

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

August 8, 2011

CERTIFIED MAIL

Re: Implementation of Mandatory Water Use Restrictions

To junior municipal water right holders whose water rights have not been suspended in an area where there is a senior call:

As you are aware, the majority of Texas continues to experience extreme drought conditions. The current long term forecast is for the current weather pattern of high temperatures and little to no rainfall to continue for an extended period of time. The situation continues to decline. As you were notified in previous correspondence, we have suspended the diversion of junior water rights in the Brazos River Basin in response to a priority call. The Governor has issued a Disaster Proclamation for the drought covering all but a few North Texas counties. The proclamation allows the Texas Commission on Environmental Quality (TCEQ) to suspend rules in order to endeavor to mitigate the disaster of the drought.

In an effort to balance the protection of surface water rights with the human health needs associated with providing adequate quantities of drinking water, a human health and welfare concern, we did not curtail or suspended any junior surface water diversions associated with municipal uses in the Brazos River Basin. However, you were informed that you should be implementing your drought contingency plan (DCP) at higher stages.

To ensure we can continue to maintain adequate supplies of surface waters for diverters, the TCEQ is now requiring that all municipalities in senior call areas that have not been suspended due to the senior call must implement mandatory water use restrictions in their drought contingency plans that include prevention of outdoor lawn watering. This will assist the TCEQ in managing the surface water flows in the basin and may help avoid curtailment of junior municipal surface water rights. This action is required because the TCEQ cannot continue to protect municipalities under its concern for and duty to protect public health and welfare if the municipalities are still allowing outdoor watering of lawns and landscapes.

Please notify the TCEQ that you have implemented mandatory provisions of your drought contingency plan that prevent outdoor lawn watering. You can notify us by using the online form available on the agency's drought page at: <http://www.tceq.texas.gov/response/drought>. If you need assistance with completing the form or to provide notification and to answer any of your questions, you can call our Small Business and Local Government Assistance hotline at 1-800-441-2827.

Sincerely,

A handwritten signature in black ink that reads "Mark R. Vickery".

Mark R. Vickery, P.G.
Executive Director