

601 N. Moapa Valley Boulevard \* Post Office Box 257  
Logandale, Nevada \* 89021  
Telephone (702) 397-6893 \* Facsimile (702) 397-6894

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To: Chairman Randy Tobler & MVWD Board of Directors  
From: Joseph Davis, General Manager  
Date: June 1, 2022  
Subject: Payment in Lieu of Water Rights Application

### **Background**

The District's water dedication ordinance requires developers to dedicate potable water resources for their developments. In support of that document the creation of the ***Payment in lieu of Water Rights Dedication Implementation Policy*** was created to offer an avenue for developers to pay a fee for excess water resource in the District's portfolio.

The District's Implementation Policy and Application for Payment in Lieu of Water Rights are in need of updating

Staff has attached the above referenced documents with the proposed edits for the Boards review.

### **Suggested Motion**

Move to approve the proposed language changes to the Water Payment in lieu of Water Rights Dedication Implementation Policy and the Application for Water Resource Fee

## \*Payment in lieu of Water Rights Dedication@: Implementation Policy

(November 11/10/05) (3/8/07) (11/17/11) (4/14/15) 2022)

1. In support of Section 5.2 of the adopted Water Rights Dedication Ordinance, the Moapa Valley Water District Board of Directors ("Board") has determined as follows:

~~that~~ The District has sufficient water to meet its

A. current and committed demands under present conditions.

B. It had, at the date of the adoption of this Implementation Policy, -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.

2. Based on the foregoing, the Board directs the General Manager of the District as follows:

A. To insure fair and equitable distribution of these water resources, the District ~~will~~ may 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. 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 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup> and October 1<sup>st</sup>.

B. \_\_\_\_\_

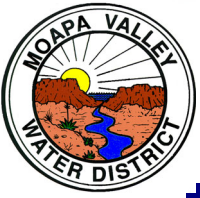
C. At the regular scheduled Board meeting in November, the General Manager shall report to ~~to~~ the Board the accounting of the connections sold for that calendar year. At that time, the Board may elect to ~~remove~~ revise the above restrictions on the ~~amount~~ number of connections sold per development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

3. Applications for meter connections will be accepted by the ~~Moapa Valley Water~~ District beginning on January 3, 2006. The applications will be sequentially numbered and will be processed on a "first come - first served" basis in the order in which they are accepted. In the event that the annual allocation of meters has been committed in a given year, ~~these~~ outstanding applications will be carried

forward to the next calendar year and processed beginning with the lowest sequenced number.

4. ~~In the event, t~~The Board reserves, at its sole discretion, the right to determines that sufficient water no longer exists to offer for "Payment in lieu of Dedication." In the event of such a determination, any, the outstanding applicants shall be notified in writing of ~~the~~is determination within 30 days.
5. In the event that the provisions of this Implementation Policy are found to conflict in any manner with the Dedication Ordinance, the Dedication Ordinance shall be controlling.

At the time of application approval, the Developer shall pay the District ~~\$6,825~~\_\_\_\_\_/meter connection as fair market value for "payment in lieu of dedication".



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**Application  
for  
Payment in Lieu of Dedication of Water Rights**

Application No. \_\_\_\_\_ Copy of Water Dedication Ordinance Received \_\_\_\_\_  
(applicants initials)

1. Clark County Number: MSM \_\_\_\_\_ Tentative Map \_\_\_\_\_  
(number & date) (number & date)

2. Project Name: \_\_\_\_\_

3. Project Description:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. APN: \_\_\_\_\_

5. Name of Applicant: \_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(city) (state) (zip code)

\_\_\_\_\_  
(daytime phone number)

6. Name of Property Owner: \_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(city) (state) (zip code)

7. Number of Meter Connections Requested: \_\_\_\_\_

(An applicant/owner is restricted to the purchase of 8 connections per tentative map per year and 4 connections per minor subdivision map per year per parcel.)

8. Total Fee: \_\_\_\_\_ X \$7,098/connection = \$ \_\_\_\_\_  
(# of connections)

***The purchase of this payment in lieu of water rights does not constitute a commitment on the part of the District to provide water service to the project. Only the purchase and installation of a water service connection constitutes an enforceable commitment by the District to provide water service.***

\_\_\_\_\_ (applicants initials)

Applicant Signature:

I, \_\_\_\_\_, certify that I am the legal owner or designated representative of the owner. I understand that in the event that the tentative map or minor subdivision does not record within 24 months of receiving its Clark County project number, the dedication of water rights for the project shall be rescinded by the Moapa Valley Water District and monies paid shall be returned less any accumulated interest. I further understand that if any information shown in this application is found to be false, the dedication of water rights for this project shall be rescinded by the Moapa Valley Water District and monies paid shall be returned less any accumulated interest.

\_\_\_\_\_  
Owner or Owner's Designated Representative

\_\_\_\_\_  
Date

Approved By:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## Existing Policy

**\*Payment in lieu of Water Rights Dedication@ Implementation Policy** (November 11/10/05) (3/8/07)  
(11/17/11) (4/14/15)

***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 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup> and October 1<sup>st</sup>.***

***At the regular scheduled Board meeting in November, 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. 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 \$6,825/meter connection as fair market value for "payment in lieu of dedication".***