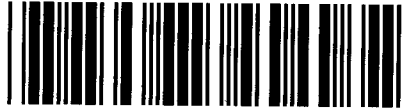


Control Number: 42923



Item Number: 6

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014.

Bryan W. Shaw, Ph.D., P.E., *Chairman*
 Toby Baker, *Commissioner*
 Zak Covar, *Commissioner*
 Richard A. Hyde, P.E., *Executive Director*



42923

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 27, 2014

BY FAX TO 956/262-4953 AND
BY CERTIFIED MAIL

Mr. Robert S. Schmalzried, Mayor
 City of Edcouch
 211 Southern Avenue
 Edcouch, Texas 78538

RECEIVED
 2014 SEP 19 PM 2:15
 PUBLIC UTILITY COMMISSION
 FILING CLERK

Re: Application from the City of Edcouch, to Obtain a Certificate of Convenience and Necessity (CCN) in Hidalgo County; Application No. 37789-C

CN: 600626683; RN: 101178903 (water)
 CN: pending; RN: pending (sewer)

Dear Mr. Schmalzried:

Your application is currently under review using the criteria in Title 30 of the Texas Administrative Code §291.102 of the agency's rules. The following items are needed in order to continue processing the application:

In order to amend a CCN, certain criteria must be met to demonstrate the need for service in the proposed area. To demonstrate the need for service in the entire proposed area, please provide the following:

- a. Copies of letters of intent from developers, landowner requests, applications for service or a combination of these items, and
- b. A map showing the property locations of the requests for service received and current customers in the proposed area.

If the City of Edcouch cannot demonstrate a need for service in the entire proposed area, the proposed area may be reduced to only include the areas where requests for service are established or the application will be returned for failure to prosecute.

These items must be provided to our office within 30 days from the date of this letter. If we do not receive the requested information by this date, your application will be returned for failure to prosecute.

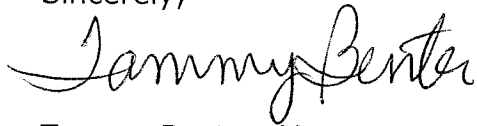
Mr. Robert S. Schmalzried

Page 2

March 27, 2014

If you have any questions, please contact Ms. Heidi Graham at 512/239-0844, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

A handwritten signature in black ink that reads "Tammy Benter". The signature is fluid and cursive, with the first name "Tammy" and last name "Benter" clearly distinguishable.

Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality

TB/HG/sd

cc: Mr. Gustavo Rea Jr

**** Transmit Conf. Report ****

P.1

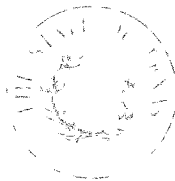
Mar 26 2014 15:39

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
919562624953	NORMAL	26,15:39	1'04"	3	# O K	

How is our customer service? www.tceq.texas.gov/goto/customersurvey

Fax: 956-262-4953
 From: Ms. Heidi Graham
 Division : Water Supply Division
 Texas Commission on Environmental Quality
 Phone: 512-239-0844
 Fax: 512-239-6972

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



1167

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 6, 2014

Mr. Robert S. Schmalzried, Mayor
City of Edcouch
211 Southern Avenue
Edcouch, Texas 78538

Re: Application from the City of Edcouch, A2077, to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Hidalgo County; Application No. 37789-C

CN: pending; RN: pending

Dear Mr. Schmalzried:

Enclosed is a copy of correspondence from Luis M. Cardenas with Escobedo, Tippit & Cardenas, LLP on behalf of PLJ Farms Properties and Harbison Farms Properties dated February 18, 2014 sent to the Texas Commission on Environmental Quality (TCEQ or Commission). The request is for exclusion of property located in the proposed CCN area requested by the City of Edcouch.

The TCEQ has reviewed this request and finds that it meets the criteria of Title 30 of the Texas Administrative Code §291.102(h), and is effective without a hearing or other process by the Commission.

Please work with the requestor to obtain sufficient information to exclude his property from the proposed CCN area. Revised maps and digital data, excluding the land mentioned above, should be submitted to the TCEQ within 30 days from the date of this letter.

Thank you for your assistance in this matter. If you have any questions, please contact Ms. Heidi Graham at (512)239-0844, or by email at heidi.graham@tceq.texas.gov. If you contact the TCEQ by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Benter".

Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality

TB/HG/mmg

Enclosure

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

How is our customer service? tceq.texas.gov/customersurvey

TCEQ Interoffice Memorandum

To: Tammy Benter
Utilities Financial Review

JB 2/11/14

From: Fred Bednarski III
Utilities Financial Review

JB

Date: February 11, 2014

Subject: Application from the City of Edcouch, to Obtain a Certificate of Convenience and Necessity (CCN) in Hidalgo County; Application No. 37789-C

CN: 600626683; RN: 101178903 (water)

CN: pending; RN: pending (sewer)

In my opinion, the City of Edcouch has demonstrated adequate financial and managerial capability to provide service to the area subject to this application. These conclusions are based on information provided by the applicant prior to this date and may not reflect any changes in the applicant's status subsequent to this date.

The City of Edcouch filed an application with the TCEQ to obtain a sewer CCN. The area requested includes approximately 2,828.24 acres and 933 current customers. Currently sewer is being treated by the City of Edcouch's existing wastewater system. Residents living just outside the city limits are not being serviced by the city's wastewater system and are using septic tanks if anything. About 95% of the community is considered economically disadvantaged. Violations regarding the sewer system were verified as being resolved. Some minor and moderate issues were recently noted in the central registry however per Julian Centeno of TCEQ, none of these issues are significant enough to prevent the city from obtaining a CCN or expanding their service area.

The City of Edcouch's audited financial statements for 2012 were available. The statements include a qualified auditor's opinion stating that in our opinion, except for the effects of the following matter (A proper control ledger was not established for its general capital assets, depreciation, and long-term debt and for its Enterprise Fund property and equipment. Prior to September 30, 2006, the City's financial records had not been audited since 2001. We were unable to determine the historical cost and related accumulated depreciation of the City's general capital assets and the Enterprise funds at October 1, 2005 and subsequent years.) the government-wide financial statements, the financial statements referred to above present fairly, in all material respects, the financial position of the City of Edcouch, Texas at September 30, 2012, and the changes in financial position and the budgetary comparison of the general fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The City of Edcouch's proprietary fund total debt to net position ratio at 09/30/2012 was \$678 thousand to \$9.4 million, or 0.07 to 1.00. A ratio of less than 1 to 1 is preferred for analysis of financial/managerial capabilities. Proprietary fund net

TCEQ Interoffice Memorandum

operating income was \$387.9 thousand and depreciation was \$39.5 thousand. Future cash flows from principle and interest payments on long term debt for FY12 were \$14.4 thousand. Therefore the debt service coverage ratio calculates to be \$427.4 thousand to \$14.4 thousand or 29.68 to 1.00. A ratio of at least 1.25:1 is preferred when reviewing financial capability to ensure that reserve funds for debt payment and repairs and maintenance are built up and maintained.

Debt to Net Position		
net position		
NonCurrent Liabilities	98,067.00	
NonCurrent Liabilities	580,221.00	Total Net Assets
Total Long Term Debt Amount	678,288.00	9,441,725.00
	0.07	
Cash flows from Principle Payments on LT Debt	14,400.00	
Cash flows from Int. LT Debt		
Debt Service	14,400.00	
Net Income	387,854.00	
Depreciation Expense	39,533.00	
NI Excluding noncash exp.	427,387.00	
	29.68	

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

INTEROFFICE MEMORANDUM

TO: Utilities Financial Review Team DATE: February 4, 2014
FROM: Heidi Graham
SUBJECT: FMT for 37789-C, City of Ed Couch

3-7789-C

ESCOBEDO TIPPIT & CARDENAS LLP

ATTORNEYS AT LAW

February 18, 2014

VIA FEDERAL EXPRESS

Texas Commission on
Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P.O. Box 13087
Austin, Texas 78711

RECEIVED
TOED
WATER SUPPLY DIV.
2014 FEB 20 PM 4 06

To Whom It May Concern:

PJL Farms Properties and Harbison Farms Properties, owners of the properties more fully listed and described in the map and legal descriptions in Exhibit A, are in receipt of the Notice of Application for CCN from the City of Edcouch, Texas. The listed properties are at least 25 acres or more and it is hereby requested that these properties be excluded from the proposed CCN.

If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

ESCOBEDO, TIPPIT & CARDENAS, LLP

Luis M. Cardenas

LMC:en
enclosures

Joe Escobedo, Jr *
John L. Tippit*
Luis Cardenas*
Sara L. Tippit, *Of Counsel*

* BOARD CERTIFIED PERSONAL INJURY TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

(956)618-3357 Telephone
(956)618-3361 Telecopier
(888)618-3357 Toll Free
3900 N 10th Street, Suite 950
McAllen, Texas 78501

Tracts:

PJL Farms Properties:

490 W3800-00-490-0000-00

491 W3800-00-492-0000-00

497 W3800-00-497-0000-00

499 W3800-00-499-0000-00

504 W3800-00-504-0000-02

561 W3800-00-561-0000-01

2160 N3400-00-000-2160-00

Harbison Farms Properties:

1139 A0800-00-000-1139-00

1150 A0800-00-000-1150-00

1150 A0800-00-000-1150-05

1150 A0800-00-000-1150-10

2161 N3400-00-000-2161-00

490 W3800-00-490-0000-00

(Farm Tract 490-North 17.76: W3800-00-490-0000-00)

The North 17.76 acres of Farm Tract 490, WEST TRACT SUBDIVISION, Hidalgo County, Texas according to the map recorded in Volume 2, Page 34, Map Records in the Office of the County Clerk of Hidalgo County, Texas, reference to which is here made for all purposes.

(Farm Tract 490-South 20: W3800-00-490-0000-01)

The South 20 acres of Farm Tract 490, WEST TRACT SUBDIVISION, Hidalgo County, Texas, according to the map recorded in Volume 2, Page 34, Map Records in the Office of the County Clerk of Hidalgo County, Texas, reference to which is here made for all purposes.

SAVE AND EXCEPT a 0.60 acre tract of land previously conveyed to St. Louis Brownsville & Mexico Railway Co., by instrument dated April 23, 1929, recorded in Volume 297, Page 216, Deed Records of Hidalgo County, Texas.

491 W3800-00-491-0000-00

Farm Tract Four Hundred Ninety One (491), WEST AND ADAMS TRACT, Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 2, Pages 34-37, Map Records, Hidalgo County, Texas, reference to which is here made for all purposes.

SAVE AND EXCEPT that portion of Farm Tract Four Hundred Ninety One (491) conveyed to Hidalgo & Cameron Counties Water Control & Improvement District No. 9 by deed recorded in Volume 314, Page 62, Deed Records, Hidalgo County, Texas, reference to which is here made for all purposes.

ALSO SAVE AND EXCEPT that portion of Farm Tract Four Hundred Ninety One (491) conveyed to the St. Louis Brownsville and Mexico Railway Company by deed recorded in Volume 327, Page 601, Deed Records, Hidalgo County, Texas, reference to which is here made for all purposes.

ALSO SAVE AND EXCEPT that portion of Farm Tract Four Hundred Ninety One (491) conveyed to Jack W. Harbison, Sr. and Jack W. Harbison, Jr. by warranty deed filed October 08, 2003, under Document Number 1252727, and refilled on October 15, 2003, under Document Number 1255085, Official Records, Hidalgo County, Texas, reference to which is here made for all purposes.

497 W3800-00-497-0000-00

(Farm Tract 497: W3800-00-497-0000-00)

All of Farm Tract 497, West Tract Subdivision, Hidalgo County, Texas, according to the map recorded in Volume 2, Page 34, Map Records in the Office of the County Clerk of Hidalgo County, Texas, reference to which is here made for all purposes.

499 W3800-00-499-0000-00

The East 34.0 acres of Farm Tract 499, West Tract Subdivision, Hidalgo County, Texas, according to the map recorded in Volume 2, Page 34, map Records in the Office of the County Clerk of Hidalgo County, Texas, reference to which is here made for all purposes.

504 W3800-00-504-0000-02

The West 5 acres of Farm Tract Five Hundred Four (504), WEST TRACT SUBDIVISION, Hidalgo County, Texas, as per map or plat thereof recorded in Volume 2, Pages 34-37, Map Records, Hidalgo County, Texas.

561 W3800-00-561-0000-01

All of Farm Tract 561, WEST TRACT SUBDIVISION out of the Llano Grande Grant of Lands in Hidalgo County, Texas, according to the map recorded in Volume 2, Pages 34-37, Map Records in the Office of the County Clerk of Hidalgo County, Texas, reference to which is here made for all purposes.

2160 N3400-00-000-2160-00

All of Farm Tract 2160, North Capisallo Subdivision, Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 2, Page 7, Map Records of Hidalgo County, Texas. (See Attached Exhibit)

1139 A0800-00-000-1139-00

(Farm Tract 1139: A0800-00-000-1139-00)

All of Farm Tract 1139, containing 46.95 acres, more or less, ADAMS TRACT SUBDIVISION, Hidalgo County, Texas, according to the map recorded in Volume 2, Page 34, Map Records in the Office of the County Clerk of Hidalgo County, Texas, reference to which is here made for all purposes.

1150 A0800-00-000-1150-00

(Farm Tract 1150-West 10: (A0800-00-000-1150-00)

The West 10.00 acres of the East 20.00 acres of Farm Tract 1150, ADAMS TRACT SUBDIVISION, Hidalgo County, Texas, according to the map recorded in Volume 2, Page 34, Map Records in the Office of the County Clerk of Hidalgo County, Texas, reference to which is here made for all purposes.

SAVE AND EXCEPT that part conveyed to the State of Texas by Deed dated October 5, 1932, recorded in Volume 380, Page 522, Deed Records, Hidalgo County, Texas.

1150 A0800-00-000-1150-05

Being 15.88 ac. of land in Hidalgo County, Texas and being out of the West 20.0 acres of Farm Tract 1150 of the West & Adams Tracts Subdivision, Hidalgo County, Texas. (See Attached Exhibit)

1150 A0800-00-000-1150-10

A 19.19 acre tract of land out of the East 20.55 acres of the West 40.55 acres of Farm Tract 1150, WEST AND ADAMS TRACTS SUBDIVISION, Hidalgo County, Texas, as per map or plat thereof recorded in Volume 2, Pages 34-37, Map Records, Hidalgo County, Texas, and according to General Warranty Deed recorded in Volume 631, Page 522, Official Records, Hidalgo County, Texas, reference to which is here made for all purposes and being described by metes and bounds as follows:

BEGINNING at a point on the North line of Farm Tract 1150 and in the Centerline of State Highway 107 for the Northwest corner of the JACK W. HARBISON, SR. TRACT (The West 10.0 acres of the East 20.0 acres of Farm Tract 1150, WEST AND ADAMS TRACTS SUBDIVISION, according to Warranty Deed with Vendor's Lien recorded under County Clerk's Document Number 1194355, Official Records, Hidalgo County, Texas) and the Northeast corner of this tract, said Point bears West 665.59 feet from the Northeast corner of Farm Tract 1150;

THENCE, South, along the West line of the JACK W. HARBISON, SR. TRACT, passing a 1/2" iron rod 24" in length with plastic cap stamped RPLS 4856 set at 50.00 feet for the South Right Of Way Line of State Highway 107, passing a 1/2" iron rod 24" in length with plastic cap stamped RPLS 4856 set at 1,270.00 feet for the North Line of a drain ditch easement, a total distance of 1,320.00 feet to a point on the South Line of Farm Tract 1150 and in the centerline of said drain ditch for the Southwest corner of said tract, and the Southeast corner of this tract;

THENCE, West, along the South Line of Farm Tract 1150 and the centerline of said drain ditch, a distance of 678.15 feet to a point for the Southeast corner of the FLAVIO ESCOBAR, SR. TRACT (A 14.97 acre tract out of the West 20.0 acres of Farm Tract 1150, WEST AND ADAMS TRACTS SUBDIVISION, according to Warranty Deed recorded in Volume 589, Page 247, Official Records, Hidalgo County, Texas) and the Southwest corner of this tract;

THENCE, North, along the East line of the FLAVIO ESCOBAR, SR. TRACT, passing a 1/2" iron rod with plastic cap stamped RPLS 4856 set at 50.00 feet for the North line of said drain ditch easement, a total distance of 950.00 feet to a 1/2" iron rod 24" in length with plastic cap stamped RPLS 4856 set for an exterior corner of this tract;

THENCE, East, a distance of 160.00 feet to a 1/2" iron rod 24" in length with plastic cap stamped RPLS 4856 set for an interior corner of this tract;

THENCE, North, passing a 1/2" iron rod with plastic cap stamped RPLS 4856 set at 320.00 feet for the South Right Of Way line of State Highway 107, a total distance of 370.00 feet to a point on the North Line of Farm Tract 1150 and in the Centerline of State Highway 107 for the Northwest corner of this tract;

THENCE, East, along the North Line of Farm Tract 1150 and the Centerline of State Highway 107, a distance of 518.15 feet to the POINT OF BEGINNING AND CONTAINING 19.19 ACRES OF LAND, MORE OR LESS.

2161 N3400-00-000-2161-00

A 9.72 acre tract of land being the West ½ of the West 19.45 acres of Farm Tract 2161, NORTH CAPISALLO DISTRICT SUBDIVISION, Hidalgo County, Texas, reference to which is here made for all purposes, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point lying along the North line of Farm Tract 2161 and being the Northwest corner of said Farm Tract, thence, South 0 degrees, 30 minutes, 30 seconds West, at 70.00 feet a ½ inch iron pin set for the South Right of way line of State Highway 107, at 250.01 feet pass a ½ inch iron pin found for the Southeast corner of a 1.347 acre tract of land out of Farm Tract 1150, West and Adams Tract Subdivision, at 1,315.05 feet a ½ inch iron pin set for an offset to the Southwest corner, and at 1,320.05 feet in all a point lying within an existing drain ditch for the Southwest corner;

THENCE, East 323.85 feet to a ½ inch iron pin set for the Southeast corner;

THENCE, North 1,250.00 feet to a ½ inch iron in set for the South right of way line of State Highway 107, and at 1,320.00 feet in all a point lying along the North line of Farm Tract 2161, the centerline of State Highway 107, for the Northeast corner;

THENCE, West along the North line of Farm Tract 2161 – 318.00 feet to a point being the Northwest corner of this tract of land, the POINT OF BEGINNING of this description.

Recorded On: 2009-Aug-28 As: 2029741

A 0800-00-000-2160-00

All of Farm Tract 2160, NORTH CAPISALLO SUBDIVISION, Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 2, Page 7, Map Records of Hidalgo County, Texas.

LESS AND EXCEPT 10.26 acres being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a cotton picker spindle set for the Northeast corner of said Farm Tract 2160 and for the Northeast corner of the following described tract of land. Said corner is on the centerline of 40-foot gravel road;

THENCE, along to the East line of said Farm Tract, South 227.00 feet set cotton picker spindle for the Southeast corner hereof;

THENCE, parallel with the North line of said Farm Tract, West at 25.00 feet set iron pipe with cotton picker spindle for line and reference, at 1969.71 feet iron pipe with cotton picker spindle on the West line of said Farm Tract for the Southwest corner hereof;

THENCE, along the West line of said Farm Tract, North 60 degrees 30 minutes 30 seconds East, 165.00 feet pass iron pipe with cotton picker spindle set at toe of spoil bank, at 227.01 feet and in existing drain ditch to the North line of Farm Tract 2160 for the Northwest corner hereof;

THENCE, along the North line of said Farm Tract, East 1952.90 feet pass iron pipe with cotton picker spindle for line and reference, at 1967.70 feet to the Northeast corner of said Farm Tract and POINT OF BEGINNING.

EXHIBIT "A"

A0800-00-000-1150-05

Doc-2342139

CHARGE SIERRA TITLE
STC/SC GF# 3146466

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

General Warranty Deed

Date: September 7, 2012

Grantor: 1) DELIA ESCOBAR VERA, joined herein proforma by my husband, NOE VERA; 2) SANTOS ESCOBAR, joined herein proforma by my wife, JUANITA L. ESCOBAR; 3) FELICITAS ESCOBAR CASTILLO, joined herein proforma by my husband, SANTOS CASTILLO; 4) FLAVIO ESCOBAR, JR., joined herein proforma by my wife, GUADALUPE ESCOBAR; 5) HECTOR ESCOBAR aka JOSE HECTOR ESCOBAR, joined herein proforma by my wife, ANITA ESCOBAR; 6) MARIO ROBERTO ESCOBAR, joined herein proforma by my wife, MERIDA ESCOBAR; 7) ROSEMARY ESCOBAR CERVANTES, a single woman; 8) ALFREDO ESCOBAR aka ALFREDO GUADALUPE ESCOBAR, joined herein proforma by my wife GUADALUPE D. ESCOBAR; 9) DAVID ESCOBAR aka DAVID LUIS ESCOBAR, a single man; AND 10) EDUARDO ESCOBAR aka EDUARDO ALBERTO ESCOBAR, joined herein proforma by my wife, FRANCISCA ESCOBAR, as their sole and separate property and estate

Grantor's Mailing Address:	1) 4506 N. Business 77, Lot 73 Harlingen, Texas 78552 Cameron County	2) 3408 E. Canton Rd. Edinburg, Texas 78542 Hidalgo County
	3) 22521 Briggs Rd. Harlingen, Texas 78550 Cameron County	4) 27202 McClelland Rd. Harlingen, Texas 78552 Cameron County
	5) 21401 FM 1015 Edcouch, Texas 78538 Hidalgo County	6) 413 Vista Bonita Edinburg, Texas 78539 Hidalgo County
	7) 1502 Petan Abilene, Texas 79602 Taylor County	8) 3402 South I Rd. Edinburg, Texas 78539 Hidalgo County
	9) 1618 Palm Abilene, Texas 79602 Taylor County	10) 711 W. Fern Ave. McAllen, Texas 78501 Hidalgo County

Grantee: JACK HARBISON, JR., and wife, BETTY HARBISON

Grantee's Mailing Address: P.O. Box 747
Mercedes, Texas 78570-0747
Hidalgo County

Consideration: TEN AND NO/100THS DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged

Property (including any improvements):

Being 15.88 acres of land situated in Hidalgo County, Texas and being out of the west 20.0 acres of Farm Tract 1150 of the WEST AND ADAMS TRACTS SUBDIVISION as per map recorded in Volume 2, Pages 34-37 of the Hidalgo County Map Records, and said 15.88 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod with a plastic cap stamped "R&A" set for the Southwest corner of said Farm Tract 1150 and the Southwest corner of said tract herein described;

THENCE, North, 920.00 feet, with the West line of said Farm Tract 1150 to a point for the most westerly Northwest corner of said tract herein described, from which a found 1/2-inch iron rod bears South 0.50 feet;

THENCE, East, 448.59 feet to a 1/2-inch iron rod found for an inner corner hereof;

THENCE, North, with a line that is parallel to the West line of said Farm Tract 1150 at a distance of 750.00

Doc-2342139

THENCE, South, with a line at is parallel to the West line of said Farm Tract 1150, at a distance of 50.00 feet pass a 1/2-inch iron pipe found for reference on the South right of way line of said S.H. 107, at a distance of 1264.50 feet pass a 1/2-inch iron rod found on line for reference and continuing for a total distance of 1320.00 feet to a point for the Southeast corner of said tract herein described;

THENCE, West, 660.00 feet, with the South line of said Farm Tract 1150 to the POINT OF BEGINNING and containing 15.88 acres of land more or less.

SAVE AND EXCEPT, and there is hereby reserved unto Grantors, their heirs and assigns, all oil, gas, and other minerals not previously reserved in and under and what may be produced from the above described property, together with the right of egress and ingress at all times for the purpose of mining, drilling, exploring, operating and developing said lands for oil, gas, and other minerals and removing the same therefrom. The property being conveyed is not within the City Limits of Edcouch and has not been zoned or annexed.

Reservations from and Exceptions to Conveyance and Warranty:
Subject To:

Easements, conditions and restrictions for the construction, maintenance, distribution of canals, laterals, drainage, for transportation, utilities, pipelines, etc., all as reserved and more particularly described in Deed dated June 30, 1919, executed by the American Rio Grande Land and Irrigation Company to West Texas Abstract and Guarantee Co., recorded in Volume 91, Page 564, Deed Records of Hidalgo County, Texas.

Easement dated August 26, 1930 from Harold H. Adkins, et al to the City of Edcouch, recorded in Volume 334, Page 219, Deed Records of Hidalgo County, Texas.

Easement and rights of way granted to the State of Texas by instrument dated October 10, 1932 from H. H. Adkins and Elsie Barr Adkins, recorded in Volume 379, Page 519, Deed Records of Hidalgo County, Texas.

Easement dated October 17, 1951 from Flavio Escobar to Guy A. Thompson, Trustee of the St. Louis Brownsville and Mexico Railway Company, recorded in Volume 733, Page 541, Deed Records of Hidalgo County, Texas.

Easement dated June 2, 1966 from Hidalgo and Cameron Counties Water Control and Improvement District no. 9 to the State of Texas, recorded in Volume 1154, Page 93, Deed Records of Hidalgo County, Texas.

Easement dated December 17, 1968 from Hidalgo and Cameron Counties Water Control and Improvement District No. 9 to the State of Texas, recorded in Volume 1222, Page 179, Deed Records of Hidalgo County, Texas.

A thirty feet wide Access Easement, running with the land, as created and more particularly described in the Last Will and Testament of Flavio Escobar, Sr., deceased, Probate Cause No. 24492-D, Hidalgo County, Texas.

Any portion of the property herein described which falls within the boundaries of any road, roadway and drainage ditch or canal.

Easements and conditions as shown on the map recorded in Volume 2, Pages 34 through 37, Map Records of Hidalgo County, Texas.

Easements, rights, rules and regulations in favor of Hidalgo and Cameron Counties Water Control and Improvement District No. 9.

Easements, or claims of easements, which are not of public record.

All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.

Subdivision regulations of the County of Hidalgo and/or ordinance or governmental regulations of the City wherein the subject property lies or holds extra-territorial jurisdiction.

Terms, conditions and stipulations contained in all Agricultural Lease Agreements, if any, and Amendments and Supplements thereto, whether recorded or unrecorded and whether written or oral; and, the rights of the tenants in possession, if any.

Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would

***Notice to Customers and Neighboring Systems,
Landowners and Cities***

**NOTICE OF APPLICATION FOR CERTIFICATE OF
CONVENIENCE AND NECESSITY (CCN) TO PROVIDE SEWER
UTILITY SERVICE IN HIDALGO COUNTY, TEXAS**

To: HARBISON JACK JR
JACK W HARBISON SR TEST TRST Date Notice Mailed: January 24, 2014
(Neighboring System, Landowner or City)
PO BOX 747
(Address)
MERCEDES, TEXAS 78570-0747
(City State Zip)

The City of Edcouch has filed an application to obtain a CCN with the Texas Commission on Environmental Quality to provide sewer utility service in Hidalgo County.

The Proposed service area is located approximately 2 miles east of downtown Elsa, Texas, and is generally bounded on the north by approximately FM 1925; on the east by Mile 2 West Road; on the south by Mile 15 ½ North Road; and on the west by Mile 4 West Road.

See enclosed map of the proposed service area.

The total area being requested includes approximately 2,828.24 acres and 933 current customers.

The proposed amendment affects customers and/or areas located in the following zip code: 78538.

A copy of the proposed service area map is available at: 211 West Southern Avenue, Edcouch, Texas 78538.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P. O. Box 13087
Austin, TX 78711-3087

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All request to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P.O., Box 13087
Austin, TX 78711-3087

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.

Heidi Graham

From: grea@fulcrum-cs.com
Sent: Tuesday, February 11, 2014 1:44 PM
To: Heidi Graham
Cc: Fred Bednarski; pete.edcouch@aol.com; lsalinas@fulcrum-cs.com; E. George
Subject: RE: City of Edcouch CCN application

Ms. Graham,

The City of Edcouch submitted the permit renewal as part of the a major amendment. The major amendment and permit renewal was declared administratively complete and is the in the technical stage. We are currently working with Mr. Julian Centeno and Mr. Firoj Vahora, the last correspondence was received I believe was on late November or Early December, and was responded in late December. As of today we have yet to receive any additional responses. I am currently out of my office today but will forward you the last letter received first thing tomorrow morning. Please call me at 956.797.3411 if you may require any additional information.

Thanks!

Gustavo Rea Jr.

----- Original Message -----

Subject: City of Ed Couch CCN application
From: Heidi Graham <heidi.graham@tceq.texas.gov>
Date: Tue, February 11, 2014 12:21 pm
To: "grea@fulcrum-cs.com" <grea@fulcrum-cs.com>
Cc: Fred Bednarski <Fred.Bednarski@tceq.texas.gov>

Gustavo,

I am processing the above application. I noticed that their discharge permit (WQ0014919001) expired on July 1, 2013. Have they applied for a renewal? If so do you have any correspondence from TCEQ that shows a permit renewal is in process?

Heidi Graham
Utilities Technical Review Team
Water Supply Division
Texas Commission on Environmental Quality
(512) 239-0844
heidi.graham@tceq.texas.gov