

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

Jefferson City
December 12, 1979

CASE NOS WA-78-170, WF-78-171 and WF-78-172

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Gentlemen:

Enclosed find certified copy of ORDER in the above-numbered case.

Sincerely,

D. Michael Hearst

D. Michael Hearst
Secretary

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

CASE NO. WA-78-170

In the matter of the application of **OZARK MOUNTAIN WATER COMPANY** for (a) **certificate of Convenience and necessity** to distribute water as a public utility in various areas in Barry and Stone Counties Missouri, and (b) to issue and sell 3,000 share of Common Stock with a par value of ten (\$10) dollars each.

CASE NO. WF-78-171

In the matter of the application of **Lakeside Investment Company** to hold more than ten (10%) per cent of the Common Stock issued by **OZARK MOUNTAIN WATER COMPANY**.

CASE NO. WF-78-172

In the matter of the application of **Turkey Mountain Estates, Inc.**, to hold more than ten (10%) per cent of the Common Stock issued by **OZARK MOUNTAIN WATER COMPANY**.

The Commission granted certificate of public convenience and necessity to construct, install, operate and maintain a water system where it found that the public convenience and necessity would be promoted thereby. The Commission also authorized the issuance and sale of Common Stock and for two real estate development corporations to each purchase and hold over ten (10%) per cent of such stock.

APPEARANCES: Louis M. Cowan, Attorney at Law, 626 Woodruff Building, Springfield, Missouri 65805, for Ozark Mountain Water Company, Lakeside Investment Company, and Turkey Mountain Estates, Inc.

Charles J. Fain and Charles B. Fain, Attorneys at Law, 333 Madison, Jefferson City, Missouri 65101, for Turkey Mountain Estates Homeowners Association No. 1 and Turkey Mountain Estates Homeowners Association No. 2.

Gary W. Duffy, Assistant General Counsel, P. O. Box 360, Jefferson City, Missouri 65102, for the Staff of the Commission.

Jean C. Gaddy, Turkey Mountain Estates No. 2, Shell Knob, Missouri, appearing pro se.

E. L. Simes, Turkey Mountain Estates No. 2, Shell Knob, Missouri, appearing pro se.

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REPORT AND ORDER

On February 2, 1978, Ozark Mountain Water Company (Applicant)

filed its application with the Commission wherein it requested the Commission to grant it a certificate of public convenience and necessity to operate as a public utility, i.e., a water distribution system in an area in Stone and Barry Counties, Missouri near Table Rock Lake. It also requested permission to issue and sell 3,000 shares of \$10 par value common stock. Also on that date Lakeside Investment Company and Turkey Mountain Estates, Inc., filed their applications requesting approval from the Commission for each to take and hold more than ten (10%) per cent of the shares of common stock of Ozark Mountain Water Company.

On August 17 and 25, 1978, Turkey Mountain Estates Homeowners Association No. 1 filed its application to intervene in all three matters. Inasmuch as all three applications are related, the matters were consolidated for hearing which was had on August 28, 1978; January 11, 1979; and March 28, 1979, in the Commission's hearing room on the tenth floor of the Jefferson State Office Building, Jefferson City, Missouri. At the time of the hearing Turkey Mountain Estates Homeowners Association No. 2 intervened in the cases. The requirement that the Commissioners read the transcript in these cases was not waived. No briefs were filed and none of the parties desired to present oral argument.

Findings of Fact

The Missouri Public Service Commission, having considered all the competent and substantial evidence upon the whole record, makes the following findings of fact: Turkey Mountain Estates, Inc.; Lakeside Investment Company; Tomahawk Developers, Inc.; and Central Crossing Developers, Inc.; are all Missouri corporations and all are engaged in the business of developing and selling real estate lots in Barry and Stone Counties near Table Rock Lake. On August 19, 1977, Turkey Mountain Estates, Inc. received a

DISCLOSURE TO OBSERVATION BY THE PUBLIC CONCERNING THE COMMISSION

letter sent by the Commission stating that it had come to the Commission's attention that the Company was operating a water system and may come under the Commission's jurisdiction. The Commission asked them to supply more information, which Turkey Mountain Estates, Inc. did. On September 15, 1977, they received a letter from a Commission Assistant General Counsel indicating that they did come within the Commission's jurisdiction and that they should apply to the Commission for a certificate of public convenience and necessity.

Since all four developers were in the same situation they formed Ozark Mountain Water Company, the Applicant, a Missouri corporation, on October 28, 1977. The plan called for all four developers to donate all their water facilities to Applicant. Such facilities have an original cost of \$238,249.38. Furthermore, to raise operating funds, all four developers agreed, subject to the Commission's approval, to purchase a total of 3,000 shares of \$10 par value common stock of Applicant. This would result in the raising of \$30,000 in cash for Applicant. The number of shares which each developer would take is as follows:

Turkey Mountain Estates, Inc.	2,200 shares
Lakeside Investment Company	630 shares
Tomahawk Developers, Inc.	120 shares
Central Crossing Developers, Inc.	30 shares

Since this plan would result in Turkey Mountain Estates, Inc. and Lakeside Investment Company each owning more than 10% of the outstanding capital stock of Applicant, the applications in Cases No. WF-78-171 and No. WF-78-172 were filed.

Applicant will serve three distinct geographical areas. Area one will contain Tomahawk Heights and Lakeside Heights which currently have about thirty houses. These homes are served by a well located on Lot 85 of Lakeside Heights Subdivision which is 404 feet deep and has a sustained pumping capacity estimated at 140 gallons per minute. It is equipped with two 500 gallon pressure tanks and a seven and one-half horsepower Reda pump which has a capacity of 50 gallons per minute. At this

time there is in place in area one approximately 12,475 feet of four-inch water main and 18,590 feet of two-inch water main. Long range plans contemplate the installation of approximately 3,570 additional feet of four-inch and 1,700 feet of two-inch main.

Area number two encompasses Turkey Mountain Estates No. 2, first subdivision, through sixth subdivision, inclusive. About 98 houses are presently included in this area. They are receiving water from a central supply consisting of a well approximately 750 feet deep and which is cased to 326 feet. It is estimated to produce 140 gallons of water per minute on a sustained pumping basis and is equipped with a 30 horsepower Reda pump with a capacity of 120 gallons per minute. There is a 10,000 gallon pressure storage tank located at the well site. At this time there is in place approximately 6,185 feet of six-inch water main, approximately 11,535 feet of four-inch water main, and approximately 33,491 feet of two-inch water main. Long range plans contemplate the installation of approximately 3,759 additional feet of six-inch main, 2,898 feet of four-inch main and 28,144 feet of two-inch main.

Area three contains Turkey Mountain Estates Subdivision including Mitten's Second Subdivision, Turkey Mountain Estate East, and Turkey Mountain Estate East Second Addition. About 70 houses are currently in this area. They are receiving central water service from a well located at the north end of the golf course. This well is 553 feet deep and has a sustained pumping capacity of 140 gallons per minute. It is equipped with a 30 horsepower Reda pump capable of pumping at the rate of 120 gallons per minute. There is located near the well site a 5,000 gallon pressure tank. At this time there is in place in area three approximately 18,962 feet of four-inch water main and approximately 2,172 feet of two-inch water main. Long range plans contemplate the installation of approximately 4,434 additional feet of four-inch and 21,711 feet of two-inch main in this area.

The Commission's Staff is of the opinion that the facilities presently in operation will serve the development in the foreseeable

future.

All wells have been approved by the Department of Natural Resources. Applicant also plans on having the systems of pipes looped, with a couple of exceptions, in order to better provide service in the case of a break in the pipe and also to prevent water stagnation.

Applicant has obligated itself to lay all pipe in accordance with the American Waterworks Association's standards or else the pipe manufacturer's standards, i.e., setting the pipe and not laying the pipe on top of rock.

Applicant will have one full-time maintenance man, a part-time bookkeeper and a telephone number where someone can be reached twenty-four hours a day in the event of an emergency.

Currently, none of the customers have water meters. The Staff Commission is of the opinion that without meters, customers are inclined to waste water. Therefore, the Staff believes that the Commission should recommend that all new customers have a meter installed and a time table be devised to provide all current customers with meters. However, the Staff does not believe the Commission should order the installation of meters at this time. The Staff is also of the opinion that the master of the house should be read on a daily basis. By doing this, the Applicant can detect unusual water consumption patterns and breaks in the systems resulting in leaks. The Staff believes the Commission should order the Applicant to do this as it is important in the management of a water system.

There are only residential users of water in these areas. Currently, customers are paying a flat rate of \$25 per year with the exception of residents in Turkey Mountain Estates No. 1 and No. 2 who are paying \$50 per year. There is no limit on water usage. Applicant introduced proforma financial statements at the hearing. Initially it expected it would need a monthly rate of \$12. However, due to increasing costs, Applicant believes that \$15 per month would be needed. The Staff also introduced proforma financial statements. The Staff's evidence indicated that a

monthly rate of \$9.40 should be charged to customers. The Commission finds that the rate proposed by the Staff is more reasonable.

Conclusions

The Missouri Public Service Commission has arrived at the following conclusions:

The Commission is empowered by virtue of Section 393.170, RSMo

1978, to grant a certificate of public convenience and necessity to operate a water corporation. Section 393.200, RSMo 1978, requires per- mission of the Commission for a regulated utility to issue and sell stock. Section 393.190, RSMo 1978, requires a corporation to have approval of the Commission before it may purchase and hold more than 10% of the total capital stock issued by any water corporation. The Commission concludes that the plan presented by these three applications is reason- able and in the public interest. The Commission further concludes that the applications of Ozark Mountain Water Company, Lakeside Investment Company, and Turkey Mountain Estates, Inc. should be granted. The Commission also believes that the rates proposed by the Staff should be adopted on an interim basis for a period of eighteen months. Further- more, the Commission concludes that the Staff's proposal that Applicant be required to read the master meters on a daily basis is reasonable and should be adopted.

The Commission believes that it is unnecessary for the Applicant to install customer meters at this time because of the small number of customers to be presently served and the expense involved for the custom- ers. However, this issue should be examined at the end of the 18 month period set forth above to determine if individual metering is warranted as the number of customers on the system increases.

The Commission concludes that intervenors in this case raised issues over which the Commission has no jurisdiction. It was suggested that the four developers may be in breach of contracts with the pur- chasers of the lots, that agents for the developers may have made mis-

representations to purchasers regarding water service, and certain acts by the developers may contravene property reports filed with the U. S. Department of Housing and Urban Development. Such matters must be decided by a court of law and not the Public Service Commission.

It is, therefore,

ORDERED: 1. That Ozark Mountain Water Company be, and is, hereby granted a certificate of public convenience and necessity to construct, install, operate, and maintain a water distribution system and all other facilities for the purpose of furnishing water service to the public in portions of Barry and Stone Counties, Missouri, more fully described in Appendix A attached hereto.

ORDERED: 2. That Ozark Mountain Water Company be, and is, hereby authorized to issue and sell 3,000 shares of \$10 par value common stock to the following corporations in amounts indicated below:

Turkey Mountain Estates, Inc.	2,220 shares
Lakeside Investment Company	630 shares
Tomahawk Developers, Inc.	120 shares
Central Crossing Developers, Inc.	30 shares

The proceeds from the issuance of stocks shall be used for the acquisition of property; the construction, completion, extension or improvement of its plant or system; the improvement or maintenance of its service; or for the lawful discharge or lawful refunding of its allocations.

ORDERED: 3. That for an interim period of eighteen months, Ozark Mountain Water Company is authorized to charge its customers a monthly rate of \$9.40.

ORDERED: 4. That Ozark Mountain Water Company, shall, before commencing operation, furnish the Commission its rules and regulations for the Commission's approval, in accordance with 4 CSR 240-50.

ORDERED: 5. That, for ratemaking purposes, nothing herein contained shall be construed by the Commission as a finding of value for the properties herein involved nor as an acquiescence in the value placed on said properties by the parties.

ORDERED: 6. That Turkey Mountain Estates, Inc., be, and is, hereby, authorized to take, purchase, and hold 2,220 shares of \$10 par value common stock of Ozark Mountain Water Company.

ORDERED: 7. That Lakeside Investment Company be, and is, hereby authorized to take, purchase, and hold 630 shares of \$10 par value common stock of Ozark Mountain Water Company.

ORDERED: 8. That this Report and Order shall become effective on December 27, 1979.

BY THE COMMISSION

D. Michael Hearst

D. Michael Hearst
Secretary

(SEAL) Slaviv, Chm., McCartney, Dority,
Bryant, CG., Concur. The Commission's consideration of the
Fraas, C., Not Participating

Dated at Jefferson City, Missouri,
on this 12th day of December, 1979.

SUBDIVISIONS PROPOSED TO BE SERVED BY
OZARK MOUNTAIN WATER COMPANY

SECTION I

DEVELOPER: TURKEY MOUNTAIN ESTATES, INC.

Subdivisions:

- (a) Turkey Mountain Estate East, 2nd Subdivision, Barry County, Missouri, described as:

Beginning at the Northeast corner of Section 29, Township 22, Range 25, thence South 2651.5 feet to the Southeast corner of the Northeast Quarter of said Section 29, thence West 825 feet, thence North 659 feet, thence North 26°34' West 737.88 feet, thence West 143.14 feet to the East side of I Street in Turkey Mountain Estate East Subdivision, thence Southerly 1312.78 feet along the East side of said I Street, thence East 1325.03 feet to the point of beginning. Being a part of the Northeast Quarter of Section 29, Township 22, Range 25, Barry County, Missouri, and containing 68 acres more or less.

and recorded in Book 5, Page 141, Office of Recorder of Deeds, Barry County, Missouri.

- (b) Turkey Mountain Estate East, a Subdivision of Barry County, Missouri, described as:

Beginning at the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section 29, Township 22, Range 25; thence West 1324 feet; thence South 572 feet; thence South 4° West 451.08 feet; thence South 16° 02' West 234.09 feet; thence South 28° 59' West 85.75 feet; thence South 34° West 229.17 feet; thence South 15° West 205.3 feet; thence South 3° West 702.14 feet; thence South 14° 56' East 123.2 feet; thence South 45° West 180 feet; thence South 45° East 880 feet; thence South 36° 52' East 824.93 feet; thence East 320 feet; thence North 45° West 233.34 feet; thence North 26° 34' East 368.94 feet; thence North 1159.3 feet; thence North 63° 26' West 368.94 feet; thence North 71° 34' East 521.78 feet; thence North 11° 19' West 841.33 feet; thence East 165 feet; thence North 1315.9 feet to the point of beginning.

Same being part of the West half of the Northeast Quarter and a part of the East half of the Northwest Quarter and a part of the Northwest Quarter of the Southeast Quarter and a part of the Northeast Quarter of the Southwest Quarter of a resurvey of Mitten's Subdivision Table Rock Lake as recorded in plat book No. 5, page 95, in the Recorder's Office in Barry County, Missouri. All in Section 29, Township 22, Range 25, Barry County, Missouri, and containing 115 acres more or less,

and recorded in Book 5, Page 99, Office of Recorder of Deeds, Barry County, Missouri.

- (c) Turkey Mountain Estate West, a Subdivision of Barry County, Missouri, described as:

Beginning at the Southwest corner of the Southeast Quarter of the Southwest Quarter of Section 20, Township 22, Range 25, thence South $26^{\circ} 34'$ West 368.94 feet; thence South 660 feet; thence South 45° East 233.34 feet; thence South 330 feet; thence South 45° East 79.15 feet; thence North $42^{\circ} 12'$ East 457.6 feet; thence North $64^{\circ} 02'$ East 140.3 feet; thence North $77^{\circ} 54'$ East 147.95 feet; thence South $83^{\circ} 23'$ East 125.2 feet; thence South $85^{\circ} 12'$ East 69.33 feet; thence North $11^{\circ} 36'$ West 157.2 feet; thence North 1803 feet; thence North $9^{\circ} 27'$ West 498.74 feet; thence West 960.5 feet; thence South $9^{\circ} 27'$ East 501.78 feet; thence South 660 feet; thence South 45° East 233.34 feet to the point of beginning.

Being a part of Lots 9, 10, 11 and 12 (Northwest Quarter) of Section 29 and a part of the South half of the Southwest Quarter of Section 20, all in Township 22, Range 25, Barry County, Missouri, and containing 55.8 acres more or less,

and recorded in Book 5, Page 102, Office of Recorder of Deeds, Barry County, Missouri.

- (d) Mitten's Second Subdivision, Barry County, Missouri, described as:

Beginning at the Southeast corner of the North Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 29, Township 22, Range 25, thence North $53^{\circ} 08'$ West 825.06 feet, thence West 165 feet, thence North 330 feet, thence North 45° East 233.34 feet, thence North 18.25 feet, thence North $42^{\circ} 12'$ East 433 feet, thence South $47^{\circ} 48'$ East 90 feet, thence North $42^{\circ} 12'$ East 7.6 feet, thence North $64^{\circ} 02'$ East 140.3 feet, thence North $77^{\circ} 54'$ East 147.95 feet, thence South $83^{\circ} 23'$ East 125.2 feet, thence South $85^{\circ} 12'$ East 99.33 feet, thence South $0^{\circ} 09'$ West 389.52 feet, thence $36^{\circ} 28'$ West 395.9 feet, thence South $27^{\circ} 58'$ West 60.4 feet, thence South $2^{\circ} 50'$ West 202.83 feet, thence South $53^{\circ} 08'$ East 281.75 feet, thence South $2^{\circ} 56'$ West 84.37 feet, thence South $40^{\circ} 56'$ West 170.35 feet, to the point of beginning.

Being a part of the Northwest Quarter of Section 29, Township 22, Range 25, Barry County, Missouri,

and recorded in Book 5, Page 96, Office of Recorder of Deeds, Barry County, Missouri.

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SECTION II

DEVELOPER: TURKEY MOUNTAIN ESTATES, INC.

Subdivisions:

- (a) Turkey Mountain Estate No. 2, 1st Subdivision,
Stone County, Missouri, described as:

Beginning at a point 20 feet East and 15 feet North of the Southwest corner of Section 18, Township 22, Range 24, thence North 1373.5 feet to the South Right-of-way line of State Highway YY, thence Easterly 1715.68 feet along the South Right-of-way line of said Highway YY, thence South 1545.6 feet, thence West 1697.16 feet to the point of beginning.

Being a part of the Southwest Quarter of Section 18, Township 22, Range 24, Stone County, Missouri, and containing 59 acres more or less,

and recorded in Book 4, Page 79, Office of Recorder of Deeds, Stone County, Missouri.

- (b) Turkey Mountain Estate No. 2, 2nd Subdivision,
Stone County, Missouri, described as:

Beginning at a point 15 feet North and 28 feet East of the Northwest corner of Section 19, Township 22, Range 24, thence South 2655 feet, thence East 1317.16 feet, thence North 2655 feet, thence West 1317.16 feet to the point of beginning.

Being a part of the Southwest Quarter of the Southwest Quarter of Section 18 and the West Half of the Northwest Quarter of Section 19, all in Township 22, Range 24, Stone County, Missouri, and containing 80 acres more or less,

and recorded in Book 4, Page 81, Office of Recorder of Deeds, Stone County, Missouri.

- (c) Turkey Mountain Estate No. 2, Third Subdivision,
Stone County, Missouri, described as:

Beginning at the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 19, Township 22, Range 24, thence North 2630 feet, thence East 1376.64 feet to the government take line on Table Rock Lake, thence South $90^{\circ} 28'$ East 658.93 feet, thence South 660 feet, thence South $33^{\circ} 40'$ East 595.9 feet, thence South $26^{\circ} 32'$ East 738.7 feet, thence East 165 feet, thence South $44^{\circ} 55'$ East 233.7 feet, thence South 495 feet, thence West 330 feet, thence North 330 feet, thence West 330 feet, thence South $45^{\circ} 05'$ West 233 feet, thence West 165 feet, thence North $67^{\circ} 08'$ West 368.84 feet, thence South $26^{\circ} 36'$ West 368.49 feet, thence North $63^{\circ} 08'$ West 737.68 feet, thence North 165 feet, thence West 330 feet to the point of beginning.

Being a part of the East Half of the Southwest Quarter of Section 19, part of the West Half of the Southeast Quarter of Section 19, part of the Northeast Quarter of the Northwest Quarter of Section

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30, and part of the Northwest Quarter of the Northeast Quarter of Section 30, all in Township 22, Range 24, Stone County, Missouri, and containing 116 acres more or less and subject to a flowage easement to the 936 contour,

and recorded in Book 4, Page 82, Office of Recorder of Deeds, Stone County, Missouri.

- (d) Turkey Mountain Estate No. 2, 4th Subdivision, Stone County, Missouri, described as:

Beginning at the Southwest corner of the Southeast Quarter of the Northwest Quarter of Section 19, Township 22, Range 24, thence South 10 feet, thence East 1376.64 feet, thence North $90^{\circ} 28'$ West 344.67 feet, thence North $26^{\circ} 39'$ West 369.24 feet, thence East 165 feet, thence North 1995 feet, thence West 1320 feet, thence South 1335 feet, thence East 214 feet, thence South $0^{\circ} 15'$ West 1320 feet, thence West 208.04 feet to the point of beginning.

Being a part of the East Half of the Northwest Quarter of Section 19, part of the Northeast Quarter of the Southwest Quarter of Section 19, part of the Southwest Quarter of the Northeast Quarter of Section 19 and part of the Southwest Quarter of the Southwest Quarter of Section 18, all in Township 22, Range 24, Stone County, Missouri, and containing 73.5 acres more or less, and subject to a flowage easement to the 936 contour,

and recorded in Book 4, Page 87, Office of Recorder of Deeds, Stone County, Missouri.

- (e) Turkey Mountain Estate No. 2 Fifth Subdivision, Stone County, Missouri, described as:

Beginning at a point 15 feet North of the Southeast corner of the Southeast Quarter of the Southwest Quarter of Section 18, Township 22, Range 24, thence West 940 feet, thence North 1545.6 feet to the South Right-of-way line of State Highway YY, thence North $89^{\circ} 32'$ East 771.06 feet, thence South 249.08 feet, thence East 169 feet to the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 18, thence South 1305 feet to the point of beginning.

Being a part of the East Half of the Southwest Quarter of Section 18, Township 22, Range 24, Stone County, Missouri, and containing 29.4 acres more or less,

and recorded in Book 4, Page 88, Office of Recorder of Deeds, Stone County, Missouri.

- (f) Turkey Mountain Estate No. 2, 6th Subdivision, Stone County, Missouri, described as:

Beginning at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 19, Township 22, Range 24, thence East 1320 feet, thence South 2615.04 feet, thence North $89^{\circ} 05'$ West 175.02 feet, thence North

5.

30° 58' West 935.59 feet, thence North 45° East 233.34 feet, thence North 45° West 233.34 feet, thence North 27° 58' West 835.52 feet, thence West 330 feet, thence North 660 feet to the point of beginning.

Being a part of the Southwest Quarter of the Northeast Quarter and a part of the Northwest Quarter of the Southeast Quarter, all in Section 19, Township Twenty-two, Range 24, Stone County, Missouri and containing 47.5 acres more or less,

and recorded in Book 4, Page 93, Office of Recorder of Deeds, Stone County, Missouri.

SECTION III

DEVELOPER: LAKESIDE INVESTMENT COMPANY

Subdivisions: as recorded in Book 4, Page 93, Office of Recorder of Deeds, Stone County, Missouri.

(a) Lakeside Heights Subdivision, Stone County, Missouri, described as:

Beginning at the Southwest corner of Section 30, Township 22, Range 24, thence North 990 feet, thence North 63° 26' East 368.94 feet, thence North 33° 41' West 594.84 feet, thence North 990 feet, thence South 63° 26' East 368.94 feet, thence North 63° 26' East 737.88 feet, thence East 330 feet, thence South 2805 feet, thence West 1320 feet to the point of beginning. Being a part of the West Half of the Southwest Quarter and a part of the Southwest Quarter of the Northwest Quarter, all in Section 30, Township 22, Range 24, Stone County, Missouri, and containing 77.43 acres more or less and subject to a flowage easement to the 936 contour,

and recorded in Book 5, Page 50, Office of Recorder of Deeds, Stone County, Missouri.

(b) Lakeside Heights 1st Subdivision, Barry County, Missouri, described as:

Beginning at a point 165 feet South of the Northeast corner of the Southeast Quarter of Section 25, Township 22, Range 25, thence South 825 feet, thence West 165 feet, thence North 26° 34' West 368.94 feet, thence North 495 feet, thence East 330 feet to the point of beginning. Being a part of the Northeast Quarter of the Southeast Quarter of Section 25, Township 22, Range 25, Barry County, Missouri, and containing 5.62 acres more or less and subject to a flowage easement to the 936 contour,

and recorded in Book 5, Page 140, Office of Recorder of Deeds, Barry County, Missouri.

SECTION IV

DEVELOPER: CENTRAL CROSSING DEVELOPERS, INC.

Subdivision: Lakeside Heights 2nd Subdivision, Barry County, Missouri, described as:

Beginning at the Southeast corner of Section 25, Township 22, Range 25, thence North 930 feet, thence West 949.3 feet, thence South $11^{\circ} 00'$ West 947.39 feet, thence East 1130.07 feet to the point of beginning. Being a part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 22, Range 25, Barry County, Missouri, and containing 22.19 acres, more or less,

and recorded in Book 5, Page 152, Office of Recorder of Deeds, Barry County, Missouri.

SECTION V

DEVELOPER: TOMAHAWK DEVELOPERS, INC.

Subdivision: Tomahawk Heights Subdivision, Stone County, Missouri, described as:

A resurvey of the following described property situated in Section 30, Township 22, Range 24, Stone County, Missouri, to-wit: containing all of Tomahawk Estates Subdivision, Stone County, Missouri, except the following lots: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 30, 31, 36, 37, 38, 102, 103, 104, 105, 106 and tract C. Also, containing all of Millwhite Estates Subdivision, Stone County, Missouri (a resurvey of tract C in Tomahawk Estates Subdivision) except tracts D and G in Millwhite Estates Subdivision. Also, containing all of Aero Beach Subdivision, Stone County, Missouri (a resurvey of tracts H, I, J and K in Millwhite Estates Subdivision),

ALSO described as:

Beginning at the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 30, Township 22, Range 24, Stone County, Missouri, thence North 2805 feet, thence South $89^{\circ} 04'$ East 327.6 feet, thence South $17^{\circ} 56'$ East 1044 feet, thence South $62^{\circ} 47'$ East 369.1 feet, thence North $21^{\circ} 01'$ East 1407.2 feet, thence South $89^{\circ} 28'$ East 990 feet, thence South $0^{\circ} 25'$ West 330 feet, thence South $34^{\circ} 06'$ West 594.84 feet, thence South $0^{\circ} 25'$ West 1153.03 feet, thence South $56^{\circ} 53'$ West 594.84 feet, thence South $47^{\circ} 17'$ West 232.22 feet, thence South $73^{\circ} 28'$ West 323.23 feet, thence South 390 feet, thence West 1145 feet to the point of beginning,


and being recorded in Book 5, Page 76, Office of Recorder of Deeds, Stone County, Missouri.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, this 12th day of December 1979



D. Michael Hearst
Secretary