

## SECTION 1 - WATER COMMITMENT

Before new water service connection is authorized for installation, on-site addition or on-site expansion to an existing service, a commitment for water service (hereinafter known as a 'water commitment') must be obtained from the BBWD. **NAC 445A.6577** "Commitment for Water Service" means a document pursuant to which a supplier of water acknowledges that it has assumed a legal obligation to supply water to property under development or proposed to be developed for residential, commercial or industrial purposes. The document may indicate that the obligation is subject to certain conditions precedent, including, without limitation, the payment of fees, the dedication of water rights or the construction and dedication of infrastructure.

Notwithstanding the aforementioned citation and commentary, it is recognized by the Board of Trustees that the BBWD system development approval charges for designated undeveloped parcels have been deferred and not been paid. These designated developments are listed in Appendix III of these Rules. This designated development list establishes a record of and acknowledges the current unpaid fee status of these parcels. The developers, or property owners if already sold, will be required to pay the outstanding system development approval charge for a parcel prior to obtaining a building permit for the parcel. The BBWD will record a Notice with the Clark County Recorder's Office that shows a chain of title based on Assessor's Parcel Number that the system development approval charge has not been paid on the parcel. The system development approval charge will be the amount in effect at the time of payment of the charge.

This section identifies the process for obtaining a new water commitment. The BBWD water commitment process supports development, orderly system expansion, and ensures water is available for customers. Until all stages of development are complete including plan approval and installation and acceptance of proposed facilities, there are no assurances or guarantees that a commitment will be made. Compliance with these Service Rules does not create a right to water service in favor of any Developer or builder unless water is available.

Notwithstanding any provision in these Service Rules, payment of fees, or construction of water facilities at a Developer or BBWD's expense, the BBWD may deny any request for a water commitment or request for a water connection if the BBWD has an inadequate supply of water, or there are physical limitations in the system capacity to serve the proposed customer and simultaneously maintain an adequate level of service to other customers, or if public health, welfare, or safety will be compromised. However, the BBWD will regularly apprise the community of any issues related to these potential conditions. Should any of these conditions exist, new water commitments may be limited or restricted until the BBWD has determined corrective action that will restore the system to normal operating standards and conditions.

### 1.1 Applicability

#### a. Proposed Development

A developer may request a statement of water availability from BBWD in order to begin the development approval process.

b. New Domestic Service Connections

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

c. Expansions or Additions

Any expansion or addition of buildings or structures on any parcel presently served by the BBWD will require a review of the existing water commitment from BBWD for the increased use of water. Expansions or additions to single-family residences are excluded from this requirement.

d. Increase in Meter Size for an Existing Service Connection

A new water commitment may 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 BBWD 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. Water commitment will be issued according to the following process:

a. Development Approval

Any new water commitment, except those provided for in this Section will require development approval from Clark County. The BBWD will process development approvals on a first come, first served basis as the requirements of the water commitment process listed below are fulfilled, and as long as water is available to commit pursuant to these Service Rules.

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

1. Subdivision, parcel map, or land division map approval is obtained pursuant to Chapter 278 of NRS and any other approval required from Clark County.
2. 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 thereof. The bonds or other acceptable surety must be certified to BBWD by 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 BBWD 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 Service Rules are paid, all BBWD agreements are executed, and the appropriate water plan approval is obtained from the BBWD.
  5. Final subdivision map, parcel map, or land division map with commitment certified by BBWD is recorded after completion of Items 1.2b, 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 map.
- Non single-family residential subdivision lots, multi-family residential parcel map lots, and multi-family residential

land division lots or master plan developments will receive a water commitment limited to one (1) acre-foot per lot, or one (1) acre-foot per acre, whatever 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. Permit Process - Water Commitments for All Projects Other than New Subdivisions, New Parcel Maps, and New Land Divisions (Permit Process)

To obtain a water commitment for any project other than new subdivisions, new parcel maps, and new land divisions, 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 including water facilities are constructed, or bonds or other acceptable surety are posted as required by Clark County or the BBWD.
3. The development approval(s) are issued by Clark County.
4. All fees, charges, and deposits required by these Service Rules are paid, all BBWD agreements are executed, and water plan approval is obtained from the BBWD. Fees may not be paid until 1.2c., 1 through 3 are completed.

Once the requirements listed above (1.2c., 1 through 4) are met, a conditional commitment is issued by the BBWD. 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 BBWD, and the certificate of occupancy or certificate of completion is issued by Clark County.

If a development approval is issued by Clark County for a project that 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 the public entity for construction. The conditional commitment will become a final commitment when all construction is accepted as complete by all approving public entities.

### **1.3 Domestic Wells**

A building or structure that currently receives water via a domestic well may be permitted to obtain a water commitment from the BBWD 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.

### **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 BBWD of a water commitment or other documentation where required.

### **1.6 Unauthorized Improvement**

In the event an increase in water consumption occurs due to an unauthorized improvement or addition to a parcel as identified in Section 1.1.b that has not received an additional water commitment from BBWD, the BBWD may terminate service to the parcel in accordance with Section 5 of these Service Rules.

### **1.7 Water Plan Review**

BBWD may review water plans for new development without development approval from Clark County, or without 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 BBWD, including consideration of the density and uses of land permitted in the zoning approved for BBWD. For calculation factor information used in projected water usage analysis, go to <https://www.lvvwd.com/engineering-resources/planning/index.html>, and click on 'Water Consumption Rates'.

### **1.9 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.

### **1.10 Reversionary, Merger, and Resubdivision Maps**

If a subdivision, parcel 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 that has been so reverted, merged, or resubdivided. The retention or disposition of any water facilities constructed to serve said development shall be at the BBWD's sole discretion.

### **1.11 System Development Approval (SDA) Charges Due Exception**

It is recognized by the Board of Trustees that the BBWD system development approval charges for designated undeveloped parcels have been deferred and not been paid. These designated developments are listed in Appendix III of these Rules. This designated development list establishes a record of and acknowledges the current unpaid fee status of these parcels.

The Designated Developments and associated Assessor's Parcel Numbers in Appendix III and any future approved single family detached residential unit subdivisions comprise the known exceptions to the existing adopted Water Commitment process and required full application fee payment required as part of the water plan approval processes applicable to all types of development.

No development or lot listed in Appendix III shall be construed to have any other technical or administrative exception to any BBWD, or other approving document or agency requirement for the acceptance of the development by the BBWD, or other responsible agency.

To the extent that new single family detached residential unit subdivision, parcel maps, or land divisions are developed by developers who pay all other applicable fees, but do not desire a water commitment as described in Section 1.2 of these Rules and desire to defer payment of SDA charges, these developments will be added to Appendix III and treated in the same manner. These developments will be required to pay the nonrefundable outstanding SDA charge for a parcel prior to obtaining a building permit for the parcel. The BBWD will record a Notice with the Clark County Recorder's Office that shows a chain of title based on Assessor's Parcel Number that the SDA charge has not been paid on the parcel. All fees connected with the recording and the charge will be due in the amounts in effect at the time of payment.