

# INSTRUCTIONS FOR: SURFACE WATER RIGHTS CHANGE OF OWNERSHIP FORM

## **What is the purpose of this form?**

This form is used for updating the TCEQ records of ownership of surface water rights in Texas, an administrative record-keeping function. This form is not itself a conveyance document. The TCEQ does not have the authority to make final determinations of ownership. Such determinations are the jurisdiction of civil courts in Texas. Instead, TCEQ updates the records based upon copies of certified and/or recorded information provided to the TCEQ with this form.

*Please note, the TCEQ may correct ownership records if new information is subsequently received which clarifies a previous update to the records.*

## **When is a Surface Water Right Change of Ownership Required?**

Whenever an individual or entity (corporations, partnerships, trusts, etc.) has acquired a surface water right through a legal conveyance (examples: inheritance, acquisition of a tract of land, purchase of the water right independent of the land), the owner or his agent shall promptly notify the Texas Commission on Environmental Quality (TCEQ) of any transfer of water right or change of ownership. See Title 30 TAC Section 297.82.

Until the TCEQ receives and processes this form, the owner of record remains responsible for any fees or regulatory obligations in connection with the water right, and an application by a new owner to amend a surface water right will not be processed.

## **Name Change for Individuals**

If the current owner of record is an individual (not an entity) and requests to change their name in the ownership records (due to marital status or other legal name change), the owner is not required to complete a change of ownership form. Instead the owner should submit documentation such as a copy of their current driver's license with a name change request. There is no fee required for a name change request. Contact the WRCAT Team at [WRCOO@tceq.texas.gov](mailto:WRCOO@tceq.texas.gov) or (512) 239-4600 for assistance.

## **What Rules are Applicable to a Surface Water Right Change of Ownership?**

The rules that govern the conveyance of a water right are found in Title 30 Texas Administrative Code (TAC) Subchapter H, *Relating to Conveyances of Land and Water Rights*, [Sections 297.8-297.83](#). The TAC is available on the Texas Secretary of State Website: <http://www.sos.texas.gov/tac/index.shtml>.

## **Irrigation Water Rights**

Surface water rights issued for agricultural irrigation purposes may be appurtenant to (belong to) the tract of land authorized for irrigation. Conveyance (legal transfer of property from one owner to another) of any portion of the irrigation land will also convey a proportionate share of an appurtenant water right unless the surface water right is specifically reserved in the conveyance document.

A water right may only be used in accordance with the conditions of the permit (place of use, diversion point, purpose of use, etc.). Therefore, if an **owner of an appurtenant water right**

**reserves the water right** in a conveyance so that it is not conveyed with the property or if the water right is conveyed separately from the land then, in addition to a surface water rights change of ownership form, the water right may also need to be amended to authorize a new place of use or diversion point prior to use. To determine if your water right requires an amendment contact the Water Rights Permitting Team at [WRCOO@tceq.texas.gov](mailto:WRCOO@tceq.texas.gov) or (512) 239-4600.

A water right does not attach to the irrigated land when held by a water corporation, water district, river authority, or governmental entity authorized to supply water to others. Those water rights can only be transferred by express written conveyance of the water right. See [Title 30 TAC Section 297.81\(b\), General Rules of Conveyance](#).

### **How do I complete the Change of Ownership form?**

This form requests information about the water right and the New Owner(s). Below is a list of the information that is requested in each section of this form. **Incomplete forms may be returned.**

#### **Section 1:**

There are two types of water rights, Certificates of Adjudications and Water Rights Permits. This section seeks the unique identifying number for the water right record to be updated. The form requires that either a Certificate of Adjudication Number or a Water Right Permit Number be provided. Fill in the form based upon the type of right for the change of ownership sought.

**Certificates of Adjudication** typically have a two digit basin identifier, followed by a four digit water right number, and followed by a letter if the Certificate has been amended.

**Example: Certificate of Adjudication No. 12-9999B.** This indicates water right number 9999, in basin 12 (Brazos River Basin). The “B” indicates the second amendment of the water right.

**Water Rights Permits** were issued after the adjudications and contain four or five numbers and possibly a letter if the right has been subsequently amended. **Example: Water Right Permit No. 5555A.**

#### **Section 2:**

Provide the contact information for the person TCEQ staff may contact during the processing of this form. The contact may be: a new owner, a previous owner, a consultant, attorney, or any other person or agent authorized to act for a new owner or an owner of record.

#### **Section 3:**

This section seeks the name and mailing address for each new owner. TCEQ will update its records consistent with the names as they appear on legally recorded conveyance documents. Therefore, it is important that the names **exactly** match between the conveyance documents and the actual name of the person or entity. **Example:** The new owner is identified as “ABC Corp.” in the conveyance documents, but the actual name of the company (per the Texas Secretary of State) is “ABC, LP”. The owner should submit recorded conveyance documents with the correct name of the company (ABC, LP).

Complete subsection (a) if the new owner is an entity with a Texas Secretary of State Filing Number. Individual owners need not complete subsection (a). **\*Note. Please DO NOT submit a social security number.**

#### **Section 4:**

This section requests the new owner to provide the TCEQ Customer Number (CN) if one has been assigned to the new owner previously. If the new owner has never received a TCEQ CN for the exact

name on the conveyance documents, leave this section blank and the TCEQ will assign the new owner a CN. If you are unsure, you may search for a CN at:

<https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

## Section 5:

This section lists specific items required to be submitted with this form. This form may be returned without processing for failure to submit a completed form or failure to submit the items required in Subsection b.

**Subsection a:** This form may be signed by an Owner, or by the person submitting this form on behalf of an Owner. This form will not be processed unless it is fully completed, signed.

**Subsection b:** requires documents establishing a **complete chain of title** showing all conveyances of the water right from the Owner of Record in the TCEQ records to the New Owner.

A chain of title consists of copies of legal instruments/documents which have been recorded in the county property records where the water right is located. For appurtenant water rights, the documents **must be recorded** in the public record of a county in Texas. These documents usually consist of deeds and other such conveyances. Also include a copy of the metes and bounds (legal description of the land) and a plat map. All documents must be copies of recorded documents from the County Records – usually the local County Clerk’s Office. TCEQ Staff will review the conveyance documents to verify that the water right has been conveyed, however, the TCEQ does not have the authority to make final determinations of ownership. Such determinations are the jurisdiction of civil courts in Texas. Instead, TCEQ updates the records based upon certified and/or recorded information provided to the TCEQ.

### Documents needed for an Inheritance

If the current owner of record, or a previous owner in the chain of title, is deceased, the following documents are required to complete the change of ownership:

1. Copies of the probated Will (with the case number for the probate proceedings indicated);
2. The *Will Inventory* (otherwise referred to as the Inventory, Appraisement, and List of Claims);
3. The *Probate Order* (otherwise referred to as the Order Admitting Will to Probate).

If the deceased individual died intestate (i.e., without a will), provide a recorded copy of the *Affidavit of Heirship*.

If the estate was handled as a *Muniment of Title*, provide a copy of the Order Admitting Will to Probate as Muniment of Title, and a copy of the probated will.

### Other Conveyance Documents

Additional documents may be required when a divorce, bankruptcy, or foreclosure is included in the chain of title. In these instances, contact the WRCAT Team at [WRCOO@tceq.texas.gov](mailto:WRCOO@tceq.texas.gov) or (512) 239-4600 for assistance.

### Tips for Completing Chain of Title

In order to know where to start with the water rights chain of title search, please follow this link:

[https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wrwud](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wrwud).

The excel document titled “active water rights” provides a searchable spreadsheet listing all active water rights in Texas. Begin your chain of title search beginning with the current owner of record.

A common place to obtain chain of title information is with the title or abstract company that drafted the conveyance documents. Such companies review the chain of title and retain copies of the conveyance documents on site. Additionally, some conveyance documents list the previous deed or conveyance and its citations (volume and page numbers) within the description of the property conveyed. With this information you may be able to find the previous conveyances.

There are online resources that provide electronic copies of conveyance documents from many counties in Texas. These sources may be searched by current owner or past owners of record, including most County Clerks offices which have websites available where documents may be searched for free and ordered by mail or as electronic documents for a fee.

Most County Appraisal Districts have online listings of property ownership that can be searched both by owner name and by survey and abstract. Within these records, there are commonly the last three deed transactions listed for reference. These may provide additional resources for determining chain of title.

**Section 6:**

This section reminds owners that any outstanding Watermaster fees, penalties, and interest must be paid prior to diversions of water in those basins.

Owners may contact the applicable Watermaster for more information.

**Brazos Watermaster** – (254) 761-3006;  
**Concho Watermaster and South Texas Watermaster** – (210) 490-3096;  
**Rio Grande Watermaster** – (956) 430-6046.