

## CHAPTER 2 – WATER COMMITMENT

Before a new development can be approved for construction, or before an existing development can be approved for expansions, additions or changes in development plans, a water commitment must be obtained from or confirmed by the District. A water commitment is the District's commitment to provide water service to a specified development or parcel of land based on the District's evaluation of building permit applications, land use, landscape and site development plans, gross acreage, or any combination thereof. This Chapter identifies the process for obtaining a new water commitment and for confirming an existing water commitment. There are two ways to do so: The Development Review or The Mapping Review.

Notwithstanding any provision in the Service Rules, payment of a fee, or construction of water facilities at a developer's or the District's expense, the District may deny any request for a new water commitment or request for a water connection if:

- a. The District has an inadequate supply of water.
- b. The uses include non-essential uses as provided for in Section 3.10 of the Service Rules.
- c. The commitment or connection will service a property that discharges wastewater to an evaporative pond or septic tank.
- d. Applicable charges are unpaid.
- e. There are physical limitations in the system capacity to serve the proposed customer and simultaneously maintain an adequate level of service to other customers.
- f. Public health, safety, or welfare will be compromised.

### 2.1 The Development Review & Mapping Review.

#### a. Development Review.

##### 1. New Development.

The District will review all land development plans, including but not limited to: site development plans, civil improvement plans, landscape plans, fire flow demands, and architectural and plumbing plans to determine the service(s) required to serve the proposed development and the water commitment to be issued. The District will review all associated building permit applications that involve plumbing fixtures and/or buildings with fire protection.

##### 2. Existing Development or Redevelopment.

The District will review all building permits with plumbing fixtures and/or fire protection and any site development plans or landscape plans for proposed expansions, additions, changes in use or proposed redevelopment of the site for parcels currently served by the District. It is the District's intent to reassess the existing water services with the proposed changes, additions or expansions to determine if the existing water service(s) for the development are adequate and whether the existing water commitment is still valid before development approval.

3. To obtain a new water commitment through The Development Review, the applicant must first obtain a conditional water commitment from the District. A conditional water commitment may be obtained when all of the following conditions are met:
  - The primary building permit and plans for off-site improvements are approved by all required agencies.
  - All off-site improvements are constructed, or bonds or other acceptable surety are posted, as required by the City of Las Vegas, Clark County or the District.
  - Development approval is issued by the City of Las Vegas or Clark County.
  - All fees, charges or deposits required by the District are paid, all District agreements are executed, and water plan approval is obtained from the District.

Once these requirements are met, a conditional commitment will be issued by the District. The conditional commitment is tied to the primary building permit. If the primary building permit expires, the conditional water commitment is automatically terminated.

The conditional water commitment will become a final water commitment after the water facilities are constructed and accepted by the District, all landscaping has been installed, proof has been provided that the commitment will not service a Manmade Lake, Non-Functional Turf, an Ornamental Water Feature or golf course in violation of the Service Rules; proof has been provided that wastewater will not be discharged to a septic tank or evaporative pond; and the certificate of occupancy or certificate of completion is issued by the City of Las Vegas or Clark County.

For buildings with evaporative cooling, the conditional water commitment will become a final water commitment after the provisions above are met and all of the following requirements are verified:

1. The property applied for its building permit by close of business September 1, 2023, to the respective governing agency;
2. The property's building permit was issued by close of business February 1, 2024; and
3. The property received its temporary certificate of occupancy, certificate of occupancy, or certificate of completion by close of business February 1, 2026.

If development approval is given by the City of Las Vegas or Clark County to a project which does not require a building permit to be issued in order for the project to be constructed, a conditional commitment may be issued based on off-site improvement plan approval or other beginning action, such as a Notice to Proceed issued by a public entity. The conditional water commitment will become a final commitment when all construction is accepted as complete by all approving public entities.

b. The Mapping Review.

Recordation of a parcel map, land division map, or other map does not provide a water commitment unless the required steps in this section have been completed.

A water commitment will be issued according to the following process:

1. Development Approval.

A new water commitment, except those provided for in this Chapter, will require development approval from the City of Las Vegas or Clark County. The District will process development approvals on a first come, first served basis as the requirements of the water commitment process listed below are fulfilled, as long as water is available to commit pursuant to the Service Rules.

2. Mapping Process - Water Commitments for all new Subdivisions, new Parcel Maps, or new Land Divisions will be made upon completion of all of the following items:

- a. A subdivision, parcel map, or land division map must be approved pursuant to NRS Chapter 278, as well as any other approval required from the City of Las Vegas or Clark County.
- b. Proof that the property will not discharge wastewater to an evaporative pond or septic tank.
- c. A minimum financial commitment to the project equal to \$5,000 per acre-foot of projected water use has been reached. The financial commitment must be in the form of constructed improvements, bonds, other acceptable surety, or a combination of these. The bonds or other acceptable surety must be certified to the District by the City of Las Vegas or Clark County.

The following new improvements will be considered for satisfaction of financial commitments:

- Streets, roadways, water lines, drainage facilities, traffic improvements, or sewers
- Construction of local and regional improvements
- Site grading
- Foundation or vertical construction of buildings
- Construction and dedication of recreational or community amenities
- Any other District approved physical improvements

The following improvements will not be considered for satisfaction of financial commitments:

- Land acquisition
- Legal fees or representations
- Water, sewer, or utility connection fees
- Building or other permit fees

- Dedication of right-of-ways or easements
  - Engineering, architectural, surveying, or other professional fees
- d. Development approval by the City of Las Vegas or Clark County.
- e. All fees, charges, or deposits required by the District are paid, all District agreements are executed, and appropriate water plan approval is obtained from the District.
- f. A final subdivision map, parcel map, or land division map with commitment certified by the District is recorded after completion of Items 1-4.
- c. Water will be committed through the above processes as follows:
- Single-family residential subdivision lots or units (including associated common areas), single-family residential parcel map lots, and single-family residential land division lots will receive a water commitment for the intended use unless specifically stated otherwise on the map.
  - Non single-family residential subdivision lots, multi-family residential parcel map lots, or multi-family residential land division lots will receive a water commitment limited to one acre-foot per lot, or one acre-foot per acre, whichever is less. If additional water commitment is required to complete a project, the process in effect at the time will be followed.
  - Non-residential lots in a parcel map or land division will not receive a water commitment through the mapping process and must follow the process provided in this Chapter.

## 2.2 Non-Revocable Groundwater Rights.

A person owning a permanent, non-revocable water right for diversions from the Las Vegas Groundwater Basin who donates and transfers the water rights to the District, pays all applicable fees and charges, and meets all other requirements of the District may obtain a commitment from the District in an amount equal to the pumpage permitted to the District by the State Engineer, but not to exceed the amount of water right donated. The water commitment shall become effective 31 days following the date the State Engineer approves an application to change.

## 2.3 Domestic Wells.

A building or structure which currently receives water from a domestic well may be permitted to obtain a water commitment from the District for the building or structure, provided the existing well is abandoned in accordance with the requirements of the State Engineer. Development approval must be obtained if the domestic well is not required to be abandoned by the State Engineer.

#### 2.4 Revocable Groundwater Rights.

A building or structure which currently receives water from a revocable groundwater right and is required to connect to a municipal water purveyor because the right to use groundwater is revoked by the State Engineer may be provided a water commitment from the District, provided the existing well is abandoned in accordance with the requirements of the State Engineer. Development approval must be obtained if the groundwater right is not revoked in writing by the State Engineer.

#### 2.5 Water Rights to SNWA for Use by District.

Any person can obtain a water commitment without compliance with these Rules if they provide water rights to the SNWA, a percentage of which is for use by the District. The SNWA and the District shall have the sole authority to evaluate the proposed acceptance of water rights and, based upon water quality, quantity, assured availability, location, deliverability, or legal considerations, shall determine if the offered water rights may be used to obtain a water commitment under this process. If acceptable to SNWA and the District, the District may enter into a contractual arrangement with the person to provide for a present or future water commitment.

A water commitment provided under this provision only exempts the person from the commitment process outlined above. A person with this type of a water commitment must, prior to receiving water service, comply with all other aspects of the Service Rules, including connection charges, frontage fees, or other payments.

#### 2.6 Emergency Service Connection.

The District may provide a water commitment to convert an emergency service connection as defined in Chapter 6 to a permanent service connection.

#### 2.7 Public Entity Acquisition.

A person owning a parcel which is served by the District and is acquired by a public entity by purchase or condemnation is entitled to a new water commitment to re-establish a personal residence or business similar to that existing on the acquired parcel, provided that the person or acquiring entity submits a service connection removal request to the District for the acquired parcel. No additional water commitment or water capacity will be gained by this action should a water commitment already exist for the new parcel.

#### 2.8 Water Commitment Limitations.

Water commitments cannot be traded, sold, or transferred. A water commitment obtained through the mapping process is associated with the land and, once the map is recorded, the fees collected to secure the water commitment are nonrefundable. The developer or successors are responsible for completing the water facilities.

## 2.9 Commitment Documentation.

The applicant has the responsibility to provide proof to the District of a water commitment or development approval when required.

## 2.10 Unauthorized Expansion or Addition.

If an increase in water consumption occurs due to an unauthorized expansion or addition to a property as identified in Chapter 2, the District may terminate service to the property in accordance with Chapter 5.

## 2.11 Water Plan, Landscape Plan and Building Permit Review.

For the developer's convenience, prior to formal submission to the District or development approval by the City of Las Vegas or Clark County, the District will review for consistency with the District's conditions of service: water plans, landscape plans, HVAC systems, and building permit plans for new and existing development and advise what changes are necessary in order to receive service under these rules. Such review and advice does not provide any additional consideration toward a water commitment, or any property right in water, to the new development.

## 2.12 Projected Water Usage.

The projected water usage a project is determined solely and exclusively by the District, including consideration of the density and uses of land permitted in the zoning district.

## 2.13 Removed Service Connection.

Once a service connection is requested to be removed, a water commitment to the parcel is automatically canceled.

## 2.14 Reversionary, Merger, or Re-subdivision Maps.

If a subdivision, parcel map or land division map, or a portion of it reverts to acreage, is merged and is then re-subdivided, the water commitment is automatically terminated for that portion of the property which has been reverted, merged, or re-subdivided. The retention or disposition of any water facilities constructed to serve the development shall be at the District's sole discretion.

## 2.16 Building Demolition.

If a building for which a water commitment exists has been demolished or removed, the water commitment associated with the previous building certificate of occupancy will be terminated.