

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 27, 2022

RE: Alert for Permitted State Surface Water Diversions

Dear County Judge:

The Texas Commission on Environmental Quality (TCEQ) is closely monitoring drought conditions and streamflow across Texas. Persistent drought conditions can result in low or reduced streamflow and can cause shortages that may impact senior and superior water rights. The TCEQ is responsible for protecting senior and superior water rights and ensuring water right holders divert and/or impound water only as authorized by their permit.

As a first response, the TCEQ is notifying water right holders throughout the state about potential impacts to water rights. On the reverse, you will find that notification letter for your reference.

If you have any questions regarding this process, please contact Earl Lott, Director, Office of Water at (512) 239-2047.

Sincerely,

A handwritten signature in black ink, appearing to read "Toby Baker".

Toby Baker
Executive Director

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 27, 2022

Re: Alert for Permitted State Surface Water Diversions

Dear Water Right Holder:

The Texas Commission on Environmental Quality (TCEQ) is closely monitoring drought conditions and streamflow across Texas. Reduced streamflow can cause shortages that may impact senior and superior water rights. The TCEQ is responsible for protecting senior and superior water rights and ensuring water right holders divert and/or impound water only as authorized by their permit.

Senior water rights have the earliest priority dates and are entitled to water first among permitted water rights in the basin. Exempt domestic and livestock uses are superior to permitted rights. If the TCEQ curtails or suspends water rights to satisfy senior or superior water rights, it must be done according to priority date.

Under the *TCEQ v. Texas Farm Bureau* court decision, the TCEQ will not be able to exempt any water rights, including junior water rights used for municipal purposes or power generation, from curtailment or suspension based on public health, safety, or welfare concerns. Accordingly, water right holders are strongly encouraged to review, update, and implement Drought Contingency Plans. Water right holders may also investigate alternative sources of water, particularly if the water right is the sole source of supply.

It is not possible to predict how severe drought conditions may become or how long they will persist. General information about the drought may be found on the TCEQ's website at: <http://www.tceq.texas.gov/response/drought>.

Questions can be discussed with my staff as follows:

Brazos Watermaster Program

Molly Mohler, Watermaster
Email: Molly.Mohler@tceq.texas.gov
Phone: 254-761-3006

Water Rights Permitting

(non-watermaster areas)
Chris Kozlowski, Team Leader
Email: Chris.Kozlowski@tceq.texas.gov
Phone: 512-239-1801

South Texas & Concho Watermaster Programs

Angela Sander, Watermaster
Email: Angela.Sander@tceq.texas.gov
Phone: 210-403-4040

Sincerely,

A handwritten signature in black ink, appearing to read "Toby Baker".

Toby Baker
Executive Director