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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 20, 2012

The Honorable Robert Johnston
County Judge
County Courthouse
703 North Mallard, Suite 101
Palestine, Texas 75801

Re: Alert for Permitted State Surface Water Diversions

Dear Judge Johnston:

As you are aware, despite recent rains, Texas is experiencing widespread drought conditions. As the state agency responsible for administering and protecting water rights in Texas, the Texas Commission on Environmental Quality (TCEQ) is closely monitoring and preparing to respond to the evolving drought conditions. As a first response, the TCEQ is notifying water right holders, county officials, and extension agents throughout the state about potential impacts to water rights.

Texas water law specifies that in times of shortage, permitted water rights will be administered based on the priority date of each water right; that is, the earliest in time is senior. Additionally, certain domestic and livestock use rights are superior in priority to permitted rights.

The TCEQ is responsible for protecting senior and superior water rights, as well as for ensuring water right holders divert state water only in accordance with their permits. In order to protect senior and superior water rights, the TCEQ may need to suspend or adjust diversion of water on a priority basis under 30 Texas Administrative Code (TAC), Chapter 36.

Since it is not possible to predict how long these conditions will continue, water right holders may wish to investigate alternative sources of water for their immediate needs.

The enclosed letter and map are being sent to water right holders across the state. This letter outlines requirements under Texas water law, TCEQ's responsibilities in responding to drought conditions, and potential agency actions. It also provides links to additional information and contacts for agency resources.

If you have any questions regarding this process, please contact L'Oreal Stepney, P.E. Deputy Director, Office of Water at (512) 239-1321.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Hyde".

Richard A. Hyde, P.E.
Deputy Executive Director

Enclosures