

PETITION ASKING FOR ORDER SPECIFYING SURVEYOR AND SPECIFYING  
LINE TO BE RUN.

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P e t i t i o n

THE STATE OF TEXAS | IN THE COUNTY COURT OF OCHILTREE  
COUNTY OF OCHILTREE | COUNTY, TEXAS. AUGUST TERM, 1 9 3 5.

TO THE HONORABLE DAVE SHANKS, JUDGE OF SAID COURT:-

Now comes your petitioner, Max W. Boyer, County Attorney of Ochiltree County, Texas and acting for and at the request of the commissioners' court of Ochiltree County, would respectfully show to the court, the following, to-wit:

1. That there has never been an established and duly surveyed boundary line between the counties of Ochiltree and Lipscomb; that the line at present regarded as said boundary line is not sufficiently definite and well defined; that a necessity exists for the establishment according to law of the East boundary line of Ochiltree County, which is the West boundary line of Lipscomb County.

Wherefore, petitioner prays the court that a survey be ordered to be made of said boundary line between said counties and that the same be established in accordance with the Statutes of Texas made and provided for in such matters.

Filed: August 19th, 1936.

Max W. Boyer, County Attorney,  
Ochiltree County, Texas.

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ORDER APPOINTING SURVEYOR AND SPECIFYING LINE TO BE RUN

THE STATE OF TEXAS | IN THE COUNTY COURT OF OCHILTREE COUNTY,  
COUNTY OF OCHILTREE | TEXAS. AUGUST TERM, 1 9 3 5.

On this the 19th day of August, 1935, came on to be heard and considered by the Court the matter of the petition of Max W. Boyer, acting for and at the request of the Commissioners' Court of Ochiltree County, Texas, for the establishment in accordance with law of the east boundary line of Ochiltree County, which is also the

West boundary line of Lipscomb County, and it appearing to the satisfaction of this Court that said boundary line is not sufficiently definite and well defined, and that a necessity exists for the establishment of such boundary line, and it further appearing to the Court, after reading said petition and hearing the evidence introduced in evidence thereupon that said petition should in all things be granted:

It is therefore ordered, adjudged and decreed by the Court that said petition shall be, and is hereby in all things granted, and a survey is hereby ordered to be made, of the East boundary line of Ochiltree County which is also the West boundary line of Lipscomb County. That said boundary line aforesaid be established and made sufficiently definite and well defined as provided by law, and the initial corners of said survey shall be designated by posts, mounds or stone monuments in the matter and form and of the material provided by law, as well as the posts at the end of each mile in said boundary line shall be placed thereat in like manner as provided by law, and the surveyor herein appointed shall make a plat and field notes thereof, and properly show thereon all of such corners and posts, as well as an accurate description of all prominent natural objects crossed by or adjacent to said line, as well as of the corners and lines of surveys on or near said boundaries, all of which shall conform to the law defining the boundaries of said county, and that when said line shall have been surveyed and marked as herein provided, that said surveyor shall make due return of said field notes and map to this court, which shall be recorded by the Clerk of this Court, and a certified copy thereof returned to the General Land Office of Texas, and said surveyor, before entering upon the duties herein prescribed, shall take the oath of office prescribed by law for County Surveyors, and shall enter into bond in the sum of ONE THOUSAND DOLLARS, (\$1000.00), with two or more sureties be approved by the County Judge of Ochiltree County, payable to the County Judge of his successors in office, conditioned for the faithful performance of his duty prescribed by law.

Lipscomb Co. 89th line 14

It further appearing to the Court that Rupert C. Allen is an experienced and competent practical surveyor, the said Rupert C. Allen is hereby appointed as the Surveyor to run the lines and definitely fix and define the East boundary line of Ochiltree County, which is also the West line of Lipscomb County, as herein provided and shall begin at the Northeast corner of Lipscomb County and it is ordered that the new 100th Meridian as established by Commissioner Gannett in the case of State of Oklahoma vs State of Texas, defendant, United States of America, intervenor, will control as being the East boundary line of Lipscomb County rather than the 100th meridian as heretofore recognized, it appearing to the court that the Supreme Court of the United States having established the new 100th meridian in said case aforesaid, that the same should be regarded as the true 100th meridian, the said Northeast corner of Lipscomb County being thirty miles East of the Northeast corner of Ochiltree County.

And it appearing to the Court that the County Court of Lipscomb County is agreeable to the establishment of said line and that said County Court of Lipscomb County has been petitioned to appoint a surveyor to establish said boundary line and has appointed a surveyor for said purpose and passed an order specifying the line to be run, and the corners to be established and marked and in all things conforming to the law defining the boundaries of said county.

Dave Shanks, Judge, County  
Court, Ochiltree County, Texas.

THE STATE OF TEXAS     )  
COUNTY OF OCHILTREE.   )

IN THE COUNTY COURT OF  
OCHILTREE COUNTY, TEXAS.

On this the 30th day of September A.D. 1935, came on to be considered by the Court the final report, Field Notes and Plats of the Survey of East Line of Ochiltree County, Texas, as established by Rupert C. Allen, representing Ochiltree County, duly qualified by giving Special Bond and taking Oath of Office as required by Statute and E. H. Ervin, representing Lipscomb County, Texas; which was filed in this Court, September 30th, 1935: Said report having been read and inspected by the Court and being of the opinion that the Survey has been made according to law.

Therefore it is Ordered, Adjudged and Decreed by the Court that the report, Field Notes and Plats be in all things approved and that the same be duly recorded in the Minutes of this Court and the Clerk is directed to forward to Hon. J. H. Walker, Commissioner of the General Land Office, Austin, Texas, copy thereof with his certificate showing Recordation.

*Approved*  
*8/3/36*

Dave Shanks, Judge of the  
County Court, Ochiltree  
County, Texas.

*71 2000 1935 8 30 1935*

REPORT OF SURVEY OF EAST  
LINE OF OCHILTREE COUNTY, TEXAS

STATE OF TEXAS, )  
COUNTY OF OCHILTREE)

TO THE HONORABLE COUNTY COURT OF OCHILTREE COUNTY:

In compliance with your order to establish and mark the east boundary of Ochiltree County: We, the undersigned Land Surveyors met on the 21st day of August, A.D. 1935 at the Northeast Corner of State of Texas, as established and marked on the ground by Samuel S. Gannett, boundary Commissioner appointed by the Supreme Court of the United States to run, locate and mark the boundary between the State of Oklahoma and the State of Texas along the 100th Meridian of Longitude. Said N.W. Corner being marked by Concrete Monument 30" square base set 24" in ground surmounted by a galvanized iron form 18 inches in diameter at the top, 24 inches in diameter, at the bottom, 33 inches above the surface of the ground. A bronze tablet is set in top of Monument and inscribed as follows: "THE SUPREME COURT OF THE UNITED STATES  
Northeast Corner of Texas, 1928.  
Latitude 36° 30' 00"  
Longitude 100° 00' 00"  
(Geodetic)"

From this Monument we measured due west and tied in other Monuments in that vicinity.

We, as Surveyor's disagreed as to the true corner of beginning, Allen contending that the Gannett Monument is the proper beginning corner and Ervin contending that the large Rock Monument 703.55 vs. west and south 15,65 vs. We chained west from Gannett Monument 30 miles. Ervin decided to go to Austin and place the disagreement before Hon. J. H. Walker, Commissioner of the General Land Office of Texas for hearing. On Monday, August 26, Commissioner Walker held the hearing, both Counties being represented by their Attorneys and Surveyors. Under date of August 28th, he submitted to each Surveyor written instructions as provided by Statute as to place of beginning the Survey and place of ending.

Following said instructions we on Monday Sept. 2, 1935 proceeded to the vicinity of the N.E. Corner of Ochiltree County and N.W. Corner of Lipscomb County, as established by W. D. Twichell in the year 1897. The Monument set by him had been obliterated; therefore, we re-established the Corner from objects called for in field notes of his survey. From this point we proceeded to lay out and mark the said boundary line in accordance with instructions aforesaid and with our findings in the field, and also with final instructions of Sept. 16, 1935.

A full description of said survey is given in the following pages of field notes and two plats hereto attached marked EXHIBIT "A", EXHIBIT "B" and EXHIBIT "C" respectively.

Respectfully Submitted,  
*Rupert C. Allen*  
Special Surveyor for  
Ochiltree County, Texas.  
*E. H. Ervin*  
Special Surveyor for  
Lipscomb County, Texas.

Exhibit "A"

FIELD NOTES OF THE SURVEY OF  
West Line of Lipscomb County and  
East Line of Ochiltree County  
as Surveyed by

E. H. ERVIN, Acting Surveyor for Lipscomb County and RUPERT C. ALLEN, Special Surveyor for Ochiltree County, Texas, having been duly appointed by the County Courts of our respective Counties, at the August Terms of said Courts, 1935 to establish the County Line between said Counties herewith return the following field notes of the Survey as made by us.

BEGINNING at Concrete Monument set 30" in ground and projecting 9" above ground, same being 9" in diameter at top in which is set brass tablet in top marked "1935" across top or North side, "N.W. Cor. LIPSCOMB" on southeast and "N.E. Cor. OCHILTREE" on S.W. Side; from which closing corner on Oklahoma-Texas Line on the  $36^{\circ} 30'$  parallel N. Latitude bears east 2498 varas. Said closing corner being a Concrete Monument with brass tablet with the following markings: (CC. TIS, R23E, S1, S6, TEXAS, 1933) The word Texas and 1933 being on the south portion of said tablet and the east and west lines drawn between Texas and the description of Sections. This Monument is due south from Section Corner in Oklahoma which is Township Line between Range 23 E. and Range 24 E. We set Concrete Monument for our initial Monument as the Rock set by Twichell in 1897 was obliterated.

Needle Va.  $11^{\circ} 30'$  E. The County Corner Monument is lined in between closing corners set in the  $36^{\circ} 30'$  North Latitude as established by the U. S. General Land Office in 1933, therefore, we take right angles from said line.

COURSE OF COUNTY LINE SOUTH.

Mile No. 1.

Thence South at 987 varas, north line of Survey 30, Block 10, H. T. & B. R.R. Co. Grant, same being the south line of Survey 10, Block D. J. P. Weiser Grant, from which N.W. Cor. said Survey 30, Block 10 bears West 336 varas, N.E. Cor. of said Section bears East 1581 varas, 1900.8 varas to Mile Post No. 1, a 2" galvanized pipe marked "L" on East; "O" on West, 1 Mi. on North and 1 Mi. on South.

Mile No. 2.

At 984 varas North Line of Section 58, Block 10, 1900.8 varas to Mile Post No. 2.

Mile No. 3.

At 978.5 varas North Line of Section 118, Block 10, N.W. Cor. of said Section 118 bears west 363.4 varas at 1889.3 varas cross North fence on Right-of-Way of North Texas and Santa Fe Railway Company 1900.8 varas to Mile Post No. 3, a 2" galvanized pipe set marked "LIP." on East; "OCH" on West; "3 Mi." on North and "3 Mi." on South.

Mile No. 4.

At 26.2 varas cross center line of N.T. & S.F. R.R. Co. Main Tract said tract bears N.  $89^{\circ} 47' W.$  at 96.5 Highway marker 8 x 8 with bronze plate inscribed as follows: "Texas FAP 662A Sta. 3781/156 length 14.663 Mi., built 1934", bears West 30.4 varas at 113 varas center of State Highway No. 117 at 976.6 North Line of Survey 147, Block 10, 1900.8 varas to Mile Post No. 4.

## Mile No. 5.

At 977.9 varas South Line of Section 147, Block 10, and North Line of Section 1174, Block 43, H. & T.C. Ry. Co. Grant, The S.W. Cor. of said Section 147 bears west 376.6 varas. The N.W. Cor. Section 1174 bears west 119.5 varas, 1900.8 varas to Mile Post No. 5.

## Mile No. 6.

At 984.5 varas North Line of Section 1115, Block 43, 1900.8 varas to Mile Post No. 6.

## Mile No. 7.

At 989.5 varas North Line of Section 1086, at 1900.8 varas to Mile Post No. 7.

## Mile No. 8.

At 993 varas North Line of Section 1027, from which Old E. Mound Corner and 4 pits by Joe L. Long bears West 108 varas, the N.W. Cor. of Section 1029 called for by W. D. Twichell bears East 1 mile 1847.4 varas 1900.8 varas, Mile Post No. 8.

## Mile No. 9.

At 994 varas North Line of Section 998, 1900.8 varas to Mile Post No. 9.

## Mile No. 10.

At 1019 varas North Line of Section 939, 1900.8 varas to Mile Post No. 10.

## Mile No. 11.

At 1020 varas North Line of Section 910, 1900.8 varas to Mile Post No. 11.

## Mile No. 12.

At 1023 varas North Line of Section 851, 1900.8 varas to Mile Post No. 12.

## Mile No. 13.

At 1033 varas North Line of Section 822, Joe L. Long, Rock Md. Cor. bears West 96.6 varas, 1900.8 varas to Mile Post No. 13.

## Mile No. 14.

At 1032 varas cross North Line of Section 763, 1900.8 varas to Mile Post No. 14.

## Mile No. 15.

At 1031 varas cross North Line of Section 734, 1900.8 varas to Mile Post No. 15.

## Mile No. 16.

At 1030 varas cross North Line of Section 675, 1900.8 varas to Mile Post No. 16.

## Mile No. 17.

At 385 varas North Bank Gilhulo Creek, 1900.8 varas to Mile Post No. 17.

## Mile No. 18.

At 1028 varas North Line of Section 587, 1300 varas to Cap-Rock on North side of High Hill, 1354 varas to top of said Hill, 1900.8 varas to Mile Post No. 18.

## Mile No. 19.

At 1028.5 varas North Line of Section 558, rock mound by Joe L. Long bears West 97.3 varas, 1900.8 varas to Mile Post No. 19.

## Mile No. 20.

At 1060 varas North Line of Section 499, 1900.8 varas to Mile Post No. 20, in valley of Wolf Creek.

## Mile No. 21.

At 496 varas cross center of Wolf Creek, at 1092 varas North Line of Section 470, from which N.W. Cor. of said Section 470 by Joe L. Long bears West 103.4 varas, 1851 varas cross center of Gibson Creek, 1900.8 varas to Mile Post No. 21.

## Mile No. 22.

At 520 varas top of High Bank on South side of Draw, 1098 varas to North Line of Section 411, from which rock mound made for N.W. Cor. of said Section 411 by Joe L. Long bears West 116.6 varas at 1840 varas Cap-Rock, 1900.8 varas, a 2" galvanized pipe marked 22 Mi. and pile of stone, Mile Post No. 22.

## Mile No. 23.

Thence South at 1117 varas, rock mound the S.E. Cor. of Section 410 bears West 105 varas, at 1900.8 varas, Mile Post No. 23.

## Mile No. 24.

At 1137.5 varas cross North Line of Section 323, at 1900.8 varas, Mile Post No. 24, a 2" pipe and rock mound.

## Mile No. 25.

At 1135.5 varas North Line of Section 294, at 1357 varas North Edge of Cap-Rock at 1900.8 varas to Mile Post No. 25, a 2" pipe and rock mound.

## Mile No. 26.

At 1145 varas cross North Line of Section 235, 1900.8 varas to Mile Post No. 26.

## Mile No. 27.

At 1162 varas North Line of Section 206, 1900.8 varas to Mile Post No. 27.

## Mile No. 28.

At 1169.5 varas center of Graded Road from Canadian to Perryton, S.E. Cor. of Section 207 bears West 150.5 varas, 1900.8 varas to Mile Post No. 28.

## Mile No. 29.

At 173.9 varas Northeasterly Right-of-Way fence on State Highway No. 4 at 176 varas, Highway Right-Of-Way Markers bears East about 7 varas, at 214.8 varas Southwesterly Right-of-Way fence on said Highway, road bears N. 63° 9' W. at 1172 varas cross North Line of Section 118, 1900.8 varas to Mile Post No. 29, a 2" pipe set and rock mound.

## Mile No. 30.

At 1197 varas to North Line of Section 59 in said Block 43, from which the N.W. Cor. of Section 58, Block 43, bears West 146 varas, From said Corner point of Bluff bears S. 42 $\frac{3}{4}$ ° W. center of Natural Mound bears S. 23 $\frac{1}{2}$ ° E. This is evidently the N.W. Cor. of 58 as established by Joe L. Long, at 1900.8 varas set 2" pipe marked "LipscombW on East, "Ochiltree" on West, "30 Mile Post, 1935" on North Side, "30 Mile Post, 1935" on South



side and rock mound. This corner has the following bearings: Point of Hill bears N. 26° 5' E. Low Cap-Rock bears S. 62° E. about 200 varas East Point of Measasin valley bears S. 6° E. East point of Cap-Rock bears S. 30° 18' W.

Center of Square Fence about 8 feet each way in valley west of Morgan Creek bears S. 76° 22' W. about 3/8 of a mile. Morgan Creek bears west about 1/4 mile. Center of High Red Bluff bears N. 65° W. Windmill bears N. 7° 22' W. about 1 and 1/4 miles. 30 miles plus 1214.7 varas to Concrete Monument for S.W. Corner Lipscomb County and S.E. Corner Ochiltree County, 24" in ground and 10" above ground in which we set brass tablet marked "1935", "S.W. Cor. Lipscomb" and "S.E. Cor. Ochiltree". From this Monument an iron pipe about 4 feet above ground, 1 1/2 inches in diameter marked "30" and large rock mound bears east 650.5 varas. From this corner the N.W. Corner Section 132, Block 42, H. & T.C. Ry. Co. Grant appears to bear South. An iron pipe marked "29" bears east about 1 mile. This corner is apparently the N.W. Corner of Hemphill County and S.W. Corner of Lipscomb County as established by Spiller & Cunningham in the year of 1889.

From said Monument 30 plus 1214.7 varas, a pipe set about 2 feet above ground marked "R" on South, "O" on North, "1" on East side and "29" on west side bears N. 89° 40' W. 1250.3 varas. This is evidently Mile Post No. 1, between Roberts and Ochiltree County, as set by Hedgecocke as it is 1900.8 varas from the Hemphill-Lipscomb County Corner. From said Monument 30 plus 1214.7 varas, we took the following bearings: Center of Natural Mound South of Morgan Creek bears S. 12° 45' W. Center of Natural Mound N. 81° 30' W. Cap-Rock on East Point of Bluff west of Creek bears N. 51° W. North point of Cap-Rock N. 53° 30' E. S.W. point of Cap-Rock S. 63° 30' E.

At each Mile along the line above described, we set 2" galvanized pipe about 3 1/2 feet long with 6" turn at bottom, each being marked "1" on east, and "O" on West, and the appropriate Mile Number on the North and on the South side.

The acreage in Lipscomb County and Ochiltree County in Surveys traversed by the line is shown on the attached plat, marked "Exhibit B". Dated September 27th, A.D. 1935.

Terry Shahan }  
Valda Lackey } Chainmen

M. R. Coffee, Jr. }  
Dave Shanks, Jr. } Flagmen

*Rupert C. Allen*  
Special Surveyor for  
Ochiltree County, Texas.

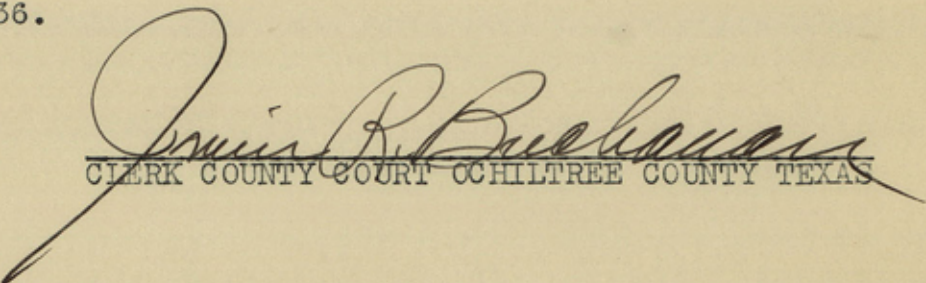
*E. N. Erwin*  
Special Surveyor for  
Lipscomb County, Texas.

STATE OF TEXAS

COUNTY OF OCHILTREE

I, Irvin R. Buchanan, clerk of the County Court in and for Ochiltree County, Texas, do hereby certify that the foregoing is a true and correct copy of the proceedings had in the Matter of the Survey of the Ochiltree and Lipscomb County Lines, and of record in the Minutes of the County Court of Ochiltree County, Texas.

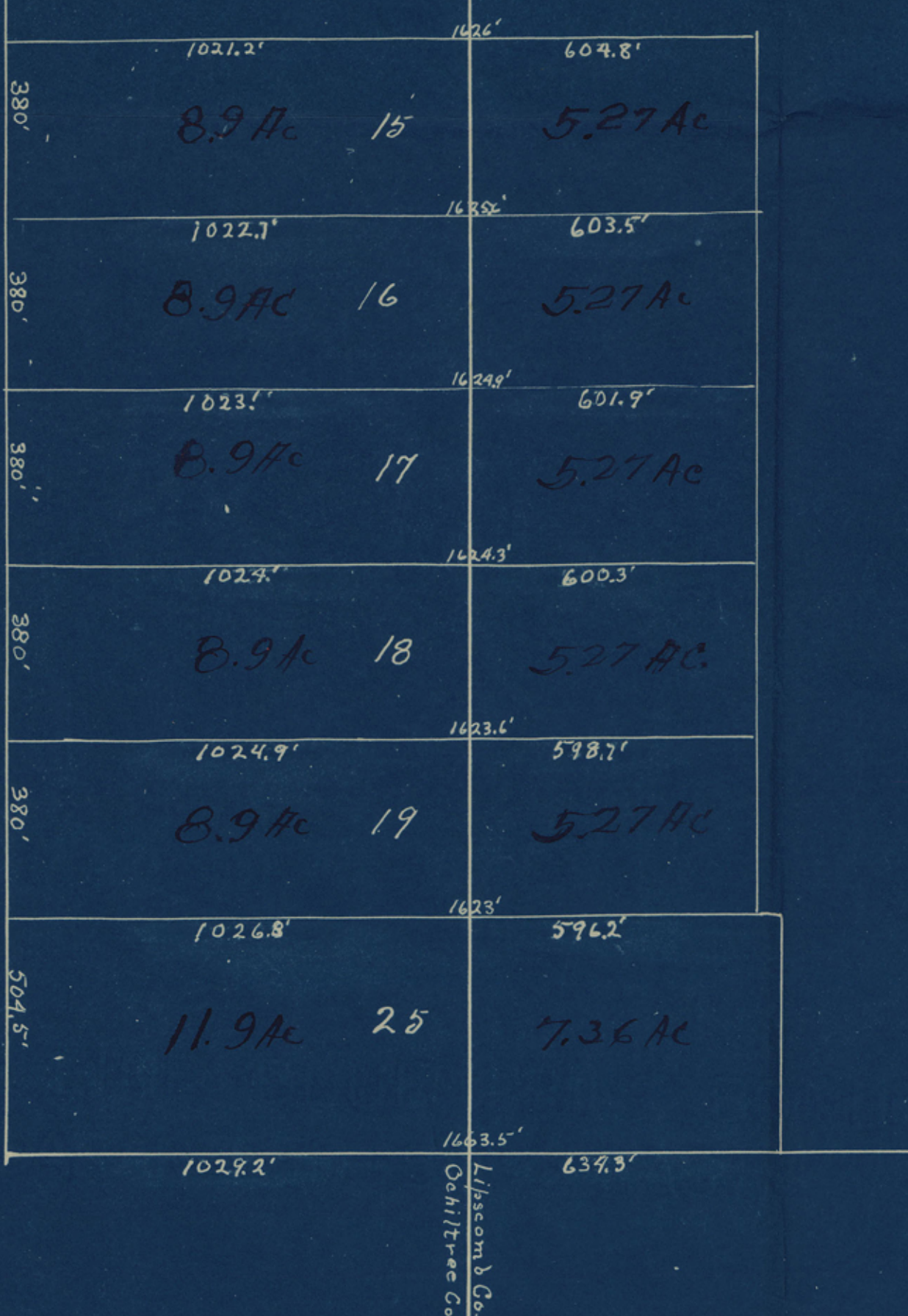
Witness my hand and seal of office this the 26th day of August, A.D. 1936.

  
CLERK COUNTY COURT OCHILTREE COUNTY TEXAS

*Irvin R. Buchanan*

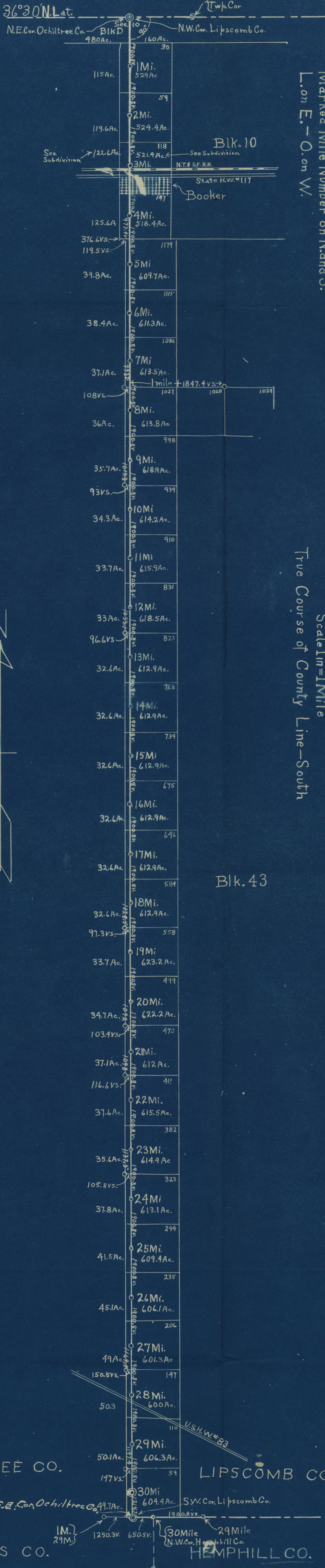
PLAT of West Side  
of  
Booker Texas.  
Survey 118/31k. 10 H.T. & B.R.R. Co.  
Lipscomb Co. Texas.

Scale, 1 inch = 300 ft.



Rupert C. Allen  
Special Surveyor Ochiltree Co.  
E. N. Erwin  
Special Surveyor Lipscomb Co.

OKLAHOMA



NOTE—  
All County-Line Mile Posts, 2" galv. iron pipe  
Marked Mile Number on N and S.  
L. on E. — O. on W.

PLAT OF A SURVEY  
OF THE  
WEST BOUNDARY OF LIPSCOMB CO.  
EAST BOUNDARY OF OCHILTREE CO.  
SURVEYED BY  
RUPERT C. ALLEN, Special Surveyor Representing Ochiltree Co.  
E. H. ERVIN, Special Surveyor Representing Lipscomb Co.  
Scale 1 in = 1 Mile  
True Course of County Line—South

SURVEYOR'S CERTIFICATE

We, Rupert C. Allen & E. H. Ervin, Special Surveyors for Ochiltree & Lipscomb Co. do hereby certify that the plat here on is true and correct and a survey made by us on the ground, pursuant to orders of the County Court of Lipscomb & Ochiltree Counties, Texas, authorizing the survey and marking of the common boundary between said Counties. In Witness whereof we sign this the 7th day of September, 1935.

Rupert C. Allen  
Special Surveyor for Ochiltree Co.  
E. H. Ervin  
Special Surveyor for Lipscomb Co.

OCHILTREE CO. LIPSCOMB CO.  
ROBERTS CO. HEMPHILL CO.

Lipscomb Co Bdry Line 1A

Received and Filed  
Dec. 11<sup>th</sup> 1936  
J. H. Walker, Commr.

Atty.  
File Clerk.