

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*

August 26, 2013

### **CERTIFIED MAIL**

City of Menard  
P.O. Box 145  
Menard, Texas 76859

Re: Certificate of Adjudication No. 14-1803

By letter dated April 5, 2013, you were alerted that the Texas Commission on Environmental Quality (TCEQ) may have to suspend or adjust water rights on a priority basis due to drought conditions. The TCEQ has received multiple priority calls on surface water from domestic and livestock water users in the San Saba River watershed of the Colorado 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 and superior surface water rights, and must take action in response to the priority call.

With no immediate relief forecasted, the TCEQ is now suspending or adjusting certain diversions in the San Saba River watershed. Suspended or adjusted water rights include water right permits with a priority date of January 1, 1900 and later and term water right permits as indicated in the enclosed order. Temporary water right permits have also been suspended. Exempt domestic and livestock diversions are not subject to this suspension because they are superior in priority to permitted rights.

You recently provided information under 30 TAC Chapter 36.5 indicating that you are using your surface water under your water right for municipal purposes.

Based on your response, **your water right is not suspended at this time** even though all or part of your water right is junior to the priority call. However, pursuant to 30 TAC Chapter 36.5, we are requiring that you submit water use data indicating the amount, rate of diversion, place and purposes of use of water on a daily basis.

Please submit this information, to Mr. Jaime Nolasco, TCEQ Water Rights Liaison, by electronic mail at [jaime.nolasco@tceq.texas.gov](mailto:jaime.nolasco@tceq.texas.gov), or by facsimile to 512-239-2249, within 14 days of the date of this letter, with follow-up information provided to TCEQ every 14 days thereafter. Failure to provide this information may result in suspension or adjustment of your water right. You have already provided information on your alternative water sources and long term additional supplies, so you do not have to provide that information again unless it has changed.

A hearing before the Commission will be held to affirm, modify, or set aside the suspension order. This matter is scheduled for consideration at the Commission Agenda on October 9, 2013, at 9:30 a.m. at 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas 78753.

City of Menard  
Page 2  
August 26, 2013

The TCEQ continues to monitor the situation closely. Should senior or superior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to protect the priority call. If conditions improve, we may be able to lift the suspensions.

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 Mr. Jaime Nolasco at the TCEQ Central Office in Austin at 512-239-1503 should you have additional questions on this matter.

Sincerely,



Zak Covar  
Executive Director  
Texas Commission on Environmental Quality

Enclosure