

A few facts about water rights in Texas

Surface water in Texas is owned by the state and held in trust for the citizens of the state. The state grants the right to use this water to different people, such as farmers or ranchers, as well as to cities, industries, businesses, and other public and private interests. Anyone who wants to use surface water in Texas must first get permission from the state *unless* they are using the water for one of several “exempt uses” in the Texas Water Code.

The most common exemption is Domestic and Livestock (D&L) use. D&L users are given the highest priority, and their use takes precedence over other water rights in the basin. Landowners along Texas rivers and streams can divert surface water for D&L use, without a permit. D&L use includes water used for livestock, to meet household needs, or to irrigate a yard or home garden. Diverters can also impound water, as long as the average volume is 200 acre-feet or less in 12 consecutive months.

Surface water diversions that are not exempt require a water right. For example, if you use surface water to irrigate crops, you must have an irrigation water right in order to divert.

The Texas Commission on Environmental Quality is the agency responsible for managing water rights in Texas. There are limits to the amount of water which can be permitted. Water rights are granted on a "first come, first served" basis. Irrigation rights have these features in common:

- They have an assigned priority date. This date determines your seniority.
- They specify the volume of water you may use each year.
- They can allow you to impound this water, to divert it, or both, depending on the permit.
- They do not guarantee that this water will always be available to you.
- Regardless of the priority date, D&L users have seniority over other permitted uses

Irrigation rights are regarded as property interests and may or may not be sold with the land. When property changes ownership, it is important to know if the water right was included with the sale. All changes in ownership of a water right must be reported to the TCEQ. Forms to report change in ownership can be found here:

www.tceq.texas.gov/permitting/water_rights/wr_amiregulated.html.

- ***Surface water diversions that are not exempt require a water right.***
- ***Water right holders must submit a water use report no later than March 1 every year.***
- ***All changes in ownership of a water right must be reported to the TCEQ.***
- ***Water right holders who fail to submit water-use reports may be subject to fines.***

Some areas of the state (Concho River watershed, Rio Grande basin, and south Texas) have watermasters that manage available water and water rights. ***Outside of watermaster areas, water right holders must submit a water-use report no later than March 1 every year.*** Water right holders who fail to submit water-use reports may be subject to fines and/or enforcement actions. The state could revoke a water right if use is not reported. You can find forms to report your water use here: <www.tceq.texas.gov/goto/water-use-report>.

If you have more questions about surface water rights, visit <www.tceq.state.tx.us/goto/w-rights>, or contact the TCEQ's Water Rights Permitting and Availability Section at 512-239-4691, or Small Business and Local Government Assistance Program at 1-800-447-2827.