



November 24, 2023

Shaun Miller
President, Clancy Utility Holdings LLC
4143 Maple Avenue, Suite 400
Dallas, TX 75219
via email: smiller@winfamily.org

RE: Determination of Administratively Complete Application for Well Production Authorization

Dear Shaun Miller:

The purpose of this letter is to notify you that the Application for Well Production Authorization submitted to the Southwestern Travis County Groundwater Conservation District (“District”) by Clancy Utility Holdings LLC (“Applicant”) has been deemed administratively complete. The Application seeks an operating permit to withdraw up to 28.3 acre-feet of groundwater annually from the Middle Trinity Aquifer from a single well in Travis County for municipal use.

For an application to be deemed administratively complete under the District’s Rules, the application must include all the information required by District Rule 3.4(A) and the appropriate application fee on the current District Fee Schedule.

The District is in receipt of the following correspondence and materials supporting a determination of administrative completeness:

1. Application Transmittal Letter dated December 14, 2021 (“**Transmittal Letter**”);
2. Check no. 1936 from McCarthy & McCarthy LLP, in amount equal to \$750.00;
3. Application for a Groundwater Production Permit, Including Transport Authorization, dated December 14, 2021, including appendices A-N (“**Application**”);
4. Correspondence entitled “Supplemental Filing with HTGCD regarding Clancy’s Application for a Municipal Groundwater Production Permit,” dated September 7, 2022, including appendices A-C (“**Supplement No. 1**”);
5. Correspondence entitled “Supplemental Filing in Support of Application for a Municipal Groundwater Production Permit – Well Interference Analysis,” dated December 7, 2022, including appendix A (“**Supplement No. 2**”);
6. Correspondence entitled “Application for a Municipal Groundwater Production Permit & Meeting Request – Request for Temporary Variance,” dated June 20, 2023, including appendix A (“**Variance Request**”);

7. Correspondence entitled “Status of Application for a Municipal Groundwater Production Permit & Meeting Request,” dated June 20, 2023, including appendices A-I (“**Supplement No. 3**”);
8. Memo from Mr. Ed McCarthy, dated September 25, 2023, including appendix A (“**Supplement No. 4**”);
9. Affidavit of mailed notice;
10. Memo from Mr. Ed McCarthy, dated October 25, 2023, including appendices A and B (“**Supplement No. 5**”).

Please note this list is not a comprehensive list of all correspondence and documentation filed to support the Application, but together compose the record containing the requisite information for administrative completeness. The enumerated list below identifies each of the requirements contained in the District’s Rules, which must be met before an application is deemed administratively complete, and includes references to the applicable rule and page numbers of the appropriate filings where information is located in the record documents filed with the District.

1. Rule 3.4(A)(1)-(2) requires an application to be filed using the District’s form accompanied by the appropriate permit application fee.

You have filed an application using the District’s form (Application at 0022) and provided the requisite fee (Transmittal Letter at PDF page 4).

2. Rule 3.4(A)(3) requires an application to provide sufficient documentation to show 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.

The Application states that groundwater will be a secondary water supply source and will only be used on an “as needed” basis to supplement Applicant’s primary surface water source (via LCRA Surface Water Supply Contract), and that the proposed groundwater production would be solely for municipal purposes throughout the planned development. The Application also states that, on average, little to no water would be produced because Applicant would be relying upon its LCRA Surface Water Supply Contract to meet the needs of its retail customers within its proposed service area (Application at 0054).

3. Rule 3.4(A)(4) requires conducting and reporting to the District the results of an aquifer test that conforms to the District’s “Guidelines for Aquifer Testing and Hydrogeological Reports.”

You provided a Groundwater Availability Study (Application at 0208), a Certification of Groundwater Availability using Hays Trinity Groundwater Conservation District’s form for a Tier 2 Permit Well Performance Test in accordance with Hay Trinity Groundwater Conservation District’s rules (Application at 0817), and additional analysis

in Supplement No. 2, which meet the criteria for a Tier 2 Aquifer Test and Hydrogeologic Report contemplated by this District's Rule 3.4(A)(4).

4. Rule 3.4(A)(5)(a) requires the well owner's name, mailing address, physical address, phone number, email address, a contact person, and the same information for the well operator (provided in Application at 0022).
5. Rule 3.4(A)(5)(a) requires a copy of the real estate deed evidencing land ownership.

You provided a Special Warranty Deed dated April 5, 2018, demonstrating landownership by Mirasol Meadows, LLC, recorded as Document No. 2018051535 in Travis County and Document No. 108011916 in Hays County (Application at 0120); and a copy of the Consent Agreement Related to Permitting & Operating of Retail Public Utility Service at Mirasol Springs between Clancey Utility Holdings, LLC and the landowner, Mirasol Springs, LLC (Application at 0112); we understand that Mirasol Meadows, LLC changed its name to Mirasol Springs, LLC (Application at 109).

6. Rule 3.4(A)(5)(b) requires documentation stating the following:
 - a. annual groundwater withdrawal amount requested along with documentation asserting the Applicant's justification that the requested amount is reasonable for the requested purpose of use;

You have requested an authorization to produce up to 28.3 acre-feet per year (Supplement No. 1 at 8).¹

- b. the maximum rate of withdrawal;

You state the anticipated rate of withdrawal is 25 gallons per minute (Supplement No. 4).

- c. the approximate average monthly distribution of the requested annual withdrawal amount;

The Application states the groundwater will only be used "as needed," and therefore Applicant anticipates (i) that 100% of the groundwater would be applied to municipal purposes, but (ii) little to no water would be produced because Applicant would be relying upon its LCRA Surface Water Supply Contract to meet the needs of its retail customers within its proposed service area (Application at 0054).

¹ The District's Board will determine whether the requested authorization is reasonable for the requested purpose of use in accordance with the District's rules and applicable state law.

- d. the place of use, described by physical address, metes and bounds, or legal description;

You state the place of use is the 1,400.809 acres known as the “Mirasol Springs Development,” composed of 168.845 acres located in Travis County, and 1,231.964 acres located in Hays County (Application at 0053) (metes and bounds description and survey begin on page 0028 of the Application).

- e. The purpose of use;

You state the purpose of use is retail public water and wastewater service (Application at 0053).

- f. the location or proposed location of the well or wells;

You state the single well located within Travis County is located at Longitude W -98.133722, Latitude N 30.330440 (Application at 0053).

- g. whether the proposed purpose of the 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;

You state the permitted groundwater will only be used for retail public water and wastewater service, and your submitted plans do not contemplate using any groundwater to maintain a surface reservoir of any kind (Application at 0053, *see also* Supplement No. 5).

- h. whether and what portion of the requested withdrawal amount will be exported, and how that exported amount will be measured;

You acknowledge that the proposed groundwater production from Travis County will be transported outside the District, but do not specify the portion of the requested withdrawal amount that will be exported or how that exported amount will be measured (Application at 0053).

- 7. Rule 3.4(A)(5)(c) requires documentation identifying the total number and location of all wells and an interconnection diagram showing estimated well production contributions and meter location(s).

You provided a “conceptual plan” showing the locations of wells and their estimated production contributions, but do not specify any meter locations (Supplement No. 3 at 10). You state the exact location of the meter for each well has not been

determined, and that Clancy will notify the District of their locations once plans have been finalized for the proposed public water supply system (Supplement No. 5).

8. Rule 3.4(A)(5)(d) requires a water conservation plan (provided in Application at 0172).
9. Rule 3.4(A)(5)(d) requires a drought contingency plan (provided in Application at 0180).
10. Rule 3.4(A)(5)(e) requires a property plat, survey, or map of the parcel, to scale and with north arrow, showing the location of the proposed well and that includes the following features within 1000 feet of the proposed well location on any tract:
 - a. Existing or proposed domestic buildings;
 - b. All water wells, including those abandoned, deteriorated, or not currently in service;
 - c. Septic tanks and septic disposal areas;
 - d. Driveways;
 - e. Barns and feedlots;
 - f. Ponds, creeks, rivers, and intermittent streams;
 - g. Property lines;
 - h. Power lines; and
 - i. Any other known or suspected potential sources of pollution.

You provided a property plat and accompanying data (Application at 0039-50; Supplement No. 3 at 0010).

11. Rule 3.4(A)(5)(f) requires a surface geology map and topographic map of the property where the proposed well is located and extending 1,000 feet into adjacent properties (provided in Application at 0228).
12. Rule 3.4(A)(5)(g) requires drawings and physical descriptions depicting and describing well construction design, facility layout, existing or proposed pipelines, chlorination system, water softeners, storage tanks, boost pumps, and any other well related equipment (provided in Application at 0274; Supplement No. 3 at 0010).
13. Rule 3.4(A)(5)(h) requires documentation on installed or proposed pump horsepower, pumping capabilities at installed depth, or other production-related pump information (provided in Supplement No. 4).
14. Rule 3.4(A)(5)(i) requires State of Texas Well Report and a Geophysical Well Log for each well and test borehole drilled (provided in Application beginning at 0274).

15. Rule 3.4(A)(5)(j) requires a list of all principal owners and their contact information for any corporations, partnerships, and other business forms (provided in Supplement No. 3 at 0004).
16. Rule 3.4(A)(5)(k) requires applications contemplating public water supply wells to provide copies of the Texas Commission on Environmental Quality approval letter for each well and the certificate of convenience and necessity for the water supply system from the Public Utility Commission of Texas, and any other relevant documentation related to public water supply wells.

The District conditionally waived this requirement for administrative completeness purposes as evidenced by the Conditional Waiver of Southwestern Travis County GCD Rule 3.4(A)(5)(k) letter dated August 4, 2023.

17. Rule 3.4(A)(5)(m) requires 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)).

You provided a Groundwater Availability Study (Application at 208), Certification of Groundwater Availability using Hays Trinity Groundwater Conservation District's form for a Tier 2 Permit Well Performance Test in accordance with Hay Trinity Groundwater Conservation District's rules (Application at 0817), and additional analysis in Supplement No. 2, which meet the criteria for a Tier 2 Aquifer Test and Hydrogeologic Report contemplated by this District's Rule 3.4(A)(4).

18. Rule 3.4(A)(5)(n) requires water chemistry data for the conductivity, or total dissolved solids, for the well's groundwater (provided in Application at 0613).
19. Rule 3.4(B) requires proof of notice mailed to all persons who own property located within ¼-mile radius of the proposed well site (Applicant provided Affidavit of Mailed Notice, dated October 5, 2023).

A determination of administrative completeness is a determination by the District's general manager that the applicant has either provided the information required by rule in order to set the permit application for public hearing before the District's Board of Directors, or has been granted a waiver for any such requisite information. A determination of administrative completeness is not an approval of the Application, nor a guarantee that the District's Board of Directors will approve the Application. This determination is not an indication that the Application's substance justifies a permit or has met the minimum requirements set forth by the District's rules and the laws of the State of Texas to justify the Application's request, and shall not be construed as a determination that the Application's proposed permit and withdrawal amount is reasonable.

In the coming weeks, the District will set a date for a hearing on your permit application, and issue notice not later than 10 days in advance of the date of the hearing. The District will coordinate with you to ensure you are available on the date of the hearing.

Please feel free to contact me if you have any questions in the meantime.

Sincerely,



Lane Cockrell
General Manager/Hydrogeologist
Southwestern Travis County GCD

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