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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 19, 2012

The Honorable Gary Beesinger
County Judge
County Courthouse
P.O. Box 458
Archer City, Texas 76351

Dear Judge Beesinger:

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

By letter dated July 20, 2012, the Texas Commission on Environmental Quality (TCEQ) notified water right holders that certain diversions of state surface water may be suspended or adjusted due to drought conditions. The TCEQ has received a priority call on surface water from a water right holder in the Brazos 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 Executive Director has issued an order suspending certain diversions in the Brazos River Basin below Lake Possum Kingdom. Suspended water rights include water right permits with a priority date of **February 15, 1942 and later** (excluding those for municipal uses, domestic uses and power generation), term water right permits, and temporary water right permits. Exempt domestic and livestock diversions are not subject to this suspension. A copy of the correspondence informing water right holders of the suspension is 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.

Additionally, the TCEQ is soliciting your help in disseminating appropriate information to affected parties in the Brazos River Basin communities. If this drought cycle worsens, it will be very important that all residents living and working in the Brazos River Basin are well informed. General information about the drought may be found on the TCEQ's website at: <http://www.tceq.texas.gov/response/drought>. This site will be updated as the drought continues. We have also activated the TCEQ Drought Hotline at 1-800-447-2827.

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 December 5, 2012, at 9:30 a.m. at 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas 78753.

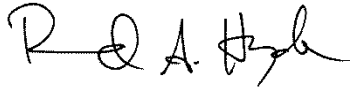
The Honorable Gary Beesinger

Page 2

November 19, 2012

Should you have questions or need additional information, please contact L'Oreal W. Stepney, P.E., Deputy Director, Office of Water at 512-239-1321.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Hyde". The signature is written in a cursive style with a large initial "R" and a distinct "A".

Richard Hyde, P.E.
Deputy Executive Director

Enclosure