

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 14, 2012

Mr. Kirby Powell
K & B Powell Family Ltd Partnership
1836 County Rd 220
Rockwood, Texas 76873

Re: Response to Priority Call in the Colorado River Basin

Dear Mr. Powell:

The Texas Commission on Environmental Quality (TCEQ) staff received your correspondence requesting a priority call based on your permitted use of water from the Colorado River. Since that time, TCEQ staff have examined water rights and conducted investigations to determine whether suspension or adjustment of water rights upstream of your property would result in surface water that you could beneficially use at your location.

Staff conducted field investigations in the Colorado River watershed on July 26 and September 11, 2012. Staff took flow measurements and photographs.

Staff also reviewed water rights between O.H. Ivie Reservoir and the location of your call, compiled permitted diversion amounts and rates, examined available actual water use data for the previous 10-year period, estimated loss rates, and reviewed on the ground investigation information to determine if suspension or adjustment of water rights would provide additional flows at the location of your call.

Evidence from staff's field investigations indicates dry conditions in the watershed and the presence of isolated pools. Under current stream conditions, suspension or adjustment of water rights would not be likely to generate sufficient flow to maintain connectivity between these pools and result in increased river flow at your location.

Consequently, I have determined that, at this time, based on the above information, suspension or adjustment of water rights would not result in surface water at your location in an amount that you could beneficially use, and at this time no suspension or adjustment will be made.

Please maintain contact with the TCEQ and provide weekly updates on flows and usage data to Ms. Amy Settemeyer at the TCEQ Central Office in Austin at 512-239-2588.

Sincerely,

A handwritten signature in black ink, appearing to read "Zak Covar".

Zak Covar
Executive Director