

1780. SUMMERS, W. L. ET AL (274)

~~RE~~ (RIVERSIDE CANAL EXT) ~~COND~~
CONDENMATION SUIT

0023-0089-0015-00

INCLOSURE
Nº 177041

FROM
Department of Justice

7-849

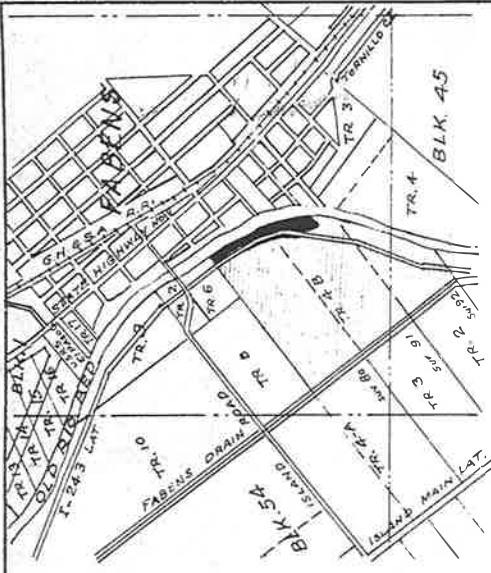
U. S. GOVERNMENT PRINTING OFFICE

INCLOSURE
Nº 177065

FROM
Department of Justice

7-849

U. S. GOVERNMENT PRINTING OFFICE



Location Plat
 Section 4, T34S-R8E U.S.R.S.
 Tract 48, Block 54
 Resurvey, San Elizario Grant
 El Paso Co., Texas

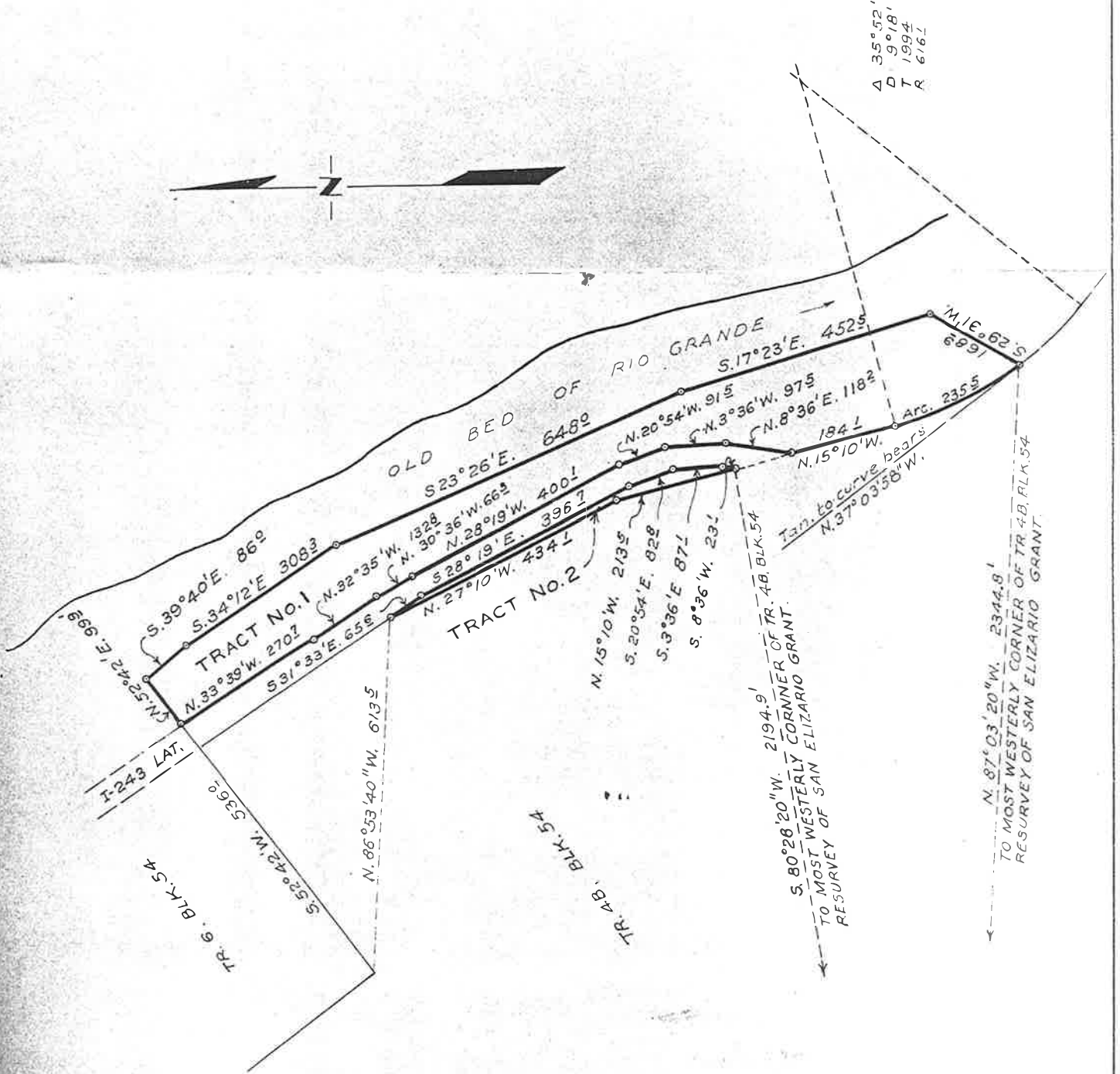
AREA OF R.O.F.W.
 Tract No. 1 3.91 Ac.
 " 2 .17 "
 Total 4.08 "

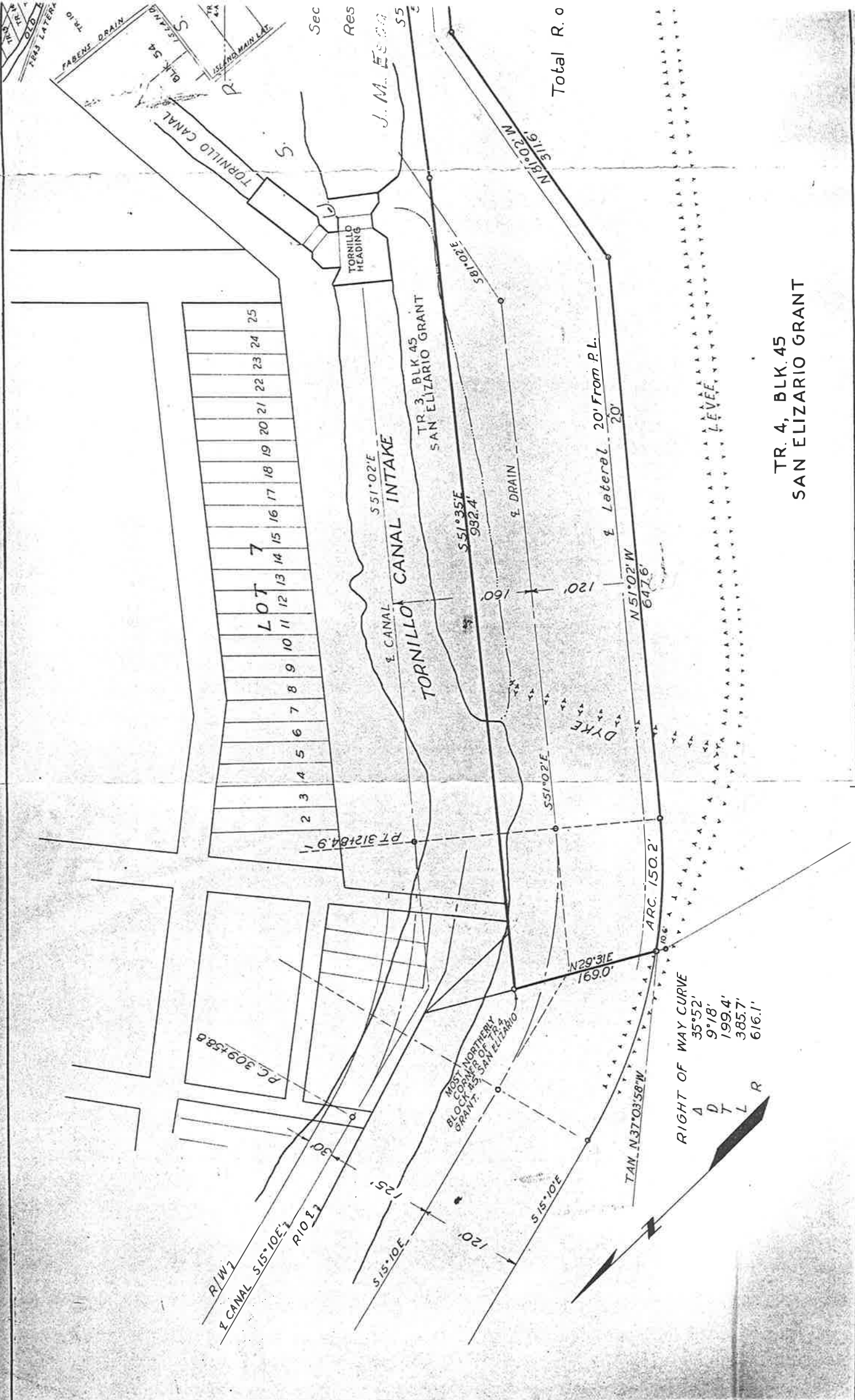
SCALE 1" = 200' 31

DEPARTMENT OF THE INTERIOR
 BUREAU OF RECLAMATION
 RIO GRANDE PROJECT--NEW MEXICO--TEXAS
 RIVERSIDE CANAL EXTENSION
 RIGHT OF WAY
 FIELD WORK C.P. CHECKED
 ENGINEER A.O.O. G.A. APPROVED
 4686-L-131 EL PASO TEX. APR. 17, 1994



Δ 35° 52'
 D 9° 18'
 T 1994
 R 6761





TR. 4, BLK. 45
SAN ELIZARIO GRANT

Total R. o

TR. 4, BLK. 45
SAN ELIZARIO GRANT

FABENS DRAIN
ISLAND MAIN L.A.
S. L. 54
TORNILLO CANAL

Sec Res
J. M. E. 000
S5

TORNILLO HEADING
S81°02'E
N81°02'W
3116'

20' From P.L.
Lateral 20'
N51°02'W
647.6'

LEVEE

LOT 7
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

CANAL INTAKE
TORNILLO CANAL
DRAIN

PT. 312184.9
S51°02'E
S51°35'E
932.4'

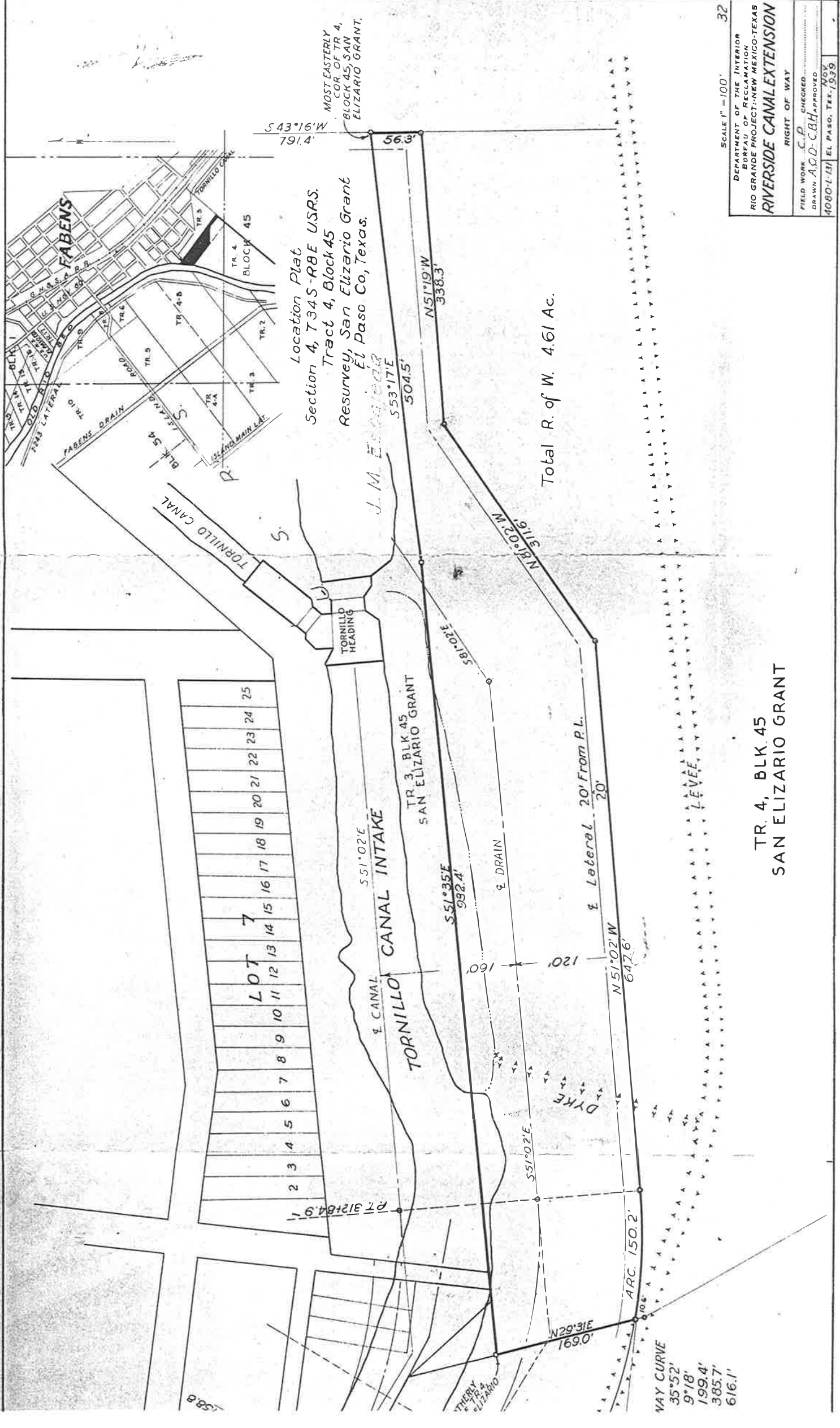
DYKE
N29°31'E
169.0'
ARC. 150.2'
T.A.M. N37°03'58"W

RIGHT OF WAY CURVE
Δ
D
T
L
R

R/W 7
CANAL S15°10'E
R102.1
30'
125'
S15°10'E
120'

P.C. 309458.8
MOST NORTHERLY
BLOCK OF TR. 4
SAN ELIZARIO GRANT

ARC. 150.2'
N51°02'W
647.6'



Location Plat
 Section 4, T34S-R8E USRS.
 Tract 4, Block 45
 Resurvey, San Elizario Grant
 El Paso Co., Texas.

Total R. of W. 4.61 Ac.

TR. 4, BLK. 45
 SAN ELIZARIO GRANT

SCALE 1" = 100'	32
DEPARTMENT OF THE INTERIOR	
BUREAU OF RECLAMATION	
RIO GRANDE PROJECT-NEW MEXICO-TEXAS	
RIVERSIDE CANAL EXTENSION	
FIELD WORK	C.P. CHECKED
DRAWN	A.O.D.-C.H.H. APPROVED
4080-L-131	NOV 1939
EL PASO, TEX. 1939	

WAY CURVE
 35°52'
 9'18"
 199.4'
 385.7'
 616.1'

543°16'W
 791.4'

MOST EASTERLY
 COR. OF TR. 4,
 BLOCK 45, SAN
 ELIZARIO GRANT.



- LOT 7
- 25
- 24
- 23
- 22
- 21
- 20
- 19
- 18
- 17
- 16
- 15
- 14
- 13
- 12
- 11
- 10
- 9
- 8
- 7
- 6
- 5
- 4
- 3
- 2

58.8
 THERY
 TR. 4
 EL PASO

N29°31'E
 169.0'

ARC. 150.2'

N51°02'W
 647.6'

S51°35'E
 992.4'

S51°02'E

TR. 3, BLK. 45
 SAN ELIZARIO GRANT

J. M. ELLIOTT

S53°17'E
 5045'

N51°19'W
 338.3'

56.3'

C O P Y

El Paso, Texas. March 21, 1940

Mr. W. L. Summers,
Fabens, Texas.

Dear Sir:

In connection with the extension of the Riverside Canal, it is desired, on behalf of the United States, to acquire a certain tract of land near Fabens, Texas to which we believe you claim title. A plat of the desired area is enclosed, the same described as a part of Tract No. 4B, Block 54, San Elizario Grant according to the El Paso County Plat Book.

You will note that the desired tract contains 7.57 acres, more or less, of which 2.27 acres lie within the bed of the Rio Grande and 1.00 acre has long been occupied as right of way for an existing irrigation lateral. Of the remaining 4.30 acres only 0.20 acres are carried as subject to assessment for water charges on the rolls of the El Paso County Water Improvement District No. 1, and 4.10 acres are classified on tax rolls as suspended-seeped and subject to overflow.

The land required has been appraised at \$193.50 and a contract for the purchase of same is enclosed.

If this proposal is acceptable to you, please execute the enclosed contract and have same acknowledged before a Notary Public and return to this office.

Very truly yours,

L. R. Flock
Superintendent

Encl-
Land Purchase Contract

C O P Y

El Paso, Texas. March 21, 1940.

Mr. J. M. Escajeda,
Fabens, Texas.

Dear Sir:

In connection with the extension of the Riverside Canal, it is desired, on behalf of the United States, to acquire a certain tract of land near Fabens, Texas to which we believe you claim title. A plat of the desired area is enclosed, the same described as a part of Tract 4, Block 45, according to the El Paso County Plat Book.

You will note that the desired tract contains 4.70 acres, more or less, of which 0.16 acres lie within the bed of the Rio Grande. The remaining 4.54 acres are classified on tax rolls as suspended-sceped and subject to overflow.

The land required has been appraised at \$272.50 and a contract for the purchase of same is enclosed.

If this proposal is acceptable to you, please execute the enclosed contract and have same acknowledged before a Notary Public and return to this office.

Very truly yours, ^Y

L. R. Flock
Superintendent

Encl-
Land Purchase Contract

EMI

JEW-JSD

33-45-338

October 8, 1940

Mr. John C. Page,
Commissioner, Bureau of Reclamation,
Department of the Interior,
Washington, D. C.

Dear Mr. Page:

Enclosed is a copy of the report of the commissioners dated October 2, 1940, in the condemnation proceeding entitled United States of America v. W. L. Summers, et al., No. 88 Civil, in the District Court of the United States for the Western District of Texas.

As the total amount of the awards is the sum of \$450.60, which is less than the total amount deposited for the land, a judgment will be entered confirming the awards unless the defendants appeal, or unless you promptly advise the Department of objections to the awards.

Respectfully,
For the Attorney General,

NORMAN M. LITTELL,
Assistant Attorney General.

Encl. 177041.

OCT 10 '40 35034

JEW-JSD

EMI

33-45-338

October 8, 1940

Mr. John C. Page,
Commissioner, Bureau of Reclamation,
Department of the Interior,
Washington, D. C.

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As the total amount of the awards is the sum of \$430.60, which is less than the total amount deposited for the land, a judgment will be entered confirming the awards unless the defendants appeal, or unless you promptly advise the Department of objections to the awards.

Respectfully,
For the Attorney General,

NORMAN M. LITTELL,
Assistant Attorney General.

Encl. 177041.

OCT10'40 35034

C O P Y

El Paso, Texas. March 21, 1940

Mr. W. L. Summers,
Fabens, Texas.

Dear Sir:

In connection with the extension of the Riverside Canal, it is desired, on behalf of the United States, to acquire a certain tract of land near Fabens, Texas to which we believe you claim title. A plat of the desired area is enclosed, the same described as a part of Tract No. 4B, Block 54, San Elizario Grant according to the El Paso County Plat Book.

You will note that the desired tract contains 7.57 acres, more or less, of which 2.27 acres lie within the bed of the Rio Grande and 1.00 acre has long been occupied as right of way for an existing irrigation lateral. Of the remaining 4.30 acres only 0.20 acres are carried as subject to assessment for water charges on the rolls of the El Paso County Water Improvement District No. 1, and 4.10 acres are classified on tax rolls as suspended-seeped and subject to overflow.

The land required has been appraised at \$193.50 and a contract for the purchase of same is enclosed.

If this proposal is acceptable to you, please execute the enclosed contract and have same acknowledged before a Notary Public and return to this office.

Very truly yours,

L. R. Flock
Superintendent

Encl-
Land Purchase Contract

C O P Y

El Paso, Texas. March 21, 1940.

Mr. J. M. Escajeda,
Fabens, Texas.

Dear Sir:

In connection with the extension of the Riverside Canal, it is desired, on behalf of the United States, to acquire a certain tract of land near Fabens, Texas to which we believe you claim title. A plot of the desired area is enclosed, the same described as a part of Tract 4, Block 45, according to the El Paso County Plat Book.

You will note that the desired tract contains 4.70 acres, more or less, of which 0.16 acres lie within the bed of the Rio Grande. The remaining 4.54 acres are classified on tax rolls as suspended-seeped and subject to overflow.

The land required has been appraised at \$272.30 and a contract for the purchase of same is enclosed.

If this proposal is acceptable to you, please execute the enclosed contract and have same acknowledged before a Notary Public and return to this office.

Very truly yours, *J*

L. R. Flock
Superintendent

Encl-
Land Purchase Contract

APR 29 '40 22173

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 purposes 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 _____ day of _____, A. D. 1940, in the City of Washington, District of Columbia.

Acting Under Secretary of the
Interior of the United States
of America.

TRACT 2 - Beginning at a point on the westerly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of Tract six (6) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty-six degrees (86°) fifty-three minutes (53') forty seconds (40") West six hundred thirteen and five tenths (613.5) feet; thence along the westerly right of way line of said I-243 Lateral, South thirty-one degrees (31°) thirty-three minutes (33') East sixty-five and six tenths (65.6) feet, South twenty-eight degrees (28°) nineteen minutes (19') East three hundred ninety-six and seven tenths (396.7) feet, South twenty degrees (20°) fifty-four minutes (54') East eighty-two and eight tenths (82.8) feet, South three degrees (3°) thirty-six minutes (36') East eighty-seven and one tenth (87.1) feet and South eight degrees (8°) thirty-six minutes (36') West twenty-three and one tenth (23.1) feet to a point from which the most westerly corner of Tract four B (4B) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears South eighty degrees (80°) twenty-eight minutes (28') twenty seconds (20") West two thousand one hundred ninety-four and nine tenths (2194.9) feet; thence North fifteen degrees (15°) ten minutes (10') West two hundred thirteen and five tenths (213.5) feet; thence North twenty-seven degrees (27°) ten minutes (10') West four hundred thirty-four and one tenth (434.1) feet to the point of beginning. Said tract of land containing seventeen hundredths (0.17) of an acre, more or less. Shown as tract No. 2 on plat 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 II, including all buildings, structures and improvements thereon, is one hundred seventy-nine and 35/100 dollars (\$179.35).

4-24-1940

(Parcel II, Summers)

Two tracts of land lying and situate in El Paso County, Texas and in the South half ($S\frac{1}{2}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within surveys eighty (80) and ninety-one (91) of the Island, San Elizario Grant and Tract four B (4B), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, on 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 four B (4B) and six (6), Block fifty-four (54) of the said official resurvey of the San Elizario Grant and the easterly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of said tract six (6) bears South fifty-two degrees (52°) forty-two minutes ($42'$) west five hundred thirty-six (536) feet; thence along the dividing line between said tracts four B (4B) and six (6) North fifty-two degrees (52°) forty-two minutes ($42'$) East ninety-nine and nine tenths (99.9) feet to the Northeast corner of said tract four B (4B); thence along the easterly line of said tract four B (4B), South thirty-nine degrees (39°) forty minutes ($40'$) East eighty-six (86) feet, South thirty-four degrees (34°) twelve minutes ($12'$) East three hundred eight and three tenths (308.3) feet, South twenty-three degrees (23°) twenty-six minutes ($26'$) East six hundred forty-eight (648) feet, South seventeen degrees (17°) twenty-three minutes ($23'$) East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees (29°) thirty-one minutes ($31'$) West one hundred sixty-eight and nine tenths (168.9) feet to a point on a curve of six hundred sixteen and one tenth (616.1) feet radius and the tangent to the curve at said point having a bearing North thirty-seven degrees (37°) three minutes ($03'$) fifty-eight seconds ($58''$) west and from which point the most westerly corner of tract four B (4B), Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty seven degrees (87°) three minutes ($03'$) twenty seconds ($20''$) west two thousand three hundred forty-four and eight tenths (2344.8) feet; thence northerly and to the right along said curve a distance on the arc of two hundred thirty-five and five tenths (235.5) feet; thence North fifteen degrees (15°) ten minutes ($10'$) West one hundred eighty-four and one tenth (184.1) feet to the easterly right of way line of the I-243 Lateral; thence along the easterly right of way line of said I-243 Lateral, North eight degrees (8°) thirty-six minutes ($36'$) East one hundred eighteen and two tenths (118.2) feet, North three degrees (3°) thirty-six minutes ($36'$) West ninety-seven and five tenths (97.5) feet, North twenty degrees (20°) fifty-four minutes ($54'$) West ninety-one and five tenths (91.5) feet North twenty-eight degrees (28°) nineteen minutes ($19'$) West four hundred and one tenth (400.1) feet, North thirty degrees (30°) thirty-six minutes ($36'$) West sixty-six and three tenths (66.3) feet, North thirty-two degrees (32°) thirty-five minutes ($35'$) West one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees (33°) thirty-nine minutes ($39'$) West two hundred seventy and seven tenths (270.7) feet to the point of beginning. Said tract of land containing three and ninety-one hundredths (3.91) acres, more or less. Shown as tract No. 1 on plat attached hereto and made a part hereof.

(Parcel I, Escajeda)

Riverside Canal Extension
Plat No. 32

A tract of land lying and situate in El Paso County, Texas and in the Southeast quarter ($SE\frac{1}{4}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East Bureau of Reclamation Survey; being also within survey 129, Mainland San Elizario Grant and Tract four (4) Block forty-five (45) 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 which is the most easterly corner of tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant; thence along the southeasterly line of said Tract four (4) South forty-three degrees (43°) sixteen minutes ($16'$) West fifty-six and three tenths (56.3) feet; thence North fifty-one degrees (51°) nineteen minutes ($19'$) West three hundred thirty-eight and three tenths (338.3) feet; thence North eighty-one degrees (81°) two minutes ($02'$) West three hundred eleven and six tenths (311.6) feet; thence North fifty-one degrees (51°) two minutes ($02'$) West six hundred forty-seven and six tenths (647.6) feet; thence to the right along a curve of six hundred sixteen and one tenth (616.1) feet radius a distance on the arc of one hundred fifty and two tenths (150.2) feet to a point on the westerly line of Tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant and at which point the tangent to the curve has a bearing South thirty-seven degrees (37°) three minutes ($03'$) fifty-eight seconds ($58''$) East; thence along the westerly line of said Tract four (4) North twenty-nine degrees (29°) thirty-one minutes ($31'$) East one hundred sixty-nine (169) feet to the most northerly corner of said Tract four (4); thence along the dividing line between Tracts three (3) and four (4) Block forty-five (45) of the said official resurvey of the San Elizario Grant, South fifty-one degrees (51°) thirty-five minutes ($35'$) East nine hundred thirty-two and four tenths (932.4) feet and South fifty-three degrees (53°) seventeen minutes ($17'$) East five hundred four and five tenths (504.5) feet to the point of beginning. Said tract of land containing four and sixty-one hundredths (4.61) 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 I, including all buildings, structures and improvements thereon, is two hundred seventy-two and 30/100 dollars (\$272.30).

Correct as to Engineering Data A.O.D.

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

The United States of America,

Plaintiff,

vs.

J. M. Escajeda, et al.,

Defendants.

No. _____, Law.

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 four hundred fifty-one and 65/100 dollars (\$451.65), 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:

El Paso, Texas.
April 26, 1940

MEMORANDUM to District Counsel

(Superintendent)

Subject - Acquisition of right of way for Riverside Canal Extension
and appurtenant works by condemnation.

1. It has been found necessary to acquire the needed right of way for the above named feature by condemnation proceedings through the properties owned by J. M. Escajeda and W. L. Summers. These tracts were appraised which appraisal was approved under date of Feb. 26, 1940 by the Under Secretary of the Interior.
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. The tract of land required and owned by and in possession of J. M. Escajeda is located in Tract 4, Block 45 of the official resurvey of the San Elizario Grant, El Paso County, Texas, consisting of 4.70 acres and appraised at \$272.50.
4. The tract of land required and owned by and in possession of W. L. Summers is located in Tract 4, Block 54 of the official resurvey of the San Elizario Grant, El Paso County, Texas. The area required from Mr. Summers has been revised from 7.57 acres to 4.08 acres which results in a decrease of the total value from \$195.50 to \$179.35 which was determined by using the appraised unit values to the revised areas.
5. The above amounts are considered to be a full value for the property and it is recommended that these amounts be deposited for that purpose. Funds for this purpose are deposited to the credit of the Bureau of Reclamation under No. 14X8070.010 Contributed Funds.
6. Attached herewith are land descriptions and prints, also copies of letters to property owners.

L. R. Flock

In quadruplicate

APR 29 '40 22173

El Paso, Texas.
April 26, 1940

MEMORANDUM to District Counsel

(Superintendent)

Subject - acquisition of right of way for Riverside Canal Extension
and appurtenant works by condemnation.

1. It has been found necessary to acquire the needed right of way for the above named feature by condemnation proceedings through the properties owned by J. M. Escajeda and W. L. Summers. These tracts were appraised which appraisal was approved under date of Feb. 26, 1940 by the Under Secretary of the Interior.


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. The tract of land required and owned by and in possession of J. M. Escajeda is located in Tract 4, Block 45 of the official resurvey of the San Elizario Grant, El Paso County, Texas, consisting of 4.70 acres and appraised at \$272.30.

4. The tract of land required and owned by and in possession of W. L. Summers is located in Tract 4, Block 54 of the official resurvey of the San Elizario Grant, El Paso County, Texas. The area required from Mr. Summers has been revised from 7.57 acres to 4.08 acres which results in a decrease of the total value from \$193.50 to \$179.35, which was determined by using the appraised unit values to the revised areas.

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6. Attached herewith are land descriptions and prints, also copies of letters to property owners.



In quadruplicate

APR 29 1940 22173

the appropriation from which awards or judgments in connection with the acquisition of these parcels of land will be paid is "14X8070.010, Reclamation Contributed funds, Rio Grande Project, F.Y. 1940." This information it is understood, is desired by the Department of Justice in cases where the Attorney General is requested to institute condemnation proceedings.

6. Your attention is invited to the fact that the authority for, purposes of, and funds available for payment of awards, as set forth in the enclosed declaration of taking differ somewhat from those involved in such proceedings in the past several years in connection with the Rio Grande project which, for the most part, involved allotments of P.W.A., relief, or regularly appropriated funds. In the instant case there is involved only the authority of the Reclamation law and the Act of March 4, 1921 (41 Stat., 1404), as the funds here involved have been advanced by the El Paso County Water Improvement District.

-- ---- --


Encls.

cc - Chief Engineer
Superintendent, El Paso

430.-
RIO GRANDE

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

210 United States Court House
El Paso, Texas

April 26, 1940

CHIEF COUNSEL
SR

From: District Counsel

To: Commissioner.

Subject: Land acquisition - Proposed condemnation of lands for Riverside Canal extension and Mesa and River Drain outlet channels - Rio Grande project.

1. The Superintendent, by memorandum dated April 26, 1940, a copy of which is enclosed, has requested the acquisition for use in connection with the above named project features, of certain parcels of land in El Paso County, Texas, particularly described in the enclosed declaration of taking.

2. Since the pertinent land appraisal was approved it has been decided as to the W. L. Summers land that a somewhat smaller area of land than first in contemplation will be sufficient for the proposed work and the Superintendent has recommended that the estimated value be fixed as to this tract at \$179.35, arrived at by reducing the total consideration by the unit price per acre as used in the formulation of the approved appraisal times the number of acres by which the area originally appraised was reduced in the area now recommended for condemnation.

3. There is transmitted herewith in quintuplicate with appropriate plats attached, a proposed declaration of taking prepared for signature of the Under Secretary of the Interior covering these parcels of land. It is recommended that the declaration of taking be executed and that the Attorney General be requested to institute condemnation proceedings. For such possible use as you may find it desirable to make of the same there is also enclosed a suggested draft letter to the Attorney General.

4. Abstracts or title covering these parcels of land are not available but the Superintendent's memorandum reports that they are in the possession under claim of ownership of J. M. Escajeda as to Parcel I and W. L. Summers as to Parcel II.

5. The Superintendent has advised that the title of

APR 29 '40 22173

*File - J. M. Escajeda
Rio Grande Proj. New Mex. - Tex.*

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

The United States of America,)
)
Plaintiff,)
)
vs.) No. _____, Law.
)
J. M. Escajeda, et al.,)
)
Defendants.)

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 four hundred fifty-one and 65/100 dollars (\$451.65), 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:

(Parcel I, Escajeda)

Riverside Canal Extension
Plat No. 32

A tract of land lying and situate in El Paso County, Texas and in the Southeast quarter ($SE\frac{1}{4}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East Bureau of Reclamation Survey; being also within survey 129, Mainland San Elizario Grant and Tract four (4) Block forty-five (45) 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 which is the most easterly corner of tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant; thence along the southeasterly line of said Tract four (4) South forty-three degrees (43°) sixteen minutes ($16'$) West fifty-six and three tenths (56.3) feet; thence North fifty-one degrees (51°) nineteen minutes ($19'$) West three hundred thirty-eight and three tenths (338.3) feet; thence North eighty-one degrees (81°) two minutes ($02'$) West three hundred eleven and six tenths (311.6) feet; thence North fifty-one degrees (51°) two minutes ($02'$) West six hundred forty-seven and six tenths (647.6) feet; thence to the right along a curve of six hundred sixteen and one tenth (616.1) feet radius a distance on the arc of one hundred fifty and two tenths (150.2) feet to a point on the westerly line of Tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant and at which point the tangent to the curve has a bearing South thirty-seven degrees (37°) three minutes ($03'$) fifty-eight seconds ($58''$) East; thence along the westerly line of said Tract four (4) North twenty-nine degrees (29°) thirty-one minutes ($31'$) East one hundred sixty-nine (169) feet to the most northerly corner of said Tract four (4); thence along the dividing line between Tracts three (3) and four (4) Block forty-five (45) of the said official resurvey of the San Elizario Grant, South fifty-one degrees (51°) thirty-five minutes ($35'$) East nine hundred thirty-two and four tenths (932.4) feet and South fifty-three degrees (53°) seventeen minutes ($17'$) East five hundred four and five tenths (504.5) feet to the point of beginning. Said tract of land containing four and sixty-one hundredths (4.61) 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 I, including all buildings, structures and improvements thereon, is two hundred seventy-two and 30/100 dollars (\$272.30).

(Parcel II, Summers)

Two tracts of land lying and situate in El Paso County, Texas and in the South half ($3\frac{1}{2}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within surveys eighty (80) and ninety-one (91) of the Island, San Elizario Grant and Tract four B (4B), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, on 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 four B (4B) and six (6), Block fifty-four (54) of the said official resurvey of the San Elizario Grant and the easterly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of said tract six (6) bears South fifty-two degrees (52°) forty-two minutes ($42'$) west five hundred thirty-six (536) feet; thence along the dividing line between said tracts four B (4B) and six (6) North fifty-two degrees (52°) forty-two minutes ($42'$) East ninety-nine and nine tenths (99.9) feet to the Northeast corner of said tract four B (4B); thence along the easterly line of said tract four B (4B), South thirty-nine degrees (39°) forty minutes ($40'$) East eighty-six (86) feet, South thirty-four degrees (34°) twelve minutes ($12'$) East three hundred eight and three tenths (308.3) feet, South twenty-three degrees (23°) twenty-six minutes ($26'$) East six hundred forty-eight (648) feet, South seventeen degrees (17°) twenty-three minutes ($23'$) East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees (29°) thirty-one minutes ($31'$) west one hundred sixty-eight and nine tenths (168.9) feet to a point on a curve of six hundred sixteen and one tenth (616.1) feet radius and the tangent to the curve at said point having a bearing North thirty-seven degrees (37°) three minutes ($03'$) fifty-eight seconds ($58''$) west and from which point the most westerly corner of tract four B (4B), Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty-seven degrees (87°) three minutes ($03'$) twenty seconds ($20''$) west two thousand three hundred forty-four and eight tenths (2344.8) feet; thence northerly and to the right along said curve a distance on the arc of two hundred thirty-five and five tenths (235.5) feet; thence North fifteen degrees (15°) ten minutes ($10'$) West one hundred eighty-four and one tenth (184.1) feet to the easterly right of way line of the I-243 Lateral; thence along the easterly right of way line of said I-243 Lateral, North eight degrees (8°) thirty-six minutes ($36'$) East one hundred eighteen and two tenths (118.2) feet, North three degrees (3°) thirty-six minutes ($36'$) west ninety-seven and five tenths (97.5) feet, North twenty degrees (20°) fifty-four minutes ($54'$) West ninety-one and five tenths (91.5) feet North twenty-eight degrees (28°) nineteen minutes ($19'$) west four hundred and one tenth (400.1) feet, North thirty degrees (30°) thirty-six minutes ($36'$) west sixty-six and three tenths (66.3) feet, North thirty-two degrees (32°) thirty-five minutes ($35'$) west one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees (33°) thirty-nine minutes ($39'$) west two hundred seventy and seven tenths (270.7) feet to the point of beginning. Said tract of land containing three and ninety-one hundredths (3.91) acres, more or less. Shown as tract No. 1 on plat attached hereto and made a part hereof.

Correct as to Engineering Data 202

TRACT 2 - Beginning at a point on the westerly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of Tract six (6) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty-six degrees (86°) fifty-three minutes (53') forty seconds (40") West six hundred thirteen and five tenths (613.5) feet; thence along the westerly right of way line of said I-243 Lateral, South thirty-one degrees (31°) thirty-three minutes (33') East sixty-five and six tenths (65.6) feet, South twenty-eight degrees (28°) nineteen minutes (19') East three hundred ninety-six and seven tenths (396.7) feet, South twenty degrees (20°) fifty-four minutes (54') East eighty-two and eight tenths (82.8) feet, South three degrees (3°) thirty-six minutes (36') East eighty-seven and one tenth (87.1) feet and South eight degrees (8°) thirty-six minutes (36') West twenty-three and one tenth (23.1) feet to a point from which the most westerly corner of Tract four B (4B) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears South eighty degrees (80°) twenty-eight minutes (28') twenty seconds (20") West two thousand one hundred ninety-four and nine tenths (2194.9) feet; thence North fifteen degrees (15°) ten minutes (10') West two hundred thirteen and five tenths (213.5) feet; thence North twenty-seven degrees (27°) ten minutes (10') West four hundred thirty-four and one tenth (434.1) feet to the point of beginning. Said tract of land containing seventeen hundredths (0.17) of an acre, more or less. Shown as tract No. 2 on plat 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 II, including all buildings, structures and improvements thereon, is one hundred seventy-nine and 35/100 dollars (\$179.35).

4-24-1940

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

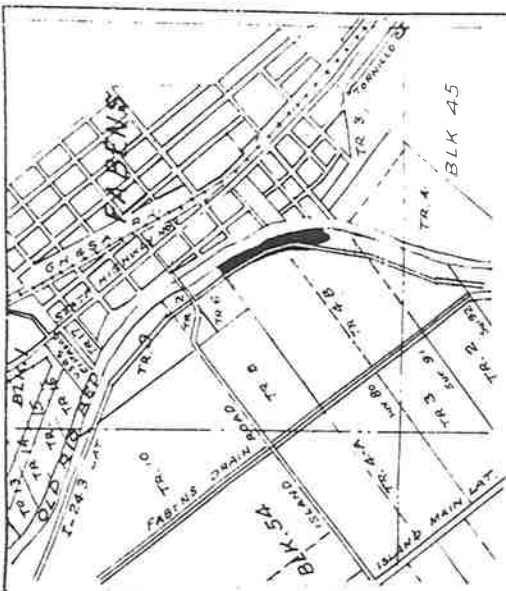
Regulation, control and use of the flow of the Rio Grande by means of an irrigation canal and drainage outlet channel and appurtenant works for the purpose of the reclamation, irrigation and drainage of arid lands within the Rio Grande Federal irrigation project constructed, operated and maintained by 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 purposes 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 23rd day of May, A. D. 1940, in the City of Washington, District of Columbia.



Acting Under Secretary of the
Interior of the United States
of America.



Location Plat
 Section 4, T34S-R8E-45R.S.
 Tract 4B, Block 54
 Resurvey, San Elizario Grant
 El Paso Co., Texas

AREA OF R.O.F.W.

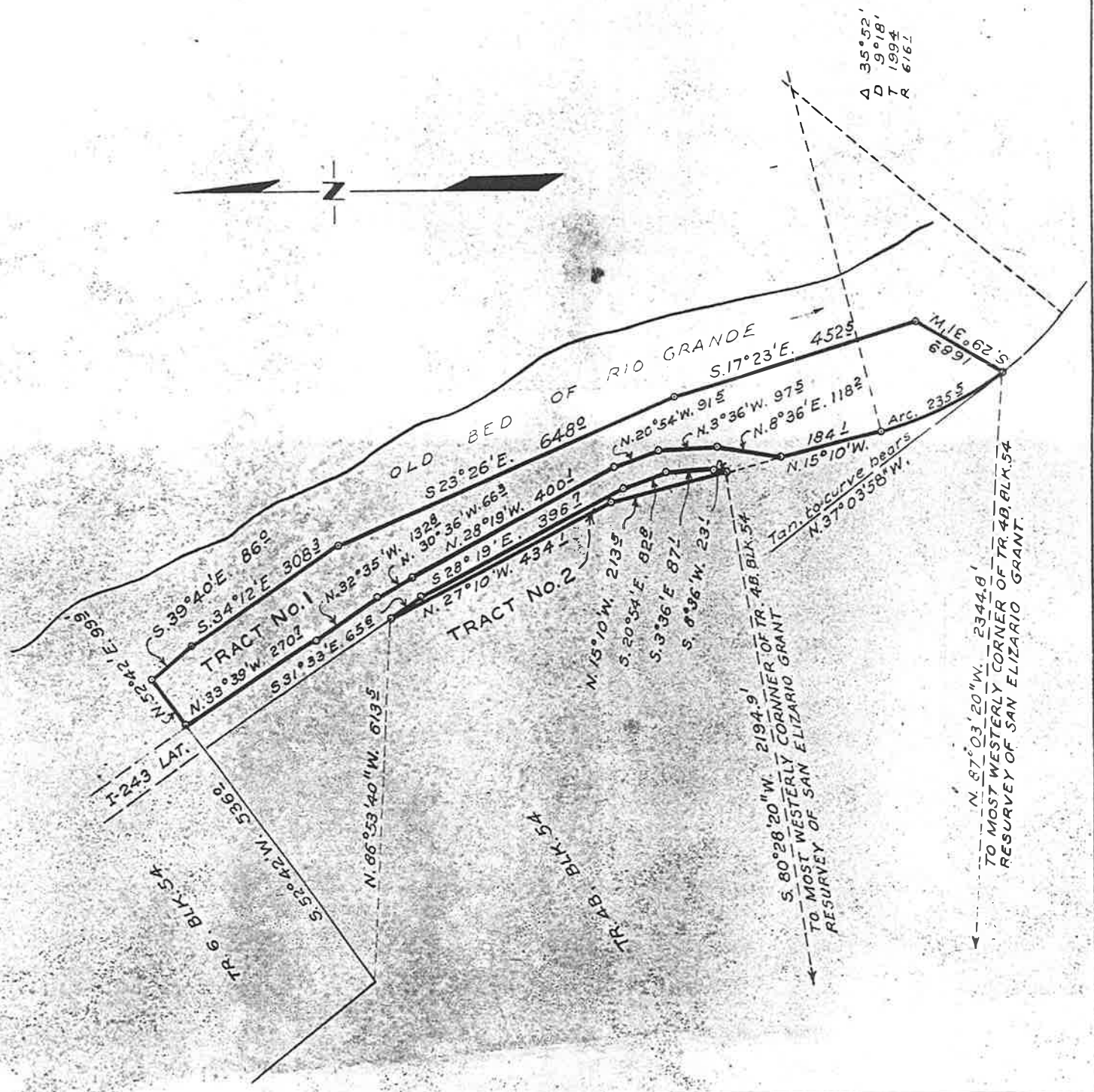
Tract No. 1	3.91 Ac.
" 2	.17 "
Total	4.08 "

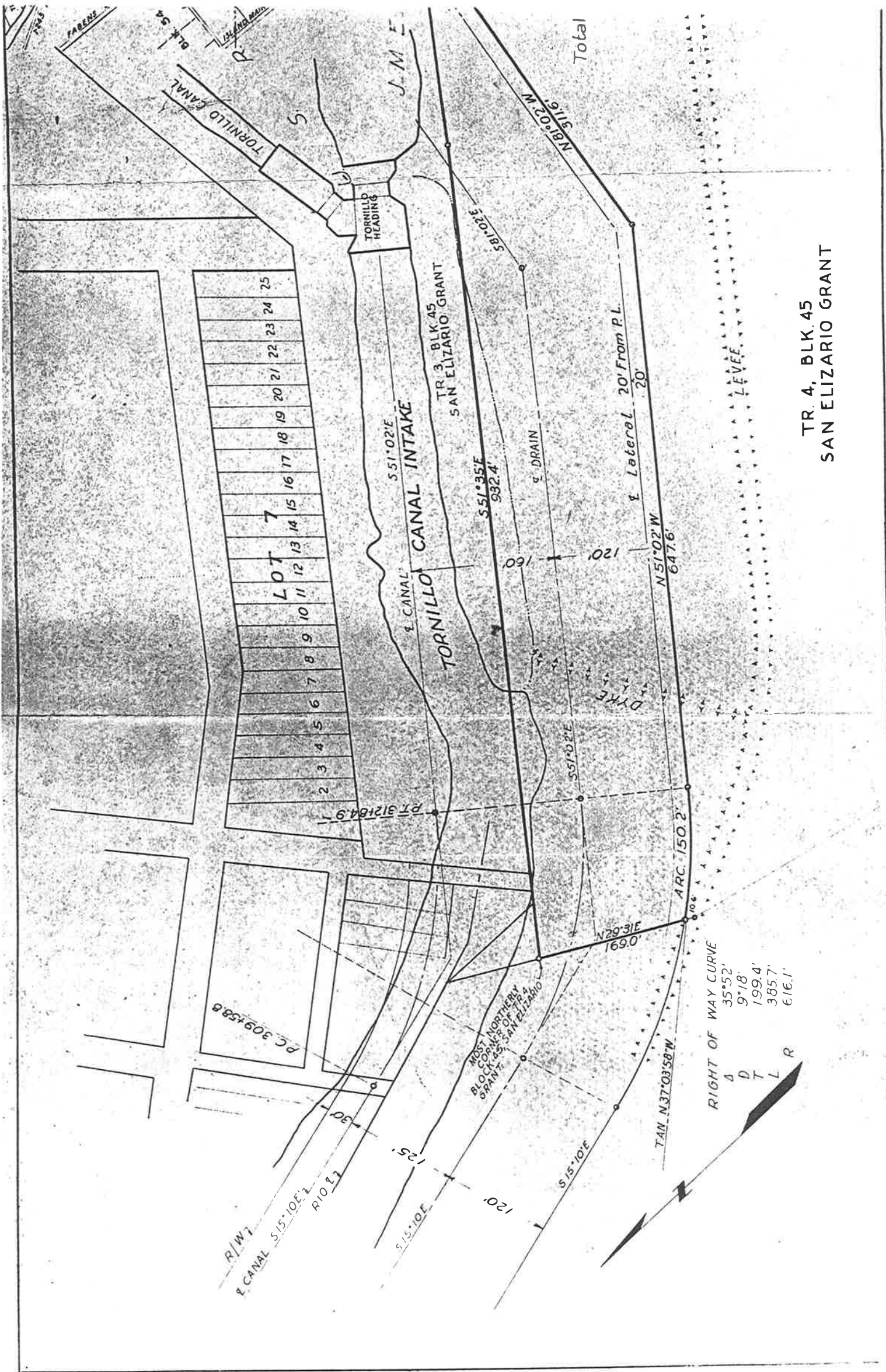
SCALE 1" = 200'

DEPARTMENT OF TRANSPORTATION
 BUREAU OF PUBLIC ROADS
 RIO GRANDE PROJECT - NEW MEXICO, TEXAS

RIVERSIDE CAMIL EXTENSION

FIELD WORK C. P. LEECH
 DRAWN A. O. D. G. A. LINDLEY
 4080-L-131 EL PASO TEXAS

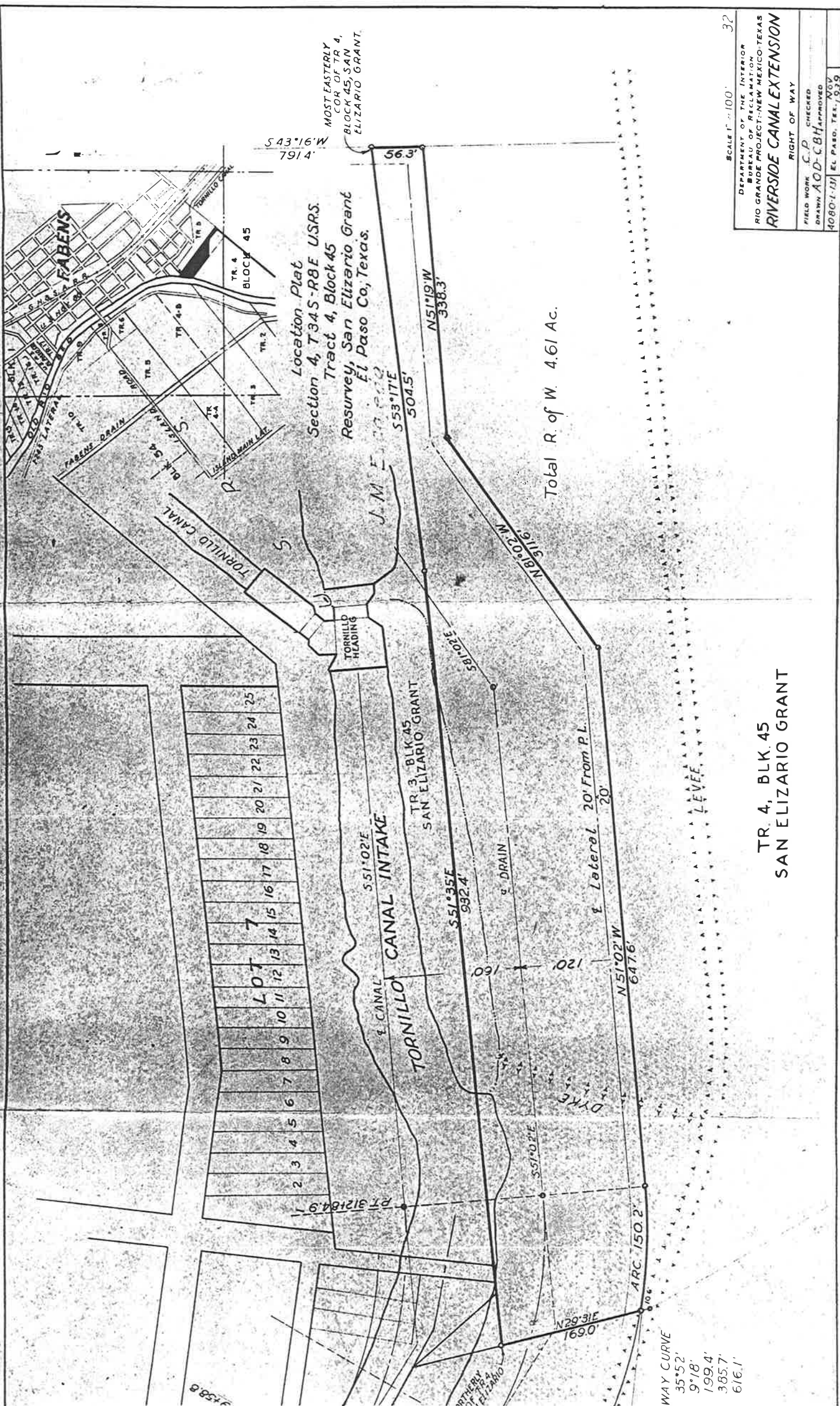




TR. 4, BLK. 45
SAN ELIZARIO GRANT

RIGHT OF WAY CURVE

Δ	35° 52'
D	9° 18'
T	199.4'
L	385.7'
R	616.1'



430.-
RIO GRANDE

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

May 23, 1940

The Honorable

The Attorney General

My dear Mr. Attorney General:

In connection with the construction of the Riverside Canal Extension and the River and Mesa Drain outlet channels, 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 two parcels of land situated in El Paso County, Texas. These lands, which are ostensibly owned by ~~J. M. Escajeda, 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 \$451.65, 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 title of the appropriation under which the property is to be acquired and from which the award or judgment is to be paid is "14x8070.010 Reclamation Contributed Funds, Rio Grande Project.

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.

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.

Sincerely yours,

/s/ W. C. Mendenhall
Acting Under Secretary.

Enclosure 1810322

Mr. H.J.S. Davies, 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.

Sincerely yours,

Acting Under Secretary.

Enclosure ~~12/27/23~~

CC - GE Denver
Supt., El Paso
DC El Paso

} 5/23

(with copy of enclosure to each)

*Richard
Simon*

SR:REO

The Honorable

The Attorney General.

My dear Mr. Attorney General:

In connection with the construction of the Riverside Canal Extension and the River and Neen Drain outlet channels, 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 two parcels of land situated in El Paso County, Texas. These lands, which are ostensibly owned by J. H. Escajola, 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, 1911 (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 \$451.65, 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 title of the appropriation under which the property is to be acquired and from which the award or judgment is to be paid is "141870.010 Reclamation Contributed Funds, Rio Grande Project, P. I. 1943."

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.

TO SECRETARY
MAY 16 1940
OR SIGNATURE

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.

Sincerely yours,

W. Mendenhall

Acting Under Secretary.

Enclosure 121032

r

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

438-
DECLARATION
RIO GRANDE

MAY 23 1940

TO SECRETARY
MAY 16 1940
FOR SIGNATURE

The Honorable

The Attorney General.

My dear Mr. Attorney General:

In connection with the construction of the Riverside Canal Extension and the River and Mesa Drain outlet channels, 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 two parcels of land situated in El Paso County, Texas. These lands, which are ostensibly owned by J. M. Escajeda, et al., are more particularly described in the declaration of taking which is enclosed in triplicate.

PAUL L. FISHER
Fisher

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 \$451.65, 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 title of the appropriation under which the property is to be acquired and from which the award or judgment is to be paid is "14X8070.010 Reclamation Contributed Funds, Rio Grande Project, F. ~~2-2269~~"

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.

COPY FOR THE SECRETARY'S OFFICE

Copy 43039.-WJ L. SUMMERS et al

To allow to pay 6/1/40

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. 88 Civil Motion.
R. L. SWINERS, ET AL, :
Defendants.)

JUDGMENT ON THE DECLARATION OF TAKING

This day comes the Petitioner in the above entitled cause, the United States of America, by G. E. Smith, Jr., United States Attorney, and E. Neill Walke, 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 W. C. Westenhell, 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., 385, and all acts amendatory thereof and supplementary thereto, commonly known as the Reclamation Law; (b) the act of March 4, 1921, 41 Stat., 1564, and (c) the act of February 24, 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, Two hundred seventy two and thirty one-hundredths (\$272.30) Dollars; for the lands described therein as Parcel 2, One hundred seventy-nine and thirty two one-hundredths (\$179.32) Dollars.

That the sum of Four hundred fifty-one and sixty five one-hundredths (\$451.65) Dollars, which is the 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. Henderson, Acting Under Secretary of the Interior of the United States, probably will be within any limits prescribed

by Congress as a prize 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, 1921.

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 Four hundred fifty one and sixty five one hundredths (\$451.65) Dollars; and said lands are deemed 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 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:

Parcel 1.

Riverside Canal Extension
Plat No. 32

A tract of land lying and situate in El Paso County, Texas and in the Southeast quarter (SE $\frac{1}{4}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East Bureau of Reclamation Survey; being also within survey 129, Mainland San Elizario Grant and Tract four (4) Block forty-five (45) 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 which is the most easterly corner of tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant; thence along the southeasterly line of said Tract four (4) South forty-three degrees (43°) sixteen minutes (16') West fifty-six and three tenths (56.3) feet; thence North fifty-one degrees (51°) nineteen minutes (19') West three hundred thirty-eight and three tenths (338.3) feet; thence North eighty-one degrees (81°) two minutes (02') West three hundred eleven and six tenths (311.6) feet; thence North fifty-one degrees (51°) two minutes (02') West six hundred forty-seven and six tenths (647.6) feet; thence to the right along a curve of six hundred sixteen and one tenth (616.1) feet radius a distance on the arc of one hundred fifty and two tenths (150.2) feet to a point on the westerly line of Tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant and at which point the tangent to the curve has a bearing South thirty-seven degrees (37°) three minutes (03') fifty-eight seconds (58") East; thence along the westerly line of said Tract four (4) North twenty-nine degrees (29°) thirty-one minutes (31') East one hundred sixty-nine (169) feet to the most northerly corner of said Tract four (4); thence along the dividing line between Tracts three (3) and four (4) Block forty-five (45) of the said official resurvey of the San Elizario Grant, South fifty-one degrees (51°) thirty-five minutes (35') East nine hundred thirty-two and four tenths (932.4) feet and South fifty-three degrees (53°) seventeen minutes (17') East five hundred four and five tenths (504.5) feet to the point of beginning. Said tract of land containing four and sixty-one hundredths (4.61) acres, more or less. All as shown on plat attached hereto and made a part hereof.

Correct as to Engineering Data A. D. S.

Two tracts of land lying and situate in El Paso County, Texas and in the South half ($S\frac{1}{2}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within surveys eighty (80) and ninety-one (91) of the Island, San Elizario Grant and Tract four B (4B), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, on 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. D. D.

TRACT 1 - Beginning at the point of intersection of the dividing line between tracts four B (4B) and six (6), Block fifty-four (54) of the said official resurvey of the San Elizario Grant and the easterly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of said tract six (6) bears South fifty-two degrees (52°) forty-two minutes ($42'$) west five hundred thirty-six (536) feet; thence along the dividing line between said tracts four B (4B) and six (6) North fifty-two degrees (52°) forty-two minutes ($42'$) East ninety-nine and nine tenths (99.9) feet to the Northeast corner of said tract four B (4B); thence along the easterly line of said tract four B (4B), South thirty-nine degrees (39°) forty minutes ($40'$) East eighty-six (86) feet, South thirty-four degrees (34°) twelve minutes ($12'$) East three hundred eight and three tenths (308.3) feet, South twenty-three degrees (23°) twenty-six minutes ($26'$) East six hundred forty-eight (648) feet, South seventeen degrees (17°) twenty-three minutes ($23'$) East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees (29°) thirty-one minutes ($31'$) West one hundred sixty-eight and nine tenths (168.9) feet to a point on a curve of six hundred sixteen and one tenth (616.1) feet radius and the tangent to the curve at said point having a bearing North thirty-seven degrees (37°) three minutes ($03'$) fifty-eight seconds ($58''$) west and from which point the most westerly corner of tract four B (4B), Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty seven degrees (87°) three minutes ($03'$) twenty seconds ($20''$) west two thousand three hundred forty-four and eight tenths (2344.8) feet; thence northerly and to the right along said curve a distance on the arc of two hundred thirty-five and five tenths (235.5) feet; thence North fifteen degrees (15°) ten minutes ($10'$) West one hundred eighty-four and one tenth (184.1) feet to the easterly right of way line of the I-243 Lateral; thence along the easterly right of way line of said I-243 Lateral, North eight degrees (8°) thirty-six minutes ($36'$) East one hundred eighteen and two tenths (118.2) feet, North three degrees (3°) thirty-six minutes ($36'$) West ninety-seven and five tenths (97.5) feet, North twenty degrees (20°) fifty-four minutes ($54'$) West ninety-one and five tenths (91.5) feet North twenty-eight degrees (28°) nineteen minutes ($19'$) West four hundred and one tenth (400.1) feet, North thirty degrees (30°) thirty-six minutes ($36'$) West sixty-six and three tenths (66.3) feet, North thirty-two degrees (32°) thirty-five minutes ($35'$) West one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees (33°) thirty-nine minutes ($39'$) West two hundred seventy and seven tenths (270.7) feet to the point of beginning. Said tract of land containing three and ninety-one hundredths (3.91) acres, more or less. Shown as tract No. 1 on plat attached hereto and made a part hereof.

TRACT 2 - Beginning at a point on the westerly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of Tract six (6) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty-six degrees (86°) fifty-three minutes (53') forty seconds (40") West six hundred thirteen and five tenths (613.5) feet; thence along the westerly right of way line of said I-243 Lateral, South thirty-one degrees (31°) thirty-three minutes (33') East sixty-five and six tenths (65.6) feet, South twenty-eight degrees (28°) nineteen minutes (19') East three hundred ninety-six and seven tenths (396.7) feet, South twenty degrees (20°) fifty-four minutes (54') East eighty-two and eight tenths (82.8) feet, South three degrees (3°) thirty-six minutes (36') East eighty-seven and one tenth (87.1) feet and South eight degrees (8°) thirty-six minutes (36') West twenty-three and one tenth (23.1) feet to a point from which the most westerly corner of Tract four B (4B) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears South eighty degrees (80°) twenty-eight minutes (28') twenty seconds (20") West two thousand one hundred ninety-four and nine tenths (2194.9) feet; thence North fifteen degrees (15°) ten minutes (10') West two hundred thirteen and five tenths (213.5) feet; thence North twenty-seven degrees (27°) ten minutes (10') West four hundred thirty-four and one tenth (434.1) feet to the point of beginning. Said tract of land containing seventeen hundredths (0.17) of an acre, more or less. Shown as tract No. 2 on plat attached hereto and made a part hereof.

Correct as to Engineering Data A. O. D.

4-24-1940

The possession of the above described property shall be delivered to the United States of America on or before Monday, the 8th day of July, A. D. 1940.

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

Entered on this 3rd day of July, A. D. 1940.

(Sgd.) Charles A. Baynton
Judge Presiding.

A true copy of the original, I certify.

MAXEY HART, Clerk,
By Flora L. Lunken
Deputy.

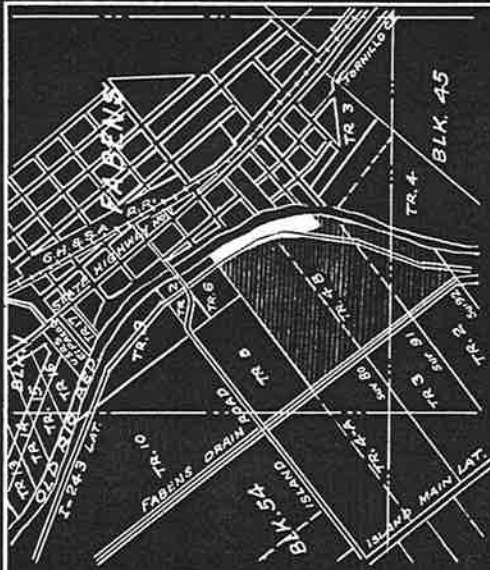
DISTRICT COURT OF THE UNITED STATES
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA

-VS-

M. I. SUMMERS, ET AL

JUDGMENT ON THE DECLARATION OF TAKING



Location Plat
 Section 4, T34S-R8E USRS.
 Tract 48, Block 54
 Resurvey, San Elizario Grant
 El Paso Co., Texas

AREA OF R.O.F.W.
 Tract No. 1 3.91 Ac.
 " 2 .17 " "
 Total 4.08 "

W. L. SWANBERG

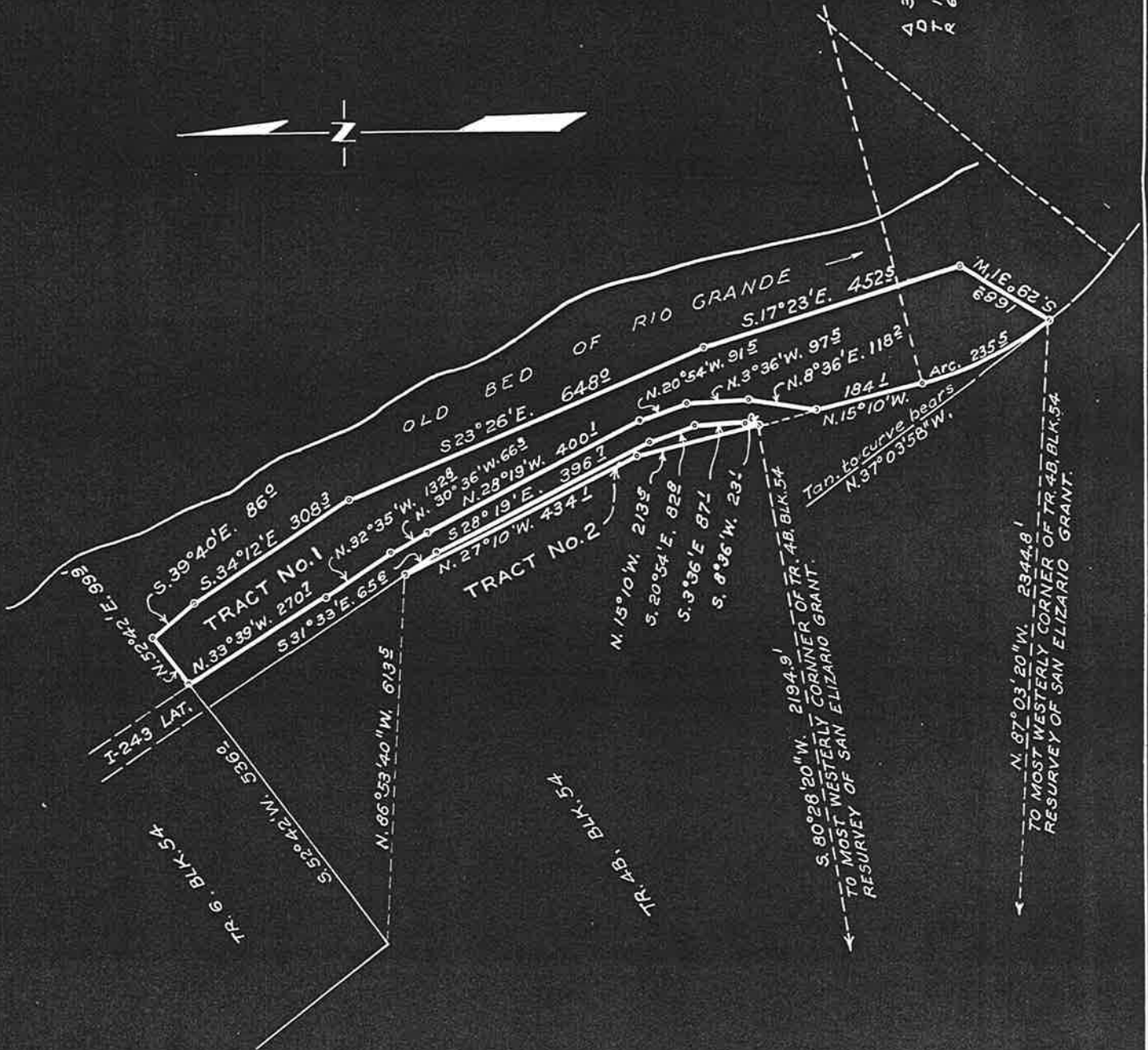
SCALE 1" = 200' 31

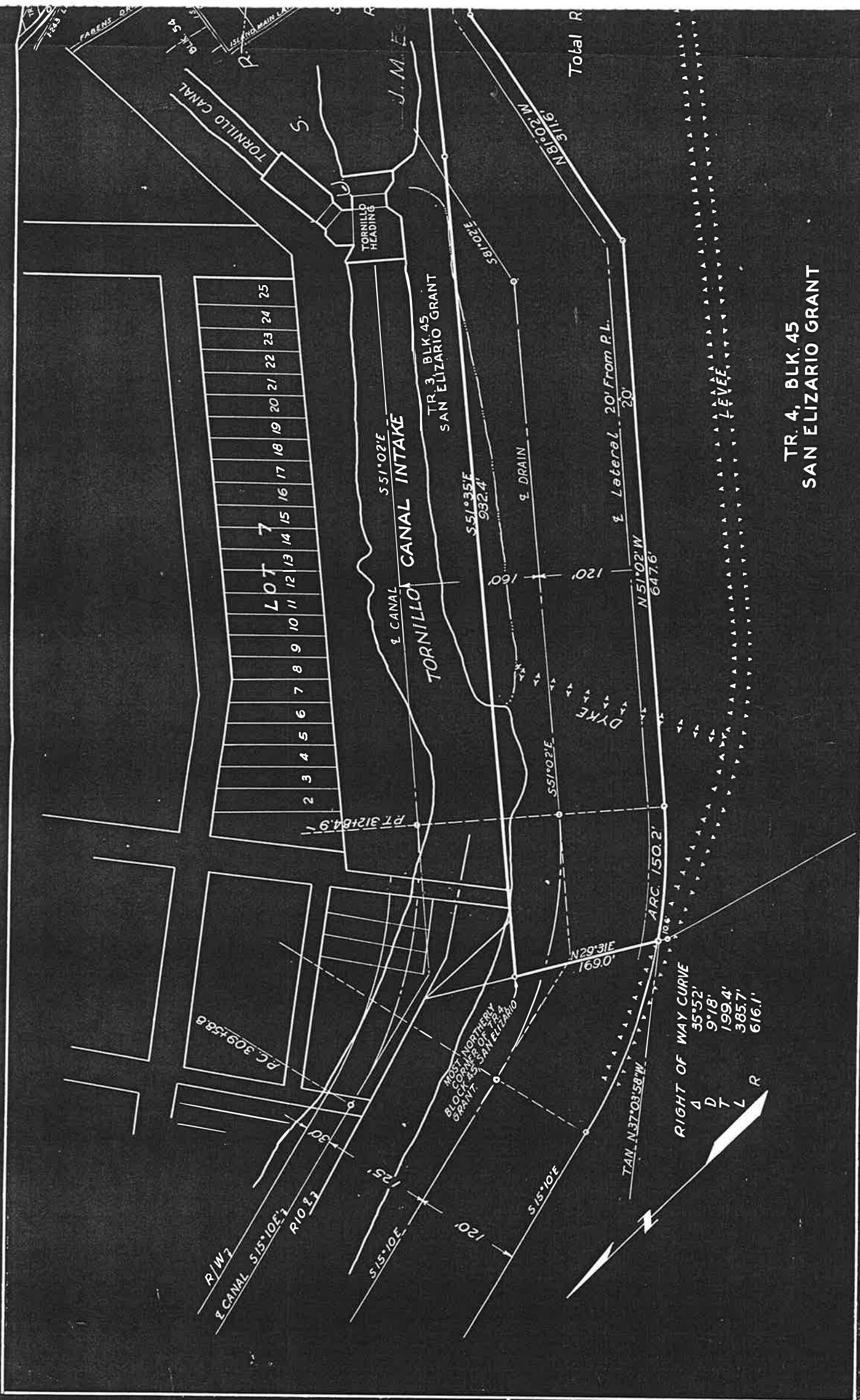
DEPARTMENT OF THE INTERIOR
 BUREAU OF RECLAMATION
 RIO GRANDE PROJECT-NEW MEXICO-TEXAS
 RIVERSIDE CANAL EXTENSION

FIELD WORK C. P. CHECKED
 DRAWN A. O. D. G. A. APPROVED
 4080-L-131 EL PASO, TEX. APR 17 1940



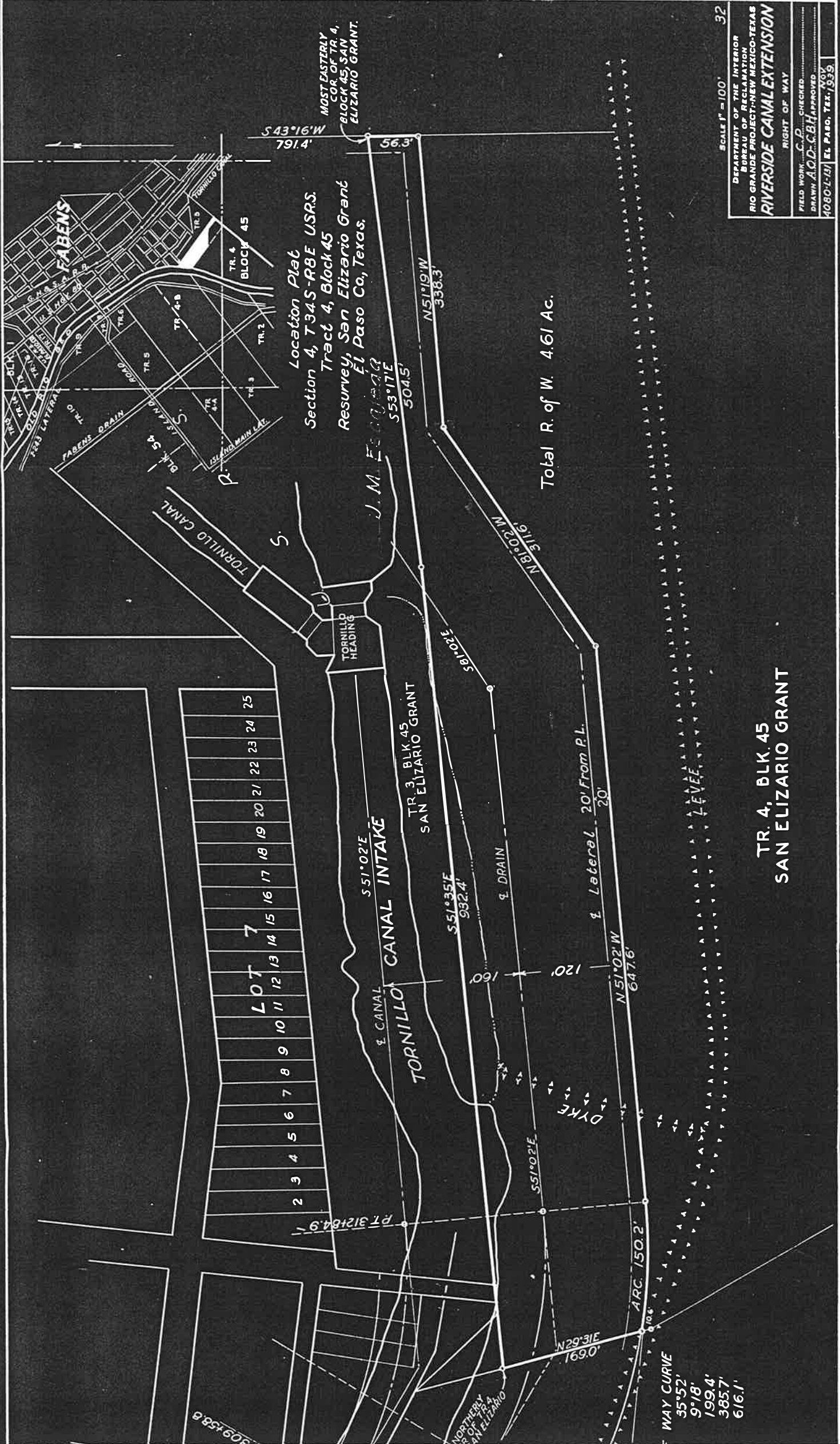
A 35.52'
 D 9.18'
 T 199.4
 R 616.1





TR. 4, BLK. 45
SAN ELIZARIO GRANT

RIGHT OF WAY CURVE
 4 35° 52'
 D 9' 18"
 T 199.4'
 L 385.7'
 R 616.1'



Location Plat
 Section 4, T34S-R8E USFS.
 Tract 4, Block 45
 Resurvey, San Elizario Grant
 El Paso Co, Texas.

Total R. of W. 4.61 Ac.

TR. 4, BLK. 45
 SAN ELIZARIO GRANT

SCALE 1" = 100'

32

DEPARTMENT OF THE INTERIOR
 BUREAU OF RECLAMATION
 RIO GRANDE PROJECT-NEW MEXICO-TEXAS

RIVERSIDE CAMALEXTENSION

RIGHT OF WAY

FIELD WORK: C.P. CHECKED
 DRAWN: A.D. CBH APPROVED

1080-L/13 EL PASO, TEX., 1939

WAY CURVE
 $35^{\circ}52'$
 $9^{\circ}18'$
 $199.4'$
 $385.7'$
 $616.1'$

$N29^{\circ}31'E$
 $169.0'$

ARC $150.2'$

$N51^{\circ}02'W$
 $647.6'$

$\frac{1}{2}$ Lateral $20'$ From P.L. $20'$

$S51^{\circ}35'E$
 $932.4'$

TR. 3, BLK. 45
 SAN ELIZARIO GRANT

$S51^{\circ}02'E$
 CANAL INTAKE

TORNILLO HEADING

$S43^{\circ}16'W$
 $791.4'$

$S53^{\circ}17'E$
 $504.5'$

$N51^{\circ}19'W$
 $338.3'$

$56.3'$

TR. 4
 BLOCK 45

FABENS

$S09^{\circ}58'8"$

NORTHERLY
 COR. OF TR. 4
 SAN ELIZARIO

LEVEE

DYKE

$\frac{1}{2}$ DRAIN

$S81^{\circ}02'E$

$N81^{\circ}02'W$
 $511.6'$

J. M. ELIZARIO

TORNILLO CANAL

BLK. 54

TR. 5

TR. 4-3

TORNILLO CANAL

TR. 5

TR. 4

TR. 3

TR. 2

TR. 1

TR. 10

TR. 9

TR. 8

TR. 7

TR. 6

TR. 5

TR. 4

TR. 3

TR. 2

TR. 1

TR. 10

TR. 9

TR. 8

TR. 7

TR. 6

TR. 5

TR. 4

TR. 3

TR. 2

TR. 1

TR. 10

TR. 9

TR. 8

TR. 7

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.

W. L. SUMMERS, ET AL,

Defendants.

No. 88- Civil Action.

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. Hummelt and R. Nell Walsh, Assistant United States Attorneys for the Western District of Texas, and respectfully shew to the Court:

I.

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 said 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

33-45-336-

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, 1921, 46 Stat., 1421, and all acts amendatory thereof and supplementary thereto.

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

Parcel 2.

Certificate No. 14410

Riverside Canal Extension #31

Two tracts of land lying and situate in El Paso County, Texas and in the South half (S $\frac{1}{2}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within surveys eighty (80) and ninety-one (91) of the Island, San Elizario Grant and Tract four B (4B), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, on 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 2, 0, 0.

TRACT 1 - Beginning at the point of intersection of the dividing line between tracts four B (4B) and six (6), Block fifty-four (54) of the said official resurvey of the San Elizario Grant and the easterly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of said tract six (6) bears South fifty-two degrees (52°) forty-two minutes (42') West five hundred thirty-six (536) feet; thence along the dividing line between said tracts four B (4B) and six (6) North fifty-two degrees (52°) forty-two minutes (42') East ninety-nine and nine tenths (99.9) feet to the Northeast corner of said tract four B (4B); thence along the easterly line of said tract four B (4B), South thirty-nine degrees (39°) forty minutes (40') East eighty-six (86) feet, South thirty-four degrees (34°) twelve minutes (12') East three hundred eight and three tenths (308.3) feet, South twenty-three degrees (23°) twenty-six minutes (26') East six hundred forty-eight (648) feet, South seventeen degrees (17°) twenty-three minutes (23') East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees (29°) thirty-one minutes (31') West one hundred sixty-eight and nine tenths (168.9) feet to a point on a curve of six hundred sixteen and one tenth (616.1) feet radius and the tangent to the curve at said point having a bearing North thirty-seven degrees (37°) three minutes (03') fifty-eight seconds (58") west and from which point the most westerly corner of tract four B (4B), Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty seven degrees (87°) three minutes (03') twenty seconds (20") west two thousand three hundred forty-four and eight tenths (2344.8) feet; thence northerly and to the right along said curve a distance on the arc of two hundred thirty-five and five tenths (235.5) feet; thence North fifteen degrees (15°) ten minutes (10') West one hundred eighty-four and one tenth (184.1) feet to the easterly right of way line of the I-243 Lateral; thence along the easterly right of way line of said I-243 Lateral, North eight degrees (8°) thirty-six minutes (36') East one hundred eighteen and two tenths (118.2) feet, North three degrees (3°) thirty-six minutes (36') west ninety-seven and five tenths (97.5) feet, North twenty degrees (20°) fifty-four minutes (54') West ninety-one and five tenths (91.5) feet North twenty-eight degrees (28°) nineteen minutes (19') West four hundred and one tenth (400.1) feet, North thirty degrees (30°) thirty-six minutes (36') west sixty-six and three tenths (66.3) feet, North thirty-two degrees (32°) thirty-five minutes (35') west one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees (33°) thirty-nine minutes (39') west two hundred seventy and seven tenths (270.7) feet to the point of beginning. Said tract of land containing three and ninety-one hundredths (3.91) acres, more or less. Shown as tract No. 1 on plat attached hereto and made a part hereof.

Parcel 1.

Certificates No. 1440-A
and 1440-B

Riverside Canal Extension
Plat No. 32

A tract of land lying and situate in El Paso County, Texas and in the Southeast quarter (SE $\frac{1}{4}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East Bureau of Reclamation Survey; being also within survey 129, Mainland San Elizario Grant and Tract four (4) Block forty-five (45) 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 which is the most easterly corner of tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant; thence along the southeasterly line of said Tract four (4) South forty-three degrees (43°) sixteen minutes (16') West fifty-six and three tenths (56.3) feet; thence North fifty-one degrees (51°) nineteen minutes (19') West three hundred thirty-eight and three tenths (338.3) feet; thence North eighty-one degrees (81°) two minutes (02') West three hundred eleven and six tenths (311.6) feet; thence North fifty-one degrees (51°) two minutes (02') West six hundred forty-seven and six tenths (647.6) feet; thence to the right along a curve of six hundred sixteen and one tenth (616.1) feet radius a distance on the arc of one hundred fifty and two tenths (150.2) feet to a point on the westerly line of Tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant and at which point the tangent to the curve has a bearing South thirty-seven degrees (37°) three minutes (03') fifty-eight seconds (58") East; thence along the westerly line of said Tract four (4) North twenty-nine degrees (29°) thirty-one minutes (31') East one hundred sixty-nine (169) feet to the most northerly corner of said Tract four (4); thence along the dividing line between Tracts three (3) and four (4) Block forty-five (45) of the said official resurvey of the San Elizario Grant, South fifty-one degrees (51°) thirty-five minutes (35') East nine hundred thirty-two and four tenths (932.4) feet and South fifty-three degrees (53°) seventeen minutes (17') East five hundred four and five tenths (504.5) feet to the point of beginning. Said tract of land containing four and sixty-one hundredths (4.61) acres, more or less. All as shown on plat attached hereto and made a part hereof.

Correct as to Engineering Data A. D. D.

TRACT 2 - Beginning at a point on the westerly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of Tract six (6) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty-six degrees (86°) fifty-three minutes (53') forty seconds (40") West six hundred thirteen and five tenths (613.5) feet; thence along the westerly right of way line of said I-243 Lateral, South thirty-one degrees (31°) thirty-three minutes (33') East sixty-five and six tenths (65.6) feet, South twenty-eight degrees (28°) nineteen minutes (19') East three hundred ninety-six and seven tenths (396.7) feet, South twenty degrees (20°) fifty-four minutes (54') East eighty-two and eight tenths (82.8) feet, South three degrees (3°) thirty-six minutes (36') East eighty-seven and one tenth (87.1) feet and South eight degrees (8°) thirty-six minutes (36') West twenty-three and one tenth (23.1) feet to a point from which the most westerly corner of Tract four B (4B) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears South eighty degrees (80°) twenty-eight minutes (28') twenty seconds (20") West two thousand one hundred ninety-four and nine tenths (2194.9) feet; thence North fifteen degrees (15°) ten minutes (10') West two hundred thirteen and five tenths (213.5) feet; thence North twenty-seven degrees (27°) ten minutes (10') West four hundred thirty-four and one tenth (434.1) feet to the point of beginning. Said tract of land containing seventeen hundredths (0.17) of an acre, more or less. Shown as tract No. 2 on plat attached hereto and made a part hereof.

Correct as to Engineering Data A. O. D.

4-24-1940

II.

1. That petitioner is informed and believes, and therefore alleges upon information and belief, that J. M. Escajeda and wife, Josefina Escajeda, are the owners of Parcel 1, Plat No. 32, being Certificates numbered 14409-a and 14409-b.
2. That the following named persons own or claim to own an interest in said Parcel 1, Plat No. 32, the exact nature of which is unknown to petitioner, to wit: S. B. Johnson appears to own some interest in said Parcel 1.
3. The State of Texas and the County of El Paso own or claim to own an interest in said tract of land by virtue of a lien for delinquent taxes thereon.
4. 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.
5. The following named persons, heirs of Albert A. Verus, claim some interest in said tract of land, the exact nature of which is unknown to plaintiff: Martin Verus, Rt. 4, Edgmont Station, East St. Louis, Illinois, son of Theo Verus of Highland, Illinois; Mrs. Lewis Wells (formerly Ruth Verus), Troy, Illinois, daughter of Theo Verus of Highland, Illinois; Cecil F. Verus, Troy Illinois, son of Theo Verus of Highland, Illinois; Mrs. Roy Wolbert (formerly Esther Verus) Highland, Illinois, daughter of Theo Verus of Highland, Illinois; Mrs. Charles Landert (formerly Grace Verus), Highland, Illinois, daughter of Theo Verus of Highland, Illinois; Lewis Verus, a minor, eighteen years of age, Troy, Illinois, son of Theo Verus of Highland, Illinois; Jessamine Verus, a minor, fifteen years of age, Troy, Illinois, daughter of Theo Verus of Highland, Illinois; Edmund Verus, Los Angeles, California, son of E. L. Verus of formerly of Seattle, Washington, now deceased; Mrs. James H. Sharon, Fowler, Colorado, adopted daughter of E. L. Verus formerly of Seattle, Washington, now deceased; Leander Pavid, Sacramento, California, son of Mrs. Eugenia

David of Berkeley, California; Eugene Freeland, Jr., San Diego, California, son of Ima Freeland; Mrs. Omar Rittman, Iona, Oregon, daughter of Ima Freeland; and Mrs. Elise Merrit, Redmond, Oregon, daughter of Ima Freeland.

6. Petitioner is informed and believes, and therefore alleges upon information and belief, that W. L. Summers owns or claims to own Parcel 2, Tract 1 and Tract 2 Riverside Canal Extension Plat No. 31, Certificate No. 14410.

7. That the following named persons own or claim to own an interest in Parcel 2, Tract 1 and Tract 2, Riverside Canal Extension Plat No. 31, Certificate No. 14410-a: Lillias Farr Thomas, whose husband is Paul B. Thomas, appears to own some interest in said tracts; D. E. Cathcart owns or claims an interest in said tracts; I. U. Gordon owns or claims an interest in said tracts.

8. That the State of Texas and the County of El Paso own or claim to own some interest in said property by virtue of taxes due and unpaid thereon.

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

III.

1. That under date of May 29, 1949, as to the two parcels of land hereinabove described, 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.

(Signed) W. R. Smith, Jr.,

United States Attorney

(Signed) R. Neill Walshe

Assistant U. S. Attorney.

FILED: 3rd day of July, 1940, Maxey Hart, Clerk,
By (Signed) Margarita Gameros, Deputy.

- - - -

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

The United States of America,
Plaintiff,

vs.

No. 68 Civil.

J. M. Escajeda, et al.,

Defendants.

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 four hundred fifty-one and 65/100 dollars (\$451.65), 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:

(Parcel I, Escajeda)

Riverside Canal Extension
Plat No. 32

A tract of land lying and situate in El Paso County, Texas and in the Southeast quarter (SE $\frac{1}{4}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East Bureau of Reclamation Survey; being also within survey 129, Mainland San Elizario Grant and Tract four (4) Block forty-five (45) 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 which is the most easterly corner of tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant; thence along the southeasterly line of said Tract four (4) South forty-three degrees (43°) sixteen minutes (16') West fifty-six and three tenths (56.3) feet; thence North fifty-one degrees (51°) nineteen minutes (19') West three hundred thirty-eight and three tenths (338.3) feet; thence North eighty-one degrees (81°) two minutes (02') West three hundred eleven and six tenths (311.6) feet; thence North fifty-one degrees (51°) two minutes (02') West six hundred forty-seven and six tenths (647.6) feet; thence to the right along a curve of six hundred sixteen and one tenth (616.1) feet radius a distance on the arc of one hundred fifty and two tenths (150.2) feet to a point on the westerly line of Tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant and at which point the tangent to the curve has a bearing South thirty-seven degrees (37°) three minutes (03') fifty-eight seconds (58") East; thence along the westerly line of said Tract four (4) North twenty-nine degrees (29°) thirty-one minutes (31') East one hundred sixty-nine (169) feet to the most northerly corner of said Tract four (4); thence along the dividing line between Tracts three (3) and four (4) Block forty-five (45) of the said official resurvey of the San Elizario Grant, South fifty-one degrees (51°) thirty-five minutes (35') East nine hundred thirty-two and four tenths (932.4) feet and South fifty-three degrees (53°) seventeen minutes (17') East five hundred four and five tenths (504.5) feet to the point of beginning. Said tract of land containing four and sixty-one hundredths (4.61) 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 I, including all buildings, structures and improvements thereon, is two hundred seventy-two and 30/100 dollars (272.30).

Correct as to Engineering Data A. O. D.

Two tracts of land lying and situate in El Paso County, Texas and in the South half (S $\frac{1}{2}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within surveys eighty (80) and ninety-one (91) of the Island, San Elizario Grant and Tract four B (4B), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, on 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.

TRACT 1 - Beginning at the point of intersection of the dividing line between tracts four B (4B) and six (6), Block fifty-four (54) of the said official resurvey of the San Elizario Grant and the easterly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of said tract six (6) bears South fifty-two degrees (52°) forty-two minutes (42') west five hundred thirty-six (536) feet; thence along the dividing line between said tracts four B (4B) and six (6) North fifty-two degrees (52°) forty-two minutes (42') East ninety-nine and nine tenths (99.9) feet to the Northeast corner of said tract four B (4B); thence along the easterly line of said tract four B (4B), South thirty-nine degrees (39°) forty minutes (40') East eighty-six (86) feet, South thirty-four degrees (34°) twelve minutes (12') East three hundred eight and three tenths (308.3) feet, South twenty-three degrees (23°) twenty-six minutes (26') East six hundred forty-eight (648) feet, South seventeen degrees (17°) twenty-three minutes (23') East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees (29°) thirty-one minutes (31') West one hundred sixty-eight and nine tenths (168.9) feet to a point on a curve of six hundred sixteen and one tenth (616.1) feet radius and the tangent to the curve at said point having a bearing North thirty-seven degrees (37°) three minutes (03') fifty-eight seconds (58") west and from which point the most westerly corner of tract four B (4B), Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty seven degrees (87°) three minutes (03') twenty seconds (20") West two thousand three hundred forty-four and eight tenths (2344.8) feet; thence northerly and to the right along said curve a distance on the arc of two hundred thirty-five and five tenths (235.5) feet; thence North fifteen degrees (15°) ten minutes (10') West one hundred eighty-four and one tenth (184.1) feet to the easterly right of way line of the I-243 Lateral; thence along the easterly right of way line of said I-243 Lateral, North eight degrees (8°) thirty-six minutes (36') East one hundred eighteen and two tenths (118.2) feet, North three degrees (3°) thirty-six minutes (36') West ninety-seven and five tenths (97.5) feet, North twenty degrees (20°) fifty-four minutes (54') West ninety-one and five tenths (91.5) feet North twenty-eight degrees (28°) nineteen minutes (19') West four hundred and one tenth (400.1) feet, North thirty degrees (30°) thirty-six minutes (36') west sixty-six and three tenths (66.3) feet, North thirty-two degrees (32°) thirty-five minutes (35') west one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees (33°) thirty-nine minutes (39') west two hundred seventy and seven tenths (270.7) feet to the point of beginning. Said tract of land containing three and ninety-one hundredths (3.91) acres, more or less. Shown as tract No. 1 on plat attached hereto and made a part hereof.

Two tracts of land lying and situate in El Paso County, Texas and in the South half (S $\frac{1}{2}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within surveys eighty (80) and ninety-one (91) of the Island, San Elizario Grant and Tract four B (4B), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, on 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 four B (4B) and six (6), Block fifty-four (54) of the said official resurvey of the San Elizario Grant and the easterly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of said tract six (6) bears South fifty-two degrees (52°) forty-two minutes (42') West five hundred thirty-six (536) feet; thence along the dividing line between said tracts four B (4B) and six (6) North fifty-two degrees (52°) forty-two minutes (42') East ninety-nine and nine tenths (99.9) feet to the Northeast corner of said tract four B (4B); thence along the easterly line of said tract four B (4B), South thirty-nine degrees (39°) forty minutes (40') East eighty-six (86) feet, South thirty-four degrees (34°) twelve minutes (12') East three hundred eight and three tenths (308.3) feet, South twenty-three degrees (23°) twenty-six minutes (26') East six hundred forty-eight (648) feet, South seventeen degrees (17°) twenty-three minutes (23') East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees (29°) thirty-one minutes (31') West one hundred sixty-eight and nine tenths (168.9) feet to a point on a curve of six hundred sixteen and one tenth (616.1) feet radius and the tangent to the curve at said point having a bearing North thirty-seven degrees (37°) three minutes (03') twenty seconds (20") West two hundred and thirty-four (234) feet and from which point the most westerly corner of tract four B (4B), Block fifty-four (54) of the said official resurvey of the San Elizario Grant and from ~~above described~~ **two tracts of land constituting Parcel II, including all buildings, structures and improvements thereon, (25400) hundred** ~~thence~~ **seventy-nine and 35/100 dollars (\$179235)5** feet; thence North fifteen degrees (15°) ten minutes (10') West one hundred eighty-four and one tenth (184.1) feet to the easterly right of way line of the I-243 Lateral; thence along the easterly right of way line of said I-243 Lateral, North eight degrees (8°) thirty-six minutes (36') East one hundred eighteen and two tenths (118.2) feet, North three degrees (3°) thirty-six minutes (36') West ninety-seven and five tenths (97.5) feet, North twenty degrees (20°) fifty-four minutes (54') West ninety-one and five tenths (91.5) feet North twenty-eight degrees (28°) nineteen minutes (19') West four hundred and one tenth (400.1) feet, North thirty degrees (30°) thirty-six minutes (36') west sixty-six and three tenths (66.3) feet, North thirty-two degrees (32°) thirty-five minutes (35') west one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees (33°) thirty-nine minutes (39') west two hundred seventy and seven tenths (270.7) feet to the point of beginning. Said tract of land containing three and ninety-one hundredths (3.91) acres, more or less. Shown as tract No. 1 on plat attached hereto and made a part hereof.

Correct as to Engineering Data A.O.D.

Done

*Parcel 15
Sheet 2
omit
but see certified
copy attached
J. Spain*

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 appur-

tenant works for the purpose of the reclamation, irrigation and drainage of said lands within the Rio Grande Federal Irrigation project controlled, 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 purposes 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 hereto set my hand this Said

day of May, 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: 3rd day of July, 1940, Maxey Hart, Clerk,

By Margarita Gameros, Deputy.



Office of the Attorney General
Washington, D.C.

430.-
RIO GRANDE

July 19, 1940

Edgar Col

JFH

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

J. M. ESCAJEDA

My dear Mr. Secretary:

I have examined a certified copy of the petition, declaration of taking and judgment on the declaration of taking in the condemnation proceeding entitled United States of America v. 8.69 Acres of land in El Paso County, Texas, W. L. Summers, et al., No. 88 at Law, in the District Court of the United States for the Western District of Texas, pertaining to the acquisition of the above land designated as Parcels Nos. 1 and 2 for use within the Rio Grande Federal Irrigation project of the Bureau of Reclamation, described in the copy of the judgment on the declaration of taking enclosed.

The sum of \$451.65 was deposited into the registry of the court on July 3, 1940, upon the filing of the declaration of taking, as estimated just compensation for the land.

I find that the condemnation proceeding to the date of the judgment on the declaration of taking, July 3, 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 on July 8, 1940.

Enclosed are the partial transcript of record, receipt of the Clerk of the Court, additional certified copies of the judgment on the declaration of taking and the petition.

Respectfully,

Robert H Jackson
Attorney General.

JUL 23 '40 29050

CC - CE, Denver
DC, El Paso
Supt., El Paso

(J.F.H. - July 29, 1940)

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.

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

Y

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.

W. L. BURGESS, ET AL,

Defendants.

No. 68 Civil Action.

Filed 7/3/40.

PETITION IN CONDEMNATION PROCEEDING

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

Comes now the United States of America by E. R. Smith, Jr., United States Attorney for the Western District of Texas, and Walter S. Mansfield and H. Neill Balabo, Assistant United States Attorneys for the Western District of Texas, and respectfully sheweth the Court:

I.

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

Survey 1.
Certificate No. 11477-A
and 11477-B

Riverside Canal Extension
Plat No. 32

A tract of land lying and situate in El Paso County, Texas and in the Southeast quarter (SE $\frac{1}{4}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East Bureau of Reclamation Survey; being also within survey 129, Mainland San Elizario Grant and Tract four (4) Block forty-five (45) 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 which is the most easterly corner of tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant; thence along the southeasterly line of said Tract four (4) South forty-three degrees (43°) sixteen minutes (16') West fifty-six and three tenths (56.3) feet; thence North fifty-one degrees (51°) nineteen minutes (19') West three hundred thirty-eight and three tenths (338.3) feet; thence North eighty-one degrees (81°) two minutes (02') West three hundred eleven and six tenths (311.6) feet; thence North fifty-one degrees (51°) two minutes (02') West six hundred forty-seven and six tenths (647.6) feet; thence to the right along a curve of six hundred sixteen and one tenth (616.1) feet radius a distance on the arc of one hundred fifty and two tenths (150.2) feet to a point on the westerly line of Tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant and at which point the tangent to the curve has a bearing South thirty-seven degrees (37°) three minutes (03') fifty-eight seconds (58") East; thence along the westerly line of said Tract four (4) North twenty-nine degrees (29°) thirty-one minutes (31') East one hundred sixty-nine (169) feet to the most northerly corner of said Tract four (4); thence along the dividing line between Tracts three (3) and four (4) Block forty-five (45) of the said official resurvey of the San Elizario Grant, South fifty-one degrees (51°) thirty-five minutes (35') East nine hundred thirty-two and four tenths (932.4) feet and South fifty-three degrees (53°) seventeen minutes (17') East five hundred four and five tenths (504.5) feet to the point of beginning. Said tract of land containing four and sixty-one hundredths (4.61) acres, more or less. All as shown on plat attached hereto and made a part hereof.

Correct as to Engineering Data A. D. D.

Two tracts of land lying and situate in El Paso County, Texas and in the South half ($S\frac{1}{2}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within surveys eighty (80) and ninety-one (91) of the Island, San Elizario Grant and Tract four B (4B), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, on 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 four B (4B) and six (6), Block fifty-four (54) of the said official resurvey of the San Elizario Grant and the easterly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of said tract six (6) bears South fifty-two degrees (52°) forty-two minutes ($42'$) West five hundred thirty-six (536) feet; thence along the dividing line between said tracts four B (4B) and six (6) North fifty-two degrees (52°) forty-two minutes ($42'$) East ninety-nine and nine tenths (99.9) feet to the Northeast corner of said tract four B (4B); thence along the easterly line of said tract four B (4B), South thirty-nine degrees (39°) forty minutes ($40'$) East eighty-six (86) feet, South thirty-four degrees (34°) twelve minutes ($12'$) East three hundred eight and three tenths (308.3) feet, South twenty-three degrees (23°) twenty-six minutes ($26'$) East six hundred forty-eight (648) feet, South seventeen degrees (17°) twenty-three minutes ($23'$) East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees (29°) thirty-one minutes ($31'$) West one hundred sixty-eight and nine tenths (168.9) feet to a point on a curve of six hundred sixteen and one tenth (616.1) feet radius and the tangent to the curve at said point having a bearing North thirty-seven degrees (37°) three minutes ($03'$) fifty-eight seconds ($58''$) west and from which point the most westerly corner of tract four B (4B), Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty seven degrees (87°) three minutes ($03'$) twenty seconds ($20''$) west two thousand three hundred forty-four and eight tenths (2344.8) feet; thence northerly and to the right along said curve a distance of the arc of two hundred thirty-five and five tenths (235.5) feet; thence North fifteen degrees (15°) ten minutes ($10'$) West one hundred eighty-four and one tenth (184.1) feet to the easterly right of way line of the I-243 Lateral; thence along the easterly right of way line of said I-243 Lateral, North eight degrees (8°) thirty-six minutes ($36'$) East one hundred eighteen and two tenths (118.2) feet, North three degrees (3°) thirty-six minutes ($36'$) West ninety-seven and five tenths (97.5) feet, North twenty degrees (20°) fifty-four minutes ($54'$) West ninety-one and five tenths (91.5) feet North twenty-eight degrees (28°) nineteen minutes ($19'$) West four hundred and one tenth (400.1) feet, North thirty degrees (30°) thirty-six minutes ($36'$) West sixty-six and three tenths (66.3) feet, North thirty-two degrees (32°) thirty-five minutes ($35'$) West one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees (33°) thirty-nine minutes ($39'$) West two hundred seventy and seven tenths (270.7) feet to the point of beginning. Said tract of land containing three and ninety-one hundredths (3.91) acres, more or less. Shown as tract No. 1 on plat attached hereto and made a part hereof.

Correct as to Engineering Data A. D. D.

TRACT 2 - Beginning at a point on the westerly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of Tract six (6) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty-six degrees (86°) fifty-three minutes (53') forty seconds (40") West six hundred thirteen and five tenths (613.5) feet; thence along the westerly right of way line of said I-243 Lateral, South thirty-one degrees (31°) thirty-three minutes (33') East sixty-five and six tenths (65.6) feet, South twenty-eight degrees (28°) nineteen minutes (19') East three hundred ninety-six and seven tenths (396.7) feet, South twenty degrees (20°) fifty-four minutes (54') East eighty-two and eight tenths (82.8) feet, South three degrees (3°) thirty-six minutes (36') East eighty-seven and one tenth (87.1) feet and South eight degrees (8°) thirty-six minutes (36') West twenty-three and one tenth (23.1) feet to a point from which the most westerly corner of Tract four B (4B) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears South eighty degrees (80°) twenty-eight minutes (28') twenty seconds (20") West two thousand one hundred ninety-four and nine tenths (2194.9) feet; thence North fifteen degrees (15°) ten minutes (10') West two hundred thirteen and five tenths (213.5) feet; thence North twenty-seven degrees (27°) ten minutes (10') West four hundred thirty-four and one tenth (434.1) feet to the point of beginning. Said tract of land containing seventeen hundredths (0.17) of an acre, more or less. Shown as tract No. 2 on plat attached hereto and made a part hereof.

Correct as to Engineering Data A. O. O.

4-24-1940

II.

1. That petitioner is informed and believes, and therefore alleges upon information and belief, that J. E. Escajeda and wife, Josefina Escajeda, are the owners of Parcel 1, Plat No. 32, being Certificates numbered 14479-a and 14479-b.
2. That the following named persons own or claim to own an interest in said Parcel 1, Plat No. 32, the exact nature of which is unknown to petitioner, to wit: S. E. Johnson appears to own some interest in said Parcel 1.
3. The State of Texas and the County of El Paso own or claim to own an interest in said tract of land by virtue of a lien for delinquent taxes thereon.
4. 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.
5. The following named persons, heirs of Albert A. Vorus, claim some interest in said tract of land, the exact nature of which is unknown to plaintiff: Martin Vorus, Rt. 4, Edmont Station, ⁷East St. Louis, Illinois, son of Theo Vorus of Highland, Illinois; Mrs. Lewis Wells (formerly Ruth Vorus), Troy, Illinois, daughter of Theo Vorus of Highland, Illinois; Cecil T. Vorus, Troy, Illinois, son of Theo Vorus of Highland, Illinois; Mrs. Roy Helbert (formerly Esther Vorus) Highland, Illinois, daughter of Theo Vorus of Highland, Illinois; Mrs. Charles Landert (formerly Grace Vorus), Highland, Illinois, daughter of Theo Vorus of Highland, Illinois; Lewis Vorus, a minor, eight years of age, Troy, Illinois, son of Theo Vorus of Highland, Illinois; Jessamine Vorus, a minor, fifteen years of age, Troy, Illinois, daughter of Theo Vorus of Highland, Illinois; Edmund Vorus, Los Angeles, California, son of E. L. Vorus of formerly of Seattle, Washington, now deceased; Mrs. James H. Sharon, Fowler, Colorado, adopted daughter of E. L. Vorus formerly of Seattle, Washington, now deceased; Leander David, Sacramento, California, son of Mrs. Eugenia

Paul of Berkeley, California; Eugene Froeland, Jr., San Diego, California, son of Inez Froeland; Mrs. Oscar Kittman, Ione, Oregon, daughter of Inez Froeland; and Mrs. Elise Merrit, Redmond, Oregon, daughter of Inez Froeland.

6. Petitioner is informed and believes, and therefore alleges upon information and belief, that W. L. Summers owns or claims to own Parcel 2, Tract 1 and Tract 2 Riverside Canal Extension Flat No. 31, Certificate No. 14419.

7. That the following named persons own or claim to own an interest in Parcel 2, Tract 1 and Tract 2, Riverside Canal Extension Flat No. 31, Certificate No. 14419--as Lillian Farr Thomas, whose husband is Paul D. Thomas, appears to own some interest in said tracts; D. W. Cathcart owns or claims an interest in said tracts; I. S. Gordon owns or claims an interest in said tracts.

8. That the State of Texas and the County of El Paso own or claim to own some interest in said property by virtue of taxes due and unpaid thereon.

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

XII.

1. That under date of May 23, 1926, as to the two parcels of land hereinabove described, the Secretary of the Interior, acting through W. C. Henderson, 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. A. Smith, Jr. (Signed)
United States Attorney

By R.Neill Walsh (Signed)
Assistant U. S. Attorney.

A true copy of the original, I certify.

MAXEY HART, Clerk,

By Flora L. Lauker

Deputy.

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

UNITED STATES OF AMERICA

-VS-

W. L. SUMMERS, ET AL

PETITION IN CONDEMNATION PROCEEDING

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

UNITED STATES OF AMERICA

vs.

W. L. SUMMERS, ET AL

Certificate of Clerk

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. 88 Civil Action.
W. L. SUMMERS, 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 3rd day of July, 1940, I received from the United States of America, petitioner herein, and deposited in the Registry of the Court, the sum of \$451.65, being the amount of the estimated compensation mentioned in a Declaration of Taking filed in the above entitled condemnation proceeding. ✓

This the 3rd day of July, 1940.

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

By:

Flora L. Linker
Deputy Clerk.

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

The United States of America,)
)
 Plaintiff,)
)
 vs.)

No. 88 Civil.

J. M. Escajeda, et al.,
Defendants.

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 four hundred fifty-one and 65/100 dollars (\$451.65), 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:

(Parcel I, Escajeda)

Riverside Canal Extension
Plat No. 32

A tract of land lying and situate in El Paso County, Texas and in the Southeast quarter (SE $\frac{1}{4}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East Bureau of Reclamation Survey; being also within survey 129, Mainland San Elizario Grant and Tract four (4) Block forty-five (45) 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 which is the most easterly corner of tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant; thence along the southeasterly line of said Tract four (4) South forty-three degrees (43°) sixteen minutes (16') West fifty-six and three tenths (56.3) feet; thence North fifty-one degrees (51°) nineteen minutes (19') West three hundred thirty-eight and three tenths (338.3) feet; thence North eighty-one degrees (81°) two minutes (02') West three hundred eleven and six tenths (311.6) feet; thence North fifty-one degrees (51°) two minutes (02') West six hundred forty-seven and six tenths (647.6) feet; thence to the right along a curve of six hundred sixteen and one tenth (616.1) feet radius a distance on the arc of one hundred fifty and two tenths (150.2) feet to a point on the westerly line of Tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant and at which point the tangent to the curve has a bearing South thirty-seven degrees (37°) three minutes (03') fifty-eight seconds (58") East; thence along the westerly line of said Tract four (4) North twenty-nine degrees (29°) thirty-one minutes (31') East one hundred sixty-nine (169) feet to the most northerly corner of said Tract four (4); thence along the dividing line between Tracts three (3) and four (4) Block forty-five (45) of the said official resurvey of the San Elizario Grant, South fifty-one degrees (51°) thirty-five minutes (35') East nine hundred thirty-two and four tenths (932.4) feet and South fifty-three degrees (53°) seventeen minutes (17') East five hundred four and five tenths (504.5) feet to the point of beginning. Said tract of land containing four and sixty-one hundredths (4.61) 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 I, including all buildings, structures and improvements thereon, is two hundred seventy-two and 30/100 dollars (272.30).

Correct as to Engineering Data A. O. S.

Two tracts of land lying and situate in El Paso County, Texas and in the South half (S $\frac{1}{2}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within surveys eighty (80) and ninety-one (91) of the Island, San Elizario Grant and Tract four B (4B), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, on 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 four B (4B) and six (6), Block fifty-four (54) of the said official resurvey of the San Elizario Grant and the easterly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of said tract six (6) bears South fifty-two degrees (52°) forty-two minutes (42') West five hundred thirty-six (536) feet; thence along the dividing line between said tracts four B (4B) and six (6) North fifty-two degrees (52°) forty-two minutes (42') East ninety-nine and nine tenths (99.9) feet to the Northeast corner of said tract four B (4B); thence along the easterly line of said tract four B (4B), South thirty-nine degrees (39°) forty minutes (40') East eighty-six (86) feet, South thirty-four degrees (34°) twelve minutes (12') East three hundred eight and three tenths (308.3) feet, South twenty-three degrees (23°) twenty-six minutes (26') East six hundred forty-eight (648) feet, South seventeen degrees (17°) twenty-three minutes (23') East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees (29°) thirty-one minutes (31') West one hundred sixty-eight and nine tenths (168.9) feet to a point on a curve of six hundred sixteen and one tenth (616.1) feet radius and the tangent to the curve at said point having a bearing North thirty-seven degrees (37°) three minutes (03') fifty-eight seconds (58") west and from which point the most westerly corner of tract four B (4B), Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty seven degrees (87°) three minutes (03') twenty seconds (20") west two thousand three hundred forty-four and eight tenths (2344.8) feet; thence northerly and to the right along said curve a distance on the arc of two hundred thirty-five and five tenths (235.5) feet; thence North fifteen degrees (15°) ten minutes (10') West one hundred eighty-four and one tenth (184.1) feet to the easterly right of way line of the I-243 Lateral; thence along the easterly right of way line of said I-243 Lateral, North eight degrees (8°) thirty-six minutes (36') East one hundred eighteen and two tenths (118.2) feet, North three degrees (3°) thirty-six minutes (36') West ninety-seven and five tenths (97.5) feet, North twenty degrees (20°) fifty-four minutes (54') West ninety-one and five tenths (91.5) feet North twenty-eight degrees (28°) nineteen minutes (19') West four hundred and one tenth (400.1) feet, North thirty degrees (30°) thirty-six minutes (36') west sixty-six and three tenths (66.3) feet, North thirty-two degrees (32°) thirty-five minutes (35') west one hundred thirty-two and eighttenths (132.8) feet and North thirty-three degrees (33°) thirty-nine minutes (39') west two hundred seventy and seven tenths (270.7) feet to the point of beginning. Said tract of land containing three and ninety-one hundredths (3.91) acres, more or less. Shown as tract No. 1 on plat attached hereto and made a part hereof.

Correct as to Engineering Data 2, 0, 0.

TRACT 2 - Beginning at a point on the westerly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of Tract six (6) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty-six degrees (86°) fifty-three minutes (53') forty seconds (40") West six hundred thirteen and five tenths (613.5) feet; thence along the westerly right of way line of said I-243 Lateral, South thirty-one degrees (31°) thirty-three minutes (33') East sixty-five and six tenths (65.6) feet, South twenty-eight degrees (28°) nineteen minutes (19') East three hundred ninety-six and seven tenths (396.7) feet, South twenty degrees (20°) fifty-four minutes (54') East eighty-two and eight tenths (82.8) feet, South three degrees (3°) thirty-six minutes (36') East eighty-seven and one tenth (87.1) feet and South eight degrees (8°) thirty-six minutes (36') West twenty-three and one tenth (23.1) feet to a point from which the most westerly corner of Tract four B (4B) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears South eighty degrees (80°) twenty-eight minutes (28') twenty seconds (20") West two thousand one hundred ninety-four and nine tenths (2194.9) feet; thence North fifteen degrees (15°) ten minutes (10') West two hundred thirteen and five tenths (213.5) feet; thence North twenty-seven degrees (27°) ten minutes (10') West four hundred thirty-four and one tenth (434.1) feet to the point of beginning. Said tract of land containing seventeen hundredths (0.17) of an acre, more or less. Shown as tract No. 2 on plat 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 II, including all buildings, structures and improvements thereon, is one hundred seventy-nine and 35/100 dollars (\$179.35).

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 purposes 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 23rd day of May, 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.

A true copy of the original, I certify.

MAXEY HART, Clerk,

By Flora L. Linker
Deputy.

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. 88 Civil Action.
W. L. SUMNERS, ET AL, :
Defendants. |

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. Belli Valbu, 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 W. C. Mandershall, 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 appurtenance

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, 1921, 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.

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

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

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

EIGHTH: 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, Two hundred seventy two and thirty one-hundredths (\$272.30) Dollars; for the lands described therein as Parcel 2, One hundred seventy-nine and thirty two one-hundredths (\$179.32) Dollars.

35
That ~~that~~ sum of Four hundred fifty-one and sixty five one-hundredths (\$451.65) Dollars, which is the 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.

NINTH: 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 W. G. 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 Four hundred fifty one and sixty five one hundredths (\$451.65) Dollars; and said lands are deemed 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 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:

Parcel 1.

Riverside Canal Extension
Plat No. 32

A tract of land lying and situate in El Paso County, Texas and in the Southeast quarter (SE $\frac{1}{4}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East Bureau of Reclamation Survey; being also within survey 129, Mainland San Elizario Grant and Tract four (4) Block forty-five (45) 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 which is the most easterly corner of tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant; thence along the southeasterly line of said Tract four (4) South forty-three degrees (43°) sixteen minutes (16') West fifty-six and three tenths (56.3) feet; thence North fifty-one degrees (51°) nineteen minutes (19') West three hundred thirty-eight and three tenths (338.3) feet; thence North eighty-one degrees (81°) two minutes (02') West three hundred eleven and six tenths (311.6) feet; thence North fifty-one degrees (51°) two minutes (02') West six hundred forty-seven and six tenths (647.6) feet; thence to the right along a curve of six hundred sixteen and one tenth (616.1) feet radius a distance on the arc of one hundred fifty and two tenths (150.2) feet to a point on the westerly line of Tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant and at which point the tangent to the curve has a bearing South thirty-seven degrees (37°) three minutes (03') fifty-eight seconds (58") East; thence along the westerly line of said Tract four (4) North twenty-nine degrees (29°) thirty-one minutes (31') East one hundred sixty-nine (169) feet to the most northerly corner of said Tract four (4); thence along the dividing line between Tracts three (3) and four (4) Block forty-five (45) of the said official resurvey of the San Elizario Grant, South fifty-one degrees (51°) thirty-five minutes (35') East nine hundred thirty-two and four tenths (932.4) feet and South fifty-three degrees (53°) seventeen minutes (17') East five hundred four and five tenths (504.5) feet to the point of beginning. Said tract of land containing four and sixty-one hundredths (4.61) acres, more or less. All as shown on plat attached hereto and made a part hereof.

Correct as to Engineering Data A. P. S.

Two tracts of land lying and situate in El Paso County, Texas and in the South half ($S\frac{1}{2}$) of Section four (4) Township thirty-four (34) South, Range eight (8) East, Bureau of Reclamation Survey; being also within surveys eighty (80) and ninety-one (91) of the Island, San Elizario Grant and Tract four B (4B), Block fifty-four (54) of the official resurvey of the San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, on 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 four B (4B) and six (6), Block fifty-four (54) of the said official resurvey of the San Elizario Grant and the easterly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of said tract six (6) bears South fifty-two degrees (52°) forty-two minutes ($42'$) West five hundred thirty-six (536) feet; thence along the dividing line between said tracts four B (4B) and six (6) North fifty-two degrees (52°) forty-two minutes ($42'$) East ninety-nine and nine tenths (99.9) feet to the Northeast corner of said tract four B (4B); thence along the easterly line of said tract four B (4B), South thirty-nine degrees (39°) forty minutes ($40'$) East eighty-six (86) feet, South thirty-four degrees (34°) twelve minutes ($12'$) East three hundred eight and three tenths (308.3) feet, South twenty-three degrees (23°) twenty-six minutes ($26'$) East six hundred forty-eight (648) feet, South seventeen degrees (17°) twenty-three minutes ($23'$) East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees (29°) thirty-one minutes ($31'$) West one hundred sixty-eight and nine tenths (168.9) feet to a point on a curve of six hundred sixteen and one tenth (616.1) feet radius and the tangent to the curve at said point having a bearing North thirty-seven degrees (37°) three minutes ($03'$) fifty-eight seconds ($58''$) West and from which point the most westerly corner of tract four B (4B), Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty seven degrees (87°) three minutes ($03'$) twenty seconds ($20''$) West two thousand three hundred forty-four and eight tenths (2344.8) feet; thence northerly and to the right along said curve a distance on the arc of two hundred thirty-five and five tenths (235.5) feet; thence North fifteen degrees (15°) ten minutes ($10'$) West one hundred eighty-four and one tenth (184.1) feet to the easterly right of way line of the I-243 Lateral; thence along the easterly right of way line of said I-243 Lateral, North eight degrees (8°) thirty-six minutes ($36'$) East one hundred eighteen and two tenths (118.2) feet, North three degrees (3°) thirty-six minutes ($36'$) West ninety-seven and five tenths (97.5) feet, North twenty degrees (20°) fifty-four minutes ($54'$) West ninety-one and five tenths (91.5) feet North twenty-eight degrees (28°) nineteen minutes ($19'$) West four hundred and one tenth (400.1) feet, North thirty degrees (30°) thirty-six minutes ($36'$) West sixty-six and three tenths (66.3) feet, North thirty-two degrees (32°) thirty-five minutes ($35'$) West one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees (33°) thirty-nine minutes ($39'$) West two hundred seventy and seven tenths (270.7) feet to the point of beginning. Said tract of land containing three and ninety-one hundredths (3.91) acres, more or less. Shown as tract No. 1 on plat attached hereto and made a part hereof.

TRACT 2 - Beginning at a point on the westerly right of way line of the I-243 Lateral, which is the property of the United States, and from which point the most southerly corner of Tract six (6) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty-six degrees (86°) fifty-three minutes (53') forty seconds (40") West six hundred thirteen and five tenths (613.5) feet; thence along the westerly right of way line of said I-243 Lateral, South thirty-one degrees (31°) thirty-three minutes (33') East sixty-five and six tenths (65.6) feet, South twenty-eight degrees (28°) nineteen minutes (19') East three hundred ninety-six and seven tenths (396.7) feet, South twenty degrees (20°) fifty-four minutes (54') East eighty-two and eight tenths (82.8) feet, South three degrees (3°) thirty-six minutes (36') East eighty-seven and one tenth (87.1) feet and South eight degrees (8°) thirty-six minutes (36') West twenty-three and one tenth (23.1) feet to a point from which the most westerly corner of Tract four B (4B) Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears South eighty degrees (80°) twenty-eight minutes (28') twenty seconds (20") West two thousand one hundred ninety-four and nine tenths (2194.9) feet; thence North fifteen degrees (15°) ten minutes (10') West two hundred thirteen and five tenths (213.5) feet; thence North twenty-seven degrees (27°) ten minutes (10') West four hundred thirty-four and one tenth (434.1) feet to the point of beginning. Said tract of land containing seventeen hundredths (0.17) of an acre, more or less. Shown as tract No. 2 on plat attached hereto and made a part hereof.

Correct as to Engineering Data Q. O. A.

4-24-1940

The possession of the above described property shall be delivered to the United States of America on or before Monday, the 8th day of July, 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 3rd day of July, A. D. 1940.

(Signed) Charles A. Boynton.

Judge Presiding.

~~FILED~~ ~~July~~ ~~3~~ ~~1940~~ ~~Maxey~~ ~~Hart~~ ~~Clerk~~

~~By~~ ~~Flora~~ ~~L.~~ ~~Linker~~ ~~Deputy~~ ~~Clerk~~

~~Vol. 1, page 171.~~

FILED: and entered July 3, 1940, Maxey Hart, Clerk,
By Flora L. Linker, Deputy Clerk,
Vol. 1, page 171.

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. 88-Civil Action.
W. L. SUMMERS, et al.	¶	
Defendants.		

APPEARANCE OF DEFENDANT W. L. SUMMERS.

Comes now W. L. Summers, defendant in the above entitled and numbered cause and enters this his appearance therein.

(Signed) W. L. Summers,

Defendant.

FILED: 8th day of July, 1940, Maxey Hart, Clerk,
By Flora L. Linker, Deputy.

No. 88-01411 Action

United States District Court
Western District of Texas

El Paso DIVISION

UNITED STATES OF AMERICA
PLAINTIFF

VS.

W. L. SUMMERS, et al.
DEFENDANTS

XXXXXXXXXXXX

PARTIAL TRANSCRIPT OF RECORD.

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

UNITED STATES OF AMERICA

-vs-

W. L. SUMMERS, ET AL

DECLARATION OF TAKING

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

UNITED STATES OF AMERICA, †

Plaintiff, †

vs. †

No. 88 (Civil Action.)

W. L. SURGERS, ET AL, †

Defendants. †

FINDINGS OF COMMISSIONERS

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

Parcel 1, 4.61 acres, more or less, out of a tract of land lying and situate in El Paso County, Texas and in the Southeast quarter (SE¹/₄) of Section four (4) Township thirty-four (34) South, Range eight (8) East Bureau of Reclamation Survey; being also within survey 129, Mainland San Elisario Grant and Tract four (4) Block forty-five (45) of the official resurvey of the San Elisario Grant in El Paso County, Texas,

Parcel 2, Tract 1, 3.91 acres out of Tract four B (4b), Block Fifty-four (54) of the official resurvey of the San Elisario Grant, El Paso County, Texas; Parcel 2, Tract 2, 0.17 of an acre, more or less, out of Tract four B (4B) Block fifty-four (54) of the official resurvey of the San Elisario Grant, El Paso County, Texas,

do hereby assess the damages occasioned by the taking of the parcel first above described at the sum of \$293.75 and for the taking of the parcel of land last above described at the sum of \$136.85

DONE, this 2nd day of October, A. D. 1940,

R. E. Sherman (Signed)

C. E. Kinne (Signed)

C. M. Newman (Signed)

A true copy of the original, I certify.

MAXEY HART, Clerk,

By J. F. Caroline

Deputy.

OCT 10 40 3503

JEW-JSD

33-45-336

October 17, 1940

EMI

Mr. John C. Page,
Commissioner, Bureau of Reclamation,
Department of the Interior,
Washington, D. C.

Dear Mr. Page:

Enclosed, for your information and file, is a copy of the exceptions to the awards of the commissioners filed by defendants in the condemnation proceeding entitled United States of America v. W. L. Summers, et al., No. 88 Civil, in the District Court of the United States for the Western District of Texas.

Please note that the exceptions will be heard at the April, 1941 Term of court.

Respectfully,
For the Attorney General,

NORMAN M. LITTELL,
Assistant Attorney General.

Encl. 177065.

OCT18'40 35638

JEW-JSD

33-45-536

October 17, 1940

EMI

Mr. John C. Page,
Commissioner, Bureau of Reclamation,
Department of the Interior,
Washington, D. C.

Dear Mr. Page:

Enclosed, for your information and file, is a copy of the exceptions to the awards of the commissioners filed by defendants in the condemnation proceeding entitled United States of America v. W. L. Summers, et al., No. 88 Civil, in the District Court of the United States for the Western District of Texas.

Please note that the exceptions will be heard at the April, 1941 Term of court.

Respectfully,
For the Attorney General,

NORMAN M. LITTELL,
Assistant Attorney General.

Encl. 177065.

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. 88 Civil

W. L. SUMMERS, ET AL,

Defendants.

OBJECTIONS OF J. M. ESCAJEDA, JOSEFINA ESCAJEDA,
W. L. SUMMERS, LILLIAN FARR THOMAS, AND
PAUL D. THOMAS TO DECISION OF COMMISSIONERS

To the Honorable United States District Court for the Western
District of Texas, El Paso Division:

Now come J. M. ESCAJEDA and wife, JOSEFINA ESCAJEDA,
W. L. SUMMERS, and LILLIAN FARR THOMAS, and PAUL D. THOMAS her
husband, all parties Defendants in the above numbered and
entitled condemnation proceedings and object to the decision
and award of R. E. SHERMAN, C. A. KINNE, and C. M. NEWMAN, the
commissioners appointed by the Honorable Judge of this Court
to assess the damage by the taking of the land described in the
Plaintiff's petition filed herein, because:

1. The sums awarded by the said commissioners, which
award was dated and filed October 3, 1940, to-wit the sum of
two hundred seventy-two dollars and thirty cents (\$272.30) for
parcel No. 1 containing 4.61 acres, particularly described in said
award being the tract owned by the said J. M. ESCAJEDA, and wife,
and the sum of one hundred seventy-nine dollars thirty-five cents
(\$179.35) awarded for parcel No. 2, tracts 1 and 2, containing
3.91 acres and .07 of an acre respectively particularly described
in said award, owned by W. L. SUMMERS, are both wholly inadequate
and insufficient in that these Defendants, J. M. ESCAJEDA and wife,
are damaged by the taking of the part owned by them and hereinafter
described of said parcel No. 1, in the sum of nine hundred (\$900.00)
dollars; and this Defendant W. L. SUMMERS is damaged by the taking

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of said parcel No. 2, tracts 1 and 2, in the sum of six hundred twenty-five (\$625.00) dollars and the amounts which the commissioners have awarded for said tracts are wholly inadequate and do not constitute just compensation therefor.

II. Concerning said parcel No. 1, the said J. M. ESCAJEDA and wife are the owners of so much thereof as lies within survey No. 129 of the San Elizario grant in El Paso County, Texas; that is to say so much of said parcel as lies to the South of the dividing line between said survey No. 129 and survey No. 128, which part of said land has an area of 4.35 acres and which constitutes 94.4 per cent of the area, 4.61 acres of said entire parcel No. 1; and they, and all other parties filing this answer, expressly disclaim any title to so much of said parcel as lies within said survey No. 128, that is north of such dividing line, which part as to which they disclaim has an area of .26 acre and constitutes 5.6 per cent of said entire parcel; and the value of the part which they own is nine hundred (\$900.00) dollars, and of the part to which they disclaim is twenty-five (\$25.00) dollars.

III. The persons mentioned in the Plaintiff's petition in paragraph II (5) and described as the heirs of ALBERT A. VORUZ, neither own nor claim any interest in that part of said parcel No. 1 which the said J. M. ESCAJEDA and wife own as above set forth.

IV. S. B. JOHNSON owns no interest in said parcel No. 1 or any part thereof, and neither the State of Texas nor the County of El Paso nor El Paso County Water Improvement District No. 1 has any interest in, nor lien upon, any part of said parcel No. 1 by virtue of any lien for taxes, water charges, or by any other right.

V. The said J. M. ESCAJEDA and wife, are the sole owners of said parcel No. 1 (except only that part thereof as to which they disclaim above), and no other person has any interest therein

or lien thereon, and the said J. M. ESCAJEDA and wife are entitled to collect the damages on account of the taking of said parcel No. 1 (excepting only that part thereof as to which they disclaim), and the value of the part of parcel No. 1 owned by them, and the damage which they will sustain and the just compensation to which they are entitled, on account of its taking, and the amount they are entitled to recover of the UNITED STATES in the Proceedings is nine hundred (\$900.00) dollars.

VI. Concerning said parcel No. 2, tracts 1 and 2, the said W. L. SUMMERS alleges that he is the owner thereof; the said LILLIAN FARR THOMAS joined by PAUL D. THOMAS her husband, holds a lien upon such land, but she hereby expressly disclaims any interest in the said parcel No. 2, tracts 1 and 2, and expressly consents that the said W. L. SUMMERS may conduct these proceedings as the absolute owner of the land taken without reference to her lien, and that he may collect the damages on account of the taking thereof; the said LILLIAN FARR THOMAS, however, expressly reserving her lien as to all land securing the same, except that taken in this proceedings, and as to all other land, said lien shall not be affected nor impaired.

D. W. CATHCART and I. U. GORDON, referred to in said petition in condemnation, neither of them own nor claim any interest in said parcel, said W. L. SUMMERS is sole owner thereof, and entitled alone to receive the damage on account of the taking thereof, which damage amounts to the sum of six hundred twenty-five (\$625.00) dollars, being the value thereof and the amount of the just compensation for such taking; neither the State of Texas nor the County of El Paso, nor the El Paso Water Improvement District No. 1, owns nor claims, or has any interest in said real estate by virtue of any taxes thereon or any water or construction charges or any account whatever.

Wherefore these Defendants pray that the petitioner, THE UNITED STATES OF AMERICA, be cited as required by law and that upon trial these Defendants recover their just damages to-wit the

said J. M. ESCAJEDA and wife, the sum of nine hundred (\$900.00) dollars on account of the taking of the aforesaid part owned by them of said parcel No. 1, and the said W. L. SUMMERS, the sum of six hundred twenty-five (\$625.00) dollars on account of the taking of said parcel No. 2; and that these Defendants recover their costs and such other and further relief as they may be entitled to.

Attorneys of said Defendants
J. M. ESCAJEDA, JOSEFINA
ESCAJEDA, W. L. SUMMERS,
LILLIAN FARR THOMAS, AND
PAUL D. THOMAS.

430.-
RIO GRANDE

EWf:bk

J. M. ESCAJEDO

OCT 12 1940

Mr. Norman M. Littell,
Assistant Attorney General,
Department of Justice,
Washington, D. C.

Dear Mr. Littell:

In the absence of Commissioner Page, I have received your letter of October 8 (JEW-JSD, 33-45-336) enclosing a copy of the report of the commissioners, dated October 2, 1940, in the condemnation proceeding entitled United States of America v. W. L. Summers, et al., No. 88 Civil, in the District Court of the United States for the Western District of Texas, all in connection with the Rio Grande Project.

This Bureau has no objection to the confirmation of the subject awards, which awards are shown in the total amount of \$430.60.

Very truly yours,

Herbert Bohon

Acting Commissioner

cc - C.E., Denver
Supt., El Paso
D.C., El Paso
(with copy of Mr. Littell's letter to each)

*Frank
Johnson*

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

JEW-JSD

33-45-336

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

October 8, 1940

J. M. ESCAJEDO

430.-
RIO GRANDE

BRIEF COUNSEL

Mr. John C. Page,
Commissioner, Bureau of Reclamation,
Department of the Interior,
Washington, D. C.

Dear Mr. Page:

Enclosed is a copy of the report of the commissioners dated October 2, 1940, in the condemnation proceeding entitled United States of America v. W. L. Summers, et al., No. 88 Civil, in the District Court of the United States for the Western District of Texas.

As the total amount of the awards is the sum of \$430.60, which is less than the total amount deposited for the land, a judgment will be entered confirming the awards unless the defendants appeal, or unless you promptly advise the Department of objections to the awards.

Respectfully,
For the Attorney General,

Norman M. Little

NORMAN M. LITTLE,
Assistant Attorney General.

Encl. 177041.

OCT 10 '40 35084

4301-
RIO GRANDE

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

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

JEW-JSD

33-45-336

October 17, 1940

CHIEF COUNSEL

J. M. ESCAJADA

H. H. Fisher

Mr. John C. Page,
Commissioner, Bureau of Reclamation,
Department of the Interior,
Washington, D. C.

Dear Mr. Page:

Enclosed, for your information and file, is a copy of the exceptions to the awards of the commissioners filed by defendants in the condemnation proceeding entitled United States of America v. W. L. Summers, et al., No. 88 Civil, in the District Court of the United States for the Western District of Texas.

Please note that the exceptions will be heard at the April, 1941 Term of court.

Respectfully,
For the Attorney General,

Norman M. Littell

NORMAN M. LITTELL,
Assistant Attorney General.

Encl. 177065.

CC - C.E., Denver
Supt., El Paso
D.C., El Paso
October 25, 1940 (EMF)

OCT 18 '40 35638

10. Where the operations of this contract extend beyond the current fiscal year, it is understood that the contract is made contingent upon Congress making the necessary appropriation for expenditures thereunder after such current year has expired. In case such appropriation as may be necessary to carry out this contract is not made, the Vendor hereby releases the United States from all liability due to the failure of Congress to make such appropriation.

11. The Vendor warrants that the Vendor has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or, in its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the Vendor for the purpose of securing business with others than the Government.

12. No Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment or either before or after he has qualified and during his continuance in office, and no officer, agent, or employee of the Government, shall be admitted to any share or part of this contract or agreement, or to any benefit to arise thereupon. Nothing, however, herein contained shall be construed to extend to any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company, as provided in section 116 of the act of Congress approved March 4, 1909 (35 Stat., 1109).

IN WITNESS WHEREOF the parties have hereto signed their names the day and year first above written.

THE UNITED STATES OF AMERICA,

Witnesses:

By _____
Superintendent, Bureau of Reclamation.

Francisco (Frank) Escajeda, Sr.

Vendor.

Adela A. Escajeda

Vendor.

*

Vendor.

P. O. Address #2300 Silver St.
El Paso, Texas

Approved:

(Date) _____, 193

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF EL PASO

Strike out (b) in case the law does not require examination of wife apart from her husband in conveyance of the kind of property described in Article 3 hereof.

(a) I, Geo. W. Hoadley, a Notary Public

in and for said county, in the State aforesaid, do hereby certify that Francisco (Frank) Escajeda, Sr., and Adela A. Escajeda, his wife

who are personally known to me to be the person whose name are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed, and delivered said instrument of writing as their free and voluntary act, for the uses and purposes therein set forth.

(b) I further certify that I did examine the said Adela A. Escajeda separate and apart from her husband, and explained to her the contents of the foregoing instrument and upon that examination she declares that she did voluntarily sign, seal, and acknowledge the same without any coercion or compulsion, and does not wish to retract the same.

Given under my hand and official seal, this 23rd day of June, 1941

(SEAL) [SEAL]

GEO. W. HOADLEY, Notary Public Geo. W. Hoadley
in and for El Paso Co., Texas
Com. Expires June 1st, 1942

My commission expires

CERTIFICATE OF COUNTY RECORDER

STATE OF TEXAS
COUNTY OF EL PASO

I hereby certify that this instrument was filed for record at my office at 9:00 o'clock A.M., October 24, 1941 and is duly recorded in Vol. 700 of DEED RECORDS Page No. 242

P.D. Lowry County Recorder.

By W.L. Duncan Fees, \$

AFFIDAVIT OF DISINTERESTEDNESS

STATE OF
COUNTY OF

(Execute only on Returns Office copy)

I do solemnly swear (or affirm) that the copy of contract hereto annexed is an exact copy of a contract made by me, personally, with that I made the same fairly without any benefit or advantage to myself, or allowing any such benefit or advantage corruptly to the said, or to any other person or persons; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided.

Bureau of Reclamation.

Subscribed and sworn to before me at this day of, A. D. 193

[OFFICIAL SEAL]

My commission expires

Contract of 1910 to 1911, 1911

temperature (29.5) feet to the bottom of reclamation, said first of land containing
most time of the block of the contract two hundred fifty-one and the
presence north fifteen degrees (120) total-time minutes (48.) East along said
(48.5) feet to a point on the west line of the block of the contract:
(20) total-time minutes (48.) West total hundred seventy-two and seven degree
minutes (48.) West two hundred total (50) feet: presence north fifteen degrees
two hundred total (50) feet: presence north fifteen-one degrees (210) total-time
feet: presence north fifteen-three degrees (220) total-time minutes (48.) West
fifteen-time degrees (220) total-time minutes (48.) West two hundred total (50)
(22) total-time minutes (48.) West two hundred total (50) feet: presence north
hundred seventy-two and the temperature (122.2) feet: presence north fifteen degrees
presence north fifteen-time degrees (220) twenty-total minutes (54.) West one
of the contract two hundred total-seven and seven degree (24.5) feet:
degrees (120) fifteen-time minutes (20.) West along the east line of the block
two hundred fifty-one and the temperature (124.2) feet: presence north fifteen
degree north fifteen degrees (120) fifteen-time minutes (20.) East one hundred
meters point the northeast corner of said first two (5) block fifteen-seven (22)
and fifteen-time degree and the east line of the land of the contract and from
first six (6) block fifteen-time (22) of the official measure of the reclamation
to a point on the line between first two (5) block fifteen-seven (22) and
degrees (22) six minutes (02.) West fifteen-seven and the temperature (22.2) feet

4. ~~It is hereby certified that this contract has been approved on behalf of the Bureau of Reclamation, the vendor shall, without cost to the United States, promptly furnish a complete abstract of title covering the said property, which shall later be extended by the Vendor to include such instrument subsequently recorded in connection therewith including the same in accordance with this contract. ~~Provided, that if the Vendor fails or refuses to furnish such abstract of title within sixty days after notice that this contract has been approved, such abstract may be procured by the United States at the expense of the Vendor and the cost thereof deducted from the purchase price of said property, if the United States has available within six full months abstract of title covering said property, the same shall be utilized under this contract without charge to the Vendor.~~~~

5. The Vendor shall procure and have recorded without cost to the United States all assurances of title and affidavits which the Vendor may be advised by the United States are necessary and proper to show in the Vendor complete fee simple unencumbered title to said property, and the time spent in procuring, recording, and transmitting the same to the United States and in furnishing or securing abstract of title, shall be added to the time limit of this contract.

6. The United States shall purchase said property on the terms herein expressed, and upon execution and delivery of the deed provided in Article 3 and the signing of the usual Government vouchers therefor, and their further approval by the proper Government officials, it shall cause to be paid to the Vendor as full purchase price and full payment for all damages for entry upon the said property and the construction, operation, and maintenance of reclamation works thereon under said act, the sum of

Six Hundred Twenty-Eight and no/100 - - - dollars

(\$ 628.00), by U. S. Treasury warrant or fiscal officer's check.

7. Liens or encumbrances existing against said property may, at the option of the United States, be removed at the time of conveyance by reserving from the purchase price the amount necessary, and discharging the same with the money so reserved, but this provision shall not be construed to authorize the incurrence of any lien or encumbrance as against this contract, nor as an assumption of the same by the United States.

8. The Vendor may retain possession of said property until notwithstanding earlier delivery of the deed as herein provided, and may harvest and retain the crop thereon until ; except that the proper officers and agents of the United States shall at all times have unrestricted access to survey for and construct reclamation works, telephone and electrical transmission lines, and other structures and appliances incident to said reclamation works, free of any claim for damage or compensation on the part of the Vendor.

9. This contract shall become effective to bind the United States to purchase said property immediately upon its approval by the proper supervisory officer of the Bureau of Reclamation, and shall terminate by limitation at the expiration of months from its date, unless extended as above provided, and shall inure to the benefit of and be binding upon the heirs, executors, administrators, and assigns of the Vendor, and the successors and assigns of the United States.

V700 P242

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION
Rio Grande IRRIGATION PROJECT

LAND PURCHASE CONTRACT

THIS CONTRACT, made this 19th day of June 1941, in pursuance of the act of June 17, 1902 (32 Stat., 388), and acts amendatory thereof or supplementary thereto between the UNITED STATES OF AMERICA, hereinafter styled the United States, by represented by the officer executing this contract

~~Superintendent, Bureau of Reclamation, the county and authorized and subject to the approval of the proper supervising official thereof,~~
and Francisco (Frank) Escajeda, Sr.

and Adela A. Escajeda, his wife, hereinafter styled Vendor, of El Paso, County of El Paso, State of Texas

2. WITNESSETH, That for and in consideration of the mutual agreements herein contained, the parties hereto do covenant and agree as follows:

3. The Vendor shall sell and by good and sufficient General Warranty deed, convey to the United States, free of lien or encumbrance, the following-described real estate which is their property, situated in the County of El Paso State of Texas, to wit:

A tract of land lying and situate in El Paso County, Texas and in the West half (W $\frac{1}{2}$) Section twenty-two (22) Township thirty-three (33) South, Range seven (7) East, Bureau of Reclamation Survey; being also within Survey twenty-three (23) of the Mainland San Elizario Grant; shown as Tract two (2) Block thirty-seven (37) on plat of official resurvey of the Mainland San Elizario Grant as accepted by the Commissioners' Court of El Paso County, Texas, the 13th day of January 1930, and recorded in the office of the County Clerk of said County and State, being more particularly described as follows:

Beginning at a point on the line between tracts two (2) and three (3), Block thirty-seven (37) of the resurvey of the Mainland San Elizario Grant said line being the west property line of the land of the contractors and from which point the Northwest corner of said tract two (2) Block thirty-seven (37) bears North fifteen degrees (15°) forty-nine minutes (49') East eight hundred sixteen and eight tenths (816.8) feet; thence South fifty degrees (50°) forty-eight minutes (48') East five hundred seventy-six and four tenths (576.4) feet; thence South fifty-one degrees (51°) forty-eight minutes (48') East one hundred ninety-five and six tenths (195.6) feet; thence South fifty-three degrees (53°) forty-eight minutes (48') East one hundred ninety-five and seven tenths (195.7) feet; thence South fifty-five degrees (55°) forty-eight minutes (48') East one hundred ninety-five and six tenths (195.6) feet; thence South fifty-seven degrees (57°) forty-eight minutes (48') East one hundred ninety-five and six tenths (195.6) feet; thence South fifty-nine degrees (59°) six minutes (06') East fifty-seven and five tenths (57.5) feet to a point on the line between tract two (2) Block thirty-seven (37) and tract six (6) Block thirty-eight (38) of the official resurvey of the Mainland San Elizario Grant and the East line of the land of the contractors and from which point the northeast corner of said tract two (2) Block thirty-seven (37) bears North fifteen degrees (15°) fifty-nine minutes (59') East one thousand two hundred sixty-four and nine tenths (1264.9) feet; thence South fifteen degrees (15°) fifty-nine minutes (59') West along the east line of the property of the contractors two hundred forty-seven and seven tenths (247.7) feet; thence North fifty-nine degrees (59°) twenty-four minutes (24') West one hundred twenty-two and five tenths (122.5) feet; thence North fifty-seven degrees (57°) forty-eight minutes (48') West two hundred four (204) feet; thence North fifty-five degrees (55°) forty-eight minutes (48') West two hundred four (204) feet; thence North fifty-three degrees (53°) forty-eight minutes (48') West two hundred four (204) feet; thence North fifty-one degrees (51°) forty-eight minutes (48') West two hundred four (204) feet; thence North fifty degrees (50°) forty-eight minutes (48') West four hundred seventy-two and seven tenths (472.7) feet to a point on the west line of the property of the contractors; thence North fifteen degrees (15°) forty-nine minutes (49') East along said west line of the property of the contractors two hundred sixty-one and five tenths (261.5) feet to the point of beginning, said tract of land containing seven and eight tenths (7.8) acres, more or less. All as shown on plat attached hereto and made a part hereof.

Correct as to Engr. Date S.W.A.

R

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON

430-
RIO GRANDE
Irrigation Council
WGR

OFFICE OF THE COMMISSIONER

OCT - 7 1941

The Secretary
of the Interior.

Sir:

There is enclosed for your approval a standard form of land purchase contract with Mr. and Mrs. Francisco Escajeda, Sr., covering the acquisition of 7.8 acres of land required for the Riverside Canal, Rio Grande Project, Texas.

In 1930, when the right of way for the Riverside Canal was being acquired the subject tract of land was not purchased as satisfactory title could not be acquired due to conflicting claims of ownership.

The consideration to be paid for the subject tract of land, \$628, was determined several years ago by a committee representing the Irrigation District and the Bureau. Funds for the construction of the canal were advanced by the El Paso County Water Improvement District No. 1. There remains a sufficient balance of the funds so advanced, not otherwise expended or obligated, to make the proposed payment.

The attached contract is satisfactory to the Bureau. I recommend that the acquisition of the subject 7.8 acres of land for a consideration of \$628 be approved and that the Bureau's Superintendent, El Paso, Texas, be authorized to execute said contract, for and on behalf of the United States.

Respectfully,

H. W. Person
Acting Commissioner.

Approved: OCT - 9 1941

E. K. Burlew

E. K. Burlew,
First Assistant Secretary.

Enclosure 2468357

OCT 9 '41 65513

Copies - C. E. Denver
D. C. Amarillo
Supt. El Paso
10-9-41