

SECTION 1 - WATER COMMITMENT

Water commitments for new development shall be made on a first come first served basis, except as spelled out herein and shall be made in writing only by the District. The water commitment process as outlined in this Section requires the developer to proceed at his own risk, with no assurances or guarantees that a water commitment will be made, until all steps in the applicable water commitment process are complete providing water is available to commit at that time. Compliance with these Rules does not create a right to water service in favor of any developer or builder unless water is available. It is anticipated there is a possibility for limited new sources of water supply to be made available to the System. Consequently, there may be periods when it will be necessary to suspend making commitments to new development again.

From time to time, there may be periods when there is no water available for commitment, or the amount available for commitment is insufficient to meet the needs of the next applicant. Should an additional quantity of water become available, that information will be made public and water will be available for commitment in accordance with the water commitment process outlined herein.

Notwithstanding any provision in these Service Rules, payment of fee, or construction of water facilities at a developer or District's expense, the District may deny any request for a water commitment or request for a water connection if the District has an inadequate supply of water, or there are physical limitations in the system capacity to serve the proposed customers, or if public health, welfare, or safety will be compromised.

1.1 Applicability

a. New Domestic Service Connections

All applications for new domestic service connections must have a water commitment before the District will provide water service.

b. Expansions or Additions

Any expansion or addition of buildings or structures on any parcel presently served by the District, which will add more than 24 fixture units or equivalent will require a water commitment from the District for the increased use of water. Expansions or additions to single family residences are excluded from this requirement.

c. Increase in Meter Size for an Existing Service Connection

A new water commitment will be required for any existing service connection (except single family residential service connections) requiring an increase in meter size and additional water use before the District will provide the additional capacity.

1.2 Water Commitment Process

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

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

a. Development Approval

Any new water commitment, except those provided for in Sections 1.3, 1.4, and 1.10 will require development approval from 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 these Rules.

b. Mapping Process - Water Commitments for all New Subdivisions, New Parcel Maps and New Land Divisions will be made upon completion of the following:

1. Subdivision, parcel map, or land division map approval is obtained pursuant to Chapter 278 of Nevada Revised Statutes plus any other approval required from Clark County.
2. A minimum financial commitment to the project equal to \$5000 per acre-foot of projected water use has been reached. The financial commitment must be certified to the District by Clark County and must be in the form of constructed improvements, bonds, other acceptable surety, or a combination thereof.

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

- Streets, roadways, water lines, drainage facilities, traffic improvements, 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

3. The development approval(s) are issued by Clark County.
4. All fees, charges and deposits required by these rules are paid, all District agreements are executed, and water plan approval is obtained from the District.

5. Final subdivision map, parcel map, or land division map with commitment certified by the District is recorded after completion of Items 1 through 4 above.

Water will be committed through the above process as follows:

- Single-family residential subdivision lots/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, and multi-family residential land division lots will receive a water commitment limited to one (1) acre-foot per lot, or one (1) acre-foot per acre, whichever is less. If an additional water commitment is required to complete a project, the process in effect at the time will be followed (presently Section 1.2.c below).
 - Non-residential lots in a parcel map or land division will not receive a water commitment through the mapping process. They will obtain a commitment through the process identified in Section 1.2.c below or the process in effect at that time.
- c. Water Commitments for All Projects Other than New Subdivisions, New Parcel Maps, and New Land Divisions

To obtain a water commitment pertaining to this section, the applicant must first obtain a conditional water commitment. A conditional water commitment may be obtained when all of the following conditions are met:

1. Primary building permit(s) and plans for off-site improvements are approved by all required agencies.
2. All off-site improvements are constructed, or bonds or other acceptable surety are posted as required by Clark County or the District.
3. Development approval by Clark County
4. All fees, charges, and deposits required by the District are paid, all District agreements are executed, and water plan approval is obtained from the District. Fees may not be paid until 1.2(c)(1) – (3) are completed.

Once the requirements listed above (1-4) are met, a conditional commitment is issued by the District. The conditional commitment is tied to the primary building permit(s). If the primary building permit(s) expire, the conditional water commitment terminates at once.

The conditional water commitment will become a final water commitment after the water facilities are constructed by the applicant and accepted by the District, and the certificate of occupancy or certificate of completion is issued by Clark County.

If a development approval is given by 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 the offsite 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.

1.3 Non-Revocable Groundwater Rights

A person owning a permanent, non-revocable water right for diversions from the Paiute Valley Groundwater Basin who donates and transfers the water rights to the District and 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 only become effective 31 days following the date the State Engineer approves the applications to change. However, the District is not obligated to accept water rights and provide a water commitment under this provision.

1.4 Water Commitment Limitations

Water commitments cannot be traded, sold, or transferred.

1.5 Commitment Documentation

It is the applicant's responsibility to provide proof to the District of a water commitment or other documentation where required.

1.6 Increase in Use of Water

In the event an increase in water consumption occurs due to an unauthorized expansion or addition to a property as identified in Section 1.1.b, the System may terminate service to the property in accordance with Section 5 of these Rules.

1.7 Water Plan Review

The District may review water plans for new development without development approval from Clark County or a water commitment, however such review does not in itself give any additional consideration toward a water commitment, or any property right in water, to said new development or any other project.

1.8 Projected Water Usage

The projected water usage for any and all projects is determined solely and exclusively by the District including consideration of the density and uses of land permitted in the zoning district.

1.9 Emergency Service Connection

The District may provide a water commitment to convert an emergency service connection as defined in Section 6 of these Rules to a permanent service connection.

1.10 Public Entity Acquisition

A person owning a parcel served by the District that is acquired by a public entity via 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 also 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.

1.11 Removed Service Connection

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

1.12 Unused Service Connection

An inactive or abandoned water service connection to a parcel through which water has not been served since February 16, 1988, must have a new water commitment for the parcel before the service will be activated. The Connection Charge and Frontage Connection Charge shall not be required to be paid by a person owning a parcel served by an inactive or abandoned water service providing that the person has evidence of having previously paid a Connection Charge or its equivalent. The person shall be responsible for bringing the service up to current standards at their own expense before the service will be activated.

1.13 Reversionary, Merger, and Resubdivision Maps

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