

SECTION 12 – CONSERVATION AND DROUGHT

12.1 Introduction

Groundwater and Colorado River water are two physical resources used to meet water demands in Southern Nevada, but there is a third, tangible resource that is critical to managing and extending those physical resources over time - conservation. Conservation involves no real infrastructure challenges or significant capital costs, yet it effectively provides an additional resource by freeing up water that was previously consumed inefficiently or wasted. In this sense, it is the cheapest source of water available to the community. It is also a resource over which we have complete control, because future availability depends more on our own efforts and less on influences outside the community.

The Las Vegas Valley Water District, as a member agency of the Southern Nevada Water Authority (SNWA), is committed to an ongoing conservation strategic planning process that will result in the implementation of at least a 25% conservation goal by 2010. The goals focus on reductions in Nevada's consumptive use of Colorado River water. Consumptive use is the net amount of water used each year and not returned through return-flow credit to use again to extend our Colorado River water allotment. The SNWA and its purveyor members must focus on changing the outdoor water use habits of all customers. Outdoor use accounts for the greatest consumption of water. While water resources will not be extended by conserving water indoors due to return flow credits, environmental benefits result from efficient use of water and returning as little as possible.

12.2 Drought Conditions

a. Drought Plan

The Las Vegas Valley Water District is a purveyor member of the Southern Nevada Water Authority (SNWA)

For the purpose of enforcing these rules, the District and District customers shall abide by the current drought state declaration of the Southern Nevada Water Authority.

These stages are:

1. No Drought
2. Drought Watch
3. Drought Alert
4. Drought Critical

b. Declaration of Drought Stage

The SNWA will continually monitor the effectiveness of the drought measures on water use during the year and revisit its Drought declarations as necessary. Based on water use, the SNWA may, at its regularly noticed and scheduled public

meetings, change the drought stage declaration and/or revise its Drought Plan to reflect the status of the water resource environment.

Once a Drought Stage is declared, that portion of these Drought Rules shall take effect. Official public notice shall be published for two consecutive weeks in a newspaper of general circulation following the official SNWA declaration. District customers shall be provided notification of the effective date of the declared Drought Stage via direct mailed correspondence within 45 days following the official SNWA declaration. This notice shall serve as official notification to customers of the Drought Stage and its subsequent effects on District Rules and procedures.

c. Watering Schedules

For the purpose of managing the water distribution system, specific watering days and/or schedules will be assigned to each customer by the District. Affected water users will be provided reasonable mailed notification not less than 15 days prior to implementation of the policy changing the Drought Stage.

d. Water Budgets

In addition to, or in lieu of, any provisions of this section, the District reserves the right to assign specific water budgets to customers, and to prescribe rates and/or surcharges for varying levels of use related to the budget. The District shall provide written notification to each individual water budgeted customer of the amount of water provided for the budget and associated provisions.

Where a water budgeted customer is served by more than one SNWA member agency, the District may collaborate with any of those member agencies for purposes of administering the water budget.

The District may assign water budgets for any specified period of time and may prorate the amount of water at its discretion. If conditions at a property change such that an alteration in the water budget may be merited, the District may reconsider the budget.

Water budgeted customers are exempt from time of day, assigned day, and watering frequency restrictions described elsewhere in this Section.

12.3 Water Waste Enforcement

As a condition of service, customers of the District must use water delivered through the District's system in a manner that promotes efficiency and avoids waste.

In the event of a conflict between the District Service Rules and other applicable ordinances or regulations, the most stringent will prevail.

12.4 Water Waste Prohibited

A. Water waste shall include:

1. Allowing water provided by the District to flow or spray off the property.
2. Failure to correct a malfunctioning device or supply line, where the customer or their agent has known of the problem for more than 48 hours.
3. Non-compliance with regulations regarding washing of vehicles, equipment, driveways, parking lots, sidewalks, streets or other surfaces or objects.
4. Discharging swimming pool or spa water drainage off the property where discharge into a public sanitary sewer is available.
5. Using spray irrigation (sprinklers) between the hours of 11:00 a.m. and 7:00 p.m. from May 1st through September 30th each year.
6. Non-compliance with regulations relating to ornamental water features and misters.
7. Non-compliance with watering group assignments under a declaration of Drought.

B. Exemptions

Exemptions to specific provisions are outlined in Section 12.5.

C. Violations

Upon the first observation of waste, the customer will be notified and allowed a prescribed time period to take corrective action. Subsequent violations will result in a fee assessment. In addition, the District may exercise authority granted by any appropriate jurisdictions, including the issuance of misdemeanor citations.

The District has adopted specific administrative policies and procedures to support these Service Rules. These policies and procedures:

1. Specifically define water waste and exemptions;
2. Require observation and documentation of water waste by a representative of the District;
3. Require notification to the customer explaining the District's policy prior to fee assessment;
4. May allow a customer to receive additional time to pursue corrective action;
5. Provide a mechanism by which a customer may protest the fee assessment;

D. Administrative Fees

Customers issued a violation notice as defined by the District shall be assessed a fee according to the listed schedules. Violation levels shall be based upon violation history for the preceding 18 months. Administrative fees are assessed in accordance with the No Drought and Drought Watch schedule and the Drought Alert schedule.

| No Drought and Drought Watch Schedule | | | | | |
|--|---------------------------------|---------------------------------|---------------------------------|---------------------------------|--|
| Meter Size | 1st Violation | 2nd Violation | 3rd Violation | 4th Violation | 5th Violation and More |
| 1" and Less | \$ 20.00 | \$ 40.00 | \$ 80.00 | \$ 160.00 | \$ 320.00 |
| Over 1" but less than 3" | 40.00 | 80.00 | 160.00 | 320.00 | 640.00 |
| 3" and over | 80.00 | 160.00 | 320.00 | 640.00 | 1,280.00 |

| Drought Alert Schedule | | | | | |
|-------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|--|
| Meter Size | 1st Violation | 2nd Violation | 3rd Violation | 4th Violation | 5th Violation and More |
| 1" and Less | \$ 80.00 | \$ 160.00 | \$ 320.00 | \$ 640.00 | \$ 1,280.00 |
| Over 1" but less than 3" | 160.00 | 320.00 | 640.00 | 1,280.00 | 2,560.00 |
| 3" and over | 320.00 | 640.00 | 1,280.00 | 2,560.00 | 5,120.00 |

12.5 Exemptions

Exemptions to various provisions of this section are outlined in the Water Use Exemptions table. The following exemptions shall apply.

| Water Use Exemptions | | | | | |
|----------------------------|----------------------------|----------------------|----------------------|----------------------|------------------|
| | Type | No Drought | Drought Watch | Drought Alert | Drought Critical |
| Handwatering | Time of Day | Exempt | Exempt | Exempt | TBD |
| | Assigned Day | Exempt | Exempt | Exempt | TBD |
| | Flow or Spray Off Property | Not Exempt | Not Exempt | Not Exempt | TBD |
| New Landscape ¹ | Time of Day | Exempt 30 days | Exempt 30 days | Exempt 30 days | TBD |
| | Assigned Day | Exempt 30 days | Exempt 30 days | Exempt 30 days | TBD |
| | Flow or Spray Off Property | Not Exempt | Not Exempt | Not Exempt | TBD |
| Supervised Testing | Time of Day | Exempt | Exempt | Exempt | TBD |
| | Assigned Day | Exempt | Exempt | Exempt | TBD |
| | Flow or Spray Off Property | Exempt | Exempt | Exempt | TBD |
| Public Health and Welfare | Time of Day | Exempt | Exempt | Exempt | TBD |
| | Assigned Day | Exempt | Exempt | Exempt | TBD |
| | Flow or Spray Off Property | Exempt | Exempt | Exempt | TBD |
| Residential Car Washing | Time of Day | Exempt | Exempt | Exempt | TBD |
| | Assigned Day | Exempt | Exempt | Exempt | TBD |
| | Flow or Spray Off Property | Exempt for 5 Minutes | Exempt for 5 Minutes | Exempt for 5 Minutes | TBD |
| Non-Spray | Time of Day | Exempt | Exempt | Exempt | TBD |

| Water Use Exemptions | | | | | |
|--|----------------------------|--|--|--|------------------|
| | Type | No Drought | Drought Watch | Drought Alert | Drought Critical |
| Irrigation | Assigned Day | Exempt (not to exceed Maximum Water Frequency) | Exempt (not to exceed Maximum Water Frequency) | Exempt (not to exceed Maximum Water Frequency) | TBD |
| | Flow or Spray Off Property | Not Exempt | Not Exempt | Not Exempt | TBD |
| Irrigation of Commercial Nursery Stock | Time of Day | Exempt | Exempt | Exempt | TBD |
| | Assigned Day | Exempt | Exempt | Exempt | TBD |
| | Flow or Spray Off Property | Not Exempt | Not Exempt | Not Exempt | TBD |
| Water Budgeted Facilities | Time of Day | Exempt | Exempt | Exempt | TBD |
| | Assigned Day | Exempt | Exempt | Exempt | TBD |
| | Flow or Spray Off Property | Not Exempt | Not Exempt | Not Exempt | TBD |
| Syrringing | Time of Day | Exempt | Exempt | Exempt | TBD |
| | Assigned Day | Exempt | Exempt | Exempt | TBD |
| | Flow or Spray Off Property | Not Exempt | Not Exempt | Not Exempt | TBD |
| Overseeding ^{1,2} | Time of Day | Exempt 30 Days | Exempt 30 Days | Exempt 30 Days | TBD |
| | Assigned Day | Exempt 30 Days | Exempt 30 Days | Exempt 30 Days | TBD |
| | Flow or Spray Off Property | Not Exempt | Not Exempt | Not Exempt | TBD |

¹Customer must contact District prior to change in irrigation schedule. Must be in compliance with all applicable codes and drought restrictions.

²Exemption limited to one 30-day period per calendar year. No cool season grass plantings May – August.

12.6 Compliance with Water Efficiency and Conservation Codes

All customers of the District are required to comply with all applicable water efficiency and landscape codes. The District may reject the application for, rescind, or terminate water service to any property or use determined to be in violation of applicable codes or standards which are directly or indirectly intended to conserve or protect the waters of the District.

12.7 Drought Restrictions

A. Irrigation Restrictions for Properties not Subject to Water Budgets

1. During all stages of the Drought between May 1st and September 30th of each calendar year, it shall be considered water waste to spray irrigate outdoor vegetation between the hours of 11:00 a.m. and 7:00 p.m.
2. It shall be considered water waste to irrigate outdoor vegetation at variance with the following table, unless the property is designated as a Community Use Recreational Turf Area, or qualifies as a property restricted by Water Budgeting as identified in this section.

| Maximum Watering Frequency | | | |
|-----------------------------------|--|------------------------------|-------------------------|
| Season | Drought Watch | Drought Alert | Drought Critical |
| Winter November – February | One Assigned Day Per Week | One Assigned Day Per Week | TBD |
| Spring March – April | 3 Assigned Days per Week & Sunday (Option) | 3 Assigned Days per Week | TBD |
| Summer May- August | Any Day | Any Day | TBD |
| Fall September - October | 3 Assigned Days per Week & Sunday (Option) | 3 Assigned Days per Week | TBD |

3. Community Use Recreational Turf Area (CURTA).

Public or private areas designated as CURTA by government jurisdictions shall comply with the following restrictions:

- a. During the spring and fall a watering schedule for each area may not exceed seven (7) days out of 14 days and the schedule must be posted at each location.
- b. During the winter a watering schedule for each area may not exceed two (2) days out of seven (7) days and the schedule must be posted at each location.
- c. Irrigation shall be eligible to commence no earlier than 9:00 p.m. the day prior to the designated day.
- d. The District may require areas designated as CURTA to submit an irrigation schedule to the District for the current season (Spring, Winter, Fall) within 30 days of the designation. Irrigation schedules for subsequent seasons must be submitted 30 days prior to the next season.

Government bodies may approve an alternative to landscape watering restrictions on a specific CURTA, and under such circumstances the District shall defer enforcement of provisions 3 a. and b. above.

B. Water Budgeted Golf Courses

Any golf course using District supplied water shall be on a water budget, and shall be exempt from time of day and assigned watering day provisions. A golf course on a water budget shall be measured and charged based upon a specified amount of acre-feet of SNWA member agency water (including potable, raw, reuse, and non-potable) for each acre currently being irrigated. The irrigated acreage will include lakes and ponds existing within a golf course and lakes and ponds serving in total or in part, as a golf course irrigation reservoir.

A water budget is established for golf courses as shown below:

| <u>Drought Stage</u> | Annual Budget |
|-----------------------------|----------------------------------|
| Drought Watch | 6.5 acre-feet per irrigated acre |
| Drought Alert | 6.3 acre-feet per irrigated acre |

The Drought Watch Stage water budget will be effective September 1, 2003 through March 31, 2005. At the end of each calendar year, the annual water budget will be determined by the current drought stage as declared by the Southern Nevada Water Authority.

In the event a golf course customer contests the calculated irrigated acreage as determined by the District, the golf course may provide calculations supported by other methods acceptable to the District. Alternative measurements would need to be determined by an independent consultant not affiliated with the golf course. In any case however, the District shall make the final determination of irrigated acreage. Once measured, the irrigated acreage shall remain fixed, thus creating an incentive for golf courses to convert unneeded turf to other styles of water efficient landscaping. However, if a golf course expands its course by increasing the number of playing holes, a new irrigated acreage will be determined.

Water used in excess of the budget will be assessed a surcharge based upon the schedule below. Surcharges will be imposed in lieu of the fourth tier of adopted rates (the third tier rate will be charged for all water used above the third tier shown in Section 8.1).

| Stage | Percentage of budget | 101 to 120 percent | 121 to 140 percent | Over 140 percent |
|----------------------|---|---|---|---|
| Drought Watch | Surcharge to apply to water use in excess of budget. | 2.0 times the highest non-potable rate. | 4.0 times the highest non-potable rate. | 8.0 times the highest non-potable rate. |
| Drought Alert | Surcharge to apply to water use in excess of budget. | 2.0 times the highest non-potable rate. | 5.0 times the highest non-potable rate. | 9.0 times the highest non-potable rate. |

Each golf course shall be required to submit its own water use reduction plan containing at least the following elements: a physical description of the course, including detailed descriptions of all irrigated areas; an itemized accounting of calendar year 2002 water use; a review of spray irrigation efficiency; and a description of key water use reduction strategies and timelines for implementing those strategies.

C. Mist System Restrictions

During No Drought, Drought Watch, and Drought Alert residential mist systems used for human comfort will not be restricted. However, commercial use is allowed only under the following conditions:

1. From May 1st to August 31st and,
2. Between noon and midnight

D. Water Feature Conditions and Exemptions

Water features may not be operated during Drought Watch or Drought Alert. During Drought Watch and Alert, a water feature will not be required to be drained. It can

maintain a re-circulating water pool to sustain pumps, pond liners, surface coatings, and ancillary equipment. The water feature may be operated only between 1:00 a.m. and 4:00 a.m., or whenever freezing conditions require system preservation. This shall include the use of District water that has been recycled or reprocessed by the customer.

The following uses are exempt:

1. Residential

A water feature of less than 200 square feet surface area during Drought Watch, and less than 25 feet surface area during Drought Alert:

- a. At a single-family residence, or
- b. Centrally located within a residential development. No feature incorporated into an entryway or streetscape, as defined by local government, will be allowed.

2. Non-Residential

Government bodies may approve exemptions to water feature restrictions, and establish any other conditions or requirements that may apply.

3. Swimming pools and recreational water parks, both public and private.
4. Water features that are necessary and functional components serving other allowable uses (e.g., storage ponds on a golf course, or aeration devices).
5. Indoor water features or features with the majority of the total water volume contained indoors or underground. If practical alternatives exist for separating indoor and outdoor components, they shall be separated and managed accordingly.
6. Recreational water parks, both public and private.
7. Fountains and water features at resorts as defined by the governing jurisdiction.
8. Fountains or water features necessary to sustain aquatic animals provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of drought.
9. Fountains and water features supplied by privately owned water rights, unless restricted by the code of the applicable jurisdiction.

E. Other Outdoor Water Use Restrictions

1. Surface, Building, and Equipment Washing (excluding motor vehicles).

During No Drought, Drought Watch, and Drought Alert conditions, surface, building, and equipment washing will be prohibited, unless the water is discharged to a sanitary sewer through approved methods, or contained on site.

2. Personal Vehicle Washing

- a. Under No Drought, personal vehicles may be washed upon residential properties with a leak free hose equipped with a positive shut-off nozzle and where water does not flow off the property for a continuous period of five minutes or greater.
- b. Under Drought Watch and Drought Alert, washing of personal vehicles upon residential properties shall comply with all No Drought conditions and is limited to once per week, per vehicle.

3. Commercial Vehicle Washing

Commercial vehicles may only be washed at a commercial facility where water is discharged to the sanitary sewer through approved methods or, with the use of a high-pressure, low volume sprayer using less than ten (10) gallons per vehicle. There is no limitation on frequency.

F. Manmade Lake Provisions

During Drought Watch and Drought Alert all man-made lakes with over one acre of surface area shall pay the same rate as metered construction water, as defined by Section 8.6(e). Lakes that serve, in whole or part, as a functional reservoir for a golf course are included in the calculation of a golf course water budget.

G. Governmental Facility Provisions

1. Government facilities shall be subject to landscape water restrictions.
2. Government facilities shall be subject to District water rates and water waste fees.
3. During a Drought Watch and Drought Alert, government facilities with greater than five (5) acres of turf must conduct a self-assessment of water conservation potential and implement a plan to maximize outdoor water use efficiency.