



Control Number: 45639



Item Number: 13

Addendum StartPage: 0

DOCKET NO. 45639

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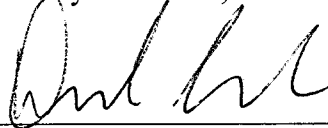
APPLICATION OF MITCHELL §
COUNTY UTILITY COMPANY AND §
CORIX UTILITIES (TEXAS) INC. §
FOR SALE, TRANSFER, OR §
MERGER OF FACILITIES AND §
CERTIFICATE RIGHTS IN §
MITCHELL COUNTY §
§

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

**CORIX UTILITIES (TEXAS) INC.'S
SUPPLEMENT TO THE APPLICATION REGARDING WATER SUPPLY**

Based on an inquiry from Commission Staff regarding water supply capacity, facilities and water treatment, Corix Utilities (Texas) Inc. ("CUTX") files and attaches Exhibit A, which is an affidavit from Mr. R. Darrin Barker, General Manager of CUTX.

Respectfully submitted,



WINSTEAD PC

R. Darrin Barker
General Manager
Corix Utilities (Texas) Inc.
Darrin.barker@corix.com
1812 Centre Creek Drive, Suite 207
Austin, Texas 78754
(512) 306-4000

Derek Seal
State Bar No. 00797404
Carrie Collier-Brown
State Bar No. 24065064
401 Congress Avenue, Suite 2100
Austin, Texas 78701
(512) 370-2800
(512) 370-2850 facsimile
dseal@winstead.com
ccbrown@winstead.com
ATTORNEYS FOR CORIX UTILITIES (TEXAS) INC.

13

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on the 18th day of March, 2016 in accordance with P.U.C. PROC. R. 22.74.

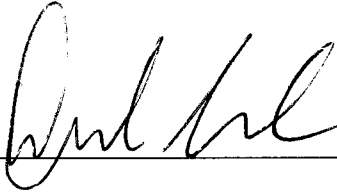


EXHIBIT A

AFFIDAVIT of R. DARRIN BARKER, CUTX GENERAL MANAGER

AFFIDAVIT OF

R. DARRIN BARKER

STATE OF TEXAS)
)
SAN SABA COUNTY)

R. DARRIN BARKER, first being sworn on his oath, states:

1. I am the General Manager of Corix Utilities (Texas) Inc. ("CUTX"). I have representative capacity to transact business on behalf of CUTX and to execute all documents deemed necessary or appropriate in connection with regulatory matters with the Public Utility Commission of Texas ("Commission").
2. Based upon my personal knowledge and on CUTX's due diligence review of the water supply assets of Mitchell County Utility Company ("MCUC"), the facts stated herein are true and correct. Based upon my judgment and professional experience, the opinions and conclusions stated herein are valid, and accurate.
3. MCUC has entered into a contract with Mr. Robert Franklin Martin for the purchase of the rights to produce groundwater from certain property in Mitchell County, Texas (the "Water Supply Contract"). The Water Supply Contract provides that MCUC may produce groundwater on the property in Mitchell County from groundwater wells that MCUC owns and operates, and that MCUC purchase the amount of water produced from Mr. Franklin.
4. Pursuant to the Water Supply Contract, the groundwater produced from five groundwater wells ("Groundwater Wells") provides the water supply for Public Water System No. 1680004 ("PWS No. 1680004"), which is the subject of CUTX's Application for Sale, Transfer or Merger in this Commission Docket No. 45639.
5. Information electronically available on TCEQ's website regarding Drinking Water Watch Information indicates the following:
 - a. TCEQ's Facility ID Nos. for the five Groundwater Wells are G168004A, G168004B G168004C, G168004D, and G168004E.
 - b. Each of the five Groundwater Wells is an approved source of water for PWS No. 1680004.
 - c. No compliance issues exist with regard to the five Groundwater Wells meeting the requirements of 30 Tex. Admin. Code, Chapter 290, relating to Public

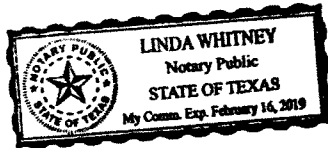
*PUC Docket No. 45639
Affidavit of R. Darrin Barker
Page 1 of 2*

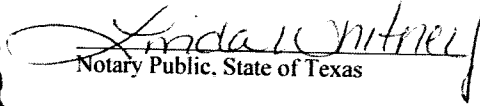
Drinking Water.

6. Each of the five Groundwater Wells are in a common well field and are all connected to a single point of entry into PWS No. 1680004 where the groundwater water is chlorinated before entering the distribution system.
7. The Water Supply Contract allows MCUC to meet the water supply capacity requirements in TCEQ's rules at 30 TAC 290.45 for PWS No. 1680004.


R. Darrin Barker

Subscribed and sworn to before me today, March 18, 2016.




Notary Public, State of Texas

My Commission Expires: FEB. 16, 2019

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

September 14, 1999

Mr. Mike Hemphill
Mitchell County Utility Company
5353 LCR 256
Colorado City, Texas 79512

Re: Mitchell County Utility Company - Water System I.D. #1680004
Wells No. 1, 2 and 3 Completion Data
Plan Review Log Number 909-030
Mitchell County, Texas

Dear Mr. Hemphill:

The constructed wells **are approved for use** and may now be placed into service based on our review of additional well completion material received on September 10, 1999, with your letter dated September 3, 1999. The project generally meets the minimum requirements of the TNRCC's Chapter §290 - Rules and Regulations for Public Water Systems (Rules). Approval of this well as a public water source is contingent upon verification of the chemical quality by the Texas Department of Health laboratory in Austin. The Public Drinking Water Section will continue to monitor the well's water quality and notify the utility if they need any other actions.

However, the chemical analysis report submitted shows that the concentration of Manganese slightly exceeds the maximum allowable level. (Please see the table at the bottom of the checklist we previously sent you). If further testing confirms the analysis report, additional treatment will be required.

The completion data consisted of the following:

- 36-hour pumping test results;
- U. S. Geological Survey 7.5 minute map showing the well locations;

Mr. Mike Hemphill
Page 2
September 14, 1999

- Three bacteriological sampling results showing no coliform contamination; and,
- Chemical analysis results (metals).

Previously submitted completion data included:

- Three State of Texas Well Reports;
- Material setting and cementing data;
- Executed and recorded sanitary control easements; and,
- Chemical analysis results (minerals).

These wells were approved for construction on an emergency basis in our April 20, 1999 letter (Plan Review Log No. 904-0710).

If they have not already done so, contact the Region No. 3 Office at (915) 698-9674 to arrange for taking the official samples for chemical analysis by the Texas Department of Health laboratory in Austin. The Public Drinking Water Section of the TNRCC will use the results of that analysis to conduct a vulnerability assessment and develop a monitoring schedule. They will notify the public water system of any special requirements for this public water supply source. If the well is properly constructed and is properly separated from pollution sources, a waiver to the testing requirements may be obtained. If you have any questions regarding these waivers, please contact the TNRCC's Public Drinking Water Monitoring Team at 512/239-6020.

Please refer to Plans Review and Rate Design Team Log No. 906-144 in all correspondence for this project. This will help complete our review and prevent it from being considered a new project.

For future reference, you can review part of the Plans Review and Rate Design Team's database to see if we have received your project. This is available on the TNRCC's homepage on the Internet at the following address:

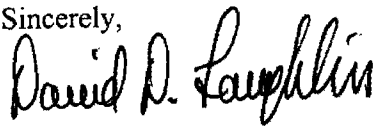
<http://www.tnrcc.state.tx.us/water/wu/rates/planrev.html>

You can download most of the well construction checklists and the latest revision of Chapter 290 "Rules and Regulations for Public Water Systems" from this site.

Mr. Mike Hemphill
Page 3
September 14, 1999

If you have any questions please contact me at (512) 239-6960 or the Internet address:
"DLAUGHLI@tnrcc.state.tx.us."

Sincerely,



David D. Laughlin, P.E.
Rate Analysis and Plan Review Team
Water Utilities Division, MC 153

DDL/mlm

cc: Mitchell County Utility Company
TNRCC Region No. 3 Office - Abilene
TNRCC Public Drinking Water - Vulnerability Assessment (w/enclosures)

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*



PWS ID #1680004 CO

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 23, 2007

LESTELLA MORRIS, P.E.
STANLEY MORRIS ENGINEERING & SURVEYING
907 E. BROADWAY
SWEETWATER, TEXAS 79556

Re: Mitchell County Utility Co. - Public Water System I.D. #1680004
Proposed Well Completion Data - Emergency Well No. 200605-223
Engineer Contact Telephone: (325) 235-8616
Plan Review Log Number 200608-079
Mitchell County, Texas

CN600703656; RN101204055

Dear Ms. Morris:

The constructed well is approved for interim use and may now be temporarily placed into service based on our review of well completion material received on August 7, 2006, with your letter dated August 7, 2007. The project generally meets the minimum requirements of the TCEQ's Chapter §290 - Rules and Regulations for Public Water Systems (Rules).

The preliminary chemical samples collected by the water system or their contractor are for interim approval only. For final approval prior to the new well being placed into permanent service the following conditions must be met:

1. It is the water system's responsibility to contact the TCEQ's Drinking Water Quality Team in Austin at 512/239-4691 to arrange for the collection of the official chemical samples which must be completed within 120 days from the date of this letter.
2. The results of the official chemical analysis of these samples will be used to conduct a vulnerability assessment, develop a chemical monitoring plan and grant final approval for the new source.
3. If official chemical analysis testing confirms that a regulated constituent does not meet secondary constituent levels, you must obtain written approval from the executive director to use your well for public drinking water; and,
4. Additional treatment, blending, or public notice may be required. The Drinking Water

Ms. LeStella Morris, P.E.

Page 2

January 23, 2007

Quality Team will notify the water system of any additional special requirements for this public water supply source. Plans for water treatment must be reviewed and approved by the Utility Creation and Plan Review Team.

The completion data consisted of the following:

- State of Texas Well Report;
- Material setting and cementing data;
- 36-hour pumping test results;
- Executed and recorded sanitary control easement;
- U. S. Geological Survey 7.5 minute map showing the well location;
- Three bacteriological sampling results showing no coliform contamination; and,
- Chemical analysis results (commercial lab).

The completion data describes construction of the following:

- One public water supply well drilled to 280 feet with 140 linear feet (l.f.) of 8-inch o.d. pressure-cemented PVC casing, 140 l.f. of 8-inch o.d., .035 PVC screen, with 190 l.f. grade 6 gravel pack; the well yield is 130 g.p.m. with a 40 horsepower submersible pump set at 273 feet deep. The design capacity of the pump is 120 g.p.m.; and,
- Various valves, fittings and related appurtenances.

The constructed well site is located at Latitude 32 deg 24' 04" N and Longitude 100 deg 46' 40" W, west of I-20 on Lucas Road in Mitchell County, Texas.

The well was approved for construction in our June 6, 2006 letter (Plan Review Log No. 200605-223).

Please complete a copy of the most current Public Water System Plan Review Submittal form for future submittal to TCEQ for review of improvements to a Public Water System. Every blank on the form must be completed to minimize any delays in review of your project. The document is available on our website at the address shown below.

<http://www.tceq.state.tx.us/assets/public/permitting/forms/10233.pdf>

Ms. LeStella Morris, P.E.

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January 23, 2007

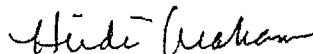
For future reference, you can review part of the Utilities Technical Review Team's database to see if we have received your project. This is available on the TCEQ's homepage on the Internet at the following address:

http://www.tceq.state.tx.us/assets/public/permitting/watersupply/ud/planrev_list.pdf

You can download most of the well construction checklists and the latest revision of Chapter 290 "Rules and Regulations for Public Water Systems" from this site.

~~If you have any questions please contact me at (512) 239-0844 or the Internet address: "hgraham@tceq.state.tx.us" or if by correspondence, include MC 153 in the letterhead address below.~~

Sincerely,



Heidi Graham, E.I.T.
Utilities Technical Review Team
Water Supply Division MC-153
Texas Commission on Environmental Quality



U. Shanker Tangirala, P.E.
Utilities Technical Review Team
Water Supply Division MC-153
Texas Commission on Environmental Quality

HG/UST/al

cc: Mitchell County Utility Co. - Attn: Hemphill Contracting Co., 5353 Lake County Road 256,
Colorado City, Texas 79512
TCEQ Central Records PWS File #1680004
TCEQ Region No. 3 Office - Abilene
TCEQ Public Drinking Water - Vulnerability Assessment (w/enclosures)
TCEQ Drinking Water Quality Team - Attn: Dr. Alicia Diehl, Team Leader

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

PWS ID # 1680004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 14, 2009

MR SCOTT D. HAY, PE
ENPROTEC/HIBBS & TODD, INC.
402 CEDAR
ABILENE, TEXAS 79601

Re: Mitchell County Utility Co. - Public Water System I.D. # 1680004
Well No. 5 Completion Data - Ref. Log Nos. 200905-075, 200806-083
Engineer Contact Telephone: (325) 698-5560
Plan Review Log Number 200907-096
Mitchell County, Texas

CN600703656; RN101204055

Dear Mr. Hay:

The constructed well is approved for **interim** use and may now be temporarily placed into service based on our review of well completion material received on July 27, 2009 and August 10, 2009 with your letter dated July 21, 2009. The project generally meets the minimum requirements of the TCEQ's Chapter §290 - Rules and Regulations for Public Water Systems (Rules).

The preliminary chemical samples collected by the water system or their contractor are for interim approval only. For final approval prior to the new well being placed into permanent service the following conditions must be met:

1. It is the water system's responsibility to contact the TCEQ's Drinking Water Quality Team in Austin at 512/239-4691 to arrange for the collection of the official chemical samples which must be completed within 120 days from the date of this letter.
2. The results of the official chemical analysis of these samples will be used to conduct a vulnerability assessment, develop a chemical monitoring plan and grant final approval for the new source.
3. If official chemical analysis testing confirms that a regulated constituent does not meet secondary constituent levels, you must obtain **written approval from the executive director** to use your well for public drinking water; and,
4. Additional treatment, blending, or public notice may be required. The Drinking Water

Mr. Scott D. Hay, P.E.
Page 2
August 13, 2009

Quality Team will notify the water system of any additional special requirements for this public water supply source. Plans for water treatment must be reviewed and approved by the Utility Creation and Plan Review Team.

The completion data consisted of the following:

- Revised State of Texas Well Report;
- Material setting and cementing data;
- 24-hour pumping tests results with stable production at 100 gpm;
- Executed and recorded sanitary control easement;
- U. S. Geological Survey 7.5 minute map showing the well location;
- Three bacteriological sampling results showing no coliform contamination; and,
- Chemical analysis results (commercial lab).

The completion data describes construction of the following:

- One public water supply well drilled to 250 feet with 90 linear feet (l.f.) of 12 $\frac{3}{4}$ -inch o.d. pressure-cemented ASTM F 480 PVC SDR 17 casing, 150 l.f. of 8-inch o.d. screen with 160 l.f. of gravel pack; the well yield is 100 g.p.m. with a 40 horsepower, 4-inch, vertical turbine pump. The design capacity of the pump is 100 g.p.m.

Well No. 5 is located approximately $\frac{1}{2}$ -mile northeast of the intersection of Interstate Highway 20 and Lasky Road.

The well was approved for construction in our June 30, 2008 letter (Plan Review Log No. 200806-083).

Please complete a copy of the most current Public Water System Plan Review Submittal form for future submittal to TCEQ for review of improvements to a Public Water System. Every blank on the form must be completed to minimize any delays in review of your project. The document is available on our WEB site at the address shown below.

<http://www.tceq.state.tx.us/assets/public/permitting/forms/10233.pdf>

For future reference, you can review part of the Utilities Technical Review Team's database to see if we have received your project. This is available on the TCEQ's homepage on the Internet at the following address:

http://www.tceq.state.tx.us/assets/public/permitting/watersupply/ud/planrev_list.pdf

Mr Scott D. Hay, P.E.

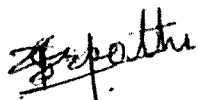
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August 13, 2009

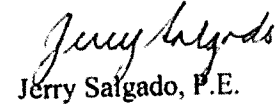
You can download most of the well construction checklists and the latest revision of Chapter 290 "Rules and Regulations for Public Water Systems" from this site.

If you have any questions please contact me at (512)239-3794 or the Internet address: "PTRIPATH@tceq.state.tx.us " or if by correspondence, include MC 153 in the letterhead address below.

Sincerely,



Pritesh Tripathi
Utilities Technical Review Team
Water Supply Division MC-153
Texas Commission on Environmental Quality



Jerry Salgado, P.E.
Utilities Technical Review Team
Water Supply Division MC-153
Texas Commission on Environmental Quality

PT/JS/lm

cc: Mitchell County Utility Co.: Attn.: The Honorable Roy Brown, Mayor, 23175 CR 4117,
Frankston, Texas 75763