

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

July 2, 2013

CERTIFIED MAIL

Re: Suspensions of Permitted State Surface Water Diversions in the Brazos River Basin

Dear Water Right Holder:

The Texas Commission on Environmental Quality (TCEQ) has received a priority call on surface water from a senior water right holder in the Brazos River Basin. In accordance with the Texas Water Code (TWC), §5.013(a)(1), the TCEQ is responsible for enforcing water rights, which requires protecting senior and superior surface water rights and must take action in response to the priority call.

With no immediate relief forecasted, the **TCEQ is now suspending or adjusting certain diversions in the Brazos River Basin below Lake Possum Kingdom**. Suspended or adjusted water rights include water right permits with a priority date of **February 15, 1942 and later** and term water right permits. Temporary water right permits have also been suspended. Exempt domestic and livestock diversions are not subject to this suspension.

At this time, you are not required to suspend your surface water diversion for domestic use even though all or part of your water right is junior to the priority call. However, if your reservoir currently impounds less than or equal to 200 acre-feet of water, no additional water may be stored that would increase the capacity to over 200 acre-feet. If the reservoir currently impounds more than 200 acre-feet of water, all inflows must be passed downstream to the senior call.

A hearing before the Commission will be held to affirm, modify, or set aside the suspension order. This matter is scheduled for consideration at the Commission Agenda on July 26, 2013, at 9:30 a.m. at 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas 78753.

Junior permit holders with impoundments are not required to release any previously stored water; however, new inflows to impoundments must be passed downstream in order to meet senior needs.

The TCEQ continues to monitor the situation closely. Should senior or superior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to protect the priority call. If conditions improve, we may be able to lift the suspensions.

You may find additional drought information on TCEQ's drought web page at: <http://www.tceq.texas.gov/response/drought> or by contacting the TCEQ Drought Hotline at 1-800-447-2827. You may also contact your TCEQ Regional Office or Ms. Keller at the TCEQ Central Office in Austin at 512-239-1768 should you have additional questions on this matter.

Sincerely,

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

Zak Covar
Executive Director