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Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 23, 2012

CERTIFIED MAIL

Mr. Scott Hall, P.E., General Manager
Lower Neches Valley Authority
P.O. Box 5117
Beaumont, Texas 77726

Re: Water Shortage on the Neches River

Dear Mr. Hall:

In response to your letter dated January 12, 2012 amending your priority call on surface water in the Neches River Basin, the Texas Commission on Environmental Quality (TCEQ) has taken the following action.

With no immediate relief forecasted, the TCEQ has amended the suspension of certain diversions in the Neches River Basin. Suspended water rights now include:

- Water right permits junior to the Lower Neches Valley Authority's (LNVA) rights in Sam Rayburn Reservoir and Lake B.A. Steinhagen to which LNVA is not subordinate. These LNVA rights have a priority date of November 12, 1963.
- Water right permits junior to LNVA's saltwater barrier permit, which has a priority date of July 3, 2001.
- Term water right permits and temporary water right permits.

Water rights for municipal uses, domestic uses, and power generation are excluded from this suspension.

Water right permits issued with multiple uses may continue to divert water for municipal, domestic, and power generation purposes only. Junior permit holders with impoundments are not required to release any previously stored water and may continue to use that water; however, new inflows to impoundments must be passed downstream in order to meet senior needs.

These actions are guided by the priority doctrine, established in TWC §11.027. The most senior water rights are served first during times of drought with domestic and livestock uses superior to any appropriated rights. Water rights are suspended or curtailed by

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priority date, with the most recently issued – or “junior” – priority users suspended before senior water rights in the area.

We ask that the LNVA maintain contact with the TCEQ and provide weekly updates on flows and usage data to Ms. Amy Settemeyer, Water Rights Liaison, at the TCEQ Central Office in Austin at 512-239-2588. 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 blue ink, appearing to read "Mark Vickery". The signature is fluid and cursive, with a large loop at the end of the last name.

Mark R. Vickery, P.G.

Executive Director

Texas Commission on Environmental Quality