

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



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.

The purpose of this letter is inform you that you are still subject to the priority call and to direct you to continue to cease diversion and impoundment under your water rights until further notice. *Water rights for municipal uses, domestic uses, and power generation are not suspended at this time.*

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.

Domestic and livestock diversions are not subject to 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.

The TCEQ continues to monitor the situation closely and strives to balance protection of senior and superior 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.

Water Right Holder

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In recognition of the severity of the drought, all water right holders should continue to take actions necessary to conserve water and require your customers, if any, to do the same. You can find drought information, conservation tips, and other helpful information at the TCEQ drought 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. 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