

1-1 By: Bowers (Senate Sponsor - Zaffirini) H.B. No. 2710
 1-2 (In the Senate - Received from the House May 17, 2021;
 1-3 May 17, 2021, read first time and referred to Committee on Water,
 1-4 Agriculture & Rural Affairs; May 21, 2021, reported favorably by
 1-5 the following vote: Yeas 8, Nays 0; May 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to an exemption to the cancellation of a water right for
 1-20 nonuse.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 11.173(b), Water Code, is amended to
 1-23 read as follows:

1-24 (b) A permit, certified filing, or certificate of
 1-25 adjudication or a portion of a permit, certified filing, or
 1-26 certificate of adjudication is exempt from cancellation under
 1-27 Subsection (a):

1-28 (1) to the extent of the owner's participation in the
 1-29 Conservation Reserve Program authorized by the Food Security Act,
 1-30 Pub.L. No. 99-198, Secs. 1231-1236, 99 Stat. 1354, 1509-1514 (1985)
 1-31 or a similar governmental program;

1-32 (2) if a significant portion of the water authorized
 1-33 to be used pursuant to a permit, certified filing, or certificate of
 1-34 adjudication has been used in accordance with a specific
 1-35 recommendation for meeting a water need included in the regional
 1-36 water plan approved pursuant to Section 16.053;

1-37 (3) if the permit, certified filing, or certificate of
 1-38 adjudication:

1-39 (A) was obtained to meet demonstrated long-term
 1-40 public water supply or electric generation needs as evidenced by a
 1-41 water management plan developed by the holder; and

1-42 (B) is consistent with projections of future
 1-43 water needs contained in the state water plan;

1-44 (4) if the permit, certified filing, or certificate of
 1-45 adjudication was obtained as the result of the construction of a
 1-46 reservoir funded, in whole or in part, by the holder of the permit,
 1-47 certified filing, or certificate of adjudication as part of the
 1-48 holder's long-term water planning; or

1-49 (5) to the extent the nonuse resulted from:

1-50 (A) the implementation of water conservation
 1-51 measures under a water conservation plan submitted by the holder of
 1-52 the permit, certified filing, or certificate of adjudication as
 1-53 evidenced by implementation reports submitted by the holder;

1-54 (B) a suspension, adjustment, or other
 1-55 restriction on the use of the water authorized to be appropriated
 1-56 under the permit, certified filing, or certificate of adjudication
 1-57 imposed under an order issued by the executive director; ~~or~~

1-58 (C) an inability to appropriate the water
 1-59 authorized to be appropriated under the permit, certified filing,
 1-60 or certificate of adjudication due to drought conditions; or

1-61 (D) an executed temporary or permanent

2-1 forbearance agreement that:
2-2 (i) promotes restoration, preservation, or
2-3 enhancement of instream flows;
2-4 (ii) was entered into by the holder of the
2-5 permit, certified filing, or certificate of adjudication; and
2-6 (iii) was filed with the commission not
2-7 later than the 180th day after the date the agreement was executed.
2-8 SECTION 2. This Act takes effect September 1, 2021.

2-9 * * * * *