

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD IN THE DISTRICT OFFICE AT FORT WORTH, TEXAS, ON
THE 5TH DAY OF MARCH, 1958 AT 11:00 A. M.

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

PRESENT

Joe B. Hogsett
Houston Hill
Lacy Boggess
W. L. Pier
A. T. Seymour, Jr.

Also present were Messrs. John Scott, Attorney for the District,
Alex Pope, Consulting Attorney for the District and Ben Hickey,
General Manager of the District.

Director Hogsett acted in his capacity as President, and
Director Boggess acted in his capacity as Secretary, whereupon pro-
ceedings were had and done as follows:

1.

On motion duly made and seconded, the minutes of the
meeting held on February 28, 1958 were read and approved by the
Directors and it was accordingly ordered that such minutes be placed
of record.

2.

Mr. Alex Pope, Consulting Attorney for the District in
the field of water laws, permits, etc., appeared before the Directors

to give an oral report on the status of Permit Applications 2058 and 2059, and also the progress to date on the agreements with the downstream appropriators as proposed by the State Board of Water Engineers at the hearing held in Austin on September 24, 1957 for applications of Permits No. 2058 and No. 2059. Mr. Pope assured the Directors that the said permits were now the property of applicant, even though the actual permits have not been mailed as of the date, and further that the 120 day appeal period as set out by laws governing such matters had expired on January 25th, 1958, thereby giving applicant of said permits the full legal right, if they so elected, to construct the reservoirs as sought in the applications. Mr. Pope referred to his correspondence, dated February 27, 1958, wherein those assurances were spelled out to the Directors, and then after a general discussion of the agreement to be consummated with the downstream appropriators, President Hogsett thanked Mr. Pope for his presentation to the Directors.

3.

President Hogsett stated that previous to this meeting, a draft prepared by Director Seymour, of a proposed statement by the District of its findings and recommendations towards a future water supply, had been furnished all Directors, and that it would now be in order to review the draft and set in final form to present to the Fort Worth-Tarrant County Water Commission, this being the

Agency or Commission initially requesting this District to accept the responsibility of providing a future water supply for the Fort Worth area; and after reviewing the many findings resulting from the search for the most feasible source for a future water supply, and a review of the proposed statement, it was the unanimous opinion of the Directors, and their order, that the following letter be prepared and delivered at the earliest possible time:

March 5, 1958

Mr. Robert F. Windfohr, Chairman
Fort Worth-Tarrant County Water Commission
Fort Worth, Texas

Dear Mr. Windfohr:

On October 30, 1956, the Fort Worth-Tarrant County Water Commission, by official unanimous resolution, recommended to the Fort Worth City Council that they officially request the Tarrant County Water Control and Improvement District No. 1, hereinafter referred to as the Water District, to assume the responsibility of providing Fort Worth with an adequate future source of supply for raw water, and to specifically request that the Water District adopt as its basic plan the recommendations made by Freese and Nichols in their preliminary report dated September 25, 1956.

This the City Council did, by appropriate unanimous resolution passed on October 31, 1956, as follows:

"WHEREAS the Fort Worth City Council after careful consideration and study of the above quoted recommendations and the 'Tentative Findings and Recommendations', dated September 27, 1956, has found that the proposed plans contained therein are the most practicable and feasible plans so far devised for providing additional water for the Fort Worth area, and

"WHEREAS the Tarrant County Water Control and Improvement

District No. 1 is deemed to be the most logical and proper public agency for carrying out the said plans to the best advantage of all parties concerned; and

"Now therefore be it resolved that the City Council of the City of Fort Worth, Texas, does hereby officially request the Board of Directors and the officials of the Tarrant County Water Control and Improvement District No. 1 to assume full responsibility for providing and maintaining an adequate supply of raw water for the Fort Worth area, and

"Be it further resolved that the said Board of Directors and officials of the said District are hereby officially requested to adopt as its basis outline of plans for furnishing such an adequate raw water supply the tentative findings and recommendations presented herewith and made a part hereof and with as little delay as possible carry out the plans contained therein step by step subject only to such modifications as may be found necessary from time to time, and

"Be it further resolved that the City of Fort Worth will at the proper time make available to the said Tarrant County Water Control and Improvement District No. 1 without cost to the District, a copy of the final report of the Consulting Engineers of the Long Range Water Study and Report which is now being compiled by the Consulting Engineers, Freese and Nichols."

The Water District, by unanimous resolution passed on November 2, agreed to assume the responsibility of providing Fort Worth and Tarrant County an adequate supply of water for the future.

Following the assumption by the Water District of the responsibility above enumerated, there developed three immediate problems:

- (1) Careful consideration of alternate programs recommended for the permanent solution of Tarrant County's future supply of water, made by other citizens.
- (2) Changes in the State laws to enable the District to more easily and properly carry out their assignment.
- (3) Securing and perfecting water permits to appropriate

the water to be stored in the reservoir mentioned in the Freese and Nichols preliminary report dated September 23, 1956.

Though the resolutions of both the Water Commission and City Council specifically requested the Water District to adopt the plans recommended in the preliminary report of September 27, 1956, of Freese and Nichols - that is, the immediate building of a reservoir on Cedar Creek and later the necessary pipe lines to transport the water to Fort Worth, the Directors of the Water District felt deliberate and professional consideration should be given to various other plans which were recommended by citizens in the Water District.

Everyone known by the Water District to have voiced any recommendations on the subject was officially invited to present his recommendations for alternate plans, which recommendations, together with the plan outlined in Freese and Nichols' preliminary report of September 27, 1956, which we were requested to adopt, was sent to two outstanding independent engineering firms of international repute for their study, review and recommendations.

One firm, Sheppard T. Powell of Baltimore, Maryland, was engaged to give advice as to the quality of water from all sources which had been recommended, and the probable cost of treating it for human consumption. The services of the other engineering firm, Alvord, Burdick and Howson, of Chicago, were engaged to pass on the quantity of water at each of the various sources and the cost of capturing it and finally transporting it to recommended points of delivery in Tarrant County. The services of these engineers were officially engaged in January of 1957.

On May 20, 1957, the Water District received Volumes 1 and 2 of the final report prepared by Freese and Nichols, Consulting Engineers employed by the City of Fort Worth, which covered their investigation of seventeen potential sources for additional water for Fort Worth and Tarrant County, along with their recommendations of a plan which, if adopted, would take care of the supply of raw water needed by Tarrant County through the year of 2000.

On June 20, 1957, Sheppard T. Powell submitted his report on the quality of all sources of supply that had been

recommended, and in July, 1957, Alvord, Burdick and Howson submitted their report on the feasibility, availability, etc., of the different sources of supply.

Later, an additional recommendation was made to give consideration to joining with the Water District serving the Wichita Falls area in building a larger reservoir on the so called Ringgold site, using the excess water resulting therefrom in such amounts as not required by Wichita Falls. The final official engineering advice on this recommendation was received February 20, 1958.

The enabling legislature, mentioned in (2), above, was passed by the 55th Legislature, which cleared up that phase of the problem.

Attorneys who specialize in water laws were engaged in November 1956, to perfect and secure the necessary water permits to appropriate, store and use water from Cedar and Richland creeks.

Many months of hearings were held before the State Board of Water Engineers to defend the sought rights of Fort Worth against downstream users. These hearings were successfully concluded and the application of Fort Worth for the authority to construct a reservoir across Cedar Creek in Henderson County and impound 678,900 acre feet of unappropriated State water, and divert, annually, therefrom not to exceed 175,000 acre feet of such unappropriated water for municipal use, was granted by the Board of Water Engineers on September 24, 1957, and entered as an order in their permanent records on September 27, 1957. There was not an appeal to the decision of the Board of Water Engineers within the 120 days required by law, so these rights were considered valid and final on January 28, 1958.

The actual permit has not as yet been officially issued, but our attorneys have advised that this is a ministerial function that will follow in time, and that for planning purposes, the Cedar Creek rights can be considered valid. The official permit, when issued, will provide that actual work on the project must be started within two years from the date of its issuance.

After carefully considering all phases of the problems

involved, and especially the advice from outstanding competent engineers, the Water District now wants to recommend:

- (1) The adoption of that portion of the plan recommended in Freese and Nichols' final report of May, 1957, which pertains to building a reservoir on Cedar Creek.
- (2) Present to the qualified voters of Tarrant County Water Control and Improvement District No. 1 a bond proposal in the amount of \$53,500,000 to be used in carrying out the Cedar Creek phase of the program on a schedule to be later determined by the Water District.
- (3) A contract to be executed by the City of Fort Worth, which, among other things, will carry their agreement to either purchase their entire quantity of raw water requirements from the Water District or pay the Water District the minimum annual payments stipulated on page 187 of Volume 1 of the Freese and Nichols' May, 1957 report, whichever in the opinion of the Water District's financial consultants, Wainwright and Ramsey, will result in the minimum financing cost to the tax payers of the Water District.

Since your commission initiated the idea of the Water District's carrying out this program, we would like to meet with you to formulate final and official plans to get started on this program, so that we will be able to commence construction of the Cedar Creek reservoir within the two-year allotted period.

Respectfully submitted,

TARRANT COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NUMBER ONE

By /s/ Joe B. Hogsett
Joe B. Hogsett, President

4.

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

[Signature]
Secretary

[Signature]
President

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