

RECEIVED

SEP 27 1940

REFERRED TO MAP

Austin, Texas,
July 25, 1940.

Mr. Bascom Giles,
Commissioner of the General Land Office,
Austin, Texas.

Dear Mr. Giles:

I have made surveys of the Thos. King Survey or the W. C. Doyle Survey and of two portions of the East Texas R. R. Co. Survey #54, all in Travis County, Texas, and have prepared this technical report to accompany map and field notes submitted herewith. See also my Plan 251-L-1041.

Both the W. C. Doyle Survey and the East Texas R. R. Co. Surveys are claimed by D. M. Doyle. The Lower Colorado River Authority requires a portion of each which is included within the proposed Marshall Ford Dam Lake Basin.

I have been advised that D. M. Doyle proposes to secure a patent to all of the Thos. King or W. C. Doyle Survey and a patent will be required to that portion of the East Texas R. R. Co. Survey #54 which lies below elevation 715 and which I find to be in two separated tracts.

I found a rock mound the northeast corner of the Thos. King Survey as surveyed or as used by H. G. Lee, Dec. 31, 1906, and called the Southeast corner of the S. Hayford Survey #53 when Lee made a survey for W. C. Doyle. See your S. F. 7791.

Running N 3° 48' E from this northeast corner of the W. C. Doyle Survey I found a well marked line and a rock mound at 431.6 varas. Old record on file 430 varas.

Running S 3° 19' W I found a well marked line and a rock mound at 705.4 varas. Record on file 687 varas.

Running N 85° 50' W from the northeast corner of the King Survey a well marked line and I continued to the true east line of the Francis Harris Survey and placed stake and rock mound for the northwest corner of this survey.

To fix the lines of the Francis Harris Survey, I found the original northwest corner of same, a rock mound from which a Live Oak marked X bears S 33° W 19.75 varas is still standing. I ran N 84° 50' E 860 varas and then N 52° 10' E 160 varas and found the original southwest corner of the Isaac Hampton Survey #607, a rock mound from which a Live Oak 12" in diameter marked X bears N 46° W 15 varas is still standing. I call your attention to the beginning corner of the Isaac Hampton Survey #607 which starts N 52° E 160 varas from the northeast corner of the Francis Harris Survey #516. This proved the northwest corner of Survey #516 and the southwest corner of Survey #607 to be in true relation to each other and enabled me to reestablish the northeast corner of the Francis Harris Survey #516.

I returned to the northwest corner of the Francis Harris Survey #516 and ran S 5° 43' W found a rock mound on top of the bluff on the south bank of Cross Creek 33 varas beyond the record distance. The record distance comes on the south bank of Cross Creek at a point impractical to maintain a rock mound and I assume

that the mound was placed on the bluff to maintain the line.

I used a variation of $9^{\circ} 40'$ E which fits polar observations as compared to variation $10^{\circ} 25'$ fitting the greatest number of old surveys in this section of Travis County.

I fixed the southeast corner of the Francis Harris Survey by intersection of record distances and found that I had bearings around the entire survey which varied not over $0^{\circ} 15'$ from record.

I found that the southeast corner of the Francis Harris Survey came in the mouth of a branch on the east edge of Cross Creek, on solid rock and in such a place that a corner could not be maintained. I continued $S 45^{\circ} 25'$ E from this re-established corner of the Francis Harris Survey and at 64.9 varas found a small rock mound; in all 124.0 varas I set a rock mound for the record distance of the Benj. Levitt Survey #32, 1094.0 varas distant from the re-established southwest corner of the Francis Harris Survey #516. You may note that the Francis Harris Survey #516 started at the northwest corner of the Benj. Levitt Survey. Having made a diligent search for the corners of the Benj. Levitt Survey #32 and having found rock mounds claimed to be the southwest and southeast corners of said survey and various other rock mounds and numerous cut marked lines and line trees, all of which failed to coincide with each other or with records or with the proven northwest corner of the Francis Harris Survey #516 and the southwest corner of the Hampton Survey #607, I have based my relocation of the Francis Harris Survey and the northeast line of the Benj. Levitt Survey as set forth in the preceding paragraph. My method of locating the northeast line of the Benj. Levitt Survey will not create any shortage in said survey if any of the other claimed southwest or southeast corners of said survey are recognized as true corners.

From the northeast corner of the Benj. Levitt Survey as re-established by me I ran $S 60^{\circ} 45'$ E (Same as $S 60^{\circ}$ E Variation $10^{\circ} 25'$ E) to the intersection of the 715 contour for the south line of that portion of the East Texas R. R. Co. Survey #54 in which the Lower Colorado River Authority is interested.

I have considered that it was the intention of the locator to have the west line of the W. C. Doyle Survey reach the east line of the Francis Harris Survey, and the notes of the W. C. Doyle Survey call to run with the east line of the Francis Harris Survey.

In your Travis Scrip File #1521 there are cancelled field notes of the S. Hayford Survey #53 which were signed by Jno. E. Campbell March 19, 1833 that did not include that portion of the Hayford Survey which lies north of the King or W. C. Doyle Survey. These field notes showed that at that time Jno. E. Campbell considered that the northeast corner of the Francis Harris Survey was $S 47^{\circ} W$ 132.5 varas distant from the southwest corner of the Isaac Hampton Survey #607.

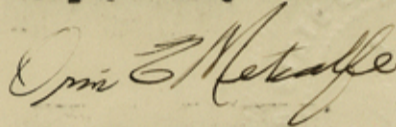
On the ground I find that by running from the southwest corner of Survey #607 $S 52^{\circ} 10'$ W 132.5 varas and then $S 2^{\circ} 21'$ W 1611 varas that I intersected a rock mound $S 45^{\circ} 25'$ E 64.9 varas distant from the southeast corner of the Francis Harris Survey #516, and that near said line I found a rock mound 2.2 varas east of same and 2.5 varas north of the south line of the King or Doyle Survey as re-surveyed by me. This was probably a southwest corner of the King Survey as established upon the foregoing basis.

I refer you to the fact that the field notes set forth for the East Texas R. R. Co. Surveys #53 and 54, the T. C. R. R. Co. Surveys #193 and 194 and the Rusk Transportation Co. Surveys #81

and 82 do not fit each other or their adjoining Surveys as evidenced by the known true corners found on the ground. I have prepared a special map and report which will indicate to the Land Commissioner the problems which should be considered by him before any patent is issued on the East Texas R. R. Co. Survey #54, The T.C.R.R. Co. Survey #193 & 194. This special map and report should be considered before any corrected patent is issued on the Rusk Transportation Co. Survey #81 or any patent is issued on the Rusk Transportation Co. Survey #82.

I consider that the accompanying map, Plan 251-L-1041, is sufficient to pass upon that portion of the W. C. Doyle Survey and the East Texas R. R. Co. Survey #54 which will be required by the Lower Colorado River Authority for the Marshall Ford Dam Lake Basin.

Respectfully submitted,



Orin E. Metcalfe,
Licensed Land Surveyor.

RECEIVED

SEP 27 1940

Austin, Texas,
August 12, 1940.

REFERRED TO MAP

Mr. Bascom Giles,
Commissioner of the General Land Office,
Austin, Texas.

Dear Mr. Giles:

As an employee of U. S. Department of the Interior, Lower Colorado River Authority, Jack Dies, E. W. Thompson, J. W. Harrell Estate, et al, I have had the opportunity of studying the original field notes of all official surveys in Travis County bounded in general as follows:

- On the north by Isaac Hampton, T. C. R. R. Co. Surveys #193, 194, W. D. Fisher, W. A. King Surveys #433, 436, M. Pevetoe.
- On the east by Banyan Payne, W. P. Rutledge, Samuel Blakey, A. B. & M. Survey #143, M. P. Paschal, Dallas & Wichita Survey #75.
- On the west by W. B. Corwin Survey #189, W. C. Penland Survey, Lucinda Levitt Survey and Benj. Levitt Survey.
- On the south by Surveys #644, 31, 51, 434, et al.

By actual survey I have made a continuous circuit from the southwest corner of the Fisher Survey westerly through the corners of the Isaac Hampton Survey #607, southerly through corners of the Francis Harris Survey #516, Benj. Levitt Survey #32, Lucinda Levitt Survey #645, easterly through corners of the M. J. Gilcrease Survey #644, and every other survey which touches the Colorado River to the Dallas & Wichita R. R. Co. Survey #75, northerly through corners of the Nichols, Cody, Connor & Cronea Surveys to the northwest corner of same.

I have not made any direct or nearly direct connection between the northwest corner of the Cronea Survey and the southwest corner of the Fisher Survey.

I have found many corners substantiated by their bearing trees, corners which are in record relation to each other, and corners which have been accepted as correct by neighbors in all of this and adjacent territory and have prepared a map which shows the lines actually run, delineated by a solid line and drawn to scale.

After preparing my map, I have made a study of the Rusk Transportation Co. Surveys #81 & 82, East Texas R. R. Co. Surveys #53 & 54, and the T. C. R. R. Co. Surveys #193 & 194 and find that these surveys were fit in between the original tier of surveys on the south, The Benj. Levitt Survey #32, the Francis Harris Survey #516, and Isaac Hampton Survey on the west, the W. D. Fisher Survey on the north, and the Charles Cronea and M. Cody Surveys on the east.

These surveys, all by John E. Campbell, were doubtless principally office surveys, supplemented by a small amount of field work, one principal connection being made wrong, later discovered and certified to by Campbell, and other older surveyor's errors on the ground which were not discovered.

One of the earliest of these surveys was made by John E. Campbell of the Rusk Transportation Co. Survey #81 in which he begins at the south corner of the Benj. Levitt Survey #32 and runs N 64° 25' E 1808 varas to the northeast corner of same, Thence S 60° E 1184 varas to northwest corner of Survey #82, Thence SOUTH 30° W. I have re-established the location of the northeast corner of the Benj. Levitt Survey #32 from proven corners of the Francis

Harris Survey. Using this re-established northeast corner of the Benj. Levitt Survey #32 and platting the calls of the Rusk Transportation Co. Survey #81, I will not reach the north lines of the Robert Foster Surveys #51, 30 & 31 and I will have a conflict with the John Stewart Survey #551. John E. Campbell, by a certificate filed November 28, 1889, in Travis Pre #1880, admits an error of location of the northwest corner of the John Stewart Survey #551 and shows by a plat a new connection with the true corner to that point which he considered correct when he actually made his field connection between the northwest corner of Survey #551 and the south corner of the Benj. Levitt Survey #32 at the time he prepared field notes for Survey #81. He also shows a bearing tree for what he considered the south corner of the Benj. Levitt Survey #32. However, he does not appear to have had an opportunity to correct his field notes of Survey #81.

Survey #82 calls to begin at the southeast corner of Survey #81 and later on calls for the north lines of Surveys #33, #152, #434, #435 and the combination of the two sets of notes would make the northeast corner of the Penland Survey S 60° E 1184 varas, S 30° W 2088 varas and S 60° E 58 varas distant from the northeast corner of the Benj. Levitt Survey whereas by graph between known corners it is about S 60° E 1572 varas, S 30° W 2430 varas and S 60° E 58 varas or an approximate error of closure N 30° E 340 varas, S 60° E 400 varas.

By plotting the E. T. R. R. Co. Survey #53 westerly from the M. Cody Survey #101 and by plotting Survey #54 easterly from the Doyle & Francis Harris Surveys there would be a S 60° E vacancy of about 400 varas and a N 30° E error of closure of about 260 varas and there would be an offset in the south lines of Surveys #53 & 54 which is not called for. It will be impossible to shift the north line of Survey #53 to the north.

If you would place Survey #81 & 82 according to their beginning and record calls and Surveys #53 & 54 according to their record calls, you would give Surveys #81 & 82 a large excess and conflict of Survey #82 with Survey #53 and a conflict of Survey #54 with Survey #193.

However, there is land enough to satisfy all area requirements of Surveys #81, 82, 53 and 54 and probably enough to satisfy Surveys #193 & 194 if a practical adjustment is permitted. If legal decisions of record are going to give Surveys #81 & 82 all of the land which would be included by running S 60° E from the east corner of the Benj. Levitt Survey to an intersection of the extension of the west line of Survey #57 then Survey #53 would lose about 70 acres.

I find the northwest corner of the Cronea Survey is practically in correct relation to the southwest corner of the Fisher Survey as set forth by the best combination of Campbell's field notes.

The accompanying map has been drawn to scale. Solid lines show actual lines surveyed by me. Other lines indicate possible locations of the previously made office surveys as shown by legend.

I have made a study of the possible locations to be adopted for the R. R. type of Surveys. By numbers T.C.R. No. 193 subject to patent after corrected Survey, #194 not patented, #53 patented, #54 not patented, #81 patented, #82 not patented. As a basis of practical location based upon an equity stand point for the purpose of discussion, I have arrived at the following pro-ration areas as tabulated and subject to various comparisons. I recognize your right and ability to determine the proper location of the various lines and make these suggestions so as to call your

attention to the various possibilities.

Survey #	Record	Blue Outlined	Possible Decrease	Possible Increase	Record Less Dunlap
193	640	524		(B) 14	629
194	640	487			450
53	640	697	(A) 58		640
54	640	717			640
81	640	659	(C) 51		640
82	640	847			640
	<u>3840</u>	<u>3931</u>			<u>3639</u>

194 640 - Dunlap 190 = 450 Acres
193 640 - Dunlap 11 = 629 Acres

I have not found out why the Alexander Dunlap Survey was permitted to be patented on land previously set apart for the T.C.R.R. Co. Surveys #193, #194, and in conflict with the W. D. Fisher Survey #65.

It appears to me that as a matter of equity that Surveys #193 and #81 should be re-surveyed and either patented or re-patented to allow them their quota of 640 acres.

That Survey #53 should also be re-surveyed and re-patented to permit same to retain their occupation southeast and north lines and that the north line of Survey #81 should be S 60° E from the re-established northeast corner of Survey #32, and that common lines of Surveys #193 & 194, 54, and 82 be selected in such a way that a Survey #82 will have an excess and Survey #194 will have a shortage.

The north lines of Surveys #81, 82, 53, 54 and the west lines of #53 and #194 do not have any evidence of improvement or any visible occupation signs and there are not any improvements upon the areas which will become involved in the areas to be affected by the adjustment of the lines.

There appears to be enough land to satisfy all areas called for by record and if legal procedure does not interfere the State still controls enough of the unpatented Surveys to permit a practical adjustment to be made without any great loss to the State of Texas.

My purpose in presenting this map is to permit you to pass upon my construction of the location of the south line of the East Texas Railway Co. Survey #54 as it affects that portion of same which is required for the Marshall Ford Lake Basin.

Also for you to pass upon my construction of the proper lines between the King Survey, Harris Survey and Survey #54. I have considered that Survey #54 should be shifted north and west to fit around the well located King Survey.

I desire to secure a letter from you advising me as to your ruling in relation to these two phases of line locations so that I may satisfy my client, the Lower Colorado River Authority.

I refer you to another technical report by me which should reach you through the hands of D. M. Doyle.

Respectfully submitted,

Orin E. Metcalfe

Orin E. Metcalfe,
Licensed Land Surveyor.

