

Notice to Neighboring Systems and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)
TO PROVIDE WATER UTILITY SERVICE IN BURNET COUNTY

To: City of Bertram
PO Drawer F
Bertram, Texas 78605

Date Notice Mailed: _____, 20__

Whitewater Springs Water System has filed an application for a CCN with the Texas Natural Resource Conservation Commission to provide water utility service in Burnet County.

The proposed utility service area is located approximately 10 miles south of downtown Bertram, Texas, and is generally bounded on the north, east, south, and west by undeveloped ranch land. See enclosed map of the proposed service area.

The total area being requested includes approximately 1,720 acres and 20 current customers.

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 Natural Resource Conservation Commission
Water Permits and Resource Management 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.

Notice to Neighboring Systems and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)
TO PROVIDE WATER UTILITY SERVICE IN BURNET COUNTY

To: Vista Del Rio
400 Avenida Serena
Marble Falls, Texas 78654

Date Notice Mailed: _____, 20____

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Notice to Neighboring Systems and Cities

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TO PROVIDE WATER UTILITY SERVICE IN BURNET COUNTY

To: Smithwick Mills Community
141 Hummingbird Circle
Marble Falls, Texas 78654

Date Notice Mailed: _____, 20____

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Notice to Neighboring Systems and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)
TO PROVIDE WATER UTILITY SERVICE IN BURNET COUNTY

To: Aquasource Development Co. Inc. Date Notice Mailed: _____, 20____
11100 Brittmoore Park Drive
Houston, TX 77041

Whitewater Springs Water System has filed an application for a CCN with the Texas Natural Resource Conservation Commission to provide water utility service in Burnet County.

The proposed utility service area is located approximately 10 miles south of downtown Bertram, Texas, and is generally bounded on the north, east, south, and west by undeveloped ranch land. See enclosed map of the proposed service area.

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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.

Projected Sources and Uses of Cash Statements

Sources of Cash	Year 1	Year 2	Year 3	Year 4	Year 5	Totals
Net Income	20,310.00	26,695.20	36,038.40	49,222.80	68,673.84	200,940.24
Depreciation (If Funded)	0.00	0.00	0.00	0.00	0.00	0.00
Loan Proceeds	0.00	0.00	0.00	0.00	0.00	0.00
Other	0.00	0.00	0.00	0.00	0.00	0.00
Total Souces	20,310.00	26,695.20	36,038.40	49,222.80	68,673.84	200,940.24

Uses of Cash	Year 1	Year 2	Year 3	Year 4	Year 5	Totals
Net Loss	0.00	0.00	0.00	0.00	0.00	0.00
Principal Portion of Pmts.	0.00	0.00	0.00	0.00	0.00	0.00
Fixed Asset Purchase	0.00	0.00	0.00	0.00	0.00	0.00
Reserve	0.00	0.00	0.00	0.00	0.00	0.00
Other (Operating Expenses)	19,580.00	22,032.00	25,592.00	30,296.00	36,216.00	133,716.00
Total Souces	19,580.00	22,032.00	25,592.00	30,296.00	36,216.00	133,716.00

Net Cash Flow	730.00	4,663.20	10,446.40	18,926.80	32,457.84	67,224.24
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Debt Service Coverage	Year 1	Year 2	Year 3	Year 4	Year 5	Totals
Initial Cash Investment	5,000.00	0.00	0.00	0.00	0.00	5,000.00
Cash Available for Debt Service (CADS)	730.00	4,663.20	10,446.40	18,926.80	32,457.84	67,224.24
Depreciation, or Reserve	0.00	0.00	0.00	0.00	0.00	0.00
Interest	0.00	0.00	0.00	0.00	0.00	0.00
Total	5,730.00	4,663.20	10,446.40	18,926.80	32,457.84	72,224.24

Projected Balance Sheets

	Start Up	Year 1	Year 2	Year 3	Year 4	Year 5
Current Assets						
Cash	5,000.00	5,730.00	10,393.20	20,839.60	39,766.40	72,224.24
Accounts Receivable	0.00	0.00	0.00	0.00	0.00	0.00
Inventories	0.00	0.00	0.00	0.00	0.00	0.00
Income Tax Receivable	0.00	0.00	0.00	0.00	0.00	0.00
Other	0.00	0.00	0.00	0.00	0.00	0.00
Total	5,000.00	5,730.00	10,393.20	20,839.60	39,766.40	72,224.24

Fixed Assets						
Land	0.00	0.00	0.00	0.00	0.00	0.00
Collection/Distrib. System	0.00	0.00	0.00	0.00	0.00	0.00
Buildings	0.00	0.00	0.00	0.00	0.00	0.00
Equipment	0.00	0.00	0.00	0.00	0.00	0.00
Other	0.00	0.00	0.00	0.00	0.00	0.00
Less: Accum Depr/Reserve	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ASSETS	5,000.00	5,730.00	10,393.20	20,839.60	39,766.40	72,224.24

Current Liabilities						
Accounts Payable	0.00	0.00	0.00	0.00	0.00	0.00
Notes Payable, Current	0.00	0.00	0.00	0.00	0.00	0.00
Accrued Expenses	0.00	0.00	0.00	0.00	0.00	0.00
Other	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00

Long Term Liabilities						
Notes Payable, Long Term	0.00	0.00	0.00	0.00	0.00	0.00
Other	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL LIABILITIES	0.00	0.00	0.00	0.00	0.00	0.00

Owner's Equity						
Paid In Capital	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
Retained Equity	0.00	730.00	5,393.20	15,839.60	34,766.40	67,224.24
Other	0.00	0.00	0.00	0.00	0.00	0.00
Current Period Profit/Loss	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL OWNER'S EQUITY	5,000.00	5,730.00	10,393.20	20,839.60	39,766.40	72,224.24

Total Liab. & Owner's Equity	5,000.00	5,730.00	10,393.20	20,839.60	39,766.40	72,224.24
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Income/Projection Statement

	Year 1	Year 2	Year 3	Year 4	Year 5
Existing Number of Taps	25.00	30.00	37.00	47.00	61.00
New Taps per Year	5.00	7.00	10.00	14.00	20.00
Total Meters at Year End	30.00	37.00	47.00	61.00	81.00

Income - Annual					
Water Fees (See Note at Bottom)	16,560.00	21,445.20	28,538.40	38,722.80	53,673.84
Tap Fees	3,750.00	5,250.00	7,500.00	10,500.00	15,000.00
Total Income - Annual	20,310.00	26,695.20	36,038.40	49,222.80	68,673.84

Expenses - Annual					
Operation & Maintenance	15,000.00	16,200.00	17,400.00	18,600.00	19,800.00
Billing	1,080.00	1,332.00	1,692.00	2,196.00	2,916.00
Other Expenses	3,500.00	4,500.00	6,500.00	9,500.00	13,500.00
Total Expenses - Annual	19,580.00	22,032.00	25,592.00	30,296.00	36,216.00

Operating Reserves (Inc. - Exp.)	730.00	4,663.20	10,446.40	18,926.80	32,457.84
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Capital Reserves (from previous year)	0.00	730.00	5,393.20	15,839.60	34,766.40
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Subtotal Reserves	730.00	5,393.20	15,839.60	34,766.40	67,224.24
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Debt Service	0.00	0.00	0.00	0.00	0.00
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Cash Flow (Capital Reserves/Year End)	730.00	5,393.20	15,839.60	34,766.40	67,224.24
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Note: Income from water fees is based on \$30.00 first 2,000 gallons, \$4.00 each additional 1,000 gallons with a 5% increase each year for 5 years.



The State of Texas

SECRETARY OF STATE

IT IS HEREBY CERTIFIED that
Articles of Organization of

WOLLASTON PROPERTIES, LLC
File No. 7080720-22

were filed in this office and a certificate of organization was issued to this limited liability company, and no certificate of dissolution is in effect and the company is currently in existence.

IN TESTIMONY WHEREOF, I have hereunto
signed my name officially and caused to be
impressed hereon the Seal of State at my office in
Austin, Texas on January 3, 2001.



Henry A. Miller
Secretary of State

DAE

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Carole Keeton Rylander
Texas Comptroller of Public Accounts

[Texas Taxes](#) / [Certification of Account Status](#)

Franchise Tax Certification of Account Status

Return to: [New Corporation Search](#) | [Corporation Search Results](#)

Certificates for filing with the Secretary of State to dissolve, merge, withdraw, or convert are not available through this Web site at this time.

[Certificate of Account Status](#)

[Officers And Directors Information](#)

Company Information	WOLLASTON PROPERTIES LLC 1505 W 6TH ST AUSTIN, TX 78703-5133
Status	IN GOOD STANDING NOT FOR DISSOLUTION OR WITHDRAWAL THROUGH MARCH 27, 2002
Registered Agent	DAVID M GOTTFRIED 1505 WEST SIXTH STREET AUSTIN, TX 78703
Registered Agent Resignation Date	
State of Incorporation	TX
File Number	0708072022
Charter/COA Date	December 28, 2000
Charter/COA Type	CHARTER
Taxpayer Number	32003057778

ca-003(Rev. 09-06-99)

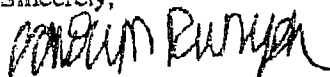
For help, see [Detailed Instructions](#).

Should you require assistance concerning the corporate information presented, please contact tax.help@cpa.state.tx.us.

Mr. Chad Wollaston
August 29, 2001
Page 2

The Texas Natural Resource Conservation Commission appreciates your assistance in this matter. Please note that the Legislature has granted TNRCC enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Ahlgren in the Austin Region Office at (512)339-2929.

Sincerely,



Carolyn Runyon, Team Leader
Public Drinking Water Section
Austin Region Office

CDR/cwa

Enclosures: Summary of Investigation Findings
Obtaining TNRCC Rules

SUMMARY OF INVESTIGATION FINDINGS

Regulated Entity Name: Whitewater Springs Water System		TNRCC ID: 0270124	Investigation Date: August 23, 2001
OUTSTANDING ALLEGED VIOLATIONS			
No.	Requirement(s) Cited	Description of Alleged Violation, Corrective Action Recommendation, and Compliance Documentation	Compliance Due Date
1	30 Tex. Admin. Code §290.39(h) & §290.39(d)(1) Plan Approval	<p>No person may begin construction on a new public water system before receiving written approval of plans and specifications and, if required, approval of a business plan from the executive director.</p> <p>Plans, specifications, and related documents will not be considered unless they have been prepared under the direction of a licensed professional engineer. All engineering documents must have engineering seals, signatures and dates affixed in accordance with the rules of the Texas State Board of Registration for Professional Engineers.</p> <p><u>At the time of the investigation, the system was operating without the approval of the TNRCC Rate Analysis and Plan Review Team. To achieve compliance, submit the required documentation in order to get the system approved. After completion, forward a copy of the approval letter to the Austin Regional Office.</u></p>	60 Days
2	30 Tex. Admin. Code §290.41(c)(3)(A) Well Approval	<p>Well completion data on the well must be submitted for our review and approval. This data must include copies of:</p> <ul style="list-style-type: none"> (a) an executed sanitary control easement for all property located within 150 feet of the well head, (b) the Driller's Log (geological log and material setting report) and the cementing certificate, (c) the pump setting report and the results of a 36-hour pump test which shows the steady-state capacity of the well, (d) the results of a chemical analysis performed by the Texas Department of Health laboratory in Austin and three consecutive daily raw water bacteriological analyses conducted by a Texas Department of Health certified laboratory, and (e) an original or legible copy of a U.S. Geological Survey 7.5 minute topographical quadrangle map showing the accurate well location. <p>Texas Natural Resource Conservation Commission Water Permits and Resource Management Division, Rate Analysis and Plan Review Attn: Joe Strouse P.O. Box 13087- MC 153 Austin, Texas 78711-3087</p> <p><u>At the time of the investigation, the system could not provide approval documentation for the well. To achieve compliance, submit the requested information and forward a copy of the approval letter to the Austin Regional Office.</u></p>	60 Days

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

August 29, 2001

CERTIFIED MAIL 7000 0520 0022 7534 5068
RETURN RECEIPT REQUESTED

Chad Wollaston, Project Manager
Whitewater Springs Water System
10900 South FM 1174
Bertram, Texas 78605

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
Whitewater Springs Water System, 7 Miles South of Bertram on FM 1174, Burnet County, Texas
TNRCC ID No.: 0270124

Dear Mr. Wollaston:

On August 23, 2001, Chad W. Ahlgren of the Texas Natural Resource Conservation Commission (TNRCC) Austin Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for public water systems. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by December 27, 2001 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of alleged violations, we have cited applicable requirements, including TNRCC rules. If you would like to obtain a copy of the applicable TNRCC rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining TNRCC Rules."

(Rev. 2/28/01)

REPLY TO: REGION 11 • 1921 CEDAR BEND DR., STE. 150 • AUSTIN, TEXAS 78758-5336 • 512/339-2929 • Fax 512/339-3795

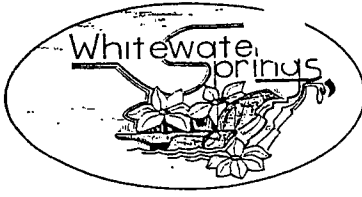
P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tnrcc.state.tx.us

printed on recycled paper using soy based ink

8	30 Tex. Admin. Code §290.46(j) Customer Service Inspection Program	<p>A customer service inspection certificate shall be completed prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.</p> <p><u>At the time of investigation, the water system was not doing customer service inspections for new customers. To achieve compliance, please begin doing customer service inspections prior to providing water service. These inspections need to be conducted by a certified customer service inspector. Please submit copies of the customer service agreements to the Austin Region Office.</u></p>	120 Days
9	30 Tex. Admin. Code §290.46 (m)(1) Annual Tank Inspections	<p>Each of the system's ground, elevated and pressure tanks shall be inspected annually by water system personnel or a contracted inspection service. All tanks shall be inspected annually to determine that instrumentation and controls are working properly.</p> <p><u>At the time of the investigation, the water system was not conducting annual tank inspections. The system must begin conducting annual tank inspection on all of the water system's tanks. To achieve compliance, please inspect all tanks and submit a copy to the Austin Region Office.</u></p>	60 Days
10	30 Tex. Admin. Code §290.46(t) System Ownership	<p>All community water systems shall post a legible sign at each of its production, treatment, and storage facilities. The sign shall be located in plain view of the public and shall provide the name of the water supply and an emergency telephone number where a responsible official can be contacted.</p> <p><u>At the time of the investigation, the water system did not have a sign displaying the system's ownership. The system must have two ownership signs, one posted at the well house and one posted at the disinfection and storage area. To achieve compliance, please submit photographs or some other form of documentation verifying that compliance has been achieved.</u></p>	60 Days
11	30 Tex. Admin. Code §290.109(c)(1)(B) Bacteriological Monitoring Plan	<p>Public water systems shall monitor for microbial contaminants at locations specified in the system's monitoring plan.</p> <p><u>At the time of the investigation, the system did not have a bacteriological monitoring plan. To achieve compliance, draft a monitoring plan with a minimum of five sample sites and send a copy to the Austin Regional Office at 1921 Cedar Bend Drive, Suite 150, Austin, Texas 78758.</u></p>	60 Days

CITY OF BURNETT - 12/13/01

12	30 Tex. Admin. Code §288.20 Drought Contingency Plans	<p>All community water systems shall have drought contingency plan to be reviewed and updated every as appropriate, or every five years. A drought contingency plan for a retail public water supplier, where applicable, shall provide information in response to each of the following.</p> <p>(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input.</p> <p>(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.</p> <p>(C) The drought contingency plan must document coordination with the Regional Water Planning Groups for the service area of the retail public water supplier to insure consistency with the appropriate approved regional water plans.</p> <p>(D) The drought contingency plan shall include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.</p> <p>(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:</p> <ul style="list-style-type: none"> (i) reduction in available water supply up to a repeat of the drought of record; (ii) water production or distribution system limitations; (iii) supply source contamination; or (iv) system outage due to the failure or damage of major water system components (ex., pumps). <p>(F) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:</p> <ul style="list-style-type: none"> (i) curtailment of non-essential water uses; and (ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (ex., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.). <p>(G) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.</p> <p>(H) The drought contingency plan must include procedures for granting variances to the plan.</p> <p><u>At the time of the investigation, the water system did not have a drought contingency plan. To achieve compliance, draft a drought contingency plan and send a copy to the Austin Regional Office.</u></p>	120 Days
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1 Plan Approval - Gave to Willis Engineering to take care of

2 Well Approval -

- a. executed sanitary control easements are on recorded plats
- b. The Driller's Log was sent to TNRCC, to Chad Ahlgren
- c. The pump setting report was sent
- d. Enclosed are copies of a chemical and raw water bacteriological analyses
- e. Willis Engineering is getting copy of a U.S. Geological Survey to TNRCC

#3 Plumbing Ordinance or Service Agreements - Sent Ordinance to Chad Ahlgren, TNRCC

#4 Well Casing Vent - Willis Engineering is taking care of this

#5 Lock on Ground Storage Tank - Sent pictures of everything locked to Chad Ahlgren, TNRCC

#6 Facility Fencing - Waiting for fence builder's, bid is in

#7 Operating Reports and Records - Was sent to TNRCC, Chad Ahlgren

#8 Customer Service Inspection Program - Gave a copy to Chad Ahlgren, TNRCC

#9 Annual Tank Inspections - Willis Engineering is doing

#10 System Ownership - Signs are up with emergency phone numbers

#11 Bacteriological Monitoring Plan - Sent Sample sites to TNRCC

#12 Drought Contingency Plans - Willis Engineering is doing

DOCKET FILE INDEX
REBECCA CREEK MUNICIPAL UTILITY DISTRICT
SOAH DOCKET NO. 582-02-2414
TNRCC Docket No. 2002-0335-UCR

ITEM NO.	DATE FILED OR ISSUED	DOCUMENT FILED/ISSUED	BY WHOM FILED OR ISSUED
1.	04/02/02	LETTER OF REFERRAL	V. HARKINS
2.	04/24/02	NOTICE OF HEARING	L. CASTANUELA
3.	05/07/02	ORDER NO. 1 - SETTING OUT SCHEDULE AND PROCEDURES AND SCHEDULING PREHEARING CONFERENCE AND HEARING ON THE MERITS (TELEPHONIC PHC SET FOR 10/28/02 AT 9:00 A.M. AND HOM SET FOR 11/5/02 AT 9:00 A.M.)	JUDGE O'MALLEY
4.	07/26/02	LETTER TO JUDGE O'MALLEY RE: LIST OF WITNESSES.	P. HAAG
5.	08/05/02	LETTER TO JUDGE O'MALLEY RE: LIST OF WITNESSES.	T. BURKEY
6.	08/05/02	LETTER TO JUDGE O'MALLEY RE: LIST OF WITNESSES.	J. HOUCHINS
7.	09/10/02	LETTER TO JUDGE O'MALLEY RE: RULE 11 AGREEMENT.	L. ROMO
8.	09/11/02	ORDER NO. 2 - SUSPENDING PROCEDURAL SCHEDULE AND CANCELING HEARING.	JUDGE O'MALLEY
9.	10/11/02	REBECCA CREEK MUNICIPAL UTILITY DISTRICT STATUS REPORT.	L. ROMO
10.	10/24/02	ORDER NO. 3 - CANCELING TELEPHONIC PREHEARING CONFERENCE.	JUDGE O'MALLEY
11.	11/06/02	REBECCA CREEK MUNICIPAL UTILITY DISTRICT STATUS REPORT.	L. ROMO
12.	02/24/03	MOTION TO APPROVE SETTLEMENT AGREEMENT.	L. ROMO
13.	02/26/03	ORDER NO. 4 - REQUESTING ADDITIONAL INFORMATION FROM PARTIES.	JUDGE O'MALLEY
14.	02/28/03	LETTER TO ALJ RE: EXECUTIVE DIRECTOR'S CLARIFICATION OF THE RECOMMENDED SETTLEMENT PROCEDURE.	T. BURKEY
15.	04/09/03	ORDER NO. 5 - REQUESTING RESPONSE.	JUDGE O'MALLEY
16.	04/24/03	EXECUTIVE DIRECTOR'S REQUEST FOR DISCLOSURE, FIRST SET OF INTERROGATORIES AND FIRST SET OF REQUEST FOR PRODUCTION TO CANYON LAKE WATER SUPPLY CORPORATION.	T. BURKEY

ITEM NO.	DATE FILED OR ISSUED	DOCUMENT FILED/ISSUED	BY WHOM FILED OR ISSUED
17.	04/25/03	ORDER NO. 6 - GRANTING REQUEST FOR EXTENSION OF TIME.	JUDGE O'MALLEY
18	05/16/03	EXECUTIVE DIRECTOR'S APPROVAL OF THE DISMISSAL OF THESE MATTERS.	T. BURKEY
19.	05/19/03	ORDER NO. 7 - REMANDING CASES TO EXECUTIVE DIRECTOR AND DISMISSING FROM SOAH.	JUDGE O'MALLEY
20.			
21.			
22.			

SOAH DOCKET NO. 582-02-2414
TCEQ DOCKET NO. 2002-0310-UCR
BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS
APPLICATION OF CANYON LAKE
ATER SUPPLY CORPORATION TO
MEND CERTIFICATE OF
ONVENIENCE AND NECESSITY NO.
0692 IN COMAL COUNTY, TEXAS

ORDER NO. 7
REMANDING CASES TO EXECUTIVE DIRECTOR AND DISMISSING FROM SOAH

SOAH DOCKET NO. 582-02-2414
TCEQ DOCKET NO. 2002-0335-UCR
BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS
APPLICATION OF REBECCA CREEK
MUNICIPAL UTILITY DISTRICT TO
OBTAIN CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
COMAL COUNTY, TEXAS

ORDER NO. 7
REMANDING CASES TO EXECUTIVE DIRECTOR AND DISMISSING FROM SOAH

On May 16, 2003, the Executive Director of the Texas Commission on Environmental Quality (Executive Director) indicated it has reviewed the settlement agreement of the parties. The Executive recommends these cases be dismissed from the State Office of Administrative Hearings (SOAH) and remanded to the Executive Director to be processed as uncontested matters. The Executive Director noted two clarifications in its review but believes those matters have been clarified or can be clarified during the remand proceeding. Because the parties have resolved all issues in the above-referenced cases, the Administrative Law Judge (ALJ) remands these cases to the Executive Director for processing as uncontested applications. Additionally, the ALJ dismisses these cases from the docket of SOAH.

Issued May 19, 2003.

STATE OFFICE OF ADMINISTRATIVE HEARINGS
Michael J. O'Malley
MICHAEL J. O'MALLEY
Administrative Law Judge

Mailing List

Canyon Lake Water Supply Corporation/Rebecca Creek Municipal Utility District
SOAH Docket Nos. 582-02-2413 and 582-02-2414
TNRCC Docket Nos. 2002-0310-UCR and 2002-0335-UCR

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◆TNRCC Docket Clerk
*Courtesy Copy

SOAH DOCKET NO. 582-02-2413
TCEQ DOCKET NO. 2002-0310-UCR

APPLICATION OF CANYON LAKE
WATER SUPPLY CORPORATION
TO AMEND CERTIFICATE OF
CONVENIENCE AND NECESSITY NO.
10692 IN COMAL COUNTY, TEXAS

§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

SOAH DOCKET NO. 582-02-2414
TCEQ DOCKET NO. 2002-0335-UCR

APPLICATION OF REBECCA CREEK
MUNICIPAL UTILITY DISTRICT
TO OBTAIN CERTIFICATE OF
CONVENIENCE AND NECESSITY
IN COMAL COUNTY, TEXAS

§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

EXECUTIVE DIRECTOR'S APPROVAL OF THE DISMISSAL OF THESE MATTERS

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE MICHAEL J. O'MALLEY:

Comes now, the Executive Director, and files this approval for the dismissal of the above-

referenced cases, and respectfully shows the Administrative Law Judge as follows:

1. The Executive Director has reviewed the settlement agreement submitted by the parties and a map submitted by Canyon Lake Water Supply Corporation ("CLWSC") to clarify the proposed agreement. The Executive Director can recommend to dismiss these cases and remand them for processing as uncontested applications, but with two clarifications. The Executive Director faxed a letter to the parties identifying these two concerns on May 14, 2003.
2. First, the map indicated that the parties have agreed that CLWSC's CCN may include a narrow "L" shaped area that connects the Rayner Ranch Subdivision to Rebecca Creek Road. This area was not included in CLWSC's application map. At this time, the Executive

3. Second, the Executive Director has requested that Rebecca Creek MUD clarify the area that it seeks in its proposed CCN, specifically the Encino Vista Subdivision boundaries. Counsel for Rebecca Creek MUD has responded that it is no longer pursuing its CCN application; therefore, the Executive Director recommends remanding the application.

WHEREFORE, PREMISES CONSIDERED the Executive Director respectfully recommends that the Administrative Law Judge dismiss these matters and remand them to the Executive Director for processing as uncontested applications.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
Margaret Hoffman, Executive Director

By: Todd C. Burkey
Todd C. Burkey, Staff Attorney
Environmental Law Division
Texas State Bar No. 24006929

ATTORNEYS FOR
THE EXECUTIVE DIRECTOR

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been sent as specified below on this the 16th day of May, 2003 to:

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Phil Haag, Esq.

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Hon. Michael J. O'Malley

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SOAH DOCKET NO. 582-02-2413
TCEQ DOCKET NO. 2002-0310-UCR

APPLICATION OF CANYON LAKE § BEFORE THE STATE OFFICE
WATER SUPPLY CORPORATION TO §
AMEND CERTIFICATE OF § OF
CONVENIENCE AND NECESSITY NO. §
10692 IN COMAL COUNTY, TEXAS § ADMINISTRATIVE HEARINGS

ORDER NO. 6
GRANTING REQUEST FOR EXTENSION OF TIME

SOAH DOCKET NO. 582-02-2414
TCEQ DOCKET NO. 2002-0335-UCR

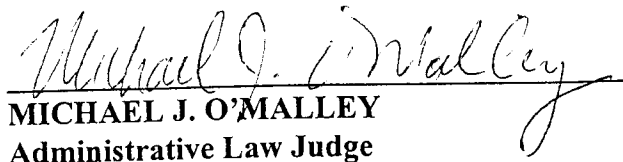
APPLICATION OF REBECCA CREEK § BEFORE THE STATE OFFICE
MUNICIPAL UTILITY DISTRICT TO §
OBTAIN CERTIFICATE OF § OF
CONVENIENCE AND NECESSITY IN §
COMAL COUNTY, TEXAS § ADMINISTRATIVE HEARINGS

ORDER NO. 6
GRANTING REQUEST FOR EXTENSION OF TIME

On April 24, 2003, the Executive Director of the Texas Commission on Environmental Quality (Executive Director) requested additional time to finalize its review of the settlement agreement reached in this case. The Executive Director states that it needs a full-size scaled map in order to determine whether the areas proposed in the settlement agreement are in conflict with the existing CCN boundaries in the area. The Administrative Law Judge grants the Executive Director's request for an extension of time. To facilitate the review, the parties shall provide the Executive Director a full-sized map no later than May 9, 2003. The Executive Director shall complete its review of the settlement no later than May 16, 2003.

Issued April 25, 2003.

STATE OFFICE OF ADMINISTRATIVE HEARINGS


MICHAEL J. O'MALLEY
Administrative Law Judge

Mailing List

**Canyon Lake Water Supply Corporation/Rebecca Creek Municipal Utility District
SOAH Docket Nos. 582-02-2413 and 582-02-2414
TNRCC Docket Nos. 2002-0310-UCR and 2002-0335-UCR**

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*Wilfred Lucko

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◆TNRCC Docket Clerk

*Courtesy Copy

SOAH DOCKET NO. 582-02-2413
TCEQ DOCKET NO. 2002-0310-UCR

APPLICATION OF CANYON LAKE § **BEFORE THE STATE OFFICE**
WATER SUPPLY CORPORATION §
TO AMEND CERTIFICATE OF § **OF**
CONVENIENCE AND NECESSITY NO. §
10692 IN COMAL COUNTY, TEXAS § **ADMINISTRATIVE HEARINGS**

SOAH DOCKET NO. 582-02-2414
TCEQ DOCKET NO. 2002-0335-UCR

APPLICATION OF REBECCA CREEK § **BEFORE THE STATE OFFICE**
MUNICIPAL UTILITY DISTRICT §
TO OBTAIN CERTIFICATE OF § **OF**
CONVENIENCE AND NECESSITY §
IN COMAL COUNTY, TEXAS § **ADMINISTRATIVE HEARINGS**

**EXECUTIVE DIRECTOR'S REQUEST FOR DISCLOSURE, FIRST SET OF
INTERROGATORIES AND FIRST SET OF REQUEST FOR PRODUCTION
TO CANYON LAKE WATER SUPPLY CORPORATION**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE MICHAEL J. O'MALLEY:

Comes now, the Executive Director, and files this request for an extension of time to finalize the review of the proposed settlement agreement in the above-referenced cases, and respectfully shows the Administrative Law Judge as follows:

1. On February 28, 2003, the Executive Director filed a letter indicating the preferred means of processing the proposed settlement agreement reached by the other parties in this docket and stated that her review of the proposed settlement agreement was not complete. Judge Michael J. O'Malley of the State Office Of Administrative Hearings ("SOAH") issued Order No. 5 on April 9, 2003, which requested the Executive Director to finalize the review of the proposed settlement agreement and file a motion to dismiss the cases from SOAH and remand them back to the TCEQ for processing no later than April 25, 2003.

2. The Executive Director has requested a full-size, scaled map from the parties in order to determine that the areas proposed in the settlement agreement are not in conflict with the existing CCN boundaries in the area or the maps submitted in the parties' applications that were subject to TCEQ's notice rules. The map that is attached to the settlement documents is not of sufficient detail for the Executive Director to complete her review. Counsel for the parties have responded to the Executive Director's requests that they are attempting to obtain such a map and anticipate providing the map in the near future. At the time of the filing of this motion, the Executive Director has not received the requested map.
3. The Executive Director requests an extension of time to finalize the review of the proposed settlement agreement and file a motion to dismiss the cases as requested in Order No. 5. The Executive Director respectfully proposes that the parties submit the requested map no later than May 9, 2003, and that the Executive Director have until May 16, 2003, in order to comply with Order No. 5. This motion is the first request to extend the deadline for compliance with Order No. 5.
4. The Executive Director has contacted counsel for all parties on the mailing list regarding this request for extension. All counsel are unopposed to this request.
5. This request for extension of time is not sought for purposes of delay, but so that justice may be served.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the Executive Director respectfully recommends that the Administrative Law Judge grant the requested extension of time for the Executive Director to comply with Order No. 5.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Margaret Hoffman, Executive Director

Stephanie Bergeron, Director
Environmental Law Division

By: Todd C. Burkey
Todd C. Burkey, Staff Attorney
Environmental Law Division
Texas State Bar No. 24006929

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ATTORNEYS FOR
THE EXECUTIVE DIRECTOR

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been sent as specified below on this the 24th day of April, 2003 to:

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Hon. Michael J. O'Malley

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**SOAH DOCKET NO. 582-02-2413
TCEQ DOCKET NO. 2002-0310-UCR**

APPLICATION OF CANYON LAKE	§	BEFORE THE STATE OFFICE
WATER SUPPLY CORPORATION TO	§	
AMEND CERTIFICATE OF	§	OF
CONVENIENCE AND NECESSITY NO.	§	
10692 IN COMAL COUNTY, TEXAS	§	ADMINISTRATIVE HEARINGS

**ORDER NO. 5
REQUESTING RESPONSE**

**SOAH DOCKET NO. 582-02-2414
TCEQ DOCKET NO. 2002-0335-UCR**


APPLICATION OF REBECCA CREEK	§	BEFORE THE STATE OFFICE
MUNICIPAL UTILITY DISTRICT TO	§	
OBTAIN CERTIFICATE OF	§	OF
CONVENIENCE AND NECESSITY IN	§	
COMAL COUNTY, TEXAS	§	ADMINISTRATIVE HEARINGS

**ORDER NO. 5
REQUESTING RESPONSE**

On February 28, 2003, the Texas Commission on Environmental Quality (TCEQ) filed a letter with the Administrative Law Judge (ALJ) indicating that it needed additional time to review the settlement agreement reached by the parties to this docket. Once TCEQ had reviewed the settlement agreement, it intended to file a motion to dismiss from the State Office of Administrative Hearings and request that the case be remanded to TCEQ. Because this case has been pending for over a year, the ALJ requests that TCEQ finalize its review no later than April 25, 2003. If TCEQ approves of the settlement agreement, it shall file a motion to dismiss and remand to TCEQ. If it objects to the settlement agreement, it shall indicate how it would like to proceed.

Issued April 9, 2003.

STATE OFFICE OF ADMINISTRATIVE HEARINGS


MICHAEL J. O'MALLEY
Administrative Law Judge

Mailing List

**Canyon Lake Water Supply Corporation/Rebecca Creek Municipal Utility District
SOAH Docket Nos. 582-02-2413 and 582-02-2414
TNRCC Docket Nos. 2002-0310-UCR and 2002-0335-UCR**

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No. 3, L.P.

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Commission

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*Wilfred Lucko
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P. O. Box 486
Spring Branch, Texas 78070

◆TNRCC Docket Clerk
*Courtesy Copy

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Margaret Hoffman, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 28, 2003

Via Facsimile: 512-936-0770

Judge Michael J. O'Malley
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

RE: Canyon Lake Water Supply Corporation; SOAH Docket No. 582-02-2413; TNRCC
Docket No. 2002-0310-UCR

Rebecca Creek Municipal Utility District; SOAH Docket No. 582-02-2414; TNRCC
Docket No. 2002-0335-UCR

Dear Judge O'Malley:

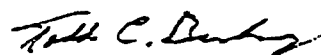
Pursuant to your Order dated February 26, 2003, please allow this letter to serve as the Executive Director's clarification of the recommended settlement procedure in the above-referenced matters. Canyon Lake Water Supply Corporation, Rebecca Creek Municipal Utility District and SRS Properties have entered into a settlement agreement that should resolve these matters. The Executive Director has not been able to completely review the settlement agreement materials at this time. Once the Executive Director has confirmed her ability to process the applications in the way contemplated by the parties' settlement agreement, the Executive Director will notify all parties and SOAH that she agrees to the dismissal of these matters from SOAH to be remanded to the Executive Director for processing as uncontested applications.

The Executive Director has conferred with Mr. Les Romo and the Office of Public Interest Counsel regarding this matter. They are unopposed to the process of dismissal of these matters for Executive Director processing. Mr. Romo has contacted Mr. John Houchins and Mr. Haag about the potential dismissal of these matters from SOAH to be remanded to the Executive Director for processing and confirmed that they are also unopposed.

Judge Michael J. O'Malley
State Office of Administrative Hearings
February 28, 2003
Page 2

Please do not hesitate to contact me if you have an questions or concerns regarding this matter. Thank you.

Sincerely,



Todd C. Burkey, Staff Attorney

cc: service list

Judge Michael J. O'Malley
State Office of Administrative Hearings
February 28, 2003
Page 3

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been sent as specified below on this the 28th day of February, 2003 to:

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Judge Michael J. O'Malley
State Office of Administrative Hearings
February 28, 2003
Page 4

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SOAH DOCKET NO. 582-02-2413
TCEQ DOCKET NO. 2002-0310-UCR

APPLICATION OF CANYON LAKE § BEFORE THE STATE OFFICE
WATER SUPPLY CORPORATION TO §
AMEND CERTIFICATE OF § OF
CONVENIENCE AND NECESSITY NO. §
10692 IN COMAL COUNTY, TEXAS § ADMINISTRATIVE HEARINGS

ORDER NO. 4
REQUESTING ADDITIONAL INFORMATION FROM PARTIES

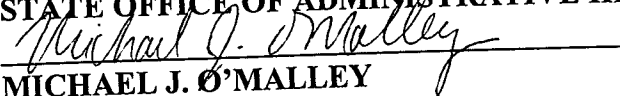
SOAH DOCKET NO. 582-02-2414
TCEQ DOCKET NO. 2002-0335-UCR

APPLICATION OF REBECCA CREEK § BEFORE THE STATE OFFICE
MUNICIPAL UTILITY DISTRICT TO §
OBTAIN CERTIFICATE OF § OF
CONVENIENCE AND NECESSITY IN §
COMAL COUNTY, TEXAS § ADMINISTRATIVE HEARINGS

ORDER NO. 4
REQUESTING ADDITIONAL INFORMATION FROM PARTIES

On February 24, 2003, the Administrative Law Judge (ALJ) received a Motion to Approve Settlement Agreement. Typically in Texas Commission on Environmental Quality (Commission) cases, the State Office of Administrative Hearings remands settled cases to the Commission Executive Director to process as uncontested matters. In this case, the parties have requested that the ALJ approve the settlement agreement. No later than Friday, February 28, 2003, the Commission Staff and the other parties to this proceeding shall jointly file a clarifying motion explaining how they want this settled case to be handled. For example, do they want it to be remanded to the Commission to be handled as an uncontested matter, or do they want a proposal for decision (PFD) with findings of fact and conclusions of law? If the parties believe a PFD is necessary, the ALJ will set a date for the parties to file agreed findings of fact and conclusions of law. Further, if the parties believe a PFD is necessary for this settled case, they shall explain why.

Issued February 26, 2003.

STATE OFFICE OF ADMINISTRATIVE HEARINGS

MICHAEL J. O'MALLEY
Administrative Law Judge

Mailing List

Canyon Lake Water Supply Corporation/Rebecca Creek Municipal Utility District
SOAH Docket Nos. 582-02-2413 and 582-02-2414
TNRCC Docket Nos. 2002-0310-UCR and 2002-0335-UCR

John O. Houchins
13738 Kingsride
Houston, Texas 77079
Ph: 713/464-3205
Fax: 713/461-8711

Representing: Canyon Lake Water Supply Corp.

Les Romo
Law Offices of Les Romo
307 Shannon Lane
Georgetown, Texas 78628
Ph: 512/868-5600
Fax: 512/863-0452

Representing: Rebecca Creek Municipal Utility

Phillip Haag
Winstead Sechrest & Minick, P.C.
100 Congress Avenue, Ste. 800
Austin, Texas 78701-4042
Ph: 512/370-2862
Fax: 512/370-2850

Representing: SRS Properties and Austex Enterprises
No. 3, L.P.

Todd Burkey, Staff Attorney
Legal Services Division - MC 175
Texas Natural Resource
Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087
Ph: 512/239-3400
Fax: 512/239-3434

Representing: the Executive Director of the
Texas Natural Resource Conservation
Commission

Blas Coy
Public Interest Counsel - MC-103
Texas Natural Resource
Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087
Ph: 512/239-6363
Fax: 512/239-6377

Michael J. O'Malley, Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th, Ste 502
PO Box 13025
Austin, Texas 78711-3025
Ph: 512/475-4993
Fax: 512/936-0770

◆Docket Clerk
Office of Chief Clerk - MC-105
Texas Natural Resource
Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

*Wilfred Lucko
Spring Branch Indian Hills
Water Supply Corporation
P. O. Box 486
Spring Branch, Texas 78070

◆TNRCC Docket Clerk
*Courtesy Copy

SOAH DOCKET NO. 582-02-2413
TCEQ DOCKET NO. 2002-0310-UCR

APPLICATION OF CANYON LAKE § BEFORE THE STATE OFFICE
WATER SUPPLY CORPORATION TO §
AMEND CERTIFICATE OF § OF
CONVENIENCE AND NECESSITY NO. §
10692 IN COMAL COUNTY, TEXAS § ADMINISTRATIVE HEARINGS

SOAH DOCKET NO. 582-02-2413 2414
TCEQ DOCKET NO. 2002-0335-UCR

APPLICATION OF REBECCA CREEK § BEFORE THE STATE OFFICE
MUNICIPAL UTILITY DISTRICT TO §
OBTAIN CERTIFICATE OF § OF
CONVENIENCE AND NECESSITY IN §
COMAL COUNTY, TEXAS § ADMINISTRATIVE HEARINGS

MOTION TO APPROVE SETTLEMENT AGREEMENT

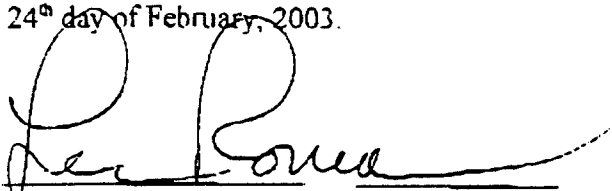
TO the Honorable Administrative Law Judge MICHAEL J. O'MALLEY, comes now REBECCA CREEK MUNICIPAL UTILITY DISTRICT (the "DISTRICT"), by and through counsel and hereby requests that your Honor enter an Order approving the attached Settlement Agreement between Canyon Lake Water Supply Corporation, SRS Properties, L.L.C. and Rebecca Creek Municipal Utility District. The parties to the Agreement have reached a settlement of the disputed issues between them in this case, and request that an Order be entered approving the Settlement Agreement and resolving the disputed issues in the case.

On behalf of the DISTRICT, this Motion also provides notice to your Honor that the DISTRICT is withdrawing its protest to the granting of the CCN Application of CANYON LAKE WATER SUPPLY CORPORATION ("CANYON LAKE") pursuant to the terms and conditions and for the areas set forth in the attached Settlement Agreement. The DISTRICT will execute such documents and provide such maps as are necessary to effectuate the terms of the Settlement Agreement. It is the DISTRICT's understanding that CANYON LAKE and SRS PROPERTIES,

L.L.C. will also execute such documents and provide the necessary maps to effectuate the terms of the Settlement Agreement.

Accordingly, the DISTRICT requests that the Honorable Administrative Law Judge enter and Order approving the Settlement Agreement and providing for such other actions as may be needed to effectuate its terms.

Respectfully submitted this 24th day of February, 2003.



Law Office of Les Romo
307 Shannon Lane
Georgetown, Texas 78628
(512) 868-5600
Fax: (512) 863-0452
State Bar No. 17225800

**ATTORNEY FOR REBECCA CREEK MUNICIPAL
UTILITY DISTRICT**

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that on February 24, 2003 a true and correct copy of the above Rebecca Creek Municipal Utility District's Motion to Approve Settlement Agreement was served on the following by telefax and by U.S. mail:

Todd Burkey, Attorney
Legal Services Division- MC-175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
512-512-239-3400
Fax: 512-239-3434

Representing the Executive Director of the
Texas Commission on Environmental Quality

Blas Coy
Office of the Public Interest Counsel
Texas Commission on Environmental Quality
TCEQ MC-103
P.O. Box 13087
Austin, Texas 78711-3087
512-512-239-6363
Fax: 512-239-6377

John O. Houchins
13738 Kingsride
Houston, Texas 77079
713-464-3205
Fax: 713-461-8711

Representing Canyon Lake Water
Supply Corporation

Phillip Haag
Winstead Sechrest & Minick, P.C.
Austex Enterprises No. 3, L.P.
100 Congress Avenue, Suite 800
Austin, Texas 78701-4042
512-370-2862
Fax: 512-370-2882

Representing SRS Properties and
Austex Enterprises No. 3, L.P.

Docket Clerk
Office of the Chief Clerk-MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

**SOAH DOCKET NO. 582-02-2413
TCEQ DOCKET NO. 2002-0310-UCR**

APPLICATION OF CANYON LAKE	§	BEFORE THE STATE OFFICE
WATER SUPPLY CORPORATION TO	§	
AMEND CERTIFICATE OF	§	OF
CONVENIENCE AND NECESSITY NO.	§	
10692 IN COMAL COUNTY, TEXAS	§	ADMINISTRATIVE HEARINGS

**SOAH DOCKET NO. 582-02-2413
TCEQ DOCKET NO. 2002-0335-UCR**

APPLICATION OF REBECCA CREEK	§	BEFORE THE STATE OFFICE
MUNICIPAL UTILITY DISTRICT TO	§	
OBTAIN CERTIFICATE OF	§	OF
CONVENIENCE AND NECESSITY IN	§	
COMAL COUNTY, TEXAS	§	ADMINISTRATIVE HEARINGS

**SETTLEMENT AGREEMENT
BETWEEN CANYON LAKE WATER SUPPLY CORPORATION,
SRS PROPERTIES, L.L.C. AND REBECCA CREEK MUNICIPAL
UTILITY DISTRICT**

Recitals:

1. The parties to this Settlement Agreement are the following:
 - a. Canyon Lake Water Supply corporation ("CLWSC"), and
 - b. Rebecca Creek Municipal Utility District ("RCMUD"); and
 - c. SRS Properties, L.L.C. ("SRS").
2. CLWSC has filed an application to amend its Certificate of Convenience and Necessity ("CCN") No. 10692 and such application is pending in the STATE OFFICE OF ADMINISTRATIVE HEARINGS ("SOAH") DOCKET NO. 582-02-2413, TEXAS COMMISSION on ENVIRONMENTAL QUALITY ("TCEQ") DOCKET NO. 2002-0310-UCR.

3. RCMUD has filed an application to obtain a CCN, and such application is pending in STATE OFFICE OF ADMINISTRATIVE HEARINGS ("SOAH") DOCKET NO. 582-02-2414, TEXAS COMMISSION on ENVIRONMENTAL QUALITY ("TCEQ") DOCKET NO. 2002-0335-UCR. Both the CCN amendment application filed by CLWSC, and the application to obtain a CCN filed by RCMUD apply to land located in Comal County, Texas.

4. The application by CLWSC and RCMUD overlap in an area covered by the Rayner Ranch Subdivision which is being developed by SRS. The remainder of RCMUD's CCN application applies to an area of land covered by the Encino Vista Subdivision, as well as the area covered by RCMUD's current boundaries.

5. RCMUD wishes to obtain an easement across a portion of the golf course located within its boundaries to provide water service to some potential customers and in partial consideration for this settlement, SRS has agreed to obtain for RCMUD the easement attached hereto as Exhibit A.

6. The parties have arrived at an understanding and resolution of the disputed issues in this docket and ask that the Honorable Judge and the Commission adopt and approve their agreement.

Agreements:

In exchange of the mutual promises in this Agreement, the parties agree as follows:

1. RCMUD agrees to dismiss its contest of the CCN amendment application filed by CLWSC.
2. RCMUD also agrees to withdraw from its CCN application the Rayner Ranch Subdivision area of land.

3. CLWSC and SRS agree to dismiss their contest of the remainder of RCMUD's CCN application that covers the Encino Vista Subdivision and the area within the boundaries of RCMUD.
4. SRS has caused to be executed the easement attached hereto as Exhibit "A", which easement crosses the golf course located within the boundaries of RCMUD in Comal County, Texas, in satisfaction of RCMUD's aforesaid desires.
5. It is anticipated that RCMUD will amend its CCN application to exclude the area included within its boundaries, and CLWSC and SRS agree to this amendment and agree not to contest this amendment to RCMUD's CCN application.
6. The parties agree to execute any documents necessary to effectuate the terms of this agreement, which documents, include, but are not necessarily be limited to, the preparation of maps which reflect the areas affected by the foregoing understandings. Once completed, the parties will (i) tender these maps and documents to the Administrative Law Judge for attachment to any final order, orders or administrative approval through the Executive Director in the above dockets; and (ii) jointly request that any CCN service areas granted CLWSC and RCMUD be reflected in those maps.
7. CLWSC, SRS and RCMUD will notify the Administrative Law Judge, and the TCEQ in writing within five (5) days of the signing of this Agreement that they are withdrawing any protest to the granting of the other parties' application pursuant to the terms set forth above.

Signed and entered into on the dates below:

4. SRS agrees to execute and grant an easement across its golf course located in Comal County, Texas pursuant to the terms and in the form as set forth in the attached Exhibit "A" which is incorporated herein by reference for all purposes.
5. It is anticipated that RCMUD will amend its CCN application to exclude the area included within its boundaries, and CLWSC and SRS agree to this amendment and agree not to contest this amendment to RCMUD's CCN application.
6. The parties agree to execute any documents necessary to effectuate the terms of this agreement, which documents include, but are not necessarily be limited to, the preparation of maps which reflect the areas affected by the foregoing understandings. Once completed, the parties will (i) tender these maps and documents to the Administrative Law Judge for attachment to any final order, orders or administrative approval through the Executive Director in the above dockets; and (ii) jointly request that any CCN service areas granted CLWSC and RCMUD be reflected in those maps.
7. CLWSC, SRS and RCMUD will notify the Administrative Law Judge, and the TCEQ in writing within five (5) days of the signing of this Agreement that they are withdrawing any protest to the granting of the other parties' application pursuant to the terms set forth above.

Signed and entered into on the dates below:

CANYON LAKE WATER SUPPLY CORPORATION

By *Gay Z. Hattley*
_____, PRESIDENT

Date: 10-9-02

CANYON LAKE WATER SUPPLY CORPORATION

By: _____, PRESIDENT

Date: _____

REBECCA CREEK MUNICIPAL UTILITY DISTRICT

By: George R. Legg
George R. Legg, Board President

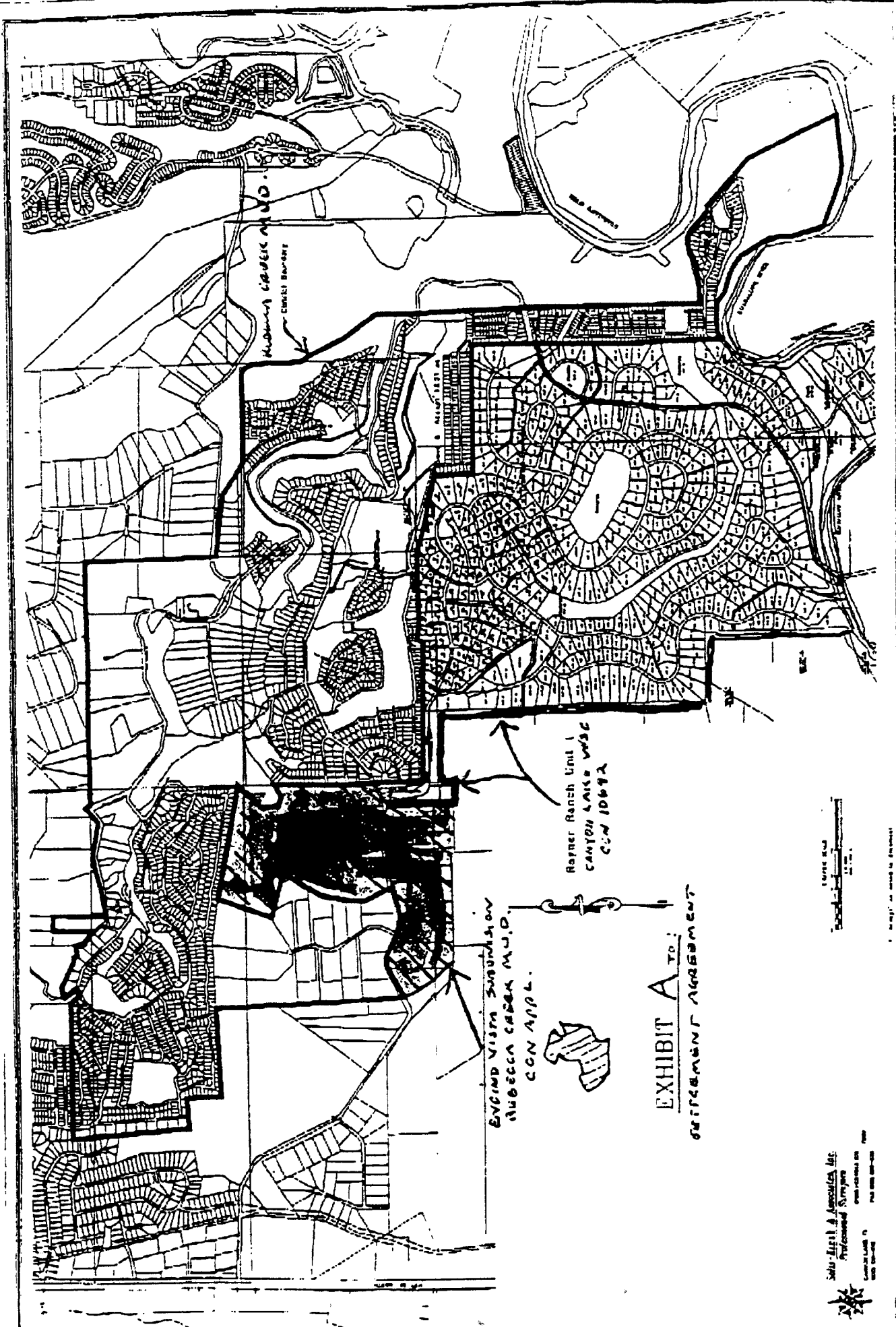
Date: February 17, 2003

SRS PROPERTIES, L.L.C.

By: Thomas W. Paul
Thomas W. Paul, Vice-President

Date: 1-16-03

AUSTIN_112061113
999993-1 01/16/2003



Bayview Ranch Unit 1
CANYON LAKE WSC
CON 10692

EXHIBIT A TO:
SEVERANCE AGREEMENT

Scale 1:10,000

John L. Lippert & Associates, Inc.
Professional Surveyors
10000 LAMAR, N.
SUITE 1000
DALLAS, TEXAS 75243
TEL: 972-444-4444
FAX: 972-444-4445

WATERLINE EASEMENT

THE STATE OF TEXAS

§

KNOW ALL BY THESE PRESENTS:

§

COUNTY OF COMAL

§

THAT RAYNER RANCH GOLF CLUB, L.L.C., a Texas limited liability company ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by REBECCA CREEK MUNICIPAL UTILITY DISTRICT, the receipt and sufficiency of which is hereby acknowledged and confessed and for which no lien, express or implied, is retained, has this day GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY, unto REBECCA CREEK MUNICIPAL UTILITY DISTRICT, a Texas municipal utility district operating under the authority of Chapters 49 and 54 of the Texas Water Code, as amended, and whose address is _____, ATTN:

_____ ("Grantee") (i) an easement for the construction, operation, maintenance, repair and removal of a waterline and the making of connections therewith in, upon and across the following described land, to wit:

All that certain tract, piece or parcel of land lying and being situated in the County of Comal, State of Texas, more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes (the "Easement Tract");

and (ii) a temporary easement for the construction of such water utility improvements on that certain tract or parcel of land, the boundaries of which being parallel with and twenty (20) feet on either side of the centerline of the permanent easement described above, such temporary easement to expire upon the earlier of 12 months from the date hereof or upon the completion of construction of the water utility improvements.

TO HAVE AND TO HOLD the Easement Tract, subject to any and all encumbrances and easements of record and subject to the terms and conditions hereof, unto Grantee and its successors and assigns, together with the right and privilege, subject to the terms of this Easement, to enter the Easement Tract for the purpose of constructing, operating, maintaining, repairing and removing the waterline. Grantee shall be obligated to restore the surface of the Easement Tract to its existing condition at Grantee's sole cost and expense, including the restoration of any grass, turf, sidewalks, driveways, cart paths or similar surface improvements located upon or adjacent to the Easement Tract, which have been removed, relocated, altered, damaged or destroyed as a result of Grantee's use of the Easement granted hereunder. If Grantee fails to make all necessary restoration or repairs on a timely basis, Grantor may, at Grantor's option and Grantee's expense, make such necessary restoration or repairs itself. If Grantee fails to reimburse Grantor for all costs associated therewith within sixty (60) days of the date Grantor sends Grantee a bill for same, Grantor may terminate this Easement without any further action required by either party, and Grantee, at its sole cost and expense, shall remove the waterline and any other improvements or property installed or placed in, on or upon the Easement Tract, and shall restore the surface of the Easement Tract to the condition existing on the date hereof. Grantor reserves the right to enter upon and use the surface of the Easement Tract for its purposes, specifically including by way of example and not in limitation, for the purpose of operating and maintaining its golf course.

EXHIBIT A