

UT Law CLE The University of Texas School of Law

**Presented at
2016 Texas Water Law Fundamentals and Institute**

**November 2-4, 2016
Radisson Hotel & Suites
Austin, Texas**

Marketing of Surface Water Rights

James Kowis

James Kowis, P.E.
James Kowis Consulting LLC
Austin, Texas
james.kowis@gmail.com
512.656.3416

1

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.

2

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...;

3

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?

4

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...

5

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.

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Marketing of Surface Water Rights

Also available as part of the eCourse

[2016 Texas Water Law eConference](#)

First appeared as part of the conference materials for the
2016 Texas Water Law Institute session

"Marketing Surface Water Rights"