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March 16, 1981

General Land Office
Stephen F. Austin Building
Austin, Texas 78701

Attention: Mr. Herman Forbes,
Director, Surveying Division

Re: Filing of Survey Plat

Dear Sir:

Enclosed for filing among the records of the General Land Office are an Affidavit of M. L. Claunch, Registered Public Surveyor and licensed state land surveyor, and a plat prepared by Mr. Claunch, relating to a tidal boundary survey of the H. P. El Sauz Ranch in Willacy, County, Texas.

If you have any questions about the filing of the Affidavit and plat, please contact me. Thank you very much for your assistance.

Sincerely,

Marc O. Knisely
Marc O. Knisely

MOK/ck
Enclosures

File for information it may contain

EASTERN BOUNDARY OF H. P. EL SAUZ RANCH,
OWNED BY H. P. PINNELL, AND CURTIS G. PINNELL,
AS TRUSTEE, IN WILLACY COUNTY, TEXAS

AFFIDAVIT OF M. L. CLAUNCH

THE STATE OF TEXAS §
 §
COUNTY OF CAMERON §

BEFORE ME, the undersigned authority, on this day personally appeared Mr. M. L. Claunch who, after first being duly sworn, upon oath deposed and stated as follows:

"1. My name is M. L. Claunch and I reside in Brownsville, Cameron County, Texas. I have never been convicted of a felony and am above the age of fourteen (14) years of age and am otherwise competent to make this affidavit.

"2. I have been almost continuously engaged in the practice of land surveying for approximately thirty (30) years, and I am a Registered Public Surveyor and a licensed state land surveyor. I have held these professional registrations for periods of twenty-four (24) and eighteen (18) years, respectively.

"3. Since 1958 I have been almost continuously engaged in tidal boundary surveys wherein determination of shorelines of tidal waters was pertinent. My various tidal boundary surveying assignments have involved tracts of land located on both the mainland and on barrier islands such as Padre Island. This work has been carried out primarily in Cameron, Willacy, Kenedy and Aransas Counties.

"4. Before commencing the field work to determine the eastern boundary of the H. P. El Sauz Ranch, which is a tidal boundary, I reviewed the opinion of the Supreme Court of Texas in Luttess v. State, 159 Tex. 500, 324 S.W.2d 167 (1958). In carrying out the on-the-ground survey for the H. P. El Sauz Ranch I was guided by and utilized the methods described in Luttess for making a proper determination of the tidal boundary

of a Mexican grant. It is my understanding as a surveyor and I have been advised by the firm of McGinnis, Lochridge and Kilgore, of Austin, Texas, that Luttet established the tidal boundaries of Spanish and Mexican grants as the line of mean higher high tide, and further established that the vertical position or elevation of such line is best determined by reference to tide gauges with continuous recording history of 19 years of longer.

"5. Before performing the survey, I obtained a certified record from the National Oceanic and Atmospheric Administration of the United States Department of Commerce. This record contained the mean tidal datums for the tide gauges located at Port Mansfield and North Point. In addition, I have examined numerous maps and other documents depicting and describing the eastern portion of Willacy County and the Laguna Madre, including historical maps and documents in the possession of the National Oceanic and Atmospheric Administration in Rockville, Maryland, and in the possession of the United States Geological Survey, United States Department of the Interior, at Denver, Colorado.

"6. Based upon all of the above and upon an on-the-ground study by me of the conditions in the Laguna Madre adjacent to the H. P. El Sauz Ranch, I commenced an on-the-ground survey. Exhibit 1, attached hereto and made a part hereof, is a plat which describes the eastern boundary of the H. P. El Sauz Ranch and depicts the result of the survey conducted by me and by field parties acting under my instructions and supervision.

"7. The benchmarks which I utilized and the vertical elevation of mean higher high tide which I determined to be applicable were furnished to representatives of the General Land Office of the State of Texas while the case of Port Mansfield

Public Utility District, et al v. H. P. Pinnell, Cause No. 77-65, was pending in the District Court of Willacy County, Texas, 197th Judicial District. The central issue in that case was the location on the ground of the tidal boundary of the H. P. El Sauz Ranch, that is, the boundary between state-owned land and property owned by H. P. Pinnell; the State of Texas was a Plaintiff in that suit. After I furnished my benchmark and elevation data to representatives of the General Land Office and after an on-the-ground inspection by representatives of the General Land Office, the State of Texas filed a Motion for Non-Suit and withdrew from the lawsuit."

M L Claunch
M. L. CLAUNCH

SWORN TO AND SUBSCRIBED before me by M. L. CLAUNCH, Affiant, this 3rd day of March, 1981.

Carol Kropp
Notary Public, in and for
Travis County, Texas
CAROL KROPP
Notary Public in and for Travis County, Texas
My Commission Expires
11/30/84

Willacy Co.
Sketch File No. 1

① 12-18-1981

Public Utility District, et al v. H. P. Pinnell, Cause No. 77-55, was pending in the District Court of Willacy County, Texas, 197th Judicial District. The central issue in that case was the location on the ground of the tidal boundary of the H. P. El Sauz Ranch, that is, the boundary between state-owned land and property owned by H. P. Pinnell; the State of Texas was a Plaintiff in that suit. After I furnished my benchmark and elevation data to representatives of the General Land Office and after an on-the-ground inspection by representatives of the General Land Office, the State of Texas filed a Motion for Non-Suit and withdrew from the lawsuit.

[Handwritten signature]

M. L. CLANCH



SWORN TO AND SUBSCRIBED before me by M. L. CLANCH, Notary Public, on this 3rd day of March, 1981.

Carol Kropf
Notary Public, in and for Travis County, Texas
CAROL KROPF
Notary Public in and for Travis County, Texas
My Commission Expires 11/30/84

