

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

November 19, 2012

CERTIFIED MAIL

Mr. Ronnie Woodruff
General Manager
Brazosport Water Authority
1251 FM 2004
Lake Jackson, TX 77566

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

Dear Mr. Woodruff:

Texas Commission on Environmental Quality (TCEQ) staff received your correspondence requesting a priority call based on your 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 water rights upstream of your property would result in surface water that you could beneficially use at your location.

Due to the dry conditions in the watershed and the presence of intervening senior water rights, water generated from suspension of junior water rights would first be available to water right holders senior to the call.

Furthermore, on November 14, 2012, the TCEQ received a priority call from Dow Chemical Company. Dow's water rights are senior to BWA, although Dow does divert BWA's water from its diversion point. Any water generated as a result of suspensions or adjustments in the Brazos Basin would first be made available to Dow under its senior water rights.

Consequently, I have determined that suspension or adjustment of water rights in response to BWA's priority call would not result in surface water at your location in an amount that you could beneficially use, and at this time no suspension will be made in response to BWA's 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 512-239-1321.

Sincerely,

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

Zak Covar
Executive Director