

## **BILL ANALYSIS**

Senate Research Center

H.B. 2710  
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Water, Agriculture & Rural Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In Texas, an entity that has a senior surface water right that does not use the entire amount permitted risks losing part or all of that water right after a 10-year period. Concerns have been raised that the risk of losing water rights if an entity did not use the full permitted amount will lead to using more water than necessary. Accordingly, this has caused a water right holder to pull more water than is needed to maintain the water right, which needlessly wastes water.

H.B. 2710 would address this situation by allowing these holders to enter into a forbearance agreement that promotes the restoration, preservation, or enhancement of instream flows in order to stave off cancellation of the water right.

H.B. 2710 amends current law relating to an exemption to the cancellation of a water right for nonuse.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 11.173(b), Water Code, to provide that 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) (relating to a permit, certified filing, or certificate of adjudication being subject to cancellation under certain circumstances), to certain extents, including to the extent the nonuse resulted from an executed temporary or permanent forbearance agreement that promotes restoration, preservation, or enhancement of instream flows, that was entered into by the holder of the permit, certified filing, or certificate of adjudication, and that was filed with the Texas Commission on Environmental Quality not later than the 180th day after the date the agreement was executed.

SECTION 2. Effective date: September 1, 2021.