

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF  
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE  
HELD IN THE DISTRICT OFFICE IN FORT WORTH, TEXAS, ON  
THE 19TH DAY OF DECEMBER, 1952, AT 10:30 A.M.

-----

The call of the roll disclosed the presence or absence  
of Directors, as follows:

PRESENT.

Joe B. Hogsett  
Dan H. Priest  
W. L. Pier  
A. T. Seymour, Jr.

ABSENT

Houston Hill

Also present were Sidney L. Samuels, General Counsel of the Dis-  
trict, C. L. McNair, General Manager of the District, and Mr.  
Marvin C. Nichols, of the engineering firm of Freese and Nichols,  
Consulting Engineers of the District.

Director Hogsett acted in his capacity as President, and  
Director Priest acted in his capacity as Secretary, whereupon  
proceedings were had and done, as follows:

1.

The Directors had previously received copies of the  
minutes of meetings held as follows:

November 17, 1952, at 2:00 P.M.

December 9, 1952, at 2:00 P.M.

Having found no objections thereto, it was ordered that they be  
approved, signed and placed on record.

2.

The monthly report of the Auditors, Pitner and Adams,  
for the month of November, 1952, was ordered received and filed.

Mr. Marvin C. Nichols of the Engineering Firm of Freese and Nichols, consulting engineers of the District, was present and in attendance on the meeting, and once again there was presented to the Board, for its consideration, a proposal which had emanated from the Corps of Federal Engineers of Fort Worth, a suggested agreement for exchange of water between the Benbrook Reservoir and the reservoirs of the West Fork, which had been built and constructed by Tarrant County Water Control and Improvement District Number One.

It would further appear that conferences had taken place between the Corps of Federal Engineers on the one hand, and Mr. Marvin C. Nichols, Engineer of this District, on the other hand, in which conferences the City of Fort Worth as a municipal corporation, participated with regard to this matter. This tentative proposal or suggestion bore date of November 28, 1952. The entire instrument embodying this tentative proposal is attached in folio to these minutes and made a part hereof. Briefly stated and summarized, the proposal was as follows:

(1) The City of Fort Worth as a Municipal Corporation should be given the right to withdraw from the Benbrook Reservoir an amount of water which would provide at the proposed Clear Fork plant no less than 32,000 acre feet during any one water year (Oct. 1st through Sept. 30th) under certain limitations, viz: The City of Fort Worth should have the right to withdraw from Benbrook Reservoir not to exceed 16,000 acre feet during the months of June, July, August and September of any water year, such with-

drawals during such four months not to exceed 5,000 acre feet. For the remaining eight months of any such water year, the City of Fort Worth should not withdraw in excess of 2600 acre feet in any one month during such period; and, further, that the total withdrawals in any one water year should not exceed 32,000 acre feet unless the District Engineer for the U. S. Corps of Engineers should, in writing advise the City of Fort Worth that water used in excess of 32,000 acre feet would be available for the City's use during the current water year. Further, the releases to be charged to the City of Fort Worth should not include any water released by the Corps of Engineers for purposes other than uses by the City of Fort Worth and specifically should not include water used by the City of Fort Worth through its Clear Fork plant during times when the Corps of Engineers is releasing water for any other purposes than the use of the City of Fort Worth or when water is flowing over or through the uncontrolled spillway.

(2) Following the foregoing provision concerning the City of Fort Worth the tentative draft provided as regards this District, that upon the request of the Federal Corps of Engineers, the District shall make monthly releases of water from Eagle Mountain and/or Bridgeport Reservoirs through Lake Worth and into the West Fork of the Trinity River immediately below the Lake Worth spillway for navigation purposes after navigation to Fort Worth has been made a reality in accordance with the report contained in House Document 403, 77th Congress, 1st session, and as outlined by Public Law 14, 79th Congress, Chapt. 19, 1st session, in the same amount used by the City through its Clear Fork plant at a rate not to

exceed 100 second-feet; and, that such releases to cover only an amount of water equal to the water released from the Benbrook reservoir through the 30" pipe lines as requested by the City of Fort Worth.

In sequence to the foregoing provisions, it was further provided that a carry-over credit for unused withdrawals from the West Fork reservoirs during any one water year would be allowed the Corps of Engineers amounting to not to exceed 50% of the deficiency in the withdrawals for the previous water year.

Further, that the maximum withdrawal in any one month shall not exceed 5,000 acre feet and the maximum withdrawal in any four months period shall not exceed 16,000 acre feet. The Corps of Engineers shall designate wheather the release is to be charged to the carry-over credit or to the withdrawals for the current water year. If no designation was made the release will be charged to the current water year. Further, that the total water to be released in any water year shall not exceed the withdrawals of the City of Fort Worth from the Benbrook Reservoir for the current water year and 50% of the deficiency in West Fork withdrawals credited for the immediately preceding water year.

Then followed further provisions of the suggested draft which related to the municipal government of the City of Fort Worth. The 6th and last paragraph of the agreement provided that the form of contract to be made between and among the parties with the Federal Government incorporating the provisions of the tentative propositions should be for a period of twenty-five years with the right of renewal

for an additional twenty-five years, and at the end thereof to be renegotiated by the interested parties.

For the full reading of the text of the proposed agreement so solicited by the Corps of Federal Engineers reference should be made to the entire document, a copy of which is attached to these minutes.

After discussion of the matter, it was the unanimous feeling, sentiment and sense of the Board of Directors that it would be inexpedient and unwise and involve a surrender of the authority conferred upon the Directors of the District by the Statutes of the State of Texas, to engage in such an arrangement. Moreover, that under the advice of its General Counsel, the Board of Directors of the District had no authority to delegate or to lend out the powers which the Board should exercise in respect to Eagle Mountain Lake and Lake Bridgeport and, that the execution of such an agreement would amount, at least in part, to an abdication of a trust reposed in the Board under the laws of the State of Texas.

The matter having been canvassed among the Directors, it was resolved that the proposed agreement was not acceptable to the District and that Mr. Nichols be authorized so to inform the Federal Corps of Engineers from whom the arrangement originally emanated. All the Directors present voted "aye" thereon, and it was so ordered.

4.

At the instance of Mr. Marvin C. Nichols, it was moved by Director Seymour, seconded by Director Pier, that bids should be taken on the Cold Springs Road Bridge and also on the Cold Springs Water Line, known as Sewer Main 162, and that Mr. Nichols be author-

ized to provide for the advertisement for the submission of bids for the construction of the two works, which bids were to be submitted to the Board of Directors for their consideration. The motion having been submitted, same was unanimously carried, all the Directors present voting "aye" thereon.

5.

Mr. Marvin C. Nichols then reported to the District on the result of his visit to Austin, Texas, on amendments to water permits, and that the State Board of Water Engineers at Austin had requested that some minor changes be made for the application for amendment to Permit No. 1074 concerning Eagle Mountain Reservoir. Mr. Nichols explained that all the Engineers were not present at his conference with the Board at Austin, but he felt persuaded that with these corrections, which were not fundamental in their nature, the application for the permit would be granted.

On motion of Director Pier, seconded by Director Seymour, the matter of adjusting the language of the permit and making the revisions or corrections required by the State Board of Water Engineers at Austin was committed to Mr. Nichols, the Engineer, in conference with Mr. Sidney L. Samuels, all the Directors present, voted "aye" thereon, and it was so ordered.

6.

There came on to be considered before the Board the statement of account from Atlas Newsphotos, dated December 18, 1952, amounting to \$375.00. The matter of payment having been submitted to the Board, all the Directors present voted for the payment of same and it was so ordered.

It was unanimously ordered by the Board of Directors, all of whom present voted "aye" thereon, that a bonus in addition to salary for the year 1952, be paid to each one of the following persons in the employ of the District, such bonus amounting to one month's wage or salary, as follows:

C. L. McNair.....	\$ 750.00
E. B. Cheatham.....	450.00
Myrtle Hartmeister...	225.00
Beatrice Jeffries....	200.00
Ben F. Hickey.....	650.00
Earl T. Thomas.....	200.00
John L. Edgin.....	275.00
B.W. Bintliff.....	250.00
W. J. Massingill.....	200.00
W. H. Hutcheson.....	200.00

It was further the unanimous vote of the Board that the salary of the two following persons be increased to begin on January 1, 1953: Sidney L. Samuels, General Counsel of the District, \$7,500.00 per year, to be paid in monthly installments of \$625.00; Miss Myrtle Hartmeister to be paid salary of \$3,300.00 per year for 1953, in monthly installments of \$275.00.

## 8.

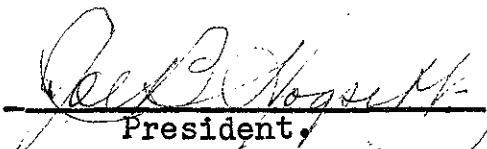
President Hogsett reported to the Board that \$100,000.00 United States Treasury Bill owned by the Maintenance Fund would mature on January 8, 1953, said bill is described in Trust Receipt SK. No. B 48867, dated October 10, 1952, issued to this District by the Fort Worth National Bank of Fort Worth, Texas.

After discussion, Director Pier moved, seconded by Director Priest, that President Hogsett be authorized to make reinvestment of so much of the proceeds of the maturing United States Treasury Bill as may be reinvested in like securities, for the use and benefit of

the Maintenance Fund. Upon a vote being taken, the motion carried and it was so ordered.

9.

There being no further business before the Board, the meeting thereupon adjourned.

  
\_\_\_\_\_  
President.

  
\_\_\_\_\_  
Secretary.



To be attached to minutes of  
December 19, 1952, at 10:30 A.M.

C O P Y

November 28, 1952

Re: Benbrook Water  
Supply

Colonel H. R. Hallock  
District Engineer  
U. S. Corps of Engineers  
P. O. Box 1600  
Fort Worth, Texas

Dear Colonel Hallock:

Upon receipt of your letter of October 30, 1952 a conference was planned and held on November 7, attended by Mr. Joe Hogsett, President of the Board of Directors of the Tarrant County Water Control & Improvement District No. 1; Mr. Marvin Nichols, Consulting Engineer for the District; Mr. Uel Stephens, Director of the Fort Worth Water Department, and the writer.

We would like to express our appreciation for the sincere interest which you have in bringing about an early and equitable solution of the allocation of the Benbrook water.

Your letter of October 30 together with the draft of a proposed contract have been given most careful consideration. At the same time, we have again reviewed our needs for water from the Benbrook Reservoir. Our original planning for a Clear Fork water plant was to provide a plant so as to utilize the entire 72,500 acre feet of conservation storage. In the light of your letter of October 30, it appears that we may find it necessary to reduce the scope of our program by approximately one-half. Accordingly, we have prepared a revised draft of a proposed contract which we feel is the minimum we can propose.

Page 2 -  
Colonel H. R. Hallock

We are sending you herewith our revision on the draft of the proposed contract which you submitted with your letter of October 30. If you find the attached is acceptable to you, we will appreciate being so advised in order that copies may be submitted to both the City Council and the District Board.

Yours very truly,

/s/ W. O. Jones

W. O. Jones  
CITY MANAGER

/s/ Marvin C. Nichols  
Marvin C. Nichols  
CONSULTING ENGINEER

WOJ:mgv  
cc Mr. Joe B. Hogsett  
cc Mr. Marvin C. Nichols  
cc Mr. R. E. Rouer, City Attorney  
cc Mr. Uel Stephens, Director, Water Dept.

DRAFT

SUGGESTED PROPOSAL FOR EXCHANGE OF WATER  
BETWEEN BENBROOK RESERVOIR AND LOCALLY OWNED RESERVOIRS  
ON THE WEST FORK.

11-28-52

1. The City of Fort Worth shall be given the right to withdraw from the Benbrook Reservoir an amount of water which will provide at the proposed Clear Fork plant no less than than 32,000 acre feet during any one water year (Oct. 1st through Sept. 30th) under the following limitations.

The City of Fort Worth shall have the right to withdraw from the Benbrook reservoir not to exceed 16,000 acre feet during the months of June, July, August, and September of any water year. During these four months the maximum withdrawal in any one month shall not exceed 5,000 acre feet. The City shall not withdraw during the remaining eight months of any water year in excess of 2600 acre feet in any one month. The total withdrawals in any water year shall not exceed 32,000 acre feet unless the District Engineer for the U. S. Corps of Engineers shall in writing advise the City of Fort Worth that water used in excess of 32,000 adre feet will be available for the City's use during the current water year. The releases to be charged to the City of Fort Worth shall not include any water released by the Corps of Engineers for purposes other than uses by the City of Fort Worth and specifically shall not include water used by the City of Fort Worth through its Clear Form plant during times when the Corps of Engineers is releasing water for any other purposes than the use of the City of Fort Worth or when water is flowing over or through the uncontrolled spillway.

2. The Tarrant County Water Control and Improvement Dist. #1 upon request of the Corps of Engineers shall make monthly releases of water from Eagle Mountain and/or Bridgeport reservoirs through Lake Worth and into the

West Fork of the Trinity River immediately below the Lake Worth spillway for navigation purposes after navigation to Fort Worth has been made a reality in accordance with the report contained in House Document 403, 77th Congress, 1st session, and as outlined by Public Law 14, 79th Congress, Chapt. 19, 1st session, in the same amount used by the City through its Clear Fork plant at a rate not to exceed 100 second-feet. Such releases to cover only an amount of water equal to the water released from the Benbrook reservoir through the 30" pipe lines as requested by the City of Fort Worth.

A carry over credit for unused withdrawals from the West Fork reservoirs during any one water year will be allowed the Corps of Engineers amounting to not to exceed 50% of the deficiency in the withdrawals for the previous water year. The maximum withdrawal in any one month shall not exceed 5,000 acre feet and the maximum withdrawal in any four months period shall not exceed 16,000 acre feet. When requesting releases the Corps of Engineers shall designate whether the release is to be charged to the carry-over credit or to the withdrawals for the current water year. If no designation is made the release will be charged to the withdrawals for the current water year. The total water to be released in any water year shall not exceed the sum of the withdrawals by the City of Fort Worth from Benbrook Reservoir for the current water year and 50% of the deficiency in West Fork withdrawals credited for the immediately preceding water year.

3. The City of Fort Worth will provide at Lake Worth suitable outlet works capable of discharging into the river immediately below the Lake Worth spillway a flow of not less than 100 second-feet.

The City shall also provide at Lake Worth spillway and the Benbrook Reservoir outlet works suitable measuring devices to be approved by the Corps of Engineers before installation. The Corps of Engineers shall grant the City of Fort Worth the right to use the conservation conduits in the Benbrook Dam for the withdrawal of water from the Benbrook Reservoir. The actual operation

of the withdrawal works at Benbrook Reservoir and the water release works at Lake Worth shall be the duty and responsibility of the City of Fort Worth.

Monthly, the City of Fort Worth shall advise the Corps of Engineers and the Tarrant County Water Control & Improvement Dist. No. 1 of the amount of water used through the Clear Fork Plant and released and withdrawn from Lake Worth, and within 30 days after the end of the water year the City of Fort Worth shall notify the Corps of Engineers and the District of the total amount of water used through the Clear Fork plant, the total release at the request of the Corps of Engineers from Lake Worth, and the total amount withdrawn from Lake Worth for municipal uses. The notification shall also advise as to the amount of the carry-over for the Corps of Engineers.

4. The City of Fort Worth recognizes the responsibility of the Corps of Engineers for operation of the navigation storage in Benbrook Reservoir as contemplated and authorized by the Congress in Public Law 14, 79th Congress, Chapter 19, 1st session, approved March 2, 1945 and as outlined in House Document No. 403, 77th Congress, 1st session, and acknowledges that provision must be made whereby the Corps of Engineers may discharge its responsibility in so long as the municipal water supply of Fort Worth is not impaired. The City of Fort Worth agrees that the Corps of Engineers should have the right to release from Benbrook Reservoir for purposes and/or uses provided for in House Document No. 403 as authorized by Public Law 14, herein above referred to, an amount of water which, together with the withdrawals of the City of Fort Worth, would total 35,000 acre feet in any water year, said 35,000 acre feet being the continuous annual yield which the project is designed to provide. For example, should the City withdraw 15,000 acre feet from Benbrook Reservoir during a water year, the allowable Corps withdrawal from Benbrook Reservoir would be 20,000 acre feet during that water year. Likewise, should the City withdraw its limit of 32,000

acre feet, the allowable Corps withdrawal would be 3,000 acre feet.

5. The Federal Government, acting through the Corps of Engineers and/or any other properly designated federal agency, hereby fully recognizes the rights, duties and responsibilities of the City of Fort Worth and the Tarrant County Water Control & Impvt. Dist. #1 to the citizens of the City and the District and also all existing water rights, permits and appropriation of waters from the Clear Fork and the West Fork of the Trinity River now held by either the City of Fort Worth or the Tarrant County Water Control & Improvement District No. 1, and agrees that the Federal Government shall at no time in any manner whatsoever encroach thereon.

6. The term of contract incorporating the foregoing shall be 25 years with the right of renewal for an additional period of 25 years and at the end thereof to be renegotiated by the interested parties.