

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

December 14, 2012

CERTIFIED MAIL

Re: Brazos River Basin Suspensions

Dear Water Right Holder:

As you are aware, Texas is experiencing widespread drought conditions. Drought conditions are worsening and no substantial relief is projected. Forecasts for early 2013 include below normal rainfall and above normal temperatures. You were previously notified that the Executive Director issued an Order suspending certain diversions in the Brazos River Basin below Lake Possum Kingdom. On December 5, 2012, the Commission voted to affirm that Order and modified it to include the requirements under 30 TAC Chapter 36.5. Your surface water right for **domestic use** was not suspended for public health, safety, and welfare reasons, even though all or part of your water right is junior to the priority call. However, to maintain this status, certain actions are required of you as outlined below.

Although junior permit holders with impoundments are not required to release any previously stored water, you must pass all inflows above those required to maintain sufficient water for public health, safety, and welfare needs. Additionally, the amount of water in storage cannot exceed the amount of water in storage on the date of the Order, November 19, 2012. If you divert directly from a river or stream for domestic purposes, you can continue those diversions.

On November 19, 2012 you were requested to complete a questionnaire. **We have not received your responses to the questionnaire as required under 30 TAC Chapter 36.5. Please provide this information as soon as possible but no later than December 28, 2012** to Ms. Melissa Keller, TCEQ Water Rights Liaison, by electronic mail at melissa.keller@tceq.texas.gov, or by facsimile to 512-239-2249. If you do not provide this information by the required deadline, your water right is subject to suspension, adjustment, and enforcement.

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. **Should senior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call notwithstanding completion of the questionnaire and implementation of mandatory water use restrictions.** If conditions improve, we may be able to lift restrictions.

Water Right Holder

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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 Ms. Melissa Keller at 512-239-1768 should you have additional questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Zak Covar". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Zak Covar
Executive Director
Texas Commission on Environmental Quality

Enclosure