

780.

PETITION

CLINT LATERAL

(034)

0023-0082-0011-00

~~See Clint Community Ditch 16-(11) Texas EPV~~

780.

State of Texas)
) ss
County of El Paso)

IN WITNESS WHEREOF, we have affixed our hands this

day of WHEREAS: We, the undersigned, owners of land and water users served with irrigation water by the Clint Lateral, have by previous petition and deed released all our rights, title and interest in and to the Clint Community Ditch, as then constructed and in existence, in and for considerations of the benefits to be derived by reason of the reconstruction, enlargement and improvement of and the operation of the said Clint Lateral by the United States, pursuant to the Act of Congress approved June 17, 1902 (32 Stat., 388) and acts amendatory thereof and supplementary thereto, and

WHEREAS: the said Clint Lateral is now insufficient in capacity to adequately irrigate the land thereunder and is still in need of improvement and of renewal and enlargement of numerous structures,

NOW, THEREFORE, we petition through our duly organized El Paso County Water Improvement District No. 1, that the Reclamation Service be requested to proceed with the reconstruction and improvement of said Clint Lateral, making it

KNOWN TO ALL MEN BY THESE PRESENTS that for and in consideration of the benefits to accrue to us, respectively, by reason of the reconstruction, enlargement, extension and improvement of the said Clint Lateral to be performed by the United States, do hereby signify our desire to cooperate and assist in its execution, by permitting the reconstruction, enlargement, extension, and other improvements to be accomplished in accordance with plans formulated by the Reclamation Service, in general the improvements to consist of enlarging the ditch to a uniform cross section of sufficient capacity, raising and strengthening the banks to standard section, clearing the banks of all trees, brush and other vegetation, making such minor changes in alignment as deemed necessary for proper maintenance and renewing, enlarging or installing all necessary structures, and in further consideration of the benefits to be derived therefrom we agree to convey to the United States or to the El Paso County Water Improvement District No. 1 by quitclaim deed or other proper instrument, if requested, the right of way to be occupied by the lateral as reconstructed or extended.

B-49

Clint Lateral

#34

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) ss
County of El Paso)

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A PETITION
for the
RECONSTRUCTION OF UPPER CLINT LATERAL

STATE OF TEXAS)
COUNTY OF EL PASO)

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned owners of land situate in the County of El Paso, and State of Texas, and within the boundaries of the El Paso County Water Improvement District No. 1, being desirous of securing improved, adequate and more efficient irrigation facilities for our lands by the reconstruction and enlargement of what is known as the Upper Clint Lateral in accordance with plans formulated and hereafter to be formulated by the United States of America under the provisions of the Act of Congress approved June 17, 1902 (32 Stat. 388) and acts amendatory thereof and supplementary thereto, and pursuant to a contract dated October 12, 1922 between the Secretary of the Interior and the said El Paso County Water Improvement District No. 1, for and in consideration of the benefits to be derived from the reconstruction, enlargement and improvement of said lateral upon or in the vicinity of our lands and for other valuable consideration, hereby agree to convey to the United States or to said El Paso County Water Improvement District No. 1, any additional right of way required for the reconstruction of said Upper Clint Lateral across land belonging to the undersigned. Furthermore, being water users receiving irrigation water for our lands from said lateral, we hereby signify our willingness to forego water service for a sufficient length of time to permit the accomplishment of said reconstruction and improvement, providing it be prosecuted with all possible dispatch, the necessary construction equipment not having been available at an earlier date.

IN WITNESS WHEREOF, we have hereunto affixed our hands
and seal this _____ day of _____ 1925.

W. P. Skar
Skar & Thomas
By W. P. Skar
Bullard Coedman
W. J. ...
John B. ...
John B. ...
A. ...

Blasa A. ...
L. L. Lee
G. B. ...
A. P. ...
...
A. H. ...
D. L. ...
...

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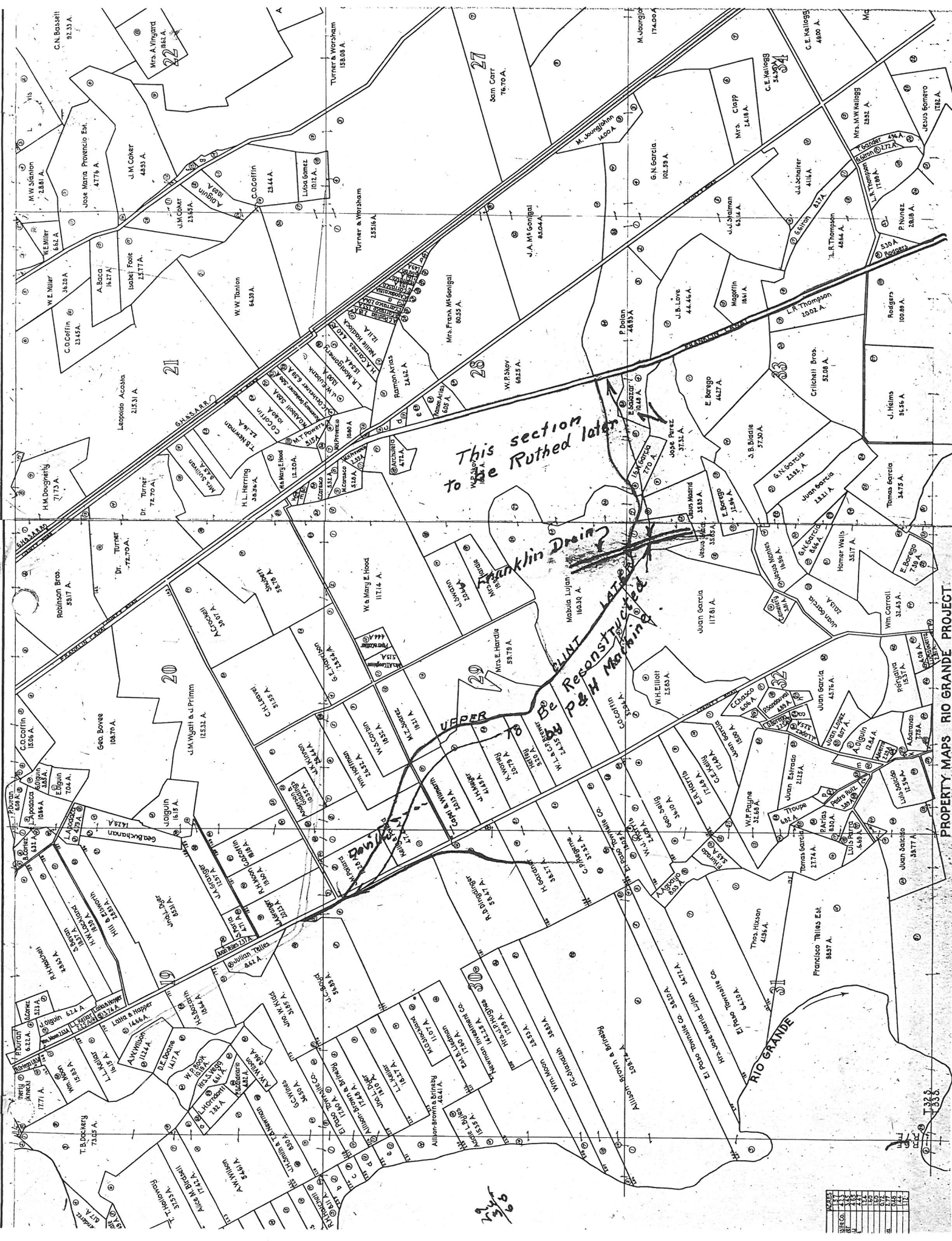
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List of Land Owners
on the
UPPER CLINT LATERAL.

- 18.78 ~~J. M. Pollard, First Nat'l. Bank Bldg., El Paso~~ ✓
18.79-
Tract 1 ~~J. M. Pollard, " " " " " "~~ ✓
" ~~2 Lot 1-2 Kelly & Pollard, El Paso, Texas~~ ✓
" ~~17 Lot 1-2-3-4 Kelly & Pollard, El Paso, Texas, Jesse K. Kinmon,~~ ?
Care J. W. Eubank
" ~~16 Jesse K. Kinmon, c/o J. W. Eubank, Box 8, Clint, Texas~~ ?
" ~~13 Lot 1-2 - dosate~~
" ~~15 No record W. F. Cummins - OK~~
" ~~4-1-2-3-4 A. Davila, R.F.D.#1, Box 50, Ysleta~~
" ~~14-1-2-3-4 No record C. C. Brown~~
- 18.79-
Tract 5, ~~1-2-3-4 G. T. Chamberlin, Clint, Texas~~
" ~~13, 1-2-3-4 Mrs. G. E. Hemingway, c/o Seth B. Orndorff~~
" ~~6, W. J. Harris, 418 Trust Bldg., El Paso, Texas~~ ✓
" ~~12, A. P. Krause, P.O.Box 1472, El Paso, Texas~~
" ~~7, W. J. Harris, 418 Trust Bldg., El Paso, Texas~~ ✓
" ~~11, A. P. Krause, P.O.Box 1472, El Paso, Texas~~
" ~~8, Mrs. Mary Longuemare, El Paso, Texas, L. L. Lee, R.1.Box 56, Ysleta~~
" ~~10, A. P. Krause, P.O.Box 1472, El Paso, Texas.~~
- 18.80 Mary V. Page, c/o W. F. Payne, City
18.81 ~~G. O. Coffin, Clint, Texas.~~ 162 Lic
18.82 ~~L. L. Lee, R. 1, Box 56, Ysleta~~
18.83 ~~J. W. Gibbs Estate, 1722 Arizona St., City~~ D. W. Lee
18.84 ~~Julia A. Rhodes, R. 1, Box 58, Ysleta~~
18.85 ~~Belwell Colwell, City~~ ✓
18.86-1 " " " ✓
18.86-2 R. H. Moon, 550 Ridge St., St. Louis, Mo.
18.86-3 Unknown Owner
18.93 ~~Seth B. Orndorff, City~~
17.31-1 ~~W. P. Skov, Clint, Texas~~ ✓
17.33-3 ~~Thomas & Skov, Clint, Texas.~~ ✓
17.35 ~~J. L. Bell, Clint, Texas.~~
17.36 ~~Field & Travis, Clint, Texas.~~ ✓
17.37 ~~Hilario Salazar, San Elizario, Texas. Sold~~ 17.58-1 17.36



This section to be Routed later

UPPER TO Be Reconstructed by P & H Marking

19/3/86

Feet	Meters
0	0
100	30.48
200	60.96
300	91.44
400	121.92
500	152.40
600	182.88
700	213.36
800	243.84
900	274.32
1000	304.80
1100	335.28
1200	365.76
1300	396.24
1325	403.80

PROPERTY MAPS, RIO GRANDE PROJECT

El Paso, Texas, June 29, 1917.

Mr. Jack Hollingsworth,

Dona Ana, New Mexico.

Dear Mr. Hollingsworth:

Pursuant to my conversation with you and Mr. Taylor a few days ago and agreeable to your request, I herewith enclose copy of form of quit-claim deed taken by the United States from the Clint Community ditch system in the El Paso valley (this being executed by the commissioners), and form of release and disclaimer executed by the individual owners of rights in the San Elizario system. We have taken over eight systems in the El Paso valley and used the same form of papers in each. I send you these merely because I have extra copies available for the purpose without making copies of the others.

In some cases we secured release and disclaimers from practically all of the individual owners, while in others we got only a large percentage, probably about 80 per cent. I think in cases of this kind individual releases should be executed by at least $2/3$ or more of the persons interested and of course a large percentage of the acreage should indicate in this manner their assent to the turning over of a system. The government of course would not desire to take over a system unless a considerable majority of the people interested are agreeable.

The laws of New Mexico are somewhat different from those of Texas governing community ditches, and we realize that in your

state by this procedure we would not secure absolutely good title, but it is my belief that if any one objects to a procedure of this kind their objection would have to be timely, otherwise they would be estopped from coming in after the lapse of considerable time and voicing any objection, or at least in invoking the aid of the courts in overturning the arrangement.

As you probably know, we took over a portion of the combined Las Cruces-Mesilla ditch and have been operating the same for almost two years. We also did the same thing in connection with the building of the West Side canal, where we used parts of the San Miguel and Chamberino systems. In all these cases we took merely quit-claim deeds from the commissioners of the systems involved. We have had no difficulty in connection with these matters and do not anticipate any at this late date. Technically, according to lawyers who are strict constructionists, these things cannot be done, but practically and in fact we know they have been done. Of course there is a possibility that any such attempt as this might be tied up, at least temporarily by injunction, or other legal process, but where no money is being paid for the systems and there is no great risk involved, the government is willing to take a chance, where this appears desirable or necessary to work out the development of the project.

You will understand that I am speaking now solely with reference to the legal aspects of this matter from my point of view, and I can not give you any assurance that your system

will be taken over as a matter of policy. These are matters to be passed upon by the Project Manager, the Chief of Construction and the Reclamation Commission. I would suggest that the proper way to get this matter started would be for your commissioners to write to the Project Manager, stating that you would like to turn the system over, if this is true. The matter could then be referred to the officials at Denver and Washington, and in case they were agreeable to the plan, the matter might be consummated in the manner herein outlined. In the meantime there would be no necessity for publicity in regard to the proposed plan, if you think it advisable that such publicity be not had.

If there is any further information I can give you please command me.

Very truly yours,

District Counsel.

encs.

QUIT CLAIM DEED

THE STATE OF TEXAS,)
 COUNTY OF EL PASO.)

KNOW ALL MEN BY THESE PRESENTS: That we, Homer Wells, Howard Coffin and
 (S) S. D. Blair, duly elected, qualified and acting Commissioners of the Clint Community
 Ditch, of the County of El Paso, State of Texas, for and in consideration of the sum of
 One Dollar (\$1.00) to us in hand paid by the United States of America, acting pursuant to
 the Act of Congress of June 17, 1902, (32 Stat., 388) and other good and valuable con-
 siderations, the receipt whereof is hereby acknowledged, do by these presents bargain,
 release and forever quit claim, unto the said United States of America, its successors and
 assigns, all the right, title and interest of the said Clint Community Ditch in and to
 that certain portion of the Clint Ditch lying in the County of El Paso and State of Texas,
 from the point of its diversion from the San Elizario Ditch to the point of its intersec-
 tion with the Franklin Canal, more particularly described in blue print hereto attached
 made a part hereof; also all interest of said Clint Community Ditch in and to that part
 of the San Elizario Ditch system used jointly by the Clint, San Elizario and Salitral
 Ditches.
 To have and to hold all the right, title, interest, estate and claim of
 said Clint Community Ditch in and to the said premises, together with all and singular
 the rights, privileges and appurtenances to the same in any manner belonging, unto the
 said United States of America, its successors and assigns forever; Provided: That nothing
 herein contained shall be construed as a conveyance, interference with or in any wise af-
 fecting the vested right of any holder of rights in the said Clint Ditch to the use of
 water from the Rio Grande.

This deed shall become effective to transfer the above described property and
 rights upon the approval of the Secretary of the Interior or the Director and Chief
 of the U. S. Reclamation Service.

Witness our hands this the 9 day of January, A. D. 1917.

Witness at Request of Grantor:-

Homer Wells,

Howard Coffin,

S. D. Blair,
 Commissioners of the Clint
 Community Ditch.

Approved _____

STATE OF TEXAS,)
COUNTY OF EL PASO.)

Before me, James E. Bowen, a Notary Public in and for El Paso County, on this day personally appeared S. D. Blair, Homer Wells, and Howard Coffin Commissioners of the Clint Community Ditch, and acknowledged that the foregoing instrument was executed by them on behalf of the said Clint Community Ditch by authority upon them duly conferred, and the said S. D. Blair, Homer Wells and Howard Coffin, Commissioners of the said Clint Community Ditch, acknowledged said instrument to be the free act and deed of said Clint Community Ditch.

Given under my hand and seal of office, this 9 day of January, A. D. 1917.

James E. Bowen,
Notary Public,
El Paso Co., Texas.

(Notary Seal)

My Commission expires June 30, 1917.

*This space was occupied by
Blair, Wells & Coffin
was on the map of 1917*

Filed For Record Oct. 4, 1917 at 1:25 P. M.) W. D. Greet, County Clerk.
And Recorded Oct. 5, 1917 at 11:33 A. M.) By *[Signature]* Deputy.