UT Law CLE The University of Texas School of Law

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Marketing of Surface Water Rights

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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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- 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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  - 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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- 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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- 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

Also available as part of the eCourse
Answer Bar: Water Rights, Planning, and Legal Issues in Texas

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"Marketing Surface Water Rights"