



AGENDA
TRUCKEE MEADOWS WATER AUTHORITY
Board of Directors
Wednesday, January 15, 2025 at 10:00 a.m.
Sparks Council Chambers, 745 4th Street, Sparks, NV
MEETING VIA TELECONFERENCE & IN-PERSON

MEMBERS OF THE PUBLIC MAY ATTEND VIA THE WEB LINK, OR
TELEPHONICALLY BY CALLING THE NUMBER, LISTED BELOW.

(be sure to keep your phones or microphones on mute, and do not place the call on hold)

Please click the link below to join the webinar:

https://tmwa.zoom.us/j/89110512999?pwd=9d_RtYZbslqldTYlbUf_eHiyLK2VIw.GjiPvgdr9D35cFrr

Passcode: 771487

Or call:

Phone: (888) 788-0099

Webinar ID: 891 1051 2999

Board Members

Chair Naomi Duerr – City of Reno

Paul Anderson – City of Sparks

Kathleen Taylor – City of Reno

Vacant – City of Sparks

Vice Chair Clara Andriola – Washoe County

Alexis Hill – Washoe County

Miguel Martinez – City of Reno

NOTES:

1. The announcement of this meeting has been posted at the following locations: Truckee Meadows Water Authority (1355 Capital Blvd., Reno), at <http://www.tmwa.com>, and State of Nevada Public Notice Website, <https://notice.nv.gov/>.
2. TMWA meetings are streamed online at <https://www.youtube.com/@tmwaboardmeetings6598>.
3. In accordance with NRS 241.020, this agenda closes three working days prior to the meeting. We are pleased to make reasonable accommodations for persons who are disabled and wish to attend meetings. If you require special arrangements for the meeting, please call (775) 834-8002 at least 24 hours before the meeting date.
4. Staff reports and supporting material for the meeting are available at TMWA and on the TMWA website at <http://www.tmwa.com/meeting/>. Supporting material is made available to the general public in accordance with NRS 241.020(6).
5. The Board may elect to combine agenda items, consider agenda items out of order, remove agenda items, or delay discussion on agenda items. Arrive at the meeting at the posted time to hear item(s) of interest.
6. Asterisks (*) denote non-action items.
7. Public comment during the meeting is limited to three minutes and is allowed during the two public comment periods rather than each action item. The public may sign-up to speak during the public comment period or on a specific agenda item by completing a “Request to Speak” card and submitting it to the clerk. In addition to the public comment periods, the Chair has the discretion to allow public comment on any individual agenda item, including any item on which action is to be taken.
8. Written public comment may be provided by submitting written comments online on TMWA’s Public Comment Form (tmwa.com/PublicComment) or by email sent to boardclerk@tmwa.com prior to the Board opening the public comment period during the meeting. In addition, public comments may be provided by leaving a voicemail at (775)834-0255 prior to 4:00 p.m. the day before the scheduled meeting. Voicemail messages received will be noted during the meeting and summarized for entry into the record.
9. In the event the Chair and Vice-Chair are absent, the remaining Board members may elect a temporary presiding officer to preside over the meeting until the Chair or Vice-Chair are present (**Standing Item of Possible Action**).
10. Notice of possible quorum of Western Regional Water Commission: Because several members of the Truckee Meadows Water Authority Board of Directors are also Trustees of the Western Regional Water Commission, it is possible that a quorum of the Western Regional Water Commission may be present, however, such members will not deliberate or take action at this meeting in their capacity as Trustees of the Western Regional Water Commission.
11. The Board may attend and participate in the meeting by means of remote technology system. Members of the public wishing to attend and/or participate by providing public comment may do so either in person at the physical location of the meeting listed above or virtually. To attend this meeting virtually, please log into the meeting using the link and/or phone number noted above. To request to speak, please use the “raise hand” feature or, if on the phone, press *9 to “raise your hand” and *6 to unmute/mute your microphone.

¹ The Board may adjourn from the public meeting at any time during the agenda to receive information and conduct labor-oriented discussions in accordance with NRS 288.220 or receive information from legal counsel regarding potential or existing litigation and to deliberate toward a decision on such matters related to litigation or potential litigation.

1. Roll call*
2. Pledge of Allegiance*
3. Public comment — limited to no more than three minutes per speaker*
4. Possible Board comments or acknowledgements*
5. Approval of the agenda (**For Possible Action**)
6. Approval of the minutes of the December 12, 2024 meeting of the TMWA Board of Directors (**For Possible Action**)
7. Water Supply Update — Bill Hauck* (**10min**)
8. Presentation regarding water system pressure standards and TMWA’s system — Danny Rotter and Will Raymond* (**10min**)
9. Update on 2024 Interim Session and discussion and action on establishing a Legislative Subcommittee for the 2025 Legislative Session and appointment of Board members to Subcommittee — Dan Nubel (**For Possible Action**) (**10min**)
10. PUBLIC HEARING ON RULE AMENDMENTS
 - A. Public comment — limited to no more than three minutes per speaker*
 - B. Introduction and first reading of amendments to TMWA Rule 5 Water System Facilities, Rule 6 Service Meter Facilities, Rule 8 Dispute Resolution, and Rule 10 Special Conditions and Programs — Dan Nubel (**For Possible Action**) (**10min**)
 - C. Public comment — limited to no more than three minutes per speaker*

CLOSE PUBLIC HEARING

11. Presentation of Truckee River Fund Activities for Calendar Year 2024 — Sonia Folsom and Kara Steeland* (**5min**)
12. Appointment of Trustee to the Western Regional Water Commission (WRWC) pursuant to Sec.25(3)(a) of the WRWC Act representing TMWA from the following list of qualified persons to fill the remaining term ending March 31, 2025 vacated by Member Jenny Brekhus: Kathleen Taylor — Sonia Folsom (**For Possible Action**) (**5min**)
13. General Manager’s Report* (**5min**)
14. Public comment — limited to no more than three minutes per speaker*
15. Board comments and requests for future agenda items*
16. Adjournment (**For Possible Action**)

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TRUCKEE MEADOWS WATER AUTHORITY
DRAFT MINUTES OF THE OCTOBER 16, 2024
MEETING OF THE BOARD OF DIRECTORS

The Board of Directors met on Thursday, December 12, 2024 at Washoe County Commission Chambers. Vice Chair Andriola called the meeting to order at 10:00 a.m.

1. ROLL CALL

Directors Present: Paul Anderson, Clara Andriola, **Alexis Hill, Devon Reese, and Alternates Kathleen Taylor and *Megan Ebert.

Director Absent: Naomi Duerr.

A quorum was present.

**Alternate Ebert joined via Zoom at 10:03 a.m.*

***Director Hill arrived at 10:28 a.m.*

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by General Counsel Jake Herzik.

3. PUBLIC COMMENT

Janice Howard, a TMWA customer, informed the Board that she received a 48-hour termination notice on a Friday after hours. She attempted to pay through her bank but realized it would be late, so she paid via TMWA's payment portal, resulting in a double payment. Ms. Howard discovered she was enrolled in e-bill notification without her authorization; her last paper bill was received in September. She noted that the 48-hour termination notice is problematic for seniors and suggested a notice period of three to five business days before water shutoff. John Zimmerman, General Manager, indicated he would have Marci Westlake, Customer Service Manager, follow up with her to investigate the change in her bill notification.

4. POSSIBLE BOARD COMMENTS OR ACKNOWLEDGEMENTS

Vice Chair Andriola welcomed Kathleen Taylor to the Board.

5. APPROVAL OF THE AGENDA

Upon motion by Director Reese, second by Director Anderson, which motion duly carried by unanimous consent of the Directors present, the Board approved the agenda.

6. RECOGNITION OF BOARD MEMBERS, JENNY BREKHUS, DEVON REESE, AND FORMER CHAIR, KRISTOPHER DAHIR FOR THEIR YEARS OF SERVICE

Mr. Zimmerman acknowledged Director Brekhus, who appreciated TMWA staff and her time on the board. He thanked her for her years of service. He also expressed regret at Member Reese's departure but appreciated his contributions and looked forward to his potential future service on the Board. He then recognized Mr. Dahir, the immediate past chair, for his long service and valuable guidance to the TMWA team.

Andy Gebhardt, Director of Distribution, Maintenance & Generation, presented a token of appreciation to Christopher Dahir and thanked him for everything he did for TMWA and support of staff.

Mr. Dahir stated he was on the Board for about seven years and acknowledged all the work done to set up for the future is extremely important for the region. He also thanked the Board and stated it was an honor to serve.

Members of the Board expressed their appreciation for Mr. Dahir and his passion for civil service with all the boards and commissions he sat on as well as his dedication to supporting staff and community. In addition, the Board thanked Ms. Brekhus and Mr. Reese for serving on the Board and their passion for improving the community.

Vice Chair Andriola presented Director Reese with an appreciation gift. Mr. Reese thanked the Board and all TMWA staff who are committed to our community to serve safe drinking water.

7. APPROVAL OF THE MINUTES OF THE OCTOBER 16, 2024 MEETING OF THE TMWA BOARD OF DIRECTORS

Upon motion by Director Anderson, second by Director Reese, which motion duly carried by unanimous consent of the Directors present, the Board approved the October 16, 2024 minutes.

8. DISCUSSION AND ACTION ON ADOPTION OF RESOLUTION NO. 330: A RESOLUTION TO APPROVE THE ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) FOR FISCAL YEAR ENDED JUNE 30, 2024

Sophie Cardinal, Financial Controller, presented the report. Ms. Cardinal informed the Board TMWA received an unqualified (clean) audit opinion, indicating a fair presentation of financial statements, despite receiving two error corrections related to updates in standards, and a single audit was performed, confirming compliance with federal grant requirements. Ms. Cardinal added that TMWA's net position was \$936.6m, an increase of \$46.1m from the prior year, cash on hand totaled \$20.2m, debt service coverage ratio was 1.42, indicating strong financial health, and operating expenses were \$121.0m, staying within the approved budget of \$125.0m.

The Board thanked Ms. Cardinal and staff for their thoroughness and hard work.

Upon motion by Director Hill, second by Director Anderson, which motion duly carried by unanimous consent of the Directors present, the Board adopted Resolution No. 330: A resolution to approve the Annual Comprehensive Financial Report (ACFR) for fiscal year ended June 30, 2024.

9. PRESENTATION OF FINANCIAL PERFORMANCE FOR FIRST QUARTER FISCAL YEAR 2025

Matt Bowman, Chief Financial Officer, presented the report.

10. REPORT REGARDING OMBUDSMAN ACTIVITIES FROM SEPTEMBER 2023 THROUGH NOVEMBER 2024 AND REQUEST FOR BOARD DIRECTION AND POSSIBLE AUTHORIZATION FOR THE GENERAL MANAGER TO PROCEED WITH KIM MAZERES AS OMBUDSMAN FOR CALENDAR YEAR 2025

Marcie Westlake, Customer Service Manager, and Kim Mazerres, Ombudsman, presented the staff report.

Upon motion by Director Reese, second by Director Anderson, which motion duly carried by unanimous consent of the Directors present, the Board approved authorization for the General Manager to proceed with Kim Mazerres as Ombudsman for Calendar Year 2025.

11. WATER SUPPLY UPDATE

Bill Hauck, our Water Supply Supervisor, informed the Board that it is early in the snow season to predict its development. However, upstream reservoirs and forecasts are stable, ensuring normal river flows throughout 2025. Also, having had consecutive above-average snowpack years have kept upstream reservoirs full, supporting a healthy water supply outlook for 2025.

12. REVIEW AND POSSIBLE DIRECTION TO STAFF REGARDING ADOPTED GENERAL MANAGER AND TMWA GOALS AND OBJECTIVES FOR FISCAL YEAR 2025

Mr. Zimmerman presented the updated general manager and TMWA goals and objectives for fiscal year 2025, including the feedback provided by the Board at the October meeting including water resource management, pursuing grants, and increasing efficiency.

Upon motion by Director Reese, second by Director Hill, which motion duly carried by unanimous consent of the Directors present, the Board approved the additions to the General Manager and TMWA Goals and Objectives for fiscal year 2025.

13. PRESENTATION REGARDING TMWA EMERGENCY MANAGEMENT

Jessica Atkinson, Human Resources Director, and Ian Dasmann, Emergency Management & Safety Manager, provided an in-depth look at TMWA's growing security and emergency management framework. Mr. Dasmann reported the recent Davis Fire incident demonstrated the effectiveness of preparation, and how field operations staff worked diligently to maintain power and water supply. The Board commended staff's readiness, collaboration, and dedication to continuous improvement.

14. DISCUSSION AND ACTION TO SIGN THE FIRST ADDENDUM TO THE WASHOE COUNTY P25 RADIO SYSTEM INTERLOCAL AGREEMENT OF JUNE 2020

Dan Nubel, Staff Attorney, presented the addendum to Washoe County ensuring cost-sharing and improved emergency communications.

Upon motion by Director Anderson, second by Director Hill, which motion duly carried by unanimous consent of the Directors present, the Board approved the First Addendum to the Washoe County P25 Radio System Interlocal Agreement of June 2020.

15. DISCUSSION AND ACTION CONFIRMING GENERAL MANAGER'S APPOINTMENT OF FOUR TRUSTEES TO THE §115 POST-RETIREMENT MEDICAL PLAN & TRUST FOR A TWO-YEAR TERM FROM JANUARY 1, 2025 THROUGH DECEMBER 31, 2026

Ms. Atkinson presented the staff report.

Upon motion by Director Reese, second by Director Hill, which motion duly carried by unanimous consent of the Directors present, the Board approved the appointment of four Trustees to the §115 Post-Retirement Medical Plan & Trust for a two-year term from January 1, 2025 through December 31, 2026

16. DISCUSSION AND ACTION CONFIRMING GENERAL MANAGER'S APPOINTMENT OF FOUR TRUSTEES TO THE §501-C-9 POST-RETIREMENT MEDICAL PLAN & TRUST FOR A TWO-YEAR TERM FROM JANUARY 1, 2025 THROUGH DECEMBER 31, 2026

Ms. Atkinson presented the staff report.

Upon motion by Director Anderson, second by Director Hill, which motion duly carried by unanimous consent of the Directors present, the Board approved the appointment of four Trustees to the §501-c-9 Post-Retirement Medical Plan & Trust for a two-year term from January 1, 2025 through December 31, 2026.

17. DISCUSSION AND ACTION, AND POSSIBLE DIRECTION TO STAFF REGARDING APPOINTMENTS TO THE STANDING ADVISORY COMMITTEE TO FILL VACANCIES IN EXISTING POSITIONS WHOSE TERMS EXPIRE DECEMBER 31, 2024, SUCH APPOINTMENTS TO BE MADE FOR NEW TERMS FROM JANUARY 1, 2025 TO DECEMBER 31, 2026 FROM THE FOLLOWING LIST OF CANDIDATES: (1) FRED ARNDT, PRIMARY REPRESENTATIVE, RESIDENTIAL REPRESENTATIVE 2; (2) JORDAN HASTINGS, PRIMARY REPRESENTATIVE, AT-LARGE 2; (3) NEIL MCGUIRE, PRIMARY REPRESENTATIVE, IRRIGATION CUSTOMER; (4) KEN MCNEIL, PRIMARY REPRESENTATIVE, AT-LARGE 1; (5) DALE SANDERSON, PRIMARY REPRESENTATIVE, RESIDENTIAL REPRESENTATIVE 1; AND (6) JERRY WAGER, PRIMARY REPRESENTATIVE, RESIDENTIAL REPRESENTATIVE 3

Sonia Folsom, Executive Assistant, presented the staff report.

Upon motion by Director Reese, second by Director Hill, which motion duly carried by unanimous consent of the Directors present, the Board approved the appointments

18. DISCUSSION AND ACTION ON APPOINTMENTS TO THE STANDING ADVISORY COMMITTEE (SAC) TO FILL THE AT-LARGE 1 ALTERNATE REPRESENTATIVE, AND OTHER POSSIBLE VACANCIES FOR TERMS BEGINNING JANUARY 1, 2025 TO DECEMBER 31, 2026 FROM THE FOLLOWING POOL OF CANDIDATES LISTED IN ALPHABETICAL ORDER: PEGGY REW

This agenda item was continued.

Upon motion by Director Reese, second by Director Hill, which motion duly carried by unanimous consent of the Directors present, the Board approved continuing this agenda item.

19. DISCUSSION AND ACTION ON SCHEDULING REGULAR BOARD MEETING DATES AND TIMES FOR THE CALENDAR YEAR 2025

Ms. Folsom presented the proposed meeting dates for calendar year 2025.

Upon motion by Director Hill, second by Director Anderson, which motion duly carried by unanimous consent of the Directors present, the Board approved dates and times for the calendar year 2025.

20. GENERAL MANAGER'S REPORT

Mr. Zimmerman acknowledged an article written by Kara Steeland, Sr. Hydrologist & Watershed Coordinator (which was included in the Board packet), published in the American Waterworks Association (AWWA) Journal. The article highlights TMWA's collaboration with numerous agencies in upstream watershed protection in the Middle Truckee River Watershed; Reno Planning Commission approved the conditional use permit for the American Flat project; the purchase of the new building has been finalized and he thanked Danny Rotter, Assistant General Manager, who spearheaded the purchase, and Heather Edmunson, Lands Administrator, for her efforts in ensuring a smooth process to close the sale. The tentative move in date for some staff will be around July 1, 2025 and aim to complete renovations over the next two years.

Mr. Zimmerman stated he will provide new board members tours of Chalk Bluff Water Treatment Plant, which will provide them with some insight into TMWA's operations. Finally, a moment of recognition to TMWA staff. Their hard work and commitment to upholding the high standards set at the inception of TMWA is the reason for its success.

21. PUBLIC COMMENT

There was no public comment.

22. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

Vice Chair Andriola thanked staff for attending the neighborhood advisory committee meeting to update the community on the Advanced Purified Water Facility project.

23. ADJOURNMENT

With no further discussion, Chair Dahir adjourned the meeting at 11:38 a.m.

Approved by the TMWA Board of Directors in session on _____.

Sonia Folsom, Board Clerk.

****Alternate Ebert was present for agenda items 3 thru 23 only.***

*****Director Hill was present for agenda items 8 thru 23 only.***



STAFF REPORT

TO: Board of Directors
THRU: John R. Zimmerman, General Manager
FROM: Dan Nubel, Staff Attorney
DATE: January 6, 2025
SUBJECT: **Introduction and first reading of amendments to TMWA Rule 5 – Water System Facilities, TMWA Rule 6 – Service and Meter Facilities, TMWA Rule 8 – Dispute Resolution, and TMWA Rule 10 – Special Conditions and Programs**

Summary

Staff submits for the Board’s consideration for First Reading the attached redline of the Authority’s Water Rules (the “Rules”) 5, 6, 8, and 10. The Rules apply to water service supplied by TMWA to its customers and require approval by TMWA’s Board of Directors. Staff requests that the Board refer the changes to a Second Reading for adoption at the next TMWA Board meeting.

Background

These proposed changes to the Rules are intended to streamline and, in some cases, modernize the Rules to deal with new issues that have arisen since the Rules were first adopted. On June 20, 2024, Staff presented the Board with an informational update on the proposed rule changes. On October 29, 2024, Staff held a public workshop at its Corporate Office to allow members of the public an opportunity to dialogue with Staff about the proposed amendments. TMWA used a station-by-station model for the workshop that allowed members of the public to speak with subject matter experts for each proposed rule change. Three members of the public attended to learn about the changes. TMWA also established a web page to allow members of the public to submit public comment. As of the date of this Staff Report, TMWA has not received any written public comment regarding the proposed rule changes. A brief summary of the proposed rule changes is included below.

Rule 5

Rule 5 applies primarily to developers of land or builders of projects that require new or modified Water System Facilities. This Rule also specifies the application process and responsibilities of Applicants and TMWA for Water System Facilities and associated costs. Proposed changes to Rule 5 include:

- Clarification on when an application for service is considered canceled or rejected, as well as provisions for requesting time extensions.
- Additional details on requirements for applicants to install and construct certain water facilities.
- Revisions to provisions around oversizing of facilities and reimbursements to Applicants for oversizing costs.
- Changes to the requirements of Water Service Agreements, including automatic termination conditions, refunds/credits for terminated agreements, and assignment of agreements.

Rule 6

Rule 6 describes the application process, cost and installation responsibilities, and requirements for installing Service and Meter Facilities for a new or modified service. This Rule is primarily used by developers of land or builders of projects who must connect to TMWA's distribution Facilities in order to receive water service. Proposed changes to Rule 6 will include:

- Clarification that Fire Facilities are not part of TMWA's public water system and that TMWA is not responsible for the design, installation, and/or maintenance of Fire Facilities.
- Additionally notes that Applicant will be responsible for all engineering design and related cost, permitting and other regulatory compliance and associated fees for Fire Facilities.
- Other provisions related to Fire Facilities.
- Adds provision requiring that, for properties containing both domestic and irrigation meter services, the irrigation meter maintains the same billing status as the domestic meter.

Rule 8

Rule 8 describes the procedure for dispute resolution. Disputes under Rule 8 apply in the case of disputes regarding the application of any provision of the Rules. The proposed changes to Rule 8 will include:

- Clarification of several definitions, including what constitutes a "Day" under the Rule.
- Specifying that the Rule applies to a "final decision" by TMWA to be more consistent with the provisions of NRS 233B (Nevada's Administrative Procedure Act).
- Provides for a briefing schedule between the parties to a hearing that will include (1) an opening brief by Petitioner and (2) a response brief by TMWA. These briefs will be limited to twenty (20) pages in length.
- Requires the parties to identify witnesses and exchange evidence no later than five days prior to a hearing in front of the Hearing Officer.

Rule 10

Rule 10 sets forth Special Conditions and Programs that apply to water service or circumstances arising out of water service. This Rule includes provisions for the Mt. Rose-Galena Fan domestic well mitigation program. The proposed changes to Rule 10 will include:

- Additional terms relating to the calculation of reimbursement for deepening or drilling new wells.

Recommended Motion

Move to refer the proposed Rule Amendments to a Second Reading for adoption at the next meeting of the TMWA Board.

Truckee Meadows Water Authority

RULE 5

WATER SYSTEM FACILITIES

A. Applicability

1. This Rule defines the responsibilities of the Authority and of the Applicant for the cost and requirements for construction, extension and/or modification of Water System Facilities required to provide new Service or Modified Service to the Applicant's project(s) within the Authority's approved Service Area. No Service Property shall be eligible for water service, nor shall Authority have any obligation to provide water service to any Service Property, if the Service Property is located outside Authority's Service Area.
2. Annexation of Service Property. Authority shall have no obligation to annex or provide water service to any Service Property located outside Authority's Service Area. An Applicant seeking new Service to a Service Property located outside the Authority's Service Area shall submit an application for annexation to the Authority. The Authority may, in its sole discretion, deny the application or agree to annex the Service Property into the Authority's Service Area on such terms and conditions determined by Authority and set forth in an Annexation Agreement. An Applicant approved for new Service to a Service Property located outside the Authority's Service Area must satisfy both the terms and conditions of the Annexation Agreement and terms and conditions applicable to new Service set forth in Authority's Rules, including this Rule.
3. Definitions. Terms not defined in this section shall have the meaning set forth in Rule 1. As used in this Rule:
 - a. "Applicant" shall mean the legal owner of the Service Property to receive New or Modified Water Service which results in the need for addition to or modification of Water System Facilities.
 - b. "Applicant Installed Facilities" shall mean those Water System Facilities or portions of Water System Facilities required or approved by the Authority for installation by Applicants, and include Project Mains and associated Facilities, Meters or Services.
 - c. "Authority Installed Facilities" shall mean those Water System Facilities or portions of Water System Facilities installed and constructed by the Authority or its agent, and including, but not limited to, supply/treatment improvements, feeder mains, pressure regulating stations, system inerties, new pump stations or rebuilds of pump stations, new standby power generators, storage facilities, and retrofit additions.
 - d. "Business Services" shall mean the cost of services provided by the Authority for the benefit of the Applicant associated with providing new Service or Modified Service and may include, but are not limited to, system planning; engineering design; permitting; property, right-of-way, or easement acquisition; design review; material acquisition; bidding and contracting; construction; construction management; inspection; and administrative overheads and financing costs.
 - e. "Charge Area" shall mean the geographically defined boundaries where Area Facility Unit Costs have been established by the Authority.

Added: 03/23/01 Amended: 10/01/03; 03/01/05; 03/01/08; 05/21/09; 05/21/10; 06/19/13; 01/01/15

Truckee Meadows Water Authority

RULE 5

WATER SYSTEM FACILITIES

- f. “Deficit Demand” shall have the meaning ascribed to such term in Rule 7.
- g. “Effective Date of the Water Service Agreement” shall mean the earlier of (i) the date stated in a Water Service Agreement that it is to become effective or (ii) the date the Water Service Agreement is executed by both the Applicant and the Authority.
- h. “Facilities Application” shall mean the Applicant’s request for Water System Facilities submitted on such form prepared by or revised by the Authority from time to time.
- i. “Feeder Mains” shall mean on-site or off-site mains and associated Facilities required to provide the requested service, which will also provide excess capacity to serve additional future Customers or redundant mains necessary to comply with local, State or Federal regulations.
- j. “Oversizing Costs” shall mean the difference between the cost of the Oversized Facilities and the cost of Water System Facilities necessary to serve Applicant’s project, as estimated by the Authority. Authority’s responsibility for Oversized Facilities costs shall not be allocated based on Applicant’s percentage utilization of the water system facility’s capacity.
- j. “Oversized Facilities” shall mean those portions of Water System Facilities required by Authority of greater capacity or size than would be necessary to provide the service requested by the Applicant.
- k. “Project Mains” shall mean on-site or off-site mains and associated Facilities required to provide the requested service that do not provide excess capacity to also serve additional future Customers. The capacity of a main and whether excess capacity is available is solely determined by the Authority.
- l. “Water Service Agreement” shall mean the agreement entered into between the Applicant and the Authority that defines the terms and conditions under which the Authority shall provide the requested water service.
- m. “Water System Facilities” shall mean all on-site and off-site improvements required to provide new Service or Modified Service to a Service Property or Applicant’s project and as necessary to develop, treat, store, transport and distribute water to the Applicant’s project, and any additional facilities specified or required by local, State, or Federal regulations, or stipulated in an Annexation Agreement, whether Applicant Installed Facilities or Authority Installed Facilities, and shall include, but not be limited to, supply/treatment facilities, water mains and associated facilities, storage tanks, pressure regulating stations, pump stations, standby power generators and any other ancillary equipment or controls necessary to integrate new water Facilities or to connect to, expand, relocate, remove, retire or alter existing water Facilities.

Truckee Meadows Water Authority

RULE 5

WATER SYSTEM FACILITIES

B. Responsibilities and Requirements for Installation of Water System Facilities

1. Application and Processing.
 - a. Applicant shall apply for new Service or Modified Service by submitting a complete Application with the Authority. An Application shall be deemed complete if the Authority determines it includes sufficient information to allow Authority to perform system planning and develop preliminary facility plans, prepare sketches, and estimates of Applicant's costs to be advanced to Authority for Authority's business services.
 - b. The Application must be accompanied by appropriate fees for business services as provided in Rate Schedule BSF. All Rate Schedule BSF fees paid at the time of Application are non-refundable, except as otherwise provided in Section B.6.c of this Rule 5.
 - c. The Authority shall determine, in its sole discretion, whether any changes to a project or Application after submission of a completed Application (changes may include but are not limited to type of development, number of units or parcels, change in size of units or parcels, change in grading, change in street layout, fire flow required, or estimated demand(s)) changes the estimated demands of the project or requires submission of a New Application.
 - d. An Application shall automatically be deemed canceled and rejected, and shall be null and void without further notice from the Authority:
 - i. on the date the Applicant notifies the Authority the project is canceled;
 - ii. on the date approval for the project by the applicable governing body expires or is terminated; or
 - iii. if a Water Service Agreement has not been executed by Applicant and Authority within twelve (12) months of the date the completed Application was first received by Authority.
 - e. The Authority, in its sole discretion, may approve an extension of time for a pending application beyond its scheduled cancellation date under the following conditions:
 - i. the Applicant requests the extension of time in writing no later than 30 days prior to the pending cancellation date;
 - ii. there are no changes planned, proposed, or subsequently made to the project; and
 - iii. the Water Service Agreement for the project is not subject to different terms, conditions, - fees, and/or facility charges than those offered in a prior Water Service Agreement for the project.
 - f. An Applicant may resubmit a rejected or canceled Application to the Authority for reconsideration at any time; provided, however, the resubmission of a canceled Application will be treated as a new Application and must comply with all conditions in these Rules applicable to a new Application, including payment of appropriate fees.

Added: 03/23/01 Amended: 10/01/03; 03/01/05; 03/01/08; 05/21/09; 05/21/10; 10/15/14; 01/01/15

Truckee Meadows Water Authority

RULE 5

WATER SYSTEM FACILITIES

2. Applicant Installed Facilities.
 - a. Applicant will be responsible for all engineering design, permitting, property acquisition, right-of-way, material acquisition, bidding and contracting, and construction of Applicant Installed Facilities. Authority will, at Applicant's expense, perform planning, administer the Water Service Agreement described in Section B.6 of this Rule, review and approve designs of Applicant Installed Facilities, inspect and approve Applicant Installed Facilities during construction, and, to the extent necessary to acquire access rights for Applicant Installed Facilities, review and process right-of-way and property documents.
 - b. The Authority will, at its sole discretion, determine the feasibility of proposed or alternate routes for Facilities and for establishing capacity requirements.
 - c. Feeder Mains, Project Mains, storage facilities, and pressure regulating stations may be designated as Applicant Installed Facilities at the sole discretion of the Authority.
 - d. Applicant Installed Facilities work must be conducted in coordination with the Authority to permit the Authority to perform its related work efficiently with minimum delay.
 - e. Applicant must comply with the following conditions to install Applicant Installed Facilities.
 - (1) All design, plans, and specifications shall be prepared by the Applicant at the Applicant's expense and must be approved by the Authority before construction can commence. If the Authority, in ~~its~~ sole discretion, determines that engineering design is required for the water facilities, Applicant's designs shall be prepared by or under the direction of and wet-stamped by a Professional Engineer registered in the State of Nevada in accordance with Nevada Law, including NAC 625.611.
 - (2) All phases of the installation of Applicant Installed Facilities are subject to inspection and approval by the Authority, at Applicant's expense. Applicant shall require Applicant's contractor to conduct a pre-construction meeting to be attended, at a minimum, by the Applicant's design engineer, contractor's superintendent and Authority's inspector.
 - (3) The Applicant's contractor must hold a valid Contractor's License of a proper classification ("A" General Engineering, or subclassification "A-19" specialty contractor's license) issued by the State of Nevada Contractor's Board in accordance with NRS 624. The contractor must furnish sufficient experienced and qualified personnel and must demonstrate availability of adequate reliable equipment to handle and install Applicant Installed Facilities in a workmanlike manner in accordance with industry standards, TMWA standards and manufacturer's recommendations.

Added: 03/23/01 Amended: 10/01/03; 03/01/05; 03/01/08; 05/21/09; 05/21/10; 10/15/14; 01/01/15

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- (4) The Applicant and/or Applicant's contractor must comply with the Authority's Standards, and any additional specified construction standards and/or governmental requirements (i.e., OSHA, City, County, State, etc.) that may apply in all phases of the Applicant Installed Facilities installation. Applicant shall complete all work in accordance with the approved drawings as supplemented by standard details and notes, Authority's Standards, this Rule 5 and the terms and conditions of the Water Service Agreement.
- (5) The Applicant must provide all material in accordance with the Authority's Standards or specifications. All material provided will be subject to acceptance by the Authority, based on inspections by the Authority at Applicant's expense.
- (6) The Applicant and/or Applicant's contractor must guarantee all material and workmanship against defects for one (1) year following final acceptance of Applicant Installed Facilities by the Authority. This guarantee shall be made a part of the Water Service Agreement.
- ~~(7)~~ (7) If Applicant's contractor, for any reason, ceases work on Applicant Installed Facilities prior to acceptance by Authority, the Applicant or Applicant's contractor must immediately notify the Authority of the work cessation and the reasons therefore, and must notify the Authority at least two (2) working Days prior to recommencing work, unless otherwise agreed to by the Authority. The Authority may require a pre-construction meeting per Section B.2.e.(2) of this Rule prior to the recommencement of work.
- (8) Applicant must enter into a Water Service Agreement with the Authority as described in Section B.6 of this Rule.
- (9) The Applicant shall install all Oversized Facilities specified by the Authority subject to the reimbursement provisions of this Rule.
- (10) Applicant shall, at Applicant's sole cost and, in a manner as directed by Authority, remove and retire all existing active or inactive water facilities that serve, were capable of serving or did serve the Applicant's Service Property, including those facilities discovered during construction that were not shown on the approved drawings.
- ~~(1011)~~ (1011) The Applicant shall commence installation of Applicant Installed Facilities within the earlier of (i) 12 months after the effective date of Authority's approval of Applicant's water project plan or (ii) the time schedule set forth in a Water Service Agreement; or ~~(ii) the time schedule set forth in a Water Service Agreement.~~

Applicant shall apply best commercial efforts to complete construction of the water facilities no later than 12 months from the commencement date, or in accordance with specific required completion dates as established by the Authority.

Added: 03/23/01 Amended: 10/01/03; 03/01/05; 03/01/08; 05/21/09; 05/21/10; 10/15/14; 01/01/15

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If Applicant does not complete construction within the time periods described above, Authority, at its sole discretion, may consider and may grant extensions in 1 year increments if Applicant submits a written request for an extension to the Authority at least 30 days prior to the potential expiration and termination of the Water Service Agreement and Applicant: (a) demonstrates work is being performed on the water project; (b) submits a schedule of work and periodic updates on the progress of the water project; (c)-demonstrates good cause for such extension. Such request for extension must clearly describe project status and the reasons for delay.

~~(412)~~ The delivery of water will not be provided to a Service Property or Applicant's project by the Authority until the necessary Water System Facilities are complete, tested, accepted and placed into service, and applicable Schedule WSF Charges shall be paid as determined by the Authority in Section B.4.

3. Authority Installed Facilities.

- a. Unless otherwise expressly noted in this Rule or specifically provided for in the Water Service Agreement, all Water System Facilities shall be deemed Authority Installed Facilities.
- b. Applicants shall prepay to Authority the Authority's estimated cost of preparing final design documents for Authority Installed Facilities, including detailed plans, specifications and cost estimates as a condition of Authority beginning such services. In addition, Applicant shall comply with the following requirements for Authority Installed Facilities.
 - (1) Applicant shall provide the Authority with maps and drawings, in an electronic format and to suitable scale satisfactory to the Authority, showing final street and lot layouts and final grading plans indicating existing and final elevation contours of the area to be developed.
 - (2) Applicant shall provide Authority with a proposed construction schedule and service date. The Authority will develop a tentative project schedule in consultation with Applicant, accounting for anticipated permitting, land and/or right-of-way acquisition, material acquisition, design and construction time frames.
 - (3) Applicant shall furnish any required property ownership, property description, plot plan or record of survey information concerning the area to be served under the provisions of this Rule. Such information shall be furnished in a format acceptable to the Authority.
 - (4) Applicant shall furnish any other relevant information that the Authority may require to complete Authority's design or construction of Authority Installed Facilities. If changes are made subsequent to the presentation of the information described in Section B.3.b and these changes require additional expense to the Authority in

Added: 03/23/01 Amended: 10/01/03; 03/01/05; 03/01/08; 05/21/09; 05/21/10; 10/15/14; 01/01/15

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revising plans, specifications and cost estimates, this additional expense shall be advanced by the Applicant.

- c. Applicant shall submit an advance payment, equal to the Authority's estimated cost to provide the requested service, including permitting, land and right-of-way acquisition, material and equipment acquisition(s), bidding and contracting, construction, inspection and administration, thirty (30) Days prior to the start of construction of any Authority Installed Facilities. Scheduling of the construction start date is contingent upon Authority's receipt of Applicant advance payments and all project approvals, required easements and project permits.
 - d. The Authority may require an acceptable bond, letter of credit or guarantee related to the required cash advance whenever installation of Authority Installed Facilities requires firm scheduling by the Authority more than thirty (30) Days prior to construction. Bonds, letters of credit or guarantees provided for this purpose will be replaced with cash thirty (30) Days prior to construction, except that Applicant will advance the cost, in cash for special materials not normally stocked by the Authority in the quantities needed, as a condition of Authority ordering such materials.
 - e. In those instances where more than one Applicant is to be served jointly from the same extension or alteration, the total advance required from such Applicants shall be apportioned among the Applicants as provided in the Water Service Agreement. The total advance shall equal the Authority's total cost for providing service to all such Applicants.
4. Facilities and Cost Responsibilities.
- a. All Applicant Installed Facilities and Authority Installed Facilities shall be and remain the sole property of the Authority. Size, type, quality of material and location of Water System Facilities installed or constructed shall be selected by the Authority in accordance with the Authority's standards of service, engineering and construction practices and in compliance with local, State and Federal regulations. At its option, the Authority will retain ownership of existing Facilities that are removed in connection with new Facilities installation; otherwise, such removed facilities will become the property of the Applicant. No salvage value will be assigned or granted to the Applicant for existing facilities that are removed.
 - b. The Authority is not responsible for damages, including consequential damages, delay or other inconveniences resulting from delays in design, planning, review, approval or construction of Water System Facilities caused by circumstances beyond the control of the Authority.
 - c. Applicant cost responsibilities for Water System Facilities installed pursuant to this Rule shall include, but are not limited to, all regulatory, environmental and other permit fees, engineering, permitting, land acquisition(s), right-of-way, inspection, material, labor, transportation, cost for removal or retirement of existing Facilities, associated Authority overheads, financing charges and other charges which are related to the

Added: 03/23/01 Amended: 10/01/03; 03/01/05; 03/01/08; 05/21/09; 05/21/10; 10/15/14; 01/01/15

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Facilities, including any modification or improvement of existing Facilities, or installation of temporary Facilities required to provide the requested service.

d. Applicant shall be responsible for the actual cost of all Water System Facilities identified by the Authority, and/or required by local, State or Federal regulations, as required to provide the requested new Service or Modified Service, including, without limitation, costs for:

(1) Project Mains. The Applicant is solely responsible for the cost of Project Mains as required by the Authority to provide the necessary capacity for the requested New or Modified Service. Applicant will be responsible for the cost of a Project Main of such capacity and along such a route as would be adequate to provide the required service, provide for the logical and orderly expansion of the water system to serve future customers, or meet requirements of applicable regulations, as determined by Authority.

(2) New Pump Station Facilities

(3) Service and Meter Facilities (per Rule 6).

(4) Supply and Treatment Facility Charge. Applicants shall be responsible for a Supply and Treatment Facility Charge, the amount of which will be based on the following calculation:

Supply and Treatment Facility Charge = Demand multiplied by Supply and Treatment Facility Unit Cost

Where:

Supply and Treatment Facility Charge = Applicant's share of costs to add new or modify existing supply and treatment facilities.

Demand = Excluding fire flow, Applicant's Maximum Day Demand plus any Deficit Demand at the Service Property in GPM as determined by the Authority.

Supply and Treatment Facility Unit Cost = unit cost in dollars per GPM of Maximum Day Demand, representing the cost to construct and finance supply/treatment improvements identified by the Authority as set forth in Rate Schedule WSF.

(5) Storage Facilities. Where, as solely determined by the Authority, storage is required that benefits or serves primarily the Applicant's Project, the Applicant will be solely responsible for financing, constructing and dedicating to the Authority the storage facilities required to serve the Applicant's Project. The Authority, at its option, may require Applicant to oversize said storage facilities; in such case, Authority shall be responsible for Oversizing Costs as provided in Section B.5 of this Rule 5.

Added: 03/23/01 Amended: 10/01/03; 03/01/05; 03/01/08; 05/21/09; 05/21/10; 10/15/14; 01/01/15

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- (i) If not required to construct and dedicate storage facilities, the Applicant shall pay the Authority a Storage Facility Charge, the amount of which will be based on the following calculation:

Storage Facility Charge = Demand multiplied by Storage Facility Unit Cost

Where:

Storage Facility Charge = Applicant's share of storage costs including operating, fire and emergency storage components.

Demand = Excluding fire flow, Applicant's Maximum Day Demand plus any Deficit Demand at the Service Property in GPM as determined by Authority.

Storage Facility Unit Cost = unit cost in dollars per GPM of Maximum Day Demand, representing the cost to construct and finance storage improvements identified by Authority as set forth in Rate Schedule WSF.

- (6) Area Facility Charge. The Applicant is solely responsible for the cost of Feeder Mains and other area specific facilities required by the Authority to provide the necessary capacity for the requested New or Modified Service. The Authority, at its option, may require Applicant to oversize said Feeder Main or area specific facilities; in such case, Authority shall be responsible for Oversizing Costs as provided in Section B.5 of this Rule 5. Where a Service Property is not located within an established Charge Area or where the Area Facility Unit Cost for that Charge Area has not been established, applicable Area Facility Unit Costs shall be determined by Authority on a case by case basis and may include charges for on-site and off-site improvements, including Oversizing Costs, to integrate new Water System Facilities or to connect to, expand, relocate or alter existing water Facilities, determined by the Authority as necessary to facilitate annexation of the Service Property into the Authority's Service Area and/or development of the Charge Area or Charge Area Unit Cost to be established, as set forth in the Annexation Agreement or Water Service Agreement between Applicant and Authority.

- (i) If Applicant's Project is determined to be located in a Charge Area as set forth in Rate Schedule WSF, the Applicant shall pay the Authority an Area Facility Charge, the amount of which will be based on the following calculation:

Area Facility Charge = Demand multiplied by the Area Facility Unit Cost

Where:

Area Facility Charge = Applicant's share of Feeder Main and area specific facility costs.

Added: 03/23/01 Amended: 10/01/03; 03/01/05; 03/01/08; 05/21/09; 05/21/10; 10/15/14; 01/01/15

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Demand = Excluding fire flow, Applicant's Maximum Day Demand plus any Deficit Demand at the Service Property in GPM as determined by Authority.

Area Facility Unit Cost = unit cost in dollars per GPM of Maximum Day Demand, representing the cost to construct and finance Feeder Main and area specific facility improvements for the appropriate Charge Area as identified by Authority as set forth in Rate Schedule WSF.

- (7) Pressure Regulator Stations and System Intertie Facilities. If applicable, these facilities may include Meter Facilities. Applicant is solely responsible for the actual cost of these Facilities as required to serve the Applicant's project. Capacity requirements are solely determined by the Authority.
 - (8) Standby Power Generator Additions or Retrofits. Applicant is solely responsible for the actual cost of standby power generation additions or retrofits required to provide additional reliable, normal, or fire flow capacity, or provide alternative pumping capacity in compliance with local, State and Federal regulations.
 - (9) Pump Station Additions or Rebuilds. Applicant is solely responsible for the actual cost of pump station additions or rebuilds required to provide additional reliable, normal, or fire flow capacity, or provide alternative pumping capacity or power sources in compliance with local, State and Federal regulations. Pump station additions or rebuilds and/or standby power installations are not eligible for reimbursement or participation payments from subsequent development.
- e. For projects with total costs as estimated by the Authority of twenty-five thousand dollars (\$25,000.00) or greater, the Applicant shall advance the estimated project costs and, following acceptance and completion of such projects by the Authority, Applicant payments will be adjusted to reflect the actual cost of the project and the Applicant will be billed or reimbursed as applicable. On projects with total estimated costs as estimated by the Authority less than twenty-five thousand dollars (\$25,000.00) the Applicant's cost responsibilities shall be the estimated cost of the project.
 - f. Participation Payments. An Applicant whose Project(s) require or will utilize a portion of previously constructed Oversized Facilities shall pay Authority a participation payment based on a proration of the Applicant's project(s)' demand relative to the total capacity of previously installed Oversized Facilities or other appropriate proration as determined by the Authority.
 - g. Payment of Schedule WSF Charges. Applicant shall be required to pay Schedule WSF charges for all Project Demand and Deficit Demand as determined by the Authority required to provide new Service or Modified Service to the Applicant's project(s) within the Authority's approved Service Area. Schedule WSF Charges shall be paid at the time the Water Service Agreement is executed, except as provided in subsection (1) below:

Added: 03/23/01 Amended: 10/01/03; 03/01/05; 03/01/08; 05/21/09; 05/21/10; 10/15/14; 01/01/15

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- (1) Deferral of Payment of Schedule WSF Charges. An Applicant for a single family residential subdivision Project ~~or a New or Modified Service for a single family residence~~ may, at Applicant's election, defer payment of Schedule WSF Charges otherwise due pursuant to this Rule until a date no later than ten (10) days prior to the date a meter is to be installed for the corresponding service. Notwithstanding the foregoing, all Schedule WSF Charges applicable to the Project shall be due and paid as provided in the Water Service Agreement, but no later than two (2) years after the first Certificate of Occupancy is issued in the Project. If Applicant elects to defer Schedule WSF Charges under this subsection (1), Applicant will pay the Schedule WSF Charges in effect at the time of payment, together with all finance carrying and administration costs imposed by Authority in connection with such deferral. Applicant's Project shall not be eligible for water service, and Authority shall have no obligation to set water meters or provide water service to any portion of Applicant's Project until Schedule WSF Charges have been paid in accordance with this Rule. Schedule WSF Charges may not be deferred for any Project which includes commercial, condominium or multi-family/multi-unit dwelling uses.
- h. Demand and Deficit Demand Appurtenance. Upon payment of WSF charges paid by an Applicant, the corresponding Demand and Deficit Demand shall be appurtenant to the Service Property for which they were paid and are held for the benefit of the Service Property owner, except: (i) where forfeited as a result of removal or retirement of Service(s); (ii) with respect to refunds issued pursuant to Section B.6.d.(1); or (iii) with respect to credits issued pursuant to Section B.6.d.(2).
5. Oversizing Facilities and Oversizing Reimbursements
- a. The Authority may, at its option, require installation of Oversized Facilities, the cost of which Applicant shall be required to advance.
- b. The cost of pump station additions or rebuilds (to existing pump station facilities), standby power installations, pressure regulating stations, system interties, Project Mains and Feeder Mains sized to meet the requirements of the Applicant's project are not eligible for reimbursement or participation payments.
- c. Oversizing Reimbursements. Except as otherwise provided in an Annexation Agreement, an applicant is eligible for future reimbursement of Oversizing Costs subject to the following:

Added: 03/23/01 Amended: 10/01/03; 03/01/05; 03/01/08; 05/21/09; 05/21/10; 10/15/14; 01/01/15

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- (1) For all Oversized Facilities other than new pump stations, the Authority shall reimburse the Applicant an amount equal to the Authority's estimate of Applicant's Oversizing Costs for Oversized Facilities upon completion of installation, and final inspection and acceptance by the Authority.
 - (2) Where Oversized Facilities are new pump stations and/or storage tank(s), Applicant may receive participation payments from future Applicants for the future Applicant's respective utilization of the oversized pump station(s) and/or storage tank(s) subject to the following conditions:
 - i. The Authority shall collect from future Applicants participation payments as set forth in Section B.5.c and remit such payments to Applicant who constructed the oversized pump station(s) and/or storage tank(s) within ninety (90) Days of Authority's receipt.
 - ii. The Applicant who constructed the oversized pump station(s) and/or storage tank(s) shall be entitled to any reimbursement only if participation payments are received by the Authority within five (5) years from the date of final completion execution of the ~~Water Service Agreement by the Applicant who constructed the~~ oversized pump station(s) and/or storage tank(s).
 - iii. The Applicant who constructed the pump station(s) and/or storage tank(s) shall become ineligible for reimbursement in the event a subsequent capacity improvement project requires a modification of or addition to such oversized pump station(s) and/or storage tank(s).
 - (3) Applicants shall not be entitled to any interest on reimbursement payments.
 - (4) In those cases where two or more Applicants make a joint advance or contribution on the same Oversized Facilities, the Authority shall distribute reimbursements to such Applicants in the same proportion as their advances or contributions bear to the joint total, unless otherwise directed by all parties.
 - (5) Reimbursable amounts hereunder may be accumulated by the Authority to a minimum of ~~ten~~ thousand dollars (\$10,000.00) before payment.
6. Water Service Agreement
- a. All Applicants requesting service for a project under the provisions of this Rule shall be required to enter into a Water Service Agreement with the Authority. A proposed Water Service Agreement must be executed by Applicant within sixty (60) days after issuance by Authority, or such other time as set forth in the proposed Water Service Agreement. A proposed Water Service Agreement shall only be binding when executed by both Authority and Applicant, and all terms and conditions in a proposed Water Service Agreement are subject to change until executed by Applicant and Authority.

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- b. At the time the Water Service Agreement is executed, Applicant shall pay all applicable Schedule BSF charges not otherwise paid at the time of Application and shall pay all Schedule WSF charges, unless payment of Schedule WSF Charges is deferred pursuant to Section B.4.g(1).
- c. A Water Service Agreement shall automatically terminate and be null and void without further notice from the Authority (i) on the date and terms stated within the Water Service Agreement; (ii) on the date Applicant provides written notice to the Authority that Applicant's project is canceled; (iii) if Applicant does not commence construction on water facilities required by this Rule and/or the Water Service Agreement within 12 months of the ~~effective~~ date of approval of Applicant's water project the Water Service Agreement or within such other deadline contained in the Water Service Agreement; or (iv) on the date approval for the project by the applicable governing body expires or is terminated. Upon the termination of a Water Service Agreement, the Application for the project for new Service or Modified Service shall automatically be deemed rejected or canceled.
- (1) Authority, at its sole discretion, may consider and may grant extensions in 1 year increments if Applicant has commenced water project construction and Applicant submits a written request for an extension to the Authority at least 60 days prior to the potential expiration and termination of the Water Service Agreement and Applicant: (a) demonstrates work is being performed on the water project; (b) submits a schedule of work and periodic updates on the progress of the water project and; (c) demonstrates good cause for such extension. Such request for extension must clearly describe project status and the reasons for delay.
- (2) If a rejected or canceled Application for the project is re-submitted, a new Water Service Agreement must be entered into by the Authority and Applicant for the project, which agreement may include different terms and conditions, including different fees and facility charges, than those set forth in the prior terminated Water Service Agreement.
- de. If a Water Service Agreement has been executed by Applicant and Authority, and Applicant has paid all required charges in accordance with Schedule WSF and the Water Service Agreement is subsequently terminated, the Applicant shall be entitled to a cash refund or a ~~"capacity Credit"~~, as set forth below:
- (1) If the total Schedule WSF charges paid by the Applicant pursuant to the terminated Water Service Agreement are \$50,000 or less and Applicant submits a written request for a refund to the Authority within 90 days after the execution of the Water Service Agreement, Authority will refund the Applicant or Applicant's designated successor or assign such Schedule WSF charges paid by the Applicant, without interest.
- (2) If the total Schedule WSF charges paid by the Applicant pursuant to the terminated Water Service Agreement are more than \$50,000, or the written request for a

Added: 01/01/15

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refund to the Authority is made more than 90 days after the execution of the Water Service Agreement, or the water service agreement automatically terminates per Section B.6.c, Authority shall issue a “capacity ~~cash~~credit- ~~credit~~” expressed in GPM to the owner of the Service Property or its designated successor or assign (the “Credit”), equal to the monetary value (not the capacity) of the Demand and Deficit Demand purchased by Applicant. Capacity Credits credits may be assigned or transferred to other parties only upon notification to and written approval from the Authority. Credits Capacity credits issued pursuant to this subsection can only be applied to other Water Service Agreement(s) for Application(s) for new Service and Modified Service within the same Charge Area as the Service Property for which the capacity- Credit credit was issued; provided, however, that capacity Credits related to Supply and Treatment Charges issued pursuant to this subsection for service properties in Charge Areas 0 through 12 can be applied to other Water Service Agreement(s) for Application(s) for new Service and Modified Service anywhere within Charge Areas 0 through 12. In no circumstance can any Credit issued by the Authority be converted to a cash refund. Written direction to the Authority by the Service Property owner, or its designated successor or assign, is required to apply capacity Credits to subsequent Water Service Agreement(s). If an Applicant owns Credits or capacity credits given under previous versions of this Rule within the Charge Area where their Project is located, the Applicant shall fully utilize any such credits before Authority will accept cash payment for WSF Charges.

- (3) If construction has not commenced on water facilities under the terminated Water Service Agreement, Authority will refund to an Applicant or Applicant’s designated successor or assign, all Schedule BSF charges paid by the Applicant pursuant to the terminated Water Service Agreement provided in no event shall Schedule BSF charges be refunded if the Authority has otherwise performed any services in connection with such fees.
 - (4) Except as provided in this subsection B.6.ed, all Schedule BSF and Schedule WSF charges paid by an Applicant are non-refundable.
- e. Water Service Agreements, or any rights arising in connection therewith as provided in this Rule, may only be assigned by written notice of assignment provided to the Authority by the Applicant(s) executing the Water Service Agreement. For purposes of Applicant reimbursements for oversizing under this Rule, assignments shall not be effective until thirty (30) days after receipt by the Authority of the written notice of assignment. The Authority is not responsible for errors associated with making, or the inability to make, Applicant reimbursements under this Rule due to any dissolution of any joint venture, partnership, corporation or other entity, or where rights have not been properly assigned in accordance with this Rule.
 - f. The Authority shall maintain detailed records of actual costs and provide all Applicants with an opportunity for review of such records, for a period of time in accordance with Authority’s records retention schedules.

Added: 01/01/15

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C. General Provisions

1. Construction Prior to Establishing Final Grade or Alignment. Where either final grade or the alignment of roads, streets and alleys, in the proximity of proposed facilities, have not been established, the Authority will require that the Applicant deposit cash or post an acceptable surety bond, in the amount of the Authority's estimated cost of relocation or reconstruction of the facilities thirty (30) Days prior to construction. Upon completion of any such relocation or reconstruction, the Applicant shall replace said surety bond with cash in the amount of the Authority's actual cost incurred in making the relocation or reconstruction.

Where the Applicant has deposited cash to cover such relocation or reconstruction, that deposit shall be adjusted by the Applicant or the Authority to reflect the Authority's actual cost incurred for the relocation or reconstruction. Applicant's responsibility for relocation expires at such time that final grade is established and it is demonstrated, to the satisfaction of the Authority, that the Authority's Water Facilities are installed in accordance with the Authority's Standards.

2. Easements and Right-of-Way. The Authority shall only construct or accept construction of Water System Facilities under this Rule that will be located in a public street, road or highway, which the Authority has the legal right to occupy. At its sole discretion, Authority may allow location of Water System Facilities on public lands and private property across which rights-of-way, easements and permits are satisfactory to the Authority have been provided by the Applicant. Easements on private lands less than 10 feet in width either side of the centerline of the Facilities, or easements located under structures or through parking areas will not be considered by the Authority. The Authority will not purchase rights-of-way for installation of Facilities under the provisions of this Rule.

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RULE 6

SERVICE AND METER FACILITIES

A. Applicability

1. This Rule defines the Application process, cost and installation responsibilities, and requirements for Persons requesting new Service or Modified Service for Service and Meter Facilities.
 - a. The application or the depositing of any sum of money by the Applicant shall not require the Authority to deliver water until the expiration of such time as may be reasonably required by the Authority to determine if Applicant has complied with the provisions of these Rules and Rate Schedules and as may reasonably be required by the Authority to install the required Service Facilities.
 - b. Customers applying for delivery of water for new Service or Modified Service must do so in person at Authority's business office during normal Business Hours.
2. Definitions. Terms not defined in this Section shall have the meaning set forth in Rule 1. As used in this Rule:
 - a. "Applicant" shall mean the Person applying for new Service or Modified Service for Services and Meter Facilities.
 - b. "Applicant Installed Services" shall include, but not be limited to the following Service and Meter Facilities that are required or approved by the Authority for installation by Applicant:
 - (1) Service Tap
 - (2) Service Pipe
 - (3) Meter Facilities
 - (4) Meter
 - (5) Yard Pipe including its size and location on the Service Property
 - ~~(6) Fire Facilities~~
 - ~~(7)(6)~~ Valves, Fittings, and other related facilities
 - ~~(8)(7)~~ Trench and backfill requirements
 - ~~(9)(8)~~ Removal and replacement of pavement
 - ~~(10)(9)~~ Private booster pumps

Added: 03/23/01 Amended: 10/01/03; 03/01/08; 05/21/09

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SERVICE AND METER FACILITIES

- ~~(11)~~(10) Pressure regulating valves
- ~~(12)~~(11) Thermal expansion devices
- ~~(13)~~(12) Required permits
- ~~(14)~~(13) Backflow prevention assembly(ies)
- ~~(15)~~(14) Authority inspection.

For purposes of this Rule, the term "Applicant Installed Services" shall not include Fire Facilities.

B. Easements Access and Ownership of Facilities

1. Grant of Easement. The Authority may require an owner of a Service Property upon which new Service or Modified Service is requested to grant to the Authority, its successors and assigns an irrevocable easement upon and through said Service Property for installation, replacement, maintenance, operation and use of facilities required to provide delivery of water. Any such grant from the owner of the Service Property shall be deemed to be an easement running with the land, and shall bind his heirs and assigns. The grant shall be made in such form and on such terms as the Authority shall reasonably require and may be recorded by the Authority.
2. Right of Access. In addition to the grant of easement, the Authority will, at all reasonable times, have the right of access to Services and Meter Facilities for any purpose normally connected with the delivery of water and the exercise of the Authority's rights. Upon an Application and establishment of Service, an owner of a Service Property upon which Service is provided shall be deemed to grant to the Authority, its successors and assigns a right of access to the owner's Service Property for any purpose normally connected with the furnishing of Service, including without limitation for purposes of retrofitting or maintaining Service and Meter Facilities. Any termination of, or attempt to impede, Authority's right of access by Customer or the owner of the Service Property shall subject the Customer to Termination of Delivery of Water pursuant to Rule 3.
3. Access to Service and Meter Facilities. Only Authority employees or agents will be permitted to connect Service and Meter Facilities to or disconnect same from the Authority's Facilities.

Added:03/23/01 Amended: 10/01/03; 05/21/09

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SERVICE AND METER FACILITIES

4. Ownership of Services and Facilities. All Services and Meter Facilities installed by an Applicant for the purpose of providing the delivery of water to a Customer are the property of the Authority ~~with the exception of Fire Facilities which are the property of the Customer~~. The Authority may repair or replace Services and Meter Facilities at any time and may remove them after delivery of water to Customer has been discontinued or terminated.
 - a. No charge whatsoever shall be made by Customer against the Authority for placing or maintaining Services and Meter Facilities upon the owner's Service Property.

C. Responsibilities of Applicant

1. Application and Processing. Applicant shall apply for new Service or Modified Service by filing an Application with the Authority. At the time of Application, the Applicant must pay appropriate fees for standard service options subject to Rate Schedule BSF. The Application shall be accompanied by sufficient information to allow the Authority to perform system planning, approve facility plans, and prepare estimates of any additional fees that the Applicant must advance to the Authority for the Authority's business services. The Authority shall not estimate the costs of Applicant Installed Services.
2. Applicant Installed Services
 - a. The Applicant will provide and install all facilities, at Applicant's expense, required to provide the requested Service.
 - b. Applicant will be responsible for, but not limited to, all engineering design and related cost, permitting and other regulatory compliance and associated fees, environmental requirements and fees, property acquisition, right-of-way, material acquisition, bidding and contracting, construction and associated overhead costs of Applicant Installed Services.
 - c. Authority will, at Applicant's expense, perform planning, review and approve designs of Applicant Installed Services, inspect and approve Applicant Installed Services during construction, and to the extent necessary to acquire access rights for Applicant Installed Services, review and process right-of-way and property documents.
 - d. Applicant Installed Services work must be conducted in coordination with the Authority.
 - e. Applicant and/or Applicant's contractor must comply with the following conditions to install Applicant Installed Services:

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- (1) All design, plans, and specifications prepared by or for the Applicant will be at the Applicant's expense and will be approved by the Authority before construction can commence. If the Authority, in its sole discretion, determines that engineering design is required for a Service, Applicant's designs shall be prepared by or under the direction of and wet-stamped by a Professional Engineer registered in the State of Nevada in accordance with Nevada Law, including NAC 625.611.
- (2) All phases of the installation of Applicant Installed Services are subject to inspection and approval by the Authority at Applicant's expense.
- (3) The Applicant and/or Applicant's contractor must provide and install all material in accordance with the Authority's Standards or specifications. All material provided will be subject to acceptance by the Authority, based on inspections by the Authority at Applicant's expense.
- (4) The Applicant and/or Applicant's contractor must guarantee all material and workmanship against defects for one (1) year after the Service and/or Meter Facilities have been activated for billing purposes.
- (5) The Applicant shall commence installation of Applicant Installed Services in accordance with the Authority's Standards and shall apply best commercial efforts to complete the installation of the Applicant Installed Services in a timely manner.
- (6) Service Property owners and/or Customers are responsible for installation and maintenance of privately owned pressure regulators, pressure reducing valves, backflow prevention assembly(ies) or other devices as required. In accordance with the most current version of Authority Construction and Design Standards, Uniform Plumbing Code and Nevada Administrative Code (NAC), individual pressure reducing valves are required to be installed and maintained by the Service Property owner or Customer whenever Static Water Pressure exceeds 80 psi or when located within regulated or pumped pressure zones regardless of Static Water Pressure.

D. Responsibilities of the Authority

1. The Authority's responsibilities include the following:
 - a. Designate the location of the Service Connection and Meter.
 - b. Verify the size of Service and Meter Facilities to be installed, as specified by the Applicant's engineer, based upon procedures outlined in the most current edition of the Uniform Plumbing Code which has been adopted by the governmental entity having jurisdiction over the project.

Added:03/23/01 Amended: 10/01/03; 05/21/09

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- c. Provide, install, and maintain required Meter(s).
- d. Maintain Service from main to discharge side of the Meter Facilities including the Meter.
- e. Inspection of all Applicant Installed Services and Meter Facilities.
- f. Specify level of backflow protection and location of backflow prevention assembly(ies) required based on information provided by the Applicant. ~~In the event that the Service and Meter Facilities are to a single family Residential Service subject to the Authority's Standards, the Authority will maintain and inspect the required backflow protection on an annual basis and the Customer will be charged pursuant to Authority's Rate Schedule RMWS.~~

E. Fire Facilities

1. Fire Facilities are not considered part of the Authority's public water system and the Authority shall not be responsible for designing, installing, owning or maintaining Fire Facilities. Fire Facilities for Private Fire Protection Service shall be owned and maintained by the Owner of the Service Property and Fire Facilities for Public Fire Protection shall be owned and maintained by the fire agency having jurisdiction over fire service to the Service Property unless otherwise agreed by Authority, in its sole discretion.
2. Applicant will be responsible for, but not limited to, all engineering design and related cost, permitting and other regulatory compliance and associated fees, environmental requirements and fees, property acquisition, right-of-way, material acquisition, bidding and contracting, construction and associated overhead costs of Fire Facilities. Applicant shall provide designs and specifications of Fire Facilities to Authority with designs for the Applicant Installed Facilities for review and approval as to connection to Authority facilities, backflow assembly(ies) and conformance with applicable Authority Standards. Authority shall have no obligation nor responsibility to review or approve the adequacy of Fire Facilities nor shall Authority's provision of Fire Protection Service be deemed as a review or approval of the design of Fire Facilities under applicable local fire and/or building code. Authority's responsibility with respect to the installation of Fire Facilities shall be limited to verification of installation and testing of backflow prevention facilities.
3. The Applicant will provide and install all Fire Facilities, at Applicant's expense, required to provide the requested Fire Protection Service. The fire agency having jurisdiction over Fire Facilities shall be responsible for inspecting and approving Fire Facilities and securing such approvals shall be the responsibility of the Applicant.
4. Where applicable, type and quality of material shall be selected by the Authority and/or the fire agency having jurisdiction over the Fire Facilities to be installed.

Added:05/21/09 Amended:

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5. The Applicant shall furnish the Authority with the required flow rate and duration of flow, location and orientation of Fire Facilities as determined by the fire agency having jurisdiction over the Applicant's project.
6. Authority will be responsible for inspecting and approving the initial installation of the backflow protection for compliance with Applicant's plans and Authority's Standards, and Applicant shall be responsible for all costs necessary to bring backflow protection devices into compliance with Authority's Standards including adding backflow protection devices to current Fire Facilities where applicable. Applicant shall be solely responsible for ensuring that, following installation of the required backflow protection assembly(ies), the Fire Facilities will operate in compliance with applicable building and fire code requirements of the fire agency having jurisdiction over fire service to Applicant's project.
7. Unless authorized by the Authority, Fire Facilities shall not be utilized for any purpose other than fire protection purposes.
8. All Fire Services with private booster pumps shall be designed and operated to minimize flow during fire system testing. If, in the sole discretion of Authority, test flows are deemed excessive, or wasteful, or detrimental to Authority's operations, the Applicant or subsequent Owner of the Service Property will be required to physically modify their Fire Facilities and/or testing procedures to eliminate excessive or wasteful flow. If modifications, in the sole discretion of Authority, do not sufficiently reduce excessive or wasteful flow, Applicant or subsequent Owner of the Service Property will be required to furnish and install, at Applicant's sole cost, a Meter and all flow through the Fire Service shall be billed by Authority. In addition, the Applicant or subsequent Owner of the Service Property may be required to dedicate sufficient water resources to support such excessive or wasteful flows. Applicant or subsequent Owner of the Service Property shall not make or allow any person to make any modifications to the Fire Facilities which compromise the fire requirements set forth by the fire agency having jurisdiction.

F. General Provisions

1. The Authority may require a separate Service and Meter Facility for each Service Classification and for each building on a Service Property where necessary for operation, maintenance or billing purposes of the Authority, including a Service Property created by subdividing the original Service Property subsequent to the initial delivery of water to the original Service Property. A suitable Meter shall be installed at each building and owners of Service Property with multiple occupancy units may request that separate Meters be installed for each unit. Such request shall be granted where feasible for the operating convenience of the Authority.
 - a. All Meters shall be sealed by the Authority at the time of installation and no seal shall be altered or broken by anyone other than the Authority's authorized employees. Customer shall be held responsible for the breaking of seals, tampering or interfering with metering equipment along with any and all costs for repair or replacement of Authority's Facilities, including any liability pursuant to NRS 704.800 and 704.805.

Added:05/21/09 Amended:

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~~2. The following conditions also apply for Public and Private Fire Protection Service:~~

- ~~a. Fire Facilities will be installed and/or altered to the requirements of the Authority and the Local Government having jurisdiction.~~
- ~~b. Maintenance of Fire Facilities for Private Fire Protection Service shall be the responsibility of the owner of the Service Property.~~
- ~~c. Where applicable, size, type, and type and quality of material shall be selected by the Authority and/or the Local Government having jurisdiction where the Fire Facilities are to be installed.~~
- ~~d. The Applicant shall furnish the Authority with the required flow rate and duration of flow, location and orientation of Fire Facilities as determined by the Local Government having jurisdiction over the Applicant's project.~~
- ~~e. Unless authorized by the Authority, Fire Facilities shall not be utilized for other than fire protection purposes.~~
- ~~g. If discovered, the Authority may, at Applicant's expense, without separation of the existing Fire Facilities, install a Meter of a type and design adequate to maintain proper fire flows and measure flows through the Service and bill this Service at the applicable Rate Schedule.~~

2. Water services capable of serving water to the property shall continue to be billed to the property with an active billing account regardless of water use. It is required that properties that contain both domestic and irrigation meter services, the irrigation meter must maintain the same billing status as the domestic meter.

32. Retirement of Service. The Applicant shall expose Authority's main and Service Tap in order to turn off the Service Tap valve, and sever and cap the Service Pipe as close to the Service Tap as possible in accordance with the most current version of Authority Construction and Design Standards unless otherwise approved by the Authority. The Applicant is responsible for the cost to retire the Service, which includes but is not limited to the following:

- a. Valves, fittings, and other related facilities
- b. Trench and backfill requirements
- c. Removal and replacement of pavement
- d. Required permits

Added:05/21/09 Amended:

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- e. Authority inspection

Added:05/21/09 Amended:

A. Applicability

This Rule describes the procedure for dispute resolution by any Person.

1. Definitions. Terms not defined in this Section shall have the meaning set forth in Rule 1. As used in this Rule:
 - a. "Hearing Officer" shall mean the hearing officer appointed by the Authority to hear contested cases under these Rules.
 - b. "Petitioner" means a Person disputing ~~an action taken~~ a final decision by the Authority.
 - c. "Complaint" means a written complaint from a Person disputing ~~an Authority action~~ a final decision by the Authority.
 - d. "Day" or "Days" under this Rule counts every day, including intermediate Saturdays, Sundays, and legal holidays. If the last day of the period is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday. The event that triggers the period of days is not included in the calculation of days.

B. Administrative Review

1. General. A Person ~~disputing~~ may obtain administrative review of a final decision (not to include bill disputes, as described in Section E below) of an action taken by the Authority pursuant to these Rules ~~may obtain administrative review of the matter~~ by filing a written Complaint with the Authority not later than ten (10) days after notice of the final decision as provided in this Rule. Upon the filing of the Complaint, the Petitioner shall be afforded an opportunity for hearing as provided herein.
2. Complaint. The Complaint shall contain: (a) a statement of the legal authority and jurisdiction under which the hearing is to be held; (b) a reference to the legal grounds that provide a basis for the appeal and a reference to each provision of law allegedly violated; and (c) A brief and concise statement of the facts which provide the basis for the appeal. ~~a short and plain statement of the matters asserted.~~ The Complaint must be sent by certified mail to the Authority's General Manager.
3. Adjudication. Complaints shall be adjudicated by ~~the a~~ Hearing Officer, and either party may appeal a final decision of the Hearing Officer to the Board. In the event a conflict of interest requires the recusal of the Hearing Officer in a specific case, the ~~Board General Manager~~ shall appoint an alternate Hearing Officer to adjudicate that case. The cost of the Hearing Officer shall be shared equally between the Petitioner and the Authority.
4. Representation by Counsel. Any party ~~is entitled~~ may elect to be represented by ~~counsel~~ an attorney. An attorney who represents a party under this Rule must be an active member of and in good standing with the State Bar of Nevada or associated with such a member.

Added: 10/01/03

5. Informal Disposition. The parties may stipulate to waive the formal procedures set forth in Section C of this Rule and to allow the Hearing Officer to dispose of the Complaint by stipulation or agreed settlement or other alternative dispute resolution procedures.

C. Complaints Before a Hearing Officer

1. Hearing. Upon the filing of the Complaint, the Hearing Officer will set the time for a hearing, which shall be no later than ~~thirty (30) fifteen (15)~~ Days following the Authority's receipt of the Complaint unless each party to the hearing agrees to waive its right to a hearing within thirty (30) days by notifying, in writing, the Hearing Officer. The Hearing Officer shall serve each party or its counsel of record Notice of the place, date and hour of the hearing ~~will be served on the Petitioner or its counsel of record~~ at least ten (10) Days before the date set for the hearing. If a party fails to appear at the time and place set for a hearing the Complaint may be dismissed with ~~or without~~ prejudice.
2. Briefs. The Petitioner and Authority shall submit briefs to the Hearing Officer. The Hearing Officer shall prescribe the period by which the briefs must be filed with the Hearing Officer and served on all parties. Except as otherwise provided by an order of the Hearing Officer, briefs filed pursuant to this subsection must conform to the following requirements: (a) Petitioner shall file an opening brief which does not exceed twenty (20) pages in length; (b) Authority shall file a response brief which does not exceed twenty (20) pages in length. The Hearing Officer may order additional briefing before or after a hearing in addition to any briefs pursuant to this subsection. Briefs pursuant to this subsection must be typewritten, in 12-point font, double-spaced (except for descriptions of real property or quotations of more than 50 words), and accompanied by a certificate or acknowledgement of service on all parties. A brief pursuant to this section may be served by US Mail, electronic mail or facsimile. The Authority and Petitioner shall submit briefs to the Hearing Office no later than three (3) Days before the hearing. Briefs shall contain a concise statement of the claimed facts supporting the party's claims and, at the request of the Hearing Officer, a statement of applicable Law.
- ~~2-3.~~ Identification of Witnesses and Exchange of Evidence. Except as otherwise ordered by the Hearing Officer, each party to a hearing before the Hearing Officer shall, not later than five (5) days before the hearing, provide to every other party: (a) Notice of the identify of each person who intends to offer direct oral testimony at the hearing; and (b) A copy of each exhibit which the party intends to offer as evidence in support of the party's position. If a party fails to provide notice of witnesses or evidence in compliance with this subsection the Hearing Officer may refuse to allow the witness to testify or refuse to admit the exhibit into evidence.
- ~~3-4.~~ Transcriptions. Oral proceedings, or any part thereof, may be transcribed by a court reporter at the expense of the requesting party.
- ~~4.~~ _____
5. Communications. All pleadings, including, but not limited to, complaints, petitions, answers, briefs, motions, affidavits and applications, should be addressed to the Hearing Officer, and not to individual members of the Board or its staff. Informal communications may be made with individual members of the staff.

Added: 10/01/03

4.6. Consolidation of Proceedings. The Hearing Officer may consolidate the hearings for two or more complaints if it appears that the facts and issues are substantially similar and the rights of the parties will not be prejudiced by the consolidation.

5.7. Evidence. The provisions of NRS 233B.123 regarding admissible evidence are adopted by reference as applicable to hearings before the Hearing Officer. Evidence may be received in any manner ordered by the Hearing ~~offer~~Officer, but will ordinarily be received from the parties in the following order:

- a. Brief orientation by Authority staff;
- b. The Petitioner;
- c. The Authority ~~staff~~;
- d. Rebuttal by Petitioner.

6.8. Burden of Proof. The Petitioner shall bear the burden of proof in any hearing. The Hearing Officer shall comply with the standards for review set forth in subsection 3 of NRS 233B.135.

7.9. Final Decision. After the hearing, the Hearing Officer shall prepare a written findings of fact, conclusions of ~~Law-law~~ as applicable, and a final decision on the issues presented in the hearing. Findings of fact and decisions must be based upon a preponderance of the evidence. Findings of fact must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Findings of fact must be based exclusively on substantial evidence and on matters officially noticed. The Hearing Officer shall serve a copy of the findings of fact, conclusions of ~~Law-law~~ as applicable and decision upon all the parties of record within fifteen (15) Days after the date of the hearing. The decision of the Hearing Officer becomes final fifteen (15) Days after service upon the Petitioner of its written order.

D. Appeal to Board

1. Notice of Appeal. Either Petitioner or the Authority may appeal the final decision of a Hearing Officer to the Board by filing a notice of appeal with the Authority sent by certified mail to the Authority's ~~g~~General ~~m~~Manager within ten (10) Days after service of the final decision of the Hearing Officer. The Board will serve Nnotice of the place, date and time of the hearing before the Board on the parties or their counsel of record will be served on the Petitioner or its counsel for record at least ~~fifteen-thirty~~ (15)30 Days before the date set for the hearing.
2. Briefs. The Petitioner and Authority shall submit briefs to the Board. The Board's Counsel shall prescribe the period by which the briefs must be filed with the Board and served on all parties. Except as otherwise provided by an order of the Board, briefs filed pursuant to this subsection must conform to the following requirements: (a) Petitioner shall file an opening brief which does not exceed twenty (20) pages in length; (b) Authority shall file a response brief which does not exceed twenty (20) pages in length. The Board may order briefs to be filed before or after a hearing in addition to any briefs pursuant to this subsection. Briefs pursuant to this subsection must be typewritten, in 12-point font, double-spaced (except for descriptions of real property or quotations of more

Added: 10/01/03

~~than 50 words), and accompanied by a certificate or acknowledgement of service on all parties. A brief pursuant to this section may be served by US Mail, electronic mail or facsimile. The Authority and Petitioner shall submit briefs to the Board no later than ten (10) Days before the hearing. Briefs shall contain a concise statement of the claimed facts supporting the party's claims and, at the request of the Board, a statement of applicable Law supported by a memorandum of points and authorities.~~

3. Procedures and Standard of Review. The provisions of NRS 233B.135 are adopted by referenced and incorporated herein as governing the procedures, burdens of proof and standard of review for appeals before the Board. The Board shall rely upon the record of the proceeding in front of the Hearing Officer and shall not allow additional new evidence to be submitted.
4. Decision. The decision of the Board shall be deemed the final decision of the Authority for purposes of judicial review. The Board shall prepare findings of fact, conclusions of Law and a final decision on the issues presented in the hearing. Findings of facts and decisions must be based upon a preponderance of the evidence. Findings of fact must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The Board must notify the parties either personally or by certified mail of any decision or order. A copy of the findings of fact, conclusions of Law and decision shall be served upon all the parties of record within thirty (30) Days after the date of the hearing.

E. Bill Disputes

1. If a Customer disputes any Authority bill for the delivery of water, the Authority shall promptly investigate the matter and report its determination which may include a proposed resolution to the Customer. The Customer may request the report to be made in writing.
4. 2. If the Authority and Customer are unable to agree on a resolution of the bill dispute, the Customer shall have a right to request and receive a decision by the Board. The decision of the Board regarding a bill dispute shall be deemed the final decision of the Authority.

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

A. Applicability

Pursuant to the Interlocal Agreement Governing the Merger of the Washoe County Department of Water Resources Water Utility into the Truckee Meadows Water Authority approved January 29, 2010, the Authority and the Washoe County Board of County Commissioners agreed to the terms and conditions to merge the Washoe County Community Services Department Water Utility into the Authority (the "Merger"). Prior to the Merger, Washoe County was charged with administering, operating and maintaining municipal water systems near development served by domestic wells, and worked to address a range of groundwater management issues, especially those related to concerns raised by domestic well owners about the impacts of municipal pumping on groundwater levels and domestic well failures. Specific efforts by Washoe County included the adoption of the Mt. Rose-Galena Fan Domestic Well Mitigation Program.

The Mt. Rose-Galena Fan Domestic Well Mitigation Program ("Mitigation Program") established in this Rule is created by the Authority consistent with and to continue the efforts of Washoe County to address the management and protection of the shared groundwater resources in the Mt. Rose-Galena Fan area, which include but are not limited to conjunctive use of surface and groundwater resources, reducing long-term-average-annual pumping in the Mt. Rose-Galena Fan area, and limiting municipal groundwater pumping as permitted by the Nevada State Engineer. This Rule applies to and sets forth the responsibilities and requirements of a Person applying for eligibility to receive mitigation in the Mitigation Program. This Rule shall be effective upon the successful closing and consummation of the merger of the Washoe County Community Services Department Water Utility into TMWA as contemplated by that certain Interlocal Agreement Governing the Merger of the Washoe County Department of Water Resources Water Utility into the Truckee Meadows Water Authority approved January 29, 2010, and any amendments thereto.

B. Definitions

1. Terms not defined in this Section shall have the meaning set forth in Rule 1.
2. As used in this Rule:
 - a. "Eligible Property" shall mean a Service Property which (a) is located within the Program Area Boundary shown on the Program Area Boundary Map; (b) is being served by or was served by a domestic well that existed prior to July 1, 2011; (c) has experienced an Unreasonable Adverse Effect; (d) has not previously received mitigation from Washoe County, STMGID or Authority under a domestic well mitigation program; and (e) at the time of application to the Mitigation Program :
 - i. The Authority determines water service from the Authority is not reasonably available; or
 - ii. The Authority determines connection into Authority's water system is reasonably available to permit conversion from a domestic well; or

- iii. The Service Property (a) is connected to the Authority water system but received service from a domestic well prior to the time of application to the Mitigation Program, or is receiving service from a domestic well at the time of application to the Mitigation Program; and (b) the owner voluntarily deepened the domestic well prior to July 1, 2011 in response to an Unreasonable Adverse Effect caused by municipal pumping by Washoe County or South Truckee Meadows General Improvement District.
- b. "Eligible Property Owner" shall mean the owner of record of an Eligible Property.
- c. "Mitigation Program" shall mean the Mt. Rose-Galena Fan Domestic Well Mitigation Program established in this Rule.
- d. "Program Applicant" shall mean an applicant seeking mitigation in the Mitigation Program.
- e. "Program Area Boundary" shall mean the area shown in the Mitigation Program Area Boundary Map set forth in this Rule.
- f. "Unreasonable Adverse Effect" shall mean, for purposes of determining eligibility in the Mitigation Program, adverse impact on a domestic well related to or caused by municipal pumping by the Authority of former Washoe County or former South Truckee Meadows General Improvement District groundwater facilities which shall be deemed to have occurred when all of the following circumstances exist:
 - i. The impacted domestic well draws from the same source aquifer as the Authority municipal well(s) alleged to be causing the unreasonable adverse effect; and
 - ii. Objective evidence exists that clearly connects Authority's municipal pumping to the impairment of the affected domestic well's ability to provide a sustainable source of potable water for the property; and
 - iii. The impacted domestic well is experiencing an actual or imminent adverse effect resulting from the reduction of ground water supply to the well which leads to the actual inability of the well to produce an adequate supply of water for domestic use. Authority, in its discretion, may require verification that such a circumstance exists through water level measurements or other means as determined by the Authority; and
 - iv. The protectable interest in the impacted domestic well is limited to the draught allowed under NRS 534.180(1).

For purposes of the Program Area Boundary only and to facilitate continuity with Washoe County's mitigation program, the priority date of the impacted domestic well as defined by NRS 534.080(4) shall not be a factor in evaluating unreasonable adverse effect.

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

1. Prior to Authority's acquisition of Washoe County municipal well facilities, Washoe County adopted by ordinance the Mt. Rose-Galena Fan Domestic Well Mitigation Program to establish a program to mitigate what the County deemed to be unreasonable

Added: 1/1/15

adverse effects on domestic wells related to or caused by municipal pumping by Washoe County groundwater facilities. Pursuant to the Merger, the Authority acquired certain water system facilities of Washoe County, including municipal wells. The Authority hereby establishes a program to address claims for domestic well mitigation in the Program Area Boundary arising in connection with Authority's operation of former Washoe County and South Truckee Meadows General Improvement District municipal wells.

2. Nothing in this Rule prevents Authority from seeking additional or alternate funding mechanisms for groundwater protection and mitigation of water quality and supply issues, including but not limited to legislative authorization for the establishment of a groundwater management program similar to the Las Vegas Valley Groundwater Management Program.

D. Mitigation Application Process.

1. Application. A Program Applicant must satisfactorily complete and submit the applicable mitigation request form to the Authority before being considered eligible to receive mitigation in the Mitigation Program.
2. Program Forms. The Authority shall prescribe and make available Mitigation Program forms to Program Applicants.
3. Priority. A request for mitigation in the Mitigation Program 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 Authority, 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.
4. Submission of Mitigation Request Not a Final Determination of Mitigation Granted. Receipt and acceptance of a Mitigation Program form indicates only a determination that the request has been satisfactorily completed, but does not constitute or imply a commitment of the Authority to provide mitigation, and shall not be construed as such until issuance of a final written determination.
5. Denials. Letters of denial will be issued to Program Applicants whose individual circumstances do not satisfy the requirements of the Mitigation Program and such denials shall state the reason for the denial of mitigation in the Mitigation Program.
6. Per Property Limitation. Each Service Property eligible for mitigation in the Mitigation Program shall be limited to receiving mitigation in the amount and manner as outlined in this Rule for a maximum of one domestic well per Service Property.
7. Application Is Not Guarantee. Consideration of a Program Applicant's request for mitigation shall not be construed to require or obligate the Authority to provide mitigation pursuant to the Mitigation Program or to provide any other relief, equitable or legal.
8. Appeal to State Engineer. A property owner who is dissatisfied by the mitigation offered by the Authority may submit a claim to the State Engineer.

Added: 1/1/15

E. Types of Mitigation Available

1. Reimbursement for Deepening or Drilling a New Well. Where the Authority determines that connection into the Authority water system is not reasonably available for an Eligible Property Owner, mitigation shall be provided to such Eligible Property Owner in the form of reimbursement for certain costs to deepen the domestic well or drill a new well as described in this Rule.
 - a. Well Deepening. Mitigation for well deepening shall be in the form of a one-time compensation for deepening a domestic well up to 150 feet. The amount of well deepening reimbursement available to such Eligible Property Owner shall be established by the Authority's General Manager. The amount available for reimbursement will be based on the following calculation:

Not less than once every five (5) years, the General Manager shall solicit quotes from at least three (3) licensed well drillers in Northern Nevada to deepen a domestic well, such costs to include mobilization and demobilization, set-up, drilling, permitting, site rehabilitation, and necessary materials and materials disposal but to exclude domestic well components such as, but not limited to, pumps, motors, wire, pipe adapters, valves, clamps, couplings, spacers, gauges, wrap, pressure tanks, switches, and pitless adapters. The amount of well deepening reimbursement available shall be the average of the construction costs quotes obtained, stated in dollars per foot, for the next full calendar year, ending December 31st. In subsequent years, before new quotes are established, the cost per foot will be updated using the Construction Cost Index for the West Coast upon receipt of an accepted application for mitigation.
 - b. New Well Drilling. Where a well cannot be deepened due to physical constraints of the existing well and the drilling of a new well is required, which the Authority may require confirmation of in its discretion, mitigation shall be in the form of a one-time compensation for drilling the new well to the depth of the original well plus up to 150 feet deeper than the original well. Prior to drilling the new well, the Eligible Property Owner must receive written notice to proceed from the Authority. The amount of reimbursement shall be the actual construction costs verified by receipts prepared by the well driller of record, excluding domestic well components such as, but not limited to, pumps, motors, wire, pipe adapters, valves, clamps, couplings, spacers, gauges, wrap, pressure tanks, switches, and pitless adapters, stated in dollars per foot. When the physical constraints of the well that prevent redrilling cannot be verified by the Authority or ~~When~~ receipts cannot be verified, the mitigation shall only be for 150 feet at the per foot allowance calculated in Section E.1.a.
 - c. Program Applicants shall be solely responsible for covering any and all other on-site costs associated with well deepening or drilling a new well, including the restoration of any landscaping, irrigation or hardscaping as well as any necessary appurtenances associated with the new or deepened well. Where the drilling of a new well is required, Program Applicants shall be responsible for all costs of abandoning the original well.

Added: 1/1/15

2. Waiver of Charges For Connection to System. Mitigation shall be provided to an owner of an Eligible Property that is required to abandon the domestic well in accordance with applicable law and connect into the Authority water system where connection into the Authority water system is determined to be reasonably available by the Authority. Mitigation for Eligible Property owners that connect into the Authority water system and abandon their domestic well shall be a waiver of Schedule WSF charges, a waiver of Schedule BSF charges, and reimbursement for the actual cost as verified by receipts prepared by the contractor for installation of the Service and Meter Facilities if required to provide the delivery of water to the Eligible Property.
 - a. Water and Sanitary Sewer Financial Assistance Program. Property owners converting from domestic wells to the Authority water system may be eligible to apply for financing to cover their on-site costs through the Water and Sanitary Sewer Financial Assistance Program administered by Washoe County.

3. Mitigation For Prior Well Deepening or Prior Connection to Water System. Mitigation shall be provided to an Eligible Property which in response to an Unreasonable Adverse Effect caused by municipal pumping by Washoe County or South Truckee Meadows General Improvement District either (a) connected to the Authority water system but received service from a domestic well prior to July 1, 2011, or (b) is receiving service from a domestic well that the owner voluntarily deepened prior to July 1, 2011. Mitigation shall be provided in the form of reimbursement for verifiable costs comparable to the reimbursable costs identified in this Section E actually incurred by the Eligible Property owner prior to July 1, 2011.

4. Mitigation for Other Circumstances. An Owner of an Eligible Property located within the Program Area Boundary whose Service Property does not otherwise qualify for the types of mitigation set forth in this Rule may request review of an individual mitigation claim by the Authority. The Authority shall evaluate and consider the individual claim in a manner consistent with Mitigation Program criteria to ensure consistent and equal treatment for all similarly situated property owners. The Authority may consider the following additional factors to determine if an owner of a service property may otherwise be eligible for participation in the Mitigation Program:
 - a. The impacts on groundwater levels resulting from natural variability of annual precipitation, including multi-year droughts;
 - b. The impact on well performance arising from the well's original construction, including the degree to which the well's failure can be attributed to sub-standard construction methods and/or not initially drilling the well deep enough to provide an adequate and reliable supply under conditions that could reasonably be anticipated, including the local concentration of other domestic wells.

The Authority 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.

5. Owner Responsible for All Other Fees Required for Connection. Authority shall only be responsible for providing mitigation in accordance with this Rule. Property owners shall

Added: 1/1/15

be solely responsible for all other costs arising from well deepening or connection into the Authority system, including without limitation, landscaping, hardscaping, on-site costs related to the well deepening or conversion from a domestic well to the municipal water system, trenching and installation of private water service facilities, modifying residential plumbing, removing and disposing of any pressure tanks or other facilities related to the domestic well, abandoning the domestic well, obtaining any required permits or inspections, appurtenant facilities such as pumps, motors, wire, pipe adapters, valves, clamps, couplings, spacers, gauges, wrap, pressure tanks, switches, and adapters, and any other related fees or expenses. Owners connecting into the Authority water system shall be required to satisfy all requirements under Authority rules of service to be eligible to receive water service.

6. Mitigation Award Limitations. An Eligible Property may receive mitigation under only one of the provisions in Sections E.1 through E.4 of this Rule. Any mitigation award in a single claim amount that exceeds \$25,000 shall require approval of the Authority's Board of Directors.

F. Recordation of Mitigation Award.

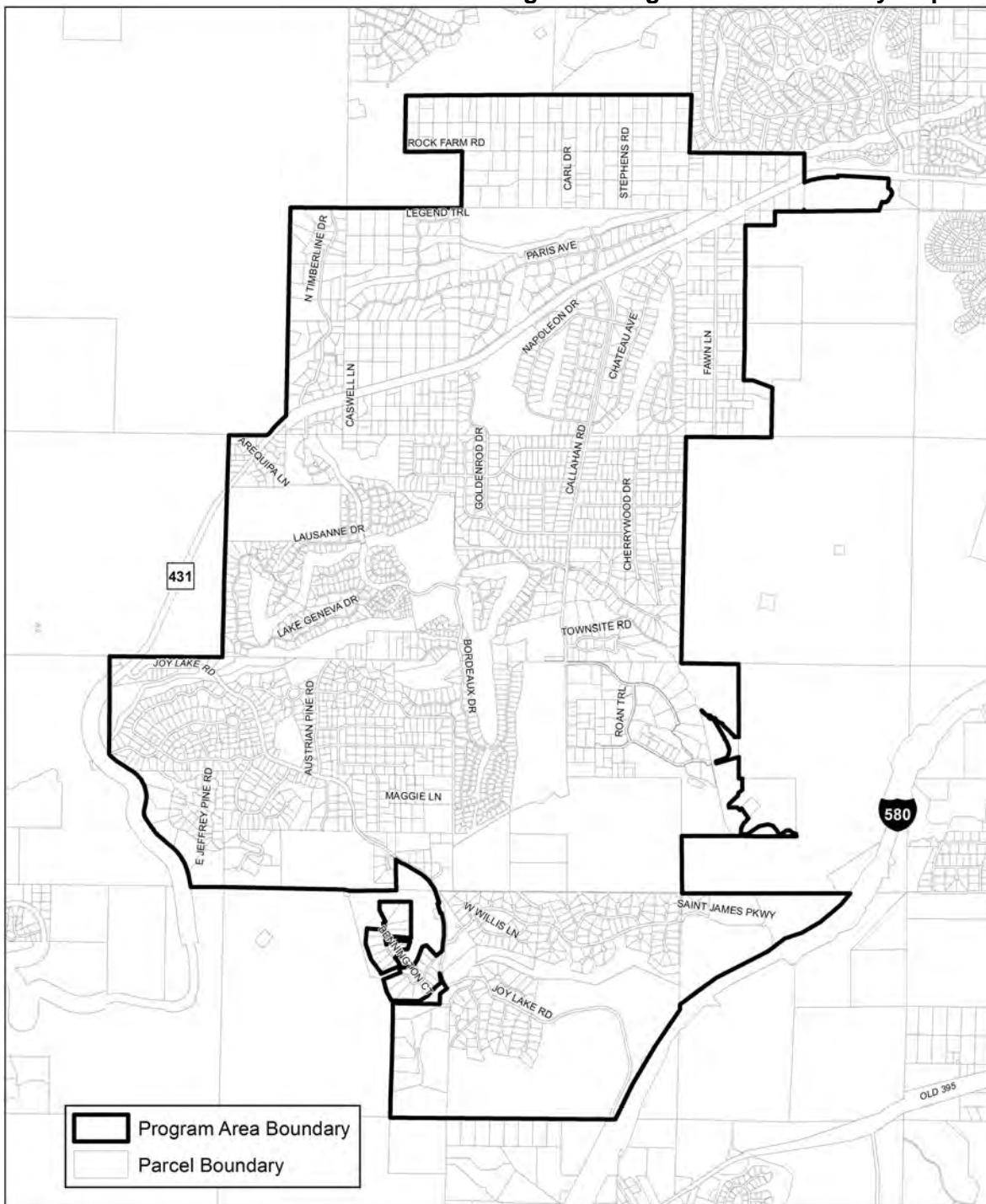
1. Upon the Authority's determination that a property is eligible to receive a mitigation award, the property owner must execute and the Authority shall record in the Office of the County Recorder, Official Records, a document identifying the property or properties entitled to such mitigation award. The right to mitigation award shall run with the property until such time as the owner of the property then holding legal title exercises the right to receive the mitigation award under this Rule, at which time the Authority or its successor shall be forever discharged from any and all claims, demands and costs associated with any Unreasonable Adverse Effect.
2. Before issuance of mitigation award under this Mitigation Program, the property owner must execute, and the Authority shall record in the Office of the County Recorder, Official Records, a document evidencing the property owner's release and discharge of any potential claims against the Authority related to an Unreasonable Adverse Effect on a domestic well and a notice of full satisfaction of any mitigation award determined by the Authority. Once the release and notice of satisfaction have been recorded, the Authority shall issue the mitigation award to the property owner for well deepening, new well drilling, or connecting to the Authority water system.

Truckee Meadows Water Authority

RULE 10

SPECIAL CONDITIONS AND PROGRAMS

Mt. Rose-Galena Fan Domestic Well Mitigation Program Area Boundary Map



Added: 1/1/15



STAFF REPORT

TO: Board of Directors
THRU: John R. Zimmerman, General Manager
FROM: Sonia Folsom, Executive Assistant
Kara Steeland, Senior Hydrologist & Watershed Coordinator
DATE: January 7, 2025
SUBJECT: **Presentation of Truckee River Fund Activities for Calendar Year 2024**

Summary

- Since the inception of the Truckee River Fund in 2004, 223 Projects Approved by TMWA Board for Funding (By Resolution) – Total Resolution Amount to Date: \$17.0 million
- Total Match from Grantees: \$26.7 million
- 2024 fund expenses (\$945,250.71), administration fees (\$23,976.66) – Total expenses \$969,227.37.
- Funding available for the Spring 2025 request for proposals is approximately \$310,819.18
- List of projects can be found on the Truckee River Fund website:
<https://truckeeriverfund.org/status/approved/>

Purpose

This report provides the TMWA Board of Directors a summary of Truckee River Fund program (the Fund) activities since its 2004 inception, including a detailed summary of 2024 activities. This report will also be helpful to new Board members in gaining familiarity about the purpose and workings of the Fund.

TMWA and the Board should be proud of the outstanding contributions the Fund has made to the community, region, and the Truckee River watershed. Over the years, the Truckee River Fund Advisory Committee has developed a prudent and rigorous approach to the evaluation of proposals, to ensure that those recommended for approval by the TMWA Board have tangible and measurable outcomes and meet the objectives of the Fund.

Through the assistance of the Community Foundation of Northern Nevada (CFNN), which manages the program on behalf of TMWA for a nominal fee, all project proponents are required to account for funds dispersed and to provide reports on project status, success metrics and

completion. For CFNN fee information, please see the attached memo and fee schedule & fund policy (*Attachments 1 and 2*).

The Fund Advisory Board Committee represents the Cities of Reno and Sparks and Washoe County, where each entity appoints three representatives. The current members are:

Entity	Member	Appointed
City of Reno	Bill Bradley	2005
	Peter Gower	2023
	Neoma Jardon	2023
City of Sparks	David Stanley	2022
	Mike Brisbin	2006
	Jim Smitherman (Vice Chair)	2021
Washoe County	Brian Bonnenfant (Chair)	2017
	Don Mahin	2016
	Terri Svetich	2020

Program Background

The Fund was conceived and established in 2004 with the intent of supporting water quality and watershed protection projects that TMWA could not pursue on its own. Since inception, the Fund has evolved into an important component of TMWA's overall source water protection program, funding projects which have directly and indirectly improved water quality within the Truckee River watershed.

Financially, the Fund provides significant financial leverage for watershed and source water protection projects. To date, the Fund has collaborated with non-profit groups and governmental agencies to support 223 projects, with a \$17.0 million contribution from the Fund (via TMWA) being matched by \$26.7 million from its partners.

The Fund supports important water quality and watershed improvement projects in the following areas:

- i. **Aquatic Invasive Species (AIS):** Projects/Programs that support the prevention or control of aquatic invasive species in the mainstem Truckee River, Lake Tahoe, other tributaries and water bodies in the Truckee River system.
- ii. **Watershed Improvements:** Projects that reduce erosion or sediment, suspended solids, or total dissolve solids (TDS) discharges, nutrients, industrial contaminants, or bacterial pollutants to the River. Projects or programs that are located within 303d (impaired waters) and total maximum daily load (TMDL) sections of the River should be considered, both in California and Nevada. Innovative techniques should be encouraged. The following link identifies impaired sections of the river and its tributaries: <https://mywaterway.epa.gov/>.
- iii. **Local Stormwater Improvements:** Projects that demonstrably mitigate storm

water run-off due to urbanization of the local watershed. Priority should be given to those improvement projects in close proximity to TMWA's water supply intakes and canals and which will improve the reliability and protect the quality of the community's municipal water supply.

- IV. **Re-Forestation and Re-Vegetation Projects:** Projects to restore forest and upland areas damaged by fire and historical logging operations, and to improve watershed resiliency in drought situations. Projects/programs in this category should be given a high priority due to urbanization of the watershed and increased susceptibility of the urban and suburban watershed to wildfire.
- V. **Support to Rehabilitation of Local Tributary Creeks and Drainage Courses:** Projects to support water quality improvement in creeks and tributaries to the Truckee River.
- VI. **Stewardship and Environmental Awareness:** Support to clean-up programs and the development and implementation of educational programs relative to water, water quality and watershed protection that do not fall clearly into the one of the above-mentioned categories.

In January 2024, an evaluation criteria, which clearly defines what project and organizational components of applications are considered during the awardee selection process, was implemented. The inclusion of the criteria was found to be helpful by the Advisory Board Committee members in their evaluation process. They have also been provided with an optional scoring rubric that will allow them to rank projects to help guide their individual decisions related to project selection. The inclusion of the evaluation criteria is an evolving process that TMWA staff will continue to work with Committee members on to ensure that it is useful for both decision making and for transparency for grant applicants.

2024 Grants

In 2024 the Fund, with Board approval, provided grants to 11 projects or programs:

Project	Grantee	Applicants Description	Grant Amount	Monetary Match	In-Kind Match
284	Truckee River Watershed Council	<p>South Euer Valley Road Improvement Project: The goal of the South Euer Valley Road Improvement Project is to reduce the sedimentation within the South Fork of Prosser Creek, a key tributary of the Truckee River. Restoration actions implemented will include road and drainage improvements along South Euer Valley Road; specifically replacing failed culvert systems and installing rocked low-water crossings to reduce road capture, implementing rolling dips to improve drainage and incorporating willow wattles downstream of drainage crossings to ensure sediment capture. The project will reduce the suspended sediment load to the Truckee River by 1.83 tons/year. This is calculated as a relative percentage of the annual suspended sediment load estimates for Prosser Creek per the TMDL staff report (Amorfini & Holden 2008) and the size of the project site (30 acres) relative to the Prosser Creek sub basin (20,791 acres). The importance of this reduction is amplified by the “headwater” nature of the project site. Situated at the head of the 350-acre Euer Valley meadow complex, the degradation at the project site threatens to unravel functional portions of the system. Addressing this relatively acute site not only reduces the suspended sediment load to the Truckee River, but also protects against future increases.</p>	\$151,081.48	\$75,000	\$2,250
285	Sierra Nevada Journeys	<p>Watershed Education Initiative (WEI): SNJ’s WEI is a dynamic education program intentionally designed to build understanding of student’s local watershed, including human impacts on the watershed, water quality, and issues surrounding watershed protection. Conducted over a four-week period, The program begins with an orientation for new participating teachers to give an overview of the content and format of the program. After the teacher orientation, SNJ educators go into classrooms and teach two lessons. Each lesson fosters students’ interest in science by using hands-on activities like creating a watershed model. The program culminates with a 3-hour field study at a local nature site to apply what they’ve learned in a real-world context. For the Watershed Education Initiative, field sites include Oxbow Nature Study Area, Galena Creek Regional Park or the Nature Conservancy’s McCarran Ranch Preserve. Students explore, assess, and collect data about the health of the Truckee River Watershed by observing the river, collecting macroinvertebrate species for study, and discussing how data can be used to make a determination of health. The program also embeds opportunities to build critical thinking skills and social emotional learning.</p>	\$35,933	\$11,978	\$ —

Project	Grantee	Applicants Description	Grant Amount	Monetary Match	In-Kind Match
287	The Reno Initiative for Shelter and Equality (RISE)	<p>River Stewards: The River Stewards Project seeks to build upon a similar project that was successful in significantly reducing the amount of trash in the Truckee River watershed as well as the river itself. The presence of trash along the riverbanks poses a serious threat to water quality, and a threat to the health of the entire community. The proposed project site includes an upstream urban area, which is also located in close proximity to the TMWAA Water Treatment Plant. The River Stewards Project will consist of ongoing trash removal, including removal of animal and biohazard waste, in areas along the Truckee River that are beautifully landscaped and designed for recreational use. Current and formerly unsheltered individuals will be hired on a contract basis at a livable wage as cleanup crew members. Crew members will receive comprehensive training by the Program Manager and other staff. The training will include instruction in community outreach to unsheltered individuals, consistent with the RISE organizational mission. The funding will be used to hire one Program Manager and 6 Part-Time Contractors to decrease pollution in the areas within 100 feet on either side of the Truckee River. Expenses will include salaries, fringe benefits, and program supplies.</p>	\$201,293.84	\$ —	\$57,408
288	Great Basin Outdoor School	<p>Youth Watershed Education and Protection Projects: Since 1998, Great Basin Outdoor School engaged thousands of students through hands-on, experiential learning in the outdoor classroom as an alternative to the sedentary conditions of traditional classroom pedagogy. While most of the organization’s programs are held in pristine outdoor sites across northern Nevada, Great Basin Outdoor School reaches schoolchildren through special events, such as Tahoe Truckee Snapshot Day. Tahoe Truckee Snapshot Day is a once-a-year opportunity for the organization to host and deliver water education to a local school group. Great Basin Outdoor School is planning to host this year’s event with Mountain View Montessori School, a PreK-8 school located adjacent to Whites Creek in southwest Reno, and exhibiting sustainable practices on campus, including greenhouse and compost programs. Whites Creek is a second-order tributary of the Truckee River that originates in the Mount Rose Wilderness Area and drains into Steamboat Creek in south Reno, passing through extensive residential and commercial developments in its 11-mile length. During the event, naturalist educators and volunteers will lead water sampling tests and activities related to hydrological themes, including dip netting for macroinvertebrates in Whites Creek. During school breaks, Great Basin Outdoor School hosts week-long day camp programs at Reno’s River School Farm to provide an active, educational environment and combat learning loss while school is not in session.</p>	\$9,279.60	\$7,159.50	\$ —

Project	Grantee	Applicants Description	Grant Amount	Monetary Match	In-Kind Match
289	Trout Unlimited	<p>Lower Truckee Trout Habitat Project: Trout Unlimited has a long history of successful restoration projects on the Truckee River. Our habitat projects on the Truckee have led to improved stream resilience, increased fish presence, greater macroinvertebrate populations, and the resurgence of critical native vegetation within the system. While most of our work has been on the California side of this iconic river system, we are pleased to announce our intentions to restore a beloved and heavily used fishing access area in Nevada. The Lower Truckee Trout Habitat Project builds on the success of similar projects implemented by Trout Unlimited on the Truckee River. Using the same construction techniques as were used at Glenshire and Horner’s Corner, TU is planning to install several “j-hook” habitat structures at Crystal Peak Park in Verdi. This project will provide much needed aquatic habitat that benefits wild and native trout in an area that has seen severe historic human manipulation, and it will help to protect banks from erosive processes.</p>	\$49,477.47	\$48,154.14	\$ —
290	Friends of Nevada Wilderness (FNW)	<p>Mount Rose Noxious Weed Monitoring, Treatment, and Re-seeding 2024: FNW staff will visit our known musk thistle sites in early spring to identify areas of greatest concern and prioritize locations for volunteers to work. We will also monitor the effectiveness of the previous year's treatments. Our main target species for removal is musk thistle (<i>Carduus nutans</i>), we will also be looking for weeds including perennial pepperweed (<i>Lepidium latifolium</i>), and medusahead (<i>Taeniatherum caput-medusae</i>) to provide additional information for the Forest Service. During late April, May, and June FNW staff will lead volunteers to the worksites and remove musk thistle by digging with shovels or by hand. Though our last project usually concludes before the plants have gone to seed, if the plants have already formed viable seeds, we will clip the flower heads and pack them out to be safely destroyed. In the fall, volunteers will return to sites that were treated for musk thistle to spread a native seed mixture by hand. FNW provides some snacks, additional water, weed identification and removal training, education, and all necessary tools and personal protective equipment for volunteers.</p>	\$26,951	\$4,000	\$4,760

Project	Grantee	Applicants Description	Grant Amount	Monetary Match	In-Kind Match
291	The Nature Conservancy (TNC)	<p>Independence Lake Forest Resilience Project: The proposed project is a continuation of previous forest health improvement work that has been funded in part through Truckee River Fund (TRF) grant awards, including the 2022 “Developing Forest Resilience to Fire at Independence Lake” project, which is still active and anticipated to be completed during the 2024 field season. The California Department of Forestry and Fire Protection (Cal Fire) awarded TNC a \$2 million grant in 2020. Nearly \$1 million of the funding is still available for continued forest improvement and restoration work at Independence Lake. The \$183,610 in TRF funding being requested through this proposal would complement the Cal Fire grant and allow for an entire unit of 270 acres to be treated. Specifically, this grant would provide funding to assist with implementation of 43 acres (\$3,500 per acre) of mechanical forest thinning treatments in the T-4 Treatment Unit (refer to attached map) which is located northeast of the lake. The Cal Fire funding will be used to match TRF funds (18 acres of treatment) as well as leveraged to treat an additional 209 acres to finish thinning of the unit. Work will be implemented under the approved Timber Harvest Plan (also attached) by a Licensed Timber Operator contracted and supervised by TNC.</p>	\$173,610	\$63,000	\$ —
292	Indigenous Peoples Council on Biocolonialism	<p>River Justice: Pollution Reduction and Sustaining Water Quality: Healing Waters Institute (HWI) is submitting this grant in pursuit of the second year of a successful River Justice program. Within the past year, HWI has organized four large-scale River Justice clean-ups, hosted a drone training, hired two interns to assist with goals, strengthened organizational partnerships, and engaged local community members in water protection efforts. Indigenous Peoples of the Pyramid Lake Paiute Tribe (PLPT) are leading river protection efforts because the river cannot speak for itself. This is known as River Justice. Throughout settler history, we understand anthropogenic and extractive impacts have upset the freshwater and pristine condition of surface waters. Municipal, industrial, toxic, chemical, solid, and increased nutrients enter the Truckee River from the Cities of Reno/Sparks, Interstate 80, and other upstream communities. Much of this pollution flows downstream to the Pyramid Lake Paiute Reservation and lower Truckee River, which threatens the Keystone species such as the federally endangered Cui-ui (<i>Chasmistes cujus</i>), and threatened Lahontan cutthroat trout (<i>Oncorhynchus clarkii henshawi</i>).</p>	\$87,220	\$24,305	\$ —

Project	Grantee	Applicants Description	Grant Amount	Monetary Match	In-Kind Match
293	Sierra Nevada Journeys	<p>Watershed Education Initiative: Sierra Nevada Journeys (SNJ) proposes an innovative, culturally relevant program for Washoe County area youth, including a comprehensive approach to watershed education through the Watershed Education Initiative (WEI). Thanks to the generous and ongoing support of the Truckee River Fund, the WEI has been a component of our programming since 2011. WEI is a dynamic education program intentionally designed to build an understanding of student’s local watershed, including human impacts on the watershed, water quality, and issues surrounding watershed protection. The program occurs over several sessions. After a brief orientation, our educators go into classrooms and teach two lessons. Each lesson fosters students’ interest in science by using hands-on activities like creating a watershed model.</p>	\$31,699	\$10,567	\$ —
295	One Truckee River	<p>Watershed Coalition Building & River-Friendly Living Efforts: The RFL Program is OTR’s education and outreach platform to build an informed and engaged community that cares for the Truckee River. The program is divided into four main branches which provide a wide range of options for caring for the Truckee River. As outlined on OTR’s RFL website page the four areas are: 1) Individual Actions: ways for individuals to care for the river at home, on the go, and when visiting the river; 2) Yards: ways for residents to design and maintain residential yards to reduce urban runoff and pollution that can flow to the river through the storm drain system; 3) Neighborhoods: ways for homeowners’ associations and new housing developments to design and maintain water conveyance in ways that protect the river; and 4) Voices and Hands: ways for citizens to engage in the public process and volunteer to care for the river.</p> <p>OTR will increase the public’s understanding of the Truckee River, and RFL best practices, by building OTR’s social media platforms. These platforms give OTR the ability to continually increase the number of people exposed to OTR information, drive more people to OTR website where they can sign up to stay in touch and access educational content on protecting the Truckee River, and distribute quarterly OTR newsletters.</p>	\$81,295	\$20,324	\$ —

Project	Grantee	Applicants Description	Grant Amount	Monetary Match	In-Kind Match
296	Keep Truckee Meadows Beautiful (KTMB)	<p>2025 Great Community Clean-Up, Truckee River Clean-Up, Adopt-A-River Program, and Community Education Program: Keep Truckee Meadows Beautiful promotes a sustainable community by conducting cleanups and beautification projects throughout the Truckee Meadows, while also educating community members and youths about environmental issues. This project will Allow KTMB to expand their major programs, the Great Community Cleanup, and the Truckee River Cleanup. These cleanups not only focus on invasive weed and litter removal but also on educating volunteers and the community on watershed sustainability and waste reduction topics. Funding will also allow us to continue our smaller cleanup efforts such as Adopt-A-River and the Saturday Morning Cleanups while targeting new, and underrepresented groups. It is our focus to expand river-side cleanup efforts throughout underrepresented communities such as the Reno-Sparks Indian Colony and Pyramid Lake Paiute Tribe. Our goal is to build lasting relationships with these communities while helping to protect parts of the river typically not targeted. Funding for this project will allow our Sustainability Education Team to present watershed, invasive weed, and waste reduction topics at our major cleanups, as well as provide service learning opportunities at our Adopt-A-River and Saturday Morning Cleanups, as well as larger community/educational events.</p>	\$97,410.32	\$74,420	\$161,311.50



**COMMUNITY
FOUNDATION**
of Northern Nevada

MEMORANDUM

To: Sonia Folsom, Truckee Meadows Water Authority

From: Lauren Renda, Philanthropic Advisor, CFNN

Subject: Administrative Fees for Truckee River Fund

Date: January 30, 2024

This is to confirm that per CFNN's Fee Schedule and Fund Policy, the Truckee River Fund is charged an annual 1.5% Administrative Fee, which is assessed quarterly and is shown on each quarterly fund statement. Below is the language in the signed fund agreement for the Truckee River Fund.

D. Administrative Fees. The Fund is to pay quarterly administrative fees to the Community Foundation for the administration, distribution, and investment management of the Fund. The quarterly administrative fee for the Fund is to be established by the Foundation with the consent of the TMWA Board. The administrative fee for each calendar quarter is to be paid in the first month of the next calendar quarter by automatic deduction from the assets of the Fund. The Foundation Board may in its discretion periodically review and revise the amount of administrative fees to be charged to the Fund to ensure that the administrative fees are at all times reasonable and proper. However, the administrative fees charged to the Fund must not be greater than the amount of fees charged to other component funds of the Community Foundation that are of comparable size. The Community Foundation must notify TMWA and the Advisory Committee of any changes to the administrative fees that are approved by the Foundation Board.

A copy of CFNN's Fee Schedule and Fund Policy is enclosed.

Kindly,

A handwritten signature in blue ink that reads "Lauren Renda".

Lauren M. Renda, CAP®

Philanthropic Advisor



**COMMUNITY
FOUNDATION**
of Northern Nevada

COMMUNITY FOUNDATION OF NORTHERN NEVADA FEE SCHEDULE AND FUND POLICY

I. Purpose

The purpose of this Fee Schedule and Fund Policy Statement is to establish a schedule of fees for donor-advised funds, endowment funds, one-time gifts of real and personal property, and other services of the Community Foundation of Northern Nevada (“Community Foundation”). The policy also establishes minimum gift amounts and the criteria for each type of fund.

This policy statement shall be supplementary to any other specific agreements or policies which may be negotiated with donors in respect to particular gifts and programs.

Administrative fees help support the work of the Foundation. Fees shall be charged for all funds and services. The Board of Trustees and President shall have the authority to waive or modify fees. Fees shall vary based upon the services performed and the specific fund structure. A higher fee would normally be negotiated for gifts requiring increased administrative time, out of the ordinary costs and/or unusual grant requests.

For the purpose of internal documents and the Fund Accounting System, all Fund Names shall be limited to a maximum of 46 characters, including spaces. Fund Names in marketing pieces may be longer, but statements, etc., shall reflect the limited shorter fund name restriction.

II. Donor-advised Funds

- a. The minimum gift to establish a donor-advised fund is \$25,000. Funds are charged a fee based upon the following table, with a minimum of a \$400 annual fee:

Note: This is a bracketed fee schedule:

For the first \$1 million	1.5%
\$1.0 million to \$2.5 million	1.0%
\$2.5 million and over	0.75%

For example, for a fund of \$5.0 million, the fee would be 1.5% of the first million (\$15,000), plus 1% of the next \$1.5 million (\$15,000), plus .75% of the additional \$2.5 million (\$18,750) for a total annual fee of \$48,750.

- b. Donor-Advised Funds are required to maintain a minimum balance sufficient to cover administrative fees. The minimum balance shall be 3% of the balance of the fund or \$800, whichever is more.

This minimum balance will cover two years of administrative costs and reduce the future possibility of asking donors to make additional gifts to their funds to cover administrative fees should the investment of the monies fail to yield sufficient returns. Additionally, in the case of funds where multiple advisors are authorized to grant a predetermined portion of the fund balance, maintaining this minimum balance will ensure that each advisor has the opportunity to grant the full predetermined amount. Should donor advisors wish to terminate their fund the minimum balance may be granted as well, less fees earned at the time of termination.

III. Field of Interest & Designated Funds

Field of Interest Funds are restricted funds that are designated to benefit a specific sector of need and/or a specific organization. Due to these designations, they are not considered Donor-Advised Funds. Field of Interest Funds that are established to benefit a specific charitable organization are required to make all grant distributions as payable to that organization. The minimum gift to establish a Field of Interest fund is \$25,000. Funds are charged a fee based upon the following table, with a minimum of a \$400 annual fee:

For the first \$1 million	1.5%
\$1.0 million to \$2.5 million	1.0%
\$2.5 million and over	0.75%

IV. Donor-Advised Endowed Funds

The minimum gift to establish an endowed fund is \$50,000; however, a donor may have a period of time, not to exceed five years, to reach this amount. During the time the fund balance is less than \$50,000, no grant making will be made from the fund. Funds are charged a fee based upon the following table.

For the first \$1 million	1.5%
\$1.0 million to \$2.5 million	1.0%
\$2.5 million and over	0.75%

V. Designated Endowed Funds

Designated Funds are restricted funds that are designated to benefit specific organizations. Due to these designations, they are not considered Donor-Advised Funds. Designated Funds that are established to benefit a specific charitable organization are required to make all grant distributions as payable to that organization. The minimum gift to establish a Designated Endowed fund is \$50,000.

For the first \$2.5 million	1.0%
\$2.5 million and over	0.75%

VI. Endowed Scholarship Funds

The minimum gift to establish an endowed scholarship fund is \$50,000; however a donor may have a period of time, not to exceed five years, to reach this amount. During the time the fund balance is less than \$50,000, no grant making will be made from the fund. Funds are charged an administrative fee based upon the following schedule, with a minimum fee of \$400 annually. In addition, the fund may reimburse the Foundation for administrative and out-of-pocket expenses associated with the specific fund.

For the first \$1 million	1.5%
\$1.0 million to \$2.5 million	1.0%
\$2.5 million and over	0.75%

VII. Pass-through Grants

Scholarships

Scholarship funds require significant staff time by Donor Relations, Marketing & Communications, and Accounting staff. Because of the work involved in administering a scholarship fund, the Community Foundation has adopted a fee schedule that considers this time commitment.

For funds established with a minimum gift of \$25,000, a fee of 5% of the gift amount shall be taken upon the deposit of any gift made to the fund.
Minimum scholarship award amount of \$1,000

For funds established with a minimum gift of \$100,000, a fee of 2.5% of the gift amount shall be taken upon the deposit of the of any gift made to the fund.
Minimum scholarship award amount of \$5,000

Designated Gifts

Designated gifts may come to the Community Foundation for a variety of reasons that may include: a donor wishing to use the Community Foundation for due diligence or to remain anonymous; gifts are given for a single agency or organization and/or for a specific purpose; gifts are given with the intention of being distributed within the year the gift was given; gifts are given without association to a specific fund already held at the Foundation.

For such designated gifts, a fee of 2% or \$400, whichever is more, will be deducted from the first gift and 2% from any gifts thereafter.

VIII. Supporting Organization

The minimum gift to establish a supporting organization is \$1 million. The fee for each supporting organization shall be determined by the Board of Trustees of the Community Foundation in negotiations with the donor, but shall be set between 50 basis points and 1.5%, depending on the administrative services and management services the Board anticipates will be provided by the Community Foundation to the supporting organization.

IX. Gifts of Real and Personal Property

The Community Foundation shall charge a one-time fee for the receipt of certain gifts of real property and personal property. The fee shall be determined by the Board of Trustees, in negotiations with the donor but shall not exceed the fee calculated under the following schedule:

Real Estate – 1% of the sale price of the first \$500,000, plus 0.5% of any sale price exceeding \$500,000. In addition, all transactional costs reimbursement for transactional work and expenses shall be paid from the proceeds of the sale, and shall be charged in addition to the administrative fee.

Personal Property – A minimum fee of \$500 shall apply as an administrative fee, with a maximum of \$5,000, depending on the complexity of the disposition of the gift. All transactional costs shall be paid from the proceeds of the sale, and shall be charged in addition to the administrative fee.

X. Charitable Remainder (Uni- or Annuity) Trust, and Charitable Lead Trust

The minimum gift to establish a charitable trust is \$100,000. No set-up fee shall be charged, and the Board of Trustees in negotiations with the donor shall determine the administrative fee to be paid annually to the Community Foundation, with such fee depending on the designation of charitable beneficiary, trustee, investment manager, and other considerations. The management fee shall range from a minimum of zero to a maximum of 1.5%

XI. Gift Annuity

The minimum gift to establish an annuity is \$25,000 and the maximum is \$100,000, although the Board of Trustees may provide for exceptions. Gift annuities must be designated by the donor so the residuum will become part of a permanent endowment at the Community Foundation. The administrative fee shall not exceed a maximum of 1.5%, with a \$250 annual minimum.

XII. Donor-Advised Funds (Endowed and Non-Endowed) and Field of Interest Funds that Establish New Investment Relationships

The Community Foundation may establish a new investment relationship with a new fund established with a gift of \$500,000 or more. When such a fund is established, the investment management fees charged by the investment manager shall be in addition to the administrative fees charged by the Foundation. The following fee schedule will apply for Community Foundation administrative fees, with a minimum of \$400 annually:

For the first \$1 million	1.0%
\$1.0 million to \$2.5 million	0.8%
\$2.5 million and over	0.6%

XIII. Giving Circle Funds

The administrative fee for such funds shall be \$400 or 1.5% annually, whichever is more. The \$400 annual minimum fee is charged at the time the fund is established and annually thereafter if the fund is ongoing. The minimum individual contribution is \$500, and minimum fund size is \$25,000. At the discretion of the President, the Community Foundation may provide facilitation or meeting hosting services at additional cost.

XIV. Insurance Policies

The fee shall be waived for a gift of life insurance to the Community Foundation, or if the Community Foundation buys a life insurance policy, whereby the donor advises the foundation that the policy and any benefit of the policy is to be held by the Community Foundation in an endowed fund. The fee for a policy whereby the donor advises the foundation that any of the benefit of the policy shall be distributed to a qualified charitable organization other than the foundation, shall be 2% of the cash value at the time the policy is established, and 2% of any future gifts received to help maintain the policy.

XV. Small balance Fund closure and write-off Policy

A Small Balance Fund is a fund with a balance of \$1,000.00 or less remaining after the fund holder has been allowed an opportunity to review at least one preceding quarter's fund statement.

- a. **PURPOSE:** To ensure that the cost of resources in both time and money do not exceed the beneficial value of the amount that would have been realized had the account been distributed in full, the Community Foundation of Northern Nevada shall write off fund accounts balances of \$1,000.00 or less. Such funds shall then be deemed closed. The written off fund balance and any accrued earnings shall be credited to administrative fee income in the operating fund.
- b. **PROCEDURE:** Account balances of \$1,000.00 or less will be identified at the end of each quarter. Fund advisors to the identified fund shall be notified and given the opportunity to 1) recommend distribution to a charity or transfer to another fund, or 2) make an additional gift to the fund to bring the fund back up to the required minimum per the Fee and Fund Policy. If the Community Foundation does not receive a recommendation on a transfer of the fund assets or an additional gift to the fund, the write off of the balance will take place during the subsequent quarter.



STAFF REPORT

TO: Board of Directors
THRU: John R. Zimmerman, General Manager
FROM: Sonia Folsom, Executive Assistant
DATE: January 7, 2025
SUBJECT: **Discussion and action on nomination and appointment of Trustee to the Western Regional Water Commission (WRWC) pursuant to Sec.25(3)(a) of the WRWC Act representing TMWA from the following list of qualified persons to fill the remaining term ending March 31, 2025 vacated by Member Jenny Brekhus: Kathleen Taylor**

RECOMMENDATION

It is recommended that the TMWA Board appoint a member to the Western Regional Water Commission to serve the remaining term ending March 31, 2025 vacated by Councilmember Jenny Brekhus:

1. One member designated by the TMWA Board representing TMWA.

DISCUSSION

During the 2007 legislative session, SB487 was enacted to create the Western Regional Water Commission (effective date April 1, 2008), a governing board to oversee water resources planning and management in Washoe County. The Western Regional Water Commission Act, Chapter 531, Statutes of Nevada, Section 25, provides for appointments to the Board of Trustees as follows:

Sec. 25. 3. The Board of Directors of the Truckee Meadows Water Authority or its successor shall appoint from its membership, for initial terms of 3 years:

- (a) One trustee who is a member of the City Council of the City of Reno;
- (b) One trustee who is a member of the City Council of the City of Sparks; and
- (c) One trustee who is a member of the Board of County Commissioners of Washoe County.

➔ The trustees appointed pursuant to this subsection must be different persons than those appointed pursuant to subsection 2.

4. The Board of Trustees of the Sun Valley General Improvement District or its successor and the Board of Trustees of the South Truckee Meadows General Improvement District or its successor shall each appoint one trustee for an initial term of 3 years.

5. The owners of the Truckee Meadows Water Reclamation Facility or its successor shall jointly appoint one trustee for an initial term of 2 years.

6. After the initial terms, each trustee who is appointed to the Board serves for a term of 2 years. A trustee may be reappointed.

7. All trustees must be elected officials. No trustee may serve beyond his term of office.

8. The position of a trustee must be considered vacated upon his loss of any of the qualifications required for his appointment, and in such event, the appointing authority shall appoint a successor to fill the remainder of the unexpired term.

The current appointees to the Western Regional Water Commission Board are as follows:

Appointing Body	Trustee
City of Reno	Councilmember Naomi Duerr
City of Sparks	<i>Vacant</i>
Washoe County	Commissioner Clara Andriola
TMWA (Section 3 - from TMWA Board):	Councilmember Paul Anderson (Sparks)
	<i>Vacant (Reno)</i>
	Commissioner Alexis Hill (Washoe County)
Truckee Meadows Water Reclamation Facility	Councilmember Miguel Martinez (Reno)
Sun Valley General Improvement District	SVGID Trustee Susan Severt
TMWA (Section 4 – as successor to STMGID)	Mariluz Garcia (Washoe County)



STAFF REPORT

TO: Board of Directors
FROM: John R. Zimmerman, General Manager
DATE: January 7, 2025
SUBJECT: **General Manager's Report**

Attached please find the written reports from the Management team including the Operations Report (*Attachment A*), the Water Resource and the Annexation Activity Report (*Attachment B*), and the Customer Services Report (*Attachment C*).

Since TMWA's last board meeting, TMWA has issued one emergency procurement under NRS 332.112. This emergency procurement totaled \$28,000.00 and was used to rent temporary heaters to help supplement the failed HVAC system at Glendale Water Treatment Plant (which is under the CIP for replacement) to protect the plant's infrastructure from freezing until springtime.

Finally, listed below are news clippings from December 4, 2024 through January 6, 2025:

- 12/09/24 drought.gov [Snow Drought Current Conditions and Impacts in the West](#)
- 12/10/24 Newsweek [Map Shows Which States Have the Worst Drinking Water](#)
- 12/13/24 Sierra Nevada Ally [A Positive Step in the Fight Against Forest Wild Fires](#)
- 12/16/24 YubaNet [Protecting the Forests of the Middle Truckee Watershed](#)
- 12/17/24 Nevada Current [Lake Tahoe planning agency ducks environmental obligations](#)
- 12/17/24 Sierra Sun [Year in Review: Protecting the forests of the Middle Truckee Watershed](#)
- 01/02/25 KTVN [First Snow Survey of the Season Taken](#)



STAFF REPORT

TO: Board of Directors
THRU: John R. Zimmerman, General Manager
FROM: Bill Hauck, Water Supply Supervisor
DATE: January 7, 2025
SUBJECT: **January 2025 Water Operations Report**

SUMMARY

- The water supply outlook for our region is good
- Snowpack is slightly above normal for this time of year
- Truckee River reservoir storage is about 64% of maximum capacity system-wide
- This amount of Truckee River reservoir storage ensures that we'll see normal river flows at least through the end of year and into 2026
- TMWA's privately owned storage (POSW) and TROA storage are also in good shape
- Estimated hydroelectric generation for December is \$387,044 (@ 5,044 MWh)
- TMWA water customer demands are now at typical wintertime levels
- Recharge is occurring at a rate of about 1 million gallons per day

(A) Water Supply

- **River Flows** - Truckee River flow at the CA/NV state line was four hundred (400) cubic feet per second (CFS) this morning. This is right at the 116-year median of 403 CFS for this day in history. Discharge at Farad is projected to remain at this rate of flow through the month of January and into February.
- **Reservoir Storage** - Overall, Truckee River reservoir storage is ~64% of capacity. The elevation of Lake Tahoe is currently 6226.97 feet which is 2.13' below the maximum legal elevation of 6229.10'. Storage values for each reservoir as of January 6th are as follows:

Reservoir	Current Storage (Acre-Feet)	% Capacity (Percent)
Tahoe	483,107	65%
Boca	7,246	18%
Stampede	167,241	74%
Prosser	7,788	26%
Donner	3,593	38%
Independence	13,299	76%

In addition to the 16,892 acre-feet of storage between Donner and Independence reservoirs, TMWA also has 13,297 acre-feet of water stored in Stampede and Boca reservoirs under the terms of TROA. TMWA's total combined upstream reservoir storage as of this writing is approximately 30,189 acre-feet.

- **Snowpack** - Despite any major winter storms over the last several weeks, snowpack is holding its own (especially at the upper elevations) thanks to a fairly consistent series of smaller snowstorms and as this morning was 108% of median in the Lake Tahoe Basin. And while there is still a lot of winter ahead, the NWS forecast looks quite dry over the course of the next 10-15 days.
- **Outlook** - We just wrapped up the first of our three prime snowpack producing months and are slightly above average this morning as far as the water content is concerned. About 40% of the median peak snow water content is already on the ground with the majority of the winter snowpack building season yet to come, so this is good news. And while the outlook over the next 10-15 days appears warm and on the dry side, the amount of upstream reservoir storage that was carried over into 2025 will ensure normal Truckee River flows for the remainder of the year and into 2026 regardless of how this winter ends up. At this point, an above average winter will be required to fill Lake Tahoe once again, while a normal winter should get us within a half a foot or so from full, which at this point appears likely.

(B) Water Production

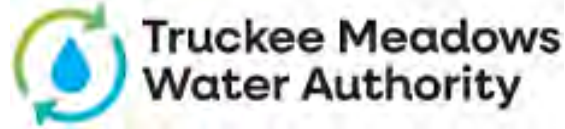
- **Demand** - Customer demand is where it should be for this time of the year and averaged about 37 million gallons per day (MGD) over the last full week of December. Surface water made up about 80% of our overall supply, and groundwater pumping the other 20%. Recharge (aquifer storage and recovery) began in the middle of December at a rate of about 1 MGD.

(C) Hydro Production

Generation - The median Truckee River flow at Farad (CA/NV state line) for the month of December was 451 CFS. All three power plants were on-line and 100% available for the entire month.

Statistics and generation for the month of December are as follows:

Plant	Generation Days	% Availability	Generation (Megawatt Hours)	Revenue (Dollars)	Revenue (Dollars/Day)
Fleish	31	100%	1,876	\$144,321	\$4,656
Verdi	31	100%	1,710	\$130,370	\$4,205
Washoe	31	100%	1,458	\$112,353	\$3,624
Totals	93	-	5,044	\$387,044	\$12,485



STAFF REPORT

TO: Chairman and Board Members
THRU: John Zimmerman, General Manager
FROM: Eddy Quaglieri, Resource Services Manager
DATE: January 3, 2025
SUBJECT: **Water Resources and Annexation Activity Report**

RULE 7

Rule 7 water resource purchases and will-serve commitment sales against purchased water resources through this reporting period:

Beginning Balance		3,156.63 AF
Purchases of water rights	25.69 AF	
Refunds	0.00 AF	
Sales	-45.58 AF	
Adjustments	0.00 AF	
Ending Balance		3,136.74 AF

Price per acre foot at report date: \$8,100

FISH SPRINGS RANCH, LLC GROUNDWATER RESOURCES

Through the merger of Washoe County's water utility, TMWA assumed a Water Banking and Trust Agreement with Fish Springs Ranch, LLC, a subsidiary of Vidler. Under the Agreement, TMWA holds record title to the groundwater rights for the benefit of Fish Springs. Fish Springs may sell and assign its interest in these groundwater rights to third parties for dedication to TMWA for a will-serve commitment in Areas where TMWA can deliver groundwater from the Fish Springs groundwater basin. Currently, TMWA can deliver Fish Springs groundwater to Area 10 only (Stead-Silver Lake-Lemmon Valley). The following is a summary of Fish Springs' resources.

Beginning Balance		7,352.69 AF
Committed water rights	0.00 AF	
Ending Balance		7,352.69 AF

Price per acre foot at report date: \$47,218 (SFR and MFR); \$40,960 (for all other services)¹

¹ Price reflects avoided cost of Truckee River water right related fees and TMWA Supply & Treatment WSF charge.

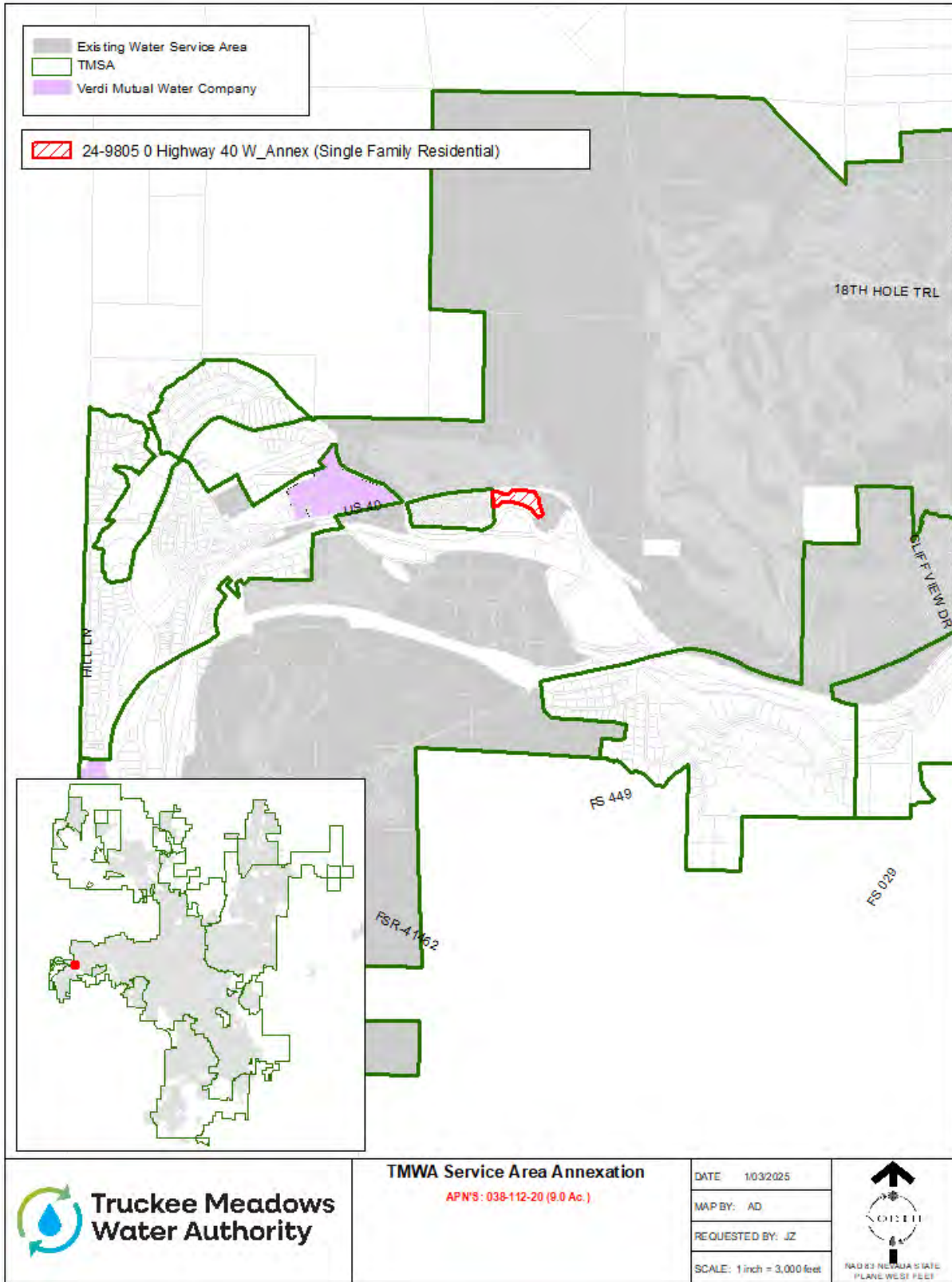
WATER SERVICE AREA ANNEXATIONS

Since the date of the last report, there have been 9.0 acres (Exhibit A) annexed into TMWA's service area.

INTERRUPTIBLE LARGE VOLUME NON-POTABLE SERVICE

No new ILVNPS customers have been added during this reporting period.

EXHIBIT "A"





STAFF REPORT

TO: Board of Directors
THRU: John R. Zimmerman, General Manager
FROM: Marci Westlake, Manager Customer Service
DATE: January 15, 2025
SUBJECT: **December Customer Service Report**

The following is a summary of Customer Service activity for December 2024.

Ombudsman Report – Kim Mazeres

- Fire in July at 520 Cairns and there was a problem with water pressure. At the CAB meeting they also discussed a fire on 2nd Street and they mentioned a pressure problem, as well. Also advised they don't meet the purification qualifications. She is curious about both of these. Referred customer to the Engineering Manager and the Water Quality Manager to answer her questions. Gave them a heads up that she would be calling.
- Wants to report homeless living in the Highland Ditch near the corner of Wyoming and Severn and downstream from there, as well. Advised to contact Water Supply Supervisor directly to give him specific locations. I also called to give Supervisor a heads up about the incoming call. TMWA staff checked, there was a lot of trash, but no encampment.
- He lives on a private road with other homes. Wants to know what the service line warranty covers. Left message to advise that TMWA owns everything up to and including the meter. He owns everything past that, and the insurance should cover the main line from the meter to his home.

Communications – Public Outreach – December

- Nate Allen, Greg Pohll, Lydia Teel and Danny Rotter spoke at a CAB meeting in Spanish Springs for Water Planning, Hydrogeology and APWF and 25 people attended.
- Lydia Teel, David Diegle and Angel Lacroix attended a Reno Planning Commission meeting at City Hall for APWF CUP Application and 20 people attended.
- Eric Mothershead and Darrin Garland had a Plant tour/Distribution system discussion at Glendale for Truckee Meadows FPD and 3 people attended.

Conservation (2024 Calendar year)

- 1,492 Water Usage Reviews
- 9,435 Water Watcher Contacts

Customer Calls –December

- 6,537 phone calls handled.
- Average handling time 5 minutes 11 seconds per call.
- Average speed of answer :20 seconds per call.

Billing – December

- 138,789 bills issued.
- 68,767 customers (49%) have signed up for paperless billing to date, which equates to an annual savings of \$495,122.40.

Remittance – December

- 14,551 Mailed-in payments.
- 22,497 Electronic payments.
- 67,853 Payments via AutoPay (EFT)
- 17,710 One-time bank account payments.
- 499 Pay by Text
- 4,610 IVR Payments.
- 862 Reno office Payments.
- 61 Kiosk Payments.

Collections – December

- 17,356 accounts received a late charge.
- 5,060 Mailed delinquent notices, 0.04% of accounts.
- 680 accounts eligible for disconnect.
- 589 accounts were disconnected. (Including accounts that had been disconnected-for-non-payment that presented NSF checks for their reconnection)
- 0.34% write-off to revenue.

Meter Statistics – Fiscal Year to Date

- 2,399 Meter exchanges completed.
- 836 New business meter sets completed.

Service Line Warranties of America Statistics

- 11,573 Policies
- 9,001 Customers
- 340 Jobs Completed
- \$653,565 Customer Savings