

D. 923

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EXPLANATION

EXPLANATION of a survey of 1,385.28 acres of land made for Anastacio Garcia by virtue of his ownership. Said land is known as the Mrs. Mary A. Atwood Survey 434, Certificate No. 20, and is situated about 13 miles S. 81° E. of Zapata, the county seat of Zapata County.

The Mrs. Mary A. Atwood Survey 434 and the lower part of J. M. Brothro Survey 617 is the area lying between the southwest boundary line of El Grullo Grant, Onefre Garcia, Orig. Grantee, and the northeast boundary lines of Porciones Nos. 24 to 27 inclusive. The northeast boundary line of Survey 434 is the southwest boundary line of a strip 215.0 vs. wide, the southeast part of Survey 617. The northeast boundary line of this strip is the southwest boundary line of El Grullo Grant.

El Grullo Grant was surveyed by Leonard Haynes for patent September 9-16, 1881. I found the original south corner of El Grullo, a rock buried to a depth of 1 foot near a fence corner, the recognized corner. I also surveyed the entire southeast, southwest, and northwest lines of El Grullo and found them to be in the original position as surveyed by Haynes in 1881. Having established the southwest line of El Grullo, the southeast part of Survey 617 was located as a strip 215.0 vs. wide and parallel to the southwest line of El Grullo.

The southeast line of Surveys 617 and 434 was located by projecting the southeast line of El Grullo Grant to intersect the Northeast line of Porcion 24, Ysidro Benavides, Orig. Grantee.

These Porciones, Nos. 24 to 27, inclusive, were originally granted in 1767 by the Spanish Government. In the general visitation or grant of lands in the Guerrero Jurisdiction, made under and by virtue of the Crown of Spain, the widths and lengths of these four porciones were listed as being 1,700 vs. wide and 20,000 vs. "on the sides". The visitation also states that the entire survey of the Jurisdiction of Guerrero was completed in two days, thus it was physically impossible for each porcion to have been actually surveyed on the ground by the official surveyors. It further states that although the various porciones were meant to be 34 cordeles or 1,700 vs. wide, that some would vary in width due to improvements already made on the ground by the various grantees.

In November, 1853, R. C. Trimble, District Surveyor, resurveyed these porciones, on which field notes patents were issued in accordance with an act of the Legislature of the State of Texas, approved February 10, 1852. Surveyor Trimble's field notes of these porciones are described as beginning at the bank of the Rio Grande River and running a course of N. 54° 15' E. far enough that a sum total of the two long lines would equal 40,000 vs. The various widths were evidently governed by such old corners and old marked or recognized lines on the ground. Trimble calls for marked trees on some of the upper corners, but no one has ever found any of these trees. Haynes did a great deal of work in this area some 30 years after Trimble, but found no evidence of Trimble's work on the upper ends of the porciones. The only corners that Trimble called for that can be relocated on the ground are the mouths of large arroyos emptying into the Rio Grande. The southcorner of Porcion 25 and west corner of Porcion 24 is in the mouth of an arroyo; the river corner between Porciones 26 and 27 is in the mouth of an arroyo; and the river corner between Porciones 29 and 30 is in the mouth of an arroyo. It seems likely that Trimble probably confined his work on the ground to a survey along the margin of the river, especially in view of the short amount of time consumed in making the survey. There are many corners, old marked lines, and fences, in this area, some of which are supposed to be on the original lines of Surveyor Trimble; but the only corners that can be positively identified as his original corners are the mouths of the arroyos mentioned above.

With two original corners and one original line (the river), I have endeavored to locate the porciones in their original positions, thus establishing the boundary lines of Survey 434.

The United States Boundary Commission during the current construction of the Falcon Dam, surveyed the margin of the Rio Grande River. Because of the great amount of time and expense involved in making a river survey, I have tied my work into the line established by the Boundary Commission as the legal bank (line of vegetation) of the river, and used this line as the southwest lines of the porciones.

The survey of the porciones was begun at the mouth of a large arroyo emptying into the river, the original west corner of Porcion 24 and south corner of Porcion 25. The line between Porciones 24 and 25 is an old marked line, partly fenced for many years, and recognized as such for as far back as anyone familiar with the area can remember. The true course of this line from the original corner is N. 54° 13' 10" E. compared to the patent call of N. 54° 15' E. In view of the above facts, this line is accepted as the original northwest line of Porcion 24 and southeast line of Porcion 25.

The patents of the porciones in this group all have adjoinder calls for the adjoining porciones. The original visitation also reflects that the porciones adjoin; therefore it appears that the excess distance in width should be treated as such and absorbed by the porciones. As stated in the original visitation, the widths could vary if existing improvements of the grantees were affected. Where there are no original corners (mouths of arroyos called for) to control the position of the porcion lines, the recognized line is used. The line between Porcion 25 and Porcion 26 has been recognized for many years. It is not fenced but several old partition surveys, as well as Surveyor Trimble's patent call, reflect it to be the porcion line. The width of Porcion 25 is 1,941.0 vs., Trimble's patent call, and its northwest line is parallel to its southeast line and extends 20,368.1 vs. to the bank of the Rio Grande, making the sum total of the two long lines 40,000 vs.

The northwest line of Porcion 26 runs from its original corner on the river parallel to its southeast line, giving it a width of 1848.8 vs. The northwest line of Porcion 27 is the recognized line; its southeast line coincident with the northwest line of Porcion 26, making its width 1722.41 vs.

A part of the northwest line of Survey 434 and southeast line of Porcion 28 is fenced; the position of this fence has remained unchanged for about fifty years. This line as projected back to the river parallel to the southeast line of Porcion 27 is the recognized northwest line of Porcion 27. The northwest line of Survey 434 is the projection of the line between Porcion 27 and Porcion 28 to intersect the southwest boundary line of Survey 617 at a point 215.0 vs. S. 54° 13' 10" W. of the southwest line of the El Grullo Grant.

I am aware that according to the calls of the original visitation and of the patents the widths of the porciones have a small effect upon the lengths due to the meandering course of the Rio Grande. However, since it is known that Surveyor Trimble actually ran the meanders of the river, although his work was done very inaccurately, it is not unreasonable to assume that recognized lines, which have no original corners remaining, originated from the posts Trimble set for corners. It is obvious from the excess found between his arroyo calls, that his survey was carelessly made; and it is highly doubtful that he ran any lines other than on the river as no evidence of such has ever been found. For these reasons, the recognized lines have been used instead of attempting to prorate the excess between original corners.

The accompanying plat is a part of this report.

Respectfully submitted,

C. A. Douglas
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Licensed State Land Surveyor.

Survey completed April 20, 1953.

