PHONES:
OFFICE 455
RESIDENCE 278

E. J. FOSTER
COUNTY SURVEYOR WEBB COUNTY
LICENSED STATE LAND SURVEYOR
LAREDO, TEXAS

OFFICE
111TH. DIST. COURT BLD'G

RECEIVED
JAN 27 1933

REFERRED TO MAP

Part of Starr Co. Sk. File No. 28. Jan 26-1933.,

Hon.J.H.Walker,
Land Comm'r.,
Austin,Texas,
Dear Sir:-

I am enclosing herein a print of a recent survey of a tract of land in Starr County known as survey No.823, G.W.Lowe, which had been surveyed twice before, and apparently the third survey I have just made of it shows it still different from what it was thought was its position.

I made a thorough search for original corners, and can certify that the four corners of survey 375 as found and shown by me on this plat are the original corners, as their original bearings altho' dead and rotting are evident.

I also found the north west corner of 823, which is the south west corner of 304, a stake marked S.W.304, and its dead bearing tree a large mezquite now dead and down, but with the marks very plain is still there to tie the corner to.

The apparent vacancy or strip of land shown north of survey 375 on the maps is very evidently caused by the distance of the north lines of Porciones Nos., 75-76, being south of the North line of Porcion No.74; I found the N.E.Cor., of 74, a large stone marked P.74, and a line running N 80-45'W of it, and at 344 vrs a stake marking the S.W.Cor., of survey 344;

From the Stone N.E.Cor., of Por.74, a line Runs S 8-45'W at 410 vrs found two round stones, at 688 a fence running N 73-40'W and at 812 vrs, a deep arroyo, which ran S 81-18'E and being caused by an old fence line that has since been removed and being the north line of Porcion No.75;

I then Ran S 81-18'E and at 1500 vrs found a large stone mound which don Indalecio Sanchez, an old gentleman who owns these tracts advised me was the old ancient corner of Por. 75, from this point, a stone md., N.E.of Por. 75, I ran S 80-45'E along fence line and at 335 vrs passed a large stone marked AP, which he advised me was the old original S.W. of survey 375 and S.E. of 344, I continued the line S 80-45'E and begain chaining from this stone S.W.375, and at 1047 found another stone, which wqs evidently placed as the N.E. Cor., of Porcion No.76, altho from the old maps this corners should have been south of this point, as the map shows a strip of land and a survey No.953 to occupy the space between the north lines of the Porciones and survey 375, however the fence line and the land owners advised me that this old line was their north line of these porciones and I stopped my line at the S.E. of 375 where I found its bearing standing but dead, it is marked N.E.379, and not 375 as noted in the field notes, the only difference I found along the lines of 375, was the creek crossing which do not check, but as the arroyo Coyotes is a very crooked creek, it may be that its channel has changed from the time this survey was made, as the road crossing on the north line of 375 calls to be passed at 1558 I found it at 1551 which only is 7

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J.H.W.#2.,

varas short of its call, the creek crossing on the north line calls to be passed at 858 vrs, the creek crossed the line three times and almost parallels it, and the last crossing we found at 768, which is about 90 vrs short of the called distance in the original notes.

The Old N.E.Cor., stake in 375 is still on the ground some 10 vrs West of the present fence corner and it is in the right position, as the fence line from the S.E.corner to the N.E. Cor., diverges to the east about 10 vrs, as the old line trees marked and very evident are from six to eight varas west of the oresent fence line.

The North west corner of 375 has the original bearing tree standing it is dead andthe marks barely visble, as it has rotted out.

I found the S.Cor., of survey No.85,E.Cor., of 86 a hewed mezquite stake in fence line marked S.W.85., which is 706 vrs N 54-38'E of the S.W. of 304;

I ran S 54-38'W from its and passed the S.W. of 304 at 706 vrs, and at 1798.6 vrs a fence corner, which is made by the west line of survey 86 and the north line of No.344;

I then ran S 80 E along this fence and stopped at the west line of 375, 133 vrs 9-15'W of its northwest corner;

This is the south boundary of this survey 823, and the south line of survey No.304 makes its north line, and they are both well defined and the field notes that we are preparing are to follow this print and map we have just made.

I note that the field notes of survey No.344 call to run S 9-15'W 525 vrs from the north east corner of Por. 74, where its intersents the N.W.Cor., of Porcion No.75, this is probably the cause of all the confusion shown on the maps and field notes and very likely caused mostly by careless work and supposition, for the old corners are still evident on the ground and no trouble should have been encountered infinding the true position of surveys Nos.823-824.

I did not have time to run the south line of 304 to its S.E, corner probably it is farther south than its S.W.Cor., to cause some confusion but as the S.W. is so well marked and easily found I doubt if it could be off its course.

The field notes to survey 823 will be mailed you as soon as we have them recorded, however if you can advise me as to my findings by what I have just mentioned and this plat I would like very much to learn what further facts I may have to send up to have the field notes patented to 823.,

Yours truly,

E. J. Foster

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COUNTY SURVEYOR WEBB COUNTY
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Part of Starr Co. Sk. File No. 28.

2-7-1933.,

Hon. J.H. Walker,
Land Comm'r.,
Austin, Texas,

San Pat. Script ~~663~~.653.

Dear Sir:-

I am herein enclsoing corrected field notes to 823, and also my report on this survey of which a prior report was made on the 27, ult.,

Mr. Morgan of Ft. Worth an attorney has asked that I get these field notes up and correct them for a patent to the land which he is to get for the owners.

I went over the ground very carefully while I was on this survey and tried to ascertain all the facts in the matter, and I have sent them forth in this plat and report.

I believe that quite an area of vacant land exists north of 344, and before 344 is patented a new survey of it should be made, as well as survey 824;

The S.W. cor., of 86, I found to be an old fence corner, which was a survey made by John Monroe some years past and which he brought down from the east corner of survey 85 which has a large stone for its east corner, and a fence line is on the S.E. of 85 and part of 86.

The correction for this notes has been duly made in the surveyors records of Starr county as the set that was send up to you did not close when balanced.,

Thanking you for your attention to this, I am,

Yours truly,

E. J. Foster

P.S- I also enclose sketch by Selleck surveyor of Starr County showing his survey of 823 made in 1930, and he calls attention to bearings tree at S.E. of 375 as being maked 379.,

E. J. Foster

Rec'd 2/8/33

Laredo, Texas, Feb 7-1933.,

Hon. J.H. Walker,
Land Comm'r.,
Austin, Texas.,

" In Re- San Patricio Scrip #653"

In reply to yours of the 4th inst., I beg to again add to the report sent you sometime past with the corrected field notes of survey No.823 G.W.Lowe in Starr County.,

At the S.E.Cor., of survey No.344, I now find a stone marked AP, at this place there existed a post marked S.E.344, this post has since rotted and the owner of the land Mr. Indalecio Sanchez, advised me personally that he had placed this stone to mark its original position, by this stone, which is buried and upright and marks the true S.E. cor., of 344 and S.W of 375, this is tied to the N.W.Cor., of Porcion 76 and is S 80-45'E335 vrs, the N.W.Cor., of Porcion No.76 is in this instance also the N.E.Cor., of Porcion No.75, and these three porciones on the ground make a continuous line for the north boundary of the three for there are stone corners indicating the N.E. of 76 and also of 77, and this is not the case according to the county map of the county as it shows 76 a little below 75 and 77 also a little south of the north line of 77, however I was not surveying the north line of the Porciones but show or state herein what I found as they actually claim these Porciones lines and how they exist on the ground.

The S.E.Cor., of 375, is an old post is is also the S.E.Cor. of a fence and the eastern boundary fence of the Sanchez land, this corner is well established at its original position, and altho' the mezquite tree which is Marked S.E.379 and not 375 as called for, it may be that the surveyor or marker in marking this tree made his "5", so that it looked more like a nine as the back line of the cut is connected and shows a "9" in place of a "5" (37"5"), and for this reason I called it as we all five of us inspected it and we all were quite sure that the 375, was 379 and am sure that any one making a close inspection of this beaing will bear me out.

There is no doubt that this is the true bearing of the S.E. of 375, and altho' the tree is dead and decaying fast it will be in evidence for some years to come yet unless burned. its a forked mezquite tree and has the cuts marking it very plain, it is the true direction and distance from the corner;

The East line of 375 is well defined by old hacks along its entire length where large trees were encountered and this match the markings of the bearing tree in age at the S.E.Cor., While Mr. Selleck in his report to the land office stated that the N.E.Cor., was N 80-45'W some 10 varas from the fence corner, I find that the old post marking the northeast corner is in its true position the fence is 10 vrs east of it, as the old post is still very evident with its markings very clear, "N.E.375", and the line running from the southeast corner to the N.E. cor., hits this post, therefore this is its rightful position, 10 vrrs N 80-45'W of the fence corner;

The N.W.Cor., of 375, the old post is still on the ground but it was down, I replaced it from its bearing tree, the old ebony tree still standing altho dead and rotting, the hacks and markings of this tree have rotted out but the evidence of the old marks, hacks where these marks were are easily discerned, so this survey 375 is shown by my sketch to be in its rightful or original position, and very few old surveys xould be as easily indetified as this one is on the ground.

The north line of 823-824, being the south line of 304, this I determined from the S.W.Cor., of 304, a hewed stake marked S.W.304 and the dead bearing tree altho down, but marks very clear show it to be in its rightful or original position, I also followed the S.E.Line of Nos., 86 and 85, where I found a stake altho very new, and which was in a fence line and 706 vrs N 54-56'E of the S.W of 304, to mark the corner of 86-85, and continuing the fence line N 54-56'E 1818 varas I find that there is a large stone, which was indetified to me to be the East corner of survey 85, this by the locak surveyor of Starr County, who is well acquainted with this corner and who was chainman under John Monroe county survyor some years past.

Porcion No.74, and surveys north of it are just as I found from Capt. Dod's survey of that area, and they all show that the dis-

Accept elevation as for no dist 823 is reversed. In reference to Porcion files & No 344, See St Files 23-24-25

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creptances are caused by the distance from the North west corner of Porcion No.75 and the N.E of Porcion No.74.,

The S.W.Line of survey No.86 is an old fence line which I learned was established by John Monroe, and which has had a fence line on it since 1914, or thereabouts, this is the information I had from Mr.Sanchez the owner and the fence builder A.Alanis, who was with us when this work was done.

Survey No.344, is shown on my sketch as it really is on the ground and there is an apparent vacancy between its north line and the S.W. line of survey No.86, and this survey having its surrounding surveys established as well as they are easily can be indentified and located on the ground.

If the large stone marked P-74, is the actual recognized N.E.Cor., of Porcion No.74, which is what Mr.Sanchez its owner claimed it to be, then the excess of land in this area is mostly in 344 and it also should be corrected.

At the S.W. of 344, I found a stake to be N 80-45'W 344 vrs from the large stone designating the N.E.Cor., of porcion 74;

The distance from the N.E.cor., of Porcion 74 to the N.W.Cor., of Porcion No.75 is812 vrs, and the course is S 08-45'W, a stone which is S 08-45'W 410 vrs from the N.E. cor of Porcion 74, I found a hub and two round stones at this point and a sendero running S 80-45'E 1300 vrs but no stake nor anything to show what this indicated;

At the northwest corner of Porc on 75, I find a sendero running S 09-15'W, and from this sendero or corner to the N.E. of 75 the distance is 1500 vrs, which makes this Porcion considerably wider than its calls;

Surveys Nos., 85-86, have recently been partitioned by decree of court in Satrr County, and their lines and fence lines are as I have shown them on my sketch, the northwest corner of 823, being the S.W of 304, and determining the south line of 304, could not be changed as its bearing tree is in evidence and since the south boundary of 823 is the north line of 375 and also the north line of 344, and these are well e stablished on the ground, there should be no dount about the actual area which I indicate as being survey 823 on my sketch as being the true area for this survey, which I find is occupying its right position on the ground as it should have been or was the intention of the original surveyor when he made the survey.

The only thing that did not check with the original calls in the field notes in the north line of 375 was the creek crossing but as this creek crosses the land three times and follows parallel to it for some distance and owing the the nature of the soil it may have been that a new channel has been made for it since its original survey was made, for the road that we find on a sidehill which had a caliche subsoil is very evident and there was only a difference of some 7 varas in the call and what we made it when we crossed it.

There should be no delay in the issuing of a patent to this tract as I am very positive that the evidence that I show here is the actual position of survey 823 on the ground as it truly is and I am very positive that it could not be otherwise.

Very respectfully,

EJF/F

E. J. Foster

Licensed State Land surveyor.

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Sketch File No. 28

Start County

E.J. Foster's Statement. Surs in Vicinity Sur 823-86-344, Porcion 74.

Filed Feb. 8th 1933

J. H. Walker, Comm.

C E Blucher

File Clerk

Descriptive: 16 Mi. N 25° W Rio Grande City

See Sk File 27 for Sketch

Compare with Desk Work - Sk. Files 23-4-5.

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