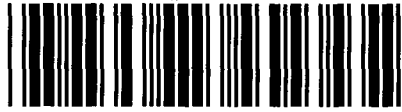




Control Number: 47114



Item Number: 1

Addendum StartPage: 0



RECEIVED

816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532

www.lglawfirm.com

Ms. Crump's Direct Line: (512) 322-5832
Email: gcrump@lglawfirm.com

2017 MAY -1 PM 12:40
PUBLIC UTILITY COMMISSION
FILING CLERK

47114

May 1, 2017

Public Utility Commission of Texas
ATTN: CENTRAL RECORDS
1701 N. Congress Avenue, Suite 8-100
P.O. Box 13326
Austin, Texas 78711-3326

RE: Petition for CCN Release under Texas Water Code § 13.254(a-5)

Dear Filing Clerk:

This Petition for Release from the Water Certificate of Convenience and Necessity ("CCN") No. 10850 held by Talty Water Supply Corporation ("Talty WSC") is filed on behalf of II C.B., LP, the record owner of the subject property ("Landowner"). This petition is being filed under the authority of Tex. Water Code § 13.254(a-5), and 16 Tex. Admin. Code ("TAC") § 24.113(r). The property is located in Kaufman County, Texas.

Pursuant to Tex. Water Code § 13.254(a-5) and 16 TAC § 24.113(r), the owner of a tract of land that is at least 25 acres and that is not receiving service may petition the Public Utility Commission of Texas ("Commission") for expedited release of the area from a CCN and is entitled to that release if the landowner's property is located in certain counties, including Kaufman County.

Landowner is the owner of a tract of land in Kaufman County, Texas, containing 179.407 acres, a small portion of which is within water CCN No. 10850, held by Talty WSC. The tract of land that is the subject of this petition ("Subject Tract") includes approximately 14.14 acres, and consists of a strip of land roughly 316 feet deep and 1,950 feet long, along High Country Lane. The Subject Tract is included within the development planned as High Country Estates. The remainder of High Country Estates is outside of the Talty WSC CCN. All of the land within High Country Estates, including the Subject Tract, has been annexed by the City of Mesquite, and will eventually receive utility services from the City of Mesquite. Neither the Subject Tract nor any other portion of the High Country Estates development, are receiving retail water utility service from Talty WSC.

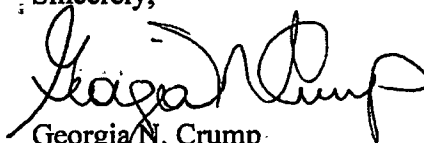
On November 15, 2015, at a regular meeting of its Board of Directors, Talty WSC voted unanimously to decertify the Subject Tract from the water CCN held by Talty WSC, as requested by Mr. Barney Van Huss representing the Landowner.

The following attachments are included in support of the petition:

- Attachment A – High Country Estates Master Plan
- Attachment B – Metes and bounds of the 179.407 acre tract
- Attachment C – Location Map of Subject Tract
- Attachment D – Tract Map of Subject Tract
- Attachment E – Landowner Affidavit
- Attachment F – Digital Mapping Data on CD
- Attachment G – Minutes of Talty WSC Meeting on November 16, 2015

A copy of this Petition for Release is being provided to Talty WSC by certified mail concurrent with its filing with the Commission.

Sincerely,



Georgia N. Crump
on behalf of II C.B., LP

GNC:jmc
3835\00\7339031.1

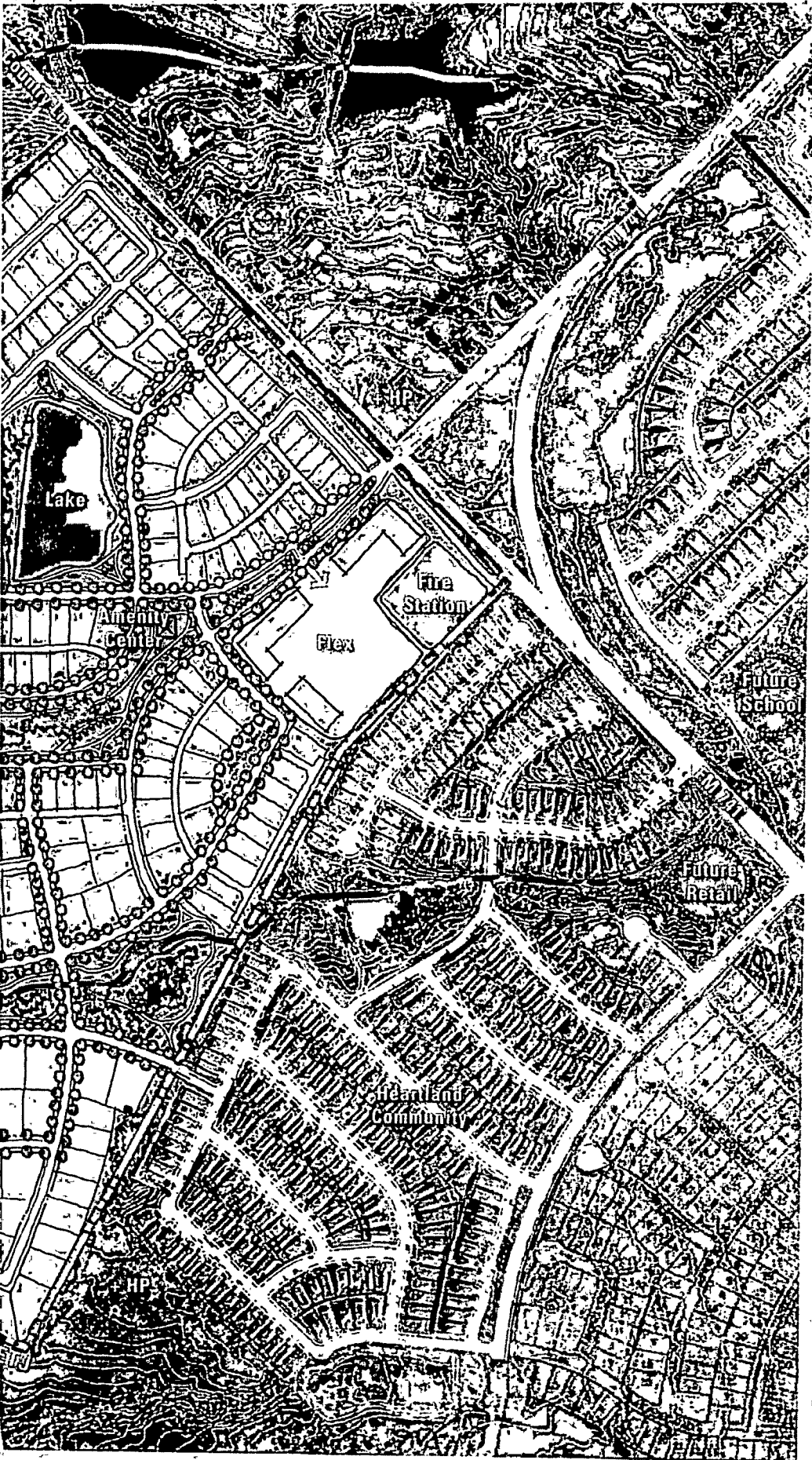
Enclosure

cc: w/enclosures
Talty WSC via Certified Mail Return Receipt Requested
Barney Van Huss

HIGH COUNTRY ESTATES

Master Plan

Regulating Plan for Z# _____



Development Team

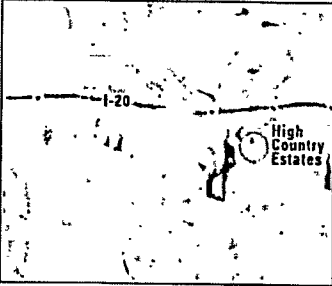
Owner
 Ellis County
 2825 Wilcrest Dr Suite 300
 Houston, TX 77047
 Contact: Barney Huss
 Phone: 713-334-7166

Applicant
 Ellis County
 2825 Wilcrest Dr Suite 300
 Houston, TX 77047
 Contact: Barney Huss
 Phone: 713-334-7166

Planner / Landscape Architect
 TBG Partners
 2001 Bryan Street, Ste. 1450
 Dallas, TX 75201
 Contact: Mark Meyer, Sherri Collison
 Phone: 214-734-0757

Engineer / Surveyor
 Statewide Surveying Service
 208 N. Washington St
 Kaufman, TX 75142
 Contact: Greg Sperven
 Phone: 972-862-6481

Location



October 10, 2016

The information on this plan is based on the best available information and is not intended to constitute a warranty of any kind.



**FIELD NOTES FOR MICHAEL A. MC FERRIN
MARTHA MUSICK SURVEY, ABSTRACT NO. 312
KAUFMAN COUNTY, TEXAS**

All that certain lot, tract or parcel of land, part of the Martha Musick Survey, Abstract No. 312, Kaufman County, Texas, part of that certain called 196.663 acre tract conveyed to Michael A. McFerrin by Mary Elizabeth Hofker, a.k.a. Betty Coleman McFerrin on February 2, 2004, recorded in Vol. 2361 page 445 of the Deed Records of Kaufman County, Texas and being more completely described as follows, to-wit:

BEGINNING at a point in the Northeast line of the above mentioned 196.663 acre tract, being S 43 deg. 46 min. 34 sec. E-100.06 ft. from the North corner of same, at the East corner of the Hubert C. White, Jr. and Mary/Nancy White 1.882 acre Tract One, recorded in Vol. 2393 page 77 of the Deed Records of Kaufman County, Texas and being in the centerline of High Country Lane, from which a 3/8" Iron rod found in the Southwest line of said High Country Lane bears S 48 deg. 14 min. 19 sec. W-22.40 ft.

THENCE S 43 deg. 46 min. 34 sec. E, with the centerline of High Country Lane, a distance of 1418.68 ft. to a point at the intersection of same with the Southwest Right of Way line of Old Farm to Market Road No. 741, in the Southwest line of a certain 0.367 acre tract described in a Right of Way Deed to the State of Texas, recorded in Vol. 320 page 249 of the Deed Records of Kaufman County, Texas and being in a curve to the left, the radius point of which bears S 81 deg. 34 min. 27 sec. E-39.70 ft.

THENCE, in a Southerly direction with said Right of Way line and with said curve to the left, the angle of which is 51 deg. 56 min. 42 sec., the radius is 39.70 ft. and the tangent is 43.70 ft., a distance of 81.32 ft. to a 3/8" Iron rod set at the P.T. of said curve to the left.

THENCE S 43 deg. 51 min. 09 sec. E, continuing with the Southwest Right of Way line of Old Farm to Market Road No. 741, now known as High Country Lane, a distance of 469.04 ft. to a 3/8" Iron rod set at the North corner of the Heartland Tract B Phase 1A, as shown by the Amended Plat of same, recorded in cabinet 3 page 74 of the Plat Records of Kaufman County, Texas.

THENCE S 45 deg. 24 min. 12 sec. W, with the Northwest line of said Heartland Tract B Phase 1A, distance of 694.60 ft. to a 3/8" Iron rod found for corner.

THENCE S 29 deg. 15 min. 13 sec. W, continuing with the Northwest line of said Heartland Tract B Phase 1A, passing the West corner of same, continuing a total distance of 712.32 ft. to a 5/8" Iron rod found for corner.

THENCE S 26 deg. 38 min. 35 sec. W, with the Northwest line of the Heartland 600 Development Land, L.P. 208.452 acre Tract 4, recorded in Vol. 2658 page 510 of the Deed Records of Kaufman County, Texas, a distance of 918.27 ft. to a 3/8" Iron rod found at the West corner of same and being at the Easterly North corner of the 8700, Ltd. 56.90 acre tract, recorded in Vol. 2207 page 178 of the Deed Records of Kaufman County, Texas.

THENCE S 26 deg. 07 min. 34 sec. W, with the a line of said 56.90 acre tract, a distance of 482.87 ft. to a 3/8" Iron rod found at an ell corner of same.

THENCE N 70 deg. 07 min. 41 sec. W, with the Westerly North line of said 56.90 acre tract, a distance of 2017.69 ft. to a point at the Northwest corner of same and being at the Northeast corner of the Shannon Story 12.500 acre tract, recorded in Vol. 1068 page 976 of the Deed Records of Kaufman County, Texas and being in the centerline of Mustang Creek.

THENCE N 65 deg. 35 min. 21 sec. W, with the North line of said 12.500 acre tract, a distance of 177.63 ft. to a 3/8" Iron rod found at the Southeast corner of the David R. Littlefield, et ux 10.780 acre tract, recorded in Vol. 1190 page 528 of the Deed Records of Kaufman County, Texas.

THENCE N 9 deg. 56 min. 45 sec. W, with the East line of said 10.780 acre tract, passing the Northeast corner of same, continuing a total distance of 1735.54 ft. to a 1/4" Iron rod found at an

Exhibit "A"

angle corner of the Spradley / Forney Development, Ltd. 613.573 acre Tract 1, recorded in Vol. 1915 page 215 of the Deed Records of Kaufman County, Texas.

THENCE N 44 deg. 15 min. 51 sec. E, with a line of said 613.573 acre tract, passing a corner of same, continuing a total distance of 652.06 ft. to a 3/8" Iron rod found for corner.

THENCE N 77 deg. 19 min. 30 sec. E, a distance of 63.89 ft. to a 3/8" Iron rod found at a corner of the H. C. White 63.8 acre First Tract, recorded in Vol. 342 page 585 of the Deed Records of Kaufman County, Texas.

THENCE N 82 deg. 20 min. 12 sec. E, with a line of said 63.8 acre tract, a distance of 34.72 ft. to a 3/8" Iron rod found at an ell corner of same.

THENCE S 5 deg. 54 min. 48 sec. E, with the Southerly West line of said 63.8 acre tract, a distance of 513.89 ft. to a 3/8" Iron rod found at the Southwest corner of same.

THENCE N 73 deg. 27 min. 00 sec. E, with the Westerly South line of said 63.8 acre tract, a distance of 430.87 ft. to a 3/8" Iron rod found at the Southwest corner of the Hubert C. White, Jr. And Mary Nancy White 10.009 acre tract, recorded in Vol. 2681 page 69 of the Deed Records of Kaufman County, Texas.

THENCE N 79 deg. 35 min. 57 sec. E, with the South line of said 10.009 acre tract, a distance of 49.45 ft. to a 3/8" Iron rod found for corner.

THENCE S 76 deg. 51 min. 01 sec. E, continuing with the South line of said 10.009 acre tract, a distance of 478.70 ft. to a 3/8" Iron rod found for corner.

THENCE S 72 deg. 29 min. 49 sec. E, continuing with the South line of said 10.009 acre tract, a distance of 147.55 ft. to a 3/8" Iron rod found at the Southeast corner of same.

THENCE N 52 deg. 31 min. 33 sec. E, with the Southeast line of said 10.009 acre tract, a distance of 90.58 ft. to a 3/8" Iron rod found for corner.




THENCE N 51 deg. 32 min. 28 sec. E, continuing with the Southeast line of said 10.009 acre tract, a distance of 480.00 ft. to a 3/8" Iron rod found at the East corner of same.

THENCE N 24 deg. 24 min. 22 sec. W, with the Northeast line of said 10.009 acre tract, a distance of 340.40 ft. to a 3/8" Iron rod found at the North corner of same, at the East corner of the Hubert C. White, Jr. And Mary Nancy White 4.960 acre Tract Two, recorded in Vol. 2393 page 77 of the Deed Records of Kaufman County, Texas and being at the South corner of the above mentioned 1.882 acre tract.

THENCE N 48 deg. 14 min. 19 sec. E, with the Southeast line of said 1.882 acre tract, a distance of 801.41 ft. to the point of beginning, containing 179.407 acres of land, of which 0.580 of an acre is within the above mentioned Tith County 1 and

INST # 2011-0004453
Filed for record in Kaufman County
On: 3/21/11 at 2:57 PM

Legend

-  AREA OF REMOVAL (14.14 AC.)
-  II C.B., LP Property
-  PARCELS

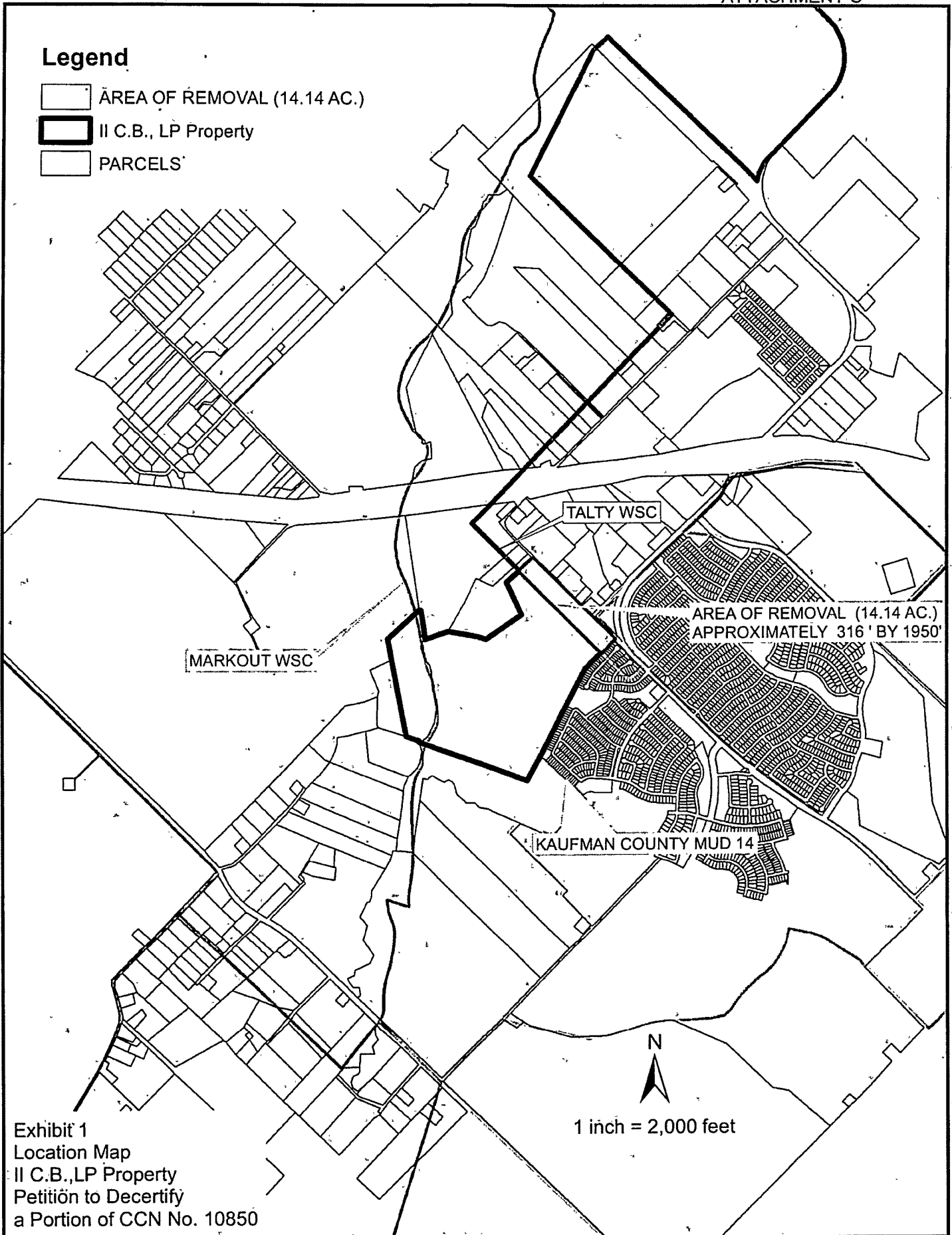





Exhibit 1
Location Map
II C.B., LP Property
Petition to Decertify
a Portion of CCN No. 10850

Legend

-  AREA OF REMOVAL (14.14 AC.)
-  II C.B., LP Property
-  PARCELS

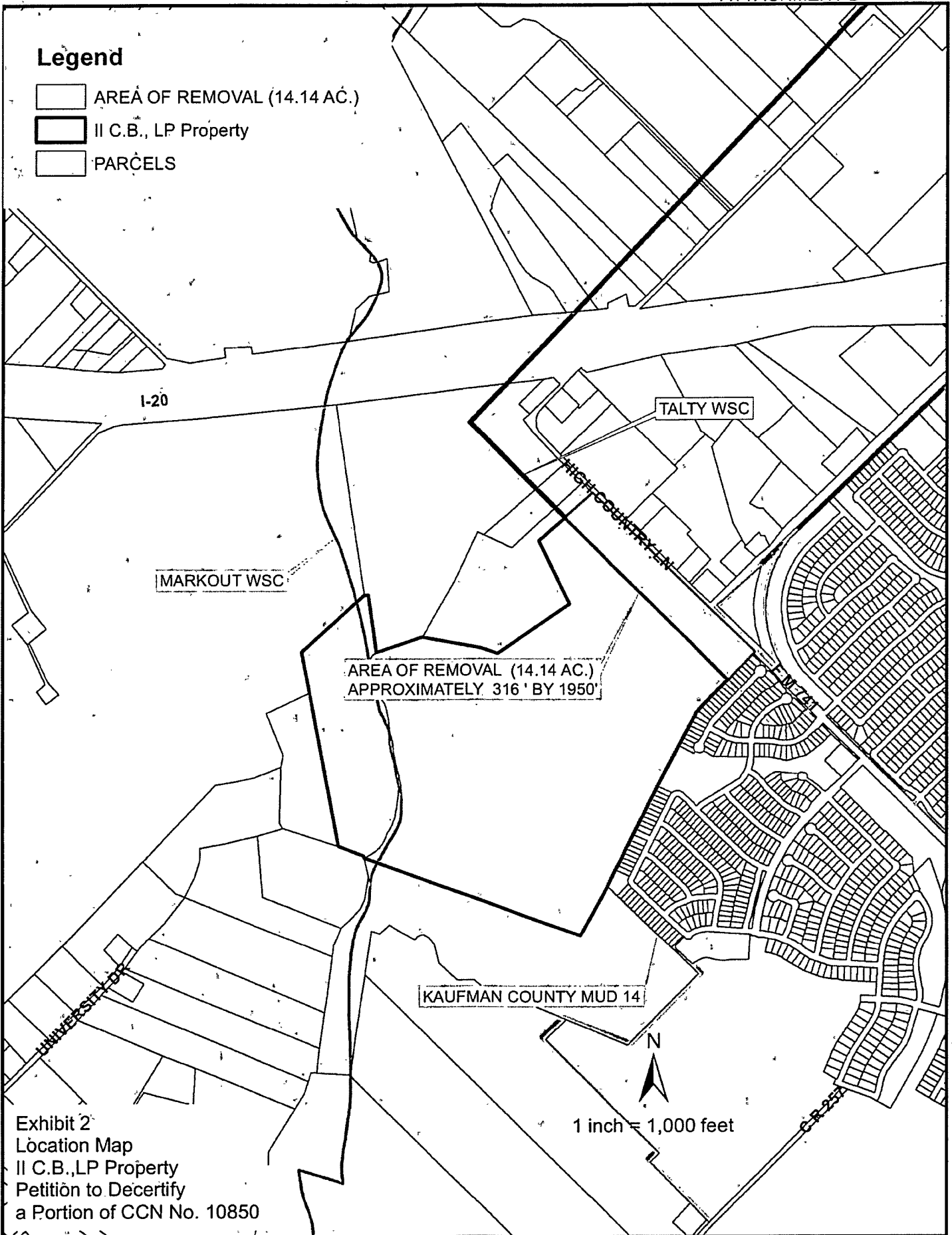


Exhibit 2
Location Map
II C.B., LP Property
Petition to Decertify
a Portion of CCN No. 10850

**AFFIDAVIT OF BARNEY VAN HUSS
IN SUPPORT OF PETITION TO DECERTIFY
A PORTION OF WATER CCN NO. 10850**

**STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

BEFORE ME, the undersigned notary, personally appeared Barney Van Huss, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

“My name is Barney Van Huss. I am over the age of 18 years, of sound mind and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

I am Property Director for Ellis Management Company, which handles all of the management and development functions for II C.B., L.P., and am authorized to provide this affidavit on behalf of II C.B., L.P., the Landowner.

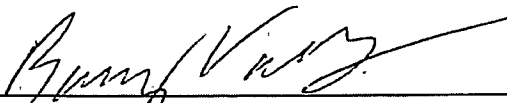
II C.B., L.P., is the owner of approximately 179.407 acres in Kaufman County, Texas. Approximately 14.14 acres of this property (the “Subject Tract”) is a strip of land approximately 316 feet deep and 1,950 feet long, along High Country Road in Forney, Kaufman County, Texas. The Subject Tract is currently within the water Certificate of Convenience and Necessity of Talty Water Supply Corporation (“Talty WSC”).

None of the Subject Tract receives any water service from Talty WSC. In addition, none of the Landowner’s larger tract (the remainder of the 179.407 acres) receives any water service from Talty WSC.

On November 16, 2015, at my request made on behalf of the Landowner, the Board of Directors of Talty WSC voted unanimously to approve the request to release the Subject Tract from its water CCN.

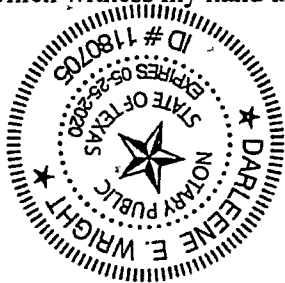
On behalf of the Landowner, I request that the Public Utility Commission of Texas release the Subject Tract from the water CCN No. 10850."

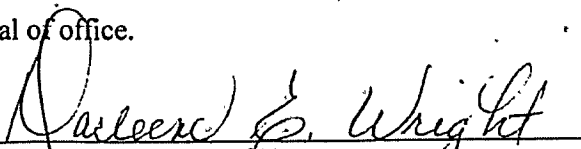
SIGNED on this 17 day of April, 2017.



BARNEY VAN HUSS

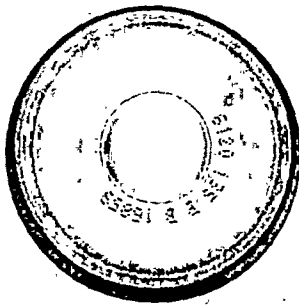
SUBSCRIBED AND SWORN TO BEFORE ME this 17 day of April, 2017, to certify which witness my hand and seal of office.





Notary Public, State of Texas

PUC Docket No. _____



May 1, 2017

**Petition for Release filed by II C.B., LP
Attachment F, Digital Mapping Data**

**TALTY WATER SUPPLY CORPORATION
REGULAR BOARD MEETING
MONDAY, NOVEMBER 16, 2015
7:00pm
12475 WINDY LANE
FORNEY, TEXAS**

1. President, John Mastervich, called the meeting to order at 7:00 p.m. Board members Bill Hart, Dan Turner, Scot Boisvert and Sidney Schleichach were also present. General Manager, Corey Trail; Field Supervisor, Shane Carney; Office Manager, Lisa Morris; as well as Greg Shumpert, Attorney were present.
2. Bill Hart made a motion to approve the Minutes of the October 19, 2015 Regular Board Meeting as written and presented. Second: Dan Turner Vote: Unanimous.
3. Guests:
 - a. None
4. Engineer Report:
 - a. Scot Boisvert made a motion to approve payment of Pay Requests #3 & #4 to Landmark Structures. Second: Dan Turner Vote: Unanimous
 - b. Bill Hart made a motion to approve payment of Pay Requests #1 & #2 to Four Star Excavating. Second: Dan Turner Vote: Unanimous
 - c. Scot Boisvert made a motion to approve payment to Velvin & Weeks on the following invoices: 6255; 6256; 6260; 6261; 6267; 6268; and 6262. Second: Dan Turner Vote: Unanimous
5. Attorney Report:
 - a. Greg stated that Corey called him regarding a customer who was wanting us to pay them for an easement for work being done on FM 741. We have a Prescriptive Easement on this property so we are not obligated to pay for the easement.
6. Old Business
 - a. Corey advised that we have received our notice from the state that the process to convert to a SUD has been approved. We are ok to put the vote on the ballot for May, 2016. We will put together our District list.
7. New Business
 - a. Dan Turner made a motion to decertify the area along High Country Lane that Barney Van Huss has requested to have decertified. Second: Sidney Schleichach Vote: Unanimous
 - b. Scot Boisvert made a motion to approve the Hardship Adjustment which Corey drew up; however, the wording "in writing to the Board of Directors" should be changed to "in writing to the water office". Second: Dan Turner Vote: 4 voted in favor; 1 voted against.
 - c. John Mastervich called an Executive Session at 7:53 to discuss Christmas Bonuses for the employees. The meeting reconvened at 8:04 p.m. Dan Turner made a motion to issue Christmas Bonuses per the chart. Second: Scot Boisvert Vote: Unanimous
 - d. Dan Turner made a motion to cancel the December, 2015 Board Meeting. Second: Scot Boisvert Vote: Unanimous
8. Director's Report
 - a. Scot Boisvert made a motion to approve the October, 2015 financials as presented. Second: Sidney Schleichach Vote: Unanimous

2

9. Monthly Operations Report

a. Corey Trail presented the overall Monthly Operations Report.

- TxDot is doing road work on FM 741 and Talty WSC will lower their line in two (2) places to avoid culvert conflicts.
- Water loss is up because of all the construction.
- Backflow testing is in progress and Marlene is inputting them.
- We are changing out the meters which were not able to data log. These meters are under warranty.

10. John Mastervich adjourned the meeting at 8:08 p.m.



President John Mastervich

Approved as 1/18/16
January 18, 2016