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THE LAW OFFICE OF
JAMES W. WILSON

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December 15, 2021

via First Class US Mail

TCEQ, MC 105
Attn: Bridget C. Bohac, Chief Clerk
P.O. Box 13087
Austin, Texas 78711-3087

via PUC Interchange

PUC Filing Clerk
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

Re: Ables Springs Special Utility District, CCN No. 10819;
TCEQ Internal Control No. D-03062015-016

To whom it may concern:

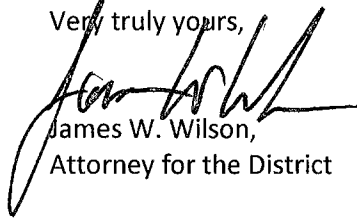
On behalf of Ables Springs Special Utility District (the "District") and pursuant to Conclusions of Law, Item 11, of the Texas Commission on Environmental Quality Order filed on August 17, 2015, enclosed as Exhibit A for your convenience, we provide the following information to have the Public Utility Commission of Texas issue the Certificate of Convenience and Necessity No. 10819 in the name of **Ables Springs Special Utility District** and not Ables Springs Special Utility District of Hunt, Kaufman and Van Zandt Counties, as referred to the TCEQ's Order:

1. The Corporation's CCN is attached as Exhibit B, indicating the proper name of the entity;
2. The District held a successful confirmation election on November 12, 2015 and the Order Canvassing the Election is attached as Exhibit C;
3. The assets and debts of Ables Springs Water Supply Corporation (WSC) has been transferred to the District; and
4. Ables Springs Water Supply Corporation, filing entity number 20182501, changed its name to Ables Springs Special Utility District with the Secretary of State's Office on February 4, 2021. See the Certificate of Amendment attached as Exhibit D. The filing entity has now been dissolved, as evidenced by the Certificate of Filing and the Certificate of Termination filed in the Office of the Texas Secretary of State, both enclosed as Exhibit E.

We are requesting this project be expedited because the District is going through the USDA loan application process which is scheduled to close in June 2022.

If you have any questions or need additional information, please do not hesitate to contact us.

Very truly yours,



James W. Wilson,
Attorney for the District

jw/AK
Enclosures

cc: Paula Weber
Ables Springs SUD
pweber@ablespringssud.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AN ORDER GRANTING A REQUEST FOR CONVERSION TO AND CREATION OF
ABLES SPRINGS SPECIAL UTILITY DISTRICT OF HUNT, KAUFMAN AND VAN
ZANDT COUNTIES AND
APPOINTING TEMPORARY DIRECTORS

A resolution by Ables Springs Water Supply Corporation (WSC) was presented to the Executive Director of the Texas Commission on Environmental Quality (TCEQ) for consideration of approval of the creation of Ables Springs Special Utility District of Hunt, Kaufman and Van Zandt Counties (District), and the appointment of directors for the District, pursuant to TEX. WATER CODE Chapters 13, 49, and 65; TEX ADMIN.CODE Chapter 293; and the procedural rules of the TCEQ.

The TCEQ has jurisdiction to consider this matter and the following Findings of Fact and Conclusions of Law are appropriate after examining the application and supporting documentation:

FINDINGS OF FACTS

1. On March 6, 2015, an application (including a resolution) requesting the conversion of Ables Springs WSC to the proposed District was filed with the TCEQ pursuant to TEX. WATER CODE CHAPTER 65.
2. The resolution adopted by Ables Springs WSC dated May 21, 2014, requesting conversion to and creation of the proposed District contains the matter required by TEX. WATER CODE § 65.015
3. Proper notice of the application was given pursuant to TEX. WATER CODE § 49.011 and 30 TEX. ADMIN. CODE § 293.12.
 - a. Proper notice of the application was published on May 17, 2015, and May 24, 2015, in the *Greenville Herald Banner*, a newspaper regularly published and generally circulated in Hunt, Kaufman and Van Zandt Counties, Texas, the counties in which the proposed District is to be located.
 - b. Proper notice was posted at the Kaufman County Courthouse bulletin board, Hunt County Courthouse bulletin board, and Van Zandt County Courthouse bulletin board on May 21, 2015.

- c. In accordance with 30 TEX. ADMIN. CODE § 293.12(e), the Executive Director of the TCEQ waived the mailed notice requirement to customers because Ables Springs WSC noticed and held public meetings on the subject of the conversion.
 - d. The TCEQ did not receive a request for a hearing on the resolution filed by Ables Springs WSC.
- 4. The appropriate and necessary deposits and fees associated with the filing of the resolution has been paid to the TCEQ.
 - 5. The affidavits of the proposed temporary directors of the proposed District have been received. The application requesting conversion also requested that the following persons be considered for the initial board of directors:

Peter Esposito Terry Kretler Lester Smith

Tricia Smith Edward Mann
 - 6. Each of the persons named in Finding of Fact No. 5 is qualified to serve as a temporary director of the proposed District as each (1) is over the age of 18 years, (2) is a resident of the State of Texas, (3) either owns land subject to taxation within the proposed District, is a user of the facilities of the proposed District, or is a qualified voter of the proposed District, and (4) has completed and filed with the TCEQ an application for consideration of appointment as temporary director in the form and substance required by the Rules of the TCEQ.
 - 7. The proposed District boundary contains approximately 54 square miles of predominantly rural areas located in Hunt, Kaufman and Van Zandt Counties.
 - 8. The boundary description of the proposed District as reflected by CCN No. 10819, excluding dually certified areas, has been examined by TCEQ staff and found to form an acceptable boundary for the proposed District.
 - 9. The boundaries of the proposed District should reflect the 3- page boundary description received within the application as shown in Exhibit "A," a copy of which is attached hereto.
 - 10. The request for conversion to and creation of the District is feasible and practicable and is necessary and will be a benefit to the land included in the District.
 - 11. The proposed District and its system and subsequent development within the proposed District will not have an unreasonable effect on the following: topography, flood plain, land elevation, subsidence, and groundwater level

within the region, recharge capability of a groundwater source, natural runoff rates and drainage, and water quality.

CONCLUSIONS OF LAW

1. The TCEQ has jurisdiction to consider the application and is authorized to make and enter its Findings of Fact, Conclusions of Law, and Orders with respect to the request for conversion of Ables Springs WSC and creation of the proposed District.
2. All of the land and property proposed may properly be included within the proposed District.
3. All statutory and regulatory requirements for conversion of Ables Springs WSC to the proposed District have been fulfilled in accordance with TEX. WATER CODE Chapters 49 and 65 and TEX. ADMIN. CODE § 293.11

NOW THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

1. The resolution for the conversion of the Ables Springs Water Supply Corporation to the Ables Springs Special Utility District of Hunt, Kaufman and Van Zandt Counties is hereby granted.
2. The District is created under the terms and conditions of Article XVI, Section 59 of the TEXAS CONSTITUTION and TEX. WATER CODE Chapter 65.
3. The District shall have all of the rights, powers, privileges, authority, and functions conferred and shall be subject to all duties imposed by the TCEQ and the general laws of the State of Texas relating to special utility districts.
4. The District is directed that if fees to be assessed meet the definition of an impact fee as stated in 30 TEX. ADMIN. CODE § 293.71, then requirement spelled out in 30 TEX. ADMIN. CODE §§ 293.171 - 293.176 need to be satisfied prior to assessing the fee.
5. The boundaries of the District are in accordance with the 3- page boundary description received with the application as shown in Exhibit "A".
6. A Memorandum was prepared on the application for the conversion of Ables Springs Water Supply Corporation to Ables Springs Special Utility District of Hunt, Kaufman and Van Zandt Counties, dated August 10, 2015, and a copy is attached as Exhibit "B" and made a part hereof.
7. The following persons are hereby named and appointed as temporary directors of the District, to serve until their successors are elected or have been appointed in accordance with applicable law:

Peter Esposito

Terry Kretler

Lester Smith

Tricia Smith

Edward Mann

8. The foregoing temporary directors shall, as soon as practicable after the date of entry of this Order, execute their official bonds and take their official oaths of office. All such bonds shall be approved by the Board of Directors of the District and each bond and oath shall be filed with the District and retained in its records.

9. Before the District may issue bonds or other obligations, a confirmation and director election shall be held within the boundaries of the proposed District to determine if the proposed District shall be established and to elect permanent directors of the proposed District. The District's Board of Directors is directed to send to the TCEQ and the Public Utility Commission (PUC) a certified copy of the order canvassing the confirmation election returns not later than 30 days after the election.

10. Upon a successful confirmation election, assets and debts of Ables Springs WSC are to be transferred to the District as expeditiously as practicable and dissolution proceedings of Ables Springs WSC are to be commenced immediately after such transfer.

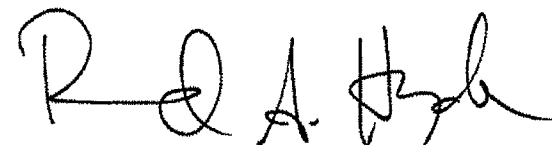
11. Certificate of Convenience and Necessity No. 10819 will be issued by the PUC in the name of Ables Springs Special Utility District of Hunt, Kaufman and Van Zandt Counties, contingent upon a successful confirmation election and receipt of evidence by the TCEQ and PUC that the WSC has been dissolved in order to ensure continued service for all customers currently served by the WSC.

12. This Order shall in no event be construed as an approval of any proposed agreements or of any particular items in any documents provided in support of the resolution, nor as a commitment or requirement of the TCEQ in the future to approve or disapprove any particular items or agreements in future applications submitted by the District for TCEQ consideration.

13. The Chief Clerk of the TCEQ shall forward a copy of this Order to all affected persons.

14. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date: **August 17, 2015**



For the Commission

EXHIBIT A

ABLES SPRINGS WATER SUPPLY CORPORATION

PROPOSED SUD BOUNDARY METES & BOUNDS DESCRIPTION

BEGINNING at the intersection of Farm to Market Road 751 and Farm to Market Road 429;
THENCE southeasterly along the centerline of FM 751 approximately 1,407 feet to a point on the shoreline of Lake Tawakoni for a corner;
THENCE southwesterly along the shoreline of Lake Tawakoni with its meandering approximately 9,150 feet to a point on an unnamed creek for a corner;
THENCE southerly along the centerline of an unnamed creek approximately 319 feet to a point on the Van Zandt County line for a corner;
THENCE westerly along the Van Zandt County line approximately 3,790 feet to a point for a corner;
THENCE southerly along the Van Zandt County line approximately 8,926 feet to a point for a corner;
THENCE south 57 degrees 0 minutes 17 seconds west along a line approximately 2,199 feet to a point for a corner and the beginning of a clockwise curve;
Thence, along said curve a distance of approximately 1,927 feet to a point, which chord bears south 72 degrees 28 minutes 16 seconds west approximately 1,894 feet to a point for a corner;
THENCE south 57 degrees 27 minutes 15 seconds west along a line approximately 7,351 feet to a point on an unnamed creek for a corner;
THENCE southwesterly along the centerline of an unnamed creek approximately 321 feet to a point for a corner;
THENCE south 39 degrees 16 minutes 57 seconds east along a line approximately 2,829 feet to a point for a corner;
THENCE south 15 degrees 2 minutes 47 seconds west along a line approximately 2,303 feet to a point for a corner;
THENCE south 43 degrees 12 minutes 29 seconds east along a line approximately 930 feet to a point for a corner;
THENCE south 37 degrees 50 minutes 41 seconds west along a line approximately 5278 feet to a point for a corner;
THENCE south 7 degrees 50 minutes 10 seconds west along a line approximately 800 feet to a point for a corner;
THENCE south 52 degrees 34 minutes 4 seconds east along a line approximately 2,862 feet to a point for a corner;
THENCE north 43 degrees 39 minutes 36 seconds east along a line approximately 3,184 feet to a point for a corner;
THENCE south 46 degrees 10 minutes 24 seconds east along a line approximately 5,333 feet to a point for a corner;
THENCE south 3 degrees 37 minutes 37 seconds west along a line approximately 1,678 feet to a point for a corner;
THENCE south 48 degrees 13 minutes 22 seconds west along a line approximately 5,754 feet to a point for a corner;
THENCE north 47 degrees 45 minutes 21 seconds west along a line approximately 7,741 feet to a point for a corner;
THENCE south 37 degrees 34 minutes 53 seconds west along a line approximately 3,285 feet to a point for a corner;
THENCE south 24 degrees 1 minute west along a line approximately 878 feet to a point for a corner;

THENCE south 36 degrees 44 minutes 53 seconds west along a line approximately 4,737 feet to a point for a corner;

THENCE north 47 degrees 11 minutes 48 seconds west along a line approximately 9,155 feet to a point for a corner;

THENCE south 45 degrees 38 minutes 7 seconds west along a line approximately 4,040 feet to a point for a corner;

THENCE south 39 degrees 56 minutes 6 seconds west along a line approximately 465 feet to a point on the shoreline of New Terrell City Lake for a corner;

THENCE southwesterly along the shoreline of New Terrell City Lake with its meandering approximately 1,089 feet to a point for a corner;

THENCE north 45 degrees 14 minutes 53 seconds west along a line approximately 1,365 feet to a point on the shoreline of New Terrell City Lake for a corner;

THENCE southwesterly along the shoreline of New Terrell City Lake with its meandering approximately 4,315 feet to a point for a corner;

THENCE south 55 degrees 24 minutes 4 seconds west along a line approximately 2,024 feet to a point for a corner;

THENCE north 49 degrees 12 minutes 32 seconds west along a line approximately 11,043 feet to a point for a corner;

THENCE south 43 degrees 51 minutes 54 seconds west along a line approximately 12,471 feet to a point for a corner;

THENCE north 45 degrees 11 minutes 17 seconds west along a line approximately 2,626 feet to a point for a corner;

THENCE north 43 degrees 0 minutes 53 seconds east along a line approximately 4,212 feet to a point for a corner;

THENCE north 45 degrees 21 minutes 49 seconds west along a line approximately 6,994 feet to a point for a corner;

THENCE north 42 degrees 15 minutes 17 seconds east along a line approximately 6,672 feet to a point for a corner;

THENCE north 45 degrees 42 minutes 39 seconds west along a line approximately 5,291 feet to a point for a corner;

THENCE north 44 degrees 14 minutes 9 seconds east along a line approximately 20,647 feet to a point for a corner;

THENCE north 32 degrees 57 minutes 53 seconds east along a line approximately 4,126 feet to a point for a corner;

THENCE north 89 degrees 43 minutes 54 seconds east along a line approximately 789 feet to a point for a corner;

THENCE north 42 degrees 47 minutes 28 seconds east along a line approximately 9,056 feet to a point for a corner;

THENCE south 42 degrees 36 minutes 32 seconds east along a line approximately 835 feet to a point for a corner;

THENCE north 88 degrees 8 minutes 31 seconds east along a line approximately 9,262 feet to a point for a corner;

THENCE south 36 degrees 47 minutes 46 seconds west along a line approximately 1,794 feet to a point for a corner;

THENCE south 49 degrees 45 minutes 21 seconds west along a line approximately 167 feet to a point for a corner;

THENCE southerly along a line located 300 feet west, adjacent and parallel to County Road 3701 approximately 3,093 feet to a point for a corner;

THENCE south 59 degrees 35 minutes 37 seconds east along a line approximately 2,274 feet to a point for a corner;

THENCE south 88 degrees 12 minutes 50 seconds east along a line approximately 1,052 feet to a point for a corner;

THENCE north 1 degree 56 minutes 1 second east along a line approximately 2,775 feet to a point for a corner;

THENCE north 44 degrees 4 minutes 58 seconds east along a line approximately 1,557 feet to a point on the shoreline of Lake Tawakoni for a corner;

THENCE easterly along the shoreline of Lake Tawakoni with its meandering approximately 10,061 feet to a point for a corner and the beginning of a counterclockwise curve;

Thence, along said curve a distance of approximately 4,135 feet to a point, which chord bears south 19 degrees 29 minutes 14 seconds east approximately 4,103 feet to a point on County Road 335 for a corner;

THENCE easterly along the centerline of County Road 335 approximately 4,917 feet to a point at its intersection with FM 429 for a corner;

THENCE northeasterly along the centerline of FM 429 approximately 3,895 feet to a point for a corner;

THENCE north 51 degrees 51 minutes 4 seconds west along a line approximately 702 feet to a point for a corner;

THENCE north 1 degree 32 minutes 19 seconds west along a line approximately 649 feet to a point on the shoreline of Lake Tawakoni for a corner;

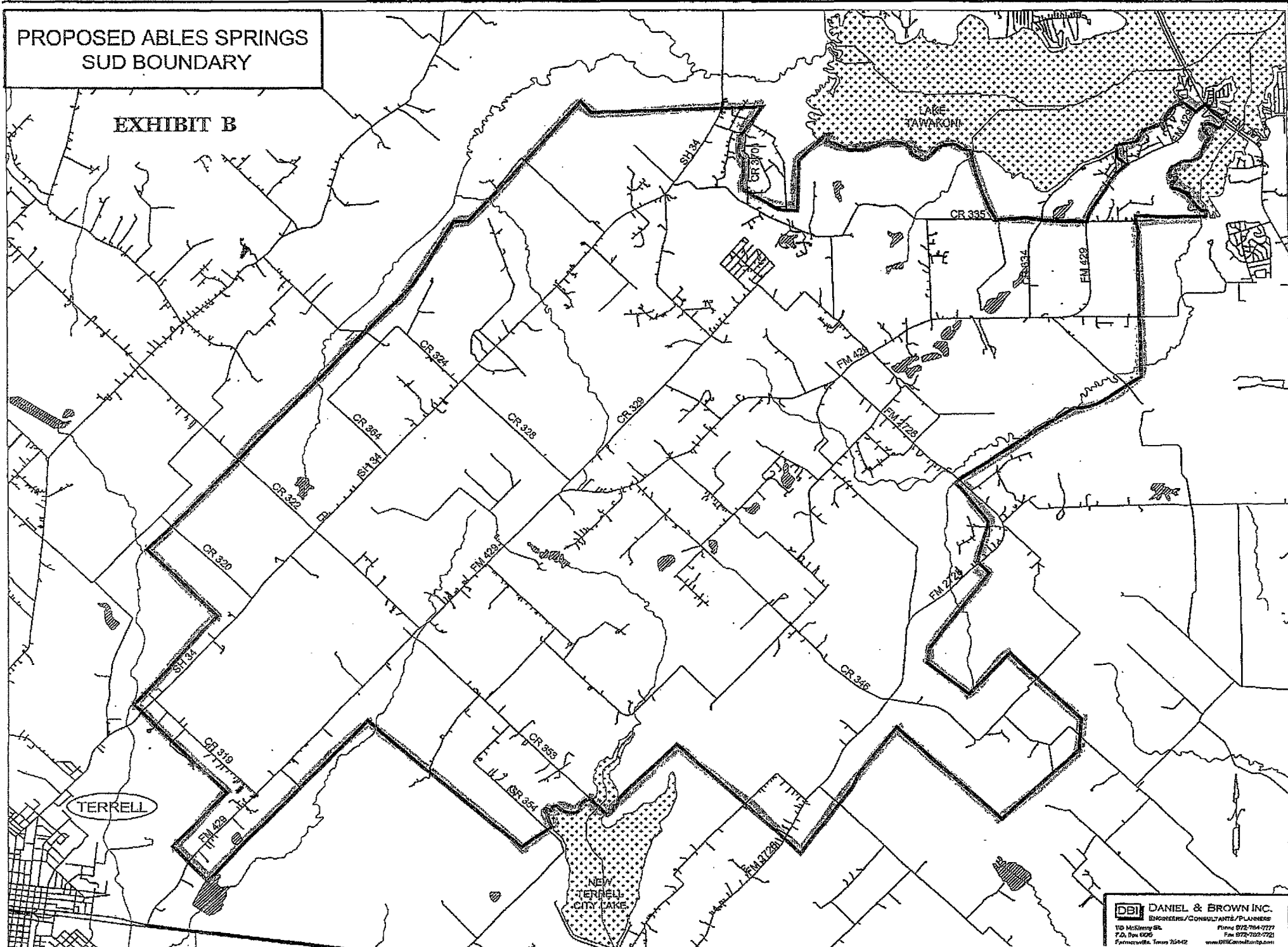
THENCE northeasterly along the shoreline of Lake Tawakoni with its meandering approximately 5,010 feet to a point for a corner;

THENCE south 54 degrees 43 minutes 19 seconds east along a line approximately 948 feet to a point on FM 429 for a corner;

THENCE northeasterly along the centerline of FM 429 approximately 652 feet back to the point of beginning.

PROPOSED ABLES SPRINGS
SUD BOUNDARY

EXHIBIT B



Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

162
To: 8/10/15 Justin P. Taack, Manager
Districts Section

Date: August 10, 2015

Thru: 8/10/15 Seyed Miri, P. E., Leader
Districts Creation Review Team

From: Jeeva Anandham
Districts Creation Review Team

Subject: Resolution for Conversion of Ables Springs Water Supply Corporation to Ables Springs Special Utility District of Hunt, Kaufman, and Van Zandt Counties; Pursuant to Texas Water Code, §§ 65.014 and 65.021, and 30 Texas Administrative Code § 293.11.
TCEQ Internal Control No. D-03062015-016 (TC)
CN: 600690408 RN: 101272672

A. GENERAL INFORMATION

The Texas Commission on Environmental Quality (TCEQ) received a resolution from Ables Springs Water Supply Corporation (WSC) requesting approval for conversion to Ables Springs Special Utility District (SUD) of Hunt, Kaufman, and Van Zandt Counties (District).

Ables Springs WSC is a non-profit member owned and controlled water supply Corporation as defined by Texas Water Code (TWC) § 65.001(10) (B). Ables Springs WSC is authorized to provide water service to approximately 2,080 active meters/households under Certificate of Convenience and Necessity (CCN) No. 10819.

A 3- page boundary description and map of the proposed District were provided with the preliminary engineering report. The proposed District would contain an area of approximately 54 square miles (34,742 acres) located in northwest Kaufman, south Hunt, and west Van Zandt counties. There are no incorporated cities within the boundaries of the proposed District. A map of the proposed District area was provided and reviewed, and appears to generally reflect the CCN No. 10819 boundary. The proposed District does not propose to change the CCN boundary with this application.

Pursuant to 30 Texas Administrative Code (30 TAC) § 293.11(h)(9), the proposed District has provided an acceptable order dated October 1, 2014, canvassing the vote of Ables Springs WSC's membership, which indicates an affirmative vote to authorize conversion to a SUD (92 in favor, and 11 against).

According to the application materials received, the proposed District's initial Board of Directors will consist of the following persons:

Peter Esposito Tricia Smith Terry Kretler Lester Smith Buddy Mann

According to the resolution, each of the above listed persons meets the director qualifications established under TWC § 65.102. An executed affidavit for each of the proposed directors is on file.

The resolution further states that the assets and debts of Ables Springs WSC and the related CCN will be transferred to the proposed District and that Ables Springs WSC will be dissolved immediately upon said transfer.

B. SPECIAL CONSIDERATIONS

1. History and Boundary

Ables Springs Water Supply Corporation was formed in 1979 to provide water supply to the members of the corporation. The Public Utility Commission (PUC) issued the CCN No. 10819 on November 1, 1979. Upon creation of the proposed District, the CCN boundary originally held by Ables Springs WSC will remain unchanged.

2. Proper Notice

In compliance with 30 TAC § 293.12 (d), Ables Springs WSC provided evidence of notice of its conversion resolution to its customers and other affected parties.

3. Request for Hearing

The TCEQ did not receive a request for a hearing on the resolution filed by Ables Springs WSC.

4. Potential Growth

The engineering report indicates that there are approximately 6,032 persons and approximately 2,080 meters or households within Ables Springs WSC service area (an estimated population of 2.90 persons per household was derived using 2,000 census data), and the population of the area is modestly increasing. The conversion is considered feasible without any growth occurring. Because no market study was provided, staff has no comment on projections.

C. GENERAL EFFECTS OF CONVERSION

Some general effects of conversion from a Water Supply Corporation (WSC) to a Special Utility District (SUD) include the following:

1. A SUD is a political subdivision and can issue tax exempt revenue bonds on the open market or for purchase by the Texas Water Development Board.
2. A SUD is exempt from ad valorem taxes (usually county and school district) on its personal property, utility lines, and plant facilities.
3. A SUD is exempt from sales taxes on supplies and services.
4. A SUD is subject to the Open Meetings and Open Records Act.
5. A SUD must have an annual audit conducted and file the audit with the TCEQ.
6. A SUD must follow statutory bid advertisement and contract provisions for districts.
7. A SUD is subject to the continuing right of supervision by the TCEQ.

D. CONCLUSIONS

1. Based on TCEQ policy and its compliance with TCEQ rules, the proposed District is considered feasible, and would be necessary as a means to finance utilities and to provide utility service to current and future customers. Further, the proposed District's purposes are considered practicable and would be a benefit to the land within the proposed District.
2. Based on a review of the preliminary engineering report, financial report, and other supporting documents, the proposed District is considered feasible under the feasibility limits prescribed by 30 TAC § 293.59.
3. The recommendations are made under authority delegated by the Executive Director of the TCEQ.

E. RECOMMENDATIONS

1. Grant Ables Springs Water Supply Corporation's application for conversion with the name of the District being Ables Springs Special Utility District of Hunt, Kaufman, and Van Zandt Counties, with the boundary of the District in accordance with the three-page boundary description (and attached map) received with the application.

2. The order granting the resolution should include the following statements:

“This order shall in no event be construed as an approval of any proposed agreements or of any particular items in any documents provided in support of the conversion application, nor as a commitment or requirement of the TCEQ in the future to approve or disapprove any particular items or agreements in future applications submitted by the District for TCEQ consideration”.

“Upon a successful confirmation election, the assets and debts of Ables Springs Water Supply Corporation are to be transferred to Ables Springs Special Utility District of Hunt, Kaufman, and Van Zandt Counties as expeditiously as practicable and dissolution proceedings of Ables Springs Water Supply Corporation are to be commenced immediately after such transfer”.

3. Appoint the following to serve as temporary directors of the District:

Peter Esposito Tricia Smith Terry Kretler Lester Smith
Edward Mann

4. Direct the Board of Directors to canvass the confirmation election returns and submit such canvassing to the Districts Section of the TCEQ within thirty (30) days of the board meeting at which such returns are canvassed.
5. Direct the Board of Directors, that upon a vote of the populace confirming the creation of the district, to take action necessary to dissolve the WSC and submit documentation evidencing such to the TCEQ's Districts Section and to the PUC when available.
6. Contingent upon a successful confirmation election and dissolution of the WSC, CCN No. 10819 will be issued by the PUC in the name of Ables Springs Special Utility District of Hunt, Kaufman, and Van Zandt Counties in order to ensure continued service for all customers currently served by Ables Springs Water Supply Corporation.
7. Direct the District that if fees to be assessed meet the definition of an impact fee as stated in 30 TAC § 293.171, then requirements stated in 30 TAC § 293.171 through 30 TAC § 293.176 need to be satisfied prior to assessing the fee.

F. FEASIBILITY

The engineering report dated January 2015, indicates that Ables Springs WSC has 2,080 service connections and the number of connections is expected to increase

moderately. No specific development plan is assumed in examining the feasibility of the proposed District.

According to the engineering report, the service rates in effect at the time of the conversion will be charged to District customers. The rates are detailed as follows:

Water Rates

As provided in the engineering report, the current water rates Ables Springs WSC service charges for standard service are as follows:

Minimum Monthly Charge \$30.00

Usage Rate: \$6.00 per 1,000 gallons for each of the first 3,000 gallons;
\$7.00 for each additional thousand gallons 3,001–5,000 gallons;
\$7.75 for each additional thousand gallons 5,001–7,000 gallons; and
\$8.25 for each additional thousand gallons over 7,001 gallons;

Based on 10,000 gallons usage, the water rate would be \$92.25 per month. Ables Springs WSC's other rates, fees, operation rules and regulations are outlined in its approved tariff.

G. PURPOSE

According to the engineering report, the purpose of converting to a SUD is to become a public entity and a political subdivision of the State of Texas, thereby having a tax exempt status. There will be a financial benefit to the proposed District associated with having a sales tax exemption, and by paying a lower interest rate on tax-exempt debt for any future system improvements. Additionally, the proposed District would be subject to lower insurance rates, and would be in a better position to participate in future regional projects, should they become necessary.

According to the engineering report, the District will continue to provide the same services as Ables Springs WSC, and Ables Springs WSC desires to convert for the added benefits of being a special utility district as outlined in section C of this memorandum.

Availability of Comparable Services

The engineering report indicates that there is no entity other than the proposed District providing, or capable of providing, the capacity to serve the same area with comparable services. Additionally, since Ables Springs WSC is the certificated water supplier for the area, no other entity other than the proposed District

should not affect service as currently provided by Ables Springs WSC.

Water Supply Facilities

The water distributed by Ables Springs WSC is purchased from the North Texas Municipal Water District. The existing Ables Springs WSC water storage and distribution facilities are as follows:

<u>Facility</u>	<u>Number</u>	<u>Capacity</u>
<u>Pump Station #1</u>		
Ground Storage Tank	1	525,000 (Gallon)
Booster Pumps	3	1,100 (gpm)
<u>Highway 34</u>		
Elevated Storage Tank	1	100,000 (Gallon)
<u>Elevated Tank #2</u>		
Elevated Storage Tank	1	500,000 (Gallon)
<u>Purchased Water</u>		
North Texas Municipal Water District		
6" meter vault	1	
8" meter vault	1	

Water is distributed from the above referenced facilities through various water lines as noted on the following table:

<u>Line Diameter</u>	<u>Linear Feet (lf)</u>
3/4"	471 lf
1"	14,689 lf
1-1/2"	27,871 lf
2"	96,482 lf
2-1/2"	16,333 lf
3"	42,983 lf
4"	110,589 lf
6"	130,201 lf
8"	59,222 lf
10"	9,577 lf
12"	21,537 lf
16"	1,781 lf

Wastewater Facilities

Currently there is no wastewater provided. Ables Springs WSC customers apparently utilize private septic systems. In the northern portion of the proposed District, wastewater system is served by a private wastewater treatment plant. On site wastewater treatment plants are inspected and approved through appropriate counties. The proposed District does not plan to provide wastewater service at this time.

Drainage

The Ables Springs WSC does not provide drainage services. The area is rural in nature and creeks handle drainage for the area. The proposed District does not plan to provide drainage service at this time.

H. DESCRIPTION AND IMPACT ON NATURAL RESOURCES

Evaluation of Effects

Creation of the proposed District is expected to have a negligible effect on land elevation, subsidence, groundwater levels, recharge capability of groundwater, run-off rates and drainage, and water quality on land within the proposed District.

Floodplain

According to the engineering report, flooding within the boundaries of the proposed District is limited to areas adjacent to the existing rivers and creeks. The 100- year flood level vary depending on elevation and proximity to the existing rivers and creeks. All of the corporation's facilities are located above the 100-year flood plain. There are no planned facilities which would alter drainage or flooding patterns. No FIMA information was provided with the engineering report.

I. ADDITIONAL INFORMATION

Ables Springs WSC's professional representative:

Engineer: Mr. Eddy Daniel, P.E. – Daniel & Brown, Inc.



EXHIBIT B

Control Number: 44097



Item Number: 1

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

44097

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



EXHIBIT B

CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Water Service Under V.T.C.A., Water Code
and Texas Natural Resource Conservation Commission Substantive Rules

Certificate No. 10819

RECEIVED
2015 JAN -7 AM 11:42
PUBLIC UTILITY COMMISSION
FILING CLERK

I. Certificate Holder:

Name: Ables Springs Water Supply Corporation

Address: 30100 FM 429
Terrell, Texas 75160

II. General Description and Location of Service Area:

The area covered by this certificate is located approximately 2 miles northeast of the intersection of Highway 34 and US Highway 80 in downtown Terrell, Texas on Farm to Market Road 429. The service area is generally bounded on the north by Lake Tawakoni, on the east by Duck Creek and Farm to Market Road 751, on the south by New Terrell City Lake and on the west by Greasy Creek in Hunt, Kaufman and Van Zandt Counties, Texas.

This area includes Kitsee Knoll Estates, whose southern border lies approximately 3200 feet north of the intersection of the Hunt-Kaufman-Van Zandt County line in Hunt County, Texas, and located west of FM 429, between FM 429 and the shore of Lake Tawakoni; as well as that subdivision which is adjacent to and northeast of Kitsee Knoll Estates, but southwest of the Highway 429 Marina, lying between FM 429 and the shores of Lake Tawakoni. Also included is the subdivision known as the Barrow Addition or the Cedars Estates which lies east of Highway 34 in Hunt County between Hunt County Roads 3701 and 3702.

Dual certification exists in portions of the area with Elmo Water Supply Corporation, CCN No. 10813, Tri-County Water Company, CCN No. 10818, Combined Consumers Water Supply Corporation, CCN No. 10855, and McBee Water Supply Corporation, CCN No. 10815.

III. Certificate Maps:

The certificate holder is authorized to provide water service in the area identified on the Commission's official water service area maps, WRS-117, WRS-130 and WRS-234, maintained in the offices of the Texas Natural Resource Conservation Commission, 12015 Park 35 Circle, Austin, Texas with all attendant privileges and obligations.

1

This certificate is issued under Docket No.97-0790-UCR, Application No. 31281-C and subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

Issued Date: **MAY 06 1998**

EXHIBIT B



For the Commission

**ORDER CANVASSING RETURNS AND DECLARING
RESULTS OF CONFIRMATION AND DIRECTORS ELECTION**

WHEREAS, the Ables Springs Special Utility District (the "District") has been duly created by order of the Texas Commission Environmental Quality, and the following five (5) temporary directors of the District appointed by the Commission have met and organized and have qualified to serve as temporary directors of the District by taking the oath required by law, to wit: Lester Smith, Tricia Smith, James Kemp, Edward Mann and Peter Esposito (the "Board of Directors"); and

WHEREAS, the Board of Directors of the District ordered that an election be held for and within the District on November 3, 2015, to determine if the District shall be established and to elect five (5) permanent directors; and

WHEREAS, notice of such election, stating the day and place for holding such election, the proposition to be voted on and the candidates for director, was given to the qualified voters of the District and all other interested persons by posted notice at the District's office and at Hunt and Kaufman Counties, Texas; and

WHEREAS, the presiding judge at such election has made returns of the results of such election to the President of the Board of Directors.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF ABLES SPRINGS SPECIAL UTILITY DISTRICT AFFIRMATIVELY FINDS AND DECLARES THAT:

1. The matters and facts recited in the preamble to this Order are hereby found and determined to be true and correct and are hereby adopted as a part of this Order.
2. The above-described election was duly called, notice thereof was duly given, and such election was duly conducted on November 3, 2015, all in accordance with the Texas Election Code, as amended, Chapter 65, Texas Water Code, as amended, and the Federal Voting Rights Act of 1965, as amended.
3. Only duly qualified resident voters of the District voted at such election.
4. The returns of such election were regularly made to the Board of Directors by the presiding judge at such election as provided by the Texas Election Code, as amended.
5. Such election resulted in the following votes for and against the following proposition:

SHALL THE CREATION OF ABLES SPRINGS SPECIAL UTILITY DISTRICT BE
CONFIRMED?

Votes For: 162

Votes Against: 40

6. The following persons received the number of votes for director set out opposite their names, respectively, and no other person received a vote:

Lester Smith	1 yr term	<u>89</u> Votes
Tricia Smith	1 yr term	<u>81</u> Votes
James Kemp	2 yr term	<u>86</u> Votes
Edward Mann	2 yr term	<u>77</u> Votes
Peter Esposito	3 yr term	<u>131</u> Votes

IT IS, THEREFORE, ORDERED AND DECLARED BY THE BOARD OF DIRECTORS OF ABLES SPRINGS SPECIAL UTILITY DISTRICT THAT:

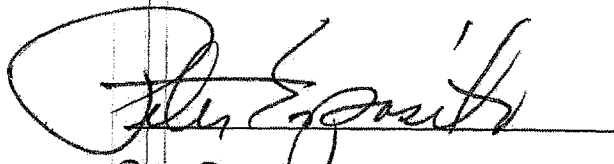
1. The results of the above-described election is confirmation of the establishment of the District pursuant to the Texas Commission on Environmental Quality as a special utility district operating under Article 16, Section 59, of the Texas Constitution and Chapter 65 of the Texas Water Code, together with all amendments and additions thereto. The District is legally created with the boundaries described in Exhibit "A" attached hereto and incorporated herein.
2. The following persons received the highest number of votes for director and have been elected permanent directors of the District to serve for terms shown opposite their names:

Lester Smith	1 yr term	<u>89</u> Votes
Tricia Smith	1 yr term	<u>81</u> Votes
James Kemp	2 yr term	<u>86</u> Votes
Edward Mann	2 yr term	<u>77</u> Votes
Peter Esposito	3 yr term	<u>131</u> Votes

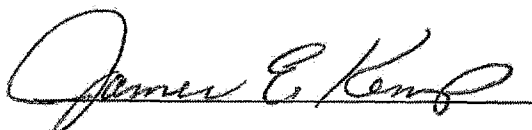
Pursuant to Section 65.103 of the Texas Water Code, the permanent directors shall serve the term identified on the ballot of the Confirmation and Directors Election until their successors have been selected and qualified according to law.

3. Each of said persons shall enter into the duties of his or her office and shall begin to serve his or her term of office upon taking the constitutional oath of office.
4. The President or Vice President and the Secretary of the Board are authorized to evidence adoption of this Order on behalf of the Board and to do any and all things necessary or proper to carry out the intent hereof.

PASSED AND APPROVED on the 12th day of November, 2015.

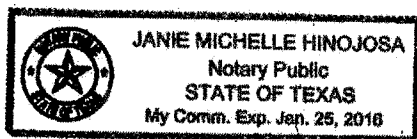

Peter Esposito, President

ATTEST:


James Kemp, Secretary

STATE OF TEXAS
COUNTY OF KAUFMAN

This instrument was acknowledged before me this 12th day of November, 2015 by
Peter Esposito and James Kemp, President and Secretary of the
Board of Directors of Ables Springs Special Utility District, Kaufman County, Texas.



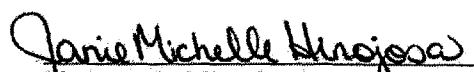

Notary Public, State of Texas

EXHIBIT A
ABLES SPRINGS SPECIAL UTILITY DISTRICT
METES & BOUNDS BOUNDARY DESCRIPTION

BEGINNING at the intersection of Farm to Market Road 751 and Farm to Market Road 429;
THENCE southeasterly along the centerline of FM 751 approximately 1,407 feet to a point on the shoreline of Lake Tawakoni for a corner;
THENCE southwesterly along the shoreline of Lake Tawakoni with its meandering approximately 9,150 feet to a point on an unnamed creek for a corner;
THENCE, southerly along the centerline of an unnamed creek approximately 319 feet to a point on the Van Zandt County line for a corner;
THENCE westerly along the Van Zandt County line approximately 3,790 feet to a point for a corner;
THENCE southerly along the Van Zandt County line approximately 8,926 feet to a point for a corner;
THENCE south 57 degrees 0 minutes 17 seconds west along a line approximately 2,199 feet to a point for a corner and the beginning of a clockwise curve;
Thence, along said curve a distance of approximately 1,927 feet to a point, which chord bears south 72 degrees 28 minutes 16 seconds west approximately 1,894 feet to a point for a corner;
THENCE south 57 degrees 27 minutes 15 seconds west along a line approximately 7,351 feet to a point on an unnamed creek for a corner;
THENCE southwesterly along the centerline of an unnamed creek approximately 321 feet to a point for a corner;
THENCE south 39 degrees 16 minutes 57 seconds east along a line approximately 2,829 feet to a point for a corner;
THENCE south 15 degrees 2 minutes 47 seconds west along a line approximately 2,303 feet to a point for a corner;
THENCE south 43 degrees 12 minutes 29 seconds east along a line approximately 930 feet to a point for a corner;
THENCE south 37 degrees 50 minutes 41 seconds west along a line approximately 5278 feet to a point for a corner;
THENCE south 7 degrees 50 minutes 10 seconds west along a line approximately 800 feet to a point for a corner;
THENCE south 52 degrees 34 minutes 4 seconds east along a line approximately 2,862 feet to a point for a corner;
THENCE north 43 degrees 39 minutes 36 seconds east along a line approximately 3,184 feet to a point for a corner;
THENCE south 46 degrees 10 minutes 24 seconds east along a line approximately 5,333 feet to a point for a corner;
THENCE south 3 degrees 37 minutes 37 seconds west along a line approximately 1,678 feet to a point for a corner;
THENCE south 46 degrees 13 minutes 22 seconds west along a line approximately 5,754 feet to a point for a corner;
THENCE north 47 degrees 45 minutes 21 seconds west along a line approximately 7,741 feet to a point for a corner;
THENCE south 37 degrees 34 minutes 53 seconds west along a line approximately 3,285 feet to a point for a corner;
THENCE south 24 degrees 1 minute west along a line approximately 878 feet to a point for a corner;
THENCE south 36 degrees 44 minutes 53 seconds west along a line approximately 4,737 feet to a point for a corner;
THENCE north 47 degrees 11 minutes 48 seconds west along a line approximately 9,155 feet to a point for a corner;
THENCE south 45 degrees 38 minutes 7 seconds west along a line approximately 4,040 feet to a point for a corner;
THENCE south 39 degrees 56 minutes 6 seconds west along a line approximately 465 feet to a point on the shoreline of New Terrell City Lake for a corner;
THENCE southwesterly along the shoreline of New Terrell City Lake with its meandering approximately 1,089 feet to a point for a corner;
THENCE north 45 degrees 14 minutes 53 seconds west along a line approximately 1,365 feet to a point on the shoreline of New Terrell City Lake for a corner;
THENCE southwesterly along the shoreline of New Terrell City Lake with its meandering approximately 4,315 feet to a point for a corner;
THENCE south 55 degrees 24 minutes 4 seconds west along a line approximately 2,024 feet to a point for a corner;
THENCE north 49 degrees 12 minutes 32 seconds west along a line approximately 11,043 feet to a point for a corner;
THENCE south 43 degrees 51 minutes 54 seconds west along a line approximately 12,471 feet to a point for a corner;

THENCE north 45 degrees 11 minutes 17 seconds west along a line approximately 2,626 feet to a point for a corner;
THENCE north 43 degrees 0 minutes 53 seconds east along a line approximately 4,212 feet to a point for a corner;
THENCE north 45 degrees 21 minutes 49 seconds west along a line approximately 6,994 feet to a point for a corner;
THENCE north 42 degrees 15 minutes 17 seconds east along a line approximately 6,672 feet to a point for a corner;
THENCE north 45 degrees 42 minutes 39 seconds west along a line approximately 5,291 feet to a point for a corner;
THENCE north 44 degrees 14 minutes 9 seconds east along a line approximately 20,647 feet to a point for a corner;
THENCE north 32 degrees 57 minutes 53 seconds east along a line approximately 4,126 feet to a point for a corner;
THENCE north 89 degrees 43 minutes 54 seconds east along a line approximately 789 feet to a point for a corner;
THENCE north 42 degrees 47 minutes 28 seconds east along a line approximately 9,056 feet to a point for a corner;
THENCE south 42 degrees 36 minutes 32 seconds east along a line approximately 835 feet to a point for a corner;
THENCE north 88 degrees 8 minutes 31 seconds east along a line approximately 9,262 feet to a point for a corner;
THENCE south 36 degrees 47 minutes 46 seconds west along a line approximately 1,794 feet to a point for a corner;
THENCE south 49 degrees 45 minutes 21 seconds west along a line approximately 167 feet to a point for a corner;
THENCE southerly along a line located 300 feet west, adjacent and parallel to County Road 3701 approximately 3,093 feet to a point for a corner;
THENCE south 59 degrees 35 minutes 37 seconds east along a line approximately 2,274 feet to a point for a corner;
THENCE south 88 degrees 12 minutes 50 seconds east along a line approximately 1,052 feet to a point for a corner;
THENCE north 1 degree 56 minutes 1 second east along a line approximately 2,775 feet to a point for a corner;
THENCE north 44 degrees 4 minutes 58 seconds east along a line approximately 1,557 feet to a point on the shoreline of Lake Tawakoni for a corner;
THENCE easterly along the shoreline of Lake Tawakoni with its meandering approximately 10,061 feet to a point for a corner and the beginning of a counterclockwise curve;
Thence, along said curve a distance of approximately 4,135 feet to a point, which chord bears south 19 degrees 29 minutes 14 seconds east approximately 4,103 feet to a point on County Road 335 for a corner;
THENCE easterly along the centerline of County Road 335 approximately 4,917 feet to a point at its intersection with FM 429 for a corner;
THENCE northeasterly along the centerline of FM 429 approximately 3,895 feet to a point for a corner;
THENCE north 51 degrees 51 minutes 4 seconds west along a line approximately 702 feet to a point for a corner;
THENCE north 1 degree 32 minutes 19 seconds west along a line approximately 649 feet to a point on the shoreline of Lake Tawakoni for a corner;
THENCE northeasterly along the shoreline of Lake Tawakoni with its meandering approximately 5,010 feet to a point for a corner;
THENCE south 54 degrees 43 minutes 19 seconds east along a line approximately 948 feet to a point on FM 429 for a corner;
THENCE northeasterly along the centerline of FM 429 approximately 652 feet back to the point of beginning.

Form 424

Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709

Filing Fee: See instructions



**Certificate
of Amendment**

Filed in the Office of the
Secretary of State of Texas
Filing #: 20182501 02/04/2021
Document #: 1025767910003
Image Generated Electronically
for Web Filing

Entity Information

The filing entity is a: **Domestic Nonprofit Corporation**

The name of the filing entity is: **ABLES SPRINGS WATER SUPPLY CORPORATION**

The file number issued to the filing entity by the secretary of state is: **20182501**

Amendment to Name

The amendment changes the formation document of the filing entity to change the article or provision that names the entity. The article or provision is amended to read as follows:

The name of the filing entity is:

Ables Springs Special Utility District

A letter of consent, if applicable, is attached.

Statement of Approval

The amendment has been approved in the manner required by the Texas Business Organizations Code and by the governing documents of the entity.

Effectiveness of Filing

☐ A. This document becomes effective when the document is filed by the secretary of state.

☒ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its filing by the secretary of state. The delayed effective date is: **February 5, 2021**

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and declares under penalty of perjury that the undersigned is authorized under the Texas Business Organizations Code to execute the filing instrument.

Date: **February 4, 2021**

Paula D Weber

Signature of authorized person



Office of the Secretary of State

CERTIFICATE OF FILING OF

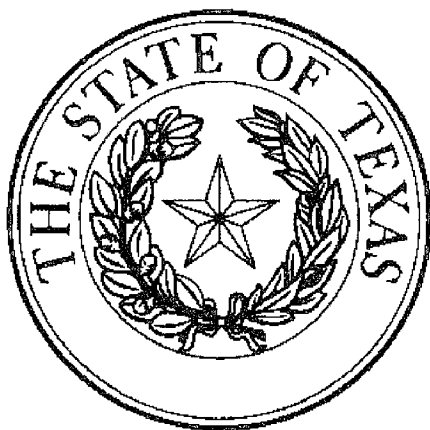
Ables Springs Special Utility District
File Number: 20182501

The undersigned, as Secretary of State of Texas, hereby certifies that the Certificate of Termination for the above named entity has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

Dated: 12/03/2021

Effective: 12/03/2021



A handwritten signature in black ink, appearing to read "John B. Scott".

John B. Scott
Secretary of State

Form 652

Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709

Filing Fee: \$5



**Certificate of Termination
of a
Nonprofit Corporation or
a Cooperative Association**

Filed in the Office of the
Secretary of State of Texas
Filing #: 20182501 12/3/2021
Document #: 1099146820002
Image Generated Electronically
for Web Filing

Entity Information

The name of the domestic entity is :

Ables Springs Special Utility District

The date of formation of the entity is: **April 22, 1964**

The file number issued to the entity by the secretary of state is: **20182501**

Governing Persons

4. The names and addresses of each of the filing entity's governing persons are:

NAME OF GOVERNING PERSON :

PETER ESPISITO

ADDRESS OF GOVERNING PERSON :

30100 FM 429 TERRELL TX, USA 75161

NAME OF GOVERNING PERSON :

HUGH WILSON

ADDRESS OF GOVERNING PERSON :

30100 FM 429 TERRELL TX, USA 75161

NAME OF GOVERNING PERSON :

TAMMY JORDAN

ADDRESS OF GOVERNING PERSON :

30100 FM 429 TERRELL TX, USA 75161

NAME OF GOVERNING PERSON :

PATRICIA SMITH

ADDRESS OF GOVERNING PERSON :

30100 FM 429 TERRELL TX, USA 75161

Event Requiring Winding Up

The nature of the event requiring winding up is:

A voluntary decision to wind up the entity has been approved in the manner required by the Texas Business Organizations Code and by the governing documents of the entity.

Completion of Winding Up

The filing entity has complied with the provisions of the Texas Business Organizations Code governing its winding up.

Supplemental Information Required For a NonProfit Corporation

The undersigned authorized person acting on behalf of the named nonprofit corporation certifies that:

1. Any property of the nonprofit corporation has been transferred, conveyed, applied, or distributed in accordance with chapter 11 and chapter 22 of the Texas Business Organizations Code.
2. There is no suit pending against the nonprofit corporation or that adequate provision has been made for the satisfaction of any judgment, order or decree that may be entered against the nonprofit corporation in a pending suit.
3. If the nonprofit corporation received and held property permitted to be used only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes, but the nonprofit corporation did not hold the property on a condition requiring return, transfer, or conveyance because of the winding up and termination, that the distribution of that property has been effected in accordance with a plan of distribution adopted in compliance with the BOC for the distribution of that property.

Effectiveness of Filing

☒ A. This document becomes effective when the document is filed by the secretary of state.

OR

☐ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

EXECUTION

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: December 3, 2021

James W. Wilson

Signature and title of authorized person(s)

FILING OFFICE COPY