



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 23, 2012

CERTIFIED MAIL

Re: Priority Call Amended in the Neches River Basin

Dear Water Right Holder:

By letter dated November 10, 2011, you were notified that certain non-municipal diversions with a priority date of August 13, 1913 or later in the Neches River Basin had been suspended due to a priority call on surface water from a senior water right holder.

The senior water right holder has now amended the priority call, and in response to the amended call, TCEQ is continuing to suspend some diversions in the Neches 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 surface water rights, and must take action in response to the amended priority call.

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.

At this time, **you are *not* required to suspend your surface water diversion for municipal or domestic use or power generation** even though all or part of your water right is junior to the senior priority call. **In order to continue your municipal diversions, you should be taking strong measures to conserve water. In recognition of the severity of the drought, you should be implementing those mandatory provisions of your drought contingency plan (DCP) that limit outdoor sprinkler lawn watering to once a week. You may allow handheld hose watering for both residential and commercial users consistent with your DCP.** You should be using your surface water rights to protect public health and safety needs. Public health and safety can include needs such as drinking water, fire protection, hospital use, tree preservation, foundation watering, necessary domestic uses, and other uses that you determine to be vital to the protection of public welfare.

Please notify the TCEQ that you have implemented mandatory provisions of your DCP that limit outdoor sprinkler lawn watering to once a week. You may allow handheld hose watering for both residential and commercial users consistent with your DCP. You can notify the TCEQ by using the online form available on the agency's drought page at: <http://www.tceq.texas.gov/response/drought>.

Water Right Holder

Page 2

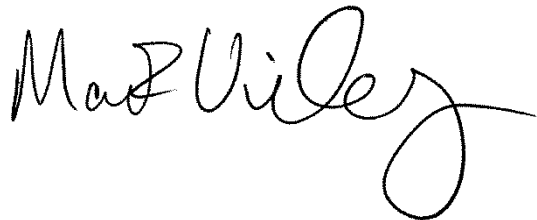
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If you need assistance with completing the form or to provide notification and to answer any of your questions, you can call our Small Business and Local Government Assistance hotline at 1-800-447-2827.

The TCEQ continues to monitor the situation closely and strives to balance protection of the senior surface water rights while attempting to minimize the impact to junior water right holders, within TCEQ's authority. Please note that should drought conditions persist or worsen, additional suspensions of junior water rights may again be necessary.

You may find additional drought information on TCEQ's drought web page, located at: <http://www.tceq.texas.gov/agency/drought.html> or by contacting the TCEQ Drought Hotline at 1-800-447-2827. You may also contact your TCEQ Regional Office or Ms. Amy Settemeyer, Water Rights Liaison, at the TCEQ Central Office in Austin at 512-239-2588 should you have additional questions on this matter.

Sincerely,

A handwritten signature in black 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