

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*

June 17, 2011

Re: Suspension of Permitted State Surface Water Diversions

Dear Water Right Holder:

By letter dated May 5, 2011, you were alerted that the Texas Commission on Environmental Quality (TCEQ) received a priority call on surface water from senior water rights downstream of your diversion point in the basin. In accordance with the Texas Water Code (TWC), Section 5.013(a)(1), the TCEQ is responsible for protecting senior surface water rights and must take action in response to the senior priority call.

The priority doctrine established in TWC, Section 11.027, determines that the most senior water rights will be served first during times of drought. As a result, junior water rights, or those rights issued most recently, will be suspended or curtailed before the senior water rights in the area. Furthermore, in accordance with the TWC, the flows of the Colorado River must be available for use by land owners with property adjacent to the Colorado River for domestic and livestock (D&L) use as part of their inherent riparian rights. As such, D&L users have superiority over any appropriated water rights. Irrigation of crops, even for livestock grazing, is not considered D&L use.

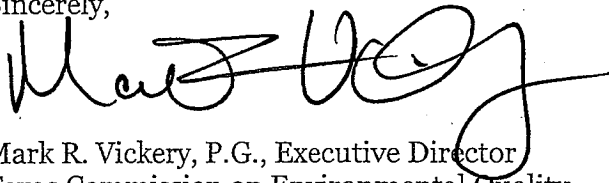
**With no immediate relief forecasted, the TCEQ requires that you take immediate action to suspend all diversions from the Colorado River under your permit or certificate of adjudication**, unless you receive prior approval from the TCEQ Abilene Regional Office. Should you have a need to divert water before the senior priority call is rescinded, please contact the Abilene office at 325-698-9674. If conditions are such that diversions can be made, the regional office will provide you a scheduled day and time that you will be permitted to divert water.

Should your water right permit or certificate of adjudication include authorization for impoundment of water, please note that you are **not** required to release any **previously stored** water; however, you are required by law under a senior call to pass any current inflows to your impoundment downstream in order to meet senior needs.

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Additional drought information is located on the TCEQ's drought webpage at <http://www.tceq.texas.gov/response/drought> or by contacting the TCEQ Drought Hotline at 800-447-2827. You may also contact the TCEQ Abilene Regional office or Ms. Amy Settemeyer, Water Rights Liaison, at the TCEQ Central Office in Austin at 512-239-2588 should you have any additional questions on this matter. We thank you for your cooperation.

Sincerely,

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

Mark R. Vickery, P.G., Executive Director  
Texas Commission on Environmental Quality