

1 JUDGE NORMAN: Joe who?

2 A Joe Sandmann.

3 JUDGE NORMAN: Okay. And that's
4 S-A-N-D-M-A-N-N?

5 A Yes.

6 JUDGE NORMAN: Okay.

7 A And it greatly surprised me in 1997 when --
8 let me back up a minute.

9 Joe Sandmann is a little older than I
10 am. I think he had dementia.

11 JUDGE NORMAN: Okay.

12 A And I'm not sure he had Alzheimer's, but I
13 think it was something like that. And as a bachelor,
14 he didn't have any children. He had -- he did have
15 brothers, and he did have lots of nieces and nephews.

16 The Sandmann property is pretty well
17 south of Lindsay. If you look at the maps, you can
18 see everybody around there are Sandmanns. When the
19 administrator of the will, Julius Sandmann and
20 Clem Sandmann his brother and Clem's wife, called me
21 and asked me if I was interested, I jumped at the
22 case. And it was only because they had to sell the
23 property to take care of the medical bills for
24 Joe Sandmann. And they asked me what I would give,
25 and I told them and I wrote it down -- I wrote a check

1 immediately and secured the land. And that's the only
2 way that I got that hundred acres, by someone in that
3 family having to sell that property to pay a debt.

4 The rest of the people south of Lindsay
5 are Sandmanns, Hermeses, they're basically all German,
6 the major landowners. And I'm not even going to say I
7 can see into the future because I can't.

8 JUDGE NORMAN: Right.

9 A But if they go the way they've normally done,
10 their land will be given to their families when the
11 patriarch dies or passes, however you want to say it.
12 And if the family members either can't or won't raise
13 the money to buy the property -- and that's how it's
14 done.

15 And the only need for water south of
16 82 -- I won't say south -- south of the city limits of
17 Lindsay is what I have created with South Ridge. And
18 again, I'm not -- I can't see into the future, but I
19 do not see any other land being subdivided.

20 And I might say the three subdivisions
21 that came out of the family property was over the
22 past 20 years. So it's not like it's going to happen
23 in the next five to ten years. It might, but I don't
24 think it will, and I will assure you I will watch it.
25 And if it is, I will try to have someone buy it for

1 me. And that is the reason why I don't think there is
2 any need for water south of the Lindsay city limits.

3 JUDGE NORMAN: Okay. And that has to do
4 with Page 8 of 12, does it not, Mr. Carlton, or is it
5 for both of them?

6 MR. CARLTON: It's really for both
7 because -- and I do have another question to lay some
8 additional foundation on it.

9 JUDGE NORMAN: Okay. All right.

10 MR. CARLTON: But in terms of the fact
11 there's not a need for water and there's no
12 development occurring --

13 JUDGE NORMAN: Okay.

14 MR. CARLTON: -- we'll talk a little bit
15 about some of these other ones, too.

16 JUDGE NORMAN: All right. I'm inclined
17 to -- I'm just telling you right now -- to allow this.
18 I know this testimony is -- so far is based on his
19 personal knowledge. And if I grant this, permitting
20 this to come in, I'm allowed to let this testimony
21 that he's given to come in to show the basis of that
22 opinion. And so that's what I'm doing right now. I'm
23 just telling you.

24 Now, if he gets into hearsay or
25 something of that nature, then obviously I'm not going

1 to -- that's going to be based on the way I did it
2 yesterday. Okay? So that's what I -- you know, I
3 want in the PFD to talk about his opinion, and I want
4 to talk about the basis of his opinion.

5 MR. CARLTON: All right.

6 JUDGE NORMAN: All right. Go ahead.

7 Q (BY MR. CARLTCEQON) A follow-up question.
8 On Page 8, you also talk about that it's your opinion
9 that the city is trying to secure the CCN in order to
10 gain an additional layer of control and protect from
11 Gainesville. And can you describe kind of what gives
12 you -- what's the basis for your opinion on that
13 issue?

14 A Well, it is my opinion that that is the sole
15 reason for the request for the CCN. And if I wasn't
16 trying to protect myself and my investments -- and I
17 have stated in my testimony -- that I would be in
18 favor. But I can't be in favor to something that is
19 detrimental to myself and my investors. And,
20 therefore, I am in a corner and where I have to be.

21 And in visiting with some of the city
22 council people, Robin Rose, which is an ex-city
23 councilman, Robert Fuller, which is an ex-city
24 councilman, we had visited and I visited with
25 Don Metzler, and I visited with Danny Nortman, which

1 both are on the city council. And I have stated
2 exactly those things, you know, if you didn't have me
3 in a corner, I'd be with you, but you've got me in a
4 corner and I can't. And both Rose and Fuller and
5 Nortman and Metzler, all four of them said "I
6 understand, Jim, and I understand where you are and
7 where you have to go."

8 Now, Lindsay needs what they're asking
9 for. I do not say they don't, but only to protect
10 themselves from Gainesville because Gainesville at the
11 present time, with a sewer CCN east of 3108, which is
12 my east boundary, Gainesville has at the present time,
13 and it's not but one more step, and they'll surround
14 the town of Lindsay. And they need the protection. I
15 don't disagree with that, but there is no need south
16 of Lindsay for a CCN, water CCN. And that's my
17 belief, and that's the reason that I believe the way I
18 believe.

19 Q (BY MR. CARLTON) Okay. And then let's talk
20 a little bit about why you believe that Lindsay and
21 the members of the council in Lindsay want to be
22 "protected from Gainesville." Why don't we want to be
23 part of Gainesville?

24 MR. RODRIGUEZ: I'll object, Your Honor.
25 He's asking this witness to speculate on what the city

1 council wants or doesn't want.

2 MR. CARLTON: I mean, you're taking
3 basically in my understanding inadmissible hearsay
4 evidence of finding the basis for his opinion, but I
5 can also ask him to phrase it in terms of his own
6 experience as well.

7 JUDGE NORMAN: Okay. All right. If you
8 want to.

9 A Repeat the question.

10 Q (BY MR. CARLTON) Why is it important to you
11 as a member of the community of Lindsay to not have
12 Gainesville encroach into this area south of Lindsay?

13 A As I stated before, Lindsay and Muenster --
14 and I'll specifically speak of Lindsay -- is a very
15 frugal, very financially minded community. I'm not an
16 accountant, but I will assure you Gainesville is not.
17 I don't want Gainesville to surround Lindsay. I live
18 in Lindsay because I have four children and my
19 children go to -- went to school and graduated from
20 Lindsay. And I lived in Gainesville for a few months
21 before moving to Lindsay. And I had three city -- my
22 father had three city blocks that were horse pasture
23 and I picked Lindsay for the reason -- because that's
24 where I wanted to raise my family, and I want Lindsay
25 to protect it, but I want them to be good neighbors.

1 JUDGE NORMAN: Gainesville or the people
2 of Lindsay?

3 A Lindsay.

4 JUDGE NORMAN: All right.

5 A And that's -- that's where I am.

6 JUDGE NORMAN: Okay.

7 Q (BY MR. CARLTON) Let me ask you, on Page 12
8 you talk about there being no actively developing
9 subdivisions.

10 JUDGE NORMAN: Page 12?

11 MR. CARLTON: Excuse me, Page 9.

12 JUDGE NORMAN: All right.

13 MR. CARLTON: I apologize.

14 JUDGE NORMAN: Okay.

15 Q (BY MR. CARLTCEQON) On Page 9, you state
16 there aren't any actively developing subdivisions, and
17 that there aren't, in fact, any pending plat
18 applications before the City of Lindsay or Cooke
19 County. What's the foundation for your opinion on
20 those issues?

21 A Again, I'm going to need to go back a little
22 bit. My service to the community, I spent quite a few
23 years on the school board, quite a few years -- not
24 quite a few -- a short term on the city council, and
25 at the present time I am on the -- I'm the president

1 of the appraisal -- Cooke County Appraisal District.

2 I am in -- I have firsthand knowledge by
3 going to the courthouse and looking up plats. The
4 restrictions that are on my subdivision, I pulled four
5 plats myself. I had a little girl show me where they
6 were, but I pulled them so I could make copies and
7 get -- I mean restrictions that were good common
8 sense. I didn't dream them up myself. I'm sorry I
9 plagiarized them, but that's the best way I knew to do
10 it.

11 In the Cooke County Appraisal District,
12 obviously I have about as much power as I do on a
13 school board, and that's hire and fire the head. I do
14 not have any other power, but I have firsthand
15 knowledge of when I ask as the president for the chief
16 appraiser to review commercial property that I've had
17 people say that it's not standard. We visit and
18 normally the board of directors and I agree on we want
19 things the way we want them.

20 And in that capacity, I have firsthand
21 knowledge, and it's very -- it's public record. I
22 know when somebody is -- if somebody died, I know what
23 land -- it's very simple to get what land do they own.
24 It is -- like I said, it is public record. Cooke
25 County is very sparsely populated with regard to

1 almost anyone else around them to the south and to the
2 west. Montague is Montague. It's even worse than
3 Cooke County, only --

4 JUDGE NORMAN: Okay.

5 A -- there's not much there.

6 JUDGE NORMAN: All right.

7 A My experience in knowing almost everyone in
8 the county, I talk to a lot of people, and I know all
9 of them firsthand. I was placed on the appraisal
10 district by the school and the city. I believe the
11 city voted for me every time that I had -- was asked
12 to be on it and the county commissioners and the
13 county judge and know them well and -- as well as
14 everybody else. Did I answer the question you asked?

15 Q (BY MR. CARLTON) I was trying to get you to
16 explain how you know there's nothing being subdivided
17 or developed.

18 A Okay.

19 Q And you started there in terms of your review
20 of the county's plat records.

21 A I apologize.

22 Q But if you could, describe what sort of
23 review of the county's plat records and what's going
24 on with respect to subdivisions?

25 A All plats outside of the city have to go

1 through the Commissioners' Court. I know all of the
2 commissioners that are in the west end and the
3 southwest end and the county judge very well, first
4 name basis. If I go in and look at -- ask for any
5 records, "Are there any records on subdivisions," "has
6 anybody filed a subdivision" -- Laura Blanton happens
7 to be the -- I won't say health officer. She is
8 the -- she oversees septic systems and that kind of
9 thing. And it's very easy to find out, you know, has
10 anyone filed any plats because it's going to be a
11 court record. And there aren't any, and there haven't
12 been any.

13 Now, I think the last one was probably
14 Michael Hermes, which is a Nortman addition extension,
15 but that's now in the city. So I don't know that it
16 went through the -- I believe it went through the
17 city, but everything else is -- there isn't any south
18 of Lindsay.

19 JUDGE NORMAN: Okay.

20 MR. CARLTON: And at this point in time,
21 I'll offer --

22 JUDGE NORMAN: That testimony?

23 MR. CARLTON: -- all Mr. Myrick's
24 prefiled testimony and exhibits.

25 JUDGE NORMAN: Okay. And with regard --

1 MR. CARLTON: And then the supplemental
2 is really only important to the extent that you are
3 going to -- which is 1B -- that you are going to take
4 some action in terms of striking it or not.

5 JUDGE NORMAN: I'm going to.

6 MR. CARLTON: Okay.

7 JUDGE NORMAN: And do you still have an
8 objection to that testimony?

9 MR. RODRIGUEZ: I do, Your Honor; same
10 objection.

11 JUDGE NORMAN: Same objection. And,
12 Mr. MacLeod?

13 MR. MacLEOD: No objections.

14 JUDGE NORMAN: You didn't have any
15 objections.

16 I'm going to permit it, but also permit,
17 to the extent that it was admissible -- I'm not
18 talking about hearsay -- particularly the first part
19 of your testimony I'm going to permit -- I'm going to
20 permit that also as part of the evidence.

21 MR. CARLTON: And so I would say based
22 on your ruling, there's no need for 1B to go into the
23 record.

24 JUDGE NORMAN: Okay.

25 THE REPORTER: So what is in the record,

1 1A?

2 JUDGE NORMAN: His testimony.

3 MR. CARLTON: 1A and Exhibits 1
4 through 7.

5 JUDGE NORMAN: 1A and 1 through 7. I'm
6 just going to -- she can come up and just take --
7 remove the bracketing in 1A.

8 MR. CARLTON: 1A has no bracketing in
9 it.

10 JUDGE NORMAN: Oh, 1A has no bracketing.

11 MR. CARLTON: It's clean. It's the copy
12 that was submitted.

13 JUDGE NORMAN: Okay.

14 MR. CARLTON: And based on your rulings
15 at the prehearing conference, there was no other
16 testimony to be redacted.

17 JUDGE NORMAN: Okay. And so you tender
18 his testimony now?

19 MR. CARLTON: I tender his testimony.

20 JUDGE NORMAN: Okay.

21 MR. CARLTON: And pass the witness.

22 JUDGE NORMAN: Okay.

23 MR. MacLEOD: Judge, in order of
24 questioning --

25 JUDGE NORMAN: I'm sorry?

1 MR. MacLEOD: In order of questioning,
2 am I the next person to question this witness?

3 JUDGE NORMAN: Yes. Excuse me. I'm
4 sorry.

5 MR. MacLEOD: Okay. I didn't want to
6 just jump in there.

7 JUDGE NORMAN: No, I was ignoring you.

8 MR. MacLEOD: Okay. I'm sorry. I'll
9 speak up. That's all right.

10 JUDGE NORMAN: Keep me from doing that.
11 I'm sorry.

12 MR. MacLEOD: That' all right.

13 CROSS-EXAMINATION

14 BY MR. MacLEOD:

15 Q Mr. Myrick?

16 A Yes, sir?

17 Q You developed some property -- I think your
18 testimony was you developed some property in the area
19 of Lindsay at Lindsay's request. It's kind of in the
20 middle of Lindsay's requested area, the area you
21 developed. Is that right?

22 A Yes, sir, I did.

23 Q And who did you buy that property from again?

24 A Joe -- well, I bought it from Joe Sandmann's
25 estate, and the administrator would be Julius

1 Sandmann, and I would say that's who it was purchased
2 from.

3 Q And you bought it with the intent of
4 developing that property. Is that right?

5 A Yes, sir, 100 acres.

6 Q And how many houses have you sold on that
7 property over what period of time?

8 A I have sold one house because I have built
9 one spec house in that property.

10 Q And you sold --

11 A I bought a lot.

12 Q How many houses have been sold by any entity
13 in that area?

14 A There's 26 built at the present time.

15 Q Twenty-six built. Have they all been sold?

16 A Oh, yes.

17 Q Okay. And after you started building these
18 houses or even before you started building these
19 houses, you asked the city for water service. Is that
20 right?

21 A That is correct.

22 Q And they refused?

23 A That is correct.

24 Q That made developing the area a little
25 harder, didn't it?

1 A Tremendously.

2 Q Because you had to form your own company -- I
3 mean a company had to be formed?

4 A I had to form Lindsay Pure Water Company to
5 supply water for South Ridge and design the entire
6 system for the hundred acres that I requested my
7 consultant to get.

8 JUDGE NORMAN: And I'm going to -- hold
9 on for just a second. I think what we were doing just
10 now was testimony with regard to whether or not to
11 admit that portion of his prefiled testimony.

12 MR. CARLTON: Oh, I thought we had moved
13 on.

14 MR. RODRIGUEZ: Yeah.

15 JUDGE NORMAN: No, we have not quite
16 moved on yet.

17 MR. RODRIGUEZ: Oh, okay. My
18 understanding was we were just doing cross-examination
19 at this point as well.

20 JUDGE NORMAN: Not yet; not yet.

21 MR. MacLEOD: Oh, sorry.

22 JUDGE NORMAN: Did you say you didn't
23 have any cross-examination?

24 MR. RODRIGUEZ: No. Oh, definitely not.

25 JUDGE NORMAN: I didn't think so. Okay.

1 MR. CARLTON: I thought I had offered
2 all the evidence.

3 JUDGE NORMAN: It's not admitted yet.
4 I'm just going to ask you a question, Mr. Myrick.

5 A Yes, sir.

6 JUDGE NORMAN: You have some opinions in
7 your testimony, I think.

8 A Yes, sir.

9 JUDGE NORMAN: And are they rationally
10 based on your perceptions?

11 A Yes, sir.

12 JUDGE NORMAN: Okay. I'm going to admit
13 it.

14 (Exhibit LPWC Nos. 1, 1A, 2 through 7
15 admitted)

16 MR. CARLTON: So then I think the
17 question was should Mr. MacLeod go ahead and go first
18 since --

19 JUDGE NORMAN: Since he started, I'm
20 going to let him.

21 MR. CARLTON: And since Mr. Rodriguez
22 carries the burden.

23 JUDGE NORMAN: Right.

24 Q (BY MR. MacLEOD) All right. I'm going to
25 bring you an exhibit and have you take a look at it.

1 A Yes, sir.

2 THE REPORTER: Which exhibits did you
3 just admit, Judge?

4 MR. CARLTON: And, Your Honor, the ones
5 you just admitted were his prefiled testimony 1A --

6 JUDGE NORMAN: Yes.

7 MR. CARLTON: -- and the Exhibits 1
8 through 7.

9 JUDGE NORMAN: Yes.

10 MR. RODRIGUEZ: Now, Your Honor, I just
11 want the record to be clear. The questions and the
12 answers that Mr. MacLeod and Mr. Myrick exchanged is
13 used for all purposes. Right?

14 JUDGE NORMAN: It is.

15 MR. RODRIGUEZ: Not just for the limited
16 purpose of --

17 JUDGE NORMAN: For all purposes.

18 MR. RODRIGUEZ: Okay.

19 (Exhibit ED No. 2 marked)

20 Q (BY MR. MacLEOD) Mr. Myrick, I'm handing you
21 what's been marked as ED exhibit -- this should be
22 Exhibit 2. I've got my numbering in order -- and ask
23 you to identify it.

24 A That is -- this is the plat for Phase I. The
25 second page is the plat for Phase II, and the third is

1 the plat for Phase III.

2 Q And there's some highlighting on there. Can
3 you tell me what that highlighting represents?

4 A Yes, sir, that is the six-inch PVC C-900 line
5 with all of the valves, fire hydrants that are
6 associated with those three phases. And it also stubs
7 out and shows where each of the phases are -- how they
8 are stubbed II to I, I to II, II to III, and it also
9 has --

10 JUDGE NORMAN: I'm not sure what you
11 mean by "stubbed."

12 A Loop the systems, make the system a looped
13 system, I to II, II to III, and III will be looped to
14 IV, and IV will be looped to the well back to the main
15 line so you have a complete --

16 JUDGE NORMAN: In terms of piping? Is
17 that what you mean?

18 A C-900 -- six-inch C-900 piping, yes, ma'am --
19 yes, sir.

20 JUDGE NORMAN: Okay. All right.

21 Q (BY MR. MacLEOD) So does ED-2 represent all
22 the areas where you currently have lines and are
23 prepared to offer water service?

24 A At the present time, yes.

25 MR. MacLEOD: I go ahead and offer ED-2.

1 JUDGE NORMAN: Any objection?

2 (No response)

3 JUDGE NORMAN: Mr. Carlton, any
4 objection?

5 MR. CARLTON: No.

6 JUDGE NORMAN: It's admitted.

7 (Exhibit ED No. 2 admitted)

8 (Exhibit ED No. 3 marked)

9 Q (BY MR. MacLEOD) I'm going ahead and handing
10 you what's been marked ED-3. This is previously --

11 JUDGE NORMAN: And do you have copies
12 for the rest of us --

13 MR. MacLEOD: Yes.

14 JUDGE NORMAN: -- of what you've just
15 gotten into evidence? Thank you.

16 MR. MacLEOD: Sure. And ED-3 has
17 already been admitted into evidence as -- excuse me --
18 I've got to find that number here. I've got it
19 somewhere -- DLM-11.

20 JUDGE NORMAN: Okay.

21 Q (BY MR. MacLEOD) Do you recognize what this
22 is?

23 A Yes, sir, I do.

24 Q And could you remind the Court what it is?

25 A This is -- if I unfold it all the way, this

1 is a map of the proposed application for the City of
2 Lindsay to get a CCN, and it also has South Ridge in
3 green.

4 Q Yeah, and is that green area -- is that where
5 your current CCN is, or is that all the property you
6 own? Can you tell from looking at that map?

7 A That is the -- no, I can't tell, but that is
8 the area that shows that South Ridge has a CCN in
9 Phase I and the top portion of Phase II.

10 JUDGE NORMAN: The top portion? You
11 mean the north portion?

12 A The north -- well, yes, sir, the north
13 portion of Phase II.

14 JUDGE NORMAN: Okay.

15 Q (BY MR. MacLEOD) Now, the property legend
16 does indicate that that's Lindsay Pure Water's CCN
17 area. Does that look like that's appropriate --
18 appropriately marked where your CCN area is? I know
19 you thought you had applied for more and had more, but
20 do you have any opinion on that?

21 A Yes, sir, I do. Number one, I know I applied
22 for the hundred acres, which ended up -- four of those
23 acres ended up being half of 30 -- well, all of 3108
24 on the east side. And my opinion was or my thought
25 was that I had CCN on Phase I and Phase II, but this

1 shows the bottom half of Phase II not in my CCN.

2 Q So as far as you -- as far as you know,
3 though, this green area is the CCN that the TCEQ is
4 recognizing as you having right now?

5 A Yes, sir.

6 Q I'm going to hand you --

7 JUDGE NORMAN: Do you want to tender
8 that even though it's already in evidence?

9 MR. MacLEOD: I was going to go and have
10 him make some indications on this.

11 JUDGE NORMAN: Okay, sure.

12 MR. MacLEOD: And then I'm going to
13 tender it.

14 JUDGE NORMAN: All right.

15 Q (BY MR. MacLEOD) Could you mark on this
16 map -- and unfortunately I guess the other parties can
17 come copy the mark.

18 Could you mark the area where your
19 lines -- generally where your lines are that might be
20 outside of that CCN area?

21 A Okay.

22 Q Just, you know, I guess if you mark it with a
23 circle or --

24 A I'll try to do it with --

25 Q And this is with an orange marker.

1 JUDGE NORMAN: Okay.

2 A Should I put II or --

3 Q (BY MR. MacLEOD) Let's just start with where
4 your lines are, and just kind of circle the whole area
5 the way you currently have lines with the orange
6 marker, if you could, or just bound it, not
7 necessarily a circle, just bound it; so where you
8 currently have lines, where the lines exist.

9 A Oh, where the lines exist?

10 Q Yeah.

11 A I'm sorry. (Complied)

12 Q You want to take that blue pen and mark
13 out --

14 A I'm sorry.

15 Q -- where you put the wrong thing?

16 MR. CARLTON: Can we go off the record?

17 JUDGE NORMAN: Sure.

18 (Recess: 11:01 a.m. to 11:14 a.m.)

19 JUDGE NORMAN: Okay. We're back on the
20 record. Go ahead, Mr. MacLeod.

21 Q (BY MR. MacLEOD) Mr. Myrick, while we were
22 off the record, you went ahead -- we marked some areas
23 on this ED-3. And could you tell me what you marked
24 with the dark blue pen?

25 A Those are the waterlines as they exist today.

1 Q And you made a square with a red marker.
2 What does that square indicate?

3 A That indicates the hundred acres that I
4 purchased from Joe Sandmann.

5 Q And you do own all of that land. Right?

6 A Yes, sir, I do.

7 Q And you also put a blue line following --
8 going across the CCN application area, and what does
9 that line indicate?

10 A That is the area that I am protesting.

11 Q So you want to exclude everything south of
12 that line?

13 A Everything south of that line, yes.

14 JUDGE NORMAN: There's Highway 82. Is
15 that right?

16 A No, it's not.

17 JUDGE NORMAN: Oh, okay.

18 A That's -- well, some of it is Highway 82.

19 JUDGE NORMAN: Although your testimony
20 says differently. Your testimony says you're
21 protesting everything south of Highway 82.

22 MR. CARLTON: And I think, Your Honor,
23 just to argue it, if we put it in context, it's all of
24 the CCN amendment that's been applied for that's south
25 of 82. There is existing CCN south of 82 that

1 obviously we don't have any grounds for --

2 JUDGE NORMAN: Right.

3 MR. CARLTON: -- those.

4 MR. MacLEOD: It appears the map is
5 going right along with 82, what he's marked.

6 JUDGE NORMAN: Okay.

7 THE WITNESS: 82 comes straight over
8 here.

9 MR. MacLEOD: Right, right, except for
10 the area that's already been granted, that's already
11 Lindsay's CCN.

12 JUDGE NORMAN: All right. Oh, I see.
13 Okay.

14 MR. MacLEOD: That's why it goes down
15 and jogs down.

16 JUDGE NORMAN: That's why it jogs, okay.
17 So Lindsay itself is south of Highway 82?

18 MR. CARLTON: Right.

19 JUDGE NORMAN: Okay.

20 MR. MacLEOD: So I would offer ED-3.

21 JUDGE NORMAN: Any objection?

22 (No response)

23 JUDGE NORMAN: It's admitted.

24 (Exhibit ED No. 3 admitted)

25 Q (BY MR. MacLEOD) Now, Mr. Myrick, you're an

1 experienced developer. Is that right?

2 A Yes, sir.

3 Q And I'm guessing you've seen, as we all have
4 seen, that regardless of liking pristine family farms
5 sometimes they do get sold?

6 A Yes, sir. I bought one.

7 Q And you bought one, that's right. Now, the
8 developer could sell the property more easily if there
9 was somebody required to provide water and sewer
10 service, couldn't they?

11 A Most definitely. That's the reason I asked
12 the City of Lindsay to bring an eight-inch line to me
13 so I would not be required to do so.

14 MR. MacLEOD: That's all the questions I
15 have.

16 JUDGE NORMAN: Mr. Rodriguez?

17 MR. MacLEOD: Oh, excuse me. I have one
18 more question.

19 JUDGE NORMAN: All right.

20 Q (BY MR. MacLEOD) Are you familiar with the
21 term "point of use" and how that relates to CCN
22 applications?

23 A "Point of use"?

24 Q Right.

25 A No, sir.

1 Q If I indicated to you that "point of use" is
2 where the primary use of water is on a piece of
3 property, would that -- does that make sense to you?

4 A Yes, sir, that would make sense.

5 Q Could you tell me if the point of ultimate
6 use for the customers you're currently giving service
7 to are within a quarter mile of your current CCN
8 boundary?

9 A Yes, they are.

10 MR. MacLEOD: Pass the witness.

11 JUDGE NORMAN: All right.

12 CROSS-EXAMINATION

13 BY MR. RODRIGUEZ:

14 Q Good morning, Mr. Myrick.

15 A Good morning.

16 Q You and I have met before?

17 A Yes, sir.

18 Q You understand I'm the city attorney for
19 Lindsay in this matter?

20 A Yes, sir.

21 Q And, Mr. Myrick, I'm going to ask you to go
22 back to ED No. 3 that was just recently admitted into
23 evidence. Let's open that up again because I want the
24 record to be perfectly clear on this.

25 A Yes, sir.

1 Q The area that you protest is the area south
2 of the existing Lindsay water CCN service territory.
3 Is that right?

4 A That is correct.

5 Q And any area -- flip to the north side. Any
6 area to the north of the city's existing water CCN
7 that it seeks to certificate you're not protesting?

8 A That is correct.

9 Q Okay. So if the -- so at a minimum, if the
10 Commission granted this area, the north area, to the
11 city, you would not have any problem with that?

12 A No, sir.

13 Q Okay.

14 A I would applaud that.

15 Q Now, Mr. Myrick --

16 MR. RODRIGUEZ: Is this close enough,
17 guys?

18 MR. MacLEOD: I can hear you.

19 MR. RODRIGUEZ: Okay.

20 Q (BY MR. RODRIGUEZ) Mr. Myrick, you are the
21 president of Lindsay Pure Water Company. Is that
22 correct?

23 A Yes, I am.

24 Q Is that a corporation?

25 A Yes, sir, it is.

1 Q In good standing with the state of Texas?

2 A I hope so. Yes, sir, it is.

3 Q You hope so, or is it?

4 A Yes, it is.

5 Q Okay. Is it a C-corporation or an
6 S-corporation for federal income tax purposes?

7 A It's an S-corporation.

8 Q Okay. Now, you're also the president of an
9 entity called Myrick Development Company. Is that
10 correct?

11 A Yes, I am.

12 Q Is that a corporation?

13 A Yes, it is.

14 Q Is that a C-corp or an S-Corp?

15 A That's an S-Corp.

16 Q How about -- there's another entity that
17 you're president of as it relates to the South Ridge
18 development, and you're going to have to help me with
19 the name here. Is it South Ridge --

20 A South Ridge of Lindsay, or are you talking
21 about Lindsay Pure Water Company?

22 Q South Ridge of Lindsay.

23 A South Ridge of Lindsay.

24 Q Is that a company, a corporation?

25 A It is a corporation.

1 Q Okay. And you're president of that
2 corporation as well?

3 A Yes, I am.

4 Q And is that a C-corp or an S-Corp?

5 A S-Corp.

6 Q You file income taxes for all three
7 corporations. Is that correct?

8 A Yes, I do. My accountant does.

9 Q Now, Mr. Myrick, on the -- I believe your
10 direct testimony provides that you serve 26 homes --
11 or Lindsay Pure Water -- excuse me -- serves 26 homes.
12 Is that correct?

13 A That is correct, at the present time.

14 Q And those homes all are within an area called
15 the South Ridge of Lindsay. Is that correct?

16 A That is correct.

17 Q Now, the South Ridge of Lindsay subdivision
18 is a 100-acre parcel of property that's owned by
19 Myrick Development Corporation. Is that correct?

20 A That is correct.

21 Q Now, the --

22 JUDGE NORMAN: Now, the 100 acres, is
23 that phases -- are all of Phases I, II, II and IV in
24 that 100 acres?

25 A Yes, sir, but realize one thing, that there

1 are four acres east and is 3108. I bought a hundred
2 acres. I've only got 96.

3 JUDGE NORMAN: Okay. So it's
4 96 acres -- is that right -- that you own?

5 A Yes.

6 MR. RODRIGUEZ: Okay. Let me see if I
7 can clear that up.

8 Q (BY MR. RODRIGUEZ) There's 96 acres in a
9 development that you call South Ridge of Lindsay?

10 A Yes, it is.

11 Q Okay. And four acres that is what, on the
12 east side of 3108?

13 A It is 3108.

14 Q Oh, it's the actual street, the right of way?

15 A Exactly. Yes, sir.

16 Q Okay. That is 3108?

17 A Yes, sir.

18 Q And that is not part of the development known
19 as South Ridge of Lindsay?

20 A No, sir.

21 Q Okay. Now, let me -- and just to make it
22 clear, Myrick Development Corporation purchased the
23 area that became known as South Ridge of Lindsay.
24 Correct?

25 A Yes, they did.

1 Q But today you don't own it all because you've
2 sold some lots?

3 A That is correct.

4 Q Okay. Now, let's talk about some of the
5 sales of those lots. As I understand it and if I read
6 your testimony and your deposition correctly, Phase I
7 contains 17 homes. Is that correct?

8 A That is correct.

9 Q And to be clear, South Ridge of Lindsay is
10 being developed in four phases. Is that correct?

11 A That is correct.

12 Q So Phase I began in 1997. Is that right?

13 A That is correct.

14 Q And that had approximately 17 homes?

15 A Had exactly 17 homes.

16 Q Okay. How many of those lots have actually
17 been sold?

18 A Sixteen.

19 Q Okay. Now, how many -- so that means that
20 Myrick Development Company still owns one of those
21 lots?

22 A Lot 3.

23 Q Now, on the 17 lots in Phase I, how many of
24 those lots actually have homes constructed on them?

25 A Ten.

1 Q Okay. Ten homes?

2 A Yes, sir.

3 Q Now, of the other 17 -- I mean, of the other
4 seven that are in Lot 1 that don't have homes on
5 them -- in Phase I, excuse me -- that don't have homes
6 on them, how many of them receive service from Lindsay
7 Pure Water?

8 A None of them.

9 Q I'm going to ask you to move to ED Exhibit
10 No. 2. I believe you testified earlier that Lindsay
11 Exhibit No. 2 contained the -- or was the plat for
12 Phase I of the South Ridge of Lindsay subdivision.
13 Correct?

14 A That is correct.

15 Q And that was the subdivision that was owned
16 by -- developed by Myrick Development Company?

17 A Owned by Myrick Development Company,
18 developed by South Ridge of Lindsay.

19 Q Okay. Corporation?

20 A Corporation.

21 Q Okay. Now, tell me of the -- and I see that
22 on ED Exhibit 2 it appears to me to be a plat map. Is
23 that correct?

24 A That's correct.

25 Q Can you tell me of these lots that appear in

1 Phase I which are the -- it may be easiest for you to
2 tell me which of the seven don't have homes on them.

3 A Okay. 1, 2 and 3 do not have homes, Lot 11
4 does not have a home, and Lot 16 does not have a home.

5 Q So far that's five.

6 A 1, 2 and 3, Lot 11 and Lot 16.

7 Q And where are the other two lots that don't
8 have homes?

9 A It would be easier for me to tell you how
10 many have a home.

11 Q Okay. Let's do that.

12 A Pardon me. Lot 4, Lot 5, Lot 6, Lot 7,
13 Lot 8, Lot 9, Lot 10, Lot 12, Lot 13, Lot 14, Lot 15
14 and Lot 17. I stand corrected.

15 JUDGE NORMAN: And how do you stand
16 corrected?

17 A Obviously I've miscounted here.

18 JUDGE NORMAN: So it's just five that
19 don't have --

20 A It's just five that do not have it.

21 JUDGE NORMAN: Okay.

22 A 1, 2, 3, 4, 5, there's only five.

23 JUDGE NORMAN: All right.

24 Q (BY MR. RODRIGUEZ) Five that do not receive
25 service?

1 A That is correct.

2 Q So the other 12 actually are customers of
3 Lindsay Pure Water?

4 A That's correct.

5 Q Now, let's go through the second page of
6 that, which is Bates -- ED Exhibit No. 2. It's Bates
7 Page No. LPWC00303. And this also appears to be a
8 plat map.

9 A That is correct.

10 Q And that is of Phase II of South Ridge?

11 A That is correct.

12 Q Now, the areas that are marked 1 through 17
13 in the north part --

14 A Yes.

15 Q -- those are not part of Phase II. Is that
16 correct?

17 A That is correct.

18 Q Okay. So Phase II only is what is south
19 of -- what is that county road name?

20 A 3108 -- no. I don't know.

21 Q You don't know what the name of this street
22 is?

23 A I don't have a clue.

24 Q Okay.

25 A It's a farm-to-market road. I didn't get to

1 name it. The county did.

2 Q Okay. So basically what's south of Lot 15
3 through 17 and south of Lot 1 is what's Phase II?

4 A With three exceptions.

5 Q Okay.

6 A The three lots on the west side of Phase I,
7 if you look over here, these are -- it appears to
8 be 33, 34 and 35 are part of Phase II.

9 Q Okay.

10 JUDGE NORMAN: Are you looking at the
11 first page or the second page?

12 A Second page, sir.

13 JUDGE NORMAN: All right.

14 A Those are floodplain lots.

15 JUDGE NORMAN: Okay.

16 A I only platted them because the gentleman
17 that bought Lot 9 bought the lot due west of him --

18 JUDGE NORMAN: Okay.

19 A -- and we built a lake.

20 JUDGE NORMAN: All right. So west is to
21 the left when you're looking?

22 A That is correct.

23 JUDGE NORMAN: North is to the top?

24 A Yes.

25 JUDGE NORMAN: South is to the bottom,

1 and east, of course, is to the right?

2 A To the left.

3 MR. RODRIGUEZ: There's a direction on
4 the map here.

5 JUDGE NORMAN: Oh, I see. Okay.

6 Q (BY MR. RODRIGUEZ) So, Mr. Myrick, as I
7 understand it, your testimony was that there were --
8 that there are 15 lots in Phase II. Is that correct?

9 A I said 15, and I omitted the three that were
10 floodplain, which will never be serviced with any
11 water. Well, I say that. It might be a sprinkler
12 system over there. It will probably end up being a
13 park.

14 Q So how many lots are in Phase II?

15 A Eighteen.

16 Q Now, how many in Phase II -- how many lots in
17 Phase II have been sold? Let me ask that first.

18 A Today? Lots that have been sold today, as of
19 today?

20 Q Yes, sir.

21 A Right now, okay. Eleven. You have to count
22 the one on the far left-hand side that has the lake in
23 it.

24 Q Of those eleven lots that have been sold, how
25 many of them have actually had houses constructed on

1 them?

2 A Eight.

3 Q And of those eight, how many of those are
4 Lindsay Pure Water Company customers?

5 A All eight.

6 Q And of the seven lots that are -- I'm
7 sorry -- of the ten lots that are vacant lots, how
8 many of those are Lindsay Pure Water customers?

9 A The ten vacant lots?

10 Q Yes, sir.

11 A None.

12 Q So it's accurate to say that in Phase II you
13 only have eight customers. Is that correct?

14 A Yes.

15 Q If we flip to page -- to the last page of
16 Exhibit ED-2, which is Bates Page No. LPWC00304, I
17 also understand that to be a plat map. Is that
18 correct?

19 A That is correct. That's Phase III.

20 Q Phase III of the South Ridge of Lindsay?

21 A Yes, sir.

22 Q Now, if my counting is correct, there are 12
23 lots in Phase III. Is that correct?

24 A That is correct.

25 Q How many of those 12 lots have been sold?

1 A Nine.

2 Q So of the nine lots sold in Phase III of the
3 South Ridge of Lindsay, how many of them have had
4 homed constructed on them?

5 A Five have either been constructed or in
6 construction at the present time. There are two of
7 those five in construction.

8 Q So three have been constructed?

9 A Yes, sir.

10 Q Two are in the process of being constructed?

11 A That is correct.

12 Q Now, the three that have been constructed,
13 how many of them are customers of the South Ridge --
14 I'm sorry -- Lindsay Pure Water Company?

15 A The three that have been constructed, all
16 three of them are.

17 Q Now --

18 A May I say something else? The two that are
19 in construction have to have water also.

20 Q Okay. And that's my next question.

21 A Yes, sir.

22 Q Of the two that are in the process of being
23 constructed, how many of them have applied for service
24 from Lindsay Pure Water Company?

25 A Both of them.

1 Q They've applied for service?

2 A Yes, sir.

3 Q Okay. And when did they make application for
4 service?

5 A Sixty days ago.

6 Q And did you have a form for them to fill out
7 in order to make application for service?

8 A No.

9 Q Have they paid \$600 for the tap fee?

10 A Yes.

11 Q When did they do that?

12 A When I installed the meter.

13 Q And when was that?

14 A Sixty days ago.

15 Q Okay. So, Mr. Myrick, we'll go through this.
16 If you've got 12 customers in Phase I -- well, let me
17 go back.

18 Can you point to me on Exhibit ED-2
19 which part of the South Ridge of Lindsay subdivision
20 of Phase I is included in Lindsay Pure Water Company's
21 CCN? Is the entirety of it?

22 A The entirety.

23 Q Okay. Now, which portions of Phase II of the
24 South Ridge of Lindsay -- which portions are included
25 in Lindsay Pure Water Company's CCN?

1 A I truthfully cannot be certain, but I will
2 offer what I think. If I look at ED-3, which is the
3 map that says South Ridge in green, it would appear to
4 me that -- it would appear to me that at the present
5 time there are -- Lots 30, 31 and 32 probably are in
6 the CCN of Lindsay.

7 Q Lindsay Pure Water?

8 A Lindsay Pure Water, yes.

9 Q Okay. And which portions of Phase II are
10 outside of Lindsay Pure Water's CCN?

11 A The balance, which would be -- I'm sorry. I
12 can't read the numbers, but there are three in the
13 middle of the plat and the ones to the far left of the
14 cul de sac on the bottom of the subdivision.

15 JUDGE NORMAN: Looks like 8, 9, 10
16 and 11 to the west and everything else to the east or
17 southeast of that.

18 A Well, Judge, those --

19 JUDGE NORMAN: You can't read those?

20 A I would think that would be 30.

21 JUDGE NORMAN: Well, to the very far
22 left, that is the very west, those you believe are
23 included in your present CCN, and that's --

24 A But the way the map is drawn here in this
25 ED-3 --

1 JUDGE NORMAN: All right.

2 Q (BY MR. RODRIGUEZ) Okay. I'll look at ED-3
3 then. Let's take a look at what's been marked and
4 entered into evidence from Applicant's Exhibit No. 2
5 Attachment DLM-17. Would you understand that to be a
6 map from the TCEQ for the CCN for Cooke County?

7 JUDGE NORMAN: And that's map number --
8 that's No. 17. Is that right?

9 MR. RODRIGUEZ: DLM-17.

10 A Judge, it's the same drawing, only smaller.

11 JUDGE NORMAN: Okay.

12 Q (BY MR. RODRIGUEZ) Do you understand that to
13 be the TCEQ map?

14 A I understand it to be TECQ (sic), but --

15 Q So, Mr. Myrick, then does that help you
16 determine which lots are inside or outside of the
17 South Ridge of Lindsay's CCN?

18 A It would appear to me --

19 Q Lindsay Pure Water. Excuse me.

20 A -- looking at what this map says that I have
21 a CCN on Phase I and not on Phase II.

22 Q Okay.

23 A That's what it looks like to me.

24 Q Okay. Now, Phase I, if you will indulge me
25 here, appears to be somewhat rectangular in shape.

1 Would you agree with me?

2 A Yes, sir.

3 Q Okay. Is the CCN that's actually granted to
4 you that's shown in Applicant's Exhibit No. 2,
5 Attachment DLM-17, rectangular in shape?

6 A Did you say Phase II or Phase I?

7 Q No, I'm asking you whether this CCN --

8 A Well, this has got a dog leg to the south.

9 Q Okay.

10 A And that is in Phase II.

11 Q Okay. Now, explain to me which lots in
12 Phase II then would be included in that dog leg that's
13 in Lindsay Pure Water's CCN.

14 A It would appear that 18, 19, 20, 21, 22 are
15 in Phase II.

16 Q 18 through 22 are in Phase II?

17 A Those are the ones up against 3108 on the
18 east side.

19 Q So it appears to you that in Phase II,
20 Lots 18 through 22 are within Lindsay Pure Water
21 Company's CCN?

22 A That's what it appears.

23 Q Okay. Now, of Lots 18 through 22 in Phase II
24 of Lindsay Pure Water, which of those lots actually
25 have houses on them -- constructed on them?

1 A Eighteen; eighteen.

2 Q Lot 18?

3 A Lot 18.

4 Q Okay. And if I understood your testimony
5 earlier, there were a total of seven customers in
6 the -- in Phase II, seven Lindsay Pure Water Company
7 customers in Phase II. Is that correct? I'm sorry,
8 eight.

9 A I would agree with eight.

10 Q Okay. So of the remaining seven -- well,
11 seven customers are outside of Lindsay Pure Water
12 Company's CCN?

13 A It would appear from the map that I am
14 looking at that is ED-3, that's the way it's drawn. I
15 might mention that I do not agree with that, but
16 that's -- that's okay.

17 Q You don't agree with your own testimony?

18 A No, I don't agree that the map is drawn
19 right, nor can you tell what is or what is not in
20 Phase I and II and has a CCN.

21 Q Okay. But you were the -- you were the
22 person responsible for receiving the CCN from the
23 TCEQ. Is that correct?

24 A Yes, sir.

25 Q Now, Mr. Myrick, if we've got seven that

1 appear to be outside of the Lindsay Pure Water
2 Company's CCN in Phase II and we have five customers
3 of Lindsay Pure Water in Phase III, then as far as you
4 know, there's only -- there's only 12 customers that
5 are outside of Lindsay Pure Water Company's current
6 CCN. Is that correct?

7 A If I interpolate the map that I have before
8 me and the way I have just said it, that's -- you are
9 correct.

10 Q Now, has Phase IV been developed?

11 A It is in the process.

12 Q Okay. Have any lots been sold?

13 A No, sir.

14 Q Has a plat been approved?

15 A It is being laid out and will go to --

16 Q So the answer is no, it's not been approved?

17 A The answer is no, it has not.

18 Q Now, Mr. Myrick, when did you begin first
19 selling lots in Phase II of the South Ridge of Lindsay
20 development?

21 A Late of 1998.

22 Q When did you first begin selling lots in
23 Phase III of the South Ridge of Lindsay subdivision?

24 A Early of 2007.

25 Q Now, you would agree with me, Mr. Myrick,

1 wouldn't you, that you first determined that your CCN
2 was -- of Lindsay Pure Water Company's was not what
3 you thought it was in approximately the year 2005. Is
4 that correct?

5 A That is correct.

6 Q Okay. You discovered that, didn't you, when
7 Lindsay Pure Water sent notice of what -- sent notice
8 of its application for a CCN?

9 A Shortly thereafter, yes, sir.

10 Q Around that timeframe?

11 A As soon as I visited with my attorney.

12 MR. CARLTON: Just for clarification,
13 Art, you meant when the town of Lindsay sent notice of
14 its application? You said Lindsay Pure Water.

15 MR. RODRIGUEZ: I'm sorry. I make the
16 correction.

17 Q (BY MR. RODRIGUEZ) And would that still be
18 your testimony?

19 A Yes, sir.

20 MR. RODRIGUEZ: Thank you, Mr. Carlton.

21 Q (BY MR. RODRIGUEZ) Do you recall --
22 Mr. Myrick, when was the date that you sent -- that
23 Lindsay Pure Water Company started serving its first
24 customer in Phase III?

25 A Probably September of 2007.

1 Q Now, when were the lines constructed to be
2 able to provide service to that first customer in
3 September of 2007?

4 A Lines were constructed probably in June
5 of 2007. It would have been earlier than that -- I'm
6 sorry -- because the rest of the infrastructure had to
7 be put in after the waterlines. Early May 2007.

8 Q Did you provide a map to the TCEQ showing
9 that extension of service beyond your ETJ?

10 A No, I did not, but I have --

11 Q Did you provide -- beyond your CCN -- excuse
12 me -- did you provide a map to the TCEQ showing the
13 extension beyond Lindsay Pure Water Company's CCN?

14 A No, I did not, but I have corrected that --

15 Q Did you provide the TCEQ --

16 A -- as of yesterday.

17 Q Did you provide the TCEQ a written
18 explanation of that extension beyond your CCN?

19 A No, I did not.

20 Q Did you get any construction plans approved
21 by the TCEQ --

22 A No, I --

23 Q -- for distribution facilities outside of
24 your CCN?

25 A No, I did not.

1 Q Okay. And you would have been the person
2 responsible at Lindsay Pure Water to ensure that that
3 would have happened. Is that correct?

4 A That is correct. The total burden would be
5 mine.

6 Q Now, Mr. Myrick, my understanding is that
7 Lindsay Pure Water Company provides water service
8 solely to the South Ridge of Lindsay subdivision. Is
9 that correct?

10 A That is correct.

11 (Exhibit APP No. 6 marked)

12 Q (BY MR. RODRIGUEZ) Mr. Myrick, I'm handing
13 you --

14 A Just a minute, if you would. I just need a
15 second. I need to make myself a note.

16 JUDGE NORMAN: Okay.

17 (Brief pause)

18 THE WITNESS: Thank you. I'm sorry.

19 Q (BY MR. RODRIGUEZ) Mr. Myrick, I've handed
20 you what's been marked as Applicant's Exhibit No. 6.

21 A Yes, sir.

22 Q Do you recognize that document?

23 A That is my tariff -- or Lindsay Pure Water
24 Company's tariff -- no, it's not either. Sorry about
25 that. Yes, sir.

1 Q Do you understand those to be the responses
2 from Lindsay Pure Water Company to the City of
3 Lindsay's interrogatories?

4 A Yes, sir.

5 Q Okay. And specifically Interrogatories 1
6 through 5?

7 A Yes, sir.

8 Q Okay. And those were served on the City of
9 Lindsay approximately March 14, 2008?

10 A That's correct.

11 MR. RODRIGUEZ: Okay. I move admission
12 of Applicant's Exhibit No. 6, Your Honor.

13 JUDGE NORMAN: Mr. MacLeod, any
14 objection?

15 MR. MacLEOD: No objection.

16 JUDGE NORMAN: It's admitted.

17 (Exhibit APP No. 6 admitted)

18 Q (BY MR. RODRIGUEZ) Mr. Myrick, please tell
19 me what the ground elevation is of -- well, let me ask
20 this: You have a standpipe that -- Lindsay Pure Water
21 Company has a standpipe. Is that correct?

22 A That's correct.

23 Q Can you please tell me what the ground
24 elevation of the standpipe is?

25 A No, sir, I cannot, but if I had a topo, I

1 could tell you, a topographical map of the area.

2 Q Okay. Actually, I believe that's already in
3 evidence, Mr. Myrick.

4 MR. CARLTON: LPWC-11 is going to be
5 where it is.

6 MS. WRIGHT: 10 and 11.

7 A Thank you. I would say it's approximately
8 900 feet.

9 Q (BY MR. RODRIGUEZ) That's the ground
10 elevation?

11 A Yes.

12 Q What document are you looking at?

13 A That's wrong.

14 Q Are you looking at Lindsay Pure Water Company
15 Exhibit No. 11?

16 A Yes.

17 Q Okay.

18 A Approximately 860.

19 Q And that 860 feet is based on your review of
20 Lindsay Pure Water Company Exhibit No. 11. Correct?

21 A That's correct.

22 Q Mr. Myrick, can you please tell me what the
23 ground elevation of Lindsay Pure Water Company's
24 highest connection is?

25 JUDGE NORMAN: Its what connection?

1 MR. RODRIGUEZ: Its highest connection.

2 JUDGE NORMAN: Oh, okay.

3 A Approximately 850.

4 Q (BY MR. RODRIGUEZ) After Phase IV of the
5 South Ridge of Lindsay is developed or platted, can
6 you tell me what the highest connection would be if
7 all lots are built upon?

8 A Just a minute. Approximately 870.

9 Q What's the height of the standpipe that
10 Lindsay Pure Water Company owns?

11 A It's 99 feet tall.

12 Q What's the diameter of the standpipe?

13 A Fifteen feet.

14 Q Can you tell me what the height of the well
15 discharge line into the standpipe is?

16 A The height of the line -- of the discharge
17 line?

18 Q Yes.

19 A It's discharged from the bottom.

20 Q Okay. From the -- into the bottom of the
21 standpipe?

22 A Yes, sir.

23 Q Within five feet or less?

24 A Yes, sir.

25 Q Mr. Myrick, I also understand that you've got