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To: Chairman Ken Staton & MVWD Board of Directors
From: Joseph Davis, General Manager
Date: December 20, 2018
Subject: Payment in Lieu Implementation Policy

Background

During the December 7th Board of Directors meeting, discussions about the State Engineers Draft Order concerning ground water in the Lower White River Flow System. Staff was tasked with reviewing and proposing changes to the Payment in lieu of Water Rights Dedication Implementation Policy.

Upon reviewing the document, staff recommends taking a more cautious approach to allocating of the Districts current resources and recommends the following changes to the policy.

In support of Section 5.2 of the adopted Water Rights Dedication Ordinance, the Moapa Valley Water District Board of Directors has determined that the District has sufficient water to meet its current and committed demands and had determined it has sufficient water from the development of its Well's road water production facility to accommodate up to 600 additional meter connections at the given rate of 1 acre foot of water per metered connection or less based upon an approved water budget.

To insure fair and equitable distribution of these water resources, the District will allocate up to 120 meter connections per year, with a split of 80 meter connections for parcels contemplated being developed with a Clark County approved tentative map and 40 meters by the Clark County's minor subdivision map process. A developer will be restricted to 8 residential units per quarter per tentative map and 4 residential units per quarter per minor subdivision map. The quarters will start on January 1st, April 1st, July 1st and October 1st.

At the regular scheduled Board meeting in ~~November~~ December, the General Manager shall report to the Board the accounting of the connections sold for that calendar year. ~~At that time, the Board may elect to remove the above restrictions on the amount of connections sold per development for the remainder of the calendar year.~~

Applications will be accepted by the Moapa Valley Water District beginning on ~~January 3, 2006~~ January 11, 2018. The applications will be sequentially number and will be processed on a "first come – first served" basis. In the event that the annual allocation of meters has been committed, those outstanding applications will be carried forward to the next calendar year and processed beginning with the lowest sequenced number.

In the event, the Board determines that sufficient water no longer exists to offer for "Payment in lieu of Dedication", the outstanding applicants shall be notified in writing of this determination within 30 days.

At the time of application approval, the Developer shall pay the District \$3,150/meter connection as fair market value for "payment in lieu of dedication".

The proposed changes will allow the District time to review the anticipated final State Engineer Order concerning the regional water resources and plan for the future conjunctive water management plan.

Suggested Motion

Move to accept the proposed language change for the Payment in lieu Water Rights Dedication Implementation Policy as written above.