

File #14410 Schedule "B" Page 2

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 of 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.

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 helds title to an undivided

one-half interest in said twenty foot strip from the Grantees of William L. Sawyers.

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 \$7,200.60 to be paid from cottom 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"

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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.
- 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.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY SCHEDULE "A"

The property covered by this certificate described as follows: The property covered by this certificate described as follows: The property covered by this certificate described as follows:

A tract of land which is a parte of Tract #=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.

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The second of the Paso County, Texas, from Charles F. Wester to W. D. Descript, according the payment of twelve certain promissory natural signed by the said w. L. Surmers, payable to Charles F. Wester, all of ever fate with said Deed, and notes purpered 1 to 11, both indicates. For the sum of \$1,000.00 each, note manner 12, for the sum of \$500.00, note Number 1 day daywary 1.

1980, and the transfer of the said of each successive ware in the same and fally paid, bearing interest as the same said with fally paid, bearing interest regards and a maining the usual plauses found in wealth and a maining the usual plauses found in

by training paid octors I, 1937, of record in Book Old, Reg. 1 of the Deed Pecords of El Paso County, Texas, Omerics F. Woster sesigned notes numbers 5 and 5, and the lite securing the time, to harry Mitchell Braving Company, a Constration, and the latter company, by transfer, deted October 23. 1977, of record in Book 636, Page 31 of the Deed Records of the Latter forms them, and the said notes 5 and 6, together them.

NO. 14410

CERTIFICATE OF TITLE

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

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BUREAU OF RECLAMATION

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 loth 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 W. W. Relyment President

By Schwarzbach
Assti 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.
- 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) of Section four (4) Township thirty-four (34) South, Range eight (3) 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 Gounty Clark 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 Elizaric 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 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 (5) 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

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200 First National Bank Building

El Paso, Texas de la lacción de la Paso, Texas de la black fortir de

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TO: BUREAU OF RECLAMATION

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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 [150 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 Mos between Trages three 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 1100t feet: was fifty-three property, except as shown in SCHEDULE "B" hereof. (80%.0) Favil 1

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

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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 accorrect survey would show.
 - 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) 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

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A tract of land lying and situate in El Paso County, Texas and in the Southeast quarter (SE₂) 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 fract four (4) Block forty-five (45) of said official resurvey of the San Elizaric Grant; thence South fifty-one degrees (51°) thirty-five minutes (35°) East one hundred (100) feet along the northeast line of fract four (4) Block forty-five (45) of the said official resurvey of the San Elizaric Grant to a point of intersection with the line between Surveys 128 and 129 of the Mainland San Elizaric 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 (189) 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

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PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

200 First National Bank Building

El Paso, Texas

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TO: DO STILL BUREAU OF RECLAMATION

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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

By Bohward Septery

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_{2}^{1}) 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-1

CERTIFICATE OF TITLE

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

TO: UNITED STATES OF AMERICA

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

M. M. Tuuman

By

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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 (SE₂) 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 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 (500) 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 (510) 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 (510) thirty-five minutes (35') East eight hundred thirty-two and four tenths (832.4) feet and South fifty-three degrees (530) 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

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. Murnum President

Asst.Secretary

J. M. Escajeda,

IT IS FURTHER ORDERED that Joseph L. Durigan, 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 CADERED 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 1841.

Charles A Boyster

AFFROVED:

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Sull D'Elouse William Houng for Escapeda a vorfe Jaseph I Dunigar for heirs of albert a Theres

A true copy of the original, I certify.

MAXEY HART, Clerk,

By Flora LLinker Deputy.

Filed 7th day of Nov.

19 4 at O'clock M

MAXEY HART, Clerk.

By 2 lies of Lewber.

Deputy.

(5.0%) 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 FIFTERN AND 25/100 (\$15.25) DOLLARS.

Court that Martin Voruz, Mrs. Lawis Wells, formerly Ruth Voruz, Cecil T. Voruz, Mrs. Charles Landert, formerly Grace Voruz, Lewis Voruz, Jessimine Voruz, Edmund Voruz, Mrs. Jemes H. Sharon, Leender Pavid, Eugene Freeland, Jr., Mrs. Cmar Rittman, Mrs. Elise Merrit do have and recover judgment against the United States in the sum of FIFTHEN AND 25/100 (\$15.25) Bolland and that such judgment be a full and complete satisfaction of all clams 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 Me. I 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, CRDERED, ADJUDOED 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 MUNDRED FIFTY-SEVEN AND 05/100 (\$257.05) DOLLARS, which judgment shell 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 CEDERED, 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, THEMEFORE, CRDERED, 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 treat of land was TWO MUNDHED SEVERTY-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, CEDERED, 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 SEVERTY-Two AND 50/100 (\$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 Percel 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 Elizario Grant and at which point the tangent to the curve has a bearing South thirty-seven degrees (370) three minutes (63') 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 (5) and four (4) block of the San Elizario Grant, South fifty-one degrees, (51') thirty-five minutes (35') East nine hundred fifty-three degrees (55') seventeen minutes (17') feet to the point of beginning. Said tract of land containing four and five tenths (504.5) land containing four and sixty-one hundredths (4.61) acres, more or less. All as shown on plat ettached to plaintiff's petition and made

The United States of America, having appeared herein by W. A. Cmith, Jr., United States Attorney for the Western District of Texas, R. Weill Walsho, Assistant United States Attorney for the Western District of Texas, W. C. Peticolas, Special Attorney, and the defendents, J. M. Escajeda and Josefina Escajeda, his wife, having appeared herein by Faul 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 Inprovement District No. 1, having appeared herein by Richard F. Burges, its Attorney of Record, and it appearing to the Court that Martin Vorus, Mrs. Lewis Wells, formerly Ruth Vorus, Geoil T. Vorus, Mrs. Charles Landert, formerly Grass Vorus, Lewis Vorus, Jessimine Vorus, Edmund Voruz, Mrs. H. Sharon, Leander Favid, Eugene Freeland, Jr., Mrs. Omer Rittman, and Mrs. Elise Merrit, beirs 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 sived by publication filed an enswer 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 USSTERN DISTRICT OF TEXAS EL PASO DIVISION

UNITED STATES OF AMERICA.

Plaintiff.

YS.

J. M. RECAJEDA, ET AL,

Defendents.

NO. 88 CIVIL

JUDGMENT RELATIVE TO PARCEL MUMBER ONE

for hearing the above entitled and numbered cause for condemnation, insofar as it relates to the lends 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 Southeast quarter (Set) of Section four (4) Township thirty-four (34) South, Range eight (8) East Eureau 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 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 Clark 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; themce 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°8) feet; thence Worth fifty-one degrees (51°) minuteen minutes (10°) West three hundred thirty-eight and three tenths (538°3) feet thanno North eighty-one degrees (61°) two minutes (08°) feet three hundred elever and six tenths (51°) feet three hundred elever and six tenths (51°) feet themse (08°) feet themse forty-seven and six tenths (64°°) feet; thence to the right along a curve of six hundred sixteen and one tenth (618°1) feet radius a distance on the arc of one hundred fifty and two-tenths (150°2) feet

33-45-336

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

UNITED STATES OF AMERICA,

Plaint iff,

VS.

W. L. SUMMERS, ET AL.,

Defendants.

NO. 88 CIVIL.

CERTIFICATE OF CLERK

I, Maxev Hart , Clerk of the United States District Court for the Western District of Texas, do hereby certify that on the day of June, 1942, I received from the United States of America, petitioner herein, and deposited in the Registry of the Court, the sum of \$ 174.19 pursuant to judgment hereinbefore entered confirming the awards in the above entitled condemnation proceedings.

This the 6th day of June, 1942.

Maxey Kart
CLERK

By: Flora L. Linker
Deputy

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

The second second second

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 - Bio 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

JUN11'42 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,

Tausis Bille Attorney General.

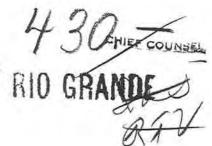
CC: C. E., Denver, Colo.
Supt., El Paso, Texas
D. C., El Paso, Texas
RTV - June 13, 1942

275



Office of the Attorney General Washington, D.C.

June 10, 1942



INTERIOR DEPI SECRETARY'S MAIL CENTER JUN 1 1 1942 TOBUREAU 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.

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 filling 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

JUN11'42 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 appurtement 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 23.d day of May . A. D. 1940, in the City of Washington,

District of Columbia

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

Warrendershall

-5-

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 (54¹) 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 (80) thirty-six minutes (361) West twentythree 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 (800) 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).

Two tracts of land lying and situate in El Paso County, Texas and in the South half (S_E^1) 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 truct 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 (340) twelve minutes (12') East three hundred eight and three tenths (308.3) feet, South twenty-three degrees (230) 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 (290) 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 und 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 (80) thirty-six minutes (36') East one hundred eighteen and two tenths (118.2) feet, North three degrees (30) thirty-six minutes (36') wast ninety-seven and five tenths (97.5) feet, North twenty degrees (200) fifty-four minutes (54') West ninety-one and five tenths (91.5) feet North twenty-eight degrees (280) nineteen minutes (191) west four hundred and one tenth (400.1) feet, North thirty degrees (303) thirty-six minutes (361) 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 (330) thirty-nine minutes (39') west two hundred seventy and seven tenths (270.7) feet to the point of beginning. Said truct of land containing three and ninety-one hundredths (3.91) acres, more or less. Shown as truct No. 1 on plat attached hereto and made a part hereof.

A tract of land lying and situate in El Paso County, Texas and in the Southeast quarter (SE) 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 (439) 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 May- Lex.

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

The United States of America,
Plaintiff,

VS.

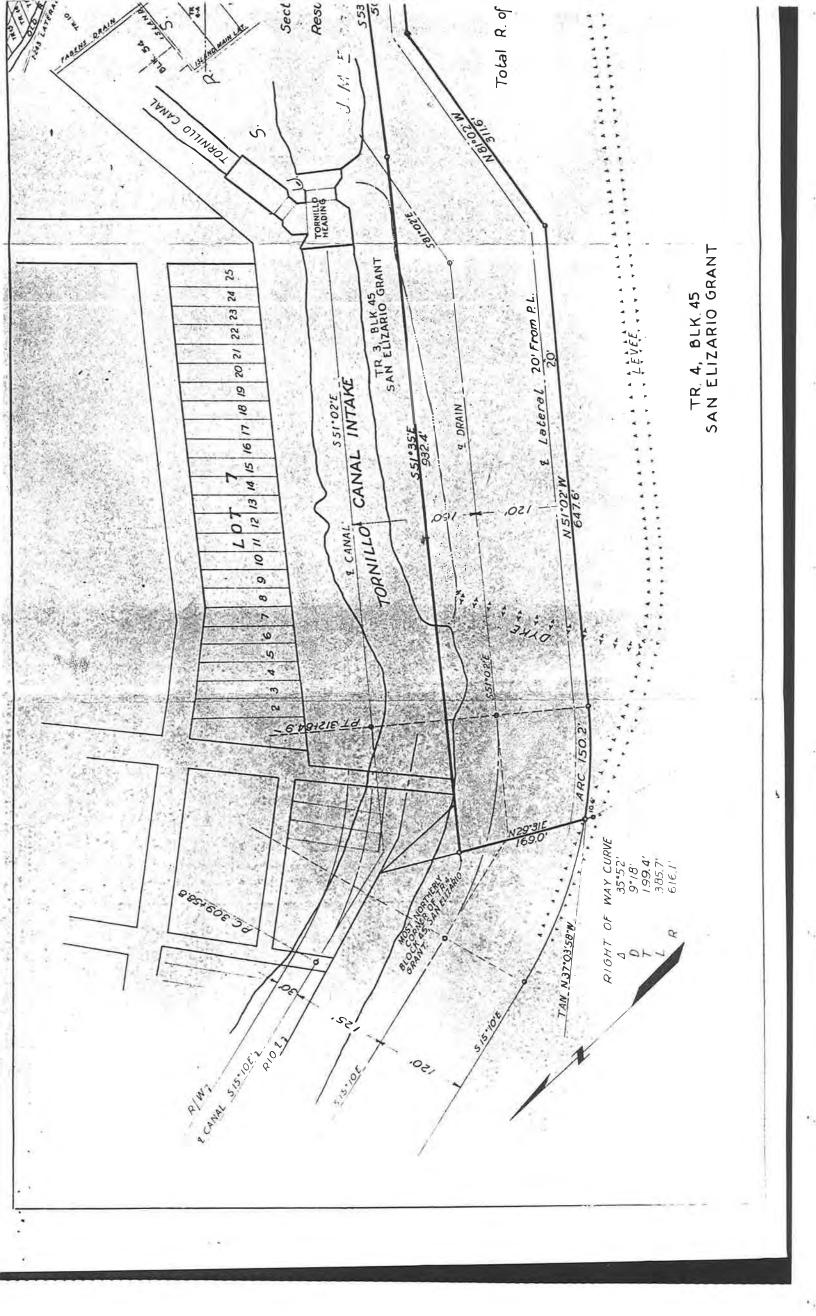
No. Law

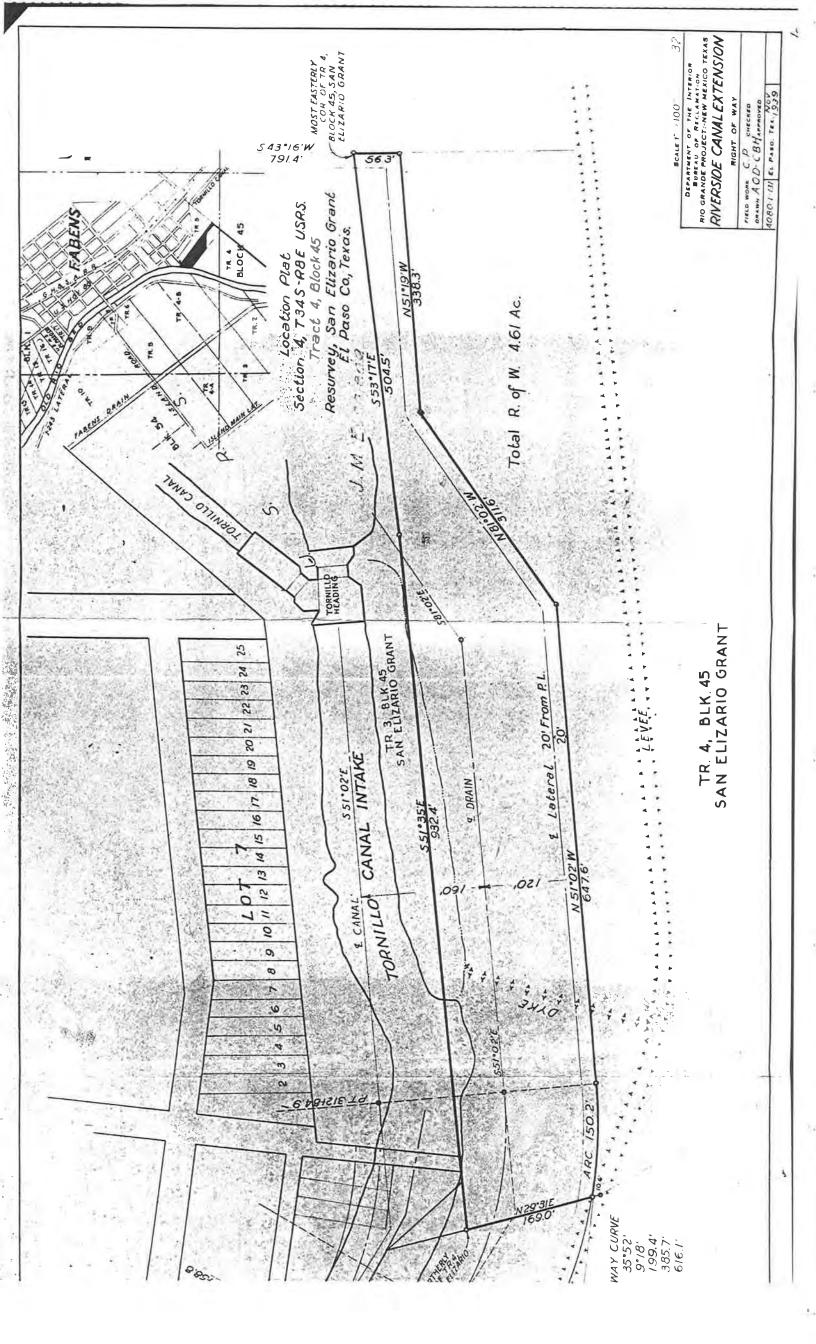
J. M. Escajeda, et al.

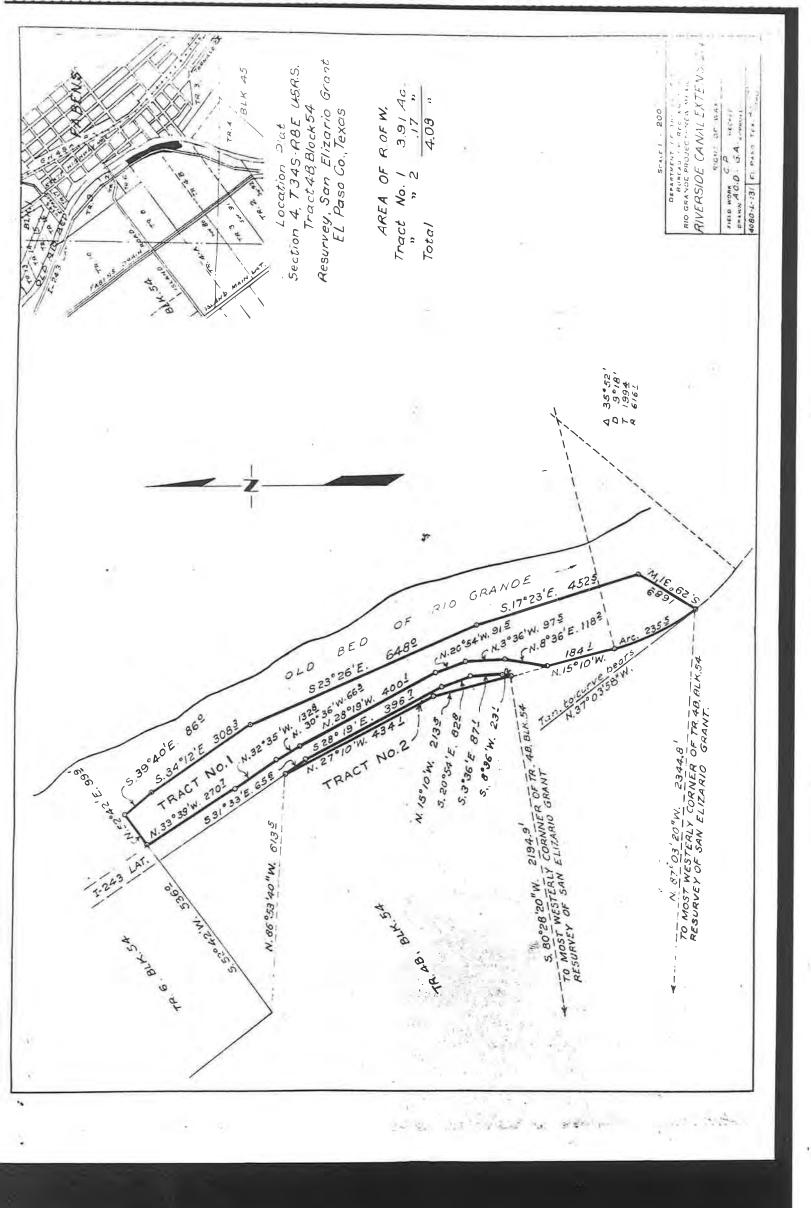
Defendants.

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







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/ %. C. Mendenhall Acting Under Secretary.

Enclosure 1810322

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4430,—
RIO GRANDE

UNITED STATES DEPARTMENT OF THE INTERIOR OFFICE OF THE SECRETARY WASHINGTON

May 23, 1940

The Honorable

W.L.SUMMERS

The Attorney General

My dear Mr. Attorney General:

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

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

A voucher in favor of the Clerk of the District Court of the Western District of Texas, El Paso Division, in the amount of \$151.65, the sp praised 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 "lix8070.010 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.

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)	CHARIE	S	A.	BOYNTON
		-	_	

JUDGE

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 or the original, I certify.

MAXEY HART, Clerk,

MAXEY HART. Clerk.

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 34d, 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 OR DERED 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. Tathcart, 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 pepresent 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.

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 (280) nineteen minutes (191) East three hundred ninety-six and seven tenths (396.7) feet, South twenty degrees (200) fifty-four minutes (54') East eighty-two and eight tenths (82.8) feet, South three degrees (30) thirty-six minutes (361) East eighty-seven and one tenth (87.1) feet and South eight degrees (80) 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 Ean 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 (150) ten minutes (10') West two hundred thirteen and five tenths (213.5) feet; thence North twenty-seven degrees (270) 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.

7

Two tracts of land lying and situate in El Paso County, Texas and in the South half (S1) 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 truct 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 ninetynine and nine tenths (99.9) feet to the Northeast corner of said truct 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 (290) 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 truct 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 suid I-243 Lateral, North eight degrees (80) thirty-six minutes (36') East one hundred eighteen and two tenths (118.2) feet, North three degrees (30) thirty-six minutes (36') west ninety-seven and five tenths (97.5) feet, North twenty degrees (200) fifty-four minutes (54') West ninety-one and five tenths (91.5) feet North twenty-eight degrees (280) nineteen minutes (19') West four hundred and one tenth (400.1) feet, North thirty degrees (30°) thirty-six minutes (30°) 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 (330) thirty-nine minutes (391) 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.

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

UNITED STATES OF AMERICA,

Plaintiff,

 \mathbb{VS} .

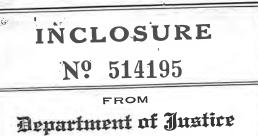
W. L. SUMMERS, ET AL.

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;

1



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.

7

▲ true copy of the original, I certify.

MAXEY HART, Clerk,

Deput

eputy.

1941 at AXEY HART, Clerk.

MAXEY HART, Clerk.

MAXED Deputy.

JEE-CHS

33-45-336

November 18, 1941

BY WESSENGER

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

Dear Mr. Pages

Reference is made to the condemnation proceeding entitled United States of America v. W. L. Summers, et al., No. 89 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 enough 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

Engl. No. 514195

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

DEPARTMENT OF JUSTICE

RIO GRANDE

JEW-CHS

33-45-336

WASHINGTON, D.C.

November 18, 1941

MIEE COUNSEL

DCCOUNTIME.

BY MESSENGER

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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

NOV19'41 68635

430,-RIO GRANDE

NOV 2 2 1941

WJR:1t

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

Beer St. Williams

(JEN-SHE-33-45-336) regarding the judgment in the condensation antico continued States of America v. F. L. Supports the Address So. 88 Utyll, in the Inited States District Court for the Equipment District of Court for the Equipment District of Court for the Equipment Co

I am requesting the views of our District Connect as to whether the judgment, which is 0156,40 to excess of the amount deposited in court as estimated compensation, is matisfectory. Then his views are received, I will advise you whether the judgment is estimated by this Durent.

THE WALT POURS

H. W. Huchard,

Co-CE, 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.

P.C. H

Features and Items	: Gost to : 5/31/41	Gost to 11/30/41
Roosevelt Power Ganal and Addi- tions to Diversion Dam Contract earnings U. S. materials Surveys, testing, etc. Miscellaneous Govt. force work Engineering and inspection Superintendence and accounts General expense	108,884.59 22,214.02 4,462.89 13,250.72 22,540.26 8,746.76 2,061.72	108,884,59 22,214,02 4,462,89 13,250,72 22,540,26 8,746,76 2,061,72
Total - Rossevelt Power Cenal and Additions to Diversion Dam	182,160,96	182,160.96
Contract earnings U. S. materials Surveys, testing, etc. Engineering and inspection Superintendence and accounts General expense	72,784.64 19,102.73 1,926.65 9,617.11 4,754.92 1,853.11	72,784.64 19,102,73 1,926.65 9,617.11 4,754.92 1,853.11
Total - Diversion Dam for Power Canal	110,039-16	110,039,16
aterials turned over to Association	8,008,84	8 8 8,008,84
Association	6,562.91	6,562.91
Total chargeable to Association	\$6,532,356.38	\$6,550,882,56

Jane Gar

Markey and There	: Gost to	Cost to
Features and Items	: 5/31/41	: 11/30/41
Horse Mess Dam Spillway	•	\$
Contract sarnings	* \$ 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 SEVWUA for work	i opanial	a Ogasposs
and each	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
Ser.	1	
Total - Horse Mesa Dam Spillway	1,035,542.56	: 1,038,132.78
Mormon Flat Dam Spillway	*	\$
Contract earnings	467,995.55	1 467,995.55
V. S. materials	* 298,434.29	1 298,434.29
Surveys, testing, sto.	: 7,161.04	# 7,101.04
Repayment to SEVEUA for work		4
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
Total - Mormon Flat Dam Spillway	944,227.42	947,901.42
Roosevelt Dam Spillway	*	•
Contract earnings	1 52,545.20	52,545.20
E. S. materials	1 42,483.91	42,483.91
Investigations and surveys	222.19	222.19
Repayment to SEVEUA for work	4	*
and cash	4,106.62	4,106.62
Experimental investigations	\$ 861.20	86120
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 2,504.27	£ 2,504.27
16	1	:
Total - Roosevelt Dam Spillway	: 120,217.84	: 120,217.84
	4	:

Features and Items	t Cost to t 5/31/41	c Cost to
reatures and reams	* 2/3L/A1	: 11/30/41
Bartlett Dem	*	
Contract earnings	1 \$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 SKYNUA for work	5-9-5-5-5	. , , , , , , , , , , , , , , , , , , ,
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	1 77,082.48	77,082.48
General expense	: 64,246.89	1 66,561.91
Total - Bartlett Ban	* \$4, 735,963-64	* \$4,751,178.59
less amount to be reinbursed by	*	\$
Indian Service	947,192,73	950.235.72
Balance chargeable to SETEDA	: 3,788,770.91	3,800,942.87
Stewart Mountain Dam Spillway	•	
Contract earnings	200,548.18	200 514 36
U. S. materials		200,548.18
Tevestigations and surveys	78,308.98	78,308.98
Repayment to SEVEUA for work	1,041.14	1,041.14
done and each 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
Make Y Observation Manager And Manager	8	*
Total - Stewart Mountain Dam	*	30/05====
Spillway	4 336,915.78	: 336,915.78
	*	*
	1	1

JAN-5'42 72081

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CUSTOMHOUSE

DENVER, COLORADO

OFFICE OF THE CHIEF ENGINEER

December 30. 1941. Sout to /31/63 11/30/41 factured can It Mr. S. G. Baszill, Comptroller, Salt River Valley Water Users Association, Sarileti. Contract care Phoenix, Arisona. 起,7几。277、网 11. IL westerlake 1,206,967.64 2,200,00 daring in head lie. 34.050.23 36,450.29 Reparent to them. for cont loss selfour letter dated Hovember 15, 1921, addressed to Mr. John J. Box Dempsoy, Aligar Secretary, Department of the Interior, Washington De Gome requesting detail costs of construction work chargeshie to the Salt Siver Walley Sater Users Association under contract hatmeen the Association and the Bhited States, dated November 26 1935, as smended, has been referred to this office for direct reply. Characoure spara Lon Gran entalkaranatement of costs enclosed with the Under Secretary and he motice to your dated July 15, 1941, was as stated thereing tent Septive only being based on the actual coats to May 31, 1921.03 Addi tional soats have been incurred since that date, principally. delayed charges from the Denver and Washington offices. There is the costs to May 31, 1941, and to November 30, 1941. Neither Loss should yet be considered as final. The atstement accompanying your letter to Mr. Dempsey indicates Indian Service

is likely you have home fundahed copies of project costs required showing up-to-date details of contract earnings and United S for all features except Partlett Dam. Those for the latter are Con shown in the project cost reports for December 1939. Indian Law copy of the December 1939 project cost reports in our Phospit office here is a period you might inspect; or possibly an extra copy in the Parker Dam, California, office, which could be sent you. Only our dopy in swailable in the Denvey office. The report for Bartlett lan consists of Fig. 15 cheets of forms 7/836a/b and all sheets showing United States water-buryisles Unless it is absolutely necessary, this office hemitates to conspare the considerable time and labor required to make doping for you. Please advise further in case you find it necessary that copies be Tomade, Stewart Meastain Dan

Spilings

336,915.75 Wery truly yours,

O. HARPER

FORDEFENSE BUY UNITED STATES SAVINGS BONDS ANDSTAMPS

CC-Commissioner, with copy of encls. CO-Allen Mattison, Div. Engr.,

Phoenix, Arizona. Const. Engr., Parker Dam, Calif.

S. O. Harper, Chief Engineer.

JAAN 5542 72081

336,935.78

430. RIO GRANDE

JAN -5 1942

District Counsel, Amerillo, Toxas

Subject: Conferention action entitled Suited Sta v. H. L. Sussers et al., Rio Grande Project

1. Reference is made to the field note on your copy of the Asking Constantonog's lather to the J. Mound William, Asking Bood, Leady Division, Department of Justice, dated November 25, 191), requesting that this effice be advised as to whether the judgmen in the shows quittled confemention action, fining cosponsation for treets 1 and 2 of percel 2 of 4335,75 to cattafactory,

2. Your really has not been received and I am therefore selling this motion to your attention.

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

DONE this let day of November, A. D., 1941.

(S) CHARLES A. BOYNTON

JUDGE

APPROVED.

- (8) JOSEPH L. DUNIGAN
 Actorney for I. U. Gordon
- (8) WILLIAM PLOURNOY
 Attorneys for W. L. Summers
- (8) W. C. P.TICOLAS
 Attorney for United States
 of America

A true copy of the original, I certify.

MAXEY HART, Clerk,

Deputy

MAXEY HART, Olerk.

Filed 1st day of now.

By Home I 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 sutherised 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 40 400 (\$156.40) Dollars, which sum shall bear interest at the rate of six per cent per annum from July 36d, 1940, the date of the filling of the Declaration of Taking hereins

If IS FURTHER ORDERED that upon the payment of said sum of One Hundred and Fifty-six and 40/100 (\$15640) 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 G DERED 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. Catheart, has heretofere 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. Catheart, and that he should be dismissed from this causes

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

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:

"To, 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 C.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 camer 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 Mundred and Thirty-Five and 75/100 (\$335.75) Dollars:

IT IS, THEREFORE, ORDERED, ADJULGED 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 Terms, 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 Flourney, his Attorneys of Record, and the State of Terms 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 pepresent him by the Court in this cause; and

ment 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 causes

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREMD 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.

Riverside Canal Extension #31

orrect as to Engineering Data $\mathcal{Q}\mathcal{O}\mathcal{A}$.

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 herete and made a part hereof.

Two tracts of land lying and situate in El Paso County, Texas and in the South half (S_2^1) 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 cividing 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 ninetyand six (6) North fifty-two degrees (52°) forty-two minutes (42°) East hinetynine 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
(311) these are burging sixty-eight ind nine tenths (168.9) feet to a point (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) (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 (80) thirty-six minutes (36°) East one hundred eighteen and two tenths (118.2) feet, North three degrees (30°) 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 one hundred thirty-two and eight tenths (132.8) feet and North thirty-three degrees (233) thirty-nine minutes (391) 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.

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

UNITED STATES OF AMERICA,

Plaintiff,

VS.

W. L. SULMERS, ET AL.

Defendants.

No. 88 C1v11

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

33-45 336

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

JUDOB

APPROVED:

- (8) JOSEPH L. DUNIGAN
 Attorney for I. U. Gordon
- (8) WILLIAM FLOURNOY
 Attorneys for W. L. Summers
- (8) W. C. PETICOLAS
 Attorney for United States
 of America

A true copy of the original, I certify.

MAXEY HART, Clerk,

Deputy

Filed 1 day of Nov.

19 41 at o'clock M.

MAXEY HART, Olerk.

Deputy.

3?

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

were not seen to be the country

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 40 400 (\$156.40) Dollars, which sum shall hear interest at the rate of six per cent per annum from July 36d, 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 (\$15640) 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 in 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 OR DERED 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 Defendent, D. W. Catheart, has heretofore executed a Deed to the United States of America sovering the above destribed property, and that no service has been had upon the said by we catheart, and they is should be similated that this CAMBAI and it bertour appearing to the court that the life light day

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that this cause be dismissed as to D. W. Catheart, and did withdress from the basis and the said cause having some 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 rapdicts

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, 1961. We Benerman , Foremen."

1000 100

And it further appearing to the Court that it was stipulated and agreed between the partitor hereto that the 0.17 or an age Crist. being Tries for 2 above described, was of the paleonine value of 1250,00 per acre, thereon, into the Registry of the Court by the Plaintiff, and it further appearing to the court that of the date of the filing of the Declaration of Taking herein W. L. Summers was the camer of the above described property, and the Court being of the opinion that by virtue of said fact and the regulate of the jury and stipulation mentioned, the Defendant, W. L. Summers, is extitled 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 Derendant, w. L. Simmers, do have and recover judgment against the United States of America for the sum of Three Hundred and Whigtp-five and 75/100 (\$335.75) Dollars, which judgment shall be a full and complete

our appeal rightly month case and disposed of by this order, or cities

:5.

and the United States of America having appeared herein by Sen F. Topter, United States Attorney for the Mestern Digitals of Same, No. G. Petitoles, Special Attorney, and the Defendant, No. La Summers, having appeared begain by Faul D. Thomas and William Flourney, his Attorneys of Record, and the State of Texas and Soundy of El Pago buring appeared herein by Ernest Summer Summer Attorney, and the El Pago buring appeared herein by Ernest Summer Goundy Attorney, and the El Pago buring appeared herein by Ernest Summer County appeared herein by Richard F. Durgos, its Attorney of Record, and I allow Summer Summer by Summer hereing here the Attorney of Record, and I allow Summer by Summer hereing here set and appeared herein by Joseph La Duringan, his Attorney appointed to pepresent him by the County in this causes and discounty

ment District Heals, the State of Remarks County of El Paso and Paul D.

Thomas me wife, Millian Park Thomas, have filed disclaimers herein discolaiming all right, title and Enterest in and Squite above described dracks of lands and the Source being of the county of America, or Ame

The the State of Source and County of 21 Page, the El Page County Nator Improvement Classication of Land Paul D. Thomas and Lillian Pays Thomas at County Nator Improvement Classication of Land Paul D. Thomas and Lillian Pays Thomas at County National Cou

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court and ant, I. U. Gordon, recover nothing from the United States

Riverside Canal Extension #31 Page No. 2

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 (200) fifty-four minutes (54') East eighty-two and eight tenths (82.8) feet, South three degrees (30) thirty-six minutes (361) East eighty-seven and one tenth (87.1) feet and South eight degrees (80) 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 (270) 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.

4-24-1940

Correct as to Engineering Data $\mathcal{Z},\mathcal{I},\mathcal{J}$

Two tracts of land lying and situate in El Paso County, Texas and in the South half (S_2^1) 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 (520) forty-two minutes (421) 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 ninetynine and nine tenths (99.9) feet to the Northeast corner of said truct four B (4B); thence along the easterly line of said truct 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 (230) 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 (290) 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 (370) three minutes (03') fifty-eight seconds (58") west and from which point the most westerly corner of truct 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 (80) thirty-six minutes (36') East one hundred eighteen and two tenths (118.2) feet, North three degrees (30) thirty-six minutes (36') west ninety-seven and five tenths (97.5) feet, North twenty degrees (200) fifty-four minutes (54') West ninety-one and five tenths (91.5) feet North twenty-eight degrees (280) 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.

The tructs of Lond Lying and situate in El Pelo County, Texas and in South, half (So of South, county fair (So of South, county fair (So of South, county four to get the district county of the western district of trias and in a state of the South four to get the western district of trias and in the South four to get the south for the South for the South for the South four to get the south for th

UNITED STATES OF AMERICA, between tracts four the point of intersection of the dividing line official resurvey of the San Elizario Frant and the San Fight of the part is a factor of the case of the ca We Le SUMMERS, ET AL. The party marries (421) were live married borry-six tive team and permembered the sink of persons and for a family for a family for a family of the state of the the leaths (99.9) feet to the Northeast corner of said that four The themps close the elsterly line of said tract four B (4B), South thirty-name tegress (380) forty minutes (40') East eighty-six (86) feet, South thirty-four degrees (340), twelve minutes (121) East three fundred South thirty-four degrees (54°) twelve minutes (121) hast three fundred eight and three tellegators etyled and numbered course degrees (23°) twenty-six minutes (26') hast six hundred firty-sixet (648) for South controls (452.5) rest and South twenty of the degrees (200) the of lands minutes (2841d proceeding concerned, the following described (100.9) feet to a point on a curve of six hundred sixteer the one tenth (616.1) feet realus and the Chiest to the have et send point having a bearing North thirty-seven common the second of the second the let women's first four 8 (48), block fifty-four the set of efficient receiver of the sen Elizario Grant bears North eight, secrets (20") sest two thousest three contents there is a signit of the first thence hundre the control of two hundred eighty-four and one tenth (184.1) from line of the I-243 L tere1; thence clong the of my line of soid 1-20% Later-1, North eight degrees (80) x minutes (36) has tone hundred eighteen and two tenths (118.2) and three degrees (3) thirty-six ainutes (36) dest himely-seven and The figures (97.5; feet, Burn twenty degrees (20)) fifty-four minutes (54) which without me of five tenths (91.5) feet North west, weight degrees (280) Wile esh wingles (19") west four hundred and one tenth (400.1) feet, North The legrous (30°) thirty-eix minutes (30°) west sixty-six and three tenths (10.3° feet. North chirty-two degrees (32°) therty-five minutes (35°) west and human' thirty-two degrees (32°) the ty-five minutes (35°) west and human' thirty-two degrees (32°) the two humaned seventy and seven tenths (473.7) fact to the point of beginning. Soid treet of land containing three and nirety-one hundreaths (3.91) acres, more or less. Shown as er of No. 1 on plat attached hereto and made a part hereof.

APK2842 82 147

File #14410 Schedule "B" Page 2

By transfer dated October 21, 1937, of record in Book 628, Page 442 of the Deed Records of El Teso 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 (which is now a part of Tract 4-B,
the owner of Tract 3, Block 54 of the San Elizario Grant ReSurvey.

November 26, 1910, of record in Book 171, Page 225 of the Deed Records of El Paso County, Temas, from Berhard 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 Elizaric Grant Re-Survey is D. W. Cathcart, who helds title to an undivided one-half interest in said twenty foot strip from the Grantees of William L. Sawyers.

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 \$7,200.80 to be paid from cottom 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. 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 second Covered Ri. 1-7 - 20 tempera in Engli

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.
 - Rights of parties in possession.

Filts I find a

- 4. Discrepancies in area and boundaries which a correct survey would show.
- 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.

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY AND SCHEDULE WAY

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

54 of the San Elizario Grant Re-Survey, norse particularly shown on Plat No. 31, prepared by the Bureau of Reclamation for the Riverside Canal Extension.

- l. Diete and County autos for the year 1940 which ere s
- en a lieu but out pit due and payable.
- The Region of purples in passession,
- The correct with the size will be a stide a correct
- December 91, 1936, or record in Book 625, Page 15 of the Deed Records of 2, Page Foundy, Terms, Tree Charles F. Woster to F. 1. March 19 Maries and poynemb of twolve certain provinces y notes, all of even date eith said beed, and notes mumbered I to M., both indicates, for the sum of \$1,000.00 each, note number 12, for the max of \$200.00, note Humber I due January 1, 1950, and the brings fue on the same day of each successive year in their regular order next fully paid, bearing interest at the case of his per cont from January 1, 1957, interest at the case of his per cont from January 1, 1957, interest at the case of his per cont from January 1, 1957, interest page 25 his notes.

transfer debod October 2, 1977, of record in Book

Set of the cood Records of El Paso County, Texas,

Lesigled notes humbers 5 and 5, and the

Ame, so herry Mitchell Brewing Dongary, a

Ame letter occapant, by transfer, dated October

Jord in Book 636, Page 61 of the Deed Records of

Lexas, acatemed the paid notes 5 and 6, together

A socuring them, to idillian Farr Thomas.

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NO. 14410

CERTIFICATE OF TITLE

PIONEER ABSTRACT & GUARANTEE TITLE COMPANY

200 First National Bank Building

El Paso, Texas

A tract of lend which is a part of Tract 4-3 ABLIC

TO: BUREAU OF RECLAMATION

chosen on flat No. 31, prepared by the Bureau of Reglamathen

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 loth 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 COM	PANY
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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°) 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°) 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 Feighty 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 twenth-seven degrees (27°) 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.

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 1-243 Lateral; thence along the easterly right of way line of said 1-243 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 ninetyone 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.

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 1930and 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 (421) 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 thirtyfour degrees (34°) twelve minutes (22') 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 1+)

103965 PAID BY G. F. ALLEN

MAY 301942

NO. 14410-A

CERTIFICATE OF TITLE

CHIEF DISBURSING OFFICER

O.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

Вy

J. J. Newman President

W. L. Summers,

20 22 15772

RJL - EOM

33-45-336

200

April 22, 1942

MAY 301942

PAID BY G. F. ALLEN

By messenger

Bombrable Earold L. Iches Secretary of Interior Wachington, D. C.

CHIEF DISBURSING OFFICER D. 0.2278772 R. Land Si 1.

My dear Mr. Secretary!

£1 127 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 Sectors District of Texas, pertaining to tract number 2 of the Riverside Capal-Rie Grande project.

The certificates of title were prepared by The certificates of title Company and are the Pioneer Abstract and Guarantee GUARANTEE TITLE COMPANY, a in satisfactory form.

Corporation organized and exicondemnation proceeding has been State in the United States of America as stated in the opinion 950 in the United States of America as stated in the upracting the instant dated July 19, 1940, and that on November 1, 1941, the court entered judgment determining the just of the 1941, the court entered judgment determining the just of the compensation for the land to be the sum of \$335.75. The sum of \$179.35 was deposited into the registry of the courteging sum of \$179.35 was deposited into the land at the time of the filing of the declaration of taking. The date of patent from

The sum of \$156.40 plus interest at the rate of the sum of \$156.40 plus interest at the rate of the sum of the sum of the court in satisfaction deposited into the registry of the court in satisfaction 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 certificate of title and a certified copy of the deficiency judgment.

Respectfully,

Attorney Congral

Enclosure 248736



Office of the Attorney General Washington, D.C.

HID GRANDE

April 22, 1942

PAID BY G. F. ALLEN

MAY 301942

THIEF DISBURSING OFFICER

(D. 0. 425 78771

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

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,

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

DC, Amarillo, Texas. Supt., El Paso, Texas.

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General Associating Office, Glaims Division, Eachimeter. D. C.

MAY 15 1942

Continuene

There is transmitted herewith for direct sattlement claim in the execut of \$156.40 plus interest at air parametrus from July 3, 1940, in favor of the Clark 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./F. L. Bussers, et al.) in connection with the taking of land and improvements—for the Rio Grands Project.

The claim has received administrative examination, is approved, and I recommend that payment be made from the fund. "IAISO7O - Reclamation Contributed Funds".

For the Comissioner

Very truly yours

He We Busines, Assistant Completioner,

Boolemure Add

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

十30.— RIO GRANDE

WJRsim

JAN 23 1942

Dr. J. Sdeard Williams, Acting Head, Lands Division, Department of Justice, Featington, D. C.

Dear Mr. Williams:

Reference is made to your latter of November 16, 1941, (JSN-CHS 33-45-336) enclosing cartified copies of the verdist and judgment as to Percel 2, Tracts 1 and 2 in the condemnation preceding entitled, United States of America v. V. L. Summers, et al., in connection with the 810 Grands Project.

The verdict and judgment for Parcel 2, Tracks 1 and 2 of the above-entitled condensation proceeding of \$335.75 is matinfactory

Very truly yours,

John Co

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



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

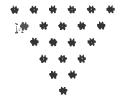
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TRANSCRIPT OF PROCEEDINGS IN Cause No. 85-Civil.

THE UNITED STATES OF AMERICA

vs

W. L. SUMMERS, ET AL.



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IN THE METERS' COURT OF THE CENTED STATES IN AND FOR THE MESTERS DISTRICT OF THRUS M. A.S. ATTEME

THE STATE OF LESSES,

Plaintiff, To. No. 48 Street Achien.

e sharthan A SHARE W. L. Signify ETAL,

HALL BY WALL

Filled 7/3/10.

Defociations.

PRESULTON TIN CONDEMNATION PROCEEDINGS.

TO THE HORIZABLE CHARLES A. BOTHERN, JOHN OF SAID COURTS

Course near the United States of Ampieu by M. N. Histob, dr., Salled States Attorney for the Vestern District of Tauts, and Walter S. Hunnicuts and E. Seill Walshop assistant United Status Attorneys for the Meetern District of Texas, and respectfully shoughte the Courts

- 1. That the Secretary of the Interior of the Walter States has defoundated that cortain lands latthed in 21 Peep Country Tunes, and within the jurisdiction of this Court, are meded by that break of each Reportment known as the Reseas of Reclamation of the Reportment of the Interiors for the purposes of regulation, control and use of the flow of the Min Grando River by means of an irrigation sensi and drainage outled channel and appurtenent under for the purpose of the replanation, irrigation and drainage of arid lunds within the Rio Granie Federal irrigation project constructed, operated and maintained by the Builted States under the Applomation Law horeinafter continued.
- 2. Your politioner respectfully represents that the application for the condensation of lands hereim flow described, and of the sequipition by the United States of said leads in fee simple absolute, for the purpasse hereinshove stated, is authorized and brought pursuant to (a) the het of Congress of June 17, 1982, 32 State, 388, and all agts assentatory

PAPERS AN Carlot State Co. Language AND SECURIS

Riverside Canal Extension Flat No. 38

A tract of land lying and situate in El Paso County, Texas and in the Southoust quarter (Sing) of Saction four (4) Township thirty-four (32) South, dange eight (8) East bareau of Reclamation Survey: we say also within survey 189 Mainland San Sligario Grant and Tract four (4) also for verive

Torum 26. 19 and which is the most easterly corner of tract four of sold official resurvey of the San Elizario tirths (50%) | More to it fifty-one degrees (510) mineteen minutes (10) Mass force aunded thirty-sight and three tooths (338.3) feet; thence North 100 to the agrees (810) two minutes (021) West three hundred eleven en. six tenths (311.6) feet; thence North fifty-one degrees (510) two minutes (021) west six hundred furty-seven and six tooths (647.6) feet; thread to the right along a curve of six hundred sixteen and one tenth (cle.1) feet redius a distance on the ere of one handred firty and two tenths (150.2) feat to a point on the westerly line of Treat four (4) Block forty-five (45) of sale official resurvey of the San Elizarie Crant and at which point the tangent to the curve has a bearing South thirtyseven degroes (370) whree minutes (03*) fifty-eight secends (58") East; income along the westerly line of said Tract four (4) North twenty-nine degrees (290) thirty-one minutes (31) East one hundred sixty-nine (183) fast to the most northerly a rase of said Tract four (4); thence along the dividing lime between Succes tions (3) and four (4) Block forty-five (45) of the said official resurvey of the den Elizario Grant, South Airtypercentar analter (56) ing degrees (21 Sest nine hundred thirty-two The rough that a control of the cont out it beginning to the same of the same o (max 1) 5 222 426

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Partillants Ho. LANCY-A and lancy-9

Riverside Canal Extension Plat No. 32

A tract of land lying and situate in El Paso County, Texas and in the Southeast quarter (SE1) 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 Clak 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 (430) sixteen minutes (161) West fifty-six and three tenths (56.3) feet; thence North fifty-one degrees (510) nineteen minutes (19') West three hunded 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 (510) two minutes (021) 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 thirtyseven degrees (370) three minutes (03') fifty-eight seconds (58") East; thence along the westerly line of said Tract four (4) North twenty-nine degrees (290) 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 fiftyone degrees (51°) thirty-five minutes (35') East nine hundred thirty-two and four tenths (932.4) feet and South fifty-three degrees (530) seventeen minutes (17') East five hundred four and five tenths (50%.5) feet to the point of beginning. Said tract of land containing four and sixty-one hundredths (4.61) acros, more or less. All as shown on plat attached hereto and made a part hereof.

Two tracts of land lying and situate in El Paso County, Texas and in the South half (S_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 ninetynine 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 (230) 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 truct 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 (150) 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 (80) thirty-six minutes (36') East one hundred eighteen and two tenths (118.2) feet, North three degrees (30) thirty-six minutes (36') west ninety-seven and five tenths (97.5) feet, North twenty degrees (200) fifty-four minutes (54') West ninety-one and five tenths (91.5) feet North twenty-eight degrees (280) 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 (330) thirty-nine minutes (391) 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.

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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 (541) East eighty-two and eight tenths (82.8) feet, South three degrees (30) thirty-six minutes (36') East eighty-seven and one tenth (87.1) feet and South eight degrees (80) 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 (270) 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.

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4-24-1940

The but the second to be building the place of the second second to be information and belief, that is it is escaped and vite is an important Secureda, one the control of Paryol. Ly. Plat Noy. 21, bullet Pertilipates munhared little and little and a was builded and second and a september of business when the best the falled would prove on or plain to one on the would be only famual by find the Market and minute of which his process inout is patitioner, to alte 4. 2. Johnson appears to can same interest the male the man to state the same appearance and the control of the same and the control of the transfer of Same and the English of Same and the transported the maid bound and board and board and a discussion of a discussion for deliconomic the state of the same the same to be said to the same the same transfer of er codes the M. Some County Nator Improvement Sistrict So. Limits on claim to our more interest in said property by virtue of the fact that the same and appear to the same and supply the same to make the deliberating manufic personne, being all liberation for the challenge the interest in said trest of land, the east notice of which is unknown to plaintiff; Berlin Sorps, ht. in Digment Station, Station, the Land to a second Till make and of Shap foods of Highland a little top land a fallo food most which Tennels Lange Millerday designator of Theo Voyes of Highland, Milisolay Coull T. Verus, Truy, Milbain, one of Theo Yours of Mighland, Illinois Filmony albert (formally Sether Town) Sighiant, Illinois, doubter of Thee Verus of Highlands Illinoise Bras Cherles Landers (forms Ply Grace forus), Highland, Illinois, daughter of them Verus of Highland, Militale Lenis Sures a minory eighteen persent and languillingis, sen of then torus of Highland, Illinois; desaining ferms, a shore differen pears of ugo, Troy, Illinois, daughter of the Forum of Highland, Illinois; . Minual Verus, Lan Angelon, Collifornia, son of Le. L. Verus of fernarly of - Lentile, Orbin ten; now described has been it. Sharon; Foologs Colorado, adopted theirhes of the Li Form Immely of Southing Suchlander and - Benevald Lauring Paris, Sucrements, Childrents, and Aliche Bernis, and and this proceeding textiluted under the direction of the Alberta, desiral,

Paris of Susinity, Galisbenius Engone Freeland, Jr., San Siepe, California, one of Ener Freelands Mrs. Once Abstancy Sump Bragens daughter of Jone Preelands and Mrs. Elise Merrit, Sedmond, Crajery, daughter of Jone Preeland.

information and halines the Court Court and an additional and the court of the cour

In Paper to the Salantes and Sanct to the Contract of the Cont

8. That the State of Towns and the County of \$1 Pees out or claim to our ness interest in said property by virtue of terms due and uspaid thereths

to our own interest in said property by virtue of water and construction sharpes due and unpaid thereon.

III.

hardenhold, the Secretary of the Enterior, setting through T. C. Mendenhold, being Secretary of the Department of the Interior of the Delted States, by written dominionals of even date, advised the Attorney Comerci of the States of the Seate bereinshove set out, and requested the Attorney Comerci to Seates of the Seate bereinshove set out, and requested the Attorney Comerci to Seatistake or came to be instituted appropriate proceedings lacking to the acquisition of said leads in fee simple absolute, and the Attorney Comerci requested and directed the seamed first above smed to take the acquisition of each leads in fee aforecald leads in fee simple absolute, and that this application is made and this proceeding instituted under the direction of the Attorney Comerci.

- 1. ELECTION, your partitionar respectively proper that the above named defendants to properly to app are one out up their respective interests in and to the aforesaid described property, if any they have.
- of the County of 21 Pandy the shall means the annual of the dampes to sustained by the parties harelessure musely by the Antility of the lands thresholders described.
 - 3. That upon the Elling of said seard in this Court, in the memor and form prescribed by law, this lount onter judgment thereen contaming the lands in fee simple shoulute to the United States of America.

 1. 5. 1. Sentended, States of America.

of the initial states, eather by sinks of the provisions of (a) the hot of Symptoms of South 17, 1962, 32 State, 384, and all arts appealing charged and hoppingsentary translate, mesonly like as the Berlandian Lam (b) the less of hereb 4, 1971, 41 Mai., 1484, and (a) the set of Petersony No. 1992, to State, 1521, an ultile state in the and manufactury timento, in hardy main and fills this fastantion es bester pursuant to the provisions of reciding the best the contract (the contract of the co and mediane when is a lande drawribed in the sumplaint flied in this Filed: July 3, 1940 Desired the are tempty token for the use of the Critical States and under the headories of our for the purpose has forth in mile being that the sound is esta loads beenly taken for the public use aforeeald to us obtate in two simple concludes that the own colinated by me to be just compensation for said leads, including all baildings, considered and improvements tangens, is four heared fifty-cas and 15/160 dellars (M.Sl. 65), all or raid that is hereby deposited into the containing all this bacacolois least to the war and for the bacality of the war widtled thereby their the following is a decription of the Legals to which for disple decalable bible to a class wear this pasteractions with the estimated value of the same

Survence 1 家島

A tract of land lying and situate in El Baso County Towns and in the Surfacest quarter (Mans District Court (2) Township Infect our (54)

South, Hanse cight (3) East button of Reclamation Survey. District owith the survey as a knight of the servey of the Sur Kitzerin Grant as accepts to the land of the Sur Kitzerin Grant as accepts to the land servey of the Sur Kitzerin Grant as accepts to the land servey of the Sur Kitzerin Grant as accepts to the land servey of the Survey of sure Sounty and Survey of Survey o

Expanding 50 a point of the country assertly borner of tract for the first fines to sty-favo (40) of said official reserve of the Sar Microid Leat: Thence product the scarboasterly line of said fines over (2) south forty-three degrees (50) mixteen minutes (16') west fifty-six and three tenth; (18' seal of the lead thirty-sight and three tenths (358.3) feet; thence North elghyy-are degrees (50) minutes (02') dest three hundred caryon and six tenths (512.5) feet; thence went fifty-one degrees (510) two admits (02') west six hundred feet; thence serves (510') two admits (02') west six hundred of six hundred sixtoen and one teath (518.1) feet radius a distance on the 32' of 30' finitesized feet; then to the raght should be set to the 32' of 30' finitesized feet; the country (5') finitesized feet (50') feet (5') finitesized feet (5') finitesized feet (5') feet

rand declare that the lands described in the complaint filed in this came and shown on the plan hareto amanded and make a party of this buildings, he have the plan hareto amanded and make a party of this buildings, he have the matherity of end for the use of the United States and under the authority of end 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 bundred fifty-one and 65/100 dellare (\$451.65), which said sum is hereby deposited into the regentry of this Hemerable Court to the use and for the benefit of said thereto; that the following is a description of the

Talmo of the same

Parcel 1. Gertlficate 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 (SEL) 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 Clark 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 (430) sixteen minutes (16°) West fifty-six and three tenths (56.3) feet; thence North fifty-one degrees (510) 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 (510) 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 wosterly 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 thirtyseven degrees (37°) three minutes (03') fifty-eight seconds (58") East; thence along the westerly line of said Tract four (4) North twenty-nine degrees (290) thirty-one minutes (314) 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 (530) seventeen minutes (171) 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) acros, 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).

Two tracts of land lying and situate in El Paso County, Texas and in the South half (S_2^1) 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 ninetynine 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 (340) twelve minutes (121) East three hundred eight and three tenths (308.3) feet, South twenty-three degrees (230) 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 (290) 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 (870) three minutes (031) twenty seconds (2011) 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 (80) thirty-six minutes (36') East one hundred eighteen and two tenths (118.2) feet, North three degrees (30) thirty-six minutes (36') west ninety-seven and five tenths (97.5) feet, North twenty degrees (20°) fifty-four minutes (54°) West minety-one and five tenths (91.5) feet North twenty-eight degrees (280) 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 (333) thirty-nine minutes (391) west two hundred seventy and seven tenths (270.7) feet to the point of beginning. Said truct 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.

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 (280) nineteen minutes (191) East three hundred ninety-six and seven tenths (396.7) feet, South twenty degrees (200) fifty-four minutes (541) East eighty-two and eight tenths (82.8) feet, South three degrees (30) thirty-six minutes (36') East eighty-seven and one tenth (87.1) feet and South eight degrees (80) 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

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4-24-1940

TATE OF THE PARTY OF THE TAXABLE OF TAXABLE OF

and law of the United States for the following purposes:

Regulation, control and use of the flow of the Rio Grands by means of an irrigation canal and drainage outlet channel and appurtenent works for the purpose of the reclassion, irrigation and drainage of arid lands within the Rio Grands Federal irrigation project constructed, operated and main aims by the United States unlar the said Reclassion Law.

find pursuant to the provisions of the said let of March L. 1921.

Ands have been disputied and covered into the Reclaration Fund and
by said let of March L. 1921. appropriated for the purposes of the
construction of said canal and draining outlet channel and appurtenant
morks and such funds are smileble for just compensation for said

In three photos I have because set up hand this Zird

are of they are the particles of Columbia.

to require property by enhance rancin for public paramete, as an and and

C. Sendenhall (Simed)

Acting Professional Control of the Control

The reminestry under chick, and the public was fer south and londs were taken as a sea one, and the fermion of the public was fer south and londs were taken as a sea one, and the fermion of the fermion of the chicken as a sea one, and the fermion of the finite of the common only entertied and entertied by less to assembly larger and as the described in the publication for the propose of regulation, period and not of the fine of the fine of the finite of the fi

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

The state of market by the Resident between the state of the state of

Thereupon the Court presented to past upon said Matica, Politica and Declaration of Taking, and finis as follows:

That each and all of the allogations in said patition declaration are trust and that the United States of America do entitled into exquire property by estimat domain for public purposes, to the project in maid potitionals described therein so rural 1, the bendered severity That a Potition in Residentiality and Itled at the request of of the leting Under Secretary of the Interior of the United States, the authority exponered by law to sequire the lands described in said petition, and also under the authority of the Attorney Comerch of the United States. THURST That In said Detition and Bestleration of Calding & Statements of the enthority under chicky and the public use for which wald liveds were taken was not out y and thub the Homerable W. C. Handenhall, Justing Under Sepretary of the Samerior of the United States, is the person duly authorised and expensived by the to excell a Chaile with the Live described the this potition, for the purpose of regulation, control and use of the flow of the life Conde by nounce of an irrigation canal and drainage outled abund and apportment Interior of the Buited States, probably will be within may limite processions

works for the purpose of the regionation, irrigation and drainage of crid lands within the Riv Grands Federal Arrigation project constructed, operated and maintained by the Police States under the Sectionalies Live PRESENT in the lot of longroup of the frame of the first of the f descriptiony absproof and employmentary thereto, company import as the Perelemention 1 top (b) the 14th of March to 1923, 12 States 14th, and (c) the tet of Johnson 26, 1931, 46 that., 1471, and all sale spandstory thereof and supplementary themston and that the Attorney General of the Walled Shates is the person authorized by law to direct the institution of such epadeanation proceedings and writing of facing, and the deposit in the rest foundly bat a proper description of the lands touch to be taken, entitionation the identification thereof, is set out in said Depleration of fixing to here been emplement and taken as of the date of said filing the state of the estate and laborate and lab Labora Compate popular use its set out thought to therein wented in the purone official A pleas pleasing the London triang to set out therein. to a second a section of the sum of many estimates and the sum of many estimates stad by said acquiring anthority to be just concensation for the laude taken, as follows: For the Lands described therein as Parcel 1, Two busined security two and thirty one-hundredths (\$272.30) bellars; for the lands described therein as Pareel 2, the bendred severily-nine and thirty two cos-bundredths (\$179.32) bellare.

That Chipi was of Four hundred fifty-one and sixty fire one-bundredths (\$451.65) Delians, which is the mount estimated to be just compansation 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 Beclaration of Taking.

ELECTIVE A statement is contained in said Declaration of Taking that
the estimated amount of compensation for the taking of said property, in
the epinion of the said W. G. Mandanhall, Asting Wader Socretary of the
Interior of the United States, probably will be within any limits preserted

Riverside Canal Axionsion Plat No. 32

Sea of County, Texas and is the That the Comp inches (A)Ly equal terms gald Contemptables Potition and Beclaration of Taking, and the statutes in much seems ande and provided, to of the spletter that the Sutted States of markles and had be saidthed to take said property and here the title through model in its property to the let the San Elizario The state of the s and and decree for the Court that the State In the following described Lights In the steple shouldby the posted in the United States of his wine, ispect the filling of part belowed by all the land the desired by registry of this Court, he bereinsboye regitted, in the eus of Pour bundred seven obgrocs (orb) varie writings (to the curry by a barring South this degrees (2007) hr by the min feet of said Tract four (4) North twenty-nine degrees (2007) hr by the min feet of the factor handle he for the feet of t feet and deposits, and are condemned and taken for the proper the property states and the right to but respective for the complete for the son entitled thereto, and the mount of sold grapense tained and envided in this proceeding, and established by judgment berein, pursuent to law. " bersor.

The lands are described as follows:

Engineering Data

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A tract of land lying and situate in El Paso County, Texas and in the Southeast quarter (SE) 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 Clark 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 (430) sixteen minutes (16*) West fifty-six and three tenths (56.3) feet; thence North fifty-one degrees (510) 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 (510) 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 wosterly 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 (290) 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 (530) 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) acros, more or less. All as shown on plat attached hereto and made a part hereof.

Two tracts of land lying and situate in El Paso County, Texas and in the South half (S^1_{Ξ}) 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 cividing 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 truct four B (4B), Block fifty-four (54) of the suic 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 (80) thirty-six minutes (36') East one hundred eighteen and two tenths (118.2) feet, North three degrees (30) 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 (330) thirty-nine minutes (391) 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.

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Riverside Canal Extension #31
Page No. 2

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 (200) fifty-four minutes (54') East eighty-two and eight tenths (82.8) feet, South three degrees (30) thirty-six minutes (361) East eighty-seven and one tenth (87.1) feet and South eight degrees (80) 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 dogrees (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 (270) 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.

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4-24-1940

IN THE DISTRICT COURT OF THE UNITED STATES

IN AND FOR THE WESTERN DISTRICT OF MEXAS

The presention of the balance characteristic property shall be delivered
to the United States of America on or before Manday, the 6th day of July,

A. D. 1940.

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

in interest on this 3rd day of July, A. S. 1940.

DEFENDANTS.

APPENDING STATE OF A PARTY DESCRIPTIONS.

sumes now ". L. sawers, desendant in the above entitled and

(Signed) Charles A. Boynton

Julys Proceedings.

(Signed) W. L. Summers.

Filed: July 3, 1949,940,

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.

37

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 FOR THE WESTERN DISTRICT OF TEXAS.

EL PASO DIVISION.

WITH MALLS OF MERRICA,

unived states of morica.

PLAINTIFF.

10. 物 统数表。

No. 30 Civil.

. L. Sterwel, IT il.,

W. L. SUBGERS, ET AL.,

A DEPTHUMENTS PUBLICATION.

OATH OF SPECIAL COMMISSIONERS.

We, the undersigned Apprelment, duly appointed by the Honorable Charles & Moraton Judge of the United States as Special Court Synthes Western Dietains, of Texas has Special Court Synthes the damages to the phoera of the lend 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 lend.

2. That the defendent D. W. Cathbert is a
M. Howman (signed)
honrestions of the State of Texas

Roma (signed)

P. F. Shore (signed)

of July, a. D. 1940.

SEAL

Complete Annual Property

II. IND DISTRICT COURT OF THE UNITED STATES
IN ARD FOR THE WEST AND DISTRICT OF TEXAS
IN PASS DIVISION.

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To sur Mershel for the Western District of Texas;

ORDER DIE L. are reed a scential or the 150 d. M. Eschyede and wife,

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

UNITED STATES OF AMERICA. The AL Page County Season Lagrange

S. F. Sentence, L. S. School, Man

District bo. I. M. Lpingarp Lillian Farr Thomas and Paul . Thomas

No. 88 Civil.

W. L. SUMMERS, ET AL., 1940. 1 to lotates of America files

DEFENDANCE OF THE WAR I THE POSITION TO

DEPARTARIZO.

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 Jounty Texas, and in the Southe Refore me, therupdersigned authority, on this

thirty-four (34) South, Range eight: (8) East Bureau of day personally appeared R. Neill Walshe honor of the 9, Mainland San Elizario Grant and Tract Four (4) Block forty-five

attornayacfor the plaintiff in the above atyled and to drant in El Paso Dounty, Texas;

numbered cause and being by me duly sworn deposes and (48). Farcel 2, Tract 1,). It sores out of Tract Four 5 (48). says lock fifty-four (54) of the official resurvey of the San Linnario Grant, El Paso County, Texas;

tarcel 2. Tract 2, 0.17 of an acre, more or less, out of unknown to the B (43) Block fifty-four (54) of the of local resurvey of the San Elizario Grant, El Paso County, lexas;

all or each tracts being more fully described in plaintiff a petition, re-

Remain, having been appointed by the thited States District Jourt as Special Commissioners to act the Langue to the United States District Jourt as Special Commissioners to act to the Commissioners to accord to the United States of American and that Commissioners having been duly sworn to assess the damages fairly and that the cord in the Commissioners having been duly sworn to assess the damages fairly and the cord in the Commissioners having been duly sworn to assess the damages fairly and the cord in t

on the Zallan of October, 1940, at El Paso, Texas, in the Grand July
Rom of the United States Churchouse in said oity at 11:00 ofclock state,

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) of Section four (4) Township thirty-four (34) South, Range eight (8) East Bureau of Reclamation Survey; being also within survey 129, Mainland Sant 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 Ean 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 describlands by reason of the condemnation thereof by the United States of Americand 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 exidence 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 loth day of August, 1940, and I have executed the same, in part as follows: On August 10, 1940, in El P 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 fa for each of the above names 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 Emprovement District No. 1 by ser ving Pearle H Glover, Assor and Collector for the above named District No. 1. On August 13, at Fabens, in Pel Paso County, Texas, I served S. B. Johnson in person, at the same time and place I left wirh 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 En Paso Division thereof.

Guy McNamara, United States Marshal,

By (Signed) George A. Brown, Deputy.

Fees \$ 18.00 Expense 2.40 \$ 20.40

Filed: September 11, 1940.

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DELTED STATES OF ALERICA.

Plaintiff,

No. 80 Civil Let Civil Letion.

We Le SUMMERS, ET AL,

VRe.

Defendants.

Called APPLICATION OF PARTITION FOR AN AMERICAN MADE

TO THE HOMOBARIE CHARLES A ROYSTON, JUDGE OF SAID COURTS water on so to committee the facility in the above styled and numbered cause Marke Sally Walted States Attorney, and R. Reill Walsho, Assistant maked states (thereof, and files this its motion for an order correcting of faking heretefore entered in the above styled and numbered came on July 3, 1940.

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

Translated the second translated to the second translated to the second translated to the second translated tr assess appeared in the Judgment as the hundred seventy-nine and thirty two one-hundredths (4179,39) Sellars.

Plaintiff further shows that the Judgment should be corrected in said Seventh paragraph thereof by changing the words and figures of One (Sed.) Chanles (tare 32) billions to one hundred seventy-nice and thirty two one-hundredths (\$179.32) believe to

WHEREFORE, Plaintiff prope for an Grant of Court correcting the Judgment.

W. R. Smith, Jr.,

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

Filed: Sept. 91 1940.

(Sgd.) R. Neill Walshe

H. Helli Walshe, Attorney.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND POR THE WESTERN DISTRICT OF TEXAS BL PASO DIVISION

UNITED STATES OF AMERICA,

Plaintiff, for D. Combara Statestak of Tamber

The Ast Civil Action.

W. L. SUMMERS, ET AL. TELLE, Jacks T. Terme, Mys. May Tolkers, Mich. Chemies Losders, 1884.

Person, Joseph and Vision Community Community Community Community

OÉDEA CHURCESO JUDGIEUR SE SALLA LOS OF VALLE

the converse interest of a loope is traced, and all other persons or autilized BE IT REMEMBERED, that on this loth day of September, 1910 dame on to be considered the motion of Flaintiff in the above styled and BUILDING CANADA CALLER CA mumbered couse for correction of Judgment on the Declaration of Taking entered on July 3, 1940, and it appearing to the Gourt that the allegetions in Plaintiff's motion for correction are true and that such error should be correcteds in the first to the first the continued the second commencer that he did not

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 Farest 2. Com bondred seventynine and thirty two one-hundredthe (\$179.32) Dollars', be corrected so as to read as follows: "for the lands described therein as Parcel 2, One hundred seventy-mine and thirty five one-hundredths (\$179.35) Dollare."

thirty date (th) worth, dates alot (t) have because of and most see, to externy being above ultria convey 179, Dalder Love to dilements track and I work fover (A) Block Forty-They had, at the official reserves of the bus slike the was in a low investige frames

a country transit is 3.11 correct this of tireth root i the following the factor for Trom as Elimentar to mely the content (Sgd.) Charles A. Boynton.

AND THE PROPERTY OF STREET AND ASSOCIATION OF STREET Filed: September 10,1940.

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THE TELEPHONE CONTRACTOR WAS ASSESSED FOR THE PROPERTY OF AN ASSESSED ABOUT TO transport that were consider by the latter thousand like his late to

IN THE DISTRICT COURT OF THE UNITED STATES

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EXECUTING to an action commanded to make Markin Vorus its.

[alia, Cool, C. Yorus, Mrs. Roy Solders, Mrs. Charles Landers, London Morus, Josephine Jorns, Edmind Jorns, Mrs. Landers, Landers, Landers, Paris, Murens [palent, Fr. Ris, One Mithems Mrs. Mine Marking or Paris, and Mine Marking or

parties because Figh and hear year before the undereigned Commissions of the list of the last of the l

trian and alternate in El Pass County, Toxas and in the Seatheast quarter (SE) of Section four (A) Township thirty-four (34) South, Sange eight (6) East Bureau of Reclamation Survey; being also within survey 129, Eainland San Elizario Grant and Tract Your (A) Block forty-five (A5) of the official resurvey of the San Elizario Grant in El Pass County, Texas;

Parcel 2, Tract 2, 0,17 of an ears, more or less, out of Tract four B (AB) Block fifty-four (SA) of the official communey of the San Elizaria Grant, El Face County, Toxas)

all of such tracts being more fully described in plaintiff's petition, ref-

AND RESERVE, the undersigned & & Sharmon, Q. A. Riene and C. M. Hennan, having been appointed by the United States District Court on

PUBLISHERS AFFIDAVIT ML PASO HERALD POST.

ACCURATE OF DEMAS

COUNTY PORTER AND PRODUCT TO ASSOCIATE THE COUNTY PORTER AND ASSOCIATED AND ASSOCIATED AND ASSOCIATED AND ASSOCIATED AND ASSOCIATED ASSOCIATED AND ASSOCIATED ASSOCIATED AND ASSOCIATED ASSOCIATED AND ASSOCIATED AS

HERRIE FAIL NO?, but here you before the undereigned Commission ere on the 2nd day of Gotober, 1946, this wait with join-volume thereon showing her you have executed the simply day of August, 1946.

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

(SEAL)

Selection .

Notary Public in and ion El Paso
Course Alas 22222

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. **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 hereto atrached, 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.

STATE OF THE STATE

as the montenantion thereof by the Baland seaton of housetes

IN AND FOR THE MESTERS DISTRICT OF TEXAS.

IN AND FOR THE MESTERS DISTRICT OF TEXAS.

IN AND FOR THE MESTERS DISTRICT OF TEXAS.

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ments that the appears of manufacturery of Cotober, 1960, at 12 Perso,

Cay of Cotobor, 1945, in see nempers published in the

Constant more having herotofore duly selected such time and parties!

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 mustored 88 on the

Civil Boshet of the El Paso Division of the Western District
of Texas, said land being described as follows:

Partie de source men de source de so

The within no file the consistence as duly received and served by a local file to the lactordance with the constance of the coordance with the constance of the coordance of the

Parcella, Pentage of the ser according to the series of the rehal.

AND MESREAS, the undersigned R. R. Shelman, C. A.

Kinns, and C. H. Homan, having been appointed by the United States District Court as Special Commissioners to essent the demages to the course of the above described land by reason

TH BUISHLES APPEDATES

of the condemnation thereofily the Bulton Blates of America

STAT and call Greenical eners having been duly source to casess the

density and importially and in accordance with the law;

BOX, TERRIPORE, you and each of you are hereby.

Tour below the state of the sta

therein in regard of teaching the action of the continue of the state of the continue of the state of the continue of the cont

Special Constanteness on the Sul day of Gotobus, 1940, this with your return theretal bhowing being being have executed

SPO SHIRING

Sworn to with the State of the residence of the loth Augast wo.

(Signed) Edna L.

(BEAL)

1 1 2

File: deptember 14, 1940.

MARSHAL'S RETURN.

Notary Publin and for El Paso Sounts
Texas. Meesure

Special Commissioners.

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 3,10,19 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.

THE REPORT OF THE PROPERTY OF

THE RESERVE TO A SECTION

. Plaintiff,

1

No. 35 Civil action.

W.L. MINEL MILE.

Defendants.

FINDINGS OF THE COMMISSIONER.

Se L. STATES, INLINE THE STATES, SANS

To the Secretable United States District Commissioners, application of the design to the common of the Lands hereinstice (Specifical by Passes of District of Texas, Si Pass Divinions the sends, which looks are described as

follows has new J. H. BREATEDA was wife, JOHN DES RECAIRDA,

Continue de la contin

Canada and American Company of the American County of the American County of the Count

\$179.35 and in sold

state of the sound for parcel He. 2, (Signed). R. E. Sherman

(Si79.35) Cascide for parcel He. 2, (Signed). R. E. Sherman

7.91 course and T of all acre respectively particularly instituted

C. A. Kinne

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IN THE DISTRICT COURT OF THE UNITED STATES
of said see in and for the Western District of Trais six becared
EL PASO DIVISION
towards (3625.50) sollars and the appears which the semicolonges
UNITED STATES OF ANNUAL COURTS and the said do not
toward that a principle of the semicolonges
toward that a principle of the said species and do not

Vall. Conserving safe parcel to not descript d. R. The state of so such thereof so like which survey to. Diferialization for all providing read in it form Greaty, Taken that is to say we wook of said percel as lies to the South of OBJECTIONS OF J. M. ESCAPEDA, JOSEFTHA ESCAPEDA, the dividing liesungasop etilian park thomas, and survey is. 128, PAUL D. THOMAS TO DECISION OF COUNTSSIONESS which part of said land has an area of 4.35 sures and which To the Honorable United States District Court for the Western constitutes 94.4 per cont of the area, 4.61 ages of said entire District of Texas, El Paso Divisions
paradi Me. 1; and they, and all other parties filing this enousy, How come J. M. ESCAJEDA and wife, JOSEFINA ESCAJEDA, THE STREET, CHAPTER THE PARTY OF PARTY OF PARTY. husband, all parties Defendants in the above numbered and entitled condemnation proceedings and object to the mention and marked their stream; to exercise painting the limit falls and commissioners applicated by the Renorable Judge of this Court Collars. to assess the damage by the table we the land described in the Plaintiffs; joillies filed-serving becking joins of libert A. Rest, esither dr anacted by the said commissioners, which award was dated and filed October 9, 1940) 46 418 the gament forth. two hundred is weathy that the said the fact of \$272, 30 rejews. 1 parcel No. 1 containing 4.61 screet particularly described in said amend being the tract outed by the mild John Property and wife. and the sum of one hundred seventy-nine dollars thirty-live centy-(\$279.35) minimal Compared Her 2, tracts I and 2, containing 3.91 acres in . 17 of an acre respectively particularly described in said maid, dhed by W. E. States of both shelly inalequate and insufficient in that these Defendants, J. W. BEGAJEDA and wife, and damined the this taking to the part want by their last list the chief described of said percel No. 1, in the sum of nine bundred (\$900.00) dollars; and this Defendant W. L. SUMMERS is damages by the taking

BOOK STANDARD

of said perceb for 2; brooks I and 2; in the one of vir bended at tuenty-tive (\$625-06) dellaw and the madelle shift the comfesioners have minuted for wild brights use welly disdequate ded to be the constitute that compared to the decays Concerning said pinch biller by the cald the ASCALERA and wife are the owners of so much thereof as Time within mirrogo Str. 129 official San Elizario grant in al Pass Satisfy, Tozza; that is to say so such of said percel as lies to the South of the dividing like belong and passeng the 2,23 and survey be. 125, militip in a said and ind an implosion 35 names and which weld constitutes 94.4 per dent of the area, 4.65 appeared sold water parcel for ly and they pand all retire penties of they this comer, commends disclaim one difficult of soil parcel applications within wild survey Str. 128, this is north of such dividing line, shift pirk as to shirt they disclaim has an area of .26 acre and count times 5:0 per cant of said entire parcely and the wine sking and the part which they being and and the hundred (\$900.00) will are and up of the past to which they disclaim is tuenty-five (\$25,00) williams. this preceding Improved maintioned in the Phintiff's potition in phingraph II (5) and described as the heirs of ALHERT A. WHIZ, melther our nor willis My distorate living part of said parties Militation the walk in Markettank and after our of above set forth. istance in the state of the same of the sa and any pinds this was a substant resident the Classic Country being ton ince Country of Bis Painting at these Toutier Auton Introduction Machinetics the line and interest disposed being any part esterile parel. No. I by wistin of any lien for taxes, water charges, or by any? Thereford Il Paso, nor the Il Paso Water Improvement District the L. over the hold of the modelle and alterial the color owners of said parcel No. 1 (except only that part discussion to the said thered includes above) and no other person has any interest therein

The United States of AMERICA, he cited as required by law and that upon trial these Defendants recover their just damages to-mit the

or lien thereon, and the said J. M. ESCAJEDA and wife are entitled to collect the desages on account of the taking of said parcel No. 1 (excepting only that part thereof as to which they discuss), and the value of the part of parcel No. 1 omed by them, and the damage which they will exercise 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 numbered (4,00.00) 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 PARE THOMAS joined by PAUL (B. THOMAS her bushend, halds a lien upon such land, but she hereby expressly disclaims any interest in the said parcel No. 2, tracts 1 and 12,0 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 delicet the damages an account of the taking thereof; the said LILLIAN PARE TRAMES, however, expressly reserving filed. October 10, 1940, 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. GATRGART and I. U. GOHDON, referred to in said petition in condemnation, neither of them own nor claim any interest in said percel, said W. L. SIRBERS is sale owner thereof, and entitled alone to receive the damage on account of the taking thereof, which damage amounts to the sum of six hundred trainty-five (\$625.00) dellars, 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 Tater Improvement District No. 1, common claims, or has any interest in said real estate by virtue of my taxes thereon or any mater 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

TO AMERICAN SOLVED TO SECURE OF THE SECURE O

said J. M. ESCAJEDA and wife, the sum of mine hundred (8900.00)

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 bundred twenty-five (\$625.00) dollars on account of the egreent certain taking of said parcel Me. 21 and that these Defendants recoverage ered.

their cases and sufficient of further relief as they may be according to the following the following

William Flournoy

Astorney of said Defendants

J. M. ESCAJEDA, JOSEFINA

ESCAJEDA, W. L. SUMMERS,

EJILIAM PARE THOMAS, AND

PAUL D. THOMAS.

Filed: October 10, 1940.

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(Signed) R. Neill Walshe

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Pried: January 23, 1941.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND TOR THE WESTERN DISTRICT OF THEMS IN AND FOR THE WASO DIVISION OF THEMS

el paso civision

UNITED STATES OF AMERICA

TOTAL SEASON OF MINEROLD

W. L. SUMMERS, ET AL

v. L. Maser, a sk

No. 88 Civil Action

defendants cited by publication and have not answered.

Now comes R. Heill Walshe, one of the atterneys of record for the plaintiff, United States of America, and respectfully calle to the Courtes attention the feet that the following named defendants hereis were correctly publication and that none of these have anamyed or appeared in this cases and that an atterney should be appointed to seprenous them

Toposent and national, and it appearing to the door that the electronic manufacture defendants should have an attorney applicated to represent them and their Joseph L. Dunigen an attorney of this Court, it daily enablified to est as their seconds, it is, therefore, Calband, anythese and Joseph L. Dunigen (Signed) R. Neill Walche and product to Firedray and anidary 23,5 1941.

Files: Frimary 29, 1941,

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

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

So SS-Givil.

TOTTED BRADES OF ANEWECA

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Mo. 68 Civil Antion

W. L. COREN, MARKET LANGE TO SEE THE SECTION OF THE

AND TO SEE THE

ORDER APPOINTING ATTORNET

has been de by decision, one of the defendants in the above BE IT RESIDERED, then on this 29th day of January, 1911, in the on to be considered the motion of R. Weill Weishe, one of the attorneys of record for glaintiff, thitted States of America, in the above-entitled and wis numbered courses sailing the Court's attention to the fact that

> In De Gordon, Martin Vorus, Mrs. Levis Wells, Johnson, Cesti T. Vorus, Mrs. Roy Wolbert, Mrs. Charles Landart, Louis Vorus, Jessimine Vorus, Binand Variate Mera James H. Sharon,

HIS HALL OF TEXAS

of the or the Mason

paters we, the undersigned and for said County has State, on use May personally appeared 5 to Johnson, known no we to be

The person whose name is subscribed to the foregoing the law are set

nowlectured to me that he executed the same for the chief that the afores it

tion therein expressed have an attorney appointed to represent then Given Joseph L. hounigan seal of office with day of October,

qualified to act as their compose it is, therefore, Garage, ADJUDGED and Joseph L. Duniganned) Hal Haddin he is hereby, appointed to represent the aforementioned defendable in this proceedings

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, EL PASO DIVISION.

UNITED STATES OF AMERICA,

PLAINTIFF,

VS

No. 88-Civil.

W. L. SUMMERS, ET AL

DEFENDANTS.

DISCLAIMER OF S. B. JOHNSON.

Now comes S. B. Johnson, one of the defendants in the above numbered and entitled proceedings, and disclaims any interest in the real estate described in the Plaintiff's Petition filed therein.

Wherefore the said S. B. Johnson prays that he be discharged with his costs.

(Signed) S. B. Johnson.

THE STATE OF TEXAS COUNTY OF EL PASO.

Before me, the undersigned authority, in and for said County and State, on this day personally appeared S. B. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 26th day of October, A. D. 1940.

(Signed) Hal Haddix
Notary Public in and for El Paso
(SEAL)
County, Texas.

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

United States District court for the WESTER DISTRICT COUTEXAS, THE ENCOUDINGATON IN AND

FOR THE WESTERN DISTRICT OF TEMAS.

UNITED STATES OF AMERICA SI PASC LEVISION.

UNITED STA**PLATERIES** FRICA,

VS.

PLAINITE, HO, 88 CIVIL

W. L. SUMMERS, et al.

\$ 80. 38-01vil.

N. L. Defendents.

DEFENDANT &

APPLICATION TO WITHDRAW MONEY DEPOSITED Ans INF COURT. FOR PARCEL NUMBER TWO athears

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 Percel

No. two (8), Tracts One (1) and Two (2) particularly described in the Now case 1. U. Cordon and D. W. Catheart, defendants cited

Dy publication, through their attorney, Joseph L. Dunigan, who has further that he has filed his objections in this Court to the been duly appointed by the Court to represent them, and for answer decision of the Compissioners, which objections are hereby expressly would respectfully state unto the Court that the defendant, D. W

Cathcart, has disclaimed any interest in and to the lands described Further that in accordance with Title forty (40), Section in the plaintiffs, petition filed herein, and as to the interest of assert, the United States of America has taken the said lends for its to Gordon, if any he has, in and to the lands described as relieve:

use, and has deposited in this court to the use of the persons entitled tract of land which is a part of Tract 4 B, Block 54 thereto for sell letter the remote one and two the sum of the sumplement so. It prepared by the Buerau of Reclamation for the

SEVENTY-NIME DOLLARS QUINTY-FYFF DENTS (\$170.35).

The bild of the smalles is the person britishe the set of the hereby applies to the Court in accordance with and thereby in the Court in the Cour to order the said sum of the HUNDRED SEVENTY-MIRE DOLLARS THEREOF FIVE t CENTS (TYP) 30/ to be pell'forthwith to bit oddown of the first addicasation to be swarfed in said proceedings, same to be paid to him and the erder to so provide without prejudite to instruct the land and objections Attorneys for said Defendants, I.V. filed by him to the said amount, so when the complements finally awarded 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 assordance with said Section of said Code.

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

PAUL D. THOMAS (SED)

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,

Q

PLAINTIFF,

Q

VS

No. 88-Civil.

W. L. SUMMERS, ET ALL,

Ó

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 Buerau 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 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. Vor 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 proportionage 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 entit 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 Wolber
Mrs. Charles Landert, Lewis Voruz, Jessimine
Voruz, Edmund Voruz, Mrs. James H. Sharon, Leande
Pavid, Eugene Freeland, Jr., Mrs. Homer Rittman,
Mrs. Elsie Merrit, and all other persons or
parties who may have some interest in and so
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, No. 88-Civil. VS.

W. L. SUMMERS, ET AL.,

DEFENDANTS.

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

. Car 1983. 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.

A300 14

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

Filed: March 29, 1941.

UNITED STATES DISTRICT COURT FOR THE MESTERN DISTRICT OF TEXAS, EL MASO DIVISION DISTRICT OF TIMES OF FASO TOTALION.

UNITED STATES OF AMERICA. THE THE LA Plaintiff,

VS.

W. L. SUMMING, ET AL.

TO THE BUTTES BRATES

Defendants.

MO. 88 CIVIL

FIRE A BOYNTON (SCD)

CHARLES

ORDER FOR THE PAYMENT FORTENITE OF THE MOREY DEFOSITED IN COURT FOR PARCEL TWO

Problem And

This lith day of April . A. D. 1941, came on to be heard, the application of W. L. SURERS, one of the Defendants in the above numbered and entitled cause, to withdraw the sum of CHE HUNDRED SEVENTY-NINE AND 35/100 (\$170.35) DOLLARS, deposited in Court by the Plaintiff in accordance with Tible Forty (40), Section Fet1t1on filed herein 258-A, as the estimated componention stated in the Declaration of Taking filed herein for Percel No. Two (2). Tracks One and Two perticularly described in the Plainting petition files have in-

And it appearing to the court the publication Attorneys for said defendant, A.L. Sur should be granted,

to since a control the foregoing SEVEREY-MINE AND SEVERO (\$179.55) DOLLARS so deposited, be paid forthwith to E. L. SHEEFES on account of the just compensation to Received a copy of the foregoing demand be awarded in these proceedings for said Parcel 2. If the compendad.) Joseph L. Dunigan, sation finally energed in respect of said Percel One exceeds the such action on behalf of the defendant, I.V.Gordon. said amount, the court shall enter Judgment against the United States for the emount of the deficiency in accordance with said section of said sode; and said application and this order are made without prejudice to the right of the said W. L. SUMMERS to seak and recover such deficiency.

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

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

4748

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. 86-Civil.

E L. SUMMERS, ET AL.,

DEFENDANTS.

ANSWER OF STATE OF TEXAS AND COUNTY OF EL PASO.

TO THE HONORABLE JUDGE OF SAID COURT:

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 Parce 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 t 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.

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DELINQUENT TAX NOTICE, STATEMENT AND SCHEDULE

ADDRESS.

TO

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

		OEOOKII IIOM OF	T ACREAGE FROTERIT	ואו		DESC	DESCRIPTION OF CITY PROPERTY	PROPERTY	
NO. NO.	TRACT NO.	BLOCK	OR GRANT	OTHER DESCRIPTION	ACRES	LOT NUMBER		BLOCK NO.	ADDITION
	X	45	Sin sario	a	32.69			>	CITY OR TOWN
TO WHOM ASSESSED	SSED	ROLL	RM PAGE LINE	E YEAR	STATE TAX	COUNTY TAX	SCHOOL DISTRICT		TOTAL
JM Esca	jeda	A	11	1691	388	541	787		3/ E/
	'				,				
		-36							
•									
TOTAL TAXES					38 €	541	787		3161
PENALTY, INTEREST & COSTS	STS	3			163	227	ひ~ ひ~		77
GRAND TOTALS		1	アイイン	2/4/	557	768	11 10	1	2 72 1
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.	The second secon								1

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 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.

BY JOHN PASO COUNTY, TEXAS

ALIIGH.

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.

COPY

IN THE DISTRICT OCURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF TEXAS
EN PASO DIVISION.

IN THE BUTTO STATE DESIGNATION OF

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FOR THE WISTERS DISTRICT TO LABOUR.

AT BL PASO

V L BIDLIA :

No. 88-Civil.

VERDICT OF THE JURY IN THE CASE OF

UNITED STATES OF AMERICA VO W. L. SUMMERS, ET AL., NO. 88 CIVIL

herein was at the reasonable Tall Taglion value of 175 00/100 per acre at the time of site talling in Tall Taglion. The inlinering evidence was lateral used:

J.M. Escajeda, S. B. saderpro and W. L. Summers testified that in their opinion the J.91 agree of land was of the reasonable walls, on July 3rd, 1940, of \$150.00 an agree that the reasonable was a second track that in their than the reasonable was a second track that in their conjunction July 3, 1940, who see the second se

Joseph L. Dunigan, Attorney Programme Control of the Control

November 1, 1941, Maxey Hart Clerk By J. N. Phillips, Deputy.

as to the apparent interest of his client.

concluded that emid defendant no interest in aske to the land.

(Signed) Charles A. Boynton, days

Approved:

W. J. Pevicolas Attorney for United Stalus of America,

Joseph I. Junigan, Attorney for Desendant I. U. Gordon

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

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE WESTERN DISTRICT OF TEXAS

EL PASO DIVISION.

No. 88-Civil.

UNITED STATES OF AMERICA,

- . - . - . - - - -

PLAINTIFF,

vs ≬

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 conserned, 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 reasonble 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.

The property of the late of the Paso Division at the office of the conty class of the office of the conty class of the conty of the conty conty of the conty of t

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UNITED STATES OF AMERICA, The Figure 1 and 1 (536) feet; thence slong the dividing line between said tracts four B (45) and san (5) North **Defendent S**egress (32) forty-two minutes (42) East ninetythis and nine tenths (99.9) feet to the Northeast corner of said truct four B (4B); thence along the easterly line of said truct 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 about styled and numbered cause care on (37) hearing y-six minutes (26') East six hundred forty-sight (648) feet. South seventeen leg before a July on the let day of November, App. 1941, insofar as and five tenths (452.5) feet and South twonty-nine degrees (27') thirty-ups minutes said proceeding concerned the following described tracts of lands on a curve of six hundred sixtess and one tenth (616.1) feet rucius and the adjects to the curve at said point having a bearing North thirty-seven degrees (372) three minutes (55%) fifty-eight secunus (56%) west and from which weight the aget againstly estable of that four B (48), block lifty-four (54) of the cas in this electey of the Seculiarity on a prove March electy several depress (50) three electes (63) includes (63) includes (63). in which there inthered from from bud elent tenths (120) and in this next was a state of the next tenth of the matter of the matter of the state of handre throught to and five terior (Edical terror) nearly to fill and the (15) - Annivos (18) Mest and Satelya rac-3-four are and sucre. As for a manufacture of my line of the latter latter l; then a community of the latter la and teathe (97.5) feet. North teenty degrees (20°) fifty-four minutes (54') West vilety-law and five tenths (91.5) feet worth twent, amont degrees (887) thereas minutes (1971) with four number (307) west sixty-six and three tenths stand foot, which is even contains $(3k^2)$ uninty-five situites (35^*) meat The spirit and selection of the second of the second was the second of t there (27. 1) feet to the point of beginning. Suid truet of land containa tree in almoty-one number the (3.91) words, more or less. Shown as

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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.

Two tracts of land lying and situate in El Paso County, Texas and in the South half (S½) 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 (290) 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 (870) three minutes (03') twenty seconds (20") west two thousand three hundred forty-four and eight tenths (2344.6) 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 suid I-243 Lateral, North eight degrees (80). thirty-six minutes (36') East one hundred eighteen and two tenths (118.2) feet, North three degrees (30) 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 (280) 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.

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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 (280) nineteen minutes (191) East three hundred ninety-six and seven tenths (396.7) feet, South twenty degrees (200) fifty-four minutes (54') East eighty-two and eight tenths (82.8) feet, South three degrees (30) thirty-six minutes (36') East eighty-seven and one tenth (87.1) feet and South eight degrees (80) 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 dogrees (80°) twenty-eight minutes (28') twenty seconds (20") Wost two thousand one hundred ninety-four and nine tenths (2194.9) feet; thence North fifteen degrees (150) ten minutes (10') West two hundred thirteen and five tenths (213.5) feet; thence North twenty-seven degrees (270) 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.

in 2 m

4-24-1940

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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.

and the United States of America having appeared herein by Sen P. Foster, United States Attorney for the Western District of Texas, W. C. Feticolas, Special Attorney, and March L. Bind, Special Assistant United States.

Attorney, and the Defendant, W. L. Bindere, Leving appeared herein by Faul D. Thomas and William Flourney, his Attorneys of Record, and the State of Texas and County of M. Pass having appeared herein by Mandet China; County Attorney, and the M. Pass County Water Improvement by Mandet China; County Attorney, and the M. Pass County Water Improvement District No. 1 having appeared herein by Michael V. Barges, the Attorney of Posses in this cause by published M. School M. Served with service of process in this cause by published M. School M. Sc

ment District No. 1, the State of Texas and County of Sh Pasp and Paul B.
Thomas and wife, Millian Fair Thomas, have filed disclaimers berein disclaiming all right, title and interest in and to the above described tracts of land, and the Court being of the opinion that maid Defendants in andition to redome making from the United States of America, or any painty to this cause:

that the Stite of Table and County of The Picco, the Market principal improvement District No. I and Fout Districts of America, and adjust the United States of America and Thirty fire that the filing of this suit, and that by States of America, leading party to this county of Target States and Thirty-fire that the Defendant, I. U. Gordon, recover nothing from the United States of America, or any party to this cause.

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

Cathourt, has heretofore executed a Dood to the United States of America covering the above described property, and that no covice has been had upon the call D. W. Cathourt, and that he should be distinct from this above the applicables of the Datestant, i. L. Greeners, the datestant, i. L. Greeners, the

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THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that the court of the court o

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

end acreed between the nextice before the the retionable value of \$250.00 between the nextice before the the retionable value of \$250.00 between the nextice before the the retionable value of \$250.00

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 this Court being of the opinion that by virtue of this Court being of the jury and stipulation mentioned, the Defendant, W. L. Summers, to entitled to judgment against the United States of Aparts, for the sum of Three Huntred and Taking Time 201.33/100

(1838-25) (1910-270)

Aparts, for the sum of Three Huntred and Taking Time 201.33/100

that the Defendant, W. L. Sussers, do have and recover judgment against the United States of America for the sum of Three hundred and Thirty-five and 75/100 (4335.75) Dollars, which judgment shall be a bull and templete

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satisfaction of all claims of the Defendant, W. L. Summers, against the Delto Claims of America by Taketa of the taking of the property.

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seed proper to the forces.

and it further appearing to the Court that on the lith day of April, 1941, upon application of the Defendant, W. L. Summere, was authorized to and did withdraw from the Registry of the Court the sum of One Hundred, Seventy-nine and 35/100 (179135) Bollars, 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) Bellars, which sum shall beer interest at the rate of six per cent per annual from Figurney

If 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 Begistry of the Court by the Plaintiff, that the Clark small fortherith pay to the Defendant, W. L. Susmers, said sum.

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

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

IT IS FURTHER CREEKED 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

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

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

DONE this lat day of November A. D. 194

d Establish I All, ,

A. Jan. . .

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Charles A. Boynton

Approved STATEMENT OF EXICENCE TORK TORK ON TRIAL.

Joseph M. Dunigan the above numbered and salitated cause held on the the day of Movember 1941, concerning Parcel #1, described in the PWINING Flourneylon, the following evidence was introduced on Danadi of the Movie Concerning Parcel #1.

W. C. Peticolas

Attorney for United States ook who testified as tulinwas

That the area of Parcel #1 described in the Plaintiff's # 100 is Four and Einty one hundreiths acres (4.61), of which four and y 100 Filed: November 1, 1941. (or 94.4 per cent thereof) lie with the east of sale parcel which is so the South of the dividing line between Six parcel which is so the South of the dividing line between 100 per (0.26) of an acre, or FIVE AND SIX TENTHS PER CENT : % on meint 4.61 acres, lies within Survey #128 - that is, North of the line between larveys less 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 last the four part thereof as aforesaid which lies within Survey 128 is less than the value per acre of the remainder of or said entire time to the remainder of or said entire time to the said Parcel #1 which lies within Survey 129 is some than 1257.07.

I SIH

Were introduced in evidence showing that parties described in the few notifies Petition as the heirs of Albert Voruz, and named therein, again to any part of such land socept such part thereof as live Market Survey 188.

(Signed) Charles A. Boynton, France |

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

VS

No. 86-Civil.

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

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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 filling of the Declaration of Taking herein and at the time of the Judgment thereon, an 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 Plaint
iff'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 125.

(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

IN THE TOP ARGEL NUMBER ONE.

The county of the control of the county of t

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DESCRIPTION OF THE PARTY.

to a point on the westerly line of Tract
four (4) block forty-five (45) of said
official resurvey of the San Elizatio
Crent and at which point the tangent to
the curve has a bearing Bouth thirty-seven
degrees (37°) three minutes (03°) fiftyeight seconds (58°) East; thence elong the
costerly line of said Tract four (4) North
twenty-nine degrees (28°) thirty-one minutes
(51°) East one hundred sixty-nine (160°) feet
to the most northerly corner of said Tract
four (4); thence elong the dividing line
between Tracts three (3) and four (4) block
forty-five (45) of the said official resurvey
of the San Himaric Grant, South fifty-one degrees,
(51°) thirty-five minutes (53°) sest nine hundred
thirty-two and four tenths (953.4) feet and South
fifty-three degrees (55°) seventeen minutes (10°)
Rest five hundred four and fire tenths (304.5)
feet to the point of beginning. Said tract of
land containing four and sixty-one hundredths
(4.61) agrees, more or leas. All as shown on
plat estmehed to plaintiff's petition and made
a part thereof.

Ser Deliver I - and a ser of the light section of

The United States of America, having appeared herein by Ben F. Foster, was enough that xxxxxxxxxxxxxxx, United States Attorney for the Western District of scared body tates arothe edd to emigra telegrates areas Texas, R. Reill Walshe, Assistant United States Attorney for the The State of 30/100 1/270.34 / 8512.2 Western District of Texas, W. C. Peticoles, Special Attorney, and the defendents, J. M. Escajeda and Josefine Secajeda, his wife, having appeared herein by Faul D. Thomas and William Flournoy, their attorneys, and the State of Texas and County of El Paso, having appeared herein to the court in a said defendance by armost Guinn, County attorney, end 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 Mertin Vorus, Ers. Levis sells, formerly Ruth Verus, Cecil T. Vorus, Mrs. Charles Landert, formerly Grace Voruz, Lewis Voruz, Jessimine Voruz, Edmind Vorus, Ers. H. Sheron, Leander Favid, Rugene Freeland, Jr., i erekr Mrs. Omer Rittman, and Mrs. Elise Morrit, heirs of Albert A. Vorus, CHARLES AND AND BURKERS AND PROPERTIES were duly and legally cited by publication herein in the menner and form required by law, and that none of said parties so cited by publication filed an enswer or entered an appearance within the time prescribed by law, and that the Court appointed Joseph L. Dunigen, PROTESTION AND SECTION 20/100 (\$15.25) D.L. an attorney and member of the Bar of this Court, to represent said defendants, and the said Joseph L. Dunigan having appeared herein of married on totals, were the many a of five in single in their behalf, and

County of al Peac, al Peac County Seter Improvement District No. 1 and 2. D. 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 may party to this cause.

BO IN HURSHAM HAN TON HAVE

Court that the state of Texas and County of Al Pase. Il Pase County star Improvement Statrict to. I and a. h. Johnson recover nothing from the Smited States of America or any party to this cause, and

It appearing to the Court that on the End day of October, 1940 a hearing was hold before the openial Commissioners appointed by the Court for the purpose of determining the value of the above described preparty, and that on said date the Special Commissioners found that the reasonable market value of the above described tract of land was Tot Lüberad SEVARIT-Tot AND SO/100 (\$272.30) Dollar, and that the defendants, J. R. Escajeda and Josefina Escajeda excepted to the findings of the special Commissioners and filed their objections, thereby effecting their appeal to this pourt, and

To appearing to the Court that said defendants, in open Court, have disalesed said appeal and requested the Court to confirm the findings of the Special Commissioners.

Court that said findings of the special Commissioners, that said land was of the reasonable market value of Inc Huggand Savanty-Tac and SO/Loo (6878-20) Dillage, be said the same is hereby confirmed, and

to es the beire of albert a. Torus our five and air-teathe (5.65) percent of the area of ferrel to. 1. being that parties of same, as found by the Special Cormissioners is fifther and 25/100 (\$15.25) Dollars, and

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

as appearable to the tours that the comment of

Court that Markin Voyan, Mrs. Lowis Wells, forserly Euth Voyan, Cecil
L. Farus, Mrs. Charles Landson, forserly Green Voyas, Lewis Voyas,
Lassing Japun, Alexand Voyas, Mrs. Sames H. Sharon, Lexalor Poyals,
Engane Preciand, Dr., Mrs. Char Ritumen, Rrs. Eliza Servit do have
and recover judgment egalast the United States in the sum of Firman
AND 25/100 (\$10.45) Delland and that such judgment be a full and complote satisfaction of all calms of said defendants against the United
States of America by reason of the tebilog of said land by the Said
United States of America, and

It further appearing to the Court that the defendance, it. M. Escajeda and wife, the Declaration of the filing of the Declaration of the Lating hardin were the owners of the remainder of the Parcel Ro. I above tescribed that the Tourist A. Verner thereof are entitled to receive the remainder of the compensation in the sum of the Espain Court and the Esp

Court that J. H. Essajeds and Josefine Essajeds do have and recover judgment equinst the United States of America for the sum of Two HUNDRED PIFT-SEVEN AND 05/100 (\$857.06) DELLARS, which judgment shall be a full and samplete satisfaction of all claims of the said defendants against the United States of America by reason of the taking of the above described land.

17 IS FURTHER CHDEERD, and the Clerk is hereby directed to pay the sum of THE MUNDEED FIFTY-SEVEN AND 05/100 (\$257.05) DOLLARS to J. M. Escajeda and Josefina Escajeda.

appointed by the Court to represent the defendants cited by publication in this cause, be end he is hereby allowed a fee of \$25.00 for his services in representing said defendants.

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 never to the Court.

Jone this 7th day of November 1941.

(Signed) Charles A Boynton.

APPROVED

W. C. Peticolas

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

Filed: November 7, 1941: orders entered in cause No. 88-Givil, styles at all and the same of the same series of the same series of the same series of record in this office, to date of November 15.

WITHERS my official signature and the seal of the same series are thereto afficed, at office in the City of the same series, the same series in the City of the same series.

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

Maxey Hart, Clerk,
By Flora K. K. benuty States

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 Linker
> >
> > Deputy

738 Amarillo Building, Amarillo, Texas.

December 5, 1941.

From District Counsel, Amerillo, Texas.

To Superintendent, El Paso, Texas.

Subject: Land acquisition - United States vs W. L. Summars, et al -- Rio Grando Project.

- I, I am in receipt of a copy of the Acting Commissioner's letter of Movember 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 estimated. 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 Coursel.

CC - Commissioner Chief Engineer

IN1942 73412

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION

RIO GRANDE

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

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.

indicated for distribution.

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

JAN1942 73412

Choffin

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

738 Amarillo Building Amarillo, Texas

H 30. RIO GRANDE

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.

Dupl.

CC: Superintendent, El Paso, Texas Chief Engineer

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