

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

January 8, 2013

Re: Modification of Restrictions on Junior Water Right Holders in the Brazos River Basin

Dear Water Right Holder:

As you are aware, Texas is experiencing widespread drought conditions. As a result of these conditions, on November 19, 2012, I issued an Order suspending certain junior water rights in the Brazos River Basin below Lake Possum Kingdom in response to a senior priority call. On December 5, 2012, the Commission voted to affirm that Order and modified it to include the requirements under 30 TAC Chapter 36.5(c). No long-term drought relief is projected notwithstanding current weather conditions.

However, given the current rainfall conditions, I have issued a modified order, effective immediately, that allows suspended junior water rights to divert and impound water under the terms and conditions of their water right during certain temporary higher flow levels. The enclosed modified order sets forth the streamflow levels that apply to specific areas when streamflow at certain gages are at or above a certain streamflow level.

If you are a junior municipal water right holder that was not suspended under the November 19, 2012 Order, please be advised that TCEQ is reviewing your responses under the Commission's December 5, 2012 Order and 30 TAC Section 36.5 and will take action to suspend or adjust these junior water rights, if appropriate, based on the information provided in those responses.

A hearing before the Commission will be held to affirm, modify, or set aside the order. This matter is scheduled for consideration at the Commission Agenda on January 30, 2013 at 9:30 a.m. at 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas 78753.

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

You may find additional drought information on TCEQ's drought web page at: www.tceq.texas.gov/response/drought or by contacting the TCEQ Drought Hotline at 1-800-447-2827. You may find information on flow levels at USGS Gages on USGS's web page at: <http://waterdata.usgs.gov/tx/nwis/current/?type=flow>. You may also contact your TCEQ Regional Office or Ms. Melissa Keller at 512-239-1768 should you have additional questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Zak Covar", written over a white background.

Zak Covar
Executive Director

Enclosure