

121. DAUGHERTY COMMUNITY DITCH, CUTCLAIM DEED <sup>ASSOCIATED</sup> (046) 0023-0079-00 15-00

~~12 (15) Pavers 15-17 Pavers~~ 780.

Sta. 0+00 TO 1+08

3.16 miles

Edward Davison  
S-3 ac  
G. Rincon U.

DEPARTMENT OF THE INTERIOR  
UNITED STATES RECLAMATION SERVICE

MAR 19 1919  
EL PASO, TEXAS

El Paso, Texas, February 21, 19 19

Project Manager to the Director and Chief Engineer (~~through Chief of Construction~~)

Subject: Forwarding donation deed for approval.  
~~donation deed for approval.~~

Agreement dated Nov 11 1918

Rio Grande Project

Executed ~~on behalf of~~ by Cours. Daugherty Community Ditch.

~~with~~ To United States of America.

Estimated amount involved, \$ 0

Authority No. \_\_\_\_\_  
or clearing acct. \_\_\_\_\_

~~Accompanied by bond and two copies~~  
(Strike out if no bond transmitted.)

Purpose:  
(See instructions on back.)

Donation of community ditch rights.

PLEASE RETURN WITH APPROVAL FOR RECORDING.

Inclosures listed on reverse (See Par. 5.)

CHIEF OF CONSTRUCTION

DENVER, COLORADO

Advise ~~Chief of Construction, Denver, Colorado~~ Project Manager

at El Paso, Texas and District Counsel

at El Paso, Texas,

of the approval of the above

Incls. Original deed.  
Blueprint,  
Certificate as to title.

" " " Cours.  
" " " indiv. releases.

J. M. LAYTON

Project Manager.

Denver, Colo., \_\_\_\_\_, 19

It is recommended that the above-described contract be approved.

Inclosures:

Chief of Construction.

Washington, D. C.,

MAR 11 1919

Contract (and bond, if any,) was ~~approved by~~ <sup>approved</sup> ~~accepted by~~

MORRIS BIEN,

Assistant to the Director.

Send back deed to Dist. Council's office for recording.

FFB25'19 93170

STATE OF TEXAS     )  
                          )     SS.  
COUNTY OF EL PASO)

KNOW ALL MEN BY THESE PRESENTS: That the Daugherty Community Ditch, by Tiofilo Olguin, Luis Pazini and Antonio Marquez, its duly elected, qualified and acting commissioners, for and in consideration of the sum of One Dollar (\$1.00) to us in hand paid by the United States of America, pursuant to the Act of Congress approved June 17, 1902, (32 Stat. 388) and other valuable considerations, the receipt whereof is hereby acknowledged, do by these presents bargain, sell, release and forever quit-claim unto the said United States of America and its assigns, all right, title and interest of the said Daugherty Community Ditch, in and unto that certain ditch or canal system known as the Daugherty Community Ditch, lying in the County of El Paso, State of Texas, more particularly described in blueprint hereto attached and made a part hereof.

TO HAVE AND TO HOLD all the right, title and interest, estate and claim of the said Daugherty Community Ditch in and unto the said premises, together with all and singular, the rights, privileges and appurtenances to the same in any manner belonging, unto the said United States of America and its assigns forever; Provided, that nothing herein contained shall be construed as a conveyance, interference with, or in anywise affecting the vested right of any holder of rights in the said Daugherty Community Ditch in and to the use of the waters of the Rio Grande.

This deed shall become effective to transfer the above described property and rights upon the approval of the Secretary of the Interior or the Director and Chief Engineer of the United States Reclamation Service.

IN WITNESS WHEREOF, the said Daugherty Community Ditch has caused this indenture to be signed by its commissioners, this

11th day of Nov. A.D. 1918.

DAUGHERTY COMMUNITY DITCH

Witnesses at request  
of grantor:

By Teofilo Olguin  
Luis Pazini  
Antonio Marquez

Bernabe Flores  
C.F. Harvey

Commissioners.

Approved:

.....  
STATE OF TEXAS        )  
                          )    SS.  
COUNTY OF EL PASO )

Before me, Miguel Chavez, a Notary Public in and for El Paso County, State of Texas, on this day personally appeared Teofilo Olguin, Luis Pazini and Antonio Marquez, commissioners of the said Daugherty Community Ditch, and acknowledged that the foregoing instrument was signed by them on behalf of the said Daugherty Community Ditch by authority in them duly conferred, and the said Teofilo Olguin, Luis Pazini and Antonio Marquez, commissioners of the said Daugherty Community Ditch, acknowledged said instrument to be the free act and deed of the said Daugherty Community Ditch.

Given under my hand and seal of office, this 11th day Nov. A.D. 1918.

Miguel Chavez, I.P.  
Ex-officio Notary Public in  
and for El Paso County, Texas.

My commission expires \_\_\_\_\_

(seal)

State of Texas,       |  
County of El Paso,   |       ss.

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned owners of water and ditch rights in the Daugherty Community Ditch, for and in consideration of the benefits to accrue to us, respectively, by reason of the reconstruction, enlargement and improvement of the said Daugherty Community Ditch system to be hereafter performed by the United States of America, hereby disclaim and release to the United States all our right, title and interest in and unto the said Daugherty Community Ditch system as the same is now constructed and in existence, as shown by the blueprint hereto attached and made a part hereof, and agree that the United States, pursuant to the Act of Congress approved June 17, 1902 (32 Stat., 388) and acts amendatory thereof and supplementary thereto, may take charge of, own, operate, maintain and control said ditch system and all appurtenances thereof, and shall have the right to reconstruct, enlarge and otherwise improve the same in any manner deemed proper and necessary by the proper officers of the United States in order that there may be afforded superior facilities for the irrigation of the lands tributary thereto, and may take and use any additional abutting land belonging to the signers hereof, not exceeding five feet in width in either side of said ditch, which may be necessary for the proper enlargement and improvement of said ditch system.

Witness our hands, this.....day of..... A. D. 1918.

*A. Daugherty*

*Teofilo Olguin*

*.....*

*.....*

*Leopoldo Acosta*

*.....*

*Maha Tzulas*

*.....*

*Bacilio X. Fernandez*

*.....*

*J. W. McAllister*

*.....*

*Simonat Guerra de Padin*

*.....*

*Luis Sazisi*

*.....*

*Antonio Marquez*

*.....*

CERTIFICATE.

I HEREBY CERTIFY That the community ditch described in attached deed of November 11, 1918, from the commissioners of the Daugherty Community Ditch, was constructed by voluntary association of landowners, and that there are no deeds of record conveying to the landowners an easement or right of way for said ditches, and that said ditches have been constructed and in existence for more than the statutory period of limitation, so that title by prescription has been acquired; that said property is not subject to taxation under the laws of Texas; that neither the tax records nor other county records contain any instruments affording basis of title; and that there are no liens against the property.

P W DENT

District Counsel.

El Paso, Texas,

February 21, 1919.

CERTIFICATE.

I HEREBY CERTIFY That Tiofilo Olguin, Luis Pazini, and Antonio Marquez, duly elected, qualified, and acting commissioners of the Daugherty Community ditch, are in possession of the property described in the attached deed dated November 11, 1918, claiming an easement for the operation of said ditch in said property, and that no person claiming a right in such property adverse to the grantor is in possession of any part of it.

P W DENT

District Counsel.

El Paso, Texas,

February 21, 1919.

DEPARTMENT OF THE INTERIOR  
U. S. Reclamation Service.

CERTIFICATE:

I hereby certify that from investigation of the records, inquiry from the owners of rights in said Daugherty ditch system and from all other available information obtainable, ~~approximately~~ 100 per cent of the owners of rights in said ditch system have executed individual releases on form usually required, which operate as a waiver of all rights in said system and a ratification by such persons of the formal transfer by the commissioners of said ditch property.

L M LAWSON  
Project Manager

El Paso, Texas,  
February 21, 1919.

*Blue*

El Paso, Texas, July 8, 1919.

From Project Manager

To Director and Chief Engineer, Washington.

Subject: Donation deed dated November 11, 1918, from  
Commissioners of Daugherty Community Ditch -  
Rio Grande project.

1. The above described deed has been recorded and  
is returned herewith for filing.

2. Reference is had to letter of March 14, 1919,  
from Assistant to Director. The suggestions made therein  
are noted, and the blueprint attached to this deed con-  
forms thereto. This is the print that was put into the  
official county records in recording.

incl.

L. M. Lawson.

Copy to District Counsel,  
El Paso.

El Paso, Texas, April 12, 1919.

County Clerk for El Paso County,  
El Paso, Texas.

Dear Sir:

Transmitted herewith for official record is quit-  
claim deed running from Daugherty Community Ditch to the  
United States. Attached is extra blueprint on cloth  
for your use in recording.

Very truly yours,

C F HARVEY

Assistant District Counsel.

2 incls.

# 10309

Dated Nov. 11, 1918

Filed Apr. 14, 1919

Book 331 Page 416

*file*

RECEIVED  
MAR 19 1919  
PASO, TEXAS

DEPARTMENT OF THE INTERIOR  
UNITED STATES RECLAMATION SERVICE  
WASHINGTON, D. C.

**From** Assistant to the Director  
**To** Project Manager, El Paso, Texas.

MAR 14 1919

**Subject:** Donation deed dated Nov. 11, 1918, from the Commissioners of Daugherty Community Ditch-- Rio Grande Project.

1. The above mentioned deed transmitted with your form letter of Feb. 21, 1919, has been approved and is herewith enclosed for recordation and return to this office.

2. Attention is invited to the following comments concerning survey shown on blue print plat 1555 - R.-53 attached to the deed and made a part thereof.

(a) Section lines shown on print but township U. S. R. S. survey not shown.

(b) Survey line properly tied into section corners and and the canal along and adjacent to this survey line, but not tied to it in any way.

(c) Bearing of survey lines should have been shown on blue print.

<sup>were</sup> 3. No showing is made whether the engineering data ~~was~~ checked in your office before the deed was submitted to the District Counsel for appropriate action. In this connection attention is invited to the regulations at the latter part of paragraph 15, page 255, and the latter part of paragraph 17, pages 265-6, Vol. 1 of manual. The initials of the person checking engineering data in a donation deed should be placed on the original of the form letter of transmittal as in the case of a copy of the contract . . .

*Morris Dien*

Copy to C. of C.  
D. C. El Paso, Texas

Encl.

DEPARTMENT OF THE INTERIOR  
U. S. Reclamation Service.

CERTIFICATE:

I hereby certify that from investigation of the records, inquiry from the owners of rights in said Daugherty ditch system and from all other available information obtainable, ~~more than~~ 100 per cent of the owners of rights in said ditch system have executed individual releases on form usually required, which operate as a waiver of all rights in said system and a ratification by such persons of the formal transfer by the commissioners of said ditch property.

L M LAWSON  
Project Manager

El Paso, Texas,  
February 21, 1919.