

File No. Sketch File 57 (see also: Rld Sk. 157)

Brewster

County

**WALKER LAND SURVEYING**  
**405 EAST AVE. "B"**  
**ALPINE, TX**  
**79830**  
**432-837-7272**

Secs. 4, 6, 8+16 Blk 234 and sec. 28 Blk 231  
Texas + St. Louis Ry. Co.

Date Filed: September 4, 2008

**Jerry E. Patterson, Commissioner**

By Alex Chiba

**STEVEN F. WALKER**  
**LICENSED STATE LAND SURVEYOR**

TO: Jerry Patterson, Commissioner, Texas General Land Office

DATE: January 28, 2008

RE: Survey for patent location of Surveys 4, 6, 8 and 16, Block 234, and parts of Survey 28, Block 231, Texas and St. Louis Ry. Co. Surveys, Brewster County, Texas.

### SURVEY REPORT

This report concerns the location of Surveys 4, 6, 8 and 16, Block 234, and parts of Survey 28, Block 231, Texas and St. Louis Ry. Co. Surveys, Brewster County. It is being performed at the request of J. B. Love, Jr., the owner of said lands, for the purpose of obtaining patents to these tracts. This survey was conducted on the State Plane Coordinate System, South Central Zone, NAD 1927. Trimble 4000ssi GPS receivers, a Wild T-2 theodolite and a Wild DI4L Electronic Distance Meter were the survey instruments employed. Triangulation Stations "MARAVILLAS" and "CHALK" were tied and referenced as coordinate sources.

### GENERAL HISTORY

When Texas entered the Union in 1845 it did so in a way unique to the other States; it retained ownership of all of the public domain that had not previously been granted by either Spain, Mexico or the Republic. Texas is the only State in the Union to do so. In retaining its land, Texas also retained its right to dispense with, or grant it, as it deemed fit.

In 1854 the Texas Legislature passed into law "An act to encourage the construction of railroads in Texas by donations of land." This Act granted to any railroad company in the State a certain amount of land for a certain amount of track laid and put in running order. The railroad company could apply for any portion of the public domain open to location but there was a limit on the amount of land that could be applied for. This law was repealed in 1869 but reinstated, with modifications, later. The Constitution of 1876 provided railroads with 16 Sections of land for each mile of track completed. The railroad land grant legislation was rescinded in 1882.

During the period from 1876 until 1900, when unappropriated land in Texas was deemed exhausted, the most important, and certainly the largest, land grants were to railroad companies. Essentially, the railroad companies were delegated the task of surveying at their own expense, their grants. They would then file with the General Land Office field notes of each Section and a map, or maps, of the land granted. The State would retain ownership of the even numbered Sections (or Surveys) and the railroad companies would be granted the odd numbered Sections. Brewster, and the Counties surrounding it, are made up largely of railroad Blocks of various sizes and orientations.

Not only did the State of Texas retain ownership of its public domain, it also retained and developed, through precedent-setting court cases, its own unique "style" of surveying and resurveying the various types of grants. Some of these cases, their conclusions and how they impact the approach developed through the decades of retracing large railroad grants, will be discussed briefly in this report.

Large railroad grants often covered several hundred square miles and often were made up of several Blocks, each Block containing many individual Surveys of, usually, 640 acres each. These Blocks formed what is known in Texas as a "system" of Surveys, where the positions of the individual Surveys and Blocks, controlled by the location of the individual corner monuments described in the field notes of the original surveyor, the calls in these field notes for the grant to adjoin surrounding senior surveys and the calls for course and distance all must be looked to when attempting to re-establish corners not set in the original survey. A "system" of surveys is defined in STANOLIND OIL & GAS, et. al. v. STATE, a Texas Supreme Court case, 101 SW2 801, as "Where a designated Block was a system of connected surveys made by the same surveyor at the same time: the surveys being built one upon the other from south to north." The case of BROOKS et. al. v. SLAUGHTER, Court of Civil Appeals, 218 SW 632, refers to a system by stating "All corners and field notes of a system of surveys may be looked to in locating any of the surveys in the system, and it is not necessary that the surveying be done on the same date, but it is only necessary the work be continuous from day to day and connected as part of the series of surveys."



## ORIGINAL SURVEY, TEXAS AND ST. LOUIS RY. CO. BLOCKS 225 THROUGH 243

Blocks 231 and 234 were originally surveyed and field notes returned by S. A. Thompson, Deputy Surveyor of what was then Presidio County. This Block is part of a large system of Blocks, composed of well over 600 Surveys, all surveyed and described for the Texas and St. Louis Railroad Company between August and November of 1881.

In order to come to proper conclusions in this Texas and St. Louis Ry. Co. system, it is necessary to review the history of not only this system, but to a certain extent, the history of the surrounding Blocks, themselves large railroad grants. Also, at this point a brief discussion of how the courts have dealt with railroad Blocks in general is in order.

In the case of STATE VS. SULLIVAN, 92 SW2 228, the court stated that although it is presumed "that a surveyor went to the corners and lines that his field notes called for and that he ran lines of his survey on courses and for distances described in his field notes" this "presumption may be entirely overcome by facts in evidence proving that he did not go there." The case of HAMMAN VS. SAN JACINTO RICE CO., 29 SW 1008, states: "It is a matter of common knowledge that surveys located under alternate script issued as a bonus to railway companies were located in large blocks and rarely, if ever, were the lines of each survey actually run on the ground...."

In other words, it has long been known to Texas courts and to Texas surveyors that often the original surveyors of these large West Texas railroad grants set few, if any, actual corner monuments called for in their field notes. This created what is known as an "office survey". The general practice being that the field notes of each Survey would call for course (for example North-South-East-West), distance (1900 varas) and corner monuments (rock mound, stone mound, earth mound, stake and mound). When these nondescript monument calls are encountered, it is usually assumed that the surveyor did not actually go the corner and set the corner monuments called for. Having said this, it is also known that if a more specific description of a monument is called for, for example: "a rock mound 2' high marked 'X' or "a rock mound on South side of slope from which a boulder on hill side bears S.3deg.W. 800 varas", it is an indication that the surveyor actually **did** establish this corner. When these definite called for monuments can be found, they, along with possible calls for adjoiner to surrounding senior surveys, form the framework for retracing the entire system.

Another common situation encountered when attempting to follow the footsteps of the original surveyor of large railroad Blocks is the problem of the surveyor not running the lines on the courses called for in the field notes. The original surveyors in this area used instruments that relied on a magnetic compass to obtain their bearings. It sometimes occurred that an improperly set magnetic variation or a local geological attraction could cause the surveyor to lay out his lines along courses that varied from those called for. The case of BROOKS et. al. VS. SLAUGHTER, 218 SW 632, states: "if the lines actually run had disclosed a uniform variance from the true courses, this same divergence should be used in constructing the other lines of the block." We will see how this "uniform variance" theory comes into play when retracing the Texas and St. Louis system which is the subject of this report.

### D.& W. RY. CO. BLOCK G-1

In May and June of 1881, J. T. Gano, also deputy surveyor of Presidio County under the County Surveyor E. G. Gleim, surveyed and returned field notes for D.& W. Ry. Co. Block G-1, which borders the East line of Blocks 228, 229, 236 and 237 of the Texas and St. Louis grant which is the subject of this report.

Mr. Gano began his survey of Block G-1 at the Southwest corner of Survey 1, calling for a "rock mound on NE slope of the Rio Grande Range of mountains...., from which Stairway Peak, the highest visible point of said Rio Grande Range bears S.19 1/2 deg.W. 950 vs. and the top of Iron Mountain bears N.1 1/2 deg.E. about two miles." This is the only monument in the Block having definite, descriptive calls.

At about the same time as his survey of Block G-1, Mr. Gano also surveyed several other Blocks in the area for various railroad companies. All of these Blocks had the prefix of "G", probably to stand for Gano. These Blocks became the subject of three important court cases which ultimately controlled not only the approach to surveys performed in Mr. Gano's "G" Blocks but also in the Texas and St. Louis system. These cases will be discussed later in this report.

## TEXAS AND ST. LOUIS RY. CO. BLOCKS 225 THROUGH 243

As stated earlier, S. A. Thompson, also a deputy surveyor under E. G. Gleim, surveyed and wrote field notes for the Texas and St. Louis Blocks from August to November of 1881.

At the Northwest corner of Survey 1, Block 225, which is the beginning point of this system of Blocks, Mr. Thompson's field notes of August 15, 1881, call for "Beginning four miles South and three miles East of the NW corner of Survey 1, Block 21, made for the G.H.& S.A. Ry. Co. at a rock mound 3' high cap rock marked 'F' for the NW corner of this Survey..." In some areas of the system, Mr. Thompson has definite, descriptive calls for corner monuments, but for the most part the calls are the general "rock mound" or "stake and mound".



By plotting the corners that have definite monument calls on an overall map of the system, a pattern becomes apparent. At the beginning rock mound marked "F" at the Northwest corner of Survey 1, Block 225, mentioned above, Mr. Thompson obviously ran South, at two miles he calls of a rock mound marked "FII" at the Northwest corner of Survey 13, at the Southwest corner of said Survey 13 he calls for a rock mound marked "FIII". From here he apparently ran diagonally to the Southeast, following the old road along Maravillas Creek, setting corner monuments along the way. At the Northwest corner of Survey 24, Block 231, he apparently turned and ran South through Persimmon Gap, which is now the Eastern entrance of Big Bend National Park, setting monuments at various corners. He then traversed to the Southwest, then to the North and Northwest and finally setting a rock mound marked "XII" at the Southwest corner of Survey 31, Block 232, which is now destroyed.

Survey 36, Block 237, lies in the extreme Southeast corner of the Texas and St. Louis system. Mr. Thompson calls to adjoin the Southwest corner of Survey 1, Block G-1, and has the same descriptive calls for a monument that Mr. Gano's field notes have for the same position in G-1. Although there are not other definite monument calls in the Eastern part of the Texas and St. Louis system or the Western part of Block G-1, Mr. Thompson does call to adjoin Block G-1, which is senior to the Texas and St. Louis system, along the Eastern tier of Surveys in Blocks 228, 229, 236 and 237.

#### SURVEY OF R. S. HUNNICUTT, 1908

In 1908, R. S. Hunnicutt, a Licensed State Land Surveyor, was directed by the Commissioner of the General Land Office, John J. Terrell, to go into the area and locate the original Gano position at the Southwest corner of Survey 1, Block G-1, mark it and destroy all other monuments in the vicinity. Mr. Hunnicutt did set a monument, a rock mound marked "SW G-1" and a witness, an "X" chiseled on a large boulder nearby, which is now known as the "Hunnicutt corner", at what he believed to be the proper location of the Southwest corner of Block G-1. Since that time there has been considerable controversy over the true location of the Gano corner and whether or not the Hunnicutt corner is the same as the Gano original. Mr. Hunnicutt also located other Thompson monuments in the Texas and St. Louis Blocks and wrote corrected field notes, some of which were used for patent, of several Surveys throughout the system. One of the Surveys Mr. Hunnicutt wrote corrected field notes for was Survey 28, Block 231, which is part of the subject of this report. These corrected field notes, however, were not used for patent of Survey 28.

In the 1930's, surveyors W. L. Rider and W. W. Barker disputed Hunnicutt's positions. Mr. Rider set a rock mound at what he believed to be the correct location of the Northwest corner of Block G-1.

The corners Mr. Hunnicutt found are depicted on a plat labeled "RSH", which is on file in the Brewster County Rolled Sketches of the General Land Office in Austin. As we will see in the following discussion of the court cases, the locations of R. S. Hunnicutt in the Texas and St. Louis system have been deemed to be incorrect.

In February of 1908, Mr. Hunnicutt surveyed and wrote corrected field notes for Survey 28, Block 231, which is part of the subject of this survey (Bk. "L", P. 226, corrected field note records of Brewster County). In his corrected field notes, Mr. Hunnicutt calls to begin at the Southwest corner of Survey 27, with no calls for a monument. Then he proceeds "North 1915 varas.....to a pile of rocks 2' high, 78 varas North of the bed of a large ravine..." for the Northeast corner of Survey 28. From this point Mr. Hunnicutt records several bearings to distant mountain peaks. He then proceeds West 1900 varas to "a pile of rocks 2' high 34 varas North of the bed of a ravine..." From this rock mound he again recites bearings to distant peaks and to "Miller's well and windmill". We have recovered what I believe to be the rock mounds at Hunnicutt's Northeast and Northwest corners of Survey 28. The rock mound at the Northeast corner is indeed about 78 varas North of the bed of a large ravine and the bearings to distant geological features check. Also, the rock mound at the Northwest corner is about 34 varas North of a ravine and the bearings to peaks check and a windmill to the Northeast fits the call to "Millers well". As we will see, the Hunnicutt position of Survey 28 served as a starting place for the survey of A. L. White of the East 1/2 of the Southeast 1/4 upon whose field notes a patent for that tract was issued.

#### COURT CASES

In the 1940's, a series of three important cases, essentially boundary disputes, took place that involved lands in a large part of Southeastern Brewster County. Two are District Court cases and one is an Appellate case. Many separate land owners, as well as the State of Texas, were involved. These cases are important, for surveys conducted in the area must be performed in accordance with the judgements rendered. While these cases deal mainly with lands East of the Texas and St. Louis system in the Gano "G" Blocks, the Texas and St. Louis system is also effected by the conclusions of the court.

These cases are listed below, followed by a brief discussion of the judgements and how they effect the Texas and St. Louis system which is the subject of this report.

**DICK WILLIAMS, et al VS. ASA JONES, et al, 1943, Cause #2006, Vol. 6, P. 223, District Court Records of Brewster County.**

**STATE, et al VS. JONES et al, 1944, #4331, Court of Civil Appeals, 184 SW2 510**

**F. M. ROARK, et al VS. H. D. SMITH, et al, 1947, Cause #1934, Vol. 7, P. 1, District Court Records of Brewster County**



The case of WILLIAMS VS. JONES was a trespass to try title suit involving lands in D. & W. Block G-1 instituted by Dick Williams and two others against Asa Jones and some two hundred and fifty other defendants. The State of Texas intervened and brought in other defendants in the Texas and St. Louis Blocks lying to the West.

Williams and the State presented evidence supporting Hunnicutt's location as the proper position of the Southwest corner of Block G-1. This would cause conflict between Block G-1 and the Texas and St. Louis Blocks.

The court decreed that the corner established by R. S. Hunnicutt (the "Hunnicutt corner") for the Southwest corner of Block G-1 was **not** in the correct location. The court went on the state that the proper location of this corner is "located on the ground at a point coincident with the SE corner of said Survey 36, Block 237, Texas and St. Louis Ry. Co., which point is located 3198.4 varas East and 3396 varas South South of the Hunnicutt corner." The court also adjudicated that the proper location of the Northwest corner of Block G-1 to be at a point "92 varas West and 78.7 varas North of W. L. Rider's corner of Block G-1." This would establish the Northwest corner of Block G-1 at a point North 1deg.08' West 38,000 varas from the court established position of the Southwest corner of said Block. The court went on to state that there was no conflict between the West line of Block G-1 and the East line of the Texas and St. Louis Blocks. These findings were upheld in the case of STATE VS. JONES. In this case, the State held that the "Hunnicutt corner" **was** the correct location of the Southwest corner of Block G-1 and applied for a Writ of Error to the Texas Supreme Court. The Supreme Court refused the Writ of Error, thus making the judgement of the trial court final.

The variation mentioned above of 1deg.08' West of true North was used by the courts to reconstruct the West line of Block G-1 because of evidence that indicated the original surveys in the area were conducted on this uniform variance from the field note calls. This "uniform variance" theory was discussed earlier in this report (BROOKS VS. SLAUGHTER). In a document found in the District Court Records of the case of ROARK VS. SMITH, the statement is made that the West line of Block G-1 would be run "on a course North 1deg.08' West, in accordance with the ascertained variation employed by the original surveyor in the Texas and St. Louis Blocks, and therefore followed in the judgement locating Block G-1 primarily from said ground work in the Texas and St. Louis Blocks."

A letter written by Commissioner Bascom Giles to Mr. Lew Spencer of Alpine on December 18, 1944 is on file in the Brewster County Sketch Files in the General Land Office. In this letter Mr. Giles discusses construction of the Texas and St. Louis Blocks and states: "In order to conform to the opinion of the Court of Civil Appeals, Eighth Supreme District of Texas, at El Paso, in Cause #4331, ..... which became final October 4, 1944 when a Writ of Error was denied, all the sections in the Texas and St. Louis Blocks 225, 226,.....and 243, Brewster County, surveyed by S. A. Thompson in 1881, must be resurveyed before patents can be issued." In this same letter Mr. Giles further states: "The construction of the interior lines of these blocks should conform with the original corners established by Thompson, most of which were recovered by Hunnicutt in 1908."

In December of 1995 I performed a survey for the Nature Conservancy in Block G-9. Since the conclusions of this survey would involve not only Block G-9, but several other Blocks, including the Texas and St. Louis system, in which there were many unpatented Surveys owned by the Permanent School Fund, I felt it necessary to have this survey, plat and report approved by the General Land Office and filed in the Survey Records in Austin as well as the Survey Records of Brewster County. This was done and my Survey Report should be consulted for a more detailed discussion of the court cases mentioned above and conclusions that were accepted by the Land Office.

#### SURVEY OF A. L. WHITE, 1927

In 1927, A. L. White, Brewster County Surveyor, surveyed and wrote field notes of the East ½ of the Southeast ¼ of Survey 28, Block 231. In 1928, this 80 acre tract was patented on these field notes. For our survey in Survey 28 it is necessary that we retrace the patent position of the East ½ of the Southeast ¼, which is based on the field notes of Mr. White, because if this position is incorrect, it will probably be necessary to obtain a correct patent to fit the proper location based on the conclusions put forth in this report.

As previously stated, R. S. Hunnicutt wrote corrected field notes for all of Survey 28 in 1908, although they were not used for patent. As stated earlier, in these notes, Mr. Hunnicutt calls for setting a "pile of rocks 2' high" at the Southwest corner of Survey 22, which is also the Northeast corner of Survey 28, with reference bearings taken to visible natural objects. At the same Northeast corner of Survey 28, the field notes of A. L. White call for a "rock mound, one rock marked "SW 22". Mr. White also recites bearing calls to natural objects, two of which are obviously the same peaks referenced in the corrected field notes of R. S. Hunnicutt as the descriptions and bearing calls are essentially the same. Note that the surveys of R. S. Hunnicutt and A. L. White predate the court cases discussed above.

While it seems Mr. White calls for the same rock mound at the Northeast corner of Survey 28 as R. S. Hunnicutt, he does not use the same distance along the East line of Survey 28. Mr. Hunnicutt calls for this distance to be 1915 varas, half of which would be 957.5 varas, and Mr. White calls for 950 varas. There are a couple of other curiosities in the field notes of A. L. White that come to light on the ground.



Although Mr. White seems to have found the Hunnicutt rock mound at the Northeast corner of Survey 28, and has the same bearing calls to peaks, he also states that the mound is "41 varas South of a fence..." The mound we found is only about 12 feet, or about 4 varas, South of a fence. This existing fence is old and according to the rancher, J. B. Love, who has lived on the ranch since the 1960's, was in existence in its present position at that time. It is, of course, possible that this fence is not the one called for by Mr. White in 1927 although we could find no trace of any other fencing material. If this fence is the one in place in 1927, why the call for the mound at the Northeast corner of Survey 28 to be 41 varas South of the fence? You cannot be 41 varas South of the fence and 78 varas North of the ravine.

If you read the field notes in the patent records, which were transcribed by hand from A. L. White's field notes, it is obvious that "41" is the number written. However, if you read the actual field notes of Mr. White, which are typewritten, you see something rather curious. The actual text is somewhat light while all of the punctuation marks, periods, commas, etc, are very dark. Also you will notice that there is a period typed right on the "one" in "forty-one". Does this represent an attempt by Mr. White to put a period between the "four" and the "one", making the distance South of the fence 4.1 varas instead of 41?

Mr. White's field notes for the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  call to commence at a rock mound at the Northeast corner of Survey 26, which we also recovered. Although there are no calls for a fence at this point, this mound is also about 4 varas South of the existing fence. He then proceeds "West, at 360 varas passing 16 varas North of the Southeast corner of a wire fence enclosure; thence West and approximately parallel with wire fence 1896.5 varas to a rock mound marked "NW26". Thence West parallel with fence, 1895 varas farther to a rock mound, one rock marked "SW22", etc..." to the mound at the Northeast corner of Survey 28 which we have been discussing. We have located rock mounds at all of these positions and, although no marks were found, the bearings to distant peaks and windmills check. Therefore, I believe that they are the ones called for by Mr. White.

As it is my belief that the mound we located at the Northeast corner of Survey 28 is, in fact, the one called for by A. L. White, we then should be able to locate the monuments he called for at the corners of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ . In his field notes, Mr. White calls for proceeding South from the Northeast corner of Survey 28 950 varas to a rock mound marked " $\frac{1}{4}$  27-28" at the Northeast corner of said East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ . Thence South 950 varas to a rock mound marked "SE 28 B231". Thence West 475 varas to a rock mound marked "SW 80". Thence North 950 varas to a rock mound marked "NW 80".

From these calls it would appear that Mr. White set the rock mounds called for. However, we find nothing in these positions based on locations calculated from the mound found at the Northeast corner of Survey 28. I believe that it is possible that Mr. White did not, in fact, set these mounds. Although he did call for marked rocks, he did not have any other topographical calls or bearings to distant objects that he was careful to recite in the descriptions of the Survey corners discussed earlier.

From these conclusions, I believe that the patented location of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Survey 28 can be positioned based on course and distance calls from the accepted rock mound found for the Northeast corner. As can be seen on the plat accompanying this report, this position would conflict with the position of said Survey 28 as established by this survey. A corrected patent of this tract could be pursued in accordance with the statutes discussed below.

#### **SURVEYS OF JOHN STOVELL, 1940's**

In 1940, John Stovell, Licensed State Land Surveyor, performed a survey for the Great Southern Life Insurance Company of what was known as the Morriss Ranch that covered an area in Blocks 231, 233, etc.

In March of 1940, Mr. Stovell wrote corrected field notes for all of Survey 28, Block 231, containing 653.1 acres. On the same date, he also wrote corrected field notes for the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ , the East  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$ , the West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$ , the Southwest  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  of said Survey 28. These notes are on file in the corrected field note records of Brewster County but not in the files of the General Land Office.

Mr. Stovell's corrected field notes of these tracts have no calls for monuments or ties to any monuments of S. A. Thompson, R. S. Hunnicutt or A. L. White and do not match the field notes of Mr. White for the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Survey 28.

#### **SURVEYS OF H. R. GARD IN BLOCKS 232 AND 233, 1953**

In 1953, H. R. Gard, County Surveyor of Brewster County and Licensed State Land Surveyor, conducted surveys in Blocks 232 and 233. From these surveys he wrote corrected field notes for several tracts which were used for patent descriptions. A plat of Mr. Gard's survey is on file in the General Land Office and in the corrected field note records of Brewster County (CFN Vol. 7, P. 156). This plat shows that Mr. Gard located all of the original monuments in the area that were not destroyed and based his construction framework on them.



## CONCLUSIONS AND CONSTRUCTION

In the discussion of the court cases it was stated that the court adjudicated how to establish the West line of Block G-1, which is also the East line of the Texas and St. Louis system. The Northwest corner of Block G-1 was to be established "92 varas West and 78.7 varas North of the W. L. Rider corner." There is a scattered rock mound in evidence at the W. L. Rider corner and we have located it in the past. At a position based on the court call from this corner there is a 2" pipe which was established by J. A. Simpson in, Licensed State Land Surveyor, in 1945 that we have also located. The "Hunnicut Corner" previously discussed was also found and tied and the Southwest corner of Block G-1 is established from the court calls South and East from this monument. As per the court's reasoning, the positions of the Northwest and Southwest corners of Block G-1 established in this manner would result in a bearing that was supposed to reflect the 1deg.08' West of true North that the court was attempting to establish. The theta angle at the Northwest corner of Block G-1 is -1deg.56'00". This would make the State Plane bearing reflecting the 1deg.08' West of true North at this point North 0deg.48' East.

The actual State Plane bearing along the West line of said Block G-1, which is also the East line of the Texas and St. Louis Blocks, between the positions of the Southwest and Northwest corners as established by the courts is North 0deg.36'22" East. It can be seen on the plat accompanying this report that this is almost exactly the North-South bearing between the Thompson monuments found for this survey.

Said plat shows all of the existing original Thompson monuments located for this and other surveys that we have performed in the past and I believe that they represent all of the original monuments in the area that have not been destroyed. This plat also shows three monuments called for by H. R. Gard in his field notes for patent of Survey 4, Block 233, and Survey 30, Block 232, that I believe adequately perpetuate the positions of S. A. Thompson and therefore I have honored them as representing the proper location of the corners shown. I also believe that the relationship between the monuments indicated shows a consistency that I have found is common throughout the system.

The monuments indicated on my plat and the lines drawn between them show the basic approach taken to form the framework for establishing the various Surveys involved. Where lines can be connected between accepted monuments, intersections are made and the position of the various Surveys are calculated at intersected points. Where a line must be constructed, proportioning from the nearest accepted monuments was utilized to establish the necessary lines. I believe that the resulting bearing relationship between constructed lines as indicated on the plat and the bearings between existing original monuments show a consistency that is quite reasonable and justifiable.

In December of 2000, D. G. Smythe performed a survey of a portion of Big Bend National Park in Blocks 233 and 240. The plat prepared by Mr. Smythe indicates that he found and honored the same monuments located for the survey which is the subject of this report, including the pipe and rock mound established by H. R. Gard for the Northwest corner of Survey 3, Block 233.

## CORRECTED PATENT IN SURVEY 28

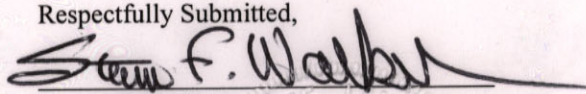
As stated earlier, the location of the East ½ of the Southeast ¼ of Survey 28, Block 231, as surveyed and described by A. L. White is in conflict with the position of Survey 28 established by the conclusions of this report. A corrected patent may be in order to bring the East ½ of the Southeast ¼ into harmony with this survey.

Articles 5409-5410 of the Revised Statutes set out certain rules for the correction of patents, one of which state: "The owner of any patented tract or of any of the land embraced therein which is in conflict may surrender the original patent with a request for the issuance of a new one, the request to be based upon corrected field notes of the tract being filed upon."

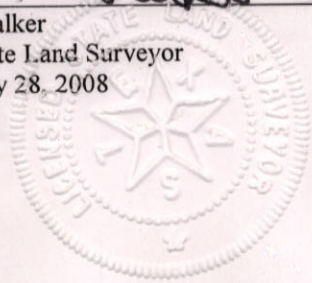
In 1981, the Texas Legislature adopted an amendment that is found in 51.250 (d) of Vernon's Texas Codes Annotated, Natural Resources, Vol. 1, Pocket Part. This amendment state: "In cases where a survey in a block or system of surveys conflicts on one side or more, and omits an unpatented strip on another side or sides due to the patent being issued on an erroneous subsequent survey not conforming to the original and recognized pattern for the block or system, the commissioner, at the request of all parties owning under said patent, may cancel said patent and issue a corrected patent that shall conform to said block or system of surveys....."

In this case, J. B. Love, Jr. is the owner of the East ½ of the Southeast ¼ of Survey 28 and all of the lands which adjoin it.

Respectfully Submitted,



Steven F. Walker  
Licensed State Land Surveyor  
Date: January 28, 2008



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