

Brewster Co. Rolled Sketch No. 113
(Flat Folder)

Correspondence Relative to Blocks G.4, T.J.9. & T.&St. L.Ry. Co.
& Connections

J.T. Jarney Jr. Office Sketches & Plats See also Sk. in

Sk. 11482 Rolled Sketches 96, 43, 65.

counter 13108

8

D-19v

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 Surveyor

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RECEIVED
JUN 17 1964
 General Land Office

15 June 1964

JERRY SADLER, COMMISSIONER
 GENERAL LAND OFFICE
 AUSTIN, TEXAS

*See SF-11482
 and Brewster Co.
 Rolled St. 96*

Dear Mr. Sadler:

Enclosed herewith are three interpretations of construction of Sections and Blocks in Brewster County, Texas. HARMON-1916, STOVELL-1940 and GARD-1951. It is evident that at least two of the surveyors are wrong, and it would be no great surprise to me if all are wrong.

I have been employed by Mr. David A. Witts, Attorney, 1000 Vaughn Building, Dallas, Texas, to make surveys necessary to determine the actual situation. Mr. Witts is the owner of the former M. Minchen and W.M. Olliver Ranches.

There is an additional tracing of work which I have done in Block G-4, HE & WT Ry Co, which will give you an idea of some of the inaccuracies to be found in the work of Mr. R.S. Dod. So much of this information as pertains to NW168-NEL69, Block G-4 was submitted in October 1956 (Received Oct. 29, 1956, General Land Office) and returned to me without comment. On 4 November 1963, I wrote the Commissioner concerning Mining Claims-Solomon 1-4, (incl.) pointing out conflict in corners which might affect these claims. Although I requested certain information, I received no reply.

I believe that Mr. Otha Draper, Licensed State Land Surveyor of Odessa, can verify the discrepancy in corners. Mr. Draper made extensive surveys and sent me a 2 or 3 page report on his findings in exchange for information which I furnished him. He elected to use a mound evidently set by Mr. Gard for the SW corner of Section 128. As far as I am concerned he is absolutely correct. Dod's corners are on the ground and identifiable by bearings. RIGHT OR WRONG.

Since we are bound by Dod's re-survey of Block G-4 and various connecting lines I would like to go on record as having pointed out certain known discrepancies which may some day cause an untold amount of grief.

There are two reasons for my persistence in being heard;; 1. I am endeavoring to make an honest living in the surveying profession and I need the assistance which only your office can give; 2. I feel that it is my duty as County Surveyor to advise you of all apparent discrepancies which appear to exist.

Yours very truly,
J.T. Carney, Jr.
 J.T. Carney, Jr.
 County Surveyor, Brewster County
 Box 641, Alpine, Texas

counter 73110

June 30, 1964

Mr. J. T. Carney
County Surveyor, Brewster County
Box 641
Alpine, Texas

Dear Mr. Carney:

Since receipt of your letters and enclosures in regard to the problems in the G-4 and T&St.L Blocks, Brewster County, we have done considerable research in an effort to find any information that would be of value to you.

In connection with your letters and enclosures, for the present, we are placing these in a tentative file which will later be made a part of the Brewster County Sketch files. Copies of your instruments have been made so the originals can be returned to you.

In comparing the connecting lines by Stovell and Gard to corners in Block 9 and G-4 we have concluded that Gard is more nearly correct for the reason that he ties to Dod's SW corner, Block G-4 and the SE corners of Sections 54, 51 and 34 in Block 9, and then made a connection line with the original Thompson "L" corner in Block 240.

The survey by Stovell, as reflected in Rolled Sketch 65, can not be related to Block G-4 and Block 9. We have platted in the patented surveys on your tracing which you refer to as enclosure No. 2. By holding Gard and Stovell to the Spiller NE corner of Section 55, Block 9, which they both identify, we find quite a discrepancy in latitudes between the two surveyors. Gard's lines are colored in blue, Stovell in orange and Harmon in red. According to these patented field notes Gard and Harmon appear to be O.K.

Stovell's patent for Section 24, Block 335, is in conflict with Thompson's Section 25, if that Section is located on Gard's connections.

We find no field notes on file for the area colored in yellow with the question mark, lying North of Section 92, Block 9.

Section 27, Block 335, has not been patented and corrected field notes are required before this can be accomplished. The Gard position for this Section looks O.K. except for a conflict with Stovell's patented Section 24 which is to be recognized.

Dod in 1921 wrote the Land Commissioner a letter concerning the

counter 43111

Page 2
J. T. Carney
June 30, 1964

excess in Block 335. In this letter he describes the "L" corner which possibly can be located today. A copy of this letter, known as Sketch File S-1, is being made for you and charged to your account. Trust this meets your approval.

We have made a tracing from Gard's survey of Block 335 and parts of Block 240, and made a rough comparison with Stovell's work in the area. Gard and Stovell's departures between the "L" corner in Block 240 and the East line of T&St.L Ry. Co. Block 221 are fairly close; however, we can't explain his big error in latitudes. There is one conclusion we think can be drawn from this comparison, and that is: that Block 335 is excessive East and West.

In a further effort to check the relation between the G-4, Block 9 and Thompson's Blocks, a tracing has been made of a part of Dod's Rolled Sketch 43 and an overlay sketch compiled from Dod, Harmon's and Gard's surveys which tie to the "L" corner and SE corner of Section 34, Block 9. These sketches will reveal the same gap or excess between T&St.L Ry. Co. Block 221 and GC&SF Ry. Block 335, and also further indicate that Gard is correct in his construction of Blocks 240 and 335.

You are correct in holding to Dod's corners in Block G-4 and it might well be that the corners on the ground will give you quite a different picture than that revealed by the plats. If we can somehow confirm Gard's ties to the Spiller corners in Block 9 with Dod's corner for Section 54, Block G-4, and Thompson's "L" corner in Block 240, we would know what to do with Blocks 240 and 335.

Hope you find something of value in the enclosures.

Sincerely yours,

JERRY SADLER, COMMISSIONER

JS/ves

Enclosures

counter 43112

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Alpine, Texas

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19 July 1964

Mr. V.E. Sterzing
 General Land Office
 Austin, Texas

Dear Mr. Sterzing:

I am all packed to get back to ties on Blocks G-4, 335, 241 and Block 9. Will leave Alpine early tomorrow and hope to stay on this SNAFU until I am able to solve the mystery or further confuse the issue.

The attached sketch, if you find time to examine it, may be worth considering at such time as I get my final ties made.

The NE 169-NW 168, Block G-4 has been the focal point in an expensive lawsuit in the past few years. Both Gard(employed by Maurice Minchen) and Thee (employed by the opposition) found and identified the Rk. Md. circled red. Thee pointed out this corner to me in 1954. The bearings as recorded by Mr. Dod were off some 0°27' with those given me by Thee. I had a difference of 0°29'

The Federal District Court in El Paso, appointed me, in 1956, to make a complete survey of the surrounding area for the purpose of determining the exact location of a dam and lake constructed by M. Minchen, and claimed by others.

At this time I began my survey at NE 238-NW 207 (Dod corner identified by recorded bearings), as had both Thee and Gard in 1951 or 1952. We arrived at the same corner NE 169, with little difference in lat. and dep.

All my work in connection with this law-suit was passed on to GLO. See files D 749 and D 563. Also forwarded to GLO was a work sheet of Gard's traverse notes NE-238 to NE-169. I was unable to get a copy of Thee's work, but had occasion to study same in an attorney's office in El Paso, and found no appreciable difference in the findings of the three of us. (It may be that in Mr. Thee's files, which I understand were donated to THE COMMISSIONER, you may find a plat labeled "AMENT vs. MINCHEN". Thee would not discuss the issue with me, except to bealy-ache about a \$50 bonus Mrs. Ament promised and did not remit.

Thanks for your past cooperation. The overlay of conflicts in surveys by other surveyors emphasizes the difficulty in finding a correct solution.

Yours very truly,

Tom Carney
 J.T. Carney, Jr.

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D-302

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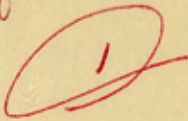
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COUNTY OF BREWSTER

Alpine, Texas ✓
 1 September 1964

REPORT OF SURVEYS AND TRAVERSES.

Chief Clerk


JERRY SADLER, COMMISSIONER
 GENERAL LAND OFFICE
 AUSTIN, TEXAS

RECEIVED
SEP 3 1964
 General Land Office

Attn: V.E. STERZING

Dear Mr. Sadler:

The accompanying sketch represents surveys and traverses made by me on the ground, according to law, in BLOCKS 221, 240 and 241, T & St L Ry Co.; 335, GC & SF Ry Co; G-4, D & W Ry Co; and 9, H & TC Ry Co, all in BREWSTER COUNTY, TEXAS.

This survey was made by request of MR. DAVID A. WITTS, OWNER of certain included areas, and for the purpose of determining the existence or non-existence of overages or shortages in acreage particularly in Blocks 335 and the conflicting, overlapping and garbled area lying between Blocks 221 and G-11.

The individual R.S. Dod corners as shown on the sketch are identifiable on the ground from description- location and bearing, however a line extended due North from Dod's 'NE c 7, 335' bears consistently to the West of his corners found and identified to the North. Due to the nature of the intervening terrain it is apparent that Dod followed his regular system of 'following the line of least resistance' (following flats and valleys) and setting succeeding corners at calculated points off his traverse line. Other irregularities of this nature have been found in the rough country, and where Dod established corners off a road traverse. ***Rapid field calculations.

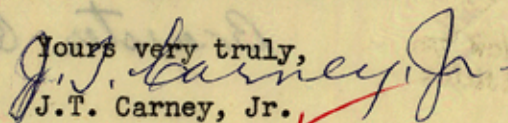
As for Mr. Stovell--'he just did not go where he claimed to have been! You know that landscape artists are capable of sketching in an outline of the subject and filling in the detail, rather accurately at a later date and miles from the subject---that was the Stovell system, but in many cases his subject was in the 'Original and other field note records available in his office.'

Harmon---I do not recognize except where specifically 'Dod and Harmon' which merely implies that Dod was THE Surveyor and Harmon tagged along as County Surveyor, learning the business.

It appears that my work compares favorably with Mr. Gard's findings in most instances. Mr. Gard was prone to make things "FIT", fudge a little here and there, 'give and take' to keep everybody happy.

Request that you check my work on the accompanying sketch and assist in arriving at the most logical solution of the areas in conflict.

cc David A. Witts
 1000 Vaughn Bldg.
 Dallas, Texas

Yours very truly,

 J.T. Carney, Jr. ✓

counter 73115

September 10, 1964

Mr. J. T. Carney, Jr.
Alpine
Texas

Dear Mr. Carney:

Receipt is acknowledged of your letter of September 1, 1964 (with sketches enclosed) concerning the problems in connection with the T&St.L. Ry. Co., GC&SF Ry. Co. D&W Ry. Co. surveys in Brewster County, Texas.

Just as soon as expedient we will give this matter our full attention and carefully explore possible solutions.

For some reason there appears to be an unusual influx of work for this time of year; however, an answer should be forthcoming this next week.

Sincerely yours,

JERRY SADLER, COMMISSIONER

JS/ves

counter 43116

D-205

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COUNTY OF BREWSTER
 Alpine, Texas

RECEIVED
 JUN 23 1964
 General Land Office

21 June 1964

JERRY SADLER, COMMISSIONER
 GENERAL LAND OFFICE
 AUSTIN, TEXAS

Attention: V.E. Sterzing

Dear Sir:

Thanks for your letter of June 18, and enclosures, Dod's Letters. I had hoped that Mr. Dod pointed out some reason for discrepancies in plats and calculation sheet on his traverse.

I thought it might be well to bring discrepancies to your attention since I fully intend to submit my finished ranch map for your information and consideration. With the modern methods of calculation available in your office it would require very few minutes to check the various data by latitude and departure and determine which of the three solutions, or combination of the three, would most nearly agree with my findings.

There is no argument with Mr. Dod on the N-S width of the Adobe Walls strip, Block TJ, (551 varas) until we give Block 217 it's full N-S value of 11,400 varas. Ref. The contested 'good old rk. md. under fence M'k'd NW 2 JD.' which is in fact 11,324.8 varas South of NW2-217, ref. N-70vs. and E.-6 vs. from BM 3301. (Here I established a corner South 75.2 vs. and East 45.7 vs. against Mr. Poole's SW some 131 varas.) NW 2-248

I maintain that we may disregard any field notes and/or reports of Mr. H.R. Gardin connection with his survey of SF 15439. His field book indicates that he had transit station at 11,204 vs. South of NW 2-217 and a note::'at 11,205 'RM on fence line at 11, 205 lvs. East, fence runs N.88°52'E.'" (my brg. for this fence is N.88°59'E.) RK. Md. is NW 2 JD.or for many years accepted NW 2-248.

Mr. Dod reports no Thompson corners between NW 3, Blk. 213 and NE 207, Blk. G-4 and I have no doubt that he made an honest effort. Mr. Stovell found ORIG'S all over the place, and so marked them. Mr. Poole found old mounds and rotted mesquite stakes with 'Newer cap rocks mkd!, following Stovell's footsteps??? In the event that Mr. Burkhart is basing his objections upon the Stovell excesses I am sure that I can convince him that Mr. Stovell' field notes and plats of 02 Ranch do not reflect the actual findings on the ground. 99 per cent are not honest errors. It is difficult to understand why Stovell's S. line of Block 213 was accepted when he found mkd mds. NW5 and NW6 (T&SL Blk. 216) and why, with no apparent supporting evidence, his West line of Block 214 was adopted.

Thanks again for your assistance.

J. T. Carney, Jr.
 J. T. Carney, Jr. counter 43117

8

GRANTEE NW2-217 to SUR. NO. _____ BLK. _____ COUNTY _____ STATE Willoughby 1949-1951
 SURVEYED BY GARD ? 1952 DATE No date CALCULATED BY _____ DATE Page 11-12

Beginning at Fence corner for section corner BM#3301 brs. S. 3°56'W - 72 vs.

COURSE	DISTANCE	COS	SINE	LATITUDES		DEPARTURES		D. M. D.	N. D. A.	S. D. A.
				N	S	E	W			
THENCE										
South	5132.0				5132.0					
S. 8°50'W.	486.0	98814	15356		480.2		74.6			
S. 8°52'E.	549.0	98805	15414		542.4	84.6				
S. 0°05'W	1124.0	70090	00145		1124.0		1.6			
S. 0°34'W	666.0	99995	00989		666.0		6.6			
S. 0°01'W	524.0	10000	00029		524.0		2.2			
SOUTH	4404.0		99		4404.0					
SOUTH	1791.0				1791.0					
N 87°33'W	295.0	04275	99909	12.6			294.7			
West	255.0						255.0			
					14,651.0	84.6	632.7			
					12.6		84.6			
					14,638.4		548.1			
					2489.0					
					17097.4					
					17100.1					

GARD -
 11,204 RM on fence line at 204
 Gard note at this point "RM on fence line at 11,205 1 vs. East-Runs N. 88°52'E."
 S-11,204.6 } GARD Report at 11,400 vs.
 E-1.6 } HIT GOOD RR. Md. under fence "Thence S-3800 set RM."
 Rmat 13,349 (12,872.6)
 14,663.6 abt 14 vs S. of old fence
 14,651.0 pt. on old fence line along old fence to flag RM

15,200
 14,638.4
 .561.6

JOHN E. MITCHELL***INST.
 From Gard field book 'Ray Willoughby 1949-1951, page 11, no date
 North part of Gard traverse to prove width of vacancy.
 South--- 14,638.4 varas
 add 2,459.2 N
 Total 17,097.6 from NW2, 217 to NE 239-G-4.

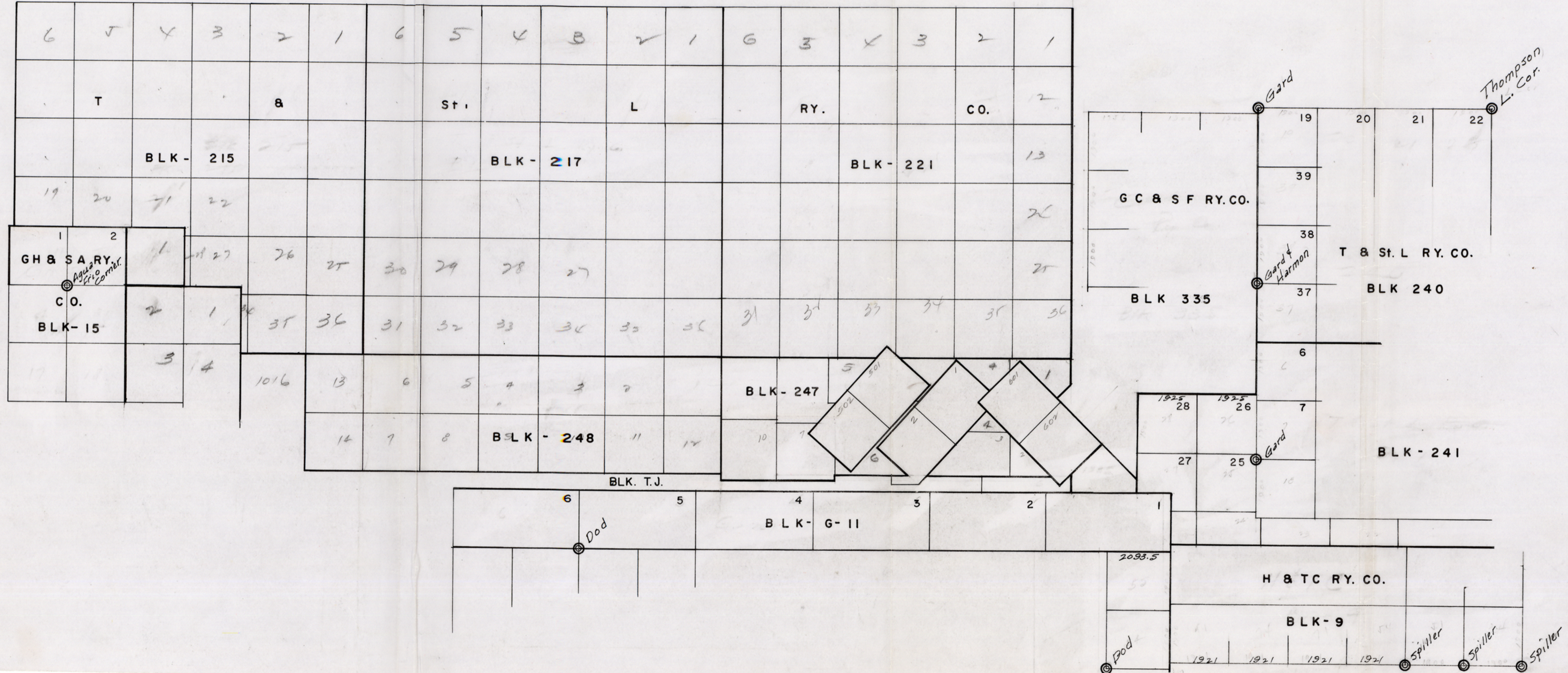
No way of knowing how he crossed the Highway.

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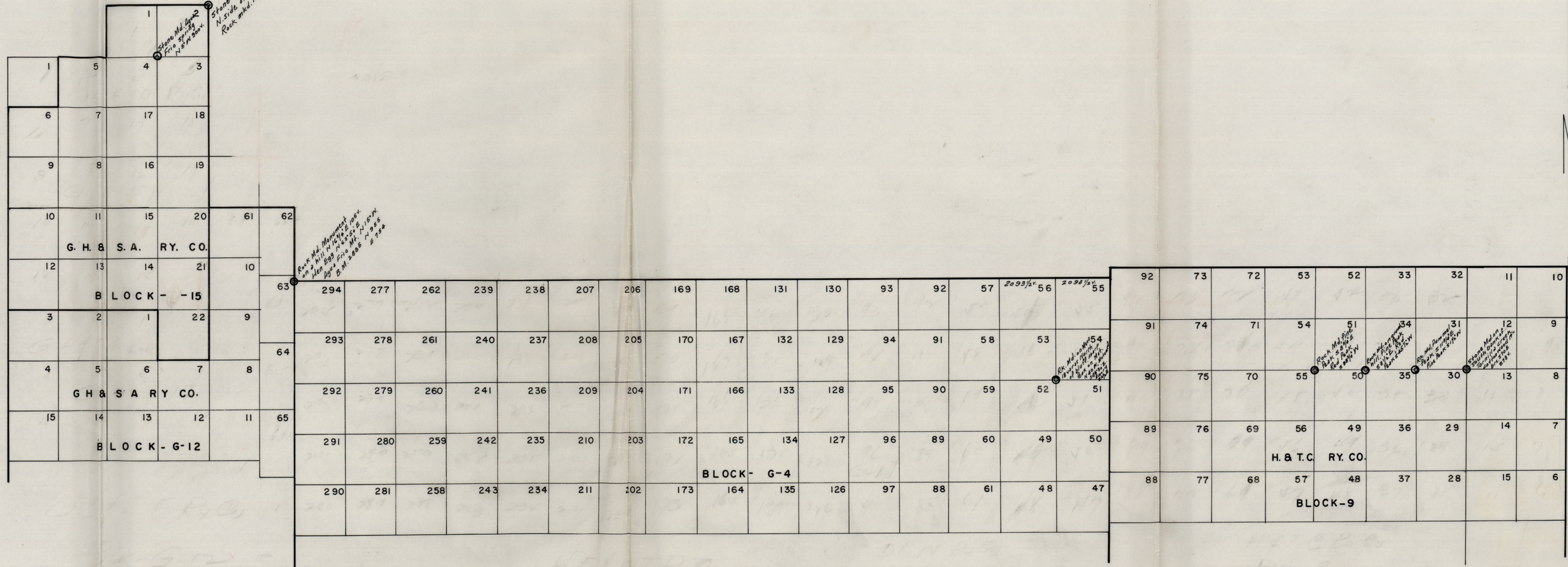
OVER LAY FOR DODS MAP
ROLL SK. 43

Boundary Co. R.R. Sk. # 113

Being a Composite of DODS,
 GARD & HARMON SURVEYS.



Bunker @ R.R. #113



DOD'S TIE TO SPILLER'S BLOCK-9

RE-SURVEY BY SPILLER

Roller SK. 43

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0-192
Brewster Co. # 113

Dad br-calls
BM 2069 - S. 22° 10' E - 301
Moner Henaga - N. 10° 30' W
Aake Well - N. 52° 45' E
Again I would like to
bring to your attention:
RM 3029
Many Years ago
Points visible and neither
apply to this corner but
to NW 207 - NE 238

Any reference Mr. Gard made to
ties to NE 233 in connection with
M. MINCHEN I, or mining claims
in section 28B-G-4 or sections
G-11 may be disregarded insofar as
Dad's bearings are concerned.
According to Gard's field
book, his survey of Minchen I-1
began at NW 2-217, T. 24 N., R. 10 E., and
ended with his tie to NE 239-G-4
with his statement
"This proves the vacancy
to be 551 yards wide."
My letter 24 March 1956, Gard report abt'l
File D-749

BLOCK
Dad - BM 3715 - N. 20° 42' E - 1223

J. T. CARNEY, JR.
COUNTY SURVEYOR
BREWSTER COUNTY
encl. - 4

H. E. & W. T.

My opinion is this
This is ORIGINAL
NW 1/4 - NE 1/4 G-4
SE 1/4 - SW 1/4 G-11
Dad Mt. 322° 00' W.
Peak in Christmas - 5390 ft
These & Gard concur
within a few yards

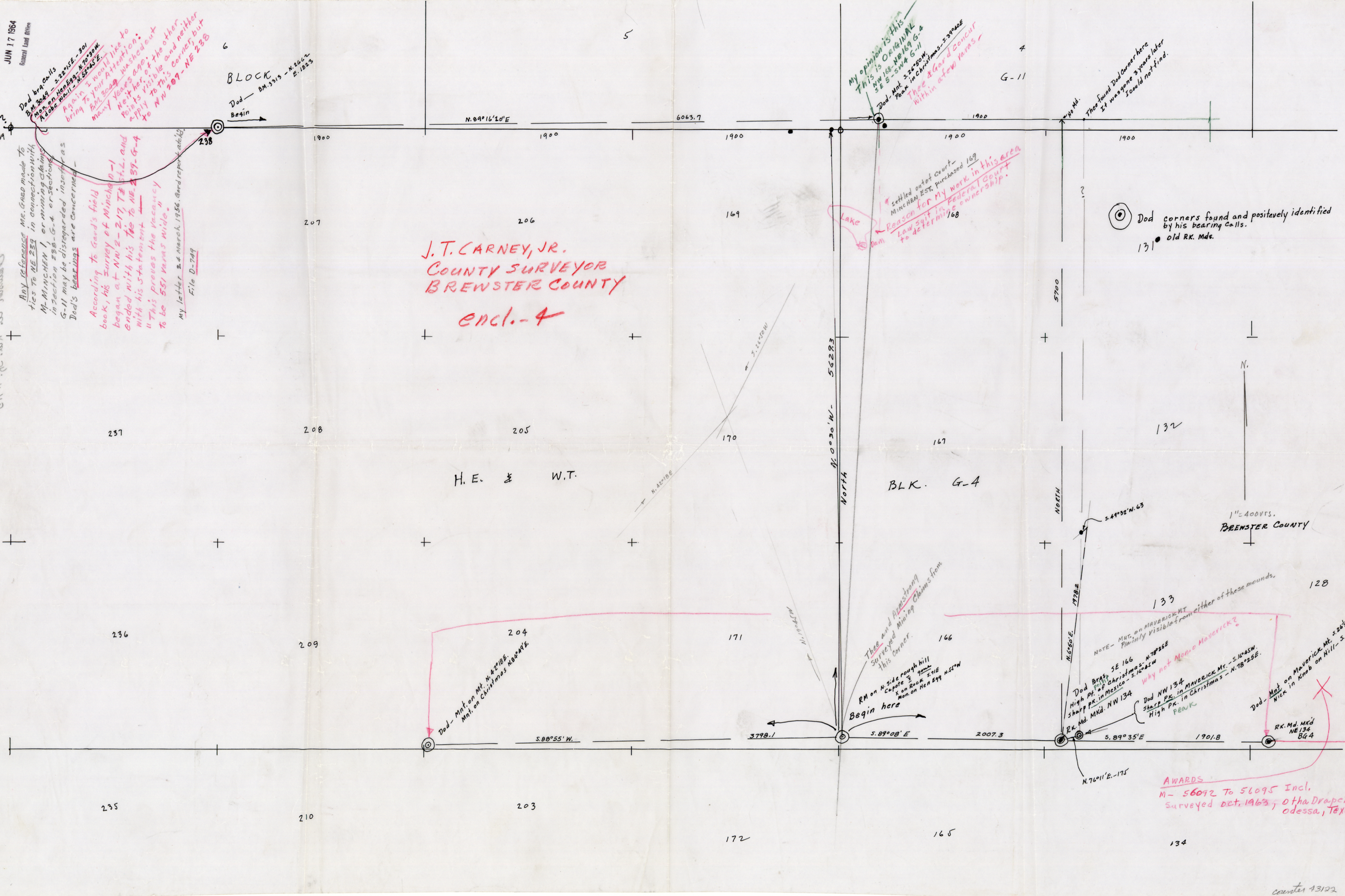
settled out of court -
MINCHEN EST. purchased 169
Reason for my work in this area
Law suit in Federal court
to determine ownership.

These found Dad corner here
It was gone 3 years later
I could not find.

Dad corners found and positively identified
by his bearing calls.
131 old RK. Mds.

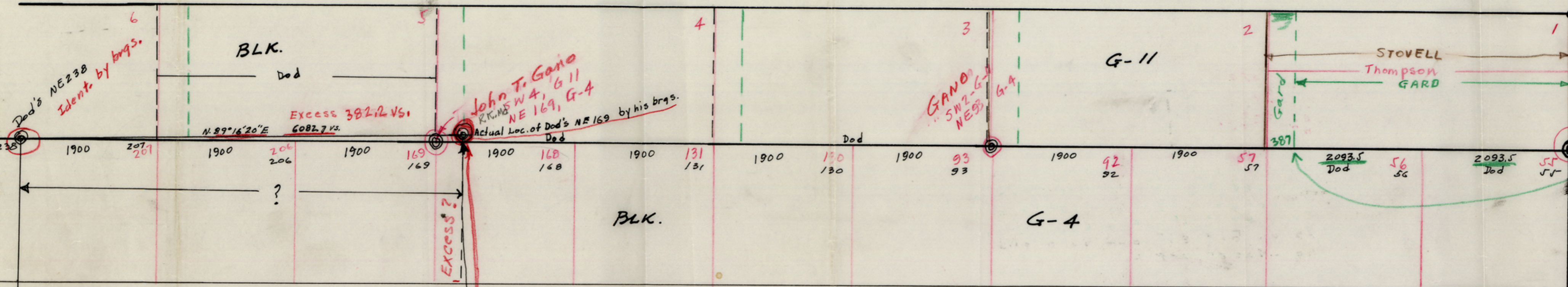
AWARDS
M - 56092 To 56095 Incl.
Surveyed Oct. 1963, Otha Draper
Odessa, TEXAS

corner 43122



Brewster Co. R19.2K. #113

BLK. 335
old RK Md
GARD'S SW7
BLK 241



7 GRAND 1881
Begin SE 1, G11
NE 55, G-4
NW 92, BLK. 9

I think Gard's construction is Haywire
To the best of my knowledge this is only
occasion where Gard offset these corners.
Mr. Gard was too old to go on the ground
on Oliver-Minchen Survey.

rolled sketch 96 - Gard.

I have brought this to your attention before.

D 749
MARCH 28, 1956
D 563
October 29, 1956
and more recently

This corner is well preserved.

I lack this tie and
it is almost inaccess-
ible to any type of
transportation. Should
have it in 10 days, or
4 weeks -

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JUL 21 1964
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2093.5
Dod
2093.5
used 207vs.
? Varas-Gard calls for 207

8 July 1964
CARNEY
counter 43123

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Surveyor

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Precinct No. 4
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J. P. Precinct No. 1

27 July 1964

JERRY SADLER, COMMISSIONER
GENERAL LAND OFFICE
AUSTIN, TEXAS

Attn: V.E. STERZING

Dear Mr. Sadler:

Attached is a sketch of additional ties in connection with a survey being made for Mr. David A. Witts of Dallas, Texas.

This survey is being made for the purpose of constructing an accurate ranch map of the former Maurice Minchen and W.M. Olliver Ranches in Brewster County.

This sketch represents ties made on the ground to determine as accurately as possible, the connection between Blocks G-4, G-11, T & St L Blocks 221, 240, and 241, H & TC Block 9, and GC & SF Block 335, also Block TJ.

Due to road conditions it has been impractical to make additional ties to corners in Block 9 and in Block 240.

To date it appears that I have sufficient evidence to establish the width of Block 335 from SE corner of Section 36, Block 221. Also latitude SE 36, Block 221 to North Line G-11.

I think that Mr. Gard did not go South beyond SW 7, Block 241. He was West of the old line of markers at this point and according to his plat, continued S.0°08'W, and at 1689 varas, built Rk Md, thence S.0°08'W-211 and S.89°52'E.-160. Contrary to his plat, the fence is not on line at any point between SW 6 and SW 18. Long range ties were made according to his field book titled "Olliver-Minchen", not connected. My work, I think, will be closer to Gard's construction than to either of the other various surveyors on the overall picture, where Block 335 is involved.

I will appreciate any suggestions which you may find time to make regarding construction of Block 247 and the various Scraps. It appears that Block TJ will be reduced as I have found it on the West end.

Yours very truly,
J.T. Carney, Jr.
J.T. Carney, Jr.
County Surveyor

RECEIVED
JUL 29 1964
General Land Office

Brewster Co. 19.2k. 113

counter 43124

September 17, 1964

Mr. J. T. Carney, Jr.
County Surveyor
Alpine, Texas

Re: Brewster County Surveys
Mr. David A. Witts Assignment,
J. T. Carney, Jr. Re-surveys

Dear Mr. Carney:

Pursuant to your request we have examined and studied your sketches and reports concerning the re-survey of parts of Blocks 221, 240, 241, T& St. L. Ry. Co., Block 335, GC&SF Ry. Co., and adjoining surveys in Brewster County, Texas.

You make specific statements in your letter regarding your recognition and interpretation of the Dod, Stovell, Harmon and Gard surveys in the subject area. Now in this connection we must bear in mind that all identified patented corners will have to be respected and consequently the construction of adjoining surveys may be effected accordingly. It does appear, however, from an overlay applied to your sketch dated June-July, 1964, received July 29, 1964 in Land Office, and which we have titled "Overlay No. 1", that your ground work and connecting line from Dod's SW corner Sec. 54, Block G-4 to the SE corner of Sec. 36, Block 221 indicates that the pattern of surveys in between these points would conform to the patented field notes of the respective surveys. Enclosed is a copy of a sketch, compiled from these patented field notes, which is styled Exhibit A, to be used with this overlay No. 1.

The following curative measures are indicated by your survey: Corrected field notes for Section 27, T&St.L. Ry. Co., Block 241 are required before a patent may issue; corrected field notes for Section 1, T&St.L. Ry. Co., Block 247 are required if the abstract or patent is to be corrected; Good Faith Claimant application should be filed on the area South of Section 27, T&St.L. Ry. Co., Block 241 and East of Section 1, Block G-11.

Regarding the connection line to the NE corner Section 1, Block 335 and SW 18, Block 240, the corners you have identified along this line seem to fit the pattern of Dod and Gard. As to the Rk. Md. marked NW39, that must be in error as Stovell wrote the corrected field notes on which Section 38 was patented and this corner was not marked. The old Rk. Md. marked "SW18-240 seems to be acceptable for it fits very closely to the calls of all the previous surveyors who claim to have tied to the "L" corner at the SW corner of Section 14.

The maps you sent with your letter of September 1, 1964, together with

counter 43125

Page 2

J. T. Carney, Jr.

9/17/64

our overlay map are enclosed herewith. Also enclosed are the necessary forms to be used in connection with a Good Faith Claimant filing and other field note forms.

Sincerely yours,

JERRY SADLER, COMMISSIONER

JS/ves

Enclosures

counter 43124

RECEIVED
JUN 17 1964

D-190

J.T. CARNEY, JR
encl. 2

BLK. 335

BLK. 240

BROWN - HARMON
GREEN - GARD
Percil - STOVELL

BLK. 247

T&ST.L.

BLK. 241

G-11

C.P. MADEN.

GARD

G-4

BLK. 64

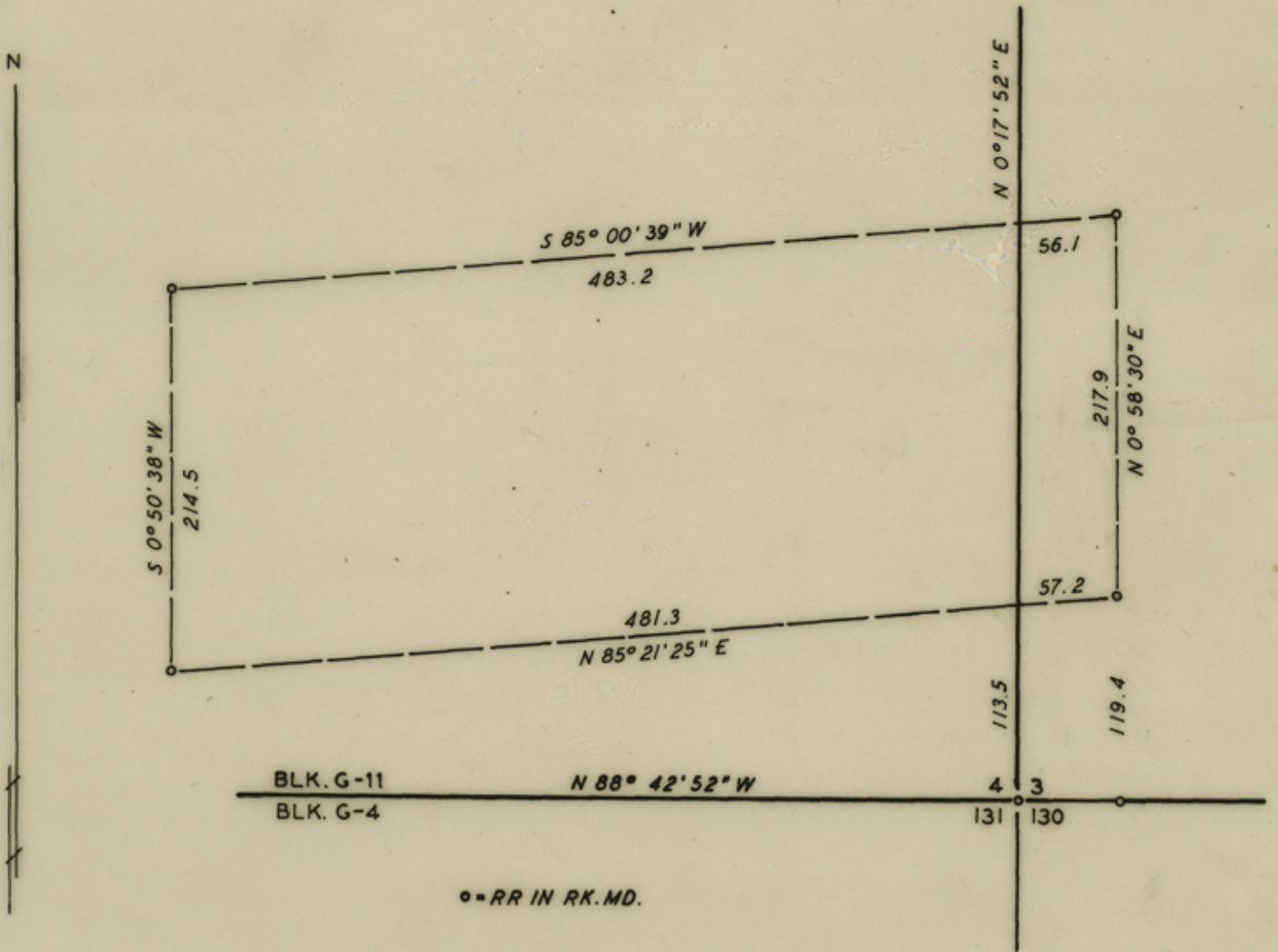
BLK 9

STOVELL

Traced from portion Rolled sketch #65

Surveyed March 11, 1990 John STOVELL (BREWSTER COUNTY ROLLED SKETCH #65)
See Also Ltr. BASOM GILES TO MAEM. AMENT. ATTY ALPINE, TEX Subject Acreage Section 27, BLK 241
Feb 2, 1995 HURR, JR.
encl. Files Box 5 - 39339
Box 5 - 90803.

counter 43127



I certify that the above plat was prepared from field notes of actual surveys made by me or under my supervision and that the same are true and correct to the best of my knowledge and belief.

MAY 1, 1975

Lelifford L. Lewis

Registered Public Surveyor
Licensed State Land Surveyor

SURVEY PLAT

ATLANTIC RICHFIELD CO. &
DOW CHEMICAL CO.

CHRISTMAS MOUNTAINS

MINERAL SURVEY N° 6

SECS. 3 & 4 BLK. G-11

BREWSTER CO., TEX.

SCALE 1" = 100 VARAS

RECEIVED

SEP 16 1975

General Land Office

COOL & ASSOCS.

Attach to Brewster Rd sk 113

counter 9565