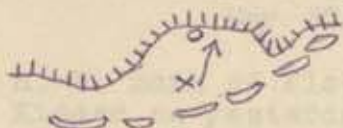


ANGLE POSTS ON BOUNDARY.

Sunday (P. M.), May 27, 1923.

No 4 should be moved 160 feet northeast, nearer to cut bank.



No 2 is in bad position--behind bush. Should be 5 or 10 feet farther north. Hard to find post.

No 5 is on bank ten feet high. Should be moved about 200 feet north to cut bank. that is about three feet high. This is a place where accretion is taking place.

No 25 is O. K. This post contradicts other posts that are high up on flood plain.

No 19 must be moved far to north across a creek to be on the present cut bank.

Stop inspection at No 30, which is O. K.
3:50 P. M.

No 23 must move north 250 feet to present cut bank. It is on an old cut bank, but accretion has taken place and new cut bank is 250 feet to north. May flood reached and washed new cut bank, but did not overtop it.

No 22 must be moved north 310 feet for same reasons as No 23.

No 21 must be moved 270 feet to north, or 150 feet to east, for same reasons as Nos 23 and 22.

No 20 must be moved to north also for same reasons.

ANGLE POSTS ON BOUNDARY BANK.

May 31, 1923. 8:45 A. M.

Angle point 81 is 21 feet south of cut bank.

HIGH WATER MARKS OF FLOOD OF MAY 15, 1923,
IN RED RIVER, SUPREME COURT AREA "A".

(a)

May 30, 1923. 2:30 P. M.

At initial point. H. W. mark of flood of May 15, 1923, as indicated to me by Mr Kidder on yesterday. My mark is a piece of 1x3 board driven into the ground near cut bank about 54 feet north of Initial Point post. Mark is two 10d. nails driven through the board stake at the level of the ground. These nails may be as much as four (4) inches below the flood level; they are certainly not above it. H. W. is estimated to be 6 or 7 feet above sand bed.

(b)

At angle point No 5. H. W. Mark of May 15, 1923, as pointed out to me by Mr Kidder on yesterday. A pecan stake one inch in diameter driven into the ground about 10 feet northeast of post 5 and about 5 feet below the level of the ground at the post. The peg sticks out of the ground only about two inches, and the H. W. mark is the top of the peg. When Mr Kidder and I visited this point yesterday we estimated the H. W. to be about 6.5 or 7 feet above the average elevation of the river sand bed at this point.

3 P. M. May 30, 1923.

(c)

May 30, 1923. 4:15 P. M.

At Burkburnett bridge. H. W. Mark of May 15, 1923. A big spike nail in the upstream pile of the fourth set from the Texas end of the bridge, about 14 inches above the top edge of the lower horizontal double brace, and about five feet above the sand bed and running water. Nail is set by much new drift caught on the upstream piles clear across the river. Level is very well marked, and there is no doubt about the accuracy of the H. W. level. A ring has been chopped around the pile at this nail.

(d)

May 30, 1923. 4:45 P.M.

At Devol toll bridge. H. W. of May 15, 1923. A big spike nail in the upstream pile of the fifth set of piling north of the Texas cut bank. A ring is chopped around the pile at the nail. The nail was set from quantities of new drift caught on each upstream pile of the bridge clear across the lower part of the sand bed. The flood was not as deep here as at Burkburnett bridge.

(e)

May 30, 1923. 4:55 P. M.

At angle post No 74 above Devol toll bridge. H. W. of May 15, 1923, came up and spread over the low flat ground about six (6) feet due north of the angle post. The H. W. mark is very plain on the ground. The edge of the flood water was six feet from the angle post at the nearest place. The ground at the post (74) was about four-tenths ($4/10$) of a foot above the level of the H. W. The post is 30 feet south of the cut bank boundary.

(f)

May 30, 1923. 5:10 P.M.

At angle post No 71. H. W. of May 15, 1923 was six tenths ($6/10$) foot below the ground surface at the post. Good mark.

EXAMINING ANGLE POSTS IN COMPANY WITH MR KIDDER.

June 23, 1923. 10 A.M.

Angle Post

- No 130 (At Grandfield bridge) 4 feet south of cut bank boundary.
 No 131 5 feet south of cut bank boundary.
 No 132 3 " " " " " "
 No 133 3 " " " " " "
 No 134 11 " " " " " "
 No 135 8 " " " " " "
 No 136 3 " " " " " "
 No 137 (Not on Stiles's cut bank). 2 feet from Kidder's cut bank.
 No 138 to 148 inclusive. Stiles's cut bank far to north.-- Tentatively disagree from No 137 to No 149.
 No 149 3 feet south of cut bank boundary.
 No 150 2 " " " " " "

Note.--Disagree on 151 and 152. Stiles should set intermediate point on cut bank between Nos 152 and 153.

- No 153 O. K.
 No 154 O. K.
 (Continued--see below.)

Angle post No 141 is at northeast corner of Texas Powell survey No 820.

Well No F. R. 152. No indication of river water in last rise coming around to the south of this well. Absolute proof everywhere that water came from bluffs, and went to south of well, afterward passing under south end of bridge and entering river at point below. Big ditches cut by water from hills have just been filled up.

- No 155 is one (1) foot from cut bank boundary.
 No 156 on the boundary bank--a 10-inch cottonwood about northeast 6 feet.
 No 158 O. K. Post 157 is about 50 feet too far south. Well No F. R. 169 is in Texas.
 No 159 is 4 feet south of cut bank boundary.
 No 160 " 7 " " " " " " Well F. R. 172 is in river bed.
 No 161 is 1 foot south of cut bank boundary.
 No 162 O. K.
 No 163 to be moved north 2 feet.
 No 164 is 2 feet south of cut bank boundary.
 No 165 " 2 " " " " " " 5-in. live cottonwood. 3-in. dead cottonwood.

June 25.

On the river with Mt Kidder, Mr Dabney, Mr Durant, Mr Lumsden and Joiner. Visited post 5, Burk Bet Island, and posts 154 etc.

June 26.

On the river at posts 41 to 37.

Note.--Make 2 complete sets on plane table sheets (18x24) in blue for Mr Kidder. Send to Grandfield.

July 12, 1923.

X Spent day with Kidder on Texas side Red River just above Burkburnett bridge. Went along bank with him and discussed meaning of the opinion and decree. Showed him how river would be more than "substantial flow" before water ever reached the place where it could go through by-pass and make island where he thought was island--where old oil well is. I took him out over sand bed and showed him 2-1/2-foot sand bank water would have to come over before it reached place to go through. Told him I would not call it an island. Afterwards went up bank, looking it over with him (about fourth time together) and then sat down under cottonwood tree and read opinion and decree to him and debated and argued why I thought both meant "substantial flow"--covering "all of sand bed" but no higher--that was stage indicating the boundary bank. But, nothing doing--he had not moved quarter of an inch. Stated that the whole opinion and decree meant "mean high water". Whereupon I wrote those three words down on the top of my boot, gave him my copy of opinion and decree, and asked him to find them anywhere in either paper. He searched for about twenty minutes, but could not find the expression "mean high water" anywhere, but then said, "Well, it all means that any way from beginning to end." After that I said I did not see any use of our trying any longer to agree. He was basing his judgment on a flood 6 feet deep. He agreed with me that there was no use--That Judge Van Devanter would take his view, and I would feel very foolish. That he was right and I was wrong.--Said, "I have been very patient with you, Mr Stiles." He became very mad and rather insulting, and I had to caution him not to make boyish, unwise statements--that he was very mad, and would regret doing so. Later on when I told him that I could be reached by telephone at Wichita Falls, he said he did not think he cared to communicate any further, that I caused him to lose time and we didn't get anywhere. Before we parted that day I told him that I thought we were so far apart on our "river stage" that we could not agree upon the bank, and to save time we should confer with Judge Van Devanter. He became very mad at this suggestion, and declined to join me in requesting a conference. I told him, in that case, I would request it on my own responsibility. Then he became very mad, and almost insulting. Told me to be sure and "tell the truth" when I wrote to Judge Van Devanter. I said, "I hope you don't think I would tell him anything else." Then he went on complaining that I had done so little in the boundary work--had not done this, and had ~~not~~ done that--found fault with me every way he could, and mentioned all the little things he could think of. Said he had to put up his own money, etc., etc. Said I would not "stay put";--that I agreed with him in Washington, D. C.,^{and} all along, but had changed for some reason or other. Said on the one hand that I had been with him so little--then said I had caused him so much loss of time. Finally I remarked that we were as far apart now as we were in the beginning. In reply he said, "We are further apart now than we were then." Throughout the whole day I kept my temper admirably (for me) and made no hot statements.

July 13, 1923.

To-day I went by Ford car from Wichita Falls to Vernon, thence to the island in the Red River where the Hardeman and Wilbarger county line strikes the river, as mentioned in the decree. I walked all around the island, and examined it and the mainland on the Texas side. Spent about three hours walking around and studying the cut banks of the island and the mainland. Returned to Wichita Falls that evening. Left Wichita Falls about 7 A.M. and returned about 7:45 P.M. Excellent roads all the way, and went along fast. The river "wash" through the land that cut off the island is about one to two hundred feet wide. It is a clean sand bed all the way, and is used by the river whenever the water in the river gets about two feet (maybe 2-1/2 or possibly 3 feet) deep over the main portion of the sand bed to the north. With about two or two and a half feet of water over all the main sand bed above and below the island, I think the water will be going through the cut-off channel between the island and the mainland of which the island was said (by the Court) to have been part. This is what I would call and "honest-to-God" island, and if the Court wanted to show us what a cut-off was, and what an island was, this is an unmistakable and admirable sample. Glad I went to look at it. There is no guesswork or scientific speculation about it--it is an island. And there is no "growing together", or closing up, about it and the mainland.

On this trip I arrived Wichita Falls July 11, 2 P. M. Left 1:15 P. M. July 14, 1923. Conferred with Penick's party and Floore's party, and arranged their work.