

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 24, 2009

The Honorable Norman Erskine  
Mayor, City of Marlin  
101 Fortune Street  
P.O. Box 980  
Marlin, Texas 76661-0980

Re: Senior Priority Call on Surface Water in the Brazos River Basin

Dear Mayor Erskine:

By letter dated July 7, 2009, you were alerted that diversions of state surface water from the Brazos River Basin may be suspended. By letter dated August 10, 2009, junior water right holders were informed that the Texas Commission on Environmental Quality (TCEQ) received a priority call on surface water rights downstream of your diversion point in the basin. In accordance with the Texas Water Code (TWC), Chapter 5.013(a)(1), the TCEQ is responsible for protecting senior surface water rights and is taking action in response to the senior call.

1,000 acre-feet of the water permitted to the City was authorized with a priority date of 1982 for municipal purposes. At this time, you are **not** required to suspend your municipal use of surface water even though this portion of your certificate is junior to the senior priority call. In order to continue your municipal diversions, you should be appropriately implementing your drought contingency plan (DCP). In accordance with your DCP, you are required to notify TCEQ when there are changes in your drought response stages. If you have any questions regarding implementation of your DCP, please visit the TCEQ website at the following link: [http://www.tceq.state.tx.us/permitting/water\\_supply/water\\_rights/contingency.html](http://www.tceq.state.tx.us/permitting/water_supply/water_rights/contingency.html).

You should also take any additional actions necessary to conserve water and require your customers to do the same. The TCEQ has established a website specifically related to drought information that provides tips for water conservation, as well as other helpful information at the following link: <http://www.tceq.state.tx.us/agency/drought.html>.

The TCEQ continues to monitor the situation on a daily basis and strives to balance protection of the senior surface water rights while attempting to minimize the impact to junior water right holders within TCEQ's legal authority. However, should drought conditions continue to persist, additional suspensions of remaining junior water rights, including municipal diversions, may be necessary.

If you have any questions, you may contact 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark R. Vickery".

Mark R. Vickery, P.G.  
Executive Director