

SECTION - IV

DEDICATION OF WATER RIGHTS AND FACILITIES

ORDINANCE NO. 2

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VIRGIN VALLEY WATER DISTRICT

ORDINANCE NO. 2

DEDICATION OF WATER RIGHTS AND FACILITIES

Summary: *An ordinance requiring that water rights and water supply or substitute compensation be dedicated to the District prior to provision of water service.*

1. Dedication of Water Rights and Facilities. An applicant shall dedicate to the Virgin Valley Water District, as a condition precedent to receiving a will-serve commitment or water service from the District:
 - (a) any surface or ground water rights reasonably necessary to insure and adequate water supply to the subject property or suitable compensation in an amount determined by the District so the District may independently obtain necessary water rights to ensure a future water supply; and
 - (b) any facilities for water treatment, supply, storage, transmission and distribution, treatment and disposal, and appurtenances (such as wells, pipelines, pumps and storage tanks) located within or outside of the property which are reasonably necessary to insure an adequate water supply to the property;
 - (c) any easement or legal access reasonably necessary to insure an adequate water supply to the property.

2. Amount of Water Rights and Facilities. The General Manager of the District shall, subject to the approval of the Board, develop written criteria and, pursuant to those criteria, determine the amount of water rights or substitute compensation necessary under Section 1(a) and the facilities necessary under Section 1(b) required to be dedicated. Lack of criteria shall not be cause for delay of approval of projects.

3. Use of Water Rights and Facilities. The General Manager may, subject to Board approval, by contract or written agreement, permit the use of the dedicated water rights and/or facilities by other governmental entities, public or private utilities, or any other person or entity, including those engaged in providing water, storm drainage or

sewer service.

4. Nature of Dedication. The dedication of water rights and facilities required herein will be satisfied if the applicant enters into an agreement with the District secured by a performance bond or other undertaking acceptable to the Board or its designee. The agreement must constitute a binding offer to dedicate or to pay substitute compensation, conditioned only upon final approval of the application for water service.

5. Facilities Standards. The facilities which are the subject of a dedication agreement must be designed and constructed in accordance with standards and other requirements recommended by the District as a condition to provision of water service. Standards and other requirements shall include plan checking, design review, inspections, system testing and other matters designated by the District unless otherwise waived by the General Manager or District Engineer.

6. Approval of Service Conditional. Every “Will-Serve” notification and administrative approval of applications for water service is conditioned upon the acceptance of the dedication, payment of substitute compensation, or the execution of an agreement conforming to this Ordinance. Any application or renewal, including applications for extension of “will-serve” commitments made subsequent to adoption of this ordinance is subject to the provisions herein.

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APPROVED AND ADOPTED this 28 day of February, 1996.

AYES: Reber, Hardy, C. Leavitt, Jensen, V. Leavitt
NAYES: None
ABSENT: None
ABSTENTIONS: None

VIRGIN VALLEY WATER DISTRICT

by: Samuel A. Reber
Chairman

ATTEST: Cecil Leavitt
Secretary

Original on file with the Virgin Valley Water District

RESOLUTION

NO. 2005-4

AMENDING THE CRITERIA FOR REQUIRED
DEDICATION OF WATER RIGHTS PURSUANT TO
VIRGIN VALLEY WATER DISTRICT ORDINANCE NO. 2

WHEREAS, on February 28, 1996, the Board adopted Ordinance No. 2 and the Criteria for Required Dedication of Water Rights Pursuant to Virgin Valley Water District Ordinance No. 2 requiring that water rights and water supply or substitute compensation be dedicated to the District prior to provision of water service; and

WHEREAS, the Board has determined that it is in the best interest of the District, as well as the public and development community, to determine impact fees on the basis of Equivalent Meter Ratios.

NOW, THEREFORE, BE IT RESOLVED

1. That the Board of Directors of the Virgin Valley Water District hereby adopts the amended CRITERIA FOR REQUIRED DEDICATION OF WATER RIGHTS PURSUANT TO VIRGIN VALLEY WATER DISTRICT ORDINANCE NO. 2 as follows:

1. Amount. The amount of required dedicated water rights, pursuant to Virgin Valley Water District (hereinafter "District") Ordinance No. 2 is one (1) Acre Foot Annually (AFA) for each Equivalent Dwelling Unit ("EDU") established for the meter size as follows:

<u>Meter Size</u>	<u>EDUs</u>
¾ x 5/8"	1
1"	2
1½"	5
2"	8
3"	16

4"	25
6"	50
8"	80
10"	115
12"	155

The District reserves the right to adjust and modify the amount of water rights required for dedication from time to time at the discretion of the General Manager with the concurrence of the Board of Directors.

2. Payment in Lieu of Dedication. The primary purpose of the underlying ordinance is to provide for future water supply, and in this regard dedication of water rights is strongly encouraged. In many instances, however, it is recognized that dedication of actual water rights may be disproportionately burdensome, impracticable, or otherwise inconsistent with a water rights holder's long term plans for use of his or her property including his or her water rights. Payment of a fee may therefore be substituted for dedication of actual water rights.

(a) In the event an applicant elects to pay a fee in lieu of the dedication of actual water rights, the fee shall be the combined sum of the fair market value of the water right plus the cost of preparing and filing record of conveyance of ownership and applications to change the point of diversion, place of use and manner of use under Chapter 533 of the Nevada Revised Statutes as determined by the District Engineer such that the fee paid in lieu of actual dedication of water rights is not less than the value of water rights and required costs as if actual dedication of water rights has occurred.

(b) The burden of establishing the fair market value to the satisfaction of the General Manager of the District lies with the applicant and any and all costs associated therewith are the applicant's sole responsibility. The District reserves the right to require an appraisal or other suitable means of determining such value.

3. Conditions. Dedication of water rights must meet the following conditions:

(a) The applicant must submit proof of the validity of the water right and a complete abstract or chain of title establishing ownership. The water right must be in good standing. The District reserves the right to request proof of use within the proceeding five (5) years and may refuse to accept a water right not so utilized.

(b) The water right must be legally available for beneficial use of the District within its established service area. All costs of transfer of any point of diversion or changes in manner or place of use shall be the responsibility of the applicant and the appropriate application to change the point of diversion, place of use and manner of use consistent with the requirements of the District shall be filed with the State of Nevada, Department of Conservation and Natural Resources, Division of Water Resources prior to the issuance of a will-serve letter by the District.

2. That the Criteria For Required Dedication Of Water Rights Pursuant To Virgin Valley Water District Ordinance No. 2 shall be amended to reflect this modification which became effective January 1, 2002.

VIRGIN VALLEY WATER DISTRICT

By: _____
Kraig Hafen, President

ATTEST:

Cecil Leavitt, Secretary/Treasurer

Original on File with the Virgin Valley Water District