



September 20, 2023

Wet Rock Groundwater Services, LLC
317 RR 620 S., Suite 303
Lakeway, TX 78746
via email: k.khorzad@wetrocksgs.com

RE: Administrative Completeness Review of Production Authorization Applications submitted by JPD Backyard Finance LLC for authorization to produce groundwater from two Lower Trinity Aquifer wells

Dear Mr. Kaveh Khorzad:

This letter is to inform you that as of September 20, 2023, the above referenced applications are administratively incomplete. Based on review of submitted application materials, the District has determined that the following items have not been satisfied:

- **3.4(A)(3) – The applicant must provide sufficient documentation to the District to show that the applicant will have a real, non-speculative need of the requested quantity of groundwater within one year following the date of issuance of the Operating Permit.**

3.4(A)(5)(b) – The annual groundwater withdrawal amount requested along with documentation justifying that amount as reasonable for the requested purpose of use, the maximum rate of withdrawal, the approximate, average monthly distribution of the requested annual withdrawal amount, the place of use (described by physical address, metes and bounds, or legal description), the purpose of use, and the location or proposed location of the well or wells (described by physical address or latitude and longitude). The application must state if the proposed purpose of use of water from the well is wholly or partly to provide water to a pond, lake, or reservoir to enhance the appearance of the landscape.

The applicant has not provided sufficient documentation demonstrating a real, non-speculative need for the requested groundwater volume, nor is there sufficient documentation justifying that volume as reasonable for the requested purpose of use. It is the District's policy to limit permitted groundwater production to an annual volume commensurate with reasonable non-speculative demand for the proposed use(s). As such, the permit volume must be quantitatively consistent with the specific purpose of the proposed use(s), allowing for temporal variations and buffers but excluding speculative demand relative to the term of the permit.

To satisfy the application requirement for demonstrating reasonable non-speculative demand, the applicant must first complete highlighted portions of the enclosed Irrigation Demand Worksheet ("Enclosure 1"). Information provided for "Irrigated Areas" and "Water Features/Ponds/Pool" should reflect proposed landscaping and ponds that will be

irrigated or maintained wholly or partly using groundwater produced from Wells No. 1 and 2. Information from this worksheet will be used by the District to determine a reasonable irrigation demand estimate for the proposed uses described in the applications. The District utilizes an irrigation demand calculator and methodology developed by the Barton Springs/Edwards Aquifer Conservation District to determine reasonable irrigation demand estimates. If the District finds the volume requested is inconsistent with the reasonable irrigation demand estimate, the applicant must revise the volume requested accordingly or provide additional details and documentation relating to projected demand for the proposed use(s) and documentation justifying that amount as reasonable.

- **3.4(A)(5)(j) – For corporations, partnerships, or other business forms, a list of all principal owners and their contact information.**

To satisfy this requirement, the applicant must submit a list of all principal owners and their contact information.

- **3.4(A)(5)(m) – A hydrogeological testing report that conforms to the appropriate tier of testing under the District’s Guidelines for Aquifer Testing and Hydrogeological Reports (see Rule 3.4(A)(4)) and is acceptable to the District. Other state and local jurisdictions may have other specific requirements, some of which may be more prescriptive or stringent for certain wells in certain locations. Applicants must comply with these additional state and local requirements separately from complying with District Rules.**

To satisfy this requirement, the applicant must address the following:

- Provide all testing data in digital format (CSV or excel spreadsheet), including all pre-test water-level measurements
- Discuss pre-test measurements and trends
- Discuss significant differences observed in Wells No. 1 and 2 during testing, including:
 - static water level,
 - pumping response, drawdown and recovery time,
 - estimated aquifer parameters,
 - water quality, and
 - possible causes of the differences described above and how these factors may influence analysis of potential impacts.
- Address discrepancies in the statements below relating to estimated drawdown, and describe where the drawdown estimates are expected to occur (e.g., distance from pumping wells):
 - “As required by the SWTCGCD, the effects of current and projected pumpage on water levels on surrounding wells for a one week, one year, and seven year period was estimated using the Theis equation. Based on the results of the modeling, the Backyard Wells No. 1 and 2 continuously pumping at a rate of 7.04 gpm for 1 week, 1 year, and 7 years results in an estimated **26.12 feet, 30.98 feet, and 33.37 feet**, respectively.” (pg. 5 of Hydrogeologic Report – Executive Summary)
 - “As required by the SWTCGCD, the effects of current and projected pumpage on water levels on surrounding wells for a one week, one year,

and seven year period was estimated using the Theis equation. Based on the results of the modeling, the Backyard Wells No. 1 and 2 continuously pumping at a rate of 7.04 gpm for 1 week, 1 year, and 7 years results in an estimated **19.28 feet, 23.44 feet, and 25.48 feet**, respectively” (pg. 36 of Hydrogeologic Report – Section VI: Conclusions)

- **3.4(B) – No application for a non-exempt well requesting an annual pumpage volume of more than 1,000,000 gallons will be administratively complete until the applicant has provided proof to the District that notice of the application has been mailed to all persons who own property located within a ¼-mile radius of the proposed well site by certified mail, return receipt requested. The District will provide the type of information that must be contained in the notice that the applicant must mail to adjoining property owners.**

The applicant submitted a mailing list showing all public water suppliers and persons who own property within 1/4 mile of the proposed wells, as well as purchase receipts for mailing each notice of application. To satisfy this requirement, the applicant must also submit copies of each mailed notice to confirm that the required information was included in each notice (digital copies preferred).

Please provide the above requested information within 180 days of the date of this letter. Once all information has been received and the requirements described above have been satisfied, the application will be deemed administratively complete and a letter indicating such will be provided with further instructions. If you have any questions or need clarification regarding the requested information, please feel free to contact my office by phone at 512-276-2875 or by e-mail at generalmanager@swtcgcd.org.

Sincerely,



Lane Cockrell
SWTCGCD General Manager/Hydrogeologist

Enclosures: Enclosure 1 – Irrigation Demand Worksheet

cc: Ben Carter, Hoar Construction, bcarter@hoar.com
Nick Castillo, Wet Rock Groundwater Services LLC, n.castillo@wetrockgs.com
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Andrew Worsley, Wet Rocks Groundwater Services LLC, a.worsley@wetrockgs.com

Enclosure 1:
Irrigation Demand Worksheet: Commercial/Large Scale Irrigation

Irrigation Demand Worksheet: Commercial/Large Scale Irrigation

This worksheet should be completed to provide the necessary information required in an operating permit application for irrigation use. A key component of the permit application is the written descriptive statement and irrigation demand estimates. It is the District's policy to limit permitted groundwater production to an annual volume commensurate with reasonable non-speculative demand for the proposed use(s). As such, the permitted volume must be quantitatively consistent with the specific purpose of the proposed use(s), allowing for temporal variations and buffers but excluding speculative demand relative to the term of the permit. The District utilizes an irrigation demand calculator and methodology developed by the Barton Springs/Edwards Aquifer Conservation District to determine reasonable irrigation demand estimates. To develop an estimate of the irrigation demand volume for your permit application, you must submit the information below.

You must submit a plat map, land survey, landscape design plan, or property diagram* that depicts and labels ALL of the following:

- Total acreage/square footage of entire property plot
- Dimensions of Impervious areas (paved areas, parking lots, building structures)
- Dimensions of Irrigated areas (turf areas, plant bed areas, vegetable gardens)
- Water features/Ponds/Pools

** Property diagrams can be hand drawn or computer drawn by either the applicant or a landscape consultant.*

You must complete of the following informational components:

Total Property Plot Area:

_____ sq ft or _____ acres of entire property plot

Impervious Areas:

_____ sq ft or _____ acres of estimated total impervious area (paved areas, parking lots, building structures)

Irrigated Areas:

_____ sq ft Total area of turf

_____ sq ft Total cumulative area of all landscape planting beds (*to include annuals, groundcovers, perennials, shrubs, native plantings, xeriscaping*)

_____ sq ft Total area of vegetable gardens

Water Features/Ponds/Pools:

_____ sq ft & _____ gallons for fountains, ponds, water features

Significant Isolated Trees:

- If you have trees that stand inside an irrigated turf grass area, or inside a landscape bed area then the District will not consider additional allocations for those trees.
- If you have significant isolated trees that stand outside of any turf grass area, or outside of a landscape bed then the District may consider allocations for those significant trees. District staff will have to conduct a site visit to evaluate the size and type of trees as well as the current irrigation practices for those significant trees.