

BLUE DIAMOND SERVICE RULES

ADOPTED September 2, 2008

Sections 7.13, 7.14, 7.15, 7.17, 8.5 (a.), (d.), 8.10, 8.13, 8.14, and 10.1 (i.) are effective November 6, 2008.

All other changes are effective upon Board adoption.

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DEFINITIONS

1. Abandoned Service

"Abandoned Service" shall mean a service connection documented based on actual field conditions that the service lateral was cut, capped, and left in place. If the service classified as abandoned is actually removed, the service shall be reclassified as removed in District records. See "Removed Service Connection".

2. American Water Works Association (AWWA) Standards

"American Water Works Association (AWWA) Standards" shall mean the latest revision of the standards adopted by AWWA, Denver and available for review at the District.

3. Applicant

"Applicant" shall mean a person applying for new water service to a particular parcel within the District. The applicant must be the property owner or his legally designated representative.

4. Automated Meter Reading (AMR)

"Automated Meter Reading" shall mean the equipment for the remote collection of consumption data from a customer's water meter.

5. Backflow Prevention Assembly

"Backflow Prevention Assembly" shall mean an assembly for the prevention of backflow from the customer's water system to the District's water system and may include, but not be limited to, a backflow prevention device, isolation valves, test cocks, thrust restraints, a vault, connecting piping, an enclosure, and other appurtenances.

6. Backflow Prevention Assembly - Approved

"Approved Backflow Prevention Assembly" shall mean an assembly that has been investigated and approved by the District. The approval of backflow prevention devices by the District will be on the basis of a favorable report by an approved testing laboratory recommending such an approval, and acceptance through the District's approval process.

7. Billing Date

"Billing Date" shall be the date shown on the monthly water bill.

8. Board

"Board" shall mean the Board of Directors of the Las Vegas Valley Water District.

9. Bolstering

“Bolstering” shall mean looping, or increasing the length of a proposed main extension beyond that required to serve a particular development, in order to provide for the orderly development of the District’s distribution system, improve water quality, and/or improve system reliability.

10. Combined Service

"Combined Service" shall mean a single service connection through which water is obtained for the dual purpose of private fire service and domestic service.

11. Conditional Water Commitment

"Conditional Water Commitment" shall mean a water commitment that may be made if the applicant completes specific requirements within specified time frames as specified in a written agreement with the District.

12. Construction Water

"Construction Water" shall mean metered water delivered for construction purposes including, but not limited to, compaction and dust control. Construction water is not permitted for domestic or fire suppression use.

13. Cross-Connection

"Cross-Connection" shall mean any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, or a private well, one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include but not be limited to any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy section of pipe, swivel or change-over devices or sliding multiport tube.

14. Customer

"Customer" shall mean a person who is a recipient of water service from the District through an existing service connection, or a person applying for water through an existing service connection.

15. Deserted Service

"Deserted Service" shall mean a service connection whose existence is documented in District records, but can not be field located.

16. Developer

"Developer" shall mean any person engaged in or proposing development of property.

17. Development Approval

"Development Approval" is the notification to the District from Clark County that all required permits and administrative processes have been successfully completed and approved for the division of property or issuance of a building permit.

18. Disconnected Service

"Disconnected Service" shall mean an active service connection which has been turned-off or terminated for non-payment of water bills.

19. District

"District" shall mean the Las Vegas Valley Water District.

20. Domestic Service

"Domestic Service" shall mean a service connection through which water is obtained for all purposes permissible under law, including commercial and industrial uses, exclusive of fire protection and construction service.

21. Emergency

"Emergency" means a sudden or unexpected occurrence or need that requires immediate action to prevent an adverse impact upon life, health, property or essential public services.

22. Emergency Service Connection

"Emergency Service Connection" shall mean a District authorized service connection on an interim basis required to safeguard health and protect private or public property.

23. Employee

"Employee" shall mean any individual employed by the District, excluding independent contractors, consultants, and their employees.

24. Equivalency - 5/8"

"5/8 Equivalency" shall mean the comparable number of 5/8" meters, which equates to the meter size under discussion primarily used for fee and rate calculations.

| Meter Size | Typical 5/8" Equivalency |
|------------|-----------------------------|
| 5/8" | 1.0 |
| 3/4" | 1.5 |
| 1" | 2.5 |
| 1½" | 5.0 |
| 2" | 8.0 |
| 3" | 16.0 |
| 4" | 25.0 |
| 6" | 50.0 |
| 8" | 80.0 |
| 10" | 115.0 |
| 12" | 170.0 |

25. Expansion or Addition

"Expansion or Addition" shall mean an increase in size of an existing building or other structure presently served by the District; or building or structure added to an existing parcel presently served by the District.

26. Final Water Project Acceptance

"Final Water Project Acceptance" shall mean prior to scheduling the final inspection, the Developer shall verify the entire water project is ready for inspection. The Developer is responsible for the restoration of all existing water facilities belonging to the District immediately adjacent to the approved water plans work area. The water facilities include laterals, meters, valves, collars, blow-offs, vault access cover, air vacuum air release assemblies, backflow assemblies, anode test stations, and or chlorine/pressure monitoring stations.

27. Fire Hydrant Service

"Fire Hydrant Service" shall mean a service connection for public fire hydrant(s) to be located within a public right-of-way or easement. The fire hydrant shall be of a type and manufacturer approved by the entity having jurisdiction.

28. Fixture Units

"Fixture Units" shall be defined as specified in the Uniform Plumbing Code, current edition.

29. General Manager

"General Manager" shall mean the person duly appointed by the Board to perform the duties of the position, or that person's duly appointed representative.

30. Idler

"Idler" shall mean a length of pipe installed in lieu of a meter (use of an idler is not allowed).

31. Illegal Service

"Illegal Service" shall mean a service connection which is located in the field, but whose installation was not authorized by the District or is in violation of the District's Service Rules. Illegal services include, but are not limited to, expansions of on-site systems to serve adjacent parcels.

32. Inactive Service

"Inactive Service" shall mean a service connection which is not in use, but is fully operational, installed in accordance with District standards and documented in District records.

33. Inter-Connection

"Inter-Connection" shall mean any actual or potential unauthorized connection from a customer piping which will provide water to other property or permit use of water for purposes other than that for which a service connection was authorized.

34. Land Division

"Land Division" shall be as defined in Nevada Revised Statutes, Sections 278.471 through 278.4725.

35. Las Vegas Valley Groundwater Management Program

"Las Vegas Valley Groundwater Management Program" shall mean a resource management program authorized by the 1997 Nevada Legislature and operated by the Southern Nevada Water Authority in cooperation with an advisory committee of Las Vegas Valley groundwater users. The program develops and performs activities that promote long-term groundwater management and aquifer protection within the Las Vegas hydrographic basin.

36. Legally Designated Representative

"Legally Designated Representative" shall mean that person to whom the property owner has given power of attorney or other documentation satisfactory to the District authorizing said person to apply for new water service on behalf of the property owner. The documentation presented to the District must contain the property owner's signature, mailing address, and location of the property, which is the subject of the application. The property owner shall become liable for all water service provided to the property as a result of the application by the legally designated representative, and any unpaid charges shall become a lien on said property pursuant to Section 9.1 Chapter 167 of the Statutes of Nevada, 1947.

37. Main Extension

"Main Extension" shall mean an adjacent, parallel, or extended addition to the District's distribution system, consisting of a pipeline which is a nominal six (6) inches in diameter or greater, for the purpose of providing an adequate water supply. The District may require an increase in the length of a main extension beyond that required to serve a particular development in order to provide for the orderly development of the District's distribution system, improve water quality, and/or improve system reliability.

38. Master Meter

"Master Meter" shall mean the District approved primary measuring device installed for, but owned by the District, which is used for the purpose of accurately recording all consumption entering an area containing a number of customers, or sub-metered services.

39. Meter

"Meter" shall mean the District approved measuring device, installed for, but owned by the District, which is used for the purpose of accurately recording the consumption of water used by customers.

40. Meter Maintenance

"Meter Maintenance" shall mean the routine testing, calibration, repair or replacement of District water meters to ensure accuracy and compliance with the American Water Works Association Meter Standards.

41. Non-Standard Service Connection

"Non-Standard Service Connection" shall mean a service connection from a main to a parcel that is not contiguous to the main to which the connection is made. A service will not be considered or classified as non-standard if the parcel to be served is not adjacent to a public right-of-way, and a permanent right of access with overlapping utility easement is provided for the on-site (private) lateral. The applicant will be required to provide an easement for the onsite (private lateral) from the owner of the property upon which the applicant's private lateral will cross to complete the service connection.

42. Offsite Main

"Offsite Main" shall mean a main, regardless of size, which extends from the existing system to a development and generally remains outside the development boundaries.

43. Onsite Main

"Onsite Main" shall mean those public mains, which are installed specifically to provide service to developments, and generally located within the development's boundaries.

44. Parcel Map

"Parcel Map" shall be as defined in Nevada Revised Statutes, Section 278.461.

45. Person

"Person" shall mean any individual, firm, association, organization, partnership, trust, company, corporation or entity, and any municipal, political, or governmental corporation, district, body or agency other than the District.

46. Potable Water

"Potable Water" shall mean water that is treated pursuant to the Safe Drinking Water Act.

47. Primary Building Permit(s)

"Primary Building Permit(s)" shall mean the permit(s) issued by either the City of Las Vegas or Clark County for a structure including but not limited to the foundation, shell, and other related building components.

48. Private Fire Service

"Private Fire Service" shall mean a service connection through which water is available on private property for fire protection exclusively. Private fire service shall be equipped with a District approved double check detector assembly (DCDA), or a Reduced Pressure Detector Assembly (RPDA).

49. Private Main

"Private Main" shall mean a water pipeline and appurtenances not owned by the District after completion.

50. Property

"Property" shall mean any real property owned, leased, rented, or otherwise controlled, utilized, or inhabited by any person, including any corporation or partnership of any form holding a water account with the District.

51. Property Owner

"Property Owner" shall mean the owner of record of a property, which is or will be receiving water service from the District.

52. Public Health and Welfare

"Public Health and Welfare" shall mean any activity where the use of water is the most appropriate and practical method to abate a health or safety hazard, or where the use of water is required to reasonably meet the provisions of federal, state, or local law, or where a project approved by the General Manager is planned, or underway.

53. Public Main, or Main

"Public Main" or "Main" shall mean a water pipeline and appurtenances which is owned, operated and maintained by the District after completion and acceptance.

54. Removed Service

"Removed Service" shall mean a service connection documented based on actual field conditions that the service lateral no longer exists. The service is classified as removed in District records. If field conditions later indicate that a service classified as removed was actually abandoned, the service shall be classified as abandoned in District records. See "Abandoned Service".

55. Residential Fire Service Meter

"Residential Fire Service Meter" (RFS) shall mean the District approved measuring device, installed for, but owned by the District, which is used for the purpose of accurately recording the consumption of water used by customers, and that supports domestic water and fire suppression supply for a single family residential class of service.

56. Service Adjustment

"Service Adjustment" shall mean the adjustment of an existing service connection to include the horizontal and/or vertical extension and/or adjustment of the meter and meter box, while using the existing lateral or lateral alignment and tap, while maintaining the existing account. This adjustment will not require the payment of inspection fee(s), unless as otherwise provided for in the Service Rules.

57. Service Connection

"Service Connection" shall mean the connection to the main and the lateral pipe to deliver the water, and may also include, but not be limited to, a meter, or battery thereof, a meter box or vault, valves, thrust restraints, and other appurtenances from a District main, to the point where the water being delivered leaves the piping owned by the District, in accordance with UDACS for new service installation.

58. Service Deposit

"Service Deposit" shall mean an amount deposited with the District to assure payment of water bills. The deposit may be in cash or another form of security acceptable to the District.

59. Service Relocation

"Service Relocation" shall mean a change in location that will require tapping the existing main or a new water main at a new location, installing a new service lateral, establishing a new account, and removing an existing account. This service will require the payment of appropriate application fees, inspection fees, and/or other charges.

60. Spacer

"Spacer" shall mean a length of perforated pipe temporarily installed in lieu of a meter or idler while facilities are under construction.

61. Subdivision

"Subdivision" shall, for the purposes of these Rules, meet all provisions of Nevada Revised Statutes, Chapter 278 and shall be as defined in Section 278.320.

62. Sub-meter

"Sub-meter" shall mean a meter that is used for the purpose of accurately recording the consumption of water used by customers served by a master meter.

63. Tampering

"Tampering" shall mean acts by persons which cause damage to, or alteration of, District property including, but not limited to, service connections, shut off valves, hydrants, mains, meters, registers, AMR equipment, and service locks, or seals by any willful or negligent act. Such persons shall be responsible for payment of costs incurred and any and all penalties prescribed by these Service Rules and by law.

64. Temporary Riser

"Temporary Riser" shall mean a service connection of a minimum of six (6) inches attached to a blow off valve.

65. Temporary Service Connection

"Temporary Service Connection" shall mean a District-authorized service connection installed at a location not adjacent to the parcel served, i.e. a non-standard location, and which is subject to removal or relocation at such time as a main is constructed contiguous to the parcel.

66. Transmission Main

"Transmission Main" shall mean a main extension that transports water from the main supply or source to a distant area where the water is distributed through distribution lines. A Transmission Main is usually a larger diameter main (greater than 24") with limited connections that ensure system reliability as well as recognize the nature of the materials used to construct large diameter pipelines.

67. Uniform Design and Construction Standards for Potable Water Systems (UDACS)

"Uniform Design and Construction Standards for Potable Water Systems (UDACS)" shall mean the minimum design and construction criteria for water distribution systems within the jurisdiction of the District.

68. Unusual Installation Conditions

"Unusual Installation Conditions" shall mean circumstances that include, but are not limited to, the length of the lateral, the type of pavement, anticipated soil or other underground conditions, and the width or travel conditions of the roadway or right-of-way and also those imposed as a result of governmental or property owner actions.

69. Valved Outlet

"Valved Outlet" shall mean a valve installed on a main to which a distribution main could be connected.

70. Water Commitment

"Water Commitment" shall mean a commitment from the District to provide water service to a specific development on a specific parcel of land.

71. Water Conservation

"Water Conservation" shall mean the controlled and systematic protection of water resources.

72. Water District

"Water District" shall mean Las Vegas Valley Water District.

73. Water Facilities

"Water Facilities" shall mean, but not be limited to, water mains, fire hydrants and laterals, service connections, backflow prevention assemblies and appurtenances, from the main to the point where water being delivered leaves the piping owned by the District.

SECTION 1 - WATER COMMITMENT

Before a new water service connection is authorized for installation, on-site addition or on-site expansion to an existing service, a water commitment must be obtained from the District. This section identifies the process for obtaining a new water commitment. The water commitment process, outlined in this Section, requires the developer or End User to proceed at their 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. Compliance with these Rules does not create a right to water service in favor of any developer or builder unless water is available.

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 customer and simultaneously maintain an adequate level of service to other 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. 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 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

A new water commitment, except those provided for in Sections 1.3, 1.4, 1.5 and 1.6, 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 all of the following items:

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 \$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 the District by Clark County.

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. All required development approvals have been obtained from 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.
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 in 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 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.

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

- a. Permit Process - 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 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. All required development approvals have been obtained from 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 (a) (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 is terminated.

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 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 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 Las Vegas 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.

1.4 Domestic Wells

A building or structure which currently receives water via 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.

1.5 Revocable Groundwater Rights

A building or structure which currently receives water via a revocable groundwater right and is required to connect to a municipal water purveyor because their rights to use groundwater are revoked by the State Engineer 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 groundwater right is not revoked in writing by the State Engineer.

1.6 Water Rights to SNWA for Use by District

Any person can obtain a water commitment without compliance with Section 1.2 of 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, and legal considerations shall determine if the offered water rights may be used to obtain a water commitment under this process. If acceptable to both the SNWA and the District, the District may enter into a contractual arrangement with the potential future customer who provides water rights to provide for a present or future water commitment.

A water commitment provided under this provision only exempts the provider or future customer from the commitment process under Section 1.2 of these Rules. The potential future customer with this type of a water commitment must, prior to receiving water service, comply with all other aspects of the District's Service Rules then in effect including connection charges, frontage fee(s) and other payments.

1.7 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.

1.8 Public Entity Acquisition

A person owning a parcel which is 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.

1.9 Water Commitment Limitations

Water commitments can not be traded, sold, or transferred.

1.10 Commitment Documentation

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

1.11 Unauthorized Expansion/Addition

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 District may terminate service to the property in accordance with Section 5 of these Rules.

1.12 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.

1.13 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.

1.14 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.

1.15 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.

SECTION 2 - CONDITIONS OF SERVICE

The District will endeavor to provide its customers with a continuous and adequate supply of water within reasonable maximum and minimum pressures. However, pressure will vary throughout the distribution system.

The District will also act to conserve water resources in a manner that reflects the goal of achieving and maintaining a sustainable community within the desert environment of Southern Nevada.

The District may reject, rescind, reduce, or terminate current or proposed uses of water where such use:

- a. Is contrary to the District's obligation to assure reasonable use including, but not limited to compliance with rules for water efficiency, drought, conservation, and the use of non-potable water for irrigation.
- b. May encumber or impair the District's ability to maintain an adequate level of service to other customers.
- c. Compromises public health, welfare, or safety due to circumstances that limit the available water supply to the District.

The conservation of ground and surface waters is an integral component of the District's long-range water resource plan. The District, through its Rules, policies, and procedures makes a consistent effort to maximize the resources of the Colorado River and groundwater basins. The District is required under various statutes and federal codes to provide for beneficial use and avert the waste of water. The District will continue to use rates, education, regulation, and incentives to develop programs to reduce the waste of water and improve the efficiency of its use. Further, the District may conserve potable water by providing customers with non-potable water resources, when available, for use in an efficient, effective manner.

2.1 Water Pressures

Property owners and/or customers are responsible for installation and maintenance of privately owned pressure regulators, or other devices as required. In accordance with the Uniform Plumbing Code, individual pressure reducing valves are required to be installed and maintained by the owner whenever static water pressure exceeds 80 psi.

Prior to District service being provided in areas known to fluctuate above or below normal operating limits, the customer will be required to give written acknowledgment and acceptance of the high or low pressure conditions.

The District may adjust pressures as the need arises.

2.2 Interruption of Service

The District will endeavor to notify customers in advance of any interruption in service due to repairs, or other causes. However, in emergency conditions or when notification is not practical, service may be interrupted without warning for indefinite periods of time.

2.3 Parcel Location Adjacent to a Main

New applications for service will only be accepted if a minimum of twenty feet of useable main which meets the District's pressure, flow, and capacity standards is located adjacent to the parcel to be served. Said main must be within a dedicated right-of-way or easement grant to the District. Where those conditions are not met, an application for service will require a main extension.

2.4 Parcel Not Adjacent to a Main

In order to obtain service to property not immediately adjacent to a main as required by Subsection 2.3 above, the applicant will be required to provide a main extension in accordance with the requirements of Section 10, or the applicant may make application for a non-standard service if the property meets the requirements of Section 6.

2.5 Damage to Property

The District will not be liable for damage to property occasioned by water running from open or faulty piping or fixtures on the customer's property. Customers who request activation of a service shall be responsible for damage resulting from such activation due to open or faulty piping and/or fixtures on the customer's property. The District may, at its discretion, opt to return the water service to a shut off condition if there is indication of water running on the customer's property at the time of service activation. When this occurs, the District will endeavor to leave a notice of explanation for the customer. In the event of request for same day service activation, the \$15 fee will remain applicable.

2.6 Access to District Facilities

Property owners who permit landscaping, fencing, structures, or other fixed or movable obstructions to block, prevent, hamper, or restrict free and easy access to the District's facilities for work of any nature, including meter reading, shall be liable for costs incurred in removing such items. The District will mail either a fourteen (14) or a sixty (60) calendar day notice by certified mail, return receipt requested to the mailing address on file with the County of Clark's Ex-Officio Tax Receiver in order that the property owner may correct the condition. If the property owner fails to remove the moveable obstruction in fourteen (14) days or the fixed obstruction within the 60-day period, the District may complete the work at the sole cost of the property owner. However, in the event of an emergency, the District has the right to cause the obstruction to be removed without notice to the property owner and all related costs are the property owner's responsibility. At the property owner's option, subject to District's prior approval, the District's facilities may be relocated by a Nevada Licensed Contractor of the property owner's choice at the sole expense of said property owner but subject to the standards and procedures of the District; or the property owner may make application for relocation by the District and at that time pay a deposit towards the actual total cost to be borne by said property owner.

Failure of the property owner to comply shall be just cause for terminating water service to the subject property.

2.7 Efficient Water Use

Any person(s) or association(s) is prohibited from imposing private covenants, conditions, restrictions, deed clauses or other agreements between the parties, which prevents person(s) from utilizing water efficient landscaping including, but not limited to, xeriscape, in the conservation of water.

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.

2.8 Customers' Premises

District employees shall have the right to access customers' property at all reasonable hours for any purpose related to the furnishing of service and protection of water quality. Except where specifically authorized for the purpose of conservation, employees are prohibited from entering upon customers' premises to engage in repair or alteration of customer piping and fixtures.

SECTION 3 - BILLING CLASSES OF POTABLE SERVICE

All potable service connection types shall be classified as domestic, private fire, combined, interim and/or supplemental for billing purposes.

3.1 Domestic

Includes all service connections through which water is delivered for all purposes permissible under the law except private fire protection and construction service.

3.2 Private Fire Service

Includes all service connections through which water is delivered to private property for fire protection exclusively.

3.3 Combined Service

Includes all service connections through which water is delivered for domestic use and for onsite private fire protection.

3.4 Construction Service

a. Includes permanent or non-permanent connections for delivery of water for use during the construction of new development, additions to existing improvements, sand and gravel operations, and other construction uses, such as grading and compaction, paving, and dust control.

b. Construction services may not be used to avoid installation of a permanent water service connection for permanent irrigation, long-term dust suppression, or domestic service, or private fire service.

Water from construction sites is prohibited from flowing continuously into public streets, pathways, roadways, and sidewalks.

3.5 Supplemental Service

Includes all domestic or combined connections from which water is delivered for domestic purposes to properties that are also provided water from any other source. This section shall not apply to properties that are served by a domestic well, as identified in NRS 534.

SECTION 4 - REQUEST FOR SERVICE

There are two categories of requests for service:

1. Request for service through an existing service connection.~~;~~~~or~~
2. Application for a new service connection.

The District will require any person requesting service to demonstrate that a water commitment exists, to sign appropriate application forms provided by the District, and to pay all required fees, charges and deposits.

The District provides service in accordance with these Rules in certain areas of unincorporated Clark County and in the City of Las Vegas. Service is not provided in the cities of North Las Vegas, Henderson, and Boulder City or service area of any other public water system unless an interlocal agreement authorizing the service is entered into between the entity in whose territory or service area the property is located and the District accounts for the water use and provides for other matters as set forth in the agreement between the entity and the District.

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 amount 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 customers, or compromises public health and safety.

4.1 Existing Service Connection

Customers requesting service through existing service connections must provide information as required by the District. Such information shall include, but not be limited to, full name and valid identification information in conformance with Nevada Revised Statutes (as amended). Any other person or party requesting to share financial responsibility (and/or account credit history if a spouse or co-owner) for an account, must also provide their full name and valid identification information in conformance with Nevada Revised Statutes (as amended). The customer shall provide any other information, which will assist the District in properly locating the service connection, including a description of the development, documentation of installation approval, the use of water and plumbing plans of the private facilities if required.

Any costs incurred by the District to bring a service connection to District standards are the responsibility of the property owner. Physical evidence of a service, including the installation of an approved backflow prevention assembly, if required, adjacent to property does not necessarily mean the service is available for use without additional fees or charges.

The District may permit persons to conduct business with the District, including requests for water service turn-on and shut-off, over the telephone provided that the person has established credit with the District, is the property owner, or is indicated in District records as authorized by the customer to transact business on their behalf.

The District may also permit persons to conduct business with the District, including requests for water service turn on and shut off, via facsimile transmission or through other electronic transmittal methods.

4.2 New Service Connection

A service connection shall be made to a main only after evidence of a water commitment is presented to the District and a proper application has been made by the property owner or his legally designated representative on forms provided by the District, and the application is acceptable to the District. The application for a new service connection must conform to the requirements listed in Sections 1, 6, and 10 of these Rules.

Plans acceptable to the District are required for all service connections except residential service connections under two (2) inches in diameter installed by the District.

4.3 Relocation of Service Connection

A service connection may be relocated on an existing parcel, however it may not be moved to a new parcel. The construction of a service connection relocation is subject to the requirements of these Rules.

4.4 Inaccurate/Insufficient Information

In the event information provided by the applicant is found to be inaccurate or insufficient after work has commenced or service has been turned on, the applicant will pay any and all costs and/or fees, charges and deposits necessary to effect corrective action and service rule compliance. The above will also apply in instances of onsite changes necessitating corrective action or modification to the service connection.

4.5 Refusal of Service

Service through existing or new service connections may be refused if:

- a. There is no water commitment to the property.
- b. The account of the applicant at the same or other location is delinquent.
- c. The purpose of the applicant, in the opinion of the District, is to circumvent discontinuance of service in another name because of non-payment of bills or other infraction of these Rules.
- d. Other requirements of these Rules are not fulfilled.

4.6 Reapplication for Disconnected Service

The customer shall be required to pay all past due charges and costs before service shall be reinstated, including, but not limited to, disconnection and reconnection charges, delinquent processing fee, returned check fee, deposits due, service charge, and consumption fees unpaid. The District may, at its option, require payment of additional deposits before service is reconnected.

It shall be the responsibility of the customer to inform the cashier that the service has been disconnected for "delinquent status" and that reconnection is desired.

In the event a service is disconnected for illegal or unauthorized use or connection, the property owner will be responsible for reestablishing service and shall be required to pay all applicable fees, charges and deposits.

4.7 Deserted Service Connection

Applicants who apply for activation of a service that has been classified in District records as deserted will be required to make application for a new service connection. The water commitment for the service shall not expire, but the property owner is required to pay all installation charges, including the application fee and inspection fee (for services installed by a private contractor), to replace the service. In the event a property owner or applicant, at his expense, can locate a service classified as deserted, the service must be brought to District standards at the applicant's expense, and an application fee paid, before it is reactivated.

SECTION 5 - TERMINATION OF SERVICE

5.1 Customer's Request

Customers desiring to terminate service shall notify the District and provide a mailing address to which the closing bill will be mailed. Failure to notify the District of termination of water service shall not relieve the customer of responsibility for payment of any existing billings, or any charges prior to notifying the District.

5.2 Cause

Service may be terminated for any of the following causes, which includes, but are not limited to:

- a. Non-payment of bills or any other outstanding charges, fees or deposits;
- b. Non-compliance with these Service Rules;
- c. Inter-connection;
- d. Actual or potential cross-connection;
- e. Illegal connection;
- f. Waste of water;
- g. Damage to property;
- h. Obstructing access to District facilities;
- i. Tampering with meters, seals, or equipment;

5.3 Notice of Termination

- a. The District shall endeavor to notify the customer prior to terminating or discontinuing a service. In the event the service termination may result in a financial impact to the owner to reestablish service, the District will endeavor to also notify the property owner prior to the service termination or disconnection.
- b. The District, however, reserves the right to terminate or discontinue a service without notice for tampering, or if continuing the service represents a health hazard, or will result in property damage.

5.4 Bankruptcy Actions

In bankruptcy proceedings, the District will make demand for adequate assurance of payment as authorized pursuant to Chapter 11 of the United States Code Section 366.

SECTION 6 - SERVICE CONNECTIONS

6.1 General Provisions and Conditions

It is the intention of these Rules that all water delivered through a service connection will be metered and billed. The use of idlers and spacers to deliver water is prohibited. Connection charges and payment for all water used from the time of initial service installation shall be the responsibility of the applicant. In addition, the installation of a backflow prevention assembly may be required.

The District reserves the right to determine the size and type of the service connection to be installed. The minimum lateral size shall be 1". For new service connections 1" and greater, the lateral pipe shall be the same size as the meter. No service connection shall be approved of a size larger than can be supplied by the main without adversely affecting service to other customers.

In the event an existing main is determined to be inadequate to meet the requirements of an application for service and a main extension will provide for those requirements, provisions of these Rules applying to main extensions will be followed.

Whenever two (2) mains are available from which service can be provided, the District shall, at its option, determine the main to which the service connection will be made.

Plans acceptable to the District are required for all service connections except individual residential service connections under two (2) inches in diameter installed by the District. Water plans shall be prepared by a Nevada Registered Professional Engineer for review by the District for conformance to District standards, as stipulated in Section 10 "Installation of Water Facilities". However the review is not an indication that a property right in water is or will be granted, nor shall evidence of review be construed as a preference for obtaining a water commitment. It is the applicant's responsibility to obtain development approval along with other water commitment requirements specified in these Rules.

The District will make application for permit(s) for all work to be performed by the District and for water facilities installed by a private contractor which are located within the Nevada Department of Transportation right-of-way. Any fees or charges associated with such application will be borne by the applicant. Should such permit not be issued to the District, the applicant shall be so notified in writing. The applicant may then make application for such permit to the entity having jurisdiction or may request the return of all fees, charges, and deposits paid. If the applicant chooses the latter option, the District shall not be required to provide service. If the applicant is unable to obtain the required permit, the District has no obligation to provide service and shall return all fees, charges, and deposits paid, except for application fees.

6.2 Location

Service connections shall be installed at nominal right angles to a main in accordance with District Standard Plates. The point of connection shall not be within a street intersection, from curb return to curb return, nor shall any portion of the service connection be within the intersection. The meter location shall be directly adjacent to the parcel being served within the public right-of-way. In the event street right-of-way is not available, the District may approve installation within an easement or alley adjacent to or on the parcel to be served. In alleys or easements, meters shall be located at a point as close as practicable to the property line within which the main is located. All meters shall be located outside of driveways and other areas where access by District personnel for operation and maintenance may be restricted. The meter vault shall be located outside of travel lanes and driveways and shall be protected from vehicular traffic, as determined by the District. If the applicant feels extraordinary conditions exist that would prevent compliance with this requirement, he may submit to the District a written request for a waiver of this requirement at the time the water plan is submitted for review.

6.3 Composition

Specifications for materials, appurtenances, and construction techniques for service connections are determined and approved solely by the District.

6.4 Ownership

Service connections, including laterals, meters, boxes, shut-off valves, backflow assemblies, and other appurtenances, shall be and remain the property of the District. Upon acceptance of the installation by the District, the District shall be responsible for the maintenance and repair of such facilities, subject to any agreements covering the installation of such facilities. All pipe and fittings on the customer's side of the meter or backflow prevention assembly, or all facilities within the customer's property shall be installed by and owned and maintained by the property owner. An entry into, or work, including but not limited to operation, maintenance, repair, or relocation of District property by any unauthorized person is expressly prohibited.

6.5 Installation of Service Connection

The property owner shall be responsible for payment to the District of all applicable fees, charges and deposits in effect at the time the application is made. Service connections may be installed by the District. Service connections installed by the applicant shall comply with the requirements of these Rules.

In addition to the installation requirements for a standard service connection, the following shall apply:

6.6 Emergency Service Connection

Emergency service shall be authorized for limited periods of time when the usual source of supply fails. Connections may be provided, at the discretion of the District, to a fire hydrant or any acceptable District facility and shall conform with requirements of these Rules. The applicant shall pay all installation costs and applicable fees, charges and deposits and shall make application for a main extension in accordance with Section 10 if applicable.

All emergency services shall conform with requirements of these Rules and shall be limited to a maximum of sixty (60) calendar days. Should the need for the emergency service extends beyond sixty (60) calendar days, the applicant shall apply to the District for a time extension. The emergency service may be extended by the General Manager until such time as the application can be brought to a regularly scheduled meeting of the Board.

In the event that the emergency service will provide water to multiple users, a deposit shall be submitted that shall include an amount for an estimated thirty calendar days of consumption including service charges for each unit of property to be served. A single monthly bill shall be issued to the applicant, who will be responsible for payment.

In addition to the installation requirements for a standard service connection, the following shall apply.

6.7 Non-Standard Service Connection

A non-standard service may be approved when the District determines that a main extension will not be necessary for orderly development of the system, fire protection, service to other property, or other reasons. Onsite piping from the meter to the property served shall not be located within a public thoroughfare.

A copy of the recorded easement for the onsite piping shall be provided to the District. Only the property owner, or duly authorized designee, may execute a non-standard service connection agreement with the District.

6.8 Meter Maintenance

District water meters are routinely serviced and maintained during normal business hours. This procedure may cause a total shut down of the services located on a site. Customers can avoid this interruption in service by providing redundant services, or a bypass valve and piping for services four inches (4") and larger, per District standards.

6.9 Temporary Service Connection

A temporary service may be authorized by the District when the applicant provides a guarantee for the construction of any required main extensions and a standard service

connection to the parcel. The applicant is required to pay applicable fees, charges and deposits in accordance with the provisions of these Rules.

6.10 Metering Requirements for New Developments

- a. It is the intent of the District to separately meter all services for each dwelling unit, public, quasi-public, commercial, and/or industrial occupancy. Inter-connection(s) are not allowed which include, but are not limited to, expansion of on-site systems to serve adjacent parcels. However, the District retains the right to determine the quality, quantity, type, size and location of all such metered services and appurtenances.
- b. Each lot or parcel shall have a minimum of one (1) metered service. If, in the opinion of the District, a single meter for all service is the most practical installation given the conditions of the site, one (1) meter to serve the entire development may be allowed.
- c. In the event a parcel is divided into more than one (1) lot after water service is obtained from the District, it is the property owner's responsibility to obtain additional water services for the additional lots from the District prior to the parcel division. Inter-connection(s) which include, but are not limited to, the expansion of on-site systems to serve adjacent parcels, are not allowed.

Commercial developments created through the subdivision or parcel map process, with CC&R's, which include property management payment of communal services, may be exempted from this requirement provided adequate documentation is provided to support this arrangement. The District will not prorate water bills between customers.

- d. Water service for mobile home parks will be as required by NRS 461A.230.

Individual meters and services will be required for each lot in mobile home parks constructed after October 1, 1995, unless the park is operated by a non-profit corporation or housing authority. Mobile home parks constructed on or before October 1, 1995 may be expanded utilizing the existing master meter(s), provided the expansion can be accommodated with the existing water capacity.

6.11 Metering Requirements for Conversion of Developments

All existing developments which were developed in accordance with the provisions of any applicable zoning ordinance enacted pursuant to law that are to be converted from rental occupancies to occupancies for the transfer of titles in an occupancy and open space may retain the existing metered service without modification except when such service is required to be modified in the interest of the public health, safety and welfare. The District may authorize the retention of the existing metered services, with or without modifications, for cause.

6.12 Cross-Connection Control (Backflow Prevention)

The District's Cross-Connection Control (Backflow Prevention) program for service protection is conducted pursuant to Nevada Administrative Code (NAC) 445A.67185-67255, as amended.

All backflow prevention assemblies for service protection are tested and maintained by the District in accordance with NAC 445A.67185.

The District may require access to properties of customers currently receiving water service to conduct a cross-connection control survey pursuant to NAC 445A.67185. The purpose of this survey is to establish the extent of protection required for the District's water system based on an evaluation of how a customer uses water on a site. Examples of on-site uses requiring protection include, but are not limited to, laundries, businesses that mix and process chemicals and water, potable and/or non-potable irrigation systems, and fire services. Water from a customer's service may, under certain conditions, be drawn into the public water supply through the meter (through a backflow condition such as backsiphonage or backpressure). If there are existing or potential cross-connections with non-potable fluids on a customer's property, the water drawn into the public water supply may be contaminated and therefore compromise the District's supply. The installation of a District approved backflow prevention assembly adjacent to the meter may be required based on the results of the survey and the identification of existing or potential cross-connections within the property. Such installations may also be required pursuant to NAC 445A.67195-6721.

The District may determine that there is the potential for contamination of the District's distribution system from an existing service(s) due to processes on a customer's property. This requirement may be made in the absence of a cross-connection control survey pursuant to the conditions specified in NAC 445A.67195 through 67215 inclusive. At that time, the District may install a backflow prevention assembly at its expense. If a customer requests a larger assembly, the cost of that equipment and installation will be borne by the customer. The customer must provide an easement to the District for this work unless one of approved dimensions already exists.

If the customer objects to the requirement for backflow prevention assembly installation, he shall, at his own expense, obtain a cross-connection control survey from a Certified Cross-Connection Control Specialist. If the survey finds no need for backflow prevention, the requirement by the District shall be deferred at that time. The District may require the customer to obtain, at his own expense, a similar District approved cross-connection control survey not more frequently than annually to validate that the deferral is still appropriate. An approved copy of the results of the survey shall be provided to the District, which will determine the need for an assembly. Failure to provide such a survey shall be cause for the District to require the immediate installation of a backflow prevention assembly as required by NAC 445A.67195 through 67215 inclusive. The customer shall pay all expenses required for this installation.

A District approved backflow prevention assembly adjacent to the meter will be required at applicant's expense for all new services to commercial and industrial facilities, all new fire services, all new potable and/or non-potable irrigation services, all services for parcels with multiple services, for the relocation or upgrade of existing services, or when on-site work occurs to any facility which would otherwise qualify for installation of a backflow prevention assembly pursuant to NAC 445A.67195.

The backflow prevention assembly may be installed by a properly licensed contractor, however, the installation shall be approved, inspected, and the assembly tested to District Standards before the service is activated.

Installations of backflow prevention assemblies larger than two inches (2") by the customer/applicant shall be accomplished in accordance with Section 10 of these Rules. An easement shall be provided to the District for the construction, operation, and maintenance of all backflow assemblies larger than two inches (2").

Backflow prevention assemblies two inches (2") but no smaller than one inch (1") may be installed by a licensed contractor provided the Property Owner first obtains a permit from the District. A permit for the installation and inspection shall be obtained by the owner/developer for all assemblies two inches (2") and smaller. Failure to provide the District access to the assemblies shall be grounds for termination of water service.

An approved backflow prevention assembly appropriate to the degree of hazard shall be installed at the point of delivery to an existing customer's water system as a prerequisite of continued service:

- a. Whenever entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist or as required by NAC 445A.67195.
- b. Whenever an emergency turn off is necessary, as determined by the degree of hazard.

Customers will be notified by mail when a survey or other action (such as a public works or District project related to existing service removal and relocation, or service adjustment) has revealed that an existing service has been identified as requiring installation of a new or upgraded backflow prevention assembly. The customer shall be required to have the backflow prevention assembly installed in a manner acceptable to the District within 120 days from the date of the notification. If, after the 120 day period elapses should the backflow prevention assembly not be installed, the District shall notify the customer of their failure to meet these requirements. If the customer has not completed the installation of the backflow prevention assembly nor responded to the District 30 days following the notification (150 days elapsed time from initial notification) a second notification shall be made to the customer. If, after 30 days have elapsed (180 days elapsed time from the date of first notification) and the backflow prevention assembly is not installed, the service to the customer's account may be terminated. The District may elect to install the appropriate assembly at the expense of

the customer. Upon completion of installation of the backflow prevention assembly, the District may restore service.

If the customer so requests, the District shall take the necessary actions to have the backflow prevention assembly installed. If a customer qualifies due to a Public Works or District project that requires an existing service removal and relocation, or service adjustment, and the installation of a backflow prevention assembly, it shall be installed at the expense of the District. Any requests for a larger service will result in the customer being charged the full cost of the assembly.

Once a customer requests installation by the District, the 120-day installation period shall be considered as having been satisfied. The District may make arrangements for the installation by a contractor, or may do the installation using District work forces. The application shall be considered to have been received by the District when the customer presents an appropriate application for installation along with a properly executed easement and/or license document and delivers payment in the amount estimated by the District as set forth in Section 7.6 for the installation work. Following completion of the work, the District shall either refund to the customer overpayments or shall invoice the customer for the monies required.

In some locations where physical constraints may preclude the installation of backflow protection on individual services, the District may choose to install a properly sized backflow prevention assembly on a portion of the distribution system to protect other customers in the vicinity. In this situation, the District shall make all arrangements for the backflow prevention assembly installation. At the completion of the installation, the cost of the installation will be prorated to the parcels requiring protection based on the equivalency sizes of the services involved. Those service users will then be billed a monthly service charge equal to the amount charged for a backflow prevention assembly equal in size to their installed service. The District will notify the customer in advance of installation should this situation arise.

6.13 Installation of Hydrants

The District may install a fire hydrant for single family residentially zoned lots with fire department approval, when the owner of the lot applies for domestic service and pays all outstanding bills, applicable fees, charges and deposits, which must include the cost of the fire hydrant and installation.

SECTION 7 - CHARGES, FEES AND DEPOSITS

7.1 Charges, fees, and deposits for areas managed or served by the District may be established and approved by the Board of Directors based on actual costs to serve those designated areas.

7.2 Charges for Installing Service Connections

Charges, fees and deposits shall be payable in advance in accordance with the approved rate schedule in effect at the time of water plan approval or at the time the District's water service application form is signed and returned to the District. Any and all required or outstanding bills, charges, fees, and deposits for any service or project must be paid to the District prior to approval of water plans for construction, or prior to commencement of any scheduling or construction activity for services to be installed by the District.

7.3 Connection Charges

- a. A connection is defined as a service connection or main extension connected to an existing main. A connection shall not include an emergency service connection, interim/construction water service, or temporary service connection. Any connection charges based on a meter size will be based on the smaller (domestic) meter for combined services.
- b. "System Development Charges" shall mean the charge required of all applicants for service to property where a service connection does not exist or where a service is to be enlarged or added. The charge is to be paid based on meter size. The charge is to be paid based on equivalency to a 5/8" meter. This connection charge is an equity buy-in so that all customers have an equal equity position in the District's facilities.
- c. "Application Fee" shall mean the charge required of all applicants for service to property where a service connection does not exist, where a service is to be enlarged or where a service is added. The charge is based on meter size. The charge includes District costs for the initial application, engineering review and water commitment process, water plan approval, and miscellaneous related administrative costs. Fees are established for revisions to the initial application. These fees are non-refundable, and valid for applications submitted for two (2) years from the time of payment. The application fee is required for the reactivation of a service classified as deserted, a temporary service, or an interim service.

Application fees are due for relocations of existing fire hydrants or service connections on the same parcel of land.

The application fee does not apply to adjustments to or relocation of water facilities completed in conjunction with public road improvement projects, or work necessary for the installation of a new backflow prevention assembly required as a result of the District's Cross Connection Control Program.

- d. "Inspection Fee" shall apply to all new water facility installations and water service relocations constructed by private contractors. The fee is based on the quantity, type of water facility installation and/or size of the meter. The charge includes District costs for the inspection and related administrative costs of water facility installation. The fee must be paid prior to water plan approval and may be refunded if work does not begin. The fee is not refundable or prorated once construction begins. The inspection fee is valid for two (2) years from the date of plan approval. Any time extensions for work remaining after the two (2) year period require payment of an additional inspection fee for those portions of the project which are incomplete. Any inspection required after the normal working hours (7:00 a.m. - 3:30 p.m., Monday - Friday) will be charged in addition to these fees.

The inspection fee does not apply to adjustments to, or relocation of, water facilities completed in conjunction with public road improvement projects.

Inspection fees are due for service connection relocations and service connection size increases.

7.4 Deposits - Based on Projected Costs

When the District is requested to perform work and where there are no fixed charges, the applicant shall deposit an amount established by the District, in addition to connection charges and other applicable fees, prior to commencement of work. A refund or billing will be made when the job is completed and actual cost determined. When requested by the applicant, the District may establish a "not to exceed" upper limit.

7.5 Reactivation of Deserted or Inactive Services

Upon receipt of application, a deserted or inactive service may be activated provided the applicant pays any costs required to locate the service and upgrade it to current District standards. If the service cannot be located, it will be classified as abandoned, or removed. If a service is located but found to be non-functional, the service may be classified as abandoned, or removed. Also, see Section 4.

7.6 Illegal Service Connection

A service connection which is located in the field, but which cannot be documented in District records as being active, inactive, removed or abandoned will be considered as a new service. All fees, charges and deposits required by the District must be paid before the account is established in the District's system. The District will require a water commitment be obtained in accordance with Section 1 of these Rules. In the event an illegal service is discovered and a water commitment is required by the District and is not obtained, or the fees, charges, and deposits are not paid, the District may physically remove the service connection at the property owner's expense. Any service connection which is in violation of these Rules will be considered an illegal service connection and be subject to all of the conditions and restrictions listed above.

7.7 Relocation of Service Connection

An existing service connection may be relocated on the same parcel, with the approval of the District, however it may not be moved to a new parcel. A relocated service connection shall be installed pursuant to the same Rules and applicable rate schedules as a new service connection, except that no system development charge shall be applied.

7.8 Change in Meter Size

Meters in place, which are of a size less than the diameter of the lateral pipe, may be replaced with a larger size not to exceed the size of the lateral pipe. Applicants shall pay the full application fee for the new service, the meter charge, and other charges as established by the rate schedule. System development charges shall apply to increases in meter sizes. A water commitment in accordance with Section 1 of these rules must be obtained before a meter may be increased in size.

Meters sized two (2) inches and less may be replaced with a smaller size meter upon request of the property owner and with District approval. The cost to reduce the meter size shall be the cost of the new meter, plus a \$45.00 installation fee, plus all other applicable fees and charges. Applicants for replacement of meters greater ~~then~~ than two (2) inches with a smaller size shall pay all costs incurred.

The District may replace a battery of meters with a single meter, replace a single meter with a battery of meters, or install an appropriately sized meter, service, and backflow prevention assembly to meet a current demand, providing such replacement does not impair service to the customer. The property owner/applicant shall be responsible for all applicable fees and charges.

7.9 Increase in Size of Service Connection

An existing service connection may be enlarged with the approval of the District provided a water commitment for the additional capacity requested is obtained in accordance with Section 1 of these Rules. An enlarged service connection shall be installed pursuant to the existing Rules and applicable rate schedules. System development charges and application fees shall apply to increases in meter sizes. The amount of the charge will be the difference between the system development charge and application fee for the new service connection and the system development charge and application fee for the existing service connection at the rates in effect at the time of application. The full application fee and inspection fee (for service connections installed by a private contractor) for the new service size will apply.

7.10 Service Connection Removal

In the event that a service connection is to be permanently deactivated, the owner of the property must sign a service removal form provided by the District. The meter and other salvageable materials may be removed by the District without credit to the property owner, or by a private contractor in accordance with the requirements of Section 10. In the event a service will be relocated or the size of service changed, the service removal may be done either by the District on an actual cost basis or by a private contractor in

accordance with the requirements of Section 10. Any water commitment associated with a removed service shall terminate, except as provided in Section 1.8.

7.11 Private Use of Public Fire Hydrants

Connections to public fire hydrants (those which have been dedicated for public use) are prohibited unless a permit is issued by the District and a District owned hydrant valve and meter utilized. The applicant shall pay a permit fee in accordance with the rate schedule prior to issuance. The applicant for the permit shall designate the period of time and purpose for which water is to be used. The District may discontinue the service and remove its equipment at the expiration of the period so designated, or if the water is used for any purpose other than that designated by the applicant, or if any part of the fire hydrant is operated. The District may establish limitations on the rate of flow and time of use. The District will install all equipment necessary for the connection and no water will be used until such equipment is installed. Except for emergency service connections, which may be established by the District for a limited time as described in Section 6, water service from a fire hydrant for domestic purposes is prohibited.

The applicant shall use District installed backflow protection to prevent backflow to the District's system.

In the event that an unauthorized connection is made to a fire hydrant the user shall be required to pay appropriate charges as determined by the District, and may be subject to other penalties as established by law.

7.12 Public Agencies' Deposit Requirements

In lieu of cash deposits, or sureties, purchase orders may be accepted from public agencies.

7.13 Security Deposits to Assure Payment of Bills

The District may require security deposits from new customers who have not established credit with the District, or from customers whose accounts are consistently delinquent, or in any situation where the District has cause to believe that a deposit is required to assure payment. For accounts where credit has not been established, or for accounts that are consistently delinquent, the deposit will be in an amount proximate to, but not less than two and one half (2.5) times the highest monthly bill as assessed during a twelve-month period. The District may establish standard deposits for various service size and types.

Deposits must be paid in full on the date they were assessed to the account, or service may not be activated or restored on the date requested. The District may, at its sole and exclusive discretion, make arrangements to extend this payment deadline and/or allow the customer to pay the required deposit amount in installments. Failure to remit valid payment in compliance with arrangements made may result in service discontinuance without notice. In lieu of a cash deposit, a surety bond is acceptable.

Deposits will be applied as a credit on the customer account at such date as the customer has established credit to the satisfaction of the District, or refunded to the customer at the District's discretion, or applied to the closing bill upon discontinuance of service. Interest on security deposits will be credited to the customer's security deposit account on a quarterly basis and/or on the date the customer's deposit account is closed.

The annual interest rate for the ensuing year will be a rate equal to the regular savings deposit rate of a major local commercial bank as of the first business day of the calendar year.

7.14 Delinquent Processing Fee

If service is processed for shut-off for non-payment of bills, payment arrangements, deposits or other violation of these Rules, the customer shall pay a delinquent processing charge of \$20.00. Before the service will be reactivated, the customer must pay the total amount due including any assessed security deposits, and related delinquent processing and restoration fees. The District may, at its sole and exclusive discretion, make arrangements for other than full payment. Should the customer reactivate or tamper with the service, without consent of the District, an additional charge of \$20.00 will be made for each such occurrence. Service shall be considered processed for shut off as of the date immediately following the due date of the bill or payment arrangement.

7.15 Fee to Reestablish Service

Customer or property owners will be charged a \$100 fee per incident for services that have been locked for tampering, illegal use and/or prevention of further damage to District facilities. Further service to the property must be established only in the name of the property owner. When service is shut off at the main, or restricted from use by the District by means other than locking the service, the property owner or the property owner's representative possessing an appropriate power of attorney must pay a deposit of \$1,800 to the District in the form of cash, cashier's check, money order, or credit card to cover the actual cost of damage incurred by the District in addition to any other applicable fees, charges or deposits before a turn-on will be scheduled. Once actual costs are determined, the property owner will be billed or refunded the difference between the deposit and the actual cost.

If it can be demonstrated to the District that neither the property owner nor a legally designated representative is available to meet the above-mentioned requirements for turn-on, a resident of the property may have water service reinstated by securing and delivering to the District a one year irrevocable letter of credit or a bond in a form approved by the District, in an amount equal to two and one half (2.5) times the highest monthly bill as assessed during a twelve-month period, in addition to posting a cash deposit in the amount of \$1,800 to cover the actual cost of damage incurred by the District. Should the cash deposit exceed the damages incurred by the District, a refund of the excess will be made. Should the cash deposit not exceed the damages incurred by the District, the balance will be due from the owner, or representative, prior to restoring service.

7.16 Use of Private Fire Protection Service

When it is found that a private fire service is being used for purposes other than standby fire protection, the District will bill the customer for all private fire protection water consumption measured by the detector check assembly times the applicable service size multiple, as shown in Section 8. Failure to discontinue unauthorized use will be cause for shutoff and/or prosecution as prescribed by law.

7.17 Late Fees - Delinquent Accounts

If payment of a bill is not received by the District prior to the due date as stated on the bill, said date being the first working day twenty-four (24) calendar days after the billing date, the account shall be charged, on the next succeeding bill, four percent (4%) of all amount(s) in arrears. Governmental agencies shall be exempt.

7.18 Same-Day Turn-On/Shut Off Fees

- a. An existing water service will be turned on without charge, provided that the requested effective date for service activation or restoration is at least one business day after an application is accepted or, in the case of service interrupted for delinquency, sufficient payment has been received as required by the District. Same-day service turn-on or restoration may be provided for a fee of \$15 for requests received prior to the close of the business day. Requests received after normal business hours, or on weekends, or during a holiday for same day service turn on or restoration will be assessed a fee of \$70, provided that the District can respond to the customer's request.
- a. An existing water service will be shut off without charge, provided that the requested effective date for service shut off is at least one business day after the request for discontinuance of service is received. Same day shut off service may be provided for a fee of \$15 for requests received prior to the close of the business day. Requests for same day or future shut off will not be accepted if received after normal business hours, on weekends, or on holidays.

7.19 Damage to or Tampering With District Property

Persons causing damage to, or tampering with District property by any willful or negligent act shall be responsible for payment of costs incurred, and any and all penalties as prescribed by the Service Rules, or by law.

7.20 Charges for Supplemental Service

Each customer being provided with supplemental service will pay a modified commodity rate based on their peak usage compared to all District customers. After each calendar year, each customer receiving supplemental service will be notified by letter of their commodity rate for water usage for the ensuing summer months of June through September. This commodity rate will be based on their high usage during the peak months (June, July, August or September) and average usage of the preceding year. Multiple service connections to a property will be summed and calculated as one (1) service for computation of peak and annual usage. The method of calculation shall be as shown in Section 8.

7.21 Credit Privilege for Hydrant Permits

The privilege of credit for hydrant permits may be granted to contractors licensed in Nevada and requests for same may be made by phone, provided that:

- a. The privilege is not abused.
- b. Payment for each hydrant permit is received by the District as part of the payment for the first water bill issued for such permit.

7.22 Service Guarantee Program

At the District's sole discretion, the District will apply a \$10 credit to a current customer's active account in the following situations:

- a. If the District turns off the customer's water service in error.
- b. If the District does not activate the customer's service on the date requested.
- c. If the District does not respond to a billing inquiry within seven (7) business days.
- d. If the District validates receipt of payment, but does not process the payment correctly.
- e. If the District, in its sole discretion, may determine if this credit is warranted due to actions of the District's staff.

Additionally, if District personnel, while in the course and scope of District duties, physically damage a ratepayer's property that is not improperly located within, above or near a District easement or District property, the District will repair or pay to have repaired the ratepayer's property.

7.23 Meter Testing Fee

A customer who is serviced by a meter 2” and smaller and has requested that the meter be removed for accuracy testing and replaced with another, shall be assessed a fee of \$75. The fee will be waived if the overall accuracy of the meter as tested is outside the defined acceptable parameters as established by the American Water Works Association.

SECTION 8 - RATE SCHEDULE

8.1 Metered Rates for Domestic Service:

| <u>Meter Size</u> | <u>Daily Service Charge</u> | <u>Charge for Water Used</u> |
|-------------------|-----------------------------|------------------------------|
| 5/8" | \$0.4290 | \$1.55/1000 gallons |
| 3/4" | \$0.4290 | \$1.55/1000 gallons |
| 1" | \$0.8680 | \$1.55/1000 gallons |
| 1½" | \$1.5996 | \$1.55/1000 gallons |
| 2" | \$2.4776 | \$1.55/1000 gallons |
| 3" | \$4.5261 | \$1.55/1000 gallons |
| 4" | \$7.4527 | \$1.55/1000 gallons |

8.2 Private Fire Protection Service – Service and Consumption Charge for Unauthorized Use

Applicable to all services through which water is to be used solely for extinguishing fires. Private fire service shall be assessed a daily service charge.

| <u>Fireline Size</u> | <u>Daily Service Charge</u> |
|----------------------|-----------------------------|
| 2" and under | \$1.3070 |
| 3" | 2.3312 |
| 4" | 3.7945 |

The fireline consumption charge for unauthorized use will be in accordance with Section 8.1, "Charge for Water Used", times the multiple of the metered consumption for that fireline size.

| <u>Fireline Size</u> | <u>Multiple</u> |
|----------------------|-----------------|
| < 2" | 1 |
| 3" | 12 |
| 4" | 21 |
| 6" | 47 |
| 8" | 80 |

Any services greater than 8" shall be billed based on the applicable main equivalency.

8.3 Construction Service

Applicable to services through which water is delivered for use during construction.

8.4 Combined Service

The service charge will be determined by applying the daily service charge for each individual meter by service type. The consumption charge will be per Section 8.1 "Charge for Water Used".

8.5 Metered Water for Construction and Other Approved Uses

Water taken through public fire hydrants except for fire fighting purposes will be metered. The following fees and charges shall apply to water delivered through a metered fire hydrant for construction or other approved uses.

One (1) working day notice is required to set fire hydrant meters and requests must be received before 4:00 p.m. Requests received after 4:00 p.m. for next day service and requests for same day meter installation before 4:00 p.m. that day may be accommodated with payment of an additional \$70 fee.

- a. A fire hydrant permit fee of \$90 will be charged.
- b. A refundable damage deposit of \$200 will be required for each hydrant valve and meter. All or a portion of any remaining deposit will be refunded upon termination of the service if the hydrant, hydrant valve and meter are undamaged during the period of use and all inactive hydrant meter water accounts have been paid in full. The District may, at its discretion, apply the \$200 damage deposit to the closing bill.
- c. A refundable damage deposit of \$500 will be required for each backflow prevention assembly installed by the District on a hydrant meter. This deposit will be applied to the closing bill upon termination of the service if the backflow prevention assembly is undamaged during the period of use.
- d. The service charge for a fire hydrant meter shall be \$2.00 per day.
- e. The commodity rate shall be \$1.55/1000 gallons of water used.
- f. If a service is processed for shut-off for non-payment of bills, payment arrangements, deposits, or other violation of these Rules, the customer shall pay a delinquent processing fee of \$20.00.

In lieu of a fire hydrant meter for taking construction water, the construction water may be taken through the service connection which is intended to serve the parcel, or it may be taken through any other metered method approved by the District which assures that all water utilized during the construction period is metered. The commodity rate for water used shall be \$1.55 per thousand gallons.

The construction period shall be considered to have ended for the applicant (developer) upon notification to the District by the applicant and after the District has made a final meter reading for billing purposes. The District will then discontinue (shut-off) the service unless it has received an application for service to that location. Water used through the service connection(s) on a parcel prior to notification to the District that the construction period has ended will remain the responsibility of the applicant. The District reserves the right to audit all development to ensure all parcels are properly metered and consumption is measured and assessed for billing purposes.

The developer responsible for the contract agreement may transfer, for the purposes of construction water billing only, all or part of a development to a subsequent developer following the installation, inspection, and acceptance of facilities as shown on the approved water plans. The agreement developer shall notify the District of the transfer by letter, specifying by lot and block and supplemented by an annotated map of approved

water facilities plans, the portions(s) of the development transferred by written, executed agreement to the subsequent developer. A subsequent developer shall be responsible for the billing for construction water, any outstanding water facilities remaining to be completed, and any damages caused by his actions to District facilities within this approved transferred area.

8.6 Non-Metered Construction Water

Water used in the disinfection of newly constructed public water mains does not have to be metered. Flushing of the mains shall only be done in the presence of a District representative.

8.7 Frontage Connection Charges

For the purposes of this subsection, a connection is defined as a service connection or main extension connected to an existing main. Connections shall not however, include temporary service connections, emergency service connections, or fire hydrant service connections.

When a connection is made to a main other than one installed to serve the property, the frontage connection charge will be \$17 per foot of property adjacent to the right-of-way or easement where the main is located. A minimum charge of \$1,190 shall apply to any property having less than 70 feet of chargeable frontage.

Connections to serve median strips within a publicly dedicated right-of-way shall be calculated at the minimum charge regardless of the length of the median strip.

8.8 Service Connection Installation Charges

The following charges shall apply under normal conditions:

| Standard ¹ Meter Size | Meter ³ Only | Automated Meter Reading Device (AMR) ⁴ | Backflow ⁵ Prevention | Service ⁶ Installation |
|--|----------------------------|---|-------------------------------------|--------------------------------------|
| 5/8" x 3/4" | \$ 60 | \$104 | \$ 840 | Actual Cost Basis |
| 3/4" | 70 | 104 | 840 | Actual Cost Basis |
| 1" | 100 | 104 | 840 | Actual Cost Basis |
| 1½" | 250 | 104 | 1,120 | Actual Cost Basis |
| 2" | 300 | 104 | 1,180 | Actual Cost Basis |
| Over 2" | Actual Cost | | | |
| Residential Fire Service (RFS) | | | | |
| 3/4" | 150 | 104 | 840 | Actual Cost Basis |
| 1" | 195 | 104 | 840 | Actual Cost Basis |
| 1 ½" | 280 | 104 | 1,120 | Actual Cost Basis |
| 2" | 375 | 104 | | Actual Cost Basis |

¹"Standard" is a positive displacement meter.

²Price effective upon installation of full service only. Price includes \$104 for AMR device for District installed services, unless AMR already exists.

³Price includes encoder register. A District approved RFS meter is required for all single-family residences with fire sprinkler systems. Price for RFS meter does not include required tailpiece assembly that is not available through the District. Price is basis for applicant charges.

⁴Required of all new or replacement services.

⁵Devices required under NAC 445A.67185-67255, as amended, will be installed at the added rate shown above, or on an actual cost basis as determined by a contract approved by the District's Board of Directors.

⁶If unusual installation conditions exist, the applicant will be advised of the terms and conditions that must be met before an application for service will be accepted. The applicant shall pay a deposit established by the District. A refund or billing will be made when the job is completed and actual cost of installation determined by the District based upon site conditions. Unusual installation conditions shall exist when, in the opinion of the District, the installation is to be made under conditions that would result in unusual or significant departure from the standard installation practices.

8.9 System Development Charge

| <u>Meter Size</u> | <u>System Development Charge per Meter Size</u> |
|-------------------|---|
| 5/8" | \$ 3,010.00 |
| 3/4" | 3,010.00 |
| 1" | 7,525.00 |
| 1½" | 15,050.00 |
| 2" | 24,080.00 |
| 3" | 45,150.00 |
| 4" | 75,250.00 |

8.10 Backflow Service Charge

All customers having backflow prevention assemblies shall be required to pay the following daily service charges for each backflow prevention assembly required by the District in addition to other daily service charges:

| <u>Assembly Size</u> | <u>Backflow Daily Service Charge</u> |
|----------------------|--|
| ¾" | .0449 |
| 1" | .0749 |
| 1½" | .1498 |
| 2" | .2397 |
| 3" | .4793 |
| 4" | .7489 |
| 6" | 1.4979 |
| 8" | 2.3966 |
| 10" | 3.4451 |

8.11 Application for Water Service Fee

All applicants for water service will be required to pay a non-refundable fee, at the time water plans are submitted for review, or at the time application for service is made if water plans are not required, as follows:

NON-REFUNDABLE WATER SERVICE APPLICATION FEE

| <u>Meter Size</u> | <u>Application Fee per Meter Size</u> |
|-------------------|---|
| 5/8" | \$ 130.00 |
| 3/4" | 200.00 |
| 1" | 330.00 |
| 1½" | 650.00 |
| 2" | 1,040.00 |
| 3" | 1,950.00 |
| 4" | 3,250.00 |

Application fee for a fireline or hydrant without domestic meter installation is \$750.

8.12 Inspection Fee

| <u>Size</u> | <u>Inspection Fee per Each</u> |
|--|------------------------------------|
| a. Domestic Services 2" or less | \$ 185 |
| b. Domestic Services greater than 2" and Combined Services | 1,000 |
| c. Firelines | 550 |
| d. Public Fire Hydrants, temporary riser (per project) (without domestic service) | 350 |
| e. Backflow Prevention Assembly (Retrofit Only) | No Charge |

After hours inspection fee shall be the overtime cost of the inspection.

All other inspections occurring after the time limitation established in 10.1 (c) and not related to above services description shall be the straight time cost of the inspection.

A minimum of \$185 will be charged for accumulated site inspections for any project that is cancelled in accordance with Section 10 of these Rules. The balance of Inspection Fees will be refunded as part of the cancellation process.

8.13 Deficiency Fee

The District will assess a fee of \$2.00 per service, per day, for each inspected deficiency not corrected by the developer, until the deficiency is corrected. This charge shall be assessed against parcels where a tenant has occupied the premise without the service being inspected, approved and accepted by the District for the City of Las Vegas, or without a Certificate of Occupancy issued by Clark County.

8.14 Credit for Unused and Undamaged Meters

If meters obtained from the District for the purpose of being installed by a private contractor during construction of a development are returned before the project has received final acceptance from the District, the following credits will be made:

- a. Unused, and undamaged meters, with original receipt(s) - 100% of original developer cost

8.15 Charge for District Installation of Meters

When the District discovers that water is being taken through an unmetered service, is damaged, or the meter is not operating properly, or the wrong size meter was installed, and the water plan approval required that the meter be set by the developer, the District will install the meter and charge an installation charge based on the following schedule:

| <u>Meter Size</u> | <u>Installation Charge</u> |
|-------------------|----------------------------|
| 1" or smaller | \$165 |
| 1½" | 275 |
| 2" | 600 |

The cost of the original meter issued to the developer will be refunded if that meter has not been used or damaged and is returned to the District. If the development is under warranty for its water facilities, the Developer can replace the meter at his expense.

8.16 Automated Meter Reading Equipment

The customer or owner of record may be charged \$104 for replacement of a damaged automated meter reading device.

8.17 Locked Service

If a lock installed on a service connection to restrict use of water is removed by anyone other than an authorized District employee, the customer or developer shall be charged \$20 for a damaged simple lock, \$100 for a damaged complex (Birdcage) lock, in addition to any other charges or fees.

SECTION 9 - TIME AND MANNER OF PAYMENT

9.1 Bills Due When Presented

Meters will be read or estimated monthly. The District will, as soon after the meter reading date as practical, issue a bill to the customer for each connection to District facilities for usage and related fees and charges. All bills shall be due and payable upon receipt. Failure to receive a bill does not relieve a customer of liability. Customers are responsible for payment of all water recorded as having passed through the meter, regardless of whether such water was put to beneficial use. When current bills are not paid within twenty-four (24) days from the billing date as shown on the bill, they are subject to the assessment of late charges, and will be considered delinquent. Service may then be discontinued if not paid by the disconnection date as identified in the succeeding bill statement. The District may, at its sole and exclusive discretion, make arrangements to extend this payment deadline or allow the customer to pay the unpaid balance amount in installments. Failure to remit valid payment in compliance with arrangements made may result in service discontinuance without notice.

9.2 Proration of Service Charges

All service charges shall be calculated on a daily basis.

9.3 Estimated Bills

- a. If a meter cannot be read because of obstructions or other causes, an estimate shall be made of the quantity of water used and a bill rendered for the estimated quantity. The District reserves the right to estimate residential meter readings periodically. The next succeeding bill that is based upon actual meter readings will reflect the difference between prior estimates and actual consumption.
- b. If a meter reading is obtained which indicates a meter malfunction, an estimate shall be made of the quantity of water used and a bill rendered for the estimated quantity.
- c. Estimates shall be based first on account history and/or comparable services within the area. If there is no comparable service within the area, then estimates shall be on comparable service within the District.

9.4 Collection Stations

For the convenience of its customers, the District may designate and authorize others to serve as agents for the collection of bills; however, delinquent bills must be paid at one of the District offices.

9.5 Payments Not Honored by Financial Institutions

Remittance(s) presented in payment of bills which are not honored and are returned by any financial institution shall be treated as though no payment had been made and service may be discontinued without notice.

Accounts with the District that are paid by checks or electronic presentment which are not honored by any financial institution shall be charged a \$15.00 "returned" in addition to any other applicable fees and charges. Redemption of returned payments, as well as any additional fees and / or charges assessed, may be required to be by cash, or equivalent, at the discretion of the District.

Remittance for amounts due on accounts with the District which have recorded three (3) payments not honored and returned by any financial institution within a twelve (12) month period shall be required to be by cash or equivalent, at the discretion of the District, for six (6) consecutive months.

Customers who submit a payment not honored by any financial institution for a water account in a shut-off status must pay the total amount due plus any assessed security deposits, related delinquent processing or restoration fees in cash.

9.6 Billing Errors

Correction of billing errors shall be made on the next regular bill, but in no case will the District make corrections retroactively for a period of more than thirty-six (36) months.

9.7 Billing Adjustments

The District at its discretion and for purposes of account dispute resolution, offers to a customer a one-time partial consumption adjustment for unexplained non-beneficial usage. This adjustment will be based on recorded average daily usage for historically comparable usage periods and will be applied only when a thorough investigation conducted by the District has concluded no reasonable or viable explanation for the usage.

Correction of billing errors shall be made on the next regular bill, but in no case will the District make corrections retroactively for a period of more than thirty-six (36) months.

SECTION 10 - INSTALLATION OF WATER FACILITIES

10.1 General Conditions for Main Extensions

a. Applicability

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

A main extension may be required along the entire length of at least one property line frontage of the property to be developed whenever future line extension is possible, 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 LVVWD.

c. Construction Plans

All water plans submitted for review shall include, at a minimum, the following:

1. A copy of the recorded subdivision map, parcel Map or any other map, if applicable.
2. Two sets (24" x 36") of detailed water plans.
3. A completed data sheet as provided by the District.
4. The required application fees as specified in Section 8.
5. Development approval or water commitment.

Water plans which meet the requirements of Items 1 through 4 above but do not have a 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 which will be served by the proposed main extension. Proof of right of way and/or easement grant must also be provided.

The District 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 District a set of reproducible mylar water plans conforming with the revisions, which shall be considered the master water plan after approval by the District. Upon execution of the appropriate agreements by the applicant and payment of all outstanding bills, 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 Limitation

Approval by the District for a main extension shall be valid for a limited time. In the event that construction of the mains or services covered by any approved plan is not started within one 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 at the time the project is reactivated. Construction is considered to have started upon the installation of a main or service, or portion thereof, per approved District plans, that normally requires an inspection. Any limitations on approval for other than one (1) year shall be shown on the drawings. 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 District 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 1.2.b or 1.2.c of these Rules, the District may, at its discretion, invoke the performance bond for the installation of the water facilities rather than canceling the project.

e. Construction, Assignment, Abandonment, Cessation, 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 District to pursue completion of all or part of the project, as determined by the District.

If a project receives a water commitment under the provisions of Section 1.2.b of these Rules, and the water plans are subsequently proposed for cancellation, all prepaid installation fees and other charges and deposits shall be retained by the District 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 1.2.c of these 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 District 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 District 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 District recognition of an assignment from one developer/owner to another, a District provided assignment form should be completed, and a fully executed duplicate original should be returned to the District.

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 District specifications, standards, and procedures which are in effect at the time the water plans receive District 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 District before connecting the new mains to existing mains, unless otherwise permitted by the District.
2. Connections to existing mains shall be made only when authorized by the District and then only in the presence of an authorized representative of the District, at times specified by the District.
3. Existing mains shall not be taken out of service for the purpose of making new connections when other options are feasible. Mains may only be taken out of service with the specific approval of the District.

g. Construction Inspection

The District shall inspect the installation of water facilities including assemblies, from construction commencement through final water project acceptance. The District reserves the right to terminate service if the work does not comply with District requirements. The District 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 District.

h. Meter Installation

For meters 2" and smaller, the applicant shall obtain the meter from the District. For meters larger than 2", the applicant shall provide a meter which meets District specifications.

Meters obtained from District 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 has been verified by the District.

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 and billed monthly at the Metered Construction Water rate set forth in Section 8. The District reserves the right to audit meter installation. The District reserves the right to start service at its discretion upon verification of meter installation, occupancy, or irrigation. Upon verification, monthly billing will occur at the rate in Section 8.

The developer (applicant) shall remain responsible for correction of all deficiencies and shall remain liable for the monthly 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 District.

Following acceptance of all facilities by the District for ownership and maintenance, the developer (applicant) is responsible for ensuring that services accepted by the District are removed from the developer's (applicant's) account. Until that notification to the District occurs by the developer, billing for all consumption at the rate for Metered Construction Water set forth in Section 8 through all meters remains the responsibility of the developer (applicant).

j. Guarantee

Installation, materials, and workmanship shall be guaranteed complete and free of defects for a period of one (1) year from the date of acceptance by the District. Upon receipt of notice of incomplete work or defect from the District, the developer shall immediately correct the situation, or shall reimburse the District for the cost of correction.

k. Location

1. Main extensions and appurtenances shall be located within right-of-way or private streets fifty (50) feet in width or greater, dedicated for utility purposes, if the water main is twenty-four (24) inches in diameter and larger, or longer than one hundred fifty (150) feet. Main extensions of lesser diameter, or length may be located in private streets or rights-of-way thirty (30) feet in width dedicated for utility purposes.
2. If the fifty (50) foot right-of-way or private streets dedicated for utility purposes is not available, the applicant may petition the District and upon District approval, a main extension and appurtenances may be located within utility easements granted to the District (which may include right-of-way or private streets) for a total thirty (30) foot utility dedication.
3. Right-of-way, private street, and/or easement grants for utility purposes totaling less than fifty (50) feet may be accepted at the discretion of the District.
4. All right-of-way, private streets and/or easements shall be shown on the water plans and shall be provided to the District prior to the approval of water plans and must provide adequate clearances for the safe operation, maintenance, and repair of the water facilities. The District 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 District 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 District's facilities within the easement.
2. Should the District act to repair any of its facilities within the easement, the District is not responsible for repair or reconstruction of any property located within the easement.

- 3. Should any of the District'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.

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 water main size will be based on the existing or proposed street right-of-way width, which may include common areas. A developer extending water mains will be required to install these minimum size water mains at their sole expense. The minimum water main diameters are as follows:

| STREET WIDTH | MINIMUM WATER MAIN DIAMETER |
|------------------|--------------------------------|
| Up to 60' | 8" |
| 61' to 80' | 10" |
| Greater than 80' | 12" |

Water mains in cul-de-sacs, internal streets within subdivisions, and other areas where water mains will not be extended in the future, may be 6" in diameter if that size water main meets the water demand requirement of the development. The District reserves the right to establish the size of all mains and appurtenances.

n. Fire Hydrants

Fire hydrant installations shall conform with design and location requirements of the governmental agency having jurisdiction.

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 a main extension for other development may be permitted when, in the opinion of the District, 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 District, the developer shall deliver to the District a valid bill of sale conveying unencumbered title to the facilities to the District.

q. Construction by Private Contractor or District

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 District, the extent of work to be performed is minor and can be accomplished efficiently and economically by District forces, the applicant may deposit an amount determined by the District. 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 LVVWD 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 LVVWD up to ten years from the effective date of the agreement. The total of potential refunds made for connections on either side of the main extension for the development shall not exceed \$17 per linear foot per side of adjacent right-of-way to a maximum of \$34 per linear foot of installed main. 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 LVVWD, and an unencumbered signed Bill of Sale is provided by the Developer.

At the sole discretion of the LVVWD, 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.

10.2 Service Connections Installed by Private Contractor

If service connections are installed by private contractor, the provisions of Section 10 shall apply.

10.3 Standard Main Extensions

a. Applicability

A standard main extension shall apply if the property to be served does not meet the requirements of a residential main extension, or if a residential main extension does not meet the needs of the applicant, and if the District chooses not to oversize the main.

b. Responsibility for Cost

The cost of a standard main extension, including service laterals, fire hydrants, and all other appurtenances, shall be borne by the applicant.

SECTION 11 – CONSERVATION AND DROUGHT

Groundwater is the sole natural resource used to meet water demands in Blue Diamond, but there are other methods critical to managing and extending this physical resource – water conservation and sustainability principles in land development. Part of that effort is through conservation. Conservation initially 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 one 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.

Sustainability contains and expands the principles of conservation. For Blue Diamond, sustainability means addressing all natural and man-made resources, including water; sewage effluent; land use, building and site design; drainage; and power. There are some infrastructure challenges and costs to provide water in the least wasteful way possible to support approved economic activity. The full effects of sustainability require collaboration with other entities who provide or regulate these natural and man-made resources.

The condition of the Blue Diamond supply is such that additional water resources may not be available or may be severely limited from time to time. The lack of reliable resources may affect development approval and the rate of growth of the Blue Diamond. Given this natural resource environment, conservation and sustainable practices are essential to a stable water system.

The LVVWD, as the owner and operator of the Blue Diamond water system, is committed to sustainability as part of its strategic planning process. The sustainability goal and objectives focus on reducing outdoor water use, which accounts for the greatest consumption of groundwater. Water resources will be extended by conserving water indoors to reap economic and environmental benefits and balance from the efficient use of water. Finally, the strategic plan objectives emphasize educating citizens, collaborating with other agencies involved in land use, design, reclaimed water, power, and drainage, as well as supporting examples of sustainable activities. Such examples include, but are not limited to, the solar arrays at the Las Vegas Springs Preserve, and the Desert Research Institute, and the sustainable demonstration house at the Springs Preserve.

In keeping with its conservation efforts, the District will develop a community outreach program to establish conservation goals and standards appropriate to the conditions in Blue Diamond.

SECTION 12 - MISCELLANEOUS

12.1 Interpretation and Application

Except for the provisions put forth in Section 1, Water Commitments, the General Manager shall have discretion in the interpretation and application of these Rules. This discretion shall be exercised to maintain equity among users with full documentation, which will accomplish the intent of the Rules, policies, and procedures of the District, and protect the public health, safety, and welfare.

12.2 Water Use Limitations

In the event of water shortages, emergency conditions, or inability of the delivery system to provide adequate volumes of water, the General Manager shall have the authority to limit water usage. Any actions taken by the General Manager pursuant to this section shall be reviewed by the Board of Directors at its next regularly scheduled meeting in complete compliance with Chapter 241 of Nevada Revised Statutes. The District may enforce any action taken under these sections by any legal means, including disconnection of a customer's water service.

12.3 Expansion of Facilities - District Financing

As the need arises, as determined solely by the District, the District will construct major facilities required to provide an adequate water supply, including transmission mains, reservoirs, and pumping stations, in general conformity with its Master Plan from proceeds of General Obligation Bond sales. At the discretion of the Board of Directors, and as funds are available, the District may construct main extensions and other improvements which are required to improve or reinforce the distribution system.

12.4 Special Conditions

In the event that conditions arise which are not specifically covered by these Rules, the Board may take whatever action, including establishing rates and charges, which, in its discretion, is warranted.

12.5 Effective Date

These Rules shall become effective on the date specified by the Board in its motion for adoption.

12.6 Continuity

Adoption of these Rules shall not be construed as a waiver of any right or obligation under any prior agreement, contract, or commitment.

12.7 Administrative Appeal

a. Administrative Appeal Process

An applicant or customer who is aggrieved by a denial of any water service request may appeal that decision within ten (10) days from written notice of the denial by the District. Written notice of appeal shall be served upon the General Manager, who shall conduct a review of the grounds alleged for appeal. Upon delivery of the General Manager's decision, the aggrieved party may, within ten (10) days, appeal that decision to the Board of Directors.

b. Rules of Administrative Appeal

1. Any notice given in accordance with Section 12.7 shall commence to run on the day following the mailing of the decision addressed to the applicant or customer at the address used by such person on his application.
2. The burden of proof is on the party appealing the decision.
3. All notices of appeal shall clearly identify the matter appealed and as concisely as possible, state the argument for reversal of the decision appealed from.
4. Review by the General Manager shall be conducted and completed within thirty (30) days of the receipt of the written notice of appeal.
5. Not later than thirty (30) days from the date of notice of appeal from the action of the General Manager, the Board of Directors shall set the date for the public hearing at a regular meeting of the Board, within not less than thirty (30) days.
6. The Board of Directors may reverse the final decision of the General Manager if it is:
 - a. In violation of constitutional, statutory or Service Rules rights.
 - b. Clearly erroneous in view of the reliable probative and substantial evidence of the hearing; or
 - c. Arbitrary or capricious or characterized by abuse of direction.

c. Hearing Procedure

The following procedures shall apply to Administrative Appeals heard before the Board of Directors:

1. The proceedings shall be reported either stenographically or by a phonographic reporter;
2. Oral evidence shall be taken only upon oath or affirmation.

3. Every party to a hearing shall have the right:
 - a. To call and examine witnesses.
 - b. To introduce exhibits relevant to the issues of the case.
 - c. To cross-examine opposing witnesses on any matter relevant to the case, even though the matter was not covered in a direct examination.
 - d. To offer rebuttal evidence.
4. The hearing is not conducted according to technical Rules relating to evidence and witnesses. Any relevant evidence may be admitted and may be sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of common law or statutory rule which might make improper the admission of such evidence over objection in an action in a court of law.
5. The Board may take official notice of any generally accepted information or technical or scientific matter, any other fact which may be judicially noticed by the courts of this state and the content of any Las Vegas Valley Water District record or official report. Parties shall be informed of any information, matters or facts so noticed, and shall be given a reasonable opportunity to refute such information, matters or facts.

12.8 Business Impact Statement Appeals

A petition authorized by NRS Chapter 237 shall be filed with the General Manager or her designee. The petition must meet the requirements as set forth in NRS Chapter 237 and will be reviewed by the General Manager within sixty days (60) from receipt. The petition will be scheduled for Board review at the first meeting following the review process.

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