

Office of the Chief Clerk  
MC 105, TCEQ  
P.O. Box 13087  
Austin, TX 78711-387

22 October 2006

RE: APPLICATION No. 12047; from applicant  
HRC Cherokee Tree Farm, LP

Dear Sir:

I am writing to register my opposition to approval of application No. 12047 from HRC Cherokee Tree Farm for a Water Use Permit to authorize construction and maintenance of two (2) dams and reservoirs impounding a combined total of 3,849.5 acre-feet of water, having a combined surface area of 385 acres on Flat Creek, Neches River Basin, for in-place recreational purposes in Cherokee County.

Herewith, I request a 1) Contested Case Hearing, and 2) a Public Meeting.

I will be adversely affected by approval of the application because any diminished free-flow of surface water from a creek to the main Neches River channel, historically already devastatingly allowed, diminishes wildlife and degrades the river channel, and will ultimately undermine and depreciate my livelihood.

I am directly affected, though I live downstream relative to the proposed activity. My work and business is primarily on the Upper Neches River to which Flat Creek is a significant tributary stream. I am dependant on the free-flow of all creeks and resultant flow of Neches River water, as I photograph the riverine habitat, bottomland hardwoods, wildlife, and guide recreational users on this segment of the River.

COMMENT: Over the years as creeks have been indiscriminately dammed, the Neches River has experienced a commensurate reduction in the free-flow of water, particularly during periods of reduced rain and drought. The old-timers of the Neches River valley will tell us, and I have observed, when tributary creeks are dammed wildlife presence on the river and fishing success is reduced and the river channel degraded. The latter is noted, in part, with resultant smaller sandbars or complete loss of them downstream at the mouth of creeks, There is an ominous trend as the surface water commons is increasingly sequestered for private use or gain, which currently may be especially detrimental in absence of the pending report on in-stream water flow needed for adequate support of nature.

Sincerely,

*Adrian F. Van Dellen*

Adrian F. Van Dellen, DVM

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Woodville, TX 75979

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