

SECTION 9 – INSTALLATION OF WATER FACILITIES

9.1 General Conditions for the Installation of BBWD Water Facilities

a. Applicability

Any work on BBWD facilities, including but not limited to, the installation of new service connections, water main, backflow prevention assemblies and associated appurtenances (water facilities); and relocation or removal of existing facilities not installed by BBWD, shall comply with the requirements of this section. All work shall be submitted for review, required bills, deposits, fees and charges paid, and approved in writing by the BBWD, prior to the time the work is started.

A main extension shall be required whenever 20' of useable main is not directly adjacent to the proposed development requiring water service, or when the adjacent main cannot meet the needs of the proposed development.

b. Responsibility for Cost

Applicant shall pay all costs for provision of said facilities that shall include design and other appurtenant costs, as well as construction costs. Such facilities shall conform with the rules, regulations, and design requirements of the BBWD.

c. Construction Plans

All water plans submitted for review shall conform to the UDACS, latest edition, as amended. Water plans shall all include, at a minimum the following:

1. Copy of the recorded subdivision map, parcel map, or any other map if applicable
2. Two (2) sets of detailed water plans (24" X 36") at a scale not to exceed 1" = 60'
3. A completed data sheet as provided by the BBWD
4. The required application fees as specified in Appendix I
5. Development approval or water commitment

Water plans that meet the requirements of Items 1 through 4 above but do not have a development approval or water commitment may be accepted for review, but the acceptance and review does not in itself give any additional consideration toward a commitment or any property right in water to said new development or other project.

Such plans shall be prepared by a Registered Professional Engineer duly registered in the State of Nevada, shall clearly indicate the size and location of mains and appurtenances, including all lateral pipe and fire hydrants and shall also indicate size and location of all other existing and proposed utilities. Water plans shall designate boundaries of the Applicant's property that will be served by

the proposed main extension. Proof of right-of-way and/or easement must also be provided.

The BBWD will review the water plan and return one (1) set of plans to the Applicant indicating any necessary revisions. The Applicant shall prepare and submit to the BBWD a set of reproducible mylar water plans conforming with the revisions that shall be considered the master water plan after approval by the BBWD. Upon execution of the appropriate agreements by the Applicant and payment of applicable charges, fees, and deposits and after approval of other governmental agencies as may be necessary and any other requirements, the water plan shall be approved and released for construction purposes.

d. Time Limitations

Approval by the BBWD for any main extension shall be valid for a limited time. In the event that construction of the mains covered by any plan approved after the effective date of these Rules is not started within one (1) year from the date of approval, or as designated in the construction agreement, the project shall be assumed to have been abandoned, and any subsequent proposal for reactivation shall be treated as a new project, including fulfilling all water commitment requirements in effect as the time the project is reactivated. The same shall apply when active construction work is discontinued for one (1) year.

All water facility construction must be completed within two (2) years from the date of plan approval. If work is not completed in the two (2) year period, the Developer may request a time extension, however, an additional inspection fee is required. If the work will not be completed in the next six (6) months, the Developer shall also post a bond or cash deposit with the BBWD to assure completion in one (1) year, or the project may be canceled.

In the event the project received a water commitment pursuant to Section 1.2b or 1.2c of these Service Rules, the BBWD may, at its discretion, invoke the performance bond for the installation of the water facilities rather than canceling the project.

e. Construction, Abandonment, Cessation, and Cancellation

In the event of abandonment or cessation of construction, prepaid installation fees and other charges and deposits shall be refunded, or used by the BBWD to pursue completion of all or part of the project, as determined by the BBWD.

If a project receives a water commitment under the provisions of Section 1.2b. of these Service Rules, and the water plans are subsequently proposed for cancellation, all prepaid installation fees and other charges and deposits shall be retained by the BBWD until the water commitment is terminated, the project is reverted to acreage, and the Developer requests in writing the fees be returned to him. If the project will require a new approval of the water plan, any retained fees shall be applied to any increased fees required at the time a water plan is reapproved.

If a project receives a water commitment under the provisions of Section 1.2c. of these Service Rules, and the water plans are subsequently proposed for cancellation prior to the installation of water facilities, all prepaid installation fees and other charges and deposits shall be retained by the BBWD until the water commitment is terminated, the building permit is terminated or expires, and the Developer requests in writing the fees be returned to him. If the project will require a new approval of the water plan, any retained fees shall be applied to any increased fees required at the time a water plan is reapproved.

If funds are not available to complete the work, the BBWD may complete the work on an actual cost basis and bill the Developer. Subsequent projects submitted for approval shall be held until invoices for uncompleted work are paid.

To assure BBWD recognition of an assignment from one Developer to another, an assignment form provided by the BBWD shall be completed, and a fully executed duplicate original returned to BBWD.

f. Compliance With Specifications

Main extensions, service connections, and appurtenances shall be constructed by a contractor properly licensed by the State of Nevada to conform with all BBWD specifications, standards, and procedures that are in effect at the time the water plans receive BBWD approval. In addition to all such specifications, standards, and procedures, the following requirements shall be met:

1. All new water facilities shall be disinfected and tested to the satisfaction of the BBWD before connecting the new mains to existing mains, unless otherwise permitted by the BBWD
2. Connections to existing mains shall be made only when authorized by the BBWD and then only in the presence of an authorized representative of the BBWD, at times specified by the BBWD
3. Existing mains shall not be taken out of service for the purpose of making new connections when other options such as wet taps are feasible. Mains may only be taken out of service with the specific approval of the BBWD

g. Construction Inspection

The BBWD shall inspect the installation of the service connection and backflow prevention assemblies from construction commencement through final water project acceptance. The BBWD reserves the right to terminate service if the work does not comply with BBWD requirements. The BBWD will not provide domestic water service to an identified permanent structure(s) until all water facilities related to that structure(s), as shown on the approved water plans, have been accepted by the BBWD.

h. Meter Installation

For meters two (2) inch and smaller, the developer shall obtain from BBWD and install the meter(s). For meters larger than 2", the Applicant shall provide a meter that meets BBWD specifications.

Meters obtained from BBWD stock will be acquired in accordance with procedures adopted and approved by the General Manager. The meter shall be installed before any water is drawn through the service connection.

No meter shall be installed until a successful pressure test and water sample have been verified by the BBWD.

i. Payment for Water

Payment for all water used from the time of initial meter installation shall be the responsibility of the applicant and will be charged at the commodity rate set forth in the Rates Section herein. The BBWD reserves the right to audit meter installation. The BBWD reserves the right to start service at its discretion upon verification of meter installation, occupancy, or irrigation. Upon verification, monthly billing will be based on the rate for Metered Construction Water.

The (Developer) Applicant shall remain responsible for correction of all deficiencies and shall remain liable for bill payment for all metered water used and associated deficiency fees, regardless of whether subject facilities are in use by a subsequent developer, domestic, or commercial customer until said defects are corrected by the Applicant and are accepted by the BBWD.

j. Guarantee

Materials and workmanship shall be guaranteed free of defect for a period of one year from date of acceptance by the BBWD. Upon receipt of notice from the BBWD, the Developer shall immediately cause any defect to be corrected, or shall reimburse the BBWD for the cost of correction. Any corrective actions shall themselves be warranted for a one-year period.

k. Location

1. Main extensions and appurtenances shall be located within a dedicated right-of-way or private streets thirty feet (30') in width or greater, dedicated for utility purposes provided adequate clearances are available for operation, maintenance, and repair of the water facilities.
2. If dedicated rights-of-way or a private street dedicated for utility purposes is not available, the Applicant may petition the BBWD and upon BBWD approval, a main extension and appurtenances may be located within

easement grants to the BBWD not less than thirty (30) feet in width, or as the BBWD may specify.

3. All rights-of-way, private streets, and/or easements shall be shown on the water plans. These plans shall be provided to the BBWD prior to the approval of water plans and must provide adequate clearances for the safe operation, maintenance, and repair of the water facilities. The BBWD, reserves the right to determine the location of a main extension and appurtenances.

l. Easements

1. No buildings, structures, or trees will be placed upon, over, or under any BBWD easement, now or hereafter, except that an easement can be improved and used for street road or driveway purposes and for other utilities, insofar as such use does not interfere with the operation and maintenance of the BBWD's facilities within the easement.
2. Should the BBWD act to repair any BBWD facilities within the easement, the BBWD is not responsible for repair or reconstruction of any property located within the easement.
3. Should any of the BBWD's facilities within an easement be required to be relocated or repaired as a result of changes in grade or other construction within the easement, the property owner will bear the full cost of such relocation or repair, unless the changes in grade or other construction were done by third parties with the written consent of the BBWD, as agent for the BBWD.

m. Size of Mains

A main extension shall be of sufficient size to provide an adequate water supply to the development (subdivision, commercial, industrial, or single residential property).

The minimum size of any main to be constructed as a part of the BBWD distribution system shall be eight (8) inches in diameter except in certain locations where the BBWD may allow mains 6 inches in diameter. A Developer installing water mains will be required to install these minimum size mains at their sole expense.

n. Fire Hydrants

Fire hydrant installations shall conform with design and location requirements of the Clark County Uniform Fire Code and UDACS.

o. Use of Facilities

A main extension constructed for a development shall not be considered as reserved for service to that development exclusively. Extensions of and connections to such mains for other development may be permitted when, in the opinion of the BBWD, such connections will not substantially affect service to the original development.

p. Conveyance of Title

Upon satisfactory completion of construction and acceptance of the facilities by the BBWD, the Developer shall deliver a valid Bill of Sale conveying unencumbered title to the facilities to the BBWD.

q. Construction by Private Contractor or BBWD

Construction work shall be performed by a contractor properly licensed by the State of Nevada and selected by the Applicant. Proof of licensing may be required. In certain circumstances when, in the opinion of the BBWD, the extent of work to be performed is minor and can be accomplished efficiently and economically by BBWD forces, the Applicant shall deposit an amount determined by the BBWD. Upon completion of construction, the difference between the estimated and actual costs will be either billed or refunded.

r. Refund of Frontage Connection Charges

The Developer will receive frontage connection charges collected by the BBWD for connections to the main extension installed by the Developer under the provisions of a main extension agreement specifically providing for the refund of frontage connection charges. The potential refunds paid to the Developer shall be limited to the fees collected by the BBWD up to ten years from the effective date of the agreement. Any refund for a connection to the main extension shall be made following the date the main and/or services are inspected and accepted by the BBWD, and an unencumbered signed Bill of Sale is provided by the Developer.

At the sole discretion of the BBWD, transmission mains may have limited connections made to them. Conditions limiting these connections include ensuring system reliability and the nature of the materials used to construct large diameter pipelines. Due to these conditions, parallel mains may be required to be constructed in order to serve adjacent developments.

9.2 Oversized Main Extension

a. Applicability

An oversized main extension is a main larger in diameter than the minimum diameter necessary to provide a supply to a proposed development, which will be

capable of meeting future demands on the BBWD's distribution system. The BBWD may increase the length of an oversized main extension beyond that required to serve a particular development, in order to provide for the orderly development of the BBWD's distribution system, improve water quality and/or improve system reliability.

Oversized mains, which may include provisions for bolstering, may be approved within standard developer construction agreements, or by Board approved agreements. The construction timeline covered under the standard development agreement is the same as that for development construction, per Section 9.1.

b. Identification of Mains

The BBWD shall indicate and identify on water plans submitted for a proposed development both the standard and oversized diameters of pipelines to be constructed.

c. Approval by Board

A proposal for oversizing of a main extension shall be submitted to the Board for those projects with BBWD participation. If the oversizing of the main extension is approved by the Board, the Developer must execute required agreements and satisfy all other requirements within one (1) year from the date of Board approval, unless otherwise stated in the Board agreement, or the Board's action shall be void.

d. Refunding for Oversizing

The BBWD shall refund, without interest, to the Developer for the cost of oversizing the main extension as specified in the agreement(s) within 45 calendar days following acceptance by the BBWD and delivery of an unencumbered Bill of Sale.

In the event water mains are oversized to a diameter greater than 42 inches in diameter, the BBWD will refund the cost for that portion of the oversized main extension greater than 42 inches in diameter, separate from the oversized portion less than 42 inches in diameter. The cost of oversizing that portion of the water main in excess of 42 inches in diameter will be refunded by the BBWD, as specified in the agreement(s) within forty-five (45) calendar days following acceptance by the BBWD and delivery of an unencumbered bill of sale.

An oversized main extension is required to be bid as a public works project in accordance with Nevada Revised Statutes as amended whenever the pipe size is greater than 42 inches.

e. Cost Allowance

Reimbursement by the BBWD for the oversizing of a main extension shall be based on the difference in cost allowance between the oversized main installed and the main required by the Developer, multiplied by the horizontal lineal feet of main actually installed. Cost allowances per lineal foot for various diameters are as follows:

<u>Diameter</u>	<u>Cost allowance per Lineal Foot</u>
< 8"	\$0
8"	29
10"	35
12"	42
16"	64
20"	90
24"	116
30"	182
36"	201
42"	220
> 42"	Based on competitive bids

At the developer’s option, the reimbursement amount may be based on actual construction costs if an open, competitive bid process, in accordance with Nevada Revised Statutes, as amended, is completed for an oversized main.

f. Alternate Method of Payment

The Board may, in lieu of a lump sum payment of the BBWD’s portion of the construction cost, arrange with the Developer or customer for an alternate method of payment.

g. Special Requirements

For an oversized main extension twenty inches or larger in diameter, the BBWD may add special requirements in addition to those specified in this section.

9.3 Bolstering

Bolstering may be required by the BBWD as a condition of the development approval process.

The BBWD shall refund to the Developer, without interest, the cost of bolstering the main extension(s) as specified in the agreement(s) within forty-five (45) calendar days following acceptance by the BBWD and delivery of an unencumbered Bill of Sale

9.4 Assessment BBWD Improvements

Property owners may petition the BBWD for formulation of an assessment for the purpose of providing a water supply system or for improving an existing system which is inadequate. Proceedings for petition and formulation of the assessment will be pursuant to Chapter 318, Nevada Revised Statutes.

9.5 Water Quality Mitigation

Any of the water facilities installed, disinfected and tested to the satisfaction of the BBWD, and connected to existing BBWD facilities, must maintain established water quality standards throughout the installed system. For projects that have installed facilities not yet accepted by the BBWD for ownership by Big Bend Water District, but are not nearing completion in a timely manner, the BBWD may contact the developer and require a Water Quality Mitigation Plan (WQ Plan). Such plan shall be negotiated between the BBWD and the developer to the satisfaction of the BBWD. Such WQ Plan shall be implemented and maintained by the developer with all approved charges, water and sewer rates, fees, and charges paid for solely by the developer.