

LAW OFFICES OF
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June 20, 2023

Southwest Travis County Groundwater Conservation District
Attn: Lane Cockrell, P.G.
General Manager
P.O. Box 340595
Austin, Texas 78734

**Via E-mail &
Regular U.S. Mail**

Re: Clancy Utility Holdings, LLC –Application for a Municipal Groundwater
Production Permit & Meeting Request – Request for a Temporary Variance

Dear Lane:

Pursuant to District Rule 3.4(A)(5), Applicant requests the General Manager waive conditionally the specific requirements in subsection 3.4(A)(5)(k). While Applicant proposes to operate the groundwater production permit it has applied for as part of a retail public water utility with the system it plans to construct, maintain and operate as a “public water supply” serving the 1400-acre service area with the planned Mirasol Springs Development, because Applicant is going to create its system for the new development at Mirasol Springs (formerly the Norsworthy Ranch) the information contemplated by subsection 3.4(A) (5)(k) does not yet presently exist.

Applicant is prepared to develop the requested information, and intends to do so, but only after it receives the requested authorization from the District for the permitted authorization requested in the Application currently pending. Similarly, Applicant has a similar application for authorization to produce groundwater from wells located in the Hays County portion of the 1,400-acre contiguous service area within the new Mirasol Springs development. Applicant also has pending a diversion application at the Texas Commission on Environmental Quality to implement its 108 acre-foot Firm Water Contract with the LCRA. Until the Applicant knows that it has authorization to construct and operate the wells, and produce the requested groundwater, from the two groundwater districts, as well as the conditions under which it may divert its LCRA surface water, the Applicant cannot design or engineer its Public Water Supply System. Until Applicant is able to plan, design, engineer, and seek TCEQ approval of its anticipated Public Water Supply System, the information contemplated by District Rule 3.4(A)(5)(k) is not available.

Applicant is amenable to producing the requested information once the same becomes available. Accordingly, Applicant proposes that as part of granting the requested variance or waiver, that the District require that Applicant’s permit, once granted, include a special condition that the Permittee apply for a Public Water Supply designation and, upon receipt of the same, to

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file the information contemplated by subsection 3.4(A)(5)(k) of the Rule with the District. In the meantime, Applicant has included herewith a detailed schematic drawing of its proposed Public Water Supply System prepared by its engineering consultant, Murfee Engineering, Inc. ("MEC"). (Appendix "A").

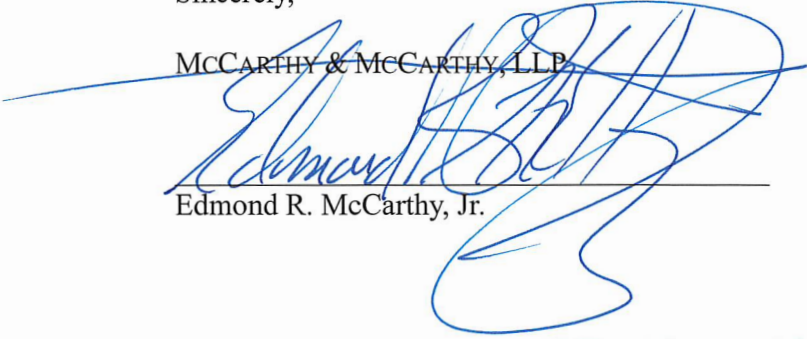
As has been our practice based upon the pending separate application to produce groundwater from wells located within the Hays Trinity Groundwater Conservation District ("HTGCD"), which groundwater will be used in the same centralized potable water system to provide drinking water for beneficial use within Clancy's 1400-acre service area at Mirasol Springs, I am copying HTGCD's General Manager Charlie Flatten on this letter.

In the interim, Applicant requests the District waive strict compliance with its Rule (5)(k), declare the pending application to be Administratively Complete and present it to the Board for final approval with the understanding that submission of the information contemplated by Rule 3.4(A)(5)(k) be submitted prior to production of groundwater under the granted permit for any reason other than "testing."

Best wishes.

Sincerely,

~~MCCARTHY & MCCARTHY, LLP~~


Edmond R. McCarthy, Jr.

ERM/tn

Encl.

cc: Hays Trinity Groundwater Conservation District
Attn: Charlie Flatten, General Manager

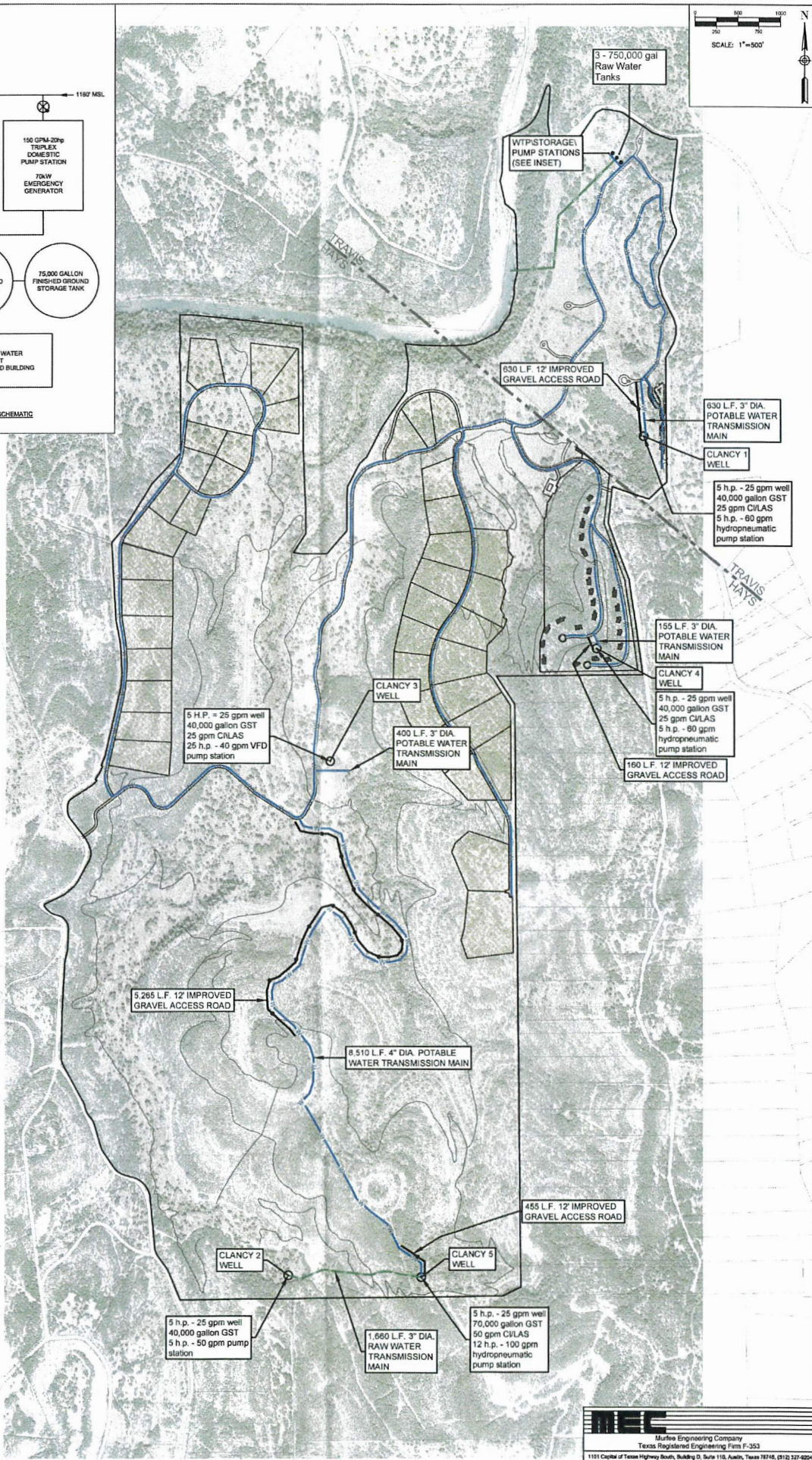
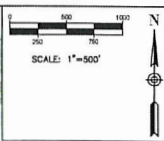
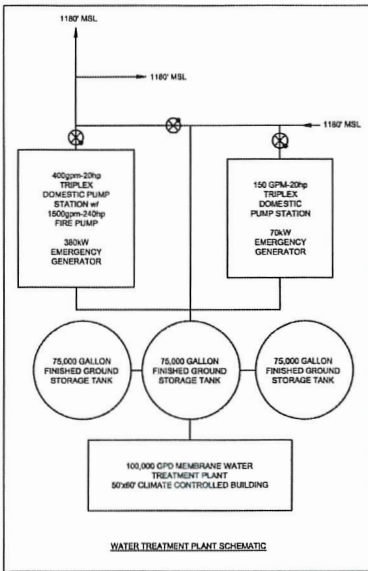
Clancy Utility Holdings, LLC
Attn: Jim Truitt, Vice President
Tarver Geologic Services, LLC
Attn: Rusty Tarver, P.G.
Murfee Engineering, Inc.
Attn: George Murfee, P.E.

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Appendix “A”

Detailed Schematic Drawing of Applicant’s proposed Public Water
Supply System prepared by Murfee Engineering, Inc.



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Mirasol Engineering Company Texas Registered Engineering Firm F-353 1151 Capital of Texas Highway South, Building D, Suite 110, Austin, Texas 78745, (512) 327-6254		
MIRASOL CONCEPTUAL PLAN GROUNDWATER SUPPLY PLAN		
DATE: 02/20/23	DATE: 02/10/23	SCALE: AS SHOWN
DRAWN BY: DAW	CHECKED BY: HLM	DESIGNED BY: DAW

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