

CONSENT FORM

Applicant's Name: City of Lindsay  
Docket No.: TCEQ Docket No. 2006-1776-UCR

- ☒ I concur with the recommendation contained in the staff memorandum transmitted by letter dated 11-12-2007
- ☐ I do not concur with and intend to respond to the recommendation contained in the staff memorandum transmitted by letter dated \_\_\_\_\_. I understand that I have 14 days from the date of this letter to provide my response.

I am authorized by the City of Lindsay to sign this form.

Signature: [Signature]

Printed Name: Steven R. Zwinggi

Relationship to Applicant: Mayor

Date signed: 11/12/07

Mail or Fax to:  
Tammy Benter  
Utilities & Districts Section, MC 153  
Water Supply Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087  
Fax: (512) 239-6972

Town of Lindsay  
 Water Service Area  
 CCN No. 13025  
 T-EO Order No. 2006-1778-UCR  
 Cassia County

City of Caldwell  
 Water CCN 13048

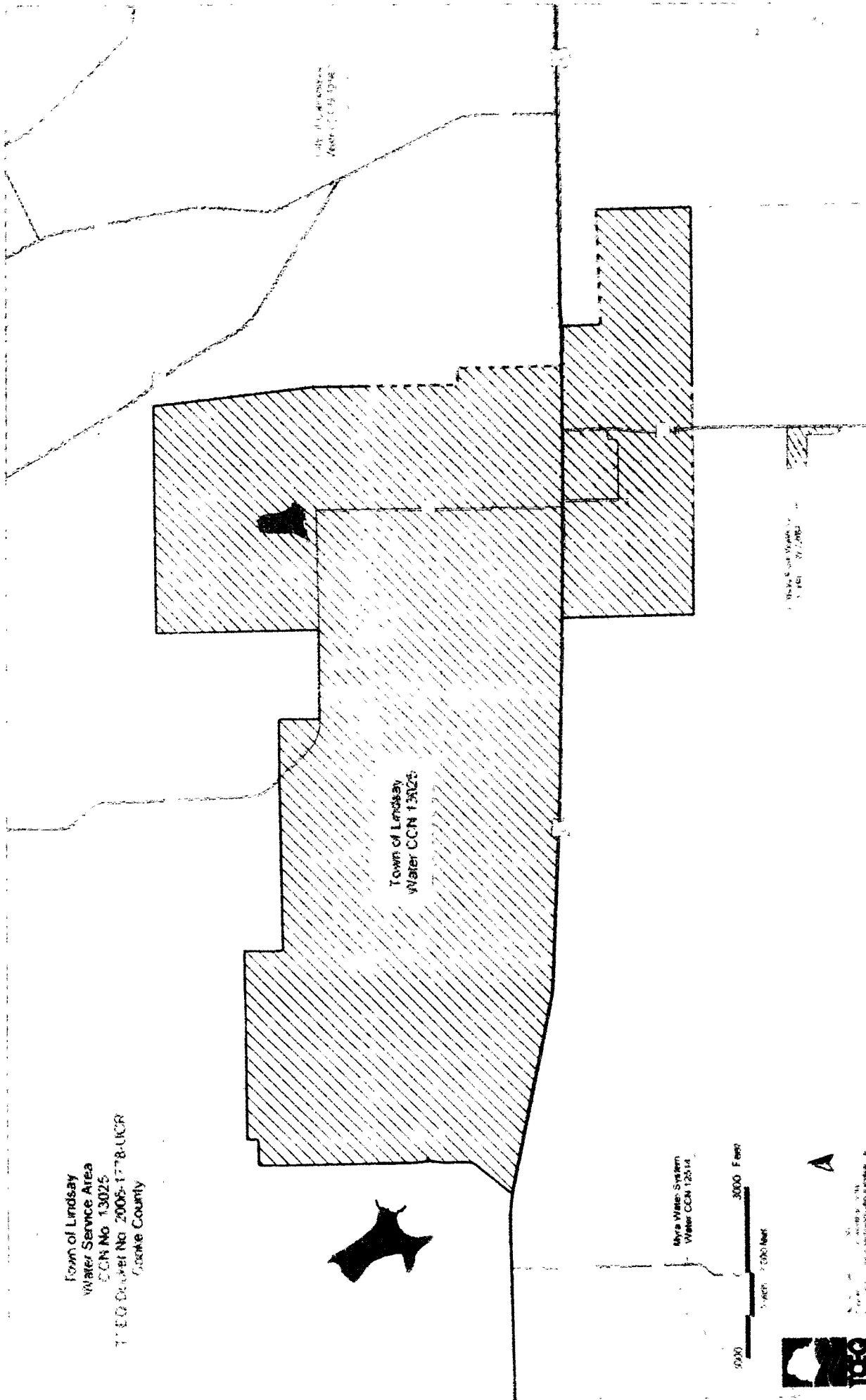
Town of Lindsay  
 Water CCN 13025

Shoshone Water  
 CCN 13012

Shoshone Water System  
 Water CCN 12514



A



Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 13, 2007

Mr. Les Trobeman, General Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087 (MC 101)  
Austin, Texas 78711-3087

Re: **TCEQ DOCKET NO. 2006-1778-UCR, EXECUTIVE DIRECTOR'S REQUEST FOR A CORRECTION TO CITY OF LINDSAY'S CERTIFICATE OF CONVENIENCE AND NECESSITY UNDER 30 TEX. ADMIN. CODE § 50.145.**

Dear Mr. Trobeman:

On May 16, 2003, the Executive Director issued an Order approving the City of Lindsay's application for a water CCN. The Order stated that approval was reflected in the copy of the official water service area map for Cooke County, Texas, which was attached to the Order.

On September 1, 2006, the Chief Clerk of the Commission received the City's *Motion for Judgment Nunc Pro Tunc*. The City claimed that the water CCN map approved in the Order was a clerical mistake and requested that the Commission correct the purported error by substituting that map with maps attached to the City's settlement agreements with the protestants.

The Commission heard the City's request at the October 10, 2007, Commission Meeting and gave guidance to the Executive Director that the substitution of the maps would correct an error and therefore would constitute a nonsubstantive correction to the CCN under 30 TAC §§50.145(b)(4) and (5).

Pursuant to 30 TAC §50.145(c), the Executive Director hereby provides notice to the Office of the General Counsel and the Office of the Public Interest Counsel of the Executive Director's intent to make the requested map revisions. The Executive Director received digital mapping data from Lindsay to accomplish the revisions. Unless an objection is filed, the Executive Director will issue an endorsement to the permit after the expiration of five business days.

If you have comments or questions, please contact Ms. Tammy Benter at (512) 239-6136 or Mr. Ross Henderson at (512) 239-6257.

Sincerely,

A handwritten signature in cursive script that reads "Doug Holdcomb".  
Doug Holdcomb

cc: Mailing list

Mailing List  
City of Lindsay's Motion for Judgment Nunc Pro Tunc  
TCEQ Docket No. 2006-1778-UCR

Mr. Arturo D. Rodriguez, Jr.  
Russell & Rodriguez, LLP  
102 West Morrow, Suite 103  
Georgetown, Texas 78626  
512/930-1317 FAX 512/930-7742

Mr. John Carlton  
Amburst & Brown LLP  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701  
512/435-2308 FAX 512/435-0865

Mr. Tony Corbett  
Freeman & Corbett, LLP  
8500 Bluffstone Cove, Suite B-104  
Austin, Texas 78759  
512/451-8040 FAX 512/435-0865

Mr. Walter Lutkenhaus  
799 Country Road 438  
Lufkin, Texas 76250-3001

Ross Henderson  
TCEQ Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-0600 FAX 512/239-0606

Tammy Benter  
TCEQ Water Supply Division, MC-153  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-4691 FAX 512/239-6972

Blas Coy  
TCEQ Office of Public Interest Counsel, MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-6363 FAX 512/239-6377

Docket Clerk  
TCEQ Office of Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-3300 FAX 512/239-3311

Bridget Bohac  
TCEQ Office of Public Assistance, MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-4000 FAX 512/239-4007

Kyle Lucas  
TCEQ Alternative Dispute Resolution Program, MC 222  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-0687 FAX 512/239-4015

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 21, 2005

NOV 20 2005

Mr. Arturo D. Rodriguez, JR., Attorney  
Russell, Moorman & Rodriguez, LLP  
102 West Morrow, Suite 103  
Georgetown, Texas 78626

Re: Application from the Town of Lindsay to Amend Certificate of Convenience and Necessity (CCN)  
No. 13025 in Cooke County; Application No. 35096-C

Application from the Town of Lindsay to Amend CCN No. 20927 in Cooke County; Application  
No. 35097-C

CN: 601118607; RN: 104296488 (water) and 104315569 (sewer)

Dear Mr. Rodriguez:

Your applications for the Town of Lindsay to amend their CCNs were received on August 31, 2005, and have been accepted for filing. Thank you for providing the items we requested with your November 9, 2005, letter. Ms. Tammy Holguin-Benter has been assigned to perform the technical review.

After further technical review additional financial, technical or other information may also be requested through future correspondence.

If you have any questions, please contact Ms. Tammy Holguin-Benter at 512/239-6136, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Abrams".

Michelle Abrams, Team Leader  
Utilities & Districts Section  
Water Supply Division

MA/THB/mmg


DLM-9

In the State of Texas

§  
§  
§

County of Cooke

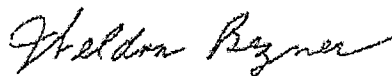
I, Betsy Fleitman, City Secretary for the City of Lindsay, Texas, hereby certify that the attached document is a true and correct copy of a document taken from the official City files of the City of Lindsay, Texas, and is maintained in the regular course of business of the City of Lindsay, Texas. Given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

  
City Secretary  
City of Lindsay, Texas

October 12, 2005

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

Sincerely,



Weldon Bezner  
P.O. Box 43  
Lindsay, Texas 76250  
940-665-6324

DLM-10

APP0351

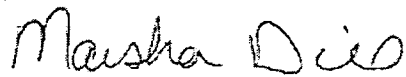




September 15, 2005

I am interested in *water and sewer* service to my property located on County Road 306. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

A handwritten signature in cursive script that reads "Marsha Dill".

Marsha Dill  
3888 CR 306  
Gainesville, Texas 76240  
940-736-2281

September 15, 2005

I am interested in water and sewer service to my property located on County Road 352 and County Road 348. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

A handwritten signature in cursive script that reads "Michael R. Hermes". The signature is written in dark ink and is positioned above the printed name.

Michael R. Hermes  
P.O. Box 257  
Lindsay, Texas 76250  
940-665-0748

Date:

I am interested in *water and sewer* service to my property located on CR306.  
I hope that my City of Lindsay at some point in the future will be able to provide these  
services to my property. For this reason I would like to be included in the CCN for the  
City of Lindsay.

Sincerely,



Full Name: Lynn Huchton

Address: 3289 CR306

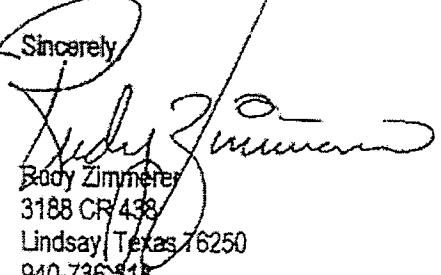
Phone #: Gainesville Texas 76240

940 736 2415

September 15, 2005

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

Sincerely,



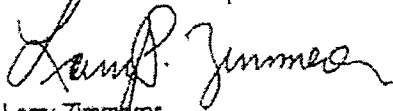
Rudy Zimmerer  
3188 CR 438  
Lindsay, Texas 76250  
940-736-518

APP0355

September 15, 2005

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

Sincerely,

A handwritten signature in cursive script that reads "Larry Zimmerer".

Larry Zimmerer

1164 CR 404

Gainesville, Texas 76240

940-668-8298

APP0356

October 17, 2005

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

Sincerely,

*Frances Zimmerer*

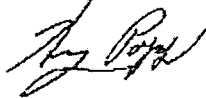
Frances Zimmerer  
1376 CR 404  
Gainesville, Texas 76240  
940-665-9906

APP0357

October 17, 2005

I am interested in *water and sewer* service to my property located on CR 407. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

A handwritten signature in dark ink, appearing to read "Henry Popp", written over a horizontal line.

Henry Popp  
329 CR 407  
Gainesville, Texas 76240  
940-665-6620

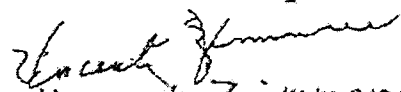
APP0358



Date:

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

Sincerely,

  
Full Name: *Vincent Zimmerer*

Address: *3522 CR 438*

Phone #: *Lindsay, Texas 76252*  
*940-736-2258*

10/26/2005

I am interested in water and sewer service to my property located near/on 306  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my  
property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Kay Anger  
Signature

Albert + Kay Anger  
Name

5028 CR 306  
Address

Lainsville TX 76240  
City, State, Zip

940-612-5282  
Phone Number

10/26/2005

I am interested in water and sewer service to my property located near/on FM 1200.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Ann Bengfort

Signature

LEONARD + ANN BENGFORT

Name

3894 FM 1200

Address

GAINESVILLE, TX. 76240

City, State, Zip

940-665-2226

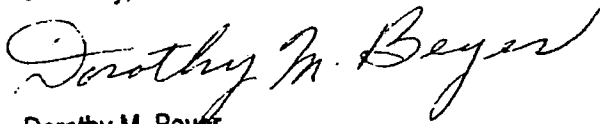
Phone Number

APP0361

October 12, 2005

I am interested in *water and sewer* service to my property located on CR 418. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

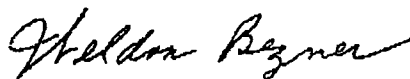
A handwritten signature in cursive script that reads "Dorothy M. Beyer". The signature is written in dark ink and is positioned above the printed contact information.

Dorothy M. Beyer  
568 CR 418  
Gainesville, Texas 76240  
940-665-9244

October 12, 2005

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

Sincerely,



Weldon Bezner  
P.O. Box 43  
Lindsay, Texas 76250  
940-665-6324

September 15, 2005

I am interested in *water and sewer* service to my property located on County Road 306. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,



Marsha Dill  
3888 CR 306  
Gainesville, Texas 76240  
940-736-2281

September 15, 2005

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

Sincerely,

*Dave Fleitman*

David Fleitman  
2256 CR 438  
Lindsay, Texas 76250  
940-668-1395

10/31/2005

West U.S.

I am interested in *water and sewer* service to my property located near/on  Hwy 82 .  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Michael G. Fuchmann

Signature

Fuchmann Bros by Michael G. Fuchmann, partner

Name

6060 W. Hwy 82

Address

Gainesville TX 76240

City, State, Zip

940 668 7423

Phone Number



October 17, 2005

I am interested in *water and sewer* service to my property located on CR 306. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

*Frank Haverkamp*

Frank Haverkamp  
P.O. Box 156  
Lindsay, Texas 76250  
940-665-6447

*Also property  
on CR 303 - he  
wants in  
no letter for it*

10/26/2005

I am interested in water and sewer service to my property located near/on 721 NE 21ST STREET  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Geraldine Haverkamp  
Signature

GERALDINE HAVERKAMP  
Name

P.O. Box 35  
Address

LINDSAY TEXAS  
City, State, Zip

940 665-6439  
Phone Number

Access to property  
inside city limits  
but property is  
outside (east side  
of town) along CR 303

October 17, 2005

I am interested in *water and sewer* service to my property located on CR 306. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

A handwritten signature in cursive script that reads "Clare Hellinger". The signature is written in dark ink and is positioned above the printed contact information.

Clare Hellinger  
562 CR 306  
Gainesville, Texas 76240  
940-665-5080

10/26/2005

I am interested in water and sewer service to my property located near/on 2892 FM 1199.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my  
property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Clem Hermes

Signature

Clem Hermes

Name

2892 FM 1199

Address

GAINESVILLE, TX 76240

City, State, Zip

940-668-7623

Phone Number

September 15, 2005

I am interested in water and sewer service to my property located on County Road 352 and County Road 348. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

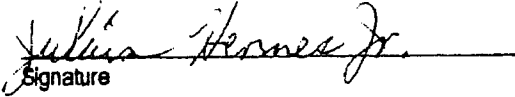
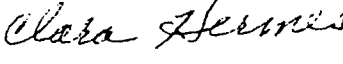
A handwritten signature in cursive script that reads "Michael R. Hermes". The signature is written in dark ink and is positioned above the typed name.

Michael R. Hermes  
P.O. Box 257  
Lindsay, Texas 76250  
940-665-0748

12/22/2005

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

Sincerely,

   
Signature

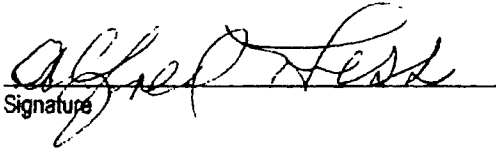
Julius & Clara Hermes, Jr.  
P.O. Box 32  
Lindsay, Texas 76250  
(940) 665-2909

15291  
8826  
8827  
25612

12/29/2005

I am interested in *water and sewer* service to my property located near/on FM 3108. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

  
Signature

Alfred Hess  
1612 FM 3108  
Gainesville, Texas 76240  
(940) 665-5257

APP0373

October 12, 2005

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

Sincerely,

Wilfred Hess  
917 CR 404.  
Gainesville, Texas 76240  
940-665-6423

*Wilfred Hess*

*On the border -  
wants in if at  
all possible  
some property in -  
some out*




24872

12/21/2005

I am interested in *water and sewer* service to my property located near/on CR 405. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

  
Signature

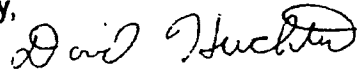
Tom & Pam Hoberer  
1354 CR 405  
Gainesville, Texas 76240-1386  
(940) 665-4445

APP0375

October 17, 2005

I am interested in *water and sewer* service to my property located on CR 306. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,


A handwritten signature in cursive script, appearing to read "David Huchton".

David Huchton  
1754 CR 306  
Gainesville, Texas 76240  
940-736-2335

October 17, 2005

I am interested in *water and sewer* service to my property located near/on CR 363.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

  
Signature

HANK HIGHTON  
Name

271 CR 363  
Address

GAINESVILLE, TX, 76240  
City, State, Zip

940-736-9463  
Phone Number

Date:

I am interested in *water and sewer* service to my property located on CR306.  
I hope that my City of Lindsay at some point in the future will be able to provide these  
services to my property. For this reason I would like to be included in the CCN for the  
City of Lindsay.

Sincerely,



Full Name: Lynn Huchton

Address: 3289 CR306

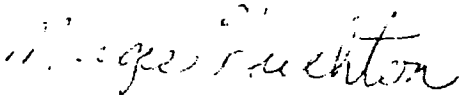
Phone #: Gainesville Texas 76240

940 736 2415

September 15, 2005

I am interested in *water and sewer* service to my property located on County Road 306. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,



Margie Huchton  
1754 CR 306  
Gainesville, Texas 76240  
940-736-2335

10/18/2005

I am interested in water and sewer service to my property located near/on CR 405.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Kenneth Koelzer  
Signature

Kenneth Koelzer  
Name

269 CR 405  
Address

Jamesville, TX 76240  
City, State, Zip

940-665-9473  
Phone Number

10/18/2005

I am interested in *water and sewer* service to my property located near/on F.M. 1200.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

*Marie R. Koelzer*

Signature

MARIE R. Koelzer

Name

1730 FM 1200

Address

GAINESVILLE TX 76240

City, State, Zip

940 668 - 6516

Phone Number

25822

12/28/2005

I am interested in *water and sewer* service to my property located near/on CR352. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

  
Signature

Kenneth Krebs  
299 CR 352  
Gainesville, Texas 76240  
(940) 668-8163

APP0382



10/18/2005

I am interested in water and sewer service to my property located near/on CR 446.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Charles Neu  
Signature

CHARLES NEU  
Name

2104 CR 446  
Address

Yarnerville, TX 76240  
City, State, Zip

940-665-8705  
Phone Number

October 17, 2005

I am interested in water and sewer service to my property located near/on 926 CR 404.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Chris New

Signature

CHRIS NEW

Name

926 CR 404

Address

BAINESVILLE TEXAS 76240

City, State, Zip

940-665-4712

Phone Number

October 12, 2005

I am interested in *water and sewer* service to my property located on County Road 306. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

*Elroy Neu*

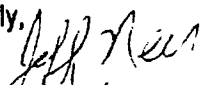

Elroy Neu  
452 CR 306  
Gainesville, Texas 76240  
940-665-6070

APP0385

October 12, 2005

I am interested in *water and sewer* service to my property located on Hwy 82. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Jeff and Diane Neu  
919 East JM Lindsay Blvd.  
Gainesville, Texas 76240  
940-665-8412

October 17, 2005

I am interested in *water and sewer* service to my property located near/on CR 446.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Tommy Neu  
Signature

Tommy Neu  
Name

2074 CR 446  
Address

Gainesville Texas 76240  
City, State, Zip

940-665-7615  
Phone Number

10/18/2005

I am interested in water and sewer service to my property located near/on CR 405.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Lawrence Neusch  
Signature

LAWRENCE NEUSCH  
Name

758 CR 405  
Address

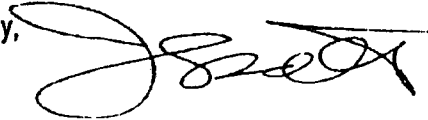
GAINESVILLE, TEXAS 76248  
City, State, Zip

940-668-7182  
Phone Number

September 15, 2005

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

Sincerely,

A handwritten signature in black ink, appearing to read 'James Ott', with a large, stylized flourish at the end.

James Ott  
1094 FM 1199  
Gainesville, Texas 76240  
940-665-9662

October 17, 2005

I am interested in *water and sewer* service to my property located on CR 407. I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,



Henry Popp  
329 CR 407  
Gainesville, Texas 76240  
940-665-6620



10/26/2005

I am interested in water and sewer service to my property located near/on FM 1630 E. FM 3108  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my  
property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

  
Signature

Hugh Porter  
Name

1870 FM 1630  
Address

Guinesville Tx 76240  
City, State, Zip

(940) 665-6079  
Phone Number

10/26/2005

I am interested in water and sewer service to my property located near/on 760 FM 3108.  
I hope that the City of Lindsay at some point in the future will be able to provide these services to my property. For this reason I would like to be included in the CCN for the City of Lindsay.

Sincerely,

Clem Sandmann

Signature

Clem Sandmann

Name

P.O. Box 103

Address

Lindsay Tex 76750

City, State, Zip

940-668-8626

Phone Number