

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of The Tranquility Group, LLC     )  
for a Certificate of Convenience and Necessity    )  
Authorizing it to Own, Operate, Maintain,        )  
Control and Manage Water Systems in            )     Case No. WA-2015-0049  
Taney County, Missouri                            )

**FIRST-AMENDED APPLICATION**

COMES NOW The Tranquility Group, LLC (d/b/a Branson Cedars Resort), pursuant to Sections 393.140, RSMo, 393.170, RSMo 2000, 4 CSR 240-2.060 and 4 CSR 240-3.600 (Water Certificate), and, for its First-Amended Application substituting The Tranquility Group, LLC with Branson Cedars Resort Utility Company LLC, states as follows to the Missouri Public Service Commission (Commission):

**BACKGROUND**

1.     The initial Application was filed by The Tranquility Group, LLC to obtain from the Commission a certificate of convenience and necessity to own, operate, maintain, control and manage water systems in Taney County, Missouri, but now, pursuant to the request of the Public Service Commission, The Tranquility Group, LLC is filing this First-Amended Application on behalf of the Branson Cedars Resort Utility Company LLC as Branson Cedars Resort Utility Company LLC will be the entity responsible for owning, operating, maintaining, controlling, and managing the water systems at Branson Cedars Resort.

2.     Branson Cedars Resort Utility Company LLC is a Missouri limited liability company duly organized and existing under the laws of the State of Missouri with its principal office and place of business located at 769 State Highway 86, Ridgedale, Missouri 65739. Attached hereto as **Appendix 1** is a Certificate of Good Standing issued by the Missouri Secretary of State related to Branson Cedars Resort Utility Company LLC. Branson Cedars Resort Utility Company LLC has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates having occurred within three years from the date of this application. Branson Cedars Resort Utility Company LLC has no annual report fees or assessment fees which are currently overdue.

3.     Communications regarding this application should be addressed to: Michael Hyams, Branson Cedars Resort, 769 State Highway 86, Ridgedale, Missouri 65739; Phone: (417) 689-1411, Email: [mhyams.sanctuary@gmail.com](mailto:mhyams.sanctuary@gmail.com).

## CERTIFICATE

4. Branson Cedars Resort Utility Company LLC requests permission, approval, and a Certificate of Convenience and Necessity to own, operate, maintain, control and manage water systems for the public in areas of Taney County as set forth on the maps attached to this Application as Appendix 2. Legal descriptions of the areas to be certified are attached hereto as Appendix 3.

5. These areas generally encompass an existing development (Branson Cedars Resort) whose water systems are not currently regulated by the Commission. No other water service is currently available in this area.

6. There are approximately 52 residential connections currently being served by these water systems. When the development is finished, approximately 400 residential connections will be served. Attached hereto as Appendix 4 is a list of ten residents or landowners from the areas for which this certificate is sought.

7. The subject water systems have already been constructed and are in operation. Plans associated with construction of the system are unavailable as neither Branson Cedars Resort Utility Company LLC nor any of its predecessors were involved in the area when the system was constructed, but Branson Cedars Resort Utility Company LLC has instituted a plan to connect both of the existing wells (one at a 1,150' depth and one at an 850' depth) to better facilitate the flow and to create a redundant system in the event either well is affected by mechanical issues such as a lightning strike, pump failure, excessive draw down on present aquifer, etc. There are plans for further construction of a larger stand pipe as lots are developed within the development.

8. No other financing is planned, other than that which is currently in place.

9. Attached hereto as Appendix 5 is a document containing the proposed rates and estimated number of customers, revenues and expenses. Branson Cedars Resort Utility Company LLC does not currently expect any substantial changes in these estimates during the next three years of operation. Branson Cedars Resort Utility Company LLC proposes to generally use the sample rules and regulations for water systems maintained by the Commission's Water Department to govern its provision of water service to this area.

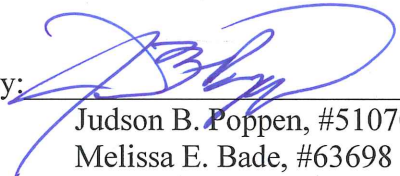
10. Branson Cedars Resort Utility Company LLC is not aware of any franchise (either city or county) that would be required in order for it to provide service in these areas. A permit for the operation of this facility has been issued by the Missouri Department of Natural

Resources (DNR), a copy of which is attached hereto as Appendix 6. Branson Cedars Resort Utility Company LLC is not aware of any other governmental approval that it must obtain.

11. The areas Branson Cedars Resort Utility Company LLC proposes to certificate with this application have a need for an operation water system and otherwise have no water service available. Branson Cedars Resort Utility Company LLC's preparation and experience in the operation of this water system gives it the ability to provide this service in an efficient manner. For these reasons, a grant of the Application will further the public convenience and necessity.

WHEREFORE, Branson Cedars Resort Utility Company LLC requests the Commission grant it permission, approval and a Certificate of Convenience and Necessity authorizing it to own, operate, maintain, control and manage waters systems for the public within the areas referred to above, and to issue such other orders as the Commission may be appropriate.

Respectfully submitted,

By:   
Judson B. Poppen, #51070  
Melissa E. Bade, #63698

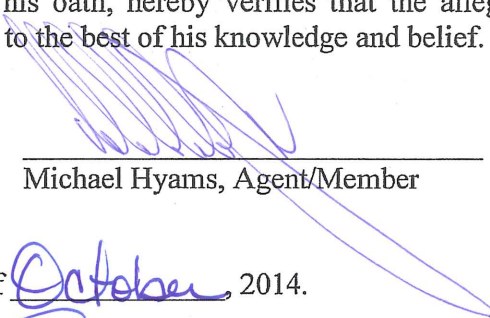
NEALE & NEWMAN, L.L.P.  
American National Center  
1949 E. Sunshine, Ste. 1-130  
P.O. Box 10327  
Springfield, Missouri 65808-0327  
Telephone (417) 882-9090  
Facsimile (417) 882-2529  
Email [jpoppen@nnlaw.com](mailto:jpoppen@nnlaw.com)  
[mbade@nnlaw.com](mailto:mbade@nnlaw.com)

ATTORNEYS FOR BRANSON CEDARS  
RESORT UTILITY COMPANY LLC

VERIFICATION

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF Greene     )

Michael Hyams, first being sworn upon his oath, hereby verifies that the allegations contained in this Application are true and accurate to the best of his knowledge and belief.

  
\_\_\_\_\_  
Michael Hyams, Agent/Member

Subscribed and sworn before me this 28<sup>th</sup> day of October, 2014.

SUSAN D BARKER  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Webster County  
My Commission Expires May 23, 2015  
Commission #11052894

  
\_\_\_\_\_  
Notary Public

Printed Name: Susan D. Barker

My Commission Expires:

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct written copy of the foregoing was served upon:

Kevin Thompson  
Staff Attorney  
Missouri Public Service Commission  
E-mail: kevin.thompson@psc.mo.gov

Cydney Mayfield  
Staff Attorney  
Missouri Public Service Commission  
E-mail: cydney.mayfield@psc.mo.gov

- by hand-delivering a copy to his/her office
- by mailing a copy to him/her, as prescribed by law
- by transmitting a copy to him/her by facsimile transmission
- by transmitting an electronic copy to him/her

on the 29<sup>th</sup> day of October, 2014.

## APPENDICES

<b>Appendix 1</b>	Certificate of Good Standing
<b>Appendix 2</b>	Platted Maps
<b>Appendix 3</b>	Legal Descriptions
<b>Appendix 4</b>	List of Ten (10) Residents/Landowners
<b>Appendix 5</b>	Rates and Estimated Number of Customers, Revenues, and Expenses
<b>Appendix 6</b>	DNR Permit

Appendix 1

**CERTIFICATE OF GOOD STANDING**

# STATE OF MISSOURI



**Jason Kander**  
**Secretary of State**

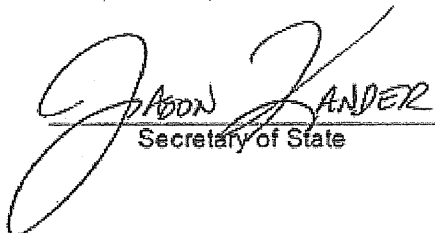
CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING

I, JASON KANDER, Secretary of State of the STATE OF MISSOURI, do hereby certify that the records in my office and in my care and custody reveal that

*Branson Cedars Resort Utility Company LLC*  
*LC1315528*

was created under the laws of this State on the 21st day of May, 2013, and is active, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 21st day of October, 2014.

  
Secretary of State



Certification Number: CERT-10212014-0020



Appendix 2

**PLATTED MAPS**





BOUNDARY SURVEY FOR  
GUARANTY BANK

**Schultz & Summers Engineering & Surveying**  
Civil Engineering - Land Surveying - Materials Testing  
New Orleans, LA Office - (504) 457-4000  
Baton Rouge Office - (417) 337-8500  
Southeast Missouri Office - (573) 685-2005

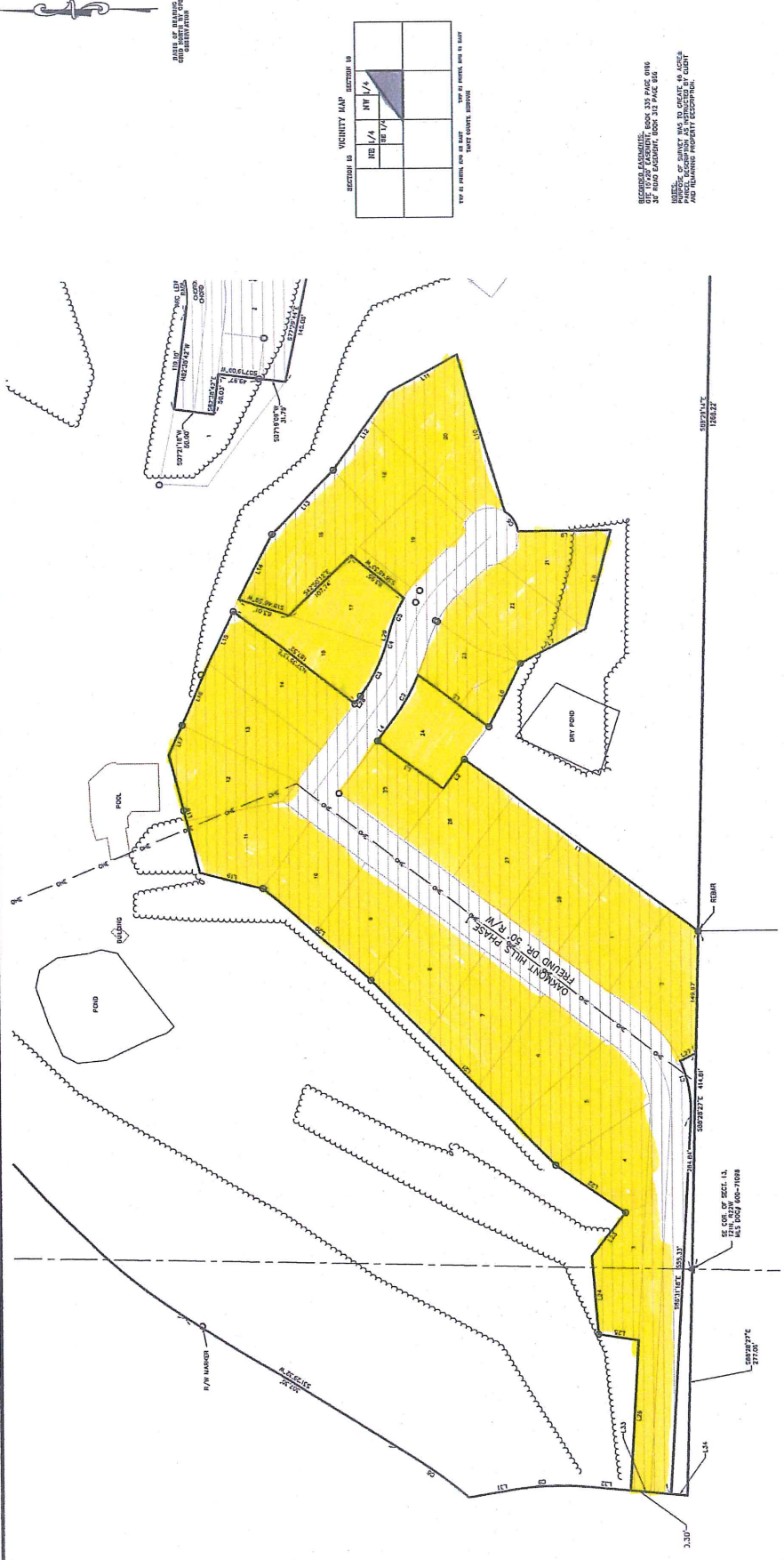
PRELIMINARY  
NOT FOR  
CONSTRUCTION

THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1967 AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING ENGINEERS OF THE STATE OF MISSISSIPPI. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE MISSISSIPPI DEPARTMENT OF REVENUE AND HAS FOUND NO RECORDS OF INTERESTING PROPERTY OR ENCUMBRANCES AFFECTING THE SURVEYED PROPERTY. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE MISSISSIPPI DEPARTMENT OF REVENUE AND HAS FOUND NO RECORDS OF INTERESTING PROPERTY OR ENCUMBRANCES AFFECTING THE SURVEYED PROPERTY. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE MISSISSIPPI DEPARTMENT OF REVENUE AND HAS FOUND NO RECORDS OF INTERESTING PROPERTY OR ENCUMBRANCES AFFECTING THE SURVEYED PROPERTY.

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SECTION IS VICINITY MAP

1/4	1/2	3/4	1
1/4	1/2	3/4	1
1/4	1/2	3/4	1
1/4	1/2	3/4	1



Curve Table

Curve #	Length	Radius	Delta	Chord	Offset	Chord Length
C1	10.00	100.00	18.00	34.20	0.00	34.20
C2	15.00	150.00	27.00	51.30	0.00	51.30
C3	20.00	200.00	36.00	68.40	0.00	68.40
C4	25.00	250.00	45.00	85.50	0.00	85.50
C5	30.00	300.00	54.00	102.60	0.00	102.60
C6	35.00	350.00	63.00	119.70	0.00	119.70
C7	40.00	400.00	72.00	136.80	0.00	136.80
C8	45.00	450.00	81.00	153.90	0.00	153.90
C9	50.00	500.00	90.00	171.00	0.00	171.00
C10	55.00	550.00	99.00	188.10	0.00	188.10
C11	60.00	600.00	108.00	205.20	0.00	205.20
C12	65.00	650.00	117.00	222.30	0.00	222.30
C13	70.00	700.00	126.00	239.40	0.00	239.40
C14	75.00	750.00	135.00	256.50	0.00	256.50
C15	80.00	800.00	144.00	273.60	0.00	273.60
C16	85.00	850.00	153.00	290.70	0.00	290.70
C17	90.00	900.00	162.00	307.80	0.00	307.80
C18	95.00	950.00	171.00	324.90	0.00	324.90
C19	100.00	1000.00	180.00	342.00	0.00	342.00
C20	105.00	1050.00	189.00	359.10	0.00	359.10
C21	110.00	1100.00	198.00	376.20	0.00	376.20
C22	115.00	1150.00	207.00	393.30	0.00	393.30
C23	120.00	1200.00	216.00	410.40	0.00	410.40
C24	125.00	1250.00	225.00	427.50	0.00	427.50
C25	130.00	1300.00	234.00	444.60	0.00	444.60
C26	135.00	1350.00	243.00	461.70	0.00	461.70
C27	140.00	1400.00	252.00	478.80	0.00	478.80
C28	145.00	1450.00	261.00	495.90	0.00	495.90
C29	150.00	1500.00	270.00	513.00	0.00	513.00
C30	155.00	1550.00	279.00	530.10	0.00	530.10
C31	160.00	1600.00	288.00	547.20	0.00	547.20
C32	165.00	1650.00	297.00	564.30	0.00	564.30
C33	170.00	1700.00	306.00	581.40	0.00	581.40
C34	175.00	1750.00	315.00	598.50	0.00	598.50
C35	180.00	1800.00	324.00	615.60	0.00	615.60
C36	185.00	1850.00	333.00	632.70	0.00	632.70
C37	190.00	1900.00	342.00	649.80	0.00	649.80
C38	195.00	1950.00	351.00	666.90	0.00	666.90
C39	200.00	2000.00	360.00	684.00	0.00	684.00
C40	205.00	2050.00	369.00	701.10	0.00	701.10
C41	210.00	2100.00	378.00	718.20	0.00	718.20
C42	215.00	2150.00	387.00	735.30	0.00	735.30
C43	220.00	2200.00	396.00	752.40	0.00	752.40
C44	225.00	2250.00	405.00	769.50	0.00	769.50
C45	230.00	2300.00	414.00	786.60	0.00	786.60
C46	235.00	2350.00	423.00	803.70	0.00	803.70
C47	240.00	2400.00	432.00	820.80	0.00	820.80
C48	245.00	2450.00	441.00	837.90	0.00	837.90
C49	250.00	2500.00	450.00	855.00	0.00	855.00
C50	255.00	2550.00	459.00	872.10	0.00	872.10
C51	260.00	2600.00	468.00	889.20	0.00	889.20
C52	265.00	2650.00	477.00	906.30	0.00	906.30
C53	270.00	2700.00	486.00	923.40	0.00	923.40
C54	275.00	2750.00	495.00	940.50	0.00	940.50
C55	280.00	2800.00	504.00	957.60	0.00	957.60
C56	285.00	2850.00	513.00	974.70	0.00	974.70
C57	290.00	2900.00	522.00	991.80	0.00	991.80
C58	295.00	2950.00	531.00	1008.90	0.00	1008.90
C59	300.00	3000.00	540.00	1026.00	0.00	1026.00
C60	305.00	3050.00	549.00	1043.10	0.00	1043.10
C61	310.00	3100.00	558.00	1060.20	0.00	1060.20
C62	315.00	3150.00	567.00	1077.30	0.00	1077.30
C63	320.00	3200.00	576.00	1094.40	0.00	1094.40
C64	325.00	3250.00	585.00	1111.50	0.00	1111.50
C65	330.00	3300.00	594.00	1128.60	0.00	1128.60
C66	335.00	3350.00	603.00	1145.70	0.00	1145.70
C67	340.00	3400.00	612.00	1162.80	0.00	1162.80
C68	345.00	3450.00	621.00	1179.90	0.00	1179.90
C69	350.00	3500.00	630.00	1197.00	0.00	1197.00
C70	355.00	3550.00	639.00	1214.10	0.00	1214.10
C71	360.00	3600.00	648.00	1231.20	0.00	1231.20
C72	365.00	3650.00	657.00	1248.30	0.00	1248.30
C73	370.00	3700.00	666.00	1265.40	0.00	1265.40
C74	375.00	3750.00	675.00	1282.50	0.00	1282.50
C75	380.00	3800.00	684.00	1299.60	0.00	1299.60
C76	385.00	3850.00	693.00	1316.70	0.00	1316.70
C77	390.00	3900.00	702.00	1333.80	0.00	1333.80
C78	395.00	3950.00	711.00	1350.90	0.00	1350.90
C79	400.00	4000.00	720.00	1368.00	0.00	1368.00
C80	405.00	4050.00	729.00	1385.10	0.00	1385.10
C81	410.00	4100.00	738.00	1402.20	0.00	1402.20
C82	415.00	4150.00	747.00	1419.30	0.00	1419.30
C83	420.00	4200.00	756.00	1436.40	0.00	1436.40
C84	425.00	4250.00	765.00	1453.50	0.00	1453.50
C85	430.00	4300.00	774.00	1470.60	0.00	1470.60
C86	435.00	4350.00	783.00	1487.70	0.00	1487.70
C87	440.00	4400.00	792.00	1504.80	0.00	1504.80
C88	445.00	4450.00	801.00	1521.90	0.00	1521.90
C89	450.00	4500.00	810.00	1539.00	0.00	1539.00
C90	455.00	4550.00	819.00	1556.10	0.00	1556.10
C91	460.00	4600.00	828.00	1573.20	0.00	1573.20
C92	465.00	4650.00	837.00	1590.30	0.00	1590.30
C93	470.00	4700.00	846.00	1607.40	0.00	1607.40
C94	475.00	4750.00	855.00	1624.50	0.00	1624.50
C95	480.00	4800.00	864.00	1641.60	0.00	1641.60
C96	485.00	4850.00	873.00	1658.70	0.00	1658.70
C97	490.00	4900.00	882.00	1675.80	0.00	1675.80
C98	495.00	4950.00	891.00	1692.90	0.00	1692.90
C99	500.00	5000.00	900.00	1710.00	0.00	1710.00
C100	505.00	5050.00	909.00	1727.10	0.00	1727.10
C101	510.00	5100.00	918.00	1744.20	0.00	1744.20
C102	515.00	5150.00	927.00	1761.30	0.00	1761.30
C103	520.00	5200.00	936.00	1778.40	0.00	1778.40
C104	525.00	5250.00	945.00	1795.50	0.00	1795.50
C105	530.00	5300.00	954.00	1812.60	0.00	1812.60
C106	535.00	5350.00	963.00	1829.70	0.00	1829.70
C107	540.00	5400.00	972.00	1846.80	0.00	1846.80
C108	545.00	5450.00	981.00	1863.90	0.00	1863.90
C109	550.00	5500.00	990.00	1881.00	0.00	1881.00
C110	555.00	5550.00	999.00	1898.10	0.00	1898.10
C111	560.00	5600.00	1008.00	1915.20	0.00	1915.20
C112	565.00	5650.00	1017.00	1932.30	0.00	1932.30
C113	570.00	5700.00	1026.00	1949.40	0.00	1949.40
C114	575.00	5750.00	1035.00	1966.50	0.00	1966.50
C115	580.00	5800.00	1044.00	1983.60	0.00	1983.60
C116	585.00	5850.00	1053.00	2000.70	0.00	2000.70
C117	590.00	5900.00	1062.00	2017.80	0.00	2017.80
C118	595.00	5950.00	1071.00	2034.90	0.00	2034.90
C119	600.00	6000.00	1080.00	2052.00	0.00	2052.00
C120	605.00	6050.00	1089.00	2069.10	0.00	2069.10
C121	610.00	6100.00	1098.00	2086.20	0.00	2086.20
C122	615.00	6150.00	1107.00	2103.30	0.00	2103.30
C123	620.00	6200.00	1116.00	2120.40	0.00	2120.40
C124	625.00	6250.00	1125.00	2137.50	0.00	2137.50
C125	630.00	6300.00	1134.00	2154.60	0.00	2154.60
C126	635.00	6350.00	1143.00	2171.70	0.00	2171.70
C127	640.00	6400.00	1152.00	2188.80	0.00	2188.80
C128	645.00	6450.00	1161.00	2205.90	0.00	2205.90
C129	650.00	6500.00	1170.00	2223.00	0.00	2223.00
C130	655.00	6550.00	1179.00	2240.10	0.00	2240.10
C131	660.00	6600.00	1188.00	2257.20	0.00	2257.20
C132	665.00	6650.00	1197.00	2274.30	0.00	2274.30
C133	670.00	6700.00	1206.00	2291.40	0.00	2291.40
C134	675.00	6750.00	1215.00	2308.50	0.00	2308.50
C135	680.00	6800.00	1224.00	2325.60	0.00	2325.60
C136	685.00	6850.00	1233.00	2342.70	0.00	2342.70
C137	690.00	6900.00	1242.00	2359.80	0.00	2359.80
C138	695.00	6950.00	1251.00	2376.90	0.00	2376.90
C139	700.00	7000.00	1260.00	2394.00	0.00	2394.00
C140	705.00	7050.00	1269.00	2411.10	0.00	2411.10
C141	710.00	7100.00	1278.00	2428.20	0.00	2428.20
C142	715.00	7150.00	1287.00	2445.30	0.00	2445.30
C143	720.00	7200.00	1296.00	2462.40	0.00	2462.40
C144	725.00	7250.00	1305.00	2479.50	0.00	2479.50
C145	730.00	7300.00				







**Appendix 3**

**LEGAL DESCRIPTIONS**

The following described real estate situated in Taney County, Missouri, to wit:

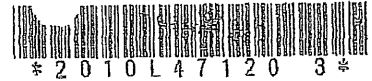
All of Oakmont Hills, **Phase 1** as recorded in Slide G, page 636, at the Taney County Recorder's office, Taney County, Missouri; recorded October 16, 2003.

All of Oakmont Hills, **Phase 2** as recorded in Slide I, page 283, at the Taney County Recorder's office, Taney County, Missouri; recorded January 18, 2007.

All of Oakmont Hills, **Phase 3** as recorded in Slide I, page 701, at the Taney County Recorder's office, Taney County, Missouri; recorded October 5, 2007.

All of Oakmont Hills, **Phase 4** to possibly be platted in the future within the general boundaries of the legal description set forth in the attached Special Warranty Deed filed in the Taney County Recorder's Office at Book 2010, Page 47120.





BOOK PAGE  
**2010L47120**  
 10/27/2010 10:55:07AM  
 REC FEE: 30.00  
 NON-STD FEE:  
 PAGES: 3  
 REAL ESTATE DOCUMENT  
 TANEY COUNTY, MISSOURI  
 RECORDERS CERTIFICATION



*Robert A. Dixon*  
 ROBERT A. DIXON

**SPECIAL WARRANTY DEED  
 BY CORPORATION**

Dated: Oct. 21, 2010  
 Grantor: Guaranty Bank, 1341 W. Battlefield, Springfield, MO 65807 ✓  
 Grantee: Tranquility Group, L.L.C., 219 Eagle Point Drive, Branson, MO 65616

THIS INDENTURE, made on the 21<sup>st</sup> day of October, 2010, by and between GUARANTY BANK, a Missouri trust corporation with banking powers, Grantor, and Tranquility Group, L.L.C., a Missouri Limited Liability Company, Grantee. WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable considerations to it paid by the said Grantee, the receipt and adequacy of which is hereby acknowledged, does by these presents, GRANT, BARGAIN and SELL, CONVEY and CONFIRM, unto the said Grantee, and its successors and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of Taney and State of Missouri, to-wit:

All that part of the Fractional Northwest Quarter of Section 18, Township 21 North, Range 21 West and all that part of the Southeast Quarter of the Northeast Quarter of Section 13, Township 21 North, Range 22 West, all in Taney County, Missouri, being more particularly described as follows:  
 Commencing at the Southeast corner of the Northwest Quarter of said Section 18; Thence N 87° 14'26" W along the South line of said fractional Northwest Quarter of Section 18, 1507.11 feet to a rebar at the Southeast corner of Lot 16 of Oakmont Hills Phase 2 subdivision recorded on Slide-1 page 283 at the Taney County Recorder's Office and the point of beginning; Thence N 08° 30'43" E along the East line of said Oakmont Hills Phase 2 subdivision, 301.52 feet to a #5 rebar stamped P.L.S #368-D; Thence S 87° 14'26" E departing said East line, 484.44 feet to a #5 rebar stamped P.L.S #368-D; Thence N 02° 45'34" E, 478.19 feet to a #5 rebar stamped P.L.S #368-D; Thence N 14° 30'05" W, 1088.28 feet to a #5 rebar stamped P.L.S #368-D; Thence S 87° 57'30" E, 272.94 feet to a 1/2 inch rebar; Thence N 42° 16'30" W, 352.70 feet to a 1/2 inch rebar; Thence N 47° 36'42" E, 55.91

feet to a 1/2 inch rebar; Thence N 47° 42' 42" E, 736.78 feet to a point on the North line of said Section 18; Thence N 86° 24' 19" W, 553.38 feet to a point on the Right-of-Way for State Highway "86"; Thence along and with said Right-of-Way the following bearings and distances: Thence along a curve to the right having a radius of 1901.72 feet, an arc length of 246.84 feet, and a chord bearing of S 38° 37' 54" W to a point; Thence S 42° 21' 01" W, 114.83 feet to a point; Thence S 42° 21' 01" W, 282.13 feet to a point; Thence S 36° 38' 23" W, 100.45 feet to a point; Thence S 42° 21' 01" W, 199.90 feet to a point; Thence S 48° 03' 39" W, 100.45 feet to a point; Thence S 42° 21' 01" W, 349.82 feet to a point; Thence S 36° 47' 02" W, 103.05 feet to a Right-of-Way marker; Thence along a curve to the right having a radius of 1392.70 feet, an arc length of 306.01 feet, and a chord bearing of S 60° 00' 04" W; Thence S 56° 07' 32" W, 118.71 feet to a Right-of-Way marker; Thence S 66° 31' 19" W, 408.24 feet to a point; Thence along a curve to the left having a radius of 909.14 feet, an arc length of 530.88 feet, and a chord bearing of S 50° 02' 55" W; Thence S 31° 29' 32" W, 307.30 feet to a point; Thence along a curve to the right having a radius of 882.49 feet, an arc length of 109.04 feet, and a chord bearing of S 35° 01' 55" W, to a point; Thence S 09° 25' 51" E departing from said Right-of-Way, 48.47 feet to a point; Thence along a curve to the right having a radius of 403.55 feet, an arc length of 104.63 feet, and a chord bearing of S 02° 00' 11" E; Thence S 05° 21' 40" W, 120.30 feet to a point; Thence S 88° 28' 27" E, 277.06 feet to an aluminum monument; Thence S 88° 28' 27" E, 414.81 feet to a rebar; Thence S 88° 29' 14" E, 1268.22 feet to a rebar; Thence S 88° 19' 01" E, 150.22 feet to the point of beginning; LESS AND EXCEPT all of the lots in Oakmont Hills Phase 1 as recorded in Slide - G, page 636; and LESS AND EXCEPT all of the lots in Oakmont Hills Phase 2 as recorded in Slide - I, page 283; and LESS AND EXCEPT all of Lots Two (2), Nine (9), Eleven (11), Twelve (12) and Thirteen (13) of Oakmont Hills Phase 3 subdivision as recorded in Slide - J, page 701, at the Taney County Recorder's Office, Taney County, Missouri; All being subject to all utility easements and road Rights-of-Way AND EXCEPT ALL INTERESTS IN TIMESHARES RECORDED AND UNRECORDED.

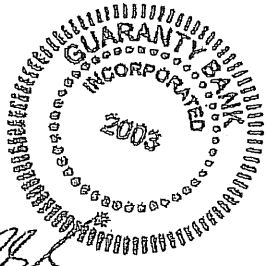
TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances, and immunities thereto belonging or in anywise appertaining unto the said Grantee, and unto its successors and assigns forever, the said Grantor hereby covenanting that:

- (1) It is lawfully seized of an indefeasible estate in fee in the premises herein conveyed;
- (2) It has good right to convey the same;

(3) The premises are free and clear of any encumbrances done or suffered by the said Grantor or those under whom the said Grantor claims except as aforesaid; and

(4) Grantor will Warrant and Defend the title to the said premises unto the Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever except as to all general taxes for the year 2010 and thereafter, special taxes and assessments becoming a lien after date hereof, covenants, restrictions, reservations, easements, party wall agreements, community contracts, and building set back lines, all applicable zoning laws and ordinances, if any, and any other interests of record in the office of the Recorder of Deeds of Taney County, Missouri, and any and all time share interests in the Property whether the same are of record or otherwise.

IN WITNESS WHEREOF, the hand and seal of the said grantor on the day and year first above written.



(Corporate Seal)

Attest: \_\_\_\_\_

GUARANTY BANK

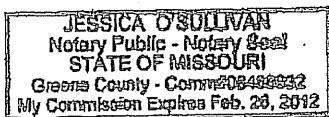
By: \_\_\_\_\_

Lance Pearce  
Senior Vice President

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF Greene )

On this 21<sup>st</sup> day of October, 2010, before me personally appeared Lance Pearce, to me personally known, who, by me first duly sworn, did say that he is Senior Vice President of Guaranty Bank and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that the instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and said Dana Elwell acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Notarial Seal at my office in Springfield, Missouri, the day and year last above written.



Jessica O'Sullivan

END OF DOCUMENT



Appendix 4

**LIST OF TEN (10) OWNERS/RESIDENTS WITHIN THE AREA TO BE CERTIFIED**

**Michael & Darla Brower  
228 Gerry Garlington Road  
Monroe, LA 71203**

**Jerry & Annie Sales  
708 Lake Road  
Eureka, IL 61530**

**Charles & Brenda Chodrick  
4514 North Oakwood Road  
Enid, OK 73703**

**Eddie & Jennifer Cook  
CMR 427, Box 1620  
APO, AE 09630**

**Darin & Dana Lauer  
24550 South Meadow Circle Road  
Claremore, OK 74019**

**Dr. Floyd & Diane Simpson  
5147 West Skyler Drive  
Springfield, MO 65802**

**Brian & Shelly Younger  
18410 Watson Way  
Inola, OK 74036**

**Tony & Karen Clark  
3516 Belmont Street  
Denton, TX 76210**

**Mike & Peggy Moore  
2681 Sutherland Drive  
Thompson Station, TN 37179**

**Jeff & Debbie Fantin  
24019 Madaca Lane # 101  
Port Charlotte, FL 33954**

## Appendix 5

### **RATES & ESTIMATED NUMBER OF CUSTOMERS, REVENUE, AND EXPENSES**

#### **Rates:**

Flat Rate: \$85.00

Late Payment Fee: \$25.00

This rate does not include any municipal, state or federal taxes computed on either billing or consumption basis. Any such taxes applicable shall be added as separate items in rendering each bill.

**Estimated Total Number of Customers:** 400

**Expenses:** It is suspected that the expenses and required return on rate base for this operation will be generally equal to the revenues derived from the proposed rates.

**Appendix 6**

**DNR PERMIT**





Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

# DEPARTMENT OF NATURAL RESOURCES

[www.dnr.mo.gov](http://www.dnr.mo.gov)

**MAR 23 2012**  
Taney County  
Branson Cedars Resort  
Permit No. MO 5282768



Mr. Michael Hyams  
Branson Cedars Resort  
422 Burk Road  
Highlandville, Missouri 65669

Dear Mr. Hyams:

Enclosed is your PERMIT OF APPROVAL FOR A TRANSIENT NON-COMMUNITY WATER SYSTEM TO DISPENSE WATER TO THE PUBLIC (MO 5282768). I suggest it be framed and displayed where it will be visible to the public.

The permit signifies that your water system is a public water system and that it is in compliance with the requirements of the Missouri Safe Drinking Water Law and the Missouri Public Drinking Water Regulations. The permit will remain valid as long as the facilities are properly operated and maintained the water produced and distributed continues to meet chemical and microbiological standards, and the ownership remains unchanged.

If you have questions, please contact the Department of Natural Resources, Water Protection Program, or the Regional Office located in your area.

Sincerely,

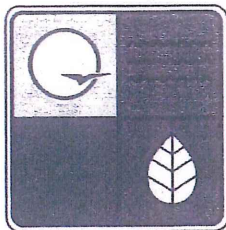
WATER PROTECTION PROGRAM

Steven W. Sturgess, Chief  
Public Drinking Water Branch

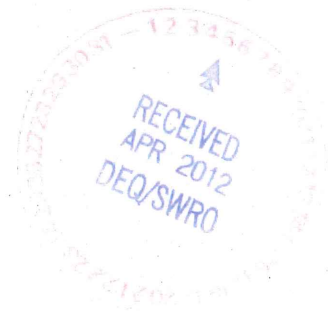
SWS:mjc

Enclosure

c: Southwest Regional Office



**MISSOURI  
DEPARTMENT OF  
NATURAL RESOURCES**



# PERMIT OF APPROVAL

FOR A TRANSIENT NON-COMMUNITY WATER SYSTEM  
TO DISPENSE WATER TO THE PUBLIC

PERMIT NO. MO 5282768

ISSUED TO

Tranquility Group LLC and the Board of Directors  
dba Branson Cedars Resort

ISSUED IN ACCORDANCE WITH SECTION 640.115

REVISED STATUTES OF MISSOURI AND REGULATIONS (10 CSR 60)

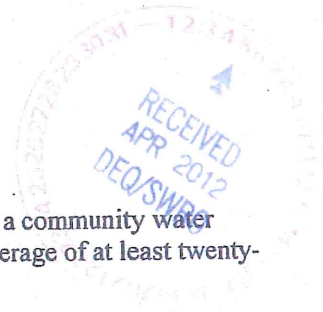
PROMULGATED UNDER SECTION 640.100, RSMo.

**This permit applies only to transient non-community water systems with approval to dispense water to the public; it does not apply to other environmentally regulated areas.**

MAR 23 2012

Date Issued

Steve Sturgess, Chief, Public Drinking Water Branch



# I. Description of Branson Cedars Resorts Public Water System as of March 9, 2012

A. System Type: Transient Non-Community Public Water System

Transient Non-Community Public Water System: A public water system that is not a community water system, which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

B. Operator Certification Requirements:

Water Treatment System Classification	N/A
Water Distribution System Classification	N/A

1. All Public Water Systems classified as Community, Non-Transient Non-Community and those Transient Non-Community systems that use surface water or groundwater under the direct influence of surface water are required by 10 CSR 60-14 to hire a Certified Operator with the appropriate certification.
2. Water Treatment System Classifications: A, B, C, or D per Missouri Safe Drinking Water Law and Regulations 10 CSR 60-14.010 Table 1, as determined by the Department.
3. Water Distribution System Classifications: DS I, DS II, or DS III, per Missouri Safe Drinking Water Law and Regulations 10 CSR 60-14.010 Table 2, as determined by the Department.

C. Average Number of Persons Per Day Using System: 25

D. Number and Type of Service Connections: 49

Type of Connection	Count
Residential	49

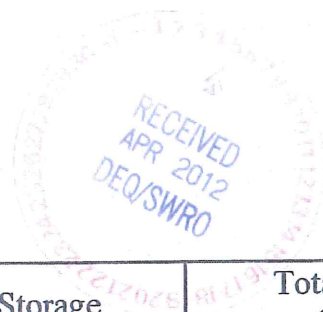
E. Sources:

Well Name	Date Constructed	Location	Well ID	Status	Casing Depth (ft)
Well No. 1	1986	Lat: 36.523 Long: -93.2545	WL 17884	Grandfathered Subject to the Conditions Listed in Section L	84
Well No. 2	1985	Lat: 36.5268 Long: -93.2536	WL 17885	Grandfathered Subject to the Conditions Listed in Section L	90

F. Treatment Facilities: Post Hypochlorination

G. Master Meter Connections: None

H. Emergency Sources of Water: None



I. Distribution Treatment Facilities: N/A

J. Type of Storage:

State Assigned ID	Type of Storage	Total Capacity (gallons)
ST 63075	Standpipe (Well No. 1)	20000
ST 63076	Ground Storage – East (Well No. 2)	9394
ST 63076	Ground Storage – West (Well No. 2)	11723
<b>TOTAL STORAGE</b>		<b>41,117</b>

K. System Status Dates:

System Dates	
System Activated as a Public Water System	February 16, 2006

L. Special Conditions:

1. If either well develops contamination problems or the public water supply becomes in violation of Missouri's Safe Drinking Water Regulations, the Department shall require the public water system to either:
  - i. connect to an approved public water supply or
  - ii. construct a new well according to state standards;
2. All conditions must be disclosed to potential buyers prior to the sale of the property.

M. Staff Recommendations:

On the basis of the review conducted in accordance with the Missouri Safe Drinking Water Law and Regulations 10 CSR 60-3.010, I recommend this Permit to Dispense Water be granted approval.

Kristin Bailey  
 Kristin Bailey, E. I.  
 Infrastructure Permits and Engineering Section  
 Public Drinking Water Branch

3/9/12  
 DATE

Maher Jaafari  
 Maher Jaafari, P. E., Chief  
 Infrastructure Permits and Engineering Section  
 Public Drinking Water Branch

3/20/12  
 DATE

N. Permit Documents:

The following document is incorporated by reference into the project:

The Report of Inspection completed on July 13, 2007 by Mr. Bill R. Arnold of the Missouri Department of Natural Resources' Southwest Regional Office.

## II. General Conditions and Requirements

### A. Duty to Comply

The Permittee shall comply with all applicable portions of the Safe Drinking Water Act, Missouri Safe Drinking Water Law and Regulations and the Revised Statutes of Missouri, to include all conditions and requirements of this permit. Failure to comply with any portion of this permit constitutes a violation of the Safe Drinking Water Act, Missouri Safe Drinking Water Law and Regulations and/or the Revised Statutes of Missouri and is grounds for enforcement action.

### B. Permit Revocation

In accordance with Missouri Safe Drinking Water Law and Regulations the Department may modify or revoke this Permit to Dispense Water to the Public as listed in 10 CSR 60-3.010 (3) (B).

### C. Permit Modification

Permit modification will be issued in accordance with Missouri Safe Drinking Water Law and Regulations 10 CSR 60-3.010

The Department may modify this Permit to Dispense Water to the Public at any time to include all newly promulgated requirements of the Safe Drinking Water Act, Missouri Safe Drinking Water Law and Regulations, and the Revised Statutes of Missouri, which are applicable to the public water system, to address requirements necessary to ensure compliance with the laws and regulations pertaining to safe drinking water, and to provide updated information as a result of any future permitted construction.

The Permittee must request a modification of the Permit to Dispense Water to the Public by notifying the Department when major modifications (i.e. additions or changes to the source(s), treatment or storage utilized by the public water supply) to the drinking water system are completed.

### D. Transfer of Permit to Dispense Water to the Public

This Permit to Dispense Water to the Public is non-transferable, except with prior approval of the Department. To obtain Department approval of the transfer of this Permit to Dispense Water to the Public, the Permittee shall submit written notification to the Department at least ninety (90) days in advance of the proposed transfer. This notification shall include a Permit to Dispense Drinking Water application form which has been completed by the proposed new owner of the water system and proof of the pending transfer of ownership of the public water system. The proposed new owner must submit a managerial and financial review (as applicable) which illustrates how the system will be managed to insure its long term viability. If the Department approves the transfer, a new Permit to Dispense Water to the Public will be issued to the new owner of the system in accordance with 10 CSR 60-3.020.

### E. Appeals

Any person aggrieved by an emergency order or the decision to revoke the Permit to Dispense may appeal within thirty days after the issuance of the order to the circuit court of the county in which the public water system is located or if the public water system is located in more than one county, to the circuit court of any such county. The circuit court shall within ten days after the filing of the appeal hear the cause and determine the same per the Revised Statutes of Missouri section 640.130.5.

#### F. Annual Fees

The Permittee shall remit payment of the primacy fee, laboratory services and program administration fees to the Department as required by 10 CSR 60 Chapter 16 and the Revised Statutes of Missouri RSMo 640.100, including any penalties or fines as authorized by Missouri Safe Drinking Water Law and Regulations and the Revised Statutes of Missouri.

Failure to remit the laboratory services and program administration fees will result in the Department of Natural Resources and Department of Health laboratory services being terminated for the calendar year and may result in the revocation of the Permit to Dispense Water to the Public.

#### G. Construction Permits

Construction, extension, alteration or modification of a public water system shall be in accordance with the rules and regulations of the safe drinking water commission. No construction, extension, alteration or modification can begin until written approval is given by the Department based on 10 CSR 60-3.010.

#### H. Operation and Maintenance

The Permittee shall comply with the operation and maintenance requirements of the Missouri Safe Drinking Water Law and Regulations, the Revised Statutes of Missouri and the Safe Drinking Water Act.

All community, non-transient non-community water systems, and those transient non-community water systems using surface water or groundwater under the direct influence of surface water, must have a certified Chief Operator to be in responsible charge of the public water system, as per 10 CSR 60-14.010.

Because backflow may cause a health hazard through transmission of contaminants via the public water system, the Continuing Operating Authority must prevent and eliminate any cross-connections within the water system as required by 10 CSR 60-11.010.

#### I. Inspection and Entry

The Continuing Operating Authority shall allow authorized representatives of the Department access to the system and records for the purpose of inspecting, monitoring, or sampling the public water supply source, distribution system or treatment facility for compliance with the Missouri Safe Drinking Water Law and Regulations. Authorized representatives of the Department, shall be allowed by the Continuing Operating Authority, upon presentation of credentials and at reasonable times, to enter upon Continuing Operating Authority's premises in which a water supply source, distribution system or treatment facility is located or in which any records are required to be kept under terms and conditions of the permit and or the Missouri Safe Drinking Water Law and Regulation.

#### J. Sanitary Surveys and Inspections

Sanitary Surveys and Inspections for Ground Water Treatment will be conducted per Missouri Safe Drinking Water Law and Regulations 10 CSR 60-4.025.

Ground water systems must provide, at the department's request, any existing information that will enable the department to conduct a sanitary survey or inspection.

A sanitary survey includes, but is not limited to, an onsite review, under the supervision of an engineer, of the water source(s) (identifying sources of contamination by using results of source water assessments or other relevant information where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system in order to evaluate the adequacy of the system, its sources and operations, and the distribution of safe drinking water.

If a significant deficiency is identified, unless the department directs the ground water system to implement a specific corrective action, the ground water system must consult with the department regarding the appropriate corrective action within thirty (30) days of receiving written notice from the department of a significant deficiency, written notice from a laboratory that a ground water source sample was found to be fecal indicator-positive, or direction from the department that a fecal indicator-positive sample collected requires corrective action.

**K. Emergency Procedures**

The Permittee shall prepare and maintain an up-to-date emergency preparedness plan in accordance with 10 CSR 60-12.010

**L. Monitoring and Reporting Requirements**

The Permittee shall comply with the monitoring and reporting requirements of Missouri Safe Drinking Water Law and Regulations 10 CSR 60-4.010 through 10 CSR 60-4.110 and 10 CSR 60-7.010 through 10 CSR 60-7.020.

**M. Civil and Criminal Liability**

Except as authorized by statute and provided in permit conditions nothing in this permit shall be construed to relieve the Continuing Operating Authority from administrative, civil, or criminal penalties for noncompliance with the Missouri Safe Drinking Water Law and Regulation.

**N. State and Federal Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Continuing Operating Authority from any responsibilities, liabilities, or penalties established pursuant to any applicable state statute or regulations.

**O. Water Quality**

In the event the Continuing Operating Authority becomes aware of any actual or imminent contamination or water system pressure dropping below 20 psi anywhere in the system (10 CSR 60-4.080) the Continuing Operating Authority will take immediate actions to avoid injury to consumers. These actions include, but are not limited to, customer notification and investigation into the source(s) of contamination.

The Missouri public Drinking Water Regulations 10 CSR 60-7.010 requires systems to notify the department within 48 hours of failure to comply with any drinking water regulation except where a shorter period is specified by the Department.

The Continuing Operating Authority shall provide water which meets all quality criteria of state and federal law.

