

UT Law CLE The University of Texas School of Law

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## **Marketing of Surface Water Rights**

**James Kowis**

James Kowis, P.E.  
James Kowis Consulting LLC  
Austin, Texas  
[james.kowis@gmail.com](mailto:james.kowis@gmail.com)  
512.656.3416

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## **Marketing Surface Water Rights**

- Earlier speaker covered valuation of surface water rights;
- Focus of this presentation is:
  - Discussion about:
    - What to do if you are faced with needing to purchase a water right;
    - Things to consider in purchasing a right; and
    - Getting through the regulatory process.

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## Marketing Surface Water Rights

- Your client has:
  - A water right based on 100% groundwater and the well has gone dry in recent drought...
  - Been taking water from a stream without a permit and they got a TCEQ NOV...
  - Purchased property and wants to use water from a stream or lake to irrigate...; or
  - any number of other scenarios...;

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## Marketing Surface Water Rights

- and;
- All these scenarios are in areas of the state where there is little or no water available for appropriation...
  - According to TCEQ's WAM;
  - Large portion of the state...
- So, what do you do?

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## Marketing Surface Water Rights

- First- get all the data you can about what the client has and their future plans.....
  - Reservoir(s)- size, depth and capacity?
  - Points diversion(s)?
    - Type of diversion; Maximum proposed diversion rate;
    - Number of pumps?
    - Etc...- look at application form for guidance
  - Type(s) and place(s) use;
  - Etc...

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## Marketing Surface Water Rights

- Options:
  - Buy water from a river authority/water district/municipality...;
  - Buy a water right and move it...; or
  - Give up and cry *Uncle!*
- Fully explain these options and prepare client for:
  - Costs involved with each option;
  - Amount of time it takes to get an application processed...;
  - Notice requirements for amendments...; and
  - Possibility of a contested case- associated time & costs.

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## Title search: Marketing of Surface Water Rights

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