

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF  
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE  
HELD ON THE 15TH DAY OF SEPTEMBER, 1961 AT 1:30 P. 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  
Wayne E. Newton

Also present were Messrs. John M. Scott of General Counsel 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, whereon pro-  
ceedings were had and done as follows:

1.

On motion duly made and seconded, the minutes of the  
meeting held August 31, 1961 were read and approved by the Directors  
and it was accordingly ordered that such minutes be placed in the  
permanent files of the District.

2.

On motion of Director Hill, seconded by Director Pier,  
voucher-checks #380 to #419 inclusive, Cedar Creek Construction;  
voucher-checks #110 to #112 inclusive, Cedar Creek Revenue; voucher-  
checks #539 to #604 inclusive, Maintenance and voucher-check #110

Interest and Sinking Fund were approved and ordered paid upon receiving the approval and verification of Mr. J. M. Williams, County Auditor, who by virtue of the Statutes is the Auditor of this District as well. All the Directors voted aye thereon.

3.

President Hogsett called to the attention of the Directors that the hearing of Permit Application No. 2173 - Boyd Reservoir, had been set by the State Board of Water Engineers for December 4, 1961; and that much time and study had been given to the matter in order that the best interests of all concerned would be served, and it was with that thought in mind that the following letter was drafted, to-wit:

"Mr. L. P. Cookingham, City Manager  
City of Fort Worth, Texas

RE: Application No. 2173 to the  
State Board of Water Engineers  
relating to the Boyd Reservoir

Dear Mr. Cookingham:

The Contract between the City and the District relating to the construction of the Cedar Creek Reservoir provides in part on page 3 as follows: "The District has pending a Presentation accepted by the State Board of Water Engineers concerning the construction of a Reservoir and the appropriation of certain waters at the Boyd Site in Wise County, Texas. The District agrees to file for application for a Permit pursuant to the rights held by the Presentation and to prosecute such application with diligence."

After the Contract was executed the District did proceed to file application No. 2173 for the Permit to appropriate water at the Boyd Site, and that application is pending before the Board of Water Engineers.

A hearing on the application was scheduled for May 29, 1961, but the hearing was postponed at the request of the District. At the time of the postponement the District requested that it not be rescheduled for hearing until after the completion and evaluation of the comprehensive study and report of the Trinity River and its tributaries which is underway by the Corps of Engineers.

The State Board granted a postponement on May 29, 1961, but in granting the postponement rescheduled a hearing for December 4, 1961 and orally stated the hearing would proceed at that time.

The request for the postponement was opposed by certain parties who had filed previously protests to the granting of the application of the District. The parties so contesting the application include Wise County Water Control and Improvement District No. 1, John A. Winder, County Judge of Wise County, Bridgeport Independent School District, Paradise Independent School District, various landowners who own land in the vicinity of Boyd Site and certain oil operators who have producing oil properties in the Boyd Reservoir Area.

It is significant that none of the parties contesting the application of the District in themselves seek to appropriate water, but oppose the application on the grounds the property to be inundated by the reservoir is of great value, is oil and gas producing and that its removal from the tax rolls of the various political subdivisions would be an onerous burden and therefore not in the public interest.

In order that you will not have to refer to your files, the Presentation pending at the time the contract between the City and the District was executed, related to "the feasibility of constructing a dam and reservoir at some point on the West Fork of the Trinity River in Wise County, Texas between the Cities of Boyd and Paradise, between Eagle Mountain Lake and Bridgeport, constructed by this District under Permit No. 1073 and 1074, previously issued by the State Board of Water Engineers, such investigation to determine the feasibility of the appropriation and beneficial use of water in quantities greater than 20,000 acre-feet of storage or 50 sec. feet diversion....."

Application No. 2173 seeks a permit "to appropriate and divert a total of 11,210 acre feet of water per annum for municipal use of the unappropriated waters of the State of Texas, by impounding between January 1st and January 1st of the following year, from the West Fork of the Trinity River in Wise County, Texas 243,610 acre feet for conservation purposes. The application further provides for 428,230 acre feet of controlled flood storage.

In the comprehensive "Report on Water Supply for Fort Worth and Tarrant County" prepared by Freese, Nichols and Endress for the City of Fort Worth in August 1959, Volume 3-Revisions, Page 57, the following comment is found "the Boyd Reservoir is needed as soon as possible to increase the flood retention capacity of the West Fork to at least twelve inches of run-off from the watershed above Lake Eagle Mountain. The proposed Boyd Reservoir comes within the scope of the Federal Flood Prevention Program and should be built by the Corps of Engineers, which is now preparing a report to Congress on the Flood Control problem on the West Fork of the Trinity River. By purchasing conservation storage in a multiple-purpose reservoir at the Boyd Site and by paying for it over 40 years at 2-3/4 per cent interest, the cost to local interest of the added water supply can be reduced to a reasonable level."

In the report of Horner and Shifrin Consulting Engineers to the City of Fort Worth dated March 1960, page 6, the following is found: "6. The water supply aspect of the Boyd Project should be reanalyzed when the Corps of Engineers has completed its study of the Boyd Project in relation to the overall Trinity River problems. This study is scheduled for release about mid 1961. The reanalysis should be done at that time regardless of whether or not a Boyd Project is recommended by the Corps and a decision should then be made as to the final disposition of this Project."

The comprehensive report of the Corps of Engineers on the Trinity River, referred to in various instances above, has not been completed as of the date of this letter. However the U. S. Army Engineer District, Fort Worth, Corps of Engineers has released a "Review of Reports on TRINITY RIVER AND TRIBUTARIES, TEXAS covering WEST FORK WATERSHED FLOOD PROTECTION - FORT WORTH AREA - Serial No. 90." On pages 14 and 15 the Corps states that it concludes that the cost of the Boyd Reservoir for flood control purposes is not justified for flood protection of Fort Worth. The District Engineer, Corps of Engineers, Fort Worth District, has recently advised the Water District that the Comprehensive Study and Report of the Trinity River and its Tributaries, presently scheduled for completion in the fall of 1962, will reflect the above conclusion in respect to the Boyd Reservoir for flood control purposes.

Based upon these reports, and upon the District's own judgment and information about the Boyd Reservoir, the District has concluded that the Boyd Reservoir is not feasible or desirable as a flood control reservoir. Therefore if the Boyd Reservoir is to be constructed, it should be constructed entirely for purposes of conservation storage.

Under date of February 1959, the District Engineers in "Preliminary Report on Boyd Dam and Reservoir" estimated the cost of a 600,000 acre foot conservation storage project to be \$21,142,300. Based upon information now available as to the extent of oil and gas development in the reservoir area the District Engineers estimate the cost of such a project to be of the order of \$23,000,000. The estimated safe yield of such a reservoir is 21.1 million gallons per day.

The District is as you know in the process of constructing the Cedar Creek Reservoir and will proceed with construction of the Cedar Creek Pipeline at the time provided in its contract with the City. It is the District's opinion that the supply of water from Cedar Creek, together with presently available water sources, will be adequate for the needs of the City of Fort Worth and its surrounding area until approximately 1976.

The District is not aware of any other potential appropriator of unappropriated water available at the Boyd Site, and has every reason to believe and does believe that the unappropriated water at the Boyd Site will not be substantially diminished prior to the year 1976. Therefore the District concludes that immediate prosecution of the pending application and early construction of the Boyd Reservoir is not necessary from the standpoint of the water requirements of the City of Fort Worth and its surrounding area. Therefore the District believes that there is no imperative necessity that the present application be prosecuted to an early permit, with its consequent requirement that construction of the Boyd Reservoir be commenced within two years from the granting of the permit by the State Board of Water Engineers.

The Boyd Reservoir is an integral part of the long range water plan for Fort Worth and Tarrant County. Its place in program should be reviewed and evaluated during the period 1971-1975.

It is incumbent upon the District under its contract with the City to prosecute the application, and the District is of course ready to comply with the Contract, if further prosecution of the application is desired by the City and the information necessary for action by the District be furnished by the City. However, in connection with this matter we thought it advisable to communicate to you the District's conclusion about prosecuting the application in the light of the facts relating to flood control as set forth above.

The District understands from its contract with the City of Fort Worth that the cost of the Boyd Reservoir will be covered by a supplemental contract to be negotiated between the City and the District.

If the Reservoir is to be constructed this cost will necessarily be borne by the water customers of the City of Fort Worth, or its taxpayers, and for this reason we bring this to the attention of the City for its present consideration.

The District therefore recommends:

- (1) That pending application No. 2173 relating to the Boyd Reservoir be withdrawn from present consideration by the Board of Water Engineers.
- (2) If the City does not agree with this recommendation and prefers that the Application be presently prosecuted, then the District requests that the City advise the District of the amount of conservation storage which it desires to be included in the Boyd Reservoir. Upon receiving this information the District will promptly open negotiations with the City to provide for the construction cost of the Reservoir desired by City of Fort Worth, in keeping with the provisions of the existing contract between the City and the District.

In the event the City decides to go forward with the application at this time it will be necessary to amend the present application to reflect changed conditions as to conservation and flood storage. It will also be necessary to prepare the necessary data for the hearing on the application December 4, 1961. These procedures will require a minimum of two months.

This matter was discussed at length with you and Mr. Hardy July 13, 1961 by Messrs. Ben Hickey, General Manager of the District and Marvin C. Nichols, District Engineer.

The District respectfully requests that an early response be made to this communication, and in the thought that you may wish to submit it for study to others, we are furnishing you several copies for transmission as you deem appropriate.

Respectfully submitted,

TARRANT COUNTY WATER CONTROL AND  
IMPROVEMENT DISTRICT NUMBER ONE

By \_\_\_\_\_  
Joe B. Hogsett, President "

Following the reading of the above letter and discussion,

it was the unanimous opinion of all Directors, and their order, that the letter as presented be forwarded to the City of Fort Worth.

4.

Mr. Ben Hickey, General Manager of the District, requested authority for the District to enter into Contracts for the purchase of the following described tracts of land required for the Cedar Creek Reservoir, and on the following basis for payment, to-wit:

- (a) Tract No. 109 - F. F. Johnson - 22 acres more or less @ \$100.00 per acre.
- (b) Tract No. 123 - Roy D. Pate - 13 acres more or less @ \$100.00 per acre.
- (c) Tract No. 146-A - Iris Lockey - 1/2 undivided interest in 21 acres more or less @ \$95.00.

Following a detailed presentation of the tracts, and upon recommendation of management of the District, Director Pier, seconded by Director Boggess, moved that the District be authorized to enter into Contracts for the purchase of the above described tracts and on the basis as shown. This meeting with the approval of all Directors it was so ordered.

5.

President Hogsett presented to the Directors the Monthly Financial Report regarding receipts and disbursements for the month of August, 1961 from the Auditor of the District, which were ordered accepted and placed on file in the District Records.

President Hogsett reminded the Directors that pursuant to Sec. 7.07 of the Resolution and Trust Indenture for the \$6,000,000.00 Series 1960 Water Supply Bonds, the District covenants that it will adopt, on or before October 1st of each year, the final annual budget for the fiscal year. President Hogsett presented copies of the estimated receipts and disbursements for the Revenue and Construction Funds for the ensuing year, and following a thorough discussion of the two, it was the unanimous decision of the Directors that the following estimated schedules be adopted, to-wit:

REVENUE FUND - \$6,000,000.00 SERIES 1960 WATER SUPPLY BONDS

REVENUES:

Sale of Raw Water	\$ 724,000.00	
Interest on Investments	<u>85,000.00</u>	\$ 809,000.00

EXPENDITURES:

Interest on Bonded Indebtedness	<u>239,027.50</u>
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CONSTRUCTION FUND - SERIES 1960 WATER SUPPLY BONDS

BANK BALANCE - January 1, 1962	\$ 200,000.00
Maturing Securities	<u>2,750,000.00</u>

TOTAL FUNDS AVAILABLE	\$ 2,950,000.00
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Land	\$ 1,500,000.00	
Dam	1,500,000.00	
Spillway	1,750,000.00	
Clearing of Reservoir	120,000.00	
Administrative Expense	24,000.00	
Athens Office Expense	<u>20,000.00</u>	
		\$ 4,914,000.00



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

L. G. Brown,  
Secretary

W. R. H. H. H. H.  
President