

Swisher County Sk..  
A.S. Howren's Report. 7  
Blks. K and K3.

Feb. 7, 1906.

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M.G.RHOADS, \*  
\*  
NO. 46 VS \* IN DISTRICT COURT SWISHER COUNTY, TEXAS.  
\*  
JOHN ESTES ET AL. \*  
\*

To the Honorable Webster, Judge of said Court.

Having complied with the order of your Hon. Court, issued on the \_\_\_ day of March 1904, directing me to make a survey of the boundary lines of certain lands in controversy in the above entitled cause, I respectfully submit the following report:

The order of survey requires the correct location of surveys 13 and 14, Block K3, and surveys 30, 35 and 36, Block K, situated in Swisher County, Texas, and to determine whether a vacancy exists between the West boundary line of said survey 30 and the East boundary line of survey 14, and if so, how wide. These two Blocks -- K and K3-- are situated partly in Hale County and partly in Swisher County, as shown by the General Land Office sketch hereto attached, Marked "Exhibit A". The initial corner of the Block K3 in the N.E. corner of survey No. 1 in said Block, and the original field notes of said survey read as follows: "Beginning at an earth mound 47 miles North and 10 miles West of the S.W. corner of survey No. 1, Block A, in Lubbock Co. the N.E. Corner of this survey, said mound being 46 miles, 1846 varas North and 10 miles and 197 vrs. West of the junction of Yellow House Creek and North Fork of Double Mountain Fork of the Brazos River. Thence West at 1094 vrs. cross a small creek, course South - west at 1778 vrs, cross White River, at 1900 vrs. 8 stones for N.W. corner of this survey. Thence South 1900 vrs to a stake for S.W. corner of this survey. Thence East 1900 vrs, to stake and 12 stones for S.E. corner of this survey. Thence North at 14 vrs. cross White River, at 1900 vrs. the place of beginning." The working sketch furnished me by the Gen. Land Office of the State shows a rock monument erected by John Summerfield near the north line of survey No. 1, and between said small creek and White River ( now called Running Water. ) This rock mound was pointed out to me by Mr. Geo. L. Phillips (Mr. John Estes and Mr. M.G. Rhoads being present). By a trial line for distance between small creek and White River, according to field notes, I found a small stone mound, considerably buried in the soil, and showing marks of age, on the West side of said White River Creek, and consisting of several whole stones and a few broken ones. There were no other rocks near this place. The field notes call for this corner to be 122 vrs. West of creek; I found it 97 vrs. West of the present channel, but

in my opinion it is the original corner. From this mound, I reversed the field notes and ran a line East, at 802 vrs. present channel of small creek, course South-west, at 1900 vrs. four old pits, the earth forming the mound having all disappeared. Thence South at 1886 vrs, middle of channell of White River, at 1900 vrs. the S.E. corner of this survey where 12 rocks are called for in the original field notes 14 vrs. South of creek. This corner is subject to overflow, and the rocks may have been moved by the water or covered by the sand. Mr. B.B. Morton and Mr. McGee, who were present, stated that they had seen the rocks at this corner. Considering the calls for natural objects to-wit: A small creek at 1094 vrs. and White River at 1778 vrs. on the North line and again at 14 vrs, from the S.E. corner, all of which are practically correct I regarded the identity of survey 2, Block K3 as well established on the ground, and I proceeded to construct the other surveys of this Block according to their several field notes. I began at the N.E. corner of survey 1, defined by 4 old pits, and ran a line thence East at 1900 vrs. found 4 very old looking pits, evidently made for the N.E. corner of Survey 2, this Block, at 5700 vrs. found 4 old pits which I took for the S.E. corner of Survey 10, which is also the S.E. corner of Block K3. Thence North along the East line of Block K3, and the West line of Block K, according to maps and field notes, at 1900 vrs. found 4 old pits which I took for the N.E. corner of survey 10, Block K3, and the S.W. corner of survey 48, Block K, at 3800 vrs. I made a mound and ~~ix~~ three pits for the N.E. corner of survey 9, Block K3, at 5700 vrs. made the N.E. corner of survey 12, and at 7600 vrs made a mound and three pits near the South edge of lake basin for the N.E. corner of survey No. 13, Block K3, and the N.W. corner of survey No. 36, Block K, according to field notes, in the South line of survey 14, Block K3. None of these surveys have fixed or established corners. Thence East 1410 vrs. to a mound and three pits made by me for the S.E. corner of survey 14, Block K3. Thence North at 1015 vrs a wire fence said to be claimed by the defendants as being on the South line of Survey 14, Block K3; at 1472 vrs, I made a mound and three pits for the N.E. corner of said survey 14; continued North 1025 vrs. further and intersected the the South line of Survey 92, Block M11, at a point 568 vrs, West of its S.E. corner as now located. Returning to the Most Eastern corner of survey 13, Block K3 near South edge of a lake basin, I ran a line West 1044 vrs. to the S.W. corner of survey 14, Block K3, and made a mound and three pits. Thence North 428 vrs. to a ~~mound~~ stake and three pits. Thence West 428 vrs to a mound and three pits for the

most Northern N.W. corner of survey 13, Block K3, thus defining the Northern boundary of said survey so far as the controversy exists between plaintiff and defendants. Having located surveys 13 and 14, Block K3 I proceeded to fix the boundary lines of survey 30, 35 and 36, ~~Block K~~, Block K, according to the sketch furnished by the Gen Land Office, and field notes of surveys 14, Block K3 which read as follows: "Beginning at a stake The N.E. corner of survey No. 13 in this Block, and the North West corner of Survey No. 36, Block K", etc; From which it is evident that the N.E. corner of Survey 13 and the N.W. corner of survey 36 is one and the same corner, connecting Blocks K and K3. If any survey in block K has an established corner it was not designated on the Gen. Land Office sketch, hence I located Survey 30 by course and distance from the S.W. corner of survey No. 29, Block K, and found that the West line of survey 30 does not reach the East line of survey 14, Block K3 by 364 vrs., thus leaving a vacancy between the two surveys 364 vrs. wide, based on the call in the field notes of survey 14 for the N.E. corner of 13, Block K3, and the N.W. corner of 36 Block K to be identical. See sketch hereto attached and marked Exhibit "B".

A.S. Howren.

THE STATE OF TEXAS \*  
\*  
COUNTY OF POTTER. \*  
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Before me the undersigned authority, on this day personally appeared A.S. Howren, known to me, who being by me duly sworn deposes and says: That the allegations in the foregoing Report are true; that the survey was made by affiant on the ground as therein stated.

A.S. Howren

Subscribed and sworn to before me this the 28th day of September, 1904.

Thos. F. Turner

(SEAL)

Notary Public, Potter County, Texas.

The State of Texas, \*

County of Swisher. \*

\* I, E. D. Smith, Clerk of the District Court in and for  
said County and State do hereby certify that the foregoing is a true  
and correct copy of the surveyors report in the cause of M.G. Rhoads vs.  
John Estes et al No. 46, as shown by the papers on file in said cause now  
in my office.

Given under my hand and seal of office this 3rd. da of Feb. 1906.

E. D. Smith Dist. Clerk,  
Swisher County, Texas.

No 46

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M. G. Rhoads

vs

John Estes, et al

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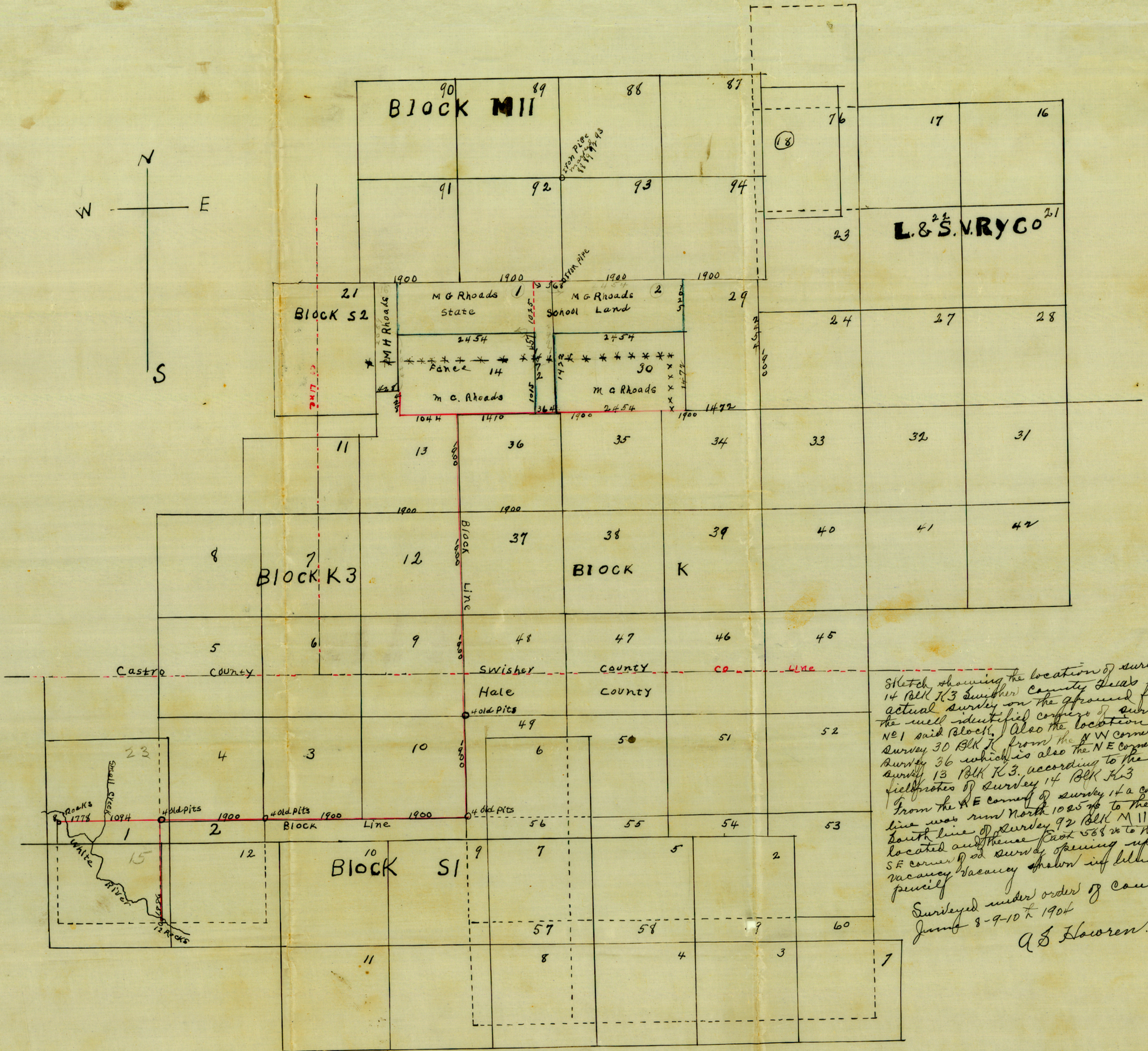
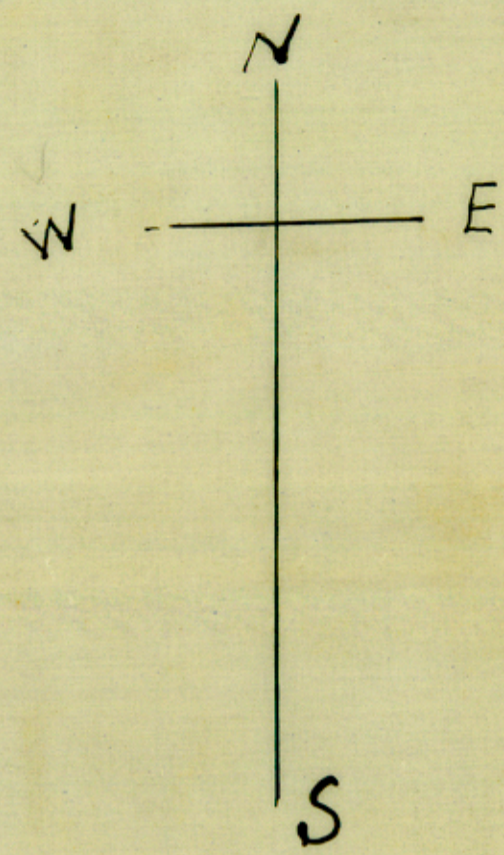
Surveyors Report

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Exhibit B



Sketch showing the location of survey No 14 Blk K3 Swisher County leads from actual survey on the ground from the well identified corners of survey No 1 said block. Also the location of survey 30 Blk K from the NW corner of survey 36 which is also the NE corner of survey 13 Blk K3. according to the field notes of survey 14 Blk K3 from the SE corner of survey 14 a connecting line was run North 1025 7/8 to the south line of survey 92 Blk M II as now located and thence East 588 2/3 to the SE corner of said survey opening up a vacancy shown in like pencil  
 Surveyed under order of Court  
 June 8-9-10<sup>th</sup> 1904  
 A. J. Lawson.

Scale 1000 Yards to 1 inch