

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 Bryan Ferguson  
Mayor, City of Robinson  
111 W. Lyndale Avenue  
Robinson, Texas 76706-5658

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

Dear Mayor Ferguson:

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.

At this time, you are **not** required to suspend your municipal use of surface water even though your permit 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 [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 <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", with a large, stylized flourish extending from the end of the signature.

Mark R. Vickery, P.G.  
Executive Director