

780

BRUHM, H. et. ux. Elise

ROTATION DEED

056

EAST DRAIN NO. 18

0023-0056-0014-0

780

THE STATE OF NEW MEXICO
COUNTY OF Dona Ana

THIS INDENTURE, made the 14th day of April in the year of our Lord, one thousand nine hundred and seventeen between H. Bruhn and Mrs. Else Bruhn, his wife, of San Antonio, Texas. parties of the first part and the United States of America, acting pursuant to the Act of Congress of June 17, 1902 (32 Stat., 368) part 7 of the second part.

Witnesseth: That the said part..... of the first part, for and in consideration of the sum of One and no/100 (\$1.00) Dollars,

lawful money of the United States of America, to them in hand paid by the said part 7 of the second part, the receipt whereof is hereby acknowledged, do..... by these premises demise, release and forever quitclaim unto the said part 7 of the second part, and to its successors and assigns

all that at 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:

A tract of land situated in the Southeast quarter (SE $\frac{1}{4}$) of Section four (4), Township twenty-six (26) South, Range three (3) East, N.M.P.M., being a strip of land one hundred twenty (120.0) feet in width, lying sixty (60.0) feet on each side of the center line of the Mesilla Valley East River Drain; said center line being described as follows: Beginning at Station 388 plus 30.1 of said aforementioned center line, being a point in the center of the highway between land of the grantor and land of the Estate of C. C. Ballinger, deceased, said highway having a bearing of North 89° 50' East, and from which point the Southeast corner of the tract of land herein described bears North 89° 50' East sixty-eight and two-tenths (68.2) feet distant, and from said Southeast corner the Southeast corner of said Section four (4) bears South 55° 51' West fifteen and three-tenths (15.3) feet distant; running thence North 28° 37' West a distance of eighty-nine and eight-tenths (89.8) feet; thence to the left on a curve of one thousand four hundred thirty-two and seven-tenths (1432.7) feet radius a distance of three hundred seventy-five and eight-tenths (375.8) feet, measured on 100-foot chords; thence North 43° 39' West a distance of two thousand two hundred ninety-eight and six-tenths (2298.6) feet; thence to the right on a curve of five hundred seventy-three and seven-tenths (573.7) feet radius a distance of one hundred fifty-four (154.0) feet, measured on 100-foot chords; thence North 28° 15' West a distance of five hundred twenty-nine and nine-tenths (529.9) feet to Station 422 plus 78.2 of said aforementioned center line of the Mesilla Valley East River Drain, being a point on the property line between land of the grantor and land of Batelle White; said property line having a bearing of South 89° 25' East, and from which point the Northeast corner of the tract of land herein described bears South 89° 25' East sixty-eight and five-tenths (68.5) feet distant and from said Northeast corner the Southeast corner of said Section four (4) bears South 39° 25' East three thousand four hundred twenty-two and four-tenths (3422.4) feet distant; above described tract of land containing nine and fifty-hundredths (9.50) acres, more or less,

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 part 7 of the second part, and unto its successors heirs and assigns, forever.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

E. J. Braswell

H. Bruhn (L. S.)

Mrs. Else Bruhn (L. S.)

(L. S.)

STATE OF ^{Texas} ~~NEW MEXICO~~ } ss.
County of Bexar

On this 14th day of April, 1917, before me personally appeared H. Bruhn

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his 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.

(SEAL)

Chas. Grossmann
Notary Public, Bexar Co., Texas

STATE OF ^{Texas} ~~NEW MEXICO~~ } ss.
County of Bexar

On this 14th day of April, 1917, before me personally appeared Mrs. Else Bruhn

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her 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.

(SEAL)

Chas. Grossmann
Notary Public Bexar Co., Texas

#18169

Quit Claim Deed

H. Bruhn et ux,
TO

USA.

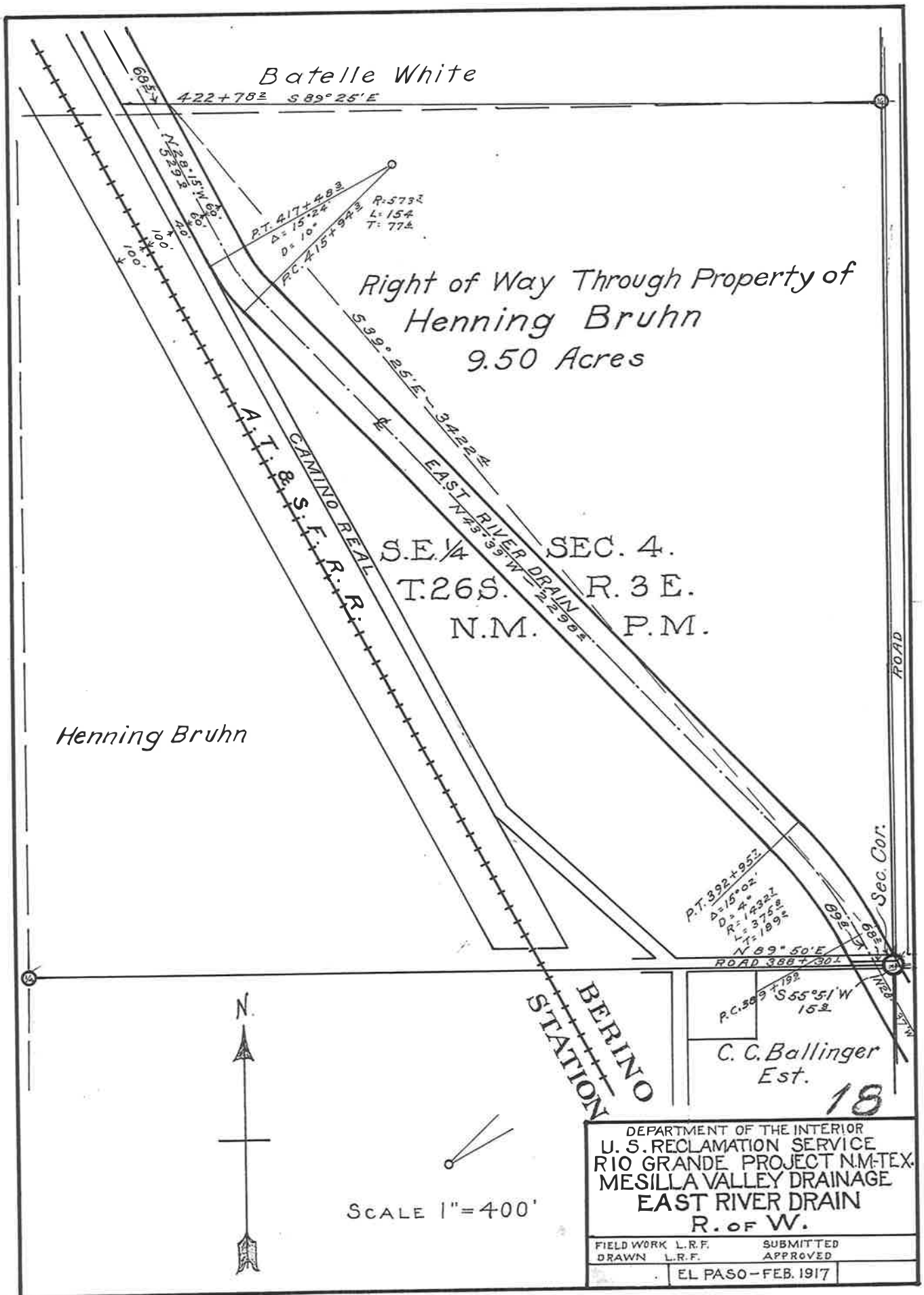
Impaired

STATE OF NEW MEXICO,
County of Bexar } ss.

I hereby certify that this instrument was
filed for record on the 14 day
of May A. D. 1917
at 10 o'clock A.M., and duly recorded in
Book 56 Page 124 of the Records
of Deeds and Mortgages of said County.
J. F. Navarro
County Clerk and Ex-Officio Recorder.

Deputy.

Fees \$



DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE

El Paso, Texas, Oct. 9, 1917.

Acting

Project Manager to the ~~Chief of Construction~~ **Director.**

Subject: Forwarding ~~contract~~ **deed** for ~~approval~~ **acceptance & filing.**

~~Agreement~~ dated **April 14, 1917.** **Rio Grande** Project.

Executed by **H. Bruhn and his wife, Elsie Bruhn.**

~~With~~

Estimated amount involved, **\$0.00** (See Gen'l Order No. 124)

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

Purpose: **Donation of 9.50 acres to U.S. as R/W Mesilla Valley**
(See instructions on back at Pars. 4 and 5) **West River Train.**

Advise Project Manager at **El Paso, Texas,**
(Post office and State)

~~and~~ ~~at~~

using extra copy or copies hereof.

Incls.

Orig. & copy of deed.
Certificate
Blue print.

H. S. Stanton,
(Signature)

~~Denver, Colo.~~ **191**

The above-described ~~contract~~ **deed** with bond, if any (see above)
has been ~~approved~~ **accepted and filed.**

CERTIFICATE.

I, D. G. Tyree, Asst. District Counsel, U. S. Reclamation Service, hereby certify that I have personally examined the official records in and for the County of Dona Ana and State of New Mexico, and that said records indicate as follows:

That H. Bruhn and Mrs. Else Bruhn, his wife, are the apparent and reputed owners of the 9.50 acres of land in the SE $\frac{1}{4}$ of Section 4, Township 26 South, Range 3 East, N. M. P. M., conveyed to the United States by quitclaim deed dated April 14, 1917;

That there are no existing mortgages, liens or other incumbrances on the land above-described;

and I further certify that the said H. Bruhn and Mrs. Else Bruhn, his wife, are in sole and exclusive possession of the property described in the aforesaid deed, claiming to be the owners and no person claiming a right in such property adverse to the grantors is in possession of any part of it.

(sd) D. G. Tyree

El Paso, Texas, September 12, 1917.

El Paso, Texas, September 25, 1917.

Mr. Henning Bruhn,

San Antonio, Texas,

Dear Sir:

On April 14, 1917, you executed to the United States a deed quitclaiming the interest of the estate of J. P. Dieter, deceased, in a strip of land containing 7.71 acres, and also a deed quitclaiming the interest of yourself and wife in a strip of land containing 9.50 acres, both parcels of land being situated in Dona Ana County, New Mexico, and being used by the United States as right of way for the Mesilla Valley East River Drain.

The United States desires to obtain good title to these strips of land and to that end I have examined the records of Dona Ana County to see if the said quitclaim deeds convey good title. The records show that the J. P. Dieter estate is the owner of the 7.71 acres of land in the $W\frac{1}{2}NW\frac{1}{4}$ of Section 10, T. 26 S., R. 3 E., described in quitclaim deed dated April 14, 1917, but no record appears in the probate proceedings that you have been duly appointed executor of the said estate and no order giving you power to convey the real estate in question appears on the records. The proceedings in the

matter of the estate of J. P. Dieter show that Minna Dieter is the executrix of this estate in that county. However, I have also examined the records in El Paso County, Texas, and they show that you have been duly appointed executor of the estate of J. P. Dieter, deceased, in that county. Your attention is called to Section 2238 of the New Mexico Statutes (1915) reading as follows:

"When an executor or administrator shall be appointed in any other State or territory or foreign country of the estate of any person dying within or without this State and no executor or administrator thereon shall be appointed in this State, the foreign executor or administrator may file an authenticated copy of his appointment in the probate court of any county in which there may be any real estate of the deceased, after which he may be authorized under an order of the court to sell real estate and other property of the deceased in the same manner and upon the same conditions and terms as are prescribed in the case of an executor or administrator appointed in this State."

The deed executed by yourself and wife covers land which you, as executor of the said J. P. Dieter estate, conveyed to yourself. As noted above the records do not show that you have authority to convey real estate of the J. P. Dieter estate in Dona Ana County and accordingly the deed does not convey good title to the United States.

I suggest that in order to clear your own title, you proceed in accordance with the provision of Section 2238, quoted above, and at the same time obtain an order of the Court for the transfer of the 7.71 acres in the $W\frac{1}{2}NW\frac{1}{4}$ of Section 10, T. 26 S. R. 3 E. to the United States.

A copy of the description of the said 7.71
acres is enclosed for your use in this connection.

Please advise whatever steps you may take in
the premises.

Yours very truly,

(sd) D. G. Tyree

Encl.

Asst. District Counsel.

El Paso, Texas, April 20, 1917.

Mr. Henning Bruhn,

San Antonio, Texas.

Dear Sir:

Referring to your letter of April 14, 1917, to Mr. Hamilton of this office, transmitting two quit claim deeds covering right of way through your land and also land owned by the Estate of J. P. Dieter, deceased.

Agreeable to your request the bridge across this drain ditch in Section 10 will be located as near half way between where the drain enters and leaves the West half of the Northwest quarter of Section 10 as possible. Likewise a bridge will be constructed across this drain ditch about midway between where the drain enters the ~~North~~ Southeast quarter of Section 4 and leaves same. The other matters indicated in your letter above referred to will be also taken care of as indicated by you.

Thanking you for your cooperation in this matter,

I am,

Very truly yours,

P. W. Dent
District Counsel

Copy to:
Mr. S. G. Kilgore,
Berino, New Mexico

El Paso, Texas, April 20, 1917.

The County Clerk,

Las Cruces, New Mexico.

Dear Sir:

There are transmitted herewith quit claim deed executed by H. Bruhn, Executor of the Estate of J. P. Dieter, Deceased, also quit claim deed executed by H. Bruhn and Mrs. Elsie Bruhn, his wife, conveying to the United States certain land required for right of way for the Mesilla Valley East River Drain; both deeds being dated April 14, 1917.

It is requested that the above mentioned deeds be recorded and returned to this office.

Very truly yours,

J. H. Hamilton

Asst. District Counsel

encs 2

El Paso, Texas, March 23, 1917.

Mr. Henning Bruhn,

San Antonio, Texas.

Dear Sir:

Referring to your letter of March 21, 1917, to Mr. S. G. Kilgore, Chairman, Right of Way Committee for the Mesilla Valley East River Drain, relative to the donation of rights of way for this drain through your land in Section 4 and a tract of land owned by the J. P. Dieter Estate in Section 10, upon certain conditions being complied with.

For your information there is transmitted herewith a plat showing the drainage ditch right of way through both of these two tracts on land, on which plat you will note, indicated in red, that a bridge will be constructed at the point where the road crosses the drainage ditch on the North line of Section 10. Another bridge will be constructed across the drainage ditch in the Northwest quarter of Section 10 at such point as may be desired by you.

On account of the land not being under irrigation at the present time, it is somewhat uncertain just where a flume across the drainage ditch, in order to irrigate the land lying on the West side thereof, should be located, but such flume or flumes as may be necessary to properly irrigate the land in both of the above mentioned tracts will be con-

El Paso, Texas, March 3, 1917.

Mr. S. G. Kilgore,

Berino, New Mexico.

My Dear Mr. Kilgore:

Agreeable to our recent conversation relative to securing rights of way for the second section of the Mesilla Valley East River Train there are transmitted herewith three plats showing right of way desired through the following tracts:

J. P. Dieter Estate	7.71 acres
C. C. Ballinger Estate	0.47 of an acre
Henning Bruhn	9.50 acres

The name of Fred Wexley, who you mentioned as being the Administrator of the Ballinger Estate, does not appear either in the new city directory of El Paso or the telephone directory, consequently I have been unable to locate him.

Anything that you may do towards securing an expression from the owners of the above tracts of land as to whether they will donate the right of way or the price they will accept for the strip of land desired by the United States will be greatly appreciated.

Very truly yours,

J. H. Hamilton
Asst. District Counsel

structed at such point or points as may be deemed most practicable with the object in view of properly and economically irrigating both of these tracts of land.

Such inlets into the drainage canal as may be necessary to take care of the natural surface drainage water will be constructed on the drainage ditch through both of the above mentioned tracts of land.

I believe the above arrangement takes care of all of the requirements indicated in your letter of March 21, 1917, to Mr. Kilgore, but if you should desire anything further along this line, I would be very glad indeed to have you so mention it.

In connection with this matter there is transmitted herewith two quit claim deeds covering the conveyance of the rights of way in question through your land and the land of the J. P. Dieter Estate, with the request that same be executed by you before a notary public and returned to this office at your convenience. If married, may I request that your wife also join with you in the execution of the deed in connection with the donation of the right of way through your land. The conveyance through land of the J. P. Dieter Estate will I presume be executed by you as Executor of this Estate. The notary fees will, of course, be paid by this office upon the notary submitting bill for same.

Assuring you of my appreciation of your courtesy
and cooperation in connection with this drainage work, I
am,

Very truly yours,

J. H. Hamilton

Asst. District Counsel

encs 3

Copy to:

Mr. S. C. Kilgore,
Berino, New Mexico.

A bridge will be constructed across drainage Canal on public road along north line of section 10, an additional bridge will be constructed across drainage canal between the north and south lines of the NW $\frac{1}{4}$ of section 10 at a point to be indicated by owners.

There seems to be no necessity of constructing a bridge across canal in property of Henning Brubaker as there will be a bridge across canal at the south line of this property and roads along south, west & east sides.

It does not seem to be necessary to construct more than one flume to irrigate all land in sections 4 & 10 lying between the drainage Canal and railroad, as the water will probably be brought from east to west and it seems reasonable that these property owners could make an agreement among themselves to use one lateral.

Necessary inlets will be constructed to take care of natural surface drainage, but it is not the intention of the Service to provide inlets to take care of excess irrigation water or permit waste water from irrigation.

laterals or canals to flow into drainage canals

The irrigation water should not be applied to the land in a manner that would make surface drainage necessary

Perino, N M March 28th 1917

Mr J H Hamilton, Asst. Dist. Counsel U S R S

El Paso, Texas

Dear Sir:

I am enclosing enclosing Mr Bruhn,s letter in which
he states that he will give land under certain conditions
which -I understand the government is willing to comoly with
where the land is donated for right-of-way for drainage canal
Trusting this is satisfactory I am

Yours truly

A. B. Kilgore