S-24

15



MAY 28 1996

5-24-96

DEAR MR. POLK,

THIS PICTURE WAS SENT TO ME BY C.T. OSTBYE, OWNER OF LOT 8 BLOCK F VEGA VERDE ESTATES. ON THE BACK OF THE PICTURE HE STATES THAT IT WAS TAKEN ON TUES. THEFIRST DAY OF OCTOBER, 1995. THIS STRUCTURE WAS CONSTRUCTED WITHOUT MY PRIOR KNOWLEDGE OR CONSENT. IT CAUSES DEBRIS TO BUILD UP WHEN THE WATER RISES,WHICH IF LEFT IN PLACE COULD ULTIMATELY AFFECT THE NATURAL FLOW OF THE RIO GRANDE. I WOULD APPRECIATE ANY HELP YOU MIGHT GIVE ME THAT WOULD REQUIRE MR. OSTBYE TO REMOVE THE ENTIRE STRUCTURE, INCLUDING THE CONCRETE SLAB.

IF I CAN BE OF ANY FURTHER ASSISTANCE IN THIS MATTER, PLEASE DON'T HESITATE TO CONTACT ME.

MR. OSTBYE KNOWS THAT I HAVE NOT BEEN TO DEL RIO FOR MANY YEARS AND I FEEL THAT HIS MOTIVES,FOR BUILDING THE STRUCTURE WHERE HE DID,ARE HIGHLY SUSPECT.

THANKS FOR YOUR HELP,

Robert W. Lambertz

ROBERT W. LAMBERTZ
P.O.BOX 540292 HOUSTON,TX. 77254
(OWNER-LOT 9 BLOCK F)
(VEGA VERDE ESTATES DEL RIO,TX.)
TEL. 713-5295737

77254

contents

Page 1 letter to Mr. Polk & Photo
Page 2 and 3 letter to me from Mr Ostbye (Page 3 shows location of structure approximate)
Page 4 Plat of Veg & Verde
Pages 5 & 6 letter to me from Lawyer

Current Miscellaneous File 112

(1)

74718

R.W. Lambert
1941 Lexington #4
Houston, Tx 77098

FEB. 26, 1996

Dear Sir.

Enclosed Find 3 Photos of the picnic Table with Shelter on the Rio Grand River Bank in Front of your Lot # F-9. It has a Value of $1200.00 This is a Asset to your Lot F-9. It is built Solid and Has with Stood 3 floods. It Requires No Maintainance as it is built out of Concrete and ~~Aluminum~~ Heavy steel Vertical supports Rud it Times it is used by the Border Patrol, Sherrif Dept, Narcotic Dept and Immigration Dept to Curb the Flow of Drugs & Illegals from entering the U.S.A.

The CoFE Boundry Comm Has No Objections of it.

I will Comply with your Wishes and Not Walk on your Property Again.

Please Reconsider your order to Remove The Shelter and Table.

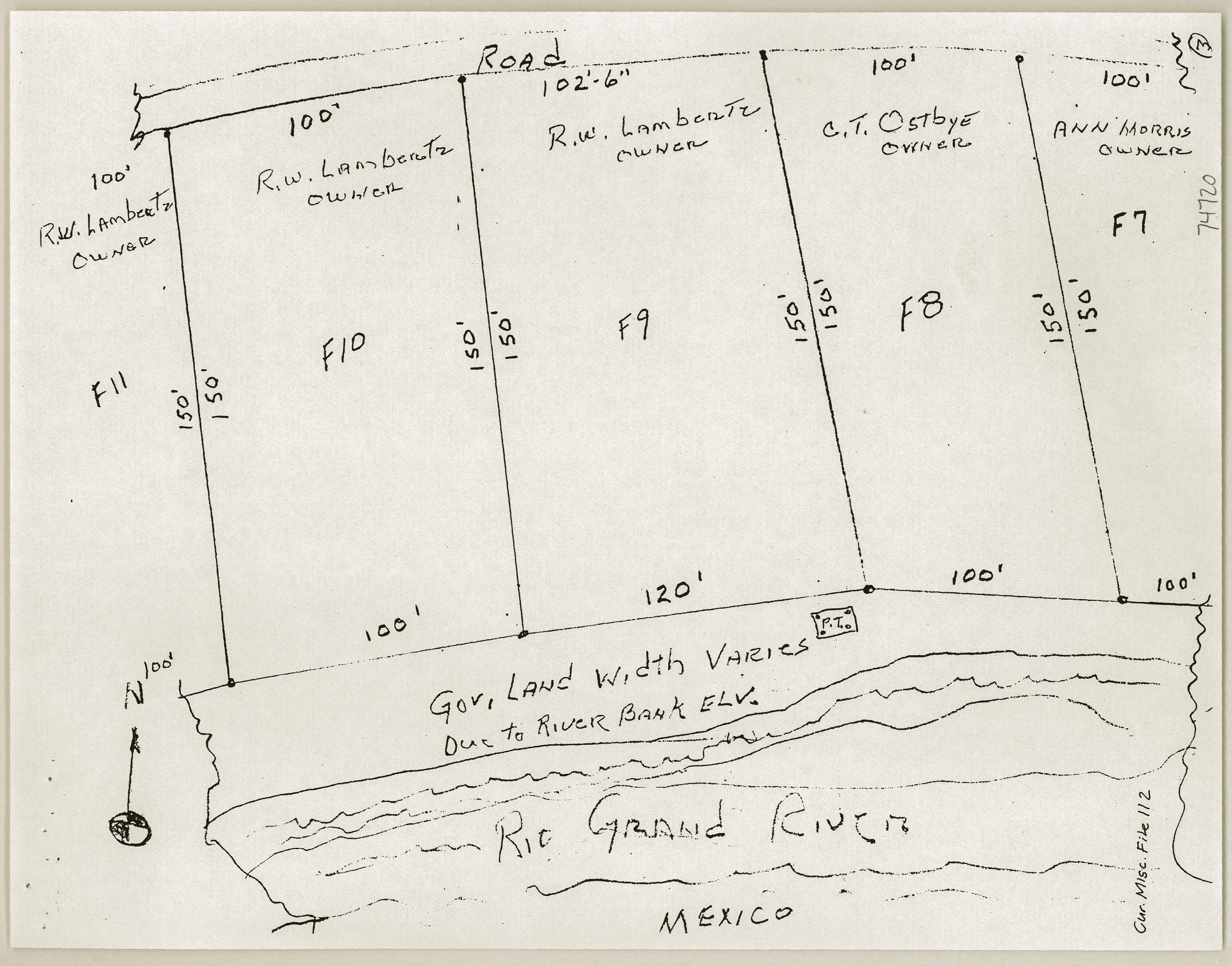
Install Keep off or No Trespassing Signs on Lots F9-10 & 11 as the property is used by Fishermen, Floaters park Thier Cars on the Lots and Ride up River for 2 Miles and Float down to Lot F9 and Thier Cars.

Your Truly
C.T. Ostby

Cur. Misc. File 112

P.S. I Also Enclose a Drawing of Lots F 7-8-9-10 & 11 Size as Copied from the Plot Book Vol #4 Page 19 (2)

74719


ROAD
102'-6"
100'
100'
100'
100'
R.W. Lambertz
OWNER
R.W. Lambertz
OWNER
R.W. Lambertz
OWNER
C.T. Ostbye
OWNER
ANN MORRIS
OWNER
F11
F10
F9
F8
F7
150'
150'
150'
150'
150'
150'
100'
120'
100'
100'
P.T.
N
100'
GOV. LAND WIDTH VARIES
DUE TO RIVER BANK ELV.
RIO GRANDE RIVER
MEXICO
Cur. Misc. File 112
74720

VEGA VERDE ESTATES - BLOCK "F"

VAL VERDE COUNTY, TEXAS

SUBDIVISION OF 21.15 ACRES OF LAND OUT OF AND PART OF SURVEYS NO. 168, 169, AND 170, POINDEXTER AND BURNS.

FILED FOR RECORD
This the 11 day of August
A.D. 1969 at 11:30 o'clock A.M.
Dennis Fitzgerald Clerk
County Court, Val Verde Co., Texas
By _____ Deputy

74721

KNOW ALL MEN BY THESE PRESENTS: THAT THE RIO BRAVO, INC., BEING THE OWNER OF THE LANDS SHOWN AND DESCRIBED ON THIS PLAT, AND WHOSE OFFICER'S NAME IS SUBSCRIBED HERETO, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, AND DEDICATE TO THE PUBLIC ALL STREETS, AS SHOWN HEREON FOR THE PURPOSE AND CONSIDERATION HEREIN EXPRESSED.

DATE:

Ben Woodson
BEN WOODSON, PRESIDENT

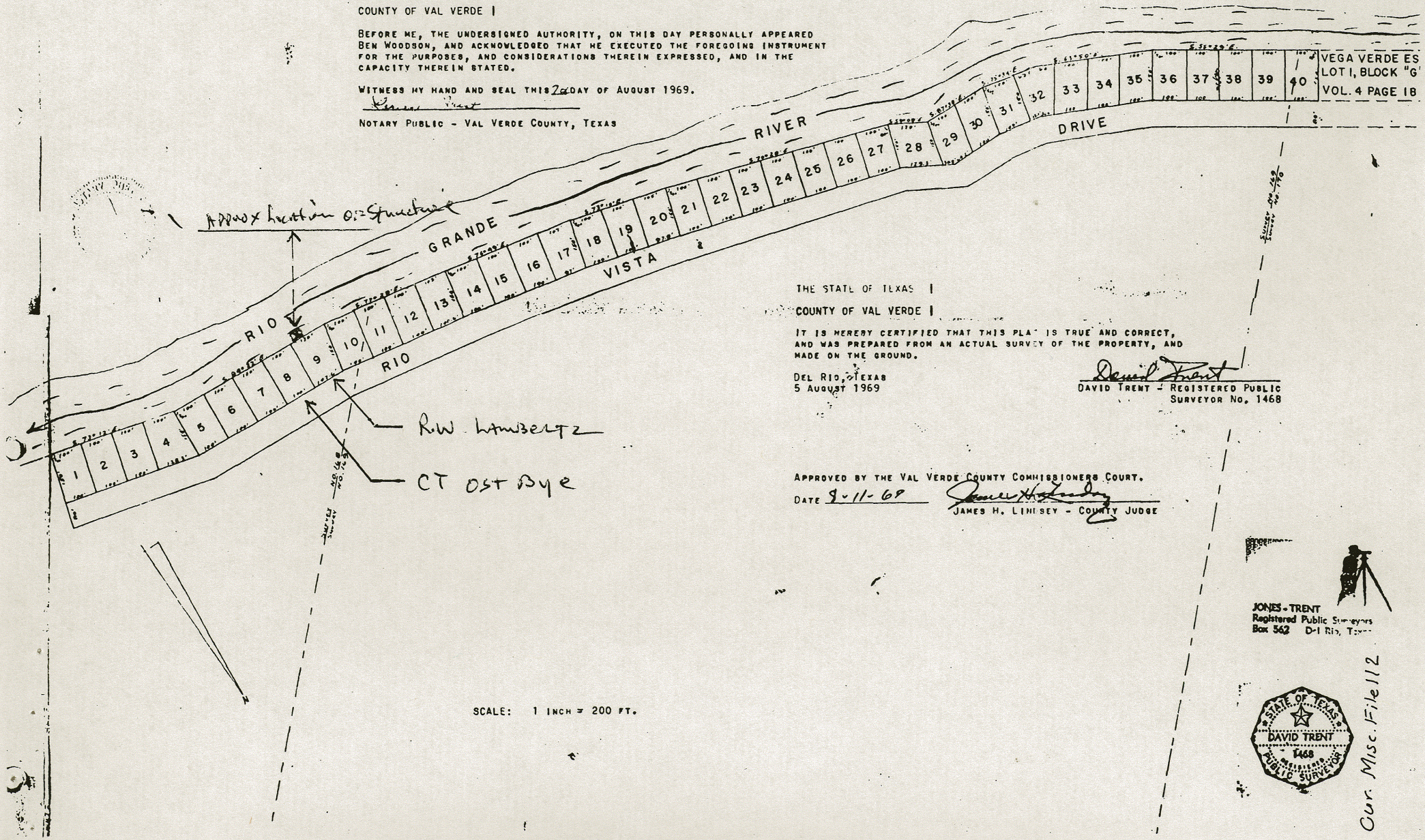
THE STATE OF TEXAS |

COUNTY OF VAL VERDE |

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED BEN WOODSON, AND ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES, AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEAL THIS 2d DAY OF AUGUST 1969.

[signature]
NOTARY PUBLIC - VAL VERDE COUNTY, TEXAS



THE STATE OF TEXAS |

COUNTY OF VAL VERDE |

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY, AND MADE ON THE GROUND.

DEL RIO, TEXAS
5 AUGUST 1969

David Trent
DAVID TRENT - REGISTERED PUBLIC SURVEYOR NO. 1468

APPROVED BY THE VAL VERDE COUNTY COMMISSIONERS COURT.

DATE 8-11-69

James H. Lindsey
JAMES H. LINDSEY - COUNTY JUDGE

JONES - TRENT
Registered Public Surveyors
Box 562 Del Rio, Texas

STATE OF TEXAS
DAVID TRENT
1468
REGISTERED PUBLIC SURVEYOR

SCALE: 1 INCH = 200 FT.

Cur. Misc. File 112

Law Offices of

Carl Pendergrass

Attorney at Law
P.O. Box 1141, 115 E. Garfield Avenue
Del Rio, Texas 78841
Ph. (210) 775-9502
Fax (210) 775-7251

May 7, 1996

Mr. R.W. Lambertz
1941 Lexington #4
Houston, TX 77098

Re: Mr. and Mrs. C.T. Ostbye

Dear Mr. Lambertz:

Your recent correspondence with Mr. and Mrs. C.T. Ostbye has been delivered to me for reply. Mr. and Mrs. Ostbye do not claim any right or title to those lots owned by you which are lots 9, 10, and 11, in Block "F" of the Vega Verde Estates, a subdivision in Val Verde County, Texas. I believe that your concerns of the claim surround two areas: firstly, their presence on your property which has been that of mowing and keeping the Carrizo cane under control so as to prevent a fire hazard. Secondly, the construction of a picnic table.

Regarding the growth of cane and other vegetation on your property it does create a fire hazard to the surrounding community because you never attempt to control it. Your neighbors are willing to assist you in this matter and in doing so do not claim any right or title to your property. They would be willing to sign a document to that effect if you would advise them of the contents of the document you might require.

Regarding the picnic table and improvements erected by the Ostbyes, I would advise that this improvement is not located on your property but is located between your property and the river's edge. The area on which the table is located, I believe to be owned by the U.S. Government.

Cur. Misc. File 112

(G)

74722

Should you require anything further to be done by my clients, please address you inquiries to me.

Very truly yours,

Carl Pendergrass

CP/jmr

xc: Mr. and Mrs. C.T. Ostbye

Cur. Misc. File 112

74723 (6)

ROBERT W. LAMBERTZ
P.O. BOX 540292
HOUSTON, TEXAS 77254



MAY

TEXAS GENERAL LAND OFFICE
1700 N. CONGRESS AVE.
AUSTIN, TEXAS 78701

ATTENTION TO: MR. NED POLK

78701-1495 71

Cur. Misc. File 112

Texas General Land Office
Garry Mauro, Commissioner

Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495
(512) 463-5001

June 18, 1996

Mr. Robert W. Lambertz
P. O. Box 540292
Houston, Texas 77254-0292

Re: Ownership of Rio Grande River, Val Verde County, Texas

Dear Mr. Lambertz:

Your letter addressed to Mr. Ned Polk and received in this office on May 28, 1996, was forwarded to me for reply. You mentioned in our telephone conversation on June 14, 1996, that there is a concrete picnic table with benches covered with water located in the Rio Grande in front of your property. You also stated that the structure that appears in the copy of the photograph attached to your letter is the roof of the structure in question.

By virtue of Vernon's Annotated Civil Statutues, Art. 5248g, (copy enclosed) the Governor of the State of Texas was authorized by the Texas Legislature to grant to the United States of America, portions of the bed of the Rio Grande in certain counties, Val Verde being one of them. According to a deed from Governor Price Daniel to J. F. Friedkin, United States Commissioner, International Boundary Commission (IBWC), executed October 31, 1962, (copy enclosed) it appears that the bed of the Rio Grande lying adjacent to the property in question, was granted by the State of Texas to the IBWC.

If the structure in question is located within the area described in the above mentioned deed, then the State of Texas has no jurisdiction.

Sincerely,

LaNell H. Aston

LaNell H. Aston
Director of Programs
Surveying Division

enclosures (2)

Cur. Misc. File 112

Printed on recycled paper with soybean ink

74725

RECTIFICATION OF RIO GRANDE

Convention signed at México February 1, 1933, with annexes and exchanges of notes
Senate advice and consent to ratification, with an amendment, April 25, 1933 [1]
Ratified by Mexico October 6, 1933
Ratified by the President of the United States, with an amendment, October 20, 1933 [1]
Ratifications exchanged at Washington November 10, 1933
Entered into force November 10, 1933
Proclaimed by the President of the United States November 13, 1933

48 Stat. 1621; Treaty Series 864

Convention Between the United States of America and the United Mexican States for the Rectification of the Rio Grande (Rio Bravo Del Norte) in the El Paso-Juarez Valley

The United States of America and the United Mexican States having taken into consideration the studies and engineering plans carried on by the International Boundary Commission, and specially directed to relieve the towns and agricultural lands located within the El Paso-Juarez Valley from flood dangers, and securing at the same time the stabilization of the international boundary line, which, owing to the present meandering nature of the river it has not been possible to hold within the mean line of its channel; and fully conscious of the great importance involved in this matter, both from a local point of view as well as from a good international understanding, have resolved to undertake, in common agreement and cooperation, the necessary works as provided in Minute 129 (dated July 31, 1930) of the International Boundary Commission, approved by the two Governments in the manner provided by treaty; and in order to give legal and final form to the project, have named as their plenipotentiaries:

The President of the United States of America, J. Reuben Clark, Jr., Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico; and

[1] The United States amendment called for correcting the date at the close of art. V from Nov. 20, 1905, to Mar. 20, 1905.
The text printed here is the amended text as proclaimed by the President.

Current Misc. File 112

74726

Rec'd from Tx State Library, Reference Div., April 13, 1995.

The President of the United Mexican States, Doctor José Manuel Puig Cassauranc, Secretary of State for Foreign Affairs;

Who, after having communicated their respective full powers and having found them in due and proper form, have agreed on the following articles:

I

The Government of the United States of America and the Government of the United Mexican States have agreed to carry out the Rio Grande rectification works provided for in Minute 129 of the International Boundary Commission and annexes thereto, approved by both Governments, in that part of the river beginning at the point of intersection of the present river channel with the located line as shown in map, exhibit No. 2 of Minute 129 of said Commission (said intersection being south of Monument 15 of the boundary polygon of Córdoba Island) and ending at Box Canyon.

The terms of this Convention and of Minute 129 shall apply exclusively to river rectification within the limits above set out.

The two Governments shall study such further minutes and regulations as may be submitted by the International Boundary Commission and, finding them acceptable, shall approve same in order to carry out the material execution of the works in accordance with the terms of this Convention. The works shall be begun after this Convention becomes effective.

II

For the execution of the works there shall be followed the procedure outlined in the technical study of the project. The works shall be begun and shall be carried on primarily from the lower end, but at the same time and for reasons of necessity works may be carried on in the upper sections of the valley.

III

In consideration of the difference existing in the benefits derived by each of the contracting countries by the rectification works, the proratable cost of the works will be defrayed by both Governments in the proportion of eighty-eight per cent (88%) by the United States of America and of twelve per cent (12%) by the United Mexican States.

IV

The direction and inspection of the works shall be under the International Boundary Commission, each Government employing for the construction of that portion of the work it undertakes, the agency that in accordance with its administrative organization should carry on the work.

259-517—72——63

Cur. Misc. File 112

74727

V

The International Boundary Commission shall survey the ground to be used as the right of way to be occupied by the rectified channel, as well as the parts to be cut from both sides of said channel. Within thirty days after a cut has been made, it shall mark the boundaries on the ground, there being a strict superficial compensation in total of the areas taken from each country. Once the corresponding maps have been prepared, the Commission shall eliminate these areas from the provisions of Article II of the Convention of November 12, 1884,[2] in similar manner to that adopted in the Convention of March 20, 1905 [3] for the elimination of bancos.

VI

For the sole purpose of equalizing areas, the axis of the rectified channel shall be the international boundary line. The parcels of land that, as a result of these cuts or of merely taking the new axis of the channel as the boundary line, shall remain on the American side of the axis of the rectified channel shall be the territory and property of the United States of America, and the territory and property of the United Mexican States those on the opposite side, each Government mutually surrendering in favor of the other the acquired rights over such parcels.

In the completed rectified river channel—both in its normal and constructed sections—and in any completed portion thereof, the permanent international boundary shall be the middle of the deepest channel of the river within such rectified river channel.

VII

Lands within the rectified channel, as well as those which, upon segregation, pass from the territory of one country to that of the other, shall be acquired in full ownership by the Government in whose territory said lands are at the present time; and the lands passing as provided in Article V hereof, from one country to the other, shall pass to each Government respectively in absolute sovereignty and ownership, and without encumbrance of any kind, and without private national titles.

VIII

The construction of works shall not confer on the contracting parties any property rights in or any jurisdiction over the territory of the other. The completed work shall constitute part of the territory and shall be the property of the country within which it lies.

---

[2] TS 226, *ante*, p. 865.
[3] TS 461, *ante*, p. 920.

Gur. Misc. File 112

74728

Each Government shall respectively secure title, control, and jurisdiction of its half of the flood channel, from the axis of that channel to the outer edge of the acquired right of way on its own side, as this channel is described and mapped in the International Boundary Commission Minute number 129, and the maps, plans, and specifications attached thereto, which Minute, maps, plans, and specifications are attached hereto and made a part of this Convention.[4] Each Government shall permanently retain full title, control, and jurisdiction of that part of the flood channel constructed as described, from the deepest channel of the running water in the rectified channel to the outer edge of such acquired right of way.

IX

Construction shall be suspended upon request of either Government, if it be proved that the works are being constructed outside of the conditions herein stipulated or fixed in the approved plan.

X

In the event there be presented private or national claims for the construction or maintenance of the rectified channel, or for causes connected with the works of rectification, each Government shall assume and adjust such claims as arise within its own territory.

XI

The International Boundary Commission is charged hereafter with the maintenance and preservation of the rectified channel. To this end the Commission shall submit, for the approval of both Governments, the regulations that should be issued to make effective said maintenance.

XII

Both Governments bind themselves to exempt from import duties all materials, implements, equipment, and supplies intended for the works, and passing from one country to the other.

XIII

The present Convention is drawn up both in the English and Spanish languages.

XIV

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective laws, and the ratifications shall be exchanged in the City of Washington as soon as possible. This Convention will come into force from the date of the exchange of ratifications.

---

[4] Maps not printed here.

Cur. Misc. File 112

74729

In witness whereof the Plenipotentiaries mentioned above have signed thi Convention and have affixed their respective seals.

Done in duplicate at the City of Mexico this first day of February on thousand nine hundred and thirty-three.

J. Reuben Clark, Jr. [SEAL]
Puig [SEAL]

Annexes [5]

Minute 129 of the International Boundary Commission dated July 31, 1930, and annexes thereto, referred to in Article I of this Convention

International Boundary Commission
United States and Mexico

Minute No. 129

Mexico City
July 31, 1930

Subject: Report on Rio Grande Rectification

The Commission met in the conference room at the Department of Foreign Relations, Mexico City, at ten o'clock a.m. July 31, 1930, in accordance with Minute No. 128, to complete its action in reporting and recommending a plan for Rio Grande rectification.

(1) Each section of the International Boundary Commission has been requested by the Foreign Relations Department of its Government to study and develop an international plan for the removal of the flood menace of the Rio Grande from the El Paso-Juarez Valley. Studies and investigations have now reached the point where it is possible to report to the two Governments a definite plan with estimates of cost; and the following is the report of the International Boundary Commissioners, together with a joint report prepared by the consulting engineers and technical advisers. Minute No. 111 of the Joint Commission, dated December 21, 1928, outlined in a general way the necessities for international action and gave a general description of the areas involved, a preliminary summary of the proposed plan and recommended proceeding with the development of the final details of the plans and estimates. During the past few months a most important step taken by the Commission consisted in rendering decisions determining the national jurisdiction and dominion of a number of banco cases in the area under consideration.

(2) The plan prepared and developed by the Joint Commission is attached hereto as an exhibit to this minute. In transmitting it to the two Governments the Commissioners offer it as being both practical and feasible as an engineering and economic project. In general the plan consists of

[5] For an understanding relating to the texts of the annexes, see exchange of notes, p. 1001.

Cur. Misc. File 112

74730

straightening the present river channel, effecting decrease in length from one hundred fifty-five (155) miles to eighty-eight (88) miles, and confining this channel between two parallel levees. In addition to this channel the plan includes the construction of a flood retention dam at the only available site, twenty-two (22) miles below Elephant Butte on the Rio Grande, creating reservoir storage of one hundred thousand (100,000) acre feet. Careful studies based on actual past flood performance show the advantage of reducing the flood flow reaching El Paso-Juarez by storage in the proposed reservoir. The reduction in flood flow thru the El Paso-Juarez Valley accomplished by such storage of flood waters effects a saving of a quarter of a million dollars in the works required thru the valley by decreasing the size of the channel and reducing the area required for right-of-way, and amount of yardage in levees.

(3) The meandering and uncontrolled Rio Grande below El Paso-Juarez has in recent years become a very serious menace to adjacent lands on both sides. Authorities of both countries have unsuccessfully attempted the protection of the improvements in the El Paso-Juarez Valley and the two cities. Considering the futility of providing adequate and proper protection on the present meandering river location, the two affected communities have expended the limit of a reasonable and justifiable amount in local flood protection works. A proper and sound plan for accomplishing desired results lies in a coordinated international project.

(4) Existing treaties provide for the center of the Rio Grande, except in isolated cases, being the International Boundary line. The present river channel, with excessive length, was produced by natural conditions which no longer exist. Increase in settlement, cultivation and values justify both Governments in considering means of removing the flood menace and providing an adequate flood channel.

(5) Actual field surveys were continued in the location on the ground of a rectified channel subject, of course, to some later slight modification, but generally sufficiently definite to permit estimates of right-of-way and construction costs. With office and field location of this channel line which generally follows and straightens the present meandering river, it has been possible to estimate acreages and values of the relatively small areas that would be detached from one country and attached to the other—so balanced in area that neither country would gain nor lose national territory.

(6) At the present time the bed of the Rio Grande between El Paso and Juarez is at a higher elevation than some of the streets and other properties of the two cities. Accumulations of sediment are continuing to aggravate this situation, and until proper grades and hydraulic conditions are introduced by artificial works, there are no means for carrying off these deposits which are encroaching upon the carrying capacity of the channel. The consensus of opinion of engineers who have studied the situation is that the correction lies in the plan proposed of straightening and confining the

Cur. Misc. File 112

74731

channel. One of the principal requirements to permit such artificial rectification is the equitable adjustment of the areas which would be necessarily detached from one side of the river and attached to the other in the straightening process. The plan evolved, of having each Government acquire the private titles to these equal areas for later exchange, provides a feasible solution. These areas to be acquired are generally seeped and water-logged, and so shaped and situated as to be unsusceptible of proper irrigation and drainage.

(7) The benefits to be derived from the straightened and rectified channel plans are mutual to the two Governments in affording flood protection and in permitting cultivation, improvement and settlement of even larger areas adjoining the Rio Grande than are now possible under the meandering river conditions. It is of utmost importance that the Governments own and control the flood channel in order that private encroachments be definitely prevented and eliminated. Such ownership and control will also be of great assistance in the enforcement of national immigration and customs laws of both countries.

(8) In giving consideration to the determination of proper and justifiable proration of costs between the two countries, conditions other than gross and irrigated areas are necessarily included. Economic features and values in the two countries are distinct and different. While the use of areas may be entirely proper in a distribution of costs for irrigation development, this unit of proration for an international flood control plan is unsuitable and produces serious irregularities. The Commission has taken into consideration the benefits that each country would receive according to the areas and their values to be protected rather than the benefits each would receive on the sole acreage basis. On the American side of the valley there are about fifty-three thousand (53,000) acres of land under the Rio Grande Federal Irrigation Project with water rights assured; the greater part of which is in full cultivation, and about seventeen thousand (17,000) acres in the lower portion of the valley below the project limits which are irrigated with project surplus water. The total irrigated area is seventy thousand (70,000) acres. This area is served with irrigation and drainage works, and first-class roads. Finance companies facilitate the financing of the production and distribution of agricultural products.

(9) On the Mexican side of the valley there are about thirty-five thousand (35,000) acres of land in cultivation, of which twenty thousand (20,000) acres have assured water rights under the Rio Grande Federal Irrigation Project, provided for by the Water Treaty of 1906.[6] Practically no drainage works have been constructed and the irrigation works are largely insufficient. The productiveness of the lands on the Mexican side is under

[6] Convention signed at Washington May 21, 1906 (TS 455, *ante*, p. 924).

Cur. Misc. File 112

74732

these circumstances much less than the corresponding lands on the north side of the river, and there are large areas with insignificant or no production. No major road improvements exist, and the finance companies organized to serve Mexican farmers are very limited in number and resources. The industrial plants and means for handling agricultural products are in very small proportion when compared with those in the valley in the United States.

(10) The estimated value of agricultural investments in the American part of the valley, according to figures assembled by the Bureau of Reclamation, including purchase of land and its preparation, farm improvements, equipment and live stock, is seventeen million dollars ($17.000,000) or thirty-four million gold pesos. The value of agricultural improvements on the Mexican side as estimated by Engineer Salvador Arroyo, Chief of the Flood Protection Work, is five million four hundred thousand ($5.400,000) gold pesos. Comparing these agricultural values in one part of the valley with those in the other it is seen that the Mexican side represents thirteen per cent of the total and the American eighty-seven per cent. Valley lands on either side of the river without water rights and assured irrigation service have very nominal value as compared with the lands obtaining water service from project sources; a comparison of such areas on this basis results in twenty-seven per cent for Mexico and seventy-three per cent for the United States.

(11) As the cities and suburbs of El Paso and Juarez not only are included in the flood protection plan, but either directly or indirectly would receive a large part of the benefits of the rectification of the channel, the Commission has considered the proration of values which each city bears to the other and giving proper weights to various percentages, believes the justifiable proration to be twelve (12) per cent for Mexico and eighty-eight (88) per cent for the United States.

(12) With reference to the estimates (exhibit number five [7] of the engineers' report) the grand total of six million one hundred six thousand five hundred dollars ($6.106,500) includes certain items in which the Commissioners concur as being non-proratable and properly and practically chargeable to each Government separately. These are: rights-of-way four hundred twelve thousand five hundred dollars ($412,500), for purchase of private channel rights above Cordova seventy-five thousand dollars ($75,000), segregated tracts two hundred sixty-six thousand dollars ($266,000), changes in irrigation works two hundred twenty-five thousand dollars ($225,000). The total of these items, with twenty per cent overhead and contingencies is one million one hundred seventy-four thousand two hundred dollars ($1,174,200). This amount subtracted from the grand total leaves a proratable total of four million nine hundred thirty-two thousand three hundred dollars ($4,932,300). Using twelve per cent (12%) and eighty-eight per cent (88%) as the basis of proration Mexico's share of the cost of the project would be five hundred ninety-one thousand eight hundred

[7] Exhibits not printed here.

Cur. Misc. File 112

74733

seventy-six dollars ($591,876) and that of the United States four million three hundred forty thousand four hundred twenty-four dollars ($4,340,424).

(13) On the basis that this report and the engineers' statement have been prepared and submitted with the view of generally straightening the present river location between the International Dam above El Paso-Juarez and the Box Canyon below Fort Quitman, the question of using the present river at Fabens or following the boundary route on the south of the San Elizario area is left for later determination. From the data at hand, apparently there is argument in favor of both routes. Following either the present river or the boundary line route requires adjustment of detached areas, and the proposed channel below this section can be so located as to compensate for any inequalities of such areas.

(14) The following are the recommendations of the Commission:

(a) The Commissioners recommend that the two Governments approve the plan for river rectification as outlined in the attached engineering report, including the feature of the flood retention dam, the general straightening of the present river location and the establishment of a flood channel which generally will follow and straighten the present river from International Dam to the Box Canyon below Fort Quitman.

(b) That both countries in view of the serious situation proceed to an agreement, without delay, which will carry into effect the engineering and construction features as outlined in the attached report.

(c) That the International Boundary Commission be authorized to prepare detail plans, and to direct and supervise the construction and all other engineering operations, utilizing such established governmental agencies as each government may deem proper.

(d) That each section of the International Boundary Commission be authorized to acquire for its country the necessary rights-of-way and detached areas located within its territorial limits, thru the proper governmental agencies.

(e) That agreement between the two Governments provide for the exchange of one-half of the area required for right-of-way and the total area of detached tracts of each country.

(f) That the total proratable cost of four million nine hundred thirty two thousand three hundred dollars ($4,932,300) be divided between Mexico and the United States on the basis of twelve per cent (12%) and eighty-eight per cent (88%) respectively, and that each Government provide annually such required appropriations as will complete the work in four or five years.

(g) That the agreement between the two countries provide for the jurisdiction of the International Boundary Commission over all matters concerning the rectified channel.

Cur. Misc. File 112

74734

(h) That this Commission be authorized to adopt such rules and regulations as it may deem necessary to the end that the preservation of the rectified channel may be perpetuated.

(i) That each country hold the other immune from all private or national claims arising from the construction and maintenance of the rectified channel or any other cause whatsoever in connection with this project.

Respectfully submitted.

The Commission adjourned to meet again at the call of either of the Commissioners.

L. M. LAWSON
Commissioner for the United States

GUSTAVO P. SERRANO
Commissioner for Mexico

MERVIN B. MOORE
Acting Secretary of the United States Section

JOSÉ HERNÁNDEZ OJEDA
Secretary of the Mexican Section

JOINT REPORT OF CONSULTING ENGINEERS RIO GRANDE RECTIFICATION EL PASO-JUAREZ VALLEY

MEXICO, D.F.
July 16, 1930

I. INTRODUCTION

1. *Outline of Proposed Plan*

(a) It is proposed to reduce materially the flood flow at El Paso-Juarez by the construction of a detention dam with a one hundred thousand (100,000) acre foot (123,350,000 cubic meter) reservoir at Caballo, and to control this flood flow thru the El Paso-Juarez Valley in a shortened channel by the construction of parallel levees. The proposed artificial channel will follow and rectify, in a general way, the present river from Land Monument Number One to the Box Canyon below Fort Quitman, and is so located as to segregate the same area from each country.

(b) The general engineering features of the project involve: the reduction of river length from one hundred fifty-five (155) miles (247 kilometers) to eighty-eight (88) miles (141 kilometers); the establishment between levees of a floodway five hundred ninety (590) feet (180 meters) wide with a capacity of eleven thousand (11,000) second feet (314 cubic meters per second); and the increasing of the gradient from a slope of .00035 (1.82 feet per mile) to a slope of .00061 (3.20 feet per mile). The levees require

259-517—72——64

Cur. Misc. File 112

74735

the placement of eight million nine hundred eighty-five thousand (8,985,000) cubic yards (6,870,000 cubic meters) of earth, their average height being 7.5 feet (2.25 meters). Four million seven hundred seventy-five thousand (4,775,000) cubic yards (3,650,000 cubic meters) of earth are required to be excavated to provide artificial channel. The areas required for right-of-way for this channel are four thousand seventy-five (4,075) acres (1650 hectares) from the United States and also four thousand seventy-five (4,075) acres (1650 hectares) from Mexico.

(c) The tentative proposed location of the rectified channel segregates three thousand four hundred sixty (3460) acres (1400 hectares) from the United States and also three thousand four hundred sixty (3460) acres (1400 hectares) from Mexico.

(d) The estimated cost of the project, including Caballo Dam, is about six million (6,000,000) dollars.

(e) This project will eliminate the flood menace throughout the El Paso-Juarez Valley in both the United States and Mexico, will prevent channel changes and detachment of areas from one country to the other, and will permit the reclaiming of low-lying areas.

2. *Present Conditions*

(a) The Rio Grande forms generally the International Boundary between the United States and Mexico from Land Monument Number One to the Box Canyon below Fort Quitman in the El Paso-Juarez Valley, and is a meandering stream subject to changes, creating detached areas from one country to the other.

(b) The gross area of valley land in both the United States and Mexico, between El Paso-Juarez and the Box Canyon, is one hundred sixty-five thousand (165,000) acres (66,000 hectares) of which ninety six thousand (96,000) acres (38,400 hectares) are in the United States and sixty-nine thousand (69,000) acres (27,600 hectares) are in Mexico. Estimated values existing in the cities of El Paso and Juarez and their valleys, including irrigation and drainage works and improved roads, are in excess of one hundred million dollars ($100,000,000).

(c) Notwithstanding the fact that the present total amount of sediment annually carried thru this valley by the Rio Grande is only a very small percentage of that carried previous to the construction of the Elephant Butte Dam, the absence of the former large scouring floods has resulted in the silting up of the river channel to a point where rainfall discharges from arroyos entering the river between Elephant Butte and El Paso-Juarez menace the improved and developed properties of both cities and valley lands. Only large floods of destructive proportions are capable of eroding accumulations of sediment as they now occur in the meandering channel.

(d) The Mexican Department of Communications and Public Works and the city and county of El Paso have expended in the last few years over

Cur. Misc. File 112

74736

seven hundred fifty thousand dollars ($750,000) to protect the cities of El Paso-Juarez and the Valley lands from floods. These works consist largely of levees built along the banks of the meandering channel, and require constant strengthening and repair on account of the raising of the river bed. A more substantial and effective plan must be adopted to secure permanent and efficient protection.

II. DETAIL REPORT

Since the joint preliminary report, dated December 1928, was submitted to the Commission, location surveys covering the entire length of river from the cities of El Paso and Juarez to Quitman Canyon have been completed. These surveys have furnished additional data, and form in a large measure the basis for the report which follows.

1. *Description*

(a) The Rio Grande is a sediment bearing stream and as such is constantly building up its bed, and would from this cause, in time of flood, change its channel to a lower location where it would again start building up its bed and repeat the cycle at some future flood stage. This phase of changing channel has been largely prevented thru El Paso-Juarez Valley by the construction of artificial works, such as railroad and road grades, canal and drain banks, and in late years, levees. Under these conditions the river bed has been continuously elevated. The Elephant Butte Dam was completed in the year 1916, and as a result of its function of providing an irrigation supply during years of low run-off, it stores the floods, which previous to its construction had passed on down the river. The action of these floods was to scour out the river channel, partly by carrying deposits on thru the valleys and partly by making deposits upon the valley floor whenever bank overflow stage was reached. The absence, since the completion of Elephant Butte Dam, of large scouring floods has changed the characteristics of the river channel thru the El Paso-Juarez Valley. Although large floods have been controlled behind the Elephant Butte Dam, smaller floods from the run-off area lying between Elephant Butte and El Paso-Juarez are of annual occurrence. These usually occur during the rainy season, that is, in August and September, and are generally flashy in character, the peak lasting only a few hours, and would pass harmlessly thru the valley were it not for the elevated bed.

(b) With the first release of clear water from Elephant Butte, a limited scouring of the river channel began immediately below the dam. The clear water picked up the finer particles of silt and sand and carried them downstream. This effect has reached some forty miles (64 kilometers) below Elephant Butte, and might eventually reach El Paso-Juarez and degrade the river thru the El Paso-Juarez Valley, were it not for the annual increment of sand, gravel and silt brought into the river channel from the many side

Gur. Misc. File 112

74737

arroyos which debouch into the stream along its course between the dam and El Paso-Juarez. Even this annual increment of sand might be carried on were it not for the need of diverting the flow onto lands for irrigation. Three diversions are made above El Paso, one each at Percha, the Leasburg, and the Mesilla Dams. The main diversions in the El Paso Valley are at the International Dam, where lands of both countries are served, and at the Riverside and Tornillo headings, where supplementary diversions to American lands are made. At each of these diversions sand skimming and canal sluicing devices are used so that a great percentage of the sand and silt is returned to the river bed, while a great percentage of the water is diverted for the irrigation of the lands. This process continuously returns the sand to the river bed while also continuously depleting the volume, and hence the carrying capacity.

2. *Caballo Dam and Reservoir*

(a) The uncontrolled drainage areas which lie between Elephant Butte and El Paso-Juarez total about eight thousand (8,000) square miles (20,700 square kilometers). Large parts of this area have dead drainage with no direct outlet into the Rio Grande. About two thousand three hundred (2300) square miles (6,000 square kilometers) drain directly into the river, of which some one thousand two hundred (1200) square miles (3100 square kilometers) are above and would be controlled by a dam constructed at the Caballo site.

(b) This damsite is located in Sierra County, New Mexico on the Rio Grande about twenty-two (22) miles (35 kilometers) below Elephant Butte Dam. Studies of the Caballo Dam and the resulting reservoir have been made by the Bureau of Reclamation, Department of the Interior, United States Government, in conjunction with the proposed water power development at Elephant Butte. These studies were begun in the year 1924 and included the surveying of the site, the testing of the foundation, the design and cost estimates of structures of various heights, and the effect on water supply and flood control. Two reports were written by the United States Bureau of Reclamation engineers, covering this dam and related features, one dated December 15, 1924, and the other April 1925.

3. *River Discharge at El Paso-Juarez*

(a) Floods at El Paso-Juarez occurring since the completion of Elephant Butte Dam have been built up from the run-off of the area between Elephant Butte and El Paso-Juarez, supplemented by the concurrent irrigation discharge from the reservoir. There is a possibility that such floods would be increased at such times when the reservoir was full and water passing over the spillway.

Cur. Misc. File 112

74738

4. *Probable Spill at Elephant Butte Dam*

(a) An estimate of the probable spill at Elephant Butte Dam has been made from a study of the spills as shown in the report of the Denver office of the Bureau of Reclamation, dated March 10, 1928 and entitled "Review of Quinton, Code and Hill Reports on Elephant Butte Power Development of July 2, 1927 and September 30, 1927". This review sets up the following assumptions:

1. Irrigation storage is to be carried to elevation 4401, leaving six feet (1.83 meters), or the elevation 4407, for flood control storage. This six feet (1.83 meters) will store two hundred thirty-nine thousand (239,000) acre feet (294.806,000 cubic meters). Additional flood control storage of about one hundred thousand (100,000) acre feet (123.350,000 cubic meters) is available to elevation 4410, at which height a discharge of about four thousand five hundred (4,500) second feet (128 cubic meters per second) will be passing over the spillway crest.

2. Irrigation demand is to be limited to seven hundred thousand (700,000) acre feet (863.450,000 cubic meters) annually when on June 30th of any year the reservoir content is less than one million five hundred thousand (1.500,000) acre feet (1.850,250,000 cubic meters). Irrigation demand is to be limited to seven hundred eighty-seven thousand (787,000) acre feet (970.764,000 cubic meters) annually when on June 30th of any year the reservoir content is more than one million five hundred thousand (1.500,000) acre feet (1.850,250,000 cubic meters).

3. Reservoir capacity depletion thru silt deposit is at the average rate of twenty thousand (20,000) acre feet (26.670,000 cubic meters) per year.

4. San Marcial, New Mexico inflow records are corrected for changed conditions above.

5. The cycle of inflow, with the corrections, will repeat using the year 1898 as equal to 1930; the reservoir was full on January 1, 1898, and the irrigation storage capacity had been depleted by silt inflow to two million one hundred thousand (2.100,000) acre feet, (2.580,350,000 cubic meters) on that date.

(b) These assumed conditions required the theoretical use of flood storage in the years 1930, 1937, 1944, 1948, 1953, 1954, and 1956, with the maximum requirements coming in 1956. If a flow of four thousand five hundred (4500) second feet (128 cubic meters per second) was started in 1956 at the time the water reached elevation 4401 or the limit of irrigation storage a flow over the spillway of 4500 second feet (128 cubic meters) would have been just reached at the end of the flood. This condition occurs but once in the assumed cycle of thirty years and spill has not been necessary during the fifteen years of actual reservoir operation 1915–1930. Therefore, it seems safe to assume that the probable spill from Elephant Butte Dam will

Cur. Misc. File 112

74739

not at any time be more than six thousand (6,000) second feet (171 cubi meters per second).

5. *Probable Floods at El Paso-Juarez*

(a) The largest flood at El Paso-Juarez since the building of Elephan Butte Dam occured on September 1, 1925 when a peak of thirteen thousanc five hundred (13,500) second feet (382 cubic meters per second) passed th gaging station at Courchesne. This flood resulted from heavy rainfall in th Black Range between Elephant Butte and Leasburg, on top of a flow of twc thousand (2000) second feet (57 cubic meters per second) already releasec from the reservoir. If a spill of six thousand (6000) second feet (170 cubic meters per second) was occuring at the time of this flood, a peak of about eighteen thousand (18,000) second feet (510 cubic meters per second) would have occurred at El Paso-Juarez. If the Caballo Dam and reservoir had been available at the time of this flood, and if the six thousand (6000) second feet (170 cubic meters per second) of spill was occurring at Elephant Butte, prior information of rain on the tributaries would have permitted the closing of the Caballo gates before the flow of the tributaries could have reached the Rio Grande, and the resulting peak at El Paso-Juarez could have been reduced to between ten thousand (10,000) and eleven thousand (11,000) second feet (283 and 314 cubic meters per second). The Caballo reservoir, by controlling one-half of the direct drainage area, and by acting as a temporary check on the spills from Elephant Butte Dam will reduce by almost one-half the probable peak at El Paso-Juarez.

6. *Drainage Area in El Paso-Juarez Valley*

At El Paso-Juarez

(a) The Arroyo Colorado empties into the river immediately above the city of Juarez, Chihuahua, Mexico. This arroyo has been estimated to have had a peak flood of some three thousand (3,000) second feet (85 cubic meters per second). Other smaller arroyos empty into the river directly above the International Dam. Their drainage areas are small, and their discharge, together with that of the Arroyo Colorado, cannot increase the peak floods in the Rio Grande except in the improbable event of their occurrence simultaneously with the peak flow past El Paso-Juarez. Additional freeboard has been allowed in the design to take care of this improbable occurrence.

Below El Paso-Juarez

(b) Practically no direct discharge of side drainage occurs below El Paso-Juarez until the Arroyo Alamo in Hudspeth County is reached. Below this point three large arroyos and many small ones empty directly into the river. The total drainage area on the American side between the Arroyo Alamo and Quitman Canyon is six hundred eighty (680) square miles (1760

Cur. Misc. File 112

74740

square kilometers), of which four hundred ninety (490) square miles (1270 square kilometers) have direct discharge into the river and one hundred ninety (190) square miles (490 square kilometers) are indirectly discharged into the river. The drainage area on the Mexican side is considerably less, although, due to the absence of maps, little detail knowledge is available. However, no arroyos empty directly into the river from the south until considerably below the town of McNary, Texas, and observations of the arroyo channels below this point show that their drainage areas are probably limited and their discharges small.

(c) The three largest arroyos on the American side are: the Alamo, with a drainage area of one hundred forty-five (145) square miles (375 square kilometers); the Diablo, with a drainage area of sixty-two (62) square miles (160 square kilometers); and the Guayuco, with a drainage area of one hundred sixty-five (165) square miles (427 square kilometers). The Alamo and the Guayuco have been known to discharge in excess of five thousand (5,000) second feet (142 cubic meters per second), and hearsay information gives probable peaks of twice that amount. If such flows should occur at the time the peak of a flood from upper river sources was passing, doubtless the designed channel would be overtaxed. Some additional safety has been provided by increasing the freeboard a short distance above and below these arroyos. However, as these arroyos empty into the river channel well below most of the area to be protected, it will be uneconomical to make any large expenditures against unlikely possibilities.

(d) The discharge from these arroyos must be taken into the channel and the location has been made at some distance from the present arroyo mouths to permit, in a measure, the deposit of detritus before the flows reach the channel.

7. *The River Above El Paso-Juarez*

(a) The distance by the river between Elephant Butte and El Paso-Juarez is about one hundred fifty (150) miles (241 kilometers), and the valley axial distance is about one hundred twenty (120) miles (193 kilometers). Immediately below the dam the river passes thru fifteen miles (24 kilometers) of canyon where the fall varies from .00037 (1.94 feet per mile) to .00080 (4.26 feet per mile) then thru the Palomas Valley for thirteen miles (21 kilometers) with a fall of .00080 (4.26 feet per mile), then thru three miles (5 kilometers) of canyon where the Caballo damsite is located, then thru the Rincon Valley, the first seven miles (11 kilometers) of which have an average fall of .00074 (3.93 feet per mile), and the last fourteen miles (22 kilometers) a fall of .00064 (3.40 feet per mile). The river then traverses seven miles (11 kilometers) known as the Selden Canyon, where the average fall is .00064 (3.4 feet per mile), and then reaches the Leasburg Dam which is at the head of the Mesilla Valley. From Leasburg Dam to Mesilla Dam, a distance of twenty four miles (39 kilometers), the river has a fall of .00073

Cur. Misc. File 112

74741

(3.84 feet per mile). From Mesilla Dam to Canutillo Bridge, a distance of twenty-eight miles (45 kilometers) the river has a fall of .00070 (3.67 feet per mile), and from the Canutillo Bridge to the International Dam, some nineteen miles (30 kilometers) the river has a fall of .00048 (2.53 feet per mile).

(b) As previously stated, the effect of the release of clear water from Elephant Butte Dam has been to degrade the river bed in the upper reaches immediately below the dam, and to build it up thru the El Paso-Juarez Valley. There is necessarily a stretch of river between these two actions which is quiescent, where neither degradation nor building up is going on. Studies of river sections indicate that the river bed thru the lower Mesilla Valley rests in this state.

8. *The River Below El Paso-Juarez*

(a) The length of the channel of the river between El Paso-Juarez and the Quitman Canyon is about one hundred fifty-five (155) miles (250 kilometers) while the length measured along the valley axis is eighty-five (85) miles (137 kilometers). The fall of the river is about .00034 (1.82 feet per mile) while the fall of the valley is .00061 (3.20 feet per mile). It is thus seen that if the alignment of the river can be straightened a fall of approximately .00061 (3.2 feet per mile) can be obtained. It will be noted that this fall is in excess of that in the last stretch of the Mesilla Valley, or between Canutillo Bridge and the International Dam, where a fall of .00048 (2.53 feet per mile) was indicated and that this fall of .00061 (3.2 feet per mile) is somewhat under that of .00070 (3.67 feet per mile) for the upper part of the Mesilla Valley. If the lower stretch of the river in the Mesilla Valley is in equilibrium, that is, shows neither scour nor fill, with a gradient of .00048 (2.53 feet per mile) the river thru the El Paso-Juarez Valley must have a greater gradient to reach the same state of equilibrium since the quantities of water normally carried are greatly reduced at the International Dam.

III. PROPOSED PLAN

(a) The treatment to be given the river thru the valley to increase the fall from .00034 (1.82 feet per mile) to .00061 (3.2 feet per mile), in order to accelerate the velocity and to let the current of the river carry along the burden of sand and sediment, which has caused the rapid river bottom rising, so marked since the construction of the Elephant Butte Dam, consists of a general straightening following the present channel of the river wherever possible, and cutting across the bends where necessary to decrease length. Along each side of the new channel, and also along each side of the present river where followed, levees will be built of sufficient height and far enough apart to pass the floods. The channel thus created will always be kept clear of brush and other obstructions which might retard the flow. In the align-

Cur. Misc. File 112

74742

ment, due consideration has been given to the general principle of the compensation of the artificially segregated areas, in order to equalize the areas which will be cut from one country with those which will be cut from the other.

(b) This treatment brings about the result that the right-of-way to be acquired by each nation will balance practically in area. In general, the waterway proposed will consist of a normal channel of similar size and capacity to the present river bed, with levees set back with a total distance of about five hundred ninety (590) feet (180 meters) between them. Levees will be wide enough on top to permit travel for inspection and repair. The alignment has been so chosen as to avoid as far as possible all highly improved and cultivated areas, but at many places this was impracticable due to the meanderings of the river channel.

(c) The above plan of shortening the river by cut-offs is feasible in this case because Elephant Butte Dam, in conjunction with the proposed Caballo Dam and reservoir, will give practically complete control of the floods. Consequently the river thrug the El Paso-Juarez Valley will take on more the nature of a large central drain or canal than a river.

IV. BASIS OF ESTIMATE

1. *Cost of Caballo Reservoir*

(a) The cost of the Caballo Dam, including the purchase of the lands to be submerged, has been estimated by the Bureau of Reclamation at about one million two hundred fifty thousand dollars ($1,250,000) for the one hundred thousand (100,000) acre feet (123,350,000 cubic meters) capacity.

(b) The volume of water passing the Caballo Damsite during the flood of September 1925 was in the neighborhood of twenty-five thousand (25,000) acre feet (30,837,000 cubic meters). Storage in excess of this amount must be provided to take care of possible larger floods and silt depletion. Provision must also be made to store the probable spill from Elephant Butte during times of flood run-off below the dam. Fifty thousand (50,000) acre feet (61,675,000 cubic meters) are allowed for this item and would probably store three or four days' spill. This would permit the floods entering below Caballo to have receded.

(c) Of the total proposed storage of one hundred thousand (100,000) acre feet (123,350,000 cubic meters) approximately fifty thousand (50,000) acre feet (61,675,000 cubic meters) are allowed for flood storage and silt depletion, and fifty thousand (50,000) acre feet (61,675,000 cubic meters) for the control of spill from Elephant Butte.

2. *Segregated Tracts*

(a) In order that neither nation shall sacrifice national area, it is required that the total land to be segregated or cut off from one country shall

Cur. Misc. File 112

74743

equal that to be segregated or cut off from the other. On the attached maps these tracts and their total areas have been shown. Fifty-nine (59) separate tracts will be cut from Mexico and sixty-five (65) separate tracts will be cut from the United States. Their areas vary from 0.10 hectares (.25 acre) to 151 hectares (377 acres). The approximate total area to be cut from Mexico is one thousand four hundred (1400) hectares (3460 acres) and the approximate total area to be cut from the United States is one thousand four hundred (1400) hectares (3460 acres).

3. *San Elizario Island*

(a) Two alternate routes for the location of the rectified channel along the San Elizario Island are shown on Exhibit No. 2. One route follows in a general way the present river while the other follows in a general way the present boundary. The two routes are almost identical in length, and have practically the same gradient and grade elevation.

(b) The river route, by following the present river, is located entirely in the United States and passes thru areas largely undrained and uncultivated, while the boundary route passes largely thru highly cultivated and valuable areas. Therefore the costs of rights-of-way will be less with the river route and no areas will be segregated in the sense of changed national jurisdiction. The alignment possible with the boundary route is considerably better than that of the river route, especially at the lower end of the Island, where a sharp curve is necessary if the river route is used.

(c) The boundary route makes more feasible the carrying thru of irrigation and drainage works needed by Mexico, as the present boundary in places is located practically against the toe of the mesa. On the other hand, the abandonment of the river requires the building in the United States of a feeder canal to reestablish water deliveries to the Tornillo Canal system.

(d) The boundary route is estimated to cost about seventy-five thousand dollars ($75,000) more than the river route, due largely to the higher value of the lands required for the right-of-way and the segregated areas, and to the disestablishment of some of the irrigation and drainage works now constructed in the United States of America with the river in its present location. The equalizing of all the segregated tracts and the estimate submitted herewith both are based on following the boundary route along the San Elizario Island.

V. GENERAL

1. *Velocities*

(a) The requirements of the project indicate two important limiting velocities; namely, that the maximum velocity in the flood channel at full flow must not entail expensive bank protection, and that the minimum velocity in the normal flow channel must be high enough to carry the annual increment of sand and silt to prevent channel upbuilding.

Cur. Misc. File 112

74744

(b) The increase in average gradient, which is from .00035 to .00061, or from 1.82 feet per mile to 3.2 feet per mile, and which is brought about by the shortening in the river length, will produce velocities of from five to six feet (1.52 to 1.83 meters) per second at full flow, depending on the cross section and the gradient of the particular section considered.

(c) These velocities can be safely carried in the channel designed for this project where the alignment is reasonably straight and the cross section relatively wide.

(d) The data on normal flow indicates that the low water channel will have a velocity of around three feet (0.91 meters) per second. Experience on the Rio Grande Irrigation Project, in the sluicing of canals in the design of sand skimming devices, has shown that such velocities are capable of carrying the usual sand and silt borne by the Rio Grande.

2. *Coefficient of Roughness*

(a) The value of "n" in Kutter's Formula adopted for use on this project is n=.025 for the normal flow channel and n=.030 for the flood channel. These values follow closely those determined on the Miami Conservancy District at Dayton, Ohio, taking such tests as are believed to nearly duplicate the conditions to be encountered on this project. On one particular determination where the channel was covered with weeds, and the flow was around twenty-three thousand (23,000) second feet (6520 cubic meters per second) the value of "n" was determined to be .0298, whereas the values for the same channel when free from weeds varied from .023 to .0255.

3. *Cross-sections*

(a) The cross-sections adopted as best suited to the requirements of the project are shown on the attached Exhibit No. 3. It will be noted that two cross-sections are shown. These are identical except in the placement of the normal flow channel. The one to be used from El Paso-Juarez to the lower end of the San Elizario Island places the normal flow channel in the center while the one to be used from the lower end of the San Elizario Island to the mouth of Quitman Canyon places the normal flow channel adjacent to the left levee. This different treatment of the two sections of the river is required because, in the upper part, the land passed thru in the making of cut-offs is generally low ground lying from only slightly above the proposed river grade to, in some cases, slightly below the proposed grade. Thru this section the amount of material to be excavated from the proposed new channel is small and can be wasted adjacent to the normal flow channel without seriously decreasing flood channel capacities. Throughout the lower section deeper cuts are encountered and spoiling into the flood channel is impracticable. This changed condition is met by placing the normal channel adjacent to the left levee where the material excavated can be placed to form the left levee or can be wasted beyond the flood channel.

Cur. Misc. ~~A~~ File 112

74745

(b) The proposed cross-section has levees spaced 180 meters (590 feet) apart with levee heights of about 2.2 meters (7.2 feet). In actual construction levee heights will vary from nothing, where bench lands are encountered, to four and a half meters (15 feet) where the old river channel is crossed. The levee section proposed has a five meter (16.4 feet) crown with side slopes of two to one. This will permit the use of the top as a road for inspection and repair.

(c) The normal flow channel is designed with a bottom width of twenty meters (66 feet) as this channel width seems to best fit the present channel width of the river. Side slopes are 1:1 except throughout the lower section where 2:1 slope is proposed on the side adjacent to the left levee.

(d) Gradients vary from .00045 (2.38 feet per mile) to .0008 (4.26 feet per mile) and the levee heights have been changed to conform, always adding 0.6 meters (2 feet) as freeboard.

(e) The estimated capacity below the 0.6 meters (2 feet) freeboard varies from ten thousand seven hundred (10,700) second feet (3,030 cubic meters per second) to eleven thousand five hundred (11,500) second feet (3,260 cubic meters per second).

4. *Right-of-way*

(a) The total right-of-way required is eight thousand one hundred sixty (8,160) acres (3,300 hectares). This is equally divided between the two countries to Mexico four thousand eighty (4,080) acres (1650 hectares) and to the United States four thousand eighty (4,080) acres (1650 hectares). In addition to the land actually occupied by the works, a strip fifteen meters (49 feet) wide outside the land tow of each levee has been included for use in levee maintenance or possible future levee widening.

5. *Clearing*

(a) The area to be cleared is estimated as seventy per cent of the total area required for the right-of-way. A part of the right-of-way is now cleared and in cultivation, and in addition a considerable part is now occupied by the present river. Unit cost is sixty-two dollars fifty cents per hectare, or about twenty-five dollars per acre. The work to be done consists of brush cutting, some grubbing, and the plowing of the area between the borrow pits and the normal channel.

6. *Earthwork*

(a) All earthwork of both channel excavation and levee embankment is planned to be accomplished by machine methods, and the unit cost used in the estimates is eighteen cents per cubic meter which is about that developed on similar work in that locality. The machines best suited to the work are draglines equipped with one hundred foot booms, with buckets from two to three cubic yards in capacity, although on a great part of the levee work

Cur. Misc. File 112

74746

smaller equipment can be used economically. Proper provision has been made in the unit cost for full machine upkeep and depreciation, and for the hazards of the work such as untimely high water, soft and marshy ground and unusable soft material.

(b) It is planned to secure material for the levee embankment from the channel excavation in building the left levee from the lower end of San Elizario Island to the mouth of Quitman Canyon. At practically all the other locations the material will be secured from discontinuous borrow pits located on the channel side of the levees. Practically no material will require a second handling.

7. *Work near El Paso-Juarez*

(a) The item of one hundred twenty five thousand dollars ($125,000) covers contemplated work on the section of river between International Dam and Cordova Island, and includes the extension and straightening of the present levees, the removal of existing obstructions, and purchase of title to all lands lying on the channel side of the present levees.

8. *Changes in Canals and Drains*

(a) The sum of two hundred twenty five thousand dollars ($225,000) is carried in the estimate to cover the cost of rebuilding all constructed irrigation and drainage works where they will be interfered with by the proposed river work. This work will include the rearrangement of the irrigation systems on both sides of the river, especially in the area below Monument No. 1 of San Elizario Island, and changed drain outlets on the United States side in the same area. The sum of seventy-five thousand dollars has been allocated to Mexico and one hundred fifty thousand dollars to the United States.

9. *Bridges*

(a) Present bridges will either have to be lengthened or moved, depending on how they fit with the new plan and probably several more bridges will have to be built. The estimate of the amount of this item is three hundred thousand dollars ($300,000).

10. *Grade Controls*

(a) Because the effects of the introduction of steeper gradients in the river channel are problematical, and considerable scour may develop, and because the irrigation supply must be diverted at certain places, there has been set up in the estimate an amount of dollars 675,000 to meet the cost of grade control structures. This amount is deemed sufficient to build ten such structures. The immediate construction of three or four is contemplated—located at such places as the need of irrigation diversion dictates. The others will be built if their need becomes apparent.

Cur. Misc. File 112

74747

11. *Engineering, Contingencies and Overhead*

(a) An allowance of twenty per cent has been added to cover the cos of the above item. A relatively low engineering cost should result, due to th magnitude of the quantities involved. Contingencies are not serious, as th flow of the river is largely controlled by Elephant Butte Dam, and no long lasting floods are probable. Overhead should be no higher than on othe similar work.

VI. COST WITHOUT CABALLO DAM

(a) During December 1928, a report was made on the probable floods at El Paso-Juarez, with and without, the additional flood control of a retention reservoir at Caballo. The data then available indicated a maximum flood of eight thousand (8.000) second feet (226 cubic meters per second) with the Caballo Dam, and a maximum flood of eighteen thousand second feet (510 cubic meters per second) without the Caballo Dam. Since that time additional data has been acquired, and restudies have shown that the assumed maximum flood with the Caballo Dam should be eleven thousand second feet (314 cubic meters per second), and that the assumed maximum flood without the Caballo Dam should be twenty thousand second feet (576 cubic meters per second).

(b) In adopting a design for the twenty thousand second feet (576 cubic meters per second) channel it was found necessary to increase the distance between levees from one hundred eighty meters (590 feet) to two hundred ninety meters (950 feet) for the upper part of the valley, or from El Paso-Juarez to Alamo Arroyo. For the lower part, or from Alamo Arroyo to the end it was found necessary to increase the size of the excavated channel from twenty meter (66 foot) base to a thirty meter (99 foot) base, and to raise the levees one meter (3.3 feet).

(c) Estimates show that the works required from Land Monument No. 1 to the mouth of the canyon below Fort Quitman will cost about one million five hundred thousand dollars more when designed for the twenty thousand second foot (576 cubic meters per second) channel than when designed for the eleven thousand second foot (314 cubic meters per second) channel. The principal items of difference are the increase in rights-of-way required due to the widening between levees in the upper part, or from El Paso-Juarez to the Alamo Arroyo; the increase in earthwork, due principally to the larger cross-section needed thru the deep cuts below the Alamo Arroyo, and to the lengthening of the grade control structures and the bridges. There is also an increase in the amount of clearing necessary.

(d) The additional area required for rights-of-way is about eight hundred hectares (2,000 acres) and will cost one hundred thousand dollars. The additional earthwork required is about four million one hundred fifty thousand cubic meters (5,424,000 cubic yards) which at eighteen cents per cubic meter amounts to seven hundred forty-seven thousand dollars. The length-

Cur. Misc. File 112

74748

ening of grade control structures and bridges will cost an additional three hundred fifty thousand dollars. The additional clearing required will cost thirty-five thousand dollars. The total of the above items is one million two hundred thirty-two thousand dollars which, when increased by twenty per cent allowed for engineering, overhead and contingencies, makes a total additional cost of one million four hundred eighty thousand dollars.

(e) Therefore, the cost ($1,250,000) of the Caballo Dam is more than offset by the economies made possible in the works from Land Monument No. 1 to the mouth of Quitman Canyon. Indeed, a saving of two hundred fifty thousand dollars is achieved. This saving is in addition to a reduction of 800 hectares (2,000 acres) in the land used for the channel which would be otherwise irredeemably lost for cultivation, and to an unknown amount annually saved in less expensive maintenance.

VII. RECOMMENDATIONS

The following recommendations are respectfully submitted:

(a) That the rectified channel be constructed as described and outlined in this report and the attached exhibits.

(b) That a flood detention dam, with a reservoir of not less than one hundred thousand acre feet (123.350,000 cubic meters) capacity be built at Caballo, New Mexico.

(c) That the areas to be detached from each country be brought into balance by such shifting of the river location as the Commission may decide.

(d) That the areas to be detached and those required for right-of-way be acquired by each nation so that all private rights to these lands be extinguished.

(e) That the balanced detached tracts and the acquired rights-of-way be exchanged between the two nations so that each nation will have jurisdiction to the center of the rectified channel where it forms the boundary line.

(f) That the International Boundary Commission have full control over the work during its construction, and over its maintenance when completed.

VIII. EXHIBITS

Five exhibits are attached, as follows:

EXHIBIT No. 1. River Gradients

This shows graphically the present river gradients between Elephant Butte and Quitman Canyon, and the proposed new gradient which the river shortening will bring about.

EXHIBIT No. 2. Location Map

This is a map of the El Paso-Juarez Valley on which is shown the located line and the segregated areas in color and in numerical table. Two routes are

Cur. Misc. File 112

74749

shown at the San Elizario Island, one following generally the present river, and the other following generally the present boundary.

EXHIBIT No. 3. Typical Cross-Sections

This exhibit graphically illustrates the cross-sections proposed for use, and gives the theoretical hydraulic functions.

EXHIBIT No. 4. Drainage Areas

This exhibit indicates in colors and in figures the drainage area controlled by Elephant Butte Dam, and that to be controlled by the Caballo Dam.

EXHIBIT No. 5. Estimate of Cost

IX. ACKNOWLEDGMENTS

In the preparation of this report the Consulting Engineers have been assisted by the technical advisers, Messrs. W. E. Robertson, Chairman of the El Paso Chamber of Commerce River Rectification Committee, and Salvador Arroyo, Chief Engineer of the Juarez Flood Control Commission; and have made use of the wealth of data contained in previous reports on this problem. Acknowledgment is made to the various engineers and agencies who collected this data and made the following reports:

1. "Report on Rio Grande Rectification", by Special Committee of Engineers, El Paso Chapter, American Association of Engineers, June 5, 1922.
2. "Report of Conditions of the Rio Grande on the Rio Grande Project", by L. M. Lawson, Engineer, United States Department of the Interior, March 10, 1925.
3. "Channel Improvement of the Rio Grande below El Paso", by Salvador Arroyo, Mexican Federal Civil Engineer, March 1925.
4. "Statement to the United States and Mexican Governments and the International Boundary Commission on Rectification of a Portion of the Rio Grande, Juarez and El Paso Valleys", by Salvador Arroyo and L. M. Lawson, April 25, 1925.
5. "Joint Report on the Preceding Report" (No. 4), by Armando Santacruz, Jr. and Randolph E. Fishburn, Consulting Engineers of the International Boundary Commission, May 12, 1925.
6. "Effect of Rio Grande Storage on River Erosion and Deposition", by L. M. Lawson, Project Superintendent, United States Bureau of Reclamation, El Paso, Texas, May 1928.
7. "The Present Regimen of the Upper Rio Grande and the Problem the River has Created in the El Paso-Juarez Valley", by Salvador Arroyo, Chief Engineer of Juarez Flood Control Commission, May 1928.
8. "Statement Regarding Rectification of the Rio Grande", by J. L. Savage, Designing Engineer, United States Bureau of Reclamation, November 28, 1928.

Cur. Misc. File 112

74750

9. "Report on Preliminary Estimates, Rectification of the Rio Grande El Paso-Juarez to Quitman Canyon", by Salvador Arroyo and C. M. Ainsworth, December 1928.

10. "Proposed Rectification of the Rio Grande from El Paso-Juarez to Quitman Canyon", by R. M. Priest, Superintendent of the Yuma Project, United States Bureau of Reclamation, May 2, 1929.

Respectfully submitted, July 16, 1930.

C. M. AINSWORTH
Consulting Engineer
United States Section

ARMANDO SANTACRUZ
Consulting Engineer
Mexican Section

To the Honorable Commissioners, International Boundary Commission, United States and Mexico.

EXCHANGES OF NOTES

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

MINISTER FOR FOREIGN AFFAIRS
MEXICO

FEBRUARY 1, 1933

DEAR MR. AMBASSADOR:

In proceeding to the signature of the Convention relative to the rectification of the river channel of the Rio Grande in the El Paso-Juárez valley, it is understood by both Governments that the documents annexed to the Convention, as provided in Article VIII thereof, are copies of Minute 129 of July 31, 1930 of the International Boundary Commission, and of the report, maps, plans, and specifications annexed to said Minute, and that in case any difference exists between such copies so annexed to the Convention and their originals, the originals shall control.

There being nothing further to discuss, I again subscribe myself, as always, your affectionate, devoted, and faithful servant.

PUIG

MR. J. REUBEN CLARK, Jr.,
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
Mexico.

Our. Misc. File 112

74751

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
MÉXICO, *February 1, 1933*

MY DEAR MR. MINISTER:

Referring to your note of even date, in which you set out that in proceeding to the signature of the Convention providing for the rectification of the river channel of the Rio Grande in the El Paso-Juárez valley, it is understood that the documents attached to the Convention, as provided in Article VIII thereof, are copies of Minute 129 (July 31, 1930) of the International Boundary Commission, and of the report, maps, plans, and specifications attached to that Minute, and that in case any difference exists between such copies so attached to the Convention and their originals, the originals shall control, I beg hereby to confirm such understanding.

Please accept, Mr. Minister, the renewed assurances of my highest consideration.

J. REUBEN CLARK, Jr.

His Excellency
Señor Doctor Don JOSÉ M. PUIG CASAURANC,
Minister for Foreign Affairs,
Mexico.

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS
UNITED MEXICAN STATES
MEXICO

MEXICO, *September 8, 1933*

MR. AMBASSADOR:

In order to facilitate the early exchange of ratifications of the Convention signed between Mexico and the United States for the rectification of the Rio Bravo (Rio Grande) in the Juarez Valley, dated February 1, 1933, and in order to establish clearly the understanding of both Governments with respect to the question of rights and use of waters of the Rio Bravo (Rio Grande) along the stretch covered by said Convention, the two Governments declare through this exchange of notes that the spirit and terms of the Convention of February 1, 1933, do not alter the provisions of Conventions now in force as regards the utilization of water from the Rio Bravo (Rio Grande) and that, consequently, these matters remain entirely unaffected and in exactly the same status as existed before the Convention of February 1, 1933, was concluded.

Cur. Misc. File 112

74752

I avail myself of this opportunity to renew to Your Excellency the assurances of my high consideration.

PUIG

His Excellency
MR. JOSEPHUS DANIELS,
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
Mexico.

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
No. 187 MEXICO, *September 8, 1933*

EXCELLENCY:

In order to facilitate the early exchange of ratifications of the Convention signed between Mexico and the United States for the rectification of the Rio Grande (Rio Bravo) in the Juárez Valley, dated February 1, 1933, and in order to establish clearly the understanding of both Governments with respect to the question of rights and use of waters of the Rio Grande (Rio Bravo) along the stretch covered by said Convention, the two Governments declare through this exchange of notes that the spirit and terms of the Convention of February 1, 1933, do not alter the provisions of Conventions now in force as regards the utilization of water from the Rio Grande (Rio Bravo) and that, consequently, these matters remain entirely unaffected and in exactly the same status as existed before the Convention of February 1, 1933, was concluded.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

JOSEPHUS DANIELS

His Excellency
Señor Doctor Don JOSÉ MANUEL PUIG CASAURANC,
Minister for Foreign Affairs,
Mexico.

Cur. Misc. File 112

74753

1/26/72

BED AND BANKS OF RIO GRANDE, PECOS, AND DEVILS RIVERS
Conveyed by State of Texas to U.S.A.

Map Location Identification	County - Date of Deed - Recording Data
①	RIO GRANDE: Hidalgo and Cameron Deed Dated 7/26/61 Recorded - Cameron; Vol. 714 - Pg. 61 " - Hidalgo; Vol. 1013 - Pg. 654
②	RIO GRANDE: 4 Miles - Starr; S. of Rio Grande City 2 " - Maverick, at Cuervo Creek 2 " - Kinney, above Kinney-Maverick Line 3 " - Presidio, at Alamito Creek Deed Dated 2/11/64 Recorded - Starr; Vol. 297 - Pg. 323 " - Maverick; Vol. 64 - Pg. 132 " - Kinney; Vol. A-40 - Pg. 574 " - Presidio; Vol. 169 - Pg. 94
③	RIO GRANDE: Zapata and Starr Deed Dated 9/11/50 Recorded - Zapata; Vol. 65 - Pg. 62 " - Starr ---- NO RECORD
④	RIO GRANDE: Maverick; 1000' along Rio Grande Deed Dated 3/30/67 Recorded - Maverick; Vol. 78 - Pg. 220
⑤	RIO GRANDE: Terrell and Val Verde Deed Dated 10/12/61 Recorded - Terrell; Vol. 53 - Pg. 109 " - Val Verde; Vol. 164 - Pg. 383
⑥	RIO GRANDE: Val Verde; S. of Amistad Dam Deed Dated 10/31/62 Recorded - Val Verde; Vol. 168 - Pg. 421
⑦	PECOS and DEVILS RIVERS: Val Verde Deed Dated 11/21/62 Recorded - Val Verde; Vol. 168 - Pg. 496
⑧	RIO GRANDE: El Paso and Hudspeth Texas Senate Bill No. 25, Passed 9/22/34
⑨	RIO GRANDE: Chamizal
⑩	City of El Paso to U.S.A. January 28, 1971 Recorded - El Paso; 2/11/71, Film 327, Pg. 1275-1279

GEW:ia

Cur. Misc. File 112

74754

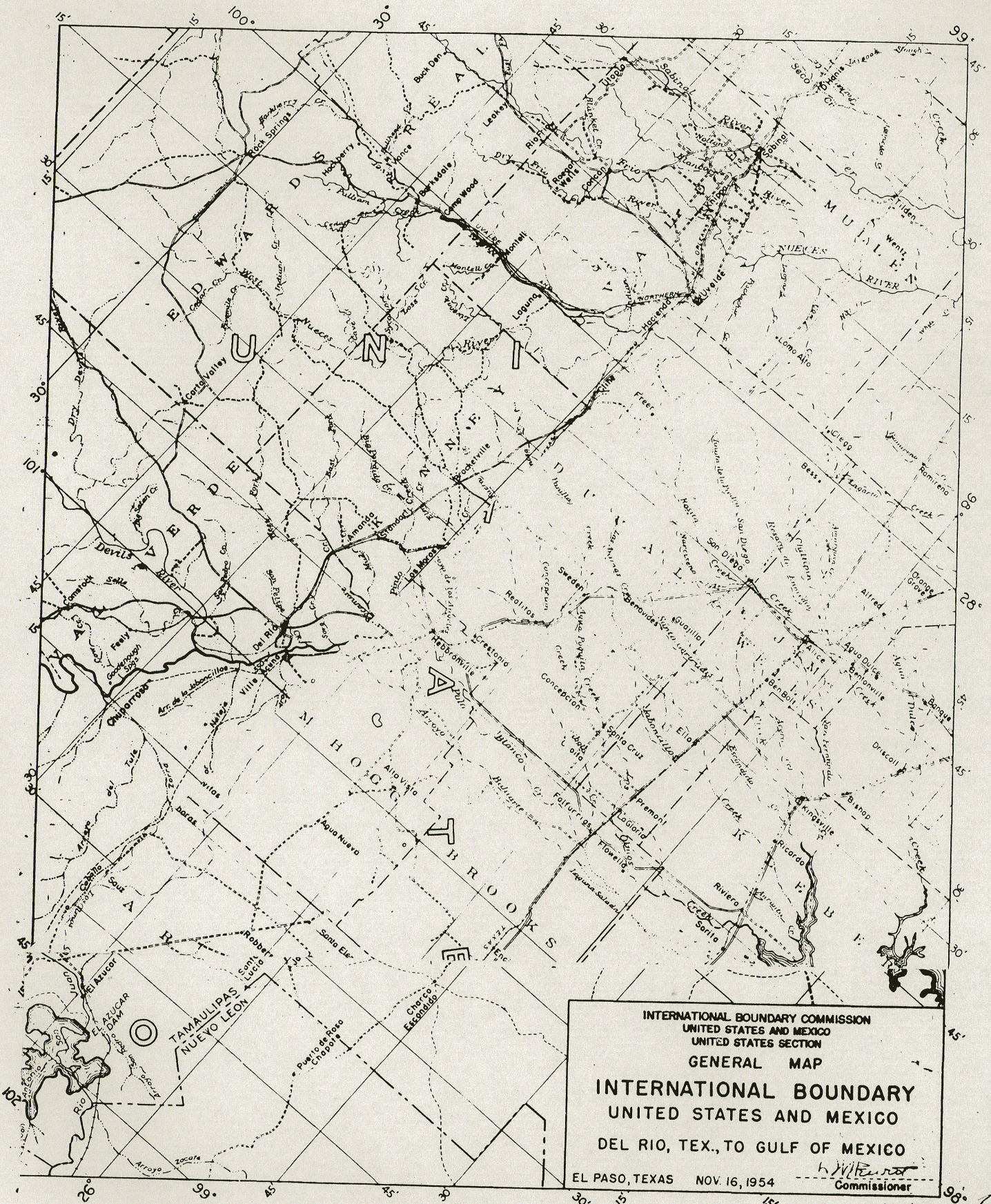
BED AND BANKS OF RIO GRANDE, PECOS, AND DEVILS RIVERS
Conveyed by State of Texas to U.S.A.

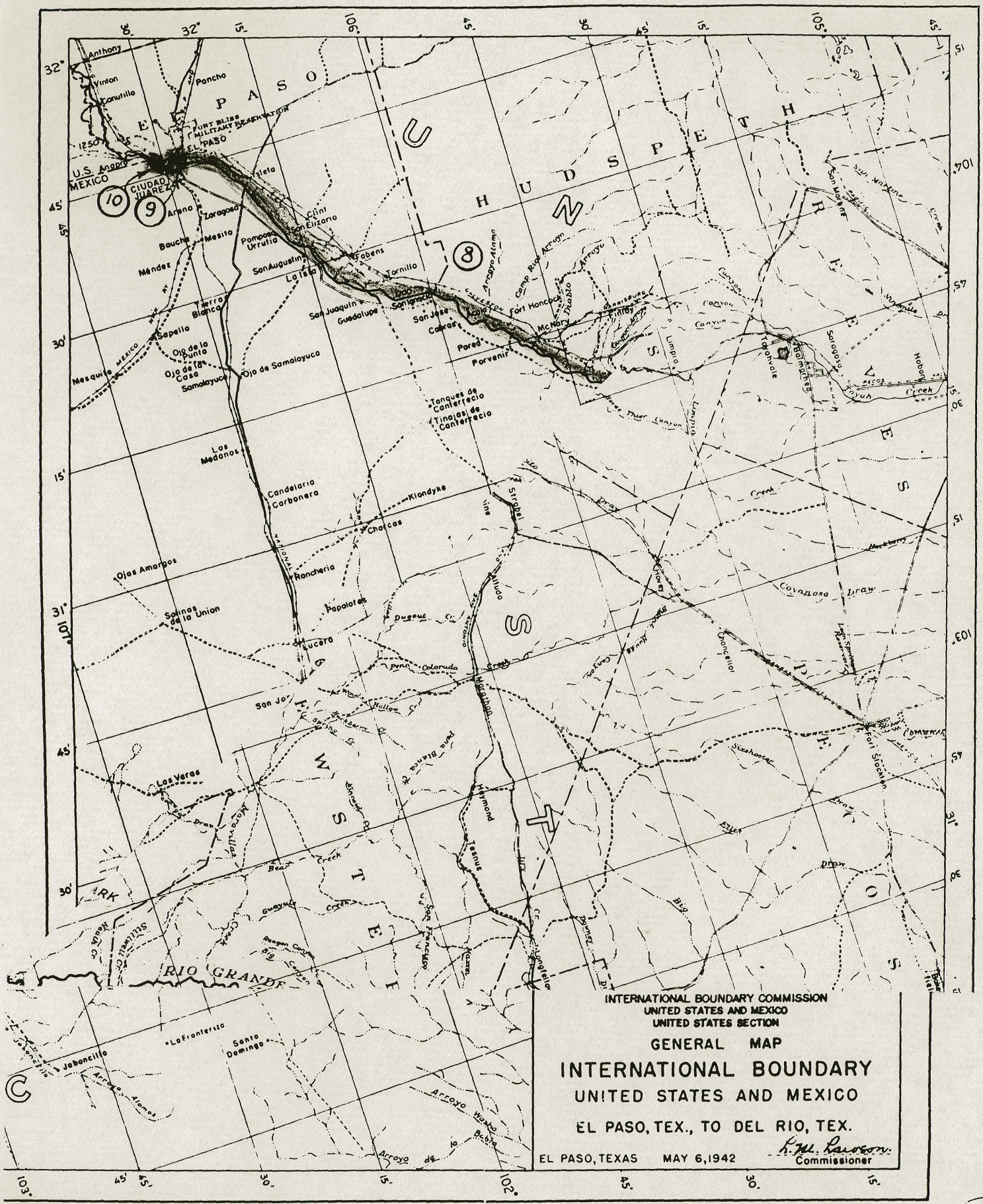
Map Location Identification	County - Date of Deed - Recording Data
(11)	RIO GRANDE: Presidio County Deed Dated 1/29/76 Recorded: 2/26/76 Vol. 203 Pages 57-59
(12)	RIO GRANDE: Starr & Hidalgo Counties Deed Dated 6/9/76 Recorded: 7/26/76, Vol. 396, Pages 622-624 Starr County, Texas 8/19/76, Vol. 1495, Pages 1014-1018 Hidalgo County, Texas
(13)	RIO GRANDE Hudspeth & Presidio Counties Deed Dated: 10/3/79 Recorded: 12/7/79, Vol. 225, Pages 185-187 Presidio County, Texas 12/21/79, Vol. 131, Pages 980-982 Hudspeth County, Texas

Map Location Identification	County - Date of Deed - Recording Data

Cur. Misc. File 112

74755


INTERNATIONAL BOUNDARY COMMISSION
UNITED STATES AND MEXICO
UNITED STATES SECTION
GENERAL MAP
INTERNATIONAL BOUNDARY
UNITED STATES AND MEXICO
DEL RIO, TEX., TO GULF OF MEXICO
EL PASO, TEXAS NOV. 16, 1954
Commissioner
TAMAULIPAS
NUEVO LEON
EL AZUCAR DAM
Del Rio
Eagle Pass
Rio Grande
Nueces River
Devils River
Pecos River
Frio River
Medina River
Leona River
Sabinal River
Hondo Creek
Seco Creek
Blanco Creek
Alamo Creek
Elm Creek
Arroyo Colorado
Arroyo Salado
Arroyo Zacate
Laguna Madre
Rio Grande Plain
Edwards Plateau
Uvalde
Hondo
Sabinal
Utopia
Leakey
Rocksprings
Barksdale
Camp Wood
Montell
Laguna
Hacienda
Freer
Realitos
Sweden
Benavides
Guajillo
Premont
Falfurrias
Hebbronville
Creciona
Concepcion
Santa Cruz
Ello
Alfred
Alice
Aguo Dulce
Bentonville
Ben Bolt
Driscoll
Bishop
Kingsville
Ricardo
Riviero
Sarita
Lomo Alto
Tilden
Wentz
Bess
Cleop
Ramireno
Orange Grove
Robber
Santa Ele
Santa Lucia
Charco Escondido
Puerto de Nogo Chapote
Aguo Nuevo
Allo Viejo
Cabella
Comstock
Feely
Cookenough Springs
Chaparrosa
Villa Union
Arroyo de la Babonillos
Pinto
Los Moras
Amanda
Diablo
Rocksville
Blue Springs
Cedar Creek
Nueces
Cotta Valley
Rocksprings
Hackberry
Fullbarn
Vance
Leakey
Buck Dam
Rio Frio
Dry
Rocco Wells
Concan
Indian
Hondo
Seco
Henis
Yancook
Sabinal
Utopia
Uvalde


INTERNATIONAL BOUNDARY COMMISSION
UNITED STATES AND MEXICO
UNITED STATES SECTION
GENERAL MAP
INTERNATIONAL BOUNDARY
UNITED STATES AND MEXICO
EL PASO, TEX., TO DEL RIO, TEX.
EL PASO, TEXAS MAY 6, 1942
L. M. Rayson
Commissioner
EL PASO
HUDSPETH
CULBERSON
JEFF DAVIS
PRESIDIO
BROOKS
BREWSTER
BROWN
RIO GRANDE
MEXICO
CIUDAD JUAREZ
U.S. Angora
Anthony
Vinton
Canutillo
Fort Bliss
Military Reservation
El Paso
Ysleta
Clint
San Elizario
Socorro
Zaragoza
Baucha
Mesita
Pomposa
Urrutia
San Augustin
Fabens
Tornillo
Los Ojitos
Caballo
Fort Hancock
McNary
Arroyo
Diablo
Camp Rice
Arroyo Alamo
Canyon
Limpia
Toyahvale
Barrilla
Saragosa
Hoban
Creek
Sand Mountain
Sapello
Ojo de la Punta
Ojo de las Casa Samalayuca
Ojo de Samalayuca
Mesquite
Tanques de Canferrecio
Tinajas de Canferrecio
Los Medanos
Candelaria
Carbonera
Klondyke
Chalcas
Sitrpel
Draw
Ojos Amargos
Ranchería
Salinas de la Union
Papalotes
Lucero
Colorado
Creek
Covanloro Draw
Chronicle
Fort Stockton
Sixshooter
Las Veras
Haymond
Tesnus
Beaver Creek
Guaynil
Creek
Rough Canyon
Big Canyon
Santa Fe
Creek
Stillwell
Creek
Lo Frontera
Santo Domingo
Jabonsillo
Arroyo Alamos
Arroyo Wanto
Arroyo de
Longfellow
Big
Draw
Ellen
Draw
Bear
Creek
Hackberry
Creek
Spring
Creek
Wallace
Creek
Arroyo
Creek
Limpia
Creek
Barrilla
Creek
Hoban
Creek
Sand Mountain
Creek
Sand Mountain
Draw
Limpia
Canyon
Canyon
Canyon
Thurs
Canyon
Sand Mountain
Creek
Sand Mountain
Draw
Limpia
Creek
Limpia
Draw
Limpia
Creek
Limpia
Draw
Limpia
Creek
Limpia

: Texas

State

State of the State of
e following General and
d at the Regular Session
State of Texas, convened
djourned the 2nd day of
nined and compared by
w on file in the Office of
ey are true and correct

ONY WHEREOF, I have here-
my name officially and caused
essed hereon the Seal of State
e in the City of Austin, this 18th
ember, A.D. 1975.

Secretary of State

GENERAL AND SPECIAL LAWS

OF

THE STATE OF TEXAS

Passed By The
REGULAR SESSION
of the
SIXTY–FOURTH LEGISLATURE

Convened at the
City of Austin, January 14, 1975
and
Adjourned June 2, 1975

Published under the Authority of The State of Texas

MARK WHITE ..... Secretary of State

Cur. Misc. File 112

74758

TREATIES—MEXICAN BORDER—IMPLEMENTATION

CHAPTER 238 [72]

S. B. No. 547

An Act to facilitate the implementation of the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary between the United States of America and the United Mexican States, which entered into force April 18, 1972, and the American-Mexican Boundary Treaty Act of 1972, Public Law 92-549 (86 Stat. 1161), approved October 25, 1972, and the construction of works required under the treaty and the Act, by authorizing the Governor of the State of Texas to grant to the United States of America title and rights of the State of Texas to those portions of the bed and banks of the Rio Grande as may be necessary or expedient to implement and for the construction of works under the provisions of the treaty and Act, subject to certain reservations and conditions in favor of the State of Texas pertaining to the mineral interests in the bed and banks of the Rio Grande; protecting certain rights of private owners of land abutting the Rio Grande in the counties covered by this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Governor of the State of Texas is authorized to grant to the United States of America, in accordance with the conditions set out in this Act, those portions of the bed and banks of the Rio Grande or easements thereupon in Hudspeth, Jeff Davis, Presidio, Brewster, Terrell, Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron Counties consisting of the bed and banks as exist on the United States side of the boundary, as may be necessary or expedient to facilitate the accomplishment of projects for the relocation and rectification of the Rio Grande and construction of works for flood control in the Presidio-Ojinaga Valley, the rectification of and channel stabilization on the Rio Grande between Fort Quitman in Hudspeth County and Haciendita in Presidio County, the relocation and rectification of the Rio Grande upstream from Hidalgo-Reynosa in Hidalgo County, the preservation of the Rio Grande as the boundary by prohibiting the construction of works which may cause deflection or obstruction of the normal flow of the Rio Grande or of its floodflows, and other channel relocations and rectifications and boundary adjustments approved by the governments of the United States and Mexico, as provided for in the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary between the United States of America and the United Mexican States, which entered into force April 18, 1972, and the American-Mexican Boundary Treaty Act of 1972, Public Law 92-549 (86 Stat. 1161), approved October 25, 1972.

Sec. 2. When the Commissioner of the United States Section of the International Boundary and Water Commission, United States and Mexico, shall make application to the Governor of the State of Texas describing the area and the interest therein which is determined necessary or expedient for use under the treaty and the Act, the governor shall issue a grant of such interest for and on behalf of the State of Texas to the United States of America, conveying to it the area and the interest described in the application, and the grant, except as provided in Section 3

72. Vernon's Ann.Civ.St. art. 5248g—1, §§ 1 to 4.

Cur. Misc. File 112

74759

SESSION

LEMENTATION

esolve Pending Boundary
rado River as the Inter-
America and the United
1972, and the American-
92-549 (86 Stat. 1161),
f works required under
r of the State of Texas
rights of the State of
Rio Grande as may be
construction of works
to certain reservations
taining to the mineral
rotecting certain rights
n the counties covered

exas:

is authorized to grant
the conditions set out
of the Rio Grande or
lio, Brewster, Terrell,
Hidalgo, and Cameron
on the United States
lient to facilitate the
ctification of the Rio
rol in the Presidio-
bilization on the Rio
y and Haciendita in
the Rio Grande up-
e preservation of the
nstruction of works
rmal flow of the Rio
ations and rectifica-
governments of the
aty to Resolve Pend-
rande and Colorado
ited States of Amer-
into force April 18,
of 1972, Public Law

ates Section of the
l States and Mexico,
of Texas describing
ed necessary or ex-
vernor shall issue a
te of Texas to the
nd the interest de-
ovided in Section 3

of this Act, shall reserve to the State of Texas all minerals, except rock, sand, and gravel needed by the United States in the operation or construction by the United States or its agents of any of the works described in Section 1 of this Act, subject to the proviso that the minerals so reserved to the state may not be explored for, developed, or produced in a manner which will at any time prevent or interfere with the operation or construction by the United States of America of any of the works described in Section 1 of this Act, and providing further, that prior to exploring for or developing the reserved minerals, the written consent and approval of the United States Section, International Boundary and Water Commission, United States and Mexico, or its successor agency, shall be obtained as to the proposed area sought to be explored or developed by the State of Texas, including, but not by way of limitation, the location of and production facilities for oil and/or gas wells and/or other minerals.

Sec. 3. In locations where the United States Commissioner applies for fee title to the bed and banks of the Rio Grande to be granted to the United States for the relocation and rectification of the channel under the treaty causing a portion of the existing channel to be within the territorial limits of Mexico after its relocation and rectification, the grant shall contain the same reservations and provisos as those prescribed in Section 2 of this Act on that portion only of the existing channel which will remain within the territorial limits of the United States on completion of the relocation and rectification project.

Sec. 4. Successive applications may be made by the United States Commissioner, and successive grants may be made to the United States of America by the governor for and on behalf of the State of Texas, embracing various tracts within the limits herein specified, and no time limit shall be imposed upon the grants. However, nothing in this Act shall be construed as divesting, limiting, or otherwise affecting the property rights, including, but not by way of limitation, the riparian rights, under the laws of the State of Texas, of private owners of land abutting the Rio Grande in the counties referred to in this Act. The authority granted by this Act to the Governor of the State of Texas extends only to the bed and banks of the Rio Grande to the extent that title to the bed and banks is by law vested in the State of Texas, whether under the civil law, or common law, or court decisions of the State of Texas, or otherwise.

Sec. 5. The fact that the procedure hereby authorized is urgently required in order that the United States of America may proceed with its obligations under the treaty, and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on the three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the senate on April 17, 1975: Yeas 30, Nays 0; passed the house on May 12, 1975: Yeas 131, Nays 0, 5 present not voting.

Approved May 20, 1975.

Effective May 20, 1975.

Cur. Misc. File 112

74760

areas where the United States has obtained sive jurisdiction, out-of-state institutions of r education may conduct courses at federal ry bases without the express permission of oordinating Board; on military bases over the United States has not acquired exclu- jurisdiction, the Coordinating Board is theless without authority to regulate the ties of such educational institutions unless eed of cession to the federal government ied that the cession was made subject to ubsequent act of the Legislature. Op.Atty. 976, No. H-771.

axes

ving ceded exclusive jurisdiction to United s over lands in question reserving only jur- ion to execute judicial process thereon, could not tax privately owned coin-operated ines located on lands, under art. 5248 pro- g that any privately owned personal proper- ated on lands shall be subject to taxation ate and its political subdivisions. Adams v. rt (Sup.1965) 396 S.W.2d 948.

ch. 149, § 49(1), eff. Sept. 1, 1987

r disposition of the subject matter of the led article, see Disposition Table preceding .A. Local Government Code.

l to grant easements or interests in trol in counties near Mexican bound-

g., ch. 149, § 49(1), eff. Sept. 1, 1987

r disposition of the subject matter of the aled article, see Disposition Table preceding C.A. Local Government Code.

rest in land to United States for civil

ested titles under former governments, see Texas Practice, vol. 3, Lange, § 2.

Art. 5247. [5275–6] Federal jurisdiction

Library References

Land patents, see Texas Practice, vol. 3, Lange, § 151.

Vested titles under former governments, see Texas Practice, vol. 3, Lange, § 2.

Notes of Decisions

2. In general

Article 5242, giving legislative permission to the United States to acquire lands within state for specified purposes, this article, authorizing cession of exclusive jurisdiction save for service of process, and art. 5248, providing that lands acquired for federal use should be exempt from any taxation under authority of state so long as the lands are held, owned, used and occupied by the United States for certain purposes, all of which articles were incorporated in deed of cession, did not constitute a reservation that the United States should be secure in its possession and enjoyment of all such lands and should be exempt from any taxation from the state so long as the lands were "held, owned, used, and occupied by the United States of America for any of the purposes expressed in the foregoing statutes and not otherwise." Humble Oil & Refining Co. v. Calvert (Civ.App.1971) 464 S.W.2d 170, affirmed 478 S.W.2d 926, certiorari denied 93 S.Ct. 293, 409 U.S. 967, 34 L.Ed.2d 234.

4. Jurisdiction

This article and art. 5242, relating to United States acquisition of state lands for constitutional purposes, give legislative consent to United States to acquire state lands, but deny exclusive federal jurisdiction over such lands unless it is ceded by Governor's deeds when cession of jurisdiction is requested. Adams v. Calvert (Sup. 1965) 396 S.W.2d 948.

In area between maximum permitted by federal law and minimum required by state statute, extent of jurisdiction reserved to state over lands acquired by United States with legislative consent is, in absence of other limitations, a matter for negotiation by the Governor and is settled and concluded by his deed of cession. Id.

5. Taxes

Once exclusive jurisdiction over land is ceded by state to United States only those state and local taxes authorized by federal legislation may be levied against property in enclave. Adams v. Calvert (Sup.1965) 396 S.W.2d 948.

Having ceded exclusive jurisdiction to United States over lands in question, reserving only jurisdiction to execute judicial process thereon, state could not tax privately owned coin-operated machines located on lands, under art. 5248 providing that any privately owned personal property located on lands shall be subject to taxation by state and its political subdivisions. Id.

Art. 5248. Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(1), eff. Jan. 1, 1982

Section 1 of Acts 1979, 66th Leg., ch. 841, repealing this article, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

For disposition of the subject matter of the repealed article, see Disposition Table preceding V.T.C.A. Tax Code.

Arts. 5248c to 5248c–2. Repealed by Acts 1987, 70th Leg., ch. 149, § 49(1), eff. Sept. 1, 1987

Section 1 of Acts 1987, 70th Leg., ch. 149, repealing these articles, enacts the Local Government Code.

For disposition of the subject matter of the repealed articles, see Disposition Table preceding V.T.C.A. Local Government Code.

Art. 5248e. Repealed by Acts 1987, 70th Leg., ch. 149, § 49(1), eff. Sept. 1, 1987

Section 1 of Acts 1987, 70th Leg., ch. 149, repealing this article, enacts the Local Government Code.

For disposition of the subject matter of the repealed article, see Disposition Table preceding V.T.C.A. Local Government Code.

Art. 5248f. Payments or gifts in lieu of taxes by federal agencies

Library References

Land patents, see Texas Practice, vol. 3, Lange, § 151.

Art. 5248g–1. Grant of portions of bed and banks of Rio Grande to United States

Section 1. The Governor of the State of Texas is authorized to grant to the United States of America, in accordance with the conditions set out in this Act, those portions of the bed and banks of the Rio Grande or easements thereupon in Hudspeth, Jeff Davis, Presidio, Brewster, Terrell, Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo,

Cur. Misc. File 112

74761

and Cameron Counties consisting of the bed and banks as exist on the United States side of the boundary, as may be necessary or expedient to facilitate the accomplishment of projects for the relocation and rectification of the Rio Grande and construction of works for flood control in the Presidio-Ojinaga Valley, the rectification of and channel stabilization on the Rio Grande between Fort Quitman in Hudspeth County and Haciendita in Presidio County, the relocation and rectification of the Rio Grande upstream from Hidalgo-Reynosa in Hidalgo County, the preservation of the Rio Grande as the boundary by prohibiting the construction of works which may cause deflection or obstruction of the normal flow of the Rio Grande or of its floodflows, and other channel relocations and rectifications and boundary adjustments approved by the governments of the United States and Mexico, as provided for in the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary between the United States of America and the United Mexican States, which entered into force April 18, 1972, and the American-Mexican Boundary Treaty Act of 1972, Public Law 92–549 (86 Stat. 1161), approved October 25, 1972.[1]

Sec. 2. When the Commissioner of the United States Section of the International Boundary and Water Commission, United States and Mexico, shall make application to the Governor of the State of Texas describing the area and the interest therein which is determined necessary or expedient for use under the treaty and the Act, the governor shall issue a grant of such interest for and on behalf of the State of Texas to the United States of America, conveying to it the area and the interest described in the application, and the grant, except as provided in Section 3 of this Act, shall reserve to the State of Texas all minerals, except rock, sand, and gravel needed by the United States in the operation or construction by the United States or its agents of any of the works described in Section 1 of this Act, subject to the proviso that the minerals so reserved to the state may not be explored for, developed, or produced in a manner which will at any time prevent or interfere with the operation or construction by the United States of America of any of the works described in Section 1 of this Act, and providing further, that prior to exploring for or developing the reserved minerals, the written consent and approval of the United States Section, International Boundary and Water Commission, United States and Mexico, or its successor agency, shall be obtained as to the proposed area sought to be explored or developed by the State of Texas, including, but not by way of limitation, the location of and production facilities for oil and/or gas wells and/or other minerals.

Sec. 3. In locations where the United States Commissioner applies for fee title to the bed and banks of the Rio Grande to be granted to the United States for the relocation and rectification of the channel under the treaty causing a portion of the existing channel to be within the territorial limits of Mexico after its relocation and rectification, the grant shall contain the same reservations and provisos as those prescribed in Section 2 of this Act on that portion only of the existing channel which will remain within the territorial limits of the United States on completion of the relocation and rectification project.

Sec. 4. Successive applications may be made by the United States Commissioner, and successive grants may be made to the United States of America by the governor for and on behalf of the State of Texas, embracing various tracts within the limits herein specified, and no time limit shall be imposed upon the grants. However, nothing in this Act shall be construed as divesting, limiting, or otherwise affecting the property rights, including, but not by way of limitation, the riparian rights, under the laws of the State of Texas, of private owners of land abutting the Rio Grande in the counties referred to in this Act. The authority granted by this Act to the Governor of the State of Texas extends only to the bed and banks of the Rio Grande to the extent that title to the bed and banks is by law vested in the State of Texas, whether under the civil law, or common law, or court decisions of the State of Texas, or otherwise.

Acts 1975, 64th Leg., p. 584, ch. 238, eff. May 20, 1975.

1 22 U.S.C.A. § 277d–34 et seq.

Title of Act:

An Act to facilitate the implementation of the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary between the United States of America and the United Mexican States, which entered into force April 18, 1972, and the American-Mexican Boundary Treaty Act of 1972, Public Law 92–549 (86 Stat.1161), approved October 25, 1972, and the construction

Cur. Misc. File 112

74762

as exist on the United States side
o facilitate the accomplishment of
Grande and construction of works
ctification of and channel stabiliza-
ıdspeth County and Haciendita in
the Rio Grande upstream from
of the Rio Grande as the boundary
use deflection or obstruction of the
and other channel relocations and
y the governments of the United
Resolve Pending Boundary Differ-
ver as the International Boundary
Mexican States, which entered into
ary Treaty Act of 1972, Public Law

tates Section of the International
lexico, shall make application to the
and the interest therein which is
e treaty and the Act, the governor
of the State of Texas to the United
nterest described in the application,
s Act, shall reserve to the State of
eeded by the United States in the
gents of any of the works described
he minerals so reserved to the state
ı a manner which will at any time
ı by the United States of America of
and providing further, that prior to
e written consent and approval of the
Vater Commission, United States and
s to the proposed area sought to be
ng, but not by way of limitation, the
r gas wells and/or other minerals.
ımissioner applies for fee title to the
e United States for the relocation and
; a portion of the existing channel to
elocation and rectification, the grant
those prescribed in Section 2 of this
ıich will remain within the territorial
relocation and rectification project.
the United States Commissioner, and
s of America by the governor for and
ious tracts within the limits herein
the grants. However, nothing in this
ıerwise affecting the property rights,
rights, under the laws of the State of
Grande in the counties referred to in
the Governor of the State of Texas
e to the extent that title to the bed and
er under the civil law, or common law,
rise.

d States of America and the United Mexi-
States, which entered into force April 18,
and the American-Mexican Boundary Trea-
t of 1972, Public Law 92–549 (86 Stat.1161),
oved October 25, 1972, and the construction

Cur. Misc. File 112

of works required under the treaty and the Act by authorizing the Governor of the State of Texas to grant to the United States of America title and rights of the State of Texas to those portions of the bed and banks of the Rio Grande as may be necessary or expedient to implement and for the construction of works under the provisions of the treaty and Act, subject to certain reservations and conditions in favor of the State of Texas pertaining to the mineral interests in the bed and banks of the Rio Grande; protecting certain rights of private owners of land abutting the Rio Grande in the counties covered by this Act; and declaring an emergency. Acts 1975, 64th Leg., p. 584, ch. 238.

74763

is authorized to acquire land for airport by lease from an individual. Op.Atty.Gen.1942, No. O-4972.

A city and county may not jointly acquire and operate an airport and it is permissible for a commissioners' court in acquiring land for airport purposes to purchase an excess amount and then sell the surplus without profit or loss. Op.Atty.Gen. 1943, No. O-5230.

San Patricio County may, under this article, lease land from an individual to be used as an airport by the United States Navy during its training program. Op.Atty. Gen.1943, No. O-5330.

San Patricio County may not operate a commercial airport on land leased from an individual for the use of the federal Government when the Government ceases to use such land. Op.Atty.Gen.1943, No. 5330-A.

Art. 5248f. Payments or gifts in lieu of taxes by federal agencies

Section 1. All moneys, funds, assets, or gifts authorized by Federal Statute to be paid to the State of Texas in lieu of taxes or as a gift by the Federal Public Housing Authority or any other Federal Agency, be and the same is hereby accepted by the State of Texas; that this acceptance applies to any such tenders, gifts, or offers, whether they be made in the past, present, or future.

Sec. 2. The Comptroller of Public Accounts is hereby directed and authorized to execute such instruments as may be proper or necessary to effect the acceptance of such moneys, gifts, or assets, and when so received by the Comptroller, he shall deposit same in the State Treasury to the credit of the General Revenue Fund.

Sec. 3. The Comptroller may direct that such moneys, when so paid by the Federal Public Housing Authority, be remitted through the county tax assessor-collector in the county where lands are located on which the payment or tender is made in lieu of taxes by such Federal Authority, and require the tax assessor-collector of such county to make remittance to the State Treasury in the same manner as he is now required to do when remitting for ad valorem taxes; but in no event shall any tax assessor-collector or any other county or state official be entitled to any fee for services in handling these funds. Acts 1945, 49th Leg., p. 198, ch. 151.

Library references: United States ⇐82; C.J.S. United States § 122.

Historical Note

Title of Act:

An Act accepting moneys, funds, gifts, or other assets authorized by Federal Statute and tendered to the State of Texas in lieu of taxes as a gift by the Federal Public Housing Authority, or any other Federal Agency and applying to all such tenders whether made in the past or in the future; directing the Comptroller to execute such instruments that may be proper and necessary in taking this money into account in the State Treasury and depositing such moneys into the State General Revenue Fund; and declaring an emergency. Acts 1945, 49th Leg., p. 198, ch. 151.

Art. 5248g. Grant of portions of bed and banks of Pecos, Devils and Rio Grande Rivers to United States

Section 1. The Governor of the State of Texas is hereby authorized to grant to the United States of America in accordance with the

Cur. Misc. File 112

74764

conditions hereinafter set out, such of those portions of the bed and banks of the Pecos and Devils Rivers in Val Verde County and the Rio Grande in Brewster, Cameron, Hidalgo, Hudspeth, Jeff Davis, Kinney, Maverick, Presidio, Starr, Terrell, Val Verde, Webb and Zapata Counties as may be necessary or expedient in the construction and use of the storage and flood control dams and their resultant reservoirs, diversion works and appurtenances thereto, provided for in the Treaty between the United States of America and United Mexican States, concluded February 3, 1944.

Sec. 2. When the United States Commissioner, International Boundary and Water Commission, United States and Mexico, shall make application to the Governor of the State of Texas describing the area which is deemed necessary or expedient for use under said Treaty, the Governor shall issue a grant for and on behalf of the State of Texas to the United States of America conveying to it the area described in the application, which said grant shall reserve unto the State of Texas all minerals except rock, sand and gravel needed by the United States in the operation or construction by the United States or its agents of any of the works described in Section 1 of this Act subject to the proviso that the minerals so reserved to the state shall not be explored for, developed or produced in a manner which will at any time prevent or interfere with the operation or construction by the United States of America of any of the works described in Section 1 of this Act; and providing further, that prior to exploring for or developing such reserved minerals the written consent and approval of the United States Section, International Boundary and Water Commission, United States and Mexico, or its successor agency, shall be obtained as to the proposed area sought to be explored or developed by the State of Texas, including, but not by way of limitation, the location of and production facilities for oil and/or gas wells. Successive applications may be made by the said United States Commissioner, and successive grants may be made to the United States of America by the Governor for and on behalf of the State of Texas, embracing various tracts within the limits herein specified, and no time limit shall be imposed upon such grants; provided, however, that nothing herein shall be construed as divesting, limiting, or otherwise affecting the property rights, including, but not by way of limitation, the riparian rights, under the laws of the State of Texas, of the private owners of land abutting the Pecos, Devils, and Rio Grande Rivers in the counties herein referred to. The authority herein granted to the Governor of the State of Texas extends only to the bed and banks of the Pecos, Devils, and Rio Grande Rivers to the extent that title to such bed and banks is by law vested in the State of Texas whether under the civil law, or common law, or court decisions of the State of Texas, or otherwise; provided, however, that any grant or grants made to the United States of America in accordance with this authority shall contain a reservation that in the event any

Cur. Misc. File 112

74765

part of the property so granted shall ever cease to be used for the purposes set out within this Act for a continuous period of five (5) years after the beginning of such use, the part or parts of said property which are not so used shall immediately and automatically revert to the State of Texas after the expiration of said five (5) year period. Acts 1949, 51st Leg., p. 902, ch. 483; Acts 1955, 54th Leg., p. 861, ch. 324, § 1; Acts 1962, 57th Leg. 3rd C.S., p. 167, ch. 61, § 1.

Library references: States ⇐4.19, 89; United States ⇐3; C.J.S. States §§ 7, 107; C.J.S. United States § 7.

Historical Note

The first section, as enacted in 1949, applied to Hidalgo, Starr, and Zapata counties only.

This article was made applicable to Brewster, Cameron, Hudspeth, Jeff Davis, Kinney, Maverick, Presidio, Terrell, Val Verde and Webb counties in 1955.

The 1962 amendment inserted the references to the Pecos and Devils Rivers.

Art. 5248h. Consent to acquisition of land for flood control

Section 1. The consent of the State of Texas is hereby given to the acquisition by the United States by purchase, gift, or condemnation with adequate compensation, of such lands, or any right or interest therein, in Texas as in the opinion of the Government of the United States may be needed for programs and works of improvement for run-off and water-flow retardation and soil erosion prevention, or other purposes, in the interest of flood control, within the State. Provided, that such lands may be acquired subject to reservations of rights-of-way, timber, minerals, and easements; provided further, that one (1%) per cent of the purchase price be remitted per annum in lieu of taxes to the County and School Districts. Provided further, that nothing herein shall be construed as consenting to the acquisition of any lands by condemnation unless the apparent owner of such lands shall have consented to such acquisition; and provided further, that the State shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil process in all cases, and such criminal process as may issue under the authority of the State against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this Act had not passed.

Sec. 2. Power is hereby conferred upon the Congress of the United States to pass such laws and to make or provide for the making of such rules and regulations of both a civil and criminal nature, and to provide punishment for the violation thereof, as in its judgment may be necessary for the administration, control and protection of such lands as may be from time to time acquired by the United States under the provisions of this Act.

Nothing contained in this Act shall be applicable to any county or counties in Texas except the counties in the Trinity Watershed lying

Cur. Misc. File 112

74766

ere the United States has obtained diction, out-of-state institutions of on may conduct courses at federal without the express permission of ng Board; on military bases over ted States has not acquired exclu- on, the Coordinating Board is vithout authority to regulate the ıch educational institutions unless ession to the federal government the cession was made subject to t act of the Legislature. Op.Atty. H–771.

d exclusive jurisdiction to United ıds in question reserving only jur- xecute judicial process thereon, tax privately owned coin-operated ed on lands, under art. 5248 pro- privately owned personal proper- ands shall be subject to taxation ; political subdivisions. Adams v. 65) 396 S.W.2d 948.

, § 49(1), eff. Sept. 1, 1987

ɔn of the subject matter of the , see Disposition Table preceding Government Code.

t easements or interests in unties near Mexican bound-

, § 49(1), eff. Sept. 1, 1987

n of the subject matter of the see Disposition Table preceding Government Code.

d to United States for civil

ınder former governments, see ce, vol. 3, Lange, § 2.

Cur. Misc. File 112

Art. 5247. [5275–6] Federal jurisdiction

Library References

Land patents, see Texas Practice, vol. 3, Lange, § 151.

Vested titles under former governments, see Texas Practice, vol. 3, Lange, § 2.

Notes of Decisions

2. In general

Article 5242, giving legislative permission to the United States to acquire lands within state for specified purposes, this article, authorizing cession of exclusive jurisdiction save for service of process, and art. 5248, providing that lands acquired for federal use should be exempt from any taxation under authority of state so long as the lands are held, owned, used and occupied by the United States for certain purposes, all of which articles were incorporated in deed of cession, did not constitute a reservation that the United States should be secure in its possession and enjoyment of all such lands and should be exempt from any taxation from the state so long as the lands were "held, owned, used, and occupied by the United States of America for any of the purposes expressed in the foregoing statutes and not otherwise." Humble Oil & Refining Co. v. Calvert (Civ.App.1971) 464 S.W.2d 170, affirmed 478 S.W.2d 926, certiorari denied 93 S.Ct. 293, 409 U.S. 967, 34 L.Ed.2d 234.

4. Jurisdiction

This article and art. 5242, relating to United States acquisition of state lands for constitutional purposes, give legislative consent to United States to acquire state lands, but deny exclusive federal jurisdiction over such lands unless it is ceded by Governor's deeds when cession of jurisdiction is requested. Adams v. Calvert (Sup. 1965) 396 S.W.2d 948.

In area between maximum permitted by federal law and minimum required by state statute, extent of jurisdiction reserved to state over lands acquired by United States with legislative consent is, in absence of other limitations, a matter for negotiation by the Governor and is settled and concluded by his deed of cession. Id.

5. Taxes

Once exclusive jurisdiction over land is ceded by state to United States only those state and local taxes authorized by federal legislation may be levied against property in enclave. Adams v. Calvert (Sup.1965) 396 S.W.2d 948.

Having ceded exclusive jurisdiction to United States over lands in question, reserving only jurisdiction to execute judicial process thereon, state could not tax privately owned coin-operated machines located on lands, under art. 5248 providing that any privately owned personal property located on lands shall be subject to taxation by state and its political subdivisions. Id.

Art. 5248. Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(1), eff. Jan. 1, 1982

Section 1 of Acts 1979, 66th Leg., ch. 841, repealing this article, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

For disposition of the subject matter of the repealed article, see Disposition Table preceding V.T.C.A. Tax Code.

Arts. 5248c to 5248c–2. Repealed by Acts 1987, 70th Leg., ch. 149, § 49(1), eff. Sept. 1, 1987

Section 1 of Acts 1987, 70th Leg., ch. 149, repealing these articles, enacts the Local Government Code.

For disposition of the subject matter of the repealed articles, see Disposition Table preceding V.T.C.A. Local Government Code.

Art. 5248e. Repealed by Acts 1987, 70th Leg., ch. 149, § 49(1), eff. Sept. 1, 1987

Section 1 of Acts 1987, 70th Leg., ch. 149, repealing this article, enacts the Local Government Code.

For disposition of the subject matter of the repealed article, see Disposition Table preceding V.T.C.A. Local Government Code.

Art. 5248f. Payments or gifts in lieu of taxes by federal agencies

Library References

Land patents, see Texas Practice, vol. 3, Lange, § 151.

Art. 5248g–1. Grant of portions of bed and banks of Rio Grande to United States

Section 1. The Governor of the State of Texas is authorized to grant to the United States of America, in accordance with the conditions set out in this Act, those portions of the bed and banks of the Rio Grande or easements thereupon in Hudspeth, Jeff Davis,

74767

Presidio, Brewster, Terrell, Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron Counties consisting of the bed and banks as exist on the United States side of the boundary, as may be necessary or expedient to facilitate the accomplishment of projects for the relocation and rectification of the Rio Grande and construction of works for flood control in the Presidio-Ojinaga Valley, the rectification of and channel stabilization on the Rio Grande between Fort Quitman in Hudspeth County and Haciendita in Presidio County, the relocation and rectification of the Rio Grande upstream from Hidalgo-Reynosa in Hidalgo County, the preservation of the Rio Grande as the boundary by prohibiting the construction of works which may cause deflection or obstruction of the normal flow of the Rio Grande or of its floodflows, and other channel relocations and rectifications and boundary adjustments approved by the governments of the United States and Mexico, as provided for in the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary between the United States of America and the United Mexican States, which entered into force April 18, 1972, and the American-Mexican Boundary Treaty Act of 1972, Public Law 92–549 (86 Stat. 1161), approved October 25, 1972.[1]

Sec. 2. When the Commissioner of the United States Section of the International Boundary and Water Commission, United States and Mexico, shall make application to the Governor of the State of Texas describing the area and the interest therein which is determined necessary or expedient for use under the treaty and the Act, the governor shall issue a grant of such interest for and on behalf of the State of Texas to the United States of America, conveying to it the area and the interest described in the application, and the grant, except as provided in Section 3 of this Act, shall reserve to the State of Texas all minerals, except rock, sand, and gravel needed by the United States in the operation or construction by the United States or its agents of any of the works described in Section 1 of this Act, subject to the proviso that the minerals so reserved to the state may not be explored for, developed, or produced in a manner which will at any time prevent or interfere with the operation or construction by the United States of America of any of the works described in Section 1 of this Act, and providing further, that prior to exploring for or developing the reserved minerals, the written consent and approval of the United States Section, International Boundary and Water Commission, United States and Mexico, or its successor agency, shall be obtained as to the proposed area sought to be explored or developed by the State of Texas, including, but not by way of limitation, the location of and production facilities for oil and/or gas wells and/or other minerals.

Sec. 3. In locations where the United States Commissioner applies for fee title to the bed and banks of the Rio Grande to be granted to the United States for the relocation and rectification of the channel under the treaty causing a portion of the existing channel to be within the territorial limits of Mexico after its relocation and rectification, the grant shall contain the same reservations and provisos as those prescribed in Section 2 of this Act on that portion only of the existing channel which will remain within the territorial limits of the United States on completion of the relocation and rectification project.

Sec. 4. Successive applications may be made by the United States Commissioner, and successive grants may be made to the United States of America by the governor for and on behalf of the State of Texas, embracing various tracts within the limits herein specified, and no time limit shall be imposed upon the grants. However, nothing in this Act shall be construed as divesting, limiting, or otherwise affecting the property rights, including, but not by way of limitation, the riparian rights, under the laws of the State of Texas, of private owners of land abutting the Rio Grande in the counties referred to in this Act. The authority granted by this Act to the Governor of the State of Texas extends only to the bed and banks of the Rio Grande to the extent that title to the bed and banks is by law vested in the State of Texas, whether under the civil law, or common law, or court decisions of the State of Texas, or otherwise.

Acts 1975, 64th Leg., p. 584, ch. 238, eff. May 20, 1975.

[1] 22 U.S.C.A. § 277d–34 et seq.

Title of Act:

An Act to facilitate the implementation of the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary between the United States of America and the United Mexi-

Our Misc. File 112

74768

rick, Webb, Zapata, Starr, Hidalgo,
s as exist on the United States side
o facilitate the accomplishment of
Grande and construction of works
ctification of and channel stabiliza-
ıdspeth County and Haciendita in
the Rio Grande upstream from
f the Rio Grande as the boundary
ıse deflection or obstruction of the
ınd other channel relocations and
the governments of the United
esolve Pending Boundary Differ-
er as the International Boundary
lexican States, which entered into
y Treaty Act of 1972, Public Law

tes Section of the International
xico, shall make application to the
nd the interest therein which is
reaty and the Act, the governor
the State of Texas to the United
rest described in the application,
.ct, shall reserve to the State of
ed by the United States in the
ts of any of the works described
ınerals so reserved to the state
manner which will at any time
the United States of America of
providing further, that prior to
tten consent and approval of the
Commission, United States and
he proposed area sought to be
ıt not by way of limitation, the
wells and/or other minerals.

oner applies for fee title to the
ed States for the relocation and
tion of the existing channel to
on and rectification, the grant
prescribed in Section 2 of this
ll remain within the territorial
tion and rectification project.

ited States Commissioner, and
ıerica by the governor for and
acts within the limits herein
ıts. However, nothing in this
affecting the property rights,
ınder the laws of the State of
in the counties referred to in
ernor of the State of Texas
xtent that title to the bed and
the civil law, or common law,

ain the Rio Grande and Colorado
rnational Boundary between the
America and the United Mexi-

Cur. Misc. File 112

can States, which entered into force April 18, 1972, and the American-Mexican Boundary Treaty Act of 1972, Public Law 92–549 (86 Stat.1161), approved October 25, 1972, and the construction of works required under the treaty and the Act by authorizing the Governor of the State of Texas to grant to the United States of America title and rights of the State of Texas to those portions of the bed and banks of the Rio Grande as may be necessary or expedient to implement and for the construction of works under the provisions of the treaty and Act, subject to certain reservations and conditions in favor of the State of Texas pertaining to the mineral interests in the bed and banks of the Rio Grande; protecting certain rights of private owners of land abutting the Rio Grande in the counties covered by this Act; and declaring an emergency. Acts 1975, 64th Leg., p. 584, ch. 238.

74769

Mrs. Lanell Aston
General Land Office
1700 N. Congress
Austin, Texas 78701-1495

Dear Mrs. Aston,

I have enclosed the information you requested, if I can be of any further assistance please call me at (915) 534-6684, ext. 225.

Sincerely,

Earl J. Smith
Realty Specialist

Cur. Misc. File 112

74770

S. B. No. 25

AN ACT

to provide for the cession by the State of Texas to the United States of America of all right, title and interest which the State of Texas may have in and to certain lands in El Paso County and Hudspeth County, comprising the bed and banks of the Rio Grande; retaining jurisdiction as to certain of such lands in the State of Texas for certain purposes; reserving the rights of the State of Texas and residents and citizens thereof to waters of the Rio Grande, and in the use thereof, and in the access thereto, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. In order to facilitate the accomplishment of the project for the recification of the Rio Grande in the El Paso-Juarez Valley, without cost to the State of Texas, and made possible by the Convention between the United States of America and the United Mexican States, concluded February 1, 1933, all right, title and interest of the State of Texas in and to the bed and banks of the Rio Grande in El Paso County and in Hudspeth County which may be necessary or expedient in the construction of the project for the rectification of the channel of the Rio Grande, as provided for in said Convention, is hereby ceded unto the United States of America.

Provided, however, that this cession is made upon the express condition that the State of Texas shall retain concurrent jurisdiction with the United States of America over every portion of the lands so ceded which shall, upon completion of such river rectification, remain within the territorial limits of the United States so far that all process, civil or criminal, issuing under the authority of this State or any of the courts or judicial officers thereof, may be executed, by the proper officers of the State, upon any person amenable to the same, within the limits of the land so ceded, in like manner and with like effect as if this cession had not taken place. It is provided further that nothing—

Curr. Misc. File 112

74771

in this Act contained shall be construed to be a cession or relinquishment of any rights which the State of Texas or citizens or property owners therein may hold or possess in the waters of the Rio Grande, and in the use thereof, and in the access thereto.

Section 2. The fact that the rectification of the channel of the Rio Grande, which is to be effected at the cost of the United States, will, for all time, remove the danger of destructive floods and will be the means of safeguarding the value of both public and private property in the City of El Paso and in El Paso and Hudspeth Counties; and the fact that a repetition of such floods as have occurred in the past is an imminent and ever present menace to public and private property, constitutes an emergency and an imperative public necessity, demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and that the same is hereby suspended, and that this Act shall take effect and be in full force from and after its passage, and it is so enacted.

Our Misc. File 112

74772

S. B. No. 25

Cecil Murphy
President of the Senate

I hereby certify that S. B. No. 25 passed the Senate September 19, 1934, by the following vote: 29 Yeas, 0 Nays.

Bob Barker
Secretary of the Senate

John S. Stevenson
Speaker of the House of Representatives

I hereby certify that S. B. No. 25 passed the House of Representatives, September 20, 1934, by the following vote: 111 Yeas, 4 Nays.

Louise [illegible]
Chief Clerk of the House of Representatives

Approved:

September 22 - 34
Date

[illegible]
Governor

FILED [illegible]
SECRETARY OF STATE
THIS 22 DAY OF September 1934 11:05 a.m.
A. B. Curtis
assistant secretary

Cur. Misc. File 112

74773

Form No. 7

The State of Texas
Department of State

I, W. W. Heath Secretary of State, of the State of Texas, do hereby certify that the foregoing is a true and correct copy of Senate Bill No. 25 as passed by the third called session of the 43rd. Texas Legislature, and filed in this office September 22, 1934.

with the endorsement thereon, as now appears of record in this Department.

In Testimony Whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, this 24th. day of September A. D. 1934.

W. W. Heath
Secretary of State.

Form 860B—G439-234-5M

Our Misc. File 112

74774

OPTIONAL FORM 99 (7-90)
FAX TRANSMITTAL # of pages ▶ 1 of 3
To LANELL ASTON From EARL SMITH
Dept./Agency GEN LAND OFC. Phone # (915) 534-6684
Fax # (512) 463-5098 Fax # 6680
NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

D E E D

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

IN THE NAME OF THE STATE OF TEXAS,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, J. F. Friedkin, United States Commissioner, International Boundary and Water Commission, United States and Mexico, has made application to the Governor of the State of Texas in writing for a grant to the United States of America of a portion of the bed and banks of the Rio Grande in Val Verde County, Texas, hereinafter described, under the provisions of Acts 1949, 51st Leg., p. 902, Ch. 483, as amended by Acts 1955, 54th Leg., p. 861, Ch. 324, Sec. 1, Revised Civil Statutes of Texas, compiled as Article 5248g, Vernon's Annotated Civil Statutes, as amended by Acts 1962, 57th Leg., 3rd C. S., p. 167, Ch. 61, Sec. 1, which land is deemed necessary and expedient for use under the Treaty between the United States of America and the United Mexican States, concluded February 3, 1944 (Treaty Series 994), in the construction and use of the storage and flood-control dams and their resultant reservoirs, diversion works, and appurtenances thereto, as provided for in said Treaty, which said land is more particularly described as follows, to-wit:

> All the bed and bank of the Rio Grande in or adjacent to Val Verde County, Texas, lying between a point 6 miles downstream from the confluence of the Devils River and the upstream side of the International Highway Bridge across the Rio Grande between Del Rio, Texas, and Ciudad Acuña, Coahuila, Mexico.

NOW, THEREFORE, I, Price Daniel, Governor of the State of Texas, in the name and on behalf of the State of Texas, for and in consideration of the sum of ONE DOLLAR, the receipt and sufficiency of which is hereby acknowledged, and other valuable consideration, consisting of the benefits and advantages accruing to the people of the State of Texas from flood control, irrigation and recreation, to be provided by said dams and appurtenances thereto, do hereby grant, convey and relinquish to the United States of America, forever, the ownership, right and title in and to said land, subject to the following reservations:

1. All minerals except rock, sand and gravel needed by the United States in the operation or construction by the United States or its agents of any of the works above described and described in the Acts aforesaid; provided, however, that the minerals so reserved to the State shall not be explored for, developed, or produced in a manner which will at any time prevent or interfere with the operation or construction by the United States of America of any of the works above described; and provided further, that prior to exploring for or developing such reserved minerals, the written

Cur. Misc. File 112

74775

consent and approval of the United States Section, International Boundary and Water Commission, United States and Mexico, or its successor agency, shall be obtained as to the proposed area sought to be explored or developed by the State of Texas, including, but not by way of limitation, the location of and production facilities for oil and/or gas wells.

2. That nothing herein shall be construed as divesting, limiting, or otherwise affecting the property rights, including, but not by way of limitation, the riparian rights under the laws of the State of Texas of the private owners of land abutting the Rio Grande in Val Verde County, Texas.

3. In the event any part of the property hereinabove granted shall ever cease to be used for any of the purposes set out in said Acts 1949, 51st Leg., p. 906, Ch. 483, amended as aforesaid, for a continuous period of five years after the beginning of such use, the part or parts of said property which are not so used shall immediately and automatically revert to the State of Texas after the expiration of said five-year period.

IN TESTIMONY WHEREOF, I have hereunto signed my name as Governor of the State of Texas and have caused the Great Seal of the State of Texas to be hereunto affixed, at the City of Austin, Texas, on this the 31st day of October, 1962.

Price Daniel
Governor of Texas

(SEAL)

ATTEST: P. Frank Lee
Secretary of State of Texas

THE STATE OF TEXAS :
COUNTY OF TRAVIS :

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared Price Daniel, Governor of the State of Texas, 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 and in the capacity therein stated.

Given under my hand and seal of office on this the 31st day of October, 1962.

Retta I. Miller
Notary Public, Travis County, Texas.

My commission expires June 1, 1963.

APPROVED AS TO FORM:

Will Wilson
Attorney General of Texas

by Milton Richardson
Assistant Attorney General

Cur. Misc. File 112

74776

THE STATE OF TEXAS
COUNTY OF [illegible]

I, ALICE [illegible] Clerk of the County Court of said County, do hereby certify that the foregoing Instrument [illegible] 31st October A. D. 19 62 with its Certificate [illegible] 19th day of November A. D. 19 62 1:20 P. 20th day of November A. D. 19 62 8:25 A. [illegible] County, in Volume 168 pages 421-422

Given under my [illegible] 20th November A. D. 19 62

By [illegible]
Deputy

Clerk County Court, Val Verde County, Texas

19505

Cur. Misc. File 112

74777

75318

DEED

1268-79

THE STATE OF TEXAS

COUNTIES OF HUDSPETH AND PRESIDIO

IN THE NAME OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, J. F. Friedkin, Commissioner of the United States Section of the International Boundary and Water Commission, United States and Mexico, has made application to the Governor of the State of Texas in writing for a grant to the United States of America of a portion of the bed and banks of the Rio Grande in Hudspeth and Presidio Counties, Texas, hereinafter described, under the provisions of Article 5248g-1, V.A.C.S. (Acts 1975, 64th Leg., R. S., Ch. 238, p. 584), which land is necessary and expedient to facilitate the accomplishment of projects to preserve for the Rio Grande the character of the international boundary and to prohibit therein the construction of works which may cause deflection or obstruction of the normal flow of the river or of its flood flows, as provided for in the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary Between the United States of America and the United Mexican States, which entered into force April 18, 1972 (Treaties and Other International Acts Series 7313) and the American-Mexican Boundary Treaty Act of 1972, Public Law 92-549 (86 Stat. 1161), approved October 25, 1972, which said land is more particularly described as follows, to-wit:

> All of the bed and banks of the Rio Grande between the coordinate of N 514,431; E 374,116; Central Zone, upstream at the end of the Rio Grande Rectification Project in Hudspeth County, Texas, and the coordinate of N 686,030; E 266,370; South Central Zone, downstream near Haciendita in Presidio County, Texas, said coordinates being on Lambert Projection of Texas.

NOW, THEREFORE, I, William P. Clements, Jr., Governor of the State of Texas, in the name and on behalf of the State of Texas, for and in consideration of benefits and advantages accruing to the people of the State of Texas from the boundary preservation to be provided by said projects, do hereby grant, convey and relinquish to the United States of America, forever, the ownership, right and title to the above described land, subject to the following reservations:

1. All minerals in, on and under that portion only of the existing channel which will remain within the territorial limits of the United States on

Cur. Misc. File 112

Vol. 225 Page 185

74778

completion of the preservation project, except rock, sand and gravel needed by the United States in the operation and construction by the United States or its agents of the works above described; provided, however, that the minerals so reserved to the State may not be explored for, developed, or produced in a manner which will at any time prevent or interfere with the operation or construction by the United States of America of any of the works above described; and provided further, that prior to exploring for or developing the reserved minerals, the written consent and approval of the United States Section, International Boundary and Water Commission, United States and Mexico, or its successor agency, shall be obtained as to the proposed area sought to be explored or developed by the State of Texas, including, but not by way of limitation, the location of and production facilities for oil and/or gas wells and/or other minerals.

2. Nothing herein shall be construed as divesting, limiting or otherwise affecting the property rights, including, but not by way of limitation, the riparian rights, under the laws of the State of Texas, of private owners of land abutting the Rio Grande in Hudspeth and Presidio Counties, Texas.

THIS CONVEYANCE is further subject to provisions of Article 5247, V.A.C.S., providing, in part:

> No such cession (exclusive jurisdiction to the United States) shall ever be made except upon the express condition that this State shall retain concurrent jurisdiction with the United States over every portion of the land so ceded, so far, that all process, civil or criminal issuing under the authority of this State or any of the courts or judicial officers thereof, may be executed by the proper officers of the State, upon any person amenable to the same within the limits of the land so ceded, in like manner and like effect as if no such cession had taken place; and such consideration shall be inserted in such instrument of cession.

IN TESTIMONY WHEREOF, I have hereunto signed my name as Governor of the State of Texas and have caused the Great Seal of the State of Texas to be hereunto affixed, at the City of Austin, Texas on this 3 day of OCTOBER A.D. 1979.

Governor of Texas

ATTEST:

Assistant Secretary of State of Texas

Cur. Misc. File 112

Vol. 225 Page 186

74779

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared William P. Clements, Jr., Governor of the State of Texas, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office on this 3 day of OCTOBER, 1979.

Gloria Turner
Notary Public
Travis County, Texas

My commission expires 4-30-81.

APPROVED AS TO FORM:

Mark White
Attorney General of Texas

J. Milton Richardson
Assistant Attorney General

Cur. Misc. File 112

Vol. 225 Page 187

74780

48258

QUITCLAIM DEED

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, J. F. FRIEDKIN, Commissioner of the United States Section, International Boundary and Water Commission, United States and Mexico, has made application to the City of El Paso, Texas, for a grant to the United States of American of a portion of the bed and banks of the Rio Grande, which land is deemed necessary and expedient for use under the Convention Between the United States of America and Mexico for the Rectification of the Rio Grande (Treaty Series 864, 48 Stat. 1621), as extended by the Convention Between the United States of America and the United States Mexican States for the Solution of the Problem of the Chamizal (TIAS 5515; 15 UST 21), in connection with the maintenance and preservation of the Rio Grande Rectification Project, which said land is more particularly described as follows, to wit:

> All the bed and banks of the Rio Grande in or adjacent to the City of El Paso, El Paso County, Texas, lying between the upstream end of the concrete-lined river channel constructed as a part of the Chamizal Project to the American Dam, a distance of approximately 3.53 miles.

THEREFORE, I, Peter de Wetter, Mayor of the City of El Paso, Texas, in the name of and on behalf of the City of El Paso, Texas, having been duly authorized to act herein by Resolution of the City Council of said City, for and in consideration of the sum of ONE DOLLAR and other good and valuable consideration, the receipt and sufficienc y of which is acknowledged and confessed, do hereby relinquish and quitclaim to the United States of America, forever, all of the City's rights, ownership and title in and to the above-described land, subject to the following reservations:

1. The City reserves the right to continue to operate and maintain all existing drainage structures and related facilities located within the above described property, and the right at any time to construct, operate and maintain, according to plans and approved by and under license issued by the United States Section, International Boundary and Water Commission, such drainage structures or other facilities into the Rio Grande at such places and as may be required to implement the drainage plans for any or all areas adjacent to or near the Rio Grande.

Cur. Misc. File 112

74781

2. The City reserves the right to construct or cause to be constructed an extension of the Chamizal Border Highway through the area quitclaimed, provided that the construction thereof shall be consistent with the flood control purposes of the Rio Grande Rectification Project, shall not be in contravention of any international treaty provisions then existing, and for this purpose the plans and specifications shall be submitted to and subject to approval by the Commissioner of the United States Section, International Boundary and Water Commission.

3. The City reserves the right to continue to operate and maintain all existing water lines, sanitary sewer lines and related appurtenances located within the above described property; and the right at any time to construct, operate and maintain, according to plans approved by and under license issued by the United States Section, International Boundary and Water Commission, such water lines, sanitary sewer lines and related appurtenances which may be required to properly serve the water and sanitary sewer utility needs for any and all areas adjacent to or near the Rio Grande, with the proviso that no sanitary sewage lines will discharge to this portion of the river without approval of appropriate Federal and State authorities.

IN WITNESS WHEREOF, I have hereunto signed my name as Mayor of the City of El Paso, Texas, this 28th day of January, 1971.

THE CITY OF EL PASO, TEXAS

By _____
Peter de Wetter, Mayor

ATTEST:

Robert H. Gabel
Robert H. Gabel, City Clerk

Cur. Misc. File 112

74782

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared Peter de Wetter, 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 and in the capacity therein stated.

Given under my hand and seal of office, this 28th day of January A.D. 197 1.

Sofia C Ortiz
Notary Public in and for
El Paso County, Texas.

SOFIA C. ORTIZ, Notary Public
In [illegible]
My Commission Expires June 1, 1971

My commission expires June 1, 1971.

Cur. Misc. File 112

74783

Intentional water &
Boundary Commission
I B and W C
U S Section
R. 1559

STATE OF TEXAS COUNTY OF EL PASO

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of El Paso County, Texas, as stamped hereon by me.

FEB 11 1971

J. W. Fields

COUNTY CLERK, El Paso County, Texas

City of El Paso

GCD

48256

Our. Misc. File 112

74784

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is authorized to sign for the City of El Paso a Quitclaim in favor of the United States of America quitclaiming the City's interests in the bed and banks of the Rio Grande from the upstream end of the Chamizal concrete channel to the American Dam.

ADOPTED this 28 day of January, 1971.

Mayor

ATTEST:

City Clerk

1-28-71

A true and correct copy I do hereby certify

City Clerk

327 1278

Bur. Misc. File 112

74785

KEY PUNC

FILED FOR RECORD
IN MY OFFICE

1971 FEB 11 [illegible] 08

COUNTY CLERK
EL PASO COUNTY, TEXAS
Lura E Bowell

Cur. Misc. File 112

74786

327 [illegible]