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July 28, 2008

LaDonna Castañuela
Office of the Chief Clerk
Texas Commission on Environmental Quality
MC - 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: HRC Cherokee Tree Farm, LP ("Applicant")
WRPERM 12047
Docket No. 2008-0495-WR

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 JUL 28 PM 4:33
CHIEF CLERKS OFFICE

Dear Ms. Castañuela:

The purpose of this letter is to inform the Commissioners and all interested persons that Applicant does not intend to file an additional brief in response to today's deadline for written response to hearing requests. Rather, Applicant stands on and re-urges the facts, law and argument as previously set forth in its brief and attached exhibits, filed on July 8, 2008, and titled "HRC Cherokee Tree Farm, LP's Response to Hearing Requests."

Again, Applicant respectfully requests that the Commissioners determine that Dr. Van Dellen is not an "affected person" entitled to a hearing because there is no reasonable likelihood that the proposed permit will impact him, given the permit's requirement that all State water be passed without impoundment. This is true even if Dr. Van Dellen can show a personal justiciable interest distinguishable from the public at large, which, as the Executive Director correctly argued in its brief, he has not yet done.

If you have any questions, please feel free to contact me directly

Very truly yours,

Scott Rhodes
direct dial: (512) 370-2811
srhodes@winstead.com

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that, on this the 28th day of July, 2008, a true and correct copy of this document has been sent via Hand Delivery, First Class Mail or Facsimile to each of the person's listed below.



Scott Rhodes

VIA FAX

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Mr. Kyle Lucas	TCEQ	(512) 239-4015
Robin Smith	TCEQ	(512) 239-0606
Ms. LaDonna Castanuela	TCEQ	(512) 239-3311
Iliana Delgado	TCEQ	(512) 239-2214

VIA MAIL

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3.	Robin Smith	TCEQ		(512) 239-0606
4.	Ms LaDonna Castanuela	TCEQ		(512) 239-3311
5.	Iliana Delgado	TCEQ		(512) 239-2214

Message: Please see enclosed.

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