

100-100  
P.O. GRAVILLI

ACQUISITION OF LANDS

SUMMERS, W. L.

1900

By transfer dated October 21, 1937, of record in Book 628, Page 442 of the Deed Records of El Paso County, Texas, Charles F. Woster assigned notes numbers 7 to 12, both inclusive, together with the lien securing the same, to Lillian Farr Thomas.

These transfers do not state whether or not Lillian Farr Thomas is married or single but we are informed that she is the wife of Paul D. Thomas.

6. An easement and a conveyance of a twenty foot strip of land along the Northwesterly line of Survey 91 on the Island of the San Elizario Grant (which is now a part of Tract 4-B, Block 54 of the San Elizario Grant Re-Survey) as an outlet for the owner of Tract 3, Block 54 of the San Elizario Grant Re-Survey.

Said easement is described in the Warranty Deed dated November 26, 1910, of record in Book 171, Page 225 of the Deed Records of El Paso County, Texas, from Bernard Johnson and wife, Lillian Johnson, to William L. Sawyers. In this Deed Johnson conveyed only a one-half interest in said twenty foot strip and retained for himself an undivided one-half interest therein. The present owner of Tract 3, Block 54 of the San Elizario Grant Re-Survey is D. W. Cathcart, who holds title to an undivided one-half interest in said twenty foot strip from the Grantees of William L. Sawyers.

7. On April 20, 1920 by contract, of record in Book 345, Page 298 of the Deed Records of El Paso County, Texas, J. C. Dysart, then owner of this property, contracted to sell the same to I. U. Gordon for the sum of \$7,200.00 to be paid from cotton grown on this land, or the proceeds thereof. The contract fails to state the amount of the yearly payments, or does it mention interest or the date when Deed was to be delivered. Apparently neither party fulfilled their contract for shortly thereafter J. D. Dysart conveyed the property to another party. This contract, however, clouds the title and a quitclaim deed should be obtained from I. U. Gordon.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "B"

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

1. State and County taxes for the year 1940 which are a lien but not yet due and payable.
2. Water and construction charges for the year 1940 which are a lien but not yet due and payable.
3. Rights of parties in possession.
4. Discrepancies in area and boundaries which a correct survey would show.
5. A Vendor's Lien retained in the Warranty Deed dated December 31, 1936, of record in Book 625, Page 15 of the Deed Records of El Paso County, Texas, from Charles F. Woster to W. L. Summers, securing the payment of twelve certain promissory notes, signed by the said W. L. Summers, payable to Charles F. Woster, all of even date with said Deed, and notes numbered 1 to 11, both inclusive, for the sum of \$1,000.00 each, note number 12, for the sum of \$500.00, note Number 1 due January 1, 1938, and the balance due on the same day of each successive year in their regular order until fully paid, bearing interest at the rate of six per cent from January 1, 1937, interest payable annually and containing the usual clauses found in vendor's lien notes.

By transfer dated October 2, 1937, of record in Book 628, Page 352 of the Deed Records of El Paso County, Texas, Charles F. Woster assigned notes numbers 5 and 6, and the lien securing the same, to Harry Mitchell Brewing Company, a Corporation, and the latter company, by transfer, dated October 23, 1937, of record in Book 636, Page 81 of the Deed Records of El Paso County, Texas, assigned the said notes 5 and 6, together with the lien securing them, to Lillian Farr Thomas.

RIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "A"

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

1. A tract of land which is a part of Tract 4-B, Block 54 of the San Elizario Grant Re-Survey, more particularly as shown on Plat No. 31, prepared by the Bureau of Reclamation for the Riverside Canal Extension.

2. All taxes and other charges for the year 1937 and 1938, and all taxes and other charges for the year 1939 and 1940.

3. All taxes and other charges for the year 1941 and 1942, and all taxes and other charges for the year 1943 and 1944.

4. All rights of parties in possession.

5. All easements, rights and boundaries which a correct survey would show.

6. All vendor's liens retained in the Warranty Deed dated December 22, 1936, of record in Book 625, Page 15 of the Deed Records of El Paso County, Texas, from Charles F. Woster to W. L. Summers, securing the payment of twelve certain promissory notes, signed by the said W. L. Summers, payable to Charles F. Woster, all of which were with said Deed, and notes numbered 1 to 11, both inclusive, for the sum of \$1,000.00 each, note number 12, for the sum of \$500.00, note Number 1 due January 1, 1940, and the same shall be on the same day of each successive year in that regular order until fully paid, bearing interest at the rate of six per cent from January 1, 1937, interest payable annually and containing the usual clauses found in vendor's lien notes.

7. All vendor's liens retained in the Warranty Deed dated October 2, 1937, of record in Book 618, Page 12 of the Deed Records of El Paso County, Texas, Charles F. Woster assigned notes numbers 5 and 6, and the same securing the same, to Harry Mitchell Brewing Company, a Corporation, and the latter company, by transfer, dated October 23, 1937, of record in Book 636, Page 31 of the Deed Records of El Paso County, Texas, assigned the said notes 5 and 6, together with the proceeds therefrom, to Lillian Farr Thomas.

NO. 14410

CERTIFICATE OF TITLE

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

200 First National Bank Building

El Paso, Texas

TO: BUREAU OF RECLAMATION

THE PIONEER ABSTRACT & GUARANTEE TITLE COMPANY, a Corporation organized and existing under the laws of the State of Texas, with its principal office in the City of El Paso hereby certifies that it has made a thorough search of the title to the property described in SCHEDULE "A" hereof, beginning with the 10th day of March, 1882, and that the title to said property was indefeasibly vested in fee simple of record in W. L. SUMMERS, as of the 18th day of June A. D. 1940, free and clear of all encumbrances, defects, interests, and all other matters whatsoever, either of record or otherwise known to the corporation, impairing or adversely affecting the title to said property, except as shown in SCHEDULE "B" hereof.

In consideration of the premium paid, this certificate is issued for the use and benefit of said Bureau of Reclamation.

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

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

By

H. A. Helmer  
President

ATTEST:

By

H. Schwarzbaech  
Asst. Secretary

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "B"

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

1. State and County taxes for one half of the year 1931 in the amount of \$17.16, with penalty, interest and cost added in the amount of \$6.52, making a total of \$23.68 to June 30th, 1940, also State and County taxes for the year 1940 which are a lien but not yet due and payable.
2. Water and construction charges for the year 1940 which are a lien but not yet due and payable.
3. Rights of parties in possession.
4. Discrepancies in areas and boundaries which a correct survey would show.
5. A vendor's lien retained in the Warranty Deed dated December 3, 1925, filed of record August 17, 1937 in Book 624, Page 322 of the Deed Records of El Paso County, Texas, securing one certain promissory note, signed by J. M. Escajeda, payable to the order of S. B. Johnson, in the principal sum of \$250.00, bearing interest at the rate of seven per cent, both principal and interest payable one year after and containing the usual clauses found in vendor's lien notes.
6. Part of this property is occupied by the United States levy and river cut-off.

The wife, if any, of J. M. Escajeda should join in any conveyance of the above described property.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "A"

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

**Riverside Canal Extension  
Plat No. 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 twelve and four tenths (112.4) feet to a point of intersection with the line between Surveys 128 and 129 of Mainland San Elizario Grant; thence North fifty degrees (50°) seventeen minutes (17') East along the line between said surveys 128 and 129 one hundred seventy-nine and one tenth (179.1) feet to a point on the dividing line between Tracts three (3) and four (4) Block forty-five (45) of the said official resurvey of the San Elizario Grant, and from which point the most northerly corner of Tract four (4) Block forty-five (45) San Elizario Grant bears North fifty-one degrees (51°) thirty-five minutes (35') West one hundred (100) feet; thence along line between said Tracts three (3) and four (4) Block forty-five (45) South fifty-one degrees (51°) thirty-five minutes (35') East eight hundred thirty-two and four tenths (832.4) 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 thirty-five hundredths (4.35) acres, more or less.

NO. 14409-a

CERTIFICATE OF TITLE

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

200 First National Bank Building

El Paso, Texas

TO: BUREAU OF RECLAMATION

THE PIONEER ABSTRACT & GUARANTEE TITLE COMPANY, a Corporation organized and existing under the laws of the State of Texas, with its principal office in the City of El Paso hereby certifies that it has made a thorough search of the title to the property described in SCHEDULE "A" hereof, beginning with the 14th day of March, A. D. 1882, and that the title to said property was indefeasibly vested in fee simple of record in J. M. ESCAJEDA as of the 17th day of June, A. D. 1940, free and clear of all encumbrances, defects, interests, and all other matters whatsoever, either of record or otherwise known to the corporation, impairing or adversely affecting the title to said property, except as shown in SCHEDULE "B" hereof.

In consideration of the premium paid, this certificate is issued for the use and benefit of said Bureau of Reclamation.

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

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

By

W. W. Newman

ATTEST:

By

B. Schwarzbach  
Asst. Secretary,



14409-b  
Schedule "B"  
Page 2

as some of the said heirs are still minors. It is possible, however, that limitation title could have been perfected before the death of Albert A. Voruz.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "B"

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

1. State and County taxes for one half of the year 1931 in the amount of \$17.16, with penalty, interest and cost added in the amount of \$6.52, making a total of \$23.68 to June 30th, 1940, also State and County taxes for the year 1940 which are a lien but not yet due and payable.
2. Water and construction charge for the year 1940 which are a lien but not yet due and payable.
3. Rights of parties in possession.
4. Discrepancies in areas and boundaries which a correct survey would show.
5. Albert A. Voruz died February 11, 1932 testate and by his Will, probated under No. 6377 of the Probate Records of El Paso County, Texas, he bequeathed and devised his property specifically to a number of his nephews and nieces. He did not make any provision for the disposal of the residue of his estate of which the above described forms a part. Therefore, title is now in his heirs. Affidavits of heirship stating the names and ages and the names of the husbands, if any, of all of his heirs should be obtained and placed of record and all of such parties should join in a deed of conveyance or should be named parties in any condemnation suit of the above described property.

We call your attention to the fact that Plat No. 29, (32) ~~AS~~ above mentioned, as submitted to us, describes the property which you wish to condemn as lying wholly within Survey 129, The small triangular tract which is a part of the East Fabens Addition to the City of Fabens, El Paso County, Texas, lies within Survey 128.

J. M. Escajeda could not have limitation title to this property as against the heirs of Albert A. Voruz inasmuch as

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "A"

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

Riverside Canal Extension  
Plat No. 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 128, 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 the most northerly corner of Tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant; thence South fifty-one degrees (51°) thirty-five minutes (35') East one hundred (100) feet along the northeast line of Tract four (4) Block forty-five (45) of the said official resurvey of the San Elizario Grant to a point of intersection with the line between Surveys 128 and 129 of the Mainland San Elizario Grant, thence South fifty degrees (50°) seventeen minutes (17') West along line between said Surveys 128 and 129 one hundred seventy-nine and one tenth (179.1) feet to a point; thence North thirty-eight degrees (38°) forty-nine minutes (49') West thirty-seven and eight tenths (37.8) feet to a point; thence North twenty-nine degrees (29°) thirty-one minutes (31') East one hundred sixty-nine (169) feet to the point of beginning. Said tract of land containing twenty-six hundredths (0.26) of an acre, more or less.

NO. 14409-b

CERTIFICATE OF TITLE

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

200 First National Bank Building

El Paso, Texas

TO: the official BUREAU OF RECLAMATION

THE PIONEER ABSTRACT & GUARANTEE TITLE COMPANY, a

Corporation organized and existing under the laws of the State of Texas, with its principal office in the City of El Paso hereby certifies that it has made a thorough search of the title to the property described in SCHEDULE "A" hereof, beginning with the 12th day of October, A. D. 1909, and that the title to said property was indefeasibly vested in fee simple of record in the Heirs of ALBERT A. VORUZ, DECEASED, as of the 17th day of June, A. D. 1940, free and clear of all encumbrances, defects, interests, and all other matters whatsoever, either of record or otherwise known to the corporation, impairing or adversely affecting the title to said property, except as shown in SCHEDULE "B" hereof.

In consideration of the premium paid, this certificate is issued for the use and benefit of said Bureau of Reclamation.

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

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

By

W. W. Newman  
President

ATTEST:

By

B. Schwabach  
Asst. Secretary

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "B"

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

NONE.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "A"

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

Riverside Canal Extension  
Plat No. 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 128, 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 the most northerly corner of Tract four (4) Block forty-five (45) of said official resurvey of the San Elizario Grant; thence South fifty-one degrees ( $51^{\circ}$ ) thirty-five minutes ( $35'$ ) East one hundred (100) feet along the northeast line of Tract four (4) Block forty-five (45) of the said official resurvey of the San Elizario Grant to a point of intersection with the line between Surveys 128 and 129 of the Mainland San Elizario Grant, thence South fifty degrees ( $50^{\circ}$ ) seventeen minutes ( $17'$ ) West along line between said Surveys 128 and 129 one hundred seventy-nine and one tenth (179.1) feet to a point; thence North thirty-eight degrees ( $38^{\circ}$ ) forty-nine minutes ( $49'$ ) West thirty-seven and eight tenths (37.8) feet to a point; thence North twenty-nine degrees ( $29^{\circ}$ ) thirty-one minutes ( $31'$ ) East one hundred sixty-nine (169) feet to the point of beginning. Said tract of land containing twenty-six hundredths (0.26) of an acre, more or less.

NO. 14409-B-1

CERTIFICATE OF TITLE

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

200 First National Bank Building

El Paso, Texas

TO: UNITED STATES OF AMERICA

THE PIONEER ABSTRACT & GUARANTEE TITLE COMPANY, a Corporation organized and existing under the laws of the State of Texas, with its principal office in the City of El Paso hereby certifies that it has made a thorough search of the title to the property described in SCHEDULE "A" hereof, beginning with the 8th day of March 1853, being the date of patent from the State of Texas, and that the title to said property was indefeasibly vested in fee simple of record in the UNITED STATES OF AMERICA, as of the 7th day of November, 1941, free and clear of all encumbrances, defects, interests, and all other matters whatsoever, either of record or otherwise known to the corporation, impairing or adversely affecting the title to said property, except as shown in SCHEDULE "B" hereof.

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

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

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

By

W. H. Newman  
President

ATTEST:

By

H. M. Burns  
Asst. Secretary

Albert A. Voruz, deceased,

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "B"

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

NONE.



PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "A"

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

Riverside Canal Extension  
Plat No. 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 ( $43^{\circ}$ ) sixteen minutes (16') West fifty-six and three tenths (56.3) feet; thence North fifty-one degrees ( $51^{\circ}$ ) nineteen minutes (19') West three hundred thirty-eight and three tenths (338.3) feet; thence North eighty-one degrees ( $81^{\circ}$ ) two minutes (02') West three hundred eleven and six tenths (311.6) feet; thence North fifty-one degrees ( $51^{\circ}$ ) 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 twelve and four tenths (112.4) feet to a point of intersection with the line between Surveys 128 and 129 of Mainland San Elizario Grant; thence North fifty degrees ( $50^{\circ}$ ) seventeen minutes (17') East along the line between said surveys 128 and 129 one hundred seventy-nine and one tenth (179.1) feet to a point on the dividing line between Tracts three (3) and four (4) Block forty-five (45) of the said official resurvey of the San Elizario Grant, and from which point the most northerly corner of Tract four (4) Block forty-five (45) San Elizario Grant bears North fifty-one degrees ( $51^{\circ}$ ) thirty-five minutes (35') West one hundred (100) feet; thence along line between said Tracts three (3) and four (4) Block forty-five (45) South fifty-one degrees ( $51^{\circ}$ ) thirty-five minutes (35') East eight hundred thirty-two and four tenths (832.4) feet and South fifty-three degrees ( $53^{\circ}$ ) 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 thirty-five hundredths (4.35) acres, more or less.

NO. 14409 A-1

CERTIFICATE OF TITLE

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

200 First National Bank Building

El Paso, Texas

TO: UNITED STATES OF AMERICA

THE PIONEER ABSTRACT & GUARANTEE TITLE COMPANY, a Corporation organized and existing under the laws of the State of Texas, with its principal office in the City of El Paso hereby certifies that it has made a thorough search of the title to the property described in SCHEDULE "A" hereof, beginning with the 8th day of March 1853, being the date of patent from the State of Texas, and that the title to said property was indefeasibly vested in fee simple of record in the UNITED STATES OF AMERICA, as of the 7th day of November, 1941, free and clear of all encumbrances, defects, interests, and all other matters whatsoever, either of record or otherwise known to the corporation, impairing or adversely affecting the title to said property, except as shown in SCHEDULE "B" hereof.

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

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

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

By

J. J. Newman  
President

ATTEST:

By

A. L. McEune  
Asst. Secretary

J. M. Escajeda,

(2-2-2)

IT IS FURTHER ORDERED that Joseph L. Dunigan, heretofore appointed by the Court to represent the defendants cited by publication in this cause, be and he is hereby allowed a fee of \$25.00 for his services in representing said defendants.

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

Done this 7th day of November, 1941.

Charles A. Bayliss  
JUDGE

APPROVED:

W.C. Petrusas  
Paul D. Thomas William Thurney for Escayeda's wife  
Joseph L. Dunigan for heirs of Albert A. Jones

A true copy of the original, I certify.

MAXEY HART, Clerk,  
By Flores L. Linker  
Deputy.

Filed 7th day of Nov.  
1941 at Stockton M  
MAXEY HART, Clerk.  
By Flores L. Linker  
Deputy.

(5.6%) percent of the area as above set out, upon the filing of the Declaration of Taking in this cause, and by reason thereof are entitled to a judgment against the United States for the sum of FIFTEEN AND 25/100 (\$15.25) DOLLARS,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Martin Voruz, Mrs. Lewis Wells, formerly Ruth Voruz, Cecil T. Voruz, Mrs. Charles Landert, formerly Grace Voruz, Lewis Voruz, Jessamine Voruz, Edmund Voruz, Mrs. James H. Sharon, Leander David, Eugene Freeland, Jr., Mrs. Omar Rittman, Mrs. Elise Merrit do have and recover judgment against the United States in the sum of FIFTEEN AND 25/100 (\$15.25) DOLLARS and that such judgment be a full and complete satisfaction of all claims of said defendants against the United States of America by reason of the taking of said land by the said United States of America, and

It further appearing to the Court that the defendants, J. M. Escajeda and Josefina Escajeda, at the time of the filing of the Declaration of Taking herein were the owners of the remainder of said Parcel No. 1 above described and that by reason thereof are entitled to receive the remainder of the compensation in the sum of TWO HUNDRED FIFTY-SEVEN AND 05/100 (\$257.05) DOLLARS,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that J. M. Escajeda and Josefina Escajeda do have and recover judgment against the United States of America for the sum of TWO HUNDRED FIFTY-SEVEN AND 05/100 (\$257.05) DOLLARS, which judgment shall be a full and complete satisfaction of all claims of the said defendants against the United States of America by reason of the taking of the above described land.

IT IS FURTHER ORDERED, and the Clerk is hereby directed to pay the sum of TWO HUNDRED FIFTY-SEVEN AND 05/100 (\$257.05) DOLLARS to J. M. Escajeda and Josefina Escajeda.

It appearing to the Court that the State of Texas and County of El Paso, El Paso County Water Improvement District No. 1 and S. B. Johnson have filed disclaimers herein, disclaiming any right, title or interest in and to the above described property, and the Court being of the opinion that they are entitled to recover nothing as against any party to this cause,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the State of Texas and County of El Paso, El Paso County Water Improvement District No. 1 and S. B. Johnson recover nothing from the United States of America or any party to this cause, and

It appearing to the Court that on the 2nd day of October, 1940 a hearing was held before the Special Commissioners appointed by the Court for the purpose of determining the value of the above described property, and that on said date the Special Commissioners found that the reasonable market value of the above described tract of land was TWO HUNDRED SEVENTY-TWO AND 30/100 (\$272.30) DOLLARS, and that the defendants, J. M. Escajeda and Josefina Escajeda excepted to the findings of the Special Commissioners and filed their objections, thereby effecting their appeal to this court, and

It appearing to the Court that said defendants, in open Court, have dismissed said appeal and requested the Court to confirm the findings of the Special Commissioners,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that said findings of the Special Commissioners, that said land was of the reasonable market value of TWO HUNDRED SEVENTY-TWO AND 30/100 (\$272.30) DOLLARS, be and the same is hereby confirmed, and

It appearing to the Court that the parties above referred to as the heirs of Albert A. Voruz own five and six-tenths (5.6%) percent of the area of Parcel No. 1, being that portion lying within Survey 128 in El Paso County, Texas, and that the value of same, as found by the Special Commissioners is FIFTEEN AND 25/100 (\$15.25) DOLLARS, and

It appearing to the Court that said defendants, referred to as the heirs of Albert A. Voruz, were the owners of five and six-tenths

to a point on the westerly line of Tract four (4) Block forty-five (45) of said official resurvey of the San Elizaric 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 Elizaric 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 to plaintiff's petition and made a part thereof.

*Ben J. Smith*  
The United States of America, having appeared herein by W. R. Smith, Jr., United States Attorney for the Western District of Texas, R. Neill Walsh, Assistant United States Attorney for the Western District of Texas, W. C. Peticolas, Special Attorney, and the defendants, J. M. Escajeda and Josefina Escajeda, his wife, having appeared herein by Paul D. Thomas and William Flourney, their attorneys, and the State of Texas and County of El Paso, having appeared herein by Ernest Guinn, County Attorney, and the El Paso County Water Improvement District No. 1, having appeared herein by Richard F. Burges, its Attorney of Record, and it appearing to the Court that Martin Voruz, Mrs. Lewis Wells, formerly Ruth Voruz, Cecil T. Voruz, Mrs. Charles Landert, formerly Grace Voruz, Lewis Voruz, Jessamine Voruz, Edmund Voruz, Mrs. H. Sharon, Leander Favid, Eugene Fraeland, Jr., Mrs. Omar Rittman, and Mrs. Elise Merrit, heirs of Albert A. Voruz, were duly and legally cited by publication herein in the manner and form required by law, and that none of said parties so cited by publication filed an answer or entered an appearance within the time prescribed by law, and that the Court appointed Joseph L. Dunigan, an attorney and member of the Bar of this Court, to represent said defendants, and the said Joseph L. Dunigan having appeared herein in their behalf, and

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

J. M. ESCAJEDA, ET AL,  
Defendants.

JUDGMENT RELATIVE TO PARCEL NUMBER ONE

This 14<sup>th</sup> day of November 1941 came on regularly for hearing the above entitled and numbered cause for condemnation, insofar as it relates to the lands described in the plaintiff's petition as Parcel No. 1, said parcel being described, as follows:

Parcel No. 1: (Riverside Canal Extension Plat No. 32). A tract of land lying and situate in El Paso County, Texas and in the South-east quarter (30<sup>2</sup>) 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, on the 15th 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 south-easterly 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

33-45-336





transcript of proceedings. With the payment of the deficiency covering Tract No. 2 and this notification of title as to Tract No. 1, no further action is necessary and accordingly, the Department is closing its file in the case.

Respectfully,

Attorney General.

Enclosure  
No. 696839

33-45-336

June 10, 1942

BY MESSENGER

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

My dear Mr. Secretary:

I have examined the certificates of title and the transcript of record involving Tract No. 1 in the condemnation proceeding entitled United States of America v. W. L. Summers, et al., Civil No. 88, in the United States District Court for the Western District of Texas, pertaining to the Riverside Canal - Rio Grande Project.

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

In the final judgment entered November 7, 1941, the court awarded the amount of \$272.30 as just compensation for the above land. This amount was deposited into the registry of the court on July 3, 1940, at the time of the filing of the declaration of taking. The proceedings are regular, the judgment has been satisfied and a valid title to the land has heretofore vested in the United States of America as stated in the opinion of the Department dated July 19, 1940. Enclosed is a certified copy of the judgment covering Tract No. 1.

Also enclosed is a certificate of the clerk of court showing a deposit in the sum of \$174.19 into the registry of the court pursuant to a deficiency judgment covering Tract No. 2 entered on November 1, 1941 in the same case. Title to Tract No. 2 has heretofore vested in the United States of America as stated in the opinion of this Department dated April 22, 1942.

In addition, I am also enclosing the final certificate of title covering Tract No. 2 and a certified copy of the

JUN 11 '42 86604

transcript of proceedings. With the payment of the deficiency covering Tract No. 2 and this notification of title as to Tract No. 1, no further action is necessary and accordingly, the Department is closing its file in the case.

Respectfully,

*Francis Biddle*  
Attorney General.

CC: C. E., Denver, Colo.  
Supt., El Paso, Texas  
D. C., El Paso, Texas  
RTV - June 13, 1942



Office of the Attorney General  
Washington, D.C.

June 10, 1942

430  
CHIEF COUNSEL  
RIO GRANDE  
RIV

INTERIOR DEPT.  
SECRETARY'S  
MAIL CENTER  
JUN 11 1942  
TO BUREAU OF  
RECLAMATION

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

My dear Mr. Secretary:

I have examined the certificates of title and the transcript of record involving Tract No. 1 in the condemnation proceeding entitled United States of America v. W. L. Summers, et al., Civil No. 88, in the United States District Court for the Western District of Texas, pertaining to the Riverside Canal - Rio Grande Project.

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In addition, I am also enclosing the final certificate of title covering Tract No. 2 and a certified copy of the

JUN 11 '42 86604

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. Underhill*  
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

Riverside Canal Extension #31

(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.

Correct as to Engineering Data 2.0.0.

(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).



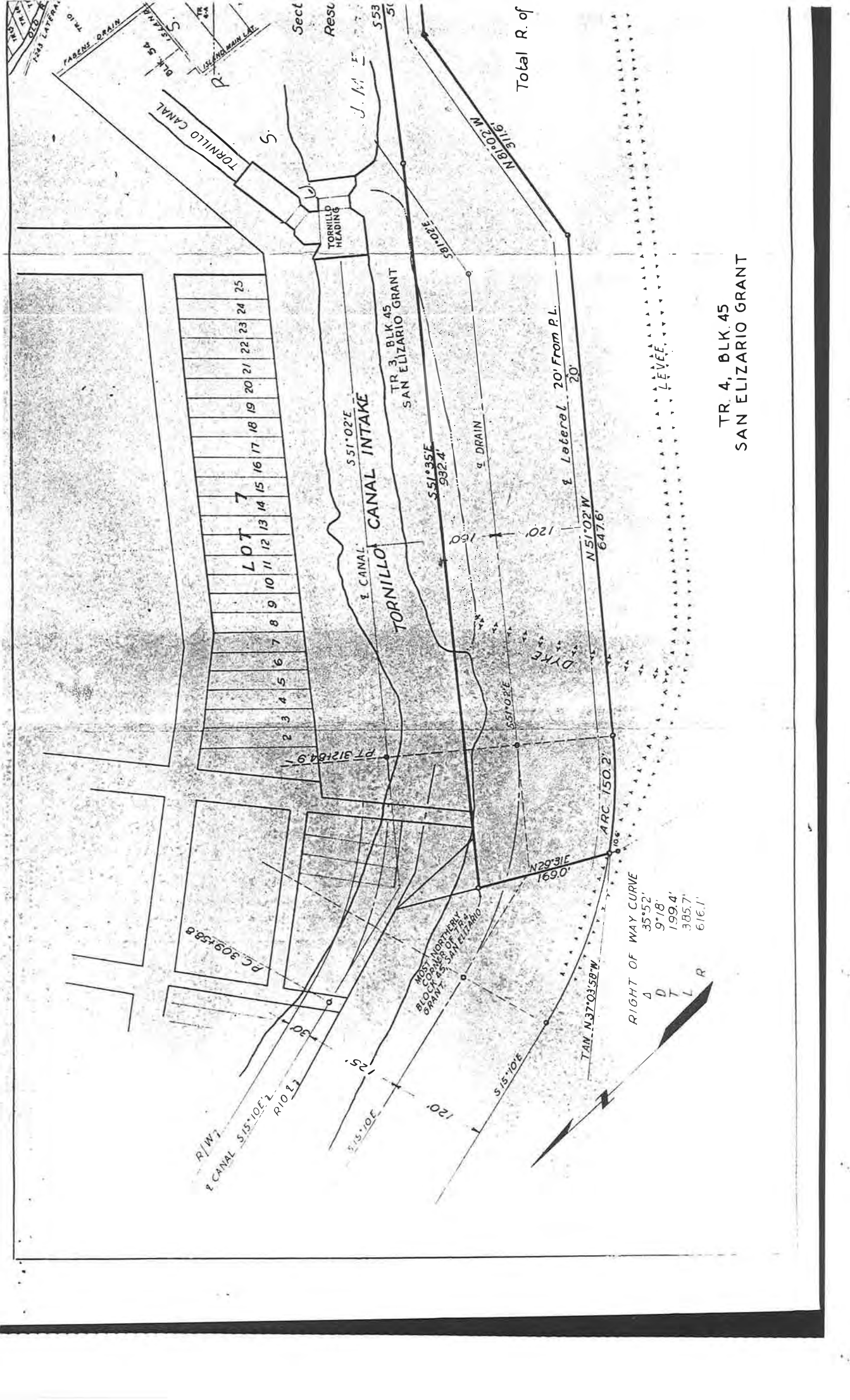
*File H. L. Lemmers.  
Rio Grande Proj. New Mex. Tex.*

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:

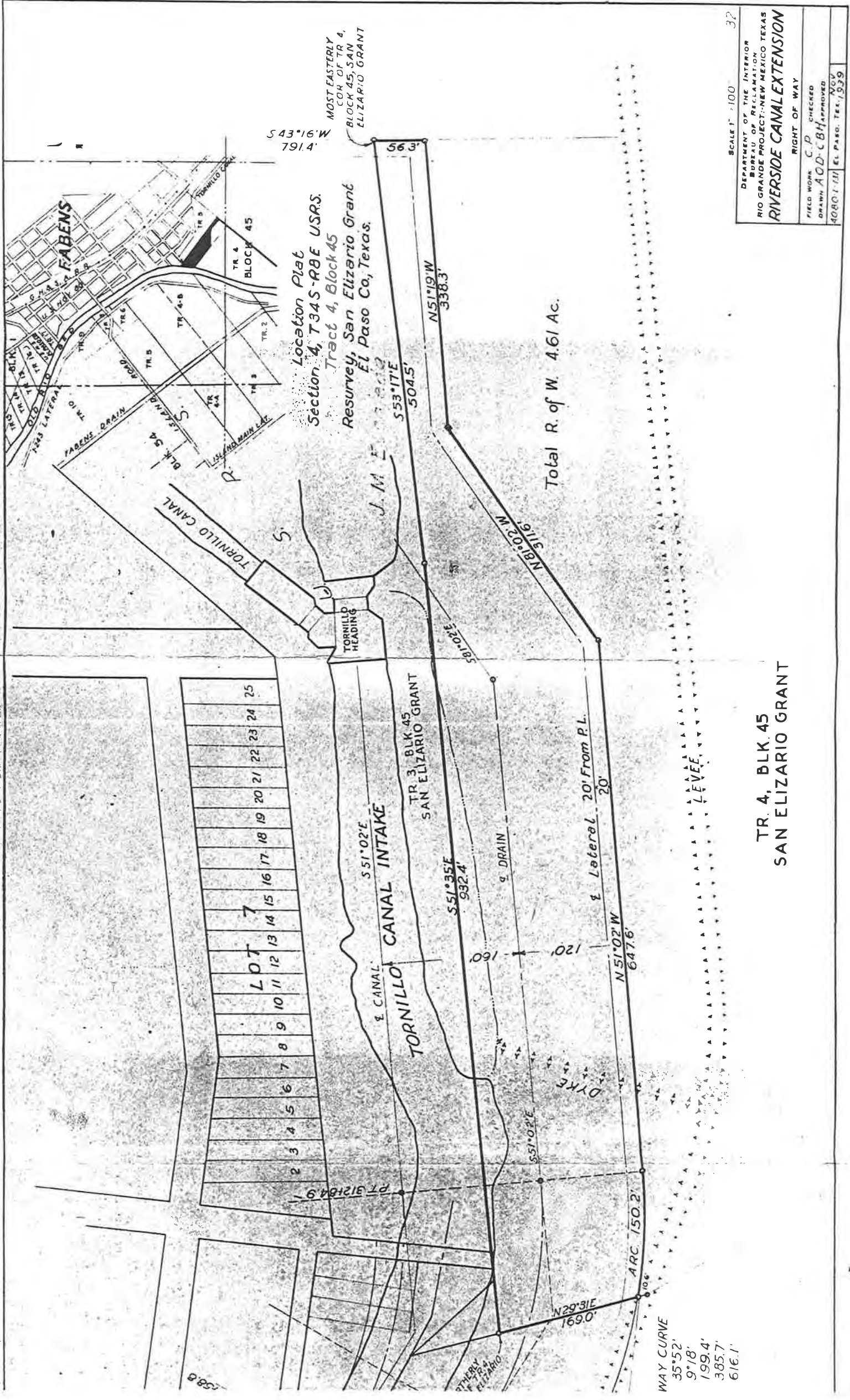


Total R. of

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'



Location Plat  
 Section 4, T.34S-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

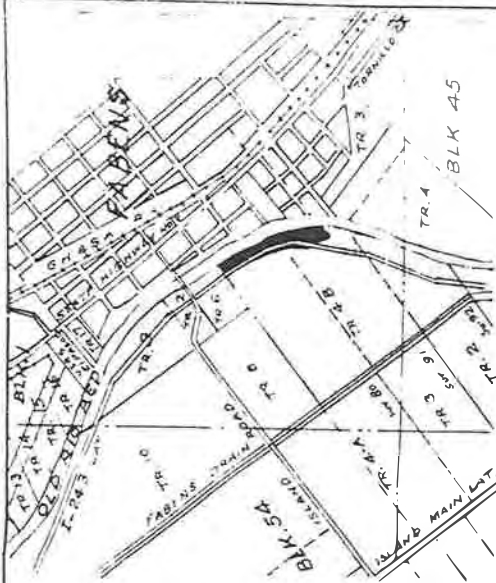
SCALE 1" = 100' 32

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

RIGHT OF WAY

FIELD WORK C.P. CHECKED  
 DRAWN A.C.D.-C.B.H. APPROVED  
 4080 (1-11) EL PASO, TEX. 1939

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

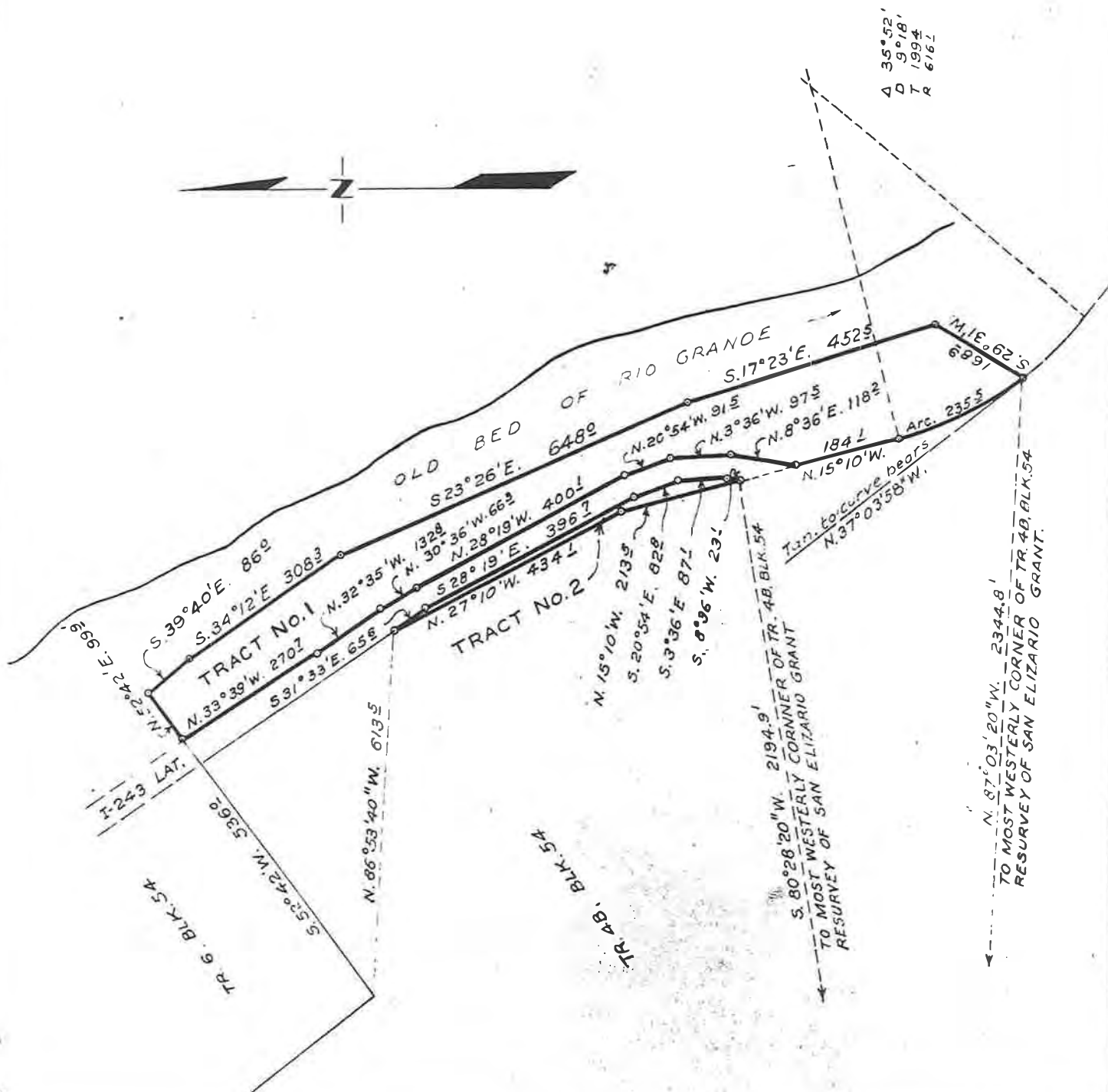


Location Plat  
 Section 4, T34S-R8E-48RS.  
 Tract 4B, Block 54  
 Resurvey, San Elizario Grant  
 El Paso Co., Texas

AREA OF R OF W.

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

SCALE 1" = 200'  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT  
 RIO GRANDE PROJECT - NEW MEXICO  
 RIVERSIDE CAMILEXTENS  
 FIELD WORK C.A. KELLEY  
 DRAWN A.C.D. G.A. JOHNSON  
 4080-1-13/ EL PASO TEXAS



4 35° 52'  
 0 9° 18'  
 7 1994  
 R 6162

N. 87° 03' 20" W. 2344.8'  
 TO MOST WESTERLY CORNER OF TR. 4B, BLK. 54  
 RESURVEY OF SAN ELIZARIO GRANT.

S. 80° 28' 20" W. 2194.9'  
 TO MOST WESTERLY CORNER OF TR. 4B, BLK. 54  
 RESURVEY OF SAN ELIZARIO GRANT

TR. 4B, BLK. 54

TR. 6, BLK. 54

I-243 LAT.

S. 53° 42' W. 5362

N. 86° 53' 40" W. 6135

Tan. to curve bears  
 N. 37° 03' 58" W.

M. 13.62'S  
 689

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/ F. C. Mendenhall  
Acting Under Secretary.

Enclosure 1810322

430. —

RIO GRANDE

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
WASHINGTON

May 23, 1940

The Honorable  
The Attorney General

W. L. SUMMERS

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. Escafeda, 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.

File 430.

orders, of the Court, for such other and further proceedings as may seem proper to the Court.

DONE this 1st day of November, A. D., 1941.

(S) CHARLES A. BOYNTON

J U D G E

APPROVED:

(S) JOSEPH L. DUNIGAN  
Attorney for I. U. Gordon

(S) WILLIAM FLOURNOY  
Attorneys for W. L. Summers

(S) W. C. PETICOLAS  
Attorney for United States  
of America

A true copy of the original, I certify.

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

Filed 1st day of Nov.  
1941 at o'clock M.  
MAXEY HART, Clerk.  
By Flora L. Linker  
Deputy.

satisfaction of all claims of the Defendant, W. L. Summers, against the United States of America by reason of the taking of said property.

And it further appearing to the Court that on the 11th day of April, 1941, upon application of the Defendant, W. L. Summers, the said Defendant, W. L. Summers, was authorized to and did withdraw from the Registry of the Court the sum of One Hundred, Seventy-nine and 35/100 (\$179.35) Dollars, which sum was to have been applied upon the purchase price, and the Court finds that there remains due on said Judgment the sum of One Hundred and Fifty-six and 40/100 (\$156.40) Dollars, which sum shall bear interest at the rate of six per cent per annum from July 3rd, 1940, the date of the filing of the Declaration of Taking herein;

IT IS FURTHER ORDERED that upon the payment of said sum of One Hundred and Fifty-six and 40/100 (\$156.40) Dollars, together with interest thereon, into the Registry of the Court by the Plaintiff, that the Clerk shall forthwith pay to the Defendant, W. L. Summers, said sum.

And it further appearing to the Court that Joseph L. Dunigan was appointed to represent I. U. Gordon, one of the Defendants cited by publication, and the Court being of the opinion that a reasonable fee for representing said Defendant is the sum of \$50.00.

IT IS, THEREFORE, ORDERED that Joseph L. Dunigan be allowed the sum of \$50.00 as his fee for representing said Defendant.

~~IT IS FURTHER ORDERED~~ that jurisdiction of this cause be retained as to all other tracts of land and parties interested therein not specifically mentioned and disposed of by this order, or other



It further appearing to the Court that the Defendant, D. W. Cathcart, has heretofore executed a Deed to the United States of America covering the above described property, and that no service has been had upon the said D. W. Cathcart, and that he should be dismissed from this cause:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that this cause be dismissed as to D. W. Cathcart.

And the said cause having come on for consideration after the evidenced had been introduced and arguments of counsel were submitted to the Jury, W. Benerman and eleven other good and lawful men, and said Jury having considered said cause returned the following verdict:

"We, the Jury, find for the defendant, and that the 3.91 acres of land involved herein was of the reasonable fair market value of \$75.00 per acre at the time of its taking on July 3rd, 1941. W. Benerman, Foreman."

And it further appearing to the Court that it was stipulated and agreed between the parties hereto that the 0.17 of an acre tract, being Tract No. 2 above described, was of the reasonable value of \$250.00 per acre,

And it further appearing to the Court that on the date of the filing of the Declaration of Taking herein W. L. Summers was the owner of the above described property, and the Court being of the opinion that by virtue of said fact and the verdict of the jury and stipulation mentioned, the Defendant, W. L. Summers, is entitled to judgment against the United States of America for the sum of Three Hundred and Thirty-Five and 75/100 (\$335.75) Dollars:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, W. L. Summers, do have and recover judgment against the United States of America for the sum of Three Hundred and Thirty-five and 75/100 (\$335.75) Dollars, which judgment shall be a full and complete

and the United States of America having appeared herein by Ben F. Foster, United States Attorney for the Western District of Texas, W. C. Peticolas, Special Attorney, and Harold L. Sims, Special Assistant United States Attorney, and the Defendant, W. L. Summers, having appeared herein by Paul D. Thomas and William Flournoy, his Attorneys of Record, and the State of Texas and County of El Paso having appeared herein by Ernest Guinn, County Attorney, and the El Paso County Water Improvement District No. 1 having appeared herein by Richard F. Burges, its Attorney of Record, and I. U. Gordon, having been duly served with service of process in this cause by publication, came not and appeared herein by Joseph L. Dunigan, his Attorney appointed to represent him by the Court in this cause; and

It appearing to the Court that the El Paso County Water Improvement District No. 1, the State of Texas and County of El Paso and Paul D. Thomas and wife, Lillian Farr Thomas, have filed disclaimers herein disclaiming all right, title and interest in and to the above described tracts of land, and the Court being of the opinion that said Defendants are entitled to recover nothing from the United States of America, or any party to this cause:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the State of Texas and County of El Paso, the El Paso County Water Improvement District No. 1 and Paul D. Thomas and Lillian Farr Thomas recover nothing from the United States of America, or any party to this cause; and

It further appearing to the Court that the Defendant, I. U. Gordon, had no interest in the above described property at the time of the filing of this suit, and that by reason thereof he is not entitled to recover anything from the United States of America, or any party to this cause:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, I. U. Gordon, recover nothing from the United States of America, or any party to this cause.

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.

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 ( $52^{\circ}$ ) 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 ( $52^{\circ}$ ) 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 ( $39^{\circ}$ ) forty minutes ( $40'$ ) East eighty-six (86) feet, South thirty-four degrees ( $34^{\circ}$ ) twelve minutes ( $12'$ ) East three hundred eight and three tenths (308.3) feet, South twenty-three degrees ( $23^{\circ}$ ) twenty-six minutes ( $26'$ ) East six hundred forty-eight (648) feet, South seventeen degrees ( $17^{\circ}$ ) twenty-three minutes ( $23'$ ) East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees ( $29^{\circ}$ ) 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 ( $37^{\circ}$ ) 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 ( $87^{\circ}$ ) 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 ( $15^{\circ}$ ) 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 ( $8^{\circ}$ ) thirty-six minutes ( $36'$ ) East one hundred eighteen and two tenths (118.2) feet, North three degrees ( $3^{\circ}$ ) thirty-six minutes ( $36'$ ) west ninety-seven and five tenths (97.5) feet, North twenty degrees ( $20^{\circ}$ ) fifty-four minutes ( $54'$ ) West ninety-one and five tenths (91.5) feet North twenty-eight degrees ( $28^{\circ}$ ) nineteen minutes ( $19'$ ) West four hundred and one tenth (400.1) feet, North thirty degrees ( $30^{\circ}$ ) thirty-six minutes ( $36'$ ) west sixty-six and three tenths (66.3) feet, North thirty-two degrees ( $32^{\circ}$ ) thirty-five minutes ( $35'$ ) west one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees ( $33^{\circ}$ ) 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 R.D.A.



<b>INCLOSURE</b>
<b>Nº 514195</b>
FROM
<b>Department of Justice</b>
7-849

U. S. GOVERNMENT PRINTING OFFICE

COPY

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

VERDICT OF THE JURY IN THE CASE OF  
UNITED STATES OF AMERICA vs W. L. SUMMERS, ET AL, NO. 88 CIVIL

We, the jury, find for the defendand, and that the 3.91 acres of land involved herein was of the reasonable fair market value of \$75 00/100 per acre at the time of its taking on July 3, 1940.

W. BENERMAN (S)  
FOREMAN.

A true copy of the original, I certify.

MAXEY HART, Clerk,

By Flora L. Linker  
Deputy.

Filed 7<sup>th</sup> day of November  
1941 at 10 o'clock M.  
MAXEY HART, Clerk.  
By J. N. Phillips  
Deputy.

JEW-CBS

33-45-336

November 18, 1941

BY MESSENGER

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

Dear Mr. Page:

Reference is made to the condemnation proceeding entitled United States of America v. W. L. Summers, et al., No. 88 Civil, in the United States District Court for the Western District of Texas, El Paso Division.

The Department has just received the enclosed certified copies of verdict and judgment fixing compensation as to Parcel 2, Tracts 1 and 2, in the above proceeding, at \$335.75. The jury found the reasonable market value of Tract 1 of said parcel, consisting of 3.91 acres, to be \$75.00 per acre, amounting to \$293.25. For Tract 2, consisting of 0.17 of an acre, the parties had stipulated that the award therefor should be on the basis of \$250.00 per acre, which amounted to \$42.50.

The amount of the judgment is \$156.40 more than was deposited in the court at the time the declaration of taking was filed and according to the provisions of said judgment, this deficiency draws interest at the rate of 6% per annum from July 3, 1940.

Please advise the Department whether said verdict and judgment are satisfactory to your Bureau.

Respectfully,  
For the Attorney General

J. EDWARD WILLIAMS,  
Acting Head, Lands Division

Encl. No.  
514195

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

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

430-  
RIO GRANDE

JEW-CHS

33-45-336

November 18, 1941

CHIEF COUNSEL

*[Handwritten initials]*

ACCOUNTING

BY MESSENGER

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

Dear Mr. Page:

Reference is made to the condemnation proceeding entitled United States of America v. W. L. Summers, et al., No. 88 Civil, in the United States District Court for the Western District of Texas, El Paso Division.

The Department has just received the enclosed certified copies of verdict and judgment fixing compensation as to Parcel 2, Tracts 1 and 2, in the above proceeding, at \$335.75. The jury found the reasonable market value of Tract 1 of said parcel, consisting of 3.91 acres, to be \$75.00 per acre, amounting to \$293.25. For Tract 2, consisting of 0.17 of an acre, the parties had stipulated that the award therefor should be on the basis of \$250.00 per acre, which amounted to \$42.50.

The amount of the judgment is \$156.40 more than was deposited in the court at the time the declaration of taking was filed and according to the provisions of said judgment, this deficiency draws interest at the rate of 6% per annum from July 3, 1940.

Please advise the Department whether said verdict and judgment are satisfactory to your Bureau.

Respectfully,  
For the Attorney General

*J. Edward Williams*  
J. EDWARD WILLIAMS,  
Acting Head, Lands Division

Encl. No.  
514195

NOV 19 41 68635



430.-  
RIO GRANDE

NOV 22 1941

WJR:lt

Mr. J. Edward Williams,  
Acting Head, Lands Division,  
Department of Justice,  
Washington, D. C.

Dear Mr. Williams:

Reference is made to your letter of November 18, 1941 (JEW-GND-33-45-336) regarding the judgment in the condemnation action entitled United States of America v. W. L. Summers, et al., No. 88 Civil, in the United States District Court for the Western District of Texas, El Paso Division.

I am requesting the views of our District Council as to whether the judgment, which is \$156.49 in excess of the amount deposited in court as estimated compensation, is satisfactory. When his views are received, I will advise you whether the judgment is satisfactory to this Bureau.

Very truly yours,

*H. W. Bachers*  
H. W. Bachers,  
Acting Commissioner.

cc-GE, Denver, Colo.

Supt. El Paso, Texas. (copy of Mr. Williams' letter to each)  
DC, Amarillo, Texas.

Note: To D.C. Please advise this office whether the judgment fixing compensation for tracts 1 and 2 of parcel 2 at \$335.75 is satisfactory.

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10/14  
1120

Features and Items	Cost to 5/31/41	Cost to 11/30/41
<b>Roosevelt Power Canal and Additions to Diversion Dam</b>		
Contract earnings	108,884.59	108,884.59
U. S. materials	22,214.02	22,214.02
Surveys, testing, etc.	4,462.89	4,462.89
Miscellaneous Govt. force work	13,250.72	13,250.72
Engineering and inspection	22,540.26	22,540.26
Superintendence and accounts	8,746.76	8,746.76
General expense	2,061.72	2,061.72
<b>Total - Roosevelt Power Canal and Additions to Diversion Dam</b>	<b>182,160.96</b>	<b>182,160.96</b>
<b>Diversion Dam for Power Canal</b>		
Contract earnings	72,784.64	72,784.64
U. S. materials	19,102.73	19,102.73
Surveys, testing, etc.	1,926.65	1,926.65
Engineering and inspection	9,617.11	9,617.11
Superintendence and accounts	4,754.92	4,754.92
General expense	1,853.11	1,853.11
<b>Total - Diversion Dam for Power Canal</b>	<b>110,039.16</b>	<b>110,039.16</b>
Materials turned over to Association	8,008.84	8,008.84
Equipment turned over to Association	6,562.91	6,562.91
<b>Total chargeable to Association</b>	<b>\$6,532,356.36</b>	<b>\$6,550,882.56</b>

Features and Items	Cost to 5/31/41	Cost to 11/30/41
<u>Horse Mesa Dam Spillway</u>		
Contract earnings	\$ 728,702.92	\$ 728,702.92
U. S. materials	175,084.69	175,084.69
Surveys, testing, etc.	8,142.27	8,142.27
Repayment to SRVWUA for work and cash	15,000.00	15,000.00
Installation of limit switches	185.63	185.63
Camp maintenance	6,991.19	6,991.19
Engineering and inspection	71,071.43	73,721.65
Superintendence and accounts	14,228.65	14,228.65
General expense	16,075.78	16,075.78
<b>Total - Horse Mesa Dam Spillway</b>	<b>1,035,542.56</b>	<b>1,038,132.78</b>
<u>Mormon Flat Dam Spillway</u>		
Contract earnings	467,995.55	467,995.55
U. S. materials	298,434.29	298,434.29
Surveys, testing, etc.	7,101.04	7,101.04
Repayment to SRVWUA for work and cash	15,833.33	15,833.33
Installation of limit switches	348.46	348.46
Camp maintenance	7,803.43	7,803.43
Engineering and inspection	117,938.48	121,612.48
Superintendence and accounts	17,071.78	17,071.78
General expense	11,701.06	11,701.06
<b>Total - Mormon Flat Dam Spillway</b>	<b>946,227.42</b>	<b>947,901.42</b>
<u>Roosevelt Dam Spillway</u>		
Contract earnings	52,545.20	52,545.20
U. S. materials	42,483.91	42,483.91
Investigations and surveys	222.19	222.19
Repayment to SRVWUA for work and cash	4,106.62	4,106.62
Experimental investigations	861.20	861.20
Miscellaneous Govt. force work	233.54	233.54
Engineering and inspection	14,184.69	14,184.69
Superintendence and accounts	3,076.22	3,076.22
General expense	2,504.27	2,504.27
<b>Total - Roosevelt Dam Spillway</b>	<b>120,217.84</b>	<b>120,217.84</b>

Features and Items	Cost to 5/31/41	Cost to 11/30/41
<b>Bartlett Dam</b>		
Contract earnings	\$2,771,977.88	\$2,771,977.88
U. S. materials	1,206,967.64	1,206,967.64
Surveys, testing, etc.	36,850.25	36,850.25
Repayment to SRVWUA for work done and cash advanced	77,833.33	77,833.33
Road to dam site	12,145.61	12,145.61
Camp construction	69,517.07	69,517.07
Telephone line to dam site	6,415.78	6,415.78
Building	1,996.18	1,996.18
Miscellaneous Govt. force work	1,092.50	1,092.50
Storehouse operation	24.70	24.70
Camp maintenance	4,681.11	4,836.07
Engineering and inspection	405,132.22	417,877.19
Superintendence and accounts	77,082.48	77,082.48
General expense	64,246.89	66,561.91
<b>Total - Bartlett Dam</b>	<b>\$4,735,963.64</b>	<b>\$4,751,178.59</b>
Less amount to be reimbursed by Indian Service	947,192.73	950,235.72
<b>Balance chargeable to SRVWUA</b>	<b>3,788,770.91</b>	<b>3,800,942.87</b>
<b>Stewart Mountain Dam Spillway</b>		
Contract earnings	200,548.18	200,548.18
U. S. materials	78,308.98	78,308.98
Investigations and surveys	1,041.14	1,041.14
Repayment to SRVWUA for work done and cash advanced	12,166.67	12,166.67
Experimental investigations	4,423.57	4,423.57
Engineering and inspection	24,167.13	24,167.13
Superintendence and accounts	5,855.12	5,855.12
General expense	10,404.99	10,404.99
<b>Total - Stewart Mountain Dam Spillway</b>	<b>336,915.78</b>	<b>336,915.78</b>

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
CUSTOMHOUSE  
DENVER, COLORADO

221 ACCOUNTING  
SALT RIVER

OFFICE OF THE CHIEF ENGINEER

Features and Items	Cost to	December 30, 1941.
Mr. S. G. Bassill, Comptroller,	4/31/42	11/30/42
Bartlett Salt River Valley Water Users Association,		
Contract near Phoenix, Arizona.		\$2,771,977.68
U. S. materials	2,225,967.66	1,206,967.66
See also Mr. Bassill's	26,010.23	36,010.23
Department to BUREAU for work		
Done on your letter dated November 15, 1941, addressed to Mr. John J. Dempsey, Under Secretary, Department of the Interior, Washington, D. C., requesting detail costs of construction work chargeable to the Salt River Valley Water Users Association under contract between the Association and the United States, dated November 26, 1935, as amended, has been referred to this office for direct reply.		
Statement of costs	24.70	24.70
Done on: The statement of costs enclosed with the Under Secretary's letter to you, dated July 15, 1941, was, as stated therein, tentative only, being based on the actual costs to May 31, 1941. Additional costs have been incurred since that date, principally delayed charges from the Denver and Washington offices. There is enclosed a statement showing in some, but not complete, detail the costs to May 31, 1941, and to November 30, 1941. Neither should yet be considered as final.		
Indian Services	217,192.71	217,192.71
The statement accompanying your letter to Mr. Dempsey indicates that you have been furnished copies of project cost reports showing up-to-date details of contract earnings and United States materials for all features except Bartlett Dam. Those for the latter are shown on the project cost reports for December 1939. It is not clear that you wish these details but if you do, it is possible there is a copy of the December 1939 project cost reports in our Phoenix office which you might inspect, or possibly an extra copy in the Parker Dam, California, office, which could be sent you. Only one copy is available in the Denver office. The report for Bartlett Dam consists of 15 sheets of Form 7/836a/b and 11 sheets showing United States materials. Unless it is absolutely necessary, this office hesitates to spare the considerable time and labor required to make copies for you. Please advise further in case you find it necessary that copies be made.		
Stewart Mountain Dam		
Spillway	336,915.78	336,915.78
Very truly yours,		
S. O. HARPER		

FOR DEFENSE



BUY UNITED STATES SAVINGS BONDS AND STAMPS

Encls.

CC-Commissioner, with copy of encls.

CC-Allen Mattison, Div. Engr., Phoenix, Arizona.

Const. Engr., Parker Dam, Calif.

S. O. Harper, Chief Engineer.

JAN 5 1942 72081

430. -  
RIO GRANDE

JAN - 5 1942

WJR:eh

From: Commissioner  
To: District Counsel, Amarillo, Texas  
Subject: Condensation action entitled United States of America  
v. H. L. Summers et al., Rio Grande Project.

*Robison  
Stinson*

1. Reference is made to the field note on your copy of the Acting Commissioner's letter to Mr. J. Edward Williams, Acting Head, Lands Division, Department of Justice, dated November 22, 1941, requesting that this office be advised as to whether the judgment in the above entitled condensation action, fixing compensation for tracts 1 and 2 of parcel 2 at \$335.75 is satisfactory.

2. Your reply has not been received and I am therefore calling this matter to your attention.

For the Commissioner,



Assistant Commissioner,

CC - GE Denver, Colo.

orders, of the Court, for such other and further proceedings as may seem proper to the Court.

DONE this 1st day of November, A. D., 1941.

(S) CHARLES A. BOYNTON

J U D G E

APPROVED,

(S) JOSEPH L. DUNIGAN  
Attorney for I. U. Gordon

(S) WILLIAM FLOURNOY  
Attorneys for W. L. Summers

(S) W. C. PETICOLAS  
Attorney for United States  
of America

A true copy of the original, I certify.

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

Filed 1st day of Nov.  
1941 at 6 o'clock M.  
MAXEY HART, Clerk.  
By Flora L. Linker  
Deputy.

satisfaction of all claims of the Defendant, W. L. Summers, against the United States of America by reason of the taking of said property.

And it further appearing to the Court that on the 11th day of April, 1941, upon application of the Defendant, W. L. Summers, the said Defendant, W. L. Summers, was authorized to and did withdraw from the Registry of the Court the sum of One Hundred, Seventy-nine and  $35/100$  (\$179.35) Dollars, which sum was to have been applied upon the purchase price, and the Court finds that there remains due on said Judgment the sum of One Hundred and Fifty-six and  $40/100$  (\$156.40) Dollars, which sum shall bear interest at the rate of six per cent per annum from July 3rd, 1940, the date of the filing of the Declaration of Taking herein;

IT IS FURTHER ORDERED that upon the payment of said sum of One Hundred and Fifty-six and  $40/100$  (\$156.40) Dollars, together with interest thereon, into the Registry of the Court by the Plaintiff, that the Clerk shall forthwith pay to the Defendant, W. L. Summers, said sum.

And it further appearing to the Court that Joseph L. Dunigan was appointed to represent I. U. Gordon, one of the Defendants cited by publication, and the Court being of the opinion that a reasonable fee for representing said Defendant is the sum of \$50.00.

IT IS, THEREFORE, ORDERED that Joseph L. Dunigan be allowed the sum of \$50.00 as his fee for representing said Defendant.

IT IS FURTHER ORDERED that jurisdiction of this cause be retained as to all other tracts of land and parties interested therein not specifically mentioned and disposed of by this order, or other



It further appearing to the Court that the Defendant, D. W. Cathcart, has heretofore executed a Deed to the United States of America covering the above described property, and that no service has been had upon the said D. W. Cathcart, and that he should be dismissed from this cause:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that this cause be dismissed as to D. W. Cathcart.

And the said cause having come on for consideration after the evidenced had been introduced and arguments of counsel were submitted to the Jury, W. Benerman and eleven other good and lawful men, and said Jury having considered said cause returned the following verdict:

"We, the Jury, find for the defendant, and that the 3.91 acres of land involved herein was of the reasonable fair market value of \$75.00 per acre at the time of its taking on July 3rd, 1911. W. Benerman, Foreman."

And it further appearing to the Court that it was stipulated and agreed between the parties hereto that the 0.17 of an acre tract, being Tract No. 2 above described, was of the reasonable value of \$250.00 per acre,

And it further appearing to the Court that on the date of the filing of the Declaration of Taking herein W. L. Summers was the owner of the above described property, and the Court being of the opinion that by virtue of said fact and the verdict of the jury and stipulation mentioned, the Defendant, W. L. Summers, is entitled to judgment against the United States of America for the sum of Three Hundred and Thirty-Five and 75/100 (\$335.75) Dollars:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, W. L. Summers, do have and recover judgment against the United States of America for the sum of Three Hundred and Thirty-five and 75/100 (\$335.75) Dollars, which judgment shall be a full and complete

and the United States of America having appeared herein by Ben F. Foster, United States Attorney for the Western District of Texas, W. C. Peticoles, Special Attorney, and Harold L. Sims, Special Assistant United States Attorney, and the Defendant, W. L. Summers, having appeared herein by Paul D. Thomas and William Flournoy, his Attorneys of Record, and the State of Texas and County of El Paso having appeared herein by Ernest Guinn, County Attorney, and the El Paso County Water Improvement District No. 1 having appeared herein by Richard F. Burges, its Attorney of Record, and I. U. Gordon, having been duly served with service of process in this cause by publication, came not and appeared herein by Joseph L. Dunigan, his Attorney appointed to represent him by the Court in this cause; and

It appearing to the Court that the El Paso County Water Improvement District No. 1, the State of Texas and County of El Paso and Paul D. Thomas and wife, Lillian Farr Thomas, have filed disclaimers herein disclaiming all right, title and interest in and to the above described tracts of land, and the Court being of the opinion that said Defendants are entitled to recover nothing from the United States of America, or any party to this cause:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the State of Texas and County of El Paso, the El Paso County Water Improvement District No. 1 and Paul D. Thomas and Lillian Farr Thomas recover nothing from the United States of America, or any party to this cause; and

It further appearing to the Court that the Defendant, I. U. Gordon, had no interest in the above described property at the time of the filing of this suit, and that by reason thereof he is not entitled to recover anything from the United States of America, or any party to this cause:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, I. U. Gordon, recover nothing from the United States of America, or any party to this cause.

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. A.

• • •

4-24-1940

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 200.

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 ( $52^{\circ}$ ) 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 ( $52^{\circ}$ ) 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 ( $39^{\circ}$ ) forty minutes ( $40'$ ) East eighty-six (86) feet, South thirty-four degrees ( $34^{\circ}$ ) twelve minutes ( $12'$ ) East three hundred eight and three tenths (308.3) feet, South twenty-three degrees ( $23^{\circ}$ ) twenty-six minutes ( $26'$ ) East six hundred forty-eight (648) feet, South seventeen degrees ( $17^{\circ}$ ) twenty-three minutes ( $23'$ ) East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees ( $29^{\circ}$ ) 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 ( $37^{\circ}$ ) 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 ( $87^{\circ}$ ) 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 ( $15^{\circ}$ ) 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 ( $8^{\circ}$ ) thirty-six minutes ( $36'$ ) East one hundred eighteen and two tenths (118.2) feet, North three degrees ( $3^{\circ}$ ) thirty-six minutes ( $36'$ ) west ninety-seven and five tenths (97.5) feet, North twenty degrees ( $20^{\circ}$ ) fifty-four minutes ( $54'$ ) West ninety-one and five tenths (91.5) feet North twenty-eight degrees ( $28^{\circ}$ ) nineteen minutes ( $19'$ ) West four hundred and one tenth (400.1) feet, North thirty degrees ( $30^{\circ}$ ) thirty-six minutes ( $36'$ ) west sixty-six and three tenths (66.3) feet, North thirty-two degrees ( $32^{\circ}$ ) thirty-five minutes ( $35'$ ) west one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees ( $33^{\circ}$ ) 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.

APR 28 '42 82747

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

UNITED STATES OF AMERICA,

Plaintiff,

VS.

W. L. SUMMERS, ET AL.

Defendants.

No. 88 Civil

The above styled and numbered cause came on for hearing  
before a Jury on the 1st day of November, A. D. 1941, insofar as  
said proceeding concerned the following described tracts of land;

33-45-336

APR 28 '42 82747

1-

orders, of the Court, for such other and further proceedings as may seem proper to the Court.

DONE this 1st day of November, A. D., 1911.

(S) CHARLES A. BOYNTON

J U D G E

APPROVED:

(S) JOSEPH L. DUNIGAN  
Attorney for I. U. Gordon

(S) WILLIAM FLOURNOY  
Attorneys for W. L. Summers

(S) W. C. PETICOLAS  
Attorney for United States  
of America

Filed 1st day of Nov  
19 11 at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

MAXEY HART, Clerk.

By Flora L. Linker  
Deputy.

A true copy of the original, I certify.

MAXEY HART, Clerk,

By Flora L. Linker  
Deputy.

satisfaction of all claims of the Defendant, W. L. Summers, against the United States of America by reason of the taking of said property.

And it further appearing to the Court that on the 11th day of April, 1941, upon application of the Defendant, W. L. Summers, the said Defendant, W. L. Summers, was authorized to and did withdraw from the Registry of the Court the sum of One Hundred, Seventy-nine and 35/100 (\$179.35) Dollars, which sum was to have been applied upon the purchase price, and the Court finds that there remains due on said Judgment the sum of One Hundred and Fifty-six and 40/100 (\$156.40) Dollars, which sum shall bear interest at the rate of six per cent per annum from July 5th, 1940, the date of the filing of the Declaration of Taking herein;

IT IS FURTHER ORDERED that upon the payment of said sum of One Hundred and Fifty-six and 40/100 (\$156.40) Dollars, together with interest thereon, into the Registry of the Court by the Plaintiff, that the Clerk shall forthwith pay to the Defendant, W. L. Summers, said sum.

And it further appearing to the Court that Joseph L. Dunigan was appointed to represent I. U. Gordon, one of the Defendants cited by publication, and the Court being of the opinion that a reasonable fee for representing said Defendant is the sum of \$50.00.

IT IS, THEREFORE, ORDERED that Joseph L. Dunigan be allowed the sum of \$50.00 as his fee for representing said Defendant.

IT IS FURTHER ORDERED that jurisdiction of this cause be retained as to all other tracts of land and parties interested therein not specifically mentioned and disposed of by this order, or other

It further appearing to the Court that the Defendant, D. W. Cathcart, has heretofore executed a Deed to the United States of America covering the above described property, and that no service has been had upon the said D. W. Cathcart, and that he should be dismissed from this cause:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that this cause be dismissed as to D. W. Cathcart.

And the said cause having come on for consideration after the evidence had been introduced and arguments of counsel were submitted to the Jury, W. Benerman and eleven other good and lawful men, and said Jury having considered said cause returned the following verdict:

"We, the Jury, find for the defendant, and that the 3.91 acres of land involved herein was of the reasonable fair market value of \$75.00 per acre at the time of its taking on July 3rd, 1941. W. Benerman, Foreman."

And it further appearing to the Court that it was stipulated and agreed between the parties hereto that the 0.17 of an acre tract, being Tract No. 2 above described, was of the reasonable value of \$250.00 per acre, into the Registry of the Court by the Plaintiff,

And it further appearing to the Court that on the date of the filing of the Declaration of Taking herein W. L. Summers was the owner of the above described property, and the Court being of the opinion that by virtue of said fact and the verdict of the jury and stipulation mentioned, the Defendant, W. L. Summers, is entitled to judgment against the United States of America for the sum of Three Hundred and Thirty-Five and 75/100 (\$335.75) Dollars:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, W. L. Summers, do have and recover judgment against the United States of America for the sum of Three Hundred and Thirty-five and 75/100 (\$335.75) Dollars, which judgment shall be a full and complete and specifically mentioned and disposed of by this order, as other



and the United States of America having appeared herein by Ben F. Foster, United States Attorney for the Western District of Texas, W. C. Petricolas, Special Attorney, and Harold L. King, Special Assistant United States Attorney, and the Defendant, W. L. Summers, having appeared herein by Paul D. Thomas and William Flournoy, his Attorneys of Record, and the State of Texas and County of El Paso having appeared herein by Ernest Quinn, County Attorney, and the El Paso County Water Improvement District No. 1 having appeared herein by Richard F. Burges, its Attorney of Record, and I. U. Gordon, having been duly served with service of process in this cause by publication, none met and appeared herein by Joseph L. Amigan, his Attorney appointed to represent him by the Court in this cause; and

It appearing to the Court that the El Paso County Water Improvement District No. 1, the State of Texas and County of El Paso and Paul D. Thomas and wife, Lillian Farr Thomas, have filed disclaimers herein disclaiming all right, title and interest in and to the above described tracts of land, and the Court being of the opinion that said Defendants are entitled to recover nothing from the United States of America, or any party to this cause:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the State of Texas and County of El Paso, the El Paso County Water Improvement District No. 1 and Paul D. Thomas and Lillian Farr Thomas recover nothing from the United States of America, or any party to this cause; and that W. L. Summers, be entitled to judgment against the United States of America for the sum of Three hundred and thirty-five dollars or It further appearing to the Court that the Defendant, I. U. Gordon, had no interest in the above described property at the time of the filing of this suit, and that by reason thereof he is not entitled to recover anything from the United States of America, or any party to this cause;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Defendant, I. U. Gordon, recover nothing from the United States of America, or any party to this cause.

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

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.



APR 28 '42 82747

Two tracts of land lying and situate in El Paso County, Texas and in the South half (S<sup>1</sup>/<sub>2</sub>) of Section four (4) Township thirty-three (33) South, Range eight (8) East of the San Elizario Grant (San Elizario Grant), being also within the official resurvey of the San Elizario Grant as made by the Commissioners' Court of El Paso County, Texas, on the 15th day of July, 1907, and of record in the office of the county clerk of said county and more particularly described as follows:

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

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**No. 88 Civil**

Block fifty-four (54) of the said official resurvey of the San Elizario Grant and the right of way line of the I-243 Lateral, which is the property of the United States, and from which point the east southerly corner of said tract six (6) bears South thirty-two minutes (32') west five hundred forty-six (546) feet, and the dividing line between said tracts four (4) and six (6) bears North thirty-nine degrees (39°) forty-two minutes (42') East eighty-nine (89) feet to the Northeast corner of said tract four (4) and thence along the easterly line of said tract four (4), 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 (383.3) feet, South thirty-three degrees (33°) twenty-six minutes (26') East six hundred forty-eight (648) feet, South seventeen degrees (17°) thirty minutes (30') East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees (29°) thirty-one minutes (31') East three hundred thirty-one and one tenth (331.1) 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 (3') fifty-eight seconds (58") west and from said point the east westerly corner of tract four (4), Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty-seven degrees (87°) three minutes (3') twenty seconds (20") west two thousand three hundred forty-one and six tenths (2341.6) feet; thence northerly along the said curve a distance on the arc of two hundred thirty-one and one tenth (231.1) feet; thence North fifteen degrees (15°) and one hundred eighty-four and one tenth (184.1) feet to the right of way line of the I-243 Lateral; thence along the right of way line of said I-243 Lateral, North eight degrees (8°) six minutes (6') East one hundred eighteen and two tenths (118.2) feet, North three degrees (3°) thirty-six minutes (36') west ninety-seven and two tenths (97.2) feet, North twenty degrees (20°) fifty-four minutes (54') west ninety-one and five tenths (91.5) feet North west-eight degrees (8°) thirteen minutes (13') 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.

**Defendants.**

The above styled and numbered cause came on for hearing before a Jury on the 1st day of November, A. D. 1941, insofar as said proceeding concerned the following described tracts of land:

Block fifty-four (54) of the said official resurvey of the San Elizario Grant and the right of way line of the I-243 Lateral, which is the property of the United States, and from which point the east southerly corner of said tract six (6) bears South thirty-two minutes (32') west five hundred forty-six (546) feet, and the dividing line between said tracts four (4) and six (6) bears North thirty-nine degrees (39°) forty-two minutes (42') East eighty-nine (89) feet to the Northeast corner of said tract four (4) and thence along the easterly line of said tract four (4), 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 (383.3) feet, South thirty-three degrees (33°) twenty-six minutes (26') East six hundred forty-eight (648) feet, South seventeen degrees (17°) thirty minutes (30') East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees (29°) thirty-one minutes (31') East three hundred thirty-one and one tenth (331.1) 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 (3') fifty-eight seconds (58") west and from said point the east westerly corner of tract four (4), Block fifty-four (54) of the said official resurvey of the San Elizario Grant bears North eighty-seven degrees (87°) three minutes (3') twenty seconds (20") west two thousand three hundred forty-one and six tenths (2341.6) feet; thence northerly along the said curve a distance on the arc of two hundred thirty-one and one tenth (231.1) feet; thence North fifteen degrees (15°) and one hundred eighty-four and one tenth (184.1) feet to the right of way line of the I-243 Lateral; thence along the right of way line of said I-243 Lateral, North eight degrees (8°) six minutes (6') East one hundred eighteen and two tenths (118.2) feet, North three degrees (3°) thirty-six minutes (36') west ninety-seven and two tenths (97.2) feet, North twenty degrees (20°) fifty-four minutes (54') west ninety-one and five tenths (91.5) feet North west-eight degrees (8°) thirteen minutes (13') 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.

Corrected as to Surveying Data 11/1/41

33-46-336

APR 28 '42 82747

APR 28 '42 82747

By transfer dated October 21, 1937, of record in Book 628, Page 442 of the Deed Records of El Paso County, Texas, Charles F. Woster assigned notes numbers 7 to 12, both inclusive, together with the lien securing the same, to Lillian Farr Thomas.

These transfers do not state whether or not Lillian Farr Thomas is married or single but we are informed that she is the wife of Paul D. Thomas.

6. An easement and a conveyance of a twenty foot strip of land along the Northwesterly line of Survey 91 on the Island of the San Elizario Grant (which is now a part of Tract 4-B, Block 54 of the San Elizario Grant Re-Survey) as an outlet for the owner of Tract 3, Block 54 of the San Elizario Grant Re-Survey.

Said easement is described in the Warranty Deed dated November 26, 1910, of record in Book 171, Page 225 of the Deed Records of El Paso County, Texas, from Bernard Johnson and wife, Lillian Johnson, to William L. Sawyers. In this Deed Johnson conveyed only a one-half interest in said twenty foot strip and retained for himself an undivided one-half interest therein. The present owner of Tract 3, Block 54 of the San Elizario Grant Re-Survey is D. W. Catheart, who holds title to an undivided one-half interest in said twenty foot strip from the Grantees of William L. Sawyers.

7. On April 20, 1920 by contract, of record in Book 345, Page 298 of the Deed Records of El Paso County, Texas, J. C. Dysart, then owner of this property, contracted to sell the same to I. U. Gordon for the sum of \$7,200.00 to be paid from cotton grown on this land, or the proceeds thereof. The contract fails to state the amount of the yearly payments, or does it mention interest or the date when Deed was to be delivered. Apparently neither party fulfilled their contract for shortly thereafter J. C. Dysart conveyed the property to another party. This contract, however, clouds the title and a quitclaim deed should be obtained from I. U. Gordon.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "B"

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

1. State and County taxes for the year 1940 which are a lien but not yet due and payable.
2. Water and construction charges for the year 1940 which are a lien but not yet due and payable.
3. Rights of parties in possession.
4. Discrepancies in area and boundaries which a correct survey would show.
5. A Vendor's Lien retained in the Warranty Deed dated December 31, 1936, of record in Book 625, Page 15 of the Deed Records of El Paso County, Texas, from Charles F. Westor to W. L. Summers, securing the payment of twelve certain promissory notes, signed by the said W. L. Summers, payable to Charles F. Westor, all of even date with said Deed, and notes numbered 1 to 11, both inclusive, for the sum of \$1,000.00 each, note number 12, for the sum of \$500.00, note Number 1 due January 1, 1938, and the balance due on the same day of each successive year in their regular order until fully paid, bearing interest at the rate of six per cent from January 1, 1937, interest payable annually and containing the usual clauses found in vendor's lien notes. By transfer dated October 2, 1937, of record in Book 628, Page 352 of the Deed Records of El Paso County, Texas, Charles F. Westor assigned notes numbers 5 and 6, and the lien securing the same, to Harry Mitchell Brewing Company, a Corporation, and the latter company, by transfer, dated October 23, 1937, of record in Book 636, Page 81 of the Deed Records of El Paso County, Texas, assigned the said notes 5 and 6, together with the lien securing them, to Lillian Farr Thomas.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "A"

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

and a tract of land which is a part of Tract 4-B, Block 54 of the San Elizario Grant Re-Survey, more particularly shown on Plat No. 31, prepared by the Bureau of Reclamation for the Riverside Canal Extension.

1. State and County taxes for the year 1940 which are a lien but not yet due and payable.
2. Water and construction charges for the year 1940 which are a lien but not yet due and payable.
3. Rights of parties in possession.
4. Encumbrances in area and boundaries which a correct survey would show.
5. A vendor's lien retained in the Warranty Deed dated December 31, 1936, of record in Book 625, Page 15 of the Deed Records of El Paso County, Texas, from Charles F. Woster to W. L. Sumners, securing the payment of twelve certain promissory notes, all due by the said W. L. Sumners, payable to Charles F. Woster, all of even date with said Deed, and notes numbered 1 to 11, both inclusive, for the sum of \$1,000.00 each, note number 12, for the sum of \$500.00, note Number 1 due January 1, 1936, and the balance due on the same day of each successive year in their regular order until fully paid, bearing interest at the rate of six per cent from January 1, 1937, interest payable annually and containing the usual clauses found in vendor's lien notes.

The transfer dated October 3, 1937, of record in Book 652 of the Deed Records of El Paso County, Texas,

assigned notes numbers 5 and 6, and the

same, to Harry Mitchell Brewing Company, a

the latter company, by transfer, dated October

of record in Book 656, Page 31 of the Deed Records of

Texas, assigned the said notes 5 and 6, together

with securing them, to William Parr Thomas.

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112

NO. 14410

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

CERTIFICATE OF TITLE

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

The property covered by this certificate is accurately

200 First National Bank Building

and fully described as follows:

El Paso, Texas

A tract of land which is a part of Tract 4-3, Block

54 of the San Elizario Canal Reclamation, more particularly

TO: BUREAU OF RECLAMATION

shown on Plat No. 31, prepared by the Bureau of Reclamation

for the ~~El Paso~~ THE PIONEER ABSTRACT & GUARANTEE TITLE COMPANY, a

Corporation organized and existing under the laws of the State of Texas, with its principal office in the City of El Paso hereby certifies that it has made a thorough search of the title to the property described in SCHEDULE "A" hereof, beginning with the 10th day of March, 1882, and that the title to said property was indefeasibly vested in fee simple of record in W. L. SUMMERS, as of the 18th day of June A. D. 1940, free and clear of all encumbrances, defects, interests, and all other matters whatsoever, either of record or otherwise known to the corporation, impairing or adversely affecting the title to said property, except as shown in SCHEDULE "B" hereof.

In consideration of the premium paid, this certificate is issued for the use and benefit of said Bureau of Reclamation.

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

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

By \_\_\_\_\_ President

ATTEST:

By \_\_\_\_\_ Secretary



PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "B"

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

NONE.

TRACT 2- Beginning at a point on the westerly right of way line of the 1-243 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 ( $86^{\circ}$ ) 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 1-243 Lateral, South thirty-one degrees ( $31^{\circ}$ ) thirty-three minutes (33') East sixty-five and six tenths (65.6) feet, South twenty-eight degrees ( $28^{\circ}$ ) nineteen minutes (19') East three hundred ninety-six and seven tenths (396.7) feet, South twenty-degrees ( $20^{\circ}$ ) fifty-four minutes (54') East eighty-two and eight tenths (82.8) feet, South three degrees ( $3^{\circ}$ ) thirty-six minutes (36') East eighty-seven and one tenth (87.1) feet and South eight degrees ( $8^{\circ}$ ) 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 eightydegrees ( $80^{\circ}$ ) twenty eight minutes (28') twenty seconds (20") West two thousand one hundred ninety-four and nine tenths (2194.9) feet; thence North fifteen degrees ( $15^{\circ}$ ) ten minutes (10') West two hundred thirteen and five tanths (213.5) feet; thence North twenth-seven degrees ( $27^{\circ}$ ) ten mintues (10') West four hundred thirty-four and one tenth (434.1) feet to the point of beginning. Said tract of land containing seventeer hundredths (0.17) of an acre, more or less. Shown as tract No. 2 on plat attached hereto and made a part hereof.

W. L. Summers

seventeen degrees ( $17^{\circ}$ ) twenty-three minutes ( $23'$ ) East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees ( $29^{\circ}$ ) 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 ( $37^{\circ}$ ) 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 ( $87^{\circ}$ ) 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 ( $15^{\circ}$ ) ten minutes ( $10''$ ) West one hundred eighty-four and one tenth (184.1) feet to the easterly right of way line of the 1-243 Lateral; thence along the easterly right of way line of said 1-243 Lateral, North eight degrees ( $8^{\circ}$ ) thirty-six minutes ( $36'$ ) East one hundred eighteen and two tenths (118.2) feet, North three degrees ( $3^{\circ}$ ) thirty-six minutes ( $36'$ ) West ninety-seven and five tenths (97.5) feet, North twenty degrees ( $20^{\circ}$ ) fifty-four minutes ( $54'$ ) West ninety-one and five tenths (91.5) feet North twenty-eight degrees ( $28^{\circ}$ ) nineteen minutes ( $19'$ ) West four hundred and one tenth (400.1) feet, North thirty-degrees ( $30^{\circ}$ ) thirty-six minutes ( $36'$ ) West sixty-six and three tenths (66.3) feet, North thirty-two degrees ( $32^{\circ}$ ) thirty-five minutes ( $35'$ ) West one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees ( $33^{\circ}$ ) 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.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

SCHEDULE "A"

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

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 1-243 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

2  
117

103965  
PAID BY  
G. F. ALLEN  
MAY 30 1942

NO. 14410-A

CERTIFICATE OF TITLE

CHIEF DISBURSING OFFICER

D.O. 2278772

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

TO: UNITED STATES OF AMERICA

THE PIONEER ABSTRACT & GUARANTEE TITLE COMPANY, a Corporation organized and existing under the laws of the State of Texas, with its principal office in the City of El Paso hereby certifies that it has made a thorough search of the title to the property described in SCHEDULE "A" hereof, beginning with the 8th day of March, 1853, being the date of patent from the State of Texas, and that the title to said property was indefeasibly vested in fee simple of record in the UNITED STATES OF AMERICA, as of the 1st day of November, A. D. 1941, free and clear of all encumbrances, defects, interests, and all other matters whatsoever, either of record or otherwise known to the corporation, impairing or adversely affecting the title to said property, except as shown in SCHEDULE "B" hereof.

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

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

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

By

J. H. Newman  
President

ATTEST:

By W. L. Summers  
Asst. Secretary

W. L. Summers,

APR 28 '42 82747

RJL - EON

PAID BY  
G. F. ALLEN

33-45-336

MAY 30 1942

April 22, 1942

By messenger

CHIEF DISBURSING OFFICER

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

D. O. 2278772

My dear Mr. Secretary:

I have examined the certificates of title and transcript of record in the condemnation proceeding entitled United States of America v. W. L. Sumners, et al., Civil No. 88 in the United States District Court for the Western District of Texas, pertaining to tract number 2 of the Riverside Canal-Rio Grande project.

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

I find that the condemnation proceeding has been regularly conducted and that a fee simple title is vested in the United States of America as stated in the opinion of this Department dated July 19, 1940, and that on November 1, 1941, the court entered judgment determining the just compensation for the land to be the sum of \$335.75. The sum of \$179.35 was deposited into the registry of the court as estimated compensation for the land at the time of the filing of the declaration of taking.

The sum of \$156.40 plus interest at the rate of 6% per annum from July 3, 1940, until paid, should be deposited into the registry of the court in satisfaction of the deficiency judgment. When a check for the deficiency is received the United States Attorney will be requested to take such action as is required by law.

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

Respectfully,

Attorney General

Enclosure  
248736



Office of the Attorney General  
Washington, D.C.

430,03965  
RIO GRANDE  
COUNSEL  
ACCOUNTING

April 22, 1942

PAID BY  
G. F. ALLEN

MAY 30 1942

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

CHIEF DISBURSING OFFICER

D.O. #2278712

My dear Mr. Secretary:

I have examined the certificates of title and transcript of record in the condemnation proceeding entitled United States of America v. W. L. Summers, et al., Civil No. 88 in the United States District Court for the Western District of Texas, pertaining to tract number 2 of the Riverside Canal-Rio Grande project.

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

I find that the condemnation proceeding has been regularly conducted and that a fee simple title is vested in the United States of America as stated in the opinion of this Department dated July 19, 1940, and that on November 1, 1941, the court entered judgment determining the just compensation for the land to be the sum of \$335.75. The sum of \$179.35 was deposited into the registry of the court as estimated compensation for the land at the time of the filing of the declaration of taking.

The sum of \$156.40 plus interest at the rate of 6% per annum from July 3, 1940, until paid, should be deposited into the registry of the court in satisfaction of the deficiency judgment. When a check for the deficiency is received the United States Attorney will be requested to take such action as is required by law.

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

Respectfully,

*Francis Biddle*  
Attorney General

WJR - April 29, 1942  
Copies sent to CE, Denver, Colo.  
DC, Amarillo, Texas.  
Supt., El Paso, Texas.

APR 28 '42 82747

430. -  
RIO GRANDE

FHS:ld

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

MAY 15 1942

Gentlemen:

There is transmitted herewith for direct settlement claim in the amount of \$156.40 plus interest at six percent from July 3, 1940, in favor of the Clerk of the District Court of the United States for the Western District of Texas, for final judgment No. 88 in the case of the United States vs. W. L. Summers, et al. in connection with the taking of land and improvements ~~for the Rio Grande Project.~~

The claim has received administrative examination, is approved, and I recommend that payment be made from the fund "1418070 - Reclamation Contributed Funds".

For the Commissioner

Very truly yours,



H. W. Easters,  
Assistant Commissioner.

Enclosure 641

CC - D.C., Amarillo, Texas.  
Supt., El Paso, Texas.

*Shuman  
Overboard*



430. -

RIO GRANDE

WJR:im

JAN 23 1942

Mr. J. Edward Williams,  
Acting Head, Lands Division,  
Department of Justice,  
Washington, D. C.

Dear Mr. Williams:

Reference is made to your letter of November 18, 1941, (JEW-CNS 33-15-336) enclosing certified copies of the verdict and judgment as to Parcel 2, Tracts 1 and 2, in the condemnation proceeding entitled, United States of America v. (W. L. Summers) et al, in connection with the Rio Grande Project.

The verdict and judgment for Parcel 2, Tracts 1 and 2 of the above-entitled condemnation proceeding of \$335.75 is satisfactory to this Bureau.

Very truly yours,

*John C. Page*  
Commissioner.

Copy to CE, Denver, Colo.  
DC, Amarillo, Texas  
Supt., El Paso, Texas

Robinson  
Schwab



INDEX.

	Page
Petition in Condemnation Proceedings,	1
Declaration of Taking	9
Judgment on the Declaration of Taking	14
Appearance of W. L. Summers, Defendant	21
Order Appointing Commissioners	22
Oath of Special Commissioners	23
Affidavit for Publication	24
Notice to J. M. Escajeda, et al	25
Application for Order correcting Judgment on Declaration of Taking	27
Order correcting Judgment on Declaration of Taking	28
Notice to Martin Voruz, et al	29
Publisher's affidavit	31
Notice to I. U. Gordon	32
Publisher's affidavit	34
Findings of the Commissioners	35
Objections of J.M.Escajeda, et al to Findings of Commissioners	36
Motion to appoint Attorney to represent Defendants cited by publication	40
Order appointing Attorney	41
Disclaimer of S. B. Johnson	42
Application of W. L. Summers to withdraw money for Parcel No. 2,	43
Answer of I. U. Gordon, et al	44
Answer of Defendant Martin Voruz, et al	45
Disclaimer of El Paso Co. Water Improvement District No. 1,	46
Order to pay money for Parcel No. 2 to W. L. Summers	47
Demand of W. L. Summers for trial by jury	48
Answer of State of Texas, and County of El Paso	49
Admission to entitle defendant to open and close	51
Verdict of the jury	52
Statement of the Evidence	53
Judgment for W. L. Summers, et al	58
Statement of the Evidence re: Escajeda tract	61
Judgment for J. M. Escajeda, et al	62
Clerk's certificate	67

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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. SAGHORS ET AL,  
Defendants.

No. 88 Civil Action.  
Filed 7/3/40.

PETITION IN CONDEMNATION PROCEEDINGS.

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

Comes now the United States of America by W. N. Smith, Jr., United States Attorney for the Western District of Texas, and Walter S. Hunsicker and E. Neil White, 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 said 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

Record in  
California Co. 1889-90  
and 1890-91

Riverside Canal Extension  
Flat No. 32

Tract as to Engineering...

A tract of land lying and situate in El Paso County, Texas and in the  
southeast quarter (SE<sup>1</sup>/<sub>4</sub>) of Section four (4) Township thirty-four (34)  
South, Range eight (8) East Bureau of Reclamation Survey; which also within  
survey 1229, Mainland San Elizario Grant and Tract four (4) Block forty-five  
(45) of the official resurvey of the San Elizario Grant in the Reclamation,  
the  
thereof and resurvey of El Paso County, Texas the 13th day of January, 1910,  
Long (b) the 2d of March, 1921, 41 Stat., 1424, and (c) the 2d of

**February 26, 1921, 46 Stat., 1421, and all acts amendatory thereof and**

which is the most easterly corner of tract four  
Block forty-five (45) of said official resurvey of the San Elizario  
supplementary line of said Tract four (4) South  
degrees (89°) sixteen minutes (16') and three  
seconds (30"); thence North fifty-one degrees (51°) nineteen minutes  
(19') West three hundred thirty-eight and three tenths (338.3) feet; thence  
North ~~long, to wit:~~ 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°) fifty-five minutes (55') East nine hundred thirty-two  
and four tenths (932.4) feet and to the right along degrees (33°) seventeen  
minutes (17') East five hundred feet and from said corner (500) feet to the  
beginning of the line of the Riverside Canal Extension at the survey  
of the Riverside Canal Extension, the line of the Riverside Canal Extension  
of said tract.

Part 1,  
Certificate No. 21177-A  
and 21177-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. A.

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 ( $52^{\circ}$ ) 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 ( $52^{\circ}$ ) 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 ( $39^{\circ}$ ) forty minutes ( $40'$ ) East eighty-six (86) feet, South thirty-four degrees ( $34^{\circ}$ ) twelve minutes ( $12'$ ) East three hundred eight and three tenths (308.3) feet, South twenty-three degrees ( $23^{\circ}$ ) twenty-six minutes ( $26'$ ) East six hundred forty-eight (648) feet, South seventeen degrees ( $17^{\circ}$ ) twenty-three minutes ( $23'$ ) East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees ( $29^{\circ}$ ) 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 ( $37^{\circ}$ ) 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 ( $87^{\circ}$ ) 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 ( $15^{\circ}$ ) 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 ( $8^{\circ}$ ) thirty-six minutes ( $36'$ ) East one hundred eighteen and two tenths (118.2) feet, North three degrees ( $3^{\circ}$ ) thirty-six minutes ( $36'$ ) West ninety-seven and five tenths (97.5) feet, North twenty degrees ( $20^{\circ}$ ) fifty-four minutes ( $54'$ ) West ninety-one and five tenths (91.5) feet North twenty-eight degrees ( $28^{\circ}$ ) nineteen minutes ( $19'$ ) West four hundred and one tenth (400.1) feet, North thirty degrees ( $30^{\circ}$ ) thirty-six minutes ( $36'$ ) West sixty-six and three tenths (66.3) feet, North thirty-two degrees ( $32^{\circ}$ ) thirty-five minutes ( $35'$ ) West one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees ( $33^{\circ}$ ) 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.

• • •

• • •

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.

That petitioner is indigent and believes, and therefore alleges, upon information and belief, that J. H. Escobedo and wife, Josefina Escobedo, are the owners of Parcel 1, Plat No. 32, being Certificates numbered 11157-a and 11157-b. That the following named persons are 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, claiming some purchase and or claim to own an interest in the State of Tennessee, the County of El Paso, and claim to own an interest in said tract of land by virtue of a lien for delinquent taxes thereon. The El Paso County Water Improvement District No. 1 also claims to own some interest in said property by virtue of the fact that there are water and construction charges due and unpaid thereon. 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, St. Louis, Missouri; Mrs. Louis Belle (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. Eva Gilbert (formerly Esther Vorus) Highland, Illinois, daughter of Theo Vorus of Highland, Illinois; Mrs. Charles Lambert (formerly Grace Vorus), Highland, Illinois, daughter of Theo Vorus of Highland, Illinois; Louis Vorus, a minor, eighteen years of age, Troy, Illinois, son of Theo Vorus of Highland, Illinois; Jeannine Vorus, a minor, fifteen years of age, Troy, Illinois, daughter of Theo Vorus of Highland, Illinois; Edward Vorus, Los Angeles, California, son of E. L. Vorus of formerly of Seattle, Washington, now deceased; Mrs. Joseph H. Sharkey, Fortley, Colorado, adopted daughter of E. L. Vorus formerly of Seattle, Washington, now deceased; Joseph David, Sacramento, California, son of Mrs. Joseph and this proceeding instituted under the direction of the Attorney General.

David of Berkeley, California; Eugene Freeland, Jr., San Diego, California, son of Isaac Freeland; Mrs. Clara Pittman, Lane, Oregon, daughter of Isaac Freeland; and Mrs. Eliza Merritt, Seaside, Oregon, daughter of Isaac Freeland.

6. Petitioner is informed and believes, and therefore alleges upon information and belief, that W. L. Demare owns or claims to own Parcel 2, Tract 1 and Tract 2 Riverside Canal Extension Plat No. 21, Certificate No. 14413.

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. 21, Certificate No. 14413: Lillian Furr Thomas, whose husband is Paul B. Thomas, appears to own some interest in said tracts; D. E. Gathcart owns or claims an interest in said tracts; I. V. 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 23, 1940, 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. That 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 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 concerning the lands in fee simple absolute to the United States of America.

I, H. C. [Name], 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., 382, and all acts amendatory thereof and supplementary thereto, commonly known as the Reclamation Law; (b) the Act of March 4, 1901, 31 Stat., 1404, and (c) the Act of February 20, 1901, 31 Stat., 1421, and E. R. Smith, Jr. (Signed) United States Attorney and supplementary thereto, do hereby certify and file this declaration of taking pursuant to the provisions of Frank [Name] (Signed) Assistant U. S. Attorney and declare that the lands described in the complaint filed in this

Filed: July 3, 1940

complaint and other acts and orders 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 15/100 dollars (\$451.15), which said sum is hereby deposited into the registry of this honorable Court to the use and for the benefit of the estate 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 1.  
Certificate No. 111111  
and 111112

Riverside Canal Extension  
Plat No. 32

A tract of land lying and situate in El Paso County, Texas and in the  
Southeast quarter (IN THE DISTRICT COURT OF THE UNITED STATES  
South, Range eight (8) East Bureau of Reclamation Survey, also within  
survey 128 1/2 FOR THE WESTERN DISTRICT OF TEXAS, EL PASO DIVISION  
(12) of the official survey of the San Elizario Grant as designated by the  
Commissioners' Court of El Paso County, Texas and 15th day of February, 1940  
The United States of America, does:

The United States of America, does:

Beginning at a point **Plaintiff,** first easterly corner of tract four  
block forty-five (45) of said official survey of the San Elizario  
Grant; thence **No. 88 Civil,** the southeasterly line of said tract four (4) South  
forty-three degrees (43°) sixteen minutes (16') West fifty-six and three  
tenths (56 3/10) North fifty-one degrees (51°) nineteen minutes  
(19') West three hundred thirty-eight and three tenths (338.3) feet; thence  
North eighty-two degrees (82°) two minutes (02') West three hundred seven  
and six tenths (312.6) feet; thence North fifty-one degrees (51°) two  
minutes (02') West six hundred 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 and six tenths  
cenths (101.6) feet on the westerly line of tract four (4)  
block forty-five (45) of said official survey of the San Elizario Grant  
and 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 afore-  
said 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  
untitled thereto; that the following is a description of the  
fee simple absolute title is taken under this Declaration,  
value of the same:

Corrected by Engineering Survey

Parcel I.  
Certificate No. 14409-A  
and 14409-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.

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:

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 ( $52^{\circ}$ ) 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 ( $52^{\circ}$ ) 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 ( $39^{\circ}$ ) forty minutes ( $40'$ ) East eighty-six (86) feet, South thirty-four degrees ( $34^{\circ}$ ) twelve minutes ( $12'$ ) East three hundred eight and three tenths (308.3) feet, South twenty-three degrees ( $23^{\circ}$ ) twenty-six minutes ( $26'$ ) East six hundred forty-eight (648) feet, South seventeen degrees ( $17^{\circ}$ ) twenty-three minutes ( $23'$ ) East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees ( $29^{\circ}$ ) 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 ( $37^{\circ}$ ) 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 ( $87^{\circ}$ ) 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 ( $15^{\circ}$ ) 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 ( $8^{\circ}$ ) thirty-six minutes ( $36'$ ) East one hundred eighteen and two tenths (118.2) feet, North three degrees ( $3^{\circ}$ ) thirty-six minutes ( $36'$ ) West ninety-seven and five tenths (97.5) feet, North twenty degrees ( $20^{\circ}$ ) fifty-four minutes ( $54'$ ) West ninety-one and five tenths (91.5) feet North twenty-eight degrees ( $28^{\circ}$ ) nineteen minutes ( $19'$ ) West four hundred and one tenth (400.1) feet, North thirty degrees ( $30^{\circ}$ ) thirty-six minutes ( $36'$ ) West sixty-six and three tenths (66.3) feet, North thirty-two degrees ( $32^{\circ}$ ) thirty-five minutes ( $35'$ ) West one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees ( $33^{\circ}$ ) 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 E.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.

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

12

4-24-1940

12

1413

Correct as to Engineering Data A. O. D.

IN THE DISTRICT COURT OF THE UNITED STATES  
OF THE DISTRICT OF COLUMBIA  
S. P. H. DIVISION

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.

Filed: July 3, 1940. City of the Attorney General of the United States.

That in said Petition and Declaration of Taking a statement of the validity under which, and the public use for which said lands were taken was set out, and that the Honorable W. C. Mendenhall, 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



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. Federal Irrigation project, constructed, operated and maintained by the United States under the Act of Congress, approved by the President of the United States, on May 17, 1902, 32 Stat., 389, and all acts amendatory thereof, Defendants.

Section 1063, commonly known as the Reclamation Law; (2) the Act of March 3, 1907, 34 Stat., 1463, and (3) the Act of February 26, 1917, 39 Stat., 1463, and all acts amendatory thereof.

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

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

**FINDS:** 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 the land described in said petition is described therein as Parcel 1, Two hundred seventy

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.

**HELD:** 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. Mendenhall, 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 Interior of the United States, probably will be within any limits prescribed

works for the purpose of the reclamation, irrigation and drainage of arid lands within the Rio Grande Federal Irrigation project constructed, operated and maintained by the United States under the Reclamation Law, pursuant to (a) the act of Congress of June 17, 1902, 32 Stat. 388, and all acts amendatory thereof and supplementary thereto, commonly known as the Reclamation Law; (b) the act of March 4, 1921, 41 Stat., 1404, and (c) the act of February 26, 1931, 46 Stat., 1471, 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, declaration of taking, and the deposit in the registry of this Court of the amount of money to be paid for said lands.

**FOURTH:** That a proper description of the lands sought to be taken, sufficient for the identification thereof, is not set out in said Declaration of Taking to have been executed and taken as of the date of said filing and that a statement of the estate and interest in said lands taken for said public use is not set out therein.

**FIFTH:** A plan showing the lands taken is not set out therein.

**SIXTH:** 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 (\$272.90) 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 W. G. Mendenhall, Acting Under Secretary of the Interior of the United States, probably will be within any limits prescribed

of land being and situate in El Paso County, Texas and is the  
 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, 1911.  
 It is therefore considered by the Court, and it is the Court's judg-  
 ment and decree of the Court, that the title to the following described  
 lands in the State of Texas 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 hereinafter recited, in the sum of Four hundred  
 fifty one and sixty two and hundredths (\$451.62) 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 per-  
 son entitled thereto, and the amount of said compensation shall be ascer-  
 tained and awarded in this proceeding, and established by judgment herein,  
 pursuant to law.

The lands are described as follows:

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.

- 3 -

Correct as to Engineering Data A. O. A.

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 ( $52^{\circ}$ ) 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 ( $52^{\circ}$ ) 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 ( $39^{\circ}$ ) forty minutes ( $40'$ ) East eighty-six (86) feet, South thirty-four degrees ( $34^{\circ}$ ) twelve minutes ( $12'$ ) East three hundred eight and three tenths (308.3) feet, South twenty-three degrees ( $23^{\circ}$ ) twenty-six minutes ( $26'$ ) East six hundred forty-eight (648) feet, South seventeen degrees ( $17^{\circ}$ ) twenty-three minutes ( $23'$ ) East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees ( $29^{\circ}$ ) 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 ( $37^{\circ}$ ) 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 ( $87^{\circ}$ ) 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 ( $15^{\circ}$ ) 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 ( $8^{\circ}$ ) thirty-six minutes ( $36'$ ) East one hundred eighteen and two tenths (118.2) feet, North three degrees ( $3^{\circ}$ ) thirty-six minutes ( $36'$ ) West ninety-seven and five tenths (97.5) feet, North twenty degrees ( $20^{\circ}$ ) fifty-four minutes ( $54'$ ) West ninety-one and five tenths (91.5) feet North twenty-eight degrees ( $28^{\circ}$ ) nineteen minutes ( $19'$ ) West four hundred and one tenth (400.1) feet, North thirty degrees ( $30^{\circ}$ ) thirty-six minutes ( $36'$ ) west sixty-six and three tenths (66.3) feet, North thirty-two degrees ( $32^{\circ}$ ) thirty-five minutes ( $35'$ ) west one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees ( $33^{\circ}$ ) 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.

- 4 -

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. D. D.

— 3 —

4-24-1940

IN THE DISTRICT COURT OF THE UNITED STATES  
IN AND FOR THE WESTERN DISTRICT OF TEXAS

The possession of the above described property shall be delivered  
to the United States of America on or before Monday, the 6th 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.

DEFENDANTS.

APPEARANCE BY W. L. SUMMERS, DEPUTY CLERK.

James M. W. L. Summers, defendant in the above entitled and  
captioned cause and enters this his appearance therein.

(Signed) Charles A. Boynton

Judge Presiding.

(Signed) W. L. Summers.

Filed: July 3, 1940.

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 W. L. SUMMERS, DEFENDANT.

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

(Signed) W. L. Summers.

Filed: July 8, 1940.



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. §

ORDER APPOINTING COMMISSIONERS.

It appearing to the Court that R. E. Sherman, C. A. Kinne and C. M. Newman are disinterested freeholders of El Paso County, Texas:

It is ORDERED, ADJUDGED and DECREED that they be, and they are hereby, appointed Special Commissioners to assess the damages in connection with the condemnation of lands taken by the United States of America in the above entitled and numbered cause.

Done, this 15th day of July, A. D. 1940.

(Signed) Charles A. Boynton,  
United States District Judge.

Filed: July 15, 1940

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

UNITED STATES OF AMERICA,

UNITED STATES OF AMERICA,

vs. PLAINTIFF,

No. 28 Civil.

vs. ET AL.,

No. 28 Civil.

W. L. SUMMERS, ET AL.,

DEFENDANTS.

OATH OF SPECIAL COMMISSIONERS.

COUNTY OF EL PASO

We, the undersigned Appraisers, duly appointed by the Honorable Charles A. Boynton, Judge of the United States District Court for the Western District of Texas, as Special Commissioners to assess the damages to the owners of the land sought to be condemned by the United States of America in the above numbered and entitled cause, do solemnly swear that we will assess said damages fairly and impartially and in accordance with the law.

2. That the defendant D. W. Cathcart is a nonresident of the State of Texas.

~~C. M. Newman (signed)~~

~~C. A. Kenne (signed)~~

~~R. E. Sherman (signed)~~

H. Nellie Walsh

Sworn and subscribed before us on this 16th day of July, A. D. 1940.

SEAL

H. Nellie Walsh  
Notary Public, El Paso County,  
Texas.

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

The United States of America;

To her Marshal for the Western District of Texas;

SPRINGFIELD, Texas, are hereby returned to Harry S. M. Escobedo and wife,  
**IN THE DISTRICT COURT OF THE UNITED STATES**  
**IN AND FOR THE WESTERN DISTRICT OF TEXAS**  
**EL PASO DIVISION**  
El Paso, by a copy thereof to Harry S. Escobedo, County Judge, or

Special Commissioner, El Paso County, Texas, the El Paso County Water Improvement  
**UNITED STATES OF AMERICA,** William Farr Thomas and Paul W. Taylor,  
District No. 1, W. L. **PLAINTIFF,**  
vs. I. U. Gordon, USA  
**No. 88 Civil.**  
**W. L. SUMMERS, ET AL.,** the United States of America filed  
**DEFENDANTS.** in the District of Texas the petition to

AFFIDAVIT FOR PUBLICATION.

STATE OF TEXAS

COUNTY OF EL PASO

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  
Southwest Quarter of Section 34, Township 33N, Range 10E,  
Block fifty-four (54) South, Range eight (8) East Bureau of  
San Elizario Grant and Tract Four (4) Block forty-five  
of the official resurvey of the San Elizario 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  
Elizario Grant, El Paso County, Texas;

1. That the residence of I. U. Gordon is  
Parcel 2, Tract 2, 0.17 of an acre, more or less, out of  
Block fifty-four (54) of the official  
resurvey of the San Elizario Grant, El Paso County, Texas;

2. That the defendant D. W. Cathcart is a  
nonresident of the State of Texas,  
all of such tracts being more fully described in plaintiff's petition, re-  
ference to which is here made for all purposes,

AND WHEREAS, the undersigned R. Neill Walshe (signed)  
R. Neill Walshe  
Newman, having been appointed by the United States District Court as Special

Commissioner to assess the damages to the owners of the above described  
lands by Sworn and subscribed before me on this 16th  
day of August 1940 inundation thereof by the United States of America

and said Commissioners having been duly sworn to assess the damages fairly  
and equitably and in accordance with the law,  
Lucile H. Silver  
Notary Public, El Paso County,  
Texas.

NOW, THEREFORE, you and each of you are hereby notified to appear  
on the 2nd day of October, 1940, at El Paso, Texas, in the Grand Jury  
Room of the United States Courthouse in said city at 11:00 o'clock a.m.,

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

The United States of America:

To the Marshal for the Western District of Texas:

GREETING: You are hereby commanded to notify J. M. Escajeda and wife, Josefina Escajeda, S. B. Johnson, the State of Texas, and County of El Paso, by serving a copy hereof on Joseph G. McGill, County Judge, or Ernest Guinn, County Attorney, the El Paso County Water Improvement District No. 1, W. L. Summers, Lillian Farr Thomas and Paul D. Thomas, D. W. Cathcart, I. U. Gordon, that

WHEREAS, on July 3, 1940, the United States of America filed in the District Court for the Western District of Texas its petition to condemn certain lands in El Paso County, Texas, said petition being numbered 88 on the Civil Docket of the El Paso Division of the Western District of Texas, said land being 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 (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 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 Elizario 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 Elizario Grant, El Paso County, Texas;

all of such tracts being more fully described in plaintiff's petition, reference to which is here made for all purposes,

AND WHEREAS, the undersigned R. E. Sherman, C. A. Kinne and C. M. Newman, having been appointed by the United States District Court as Special Commissioners to assess the damages to the owners of the above described lands by reason of the condemnation thereof by the United States of America and said Commissioners having been duly sworn to assess the damages fairly and impartially and in accordance with the law;

NOW, THEREFORE, you and each of you are hereby notified to appear on the 2nd day of October, 1940, at El Paso, Texas, in the Grand Jury Room of the United States Courthouse in said city at 11:00 o'clock a.m.,

for the purpose of offering any evidence that you may desire on the issue as to the damages to be assessed against the United States of America and to be paid to the owners of said land and the persons having interest therein by reason of condemnation of said land; the undersigned Commissioners having heretofore duly selected such time and place for hearing as required by law.

HEREIN FAIL NOT, but have you before the undersigned Commissioners on the 2nd day of October, 1940, this writ with your return thereon showing how you have executed the same.

WITNESS our hands this 10th day of August, 1940,

(Signed) C. M. Newman,

" C. A. Kinne

" R. E. Sherman

Special Commissioners.

RETURN ON SERVICE OF NOTICE.

Received this writ at El Paso, Texas, on the 10th day of August, 1940, and I have executed the same, in part as follows: On August 10, 1940, in El Paso County, Texas, I served J. M. Escajeda, Josefina Escajeda, W. L. Summers, and Lillian Farr Thomas by serving Paul D. Thomas, Attorney in fact for each of the above named persons at the same time and place I served Paul D. Thomas in person. On August 12, 1940, I served The State of Texas and The County of El Paso by serving Ernest Guinn, County Attorney for El Paso County and The El Paso County Water Improvement District No. 1 by serving Pearle H. Glover, Assessor and Collector for the above named District No. 1. On August 13, at Fabens, in El Paso County, Texas, I served S. B. Johnson in person, at the same time and place I left with each of the above named persons a true copy of this writ. This writ is returned unserved as to D. W. Cathcart and I. U. Gordon for the reason that after diligent search they are not to be found in the Western District of Texas or the El Paso Division thereof.

Guy McNamara, United States Marshal,

By (Signed) George A. Brown, Deputy.

Fees	\$ 18.00
Expense	2.40
	<u>\$ 20.40</u>

Filed: September 11, 1940.

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

W. L. SHERKES, ET AL,

Defendants.

No. 28 Civil Action.  
No. 28 Civil 1940.

APPLICATION OF PLAINTIFF FOR AN ORDER CORRECTING  
JUDGMENT OR DECLARATION OF TAKING

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

Come now the Plaintiff in the above styled and numbered cause  
by **W. L. SHERKES, ET AL**, the Defendant or Plaintiffs in the above styled and  
numbered cause, by **W. R. SMITH, JR.**, United States Attorney, and **R. NEILL WALSH**, Assistant  
United States Attorney, and files this its motion for an order correcting  
Judgment on the Declaration of Taking heretofore entered in the above  
styled and numbered cause on July 3, 1940.

The said Judgment on the Declaration of Taking contained a  
recital in Paragraph Seven thereof reading as follows:

"For the lands described therein as Parcel 2,  
One hundred seventy-nine and thirty two one-hundredths  
(\$179.32) Dollars."

That as a matter of fact there was deposited in the registry of  
the Court for the lands described therein as Parcel 2, One  
hundred seventy-nine and thirty five one-hundredths (\$179.35) Dollars.  
Through error of counsel the  
amount appeared in the Judgment as One hundred seventy-nine and thirty two  
one-hundredths (\$179.32) Dollars.

Plaintiff further shows that the Judgment should be corrected in  
said Seventh paragraph thereof by changing the words and figures of "One  
hundred seventy-nine and thirty two one-hundredths (\$179.32) Dollars" to "One  
hundred seventy-nine and thirty five one-hundredths (\$179.35) Dollars."

WHEREFORE, Plaintiff prays for an Order of Court correcting the  
Judgment.

W. R. Smith, Jr.,

W. R. Smith, Jr.,  
United States Attorney

Filed: Sept. 9, 1940.

By: (Sgd.) R. Neill Walsh

R. Neill Walsh,  
Assistant U. S. Attorney.

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.

ORDER CORRECTING JUDGMENT ON DECLARATION OF TAKING

BE IT REMEMBERED, that on this 10th day of September, 1940, came on to be considered the motion of Plaintiff in the above styled and numbered cause for correction of judgment on the Declaration of Taking entered on July 3, 1940, and it appearing to the Court that the allegations in Plaintiff's motion for correction are true and that such error should be corrected:

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the portion of Paragraph Seven of said judgment on Declaration of Taking reading, "for the lands described therein as Parcel 3, One hundred seventy-nine and thirty two one-hundredths (\$179.32) Dollars", be corrected so as to read as follows: "for the lands described therein as Parcel 3, One hundred seventy-nine and thirty five one-hundredths (\$179.35) Dollars."

(Sgd.) Charles A. Boynton.

United States District Judge

Filed: September 10, 1940.

IN THE DISTRICT COURT OF THE UNITED STATES

IN AND FOR THE WESTERN DISTRICT OF TEXAS

Special Commissioner of the EL PASO DIVISION

described lands by reason of the forfeiture thereof by the United States.

The United States of America:

To the Marshal for the Western District of Texas:

GREETING: You are hereby commanded to notify Martin Vorus, Mrs. Louis Wells, Cecil T. Vorus, Mrs. Roy Wolbert, Mrs. Charles Landert, Louis Vorus, Jessamine Vorus, Edmund Vorus, Mrs. James H. Sharon, Leander Perid, Eugene Freeland, Jr., Mrs. Oscar Pittman, Mrs. Elise Merritt, and the unknown heirs of Albert A. Vorus, and all other persons or parties who may have some interest in and to the lands hereinafter described by making publication of this notice, once in each week for four successive weeks previous to the 2nd day of October, 1940, in some newspaper published in the County of El Paso, Texas. To the above named persons and parties:

WHEREAS, on July 1, 1940, the United States of America filed in the District Court for the Western District of Texas the petition to condemn certain lands in El Paso County, Texas, said petition being numbered 88 on the Civil Docket of the El Paso Division of the Western District of Texas, said land being described as follows:

Parcel 1, 4.62 acres, more or less, out of 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 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;

all of such tracts being more fully described in plaintiff's petition, reference to which is here made for all purposes.

AND WHEREAS, the undersigned R. E. Sherman, C. A. Kinn and C. H. Haman, having been appointed by the United States District Court as



PUBLISHERS AFFIDAVIT  
EL PASO HERALD POST.

STATE OF TEXAS  
COUNTY OF EL PASO

Special Commissioners to assess the damages to the owners of the above described lands by reason of the condemnation thereof by the United States of America and said Commissioners having been duly sworn to execute the same in and to the County of El Paso, Texas, and in accordance with the Law upon oath that he is the publisher of the El Paso Herald-Post, you and each of you are hereby notified that in the year of the condoning of October, 1940, at El Paso, Texas, in the Grand Jury Room of the United States Courthouse in said city at 11:00 o'clock for the purpose of assessing damages to be assessed against the United States of America and to be paid to the owners of said land and the persons having interest therein by reason of condemnation of said land, the undersigned Commissioners having heretofore duly selected said time and place for hearing as required by law.

HEREIN FAIL NOT, but have you before the undersigned Commissioners on the 2nd day of October, 1940, and with your return thereon showing how you have executed the same.

WITNESS our hands this 11th day of August, 1940.

and subscribed before me, this the 4th day of September,

(Signed) W. McNamee  
Notary Public in and for El Paso  
County, Texas

W. C. Shannon  
K. C. Shannon  
Special Commissioners.

MARSHAL'S RETURN.

The within notice of hearing before Commissioners was duly received and served by publication in the El Paso Herald-Post in accordance with publisher's affidavit hereto attached on August 13, 29, 27, and September 3, 1940.

Given under my hand this 10th day of Sept. 1940, in El Paso, Texas.  
Buy McNamara, United States Marshal.  
By K. C. Shannon, Deputy United States Marshal.

PUBLISHERS AFFIDAVIT  
EL PASO HERALD POST.

STATE OF TEXAS  
COUNTY OF EL PASO.

BEFORE me, a notary public in and for El Paso, State of Texas, on this day personally appeared W. C. Webster who states upon oath that he is the Auditor of the El Paso Herald Post, a daily newspaper published in the city and county of El Paso, State of Texas, which is a newspaper of general circulation and which has been continuously and regularly published for the period of not less than one year in the said County of El Paso, and that he was such upon the dates herein mentioned:

That the Legal Notice copy of which is hereto attached, was published in the El Paso Herald Post once each week for four weeks. The dates of such publication being as follows, to wit: August 13, 20, 27, and September 3, 1940.

(Signed) W. C. Webster

Sworn to and subscribed before me, this the 4th day of September, 1940.

(SEAL)

(Signed) Edna L. Nichol  
Notary Public in and for El Paso  
County, Texas.

Returned and filed: September 25, 1940.

of the condemnation thereof by the United States of America

and in **IN THE DISTRICT COURT OF THE UNITED STATES**  
**IN AND FOR THE WESTERN DISTRICT OF TEXAS**  
**EL PASO DIVISION** accordance with the law;

and, WHEREAS, you and each of you are hereby

summoned to appear at **Monday of October, 1940, at El Paso,**

**Texas, in the Grand Jury Room of the United States Courtroom**  
**at El Paso, Texas, before the Marshal for the Western District of Texas!**

in said city at **11:00 o'clock A.M.** for the purpose of appearing  
publicly **QUARTER** You are hereby commanded to notify **J. U. Gordon**  
and **D. W. Cathers** by making publication of this notice, once  
in each week for four successive weeks previous to the **10th**

day of **October, 1940,** in **some** newspaper published in the  
County of **El Paso, Texas.** To the above named persons and  
Commissioners having heretofore duly selected such time and  
parties:

and for hearing as required by law.

WHEREAS, on the 3rd day of July, 1940, the United  
States of America filed in the District Court for the Western  
District of Texas its petition to condemn certain lands in El  
Paso County, Texas, said petition being numbered 88 on the  
Civil Docket of the El Paso Division of the Western District  
of Texas, said land being described as follows:

Parcel 1, 4.41 acres, more or less, out of a tract  
of land lying and situate in El Paso County,  
Texas and in the Southeast quarter (SE<sup>1</sup>/<sub>4</sub>) of  
Section four (4) Township thirty-four (34)  
South, Range eight (8) East Bureau of Reclamation Survey; being also within survey 189,  
Mainland San Elizario Grant and Tract four  
(4) Block forty-five (45) of the official  
resurvey of the San Elizario Grant in El Paso  
County, Texas;

The within notice of hearing before Commissioners was duly received  
and served by **Tract 1, 3.41 acres out of Tract**  
publisher's affidavit on **Four B (4B), Block fifty-four (54) of the**  
Given under my hand and seal of said Court, September 3, 1940, at El Paso, Texas.

Parcel 2, Tract 2, 0.17 of an acre, more or  
less, out of **Tract four (4B) Block fifty-**  
**four (54) of the official resurvey of the**  
**San Elizario Grant, El Paso County, Texas;**

AND WHEREAS, the undersigned **R. E. Sherman, G. A.**

**Kims,** and **J. H. Newman,** having been appointed by the  
United States District Court as Special Commissioners to assess  
the damages to the owners of the above described land by reason

TO HONORABLE AFFIDAVIT

of the condemnation thereof by the United States of America

and said Commissioners having been duly sworn to assess the damages fairly and impartially and in accordance with the law;

**NOW, THEREFORE, you and each of you are hereby**

**notified to appear on the 2nd day of October, 1940, at El Paso, Texas, in the Grand Jury Room of the United States Courthouse**

**in said city at 11:00 o'clock A.M., for the purpose of offering**

**any evidence that they may desire on the issue as to the damages**

**to be assessed against the United States of America and to be**

**paid to the owners of said land and the persons having interest**

**therein by reason of condemnation of said land; the undersigned**

**Commissioners having heretofore duly selected such time and**

**place for hearing as required by law, August 20, 27, September 3, 10, 13,**

**1940.**

**HEREIN FAIL NOT, but have you before the undersigned**

**Special Commissioners on the 2nd day of October, 1940, this**

**writ with your return thereon showing how you have executed**

**the same.**

Sworn to and subscribed before me, 19<sup>th</sup> day of August 1940.

(Signed) Edna L. Nichol  
Notary Public in and for El Paso County, Texas.  
Edna L. Nichol  
E. L. Kinn  
Special Commissioners.

(SEAL)

Filed: September 14, 1940.  
MARSHAL'S RETURN.

The within notice of hearing before Commissioners was duly received and served by publication in the El Paso Herald-Post in accordance with publisher's affidavit hereto attached on August 20, 27, and September 3, 10, 13. Given under my hand this 13th day of September, 1940, at El Paso, Texas.

Guy McNamara,  
United States Marshal.  
By K.C. Shannon, Deputy United States Marshal.

PUBLISHERS AFFIDAVIT

EL PASO HERALD-POST.

STATE OF TEXAS

COUNTY OF EL PASO.

BEFORE me, a notary public in and for El Paso, State of Texas, on this day personally appeared W. C. Webster who states upon oath that he is the Auditor of the El Paso Herald Post, a daily newspaper published in the city and county of El Paso, State of Texas, which is a newspaper of general circulation and which has been continuously and regularly published for the period of not less than one year in the said County of El Paso, and that he was such upon the dates herein mentioned.

That the Legal Notice copy of which is hereby attached, was published in the El Paso Herald Post once each week for four weeks. The dates of such publication being as follows, to wit: August 20, 27, September 3, and 10, 1940.

(Signed) W. C. Webster

Sworn to and subscribed before me, this the 10th day of September, 1940.

(Signed) Edna L. Nichol

(SEAL)

Notary Public in and for El Paso County,  
Texas.

Filed: September 14, 1940.

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 88 Civil Action.

W. L. SUMMERS, et al.,

Defendants.

FINDINGS OF THE COMMISSIONER.

W. L. SUMMERS, LINDA M. SUMMERS, and  
JOHN W. SUMMERS vs. W. L. SUMMERS, et al.

vs. the undersigned Commissioner, 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 No. 1, 3.91 acres, more or less, out of a tract

of land lying and situate in El Paso County, Texas and  
containing the southeast quarter (SE<sup>1</sup>/<sub>4</sub>) of Section four (4) Town-  
ship thirty-four (34) South, Range eight (8) West Survey  
of Reclamation Survey, being also within survey 127,  
Mainland San Elivario Grant and Tract four (4) Block  
forty-five (45) of the official resurvey of the San  
Elivario Grant in El Paso County, Texas,

Parcel 2, Tract 1, 3.91 acres out of Tract four (4)  
Block fifty-four (54) of the official resurvey of  
the San Elivario Grant, El Paso County, Texas; Parcel  
No. 2, Tract 1, 3.91 acres, more or less, out of Tract  
four (4) Block fifty-four (54) of the official resur-  
vey of the San Elivario Grant, El Paso County, Texas.

to thereby assess the damages occasioned by the taking of the parcel first  
above described at the sum of \$272.30 and for the taking of the parcel

second above described at the sum of \$179.35 and in said  
award to pay to the said J. W. SUMMERS, and wife,  
and the sum of one hundred seventy-nine dollars thirty-five cents

(\$179.35) assessed for parcel No. 2, (Signed) R. E. Sherman

3.91 acres and .07 of an acre respectively particularly described  
in said award, caused by W. L. SUMMERS, are both wholly inadequate  
and insufficient is that these Defendants, J. W. G.M. Newman

are damaged by the taking of the tract 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

IN THE DISTRICT COURT OF THE UNITED STATES  
of said par IN AND FOR THE WESTERN DISTRICT OF TEXAS six hundred  
EL PASO DIVISION  
twenty-five (\$425.00) dollars and the amounts which the commissioners

UNITED STATES OF AMERICA are wholly inadequate and do not  
constitute Plaintiff's petition herefor.

Vs. II. Concerning said parcel No. 1, ~~60-C-111~~ J. M.

W. L. SUMMERS, et al; the entire of so much thereof as lies within  
survey No. Defendant's San Elizario grant in El Paso County, Texas;  
that is to say so much of said parcel as lies to the South of  
OBJECTIONS OF J. M. ESCAJEDA, JOSEFINA ESCAJEDA,  
the dividing line between ELLIAN FARR THOMAS, AND survey No. 121,  
PAUL D. THOMAS TO DECISION OF COMMISSIONERS  
which part of said land has an area of 4.35 acres and which  
To the Honorable United States District Court for the Western  
constitutes 94.4 per cent of the area, 4.61 acres of said entire  
District of Texas, El Paso Division;  
parcel No. 1; and they, and all other parties filing this answer,

expressly, Now come J. M. ESCAJEDA and wife, JOSEFINA ESCAJEDA,  
W. L. SUMMERS, and ELLIAN 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 W. L. SUMMERS, et al; and to the decision and  
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 during December, 1940, in the sum of  
neither the amount awarded by the said commissioners, which  
award was dated and filed October 9, 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  
3.92 acres and .07 of an acre respectively particularly described  
in said award, owned by W. L. SUMMERS, and 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

of said parcel No. 2, tracts 1 and 2, in the sum of six hundred and twenty-five (\$625.00) dollars and the amount which the commissioners have awarded for said tracts are wholly inadequate and do not and the constitution's just compensation therefor; by them, and the damage

II. Concerning said parcel No. 1, the said J. M. ESCOBAR 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 said 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 claim is nine hundred (\$900.00) dollars, and of the part to which they disclaim is twenty-five (\$25.00) dollars.

The persons mentioned in the Plaintiff's petition in paragraph XI (5) and described as the heirs of ALBERT A. WENZ, neither own nor claim any interest in that part of said parcel No. 1 which the said J. M. ESCOBAR and wife own as above set forth. Interest in said parcel No. 1 and no interest in said parcel No. 1 and any part thereof, and neither the State of Texas or the El Paso County of El Paso nor El Paso County State Improvement District No. 1 has any interest in, nor does any part of said parcel No. 1 by virtue of any lien for taxes, water charges, or by any other right in El Paso, nor the El Paso Water Improvement District No. 1, over the land of J. M. ESCOBAR 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

Therefore 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



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 PARR 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 PARR 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. GATREART 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, owner 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

IN THE DISTRICT COURT OF THE UNITED STATES  
IN AND FOR THE DISTRICT OF COLUMBIA  
CIVIL ACTION

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 other and further relief as they may be  
entitled to, and respectfully calls to the Court's  
attention the fact that the following named defendants herein were served  
by publication and that none of them have appeared or appeared in this  
cause and that an attorney should be appointed to represent them herein.

(Signed) Paul D. Thomas

I, W. L. Summers  
Martin Summers  
J. M. ESCAJEDA, JOSEFINA  
ESCAJEDA, W. L. SUMMERS,  
LILLIAN FARR THOMAS, AND  
PAUL D. THOMAS.

Filed: October 10, 1940.

(Signed) H. Neill Walshe,  
Assistant U. S. Attorney.

Filed: January 23, 1941.

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

UNITED STATES OF AMERICA  
UNITED STATES OF AMERICA  
U. L. SUGGENT, ET AL  
U. L. SUGGENT, ET AL

No. 68 Civil Action  
No. 68 Civil Action

NOTICE TO APPOINT ATTORNEY to represent certain defendants cited by publication and have not answered.

ORDER APPOINTING ATTORNEY  
Now comes R. Neill Walsh, one of the attorneys of record for the plaintiff, United States of America, and respectfully calls to the Court's attention the fact that the following named defendants herein were served by publication and that none of them have answered or appeared in this case and that an attorney should be appointed to represent them herein:

I. V. Gordon,  
Martin Varus,  
Mrs. Louis Walls,  
Cecil E. Varus,  
Mrs. Roy Walbert,  
Mrs. Charles Landert,  
Louis Varus,  
Jessamine Varus,  
Edward Varus,  
Mrs. James H. Sharon,  
Leander David,  
Eugene Freeland, Jr.,  
Mrs. Gray Kitzman, and  
Mrs. Eliza Merritt.

WHEREFORE, it is respectfully prayed that the Court appoint an attorney to represent said parties,

and it appearing to the Court that the aforementioned defendants should have an attorney appointed to represent them

and that Joseph L. Dunigan, an attorney of this Court, is duly qualified to act as their counsel, it is, therefore, ORDERED, ADJUDGED and

DECREED that Joseph L. Dunigan (Signed) R. Neill Walsh, appointed Assistant U. S. Attorney.

to File: January 25, 1941.

Filed: January 29, 1941,

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

UNITED STATES OF AMERICA,

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

VS

No. 88-Civil.

UNITED STATES OF AMERICA

No. 88 Civil Action

W. L. GIBBERS, ET AL

R. JOHNSON,

ORDER APPOINTING ATTORNEY

BE IT REMEMBERED, that on this 29th day of January, 1941, came on to be considered the motion of R. Neill Walsh, one of the attorneys of record for plaintiff, United States of America, in the above-entitled and numbered cause, calling the Court's attention to the fact that

- I. U. Gordon,
- Martin Vorus,
- Mrs. Louis Wells, Johnson,
- Cecil T. Vorus,
- Mrs. Roy Wolbert,
- Mrs. Charles Landert,
- Louis Vorus,
- Jessamine Vorus,
- Edmund Vorus,
- Mrs. James H. Sharon,
- Leander Payd,
- Eugene Freeman, Jr.,
- Mrs. Omar Rittman, and
- Mrs. Elise Herrig,

STATE OF TEXAS  
COUNTY OF EL PASO.

Before me, the undersigned authority, in and for said County and State, on this day personally appeared Joseph L. Dunigan, known to me to be the person whose name is subscribed to the foregoing and who acknowledged to me that he executed the same for the purposes mentioned therein expressed, and it appearing to the Court that the aforementioned defendants in said cause, were served by publication or notice and have not appeared and answered herein, and it appearing to the Court that the aforementioned defendants should have an attorney appointed to represent them

Given under my hand and seal of office this 26th day of October, 1940, and that Joseph L. Dunigan, an attorney at this Court, is duly

qualified to act as their counsel, it is, therefore, ORDERED, ADJUDGED and

DECREED that Joseph L. Dunigan, (Signed) Hal Waddy, County Public Defender, and he is hereby appointed to represent the aforementioned defendants in this proceeding.

(SEAL)

Filed: February 12, 1941, Maxey Hart, Clerk, By Flora L. Linker, Deputy.

(Signed) Charles A. Boynton  
United States District Judge.

Filed: January 29, 1941,



UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS, THE ENSO DIVISION IN AND

FOR THE WESTERN DISTRICT OF TEXAS,

UNITED STATES OF AMERICA EL PASO DIVISION.

UNITED STATES OF AMERICA, :  
Plaintiff, :

VS. :

PLAINTIFF, :

NO. 88 CIVIL

W. L. SUMMERS, et al, :

No. 88-CIVIL.

Defendants. :

DEFENDANTS.

APPLICATION TO WITHDRAW MONEY DEPOSITED  
ANSWER IN COURT FOR PARCEL NUMBER TWO.

TO THE HONORABLE UNITED STATES DISTRICT COURT FOR

THE WESTERN DISTRICT OF TEXAS, EL PASO DIVISION:

numbered and entitled cause, and states that he is the owner of Parcel

No. two (B), Tracts One (1) and Two (2) particularly described in the  
Plaintiff's Petition filed herein.

by publication, through their attorney, Joseph L. Dunigan, who has

Further that he has filed his objections in this Court to the  
decision of the Commissioners, which objections are hereby expressly  
referred to and made a part hereof.

Gathcart, has disclaimed any interest in and to the lands described

Further that in accordance with Title forty (40), Section  
288-A, the United States of America has taken the said lands for its  
use, and has deposited in this court to the use of the persons entitled  
thereto for said Parcel No. Two, Tracts one and two, the sum of ONE HUNDRED  
SEVENTY-NINE DOLLARS THIRTY-FIVE CENTS (\$179.35).

The said W. L. SUMMERS is the person entitled thereto, and he  
hereby applies to the Court in accordance with said Section of said Code  
to order the said sum of ONE HUNDRED SEVENTY-NINE DOLLARS THIRTY-FIVE  
CENTS (\$179.35) to be paid forthwith to him on account of the just compen-  
sation to be awarded in said proceedings, same to be paid to him and the  
order to so provide without prejudice to his right to file said objections  
filed by him to the said amount, so that if the compensation finally award-  
ed in respect of said lands shall exceed the said amount, Judgment shall  
be entered against the UNITED STATES for the amount of the deficiency in  
accordance with said Section of said Code.

(Signed) Joseph L. Dunigan  
Attorneys for said Defendants, I. U.  
Gordon and D. W. Gathcart

Filed 18th day of February, 1941.  
MAXEY HART, Clerk  
BY: FLORA L. LINKER (SGD)  
Deputy.

PAUL D. THOMAS (SGD)  
WILLIAM FLOURNOY (SGD)  
Attorneys for Said W. L. Summers

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 ALI,                 ¶  
  ¶  
  DEFENDANTS.                     ¶

Answer of I. U. Gordon and D. W. Cathcart.

TO THE HONORABLE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF TEXAS, EL PASO DIVISION:

Now come I. U. Gordon and D. W. Cathcart, defendants cited by publication, through their attorney, Joseph L. Dunigan, who has been duly appointed by the Court to represent them, and for answer would respectfully state unto the Court that the defendant, D. W. Cathcart, has disclaimed any interest in and to the lands described in the plaintiffs' petition filed herein, and as to the interest of I. U. Gordon, if any he has, in and to the lands described as follows:

A tract of land which is a part of Tract 4 B, Block 54 of San Elizario Grant, Re-Survey, more particularly shown on plat No. 31 prepared by the Bureau of Reclamation for the Riverside Canal Extension.

This defendant prays that the Court determine his interest, if any he has, in and to said lands above described, and his damages on account of the taking of said interest, and that this defendant recover his costs, and for such other and further relief as he may be entitled to.

(Signed) Joseph L. Dunigan  
Attorneys for said Defendants, I.U.  
Gordon and D. W. Cathcart.

Filed: March 11, 1941.

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. §

J. M. ESCAJEDA, ET AL., §  
DEFENDANTS. §

ANSWER OF DEFENDANT MARTIN VORUZ, ET AL.

TO THE HONORABLE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF TEXAS, EL PASO DIVISION:

Now come Martin Voruz, Mrs. Lewis Wells, Cecil T. Voruz, Mrs. Roy Wolbert, Mrs. Charles Landert, Lewis Voruz, Jessimine Voruz, Edmund Voruz, Mrs. James H. Sharon, Leander Pavid, Eugene Freeland, Jr., Mrs. Homer Rittman, Mrs. Elsie Merrit, and the unknown heirs of Albert A. Voruz and all other persons or parties who may have some interest in and to the lands hereinafter described, by their attorney, Joseph L. Dunigan, duly appointed by this honorable Court to represent those above named, and for their answer would state to the court that they are the owners of the following described lands in the San Elizario Grant, El Paso County, Texas:

All of that part of parcel No. 1, described in plaintiff's Petition herein, lying within Survey No. 128 and lying north of the dividing line between Surveys No. 128 and 129, which said part of said lands has an area of .26 of an acre, and constitutes five and six-tenths (5.6%) per cent of Parcel No. 1 described in plaintiff's petition filed herein;

for which the United States of America have allowed the sum of \$272.30, A proportionate valuation of the lands above described amounts to \$15.25. No separate valuation was placed upon the above described lands by the Commissioners appointed by the Court.

WHEREFORE, these defendants, through their attorney, Joseph L. Dunigan, pray that the Court find and assess the valuation on account of the taking of the aforesaid lands, and that these defendants recover their costs, and for such other and further relief as they may be entitled to.

(Signed) Joseph L. Dunigan  
Joseph L. Dunigan, Attorney for the unknown heirs of Albert A. Voruz, and Martin Voruz, Mrs. Lewis Wells, Cecil T. Voruz, Mrs. Roy Wolbert, Mrs. Charles Landert, Lewis Voruz, Jessimine Voruz, Edmund Voruz, Mrs. James H. Sharon, Leander Pavid, Eugene Freeland, Jr., Mrs. Homer Rittman, Mrs. Elsie Merrit, and all other persons or parties who may have some interest in and to such lands.

Filed: March 11, 1941.



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.                         |

DISCLAIMER OF EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO.1.

Comes now the El Paso County Water Improvement District No. 1  
and shows to the Court that there are no water or construction charges  
due on the property described in plaintiff's petition, and, therefore,  
it disclaims any right, title or interest in and to said property.

EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO.1.  
(Signed) By Richard F. Burges,

Filed: March 29, 1941.

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

UNITED STATES OF AMERICA,  
THE UNITED STATES  
Plaintiff,

VS.

NO. 88 CIVIL

W. L. SUMMERS, ET AL.

Defendants.

ORDER FOR THE PAYMENT FORTHWITH OF THE  
MONEY DEPOSITED IN COURT FOR PARCEL TWO

BY THE UNITED STATES OF AMERICA AND I. U. GORDON.

This 11th day of April, A. D., 1941, came on to

be heard, the application of W. L. SUMMERS, one of the Defendants in the above numbered and entitled cause, to withdraw the sum of ONE HUNDRED SEVENTY-NINE AND 35/100 (\$179.35) DOLLARS, deposited in Parcel No. 2, Tracts 1 and 2, described in the Plaintiff's Court by the Plaintiff in accordance with Title Forty (40), Section 25B-A, as the estimated compensation stated in the Declaration of Taking filed herein for Parcel No. Two (2), Tracts One and Two particularly described in the Plaintiff's petition filed herein.

And it appearing to the court that such application should be granted,

IT IS THEREFORE ORDERED that the sum of ONE HUNDRED SEVENTY-NINE AND 35/100 (\$179.35) DOLLARS so deposited, be paid forthwith to W. L. SUMMERS on account of the just compensation to be awarded in these proceedings for said Parcel 2. If the compensation finally awarded in respect of said Parcel One exceeds the said amount, the court shall enter Judgment against the United States for the amount of the deficiency in accordance with said section of said code; and said application and this order are made without prejudice to the right of the said W. L. SUMMERS to seek and recover such deficiency.

O.K. W.C.P. (SGD)

~~CHARLES A. ROYNTON (SGD)~~  
JUDGE

Filed 11th day of April, 1941,  
MAXEY HART, Clerk.  
BY: MARGARITA GAMEROS (SGD),  
Deputy.

UNITED STATES DISTRICT COURT 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.         ¶

W.L.Summers  
Defendant's demand for jury.

TO THE UNITED STATES OF AMERICA AND I. U. GORDON.

W. L. SUMMERS, one of the defendants in the above numbered and entitled cause, demands a trial by jury of all issues concerning the land involved in such condemnation proceedings, which is owned by him, to wit: Parcel No. 2, Tracts 1 and 2, described in the Plaintiff's Petition filed herein.

(Signed) Paul D. Thomas  
" William Flournoy  
Attorneys for said defendant, W.L.Summers.

Received a copy of the foregoing demand, this 25th day of June, 1941.

(Sgd.) W. C. Peticolas  
Special United States Attorney.

Received a copy of the foregoing demand this 25th day of June, A.D. 1941.  
(Sgd.) Joseph L. Dunigan,  
Attorney appointed by the court to defend such action on behalf of the defendant, I.U.Gordon.

Filed: June 26, 1941.

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.  
E L. SUMMERS, ET AL.,        §  
                                  DEFENDANTS.        §

ANSWER OF STATE OF TEXAS AND COUNTY OF EL PASO.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the State of Texas, by the County Attorney of El Paso County, Texas, and would show the Court that on the land sought to be condemned by the United States of America in this suit that there are taxes due, delinquent and unpaid on Tract 4, Block 45 of the San Elizario Grant, El Paso County, Texas, described in Paragraph II, Section 1 ~~the~~ petition in said condemnation proceedings, and referred to as Parcel 1, Plat No. 32, being Certificates Nos. 14409-a and 14409-b; that on the schedule attached hereto and made a part of this petition, the person to whom the taxes were assessed, the years for which they are delinquent and the taxing units to which they are payable, and the penalty, interest and cost due thereon are shown.

That such items are a constitutional lien on said property, prior and superior to the rights of all other persons whomsoever.

And said State of Texas would further show to the Court that as to the other lands described in said petition for condemnation, there are no taxes due and owing, and said State of Texas and all of the taxing units represented by the State of Texas have no taxes due on said other property.

WHEREFORE, the State prays that this Court award to the State of Texas, for its own use, and for the use and benefit of El Paso County and Fabens Independent School District No. W-10, the sums herein shown to be due them, and that the other parties to this suit take nothing until this claim of the State has been paid in full.

(Signed) Ernest Guinn  
Ernest Guinn, County Attorney.

Filed: November 1, 1941.

SCHEDULE NO. \_\_\_\_\_

# DELINQUENT TAX NOTICE, STATEMENT AND SCHEDULE

EL PASO, TEXAS, 2-13-41

NO. \_\_\_\_\_

TO J.M. Escalajeda

ADDRESS \_\_\_\_\_

PLEASE RETURN THIS STATEMENT WITH REMITTANCE OR REFER TO NO. OF THIS STATEMENT DESCRIPTION OF ACREAGE PROPERTY DESCRIPTION OF CITY PROPERTY

ABST. NO.	SUR. NO.	TRACT NO.	BLOCK NO.	SUB-DIVISION OR GRANT	OTHER DESCRIPTION	ACRES	LOT NUMBER	BLOCK NO.	ADDITION	
									CITY OR TOWN	COUNTY OF EL PASO, TEXAS
		4	45	Sec 4 Elizabeth		32.69				

TO WHOM ASSESSED	ROLL OR FORM	PAGE	LINE	YEAR	STATE TAX		COUNTY TAX	SCHOOL DISTRICT NO.	TOTAL
					AD VALORUM	POLL			
J.M. Escalajeda			5	1931	3 88		5 41	7 87	17 16
TOTAL TAXES					3 88		5 41	7 87	17 16
PENALTY, INTEREST & COSTS					1 63		2 27	3 31	7 21
GRAND TOTALS					5 51		7 68	11 18	24 37

Penalties, interest and costs are computable according to law, and are to be apportioned upon collection to the various taxing units as shown on this schedule.

Texas Laws, Revised Civil Statutes 1925, provide that unless the owner or owners of such lands or lots described herein shall pay to the Assessor and Collector of Taxes, the amount of Taxes, Penalties, Interest and Costs as set forth in this notice within thirty days from date of said notice, then and in the event, the County or District Attorney will institute suit for the collection of such moneys and for the foreclosure of the Constitutional Lien existing against such lands and lots.

I hereby certify that the above Statement of Delinquent Taxes due and unpaid in this County against the above described Lands and Lots is true and correct according to the Rolls and Delinquent Tax Record in this County.

TAX ASSESSOR-COLLECTOR, EL PASO COUNTY, TEXAS  
 BY Edman Pasch  
 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.  
  ¶  
J. M. ESCAJEDA, ET AL.,            ¶  
  ¶  
  ¶            DEFENDANTS.        ¶

ADMISSION TO ENTITLE DEFENDANT TO OPEN AND CLOSE.

Now comes W. L. Summers, Defendant in the above numbered and entitled cause and admits that the Plaintiff is entitled to recover against him, as set forth in its petition, except so far as the Plaintiff may be defeated, in whole or in part, by the allegations of the answer constituting a good defense which may be established on the trial -- that is, said defendant admits that there is no issue to be tried except the value of the land owned by said Defendant -- the allegations of Plaintiff, United States of America, being admitted as to any and all other issues.

(Signed) Paul D. Thomas  
" William Flournoy  
Attorneys for said Defendant.

Filed: November 1, 1941.

COPY

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

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

No. 88-Civil.

VERDICT OF THE JURY IN THE CASE OF  
UNITED STATES OF AMERICA vs W. L. SUMMERS, ET AL, NO. 88 CIVIL

We, the jury, find for the defendant, and that the 3.91 acres of land involved herein was of the reasonable fair market value of \$75 00/100 per acre at the time of its taking on July 3, 1940. The following evidence was introduced:

J.M. Escobedo, S. B. Anderson and W. L. Summers testified that in their opinion the 3.91 acres of land was of the reasonable market value, on July 3rd, 1940, of \$3150.00 an acre. J. M. Escobedo and S. B. Anderson testified that in their opinion the reasonable market value of the 3.91 acres of land on July 3, 1940, was \$3150.00 an acre.

Joseph L. Dunigan, Attorney for the United States, testified that

Filed: November 1, 1941, Maxey Hart, Clerk, By J. N. Phillips, Deputy.  
announced in open court that he had a conflict of interest as to the apparent interest of his client. He concluded that said defendant no interest in said land.

(Signed) Charles A. Boynton, Clerk

Approved:

W. J. Petricolas  
Attorney for United States of America,

Joseph L. Dunigan,  
Attorney for Defendant E. U. Gordon

William Flournoy  
Attorneys for Defendant, W. L. Summers.

Filed: November 1, 1941.

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

UNITED STATES OF AMERICA,		
PLAINTIFF,		
VS		No. 88-Civil.
W. L. SUMMERS, ET AL.,		
DEFENDANTS.		

STATEMENT OF EVIDENCE.

Upon the trial of the above styled and numbered cause, insofar as Parcel No. 2 is concerned, the following evidence was introduced:

J.M.Escajeda, R. B. Anderson and W. L. Summers testified that in their opinion the 3.91 acres of land was of the reasonable market value, on July 3rd, 1940, of \$150.00 an acre.

C. W. Bickley and W. K. Ramsey testified that in their opinion the reasonable market value of the 3.91 acres of land, on July 3, 1940, was \$35.00 per acre.

Joseph L. Dunigan, Attorney for the Defendant, I. U. Gordon, announced in open Court that he had made a full investigation as to the apparent interest of his client, I. U. Gordon, and concluded that said defendant no interest in said tracts of land.

(Signed) Charles A. Boynton, Judge.

Approved:

W. C. Peticolas  
Attorney for United States of America,

Joseph L. Dunigan,  
Attorney for Defendant I. U. Gordon

William Flournoy  
Attorneys for Defendant, W. L. Summers.

Filed: November 1, 1941.



**IN THE DISTRICT COURT OF THE UNITED STATES,**

**FOR THE WESTERN DISTRICT OF TEXAS,**

**EL PASO DIVISION.**

**UNITED STATES OF AMERICA,**

vs. **W. L. SUMMERS, ET AL.**  
Plaintiff, No. 83-Civil.  
Defendants.

**The above styled and numbered cause came on for hearing before a jury on the 1st day of November, A. D. 1941, insofar as**

**said proceeding concerned the following described tracts of land:**  
Beginning at the point of intersection of the dividing line between tracts four (4) and six (6) block fifty-four (54) of the official resurvey of the San Elizario Grant and the easterly right of way line of the I-842 lateral, which is the property of the United States, and from said point the most southerly corner of said tract six (6) bears South fifty-two degrees (52°) west five hundred thirty-six (536) feet; thence along the dividing line between said tracts four B (4B) and six (6) North thirty-three degrees (33°) 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 (383.3) feet, South thirty-two degrees (32°) thirty-six minutes (36') East six hundred forty-eight (648) feet, South seventeen degrees (17°) and five tenths (17.5) feet and South twenty-nine degrees (29°) thirty-one minutes (31') East 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 (37°) fifty-eight seconds (58") west and from which point the most westerly corner of tract four B (4B), block fifty-four (54) of the official resurvey of the San Elizario Grant bears North eighty-seven degrees (87°) three minutes (87°) thirty seconds (30") west and from said corner three hundred forty-four and eight tenths (344.8) feet North thirty-two degrees (32°) and five tenths (32.5) feet; thence South thirty-five degrees (35°) and five tenths (35.5) feet; thence North thirty-five degrees (35°) and five tenths (35.5) feet West one hundred eighty-four and two tenths (184.2) feet to the easterly right of way line of the I-842 lateral; thence North twenty-nine degrees (29°) and five tenths (29.5) feet, North twenty degrees (20°) fifty-four minutes (54') West ninety-one and five tenths (91.5) feet North twenty-eight degrees (28°) and five tenths (28.5) minutes (19') East four hundred and one tenth (401.1) feet, North thirty-two degrees (32°) 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-three and eight tenths (133.8) 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 contains one hundred ninety-one hundredths (191) acres, more or less. Shown as a part of a plat attached hereto and made a part hereof.

Correct as to Engineering Data

Approved: Paul D. Thomas, William Flourngy for Escajeda and wife.  
Joseph L. Dunigan for Heirs of Albert A. Voruz;  
W. C. Peticolas, Special Attorney  
Filed: November 7, 1941.

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 ( $52^{\circ}$ ) 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 ( $52^{\circ}$ ) 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 ( $39^{\circ}$ ) forty minutes ( $40'$ ) East eighty-six (86) feet, South thirty-four degrees ( $34^{\circ}$ ) twelve minutes ( $12'$ ) East three hundred eight and three tenths (308.3) feet, South twenty-three degrees ( $23^{\circ}$ ) twenty-six minutes ( $26'$ ) East six hundred forty-eight (648) feet, South seventeen degrees ( $17^{\circ}$ ) twenty-three minutes ( $23'$ ) East four hundred fifty-two and five tenths (452.5) feet and South twenty-nine degrees ( $29^{\circ}$ ) 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 ( $37^{\circ}$ ) 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 ( $87^{\circ}$ ) 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 ( $15^{\circ}$ ) 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 ( $8^{\circ}$ ) thirty-six minutes ( $36'$ ) East one hundred eighteen and two tenths (118.2) feet, North three degrees ( $3^{\circ}$ ) thirty-six minutes ( $36'$ ) west ninety-seven and five tenths (97.5) feet, North twenty degrees ( $20^{\circ}$ ) fifty-four minutes ( $54'$ ) West ninety-one and five tenths (91.5) feet North twenty-eight degrees ( $28^{\circ}$ ) nineteen minutes ( $19'$ ) West four hundred and one tenth (400.1) feet, North thirty degrees ( $30^{\circ}$ ) thirty-six minutes ( $36'$ ) west sixty-six and three tenths (66.3) feet, North thirty-two degrees ( $32^{\circ}$ ) thirty-five minutes ( $35'$ ) west one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees ( $33^{\circ}$ ) 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.

Approved: Paul D. Thomas, William Flournoy for Escajeda and wife.  
Joseph L. Dunigan for Heirs of Albert A. Voruz;  
W. C. Peticolas, Special Attorney  
Filed: November 7, 1941.

Correct as to Engineering Data A. D. A.

Riverside Canal Extension #31  
Page No. 2

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. B. D.

4-24-1940

56

57

Approved: Paul D. Thomas, William Flournoy for Escajeda and wife.  
Joseph L. Dunigan for Heirs of Albert A. Voruz;  
W. C. Peticolas, Special Attorney  
Filed: November 7, 1941.

and the United States of America having appeared herein by ~~Sam F. Foster~~, United States Attorney for the Western District of Texas, W. C. Peticolas, Special Attorney, and Harold L. Sims, Special Assistant United States Attorney, and the Defendant, W. L. Summers, having appeared herein by Paul D. Thomas and William Flournoy, his Attorneys of Record, and the State of Texas and County of El Paso having appeared herein by Ernest Quinn, County Attorney, and the El Paso County Water Improvement District No. 1 having appeared herein by Richard F. Huges, its Attorney of Record, and I. U. Gordon, having been duly served with service of process in this cause by publication, ~~came not and~~ appeared herein by Joseph L. Dunigan, his Attorney appointed to represent him by the Court in this cause, and

It appearing to the Court that the El Paso County Water Improvement District No. 1, the State of Texas and County of El Paso and Paul D. Thomas and wife, Millie Farr Thomas, have filed disclaimers herein disclaiming all right, title and interest in and to the above described tracts of land, and the Court being of the opinion that said Defendants are entitled to recover nothing from the United States of America, or any party to this cause:

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that the State of Texas and County of El Paso, the El Paso County Water Improvement District No. 1 and Paul D. Thomas and Millie Farr Thomas recover nothing from the United States of America, or any party to this cause, and the Defendant, W. L. Summers, is entitled to judgment against the United States of America for the sum of Three Hundred and Thirty-five

and 75/100 ~~and~~ It further appearing to the Court that the Defendant, I. U. Gordon, had no interest in the above described property at the time of the filing of this suit, and that by reason thereof he is not entitled to recover anything from the United States of America, or any party to this cause.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that the Defendant, I. U. Gordon, recover nothing from the United States of America, or any party to this cause.

Approved: Paul D. Thomas, William Flournoy for Escajeda and wife.  
 Joseph L. Dunigan for Heirs of Albert A. Voruz;  
 W. C. Peticolas, Special Attorney  
 Filed: November 7, 1941.

It further appearing to the Court that the Defendant, D. W. Cathcart, has heretofore executed a Deed to the United States of America covering the above described property, and that no service has been had upon the said D. W. Cathcart, and that he should be dismissed from this cause.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that this cause be dismissed as to D. W. Cathcart.

And said cause having come on for consideration after the evidence had been introduced and arguments of counsel were submitted to the Jury, W. Benerman and eleven other good and lawful men, and said Jury having considered said cause returned the following verdict:

"We, the jury, find for the defendant, and that the 3.91 acres of land involved herein was of the reasonable fair market value of \$75.00 per acre at the time of its taking on July 3rd, 1940. W. Benerman, Foreman."

And it further appearing to the Court that it was stipulated and agreed between the parties hereto that the 0.17 of an acre tract, being tract No. 2 above described, was of the reasonable value of \$250.00.

And it further appearing to the Court that on the date of the filing of the Declaration of Taking herein W. L. Summers was the owner of the above described property, and the Court being of the opinion that by virtue of said fact and the verdict of the jury and stipulation mentioned, the Defendant, W. L. Summers, is entitled to judgment against the United States of America for the sum of Three Hundred and Thirty-five and 75/100 (\$335.75) Dollars as his fee for representing said Defendant.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that the Defendant, W. L. Summers, do have and recover judgment against the United States of America for the sum of Three Hundred and Thirty-five and 75/100 (\$335.75) Dollars, which judgment shall be a full and complete

satisfaction of all claims of the Defendant, W. L. Summers, against the United States of America by reason of the taking of said property.

said property to the Court:

And it further appearing to the Court that on the 11th day of April, 1941, upon application of the Defendant, W. L. Summers, the said Defendant, W. L. Summers, was authorized to and did withdraw from the Registry of the Court the sum of One Hundred, Seventy-nine and 95/100 (\$179.95) Dollars, which sum was to have been applied upon the purchase price, and the Court finds that there remains due on said judgment the sum of One Hundred and Fifty-six and 40/100 (\$156.40) Dollars, which sum shall bear interest at the rate of six per cent per annum from July 2nd, 1940, the date of the filing of the Declaration of Taking herein:

W. C. Peticolas

Attorney for United States

IT IS FURTHER ORDERED that upon the payment of said sum of One Hundred and Fifty-six and 40/100 (\$156.40) Dollars, together with interest thereon, into the Registry of the Court by the Plaintiff, that the Clerk shall forthwith pay to the Defendant, W. L. Summers, said sum.

And it further appearing to the Court that Joseph L. Dunigan was appointed to represent I. U. Gordon, one of the Defendants cited by publication, and the Court being of the opinion that a reasonable fee for representing said Defendant is the sum of \$ 50.00

IT IS, THEREFORE, ORDERED that Joseph L. Dunigan be allowed the sum of \$ 50.00 as his fee for representing said Defendant.

IT IS FURTHER ORDERED that jurisdiction of this cause be retained as to all other tracts of land and parties interested therein not specifically mentioned and disposed of by this order, or other

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

orders, of the Court, for such other and further proceedings as may  
seem proper to the Court.

DOES this 1st day of November, A. D. 1941.

(Signed) Charles A. Boynton  
JUDGE

Approved: STATEMENT OF EVIDENCE INTRODUCED BY TRIAL.

Joseph L. Dunigan of the above numbered and entitled cause held on the  
7th day of November, 1941, concerning Parcel #1, described in the  
Petition of William Flourney, the following evidence was introduced on behalf  
of the Attorneys for W. L. Summers

W. C. Peticolas

Attorney for United States  
of America who testified as follows:

That the area of Parcel #1 described in the Plaintiff's Petition  
is Four and Sixty one hundredths acres (4.61), of which four and  
five hundredths (4.05) acres (or 94.4 per cent thereof) lies within the  
east part of said parcel which is to the South of the dividing line between  
Surveys #128 and #129 - that is, lies within Survey #129; and TWO AND  
SIX HUNDREDTHS (0.26) of an acre, or FIVE AND SIX TENTHS PER CENT (5.6%)  
of said 4.61 acres, lies within Survey #128 - that is, North of the line  
between Surveys 128 and 129; that said entire Parcel #1, containing  
4.61 acres, was of a value of \$272.30 at the time of the filing of the  
Declaration of Taking herein and at the time of the Judgment thereon, and  
that the value per acre of that part thereof as aforesaid which lies  
within Survey 128 is less than the value per acre of the remainder of  
said entire tract and less than the sum of \$15.25, and that the value  
of the part of the said Parcel #1 which lies within Survey 129 is  
more than \$257.07.

II

Certificates from The Pioneer Abstract & Guarantee Title Company  
were introduced in evidence showing that parties described in the Plaintiff's  
Petition as the heirs of Albert Voruz, and named therein, do not  
claim to any part of such land except such part thereof as lies within  
Survey 128.

(Signed) Charles A. Boynton, Judge

Approved: Paul D. Thomas, William Flourney for Escajeda and wife;  
Joseph L. Dunigan for Heirs of Albert A. Voruz;  
W. C. Peticolas, Special Attorney  
Filed: November 7, 1941.

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.     §

J. M. ESCAJEDA, ET AL.,     §  
                                  DERENDANTS.     §

STATEMENT OF EVIDENCE INTRODUCED ON TRIAL.

Upon trial of the above numbered and entitled cause held on the 7th day of November, 1941, concerning Parcel #1, described in the Plaintiff's Petition, the following evidence was introduced on behalf of the Plaintiff, to wit:

1.

Testimony of Carl Peacock who testified as follows:

That the area of Parcel #1 described in the Plaintiff's Petition is Four and Sixty one hundredths acres (4.61), of which four and thirty five hundredths (4.35) acres (or 94.4 per cent thereof) lie within that part of said parcel which is to the South of the dividing line between Surveys #128 and #129 - that is, lies within Survey #129; and TWENTY SIX HUNDREDTHS (0.26) of an acre, or FIVE AND SIX TENTHS PER CENT (5.6%) of said 4.61 acres, lies within Survey #128 - that is, North of the line between Surveys 128 and 129; that said entire Parcel #1, containing 4.61 acres, was of a value of \$272.30 at the time of the filing of the Declaration of Taking herein and at the time of the Judgment thereon, and that the value per acre of that part thereof as aforesaid which lies within Survey 128 is less than the value per acre of the remainder of said entire tract and less than the sum of \$15.25, and that the value of the part of the said Parcel #1 which lies within Survey 129 is more than \$257.07.

II

Certificates from The Pioneer Abstract & Guarantee Title Company were introduced in evidence showing that parties described in the Plaintiff's Petition as the heirs of Albert Voruz, and named therein, had no claim to any part of such land except such part thereof as lies within Survey 128.

(Signed) Charles A. Boynton, Judge.

Approved: Paul D. Thomas, William Flournoy for Escajeda and wife.

Joseph L. Dunigan for Heirs of Albert A. Voruz;

W. C. Peticolas, Special Attorney

Filed: November 7, 1941.



IN THE DISTRICT COURT OF THE UNITED STATES

IN AND FOR THE DISTRICT OF TEXAS

UNITED STATES

OF AMERICA, Plaintiff

VS.

J. M. ESCAJEDA, et al.

Defendants.

JUDGMENT RELATIVE TO PARCEL NUMBER ONE.

This 7th day of November, 1931 came on regularly

for hearing the above entitled and numbered cause for condemnation,

insofar as it relates to the lands described in the petition as Parcel No. 1, said parcel being described as follows:

Parcel No. 1 (Riverside Canal Extension Plat No. 52). A tract of land lying and situate in El Paso County, Texas and in the south-east quarter (802) of Section four (4), Township thirty-four (34) South, Range eight (8), being 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, on the 18th 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 fifty-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) foot radius a distance on the arc of one hundred sixty 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 Eligario 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 Eligario 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 to plaintiff's petition and made a part thereof.

The United States of America, having appeared herein by Ben F. Foster, United States Attorney for the Western District of Texas, R. Neill Walsh, Assistant United States Attorney for the Western District of Texas, W. C. Peticolas, Special Attorney, and the defendants, J. M. Escajeda and Josefina Escajeda, his wife, having appeared herein by Paul D. Thomas and William Flournoy, their attorneys, and the State of Texas and County of El Paso, having appeared herein by Ernest Guinn, County Attorney, and the El Paso County Water Improvement District No. 1, having appeared herein by Richard F. Burges, its Attorney of Record, and it appearing to the Court that Martin Voruz, Mrs. Lewis Wells, formerly Ruth Voruz, Cecil T. Voruz, Mrs. Charles Landert, formerly Grace Voruz, Lewis Voruz, Jessamine Voruz, Edmund Voruz, Mrs. H. Sharon, Leander David, Eugene Freeland, Jr., Mrs. Omar Rittman, and Mrs. Elise Merrit, heirs of Albert A. Voruz, were duly and legally cited by publication herein in the manner and form required by law, and that none of said parties so cited by publication filed an answer or entered an appearance within the time prescribed by law, and that the Court appointed Joseph L. Dunigan, an attorney and member of the Bar of this Court, to represent said defendants, and the said Joseph L. Dunigan having appeared herein in their behalf, and

It appearing to the Court that the State of Texas and County of El Paso, El Paso County Water Improvement District No. 1 and D. B. Johnson have filed disclaimers herein, disclaiming any right, title or interest in and to the above described property, and the Court being of the opinion that they are entitled to recover nothing as against any party to this cause,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the State of Texas and County of El Paso, El Paso County Water Improvement District No. 1 and D. B. Johnson recover nothing from the United States of America or any party to this cause, and

It appearing to the Court that on the 2nd day of October, 1940 a hearing was held before the Special Commissioners appointed by the Court for the purpose of determining the value of the above described property, and that on said date the Special Commissioners found that the reasonable market value of the above described tract of land was TWO HUNDRED SEVENTY-TWO AND 30/100 (\$272.30) DOLLARS, and that the defendants, J. K. Escajeda and Josefina Escajeda excepted to the findings of the Special Commissioners and filed their objections, thereby effecting their appeal to this court, and

It appearing to the Court that said defendants, in open Court, have dismissed said appeal and requested the Court to confirm the findings of the Special Commissioners,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that said findings of the Special Commissioners, that said land was of the reasonable market value of TWO HUNDRED SEVENTY-TWO AND 30/100 (\$272.30) DOLLARS, be and the same is hereby confirmed, and

It appearing to the Court that the parties above referred to as the heirs of Albert A. Voruz own five and six-tenths (5.6%) percent of the area of Parcel No. 1, being that portion lying within Survey 128 in El Paso County, Texas, and that the value of same, as found by the Special Commissioners is FIFTEEN AND 25/100 (\$15.25) DOLLARS, and

It appearing to the Court that said defendants, referred to as the heirs of Albert A. Voruz, were the owners of five and six-tenths

(5.65) percent of the area as above set out, upon the filing of the Declaration of Taking in this cause, and by reason thereof are entitled to a judgment against the United States for the sum of FIFTEEN AND 25/100 (\$15.25) DOLLARS, <sup>including a fee of \$25.00</sup>

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Martin Voruz, Mrs. Lewis Wells, formerly Ruth Voruz, Cecil T. Voruz, Mrs. Charles Lambert, formerly Grace Voruz, Lewis Voruz, Jassimine Voruz, Almond Voruz, Mrs. James H. Sharon, Leander Davis, Eugene Greenland, Jr., Mrs. Sam Rittman, Mrs. Elise Merrit do have and recover judgment against the United States in the sum of FIFTEEN AND 25/100 (\$15.25) DOLLARS and that such judgment be a full and complete satisfaction of all claims of said defendants against the United States of America by reason of the taking of said land by the said United States of America, and

It further appearing to the Court that the defendants, J. M. Escajeda and Josefina Escajeda, at the time of the filing of the Declaration of Taking herein were the owners of the remainder of said Parcel No. 1 above described and that by reason thereof are entitled to receive the remainder of the compensation in the sum of TWO HUNDRED FIFTY-SEVEN AND 05/100 (\$257.05) DOLLARS,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that J. M. Escajeda and Josefina Escajeda do have and recover judgment against the United States of America for the sum of TWO HUNDRED FIFTY-SEVEN AND 05/100 (\$257.05) DOLLARS, which judgment shall be a full and complete satisfaction of all claims of the said defendants against the United States of America by reason of the taking of the above described land.

IT IS FURTHER ORDERED, and the Clerk is hereby directed to pay the sum of TWO HUNDRED FIFTY-SEVEN AND 05/100 (\$257.05) DOLLARS to J. M. Escajeda and Josefina Escajeda.

-4-

IT IS FURTHER ORDERED that Joseph L. Dunigan, heretofore appointed by the Court to represent the defendants cited by publication in this cause, be and he is hereby allowed a fee of \$25.00 for his services in representing said defendants.

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

Done this 7th day of November, 1941.

(Signed) Charles A. Boynton.

JUDGE

CLERK'S CERTIFICATE.

**APPROVED:**

W. C. Peticolas of MICHIGAN

Paul D. Thomas, William Flournoy for Escajeda and wife.

Joseph L. Dunigan for the Heirs of Albert A. Voruz, of the United States

of Michigan for the Western District of Texas, do hereby certify that the

transcript on 56 pages, constitutes a true and correct transcript of all

Filed: November 7, 1941: orders entered in cause No. 86-Civil, styled

THE UNITED STATES OF AMERICA vs. W. L. SHERMAN, et al., as the same

appear on file and of record in this office, to date of November 15, 1941.

WITNESS my official signature and the seal of said

Court hereto affixed, at office in the City of El

Paso, Texas, this the 15th day of November, A.

1941.

Maxey Hart, Clerk,

Flora L. Linker  
Deputy Clerk.

CLERK'S CERTIFICATE.

UNITED STATES OF AMERICA,  
WESTERN DISTRICT OF TEXAS,  
EL PASO DIVISION.

I, Maxey Hart, Clerk of the District Court of the United States of America for the Western District of Texas, do hereby certify that the foregoing on 66 pages, constitutes a true and correct transcript of all the proceedings had and orders entered in cause No. 88-Civil, styled: THE UNITED STATES OF AMERICA vs. W. L. SUMMERS, et al., as the same appear on file and of record in this office, to date of November 15, 1941,

WITNESS my official signature and the seal of said Court hereto affixed, at office in the City of El Paso, Texas, this the 15th day of November, A. D. 1941.

Maxey Hart, Clerk,

By

*Flora L. Linker*

Deputy Clerk.

738 Amarillo Building,  
Amarillo, Texas.

December 5, 1941.

From District Counsel, Amarillo, Texas.  
To Superintendent, El Paso, Texas.  
Subject: Land acquisition - United States vs W. L. Summers, et al -  
Rio Grande Project.

1. I am in receipt of a copy of the Acting Commissioner's letter of November 22nd, to Mr. J. Edward Williams, Acting Head, Lands Division, Department of Justice, in which it is stated that he is requesting the views of this office as to whether the judgment in excess of the amount deposited in court, as estimated compensation is satisfactory. On my copy of this letter there is a note requesting that we advise the Commissioner in the premises.

2. As a basis for my reply will you please let me have the benefit of your views upon the question?

3. As a practical matter an appeal would probably cost the Government in excess of \$156.40, and unless there are some peculiar circumstances of which I am not informed, which would bear upon the question to the contrary, it would be my view that we should accept the judgment of the court.

4. Please let me have your comment as soon as convenient.

- - -

Spencer L. Baird,  
District Counsel.

CC - Commissioner ✓  
Chief Engineer

JAN 19 1942 73412

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

430.-  
RIO GRANDE

~~DISTRICT COUNSEL~~

WJR

El Paso, Texas

January 14, 1942

From Superintendent  
To The Commissioner, Washington, D. C.  
Subject: Condemnation action entitled United States of  
America v. W. L. Summers, et al - Rio Grande  
Project.

1. Reference is made to the District Counsel's letter of January 9 on the above subject. Apparently the distribution of copies of the District Counsel's letter of December 5 was not made as intended in the District Counsel's office, as all copies were attached to the original received in this office. There are forwarded herewith, however, to the respective offices copies as indicated for distribution.

2. This office concurs fully with the views of the District Counsel, that is, that the judgment of the court be accepted. An appeal would probably cost the government in excess of the \$156.40 excess of the award over the amount deposited. Furthermore, it is doubtful if a lesser award can be obtained by a jury trial.

- - - -

In duplicate.



Enc. Copy of District Counsel's  
letter of 12-5-41.

cc-Chief Engineer  
-Chief Counsel, Washington, D. C.  
-District Counsel  
(With copy of encl. to each)

JAN 19 1942 73412



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
738 Amarillo Building  
Amarillo, Texas

430.-  
RIO GRANDE

~~DISTRICT COUNSEL~~

*[Handwritten signature]*

January 9, 1942

From District Counsel  
To Commissioner  
Subject: Condemnation action entitled United States of America  
v. W. L. Summers et al., Rio Grande Project.

1. Reference is made to your letter of January 5, 1942.
2. Please be referred to my letter dated December 5, 1941, directed to the Superintendent, El Paso, copy to you, subject, Land Acquisition-United States vs W. L. Summers, et al - Rio Grande project, wherein my views were expressed that unless peculiar circumstances existed of which I was not informed, we should accept the judgment of the court.
3. Our files contain no reply to the letter of December 5th, hence by copy hereof, the superintendent is requested to reply direct to you, giving his concurrence, or comments relative to my recommendation for acceptance of the judgment in the amount of \$335.75 for Tracts 1 and 2 of parcel 2 of the above entitled condemnation action.

- - -

*[Handwritten signature]*  
Spencer L. Baird

Dupl.

CC: Superintendent, El Paso, Texas  
Chief Engineer

JAN 12 '42 72835