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APPLICATION OF THE TOWN OF  
LINDSAY TO AMEND WATER AND  
SEWER CERTIFICATES OF  
CONVENIENCE AND NECESSITY  
(CCN) NOS. 13025 AND 20927 IN  
COOKE COUNTY, TEXAS  
APPLICATION NOS. 35096-C & 35097-C

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PREFILED DIRECT TESTIMONY AND EXHIBITS OF

JIM MYRICK

FOR

LINDSAY PURE WATER COMPANY

July 7, 2008

*Jim Myrick*  
LPWC EX 1A

**PREFILED DIRECT TESTIMONY AND EXHIBITS  
OF  
JIM MYRICK**

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**EXHIBITS:**

<b>LPWC 1:</b>	Google Earth Map of South Ridge of Lindsay, Lindsay Pure Water Company service area and Surrounding Area
<b>LPWC 2:</b>	Google Earth Map of South Ridge of Lindsay Subdivision Area
<b>LPWC 3:</b>	South Ridge of Lindsay Phase 1 Subdivision Map
<b>LPWC 4:</b>	South Ridge of Lindsay Phase 2 Subdivision Map
<b>LPWC 5:</b>	South Ridge of Lindsay Phase 3 Subdivision Map
<b>LPWC 6:</b>	TCEQ Order issuing CCN No. 12858 to Lindsay Pure Water Company
<b>LPWC 7:</b>	Rate Schedule from Lindsay Pure Water Company Tariff

1                                   **PREFILED DIRECT TESTIMONY AND EXHIBITS**  
2                                   **OF**  
3                                   **JIM MYRICK**  
4                                   **BACKGROUND**

5   **Q.**    PLEASE STATE YOUR NAME AND ADDRESS.

6   **A.**    My name is Jim Myrick. My business address is Lindsay Pure Water Company, P.O. Box  
7           1338, Gainesville, Texas 76241.

8   **Q.**    PLEASE DESCRIBE YOUR EDUCATION, EXPERIENCE AND ANY DEGREES  
9           OBTAINED SINCE HIGH SCHOOL.

10 **A.**    I received a Bachelor of Arts degree in industrial engineering from North Texas State in  
11           1965. I worked in production management in Ling Temco Vaught (LTV) in the industrial  
12           engineering division for 7 years. I have owned my own appliance store for over 25 years.  
13           I have been a general contractor for the last 11 years both in commercial and residential  
14           construction. I have been developing land for subdivisions since 1976. In addition, I  
15           served as a council member on the Town of Lindsay City Council from about 1975 until  
16           about 1981. I have also actively served the community as a member of the Lindsay  
17           School Board for 18 years (11 as President). I have served on the Cooke County  
18           Appraisal District Board of Directors for the past 7 years, the last 4 of which I have been  
19           the President.

20 **Q.**    WHAT IS YOUR POSITION WITH LINDSAY PURE WATER COMPANY?

21 **A.**    I am the President of the company.

22 **Q.**    HOW LONG HAVE YOU BEEN AN OWNER OF LINDSAY PURE WATER  
23           COMPANY?

24 **A.**    I have owned part of the company and been President since it was created in 1997.

1 Q. WHAT HAVE BEEN YOUR RESPONSIBILITIES AS PRESIDENT OF THE  
2 COMPANY?

3 A. I have supervised both the acquisition of the various permits and approvals necessary to  
4 operate the water system and the construction and operation of the water system since it  
5 began.

6 **CREATION OF LINDSAY PURE WATER COMPANY**

7 Q. WHY WAS LINDSAY PURE WATER COMPANY CREATED?

8 A. The company was created to provide water service to the South Ridge of Lindsay  
9 Subdivision, which is located in the area shown on the Google Earth maps I have attached  
10 as **Exhibits LPWC 1 and LPWC 2**.

11 Q. DO THESE MAPS ACCURATELY SHOW THE LOCATION OF THE SOUTH  
12 RIDGE OF LINDSAY SUBDIVISION?

13 A. They do.

14 Q. WHO IS THE DEVELOPER FOR THE SOUTH RIDGE OF LINDSAY?

15 A. Myrick Development Company.

16 Q. PLEASE DESCRIBE YOUR RELATIONSHIP WITH MYRICK DEVELOPMENT  
17 COMPANY.

18 A. I am an owner and the President of Myrick Development Company.

19 Q. PLEASE DESCRIBE THE SUBDIVISION.

20 A. The South Ridge of Lindsay is approximately 96 acres of land located along County Road  
21 3108 approximately one mile south of the City of Lindsay. The property was purchased  
22 by Myrick Development Company in 1997, and the subdivision has been developed in  
23 phases. There will ultimately be about 65 lots within the subdivision. Phases 1, 2 and 3  
24 have been platted for 44 lots, and all but 8 of the lots have been sold. Phase 4, which is

1 the final phase, will begin development within the next 6 months. The first 2 homes were  
2 constructed in 1998, and we have averaged 2.6 new homes per year over the 10 years that  
3 the project has been active. There are now 26 homes within the subdivision and 14 sold,  
4 but vacant, lots. Copies of the plats for Phases 1, 2 and 3 are attached as **Exhibits LPWC**  
5 **3, LPWC 4 and LPWC 5.**

6 **Q.** DID YOU TRY TO OBTAIN WATER SERVICE FOR THE SOUTH RIDGE OF  
7 LINDSAY SUBDIVISION INSTEAD OF CREATING LINDSAY PURE WATER  
8 COMPANY?

9 **A.** Yes.

10 **Q.** WHAT HAPPENED?

11 **A.** I initially requested service from the Town of Lindsay. They refused to extend service  
12 from their water system or even allow me to pay to extend their lines to the subdivision.  
13 Consequently, we had to create Lindsay Pure Water Company, drill a new well and  
14 construct a new water system to serve the subdivision.

15 **LINDSAY PURE WATER COMPANY CCN**

16 **Q.** DOES LINDSAY PURE WATER COMPANY HOLD A CERTIFICATE OF  
17 CONVENIENCE AND NECESSITY TO PROVIDE RETAIL WATER SERVICE  
18 FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY?

19 **A.** Yes.

20 **Q.** WHAT IS THE CCN NUMBER?

21 **A.** The CCN number is 12858

22 **Q.** WHEN WAS THE CCN ISSUED?

23 **A.** The CCN was issued by the Commission in 1998. A copy of the Order is attached as  
24 **Exhibit LPWC 6.**

1 Q. PLEASE DESCRIBE THE CERTIFICATE OF CONVENIENCE AND NECESSITY  
2 HELD BY LINDSAY PURE WATER COMPANY?

3 A. The current CCN for the Company only covers what is known as Phase 1 of the South  
4 Ridge of Lindsay Subdivision and a portion of Phase 2.

5 Q. WHY IS PHASE 1 THE ONLY AREA COVERED BY THE CCN?

6 A. I do not know and believe this is in error. The entire South Ridge of Lindsay subdivision  
7 should be within the Lindsay Pure Water Company CCN. However, the public records at  
8 the Commission are incomplete, and I have been unable to locate a copy of our original  
9 application to confirm my opinion.

10 Q. WHEN DID YOU DISCOVER THIS ERROR?

11 A. I discovered this error in the course of preparing for this case.

12 Q. HOW IS LINDSAY PURE WATER COMPANY SERVING THE EXISTING HOMES  
13 IN AREAS OUTSIDE ITS CCN?

14 A. Those homes, like the remainder of the subdivision property are within ¼ mile of the  
15 company's CCN boundary. Consequently, the company is authorized to serve them under  
16 the Commission's rules. As soon as we have finished this case and have enough  
17 resources, I intend to apply for an amendment to the company's CCN in order to add the  
18 remainder of Phase 2, and Phases 3 and 4 to CCN No. 12858.

19 Q. HOW MUCH DOES LINDSAY PURE WATER COMPANY CHARGE ITS  
20 CUSTOMERS FOR SERVICE?

21 A. We charge the rates that are set by our tariff, which has been approved by the  
22 Commission. A copy of the rate schedule page from our tariff is attached as **Exhibit**  
23 **LPWC 7.**

**LINDSAY PURE WATER COMPANY SYSTEM**

Q. PLEASE DESCRIBE THE LINDSAY PURE WATER COMPANY SYSTEM.

A. This system was initially designed to serve, at a minimum, the South Ridge of Lindsay subdivision at full build-out of Phases 1 through 4, which included 65 connections, but it has been oversized in many ways that will allow it to serve other areas. The main components of the water system include:

- (1) approximately 1.2 miles of 6-inch C900 PVC distribution lines;
- (2) a 100,000 gallon standpipe, with maximum elevation of 963 feet above sea level;
- (3) a well that is 905 feet deep, has a static water level of 325 feet and is pumping a minimum of 100 gallons per minute from 515 feet deep;
- (4) a 2000 gallon pressure tank;
- (5) a 10-horsepower service pump with a capacity of ~~420~~ 210 gallons per minute; and
- (6) a 3-horsepower high pressure pump with 100 gallons per minute capacity.

We are planning to replace the 3-horse power pump with another 10-horsepower pump with a capacity of ~~420~~ 210 gallons per minute in the next few months. With two 10-horsepower pumps we should be able to supply ~~840~~ 420 gallons per minutes at 60 pounds of head pressure.



1 Q. HOW MANY CONNECTIONS IS THE LINDSAY PURE WATER SYSTEM  
2 CAPABLE OF SERVING?

3 A. Based upon the Commission rules and the way the system is currently operated, it can  
4 serve up to 100 connections. The storage tank capacity is sufficient for 500 connections at  
5 200 gallons per connection. The currently pump capacity is sufficient for ~~260~~ 155  
6 connections (the new pump would allow us to serve ~~420~~ 210 connections). The  
7 distribution lines are sufficient for up to 250 connections. The 100 gallon per minute well  
8 capacity is sufficient for 168 connections. The limiting factor is the pressure tank, which  
9 has a capacity to serve 100 connections. The Commission rules require a system to have  
10 pressure tank capacity of 20 gallons for every connection. By changing the way we  
11 operate to eliminate the use of pressure tank, the system could serve up to 168  
12 connections, which is the well capacity limit. This is because the capacity of the  
13 standpipe that is 80 feet above the highest service connection, which is considered  
14 elevated storage, is sufficient to serve about 180 connections. By adding a second well,  
15 depending on the production of the well, the system could serve up to 180 connections  
16 without any additional improvements. By adding additional elevated storage or pressure  
17 tank capacity, the system can be expanded to serve even more connections.

18 **SOUTH RIDGE OF LINDSAY DEVELOPMENT STATUS**

19 Q. WHO OWNS THE UNSOLD LOTS IN PHASE 3 OF THE SOUTH RIDGE OF  
20 LINDSAY SUBDIVISION?

21 A. Myrick Development.

22 Q. WHO OWNS THE PROPERTY THAT WILL BE PHASE 4 OF THE SOUTH RIDGE  
23 OF LINDSAY SUBDIVISION?

24 A. Myrick Development.

1 Q. HOW MANY ACRES OF LAND DOES MYRICK DEVELOPMENT OWN WITHIN  
2 THE SOUTH RIDGE OF LINDSAY SUBDIVISION?

3 A. Myrick Development owns approximately 42 acres of land within the South Ridge of  
4 Lindsay, which includes 8 unsold lots of approximately 1 acre each and approximately 34  
5 acres of land that is to be developed as Phase 4.

6 Q. WHICH UTILITY COMPANY DO YOU WANT TO PROVIDE WATER SERVICE  
7 TO THE MYRICK DEVELOPMENT PROPERTY WITHIN THE SOUTH RIDGE OF  
8 LINDSAY SUBDIVISION?

9 A. Lindsay Pure Water Company.

10 **EXPANSION OF LINDSAY SYSTEM**

11 Q. WHAT ARE LINDSAY PURE WATER COMPANY'S DESIRES WITH REGARD TO  
12 PROVIDING SERVICE IN THE AREA SURROUNDING ITS CURRENT CCN?

13 A. Our company would like to be the service provider in the area that surrounds our CCN.

14 Q. WHY IS THAT?

15 A. We would like to be the service provider because we have facilities in close proximity that  
16 have sufficient capacity to serve a significant number of additional connections, and with  
17 some slight improvements, could serve ~~an~~ many more connections on top of that. By  
18 serving additional connections, we would be able to fully utilize our system's resources  
19 and cost efficiently serve landowners in the area surrounding us.

20 Q. IF YOU WANT TO SERVE IN THE AREA SURROUNDING YOU, WHY HAVE  
21 YOU NOT APPLIED FOR A CCN FOR THAT AREA?

22 A. There is no current need for service.

1 Q. WHY DO YOU HAVE THAT OPINION?

2 A. I have been developing property in Cooke County for 34 years. Based on my experience,  
3 there is not an immediate need for service because there are no developments proposed  
4 within the area surrounding our Company's CCN. The only active subdivisions, beside  
5 the South Ridge of Lindsay, are within the City of Lindsay's city limits and its current  
6 water CCN.

7 Q. HOW WOULD LINDSAY PURE WATER COMPANY PROVIDE WATER SERVICE  
8 TO THE SURROUNDING AREA?

9 A. Landowners could connect to the Company's existing water system for service to their  
10 property. If additional capacity were needed, the improvements described above could be  
11 easily made in order to supply water sufficient to serve the development when it is  
12 needed.

13 **SERVICE REQUESTS AND NEED**

14 Q. HAVE YOU REVIEWED THE REQUESTS FOR SERVICE RECEIVED BY THE  
15 CITY OF LINDSAY?

16 A. I have.

17 Q. WHAT IS YOUR OPINION REGARDING THOSE REQUESTS?

18 A. I do not believe that any of the requestors have plans for developing their property at this  
19 time. It is my opinion that the requests are merely for the purpose of securing a  
20 certificated service area so that neither my company nor the City of Gainesville can obtain  
21 a CCN over the area. By securing a CCN, the City of Lindsay hopes to add an additional  
22 layer of regulatory control over development within the area and to prevent the City of  
23 Gainesville from controlling the area.

1 Q. WHY DO YOU NOT BELIEVE THE REQUESTORS TRULY NEED SERVICE?

2 A. I base my opinion on the fact there are no actively developing subdivisions, other than the  
3 South Ridge of Lindsay, within the City of Lindsay's requested service area surrounding  
4 our company's CCN. By actively developing, I mean that there are no pending plat  
5 applications before the City of Lindsay or Cooke County, which are the entities that have  
6 jurisdiction over the subdivision process in the area. None of the requestors have actually  
7 filed any applications related to development of their property with Cooke County or the  
8 City of Lindsay.

9 Q. WHAT IS THE BASIS FOR YOUR OPINION?

10 A. I base my opinion on my experience as a former Lindsay City Council member and my  
11 involvement in utility and growth issues affecting the area over the past 34 years. In  
12 particular, I base my opinion on my discussions with current and prior City Council  
13 members and City staff regarding the desire to prevent the City of Gainesville from  
14 expanding its service area any further to the West. We have previously received similar  
15 requests for service, which I know were not based upon an actual need for service and  
16 were based upon a desire to keep the City of Gainesville from serving the area.

17 Q. WHY HAVE YOU NOT APPLIED FOR A CCN AMENDMENT WHEN YOU  
18 RECEIVED THOSE TYPE OF REQUESTS?

19 A. We actually retained an individual to assist us in preparation of a CCN amendment  
20 application, but the application was never completed because there was not an immediate  
21 need for service to those tracts of land and therefore no urgency to follow through with an  
22 application.

1 Q. DOES THE GROWTH IN LINDSAY'S POPULATION, AS REFERENCED BY MR.  
2 MARONEY IN HIS PREFILED TESTIMONY, AFFECT YOUR OPINION ABOUT  
3 THE LACK OF NEED FOR SERVICE?

4 A. No.

5 Q. WHY NOT?

6 A. As I stated before, there are no actively developing subdivisions, other than the South  
7 Ridge of Lindsay, within the City of Lindsay's requested service area surrounding our  
8 company's CCN. By actively developing, I mean that there are no pending plat  
9 applications before the City of Lindsay or Cooke County, which are the entities that have  
10 jurisdiction over the subdivision process in the area. The only growth is occurring within  
11 the City limits of Lindsay, which is already subject to the City's CCN, or within the South  
12 Ridge of Lindsay subdivision, which is served by Lindsay Pure Water Company.

13 **CONCLUSION**

14 Q. WHAT WOULD BE THE IMPACT ON LINDSAY PURE WATER COMPANY IF  
15 THE CITY OF LINDSAY WAS ISSUED ITS PROPOSED CCN?

16 A. Lindsay Pure Water Company would be forced to terminate its service to its current  
17 customers within the South Ridge of Lindsay Subdivision, Phases 2 and 3. Lindsay would  
18 be unable to provide service to any new homes constructed within Phases 2 and 3 or  
19 within future Phase 4. The Company would also be prevented from utilizing the capacity  
20 available within its existing system for future customers. This would result in the  
21 Company not earning a return on its decade old investment in water service for the area  
22 and probably result in extreme financial trouble for the Company because we would lose a  
23 substantial portion of the revenues we currently generate.

1 Q. WHAT WOULD BE THE IMPACT ON THE LAND WITHIN THE SOUTH RIDGE  
2 OF LINDSAY SUBDIVISION IF THE CITY OF LINDSAY WAS ISSUED ITS  
3 PROPOSED CCN?

4 A. The land within the South Ridge of Lindsay, Phases 2, 3 and future Phase 4 would be  
5 forced to obtain water service from the City of Lindsay's facilities, which are  
6 approximately one mile away. The cost of obtaining this service would greatly exceed the  
7 cost to obtain service from Lindsay Pure Water Company because, in addition to the cost  
8 of the internal distribution system and the taps, the landowners would incur costs to  
9 construct a mile long transmission line from the City's system and additional pumps and  
10 storage necessary to serve the subdivision. The only costs to connect to the Lindsay Pure  
11 Water Company system would be for the distribution mains and the taps because there is  
12 sufficient capacity in all the other facilities to serve the remainder of the subdivision build  
13 out. In addition, there would be significant time delay associated with the construction of  
14 the extension of the City of Lindsay's system that would not occur using the Company's  
15 system. Finally, the land would no longer have the benefit of elevated storage within  
16 close proximity, and the customers on the land would pay more for their retail utility  
17 service.

18 Q. WHAT WOULD BE THE IMPACT ON THE LAND WITHIN THE AREA  
19 SURROUNDING THE SOUTH RIDGE OF LINDSAY SUBDIVISION IF THE CITY  
20 OF LINDSAY WAS ISSUED ITS PROPOSED CCN?

21 A. Similarly, the land within the area surrounding the South Ridge of Lindsay would be  
22 forced to obtain water service from the City of Lindsay's facilities, which are  
23 approximately one mile away. This area would also incur costs to obtain water service  
24 that would greatly exceed the cost to obtain service from Lindsay Pure Water Company.

1 The costs would be higher for the same reasons, construction of a transmission main and  
2 additional pumps and storage necessary to serve the land. Whereas, the only costs to  
3 connect to the Lindsay Pure Water Company system would be for the internal distribution  
4 mains and the taps because there is sufficient capacity in all the other Company facilities  
5 to serve the area surrounding the South Ridge of Lindsay, and to the extent additional  
6 capacity is needed, it can be readily obtained by improvements to the Company's system.  
7 Just like the areas within the South Ridge of Lindsay subdivision, customers within this  
8 area would also pay more for retail service from the City of Lindsay. These issues are  
9 particularly true for the areas located south of the Company's service area, because the  
10 transmission line would have to pass by the Company's system in order to reach the areas  
11 that are further to the South. While it is less clear where the costs and timing for service  
12 begin to be the same for the area between the City and the Company's service area, there  
13 is still no need for service in this area at this time.

14 **Q. WHAT WOULD YOU LIKE FOR THE COMMISSION TO DO IN THIS MATTER?**

15 **A.** I want the Commission to deny the City of Lindsay's application for a CCN for all areas  
16 South of U.S. 82 because there is not a need for service in any of this area at this time. At  
17 some point in the future, when there is actually a need for service, Lindsay Pure Water  
18 Company and the City of Lindsay can work together to determine how that future need  
19 can best be met from an economic, engineering and timing perspective. However, it is not  
20 time for that now.

21 **Q. DOES THIS CONCLUDE YOUR TESTMONY?**

22 **A.** Yes.

1 Q. WHY DO YOU HAVE THAT OPINION?

2 A. I have been developing property in Cooke County for 34 years. Based on my experience,  
3 there is not an immediate need for service because there are no developments proposed  
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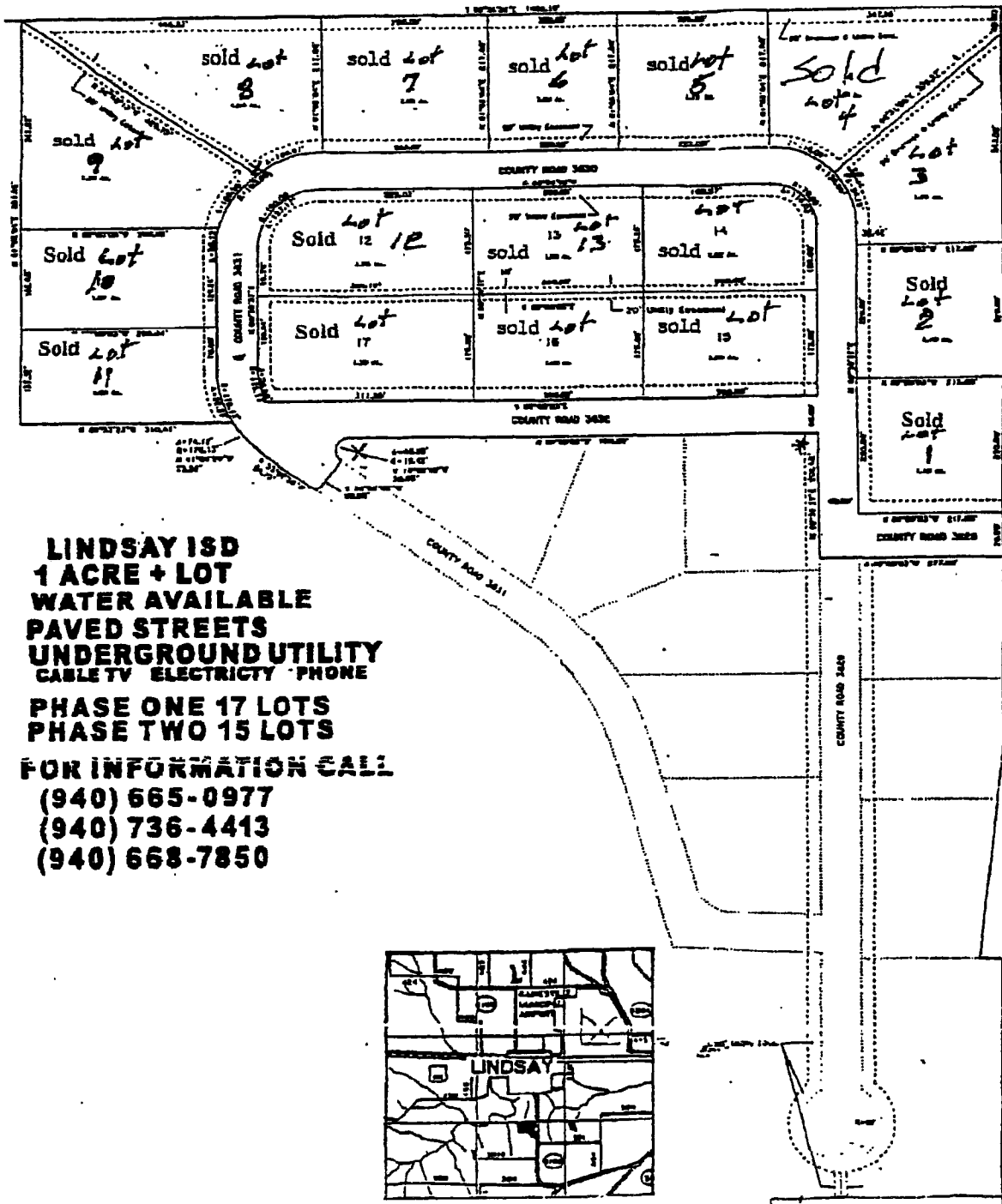
Lindsay Pure Water Service Area

3630

Image © 2008 DigitalGlobe  
© 2008 Tele Atlas

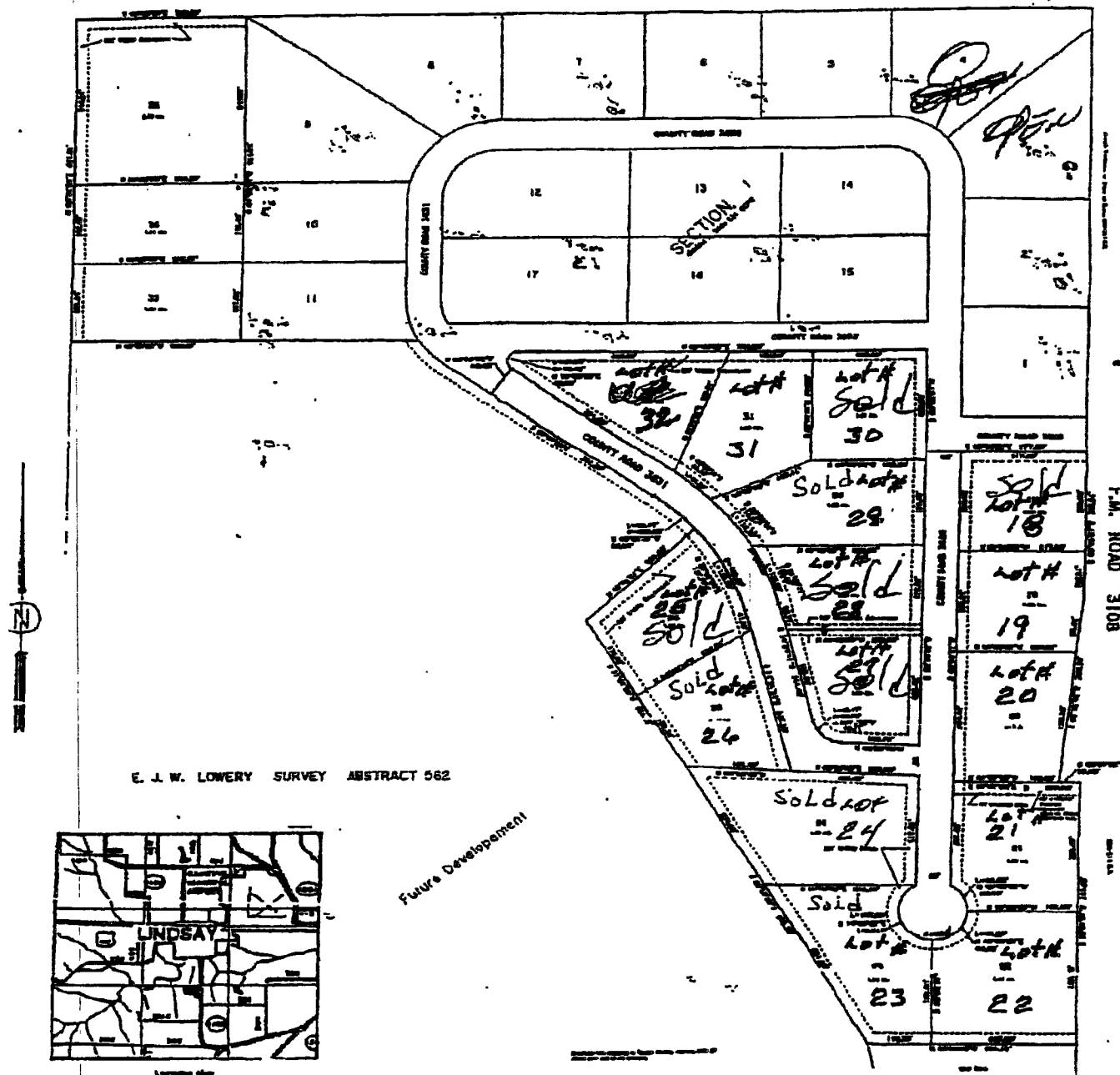
Google™

# SOUTH RIDGE of LINDSAY



# SOUTHERN RIDGE of LINDSAY PHASE 2

20P3



Oct 20 06 02:08p

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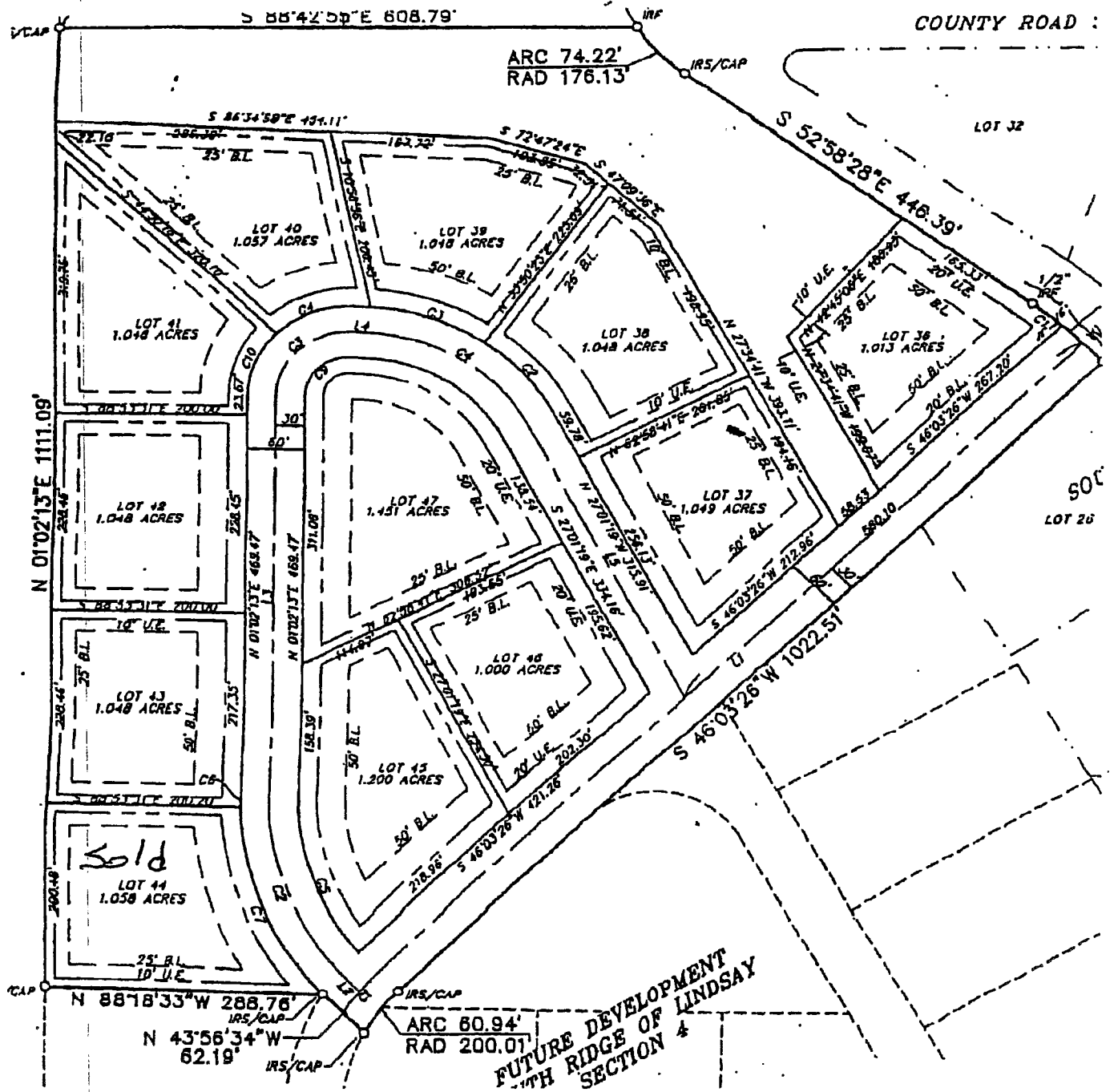
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Attack #1  
3 of 3

# SOUTH RIDGE

of Lindsay

## Phase 3



**LPWC 5**

# TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



STATE OF TEXAS §  
COUNTY OF TRAVIS §

07

I hereby certify that this is a true and correct copy of a Texas Commission on Environmental Quality (TCEQ) document, which is filed in the Records of the Commission Given under my hand and the seal of office.

*Rodney D. Peschel*

Rodney D. Peschel, Alternate Custodian of Records  
Texas Commission on Environmental Quality

## CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Water Service Under V.T.C.A., Water Code  
and Texas Natural Resource Conservation Commission Substantive Rules

**Certificate No. 12858**

### I. Certificate Holder:

Name: Lindsay Pure Water Company, a Texas Corporation

Address: P. O. Box 5  
Lindsay, Texas 76250

### II. General Description and Location of Service Area:

The area covered by this certificate, known as the South Ridge of Lindsay Subdivision, is located approximately 5 miles west of downtown Gainesville, Texas on Farm to Market Road 3108. The service area is generally bounded on the east by Farm to Market Road 3108 and on the north by Elm Creek in Cooke County, Texas.

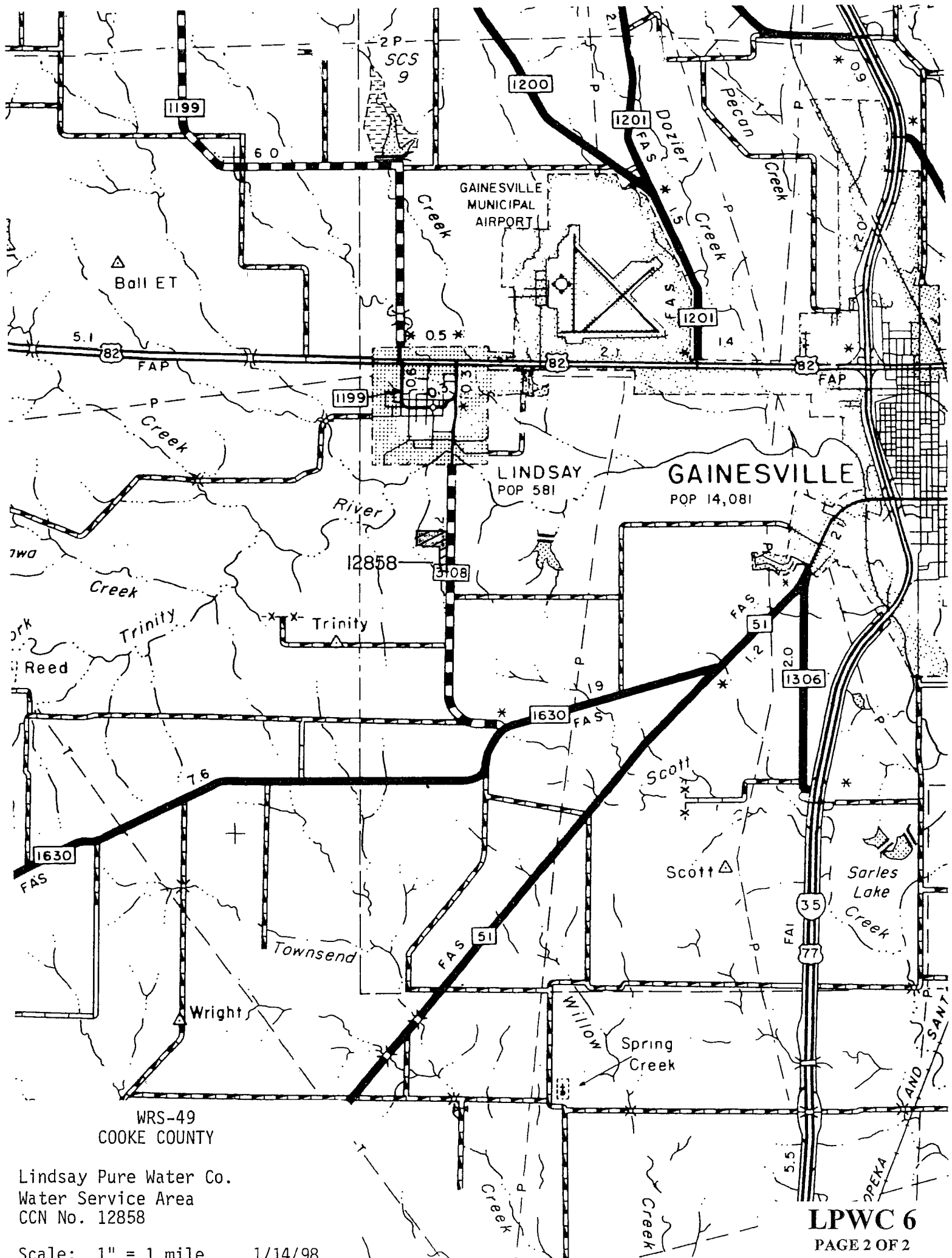
### III. Certificate Maps:

The certificate holder is authorized to provide water service in the area identified on the Commission's official water service area map, WRS-49, maintained in the offices of the Texas Natural Resource Conservation Commission, 12015 Park 35 Circle, Austin, Texas with all attendant privileges and obligations.

This certificate is issued under Application No. 31888-C and subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

Issued Date: **APR 17 1998**

*Jan Sam*  
For the Commission



Lindsay Pure Water Company

Water Tariff Page No. 2

Revision Date 1/1

## SECTION 1.0 - RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Base Rate</u>	<u>Gallonge Charge</u>
5/8" or 3/4"	\$ <u>18.50</u> (INCLUDING <u>2,000</u> GALLONS)	\$ <u>2.00</u>
1"	\$ <u>18.50</u>	per 1000 gallons
1 1/2"	\$ <u>40.00</u>	same for all meter sizes
2"	\$ <u>62.50</u>	Above 30,000 gallons: \$2.50
3"	\$ <u>114.00</u>	Above 70,000 gallons: \$3.50

REGULATORY ASSESSMENT ..... 1.0%

A REGULATORY ASSESSMENT, EQUAL TO ONE PERCENT OF THE CHARGE FOR RETAIL WATER SERVICE ONLY, SHALL BE COLLECTED FROM EACH RETAIL CUSTOMER.

Section 1.02 - Miscellaneous FeesTAP FEE ..... \$ 600.00

THE TAP FEE IS BASED ON THE AVERAGE OF THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR STANDARD RESIDENTIAL CONNECTION OF 5/8" or 3/4" METER. IF A ROAD BORE IS REQUIRED, THE ACTUAL COST OF THE ROAD BORE WILL BE ADDED TO THE TAP FEE.

## RECONNECTION FEE

THE RECONNECT FEE WILL BE CHARGED BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS:

- a) Non payment of bill (Maximum \$25.00) ..... \$ 25.00  
 b) Customer's request ..... \$ 25.00  
 OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF

TRANSFER FEE ..... \$ 25.00

THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHERE THE SERVICE IS NOT DISCONNECTED.

LATE CHARGE ..... \$ 2.00 OR 5%

A ONE TIME PENALTY MAY BE MADE ON DELINQUENT BILLS BUT MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE ..... \$ 15.00CUSTOMER DEPOSIT (Maximum \$50) ..... \$ 50.00METER TEST FEE (actual cost of testing the meter up to) ..... \$ 25.00

THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY.

RATES LISTED ARE EFFECTIVE ONLY IF  
 THIS PAGE HAS TNRCC APPROVAL STAMP

WATERTAR.FRM (Rev. 1/96)

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
 APPROVED

Date 2-24-98 Docket 31888-C  
 File 12858 By AM  
 TARIFF CLERK

LPWC 7



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.

Betsy Fleitman  
City Secretary  
City of Lindsay, Texas

LPWC-8

**CITY OF LINDSAY, TEXAS****ORDINANCE NO. 0805-3**

**AN ORDINANCE OF THE CITY OF LINDSAY, TEXAS, ESTABLISHING REGULATIONS FOR PROVIDING UTILITY SERVICE OUTSIDE THE CORPORATE LIMITS; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS FOR EACH INSTANCE OF VIOLATION OF THE ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lindsay is providing for the supply and distribution of water and the treatment of wastewater, to promote the health, safety, and convenience of its citizens and for the safeguarding of water resources common to all residents of the community and adjacent areas; and,

**WHEREAS**, for the protection of its citizens, there is a need for establishing regulations for providing utility service outside the corporate limits of the City of Lindsay; now therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINDSAY THAT:**

**SECTION 1: UTILITY SERVICE OUTSIDE CITY**

(A) Any person desiring utility services furnished by the city to property which is outside the limits of the city shall, prior to the furnishing of utility service by the city, including water and sewer, file a petition for annexation which shall be in the form prescribed by Texas Local Government Code, Section 43.028 and execute a written agreement providing minimum requirements as follows:

- (1) The furnishing of utility services shall not be construed to compel the city to furnish consumers beyond the corporate limits or to continue such supply once begun.
- (2) The city reserves the right to furnish such customers it deems advisable, and to, at any time, wholly or partially discontinue the utility service.
- (3) Any utility main constructed outside of the corporate limits shall be entirely at the owner's expense and it, as and when incorporated within the city, shall become the property of the city without reimbursement to the owner; and, the city assumes no responsibility or liability for satisfactory service maintenance, pressure or wastage until it acquires sole ownership as a part of its utility system.
- (4) In the event of a relocation or the construction of a permanent line or main, the property owner shall pay the pro rata cost on his or her property at the then applicable rates, and connect his or her service to said permanent line or main.
- (5) Exception: In no event shall sewer service be furnished beyond the corporate limits unless the persons desiring sewer utility service are currently receiving

water from the water utility of the City of Lindsay, Cooke County, Texas, or an agreement consistent with the provisions of this Ordinance to provide city water utility service to the petitioners property has been reached.

(B) The City Council may, if in their judgment it is deemed advisable, render water or sewer services to premises situated outside of the corporate limits of the city upon complying with this section, and in addition, subject to the following conditions and rules.

- (1) WATER---application; construction and materials requirements: Any person desiring to use the water shall, when an extension of a main is necessary to render such service, make application to the Public Works Department requesting service, and shall state in such application the exact location of the premises to be served and the purpose for which the water is to be used. Such application shall also contain an agreement signed by the owner of the property to be served which will render the owner liable for all water rates or charges accruing under such service. In the event such application is granted, such person so applying shall, at his or her own cost and expense, lay the kind and character of water pipe prescribed by the city, the minimum size of which shall be six inches (6"), before connection with the city water main; furthermore, any such person shall, at his or her own cost and expense, purchase a meter together with a meter box and necessary fittings, all of which shall be of the kind and character prescribed by the Public Works Department, for the purpose of measuring water so petitioned for by the person, and such water pipe and meter shall be kept at all times in a good condition of repair at the cost of such person using the water and such water connections so made, and all pipes laid by such person shall be in accordance with the regulations governing connections and the laying of water pipes within the city.
- (2) SEWER---application; construction and materials requirements: Subject to Section 1, (A), (5) above, any person desiring sewer service shall, when an extension of a main is necessary to render such service, make application to the Public Works Department, requesting service, and shall state in such application the exact location of the premises to be served and the purpose for which wastewater treatment is required. Such application shall also contain an agreement signed by the owner of the property to be served which will render the owner liable for all sewer rates or charges accruing under such service. In the event such application is granted, such person so applying shall, at his or her own cost and expense, engineer the proposed sewers and provide detailed plans and specifications for review by the city's engineer. Furthermore, any such person shall, at his or her own cost and expense, construct the sewer pipe, manholes, or lift station, and related appurtenances, all of which shall be of the kind and character prescribed by the Public Works Department, for the purpose of wastewater treatment so petitioned for by the person, and such sewer collection system shall be kept at all times in a good condition of repair at the cost of such person using the collection system so made, and all materials laid by such person shall be in accordance with the regulations governing the construction of sewer mains within the city.

***State Law reference-Authority to operate utilities and prescribe rates, V.T.C.A., Local Government Code, § 402.017; City has exclusive jurisdiction over all water and sewer utility rates, operations, and services provided by a water and sewer utility, V.T.C.A., Water Code, § 13.042; Authority to control and regulate waste discharges and require pretreatment, V.T.C.A., Water Code, § 26.176 and § 26.177.***

- (2) Written Permission to Connect:** When such extension of water or sewer mains or service pipes have been installed outside of the corporate limits and application for additional service is made to connect with such extension or service pipe, such applicant shall present with his or her application written permission to connect with such extension of the main or service, signed by the original applicant who paid the original cost thereof or by his or her assigns.
- (3) City Not Liable For Maintenance of Pipe; Discontinuance:** The city shall not be liable for the maintenance of any water or sewer main or service pipe lying outside of the corporate limits of the city and the right is reserved to discontinue water or sewer service through any such main or service line which causes a waste or leakage of water or sewer.
- (4) City Not Liable For Defective Condition of Pipe or Ditches:** The city shall in no case be liable on account of any defective condition in any water or sewer pipe, or in any trench or ditch dug for the purpose of laying water or sewer pipe by any person desiring to make connection with any of the city's mains, and it shall always be expressly understood that the person using said water or sewer shall, at all times, keep the pipes, related appurtenances, and other connections in good condition of repair, and shall be liable for all damages occasioned to any person or property by reason of any defective condition arising through the want of repair, or otherwise, to the water or sewer pipe or the ditches in which the same are laid.
- (5) City May Revoke Permission:** It is further understood that in no event will the city, under the terms of this section, be obligated to continue to furnish water or sewer service to any person outside of the corporate limits, but may revoke the permission at any time without notice.
- (6) Regulations:** All such service outside the corporate limits shall, in all respects not otherwise provided herein, be subject to the same regulations for service and the manner of paying the compensation, as provided for service inside of the corporate limits.
- (7) Placing of Meters:** All meters serving premises outside of the corporate limits shall be set inside (or as near as practicable) the corporate limits, and the city shall not be responsible for the condition of any mains, pipes or services outside of the corporate limits or beyond the meter serving such premises.
- (8) If approval is granted to locate the meter beyond the corporate limits, an in-line valve shall be installed at the corporate limits in its place.**

**SECTION 2: PENALTY PROVISION**

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not exceeding two thousand dollars (\$2,000.00) for violations of all provisions that govern fire safety, public health, and sanitation, and not exceeding five hundred dollars (\$500.00) for all other violations, provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas. Each and every day any such violation continues shall constitute a separate offense punishable hereunder.

**SECTION 3: REPEAL CLAUSE**

All parts of any ordinance in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**SECTION 4: SAVINGS CLAUSE**

If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

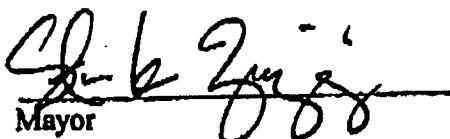
**SECTION 5: EFFECTIVE DATE**

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality and shall be effective upon the posting and/or publication of its caption as required by law and the City Secretary is hereby directed to implement such posting and/or publication.

PASSED AND APPROVED by the City Council of the City of Lindsay, Texas, on this the 8 day of August 2005.

Ayes 4  
Nays 0  
Abstentions 0

APPROVED:

  
Mayor

ATTEST:

  
City Secretary

**2002 BUILDING PERMITS  
1/1/2002 UNTIL 8/28/2002**

DATE	NAME	TYPE	LOCATION	COST
1/21/2002	Charles Cler	New Home	115 Circle Drive West	\$105,000.00
1/28/2002	Miklos Nagy	New Home	Nagy Addition Lot #2	\$90,000.00
2/25/2002	Bruce Bezner	Pool	900 Ash	\$37,000.00
2/25/2002	Manly Taylor	Pool	114 Circle Drive West	\$23,000.00
2/25/2002	Bruce Bezner	Shop	900 Ash	\$15,000.00
4/10/2002	Salty Rose	Pool	200 Hillside	\$16,000.00
5/6/2002	Muenster Bldg. Ctr.	New Home	Lot #6 - Second Street	\$125,000.00
5/11/2002	Andy Popp	Patio	619 Elizabeth Street	\$800.00
5/29/2002	Leonard Bengfort	New Home	100 Circle Drive West	\$130,000.00
6/4/2002	Milton Ward	Pool	204 Hillside Lane	\$39,000.00
6/6/2002	Muenster Bldg. Ctr.	New Home	118 Second Street (Lot #5)	\$128,000.00
6/11/2002	Charlie Meurer	Pool	115 Second Stree	\$23,000.00
6/12/2002	Sheila Jones	Pool	1210 Nortman Drive	\$35,000.00
6/20/2002	Boyce Rose	Shop	121 West Seventh Street	\$20,000.00
7/3/2002	Pat Benton	Shop	502 Henry Street	\$4,600.00
7/10/2002	F & Z Construction	Addition	218 East JM Lindsay Blvd.	\$15,000.00
8/1/2002	Irby McCready	Addition	225 W. Sixth Street	????
9/16/2002	Greg Hanson	New Home	105 Circle Drive West	\$165,000.00
9/18/2002	David Parsons	New Home	102 East Seventh Street	\$125,000.00
9/23/2002	Keith Early	Addition	610 Elm Street	\$70,000.00
9/23/2002	Bob Webster	Addition	324 Parkview Street	\$24,000.00
11/14/2002	Travis Hunchton	New Home	103 Bezner	\$150,000.00
11/25/2002	Mark Krebs	New Home	1204 Nortman Drive	\$200,000.00
			<b>TOTAL</b>	<b>\$1,540,400.00</b>

*LPWC-7*

APP0486

2003 BUILDING PERMITS  
1/1/2003 UNTIL 12/31/2003

DATE	NAME	TYPE	LOCATION	COST
1/14/2003	Bengfort Construction	New Home	109 Circle Drive West	\$150,000.00
1/20/2003	Shannon Moran	Shop	118 Second Street	\$1,500.00
1/22/2003	Jeff Hellman	Addition	114 Second Street	\$1,500.00
2/3/2003	Phil Murry	Addition	206 Fourth Street	\$7,500.00
2/5/2003	Jerry Metzler	New Home	121 Second Street	\$170,000.00
2/12/2003	Myrick Custom Homes	New Home	208 Seventh Street	\$165,000.00
2/12/2003	Tracy Huchton	Addition	812 Ash Street	\$10,000.00
2/27/2003	Muenster Bldg. Ctr.	New Home	124 Second Street	\$140,000.00
2/18/2003	Pete Horn	Addition	100 Circle Drive West	\$9,000.00
2/18/2003	Paul Walker	New Home	102 Maple Street	\$130,000.00
2/18/2003	Paul Walker	Shop	102 Maple Street	\$8,000.00
3/31/2003	Philip Reiter	New Business	230 West JM Lindsay Blvd.	\$180,000.00
4/3/2003	Kevin Sebade	New Home	202 Hillside Lane	\$200,000.00
4/16/2003	Walter Lutkenhaus	Private Garage	304 N. Pecan	\$10,000.00
4/22/2003	Boyce Rose	New Home	121 West Seventh	\$125,000.00
4/22/2003	Gloria Saraceno	Swimming Pool	109 Circle Drive West	\$30,000.00
5/1/2003	Don Metzler	Renovations	231 East Sixth Street	unknown
5/12/2003	Steve Zimmerer	Garage	221 First Street	\$20,000.00
5/19/2003	Ronald Krebs	10x10 Storage	501 Hickory	\$800.00
6/2/2003	Jim Beck	New Home	808 Ash Street(Rent Property)	\$70,000.00
6/9/2003	Jill & Pat Fuhrmann	New Home	203 E. Sixth Street	\$66,000.00
6/9/2003	Jill & Pat Fuhrmann	Detached Garage	204 E. Sixth Street	\$15,500.00
7/3/2003	Damond Fuhrmann	Shed	831 Ash Street	\$9,000.00
7/14/2003	Walter Lutkenhaus	New Home	304 N. Pecan	\$70,000.00
7/15/2003	Nancy Barnes	Swimming Pool	312 Ninth Street	\$20,000.00
7/17/2003	Kevin Sebade	Swimming Pool	202 Hillside Lane	\$30,000.00
8/5/2003	Pat Fuhrmann	Car Wash	314 East JM Lindsay Blvd.	\$200,000.00
8/6/2003	Michael's Custom Homes	New Home + Shop	1215 Nortman Drive	\$250,000.00
8/25/2003	Matthew Fuhrmann	New Home	103 Circle Drive West	\$150,000.00
8/28/2003	Third Spur Dance Hall	Addition & Renovations	219 East JM Lindsay Blvd.	\$32,000.00
9/9/2003	Bengfort Construction	New Home	311 Hickory Street	\$12,000.00
9/16/2003	Michael's Custom Homes	New Home + Shop	1219 Nortman Drive	\$245,000.00
10/13/2003	Randy Atkins	Shop - Addition	116 Second Street	\$20,000.00
10/27/2003	Michael's Custom Homes	New Home	1103 Nortman Drive	\$160,000.00
10/27/2003	Michael Hermes	New Home + Shop	1208 Nortman Drive	\$235,000.00
10/28/2003	Dan Young	Addition + Detached Garage	331 Sixth Street	\$30,000.00

2003 BUILDING PERMITS  
1/1/2003 UNTIL 12/31/2003

10/28/2003	Glenn Fuhrmann	Shop	117 W. Second Street	\$9,900.00
11/6/2003	Raj Patel	New Home	207 Hillside Lane	\$250,000.00
12/15/2003	William McFarlin	Storage Bldg	309 North Hickory	\$9,000.00
TOTAL				\$3,241,700.00

\*No Permit Required



2004 BUILDING PERMITS  
1/1/2004 UNTIL 12/31/2004

DATE	NAME	TYPE	LOCATION	COST
1/5/2004	Jerry Metzler	Swimming Pool	121 Second Street	\$25,000.00
3/1/2004	Muenster Builder's Ltd.	New Home	505 Katie Street	\$140,000.00
3/1/2004	Michael's Custom Homes	New Home	511 Katie Street	\$135,000.00
3/1/2004	Michael's Custom Homes	New Home	1218 Nortman Drive	\$275,000.00
3/1/2004	Michael's Custom Homes	New Home	1217 Walter Street	\$275,000.00
3/18/2004	Jeff Williford	Addition to Home	606 Oak Street	\$29,000.00
3/18/2004	Jeff Williford	Shop	600 Oak Street	\$18,000.00
3/29/2004	JP Custom Homes	New Home	104 N. Maple	\$250,000.00
3/31/2004	Ralston Outdoor Advertising	Billboard	410 West JM Lindsay Blvd.	\$10,000.00
4/7/2004	James Dennison	Addition to Shop	229 Hickory	\$6,000.00
4/20/2004	Alinch Zwinggi	concrete slab	506 Henry Street	\$600.00
4/21/2004	Burl Capels	storage shed	1101 Nortman Drive	\$2,000.00
5/11/2004	Anthony Cler	New Home	1206 Nortman Drive	\$140,000.00
5/11/2004	Anthony Cler	One Car Garage	1207 Nortman Drive	\$10,000.00
5/11/2004	Tim Fogle	Addition w/plumbing	819 Willow Street	\$40,000.00
6/28/2004	Larry Skeans	Swimming Pool	1218 Nortman Drive	\$30,000.00
7/22/2004	Community Lumber	Commercial Building	1002 Pecan	\$175,000.00
7/26/2004	Greg Dulock	Shop	109 E. Sixth Street	\$29,000.00
8/10/2004	Theresa Hermes	RV port	313 West JM Lindsay Blvd.	\$3,000.00
8/10/2004	John Sandmann	Shop & Carport	119 E. First Street	\$18,000.00
8/10/2004	Bob Middlebrooks	Shop	206 E. Seventh Street	\$30,000.00
8/24/2004	Chad Fleitman	Addition to Home, Carport, Deck	419 Maple Street	\$23,000.00
9/8/2004	Lindsay ISD	Gymnasium	601 Knight Drive	\$1,950,000.00
9/23/2004	JP Custom Homes	Shop	104 North Maple	\$8,000.00
10/19/2004	Michael's Custom Homes	New Home	515 Katie Street	\$125,000.00
10/27/2004	Michael's Custom Homes	New Home	110 Second Street	\$120,000.00
11/24/2004	Muenster Builder's Ltd.	New Home	507 Katie Street	\$150,000.00

2004 BUILDING PERMITS  
1/1/2004 UNTIL 12/31/2004

\$4,016,600.00

TOTAL

\*No Permit Required

2005 BUILDING PERMITS  
1/1/2005 UNTIL 12/31/2005

DATE	NAME	TYPE	LOCATION	COST
2/10/2005	JP Custom Homes	New Home	402 Second Street	\$270,000.00
2/14/2005	Sudha Patel	Business - Motel	312 West JM Lindsay Blvd.	\$736,000.00
2/15/2005	Steven Zwinggi	New Home	1217 Nortman Drive	\$250,000.00
2/21/2005	Charles Cler	New Home	1015 Nortman Drive	\$150,000.00
3/1/2005	Jim Myrick Custom Homes	New Home	210 Seventh Street	\$150,000.00
3/1/2005	Steven Zwinggi	Garage	1015 Nortman Drive	\$9,000.00
3/17/2005	Jeff Darwin	New Home	517 Katie Street	\$145,000.00
3/23/2005	Tim & Michelle Brewer	Storage Bldg.	505 Katie Street	\$9,000.00
3/24/2005	Glenn Guttridge (Peter Watson)	Addition & Move Carport	707 East JM Lindsay Blvd.	\$30,000.00
4/4/2005	Bengfort Construction	New Home	512 Katie Street	\$150,000.00
4/27/2005	Daniel Dudenhoeffer	Swimming Pool	104 Elmview	\$30,000.00
5/11/2005	Daniel Orr	Storage Bldg.	318 Parkview Drive	\$6,000.00
5/12/2005	Michael's Custom Homes	New Home	510 Katie Street	\$140,000.00
5/15/2005	Phil Metzler	New Home	1103 Nortman Drive	\$8,000.00
6/20/2005	JP Custom Homes	Shop	309 Second Street	\$195,000.00
6/30/2005	Salty Rose	New Home	104 North Maple	\$20,000.00
7/12/2005	Pat Fuhrmann	Swimming Pool	103 West Sixth Street	\$150,000.00
7/12/2005	Pat Fuhrmann	New Home	105 West Sixth Street	\$145,000.00
7/12/2005	Pat Fuhrmann	New Home	615 Pecan Street	\$140,000.00
9/8/2005	Michael's Custom Homes	New Home	500 Katie Street	\$140,000.00
9/13/2005	Muenster Builders Ltd.	New Home	501 Katie Street	\$138,000.00
9/14/2005	Michael's Custom Homes	New Home	1216 Nortman Drive	\$240,000.00
10/4/2005	Mark Meece	New Home	514 Katie Street	\$150,000.00
11/22/2005	Rosalie Reiter	Garage/Shop	415 Pecan Street	\$12,500.00
11/22/2005	Tom Case	Garage	501 Katie Street	\$11,000.00
11/30/2005	Michael's Custom Homes	New Home	1301 Walter Street	\$180,000.00
11/30/2005	Michael's Custom Homes	New Home	509 Katie Street	\$140,000.00
12/28/2005	Gregg Krebs	Shop & Privacy Fence	515 Katie Street	\$7,000.00
12/28/2005	Jeff Darwin	Shop & Privacy Fence	517 Katie Street	\$7,000.00
TOTAL				\$3,758,500.00

\*No Permit Required

2006 BUILDING PERMITS  
1/1/2006 UNTIL 12/31/2006

DATE	NAME	TYPE	LOCATION	COST
1/5/2006	Alta Louise Davenport	Privacy Fence	309 Second Street	\$1,000.00
1/24/2006	Neil & Dawn Snider	Shop	105 West Sixth Street	\$2,500.00
2/2/2006	Boyce & Wanda Rose	Fence	121 West Seventh Street	\$2,000.00
2/27/2006	Harry Kessner	Shop & Addition to Porch	507 Katie Street	\$6,000.00
2/27/2006	Michael's Custom Homes	New Home	508 Katie Street	\$130,000.00
3/8/2006	Shawn Neu	Addition to Home	201 East Sixth Street	\$6,000.00
3/13/2006	Michael Hermes	Swimming Pool	1216 Nortman Drive	\$30,000.00
3/30/2006	Shawn Neu	Carport	201 East Sixth Street	\$900.00
4/12/2006	Maurice Hurd	Room Addition	1109 Nortman Drive	\$17,500.00
4/26/2006	James & Arline Allen	Portable Shop	100 Seventh Street	\$1,000.00
5/24/2006	Michael's Custom Homes	New Home & Shop	1218 Walter Street	\$299,900.00
6/1/2006	Muenster Builder's Ltd.	New Home	122 Second Street	\$191,000.00
6/7/2006	Pat Bezner	Shop Addition	304 West First Street	\$4,400.00
6/15/2006	Jimmy Dennison	Carport	110 Elmview	\$800.00
6/15/2006	Phil's Collision Repair	Office Addition	230 East JM Lindsay Blvd.	\$8,750.00
6/27/2006	Keith Early	Shop	610 Elm Street	\$7,000.00
6/27/2006	Landmark Bank	Temporary Fixed Building	1001 Pecan Street	\$250,000.00
7/11/2006	Pat Hunt	Swimming Pool	115 Circle Drive West	\$30,000.00
7/13/2006	Larry Schumacher	Privacy Fence	312 Circle Drive	\$1,200.00
8/14/2006	Landmark Bank	Monument Style Sign	1001 Pecan Street	\$8,000.00
8/16/2006	Harry Kessner	Chain Link Fence/east side of property	507 Katie Street	\$1,000.00
9/20/2006	Jeremy Wallace	Privacy Fence	106 Bezner Street	\$2,500.00
9/25/2006	Marla & Rhett Davy	New Home	1202 Nortman Drive	\$150,000.00
9/25/2006	Tim Fogle	Swimming Pool	1218 Walter Street	\$40,000.00
10/3/2006	Bryan & Laura Beaudin	New Home	201 Hillside Lane	\$150,000.00
12/6/2006	Mark Branson	Install Propane Tank	122 Second Street	\$2,000.00
			TOTAL	\$1,343,450.00

\*No Permit Required

2007 BUILDING PERMITS  
1/1/2007 UNTIL 12/31/2007

DATE	NAME	TYPE	LOCATION	COST
1/11/2007	Keith Early	Boat Shed	610 Elm Street	\$7,000.00
1/24/2007	Steve & Kay Neu	New Home	1212 Walter Street	\$230,000.00
2/13/2007	Shawn Neu	Remodel	201 East Sixth Street	\$8,000.00
3/12/2007	Lewis & Tina Ozuna	Remodel	120 East Main Street	\$10,000.00
3/15/2007	Phil Reiter	Remodel	112 East Main Street	\$9,500.00
3/19/2007	Cavin King	New Home	1300 Nortman Drive	\$220,000.00
3/26/2007	Tim Brewer	New Home	1300 Walter Street	\$250,000.00
3/26/2007	Jeff & Laura McNeill	Swimming Pool	210 East Seventh Street	\$43,000.00
4/16/2007	Michael Hermes	New Home	125 Second Street	\$195,000.00
4/25/2007	Kenny Fleitman	Portable Building	401 Elm Street	\$2,000.00
7/5/2007	Charles Cler	Remodel, Expansion, and Plumbing/Gas	114 Circle Drive West	\$31,500.00
8/13/2007	Jake Kessler	New Home	206 Hillside Lane	\$400,000.00
8/29/2007	Robin Rose	Shop Wall & Arbor	200 Hillside Lane	\$1,000.00
9/4/2007	Tim Brewer	Swimming Pool	1300 Walter Street	\$25,000.00
9/12/2007	Marie Zimmerer	Portable Shop	325 Main Street	\$1,800.00
9/14/2007	Jeff & Laura McNeill	Portable Shop	210 East Seventh Street	\$2,709.00
9/27/2007	Jim Myrick (Angie Matthews)	Remodel & Flood Cleanup	1200 Parkview	\$105,122.00
10/1/2007	Lindsay ISD	Softball/Baseball/Football Fields	510 West Fourth Street	\$922,875.00
10/3/2007	Dieter Bros Restaurant	Addition	401 E. JM Lindsay Blvd	\$30,000.00
10/3/2007	Robert Walterscheid	Enclosed Porch	706 Oak Street	\$8,692.91
10/10/2007	Lindsay Gun Club (Paul Hess)	Electrical Work	107 Main Street	\$1,312.00
10/31/2007	Muenster Builders LTD	New Home	502 Katie Street	\$165,000.00
10/16/2007	David Parsons	Shop	102 East Seventh Street	\$5,000.00
10/17/2007	Nelda Faye Skeans	Portable Shop	109 Circle Drive West	\$6,000.00
10/25/2007	Jeff & Laura McNeill	Storm Shelter	210 East Seventh Street	\$5,000.00
11/13/2007	Jeanie Porter	Remodel of an existing structure	115 First Street	\$6,000.00
11/19/2007	Michael Hermes(Brandon Bayer)	New Home	1208 Walter Street	\$320,000.00
TOTAL				\$3,011,510.91

\*No Permit Required

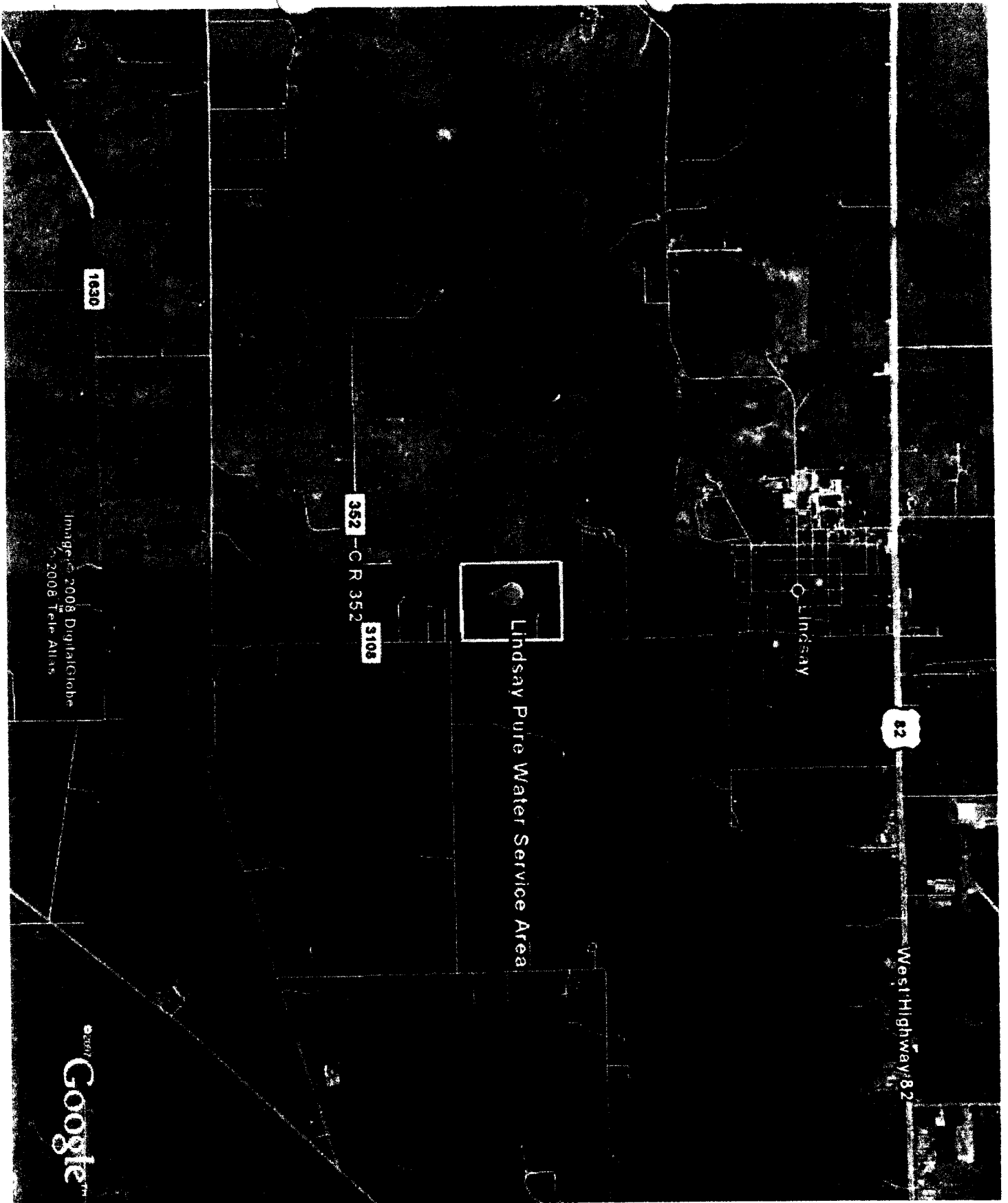
2008 BUILDING PERMITS  
1/1/2008 UNTIL 12/31/2008

DATE	NAME	TYPE	LOCATION	COST
1/23/2008	Michael's Custom Homes	New Home	1215 Walter Street	\$210,000.00
2/8/2008	Fred & Courtney Hughes	New Home	400 2nd Street	\$249,000.00
2/19/2008	Pat Fuhrmann	New Home	902 Ash Street	\$290,000.00
2/25/2008	Monte Wimmer	Swimming Pool	505 Katie Street	\$50,000.00
3/13/2008	Emily Gum	Fence	301 Walter Street	\$5,000.00
3/27/2008	Christi Secrest	Back Patio	508 Henry Street	\$2,000.00
3/27/2008	Roger Wann	Privacy Fence	104 N. Maple Street	\$5,000.00
4/1/2008	Tom Case	Swimming Pool	501 Katie Street	\$35,000.00
4/10/2008	Vicky Thurman	New Home	223 Hickory Street	\$200,000.00
4/30/2008	Monte Wimmer	Back Flow Prevention Device	505 Katie Street	\$0.00

\$1,046,000.00

TOTAL

\*No Permit Required



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LPWC1

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TCEQ DOCKET NO. 2006-0272-UCR

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RECEIVED  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

APPLICATION OF THE TOWN OF  
LINDSAY TO AMEND WATER AND  
SEWER CERTIFICATES OF  
CONVENIENCE AND NECESSITY  
(CCN) NOS. 13025 AND 20927 IN  
COOKE COUNTY, TEXAS  
APPLICATION NOS. 35096-C & 35097-C

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PREFILED DIRECT TESTIMONY AND EXHIBITS OF

JIM MYRICK

FOR

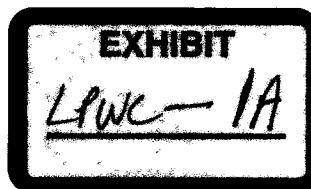
LINDSAY PURE WATER COMPANY

July 7, 2008

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**PREFILED DIRECT TESTIMONY AND EXHIBITS  
OF  
JIM MYRICK**

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**EXHIBITS:**

<b>LPWC 1:</b>	Google Earth Map of South Ridge of Lindsay, Lindsay Pure Water Company service area and Surrounding Area
<b>LPWC 2:</b>	Google Earth Map of South Ridge of Lindsay Subdivision Area
<b>LPWC 3:</b>	South Ridge of Lindsay Phase 1 Subdivision Map
<b>LPWC 4:</b>	South Ridge of Lindsay Phase 2 Subdivision Map
<b>LPWC 5:</b>	South Ridge of Lindsay Phase 3 Subdivision Map
<b>LPWC 6:</b>	TCEQ Order issuing CCN No. 12858 to Lindsay Pure Water Company
<b>LPWC 7:</b>	Rate Schedule from Lindsay Pure Water Company Tariff

1                   **PREFILED DIRECT TESTIMONY AND EXHIBITS**  
2                   **OF**  
3                   **JIM MYRICK**

4                   **BACKGROUND**

5   **Q.**    PLEASE STATE YOUR NAME AND ADDRESS.

6   **A.**    My name is Jim Myrick. My business address is Lindsay Pure Water Company, P.O. Box  
7           1338, Gainesville, Texas 76241.

8   **Q.**    PLEASE DESCRIBE YOUR EDUCATION, EXPERIENCE AND ANY DEGREES  
9           OBTAINED SINCE HIGH SCHOOL.

10   **A.**    I received a Bachelor of Arts degree in industrial engineering from North Texas State in  
11           1965. I worked in production management in Ling Temco Vaught (LTV) in the industrial  
12           engineering division for 7 years. I have owned my own appliance store for over 25 years.  
13           I have been a general contractor for the last 11 years both in commercial and residential  
14           construction. I have been developing land for subdivisions since 1976. In addition, I  
15           served as a council member on the Town of Lindsay City Council from about 1975 until  
16           about 1981. I have also actively served the community as a member of the Lindsay  
17           School Board for 18 years (11 as President). I have served on the Cooke County  
18           Appraisal District Board of Directors for the past 7 years, the last 4 of which I have been  
19           the President.

20   **Q.**    WHAT IS YOUR POSITION WITH LINDSAY PURE WATER COMPANY?

21   **A.**    I am the President of the company.

22   **Q.**    HOW LONG HAVE YOU BEEN AN OWNER OF LINDSAY PURE WATER  
23           COMPANY?

24   **A.**    I have owned part of the company and been President since it was created in 1997.

1 Q. WHAT HAVE BEEN YOUR RESPONSIBILITIES AS PRESIDENT OF THE  
2 COMPANY?

3 A. I have supervised both the acquisition of the various permits and approvals necessary to  
4 operate the water system and the construction and operation of the water system since it  
5 began.

6 **CREATION OF LINDSAY PURE WATER COMPANY**

7 Q. WHY WAS LINDSAY PURE WATER COMPANY CREATED?

8 A. The company was created to provide water service to the South Ridge of Lindsay  
9 Subdivision, which is located in the area shown on the Google Earth maps I have attached  
10 as **Exhibits LPWC 1 and LPWC 2**.

11 Q. DO THESE MAPS ACCURATELY SHOW THE LOCATION OF THE SOUTH  
12 RIDGE OF LINDSAY SUBDIVISION?

13 A. They do.

14 Q. WHO IS THE DEVELOPER FOR THE SOUTH RIDGE OF LINDSAY?

15 A. Myrick Development Company.

16 Q. PLEASE DESCRIBE YOUR RELATIONSHIP WITH MYRICK DEVELOPMENT  
17 COMPANY.

18 A. I am an owner and the President of Myrick Development Company.

19 Q. PLEASE DESCRIBE THE SUBDIVISION.

20 A. The South Ridge of Lindsay is approximately 96 acres of land located along County Road  
21 3108 approximately one mile south of the City of Lindsay. The property was purchased  
22 by Myrick Development Company in 1997, and the subdivision has been developed in  
23 phases. There will ultimately be about 65 lots within the subdivision. Phases 1, 2 and 3  
24 have been platted for 44 lots, and all but 8 of the lots have been sold. Phase 4, which is

1 the final phase, will begin development within the next 6 months. The first 2 homes were  
2 constructed in 1998, and we have averaged 2.6 new homes per year over the 10 years that  
3 the project has been active. There are now 26 homes within the subdivision and 14 sold,  
4 but vacant, lots. Copies of the plats for Phases 1, 2 and 3 are attached as **Exhibits LPWC**  
5 **3, LPWC 4 and LPWC 5.**

6 **Q. DID YOU TRY TO OBTAIN WATER SERVICE FOR THE SOUTH RIDGE OF**  
7 **LINDSAY SUBDIVISION INSTEAD OF CREATING LINDSAY PURE WATER**  
8 **COMPANY?**

9 **A. Yes.**

10 **Q. WHAT HAPPENED?**

11 **A. I initially requested service from the Town of Lindsay. They refused to extend service**  
12 **from their water system or even allow me to pay to extend their lines to the subdivision.**  
13 **Consequently, we had to create Lindsay Pure Water Company, drill a new well and**  
14 **construct a new water system to serve the subdivision.**

15 **LINDSAY PURE WATER COMPANY CCN**

16 **Q. DOES LINDSAY PURE WATER COMPANY HOLD A CERTIFICATE OF**  
17 **CONVENIENCE AND NECESSITY TO PROVIDE RETAIL WATER SERVICE**  
18 **FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY?**

19 **A. Yes.**

20 **Q. WHAT IS THE CCN NUMBER?**

21 **A. The CCN number is 12858**

22 **Q. WHEN WAS THE CCN ISSUED?**

23 **A. The CCN was issued by the Commission in 1998. A copy of the Order is attached as**  
24 **Exhibit LPWC 6.**

1 Q. PLEASE DESCRIBE THE CERTIFICATE OF CONVENIENCE AND NECESSITY  
2 HELD BY LINDSAY PURE WATER COMPANY?

3 A. The current CCN for the Company only covers what is known as Phase 1 of the South  
4 Ridge of Lindsay Subdivision and a portion of Phase 2.

5 Q. WHY IS PHASE 1 THE ONLY AREA COVERED BY THE CCN?

6 A. I do not know and believe this is in error. The entire South Ridge of Lindsay subdivision  
7 should be within the Lindsay Pure Water Company CCN. However, the public records at  
8 the Commission are incomplete, and I have been unable to locate a copy of our original  
9 application to confirm my opinion.

10 Q. WHEN DID YOU DISCOVER THIS ERROR?

11 A. I discovered this error in the course of preparing for this case.

12 Q. HOW IS LINDSAY PURE WATER COMPANY SERVING THE EXISTING HOMES  
13 IN AREAS OUTSIDE ITS CCN?

14 A. Those homes, like the remainder of the subdivision property are within ¼ mile of the  
15 company's CCN boundary. Consequently, the company is authorized to serve them under  
16 the Commission's rules. As soon as we have finished this case and have enough  
17 resources, I intend to apply for an amendment to the company's CCN in order to add the  
18 remainder of Phase 2, and Phases 3 and 4 to CCN No. 12858.

19 Q. HOW MUCH DOES LINDSAY PURE WATER COMPANY CHARGE ITS  
20 CUSTOMERS FOR SERVICE?

21 A. We charge the rates that are set by our tariff, which has been approved by the  
22 Commission. A copy of the rate schedule page from our tariff is attached as **Exhibit**  
23 **LPWC 7.**

**LINDSAY PURE WATER COMPANY SYSTEM**

**Q.** PLEASE DESCRIBE THE LINDSAY PURE WATER COMPANY SYSTEM.

**A.** This system was initially designed to serve, at a minimum, the South Ridge of Lindsay subdivision at full build-out of Phases 1 through 4, which included 65 connections, but it has been oversized in many ways that will allow it to serve other areas. The main components of the water system include:

- (1) approximately 1.2 miles of 6-inch C900 PVC distribution lines;
- (2) a 100,000 gallon standpipe, with maximum elevation of 963 feet above sea level;
- (3) a well that is 905 feet deep, has a static water level of 325 feet and is pumping a minimum of 100 gallons per minute from 515 feet deep;
- (4) a 2000 gallon pressure tank;
- (5) a 10-horsepower service pump with a capacity of ~~420~~ 210 gallons per minute; and
- (6) a 3-horsepower high pressure pump with 100 gallons per minute capacity.

We are planning to replace the 3-horse power pump with another 10-horsepower pump with a capacity of ~~420~~ 210 gallons per minute in the next few months. With two 10-horsepower pumps we should be able to supply ~~840~~ 420 gallons per minutes at 60 pounds of head pressure.

1 Q. HOW MANY CONNECTIONS IS THE LINDSAY PURE WATER SYSTEM  
2 CAPABLE OF SERVING?

3 A. Based upon the Commission rules and the way the system is currently operated, it can  
4 serve up to 100 connections. The storage tank capacity is sufficient for 500 connections at  
5 200 gallons per connection. The currently pump capacity is sufficient for ~~260~~ 155  
6 connections (the new pump would allow us to serve ~~420~~ 210 connections). The  
7 distribution lines are sufficient for up to 250 connections. The 100 gallon per minute well  
8 capacity is sufficient for 168 connections. The limiting factor is the pressure tank, which  
9 has a capacity to serve 100 connections. The Commission rules require a system to have  
10 pressure tank capacity of 20 gallons for every connection. By changing the way we  
11 operate to eliminate the use of pressure tank, the system could serve up to 168  
12 connections, which is the well capacity limit. This is because the capacity of the  
13 standpipe that is 80 feet above the highest service connection, which is considered  
14 elevated storage, is sufficient to serve about 180 connections. By adding a second well,  
15 depending on the production of the well, the system could serve up to 180 connections  
16 without any additional improvements. By adding additional elevated storage or pressure  
17 tank capacity, the system can be expanded to serve even more connections.

18 **SOUTH RIDGE OF LINDSAY DEVELOPMENT STATUS**

19 Q. WHO OWNS THE UNSOLD LOTS IN PHASE 3 OF THE SOUTH RIDGE OF  
20 LINDSAY SUBDIVISION?

21 A. Myrick Development.

22 Q. WHO OWNS THE PROPERTY THAT WILL BE PHASE 4 OF THE SOUTH RIDGE  
23 OF LINDSAY SUBDIVISION?

24 A. Myrick Development.

1 Q. HOW MANY ACRES OF LAND DOES MYRICK DEVELOPMENT OWN WITHIN  
2 THE SOUTH RIDGE OF LINDSAY SUBDIVISION?

3 A. Myrick Development owns approximately 42 acres of land within the South Ridge of  
4 Lindsay, which includes 8 unsold lots of approximately 1 acre each and approximately 34  
5 acres of land that is to be developed as Phase 4.

6 Q. WHICH UTILITY COMPANY DO YOU WANT TO PROVIDE WATER SERVICE  
7 TO THE MYRICK DEVELOPMENT PROPERTY WITHIN THE SOUTH RIDGE OF  
8 LINDSAY SUBDIVISION?

9 A. Lindsay Pure Water Company.

10 **EXPANSION OF LINDSAY SYSTEM**

11 Q. WHAT ARE LINDSAY PURE WATER COMPANY'S DESIRES WITH REGARD TO  
12 PROVIDING SERVICE IN THE AREA SURROUNDING ITS CURRENT CCN?

13 A. Our company would like to be the service provider in the area that surrounds our CCN.

14 Q. WHY IS THAT?

15 A. We would like to be the service provider because we have facilities in close proximity that  
16 have sufficient capacity to serve a significant number of additional connections, and with  
17 some slight improvements, could serve ~~an~~ many more connections on top of that. By  
18 serving additional connections, we would be able to fully utilize our system's resources  
19 and cost efficiently serve landowners in the area surrounding us.

20 Q. IF YOU WANT TO SERVE IN THE AREA SURROUNDING YOU, WHY HAVE  
21 YOU NOT APPLIED FOR A CCN FOR THAT AREA?

22 A. There is no current need for service.



1 Q. WHY DO YOU HAVE THAT OPINION?

2 A. I have been developing property in Cooke County for 34 years. Based on my experience,  
3 there is not an immediate need for service because there are no developments proposed  
4 within the area surrounding our Company's CCN. The only active subdivisions, beside  
5 the South Ridge of Lindsay, are within the City of Lindsay's city limits and its current  
6 water CCN.

7 Q. HOW WOULD LINDSAY PURE WATER COMPANY PROVIDE WATER SERVICE  
8 TO THE SURROUNDING AREA?

9 A. Landowners could connect to the Company's existing water system for service to their  
10 property. If additional capacity were needed, the improvements described above could be  
11 easily made in order to supply water sufficient to serve the development when it is  
12 needed.

13 **SERVICE REQUESTS AND NEED**

14 Q. HAVE YOU REVIEWED THE REQUESTS FOR SERVICE RECEIVED BY THE  
15 CITY OF LINDSAY?

16 A. I have.

17 Q. WHAT IS YOUR OPINION REGARDING THOSE REQUESTS?

18 A. I do not believe that any of the requestors have plans for developing their property at this  
19 time. It is my opinion that the requests are merely for the purpose of securing a  
20 certificated service area so that neither my company nor the City of Gainesville can obtain  
21 a CCN over the area. By securing a CCN, the City of Lindsay hopes to add an additional  
22 layer of regulatory control over development within the area and to prevent the City of  
23 Gainesville from controlling the area.

1 Q. WHY DO YOU NOT BELIEVE THE REQUESTORS TRULY NEED SERVICE?

2 A. I base my opinion on the fact there are no actively developing subdivisions, other than the  
3 South Ridge of Lindsay, within the City of Lindsay's requested service area surrounding  
4 our company's CCN. By actively developing, I mean that there are no pending plat  
5 applications before the City of Lindsay or Cooke County, which are the entities that have  
6 jurisdiction over the subdivision process in the area. None of the requestors have actually  
7 filed any applications related to development of their property with Cooke County or the  
8 City of Lindsay.

9 Q. WHAT IS THE BASIS FOR YOUR OPINION?

10 A. I base my opinion on my experience as a former Lindsay City Council member and my  
11 involvement in utility and growth issues affecting the area over the past 34 years. In  
12 particular, I base my opinion on my discussions with current and prior City Council  
13 members and City staff regarding the desire to prevent the City of Gainesville from  
14 expanding its service area any further to the West. We have previously received similar  
15 requests for service, which I know were not based upon an actual need for service and  
16 were based upon a desire to keep the City of Gainesville from serving the area.

17 Q. WHY HAVE YOU NOT APPLIED FOR A CCN AMENDMENT WHEN YOU  
18 RECEIVED THOSE TYPE OF REQUESTS?

19 A. We actually retained an individual to assist us in preparation of a CCN amendment  
20 application, but the application was never completed because there was not an immediate  
21 need for service to those tracts of land and therefore no urgency to follow through with an  
22 application.