

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 14, 2009

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

Dear County Extension Agent:

The lack of significant rainfall in the Brazos River Basin and the declining flow of the Brazos River have required the Texas Commission on Environmental Quality (TCEQ) to take action to suspend surface water diversions for the protection of senior water rights. This letter is to inform you of certain policy determinants and to solicit your help in disseminating appropriate information to affected parties in your community. In particular, we want to provide information for residents in rural areas of the Brazos Basin. If this drought cycle worsens, it will be very important that all residents living and working in the Brazos River Basin are well informed.


Multiple program areas at the TCEQ are actively engaged in the oversight of available water supplies statewide, and we are managing those supplies efficiently according to priorities that are established. Our established priorities dictate that the most senior water rights will be served first during times of drought, regardless of the permitted water use. As a result, junior water rights will be suspended or curtailed before the senior water rights in areas where there are shortfalls. Furthermore, in accordance with the Texas Water Code, the flows of the Brazos River Basin must be available for use by land owners with property adjacent to the 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.

The TCEQ is also continuing to closely monitor the situation in the Brazos River Basin, and we are working with the river authorities to ensure that accurate information is being used in the decision making process. We are monitoring drinking water supplies, both groundwater and surface water, and 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 requests that you assist us in making residents in your community aware of the possibility of additional curtailments or suspensions. We ask that you make your community aware of the information available online and encourage them to seek answers to their questions or concerns on the TCEQ's drought web page located at the following website: <http://www.tceq.state.tx.us/agency/drought.html>, or by contacting the TCEQ Drought Hotline at 800-447-2827 between 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday.

You may also contact Ms. Tracy Miller, Water Rights Liaison, at the TCEQ Central Office in Austin at 512-239-4127, if there are additional questions. Thank you for your cooperation.

Sincerely,


Mark R. Vickery, P.G.
Executive Director