

780

BLADLEY, B O ET AL 183
0083 0085 0015 00 RIVERSIDE CANAL

780

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

430. —
RIO GRANDE
JUL 15 1942
89317

RJL-101

33-45-344

July 2, 1942

Dr. Ira N. Gabrielson
Director, Fish and Wildlife Service
Department of the Interior
Washington, D. C.

Dear Dr. Gabrielson:

There is enclosed a certified copy of the Commissioners' report as to Parcel No. VI filed in the case of United States v. B. O. Bradley, et al., Civil No. 93 in the United States District Court for the Western District of Texas, pertaining to the Riverside Canal - Rio Grande Project.

Inasmuch as the award of the Commissioners is the same amount deposited at the time of the filing of the declaration of taking, the Department has instructed the field attorney to have judgment entered confirming the same.

Respectfully
For the Attorney General

Norman M. Littell
NORMAN M. LITTELL
Assistant Attorney General

Enc. No.
652693

FOR DEFENSE



BUY
UNITED
STATES
SAVINGS
BONDS
AND STAMPS

*No field copies
necessary. Will be
handled by letter
directed to Secy.*

JUL 15 '42 89317

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

B. O. BRADLEY, ET AL.,

Defendants.

NO. 93 CIVIL.

FINDINGS OF SPECIAL COMMISSIONERS

We, the undersigned Commissioners, appointed to assess the damages to the owners of the land hereinafter described by reason of the condemnation and taking of said land, which land is described, as follows:

PARCEL VI

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section Four (4), Township Thirty-four (34) South, Range Eight (8), East, Bureau of Reclamation Survey; being also within Tract seventeen (17) Block one (1) of the official resurvey of the San Elizarie Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930, and of record in the office of the County Clerk of said County and State; more particularly described as follows:

Beginning at a point on the northwesterly line of said Tract seventeen (17) Block one (1) of said official resurvey of the San Elizarie Grant and from which point the most northerly corner of said tract seventeen (17) bears North forty-nine degrees (49°) fifty-seven minutes (57') East three hundred sixteen and two tenths (316.2) feet. Said most northerly corner of Tract seventeen (17) being thirty-five (35) feet from and at right angles to the center line of State Highway No. 1; thence South thirty-nine degrees (39°) thirty-seven minutes (37') East one hundred ninety and eight tenths (190.8) feet to the Southeasterly line of said tract seventeen (17) and from which point the most easterly corner of said tract seventeen (17) bears North fifty degrees (50°) fourteen minutes (14') East three hundred sixteen and six tenths (316.6) feet; thence South fifty degrees (50°) fourteen minutes (14') West one hundred eighty-five and nine tenths (185.9) feet along the southeasterly line of said Tract seventeen (17) to the northeast bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the northeast bank of the said former Rio Grande North sixty degrees (60°) fifty-one minutes (51') West one hundred ninety-nine and nine tenths (199.9) feet and North sixty-four degrees (64°) fifty-nine minutes (59') West three and three tenths (3.3) feet to the intersection with the northwesterly line of said Tract seventeen (17); thence along said northwesterly line of tract seventeen (17) North forty-nine degrees (49°) fifty-seven minutes (57') East two hundred fifty-nine and eight tenths

(259.8) feet to the point of beginning. Said tract of land containing ninety-seven hundredths (0.97) of an acre, more or less. Shown on Riverside Canal Extension Plat No. 18.

do hereby assess the damages occasioned by the taking of the above described property at the sum of \$ 266⁷⁵.

DONE this 23rd day of June, 1942.

(Lgd) R. E. Sherman

" L. M. Wingo

" John R. Ellis

A true copy of the original, I certify:

MAXEY HART, Clerk,

By Flora L. Linker
Deputy.

Filed 23rd day of June
19 42 at o'clock M.
By MAXEY HART, Clerk.
By Flora L. Linker
Deputy.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

B. O. BRADLEY, ET AL.,

Defendants.

NO. 93 CIVIL.

JUDGMENT AS TO LOPEZ ESTATE

BE IT REMEMBERED, that on this 16th day of July, 1942, came on to be considered the above styled and numbered cause insofar as the same concerns the following described property:

PARCEL NO. VI.

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section Four (4), Township Thirty-four (34) South, Range Eight (8) East, Bureau of Reclamation Survey; being also within Tract seventeen (17) Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930, and of record in the office of the County Clerk of said County and State; more particularly described as follows:

Beginning at a point on the northwesterly line of said Tract seventeen (17) Block one (1) of said official resurvey of the San Elizario Grant and from which point the most northerly corner of said Tract seventeen (17) bears North forty-nine degrees (49°) fifty-seven minutes (57') East three hundred sixteen and two tenths (316.2) feet. Said most northerly corner of Tract seventeen (17) being thirty-five (35) feet from and at right angles to the center line of State Highway No. 1; thence South thirty-nine degrees (39°) thirty-seven minutes (37') East one hundred ninety and eight tenths (190.8) feet to the Southeasterly line of said tract seventeen (17) and from which point the most easterly corner of said tract seventeen (17) bears North fifty degrees (50°) fourteen minutes (14') East three hundred sixteen and six tenths (316.6) feet; thence South fifty degrees (50°) fourteen minutes (14') West one hundred eighty-five and nine tenths (185.9) feet along the southeasterly line of said Tract seventeen (17) to the northeast bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the northeast bank of the said former Rio Grande North sixty degrees (60°) fifty-one minutes (51') West one hundred ninety-nine and nine tenths (199.9) feet and North sixty-four degrees (64°) fifty-nine minutes (59') West three and three tenths (3.3) feet to the intersection with the northwesterly line of said Tract seventeen (17); thence along said northwesterly line of tract seventeen (17) North forty-nine degrees (49°) fifty-seven minutes (57') East two hundred fifty-nine and eight tenths (259.8) feet to the point of beginning. Said tract of land containing ninety-seven hundredths (0.97) of an acre, more or less. Shown on Riverside Canal Extension Plat No. 18.

and the United States of America having appeared herein by W. C. Petiscos, Special Attorney, Ben F. Foster, United States Attorney for the Western District of Texas, and Harold L. Sims, Special Assistant to the United States Attorney, and the Defendants, Candelaria O. Lopez, a feme sole, Pilar Madrid and husband, Marino (Maximo) Madrid, Luciano Lopez and wife, Gregoria Lopez, Guadalupe Lopez and wife, Refugio Lopez, Simon Lopez, a single man, Donasiano Lopez and wife, Maria Lopez, Paulina Lopez, a single woman, Antonio Lopez, Cesaria Schutten and husband, Rudolph Schutten, and Tom Files, Trustee, having appeared herein by Kemp, Smith, Coggin and White, their attorneys, and the State of Texas and County of El Paso having appeared herein by Ernest Guinn, County Attorney, and the El Paso County Water Improvement District No. 1, having appeared herein by Burges, Burges, Scott, Raspberry & Hulse, their attorneys of record; and

IT APPEARING TO THE COURT that heretofore a Judgment of Condemnation has been entered by the Court condemning the above described property for the use and benefit of the United States of America and that the United States of America has deposited in the Registry of the Court the sum of TWO HUNDRED SIXTY-SIX AND 75/100 (\$266.75) DOLLARS as the reasonable value of said property, and all the Defendants having either been served with notice of the Special Commissioners or made their appearance herein, and a Hearing before the Special Commissioners was held on the 23rd day of June, 1942, at which time the Commissioners made their findings that the value of the above described property was the sum of TWO HUNDRED SIXTY-SIX AND 75/100 (\$266.75) DOLLARS, and more than ten (10) day have expired since the Findings of the Special Commissioners and no Appeal having been taken by any party to this cause, and the Court being of the opinion that the Findings of the Special Commissioners should be confirmed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Findings of the Special Commissioners that Parcel No. VI was of the reasonable value of TWO HUNDRED SIXTY-SIX AND 75/100 (\$266.75) DOLLARS be and the same is hereby confirmed.

IT FURTHER APPEARING TO THE COURT that at the time of the filing of the Declaration of Taking herein, the Defendants, Candelaria O. Lopez, a feme sole, Pilar Madrid and husband, Marino (Maximo) Madrid, Luciano Lopez and wife, Gregoria Lopez, Guadalupe Lopez and wife, Refugio Lopez, Simon Lopez, a single man, Donasiano Lopez and wife, Maria Lopez, Paulina Lopez, a single woman, Antonio Lopez, Cesaria Schutten

and husband, Rudolph Schutten, were the sole surviving heirs at law of Luciano Lopez, deceased, and were the owners of the above described property, and that by reason of said facts are entitled to recover the compensation awarded by the Special Commissioners for the taking of said property.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendants, Candelaria O. Lopez, a feme sole, Pilar Madrid and husband, Marino (Maximo) Madrid, Luciano Lopez and wife, Gregoria Lopez, Guadalupe Lopez and wife, Refugio Lopez, Simon Lopez, a single man, Donasiano Lopez and wife, Maria Lopez, Paulina Lopez, a single woman, Antonio Lopez, Cesaria Schutten and husband, Rudolph Schutten, do have and recover judgment against the United States of America for the sum of TWO HUNDRED SIXTY-SIX AND 75/100 (\$266.75) DOLLARS, which judgment shall be a full and complete satisfaction of any and all claims which said Defendants may have had against the United States of America by reason of the taking of said property.

IT FURTHER APPEARING TO THE COURT that the State of Texas and County of El Paso, and the El Paso County Water Improvement District No. 1 have filed disclaimers herein disclaiming all right, title and interest in and to the above described property, and the Court being of the opinion that they are entitled to recover nothing from the United States of America or any party to this cause insofar as the above described property is concerned.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the State of Texas and County of El Paso, and the El Paso County Water Improvement District No. 1 recover nothing from the United States of America or any party to this cause insofar as the above described property is concerned.

IT FURTHER APPEARING TO THE COURT that the Mutual Federal Savings and Loan Association of El Paso was duly cited to appear herein but came not and wholly defaulted and

IT FURTHER APPEARING TO THE COURT that the Mutual Federal Savings and Loan Association of El Paso, and Tom Files, Trustee, have no interest in the above described property and are not entitled to recover anything from the United States of America or any party to this cause.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendants, Mutual Federal Savings and Loan Association of El Paso, and Tom Files, Trustee, recover nothing from the United States of America or any party to this cause.

IT IS FURTHER ORDERED, and the Clerk is hereby directed to pay the sum of

TWO HUNDRED SIXTY-SIX AND 75/100 (\$266.75) DOLLARS to the Defendants, Candelario O. Lopez, a feme sole, Pilar Madrid and husband, Marino (Maximo) Madrid, Luciano Lopez and wife, Gregoria Lopez, Guadalupe Lopez and wife, Refugio Lopez, Simon Lopez, a single man, Donasiano Lopez, and wife, Maria Lopez, Paulina Lopez, a single woman, Antonio Lopez, Cesaria Schutten and husband, Rudolph Schutten, this sum being the amount heretofore deposited in the Registry of the Court, and being the amount found by the Special Commissioners.

IT IS FURTHER ORDERED that jurisdiction of this cause be retained as to all other tracts of land and parties interested therein not specifically mentioned and disposed of by this order or other orders of the Court for such other and further proceedings as may seem proper to the Court.

(Sd) Charles A. Boynton
JUDGE.

APPROVED:

(Sd) A.C. Petreolas

A true copy of the original, I certify.

MAXEY HART, Clerk

By Margarita Romero
Deputy.

Filed 16 day of July
19 47 at O'clock M.

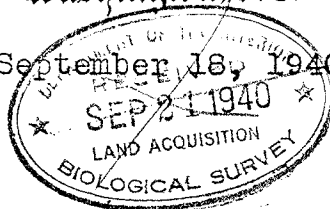
MAXEY HART, Clerk.

By Flora L. Linker
Deputy.



Office of the Attorney General
Washington, D.C.

September 18, 1940



430-

RECEIVED	SEP 21 1940
FILE	

Honorable Harold L. Ickes,
Secretary of the Interior,
Washington, D. C.

B O BRADLEY ET AL

CHIEF COUNSEL

My dear Mr. Secretary:

I have examined the certified copies of the petition for condemnation, declaration of taking and judgment on the declaration of taking in the proceeding entitled United States of America v. Steve M. Marasovich, et al., No. 93 Civil, in the District Court of the United States for the Western District of Texas, El Paso Division, pertaining to the acquisition of 18.31 acres of land in El Paso County, Texas, designated in said declaration of taking as Parcel I, Tracts Nos. 1, 2 and 3, Parcel II, Parcel III, Tracts Nos. 1 and 2, Parcel IV, Parcel V and Parcel VI, within the Rio Grande Federal Irrigation project.

The land is described in the certified copy of the declaration of taking.

The sum of \$1,441.00 was deposited into the registry of the court on September 12, 1940, upon the filing of the declaration of taking, as the estimated just compensation for the land.

I find that the condemnation proceeding to the date of the judgment on the declaration of taking, September 12, 1940, is regular and that a valid title to the land is vested in the United States of America, pursuant to the provisions of an Act of Congress approved February 26, 1931, (46 Stat. 1421), with the right of possession of the said property to be delivered to the United States of America on or before September 16, 1940.

One certified and one uncertified each of the petition for condemnation, declaration of taking and judgment on the declaration of taking, together with the receipt of the Clerk of the Court are enclosed.

Respectfully,

Robert H. Jackson

Attorney General

SEP 27 1940 34080

cc - Attorney
cc, El Paso
Sept. 21/40

9/27 ACCOUNTIN

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

B. O. BRADLEY, ET AL.,

Defendants.

NO. 93 CIVIL.

JUDGMENT AS TO LOPEZ ESTATE

BE IT REMEMBERED, that on this 16th day of July, 1942, came on to be considered the above styled and numbered cause insofar as the same concerns the following described property:

PARCEL NO. VI.

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section Four (4), Township Thirty-four (34) South, Range Eight (8) East, Bureau of Reclamation Survey; being also within Tract seventeen (17) Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930, and of record in the office of the County Clerk of said County and State; more particularly described as follows:

Beginning at a point on the northwesterly line of said Tract seventeen (17) Block one (1) of said official resurvey of the San Elizario Grant and from which point the most northerly corner of said Tract seventeen (17) bears North forty-nine degrees (49°) fifty-seven minutes (57') East three hundred sixteen and two tenths (316.2) feet. Said most northerly corner of Tract seventeen (17) being thirty-five (35) feet from and at right angles to the center line of State Highway No. 1; thence South thirty-nine degrees (39°) thirty-seven minutes (37') East one hundred ninety and eight tenths (190.8) feet to the Southeasterly line of said tract seventeen (17) and from which point the most easterly corner of said tract seventeen (17) bears North fifty degrees (50°) fourteen minutes (14') East three hundred sixteen and six tenths (316.6) feet; thence South fifty degrees (50°) fourteen minutes (14') West one hundred eighty-five and nine tenths (185.9) feet along the southeasterly line of said Tract seventeen (17) to the northeast bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the northeast bank of the said former Rio Grande North sixty degrees (60°) fifty-one minutes (51') West one hundred ninety-nine and nine tenths (199.9) feet and North sixty-four degrees (64°) fifty-nine minutes (59') West three and three tenths (3.3) feet to the intersection with the northwesterly line of said Tract seventeen (17); thence along said northwesterly line of tract seventeen (17) North forty-nine degrees (49°) fifty-seven minutes (57') East two hundred fifty-nine and eight tenths (259.8) feet to the point of beginning. Said tract of land containing ninety-seven hundredths (0.97) of an acre, more or less. Shown on Riverside Canal Extension Plat No. 18.

and the United States of America having appeared herein by W. C. Petiscolas, Special Attorney, Ben F. Foster, United States Attorney for the Western District of Texas, and Harold L. Sims, Special Assistant to the United States Attorney, and the Defendants, Candelaria O. Lopez, a feme sole, Pilar Madrid and husband, Marino (Maximo) Madrid, Luciano Lopez and wife, Gregoria Lopez, Guadalupe Lopez and wife, Refugio Lopez, Simon Lopez, a single man, Donasiano Lopez and wife, Maria Lopez, Paulina Lopez, a single woman, Antonio Lopez, Cesaria Schutten and husband, Rudolph Schutten, and Tom Piles, Trustees, having appeared herein by Kemp, Smith, Coggin and White, their attorneys, and the State of Texas and County of El Paso having appeared herein by Ernest Guinn, County Attorney, and the El Paso County Water Improvement District No. 1, having appeared herein by Burges, Burges, Scott, Raspberry & Hulse, their attorneys of record; and

IT APPEARING TO THE COURT that heretofore a Judgment of Condemnation has been entered by the Court condemning the above described property for the use and benefit of the United States of America and that the United States of America has deposited in the Registry of the Court the sum of TWO HUNDRED SIXTY-SIX AND 75/100 (\$266.75) DOLLARS as the reasonable value of said property, and all the Defendants having either been served with notice of the Special Commissioners or made their appearance herein, and a Hearing before the Special Commissioners was held on the 23rd day of June, 1942, at which time the Commissioners made their findings that the value of the above described property was the sum of TWO HUNDRED SIXTY-SIX AND 75/100 (\$266.75) DOLLARS, and more than ten (10) day have expired since the Findings of the Special Commissioners and no Appeal having been taken by any party to this cause, and the Court being of the opinion that the Findings of the Special Commissioners should be confirmed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Findings of the Special Commissioners that Parcel No. VI was of the reasonable value of TWO HUNDRED SIXTY-SIX AND 75/100 (\$266.75) DOLLARS be and the same is hereby confirmed.

IT FURTHER APPEARING TO THE COURT that at the time of the filing of the Declaration of Taking herein, the Defendants, Candelaria O. Lopez, a feme sole, Pilar Madrid and husband, Marino (Maximo) Madrid, Luciano Lopez and wife, Gregoria Lopez, Guadalupe Lopez and wife, Refugio Lopez, Simon Lopez, a single man, Donasiano Lopez and wife, Maria Lopez, Paulina Lopez, a single woman, Antonio Lopez, Cesaria Schutten

and husband, Rudolph Schutten, were the sole surviving heirs at law of Luciano Lopez, deceased, and were the owners of the above described property, and that by reason of said facts are entitled to recover the compensation awarded by the Special Commissioners for the taking of said property.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendants, Candelaria O. Lopez, a feme sole, Pilar Madrid and husband, Marino (Maximo) Madrid, Luciano Lopez and wife, Gregoria Lopez, Guadalupe Lopez and wife, Refugio Lopez, Simon Lopez, a single man, Donasiano Lopez and wife, Maria Lopez, Paulina Lopez, a single woman, Antonio Lopez, Cesaria Schutten and husband, Rudolph Schutten, do have and recover judgment against the United States of America for the sum of TWO HUNDRED SIXTY-SIX AND 75/100 (\$266.75) DOLLARS, which judgment shall be a full and complete satisfaction of any and all claims which said Defendants may have had against the United States of America by reason of the taking of said property.

IT FURTHER APPEARING TO THE COURT that the State of Texas and County of El Paso, and the El Paso County Water Improvement District No. 1 have filed disclaimers herein disclaiming all right, title and interest in and to the above described property, and the Court being of the opinion that they are entitled to recover nothing from the United States of America or any party to this cause insofar as the above described property is concerned.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the State of Texas and County of El Paso, and the El Paso County Water Improvement District No. 1 recover nothing from the United States of America or any party to this cause insofar as the above described property is concerned.

IT FURTHER APPEARING TO THE COURT that the Mutual Federal Savings and Loan Association of El Paso was duly cited to appear herein but came not and wholly defaulted and

IT FURTHER APPEARING TO THE COURT that the Mutual Federal Savings and Loan Association of El Paso, and Tom Files, Trustee, have no interest in the above described property and are not entitled to recover anything from the United States of America or any party to this cause.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendants, Mutual Federal Savings and Loan Association of El Paso, and Tom Files, Trustee, recover nothing from the United States of America or any party to this cause.

IT IS FURTHER ORDERED, and the Clerk is hereby directed to pay the sum of

TWO HUNDRED SIXTY-SIX AND 75/100 (\$266.75) DOLLARS to the Defendants, Candelario O. Lopez, a feme sole, Pilar Madrid and husband, Marino (Maximo) Madrid, Luciano Lopez and wife, Gregoria Lopez, Guadalupe Lopez and wife, Refugio Lopez, Simon Lopez, a single man, Donasiano Lopez, and wife, Maria Lopez, Paulina Lopez, a single woman, Antonio Lopez, Cesaria Schutten and husband, Rudolph Schutten, this sum being the amount heretofore deposited in the Registry of the Court, and being the amount found by the Special Commissioners.

IT IS FURTHER ORDERED that jurisdiction of this cause be retained as to all other tracts of land and parties interested therein not specifically mentioned and disposed of by this order or other orders of the Court for such other and further proceedings as may seem proper to the Court.

(Sgd) Charles A. Baynton
JUDGE.

APPROVED:

(Sgd) W.C. Petricolas

A true copy of the original, I certify.

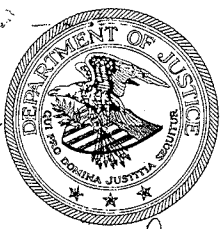
MAXEY HART, Clerk,

By Margarita Gameros
Deputy.

Filed 16th July
at 4 30 P.M.
MAXEY HART, Clerk.
By Charles L. Linker
Deputy.

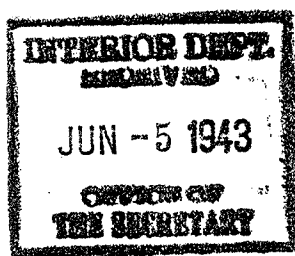
58-93.

430.-



Office of the Attorney General
Washington, D.C.

RIO GRANDE



June 3, 1943

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER

JUN - 5 1943
TO BUREAU OF
RECLAMATION

Honorable Harold L. Ickes
Secretary of the Interior
Washington, D. C.

CHIEF COUNSEL

[Handwritten signature]

My dear Mr. Secretary:

Enclosed is a certificate of the clerk of the court showing a deposit in the sum of \$17.16 in the registry of the court, pursuant to a deficiency judgment concerning the acquisition of Parcel No. V, Riverside Canal - Rio Grande, included in the condemnation proceeding entitled United States of America v. B. O. Bradley, et al., No. 93 Civil in the United States District Court for the Western District of Texas.

Title to the above tract has heretofore vested in the United States of America, as stated in the opinion of this Department dated January 2, 1943. The deficiency judgment has been satisfied and the acquisition of this tract is completed.

Respectfully,

Francis Biddle
Attorney General

CC - CE Denver, Colo.
DC Amarillo, Tex.
CAO Denver, Colo.
Supt., El Paso, Tex.

(DSK 6-9-43)

JUN 5 '43 13604

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

UNITED STATES OF AMERICA,

¶

Plaintiff,

¶

vs.

¶

NO. 93 . CIVIL.

B. O. BRADLEY, ET AL.,

¶

Defendants.

¶

CERTIFICATE OF CLERK

I, MAXEY HART, Clerk of the United States District Court for the Western District of Texas, do hereby certify that on the 24th day of May, 1943, I received from the United States of America, petitioner herein, and deposited in the Registry of the Court, the sum of SEVENTEEN AND 16/100 (\$17.16) DOLLARS, being pursuant to judgment hereinbefore entered confirming the awards as to Parcel No. V.

This the 24th day of May, 1943.

MAXEY HART
DISTRICT CLERK

BY

Flora L. Linker
DEPUTY

430.-
RIO GRANDE

MCS:ld

General Accounting Office,
Claims Division,
Washington, D. C.

FEB 22 1943

Gentlemen:

Enclosed for direct settlement is claim in the amount of \$15.00 plus interest at six percent per annum from December 12, 1940, until paid, for the Clerk in the United States District Court for the Western District of Texas, to pay final judgment to B. O. Bradley, et al. Civil No. 93, in connection with the acquisition of Parcel No. V, Rio Grande Project.

The claim has received administrative examination, is approved, and I recommend that payment be made from the fund "1418070.010, Reclamation Trust Funds, Rio Grande Project".

It would be appreciated if the issuance of Certificate of Settlement were expedited and check mailed in care of the Attorney General of the United States, Washington, D. C.

*See
voucher*
For the Commissioner

Very truly yours,

H. W. Bashore
H. W. Bashore,
Assistant Commissioner.

Enclosure 905

Copy for Department of Justice,
Lands Division,
Washington, D. C. (With copy of voucher)

- C.E., Denver, Colo.
- D.C., Amarillo, Texas
- Central Acctg. Office, Denver, Colo. (With copy of voucher)
- Supt., El Paso, Texas (With copy of voucher)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

El Paso, Texas

February 12, 1943

430
~~DISTRICT COUNSEL~~
RIO GRANDE

From Superintendent

To Commissioner

Subject: Condemnation proceedings - Right of way for Riverside
Canal Extension - Rio Grande Project.

1. Reference is made to the Attorney General's letter of January 2, 1943 to the Secretary, copies of which have been furnished, and which pertain to the acquisition of Parcel No. V of the Riverside Canal right of way through condemnation proceedings entitled United States of America v. B. O. Bradley, et al., El Paso County, Civil No. 93 in the United States District Court for the Western District of Texas.

2. The above referred to letter among other things states that as the result of the court awarding \$90.00 instead of \$75.00, which was deposited at the time of the filing of declaration of taking, there is a deficiency judgment in the amount of \$15.00, which should be paid to the court with interest at the rate of 6% per annum from December 12, 1940 until paid. The original voucher and check in the amount of \$1,441.00 in favor of the Clerk of the District Court of the United States for the Western District of Texas, El Paso Division, c/o Attorney General of the United States, Washington, D. C., for the amount deposited in the registry of the court as just compensation in the above referred to suit at the time of the filing of declaration of taking, were drawn in Washington against appropriation 14X8070.010 Reclamation Contributed Funds, Rio Grande Project.

3. Please advise how or who is to take care of the deficiency by drawing voucher and check to cover same. If any further action is desired of this office, please advise.

cc-Chief Engineer
-District Counsel



FEB 16 1943

42

ADDRESS ONLY THE
DIRECTOR, FISH AND WILDLIFE SERVICE

IN REPLY REFER TO

LA - Z

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
CHICAGO, ILLINOIS

January 29, 1943.

430-
RIO GRANDE

MEMORANDUM for Commissioner,
Bureau of Reclamation.

B.O. Bradley

I am forwarding herewith Mr. Williams' letter of January 26, and the copy of the judgment in favor of Rudolph G. Schutten and wife, which was misdirected to this office.

Allen M. Day
Acting Director.

Attachments.

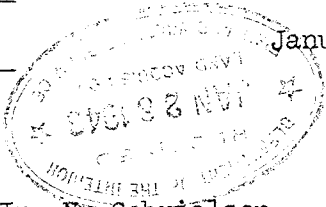
FEB 2'43 3291

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

RJL - EON

33-45-344



January 26, 1943

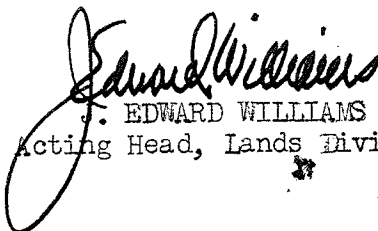
Dr. Ira N. Gabrielson
Director, Fish and Wild Life Service
Department of the Interior
Merchandise Mart
Chicago, Illinois

Dear Dr. Gabrielson:

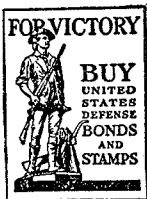
This has reference to a deficiency opinion from the Attorney General to the Secretary of the Interior dated January 2, 1943, relative to Parcel No. V in the condemnation proceeding entitled United States v. B. O. Bradley, et al., El Paso County, Civil No. 93 in the United States District Court for the Western District of Texas, pertaining to the Riverside Canal - Rio Grande Project.

In accordance with the request of your Department, there is enclosed a certified copy of the judgment covering Parcel No. V.

Respectfully,
For the Attorney General

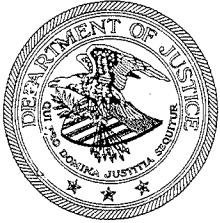

J. EDWARD WILLIAMS
Acting Head, Lands Division

Encl. No. 607437



FEB 2'43 3291

5 2-4 3 PM



Office of the Attorney General

Washington, D.C.

January 2, 1943

430.-
RIO GRANDE
COUNSEL
WB

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER
JAN - 5 1943
TO BUREAU OF
RECLAMATION

Honorable Harold L. Ickes
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

I have examined the abstract of title and transcript of record in the condemnation proceeding entitled United States of America v. B. O. Bradley, et al. El Paso County, Civil No. 93 in the United States District Court for the Western District of Texas, pertaining to the acquisition of Parcel No. V of the Riverside Canal - Rio Grande Project.

The certificate of title was prepared by the Pioneer Abstract and Guarantee Title Company and is in satisfactory form.

I find that the condemnation proceeding has been regularly conducted and that a fee simple title is vested in the United States of America as stated in the opinion of this Department dated September 18, 1940. On December 5, 1942 the court entered a judgment determining the just compensation for the land to be the sum of \$90.00. The sum of \$75.00 was deposited in the registry of the court as estimated just compensation at the time of the filing of the declaration of taking.

The sum of \$15.00 plus interest at the rate of 6% per annum from December 12, 1940 until paid should be deposited in the registry of the court in satisfaction of the deficiency judgment.

The land is more fully described in the deficiency judgment, a certified copy of which is enclosed. Also enclosed is the certificate of title.

Respectfully,

Henry Biddle
Attorney General

Copies to CE, Denver, Colo.
DC, Amarillo, Texas
Supt., El Paso, Texas.
(WB - 2/5/43).

JAN 5 '43 1341

No.14597

CERTIFICATE OF TITLE

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

200 First National Bank Building

El Paso, Texas.

TO: UNITED STATES OF AMERICA

THE PIONEER ABSTRACT & GUARANTEE TITLE COMPANY, a Corporation organized and existing under the laws of the State of Texas, with its principal office in the City of El Paso, hereby certifies that it has made a thorough search of the title to the property described in SCHEDULE "A" hereof, beginning with the 8th day of March 1853 being the date of the Patent from the State of Texas, and that the title to said property was idefeasibly vested in fee simple of record in the UNITED STATES OF AMERICA, as of December 5th, 1942, free and clear of all encumbrances, defects, interests, and all other matters whatsoever, either of record or otherwise known to the corporation, impairing or adversely affecting the title to said property, except as shown in SCHEDULE "B" hereof.

In consideration of the fee paid, this certificate is issued for the use and benefit of the UNITED STATES OF AMERICA.

IN WITNESS WHEREOF said Corporation has caused these presents to be signed in its name and behalf, sealed with its corporate seal, and delivered by its proper officers thereunto duly authorized, as of the date last above mentioned.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

ATTEST:

By,

N. H. Newman

President.

By,

H. M. Cune
Asst. Secretary.

JAN 5'43 1341

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "A"

THE property covered by this certificate is accurately
and fully described as follows:

Riverside Canal Extension
Plat No. 14

A tract of land lying and situate in El Paso County, Texas and in the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section five (5) Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; said tract being all of lots eight (8), nine (9), ten (10), eleven (11) and twelve (12) and accretion thereto, Block G of the Riverside Addition to Fabens, Texas and being also within Tract fourteen (14), Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas the 13th day of January, 1930, and of record in the office of the County Clerk of said County and State; more particularly described as follows:

Beginning at a point on the northerly line of Block G Riverside Addition to Fabens, Texas, said point being the Northeast corner of Lot eight (8), Block G of said Riverside Addition; thence along the easterly line of said Lot eight (8) South twenty-three degrees (23°) forty-two minutes (42') East one hundred twenty-nine (129) feet to a point on the southerly line of said Block G, said point being the Southeast corner of said Lot eight (8); thence along the southerly line and an extension thereof of said Block G, Riverside Addition South sixty-six degrees (66°) eighteen minutes (18') West one hundred eighty-four and one tenth (184.1) feet to the center of what formerly constituted the bed of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the center line of said former river bed North fifty-eight degrees (58°) nine minutes (09') West one hundred fifty-six and four tenths (156.4) feet to a point where the said center line intersects the extension of the northerly line of Block G of said Riverside Addition; thence along said northerly line as extended North sixty-six degrees (66°) eighteen minutes (18') East two hundred seventy-two and six tenths (272.6) feet to the point of beginning. Said tract of land containing sixty-eight hundredths (0.68) of an acre, more or less.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "B"

The property described in schedule "A" hereof is free and Clear from all interests, encumbrances, and defects of title and all other matters whatsoever of record, or which, though not of record, are known to this Corporation to exist impairing or adversely affecting the title to said property, except the following:

NONE.

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA, :

Plaintiff, :

vs. :

No. 93 Civil.

B. O. BRADLEY, ET AL. :

:

Defendants. :

:

It is hereby stipulated and agreed by and between the United States of America, hereinafter called the Plaintiff, and **Rudolph G. Schutten and wife, Mary C. Schutten,**

hereinafter called Defendants, that

WHEREAS, an action in condemnation was commenced in the above court on the **12th** day of **September**, 1940, by filing of a Petition in Condemnation and a Declaration of Taking on behalf of the United States of America at the request of the Secretary of ~~War~~ ^{State} for the United States of America, and

WHEREAS, in accordance therewith on the **12th** day of **September**, 1940, a Judgment on said Declaration of Taking was duly made and entered in the above named Court in favor of the United States of America and against the above named person and the following described property:

PARCEL NO. V

and under the provisions of the Declaration of Taking Act (46 Stat. 1421), the title to the above described land in fee simple was vested in the United States of America and the right to just compensation for the same was likewise, under the provisions of said Act, vested in the person S thereto entitled, and the sum of \$ 75.00 was deposited in the Registry of said Court for the use of the person S entitled thereto at the time of the filing of said Declaration of Taking, and

WHEREAS, Rudolph G. Schutten and wife, Mary C. Schutten

~~(claim)~~ (claim) to be the owner S in fee simple of the above described property, subject only to the following:

State and County taxes due and owing on said property

and

WHEREAS, the undersigned defendants and the United States of America have agreed that the reasonable value of the above described property is the sum of \$ 90.00, and the said defendants are willing to accept said sum in full satisfaction of any claims against the United States of America for the taking of said land.

NOW, THEREFORE, it is hereby stipulated and agreed by and between Rudolph G. Schutten and wife, Mary C. Schutten

Defendant S,

and United States of America that said Defendant S, do hereby enter their appearance in this action, and expressly waive service of summons, petition, order of taking, notice of Special Commissioners, or any and all other process and proceedings, hereby expressly waiving any and all rights affected thereby, and hereby expressly waive a hearing before the Special Commissioners appointed by the Court, and hereby further stipulating and agreeing that the Honorable United States District Court for the Western District of Texas, El Paso Division, is hereby authorized and petitioned to enter without further notice a final judgment and decree in said

action in accordance with the prayer of Plaintiff's Petition herein reciting the vesting of the title to the above described property in the United States of America pursuant to the filing of said Declaration of Taking and deposit thereunder, and adjudging just compensation for the lands taken to be the amount deposited by the United States of America for the use of the person___ entitled thereto, as hereinabove set forth, and the Court is authorized and petitioned to include a provision in the final judgment and decree for the disbursements of the funds so deposited in the following manner, to wit:

First: To the payment of a sum sufficient to discharge and satisfy all mortgages, encumbrances, and other liens against the above described property, including the State debt and all taxes due and owing on said property.

Second: To the expense for recording all copies of judgments, releases or other instruments necessary to perfect the title in United States of America.

Third: The balance, if any, to the above named defendant_____.

The foregoing stipulation is made in view of the fact that said Declaration of Taking was filed to expedite the vesting of the title and possession in the United States of America, and it is the purpose and intent hereof to vest in the Court, without any further proceeding or notice, full authority to close said action by final judgment and disburse the funds in accordance therewith.

IN WITNESS WHEREOF, the parties hereunto set their names, this day of *November*, A. D. 19 *42*.

UNITED STATES OF AMERICA,

By *(Sgd) Ben F. Foster*
United States Attorney, Plaintiff,

By *(Sgd) W. C. Peticolas*
Special Attorney.

(Sgd) Rudolph G. Schutte
(Sgd) Mary C. Schutte

Defendants *s*

NO. 14597

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY
200 First National Bank Building
El Paso, Texas

CERTIFICATE OF TITLE

TO: UNITED STATES OF AMERICA

THE PIONEER ABSTRACT & GUARANTEE TITLE COMPANY, a Corporation organized and existing under the laws of the State of Texas, with its principal office in the City of El Paso, hereby certifies that from its examination of the title to the real estate described in SCHEDULE A hereof, as of the 11th day of September, 1940, the title to the above described real estate was indefeasibly vested in fee simple of record in:

RUDOLPH G. SCHUTTEN and wife,
MARY C. SCHUTTEN

subject only to the objections, liens, charges, encumbrances and other matters shown under SCHEDULE B hereof.

This certificate of title is made in consideration of the payment of the premium by the applicant and for its use and that of its immediate vendee.

IN WITNESS WHEREOF the said Company has caused its corporate seal to be hereto affixed and these presents to be duly signed in accordance with its by-laws.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

By

W. W. Newman
President

ATTEST:

By

Donald B. Newman
Asst. Secretary

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "B"

The property described in SCHEDULE "A" hereof is free and clear from all interests, encumbrances, and defects of title and all other matters whatsoever of record, or which, though not of record, are known to this Corporation to exist impairing or adversely affecting the title to said property, except the following:

1. Water and construction charges for the year 1940, if any, This property is not on the records of the district for the year 1939 and prior years.
2. State and County taxes for the year 1940, which are not yet due and payable.
3. Fred D. Cooke, and wife, Grace D. Cooke, conveyed the property above set out to Rudolph G. Schutten and wife, Mary C. Schutten on July 14, 1921, by deed of record in Book 359, page 553, of the Deed Records of El Paso County, Texas, and in said deed retained a vendor's lien to secure the payment of 9 promissory notes of even date therewith each in the sum of \$25.00. However the deed does not give the maturity dates of any of the notes, nor does it state any rate of interest.

While it would appear that these notes are probably long barred by the statutes of limitation, we prefer that a release thereof, be procured if it is possible to get a release at the present time.

Note:

There is a suit pending in the United States District Court No. 93, Civil, styled United States of America vs Rudolph G. Schutten and Mary C. Schutten et al, in which Declaration of Taking was filed September 12, 1940, and Judgment rendered on same stating that possession of the above described property shall be delivered to the United States of America on or before Monday the 16th day of September, 1940, said cause is held open for other and further orders, judgments, and decrees as may be necessary in the premises, this 12th day of September, 1940, Commissioners were appointed December 2, 1940, but no report of hearing of record. El Paso County Water Improvement District #1 filed their disclaimer on April 23, 1941; the State of Texas filed their answer on May 3, 1941, which shows that taxes are due and delinquent and unpaid on the property under consideration. On May 7, 1941, Rudolph G. Schutten and wife Mary C. Schutten filed an application to withdraw funds, and on May 7, 1941, the Clerk was authorized to pay the State of Texas and County of El Paso \$1.48 as taxes on said property, out of the funds they were entitled to.

There is a Certified copy of Judgment out of Court Suit #93, United States District Court styled United States of America vs. Rudolph G. Schutten and wife, Mary C. Schutten, filed for record September 12, 1940 under Clerk's File No. 14073 of the Deed Records of El Paso County, Texas.

A release from Fred D. Cooke to Rudolph G. Schutten, dated May 3, 1941, and recorded in Book 689, Page 339, Deed Records of El Paso County, Texas, releasing in full the payment of 9 notes, each in the sum of \$25.00, fully described in Warranty Deed from Fred D. Cooke and wife, Grace D. Cooke to Rudolph G. Schutten and wife, Mary C. Schutten, recorded in Book 359, Page 553 of the Deed Records of El Paso County, Texas.

COPY

El Paso, Texas

June 6, 1940

MEMORANDUM to District Counsel

(Superintendent)

Subject - Acquisition of Right of Way for Riverside Canal Extension and Mesa and River Drain Outlet channels and appurtenant works by condemnation - Rio Grande Project.

1. Since my memorandum of April 26th on this subject it has developed, after efforts to negotiate land purchase contracts based on original descriptions and approved appraisals have failed, that it will be necessary to start condemnation proceedings through six other properties; namely, property owned by B. O. Bradley, Steve Marasovich, Mrs. Norma Hunt, Edward Whitaker heirs and Paul Tucker, R. G. Schutten and the Luciano Lopez estate, as shown on the attached descriptions and plats.

2. There have been deposited by the El Paso County Water Improvement District funds for the acquisition of lands and accomplishment of the construction of the works for which these lands are needed, available for expenditure by the United States pursuant to the Act of March 4, 1921 (41 Stat. 1404: Sec. 395, Title 43, United States Code), adequate, in amount, in my opinion, for making the appropriate deposits of the estimated value of the lands to be taken by eminent domain and to pay such awards as may be made therefor in such proceedings.

3. Reference is made to the appraisal approved February 26, 1940, by the Under Secretary of the Interior, which covered appraisals of tracts of land corresponding in general to, but differing in some particulars as explained below, from those tracts described in the descriptions and plats attached hereto, now sought to be acquired by condemnation.

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

NO. 93 CIVIL.

B. O. BRADLEY, ET AL.,

Defendants.

JUDGMENT IN FAVOR OF NORMA NOEL HUNT

BE IT REMEMBERED, that on this 26th day of June, 1942,
in the above styled and numbered cause, came on to be considered said condemnation
proceeding insofar as same concerns the following described property:

PARCEL III

TWO tracts of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section Four (4), Township Thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey, and within Hunt's Addition to Fabens, Texas, being also within Tract Nine (9), Block Fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas the 13th day of January, 1930 and of record in the office of the County Clerk of said county and state; more particularly described as follows:

TRACT 1 - Being all of lots one (1) to seventy-six (76), both inclusive, Block nine (9), Hunt's Addition to Fabens, Texas, more particularly described as follows: Beginning at a point on the southeasterly line of said tract nine (9) Block fifty-four (54) of said official resurvey of the San Elizario Grant which point is the most southerly corner of Block nine (9), Hunt's addition to Fabens, Texas; thence along the southwesterly line of said block nine (9) which is also the northeasterly right of way line of Canal Drive North forty-seven degrees (47°) fifty-eight minutes (58') West one thousand one hundred forty-four and eight tenths (1144.8) feet. North fifty-nine degrees (59°) eighteen minutes (18') West one hundred sixty-one and seventy-six hundredths (161.76) feet and North sixty-eight degrees (68°) forty-eight minutes (48') West five hundred eighty-seven and two tenths (587.2) feet to the Southwest corner of said Block nine (9) Hunt's Addition to Fabens, Texas and from which point the most southerly corner of said Tract nine (9) Block fifty-four (54) of said official resurvey of the San Elizario Grant bears South thirty-seven degrees (37°) fourteen minutes (14') East one thousand seven hundred seventy-five and seven tenths (1775.7) feet; thence North thirty-seven degrees (37°) fourteen minutes (14') West one hundred sixty-nine and two tenths (169.2) feet along the westerly line and an extension thereof of said Block nine (9) Hunt's Addition to Fabens, Texas to the south bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the south bank of the said former Rio Grande South seventy degrees (70°) nineteen minutes

(19') East six hundred ninety-four and four tenths (694.4) feet; South sixty-three degrees (63°) twenty-three minutes (23') East three hundred forty-eight (348) feet South fifty-six degrees (56°) fifty-eight minutes (58') East three hundred forty-five and fifteen hundredths (345.15) feet, South forty-five degrees (45°) forty-eight minutes (48') East three hundred twenty-eight and sixty-four hundredths (328.64) feet and South thirty-eight degrees (38°) eighteen minutes (18') East four hundred and six hundredths (400.06) feet to the intersection with the southeasterly line of Block nine (9) of Hunt's Addition to Fabens, Texas; thence along the southeasterly line of said Block nine (9) South fifty-two degrees (52°) forty-two minutes (42') West one hundred twenty-four (124) feet to the point of beginning. Said tract of land containing six and forty-nine hundredths (6.49) acres, more or less. Shown on Riverside Canal Extension Plat No. 22.

TRACT 2 - Being fractional parts of lots nine (9) and ten (10), Block two (2), fractional parts of lots eight (8), nine (9), eighteen (18) and nineteen (19), Block three (3) and fractional parts of lots sixteen (16) and seventeen (17), Block six (6), all in Hunt's Addition to Fabens, Texas more particularly described as follows: Beginning at a point on the southwesterly right of way line of the I-243 Lateral, which is the property of the United States, said point being the most northerly corner of Lot sixteen (16), Block six (6), Hunt's Addition to Fabens, Texas; thence along the southwesterly right of way line of the I-243 Lateral being also the northeasterly line of Blocks six (6), three (3) and two (2), Hunt's Addition to Fabens, Texas, South forty-seven degrees (47°) fifty-eight minutes (58') East five hundred seventy-four and ninety-four hundredths (574.94) feet to a point which is the most easterly corner of Lot ten (10), Block two (2), Hunt's Addition to Fabens, Texas; thence along the southeasterly line of said Lot ten (10), South fifty-two degrees (52°) forty-two minutes (42') West eleven and seventy-three hundredths (11.73) feet; thence North forty-seven degrees (47°) forty-four minutes (44') West five hundred seventy-four and forty-nine hundredths (574.49) feet to the northwesterly line of Lot sixteen (16), Block six (6) Hunt's Addition to Fabens, Texas; thence along said line North fifty-two degrees (52°) forty-two minutes (42') East nine and thirty-five hundredths (9.35) feet to the point of beginning. Said tract of land containing fourteen hundredths (0.14) of an acre, more or less, of which two hundredths (.02) of an acre is occupied by streets and alleys. Shown on Riverside Canal Extension Plat 26.

and the United States of America, having appeared herein by W. C. Peticolas, Special Attorney, Ben F. Foster, United States Attorney for the Western District of Texas, and H. L. Sims, Special Assistant to the United States Attorney, and the defendant, Norma Noel Hunt, a feme sole, having appeared herein by her attorney, R. J. Channell, and the defendant, El Paso County Water Improvement District No. 1, having appeared herein by their attorneys, Burges, Burges, Scott, Raspberry, and Hulse, and the defendants, State of Texas and County of El Paso, having appeared herein by Ernest Guinn, County Attorney; and

IT APPEARING TO THE COURT that heretofore a Judgment of Condemnation has been entered by the Court, condemning the above described property for the use and benefit of the United States of America, and that the United States of America has deposited in the Registry of the Court the sum of FIVE HUNDRED ^{EIGHTY-TWO} AND NO/100 (\$582.00) DOLLARS for the taking of said property, and

a hearing before the Special Commissioners was held on the 15th day of June, 1942, at which time the Commissioners made their findings that the value of the above described property was the sum of FIVE HUNDRED EIGHTY-TWO AND NO/100 (\$582.00) DOLLARS and more than ten (10) days have expired since the findings of the Special Commissioners and no appeal having been taken by any party to this cause and the Court being of the opinion that the findings of the Special Commissioners be confirmed.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Findings of the Special Commissioners that Parcel No. III was of the reasonable value of FIVE HUNDRED EIGHTY-TWO AND NO/100 (\$582.00) DOLLARS be and the same is hereby confirmed.

IT FURTHER APPEARING TO THE COURT that at the time of the filing of the Declaration of Taking herein, the defendant, Norma Noel Hunt, a feme sole, was the owner of Parcel No. III, and the Court being of the opinion that Norma Noel Hunt, a feme sole, is entitled to recover judgment against the United States of America for the sum of FIVE HUNDRED EIGHTY-TWO (\$582.00) DOLLARS.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that the defendant Norma Noel Hunt, a feme sole, do have and recover judgment against the United States of America for the sum of FIVE HUNDRED EIGHTY-TWO (\$582.00) DOLLARS, which judgment, when paid, shall be a full and complete satisfaction of all claims which said defendant may have had against the United States of America by reason of the taking of the above described property, and

IT FURTHER APPEARING TO THE COURT that the El Paso County Water Improvement District No. 1 has filed a disclaimer herein disclaiming all right, title, and interest in and to the above described property, and the Court being of the opinion that said defendant is entitled to recover nothing from the United States of America or any party to this cause.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that the El Paso Water Improvement District No. 1 recover nothing from the United States of America or any party to this cause insofar as the above described property is concerned.

IT FURTHER APPEARING TO THE COURT that there is due the State of Texas and County of El Paso the sum of FIFTY-NINE (\$0.59) CENTS as taxes due and owing on the above described property, and the Court being of the opinion that the State of Texas and County of El Paso are entitled to judgment over against the defendant Norma Noel Hunt, a feme sole, for the sum of FIFTY-NINE (\$0.59) CENTS.

IT IS THEREBY ORDERED ADJUDGED AND DECREED by the Court that the State of Texas and County of El Paso do have and recover judgment over against

the defendant Norma Noel Hunt for the sum of FIFTY-NINE (\$0.59) CENTS.

IT IS FURTHER ORDERED, and the Clerk is hereby directed to pay the sum of FIFTY-NINE (\$0.59) CENTS to the State of Texas and County of El Paso, and the sum of FIVE HUNDRED EIGHTY-ONE AND 41/100 (\$581.41) DOLLARS to the defendant, Norma Noel Hunt, a feme sole, this total being the amount heretofore deposited in the Registry of the Court by the Plaintiff.

IT IS FURTHER ORDERED that the jurisdiction of this cause be retained as to all other tracts of land and parties interested therein not specifically mentioned and disposed of by this order or other orders of the Court for such other and further proceedings as may seem proper to the Court.

(Sgd) Charles A. Beynton
JUDGE

APPROVED:

R. J. Channell
W. C. Petricolas

True copy of the original, I certify.

MAXEY HART, Clerk,

By Margarita Gameros
Deputy.

Filed 26th day of June
1942 at El Paso M.

MAXEY HART, Clerk.

By Margarita Gameros
Deputy.

NO. 14595

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY
200 First National Bank Building
El Paso, Texas

CERTIFICATE OF TITLE

TO: UNITED STATES OF AMERICA

THE PIONEER ABSTRACT & GUARANTEE TITLE COMPANY, a Corporation organized and existing under the laws of the State of Texas, with its principal office in the City of El Paso, hereby certifies that from its examination of the title to the real estate described in SCHEDULE A hereof, as of the 11th day of September, 1940, the title to the above described real estate was indefeasibly vested in fee simple of record in:

NORMA NOEL HUNT

subject only to the objections, liens, charges, encumbrances and other matters shown under SCHEDULE B hereof.

This certificate of title is made in consideration of the payment of the premium by the applicant and for its use and that of its immediate vendee.

IN WITNESS WHEREOF the said Company has caused its corporate seal to be hereto affixed and these presents to be duly signed in accordance with its by-laws.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

By

W. W. Newman

President

ATTEST

By

W. W. Newman
Asst. Secretary

(Parcel III, Hunt)

TWO tracts of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section four (4), Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey and within Hunt's Addition to Fabens, Texas, being also within Tract nine (9), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas the 13th day of January, 1930 and of record in the office of the County Clerk of said county and state; more particularly described as follows:

TRACT 1 - Being all of lots one (1) to seventy-six (76) both inclusive, Block nine (9) Hunt's Addition to Fabens, Texas, more particularly described as follows: Beginning at a point on the southeasterly line of said tract nine (9) Block fifty-four (54) of said official resurvey of the San Elizario Grant which point is the most southerly corner of Block nine (9) Hunt's Addition to Fabens, Texas; thence along the southwesterly line of said block nine (9) which is also the northeasterly right of way line of Canal Drive North forty-seven degrees (47°) fifty-eight minutes (58') West one thousand one hundred forty-four and eight tenths (1144.8) feet, North fifty-nine degrees (59°) eighteen minutes (18') West one hundred sixty-one and seventy-six hundredths (161.76) feet and North sixty-eight degrees (68°) forty-eight minutes (48') West five hundred eighty-seven and two tenths (587.2) feet to the Southwest corner of said Block nine (9) Hunt's Addition to Fabens, Texas and from which point the most southerly corner of said Tract nine (9) Block fifty-four (54) of said official resurvey of the San Elizario Grant bears South thirty-seven degrees (37°) fourteen minutes (14') East one thousand seven hundred seventy-five and seven tenths (1775.7) feet; thence North thirty-seven degrees (37°) fourteen minutes (14') West one hundred sixty-nine and two tenths (169.2) feet along the westerly line and an extension thereof of said Block nine (9) Hunt's Addition to Fabens, Texas to the south bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the south bank of the said former Rio Grande South seventy degrees (70°) nineteen minutes (19') East six hundred ninety-four and four tenths (694.4) feet, South sixty-three degrees (63°) twenty-three minutes (23') East three hundred forty-eight (348) feet South fifty-six degrees (56°) fifty-eight minutes (58') East three hundred forty-five and fifteen hundredths (345.15) feet, South forty-five degrees (45°) forty-eight minutes (48') East three hundred twenty-eight and sixty-four hundredths (328.64) feet and South thirty-eight degrees (38°) eighteen minutes (18') East four hundred and six hundredths (400.06) feet to the intersection with the southeasterly line of Block nine (9) of Hunt's Addition to Fabens, Texas; thence along the southeasterly line of said Block nine (9) South fifty-two degrees (52°) forty-two minutes (42') West one hundred twenty-four (124) feet to the point of beginning. Said tract of land containing six and forty-nine hundredths (6.49) acres, more or less. Shown on Riverside Canal Extension Plat No. 22 attached hereto and made a part hereof.

Correct as to Engineering Data 9.0.8

Riverside Canal Extension - Plat No. 22 -26

TRACT 2 - Being fractional parts of lots nine (9) and ten (10), Block two (2), fractional parts of lots eight (8), nine (9), eighteen (18) and nineteen (19), Block three (3) and fractional parts of lots sixteen (16) and seventeen (17), Block six (6), all in Hunt's Addition to Fabens, Texas more particularly described as follows: Beginning at a point on the southwesterly right of way line of the I-243 Lateral, which is the property of the United States, said point being the most northerly corner of Lot sixteen (16) Block six (6) Hunt's Addition to Fabens, Texas; thence along the southwesterly right of way line of the I-243 Lateral being also the northeasterly line of Blocks six (6), three (3) and two (2) Hunt's Addition to Fabens, Texas, South forty-seven degrees (47°) fifty-eight minutes (58') East five hundred seventy-four and ninety-four hundredths (574.94) feet to a point which is the most easterly corner of Lot ten (10), Block two (2), Hunt's Addition to Fabens, Texas; thence along the southeasterly line of said Lot ten (10), South fifty-two degrees (52°) forty-two minutes (42') West eleven and seventy-three hundredths (11.73) feet; thence North forty-seven degrees (47°) forty-four minutes (44') West five hundred seventy-four and forty-nine hundredths (574.49) feet to the northwesterly line of Lot sixteen (16) Block six (6) Hunt's Addition to Fabens, Texas; thence along said line North fifty-two degrees (52°) forty-two minutes (42') East nine and thirty-five hundredths (9.35) feet to the point of beginning. Said tract of land containing fourteen hundredths (0.14) of an acre, more or less, of which two hundredths (.02) of an acre is occupied by streets and alleys. Shown on Riverside Canal Extension Plat 26, attached hereto and made a part hereof.

Correct as to Engineering Data

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "A"

The property covered by this certificate is accurately and fully described as follows:

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "B"

The property described in SCHEDULE "A" hereof is free and clear from all interests, encumbrances, and defects of title and all other matters whatsoever of record, or which, though not of record, are known to this Corporation to exist impairing or adversely affecting the title to said property, except the following:

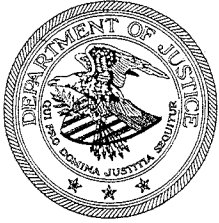
1. Rights of the parties in possession and errors in boundaries which a correct survey would disclose.
2. Water Charges due to the El Paso County Water Improvement District No. 1, for which no search has been made.
3. From Tax Certificate issued by the Tax Assessor and Collector of El Paso County on the Seventh of August, 1940, it appears that the taxes on this property are paid.
4. This property is subject to all charges and assessments levied in connection with the Elephant Butte Irrigation Project including all irrigation and construction charges. *

This property is located in and is a part of Tract No. Nine (9), Block No. Fifty-four (54) of the San Elizario Grant according to the official resurvey of that grant as accepted by the Commissioner's Court of El Paso County.

NOTE:

There is a suit pending in the United States District Court No. 93, Civil, styled United States of America vs Mrs. Norma Noel Hunt, a feme sole, et al, in which Declaration of Taking was filed September 12, 1940, and Judgment rendered on same stating that possession of the above described property shall be delivered to the United States of America on or before Monday the 16th day of September, 1940, said cause is held open for other and further orders, judgments, and decrees as may be necessary in the premises, this 12th day of September, 1940, Commissioners were appointed December 2, 1940, but no report of hearing of record.

There is a certified copy of Judgment out of Court Suit #93, United States District Court, styled United States of America vs. Mrs. Norma Noel Hunt, a feme sole, et al, filed for record September 12, 1940 under Clerk's File No. 14073 of the Deed Records of El Paso County, Texas.



Office of the Attorney General
Washington, D.C.

August 27, 1942

430-
CITY COUNSEL
RIO GRANDE

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER

AUG 28 1942

Honorable Harold L. Ickes
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

Reclamation

I have examined the certificate of title and transcript of record in the condemnation proceeding entitled United States of America v. B. O. Bradley, et al, Civil No. 93 in the United States District Court for the Western District of Texas, pertaining to the acquisition of tract No. VI of the Riverside Canal-Rio Grande project.

The certificate of title prepared by the Stewart Title Company is in satisfactory form.

In the final judgment entered July 16, 1942, the court awarded the sum of \$266.75 as just compensation for the above tract. This amount was deposited in the registry of the court on September 12, 1940, at the time of the filing of the declaration of taking. The proceedings are regular, the judgment has been satisfied and a fee simple title has heretofore vested in the United States of America as stated in the opinion of this Department dated September 18, 1940.

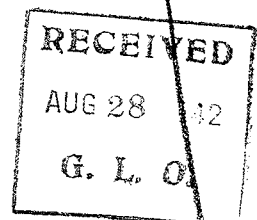
The land is more fully described in the final judgment, a certified copy of which is enclosed. Also enclosed are preliminary and final certificates of title.

Respectfully

Francis Biddle
Attorney General

CC: CE, Denver, Colo.
DC, Amarillo, Texas
Supt., El Paso, Texas

R. T. V.
8/31/42
SPECIAL



AUG 31 '42 92875

No. 14595-A

CERTIFICATE OF TITLE.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

200 First National Bank Building

El Paso, Texas.

TO: UNITED STATES OF AMERICA

THE PIONEER ABSTRACT & GUARANTEE TITLE COMPANY, a Corporation organized and existing under the laws of the State of Texas, with its principal office in the City of El Paso, hereby certifies that it has made a thorough search of the title to the property described in SCHEDULE "A" hereof, beginning with the 14th day of March, 1882 being the date of the patent from the State of Texas, and that the title to said property was indefeasibly vested in fee simple of record in the UNITED STATES OF AMERICA, as of the 27th day of June 1942, free and clear of all encumbrances, defects, interests, and all other matters whatsoever, either of record or otherwise known to the corporation, impairing or adversely affecting the title to said property, except as shown in SCHEDULE "B" hereof.

In consideration of the fee paid, this certificate is issued for the use and benefit of the UNITED STATES OF AMERICA.

IN WITNESS WHEREOF, SAID Corporation has caused these presents to be signed in its name and behalf, sealed with its corporate seal, and delivered by its proper officers thereunto duly authorized, as of the date last above mentioned.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

By

H. H. Newman
President.

ATTEST:

By

N. Noel Hunt
Asst. Secretary.

Norma Noel Hunt

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "A"

The property covered by this certificate is accurately and fully described as follows:

X

(Aerial III, Hunt)

Riverside Canal Extension
Plat No. 22 - 26

TWO tracts of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section four (4), Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey and within Hunt's Addition to Fabens, Texas, being also within Tract nine (9), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas the 13th day of January, 1930 and of record in the office of the County Clerk of said county and state; more particularly described as follows:

TRACT 1 - Being all of lots one (1) to seventy-six (76) both inclusive, Block nine (9) Hunt's Addition to Fabens, Texas, more particularly described as follows: Beginning at a point on the southeasterly line of said tract nine (9) Block fifty-four (54) of said official resurvey of the San Elizario Grant which point is the most southerly corner of Block nine (9) Hunt's Addition to Fabens, Texas; thence along the southwesterly line of said block nine (9) which is also the northeasterly right of way line of Canal Drive North forty-seven degrees (47°) fifty-eight minutes (58') West one thousand one hundred forty-four and eight tenths (1144.8) feet, North fifty-nine degrees (59°) eighteen minutes (18') West one hundred sixty-one and seventy-six hundredths (161.76) feet and North sixty-eight degrees (68°) forty-eight minutes (48') West five hundred eighty-seven and two tenths (587.2) feet to the Southwest corner of said Block nine (9) Hunt's Addition to Fabens, Texas and from which point the most southerly corner of said Tract nine (9) Block fifty-four (54) of said official resurvey of the San Elizario Grant bears South thirty-seven degrees (37°) fourteen minutes (14') East one thousand seven hundred seventy-five and seven tenths (1775.7) feet; thence North thirty-seven degrees (37°) fourteen minutes (14') West one hundred sixty-nine and two tenths (169.2) feet along the westerly line and an extension thereof of said Block nine (9) Hunt's Addition to Fabens, Texas to the south bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the south bank of the said former Rio Grande South seventy degrees (70°) nineteen minutes (19') East six hundred ninety-four and four tenths (694.4) feet, South sixty-three degrees (63°) twenty-three minutes (23') East three hundred forty-eight (348) feet South fifty-six degrees (56°) fifty-eight minutes (58') East three hundred forty-five and fifteen hundredths (345.15) feet, South forty-five degrees (45°) forty-eight minutes (48') East three hundred twenty-eight and sixty-four hundredths (328.64) feet and South thirty-eight degrees (38°) eighteen minutes (18') East four hundred and six hundredths (400.06) feet to the intersection with the southeasterly line of Block nine (9) of Hunt's Addition to Fabens, Texas; thence along the southeasterly line of said Block nine (9) South fifty-two degrees (52°) forty-two minutes (42') West one hundred twenty-four (124) feet to the point of beginning. Said tract of land containing six and forty-nine hundredths (6.49) acres, more or less. Shown on Riverside Canal Extension Plat No. 22 attached hereto and made a part hereof.

Correct as to Engineering Data 9.0.0.

Riverside Canal Extension - Plat No. 22 -26

TRACT 2 - Being fractional parts of lots nine (9) and ten (10), Block two (2), fractional parts of lots eight (8), nine (9), eighteen (18) and nineteen (19), Block three (3) and fractional parts of lots sixteen (16) and seventeen (17), Block six (6), all in Hunt's Addition to Fabens, Texas more particularly described as follows: Beginning at a point on the southwesterly right of way line of the I-243 Lateral, which is the property of the United States, said point being the most northerly corner of Lot sixteen (16) Block six (6) Hunt's Addition to Fabens, Texas; thence along the southwesterly right of way line of the I-243 Lateral being also the northeasterly line of Blocks six (6), three (3) and two (2) Hunt's Addition to Fabens, Texas, South forty-seven degrees (47°) fifty-eight minutes (58') East five hundred seventy-four and ninety-four hundredths (574.94) feet to a point which is the most easterly corner of Lot ten (10), Block two (2), Hunt's Addition to Fabens, Texas; thence along the southeasterly line of said Lot ten (10), South fifty-two degrees (52°) forty-two minutes (42') West eleven and seventy-three hundredths (11.73) feet; thence North forty-seven degrees (47°) forty-four minutes (44') West five hundred seventy-four and forty-nine hundredths (574.49) feet to the northwesterly line of Lot sixteen (16) Block six (6) Hunt's Addition to Fabens, Texas; thence along said line North fifty-two degrees (52°) forty-two minutes (42') East nine and thirty-five hundredths (9.35) feet to the point of beginning. Said tract of land containing fourteen hundredths (0.14) of an acre, more or less, of which two hundredths (.02) of an acre is occupied by streets and alleys. Shown on Riverside Canal Extension Plat 26, attached hereto and made a part hereof.

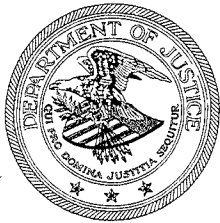
The sum estimated by me to be just compensation for said last above described two tracts of land constituting Parcel III, including all buildings, structures and improvements thereon, is five hundred eighty-two and no/100 dollars (\$582.00).

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "B"

The property described in Schedule "A" hereof is free and clear from all interests, encumbrances, and defects of title and all other matters whatsoever of record, or which, though not of record, are known to this Corporation to exist impairing or adversely affecting the title to said property, except the following:

NONE



Office of the Attorney General
Washington, D.C.

July 13, 1942

CHIEF COUNSEL
KFLZ

4301-
RIO GRANDE

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER

JUL 14 1942
TO BUREAU OF
RECLAMATION

Honorable Harold L. Ickes
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

I have examined the certificates of title and the transcript of record involving parcel No. III in the condemnation proceeding entitled United States of America v. B. O. Bradley, et al., Civil No. 93 in the United States District Court for the Western District of Texas, pertaining to the Riverside Canal-Rio Grande project.

The certificates of title were prepared by the Pioneer Abstract and Guarantee Title Company and are in satisfactory form.

In the final judgment entered June 26, 1942, the court awarded the amount of \$582.00 as just compensation for the above land. This amount was deposited into the registry of the court on September 18, 1940, at the time of the filing of the declaration of taking. The proceedings are regular, the judgment has been satisfied and a valid fee simple title to the land has heretofore vested in the United States of America.

Enclosed are the certificates of title and a certified copy of the judgment.

Respectfully

Francis Biddle

Attorney General

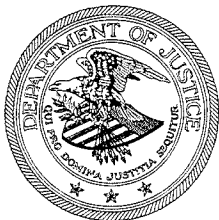
CC - CE Denver, Colo.
Supt. El Paso, Texas.
DC Amarillo, Texas.

7/15/42
R.T.V.

SPECIAL



JUL 15 '42 89301



Office of the Attorney General
Washington, D.C.

September 2, 1942



INTERIOR DEPT.
SECRETARY'S
MAIL CENTER

SEP 4 - 1942

TO BUREAU OF
RECLAMATION

Honorable Harold L. Ickes
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

I have examined the certificate of title and transcript of record in the condemnation proceeding entitled United States of America v. B. O. Bradley, et al. Civil No. 93 in the United States District Court for the Western District of Texas, pertaining to the acquisition of parcel No. IV of the Riverside Canal Extension project.

The certificate of title was prepared by the Pioneer Abstract and Guarantee Title Company and is in satisfactory form.

In the final judgment entered July 7, 1942, the court awarded the sum of \$320.25 as just compensation for the above parcel. This amount was deposited in the registry of the court on September 12, 1940, at the time of the filing of the declaration of taking. The proceedings are regular, the judgment has been satisfied and a fee simple title to the land has heretofore vested in the United States of America as stated in the opinion of this Department dated September 18, 1940.

The land is more fully described in the final judgment, a certified copy of which is enclosed. Also enclosed are preliminary and final certificates of title.

Respectfully

Francis Biddle
Attorney General

Copy to CE, Denver, Colo.
EC, Amarillo, Texas
Suprv. Engr., El Paso, Texas
- WB - 9-8-42

SEP 4 '42 93300

NO. 14596

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY
200 First National Bank Building
El Paso, Texas

CERTIFICATE OF TITLE

TO: UNITED STATES OF AMERICA

THE PIONEER ABSTRACT & GUARANTEE TITLE COMPANY, a Corporation organized and existing under the laws of the State of Texas, with its principal office in the City of El Paso, hereby certifies that from its examination of the title to the real estate described in SCHEDULE A hereof, as of the 11th day of September, 1940, the title to the above described real estate was indefeasibly vested in fee simple of record in:

ED WHITAKER and PAUL TUCKER

subject only to the objections, liens, charges, encumbrances and other matters shown under SCHEDULE B hereof.

This certificate of title is made in consideration of the payment of the premium by the applicant and for its use and that of its immediate vendee.

IN WITNESS WHEREOF the said Company has caused its corporate seal to be hereto affixed and these presents to be duly signed in accordance with its by-laws.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

By

D. W. Newman
President

ATTEST:

By

H. M. Cune
Asst. Secretary

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "A"

The property covered by this certificate is accurately and fully described as follows:

x

Riverside Canal Extension
No. 17

(Parcel IV, Whitaker Estate & Tractor)

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section four (4) and Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section five (5), Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within tract sixteen (16), Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930 and of record in the office of the County Clerk of said county and state; more particularly described as follows:

Correct as to Engineering Data 9.0.0.0.
Beginning at the point of intersection of the dividing line between Tracts fifteen (15) and sixteen (16), Block one (1) of said official resurvey of the San Elizario Grant with the southwesterly right of way line of the Fabens Intercepting Drain and from which point the Northeast corner of said Tract sixteen (16) Block one (1) of the said official resurvey of the San Elizario Grant bears North sixty-six degrees (66°) twenty minutes (20') East six hundred thirty-seven (637) feet; thence along said southwesterly right of way line of the Fabens Intercepting Drain South sixty-eight degrees (68°) forty-five minutes (45') East four hundred eighty-nine (489) feet to a point on the southeasterly line of said Tract sixteen (16) Block one (1) of the said official resurvey of the San Elizario Grant and from which point the Southeast corner of said Tract sixteen (16) bears North fifty degrees (50°) fourteen minutes (14') East three hundred seventy-four and eight tenths (374.8) feet; thence South fifty degrees (50°) fourteen minutes (14') West three hundred fifty-five and six tenths (355.6) feet along the southeasterly line of said Tract sixteen (16) to the north bank of the former Rio Grande as the same existed prior to the artificial rectification thereof; thence along the north bank of the said former Rio Grande North sixty-four degrees (64°) fifty-nine minutes (59') West five (5) feet; North seventy-two degrees (72°) fifteen minutes (15') West four hundred eighty-four and five tenths (484.5) feet and North seventy-three degrees (73°) fifty minutes (50') West one hundred eighty-seven (187) feet to the point of intersection with the dividing line between Tracts fifteen (15) and sixteen (16), Block one (1) of the said official resurvey of the San Elizario Grant; thence along said dividing line North sixty-six degrees (66°) twenty minutes (20') East five hundred five and one tenth (505.1) feet to the point of beginning. Said tract of land containing four and twenty-seven hundredths (4.27) acres, more or less. All as shown on Plat attached hereto and made a part hereof.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "B"

The property described in SCHEDULE "A" hereof is free and clear from all interests, encumbrances, and defects of title and all other matters whatsoever of record, or which, though not of record, are known to this Corporation to exist impairing or adversely affecting the title to said property, except the following:

1. Rights of the parties in possession and errors in boundaries which a correct survey would disclose.
2. Water charges against the land due to the El Paso County Water Improvement District No.1 for the years 1937-1939, both inclusive, in the total amount of \$19.78, as shown by the Tax Statement dated August 7, 1940.
3. From affidavits which we have on hand, it appears that Mr. Ed Whitaker is now deceased, that there was no administration of his estate due to the absence of debts, that his widow, Mrs. Irene Whitaker and his son Dan W. Whitaker have survived him and now own undivided one-fourth interests in the property. The affidavits show that Dan W. Whitaker is of age.
4. Other affidavits show that Mrs. Paul Tucker is now deceased and that her husband and her son, Raymond Leon Tucker, are her survivors; that Raymond Leon is still a minor. Guardianship proceedings have resulted in the appointment of Paul Tucker as guardian of the minor Raymond.

In order to get good title to this property, an order of the court having jurisdiction over the guardianship proceedings of Raymond Leon Tucker must approve the sale. The deed then should be signed by Paul Tucker, individually and as guardian, Mrs. Irene Whitaker and Dan W. Whitaker, each conveying undivided one-fourths in the property.

NOTE:

There is a suit pending in the United States District Court No. 93, Civil, styled United States of America vs Paul Tucker, Edward Whitaker Irene Whitaker, Dan Whitaker, Lonnie Whitaker, Willie Tucker, Paul Tucker Paul Tucker as Guardian of Raymond Leon Tucker, a minor et al, in which Declaration of Taking was filed September 12, 1940, and Judgment rendered on same stating that possession of the above described property shall be delivered to the United States of America on or before Monday the 16th day of September 1940, said cause is held open for other and further orders, judgments, and decrees as may be necessary in the premises, this 12th day of September 1940, Commissioners were appointed December 2, 1940, but no report of hearing of record.

There is a certified copy of Judgment out of Court Suit No.93 United States District Court, styled United States of America vs. Paul Tucker, Edward Whitaker, Irene Whitaker, Dan Whitaker, Lonnie Whitaker, Willie Tucker, Paul Tucker as Guardian of Raymond Leon Tucker, a minor et al, filed for record September 12, 1940 under Clerk's File No. 14073 of the Deed Records of El Paso County, Texas.

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEVE M. MARASOVICH, ET AL,

Defendants.

No. 93 Civil Action.

Filed September 12, 1940

PETITION IN CONDEMNATION PROCEEDING

TO THE HONORABLE CHARLES A. BOYNTON, JUDGE OF SAID COURT:

Comes now the United States of America by W. R. Smith, Jr., United States Attorney for the Western District of Texas, and Walter S. Hummeltt and R. Keill Walsh, Assistant United States Attorneys for the Western District of Texas, and respectfully shows to the Court:

I.

R

1. That the Secretary of the Interior of the United States has determined that certain lands located in El Paso County, Texas, and within the jurisdiction of this Court, are needed by that branch of said Department known as the Bureau of Reclamation of the Department of the Interior, for the purposes of regulation, control and use of the flow of the Rio Grande River by means of an irrigation canal and drainage outlet channel and appurtenant works for the purpose of the reclamation, irrigation and drainage of arid lands within the Rio Grande Federal irrigation project constructed, operated and maintained by the United States under the Reclamation Law hereinafter mentioned.

2. Your petitioner respectfully represents that the application for the condemnation of lands hereinafter described, and of the acquisition by the United States of said lands in fee simple absolute, for the purposes hereinabove stated, is authorized and brought pursuant to (a) the Act of Congress of June 17, 1902, 32 Stat., 388, and all acts amendatory thereof and supplementary thereto, commonly known as the Reclamation Law; (b) the

SEP 27 '40 34080

Act of March 4, 1921, 41 Stat., 1404, and (c) the Act of February 26, 1931, 46 Stat., 1421, and all acts amendatory thereof and supplementary thereto.

3. That the lands needed are more particularly described as follows, to wit:

27

x

(Parcel I, Bradley)

Riverside Canal Extension
Plat No. 8

THREE TRACTS of land lying and situate in El Paso County, Texas, and in the Southwest quarter (SW $\frac{1}{4}$) of Section thirty-two (32), Township thirty-three (33) South, Range eight (8) East, Bureau of Reclamation Survey; being also within Tract one A (1-A), Block forty-two (42) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930 and of record in the office of the County Clerk of said County and State; more particularly described as follows:

Correct as to Engineering Data Q.O.D.

TRACT 1 - Beginning at the point of intersection of the dividing line between Tracts one A (1-A) and four (4), Block forty-two (42) of said official resurvey of the San Elizario Grant with the southwesterly right of way line of the River Drain said point being the Southeast corner of Tract two (2), Block forty-two (42) of the said official resurvey of the San Elizario Grant; thence along the southwesterly right of way line of said river drain South fifty-nine degrees (59°) fifty-one minutes (51') East three hundred sixty-three and four tenths (363.4) feet to a point at the intersection of said line with the north right of way line of the Cuadrilla Drain and from which point the Northwest corner of Tract thirteen (13), Block two (2) of the said official resurvey of the San Elizario Grant bears North twenty-five degrees (25°) thirty-six minutes (36') thirty seconds (30") East one thousand four hundred fifty-nine and one tenths (1459.1) feet; thence along the north right of way line of said Cuadrilla Drain, South eighty-four degrees (84°) fifty-three minutes (53') West three hundred eighteen and one tenth (318.1) feet to the dividing line between Tract one A (1-A) and tract four (4) Block forty-two (42) of said official resurvey of the San Elizario Grant; thence along said dividing line North no degrees (0°) forty-two minutes (42') East two hundred ten and nine tenths (210.9) feet to the point of beginning. Said tract of land containing seventy-seven hundredths (0.77) of an acre, more or less. Shown as Tract one (1) on plat attached hereto and made a part hereof.

TRACT 2 - Beginning at the point of intersection of the dividing line between Tract one A (1-A) and Tract four (4) Block forty-two (42) of the official resurvey of the San Elizario Grant with the south right of way line of the Cuadrilla Drain and from which point the Southeast corner of Tract two (2) Block forty-two (42) of the official resurvey of the San Elizario Grant bears North no degrees (0°) forty-two minutes (42') East two hundred ninety-one and three tenths (291.3) feet; thence along the south right of way line of said Cuadrilla Drain, North eighty-four degrees (84°) fifty-three minutes (53') East four hundred thirty-nine and four tenths (439.4) feet to a point on the southwesterly right of way line of the River Drain and from which point the Northwest corner of Tract thirteen (13), Block two (2) of the said official resurvey of the San Elizario Grant bears North twenty degrees (20°) fourteen minutes (14') thirty seconds (30") East one thousand four hundred seventy-six and six tenths (1476.6) feet; thence along the southwesterly right of way line of said river drain South fifty-nine degrees (59°) fifty-one minutes (51') East one hundred eighty-six and seven tenths (186.7) feet to the north bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the north bank of the former Rio Grande South fifty-eight degrees (58°) forty-four minutes (44') West two hundred sixty-four and eight tenths (264.8) feet, South seventy-four degrees (74°) twenty-three minutes (23') West three hundred eleven and four tenths (311.4) feet and South sixty-six degrees (66°) fifty-seven minutes (57') West eighty-three and two tenths (83.2) feet to a point where the said river bank intersects the extension of the dividing line between Tracts one A (1-A) and four (4), Block forty-two (42) of the said official resurvey of the San Elizario Grant; thence

Riverside Canal Extension Plat No. 8

along said dividing line as extended North no degrees (0°) forty-two minutes (42') East three hundred eight and five tenths (308.5) feet to the point of beginning. Said tract of land containing two and ninety-two hundredths (2.92) acres, more or less. Shown as Tract two (2) on plat attached hereto and made a part hereof.

Correct as to Engineering Data Q.Q.A.

TRACT 3 - Beginning at a point on the dividing line between Tract one A (1-A), Block forty-two (42) and Tract thirteen (13), Block two (2) of the official resurvey of the San Elizario Grant and from which point the Northwest corner of Tract thirteen (13), Block two (2) of the said official resurvey of the San Elizario Grant bears North two degrees (2°) fifty-eight minutes (58') West one thousand two hundred thirty-four and one tenth (1234.1) feet; thence South two degrees (2°) fifty-eight minutes (58') East twenty (20) feet to the north right of way line of the Fabens Intercepting Drain Stub; thence along said right of way line South eighty-four degrees (84°) forty-nine minutes (49') West two hundred twenty (220) feet; thence South five degrees (5°) eleven minutes (11') East eighty (80) feet; thence along the south right of way line of said Fabens Intercepting Drain Stub; North eighty-four degrees (84°) forty-nine minutes (49') East two hundred sixteen and nine tenths (216.9) feet to the dividing line between Tract one A (1-A), Block forty-two (42) and Tract thirteen (13) Block two (2) of the said official resurvey of the San Elizario Grant; thence South two degrees (2°) fifty-eight minutes (58') East one hundred twenty and eight tenths (120.8) feet along said dividing line and an extension thereof to the north bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along said river bank South eighty-nine degrees (89°) twenty-four minutes (24') West two hundred twenty-six and seven tenths (226.7) feet to the northeasterly right of way line of the river drain; thence along the northeasterly right of way line of said River Drain North fifty-nine degrees (59°) fifty-one minutes (51') West three hundred fifty and three tenths (350.3) feet to a point from which the Southeast corner of Tract two (2) Block forty-two (42) of the said official resurvey of the San Elizario Grant bears North seventy-three degrees (73°) twenty-four minutes (24') twenty seconds (20") West five hundred eleven and nine tenths (511.9) feet; thence North eighty-four degrees (84°) forty-nine minutes (49') East five hundred twenty and three tenths (520.3) feet to the point of beginning. Said tract of land containing one and thirty-eight hundredths (1.38) acres, more or less. Shown as Tract three (3) on plat attached hereto and made a part hereof.

x

(Parcel II, Marasovich)

Riverside Canal Extension No. 20

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section five (5), Township thirty-four (34) South and Southwest quarter (SW $\frac{1}{4}$) of Section thirty-two (32), Township thirty-three (33) South, Range eight (8) East, Bureau of Reclamation Survey; being also within survey sixty-nine (69) of the Island, San Elizario Grant and tract eleven (11) Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930 and of record in the office of the county clerk of said county and state; more particularly described as follows:

Correct as to Engineering Data 9.02.

Beginning at a point on the south bank of the Rio Grande as the same existed prior to the artificial rectification thereof and from which point the most southerly corner of Tract eleven (11) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears South twenty-one degrees (21°) forty-six minutes (46') eighteen seconds (18") East five thousand one hundred fifty-one and nine tenths (5151.9) feet; thence along the south bank of the said former Rio Grande North fifty-six degrees (56°) forty-four minutes (44') East twenty-eight and nine tenths (28.9) feet, North sixty-seven degrees (67°) fourteen minutes (14') East two hundred thirteen and nine tenths (213.9) feet; North eighty-one degrees (81°) forty-four minutes (44') East one hundred sixty-one and one tenth (161.1) feet; South eighty-two degrees (82°) thirty-nine minutes (39') East two hundred one and one tenth (201.1) feet and South seventy-four degrees (74°) twenty minutes (20') East one hundred twenty-three and eight tenths (123.8) feet to a point from which the most easterly corner of Tract eleven (11) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears South thirty-seven degrees (37°) thirty-nine minutes (39') twenty-two seconds (22") East four thousand five hundred eighty-nine and nine tenths (4589.9) feet; thence South eighty-four degrees (84°) fifty-three minutes (53') West seven hundred two and three tenths (702.3) feet to the point of beginning. Said tract of land containing eighty-eight hundredths (0.88) of an acre, more or less. All as shown on plat attached hereto and made a part hereof.

x

(Parcel III, Hunt)

Riverside Canal Extension

Plat No. 22 - 26

TWO tracts of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section four (4), Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey and within Hunt's Addition to Fabens, Texas, being also within Tract nine (9), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas the 13th day of January, 1930 and of record in the office of the County Clerk of said county and state; more particularly described as follows:

TRACT 1 - Being all of lots one (1) to seventy-six (76) both inclusive, Block nine (9) Hunt's Addition to Fabens, Texas, more particularly described as follows: Beginning at a point on the southeasterly line of said tract nine (9) Block fifty-four (54) of said official resurvey of the San Elizario Grant which point is the most southerly corner of Block nine (9) Hunt's Addition to Fabens, Texas; thence along the southwesterly line of said block nine (9) which is also the northeasterly right of way line of Canal Drive North forty-seven degrees (47°) fifty-eight minutes (58') West one thousand one hundred forty-four and eight tenths (1144.8) feet, North fifty-nine degrees (59°) eighteen minutes (18') West one hundred sixty-one and seventy-six hundredths (161.76) feet and North sixty-eight degrees (68°) forty-eight minutes (48') West five hundred eighty-seven and two tenths (587.2) feet to the Southwest corner of said Block nine (9) Hunt's Addition to Fabens, Texas and from which point the most southerly corner of said Tract nine (9) Block fifty-four (54) of said official resurvey of the San Elizario Grant bears South thirty-seven degrees (37°) fourteen minutes (14') East one thousand seven hundred seventy-five and seven tenths (1775.7) feet; thence North thirty-seven degrees (37°) fourteen minutes (14') West one hundred sixty-nine and two tenths (169.2) feet along the westerly line and an extension thereof of said Block nine (9) Hunt's Addition to Fabens, Texas to the south bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the south bank of the said former Rio Grande South seventy degrees (70°) nineteen minutes (19') East six hundred ninety-four and four tenths (694.4) feet, South sixty-three degrees (63°) twenty-three minutes (23') East three hundred forty-eight (348) feet South fifty-six degrees (56°) fifty-eight minutes (58') East three hundred forty-five and fifteen hundredths (345.15) feet, South forty-five degrees (45°) forty-eight minutes (48') East three hundred twenty-eight and sixty-four hundredths (328.64) feet and South thirty-eight degrees (38°) eighteen minutes (18') East four hundred and six hundredths (400.06) feet to the intersection with the southeasterly line of Block nine (9) of Hunt's Addition to Fabens, Texas; thence along the southeasterly line of said Block nine (9) South fifty-two degrees (52°) forty-two minutes (42') West one hundred twenty-four (124) feet to the point of beginning. Said tract of land containing six and forty-nine hundredths (6.49) acres, more or less. Shown on Riverside Canal Extension Plat No. 22 attached hereto and made a part hereof.

Correct as to Engineering Data 9.0.2.

Riverside Canal Extension - Plat No. 22 -26

Correct as to Engineering Data Q. O. A.

TRACT 2 - Being fractional parts of lots nine (9) and ten (10), Block two (2), fractional parts of lots eight (8), nine (9), eighteen (18) and nineteen (19), Block three (3) and fractional parts of lots sixteen (16) and seventeen (17), Block six (6), all in Hunt's Addition to Fabens, Texas more particularly described as follows: Beginning at a point on the southwesterly right of way line of the I-243 Lateral, which is the property of the United States, said point being the most northerly corner of Lot sixteen (16) Block six (6) Hunt's Addition to Fabens, Texas; thence along the southwesterly right of way line of the I-243 Lateral being also the northeasterly line of Blocks six (6), three (3) and two (2) Hunt's Addition to Fabens, Texas, South forty-seven degrees (47°) fifty-eight minutes (58') East five hundred seventy-four and ninety-four hundredths (574.94) feet to a point which is the most easterly corner of Lot ten (10), Block two (2), Hunt's Addition to Fabens, Texas; thence along the southeasterly line of said Lot ten (10), South fifty-two degrees (52°) forty-two minutes (42') West eleven and seventy-three hundredths (11.73) feet; thence North forty-seven degrees (47°) forty-four minutes (44') West five hundred seventy-four and forty-nine hundredths (574.49) feet to the northwesterly line of Lot sixteen (16) Block six (6) Hunt's Addition to Fabens, Texas; thence along said line North fifty-two degrees (52°) forty-two minutes (42') East nine and thirty-five hundredths (9.35) feet to the point of beginning. Said tract of land containing fourteen hundredths (0.14) of an acre, more or less, of which two hundredths (.02) of an acre is occupied by streets and alleys. Shown on Riverside Canal Extension Plat 26, attached hereto and made a part hereof.

x

Riverside Canal Extension

(Parcel IV, Wither Estate & Tucker) No. 17

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section four (4) and Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section five (5), Township thirty-four (34) South, Range eight (8) East, Pureau of Reclamation Survey; being also within tract sixteen (16), Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930 and of record in the office of the County Clerk of said county and state; more particularly described as follows:

Correct as to Engineering Data

Beginning at the point of intersection of the dividing line between Tracts fifteen (15) and sixteen (16), Block one (1) of said official resurvey of the San Elizario Grant with the southwesterly right of way line of the Fabens Intercepting Drain and from which point the Northeast corner of said Tract sixteen (16) Block one (1) of the said official resurvey of the San Elizario Grant bears North sixty-six degrees (66°) twenty minutes (20') East six hundred thirty-seven (637) feet; thence along said southwesterly right of way line of the Fabens Intercepting Drain South sixty-eight degrees (68°) forty-five minutes (45') East four hundred eighty-nine (489) feet to a point on the southeasterly line of said Tract sixteen (16) Block one (1) of the said official resurvey of the San Elizario Grant and from which point the Southeast corner of said Tract sixteen (16) bears North fifty degrees (50°) fourteen minutes (14') East three hundred seventy-four and eight tenths (374.8) feet; thence South fifty degrees (50°) fourteen minutes (14') West three hundred fifty-five and six tenths (355.6) feet along the southeasterly line of said Tract sixteen (16) to the north bank of the former Rio Grande as the same existed prior to the artificial rectification thereof; thence along the north bank of the said former Rio Grande North sixty-four degrees (64°) fifty-nine minutes (59') West five (5) feet; North seventy-two degrees (72°) fifteen minutes (15') West four hundred eighty-four and five tenths (484.5) feet and North seventy-three degrees (73°) fifty minutes (50') West one hundred eighty-seven (187) feet to the point of intersection with the dividing line between Tracts fifteen (15) and sixteen (16), Block one (1) of the said official resurvey of the San Elizario Grant; thence along said dividing line North sixty-six degrees (66°) twenty minutes (20') East five hundred five and one tenth (505.1) feet to the point of beginning. Said tract of land containing four and twenty-seven hundredths (4.27) acres, more or less. All as shown on Plat attached hereto and made a part hereof.

Riverside Canal Extension
Plat No. 14

x

(Parcel V, Schurten)

A tract of land lying and situate in El Paso County, Texas and in the Northeast quarter ($NE\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) of Section five (5) Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; said tract being all of lots eight (8), nine (9), ten (10), eleven (11) and twelve (12) and accretion thereto, Block G of the Riverside Addition to Fabens, Texas and being also within tract fourteen (14), Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas the 13th day of January, 1930 and of record in the office of the County Clerk of said county and State; more particularly described as follows:

Correct as to Engineering Data G.O.S.

Beginning at a point on the northerly line of Block G Riverside Addition to Fabens, Texas, said point being the Northeast corner of Lot eight (8), Block G of said Riverside Addition; thence along the easterly line of said lot eight (8), South twenty-three degrees (23°) forty-two minutes ($42'$) East one hundred twenty-nine (129) feet to a point on the southerly line of said Block G, said point being the Southeast corner of said lot eight (8); thence along the southerly line and an extension thereof of said Block G, Riverside Addition, South sixty-six degrees (66°) eighteen minutes ($18'$) West one hundred thirty and three tenths (130.3) feet to the east bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the east bank of the said former Rio Grande North fifty-one degrees (51°) forty-six minutes ($46'$) West one hundred forty-six and two tenths (146.2) feet to a point where the said river bank intersects the extension of the northerly line of Block G of said Riverside Addition; thence along said northerly line as extended North sixty-six degrees (66°) eighteen minutes ($18'$) East one hundred ninety-nine and one tenth (199.1) feet to the point of beginning. Said tract of land containing forty-nine hundredths (0.49) of an acre, more or less, all as shown on plat attached hereto and made a part hereof.

Riverside Canal Extension
Plat No. 18

x

(Parcel VI, Lopez Estate)

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section four (4), Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within Tract seventeen (17) Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930 and of record in the office of the County Clerk of said county and state; more particularly described as follows:

Correct as to Engineering Data
Beginning at a point on the northwesterly line of said Tract seventeen (17) Block one (1) of said official resurvey of the San Elizario Grant and from which point the most northerly corner of said tract seventeen (17) bears North forty-nine degrees (49°) fifty-seven minutes (57') East three hundred sixteen and two tenths (316.2) feet. Said most northerly corner of Tract seventeen (17) being thirty-five (35) feet from and at right angles to the center line of State Highway No. 1; thence South thirty-nine degrees (39°) thirty-seven minutes (37') East one hundred ninety and eight tenths (190.8) feet to the southeasterly line of said tract seventeen (17) and from which point the most easterly corner of said tract seventeen (17) bears North fifty degrees (50°) fourteen minutes (14') East three hundred sixteen and six tenths (316.6) feet; thence South fifty degrees (50°) fourteen minutes (14') West one hundred eighty-five and nine tenths (185.9) feet along the southeasterly line of said Tract seventeen (17) to the northeast bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the Northeast bank of the said former Rio Grande North sixty degrees (60°) fifty-one minutes (51') West one hundred ninety-nine and nine tenths (199.9) feet and North sixty-four degrees (64°) fifty-nine minutes (59') West three and three tenths (3.3) feet to the intersection with the northwesterly line of said Tract seventeen (17); thence along said northwesterly line of Tract seventeen (17) North forty-nine degrees (49°) fifty-seven minutes (57') East two hundred fifty-nine and eight tenths (259.8) feet to the point of beginning. Said tract of land containing ninety-seven hundredths (0.97) of an acre, more or less. All as shown on plat attached hereto and made a part hereof.

II.

1. The Petitioner is informed and believes, and therefore alleges upon information and belief, that the following named persons are the owners of the above described tracts of land, owning or claiming to own an interest therein: B. O. Bradley, Steve M. Marasovich, Rudolph G. Schutten and Mary G. Schutten, Paul Tucker, Edward Whitaker, Irene Whitaker, Dan Whitaker, Lonnie Whitaker, Willie Tucker, Paul Tucker, Paul Tucker as guardian of Raymond Leon Tucker, a minor, Mrs. Norma Noel Hunt, W. Y. Ellis, Federal Land Bank of Houston, Texas, F. D. Cooke, S. E. Keeler, and El Paso National Bank, guardian of the Estate of Luciano Lopez, a person of unsound mind.

2. The State of Texas and County of El Paso own or claim to own an interest in said land by virtue of a lien for delinquent taxes thereon.

3. The El Paso County Water Improvement District No. 1 owns or claims to own some interest in said property by virtue of the fact that there are water and construction charges due and unpaid thereon.

III.

1. That under date of July 15, 1940, the Secretary of the Interior, acting through W. C. Mendenhall, Acting Under Secretary of the Department of the Interior of the United States, by written communication of even date, advised the Attorney General of the United States of the facts hereinabove set out, and requested the Attorney General to institute or cause to be instituted appropriate proceedings looking to the acquisition of said lands in fee simple absolute, and the Attorney General requested and directed the counsel first above named to take the necessary steps to acquire the aforesaid lands in fee simple absolute, and that this application is made and this proceeding instituted under the direction of the Attorney General.

IV.

1. WHEREFORE, your petitioner respectfully prays that the above named defendants be required to appear and set up their respective interests in and to the aforesaid described property, if any they have.

2. That your Honor forthwith name three disinterested freeholders of the County of El Paso, who shall assess the amount of the damages so

sustained by the parties hereinabove named, by the taking of the lands hereinabove described.

3. That upon the filing of said award in this Court, in the manner and form prescribed by law, this Court enter judgment thereon condemning the lands in fee simple absolute to the United States of America.

W. R. Smith, Jr. (Signed)
United States Attorney

By: R. Neill Walshe. (Signed)
Assistant U. S. Attorney.
R

A true copy of the original, I certify.

MAXEY HART, Clerk.
By: Margrita Sameros
Deputy.

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

NO. 93 CIVIL.

B. O. BRADLEY, ET AL.,

Defendants.

JUDGMENT IN FAVOR OF PAUL TUCKER, ET AL.

BE IT REMEMBERED, that on this 7th day of July, 1942,

in the above styled and numbered cause, came on to be considered said condemnation proceeding insofar as same concerns the following described property:

PARCEL NO. IV

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section four (4) and Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section five (5), Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within Tract sixteen (16) Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930, and of record in the office of the County Clerk of said county and state; more particularly described as follows:

BEGINNING at the point of intersection of the dividing line between Tracts fifteen (15) and sixteen (16), Block one (1) of said official resurvey of the San Elizario Grant with the southwesterly right of way line of the Fabens Intercepting Drain and from which point the Northeast corner of the Tract sixteen (16) Block one (1) of the said official resurvey of the San Elizario Grant bears North sixty-six degrees (66°) twenty minutes (20') East six hundred thirty-seven (637) feet; thence along said southwesterly right of way line of the Fabens Intercepting Drain South sixty-eight degrees (68°) forty-five minutes (45') East four hundred eighty-nine (489) feet to a point on the southeasterly line of said Tract sixteen (16) Block one (1) of the said official resurvey of the San Elizario Grant and from which point the Southeast corner of said Tract sixteen (16) bears North fifty degrees (50°) fourteen minutes (14') East three hundred seventy-four and eight tenths (374.8) feet; thence South fifty degrees (50°) fourteen minutes (14') West three hundred fifty-five and six tenths (355.6) feet along the southeasterly line of said Tract sixteen (16) to the north bank of the former Rio Grande as the same existed prior to the artificial rectification thereof; thence along the north bank of the said former Rio Grande North sixty-four degrees (64°) fifty-nine minutes (59') West five (5) feet; North seventy-two degrees (72°) fifteen minutes (15') West four hundred eighty-four and five tenths (484.5) feet and North seventy-three degrees (73°) fifty minutes (50')

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER

SEP 4 - 1942

TO BUREAU OF
RECLAMATION

West one hundred eighty-seven (187) feet to the point of intersection with the dividing line between Tracts fifteen (15) and sixteen (16), Block one (1) of the said official resurvey of the San Elizario Grant; thence along said dividing line North sixty-six degrees (66°) twenty minutes (20') East five hundred five and one tenth (505.1) feet to the point of beginning. Said tract of land containing four and twenty-seven hundredths (427) acres, more or less.

and the United States of America, having appeared herein by W. C. Peticolas, Special Attorney, Ben F. Foster, United States Attorney for the Western District of Texas, and H. L. Sims, Special Assistant to the United States Attorney, and the defendants, Paul Tucker, Mrs. Willie Tucker, Raymond Leon Tucker, Mrs. Irene Whitaker, Dan W. Whitaker, and Mrs. Lonie Whitaker, having appeared herein in person; and the defendant, El Paso County Water Improvement District No. 1, having appeared herein by its attorneys, Burges, Burges, Scott, Raspberry & Hulse; and the defendants, State of Texas and County of El Paso, having appeared herein by Ernest Guinn, County Attorney; and

IT APPEARING TO THE COURT that heretofore a Judgment of Condemnation has been entered by the Court, condemning the above described property for the use and benefit of the United States of America, and that the United States of America has deposited in the Registry of the Court the sum of THREE HUNDRED TWENTY AND 25/100 (\$320.25) DOLLARS for the taking of said property and that the United States of America and the defendants, Paul Tucker, Mrs. Willie Tucker, Raymond Leon Tucker, Mrs. Irene Whitaker, Dan W. Whitaker and Mrs. Lonie Whitaker, being the only parties having an interest in the above described property, have stipulated and agreed that the reasonable value of same is THREE HUNDRED TWENTY AND 25/100 (\$320.25) DOLLARS, and a hearing before the Special Commissioners and a Jury having been waived, and all matters of controversy between the United States of America and the said defendants, Paul Tucker, Mrs. Willie Tucker, Raymond Leon Tucker, Mrs. Irene Whitaker, Dan W. Whitaker and Mrs. Lonie Whitaker, having been settled by agreement of the parties, as evidenced by the Stipulation filed herein; and

IT APPEARING TO THE COURT that Paul Tucker, Mrs. Willie Tucker, Raymond Leon Tucker, Mrs. Irene Whitaker, Dan W. Whitaker and Mrs. Lonie Whitaker, were the owners of the above described property at the time of the filing of the Declaration of Taking herein, and the Court being of the opinion that said defen-

dants are entitled to the sum of THREE HUNDRED TWENTY AND 25/100 (\$320.25) DOLLARS for the taking of said property.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the defendants, Paul Tucker, Mrs. Willie Tucker, Raymond Leon Tucker, Mrs. Irene Whitaker, Dan W. Whitaker and Mrs. Lonie Whitaker, do have and recover judgment against the United States of America in the sum of THREE HUNDRED TWENTY AND 25/100 (\$320.25) DOLLARS, the same being the stipulated value of said property taken by the United States of America in this proceedings; and that such judgment, when paid, be a full and complete satisfaction of all claims of the said Paul Tucker, Mrs. Willie Tucker, Raymond Leon Tucker, Mrs. Irene Whitaker, Dan W. Whitaker, and Mrs. Lonie Whitaker against the United States of America by reason of the condemnation of the above described property.

IT FURTHER APPEARING TO THE COURT that there is due to the El Paso County Water Improvement District No. 1 as water charges on the above described property the sum of THIRTY-THREE AND 96/100 (\$33.96) DOLLARS, and the Court being of the opinion that the El Paso County Water Improvement District No. 1 is entitled to judgment over against the defendants, Paul Tucker, Mrs. Willie Tucker, Raymond Leon Tucker, Mrs. Irene Whitaker, Dan W. Whitaker and Mrs. Lonie Whitaker for said amount.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the El Paso County Water Improvement District No. 1 do have and recover judgment over against Paul Tucker, Mrs. Willie Tucker, Raymond Leon Tucker, Mrs. Irene Whitaker, Dan W. Whitaker and Mrs. Lonie Whitaker for the sum of THIRTY-THREE AND 96/100 (\$33.96) DOLLARS, which judgment, when paid, shall be a full and complete satisfaction of the amount due and owing on said property and of all claims of the El Paso County Water Improvement District No. 1 against the United States of America by reason of the condemnation of the above described property.

IT FURTHER APPEARING TO THE COURT that the State of Texas and County of El Paso have filed a disclaimer as to this property.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the State of Texas and County of El Paso recover nothing from the United States of America or any party to this cause insofar as this tract of land is concerned.

IT IS FURTHER ORDERED, and the Clerk is hereby directed to pay the

sum of THIRTY-THREE AND 96/100 (\$33.96) DOLLARS to the El Paso County Water Improvement District No. 1, and the sum of TWO HUNDRED EIGHTY-SIX AND 29/100 (\$286.29) DOLLARS, to the defendants, Paul Tucker, Mrs. Willie Tucker, Raymond Leon Tucker, Mrs. Irene Whitaker, Dan W. Whitaker and Mrs. Lonie Whitaker, the total amount being the amount heretofore deposited in the Registry of the Court by the Plaintiff for the taking of the above described property.

IT IS FURTHER ORDERED that jurisdiction of this cause be retained as to all other tracts of land and parties interested therein not specifically mentioned and disposed of by this order or other orders of the Court for such other and further proceedings as may seem proper to the Court.

CHARLES A. BOYNTON.

JUDGE.

APPROVED:

(Sgd.) Bay and Bay
Attorneys for
Paul Tucker, et al.
by John Bay, Jr.

(Sgd) W. C. Geticolar

A true copy of the original, I certify.

MAXEY HART, Clerk,

By Margarita Sameros
Deputy.

Filed 7th day of July
19 42 at 6 o'clock M.

MAXEY HART, Clerk.

By Flora L. Linker
Deputy.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

B. O. BRADLEY, ET AL.,

Defendants.

NO. 93 CIVIL.

JUDGMENT IN FAVOR OF RUDOLPH G. SCHUTTEN AND WIFE

BE IT REMEMBERED, that on this 5th day of December, 1942, in the above styled and numbered cause, came on to be considered said condemnation proceeding insofar as same concerns the following described property:

PARCEL NO. V

A tract of land lying and situate in El Paso County, Texas, and in the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section Five (5), Township Thirty-four (34) South, Range Eight (8) East, Bureau of Reclamation Survey; said tract being all of lots eight (8), nine (9), ten (10), eleven (11) and twelve (12), and accretion thereto, Block G of the Riverside Addition to Fabens, Texas, and being also within Tract Fourteen (14), Block One (1), of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930, and of record in the office of the County Clerk of said County and State; more particularly described as follows:

BEGINNING at a point on the northerly line of Block G Riverside Addition to Fabens, Texas, said point being the Northeast corner of Lot Eight (8), Block G of said Riverside Addition; THENCE along the easterly line of said Lot Eight (8) South twenty-three degrees (23°) forty-two minutes (42') East one hundred twenty-nine (129) feet to a point on the southerly line of said Block G, said point being the Southeast corner of said Lot Eight (8); THENCE along the southerly line and an extension thereof of said Block G, Riverside Addition South sixty-six degrees (66°) eighteen minutes (18') West one hundred eighty-four and one tenth (184.1) feet to the center of what formerly constituted the bed of the Rio Grande as the same existed prior to the artificial rectification thereof; THENCE along the center line of said former river bed North fifty-eight degrees (58°) nine minutes (09') West one hundred fifty-six and four tenths (156.4) feet to a point where the said center line intersects the extension of the northerly line of Block G of said Riverside Addition; THENCE along said northerly line as extended North sixty-six degrees (66°) eighteen minutes (18') East two hundred seventy-two and six tenths (272.6) feet to the point of beginning. Said tract of land containing sixty-eight hundredths (0.68) of an acre, more or less,

and the United States of America having appeared herein by W. C. Peticolas, Special Attorney, Ben F. Foster, United States Attorney for the Western District of Texas,

and H. L. Sims, Special Assistant to the United States Attorney, and the defendants, Rudolph G. Schutten and wife, Mary C. Schutten, having appeared herein in person, and the defendant, El Paso County Water Improvement District No. 1, having appeared herein by its Attorney, Richard F. Burges, and the defendants, State of Texas and County of El Paso, having appeared herein by Ernest Guinn, County Attorney, and

IT APPEARING TO THE COURT that heretofore a Judgment of Condemnation has been entered by the Court, condemning the above described property for the use and benefit of the United States of America, and that the United States of America has deposited in the Registry of the Court the sum of SEVENTY-FIVE AND NO/100 (\$75.00) DOLLARS for the taking of said property and that the United States of America and the defendants, Rudolph G. Schutten and wife, Mary C. Schutten, being the only parties having an interest in the above described property, have stipulated and agreed that the reasonable value of same is NINETY AND NO/100 (\$90.00) DOLLARS, and a hearing before the Special Commissioners and a Jury having been waived, and all matters of controversy between the United States of America and the said defendants, Rudolph G. Schutten and wife, Mary C. Schutten, having been settled by agreement of the parties, as evidenced by the Stipulation filed herein, and

IT APPEARING TO THE COURT that Rudolph G. Schutten and wife, Mary C. Schutten, were the owners of the above described property at the time of the filing of the Declaration of Taking herein, and the Court being of the opinion that said defendants are entitled to the sum of NINETY AND NO/100 (\$90.00) DOLLARS for the taking of said property,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the defendants, Rudolph G. Schutten and wife, Mary C. Schutten, do have and recover judgment against the United States of America in the sum of NINETY AND NO/100 (\$90.00) DOLLARS, the same being the stipulated value of said property taken by the United States of America in this proceeding; and that such judgment, when paid, be a full and complete satisfaction of all claims of the said Rudolph G. Schutten and wife, Mary C. Schutten, against the United States of America by reason of the condemnation of the above described property, and

IT FURTHER APPEARING TO THE COURT that the State of Texas and County of El Paso and the El Paso County Water Improvement District No. 1 have filed disclaimers as to this property.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that

the State of Texas and County of El Paso and El Paso County Water Improvement District No. 1 recover nothing from the United States of America or any party to this cause insofar as this tract of land is concerned.

IT FURTHER APPEARING TO THE COURT that on the 7th day of May, 1941, upon application of the defendants, Rudolph G. Schutten and wife, Mary C. Schutten, the sum of SEVENTY-FIVE AND NO/100 (\$75.00) DOLLARS was paid to the said defendants, and the Court being of the opinion that said sum should be applied as a credit on the judgment herein awarded to the defendants, Rudolph G. Schutten and wife, Mary C. Schutten.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the sum of SEVENTY-FIVE AND NO/100 (\$75.00) DOLLARS be and the same is hereby credited on the judgment herein awarded to the defendants, Rudolph G. Schutten and wife, Mary C. Schutten.

IT IS FURTHER ORDERED that the difference between said sum so deposited and the amount of this judgment, amounting to FIFTEEN AND NO/100 (\$15.00) DOLLARS, shall bear interest at the rate of six per cent (6%) per annum from December 12, 1940, and it is further ordered by the Court that when Plaintiff shall have paid said sum of FIFTEEN AND NO/100 (\$15.00) DOLLARS, together with interest thereon at the rate of six per cent (6%) per annum from December 12, 1940, into the Registry of this Court, that same shall be forthwith paid by the Clerk to said defendants.

IT IS FURTHER ORDERED that jurisdiction of this cause be retained as to all other tracts of land and parties interested therein not specifically mentioned and disposed of by this order or other orders of the Court for such other and further proceedings as may seem proper to the Court.

(Sgd) Charles A. Boynton
J U D G E.

APPROVED:

(Sgd) W. C. Peticolas

Mr. H. J. S. Devries, District Counsel, Bureau of Reclamation,
El Paso, Texas, will furnish all necessary information to the
United States Attorney and such assistance as he may desire.

Very truly yours,

Wendenhall
Acting Under Secretary.

Enclosure 2224168.

pd 8/6/40
Allans V# # 206876
W a 70 # 8/289
#1441⁰⁰

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

JUL 15 1940

430-12
RIO GRANDE

The Honorable

TO SECRETARY

JUL 10 1940

The Attorney General.

Sir:

In connection with the construction of the Riverside Canal Extension and the River and Mesa Drain outlet channels and appurtenant works, Rio Grande Project, by the Bureau of Reclamation of the Department of the Interior under authority of existing legislation, I have determined that it is necessary, advantageous and in the interest of the United States to acquire by judicial proceedings fee simple title to six parcels of land situated in El Paso County, Texas. These lands, which are ostensibly owned by E. O. Bradley, et al., are more particularly described in the Declaration of Taking which is enclosed in triplicate.

There is urgent need for the lands by the United States, and it is desired that suit be filed with the least possible delay so that possession may be obtained under the Act of February 26, 1931 (46 Stat., 1421).

A voucher in favor of the Clerk of the District Court of the Western District of Texas, El Paso Division, in the amount of \$1,441.00, the appraised value of the lands to be condemned, is being submitted to the Chief Disbursing Officer of the Treasury Department, who will transmit the check to your department when issued so that the same may be forwarded to the United States Attorney for filing with the Declaration of Taking as required.

The fund under which the land is to be acquired and from which the award or judgment is to be paid is "1418070.010 Reclamation Contributed Funds, Rio Grande Project, F. Y. 1940."

It is recommended that the United States Attorney for the Western District of Texas, El Paso Division, be authorized to file suit for the condemnation of the lands described above and that the Declaration of Taking and check be forwarded to the United States Attorney by air mail.

BUREAU OF RECLAMATION
COPY FOR THE SECRETARY'S OFFICE

Marasovich, Steve
Hunt, Norma H.
Whitaker, Edward
Schutt, R. G.
Lopez, Luciano

Copies 430.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON

OFFICE OF THE COMMISSIONER

JUL 10 1940

430.-
RIO GRANDE
RECL. COPY

MEMORANDUM for the Acting Under Secretary.

In connection with the acquisition of rights of way required for Riverside Canal Extension and Mesa and River Drain Outlet channels, Rio Grande Project, Texas, appraisals dated December 9, 1939, which include plats Nos. 8, 14, 17, 18, 20, 22, and 26, were approved by you on February 26.

Since the date of your approval a resurvey has made necessary a revision of the description of the parcels of property set out in plats Nos. 8, 14, 17, 18, 20, 22, and 26, together with a revision of the appraised values of said parcels, which revised appraisals were arrived at by applying the same per acre unit value as that fixed in the original appraisals. Attached to this memorandum are the revised plats Nos. 8, 14, 17, 18, 20, 22, and 26, covering the property of B. O. Bradley, Steve Marasovich, Norma H. Hunt, Edward Whitaker, et al., R. G. Schutten, and Luciano Lopez, together with a copy of a memorandum from the Bureau's Superintendent at El Paso, Texas, to the Bureau's District Counsel at El Paso, Texas, dated June 6, setting out the basis upon which the reappraisals were determined.

The attached letter to the Attorney General, together with the Declaration of Taking, contemplates the condemnation of the property described in the Declaration of Taking.

I recommend that you approve the revised appraisals of the property described in the Declaration of Taking and that you signify your approval thereon by signing the Declaration of Taking, together with the letter of Transmittal to the Attorney General.

Enclosure 1201903.

Approved by JUL 15 1940
(stamped signature)

W. H. Underhill
Acting Under Secretary
and returned to the
Bureau of Reclamation.

John C. Page
Acting Commissioner.

JUL 15 '40 28434

Copies--C.E. Denver
Supt. El Paso
D.C. El Paso
7-15-40

Plat #18
Revised

We, the undersigned appraisers, do hereby certify that we have carefully examined the tract or tracts of land, together with the improvements thereon, if any, and believed to belong to

lying and situate in the County of El Paso, State of Texas
and located in:

County Plat # Block 1, San Elizario Grant Tract # 17
Containing .97 Acres more or less, under
(not under) the Rio Grande Texas-New Mexico Irrigation Project.

	Acres	at \$	per acre \$	
	Acres	at \$	per acre \$	
	Acres	at \$	per acre \$	
	Acres	at \$	per acre \$	
	Acres	at \$	per acre \$	

[illegible][illegible]

We furthermore individually certify that neither of us is in any manner related to the herein named owner, by marriage or otherwise, and that neither of us is in any manner financially interested in the herein described property.

Appraisers

ved:

4. The lands of the above named owners and corresponding plat numbers, land area and value, as covered by the original approved appraisal as well as area and value as now proposed for acquisition are set forth on the attached table, a brief summary of which is as follows:

<u>Name</u>	<u>Plat No.</u>	<u>Original Appraisal</u>		<u>Revised Plats Est.</u>	
		<u>Acreage</u>	<u>Value</u>	<u>Acreage</u>	<u>Value</u>
B. O. Bradley	8	9.36	\$147.05	5.07	\$166.20
R. G. Schutten (erroneously shown in orig. appraisal as Rudolph Schuster)	14	.68 A. being 5 lots & river bed	75.00	.49 being 5 lots	75.00
Edward Whitaker Estate & Paul Tucker	17	5.21	323.80	4.27	320.25
Luciano Lopez Estate	18	1.25	266.75	.97	266.75
Steve Marasovich	20	1.59	37.15	.88	30.80
Mrs. Norma Hunt	22	(76 lots	570.00)	(76 lots	570.00)
		2.77 A.	0.00)	(0.00	0.00)
	26	.12	12.00	.12	12.00

5. Since the appraisal was made it has been determined that in acquisition of the needed lands by condemnation there should be eliminated from those tracts respectively, as originally platted and described, certain portions thereof which are already occupied by existing project works or which are within the old bed of the Rio Grande which is still a natural water course for local drainage runoff.

6. The preparation of new descriptions and plats necessitated a recomputation of areas resulting in increases or decreases both as to the area under a specific classification of land within such respective parcels and in each case in a decrease in total areas described and platted for acquisition in comparison with the areas and classification shown on individual sheets, plats and summary sheets of the original approved appraisal as to the lands corresponding to those here involved. This office has prepared revised individual sheets corresponding to plat number references and related sheets of the original appraisal, which revised sheets show the recomputation and classification of areas now involved. While the revised sheets which are attached hereto are made for convenient comparison with the original appraisal sheets and have not been acted upon by the appraisal board, it should be noted that exactly the same per acre unit value as

those fixed by the appraisers in the approved appraisal for the corresponding class of land, in each case, has been used in arriving at the amounts determined to be the estimated value of the lands now to be acquired.

7. It is necessary to acquire these lands by eminent domain either for the reason, as to the various parcels, that the lands are involved in estates of deceased persons or incompetents or the owners have declined to accept the amounts fixed by the original approved appraisals and there is no reason to believe those owners would accept the estimated value of the areas revised as hereinabove set forth.

8. No abstracts of title are available but these lands appear to be in possession, under claim of ownership, of the persons listed in paragraph 4 hereof.

9. The amounts shown above under "estimated value" in paragraph 4, in my opinion, represent in each case the full value of the property to be acquired and it is recommended that those amounts be deposited in court upon institution of the condemnation proceedings as the estimated value of the lands to be taken. Funds for this purpose are deposited to the credit of the Bureau of Reclamation and are available for expenditure under appropriation symbol number "14X8070.010 Reclamation Contributed Funds; Rio Grande Project, F. Y. 1940".

- - - -

L. R. Fiock

Encls-

6 Land Descriptions

6 Prints

Revised sheets showing estimated value.

Plat #8
Revised

We, the undersigned Appraisers, do hereby certify that we have carefully examined the tract or tracts of land, together with the improvements thereon, if any, and believed to belong to

lying and situate in the County of El Paso, State of Texas
and located in:

County Plat # Block 42, San Elizario Grant Tract # 1A
Containing 5.07 Acres more or less, under
(not under) the Rio Grande Texas-New Mexico Irrigation Project.

[illegible]

	Acres at	per acre	
Salt Grass pasture 4.32	\$ 35.00		\$ 151.20
Borrow Pits .75	\$ 20.00		\$ 15.00
			\$ 166.20

[illegible]

We furthermore individually certify that neither of us is in any manner related to the herein named owner, by marriage or otherwise, and that neither of us is in any manner financially interested in the herein described property.

Appraisers

Approved:

429A - 19.5

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Land Classification and Valuation Report

Plat #20
Revised

Feature Riverside Canal Extension Date June 5, 19 40

We, the undersigned appraisers, do hereby certify that we have carefully examined the tract or tracts of land, together with the improvements thereon, if any, and believed to belong to

Steve Marasovich

lying and situate in the County of El Paso, State of Texas
and located in:

R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian

County Plat # Block 54, San Elizario Grant Tract # 11
Containing .88 Acres more or less, under
(not under) the Rio Grande Texas-New Mexico Irrigation Project.

Class 1. Subject to Construction Charges

(	Acres	at \$	per acre \$
(	Acres	at \$	per acre \$
(	Acres	at \$	per acre \$
(	Acres	at \$	per acre \$
(	Acres	at \$	per acre \$

Class 2. Suspended

(	Acres	at \$	per acre \$
(	<u>Pasture</u>	<u>.88</u> Acres at \$ <u>35.00</u>	per acre \$ <u>30.80</u>
(	Acres	at \$	per acre \$
(	Acres	at \$	per acre \$
(	Acres	at \$	per acre \$
(	Acres	at \$	per acre \$
(	Acres	at \$	per acre \$

Land not under the Project:

Improvements:

Grand Total

\$ 30.80

We furthermore individually certify that neither of us is in any manner related to the herein named owner, by marriage or otherwise, and that neither of us is in any manner financially interested in the herein described property.

Appraisers

Approved:

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Land Classification and Valuation Report

Plat #22
Revised

Feature Riverside Canal Extension Date June 5, 1940

We, the undersigned appraisers, do hereby certify that we have carefully examined the tract or tracts of land, together with the improvements thereon, if any, and believed to belong to

Norma H. Hunt

lying and situate in the County of El Paso State of Texas
and located in:

R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian

County Plat # Blk 54, San Elizario Grant Tract # 9
Containing Acres more or less, under
(not under) the Rio Grande Texas-New Mexico Irrigation Project.

Class 1. Subject to Construction Charges

(	Acres	at \$	per acre \$	
(	Acres	at \$	per acre \$	
(	Acres	at \$	per acre \$	
(	Acres	at \$	per acre \$	
(	Acres	at \$	per acre \$	

Class 2. Suspended

(	<u>Block 9, Hunts</u>	Acres at \$	per acre \$	
(	<u>Addition to Fabens,</u>	Acres at \$	per acre \$	
(	<u>Texas, Lots 1 to 76</u>	Acres at \$	per acre \$	
(	<u>both inclusive</u>	Acres at \$	<u>7.50</u> per acre \$	<u>570.00</u>
(		Acres at \$	per acre \$	
(		Acres at \$	per acre \$	
(		Acres at \$	per acre \$	
(		Acres at \$	per acre \$	<u>570.00</u>

Land not under the Project:

Improvements:

Grand Total \$ 570.00

We furthermore individually certify that neither of us is in any manner related to the herein named owner, by marriage or otherwise, and that neither of us is in any manner financially interested in the herein described property.

Appraisers

Approved:

→ Revised 2.77

3 m. 10.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Land Classification and Valuation Report

Plat #26

Feature Riverside Canal Extension Date June 5, 19 40

We, the undersigned appraisers, do hereby certify that we have carefully examined the tract or tracts of land, together with the improvements thereon, if any, and believed to belong to

Norma H. Hunt

lying and situate in the County of El Paso State of Texas
and located in:

R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian

County Plat # Block 54, San Elizario Grant Tract # 9
Containing .12 Acres more or less, under
(not under) the Rio Grande Texas-New Mexico Irrigation Project.

Class 1. Subject to Construction Charges

{	<u>.04</u>	Acres	at \$	<u>300.00</u>	per acre \$	<u>12.00</u>
		Acres	at \$		per acre \$	
		Acres	at \$		per acre \$	
		Acres	at \$		per acre \$	
		Acres	at \$		per acre \$	<u>12.00</u>

Class 2. Suspended

{		Acres	at \$		per acre \$		
	<u>I-243 Lateral</u>	<u>.08</u>	Acres	at \$	<u>0.00</u>	per acre \$	<u>0.00</u>
		Acres	at \$		per acre \$		
		Acres	at \$		per acre \$		
		Acres	at \$		per acre \$		
		Acres	at \$		per acre \$	<u>0.00</u>	

Land not under the Project:

Improvements: _____ \$ _____
_____ \$ _____
_____ \$ _____
_____ \$ _____

Grand Total \$ 12.00

We furthermore individually certify that neither of us is in any manner related to the herein named owner, by marriage or otherwise, and that neither of us is in any manner financially interested in the herein described property.

Appraisers

Approved: _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Land Classification and Valuation Report

Plat #17
Revised

Feature Riverside Canal Extension Date June 5, 19 40

We, the undersigned appraisers, do hereby certify that we have carefully examined the tract or tracts of land, together with the improvements thereon, if any, and believed to belong to

Edward Whitaker et. al.

lying and situate in the County of El Paso, State of Texas
and located in:

R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian

County Plat # Block 1, San Elizario Tract # 16
Containing 4.27 Acres more or less, under
(not under) the Rio Grande Texas-New Mexico Irrigation Project.

Class 1. Subject to Construction Charges

()	Acres	at \$	per acre \$	
()	Acres	at \$	per acre \$	
()	Acres	at \$	per acre \$	
()	Acres	at \$	per acre \$	
()	Acres	at \$	per acre \$	

Class 2. Suspended

()	Acres	at \$	per acre \$	
()	<u>Pasture</u>	<u>4.27</u>	Acres at \$	per acre \$ <u>320.25</u>
()	Acres	at \$	per acre \$	
()	Acres	at \$	per acre \$	
()	Acres	at \$	per acre \$	
()	Acres	at \$	per acre \$	
()	Acres	at \$	per acre \$	<u>320.25</u>

Land not under the Project:

Improvements: _____ \$ _____
_____ \$ _____
_____ \$ _____
_____ \$ _____
Grand Total \$ 320.25

We furthermore individually certify that neither of us is in any manner related to the herein named owner, by marriage or otherwise, and that neither of us is in any manner financially interested in the herein described property.

Appraisers

Approved: _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Land Classification and Valuation Report

Plat #14
Revised

Feature Riverside Canal Extension Date June 5, 19 40

We, the undersigned Appraisers, do hereby certify that we have carefully examined the tract or tracts of land, together with the improvements thereon, if any, and believed to belong to

R. G. Schutten

lying and situate in the County of El Paso State of Texas
and located in:

R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian
R.	T.	Sec.	Subdiv.	Meridian

County Plat # Block 1, San Elizario Grant Tract # 14
Containing 49 Acres more or less, under
(not under) the Rio Grande Texas-New Mexico Irrigation Project.

Class 1. Subject to Construction Charges

()	Acres	at \$	per acre \$	
()	Acres	at \$	per acre \$	
()	Acres	at \$	per acre \$	
()	Acres	at \$	per acre \$	
()	Acres	at \$	per acre \$	

Class 2. Suspended

()	<u>Lots 8 to 12 both</u>	Acres at \$	per acre \$	
()	<u>inclusive, Block "G"</u>	Acres at \$	per acre \$	
()	<u>Riverside Addition</u>	Acres at \$	per acre \$	
()	<u>to Fabens, Texas</u>	Acres at \$	per acre \$	
()		Acres at \$	per acre \$	
()	<u>5 Lots</u>	Acres at \$	<u>15.00</u> per acre \$	<u>75.00</u>
()		Acres at \$	per acre \$	\$ <u>75.00</u>

Land not under the Project:

Improvements:	\$
	\$
	\$
	\$
	\$
Grand Total	\$ <u>75.00</u>

We furthermore individually certify that neither of us is in any manner related to the herein named owner, by marriage or otherwise, and that neither of us is in any manner financially interested in the herein described property.

Appraisers

Approved:

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF TEXAS, EL PASO DIVISION

The United States of America,
Plaintiff,

vs.

B. O. Bradley, et al.,
Defendants.

No. 93, Law Civil

Filed September 12, 1940

DECLARATION OF TAKING

I, W. C. Mendenhall, Acting Under Secretary of the Interior of the United States, acting by virtue of the provisions of (a) the Act of Congress of June 17, 1902, 32 Stat., 388, and all acts amendatory thereof and supplementary thereto, commonly known as the Reclamation Law; (b) the Act of March 4, 1921, 41 Stat., 1404, and (c) the Act of February 26, 1931, 46 Stat., 1421, and all acts amendatory thereof and supplementary thereto, do hereby make and file this Declaration of Taking pursuant to the provisions of said Act of February 26, 1931, and declare that the lands described in the complaint filed in this cause and shown on the plan hereto annexed and made a part of this Declaration, are hereby taken for the use of the United States and under the authority of and for the purpose set forth in said Acts; that the estate in said lands hereby taken for the public use aforesaid is an estate in fee simple absolute; that the sum estimated by me to be just compensation for said lands, including all buildings, structures and improvements thereon, is one thousand four hundred Forty-one and no/100 dollars (\$1441.00), which said sum is hereby deposited into the registry of this Honorable Court to the use and for the benefit of the ones entitled thereto; that the following is a description of the lands to which fee simple absolute title is taken under this Declaration, with the estimated value of the same:

X
(Parcel I, Bradley)

Riverside Canal Extension
Plat No. 8

THREE TRACTS of land lying and situate in El Paso County, Texas, and in the Southwest quarter ($SW\frac{1}{4}$) of Section thirty-two (32), Township thirty-three (33) South, Range eight (8) East, Bureau of Reclamation Survey; being also within Tract one A (1-A), Block forty-two (42) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930 and of record in the office of the County Clerk of said County and State; more particularly described as follows:

TRACT 1 - Beginning at the point of intersection of the dividing line between Tracts one A (1-A) and four (4), Block forty-two (42) of said official resurvey of the San Elizario Grant with the southwesterly right of way line of the River Drain said point being the Southeast corner of Tract two (2), Block forty-two (42) of the said official resurvey of the San Elizario Grant; thence along the southwesterly right of way line of said river drain South fifty-nine degrees (59°) fifty-one minutes ($51'$) East three hundred sixty-three and four tenths (363.4) feet to a point at the intersection of said line with the north right of way line of the Cuadrilla Drain and from which point the Northwest corner of Tract thirteen (13), Block two (2) of the said official resurvey of the San Elizario Grant bears North twenty-five degrees (25°) thirty-six minutes ($36'$) thirty seconds ($30''$) East one thousand four hundred fifty-nine and one tenths (1459.1) feet; thence along the north right of way line of said Cuadrilla Drain, South eighty-four degrees (84°) fifty-three minutes ($53'$) West three hundred eighteen and one tenth (318.1) feet to the dividing line between Tract one A (1-A) and tract four (4) Block forty-two (42) of said official resurvey of the San Elizario Grant; thence along said dividing line North no degrees (0°) forty-two minutes ($42'$) East two hundred ten and nine tenths (210.9) feet to the point of beginning. Said tract of land containing seventy-seven hundredths (0.77) of an acre, more or less. Shown as Tract one (1) on plat attached hereto and made a part hereof.

TRACT 2 - Beginning at the point of intersection of the dividing line between Tract one A (1-A) and Tract four (4) Block forty-two (42) of the official resurvey of the San Elizario Grant with the south right of way line of the Cuadrilla Drain and from which point the Southeast corner of Tract two (2) Block forty-two (42) of the official resurvey of the San Elizario Grant bears North no degrees (0°) forty-two minutes ($42'$) East two hundred ninety-one and three tenths (291.3) feet; thence along the south right of way line of said Cuadrilla Drain, North eighty-four degrees (84°) fifty-three minutes ($53'$) East four hundred thirty-nine and four tenths (439.4) feet to a point on the southwesterly right of way line of the River Drain and from which point the Northwest corner of Tract thirteen (13), Block two (2) of the said official resurvey of the San Elizario Grant bears North twenty degrees (20°) fourteen minutes ($14'$) thirty seconds ($30''$) East one thousand four hundred seventy-six and six tenths (1476.6) feet; thence along the southwesterly right of way line of said river drain South fifty-nine degrees (59°) fifty-one minutes ($51'$) East one hundred eighty-six and seven tenths (186.7) feet to the north bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the north bank of the former Rio Grande South fifty-eight degrees (58°) forty-four minutes ($44'$) West two hundred sixty-four and eight tenths (264.8) feet, South seventy-four degrees (74°) twenty-three minutes ($23'$) West three hundred eleven and four tenths (311.4) feet and South sixty-six degrees (66°) fifty-seven minutes ($57'$) West eighty-three and two tenths (83.2) feet to a point where the said river bank intersects the extension of the dividing line between Tracts one A (1-A) and four (4), Block forty-two (42) of the said official resurvey of the San Elizario Grant; thence

Correct as to Engineering Data A.O.D.

Riverside Canal Extension Plat No. 8

along said dividing line as extended North no degrees (0°) forty-two minutes (42') East three hundred eight and five tenths (308.5) feet to the point of beginning. Said tract of land containing two and ninety-two hundredths (2.92) acres, more or less. Shown as Tract two (2) on plat attached hereto and made a part hereof.

Correct as to Engineering Data Q.O.A.

TRACT 3 - Beginning at a point on the dividing line between Tract one A (1-A), Block forty-two (42) and Tract thirteen (13), Block two (2) of the official resurvey of the San Elizario Grant and from which point the Northwest corner of Tract thirteen (13), Block two (2) of the said official resurvey of the San Elizario Grant bears North two degrees (2°) fifty-eight minutes (58') West one thousand two hundred thirty-four and one tenth (1234.1) feet; thence South two degrees (2°) fifty-eight minutes (58') East twenty (20) feet to the north right of way line of the Fabens Intercepting Drain Stub; thence along said right of way line South eighty-four degrees (84°) forty-nine minutes (49') West two hundred twenty (220) feet; thence South five degrees (5°) eleven minutes (11') East eighty (80) feet; thence along the south right of way line of said Fabens Intercepting Drain Stub; North eighty-four degrees (84°) forty-nine minutes (49') East two hundred sixteen and nine tenths (216.9) feet to the dividing line between Tract one A (1-A), Block forty-two (42) and Tract thirteen (13) Block two (2) of the said official resurvey of the San Elizario Grant; thence South two degrees (2°) fifty-eight minutes (58') East one hundred twenty and eight tenths (120.8) feet along said dividing line and an extension thereof to the north bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along said river bank South eighty-nine degrees (89°) twenty-four minutes (24') West two hundred twenty-six and seven tenths (226.7) feet to the northeasterly right of way line of the river drain; thence along the northeasterly right of way line of said River Drain North fifty-nine degrees (59°) fifty-one minutes (51') West three hundred fifty and three tenths (350.3) feet to a point from which the Southeast corner of Tract two (2) Block forty-two (42) of the said official resurvey of the San Elizario Grant bears North seventy-three degrees (73°) twenty-four minutes (24') twenty seconds (20") West five hundred eleven and nine tenths (511.9) feet; thence North eighty-four degrees (84°) forty-nine minutes (49') East five hundred twenty and three tenths (520.3) feet to the point of beginning. Said tract of land containing one and thirty-eight hundredths (1.38) acres, more or less. Shown as Tract three (3) on plat attached hereto and made a part hereof.

The sum estimated by me to be just compensation for said last above described three tracts constituting Parcel I, including all buildings, structures and improvements thereon, is one hundred sixty-six and 20/100 dollars (\$166.20).

x (Parcel II, Marasovich)

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section five (5), Township thirty-four (34) South and Southwest quarter (SW $\frac{1}{4}$) of Section thirty-two (32), Township thirty-three (33) South, Range eight (8) East, Bureau of Reclamation Survey; being also within survey sixty-nine (69) of the Island, San Elizario Grant and tract eleven (11) Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930 and of record in the office of the county clerk of said county and state; more particularly described as follows:

Correct as to Engineering Data 9.08.

Beginning at a point on the south bank of the Rio Grande as the same existed prior to the artificial rectification thereof and from which point the most southerly corner of Tract eleven (11) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears South twenty-one degrees (21°) forty-six minutes (46') eighteen seconds (18") East five thousand one hundred fifty-one and nine tenths (5151.9) feet; thence along the south bank of the said former Rio Grande North fifty-six degrees (56°) forty-four minutes (44') East twenty-eight and nine tenths (28.9) feet, North sixty-seven degrees (67°) fourteen minutes (14') East two hundred thirteen and nine tenths (213.9) feet; North eighty-one degrees (81°) forty-four minutes (44') East one hundred sixty-one and one tenth (161.1) feet; South eighty-two degrees (82°) thirty-nine minutes (39') East two hundred one and one tenth (201.1) feet and South seventy-four degrees (74°) twenty minutes (20') East one hundred twenty-three and eight tenths (123.8) feet to a point from which the most easterly corner of Tract eleven (11) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears South thirty-seven degrees (37°) thirty-nine minutes (39') twenty-two seconds (22") East four thousand five hundred eighty-nine and nine tenths (4589.9) feet; thence South eighty-four degrees (84°) fifty-three minutes (53') West seven hundred two and three tenths (702.3) feet to the point of beginning. Said tract of land containing eighty-eight hundredths (0.88) of an acre, more or less. All as shown on plat attached hereto and made a part hereof.

The sum estimated by me to be just compensation for said last above described lands constituting Parcel II, including all buildings, structures and improvements thereon, is thirty and 80/100 dollars (\$30.80).

x

(Parcel III, Hunt)

Riverside Canal Extension

Plat No. 22 - 26

TWO tracts of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section four (4), Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey and within Hunt's Addition to Fabens, Texas, being also within Tract nine (9), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas the 13th day of January, 1930 and of record in the office of the County Clerk of said county and state; more particularly described as follows:

TRACT 1 - Being all of lots one (1) to seventy-six (76) both inclusive, Block nine (9) Hunt's Addition to Fabens, Texas, more particularly described as follows: Beginning at a point on the southeasterly line of said tract nine (9) Block fifty-four (54) of said official resurvey of the San Elizario Grant which point is the most southerly corner of Block nine (9) Hunt's Addition to Fabens, Texas; thence along the southwesterly line of said block nine (9) which is also the northeasterly right of way line of Canal Drive North forty-seven degrees (47°) fifty-eight minutes (58') West one thousand one hundred forty-four and eight tenths (1144.8) feet, North fifty-nine degrees (59°) eighteen minutes (18') West one hundred sixty-one and seventy-six hundredths (161.76) feet and North sixty-eight degrees (68°) forty-eight minutes (48') West five hundred eighty-seven and two tenths (587.2) feet to the Southwest corner of said Block nine (9) Hunt's Addition to Fabens, Texas and from which point the most southerly corner of said Tract nine (9) Block fifty-four (54) of said official resurvey of the San Elizario Grant bears South thirty-seven degrees (37°) fourteen minutes (14') East one thousand seven hundred seventy-five and seven tenths (1775.7) feet; thence North thirty-seven degrees (37°) fourteen minutes (14') West one hundred sixty-nine and two tenths (169.2) feet along the westerly line and an extension thereof of said Block nine (9) Hunt's Addition to Fabens, Texas to the south bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the south bank of the said former Rio Grande South seventy degrees (70°) nineteen minutes (19') East six hundred ninety-four and four tenths (694.4) feet, South sixty-three degrees (63°) twenty-three minutes (23') East three hundred forty-eight (348) feet South fifty-six degrees (56°) fifty-eight minutes (58') East three hundred forty-five and fifteen hundredths (345.15) feet, South forty-five degrees (45°) forty-eight minutes (48') East three hundred twenty-eight and sixty-four hundredths (328.64) feet and South thirty-eight degrees (38°) eighteen minutes (18') East four hundred and six hundredths (400.06) feet to the intersection with the southeasterly line of Block nine (9) of Hunt's Addition to Fabens, Texas; thence along the southeasterly line of said Block nine (9) South fifty-two degrees (52°) forty-two minutes (42') West one hundred twenty-four (124) feet to the point of beginning. Said tract of land containing six and forty-nine hundredths (6.49) acres, more or less. Shown on Riverside Canal Extension Plat No. 22 attached hereto and made a part hereof.

Correct as to Engineering Data 9.0.8.

Riverside Canal Extension - Plat No. 22 -26

Correct as to Engineering Data A. O. D.

TRACT 2 - Being fractional parts of lots nine (9) and ten (10), Block two (2), fractional parts of lots eight (8), nine (9), eighteen (18) and nineteen (19), Block three (3) and fractional parts of lots sixteen (16) and seventeen (17), Block six (6), all in Hunt's Addition to Fabens, Texas more particularly described as follows: Beginning at a point on the southwesterly right of way line of the I-243 Lateral, which is the property of the United States, said point being the most northerly corner of Lot sixteen (16) Block six (6) Hunt's Addition to Fabens, Texas; thence along the southwesterly right of way line of the I-243 Lateral being also the northeasterly line of Blocks six (6), three (3) and two (2) Hunt's Addition to Fabens, Texas, South forty-seven degrees (47°) fifty-eight minutes (58') East five hundred seventy-four and ninety-four hundredths (574.94) feet to a point which is the most easterly corner of Lot ten (10), Block two (2), Hunt's Addition to Fabens, Texas; thence along the southeasterly line of said Lot ten (10), South fifty-two degrees (52°) forty-two minutes (42') West eleven and seventy-three hundredths (11.73) feet; thence North forty-seven degrees (47°) forty-four minutes (44') West five hundred seventy-four and forty-nine hundredths (574.49) feet to the northwesterly line of Lot sixteen (16) Block six (6) Hunt's Addition to Fabens, Texas; thence along said line North fifty-two degrees (52°) forty-two minutes (42') East nine and thirty-five hundredths (9.35) feet to the point of beginning. Said tract of land containing fourteen hundredths (0.14) of an acre, more or less, of which two hundredths (.02) of an acre is occupied by streets and alleys. Shown on Riverside Canal Extension Plat 26, attached hereto and made a part hereof.

The sum estimated by me to be just compensation for said last above described two tracts of land constituting Parcel III, including all buildings, structures and improvements thereon, is five hundred eighty-two and no/100 dollars (\$582.00).

x

Riverside Canal Extension

(Parcel IV, Whitaker Estate & Tucker) No. 17

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section four (4) and Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section five (5), Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within tract sixteen (16), Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930 and of record in the office of the County Clerk of said county and state; more particularly described as follows:

Correct as to Engineering Data Q.C.D.

Beginning at the point of intersection of the dividing line between Tracts fifteen (15) and sixteen (16), Block one (1) of said official resurvey of the San Elizario Grant with the southwesterly right of way line of the Fabens Intercepting Drain and from which point the Northeast corner of said Tract sixteen (16) Block one (1) of the said official resurvey of the San Elizario Grant bears North sixty-six degrees (66°) twenty minutes (20') East six hundred thirty-seven (637) feet; thence along said southwesterly right of way line of the Fabens Intercepting Drain South sixty-eight degrees (68°) forty-five minutes (45') East four hundred eighty-nine (489) feet to a point on the southeasterly line of said Tract sixteen (16) Block one (1) of the said official resurvey of the San Elizario Grant and from which point the Southeast corner of said Tract sixteen (16) bears North fifty degrees (50°) fourteen minutes (14') East three hundred seventy-four and eight tenths (374.8) feet; thence South fifty degrees (50°) fourteen minutes (14') West three hundred fifty-five and six tenths (355.6) feet along the southeasterly line of said Tract sixteen (16) to the north bank of the former Rio Grande as the same existed prior to the artificial rectification thereof; thence along the north bank of the said former Rio Grande North sixty-four degrees (64°) fifty-nine minutes (59') West five (5) feet; North seventy-two degrees (72°) fifteen minutes (15') West four hundred eighty-four and five tenths (484.5) feet and North seventy-three degrees (73°) fifty minutes (50') West one hundred eighty-seven (187) feet to the point of intersection with the dividing line between Tracts fifteen (15) and sixteen (16), Block one (1) of the said official resurvey of the San Elizario Grant; thence along said dividing line North sixty-six degrees (66°) twenty minutes (20') East five hundred five and one tenth (505.1) feet to the point of beginning. Said tract of land containing four and twenty-seven hundredths (4.27) acres, more or less. All as shown on Plat attached hereto and made a part hereof.

The sum estimated by me to be just compensation for said last above described lands constituting Parcel IV, including all buildings, structures and improvements thereon, is three hundred twenty and 25/100 dollars (\$320.25).

Riverside Canal Extension
Plat No. 14

x

(Parcel V, Schutten)

A tract of land lying and situate in El Paso County, Texas and in the Northeast quarter ($NE\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) of Section five (5) Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; said tract being all of lots eight (8), nine (9), ten (10), eleven (11) and twelve (12) and accretion thereto, Block G of the Riverside Addition to Fabens, Texas and being also within tract fourteen (14), Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas the 13th day of January, 1930 and of record in the office of the County Clerk of said county and State; more particularly described as follows:

Correct as to Engineering Data A.O.D.

Beginning at a point on the northerly line of Block G Riverside Addition to Fabens, Texas, said point being the Northeast corner of Lot eight (8), Block G of said Riverside Addition; thence along the easterly line of said lot eight (8), South twenty-three degrees (23°) forty-two minutes ($42'$) East one hundred twenty-nine (129) feet to a point on the southerly line of said Block G, said point being the Southeast corner of said lot eight (8); thence along the southerly line and an extension thereof of said Block G, Riverside Addition, South sixty-six degrees (66°) eighteen minutes ($18'$) West one hundred thirty and three tenths (130.3) feet to the east bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the east bank of the said former Rio Grande North fifty-one degrees (51°) forty-six minutes ($46'$) West one hundred forty-six and two tenths (146.2) feet to a point where the said river bank intersects the extension of the northerly line of Block G of said Riverside Addition; thence along said northerly line as extended North sixty-six degrees (66°) eighteen minutes ($18'$) East one hundred ninety-nine and one tenth (199.1) feet to the point of beginning. Said tract of land containing forty-nine hundredths (0.49) of an acre, more or less, all as shown on plat attached hereto and made a part hereof.

The sum estimated by me to be just compensation for said last above described lands constituting Parcel V, including all buildings, structures and improvements thereon, is seventy-five and no/100 dollars (\$75.00).

Riverside Canal Extension
Plat No. 18

x
(Parcel VI, Lopez Estate)

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section four (4), Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within Tract seventeen (17) Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930 and of record in the office of the County Clerk of said county and state; more particularly described as follows:

Correct as to Engineering Data
Beginning at a point on the northwesterly line of said Tract seventeen (17) Block one (1) of said official resurvey of the San Elizario Grant and from which point the most northerly corner of said tract seventeen (17) bears North forty-nine degrees (49°) fifty-seven minutes (57') East three hundred sixteen and two tenths (316.2) feet. Said most northerly corner of Tract seventeen (17) being thirty-five (35) feet from and at right angles to the center line of State Highway No. 1; thence South thirty-nine degrees (39°) thirty-seven minutes (37') East one hundred ninety and eight tenths (190.8) feet to the southeasterly line of said tract seventeen (17) and from which point the most easterly corner of said tract seventeen (17) bears North fifty degrees (50°) fourteen minutes (14') East three hundred sixteen and six tenths (316.6) feet; thence South fifty degrees (50°) fourteen minutes (14') West one hundred eighty-five and nine tenths (185.9) feet along the southeasterly line of said Tract seventeen (17) to the northeast bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the Northeast bank of the said former Rio Grande North sixty degrees (60°) fifty-one minutes (51') West one hundred ninety-nine and nine tenths (199.9) feet and North sixty-four degrees (64°) fifty-nine minutes (59') West three and three tenths (3.3) feet to the intersection with the northwesterly line of said Tract seventeen (17); thence along said northwesterly line of Tract seventeen (17) North forty-nine degrees (49°) fifty-seven minutes (57') East two hundred fifty-nine and eight tenths (259.8) feet to the point of beginning. Said tract of land containing ninety-seven hundredths (0.97) of an acre, more or less. All as shown on plat attached hereto and made a part hereof.

The sum estimated by me to be just compensation for said last above described lands constituting Parcel VI, including all buildings, structures and improvements thereon, is two hundred sixty-six and 75/100 dollars (\$266.75).

That said lands are taken under the authority of the Constitution and Laws of the United States for the following purposes:

Regulation, control and use of the flow of the Rio Grande by means of an irrigation canal and drainage outlet channel and appurtenant works for the purpose of the reclamation, irrigation and drainage of arid lands within the Rio Grande Federal irrigation project constructed, operated and maintained by the United States under the said Reclamation Law.

That pursuant to the provisions of the said Act of March 4, 1921, funds have been deposited and covered into the Reclamation Fund and by said Act of March 4, 1921, appropriated for the purpose of the construction of said canal and drainage outlet channel and appurtenant works and such funds are available for just compensation for said lands so taken.

In witness whereof I have hereunto set my hand this 15th day of July, A. D., 1940, in the City of Washington, District of Columbia.

W. C. Mendenhall (signed)
Acting Under Secretary of the
Interior of the United States
of America.

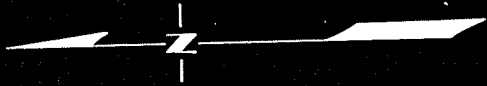
Filed 12 day of Sept.
19 40 at _____ o'clock _____ M.
MAXEY HART, Clerk.
By Margarita Gameros
Deputy.

A true copy of the original, I certify.

MAXEY HART, Clerk,
By Margarita Gameros
Deputy.

93 - Civil
The United States
vs.
B.O. Bradley, et al.

Declaration of
Taking.



Location Plat
Section 4, T34S-R8E, USRS.
Fractional parts of Lots 9,10
Block 2; 8,9,18,19 of Block 3 and
16,17 of Block 6, Hunt Addition
to Fabens; Tract 9, Block 54 of
Resurvey, San Elizario Grant.
El Paso Co., Texas.
Total R. of W. 0.14 Ac.
Less Alley & Streets .02 "
Net R. of W. 0.12 "

Norma Hunt

SCALE 1" = 50'

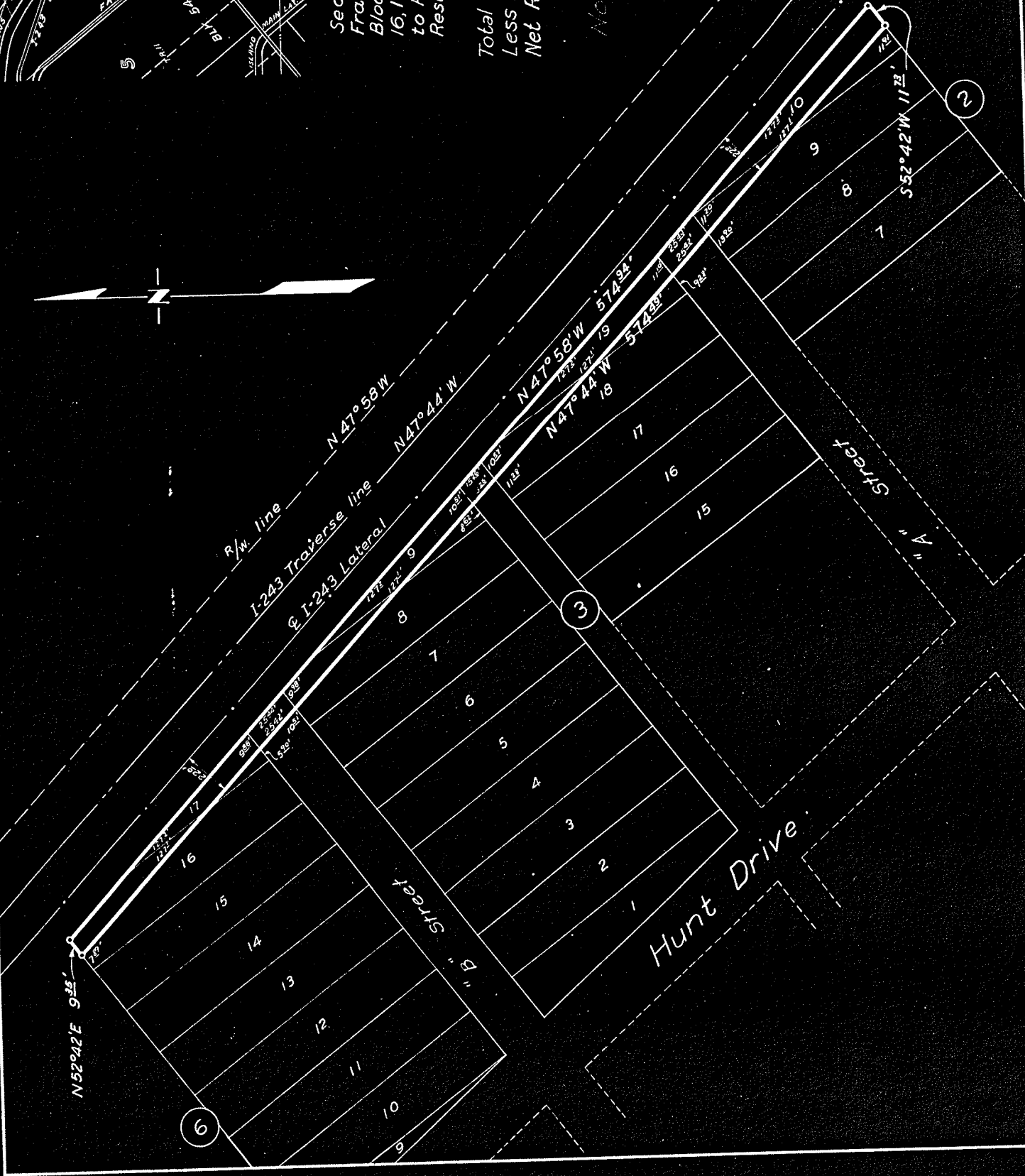
26
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
RIO GRANDE PROJECT-NEW MEXICO-TEXAS
RIVERSIDE CANAL EXTENSION

RIGHT OF WAY

FIELD WORK...G.P. CHECKED.....

DRAWN A.O.D.-F.M.G. APPROVED.....

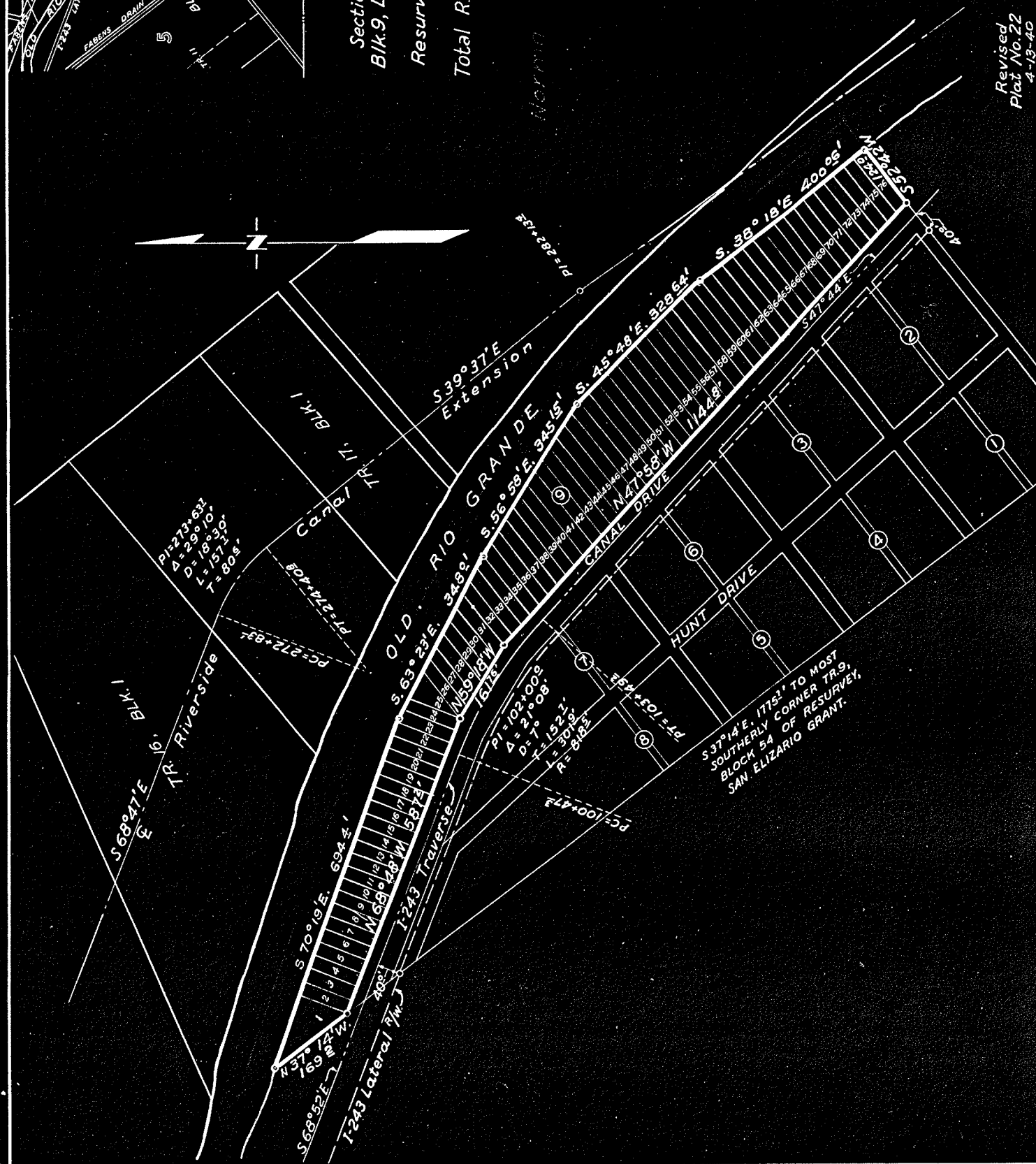
4080-L-13 EL PASO, TEX. 1939

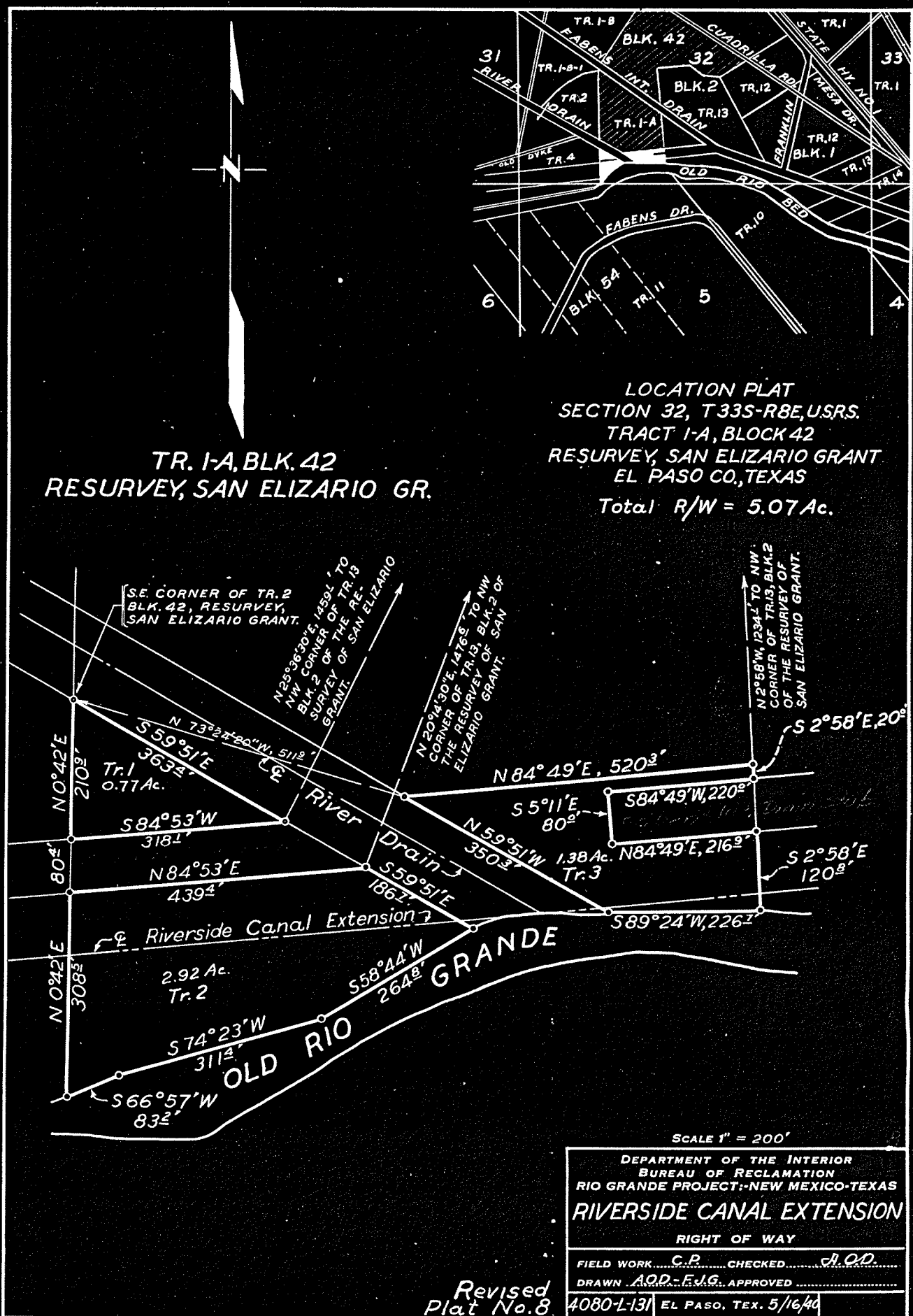


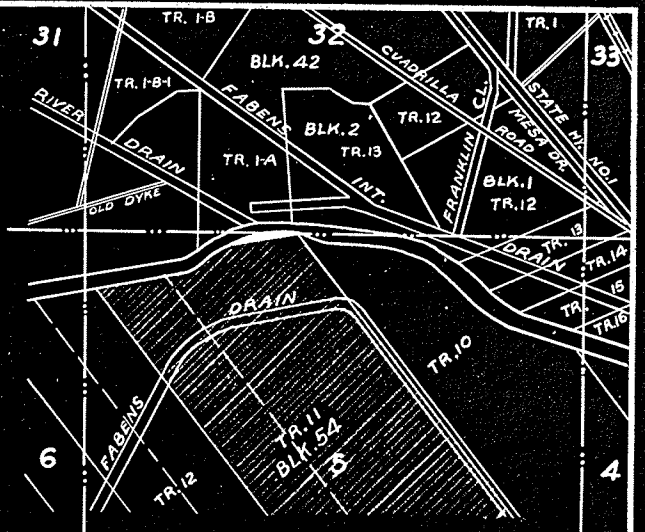


Location Plat
 Section 4, T34S-R8E, USRS.
 Blk. 9, Lots 1-76, Hunt Addition to Fabens
 Tract 9, Block 54
 Resurvey, San Elizario Grant
 El Paso Co. Texas
 Total R. of W. 6.49 Ac.

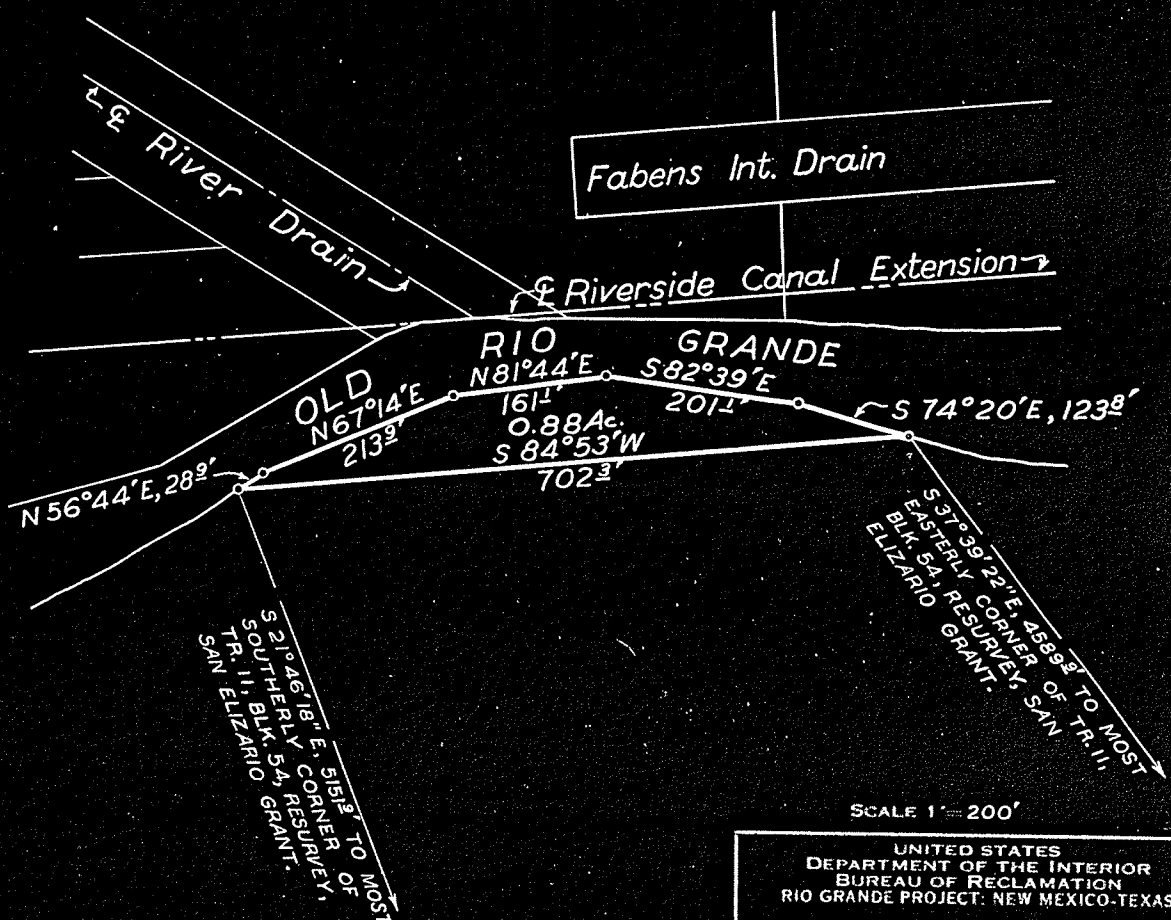
SCALE 1" = 200'
 DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 RIO GRANDE PROJECT, NEW MEXICO, TEXAS
RIVERSIDE CANAL EXTENSION
 FIELD WORK.....C.R. CHECKED.....
 DRAWN A.O. APPROVED.....
 40804-131 EL PASO, TEX. OCT. 1939







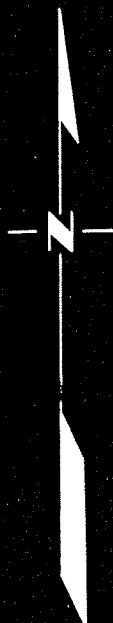
Location Plat
 Sec. 32, T33S & Sec. 5, T34S-R8E; USRS.
 Tract II, Block 54
 Resurvey, San Elizario Grant
 El Paso Co., Texas
 Total R/W = 0.88 Ac.



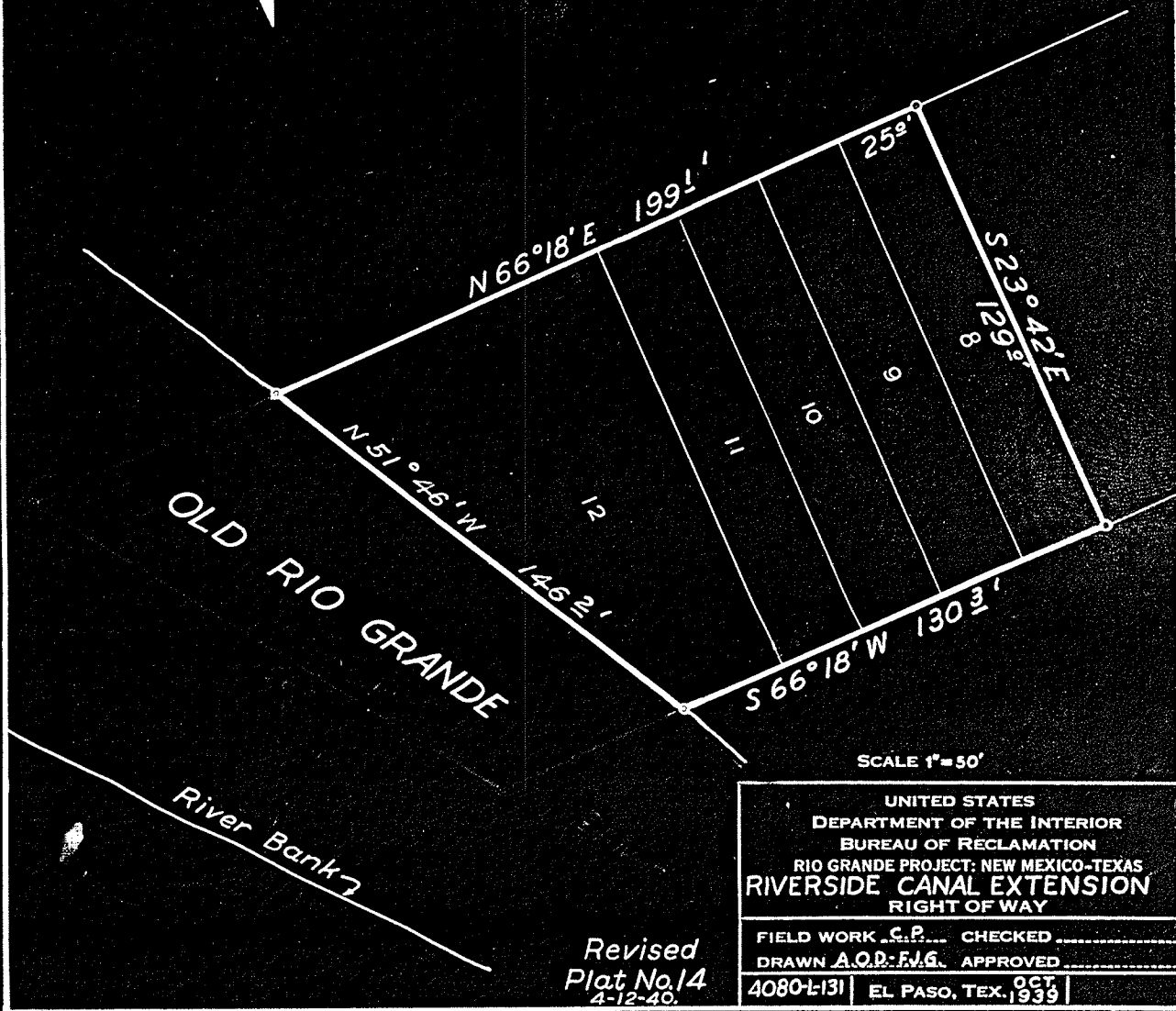
SCALE 1" = 200'

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION RIO GRANDE PROJECT, NEW MEXICO-TEXAS	
RIVERSIDE CANAL EXTENSION	
RIGHT OF WAY	
FIELD WORK C.R.	CHECKED J.O.D.
DRAWN F.J.G.	APPROVED
4080-L-131 EL PASO, TEX. 5/17/40	

Revised
 Plat No. 20

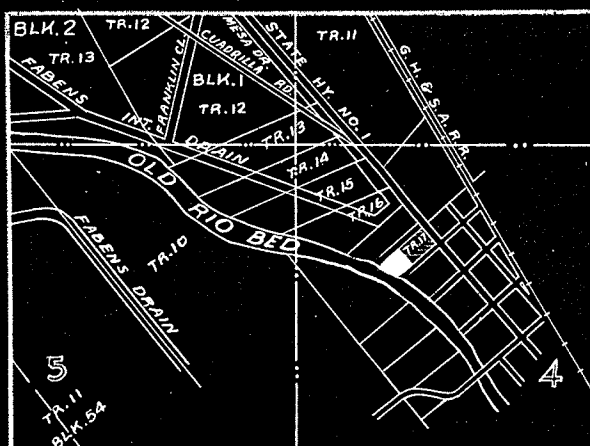


Location Plat
Section 5, T34S-R8E (U.S.R.S.)
Lots 8, 9, 10, 11 and 12 on Block "G" of
Riverside Addition, Tract 14, Block 1
of the Resurvey of San Elizario Grant.
Total R. of W. 0.49Ac.

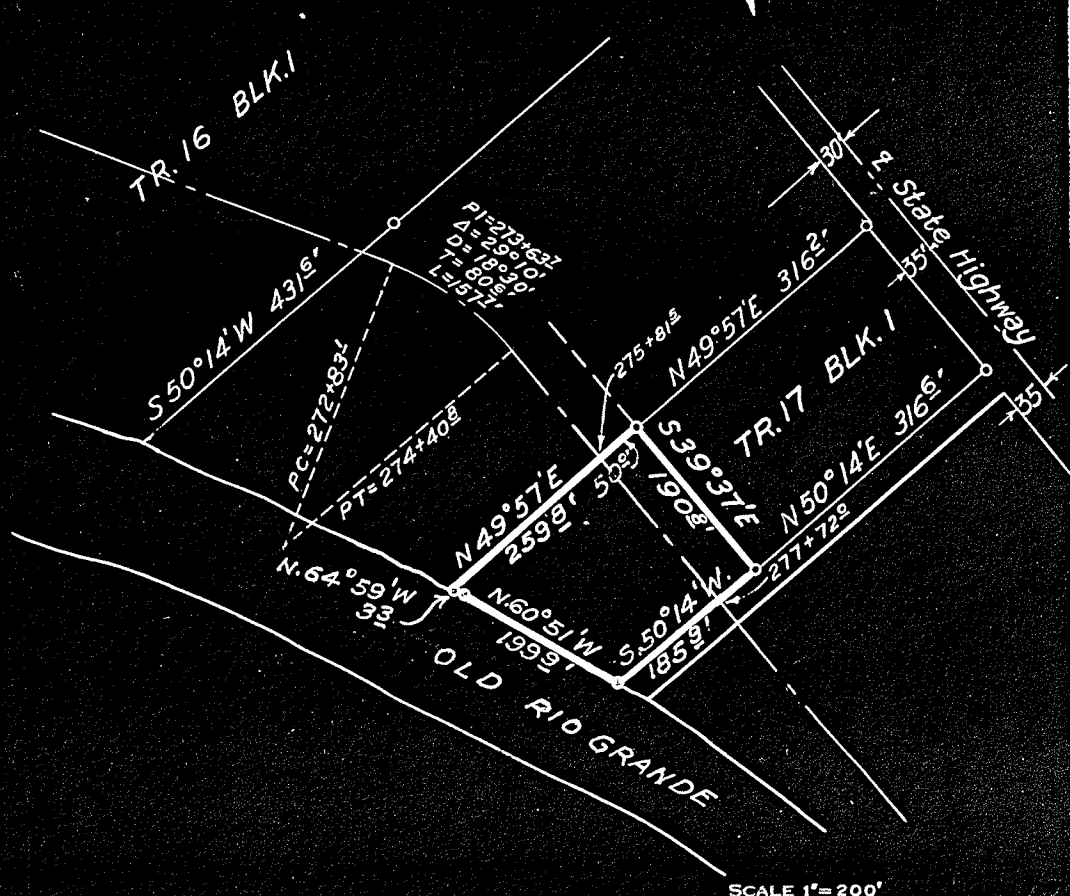


UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION RIO GRANDE PROJECT: NEW MEXICO-TEXAS RIVERSIDE CANAL EXTENSION RIGHT OF WAY	
FIELD WORK <u>C.P.</u>	CHECKED <u>.....</u>
DRAWN <u>A.O.D. F.V.G.</u>	APPROVED <u>.....</u>
4080-L131	EL PASO, TEX. OCT. 1939

Revised
Plat No. 14
4-12-40.



Location Plat
 Section 4, T34S-R8E, U.S.R.S.
 Tract 17, Block 1
 Resurvey of San Elizario Grant
 El Paso Co., Texas
 Total R. of W. 0.97 Ac.



SCALE 1"=200'

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 BUREAU OF RECLAMATION
 RIO GRANDE PROJECT, NEW MEXICO-TEXAS
 RIVERSIDE CANAL EXTENSION
 RIGHT OF WAY

Revised
 Plat No. 18
 4-13-40

FIELD WORK C.P. CHECKED
 DRAWN A.O.D.-F.J.G. APPROVED
 4080-L131 EL PASO, TEX. OCT. 1939

DISTRICT COURT OF THE UNITED STATES
WESTERN DISTRICT OF TEXAS.
EL PASO DIVISION.

UNITED STATES OF AMERICA

-VS-

STEVE M. MARASOVICH, ET AL

Certified Copy of Declaration of Taking

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

STEVE M. MARASOVICH, ET AL,
Defendants.

No. 93 Civil Action.

Filed 9/12/40

JUDGMENT ON THE DECLARATION OF TAKING

This day comes the Petitioner in the above entitled cause, the United States of America, by W. R. Smith, Jr., United States Attorney, and R. Maill Walsh, Assistant United States Attorney, and moves the Court to enter judgment vesting title in the United States of America in fee simple absolute in and to the property hereinafter described, and in the Declaration of Taking and in the Condemnation Petition described.

Thereupon the Court proceeded to pass upon said Motion, Petition and Declaration of Taking, and finds as follows:

FIRST: That each and all of the allegations in said petition and declaration are true; and that the United States of America is entitled to acquire property by eminent domain for public purposes, as set out and prayed in said petition.

SECOND: That a Petition in Condemnation was filed at the request of the Acting Under Secretary of the Interior of the United States, the authority empowered by law to acquire the lands described in said petition, and also under the authority of the Attorney General of the United States.

THIRD: That in said Petition and Declaration of Taking a statement of the authority under which, and the public use for which said lands were taken was set out, and that the Honorable H. C. Wendenhall, Acting Under Secretary of the Interior of the United States, is the person duly authorized and empowered by law to acquire lands such as are described in the petition,

for the purpose of regulation, control and use of the flow of the Rio Grande
by means of an irrigation canal and drainage outlet channel and appurtenant

works for the purpose of the reclamation, irrigation and drainage of arid lands within the Rio Grande Federal Irrigation project constructed, operated and maintained by the United States under the Reclamation Law, pursuant to (a) the Act of Congress of June 17, 1902, 32 Stat., 388, and all acts amendatory thereof and supplementary thereto, commonly known as the Reclamation Law; (b) the Act of March 4, 1921, 41 Stat., 1404, and (c) the Act of February 26, 1931, 46 Stat., 1421, and all acts amendatory thereof and supplementary thereto, and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings.

FOURTH: That a proper description of the lands sought to be taken, sufficient for the identification thereof, is set out in said Declaration of Taking;

FIFTH: That a statement of the estate and interest in said lands taken for said public use is set out therein.

SIXTH: A plan showing the lands taken is set out therein.

SEVENTH: A statement is contained therein of the sum of money estimated by said acquiring authority to be just compensation for the lands taken, as follows: For the lands described therein as Parcel 1, One hundred sixty-six and 20/100 dollars (\$166.20); for the lands described therein as Parcel 2, Thirty and 80/100 dollars (\$30.80); for the lands described therein as Parcel 3, Five hundred eighty-two and no/100 dollars (\$582.00); for the lands described therein as Parcel 4, Three hundred twenty and 25/100 dollars (\$320.25); for the lands described therein as Parcel 5, Seventy-five and no/100 dollars (\$75.00); and for the lands described therein as Parcel 6, Two hundred sixty-six and 75/100 dollars (\$266.75).

That the sum of One thousand four hundred forty-one and no/100 dollars (\$1,441.00), which is the total amount estimated to be just compensation for said lands, was duly deposited in the registry of this Court to the use of the persons entitled thereto, upon and at the time of the filing of said Declaration of Taking.

EIGHTH: A statement is contained in said Declaration of Taking that the estimated amount of compensation for the taking of said property, in the opinion of the said E. C. Mendenhall, Acting Under Secretary of the Interior of the United States, probably will be within any limits prescribed by Congress as a price to be paid therefor.

And the Court having fully considered said Condemnation Petition and Declaration of Taking, and the statutes in such cases made and provided, is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it, pursuant to the Act of Congress approved February 26, 1931.

It is therefore considered by the Court, and it is the order, judgment and decree of the Court, that the title to the following described lands in fee simple absolute was vested in the United States of America, upon the filing of said Declaration of Taking, and the deposit in the registry of this Court, as hereinabove recited, in the sum of One thousand four hundred forty-one and no/100 dollars (\$1,441.00); and said lands are pleased to have been condemned and taken as of the date of said filing and deposit, and are condemned and taken for the use of the United States and the right to just compensation for the same thereby vested in the person or persons entitled thereto, and the amount of said compensation shall be ascertained and awarded in this proceeding, and established by judgment herein, pursuant to law.

The lands are described as follows:

THREE TRACTS of land lying and situate in El Paso County, Texas, and in the Southwest quarter (SW $\frac{1}{4}$) of Section thirty-two (32), Township thirty-three (33) South, Range eight (8) East, Bureau of Reclamation Survey; being also within Tract one A (1-A), Block forty-two (42) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930 and of record in the office of the County Clerk of said County and State; more particularly described as follows:

TRACT 1 - Beginning at the point of intersection of the dividing line between Tracts one A (1-A) and four (4), Block forty-two (42) of said official resurvey of the San Elizario Grant with the southwesterly right of way line of the River Drain said point being the Southeast corner of Tract two (2), Block forty-two (42) of the said official resurvey of the San Elizario Grant; thence along the southwesterly right of way line of said river drain South fifty-nine degrees (59°) fifty-one minutes (51') East three hundred sixty-three and four tenths (363.4) feet to a point at the intersection of said line with the north right of way line of the Cuadrilla Drain and from which point the Northwest corner of Tract thirteen (13), Block two (2) of the said official resurvey of the San Elizario Grant bears North twenty-five degrees (25°) thirty-six minutes (36') thirty seconds (30") East one thousand four hundred fifty-nine and one tenths (1459.1) feet; thence along the north right of way line of said Cuadrilla Drain, South eighty-four degrees (84°) fifty-three minutes (53') West three hundred eighteen and one tenth (318.1) feet to the dividing line between Tract one A (1-A) and tract four (4) Block forty-two (42) of said official resurvey of the San Elizario Grant; thence along said dividing line North no degrees (0°) forty-two minutes (42') East two hundred ten and nine tenths (210.9) feet to the point of beginning. Said tract of land containing seventy-seven hundredths (0.77) of an acre, more or less. Shown as Tract one (1) on plat attached hereto and made a part hereof.

TRACT 2 - Beginning at the point of intersection of the dividing line between Tract one A (1-A) and Tract four (4) Block forty-two (42) of the official resurvey of the San Elizario Grant with the south right of way line of the Cuadrilla Drain and from which point the Southeast corner of Tract two (2) Block forty-two (42) of the official resurvey of the San Elizario Grant bears North no degrees (0°) forty-two minutes (42') East two hundred ninety-one and three tenths (291.3) feet; thence along the south right of way line of said Cuadrilla Drain, North eighty-four degrees (84°) fifty-three minutes (53') East four hundred thirty-nine and four tenths (439.4) feet to a point on the southwesterly right of way line of the River Drain and from which point the Northwest corner of Tract thirteen (13), Block two (2) of the said official resurvey of the San Elizario Grant bears North twenty degrees (20°) fourteen minutes (14') thirty seconds (30") East one thousand four hundred seventy-six and six tenths (1476.6) feet; thence along the southwesterly right of way line of said river drain South fifty-nine degrees (59°) fifty-one minutes (51') East one hundred eighty-six and seven tenths (186.7) feet to the north bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the north bank of the former Rio Grande South fifty-eight degrees (58°) forty-four minutes (44') West two hundred sixty-four and eight tenths (264.8) feet, South seventy-four degrees (74°) twenty-three minutes (23') West three hundred eleven and four tenths (311.4) feet and South sixty-six degrees (66°) fifty-seven minutes (57') West eighty-three and two tenths (83.2) feet to a point where the said river bank intersects the extension of the dividing line between Tracts one A (1-A) and four (4), Block forty-two (42) of the said official resurvey of the San Elizario Grant; thence

Correct as to Engineering Data Q. O. D.

Riverside Canal Extension Plat No. 8

along said dividing line as extended North no degrees (0°) forty-two minutes ($42'$) East three hundred eight and five tenths (308.5) feet to the point of beginning. Said tract of land containing two and ninety-two hundredths (2.92) acres, more or less. Shown as Tract two (2) on plat attached hereto and made a part hereof.

TRACT 3 - Beginning at a point on the dividing line between Tract one A (1-A), Block forty-two (42) and Tract thirteen (13), Block two (2) of the official resurvey of the San Elizario Grant and from which point the Northwest corner of Tract thirteen (13), Block two (2) of the said official resurvey of the San Elizario Grant bears North two degrees (2°) fifty-eight minutes ($58'$) West one thousand two hundred thirty-four and one tenth (1234.1) feet; thence South two degrees (2°) fifty-eight minutes ($58'$) East twenty (20) feet to the north right of way line of the Fabens Intercepting Drain Stub; thence along said right of way line South eighty-four degrees (84°) forty-nine minutes ($49'$) West two hundred twenty (220) feet; thence South five degrees (5°) eleven minutes ($11'$) East eighty (80) feet; thence along the south right of way line of said Fabens Intercepting Drain Stub; North eighty-four degrees (84°) forty-nine minutes ($49'$) East two hundred sixteen and nine tenths (216.9) feet to the dividing line between Tract one A (1-A), Block forty-two (42) and Tract thirteen (13) Block two (2) of the said official resurvey of the San Elizario Grant; thence South two degrees (2°) fifty-eight minutes ($58'$) East one hundred twenty and eight tenths (120.8) feet along said dividing line and an extension thereof to the north bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along said river bank South eighty-nine degrees (89°) twenty-four minutes ($24'$) West two hundred twenty-six and seven tenths (226.7) feet to the northeasterly right of way line of the river drain; thence along the northeasterly right of way line of said River Drain North fifty-nine degrees (59°) fifty-one minutes ($51'$) West three hundred fifty and three tenths (350.3) feet to a point from which the Southeast corner of Tract two (2) Block forty-two (42) of the said official resurvey of the San Elizario Grant bears North seventy-three degrees (73°) twenty-four minutes ($24'$) twenty seconds ($20''$) West five hundred eleven and nine tenths (511.9) feet; thence North eighty-four degrees (84°) forty-nine minutes ($49'$) East five hundred twenty and three tenths (520.3) feet to the point of beginning. Said tract of land containing one and thirty-eight hundredths (1.38) acres, more or less. Shown as Tract three (3) on plat attached hereto and made a part hereof.

Correct as to Engineering Data Q.O.A.

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section five (5), Township thirty-four (34) South and Southwest quarter (SW $\frac{1}{4}$) of Section thirty-two (32), Township thirty-three (33) South, Range eight (8) East, Bureau of Reclamation Survey; being also within survey sixty-nine (69) of the Island, San Elizario Grant and tract eleven (11) Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930 and of record in the office of the county clerk of said county and state; more particularly described as follows:

Beginning at a point on the south bank of the Rio Grande as the same existed prior to the artificial rectification thereof and from which point the most southerly corner of Tract eleven (11) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears South twenty-one degrees (21°) forty-six minutes (46') eighteen seconds (18") East five thousand one hundred fifty-one and nine tenths (5151.9) feet; thence along the south bank of the said former Rio Grande North fifty-six degrees (56°) forty-four minutes (44') East twenty-eight and nine tenths (28.9) feet, North sixty-seven degrees (67°) fourteen minutes (14') East two hundred thirteen and nine tenths (213.9) feet; North eighty-one degrees (81°) forty-four minutes (44') East one hundred sixty-one and one tenth (161.1) feet; South eighty-two degrees (82°) thirty-nine minutes (39') East two hundred one and one tenth (201.1) feet and South seventy-four degrees (74°) twenty minutes (20') East one hundred twenty-three and eight tenths (123.8) feet to a point from which the most easterly corner of Tract eleven (11) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears South thirty-seven degrees (37°) thirty-nine minutes (39') twenty-two seconds (22") East four thousand five hundred eighty-nine and nine tenths (4589.9) feet; thence South eighty-four degrees (84°) fifty-three minutes (53') West seven hundred two and three tenths (702.3) feet to the point of beginning. Said tract of land containing eighty-eight hundredths (0.88) of an acre, more or less. All as shown on plat attached hereto and made a part hereof.

Correct as to Engineering Data A.O.D.

x

(Parcel III, Hunt)

Riverside Canal Extension
Plat No. 22 - 26

TWO tracts of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section four (4), Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey and within Hunt's Addition to Fabens, Texas, being also within Tract nine (9), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas the 13th day of January, 1930 and of record in the office of the County Clerk of said county and state; more particularly described as follows:

TRACT 1 - Being all of lots one (1) to seventy-six (76) both inclusive, Block nine (9) Hunt's Addition to Fabens, Texas, more particularly described as follows: Beginning at a point on the southeasterly line of said tract nine (9) Block fifty-four (54) of said official resurvey of the San Elizario Grant which point is the most southerly corner of Block nine (9) Hunt's Addition to Fabens, Texas; thence along the southwesterly line of said block nine (9) which is also the northeasterly right of way line of Canal Drive North forty-seven degrees (47°) fifty-eight minutes (58') West one thousand one hundred forty-four and eight tenths (1144.8) feet, North fifty-nine degrees (59°) eighteen minutes (18') West one hundred sixty-one and seventy-six hundredths (161.76) feet and North sixty-eight degrees (68°) forty-eight minutes (48') West five hundred eighty-seven and two tenths (587.2) feet to the Southwest corner of said Block nine (9) Hunt's Addition to Fabens, Texas and from which point the most southerly corner of said Tract nine (9) Block fifty-four (54) of said official resurvey of the San Elizario Grant bears South thirty-seven degrees (37°) fourteen minutes (14') East one thousand seven hundred seventy-five and seven tenths (1775.7) feet; thence North thirty-seven degrees (37°) fourteen minutes (14') West one hundred sixty-nine and two tenths (169.2) feet along the westerly line and an extension thereof of said Block nine (9) Hunt's Addition to Fabens, Texas to the south bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the south bank of the said former Rio Grande South seventy degrees (70°) nineteen minutes (19') East six hundred ninety-four and four tenths (694.4) feet, South sixty-three degrees (63°) twenty-three minutes (23') East three hundred forty-eight (348) feet South fifty-six degrees (56°) fifty-eight minutes (58') East three hundred forty-five and fifteen hundredths (345.15) feet, South forty-five degrees (45°) forty-eight minutes (48') East three hundred twenty-eight and sixty-four hundredths (328.64) feet and South thirty-eight degrees (38°) eighteen minutes (18') East four hundred and six hundredths (400.06) feet to the intersection with the southeasterly line of Block nine (9) of Hunt's Addition to Fabens, Texas; thence along the southeasterly line of said Block nine (9) South fifty-two degrees (52°) forty-two minutes (42') West one hundred twenty-four (124) feet to the point of beginning. Said tract of land containing six and forty-nine hundredths (6.49) acres, more or less. Shown on Riverside Canal Extension Plat No. 22 attached hereto and made a part hereof.

Correct as to Engineering Data 9.0.8

Riverside Canal Extension - Plat No. 22 -26

Correct as to Engineering Data 9.8.8.

TRACT 2 - Being fractional parts of lots nine (9) and ten (10), Block two (2), fractional parts of lots eight (8), nine (9), eighteen (18) and nineteen (19), Block three (3) and fractional parts of lots sixteen (16) and seventeen (17), Block six (6), all in Hunt's Addition to Fabens, Texas more particularly described as follows: Beginning at a point on the southwesterly right of way line of the I-243 Lateral, which is the property of the United States, said point being the most northerly corner of Lot sixteen (16) Block six (6) Hunt's Addition to Fabens, Texas; thence along the southwesterly right of way line of the I-243 Lateral being also the northeasterly line of Blocks six (6), three (3) and two (2) Hunt's Addition to Fabens, Texas, South forty-seven degrees (47°) fifty-eight minutes (58') East five hundred seventy-four and ninety-four hundredths (574.94) feet to a point which is the most easterly corner of Lot ten (10), Block two (2), Hunt's Addition to Fabens, Texas; thence along the southeasterly line of said Lot ten (10), South fifty-two degrees (52°) forty-two minutes (42') West eleven and seventy-three hundredths (11.73) feet; thence North forty-seven degrees (47°) forty-four minutes (44') West five hundred seventy-four and forty-nine hundredths (574.49) feet to the northwesterly line of Lot sixteen (16) Block six (6) Hunt's Addition to Fabens, Texas; thence along said line North fifty-two degrees (52°) forty-two minutes (42') East nine and thirty-five hundredths (9.35) feet to the point of beginning. Said tract of land containing fourteen hundredths (0.14) of an acre, more or less, of which two hundredths (.02) of an acre is occupied by streets and alleys. Shown on Riverside Canal Extension Plat 26, attached hereto and made a part hereof.

x

(Parcel IV, Whitaker Estate & Tucker)

Riverside Canal Extension

No. 17

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section four (4) and Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section five (5), Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within tract sixteen (16), Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930 and of record in the office of the County Clerk of said county and state; more particularly described as follows:

Beginning at the point of intersection of the dividing line between Tracts fifteen (15) and sixteen (16), Block one (1) of said official resurvey of the San Elizario Grant with the southwesterly right of way line of the Fabens Intercepting Drain and from which point the Northeast corner of said Tract sixteen (16) Block one (1) of the said official resurvey of the San Elizario Grant bears North sixty-six degrees (66°) twenty minutes (20') East six hundred thirty-seven (637) feet; thence along said southwesterly right of way line of the Fabens Intercepting Drain South sixty-eight degrees (68°) forty-five minutes (45') East four hundred eighty-nine (489) feet to a point on the southeasterly line of said Tract sixteen (16) Block one (1) of the said official resurvey of the San Elizario Grant and from which point the Southeast corner of said Tract sixteen (16) bears North fifty degrees (50°) fourteen minutes (14') East three hundred seventy-four and eight tenths (374.8) feet; thence South fifty degrees (50°) fourteen minutes (14') West three hundred fifty-five and six tenths (355.6) feet along the southeasterly line of said Tract sixteen (16) to the north bank of the former Rio Grande as the same existed prior to the artificial rectification thereof; thence along the north bank of the said former Rio Grande North sixty-four degrees (64°) fifty-nine minutes (59') West five (5) feet; North seventy-two degrees (72°) fifteen minutes (15') West four hundred eighty-four and five tenths (484.5) feet and North seventy-three degrees (73°) fifty minutes (50') West one hundred eighty-seven (187) feet to the point of intersection with the dividing line between Tracts fifteen (15) and sixteen (16), Block one (1) of the said official resurvey of the San Elizario Grant; thence along said dividing line North sixty-six degrees (66°) twenty minutes (20') East five hundred five and one tenth (505.1) feet to the point of beginning. Said tract of land containing four and twenty-seven hundredths (4.27) acres, more or less. All as shown on Plat attached hereto and made a part hereof.

Correct as to Engineering Data

x

(Parcel V, Schotten)

Riverside Canal Extension
Plat No. 14

A tract of land lying and situate in El Paso County, Texas and in the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section five (5) Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; said tract being all of lots eight (8), nine (9), ten (10), eleven (11) and twelve (12) and accretion thereto, Block G of the Riverside Addition to Fabens, Texas and being also within tract fourteen (14), Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas the 13th day of January, 1930 and of record in the office of the County Clerk of said county and State; more particularly described as follows:

Correct as to Engineering Data A.O.S.

Beginning at a point on the northerly line of Block G Riverside Addition to Fabens, Texas, said point being the Northeast corner of Lot eight (8), Block G of said Riverside Addition; thence along the easterly line of said lot eight (8), South twenty-three degrees (23°) forty-two minutes (42') East one hundred twenty-nine (129) feet to a point on the southerly line of said Block G, said point being the Southeast corner of said lot eight (8); thence along the southerly line and an extension thereof of said Block G, Riverside Addition, South sixty-six degrees (66°) eighteen minutes (18') West one hundred thirty and three tenths (130.3) feet to the east bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the east bank of the said former Rio Grande North fifty-one degrees (51°) forty-six minutes (46') West one hundred forty-six and two tenths (146.2) feet to a point where the said river bank intersects the extension of the northerly line of Block G of said Riverside Addition; thence along said northerly line as extended North sixty-six degrees (66°) eighteen minutes (18') East one hundred ninety-nine and one tenth (199.1) feet to the point of beginning. Said tract of land containing forty-nine hundredths (0.49) of an acre, more or less, all as shown on plat attached hereto and made a part hereof.

x
(Parcel VI, Lopez Estate)

Riverside Canal Extension
Plat No. 18

A tract of land lying and situate in El Paso County, Texas and in the Northwest quarter (NW $\frac{1}{4}$) of Section four (4), Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within Tract seventeen (17) Block one (1) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January, 1930 and of record in the office of the County Clerk of said county and state; more particularly described as follows:

Correct as to Engineering Data
Beginning at a point on the northwesterly line of said Tract seventeen (17) Block one (1) of said official resurvey of the San Elizario Grant and from which point the most northerly corner of said tract seventeen (17) bears North forty-nine degrees (49°) fifty-seven minutes (57') East three hundred sixteen and two tenths (316.2) feet. Said most northerly corner of Tract seventeen (17) being thirty-five (35) feet from and at right angles to the center line of State Highway No. 1; thence South thirty-nine degrees (39°) thirty-seven minutes (37') East one hundred ninety and eight tenths (190.8) feet to the southeasterly line of said tract seventeen (17) and from which point the most easterly corner of said tract seventeen (17) bears North fifty degrees (50°) fourteen minutes (14') East three hundred sixteen and six tenths (316.6) feet; thence South fifty degrees (50°) fourteen minutes (14') West one hundred eighty-five and nine tenths (185.9) feet along the southeasterly line of said Tract seventeen (17) to the northeast bank of the Rio Grande as the same existed prior to the artificial rectification thereof; thence along the Northeast bank of the said former Rio Grande North sixty degrees (60°) fifty-one minutes (51') West one hundred ninety-nine and nine tenths (199.9) feet and North sixty-four degrees (64°) fifty-nine minutes (59') West three and three tenths (3.3) feet to the intersection with the northwesterly line of said Tract seventeen (17); thence along said northwesterly line of Tract seventeen (17) North forty-nine degrees (49°) fifty-seven minutes (57') East two hundred fifty-nine and eight tenths (259.8) feet to the point of beginning. Said tract of land containing ninety-seven hundredths (0.97) of an acre, more or less, All as shown on plat attached hereto and made a part hereof.

The possession of the above described property shall be delivered to the United States of America on or before Monday, the 16th day of September, A. D. 1940.

This cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

Entered on this 12th day of September, A. D. 1940.

Charles A. Boynton (Signed)
Judge Presiding.

A true copy of the original, I certify.

MAXEY HART, Clerk,

By Margarita Sameros
Deputy.

DISTRICT COURT OF THE UNITED STATES
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA

-VS-

STEVE M. MARASOVICH, ET AL

Certified Copy of Judgment on the
Declaration of Taking

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA, §
 Plaintiff, :
 vs. :
 No. 93 Civil Action.
STEVE M. MARASOVICH, ET AL, :
 Defendants. §

CERTIFICATE OF CLERK

I, Maxey Hart, Clerk of the United States District Court for the Western District of Texas, do hereby certify that on the 12 day of September, 1940, I received from the United States of America, petitioner herein, and deposited in the Registry of the Court, the sum of \$1441.00, being the amount of the estimated compensation mentioned in a Declaration of Taking filed in the above entitled condemnation proceeding.

This the 12th day of September, 1940.

Maxey Hart
Maxey Hart, Clerk of the United States District Court for the Western District of Texas.

By:

W. R. Phillips
Deputy Clerk.

No. _____ Civil Action

DISTRICT COURT OF THE UNITED STATES
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA

-VS-

STEVE M. MARASOVICH, ET AL

Certificate of Clerk