

BILL ANALYSIS

H.B. 874
By: Bowers
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, if an entity that has a senior surface water right does not use the entire permitted amount, the entity risks losing part or all of that water right after a 10-year period. At times, this has caused the water rights holder to pull more water than is needed in order to conserve the water right. H.B. 874 seeks to prevent the wasting of water to maintain a water right by expanding the exemptions from required cancellation of water rights to include forbearance agreements between the water rights holder and a third party that promote restoration, preservation, or enhancement of instream flows.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 874 amends the Water Code to exempt a water use permit, certified filing, or certificate of adjudication, or a portion of such a permit, filing, or certificate, from cancellation on the grounds of nonuse to the extent that the nonuse resulted from an executed temporary or permanent forbearance agreement with the following characteristics:

- promotes restoration, preservation, or enhancement of instream flows;
- was entered into by the holder of the permit, certified filing, or certificate of adjudication; and
- was filed with the Texas Commission on Environmental Quality not later than the 180th day after the date the agreement was executed.

EFFECTIVE DATE

September 1, 2023.