

**70** DIETER, J. P. & ESTATE OF

**056**  
DONATION R/W FOR MESILLA VALLEY EAST RIVER DRAIN #17  
EAST DRAIN

QUITCLAIM DEED

RIO GRANDE **0023-00** **58** -0007-00

THE STATE OF NEW MEXICO

COUNTY OF Dona Ana

THIS INDENTURE, made the 14th day of April, 1918, and initialed at changes. Re-executed 1/5/18 between H. Bruhn, Executor of the Estate of J. P. Dieter, Deceased, & Attorney-in-fact for Minna Dieter, formerly widow of J. P. Dieter, deceased, the United States of America, acting pursuant to the Act of Congress of June 17, 1902 (32 Stat., 388) part y of the second part.

Witnesseth: That the said party y 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 him in hand paid by the said party y of the second part, the receipt whereof is hereby acknowledged, do ~~es~~ by these premises demise, release and forever quitclaim unto the said party y of the second part, and to its successors ~~here~~ 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 West half of the Northwest quarter (W1/2NW1/4) of Section ten (10), 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 358 plus 60.3 of said aforementioned center line, being a point on the property line between land belonging to the Estate of J. P. Dieter, deceased, and land of Otto Stege, said property line having a bearing of North 89° 56' East, and from which point the Southwest corner of the tract of land herein described bears South 89° 56' West sixty and seven-tenths (60.7) feet distant, and from said Southwest corner the Northwest corner of said Section ten (10) bears North 25° 06' West two thousand nine hundred and seven-tenths (2900.7) feet distant; running thence North 8° 45' West a distance of one hundred thirty-three and six-tenths (133.6) feet; thence to the left on a curve of five hundred seventy-three and seven-tenths (573.7) feet radius a distance of one hundred ninety-eight and seven-tenths (198.7) feet, measured on 100-foot chords; thence North 28° 37' West a distance of two thousand four hundred sixty-six and six-tenths (2466.6) feet to Station 386 plus 59.3 of said aforementioned center line of the Mesilla Valley East River Drain, being a point on the property line between land belonging to the Estate of J. P. Dieter, deceased, and land of the Estate of C. C. Ballinger, deceased, said property line having a bearing of North 0° 15' West, and from which point the Northeast corner of the tract of land herein described bears North 0° 15' West one hundred twenty-six and three-tenths (126.3) feet distant, and from said Northeast corner the Northwest corner of said Section ten (10) bears North 59° 13' West thirty (30.0) feet distant; said tract of land containing seven and seventy-one hundredths (7.71) 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 party y of the second part, and unto its successors ~~here~~ and assigns, forever.

In Witness Whereof, the said party y of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of E. J. Braswell

H. Bruhn (L. S.)  
Executor of the Estate of J. P. Dieter, deceased. (L. S.)

E. J. Braswell 1/15/18.

H. BRUHN (L. S.)  
Attorney-in-fact for Minna Dieter, formerly widow of J. P. Dieter, Richter, dec'd.

Texas  
STATE OF NEW MEXICO } ss.  
County of Bexar

On this 14th day of April 1917, before me personally appeared Henning Bruhn, Executor of the Estate of J. P. Dieter, deceased, and attorney-in-fact for Minna Dieter Richter, formerly widow of J.P. Dieter deceased.  
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. and in the capacity therein set forth.

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 NEW MEXICO } ss.  
County of

On this day of 191, before me personally appeared

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

Quit Claim Deed

# 18168

H. Bruhn Ex'r.

TO

W. A.

Compared

STATE OF NEW MEXICO } ss.  
County of Bexar

I hereby certify that this instrument was  
filed for record on the 14 day  
of May A. D. 1917  
at 1 o'clock P.M., and duly recorded in  
Book 56 Page 123 of the Records  
of Deeds and Mortgages of said County.  
J. J. Morales  
County Clerk and Ex-Officio Recorder.

Deputy.

Fees \$

POWER OF ATTORNEY

Recorded Book 103 - page 227,  
Deed Records, El Paso, County,  
Texas.

KNOW ALL MEN BY THESE PRESENTS: That

WHEREAS, the community estate of J. P. Dieter, deceased, and Minna Dieter, late residents of the City of El Paso, in the State of Texas, is indebted in large sums of money to divers persons and,

WHEREAS, the said debts, thru the prudent management of said community estate and of the separate property of said Minna Dieter will, probably, be paid off and discharged within the period of eight years from the date of said presents, and,

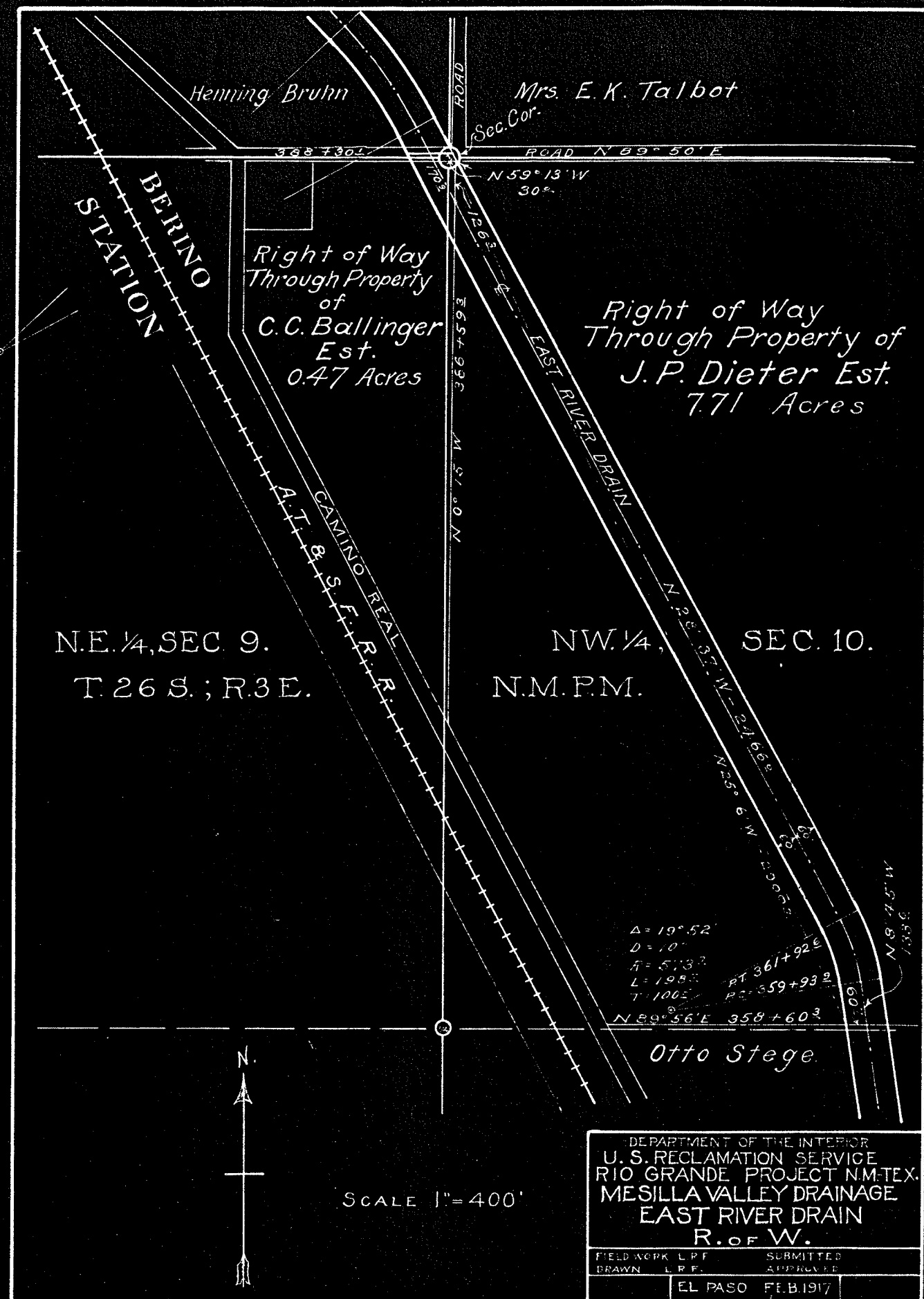
WHEREAS, the said Minna Dieter desires to apply both her said separate and community property to the payment of said debts, and by this instrument secure such payment, and,

WHEREAS, the said Minna Dieter desires to effectuate the said wishes and intentions thru the instrumentality of her brother, Henning Bruhn, of the City of San Antonio, County of Bexar and State of Texas, and \* \* \* \* \*

NOW THEREFORE, I the said Minna Dieter, have appointed and by these presents do appoint my said brother, Henning Bruhn, trustee and my true and lawful agent and attorney in fact, and hereby authorize and empower my said trustee and attorney for me and in my name: \* \* \* \* \*

To act as my attorney or agent in relation to the premises and all other matters in which I may be interested or concerned, and to execute all such instruments, and to do all such acts and things as fully and effectually in all respects as I myself could do if personally present. etc.

Dated December 12, 1908. (This power of attorney was evidently for the purpose of settling up the estate and according to its tenor was to terminate in eight years).



DEPARTMENT OF THE INTERIOR  
UNITED STATES RECLAMATION SERVICE

OFFICE OF  
DISTRICT COUNSEL

El Paso, Texas, Jan.17, 1918.

The County Clerk,  
Las Cruces, New Mexico.

Dear Sir:

Pursuant to a telephone conversation had with you some time ago, I am returning a certain quit-claim deed executed by H. Bruhn as Executor of the Estate of J. P. Dieter, deceased, and Attorney in fact for Minna Dieter Richter, dated April 14, 1917, with the request that you make the proper changes on the record showing execution of the deed in the dual capacity of Executor and Attorney-in-Fact, in accordance with the changes noted on the deed.

Your courtesy in this matter will be greatly appreciated as under the existing circumstances, this being a donation deed, the second execution as noted appeared to be the most practicable way of validating the deed, the re-execution not being contemplated before the deed was recorded.

Very truly yours,

*A. B. Prewitt*  
Asst. District Counsel.

Dear Sir

January 18, 1918.

I am returning you herewith the U. S. Deed of H. Bruhn, Executor etc to U. S. the proper changes were made on the record.

Yours truly, *J. J. [Signature]*  
County Clerk.

El Paso, Texas, Jan.17, 1918.

The County Clerk,

Las Cruces, New Mexico.

Dear Sir:

Pursuant to a telephone conversation had with you some time ago, I am returning a certain quit-claim deed executed by H. Bruhn as Executor of the Estate of J. P. Dieter, deceased, and Attorney in fact for Minna Dieter Richter, dated April 14, 1917, with the request that you make the proper changes on the record showing execution of the deed in the dual capacity of Executor and Attorney-in-Fact, in accordance with the changes noted on the deed.

Your courtesy in this matter will be greatly appreciated as under the existing circumstances, this being a donation deed, the second execution as noted appeared to be the most practicable way of validating the deed, the re-execution not being contemplated before the deed was recorded.

Very truly yours,

Asst. District Counsel.

HENNING BRUHN  
EXECUTOR J. P. DIETER ESTATE  
AND AGENT OF  
MRS. MINNA DIETER-RICHTER  
SAN ANTONIO, TEXAS

January 15, 1918.

Mr. A. B. Preuss,

Ass't District Counsel,

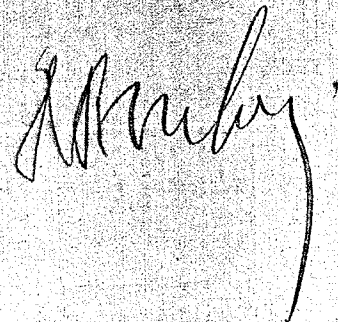
Dep't of the Interior, U. S. Reclamation Service,

El Paso, Texas.

Dear Sir:-

In compliance with your request of the 7th inst., I herewith return Quit-  
Claim Deed, executed by me on April 14, 1917, as Executor of the J. P. Dieter Estate,  
donating certain land to the United States for right of way purposes, and have now exe-  
cuted the same in the capacity of Attorney in Fact for Mrs. Richter, which I trust you  
will find satisfactory.

Yours truly,



Enc.

CJG



El Paso, Texas, Jan. 7, 1918.

Mr. H. Bruhn,

San Antonio, Texas.

Dear Sir:

In accordance with instructions from the Chief Counsel, U. S. Reclamation Service, at Washington, D. C., I am herewith returning quit-claim deed executed by you on April 14, 1917, as Executor of the J. P. Dieter Estate, donating certain land to the United States for right of way purposes, with the request that you re-execute this deed in the capacity of attorney-in-fact for Mrs. Richter in addition to that of Executor of the estate.

This has been deemed necessary in view of the fact that there is no record of your appointment as Executor of the Estate of J. P. Dieter, deceased, in New Mexico where the land covered by the deed, is situated; and for the further reason that even should a certified copy of the order appointing you executor of said estate be recorded in New Mexico, a conveyance by you as such executor would not be valid without an order of court to sell as Mr. Dieter's will does not empower his executor generally to sell land belonging to his estate, and an order to sell at this time would be impossible as the parties in interest could not be reached by citation.

If you will kindly execute the deed in the other capacity herein mentioned and initial the changes in the body of the deed as noted: also, if possible, have the Notary Public who acknowledged your former execution of the deed, initial the interlineation on the former acknowledgment on back of deed, showing date of such later act and sealing same; your courtesy will be greatly appreciated as this appears to be the best way out of the difficulty.

When deed is returned, it will be transmitted to recorder for change in the record.

Thanking you for your cooperation and kindness,  
I am,

Very truly yours,

Asst. District Counsel.

DEPARTMENT OF THE INTERIOR  
UNITED STATES RECLAMATION SERVICE

WASHINGTON, D. C.

From Acting Chief Counsel

January -2, 1918.

To District Counsel, El Paso, Texas.

Subject: Donation deed of April 14, 1917, for 7.71 acres H.  
Bruhn, Executor of J. P. Dieter, Estate - right  
of way for drain, Rio Grande Project.

1. Replying to letter of November 20, 1917, on the above subject, I am returning herewith the donation deed of April 14, 1917, conveying 7.71 acres, in order that action may be taken in accordance with your suggestion that said deed be executed by Henning Bruhn as attorney in fact for Minna Dieter Richter, widow of J. P. Dieter, deceased, and as executor of the estate of J. P. Dieter, deceased."

2. While this conveyance is not very satisfactory, inasmuch as the land is donated and nothing better can reasonably be had, and no expensive structures are to be erected upon the property conveyed, the deed will have to suffice, when executed as above suggested.

*Ottawa Hamel*

enc.

El Paso, Texas, Nov. 20, 1917.

From Asst. District Counsel, A. B. Preuss,  
To Chief Counsel, Washington.  
Subject: Donation Deed dated April 14, 1917, right of way  
Mesilla Valley East River Drain, executed by H.  
Bruhn, Executor J. P. Dieter Estate.

1. Reference is made to letter of Acting Chief Counsel dated November 8, 1917, relative to donation deed above described.

2. The will of J. P. Dieter, deceased, does not empower the executor to sell or convey real estate thereunder: neither does the order of court appointing H. Bruhn executor empower him to sell or convey real estate belonging to the estate of said testator.

3. The filing of a certified copy of said order of court appointing H. Bruhn executor would serve no purpose as it would be impossible at the present time to reach the parties in interest by citation, the widow of the deceased Dieter having subsequent to Bruhn's appointment, married a citizen of Germany where she is now residing with her children some of whom may be minors, and for whom she is acting as guardian.

4. In view of the fact that Mrs. Dieter is the guardian of the estates of her children; that she appointed Henning Bruhn (who is her brother) her attorney in fact in 1908; and that according to the records of Dona Ana County, New Mexico, where the land in question lies, she is still executor of the J. P. Dieter Estate in that county: and that, also, the power of attorney referred to, sets forth that Henning Bruhn is authorized -

"To act as my attorney or agent in relation to the premises and all other matters in which I may be interested or concerned, and to execute all such instruments, and to do all such acts and things as fully and effectually in all

respects as I myself could do if personally present,"

and this power of attorney appears to be in effect at the present time as indicated by the caption on letter of recent date from Mr. Bruhn reading - "Henning Bruhn, Executor J. P. Dieter Estate and Agent of Mrs. Minna Dieter-Richter:"

it is suggested that the original deed be returned for re-execution by Henning Bruhn in both capacities - as agent for Mrs. Richter and as executor of the estate, or that a new deed be prepared and executed by Mr. Bruhn as agent or attorney for Mrs. Richter (Mrs. Minna Dieter-Richter). In the event that the present deed is to be changed and still used, the records can be modified to agree.

5. If the above suggestion does not meet with your approval, further instructions are requested.

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DEPARTMENT OF THE INTERIOR  
UNITED STATES RECLAMATION SERVICE

WASHINGTON, D. C.

November -8, 1917.

**From** Acting Chief Counsel  
**To** District Counsel, El Paso, Texas.  
**Subject:** Donation deed April 14, 1917, right of way, Mesilla Valley,  
East River Drain.

1. Form letter of October 9, 1917 from the Project Manager at El Paso transmits above donation deed executed by H. Bruhn as executor of the estate of J. P. Dieter, deceased. The papers are accompanied by certificate from the Assistant District Counsel that H. Bruhn, who, according to the records of El Paso County, Texas, was duly appointed as independent executor of the last will and testament of J. P. Dieter, has refused to have his order of appointment recorded in Dona Ana County where the right of way is located, or to secure order of court to convey.

2. The Assistant District Counsel requests advice relative to further steps to be taken with a view to perfecting title.

*No for 1112*  
3. As this land is transferred to the United States without consideration it is suggested that a copy of the will of the deceased be examined to ascertain whether the executor is empowered to convey real estate thereunder. If such is not the case, copy of the order of court granting such authority should be examined. It is also requested that you consider the effect of your filing in Dona Ana County a certified copy of said court order.

4. It is also requested that this office be advised whether there are any minor heirs of the deceased, in which case please consider the advisability of obtaining an order from the court authorizing conveyance of land on behalf of such minor heirs.

Copy to C. of C.  
P.M., El Paso.

*J.H. Holey at*

CERTIFICATE

I, A. B. Preuss, Asst. District Counsel U. S. Reclamation Service, hereby certify that on March 15, 1909, H. Bruhn was duly appointed by the Probate Court of El Paso County, Texas, as independent executor of the last will and testament of J. P. Dieter, deceased, as shown by the records of said county, but that no appointment of said H. Bruhn as such executor is of record in Dona Ana County, New Mexico, where the land described in accompanying quitclaim deed is located;

That under Section 2238 of the New Mexico Statutes (1915) a foreign executor may file an authenticated copy of his appointment in the probate court of any county of the state in which there may be real estate of the deceased and after order of court sell or convey such property;

That said H. Bruhn, executor, has been so advised and requested to conform to the statute;

That under date of September 27, 1917, said Bruhn declined to have said order of appointment recorded in Dona Ana County, New Mexico, and to secure order of court to convey;

That deed of said Bruhn as executor is forwarded with the request that I be advised as to any further steps to be taken with a view to perfecting title.

El Paso, Texas,  
October 9, 1917.

A. B. Preuss



DEPARTMENT OF THE INTERIOR  
UNITED STATES RECLAMATION SERVICE

Acting  
Project Manager to the Chief of Construction.  
El Paso, Texas, October 9, 1917.  
~~XXXXXXXXXXXXXXXXXXXX~~ Director.

Subject: Forwarding ~~co~~ deed ~~XXXXXX~~ for approval.  
~~XXXXXX~~ acceptance & filing.

Agreement dated April 14, 1917. Rio Grande Project.

Executed by H. Bruhn, Executor of Estate of J.P. Dieter, Dec'd.

With  
~~XXXX~~

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

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

Purpose: Donation of 7.71 acres to U.S. as R/W Mesilla  
Valley East River Drain.  
(See instructions on back at Pars. 4 and 5)

Advise Project Manager at El Paso, Texas,  
and D.C. at El Paso, Texas  
CHIEF OF CONSTRUCTION  
using extra copy or copies hereof. DENVER, COLORADO.

Incls.

Orig & copy of deed.  
2 certificates.  
Blue print.

H. S. Stanton  
(Signature)

Denver, Colo. 1917  
~~XXXXXXXXXXXXXXXXXXXX~~

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

FEB 1 1918

Director

Chief of Construction  
~~XXXXXXXXXXXX~~

See office letter  
of 1/11/17 to D.C. El Paso, Texas

HENNING BRUHN  
EXECUTOR J. P. DIETER ESTATE  
AND AGENT OF  
MRS. MINNA DIETER-RICHTER  
SAN ANTONIO, TEXAS

U. S. Reclamation Service  
RECEIVED  
SEP 29 1917  
EL PASO, TEXAS.

September 27, 1917.

Department of the Interior,  
U. S. Reclamation Service,  
El Paso, Texas.

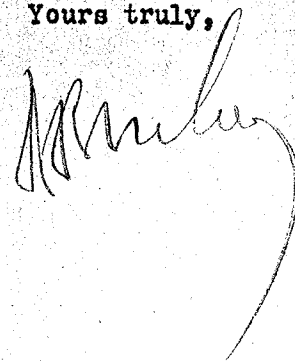
Gentlemen:-

I am in receipt of your favor of the 25th inst., referring to the title to certain land in New Mexico, deeded to me as Executor of the Estate of J. P. Dieter.

Inasmuch as the records of El Paso County show that I am the lawful Executor of said Estate, I am not interested in going into the matter of having my power of attorney recorded in New Mexico, nor in securing an order from the court to pass title to 7.71 acres of land, as you suggest.

However, if the Department of the Interior wishes to go to the expense of recording my power of attorney, it will be satisfactory to me. In such case, please prepare the necessary papers and send them to me, and they will have my attention. You can, of course, get a copy of the power of attorney etc. from the El Paso County records.

Yours truly,



EJB-CJG



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 $\frac{1}{4}$ 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. C. Tyree

Encl.

Asst. District Counsel.

JHH

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. Else 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, 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

HENNING BRUHN  
EXECUTOR J.P. DIETER ESTATE  
AND AGENT OF  
MRS. MINNA DIETER-RICHTER  
SAN ANTONIO, TEXAS

April 14, 1917.

Mr. J. H. Hamilton,  
Assistant District Counsel,  
El Paso, Texas.

Dear Sir:-

I am in receipt of your favor of March 29th, and referring to the blue print enclosed therein I note that you will construct a bridge where the road crosses the drain, at the corner of Sections 4 & 10. I also note that you will construct a bridge across the drain in Section 10, at any place indicated by owner, and I, therefore, request that you put the bridge as near the middle of the section as possible, that is, half way between where the drain enters the section and where it leaves same. I also wish to have a bridge constructed across the drain in Section 4, half way, as described above.

I note further that you will construct such flumes as will be necessary to properly irrigate both, Sections 4 & 10, as well as construct such inlets in the drainage canal as may be necessary to take care of the natural surface draining water.

I am enclosing herewith Quit Claim Deeds, properly signed, and acknowledged, covering right of way through the two sections referred to.

Thanking you for your interest in the matter, I beg to remain, dear Sir,

Yours truly,

*H. Bruhn*  
B

Enc.

CJG  
cc SGK.

El Paso, Texas, March 29, 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-



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. G. Kilgore,  
Berino, New Mexico.

HENNING BRUHN  
EXECUTOR J. P. DIETER ESTATE  
AND AGENT OF  
MRS. MINNA DIETER-RICHTER  
SAN ANTONIO, TEXAS

March 21, 1917.

Mr. S. G. Kilgore,

Berino, N. M.

Dear Sir:-

Replying to your letter of the 8th inst., with reference to securing right of way for the drainage canal through the property of the J. P. Dieter Estate and that of myself, I beg to advise that, as per your request, I will donate 17.21 acres necessary for this canal, provided the government, in constructing same, will build as many flumes over the canal as are necessary for the convenient irrigation of the land referred to above, on both the East and West side of the canal; and also build as many bridges as may be deemed proper for easy access to the land; also necessary inlets for the disposal of any surplus water that might lodge on any of this land, from any cause.

I trust that this proviso will be in keeping with the ideas of the government construction department, and hoping that same is satisfactory to you, I beg to remain, dear Sir,

Yours truly,

*H. Bruhn*  
12

Perino, N M March 8th 1917

Mr J H Hamilton, Asst. Dist. Counsel, N M R S

El Paso, Texas

My Dear Mr Hamilton

I am in receipt of yours of 3rd Inst. enclosing plans of canal thro Dieter Estate, Ballinger Estate and Henning Bruhn

I have written all of these parties except agent of the Ballinger Estate and I understand that he is going to transfer the land to D J Jones of Long Beach Cal. the former owner so I have written Mr Jones.

You will find Mr F C Werckele at the Santa Fe Fuel Company his place of business in case you desire to see him about this matter

Yours truly

*A. G. Kilgore*

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 Drain there are transmitted herewith three plats showing right of way desired through the following tracts:

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

The name of Fred Werkley, 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

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 the said records indicate as follows:

That the representatives of the Estate of J. P. Dieter, deceased, are the apparent and reputed owners of the 7.71 acres of land in the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 10, 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 representatives of the Estate of J. P. Dieter, deceased, 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 said Estate is in possession of any part of it.

(sd) D. G. Tyree

El Paso, Texas, September 12, 1917.

Subject: Forwarding ~~conflict~~ for approval.

Agreement dated

APR 11 14. 1917.

110 000 000

Project.

11. Bruhn, Element of Notate of J. P. Dieter, 1800'd.

Estimated amount involved, \$\_\_\_\_\_

(See Gen'l Order No. 124)

Accompanied by bond and two copies.

(Strike out if no bond transmitted)

Purpose:

(See instructions on back at Pars. 4 and 5)

Advise Project Manager at:

(Post office and State)

and \_\_\_\_\_ at \_\_\_\_\_

**SECRET**

001 002 003 004 005 006 007 008 009 010 011 012 013 014 015 016 017 018 019 020 021 022 023 024 025 026 027 028 029 030 031 032 033 034 035 036 037 038 039 040 041 042 043 044 045 046 047 048 049 050 051 052 053 054 055 056 057 058 059 060 061 062 063 064 065 066 067 068 069 070 071 072 073 074 075 076 077 078 079 080 081 082 083 084 085 086 087 088 089 090 091 092 093 094 095 096 097 098 099 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 101

using extra copy or copies hereof.

Orig & copy of deed.  
2 certificates.  
Blue print.

H. S. Stanton  
(Signature)

Signature \_\_\_\_\_

Denver, Colo., \_\_\_\_\_, 191

191

The above-described contract with bond, if any (see above)

has been approved.

~~RECEIVED~~ accepted and filed.

8—4548

Director

*Chief of Construction.*

ORDER OF COURT EL PASO COUNTY APPOINTING HENNING BRUHN  
INDEPENDENT EXECUTOR OF THE ESTATE OF J. P. DIETER, DECEASED.

Estate of )  
J. P. Dieter, ) No.1218.  
Deceased. )

This 15th day of March 1909, coming on to be heard the application of Henning Bruhn to be appointed executor without bond and independent of the Probate Court of the last will and testament of J. P. Dieter, deceased, and it appearing to the court that citation upon said application had been issued, served and published in accordance with law; that said J. P. Dieter is dead; that four years have not elapsed since the decease of said Dieter prior to said application; that this court has jurisdiction of said estate; that the said will of said J. P. Dieter has been proved as prescribed by law; that said Henning Bruhn is named as such independent executor without bond in said will; and that he is not disqualified by law.

IT IS THEREFORE Considered by the court, and it is so ordered, adjudged and decreed that the said application of said Bruhn shall be and it is hereby granted, and the said Henning Bruhn shall be and he is hereby appointed independent executor without bond of the said last will and testament of said J. P. Dieter, deceased; and that letters testamentary

issue to said Henning Bruhn as such.

IT IS FURTHER Considered by the court and it is so ordered that C. Bremme, L. M. Turner and Fred Lemley shall be and they are hereby appointed appraisers of the said estate of J. P. Dieter, deceased.



El Paso, Texas, Feb. 6, 1918.

From Asst. District Counsel, A. B. Preuss,  
To Chief Counsel, Washington.  
Subject: Donation deed of April 14, 1917, for 7.71 acres of  
land, executed by H. Bruhn, Executor of J.P. Dieter  
Estate, right of way, Mesilla Valley East River Drain,  
Rio Grande Project.

1. Reference is made to letter of Acting Chief  
Counsel of the 1st instant, requesting duplicates of  
certificates and blue print to be filed with deed above  
described.

2. Original certificates and blue print pertaining  
to said deed are herewith inclosed, they having been inad-  
vertently retained in the files of this office when corrected  
deed was transmitted to you.

- - -

Incs.

2 Certificates

Blue Print

(Donation Deed dated April 14, 1917, HL Bruhn, Ex., etc)

DEPARTMENT OF THE INTERIOR  
UNITED STATES RECLAMATION SERVICE

WASHINGTON, D. C.

February -1, 1918.

From Acting Chief Counsel

To District Counsel P. W. Dent, El Paso, Texas.

Subject: Donation deed of Apr. 14, 1917, for 7.71 acres of  
H. Bruhn, Executor of J. P. Dieter Estate-  
right of way Mesilla Valley East River Drain,  
Rio Grande Project.

1. Your letter of Jan. 21, 1918, returning the  
above mentioned quitclaim deed, corrected, has been re-  
ceived, and the deed is accepted.

2. Blue print and certificates accompanying the  
deed upon its first submission under Project Manager's  
form letter of Oct. 9, 1917, have been misplaced in this  
office. Please send copies of the same in order that our  
records may be complete.

*Thomas Hamble*