

REGULATORY OVERVIEW

Barton Springs is subject to a wide range of regulatory requirements at all levels of oversight and government. Many of these also have complex permitting requirements that will require the allotment of adequate time and resources for preparation of submission materials and completion of review cycles. As part of this planning effort, preliminary review conferences were held with a number of regulatory authorities to identify potential code compliance issues and procedures. Meeting and conference notes can be found in Appendix C. The following narrative summarizes code and permitting issues.

U.S. ARMY CORPS OF ENGINEERS

The U.S. Army Corps of Engineers protects the aquatic ecosystem and navigable waters in the United States. Under Section 404 of the Clean Water Act, the Corps administers a Regulatory Program which includes the issuance of permits for any activity involving the discharge of dredged or fill material into the “waters of the United States”. The “waters of the United States” include navigable waters subject to the ebb and flow of tides and interstate waters, including any part of the surface water tributary system down to the smallest of streams, lakes, ponds and wetlands. The primary purpose of the permit process is to reduce the potential impact of proposed construction projects on the aquatic resources of the nation.

Depending upon the activities proposed, the form of the permit may be general or specific in nature. General permits, either nationwide or regional in scope, are used for activities that are similar in nature and are expected to have minimal environmental impact. Repairs of existing dams are typically permitted under a nationwide general permit, for example. Certain changes to existing facilities may also be permitted under a nationwide general permit, typically for reasons of safety, such as a change required by flood conditions. For specific projects not permissible under a general permit form, an individual permit is used. Construction of new dams are typically permitted under an individual permit process.

The Section 404 permit review process includes consultation and review with the Corps, public notice and comment on the permit application, evaluation of environmental impacts of the project and the permit decision. The Corps review process also addresses related environmental laws, including the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, the Texas Antiquities Code and Texas Commission on Environmental Quality water quality certification, often in

partnership with the federal and state agencies charged with the primary administration of these laws. From our preliminary discussions with the staff of the Fort Worth District Office of the Corps, a typical Section 404 review process for an individual permit for the construction of a new dam usually takes months, but not years, to acquire. However, projects with many environmental impacts will likely take more time to complete the permit process.

U.S. FISH AND WILDLIFE SERVICE

A branch of the Department of the Interior, the U.S. Fish and Wildlife Service is dedicated to the conservation, protection and enhancement of fish, wildlife, plants and associated habitats in the United States. The agency enforces federal wildlife laws, including the Endangered Species Act of 1973. In 1997, the Barton Springs salamander, found in the four springs that comprise Barton Springs, was listed as an endangered species. The Endangered Species Act listing authorizes several important conservation strategies at the federal level, including protection from damage by federal activities, a requirement for a federally-generated recovery plan for the listed species and eligibility for federal aid for protection and conservation of the listed species. Non-federal activities that “take” (defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect) endangered wildlife must be conducted under the requirements of an incidental take permit. As part of the incidental take permit application, submission of an associated habitat conservation plan, identifying activities to minimize and mitigate the incidental take of the listed species, is required.

In 1998, the U.S. Fish and Wildlife Service issued to the City of Austin a Section 10(a)(1)(B) permit for incidental take of the Barton Springs salamander for the operation and maintenance of Barton Springs Pool and adjacent springs, with a fifteen year permit duration. The associated habitat conservation plan and environmental assessment, prepared by the City of Austin and the U.S. Fish and Wildlife Service, analyzed in detail four alternatives for pool operation and maintenance, and recommended a preferred alternative to allow for the continued use of Barton Springs Pool as a recreational pool facility with the initiation of structural and procedural changes intended to minimize or eliminate the impacts of pool cleaning activities on the salamander habitat. The habitat conservation plan listed forty-one implementation measures, related to the preferred alternative, to achieve the goals of improving salamander habitat, increasing salamander population size and increasing life history information over the term of the incidental take permit.

The incidental take permit defines a procedure under which amendments to the permit

may be proposed, including a requirement to consult with and receive the concurrence of the U.S. Fish and Wildlife Service for all proposed amendments. The permit allows for minor amendments, which “involve routine administrative revisions or changes to the operation and management program which do not diminish the level or means of mitigation”. The U.S. Fish and Wildlife Service has the authority to approve minor amendments, a process likely to take up to three months. All other changes are major amendments, and will require longer, more complex application, review and approval cycles. Any major amendment also requiring an increase in the anticipated incidental take levels will take a minimum of one year, possible two, to complete. Each of the projects and issues that the master planning team was asked to study were preliminarily reviewed with the staff of the Austin Ecological Services Field Office of the Southwest Region of the U.S. Fish and Wildlife Service. From this very preliminary review, it appears that the more invasive and complex projects, such as major changes to the downstream dam, may likely require a major amendment and a lengthy review cycle. Carefully considered projects that account for both salamander habitat and structure rehabilitation, employing best environmental management practices during construction, are permissible. Obviously, as any of the projects studied in the master plan might be further developed, careful coordination with the U.S. Fish and Wildlife Service will be required.

TEXAS HISTORICAL COMMISSION

The Texas Historical Commission, the state agency for historic preservation, is responsible for conducting reviews authorized under the National Historic Preservation Act of 1966. Under the National Historic Preservation Act, any federally permitted, funded, assisted or approved project must undergo a Section 106 review, to consider the effects of these actions on historic and cultural resources that are listed or eligible for listing on the National Register of Historic Places. The reviews are done by archeologists, architects and historians, and identify adverse effects on archeological sites and existing buildings and other structures. A normal Section 106 review is likely to take thirty days, but complex projects with numerous adverse effects could take much longer and could require prolonged coordination with affiliated federal agencies reviewing related components of the project.

The Texas Historical Commission also administers the Antiquities Code of Texas. The Antiquities Code of Texas requires state agencies and political subdivisions, including cities, to notify the Commission of any proposed action on public land that involves five or more acres of ground disturbance, 5,000 or more cubic yards of earth moving or any other project that has the potential to disturb recorded archeological or historic sites. The

several designated archeological and architectural landmarks at Barton Springs -- including the Pool, dams, surrounding springs and structures, Bathhouse and other sites -- fall within the purview of this review and permitting process. The time required to complete this process can vary, depending on the complexity of the proposed project, the archeological and historic resources that might be adversely impacted and whether previous archeological investigations have been completed in the area.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Related to the Section 404 permits from the U.S. Army Corps of Engineers, the Texas Commission on Environmental Quality conducts a Section 401 certification review to determine whether a proposed discharge will comply with Texas water quality standards. The review process and duration varies with the size and type of the proposed project. Small projects, less than three acres in size or less than 1,500 linear feet of streams, may be reviewed under a Tier I process. If Best Management Practice methods are employed in the project, this review is abbreviated. Larger projects, or projects that can not employ the recommended Best Management Practices are reviewed under a Tier II process, which can take several months to complete.

The TCEQ also administers a storm water discharge permit program for construction activities, with varying requirements for a Storm Water Pollution Protection Plan dependent upon the size of the construction activity area. For projects in the Edwards Aquifer recharge, transition or contributing zones, additional protection plan applications, including a water pollution abatement plan, are required, with a typical review cycle of sixty days.

TEXAS DEPARTMENT OF LICENSING AND REGULATION

The *Texas Accessibility Standards* are based on federal accessibility standards established by the Americans with Disabilities Act. The standards are administered by the Texas Department of Licensing and Regulation. The review process includes provision of construction plans that demonstrate compliance with applicable provisions of *Texas Accessibility Standards* and a field inspection to review compliance once construction is complete.

As a qualified historic building (City of Austin Landmark and National Register listing) the Bathhouse will be eligible to comply with Section 4.1.7 “Accessible Buildings: Historic Preservation.” This section establishes the following minimum requirements:

- At least one accessible route on the site to an accessible entrance.
- At least one accessible entrance that is used by the public.
- At least one accessible toilet facility along an accessible route. Such facility may be unisex in design.

- An accessible route from an accessible entrance to all publicly used spaces.
- Displays and written information should be located where they can be viewed by a seated person.
- Customer service counters and windows must have an accessible counter.

An “accessible route” is defined as a path with a minimum width of 36 inches and with a slope no greater than 1:20 for walking surfaces and 1:12 for ramped surfaces. An “accessible entrance” is defined as having a minimum clear opening of 32 inches, with required maneuvering clearances adjacent to the operable door.

Any new construction must also comply with the requirements of the *Texas Accessibility Standards*. For new construction, the minimum site accessibility requirements include an accessible route from accessible parking spaces to an accessible building entrance. The minimum building accessibility requirements include an elevator and accessible toilet facilities, drinking fountains, public telephones, doors, controls and signage. If alarms, fixed or built-in seating or tables, or shelving and display systems are included, these also must be accessible.

Of special relevance to this master planning effort, new federal accessibility guidelines have been published by the U.S. Access Board. The new *ADA Accessibility Guidelines* add extensive provisions for accessibility to recreational facilities, including swimming pools. The guidelines require the provision of at least two accessible means of entry to swimming pools, and apply to newly constructed or existing, altered swimming pools. The guidelines became effective in 2004, but are not enforceable under federal law until they are formally adopted by the U.S. Department of Justice. Although the exact date on which the new *ADA Accessibility Guidelines* will become enforceable is not known, the Texas Department of Licensing and Regulation is poised to update the *Texas Accessibility Standards* in short order, once the new *ADA Accessibility Guidelines* are adopted by the federal government.

TEXAS DEPARTMENT OF HEALTH

The Texas Department of Health regulates the minimum standards for the design, construction and operation of swimming pools and spas under the *Standards for Public Pools and Spas* (Texas Administrative Code, Title 25, Part 1, Chapter 265, Subchapter L). The standards are based in part on the American National Standards Institute and the National Spa and Pool Institute *Standards for Public Swimming Pools* (ANSI/NSPI-1, 1991). However, from our preliminary conversations with the Texas Department of Health, Barton Springs Pool is considered a natural body of water, or a flow-through pool, and is not subject to these regulations. The Texas Department of Health does take

samples of the water in the Pool periodically, to monitor for public health issues. The City of Austin Parks and Recreation Department also adheres to the code for matters of public safety, such as with compliant signage at the pool deck addressing safety issues.

Some of the issues studied in this master plan, if they are developed in more detail in a future study or project, may require coordination with the Texas Department of Health to identify potential code issues and establish compliance standards. One example is the notion of recirculating water within the Pool, which may trigger a requirement for a filtration system under the standards.

The operation of the Bathhouse must also comply with applicable provisions of *Standards for Public Pools and Spas*. The standards for existing facilities are limited, and typically less restrictive than those in the building and accessibility codes noted in this section. The standards also stipulate requirements for lifeguards, including recommended break provisions.

CITY OF AUSTIN

The City of Austin regulates land use, building construction, environmental quality and historic preservation issues under the *Land Development Code* and related technical manuals and adopted codes.

BUILDING CODE REQUIREMENTS

The City of Austin has adopted the following building codes:

- *The International Building Code (IBC)*, 2003 Edition, International Code Council
- *The International Energy Conservation Code (IECC)*, 2006 Edition, International Code Council
- *Uniform Building Code for Building Conservation (UCBC)*, 1994 Edition, International Conference of Building Officials
- *Uniform Plumbing Code (UPC)*, 2003 Edition, International Association of Plumbing and Mechanical Officials
- *Uniform Mechanical Code (UMC)*, 2003 Edition, International Association of Plumbing and Mechanical Officials
- *National Electrical Code (NEC)*, 2005 Edition,

The *IBC* establishes standards for building construction and safety. The Bathhouse will have to comply with this code. However, as a historic building, deviations from the code may be approved by the regulatory authorities if they meet the intent of the code. The

UCBC pertains to the repair, alteration and maintenance of existing buildings.

Under the *IBC*, a bathhouse is a Type B occupancy group (*IBC* Sec. 304.1). In the dressing areas, the occupancy use is defined as a locker room use, which requires an occupant load factor of one person per 50 square feet.

The *UPC* prohibits commingling of sanitary sewer water, which is treated, with storm water, which is not (306.2 and 714.2). This means that showers, toilets and sinks cannot collect rainwater, and are required to be under cover. This will be an issue for the uncovered showers in the historic dressing rooms. The *UPC* stipulates minimum quantities of plumbing fixtures, based on occupant load factors. However, since the Bathhouse is an existing, historic building, the fixture requirement will be based on the existing quantity of fixtures.

ENVIRONMENTAL QUALITY

The *Land Development Code* regulates development in watersheds, aquifers and water zones with special requirements intended to protect water quality and drinking water. The entire area of the master plan falls within the critical water quality zone of the Barton Creek watershed, in the Barton Springs Zone. Critical water quality zones are subject to development restrictions. Permitted development includes fences that do not obstruct flood flows and public or private parks or open spaces if a program of fertilizer, pesticide and herbicide use is approved. In the Barton Springs Zone, park development is limited to hiking, jogging and walking trails and outdoor facilities, not including stables and animal corrals. Bicycle or golf cart paths, pedestrian bridges and boat docks, piers, wharfs and marinas are also permitted. In certain circumstances, more types of recreational development are also permitted, with the approval of the Council. Development in the Barton Springs Zone must also comply with the Save Our Springs Initiative provisions of the *Land Development Code*. Allowable development must include pollution prevention, in the form of impervious cover limitations and water quality controls.

The *Land Development Code* also defines a site plan submission and review process, applicable to all development projects in the city. Site plans are reviewed for water quality protection measures, as required by the applicable watershed protection ordinance for the specific project location within the city, as well as land use issues, as required by the zoning designation. Small projects, with less than 5,000 square feet of impervious cover, are typically exempt from the site plan requirements. Routine construction, emergency repairs and maintenance activities conducted by the Parks and Recreation Department are permitted under a General Development Permit. Routine construction activities allowed under

the General Development Permit include irrigation systems; installation of minor park facilities such as benches, trash cans, drinking fountains and signage; ADA/TAS accessibility improvements to existing structures and ADA/TAS walkways; landscaping repairs; turf repair and maintenance; installation of new landscaping; standard-design public restrooms; minor utilities, including water, sewer and electric lines; standard repairs to park buildings and facilities and emergency repairs or removal of trees or vegetation to protect public health, safety and welfare.

HISTORIC PRESERVATION

As an Austin Historic Landmark, alterations to the exterior of the building will require review by the City of Austin Historic Landmark Commission for a Certificate of Appropriateness (City of Austin *Land Development Code* Ch. 25-11-212). The Commission's determination will be based on the *Secretary of the Interior's Standards* (see the Annotated Secretary of the Interior's Standards section). The National Register of Historic Places listing will not require any regulatory review; however continued listing is contingent on compliance with the *Secretary of the Interior's Standards*. It will be important to maintain contact with the City Historic Preservation Office as the project is developed to ensure a smooth approval process.

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, produced by the U.S. Department of the Interior and National Park Service, establish professional standards and guidelines for treating historic properties. The Austin Historic Landmark Commission has adopted the *Secretary of the Interior's Standards* in granting a Certificate of Appropriateness. Because the Barton Springs Bathhouse is an Austin Landmark, it will require a Certificate of Appropriateness and therefore must comply with the Standards. In addition, any project that applies for federal rehabilitation tax credits must comply with the Standards.

The Secretary of the Interior establishes four treatments for historic buildings, each with its own standards and guidelines. Before undertaking any work on a historic building, a preservation treatment should be decided upon and the respective set of standards and guidelines consulted. The treatment for the Barton Springs Bathhouse is rehabilitation, but it is worth briefly discussing the other treatments because the terms are often used interchangeably and inaccurately.

Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property.

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. This is the treatment most frequently undertaken, as well as that which is most appropriate for the Barton Springs Bathhouse. Rehabilitation is updating a building for contemporary needs, or a new use, while retaining its architectural significance. In this treatment additions and alterations are acceptable but they should be limited to secondary spaces or be done in a way that is sensitive to the historic fabric.

Restoration is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in history and reconstruction of missing features from the restoration period. Restoration involves selecting a period of significance, usually when a building was first built, but sometimes the date of an important event, and taking the building back to that period. While the Barton Springs Bathhouse has a period of significance, 1947, and the goal is generally to return it to that period, adaptations will be made for contemporary needs.

Reconstruction is defined as the act or process of depicting by means of new construction, the form, features, and details of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

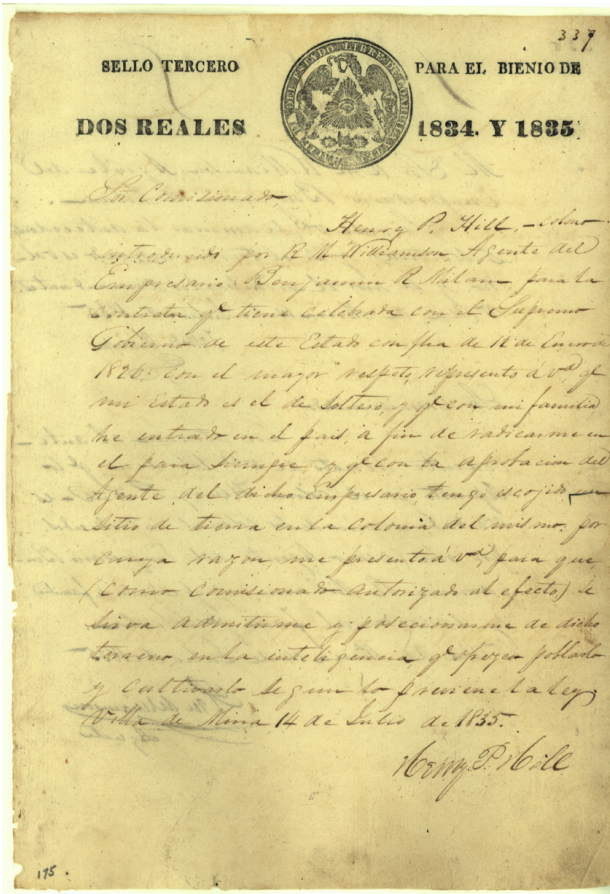
A BRIEF HISTORY OF THE SITE



*Recreation Department Annual Report, 1936.
PICA 01009, Austin History Center, Austin Public Library.*

The modern occupation of Barton Springs began at about the time the city of Austin was founded, almost 175 years ago. But the site was familiar to Native Americans for a few thousand years before that and the natural forces that formed the springs began hundreds of millions of years ago. Barton Springs, actually a group of four springs, are artesian springs, issuing under pressure from a fault line in the underlying limestone formation. They are part of a chain of artesian springs that extend along the Edwards Aquifer from near Del Rio, at the south, to near Temple, at the north. Barton Springs is the fourth largest spring in Texas.¹

The springs, and the abundant plants and wildlife they sustained, and the ready source of stone for toolmaking attracted Native Americans to the site. Archaeological excavations conducted in the area of the springs found evidence of middens, camps and shelters, quarries and butchering sites, as well as tools, artifacts and points.² By the time of the Spanish settlements, the Tonkawa and Lipan Apache tribes inhabited the area around Austin. By



Mexican land grant issued to Henry P. Hill.
Texas General Land Office

the time the colonists settled the area, the Comanche and Kiowa tribes inhabited parts of Travis County. Brune describes a Comanche trail that passed by the springs, as well.

Beginning in the late seventeenth century, the Spanish established frontier missions across what would become Texas. The mission system was intended to convert the indigenous tribes into the Catholic religion and bring them into the Spanish colonial culture. For a very brief time in 1730 and 1731, three such missions were located in the vicinity of Barton Springs. The Franciscan missions were originally founded in 1716 in East Texas, near what is now the Texas-Louisiana border. The missions were part of a group of six missions and a presidio established in East Texas to build relations with the Hainai, Nasoni and other Caddoan tribes in the area. The missions struggled with limited food supplies, epidemic disease and skirmishes with the French to the east. The peaceful Caddoan tribes maintained good relations with the missions, but remained independent and did not live within the mission compounds. By 1729, the Spanish government determined that operations in East Texas should be scaled back, recommending cuts in funding and closing the presidio, prompting the three missions to request relocation. These missions, Nuestra Senora de la Purisima Concepcion de los Hainais, San Jose de los Nazonis and San Francisco de los Neches, were moved to Central Texas on the Colorado River, in hopes of attracting the participation of the local tribes. Conditions in this location were apparently unfavorable on the Colorado, and the missions were finally moved to the San Antonio River in 1731. The missions were renamed Nuestra Senora de la Purisima Concepcion de Acuna, San Juan Capistrano and San Francisco de la Espada, and flourished in the new location.³ The mission churches continue to this day and the sites are now part of the San Antonio Missions National Historical Park. The brief stop on the Colorado is commemorated with a historical marker installed on the south grounds of Barton Springs Pool by the Texas Centennial Commission in 1936.

The Spanish also began the practice of making private land grants to individual settlers in the eighteenth century. By 1820, concerned with populating the vast stretches of Texas that lay north of the Rio Grande, the Spanish government openly sought foreigners prepared to pledge allegiance to the laws of New Spain as colonists. After winning independence from Spain in 1821, Mexico continued the practice, creating a system of empresarios, or agents, contracted to recruit colonists, allocate land grants and enforce the Mexican colonization laws. These laws provided for large allotments of land conveyed on generous terms: heads of families could apply for a full league of land, or 4,428.4 acres, and single men a quarter-league, with six years to pay off the nominal purchase price.⁴

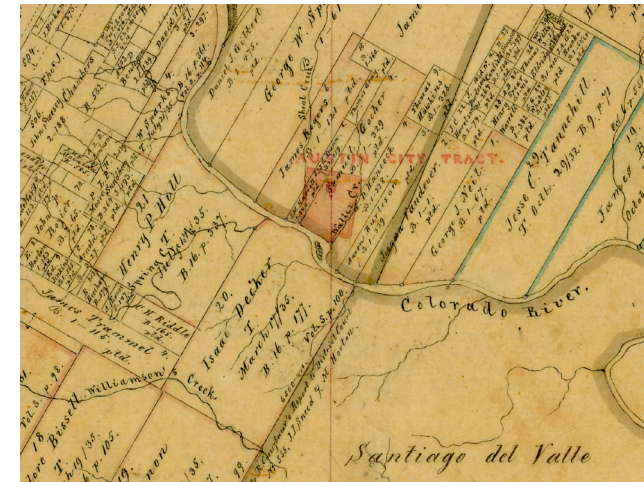
One such empresario's colony was that issued to Ben Milam, who received a contract to settle 300 families between the Colorado and Guadalupe Rivers in 1826. Milam's Colony included the land surrounding Spring Creek, which is today called Barton Creek. In 1835 League No. 21 in Milam's Colony, a tract at the mouth of Spring Creek, was granted to Henry P. Hill, who was twenty-eight years of age, a native of Georgia and a lawyer. In Milam's Register of families, Hill's oath states that he is single, but enters the colony with a family, entitling him to a grant of a full league of land as a head of household.⁵

Little is known about Henry P. Hill and his use of the land on Spring Creek. He did attend a meeting of the municipality of Mina (present Bastrop) in July 1835, called to consider the deteriorating relations with the government of Mexico, and served on a committee to prepare a letter to the governing committees of other municipalities in the district presenting their thoughts on the issue. Perhaps he returned to Georgia around this time, concerned about the brewing conflict that became the fight for Texas independence. In the 1840s to the 1870s, Travis County court and deed records list Hill as a resident of Georgia, protecting his ownership of League 21.⁶

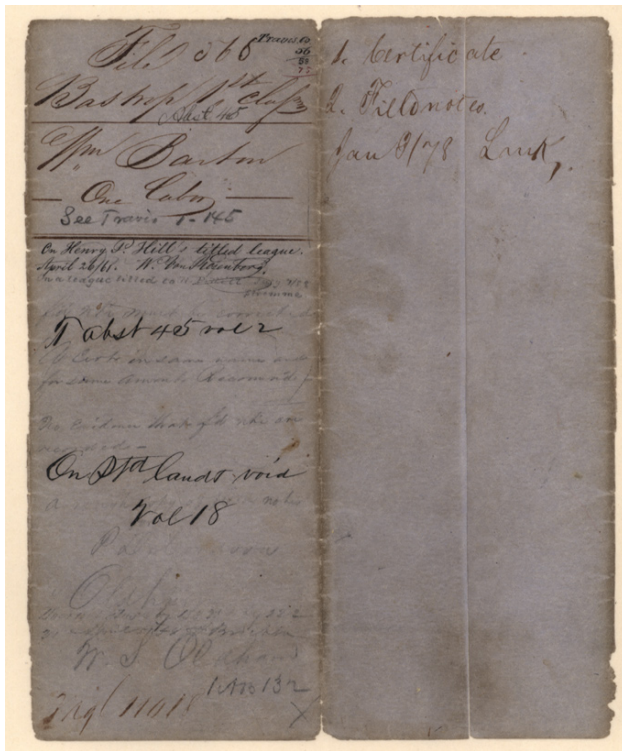
Although he was not the original recipient of League 21, William Barton is the settler with the strongest association with the springs. William Barton was born in South Carolina in 1782 and lived in Kentucky and Alabama before coming to Texas in 1828. He settled in Stephen F. Austin's Little Colony, which was located east of the Colorado River and north of the Old San Antonio Road. Austin's Register of Families lists William Barton as forty-seven years of age, a farmer, who entered the colony with his wife, Stacy, two male children, three female children and five slaves. He worked on a survey crew laying out the Little Colony in 1830 and was elected comisario of the Bastrop precinct the same year.⁷ He took his oath of allegiance in January 1830, and was granted League No. 9, located on the right bank of the Colorado near the present Bastrop-Fayette county line, in March 1831. A small creek, called Barton's Creek, is noted in the survey for the league. Later that year, a third son, named Wilford or Willifred, was born.

Two of Barton's brothers also immigrated from Alabama to the Little Colony at about the same time. Benjamin, a single male forty-four years of age and a farmer, arrived in 1829 and was granted a quarter league west of the Colorado in 1831. Elisha and his wife Susanna, both thirty-nine years of age, arrived in 1830 with three male children, two female children and one slave. Elisha, also a farmer, was granted a league of land west of the Colorado at the mouth of Ten Mile Creek in 1831.⁸

Life on the Texas frontier was difficult, and the memoirs of early settlers tell vivid stories



Map of Travis County, W. von Rosenberg, 1861
Texas General Land Office, Map 4088



Republic of Texas patent application, William Barton. (Notation "On 1st Land, void, Vol. 18" visible near bottom of the left panel)
Texas General Land Office

of clashes with the Indians. War was brewing with Mexico through the 1830s, and by the fall of 1835 the revolution was fully engaged. Even still, settlers continued to come to the Little Colony. The story goes that William Barton, a man with an independent nature, began to feel a little crowded when settlers arrived within about ten miles of his place on League 9. Court records show that in late 1835 William and Stacy Barton entered into an agreement to sell League 9 to William Primm, of Concordia parish, Louisiana. Primm made the first of three required payments, but was delayed in making additional payments for several years, perhaps due to the war. Barton remained on the land through 1837, when the court records state he raised a crop on the League 9 lands. The sale to Primm was completed in the spring of 1839, when the final payment was made and Barton conveyed the deed and full title to Primm.⁹

Around the time the Bartons agreed to sell League 9 to Primm, the provisional government of the Republic of Texas suspended the operation of land commissions and the transfer of land titles under practices established by the Mexican government. In 1836, the first Congress of the Republic of Texas met and drafted a Constitution and laws regulating the ownership of land in Texas. In an effort to keep the existing settlers in the new republic, Congress enacted a first class headright act. Each head of household living in the republic on March 2, 1836, received a league and a labor (177.1 acres) of land, except for those who had already received this amount of land from Mexico. If a settler had received less than this allotment of land from Mexico, they were now entitled to receive the difference. To get a headright grant, settlers applied to the county board of land commissioners, who determined whether the request was valid and issued a certificate for land to those that were. The settler then selected their land, had it surveyed and submitted the field notes to the county board of land commissioners. The county board certified the field notes and sent the application and the field notes to the General Land Office for review, authorization and issuing of the land patent. In the years following the war, there was a great deal of confusion in the land grant system, and fraudulent grants were a problem. Verifying the land records was also a challenge, as it took years to collect the records from each of the land offices operated under the Mexican government and to catalogue the land grant records into an orderly archive. As a result, it sometimes took years before a land patent was issued under a headright grant.

It was under these confusing conditions that Barton moved to a labor of land on the west bank of the Colorado, at the mouth of Spring Creek, around 1837. The patent records of the General Land Office show that Barton applied to the Board of Land Commissioners for Bastrop County for a labor of land, which granted Certificate 191 on February 15,

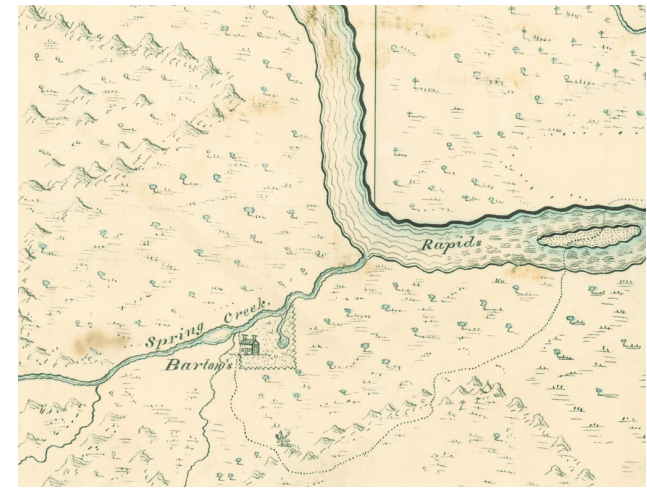
1838. Survey field notes were completed the following month, certified by the county board and sent on to the General Land Office in April 1838. But, a patent was never actually granted by the General Land Office, because it was later determined that the land selected by Barton was on the tract already patented to Henry P. Hill.¹⁰

Stacy Barton died in the spring of 1837, and William Barton moved the children and his slaves to Spring Creek. If a remote setting was what he was after, Barton certainly achieved his goal. His closest neighbor was Rueben Hornsby, about 11 miles down river, and four families lived across the river in the tiny settlement of Waterloo, now Austin. Barton built a house on the south bank of Spring Creek, near the main spring. He named two of the springs for daughters Parthenia and Eliza.¹¹ Barton's cabin and the springs are depicted in an 1839 map of Austin. The spot became known as "Barton's" or Barton Springs.

As Austin grew, Barton Springs was a favorite spot for fishing, swimming and sight-seeing. Barton kept two baby buffaloes at his place, and the tamed animals were part of the attraction. Indian encounters were still an occurrence at the site in to the 1840s. Barton had a reputation as a skilled Indian fighter, and several versions of a close call he had at the Springs are told in the memoirs of early Texas settlers. Barton sent his older sons to Bastrop to conduct some business, and became concerned when they did not return on time. He walked out from the house to the top of a hill to look for them and was surprised by a group of Indians who shot at him. He turned and ran towards the top of the hill, then pretended to signal to others in the valley to come to his rescue. The ruse worked and by the time the others actually arrived the Indians had turned and left. Barton assured his friends that they would surely have been killed, had they not been as quick-witted and fast as he.¹²

In 1839, Barton made an agreement with Lewis Capt and Company for use of the stream of water from the "big spring", probably the Main Spring, and land on the north bank of the creek as needed to erect a saw mill building, equipment and supports, in exchange for all the lumber and planking that he or his children might want for building on Barton's place. The agreement also required Capt's promise not to build a grist mill or raise the water in Barton Springs.¹³

In April 1840, William Barton died. He prepared a will a few days before his death, leaving his property -- the labor of land at the springs, livestock, wagons, farming implements, furniture and kitchen goods and eleven slaves -- to his children. Barton was survived by six children: Wayne, Parthenia (married to Richard Lloyd, an attorney), Eliza, Ailiff (or Arliff), William and Willifred (or Willford).¹⁴ Due to the confusion over the actual



*City of Austin and Vicinity, 1839, W. H. Sandusky.
Excerpt showing Spring Creek and "Barton's".
Texas General Land Office, Map 3149.*

In 1840, George W. Bonnell, a journalist and soldier who came to Texas during the war for independence, published an account of the springs at about this time in his Topographical Description of Texas, to Which is Added an Account of the Indian Tribes, as follows:

Spring creek is a stream of eighteen miles in length, which enters the Colorado from the west, one mile above the City of Austin. It rises in the mountains, and after running a few miles, almost disappears; but about one mile from the river, at a place called Barton's springs, it is again supplied with water, by four large springs, which supply a stream of sixty feet in width and four feet deep, and runs with a brisk current to the river. A company are about erecting a mill at this place. A portion of the land, towards the head of this creek, is broken and hilly, but of a rich quality and well supplied with timber. It has extensive, rich and beautiful valleys, and some excellent table land upon the hills. Towards the mouth, it runs through a country beautifully undulating, rich and agreeably interspersed with woodland and prairie.



These gentlemen appear to be standing at the Main Spring. The photograph is undated, and the people are not identified. CO0078 Austin History Center, Austin Public Library.

ownership of the labor of land, it would take fifteen years before the will was finally settled. The children got into several disputes over the care of the younger children and the disposition of the assets of the estate. Also, in that time Wayne, Eliza and Ailiff would marry, have children and die. The question of the ownership of the labor of land was finally resolved by a decree of the Travis County District Court issued in 1855. The labor of land was then sold on behalf of the heirs to A. B. McGill for \$5,044.50.¹⁵

While Barton's estate was being settled by the courts and his heirs, occupancy of the property at the springs continued. Wayne Barton, the eldest son, was elected the first sheriff of Austin in 1840, and continued to live at the springs with his siblings and friends of the Barton family. A soldier who fought in the Battle of San Jacinto during the revolution, he applied for the donation land grant of 640 acres he was entitled to as a veteran, perhaps on land adjacent to William Barton's labor at the springs. In 1841, Lewis Capt sold his share of the sawmill business to his partners, several members of the Stussy family. In 1842, two Indian attacks were recorded near the springs, and the cost of a swim became quite dear, since lives were lost in the attacks. In 1845, newspaper accounts reported that John Grumbles, a pioneer and Texas Ranger, had purchased the Barton place at the springs, although the particulars of this transaction are not recorded. Grumbles continued to live near the springs, and participated in a Fourth of July celebration there in 1853, preparing a delicious barbecue meal for the assembled crowd. In all the confusion over the ownership of League 21, originally granted to Henry P. Hill in 1835, court records show that the land was sold at the courthouse steps against property tax debts several times in the 1850s. Hill's ownership of the league of land, exclusive of two subdivisions previously made for William Barton's labor and Wayne Barton's donation grant, was finally resolved by a decision of the Travis County District Court in 1869, in favor of Hill.¹⁶

As a site of natural wonder, visitors to Austin often made a special trip out to see the springs. A young Rutherford B. Hayes made a horseback trip through Texas in 1848, visiting a college friend in Brazoria County. During that trip, Hayes visited the springs and recorded his impressions in his diary:

Tuesday, February 20.--Weather warm and balmy, but cloudy. Walk with Uncle over the Colorado to Barton Spring, named after the Barton who sent word to the commanding officer of a company of Regulars, sent out to guard the frontier, that if he didn't withdraw, "he would let the Indians kill them." [The] spring is large but not unusually so. P. M., ride to the top of Mount Bonnel, north of Austin--a steep, high hill overlooking the valley and affording a fine view of mountain scenery, stretching off towards the northwest. Evening spent with Judge Wheeler, talking over old times.¹⁷

From court records, dam building at the creek began in the late 1850s. McGill sold the Barton labor to Thomas Collins in 1857. Collins sold the portion of the Barton labor on the north side of the creek back to McGill in 1858, retaining control of the springs and enough land on the north bank of the creek for the construction of a dam or dams. The deed allowed for McGill to construct a dam no more than 4' high at the mouth of "said spring", if he felt it necessary to strengthen the spring. From the deed, it is not clear which spring might need strengthening, nor are there any records of whether a dam or dams were actually built at this time by McGill or Collins. The following year, Collins sold the land on the south bank of the creek and the water rights to Thomas Tumey. A year later, Tumey sold the land and water rights to John Rabb, whose heirs would hold the land for the next century.¹⁸

John and Mary Rabb were early settlers of Texas, arriving in 1822 as part of Stephen F. Austin's Old Three Hundred colonists. Prior to coming to Barton Springs, they lived in several locations on the Brazos and Colorado Rivers, and built and operated a saw and grist mill in Fayette County. They had nine children. At Barton Springs, they lived in a log cabin and raised a herd of cattle on their 50 acres of land. John died in 1861, and deeded the land to his youngest son, Gail Texas Rabb, with a provision that gave Mary possession and control of the property until the time of her death. Mary and the children continued to live and ranch at the springs. In 1867, Mary had a two-story limestone house built near the log cabin. She died in 1882, and her son Gail and his wife Isabella continued to live at the site. Gail Rabb died in 1929. When Isabella Rabb died in 1934, she left the Rabb homestead and 10 acres surrounding it to her only daughter, Mayme.¹⁹

After the Civil War, a gradual shift in the land uses around the springs began, as more intensive industrial uses were intermixed with ranching and farming. Civil War veteran William C. Walsh, his mother and three younger brothers moved to the springs in 1866. Walsh farmed, hauled wood and ran a rock quarry with the assistance of his younger brothers. Given that the spring on the north bank of the creek was once called Walsh Spring, it seems that the Walsh place was on the north bank, and probably included the saw mill site that Capt and Stussy had established. The Walsh family owned property at Barton Springs for the next forty years.²⁰

Michael Paggi arrived in Austin by 1870 and lived near the springs. He operated an ice manufacturing business and a grist mill at the Old Mill Springs. Paggi's grist mill was described in a newspaper account as follows:

We visited yesterday Barton's Springs immediately opposite the city. In our



*Paggi's Mill, circa 1876. (Hermann Lungkwitz painted an image of the mill very similar to this photograph in that year.)
CO 3293, Austin History Center, Austin Public Library.*



Eliza Spring, circa 1870. This image was used in a tinted postcard souvenir view. Note the carriage shown in the upper left. PICA 00987, Austin History Center, Austin Public Library.



Paggi's Mill, circa 1870. Also used in postcard souvenir views, note the "two-bit tub". PICA 00986, Austin History Center, Austin Public Library.

ramblings along the stream we came across Paggi's Grist Mill, which is doing an extensive business. He has one of the springs dammed up, with the waters escaping through a narrow passage which runs his mill, equal to about five horse power. Mr. Paggi turns out about five bushels of meal per hour, and has ready sale for all he can grind. The spring is beautiful, being about two hundred feet in circumference and about fifteen feet deep and arranged around the springs for visitors, where they can sit around and chat, and look at the beautiful trout playing in the deep clear waters. Mr. Paggi does not allow fishing in the spring, as he is trying to raise them and does not want them molested for the present. This is a very pleasant drive and our pleasure seekers should visit it.²¹

Newspaper accounts in the 1870s also described the springs as a popular destination for Sunday afternoon carriage rides. Paggi encouraged visitors to the site, building a bath-house for changing and renting swimming suits for visitors to use.

The indefatigable Paggi has been making improvements in his stand near the post-office, where he is prepared to furnish cooling draughts to refresh the inner man. His bathing houses at Barton's Springs are now completed, and he is ready to receive ladies and gentlemen. He provides the bathing suits, and other necessities. He has also, on the way to Austin, what is called a Mexican fandango, or a set of revolving horses and carriages, which will be accompanied with a fine organ, made expressly for it, and chock full of grind.²²

Barton Springs was also a popular spot for military reunions. Walsh, a veteran of the Civil War, was perhaps involved in these. In 1873, the survivors of Hood's Brigade met at the springs to mark the anniversary of the Battle of Gaines Farm. Walsh was seriously injured in that battle, and walked with a crutch the rest of his life as a result of his wounds. In 1875, Terry's Texas Rangers held a reunion at the springs. The newspaper account of the reunion noted the clear, limpid stream, the majestic walnut grove (perhaps a mistaken reference to pecans) and the beautiful spring belonging to Captain Walsh, enhancing the activities of the event.²³

The interest in harnessing the water power of the springs grew stronger in the last quarter of the 19th century. The western branch of the Houston and Texas Central Railway came to Austin in 1871, opening the local markets to fast, reliable means of transport. The following year, a group of merchants organized a Board of Trade to advance the business and manufacturing interests of the city. Water power, and the manufacturing opportunities it opened, was of particular interest to the Board of Trade. In this spirit, a glowing article was published in the Daily State Gazette in August 1876, describing the springs as follows:

Local News: Ye business manager spent a day at Barton Springs, and our little party enjoyed the change from the heated streets of Austin to the cool shade of Barton, very much indeed. This, after a sojourn in Austin of nearly three years, was our first visit to this truly pleasant place, and we were agreeably disappointed, for we had no idea of finding such a volume of pure cold water so near our city. It reminded us of the Cold Mountain Springs of Virginia, and made us sigh for home. When Austin is supplied with this water (which will not be long) she can boast of having the best of any city in the Union. With the splendid water power of Barton Springs, it is strange that all you see in the way of machinery or factories is the little "two-bit tub mill", for making corn meal. It has water power sufficient for most any kind of machinery, and is the best opening for a paper mill to be found anywhere. The water is as clear as a crystal, never gets muddy, and is admirably adapted to the manufacturing of paper and Texas can supply the material for all grades of newspaper very cheap. Her grasses are said to possess the finest fiber for this use. It can't be long till Barton Springs passes into the hands of manufacturers. Her water power, etc., has gone unutilized as long as it can. The rapid improvement of Austin will soon dot this creek with splendid factories. There is building stone in abundance. It is easily worked and of a very superior quality.²⁴

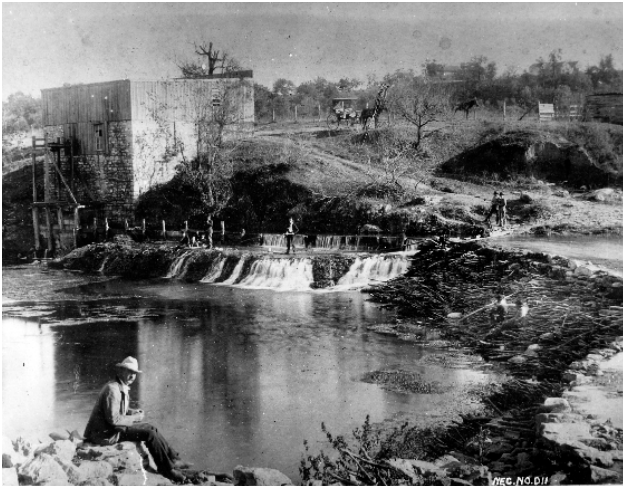
The reference to a "two-bit tub mill" in the article may have referred to Paggi's mill, which had been in operation for about five years. Paggi, in addition to suffering the backhanded criticisms of the business reporter, also struggled with the ebb and flow of water from the springs. The water became quite low at the Old Mill Spring in late 1876, a condition reported in the *Daily Democratic Statesman* in January 1877:

People who have been over to Paggi's mill and listened to the roar and rush of water from the immense Barton's Spring, which has so long been the pride of this city, will be astonished and mortified to learn that it has nearly gone dry and that now only a hole of muddy water is to be seen where a boiling bubbling spring with sufficient volume to turn a mill has roared for ages gone by. The spring has been failing for a long time, and Mr. Paggi has not, therefore, been able to run his mill for three or four months past. But very little rain has fallen in this section in the past six months, and whether the beautiful Barton Spring will resume its past vigor when the rains set in again remains to be seen. Possibly the damming of the spring for mill purposes has forced a change in the vein, and that now the outlet is in the bed of the river.²⁵

At about the time the *Gazette* article about the untapped power appeared, Gail Rabb leased the creek water power and an acre of land to Michael English, E. G. Dorr and Robert English for the construction of a mill. The lease stipulated that the mill be built on the south bank, downstream of Walsh's Spring on the north bank, with a dam of a height not more than sufficient to raise the water eight feet above the present water level of the



*English & English Mill, circa 1880.
PICA 00975, Austin History Center, Austin Public Library.*



English & English Mill, circa 1880.
CO00077A, Austin History Center, Austin Public Library.

Robert Thomas Hill, a geologist with the United States Geological Survey, described the springs in *On the Occurrence of Artesian and Other Underground Waters in Texas, Eastern New Mexico and Indian Territory, West of the 97th Meridian*, published in 1892.

In the vicinity of Austin are other groups of artesian springs of remarkable beauty and scientific interest, breaking along the line of the great fault in which the Colorado flows Of these Taylor and Barton springs are the best known. The latter group occur in each side of Barton Creek, near its junction with the river and flow superb volumes of water. A mill is run by the water power from Barton Springs, but it would be impossible to conduct irrigation with the waters owing to their low position relative to the Colorado. The water power which is now mostly wasted should be utilized. These springs are beautifully situated and are the favorite resort of the people of Austin; they are surrounded by pleasing groves of pecan timber and picturesque rocks. Their aggregate volume must reach many thousands of gallons per minute.

Based in part on the research compiled by Hill, the USGS began measuring flows at the springs in 1894.

stream. The lease also allowed for the use of two additional acres of ground for a residence and garden by the proprietors of the mill, and prohibited any interference with Paggi's mill, as well as the grinding of corn for meal, the sale of spiritous liquors and nude bathing in the creek.²⁶ The Daily Democratic Statesman reported on the progress of the construction of the mill several years later:

A reporter of the Statesman yesterday paid a visit to the new flour mill being built over on Barton by Messrs. English, Dorr and English. The mill is three stories high and of good size, and by the latter part of next week everything will be in readiness for manufacturing flour. They have a turbine wheel, which, with their present supply of water, will give them forty-horse power and turn two run of stone of four feet each. Fifty barrels of flour a day is the present capacity of the mill, but this can be doubled whenever occasion demands. The Messrs. English, father and son, are practical millers, and Mr. Dorr was formerly connected with the city hotel.²⁷

The Englishes continued to operate the flour mill through the 1880s until a fire destroyed the facility in 1886. The Englishes ended the agreement with the Rabbs, which had been negotiated through 1896, removed their machinery from the site and conveyed the mill dam, foundation, race wall and water wheel flume to the Rabbs.²⁸

Around the time of the fire, Rabb sold a 5.85 acre portion of his land to Jacob Stern. The property included the Old Mill Spring and the improvements and mill built by Mr. Paggi. The Rabbs retained all their rights to Barton Creek and the creek water power. Mr. Stern operated the Barton Springs Feed Mill at the site.²⁹

In 1890, Rabb sold land on the south bank of the creek, including the creek bed and water power rights but exclusive of the tract sold to Stern, to Richard Wooley of San Antonio, for \$15,000. Rabb retained a vendor's lien on the transaction. It is unclear whether Wooley actually took possession of the land, and Rabb sued Wooley when he did not make the second payment on the sale. Rabb recovered the land in 1895.³⁰

By the turn of the century, the Rabbs owned considerable acreage in portions of the original Henry P. Hill league, on beyond the south portion of the Barton labor. They began to sell these lands off to various buyers, and thus begins the next major transition at the springs. In 1907, Gail Rabb sold the land along the creek, including the Main Spring, to A. J. Zilker. Rabb reserved a tract upstream of the Main Spring for the Rabb residence.³¹

Andrew Jackson Zilker, an Austin businessman, was born in New Albany, Indiana. As a youth, he read a description of Austin in Henderson Yoakum's *History of Texas*, and on the basis of this description decided to make his way to Austin. He arrived in 1876 at age

eighteen, on a Saturday night with only fifty cents in his pocket. He spent half on lodging and the other half on food, went hungry the next day and got a job on Monday as a construction worker on the International and Great Northern railroad freight depot.

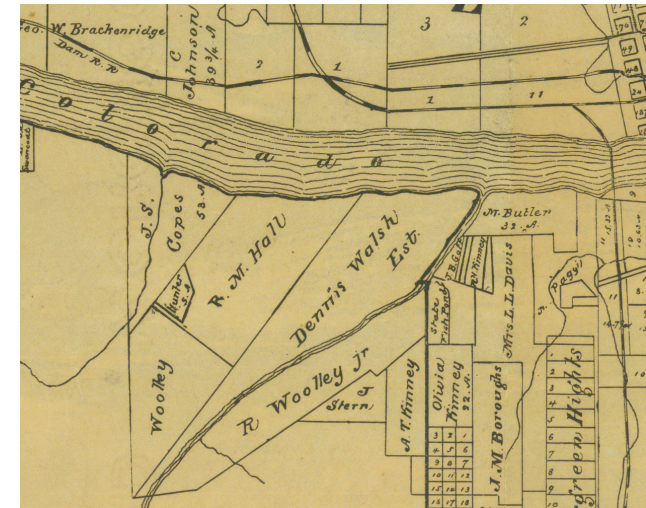
Zilker became interested in the workings of an ice plant on Colorado Street on the north bank of the river. He took a job there as a fireman, earning \$1.25 a day, to satisfy his curiosity about how artificial ice was made. After a few weeks he was employed as the plant engineer, and three months after that, he leased the plant from the owner. He went on to own and operate his own ice plant, and was engaged in the ice business in Central Texas for the rest of his life.³²

He held a number of business and political positions, outside the artificial ice business. He was a volunteer fireman, a city alderman for the Tenth Ward and was the Water and Light Commissioner in Austin for a time. He was a director of the First National Bank. He was especially interested in education, and was on the Travis County Board of Education for many years. He was an advocate of practical education in the public schools, including manual training and home economics, in “the useful arts and sciences”, and could point to his own rags to riches story as an illustration of the importance of this training.

Zilker married Ida Pecht in 1888, and the couple had four children. In 1899, the family moved in to a handsome two-story house Zilker had built at the corner of East Second and San Jacinto. In 1901, Zilker began acquiring property around the springs, when he purchased about 350 acres on the south bank of the Colorado. He continued to accumulate property in this area through 1913, acquiring Walsh's Spring (Eliza Spring) on the north bank of the creek in 1901 and the Main Spring and Old Mill Spring on the south bank of the creek in 1907.³³

Zilker used the land for farming and ranching. He raised feed for horses, which were used in the ice business. Large blocks of ice were delivered by horse-drawn wagon to homes throughout Austin, for use in ice box refrigeration. He also raised livestock on the ranch.

Andrew Zilker was an early member of the Benevolent and Protective Order of Elks, Austin Lodge #201, which was founded in 1891. The Lodge membership underwent a growth period in 1901, when 65 new members were added to the rolls in three months. In 1902 the membership jumped to 196, and in 1903 Lodge #201 hosted the Elks "State Encampment", a convention gathering of lodges from across the state of Texas. Zilker had a stepped amphitheater structure built around Eliza Spring at about the time of the State Encampment, perhaps even in honor of the event. The amphitheater is an open-air



*Austin and Surrounding Properties, 1891, Bergen, Daniel & Gracy.
Excerpt showing land owners surrounding Barton Creek.
Texas General Land Office, Map 421.*



PICA 00972, Austin History Center, Austin Public Library.



PICA 00971, Austin History Center, Austin Public Library.



PICA 00973, Austin History Center, Austin Public Library.

Three views of the Zilker Amphitheater, at Eliza Spring. The photographs are undated, but were probably taken around 1915. These may even be views of the "R.N.G. Club", described by Zilker's grandson, A. Z. Thompson.

The R.N.G. Club is spending a few days in camp at Barton Springs under the chaperonage of Mr. and Mrs. Bonear. Among those who are enjoying the "simple life" are Ann Zilker, Kathalene McCallum, Evelyn Chumney, Winifred and Katherine McQueen, Daisy McCullough, Lois Martin, Mary Clark Weir of Houston, Bessie Malone, Eloise Thatcher, Elenore Atkinson, Theresa Martin, Helen Haynes and Katherine Alford.

Undated newspaper clipping, cited by Andrew Zilker Thompson during an address.

meeting space, built in a large stepped oval around the mouth of the spring. The scored concrete walls above the stepped seats of the amphitheater are decorated with an embossed elk and the star and wreath insignia of the Elks. Two smaller panels are incised to read "Wm. Barton's Springs, March 10, 1838" and "A. J. Zilker, Feb 24, 1903". The 1903 date may be the construction date of the amphitheater.³⁴

The Zilker family used the springs for family gatherings and celebrations. Andrew Zilker Thompson, a grandson, described a time when his mother, Ann, and a group of friends dubbed the R.N.G. Club (which stood for the Rough Neck Gang Club) camped at the springs in 1915. Mr. Zilker "would visit the campers and bring them food and young men from the University would come out with their banjos and serenade them." Andrew and Ida Zilker were planning to build a house on the land, in about the location of the current Zilker Garden Center, when Ida Zilker died in 1916.³⁵

In 1917, Zilker approached the Austin School Board and the City Council with an offer to donate the tract of land at Barton Springs to the public realm. He proposed to donate about fifty acres of land, including the four springs at Barton Springs, to the School Board, on the condition that the city purchase the land from the schools for use as a public park. The purchase price of \$100,000 was to fund an endowment for industrial education and home economics training in the schools, called the Zilker Permanent Fund. The particulars of the arrangement were presented in August to both bodies, including a provision for a thirty foot wide easement from Bee Cave Road to the creek, to allow Zilker's livestock access to water. Zilker also allowed for the possibility of an easement across his lands to

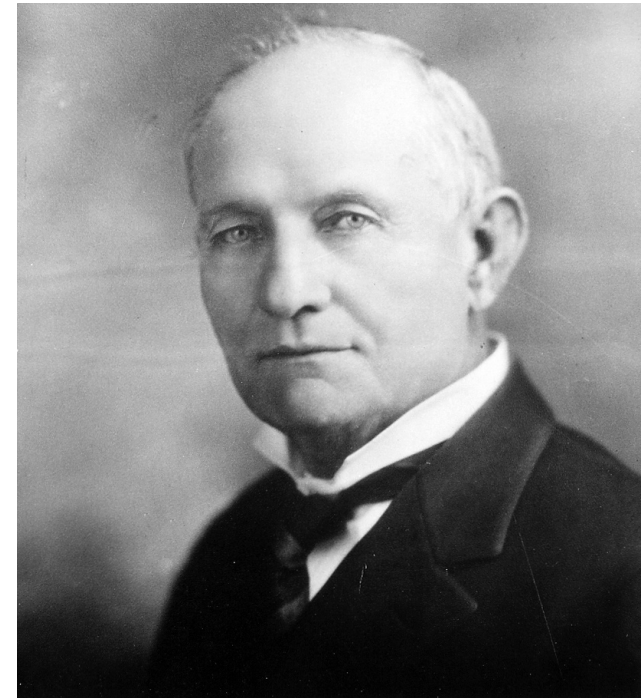
the city, should it choose to use the springs as a source of municipal water, for laying water mains from the springs to a remote pumping station. The Council accepted the proposal, in principle, and set an election for October to obtain the consent and authority of the voters.³⁶

Following the election, in which the voters approved the purchase of Barton Springs, the Council met on December 15, 1917 to consider a resolution to move forward with the transaction. The question almost failed, with two of the five Council members voting against the resolution. Concerns were raised over the size of the tract, which was determined to be only thirty-seven acres in size, once surveyed, as opposed to the “more or less fifty acres” previously described. Also, while the voters approved the purchase, there were 799 votes in favor and 635 votes against, and the passing margin was 157 votes less than a two-thirds majority. The two Council members who voted against the measure felt that the level of support for the purchase of Barton Springs was not sufficient to justify taking on the indebtedness required. The city attorney advised that all was in accord with the city charter and prepared the ordinance making the property transfer. The Council passed the ordinance by a vote of three to two on January 3, 1918, authorizing Mayor A. P. Wooldridge to accept a warranty deed from Zilker, execute promissory notes for payment and levy taxes to pay the notes and interest. The \$100,000 payment was made in \$10,000 increments, with 6% interest, over the course of the next ten years.³⁷

On January 15, 1928, Mayor P. W. McFadden made the final payment to J. Harris Gardner, with Austin school board, in a ceremony at the Majestic Theatre. Gardner presented the mayor with the deed to Barton Springs, and read a resolution of appreciation to Zilker from the school board. Andrew Zilker was proclaimed Austin’s Most Worthy Citizen of 1927. Over 800 people attended the awards ceremony, and more stood outside trying to get a seat. Zilker was lauded by state, city and school board officials and was presented a Hamilton watch by The Austin American newspaper. In his remarks, Zilker spoke about the things that moved him to make the gift to the public.

*Barton Springs is a sacred spot, dedicated to the memories of Robert E. Lee and Albert Sidney Johnston. We felt that it would be a wrongful thing for this beauty spot to be owned by any individual, and that it ought to belong to all the people of Austin. Who knows but what, through the discovery and development of talent in Austin schools, we may find here another Edison?*³⁸

In 1931, Zilker made a second donation of land to the public, under the same arrangement as the first gift. He gave an additional 300 acres of land, adjacent to the first gift, to the school board, on the condition that the city purchase the land for use as a public park



Andrew Jackson Zilker, undated, but probably around 1927.
PICB 11162, Austin History Center, Austin Public Library.

*Save a little of what you have, and always
remember that success is based on hard work.*

A. J. Zilker



Barton Springs, circa 1917. This image was included in Report on the Dam and Water Power Development at Austin, Texas. Austin History Center, Austin Public Library.



City of Austin and Suburbs, 1925, Dixon B. Penick. Excerpt showing Barton Springs as a "free tourist camp". Texas General Land Office, Map 76203.

for \$200,000. In 1934, he gave a third tract of land to the city, adjacent to the first two gifts. The three tracts make up present day Zilker Park, the largest metropolitan park in Austin. In 1931, Zilker was again named Austin's Most Worthy Citizen. He died on June 20, 1934, and his funeral was attended by dignitaries from state, county and city government and the school board. In 1950, Zilker Elementary School was named in his honor.³⁹

Once the city acquired Barton Springs, they had an abundant source of municipal water. There was a severe drought in Central Texas in 1917 and 1918, limiting crop production in an era when horses and mules were used in most businesses, not motors and engines. The United States entered World War I at this time, and the Austin Chamber of Commerce worked to establish a military camp or facility near the city. As water supplies fell, it became clear that there was barely enough water for the citizens of the city, let alone a military camp. The Chamber prepared estimates for piping water from Barton Springs under the river and into the municipal water supply infrastructure. Rains began, relieving the drought conditions, and the massive undertaking was never begun.⁴⁰

Instead, the city fathers began to think of the springs as a municipal amenity and a tourist attraction. By 1920, Austin had been dubbed the "Automobile City of Texas" by the *Austin Statesman*, and there were 6,000 vehicles in the county. In 1921, work began on several automobile tourist camps in Austin parks, including one at Barton Springs. Godfrey Flury, a painter with an emphasis in outdoor advertising, donated road signs for the new campgrounds. The billboards may have been effective in directing tourists to the springs, but many in the city found billboards unsightly, and by 1928 the citizens had amended the city charter to prohibit billboards.⁴¹

In 1922, the Chamber of Commerce and the Lions Club funded the construction of a public bathhouse on the north bank of the creek. The two story wooden structure was designed by Hugo Kuehne, Austin native, MIT trained architect and an organizer of University of Texas School of Architecture. In 1915, Kuehne established a private architectural practice in Austin and completed many projects for the City of Austin. He also served on city boards and commissions, including the Parks Board and the Planning Commission. The building had men's and women's dressing rooms on the first floor, a dance pavilion on the second floor, and a wide promenade on three sides.

A 1923 article in a special Industrial Trade and Expansion issue of the *Austin Statesman* described the many attractions Austin offered to tourists.

Less than two miles from the heart of Austin's business district is to be found Barton Springs which promises to become the playground of the city's denizens. The city

authorities are expending a considerable sum of money to make the park about the springs attractive for visitors and a bathing resort has been conducted there for several years. Up-to-date facilities, including a bathing pavilion, are being installed to make the place as attractive as possible to those who on a hot summer's day seek a place to cool off.

Among conveniences that are being provided at Barton Springs for automobile tourists are electric lights and water pressure. Hydrants supplied from an underground water pressure system are being placed at convenient distances to provide a convenient water supply for camping motorists.⁴²

In 1927, the City Council instructed the City Manager to install a septic tank at the tourist camp grounds, and also approved plans for restrooms at the camp. By 1928, though, the vision for the use and development of the park had changed, and the Council voted to discontinue the tourist camp at the site.⁴³

Public interest in developing a city parks system came in to full force in the mid-1920s. A 1923 editorial in the *Austin Statesman* decried the limited supply of public park land, finding the supply of less than one acre for every 1,000 inhabitants deficient. The editorial noted that the city was growing, and advocated setting aside large tracts for parkland, to avoid the possibility of later having to tear buildings down to create parks.⁴⁴

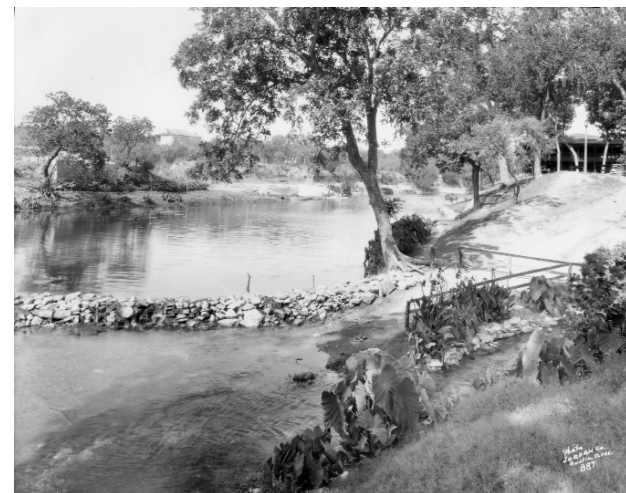
The growth in Austin taxed the existing city infrastructure of utilities, amenities and public services. As a remedy, Austin adopted a council/city manager form of government in 1926 and the Council instructed the new City Manager, Adam Johnson, to prepare a plan of action to solve the problems. To assist in this effort, an unpaid advisory board called the City Plan Commission was created, and the city hired the Dallas firm of Koch and Fowler Engineers to prepare a city plan for Austin.

In 1928 the City of Austin adopted a five-year plan that recommended the development of parks ranging from small neighborhood playgrounds to large nature reserves. The Koch and Fowler plan spoke favorably of Barton Springs Park, and made specific recommendations for improvements that might be made in the park.

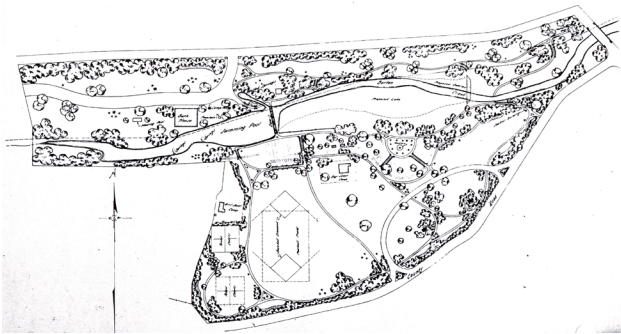
The city is also fortunate in the possession of Barton Springs Park. This is a tract of thirty-seven and thirty-one one hundredths acres upon which considerable improvement has already been made, and for which future improvement plans have been adopted by the present City council with the idea of installing such improvements immediately. This park should be enlarged on the east by the acquisition of the property remaining between the present property and the rock bluff. The proposed improvements for the development of Barton Springs Park are



*Barton Springs Pool, circa 1918.
PICA 20641, Austin History Center, Austin Public Library.*



Barton Springs Pool, circa 1925. Prior to the construction of the permanent dam, temporary rock dams were built each spring to make the pool. C01803, Austin History Center, Austin Public Library.



Plan Showing Development of Barton Springs Park, from A City Plan for Austin, Koch & Fowler, 1928.

shown on Plate No. 5 of this report.⁴⁵

The first parks board, actually a committee of businessmen from the Austin Lions Club, was formed in 1928, and a bond election for park and playground acquisition and development funds was passed the same year. That same year the City established the Recreation Department and hired its first paid Superintendent of Recreation, James Garrison.

In October, the City Manager presented his program of proposed improvements at Barton Springs, to include “the erection of a dam, retaining wall, storm sewer and other improvements”. The Council approved the recommendations of the City Manager and authorized \$50,000 for the work. Bids were taken immediately and presented to the Council a month later. Contracts were awarded to J. A. Johnson for \$22,536.25 and to C. A. Maufrais for \$3,590.50.⁴⁶ The drawings for the dam and retaining wall work were prepared by the City Engineer’s office in October 1928. The work included the current downstream dam and a children’s wading pool, installed in the shallow end of the Pool. The children’s wading pool had a raised concrete floor, installed over several feet of gravel fill, and a retaining wall surrounding it. The drawings also included a sidewalk on the north bank of the creek, adjacent to the children’s wading pool.

The following year, the Council considered bids for paving, curbs and gutters for parkways and driveways in Barton Springs Park. They also approved the plans for a concession stand and caretaker’s cottage, both designed by Hugo Kuehne. The concession stand, designed to suggest the appearance of a wind-powered mill, was built on the north bank of the creek, to the east of Eliza Spring. It was demolished in 1959, when the current concession stand was built. The caretaker’s cottage is still in use, although it is within the fenced perimeter of the parks maintenance compound.

In late 1929, the Council received bids for the construction of baseball diamonds and bleachers, and the construction took place the following year. The baseball diamonds remain today on the south bank of the creek. At the end of the year, the Parks Board recommended the expenditure of an additional \$14,045 for the construction of a concrete trap dam above the children’s wading pool (the current upstream dam), sidewalks on the north and south sides of the Pool, retaining walls on portions of the north and south sides of the Pool and the removal of accumulated gravel from the Pool. The Council approved the request, and considered bids for the work in early 1930. A bid of \$3,949.40 from the Austin Bridge Company was accepted for the construction of the trap dam, upstream of the children’s wading pool. Sidewalks and retaining walls on the south side of the Pool were also built in 1930. Playground equipment, fences and backstop improvements were



*Pool, downstream dam and “mill” concession stand, circa 1939.
PICA 22842, Austin History Center, Austin Public Library.*



*Construction of the downstream dam, 1928.
C01818, Austin History Center, Austin Public Library.*

installed, as well.⁴⁸

At the end of 1931 the Council accepted in principle another gift of land from A. J. Zilker of over 300 acres, located north of the Barton Springs Park tract. Mr. Zilker proposed a similar arrangement as had been done for Barton Springs. Perhaps beginning to feel the pinch of the Great Depression, the Council asked for more favorable terms, in the form of a reduction on the interest rate to be paid. Mr. Zilker declined, wishing to endow the school fund to the greatest extent possible. The question was put to the voters, who approved the purchase of the new parklands. Ultimately, the Council paid one quarter of the purchase price in a lump sum, saving the interest expense that way. The deed for the new park was conveyed in August 1932. In May 1933, the Council passed a resolution



*Pool, and wooden bathhouse, circa 1926.
C01825, Austin History Center, Austin Public Library.*



*Barton Springs Pool, circa 1925.
C01802, Austin History Center, Austin Public Library.*

Aerial view, Barton Springs Park and Zilker Park, circa 1934. The old Bee Caves Road is still in place in this image, just above the pool parking lot. The new park roads are being laid out. PICA 17205, Austin History Center, Austin Public Library.



creating a single park from the tracts of land, to be called Zilker Park, in appreciation of the generous gifts of A. J. Zilker.⁴⁹

The new parkland would require considerable investment of planning and design to convert the ranch and farm lands and the old quarry and clay pit sites to a beautiful recreational amenity. Once the plans were laid, another investment in the construction of the improvements would be required. For similar projects, such as Shoal and Waller Creek improvements, the city had worked together with the Texas Reconstruction and Relief Commission. The city provided materials, tools and technical supervision, and the TRC provided labor. The federal government provided the funding, which was administered by the state agency. A similar arrangement would be used for the work at Zilker Park.

Charles H. Page, a local architect, was appointed to the Park Board in 1933. Page had



Aerial view, Barton Springs Park and Zilker Park, circa 1934. The old Bee Caves Road is still in place in this image, just above the pool parking lot. The Zilker Ponds are under construction. PICA 17206, Austin History Center, Austin Public Library.

been practicing architecture in Austin since before the turn of the century, his firm specializing in the design of schools and courthouses. He completed work on the Travis County Courthouse shortly before his appointment to the Park Board. Page prepared the overall design for the development of Zilker Park, which was presented to the Park Board at the end of 1933. Page also secured the support and funding of the Civil Works Administration for the project. Funded for \$94,000, the Zilker Park project was the most generously funded CWA park project in the state.⁵⁰

Although the project emphasized the new, undeveloped tract to the north of the Barton Springs Park tract, there were changes and improvements made in the vicinity of the Pool. A bandstand was added on the hill above the north bank, and above that a “rock garden” (the Zilker Ponds) was built. The entrance road and parking areas were also reconfigured. As the work was nearing completion, an enthusiastic article in the local newspaper



*Zilker Ponds, "Charlie Page's rock garden", circa 1938.
PICA 20146, Austin History Center, Austin Public Library.*



*Zilker Ponds, being filled with water, circa 1938.
PICA 01001, Austin History Center, Austin Public Library.*

described the project and the rerouting of traffic:

..... the old asphalt road from the bridge to the entrance of the swimming pool will be abandoned as a roadway. Cars headed for the pool in the future will enter the park, then bear to the left over a hill by the old reptile institute, pass through the old gravel pit and into the pool's parking area at the present exit on the southwest. Returning autos will come out over a short stretch built from the old entrance to the county road. Traffic thus will be moved in a loop with congestion at the point of entrance to the pool eliminated. The old road will not be torn up, Dale said, but will be leveled down for use as a roller skating surface up to the old Barton Springs entrance point. Beyond that, it will be cut away to give a view of Charlie Page's rock garden.⁵¹

In the spring of 1934, the CWA was closed and the Zilker Park project was shifted to the control of the National Parks Service, through the Civilian Conservation Corps. CCC Company 1814 set to work in the park at the end of April. The CCC work diaries note that the rustic light standards at the entrance to the Barton Springs area were built that spring, as were the Zilker Ponds. The park was opened to great fanfare in the summer of 1934.⁵²

In April 1934, A. J. Zilker made a third gift to the city of 32.5 acres, located west of Barton Springs Park, on the north bank of the creek. Zilker suggested that this new park be called Page Park, in recognition of the work of Charles H. Page, Sr. in the design and construction of the improvements to Zilker Park under the RFC, CWA and CCC. This final gift of land was just that -- a gift out right, without any money changing hands. The Council was again moved to publicly thank Zilker. Zilker, who had made the gift while ill and bedridden, died a few months later.⁵³

In 1933, the Recreation Department began the practice of annual reporting to the Council. The reports described activities and expenditures for the year, and included references to programmatic, operational and maintenance and improvement work completed during the reporting year. The annual reports are an interesting window in to the changes the department and the park facilities underwent, over time.

The major activities of the 1930s were program and activity oriented. A tradition for organized entertainment at the Pool was begun in these years, with swim meets, diving exhibitions, holiday pageants and celebrations and regular dances at the dance pavilion and band stand. Large crowds of spectators looked down on the Pool from the north bank. In 1933, the Lions Club petitioned the Council "to have erected at once long rows of cement seats on the north side of the Barton Springs bathing pool In order to better accommodate



*Entry gate to Barton Springs Pool, showing flood waters up to this level, June 15, 1935.
PICA 04154, Austin History Center, Austin Public Library.*



*Sunken Garden, 1933.
Photo: Alan Pogue.*



*Barton Springs Pool, opening day, 1936.
PICA 01009, Austin History Center, Austin Public Library.*

the large crowds that visit this resort.” The City Manager was asked to look in to this, and several years later the gallery seats were built. A bathing apparel review opened the 1937 swimming season, an event attracting some 5,000 spectators. Community singing, with weekly Thursday Night Sing-Song and swing music events, and gospel Sunday Night Sing-Song events were held at the bandstand on the hillside overlooking the Pool.⁵⁴

There were also two big flood seasons in 1935 and 1936, and the Pool was closed for extended periods those years. The Pool was closed twelve times in 1935 due to flooding. The flood of June 15, 1935, was perhaps the largest flood on record since 1869. The water coming down the creek and the water rising from the river converged at Barton Springs, rising to the level of the roofs of the wooden bathhouse and concession stand. The bandstand was completely destroyed, washed away in the flood. It took six days of intensive cleaning by 65 laborers and the entire Recreation Department staff of life guards and playground leaders to clean the site and get it open in time for the big 4th of July celebration at the Pool that year. The Pool was closed five times in 1936 due to flooding. During the flood of July 16, 1936, a 20 foot wall of water came down Barton Creek. The Pool was closed for eight days for cleaning after the flood.⁵⁵

After these floods, the Recreation Department made repairs to the wooden bathhouse and cleaned the grounds and the Pool. Additional assistance was provided by another federal relief agency, the National Youth Administration. The NYA was created in 1935 for the purpose of providing training and employment to youths 16 to 25 years of age. Again, the city provided supervision, materials and tools, and the NYA provided funding and labor. In 1936, a new band stand and comfort station was built on the hillside overlooking the Pool. The band stand, an open air platform, was used for the singing and music events held at the Pool throughout the swimming season. The comfort station, restrooms for men and women at the level below the band stand platform, was a welcome addition to the site.

In 1938, another NYA project was begun at the Old Mill Spring, Austin’s first “municipal sunken garden”. The project was designed by Delmar Groos, one of the architects who designed the Deep Eddy Bathhouse for the Recreation Department the year before. Groos had worked for the Recreation Department in his youth as a lifeguard and basket boy at Barton Springs, and was listed as the manager of the Pool in the 1935 city budget. He studied architecture at the University of Texas and established a practice with Dan Driscoll, an architectural engineer, in 1935. The Sunken Garden, a series of terraced flagstone platforms stepping up from the spring pool, was designed as a gathering and picnicking place. A flagstone stage and picnic tables to seat 300 were built on the stone terraces.⁵⁶



Even with the repairs to the wooden bathhouse made by the Recreation Department, the severe flood damage compromised the building. The floors of the dance pavilion heaved and buckled under the standing water, and the dances were no longer held at the building as a result. The park and the Pool grew in popularity, and 1938 was a record year for attendance. During World War II, Zilker Park and Barton Springs hosted large groups of bivouacked troops, with special swimming, musical and recreational events staged for the men. Maintenance and construction work during the war years was limited to small repair and addition projects, although the records mention the construction of a shallow gate in the lower dam at the Pool. Mrs. Goodall Wooten donated an aviary, placed near the Pool in 1943, stocked with parakeets, love birds and cockatiels. Community singing and musical performances continued at the hillside above the Pool. Swimming slacked off in the summer of 1945, due to a polio scare, but music remained popular, particularly at the end of the summer when gasoline rationing was lifted. In 1946, an enclosed ballcourt (now used as a maintenance building) was built near the caretaker's cottage.⁵⁷

In 1946, the old wooden bathhouse was razed and construction began on a new masonry bathhouse to commemorate the thirtieth anniversary of the city park. The new bathhouse was designed by Dan Driscoll, with assistance from Delmar Groos and Chester Nagel. Driscoll had worked as a staff architect for the Recreation Department in the late 1930s, and was an architect with the City Engineering Department when the Bathhouse construction drawings were prepared in 1945. The new Bathhouse included a central service office, with good views of the approach from the park and entrances to the public restrooms and dressing rooms. Tickets and basket tokens were issued from the service office. The basket



Dedication ceremony for the new Bathhouse, March 23, 1947 (above). PICA 20163, Austin History Center, Austin Public Library.

Bathhouse, south elevation, circa 1947 (left). PICA 17226, Austin History Center, Austin Public Library.



Bathhouse service office, central rotunda, circa 1947. PICA 17393, Austin History Center, Austin Public Library.



Many civic events have been held at the pool, like this one, circa 1940. PICA 17281, Austin History Center, Austin Public Library.



Barton Springs Pool, circa 1950. C01801, Austin History Center, Austin Public Library.

rooms were efficient, sanitary rooms, with a custom designed basket-hanger system that took up a minimum of space. The building materials were selected for maximum durability and minimum absorption. The project was published in *Architectural Record* magazine, a leading architectural journal, and described as a model of efficiency, beauty and durability. During the course of construction of the Bathhouse, the Pool remained open, but no admission was charged. The new Bathhouse was dedicated on March 23, 1947, the highlight of the year for the Recreation Department. A bronze plaque was unveiled, with the inscription:

In memory of Colonel Andrew Jackson Zilker. Friend of the people and of school children of Austin, he gave this beautiful park as a rich endowment dedicated to the happiness of the citizens of his beloved city, and their neighbors.⁵⁸

In the 1950s, attendance at the park and the Pool was strong. The Parks and Recreation Board, which had been dormant since 1940, was reactivated in 1951, and charged with studying the system of parks and recreation in the city. In general, the Parks and Recreation Board found that more playgrounds were needed in the city, and plans were developed for a play area in Zilker Park in 1952. The singing program had been expanded to include fine arts and theatre presentations. A permanent, concrete stage was constructed at the Zilker Hillside Theatre in 1952. Nature and wildlife programs were begun at the new theatre the following year. A new, permanent band shell and lighting were added to the Zilker Hillside Theatre in 1957. On the south grounds, the parking area at the south entrance to Barton Springs was enlarged and gravelled in 1952. New lighting was installed at the baseball diamonds in 1957. At the Pool, aluminum diving boards were installed in 1953. In 1955 and 1956, a time of drought, the flows at the springs were lower than usual. For the next three years, though, flooding caused serious damage and the Pool was closed for long periods during the swimming season for clean up and repair.⁵⁹

In 1955, the City acquired the old Rabb house and surrounding 29 acres of land on the south bank of Barton Creek. The Parks and Recreation Department had identified this as a vital property acquisition as early as 1953. The Builders Development Corporation assembled the Rabb land holdings and other adjacent parcels to create the new Barton Hills subdivision. The City purchased the property to provide a buffer between the new subdivision and the springs. The old Rabb house had partially burned in 1943, but Mayme Rabb continued to live there. After the City acquired the property, the remainder of the house was burned in 1956.⁶⁰

The old mill concession stand was demolished, and a new concession stand was built



*A day at Barton Springs.
Photo: Megan Peyton.*

in 1960. The structure is still in use today, located between Eliza Spring and the Bathhouse. In 1960, students from Austin High School, including a daughter of longtime Parks and Recreation Board member Bertha Means, began holding swim-ins at the Pool to protest the tacit segregation that had occurred in years past. The following year, the tacit policy was officially changed and the springs were integrated and open to all the citizens of Austin. The Zilker Eagle miniature train was put in operation in 1961, a surprising source of revenue for the park ever since. Jack Robinson, son of former Zilker Park manager “Buster” Robinson, became the manager at Barton Springs in 1965. The Pool was closed 40 days of the six month swimming season due to flooding. In 1966, the Pool was closed for 11 days during the swimming season, due to flooding. Also in that year, the Barton Springs staff “experimentally” moved the ticket taking function from the entry rotunda to the south gallery of the Bathhouse. The year after that, the office, lifeguard room and ticket taking functions were moved to a permanent space, built in the southeast corner of the women’s dressing area. In 1969, the Parks and Recreation Board and PARD Director Beverly Sheffield included a recommendation for the construction of a “culvert” to catch polluted creekwater that would otherwise enter the Pool.⁶¹

In 1971, the Zilker Playscape was opened adjacent to Barton Springs. The Pool was opened year round for the first time in March 1972. In 1973, the Pool was closed for long stretches due to flooding. Tree maintenance work was done at Barton Springs and Zilker Park. The Pool was closed at the end of 1974 and construction was begun on a floodwater bypass tunnel in 1975. The work was delayed by several months by a summer flood. The Pool reopened in March 1976. In 1978, an attendance record was set for the year with 421,000 bathers using the Pool.⁶²

The Pool was closed for long stretches in 1981 due to the Memorial Day flood and a subsequent flood in June. Repairs, including installing concrete on portions of the shallow Pool bottom and restoring gravel on the shallow “beach” on the north side of the Pool, were completed twice that year. In 1985 the Barton Springs Historic District was listed on the National Register of Historic Places.⁶³

In 1990 Barton Springs Pool and Bathhouse were designated City of Austin Historic Landmarks. In 1992, citizens of Austin led the initiative for the Save Our Springs Ordinance to protect the aquifer and the springs. In 1996, the Austin Nature and Science Center opened a new satellite facility in the Bathhouse, including a gift shop, classrooms and an exhibit hall. In 1997 the Zilker Park Historic District was listed on the National Register. Also in that year, the Barton Springs Salamander was listed as an endangered species by the

U.S. Fish and Wildlife Service. Degradation of the quality and quantity of water feeding Barton Springs was cited as a primary threat to the species. The Parks and Recreation Department and the Watershed Protection Development and Review Department formulated guidelines for the management of the surface habitats of the salamander, changing the operation and maintenance procedures at the Pool to gentler practices. In 1998, the educational exhibit Splash! Into the Edwards Aquifer was opened at the Bathhouse by the Austin Nature and Science Center. The permanent exhibit tells the story of water migration through the Edwards Aquifer ecosystem.⁶⁴

On June 29, 2002, a wall of water flowed down Barton Creek and through Barton Springs Pool. The flow continued until July 11. The staff of Barton Springs Pool worked furiously after that date, cleaning and repairing the flood damage. The Pool was reopened to the public on July 20, 2002.⁶⁵

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