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SURVEY REPORT
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This report covers a resurvey of 14 sections in Block 65-1/2, Public School Land, in Hudspeth County, Texas. Its purpose is to locate the corners and lines of said Block 65 1/2 and determine the acreage for the submission with an application under corrected field notes for patent.

GENERAL DESCRIPTION

The subject area is in extreme western Hudspeth County, Texas, lying along Interstate Highway 10 from Ft. Hancock to near the Hudspeth-El Paso county line. The western portion is covered by sand dunes and hills. The eastern portion is comprised of dissected gravel terraces. Two large arroyos, Camp Rice and Alamo, carry runoff toward the Rio Grande. Rainfall is infrequent and the area may be classified as desert away from the river. Vegetation consists of scrub mesquite, creosote and cactus. Scanty, sparse grasses grow on the sandier soils.

HISTORY OF PREVIOUS SURVEYS

The most senior surveys in the area are the S.A. Maverick surveys adjoining the north bank of the Rio Grande. These were located by J.A. Tivey in 1858. No course and distance calls are recited in the meander lines of the field notes; Tivey calls "thence up the river with its meanders." Corner objects called for in the field notes are stakes and marked trees along the river; back corners are marked only by stakes.

These surveys are now mostly within the Hudspeth County Conservation and Reclamation District #1. Cultivation and irrigation, and rectification of the channel of the river, have made it impossible to retrace Tivey's footsteps along the river.

Hubbards BK File 44

The majority of the Maverick surveys were patented in 1860 on Tivey's original field notes. However, in 1873 El Paso County Surveyor J.W. Tays resurveyed Sections 57 and 69 for J.B. Hubbard. He lengthened Tivey's call for the SE line of Survey 57 from 697 varas to 1337 varas, possibly due to an avulsive change of the channel of the river, and filed corrected field notes, upon which patent duly issued. This construction created a conflict between the back line of the Maverick surveys and the adjoining lines of Block A (see below), T&P RR Co. Survey.

Deputy County Surveyor of El Paso County E.L. DeShazo executed a resurvey of the river surveys utilizing Tays' calls in July, 1906, for the Rio Grande Valley Land Company,. DeShazo's survey has no dignity, but it was apparently used by other surveyors working in the area (see discussion of Block 65 1/2).

The differences in the boundaries of the river surveys resulted in the filing of a series of lawsuits in El Paso District Court in 1914. The Court appointed R.E. Hardaway to resurvey the Maverick surveys and monument the back lines.

Hardaway honored the remaining evidence of Tivey's footsteps, consisting of passing calls for the old San Antonio-El Paso mail road. Hardaway filed a map of this resurvey ("Map Showing Surveys Made by Joseph A. Tivey of Lots Nos. 50 to 90 in the El Paso Valley Maverick and Other Surveys in 1858") and set concrete monuments to mark the corners of the rear lines of the river surveys. Hardaway's survey, and its adoption by the court, was upheld by the Texas Supreme Court (Wells, Stilwell & Spears v Dupuy, 289 SW 718; Newman v Davis, 184 SW 1078).

Hardaway's concrete monuments were recovered by a survey made by the International Boundary and Water Commission of the United States and Mexico in 1934. The I.B.C. tied their survey to the USC&GS triangulation network, and maintain a network of monuments today for their channel rectification activities.

Block A, T&P RR Co.

The second oldest system of surveys is Block A, T&P RR Co., located by Jacob Kuechler in January, 1879. These surveys were intended to adjoin the Maverick surveys and have common corners with the back lines of the river sections. Kuechler made no calls for tangible corner objects. Sections 2, 6, and 8 were not patented on Kuechler's fieldnotes. Patents were issued for the remainder of the Block under consideration based upon Kuechler's survey. Sections 2, 5, 6, and 8, were later resurveyed at

Hubbard's Survey

Section 2 was surveyed by J.W. Eubank in southwest and northeast halves in 1910 and 1912, respectively. Eubank followed Kuechler's original survey and called for a 39-vara offset in the SW line of Section 2. Interestingly, plats made by J.W. Eubank and F.E. Baker in January, 1909, for S.F. 9028 and filed in the GLO on July 9, 1909, do not depict any offset in this line. In a letter to the GLO dated July 7, 1909, F.E. Baker and J.W. Eubank stated that "the entire survey . . . is based on the old S.A. Maverick surveys, which were resurveyed and established several years ago by Mr. E.L. DeShazo There is a discrepancy in Sec.2 Blk. A T&P and it does not agree with the older Surveys. Consequently we accepted the field notes of the older Survey as per records in this office." Their corrected plat also shows a distance of 522 varas between the west corner of Section 5, Block A and the south corner of Section 4, same block. In comparison, Hardaway's map shows a distance of 443 varas along this line.

This line adjoins the NE line of the John Hubbard Survey No. 69 and the S.A. Maverick Survey No. 62. These two river surveys were located by Joseph A. Tivey in November, 1858. Hubbard Survey No. 69 was resurveyed by J.W. Tays. The S.A. Maverick Survey No. 62 was patented on October 11, 1860, on Tivey's fieldnotes and the John Hubbard Survey No. 69 was patented on Tays' fieldnotes on March 22, 1877. Therefore, the river surveys are senior to Section 2, Block A.

The river surveys of Tivey were retraced by R.E. Hardaway (see below) in 1914. Hardaway's plat "Map Showing Surveys Made by Joseph A. Tivey of Lots Nos. 50 to 90 in the El Paso Valley Maverick and Other Surveys in 1858" was filed in the General Land Office on May 15, 1925. According to his map, Hardaway retraced the NE line of the Hubbard and Maverick Surveys as a straight line without any offset.

Kuechler's and Eubanks' survey of the SW line of Sections 2, 3, and 4, Block A, was made in conflict with the senior NE line of John Hubbard Survey No. 62 and S.A. Maverick Survey No. 69.

Section 8, Block A, was not patented on Kuechler's survey. Hardaway's retracement survey, in El Paso District Court case Hemley v Newman (Cause #9843), took 174.5 acres from the south part of Section 8, Block A. This shortened Section 8 by 664 varas, as recognized in the corrected field notes filed by J.W. Carter in 1920 and W.L. Rider in 1925.

In locating the NE and NW parts of Section 8, Carter called for the north corner of the Ft. Hancock RR depot as a bearing object, but the Southern Pacific RR evidently razed the structure many years ago. Efforts to relocate the depot were unsuccessful. In addition, Carter recited mountain bearings from his East corner

Hudspeth Sk. File 49

addition, Carter recited mountain bearings from his East corner of Section 8, Unfortunately, these 'mountains' are ridges which have no definite peaks. Therefore, attempts to retrace Carter's position by using his mountain bearings were indefinite and did not result in a unique point for Carter's corner. Carter's iron pipe and stone mound monuments were not recovered.

T&P Reserve

Blocks 75 and 76, T-6, T&P RR Co., are part of a system of surveys designated as the 'Eighty-Mile Reserve,' which was located by Jacob Kuechler in February, 1879. The T&P Reserve was a grant from the Legislature beginning at the Texas-New Mexico boundary, which is the 32nd Parallel of Latitude, and extending 80 miles south and thence west to the Rio Grande. Kuechler surveyed a series of connecting lines through the less rugged terrain of the Reserve and set a few rock mounds and stakes for corners.

In 1883, questions were raised concerning the location of the south boundary of the Reserve by Kuechler. The State Land Board appointed Paul McCombs as State Surveyor to resurvey the Reserve. McCombs, accompanied by Kuechler, retraced Kuechler's lines and set "small pine stakes one inch wide by two inches by three feet long" at Kuechler's identifiable points (see letter from McCombs to W.H. Abrams dated Nov. 15, 1905).

To construct the Reserve, consideration must be taken of the fact that the north line of the Reserve, the Texas-New Mexico boundary, is an arc of the 32nd Parallel. In his Report to the State Land Board, McCombs states that "allowance be made for the convexity of the earth" by making all true east and west lines parallels of latitude and all north and south lines meridians of longitude. He used the formula $(2/3 \times \text{Distance in miles squared} \times \text{Tan. Latitude})$ to compute the offsets from a tangent to the arc of a parallel of latitude. In this manner McCombs "platted the South Boundary of the Reservation . . . and on the ground erected the monuments by same formula."

During September and October, 1905, McCombs returned to the Reserve and resurveyed his old lines. He set "along side of those (pine stakes) standing . . . iron pipes about two inches in diameter and 3 feet long." McCombs' monuments have been accepted as marking the position of Blocks 75 and 76.

In 1930, the T&P Lands Trust decided to resurvey the Reserve west of the Pecos. In this work, Licensed State Land Surveyor

R.W. Baker was hired to survey the western part. Baker filed maps of his resurvey, wherein he retraced McCombs' monuments and set his own pipes where he failed to locate McCombs. Baker states that all east and west lines are parallels of latitude, except where noted.

W.F. Robinson Pre-Emption

The W.F. Robinson Pre-Emption Survey No. 195 was located in 1895 by State Surveyor A.H. Parker to adjoin the north line of Sections 8 and 9, Block A. No action was taken. However, the Commissioner later issued patent to Section 15, Block 65 1/2, which covered much of the land contained in Survey 195. A small sliver was left and is today unawarded land. The location of Survey 195 hinges upon the position of the north corner of Section 9, Block A.

Block 65 1/2

The eastern portion of Block 65-1/2, Public School Land, was originally located by State Surveyor A.H. Parker in July, 1900. Patent was issued for Section 15, which bounds the subject area on the east, upon Parker's field notes. Surveys 16-23 of this block were located by Deputy El Paso County Surveyor F.E. Baker in January 1909, and sections 24-34 were located by El Paso County Surveyor J.W. Eubank in July, 1909. These surveys were intended to take up the vacant public land between Block A, T&P RR Co., and T&P Blocks 75-76. There were no calls made for durable monuments in any of the surveys of Block 65-1/2. Section 16 has the only tangible call. It calls to begin N 01 deg.15' E 226.2 varas from "McCombs' monument set for the SW Cor. of Sec. 33, Blk. 75, Tsp. 6." However, adjoinder calls were made throughout Block 65-1/2 for Blocks A, 75, and 76.

Location Of Blk. 65 1/2

As shown on the accompanying map, Block A was constructed from the Hardaway monuments recovered on the ground. Several of the Hardaway monuments have been obliterated by cultivation and

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irrigation works. The sections without found monuments were located by prorating distances along lines between the found monuments.

The subject sections of Block 65 1/2 were then laid down from the lines of Block A, relying on adjoinder calls. Section 16 presented a problem by its conflict between its beginning call and its adjoinder calls for Block A, W.F. Robinson Survey No.195, and Section 15, Block 65 1/2. This was resolved by beginning the survey at the SW Corner of Section 33, Block 75, T-6, and adjoining the surrounding surveys. The west corner of Section 16 was fixed by the intersection of a line projected northeasterly from the north corner of Section 8, Block A, and a line northwesterly from the east corner of Section 16.

Apparently, the position of Block A as constructed from Hardaway's location is closer to the T&P Reserve than Baker and Eubanks believed. Block 65 1/2 is deficient north-south. However, patent was issued for Section 21 on Sept. 3, 1919, based on F.E. Baker's fieldnotes written in 1909. Therefore the first tier of sections (Sections 17-23 inclusive) was constructed according to a record distance of 1900.8 varas for the NE/SW lines, under direction of the General Land Office.

As discussed previously, Section 2, Block A, presents a problem as it is patented in conflict with the senior river surveys S.A. Maverick 62 and J.B. Hubbard 69. However, if the 39-vara offset which is in conflict with the senior surveys is eliminated, Section 2 can be easily located and will be in conformity with Hardaway's retracement. This requires the diminution of the SE line of said Section 2 from 2222 varas to 2181.6 varas, which agrees very closely with the length of 2183 varas shown on Baker and Eubank's "Map of W.L. Rider Survey."

Sections 3 and 4, Block A, are also patented in conflict by 39 varas with the river surveys, as they build off of Section 2. The NE line of these sections is constructed by running N 47 deg.53'15" E 1900.8 varas from their SW line as originally located by Kuechler. This places a length of 1861.8 varas for their NW and SE lines out of conflict.

The south line of the T&P Reserve was located by construction from the McCombs/Baker monuments recovered on the ground. Parallels of latitude were projected through the monuments. Section corners were established by projecting meridians of longitude, except where two monuments were found on the extreme east line of the subject line, down to intersect the parallels of latitude.

Courses shown on the map and used in the field notes are grid, related to the Texas Central Zone through NGS Station "ACALA."

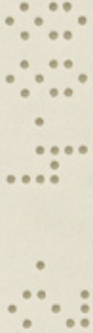
Distances and areas are surface.

If you desire further information, please advise.

Respectfully yours,

T.O. Wallis

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Respectfully yours,

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File No. Sketch File 49
Hilds Pct 4
Survey of Brk 65-72, P. 5, L. 1 - County
19 88
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GRANT MATHO, Com'r
By Douglas Howard
See Pl'd. Sk. 64
Filed Feb 4

File Sketch File

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Hudspeth Co.

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