

CUNNINGHAM J.M.

ET UX

Quitclaim Deed
CLARK LAT

0023 - 0039 - 0004 - 00

El Paso, Texas, June 29, 1921.

From District Counsel

To Director, Washington

Subject: Transmitting quitclaim deeds running from owners of Clark lateral to United States - Rio Grande Project.

1. Transmitted herewith for filing are four quitclaim deeds dated June 9, 1920, June 16, 1920, July 12, 1920, and July 12, 1920, running from owners of the Clark Lateral to the United States. These were forwarded for acceptance with form letter of transmittal dated May 5, 1921, and accepted by Assistant Director under date of May 25, 1921, and were returned for recordation in the office of the Dona Ana county clerk.

P W DEWITT

4 incls.

Copy to C.E. Denver.

El Paso, Texas, June 1, 1921.

County Clerk for Dona Ana County,

Las Cruces, N. Mex.

Dear Sir:

Transmitted herewith for official record are four deeds conveying the Clark lateral to the United States. There are also inclosed four extra prints on cloth for your use in completing the records. The inclosed extra prints are made from the same tracing as those accompanying the original deeds. Upon receipt of your notification as to cost of this recording the amount will be vouchered and payment made promptly.

Very truly yours,

P W DENT

District Counsel.

incls.

QUITCALIM DEED.

State of New Mexico, County of Dona Ana.

THIS INDENTURE, Made the 12th day of July, in the year of our Lord, one thousand nine hundred and twenty, between

J. M. Cunningham and Belle B. Cunningham, his wife

tenants in common in the ownership of the property hereinafter described, parties of the first part, and the United States of America, acting pursuant to the Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, party of the second part,

WITNESSETH; That the said parties of the first part, for and in consideration of the sum of One and 0/100 Dollar (\$1.00), lawful money of the United States of America, and other valuable consideration, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, demise, release, and forever quitclaim unto the said party of the second part, and to its successors and assigns, all that certain lot, place, or parcel of land situated in the County of Dona Ana and State of New Mexico, and bounded and particularly described as follows, to-wit: The Clark Lateral of the Mesilla Ditch or canal, as now constructed and in existence, as shown by the plat attached hereto and made a part hereof, together with such additional abutting land belonging to the said parties of the first part, as may be necessary for the proper enlargement and improvement of said Clark Lateral, said additional abutting land to consist of a strip of land ten (10) feet in width throughout the length of the said Clark Lateral, on each side thereof, measured from the toe of the outside bank slopes, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; TO HAVE AND TO HOLD, All and singular the said premises, together with all the appurtenances, unto the said party of the second part, and unto its successors and assigns, forever.

But this deed shall not be effective until approved and accepted by the Director of the United States Reclamation Service.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

J. M. Cunningham

Belle B. Cunningham

State of New Mexico)
) ss.
County of San Miguel)

On this 12th day of July, 1920, before me personally appeared J. M. Cunningham and Belle B. Cunningham, his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged to me that they executed the same as their free act and deed.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Richard Devine

Notary Public In and For Dona Ana
County, New Mexico.

(SEAL)

My com. exp.

July 27, 1922.

DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE

Estimate
Clark Lateral
Construction and Reconstruction

Based on 20 second foot capacity to the river.
Length 7600 feet.

Earthwork		
11,000 cu.yds. excavation @ .30		\$3300.00
Structures		
4 timber checks @ \$250	\$1000.00	
1 3' drop timber	350.00	
11 timber turnouts @\$35	385.00	
3 timber bridges @ \$150	450.00	
5000 feet fence reconst. @.04	200.00	
5 acres clearing @ \$10.	50.00	
		<hr/>
Total structures		2435.00
	Total	<hr/>
		\$5735.00
	plus 15%	630.00
		<hr/>
	Total estimate	\$6365.00

C-227
A-27

PC

El Paso, Texas, May 28, 1920

Mr. J. H. Evans, Secy.,
Elephant Butte Irrigation District,
Las Cruces, N. M.

Dear Sir:

More than a year ago, this office received a form of quit claim deed to the Clark lateral of the Mesilla ditch dated February 17, 1919 and signed in person or by agent by nine property owners and water users on the ditch. As no immediate reconstruction was at that time contemplated on this lateral, the transfer was not completed and the deed never went on record. Now that reconstruction on this lateral is contemplated in the near future, it is desired to complete the transfer of the ditch to the Reclamation Service, preparatory to its reconstruction. Since the original draft of the deed was signed, fully one-third or more of the property served by the ditch has changed hands. Furthermore, the deed granted only five feet additional width on each side of the ditch, which we find to be insufficient for its proper reconstruction and enlargement in some places. Furthermore, two of the properties have been signed up by persons acting as agents for the owners without showing the necessary evidence of power of attorney.

For the reasons stated above, it has been deemed desirable to prepare a new deed and same should now be signed by every land owner and water user having any interest whatever in the ditch. The names of all the grantors should be cited, both in the preamble and the acknowledgement, and when signed by some one other than the property owner acting as agent for the property owner, the deed should be accompanied by evidence of power of attorney acknowledged by a notary in the same form as the deed itself.

As we expect to begin work on the reconstruction and enlargement of this lateral in the very near future, we desire that the transfer be completed as soon as possible and that it measures up to form in every particular so that it will meet with the approval of our legal examiners and will be settled once and for all.

2 - Mr. Evans

We suggest that you put this matter in the hands of some of the most interested parties and request them to expedite it all possible. Mr. George M. Clark seems to be one of the most interested land owners concerned and we believe he will finish up the job thoroughly and promptly.

Very truly yours,

enclosure

Book - ✓
Get proper deed and
let's build -
F. M. L.

May 28, 1920.

MEMORANDUM to Project Manager.

Subject: Reconstruction of Clark Lateral.

1. The taking over, reconstruction and operation of the Clark Lateral by the Reclamation Service has been persistently urged by some of the water users on it, ever since we took over the Mesilla System. At one time it seemed important to us to reconstruct this ditch to supply water to lands cut by the Leasburg Drain without making so many flumes. However, when the drain came to be constructed through this area the flumes were demanded by the property owners any way and the immediate importance of reconstruction faded away. Landowners on the ditch are still strongly urging its reconstruction and operation by the Reclamation Service.
2. There are eight or nine water users on the ditch owning approximately 500 acres, some of which is not yet drained but will be drained by the Del Rio Drain. The ditch is a sub-lateral as small as any we are now operating in the Mesilla Valley, but in size and importance will compare favorably to the Tortugas and Houghton, both of which we own and operate. 500 acres at C. M. Ainsworth's estimate of \$6,365.00 puts the cost at \$12.73 per acre.
3. The operation and maintenance department recommend taking the ditch over after reconstruction and same meet with Mr. Parry's approval. Our lateral estimates provide for the construction and reconstruction of laterals of this size, and I believe that all laterals of the importance of this one should be taken over and improved as rapidly as funds and construction program will permit.
4. We have a quit-claim deed from this ditch dated February 17, 1919, signed by nine persons which are practically all of the water users on the ditch. However, the transfer was never completed and the deed never recorded. A third or more of the properties have changed hands since that date. The deed transfers only five feet on each side of the ditch for reconstruction purposes and does not make it clear that that five feet is from the outside toe of slope. Five feet is too little to allow any real reconstruction.

5. For the reasons stated above it is ^{our} intention to write a new deed transferring in addition to the ditch itself, ten feet additional right of way on each side of the ditch, measured from the outside toe of the present slope of each bank, and to have it signed and executed by each and every owner on the ditch.

6. The ditch has been surveyed and by the time the new deed gets back here signed up we will have a map ready to accompany it so that the transfer can be closed right up.

6-27
AUG 10 1920
ELEPHANT BUTTE IRRIGATION DISTRICT
OF NEW MEXICO
LAS CRUCES, NEW MEXICO

DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE
El Paso, Texas, May 28, 1920

Returned with Sig.
J. H. Evans

Mr. J. H. Evans, Secy.,
Elephant Butte Irrigation District,
Las Cruces, N. M.

Dear Sir:

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2 - Mr. Evans

We suggest that you put this matter in the hands of some of the most interested parties and request them to expedite it all possible. Mr. George M. Clark seems to be one of the most interested land owners concerned and we believe he will finish up the job thoroughly and promptly.

Very truly yours,

Wm. Rawson

enclosure

DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE
Las Cruces, N.M.
May, 18-1920.

U. S. Reclamation Service
RECEIVED
MAY 20 1920
LAS CRUCES, TEXAS

From Construction Engineer, Mesilla Valley Div.
To Project Manager, Rio Grande Project.
Subject: Estimate - Clark Lateral Reconstruction,

1. Herewith estimate proposed Clark Lateral reconstruction. Construction is proposed by force account with work to begin about May, 27. The plan proposes a waste way to the river near the north line of the Clark property and sufficient capacity is provided to irrigate such lands as will be cutoff by the building of the Del Rio Drain.

C. M. Ainsworth.

Fiock -
Has petition been worked up for this?
Does its construction appear necessary
and desirable to you? and to Parry.
If so and rights may secured
it should be pushed.

B. M. L.

*CC sent
by Jones.
2/17/1910
500 acres.*

27
a-

El Paso, Texas, July 2, 1919.

Project Manager, Rio Grande Project,

Assistant Engineer C. M. Ainsworth, Las Cruces, N. M.

Clark Lateral.

1. In the matter of location or reconstruction work in connection with what is known as the Clark lateral, in the Las Cruces district, it may be well to take this matter up with Mr. Clark, and also with Mr. Burns, of the operation department, in order that there may be no misunderstanding in connection with our plans for this work, and also to be able to have the advantage of any suggestions that may arise in the discussion, from the others who are familiar with the situation.

2. Please call on Mr. Clark, who is manager of the Farm Bureau, and discuss the matter with him.

- - - -

D. M. LAWSON

Ditch

C-2

Quit Claim Deed New Mexico.

The State of New Mexico:

County of Dona Ana :

THIS INDENTURE, made the 17th day of February, in the year of our Lord, one thousand nine hundred and nineteen, between

Paul-Ginther, as-Agent-for-H. F.-Galpin, - - - - -

Geo. M. Clark, - - - - -

Pablo Garcia - - - - -

Roman Bermudes - - - - -

C. H. Stith - - - - -

J. M. Cunningham, by Fred S. Hess, Agent, - - - - -

Benson Hunt *Le 4 27 1* - - - - -

parties of the first part and the United States of America, pursuant to the Act of June 17, 1902 (32 Stat., 388) and acts amendatory thereof and supplemental thereto, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of One and no/100 (\$1.00) Dollar, lawful money of the United States of America, and other valuable considerations, to the... in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these premises demise, release and forever quit claim unto the said party of the second part, and to its successors and assigns, all that certain lot, piece or parcel of land situated in the County of Dona Ana and State of New Mexico, and bounded and particularly described as follows; to wit:

The Clark Lateral of Mesilla Ditch or canal as now constructed and in existence, as shown by print hereto attached and made a part hereof, and such additional abutting land belonging to the parties of the first part, and each of them, not exceeding ten feet in width, (~~five feet on either side~~), as may be necessary for the proper enlargement and improvement of said canal, together with all and singular the tenements, hereditaments and appurtenances, unto the said party of the second part, and unto its successors and assigns, forever.

This deed shall not be effective until approved by the Director of the United States Reclamation Service.

from the outside toe of the present slope of each bank.

IN WITNESS WHEREOF, the said parties of the first part
have hereunto set their hands and seals the day and year first above
written.

Paul Gutthor
Agent for H. E. Galpin
Cristobal Garcia

Paul Gutthor as Agent for H. E. Galpin ✓
Geo. M. Barr ✓
Pablo Garcia ✓
Roman Bernudes ✓
E. H. Smith ✓
J. M. Cunningham Tydred & Hess Agents ✓
Prison House by ✓

STATE OF NEW MEXICO :
 : ss.
COUNTY OF DONA ANA : :

On this 17 day of Feb, 1919, before
me personally appeared

to me known to be the persons described in and who executed the fore-
going instrument, and acknowledged that they executed the same as their
free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and af-
fixed my official seal the day and year in this certificate first above
written.

JH. Evans

Las Cruces

My Comm. exp 6/24/22

W.M.

APPROVED _____, 1919.

Director, United States Reclamation
Service.