

Seller's Disclosure regarding Water Rights

INSTRUCTIONS FOR REALTORS



Overview



The Texas Sunset Advisory Commission directed the Texas Real Estate Commission (TREC) to improve transparency in real estate transactions by requiring clearer disclosure of groundwater and surface water rights tied to property sales. In response, the TREC created a new form called the **“Water Notice: Seller’s Disclosure About Groundwater and Surface Water Rights.”** The purpose of this notice is to help prospective buyers better understand any water rights, restrictions, permits, or related issues associated with a property before purchase.

Section 1 Definitions

	PROMULGATED BY THE TEXAS REAL ESTATE COMMISSION (TREC)	05-04-2026
SELLER'S DISCLOSURE ABOUT GROUNDWATER AND SURFACE WATER RIGHTS		
THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE ABOUT GROUNDWATER AND SURFACE WATER RIGHTS ON THE PROPERTY AS OF THE DATE SIGNED BY SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE BUYER MAY WISH TO OBTAIN. IT IS NOT A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.		
CONCERNING THE PROPERTY AT: _____ (Street Address and City)		
1. Definitions. For the purposes of this form the following definitions, with notes, apply.		
A. “Groundwater” means water percolating below the surface of the earth. Groundwater is usually found in subsurface reservoirs or aquifers and is accessed by Water Wells. [Note: Unless severed from the surface estate, Groundwater is owned by the surface landowner who may be able to access the Groundwater by drilling a Water Well in compliance with the law and rules of the applicable Groundwater District, if any.]		
B. “Groundwater District” means a local or regional Groundwater Conservation District, Underground Water Conservation District, Subsidence District, or other special district or authority that regulates the drilling or operation of Water Wells. [Note: Not all land in Texas is subject to a Groundwater District.]		
C. “Surface Water” means water in lakes, rivers, creeks, streams, and in the bays, estuaries, and arms of the Gulf of Mexico.		
D. “Surface Water Rights” means a permit, certified filing, or certificate of adjudication administered by the Texas Commission on Environmental Quality (TCEQ) that authorizes the diversion, impoundment, or use of Surface Water. [Note: Not all diversions, impoundments, or uses of Surface Water require a Surface Water Right.]		
E. “Water Well” means an artificial excavation that is drilled or dug for the purpose of exploring for or producing Groundwater. [Note: The drilling and operation of a Water Well may be regulated, restricted, or prohibited in a Groundwater District. Subdividing a property may impact rights related to drilling or operating a Water Well. A Water Well may be owned and operated by individuals, groups, cooperatives, associations, or other entities.]		

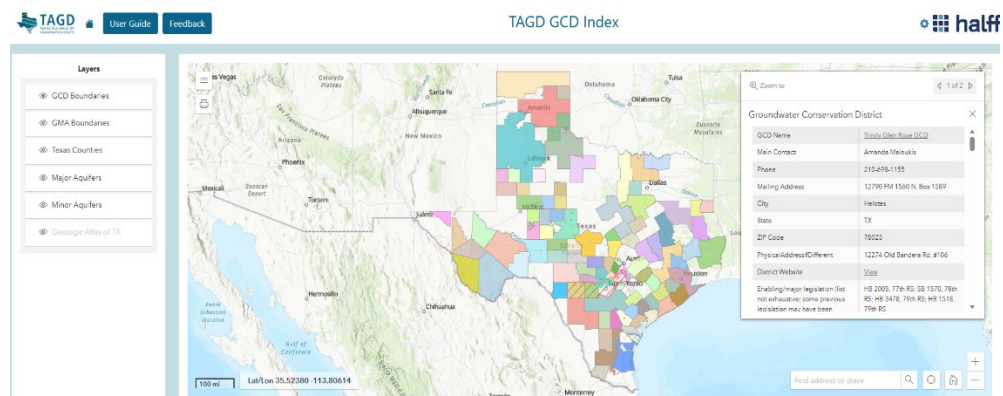
- Texas has explicit definitions of **groundwater and surface water** that the seller should be aware of.
- **Surface Water Rights** – owned by the state and held in trust for the public. TCEQ issues surface water permits in acre feet per year based on junior or senior status as a water right holder.
- **Groundwater Rights** - a landowner owns all the groundwater beneath the surface of his/her property unless the groundwater estate has been severed from the surface estate. Property paperwork will confirm if water rights were severed, leased to another entity, the surface owner's right, or the subsurface owner's right.
- Authority from a groundwater conservation district (GCD) to drill and operate a well is required for any water beneath the surface including water that comes to the surface through excavation.
- The presence of a water well does not guarantee access or rights to water.
- Direct your client to the **GCD Database** to confirm what regulations may apply to their water well.

GCD Database

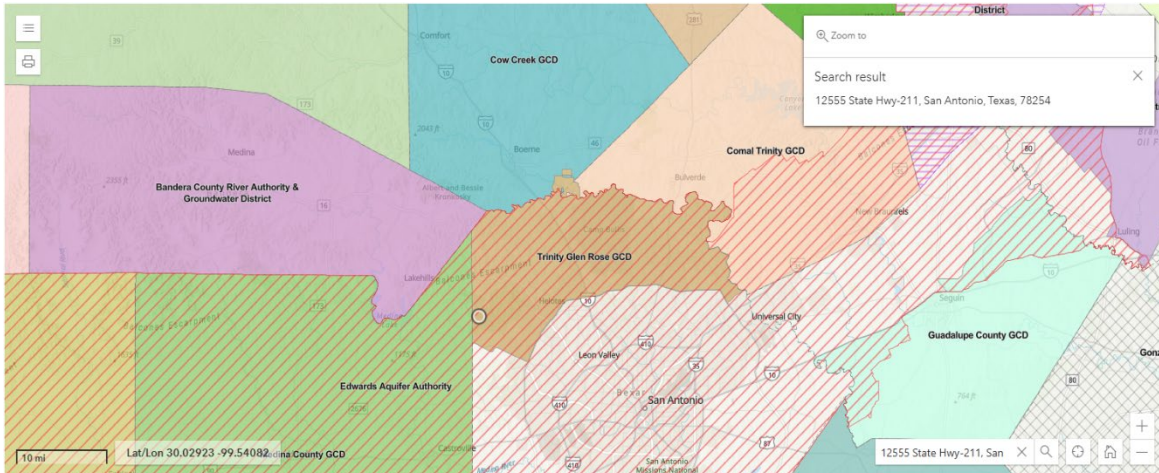
The GCD Database can be accessed by this link:

texasgroundwater.org/resources/gcd-index/

Scan to access
the GCD
Database



The GCD Database provides the name, contact information, and General Manager for each GCD in Texas. You can also find a GCD by entering the property address in the SEARCH box below:



Section 2 Information Related to Groundwater and Water Wells

2. Information Related to Groundwater and Water Wells. [Attach additional sheets as necessary.]

A. Is any portion of the Property located in a Groundwater District? ☐ Yes ☐ No ☐ Unknown

If yes, identify the district and its website: _____

B. Is Seller aware of one or more Water Wells on the Property? ☐ Yes ☐ No

If yes:

(1) The total number of Water Wells known to Seller is _____

(2) The number of Water Wells known to Seller that are currently in use is _____

(3) The number of Water Wells known to Seller that are not currently in use and have been capped, covered, plugged, or abandoned is _____

(4) Identify any registrations or permits (by number) from a Groundwater District for the Water Wells on the Property: _____

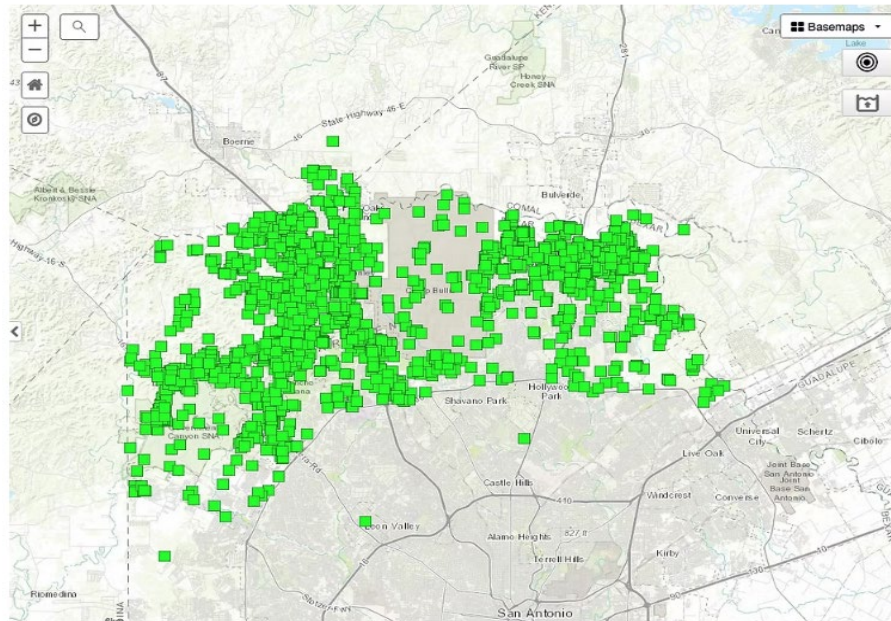
- Question 2A: answered with the GCD Index database
- Question 2B: Confirm if there is one or more wells within the property boundaries
- 2B (2): "**currently in use**" equipped and producing water in some capacity for the site, be it domestic, agriculture, livestock, irrigation, etc.
- 2B (3): "**not currently in use**" – no equipment or ability for the groundwater to be used. This includes capped, covered, plugged, or abandoned wells
- 2B (4): Use our **public map** to identify wells located on the property. See the instructions below to find a well's District ID. You may also call the Trinity Glen Rose GCD office at **210-698-1155** or visit **Trinityglenrose.com**

Instructions for TGRGCD Public Well Map



Trinity Glen Rose District Mapping

This new public mapping system is part of the Trinity Glen Rose District's new database capabilities. Just click anywhere on the map below to go to the interactive map.



<https://www.trinityglenrose.com/districtmapping>

Each dot represents a well. You can search by address. For more detailed instructions, there is a short instruction video on this page to operate the map. All wells must be registered with Trinity Glen Rose GCD.

(Address of Property)

D. Is Seller aware whether the Property receives water from a Water Well located on another property (not including water from a city, municipal utility district or other special district, water supply corporation, or private water company)? ☐ Yes ☐ No If yes, describe the Water Well and identify any agreements or understandings governing access to the water: _____

E. Is Seller aware whether a Water Well on the Property relies in whole or in part on Groundwater rights owned or leased from land outside the boundaries of the Property? ☐ Yes ☐ No If yes, describe the Groundwater rights owned or leased: _____

F. Is Seller aware whether any of the Groundwater rights to the Property have been severed, sold, or leased in whole or in part with or without the right to drill or operate a Water Well on the Property? ☐ Yes ☐ No If yes, describe the Groundwater rights severed, sold, or leased: _____

- **2D: Water Agreements**

- Does your seller have a shared well agreement under which they are in a contractual relationship with another landowner, a utility company, or a corporation to provide water to their property?
- If an agreement does exist, the paperwork or contract should be included.
- This can have lasting repercussions for the property's access to water, depending on the agreement's details and status.

- **2E-F:** Groundwater Rights verbiage should be located within the property section of the warranty deed. Groundwater rights can be severed from the surface property and bought and sold just like real property. Make sure your seller or buyer has the appropriate amount of groundwater rights to support a well if one exists on the property. This can save time and regulatory issues for all parties involved. Some areas in Texas have areas where groundwater rights were bought by or leased to outside parties (e.g., Post Oak Savannah GCD, Lost Pines GCD).
 - Groundwater permits and well registrations can be determined by contacting Trinity Glen Rose GCD.
 - Many GCDs have internal databases that illustrate where wells are located.

Section 3 Information Related to Surface Water

3. Information Related to Surface Water. [Attach additional sheets as necessary.]

A. Does Seller own any Surface Water Right associated with the Property ☐ Yes ☐ No

If yes:

(1) Identify the applicable Surface Water Right by its permit, filing, or certification of adjudication number: _____

(2) If more than one person owns an interest in any Surface Water Right identified in 3A(1), identify each person and their respective ownership interest: _____

B. Is there a pond, lake, or water tank on the Property, whether currently with or without water?

☐ Yes ☐ No

3A: Does the seller own any surface water rights associated with the property?

- TCEQ has resources to determine surface water rights, the warranty deed should also include information on if water rights are attached to the property.
- Access TCEQ [Texas Water Rights Viewer](#) & [Water Rights Viewer User Guide](#)
- https://www.tceq.texas.gov/permitting/water_rights
- TCEQ has records of permit filings and certifications of adjudication if they exist.
- There may be multiple interest owners of water rights, include all parties if they exist.

3B: Identify Ponds, Lakes, or Water Tanks... regardless if they have water in them!

The TCEQ Water Rights Viewer includes information about water rights authorizations and other water related information. The viewer includes geographic features such as river basins and streams, and United States Geological Survey gauges with links to current streamflow data. A user can find information about the location of authorized water rights points, a copy of the water right and the Adjudication Final Determination, current ownership of the water right, recent water use data, and TCEQ's adopted environmental flow standards. A user can also find administrative boundaries such as Watermaster Areas, Regional Water Planning Areas and Groundwater Conservation Districts.

Section 4 Notice to Buyer and Seller

Notices to Buyer and Seller:

- (1) Statutes, rules, regulations, and court rulings concerning Groundwater, Water Wells, Groundwater rights, surface water, and Surface Water Rights (collectively, **Water Rights**) are multifaceted and may be complex.
- (2) The Seller may not have complete knowledge or understanding of the Water Rights related to or affecting the Property.
- (3) Water Rights that relate to the Property may be held by others. To determine the extent and application of Water Rights related to Property, consult an attorney who can examine the title to the Property and issues regarding Water Rights.
- (4) Rules and regulations of Groundwater Districts regarding Water Wells differ from district to district and should be reviewed if the Property has an existing or potential future Water Well. Some Groundwater Districts have ad valorem taxing authority and others do not. Consult the local Appraisal District for applicable taxes and tax rates.
- (5) If the parties need or intend to reserve, specifically except, or separately convey Water Rights related to the Property, each party should consult an attorney before signing a binding contract to purchase or sell the Property.

Informational Section

- It is understood that for large properties or those with multiple histories, not every water well might be known.
- Water Attorneys are your friends, especially when dealing with water rights and ownership percentages.
- Gentle reminder, all GCDs and their rules are not created equal, and one district may have different regulations than another nearby.
- Ad valorem taxing authority can be found in the GCD Index.
- If a seller or buyer wants to adjust, convey, or separate any water rights, please consult an attorney.
 - Worst-case scenario: someone gives away something that is not theirs to give...

Trinity Glen Rose Groundwater Conservation District

12774 Bandera Rd. #106, Helotes, TX 78023

210-698-1155

Trinityglenrose.com