

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*

November 10, 2011

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

Re: Suspensions of Permitted State Surface Water Diversions in the Neches River Basin

Dear Judge Johnston:

On April 11, 2011, the Texas Commission on Environmental Quality (TCEQ) notified water right holders statewide that diversions of state surface water may be suspended or curtailed due to drought conditions. The TCEQ has now received a priority call on surface water from a senior water right holder 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 senior priority call.

With no immediate relief forecasted, the TCEQ has suspended certain diversions in the Neches River Basin. Suspended water rights now include water right permits with a priority date of August 13, 1913 and later (excluding those for municipal uses and power generation), term water right permits, and temporary water right permits. Domestic and livestock diversions are not subject to this suspension. The TCEQ has also notified the remaining water right holders in the Neches River Basin about the senior call and the potential for additional suspensions or curtailments should drought conditions persist. Copies of this correspondence are enclosed for your reference.

Multiple program areas at the TCEQ are actively engaged in the oversight of available water supplies statewide. We are working with municipalities that face potential shortfalls of available drinking water. There is a common understanding in all of our programmatic efforts that our decisions have profound impacts on the people of Texas. We are weighing our decisions judiciously, paying particular attention to those potential impacts.

With no immediate relief forecasted, the TCEQ is soliciting your help in disseminating appropriate information to affected parties in the Neches River Basin communities. If this drought cycle worsens, it will be very important that all residents living and working in the Neches River Basin are well informed. The TCEQ has established a drought web page to provide additional information and address questions and concerns. The drought web page is located at: <http://www.tceq.texas.gov/agency/drought.html>. We have also activated the TCEQ Drought Hotline at 1-800-447-2827.

Should you have questions or need additional information, 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 "Zak Covar".

Zak Covar  
Deputy Executive Director  
Enclosures