

**EDWARDS AQUIFER AUTHORITY  
RULEMAKING**

Title: **EDWARDS AQUIFER AUTHORITY RULES**

**Ch. 715 (Comprehensive Water Management)  
Subchapter D (Water Conservation Grants)**

Rule Type: **Proposed Rules (PRs)**  **Final Rules (FRs)**

Prepared By: **Mx** Marc Friberg, Public Policy Officer

Through: **Darcy Alan Frownfelter, General Counsel**

Approved By: **Karl J. Dreher, General Manager**

Effective Date: \_\_\_\_\_, 20\_\_  
Board approves FRs: \_\_\_\_\_, 20\_\_  
GM approves FRs: \_\_\_\_\_, 20\_\_  
Board approves PRs: \_\_\_\_\_, 20\_\_  
GM approves PRs: **December 8, 2011**  
Doc. No. Conservation Grant.Rules.v1

**CHAPTER 715      COMPREHENSIVE WATER MANAGEMENT**

**Subchapter D.      Water Conservation Grants**

**Section**

- 715.136      Purpose
- 715.138      Applicability
- 715.140      Water Conservation Grant Fund
- ...
- 715.150      Limitation on Grant Amounts
- ...
- 715.156      Basis for Approval of Grant Applications
- ...
- 715.166      Enforcement of Grant Terms**

**§ 715.136      Purpose**

**(a)** The purpose of this subchapter is to:

(1) implement the Regional Water Conservation Program; and

(2) implement §§ 1.11(d) and 1.24 of the Act.

(b) For the purposes of this subchapter, Regional Water Conservation Program means the water conservation program as described in the habitat conservation plan approved by the Board and developed under Section 1.26A of the Act and required by Section 10(a)(2)(A) of the Endangered Species Act that was submitted and approved by the United States Fish and Wildlife Service as part of the application for an incidental take permit.

#### **§ 715.138 Applicability**

This subchapter governs the Authority's financial assistance program for water conservation grants and the Regional Water Conservation Program. Holders of initial regular permits issued for industrial or municipal purposes may apply for a water conservation grant from the Authority under either program.

#### **§ 715.140 Water Conservation Grant Funds**

(1) Upon the issuance of an incidental take permit by the United States Fish and Wildlife Service, the Authority shall establish and maintain a water conservation grant fund for implementation of the Regional Water Conservation Program. The Authority shall fund this program in an annual amount needed for full implementation of the program.

(2) The Authority may establish and maintain a water conservation grant fund. The Authority may maintain that balance in the fund that in its judgment is appropriate. Although, the Authority is under no obligation to fund this program at any particular level, and may, in its discretion, choose not to fund the program or discontinue funding at any time.

...

#### **§ 715.150 Limitation on Grant Amounts**

(1) Under the Regional Water Conservation Program, if the grantee agrees to transfer into the Authority's groundwater trust, for fifteen years, one-half of the water estimated to be conserved due to actions taken with the provided funding, the grant may, depending on the specific conservation program involved, be in an amount of up to 100% of the value of the eligible expenses.

(2) Grants made under any other conservation program of the Authority may be made in an amount that does not exceed 50% of the value of eligible expenses.

...

#### **§ 715.156 Basis for Approval of Grant Applications**

The Board may approve a grant application if it finds that:

- (1) the public interest would be served in granting the application;
- (2) the applicant has the legal authority and ability to make an application for a water conservation grant;
- (3) funding exists for the project ~~in the Authority's water conservation fund~~;
- (4) approving the application will further water conservation of the Aquifer;
- (5) the application complies with the Act and the Authority's rules;
- (6) the applicant is in compliance with the Act, the Authority's rules, other permits, and orders of the Board; and
- (7) the terms of the grant contract are satisfactory to the Board.

...

**§715.166 Enforcement of Grant Terms**

Any failure to abide by a grant contract or agreement may lead to termination of the grant and any other additional remedies available under applicable law.