

Dec 22 05 03:07P  
12/22/2005 08:29 FAX 9408654910

CITY OF LINDSAY

P. 1

001

10/31/2005

I am interested in water and sewer service to my property located near/on 3793 FM 1199  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my  
property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Charlotte Winter

Signature

Charlotte Winter

Name

P O Box 194

Address

Lindsay, TX 76250

City, State, Zip

940-668-2003

Phone Number

APP0403

10/18/2005

I am interested in water and sewer service to my property located near/on CR 404.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Alcuin Zimmerer  
Signature

Alcuin Zimmerer  
Name

16661 CR-404  
Address

Gainesville, Texas  
City, State, Zip

668-8873  
Phone Number

October 17, 2005

I am interested in *water and sewer* service to my property located on CR 404. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

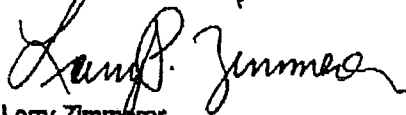
*Frances Zimmerer*

Frances Zimmerer  
1376 CR 404  
Gainesville, Texas 76240  
940-665-9906

September 15, 2005

I am interested in *water and sewer* service to my property located on County Road 404. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry Zimmerer".

Larry Zimmerer  
1164 CR 404  
Gainesville, Texas 76240  
940-668-8298

10/26/2006

I am interested in water and sewer service to my property located near/on 1199  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my  
property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Marie H. Zimmerman

Signature

MARIE H. ZIMMERER

Name

720-FM 1199

Address

GAINESVILLE, TX 76240

City, State, Zip

940-665-6321

Phone Number

October 17, 2005

I am interested in *water and sewer* service to my property located near/on FM 1199.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Michael Zimmerer  
Signature

Michael Zimmerer  
Name

1092 FM 1199  
Address


Gainesville, Tx. 76240  
City, State, Zip

940-668-6210  
Phone Number

September 15, 2005

I am interested in ~~water and sewer~~ service to my property located on County Road 438. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

  
Rudy Zimmerer  
3188 CR 438  
Lindsay Texas 76250  
940-736-518

4/12/04  
~~10/12/04~~

27000	55416
15290	15287
26165	8436
15289	

Fm

I am interested in water and sewer service to my property located near/on CR 410 + 1199.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

I have 5 lots at location.

Sincerely,

Tom Zimmerer  
Signature

Tom Zimmerer  
Name

P.O. Box 217  
Address

Lindsay Tx 76250  
City, State, Zip

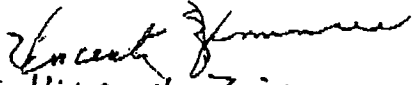
940-665-7813  
Phone Number



Date:

I am interested in *water and sewer* service to my property located on CR 438.  
I hope that my City of Lindsay at some point in the future will be able to provide these  
services to my property. For this reason I would like to be included in the CCN for the  
City of Lindsay.

Sincerely,

  
Full Name: Vincent Zimmerer  
Address: 3522 CR 438  
Phone #: Lindsay, Texas 76252  
940-736-2258

3108 LP  
Box 863  
Gainesville TX 76241-0863

November 8, 2005

Town of Lindsay  
Box 153  
Lindsay TX 76250

Re: Certificate of Convenience and Necessity (CCN)

Ladies and Gentlemen:

Please be advised that 3108 LP is willing to include its property located at the end of Elm and Pecan streets in the CCN referenced in your October 11, 2005 letter.

Sincerely,

3108 LP by:

JSLP Inc, General Partner

  
Jacob Bezner, President

CPA

**J Bezner Inc**

Professional Corporation  
Certified Public Accountants

Tel: 972-661-9131  
Fax: 972-661-8976  
www.JBeznerInc.com  
12900 Preston  
Suite 330 EB-104  
Dallas Texas 75240

182171

10/26/2005

I am interested in water and sewer service to my property located near/on CR 404.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Leslie Sandmann

Signature

Leslie Sandmann

Name

761 CR 404

Address

Gainesville, TX 76240


City, State, Zip

(940) 668-6630

Phone Number

In the State of Texas                   §  
   §  
County of Cooke                       §

I, Betsy Fleitman, City Secretary for the City of Lindsay, Texas, hereby certify that the attached document is a true and correct copy of a document taken from the official City files of the City of Lindsay, Texas, and is maintained in the regular course of business of the City of Lindsay, Texas. Given under my hand and the seal of office on June 3, 2008.

  
\_\_\_\_\_  
City Secretary  
City of Lindsay, Texas

## SETTLEMENT AGREEMENT

This Settlement Agreement (the AAgreement) is entered into between the Town of Lindsay, Texas (ALindsay), Walter Lutkenhaus (ALutkenhaus), and Lindsay Pure Water Company (the ACompany) as of the 1 day of Apr., 2002.

### Recitals

1. Lindsay, Lutkenhaus and the Company are parties to a proceeding before the Texas Natural Resource Conservation Commission (ATNRCC) pending at the State Office of Administrative Hearings (ASOAH) as Docket No. 582-02-0431 (ADocket No. 582-02-0431").
2. In Docket No. 582-02-0431, Lindsay has applied for a Certificate of Convenience and Necessity (ACCN) to enable it to provide retail water and wastewater services in an area described in Lindsay=s application (the AApplication). The Company and Lutkenhaus have each filed protests to Lindsay=s application.
3. The Company intends to file an application with the TNRCC to amend its existing CCN for retail water service. The Company=s application will seek certification of certain areas that are included in Lindsay=s application pending before SOAH.
4. As a result of negotiations between the parties, Lindsay has agreed to amend its CCN application such that it will no longer seek certification for retail water service to that area shown on Exhibit A, generally being described as south of Highway 82, west of the most westerly portion of Lindsay=s extraterritorial jurisdiction, and south of the most southerly boundary of Lindsay=s city limits, all as more particularly described on Exhibit A (the ACompany Area). Lindsay has further agreed to not protest, either directly or indirectly, the Company=s application to amend its CCN, provided the Company seeks to expand its area of retail water service certification to include the Company Area only.
5. As a result of negotiations between the parties, the Company and Lutkenhaus have agreed to withdraw their respective protests of Lindsay=s CCN application pending as Docket No. 582-02-0431, provided the application is amended such that Lindsay shall not seek retail water certification of the Company Area.
6. The parties desire to enter into this Agreement to reflect their agreements concerning certification of the area set forth in Exhibit A, and in connection therewith, to fully settle and compromise all matters in dispute between them related to Docket No. 582-

02-0431, the Company=s CCN application, and certain other disputes as referenced herein.

#### Agreement

1. Lindsay agrees to amend the CCN Application that is the subject of Docket No. 582-02-0431 such that it shall not seek certification for retail water service for the Company Area depicted on Exhibit A. Lindsay shall file such amendment within 10 days of the date of execution of this Agreement by both parties.
2. The Company agrees to file an application with the TNRCC to amend its existing CCN for retail water service such that it will seek single certification for retail water service for the Company Area depicted on Exhibit A. The Company agrees to file such application within 10 days of the date of execution of this Agreement by the parties.
3. Lindsay agrees that it will not protest, directly or indirectly, or cause the protest of Company=s application, as described in paragraph 2 above.
4. The Company and Lutkenhaus mutually agree to withdraw their respective protests and requests for hearing with respect to Lindsay=s CCN application that is the subject of Docket No. 582-02-0431 within ten (10) days of receipt of notice that Lindsay has amended the application in accordance with paragraph 1 above.
5. If the Company provides retail water service within the Company Area, and Lindsay provides retail wastewater service within the area where the Company provides such retail water service, then the Company agrees to enter into an agreement with Lindsay to terminate water service in the event wastewater bills of the Company=s retail water customer owed to Lindsay are not paid timely in accordance with Lindsay=s service policies.
6. This Agreement shall in no manner restrict or compromise the right or ability of Lindsay or the Company to apply to the TNRCC in the future for certification to provide retail water or wastewater service in areas other than depicted on Exhibit A attached hereto. Similarly, either party may protest such subsequent applications that may be filed.
7. The parties agree to take all other actions necessary or convenient in connection with implementing this Agreement.
8. In the event that Lindsay executes this Agreement, together with the Company or Lutkenhaus, but not both of the protestants, the failure by such protestant will not

prevent this Agreement from being binding upon Lindsay and the executing protestant  
for all intents and purposes.

TOWN OF LINDSAY

BY: Norbert Mages, Mayor  
NORBERT MAGES, MAYOR

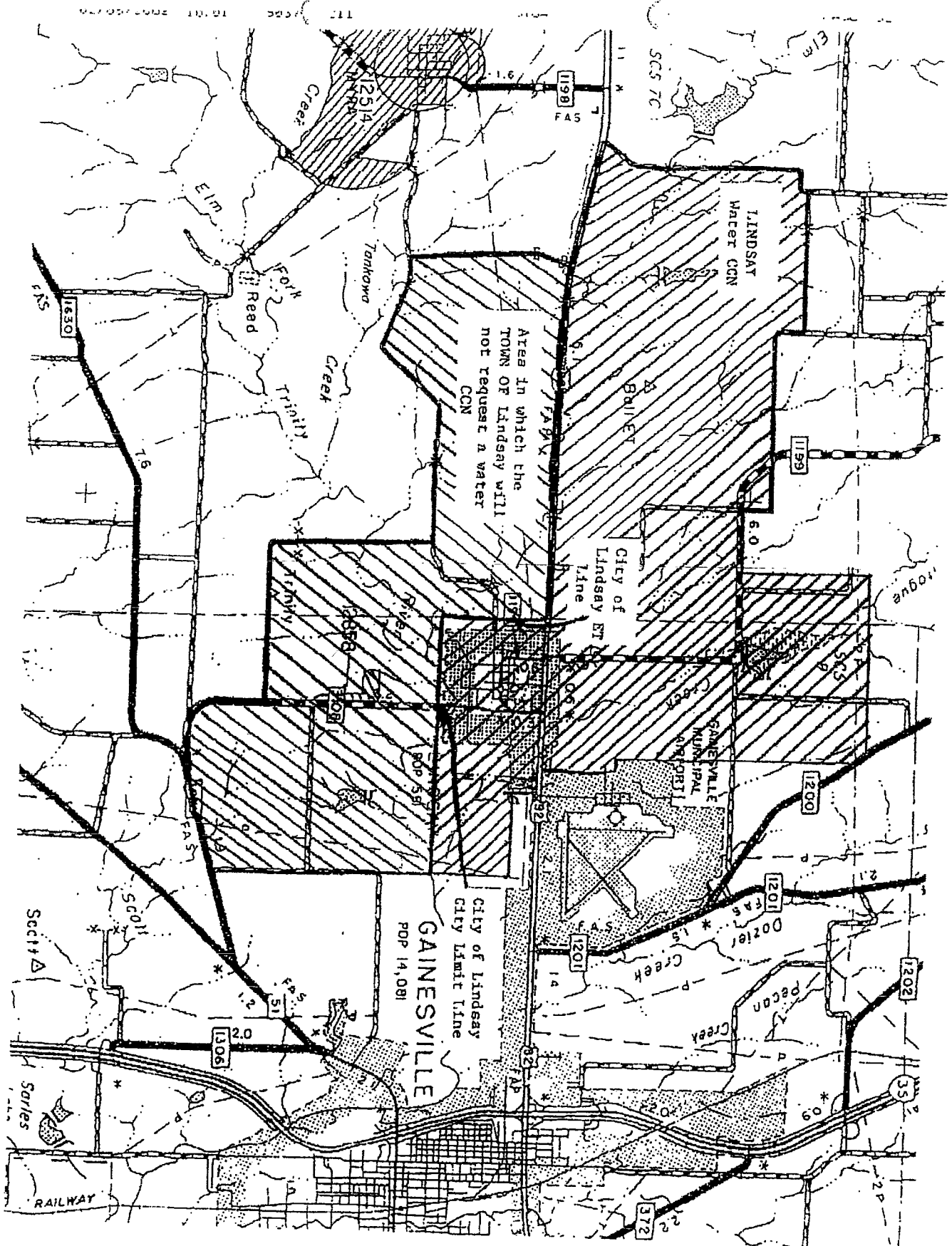
LINDSAY PURE WATER COMPANY

BY: [Signature]

BY: \_\_\_\_\_

WALTER LUTKENHAUS

AUSTIN\_108664511  
25361-1 - 03/28/2002






In the State of Texas

§  
§  
§

County of Cooke

I, Betsy Fleitman, City Secretary for the City of Lindsay, Texas, hereby certify that the attached document is a true and correct copy of a document taken from the official City files of the City of Lindsay, Texas, and is maintained in the regular course of business of the City of Lindsay, Texas. Given under my hand and the seal of office on June 3, 2008.

  
\_\_\_\_\_  
City Secretary  
City of Lindsay, Texas