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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

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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 Nance 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.



Nance 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.