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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 9, 2011

Mr. James W. Pratt
Executive Director, Sabine River Authority of Louisiana
15091 Texas Highway
Many, Louisiana 71449

Re: Sabine River Compact Compliance

Dear Mr. Pratt:

I have received the letter of August 10, 2011, from the Louisiana Sabine River Compact Commissioners George D. Brandon and Bobby E. Williams. As you are aware, our states are currently experiencing one of the worst droughts of record.

The Texas Commission on Environmental Quality (TCEQ) has been actively administering our water rights statewide by curtailing uses by priority, as needed, to ensure proper administration of water supplies during these critical times. Texas takes its obligations under the Sabine River Compact very seriously. The following is a list of the measures that the TCEQ has undertaken, in coordination with our Sabine River Compact Commissioners Gary Gagnon and Jerry Gipson, to ensure Compact compliance with the Sabine River Compact.

The TCEQ regional office has stopped issuing temporary permits above the Beckville gauge. Further, the active temporary water rights were notified that they were not to divert water if the flow of the Beckville gauge was below 22 cfs. Additionally, TCEQ has conducted flyovers to look for diversions of water, and we have sent staff into the area to verify diversions and actual stream flows.

To ensure compliance with Article (B)(3) of the Sabine River Compact, which states in part "Reservoirs on which construction is commenced after January 1, 1953, above the Stateline shall be liable for their share of water necessary to provide a minimum flow at the Stateline of 36 cubic feet per second; provided that no reservoir shall be liable for a greater percentage of this minimum flow than the percentage of the drainage area above the Stateline contributing to that reservoir...", the TCEQ by letter dated August 16, 2011, notified reservoir owners greater than 5,000 acre-feet and junior to January 1, 1953, that it may be necessary to require releases to provide the flows required. The Sabine River Authority of Texas has indicated that they are releasing 6 cfs from Lake Tawakoni and 4 cfs from Lake Fork to meet this Compact provision. Our calculations indicate that this 10 cfs is sufficient to cover the releases required of all Texas reservoirs in this reach greater than 2,000 acre-feet.

Mr. James W. Pratt
Page 2
September 9, 2011

TCEQ, by letter dated August 22, 2011, notified all water rights junior to January 1, 1953, and above the Beckville gauge, except for municipal and power generation, that their use of water may need to be curtailed to meet the provisions of the Sabine River Compact if conditions in the basin do not improve.

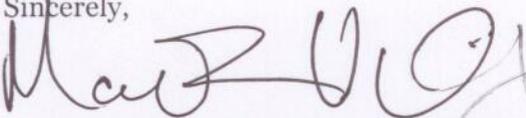
If conditions do not improve, TCEQ will curtail these water rights to meet the provision of Article V(B)(2) of the Compact which states "After January 1, 1953 neither state shall permit or authorize any additional uses which would have the effect of reducing the flow at the Stateline to less than 36 cubic feet per second."

For health and safety concerns, the municipal and power generation rights would not be curtailed. TCEQ is currently working with large diverters, including power generators, to coordinate the timing of their divisions in an effort to maintain sufficient gauge flow.

TCEQ understands that the Sabine River Compact Administration equates 22 cfs at Beckville to 36 cfs at the Stateline. Also, TCEQ has developed some preliminary calculations on the difference in the amount of water at the Beckville gauge and the amount that would have been there if the 22cfs was maintained. This amount was approximately 450 acre-feet for June through August 15th.

I look forward to working with you to address these issues, while minimizing the impacts on everyone as we move through these historical conditions. If you have any suggestions, please let me know. If you have any questions, please contact Mr. Herman R. Settemeyer at (512) 239-4707.

Sincerely,



Mark R. Vickery, P. G., Executive Director
Texas Commission on Environmental Quality

cc: Mr. Gary Gagnon, Sabine River Compact Commissioner for Texas
Mr. Jerry Gipson, Sabine River Compact Commissioner for Texas
Mr. Jerry Clark, Sabine River Authority of Texas
Mr. Herman R. Settemeyer, Engineer Advisor for Texas

Mr. James W. Pratt
Page 3
September 9, 2011

bcc: L'Oreal Stepney, TCEQ, Office of Water, MC 158