

1-1 By: Puente (Senate Sponsor - Duncan) H.B. No. 1225  
1-2 (In the Senate - Received from the House April 11, 2005;  
1-3 April 12, 2005, read first time and referred to Committee on  
1-4 Natural Resources; May 13, 2005, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 13, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the grounds for an exemption from cancellation of a  
1-9 water right for nonuse.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 11.173(b), Water Code, is amended to  
1-12 read as follows:

1-13 (b) A permit, certified filing, or certificate of  
1-14 adjudication or a portion of a permit, certified filing, or  
1-15 certificate of adjudication is exempt from cancellation under  
1-16 Subsection (a):

1-17 (1) to the extent of the owner's participation in the  
1-18 Conservation Reserve Program authorized by the Food Security Act,  
1-19 Pub.L. No. 99-198, Secs. 1231-1236, 99 Stat. 1354, 1509-1514 (1985)  
1-20 or a similar governmental program;

1-21 (2) if a significant portion of the water authorized  
1-22 to be used pursuant to a permit, certified filing, or certificate of  
1-23 adjudication has been used in accordance with a specific  
1-24 recommendation for meeting a water need included in the regional  
1-25 water plan approved pursuant to Section 16.053;

1-26 (3) if the permit, certified filing, or certificate of  
1-27 adjudication:

1-28 (A) was obtained to meet demonstrated long-term  
1-29 public water supply or electric generation needs as evidenced by a  
1-30 water management plan developed by the holder; and

1-31 (B) is consistent with projections of future  
1-32 water needs contained in the state water plan; ~~or~~

1-33 (4) if the permit, certified filing, or certificate of  
1-34 adjudication was obtained as the result of the construction of a  
1-35 reservoir funded, in whole or in part, by the holder of the permit,  
1-36 certified filing, or certificate of adjudication as part of the  
1-37 holder's long-term water planning; or

1-38 (5) to the extent the nonuse resulted from the  
1-39 implementation of water conservation measures under a water  
1-40 conservation plan submitted by the holder of the permit, certified  
1-41 filing, or certificate of adjudication as evidenced by  
1-42 implementation reports submitted by the holder.

1-43 SECTION 2. This Act applies to a cancellation proceeding  
1-44 that is pending on the effective date of this Act or is initiated on  
1-45 or after the effective date of this Act.

1-46 SECTION 3. This Act takes effect immediately if it receives  
1-47 a vote of two-thirds of all the members elected to each house, as  
1-48 provided by Section 39, Article III, Texas Constitution. If this  
1-49 Act does not receive the vote necessary for immediate effect, this  
1-50 Act takes effect September 1, 2005.

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