

## Agency blamed in ranch damage

### State court says water district must pay \$33.5 million to ranchers

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In a ruling that critics say could cost water customers millions of dollars across the state, the Texas Supreme Court ruled Friday that the Tarrant Regional Water District must pay ranchers \$33.5 million for damages for flooding downstream from the Richland-Chambers Reservoir.

The Supreme Court said the release of water from the North Texas reservoir causes recurrent flooding that washes out levees, roads and a privately owned bridge, making 11,000 acres of the Gragg Ranch downstream useless.

The high court upheld a 1998 jury verdict for the O.L. Gragg family and two other families in East Texas. The jury awarded the ranchers about \$18 million, but \$9,000-a-day interest has boosted the total to \$33.5 million, an attorney said.

"They knew they were causing this damage," said Glenn Sodd, the Corsicana attorney representing the ranchers. He filed the lawsuit in 1992 for Gragg and two ranchers who leased the land.

"All you have to do is drive out there and look at this ranch and see that it's been devastated," he said.

Jim Oliver, the regional water district's general manager, criticized the Supreme Court's ruling, saying that the court didn't understand the case and that "there is no scientific basis for that decision."

"There is no way that reservoir we constructed could have caused the damage to that ranch," Oliver said. "That is flat ridiculous."

Oliver said the water district will use contingency funds to try to pay out the judgment, if it holds. The district will look to see whether it can challenge the case in federal court.

The district serves about 60 cities, including Fort Worth.

The case has been closely watched by water suppliers statewide. The cities of Houston and Dallas and the Brazos and Trinity river authorities filed court papers expressing concern that they could be held accountable for such flooding.

Danny Vance, general manager of the Arlington-based Trinity River Authority, said the ruling raises the possibility that the operators could be sued by anyone downstream from one of their dams.

"Any dam operator in the state of Texas would have to be concerned about this case and what its potential implications could be," Vance said. "That is a significant award, and I'm not just talking dollars."

Gragg's 12,500-acre ranch, one of the largest in East Texas, is about eight miles downstream from the reservoir. It has 17 miles of river frontage and 11,000 acres of bottomland where cattle normally grazed.

In 1990, water was released from Richland-Chambers' floodgates for the first time after heavy rains fell throughout the Trinity River basin.

The Gragg Ranch had been inundated before with floods that left behind fertile silt, but the 1990 flood breached levee roads and gouged large sections out of the ranch's bottomland, the ruling said.

During a 15-day trial, water district records were produced to show that there were hundreds of releases large enough to cause flooding at the Gragg Ranch, even if the Trinity had been bone-dry, the court ruled.

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