

**KYLE CANYON WATER DISTRICT
SERVICE RULES AND REGULATIONS**

ADOPTED September 2, 2008

Sections 7.14, 7.16, 7.17, 7.19, 8.1, 8.2, 8.5, 8.7, (a.), (d.), 8.15, 8.16, and 10.1 (i.), are effective November 6, 2008.

Changes in rates used to calculate monthly bills for consumption will be effective December 1, 2008 for November, 2008 consumption.

All other changes are effective upon Board adoption.

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 LVVWD records. See “Removed Service”.

2. Actual Cost Basis

“Actual Cost Basis” shall mean the actual cost incurred to complete a service connection installation or any other service provided by the LVVWD. This includes but is not limited to, all the labor and related benefits, construction material and equipment overheads. The total actual cost incurred will be billed to the customer for payment.

3. 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 LVVWD.

4. Applicant

“Applicant” shall mean a person applying for water service to particular parcel within the KCWD. The Applicant must be the property owner or their legally designated representative.

5. Backflow Prevention Assembly Approved

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

6. Assessment District

“Assessment District” shall mean the geographical service area within the KCWD designated and delineated by the Board of County Commissioners. This area shall include the facilities project, or interest therein, whose cost is to be defrayed wholly or in part by the levy of special assessments, and is located adjacent to each tract to be assessed therefore. An Assessment District may consist of non-contiguous areas. Assessment Districts shall be identified in some other manner to identify separately each such District in the service area.

7. Automated Meter Reading or AMR

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

8. Backflow Prevention Assembly

“Backflow Prevention Assembly” shall mean a LVVWD approved assembly for the prevention of backflow from the customer’s water system to the KCWD’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, enclosure, and other appurtenances.

9. Billing Date

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

10. Board

“Board” shall mean the Board of Trustees of the KCWD.

11. 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.

12. 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 use.

13. 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 by LVVWD Procedures.

14. Concerned Operating Conditions

“Concerned Operating Conditions” shall mean water is available to meet all indoor demands for water if outdoor water demands are reduced.

15. 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.

16. Critical Operating Conditions

“Critical Operating Conditions” shall mean that water is available to meet all indoor demands for water if outdoor water demands are significantly reduced. When operating conditions reach critical stage, a high or imminent potential for a well or infrastructure failure exists.

17. 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 that 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 changeover devices, or sliding multi-port tube.

18. Customer

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

19. Deserted Service

“Deserted Service” shall mean a service connection whose existence is documented in LVVWD records, but cannot be field located.

20. Developer

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

21. 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.

22. Disconnected Service

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

23. 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.

24. Emergency

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

25. Emergency Operating Conditions

"Emergency Operating Conditions" shall mean a sudden or unexpected occurrence or need that requires immediate action to prevent an adverse impact upon life, health, property, or essential public services. Emergency Operating Conditions may result in service interruptions, poor water quality, and/or water shortages.

26. Emergency Service Connection

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

27. Employee

"Employee" shall mean any individual employed by the LVVWD directly assigned to the KCWD, excluding independent contractors, consultants, and their employees.

28. Equivalency - 5/8"

“Equivalency - 5/8” 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

29. Expansion or Addition

“Expansion” or “Addition” shall mean an increase in size of an existing building or other structure presently served by the KCWD and building or structure added to an existing parcel presently served by the KCWD.

30. 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 KCWD 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.

31. Fire Department

“Fire Department” shall mean the Clark County Fire Department.

32. 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.

33. Fixture Units

“Fixture Units” shall be defined as specified in the adopted Clark County Uniform Plumbing Code, current edition.

34. General Manager or GM

“General Manager” or “GM” shall mean the General Manager of the LVVWD or Designee acting as the manager of the KCWD, or the person acting in that capacity as may be appointed by the Board.

35. Idler

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

36. Illegal Service

“Illegal Service” shall mean a service connection which has been located in the field, but whose installation is not documented in LVVWD records, or is in violation of the KCWD’s Service Rules. Illegal services include, but are not limited to, expansions of on-site systems to serve adjacent parcels.

37. Inactive Service

“Inactive Service” shall mean a service connection that is not in use, but is operational, installed in accordance with LVVWD standards, and documented in LVVWD records.

38. Inter-Connection

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

39. Irrevocable License

“Irrevocable License” shall mean a personal, unassignable privilege conferred for the doing of one or more acts on land without possessing any estate therein, thereby rendering legal an act that otherwise would constitute trespass. In this case, the acts permitted are excavating, installing, accessing, maintaining, repairing, replacing, and reading a service connection and appurtenances. The license is perpetual in that it may not be revoked by the grantor, and it runs with the land.

40. Irrigation

“Irrigation” shall mean the application of water to the land, by artificial means, for agricultural or non-agricultural purposes.

41. Kyle Canyon Water District or KCWD

“Kyle Canyon Water District” or “KCWD” is a publicly owned, quasi-municipal political subdivision created by the County Commission of Clark County, Nevada, through enactment of Ordinance No. 419 effective December 17, 1973.

42. Land Division

“Land Division” shall be as defined in NRS, Sections 278.471 through 278.4725.

43. 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.

44. Las Vegas Valley Water District or LVVWD

“Las Vegas Valley Water District” or “LVVWD” shall mean the Las Vegas Valley Water District as designated by Chapter 167, Statutes of Nevada, as well as its role as the operating agent for the KCWD under Ordinance No. 419, effective December 17, 1973 and the agreement dated August 20, 1974.

45. 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 LVVWD authorizing said person to

apply for new water service on behalf of the property owner. The documentation presented to the LVVWD must contain the property owner’s signature, mailing address, and location of the property that 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 of Chapter 167 of the Statutes of Nevada, 1947.

46. Lien

“Lien” shall mean a charge upon property for the payment or discharge of a debt or duty. A proprietary interest that may be exercised over the property to that it attaches.

47. Main Extension

“Main Extension” shall mean an adjacent, parallel, or extended addition to the KCWD’s distribution system, consisting of a pipeline that is a nominal six (6) inches in diameter or greater, for the purpose of providing an adequate water supply. The LVVWD 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 KCWD's distribution system, improve water quality, and/or improve system reliability.

48. Master Meter

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

49. Meter

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

50. Meter Maintenance

“Meter Maintenance” shall mean the routine testing, calibration, repair, or replacement of KCWD water meters to ensure accuracy and compliance with the AWWA Meter Standards.

51. Multi-Family Residential

“Multi-Family Residential” shall mean all properties that are developed with more than one dwelling unit, except hotels or motels.

52. Multiple Meter Service

“Multiple Meter Service” shall be a single lateral pipe utilizing a battery of meters for providing domestic service.

53. 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 a copy of a recorded 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.

54. Off-Site Main

“Off-Site Main” shall mean a main, regardless of size, that extends from the existing water system to a development and generally remains outside the development boundary.

55. On-Site Main

“On-Site Main” shall mean those public mains which are installed specifically to provide service to developments and are generally located within the development’s boundaries.

56. Oversized Main Extension

“Oversized Main Extension” shall mean a main larger in diameter than the minimum diameter necessary to provide a supply to a proposed development which will be capable of meeting future demands on the KCWD’s distribution system. The LVVWD may increase the length of main extension beyond that required to serve a particular development, in order to provide for the orderly development of the KCWD’s distribution system, improve water quality and/or improve system reliability.

57. Parcel Map

“Parcel Map” shall be as defined in NRS, Section 278.461.

58. 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 KCWD or the LVVWD.

59. Potable Water

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

60. Premises

“Premises” shall mean a separate identifiable and transferable lot or parcel of real property of a legal and usable size, including the improvements. Portions having well defined boundaries such as walls, fences or hedges that prevent the common use of the property by all occupants shall, for the purpose of these Service Rules, be determined separate facilities.

61. Primary Building Permit(s)

“Primary Building Permit(s)” shall mean the permit(s) issued by Clark County for a structure, including but not limited to, the foundation, shell, and other related building components.

62. 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 LVVWD approved double check detector assembly (DCDA), or Reduced Principal Detector Assembly (RPDA).

63. Private Main

“Private Main” shall mean a water pipeline and appurtenances not owned by the KCWD, or operated by the LVVWD after completion.

64. Property Owner

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

65. 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.

66. Public Main or Mains

“Public Mains” shall mean water pipelines and appurtenances owned by the KCWD, and operated and maintained by the LVVWD after completion and acceptance.

67. 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 LVVWD records. If field conditions later indicate that a service classified as removed was actually abandoned, the service shall be classified as abandoned in LVVWD records. See “Abandoned Service”.

68. Residential Fire Service Meter (RFS)

“Residential Fire Service Meter” (RFS) shall mean the District approved measuring device, 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.

69. 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.

70. 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, detector checks, and other appurtenances from a KCWD main, to the point where the water being delivered leaves the piping owned by the KCWD in accordance with UDACS for new service installation.

71. Service Deposit

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

72. 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.

73. Single-Family Homeowner-Builder

“Single-Family Homeowner-Builder” shall mean a single-family residence built by the owner of the parcel and not a licensed contractor. However, the homeowner may engage the services of a licensed contractor to construct the residence for their own use, provided the owner is the permittee. Any water distributed to a single-family home owner/Builder shall be limited to a maximum of one lot or parcel per person per year. To qualify, the parcel must legally exist at the time of the adoption of these Service Rules.

74. Single-Family Residential

“Single-Family Residential” shall mean those parcels that are developed with one dwelling unit.

75. Spacer

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

76. Standard Service Connection

“Standard Service Connection” shall mean a service connection installed at a location adjacent to the parcel being served.

77. Subdivision

“Subdivision” shall, for the purposes of these Service Rules, meet all provisions of NRS Chapter 278 and shall be as defined in Section 278.320.

78. Supplemental Service Connection

“Supplemental Service Connection” shall mean a service connection or connections to property that is also served by another source of supply, such as a well or non-potable system. A supplemental service connection shall include an approved backflow prevention assembly.

79. Sustainable Operating Conditions

“Sustainable Operating Conditions” shall mean water supplies are being used at a rate that does not exceed the system’s ability to naturally recharge, and water supplies are sufficient to meet system demands.

80. System Development Charge

“System Development Charge” shall mean the charge required of all Applicants for service to a 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 domestic meter size.

81. Tampering

“Tampering” shall mean acts by persons which cause damage to, or alteration of, KCWD property, including but not limited to, service connections, tanks, wells, 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.

82. Temporary Riser

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

83. Temporary Service Connection

“Temporary Service Connection” shall mean a LVVWD 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.

84. 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.

85. Turf

“Turf” shall mean a densely planted grassy area characterized by frequent mowing and fertilization and/or watering, commonly used for lawns and playing fields. Plant species used in turf areas may include, but are not limited to, varieties of Bermuda Grass, Fescue, Zoysia, Rye, St. Augustine, or Bentgrass.

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

“Uniform Design and Construction Standards (UDACS) for Potable Water Systems” shall mean the minimum design and construction criteria for water distribution systems as amended within the jurisdiction of the KCWD.

87. Unusual Installation Conditions

“Unusual Installation Conditions” shall mean circumstances that include, but are not limited to, the length of the lateral, 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.

88. Valved Outlet

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

89. Water Commitment

“Water Commitment” shall mean a commitment from the LVVWD to provide water service to a specific development on a specific parcel of land.

90. Water Conservation

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

91. 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 KCWD.

92. Water Waste

“Water Waste” shall mean, but not be limited to, allowing water provided by the KCWD to flow or spray off the parcel for which the water was provided.

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.

SECTION 2 - CONDITIONS OF SERVICE

The KCWD will endeavor to provide its customers with a continuous and adequate supply of water within reasonable maximum and minimum pressures. However, varying pressures will normally prevail throughout the distribution system due to changes in elevation and other factors.

The LVVWD, as agent for the KCWD, 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 LVVWD may reject, rescind, reduce, or terminate current or proposed uses of water where such use:

- a. Is contrary to the KCWD'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 KCWD's ability to maintain an adequate level of service to other customers
- c. Compromises public health, welfare and safety due to circumstances that limit the available water supply to the KCWD

The conservation of ground water is an integral component of the KCWD's long-range water resource plan. The KCWD, through its rules, policies, and procedures makes a consistent effort to maximize the resources of the groundwater basins. The KCWD is required under various statutes and local codes to avert the waste of water. The KCWD 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.

2.1 Water Pressures

Either Applicant for service from a main through which prevailing water pressure will exceed or fall below normal operating limits shall be responsible for installation of privately owned pressure regulators, storage tanks, or other devices as required. In accordance with the Uniform Plumbing Code, individual pressure reducing valves (PRV) are required to be installed and maintained by the LVVWD whenever static water pressure exceeds 80 psi.

Prior to KCWD service being provided that will either exceed or fall below normal operating limits, the customer will be required to give written acknowledgment and acceptance of the high or low-pressure conditions.

The LVVWD may adjust normal operating limits as the need arises after advising the affected customers.

2.2 Interruption of Service

The LVVWD will exercise reasonable diligence and care to deliver a continuous supply of water. However, the KCWD and/or LVVWD will not be liable for interruptions, shortage, and insufficiency of supply or for any loss, inconvenience, or damage occasioned thereby. The LVVWD will endeavor to notify customers in advance of any interruption in service due to repairs or other causes. However, in Emergency Conditions when notification is not practical, service may be interrupted without warning for indefinite periods of time.

2.3 Area Served

Water service may be provided to property within the area described in the well permits approved by the State Division of Water Resources. Those certain tracts of land are generally located in Sections 25, 26, 35, and 36 Township 19 South, Range 56 East, M.D.M., Nevada and Section 31, Township 19 South, Range 57 East, M.D.M., Nevada, described as follows:

The Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section 25, Township 19 South, Range 56 East, M.D.M., Nevada. The Southeast Quarter (SE 1/4) of Section 26, Township 19 South, Range 56 East, M.D.M., Nevada. Saving and excepting the Northwest Quarter (NW 1/4)

thereof. The Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 35, Township 19 South, Range 56 East, M.D.M., Nevada. The North One-Half (N 1/2) of the North One-Half (N 1/2) and the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 36, Township 19 South, Range 56 East, M.D.M., Nevada. The North One-Half (N 1/2) of Section 31, Township 19 South, Range 57 East, M.D.M., Nevada. Saving and excepting the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) thereof.

2.4 Parcel Location Adjacent to Main

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

2.5 Parcel Not Adjacent to a Water Main

In order to obtain service to a parcel not immediately adjacent to a water main as required above, the Applicant will be required to provide a main extension in accordance with the requirements of these Service Rules, or the Applicant may make application for a non-standard service if the property meets the requirements for a non-standard water service.

2.6 Damage to Property

The KCWD and/or LVVWD 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 fixtures on the customer's property. The LVVWD 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 LVVWD will endeavor to leave a notice of explanation for the customer. In the event of request for same day service activation, the \$100 fee will remain applicable.

2.7 Access to KCWD 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 LVVWD facilities for work of any nature including meter reading, shall be liable for costs incurred in removing such items. The LVVWD will mail a 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 parcel owner may correct the condition. If the parcel owner fails to remove the moveable obstruction in fourteen (14) days or the fixed obstruction within the sixty (60) day period, the LVVWD may complete the work, at the sole cost of the parcel owner. However, in the event of an emergency, the LVVWD has the right to cause the obstruction to be removed without notice to the parcel owner and all related costs are the parcel owner's responsibility. At the property owner's option, subject to LVVWD's prior approval, the KCWD'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 LVVWD; or the property owner may make application for relocation by the LVVWD 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 with the above shall be just cause for terminating water service to the subject property.

For the purposes of providing service to off-site facilities, the LVVWD shall use the doctrine of prescriptive easement as the basis for access to those facilities. In the case of offsite mains located on private property through no fault of the LVVWD, such mains shall have non-exclusive right of access. Any construction by property owners that affects those facilities shall be allowed, subject to the removal and reinstallation of the facility to LVVWD specification and approval, at the expense of the property owner(s).

Subject to LVVWD prior approval, and at the property owner's option, KCWD 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 LVVWD. Alternatively, the property owner may make application for relocation by the KCWD and at that time pay a deposit towards the actual total cost to be borne by said property owner.

2.8 Customer's Premises

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

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

SECTION 3 - BILLING CLASSES OF SERVICE

All service connections shall be classified as domestic, private fire, combined, construction, and/or supplemental for billing purposes.

3.1 Domestic Service

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

3.2 Private Fire Service

Includes all service connections through which water is delivered on 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 on-site private fire protection.

3.4 Construction Water

- a. Includes permanent or non-permanent, metered connections for delivery of water for use during 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, domestic service, or private fire service.
- c. Under critical or Emergency Operating Conditions, permits will be issued as needed for the temporary use of hydrant meters for construction water.

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 (2) categories of requests for service:

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

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

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 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 other customers, compromise public health and safety.

4.1 Existing Service Connection

Customers requesting service through existing service connections must provide information as required by the LVVWD. 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 that will assist the LVVWD in properly locating the service connection, including a description of the development, documentation of installation approval, and the use of water and plumbing plans of the private facilities if required.

Any costs incurred by the KCWD to bring a service connection to LVVWD standards are the responsibility of the property owner. Physical evidence of a service adjacent to property does not necessarily mean the service is available for use without additional fees or charges.

The LVVWD, as agent for KCWD, may permit persons to conduct business with the LVVWD, including requests for water service turn-on and shut-off, over the telephone provided that the person has established credit with the LVVWD, is the property owner, or is indicated in KCWD records as authorized by the customer to transact business on their behalf. The LVVWD may also permit persons to conduct business with the LVVWD, 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 LVVWD and a proper application has been made by the property owner or their legally designated representative on forms provided by the LVVWD, and the application is acceptable to the LVVWD. The application for a new service connection must conform to the requirements listed in Sections 1, 6, and 10 of these Service 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

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 parcel
- 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 LVVWD, is to circumvent discontinuance of service in another name because of non-payment of bills or other infraction of these Service Rules
- d. The requirements of these Service 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 LVVWD 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 LVVWD 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 their expense, can locate a service classified as “deserted”, the service must be brought to LVVWD standards at the owner(s) or 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 LVVWD and provide a mailing address to which the closing bill will be mailed. Failure to notify the LVVWD of termination of service shall not relieve the customer of responsibility for payment of any existing billings, or any charges that occur prior to notifying the LVVWD.

5.2 Cause

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

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

5.3 Notice of Termination

The LVVWD shall endeavor to notify the customer prior to terminating or discontinuing a service. The LVVWD, 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. In the event the service termination may result in a financial impact to the owner to reestablish service, the LVVWD will endeavor to also notify the property owner prior to the service termination or disconnection.

5.4 Bankruptcy Actions

In bankruptcy proceedings, the KCWD 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 Service 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 LVVWD, as agent for the KCWD, reserves the right to determine the size of the service connection to be installed. The minimum lateral pipe size shall be one (1) inch. For new service connections greater than one (1) inch, 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.

The minimum sizing standard for meters will be a three-quarter (3/4) inch.

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

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

Plans acceptable to the LVVWD are required for all service connections except individual residential service connections under two (2) inches in diameter to be installed by LVVWD. Water plans shall be prepared by a Nevada Registered Professional Engineer for review by the LVVWD for conformance to LVVWD construction standards, as stipulated in Section 10. However, the review is neither 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 commitment. It is the Applicant's responsibility to obtain development approval along with other commitment requirements specified in these Service Rules.

In the event the authority having jurisdiction over the right-of-way within that the service connection will be installed requires a permit for such installation, the LVVWD will make application for such permit for work to be performed by the LVVWD and for water facilities to be installed within 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 LVVWD by the authority having jurisdiction, the Applicant shall be so notified in writing. The Applicant may then make application for such permit to the authority having jurisdiction, or may request the return of all District fees, charges, and deposits paid. If the Applicant chooses the latter option, the LVVWD shall not be required to provide service. If the Applicant is unable to obtain the required permit, the LVVWD 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 or in accordance with UDACS, latest edition, as amended. The point of connection shall not be within a street intersection nor shall any portion of the service connection be within the paved 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 LVVWD 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 parcel line within which the main is located. All meters shall be located outside of driveways and other areas where access by LVVWD 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 LVVWD. If the Applicant feels extraordinary conditions exist that would prevent compliance with this requirement, they may submit to the LVVWD 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 LVVWD.

6.4 Ownership

Service connections, including laterals, meters, curb stops, boxes, shut-off valves, backflow assemblies, and other appurtenances shall be and remain the property of the KCWD. Upon acceptance of the installation by the LVVWD, the LVVWD 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 from the distribution main to the meter, regardless of the meter location on the customer's property, shall be maintained by the LVVWD. If no meter exists, all pipe and fittings from the distribution main to the property line shall be maintained by the LVVWD. All pipe and fittings on the customer's side of the meter or backflow prevention assembly, or if there is no meter, all facilities from the property line to the building served shall be installed, owned, and maintained by the property owner. The LVVWD will be responsible for the maintenance and testing of backflow prevention assemblies. Any entry into or work including, but not limited to, operation, maintenance, repair, or relocation of KCWD property by any person or firm not employed by the LVVWD is expressly prohibited.

6.5 Installation of Service Connection

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

6.6 Service Connection Types

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

a. Private Fire Service

Private fire service shall be equipped with a LVVWD-approved double check detector assembly and use is restricted to standby for emergency fire protection.

b. Emergency Service

Emergency Service shall be authorized for limited periods of time when the usual source of supply fails, is declared to be potentially harmful, or in other circumstances that endanger health or property. Connections may be provided at the discretion of the LVVWD, to a fire hydrant or any available outlet from KCWD facilities and shall conform to the requirements of these Service Rules. The Applicant shall pay all installation costs, applicable fees, charges, and deposits and shall make application for a main extension in accordance with Section 10 if applicable.

All emergency services conform to the requirements of these Rules and shall be limited to a maximum of sixty calendar days. Should the need for the emergency service extend beyond sixty (60) calendar days, the Applicant shall apply to the LVVWD for a time extension. The emergency service may be extended by the GM 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 (30) 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.

c. Non-Standard Service

A non-standard service may be authorized when, in the opinion of the LVVWD, a main extension will not be necessary for orderly development of the system, fire protection, service to other property, or other reasons. On-site piping from the meter or shut-off valve to the customer shall not be located within public thoroughfare. A copy of the recorded easement grant between the property owner and Applicant for the on-site piping shall be provided to the LVVWD.

d. Temporary Service

A temporary service may be authorized by the LVVWD 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 Service Rules.

6.7 Metering Requirements for New Developments

- a. It is the intent of the KCWD 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 LVVWD 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 LVVWD, a single meter for all service is the most practical installation for LVVWD access, operations, and maintenance, one (1) properly sized meter may be installed to serve the entire development. The LVVWD shall make the final determination of a properly sized meter.
- c. In the event a parcel is divided into more than one (1) lot after water service is obtained from the LVVWD, it is the property owner's responsibility to obtain additional water commitments and services for the additional lots from the LVVWD 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. LVVWD will not prorate water bills between customers.

6.8 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 LVVWD may authorize the retention of the existing metered services, with or without modifications for cause.

6.9 Meter Maintenance

KCWD water meters are routinely serviced and maintained during normal business hours. This procedure will cause a total shut down of the services located on a site. Customers can avoid this interruption in service by providing a bypass valve and piping, per LVVWD standards.

6.10 Cross-Connection Control (Backflow Prevention)

The KCWD'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 LVVWD in accordance with NAC 445A.67185.

The LVVWD 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 KCWD'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 KCWD's supply. The installation of a LVVWD 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 LVVWD may determine that there is the potential for contamination of the KCWD'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 LVVWD 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 LVVWD for this work unless one of approved dimensions already exists.

If the customer objects to the requirement for backflow prevention assembly installation, they shall, at their 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 LVVWD shall be deferred at that time. The LVVWD may require the customer to obtain, at their own expense, a similar KCWD 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 KCWD, which will determine the need for an assembly. Failure to provide such a survey shall be cause for the LVVWD 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 LVVWD 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 that 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 LVVWD Standards before the

service is activated. Installations of backflow prevention assemblies larger than 2" by the customer/Applicant shall be accomplished in accordance with Section 10 of these Service Rules. An easement shall be provided to the KCWD 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 LVVWD. A permit for the installation and inspection shall be obtained by the owner/Developer for all assemblies 2" and smaller. Failure to provide the LVVWD 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 LVVWD 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 LVVWD 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 LVVWD 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 LVVWD 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 LVVWD may elect to install the appropriate assembly at the expense of the customer. Upon completion of installation of the backflow prevention assembly, the LVVWD may restore service.

If the customer so requests, the LVVWD shall take the necessary actions to have the backflow prevention assembly installed. If a customer qualifies due to a Public Works or LVVWD 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 KCWD. 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 LVVWD, the 120-day installation period shall be considered as having been satisfied. The LVVWD may make arrangements for the installation by a contractor, or may do the installation using LVVWD work forces. The application shall be considered to have been received by the LVVWD 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 LVVWD as set forth in Section 7.6 for the installation work. Following completion of the work, the LVVWD 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 KCWD 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 LVVWD 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 LVVWD will notify the customer in advance of installation should this situation arise.

6.11 Installation of Hydrants

Upon approval of the Clark County Fire Department, the LVVWD may install a fire hydrant for single-Family residentially zoned lots when the owner of the lot applies for domestic service and pays all 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 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 KCWD's water service application form is signed and returned to the LVVWD. Any and all required or outstanding bills, charges, fees, and deposits for any service or project must be paid to the LVVWD, as agent for the KCWD, 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 LVVWD.

7.2 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. Frontage connection charges shall apply to all connections through which water will be delivered from an existing main to particular parcels of property which are adjacent to the right-of-way or easement wherein that main is located. If additional connections will not be required for subsequent phases, the frontage connection charge for projects with multiple phases is due for all remaining phases at the time the initial connection is approved. The applicable frontage connection charges shall be the amount specified in the rate schedule.

Frontage connection charges shall not apply to the connection of a parcel to a particular main if that main was installed as a main extension to serve that parcel. Frontage connection charges shall apply to parcels within Assessment Districts when the connection is made to a main that was not installed as a part of an Assessment District for that the parcel was assessed.

Upon application for a connection to a parcel not presently having a connection, frontage connection charges shall apply to the side of the parcel where the connection is to be made. Upon application for an additional connection to a parcel where the connection is to be made to a side of the parcel not presently having a connection, frontage connection charges shall apply to that side of the parcel. Upon applications for connections to more than one side of a parcel presently not having a connection, frontage connection charges shall apply to each side of that parcel where a connection is to be made. Relocation of, or additional connections on, the same side of the parcel shall be exempt from frontage connection charges. Non-standard service connections shall be assessed the minimum frontage connection charge when the main providing water is not directly adjacent to the property.

If more than one main is available with sufficient pressure and capacity to which a connection may be made, and the Applicant requests a connection to a specific main, but the LVVWD elects to require the connection be made to another main, the frontage connection charge shall be the lesser of the charge for the main preferred by the Applicant or the main to which the connection was actually made. A credit as specified in Section 8 of these Service Rules will be applied against the System Development Charge for the initial service connection to each parcel assessed in A.D. #101.

- c. "System Development Charge" 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 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 KCWD facilities.
- d. Whenever a parcel of property within the boundaries of an Assessment District is excluded from participation by reason of ownership by a public tax-exempt agency, or other cause, such property, should it later require a connection, shall not be permitted to obtain service from

a main constructed as part of the Assessment District until the amount of the assessment is paid and a water commitment obtained in accordance with Section 1 of these Service Rules.

“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, including those temporary connections and those connections located within an Assessment District. The charge is based on meter size. The charge includes LVVWD costs for the initial application, engineering review, 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, temporary, 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 because of the LVVWD's Cross Connection Control Program.

- e. “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 LVVWD 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 three (3) years from the date of plan approval. Any time extensions for work remaining after the three (3) year period require payment of an additional inspection fee for those portions of the project that are incomplete. Any inspection required after the normal working hours (7:00 a.m. - 3:30 p.m. Monday – Friday excluding holidays) 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.

7.3 Deposits - Based on Projected Costs

When the LVVWD is requested to perform work and there is no fixed charge, the Applicant shall deposit an amount established by the LVVWD, 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 LVVWD may establish a “not to exceed” upper limit.

7.4 Reactivation of Deserted or Inactive Service Connections

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 LVVWD 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 5.

7.5 Illegal Service Connection

A service connection which is located in the field, but whose existence is not authorized in KCWD records will be considered as a new service. All fees, charges, and deposits required by the KCWD must be paid before the account is established in the LVVWD's system. If the service was installed after June 22, 1994, the LVVWD will require that a water commitment must be obtained, in accordance with Section 1 of these Service Rules. In the event an illegal service is discovered and a water commitment is required by the LVVWD and is not obtained, or the fees, charges, and deposits are not paid, the LVVWD may physically remove the service connection at the parcel owner's expense. Any service connection that is in violation of these Service Rules will be considered an illegal service connection and be subject to all of the conditions and restrictions as listed above.

7.6 Relocation of Service Connection

An existing service connection may be relocated on the same parcel, with the approval of the LVVWD; however it may not be moved to a new parcel. A relocated service connection shall be installed pursuant to the same Service Rules and applicable rate schedules as a new service connection, except that no application fee or Systems Development Charge shall be applied. Frontage Connection Charges will not apply if the connection is to the same side of the parcel and the new connection is made to the same main as the original connection. For connection to any other main along that side of the parcel, the frontage connection charge provisions of Section 8 shall apply.

7.7 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 for replacement meters shall pay the 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 Service 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 LVVWD approval. The cost to reduce the meter size shall be the application fee for the new meter, the cost of the new meter, plus all other applicable fees and charges. Applicants for replacement of meters greater than two (2) inches with a smaller size shall pay all costs incurred.

The LVVWD 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 Applicant shall be responsible for all applicable fees and charges.

7.8 Increase in Size of Service Connection

An existing service connection may be enlarged with the approval of the LVVWD, provided a water commitment is obtained in accordance with Section 1 of these Service Rules for the additional capacity requested. An enlarged service connection shall be installed pursuant to the existing Service Rules and applicable rate schedules. If the new service connection is not on the same side of the property as the abandoned or removed service, frontage connection charges will apply. System Development Charges shall apply to increases in meter sizes. The amount of the charge will be the difference between the System Development Charge for the new service connection and the system development charge applicable to the existing service connection. The full application fee and inspection fee (for service connections installed by private contractor) for the new service size will apply.

7.9 Service Connection Removal

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

7.10 Installation of Shut Off Valve

If it is necessary to shut off any existing service and there is no shut off valve at the property line, the LVVWD shall install the shut off valve at the expense of the property owner.

7.11 Public Fire Hydrants

Charges for water available through public fire hydrants shall be periodically negotiated with appropriate governmental agencies and shall be billed accordingly.

7.12 Private Use of Public Fire Hydrants

Connections to public fire hydrants (those that have been dedicated for public use) are prohibited unless a special permit is issued by the LVVWD and a LVVWD-owned hydrant valve and meter are utilized. The Applicant shall pay a use 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 LVVWD may discontinue the supply and remove its equipment at the expiration of the period so designated if the service is used for any purpose or manner other than designated by Applicant, or if any part of the fire hydrant is operated. The LVVWD may establish limitations on the location, rate of flow, and time of use. The LVVWD will install all equipment necessary for the metered connection and no water will be used until such equipment is installed. Water may only be provided for use within the limits of the KCWD service area, as described in Section 2 of these Service Rules. Except for emergency service connections, which may be established by the LVVWD for a limited time as described in Section 6, water service from a fire hydrant for domestic purposes is prohibited.

The Applicant shall ensure that hydrant meter operations are conducted in a manner that protects the water system. In some cases, a backflow prevention assembly approved by the LVVWD may be necessary. The Applicant shall use LVVWD installed backflow protection to prevent backflow to the KCWD 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 LVVWD, and may be subject to other penalties as established by law.

Except for emergency service connections that may be established by the KCWD for a limited time as described in Section 6, water service from a fire hydrant for domestic purposes is prohibited.

A temporary hydrant meter may be provided to small users during Critical or Emergency Operating Conditions. These meters are granted at the sole discretion of the LVVWD. This hydrant meter permit will be revoked when the above conditions are no longer in force.

At the Concerned Operating Condition, the number and retention of hydrant meters issued shall be based on a staff operating condition evaluation of items found in the Operating Conditions Table in Section 11.

7.13 Public Agency Deposit Requirements

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

7.14 Security Deposits to Assure Payment of Bills

The LVVWD, as agent for the KCWD, may require security deposits from new customers who have not established credit with the LVVWD, or from customers whose accounts are consistently delinquent, or in any situation where the LVVWD 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 LVVWD may establish standard deposits for various service sizes 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 LVVWD 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 LVVWD, refunded to the customer at the LVVWD 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.

7.15 Interest on Deposits

Except as provided to assure payment of bills, any cash deposit(s) or other payment(s) paid to the LVVWD will not accrue interest.

7.16 Delinquent Processing Fee

If a service is processed for shut-off for non-payment of bills, payment arrangements, deposits, or other violation of these Service Rules, the customer shall pay a delinquent processing charge of \$20.00 plus the rate specified in Section 8 of these Service Rules for any actual or potential water use each month that water service would have been available since the delinquency occurred. 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 LVVWD may, at its sole and exclusive discretion, make arrangements for other than a single full payment. Should the customer reactivate the service or tamper without consent of the LVVWD, 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. In addition to the \$20.00 fee, the LVVWD may determine that a shut-off valve is to be installed at the expense of the property owner in accordance with Section 7.10 of these Service Rules.

7.17 Fee to Reestablish Service

Customers or parcel 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 KCWD facilities. Further service to the parcel must be established only in the name of the parcel owner. When service is shut-off at the main, or restricted from use by the LVVWD by means other than locking the service the parcel owner or the parcel owner's representative possessing an appropriate power of attorney must pay a deposit of \$1,800 in the form of cash, cashier's check, or money order to the LVVWD to cover the actual cost of damage incurred by the LVVWD in addition to any other applicable fees, charges, or deposits before a turn-on will be scheduled. Once actual costs are determined, the parcel owner will be billed or refunded the difference between the deposit and the actual cost.

If it can be demonstrated to the LVVWD that neither the parcel 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 LVVWD a one year irrevocable letter of credit or a bond in a form approved by the LVVWD, 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 LVVWD. Should the cash deposit exceed the damages incurred by the LVVWD, a refund of the excess will be made. Should the cash deposit not exceed the damages incurred by the LVVWD, the balance will be due from the owner, or representative, prior to restoring service.

7.18 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 LVVWD will bill the customer for all private fire protection water consumption measured by the detector check assembly times an applicable service size multiple, as shown in Section 8. Failure to discontinue unauthorized use will be cause for shut-off, and/or prosecution as prescribed by law.

7.19 Late Fees - Delinquent Accounts

If payment of a bill is not received by the LVVWD 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 amounts in arrears. Government agencies shall be exempt.

7.20 Turn-On/Shut Off Fees

- a. An existing water service will be turned on without additional charge beyond the activation charge provided for in Section 8 of these Service Rules, 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 LVVWD. Same-day service turn-on or restoration may be provided for a fee of \$120 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 \$180, provided that the LVVWD can respond to the customer's request.
- b. An existing water service will be shut-off, without additional charge beyond the activation charge provided for in Section 8 of these Service Rules, provided that the requested effective date for service shut-off is at least one (1) business day after the request for discontinuance of service is received. Same day shut off service may be provided for a fee of \$120 for requests received prior to the close of the business day. Requests for same day or future shut off will be assessed a fee of \$180 if received after normal business hours, on weekends, or on holidays provided that the LVVWD can respond to the customer's request.

7.21 Damage to or Tampering with KCWD Property

Persons causing damage to, or tampering with, KCWD property, including but not limited to, service connections shut-off valves, hydrants, meters, and mains by any willful or negligent act shall be responsible for payment of costs incurred and any and all penalties prescribed by the Service Rules, or law.

7.22 Prosecution for Illegal Use of Water

Any person who shall wrongfully and maliciously appropriate or use any KCWD water or wrongfully and maliciously interfere with any officer, agent, or employee of the KCWD/or LVVWD in the proper discharge of their duties shall be guilty of a misdemeanor and shall be fined in any sum not exceeding \$1,000 or imprisonment not to exceed six months in the county jail or by both such fine and imprisonment; provided further, that the KCWD damaged by any such act may also bring a civil action for damages sustained by any such act, and in such proceeding the prevailing party shall also be entitled to attorney's fees and costs of court.

7.23 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 KCWD 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 the 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.

7.24 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 LVVWD as part of the payment for the first water bill issued for such permit

7.25 Service Guarantee Program

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

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

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

7.26 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 AWWA.

SECTION 8 - RATE SCHEDULE

8.1 KCWD Daily Rates for Domestic, Commercial, Industrial, and Irrigation Service effective May 1, 2007 and adjusting January 1, 2009.

Meter Size	Daily Charge	
	May 1, 2007	January 1, 2009
None or 2" and smaller	\$ 2.0055	\$2.3342
3"	\$ 2.2685	\$2.4329
4"	\$ 2.5315	\$2.9589
6"	\$ 3.0247	\$3.5178
8"	\$ 3.6164	\$4.2082
10"	\$ 4.3397	\$5.0630

In addition to the daily charge, all Commercial, Multi-Family and other metered accounts, except Single-Family Residential, shall pay \$4.58 per thousand gallons for all usage over 12,000 gallons per month from May 1, 2007 through December 31, 2008 and \$5.33 per thousand gallons thereafter, unless amended by the Board. Accounts for Single-Family Residential property shall not be charged metered rates until all Single-Family Residential properties are metered.

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 accidental fires. Private fire service shall pay a daily service charge.

The fireline consumption charge will be \$4.58 per thousand gallons from May 1, 2007 through December 31, 2008 and \$5.33 per thousand gallons thereafter unless amended by the Board, for all usage not related to extinguishing accidental fires.

<u>Fireline Size</u>	<u>Daily Charge</u>	
	May 1, 2007	January 1, 2009
3"	\$.3616	\$.4274
4"	\$.4274	\$.4932
6"	\$.7233	\$.8548
8"	\$.9863	\$ 1.1507
10"	\$1.3479	\$ 1.5781

The fireline consumption charge for unauthorized use will be based on the multiples below and billed at the fireline consumption charge.

<u>Fireline Size</u>	<u>Multiple</u>
3"	12
4"	21
6"	47
8"	80
10"	127
12"	167

Any services greater than 12" shall be billed based on the applicable 5/8" equivalency.

8.3 Metered Construction Water Service

Applicable to services through which water is delivered from fire hydrants or service connection for use during construction, exclusive of developments having paid for construction under the provisions of Section 8.

Metered construction water use in addition to hydrant use permit fee will be \$4.58 per thousand gallons from May 1, 2007 through December 31, 2008 and \$5.33 per thousand gallons thereafter unless amended by the Board.

8.4 Combined Service

The service charge will be determined by applying the KCWD Rate Daily Charge (Section 8.1) to the smaller meter and the private Fire Protection Service and Consumption Charge (Section 8.2) to the larger meter. The consumption through both meters will be added together and billed at the appropriate domestic service rate (Section 8.1) based on thresholds for the smaller meter. Charges for combined services include, but are not limited to, those on the table for this section.

8.5 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 LVVWD. This charge shall be 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

8.6 Supplemental Commodity Charge

A supplemental commodity charge will be computed and assessed for all non-residential customers having a supplemental service connection.

The LVVWD will annually, based on the prior calendar year, determine the customer's peak month (June through September) and compute the ratio of peak month over average monthly usage (i.e. peak month usage divided by average monthly usage = peaking ration). This ratio will be divided by the KCWD's peak month ratio (peak month usage divided by average monthly usage = system peaking ration) and if the resulting customer factor is greater than one, the customer factor will be multiplied by the commodity rate in effect for the upcoming months of June through September (see Section 8.1). If the prior years customer's peak to average usage is less than the KCWD's peak to average usage, the average of the customer's previous three years peak to average usage shall be used to compute the factored commodity rate will be the rate charged for water usage for the upcoming months of June through September. If the customer's factor is equal to or less than one, no factor rate will be used and the standard commodity charge for water usage for the subsequent months of June through September is used. This rate will be applicable to all successors or assigns of the customer for the calendar year.

8.7 Metered Construction Water and Other Approved Uses

Metered Construction Water and other approved uses will cease use and permitting at the declaration of the Critical or Emergency Operating Conditions. In order to continue dust control, existing Kyle Canyon hydrant meter permits may be transferred at the permittee's expense to an appropriate location in the Las Vegas Valley during Critical or Emergency Operating Conditions. The metered construction water rate under these conditions shall be at the rate established for LVVWD construction water use. The hydrant meter shall be transferred to the appropriate location in the Kyle Canyon service area at the permittee's expense within two (2) business days following the return to a Sustainable or Concerned Operating Condition.

The LVVWD, as agent for the KCWD, reserves the right to reject, rescind, reduce, or terminate this type of service based on the Conditions of Service enumerated in Section 2.

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.

Two working days notice is required to set fire hydrant meters. All requests must be received before 2:30 p.m.

- 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 LVVWD 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 per day.
- e. The Kyle Canyon Metered Construction Water rate shall be \$4.58/1000 gallons of water used from May 1, 2007 through December 31, 2008 and \$5.33/1000 gallons of water used thereafter unless the rate is amended by the Board.
- 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 LVVWD, which assures that all water utilized during the construction period is metered. The commodity rate for water used shall be the same as the rate for hydrant meter water, however the daily service charge for the meter will be waived for the duration of the construction period. The construction period shall be considered to have ended upon notification to the LVVWD by the Applicant and when the LVVWD has made a final meter reading for billing purposes. The LVVWD 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 LVVWD that the construction period has ended will remain the responsibility of the applicant. The LVVWD reserves the right to audit all development to ensure all parcels are properly metered and consumption is measured and assessed for billing purposes.

All construction water, except as provided below, must be metered.

8.8 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 LVVWD representative.

8.9 Deactivation and Reactivation of Service Connections

Upon receipt of request from the customer, water service shall be deactivated or shut off for a service charge. Likewise, upon request from the customer, water service shall be reactivated or turned on for a service charge. The service charge shall accompany any such deactivation or reactivation request as follows:

Meter Size	2007		2009	
	Turn-On	Turn-Off	Turn-On	Turn-Off
None or 2" and smaller	\$244	\$ 61	\$284	\$ 71
3"	\$276	\$ 69	\$320	\$ 80
4"	\$308	\$ 77	\$360	\$ 90
6"	\$368	\$ 92	\$428	\$107
8"	\$440	\$110	\$512	\$128
10"	\$528	\$132	\$616	\$154

8.10 Service Connection Installation Charges

All services installed by LVVWD will be installed on an actual cost basis plus the cost of the meters as listed below. The Applicant shall pay a deposit established by the LVVWD for any service to be installed by the LVVWD. A refund or billing will be made when the job is completed and actual cost determined.

LVVWD will provide all meters at the following charges:

Meter Size	Standard ¹	Residential Fire ¹	Backflow Prevention ²	Service Installation ³
3/4"	\$174	\$254	\$840	Actual Cost Basis
1"	\$204	\$299	\$840	Actual Cost Basis
1½"	\$354	\$384	\$1,120	Actual Cost Basis
2"	\$404	\$479	\$1,180	Actual Cost Basis

Meters greater than 2" shall be installed by the Applicant, subject to LVVWD standards for meter type and construction standards.

¹Price includes meter, AMR, and encoder register. AMRs are required on all new or replacement services. Price for RFS meter does not include required tailpiece assembly that is not available through the District.

²Devices 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.

³If 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.

8.11 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.

8.12 System Development Charge

<u>Meter Size</u>	<u>Per Service</u>
3/4"	\$ 6,900
1"	\$11,500
1½"	\$23,000
2"	\$36,800

System Development Charges for meters sized greater than 2" shall be calculated based on the following:

$$[\text{Continuous Flow Rated Meter Capacity} \div 10 \text{ gallons per minute}] \times \$4,600$$

LVVWD shall determine rated meter capacity based on AWWA standards.

Undeveloped property within Assessment District #101 will be given a credit of \$148 per assessed parcel toward the payment of the Systems Development charge. Systems Development Charges will however, be collected for added or enlarged service connections for developed property within the Assessment District. In the event the credit exceeds the Systems Development charges, no refund will be made.

8.13 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:

<u>Meter Size</u>	<u>Fee Per Meter</u>
3/4"	\$ 210
1"	\$ 350
1½"	\$ 700
2"	\$ 1,120
3"	\$ 2,100
4"	\$ 3,500
6"	\$ 7,000
8"	\$11,200
10"	\$16,100
12"	\$23,800

Application Fee for a fire line without domestic service installation is \$750.

Application Fee for a water plan with public fire hydrant(s) without domestic meter installation is \$500.

There will be a \$75 charge for staff review of each revision to applications and plans that constitute a change to documents, fees, or services.

8.14 Inspection Fee Per Service

<u>Service</u>	<u>Fee Per Service</u>
a. Domestic Services 2" or less	\$ 295
b. Domestic Services greater than 2" and Combined Services	\$ 1,880
c. Firelines	\$ 1,430
d. Public Fire Hydrant (without domestic service)	\$ 1,230
e. Backflow Prevention Assembly (Retrofit Only)	No Charge

Services with required backflow will pay an additional \$85 per service.

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

All other inspections occurring after the time limitation established in 10.1d and not related to above services description shall be the straight time cost of the inspection plus a roundtrip fee of \$120.

A minimum of \$295 will be charged for accumulated site inspections for any project that is cancelled in accordance with Section 10 of these Service Rules. The balance of Inspection fees will be refunded as part of the cancellation process.

8.15 Deficiency Fee

The LVVWD 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 LVVWD, or without a Certificate of Occupancy issued by Clark County.

8.16 Credit for Unused and Undamaged Meters

If meters obtained from the LVVWD 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 LVVWD, the following credits will be made:

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

8.17 Charge for LVVWD Installation of Meters

When the LVVWD discovers that water through an unauthorized or illegal service or the wrong size meter was installed, and the water plan approval required the meter to be set by the Developer, the LVVWD will install the meter and charge an installation charge based on the following schedule:

Meter Size	Charge
1" or smaller	\$200
1½"	\$300
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 LVVWD. If the development is under warranty for its water facilities, the Developer can replace the meter at their expense.

8.18 Locked Service

If a lock installed on a service connection to restrict use of water is removed by anyone other than an authorized LVVWD employee, the customer, or Developer shall be charged \$140 for a damaged simple lock, \$220 for a damaged complex (Birdcage) lock in addition to any other charges or fees.

8.19 Automated Meter Reading Equipment

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

SECTION 9 - TIME AND MANNER OF PAYMENT

9.1 Bills Due When Presented

Meters will be read or estimated monthly. The LVVWD, as agent for the KCWD, will, as soon after the meter reading date as practical, issue a bill to the customer for each connection to LVVWD 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 - Minimum Bill

All service charges shall be calculated on a daily basis.

9.3 Basis for Billing

All services shall be billed in accordance with the adopted rate schedule. This rate shall apply to all lots commencing at the time the service is installed and shall apply for each month of the year.

9.4 Commercial Subdivisions

In the event a commercial subdivision does not have individual meters to each parcel, the LVVWD is not responsible for dividing water use amongst the commercial subdivision occupants. If there is a need for individual meters to each property, it is the owner/Applicant responsibility to obtain approval for installation of additional water facilities and pay all fees in accordance with these Service Rules.

9.5 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 LVVWD reserves the right to estimate residential meter reading 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 that 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 KCWD.

9.6 Collection Stations

For the convenience of its customers, the LVVWD may designate and authorize others to serve as agents for the collection of bills. However, at the discretion of the LVVWD, delinquent bills may require payment at District offices located at 1001 South Valley View Boulevard, Las Vegas, Nevada.

9.7 Payments Not Honored by Financial Institutions

Remittance(s) presented in payment of bills that 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 LVVWD that are paid by checks or electronic presentment that are not honored by any financial institution shall be charged a \$15 “returned payment fee” 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 LVVWD.

Remittance for amounts due on accounts with the LVVWD that 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 LVVWD, for six (6) consecutive months.

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

9.8 Billing Errors

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

9.9 Multiple Water Bills

For the purpose of computing charges, each service will be considered separately.

9.10 Billing Adjustments

The LVVWD 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 LVVWD has concluded no reasonable or viable explanation for the usage.

SECTION 10 - INSTALLATION OF WATER FACILITIES

10.1 General Conditions for the Installation of KCWD Water Facilities

a. Applicability

Any work on KCWD facilities, including but not limited to, the installation of new service connections, water main, backflow prevention assemblies and associated appurtenances (water facilities); and relocation or removal of existing facilities not installed by LVVWD, 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, as agent for the KCWD, prior to the time the work is started.

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

b. Responsibility for Cost

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

c. Construction Plans

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

1. Copy of the recorded subdivision map, parcel map, or any other map if applicable
2. Two (2) sets of detailed water plans (24" X 36") at a scale not to exceed 1" = 60'
3. A completed data sheet as provided by the LVVWD
4. The required application fee as specified in Section 8
5. Development approval or water commitment

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

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

The LVVWD 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 LVVWD a set of reproducible Mylar water plans conforming with the revisions that shall be considered the master water plan after approval by the LVVWD. 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 Limitations

Approval by the LVVWD for any 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 (1) year from the date of approval, or as designated in the construction agreement, the project shall be assumed to have been abandoned, and any subsequent proposal for reactivation shall be treated as a new project, including fulfilling all water commitment requirements in effect as the time the project is reactivated. Construction is considered to have started upon the installation of a main or service, or portion thereof, per approved District plans, which normally requires an inspection. The same shall apply when active construction work is discontinued for one (1) year.

All water facility construction must be completed within three (3) years from the date of plan approval.

If work is not completed in the three (3) year period, the Developer may request a time extension, however, an additional inspection fee is required. A day for daytime extension may be granted by the LVVWD for work that cannot progress due to weather and ground conditions that disrupt normal construction operations.

If toward the completing of the three (3) year period, the work will not be completed in the next six (6) months, the Developer shall also post a bond or cash deposit with the LVVWD to assure completion in one (1) year, or the project may be canceled.

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

e. Construction, Abandonment, Cessation, and Cancellation

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

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

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

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

g. Construction Inspection

The LVVWD shall inspect the installation of the service connection and backflow prevention assemblies from construction commencement through final water project acceptance. The LVVWD reserves the right to terminate service if the work does not comply with LVVWD requirements. The LVVWD 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 LVVWD.

h. Meter Installation

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

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

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

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 Metered Construction Water rate set forth 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 LVVWD.

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

j. Guarantee

Installation, materials and workmanship shall be guaranteed free of defect for a period of one (1) year from date of acceptance by the LVVWD. Upon receipt of notice of incomplete work or defect from the LVVWD, the Developer shall immediately correct the situation, or shall reimburse the LVVWD for the cost of correction. Any corrective actions shall themselves be warranted for a one-year period.

k. Location

1. Main extensions and appurtenances shall be located within a dedicated right-of-way or private streets thirty feet (30') in width or greater, dedicated for utility purposes provided adequate clearances are available for operation, maintenance, and repair of the water facilities.
2. If dedicated rights-of-way or a private street dedicated for utility purposes is not available, the Applicant may petition the LVVWD and upon LVVWD approval, a main extension and appurtenances may be located within easement grants to the KCWD not less than thirty (30) feet in width, or as the LVVWD may specify.
3. All rights-of-way, private streets, and/or easements shall be shown on the water plans. These plans shall be provided to the KCWD prior to the approval of water plans and must provide adequate clearances for the safe operation, maintenance, and repair of the water facilities. The LVVWD, as agent for the KCWD, 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 KCWD 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 KCWD's facilities within the easement.
2. Should the LVVWD act to repair any KCWD facilities within the easement, neither the KCWD nor the LVVWD is responsible for repair or reconstruction of any property located within the easement.
3. Should any of the KCWD's facilities within an easement be required to be relocated or repaired as a result of changes in grade or other construction within the easement, the property owner will bear the full cost of such relocation or repair, unless the changes in grade or other construction were done by third parties with the written consent of the LVVWD, as agent for the KCWD.

m. Size of Mains

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

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

n. Fire Hydrants

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

o. Use of Facilities

A main extension constructed for a development shall not be considered as reserved for service to that development exclusively. Extensions of and connections to such mains for other development may be permitted when, in the opinion of the LVVWD, 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 LVVWD, the Developer shall deliver a valid Bill of Sale conveying unencumbered title to the facilities to the LVVWD, as agent for the KCWD.

q. Construction by Private Contractor or LVVWD

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

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 Oversized Main Extension

- a. For the purposes of this section, an oversized main is described as a main larger than eight (8) inches and that, in addition to providing an adequate water supply to the proposed

development either subdivision, commercial, industrial, or single-residential property, is required to be of a size that will be capable of meeting future demands on the distribution system and provide for orderly development of that system. The LVVWD reserves the right to determine what constitutes an oversized main. An oversized main extension shall conform to the requirements of this section.

b. Identification of Mains

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

c. Approval by Board

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

d. Refunding for Oversizing

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

e. Cost Allowance

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

<u>Diameter</u>	<u>Per Lineal Foot</u>
<8”	\$0
8”	\$29
10”	\$35
12”	\$42
16”	\$64
20”	\$90
24”	\$116

Financial participation for oversizing by the KCWD in addition to the amounts determined from the above schedule may be authorized by the Board if unusual conditions exist.

f. Alternate Method of Payment

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

10.3 Bolstering

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

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

10.4 Assessment District Improvements

a. Petition

Property owners may petition the KCWD in writing for formation of an Assessment District for the purpose of constructing and financing the cost of providing a water supply system or improvements to an existing system that is inadequate.

b. Feasibility

Upon receipt of a petition by a representative number of property owners, the KCWD will ask the LVVWD to conduct a feasibility survey and establish preliminary boundaries of the proposed Assessment District. If a majority of property owners favor the Assessment District and if other legal requirements, including cost limitations, appear favorable, the LVVWD will commence proceedings in accordance with NRS Sec. 318 at the direction of the KCWD.

SECTION 11 – CONSERVATION AND DEMAND MANAGEMENT

11.1 Introduction

Historically low precipitation for several years has significantly reduced the amount of water available through natural recharge into the groundwater aquifer. This has stressed the Kyle Canyon water system infrastructure and its ability to meet water demands. Given the current situation reducing Kyle Canyon’s vulnerability to service interruptions and/or water shortages will require a sustained water conservation effort by all service customers.

These Service Rules serve as an enforceable mechanism to reduce the impacts of drought and high water demands on the Kyle Canyon water system. These impacts contribute to significant system reliability concerns.

11.2 Drought and Water Supply Conditions

On June 17, 2003, the KCWD adopted the “Kyle Canyon Water Management Plan” to address drought and water supply conditions in Kyle Canyon. These Service Rules have been revised to implement the “Kyle Canyon Water Management Plan”.

Drought occurs when existing water supplies cannot meet established demands for a period of time. Communities can also induce or aggravate drought conditions through high water consumption or inefficient water use.

Water conservation is necessary to manage demands on the Kyle Canyon water system and its groundwater wells. For the purpose of demand management, four stages, or Operating Conditions shall apply:

- a. Sustainable
- b. Concerned
- c. Critical
- d. Emergency

The LVVWD, as agent for the KCWD, by and through its designated staff, will continually monitor the effectiveness of the water management measures during the year and revisit its operating condition declarations to reflect the status of the water resource environment. The LVVWD by and through its designated staff, may consider several factors in making an operating condition determination, including but not limited to, anticipated or actual higher demands for water, system failure or water quality issues.

The following chart defines the four Operating Conditions, the triggers for elevating operating conditions, and the required customer response to address Sustainable, Concerned, Critical, and Emergency Operating Conditions.

Operating Conditions Table		
Condition	Trigger	Customer Response
Sustainable	Water supplies are being used at a rate that does not exceed the well's ability to naturally recharge.	Water supplies are sufficient to meet demands.
Concerned	Water Supplies are being used at a rate consistent with the well's ability to naturally recharge. Water levels in one or more of the groundwater wells fall below: Echo 3: 90 ft. from surface Echo 4: 170 ft. from surface Echo 5: 120 ft. from surface Rainbow: 145 ft. from surface	Use water to meet all indoor demands and reduce outdoor demands.
Critical	Water supplies are being depleted at a rate higher than that the well naturally recharges. Water levels in one or more of the groundwater wells fall below: Echo 3: 110 ft. from surface Echo 4: 230 ft. from surface Echo 5: 140 ft. from surface Rainbow: 165 ft. from surface	Water is available to meet all indoor demands if outdoor demands are significantly reduced. Indicates a high or imminent potential for supply shortages and/or well / infrastructure failure.
Emergency	A well/infrastructure failure has occurred, or water resources are not adequate to meet demands	Expect service interruptions, poor water quality and/or water shortages.
<p>Note: The trigger levels cited in this section are intended to serve as a guide for designated staff of the LVVWD. Actual operating condition declarations may vary from these levels based on static or dynamic levels, impact of spring runoff, seasonality, or other factors deemed important by operational staff. Other factors may include, but are not limited to, anticipated or actual higher demands for water, operational flexibility, or water quality concerns.</p>		

11.3 Notification of Operating Conditions

When a Concerned, Critical, or Emergency Operating Condition is declared, the applicable sections of these Service Rules shall take effect. Official public notice shall be provided by way of phone calls, direct mailed correspondence, visible signage, e-mail, or any combination thereof. This notice shall serve as official notification to customers of the Operating Condition and its subsequent effects on KCWD Service Rules and procedures.

11.4 Water Waste Enforcement

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

11.5 Water Waste Prohibited

- a. Water waste shall include, but not be limited to allowing water provided by the KCWD to flow or spray off the parcel for which the water was provided. Rule violations may result from, but are not limited to:

1. The operation of landscape watering systems
 2. Malfunctioning device or supply line, where the customer or their agent has known of the problem for more than 48 hours
 3. Washing vehicles, equipment, driveways, parking lots, sidewalks, streets, or other surfaces or objects where water is allowed to flow off the parcel for a continuous period of five minutes or greater
 4. Using spray irrigation (sprinklers) between the hours of 11:00 a.m. and 7:00 p.m. during summer months (July and August)
 5. Under an Operating Condition declaration, non-compliance with regulations relating to watering assignments shall be considered water waste
- b. Exceptions

The following shall not be considered wasting water:

1. Water waste generated as an inherent outcome of water used to abate a health or safety hazard where the proper application of water is the most appropriate and practical technology, or water used to reasonably meet the provisions of federal, state, or local law.
2. Spray irrigation used at any time of day, during any month, to sustain plantings less than 30 days old. The exemption does not however, allow water to spray or flow off the parcel.
3. Supervised testing or maintenance of a system to repair, adjust, or conduct a performance assessment. Both the operation of spray irrigation and the generation of spray or flow from the parcel shall be exempt by this provision, if no reasonable alternative exists.

c. Violations

Under Concerned and Critical Operation Conditions and upon the first observation of waste, the customer will be notified and allowed a prescribed period of time to take corrective action. Subsequent violations will result in a formal violation notice and fee assessment.

Under Emergency Operating Conditions and upon observation of waste, the customer will be issued a formal violation notice and fee assessment. If the customer is unavailable or refuses to comply with the appropriate management measures prescribed in these Service Rules during Emergency Operating Conditions, the service may be terminated and a fee will be assessed.

Policies and procedures to support these Service Rules include:

1. Specifically define water waste and exceptions
2. Require observation and documentation of water waste by a representative of the KCWD
3. Require notification to the customer explaining the KCWD's policy prior to issuance of a violation during all operating conditions except Emergency. During the Emergency Operating Stages, the KCWD may terminate service and/or issue a violation without prior notice
4. Provide a mechanism by that a customer may protest the finding of violation;

5. May allow a customer to receive additional time to pursue corrective action;
6. Provide educational and/or incentive programs to assist customers to abate water waste.

d. Administrative Fees

Customers issued a violation notice as defined by the KCWD shall be assessed a fee according to the listed schedule. Violation levels shall be based upon violation history for the preceding 18 months. Administrative fees are assessed in accordance with the appropriate Operating Condition.

Sustainable, Concerned, and Critical Schedule					
Size	1st Violation	2nd Violation	3rd Violation	4th Violation	5th+ Violation
1" and Less	\$100	\$100	\$100	\$160	\$320
Over 1" but less than 3"	\$120	\$140	\$160	\$320	\$640
3" and over	\$140	\$160	\$320	\$640	\$1,280

Emergency Schedule					
Size	1st Violation	2nd Violation	3rd Violation	4th Violation	5th+ Violation
1" and Less	\$120	\$140	\$160	\$200	\$400
Over 1" but less than 3"	\$140	\$160	\$180	\$400	\$800
3" and over	\$160	\$200	\$400	\$800	\$1,600

11.6 Water Efficiency and Conservation Codes

All customers of the KCWD are expected to comply with all applicable water efficiency codes. The LVVWD, as agent for the KCWD, may reject the application for, rescind, or terminate water service to any parcel or use determined to be in violation of applicable codes or standards that are directly or indirectly intended to conserve or protect the waters of the KCWD.

11.7 Demand Management

a. Spray Irrigation Restrictions

As determined by Operating Conditions, all customers will comply with the irrigation watering restrictions.

1. During all Operating Stages, it shall be considered water waste to spray irrigate outdoor vegetation between the hours of 11:00 a.m. and 7:00 p.m. in July and August.
2. During Concerned, Critical, and Emergency Operating Conditions watering days are restricted. It shall be considered water waste to spray irrigate outdoor irrigation in variance with the following table:

Spray Irrigation Watering Schedule				
Time of Year	Sustainable	Concerned	Critical	Emergency
Spring May – June	Any day of week	1 Day Per Week	1 Day Per Week	All Irrigation is Prohibited
Summer July – August	Any day of week	2 Days Per Week 7 p.m.–11:00 a.m.	1 Day Per Week 7 p.m.–11:00 a.m.	All Irrigation is Prohibited
Fall September – 1st freeze	Any day of week	1 Day Per Week	1 Day Per Week	All Irrigation is Prohibited
Winter 1st Freeze - April	Spray Irrigation is Prohibited	Spray Irrigation is Prohibited	Spray Irrigation is Prohibited	All Irrigation is Prohibited

b. Watering Schedules

For the purpose of managing the water distribution system, specific watering days and/or schedules will be assigned by the KCWD. Affected water users will be provided notification by way of phone calls, direct mailed correspondence, visible signage, e-mail, or LVVWD.com (Kyle Canyon web page) or any combination thereof. This notice shall serve as official notification to customers of the Operating Condition and its subsequent effects on KCWD Service Rules and procedures.

c. Hand Watering Restrictions

As determined by Operating Conditions, all customers will comply with the hand watering restrictions in accordance with the following table:

Hand Watering Restrictions				
Time of Year	Sustainable	Concerned	Critical	Emergency
Hand Watering	Permitted	Permitted Monday – Friday and Saturday or Sunday	Permitted Monday – Friday and Saturday or Sunday	All Irrigation is Prohibited

d. Other Outdoor Water Use Restrictions

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

During Critical and Emergency Operating Conditions, surface, building, and equipment washing is prohibited.

2. Personal Vehicle Washing

Under Concerned Operating Conditions, personal vehicles may be washed upon-residential properties one time per week with a leak free hose equipped with a positive shut-off nozzle and where water does not flow off of the parcel for a continuous period of five minutes or greater.

Under Critical and Emergency Operating Conditions personal vehicle washing is prohibited.

e. Watering Timers for Irrigation Systems

During Sustainable, Concerned, and Critical Operating Conditions irrigation systems, including subsurface and hose attachment must be equipped with a watering timer.

1. Watering timers should not be set to exceed 15 minutes per area.
2. Watering timers may be reset in 15-minute increments per area.
3. Watering duration may not exceed a total of 30 minutes per area, per assigned watering day.

SECTION 12 - MISCELLANEOUS

12.1 Interpretation and Application

Except for the provisions put forth in Section 1, Water Commitments, the GM shall have discretion in the interpretation and application of these Service Rules. This discretion shall be exercised to maintain equity among users with full documentation that will accomplish the intent of the rules, policies, and procedures of the KCWD 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 GM shall have the authority to limit water usage. Any actions taken by the GM pursuant to this section shall be reviewed by the Board at its next regularly scheduled meeting in complete compliance with Chapter 241 of NRS. The LVVWD, as agent for the KCWD, 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 - KCWD Financing

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

12.4 Special Conditions

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

12.5 Customer's Premises

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

12.6 Effective Date

These rules, rates, and regulations shall become effective on the date specified by the Board in its motion for adoption.

12.7 Continuity

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

12.8 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 KCWD. Written notice of appeal shall be served upon the GM, who shall conduct a review of the grounds alleged for appeal. Upon receipt of the GM's decision, the aggrieved party has 10 days to appeal that decision to the Board.

b. Rules of Administrative Appeal

1. Any notice given in accordance with Section 12.8(a.) 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 their 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 GM shall be conducted and completed within 30-days of the receipt of the written notice of appeal.
5. Not later than 30-days from the date of notice of appeal from the action of the GM, the Board shall set the date for the public hearing at a regular meeting of the Board, within not less than 30-days.
6. The Board may reverse the final decision of the GM if it is:
 - In violation of constitutional, statutory, or Kyle Canyon Service Rules rights
 - Clearly erroneous in view of the reliable probative and substantial evidence of the hearing;
 - Arbitrary or capricious or characterized by abuse of direction

c. Hearing Procedure

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

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
 - To call and examine witnesses
 - To introduce exhibits relevant to the issues of the case
 - To cross-examine opposing witnesses on any matter relevant to the case, even though the matter was not covered in a direct examination
 - 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 that responsible persons are accustomed to rely on during the conduct of serious affairs, regardless of common law or statutory rule that 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 that may be judicially noticed by the courts of this state and the content of any KCWD or LVVWD 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.

12.9 Business Impact Statement Appeals

A petition authorized by NRS Chapter 237 shall be filed with the GM or their designee. The petition must meet the requirements as set forth in NRS Chapter 237 and will be reviewed by the GM 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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