

AN ACT

relating to the grounds for an exemption from cancellation of a water right for nonuse.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

(b) A permit, certified filing, or certificate of adjudication or a portion of a permit, certified filing, or certificate of adjudication is exempt from cancellation under Subsection (a):

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

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

(3) if the permit, certified filing, or certificate of adjudication:

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

1 (B) is consistent with projections of future  
2 water needs contained in the state water plan; ~~[or]~~

3 (4) if the permit, certified filing, or certificate of  
4 adjudication was obtained as the result of the construction of a  
5 reservoir funded, in whole or in part, by the holder of the permit,  
6 certified filing, or certificate of adjudication as part of the  
7 holder's long-term water planning; or

8 (5) to the extent the nonuse resulted from the  
9 implementation of water conservation measures under a water  
10 conservation plan submitted by the holder of the permit, certified  
11 filing, or certificate of adjudication as evidenced by  
12 implementation reports submitted by the holder.

13 SECTION 2. This Act applies to a cancellation proceeding  
14 that is pending on the effective date of this Act or is initiated on  
15 or after the effective date of this Act.

16 SECTION 3. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1225 was passed by the House on April 7, 2005, by the following vote: Yeas 147, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1225 on May 23, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1225 on May 29, 2005, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

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Chief Clerk of the House

H.B. No. 1225

I certify that H.B. No. 1225 was passed by the Senate, with amendments, on May 19, 2005, by the following vote: Yeas 29, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1225 on May 29, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor