

SECTION 1 - WATER COMMITMENT

Before new water service connection is authorized for installation, on-site addition or on-site expansion to an existing service, a water commitment must be obtained from the LVVWD, acting as agent for the KCWD. 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 Service 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 fees, or construction of water facilities at a Developer or KCWD's expense, the LVVWD may deny any request for a water commitment or request for a water connection if the KCWD 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 KCWD will provide water service.

b. Expansions or Additions

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

c. Increase in Meter Size for an Existing Service Connection

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

1.2 Water Commitment Process

Recordation of a parcel map, land division map, or other map does not provide a water commitment unless the required steps outlined in this section have been completed. A water commitment will be issued according to the following process:

a. Development Approval

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

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

1. Subdivision, parcel map, or land division map approval is obtained pursuant to Chapter 278 of NRS and any other approval required from Clark County.
2. A minimum financial commitment to the project equal to \$5,000 per acre-foot of projected water use has been reached. The financial commitment must be in the form of constructed improvements, bonds, other acceptable surety, or a combination thereof. The bonds or other acceptable surety must be certified to LVVWD by Clark County.

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

- Streets, roadways, water lines, drainage facilities, traffic improvements, or sewers
- Construction of local and regional improvements
- Site grading
- Foundation or vertical construction of buildings
- Construction and dedication of recreational or community amenities
- Any other LVVWD approved physical improvements

The following improvements **will not** be considered for satisfaction of financial commitments:

- Land acquisition
- Legal fees or representations
- Water, sewer, or utility connection fees
- Building or other permit fees
- Dedication of right-of-ways or easements
- Engineering, architectural, surveying, or other professional fees

3. The development approval(s) are issued by Clark County.
4. All fees, charges, and deposits required by these Service Rules are paid, all KCWD agreements are executed, and the appropriate water plan approval is obtained from the LVVWD.
5. Final subdivision map, parcel map, or land division map with commitment certified by LVVWD is recorded after completion of Items 1.2b, 1 through 4 above.

Water will be committed through the above process as follows:

- Single-family residential subdivision lots/units (including associated common areas), single-family residential parcel map lots, and single-family residential land division lots will receive a water commitment for the intended use unless specifically stated otherwise on map.
- Non single-family residential subdivision lots, multi-family residential parcel map lots, and multi-family residential land division lots or master plan developments will receive a water commitment limited to one (1) acre-foot per lot, or one (1) acre-foot per acre, whatever is less. If an additional water commitment is required to complete a project, the process in effect at the time will be followed (presently Section 1.2.c below).

- Non-residential lots in a parcel map or land division will not receive a water commitment through the mapping process. They will obtain a commitment through the process identified in Section 1.2.c below or the process in effect at that time.
- c. Permit Process - Water Commitments for All Projects Other than New Subdivisions, New Parcel Maps, and New Land Divisions (Permit Process)

To obtain a water commitment for any project other than new subdivisions, new parcel maps, and new land divisions, the Applicant must first obtain a conditional water commitment. A conditional water commitment may be obtained when all of the following conditions are met:

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

Once the requirements listed above (1.2c., 1 through 4) are met, a conditional commitment is issued by the LVVWD. The conditional commitment is tied to the primary building permit(s). If the primary building permit(s) expire, the conditional water commitment terminates at once.

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

If a development approval is issued by Clark County for a project that does not require a building permit to be issued in order for the project to be constructed, a conditional commitment may be issued based on the offsite improvement plan approval, or other beginning action such as a Notice to Proceed issued by the public entity for construction. The conditional commitment will become a final commitment when all construction is accepted as complete by all approving public entities.

1.3 Water Committed on or Before June 22, 1994

Based on present legal opinion and interpretation, the KCWD presently recognizes the following as a water commitment:

Undeveloped land within existing KCWD Assessment District #101 that was assessed fees, or for which fees were paid on or before June 22, 1994. The KCWD has not committed water to U.S. Government owned parcels within Assessment Districts.

1.4 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 KCWD and pays all applicable fees and charges and meets all other requirements of the KCWD, may obtain a commitment from the LVVWD in an amount equal to the pumpage permitted to the LVVWD 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.

1.5 Domestic Wells

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

1.6 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 LVVWD 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.

1.7 Water Commitment Limitations

Water commitments cannot be traded, sold, or transferred.

1.8 Commitment Documentation

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

1.9 Unauthorized Expansion/Addition

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

1.10 Water Plan Review

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

1.11 Projected Water Usage

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

1.12 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.

1.13 Unused Service Connection

An inactive or abandoned water service connection to a parcel through that water has not been served since June 22, 1994, may require a new water commitment for the parcel before the service will be activated. The System Development Charge and Frontage Connection Charge shall not be required to be paid by a person owning a parcel served by an inactive or abandoned water service providing that the person has evidence of having previously paid a System Development Charge or its equivalent. The person shall be responsible for bringing the service up to current standards at their own expense before the service will be activated.

1.14 Reversionary, Merger, and Resubdivision Maps

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