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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 14, 2012

CERTIFIED MAIL

Re: Implementation of Mandatory Water Use Restrictions

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 diversions for **municipal or domestic use** were 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.

Junior water right holders whose diversion rights have not been suspended or adjusted should be using their surface water rights to protect public health, safety, and welfare needs. Public health, safety, and welfare can include needs such as drinking water, fire protection, hospital use, and necessary domestic uses. **Because your water right was not suspended or adjusted, under 30 TAC Chapter 36.7(b) TCEQ is now requiring that you implement higher level mandatory water use restrictions than may otherwise be required by your drought contingency plan.** If you have already taken steps to implement **mandatory** water use restrictions, you will not need to implement further restrictions at this time.

You should implement these restrictions by December 28, 2012 and notify Ms. Melissa Keller, TCEQ Water Rights Liaison, by electronic mail at melissa.keller@tceq.texas.gov, or by facsimile to 512-239-2249 that you have implemented mandatory levels of your plan. This will assist TCEQ in managing the surface water flows in the basin and may help avoid suspension or adjustment of your water right.

In addition, under 30 TAC Chapter 36.5 you were required to demonstrate that you have made reasonable efforts to conserve water and to obtain additional or alternative water sources. The Executive Director considers these responses in making the decision whether to continue not to suspend or adjust your water right. This will include consideration of your efforts to be proactive in obtaining alternate sources, conserving existing supplies, and identifying future sources.

On November 19, 2012 you were requested to complete a questionnaire with the following information:

- Water use data indicating the amount, rate of diversion, place and purposes of use of water on a daily basis by December 3, 2012 and every 14 days thereafter unless there have been no diversions during the relevant reporting period.
- Information demonstrating that you have made reasonable efforts to obtain alternative water sources by December 3, 2012.
- Information on what you have done to identify long-term additional or alternative water sources by December 19, 2012.

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 with follow-up information provided to TCEQ every 14 days thereafter. 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.

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,



Zak Covar
Executive Director
Texas Commission on Environmental Quality

Enclosure