

When Is TREC Form 61-0 Needed?

Agent Quick Reference | Groundwater & Surface Water Rights | TREC 61-0

Default rule: when a TREC contract other than the Residential Condominium Contract is used, the water disclosure is provided unless every applicable Paragraph 7 exception statement is true.

1 Water well

Seller is not aware of a water well on the property, whether in use or not in use.

2 Pond, lake, or water tank

Seller is not aware of a pond, lake, or water tank on the property.

3 TCEQ surface-water right

Seller is not aware of a certificate of adjudication, certified filing, or permit for surface-water rights associated with the property.

4 Groundwater rights

Seller is not aware that groundwater rights have been severed, sold, or leased in whole or in part.

5 Water source

Property receives water only from a City, MUD/special district, WSC, or private water supply company, and the provider is identified in the contract blank.

ALL statements true: the contract exception may apply; Form 61-0 is not required under that contract.

One or more not true: review delivery of Form 61-0.

Important current TREC distinctions

- Groundwater conservation or subsidence district location does not automatically trigger the form if every exception statement is true.
- A lake merely adjacent to the property is not the same as a lake on the property for the exception test.
- A river or creek, including a seasonal or wet-weather creek, running through the property is not itself relevant to whether the exception applies.
- Seller's Disclosure Notice exemptions and the water-disclosure exception are separate tests.

Based on current TREC contract language and TREC FAQ published August 14, 2026. Water-rights questions may require private legal counsel.