THE OFFICE OF  
THE CLERK OF SAID COUNTY OF MONO

I. E. Potter  
Newman Jones  
Henry W. Coll

Attorneys for the Plaintiff

COPY

The People of the State of California send Greeting to:

Joe McLaughlin and Mary McLaughlin, his wife, John Doe, Richard Roe  
and Jane Doe, Defendants.

You and each of you are hereby directed to appear and answer the com-  
plaint in a proceeding entitled as above brought against you and each of you in  
the Superior Court of the State of California, in and for the County of Mono,  
within ten days after the service on you of this Summons, if served within this  
County, or within thirty days if served elsewhere, and you and each of you are  
further directed to appear and show cause, within said time, why the property  
herein and in said Complaint described should not be condemned for public use  
as prayed for in said Complaint.

Said proceeding is brought by the Plaintiff The Southern Sierras Powe  
Company, a corporation, against the Defendants Joe McLaughlin and Mary McLaughlin  
his wife, John Doe, Richard Roe and Jane Doe, to condemn the land and water  
rights herein and in said complaint described for a public use in charge of said  
Plaintiff, for the construction, operation and maintenance of a hydro-electric  
power plant of the plaintiff, for the generation, distribution and sale of  
electricity in Plaintiff's business as a public utility electrical corporation to  
various counties, cities and towns and the inhabitants thereof and to the public

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2 generally, all as more fully set forth in said complaint, a copy of which is here-  
3 to attached and reference to which is hereby made.

4 Said land herein sought to be condemned includes the whole of an entire  
5 parcel and is situate in the County of Mono, State of California and described  
6 as follows, to-wit:

7 The East half of the Northeast quarter (E.  $\frac{1}{2}$  of N.E.  $\frac{1}{4}$ ) of Section Nine  
8 (9) and the West half of the Northwest Quarter (W.  $\frac{1}{2}$  of N.W.  $\frac{1}{4}$ ) of Section Ten (10)  
9 Township One (1) South, Range Twenty-Six (26) East, E. D. B. & M., together with  
10 all riparian rights, waters and water rights part and parcel thereof or appurtenant  
11 thereto.

12 And you are hereby notified that unless you appear and answer and show  
13 cause as above required, the said Plaintiff will take judgment as prayed for in  
14 said complaint or will apply to the Court for any other relief demanded in the  
15 complaint.

16 Given under my hand and the seal of the Superior Court of the State of  
17 California in and for the County of Mono, this 30 day of July, 1925.

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21 Geo. Delury  
County Clerk

22 S E A L  
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2 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,

3 IN AND FOR THE COUNTY OF MONO

4  
5 THE SOUTHERN SIERRAS POWER COMPANY,  
6 a Corporation,

7 Plaintiff,

8 vs

COMPLAINT

9 JOE MC LAUGHLIN and MARY MC LAUGH-  
10 LIN, his wife, JOHN DOE, RICHARD  
DOE, and JANE DOE.

11 Defendants.

COPY

12 The Plaintiff for its cause of action herein alleges:

13 I

14 That the Plaintiff is a corporation organized and existing under and  
15 by virtue of the laws of the State of Wyoming and doing business in the State  
16 of California.

17 II

18 That the Plaintiff was and is incorporated for, and by its Certificate  
19 of Incorporation is empowered to do, among other things, the following acts,  
20 purposes and things, to-wit:

21 To manufacture, generate, buy, sell, accumulate, store, transmit, fur-  
22 nish, distribute and otherwise utilize and dispose of power, in the form of elec-  
23 tricity and electric current, or otherwise, to be used for light, heat and power,  
24 and for any other use to which power, including electricity, may be put, and as  
25 incident thereto, to construct, build, buy, sell, operate, lease, and let power  
26 plants and generating stations for the manufacture, generation, accumulation,  
27 storage, transmission and distribution of electricity and electric current and  
28 any or all machinery used therein or in connection therewith; to construct, man-  
29 ufacture, buy, sell, lease, let, operate and otherwise handle and deal in any  
30 or all machinery appliances, fixtures, apparatus, supplies and appurtenances

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2 for the manufacture, generation, storage, accumulation, transmission and distribu-  
3 tion of any and all types of electric current or in the use of electric current  
4 for light, heat, power, or otherwise; to construct, buy, sell, lease and operate  
5 poles, pole lines and transmission lines and to string wires thereon or on the  
6 poles belonging to other individuals or corporations upon any and all streets,  
7 avenues, highways, roads, alleys and other ways of convenience and use in any  
8 counties, townships, towns, villages, cities or otherwise in any part of the  
9 United States of America, and over, across and upon the public lands of the United  
10 States and of any State or Territory thereof, and over, across and upon any  
11 private lands or other property which may be desirable or necessary for the uses  
12 or purposes of this Corporation in carrying on its business, and also to string  
13 wires over and under all canals and other waterways, and across any or all bridges  
14 and into, upon, over, alongside, or underneath any or all buildings or other  
15 structures wherever or whenever it may be deemed desirable or necessary in carry-  
16 ing on the business of the Corporation, and to use said pole lines, wires and  
17 other apparatus connected therewith, either for the transmission of electric cur-  
18 rent for delivery to consumers on such lines or for transmission of said current  
19 to independent vendors thereof and also to sell, lease, or otherwise dispose of,  
20 to other corporations or individuals, said poles, pole lines, transmission lines  
21 and other property, or the right to string other wires on or to attach other wires  
22 to any or all of the poles or pole lines, or transmission lines or lines, or the  
23 apparatus connected therewith, so erected, owned, leased or operated by said  
24 Company; to build, construct and use for any of the purposes stated above,  
25 underground subways or conduits in any of the streets, avenues, highways, roads,  
26 or other ways of convenience or use and under such public or private lands,  
27 canals and other waterways, and to string electric wires or conductors therein,  
28 and to buy or lease from, or sell or let to, any other corporation or individual,  
29 the right to string and to use as aforesaid, electric wires or conductors in any  
30 such subway or conduit; to install, erect, buy, sell, lease, operate, or other-

3 for the transmission and use of electric current for all purposes to which same  
4 may be put, including the transmission of sound by any known or discovered  
5 method or methods hereafter discovered and to manufacture and deal in all ap-  
6 paratus, fixtures and things, required for or capable of being used in connection  
7 therewith; to erect and construct, or to acquire by purchase, lease, or otherwise  
8 and to maintain and operate, power plants and power works for the generation,  
9 creation, transmission, distribution and use generally of power by electric  
10 currents, steam, compressed air, water, cable, or any other known or discovered  
11 methods or by any methods which may be hereafter known or discovered, and also  
12 all necessary buildings, machines, machinery, appliances, appurtenances and  
13 contrivances for the operation and use of the same; to use, divert, impound and  
14 store water and to erect, construct and build, or to acquire by location, purchase  
15 lease or otherwise, water rights, dams, flumes, ditches, pipe lines, canals,  
16 water courses, water tanks, reservoirs, reservoir sites, and all lands, eas-  
17 ments, rights of way, franchises, licenses, permits and appurtenances thereto,  
18 convenient or necessary for the business of the corporation and to use the water  
19 and water rights thus acquired, impounded, stored or diverted for the generation,  
20 storage, accumulation, transmission and distribution of electric currents and  
21 for other power, and for the irrigation and development of lands and for the  
22 development and transmission of power and use of same as subsidiary to the main  
23 purpose of irrigation and for all other lawful purposes and beneficial uses;  
24 to condemn under the laws of any state or territory and to obtain by purchase,  
25 lease, or otherwise, rights of way, easements and franchises, and also to ac-  
26 quire by discovery, location, grant, purchase, lease, bond, exchange of property,  
27 issue of stock or bonds of the Company, or otherwise, and to possess, own, work,  
28 develop, control and operate in whole or in part all real, personal and mixed  
29 property, property rights, franchises, easements, rights of way, and all plants,  
30 works and appurtenances, and all licenses, permits and other privileges, incident

2 or necessary interests or common necessities for the purposes and business of the  
3 Company and to use, operate and work the same, or to cause same to be used,  
4 operated, and worked for the benefit of this corporation; to sell, furnish and  
5 deliver electric current for light, heat and power and for all other purposes  
6 and other power to municipalities, cities, towns, villages, counties and states,  
7 and to the inhabitants thereof and to private corporations, individuals and  
8 others; to buy or otherwise acquire, sell, operate and deal in real and person-  
9 al property, incident to, necessary for, or deemed desirable in carrying on the  
10 business of the Company, and generally to do all acts and things necessary,  
11 suitable and proper for the accomplishment of any of the purposes or for the at-  
12 tainment of any of the objects, or for the exercise of any of the powers herein  
13 set forth, either expressed or implied, and either alone or in connection with  
14 other corporations, firms or individuals, either in this State or throughout  
15 the United States, and elsewhere, and to do any other act or acts, thing or  
16 things, incident to or appertaining to, or growing out of, or connected with the  
17 business hereinbefore described or any part or parts thereof, which is now or  
18 may hereafter be authorized by law.

20 III

21 That the Plaintiff, The Southern Sierras Power Company, is a public  
22 utility electrical corporation of the State of California, as defined by the  
23 Statutes of said State, and is the corporation in charge of the public use for  
24 which the property hereinafter described is sought to be taken; that the  
25 Plaintiff maintains and operates an electrical, generation, transmission and  
26 distribution system consisting of power plants and transmission and distribu-  
27 ting lines in the Counties of Mono, Inyo, Kern, San Bernardino, Riverside and  
28 Imperial in said State and is engaged in the sale and distribution of such  
29 public utility of electricity for light, heat and power purposes and for all  
30 purposes for which electricity may be used, to the public generally and to all  
31 persons, firms or corporations who apply for such service in said Counties,  
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2 and more particularly to the cities and towns of Bishop, Big Pine, Keeler, Inyo-  
3 kays, Hanford, Johnsbury, Victorville, Barstow, San Bernardino, Redlands,  
4 Banning, Big Bear, Riverside, Hialto, Corona, Ferris, Elsinore, Hemet, San  
5 Jacinto, Coachella, Indio, Palm Springs, Miland, Imperial, Calipatria, Brawley,  
6 El Centro, Holtville and Calaxico in said State; that in the greater portion  
7 of said territory the Plaintiff's plants and system furnish the sole supply  
8 of electricity and if Plaintiff's generating capacity is not increased accord-  
9 ing to the needs and demands of its consumers great inconvenience, loss and  
10 detriment will be suffered by the public; that the said territory and the  
11 counties, cities and towns therein so supplied and served by the Plaintiff, as  
12 above mentioned, are, and have been for many years last past, rapidly increas-  
13 ing in population, industry and agriculture; that since the commencement of  
14 Plaintiff's operations in 1912 the demand for electricity from said system and  
15 the amount of electricity sold and distributed to the public in said territory  
16 has increased annually, and during the past five years ~~that amount, which~~  
17 ~~has amounted to an average annual increase of more than 12%; that~~  
18 ~~Plaintiff is informed and believes, and upon such information and belief alleges~~  
19 ~~that said territory so served by the Plaintiff will continue to increase in pop-~~  
20 ~~ulation, industry and agriculture for many years at a rate as great or greater~~  
21 ~~than that in the past and that the demand for electricity from the system of the~~  
22 ~~Plaintiff and the amount of such electricity sold to the public by the Plaintiff~~  
23 ~~will continue for many years to increase at a rate as great or greater than the~~  
24 ~~in the past; that in order to keep abreast of the development of said territory~~  
25 ~~and to supply the demand for electricity which Plaintiff reasonably anticipates~~  
26 ~~will be made upon its system, it is necessary and the public interest and neces-~~  
27 ~~sity require that the Plaintiff provide additional plants for the generation of~~  
28 ~~hydro-electric energy for the public service in the above mentioned counties,~~  
29 ~~cities and towns and such others as may lawfully demand and require such service~~  
30 ~~from the Plaintiff's system.~~  
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That one of the said power plants designated as Rush Creek No. 1 or Silver Lake Plant and constituting a part of said system and generating electricity for sale and distribution as aforesaid, is located upon and operated by the waters of that certain stream known as Rush Creek in the County of Mono, State of California, which rises near the crest of the Sierra Nevada Mountains and flows in a northerly direction emptying into Mono Lake in said County; that after being discharged from said plant the waters from said Creek are returned to the channel thereof and in their natural course flow over, through and across the lands of the Defendants hereinafter described for a distance of approximately  $5/8$  of a mile, and also flow over, through and across a certain other parcel of land belonging to a certain Cain Irrigation Company, a corporation, located immediately above and contiguous to Defendants' lands and also a second parcel of land belonging to said Cain Irrigation Company situated immediately below and contiguous to Defendants' said lands; that the distance through which said Creek traverses the said lands of the said Cain Irrigation Company is approximately  $1/2$  mile; that in traversing all of said lands, including those of the Defendants, the said stream falls a vertical distance of approximately 340 feet and all of said lands, and the waters of said stream flowing over, through and across the same are adapted to and suitable for the construction and operation of a hydro-electric power plant for the generation and development of power and electricity; that the Plaintiff is the lessee from said Cain Irrigation Company and in possession and entitled to the possession of all its said lands, including water, water rights and riparian rights necessary for the construction and operation of such power plant and for the generation of such power and electricity, but that the lands and water rights and riparian rights hereinafter mentioned belonging to the Defendants are necessary for the construction, operation and maintenance of said plant; that Plaintiff proposes and intend construct a power plant for the generation of electricity by the use of the water of said Rush Creek to be diverted up stream or south of Defendants' land and carry



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2 thence in a pipe line away from the said stream and across the Defendants' land  
3 to a point approximately  $1\frac{1}{2}$  miles down stream or north of Defendants' land where  
4 the power house is proposed to be located and where such waters are to be used;  
5 that the diversion of such waters and the conducting of the same through such  
6 pipe line will deprive Defendants' land of the waters so diverted and render such  
7 lands unsuited for agriculture; that by reason of the proposed construction and  
8 operation of such pipe line and plant and the demand for the electricity to be  
9 generated therein it is necessary, and the public interest and necessity require  
10 that the Plaintiff acquire the Defendants' lands hereinafter described with ri-  
11 parian rights, waters and water rights, part and parcel thereof or appurtenant  
12 thereto in and to the waters of said Rush Creek; and the proposed plant and other  
13 works and improvements are and will be located in the manner which will be most  
14 compatible with the greatest public good and the least private injury.

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~~That the~~  
an entire parcel and is situate in said County of Mono, State of California and  
described as follows, to-wit:

The East half of the Northeast Quarter ( $E.\frac{1}{2}$  of  $N.E.\frac{1}{4}$ ) of Section Nine  
(9) and the West half of the Northwest quarter ( $W.\frac{1}{2}$  of  $N.W.\frac{1}{4}$ ) of Section ten (10)  
Township One (1) South, Range Twenty-six (26) East, M. D. S. & M., consisting of  
160 acres more or less, together with all riparian rights, waters and water right  
part and parcel thereof or appurtenant thereto.

VI

That the Defendant Joe Mc Laughlin is an Indian of the Piute tribe;  
that said land has heretofore been allotted in severalty to said Defendant Joe  
Mc Laughlin by the United States of America and is now used by said Defendant  
and his family as a residence and said land has been heretofore patented by the  
United States of America to said Defendant Joe Mc Laughlin under a trust patent  
for the use and benefit of said Defendant, all under and by virtue of the Act or  
Acts of Congress in such case made and provided; that said Defendant Joe Mc

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2 Laughlin was born within the territorial limits of the United States and many  
3 years ago voluntarily took up and has ever since maintained within said limits  
4 his residence, separate and apart from any tribe of Indians and has adopted the  
5 habits of civilized life and is a citizen of the United States; that Defendant  
6 Mary McLaughlin is the wife of said Joe Mc Laughlin and claims an interest in  
7 the above described property; that the full, true name of said Mary Mc Laughlin  
8 is unknown to the Plaintiff and the Plaintiff asks to be allowed to insert the  
9 true, full name of said Mary Mc Laughlin when ascertained.

10  
11 That Defendants John Doe, Richard Roe and Jane Doe claim some right,  
12 title and interest in and to the above described property of the Defendant;  
13 that the true names of such Defendants are unknown to the Plaintiff and the  
14 Plaintiff asks that it be allowed to insert the true name of said Defendants  
15 when ascertained.

16 Wherefore Plaintiff prays judgment of this Court as follows:

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18 as Defendants herein shall have, or claim any estate or interest in the property  
19 hereinbefore described, such person may by proper order be brought into Court and  
20 made Defendants herein.

21  
22 2. That the Court ascertain and assess; (a) the value of the property  
23 sought to be condemned and taken herein and all improvements, if any there be  
24 thereon, and of each and every separate estate or interest therein; (b) the  
25 damages which will accrue to the portion of the above described property not  
26 sought to be taken, or of any larger parcel or parcels of land of which the land  
27 sought to be taken forms a part, by reason of its severance from the portion or  
28 portions sought to be condemned and taken in the  
29 manner proposed by the Plaintiff.

30 3. That the Plaintiff have judgment against the Defendants, and each  
31 of them, condemning the lands herein described to public use for the purposes of  
32 the plaintiff as hereinbefore set forth and as provided by law, and thereafter,

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2 upon the payment of the damages assessed and upon the compliance in all other  
3 respects with the requirements of said judgment and the provisions of Title V  
4 of Part III of the Code of Civil Procedure of the State of California, the Court  
5 shall and enter a final Order of Condemnation of said land, vesting the title  
6 thereof in the Plaintiff; that the costs of suit herein be allowed to Plaintiff  
7 or apportioned between the parties as to the Court may seem just, and for such  
8 other and further relief as may be proper in the premises.

9  
10 I. E. POTTER

11 WILLIAM JONES

12  
13 HENRY W. COIL

14 Attorneys for Plaintiff  
15 Riverside, Calif.

16 STATE OF CALIFORNIA, )

17 COUNTY OF RIVERSIDE, )

18  
19 F. O. DOLSON

being first duly sworn, upon oath depose and say  
20 that he is an officer, to-wit the Vice President of the Southern Sierras Power  
21 Company, a corporation, Plaintiff above named; that he has read the above and  
22 foregoing Complaint and knows the contents thereof and that the same is true of  
23 his own knowledge except as to those matters which are therein alleged on infor-  
24 mation and belief and as to such matters he believes it to be true.

25 F. O. DOLSON

26 Subscribed and sworn to before me, this 24th day of July, 1925.

27  
28 MARSH PARKIN

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

29  
30 Notarial Seal

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Bishop, California. August 16, 1923.

Mr. W.A. Lamar,  
Attorney at Law.  
Independence, California.

Dear Mr. Lamar:-

Relative to the matter of sale of the Joe McLaughlin Indian land in Mono County, to the Board of Public Service Commissioners of the City of Los Angeles; I am mailing my final report on this transaction to the Indian Office, and send you herewith, a copy of my letter for you information.

I note that the forms of Affidavit of Vendor have not been accomplished, and I am enclosing same in triplicate form for you to have accomplished for me. These forms should be signed by ~~someone~~ the President of the Board of Public Service Commissioners. The same must be accomplished before a Notary Public. Please emphasize the request for an early return to this office when completed.

While due notification has been given heretofore to the City that their bid was the highest received, I enclose herewith as a matter of form, my Official Receipt for \$4320. which may be forwarded to the Board of Public Service Commissioners.

Inasmuch as I am now in receipt of a Summons covering an action whereby the Southern Sierras Power Company seeks to condemn the land in question for Public use, I realize that the final conclusion of this sale should be hastened. The Government considers that a legitimate procedure has been followed, and by existing regulations, the bid made by the City being the highest, the land will of course be sold to the highest bidder. On what grounds the Southern Sierras Power Company can now intervene, I am at a loss to know.

Hoping that I may see you in the near future regarding this matter, I am,

Very Sincerely Yours.

Superintendent.

Bishop, California. August 16 1923.

Commissioner of Indian Affairs,  
Washington, D.C.

Dear Sir:-

Pursuant to instructions contained in Office letter dated April 27 1923, relative to procedure to be followed in the disposition of the Joe McLaughlin Indian Allotment; I submit herewith the following report:

Under date of May 1 1923, this land was advertised for sale by competitive bid. The advertisement extended for a period of sixty days; the bids being opened June 30 1923. The instructions as outlined in the Office letter referred to, also the existing Rules and Regulations governing the advertisement and sale of Indian land were complied with.

I now have the honor to submit herewith, for your consideration, -the report in duplicate form on "Indian Land Sale from Joe McLaughlin to the Board of Public Service Commissioners of the City of Los Angeles"; their bid being the highest bid obtained.

The Report includes forms-5-110, Petition for the Sale of Land by Original Allottee, -5-110a, Certificate of Appraisal, -5-110b, Certificate of Disbursing Officer, 5-110c, Form of Acceptance of Sale, etc, -5-110e, Report on Sale.

It will be noted that "Form of Affidavit of Vendee" No. -5-110d, is not with the report. This form has been sent to the Vendee for accomplishment and will be forwarded the Office immediately upon its return.

Following approval by the Department of the Report of Sale, it is recommended that a Patent in Fee be issued to the Board of Public Service Commissioners of the City of Los Angeles covering the land in question.

Very truly yours,

Superintendent.