

A Guide for Completing the WATER NOTICE: SELLER'S DISCLOSURE ABOUT GROUNDWATER AND SURFACE WATER RIGHTS

Helpful Websites for Completing the Notice

Notice Section 2: Texas Alliance of Groundwater Districts, aka Groundwater Conservation Districts

- <https://texasgroundwater.org/resources/gcd-index/>

Notice Section 2: Texas Water Development Board

- <https://www3.twdb.texas.gov/apps/WaterDataInteractive/GroundWaterDataViewer>

Notice Section 3: Texas Commission on Environmental Quality Water Rights Viewer

- <https://www.tceq.texas.gov/gis/water-rights-viewer>

Section 1: Definitions (DO NOT OVERLOOK)

The definitions are important to correctly complete the Notice.

In particular, pay special attention to the definition of:

- “Surface Water”. For this notice, surface water **ONLY** applies to water in lakes, rivers, creeks, streams, and in the bays, estuaries, and arms of the Gulf of Mexico.
- “Surface Water Rights” **ONLY** refer to rights granted through a permit, certified filing, or certificate of adjudication administered by the Texas Commission on Environmental Quality (TCEQ). **Seller may have a pond, lake or water tank on their property that does not require special use documentation.**

Section 2(A): Groundwater Conservation District

- Steps to finding information
 - Go to the Texas Alliance of Groundwater District’s interactive map website above
 - Search for the property address
 - If the property is in a Groundwater District, select the District on the map
 - Select the name of the District in the pop-up window
 - New page shows the name of the District and its website
- Note: Not all properties in Texas are in a Groundwater District

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Authors provide this as a guide for finding information to complete the Notice. The authors do not guarantee the completeness or accuracy of the information provided from these sources of information or the accuracy of Seller’s answers to the Notice.

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Section 2(B, C, D, E & F): Water Wells on the Property

Seller can normally confirm or find **registered/permitted** water wells on the property by visiting:

- Websites to Search
 - Groundwater District's website found in 2(A) (Note: Some Districts have interactive maps showing **registered/permitted** wells in the District)
 - Texas Water Development Board has information for **registered/permitted** wells.
- Steps to finding information
 - Search the interactive maps for the property
 - Select a water well on the property
 - Obtain the permit information and owner name from the pop-up window (or linked documentation)

Note: Unregistered wells will not show up on the websites listed above. Seller can also contact the Groundwater District and ask for information about water wells on the property.

Groundwater rights that have been severed should show up in the deed records if recorded.

Don't hesitate to call or visit the Groundwater District with your client. Point your client to their website, but don't interpret the rules unless you are licensed to practice law.

Section 3: Surface Water

• Part A

- For the purpose of this Notice, remember, "Surface Water" **ONLY** applies to water in lakes, rivers, creeks, streams, and in the bays, estuaries, and arms of the Gulf of Mexico.
- "Surface Water Rights" **ONLY** refer to rights granted through a permit, certified filing, or certificate of adjudication administered by the Texas Commission on Environmental Quality (TCEQ).
- Steps to finding information
 - Go to Texas Commission on Environmental Quality Water Rights Viewer
 - Search the property address
 - Surface Water Rights with a permit, certified filing, or certificate of adjudication are highlighted on the map
 - If a Surface Water Right is identified on the property, select the icon indicating the Right
 - Select the link for additional documentation
 - The required information (including the owner of the Surface Water Right) can be found on the linked document

• Part B

- This question **IS** referring to **ANY** pond, lake, or water tank found on the property. These are man-made, either now or in the past
- Note, only consider ponds, lakes, or water tanks located within the boundaries of the property itself