

FRANKLIN IRRIGATION COMPANY

(10-14-12)

FRANKLIN CANAL

0023-00-0002-00

BIO GRANDE PROJECT

See Map Nos. 1-(2), 2-(10), 3-(1), 4-(1), 5-(1), 6-(1), 7-(1), 9-(1), 12-(1), 14-(1), 16-(1), 17-(13), 19-(6), 20-(1), 21-(1)

770 5  
W.D. 48807

203/455

Book & Page

THIS INDENTURE, Made this 14th day of October,  
in the year of our Lord one thousand nine hundred and twelve  
between the Franklin Irrigation Company, a corporation duly  
organized and existing under and by virtue of the laws of the  
State of Texas, having its office and principal place of  
business in the city of El Paso in the said State of Texas,  
acting by and through Felix Martinez, its President, there-  
unto duly authorized, party of the first part, and the United  
States of America, acting pursuant to the provisions of the  
act of Congress approved June 17, 1902 (32 Stat., 388), party  
of the second part-

WITNESSETH: That-

The said party of the first part, for and in consideration  
of the sum of one hundred and twenty thousand dollars (\$120,000),  
lawful money of the United States of America, to it in hand  
paid by the said party of the second part, the receipt whereof  
is hereby confessed and acknowledged, has granted, bargained,  
sold, remised, conveyed, released and confirmed, and by these  
presents does hereby grant, bargain, sell, remise, convey, re-  
lease and confirm unto the said party of the second part, its  
successors and assigns forever:

All that certain water-way or canal for irrigating purposes, formerly known as the "El Paso Irrigation Canal," and more particularly described as follows: Beginning at a point on the east bank of the Rio Grande whence the cupola of the Union Station in the city of El Paso, Texas, bears south  $73^{\circ} 58'$  east 2752 feet, and whence the cupola on the United States Postoffice in said city of El Paso bears south  $87^{\circ} 15'$  east 4988 feet;

Thence south  $56^{\circ} 30'$  east 1032 feet;

Thence south  $51^{\circ} 30'$  east 691 feet;

Thence south  $48^{\circ} 50'$  east 4248 feet to an intersection with the center line of Eighth Street;

Thence north  $74^{\circ} 30'$  east along the center line of said Eighth Street, a distance of 6408 feet;

Thence north  $36^{\circ} 30'$  east 170 feet;

Thence north  $3^{\circ} 35'$  east 225 feet;

Thence north  $17^{\circ} 45'$  east 1114 feet;

Thence north  $6^{\circ} 55'$  west 1058 feet;

Thence north  $24^{\circ} 21'$  east 627 feet;

Thence north  $0^{\circ} 10'$  west 1203 feet to an intersection with the center line of East Canal Street;

Thence north  $52^{\circ} 45'$  east along said East Canal Street, a distance of 3095 feet;

Thence south  $89^{\circ} 40'$  east 4972 feet to the west boundary line of Washington Park;

Thence south  $0^{\circ} 15'$  west 1135 feet along the west boundary line of said Washington Park;

Thence north  $83^{\circ} 45'$  east 4876 feet;

Thence north  $45^{\circ} 15'$  east 563 feet;

Thence north  $75^{\circ} 53'$  east 1595 feet;

Thence north  $79^{\circ} 40'$  east 347 feet;

Thence south  $65^{\circ} 22'$  east parallel with the county road, a distance of 2550 feet;

Thence north  $88^{\circ} 20'$  east 2522 feet;

Thence south  $20^{\circ} 40'$  east 1473 feet;

Thence south  $54^{\circ} 21'$  east 675 feet;

Thence south  $35^{\circ} 10'$  east 410 feet;

Thence south  $50^{\circ} 18'$  east 1190 feet;

Thence south  $45^{\circ} 0'$  east, parallel with the G. H. & S. A. Ry. track, a distance of 11,400 feet;

Thence south  $45^{\circ} 15'$  east parallel with the G. H. & S. A. Ry. track, a distance of 5460 feet;

Thence south  $9^{\circ} 30'$  east 2385 feet;

Thence south  $46^{\circ} 35'$  east 1755 feet to a point opposite the town of San Jose;

Thence south  $37^{\circ} 24'$  east 107 feet;

Thence south  $46^{\circ} 44'$  east 3263 feet;

Thence south  $40^{\circ} 48'$  east 630 feet;

Thence south  $46^{\circ} 40'$  east 2348 feet;

Thence south  $55^{\circ} 54'$  east 190 feet;

Thence south  $45^{\circ} 40'$  east 2610 feet;

Thence south  $34^{\circ} 50'$  east 190 feet;  
Thence south  $46^{\circ} 25'$  east 735 feet;  
Thence south  $43^{\circ} 43'$  east 650 feet;  
Thence south  $40^{\circ} 36'$  east 468 feet, to a point opposite  
the town of Ysleta;

Thence south  $37^{\circ} 20'$  east 4680 feet;  
Thence south  $37^{\circ} 12'$  east 5815 feet;  
Thence south  $29^{\circ} 30'$  east 355 feet;  
Thence south  $36^{\circ} 26'$  east parallel with the county road  
3235 feet;

Thence south  $38^{\circ} 0'$  east, parallel with the county road  
1086 feet;

Thence south  $32^{\circ} 5'$  east parallel with the county road  
285 feet;

Thence south  $36^{\circ} 20'$  east parallel with the county road  
18,235 feet;

Thence south  $15^{\circ} 6'$  east 5285 feet;  
Thence south  $23^{\circ} 47'$  east 9550 feet;  
Thence south  $38^{\circ} 36'$  east 17,370 feet;  
Thence south  $48^{\circ} 13'$  east 10,680 feet;  
Thence north  $69^{\circ} 25'$  east 1035 feet;  
Thence south  $60^{\circ} 13'$  east 420 feet;  
Thence south  $36^{\circ} 14'$  east, parallel with the county road  
5162 feet;

Thence south  $39^{\circ} 24'$  east, parallel with the county road  
4120 feet;

Thence south  $35^{\circ} 35'$  west 720 feet, to a point on the bank of the Rio Grande, about one mile north of the town of Fabens, Texas; also the additional right of way claimed by the said vendor and situated easterly of the easterly end of said canal and desagua thereof, and which additional right of way is shown by deeds executed to the former owners of the canal under and through whom the said vendor claims title and which description is more fully shown by deeds now of record in the office of the Clerk of the County Court of El Paso County, Texas, to the record of which deeds for a more particular description reference is hereby made;

Also that additional land, right of way or easement, and all rights acquired by the Franklin Irrigation Company, and now owned and held by it, northwesterly of and above the properties hereinbefore described, and situated between the headgate which is the beginning point of the description hereinbefore made, and which is usually known as the "old headgate," and the present headgate above what is known as the "Mexican Dam," which properties and rights are more particularly described as follows, to-wit:

Beginning at a stake set on the north bank of the Rio Grande on the east line of the Old Fort Bliss Military Reservation produced, and from said stake on the southeast corner of old Fort Bliss Military Reservation bears north 550 feet;

Thence along the north boundary line of canal right of way south  $86^{\circ} 30'$  west 50 feet;

Thence north  $86^{\circ} 30'$  west 200 feet;

Thence south  $83^{\circ}$  west 100 feet;

Thence north  $88^{\circ}$  west 172.5 feet;

Thence north  $49^{\circ} 30'$  west 195.3 feet;

Thence north  $85^{\circ}$  west, 168.5 feet, to the bank of the Rio Grande;

Thence south  $19^{\circ}$  east with said Rio Grande 54.7 feet to a stake set for the south boundary of said canal right of way which is 50 feet;

Thence south  $85^{\circ}$  east 130.3 feet;

Thence south  $49^{\circ} 30'$  east 196.8 feet;

Thence south  $88^{\circ}$  east 193.9 feet;

Thence north  $83^{\circ}$  east 99.3 feet;

Thence south  $86^{\circ} 30'$  east 198.4 feet;

Thence north  $86^{\circ} 30'$  east 50 feet to a stake from which stake the place of beginning bears north 50.1 feet;

Thence south 25.4 feet;

Thence north  $83^{\circ} 30'$  east 131.8 feet;

Thence south  $54^{\circ}$  east 49.8 feet;

Thence south  $37^{\circ} 30'$  east 132.9 feet;

Thence south  $62^{\circ} 30'$  east 164.4 feet;

Thence south  $56^{\circ} 50'$  east 160.2 feet;

Thence south  $35^{\circ} 10'$  east 242.7 feet;

Thence south  $48^{\circ}$  east 104.8 feet;

Thence south  $55^{\circ}$  east 134.4 feet, to a point opposite the center of old headgate;

Thence north  $34^{\circ} 30'$  east across said old headgate 75 feet

to a stake set for the north right of way line of said canal;

Thence north  $55^{\circ}$  west along said right of way line 129.3 feet;

Thence north  $49^{\circ}$  west 91.6 feet;

Thence north  $35^{\circ} 10'$  west 248.4 feet;

Thence north  $56^{\circ} 50'$  west 177 feet;

Thence north  $62^{\circ} 30'$  west 151.2 feet;

Thence north  $37^{\circ} 30'$  west 127.1 feet;

Thence north  $54^{\circ}$  west 89.9 feet;

Thence south  $83^{\circ} 30'$  west 152.9 feet, to above described place of beginning located south 550 feet on the east boundary line of old Fort Bliss Military Reservation extended; said last property hereinbefore described being according to the survey made by R. Montijo, Civil Engineer, on October 9, 1911, a tracing of which is now in the possession of the officials of the Reclamation Service;

Also the following tract or parcel of land and right of way now held under deed placed in escrow, and which is to be delivered to the United States upon the execution of the deed by the vendor, as hereinafter provided, and which tract of land covers a portion of the last description, and is more particularly described as follows, to-wit: Beginning at a stake on the north bank of the Rio Grande and on the north boundary line of the Franklin Irrigation Canal right of way for the northeast corner of this survey;

Thence north  $80^{\circ} 15'$  west 170 feet to a stake set on the bank of the Rio Grande and on the north boundary line of the

Franklin Irrigation Canal right of way for the northwest corner of this survey;

Thence south  $32^{\circ} 45'$  west 65 feet to a stake set for the southwest corner of this survey;

Thence south  $50^{\circ} 15'$  east down the Rio Grande 170 feet to a stake set for the southeast corner of this survey;

Thence north  $32^{\circ} 45'$  east 65 feet to the place of beginning.

It being intended to include in the last two preceding or foregoing descriptions the right of way and all right acquired under and by reason of condemnation proceedings, as shown by the judgment of the County Court, El Paso County, Texas, duly entered upon the minutes of said court in vol. 9, page 205 et seq., to which reference is hereby made, and it being intended to include in said description all the rights of way and rights of every description acquired by the Franklin Irrigation Company under Art. 3126 of the Revised Statutes of the State of Texas, being a portion of the Act of Legislature of Texas, duly enacted and approved by the Governor of the State of Texas, on the 9th day of March A. D. 1895; as well as all rights growing out of the construction of said canal from what is known as the old lower headgate to its present or upper headgate, upon the public domain of the State of Texas in the bed of the Rio Grande between the north bank thereof and the center of the river, which constitutes the international boundary line between the State of Texas and the Republic of Mexico.

Also including the right of way acquired by purchase, together with all dams, wingdams, revetments, flumes, dikes,

desaguas, spillways, lakes, ponds, wells, water appropriations, rights of way and franchises, whether acquired by contract, donation, limitation, prescription, purchase, action of court, orders of commissioners court, city ordinances or in whatever manner acquired, now held, owned and controlled or claimed by said vendor, in connection with said canal, including all laterals, acequias and branch ditches, owned or held by said vendor, and including all the uses and servitudes, equipments and all things whatsoever belonging or appurtenant to said canal or its laterals, branch ditches, headgates, or other appurtenant structures or easements, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demands whatsoever of the said party of the first part, either in law or equity of, in and to, the above bargained premises, rights and properties, with the hereditaments and appurtenances.

This deed is intended to cover the transfer of the right of way as described in deeds or other instruments of conveyance from the various grantors to the Franklin Irrigation Company and its predecessors in title. Where title is not evidenced by deeds or other instruments of conveyance, but rests solely upon limitation and prescription, this deed is understood and intended to cover the transfer of right of way reasonably necessary for the successful operation of the canal and appurtenant structures, as they exist under present conditions, - said right of way to be fifty (50) feet in width from the canal head to the east line of Washington Park Addition to the city of El Paso, a distance of 27,842 feet, more or less; thence

sixty (60) feet in width to the east line of Val Verde Addition to the city of El Paso, a distance of 3,802 feet, more or less; thence eighty (80) feet in width to the end of the Canal, a distance of 132,245 feet, more or less; thence fifty (50) feet in width along the tail ditch to the Rio Grande, a distance of 720 feet, more or less.

TO HAVE AND TO HOLD the said premises above bargained, sold and described, with the appurtenances, unto the said party of the second part, its successors and assigns forever; and the said party of the first part, for itself and its assigns, doth covenant and agree to and with the said party of the second part, its successors and assigns, that at the time of the ensealing and delivery of these presents, it was well seized of the premises above conveyed, as of a good, sure, perfect and indefeasible estate of inheritance, in law, in fee simple, and had good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances, of what kind and nature soever, and the above bargained premises in the quiet and peaceable possession of the party of the second part, its successors, heirs and assigns, against all and every person lawfully claiming or to claim, the whole or any part thereof, the said party of the first part shall and will Warrant and Forever Defend.

IN WITNESS WHEREOF, the said Franklin Irrigation Company, by resolution of its stockholders, and of its Board of Directors

10.

duly adopted at legal meeting, has caused its corporate name to be hereunto subscribed by its president, and its corporate seal to be hereunto affixed, the day and year above written.

Franklin Ingraham

By Edith Martin  
President.

Attest

R. A. Hughes.  
Acting Secretary

STATE OF TEXAS, )  
COUNTY OF EL PASO. ) ss.

Before me Amos P. Starnes, a Notary Public  
in and for the said County and State, on this day personally  
appeared Felix Martinez, known to me to be the person whose  
name is subscribed to the foregoing instrument, and acknowl-  
edged to me that he executed the same as the act and deed  
of the Franklin Irrigation Company, a corporation, as the  
president of said company, and for the purposes and considera-  
tions therein expressed.

GIVEN UNDER MY HAND, and seal of office, at the city of  
El Paso, State of Texas, this 12<sup>th</sup> day of November,  
1912.



Amos P. Starnes  
Notary Public

My Commission expires May 31, 1913.

CERTIFICATE OF RECORD.

THE STATE OF TEXAS, }  
County of El Paso }

I, PARK W. PITMAN, County Clerk in and for said County do here-  
by certify that the foregoing instrument of writing with its certificate of authentication, was filed for Record  
in my office, on the 12th day of November A.D. 1912, at 11:58 o'clock A. M.  
and duly recorded the 14th day of November A.D. 1912, at 9:36 o'clock A. M.  
in the Deed.

Records of said County, in Volume 203 on page 453.

Witness my hand and the seal of the County Court of said County, at office in El  
Paso, Texas, the day and year last above written.

PARK W. PITMAN,

Clerk County Court, El Paso, County, Texas.

By L. C. Bowles Deputy.



UNITED STATES  
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

REGIONAL OFFICE - REGION 5  
P. O. BOX 1609  
AMARILLO, TEXAS 79105

IN REPLY  
REFER TO:

MAR 11 1968

Mayor Judson F. Williams  
City of El Paso  
El Paso, Texas 79901

Dear Mayor Williams:

As you are aware, a portion of the Franklin Canal has been relocated by the International Boundary and Water Commission as a part of the Chamizal Project.

We have been advised by letter dated February 2, 1968, from the Commission that all construction work on the relocated portion of the canal has now been completed. This will make it unnecessary in the future for the Rio Grande project to use that part of the Franklin Canal described as follows:

"That segment of the Franklin Canal along Eighth Street beginning at canal center line Station 80 + 65 and ending at canal center line Station 130 + 10, save and except that segment of the canal between Stations 86 + 83 and 91 + 87 which is under the jurisdiction of the United States Section, International Boundary and Water Commission."

The Commission has scheduled the obliteration and levelling of this section of the original canal to be completed by the end of June 1968.

The City of El Paso conveyed land for the Franklin Canal to the United States by a quitclaim deed dated November 9, 1939. That deed contained the following proviso:

". . . provided, however, that if at any time in the future, the Secretary of the Interior of the United States of America or other duly authorized

BUREAU OF RECLAMATION El Paso, Texas	
Rec'd MAR 12 1968	
Route to:	
Proj. Cont.	OK
Engr. Div.	✓
Power Div.	
Admin. Serv. Div.	
Saw	HB

officer of the United States shall decide that said right-of-way or any part thereof is no longer needed for the operation of said canal or for irrigation purposes, then and in that event whatever rights or title the City of El Paso has by these presents conveyed to the United States as to such part thereof shall thereupon revert to the said City of El Paso and the obligation of the United States under the conditions of this conveyance to maintain any bridge or bridges situated on such part thereof so reverting to the City of El Paso shall thereupon terminate, but any such reverter shall leave unaffected whatever right, title or interest the United States may have or acquire in or to said hereinabove described premises other than by virtue of this conveyance."

It is hereby determined by the undersigned as a duly authorized officer of the United States that the part of the Franklin Canal first described above is no longer needed for the operation of said canal or for irrigation purposes for which reason the above quoted proviso is applicable, and the interest the City of El Paso conveyed to the United States in that part of the Franklin Canal described herein reverts to the City of El Paso.

We are enclosing a recordable release identifying the abandoned portion of the Franklin Canal.

Sincerely yours,

/sgd/ Leon W. Hill  
Regional Director

Enclosure

bcc:

Project Supt., El Paso (w/c<sup>e</sup> encl)  
Field Solicitor, Amarillo (w/c encl)

(PDT030668)

STATE OF TEXAS

COUNTY OF POTTER

RELEASE AND ACKNOWLEDGMENT OF REVERTER RIGHTS

The United States of America represented by the Regional Director, Region 5 of the Bureau of Reclamation has determined that the tract of parcel of land lying in the City of El Paso, and State of Texas, described as follows, to-wit:

"That segment of the Franklin Canal along Eighth Street beginning at canal center line Station 80 + 63 and ending at canal center line Station 130 + 10, save and except that segment of the canal between Stations 86 + 83 and 91 + 87 which is under the jurisdiction of the United States Section, International Boundary and Water Commission,"

is no longer needed for operation of the Franklin Canal of the Rio Grande Reclamation Project and that whatever rights or title the City of El Paso conveyed to the United States by quitclaim deed dated November 9, 1939, filed in Volume 660, page 399 of the Deed Records of El Paso County, Texas, revert to the said City of El Paso, and the obligation of the United States under the conditions of the quitclaim deed to maintain any bridge or bridges situated on the above described land is terminated.

IN WITNESS WHEREOF, the United States of America has caused these presents to be executed and subscribed by the Regional Director, Region 5, Bureau of Reclamation, this 11 day of March, 1968.

UNITED STATES OF AMERICA

By 7-5587-1-1111  
Regional Director, Region 5  
Bureau of Reclamation

ACKNOWLEDGMENT

State of Texas }  
County of Potter } ss

I, Patsy R. Sherwood, a Notary Public in  
and for said State and County, do hereby certify that Allen W.  
Hill, Resource Director, Region 5, Bureau  
of Reclamation, personally known to me to be the same person and  
official who executed the above and foregoing instrument, appeared  
before me this day in person and acknowledged that, as such official,  
he executed the above instrument as his free and voluntary act on  
behalf of the United States of America, pursuant to authority con-  
ferred by law.

Given under my hand and Notary Seal this 11 day of  
March, 1968.

(Spd) Patsy R. Sherwood  
Notary Public

(SEAL)

My Commission Expires: 6-1-69

B-14  
~~1-2-11~~

Encroachment on Franklin Canal

W.P. Book et al. to Alameda Land Company.

Complete Release Vendor's Lien dated 1/3/21, filed in Book 341, Page 526.

Agreement No. 3

Franklin Irrigation Company and United States of America dated 7/19/12, filed 7/31/12 in Book 199, Page 310.

That certain water way or canal formerly known as the "El Paso Irrigation Canal" more particularly described as follows:  
(Center Line description.)

And it being intended to include in said description all the rights of way and rights of every description acquired by the Franklin Irrigation Co; under Act 3126 of the Revised Statutes of the State of Texas, being a portion of an act duly enacted and approved by the Governor of the State of Texas 3/9/95, as well as all rights growing out of the construction of said canal from what is known as the old lower headgate to its present or upper headgate.

Paragraph 5.

It is understood that as to a portion of the right of way proposed to be conveyed the right of the Vendors is not evidenced by formal deeds of conveyance but rests upon adverse possession and user for twenty two years which use has been peaceful and undisputed.

Consideration - \$120,000.

There are eleven pages in record book for above instrument.

Warranty Deed No. 5

Franklin Irrigation Company to United States of America dated 10/14/12, Recorded in Book 203, Pages 455-463.

All that certain water way or canal described as follows:  
(Description same as in agreement)

This deed is understood and intended to cover the transfer of right of way reasonably necessary for successful operations of the canal and appurtenant structures as they exist under present conditions.

60 feet in width to east line of Val Verde addition; thence  
80 feet to end of canal.

The curve, as staked out by Nichols, calls for a 12° right with intersection angle of 36°42', tangent 158.4 feet, length 305.8 feet, Field Book #204 "B" line at page 17 calls for curve 12° right intersection angle 38°, tangent 164.7 feet, length 316.67 feet. P.I. Sta. 350+30.6.

Slope stake book #676 shows that stakes were to be set on the left thru the section in dispute at from 37.0 to 38.0 feet out.

Mr. H.J.S. Devries, suggests that if we believe that we have sufficient grounds to institute proceedings against Frank Pukli, et al., that we proceed according to Act 3, Page 278 of the manual.

Geo. W. Hoadley.

11-2-31.

*Geo. W. Hoadley*

CC - District Counsel.

Encroachment on Franklin Canal

5.2 feet by Frank Pukli and wife, Lola.

Deed dated 12-21-04, Book 75/578

Mrs. Allie D. Clardy to Leigh Clark by partition deed deeded the east 252 varas, or  $\frac{3}{8}$  of the Elijah Bennett Survey No. 12, said  $\frac{3}{8}$  interest being a strip 252 varas wide parallel and adjacent to the east line of Elijah Bennett survey No. 12 and extending from north line of said survey to the river.

Deed dated 5-14-06, Book 177/225.

Leigh Clark to W. P. Book undivided  $\frac{1}{2}$  interest in above described tract.

Deed dated 10-15-14, Book 263/34.

Leigh Clark and Francis Clark Vance, et vir James to W. P. Book.

Undivided  $\frac{1}{2}$  interest in land described in deed Clardy to Clark, Book 75/578.

Said conveyance subject to G. H. & S. A. right of way, the Rio Grande Valley Traction Co. right of way, the irrigation canal and county road.

Deed dated 1-21-15, Book 206/380

W.P. Book et al. to Lee Orndorff, R. M. Dudley, H. P. Jackson, F.M. Murchison and H.E. Christie.

158.59 acres of E. Bennett survey No. 12 fully described in Clardy-Clark partition deed, but excepting therefrom the rights of way of the G. H. & S. A. Ry., the county road, the Franklin Canal, and the Interurban Ry.

Deed 12-18-15, Book 206/1.

R.M. Dudley, et al. filed 12/6/15 map by Albro dated 4-1-15 and entitled Alameda Acres.

Deed dated 12-18-15,

R.M. dudley et al. to Alameda Land Company.

Tract described by meets and bounds also as more fully described in deed W.P. Book, et al. to R. M. Dudley et al. in book 206/380, which is made a part of. All of which said lands excepting the south of same are laid out and described upon map and plat of what is known as Alameda Acres, by A. S. Albro, and now on file in office of County Clerk.

Alameda Land Co. certified copy of Articles of Incorporation dated 12-1-15, filed in office of Secretary of State, Austin, Texas 12-6-15 and certified to in Austin, Texas 12-10-15. Filed for record El Paso, Texas 7-5-21, Book 377/102.

January, 1927, Frank Pukli et ux Lola signed contract to buy

that fractional lot between the Franklin Canal and the county road, Alameda Acres, El Paso County, Texas. September 25, 1931, Frank Pukli telephoned Mr. Bainbridge that we had borrowed dirt on his land to reinforce banks of Franklin Canal, near Glenwood Drive.

Mr. Bainbridge went to the place indicated and found that it was the county that had borrowed; also that Pukli was erecting a sheet iron building, a part of which Mr. Bainbridge believed to be on our right of way and so informed Pukli. A survey made by Nichols shows that some one hundred feet of the building is upon right of way approximately 50 feet being 5.2 feet within our line.

October 3, 1931, went with District Counsel to Glenwood Drive and the Franklin Canal where we found that in addition to the building Pukli has cut into the bank some three or more feet and has set a line of posts for a hundred feet more or less.

Man working, putting in cement floor in the building, stated that one Hitchens was leasing the building for a machine shop. Jno. A. Hitchens, City Machine and Foundry Works, 210-12 Popular Street, is I believe the Hitchens named. No record of lease Pukli to Hitchens or others on file.

Geo. W. Hoadley.

10-5-31.

The State of Texas,  
County of El Paso.

Know all Men by these Presents: that

G. N. Garcia, Guardian of Nicocio Cobos, Ignacio Cobos, Leonila Cobos, Carlos Cobos and Jose Cobos, minors, and only surviving heirs at law of Francisco Cobos, Deceased, of the County of El Paso, State of Texas, in consideration of the sum of Two Hundred and no/100(\$200.00) DOLLARS

to him in hand paid by the United States of America, acting pursuant to the act of Congress of June 17, 1902(32 Stat., 388),

the receipt of which is hereby acknowledged has Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey unto the said United States of America,

all that certain tract or parcel of land, lying in the County of El Paso and State of Texas and more particularly described as follows, to-wit:

A tract of land situated in the Southeast quarter( $SE\frac{1}{4}$ ) of Section thirty-two(32), Township thirty-three(33) South, Range eight(8) East of the United States Reclamation Service Survey; being a strip of land seventy(70)feet in width, lying thirty-five(35)feet on each side of the center line of the Franklin Canal Desagua; said center line being described as follows: Beginning at Station 6 plus 05 of said center line, being a point on the South right of way line of the public road from Fabens, Texas, to San Elizario, Texas, said road having a bearing of South  $58^{\circ} 36'$  West, and from which point the Northeast corner of the tract herein described bears North  $58^{\circ} 36'$  East a distance of forty-nine and four-tenths(49.4)feet, and from said Northeast corner of the tract herein described the Southeast corner of said Section thirty-two(32) bears South  $33^{\circ} 20'$  East a distance of one thousand eight hundred twenty-six and five-tenths(1826.5)feet; running thence South  $13^{\circ} 24'$  West a distance of one thousand five hundred thirty-five and five-tenths(1535.5) feet on the said aforementioned center line to the East bank of the Rio Grande; said tract containing two and fifty-five hundredths(2.55) acres, more or less.

To Have and to Hold the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto the said United States of America, its successors

heirs and assigns forever; and he does hereby bind himself, his heirs, executors and administrators to Warrant and forever Defend, all and singular, the said premises unto the said United States of America, its successors

heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

Witness my hand at El Paso, Texas this 12th day of October, A. D. 1918 G. N. Garcia.

Witness at Request of Grantor.

P.W.Dent.

Correct as to Engineering Data 5/20/18

THE STATE OF TEXAS,

County of El Paso.

Before me Geo. W. Hoadley, a Notary Public

in and for El Paso County, Texas, on this day personally appeared G.N.Garcia, guardian of Nicacio Cobos, Ignacio Cobos, Leonila Cobos, Carlos Cobos and Jose Cobos, minors, and surviving heirs at law of Francisco Cobos, deceased, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 12th day of October A. D. 1918

Geo. W. Hoadley,

(SEAL)

My commission June 1, 1919.

Notary Public in and for El Paso County, Tex.

THE STATE OF TEXAS,

County of El Paso.

Before me

in and for El Paso County, Texas, on this day personally appeared \_\_\_\_\_, wife of \_\_\_\_\_

known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same by me fully explained to her, she, the said \_\_\_\_\_ acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 191\_\_\_\_\_

THE STATE OF TEXAS,

County of El Paso.

I, \_\_\_\_\_ Clerk of the County Court

of said County, do hereby certify that the above instrument of writing, dated on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 191\_\_\_\_\_, with its certificate of authentication, was filed for record in my office this 11/25/19 \_\_\_\_\_ day of \_\_\_\_\_, A. D. 191\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and duly recorded this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 191\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. in the records of said County, in Volume 326 on Pages 591

Witness my hand and the seal of the County Court of said County, at office in El Paso, Texas, the day and year last above written.

Clerk, County Court.

By \_\_\_\_\_, Deputy.

WARRANTY DEED

SINGLE AND WIFE'S SEPARATE ACKNOWLEDGMENT

Filed for record \_\_\_\_\_ 191\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Clerk County Court.

Deputy.

ELLIS EL PASO

THE STATE OF TEXAS, }  
County of El Paso.

KNOW ALL MEN BY THESE PRESENTS: THAT

Juan B. Larrazolo, Jr., Agustina Cobos de Rey and Cruz Rey, her husband,  
O. A. Larrazolo, and Jesus Maria Larrazolo

of the County of \_\_\_\_\_ of \_\_\_\_\_, for and in consideration of the  
sum of One and no/100 ----- DOLLARS,

to them in hand paid by Nicacio Cobos, Ignacio Cobos, Leonila Cobos, Carlos  
Cobos and Jose Cobos, minors, and only surviving heirs at law of Francisco  
Cobos, deceased,  
of the County of El Paso, and State of Texas, the receipt whereof is hereby

acknowledged, do by these presents Bargain, Sell, Release and Forever Quit-Claim, unto the said  
Nicacio Cobos, Ignacio Cobos, Leonila Cobos, Carlos Cobos and Jose Cobos  
their

heirs and assigns all their right, title and interest in and unto that tract or parcel of land lying in the County  
of El Paso, and State of Texas, described as follows, to-wit:

A tract of land situated in the Southeast quarter (SE $\frac{1}{4}$ ) of  
Section 32, Township 33 South, Range 8 East of the United States  
Reclamation Service Survey; being a strip of land seventy (70) feet in  
width, lying thirty-five (35) feet on each side of the center line of the  
Franklin Canal Desagua; said center line being described as follows:  
Beginning at Station 6 plus 05 of said center line, being a point on the  
South right of way line of the public road from Fabens, Texas, to San  
Elizario, Texas, said road having a bearing of South 58° 36' West, and  
from which point the Northeast corner of the tract herein described bears  
North 58° 36' East a distance of forty-nine and four-tenths (49.4) feet,  
and from said Northeast corner of the tract herein described the Southeast  
corner of said Section 32 bears South 33° 20' East a distance of one  
thousand eight hundred twenty-six and five tenths (1826.5) feet; running  
thence South 13° 24' West a distance of one thousand five hundred thirty-  
five and five-tenths (1535.5) feet on the said aforementioned center line  
to the East bank of the Rio Grande; said tract containing two and fifty-  
five hundredths (2.55) acres, more or less.

TO HAVE AND TO HOLD all their right, title, interest, estate and claim in and to the said premises,  
together with all and singular, the rights, privileges and appurtenances to the same in any manner belonging,  
unto the said \_\_\_\_\_

heirs and assigns forever.

WITNESS \_\_\_\_\_ hand this the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 191\_\_\_\_

Witnesses at Request of Grantor:

\_\_\_\_\_ }  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ }

THE STATE OF TEXAS, }  
County of El Paso.

KNOW ALL MEN BY THESE PRESENTS: THAT

of the County of \_\_\_\_\_ of \_\_\_\_\_, for and in consideration of the  
sum of One and no/100----- DOLLARS,

to them in hand paid by Nicacio Cobos, Ignacio Cobos, Leonila Cobos,  
Carlos Cobos and Jose Cobos, minors, and only surviving heirs at law  
of Francisco Cobos, deceased,  
of the County of El Paso, and State of Texas, the receipt whereof is hereby

acknowledged, do by these presents Bargain, Sell, Release and Forever Quit-Claim, unto the said \_\_\_\_\_

Nicacio Cobos, Ignacio Cobos, Leonila Cobos, Carlos Cobos and Jose  
Cobos, their

heirs and assigns all \_\_\_\_\_ right, title and interest in and unto that tract or parcel of land lying in the County  
of El Paso, and State of Texas, described as follows, to-wit:

A certain tract of land lying within the corporate limits of  
San Elizario in the State of Texas, according to the map of San  
Elizario as compiled by A. Q. Wingo, Surveyor at San Elizario, and  
more particularly described as follows: Beginning at the NE corner  
of a tract of land belonging to heirs of J. Lujan; thence S. 58°0' W.  
310 varas with said Lujan heirs to a barranco and enter playa and at  
500 varas a corner; thence S. 27° 0' E. 271 varas; thence N. 58°0' E.  
500 varas; thence N. 27°0' W. 271 varas to place of beginning, containing  
24 acres, more or less, and being the identical land intended to be  
described in that certain warranty deed from Gorgonio Alvillar and  
Dolores Alvillar, his wife, to Jesus Cobos, dated January 10, 1887,  
and recorded in Book 21 of Deed Records, Page 21, El Paso County, Texas.

TO HAVE AND TO HOLD all \_\_\_\_\_ right, title, interest, estate and claim in and to the said premises,  
together with all and singular, the rights, privileges and appurtenances to the same in any manner belonging,  
unto the said Nicacio Cobos, Ignacio Cobos, Leonila Cobos, Carlos Cobos and Jose  
Cobos, minors, and only surviving heirs at law of Francisco Cobos, deceased  
their  
heirs and assigns forever.

WITNESS \_\_\_\_\_ hand \_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 191\_\_\_\_

Witnesses at Request of Grantor:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

El Paso, Texas, December 17, 1907.

Mr. Felix Martinez,

Chairman Executive Committee,

El Paso Valley Water Users' Association,

El Paso, Texas.

Dear Sir:

In compliance with our understanding I now verify our proposition in relation to the conditions under which we will transfer our lease and option to buy the property known as the Franklin Irrigation Canal to the El Paso Valley Water Users' Association.

Upon the proper agreement on the part of the said Association to care for, maintain and keep in repair the said canal during the existence of our lease, and upon their agreement to pay us the sum of One Hundred and Twenty Thousand (\$120,000) Dollars in full payment for all of said property at any time before the expiration of the lease, and the payment of One Thousand (\$1,000) Dollars per annum that we have to pay to the Company as the lease price, we will agree to turn over same free of incumbrance to the said Association.

The lease runs two years from May 5, 1908, and if absolutely necessary, we can get three years longer to run.

The width of the right of way outside of the city limits is eighty (80) feet; inside of the city limits seventy (70) feet.

The excavation is thirty (30) feet wide.

The length of the canal is thirty (30) miles.

It is now irrigating four thousand (4,000) acres, and can irrigate twenty thousand (20,000) acres.

The average charge per acre is \$2.50 per annum.

In consideration of the fact that the head-gates are not in good repair, we will agree to relinquish the One Thousand (\$1,000) Dollars for the current year's rent upon the agreement on your part to repair said headgates and the diverting walls under the direction of a competent engineer and upon his approval of the said work. This is provided that we come to an agreement with you to take possession of this property in time for this season's irrigation.

If this proposition is satisfactory, we will ~~make~~ arrange to meet your Board and come to a detailed and final understanding satisfactory to both parties.

Caffin K. Mundy  
By J. J. Mundy

THE STATE OF TEXAS

COUNTY OF EL PASO

WHEREAS, on the 25th day of September, A. D. 1917, the County Commissioners' Court, in regular session, passed the following order, to-wit:

"WHEREAS, the municipal corporation of San Elizario, situated in El Paso County, Texas, appears to have held some interest or title of record in said county to the land hereinafter described; and

WHEREAS, said municipal corporation has been abolished, whereby under the law the Commissioners' Court is authorized to act in and for said municipal corporation regarding its property; and

WHEREAS, it will promote the public interest for the conveyance of said property to be made to Nicacio Cobos, Ignacio Cobos, Leonila Cobos, Carlos Cobos and Jose Cobos, minors and surviving heirs at law of Francisco Cobos, deceased, who have applied therefor:

IT IS THEREFORE ORDERED that the County Judge, E. B. McClintock, be and he is hereby directed to execute for and on behalf of the Corporation of San Elizario and for the Commissioners' Court a quit claim deed to said Nicacio Cobos, Ignacio Cobos, Leonila Cobos, Carlos Cobos and Jose Cobos, minors and surviving heirs at law of Francisco Cobos, deceased, conveying by quitclaim the land described as follows, to-wit:

That tract or parcel of land lying in the County of El Paso and State of Texas, described as follows:

A tract of land situated in the southeast quarter (SE $\frac{1}{4}$ ) of Section 32, Township 33 South, Range 8 East of the United States Reclamation Service Survey, being a strip of land seventy (70) feet in width, lying thirty-five (35) feet on each side of the center line of the Franklin Canal Desagua, said center line being described as follows: Beginning at Station 6 plus 05 of said center line, being a point on the south right of way line of the public road from Fabens, Texas, to San Elizario, Texas, said road having a bearing of south 58 deg. 36' west, and from which point the northeast corner of the tract herein described bears north 58 deg. 36' east a distance of forty-nine and four-tenths (49.4) feet, and from said northeast corner of the tract herein described the southeast corner of said Section 32 bears south 33 deg. 20' east a distance of one thousand eight hundred twenty-six and five tenths (1826.5) feet; running thence south 13 deg. 24' west a distance of one thousand five hundred thirty-five and five-tenths (1535.5) feet on the said aforementioned center line to the east bank of the Rio Grande; said tract containing two and fifty-five hundredths (2.55) acres, more or less."

NOW, THEREFORE, I, E. B. McClintock, County Judge of El Paso County, Texas, by virtue of the authority contained

in the foregoing order and in consideration of the sum of One (\$1.00) Dollar cash in hand paid by Nicacio Cobos, Ignacio Cobos, Leonila Cobos, Carlos Cobos and Jose Cobos, minors and surviving heirs at law of Francisco Cobos, deceased, the receipt of which is hereby confessed and acknowledged, do by these presents bargain, sell, release and forever quitclaim unto the said Nicacio Cobos, Ignacio Cobos, Leonila Cobos, Carlos Cobos and Jose Cobos, minors and surviving heirs at law of Francisco Cobos, deceased, all right, title and interest of the said municipal corporation of San Elizario, in and unto that tract or parcel of land lying in the County of El Paso and State of Texas, described as follows:

A tract of land situated in the southeast quarter (SE $\frac{1}{4}$ ) of Section 32, Township 33 South, Range 8 East of the United States Reclamation Service Survey, being a strip of land seventy (70) feet in width, lying thirty-five (35) feet on each side of the center line of the Franklin Canal Des-Agua, said center line being described as follows: Beginning at Station 6 plus 05 of said center line, being a point on the south right of way line of the public road from Fabens, Texas, to San Elizario, Texas, said road having a bearing of south 58 deg. 36' west, and from which point the northeast corner of the tract herein described bears north 58 deg. 36' east a distance of forty-nine and four-tenths (49.4) feet, and from said northeast corner of the tract herein described the southeast corner of said Section 32 bears south 33 deg. 20' east a distance of one thousand eight hundred twenty-six and five-tenths (1826.5) feet; running thence south 13 deg. 24' west a distance of one thousand five hundred thirty-five and five-tenths (1535.5) feet on the said aforementioned center line to the east bank of the Rio Grande; said tract containing two and fifty-five hundredths (2.55) acres, more or less.

TO HAVE AND TO HOLD all the right, title, interest, estate and claim of the said municipal corporation of San Elizario in and to the said premises, together with all and singular the rights, privileges and appurtenances to the same in any manner belonging, unto the said Nicacio Cobos, Ignacio Cobos, Leonila Cobos, Carlos Cobos and Jose Cobos, minors and surviving heirs at law of Francisco Cobos, deceased, their heirs and assigns forever.