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April 2, 2024

Ms. Mary Smith
General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087, MC-101
Austin, Texas 78711-3087

via TCEQ eFiling

Re: *In the Matter of the Application by City of Wichita Falls for Water Use Permit No. 13404*; SOAH Docket No. 582-22-2634; TCEQ Docket No. 2022-0125-WR.

Dear Ms. Smith:

I represent Protestants William Justin O'Malley, Umhail Valley LLC, Rockfleet Castle LLC, and Kildavnet Castle LLC in the matter referenced above. By this letter, I respectfully request that this matter not be set for the TCEQ Commissioners' Agenda Meeting on April 24, 2024, because I have conflicts on that date and will be unavailable to attend the meeting. More specifically, I represent Environmental Stewardship, Appellant in Cause No. 03-23-00303-CV, currently pending before the Third District of Texas Court of Appeals. I will be presenting oral argument in that matter on April 24. Additionally, I represent several protesting parties in the matter of the *Application by San Miguel Electric Cooperative, Inc. for Renewal-Revision of Permit No. 60, Areas F, G & H, San Miguel Lignite Mine, McMullen County, Texas*, Docket No. MR-22-00010336, currently pending before the Railroad Commission of Texas Hearings Division. In that matter, written closing arguments are to be submitted on April 24. Accordingly, I respectfully request that the above-referenced matter not be set for consideration at the TCEQ Commissioners' Meeting on that date.

This request is not being made for purposes of delay, but only so that Mr. O'Malley will have legal representation at the TCEQ Commissioners' public meeting, who can provide a useful oral summary of the salient issues and respond to questions by the Commissioners.

If you have any questions or require further information, please do not hesitate to contact me. Thank you for your attention to this matter.

Respectfully submitted,

/s/ Marisa Perales
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LLC, and Rockfleet Castle LLC*

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing document has been served via electronic mail to the parties of record below, on April 2, 2024.

/s/ Marisa Perales

Marisa Perales

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