

Shine & Associates

REGISTERED SURVEYORS TEXAS AND LOUISIANA
D. D. SHINE, RPS, LSLs, RLS

File No. Sketch File 2
Kenedy County
Surveyor's Report accompanying
Kenedy E.L.D. sk. 18
Filed October 5 19 95
GARRY MAURO, Com'r
By Douglas Howard

August 18, 1995

Honorable Garry Mauro
Texas General Land Office
1700 North Congress
Austin, Texas 78701

RE: Surveyors Report in connection with Big Barreta and Little La Barreta
Grants, Kenedy County, Texas

Dear Commissioner Mauro:

The Kenedy Ranch is composed of approximately 400,000 acres and is located in Kenedy County, Texas. Kenedy County borders Laguna Madre and is in that portion of Texas situated between the Rio Grande and Nueces Rivers, and was originally a part of the State of Tamaulipas, in Mexico, whose capital was Victoria, some distance west of the Rio Grande. That section of country was but sparsely settled, and was used principally for stock ranches, that had long been subject to frequent depredations from savage Indians. On the 19th of December, 1836, an act of the Congress of Texas was passed, defining the boundaries of Texas, in which that territory was included. Notwithstanding that, however, the State of Texas exercised no permanent jurisdiction over it, except along and near the Nueces River, including Corpus Christi, on the Gulf; and the State of Tamaulipas exercised jurisdiction on and near the Rio Grande, on the eastern side of it, until after the annexation of Texas to the United States, (on the 29th of December, 1845,) shortly after which, armed occupation of the disputed territory was taken by the United States, on behalf of Texas, since which time Texas has exercised jurisdiction over it. (Paschal's Dig., art. 438; Calkin v. Cocke, 14 How. 227; Lee v. King, 21 Tex. 582; Trevino v. Fernandez, 13 Tex. 663; Martin v. Weyman, 26 Tex. 465.)

By the "Articles of Annexation," consent was given by the United States, "that the territory properly included within and rightly belonging to the Republic of Texas may be erected into a new State, to be called the State of Texas," upon certain conditions and guarantees, one of which was that the State to be formed should be "subject to the adjustment by the Government of all questions of boundary that may arise with other governments."

(March 1, 1845, Paschal's Dig., p. 44.) The assent of Texas to such terms was formally given in the convention, by an ordinance, on the 4th day of July, 1845. (Paschal's Dig., p. 45.) On the 29th of April, 1846, the Legislature of Texas adopted a joint resolution, declaring "that the exclusive right to the jurisdiction over the soil included in the limits of the late Republic of Texas was acquired by the valor of the people thereof, and was by them vested in the Government of the Republic; that such exclusive right is now vested in, and belongs to, the State, excepting such jurisdiction as is vested in the United States by the Constitution of the United States and by the joint resolution of annexation, subject to such regulations and control as the Government thereof may deem expedient to adopt." (Paschal's Dig., art. 441.) On the 2nd of February, 1848, the treaty of peace, of Guadalupe Hidalgo, between the United States and Mexico, was concluded, by which the Rio Grande was established as the line between the United States and Mexico, and thereby settling the boundary of Texas, in reference to this part of the country, as between Texas, in the United States, and Tamaulipas, in Mexico. As between Texas and the United States, the right of Texas to the jurisdiction of Texas over the territory east of the Rio Grande, was definitely settled by the act of Congress, (called one of the compromise acts,) on the 9th of September, 1850, and acceded to by Texas on the 25th of November, 1850. (Paschal's Dig., art. 443.) This had reference, however, particularly to the cession, by Texas to the United States, of that portion of New Mexico east of the Rio Grande.

By the treaty of Guadalupe Hidalgo, it was stipulated that the civil rights of Mexicans, within the territory ceded to the United States, as they then existed under the laws of Mexico, should be protected by the United States. (U. S. Stats. at Large, vol. 9, pp. 929, 930.)

The inhabitants, and others owning lands by titles, perfect and imperfect, within the territory east of the lower part of the Rio Grande, not having had the same opportunities as persons in other parts of Texas, to have their titles established and recognized by the authorities of Texas, a law was passed for that purpose as early as 1850, and another in 1854, under which commissioners were appointed to investigate and report upon their titles, many of which were confirmed as valid by an act of the Legislature of 1852. (Paschal's Dig., arts. 732-739.)

For the same object, another law was passed in 1860, authorizing suits to be brought against the State, in the counties there situated. (Paschal's Dig., art. 739.)

The object of all these laws, as therein expressed, was to ascertain what lands the State should recognize as justly belonging to individuals, whether the titles from the former government were perfect or imperfect, and to have them surveyed, mapped, and patented, but not to interfere with any superior rights that might have been acquired by third persons, previous to the passage of said laws. (Paschal's Dig., arts. 4450, 4477, 4490.) By the law in 1860, authorizing a suit to establish such right or title, it was provided that "all lands, the claims to which shall be finally rejected in the manner herein provided, shall be deemed, held, and considered as part of the public domain of the State." (Paschal's Dig., art. 4489.)

For the same purpose and in similar terms, another act of the Legislature was passed, on the 15th of August, 1870, providing that "any person who may be the original grantee, heir, or assignee of any grant of land, emanating from the Spanish or Mexican Governments, and having its origin previous to the 19th day of December, A. D. 1836, and situated between the Nueces and Rio Grande Rivers, and below a line drawn from the northern line of Webb County to the mouth of Moros Creek, emptying into the Nueces River, may file a petition to the District Court of the County of Travis, or where the capital of the State may be,"which "shall contain a full description of the land claimed, setting forth particularly its situation, boundaries, and extent, and shall accompany such petition with the titles, or evidences of titles, or right under which the same is held or claimed, and the said District Court shall investigate the same, in accordance with the laws of nations, the laws, usages, and customs of the Government from which the claim is derived, and the principles of equity, so far as the same are applicable, and shall give judgment for the confirmation of the same, when the title is perfect; or when imperfect, when the same would have matured into a perfect title, under the laws, usages, and customs of the Government under which it originated, had its sovereignty over the same not passed to and been vested in the Republic of Texas, provided said title or right was originally founded in good faith." (Paschal's Dig., art. 7068.)

Like the other acts upon the same subject, it does not seek to defeat any title that can be maintained under the general laws of the State without the aid of this statute, but simply to confer upon the claimants the advantage of having such titles as are perfect recognized as such by the State, so far as the State itself is concerned, and to enable any one who had, in some legal mode, commenced to acquire a title from the former governments, and which once had a substantial inception, in good faith, attached to a particular tract of land, so as that its locality, boundaries, and extent could be described, previous to the 19th of December, 1836, conferring a right, under the laws there and then, and previously in force, to be perfected, and be, equally with the perfect titles, recognized by the State.¹

The following is a detailed listing of documents used in research:

GENERAL LAND OFFICE

1. Translation of the field notes of the Alvino and Domingo de la Garza, "La Parra" Survey, Kenedy County.
2. Translation of the field notes for Juan Nepomuceno de la Garza, "Los Finados" Survey, Kenedy County.
3. Translation of the field notes for Miguel Ynojosa, "El Palmito" Survey, Kenedy

¹Texas Reports, State v. Sais, 47 Tex. 307, E. H. Cushing, Publisher, 1878.

County.

4. Translation of the field notes for Leonardo Salinas, "La Barreta" Survey, Kenedy County.
5. Translation of the field notes for Jose Antonio Leal de Leon, "San Antonio del Encinal" Survey, Brooks and Kenedy Counties.
6. Translation of the field notes for Irineo Gomez, "LasBarrosas" Survey, Kenedy County.
7. Confirmation Survey No. 14 of the Jose Narciso Cabazos, "San Juan de Carricitos" 135 league grant as resurveyed October 12, 1879, by J. J. Cocke and patented September 11, 1880.
8. Confirmation Survey No. 17 of the Alvino de la Garza and Domingo de la Garza, "La Parra" 15 league grant as resurveyed November 11, 1879, by J. J. Cocke.
9. Confirmation Survey No. 18 of the Xavier Salinas, "San Pedro de las Motas" 5 league grant as resurveyed November 25, 1879, by J. J. Cocke.
10. Resurvey field notes of the Jose Francisco Balli, "La Barreta (Big)" 28 league grant as resurveyed March 1905 and April 1906, by F. M. Maddox and patented January 18, 1907. Resurveyed by court order.
11. Confirmation Survey No. 19 of the Miguel Hinojosa "El Palmito" 5 league grant as resurveyed November 26, 1879, by J. J. Cocke.
12. Confirmation Survey No. 20 of the Leonardo Salinas "La Barreta (Little)" 5 league grant as resurveyed November 24, 1879, by J. J. Cocke.
13. Confirmation Survey No. 16 of the Juan Jose Balli "San Salvador del Tule" 71 league grant as resurveyed August 11, 1879, by J. J. Cocke.
14. Correction Survey of Confirmation No. 14 of the Jose Narciso Cabazos "San Juan de Carricitos" 135 league grant as corrected June 5, 1880, by J. J. Cocke.
15. Confirmation Survey No. 21 of the Pedro Villareal "Santa Rosa de Abajo" 5 1/2 league grant as resurveyed November 28, 1879, by J. J. Cocke.
16. Confirmation Survey No. 5 of the Juan Nepomuceno de la Garza "Los Finados" 11 league grant as resurveyed June 5, 6, 7, 8, 9, and 10, 1869, (field notes signed by H. M. Field but probably surveyed by Felix A. Blucher) and patented May 26, 1873.

17. Confirmation Survey No. 3 of the Ignacio Villareal "El Rincon de Mirasoles" 5 league grant as resurveyed May 23, 24, 25, 26, and 27, 1869, (field notes signed by H. M. Field but probably surveyed by Felix A. Blucher) and patented April 20, 1879.
18. Confirmation Survey No. 2 of the Rafael Ramirez "Rincon del Peñascal" 8 league grant as resurveyed February 11, 12, 13, and 14, 1861, by Felix A. Blucher.
19. Confirmation Survey No. 4 of the Juan Antonio Balli "El Paistle" 5 league grant as resurveyed June 2, 3, 4, and 5, 1869 (field notes signed by H. M. Field but probably surveyed by Felix A. Blucher) and patented May 26, 1873.
20. Corrected Survey of the Jose Antonio Leal de Leon "San Antonio del Encinal" 5.9 league grant as resurveyed September 16, 1882, by Andres Salinas and patented February 18, 1886.
21. Confirmation Survey No 3 of the Irineo Gomez "Las Barrosas" 5 league grant as resurveyed June 1, 2, 5, 6, and 7, 1869 (field notes signed by H. M. Field but probably surveyed by Felix A. Blucher) and patented May 26, 1873.
22. Plat of "La Parra, a grant from the State of Tamaulipas to Domingo and Albino de la Garza, Confirmation Nos. 4, 11, and 32, Cameron County, Texas." Scale 4,000 varas to one inch. Filed December 31, 1879, and calculation sheet. (No author.)
23. Plat of Juan Antonio Balli "El Paistle," railroad sections on Santa Rosa de Abajo, portion of Las Barrosas, and portion of Santa Rosa de Arriba with county line shown. No date nor scale. (Possibly J. J. Cocke's work.)
24. Plat of "San Pedro de las Motas, a Grant from the State of Tamaulipas to Xavier Salinas, 1833, Confirmation No. 6, Cameron County, Texas." Scale 4,000 varas to one inch. Filed December 31, 1879. (No author.)
25. Plat of "Santa Rosa de Abajo, a Mexican Grant to Pedro Villareal in 1832, Cameron County, Texas." Scale 4,000 varas to one inch. Filed December 31, 1879. (No author.)
26. "Office Sketch of the East End of the Jose Francisco Balli Survey in Kenedy County." Scale 2,000 varas to one inch. Dated May 4, 1953. H. F.
27. Resurvey of the Juan Antonio Balli "El Paistle" as resurveyed March 2, 1883, by J. J. Cocke.
28. Plat of "34 Survey made by virtue of Scrip Nos. 368, 369, 370, 371, and 372 of the Central & Montgomery R. R. Co. and Scrip Nos. 1085 to 1096 (inclusive) of the Gulf, Colorado and Santa Fe Ry. Co., Cameron County, Texas." Scale 2,000 varas to one inch. Dated

December 1881. Attached to plat is an explanation of plat dated December 30, 1881, and authored by J. J. Cocke, Surveyor, Cameron County.

29. Plat of Texas Mexican Railway Company Sections 131, 132, 133, 134, 135, 136, 137, and 138. South of "El Alazan" Grant and Mrs. M. J. Howard's 859.34 acre tract. Scale 1,000 varas to one inch. No title, date, or author.

30. Corrected field notes of a resurvey of _____ acres of land made for D. Sullivan by virtue of a grant made to Jose Antonio Leal de Leon and called "San Antonio del Encinal." Surveyed January 13, 14, and 15, 1916, by Thos. P. Gore. (Notes cancelled.)

31. Field notes for Scrap File No. 14633 for 1500.8 acres made for Sarita Kenedy East dated September and October, 1944, and surveyed by Francis G. French and patented January 31, 1945.

32. Survey report by M. Hanson, Jr., County Surveyor of Cameron County, dated December 1898. District Court of Nueces County ordered survey in suit styled D. R. Fant v. E. C. Lasater, Cause No. 2618.

33. Letter to Bascom Giles, Commissioner of the General Land Office from Hayes Dix, Licensed Land Surveyor, dated October 27, 1944, concerning his resurvey of the San Antonio del Encinal Grant.

34. Letter to Bascom Giles, Commissioner of the General Land Office from Francis G. French, County Surveyor of Kenedy County, Texas, dated October 30, 1944, concerning his survey placing a vacancy south of the Los Finados (Scrap File No. 14633.)

35. Letter to Price Daniel, Attorney General of Texas from Martin A. Rowe with Sun Oil Company dated February 13, 1948 concerning La Barreta (Little) Grant (original Mexican Grant) and Laguna Madre.

36. Letter to Bascom Giles, Commissioner of the General Land Office from Frank T. Drought, Licensed Land Surveyor, dated June 5, 1946, concerning his survey in and around a system of surveys made by A. Salinas in 1880 and 1882 in Brooks and Kenedy Counties.

37. Field notes of the Jose Antonio Leal de Leon "San Antonio del Encinal" dated December 19, 1879, and surveyed by J. L. Dougherty. (Notes cancelled.)

38. Field notes of county line from La Sal Vieja to Nueces County line, prepared by J. J. Cocke and filed December 4, 1878. (Hidalgo-Cameron County line.)

39. Report and field notes of the Cameron-Hidalgo County line by A. W. Amthor, County

Surveyor Cameron County. Dated August 12, 1908 (12 pages).

40. Report and field notes by F. M. Maddox, surveyor to V. L. Brooks, Judge in the District Court, 26th Judicial District, Travis County, Texas, for case styled State of Texas v. D. R. Fant, Cause No. 18899 (47 pages).

41. Plat of "La Barreta, a grant from the State of Tamaulipas to Leonardo Salinas, Confirmation No. 7, Cameron County, Texas." Scale 4,000 varas to one inch. No author or date.

42. Map of San Patricio District copied from a map compiled by Felix A. von Blucher, former District Surveyor of Nueces District, General Land Office. Dated June 24, 1870. Scale 3,000 varas to one inch.

43. Map of Cameron County, compiled and drawn by A. B. Langermann, General Land Office, Austin, February 1880. No scale listed.

44. Plat of the "Grant from the Crown of Spain to Juan Jose Balli called San Salvador del Tule, Cameron and Hidalgo Counties, Texas." Scale 4,000 varas to one inch. Drawn by J. J. Cocke. No date.

45. Map titled "Area in Central Kenedy County" by Francis G. French, County Surveyor of Kenedy County. Scale 1,000 varas to one inch. Dated October 31, 1944.

46. Plat of the "Grant from the Crown of Spain to Narciso Cavazos called San Juan de Carricitos, Cameron County, Texas. Scale 4,000 varas to one inch. Probably drawn by J. J. Cocke. No date.

47. Plat of a portion of Cameron and Hidalgo Counties drawn for Case No. 2618, D. R. Fant v. E. C. Lasater by M. Hanson, Jr., Surveyor Cameron County. Scale 2,000 varas to one inch. No date.

48. Map of the "County Line of Cameron and Hidalgo Counties." Drawn by J. J. Cocke, no scale, dated May 1879.

49. Map titled, "Area in East Part of Brooks County and West Part of Kenedy County" by Frank T. Drought, Licensed Land Surveyor. Scale 1,000 varas to one inch. Dated June 3, 1946.

50. Map titled, "Area Southeast of Falfurrias" by Hayes Dix, Licensed Land Surveyor. Scale 1,000 varas to one inch. Dated October 27, 1944.

51. Corrected field notes to the Jose Antonio Leal de Leon "San Antonio del Encinal"

surveyed June 1944 by Hayes Dix, and Deed of Acquittance was issued January 23, 1945.

52. Map of the County of Nueces and portions of the adjoining counties, showing the locality, dates and claimants of the several grants made by the governments of Spain and Mexico. Compiled from actual surveys by Felix A. Blucher, District Surveyor Cameron District, late of Nueces District. Scale 4,000 varas to one inch. Dated November 20, 1859. Filed February 1, 1860.

53. Map titled "San Antonio del Encinal as Corrected" by Thos. P. Gore. Scale 1,000 varas to one inch. Dated March 25, 1916.

54. Map titled "County of Cameron, Texas" by J. J. Cocke, County Surveyor. Dated October 25, 1884. Scale 4,000 varas to one inch.

55. Map titled "Showing Position of Surveys Represented Hereon," compiled from their field notes and field notes of a survey made by F. M. Maddox between June 11th and August 16th, 1904, under order of Honorable V. L. Brooks, District Judge, 26th Judicial District Court of Travis County, Texas, dated May 30, 1904, in Cause No. 18899, State of Texas v. D. R. Fant. Scale 1,500 varas to one inch. Filed November 9, 1904 (GLO).

56. Map of a portion of Cameron and Hidalgo Counties showing Mexican Grants prepared by the General Land Office. Scale 4,000 varas to one inch. Dated May 7, 1898. (No author - probably prepared for Kenedy Pasture Company.)

57. Map of Willacy County. General Land Office, April 1913. Scale 4,000 varas to one inch. H. F. McDonald, draftsman.

58. GLO Working Sketch. Roll Sketch No. 16, G.C.&S.F. R.R. Survey on Jose Francisco Balli.

LAWS OF THE STATE OF TEXAS

1. "An act to create the Counties of Cameron, Hidalgo, Starr, Webb, Presidio, and El Paso, into separate land districts." Gammel's Laws of the State of Texas, Volume 3, Page 1012, Chapter CX. Approved February 16, 1852.
2. "An act to create the County of Hidalgo," Gammel's Laws of the State of Texas, Volume 3, Page 910, Chapter XLII. Approved January 24, 1852.
3. "An act better defining the boundaries of the County of Cameron," Gammel's Laws of the State of Texas, Volume 3, Page 886, Chapter X, approved December 8, 1851.

4. "An act to relinquish the right of the State to certain lands therein named," Gammel's Laws of the State of Texas, Volume 3, Page 941, Chapter LXXI, approved February 10, 1852.

5. "An act to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande Rivers," Gammel's Laws of the State of Texas, Volume 4, Page 1471, Chapter LXXVIII, approved February 11, 1860.

6. "An act to ascertain and adjudicate claims for land against the State, situated between the Nueces and Rio Grande Rivers," Gammel's Laws of the State of Texas, Volume 6, Page 375, Chapter LXXXIII, approved August 15, 1870.

MISCELLANEOUS

1. Treaty of Guadalupe Hidalgo, February 2, 1848. Printed in The Mexican War: A History of Its Origin by Edward D. Mansfield, 1850.

2. Portion of a map of the lower Texas coast prepared by Felix A. Blucher dated 1871. Original of map is in possession of Corpus Christi State University.

3. Laws of Colonization passed by the Supreme Government of Mexico and by the Provincial Government of Coahuila and Texas 1824-25.

4. Letter report to Mrs. Sarita Kenedy East from C. E. Haberer, Jr., Licensed Land Surveyor. Dated October 23, 1949. Report covers location of grant lines and the amount of acreages.

5. Report of Sun Oil Company's Land Survey on Kenedy Ranch, Kenedy County, Texas, by C. E. Haberer, Jr., Licensed State Land Surveyor (no date). (This report was attached to item 4 above.)

6. Letter report and field notes to Mr. J. G. Kenedy, Jr., from A. M. French and Albert G. Brown dated May 5, 1934. Covers the survey of a line separating Los Finados, El Palmito, and Little Barreta from the lands to the north and to follow the original grants and patents.

7. Field Book No. 4 of Felix A. Blucher covering the period of 1859-1860.

8. Field book No. 9 of Felix A. Blucher covering the years 1861 and 1868.

9. "Hydrography of Laguna Madre," Transactions of the Twelfth North American Wildlife Conference, Dr. Joel W. Hedgpeth, Institute of Marine Science, Port Aransas, Texas, 1947.

10. Map titled, "Land of Mr. J. G. Kenedy, Jr. in Kenedy County, Texas," by French &

Brown. Dated August 23, 1935, scale 1,800 varas to one inch.

11. Map titled, "Map of the Grants Shown hereon as Originally Surveyed," compiled from the original field notes and maps. French & Haberer Map No. 2. Scale 1,000 varas to one inch. Filed in Cause No. 3043 in Supreme Court of Texas, styled Kenedy Pasture Co. et al v. State of Texas et al, filed April 19, 1915.

12. Map titled, "Kenedy Pasture Company's Lands in Cameron and Hidalgo Counties, Texas." Scale 4,000 varas to one inch. Made in office of French & Haberer, Corpus Christi, Texas, April 29, 1908.

13. Report 234,849.60 acres and accompanying maps, "Survey Project in Kenedy County, Texas," John G. and Marie Stella Kenedy Memorial Foundation by M. L. Claunch and William N. Lothrop. Dated December 31, 1986.

14. Report 234,849.60 acres and accompanying maps, "Survey Project in Kenedy County, Texas," Supplement Covering Foundation Properties in the Santa Rosa de Abajo, El Paistle, and La Parra Grants, John G. and Marie Stella Kenedy Memorial Foundation by William N. Lothrop.

15. Exxon Company, U.S.A., Kenedy Map dated February 8, 1971 - October 17, 1975, File No. GKF-28(4632 Map #6)

16. Map of Kenedy County, Texas, by J. R. Beard, McAllen, Texas (Geological Service Map)

17. Regional Survey Map of King Ranch Area, Edgar Tobin Aerial Surveys, File No. H. F. 1249-C, Date of revision March 15, 1865 (4632 Map #2)

ABSTRACTS FROM FROST NATIONAL BANK

1. Abstract of Title in three parts, prepared by Kleberg County Abstract Company, covering the La Parra, El Paistle, Los Mirasoles, Las Motas, El Palmito, Las Barrosas, Los Finados, and El Peñascal Grants in Kenedy County, Texas, certified from the sovereignty of the soil to the 11th day of May, 1934, at 12:00 P.M. Said abstracts are divided into Sections A, B, and C, Section A containing 347 pages, Section B containing 340 pages, and Section C containing 358 pages. On the cover of Section B is a certificate that pages 114 to 208 covering El Palmito and pages 241 to 281 covering Los Finados were removed on July 22, 1938 and placed in a separate abstract.

2. Index to Kenedy Ranch Abstract Sections A, B, and C and Abstract No. 26282.

3. Abstract of Title No. 11,120 prepared by Kleberg County Abstract Company,

containing 185 pages, certified the 8th day of September, 1938, at 8:00 A.m.

4. Supplemental Abstract of Title No. 3900 prepared by Kleberg County Abstract Company, containing 507 pages, certified the 13th day of October, 1945, at 8:00 A.M.

5. Supplemental Abstract of Title No. 19,491 prepared by Kleberg County Abstract Company, containing 8 pages, certified the 14th day of September, 1939, at 12:00 P.M.

6. Supplemental Abstract of Title No. 26,282 prepared by Kleberg County Abstract Company, containing 82 pages, certified the 7th day of February, 1944, at 8:00 A.M.

7. Supplemental Abstract of Title No. 10,320-b prepared by Kleberg County Abstract Company, containing 79 pages, certified the 17th day of September, 1937, at 5:00 P.M.

8. Supplemental Abstract of Title No. 10,320-B prepared by Kleberg County Abstract Company, containing 159 pages, certified the 24th day of February, 1938, at 12:00 P.M.

9. Complete Carbon Certified Copies, "El Paistle," Kenedy Pasture Company, Corpus Christi, Texas, containing 45 pages.

10. Certified Carbon Copies of a Complete Abstract, "La Parra," the Property of the Kenedy Pasture Company, containing 139 pages.

EXXON OIL CORPORATION

1. Judgement - State v. Spohn, 1904. (No reference as to source.)

2. Excerpts from Transcript from Travis County. (Testimony of witnesses) Kenedy Pasture Company v. State of Texas.

3a. Report of surveys, Armstrong Ranch area, 6-23-44. 3b. Maps SWT-F-266-A and F-266-D.

4. Affidavit as to corner perpetuation: Sarita Kenedy East Vacancy Filing, 2-1-46.

5a. Preliminary investigation, Kenedy Ranch Area, 5-31-46.

5b. Map SWT-F-319-A.

6a. General report, location of surveys, Kenedy Ranch Area, 1-14-49.

6b. Maps SWT-F-319-1 and SWT-F-386.

7a. Supplement to general report, Kenedy Ranch Area, 9-26-49.

- 7b. Maps SWT-F-419 and SWT-F-319-B.
8. Summary sheet - tide gauges, 11-18-49.
9. Map of tide gauge locations.
10. Memorandum in Re: Shoreline Determination, 1949.
11. Letter in Re: Superior Oil application for Lopena Vacancy.
12. Memorandum in Re: Location of surveys Kenedy Ranch Block, 5-12-65.
13. Map HF-2712: Mexican field note sketch.
14. Map HF-2714: Resurvey field notes of grants adjoining Laguna Madre.
15. Map SWT-F-319-4: Sarita Kenedy East Lease #165026.
16. Map SWT-F-451: Placement of grants, Eastern Kenedy Ranch Area, 12-21-49 (delivered to Kenedy Memorial Foundation Office by Ridgeway).
17. "Palmito" translation of title by Castenada.
18. "La Parra" translation of title by Lozano.
19. "El Peñascal" translation of title by Kowalski.
20. "San Pedro de las Motas" translation by Lozano.
21. "Los Mirasoles" translation by Castenada.
22. "Big Barreta" translation (translator unknown).
23. "La Barreta" translation by Lozano.
24. "El Paistle" note in Re: No copy of original title.
25. Lists of documents in General Land Office, Blucher.
26. Cameron County map by J. J. Cocke, 10-25-1884. SWT-F-319.
27. Map prepared in connection with Sun Oil Company v. Humble Oil & Refining Company et al, Laguna Madre, Kenedy County, Texas. Scale 1"=2000'. No date.

PLACES WHERE RECORDS WERE EXAMINED:

1. General Land Office, Austin, Texas.
2. Blucher Records, Archives, Corpus Christi State University, Corpus Christi, Texas.
3. County Surveyor's records, Nueces County, Texas, William Green, County Surveyor. (Blucher Records)

My survey is on the Big Barreta and Little La Barreta Grants; however, my report will include the four grants bordering Laguna Madre. These being from south to north: Big Barreta Grant, Little La Barreta Grant, El Rincon de Mirasoles, and Rincon del Peñascal. These four grants are bounded on the east by the Laguna Madre. The Peñascal Grant is bounded on the north by Baffin Bay, and the Big Barreta Grant is bounded on the south by the King Ranch (San Juan de Carricitos Grant).

The Big Barreta, 25 sitios of land, was granted to Francisco Balli by the Spanish government in 1805. Antonio Margil Cano was appointed surveyor and completed the survey of 25 sitios on March 1, 1809. The map and field notes returned by Cano show a survey in the form of a parallelogram (800 cords by 325 cords), not bordering on Laguna Madre. Francisco Balli also requested of the Commissioner several parcels of land surrounded by salt water and contiguous to the east side of the tract of the 25 sitios surveyed for him. "The Commissioner, surveyor, and other persons examined the land surrounded by salt water and estimated they comprised four sitios from the south boundary line to the north, and the Laguna Madre forming the eastern side like a semi-circle, almost embracing the fronts of the north and of the south." The remaining three surveys, Little La Barreta, Mirasoles, and Peñascal, were granted by the Mexican government and were surveyed by surveyor Domingo de la Fuente. The Peñascal and Mirasoles were surveyed in 1832 and the Little La Barreta in 1834. Confirmation surveys were made on the Peñascal and Mirasoles Grants by surveyor Felix A. Blucher in 1861 and 1869 respectively. Confirmation survey was made on the Little La Barreta Grant by J. J. Cocke in 1879.

There is no record of the heirs or assignees of Francisco Balli attempting to have the Big La Barreta Grant confirmed until around the turn of the century. The last confirmation act was approved August 15, 1870. In 1882 the State of Texas, obviously believing the area of the Big Barreta Grant to be unappropriated public domain, located G.C. & S.F. Railway and Texas Mexican Railway Company Certificates in this area. Surveyor J. J. Cocke surveyed on the ground 186 sections, with only twelve of these sections being patented, all to the Texas Mexican Railway Company.

Patent was not issued on the Little La Barreta Grant after the confirmation survey by Cocke. As a matter of fact, patent has never been issued on this grant.

April 13, 1904, the District Court in Travis County, Texas in Cause No. 18373, State of Texas v. Sarah J. Spohn, et al, adjudged to the defendants the Big Barreta Grant, being the same land originally granted by the Spanish government to Francisco Jose Balli. Pursuant to the judgment of the trial court and the affirmation by the Court of Civil Appeals, from March of 1905 until April of 1906, F. M. Maddox surveyed the Big La Barreta Grant, describing in detail the lines and corners embracing said grant. For the most part the Maddox survey generally conformed to that of the Cocke survey of 1882 of the G.C. & S.F. and Texas Mexican Railway Sections. Patent was issued on the Big Barreta Grant by the Maddox field notes on January 18, 1907. The Maddox survey embraced 124,297 acres.

Exhibits 1, 2, and 3 are individual plats by de la Fuente of the Peñascal, Mirasoles, and Little La Barreta. These plats are a part of the title documents from the State of Taumaulipas in Mexico and along with the field notes are recorded in the Spanish Archives of the General Land Office. De la Fuente made various ties to the edge of Laguna Madre and depicted graphically on the plats the shore line as he observed it between his surveyed points.

Exhibit 4 is a composite I made of de la Fuente's survey including the above three grants showing the square leagues and parallelograms (as the case may be) within each grant as described by de la Fuente. I then carefully reproduced the shore line between the surveyed points as depicted on the de la Fuente plats.

Exhibit 5 is the confirmation survey by J. J. Cocke of the Little La Barreta Grant surveyed in 1879.

Exhibit 6 is the confirmation survey of the Peñascal and Mirasoles Grants by Felix A. Blucher in 1861 and 1869 respectively. On Exhibits 5 and 6 the shore line is shown by the actual meanders of the confirmation surveyors. When overlaid on recent rectified aerial photographs of the same scale, these confirmation surveys show there has been no noticeable change in the position and shape of the shore line in the past one hundred thirty years.

Exhibit 7 is a composite of Exhibits 4, 5, and 6 showing de la Fuente's surveys overlaying the confirmation surveyors. Here again you can see the striking similarity of the survey meanders of the confirmation surveys with that of the diagrammatic sketch shown by surveyor de la Fuente.

Exhibit 8 shows the outside boundaries of the Big La Barreta Grant taken from the J. J. Cocke 1882 survey of the G.C. & S.F. and Texas Mexican Railway Sections. The solid dark circles denote some of the natural and artificial objects called for by Cocke.

Exhibit 9 shows the F. M. Maddox survey platted from his patented field notes of 1905 and 1906.

Exhibit 10 is a composite of Exhibits 8 and 9 showing the Maddox survey superimposed

on the Cocke survey. As you can see much of the Maddox survey is identical to the Cocke

Before attempting to locate the shore line of these grants, consideration had to be given to the procedures previously set out by judicial decisions concerning civil law grants. There was litigation in the disputed area in 1951 in *Humble Oil and Refining Company v. Sun Oil Company*, 190 F2d 191. In that case the court stated, "In construing grants issued by the King of Spain and Mexican state before adoption of common law in Texas, boundary between sea and upland must be determined in accordance with the principles announced in *Las Siete Partidas*, the basic law of Spain and Mexico, which defines 'shore' as all ground covered with water at high tide during the whole year whether in winter or in summer."

In another case covering an area approximately thirty miles south of our subject area, the Texas Supreme Court in 1958 in *Luttes v. State*, 324 SW2d 167, 159 Tx. 500, on remand 328 SW2d 920, it is stated "...and all that place is called shore of the sea insomuch as it is covered by the water of the latter, however most it grows in all the year, be it in time of winter or of summer." That court also found that the "landward line of shore as regards abutting Spanish or Mexican grants is under the Spanish (Mexican) law that of mean higher high tide, as distinguished from the mean high tide of Anglo-American law." The datums are determined by tide gauge readings adjusted to nineteen year values.

The court obviously felt that the scientific tide gauge method would not be applicable in all instances for it said, "If it be shown in a given case that the upper level of the shore, as actually covered and uncovered by the sea, is higher (or lower) than the level of mean higher high tide as determined by tide gauges, and if it also appears that an upper median line of the shore, as actually so regularly covered and uncovered, can be determined with reasonable accuracy otherwise than by exclusive resort to tide gauges, we do not by our opinion intend to foreclose such a case."

Part of a surveyor's consideration in relocating any survey is to first and foremost carry out the intent as is made manifest from the title document itself. In interpreting the field notes of the Big Barreta and Little Barreta, that is all of the field notes, the Spanish notes by Cano, the Mexican notes by de la Fuente, the confirmation surveys by Cocke, and the patent survey by Maddox, all made clear that the intent of the grants was to include only pasture land. Then of course as demonstrated on the previous exhibits the surveys were made describing the extent of the grants on the eastern side to be the shore line of Laguna Madre (the edge of the shore would likewise be the edge of the pasture land). In my opinion the conditions of Laguna Madre and its shore line have made no noticeable change since the earliest surveys of this area. Laguna Madre in this area has always had only a few inches of water covering it if there was any water at all. A map of the lower Texas coast prepared by Felix A. Blucher in 1871, shows that this area is "at times dry and very shallow."

We had color aerial photographs made of the entire coastal area extending north and south of the disputed area. The date of this photography was April 22, 1992, and rectified color prints were made at a scale of 1"=1000'. The contrast between the pastureland and the shore in these photographs is so apparent that with a casual glance even someone unacquainted with the area can make this distinction. All of the previous surveys when plotted to the same scale and overlaid on the photographs, show that the shore line has had little noticeable change since the date of the earliest surveys.

It was and is today my opinion that mean higher high water cannot be determined in this area and yet the waters of the sea have never ceased to roll over this disputed area and reach the natural shore line at regular intervals. In February of 1994 National Ocean Service determined that the tide stations established through the disputed area were non-tidal for purposes of determining NOS tidal datums. (Ronald H. Brown, D. James Baker, W. Stanley Wilson, "Tidal Characteristics and Datums of Laguna Madre, Texas." Ocean and Lake Levels Division Office of Ocean and Earth Sciences, Silver Spring, Maryland, February 1994.) It is my opinion that if NOS, the originator of all tidal datums, determines that an area is non-tidal then tidal datums cannot be used for boundary purposes as described in Luttus. With that in mind I concluded that the principles promulgated in Luttus were not at all applicable for a shore line survey in this area. I made my survey in accordance with Las Siete Partidas, the intent of the original grants, and followed the footsteps of the original surveyors. My survey followed along the natural shore line.

Since the Cocke survey called for many natural and artificial objects, I plotted his survey to overlay on the color aerial photographs. In so doing many of the natural objects (ie, cayos, islands, ponds, motts, bluffs, etc.) became apparent on the photograph. By fitting these locatable objects, Cocke's meanders embraced the pasture land and followed the natural shore line. Armed with this information, I went to the field and found many of the natural and artificial objects as called for in the Cocke field notes. I retraced his meander line, placing stakes on most of his meander points.

Cocke's meander lines ran from a few hundred feet long to nearly two miles long. In each instance where we set a stake on what we believed to be a Cocke meander point, we were able to see our previously set meander point (backsight). This was very much supportive of our relocation of Cocke's meander point because seeing from point to point was vital to the surveying procedures of the Cocke era. If any of the meander points had been located only a few feet from our position, sight between them would have been impossible. Using our resurveyed position of Cocke's meanders as a guideline, we refined the Cocke meanders and followed the sinuosities of the natural shore line which in nearly every case was at the foot of a sharp bluff from six to thirty feet high. This natural boundary (bluff line) intersected the bed of Laguna Madre which at that point was very flat, either muddy or covered with water interspersed with occasional grassy islands. Several times a year the water reaches our meander points.

Exhibit 11 is my survey of the grant lines and the shore line meanders, and also shows the shore line boundary by Madison Claunch and William Lothrop. I have shown on the survey by dark solid circles all of the natural and artificial objects that I believe I have found as called for by Surveyor Cocke.

Exhibit 12 is a composite of my survey overlaid on the Cocke survey. Note conformity of natural objects.

Exhibit 12A is a composite of my survey overlaid on the Blucher survey.

Exhibit 13 is a composite of my survey overlaid on the Maddox survey of the Big La Barreta.

Exhibit 14 is comprised of six sheets of the April 22, 1992 color aerial photography, scale 1"=1000', with my survey and the Cocke survey on clear acetate superimposed thereon. These are not included in this report in any form but are currently in my office for inspection.

My resurvey of the Big Barreta Grant embraced 126,380.815 acres of land. The patented survey by Maddox was 124,297 acres. My survey is 2,083.815 acres in excess of Maddox's. I expected excess acreage in this survey due to the fact the Cocke/Maddox survey of the shore line for the most part was on top of the bluffs, whereas our resurvey was running at the toe of the bluffs which in most cases were several hundred feet easterly from the Cocke/Maddox meanders. See Exhibit 11.

In my resurvey of the Little La Barreta, I found it to contain 33,163.795 acres of land. Cocke said the Little La Barreta contained seven leagues and seven labors of land which is equivalent to 32,238.778 acres. My resurvey found the Little La Barreta to contain 925.017 acres in excess of the acreage called for by Cocke. See Exhibit 11.

The area between my meanders of the shore line of the Big Barreta and the line surveyed down Intracoastal Canal by Claunch/Lothrop for the east boundary of Big La Barreta is 23,972.671 acres. This would make the Claunch/Lothrop survey of the Big Barreta to contain a total of 150,353.486 acres. This is 26,056.486 acres or 20.96% in excess of the patented acres. My resurvey revealed only 1.7% excess of the patented acres.

The area between my meanders of the shore line of the Little La Barreta and the line surveyed down Intracoastal Canal by Claunch/Lothrop for the east boundary of Little La Barreta is 8,846.392 acres. This would make the Claunch/Lothrop survey of the Little Barreta to contain a total of 42,018.481 acres. This is 9,779.703 acres or 30.33% excessive of the Cocke survey. My resurvey revealed only 2.9% excess of the Cocke survey.

Exhibit 15 depicts the variance in acreage found by the different surveyors on these two grants.

Exhibit 16 is certified plat reflecting my resurvey of the Big and Little La Barreta Grants.

Exhibit 17 is an enlarged map of the survey showing point numbers.


Exhibit 18 is a coordinate listing.

The combined area between my meanders of the shore line of the Big and Little Barretas and the line surveyed down Intracoastal Canal by Claunch/Lothrop for their eastern boundary is 32,819.063 acres. This is 2,220.767 acres less than the 35,039.83 acres described in the legal description of the disputed land in the Plaintiffs' Original Petition. In this same document the Cocke/Maddox meanders are used by the Plaintiffs to describe the western limits of the disputed land. Under my survey the above 2,220.767 acres would be in addition to the area described by Cocke and Maddox in their survey of the Little and Big Barreta Grants.

In the Spanish Archives of the General Land Office, Volume 53, Page 60, dated December 18, 1830, are found the following instructions to surveyors: "1st, upon the point which has occurred where they (surveyors) must commence the surveys so as to leave free the lands and littoral leagues excepted by the Colonization Law of the 18th August 1824. In regard to the first the surveys shall be commenced from the edge of the firm land 'terra firma,' leaving to the sea the lakes that have communication with the same as they shall be considered as a part of one whole, not so the lakes or salt marshes, which are separated from the sea and surrounded on all parts by firm land."

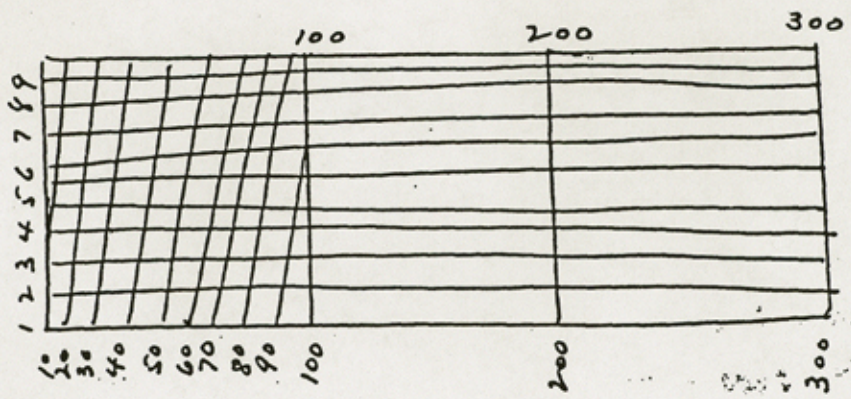
Nature, not man nor his interpretation, has fixed the line on this property. My survey is along the edge of firm land at the toe of a bluff and has left to the sea the lakes (lagunas) that have communication with the sea.

Respectfully submitted,

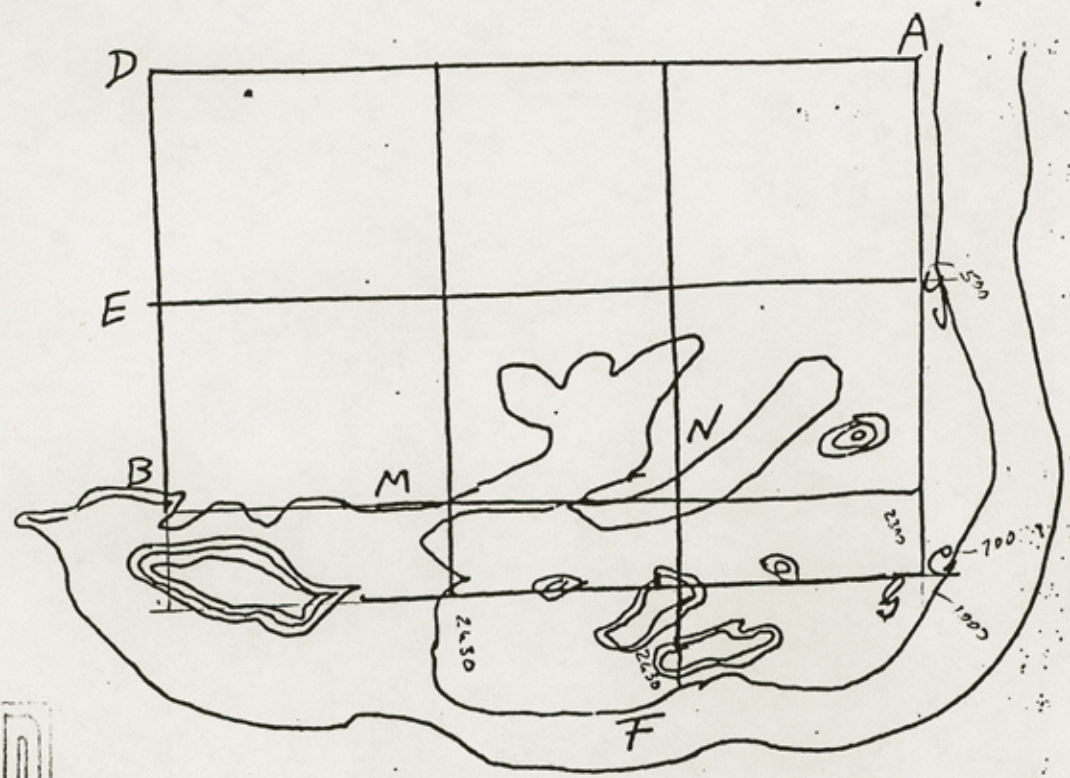

Darrell D. Shine

and on the West by lands which were also surveyed for the
 Citizen Domingo de la Garza, which plat was made in the
 manner following in the manner and with the formalities
 required therefor according to the provisions of the law

SCALE



DEMONSTRATIVE MAP.

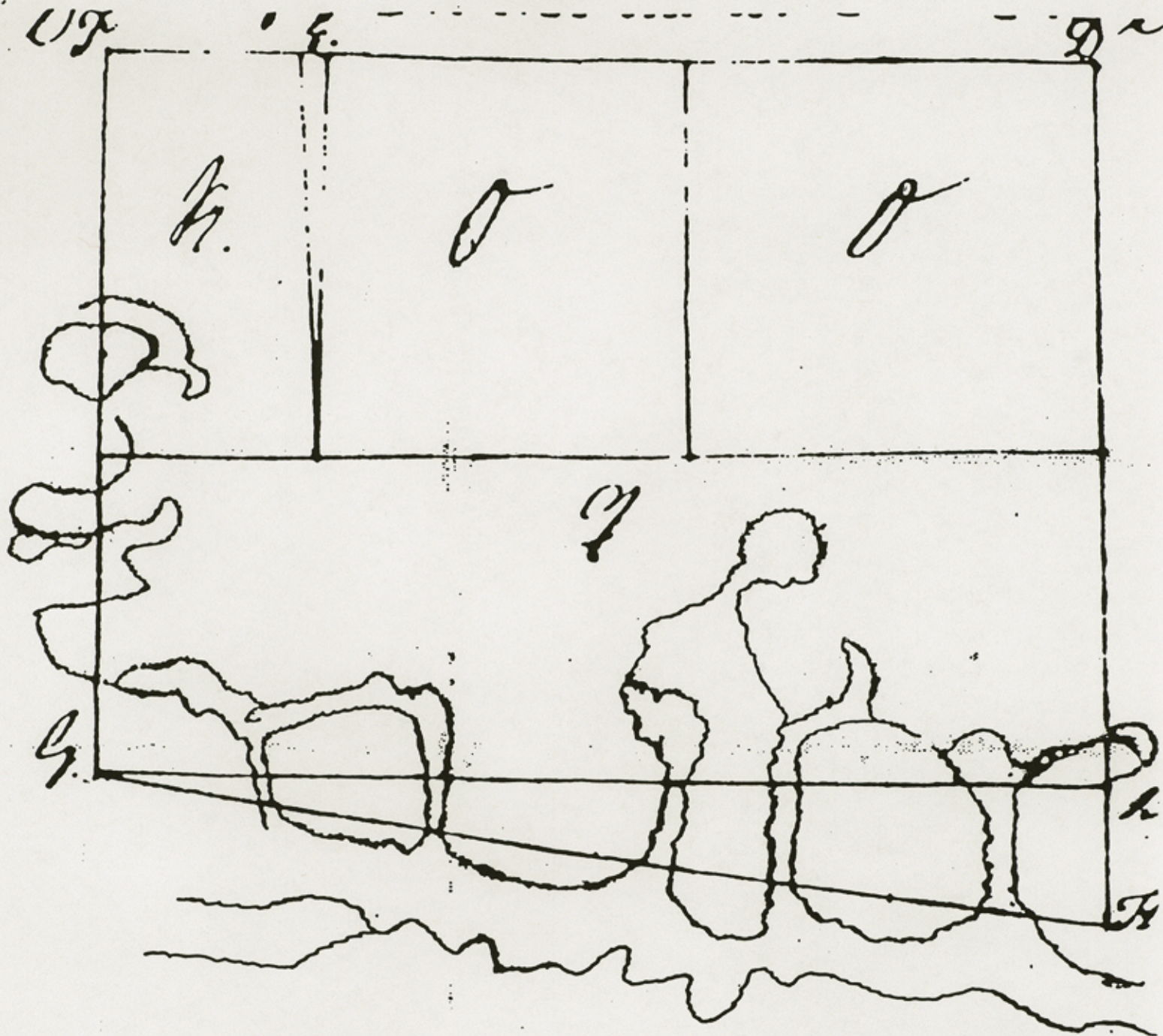


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EXHIBIT 1
 Domingo de la Fuente
 El Penascal

Counter 28773



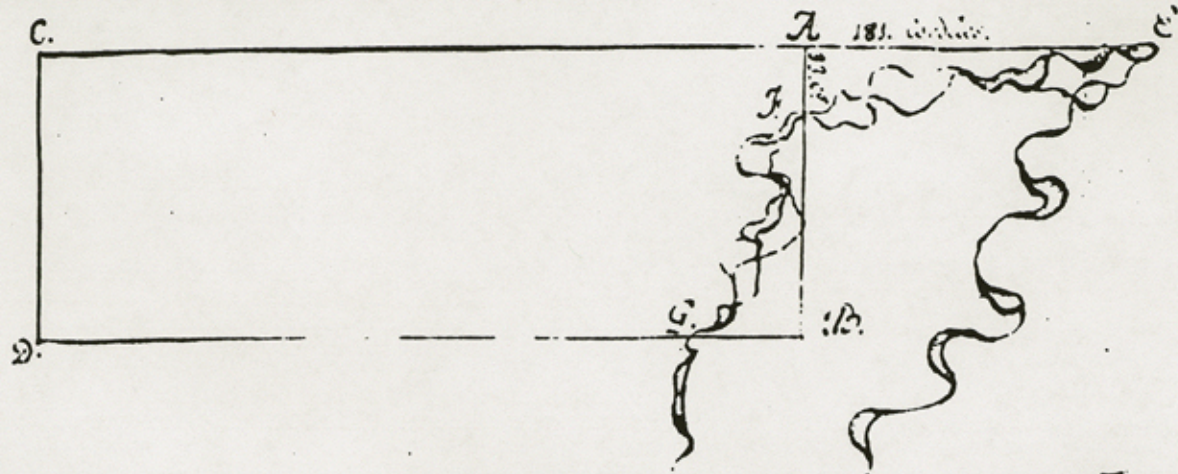
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EXHIBIT 2
Domingo de la Fuente
Rincon de Mirasoles

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POB - Mapa demostrativo de un terreno perteneciente a la Jurisd. on de Matan
 te del otro lado del Arroyo colorado contra la Laguna madre que por haberlo a
 nado Silinas se le adjudico. su medida y demarcación se hizo del modo sig.



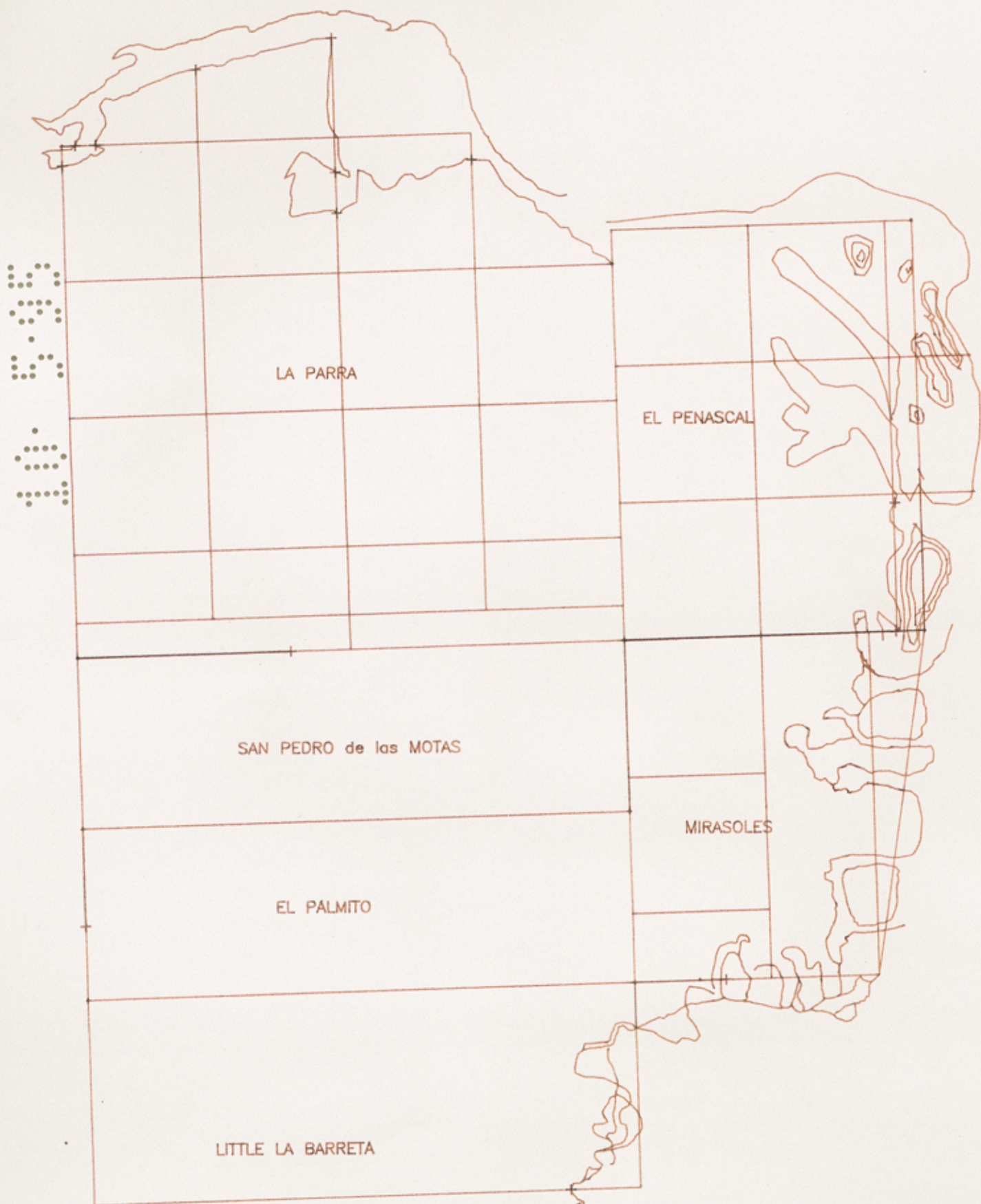
DEMARCIÓN.

El los 29 dias del mes de Agosto de 1852, puntos cerca de la Laguna madre donde termino la Tierra del C. Higue
 Caribano yub, Judio Procurador, e Inmensado, Colono y otros y demás vecinos q. se hallaron presentes despues de me
 para compuesta de tres rios geometricos segun lo previene la Ley de esta materia, a vista de todos se tiro la linea de A
 cordel treinta y tres veces que alcanzo a la orilla de la Laguna madre en el punto B. y continuando por el mismo rumb
 de los conios que se ajustaron legua y media, de cuyo punto se levanto el cordel y caando al punto C. donde se halla e
 costado del Poniente y tirando la linea de Norte a Sur de C. a D. se midio legua y media y igualar el costado A. B.
 pletas segun consta por los titulos del C. Miguel Hinojosa y habiendose concluido la medida de este terreno quedo
 tener legua y media de frente y cuatro leguas de fondo se ajustaron cinco sitios de Ganado mayor menos la parte F
 y el resto de los mencionados cinco sitios se le aumento la parte A. E. F. G. hace un rincón al

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EXHIBIT 3
 Domingo de la Fuente
 Little La Barreta
 Kenedy Sk. File 2

count 28775



DOMINGO de la FUENTE 1832-1834

Kenedy Sk. File 2

EXHIBIT 4

Counter 28776

10
10
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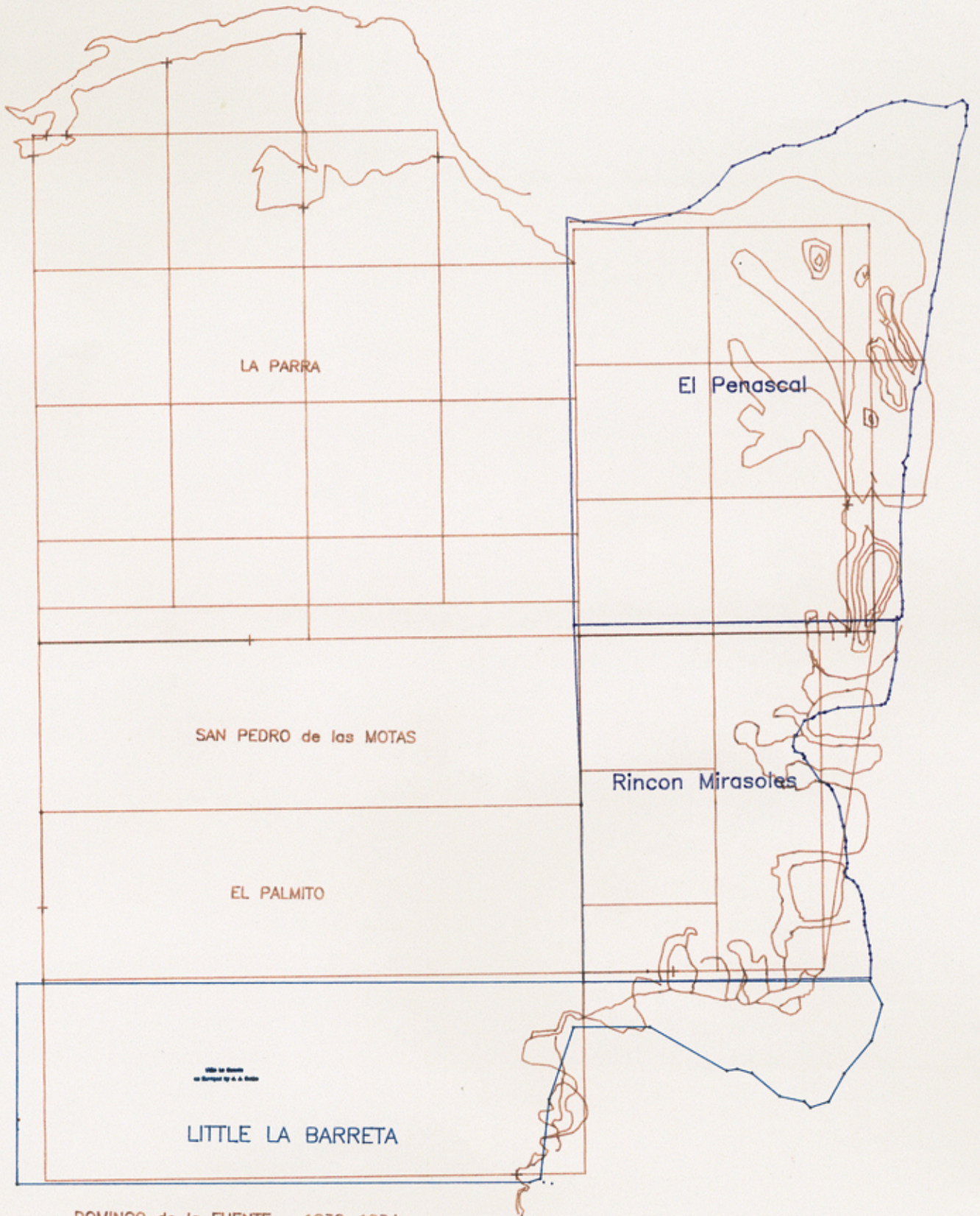
J. J. COCKE 1879

EXHIBIT 5

Kenedy SK. File 2

Counter 28777

5
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1



DOMINGO de la FUENTE 1832-1834

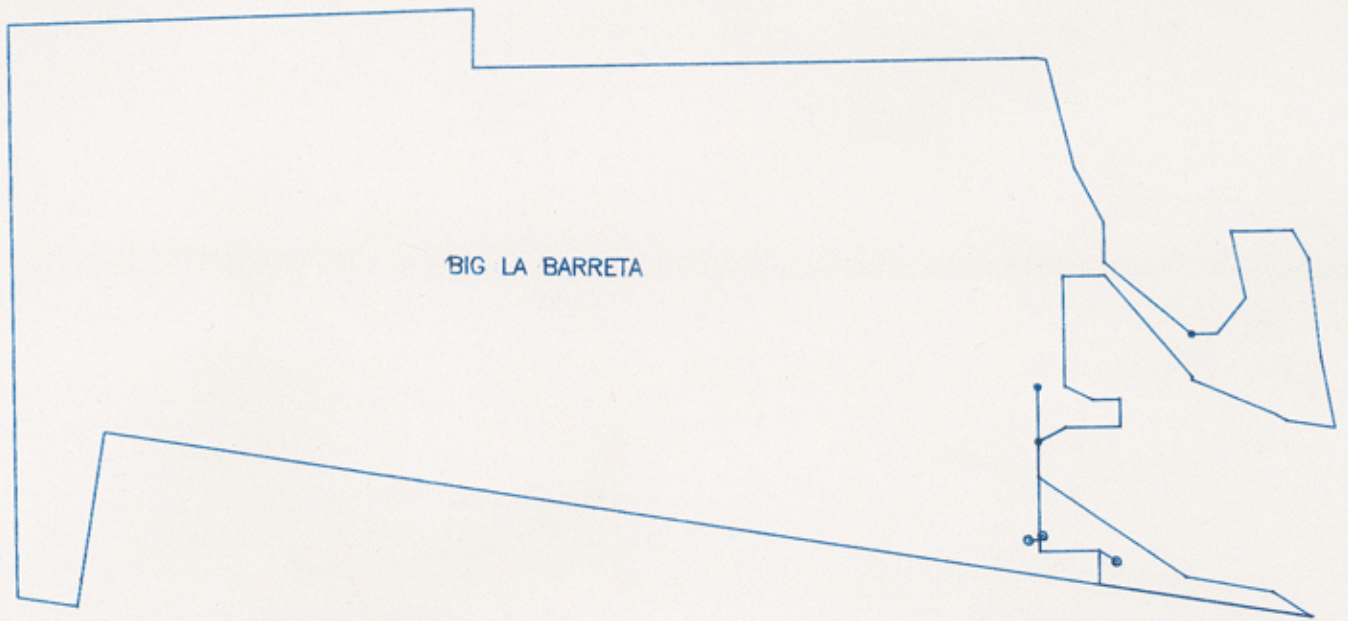
FELIX A. BLUCHER 1861 AND 1869

J. J. COCKE 1879

Kenedy sk. File 2

EXHIBIT 7

Counter 28779



BIG LA BARRETA

J. J. COCKE 1882

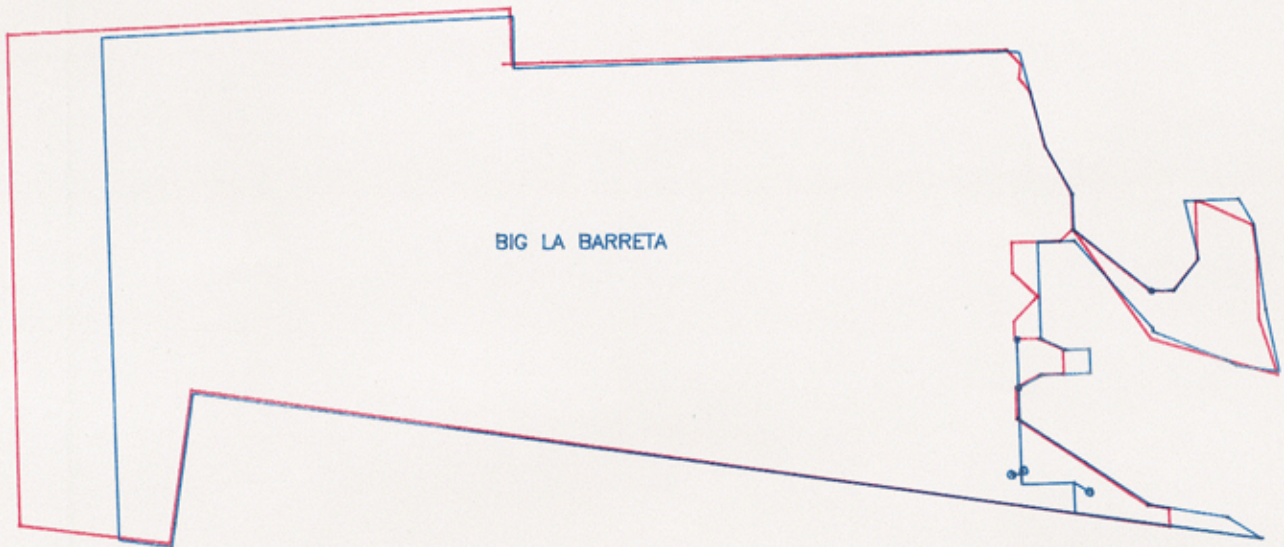
EXHIBIT 8

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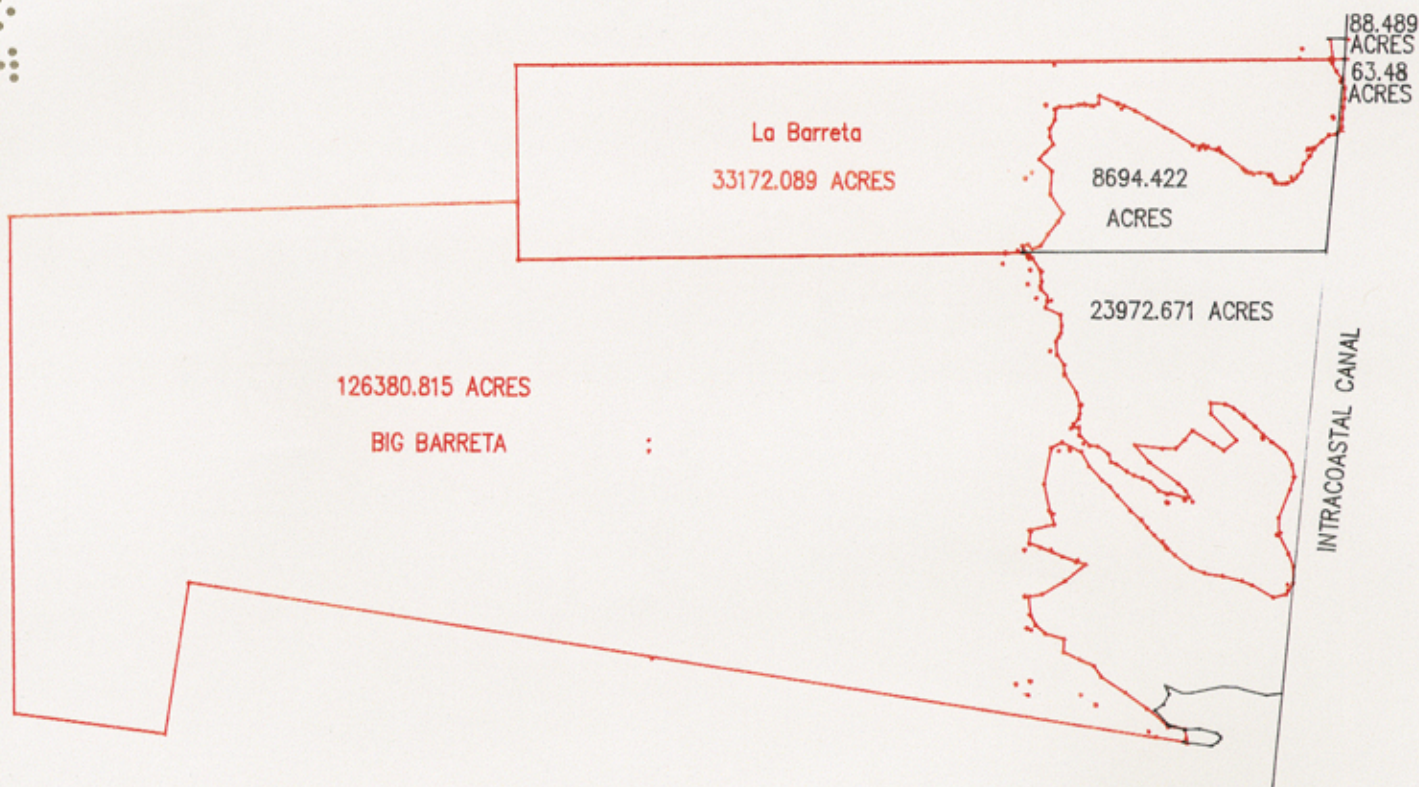
J. J. COCKE 1882

F. M. MADDOX 1905-1906

EXHIBIT 10

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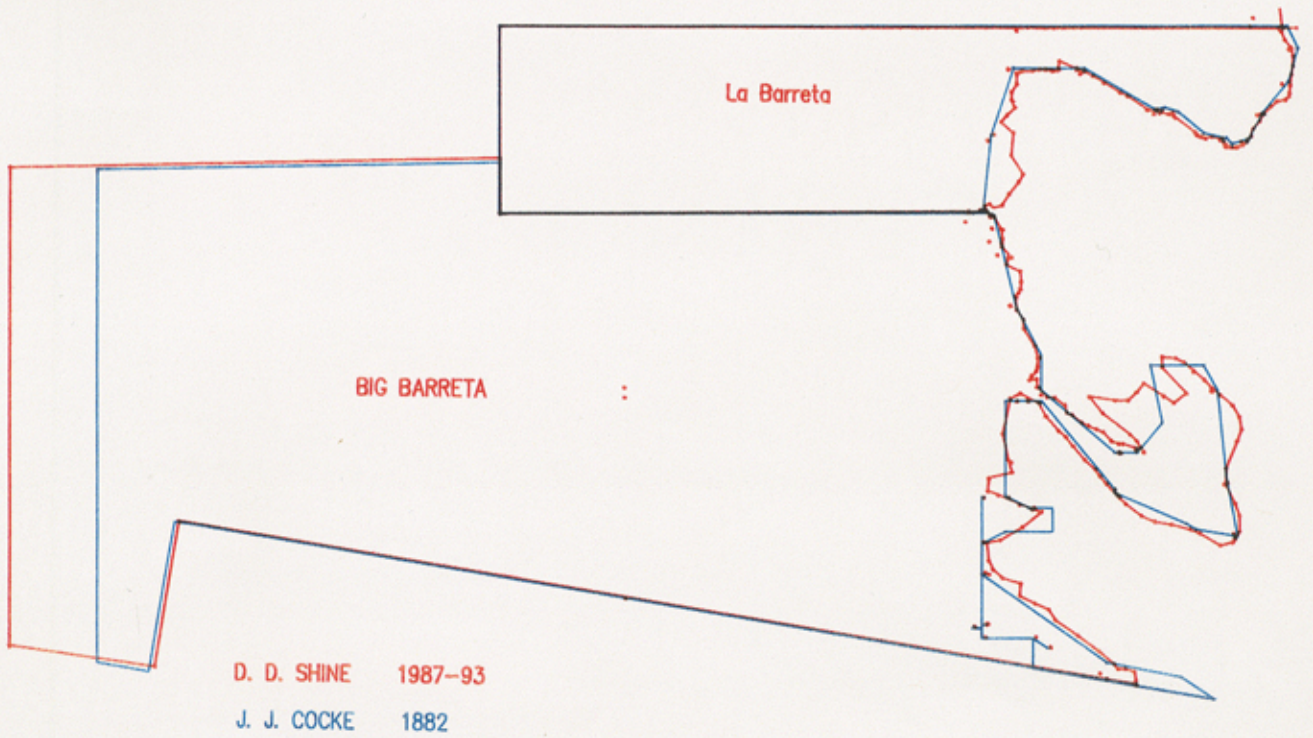


D. D. SHINE 1987-1993
MATT CLAUNCH/WILLIAM LOTHROP 1984-1986

EXHIBIT 11

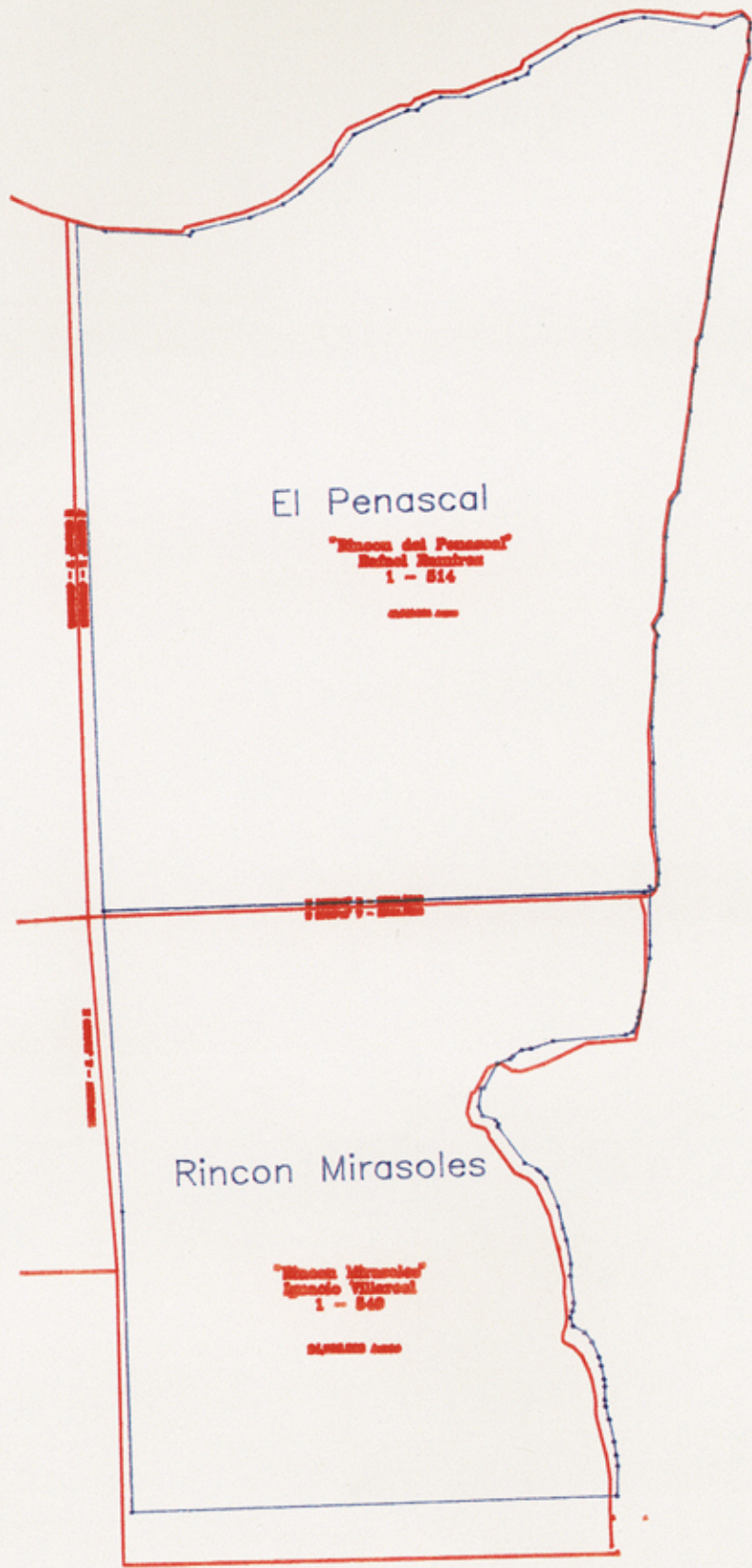
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FELIX A. BLUCHER 1861 AND 1869

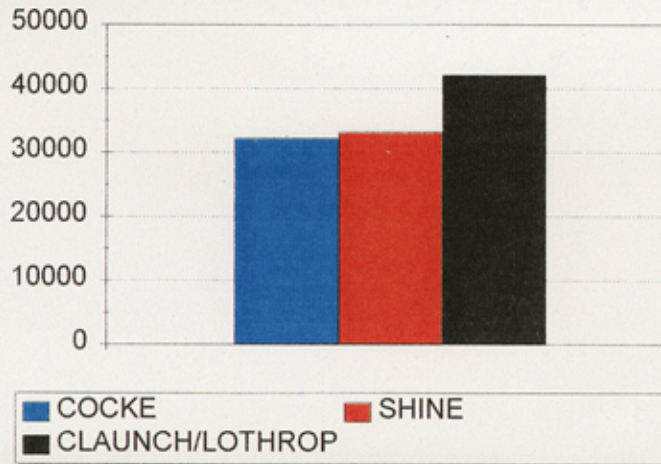
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EXHIBIT 12 A

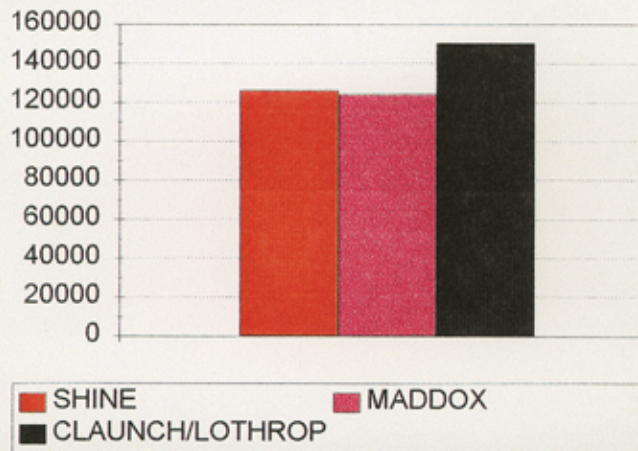
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LITTLE LA BARRETA



J. J. COCKE	32,238.778 Acres	
D. D. SHINE	33,163.795 Acres	2.9% EXCESS
MATT CLAUNCH	42,018.481 Acres	30.33% EXCESS
WILLIAM LOTHROP		

BIG LA BARRETA



F. M. MADDOX	124,297.00 Acres	
D. D. SHINE	126,380.815 Acres	1.7% EXCESS
MATT CLAUNCH	150,353.486 Acres	20.96% EXCESS
WILLIAM LOTHROP		

Exhibit 15

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7 P55

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Kenedy Co. Sk. { File 2

EXHIBIT 18

Counter 28814

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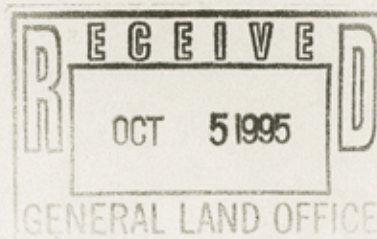
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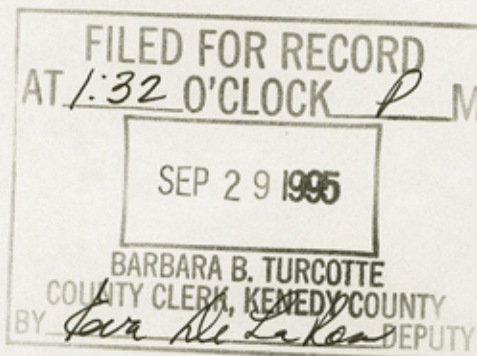
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File # 4967



THE STATE OF TEXAS

See Accompanying
Plat and Report.

COUNTY OF
KENEDY

The Eastern Boundaries of the
La Barreta Grant (Little
Barreta), File 1-809, original
Grantee, Leonardo Salinas, and Barreta
Grant (Big Barreta), File 1-831, original
grantee, Jose Francisco Balli.

FIELD NOTES of a survey of the Eastern Boundary of the La Barreta and Las Motas de la Barreta Grants made for the State of Texas by virtue of its ownership of adjacent coastal public lands. Said land is situated in Kenedy County, about 22.1 miles S 45° E from Sarita, the county seat, and is described by metes and bounds as follows, to wit:

BEGINNING at X=2,340,552.32 and Y=488,112.89 at a point on the west margin (natural shoreline) of Laguna Madre at the northeast corner of said La Barreta (Little Barreta) and the southeast corner of Rincon Mirasoles (1-549). A 4" galvanized casing filled with concrete with a rifle cartridge (bullet up in center) stamped "PALMITO/MIRASOLES/BARRETA" set by Surveyors French and Brown in 1934 for the southwest corner of the said Rincon Mirasoles and the southeast corner of El Palmito (1-814) bears S 88° 37' 44" W 30,038.48 feet (10,813.85 varas.) A concrete monument stamped "KMF 26" bears N 71° 24' 37" W 3,466.90 feet.

THENCE with the eastern boundary of the said Little Barreta along the western margin (natural shoreline) of Laguna Madre with its meanders as follows:

LINE	BEARING	FEET	VARAS
L1	S 09° 38' 25" W	439.25	158.13
L2	S 26° 27' 03" E	1033.51	372.06
L3	S 39° 28' 21" E	1157.73	416.78
L4	S 12° 27' 43" E	921.47	331.73
L5	S 03° 22' 22" W	1081.25	389.25
L6	S 06° 35' 48" W	986.69	355.21
L7	S 04° 44' 56" W	1199.67	431.88
L8	S 03° 25' 41" W	895.11	322.24
L9	S 11° 50' 44" W	381.97	137.51
L10	S 47° 12' 29" W	519.31	186.95
L11	S 76° 14' 10" W	981.83	353.46
L12	S 49° 41' 39" W	957.25	344.61
L13	S 45° 23' 54" W	1130.49	406.98
L14	S 27° 00' 54" W	901.90	324.68
L15	S 40° 51' 32" W	1164.45	419.20
L16	S 15° 22' 36" W	881.77	317.44
L17	S 34° 58' 41" W	823.22	296.36
L18	S 52° 46' 29" W	550.56	198.20
L19	S 67° 15' 07" W	656.54	236.35
L20	S 86° 03' 46" W	575.27	207.10
L21	N 80° 22' 41" W	430.94	155.14
L22	N 74° 07' 28" W	354.26	127.53
L23	N 20° 58' 06" E	117.82	42.42
L24	N 32° 59' 57" W	515.38	185.54
L25	N 13° 31' 02" W	324.74	116.91
L26	N 83° 50' 07" W	1231.49	443.34
L27	S 83° 08' 06" W	741.33	266.88
L28	N 73° 22' 49" W	437.13	157.37
L29	N 63° 30' 05" W	596.71	214.82
L30	N 44° 24' 19" W	378.13	136.13

L31	N 53° 39' 57" W	2975.19	1071.07
L32	N 74° 48' 31" W	495.37	178.33
L34	N 79° 50' 33" W	1139.76	410.31
L35	N 77° 26' 24" W	1376.01	495.36
L36	N 56° 44' 25" W	2785.50	1002.78
L37	N 64° 51' 06" W	888.01	319.68
L38	N 59° 51' 03" W	2076.25	747.45
L39	N 60° 36' 18" W	1532.05	551.54
L40	N 64° 36' 46" W	1227.63	441.95
L41	N 73° 10' 43" W	732.78	263.80
L42	N 66° 02' 24" W	2148.21	773.36
L43	S 08° 39' 59" W	911.27	328.06
L44	S 63° 12' 50" W	588.88	212.00
L45	N 65° 22' 30" W	324.07	116.67
L46	N 81° 13' 22" W	548.13	197.33
L47	N 89° 49' 52" W	291.78	105.04
L48	S 84° 06' 58" W	460.34	165.72
L49	S 76° 47' 58" W	876.89	315.68
L50	S 89° 14' 24" W	1175.04	423.01
L51	S 58° 04' 09" W	595.31	214.31
L52	S 00° 08' 45" W	1130.26	406.89
L53	S 29° 52' 12" W	1131.58	407.37
L54	S 00° 57' 45" E	886.76	319.23
L55	S 24° 40' 11" E	891.53	320.95
L56	S 45° 24' 39" W	1228.15	442.13
L57	S 40° 41' 38" W	991.17	356.82
L58	S 48° 47' 12" E	1859.88	669.56
L59	S 04° 24' 10" W	2553.63	919.31
L60	S 34° 07' 44" E	2488.06	895.70
L61	S 29° 59' 54" W	1042.45	375.28
L62	S 38° 14' 44" W	1758.59	633.09
L63	S 31° 50' 07" W	1436.24	517.05
L64	S 70° 51' 36" W	974.88	350.96
L65	N 45° 07' 36" W	665.89	239.72
L66	S 73° 19' 28" W	624.12	224.68
L67	S 21° 36' 56" E	484.86	174.55
L68	S 35° 30' 23" E	301.30	108.47

to a point on the west margin (natural shoreline) of Laguna Madre at foot of bluff and at intersection of fenceline at the southeast corner the said Little Barreta and the northeast corner of the said Big Barreta. Said corner has a coordinate value of X=2,307,577.84 and Y=467,032.54. A concrete monument stamped "KMF 35" bears S 63° 29' 09" W 2,736.76 feet.

THENCE with the eastern boundary of the Big Barreta along the western margin (natural shoreline) of Laguna Madre as follows:

LINE	BEARING	FEET	VARAS
L69	S 35° 30' 19" E	245.72	88.46
L70	S 71° 26' 23" E	289.57	104.25
L71	S 48° 45' 17" E	424.52	152.83
L72	S 32° 48' 54" E	1567.69	564.37
L73	S 08° 44' 14" E	1224.62	440.86
L74	S 04° 25' 33" W	881.77	317.44
L75	S 46° 48' 42" E	993.71	357.74
L76	S 02° 02' 49" W	608.15	218.93
L77	S 16° 48' 03" W	701.26	252.45
L78	S 65° 02' 03" E	1789.81	644.33
L79	S 07° 27' 24" E	1135.55	408.80
L80	S 05° 14' 38" W	810.21	291.68
L81	S 31° 08' 30" W	1082.94	389.86

L82	S 04° 49' 07" E	1413.95	509.02
L83	S 35° 28' 47" E	1330.62	479.02
L84	S 03° 23' 39" E	1060.84	381.90
L85	S 34° 20' 37" E	2255.00	811.80
L86	S 16° 19' 16" E	1456.62	524.38
L87	S 01° 09' 52" W	893.69	321.73
L88	S 15° 19' 16" W	528.97	190.43
L89	S 35° 27' 56" W	1317.51	474.30
L90	N 81° 24' 28" E	832.29	299.62
L91	S 06° 43' 39" E	939.09	338.07
L92	S 46° 01' 25" E	1554.73	559.70
L93	S 84° 55' 22" E	839.93	302.37
L94	S 54° 29' 33" E	1434.13	516.29
L95	S 13° 31' 13" E	883.05	317.90
L96	S 69° 37' 18" E	686.59	247.17
L97	S 53° 43' 34" E	1325.05	477.02
L98	S 62° 33' 05" E	925.34	333.12
L99	S 70° 31' 00" E	939.34	338.16
L100	S 65° 50' 45" E	901.05	324.38
L101	S 45° 00' 00" E	1317.05	474.14
L102	S 70° 06' 17" E	900.70	324.25
L103	N 86° 41' 23" E	447.36	161.05
L104	S 73° 06' 22" E	1494.38	537.98
L105	N 86° 45' 00" E	556.64	200.39
L106	N 29° 20' 42" W	870.14	313.25
L107	N 47° 08' 58" W	1082.59	389.73
L108	N 53° 45' 03" W	3889.19	1400.11
L109	N 40° 11' 49" W	2434.49	876.42
L110	S 82° 17' 26" E	2973.41	1070.43
L111	S 89° 45' 24" E	1469.28	528.94
L112	N 44° 54' 02" E	1325.94	477.34
L113	N 38° 59' 43" E	1317.03	474.13
L114	S 58° 24' 41" E	2677.96	964.07
L115	S 55° 33' 29" E	1355.29	487.90
L116	N 50° 18' 25" E	1816.27	653.86
L117	N 44° 28' 14" W	4005.27	1441.90
L118	N 00° 26' 14" W	1135.83	408.90
L119	S 86° 57' 23" E	1530.12	550.84
L120	S 63° 59' 57" E	1085.81	390.89
L121	S 49° 23' 20" E	1431.38	515.30
L122	S 50° 29' 45" E	1548.89	557.60
L123	S 44° 35' 04" E	1305.68	470.04
L124	S 51° 43' 24" E	1188.08	427.71
L125	S 50° 52' 59" E	1797.56	647.12
L126	S 31° 09' 49" E	1486.51	535.14
L127	S 12° 15' 41" E	1414.46	509.21
L128	S 18° 57' 43" W	1400.44	504.16
L129	S 21° 18' 50" W	3295.44	1186.36
L130	S 00° 24' 17" W	1812.11	652.36
L131	S 26° 43' 08" E	2341.90	843.08
L132	S 21° 11' 47" E	1430.42	514.95
L133	S 02° 17' 52" E	1811.65	652.19
L134	S 30° 36' 26" W	1436.83	517.26
L135	S 74° 31' 21" W	1474.92	530.97
L136	N 59° 55' 20" W	2656.02	956.17
L137	N 69° 39' 19" W	1225.64	441.23
L138	N 75° 42' 00" W	2135.40	768.74
L139	N 81° 38' 13" W	1937.90	697.64

L140	N 67° 54' 06" W	1600.12	576.04
L141	N 53° 24' 18" W	2210.65	795.83
L142	N 47° 45' 12" W	999.26	359.73
L143	N 45° 02' 22" W	2092.66	753.36
L144	N 42° 24' 55" W	1155.35	415.93
L145	N 37° 13' 26" W	993.85	357.79
L146	N 48° 26' 53" W	1510.87	543.91
L147	N 42° 00' 24" W	2149.85	773.95
L148	N 39° 03' 44" W	1337.93	481.65
L149	N 49° 48' 33" W	1077.00	387.72
L150	N 42° 52' 54" W	2101.71	756.62
L151	N 29° 31' 33" W	1687.27	607.42
L152	N 62° 51' 30" W	2329.79	838.72
L153	S 61° 16' 03" W	1333.98	480.23
L154	S 10° 40' 23" W	3990.57	1436.61
L155	S 12° 31' 18" E	2985.38	1074.74
L156	S 18° 29' 20" E	1513.41	544.83
L157	S 76° 09' 43" W	2678.80	964.37
L158	S 04° 38' 57" W	1430.76	515.07
L159	S 71° 22' 19" E	1232.17	443.58
L160	S 67° 15' 50" E	2628.21	946.16
L161	S 70° 18' 37" E	1543.18	555.54
L162	S 72° 05' 21" E	1104.63	397.67
L163	S 50° 28' 41" W	2764.52	995.23
L164	S 59° 15' 30" W	2924.10	1052.68
L165	S 78° 53' 59" W	1483.97	534.23
L166	S 07° 17' 45" E	2007.92	722.85
L167	S 27° 32' 05" E	1212.36	436.45
L168	S 49° 03' 26" E	1375.76	495.27
L169	S 74° 05' 51" E	2109.62	759.46
L170	S 02° 50' 26" W	1405.59	506.01
L171	S 65° 22' 50" E	1886.15	679.01
L172	S 66° 39' 46" E	1722.37	620.05
L173	S 34° 40' 46" E	1398.66	503.52
L174	S 56° 23' 17" E	3110.72	1119.86
L175	S 54° 18' 54" E	2883.43	1038.03
L176	S 51° 05' 23" E	2213.84	796.98
L177	S 38° 44' 01" E	801.59	288.57
L178	N 85° 31' 24" E	774.65	278.87
L179	S 74° 28' 00" E	1152.49	414.90
L180	S 09° 38' 37" E	1000.50	360.18
L181	S 13° 42' 35" W	253.49	91.26
L182	S 18° 28' 46" E	138.88	50.00

to a point on the west margin (natural shoreline) of Laguna Madre at the southeast corner of the Big Barreta and the northeast corner of the San Juan de Carricitos Grant. Said corner has a coordinate value of X=2,325,231.49 and Y=414,283.82. A concrete monument stamped "KMF 45" bears N 73° 55' 32" W 4,214.70 feet.

All meander points are on the natural shoreline of Laguna Madre.

Bearings and distances are grid.

Survey tied to NGS Station Lopena.

Published coordinates: X=2,335,472.55 and Y=480,025.65.

Zone: South (NAD 1927). Average theta angle is +00° 25' 10".

February, March, April 1993

Date of Survey

Field Personnel: Malcolm Bamburg

Doug Edwards

Bill O'Hare

I, D. D. Shine, Licensed State Land Surveyor, do hereby certify that I have located the eastern boundary of the aforementioned grants. To the best of my knowledge, there is no artificial fill or accretion along the boundaries surveyed. The foregoing survey was made by me on the ground, according to law, on the dates and with the field personnel aforesaid, and the limits, corners, and boundaries with the marks of the same, natural and artificial, are truly and correctly described and set forth in the foregoing plat and field notes, just as I found them on the ground.



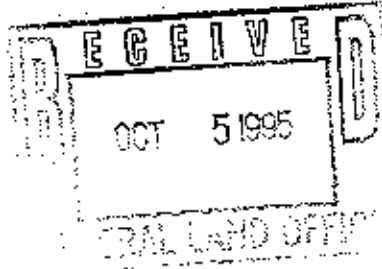
D. D. Shine
Licensed State Land Surveyor

Filed for record in my office, the 29th day of September 1995, at 1:30 p.m. o'clock 1 M., and duly recorded the _____ day of _____, 1995, in Book 3 Page 207 of the Field Note Records of Kenedy County, Texas.

County Clerk

File # 4966

FILED FOR RECORD AT <u>1:30</u> O'CLOCK <u>P</u> M
SEP 29 1995
BARBARA B. TURCOTTE COUNTY CLERK, KENEDY COUNTY BY <u>Eva M. LaRosa</u> DEPUTY



Survey of East Boundaries of
BIG AND LITTLE BARRETA GRANTS
 Along the Western Margin of
LAGUNA MADRE
 Kenedy County, Texas

Surveyed February, March, April 1993 August 18, 1995 September 14, 1995
 See Accompanying Report N/F

I, D. D. Shine, Licensed State Land Surveyor in the State of Texas, do hereby certify that I have located the eastern boundary of the aforementioned grants. This survey was made by me on the ground, according to law; the limits, corners, and boundaries with the marks of the same, natural and artificial, are truly and correctly described and set forth on this plat, just as I found them on the ground.
 Given under my hand and seal this the 14th day of September, 1995.

[Signature]

D. D. SHINE
 Licensed State Land Surveyor

LOS FINADOS
 Juan N. de la Garza
 1-547

El Palmito
 Miguel Ynojosa
 1-814

LA BARRETA
 Little Barreta
 1-809
 Leonardo Salinas
 Resurvey Acres: 33,163.795
 Acres by Cooke: 32,238.778

The John G. and Marie Stella Kenedy
 Memorial Foundation
 P. O. Box 3
 Sarita, Texas 79385

BARRETA (Big Barreta)

Jose Francisco Balli
 1-831

Resurvey Acres: 126,380.815
 Patented Acres: 124,297.000

The John G. and Marie Stella Kenedy
 Memorial Foundation
 P. O. Box 3
 Sarita, Texas 79385

SAN JUAN DE CARRICITOS

Jose Narciso Cavazos
 1-764

SAN SALVADOR DEL TULE
 Juan Jose Balli
 1-736

All horizontal measurements are referred to the Meridian and Grid Plane of the Texas Coordinate System, South Zone, NAD 1927.

- LEGEND:
- Possible Recovered Survey and Meander Points by Cooke
 - C-C-C-C- Survey and Meander Lines by Cooke
 - M-M-M-M- Meander Lines by Maddox

AREA DETERMINED NON-TIDAL
 Survey Meander Points on Natural Shoreline.
 (See accompanying report of 8/18/95.)

Filed for record in my office, the _____ day of _____, 1995, at _____ o'clock, and duly recorded the _____ day of _____, 1995, in Book _____ Page _____ of the said records of _____ County, Texas.

County Clerk

RINCON MIRASOLES

Ignacio Villareal

1-549

The John G. Kenedy, Jr. Charitable Trust
 Frost National Bank
 P. O. Drawer 1600
 San Antonio, Texas 78296-1400

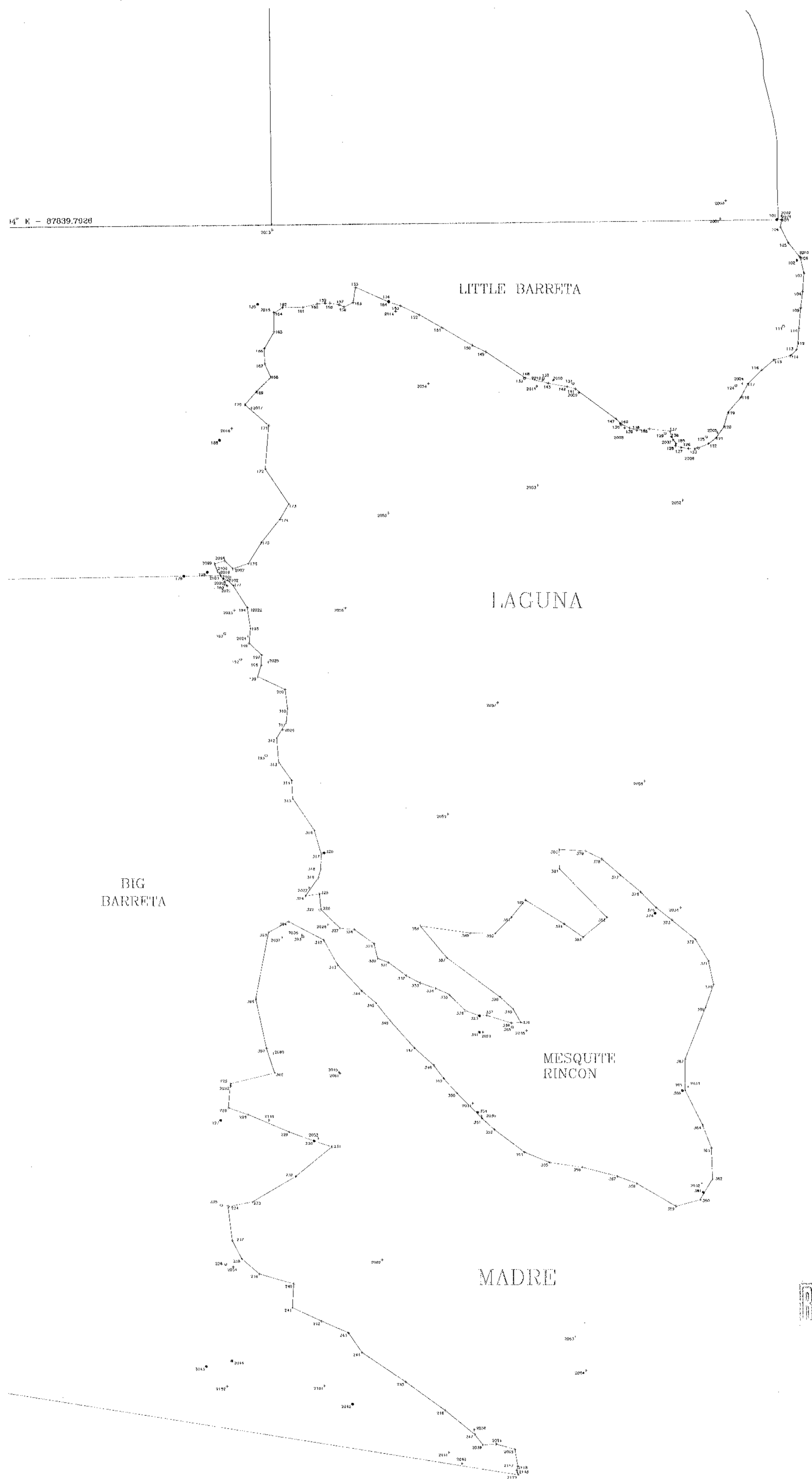
LITTLE LA BARRETA

LINE	BEARING	FEET	VARIES
L1	S 89°20'00" W	428.25	168.71
L2	S 89°20'00" W	1003.87	372.06
L3	S 89°20'00" W	1177.23	437.78
L4	S 89°20'00" W	871.47	317.75
L5	S 89°20'00" W	108.25	38.33
L6	S 89°20'00" W	1196.87	437.98
L7	S 89°20'00" W	1196.87	437.98
L8	S 89°20'00" W	381.87	137.62
L9	S 89°20'00" W	807.23	288.46
L10	S 89°20'00" W	807.23	288.46
L11	S 89°20'00" W	110.49	39.88
L12	S 89°20'00" W	807.23	288.46
L13	S 89°20'00" W	110.49	39.88
L14	S 89°20'00" W	807.23	288.46
L15	S 89°20'00" W	110.49	39.88
L16	S 89°20'00" W	807.23	288.46
L17	S 89°20'00" W	110.49	39.88
L18	S 89°20'00" W	807.23	288.46
L19	S 89°20'00" W	110.49	39.88
L20	S 89°20'00" W	807.23	288.46
L21	S 89°20'00" W	110.49	39.88
L22	S 89°20'00" W	807.23	288.46
L23	S 89°20'00" W	110.49	39.88
L24	S 89°20'00" W	807.23	288.46
L25	S 89°20'00" W	110.49	39.88
L26	S 89°20'00" W	807.23	288.46
L27	S 89°20'00" W	110.49	39.88
L28	S 89°20'00" W	807.23	288.46
L29	S 89°20'00" W	110.49	39.88
L30	S 89°20'00" W	807.23	288.46
L31	S 89°20'00" W	110.49	39.88
L32	S 89°20'00" W	807.23	288.46
L33	S 89°20'00" W	110.49	39.88
L34	S 89°20'00" W	807.23	288.46
L35	S 89°20'00" W	110.49	39.88
L36	S 89°20'00" W	807.23	288.46
L37	S 89°20'00" W	110.49	39.88
L38	S 89°20'00" W	807.23	288.46
L39	S 89°20'00" W	110.49	39.88
L40	S 89°20'00" W	807.23	288.46
L41	S 89°20'00" W	110.49	39.88
L42	S 89°20'00" W	807.23	288.46
L43	S 89°20'00" W	110.49	39.88
L44	S 89°20'00" W	807.23	288.46
L45	S 89°20'00" W	110.49	39.88
L46	S 89°20'00" W	807.23	288.46
L47	S 89°20'00" W	110.49	39.88
L48	S 89°20'00" W	807.23	288.46
L49	S 89°20'00" W	110.49	39.88
L50	S 89°20'00" W	807.23	288.46
L51	S 89°20'00" W	110.49	39.88
L52	S 89°20'00" W	807.23	288.46
L53	S 89°20'00" W	110.49	39.88
L54	S 89°20'00" W	807.23	288.46
L55	S 89°20'00" W	110.49	39.88
L56	S 89°20'00" W	807.23	288.46
L57	S 89°20'00" W	110.49	39.88
L58	S 89°20'00" W	807.23	288.46
L59	S 89°20'00" W	110.49	39.88
L60	S 89°20'00" W	807.23	288.46
L61	S 89°20'00" W	110.49	39.88
L62	S 89°20'00" W	807.23	288.46
L63	S 89°20'00" W	110.49	39.88
L64	S 89°20'00" W	807.23	288.46
L65	S 89°20'00" W	110.49	39.88
L66	S 89°20'00" W	807.23	288.46
L67	S 89°20'00" W	110.49	39.88
L68	S 89°20'00" W	807.23	288.46
L69	S 89°20'00" W	110.49	39.88
L70	S 89°20'00" W	807.23	288.46
L71	S 89°20'00" W	110.49	39.88
L72	S 89°20'00" W	807.23	288.46
L73	S 89°20'00" W	110.49	39.88
L74	S 89°20'00" W	807.23	288.46
L75	S 89°20'00" W	110.49	39.88
L76	S 89°20'00" W	807.23	288.46
L77	S 89°20'00" W	110.49	39.88
L78	S 89°20'00" W	807.23	288.46
L79	S 89°20'00" W	110.49	39.88
L80	S 89°20'00" W	807.23	288.46
L81	S 89°20'00" W	110.49	39.88
L82	S 89°20'00" W	807.23	288.46
L83	S 89°20'00" W	110.49	39.88
L84	S 89°20'00" W	807.23	288.46
L85	S 89°20'00" W	110.49	39.88
L86	S 89°20'00" W	807.23	288.46
L87	S 89°20'00" W	110.49	39.88
L88	S 89°20'00" W	807.23	288.46
L89	S 89°20'00" W	110.49	39.88
L90	S 89°20'00" W	807.23	288.46
L91	S 89°20'00" W	110.49	39.88
L92	S 89°20'00" W	807.23	288.46
L93	S 89°20'00" W	110.49	39.88
L94	S 89°20'00" W	807.23	288.46
L95	S 89°20'00" W	110.49	39.88
L96	S 89°20'00" W	807.23	288.46
L97	S 89°20'00" W	110.49	39.88
L98	S 89°20'00" W	807.23	288.46
L99	S 89°20'00" W	110.49	39.88
L100	S 89°20'00" W	807.23	288.46

LINE	BEARING	FEET	VARIES
L96	S 89°20'00" W	428.25	168.71
L97	S 89°20'00" W	1003.87	372.06
L98	S 89°20'00" W	1177.23	437.78
L99	S 89°20'00" W	871.47	317.75
L100	S 89°20'00" W	108.25	38.33
L101	S 89°20'00" W	1196.87	437.98
L102	S 89°20'00" W	1196.87	437.98
L103	S 89°20'00" W	381.87	137.62
L104	S 89°20'00" W	807.23	288.46
L105	S 89°20'00" W	807.23	288.46
L106	S 89°20'00" W	110.49	39.88
L107	S 89°20'00" W	807.23	288.46
L108	S 89°20'00" W	110.49	39.88
L109	S 89°20'00" W	807.23	288.46
L110	S 89°20'00" W	110.49	39.88
L111	S 89°20'00" W	807.23	288.46
L112	S 89°20'00" W	110.49	39.88
L113	S 89°20'00" W	807.23	288.46
L114	S 89°20'00" W	110.49	39.88
L115	S 89°20'00" W	807.23	288.46
L116	S 89°20'00" W	110.49	39.88
L117	S 89°20'00" W	807.23	288.46
L118	S 89°20'00" W	110.49	39.88
L119	S 89°20'00" W	807.23	288.46
L120	S 89°20'00" W	110.49	39.88
L121	S 89°20'00" W	807.23	288.46
L122	S 89°20'00" W	110.49	39.88
L123	S 89°20'00" W	807.23	288.46
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L125	S 89°20'00" W	807.23	288.46
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L182	S 89°20'00" W	110.49	39.88
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L188	S 89°20'00" W	110.49	39.88
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L191	S 89°20'00" W	807.23	288.46
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L195	S 89°20'00" W	807.23	288.46
L196	S 89°20'00" W	110.49	39.88
L197	S 89°20'00" W	807.23	288.46
L198	S 89°20'00" W	110.49	39.88
L199	S 89°20'00" W	807.23	288.46
L200	S 89°20'00" W	110.49	39.88

EXHIBIT 16

14" N - 87839.7928



RECEIVED
OCT 5 1995
FEDERAL LAND OFFICE



SCALE 1" = 3000'

EXHIBIT 17

Sketch File No. 2
County Kennedy
(2 of 2) Cassiar

Kennedy Co. 1995