

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 16, 2013

CERTIFIED MAIL

Re: Order Suspending or Adjusting Certain Junior Municipal and Power Generation Water Rights in the Brazos River Basin

Dear Water Right Holder:

As you are aware, Texas is experiencing widespread drought conditions. Even though portions of Texas have experienced recent rain events, drought conditions persist and no substantial relief is projected. You were previously notified that the Executive Director issued an Order suspending certain diversions in the Brazos River Basin below Lake Possum Kingdom. On December 5, 2012, the Commission voted to affirm that Order and modified it to include the requirements under 30 TAC Chapter 36.5.

On January 8, 2013, the Executive Director issued a modified order allowing suspended water rights to divert and impound water when flows at certain United States Geological Survey (USGS) gages were above specific levels. On January 15, 2013, the Executive Director issued an Order incorporating the terms of the January 8, 2013 order and adjusting or suspending certain municipal or power generation water rights on the Brazos River that were not adjusted or suspended in the December Order. A copy of the January 15 Order is enclosed.

Consistent with the January 8, 2013 Order, now included in the January 15, 2013 Order, suspended water rights may divert or impound water when flows at certain United States Geological Survey (USGS) gages are above specific levels. In addition, during this suspension, you may continue to divert water which was stored under the provisions of the attached Order, under the terms and conditions of your water right.

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.

Water Right Holder

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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 at 512-239-1768 should you have additional questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Zak Covar". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Zak Covar
Executive Director

Enclosure
