

35091-C  
KB

November 14, 2005

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
PO Box 13087  
Austin, Texas 78711-3087

Re: Application of City of Bonham to amend CCN No. 11186 and 20460 and to obtain dual Certification with portions of Southwest Fannin County SUD and White Shed Water Supply Corporation and to decertify portions of Bois D' Arc MUD and Ravenna Nunnelee Water Supply Corporation with the Texas Commission on Environmental Quality  
To provide water & sewer utility service in Fannin County

Dear Madam or Sir:

Please accept this letter as notice of opposition and a request for a public hearing in Bonham, Texas regarding the above referenced application submitted by the City of Bonham. As a resident living in the area affected by the application submitted by City of Bonham, I believe I deserve a public hearing and a much more detailed explanation of the changes this amendment of the City of Bonham to amend CCN #11186 and 20460 and to obtain dual Certification with portions of Southwest Fannin County SUD and White Shed Water Corporation and to decertify portions of Bois D' Arc MUD and Ravenna Nunnelee Water Supply Corporation with the Texas Commission on Environmental Quality to provide water and sewer utility service in Fannin County would bring to Fannin County.

Respectfully,

*Judy L. Cloer*  
353 CR 2520  
Bonham, TX. 75418

**RECEIVED**  
NOV 28 2005  
TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

November 14, 2005

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
PO Box 13087  
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Re: Application of City of Bonham to amend CCN No. 11186 and 20460 and to obtain dual Certification with portions of Southwest Fannin County SUD and White Shed Water Supply Corporation and to decertify portions of Bois D' Arc MUD and Ravenna Nunnelee Water Supply Corporation with the Texas Commission on Environmental Quality  
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Respectfully,

*Joe Lu Choe*

353 C.R. 2520

Bonham Tex. 75418

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NOV 28 2005

TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

REQUEST FOR PUBLIC HEARING

35091-C  
KB

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

Regarding: Application by City of Bonham to amend CCN Nos. 11186 and 20460 and to obtain dual certification with portions of Southwest Fannin County SUD and White Shed Water Supply Corporation and the decertify portions of Bois Darc MUD and Ravenna Nunnelee Water Supply Corporation with the Texas Commission on Environmental Quality to provide water and sewer utility service in Fannin County.

Name: \_\_\_\_\_ Cynthia Godbey \_\_\_\_\_

Mailing Address: \_\_\_\_\_ 1253 CR 4205, Bonham, TX 75418 \_\_\_\_\_

Daytime Telephone Number: \_\_\_\_\_ 903-583-6375 \_\_\_\_\_

I/we request a public hearing.

If this application is granted, I/we will be adversely affected in the following manner:

At considerable expense, we have paid for the installation of water line and purchased a meter from Southwest Fannin SUD who currently services our area. We would not wish now or in the future to have the financial burden of changing water systems and incurring the expense of yet another water meter and service line. We chose to purchase our water from Southwest Fannin SUD because of the quality of the water they provide, and the fact that it is groundwater. Water from the City of Bonham is surface water, and subject to quality changes with the seasons. Surface water is also easily contaminated. The City of Bonham has experienced water quality issues in the past, with trihalomethanes and haloacetic acids violations noted in January 2003. We also question that the City of Bonham has the capacity to support the proposed area of service. If this application is approved, we could be adversely impacted financially, as well as by the quality and availability of the water provided for our use.

The following action(s) will satisfy my/our concerns:

\_\_\_\_\_ withdrawal of the application to provide water service in our area \_\_\_\_\_

*Cynthia C. Godbey*  
Cynthia C. Godbey **RECEIVED**

NOV 28 2005  
TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

REQUEST FOR PUBLIC HEARING

35091-C  
KB

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

Regarding: Application by City of Bonham to amend CCN Nos. 11186 and 20460 and to obtain dual certification with portions of Southwest Fannin County SUD and White Shed Water Supply Corporation and the decertify portions of Bois Darc MUD and Ravenna Nunnelee Water Supply Corporation with the Texas Commission on Environmental Quality to provide water and sewer utility service in Fannin County.

Name: Michael Godbey

Mailing Address: 1253 CR 4205, Bonham, TX 75418

Daytime Telephone Number: 903-583-6375

I/we request a public hearing.

If this application is granted, I/we will be adversely affected in the following manner:

At considerable expense, we have paid for the installation of water line and purchased a meter from Southwest Fannin SUD who currently services our area. We would not wish now or in the future to have the financial burden of changing water systems and incurring the expense of yet another water meter and service line. We chose to purchase our water from Southwest Fannin SUD because of the quality of the water they provide, and the fact that it is groundwater. Water from the City of Bonham is surface water, and subject to quality changes with the seasons. Surface water is also easily contaminated. The City of Bonham has experienced water quality issues in the past, with trihalomethanes and haloacetic acids violations noted in January 2003. We also question that the City of Bonham has the capacity to support the proposed area of service. If this application is approved, we could be adversely impacted financially, as well as by the quality and availability of the water provided for our use.

The following action(s) will satisfy my/our concerns:

withdrawal of the application to provide water service in our area

  
Michael C. Godbey

**RECEIVED**

NOV 28 2005

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ON  
ENVIRONMENTAL QUALITY

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P.O. Box 13087  
Austin, Texas 78711-3087

35091-C  
RB

November 22, 2005

**Subject: Notice of Application for Certificate of Convenience and Necessity (CCN)  
to Provide Water and Sewer Utility Service in Fannin County.  
Mailed October 31, 2005**

1. Maurice and Lorene Walker  
952 County Road 1430  
Bonham, Texas 75418  
903-583-0900
2. City of Bonham, CCN Nos. 11186 and 20460
3. We request a public hearing.
4. We are satisfied with our current supply of water and sewer system. Do not desire any change. Cannot give any adverse affects because we do not understand the scope of why this is being requested.
5. Cannot propose an adjustment because we do not completely understand the entirety of the Application.

Thank You,

Maurice Walker



Lorene Walker



**RECEIVED**

NOV 28 2005

TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

## RAPIER, WILSON &amp; WENDLAND, P.C.

ATTORNEYS AT LAW

103 W. McDERMOTT, ALLEN, TEXAS 75013-2782

JOHN E. RAPIER, J.D.  
JAMES W. WILSON, J.D.  
BRITTON LARSON, J.D.  
ROBERT C. WENDLAND, J.D.

TELEPHONE (972) 727-9904  
(800) 831-3126  
FACSIMILE (972) 727-4273  
E-MAIL wilson@rapierwilson.com

## FACSIMILE TRANSMITTAL

TO: TCEQ: Utilities & Districts FAX: 1-(512)-239-6972  
Mark Newhouse (Bois D'Arc) 1-(903)-378-3330  
Skip Newsom 1-(512)-477-2830

BY: James W. Wilson RE: File No. 7361

PAGES (INCLUDING COVER) 7 DATE: November 29, 2005

*If you do not receive all pages, or if there is a problem  
with this transmission, please call 972-727-9904.*

## MESSAGE OR SPECIAL INSTRUCTIONS:

Re: Request for public hearing

## NOTICE OF CONFIDENTIALITY

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the U S Postal Service. Thank you

- (X) An original is being mailed  
( ) An original is being delivered  
( ) An original is available upon request  
( ) Facsimile transmittal only

**RAPIER, WILSON & WENDLAND, P.C.***ATTORNEYS AT LAW*

103 W. McDERMOTT, ALLEN, TEXAS 75013-2782

JOHN E. RAPIER, J.D.  
JAMES W. WILSON, J.D.  
ROBERT C. WENDLAND, J.D.  
BRITTON L. WILSON, J.D.

TELEPHONE: (972) 727-9904  
(800) 831-3126  
FACSIMILE: (972) 727-4273  
E-MAIL: wilson@rapierwilson.com

November 29, 2005

VIA FACSIMILE 1-(512)-239-6972 AND REGULAR U.S. MAIL

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities & Districts Section, MC153  
P.O. Box 13087  
Austin, Texas 78711-3097

**RE:** Applications by City of Bonham to amend water CCN No. 11186 and sewer CCN No. 20460, and to obtain dual certification with portions of Southwest Fannin County SUD and White Shed Water Supply Corporation, and to decertify portions of Bois D'arc MUD and Ravenna Nunnlee Water Supply Corporation with the Texas Commission on Environmental Quality to provide water and sewer utility service in Fannin County.

---

To whom it may concern:

The undersigned attorney and co-counsel, Skip Newsom of Fisher & Newsom, P.C., represent Bois D'Arc Municipal Utility District ("Bois D'Arc"). Bois D'Arc received the attached notice from City of Bonham ("Bonham") to which Bois D'Arc makes the following response:

1. Bois D'Arc hereby requests a public hearing on the above-referenced applications filed by Bonham to amend water CCN No. 11186 and sewer CCN No. 20460.

2. On the following grounds, Bois D'Arc respectfully requests that Bonham's application to amend water CCN No. 11186 be referred to the State Office of Administrative Hearings:

(a) Bois D'Arc holds CCN No. 11753 to provide water service in northeast Fannin County. The CCN covers Bois D'Arc's political boundaries and certain facilities (+200') installed west of its political boundaries. Some of these facilities are located within the requested area for which Bonham requests decertification of a material portion of Bois D'Arc's CCN. Granting Bonham's application will cause underutilization of Bois D'Arc's existing facilities within the requested area and negatively impact Bois D'Arc's customers and water rates.

(b) Bois D'Arc has an adequate water supply and is capable of providing adequate service to existing and future customers in the requested area.

November 29, 2005  
Page 2

(c) Granting Bonham's application will prevent the optimum use of existing local and regional facilities of other service providers, which will, among other things, negatively impact regional water rates

(d) Bonham is a home-rule municipality with an extraterritorial jurisdiction (ETJ) that extends 1 mile from its corporate boundaries. LOCAL GOV'T CODE § 42.021(2) According to Bonham's description of the requested area, and maps provided with the notice, large portions of the requested water service area appear to be located outside of Bonham's ETJ. Pursuant to Texas Water Code §13.2451(b), as enacted by the 79th Legislature, 2005, House Bill 2876, any portion of the requested area that extends beyond Bonham's ETJ without the consent of the landowner is void.

(e) Bonham lacks the resources and adequate facilities to extend water utility service into the requested area. It therefore lacks the capability to provide continuous and adequate service in the requested area.

3. On the following grounds, Bois D'Arc respectfully requests that Bonham's application to amend sewer CCN No 20460 be referred to the State Office of Administrative Hearings:

(a) According to Bonham's description of the requested area, and maps provided with the notice, large portions of the requested sewer service area are located outside of Bonham's ETJ. Pursuant to Texas Water Code §13.2451(b), as enacted by the 79th Legislature, 2005, House Bill 2876, any portion of the requested area that extends beyond Bonham's ETJ without the consent of the landowner is void.

4. Bois D'Arc may withdraw this request for public hearing if Bonham amends its application to grant Bois D'Arc single certification over Bois D'Arc's service facilities in the requested area plus 200 feet.

5. The descriptions of the requested areas set forth in the notice are vague and the accompanying maps fail to identify highways and roads, or the identifiers are illegible. As a result, Bois D'Arc cannot determine with certainty whether the requested water area includes territory within Bois D'Arc's political boundaries. Therefore at this time, Bois D'Arc is unable to propose adjustments to the applications that would satisfy at least some of Bois D'Arc's potential concerns. Bois D'Arc also reserves the right to assert additional grounds in support of this request for a public hearing.

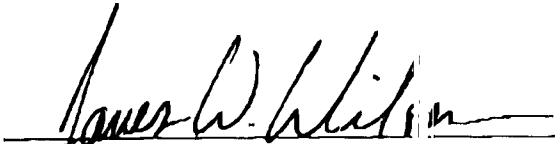
Bois D'Arc is amenable to working with Bonham, the Commission, the State Office of Administrative Hearings, and other protestants to resolve Bois D'Arc's concerns related to the above-referenced applications.



November 29, 2005  
Page 3

Feel free to call me if you have any questions.

Respectfully submitted,

By:   
James W. Wilson  
John E. Rapier  
RAPIER, WILSON & WENDLAND, P.C.  
103 W. McDermott  
Allen, Texas 75013  
Tel: (972) 727-9904  
Fax: (972) 727-4273

Skip Newsom  
FISHER & NEWSOM, P.C.  
3724 Jefferson Street, Suite 210  
Austin, Texas 78711  
Tel: (512) 477-4121  
Fax: (512) 477-2860

JW.da

Attachment

F:\Water Districts\Bois D'Arc MUD\CCN Application\008 City of Bozeman CCN Application / 2011 LETTER - Request for Public Hearing.mxd

cc: Bois D'Arc Municipal Utility District (w/attachment)  
Attn: Mark Newhouse  
VIA FACSIMILE 1-(903)-378-3350

Skip Newsom (w/attachment)  
VIA FACSIMILE 1-(512)-477-2860

FROM : BOIS D'ARC MUD

PHONE NO. : 903 378 3350

Nov. 11 2005 07:51AM P2

*Notice to Neighboring Systems and Cities*  
NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)  
TO PROVIDE WATER AND SEWER UTILITY SERVICE IN FANNIN COUNTY

To: Bois D'Arc MUD  
14101 East FM 1396  
Honey Grove, Texas 75446

Date Mailed: October 31, 2005

The City of Bonham has filed applications to amend CCN Nos. 11186 and 2046 and to obtain dual certifications with portions of Southwest Fannin County SUD and White Sided Water Supply Corporation and to decertify portions of Bois D'Arc MUD and Ravenna Nunnlee Water Supply Corporation with the Texas Commission on Environmental Quality to provide water & sewer utility service in Fannin County.

The proposed utility service area is located approximately 4.6 miles north, 1.9 miles south, 1.3 miles east, and 4.2 miles west of downtown Bonham, Texas, and is generally bounded on the north by FM 1753; on the east by Bois D'Arc Creek; on the south by FM 1629; and on the west by FM 898. See enclosed map of the proposed service area.

The total area being requested for water service includes approximately 16,618 acres and 3382 current customers. The total area being requested for sewer service includes approximately 16,618 acres and 3051 current customers.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

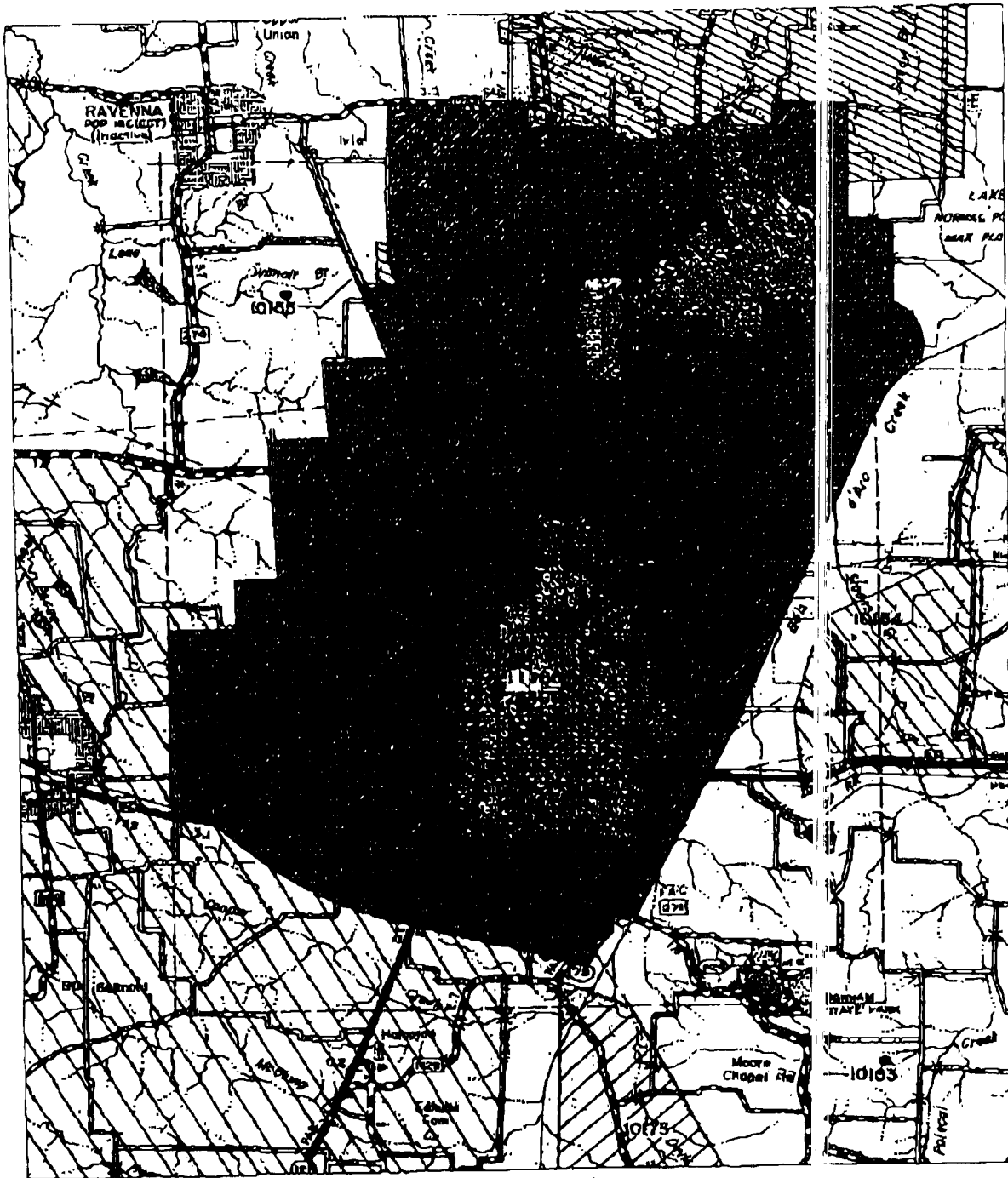
If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

Si desea informacion en Espanol, puede llamar al 1-800-687-4040.

FROM : BOIS D'ARC MUD

PHONE NO. : 903 378 3350

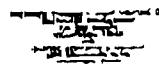
Nov. 31 2005 07:53AM P4.

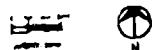


**BONHAM PROPOSED SEWER CCN**

 **BONHAM PROPOSED CCN AREA**

**CITY OF BONHAM**





November 04, 2005

35091-C DR  
or  
35092-C 11/04/05

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
PO Box 13087  
Austin, Texas 78711-3087

Re: Application of City of Bonham to amend CCN No. 11186 and 20460 and to obtain dual Certification with portions of Southwest Fannin County SUD and White Shed Water Supply Corporation and to decertify portions of Bois D' Arc MUD and Ravenna Nunnelee Water Supply Corporation with the Texas Commission on Environmental Quality  
To provide water & sewer utility service in Fannin County

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Respectfully,

Jodie Gibbs (Peyton Gibbs)  
1646 CR 2610  
Bonham, Tx 75418

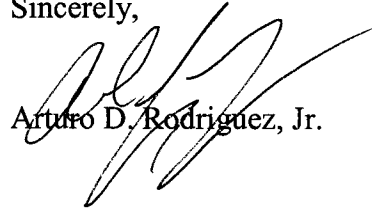
Ms. Karen Blaschke

December 1, 2005

Page 2 of 2

Thank you very much for your attention to this matter.

Sincerely,



Arturo D. Rodriguez, Jr.

Attachments as stated in letter

cc: (w/out attachments)

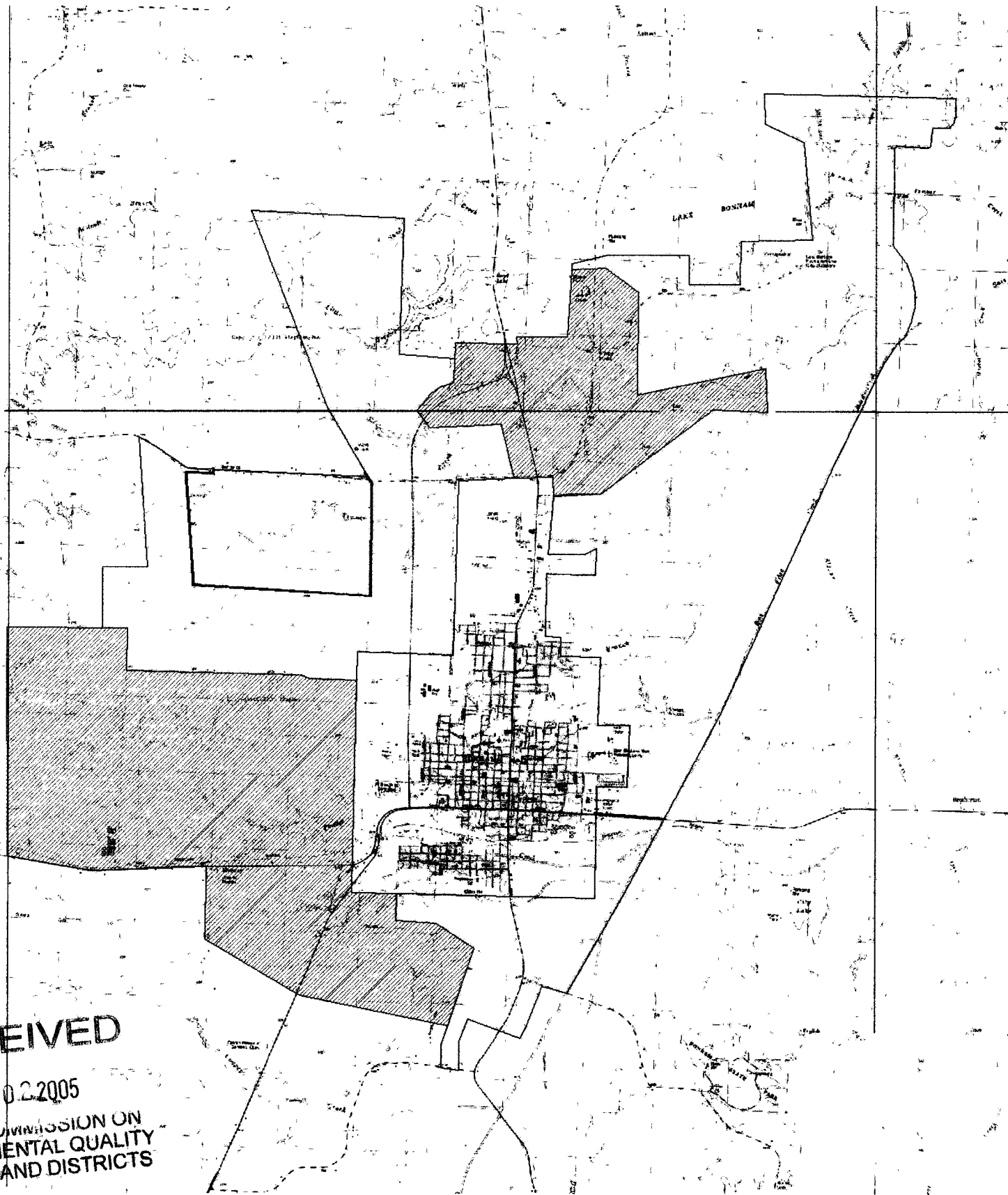
Mr. Pat Dillon

Mr. Blaine Hinds

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DEC 02 2005

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY  
UTILITIES AND DISTRICTS



## CITY OF BONHAM



AUGUST, 2005



## BONHAM PROPOSED WATER CCN



BONHAM PROPOSED CCN AREA (NOT NOW CERTIFICATED)



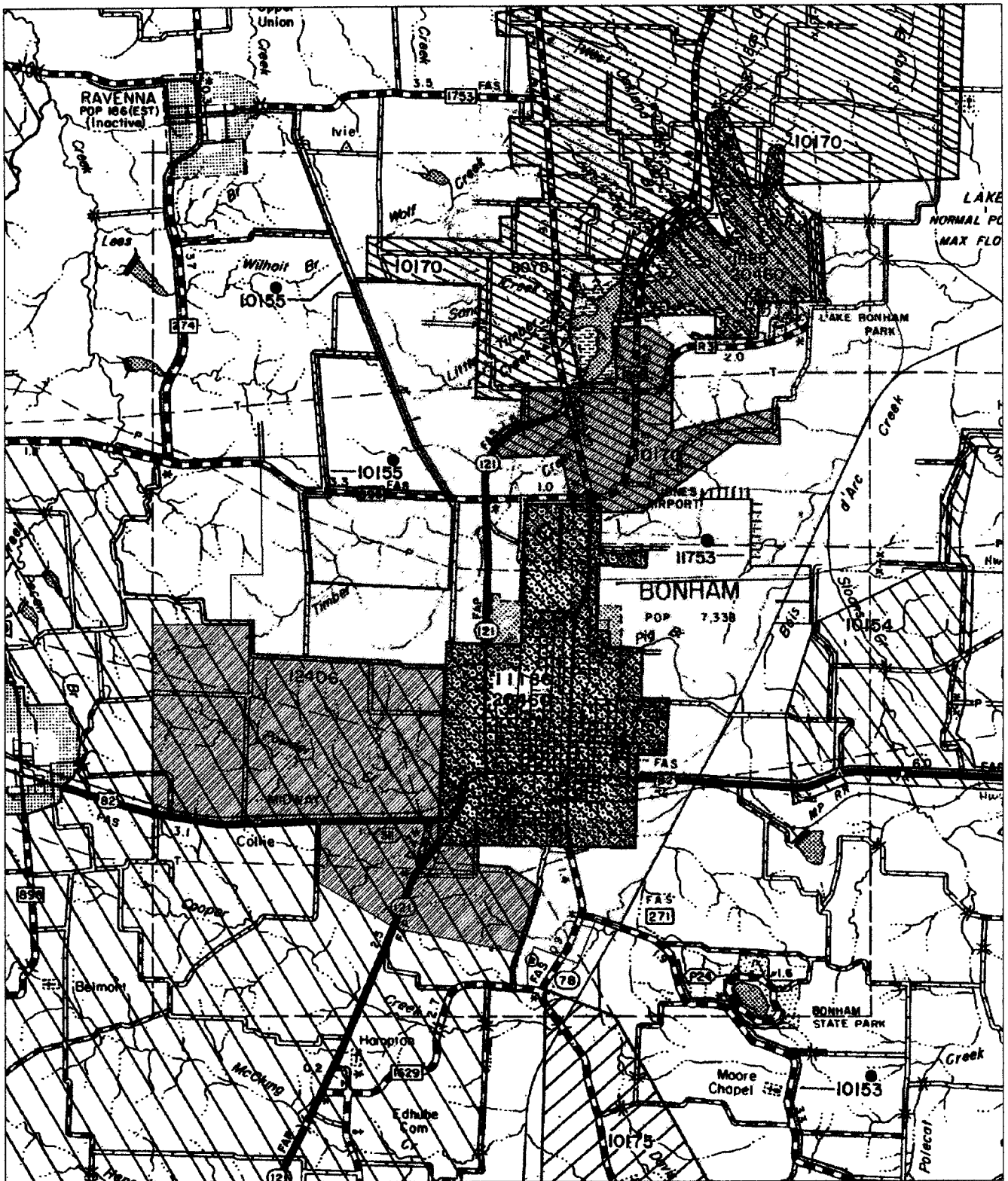
BONHAM PROPOSED CCN AREA (REQUESTED DUAL CCN)



FACILITIES NOT INCLUDED







### BONHAM PROPOSED WATER CCN

- BONHAM PROPOSED CCN AREA (NOT NOW CERTIFIED)
- BONHAM PROPOSED CCN AREA (CERTIFIED TO OTHERS)
- FACILITIES NOT INCLUDED

### CITY OF BONHAM



PREPARED THROUGH A JOINT VENTURE OF  
 ENVIRONMENTAL SCIENCE & TECHNOLOGY  
 DALLAS, TEXAS  
 AND  
 HARRIS COUNTY & COMPANY  
 SAN ANTONIO, TEXAS

**RECEIVED**

DEC 02 2005

TEXAS COMMISSION ON  
 ENVIRONMENTAL QUALITY  
 UTILITIES AND DISTRICTS

November 23, 2005

To Whom It May Concern:

We are residence of Lake Bonham and are in favor of the city providing public sanitary sewer service to the Lake Bonham community.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Daglow", with a long horizontal flourish extending to the right.

Terry Daglow  
9845 Northpark Drive (Lot 4)  
Lake Bonham

**Russ Mower**  
**7601 Oak View**  
**Bonham, Texas 75418**

**November 29, 2005**

**Mayor Roy Floyd**  
**301 East 5<sup>th</sup>**  
**Bonham, TX 75418**

**Dear Mayor Floyd:**

This letter is to state my support of pursuing funding for a public sanitary sewer system for the area around Lake Bonham. As a resident of the lake area I am concerned about the long term effects of continued use of private septic systems on the water quality and environment in this area. Lake Bonham not only provides drinking water for the City of Bonham and lake area residents, but it is a wonderful recreation facility and provides natural habitat for many waterfowl and other aquatic wildlife.

I appreciate the efforts of the City of Bonham in pursuing the necessary documentation and funding from the TCEQ to provide for sanitary sewer. Please feel free to call me if you have questions.

Sincerely,



**Russ Mower**  
**903-640-5120 (Home)**  
**619-961-8250 (Cell)**

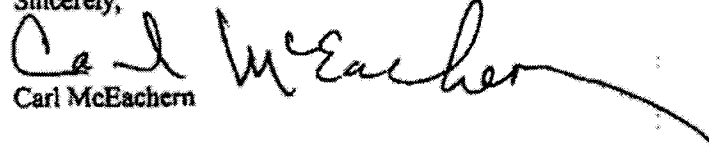
November 11, 2005

Blaine Hinds  
City Manager  
301 East Fifth Street  
Bonham, Texas 75418

Dear Mr. Hinds:

I am writing to express my interest in the availability of sanitary sewer service to my property located at 364 CR 1435, Bonham, Texas 75418. I hope that at some point in the future that the City of Bonham will be able to provide these services to my property.

Sincerely,

  
Carl McEachern

35091- C

+

35092-C

KB

November 14, 2005

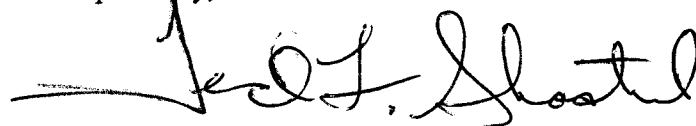
Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
PO Box 13087  
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Re: Application of City of Bonham to amend CCN No. 11186 and 20460 and to obtain dual Certification with portions of Southwest Fannin County SUD and White Shed Water Supply Corporation and to decertify portions of Bois D' Arc MUD and Ravenna Nunnelee Water Supply Corporation with the Texas Commission on Environmental Quality  
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Respectfully,



1486 CR 2610  
Bonham, Tx. 75418

**RECEIVED**  
DEC 06 2005  
TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

November 14, 2005

Texas Commission on Environmental Quality  
Water Supply Division  
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Respectfully,

*Linda Hayes*  
*761 CR 2520*  
*Bonham, Texas*  
*75413*

**RECEIVED**

DEC 06 2005

TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY