

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

Julie Woodard, Regulatory Services Leader
The Dow Chemical Company
2301 N. Brazosport Blvd.
Freeport, Texas 77541-3257

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

Dear Ms. Woodard:

In response to your correspondence dated June 26, 2013, making a priority call on surface water on the Brazos River, I have issued an Order 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 as indicated in the enclosed order. Temporary water right permits have also been suspended. Exempt domestic and livestock diversions are not subject to this suspension because they are superior in priority to permitted rights.

A hearing before the Commission on whether to affirm, modify, or set aside the suspension order 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. A copy of the suspension order is enclosed for your reference.

We ask that you maintain contact with the TCEQ and provide weekly updates on flows and usage data to Ms. Melissa Keller, Water Rights Liaison, at the TCEQ Central Office in Austin at 512-239-1768. If you have any questions or would like to discuss these issues further, please contact Ms. L'Oreal Stepney, P.E., Deputy Director, Office of Water, at 512-239-1321.

Sincerely,

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

Zak Covar
Executive Director

Enclosure

Bryan W. Shaw, Ph.D., *Chairman*
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July 2, 2013

CERTIFIED MAIL

Ivan Langford
General Manager
3630 FM 1765
Texas City, Texas 77591
Gulf Coast Water Authority

Re: Gulf Coast Water Authority's Senior Call

Dear Mr. Langford:

The Texas Commission on Environmental Quality (TCEQ) staff received your June 21 and 26 correspondence requesting a priority call based on Gulf Coast Water Authority's (GCWA) permitted use of water from the Brazos River. Since that time, TCEQ staff have examined water rights and conducted investigations to determine whether suspension or adjustment of upstream water rights would result in surface water that GCWA could beneficially use at its location.

As discussed on June 26th, due to the dry conditions in the watershed, water generated from suspension of junior water rights would first be available to water right holders senior to the GCWA's 1955 call.

Additionally, TCEQ notified GCWA on June 27th that the commission received a senior call from Dow Chemical Company with a priority date of 1942. The priority date of the Dow call is senior to the date of GCWA's subsequently supplemented 1950 call. Staff evaluates calls in order of priority. While staff is finalizing its review of Dow's call and related response, staff has determined that at this time no suspension will be made in response to GCWA's 1950 call.

We ask that you maintain contact with the TCEQ and provide weekly updates on flows and usage data to Ms. Melissa Keller, Water Rights Liaison, at the TCEQ Central Office in Austin at 512-239-1768. If you have any questions or would like to discuss these issues further, please contact Ms. L'Oreal Stepney, P.E., Deputy Director, Office of Water at 512-239-1321.

Sincerely,

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Zak Covar
Executive Director