

10
DEAL, FRANK

Statutory R of W.

Agreement to build bridge
and surface drain inlets

056

EAST DRAIN NO. 11

0023-00

60
-0007-00

Donner

780

Western Grocery Company, Inc.

Wholesale Grocers.

Importers and Jobbers in General Merchandise

Southeast Corner El Paso and 7th Streets

PHONE 1680

El Paso, Texas.

Mr. Deal will grant right of way on the following conditions:

- 1., He wants fence rebuilt W. of right of way. ✓
- 2., Drainage box 1310 feet north of south line of fence. *Will look up.*
- 3., Drainage box on line with south fence on N. side of road. *Will look up.*
- 4., Four foot ditch from drain box (see above # 2) to arroyo about 1100 feet west.
- 5., Bridge on road on south line of his land, going from R. R. *yes* track west.

On these conditions he will grant right of way.

Have R. of Way under homestead act.

NOT
INDEXED & ASSUMED
NOT RECORDED
Jg

Right of Way for Mesilla Valley East River Drain

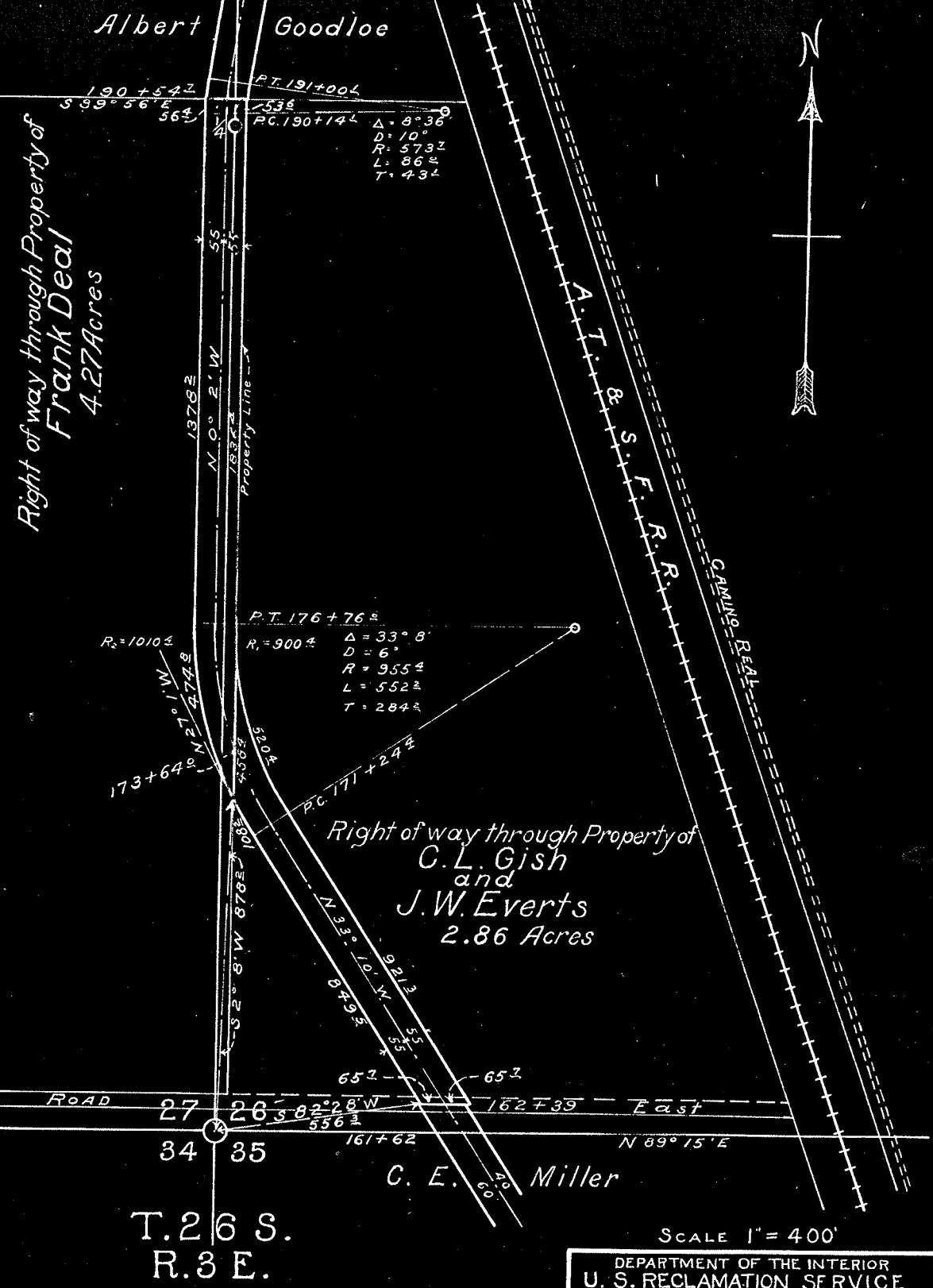
A lot or parcel of land or real estate, situate, lying and being in the County of Dona Ana, State of New Mexico, to-wit:

A tract of land situated in the East one-half of the South-east quarter ($E\frac{1}{2}SE\frac{1}{4}$) of Section twenty-seven (27) and the West one-half of the Southwest quarter ($W\frac{1}{2}SW\frac{1}{4}$) of Section twenty-six (26), Township twenty-six (26) South, Range three (3) East, N.M.P.M., more particularly described as follows: Beginning at the Southeast corner of the tract of land herein described, being a point on the boundary line between land of Frank Deal and a tract of land owned by C. L. Gish and J. W. Everts, and from which point the Southeast corner of said Section twenty-seven (27) bears South $2^{\circ} 08'$ West a distance of eight hundred seventy-eight and two-tenths (878.2) feet; running thence around a curve to the right of one thousand ten and four-tenths (1010.4) feet radius, the tangent to which at this point bears North $27^{\circ} 01'$ West, a distance of four hundred seventy-four and eight-tenths (474.8) feet, measured on 100 foot chords; thence North $0^{\circ} 02'$ West a distance of one thousand three hundred seventy-eight and two-tenths (1378.2) feet to a point on the boundary line between land of Frank Deal and land of Albert Goodloe; thence along said boundary line South $89^{\circ} 56'$ East a distance of fifty-six and four-tenths (56.4) feet to Station 190 plus 54.7 on the center line of the Mesilla Valley East River Drain; thence on same course a distance of fifty-three and six-tenths (53.6) feet to a point on the boundary line between land of Frank Deal and a tract of land owned by C. L. Gish and J. W. Everts; thence along said last named boundary line South $0^{\circ} 02'$ East a distance of one thousand eight hundred thirty-six and four-tenths (1836.4) feet to place of beginning, containing four and twenty-seven hundredths (4.27) acres, more or less.

Checked as to Engineering Data, W.H.P.

Vendor

Project Manager



El Paso, Texas, September 7, 1916.

Mr. Frank Deal,

Ramona Hotel,

El Paso, Texas.

Dear Sir:

Referring to the question of securing a right of way through your land for the Mesilla Valley East River Drain, there is transmitted herewith form 7-263, as it appears that the land in question was entered subsequent to October 2, 1888.

In connection with the construction of the above mentioned drain it will be the purpose of this Service to place the drainage intake boxes in such a manner as to take care of drainage water from your land. A bridge will be constructed by the United States at a point where the road on the South side of your land crosses the proposed drain, and the fence along the West right of way line will be rebuilt.

Very truly yours,

E. H. Baldwin

Project Manager

SUBJECT: Right of way for ditches and canals.

**DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE**

El Paso, Texas, September 7, 1916

Mr. Frank Deal,

Remona Hotel,

El Paso, Texas.

Sir:

The Reclamation Service, established under authority of the Secretary of the Interior, in pursuance of the act of Congress of June 17, 1902, known as the reclamation act (32 Stat., L. 388) and acts amendatory thereof or supplementary thereto, is about to undertake the construction of a ditch or canal across lands in ²⁷Section ²⁶, T. 26 S., R. 3 E., N.M.P. M., of which it is understood you have made entry or are the owner.

An examination of the records of the United States Land Office shows that entry for this land was made subsequent to October 2, 1888, and that it is accordingly subject to the following provision of law:

"That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States." (Act of Aug. 30, 1890-26 Stat. L., 391.)

The entries or claims validated by that act are such as may be asserted under entries made subsequent to October 2, 1888, as held by the Department in the circular of October 5, 1893. (See Vol. 17, p. 521, of the Decisions of the Department of the Interior relating to public lands.)

It is intended to exercise the right conferred by this law, and to take the necessary right of way across the said lands for the construction and maintenance of the ditch or canal required in connection with the reclamation work authorized under the act of June 17, 1902.

For information concerning the location of the proposed canal or ditch you are referred to the engineer in charge,

Mr. F. M. Hough, at El Paso, Texas

Very respectfully,

F. H. Baldwin

Project Manager ~~Director~~

Copy to:

Mr. F. M. Hough

JHH

El Paso, Texas, August 21, 1916.

Mr. S. G. Kilgore,

Berino, New Mexico.

Dear Sir:

On August 14, 1915, office letter was written you in which you were advised that Mr. Frank Deal wanted \$150.00 to \$160.00 per acre for what land was required by the United States for right of way for the Mesilla Valley East River Drain, and it was suggested in that letter that it would be advisable for you to come down and see Mr. Deal yourself in connection with securing this right of way.

The matter of securing this right of way from Mr. Deal is very important and if a contract is not secured very soon the work in connection with constructing this drain will be held up, as the excavator will reach Mr. Deal's land very soon.

Very truly yours,

P. W. Dent

District Counsel

El Paso, Texas, August 14, 1916.

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

Dear Sir:

Referring to the last paragraph of your letter of August 1, 1916, will say that we finally succeeded in seeing Mr. Frank Deal and after explaining the matter fully to him he stated that he would want \$150. or \$160. per acre for the land included in the portion of the Mesilla Valley East River Drain located through his tract of land. It would therefore seem advisable for you to come down and see him personally. As you are probably aware, he is a conductor on the E. P. & S. W. Railroad and it is therefore only possible to see him at certain times. He leaves to-night on his run and will return the evening of August 16 and will be in town during the 17th. He stated that he could see you on the morning of August 17.

Very truly yours,

F. W. Dent H

District Counsel