

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*

September 16, 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:

By letter dated August 8, 2011, I directed all junior municipal water right holders in senior call areas that had not been suspended due to a senior call to implement mandatory water use restrictions in their drought contingency plans that include prevention of outdoor lawn watering. This letter will provide more guidance in response to questions that I have received.

I have not suspended water rights that are used for domestic, municipal, and power purposes because I am concerned these uses are necessary for the protection of public health and safety. Therefore, I believe that junior surface water rights that have not been suspended should be using their surface water rights to protect public health and safety needs. Public health and safety can include needs such as drinking water, fire protection, hospital use, tree preservation, necessary domestic uses, and other uses determined by the municipal user to be necessary to protect public welfare.

At this time, it is not necessary to prohibit all outdoor watering unless such a restriction is already required under the applicable trigger levels in your drought contingency plans. However, to help avoid the potential need for future suspensions and to ensure there is enough water for public safety needs, junior municipal users should have in place higher level mandatory drought contingency plan restrictions than may otherwise be required by their drought contingency plans. These restrictions apply to surface water sources and not groundwater sources.

Therefore, please notify the TCEQ that you have implemented those mandatory provisions of your drought contingency plan that limit outdoor sprinkler lawn watering to once a week. You may allow handheld hose watering for both residential and commercial users consistent with your drought contingency plan. 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 1-800-447-2827.

Sincerely,

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

Mark R. Vickery, P.G.  
Executive Director