

ARTICLE 7. MT. ROSE-GALENA FAN DOMESTIC WELL MITIGATION PROGRAM

7.1 Establishment of Mt. Rose-Galena Fan Domestic Well Mitigation Program.

The Board hereby establishes a program to address claims for domestic well mitigation on an individual or programmatic basis necessary to:

- A. Improve management and protection of groundwater resources;
- B. Prevent over-pumping of the Mt. Rose-Galena Fan aquifer, and
- C. Address any unreasonable adverse effects of municipal pumping on domestic wells in Washoe County's Mt. Rose-Galena Fan service area.

7.2 Program Title. This Program shall be known as the Mt. Rose-Galena Fan Domestic Well Mitigation Program ("Mitigation Program" or "Program").

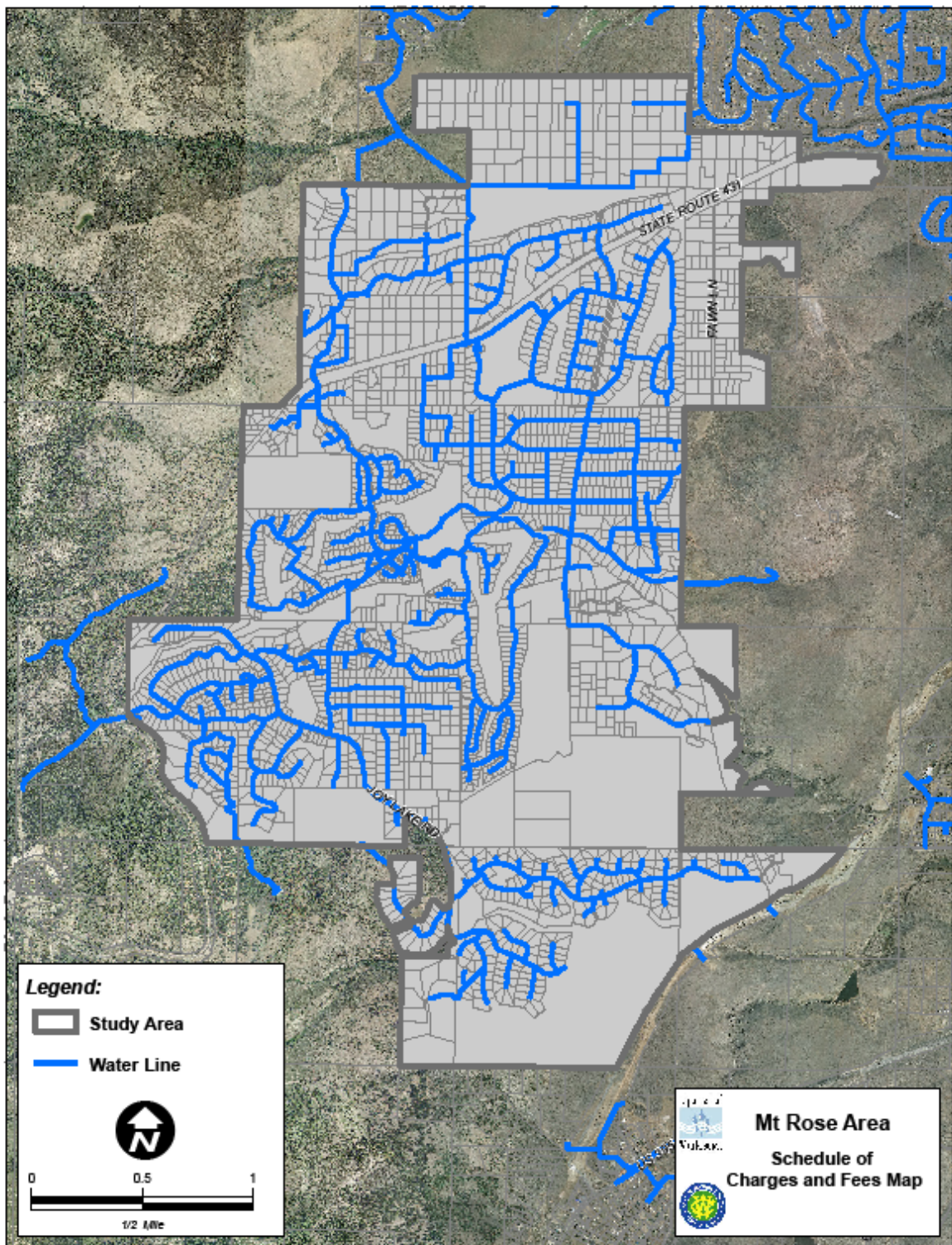
7.3 Mitigation Application Process. An applicant must satisfactorily complete and submit the applicable Program Mitigation Form to the Director of Water Resources (Director) before being considered eligible for Program Mitigation.

- A. Program Forms. The Director shall prescribe and make available to applicants Mitigation Program forms.
- B. Priority. A request for Program mitigation will be processed on a first-come, first-serve basis as of the date a completed and submitted Mitigation Request Form is received by the Director, with priority determined as of the date of the application's postmark, receipt date of facsimile or electronic mail transmission, or hand delivery date stamp received.
- C. Submission of Mitigation Request Not a Final Determination of Mitigation Granted. Receipt and acceptance of a Program Mitigation Form indicates only a determination that the request has been satisfactorily completed, but does not constitute or imply a commitment of the Board or the Director to provide mitigation, and shall not be construed as such until issuance of a final written determination.
- D. Denials. Letters of denial will be issued to those property owners whose individual circumstances do not satisfy the requirements of the Mitigation Program and such denials shall state the reason for the denial of mitigation.
- E. Per Property Limitation. Each property eligible for participation in the Program Boundary Area shall be limited to receiving mitigation in the amount and manner as outlined in the Policies and Procedures for a maximum of one domestic well per property.

7.4 Properties Eligible within the Mitigation Program Boundary Area:

- A. Only developed properties existing within the Program Boundary Area shown on Figure 7-1 and which are being served or which have been served by a domestic well existing prior to July 1, 2011 shall be eligible to participate in the Mitigation Program established under this Ordinance and the Board's adopted Policies and Procedures. Developed properties described in this subsection 7.4.A, include the following sub-categories:
 - 1. Properties receiving water service from a domestic well where municipal water service is unavailable;
 - 2. Properties that are not connected to a municipal water system but where such a water system is reasonably available for conversion from a domestic well; and
 - 3. Properties where a domestic well owner deepened his/her well in advance of the installation of a municipal water system.

Figure 7-1
Mt. Rose-Galena Fan Domestic Well Mitigation Program Area Map



- B. An owner of a property located within the Program Boundary Area, whose circumstances may not be addressed by the categories described above in section 7.4.A can request that his/her individual mitigation claim be reviewed by the Director. For any such individual claim submitted for consideration, the Director shall evaluate and consider the individual claim in a manner consistent with Program criteria and the Mt. Rose-Galena Fan Domestic Well Mitigation Program Policies and Implementation Procedures applied on a programmatic basis to ensure consistent and equal treatment for all similarly situated property owners. The Director may require the requesting property owner to provide additional data and documentation to properly evaluate and determine a property owner's individual circumstances and mitigation claim.
- C. Undeveloped properties in the Mitigation Boundary Area shown on Figure 7-1 as of July 1, 2011, which will be served by a domestic well or by an existing or future municipal water system shall not be eligible to participate in the Mitigation Program established hereunder, and shall be subject all relevant rates, terms and conditions of this Ordinance in effect, and from time to time amended, related to connecting to the municipal water system, and be subject to applicable Health District and the Nevada Division of Water Resource requirements for developing a domestic well.
- D. Consideration of a property owner's request for mitigation shall not be construed to require or obligate the Board, Director or staff to provide mitigation pursuant to this Program or to provide any other relief, equitable or legal. Any mitigation offered must be consistent with the programmatic approach developed in accordance with the adopted Procedures pursuant to this Program.
- E. A property owner who is dissatisfied by the mitigation offered by the Director may exercise his/her right to submit a claim to the State Engineer.

7.5 Director's Program Authority.

- A. Authority to Grant or Deny Mitigation Claims; Awards not to Exceed \$25,000. Subject to and in accordance with the Mitigation Program Policies and Procedures adopted pursuant to and in support of this Ordinance, the Board hereby authorizes the Director to grant or deny mitigation claims made by property owners in the Program Boundary Area. The Board further authorizes the Director to issue to the owners of eligible properties mitigation awards pursuant to the adopted compensated formula in single claim amounts not to exceed \$25,000. For all other mitigation awards in single claim amounts that exceed \$25,000, Board authorization shall be required.
- B. Authority to Implement Administrative Regulations and Policies. The Director shall establish and the Board shall approve the Mt. Rose-Galena Fan Domestic Well Mitigation Program Policies and Procedures. The Director shall implement these regulations, policies and procedures in administering this Program. Mitigation Program regulations, policies and procedures shall include, but not be limited to, the responsibility for: receiving and processing claims for mitigation; developing conditions, specifications and providing criteria for the granting of eligible mitigation claims in a not-to-exceed amount authorized by the Board for individual mitigation claims; establishing mechanisms for the review and evaluation of programmatic and individual mitigation claims. Regulations, policies and procedures shall be adopted by the Board prior to implementation and shall be consistent with the provisions of this Ordinance.

7.6 Well Deepening Mitigation Formula and Amount.

- A. The amount of the mitigation provided to each eligible property for well deepening shall be revised and updated July 1st of each fiscal year in accordance with the Board's adopted Policies and Procedures and compensation formula for allowable costs and expenses associated with well deepening. The Board reserves the right to revise or amend the formula and amount of mitigation offered to eligible properties when facts and circumstances warrant revision or amendment.

- B. All Other Fees Required for Connection. Property owners will be responsible for covering the cost of any and all appurtenances related to the deepening of a domestic well and all on-site costs associated with well deepening.

7.7 Municipal Water System Connection Fees Credited.

- A. In accordance with Nevada law, properties with a domestic well where a water line is “reasonably available” shall be required to connect to the municipal water system.
- B. Upon a determination that a connection credit will be granted to an eligible property, the Director shall waive only the fees in effect at the time the mitigation request is submitted, which fees shall be limited to the following:
 - 1. General Connection Privilege Fee in effect at the time the request is submitted;
 - 2. Line Extension Fee in effect at the time the request is submitted;
 - 3. Meter Pit and Service Lateral Construction Fee; and
 - 4. Meter Set Fee, which includes the meter and automated meter reading device, as well as the labor required to install the meter.
- C. All Other Fees Required for Connection. Property owners will be responsible for covering all on-site costs related to the conversion from a domestic well to the municipal water system, including trenching from the meter box to the residence, modifying residential plumbing to accept the new service, removing and disposing of any pressure tanks or other facilities related to the domestic well and properly abandoning the domestic well, including but not limited to, obtaining any required permits, inspections and covering any other related fees or expenses.
- D. Water and Sanitary Sewer Financial Assistance. Property owners converting from domestic wells to the municipal water system have the option of applying for financing to cover their on-site costs through the Water and Sanitary Sewer Financial Assistance Program.

7.8 Refunds to Property Owners in Special Assessment District 5 for Water Portion of Assessment. Parcels with domestic wells located in the now closed Special Assessment District (SAD) 5, (see map in Figure 7-2), shall have the amount of the assessment they paid for the water facility portion of the SAD refunded and shall be allowed to connect to the municipal water system under the same terms as other property owners in Article 7.7 E.

7.9 Recordation of Mitigation or Credit Award. Upon the Director’s determination that a property is eligible to receive a well deepening mitigation award or a connection fee credit, the County shall record in the Office of the County Recorder, Official Records, a document listing and identifying the property or properties entitled to such an award of mitigation or credit. All benefits associated with the award shall, until satisfied, run with the identified property even after sale, conveyance or transfer. The property shall retain the right to the benefit of the award of mitigation or credit until such time as the owner of the property then holding legal title exercises the right to receive the award of mitigation or credit under this Ordinance, at which time the County or its successor shall be forever discharged from any and all claims, demands and costs associated with well deepening or connection fee credits.

7.10 Recordation of Release and Discharge of Liability and Notice of Satisfaction. Before issuance of an award of mitigation or credit under this Program, the property owner must execute, and the County shall record in the Office of the County Recorder, Official Records, a document evidencing the property owner’s release and discharge of all County liability and a notice of full satisfaction of any mitigation or credit award determined by the Board or Director. Once the release and notice of satisfaction have been recorded, the Director shall, in accordance with adopted Procedures, issue the mitigation award as determined by the adopted Program and Policies and Procedures then in effect or credit the property owner the fees and charges identified in Section 7.7.B of the this Ordinance for connection to the municipal water system infrastructure in the public right of way.

Figure 7-2
Special Assessment District 5 Boundary Map

