

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:

By letter dated April 5, 2013, you were alerted that the Texas Commission on Environmental Quality (TCEQ) may have to suspend or adjust water rights on a priority basis due to drought conditions. The TCEQ has received a priority call on surface water from a 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 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.

At this time, you are directed to immediately suspend all diversions with a priority date of **February 15, 1942, or later until further notice**. The enclosed order allows suspended water rights to divert and impound water when flows at certain United States Geological Survey (USGS) gages are above specific levels are temporarily at higher levels. In addition, during this suspension, you may continue to divert your legally stored water, under the terms and conditions of your water right; however, new inflows to impoundments must be passed downstream in order to meet senior needs.

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.

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. Melissa Keller, Water Rights Liaison, 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